

concurrent resolution S. Con. Res. 29, encouraging the recognition of the Negro Baseball Leagues and their players on May 20th of each year.

#### TEXT OF AMENDMENTS

**SA 1065.** Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. ISAKSON) submitted an amendment intended to be proposed by her to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

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

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

(b) TABLE OF CONTENTS.—The table of contents of 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.

Sec. 1007. Small projects to prevent or mitigate damage caused by navigation projects.

Sec. 1008. Small projects for aquatic plant control.

#### 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.
- Sec. 2027. Tribal partnership program.
- 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. Nogales Wash and tributaries flood control project, Arizona.
- Sec. 3005. Rio de Flag, Flagstaff, Arizona.
- Sec. 3006. Tucson drainage area (Tucson Arroyo), Arizona.
- Sec. 3007. Augusta and Clarendon, Arkansas.
- Sec. 3008. Eastern Arkansas Enterprise Community, Arkansas.
- Sec. 3009. Red-Ouachita River Basin levees, Arkansas and Louisiana.
- Sec. 3010. St. Francis Basin, Arkansas and Missouri.
- Sec. 3011. St. Francis Basin land transfer, Arkansas and Missouri.
- Sec. 3012. McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma.
- Sec. 3013. Cache Creek Basin, California.
- Sec. 3014. CALFED levee stability program, California.
- Sec. 3015. Hamilton Airfield, California.
- Sec. 3016. LA-3 dredged material ocean disposal site designation, California.
- Sec. 3017. Larkspur Ferry Channel, California.
- Sec. 3018. Llagas Creek, California.
- Sec. 3019. Magpie Creek, California.
- Sec. 3020. Petaluma River, Petaluma, California.
- Sec. 3021. Pine Flat Dam fish and wildlife habitat, California.
- Sec. 3022. Redwood City Navigation Project, California.
- Sec. 3023. Sacramento and American Rivers flood control, California.
- Sec. 3024. Sacramento River bank protection project, California.
- Sec. 3025. Conditional declaration of non-navigability, Port of San Francisco, California.
- Sec. 3026. Salton Sea restoration, California.
- Sec. 3027. Santa Barbara Streams, Lower Mission Creek, California.
- Sec. 3028. Upper Guadalupe River, California.
- Sec. 3029. Yuba River Basin project, California.
- Sec. 3030. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.
- Sec. 3031. Anchorage area, New London Harbor, Connecticut.
- Sec. 3032. Norwalk Harbor, Connecticut.
- Sec. 3033. St. George’s Bridge, Delaware.
- Sec. 3034. Additional program authority, comprehensive Everglades restoration, Florida.
- Sec. 3035. Brevard County, Florida.
- Sec. 3036. Critical restoration projects, Everglades and south Florida ecosystem restoration, Florida.
- Sec. 3037. Lake Okeechobee and Hillsboro Aquifer pilot projects, comprehensive Everglades restoration, Florida.
- Sec. 3038. Lido Key, Sarasota County, Florida.
- Sec. 3039. Port Sutton Channel, Tampa Harbor, Florida.
- Sec. 3040. Tampa Harbor, Cut B, Tampa, Florida.
- Sec. 3041. Allatoona Lake, Georgia.
- Sec. 3042. Dworshak Reservoir improvements, Idaho.
- Sec. 3043. Little Wood River, Gooding, Idaho.
- Sec. 3044. Port of Lewiston, Idaho.
- Sec. 3045. Cache River Levee, Illinois.
- Sec. 3046. Chicago, Illinois.
- Sec. 3047. Chicago River, Illinois.
- Sec. 3048. Illinois River Basin restoration.
- Sec. 3049. Missouri and Illinois flood protection projects reconstruction pilot program.
- Sec. 3050. Spunk Bottom, Illinois.
- Sec. 3051. Strawn Cemetery, John Redmond Lake, Kansas.
- Sec. 3052. Milford Lake, Milford, Kansas.
- Sec. 3053. Ohio River Basin comprehensive plan.
- Sec. 3054. Hickman Bluff stabilization, Kentucky.
- Sec. 3055. McAlpine Lock and Dam, Kentucky and Indiana.
- Sec. 3056. Public access, Atchafalaya Basin Floodway System, Louisiana.
- Sec. 3057. Regional visitor center, Atchafalaya Basin Floodway System, Louisiana.
- Sec. 3058. Calcasieu River and Pass, Louisiana.
- Sec. 3059. East Baton Rouge Parish, Louisiana.
- Sec. 3060. Mississippi River Gulf Outlet relocation assistance, Louisiana.
- Sec. 3061. Red River (J. Bennett Johnston) Waterway, Louisiana.
- Sec. 3062. Camp Ellis, Saco, Maine.
- Sec. 3063. Rockland Harbor, Maine.
- Sec. 3064. Rockport Harbor, Maine.
- Sec. 3065. Saco River, Maine.
- Sec. 3066. Union River, Maine.
- Sec. 3067. Baltimore Harbor and Channels, Maryland and Virginia.
- Sec. 3068. Chesapeake Bay environmental restoration and protection program, Maryland, Pennsylvania, and Virginia.
- Sec. 3069. Flood protection project, Cumberland, Maryland.
- Sec. 3070. Aunt Lydia’s Cove, Massachusetts.
- Sec. 3071. Fall River Harbor, Massachusetts and Rhode Island.
- Sec. 3072. North River, Peabody, Massachusetts.
- Sec. 3073. Ecorse Creek, Michigan.
- Sec. 3074. St. Clair River and Lake St. Clair, Michigan.
- Sec. 3075. Duluth Harbor, Minnesota.
- Sec. 3076. Project for environmental enhancement, Mississippi and Louisiana estuarine areas, Mississippi and Louisiana.

Sec. 3077. Land exchange, Pike County, Missouri.

Sec. 3078. L-15 levee, Missouri.

Sec. 3079. Union Lake, Missouri.

Sec. 3080. Lower Yellowstone project, Montana.

Sec. 3081. Yellowstone River and tributaries, Montana and North Dakota.

Sec. 3082. Western Sarpy and Clear Creek, Nebraska.

Sec. 3083. Lower Truckee River, McCarran Ranch, Nevada.

Sec. 3084. Cooperative agreements, New Mexico.

Sec. 3085. Middle Rio Grande restoration, New Mexico.

Sec. 3086. Long Island Sound oyster restoration, New York and Connecticut.

Sec. 3087. Mamaroneck and Sheldrake Rivers watershed management, New York.

Sec. 3088. Orchard Beach, Bronx, New York.

Sec. 3089. New York Harbor, New York, New York.

Sec. 3090. New York State Canal System.

Sec. 3091. Susquehanna River and Upper Delaware River watershed management, New York.

Sec. 3092. Missouri River restoration, North Dakota.

Sec. 3093. Ohio.

Sec. 3094. Lower Girard Lake Dam, Girard, Ohio.

Sec. 3095. Toussaint River Navigation Project, Carroll Township, Ohio.

Sec. 3096. Arcadia Lake, Oklahoma.

Sec. 3097. Lake Eufaula, Oklahoma.

Sec. 3098. Release of reversionary interest, Oklahoma.

Sec. 3099. Oklahoma lakes demonstration program, Oklahoma.

Sec. 3100. Ottawa County, Oklahoma.

Sec. 3101. Red River chloride control, Oklahoma and Texas.

Sec. 3102. Waurika Lake, Oklahoma.

Sec. 3103. Lookout Point project, Lowell, Oregon.

Sec. 3104. Upper Willamette River Watershed ecosystem restoration.

Sec. 3105. Upper Susquehanna River Basin, Pennsylvania and New York.

Sec. 3106. Narragansett Bay, Rhode Island.

Sec. 3107. South Carolina Department of Commerce development proposal at Richard B. Russell Lake, South Carolina.

Sec. 3108. Missouri River restoration, South Dakota.

Sec. 3109. Missouri and Middle Mississippi Rivers enhancement project.

Sec. 3110. Nonconnah Weir, Memphis, Tennessee.

Sec. 3111. Old Hickory Lock and Dam, Cumberland River, Tennessee.

Sec. 3112. Sandy Creek, Jackson County, Tennessee.

Sec. 3113. Cedar Bayou, Texas.

Sec. 3114. Denison, Texas.

Sec. 3115. Central City, Fort Worth, Texas.

Sec. 3116. Freeport Harbor, Texas.

Sec. 3117. Harris County, Texas.

Sec. 3118. Connecticut River restoration, Vermont.

Sec. 3119. Dam remediation, Vermont.

Sec. 3120. Lake Champlain Eurasian milfoil, water chestnut, and other non-native plant control, Vermont.

Sec. 3121. Upper Connecticut River Basin wetland restoration, Vermont and New Hampshire.

Sec. 3122. Upper Connecticut River Basin ecosystem restoration, Vermont and New Hampshire.

Sec. 3123. Lake Champlain watershed, Vermont and New York.

Sec. 3124. Chesapeake Bay oyster restoration, Virginia and Maryland.

Sec. 3125. James River, Virginia.

Sec. 3126. Tangier Island Seawall, Virginia.

Sec. 3127. Erosion control, Puget Island, Wahkiakum County, Washington.

Sec. 3128. Lower granite pool, Washington.

Sec. 3129. McNary Lock and Dam, McNary National Wildlife Refuge, Washington and Idaho.

Sec. 3130. Snake River project, Washington and Idaho.

Sec. 3131. Whatcom Creek Waterway, Bellingham, Washington.

Sec. 3132. Lower Mud River, Milton, West Virginia.

Sec. 3133. McDowell County, West Virginia.

Sec. 3134. Green Bay Harbor project, Green Bay, Wisconsin.

Sec. 3135. Manitowoc Harbor, Wisconsin.

Sec. 3136. Oconto Harbor, Wisconsin.

Sec. 3137. Mississippi River headwaters reservoirs.

Sec. 3138. Lower Mississippi River Museum and Riverfront Interpretive Site.

Sec. 3139. Upper Mississippi River system environmental management program.

Sec. 3140. Upper basin of Missouri River.

Sec. 3141. Great Lakes fishery and ecosystem restoration program.

Sec. 3142. Great Lakes remedial action plans and sediment remediation.

Sec. 3143. Great Lakes tributary models.

Sec. 3144. Upper Ohio River and tributaries navigation system new technology pilot program.

**TITLE IV—STUDIES**

Sec. 4001. Seward Breakwater, Alaska.

Sec. 4002. Nome Harbor improvements, Alaska.

Sec. 4003. McClellan-Kerr Arkansas River Navigation Channel.

Sec. 4004. Fruitvale Avenue Railroad Bridge, Alameda, California.

Sec. 4005. Los Angeles River revitalization study, California.

Sec. 4006. Nicholas Canyon, Los Angeles, California.

Sec. 4007. Oceanside, California, shoreline special study.

Sec. 4008. Comprehensive flood protection project, St. Helena, California.

Sec. 4009. San Francisco Bay, Sacramento-San Joaquin Delta, Sherman Island, California.

Sec. 4010. South San Francisco Bay shoreline study, California.

Sec. 4011. San Pablo Bay Watershed restoration, California.

Sec. 4012. Fountain Creek, North of Pueblo, Colorado.

Sec. 4013. Selenium study, Colorado.

Sec. 4014. Delaware inland bays and tributaries and Atlantic Coast, Delaware.

Sec. 4015. Herbert Hoover Dike supplemental major rehabilitation report, Florida.

Sec. 4016. Boise River, Idaho.

Sec. 4017. Promontory Point third-party review, Chicago shoreline, Chicago, Illinois.

Sec. 4018. Vidalia Port, Louisiana.

Sec. 4019. Lake Erie at Luna Pier, Michigan.

Sec. 4020. Wild Rice River, Minnesota.

Sec. 4021. Asian carp dispersal barrier demonstration project, Upper Mississippi River.

Sec. 4022. Flood damage reduction, Ohio.

Sec. 4023. Middle Bass Island State Park, Middle Bass Island, Ohio.

Sec. 4024. Ohio River, Ohio.

Sec. 4025. Toledo Harbor dredged material placement, Toledo, Ohio.

Sec. 4026. Toledo Harbor, Maumee River, and Lake Channel Project, Toledo, Ohio.

Sec. 4027. Woonsocket local protection project, Blackstone River Basin, Rhode Island.

Sec. 4028. Jasper County port facility study, South Carolina.

Sec. 4029. Johnson Creek, Arlington, Texas.

Sec. 4030. Ecosystem and hydropower generation dams, Vermont.

Sec. 4031. Eurasian milfoil.

Sec. 4032. Lake Champlain Canal study, Vermont and New York.

Sec. 4033. Baker Bay and Ilwaco Harbor, Washington.

Sec. 4034. Elliot Bay seawall rehabilitation study, Washington.

Sec. 4035. Johnsonville Dam, Johnsonville, Wisconsin.

Sec. 4036. Debris removal.

**TITLE V—MISCELLANEOUS PROVISIONS**

Sec. 5001. Lakes program.

Sec. 5002. Estuary restoration.

Sec. 5003. Environmental infrastructure.

Sec. 5004. Alaska.

Sec. 5005. California.

Sec. 5006. Conveyance of Oakland Inner Harbor Tidal Canal property.

Sec. 5007. Stockton, California.

Sec. 5008. Rio Grande environmental management program, Colorado, New Mexico, and Texas.

Sec. 5009. Delmarva conservation corridor, Delaware and Maryland.

Sec. 5010. Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia.

Sec. 5011. Anacostia River, District of Columbia and Maryland.

Sec. 5012. Big Creek, Georgia, watershed management and restoration program.

Sec. 5013. Metropolitan North Georgia Water Planning District.

Sec. 5014. Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming.

Sec. 5015. Chicago Sanitary and Ship Canal Dispersal Barriers project, Illinois.

Sec. 5016. Missouri River and tributaries, mitigation, recovery and restoration, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.

Sec. 5017. Southeast Louisiana region, Louisiana.

Sec. 5018. Mississippi.

Sec. 5019. St. Mary Project, Blackfeet Reservation, Montana.

Sec. 5020. Lower Platte River watershed restoration, Nebraska.

Sec. 5021. North Carolina.

Sec. 5022. Ohio River Basin environmental management.

Sec. 5023. Statewide comprehensive water planning, Oklahoma.

Sec. 5024. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and terrestrial wildlife habitat restoration, South Dakota.

Sec. 5025. Texas.

Sec. 5026. 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. Inland Waterway from Delaware River to Chesapeake Bay, Part II, installation of fender protection for bridges, Delaware and Maryland.

Sec. 6005. Shingle Creek Basin, Florida.

Sec. 6006. Illinois Waterway, South Fork of the South Branch of the Chicago River, Illinois.

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 Intercoastal 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. Falmouth Harbor, Massachusetts.  
 Sec. 6028. Island End River, Massachusetts.  
 Sec. 6029. Mystic River, Massachusetts.  
 Sec. 6030. Grand Haven Harbor, Michigan.  
 Sec. 6031. Greenville Harbor, Mississippi.  
 Sec. 6032. Platte River flood and related streambank erosion control, Nebraska.  
 Sec. 6033. Epping, New Hampshire.  
 Sec. 6034. New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey.  
 Sec. 6035. Eisenhower and Snell Locks, New York.  
 Sec. 6036. Olcott Harbor, Lake Ontario, New York.  
 Sec. 6037. Outer Harbor, Buffalo, New York.  
 Sec. 6038. Sugar Creek Basin, North Carolina and South Carolina.  
 Sec. 6039. Cleveland Harbor 1958 Act, Ohio.  
 Sec. 6040. Cleveland Harbor 1960 Act, Ohio.  
 Sec. 6041. Cleveland Harbor, uncompleted portion of Cut #4, Ohio.  
 Sec. 6042. Columbia River, Seafarers Memorial, Hammond, Oregon.  
 Sec. 6043. Tioga-Hammond Lakes, Pennsylvania.  
 Sec. 6044. Tamaqua, Pennsylvania.  
 Sec. 6045. Narragansett Town Beach, Narragansett, Rhode Island.  
 Sec. 6046. Quonset Point-Davisville, Rhode Island.  
 Sec. 6047. Arroyo Colorado, Texas.  
 Sec. 6048. Cypress Creek-Structural, Texas.  
 Sec. 6049. East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas.  
 Sec. 6050. Falfurrias, Texas.  
 Sec. 6051. Pecan Bayou Lake, Texas.  
 Sec. 6052. Lake of the Pines, Texas.  
 Sec. 6053. Tennessee Colony Lake, Texas.  
 Sec. 6054. City Waterway, Tacoma, Washington.  
 Sec. 6055. Kanawha River, Charleston, West Virginia.

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

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

**TITLE I—WATER RESOURCES PROJECTS**

**SEC. 1001. PROJECT AUTHORIZATIONS.**

Except as otherwise provided in this section, the following projects for water resources development and conservation and

other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) **HAINES HARBOR, ALASKA.**—The project for navigation, Haines Harbor, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total cost of \$14,040,000, with an estimated Federal cost of \$11,232,000, and an estimated non-Federal cost of \$2,808,000.

(2) **TANQUE VERDE CREEK, ARIZONA.**—The project for ecosystem restoration, Tanque Verde Creek, Arizona: Report of the Chief of Engineers dated July 22, 2003, at a total cost of \$5,906,000, with an estimated Federal cost of \$3,836,000 and an estimated non-Federal cost of \$2,070,000.

(3) **SALT RIVER (VA SHLYAY AKIMEL), MARICOPA COUNTY, ARIZONA.**—

(A) **IN GENERAL.**—The project for ecosystem restoration, Salt River (Va Shlyay Akimel), Arizona: Report of the Chief of Engineers dated January 3, 2005, at a total cost of \$162,100,000, with an estimated Federal cost of \$105,200,000 and an estimated non-Federal cost of \$56,900,000.

(B) **COORDINATION WITH FEDERAL RECLAMATION PROJECTS.**—The Secretary, to the maximum extent practicable, shall coordinate the development and construction of the project described in subparagraph (A) with each Federal reclamation project located in the Salt River Basin to address statutory requirements and the operations of those projects.

(4) **MAY BRANCH, FORT SMITH, ARKANSAS.**—The project for flood damage reduction, May Branch, Fort Smith, Arkansas: Report of the Chief of Engineers dated December 19, 2006, at a total cost of \$30,850,000, with an estimated Federal cost of \$15,010,000 and an estimated non-Federal cost of \$15,840,000.

(5) **HAMILTON CITY, CALIFORNIA.**—The project for flood damage reduction and ecosystem restoration, Hamilton City, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of \$52,400,000, with an estimated Federal cost of \$34,100,000 and estimated non-Federal cost of \$18,300,000.

(6) **IMPERIAL BEACH, CALIFORNIA.**—The project for storm damage reduction, Imperial Beach, California: Report of the Chief of Engineers dated December 30, 2003, at a total cost of \$13,700,000, with an estimated Federal cost of \$8,521,000 and an estimated non-Federal cost of \$5,179,000, and at an estimated total cost of \$42,500,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of \$21,250,000 and an estimated non-Federal cost of \$21,250,000.

(7) **MATILJA DAM, VENTURA COUNTY, CALIFORNIA.**—The project for ecosystem restoration, Matilija Dam and Ventura River Watershed, Ventura County, California: Report of the Chief of Engineers dated December 20, 2004, at a total cost of \$144,500,000, with an estimated Federal cost of \$89,700,000 and an estimated non-Federal cost of \$54,800,000.

(8) **MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.**—The project for flood damage reduction and ecosystem restoration, Middle Creek, Lake County, California: Report of the Chief of Engineers dated November 29, 2004, at a total cost of \$45,200,000, with an estimated Federal cost of \$29,500,000 and an estimated non-Federal cost of \$15,700,000.

(9) **NAPA RIVER SALT MARSH, CALIFORNIA.**—

(A) **IN GENERAL.**—The project for ecosystem restoration, Napa River Salt Marsh, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of \$134,500,000, with an estimated Federal cost of \$87,500,000 and an estimated non-Federal cost of \$47,000,000.

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

(i) construct a recycled water pipeline extending from the Sonoma Valley County Sanitation District Waste Water Treatment Plant and the Napa Sanitation District Waste Water Treatment Plant to the project; and

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

(10) **SOUTH PLATTE RIVER, DENVER, COLORADO.**—The project for ecosystem restoration, Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers dated May 16, 2003, at a total cost of \$20,100,000, with an estimated Federal cost of \$13,065,000 and an estimated non-Federal cost of \$7,035,000.

(11) **COMPREHENSIVE EVERGLADES RESTORATION PLAN, CENTRAL AND SOUTHERN FLORIDA, SITE 1.**—The project for ecosystem restoration, Comprehensive Everglades restoration plan, central and southern Florida, Site 1 impoundment project, Palm Beach County, Florida: Report of the Chief of Engineers dated December 19, 2006, at a total cost of \$80,840,000, with an estimated Federal cost of \$40,420,000 and an estimated non-Federal cost of \$40,420,000.

(12) **INDIAN RIVER LAGOON, SOUTH FLORIDA.**—(A) **IN GENERAL.**—The Secretary may carry out the project for ecosystem restoration, water supply, flood control, and protection of water quality, Indian River Lagoon, south Florida, at a total cost of \$1,365,000,000, with an estimated first Federal cost of \$682,500,000 and an estimated first non-Federal cost of \$682,500,000, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680) and the recommendations of the report of the Chief of Engineers dated August 6, 2004.

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

(i) The uncompleted portions of the project authorized by section 601(b)(2)(C)(i) of the Water Resources Development Act of 2000 (114 Stat. 2682), C-44 Basin Storage Reservoir of the Comprehensive Everglades Restoration Plan, at a total cost of \$147,800,000, with an estimated Federal cost of \$73,900,000 and an estimated non-Federal cost of \$73,900,000.

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

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

(13) **MIAMI HARBOR, MIAMI, FLORIDA.**—The project for navigation, Miami Harbor, Miami, Florida: Report of the Chief of Engineers dated April 25, 2005, at a total cost of \$125,270,000, with an estimated Federal cost of \$75,140,000 and an estimated non-Federal cost of \$50,130,000.

(14) **PICAYUNE STRAND, FLORIDA.**—The project for ecosystem restoration, Picayune Strand, Florida: Report of the Chief of Engineers dated September 15, 2005, at a total cost of \$375,330,000 with an estimated Federal

cost of \$187,665,000 and an estimated non-Federal cost of \$187,665,000.

(15) EAST ST. LOUIS AND VICINITY, ILLINOIS.—The project for ecosystem restoration and recreation, East St. Louis and Vicinity, Illinois: Report of the Chief of Engineers dated December 22, 2004, at a total cost of \$208,260,000, with an estimated Federal cost of \$134,910,000 and an estimated non-Federal cost of \$73,350,000.

(16) PEORIA RIVERFRONT, ILLINOIS.—The project for ecosystem restoration, Peoria Riverfront, Illinois: Report of the Chief of Engineers dated July 28, 2003, at a total cost of \$18,220,000, with an estimated Federal cost of \$11,840,000 and an estimated non-Federal cost of \$6,380,000.

(17) WOOD RIVER LEVEE SYSTEM, ILLINOIS.—The project for flood damage reduction, Wood River, Illinois: Report of the Chief of Engineers dated July 18, 2006, at a total cost of \$17,220,000, with an estimated Federal cost of \$11,193,000 and an estimated non-Federal cost of \$6,027,000.

(18) DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA.—The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines, Iowa: Report of the Chief of Engineers dated March 28, 2006, at a total cost of \$10,780,000, with an estimated Federal cost of \$6,967,000 and an estimated non-Federal cost of \$3,813,000.

(19) BAYOU SORREL LOCK, LOUISIANA.—The project for navigation, Bayou Sorrel Lock, Louisiana: Report of the Chief of Engineers dated January 3, 2005, at a total cost of \$9,680,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(20) MORGANZA TO THE GULF OF MEXICO, LOUISIANA.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Reports of the Chief of Engineers dated August 23, 2002, and July 22, 2003, at a total cost of \$886,700,000 with an estimated Federal cost of \$576,355,000 and an estimated non-Federal cost of \$310,345,000.

(B) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features that provide for inland waterway transportation shall be a Federal responsibility, in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212; Public Law 99-662).

(21) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana: Report of the Chief of Engineers dated December 31, 2006, at a total cost of \$131,250,000, with an estimated Federal cost of \$105,315,000 and an estimated non-Federal cost of \$25,935,000, except that the Secretary, in consultation with Vermillion and Iberia Parishes, Louisiana, is directed to use available dredged material and rock placement on the south bank of the Gulf Intracoastal Waterway and the west bank of the Freshwater Bayou Channel to provide incidental storm surge protection.

(22) POPLAR ISLAND EXPANSION, MARYLAND.—The project for the beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), and modified by section 318 of the Water Resources Development Act of 2000 (114 Stat. 2678), is further modified to authorize the Secretary to construct the expansion of the project in accordance with the Report of the Chief of Engineers dated March 31, 2006, at an additional total cost of \$260,000,000, with an estimated Federal cost

of \$195,000,000 and an estimated non-Federal cost of \$65,000,000.

(23) SMITH ISLAND, MARYLAND.—The project for ecosystem restoration, Smith Island, Maryland: Report of the Chief of Engineers dated October 29, 2001, at a total cost of \$15,580,000, with an estimated Federal cost of \$10,127,000 and an estimated non-Federal cost of \$5,453,000.

(24) ROSEAU RIVER, ROSEAU, MINNESOTA.—The project for flood damage reduction, Roseau River, Roseau, Minnesota: Report of the Chief of Engineers dated December 19, 2006, at a total cost of \$25,100,000, with an estimated Federal cost of \$13,820,000 and an estimated non-Federal cost of \$11,280,000.

(25) MISSISSIPPI COASTAL IMPROVEMENT PROJECT, HANCOCK, HARRISON, AND JACKSON COUNTIES, MISSISSIPPI.—The project for hurricane and storm damage reduction and ecosystem restoration, Mississippi coastal improvement project, Hancock, Harrison, and Jackson Counties, Mississippi: Report of the Chief of Engineers dated December 31, 2006, at a total cost of \$107,690,000, with an estimated Federal cost of \$70,000,000 and an estimated non-Federal cost of \$37,690,000.

(26) ARGENTINE, EAST BOTTOMS, FAIRFAX-JERSEY CREEK, AND NORTH KANSAS LEVEES UNITS, MISSOURI RIVER AND TRIBUTARIES AT KANSAS CITIES, MISSOURI AND KANSAS.—The project for flood damage reduction, Argentine, East Bottoms, Fairfax-Jersey Creek, and North Kansas Levees units, Missouri River and tributaries at Kansas Cities, Missouri and Kansas: Report of the Chief of Engineers dated December 19, 2006, at a total cost of \$65,430,000, with an estimated Federal cost of \$42,530,000 and an estimated non-Federal cost of \$22,900,000.

(27) SWOPE PARK INDUSTRIAL AREA, MISSOURI.—The project for flood damage reduction, Swope Park Industrial Area, Missouri: Report of the Chief of Engineers dated December 30, 2003, at a total cost of \$16,980,000, with an estimated Federal cost of \$11,037,000 and an estimated non-Federal cost of \$5,943,000.

(28) GREAT EGG HARBOR INLET TO TOWNSEADS INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Great Egg Harbor Inlet to Townsends Inlet, New Jersey: Report of the Chief of Engineers dated October 24, 2006, at a total cost of \$54,360,000, with an estimated Federal cost of \$35,069,000 and an estimated non-Federal cost of \$19,291,000, and at an estimated total cost of \$202,500,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of \$101,250,000 and an estimated non-Federal cost of \$101,250,000.

(29) HUDSON-RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY.—The project for environmental restoration, Hudson Raritan Estuary, Liberty State Park, New Jersey: Report of the Chief of Engineers dated August 25, 2006, at a total cost of \$34,100,000, with an estimated Federal cost of \$22,200,000 and an estimated non-Federal cost of \$11,900,000.

(30) MANASQUAN TO BARNEGAT INLETS, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan to Barneget Inlets, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of \$71,900,000, with an estimated Federal cost of \$46,735,000 and an estimated non-Federal cost of \$25,165,000, and at an estimated total cost of \$119,680,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of \$59,840,000 and an estimated non-Federal cost of \$59,840,000.

(31) RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey: Report of the Chief of Engineers

dated January 4, 2006, at a total cost of \$115,000,000, with an estimated Federal cost of \$74,800,000 and an estimated non-Federal cost of \$40,200,000, and at an estimated total cost of \$6,500,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of \$3,250,000 and an estimated non-Federal cost of \$3,250,000.

(32) SOUTH RIVER, NEW JERSEY.—The project for hurricane and storm damage reduction and ecosystem restoration, South River, New Jersey: Report of the Chief of Engineers dated July 22, 2003, at a total cost of \$122,300,000, with an estimated Federal cost of \$79,500,000 and an estimated non-Federal cost of \$42,800,000.

(33) SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.—The project for flood damage reduction, Southwest Valley, Albuquerque, New Mexico: Report of the Chief of Engineers dated November 29, 2004, at a total cost of \$24,840,000, with an estimated Federal cost of \$16,150,000 and an estimated non-Federal cost of \$8,690,000.

(34) MONTAUK POINT, NEW YORK.—The project for hurricane and storm damage reduction, Montauk Point, New York: Report of the Chief of Engineers dated March 31, 2006, at a total cost of \$14,600,000, with an estimated Federal cost of \$7,300,000 and an estimated non-Federal cost of \$7,300,000.

(35) HOCKING RIVER BASIN, MONDAY CREEK, OHIO.—

(A) IN GENERAL.—The project for ecosystem restoration, Hocking River Basin, Monday Creek, Ohio: Report of the Chief of Engineers dated August 24, 2006, at a total cost of \$20,980,000, with an estimated Federal cost of \$13,440,000 and an estimated non-Federal cost of \$7,540,000.

(B) WAYNE NATIONAL FOREST.—

(i) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, may construct other project features on property that is located in the Wayne National Forest, Ohio, owned by the United States and managed by the Forest Service as described in the report of the Corps of Engineers entitled “Hocking River Basin, Ohio, Monday Creek Sub-Basin Ecosystem Restoration Project Feasibility Report and Environmental Assessment”.

(ii) COST.—Each project feature carried out on Federal land shall be designed, constructed, operated, and maintained at full Federal expense.

(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph \$1,270,000.

(36) BLOOMSBURG, PENNSYLVANIA.—The project for flood damage reduction, Bloomsburg, Pennsylvania: Report of the Chief of Engineers dated January 25, 2006, at a total cost of \$44,500,000, with an estimated Federal cost of \$28,925,000 and an estimated non-Federal cost of \$15,575,000.

(37) PAWLEYS ISLAND, SOUTH CAROLINA.—The project for hurricane and storm damage reduction, Pawleys Island, South Carolina: Report of the Chief of Engineers dated December 19, 2006, at a total cost of \$8,980,000, with an estimated Federal cost of \$5,840,000 and an estimated non-Federal cost of \$3,140,000, and at an estimated total cost of \$21,200,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of \$10,600,000 and an estimated non-Federal cost of \$10,600,000.

(38) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—

(A) IN GENERAL.—The project for navigation and ecosystem restoration, Corpus Christi Ship Channel, Texas, Channel Improvement Project: Report of the Chief of Engineers dated June 2, 2003, at a total cost of \$188,110,000, with an estimated Federal cost of \$87,810,000 and an estimated non-Federal cost of \$100,300,000.

(B) NAVIGATIONAL SERVITUDE.—In carrying out the project under subparagraph (A), the Secretary shall enforce navigational servitude in the Corpus Christi Ship Channel, including, at the sole expense of the owner of the facility, the removal or relocation of any facility obstructing the project.

(39) GULF INTRACOASTAL WATERWAY, BRAZOS RIVER TO PORT O'CONNOR, MATAGORDA BAY RE-ROUTE, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers dated December 24, 2002, at a total cost of \$17,280,000. The costs of construction of the project are to be paid  $\frac{1}{2}$  from amounts appropriated from the general fund of the Treasury and  $\frac{1}{2}$  from amounts appropriated from the Inland Waterways Trust Fund.

(40) GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Sabine River to Corpus Christi, Texas: Report of the Chief of Engineers dated April 16, 2004, at a total cost of \$14,450,000. The costs of construction of the project are to be paid  $\frac{1}{2}$  from amounts appropriated from the general fund of the Treasury and  $\frac{1}{2}$  from amounts appropriated from the Inland Waterways Trust Fund.

(41) LOWER COLORADO RIVER BASIN PHASE I, TEXAS.—The project for flood damage reduction and ecosystem restoration, Lower Colorado River Basin Phase I, Texas: Report of the Chief of Engineers dated December 31, 2006, at a total cost of \$110,730,000, with an estimated Federal cost of \$69,640,000 and an estimated non-Federal cost of \$41,090,000.

(42) CRANEY ISLAND EASTWARD EXPANSION, VIRGINIA.—The project for navigation, Craney Island Eastward Expansion, Virginia: Report of the Chief of Engineers dated October 24, 2006, at a total cost of \$712,103,000, with an estimated Federal cost of \$31,229,000 and an estimated non-Federal cost of \$680,874,000.

(43) DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers dated March 3, 2003, at a total cost of \$37,200,000.

(44) CHEHALIS RIVER, CENTRALIA, WASHINGTON.—The project for flood damage reduction, Centralia, Washington, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4126)—

(A) is modified to be carried out at a total cost of \$123,770,000, with a Federal cost of \$74,740,000, and a non-Federal cost of \$49,030,000; and

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

**SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVEMENTS AND ECOSYSTEM RESTORATION PLAN FOR UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.**

(a) DEFINITIONS.—In this section:

(1) PLAN.—The term “Plan” means the project for navigation and ecosystem improvements for the Upper Mississippi River and Illinois Waterway System: Report of the Chief of Engineers dated December 15, 2004.

(2) UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.—The term “Upper Mississippi River and Illinois Waterway System” means the projects for navigation and ecosystem restoration authorized by Congress for—

(A) the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls

Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0; and

(B) the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O'Brien Lock in Chicago, Illinois, River Mile 327.0.

(b) AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.—

(1) SMALL SCALE AND NONSTRUCTURAL MEASURES.—

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

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

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

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

(B) AUTHORIZATION OF APPROPRIATIONS.—

The total cost of the projects authorized under this paragraph shall be \$256,000,000. The costs of construction of the projects shall be paid  $\frac{1}{2}$  from amounts appropriated from the general fund of the Treasury and  $\frac{1}{2}$  from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(2) NEW LOCKS.—

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

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

(C) CONCURRENCE.—The mitigation required under subparagraph (B) for the projects authorized under paragraphs (1) and (2), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests for the projects authorized under paragraphs (1) and (2), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

(D) AUTHORIZATION OF APPROPRIATIONS.—

The total cost of the projects authorized under this paragraph shall be \$1,948,000,000. The costs of construction on the projects shall be paid  $\frac{1}{2}$  from amounts appropriated from the general fund of the Treasury and  $\frac{1}{2}$  from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(c) ECOSYSTEM RESTORATION AUTHORIZATION.—

(1) OPERATION.—To ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall modify, consistent with requirements to avoid adverse effects on navigation, the operation of the Upper Mississippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River.

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—The Secretary shall carry out, consistent with requirements to avoid adverse effects on navigation, ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Plan.

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

- (i) island building;
- (ii) construction of fish passages;
- (iii) floodplain restoration;
- (iv) water level management (including water drawdown);

(v) backwater restoration;

(vi) side channel restoration;

(vii) wing dam and dike restoration and modification;

(viii) island and shoreline protection;

(ix) topographical diversity;

(x) dam point control;

(xi) use of dredged material for environmental purposes;

(xii) tributary confluence restoration;

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

(xiv) land easement authority; and

(xv) land acquisition.

(C) COST SHARING.—

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

(ii) EXCEPTION FOR CERTAIN RESTORATION PROJECTS.—In the case of a project under this subparagraph for ecosystem restoration, the Federal share of the cost of carrying out the project shall be 100 percent if the project—

- (I) is located below the ordinary high water mark or in a connected backwater;
- (II) modifies the operation or structures for navigation; or
- (III) is located on federally owned land.

(iii) SAVINGS CLAUSE.—Nothing in this paragraph affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

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

(D) LAND ACQUISITION.—The Secretary 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, hydrology, 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 \$1,717,000,000, of which not more than \$245,000,000 shall be available for projects described in paragraph (2)(B)(ii) and not more than \$48,000,000 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 subparagraph (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 development of each implementation report under subparagraph (A).

(ii) PANEL MEMBERS.—Panel members shall include—

(I) 1 representative of each of the State resource agencies (or a designee of the Governor of the State) from each of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin;

(II) 1 representative of the Department of Agriculture;

(III) 1 representative of the Department of Transportation;

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

(V) 1 representative of the United States Fish and Wildlife Service;

(VI) 1 representative of the Environmental Protection Agency;

(VII) 1 representative of affected landowners;

(VIII) 2 representatives of conservation and environmental advocacy groups; and

(IX) 2 representatives of agriculture and industry advocacy groups.

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

(iv) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Panel or any working group established by the Advisory Panel.

(6) RANKING SYSTEM.—

(A) IN GENERAL.—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.

(B) PRIORITY.—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in paragraph (2)(B).

(d) COMPARABLE PROGRESS.—

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

(A) select appropriate milestones; and

(B) determine, at the time of such selection, whether the projects are being carried out at comparable rates.

(2) NO COMPARABLE RATE.—If the Secretary determines under paragraph (1)(B) that projects authorized under this subsection are not moving toward completion at a comparable rate, annual funding requests for the projects will be adjusted to ensure that the projects move toward completion at a comparable rate in the future.

SEC. 1003. LOUISIANA COASTAL AREA ECO-SYSTEM RESTORATION, LOUISIANA.

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

(b) PRIORITIES.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary shall give priority to—

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

(B) any Mississippi River diversion project that—

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

(ii) produces an environmental benefit to the coastal area of the State of Louisiana; and

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

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

(ii) protects a major population area.

(c) MODIFICATIONS.—

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

(2) INTEGRATION.—The Secretary shall ensure that the modifications under paragraph (1) are fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2247).

(3) CONSTRUCTION.—

(A) IN GENERAL.—The Secretary is authorized to construct the 5 near-term critical ecosystem restoration features, as modified under this subsection.

(B) REPORTS.—Before beginning construction of the projects, the Secretary shall submit a report documenting any modifications to the 5 near-term critical projects, including cost changes, to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

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

(d) DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to conduct a demonstration program within the applicable project area to evaluate new technologies and the applicability of the technologies to the program.

(2) COST LIMITATION.—The cost of an individual project under this subsection shall be not more than \$25,000,000.

(e) BENEFICIAL USE OF DREDGED MATERIAL.—

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

(2) CONSIDERATION.—In carrying out the program under subsection (a), the Secretary shall consider the beneficial use of sediment from the Illinois River System for wetlands restoration in wetlands-depleted watersheds.

(f) REPORTS.—

(1) IN GENERAL.—Not later than December 31, 2008, the Secretary shall submit to Congress feasibility reports—

(A) on the features included in table 3 of the report referred to in subsection (a); and

(B) that are consistent with the estimates in the table.

(2) PROJECTS IDENTIFIED IN REPORTS.—

(A) CONSTRUCTION.—The Secretary is authorized to construct the projects identified in the reports substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, if a favorable report of the Chief is completed by not later than December 31, 2010.

(B) REQUIREMENT.—No appropriations shall be made to construct any project under this subsection if the report under paragraph (1) has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(g) NONGOVERNMENTAL ORGANIZATIONS.—

(1) IN GENERAL.—A nongovernmental organization shall be eligible to contribute all or a portion of the non-Federal share of the cost of a project under this section.

(2) USE OF FUNDS FROM OTHER PROGRAMS.—The non-Federal interest for a study or project conducted under this section may use, and the Secretary shall accept, funds provided by a Federal agency under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the study or project, if the head of the Federal agency certifies that the funds may be used for that purpose.

(h) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—The Secretary, in coordination with the Governor of the State of Louisiana, shall—

(A) develop a plan for protecting, preserving, and restoring the coastal Louisiana ecosystem;

(B) not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, submit to Congress the plan, or an update of the plan; and

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

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

(A) the framework of a long-term program that provides for the comprehensive protection, conservation, and restoration of the wetlands, estuaries (including the Barataria-Terrebonne estuary), barrier islands, shorelines, and related land and features of the coastal Louisiana ecosystem, including protection of a critical resource, habitat, or infrastructure from the effects of a coastal storm, a hurricane, erosion, or subsidence;

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

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

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

(3) CONSIDERATION.—In developing the comprehensive plan, the Secretary shall consider the advisability of integrating into the program under subsection (a)—

(A) a related Federal or State project carried out on the date on which the plan is developed;

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

(C) any other project or activity identified in—

(i) the Mississippi River and Tributaries program;

(ii) the Louisiana Coastal Wetlands Conservation Plan;

(iii) the Louisiana Coastal Zone Management Plan;

(iv) the plan of the State of Louisiana entitled “Coast 2050: Toward a Sustainable Coastal Louisiana”; or

(v) the Comprehensive Master Coastal Protection Plan authorized and defined by Act 8 of the First Extraordinary Session of the Louisiana State Legislature, 2005.

(i) **TASK FORCE.**—

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

(2) **MEMBERSHIP.**—The Task Force shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of Assistant Secretary or an equivalent level):

- (A) The Secretary.
- (B) The Secretary of the Interior.
- (C) The Secretary of Commerce.

(D) The Administrator of the Environmental Protection Agency.

(E) The Secretary of Agriculture.

(F) The Secretary of Transportation.

(G) The Secretary of Energy.

(H) The Secretary of Homeland Security.

(I) 3 representatives of the State of Louisiana appointed by the Governor of that State.

(3) **DUTIES.**—The Task Force shall make recommendations to the Secretary regarding—

(A) policies, strategies, plans, programs, projects, and activities for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem;

(B) financial participation by each agency represented on the Task Force in conserving, protecting, restoring, and maintaining the coastal Louisiana ecosystem, including recommendations—

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

(ii) for coordinating individual agency budget requests; and

(C) the comprehensive plan under subsection (h).

(4) **WORKING GROUPS.**—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this subsection.

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

(j) **SCIENCE AND TECHNOLOGY.**—

(1) **IN GENERAL.**—The Secretary shall establish a coastal Louisiana ecosystem science and technology program.

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

(A) to identify any uncertainty relating to the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana;

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

(C) to identify and develop technologies, models, and methods to carry out this subsection.

(3) **WORKING GROUPS.**—The Secretary may establish such working groups as the Secretary determines to be necessary to assist the Secretary in carrying out this subsection.

(4) **CONTRACTS AND COOPERATIVE AGREEMENTS.**—In carrying out this subsection, the Secretary may enter into a contract or cooperative agreement with an individual or entity (including a consortium of academic institutions in Louisiana) with scientific or engineering expertise in the restoration of aquatic and marine ecosystems for coastal

restoration and enhancement through science and technology.

(k) **ANALYSIS OF BENEFITS.**—

(1) **IN GENERAL.**—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out an activity to conserve, protect, restore, or maintain the coastal Louisiana ecosystem, the Secretary may determine that the environmental benefits provided by the program under this section outweigh the disadvantage of an activity under this section.

(2) **DETERMINATION OF COST-EFFECTIVENESS.**—If the Secretary determines that an activity under this section is cost-effective, no further economic justification for the activity shall be required.

(l) **STUDIES.**—

(1) **DEGRADATION.**—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the non-Federal interest, shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall carry out a study to identify—

(A) the cause of any degradation of the Louisiana Coastal Area ecosystem that occurred as a result of an activity approved by the Secretary; and

(B) the sources of the degradation.

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

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

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

(m) **PROJECT MODIFICATIONS.**—

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

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

(B) the project could contribute to ecosystem restoration under subsection (a) through modification of the operations or features of the project.

(2) **MODIFICATIONS.**—Subject to paragraphs (3) and (4), the Secretary may carry out the modifications described in paragraph (1)(B).

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

(4) **REPORT.**—

(A) **IN GENERAL.**—Before modifying an operation or feature of a project under paragraph (1)(B), 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 a report describing the modification.

(B) **INCLUSION.**—A report under subparagraph (A) shall include such information relating to the timeline and cost of a modification as the Secretary determines to be relevant.

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

(n) **LOUISIANA WATER RESOURCES COUNCIL.**—The Secretary shall establish a council, to be known as the “Louisiana Water Resources Council”, which shall serve as the exclusive peer review panel for activities conducted by the Corps of Engineers in the areas in the State of Louisiana declared as major disaster areas in accordance with section 401 of the Robert T. Stafford Disaster

Relief and Emergency Assistance Act (42 U.S.C. 5170) in response to Hurricane Katrina or Rita of 2005, in accordance with the requirements of section 207.

(o) **EXTERNAL REVIEW.**—The Secretary shall enter into a contract with the National Academy of Science to perform an external review of the demonstration program under subsection (d), and the results of the review shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(p) **NEW ORLEANS AND VICINITY.**—

(1) **IN GENERAL.**—The Secretary is authorized—

(A) to raise levee heights as necessary, and to otherwise enhance the Lake Pontchartrain and Vicinity Project and the West Bank and Vicinity Project to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of the construction;

(B) to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals, including installing pumps and closure structures at or near the lakefront at Lake Pontchartrain;

(C) to armor critical elements of the New Orleans hurricane and storm damage reduction system;

(D) to improve and otherwise modify the Inner Harbor Navigation Canal to increase the reliability of the flood protection system for the city of New Orleans;

(E) to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the New Orleans to Venice Hurricane Protection Project;

(F) to reinforce or replace flood walls in the existing Lake Pontchartrain and Vicinity Project and the existing West Bank and Vicinity Project to improve performance of the flood protection systems;

(G) to perform onetime storm-proofing of interior pump stations to ensure the operability of the stations during hurricanes, storms, and high-water events;

(H) to repair, replace, modify, and improve non-Federal levees and associated protection measures in Terrebonne Parish; and

(I) to reduce the risk of storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands through—

(i) measures to begin to reverse wetland losses in areas affected by navigation, oil and gas exploration and extraction, and other channels; and

(ii) modification of the Caernarvon Freshwater Diversion structure or its operations.

(2) **FUNDING AUTHORITY.**—An activity under paragraph (1) shall be carried out in accordance with the cost-sharing requirements of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 418).

(3) **CONDITIONS.**—

(A) **IN GENERAL.**—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 a notice in any case in which an estimate for the expenditure of funds on any project or activity described in paragraph (1) exceeds the amount specified for that project or activity in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 418).

(B) **APPROPRIATIONS LIMITATION.**—No appropriation in excess of an amount equal to 25 percent more than the amount specified for a

project or activity in that Act shall be made until an increase in the level of expenditure has been approved by resolutions adopted by the Committees referred to in subparagraph (A).

(q) LAROSE TO GOLDEN MEADOW.—

(1) REPORT.—Not later than 120 days after the date of enactment of this Act, 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 a report describing any modification required to the project for flood damage reduction, Larose to Golden Meadow, Louisiana, to achieve the certification necessary for participation in the National Flood Insurance Program.

(2) MODIFICATIONS.—The Secretary is authorized to carry out a modification described in paragraph (1) if—

(A) the Secretary submits a recommendation for authorization of the modification in the report under paragraph (1); and

(B) the total cost of the modification does not exceed \$90,000,000.

(3) REQUIREMENT.—No appropriation shall be made to construct any modification under this subsection if the report under paragraph (1) has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(r) CONSOLIDATION.—

(1) IN GENERAL.—The Secretary may consolidate the flood damage reduction projects in Lower Jefferson Parish, Louisiana, that have been identified for implementation under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) as of the date of enactment of this Act.

(2) TOTAL COST.—The Secretary may implement the consolidated project referred to in paragraph (1) if the total cost of the consolidated project does not exceed \$100,000,000.

(s) MISSISSIPPI RIVER GULF OUTLET.—

(1) DEAUTHORIZATION.—

(A) IN GENERAL.—The navigation channel portion of the project for navigation, Mississippi River Gulf outlet, authorized by the Act of March 29, 1956 (70 Stat. 65, chapter 112; 100 Stat. 4177; 110 Stat. 3717), which extends from the Gulf of Mexico to Mile 60 at the southern bank of the Gulf Intracoastal Waterway, is not authorized.

(B) SCOPE.—Subparagraph (A) does not modify or deauthorize the Inner Harbor Navigation Canal Replacement Project authorized by the Act referred to in that subparagraph.

(2) PLAN FOR CLOSURE AND RESTORATION.—

(A) IN GENERAL.—The Secretary shall carry out a study and implement a project to physically modify the Mississippi River Gulf outlet and to restore the areas affected by the Mississippi River Gulf outlet, subject to the conditions and recommendations in a final report of the Chief of Engineers, if a favorable report of the Chief is completed by not later than 180 days after the date of enactment of this Act.

(B) INCORPORATION OF RECOMMENDATIONS.—The plan shall incorporate the recommendations of the Interim Mississippi River Gulf Outlet Deep-Draft De-Authorization Report submitted to Congress in December 2006.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, 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 a report on the project described in paragraph (2).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 for the costs of carrying out the

study and developing the report of the Chief of Engineers required by this subsection, which shall be carried out at Federal expense.

(t) HURRICANE AND STORM DAMAGE REDUCTION.—With respect to the projects identified in the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2247), the Secretary shall—

(1) to the maximum extent practicable, submit specific project recommendations in any report developed under that Act; and

(2) submit the reports to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 1004. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.**

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

(1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—Project for flood damage reduction, Cache River Basin, Grubbs, Arkansas.

(2) BIBB COUNTY AND THE CITY OF MACON LEVEE, GEORGIA.—Project for flood damage reduction, Bibb County and the City of Macon Levee, Georgia.

(3) FORT WAYNE AND VICINITY, INDIANA.—Project for flood control, St. Mary's River, Fort Wayne and Vicinity, Indiana.

(4) SALEM, MASSACHUSETTS.—Project for flood damage reduction, Salem, Massachusetts.

(5) CROW RIVER, ROCKFORD, MINNESOTA.—Project for flood damage reduction, Crow River, Rockford, Minnesota.

(6) SOUTH BRANCH OF THE WILD RICE RIVER, BORUP, MINNESOTA.—Project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota.

(7) CHEYENNE, WYOMING.—Project for flood control, Capitol Basin, Cheyenne, Wyoming.

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

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

(1) BARROW HARBOR, ALASKA.—Project for navigation, Barrow Harbor, Alaska.

(2) NOME HARBOR, ALASKA.—Project for navigation, Nome Harbor, Alaska.

(3) OLD HARBOR, ALASKA.—Project for navigation, Old Harbor, Alaska.

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

(5) EAST BASIN, MASSACHUSETTS.—Project for navigation, East Basin, Cape Cod Canal, Sandwich, Massachusetts.

(6) LYNN HARBOR, MASSACHUSETTS.—Project for navigation, Lynn Harbor, Lynn, Massachusetts.

(7) MERRIMACK RIVER, MASSACHUSETTS.—Project for navigation, Merrimack River, Haverhill, Massachusetts.

(8) OAK BLUFFS HARBOR, MASSACHUSETTS.—Project for navigation, Oak Bluffs Harbor, Oak Bluffs, Massachusetts.

(9) WOODS HOLE GREAT HARBOR, MASSACHUSETTS.—Project for navigation, Woods Hole Great Harbor, Falmouth, Massachusetts.

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

(11) CLINTON RIVER, MICHIGAN.—Project for navigation, Clinton River, Michigan.

(12) ONTONAGON RIVER, MICHIGAN.—Project for navigation, Ontonagon River, Ontonagon, Michigan.

(13) TRAVERSE CITY, MICHIGAN.—Project for navigation, Traverse City, Michigan.

(14) SEBEWAING RIVER, MICHIGAN.—Project for navigation, Sebewaing River, Michigan.

(15) TOWER HARBOR, MINNESOTA.—Project for navigation, Tower Harbor, Tower, Minnesota.

(16) OUTER CHANNEL AND INNER HARBOR, MENOMINEE HARBOR, MICHIGAN AND WISCONSIN.—Project for navigation, Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin.

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

(18) MILWAUKEE HARBOR, WISCONSIN.—Project for navigation, Milwaukee Harbor, Milwaukee, Wisconsin.

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

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

(1) BLACK LAKE, ALASKA.—Project for aquatic ecosystem restoration, Black Lake, Alaska, at the head of the Chignik Watershed.

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

(3) SUISON MARSH, SAN PABLO BAY, CALIFORNIA.—Project for aquatic ecosystem restoration, San Pablo Bay, California.

(4) CHATTAHOOCHEE FALL-LINE, GEORGIA.—Project for aquatic ecosystem restoration, Chattahoochee Fall-Line, Georgia.

(5) MILL POND, LITTLETON, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Mill Pond, Littleton, Massachusetts.

(6) MILFORD POND, MILFORD, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Milford Pond, Milford, Massachusetts.

(7) PINE TREE BROOK, MILTON, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Pine Tree Brook, Milton, Massachusetts.

(8) CLINTON RIVER, MICHIGAN.—Project for aquatic ecosystem restoration, Clinton River, Michigan.

(9) CALDWELL COUNTY, NORTH CAROLINA.—Project for aquatic ecosystem restoration, Caldwell County, North Carolina.

(10) MECKLENBERG COUNTY, NORTH CAROLINA.—Project for aquatic ecosystem restoration, Mecklenberg County, North Carolina.

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

(12) BLACKSTONE RIVER, RHODE ISLAND.—Project for aquatic ecosystem restoration, Blackstone River, Rhode Island.

(13) COLLEGE LAKE, LYNCHBURG, VIRGINIA.—Project for aquatic ecosystem restoration, College Lake, Lynchburg, Virginia.

**SEC. 1007. SMALL PROJECTS TO PREVENT OR MITIGATE DAMAGE CAUSED BY NAVIGATION PROJECTS.**

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i):

(1) Tybee Island, Georgia.

(2) Burns Waterway Harbor, Indiana.

**SEC. 1008. SMALL PROJECTS FOR AQUATIC PLANT CONTROL.**

The Secretary is authorized to carry out a project for aquatic nuisance plant control in

the Republican River Basin, Nebraska, under section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610).

## TITLE II—GENERAL PROVISIONS

### Subtitle A—Provisions

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

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

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

#### “SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.”;

and

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

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

“(1) IN GENERAL.—After December 31, 1970, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under any provision of law, shall not be commenced until each non-Federal interest has entered into a written partnership agreement with the district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of the project or the appropriate element of the project, as the case may be; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than \$25,000.

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

“(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future appropriations for such performance and payment when obligating future appropriations would be inconsistent with constitutional or statutory limitations of the State or a political subdivision of the State.

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

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

“(i) the costs of planning (including data collection), design, management, mitigation, construction, and construction services that are provided by the non-Federal interest for implementation of the project;

“(ii) the value of materials or services provided before execution of an agreement for the project, including efforts on constructed elements incorporated into the project; and

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

“(B) CONDITION.—The Secretary shall credit an in-kind contribution under subparagraph (A) if the Secretary determines that the property or service provided as an in-kind contribution is integral to the project.

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

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

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

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

#### SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

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

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

“(a) IN GENERAL.—The Secretary may engage in activities (including contracting) in support of other Federal agencies, international organizations, or foreign governments to address problems of national significance to the United States.”;

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

(3) in subsection (d)—

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

(B) by striking “or international organizations” and inserting “, international organizations, or foreign governments”.

#### SEC. 2003. TRAINING FUNDS.

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

#### (b) EXPENSES.—

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

(2) PAYMENTS.—Payments made by an individual for training received under subsection (a), up to the actual cost of the training—

(A) may be retained by the Secretary;

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

(C) shall be available for use by the Secretary, without further appropriation, for training purposes.

(3) EXCESS AMOUNTS.—Any payments received under paragraph (2) that are in excess of the actual cost of training provided shall be credited as miscellaneous receipts to the Treasury of the United States.

#### SEC. 2004. FISCAL TRANSPARENCY REPORT.

(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2008, the Chief of Engineers 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 a report on the expenditures for the preceding fiscal year and estimated expenditures for the current fiscal year.

(b) CONTENTS.—In addition to the information described in subsection (a), the report shall contain a detailed accounting of the following information:

(1) With respect to general construction, information on—

(A) projects currently under construction, including—

(i) allocations to date;

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

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

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

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

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

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

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

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

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

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

(A) the number of active studies;

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

(C) the number of initiated studies; and

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

(4) Funding received and estimates of funds to be received for interagency and international support activities under section 318(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2323a).

(5) Recreation fees and lease payments.

(6) Hydropower and water storage fees.

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

(8) Other revenues and fees collected.

(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

(A) the date on which each permit application is filed;

(B) the date on which each permit application is determined to be complete; and

(C) the date on which the Corps of Engineers grants, withdraws, or denies each permit.

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

(A) the authorization date;

(B) the last allocation date;

(C) the percentage of construction completed;

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

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

#### SEC. 2005. PLANNING.

(a) MATTERS TO BE ADDRESSED IN PLANNING.—Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended—

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

(a) IN GENERAL.—Enhancing”; and

(2) by adding at the end the following:

(b) ASSESSMENTS.—For all feasibility reports completed after December 31, 2005, the Secretary shall assess whether—

(1) the water resource project and each separable element is cost-effective; and

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

(b) PLANNING PROCESS IMPROVEMENTS.—The Chief of Engineers—

(1) shall, not later than 2 years after the date on which the feasibility study cost sharing agreement is signed for a project, subject to the availability of appropriations—

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

(B) sign the report of the Chief of Engineers for the project;

(2) may, with the approval of the Secretary, extend the deadline established under

paragraph (1) for not to exceed 4 years, for a complex or controversial study; and

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

(B) not later than 1 year after the date of enactment of this Act, shall—

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

(ii) submit to Congress a report that includes suggested amendments to section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).

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

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

(2) a calculation of the residual risk of loss of human life and residual risk to human safety following completion of the proposed project; and

(3) a calculation of any upstream or downstream impacts of the proposed project.

(d) CENTERS OF SPECIALIZED PLANNING EXPERTISE.—

(1) ESTABLISHMENT.—The Secretary may establish centers of expertise to provide specialized planning expertise for water resource projects to be carried out by the Secretary in order to enhance and supplement the capabilities of the districts of the Corps of Engineers.

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

(A) provide technical and managerial assistance to district commanders of the Corps of Engineers for project planning, development, and implementation;

(B) provide peer reviews of new major scientific, engineering, or economic methods, models, or analyses that will be used to support decisions of the Secretary with respect to feasibility studies;

(C) provide support for external peer review panels convened by the Secretary; and

(D) carry out such other duties as are prescribed by the Secretary.

(e) COMPLETION OF CORPS OF ENGINEERS REPORTS.—

(1) ALTERNATIVES.—

(A) IN GENERAL.—Feasibility and other studies and assessments of water resource problems and projects shall include recommendations for alternatives—

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

(ii) for which the non-Federal interests are willing to provide the non-Federal share for the studies or assessments.

(B) SCOPE AND PURPOSES.—The scope and purposes of studies and assessments described in subparagraph (A) shall not be constrained by budgetary or other policy as a result of the inclusion of alternatives described in that subparagraph.

(C) REPORTS OF CHIEF OF ENGINEERS.—The reports of the Chief of Engineers shall be based solely on the best technical solutions to water resource needs and problems.

(2) REPORT COMPLETION.—The completion of 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 recommendations to Congress for, the report in accordance with paragraph (1).

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

(a) ESTABLISHMENT.—The President shall establish a Water Resources Planning Coordinating Committee (referred to in this subsection as the “Coordinating Committee”).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Coordinating Committee shall be composed of the following members (or a designee of the member):

(A) The Secretary of the Interior.

(B) The Secretary of Agriculture.

(C) The Secretary of Health and Human Services.

(D) The Secretary of Housing and Urban Development.

(E) The Secretary of Transportation.

(F) The Secretary of Energy.

(G) The Secretary of Homeland Security.

(H) The Secretary of Commerce.

(I) The Administrator of the Environmental Protection Agency.

(J) The Chairperson of the Council on Environmental Quality.

(2) CHAIRPERSON AND EXECUTIVE DIRECTOR.—The President shall appoint—

(A) 1 member of the Coordinating Committee to serve as Chairperson of the Coordinating Committee for a term of 2 years; and

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

(3) FUNCTION.—The function of the Coordinating Committee shall be to carry out the duties and responsibilities set forth under this section.

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

(1) reflect national priorities;

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

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

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

(5) mitigate any unavoidable damage to natural systems.

(d) WATER RESOURCE PRIORITIES REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date on which a review under paragraph (1) is completed, the Secretary, after providing notice and an opportunity for public comment in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”), shall implement such proposed updates and revisions to the planning principles and guidelines, regulations, and circulars of the Corps of Engineers under paragraph (2) as the Secretary determines to be appropriate.

(B) EFFECT.—Effective beginning on the date on which the Secretary implements the first update or revision under paragraph (1), subsections (a) and (b) of section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-17) shall not apply to the Corps of Engineers.

(B) the extent to which those programs may be unintentionally encouraging development and economic activity in flood-prone areas;

(C) recommendations for improving those programs with respect to reducing and responding to flood risks; and

(D) proposals for implementing the recommendations.

**(e) MODERNIZING WATER RESOURCES PLANNING GUIDELINES.—**

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

(2) PROPOSED REVISIONS.—In conducting a review under paragraph (1), the Coordinating Committee and the Secretary shall consider revisions to improve water resources project planning through, among other things—

(A) requiring the use of modern economic principles and analytical techniques, credible schedules for project construction, and current discount rates as used by other Federal agencies;

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

(C) eliminating biases and disincentives that discourage the use of nonstructural approaches to water resources development and management, and fully accounting for the flood protection and other values of healthy natural systems;

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

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

(F) analyzing and incorporating lessons learned from recent studies of Corps of Engineers programs and recent disasters such as Hurricane Katrina and the Great Midwest Flood of 1993;

(G) encouraging wetlands conservation; and

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

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

**(4) REVISION OF PLANNING GUIDANCE.—**

(A) IN GENERAL.—Not later than 180 days after the date on which a review under paragraph (1) is completed, the Secretary, after providing notice and an opportunity for public comment in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”), shall implement such proposed updates and revisions to the planning principles and guidelines, regulations, and circulars of the Corps of Engineers under paragraph (2) as the Secretary determines to be appropriate.

(B) EFFECT.—Effective beginning on the date on which the Secretary implements the first update or revision under paragraph (1), subsections (a) and (b) of section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-17) shall not apply to the Corps of Engineers.

**(5) REPORT.—**

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

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

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

(a) DEFINITIONS.—In this section:

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

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

(b) DIRECTOR OF INDEPENDENT REVIEW.—The Secretary shall appoint in the Office of the Secretary a Director of Independent Review. The Director shall be selected from among individuals who are distinguished experts in engineering, hydrology, biology, economics, or another discipline related to water resources management. The Secretary shall ensure, to the maximum extent practicable, that the Director does not have a financial, professional, or other conflict of interest with projects subject to review. The Director of Independent Review shall carry out the duties set forth in this section and such other duties as the Secretary deems appropriate.

(c) SOUND PROJECT PLANNING.—

(1) PROJECTS SUBJECT TO PLANNING REVIEW.—The Secretary shall ensure that each project study for a water resources project shall be reviewed by an independent panel of experts established under this subsection if—

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

(B) the Governor of a State in which the water resources project is located in whole or in part, or the Governor of a State within the drainage basin in which a water resources project is located and that would be directly affected economically or environmentally as a result of the project, requests in writing to the Secretary the establishment of an independent panel of experts for the project;

(C) the head of a Federal agency with authority to review the project determines that the project is likely to have a significant adverse impact on public safety, or on environmental, fish and wildlife, historical, cultural, or other resources under the jurisdiction of the agency, and requests in writing to the Secretary the establishment of an independent panel of experts for the project; or

(D) the Secretary determines on his or her own initiative, or shall determine within 30 days of receipt of a written request for a controversy determination by any party, that the 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 rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(B) DUTIES OF PROJECT PLANNING REVIEW PANELS.—An independent panel of experts established under this subsection shall review the project study, receive from the public written and oral comments concerning the project study, and submit a written report to the Secretary that shall contain the panel’s conclusions and recommendations regarding project study issues identified as significant by the panel, including issues such as—

(i) economic and environmental assumptions and projections;

(ii) project evaluation data;

(iii) economic or environmental analyses;

(iv) engineering analyses;

(v) formulation of alternative plans;

(vi) methods for integrating risk and uncertainty;

(vii) models used in evaluation of economic or environmental impacts of proposed projects; and

(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 under this subsection and the written explanation of the Secretary required by clause (ii) shall be included with the report of the Chief of Engineers to Congress, shall be published in the Federal Register, and shall be made available to the public on the Internet.

(D) DEADLINES FOR PROJECT PLANNING REVIEWS.—

(i) IN GENERAL.—Independent review of a project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(ii) DEADLINE FOR PROJECT PLANNING REVIEW PANEL STUDIES.—An independent panel of experts established under this subsection shall complete its review of the project study and submit to the Secretary a report not later than 180 days after the date of establishment of the panel, or not later than 90 days after the close of the public comment period on a draft project study that includes a preferred alternative, whichever is later. The Secretary may extend these deadlines for good cause.

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

(iv) DURATION OF PANELS.—An independent panel of experts established under this subsection shall terminate on the date of submission of the report by the panel. Panels may be established as early in the planning process as deemed appropriate by the Director of Independent Review, but shall be appointed no later than 90 days before the release for public comment of a draft study subject to review under subsection (c)(1)(A), and not later than 30 days after a determination that review is necessary under subsection (c)(1)(B), (c)(1)(C), or (c)(1)(D).

(E) EFFECT ON EXISTING GUIDANCE.—The project planning review required by this subsection shall be deemed to satisfy any external review required by Engineering Circular 1105-2-408 (31 May 2005) on Peer Review of Decision Documents.

(d) SAFETY ASSURANCE.—

(1) PROJECTS SUBJECT TO SAFETY ASSURANCE REVIEW.—The Secretary shall ensure that the construction activities for any flood damage reduction project shall be reviewed by an independent panel of experts established under this subsection if the Director of Independent Review makes a determination that an independent review is necessary to ensure public health, safety, and welfare on any project—

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

(B) that uses innovative materials or techniques;

(C) for which the project design is lacking in redundancy, or that has a unique construction sequencing or a short or overlapping design construction schedule; or

(D) other than a project described in subparagraphs (A) through (C), as the Director of Independent Review determines to be appropriate.

(2) SAFETY ASSURANCE REVIEW PANELS.—At the appropriate point in the development of detailed engineering and design specifications for each water resources project subject to review under this subsection, the Director of Independent Review shall establish an independent panel of experts to review and report to the Secretary on the adequacy of construction activities for the project. An independent panel of experts under this subsection shall be composed of not less than 5 nor more than 9 independent experts selected from among individuals who are distinguished experts in engineering, hydrology, or other pertinent disciplines. The Director of Independent Review shall apply the National Academy of Science’s policy for selecting committee members to ensure that panel members have no conflict with the project being reviewed. An individual serving on a panel of experts under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(3) DEADLINES FOR SAFETY ASSURANCE REVIEWS.—An independent panel of experts established under this subsection shall submit a written report to the Secretary on the adequacy of the construction activities prior to the initiation of physical construction and periodically thereafter until construction activities are completed on a publicly available schedule determined by the Director of Independent Review for the purposes of assuring the public safety. The Director of Independent Review shall ensure that these reviews be carried out in a way to protect the public health, safety, and welfare, while not

causing unnecessary delays in construction activities.

(4) SAFETY ASSURANCE REVIEW RECORD.—After receiving a written report from an independent panel of experts established under this subsection, the Secretary shall—

(A) take into consideration recommendations contained in the report, provide a written explanation of recommendations not adopted, and immediately make the report and explanation available to the public on the Internet; and

(B) submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) EXPENSES.—

(1) IN GENERAL.—The costs of an independent panel of experts established under subsection (c) or (d) shall be a Federal expense and shall not exceed—

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

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

(2) WAIVER.—The Secretary, at the written request of the Director of Independent Review, may waive the cost limitations under paragraph (1) if the Secretary determines appropriate.

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

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

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

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

“(3) COMPLETION OF MITIGATION.—In any case in which it is not technically practicable to complete mitigation by the last day of construction of the project or separable element of the project because of the nature of the mitigation to be undertaken, the Secretary shall complete the required mitigation as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.”.

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

“(3) USE OF CONSOLIDATED MITIGATION.—

“(A) IN GENERAL.—If the Secretary determines that other forms of compensatory mitigation are not practicable or are less environmentally desirable, the Secretary may purchase available credits from a mitigation bank or conservation bank that is approved in accordance with the Federal Guidance for the Establishment, 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 statement, 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 paragraph (1) shall include, at a minimum—

“(i) a plan for monitoring the implementation and ecological success of each mitigation measure, including a designation of the entities that will be responsible for the monitoring;

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

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

“(iv) a description of—

“(I) the types and amount of restoration activities to be conducted; and

“(II) the resource functions and values that will result from the mitigation plan; and

“(v) a contingency plan for taking corrective actions in cases in which monitoring demonstrates that mitigation measures are not achieving ecological success in accordance with criteria under clause (ii).

“(4) DETERMINATION OF SUCCESS.—

“(A) IN GENERAL.—A mitigation plan under this subsection shall be considered to be successful at the time at which the criteria under paragraph (3)(B)(ii) are achieved under the plan, as determined by monitoring under paragraph (3)(B)(i).

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

“(i) The ecological success of the mitigation as of the date on which the report is submitted.

“(ii) The likelihood that the mitigation will achieve ecological success, as defined in the mitigation plan.

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

“(iv) Any recommendations for improving the likelihood of success.

“(C) REPORTING.—Not later than 60 days after the date of completion of the annual consultation, the Federal agencies consulted shall, and each State in which the project is located may, submit to the Secretary a report that describes the results of the consultation described in (B).

“(D) ACTION BY SECRETARY.—The Secretary shall respond in writing to the substance and recommendations contained in each report

under subparagraph (C) by not later than 30 days after the date of receipt of the report.

“(5) MONITORING.—Mitigation monitoring shall continue until it has been demonstrated that the mitigation has met the ecological success criteria.”.

(d) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the submission of the President to Congress of the request of the President for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of construction of projects that require mitigation under section 906 of Water Resources Development Act 1986 (33 U.S.C. 2283) and the status of that mitigation.

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

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

(B) all projects for which the President requests funding for the next fiscal year; and

(C) all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(e) MITIGATION TRACKING SYSTEM.—

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

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

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

(C) the quantity and type of mitigation measures that have been completed with respect to the project, project operation, or permitted activity; and

(D) the status of monitoring of the mitigation measures carried out with respect to the project, project operation, or permitted activity.

(2) REQUIREMENTS.—The recordkeeping system under paragraph (1) shall—

(A) include information relating to the impacts and mitigation measures relating to projects described in paragraph (1) that occur after November 17, 1986; and

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

(3) AVAILABILITY OF INFORMATION.—The Secretary shall make information contained in the recordkeeping system available to the public on the Internet.

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

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

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

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

**“(a) FEDERAL-STATE COOPERATION.**

“(1) COMPREHENSIVE PLANS.—The Secretary”;

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

“(2) TECHNICAL ASSISTANCE.—

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

“(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.”;

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

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

(5) in subsection (c)—

(A) by striking “(c) There is” and inserting the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

(C) by adding at the end the following:

“(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated to carry out subsection (a)(2) \$5,000,000 for each fiscal year, of which not more than \$2,000,000 for each fiscal year may be used by the Secretary to enter into cooperative agreements with nonprofit organizations and State agencies to provide assistance to rural and small communities.”;

(6) by adding at the end the following:

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

#### SEC. 2010. ACCESS TO WATER RESOURCE DATA.

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

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

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

(2) appropriately employ geographic information system technology and linkages to water resource models and analytical techniques.

(c) PARTNERSHIPS.—To the maximum extent practicable, in carrying out activities under this section, the Secretary shall develop partnerships, including cooperative agreements with State, tribal, and local governments and other Federal agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,000,000 for each fiscal year.

#### SEC. 2011. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

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

“(E) BUDGET PRIORITY.—

“(i) IN GENERAL.—Budget priority for projects under this section shall be proportionate to the percentage of project completion.

“(ii) COMPLETED PROJECT.—A completed project shall have the same priority as a project with a contractor on site.”.

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

“(9) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—An element of the project for flood control, Chicagoland Underflow Plan, Illinois.

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

“(11) HALLS BAYOU, TEXAS.—The Halls Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (33 U.S.C. 2201 note), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

“(12) MENOMONEE RIVER WATERSHED, WISCONSIN.—The project for the Menomonee River Watershed, Wisconsin, including—

“(A) the Underwood Creek diversion facility project (Milwaukee County Grounds); and

“(B) the Greater Milwaukee Rivers watershed project.”.

#### SEC. 2012. REGIONAL SEDIMENT MANAGEMENT.

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended to read as follows:

#### “SEC. 204. REGIONAL SEDIMENT MANAGEMENT.

“(a) IN GENERAL.—In connection with sediment obtained through the construction, operation, or maintenance of an authorized Federal water resources project, the Secretary, acting through the Chief of Engineers, shall develop Regional Sediment Management plans and carry out projects at locations identified in the plan prepared under subsection (e), or identified jointly by the non-Federal interest and the Secretary, for use in the construction, repair, modification, or rehabilitation of projects associated with Federal water resources projects, for—

“(1) the protection of property;

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

“(3) the transport and placement of suitable sediment.

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

“(1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost of the project; and

“(2) the project would not result in environmental degradation.

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

“(1) IN GENERAL.—In consultation and cooperation with the appropriate Federal, State, regional, and local agencies, the Secretary, acting through the Chief of Engineers, shall develop at Federal expense plans and projects for regional management of sediment obtained in conjunction with construction, operation, and maintenance of Federal water resources projects.

“(2) COSTS OF CONSTRUCTION.—

“(A) IN GENERAL.—Costs associated with construction of a project under this section or identified in a Regional Sediment Management plan shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of an authorized Federal water resources project in the most cost-effective way, con-

sistent with economic, engineering, and environmental criteria.

“(B) COST SHARING.—The determination of any non-Federal share of the construction cost shall be based on the cost sharing as specified in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), for the type of Federal water resource project using the dredged resource.

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

“(3) OPERATION, MAINTENANCE, REPLACEMENT, AND REHABILITATION COSTS.—Operation, maintenance, replacement, and rehabilitation costs associated with a project are a non-Federal sponsor responsibility.

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

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

“(2) FEDERAL SHARE.—The Federal share of such incremental costs shall be determined in accordance with subsection (c).

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

“(1) cooperate with any State in the preparation of a comprehensive State or regional coastal sediment management plan within the boundaries of the State;

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

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

“(f) PRIORITY AREAS.—In carrying out this section, the Secretary shall give priority to regional sediment management projects in the vicinity of—

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

“(2) Fletcher Cove, California;

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

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

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

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

(b) REPEAL.—

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

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

#### SEC. 2013. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 3 of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of

publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), is amended to read as follows:

**"SEC. 3. STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.**

"(a) CONSTRUCTION OF SMALL SHORE AND BEACH RESTORATION AND PROTECTION PROJECTS.—

"(1) IN GENERAL.—The Secretary may carry out construction of small shore and beach restoration and protection projects not specifically authorized by Congress that otherwise comply with the first section of this Act if the Secretary determines that such construction is advisable.

"(2) LOCAL COOPERATION.—The local cooperation requirement under the first section of this Act shall apply to a project under this section.

"(3) COMPLETENESS.—A project under this section—

"(A) shall be complete; and

"(B) shall not commit the United States to any additional improvement to ensure the successful operation of the project, except for participation in periodic beach nourishment in accordance with—

"(i) the first section of this Act; and

"(ii) the procedure for projects authorized after submission of a survey report.

"(b) NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall conduct a national shoreline erosion control development and demonstration program (referred to in this section as the 'program').

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—The program shall include provisions for—

"(i) projects consisting of planning, design, construction, and adequate monitoring of prototype engineered and native and naturalized vegetative shoreline erosion control devices and methods;

"(ii) detailed engineering and environmental reports on the results of each project carried out under the program; and

"(iii) technology transfers, as appropriate, to private property owners, State and local entities, nonprofit educational institutions, and nongovernmental organizations.

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

"(C) EMPHASIS.—A project carried out under the program shall emphasize, to the maximum extent practicable—

"(i) the development and demonstration of innovative technologies;

"(ii) efficient designs to prevent erosion at a shoreline site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

"(iii) new and enhanced shore protection project design and project formulation tools the purposes of which are to improve the physical performance, and lower the lifecycle costs, of the projects;

"(iv) natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the shoreline;

"(v) the avoidance of negative impacts to adjacent storefront communities;

"(vi) the potential for long-term protection afforded by the technology; and

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

"(I) adequate consideration of the subgrade;

"(II) proper filtration;  
" (III) durable components;  
" (IV) adequate connection between units; and  
" (V) consideration of additional relevant information.

"(D) SITES.—

"(i) IN GENERAL.—Each project under the program shall be carried out at—

"(I) a privately owned site with substantial public access; or  
" (II) a publicly owned site on open coast or in tidal waters.

"(ii) SELECTION.—The Secretary, acting through the Chief of Engineers, shall develop criteria for the selection of sites for projects under the program, including criteria based on—

"(I) a variety of geographic and climatic conditions;

"(II) the size of the population that is dependent on the beaches for recreation or the protection of private property or public infrastructure;

"(III) the rate of erosion;

"(IV) significant natural resources or habitats and environmentally sensitive areas; and

"(V) significant threatened historic structures or landmarks.

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

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

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

"(C) private organizations;

"(D) the Coastal Engineering Research Center established by the first section of Public Law 88-172 (33 U.S.C. 426-1); and

"(E) applicable university research facilities.

"(4) COMPLETION OF DEMONSTRATION.—After carrying out the initial construction and evaluation of the performance and lifecycle cost of a demonstration project under this section, the Secretary, acting through the Chief of Engineers, may—

"(A) at the request of a non-Federal interest of the project, amend the agreement for a federally-authorized shore protection project in existence on the date on which initial construction of the demonstration project is complete to incorporate the demonstration project as a feature of the shore protection project, with the future cost of the demonstration project to be determined by the cost-sharing ratio of the shore protection project; or

"(B) transfer all interest in and responsibility for the completed demonstration project to the non-Federal or other Federal agency interest of the project.

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

"(A) to share the costs of construction, operation, maintenance, and monitoring of a project under the program;

"(B) to share the costs of removing a project or project element constructed under the program, if the Secretary determines that the project or project element is detrimental to private property, public infrastructure, or public safety; or

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

"(6) REPORT.—Not later than December 31 of each year beginning after the date of enactment of this paragraph, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the

Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

"(A) the activities carried out and accomplishments made under the program during the preceding year; and

"(B) any recommendations of the Secretary relating to the program.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

"(A) be sufficient to pay the cost of Federal participation in the project (including periodic nourishment as provided for under the first section of this Act), as determined by the Secretary; and

"(B) be not more than \$3,000,000."

(b) REPEAL.—Section 5 the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e et seq.; 110 Stat. 3700) is repealed.

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

(a) IN GENERAL.—In accordance with the Act of July 3, 1930 (33 U.S.C. 426), and notwithstanding administrative actions, it is the policy of the United States to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach renourishment for a period of 50 years, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises.

(b) PREFERENCE.—In carrying out the policy, preference shall be given to—

(1) areas in which there has been a Federal investment of funds; and

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

(c) APPLICABILITY.—The Secretary shall apply the policy to each shore protection and beach renourishment project (including shore protection and beach renourishment projects in existence on the date of enactment of this Act).

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

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

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

(2) for a maximum period of 10 years.

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

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

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

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

For each of the following projects, the Corps of Engineers shall include ecosystem restoration benefits in the calculation of benefits for the project:

(1) Grayson's Creek, California.

(2) Seven Oaks, California.

(3) Oxford, California.

(4) Walnut Creek, California.

(5) Wildcat Phase II, California.

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

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

**SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICATIONS.**

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement a program to allow electronic submission of permit applications for permits under the jurisdiction of the Corps of Engineers.

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

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

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

(a) IN GENERAL.—As part of the operation and maintenance, by the Corps of Engineers, of reservoirs in operation as of the date of enactment of this Act, the Secretary shall carry out the measures described in subsection (c) to support the water resource needs of project sponsors and any affected State, local, or tribal government for authorized project purposes.

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

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

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

(2) review an operational plan and identify any change to maximize an authorized project purpose to improve water storage capacity and enhance efficiency of releases and withdrawal of water;

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

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

**(d) REVENUES FOR SPECIAL CASES.—**

(1) COSTS OF WATER SUPPLY STORAGE.—In the case of a reservoir operated or maintained by the Corps of Engineers on the date of enactment of this Act, the storage charge for a future contract or contract renewal for the first cost of water supply storage at the reservoir shall be the lesser of the estimated cost of purposes foregone, replacement costs, or the updated cost of storage.

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

(3) CREDIT FOR AFFECTED PROJECT PURPOSES.—In the case of a reallocation that adversely affects hydropower generation, the Secretary shall defer to the Administrator of the respective Power Marketing Administration to calculate the impact of such a reallocation on the rates for hydroelectric power.

(e) SAVINGS CLAUSE.—Nothing in this section affects any authority in existence on the date of enactment of this Act under—

(1) the Water Supply Act of 1958 (72 Stat. 319);

(2) the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944” (58 Stat. 887, chapter 665);

(3) the Water Resources Development Act of 1986 (100 Stat. 4082); or

(4) section 322 of the Water Resource Development Act of 1990 (33 U.S.C. 2324).

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

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

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

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

**SEC. 2022. WILDFIRE FIREFIGHTING.**

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

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

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

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

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

(2) by adding at the end the following:

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

**SEC. 2024. PROJECT ADMINISTRATION.**

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

**(b) REPORT REPOSITORY.—**

(1) IN GENERAL.—The Secretary shall maintain at the Library of Congress a copy of each final feasibility study, final environmental impact statement, final reevaluation report, record of decision, and report to Congress prepared by the Corps of Engineers.

**(2) AVAILABILITY TO PUBLIC.—**

(A) IN GENERAL.—Each document described in paragraph (1) shall be made available to the public for review, and an electronic copy of each document shall be made permanently available to the public through the Internet website of the Corps of Engineers.

(B) COST.—The Secretary shall charge the requestor for the cost of duplication of the requested document.

**SEC. 2025. PROGRAM ADMINISTRATION.**

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

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

(a) IN GENERAL.—Before the date on which the applicable period for Federal financial participation in a shore protection project terminates, the Secretary, acting through the Chief of Engineers, is authorized to review the shore protection project to determine whether it would be feasible to extend the period of Federal financial participation relating to the project.

(b) REPORT.—The Secretary shall submit to Congress a report describing the results of each review conducted under subsection (a).

**SEC. 2027. TRIBAL PARTNERSHIP PROGRAM.**

Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting “carry out water-related planning activities and” after “the Secretary may”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “and” at the end;

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following:

“(B) watershed assessments and planning activities.”; and

(2) in subsection (e), by striking “2006” and inserting “2012”.

**Subtitle B—Continuing Authorities Projects****SEC. 2031. NAVIGATION ENHANCEMENTS FOR WATERBORNE TRANSPORTATION.**

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

(1) by striking “SEC. 107. (a) That the Secretary of the Army is hereby authorized to” and inserting the following:

**“SEC. 107. NAVIGATION ENHANCEMENTS FOR WATERBORNE TRANSPORTATION.**

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

(2) in subsection (b)—

(A) by striking “(b) Not more” and inserting the following:

“(b) ALLOTMENT.—Not more”; and

(B) by striking “\$4,000,000” and inserting “\$7,000,000”;

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

“(c) LOCAL CONTRIBUTIONS.—Local”;

(4) in subsection (d), by striking “(d) Non-Federal” and inserting the following:

“(d) NON-FEDERAL SHARE.—Non-Federal”;

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

“(e) COMPLETION.—Each”; and

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

“(f) APPLICABILITY.—This”.

**SEC. 2032. PROTECTION AND RESTORATION DUE TO EMERGENCIES AT SHORES AND STREAMBANKS.**

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by striking “\$1,000,000” and inserting “\$1,500,000”.

**SEC. 2033. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.**

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

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

**“SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.”;**

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

(3) in subsection (e), by striking “\$25,000,000” and inserting “\$30,000,000”.

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

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

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

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

and

(2) in subsection (h), by striking “\$25,000,000” and inserting “\$30,000,000”.

**SEC. 2035. PROJECTS TO ENHANCE ESTUARIES AND COASTAL HABITATS.**

(a) IN GENERAL.—The Secretary may carry out an estuary habitat restoration project if the Secretary determines that the project—

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

(2) is in the public interest; and

(3) is cost-effective.

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

(1) shall be 35 percent; and

(2) shall include the costs of all land, easements, rights-of-way, and necessary relocations.

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

(1) the non-Federal share of the costs of construction required under subsection (b); and

(2) in accordance with regulations promulgated by the Secretary, 100 percent of the costs of any operation, maintenance, replacement, or rehabilitation of the project.

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

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2008 through 2011.

#### SEC. 2036. REMEDIATION OF ABANDONED MINE SITES.

Section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 2336; 113 Stat. 354-355) is amended—

(1) by striking subsection (f);

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

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

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

(4) in subsection (b) (as redesignated by paragraph (2))—

(A) by inserting “, and construction” before “assistance”; and

(B) by inserting “, including, with the consent of the affected local government, nonprofit entities,” after “non-Federal interests”;

(5) in paragraph (3) of subsection (c) (as redesigned by paragraph (2))—

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

(B) by striking “drainage from”;

(6) in subsection (d) (as redesigned by paragraph (2)), by striking “50” and inserting “25”; and

(7) by adding at the end the following:

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

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

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, for each of fiscal years 2008 through 2011, \$20,000,000, to remain available until expended.”.

#### SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION AND REMOVAL OF DAMS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary may carry out a small dam removal or rehabilitation

project if the Secretary determines that the project will improve the quality of the environment or is in the public interest.

(2) PRIORITY PROJECTS.—In carrying out this section, the Secretary shall give priority to carrying out the following small dam removal or rehabilitation projects:

(A) Mountain Park, Georgia.

(B) Keith Creek, Rockford, Illinois.

(C) Mount Zion Mill Pond Dam, Fulton County, Indiana.

(D) Hamilton Dam, Flint River, Michigan.

(E) Ingham Spring Dam, Solebury Township, Pennsylvania.

(F) Stillwater Lake Dam, Monroe County, Pennsylvania.

(b) COST SHARING.—A non-Federal interest shall provide 35 percent of the cost of the removal or remediation of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

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

(1) the non-Federal share of the costs of construction required by this section; and

(2) 100 percent of any operation and maintenance cost.

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

(e) FUNDING.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2008 through 2011.

#### SEC. 2038. REMOTE, MARITIME-DEPENDENT COMMUNITIES.

(a) IN GENERAL.—The Secretary shall develop eligibility criteria for Federal participation in navigation projects located in economically disadvantaged communities that are—

(1) dependent on water transportation for subsistence; and

(2) located in—

(A) remote areas of the United States;

(B) American Samoa;

(C) Guam;

(D) the Commonwealth of the Northern Mariana Islands;

(E) the Commonwealth of Puerto Rico; or

(F) the United States Virgin Islands.

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

(1) shall—

(A) provide for economic expansion; and

(B) identify opportunities for promoting economic growth; and

(2) shall not require project justification solely on the basis of National Economic Development benefits received.

#### SEC. 2039. AGREEMENTS FOR WATER RESOURCE PROJECTS.

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

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

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

“(e) PUBLIC HEALTH AND SAFETY.—If the Secretary determines that a project needs to be continued for the purpose of public health and safety—

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

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

“(f) LIMITATION.—Nothing in subsection (a) limits the authority of the Secretary to ensure that a partnership agreement meets the requirements of law and policies of the Secretary in effect on the date of execution of the partnership agreement.”.

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

(1) in paragraph (2)—

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

(B) by striking the second sentence; and

(2) in paragraph (4)—

(A) in the first sentence—

(i) by striking “injunction, for” and inserting “injunction and payment of liquidated damages, for”; and

(ii) by striking “to collect a civil penalty imposed under this section.”; and

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

(c) APPLICABILITY.—

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

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

(A) at the request of a non-Federal interest for a project; and

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

(d) REFERENCES.—

(1) COOPERATION AGREEMENTS.—Any reference in a law, regulation, document, or other paper of the United States to a cooperation agreement or project cooperation agreement shall be considered to be a reference to a partnership agreement or a project partnership agreement, respectively.

(2) PARTNERSHIP AGREEMENTS.—Any reference to a partnership agreement or project partnership agreement in this Act (other than in this section) shall be considered to be a reference to a cooperation agreement or a project cooperation agreement, respectively.

#### SEC. 2040. PROGRAM NAMES.

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

#### SEC. 205. PROJECTS TO ENHANCE REDUCTION OF FLOODING AND OBTAIN RISK MINIMIZATION.

“The”.

#### Subtitle C—National Levee Safety Program

##### SEC. 2051. SHORT TITLE.

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

##### SEC. 2052. DEFINITIONS.

In this subtitle:

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

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

(B) develop a risk-based performance evaluation of the levee, taking into consideration potential consequences of failure or overtopping of the levee.

(2) COMMITTEE.—The term “Committee” means the National Levee Safety Committee established by section 2053(a).

(3) INSPECTION.—The term “inspection” means an annual review of a levee to verify whether the owner or operator of the levee is

conducting required operation and maintenance in accordance with established levee maintenance standards.

(4) LEVEE.—The term “levee” means an embankment (including a floodwall) that—

(A) is designed, constructed, or operated for the purpose of flood or storm damage reduction;

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

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

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

(6) STATE.—The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

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

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

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

#### SEC. 2053. NATIONAL LEVEE SAFETY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a National Levee Safety Committee, consisting of representatives of Federal agencies and State, tribal, and local governments, in accordance with this subsection.

(2) FEDERAL AGENCIES.—

(A) IN GENERAL.—The head of each Federal agency and the head of the International Boundary Waters Commission may designate a representative to serve on the Committee.

(B) ACTION BY SECRETARY.—The Secretary shall ensure, to the maximum extent practicable, that—

(i) each Federal agency that designs, owns, operates, or maintains a levee is represented on the Committee; and

(ii) each Federal agency that has responsibility for emergency preparedness or response activities is represented on the Committee.

(3) TRIBAL, STATE, AND LOCAL GOVERNMENTS.—

(A) IN GENERAL.—The Secretary shall appoint 8 members to the Committee—

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

(ii) 3 of whom shall represent State levee safety agencies, based on recommendations of Governors of the States; and

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

(B) REQUIREMENT.—In appointing members under subparagraph (A), the Secretary shall ensure broad geographic representation, to the maximum extent practicable.

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

(5) OTHER MEMBERS.—The Secretary, in consultation with the Committee, may invite to participate in meetings of the Committee, as appropriate, 1 or more of the following:

(A) Representatives of the National Laboratories.

(B) Levee safety experts.

(C) Environmental organizations.

(D) Members of private industry.

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

(b) DUTIES.—

(1) IN GENERAL.—The Committee shall—

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

(B) support the establishment and maintenance of effective programs, policies, and guidelines to enhance levee safety for the protection of human life and property throughout the United States; and

(C) support coordination and information exchange between Federal agencies and State levee safety agencies that share common problems and responsibilities relating to levee safety, including planning, design, construction, operation, emergency action planning, inspections, maintenance, regulation or licensing, technical or financial assistance, research, and data management.

(c) POWERS.—

(1) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Committee may secure directly from a Federal agency such information as the Committee considers to be necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Committee, the head of a Federal agency shall provide the information to the Committee.

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

(d) WORKING GROUPS.—

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

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

(A) members of the Committee; and

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

(e) COMPENSATION OF MEMBERS.—

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

(2) OTHER MEMBERS.—A member of the Committee who is not an officer or employee of the United States shall serve without compensation.

(f) TRAVEL EXPENSES.—

(1) REPRESENTATIVES OF FEDERAL AGENCIES.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a Federal agency shall be reimbursed with appropriations for travel expenses by the agency of the member, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in the performance of services for the Committee.

(2) OTHER INDIVIDUALS.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a State levee safety agency, a member of the Committee who represents the private sector, and a member of a working group created under subsection (d) shall be reimbursed for travel expenses by the Secretary, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in performance of services for the Committee.

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

#### SEC. 2054. NATIONAL LEVEE SAFETY PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Committee and State levee safety agencies, shall establish and maintain a national levee safety program.

(b) PURPOSES.—The purposes of the program under this section are—

(1) to ensure that new and existing levees are safe through the development of technologically and economically feasible programs and procedures for hazard reduction relating to levees;

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

(3) to encourage the establishment and implementation of effective levee safety programs in each State;

(4) to develop and support public education and awareness projects to increase public acceptance and support of State levee safety programs;

(5) to develop technical assistance materials for Federal and State levee safety programs;

(6) to develop methods of providing technical assistance relating to levee safety to non-Federal entities; and

(7) to develop technical assistance materials, seminars, and guidelines to improve the security of levees in the United States.

(c) STRATEGIC PLAN.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall prepare a strategic plan—

(1) to establish goals, priorities, and target dates to improve the safety of levees in the United States;

(2) to cooperate and coordinate with, and provide assistance to, State levee safety agencies, to the maximum extent practicable;

(3) to share information among Federal agencies, State and local governments, and private entities relating to levee safety; and

(4) to provide information to the public relating to risks associated with levee failure or overtopping.

(d) FEDERAL GUIDELINES.—

(1) IN GENERAL.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall establish Federal guidelines relating to levee safety.

(2) INCORPORATION OF FEDERAL ACTIVITIES.—The Federal guidelines under paragraph (1) shall incorporate, to the maximum extent practicable, any activity carried out by a Federal agency as of the date on which the guidelines are established.

(e) INCORPORATION OF EXISTING ACTIVITIES.—The program under this section shall incorporate, to the maximum extent practicable—

(1) any activity carried out by a State or local government, or a private entity, relating to the construction, operation, or maintenance of a levee; and

(2) any activity carried out by a Federal agency to support an effort by a State levee safety agency to develop and implement an effective levee safety program.

(f) INVENTORY OF LEVEES.—The Secretary shall develop, maintain, and periodically publish an inventory of levees in the United States, including the results of any levee assessment conducted under this section and inspection.

(g) ASSESSMENTS OF LEVEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), as soon as practicable after the date of enactment of this Act, the Secretary shall conduct an assessment of each levee in the United States that protects human life or the public safety to determine the potential for a failure or overtopping of the levee that would pose a risk of loss of human life or a risk to the public safety.

(2) EXCEPTION.—The Secretary may exclude from assessment under paragraph (1) any non-Federal levee the failure or overtopping of which would not pose a risk of loss of human life or a risk to the public safety.

(3) PRIORITY.—In determining the order in which to assess levees under paragraph (1), the Secretary shall give priority to levees the failure or overtopping of which would constitute the highest risk of loss of human life or a risk to the public safety, as determined by the Secretary.

(4) DETERMINATION.—In assessing levees under paragraph (1), the Secretary shall take into consideration the potential of a levee to fail or overtop because of—

- (A) hydrologic or hydraulic conditions;
- (B) storm surges;
- (C) geotechnical conditions;
- (D) inadequate operating procedures;
- (E) structural, mechanical, or design deficiencies; or

(F) other conditions that exist or may occur in the vicinity of the levee.

(5) STATE PARTICIPATION.—On request of a State levee safety agency, with respect to any levee the failure of which would affect the State, the Secretary shall—

(A) provide information to the State levee safety agency relating to the construction, operation, and maintenance of the levee; and

(B) allow an official of the State levee safety agency to participate in the assessment of the levee.

(6) REPORT.—As soon as practicable after the date on which a levee is assessed under this section, the Secretary shall provide to the Governor of the State in which the levee is located a notice describing the results of the assessment, including—

(A) a description of the results of the assessment under this subsection;

(B) a description of any hazardous condition discovered during the assessment; and

(C) on request of the Governor, information relating to any remedial measure necessary to mitigate or avoid any hazardous condition discovered during the assessment.

(7) SUBSEQUENT ASSESSMENTS.—

(A) IN GENERAL.—After the date on which a levee is initially assessed under this subsection, the Secretary shall conduct a subsequent assessment of the levee not less frequently than once every 5 years.

(B) STATE ASSESSMENT OF NON-FEDERAL LEVEES.—

(i) IN GENERAL.—Each State shall conduct assessments of non-Federal levees located within the State in accordance with the applicable State levee safety program.

(ii) AVAILABILITY OF INFORMATION.—Each State shall make the results of the assessments under clause (i) available for inclusion in the national inventory under subsection (f).

(iii) NON-FEDERAL LEVEES.—

(I) IN GENERAL.—On request of the Governor of a State, the Secretary may assess a non-Federal levee in the State.

(II) COST.—The State shall pay 100 percent of the cost of an assessment under subclause (I).

(III) FUNDING.—The Secretary may accept funds from any levee owner for the purposes of conducting engineering assessments to determine the performance and structural integrity of a levee.

(h) STATE LEVEE SAFETY PROGRAMS.—

(1) ASSISTANCE TO STATES.—In carrying out the program under this section, the Secretary shall provide funds to State levee safety agencies (or another appropriate State agency, as designated by the Governor of the State) to assist States in establishing, maintaining, and improving levee safety programs.

(2) APPLICATION.—

(A) IN GENERAL.—To receive funds under this subsection, a State levee safety agency shall submit to the Secretary an application in such time, in such manner, and containing such information as the Secretary may require.

(B) INCLUSION.—An application under subparagraph (A) shall include an agreement between the State levee safety agency and the Secretary under which the State levee safety agency shall, in accordance with State law—

(i) review and approve plans and specifications to construct, enlarge, modify, remove, or abandon a levee in the State;

(ii) perform periodic evaluations during levee construction to ensure compliance with the approved plans and specifications;

(iii) approve the construction of a levee in the State before the date on which the levee becomes operational;

(iv) assess, at least once every 5 years, all levees and reservoirs in the State the failure of which would cause a significant risk of loss of human life or risk to the public safety to determine whether the levees and reservoirs are safe;

(v) establish a procedure for more detailed and frequent safety evaluations;

(vi) ensure that assessments are led by a State-registered professional engineer with related experience in levee design and construction;

(vii) issue notices, if necessary, to require owners of levees to perform necessary maintenance or remedial work, improve security, revise operating procedures, or take other actions, including breaching levees;

(viii) contribute funds to—

(I) ensure timely repairs or other changes to, or removal of, a levee in order to reduce the risk of loss of human life and the risk to public safety; and

(II) if the owner of a levee does not take an action described in subclause (I), take appropriate action as expeditiously as practicable;

(ix) establish a system of emergency procedures and emergency response plans to be used if a levee fails or if the failure of a levee is imminent;

(x) identify—

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

(II) the maximum area that could be flooded if a levee failed; and

(III) necessary public facilities that would be affected by the flooding; and

(xi) for the period during which the funds are provided, maintain or exceed the aggregate expenditures of the State during the 2 fiscal years preceding the fiscal year during which the funds are provided to ensure levee safety.

(3) DETERMINATION OF SECRETARY.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives an application under paragraph (2), the Secretary shall approve or disapprove the application.

(B) NOTICE OF DISAPPROVAL.—If the Secretary disapproves an application under subparagraph (A), the Secretary shall immediately provide to the State levee safety agency a written notice of the disapproval, including a description of—

(i) the reasons for the disapproval; and

(ii) changes necessary for approval of the application, if any.

(C) FAILURE TO DETERMINE.—If the Secretary fails to make a determination by the deadline under subparagraph (A), the application shall be considered to be approved.

(4) REVIEW OF STATE LEVEE SAFETY PROGRAMS.—

(A) IN GENERAL.—The Secretary, in conjunction with the Committee, may periodically review any program carried out using funds under this subsection.

(B) INADEQUATE PROGRAMS.—If the Secretary determines under a review under subparagraph (A) that a program is inadequate to reasonably protect human life and property, the Secretary shall, until the Secretary determines the program to be adequate—

(i) revoke the approval of the program; and

(ii) withhold assistance under this subsection.

(i) REPORTING.—Not later than 90 days after the end of each odd-numbered fiscal year, the Secretary, in consultation with the Committee, shall submit to Congress a report describing—

(1) the status of the program under this section;

(2) the progress made by Federal agencies during the 2 preceding fiscal years in implementing Federal guidelines for levee safety;

(3) the progress made by State levee safety agencies participating in the program; and

(4) recommendations for legislative or other action that the Secretary considers to be necessary, if any.

(j) RESEARCH.—The Secretary, in coordination with the Committee, shall carry out a program of technical and archival research to develop and support—

(1) improved techniques, historical experience, and equipment for rapid and effective levee construction, rehabilitation, and assessment or inspection;

(2) the development of devices for the continued monitoring of levee safety;

(3) the development and maintenance of information resources systems required to manage levee safety projects; and

(4) public policy initiatives and other improvements relating to levee safety engineering, security, and management.

(k) PARTICIPATION BY STATE LEVEE SAFETY AGENCIES.—In carrying out the levee safety program under this section, the Secretary shall—

(1) solicit participation from State levee safety agencies; and

(2) periodically update State levee safety agencies and Congress on the status of the program.

(l) LEVEE SAFETY TRAINING.—The Secretary, in consultation with the Committee, shall establish a program under which the Secretary shall provide training for State levee safety agency staff and inspectors to a State that has, or intends to develop, a State levee safety program, on request of the State.

(m) EFFECT OF SUBTITLE.—Nothing in this subtitle—

(1) creates any Federal liability relating to the recovery of a levee caused by an action or failure to act;

(2) relieves an owner or operator of a levee of any legal duty, obligation, or liability relating to the ownership or operation of the levee; or

(3) except as provided in subsection (g)(7)(B)(iii)(III), preempts any applicable Federal or State law.

**SEC. 2055. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary—

(1) \$20,000,000 to establish and maintain the inventory under section 2054(f);

(2) \$42,000,000 to carry out levee safety assessments under section 2054(g);

(3) to provide funds for State levee safety programs under section 2054(h)—

(A) \$15,000,000 for fiscal year 2007; and

(B) \$5,000,000 for each of fiscal years 2008 through 2011;

(4) \$2,000,000 to carry out research under section 2054(j);

(5) \$1,000,000 to carry out levee safety training under section 2054(l); and

(6) \$150,000 to provide travel expenses to members of the Committee under section 2053(f).

**TITLE III—PROJECT-RELATED PROVISIONS**

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

The Secretary shall carry out, on an emergency basis, necessary removal of rubble,

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

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

The Sitka, Alaska, element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as is necessary to correct design deficiencies in the Sitka Harbor Breakwater, at full Federal expense. The estimated cost is \$6,300,000.

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

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

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

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

**SEC. 3004. NOGALES WASH AND TRIBUTARIES FLOOD CONTROL PROJECT, ARIZONA.**

The project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606; 110 Stat. 3711; 114 Stat. 2600), is modified to authorize the Secretary to construct the project at a total cost of \$25,410,000, with an estimated Federal cost of \$22,930,000 and an estimated non-Federal cost of \$2,480,000.

**SEC. 3005. RIO DE FLAG, FLAGSTAFF, ARIZONA.**

The project for flood damage reduction, Rio De Flag, Flagstaff, Arizona, authorized by section 101(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary to construct the project at a total cost of \$54,100,000, with an estimated Federal cost of \$35,000,000 and a non-Federal cost of \$19,100,000.

**SEC. 3006. TUCSON DRAINAGE AREA (TUCSON ARROYO), ARIZONA.**

The project for flood damage reduction, environmental restoration, and recreation, Tucson Drainage Area (Tucson Arroyo), Arizona, authorized by section 101(a)(5) of the Water Resources Development Act of 1999 (113 Stat. 274), is modified to authorize the Secretary to construct the project at a total cost of \$66,700,000, with an estimated Federal cost of \$43,350,000 and an estimated non-Federal cost of \$23,350,000.

**SEC. 3007. AUGUSTA AND CLARENDON, ARKANSAS.**

The Secretary may carry out rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas, at a total estimated cost of \$8,000,000, with an estimated Federal cost of \$5,200,000 and an estimated non-Federal cost of \$2,800,000.

**SEC. 3008. EASTERN ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.**

Federal assistance made available under the rural enterprise zone program of the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the project described in section 219(c)(20) of the Water Resources Development Act of 1992 (106 Stat. 4835; 114 Stat. 2763A-219), if the funds are authorized to be used for the purpose of that project.

**SEC. 3009. RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND LOUISIANA.**

(a) IN GENERAL.—Section 204 of the Flood Control Act of 1950 (64 Stat. 170) is amended

in the matter under the heading “RED-OUACHITA RIVER BASIN” by striking “at Calion, Arkansas” and inserting “improvements at Calion, Arkansas (including authorization for the comprehensive flood-control project for Ouachita River and tributaries, incorporating in the project all flood control, drainage, and power improvements in the basin above the lower end of the left bank Ouachita River levee)”.

(b) MODIFICATION.—Section 3 of the Act of August 18, 1941 (55 Stat. 642, chapter 377), is amended in the second sentence of subsection (a) in the matter under the heading “LOWER MISSISSIPPI RIVER” by inserting before the period at the end the following: “Provided, That the Ouachita River Levees, Louisiana, authorized by the first section of the Act of May 15, 1928 (45 Stat. 534, chapter 569), shall remain as a component of the Mississippi River and Tributaries Project and afforded operation and maintenance responsibilities as directed in section 3 of that Act (45 Stat. 535)”.

**SEC. 3010. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.**

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

(b) NO SEPARABLE ELEMENT.—The measures undertaken under subsection (a) shall not be considered to be a separable element of the project.

**SEC. 3011. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS AND MISSOURI.**

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

(b) TERMS AND CONDITIONS.—

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

(A) the condition that the State of Arkansas (including the successors and assigns of the State) agree to operate, maintain, and manage the land at no cost or expense to the United States and for fish and wildlife, recreation, and environmental purposes; and

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

(2) REVERSION.—If the State (or a successor or assign of the State) ceases to operate, maintain, and manage the land in accordance with this subsection, all right, title, and interest in and to the property shall revert to the United States, at the option of the Secretary.

**SEC. 3012. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.**

(a) NAVIGATION CHANNEL.—The Secretary shall continue construction of the McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma, to operate and maintain the navigation channel to the authorized depth of the channel, in accordance with section 136 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108-137; 117 Stat. 1842).

(b) MITIGATION.—

(1) IN GENERAL.—As mitigation for any incidental taking relating to the McClellan-

Kerr Navigation System, the Secretary shall determine the need for, and construct modifications in, the structures and operations of the Arkansas River in the area of Tulsa County, Oklahoma, including the construction of low water dams and islands to provide nesting and foraging habitat for the interior least tern, in accordance with the study entitled “Arkansas River Corridor Master Plan Planning Assistance to States”.

(2) COST SHARING.—The non-Federal share of the cost of a project under this subsection shall be 35 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$12,000,000.

**SEC. 3013. CACHE CREEK BASIN, CALIFORNIA.**

(a) IN GENERAL.—The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 412), is modified to direct the Secretary to mitigate the impacts of the new south levee of the Cache Creek settling basin on the storm drainage system of the city of Woodland, including all appurtenant features, erosion control measures, and environmental protection features.

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

(1) channel improvements;

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

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

**SEC. 3014. CALFED LEVEE STABILITY PROGRAM, CALIFORNIA.**

In addition to funds made available pursuant to the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108-361) to carry out section 103(f)(3)(D) of that Act (118 Stat. 1696), there is authorized to be appropriated to carry out projects described in that section \$106,000,000, to remain available until expended.

**SEC. 3015. HAMILTON AIRFIELD, CALIFORNIA.**

The project for environmental restoration, Hamilton Airfield, California, authorized by section 101(b)(3) of the Water Resources Development Act of 1999 (113 Stat. 279), is modified to include the diked bayland parcel known as “Bel Marin Keys Unit V” at an estimated total cost of \$221,700,000, with an estimated Federal cost of \$166,200,000 and an estimated non-Federal cost of \$55,500,000, as part of the project to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated July 19, 2004.

**SEC. 3016. LA-3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA.**

Section 102(c)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is amended in the third sentence by striking “January 1, 2003” and inserting “January 1, 2011”.

**SEC. 3017. LARKSPUR FERRY CHANNEL, CALIFORNIA.**

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

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

**SEC. 3018. LLAGAS CREEK, CALIFORNIA.**

The project for flood damage reduction, Llagas Creek, California, authorized by section 501(a) of the Water Resources Development Act of 1999 (113 Stat. 333), is modified to authorize the Secretary to complete the project, in accordance with the requirements of local cooperation as specified in section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), at a total remaining cost of \$105,000,000, with an estimated remaining Federal cost of \$65,000,000 and an estimated remaining non-Federal cost of \$40,000,000.

**SEC. 3019. MAGPIE CREEK, CALIFORNIA.**

The project for Magpie Creek, California, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to direct the Secretary to apply the cost-sharing requirements of section 103(b) of the Water Resources Development Act of 1986 (100 Stat. 4085) for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage.

**SEC. 3020. PETALUMA RIVER, PETALUMA, CALIFORNIA.**

The project for flood damage reduction, Petaluma River, Petaluma, California, authorized by section 112 of the Water Resources Development Act of 2000 (114 Stat. 2587), is modified to authorize the Secretary to construct the project at a total cost of \$41,500,000, with an estimated Federal cost of \$26,975,000 and an estimated non-Federal cost of \$14,525,000.

**SEC. 3021. PINE FLAT DAM FISH AND WILDLIFE HABITAT, CALIFORNIA.****(a) COOPERATIVE PROGRAM.—**

(1) IN GENERAL.—The Secretary shall participate with appropriate State and local agencies in the implementation of a cooperative program to improve and manage fisheries and aquatic habitat conditions in Pine Flat Reservoir and in the 14-mile reach of the Kings River immediately below Pine Flat Dam, California, in a manner that—

(A) provides for long-term aquatic resource enhancement; and

(B) avoids adverse effects on water storage and water rights holders.

(2) GOALS AND PRINCIPLES.—The cooperative program described in paragraph (1) shall be carried out—

(A) substantially in accordance with the goals and principles of the document entitled “Kings River Fisheries Management Program Framework Agreement” and dated May 29, 1999, between the California Department of Fish and Game and the Kings River Water Association and the Kings River Conservation District; and

(B) in cooperation with the parties to that agreement.

**(b) PARTICIPATION BY SECRETARY.—**

(1) IN GENERAL.—In furtherance of the goals of the agreement described in subsection (a)(2), the Secretary shall participate in the planning, design, and construction of projects and pilot projects on the Kings River and its tributaries to enhance aquatic habitat and water availability for fisheries purposes (including maintenance of a trout fishery) in accordance with flood control operations, water rights, and beneficial uses in existence as of the date of enactment of this Act.

(2) PROJECTS.—Projects referred to in paragraph (1) may include—

(A) projects to construct or improve pumping, conveyance, and storage facilities to enhance water transfers; and

(B) projects to carry out water exchanges and create opportunities to use floodwater within and downstream of Pine Flat Reservoir.

(c) NO AUTHORIZATION OF CERTAIN DAM-RELATED PROJECTS.—Nothing in this section

authorizes any project for the raising of Pine Flat Dam or the construction of a multilevel intake structure at Pine Flat Dam.

(d) USE OF EXISTING STUDIES.—In carrying out this section, the Secretary shall use, to the maximum extent practicable, studies in existence on the date of enactment of this Act, including data and environmental documentation in the document entitled “Final Feasibility Report and Report of the Chief of Engineers for Pine Flat Dam Fish and Wildlife Habitat Restoration” and dated July 19, 2002.

**(e) COST SHARING.—**

(1) PROJECT PLANNING, DESIGN, AND CONSTRUCTION.—The Federal share of the cost of planning, design, and construction of a project under subsection (b) shall be 65 percent.

**(2) NON-FEDERAL SHARE.—**

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit toward the non-Federal share of the cost of construction of any project under subsection (b) the value, regardless of the date of acquisition, of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided by the non-Federal interest for use in carrying out the project.

(B) FORM.—The non-Federal interest may provide not more than 50 percent of the non-Federal share required under this clause in the form of services, materials, supplies, or other in-kind contributions.

(f) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000, to remain available until expended.

**SEC. 3022. REDWOOD CITY NAVIGATION PROJECT, CALIFORNIA.**

The Secretary may dredge the Redwood City Navigation Channel, California, on an annual basis, to maintain the authorized depth of -30 mean lower low water.

**SEC. 3023. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.****(a) CREDIT FOR NON-FEDERAL WORK.—**

(1) IN GENERAL.—The Secretary shall provide credit to the Sacramento Area Flood Control Agency, in the amount of \$20,503,000, for the nonreimbursed Federal share of costs incurred by the Agency in connection with the project for flood control and recreation, Sacramento and American Rivers, California (Natomas Levee features), authorized by section 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944).

(2) ALLOCATION OF CREDIT.—The Secretary shall allocate the amount to be credited under paragraph (1) toward the non-Federal share of such projects as are requested by the Sacramento Area Flood Control Agency.

(3) NO REIMBURSEMENT.—An amount credited under this subsection shall not be available for reimbursement.

**(b) PROJECT FOR FLOOD CONTROL.—**

(1) IN GENERAL.—The project for flood control, American and Sacramento Rivers, California, authorized by section 101(a)(6)(A) of the Water Resources Development Act of 1999 (113 Stat. 274), as modified by section 128 of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2259), is further modified to authorize the Secretary to construct the auxiliary spillway generally in accordance with the Post Authorization Change Report, American River Watershed Project (Folsom Dam Modification and Folsom Dam Raise Projects), dated March 2007, at a total cost of \$683,000,000, with an estimated Federal cost of \$444,000,000 and an estimated non-Federal cost of \$239,000,000.

(2) DAM SAFETY.—Nothing in this section limits the authority of the Secretary of the Interior to carry out dam safety activities in connection with the auxiliary spillway in accordance with the Bureau of Reclamation Safety of Dams Program.

**(3) TRANSFER OF FUNDS.—**

(A) IN GENERAL.—The Secretary and the Secretary of the Interior are authorized to transfer between the Department of the Army and the Department of the Interior appropriated amounts and other available funds (including funds contributed by non-Federal interests) for the purpose of planning, design, and construction of the auxiliary spillway.

(B) TERMS AND CONDITIONS.—Any transfer made pursuant to this subsection shall be subject to such terms and conditions as may be agreed on by the Secretary and the Secretary of the Interior.

**SEC. 3024. SACRAMENTO RIVER BANK PROTECTION PROJECT, CALIFORNIA.**

Section 202 of the River Basin Monetary Authorization Act of 1974 (88 Stat. 49) is amended by striking “and the monetary authorization” and all that follows through the end of the section and inserting “except that the lineal feet in the second phase shall be increased from 405,000 lineal feet to 485,000 lineal feet.”.

**SEC. 3025. CONDITIONAL DECLARATION OF NON-NAVIGABILITY, PORT OF SAN FRANCISCO, CALIFORNIA.**

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

(b) PORTIONS OF WATERFRONT.—The portions of the San Francisco, California, waterfront referred to in subsection (a) are those that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures and that are located as follows: beginning at the intersection of the northeasterly prolongation of the portion of the northwesterly line of Bryant Street lying between Beale Street and Main Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Commission; following thence southerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street along a line that is parallel and distant 10 feet from the existing southern boundary of Pier 40 to its point of intersection with the United States Government pier-head line; thence northerly along said pier-head line to its intersection with a line parallel with, and distant 10 feet easterly from, the existing easterly boundary line of Pier 30-32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30-32, thence westerly along last said parallel line to its intersection with the United States Government pier-head line; to the northwesterly line of Bryan Street northwesterly; thence southwesterly along said northwesterly line of Bryan Street to the point of beginning.

(c) REQUIREMENT THAT AREA BE IMPROVED.—If, by the date that is 20 years after the date of enactment of this Act, any portion of the San Francisco, California, waterfront described in subsection (b) has not been

bulkheaded, filled, or otherwise occupied by 1 or more permanent structures, or if work in connection with any activity carried out pursuant to applicable Federal law requiring a permit, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401), is not commenced by the date that is 5 years after the date of issuance of such a permit, the declaration of nonnavigability for the portion under this section shall cease to be effective.

**SEC. 3026. SALTON SEA RESTORATION, CALIFORNIA.**

(a) DEFINITIONS.—In this section:

(1) SALTON SEA AUTHORITY.—The term “Salton Sea Authority” means the Joint Powers Authority established under the laws of the State of California by a joint power agreement signed on June 2, 1993.

(2) SALTON SEA SCIENCE OFFICE.—The term “Salton Sea Science Office” means the Office established by the United States Geological Survey and currently located in La Quinta, California.

(b) PILOT PROJECTS.—

(1) IN GENERAL.—

(A) REVIEW.—The Secretary shall review the preferred restoration concept plan approved by the Salton Sea Authority to determine whether the pilot projects are economically justified, technically sound, environmentally acceptable, and meet the objectives of the Salton Sea Reclamation Act (Public Law 105-372).

(B) IMPLEMENTATION.—If the Secretary determines that the pilot projects meet the requirements of subparagraph (A), the Secretary may enter into an agreement with the Salton Sea Authority and, in consultation with the Salton Sea Science Office, carry out pilot projects for improvement of the environment in the area of the Salton Sea, except that the Secretary shall be a party to each contract for construction under this subsection.

(2) LOCAL PARTICIPATION.—In prioritizing pilot projects under this section, the Secretary shall—

(A) consult with the Salton Sea Authority and the Salton Sea Science Office; and

(B) consider the priorities of the Salton Sea Authority.

(3) COST SHARING.—Before carrying out a pilot project under this section, the Secretary shall enter into a written agreement with the Salton Sea Authority that requires the non-Federal interest to—

(A) pay 35 percent of the total costs of the pilot project;

(B) provide any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the pilot project; and

(C) hold the United States harmless from any claim or damage that may arise from carrying out the pilot project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) \$30,000,000, of which not more than \$5,000,000 may be used for any 1 pilot project under this section.

**SEC. 3027. SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA.**

The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, authorized by section 101(b)(8) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to construct the project at a total cost of \$30,000,000, with an estimated Federal cost of \$15,000,000 and an estimated non-Federal cost of \$15,000,000.

**SEC. 3028. UPPER GUADALUPE RIVER, CALIFORNIA.**

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project generally in accordance with the Upper Guadalupe River Flood Damage Reduction, San Jose, California, Limited Reevaluation Report, dated March, 2004, at a total cost of \$244,500,000, with an estimated Federal cost of \$130,600,000 and an estimated non-Federal cost of \$113,900,000.

**SEC. 3029. YUBA RIVER BASIN PROJECT, CALIFORNIA.**

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

**SEC. 3030. CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT.**

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

**SEC. 3031. ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT.**

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

(b) DESCRIPTION OF CHANNEL.—The channel referred to in subsection (a) may be described as beginning at a point along the western limit of the existing project, N. 188, 802.75, E. 779, 462.81, thence running north-easterly about 1,373.88 feet to a point N. 189, 554.87, E. 780, 612.53, thence running south-easterly about 439.54 feet to a point N. 189, 319.88, E. 780, 983.98, thence running south-westerly about 831.58 feet to a point N. 188, 864.63, E. 780, 288.08, thence running south-easterly about 567.39 feet to a point N. 188, 301.88, E. 780, 360.49, thence running north-westerly about 1,027.96 feet to the point of origin.

**SEC. 3032. NORWALK HARBOR, CONNECTICUT.**

(a) IN GENERAL.—The portions of a 10-foot channel of the project for navigation, Norwalk Harbor, Connecticut, 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°06'55" E. 395.00 feet to a point N. 103,805.32, E. 417,824.10, thence running south 00°38'06" E. 87.84 feet to a point N. 103,717.49, E. 417,825.07, thence running north 24°06'55" W. 480.00 feet, to a point N. 104,155.59, E. 417,628.96, thence running north 73°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 de-

scribed as commencing at a point N. 103,855.48, E. 417,849.99, thence running south 33°07'30" E. 133.40 feet to a point N. 103,743.76, E. 417,922.89, thence running south 24°07'04" E. 127.75 feet to a point N. 103,627.16, E. 417,975.09, thence running north 33°07'30" W. 190.00 feet to a point N. 103,786.28, E. 417,871.26, thence running north 17°05'15" W. 72.39 feet to the point of origin.

(c) MODIFICATION.—The 10-foot channel portion of the Norwalk Harbor, Connecticut navigation project described in subsection (a) is modified to authorize the Secretary to realign the channel to include, immediately north of the area described in subsection (b)(2), a triangular section described as commencing at a point N. 103,968.35, E. 417,815.29, thence running S. 17°05'15" east 118.09 feet to a point N. 103,855.48, E. 417,849.99, thence running N. 33°07'30" west 36.76 feet to a point N. 103,886.27, E. 417,829.90, thence running N. 10°05'26" west 83.37 feet to the point of origin.

**SEC. 3033. ST. GEORGE'S BRIDGE, DELAWARE.**

Section 102(g) of the Water Resources Development Act of 1990 (104 Stat. 4612) is amended by adding at the end the following: “The Secretary shall assume ownership responsibility for the replacement bridge not later than the date on which the construction of the bridge is completed and the contractors are released of their responsibility by the State. In addition, the Secretary may not carry out any action to close or remove the St. George’s Bridge, Delaware, without specific congressional authorization.”

**SEC. 3034. ADDITIONAL PROGRAM AUTHORITY, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.**

Section 601(c)(3) of the Water Resources Development Act of 2000 (114 Stat. 2684) is amended by adding at the end the following:

“(C) MAXIMUM COST OF PROGRAM AUTHORITY.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to the individual project funding limits in subparagraph (A) and the aggregate cost limits in subparagraph (B).”

**SEC. 3035. BREVARD COUNTY, FLORIDA.**

(a) IN GENERAL.—The project for shoreline protection, Brevard County, Florida, authorized by section 418 of the Water Resources Development Act of 2000 (114 Stat. 2637), is amended by striking “7.1-mile reach” and inserting “7.6-mile reach”.

(b) REFERENCES.—Any reference to a 7.1-mile reach with respect to the project described in subsection (a) shall be considered to be a reference to a 7.6-mile reach with respect to that project.

**SEC. 3036. CRITICAL RESTORATION PROJECTS, EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FLORIDA.**

Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769) is amended—

(1) in clause (i), by striking “\$75,000,000” and all that follows and inserting “\$95,000,000.”; and

(2) by striking clause (ii) and inserting the following:

“(ii) FEDERAL SHARE.—

“(I) IN GENERAL.—Except as provided in subclause (II), the Federal share of the cost of carrying out a project under subparagraph (A) shall not exceed \$25,000,000.

“(II) SEMINOLE WATER CONSERVATION PLAN.—The Federal share of the cost of carrying out the Seminole Water Conservation Plan shall not exceed \$30,000,000.”

**SEC. 3037. LAKE OKEECHOBEE AND HILLSBORO AQUIFER PILOT PROJECTS, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.**

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended by adding at the end the following:

“(v) HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.—The pilot projects for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for the purposes of this section as being in the Plan and carried out in accordance with this section, except that costs of operation and maintenance of those projects shall remain 100 percent non-Federal.”.

**SEC. 3038. LIDO KEY, SARASOTA COUNTY, FLORIDA.**

The Secretary shall carry out the project for hurricane and storm damage reduction in Lido Key, Sarasota County, Florida, based on the report of the Chief of Engineers dated December 22, 2004, at a total cost of \$14,809,000, with an estimated Federal cost of \$9,088,000 and an estimated non-Federal cost of \$5,721,000, and at an estimated total cost \$63,606,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of \$31,803,000 and an estimated non-Federal cost of \$31,803,000.

**SEC. 3039. PORT SUTTON CHANNEL, TAMPA HARBOR, FLORIDA.**

The project for navigation, Port Sutton Channel, Tampa Harbor, Florida, authorized by section 101(b)(12) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to carry out the project at a total cost of \$12,900,000.

**SEC. 3040. TAMPA HARBOR, CUT B, TAMPA, FLORIDA.**

The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Bay Cut B, if the Secretary determines that the improvements are necessary for navigation safety.

**SEC. 3041. ALLATOONA LAKE, GEORGIA.**

(a) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary may exchange land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for land on the north side of Allatoona Lake that is required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—The basis for all land exchanges under this subsection shall be a fair market appraisal to ensure that land exchanged is of equal value.

**(b) DISPOSAL AND ACQUISITION OF LAND, ALLATOONA LAKE, GEORGIA.—**

(1) IN GENERAL.—The Secretary may—

(A) sell land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1); and

(B) use the proceeds of the sale, without further appropriation, to pay costs associated with the purchase of land required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—

(A) WILLING SELLERS.—Land acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) BASIS.—The basis for all transactions under this subsection shall be a fair market value appraisal acceptable to the Secretary.

(C) SHARING OF COSTS.—Each purchaser of land under this subsection shall share in the associated environmental and real estate costs of the purchase, including surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) OTHER CONDITIONS.—The Secretary may impose on the sale and purchase of land

under this subsection such other conditions as the Secretary determines to be appropriate.

(c) REPEAL.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

**SEC. 3042. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.**

(a) IN GENERAL.—The Secretary shall carry out additional general construction measures to allow for operation at lower pool levels to satisfy the recreation mission at Dworshak Dam, Idaho.

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

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

(2) facilities that, as of the date of enactment of this Act, are leased, permitted, or licensed for use by others.

(c) COST SHARING.—The Secretary shall carry out this section through a cost-sharing program with Idaho State Parks and Recreation Department, with a total estimated project cost of \$5,300,000, with an estimated Federal cost of \$3,900,000 and an estimated non-Federal cost of \$1,400,000.

**SEC. 3043. LITTLE WOOD RIVER, GOODING, IDAHO.**

The project for flood control, Gooding, Idaho, as constructed under the emergency conservation work program established under the Act of March 31, 1933 (16 U.S.C. 585 et seq.), is modified—

(1) to direct the Secretary to rehabilitate the Gooding Channel Project for the purposes of flood control and ecosystem restoration, if the Secretary determines that the rehabilitation and ecosystem restoration is feasible;

(2) to authorize and direct the Secretary to plan, design, and construct the project at a total cost of \$9,000,000;

(3) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions;

(4) to authorize the non-Federal interest to use funds made available under any other Federal program toward the non-Federal share of the cost of the project if the use of the funds is permitted under the other Federal program; and

(5) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the ability to pay of the non-Federal interest.

**SEC. 3044. PORT OF LEWISTON, IDAHO.**

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port and industrial use purposes are extinguished;

(2) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished;

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

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

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

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

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

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

**SEC. 3045. CACHE RIVER LEVEE, ILLINOIS.**

The Cache River Levee created for flood control at the Cache River, Illinois, and authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to add environmental restoration as a project purpose.

**SEC. 3046. CHICAGO, ILLINOIS.**

Section 425(a) of the Water Resources Development Act of 2000 (114 Stat. 2638) is amended by inserting “Lake Michigan and” before “the Chicago River”.

**SEC. 3047. CHICAGO RIVER, ILLINOIS.**

The Federal navigation channel for the North Branch Channel portion of the Chicago River authorized by section 22 of the Act of March 3, 1899 (30 Stat. 1156, chapter 425), extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge, Chicago, Illinois, is redefined to be no wider than 66 feet.

**SEC. 3048. ILLINOIS RIVER BASIN RESTORATION.**

Section 519 of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended—

(1) in subsection (c)(3), by striking “\$5,000,000” and inserting “\$20,000,000”; and

(2) by adding at the end the following:

“(h) COOPERATION.—In carrying out this section, the Secretary may enter into cooperative agreements, including with the State of Illinois, academic institutions, units of local governments, and soil and water conservation districts, to facilitate more efficient partnerships in developing and implementing the Illinois River Basin Restoration Program.”.

**SEC. 3049. MISSOURI AND ILLINOIS FLOOD PROTECTION PROJECTS RECONSTRUCTION PILOT PROGRAM.**

(a) DEFINITION OF RECONSTRUCTION.—In this section:

(1) IN GENERAL.—The term “reconstruction” means any action taken to address 1 or more major deficiencies of a project caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with the authorized purposes of the project.

(2) INCLUSIONS.—The term “reconstruction” includes the incorporation by the Secretary of current design standards and efficiency improvements in a project if the incorporation does not significantly change the authorized scope, function, or purpose of the project.

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

(c) COST SHARING.—

(1) IN GENERAL.—Costs for reconstruction of a project under this section shall be shared by the Secretary and the non-Federal interest in the same percentages as the costs of construction of the original project were shared.

(2) OPERATION, MAINTENANCE, AND REPAIR COSTS.—The costs of operation, maintenance, repair, and rehabilitation of a project carried out under this section shall be a non-Federal responsibility.

(d) CRITICAL PROJECTS.—In carrying out this section, the Secretary shall give priority to the following projects:

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

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

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

(4) City of St. Louis, Missouri.

(5) Missouri River Levee Drainage District, Missouri.

(e) ECONOMIC JUSTIFICATION.—Reconstruction efforts and activities carried out under this section shall not require economic justification.

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

**SEC. 3050. SPUNKY BOTTOM, ILLINOIS.**

(a) IN GENERAL.—The project for flood control, Illinois and Des Plaines River Basin, between Beardstown, Illinois, and the mouth of the Illinois River, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1583, chapter 688), is modified to authorize ecosystem restoration as a project purpose.

(b) MODIFICATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding the limitation on the expenditure of Federal funds to carry out project modifications in accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), modifications to the project referred to in subsection (a) shall be carried out at Spunky Bottoms, Illinois, in accordance with subsection (a).

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

(3) POST-CONSTRUCTION MONITORING AND MANAGEMENT.—Of the Federal funds expended under paragraph (2), not less than \$500,000 shall remain available for a period of 5 years after the date of completion of construction of the modifications for use in carrying out post-construction monitoring and adaptive management.

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

**SEC. 3051. STRAWN CEMETERY, JOHN REDMOND LAKE, KANSAS.**

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary, acting through the Tulsa District of the Corps of Engineers, shall transfer to Pleasant Township, Coffey County, Kansas, for use as the New Strawn Cemetery, all right, title, and interest of the United States in and to the land described in subsection (c).

(b) REVERSION.—If the land transferred under this section ceases at any time to be used as a nonprofit cemetery or for another public purpose, the land shall revert to the United States.

(c) DESCRIPTION.—The land to be conveyed under this section is a tract of land near John Redmond Lake, Kansas, containing approximately 3 acres and lying adjacent to the west line of the Strawn Cemetery located in the SE corner of the NE $\frac{1}{4}$  of sec. 32, T. 20 S., R. 14 E., Coffey County, Kansas.

(d) CONSIDERATION.—

(1) IN GENERAL.—The conveyance under this section shall be at fair market value.

(2) COSTS.—All costs associated with the conveyance shall be paid by Pleasant Township, Coffey County, Kansas.

(e) OTHER TERMS AND CONDITIONS.—The conveyance under this section shall be subject to such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

**SEC. 3052. MILFORD LAKE, MILFORD, KANSAS.**

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall convey at fair market value by quitclaim deed to the Garry County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Garry County, Kansas, for construction, operation, and maintenance of a fire station.

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

(c) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership or to be used for any purpose other than a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

**SEC. 3053. OHIO RIVER BASIN COMPREHENSIVE PLAN.**

The Secretary is authorized to conduct a comprehensive, basin-wide plan of the Ohio River Basin to identify the investments and reinvestments in system components that would be necessary and advisable—

(1) to ensure protection of lives and property in the area of the Basin; and

(2) to sustain the purposes (including flood damage reduction, ecosystem restoration and protection, water supply, recreation, and related purposes) for which the Basin system was developed.

**SEC. 3054. HICKMAN BLUFF STABILIZATION, KENTUCKY.**

The project for Hickman Bluff, Kentucky, authorized by chapter II of title II of the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (109 Stat. 85), is modified to authorize the Secretary to repair and restore the project, at full Federal expense, with no further economic studies or analyses, at a total cost of not more than \$250,000.

**SEC. 3055. MCALPINE LOCK AND DAM, KENTUCKY AND INDIANA.**

Section 101(a)(10) of the Water Resources Development Act of 1990 (104 Stat. 4606) is amended by striking "\$219,600,000" each place it appears and inserting "\$430,000,000".

**SEC. 3056. PUBLIC ACCESS, ATCHAFAHALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.**

(a) IN GENERAL.—The public access feature of the Atchafalaya Basin Floodway System, Louisiana project, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest (exclusive of oil, gas, and minerals) of an additional 20,000 acres of land in the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, Louisiana project.

(b) MODIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), effective beginning November 17, 1986, the public access feature of the Atchafalaya Basin Floodway System, Louisiana project, is modified to remove the \$32,000,000 limitation on the maximum Federal expenditure for the first costs of the public access feature.

(2) FIRST COST.—The authorized first cost of \$250,000,000 for the total project (as defined in section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142)) shall not be exceeded, except as authorized by section 902 of that Act (100 Stat. 4183).

(c) TECHNICAL AMENDMENT.—Section 315(a)(2) of the Water Resources Develop-

ment Act of 2000 (114 Stat. 2603) is amended by inserting before the period at the end the following: "and may include Eagle Point Park, Jeanerette, Louisiana, as 1 of the alternative sites".

**SEC. 3057. REGIONAL VISITOR CENTER, ATCHAFAHALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.**

(a) PROJECT FOR FLOOD CONTROL.—Notwithstanding paragraph (3) of the report of the Chief of Engineers dated February 28, 1983 (relating to recreational development in the Lower Atchafalaya Basin Floodway), the Secretary shall carry out the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by chapter IV of title I of the Act of August 15, 1985 (Public Law 99-88; 99 Stat. 313; 100 Stat. 4142).

(b) VISITORS CENTER.—

(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers and in consultation with the State of Louisiana, shall study, design, and construct a type A regional visitors center in the vicinity of Morgan City, Louisiana.

(2) COST SHARING.—

(A) IN GENERAL.—The cost of construction of the visitors center shall be shared in accordance with the recreation cost-share requirement under section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

(B) COST OF UPGRADING.—The non-Federal share of the cost of upgrading the visitors center from a type B to type A regional visitors center shall be 100 percent.

(3) AGREEMENT.—The project under this subsection shall be initiated only after the Secretary and the non-Federal interests enter into a binding agreement under which the non-Federal interests shall—

(A) provide any land, easement, right-of-way, or dredged material disposal area required for the project that is owned, claimed, or controlled by—

(i) the State of Louisiana (including agencies and political subdivisions of the State); or

(ii) any other non-Federal government entity authorized under the laws of the State of Louisiana;

(B) pay 100 percent of the cost of the operation, maintenance, repair, replacement, and rehabilitation of the project; and

(C) hold the United States free from liability for the construction, operation, maintenance, repair, replacement, and rehabilitation of the project, except for damages due to the fault or negligence of the United States or a contractor of the United States.

(4) DONATIONS.—In carrying out the project under this subsection, the Mississippi River Commission may accept the donation of cash or other funds, land, materials, and services from any non-Federal government entity or nonprofit corporation, as the Commission determines to be appropriate.

**SEC. 3058. CALCASIEU RIVER AND PASS, LOUISIANA.**

The project for the Calcasieu River and Pass, Louisiana, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 481), is modified to authorize the Secretary to provide \$3,000,000 for each fiscal year, in a total amount of \$15,000,000, for such rock bank protection of the Calcasieu River from mile 5 to mile 16 as the Chief of Engineers determines to be advisable to reduce maintenance dredging needs and facilitate protection of valuable disposal areas for the Calcasieu River and Pass, Louisiana.

**SEC. 3059. EAST BATON ROUGE PARISH, LOUISIANA.**

The project for flood damage reduction and recreation, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999

(113 Stat. 277), as amended by section 116 of the Consolidated Appropriations Resolution, 2003 (117 Stat. 140), is modified to authorize the Secretary to carry out the project substantially in accordance with the Report of the Chief of Engineers dated December 23, 1996, and the subsequent Post Authorization Change Report dated December 2004, at a total cost of \$178,000,000.

**SEC. 3060. MISSISSIPPI RIVER GULF OUTLET RELOCATION ASSISTANCE, LOUISIANA.**

(a) PORT FACILITIES RELOCATION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$75,000,000, to remain available until expended, to support the relocation of Port of New Orleans deep draft facilities from the Mississippi River Gulf Outlet (referred to in this section as the “Outlet”), the Gulf Intercoastal Waterway, and the Inner Harbor Navigation Canal to the Mississippi River.

(2) ADMINISTRATION.—

(A) IN GENERAL.—Amounts appropriated pursuant to paragraph (1) shall be administered by the Assistant Secretary for Economic Development (referred to in this section as the “Assistant Secretary”) pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233).

(B) REQUIREMENT.—The Assistant Secretary shall make amounts appropriated pursuant to paragraph (1) available to the Port of New Orleans to relocate to the Mississippi River within the State of Louisiana the port-owned facilities that are occupied by businesses in the vicinity that may be impacted due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2247).

(b) REVOLVING LOAN FUND GRANTS.—There is authorized to be appropriated to the Assistant Secretary \$85,000,000, to remain available until expended, to provide assistance pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233) to 1 or more eligible recipients to establish revolving loan funds to make loans for terms up to 20 years at or below market interest rates (including interest-free loans) to private businesses within the Port of New Orleans that may need to relocate to the Mississippi River within the State of Louisiana due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2247).

(c) COORDINATION WITH SECRETARY.—The Assistant Secretary shall ensure that the programs described in subsections (a) and (b) are fully coordinated with the Secretary to ensure that facilities are relocated in a manner that is consistent with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2247).

(d) ADMINISTRATIVE EXPENSES.—The Assistant Secretary may use up to 2 percent of the amounts made available under subsections (a) and (b) for administrative expenses.

**SEC. 3061. RED RIVER (J. BENNETT JOHNSTON) WATERWAY, LOUISIANA.**

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat.

4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2604), is further modified—

(1) to authorize the Secretary to carry out the project at a total cost of \$33,200,000;

(2) to permit the purchase of marginal farmland for reforestation (in addition to the purchase of bottomland hardwood); and

(3) to incorporate wildlife and forestry management practices to improve species diversity on mitigation land that meets habitat goals and objectives of the Corps of Engineers and the State of Louisiana.

**SEC. 3062. CAMP ELLIS, SACO, MAINE.**

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be \$25,000,000.

**SEC. 3063. ROCKLAND HARBOR, MAINE.**

As of the date of enactment of this Act, the portion of the project for navigation, Rockland Harbor, Maine, authorized by the Act of June 3, 1896 (29 Stat. 202, chapter 314), consisting of a 14-foot channel located in Lermond Cove and beginning at a point with coordinates N. 99977.37, E. 340290.02, thence running easterly about 200.00 feet to a point with coordinates N. 99978.49, E. 340490.02, thence running northerly about 138.00 feet to a point with coordinates N. 100116.49, E. 340289.25, thence running westerly about 200.00 feet to a point with coordinates N. 100115.37, E. 340289.25, thence running southerly about 138.00 feet to the point of origin, is not authorized.

**SEC. 3064. ROCKPORT HARBOR, MAINE.**

(a) IN GENERAL.—The portion of the project for navigation, Rockport Harbor, Maine, authorized by the first section of the Act of August 11, 1888 (25 Stat. 400), located within the 12-foot anchorage described in subsection (b) is not authorized.

(b) DESCRIPTION OF ANCHORAGE.—The anchorage referred to in subsection (a) is more particularly described as—

(1) beginning at the westernmost point of the anchorage at N. 128800.00, E. 349311.00;

(2) thence running north 12 degrees, 52 minutes, 37.2 seconds, east 127.08 feet to a point at N. 128923.88, E349339.32;

(3) thence running north 17 degrees, 40 minutes, 13.0 seconds, east 338.61 feet to a point at N. 129246.51, E/ 349442.10;

(4) thence running south 89 degrees, 21 minutes, 21.0 seconds, east 45.36 feet to a point at N. 129246.00, E. 349487.46;

(5) thence running south 44 degrees, 13 minutes, 32.6 seconds, east 18.85 feet to a point at N. 129232.49, E. 349500.61;

(6) thence running south 17 degrees, 40 minutes 13.0 seconds, west 340.50 feet to a point at N. 128908.06, E. 349397.25;

(7) thence running south 12 degrees, 52 minutes, 37.2 seconds, west 235.41 feet to a point at N. 128678.57, E. 349344.79; and

(8) thence running north 15 degrees, 32 minutes, 59.3 seconds, west 126.04 feet to the point of origin.

**SEC. 3065. SACO RIVER, MAINE.**

The portion of the project for navigation, Saco River, Maine, authorized under section 107 of the River and Harbor Act of 1960 (74 Stat. 486), and described as a 6-foot deep, 10-acre maneuvering basin located at the head of navigation, is redesignated as an anchorage area.

**SEC. 3066. UNION RIVER, MAINE.**

The project for navigation, Union River, Maine, authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), is modified by redesignating as an anchorage

area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N. 315,975.13, E. 1,004,424.86, thence running N. 61° 27' 20.71" W. about 132.34 feet to a point N. 316,038.37, E. 1,004,308.61.

**SEC. 3067. BALTIMORE HARBOR AND CHANNELS, MARYLAND AND VIRGINIA.**

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for navigation, Baltimore Harbor and Channels, Maryland and Virginia, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), shall remain authorized to be carried out by the Secretary.

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

**SEC. 3068. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM, MARYLAND, PENNSYLVANIA, AND VIRGINIA.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 510 of the Water Resources Development Act of 1996 (110 Stat. 3759) is amended—

(1) in subsection (a)(1), by striking “pilot”; (2) in subsection (d)(2), by adding at the end the following:

“(C) IN-KIND SERVICES.—The non-Federal share of the project costs of a partnership agreement entered into under this section may include in-kind services.”;

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

“(f) PROJECTS.—The Secretary may carry out projects under this section in the States of Delaware, New York, Maryland, Pennsylvania, Virginia, and West Virginia, and the District of Columbia.”; and

(4) in subsection (i), by striking “\$10,000,000” and inserting “\$30,000,000”.

(b) NONNATIVE OYSTER SPECIES.—The matter under the heading “CONSTRUCTION, GENERAL” under the heading “CORPS OF ENGINEERS—CIVIL” under the heading “DEPARTMENT OF THE ARMY” of title I of the Energy and Water Development Appropriations Act, 2004 (Public Law 108-137; 117 Stat. 1828) is amended in the twenty-first proviso by striking “\$2,000,000” and inserting “\$3,500,000”.

**SEC. 3069. FLOOD PROTECTION PROJECT, CUMBERLAND, MARYLAND.**

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

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

(2) by striking “\$9,750,000” and inserting “\$16,378,000”; and

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

**SEC. 3070. AUNT LYDIA'S COVE, MASSACHUSETTS.**

(a) DEAUTHORIZATION.—The portion of the project for navigation, Aunt Lydia's Cove, Massachusetts, authorized August 31, 1994, pursuant to section 107 of the Act of July 14, 1960 (33 U.S.C. 577) (commonly known as the “River and Harbor Act of 1960”), consisting of the 8-foot deep anchorage in the cove described in subsection (b) is deauthorized.

(b) DESCRIPTION.—The portion of the project described in subsection (a) is more particularly described as the portion beginning at a point along the southern limit of the existing project, N. 254332.00, E. 1023103.96, thence running northwesterly about 761.60 feet to a point along the western limit of the existing project N. 255076.84, E. 1022945.07, thence running southwesterly about 38.11 feet to a point N. 255038.99, E. 1022940.60, thence running southeasterly about 267.07 feet to a point N. 254772.00, E.

1022947.00, thence running southeasterly about 462.41 feet to a point N. 254320.06, E. 1023044.84, thence running northeasterly about 60.31 feet to the point of origin.

**SEC. 3071. FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.**

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

(b) FEASIBILITY.—The Secretary shall conduct a study to determine the feasibility of deepening that portion of the navigation channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), seaward of the Charles M. Braga, Jr. Memorial Bridge Fall River and Somerset, Massachusetts.

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

**SEC. 3072. NORTH RIVER, PEABODY, MASSACHUSETTS.**

The Secretary shall expedite completion of the report for the project North River, Peabody, Massachusetts, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

**SEC. 3073. ECORSE CREEK, MICHIGAN.**

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for flood control, Ecorse Creek, Wayne County, Michigan, authorized by section 101(a)(14) of the Water Resources Development Act of 1990 (104 Stat. 4607) shall remain authorized to be carried out by the Secretary.

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

**SEC. 3074. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**

Section 426 of the Water Resources Development Act of 1999 (113 Stat. 326) is amended to read as follows:

**"SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**

"(a) DEFINITIONS.—In this section:

"(1) MANAGEMENT PLAN.—The term 'management plan' means the management plan for the St. Clair River and Lake St. Clair, Michigan, that is in effect as of the date of enactment of this section.

"(2) PARTNERSHIP.—The term 'Partnership' means the partnership established by the Secretary under subsection (b)(1).

"(b) PARTNERSHIP.—

"(1) IN GENERAL.—The Secretary shall establish and lead a partnership of appropriate Federal agencies (including the Environmental Protection Agency) and the State of Michigan (including political subdivisions of the State)—

"(A) to promote cooperation among the Federal Government, State and local governments, and other involved parties in the management of the St. Clair River and Lake St. Clair watersheds; and

"(B) develop and implement projects consistent with the management plan.

"(2) COORDINATION WITH ACTIONS UNDER OTHER LAW.—

"(A) IN GENERAL.—Actions taken under this section by the Partnership shall be coordinated with actions to restore and conserve the St. Clair River and Lake St. Clair and watersheds taken under other provisions of Federal and State law.

"(B) NO EFFECT ON OTHER LAW.—Nothing in this section alters, modifies, or affects any other provision of Federal or State law.

"(C) IMPLEMENTATION OF ST. CLAIR RIVER AND LAKE ST. CLAIR MANAGEMENT PLAN.—

"(1) IN GENERAL.—The Secretary shall—

"(A) develop a St. Clair River and Lake St. Clair strategic implementation plan in accordance with the management plan;

"(B) provide technical, planning, and engineering assistance to non-Federal interests for developing and implementing activities consistent with the management plan;

"(C) plan, design, and implement projects consistent with the management plan; and

"(D) provide, in coordination with the Administrator of the Environmental Protection Agency, financial and technical assistance, including grants, to the State of Michigan (including political subdivisions of the State) and interested nonprofit entities for the planning, design, and implementation of projects to restore, conserve, manage, and sustain the St. Clair River, Lake St. Clair, and associated watersheds.

"(2) SPECIFIC MEASURES.—Financial and technical assistance provided under subparagraphs (B) and (C) of paragraph (1) may be used in support of non-Federal activities consistent with the management plan.

"(d) SUPPLEMENTS TO MANAGEMENT PLAN AND STRATEGIC IMPLEMENTATION PLAN.—In consultation with the Partnership and after providing an opportunity for public review and comment, the Secretary shall develop information to supplement—

"(1) the management plan; and

"(2) the strategic implementation plan developed under subsection (c)(1)(A).

"(e) COST SHARING.—

"(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of technical assistance, or the cost of planning, design, construction, and evaluation of a project under subsection (c), and the cost of development of supplementary information under subsection (d)—

"(A) shall be 25 percent of the total cost of the project or development; and

"(B) may be provided through the provision of in-kind services.

"(2) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit the non-Federal sponsor for the value of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided for use in carrying out a project under subsection (c).

"(3) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity.

"(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be non-Federal responsibilities.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000."

**SEC. 3075. DULUTH HARBOR, MINNESOTA.**

(a) IN GENERAL.—Notwithstanding the cost limitation described in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), the Secretary shall carry out the project for navigation, Duluth Harbor, Minnesota, pursuant to the authority provided

under that section at a total Federal cost of \$9,000,000.

(b) PUBLIC ACCESS AND RECREATIONAL FACILITIES.—Section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605) is amended by inserting ", and to provide public access and recreational facilities" after "including any required bridge construction".

**SEC. 3076. PROJECT FOR ENVIRONMENTAL ENHANCEMENT, MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, MISSISSIPPI AND LOUISIANA.**

(a) VIOLET DIVERSION PROJECT.—The Secretary shall redesign and implement the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, authorized by section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4014), in lieu of diversion of freshwater at the Bonnet Carre Spillway using a diversion of water at or near Violet, Louisiana, if the following criteria can be met by the redesign:

(1) Achieve the salinity targets to at least the same extent as the diversion of freshwater at the Bonnet Carre Spillway for the Mississippi Sound identified in the feasibility study entitled "Mississippi and Louisiana Estuarine areas: Freshwater Diversions to Lake Pontchartrain Basin and Mississippi Sound" and dated 1984.

(2) Not delay the completion of the design and construction of the project beyond the dates identified in subsections (e) and (f).

(3) Not change the cost-share attributable to the Bonnet Carre Freshwater Diversion Project.

(b) DEFINITION.—For the purposes of this section, the term "Bonnet Carre Freshwater Diversion Project" is defined as the recommended alternative as described in the report of the Chief of Engineers for the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, May, 1986, and referenced in Public Law 104-303 and described in the Report to Congress on the Bonnet Carre Freshwater Diversion Project Status and Potential Options and Enhancement of December 1996.

(c) BONNET CARRE FRESHWATER DIVERSION PROJECT.—If the redesign in subsection (a) does not meet the criteria therein, the Secretary shall implement the Bonnet Carre Freshwater Diversion Project.

**(d) NON-FEDERAL FINANCING REQUIREMENTS.**

(1) The States of Mississippi and Louisiana shall provide the funds needed during any fiscal year for meeting each State's respective non-Federal cost sharing requirements for the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, that fiscal year by making deposits of the necessary funds into an escrow account or into such other account as the Secretary determines to be acceptable. Any deposits required pursuant to this paragraph shall be made by the affected State within 30 days after receipt of notification from the Secretary that such funds are due.

(2) In the case of deposits required to be made by the State of Louisiana, the Secretary may not award any new contract or proceed to the next phase of any feature being carried out in the State of Louisiana pursuant to section 1003 if the State of Louisiana is not in compliance with paragraph (1).

(3) In the case of deposits required to be made by the State of Mississippi, the Secretary may not award any new contract or proceed to the next phase of any feature being carried out as a part of the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana.

Louisiana if the State of Mississippi is not in compliance with paragraph (1).

(4) The non-Federal share of project costs shall be allocated between the States of Mississippi and Louisiana as described in the Report to Congress on the Bonnet Carre Freshwater Diversion Project Status and Potential Options and Enhancement of December 1996.

(5) The modification of the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, by this section shall not reduce the percentage of the cost of the project that shall be paid by the Federal government as it was determined upon enactment of section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4014).

(e) DESIGN SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete the design of the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, not later than 2 years after the date of enactment of this Act.

(2) MISSED DEADLINE.—If the Secretary does not complete the design described in paragraph (1) by such date, the Secretary shall assign such resources as available and necessary to complete the design and the Secretary's authority to expend funds for travel, official receptions, and official representations is suspended until such design is complete.

(f) CONSTRUCTION SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete construction of the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, not later than September 30, 2012.

(2) MISSED DEADLINE.—If the Secretary does not complete the construction described in paragraph (1) by such date, the Secretary shall assign such resources as available and necessary to complete the construction and the Secretary's authority to expend funds for travel, official receptions, and official representations is suspended until such construction is complete.

**SEC. 3077. LAND EXCHANGE, PIKE COUNTY, MISSOURI.**

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term “Federal land” means the 2 parcels of Corps of Engineers land totaling approximately 42 acres, located on Buffalo Island in Pike County, Missouri, and consisting of Government Tract Numbers MIS-7 and a portion of FM-46.

(2) NON-FEDERAL LAND.—The term “non-Federal land” means the approximately 42 acres of land, subject to any existing flowage easements situated in Pike County, Missouri, upstream and northwest, about 200 feet from Drake Island (also known as Grimes Island).

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

(c) CONDITIONS.—

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the non-Federal land to the Secretary shall be by a warranty deed acceptable to the Secretary.

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

(i) by quitclaim deed; and

(ii) subject to any reservations, terms, and conditions that the Secretary determines to be necessary to allow the United States to

operate and maintain the Mississippi River 9-Foot Navigation Project.

(C) LEGAL DESCRIPTIONS.—The Secretary shall, subject to approval of S.S.S., Inc., provide a legal description of the Federal land and non-Federal land for inclusion in the deeds referred to in subparagraphs (A) and (B).

(2) REMOVAL OF IMPROVEMENTS.—

(A) IN GENERAL.—The Secretary may require the removal of, or S.S.S., Inc., may voluntarily remove, any improvements to the non-Federal land before the completion of the exchange or as a condition of the exchange.

(B) NO LIABILITY.—If S.S.S., Inc., removes any improvements to the non-Federal land under subparagraph (A)—

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

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

(3) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc., to pay reasonable administrative costs associated with the exchange.

(4) CASH EQUALIZATION PAYMENT.—If the appraised fair market value, as determined by the Secretary, of the Federal land exceeds the appraised fair market value, as determined by the Secretary, of the non-Federal land, S.S.S., Inc., shall make a cash equalization payment to the United States.

(5) DEADLINE.—The land exchange under subsection (b) shall be completed not later than 2 years after the date of enactment of this Act.

**SEC. 3078. L-15 LEVEE, MISSOURI.**

The portion of the L-15 levee system that is under the jurisdiction of the Consolidated North County Levee District and situated along the right descending bank of the Mississippi River from the confluence of that river with the Missouri River and running upstream approximately 14 miles shall be considered to be a Federal levee for purposes of cost sharing under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n).

**SEC. 3079. UNION LAKE, MISSOURI.**

(a) IN GENERAL.—The Secretary shall offer to convey to the State of Missouri all right, title, and interest in and to approximately 205.50 acres of land described in subsection (b) purchased for the Union Lake Project that was deauthorized as of January 1, 1990 (55 Fed. Reg. 40906), in accordance with section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)).

(b) LAND DESCRIPTION.—The land referred to in subsection (a) is described as follows:

(1) TRACT 500.—A tract of land situated in Franklin County, Missouri, being part of the SW $\frac{1}{4}$  of sec. 7, and the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of sec. 8, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 112.50 acres.

(2) TRACT 605.—A tract of land situated in Franklin County, Missouri, being part of the N $\frac{1}{2}$  of the NE, and part of the SE of the NE of sec. 18, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 93.00 acres.

(c) CONVEYANCE.—On acceptance by the State of Missouri of the offer by the Secretary under subsection (a), the land described in subsection (b) shall immediately be conveyed, in its current condition, by Secretary to the State of Missouri.

**SEC. 3080. LOWER YELLOWSTONE PROJECT, MONTANA.**

The Secretary may use funds appropriated to carry out the Missouri River recovery and mitigation program to assist the Bureau of Reclamation in the design and construction of the Lower Yellowstone project of the Bu-

reau, Intake, Montana, for the purpose of ecosystem restoration.

**SEC. 3081. YELLOWSTONE RIVER AND TRIBUTARIES, MONTANA AND NORTH DAKOTA.**

(a) DEFINITION OF RESTORATION PROJECT.—In this section, the term “restoration project” means a project that will produce, in accordance with other Federal programs, projects, and activities, substantial ecosystem restoration and related benefits, as determined by the Secretary.

(b) PROJECTS.—The Secretary shall carry out, in accordance with other Federal programs, projects, and activities, restoration projects in the watershed of the Yellowstone River and tributaries in Montana, and in North Dakota, to produce immediate and substantial ecosystem restoration and recreation benefits.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall—

(1) consult with, and consider the activities being carried out by—

(A) other Federal agencies;

(B) Indian tribes;

(C) conservation districts; and

(D) the Yellowstone River Conservation District Council; and

(2) seek the full participation of the State of Montana.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with the non-Federal interest for the restoration project under which the non-Federal interest shall agree—

(1) to provide 35 percent of the total cost of the restoration project, including necessary land, easements, rights-of-way, relocations, and disposal sites;

(2) to pay the non-Federal share of the cost of feasibility studies and design during construction following execution of a project cooperation agreement;

(3) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of enactment of this Act that are associated with the restoration project; and

(4) to hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government in carrying out the restoration project.

(e) FORM OF NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of a restoration project carried out under this section may be provided in the form of in-kind credit for work performed during construction of the restoration project.

(f) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), with the consent of the applicable local government, a non-profit entity may be a non-Federal interest for a restoration project carried out under this section.

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

**SEC. 3082. WESTERN SARPY AND CLEAR CREEK, NEBRASKA.**

The project for ecosystem restoration and flood damage reduction, Western Sarpy and Clear Creek, Nebraska, authorized by section 101(b)(21) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified to authorize the Secretary to construct the project at a total cost of \$21,664,000, with an estimated Federal cost of \$14,082,000 and an estimated non-Federal cost of \$7,582,000.

**SEC. 3083. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NEVADA.**

The maximum amount of Federal funds that may be expended for the project being

carried out, as of the date of enactment of this Act, under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) for environmental restoration of McCarran Ranch, Nevada, shall be \$5,775,000.

**SEC. 3084. COOPERATIVE AGREEMENTS, NEW MEXICO.**

The Secretary may enter into cooperative agreements with any Indian tribe any land of which is located in the State of New Mexico and occupied by a flood control project that is owned and operated by the Corps of Engineers to assist in carrying out any operation or maintenance activity associated with the flood control project.

**SEC. 3085. MIDDLE RIO GRANDE RESTORATION, NEW MEXICO.**

(a) RESTORATION PROJECTS.—

(1) DEFINITION.—The term “restoration project” means a project that will produce, consistent with other Federal programs, projects, and activities, immediate and substantial ecosystem restoration and recreation benefits.

(2) PROJECTS.—The Secretary shall carry out restoration projects in the Middle Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Reservoir, in the State of New Mexico.

(b) PROJECT SELECTION.—The Secretary shall select restoration projects in the Middle Rio Grande.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall consult with, and consider the activities being carried out by—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) COST SHARING.—

(1) PROJECTS ON FEDERAL LAND.—Each restoration project under this section located on Federal land shall be carried out at full Federal expense.

(2) OTHER PROJECTS.—For any restoration project located on non-Federal land, before carrying out the restoration project under this section, the Secretary shall enter into an agreement with non-Federal interests that requires the non-Federal interests to—

(A) provide 35 percent of the total cost of the restoration projects including provisions for necessary lands, easements, rights-of-way, relocations, and disposal sites;

(B) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of the enactment of this Act that are associated with the restoration projects; and

(C) hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government.

(e) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), a non-Federal interest for any project carried out under this section may include a nonprofit entity, with the consent of the local government.

(f) RECREATIONAL FEATURES.—

(1) IN GENERAL.—Subject to paragraph (2), any recreational feature included as part of a restoration project shall comprise not more than 30 percent of the cost of the restoration project.

(2) REQUIREMENT.—The cost of any recreational feature included as part of a restoration project in excess of the amount described in paragraph (1) shall be paid by the non-Federal interest.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$25,000,000 to carry out this section.

**SEC. 3086. LONG ISLAND SOUND OYSTER RESTORATION, NEW YORK AND CONNECTICUT.**

(a) IN GENERAL.—The Secretary shall plan, design, and construct projects to increase

aquatic habitats within Long Island Sound and adjacent waters, including the construction and restoration of oyster beds and related shellfish habitat.

(b) COST SHARING.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$25,000,000 to carry out this section.

**SEC. 3087. MAMARONECK AND SHELDRAKE RIVERS WATERSHED MANAGEMENT, NEW YORK.**

(a) WATERSHED MANAGEMENT PLAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the State of New York and local entities, shall develop watershed management plans for the Mamaroneck and Sheldrake River watershed for the purposes of evaluating existing and new flood damage reduction and ecosystem restoration.

(2) EXISTING PLANS.—In developing the watershed management plans, the Secretary shall use existing studies and plans, as appropriate.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any eligible critical restoration project in the Mamaroneck and Sheldrake Rivers watershed in accordance with the watershed management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the watershed management plan developed under subsection (a); and

(B) with respect to the Mamaroneck and Sheldrake Rivers watershed in New York, consists of flood damage reduction or ecosystem restoration—

(i) bank stabilization of the mainstem, tributaries, and streams;

(ii) wetland restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) structural and nonstructural flood damage reduction measures; or

(vii) any other project or activity the Secretary determines to be appropriate.

(c) COST SHARING.—The Federal share of the cost of implementing any project carried out under this section shall be 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$30,000,000, to remain available until expended.

**SEC. 3088. ORCHARD BEACH, BRONX, NEW YORK.**

Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking “\$5,200,000” and inserting “\$18,200,000”.

**SEC. 3089. NEW YORK HARBOR, NEW YORK, NEW YORK.**

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

(1) by redesignating subsection (c) as subsection (d);

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

“(c) DREDGED MATERIAL FACILITY.—

“(1) IN GENERAL.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region, if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government.

“(2) PERFORMANCE.—One or more of the parties to the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility.

“(3) MULTIPLE FEDERAL PROJECTS.—If appropriate, the Secretary may combine portions of separate Federal projects with appropriate combined cost-sharing between the various projects, if the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

“(4) PUBLIC FINANCING.—

“(A) AGREEMENTS.—

“(i) SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.—The cost-sharing agreement used shall clearly specify—

“(I) the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects; and

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

“(ii) MANAGEMENT OF SEDIMENTS.—

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

“(II) PAYMENTS.—The cost-sharing agreement may allow the non-Federal interest to receive reimbursable payments from the Federal Government for commitments made by the non-Federal interest for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.

“(iii) CREDIT.—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.

“(B) CREDIT.—

“(i) EFFECT ON EXISTING AGREEMENTS.—Nothing in this subsection supersedes or modifies an agreement in effect on the date of enactment of this paragraph between the Federal Government and any other non-Federal interest for the cost-sharing, construction, and operation and maintenance of a Federal navigation project.

“(ii) CREDIT FOR FUNDS.—Subject to the approval of the Secretary and in accordance with law (including regulations and policies) in effect on the date of enactment of this paragraph, a non-Federal public interest of a Federal navigation project may seek credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project.

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

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

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

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

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

#### SEC. 3090. NEW YORK STATE CANAL SYSTEM.

Section 553 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking subsection (c) and inserting the following:

“(c) DEFINITION OF NEW YORK STATE CANAL SYSTEM.—In this section, the term ‘New York State Canal System’ means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga-Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany, Rochester, and Buffalo.”

#### SEC. 3091. SUSQUEHANNA RIVER AND UPPER DELAWARE RIVER WATERSHED MANAGEMENT, NEW YORK.

(a) WATERSHED MANAGEMENT PLAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the State of New York, the Delaware or Susquehanna River Basin Commission, as appropriate, and local entities, shall develop watershed management plans for the Susquehanna River watershed in New York State and the Upper Delaware River watershed for the purposes of evaluating existing and new flood damage reduction and ecosystem restoration.

(2) EXISTING PLANS.—In developing the watershed management plans, the Secretary shall use existing studies and plans, as appropriate.

##### (b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any eligible critical restoration project in the Susquehanna River or Upper Delaware Rivers in accordance with the watershed management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the watershed management plan developed under subsection (a); and

(B) with respect to the Susquehanna River or Upper Delaware River watershed in New York, consists of flood damage reduction or ecosystem restoration through—

- (i) bank stabilization of the mainstem, tributaries, and streams;
- (ii) wetland restoration;
- (iii) soil and water conservation;
- (iv) restoration of natural flows;
- (v) restoration of stream stability;
- (vi) structural and nonstructural flood damage reduction measures; or
- (vii) any other project or activity the Secretary determines to be appropriate.

(c) COST SHARING.—The Federal share of the cost of implementing any project carried out under this section shall be 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$30,000,000, to remain available until expended.

#### SEC. 3092. MISSOURI RIVER RESTORATION, NORTH DAKOTA.

Section 707(a) of the Water Resources Act of 2000 (114 Stat. 2699) is amended in the first sentence by striking “\$5,000,000” and all that follows through “2005” and inserting “\$25,000,000”.

#### SEC. 3093. OHIO.

Section 594 of the Water Resources Development Act of 1999 (113 Stat. 381) is amended by adding at the end the following:

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

#### SEC. 3094. LOWER GIRARD LAKE DAM, GIRARD, OHIO.

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

- (1) by striking “\$2,500,000” and inserting “\$16,000,000”; and
- (2) by striking “Repair and rehabilitation” and inserting “Correct structural deficiencies”.

#### SEC. 3095. TOUSSAINT RIVER NAVIGATION PROJECT, CARROLL TOWNSHIP, OHIO.

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

#### SEC. 3096. ARCADIA LAKE, OKLAHOMA.

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of all costs associated with present and future water storage costs at Arcadia Lake, Oklahoma, under Arcadia Lake Water Storage Contract Number DACW56-79-C-0072 shall satisfy the obligations of the city under that contract.

#### SEC. 3097. LAKE EUFAULA, OKLAHOMA.

##### (a) PROJECT GOAL.—

(1) IN GENERAL.—The goal for operation of Lake Eufaula shall be to maximize the use of available storage in a balanced approach that incorporates advice from representatives from all the project purposes to ensure that the full value of the reservoir is realized by the United States.

(2) RECOGNITION OF PURPOSE.—To achieve the goal described in paragraph (1), recreation is recognized as a project purpose at Lake Eufaula, pursuant to the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 887, chapter 665).

##### (b) LAKE EUFAULA ADVISORY COMMITTEE.—

(1) IN GENERAL.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the Lake Eufaula, Canadian River, Oklahoma project authorized by the Act of July 24, 1946 (commonly known as the “River and Harbor Act of 1946”) (Public Law 79-525; 60 Stat. 634).

(2) PURPOSE.—The purpose of the committee shall be advisory only.

(3) DUTIES.—The committee shall provide information and recommendations to the Corps of Engineers regarding the operations of Lake Eufaula for the project purposes for Lake Eufaula.

(4) COMPOSITION.—The Committee shall be composed of members that equally represent the project purposes for Lake Eufaula.

##### (c) REALLOCATION STUDY.—

(1) IN GENERAL.—Subject to the appropriation of funds, the Secretary, acting through the Chief of Engineers, shall perform a re-

allocation study, at full Federal expense, to develop and present recommendations concerning the best value, while minimizing ecological damages, for current and future use of the Lake Eufaula storage capacity for the authorized project purposes of flood control, water supply, hydroelectric power, navigation, fish and wildlife, and recreation.

(2) FACTORS FOR CONSIDERATION.—The reallocation study shall take into consideration the recommendations of the Lake Eufaula Advisory Committee.

##### (d) POOL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, to the extent feasible within available project funds and subject to the completion and approval of the reallocation study under subsection (c), the Tulsa District Engineer, taking into consideration recommendations of the Lake Eufaula Advisory Committee, shall develop an interim management plan that accommodates all project purposes for Lake Eufaula.

(2) MODIFICATIONS.—A modification of the plan under paragraph (1) shall not cause significant adverse impacts on any existing permit, lease, license, contract, public law, or project purpose, including flood control operation, relating to Lake Eufaula.

#### SEC. 3098. RELEASE OF REVERSIONARY INTEREST, OKLAHOMA.

(a) RELEASE.—Any reversionary interest relating to public parks and recreation on the land conveyed by the Secretary to the State of Oklahoma at Lake Texoma pursuant to the Act entitled “An Act to authorize the sale of certain lands to the State of Oklahoma” (67 Stat. 63, chapter 118), shall terminate on the date of enactment of this Act.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, an amended deed, or another appropriate instrument to release each reversionary interest described in subsection (a).

(c) PRESERVATION OF RESERVED RIGHTS.—A release of a reversionary interest under this section shall not affect any other right of the United States in any deed of conveyance pursuant to the Act entitled “An Act to authorize the sale of certain lands to the State of Oklahoma” (67 Stat. 63, chapter 118).

#### SEC. 3099. OKLAHOMA LAKES DEMONSTRATION PROGRAM, OKLAHOMA.

(a) IMPLEMENTATION OF PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement an innovative program at the lakes located primarily in the State of Oklahoma that are a part of an authorized civil works project under the administrative jurisdiction of the Corps of Engineers for the purpose of demonstrating the benefits of enhanced recreation facilities and activities at those lakes.

(b) REQUIREMENTS.—In implementing the program under subsection (a), the Secretary shall, consistent with authorized project purposes—

(1) pursue strategies that will enhance, to the maximum extent practicable, recreation experiences at the lakes included in the program;

(2) use creative management strategies that optimize recreational activities; and

(3) ensure continued public access to recreation areas located on or associated with the civil works project.

(c) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines for the implementation of this section, to be developed in coordination with the State of Oklahoma.

##### (d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, 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 a report describing the results of the program under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include a description of the projects undertaken under the program, including—

- (A) an estimate of the change in any related recreational opportunities;
- (B) a description of any leases entered into, including the parties involved; and
- (C) the financial conditions that the Corps of Engineers used to justify those leases.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall make the report available to the public in electronic and written formats.

(e) TERMINATION.—The authority provided by this section shall terminate on the date that is 10 years after the date of enactment of this Act.

#### SEC. 3100. OTTAWA COUNTY, OKLAHOMA.

(a) IN GENERAL.—There is authorized to be appropriated \$30,000,000 for the purposes set forth in subsection (b).

(b) PURPOSES.—Notwithstanding any other provision of law, funds appropriated under subsection (a) may be used for the purpose of—

- (1) the buy-out of properties and permanently relocating residents and businesses in or near Picher, Cardin, and Hockerville, Oklahoma, from areas determined by the State of Oklahoma to be at risk of damage caused by land subsidence and remaining properties; and

- (2) providing funding to the State of Oklahoma to buyout properties and permanently relocate residents and businesses of Picher, Cardin, and Hockerville, Oklahoma, from areas determined by the State of Oklahoma to be at risk of damage caused by land subsidence and remaining properties.

(c) LIMITATION.—The use of funds in accordance with subsection (b) shall not be considered to be part of a Federally assisted program or project for purposes of Public Law 91-646 (42 U.S.C. 4601 et seq.), consistent with section 2301 of Public Law 109-234 (120 Stat. 455-456).

(d) CONSISTENCY WITH STATE PROGRAM.—Any actions taken under subsection (b) shall be consistent with the relocation program in the State of Oklahoma under 27A O.S. Supp. 2006, sections 2201 et seq.

(e) AMENDMENT.—Section 111 of Public Law 108-137 (117 Stat. 1835) is amended—

(1) by adding the following language at the end of subsection (a): “Such activities also may include the provision of financial assistance to facilitate the buy out of properties located in areas identified by the State as areas that are or will be at risk of damage caused by land subsidence and associated properties otherwise identified by the State; however, any buyout of such properties shall not be considered to be part of a Federally assisted program or project for purposes of Public Law 91-646 (42 U.S.C. 4601 et seq.), consistent with section 2301 of Public Law 109-234 (120 Stat. 455-456).”; and

(2) by striking the first sentence of subsection (d) and inserting the following: “Non-Federal interests shall be responsible for operating and maintaining any restoration alternatives constructed or carried out pursuant to this section.”.

#### SEC. 3101. RED RIVER CHLORIDE CONTROL, OKLAHOMA AND TEXAS.

Section 203 of the Flood Control Act of 1966 (80 Stat. 1420; 100 Stat. 4229) is further modified to direct the Secretary to provide operation and maintenance for the Red River Chloride Control project, Oklahoma and Texas, at full Federal expense.

#### SEC. 3102. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules—

- (1) is set at the amounts, rates of interest, and payment schedules that existed on June 3, 1986; and

- (2) may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States.

#### SEC. 3103. LOOKOUT POINT PROJECT, LOWELL, OREGON.

(a) IN GENERAL.—Subject to subsection (c), the Secretary shall convey at fair market value to the Lowell School District No. 71, all right, title, and interest of the United States in and to a parcel consisting of approximately 0.98 acres of land, including 3 abandoned buildings on the land, located in Lowell, Oregon, as described in subsection (b).

(b) DESCRIPTION OF PROPERTY.—The parcel of land to be conveyed under subsection (a) is more particularly described as follows: Commencing at the point of intersection of the west line of Pioneer Street with the westerly extension of the north line of Summit Street, in Meadows Addition to Lowell, as platted and recorded on page 56 of volume 4, Lane County Oregon Plat Records; thence north on the west line of Pioneer Street a distance of 176.0 feet to the true point of beginning of this description; thence north on the west line of Pioneer Street a distance of 170.0 feet; thence west at right angles to the west line of Pioneer Street a distance of 250.0 feet; thence south and parallel to the west line of Pioneer Street a distance of 170.0 feet; and thence east 250.0 feet to the true point of beginning of this description in sec. 14, T. 19 S., R. 1 W. of the Willamette Meridian, Lane County, Oregon.

(c) CONDITION.—The Secretary shall not complete the conveyance under subsection (a) until such time as the Forest Service—

- (1) completes and certifies that necessary environmental remediation associated with the structures located on the property is complete; and

- (2) transfers the structures to the Corps of Engineers.

#### (d) EFFECT OF OTHER LAW.—

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

#### (2) LIABILITY.—

(A) IN GENERAL.—Lowell School District No. 71 shall hold the United States harmless from any liability with respect to activities carried out on the property described in subsection (b) on or after the date of the conveyance under subsection (a).

(B) CERTAIN ACTIVITIES.—The United States shall be liable with respect to any activity carried out on the property described in subsection (b) before the date of conveyance under subsection (a).

#### SEC. 3104. UPPER WILLAMETTE RIVER WATER-SHED ECOSYSTEM RESTORATION.

(a) IN GENERAL.—The Secretary shall conduct studies and ecosystem restoration projects for the upper Willamette River watershed from Albany, Oregon, to the headwaters of the Willamette River and tributaries.

(b) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the Upper Willamette River watershed in consultation with the Governor of the State of Oregon, the heads of appropriate Indian tribes, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine

Fisheries Service, the Bureau of Land Management, the Forest Service, and local entities.

(c) AUTHORIZED ACTIVITIES.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

#### (d) COST SHARING REQUIREMENTS.—

(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

#### (2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

#### (B) ITEMS PROVIDED BY NON-FEDERAL INTERESTS.—

(1) IN GENERAL.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section.

(ii) CREDIT TOWARD PAYMENT.—The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under paragraph (1) shall be credited toward the payment required under subsection (a).

(C) IN-KIND CONTRIBUTIONS.—100 percent of the non-Federal share required under subsection (a) may be satisfied by the provision of in-kind contributions.

(3) OPERATIONS AND MAINTENANCE.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

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

#### SEC. 3105. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended—

(1) by striking subsection (c) and inserting the following:

#### “(c) COOPERATION AGREEMENTS.—

“(1) IN GENERAL.—In conducting the study and implementing the strategy under this section, the Secretary shall enter into cost-sharing and project cooperation agreements with the Federal Government, State and local governments (with the consent of the State and local governments), land trusts, or nonprofit, nongovernmental organizations with expertise in wetland restoration.

“(2) FINANCIAL ASSISTANCE.—Under the cooperation agreement, the Secretary may provide assistance for implementation of wetland restoration projects and soil and water conservation measures.”; and

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

#### “(d) IMPLEMENTATION OF STRATEGY.—

“(1) IN GENERAL.—The Secretary shall carry out the development, demonstration, and implementation of the strategy under this section in cooperation with local landowners, local government officials, and land trusts.

“(2) GOALS OF PROJECTS.—Projects to implement the strategy under this subsection shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetland restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects.”.

#### SEC. 3106. NARRAGANSETT BAY, RHODE ISLAND.

The Secretary may use amounts in the Environmental Restoration Account, Formerly

Used Defense Sites, under section 2703(a)(5) of title 10, United States Code, for the removal of abandoned marine camels at any Formerly Used Defense Site under the jurisdiction of the Department of Defense that is undergoing (or is scheduled to undergo) environmental remediation under chapter 160 of title 10, United States Code (and other provisions of law), in Narragansett Bay, Rhode Island, in accordance with the Corps of Engineers prioritization process under the Formerly Used Defense Sites program.

**SEC. 3107. SOUTH CAROLINA DEPARTMENT OF COMMERCE DEVELOPMENT PROPOSAL AT RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.**

(a) IN GENERAL.—The Secretary shall convey to the State of South Carolina, by quit-claim deed, all right, title, and interest of the United States in and to the parcels of land described in subsection (b)(1) that are managed, as of the date of enactment of this Act, by the South Carolina Department of Commerce for public recreation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the parcels of land referred to in subsection (a) are the parcels contained in the portion of land described in Army Lease Number DACW21-1-92-0500.

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

(A) ownership of all land included in the lease referred to in paragraph (1) that would have been acquired for operational purposes in accordance with the 1971 implementation of the 1962 Army/Interior Joint Acquisition Policy; and

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

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

(c) GENERAL PROVISIONS.—

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

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

(3) COSTS OF CONVEYANCE.—

(A) IN GENERAL.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance under this section.

(B) FORM OF CONTRIBUTION.—As determined appropriate by the Secretary, in lieu of payment of compensation to the United States under subparagraph (A), the State may perform certain environmental or real estate actions associated with the conveyance under this section if those actions are performed in close coordination with, and to the satisfaction of, the United States.

(4) LIABILITY.—The State shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed under this section.

(d) ADDITIONAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—The State shall pay fair market value consideration, as determined by the United States, for any land included in the conveyance under this section.

(2) NO EFFECT ON SHORE MANAGEMENT POLICY.—The Shoreline Management Policy

(ER-1130-2-406) of the Corps of Engineers shall not be changed or altered for any proposed development of land conveyed under this section.

(3) FEDERAL STATUTES.—The conveyance under this section shall be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including public review under that Act) and other Federal statutes.

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

(5) LAND NOT CONVEYED.—The State shall continue to manage the land not conveyed under this section in accordance with the terms and conditions of Army Lease Number DACW21-1-92-0500.

**SEC. 3108. MISSOURI RIVER RESTORATION, SOUTH DAKOTA.**

(a) MEMBERSHIP.—Section 904(b)(1)(B) of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended—

(1) in clause (vii), by striking “and” at the end;

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

“(viii) rural water systems; and”.

(b) REAUTHORIZATION.—Section 907(a) of the Water Resources Development Act of 2000 (114 Stat. 2712) is amended in the first sentence by striking “2005” and inserting “2010”.

**SEC. 3109. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.**

Section 514 of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended—

(1) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively;

(2) in subsection (h) (as redesignated by paragraph (1)), by striking paragraph (1) and inserting the following:

“(1) NON-FEDERAL SHARE.—

“(A) IN GENERAL.—The non-Federal share of the cost of projects may be provided—

“(i) in cash;

“(ii) by the provision of land, easements, rights-of-way, relocations, or disposal areas;

“(iii) by in-kind services to implement the project; or

“(iv) by any combination of the foregoing.

“(B) PRIVATE OWNERSHIP.—Land needed for a project under this authority may remain in private ownership subject to easements that are—

“(i) satisfactory to the Secretary; and

“(ii) necessary to assure achievement of the project purposes.”;

(3) in subsection (i) (as redesignated by paragraph (1)), by striking “for the period of fiscal years 2000 and 2001.” and inserting “per year, and that authority shall extend until Federal fiscal year 2011.”; and

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

“(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a regional or national nonprofit entity with the consent of the affected local government.

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

**SEC. 3110. NONCONNNAH WEIR, MEMPHIS, TENNESSEE.**

The project for flood control, Nonconnnah Creek, Tennessee and Mississippi, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4124) and modi-

fied by the section 334 of the Water Resources Development Act of 2000 (114 Stat. 2611), is modified to authorize the Secretary—

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

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

**SEC. 3111. OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.**

(a) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (commonly known as “Easter Seals Tennessee”) at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087), the reversionary interests and the use restrictions relating to recreation and camping purposes are extinguished.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by subsection (a).

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

**SEC. 3112. SANDY CREEK, JACKSON COUNTY, TENNESSEE.**

(a) IN GENERAL.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Sandy Creek, Jackson County, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) RELATIONSHIP TO WEST TENNESSEE TRIBUTARIES PROJECT, TENNESSEE.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Sandy Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Sandy Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

**SEC. 3113. CEDAR BAYOU, TEXAS.**

Section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632) is amended by striking “except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide” and inserting “except that the project is authorized for construction of a navigation channel that is 10 feet deep by 100 feet wide”.

**SEC. 3114. DENISON, TEXAS.**

(a) IN GENERAL.—The Secretary shall offer to convey at fair market value to the city of Denison, Texas (or a designee of the city), all right, title, and interest of the United States in and to the approximately 900 acres of land located in Grayson County, Texas, which is currently subject to an Application for Lease for Public Park and Recreational Purposes made by the city of Denison, dated August 17, 2005.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and description of the real property referred to in subsection (a) shall be determined by a survey paid for by the city of Denison, Texas (or a designee of the city), that is satisfactory to the Secretary.

(c) CONVEYANCE.—On acceptance by the city of Denison, Texas (or a designee of the

city), of an offer under subsection (a), the Secretary may immediately convey the land surveyed under subsection (b) by quitclaim deed to the city of Denison, Texas (or a designee of the city).

**SEC. 3115. CENTRAL CITY, FORT WORTH, TEXAS.**

For the purposes of achieving efficiencies, enhanced benefits, and complementary implementation, as compared with construction of the projects separately, the project for flood control and other purposes authorized by section 116 of division C of title I of the Consolidated Appropriations Act, 2003 (Public Law 108-447; 118 Stat. 2944), is modified to include the project for ecosystem restoration, as generally defined in the report of the report of the Chief of Engineers entitled "Riverside Oxbow, Fort Worth, Texas" and dated May 29, 2003, at a total cost of \$247,110,000, with an estimated Federal cost of \$121,210,000 and a non-Federal cost of \$125,900,000.

**SEC. 3116. FREEPORT HARBOR, TEXAS.**

(a) IN GENERAL.—The project for navigation, Freeport Harbor, Texas, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to provide that—

(1) all project costs incurred as a result of the discovery of the sunken vessel COMSTOCK of the Corps of Engineers are a Federal responsibility; and

(2) the Secretary shall not seek further obligation or responsibility for removal of the vessel COMSTOCK, or costs associated with a delay due to the discovery of the sunken vessel COMSTOCK, from the Port of Freeport.

(b) COST SHARING.—This section does not affect the authorized cost sharing for the balance of the project described in subsection (a).

**SEC. 3117. HARRIS COUNTY, TEXAS.**

Section 575(b) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting ";" and"; and

(3) by adding the following:

"(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).".

**SEC. 3118. CONNECTICUT RIVER RESTORATION, VERMONT.**

Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), with respect to the study entitled "Connecticut River Restoration Authority", dated May 23, 2001, a nonprofit entity may act as the non-Federal interest for purposes of carrying out the activities described in the agreement executed between The Nature Conservancy and the Department of the Army on August 5, 2005.

**SEC. 3119. DAM REMEDIATION, VERMONT.**

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

(1) in subsection (a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting ";" and"; and

(C) by adding at the end the following:

"(4) may carry out measures to restore, protect, and preserve an ecosystem affected by a dam described in subsection (b)."; and

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

"(11) Camp Wapanacki, Hardwick.

"(12) Star Lake Dam, Mt. Holly.

"(13) Curtis Pond, Calais.

"(14) Weathersfield Reservoir, Springfield.

"(15) Burr Pond, Sudbury.

"(16) Maidstone Lake, Guildhall.  
"(17) Upper and Lower Hurricane Dam.  
"(18) Lake Fairlee.  
"(19) West Charleston Dam.".br/>**SEC. 3120. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER CHESTNUT, AND OTHER NONNATIVE PLANT CONTROL, VERMONT.**

Under authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall revise the existing General Design Memorandum to permit the use of chemical means of control, when appropriate, of Eurasian milfoil, water chestnuts, and other nonnative plants in the Lake Champlain basin, Vermont.

**SEC. 3121. UPPER CONNECTICUT RIVER BASIN WETLAND RESTORATION, VERMONT AND NEW HAMPSHIRE.**

(a) IN GENERAL.—The Secretary, in cooperation with the States of Vermont and New Hampshire, shall carry out a study and develop a strategy for the use of wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the Upper Connecticut River watershed.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of the study and development of the strategy under subsection (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy may be provided through the contribution of in-kind services and materials.

(c) NON-FEDERAL INTEREST.—A nonprofit organization with wetland restoration experience may serve as the non-Federal interest for the study and development of the strategy under this section.

(d) COOPERATIVE AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary may enter into 1 or more cooperative agreements to provide technical assistance to appropriate Federal, State, and local agencies and nonprofit organizations with wetland restoration experience, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.

(e) IMPLEMENTATION.—The Secretary shall carry out development and implementation of the strategy under this section in cooperation with local landowners and local government officials.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000, to remain available until expended.

**SEC. 3122. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM RESTORATION, VERMONT AND NEW HAMPSHIRE.**

(a) GENERAL MANAGEMENT PLAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture and in consultation with the States of Vermont and New Hampshire and the Connecticut River Joint Commission, shall conduct a study and develop a general management plan for ecosystem restoration of the Upper Connecticut River ecosystem for the purposes of—

- (A) habitat protection and restoration;
- (B) streambank stabilization;
- (C) restoration of stream stability;
- (D) water quality improvement;
- (E) invasive species control;
- (F) wetland restoration;
- (G) fish passage; and
- (H) natural flow restoration.

(2) EXISTING PLANS.—In developing the general management plan, the Secretary shall depend heavily on existing plans for the restoration of the Upper Connecticut River.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any critical restoration project in the Upper Connecticut River Basin in accordance with the general management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the general management plan developed under subsection (a); and

(B) with respect to the Upper Connecticut River and Upper Connecticut River watershed, consists of—

(i) bank stabilization of the main stem, tributaries, and streams;

(ii) wetland restoration and migratory bird habitat restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) implementation of an intergovernmental agreement for coordinating ecosystem restoration, fish passage installation, streambank stabilization, wetland restoration, habitat protection and restoration, or natural flow restoration;

(vii) water quality improvement;

(viii) invasive species control;

(ix) wetland restoration and migratory bird habitat restoration;

(x) improvements in fish migration; and

(xi) conduct of any other project or activity determined to be appropriate by the Secretary.

(c) COST SHARING.—The Federal share of the cost of any project carried out under this section shall not be less than 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) CREDITING.—

(1) FOR WORK.—The Secretary shall provide credit, including credit for in-kind contributions of up to 100 percent of the non-Federal share, for work (including design work and materials) if the Secretary determines that the work performed by the non-Federal interest is integral to the product.

(2) FOR OTHER CONTRIBUTIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, dredged material disposal areas, and relocations necessary to implement the projects.

(f) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000, to remain available until expended.

**SEC. 3123. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.**

Section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (D), by striking "or" at the end;

(B) by redesignating subparagraph (E) as subparagraph (G); and

(C) by inserting after subparagraph (D) the following:

"(E) river corridor assessment, protection, management, and restoration for the purposes of ecosystem restoration;

"(F) geographic mapping conducted by the Secretary using existing technical capacity to produce a high-resolution, multispectral satellite imagery-based land use and cover data set; or";

(2) in subsection (e)(2)—

(A) in subparagraph (A)—

(i) by striking “The non-Federal” and inserting the following:

“(i) IN GENERAL.—The non-Federal”; and

(ii) by adding at the end the following:

“(ii) APPROVAL OF DISTRICT ENGINEER.—Approval of credit for design work of less than \$100,000 shall be determined by the appropriate district engineer.”; and

(B) in subparagraph (C), by striking “up to 50 percent of”; and

(3) in subsection (g), by striking “\$20,000,000” and inserting “\$32,000,000”.

**SEC. 3124. CHESAPEAKE BAY OYSTER RESTORATION, VIRGINIA AND MARYLAND.**

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) in paragraph (1)—

(A) in the second sentence, by striking “\$30,000,000” and inserting “\$50,000,000”; and

(B) in the third sentence, by striking “Such projects” and inserting the following:

“(2) INCLUSIONS.—Such projects”;

(3) by striking paragraph (2)(D) (as redesignated by paragraph (2)(B)) and inserting the following:

“(D) the restoration and rehabilitation of habitat for fish, including native oysters, in the Chesapeake Bay and its tributaries in Virginia and Maryland, including—

“(i) the construction of oyster bars and reefs;

“(ii) the rehabilitation of existing marginal habitat;

“(iii) the use of appropriate alternative substrate material in oyster bar and reef construction;

“(iv) the construction and upgrading of oyster hatcheries; and

“(v) activities relating to increasing the output of native oyster broodstock for seeding and monitoring of restored sites to ensure ecological success.

(3) RESTORATION AND REHABILITATION ACTIVITIES.—The restoration and rehabilitation activities described in paragraph (2)(D) shall be—

“(A) for the purpose of establishing permanent sanctuaries and harvest management areas; and

“(B) consistent with plans and strategies for guiding the restoration of the Chesapeake Bay oyster resource and fishery.”; and

(4) by adding at the end the following:

“(5) DEFINITION OF ECOLOGICAL SUCCESS.—In this subsection, the term ‘ecological success’ means—

“(A) achieving a tenfold increase in native oyster biomass by the year 2010, from a 1994 baseline; and

“(B) the establishment of a sustainable fishery as determined by a broad scientific and economic consensus.”.

**SEC. 3125. JAMES RIVER, VIRGINIA.**

The Secretary shall accept funds from the National Park Service to provide technical and project management assistance for the James River, Virginia, with a particular emphasis on locations along the shoreline adversely impacted by Hurricane Isabel.

**SEC. 3126. TANGIER ISLAND SEAWALL, VIRGINIA.**

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

**SEC. 3127. EROSION CONTROL, PUGET ISLAND, WAHKIAKUM COUNTY, WASHINGTON.**

(a) IN GENERAL.—The Lower Columbia River levees and bank protection works au-

thorized by section 204 of the Flood Control Act of 1950 (64 Stat. 178) is modified with regard to the Wahkiakum County diking districts No. 1 and 3, but without regard to any cost ceiling authorized before the date of enactment of this Act, to direct the Secretary to provide a 1-time placement of dredged material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47, and the shoreline of Westport Beach, Clatsop County, Oregon, between river miles 43 to 45, to protect economic and environmental resources in the area from further erosion.

(b) COORDINATION AND COST SHARING REQUIREMENTS.—The Secretary shall carry out subsection (a)—

(1) in coordination with appropriate resource agencies;

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

(3) at full Federal expense.

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

**SEC. 3128. LOWER GRANITE POOL, WASHINGTON.**

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port or industrial purposes are extinguished;

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

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

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

(1) Auditor’s File Numbers 432576, 443411, 499988, and 579771 of Whitman County, Washington.

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

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

**SEC. 3129. MCNARY LOCK AND DAM, MCNARY NATIONAL WILDLIFE REFUGE, WASHINGTON AND IDAHO.**

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land acquired for the McNary Lock and Dam Project and managed by the United States Fish and Wildlife Service under Cooperative Agreement Number DACW68-4-00-13 with the Corps of Engineers, Walla Walla District, is transferred from the Secretary to the Secretary of the Interior.

(b) EASEMENTS.—The transfer of administrative jurisdiction under subsection (a) shall be subject to easements in existence as of the date of enactment of this Act on land subject to the transfer.

(c) RIGHTS OF SECRETARY.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall retain rights described in paragraph (2) with respect to the land for which administrative jurisdiction is transferred under subsection (a).

(2) RIGHTS.—The rights of the Secretary referred to in paragraph (1) are the rights—

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

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

(C) to access such land described in subsection (a) as may be required to install,

maintain, and inspect sediment ranges and carry out similar activities;

(D) to construct and develop wetland, riparian habitat, or other environmental restoration features authorized by section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);

(E) to dredge and deposit fill materials; and

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

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

(d) MANAGEMENT.—

(1) IN GENERAL.—The land described in subsection (a) shall be managed by the Secretary of the Interior as part of the McNary National Wildlife Refuge.

(2) CUMMINS PROPERTY.—

(A) RETENTION OF CREDITS.—Habitat unit credits described in the memorandum entitled “Design Memorandum No. 6, LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION PLAN, Wildlife Compensation and Fishing Access Site Selection, Letter Supplement No. 15, SITE DEVELOPMENT PLAN FOR THE WALLULA HMU” provided for the Lower Snake River Fish and Wildlife Compensation Plan through development of the parcel of land formerly known as the “Cummins property” shall be retained by the Secretary despite any changes in management of the parcel on or after the date of enactment of this Act.

(B) SITE DEVELOPMENT PLAN.—The United States Fish and Wildlife Service shall obtain prior approval of the Washington State Department of Fish and Wildlife for any change to the previously approved site development plan for the parcel of land formerly known as the “Cummins property”.

(3) MADAME DORIAN RECREATION AREA.—The United States Fish and Wildlife Service shall continue operation of the Madame Dorian Recreation Area for public use and boater access.

(e) ADMINISTRATIVE COSTS.—The United States Fish and Wildlife Service shall be responsible for all survey, environmental compliance, and other administrative costs required to implement the transfer of administrative jurisdiction under subsection (a).

**SEC. 3130. SNAKE RIVER PROJECT, WASHINGTON AND IDAHO.**

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

**SEC. 3131. WHATCOM CREEK WATERWAY, BELLINGHAM, WASHINGTON.**

That portion of the project for navigation, Whatcom Creek Waterway, Bellingham, Washington, authorized by the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the “River and Harbor Act of 1910”) and the River and Harbor Act of 1958 (72 Stat. 299), consisting of the last 2,900 linear feet of the inner portion of the waterway, and beginning at station 29+00 to station 0+00, shall not be authorized as of the date of enactment of this Act.

**SEC. 3132. LOWER MUD RIVER, MILTON, WEST VIRGINIA.**

The project for flood damage reduction at Lower Mud River, Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790; 114 Stat. 2612), is modified to authorize the Secretary to carry out the project in accordance with the recommended plan described in the Draft Limited Reevaluation Report of the Corps of Engineers dated May 2004, at a total cost of \$57,100,000, with an estimated Federal cost of \$42,825,000 and an estimated non-Federal cost of \$14,275,000.

**SEC. 3133. McDOWELL COUNTY, WEST VIRGINIA.**

(a) IN GENERAL.—The McDowell County nonstructural component of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland Rivers, West Virginia, Virginia, and Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide protection, throughout McDowell County, West Virginia, from the reoccurrence of the greater of—

- (1) the April 1977 flood;
- (2) the July 2001 flood;
- (3) the May 2002 flood; or
- (4) the 100-year frequency event.

(b) UPDATES AND REVISIONS.—The measures under subsection (a) shall be carried out in accordance with, and during the development of, the updates and revisions under section 2006(e)(2).

**SEC. 3134. GREEN BAY HARBOR PROJECT, GREEN BAY, WISCONSIN.**

The portion of the inner harbor of the Federal navigation channel of the Green Bay Harbor project, authorized by the first section of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved July 5, 1884 (commonly known as the “River and Harbor Act of 1884”) (23 Stat. 136, chapter 229), from Station 190+00 to Station 378+00 is authorized to a width of 75 feet and a depth of 6 feet.

**SEC. 3135. MANITOWOC HARBOR, WISCONSIN.**

(a) IN GENERAL.—The portion of the project for navigation, Manitowoc Harbor, Wisconsin, authorized by the first section of the River and Harbor Act of August 30, 1852 (10 Stat. 58), consisting of the channel in the south part of the outer harbor, deauthorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176), may be carried out by the Secretary.

(b) LIMITATION.—No construction on the project may be initiated until the Secretary determines that the project is feasible.

**SEC. 3136. OCONTO HARBOR, WISCONSIN.**

(a) IN GENERAL.—The portion of the project for navigation, Oconto Harbor, Wisconsin, authorized by the Act of August 2, 1882 (22 Stat. 196, chapter 375), and the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the “River and Harbor Act of 1910”), consisting of a 15-foot-deep turning basin in the Oconto River, as described in subsection (b), is no longer authorized.

(b) PROJECT DESCRIPTION.—The project referred to in subsection (a) is more particularly described as—

(1) beginning at a point along the western limit of the existing project, N. 394,086.71, E. 2,530,202.71;

(2) thence northeasterly about 619.93 feet to a point N. 394,459.10, E. 2,530,698.33;

(3) thence southeasterly about 186.06 feet to a point N. 394,299.20, E. 2,530,793.47;

(4) thence southwesterly about 355.07 feet to a point N. 393,967.13, E. 2,530,667.76;

(5) thence southwesterly about 304.10 feet to a point N. 393,826.90, E. 2,530,397.92; and

(6) thence northwesterly about 324.97 feet to the point of origin.

**SEC. 3137. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

(1) in subsection (a)—

(A) by striking “1276.42” and inserting “1278.42”;

(B) by striking “1218.31” and inserting “1221.31”; and

(C) by striking “1234.82” and inserting “1235.30”; and

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

“(b) EXCEPTION.—

“(1) IN GENERAL.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established under subsection (a) in accordance with water control regulation manuals (or revisions to those manuals) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users.

“(2) EFFECTIVE DATE OF MANUALS.—The water control regulation manuals referred to in paragraph (1) (and any revisions to those manuals) shall be effective as of the date on which the Secretary submits the manuals (or revisions) to Congress.

“(3) NOTIFICATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), not less than 14 days before operating any headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a), the Secretary shall submit to Congress a notice of intent to operate the headwaters reservoir.

“(B) EXCEPTION.—Notice under subparagraph (A) shall not be required in any case in which—

“(i) the operation of a headwaters reservoir is necessary to prevent the loss of life or to ensure the safety of a dam; or

“(ii) the drawdown of the water level of the reservoir is in anticipation of a flood control operation.”

**SEC. 3138. LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.**

Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended by striking “property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge” and inserting “riverfront property”.

**SEC. 3139. UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM.**

(a) IN GENERAL.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any Upper Mississippi River fish and wildlife habitat rehabilitation and enhancement project carried out under section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)), with the consent of the affected local government, a nongovernmental organization may be considered to be a non-Federal interest.

(b) CONFORMING AMENDMENT.—Section 1103(e)(1)(A)(ii) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)) is amended by inserting before the period at the end the following: “, including research on water quality issues affecting the Mississippi River, including elevated nutrient levels, and the development of remediation strategies”.

**SEC. 3140. UPPER BASIN OF MISSOURI RIVER.**

(a) USE OF FUNDS.—Notwithstanding the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2247), funds made available for recovery or mitigation activities in the lower basin of

the Missouri River may be used for recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota.

(b) CONFORMING AMENDMENT.—The matter under the heading “MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA” of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), as modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is amended by adding at the end the following: “The Secretary may carry out any recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota, using funds made available under this heading in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and consistent with the project purposes of the Missouri River Mainstem System as authorized by section 10 of the Act of December 22, 1944 (commonly known as the ‘Flood Control Act of 1944’) (58 Stat. 897).”.

**SEC. 3141. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION PROGRAM.**

(a) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—Section 506(c) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d-22(c)) is amended—

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

(2) by inserting after paragraph (1) the following:

“(2) RECONNAISSANCE STUDIES.—Before planning, designing, or constructing a project under paragraph (3), the Secretary shall carry out a reconnaissance study—

“(A) to identify methods of restoring the fishery, ecosystem, and beneficial uses of the Great Lakes; and

“(B) to determine whether planning of a project under paragraph (3) should proceed.”;

(3) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking “paragraph (2)” and inserting “paragraph (3)”.

(b) COST SHARING.—Section 506(f) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d-22(f)) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by inserting after paragraph (1) the following:

“(2) RECONNAISSANCE STUDIES.—Any reconnaissance study under subsection (c)(2) shall be carried out at full Federal expense.”;

(3) in paragraph (3) (as redesignated by paragraph (1)), by striking “(2) or (3)” and inserting “(3) or (4)”; and

(4) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking “subsection (c)(2)” and inserting “subsection (c)(3)”.

**SEC. 3142. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.**

Section 401(c) of the Water Resources Development Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is amended by striking “through 2006” and inserting “through 2011”.

**SEC. 3143. GREAT LAKES TRIBUTARY MODELS.**

Section 516(g)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking “through 2006” and inserting “through 2011”.

**SEC. 3144. UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM NEW TECHNOLOGY PILOT PROGRAM.**

(a) DEFINITION OF UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM.—In this section, the term “Upper Ohio River and Tributaries Navigation System” means the Allegheny, Kanawha, Monongahela, and Ohio Rivers.

## (b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to evaluate new technologies applicable to the Upper Ohio River and Tributaries Navigation System.

(2) INCLUSIONS.—The program may include the design, construction, or implementation of innovative technologies and solutions for the Upper Ohio River and Tributaries Navigation System, including projects for—

(A) improved navigation;

(B) environmental stewardship;

(C) increased navigation reliability; and

(D) reduced navigation costs.

(3) PURPOSES.—The purposes of the program shall be, with respect to the Upper Ohio River and Tributaries Navigation System—

(A) to increase the reliability and availability of federally-owned and federally-operated navigation facilities;

(B) to decrease system operational risks; and

(C) to improve—

(i) vessel traffic management;

(ii) access; and

(iii) Federal asset management.

(c) FEDERAL OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is federally owned.

## (d) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall enter into local cooperation agreements with non-Federal interests to provide for the design, construction, installation, and operation of the projects to be carried out under the program.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall include the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a navigation improvement project, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project.

(3) COST SHARING.—Total project costs under each local cooperation agreement shall be cost-shared in accordance with the formula relating to the applicable original construction project.

## (4) EXPENDITURES.—

(A) IN GENERAL.—Expenditures under the program may include, for establishment at federally-owned property, such as locks, dams, and bridges—

(i) transmitters;

(ii) responders;

(iii) hardware;

(iv) software; and

(v) wireless networks.

(B) EXCLUSIONS.—Transmitters, responders, hardware, software, and wireless networks or other equipment installed on privately-owned vessels or equipment shall not be eligible under the program.

(e) REPORT.—Not later than December 31, 2008, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether the program or any component of the program should be implemented on a national basis.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$3,100,000, to remain available until expended.

**TITLE IV—STUDIES****SEC. 4001. SEWARD BREAKWATER, ALASKA.**

The Secretary shall review the Seward Boat Harbor element of the project for navigation, Seward Harbor, Alaska, authorized

by section 101(a)(3) of the Water Resources Development Act of 1999 (113 Stat. 274), to determine whether the failure of the outer breakwater to protect the harbor from heavy wave damage resulted from a design deficiency.

**SEC. 4002. NOME HARBOR IMPROVEMENTS, ALASKA.**

The Secretary shall review the project for navigation, Nome Harbor improvements, Alaska, authorized by section 101(a)(1) of the Water Resources Development Act of 1999 (113 Stat. 273), to determine whether the project cost increases, including the cost of rebuilding the entrance channel damaged in a September 2005 storm, resulted from a design deficiency.

**SEC. 4003. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION CHANNEL.**

(a) IN GENERAL.—To determine with improved accuracy the environmental impacts of the project on the McClellan-Kerr Arkansas River Navigation Channel (referred to in this section as the “MKARN”), the Secretary shall carry out the measures described in subsection (b) in a timely manner.

## (b) SPECIES STUDY.—

(1) IN GENERAL.—The Secretary, in conjunction with Oklahoma State University, shall convene a panel of experts with acknowledged expertise in wildlife biology and genetics to review the available scientific information regarding the genetic variation of various sturgeon species and possible hybrids of those species that, as determined by the United States Fish and Wildlife Service, may exist in any portion of the MKARN.

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

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

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

**SEC. 4004. FRUITVALE AVENUE RAILROAD BRIDGE, ALAMEDA, CALIFORNIA.**

(a) IN GENERAL.—The Secretary shall prepare a comprehensive report that examines the condition of the existing Fruitvale Avenue Railroad Bridge, Alameda County, California (referred to in this section as the “Railroad Bridge”), and determines the most economic means to maintain that rail link by either repairing or replacing the Railroad Bridge.

(b) REQUIREMENTS.—The report under this section shall include—

(1) a determination of whether the Railroad Bridge is in immediate danger of failing or collapsing;

(2) the annual costs to maintain the Railroad Bridge;

(3) the costs to place the Railroad Bridge in a safe, “no-collapse” condition, such that the Railroad Bridge will not endanger maritime traffic;

(4) the costs to retrofit the Railroad Bridge such that the Railroad Bridge may continue to serve as a rail link between the Island of Alameda and the Mainland; and

(5) the costs to construct a replacement for the Railroad Bridge capable of serving the current and future rail, light rail, and homeland security needs of the region.

(c) SUBMISSION OF REPORT.—The Secretary shall—

(1) complete the Railroad Bridge report under subsection (a) not later than 180 days after the date of enactment of this Act; and

(2) submit the report to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives.

(d) LIMITATIONS.—The Secretary shall not—

(1) demolish the Railroad Bridge or otherwise render the Railroad Bridge unavailable or unusable for rail traffic; or

(2) reduce maintenance of the Railroad Bridge.

## (e) EASEMENT.—

(1) IN GENERAL.—The Secretary shall provide to the city of Alameda, California, a nonexclusive access easement over the Oakland Estuary that comprises the subsurface land and surface approaches for the Railroad Bridge that—

(A) is consistent with the Bay Trail Proposal of the City of Oakland; and

(B) is otherwise suitable for the improvement, operation, and maintenance of the Railroad Bridge or construction, operation, and maintenance of a suitable replacement bridge.

(2) COST.—The easement under paragraph (1) shall be provided to the city of Alameda without consideration and at no cost to the United States.

**SEC. 4005. LOS ANGELES RIVER REVITALIZATION STUDY, CALIFORNIA.**

(a) IN GENERAL.—The Secretary, in coordination with the city of Los Angeles, shall—

(1) prepare a feasibility study for environmental ecosystem restoration, flood control, recreation, and other aspects of Los Angeles River revitalization that is consistent with the goals of the Los Angeles River Revitalization Master Plan published by the city of Los Angeles; and

(2) consider any locally-preferred project alternatives developed through a full and open evaluation process for inclusion in the study.

(b) USE OF EXISTING INFORMATION AND MEASURES.—In preparing the study under subsection (a), the Secretary shall use, to the maximum extent practicable—

(1) information obtained from the Los Angeles River Revitalization Master Plan; and

(2) the development process of that plan.

## (c) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Secretary is authorized to construct demonstration projects in order to provide information to develop the study under subsection (a)(1).

(2) FEDERAL SHARE.—The Federal share of the cost of any project under this subsection shall be not more than 65 percent.

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

**SEC. 4006. NICHOLAS CANYON, LOS ANGELES, CALIFORNIA.**

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

**SEC. 4007. OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL STUDY.**

Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) is amended by striking “32 months” and inserting “44 months”.

**SEC. 4008. COMPREHENSIVE FLOOD PROTECTION PROJECT, ST. HELENA, CALIFORNIA.**

## (a) FLOOD PROTECTION PROJECT.—

(1) REVIEW.—The Secretary shall review the project for flood control and environmental restoration at St. Helena, California, generally in accordance with Enhanced Minimum Plan A, as described in the final environmental impact report prepared by the city of St. Helena, California, and certified by the city to be in compliance with the California Environmental Quality Act on February 24, 2004.

(2) ACTION ON DETERMINATION.—If the Secretary determines under paragraph (1) that the project is economically justified, technically sound, and environmentally acceptable, the Secretary is authorized to carry out the project at a total cost of \$30,000,000, with an estimated Federal cost of \$19,500,000, and an estimated non-Federal cost of \$10,500,000.

(b) COST SHARING.—Cost sharing for the project described in subsection (a) shall be in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

**SEC. 4009. SAN FRANCISCO BAY, SACRAMENTO SAN JOAQUIN DELTA, SHERMAN ISLAND, CALIFORNIA.**

The Secretary shall carry out a study of the feasibility of a project to use Sherman Island, California, as a dredged material re-handling facility for the beneficial use of dredged material to enhance the environment and meet other water resource needs on the Sacramento-San Joaquin Delta, California, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

**SEC. 4010. SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA.**

(a) IN GENERAL.—The Secretary, in cooperation with non-Federal interests, shall conduct a study of the feasibility of carrying out a project for—

- (1) flood protection of South San Francisco Bay shoreline;
- (2) restoration of the South San Francisco Bay salt ponds (including on land owned by other Federal agencies); and
- (3) other related purposes, as the Secretary determines to be appropriate.

(b) INDEPENDENT REVIEW.—To the extent required by applicable Federal law, a national science panel shall conduct an independent review of the study under subsection (a).

(c) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include recommendations of the Secretary with respect to the project described in subsection (a) based on planning, design, and land acquisition documents prepared by—

- (A) the California State Coastal Conservancy;
- (B) the Santa Clara Valley Water District; and
- (C) other local interests.

**SEC. 4011. SAN PABLO BAY WATERSHED RESTORATION, CALIFORNIA.**

(a) IN GENERAL.—The Secretary shall complete work as expeditiously as practicable on the study for the San Pablo watershed, California, authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1196) to determine the feasibility of opportunities for restoring, preserving, and protecting the San Pablo Bay Watershed.

(b) REPORT.—Not later than March 31, 2008, the Secretary shall submit to Congress a report that describes the results of the study.

**SEC. 4012. FOUNTAIN CREEK, NORTH OF PUEBLO, COLORADO.**

Subject to the availability of appropriations, the Secretary shall expedite the completion of the Fountain Creek, North of Pueblo, Colorado, watershed study authorized by a resolution adopted by the Committee on Public Works and Transportation of the House of Representatives on September 23, 1976.

**SEC. 4013. SELENIUM STUDY, COLORADO.**

(a) IN GENERAL.—The Secretary, in consultation with State water quality and re-

source and conservation agencies, shall conduct regional and watershed-wide studies to address selenium concentrations in the State of Colorado, including studies—

- (1) to measure selenium on specific sites; and
- (2) to determine whether specific selenium measures studied should be recommended for use in demonstration projects.

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

**SEC. 4014. DELAWARE INLAND BAYS AND TERRITORIES AND ATLANTIC COAST, DELAWARE.**

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Indian River Inlet and Bay, Delaware.

(b) FACTORS FOR CONSIDERATION AND PRIORITY.—In carrying out the study under subsection (a), the Secretary shall—

- (1) take into consideration all necessary activities to stabilize the scour holes threatening the Inlet and Bay shorelines; and
- (2) give priority to stabilizing and restoring the Inlet channel and scour holes adjacent to the United States Coast Guard pier and helipad and the adjacent State-owned properties.

**SEC. 4015. HERBERT HOOVER DIKE SUPPLEMENTAL MAJOR REHABILITATION REPORT, FLORIDA.**

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall publish a supplemental report to the major rehabilitation report for the Herbert Hoover Dike system approved by the Chief of Engineers in November 2000.

(b) INCLUSIONS.—The supplemental report under subsection (a) shall include—

- (1) an evaluation of existing conditions at the Herbert Hoover Dike system;
- (2) an identification of additional risks associated with flood events at the system that are equal to or greater than the standard projected flood risks;
- (3) an evaluation of the potential to integrate projects of the Corps of Engineers into an enhanced flood protection system for Lake Okeechobee, including—

- (A) the potential for additional water storage north of Lake Okeechobee; and
- (B) an analysis of other project features included in the Comprehensive Everglades Restoration Plan; and

(4) a review of the report prepared for the South Florida Water Management District dated April 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,500,000.

**SEC. 4016. BOISE RIVER, IDAHO.**

The study for flood control, Boise River, Idaho, authorized by section 414 of the Water Resources Development Act of 1999 (113 Stat. 324), is modified to include ecosystem restoration and water supply as project purposes to be studied.

**SEC. 4017. PROMONTORY POINT THIRD-PARTY REVIEW, CHICAGO SHORELINE, CHICAGO, ILLINOIS.**

(a) REVIEW.—

(1) IN GENERAL.—The Secretary is authorized to conduct a third-party review of the Promontory Point project along the Chicago Shoreline, Chicago, Illinois, at a cost not to exceed \$450,000.

(2) JOINT REVIEW.—The Buffalo and Seattle Districts of the Corps of Engineers shall jointly conduct the review under paragraph (1).

(3) STANDARDS.—The review shall be based on the standards under part 68 of title 36, Code of Federal Regulations (or successor regulation), for implementation by the non-Federal sponsor for the Chicago Shoreline Chicago, Illinois, project.

(b) CONTRIBUTIONS.—The Secretary shall accept from a State or political subdivision of a State voluntarily contributed funds to initiate the third-party review.

(c) TREATMENT.—While the third-party review is of the Promontory Point portion of the Chicago Shoreline, Chicago, Illinois, project, the third-party review shall be separate and distinct from the Chicago Shoreline, Chicago, Illinois, project.

(d) EFFECT OF SECTION.—Nothing in this section affects the authorization for the Chicago Shoreline, Chicago, Illinois, project.

**SEC. 4018. VIDALIA PORT, LOUISIANA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation improvement at Vidalia, Louisiana.

**SEC. 4019. LAKE ERIE AT LUNA PIER, MICHIGAN.**

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

**SEC. 4020. WILD RICE RIVER, MINNESOTA.**

The Secretary shall expedite the completion of the general reevaluation report authorized by section 438 of the Water Resources Development Act of 2000 (114 Stat. 2640) for the project for flood protection, Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), to develop alternatives to the Twin Valley Lake feature of that project.

**SEC. 4021. ASIAN CARP DISPERSAL BARRIER DEMONSTRATION PROJECT, UPPER MISSISSIPPI RIVER.**

(a) IN GENERAL.—The Secretary is authorized to carry out a study to determine the feasibility of constructing a fish barrier demonstration project to delay, deter, impede, or restrict the invasion of Asian carp into the northern reaches of the Upper Mississippi River.

(b) REQUIREMENT.—In conducting the study under subsection (a), the Secretary shall take into consideration the feasibility of locating the fish barrier at the lock portion of the project at Lock and Dam 11 in the Upper Mississippi River Basin.

**SEC. 4022. FLOOD DAMAGE REDUCTION, OHIO.**

The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood damage reduction in Cuyahoga, Lake, Ashtabula, Geauga, Erie, Lucas, Sandusky, Huron, and Stark Counties, Ohio.

**SEC. 4023. MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.**

The Secretary shall carry out a study of the feasibility of a project for navigation improvements, shoreline protection, and other related purposes, including the rehabilitation the harbor basin (including entrance breakwaters), interior shoreline protection, dredging, and the development of a public launch ramp facility, for Middle Bass Island State Park, Middle Bass Island, Ohio.

**SEC. 4024. OHIO RIVER, OHIO.**

The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood damage reduction on the Ohio River in Mahoning, Columbiana, Jefferson, Belmont, Noble, Monroe, Washington, Athens, Meigs, Gallia, Lawrence, and Scioto Counties, Ohio.

**SEC. 4025. TOLEDO HARBOR DREDGED MATERIAL PLACEMENT, TOLEDO, OHIO.**

The Secretary shall study the feasibility of removing previously dredged and placed materials from the Toledo Harbor confined disposal facility, transporting the materials, and disposing of the materials in or at abandoned mine sites in southeastern Ohio.

**SEC. 4026. TOLEDO HARBOR, MAUMEE RIVER, AND LAKE CHANNEL PROJECT, TOLEDO, OHIO.**

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of

constructing a project for navigation, Toledo, Ohio.

(b) FACTORS FOR CONSIDERATION.—In conducting the study under subsection (a), the Secretary shall take into consideration—

(1) realigning the existing Toledo Harbor channel widening occurring where the River Channel meets the Lake Channel from the northwest to the southeast side of the Channel;

(2) realigning the entire 200-foot wide channel located at the upper river terminus of the River Channel southern river embankment towards the northern river embankment; and

(3) adjusting the existing turning basin to accommodate those changes.

**SEC. 4027. WOONSOCKET LOCAL PROTECTION PROJECT, BLACKSTONE RIVER BASIN, RHODE ISLAND.**

The Secretary shall conduct a study, and, not later than June 30, 2008, submit to Congress a report that describes the results of the study, on the flood damage reduction project, Woonsocket, Blackstone River Basin, Rhode Island, authorized by the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 887, chapter 665), to determine the measures necessary to restore the level of protection of the project as originally designed and constructed.

**SEC. 4028. JASPER COUNTY PORT FACILITY STUDY, SOUTH CAROLINA.**

(a) IN GENERAL.—The Secretary may determine the feasibility of providing improvements to the Savannah River for navigation and related purposes that may be necessary to support the location of container cargo and other port facilities to be located in Jasper County, South Carolina, near the vicinity of mile 6 of the Savannah Harbor Entrance Channel.

(b) CONSIDERATION.—In making a determination under subsection (a), the Secretary shall take into consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged material disposal area for maintenance of the ongoing Savannah Harbor Navigation project; and

(3) the results of a consultation with the Governor of the State of Georgia and the Governor of the State of South Carolina.

**SEC. 4029. JOHNSON CREEK, ARLINGTON, TEXAS.**

The Secretary shall conduct a feasibility study to determine the technical soundness, economic feasibility, and environmental acceptability of the plan prepared by the city of Arlington, Texas, as generally described in the report entitled “Johnson Creek: A Vision of Conservation, Arlington, Texas”, dated March 2006.

**SEC. 4030. ECOSYSTEM AND HYDROPOWER GENERATION DAMS, VERMONT.**

(a) IN GENERAL.—The Secretary shall conduct a study of the potential to carry out ecosystem restoration and hydropower generation at dams in the State of Vermont, including a review of the report of the Secretary on the land and water resources of the New England-New York region submitted to the President on April 27, 1956 (published as Senate Document Number 14, 85th Congress), and other relevant reports.

(b) PURPOSE.—The purpose of the study under subsection (a) shall be to determine the feasibility of providing water resource improvements and small-scale hydropower generation in the State of Vermont, including, as appropriate, options for dam restoration, hydropower, dam removal, and fish passage enhancement.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out this section \$500,000, to remain available until expended.

**SEC. 4031. EURASIAN MILFOIL.**

Under the authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610),

the Secretary shall carry out a study, at full Federal expense, to develop national protocols for the use of the Euhrychiopsis lecontei weevil for biological control of Eurasian milfoil in the lakes of Vermont and other northern tier States.

**SEC. 4032. LAKE CHAMPLAIN CANAL STUDY, VERMONT AND NEW YORK.**

(a) DISPERSAL BARRIER PROJECT.—The Secretary shall determine, at full Federal expense, the feasibility of a dispersal barrier project at the Lake Champlain Canal.

(b) CONSTRUCTION, MAINTENANCE, AND OPERATION.—If the Secretary determines that the project described in subsection (a) is feasible, the Secretary shall construct, maintain, and operate a dispersal barrier at the Lake Champlain Canal at full Federal expense.

**SEC. 4033. BAKER BAY AND ILWACO HARBOR, WASHINGTON.**

The Secretary shall conduct a study of increased siltation in Baker Bay and Ilwaco Harbor, Washington, to determine whether the siltation is the result of a Federal navigation project.

**SEC. 4034. ELLIOT BAY SEAWALL REHABILITATION STUDY, WASHINGTON.**

The study for the rehabilitation of the Elliott Bay Seawall, Seattle, Washington, is modified to direct the Secretary to determine the feasibility of reducing future damage to the seawall from seismic activity.

**SEC. 4035. JOHNSONVILLE DAM, JOHNSONVILLE, WISCONSIN.**

The Secretary shall conduct a study of the Johnsonville Dam, Johnsonville, Wisconsin, to determine whether the structure prevents ice jams on the Sheboygan River.

**SEC. 4036. DEBRIS REMOVAL.**

(a) REEVALUATION.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, in coordination with the Administrator of the Environmental Protection Agency and in consultation with affected communities, shall conduct a complete reevaluation of Federal and non-Federal demolition, debris removal, segregation, transportation, and disposal practices relating to disaster areas designated in response to Hurricanes Katrina and Rita (including regulated and nonregulated materials and debris).

(2) INCLUSIONS.—The reevaluation under paragraph (1) shall include a review of—

(A) compliance with all applicable environmental laws;

(B) permits issued or required to be issued with respect to debris handling, transportation, storage, or disposal; and

(C) administrative actions relating to debris removal and disposal in the disaster areas described in paragraph (1).

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) describes the findings of the Secretary with respect to the reevaluation under subsection (a);

(2)(A) certifies compliance with all applicable environmental laws; and

(B) identifies any area in which a violation of such a law has occurred or is occurring;

(3) includes recommendations to ensure—

(A) the protection of the environment;

(B) sustainable practices; and

(C) the integrity of hurricane and flood protection infrastructure relating to debris disposal practices;

(4) contains an enforcement plan that is designed to prevent illegal dumping of hurricane debris in a disaster area; and

(5) contains plans of the Secretary and the Administrator to involve the public and non-

Federal interests, including through the formation of a Federal advisory committee, as necessary, to seek public comment relating to the removal, disposal, and planning for the handling of post-hurricane debris.

**TITLE V—MISCELLANEOUS PROVISIONS**

**SEC. 5001. LAKES PROGRAM.**

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) is amended—

(1) in paragraph (18), by striking “and” at the end;

(2) in paragraph (19), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(20) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

“(21) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation;

“(22) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation; and

“(23) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity.”

**SEC. 5002. ESTUARY RESTORATION.**

(a) PURPOSES.—Section 102 of the Estuary Restoration Act of 2000 (33 U.S.C. 2901) is amended—

(1) in paragraph (1), by inserting before the semicolon the following: “by implementing a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage”;

(2) in paragraph (2), by inserting “and implement” after “to develop”; and

(3) in paragraph (3), by inserting “through cooperative agreements” after “restoration projects”.

(b) DEFINITION OF ESTUARY HABITAT RESTORATION PLAN.—Section 103(6)(A) of the Estuary Restoration Act of 2000 (33 U.S.C. 2902(6)(A)) is amended by striking “Federal or State” and inserting “Federal, State, or regional”.

(c) ESTUARY HABITAT RESTORATION PROGRAM.—Section 104 of the Estuary Restoration Act of 2000 (33 U.S.C. 2903) is amended—

(1) in subsection (a), by inserting “through the award of contracts and cooperative agreements” after “assistance”;

(2) in subsection (c)—

(A) in paragraph (3)(A), by inserting “or State” after “Federal”; and

(B) in paragraph (4)(B), by inserting “or approach” after “technology”;

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “Except” and inserting the following:

“(i) IN GENERAL.—Except”; and

(ii) by adding at the end the following:

“(ii) MONITORING.—

“(I) COSTS.—The costs of monitoring an estuary habitat restoration project funded under this title may be included in the total cost of the estuary habitat restoration project.

“(II) GOALS.—The goals of the monitoring shall be—

“(aa) to measure the effectiveness of the restoration project; and

“(bb) to allow adaptive management to ensure project success.”;

(B) in paragraph (2), by inserting “or approach” after “technology”; and

(C) in paragraph (3), by inserting “(including monitoring)” after “services”;

(4) in subsection (f)(1)(B), by inserting “long-term” before “maintenance”; and

(5) in subsection (g)—

(A) by striking “In carrying” and inserting the following:

“(1) IN GENERAL.—In carrying”; and  
 (B) by adding at the end the following:

“(2) SMALL PROJECTS.—

“(A) DEFINITION OF SMALL PROJECT.—In this paragraph, the term ‘small project’ means a project carried out under this title at a Federal cost of less than \$1,000,000.

“(B) SMALL PROJECT DELEGATION.—In carrying out this title, the Secretary, upon the recommendation of the Council, may delegate implementation of a small project to—

“(i) the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service);

“(ii) the Under Secretary for Oceans and Atmosphere of the Department of Commerce;

“(iii) the Administrator of the Environmental Protection Agency; or

“(iv) the Secretary of Agriculture.

“(C) FUNDING.—The implementation of a 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 information to the database developed under section 107; and

“(8) otherwise using the respective agency authorities of the Council members to carry out this title.”.

(e) MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.—Section 107(d) of the Estuary Restoration Act of 2000 (33 U.S.C. 2906(d)) is amended by striking “compile” and inserting “have general data compilation, coordination, and analysis responsibilities to carry out this title and in support of the strategy developed under this section, including compilation of”.

(f) REPORTING.—Section 108(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2907(a)) is amended by striking “third and fifth” and inserting “sixth, eighth, and tenth”.

(g) FUNDING.—Section 109(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2908(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “to the Secretary”; and

(B) by striking subparagraphs (A) through (D) and inserting the following:

“(A) to the Secretary, \$25,000,000 for each of fiscal years 2007 through 2011;

“(B) to the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), \$2,500,000 for each of fiscal years 2007 through 2011;

“(C) to the Under Secretary for Oceans and Atmosphere of the Department of Commerce, \$2,500,000 for each of fiscal years 2007 through 2011;

“(D) to the Administrator of the Environmental Protection Agency, \$2,500,000 for each of fiscal years 2007 through 2011; and

“(E) to the Secretary of Agriculture, \$2,500,000 for each of fiscal years 2007 through 2011.”; and

(2) in the first sentence of paragraph (2)—

(A) by inserting “and other information compiled under section 107” after “this title”; and

(B) by striking “2005” and inserting “2011”.

(h) GENERAL PROVISIONS.—Section 110 of the Estuary Restoration Act of 2000 (33 U.S.C. 2909) is amended—

(1) in subsection (b)(1)—

(A) by inserting “or contracts” after “agreements”; and

(B) by inserting “, nongovernmental organizations,” after “agencies”; and

(2) by striking subsections (d) and (e).

#### SEC. 5003. ENVIRONMENTAL INFRASTRUCTURE.

Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 113 Stat. 1494; 114 Stat. 2763A-219) is amended—

(1) in subsection (c)(5), by striking “a project for the elimination or control of combined sewer overflows” and inserting “projects for the design, installation, enhancement or repair of sewer systems”;

(2) in subsection (e)(1), by striking “\$20,000,000” and inserting “\$32,500,000”; and

(3) in subsection (f)—

(A) in paragraph (30), by striking “\$55,000,000” and inserting “\$75,000,000”; and

(B) by adding at the end the following:

“(77) CHATTOOGA COUNTY, GEORGIA.—\$8,000,000 for waste and drinking water infrastructure improvement, Chattooga County, Georgia.

“(78) ALBANY, GEORGIA.—\$4,000,000 storm drainage system, Albany, Georgia.

“(79) MOULTRIE, GEORGIA.—\$5,000,000 for water supply infrastructure, Moultrie, Georgia.

“(80) STEPHENS COUNTY/CITY OF TOCCOA, GEORGIA.—\$8,000,000 water infrastructure improvements, Stephens County/City of Toccoa, Georgia.

“(81) DAHLONEGA, GEORGIA.—\$5,000,000 for water infrastructure improvements, Dahlonega, Georgia.

“(82) BANKS COUNTY, GEORGIA.—\$5,000,000 for water infrastructure improvements, Banks County, Georgia.

“(83) BERRIEN COUNTY, GEORGIA.—\$5,000,000 for water infrastructure improvements, Berrien County, Georgia.

“(84) CITY OF EAST POINT, GEORGIA.—\$5,000,000 for water infrastructure improvements, City of East Point, Georgia.

“(85) ARMUCHEE VALLEY: CHATTOOGA, FLOYD, GORDON, WALKER, AND WHITFIELD COUNTIES, GEORGIA.—\$10,000,000 for water infrastructure improvements, Armuchee Valley: Chattooga, Floyd, Gordon, Walker, and Whitfield Counties, Georgia.

“(86) ATCHISON, KANSAS.—\$20,000,000 for combined sewer overflows, Atchison, Kansas.

“(87) LAFOURCHE PARISH, LOUISIANA.—\$2,300,000 for measures to prevent the intrusion of saltwater into the freshwater system, Lafourche Parish, Louisiana.

“(88) SOUTH CENTRAL PLANNING AND DEVELOPMENT COMMISSION, LOUISIANA.—\$2,500,000 for water and wastewater improvements, South Central Planning and Development Commission, Louisiana.

“(89) RAPIDES AREA PLANNING COMMISSION, LOUISIANA.—\$1,000,000 for water and wastewater improvements, Rapides, Louisiana.

“(90) NORTHWEST LOUISIANA COUNCIL OF GOVERNMENTS, LOUISIANA.—\$2,000,000 for water and wastewater improvements, Northwest Louisiana Council of Governments, Louisiana.

“(91) LAFAYETTE, LOUISIANA.—\$1,200,000 for water and wastewater improvements, Lafayette, Louisiana.

“(92) LAKE CHARLES, LOUISIANA.—\$1,000,000 for water and wastewater improvements, Lake Charles, Louisiana.

“(93) OUACHITA PARISH, LOUISIANA.—\$1,000,000 water and wastewater improvements, Ouachita Parish, Louisiana.

“(94) UNION-LINCOLN REGIONAL WATER SUPPLY PROJECT, LOUISIANA.—\$2,000,000 for the Union-Lincoln Regional Water Supply project, Louisiana.

“(95) CENTRAL LAKE REGION SANITARY DISTRICT, MINNESOTA.—\$2,000,000 for sanitary sewer and wastewater infrastructure for the Central Lake Region Sanitary District, Minnesota to serve Le Grande and Moe Townships, Minnesota.

“(96) GOODVIEW, MINNESOTA.—\$3,000,000 for water quality infrastructure, Goodview, Minnesota.

“(97) GRAND RAPIDS, MINNESOTA.—\$5,000,000 for wastewater infrastructure, Grand Rapids, Minnesota.

“(98) WILLMAR, MINNESOTA.—\$15,000,000 for wastewater infrastructure, Willmar, Minnesota.

“(99) CITY OF CORINTH, MISSISSIPPI.—\$7,500,000 for a surface water program, Corinth, Mississippi.

“(100) CLEAN WATER COALITION, NEVADA.—\$20,000,000 for the Systems Conveyance and Operations Program, Clark County, Henderson, Las Vegas, and North Las Vegas, Nevada.

“(101) TOWN OF MOORESVILLE, NORTH CAROLINA.—\$4,000,000 for water and wastewater infrastructure improvements, Mooresville, North Carolina.

“(102) CITY OF WINSTON-SALEM, NORTH CAROLINA.—\$3,000,000 for storm water upgrades, Winston-Salem, North Carolina.

“(103) NEUSE REGIONAL WATER AND SEWER AUTHORITY, NORTH CAROLINA.—\$4,000,000 for the Neuse regional drinking water facility, Neuse, North Carolina.

“(104) TOWN OF CARY/WAKE COUNTY, NORTH CAROLINA.—\$4,000,000 for a water reclamation facility, Cary, North Carolina.

“(105) CITY OF FAYETTEVILLE, NORTH CAROLINA.—\$6,000,000 for water and sewer upgrades, Fayetteville, North Carolina.

“(106) WASHINGTON COUNTY, NORTH CAROLINA.—\$1,000,000 for water and wastewater infrastructure, Washington County, North Carolina.

“(107) CITY OF CHARLOTTE, NORTH CAROLINA.—\$3,000,000 for the Briar Creek Relief Sewer project, Charlotte, North Carolina.

“(108) CITY OF ADA, OKLAHOMA.—\$1,700,000 for sewer improvements and other water infrastructure, City of Ada, Oklahoma.

“(109) NORMAN, OKLAHOMA.—\$10,000,000 for carrying out the Waste Water Master Plan and water related infrastructure, Norman, Oklahoma.

“(110) EASTERN OKLAHOMA STATE UNIVERSITY, WILBERTON, OKLAHOMA.—\$1,000,000 for sewer and utility upgrades and water related infrastructure, Eastern Oklahoma State University, Wilberton, Oklahoma.

“(111) CITY OF WEATHERFORD, OKLAHOMA.—\$500,000 for arsenic program and water related infrastructure, City of Weatherford, Oklahoma.

“(112) CITY OF BETHANY, OKLAHOMA.—\$1,500,000 for water improvements and water related infrastructure, City of Bethany, Oklahoma.

“(113) WOODWARD, OKLAHOMA.—\$1,500,000 for water improvements and water related infrastructure, Woodward, Oklahoma.

“(114) CITY OF DISNEY AND LANGLEY, OKLAHOMA.—\$2,500,000 for water and sewer improvements and water related infrastructure, City of Disney and Langley, Oklahoma.

“(115) CITY OF DURANT, OKLAHOMA.—\$3,300,000 for bayou restoration and water related infrastructure, City of Durant, Oklahoma.

“(116) CITY OF MIDWEST CITY, OKLAHOMA.—\$2,000,000 for improvements to water related infrastructure, City of Midwest City, Oklahoma.

“(117) CITY OF ARDMORE, OKLAHOMA.—\$1,900,000 for water and sewer infrastructure improvements, City of Ardmore, Oklahoma.

“(118) CITY OF GUYMON, OKLAHOMA.—\$16,000,000 for water related waste water treatment related infrastructure projects.

“(119) LUGERT-ALTUS IRRIGATION DISTRICT, ALTUS, OKLAHOMA.—\$5,000,000 for water related infrastructure improvement project.

“(120) CITY OF CHICKASHA, OKLAHOMA.—\$650,000 for industrial park sewer infrastructure project.

“(121) OKLAHOMA PANHANDLE STATE UNIVERSITY, GUYMON, OKLAHOMA.—\$275,000 for water testing facility and water related infrastructure development.

“(122) CITY OF BARTLESVILLE, OKLAHOMA.—\$2,500,000 for waterline transport infrastructure project.

“(123) CITY OF KONAWA, OKLAHOMA.—\$500,000 for water treatment infrastructure improvements.

“(124) CITY OF MUSTANG, OKLAHOMA.—\$3,325,000 for water improvements and water related infrastructure.

“(125) CITY OF ALVA, OKLAHOMA.—\$250,000 for waste water improvement infrastructure.

“(126) VINTON COUNTY, OHIO.—\$1,000,000 to construct water lines in Vinton and Brown Townships, Ohio.

“(127) BURR OAK REGIONAL WATER DISTRICT, OHIO.—\$4,000,000 for construction of a water line to extend from a well field near Chauncey, Ohio, to a water treatment plant near Millfield, Ohio.

“(128) FREMONT, OHIO.—\$2,000,000 for construction of off-stream water supply reservoir, Fremont, Ohio.

“(129) FOSTORIA, OHIO.—\$2,000,000 for wastewater infrastructure, Fostoria, Ohio.

“(130) DEFIANCE COUNTY, OHIO.—\$1,000,000 for wastewater infrastructure, Defiance County, Ohio.

“(131) AKRON, OHIO.—\$5,000,000 for wastewater infrastructure, Akron, Ohio

“(132) MEIGS COUNTY, OHIO.—\$1,000,000 to extend the Tupper Plains Regional Water District water line to Lebanon Township, Ohio.

“(133) CITY OF CLEVELAND, OHIO.—\$2,500,000 for Flats East Bank water and wastewater infrastructure, Cleveland, Ohio.

“(134) CINCINNATI, OHIO.—\$1,000,000 for wastewater infrastructure, Cincinnati, Ohio.

“(135) DAYTON, OHIO.—\$1,000,000 for water and wastewater infrastructure, Dayton, Ohio.

“(136) LAWRENCE COUNTY, OHIO.—\$5,000,000 for Union Rome wastewater infrastructure, Lawrence County, Ohio.

“(137) CITY OF COLUMBUS, OHIO.—\$4,500,000 for wastewater infrastructure, Columbus, Ohio.

“(138) BEAVER CREEK RESERVOIR, PENNSYLVANIA.—\$3,000,000 for projects for water supply and related activities, Beaver Creek Reservoir, Clarion County, Beaver and Salem Townships, Pennsylvania.

“(139) MYRTLE BEACH, SOUTH CAROLINA.—\$10,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach, South Carolina.

“(140) CHARLESTON AND WEST ASHLEY, SOUTH CAROLINA.—\$6,000,000 for wastewater tunnel replacement, Charleston and West Ashley, South Carolina.

“(141) CHARLESTON, SOUTH CAROLINA.—\$3,000,000 for stormwater control measures and storm sewer improvements, Spring Street/Fishburne Street drainage project, Charleston, South Carolina.

“(142) NORTH MYRTLE BEACH, SOUTH CAROLINA.—\$3,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.

“(143) SURFSIDE, SOUTH CAROLINA.—\$3,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.

“(144) CHEYENNE RIVER SIOUX RESERVATION (DEWEY AND ZIEBACH COUNTIES) AND PERKINS AND MEADE COUNTIES, SOUTH DAKOTA.—\$40,000,000 for water related infrastructure, Cheyenne River Sioux Reservation (Dewey and Ziebach counties) and Perkins and Meade Counties, South Dakota.

“(145) CITY OF OAK RIDGE, TENNESSEE.—\$4,000,000 for water supply and wastewater infrastructure, City of Oak Ridge, Tennessee.

“(146) NASHVILLE, TENNESSEE.—\$5,000,000 for water supply and wastewater infrastructure, Nashville, Tennessee.

“(147) COUNTIES OF LEWIS, LAWRENCE, AND WAYNE, TENNESSEE.—\$2,000,000 for water supply and wastewater infrastructure projects in the Counties of Lewis, Lawrence and Wayne, Tennessee.

“(148) COUNTY OF GILES, TENNESSEE.—\$2,000,000 for water supply and wastewater infrastructure projects in the County of Giles, Tennessee.

“(149) CITY OF KNOXVILLE, TENNESSEE.—\$5,000,000 for water supply and wastewater infrastructure projects in the City of Knoxville, Tennessee.

“(150) SHELBY COUNTY, TENNESSEE.—\$4,000,000 for water-related environmental infrastructure projects in County of Shelby, Tennessee.

“(151) JOHNSON COUNTY, TENNESSEE.—\$600,000 for water supply and wastewater infrastructure projects in Johnson County, Tennessee.

“(152) PLATEAU UTILITY DISTRICT, MORGAN COUNTY, TENNESSEE.—\$1,000,000 for water supply and wastewater infrastructure projects in Morgan County, Tennessee.

“(153) CITY OF HARROGATE, TENNESSEE.—\$2,000,000 for water supply and wastewater infrastructure projects in City of Harrogate, Tennessee.

“(154) HAMILTON COUNTY, TENNESSEE.—\$500,000 for water supply and wastewater infrastructure projects in Hamilton County, Tennessee.

“(155) GRAINGER COUNTY, TENNESSEE.—\$1,250,000 for water supply and wastewater infrastructure projects in Grainger County, Tennessee.

“(156) CLAIBORNE COUNTY, TENNESSEE.—\$1,250,000 for water supply and wastewater infrastructure projects in Claiborne County, Tennessee.

“(157) BLAINE, TENNESSEE.—\$500,000 for water supply and wastewater infrastructure projects in Blaine, Tennessee.

“(158) CHESAPEAKE BAY.—\$30,000,000 for environmental infrastructure projects to benefit the Chesapeake Bay, including the nutrient removal project at the Blue Plains Wastewater Treatment facility in Washington, DC.

“(159) ARKANSAS VALLEY CONDUIT, COLORADO.—\$10,000,000 for the Arkansas Valley Conduit, Colorado.

“(160) BOULDER COUNTY, COLORADO.—\$10,000,000 for water supply infrastructure, Boulder County, Colorado.

“(161) PLAINVILLE, CONNECTICUT.—\$6,280,000 for wastewater treatment, Plainville, Connecticut.

“(162) SOUTHBURY, CONNECTICUT.—\$9,420,000 for water supply infrastructure, Southbury, Connecticut.

“(163) NORWALK, CONNECTICUT.—\$3,000,000 for the Keeler Brook Storm Water Improvement Project, Norwalk, Connecticut.

“(164) ENFIELD, CONNECTICUT.—\$1,000,000 for infiltration and inflow correction, Enfield, Connecticut.

“(165) NEW HAVEN, CONNECTICUT.—\$300,000 for storm water system improvements, New Haven, Connecticut.

“(166) MIAMI-DADE COUNTY, FLORIDA.—\$6,250,000 for water reuse supply and a water transmission pipeline, Miami-Dade County, Florida.

“(167) HILLSBOROUGH COUNTY, FLORIDA.—\$6,250,000 for water infrastructure and supply enhancement, Hillsborough County, Florida.

“(168) PALM BEACH COUNTY, FLORIDA.—\$7,500,000 for water infrastructure, Palm Beach County, Florida.

“(169) CHESAPEAKE BAY REGION, MARYLAND AND VIRGINIA.—\$40,000,000 for water pollution control projects, Chesapeake Bay Region, Maryland and Virginia.

“(170) MICHIGAN COMBINED SEWER OVERFLOWS.—\$35,000,000 for correction of combined sewer overflows, Michigan.

“(171) MIDDLETOWN TOWNSHIP, NEW JERSEY.—\$1,100,000 for storm sewer improvements, Middletown Township, New Jersey.

“(172) RAHWAY VALLEY, NEW JERSEY.—\$25,000,000 for sanitary sewer and storm sewer improvements in the service area of the Rahway Valley Sewerage Authority, New Jersey.

“(173) CRANFORD TOWNSHIP, NEW JERSEY.—\$6,000,000 for storm sewer improvements in Cranford Township, New Jersey.

“(174) YATES COUNTY, NEW YORK.—\$5,000,000 for drinking water infrastructure, Yates County, New York.

“(175) VILLAGE OF PATCHOGUE, NEW YORK.—\$5,000,000 for wastewater infrastructure, Village of Patchogue, New York.

“(176) ELMIRA, NEW YORK.—\$5,000,000 for wastewater infrastructure, Elmira, New York.

“(177) ESSEX HAMLET, NEW YORK.—\$5,000,000 for wastewater infrastructure, Essex Hamlet, New York.

“(178) NIAGARA FALLS, NEW YORK.—\$5,000,000 for wastewater infrastructure, Niagara Falls, New York.

“(179) VILLAGE OF BABYLON, NEW YORK.—\$5,000,000 for wastewater infrastructure, Village of Babylon, New York.

“(180) FLEMING, NEW YORK.—\$5,000,000 for drinking water infrastructure, Fleming, New York.

“(181) VILLAGE OF KYRIAS-JOEL, NEW YORK.—\$5,000,000 for drinking water infrastructure, Village of Kyriasis-Joel, New York.

“(182) DEVILS LAKE, NORTH DAKOTA.—\$15,000,000 for water supply infrastructure, Devils Lake, North Dakota.

“(183) NORTH DAKOTA.—\$15,000,000 for water-related infrastructure, North Dakota.

“(184) CLARK COUNTY, NEVADA.—\$50,000,000 for wastewater infrastructure, Clark County, Nevada.

“(185) WASHOE COUNTY, NEVADA.—\$14,000,000 for construction of water infrastructure improvements to the Huffaker Hills Reservoir Conservation Project, Washoe County, Nevada.

“(186) GLENDALE DAM DIVERSION STRUCTURE, NEVADA.—\$10,000,000 for water system improvements to the Glendale Dam Diversion Structure for the Truckee Meadows Water Authority, Nevada.

“(187) RENO, NEVADA.—\$13,000,000 for construction of a water conservation project for the Highland Canal, Mogul Bypass in Reno, Nevada.

“(188) LOS ANGELES COUNTY, CALIFORNIA.—\$12,000,000 for the planning, design and construction of water-related environmental infrastructure for Santa Monica Bay and the coastal zone of Los Angeles County, California.

“(189) MONTEBELLO, CALIFORNIA.—\$4,000,000 for water infrastructure improvements in south Montebello, California.

“(190) LA MIRADA, CALIFORNIA.—\$4,000,000 for the planning, design, and construction of a stormwater program in La Mirada, California.

“(191) EAST PALO ALTO, CALIFORNIA.—\$4,000,000 for a new pump station and stormwater management and drainage system, East Palo Alto, California.

“(192) PORT OF STOCKTON, STOCKTON, CALIFORNIA.—\$3,000,000 for water and wastewater infrastructure projects for Rough and Ready Island and vicinity, Stockton, California.

“(193) PERRIS, CALIFORNIA.—\$3,000,000 project for recycled water transmission infrastructure, Eastern Municipal Water District, Perris, California.

“(194) AMADOR COUNTY, CALIFORNIA.—\$3,000,000 for wastewater collection and treatment, Amador County, California.

“(195) CALAVERAS COUNTY, CALIFORNIA.—\$3,000,000 for water supply and wastewater improvement projects in Calaveras County, California, including wastewater reclamation, recycling, and conjunctive use projects.

“(196) SANTA MONICA, CALIFORNIA.—\$3,000,000 for improving water system reliability, Santa Monica, California.

“(197) MALIBU, CALIFORNIA.—\$3,000,000 for municipal waste water and recycled water, Malibu Creek Watershed Protection Project, Malibu, California.

“(198) EASTERN UNITED STATES.—\$29,450,000 for water supply and wastewater infrastructure in the Eastern United States.

“(199) WESTERN UNITED STATES.—\$29,450,000 for water supply and wastewater infrastructure in the Western United States.”.

#### SEC. 5004. ALASKA.

Section 570(h) of the Water Resources Development Act of 1999 (113 Stat. 369) is amended by striking “25,000,000” and inserting “40,000,000”.

#### SEC. 5005. CALIFORNIA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in California.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in California, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

##### (d) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

##### (3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of the project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work on a project

completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly-owned or -controlled land), but the credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) NONPROFIT ENTITY.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity.

(g) EXPENSES OF CORPS OF ENGINEERS.—Not more than 10 percent of amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

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

#### SEC. 5006. CONVEYANCE OF OAKLAND INNER HARBOR TIDAL CANAL PROPERTY.

Section 205 of the Water Resources Development Act of 1990 (104 Stat. 4633; 110 Stat. 3748) is amended to read as follows:

#### “SEC. 205. CONVEYANCE OF OAKLAND INNER HARBOR TIDAL CANAL PROPERTY.

“(a) IN GENERAL.—The Secretary may convey, without consideration, by separate quit-claim deeds, as soon as the conveyance of each individual portion is practicable, the title of the United States in and to all or portions of the approximately 86 acres of upland, tideland, and submerged land, commonly referred to as the ‘Oakland Inner Harbor Tidal Canal,’ California (referred to in this section as the ‘Canal Property’), as follows:

“(1) To the City of Oakland, the title of the United States in and to all or portions of that part of the Canal Property that are located within the boundaries of the City of Oakland.

“(2) To the City of Alameda, or to an entity created by or designated by the City of Alameda that is eligible to hold title to real property, the title of the United States in and to all or portions of that part of the Canal Property that are located within the boundaries of the City of Alameda.

“(3) To the adjacent land owners, or to an entity created by or designated by 1 or more of the adjacent landowners that is eligible to hold title to real property, the title of the United States in and to all or portions of that part of the Canal Property that are located within the boundaries of the city in which the adjacent land owners reside.

##### “(b) REQUIREMENTS.—

“(1) RESERVATIONS.—The Secretary may reserve and retain from any conveyance

under this section a right-of-way or other rights as the Secretary determines to be necessary for the operation and maintenance of the authorized Federal channel in the Canal Property.

“(2) COST.—The conveyances under this section, and the processes involved in the conveyances, shall be at no cost to the United States, except for administrative costs.

“(c) ANNUAL REPORTS.—Until the date on which each conveyance described in subsection (a) is complete, the Secretary shall submit, by not later than 60 days after the end of each fiscal year, to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives an annual report that describes the efforts of the Secretary to complete the conveyances during the preceding fiscal year.”.

#### SEC. 5007. STOCKTON, CALIFORNIA.

(a) IN GENERAL.—Unless the Secretary determines, by not later than 30 days after the date of enactment of this Act, that the relocation of the project described in subsection (b) would be injurious to the public interest, a non-Federal interest may reconstruct and relocate that project approximately 300 feet in a westerly direction.

##### (b) PROJECT DESCRIPTION.—

(1) IN GENERAL.—The project referred to in subsection (a) is the project for flood control, Calaveras River and Littlejohn Creek and tributaries, California, authorized by section 10 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 902).

(2) SPECIFIC DESCRIPTION.—The portion of the project to be reconstructed and relocated is that portion consisting of approximately 5.34 acres of dry land levee beginning at a point N. 2203542.3167, E. 6310930.1385, thence running west about 59.99 feet to a point N. 2203544.6562, E. 6310870.1468, thence running south about 3,874.99 feet to a point N. 2199669.8760, E. 6310861.7956, thence running east about 60.00 feet to a point N. 2199668.8026, E. 6310921.7900, thence running north about 3,873.73 feet to the point of origin.

(c) COST SHARING.—The non-Federal share of the cost of reconstructing and relocating the project described in subsection (b) shall be 100 percent.

#### SEC. 5008. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS.

(a) SHORT TITLE.—This section may be cited as the “Rio Grande Environmental Management Act of 2007”.

##### (b) DEFINITIONS.—In this section:

(1) RIO GRANDE COMPACT.—The term “Rio Grande Compact” means the compact approved by Congress under the Act of May 31, 1939 (53 Stat. 785, chapter 155), and ratified by the States.

(2) RIO GRANDE BASIN.—The term “Rio Grande Basin” means the Rio Grande (including all tributaries and their headwaters) located—

(A) in the State of Colorado, from the Rio Grande Reservoir, near Creede, Colorado, to the New Mexico State border;

(B) in the State of New Mexico, from the Colorado State border downstream to the Texas State border; and

(C) in the State of Texas, from the New Mexico State border to the southern terminus of the Rio Grande at the Gulf of Mexico.

(3) STATES.—The term “States” means the States of Colorado, New Mexico, and Texas.

(c) PROGRAM AUTHORITY.—The Secretary shall carry out, in the Rio Grande Basin—

(1) a program for the planning, construction, and evaluation of measures for fish and

wildlife habitat rehabilitation and enhancement; and

(2) implementation of a long-term monitoring, computerized data inventory and analysis, applied research, and adaptive management program.

(d) STATE AND LOCAL CONSULTATION AND COOPERATIVE EFFORT.—For the purpose of ensuring the coordinated planning and implementation of the programs described in subsection (c), the Secretary shall consult with the States and other appropriate entities in the States the rights and interests of which might be affected by specific program activities.

(e) COST SHARING.—

(1) IN GENERAL.—

(A) PROJECTS ON FEDERAL LAND.—Each project under this section located on Federal land shall be carried out at full Federal expense.

(B) OTHER PROJECTS.—For each project under subsection (c)(1) located on non-Federal land, the non-Federal share of the cost of the project—

(i) shall be 35 percent;

(ii) may be provided through in-kind services or direct cash contributions; and

(iii) shall include the provision of necessary land, easements, relocations, and disposal sites.

(f) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), with the consent of the affected local government, a nonprofit entity may be included as a non-Federal interest for any project carried out under subsection (c)(1).

(g) EFFECT ON OTHER LAW.—

(1) WATER LAW.—Nothing in this section preempts any State water law.

(2) COMPACTS AND DECREES.—In carrying out this section, the Secretary shall comply with the Rio Grande Compact, and any applicable court decrees or Federal and State laws, affecting water or water rights in the Rio Grande Basin.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$15,000,000 for each of fiscal years 2008 through 2011.

**SEC. 5009. DELMARVA CONSERVATION CORRIDOR, DELAWARE AND MARYLAND.**

(a) ASSISTANCE.—The Secretary may provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

(b) COORDINATION AND INTEGRATION.—In carrying out water resources projects in the States on the Delmarva Peninsula, the Secretary shall coordinate and integrate those projects, to the maximum extent practicable, with any activities carried out to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

**SEC. 5010. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA.**

(a) EX OFFICIO MEMBER.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (111 Stat. 176) and sections 2.2 of the Susquehanna River Basin Compact (Public Law 91-575) and the Delaware River Basin Compact (Public Law 87-328), beginning in fiscal year 2002, and each fiscal year thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers—

(1) shall be the ex officio United States member under the Susquehanna River Basin

Compact, the Delaware River Basin Compact, and the Potomac River Basin Compact;

(2) shall serve without additional compensation; and

(3) may designate an alternate member in accordance with the terms of those compacts.

(b) AUTHORIZATION TO ALLOCATE.—The Secretary shall allocate funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin (Potomac River Basin Compact (Public Law 91-407)) to fulfill the equitable funding requirements of the respective interstate compacts.

(c) WATER SUPPLY AND CONSERVATION STORAGE, DELAWARE RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(d) WATER SUPPLY AND CONSERVATION STORAGE, SUSQUEHANNA RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Susquehanna River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Susquehanna River Basin, during any period in which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(e) WATER SUPPLY AND CONSERVATION STORAGE, POTOMAC RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Potomac River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Potomac River Basin for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

**SEC. 5011. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.**

(a) COMPREHENSIVE ACTION PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Mayor of the District of Columbia, the Governor of Maryland, the county executives of Montgomery County and Prince George's County, Maryland, and other stakeholders, shall develop and make available to the public a 10-year comprehensive action plan to provide for the restoration and protection of the ecological integrity of the Anacostia River and its tributaries.

(b) PUBLIC AVAILABILITY.—On completion of the comprehensive action plan under subsection (a), the Secretary shall make the plan available to the public.

**SEC. 5012. BIG CREEK, GEORGIA, WATERSHED MANAGEMENT AND RESTORATION PROGRAM.**

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, is authorized to cooperate with, by providing technical, planning, and construction assistance to, the

city of Roswell, Georgia, as local sponsor and coordinator with other local governments in the Big Creek watershed, Georgia, to assess the quality and quantity of water resources, conduct comprehensive watershed management planning, develop and implement water efficiency technologies and programs, and plan, design, and construct water resource facilities to restore the watershed.

(b) FEDERAL SHARE.—The Federal share of the cost of the project under this section—

(1) shall be 65 percent; and

(2) may be provided in any combination of cash and in-kind services.

(c) AUTHORIZATION OF APPROPRIATIONS.—here is authorized to be appropriated to the Secretary \$5,000,000 to carry out this section.

**SEC. 5013. METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT.**

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the Metropolitan North Georgia Water Planning District.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in north Georgia, including projects for wastewater treatment and related facilities, elimination or control of combined sewer overflows, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement entered into under this subsection—

(i) shall be 75 percent; and

(ii) may be in the form of grants or reimbursement of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit, not to exceed 6 percent of the total construction costs of the project, for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including

all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly-owned or -controlled land, but not to exceed 25 percent of total project costs.

(B) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000, to remain available until expended.

**SEC. 5014. IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, RURAL UTAH, AND WYOMING.**

Section 595 of the Water Resources Development Act of 1999 (113 Stat. 383; 117 Stat. 139; 117 Stat. 142; 117 Stat. 1836; 118 Stat. 440) is amended—

(1) in the section heading, by striking “**AND RURAL UTAH**” and inserting “**RURAL UTAH, AND WYOMING**”;

(2) in subsections (b) and (c), by striking “rural Utah” each place it appears and inserting “rural Utah, and Wyoming”; and

(3) by amending subsection (h) to read as follows:

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2001 \$150,000,000 for rural Nevada, and \$25,000,000 for each of Montana and New Mexico, \$55,000,000 for Idaho, \$50,000,000 for rural Utah, and \$30,000,000 for Wyoming, to remain available until expended.”

**SEC. 5015. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINOIS.**

(a) TREATMENT AS SINGLE PROJECT.—The Chicago Sanitary and Ship Canal Dispersal Barrier Project (Barrier I) (as in existence on the date of enactment of this Act), constructed as a demonstration project under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)), and Barrier II, as authorized by section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108-335; 118 Stat. 1352), shall be considered to constitute a single project.

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, is authorized and directed, at full Federal expense—

(A) to upgrade and make permanent Barrier I;

(B) to construct Barrier II, notwithstanding the project cooperation agreement with the State of Illinois dated June 14, 2005;

(C) to operate and maintain Barrier I and Barrier II as a system to optimize effectiveness;

(D) to conduct, in consultation with appropriate Federal, State, local, and nongovernmental entities, a study of a full range of options and technologies for reducing impacts of hazards that may reduce the efficacy of the Barriers; and

(E) to provide to each State a credit in an amount equal to the amount of funds contributed by the State toward Barrier II.

(2) USE OF CREDIT.—A State may apply a credit received under paragraph (1)(E) to any cost sharing responsibility for an existing or future Federal project with the Corps of Engineers in the State.

(c) FEASIBILITY STUDY.—The Secretary, in consultation with appropriate Federal,

State, local, and nongovernmental entities, shall conduct a feasibility study, at full Federal expense, of the range of options and technologies available to prevent the spread of aquatic nuisance species between the Great Lakes and Mississippi River Basins and through the Chicago Sanitary and Ship Canal and other aquatic pathways.

(d) CONFORMING AMENDMENTS.—

(1) NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL.—Section 1202(i)(3)(C) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking “, to carry out this paragraph, \$750,000” and inserting “such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph”.

(2) BARRIER II AUTHORIZATION.—Section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108-335; 118 Stat. 1352), is amended to read as follows:

**“SEC. 345. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, ILLINOIS.**

“There are authorized to be appropriated such sums as are necessary to carry out the Barrier II project of the project for the Chicago Sanitary and Ship Canal Dispersal Barrier, Illinois, initiated pursuant to section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note; 100 Stat. 4251).”.

**SEC. 5016. MISSOURI RIVER AND TRIBUTARIES, MITIGATION, RECOVERY AND RESTORATION, IOWA, KANSAS, MISSOURI, MONTANA, NEBRASKA, NORTH DAKOTA, SOUTH DAKOTA, AND WYOMING.**

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Missouri River Recovery and Implementation Committee established by subsection (b)(1), shall conduct a study of the Missouri River and its tributaries to determine actions required—

(A) to mitigate losses of aquatic and terrestrial habitat;

(B) to recover federally listed species under the Endangered Species Act (16 U.S.C. 1531 et seq.); and

(C) to restore the ecosystem to prevent further declines among other native species.

(2) FUNDING.—The study under paragraph (1) shall be funded under the Missouri River Fish and Wildlife Mitigation Program.

(b) MISSOURI RIVER RECOVERY IMPLEMENTATION COMMITTEE.—

(1) ESTABLISHMENT.—Not later than June 31, 2006, the Secretary shall establish a committee to be known as the “Missouri River Recovery Implementation 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—

(i) changes to the implementation strategy from the use of adaptive management; and

(ii) the coordination of the development of consistent policies, strategies, plans, pro-

grams, projects, activities, and priorities for the program;

(C) exchange information regarding programs, projects, and activities of the agencies and entities represented on the Committee to promote the goals of the Missouri River recovery and mitigation program;

(D) establish such working groups as the Committee determines to be necessary to assist in carrying out the duties of the Committee, including duties relating to public policy and scientific issues;

(E) facilitate the resolution of interagency and intergovernmental conflicts between entities represented on the Committee associated with the Missouri River recovery and mitigation program;

(F) coordinate scientific and other research associated with the Missouri River recovery and mitigation program; and

(G) annually prepare a work plan and associated budget requests.

(4) COMPENSATION; TRAVEL EXPENSES.—

(A) COMPENSATION.—Members of the Committee shall not receive compensation from the Secretary in carrying out the duties of the Committee under this section.

(B) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Committee in carrying out the duties of the Committee under this section shall be paid by the agency, Indian tribe, or unit of government represented by the member.

(c) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

**SEC. 5017. SOUTHEAST LOUISIANA REGION, LOUISIANA.**

(a) DEFINITION OF SOUTHEAST LOUISIANA REGION.—In this section, the term “Southeast Louisiana Region” means any of the following parishes and municipalities in the State of Louisiana:

(1) Orleans.

(2) Jefferson.

(3) St. Tammany.

(4) Tangipahoa.

(5) St. Bernard.

(6) St. Charles.

(7) St. John.

(8) Plaquemines.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the Southeast Louisiana Region.

(c) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the Southeast Louisiana Region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development (including projects to improve water quality in the Lake Pontchartrain Basin).

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement of a project entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—The Federal share of the cost of the project under this section—

(A) shall be 75 percent; and

(B) may be provided in the form of grants or reimbursements of project costs.

(C) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit, not to exceed 6 percent of the total construction costs of the project, for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(D) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(E) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly-owned or -controlled land), but not to exceed 25 percent of total project costs.

(F) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITY.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity.

(h) EXPENSES OF CORPS OF ENGINEERS.—Not more than 10 percent of amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$17,000,000, to remain available until expended.

#### SEC. 5018. MISSISSIPPI.

Section 592(g) of the Water Resources Development Act of 1999 (113 Stat. 380; 117 Stat. 1837) is amended by striking “\$100,000,000” and inserting “\$110,000,000”.

#### SEC. 5019. ST. MARY PROJECT, BLACKFEET RESERVATION, MONTANA.

(a) IN GENERAL.—The Secretary, in consultation with the Bureau of Reclamation, shall conduct all necessary studies, develop an emergency response plan, provide technical and planning and design assistance, and rehabilitate and construct the St. Mary Diversion and Conveyance Works project located within the exterior boundaries 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.

(c) PARTICIPATION BY BLACKFEET TRIBE AND FORT BELKNAP INDIAN COMMUNITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), no construction shall be carried out under this section until the earlier of—

(A) the date on which Congress approves the reserved water rights settlements of the Blackfeet Tribe and the Fort Belknap Indian Community; and

(B) January 1, 2011.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to construction relating to—

(A) standard operation and maintenance; or

(B) emergency repairs to ensure water transportation or the protection of life and property.

(3) REQUIREMENT.—The Blackfeet Tribe shall be a participant in all phases of the project authorized by this section.

#### SEC. 5020. 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.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out an activity described in subsection (a)—

(A) shall be 35 percent; and

(B) may be provided in cash or in-kind.

(c) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Secretary to carry out this section \$12,000,000.

#### SEC. 5021. NORTH CAROLINA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the State of North Carolina.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for environmental infrastructure and resource protection and development projects in North Carolina, including projects for—

(1) wastewater treatment and related facilities;

(2) combined sewer overflow, water supply, storage, treatment, and related facilities;

(3) drinking water infrastructure including treatment and related facilities;

(4) environmental restoration;

(5) storm water infrastructure; and

(6) surface water resource protection and development.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PROJECT COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each project cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities development plan or resource protection plan, including appropriate plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of the project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit, not to exceed 6 percent of the total construction costs of the project, for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly-owned or -controlled land).

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

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

#### SEC. 5022. OHIO RIVER BASIN ENVIRONMENTAL MANAGEMENT.

(a) DEFINITIONS.—In this section:

(1) OHIO RIVER BASIN.—The term “Ohio River Basin” means the Ohio River, its backwaters, its side channels, and all tributaries (including their watersheds) that drain into the Ohio River and encompassing areas of any of the States of Indiana, Ohio, Kentucky, Pennsylvania, West Virginia, Illinois, New York, and Virginia.

(2) COMPACT.—The term “Compact” means the Ohio River Watershed Sanitation Commission flood and pollution control compact between the States of Indiana, West Virginia, Ohio, Kentucky, Pennsylvania, New York, Illinois, and Virginia, approved by Congress in 1936 pursuant to the first section of the Act of June 8, 1936 (33 U.S.C. 567a), and chartered in 1948.

(b) ASSISTANCE.—The Secretary may provide planning, design, and construction assistance to the Compact for the improvement of the quality of the environment in and along the Ohio River Basin.

(c) PRIORITIES.—In providing assistance under this section, the Secretary shall give priority to reducing or eliminating the presence of organic pollutants in the Ohio River Basin through the renovation and technological improvement of the organic detection system monitoring stations along the Ohio River in the States of Indiana, Ohio, West Virginia, Kentucky, and Pennsylvania.

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

**SEC. 5023. STATEWIDE COMPREHENSIVE WATER PLANNING, OKLAHOMA.**

(a) IN GENERAL.—The Secretary shall provide technical assistance for the development of updates of the Oklahoma Comprehensive Water Plan.

(b) TECHNICAL ASSISTANCE.—Technical assistance provided under subsection (a) may include—

(1) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(2) expansion of surface water and groundwater monitoring networks;

(3) assessment of existing water resources, surface water storage, and groundwater storage potential;

(4) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(5) participation in State planning forums and planning groups;

(6) coordination of Federal water management planning efforts; and

(7) technical review of data, models, planning scenarios, and water plans developed by the State.

(c) ALLOCATION.—The Secretary shall allocate, subject to the availability of appropriations, \$6,500,000 to provide technical assistance and for the development of updates of the Oklahoma Comprehensive water plan.

(d) COST SHARING REQUIREMENT.—The non-Federal share of the total cost of any activity carried out under this section—

(1) shall be 25 percent; and

(2) may be in the form of cash or any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

**SEC. 5024. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA.**

(a) DISBURSEMENT PROVISIONS OF STATE OF SOUTH DAKOTA AND CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 602(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 386) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting “and the Secretary of the Treasury” after “Secretary”; and

(B) by striking clause (ii) and inserting the following:

“(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota after the State certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 603(d)(3) and only after the Trust Fund is fully capitalized.”; and

(2) in subparagraph (B), by striking clause (ii) and inserting the following:

“(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plans for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule

Sioux Tribe, respectively, after the respective tribe certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 604(d)(3) and only after the Trust Fund is fully capitalized.”.

(b) INVESTMENT PROVISIONS OF STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) by striking subsection (c) and inserting the following:

**“(c) INVESTMENTS.”**

“(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

**“(2) INVESTMENT REQUIREMENTS.”**

“(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with all of the requirements of this paragraph.

“(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

“(i) PRINCIPAL ACCOUNT.—The amounts deposited in the Fund under subsection (b) shall be credited to an account 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 the 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 the Fund shall be credited to the interest account.

**“(C) INVESTMENT OF PRINCIPAL ACCOUNT.”**

“(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of the 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 next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

“(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

“(iii) DISCONTINUANCE OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

**“(D) INVESTMENT OF INTEREST ACCOUNT.”**

“(i) BEFORE FULL CAPITALIZATION.—Until the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the max-

imum extent practicable, with the date on which the Fund is expected to be fully capitalized.

“(ii) AFTER FULL CAPITALIZATION.—On and after the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

“(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

“(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

“(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

“(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the State of South Dakota the results of the investment activities and financial status of the Fund during the preceding 12-month period.

**“(4) AUDITS.”**

“(A) IN GENERAL.—The activities of the State of South Dakota (referred to in this subsection as the ‘State’) in carrying out the plan of the State for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the State is required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

“(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

“(i) determine whether funds received by the State under this section during the period covered by the audit were used to carry out the plan of the State in accordance with this section; and

“(ii) include the determination under clause (i) in the written findings of the audit.

“(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

“(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

“(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the State regarding the proposed modification.”;

(2) in subsection (d)(2), by inserting “of the Treasury” after Secretary”; and

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

“(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury, to pay expenses associated with investing the Fund and auditing the uses of amounts withdrawn from the Fund—

“(1) up to \$500,000 for each of fiscal years 2006 and 2007; and

“(2) such sums as are necessary for each subsequent fiscal year.”.

“(c) INVESTMENT PROVISIONS FOR CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) by striking subsection (c) and inserting the following:

“(c) INVESTMENTS.—

“(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Funds.

“(2) INVESTMENT REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary of the Treasury shall invest each of the Funds in accordance with all of the requirements of this paragraph.

“(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

“(i) PRINCIPAL ACCOUNT.—The amounts deposited in each Fund under subsection (b) shall be credited to an account 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 next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

“(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

“(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

“(D) INVESTMENT OF THE INTEREST ACCOUNT.—

“(i) BEFORE FULL CAPITALIZATION.—Until the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

“(ii) AFTER FULL CAPITALIZATION.—On and after the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts

are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

“(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

“(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

“(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

“(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe (referred to in this subsection as the ‘Tribes’) the results of the investment activities and financial status of the Funds during the preceding 12-month period.

“(4) AUDITS.—

“(A) IN GENERAL.—The activities of the Tribes in carrying out the plans of the Tribes for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the Tribes are required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

“(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

“(i) determine whether funds received by the Tribes under this section during the period covered by the audit were used to carry out the plan of the appropriate Tribe in accordance with this section; and

“(ii) include the determination under clause (i) in the written findings of the audit.

“(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

“(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

“(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the Tribes regarding the proposed modification; and

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

“(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury to pay expenses associated with investing the Funds and auditing the uses of amounts withdrawn from the Funds—

“(1) up to \$500,000 for each of fiscal years 2006 and 2007; and

“(2) such sums as are necessary for each subsequent fiscal year.”.

SEC. 5025. TEXAS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the State of Texas.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects in Texas, including projects for water supply, storage, treatment, and related facilities, water quality protection, wastewater treatment, and related facilities, environmental restoration, and surface

water resource protection, and development, as identified by the Texas Water Development Board.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest.

(e) COST SHARING.—

(1) IN GENERAL.—The Federal share of the cost of the project under this section—

(A) shall be 75 percent; and

(B) may be provided in the form of grants or reimbursements of project costs.

(2) IN-KIND SERVICES.—The non-Federal share may be provided in the form of materials and in-kind services, including planning, design, construction, and management services, as the Secretary determines to be compatible with, and necessary for, the project.

(3) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(4) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs.

(5) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$40,000,000.

SEC. 5026. CONNECTICUT RIVER DAMS, VERMONT.

(a) IN GENERAL.—The Secretary shall evaluate, design, and construct structural modifications at full Federal cost to the Union Village Dam (Ompompanoosuc River), North Hartland Dam (Ottauquechee River), North Springfield Dam (Black River), Ball Mountain Dam (West River), and Townshend Dam (West River), Vermont, to regulate flow and temperature to mitigate downstream impacts on aquatic habitat and fisheries.

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

TITLE VI—PROJECT DEAUTHORIZATIONS

SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.

The project for flood damage reduction, Little Cove Creek, Glencoe, Alabama, authorized by the Supplemental Appropriations Act, 1985 (99 Stat. 312), is not authorized.

SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.

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

SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.

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

(b) DESCRIPTION OF PROJECT.—The project referred to in subsection (a) is described as beginning at a point along the eastern limit

of the existing project, N. 123,649.75, E. 481,920.54, thence running northwesterly about 52.64 feet to a point N. 123,683.03, E. 481,879.75, thence running northeasterly about 1,442.21 feet to a point N. 125,030.08, E. 482,394.96, thence running northeasterly about 139.52 feet to a point along the east limit of the existing channel, N. 125,133.87, E. 482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

**SEC. 6004. INLAND WATERWAY FROM DELAWARE RIVER TO CHESAPEAKE BAY, PART II, INSTALLATION OF FENDER PROTECTION FOR BRIDGES, DELAWARE AND MARYLAND.**

The project for the construction of bridge fenders for the Summit and St. Georges Bridge for the Inland Waterway of the Delaware River to the C & D Canal of the Chesapeake Bay, authorized by the River and Harbor Act of 1954 (68 Stat. 1249), is not authorized.

**SEC. 6005. SHINGLE CREEK BASIN, FLORIDA.**

The project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182), is not authorized.

**SEC. 6006. ILLINOIS WATERWAY, SOUTH FORK OF THE SOUTH BRANCH OF THE CHICAGO RIVER, ILLINOIS.**

(a) **IN GENERAL.**—The portion of the Illinois Waterway project authorized by the Act of January 21, 1927 (commonly known as the “River and Harbor Act of 1927”) (44 Stat. 1013), in the South Fork of the South Branch of the Chicago River, as identified in subsection (b) is not authorized.

(b) **DESCRIPTION OF PROJECT PORTION.**—The portion of the project referred to in subsection (a) is the portion of the SW  $\frac{1}{4}$  of sec. 29, T. 39 N., R. 14 E., Third Principal Meridian, Cook County, Illinois, and more particularly described as follows:

(1) Commencing at the SW corner of the SW  $\frac{1}{4}$ .

(2) Thence north 1 degree, 32 minutes, 31 seconds west, bearing based on the Illinois State Plane Coordinate System, NAD 83 east zone, along the west line of that quarter, 1810.16 feet to the southerly line of the Illinois and Michigan Canal.

(3) Thence north 50 degrees, 41 minutes, 55 seconds east along that southerly line 62.91 feet to the easterly line of South Ashland Avenue, as widened by the ordinance dated November 24, 1920, which is also the east line of an easement to the State of Illinois for highway purposes numbered 12340342 and recorded July 13, 1939, for a point of beginnings.

(4) Thence continuing north 50 degrees, 41 minutes, 55 seconds east along that southerly line of the South Branch Turning Basin per for the plat numbered 3645392 and recorded January 19, 1905.

(5) Thence south 67 degrees, 18 minutes, 31 seconds east along that southerly line 245.50 feet.

(6) Thence north 14 degrees, 35 minutes, 13 seconds east 145.38 feet.

(7) Thence north 10 degrees, 57 minutes, 15 seconds east 326.87 feet.

(8) Thence north 17 degrees, 52 minutes, 44 seconds west 56.20 feet.

(9) Thence north 52 degrees, 7 minutes, 32 seconds west 78.69 feet.

(10) Thence north 69 degrees, 26 minutes, 35 seconds west 58.97 feet.

(11) Thence north 90 degrees, 00 minutes, 00 seconds west 259.02 feet to the east line of South Ashland Avenue.

(12) Thence south 1 degree, 32 minutes, 31 seconds east along that east line 322.46 feet.

(13) Thence south 00 degrees, 14 minutes, 35 seconds east along that east line 11.56 feet to the point of beginnings.

**SEC. 6007. BREVOORT, INDIANA.**

The project for flood control, Brevoort, Indiana, authorized by section 5 of the Flood Control Act of 1936 (49 Stat. 1587), is not authorized.

**SEC. 6008. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.**

The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 649), is not authorized.

**SEC. 6009. LAKE GEORGE, HOBART, INDIANA.**

The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148), is not authorized.

**SEC. 6010. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO. 2, IOWA.**

The project for flood damage reduction, Green Bay Levee and Drainage District No. 2, Iowa, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), deauthorized in fiscal year 1991, and reauthorized by section 115(a)(1) of the Water Resources Development Act of 1992 (106 Stat. 4821), is not authorized.

**SEC. 6011. MUSCATINE HARBOR, IOWA.**

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

**SEC. 6012. BIG SOUTH FORK NATIONAL RIVER AND RECREATIONAL AREA, KENTUCKY AND TENNESSEE.**

The project for recreation facilities at Big South Fork National River and Recreational Area, Kentucky and Tennessee, authorized by section 108 of the Water Resources Development Act of 1974 (88 Stat. 43), is not authorized.

**SEC. 6013. EAGLE CREEK LAKE, KENTUCKY.**

The project for flood control and water supply, Eagle Creek Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), is not authorized.

**SEC. 6014. HAZARD, KENTUCKY.**

The project for flood damage reduction, Hazard, Kentucky, authorized by section 3 of the Water Resources Development Act of 1988 (102 Stat. 4014) and section 108 of the Water Resources Development Act of 1990 (104 Stat. 4621), is not authorized.

**SEC. 6015. WEST KENTUCKY TRIBUTARIES, KENTUCKY.**

The project for flood control, West Kentucky Tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4129), is not authorized.

**SEC. 6016. BAYOU COCODRIE AND TRIBUTARIES, LOUISIANA.**

The project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by section 3 of the of the Act of August 18, 1941 (55 Stat. 644, chapter 377), and section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 12), is not authorized.

**SEC. 6017. BAYOU LAFOURCHE AND LAFOURCHE JUMP, LOUISIANA.**

The uncompleted portions of the project for navigation improvement for Bayou LaFourche and LaFourche Jump, Louisiana, authorized by the Act of August 30, 1935 (49 Stat. 1033, chapter 831), and the River and Harbor Act of 1960 (74 Stat. 481), are not authorized.

**SEC. 6018. EASTERN RAPIDES AND SOUTH-CENTRAL AVOYELLES PARISHES, LOUISIANA.**

The project for flood control, Eastern Rapides and South-Central Avoyelles Par-

ishes, Louisiana, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), is not authorized.

**SEC. 6019. FORT LIVINGSTON, GRAND TERRE ISLAND, LOUISIANA.**

The project for erosion protection and recreation, Fort Livingston, Grande Terre Island, Louisiana, authorized by the Act of August 13, 1946 (commonly known as the “Flood Control Act of 1946”) (33 U.S.C. 426e et seq.), is not authorized.

**SEC. 6020. GULF INTERCOASTAL WATERWAY, LAKE BORGNE AND CHEF MENTEUR, LOUISIANA.**

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

**SEC. 6021. RED RIVER WATERWAY, SHREVEPORT, LOUISIANA TO DAINGERFIELD, TEXAS.**

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

**SEC. 6022. CASCO BAY, PORTLAND, MAINE.**

The project for environmental infrastructure, Casco Bay in the Vicinity of Portland, Maine, authorized by section 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. PENOBSCT RIVER, BANGOR, MAINE.**

The project for environmental infrastructure, Penobscot River in the Vicinity of Bangor, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

**SEC. 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. FALMOUTH HARBOR, MASSACHUSETTS.**

The portion of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172), beginning at a point along the eastern side of the inner harbor N200.415.05, E845.307.98, thence running north 25 degrees 48 minutes 54.3 seconds east 160.24 feet to a point N200.559.20, E845.377.76, thence running north 22 degrees 7 minutes 52.4 seconds east 596.82 feet to a point N201.112.15, E845.602.60, thence running north 60 degrees 1 minute 0.3 seconds east 83.18 feet to a point N201.153.72, E845.674.65, thence running south 24 degrees 56 minutes 43.4 seconds west 665.01 feet to a point N200.550.75, E845.394.18, thence running south 32 degrees 25 minutes 29.0 seconds west 160.76 feet to the point of origin, is not authorized.

**SEC. 6028. ISLAND END RIVER, MASSACHUSETTS.**

The portion of the project for navigation, Island End River, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), described as follows: Beginning at a point along the eastern limit of the existing project, N507.348.98, E721.180.01, thence running northeast about 35 feet to a point N507.384.17, E721.183.36,

thence running northeast about 324 feet to a point N507,590.51, E721,438.17, thence running northeast about 345 feet to a point along the northern limit of the existing project, N507,927.29, E721,510.29, thence running southeast about 25 feet to a point N507,921.71, E721,534.66, thence running southwest about 354 feet to a point N507,576.65, E721,455.64, thence running southwest about 357 feet to the point of origin, is not authorized.

**SEC. 6029. MYSTIC RIVER, MASSACHUSETTS.**

The portion of the project for navigation, Mystic River, Massachusetts, authorized by the first section of the River and Harbor Appropriations Act of July 13, 1892 (27 Stat. 96), between a line starting at a point N515,683.77, E707,035.45 and ending at a point N515,721.28, E707,069.85 and a line starting at a point N514,595.15, E707,746.15 and ending at a point N514,732.94, E707,658.38 shall be relocated and reduced from a 100-foot wide channel to a 50-foot wide channel after the date of enactment of this Act described as follows: Beginning at a point N515,721.28, E707,069.85, thence running southeasterly about 840.50 feet to a point N515,070.16, E707,601.27, thence running southeasterly about 177.54 feet to a point N514,904.84, E707,665.98, thence running southeasterly about 319.90 feet to a point with coordinates N514,595.15, E707,746.15, thence running northwesterly about 163.37 feet to a point N514,732.94, E707,658.38, thence running northwesterly about 161.58 feet to a point N514,889.47, E707,618.30, thence running northwesterly about 166.61 feet to a point N515,044.62, E707,557.58, thence running northwesterly about 825.31 feet to a point N515,683.77, E707,035.45, thence running northeasterly about 50.90 feet returning to a point N515,721.28, E707,069.85.

**SEC. 6030. GRAND HAVEN HARBOR, MICHIGAN.**

The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093), is not authorized.

**SEC. 6031. GREENVILLE HARBOR, MISSISSIPPI.**

The project for navigation, Greenville Harbor, Mississippi, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is not authorized.

**SEC. 6032. PLATTE RIVER FLOOD AND RELATED STREAMBANK EROSION CONTROL, NEBRASKA.**

The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603 of the Water Resources Development Act of 1986 (100 Stat. 4149), is not authorized.

**SEC. 6033. EPPING, NEW HAMPSHIRE.**

The project for environmental infrastructure, Epping, New Hampshire, authorized by section 219(c)(6) of the Water Resources Development Act of 1992 (106 Stat. 4835), is not authorized.

**SEC. 6034. NEW YORK HARBOR AND ADJACENT CHANNELS, CLAREMONT TERMINAL, JERSEY CITY, NEW JERSEY.**

The project for navigation, New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is not authorized.

**SEC. 6035. EISENHOWER AND SNELL LOCKS, NEW YORK.**

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

**SEC. 6036. OLcott HARBOR, LAKE ONTARIO, NEW YORK.**

The project for navigation, Olcott Harbor, Lake Ontario, New York, authorized by section 601(a) of the Water Resources Develop-

ment Act of 1986 (100 Stat. 4143), is not authorized.

**SEC. 6037. OUTER HARBOR, BUFFALO, NEW YORK.**

The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992 (106 Stat. 4817), is not authorized.

**SEC. 6038. SUGAR CREEK BASIN, NORTH CAROLINA AND SOUTH CAROLINA.**

The project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121), is not authorized.

**SEC. 6039. CLEVELAND HARBOR 1958 ACT, OHIO.**

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299), is not authorized.

**SEC. 6040. CLEVELAND HARBOR 1960 ACT, OHIO.**

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is not authorized.

**SEC. 6041. CLEVELAND HARBOR, UNCOMPLETED PORTION OF CUT #4, OHIO.**

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

**SEC. 6042. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAMMOND, OREGON.**

The project for navigation, Columbia River, Seafarers Memorial, Hammond, Oregon, authorized by title I of the Energy and Water Development Appropriations Act, 1991 (104 Stat. 2078), is not authorized.

**SEC. 6043. TIoga-HAMMOND LAKES, PENNSYLVANIA.**

The project for flood control and recreation, Tioga-Hammond Lakes, Mill Creek Recreation, Pennsylvania, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 313), is not authorized.

**SEC. 6044. TAMAQUA, PENNSYLVANIA.**

The project for flood control, Tamaqua, Pennsylvania, authorized by section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 14), is not authorized.

**SEC. 6045. NARRAGANSETT TOWN BEACH, NARRAGANSETT, RHODE ISLAND.**

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

**SEC. 6046. QUONSET POINT-DAVISVILLE, RHODE ISLAND.**

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

**SEC. 6047. ARROYO COLORADO, TEXAS.**

The project for flood damage reduction, Arroyo Colorado, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is not authorized.

**SEC. 6048. CYPRESS CREEK-STRUCTURAL, TEXAS.**

The project for flood damage reduction, Cypress Creek-Structural, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

**SEC. 6049. EAST FORK CHANNEL IMPROVEMENT, INCREMENT 2, EAST FORK OF THE TRINITY RIVER, TEXAS.**

The project for flood damage reduction, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), is not authorized.

**SEC. 6050. FALFURRIAS, TEXAS.**

The project for flood damage reduction, Falfurrias, Texas, authorized by section

3(a)(14) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

**SEC. 6051. PECAN BAYOU LAKE, TEXAS.**

The project for flood control, Pecan Bayou Lake, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742), is not authorized.

**SEC. 6052. LAKE OF THE PINES, TEXAS.**

The project for navigation improvements affecting Lake of the Pines, Texas, for the portion of the Red River below Fulton, Arkansas, authorized by the Act of July 13, 1892 (27 Stat. 88, chapter 158), as amended by the Act of July 24, 1946 (60 Stat. 635, chapter 595), the Act of May 17, 1950 (64 Stat. 163, chapter 188), and the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

**SEC. 6053. TENNESSEE COLONY LAKE, TEXAS.**

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

**SEC. 6054. CITY WATERWAY, TACOMA, WASHINGTON.**

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

**SEC. 6055. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.**

The project for bank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (100 Stat. 4153), is not authorized.

**SA 1066.** Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

Strike section 3043 and insert the following:

**SEC. 3043. LITTLE WOOD RIVER, GOODING, IDAHO.**

(a) **DEFINITION OF PROJECT.**—In this section, the term “project” means the project for flood control, Little Wood River, Gooding, Idaho, as constructed under the emergency conservation work program established under the Act of March 31, 1933 (16 U.S.C. 585 et seq.).

(b) **MODIFICATION OF PROJECT.**—The project is modified—

(1) to direct the Secretary to rehabilitate the Gooding Channel Project for the purposes of flood control and ecosystem restoration, if the Secretary determines that the rehabilitation and ecosystem restoration is feasible;

(2) to authorize and direct the Secretary to plan, design, and construct the project at a total cost of \$9,000,000; and

(3) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions.

(c) **COST SHARING.**—

(1) **IN GENERAL.**—Costs for reconstruction of the project, as modified under subsection (b), shall be shared by the Secretary and the non-Federal interest in the same percentages as the costs of construction of the original project were shared.

(2) **OPERATION, MAINTENANCE, AND REPAIR COSTS.**—The costs of operation, maintenance,

repair, and rehabilitation of the project, as modified under subsection (b), shall be a non-Federal responsibility.

(d) ECONOMIC JUSTIFICATION.—Reconstruction efforts and activities relating to the project, as modified under subsection (b), shall not require economic justification.

**SA 1067.** Mr. KERRY (for himself, Mr. FEINGOLD, Ms. COLLINS, Mr. SANDERS, Mr. CARPER, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. 2. GLOBAL CLIMATE CHANGE.**

(a) PLANNING CONSIDERATIONS.—To account for the potential long- and short-term effects of global climate change, the Secretary shall ensure that each water resources project planned and carried out by the Corps of Engineers—

(1) takes into consideration, and accounts for, the impacts of global climate change on flood, storm, and drought risks in the United States;

(2) takes into consideration, and accounts for, potential future impacts of global climate change-related weather events, such as increased hurricane activity, intensity, storm surge, sea level rise, and associated flooding;

(3) uses the best-available climate science in assessing flood and storm risks;

(4) employs, to the maximum extent practicable, nonstructural approaches and design modifications to avoid or prevent impacts to streams, wetlands, and floodplains that—

(A) provide natural flood and storm buffers;

(B) improve water quality;

(C) serve as recharge areas for aquifers;

(D) reduce floods and erosion; and

(E) provide valuable plant, fish, and wildlife habitat;

(5) in projecting the benefits and costs of any water resources project that requires a benefit-cost analysis, quantifies and, to the maximum extent practicable, accounts for—

(A) the costs associated with damage or loss to wetlands, floodplains, and other natural systems (including the habitat, water quality, flood protection, and recreational values associated with the systems); and

(B) the benefits associated with protection of those systems; and

(6) takes into consideration, as applicable, the impacts of global climate change on emergency preparedness projects for ports.

(b) ADDITIONAL CONSIDERATIONS FOR FLOOD DAMAGE REDUCTION PROJECTS.—For purposes of planning and implementing flood damage reduction projects in accordance with this section and section 73 of the Water Resources Development Act of 1974 (33 U.S.C. 701b–11), the term “nonstructural approaches and design modifications” includes measures to manage flooding through—

(1) wetland, stream, and river restoration;

(2) avoiding development or increased development in frequently-flooded areas;

(3) adopting flood-tolerant land uses in frequently-flooded areas; or

(4) acquiring from willing sellers floodplain land for use for—

(A) flood protection uses;

(B) recreational uses; and

(C) fish and wildlife uses; or

(D) other public benefits.

**SA 1068.** Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle A of title II, insert the following:

**SEC. 2. TREATMENT OF CERTAIN FUNCTIONS AS INHERENTLY GOVERNMENTAL.**

(a) DEFINITION OF OPERATION AND MAINTENANCE.—In this section, the term “operation and maintenance”, with respect to a lock or lock and dam facility, includes—

(1) any activity associated with the operation, maintenance, or repair of—

(A) a lock or lock and dam facility;

(B) an area adjacent to a lock or lock and dam facility; and

(C) any facility or equipment associated with a lock or lock and dam facility, including—

(i) embankments;

(ii) floodgates;

(iii) spillways;

(iv) outlet works;

(v) levees;

(vi) pumping structures; and

(vii) moveable bridge spans over navigable waterways necessary for the transit of vessels;

(2) any activity relating to—

(A) the opening and closing of a lock gate to permit the transit of vessels; or

(B) the provision of directions to a vessel pilot transiting a lock;

(3) any activity relating to the release of water from a lock and dam facility, such as the operation of spillway gate or other outlet works, for flood control or maintenance of a navigation pool;

(4) any activity relating to enforcement of laws (including regulations) onsite at a lock or lock and dam facility; and

(5) contract management and oversight.

**(b) TREATMENT OF FUNCTIONS.—**

(1) IN GENERAL.—For purposes of section 2(a) of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note; 112 Stat. 2382)—

(A) each water and navigational resource project and facility, including the operation and maintenance of a lock or lock and dam facility, shall be considered to be national critical infrastructure; and

(B) the operation and maintenance of a lock or lock and dam facility shall be considered to be an inherently governmental function that requires performance by a Federal employee.

(2) EFFECT OF TRANSFER.—The transfer to another department or agency of any function described in paragraph (1) shall not affect the applicability of paragraph (1), including the requirement of that paragraph of performance by a Federal employee.

**(c) NO EFFECT ON CONTRACTS.—**

(1) IN GENERAL.—Notwithstanding subsection (b), the Corps of Engineers may—

(A) continue in effect any contract for performance by an entity in the private sector of any function relating to the operation and maintenance of a lock or lock and dam facility, if the contract was in effect on May 1, 2007; and

(B) offer to enter into any contract with an entity in the private sector after the date of enactment of this Act to construct a new lock or lock and dam facility.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection prevents the Corps of Engineers from carrying out a function that is carried out by an entity in the private sector pursuant to a contract described in paragraph (1)(A) on the date of enactment of this Act.

**SA 1069.** Mr. GRAHAM (for himself, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

**SEC. 5. PROJECTS FOR IMPROVEMENT, SAVANNAH RIVER, SOUTH CAROLINA AND GEORGIA.**

(a) IN GENERAL.—The Secretary shall determine the feasibility of carrying out projects—

(1) to improve the Savannah River for navigation and related purposes that may be necessary to support the location of container cargo and other port facilities to be located in Jasper County, South Carolina, in the vicinity of Mile 6 of the Savannah Harbor entrance channel; and

(2) to remove from the proposed Jasper County port site the easements used by the Corps of Engineers for placement of dredged fill materials for the Savannah Harbor Federal navigation project.

(b) FACTORS FOR CONSIDERATION.—In making a determination under subsection (a), the Secretary shall take into consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged material disposal area as a consequence of removing from the proposed Jasper County port site the easements used by the Corps of Engineers for placement of dredged fill materials for the Savannah Harbor Federal navigation project; and

(3) the results of the proposed bstate compact between the State of Georgia and the State of South Carolina to own, develop, and operate port facilities at the proposed Jasper County port site, as described in the term sheet executed by the Governor of the State of Georgia and the Governor of the State of South Carolina on March 12, 2007.

**SA 1070.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

Strike paragraph (1) of section 5010(a) (relating to the Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia) and insert the following:

(1) shall be—

(A) the ex officio United States member under the Susquehanna River Basin Compact and the Delaware River Basin Compact; and

(B) 1 of the 3 members appointed by the President under the Potomac River Basin Compact;

**SA 1071.** Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an

amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

**SEC. 5. SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.**

Section 10 of the Act of March 3, 1899 (33 U.S.C. 403), is amended—

(1) by striking the section heading and designation and all that follows through “creation” and inserting the following:

**“SEC. 10. OBSTRUCTION OF NAVIGABLE WATERS; WHARVES AND PIERS; EXCAVATIONS AND FILLING IN.**

“(a) IN GENERAL.—The creation”; and

(2) by adding at the end the following:

“(b) SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.—The Secretary shall not approve or disapprove an application for the siting, construction, expansion, or operation of a liquefied natural gas terminal pursuant to this section without the express concurrence of each State affected by the application.”

**SA 1072.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

In paragraph (1) of section 5010(e) (relating to the Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia), strike “Potomac River Basin Commission” and insert “Interstate Commission on the Potomac River Basin”.

**SA 1073.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

In section 5011(a) (relating to the Anacostia River, District of Columbia and Maryland), strike “1 year” and insert “2 years”.

**SA 1074.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

On page 57, between lines 23 and 24, insert the following:

(4) **CREDIT.**—The Secretary shall credit to the non-Federal share of the cost of the

project under this subsection any amount otherwise eligible to be credited under section 221 of the Flood Control Act of 970 (42 U.S.C. 1962d-5b) (as amended by section 2001).

**SA 1075.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

**SEC. 3. ATCHAFALAYA RIVER, BAYOUS CHENE, BOEUF, AND BLACK, LOUISIANA.**

The project for navigation, Atchafalaya River, Bayous Chene, Boeuf, and Black, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to authorize the Secretary to deepen a section of not more than 1,000 feet of the area on the Gulf Intracoastal Waterway located west of the Bayou Boeuf Lock and east of the intersection of the Atchafalaya River at a cost of not more than \$200,000 during the 10-year period beginning on the date of enactment of this Act to provide for ingress and egress to the Port of Morgan City, at a depth of not more than 20 feet.

**SA 1076.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

On page 43, strike lines 7 through 22 and insert the following:

(1) **IN GENERAL.**—Not later than December 31, 2008, the Secretary shall submit to Congress a report documenting any modifications to the features included in table 3 of the report referred to in subsection (a) due to the impact of Hurricanes Katrina and Rita on the project areas.

**(2) PROJECTS IDENTIFIED IN REPORTS.**—

(A) **CONSTRUCTION.**—The Secretary is authorized to construct the features identified in the report under paragraph (1) substantially in accordance with the descriptions included in the report referred to in subsection (a) if the Secretary determines, pursuant to subsection (k), that the features are cost-effective, environmentally acceptable, and technically feasible.

**SA 1077.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

On page 54, strike lines 1 through 19 and insert the following:

(A) to raise levee heights, as necessary, and otherwise enhance authorized flood damage reduction projects, hurricane storm dam-

age projects, and related works in the vicinity of New Orleans to provide the level of protection necessary to achieve the certification required for the 100-year level of flood protection, in accordance with the National Flood Insurance Program under the base flood elevations in existence at the time the activities are carried out;

(B) to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals to increase the reliability of the flood protection system for the city of New Orleans and Jefferson Parish;

(C) to armor critical elements of the New Orleans area hurricane and storm damage reduction system;

(D) to improve and otherwise modify the Inner Harbor Navigation Canal to increase the reliability of the flood protection system for the city of New Orleans and St. Bernard Parish;

**SA 1078.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

Beginning on page 58, strike line 11 and all that follows through page 60, line 3, and insert the following:

**(s) MISSISSIPPI RIVER GULF OUTLET.**

**(1) DEAUTHORIZATION.**—

(A) **IN GENERAL.**—Effective beginning on the date of submission of the plan required under subparagraph (C), the navigation channel portion of the project for navigation, Mississippi River Gulf outlet, authorized by the Act of March 29, 1956 (70 Stat. 65, chapter 112; 100 Stat. 4177; 110 Stat. 3717), which extends from the Gulf of Mexico to Mile 60 at the southern bank of the Gulf Intracoastal Waterway, is not authorized.

(B) **SCOPE.**—Nothing in this paragraph modifies or deauthorizes the Inner Harbor navigation canal replacement project authorized by that Act.

**(C) CLOSURE AND RESTORATION PLAN.**—

(i) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, 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 a final report on the deauthorization of the Mississippi River Gulf outlet, as described under the heading “INVESTIGATIONS” under chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 453).

(ii) **INCLUSIONS.**—At a minimum, the report under subparagraph (A) shall include—

(I) a comprehensive plan to deauthorize deep draft navigation on the Mississippi River Gulf outlet;

(II) a plan to physically modify the Mississippi River Gulf outlet and restore the areas affected by the navigation channel;

(III) a plan to restore natural features of the ecosystem that will reduce or prevent damage from storm surge;

(IV) a plan to prevent the intrusion of saltwater into the waterway;

(V) efforts to integrate the recommendations of this report with the program authorized under subsection (a) and the analysis and design authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2247).

(D) CONSTRUCTION.—The Secretary shall carry out a plan to close the Mississippi River Gulf outlet and restore and protect the ecosystem substantially in accordance with the plan required under subparagraph (C), if the Secretary determines that the project is cost-effective, environmentally acceptable, and technically feasible.

**SA 1079.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

On page 60, between lines 16 and 17, insert the following:

(u) DETERMINATION OF VALUE.—The Secretary may use a valuation based on predisaster conditions in determining compensation to be provided for land and interests in land—

(1) adversely affected by Hurricane Katrina; or

(2) acquired before the date of enactment of this Act for—

(A) Hurricane Katrina-related rehabilitation assistance provided under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n); or

(B) any activity authorized by the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2680), or any other law.

**SA 1080.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

On page 48, strike lines 22 through 25 and insert the following:

(4) WORKING GROUPS.—

(A) IN GENERAL.—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this subsection.

(B) INTEGRATION TEAM.—

(i) IN GENERAL.—The Task Force shall establish, for the purposes described in clause (ii), an integration team comprised of—

(I) independent experts with experience relating to—

(aa) coastal estuaries;

(bb) diversions;

(cc) coastal restoration;

(dd) wetlands protection;

(ee) ecosystem restoration;

(ff) hurricane protection;

(gg) storm damage reduction systems; and

(hh) navigation and ports; and

(II) representatives of—

(aa) the State of Louisiana; and

(bb) local governments in southern Louisiana.

(ii) PURPOSES.—The purposes referred to in clause (i) are—

(I) to advise the Task Force and the Secretary regarding opportunities to integrate the planning, engineering, design, implementation, and performance of Corps of Engineers projects for hurricane and storm dam-

age reduction, flood damage reduction, ecosystem restoration, and navigation in areas of Louisiana declared to be a major disaster as a result of Hurricane Katrina or Rita;

(II) to review reports relating to the performance of, and recommendations relating to the future performance of, the hurricane, coastal, and flood protection systems in southern Louisiana, including the reports issued by the Interagency Performance Evaluation Team, the National Science Foundation, the American Society of Civil Engineers, and Team Louisiana to advise the Task Force and the Secretary on opportunities to improve the performance of the protection systems; and

(III) to carry out such other duties as the Task Force or the Secretary determine to be appropriate.

**SA 1081.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1495, 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; which was ordered to lie on the table; as follows:

On page 18, between lines 9 and 10, insert the following:

(C) HOUma NAVIGATION CANAL.—The Secretary shall spend not more than \$200,000 to maintain, pursuant to an exclusive partnership agreement with the State of Louisiana, the Houma Navigation Canal at dimensions consistent with the dimensions of the lock as recommended in the reports referred to in subparagraph (A).

**SA 1082.** Mr. WHITEHOUSE (for Mr. BUNNING) proposed an amendment to the concurrent resolution S. Con. Res. 29, encouraging the recognition of the Negro Baseball Leagues and their players on May 20th of each year; as follows:

On page 3, strike the 4th whereas and insert “Whereas Minnie Minoso, the “Cuban Comet,” played on the New York Cubans when they won the Negro League World Series, broke the color barrier on the Chicago White Sox when he joined the team in 1951, and was the first black Latino to play in the Major Leagues;

On page 3, in the 5th whereas strike “but” and all that follows to the end of the whereas and insert “;”

#### AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 10, 2007, at 3 p.m., to conduct a hearing on the nominations of Mr. David George Nason, of Rhode Island, to be Assistant Secretary of the Treasury for Financial Institutions; Mr. Mario Mancuso, of New York, to be Under Secretary of Commerce for Export Administration; Mr. Michael W. Tankersley, of Texas, to be Inspector General of the Export-Import Bank of the United States; The Honorable Bijan

Rafiekian, of California, to be a member of the Board of Directors of the Export-Import Bank of the United States; Mr. Scott A. Keller, of Florida, to be Assistant Secretary of Housing and Urban Development for Congressional and Intergovernmental Affairs; Mr. Robert M. Couch, of Alabama, to be General Counsel of the Department of Housing and Urban Development; Ms. Janis Herschkowitz, of Pennsylvania, to be a member of the Board of Directors of the National Consumer Cooperative Bank; Mr. David George Nason, of Rhode Island, to be a member of the Board of Directors of the National Consumer Cooperative Bank; and Mr. Nguyen Van Hanh, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, May 10, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to discuss the effects of climate change and ocean acidification on living marine resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, May 10, 2007, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building. The purpose of this hearing is to consider the nominations of Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission; and R. Lyle Laverty, of Colorado, to be Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the Session of the Senate on Finance will meet on Thursday, May 10, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on “Can the Middle Class Make Ends Meet? Economic Issues for America’s Working Families.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to