

Public Law 106-53  
106th Congress  
An Act

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

Aug. 17, 1999  
[S. 507]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

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

(a) **SHORT TITLE.**—This Act may be cited as the “Water Resources Development Act of 1999”.

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

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

In this Act, the term “Secretary” means the Secretary of the Army.

33 USC 2201  
note.

**TITLE I—WATER RESOURCES PROJECTS**

**SEC. 101. PROJECT AUTHORIZATIONS.**

(a) PROJECTS WITH CHIEF'S REPORTS.—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 subsection:

- (1) NOME HARBOR IMPROVEMENTS, ALASKA.—The project for navigation, Nome Harbor improvements, Alaska: Report of the

Chief of Engineers dated June 8, 1999, as amended by the Chief of Engineers on August 2, 1999, at a total cost of \$25,651,000, with an estimated Federal cost of \$20,192,000 and an estimated non-Federal cost of \$5,459,000.

(2) SAND POINT HARBOR, ALASKA.—The project for navigation, Sand Point Harbor, Alaska: Report of the Chief of Engineers dated October 13, 1998, at a total cost of \$11,760,000, with an estimated Federal cost of \$6,964,000 and an estimated non-Federal cost of \$4,796,000.

(3) SEWARD HARBOR, ALASKA.—The project for navigation, Seward Harbor, Alaska: Report of the Chief of Engineers dated June 8, 1999, at a total cost of \$12,240,000, with an estimated Federal cost of \$4,089,000 and an estimated non-Federal cost of \$8,151,000.

(4) RIO SALADO (SALT RIVER), PHOENIX AND TEMPE, ARIZONA.—The project for flood control and environmental restoration, Rio Salado (Salt River), Phoenix and Tempe, Arizona: Report of the Chief of Engineers dated August 20, 1998, at a total cost of \$88,048,000, with an estimated Federal cost of \$56,355,000 and an estimated non-Federal cost of \$31,693,000.

(5) TUCSON DRAINAGE AREA, ARIZONA.—The project for flood damage reduction, environmental restoration, and recreation, Tucson drainage area, Arizona: Report of the Chief of Engineers dated May 20, 1998, at a total cost of \$29,900,000, with an estimated Federal cost of \$16,768,000 and an estimated non-Federal cost of \$13,132,000.

(6) AMERICAN AND SACRAMENTO RIVERS, CALIFORNIA.—

(A) IN GENERAL.—The Folsom Dam Modification portion of the Folsom Dam Modification Plan described in the United States Army Corps of Engineers Supplemental Information Report for the American River Watershed Project, California, dated March 1996, as modified by the report entitled “Folsom Dam Modification Report, New Outlets Plan”, dated March 1998, prepared by the Sacramento Area Flood Control Agency, at an estimated cost of \$150,000,000, with an estimated Federal cost of \$97,500,000 and an estimated non-Federal cost of \$52,500,000. The Secretary shall coordinate with the Secretary of the Interior with respect to the design and construction of modifications at Folsom Dam authorized by this paragraph.

(B) REOPERATION MEASURES.—Upon completion of the improvements to Folsom Dam authorized by subparagraph (A), the variable space allocated to flood control within the Reservoir shall be reduced from the current operating range of 400,000–670,000 acre-feet to 400,000–600,000 acre-feet.

(C) MAKEUP OF WATER SHORTAGES CAUSED BY FLOOD CONTROL OPERATION.—The Secretary of the Interior shall enter into, or modify, such agreements with the Sacramento Area Flood Control Agency regarding the operation of Folsom Dam and reservoir as may be necessary in order that, notwithstanding any prior agreement or provision of law, 100 percent of the water needed to make up for any water shortage caused by variable flood control operation during any year at Folsom Dam and resulting in

a significant impact on recreation at Folsom Reservoir shall be replaced, to the extent the water is available for purchase, by the Secretary of the Interior.

(D) SIGNIFICANT IMPACT ON RECREATION.—For the purposes of this paragraph, a significant impact on recreation is defined as any impact that results in a lake elevation at Folsom Reservoir below 435 feet above sea level starting on May 15 and ending on September 15 of any given year.

(E) UPDATED FLOOD MANAGEMENT PLAN.—The Secretary, in cooperation with the Secretary of the Interior, shall update the flood management plan for Folsom Dam authorized by section 9159(f)(2) of the Department of Defense Appropriations Act, 1993 (106 Stat. 1946), to reflect the operational capabilities created by the modification authorized by subparagraph (A) and improved weather forecasts based on the Advanced Hydrologic Prediction System of the National Weather Service.

(7) OAKLAND HARBOR, CALIFORNIA.—The project for navigation, Oakland Harbor, California: Report of the Chief of Engineers dated April 21, 1999, at a total cost of \$252,290,000, with an estimated Federal cost of \$128,081,000 and an estimated non-Federal cost of \$124,209,000.

(8) SOUTH SACRAMENTO COUNTY STREAMS, CALIFORNIA.—The project for flood control, environmental restoration and recreation, South Sacramento County streams, California: Report of the Chief of Engineers dated October 6, 1998, at a total cost of \$65,500,000, with an estimated Federal cost of \$41,200,000 and an estimated non-Federal cost of \$24,300,000.

(9) UPPER GUADALUPE RIVER, CALIFORNIA.—Construction of the locally preferred plan for flood damage reduction and recreation, Upper Guadalupe River, California, described as the Bypass Channel Plan of the Chief of Engineers dated August 19, 1998, at a total cost of \$140,328,000, with an estimated Federal cost of \$44,000,000 and an estimated non-Federal cost of \$96,328,000.

(10) YUBA RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Yuba River Basin, California: Report of the Chief of Engineers dated November 25, 1998, at a total cost of \$26,600,000, with an estimated Federal cost of \$17,350,000 and an estimated non-Federal cost of \$9,250,000.

(11) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY-BROADKILL BEACH, DELAWARE.—The project for hurricane and storm damage reduction, Delaware Bay coastline, Delaware and New Jersey-Broadkill Beach, Delaware: Report of the Chief of Engineers dated August 17, 1998, at a total cost of \$9,049,000, with an estimated Federal cost of \$5,674,000 and an estimated non-Federal cost of \$3,375,000, and at an estimated average annual cost of \$538,200 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$349,800 and an estimated annual non-Federal cost of \$188,400.

(12) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY-PORT MAHON, DELAWARE.—The project for ecosystem restoration, Delaware Bay coastline, Delaware and New Jersey-Port Mahon, Delaware: Report of the Chief of Engineers dated

September 28, 1998, at a total cost of \$7,644,000, with an estimated Federal cost of \$4,969,000 and an estimated non-Federal cost of \$2,675,000, and at an estimated average annual cost of \$234,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$152,000 and an estimated annual non-Federal cost of \$82,000.

(13) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY-ROOSEVELT INLET-LEWES BEACH, DELAWARE.—The project for navigation mitigation and hurricane and storm damage reduction, Delaware Bay coastline, Delaware and New Jersey-Roosevelt Inlet-Lewes Beach, Delaware: Report of the Chief of Engineers dated February 3, 1999, at a total cost of \$3,393,000, with an estimated Federal cost of \$2,620,000 and an estimated non-Federal cost of \$773,000, and at an estimated average annual cost of \$196,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$152,000 and an estimated annual non-Federal cost of \$44,000.

(14) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY-VILLAS AND VICINITY, NEW JERSEY.—The project for shore protection and ecosystem restoration, Delaware Bay coastline, Delaware and New Jersey-Villas and vicinity, New Jersey: Report of the Chief of Engineers dated April 21, 1999, at a total cost of \$7,520,000, with an estimated Federal cost of \$4,888,000 and an estimated non-Federal cost of \$2,632,000.

(15) DELAWARE COAST FROM CAPE HENELOPEN TO FENWICK ISLAND, BETHANY BEACH/SOUTH BETHANY BEACH, DELAWARE.—The project for hurricane and storm damage reduction, Delaware Coast from Cape Henlopen to Fenwick Island, Bethany Beach/South Bethany Beach, Delaware: Report of the Chief of Engineers dated April 21, 1999, at a total cost of \$22,205,000, with an estimated Federal cost of \$14,433,000 and an estimated non-Federal cost of \$7,772,000, and at an estimated average annual cost of \$1,584,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$1,030,000 and an estimated annual non-Federal cost of \$554,000.

(16) HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.—The project for aquifer storage and recovery described in the Corps of Engineers Central and Southern Florida Water Supply Study, Florida, dated April 1989, and in House Document 369, dated July 30, 1968, at a total cost of \$27,000,000, with an estimated Federal cost of \$13,500,000 and an estimated non-Federal cost of \$13,500,000.

(17) JACKSONVILLE HARBOR, FLORIDA.—The project for navigation, Jacksonville Harbor, Florida: Report of the Chief of Engineers dated April 21, 1999, at a total cost of \$26,116,000, with an estimated Federal cost of \$9,129,000 and an estimated non-Federal cost of \$16,987,000.

(18) TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.—The project for navigation, Tampa Harbor-Big Bend Channel, Florida: Report of the Chief of Engineers dated October 13, 1998, at a total cost of \$12,356,000, with an estimated Federal cost of \$6,235,000 and an estimated non-Federal cost of \$6,121,000.

(19) BRUNSWICK HARBOR, GEORGIA.—The project for navigation, Brunswick Harbor, Georgia: Report of the Chief of Engineers dated October 6, 1998, at a total cost of \$50,717,000, with an estimated Federal cost of \$32,966,000 and an estimated non-Federal cost of \$17,751,000.

(20) BEARGRASS CREEK, KENTUCKY.—The project for flood control, Beargrass Creek, Kentucky: Report of the Chief of Engineers dated May 12, 1998, at a total cost of \$11,171,300, with an estimated Federal cost of \$7,261,500 and an estimated non-Federal cost of \$3,909,800.

(21) AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.—The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed: Report of the Chief of Engineers dated December 23, 1996, at a total cost of \$112,900,000, with an estimated Federal cost of \$73,400,000 and an estimated non-Federal cost of \$39,500,000.

(22) BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MARYLAND AND VIRGINIA.—

(A) IN GENERAL.—The project for navigation, Baltimore Harbor Anchorages and Channels, Maryland and Virginia, Report of the Chief of Engineers dated June 8, 1998, at a total cost of \$28,426,000, with an estimated Federal cost of \$18,994,000 and an estimated non-Federal cost of \$9,432,000.

(B) CREDIT OR REIMBURSEMENT.—If a project cooperation agreement is entered into, the non-Federal interest shall receive credit toward, or reimbursement of, the Federal share of project costs for construction work performed by the non-Federal interest before execution of the project cooperation agreement if the Secretary finds the work to be integral to the project.

(C) STUDY OF MODIFICATIONS.—During the preconstruction engineering and design phase of the project, the Secretary shall conduct a study to determine the feasibility of undertaking further modifications to the Dundalk Marine Terminal access channels, consisting of—

- (i) deepening and widening the Dundalk access channels to a depth of 50 feet and a width of 500 feet;
- (ii) widening the flares of the access channels; and
- (iii) providing a new flare on the west side of the entrance to the east access channel.

(D) REPORT.—

(i) IN GENERAL.—Not later than March 1, 2000, the Secretary shall submit to Congress a report on the study under subparagraph (C).

(ii) CONTENTS.—The report shall include a determination of—

- (I) the feasibility of performing the project modifications described in subparagraph (C); and
- (II) the appropriateness of crediting or reimbursing the Federal share of the cost of the work performed by the non-Federal interest on the project modifications.

Deadline.

(23) RED LAKE RIVER AT CROOKSTON, MINNESOTA.—The project for flood control, Red Lake River at Crookston, Minnesota: Report of the Chief of Engineers dated April 20, 1998, at a total cost of \$8,950,000, with an estimated Federal cost of \$5,720,000 and an estimated non-Federal cost of \$3,230,000.

(24) TURKEY CREEK BASIN, KANSAS CITY, MISSOURI, AND KANSAS CITY, KANSAS.—The project for flood damage reduction, Turkey Creek Basin, Kansas City, Missouri, and Kansas City, Kansas: Report of the Chief of Engineers dated April 21, 1999, at a total cost of \$42,875,000, with an estimated Federal cost of \$25,596,000 and an estimated non-Federal cost of \$17,279,000.

(25) LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NEW JERSEY.—The project for navigation mitigation, ecosystem restoration, shore protection, and hurricane and storm damage reduction, Lower Cape May Meadows, Cape May Point, New Jersey: Report of the Chief of Engineers dated April 5, 1999, at a total cost of \$15,952,000, with an estimated Federal cost of \$12,118,000 and an estimated non-Federal cost of \$3,834,000, and at an estimated average annual cost of \$1,114,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$897,000 and an estimated annual non-Federal cost of \$217,000.

(26) TOWNSEENDS INLET TO CAPE MAY INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, shore protection, and ecosystem restoration, Townsends Inlet to Cape May Inlet, New Jersey: Report of the Chief of Engineers dated September 28, 1998, at a total cost of \$56,503,000, with an estimated Federal cost of \$36,727,000 and an estimated non-Federal cost of \$19,776,000, and at an estimated average annual cost of \$2,000,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$1,300,000 and an estimated annual non-Federal cost of \$700,000.

(27) GUANAJIBO RIVER, PUERTO RICO.—

(A) IN GENERAL.—The project for flood control, Guanajibo River, Puerto Rico: Report of the Chief of Engineers dated February 27, 1996, at a total cost of \$27,031,000, with an estimated Federal cost of \$20,273,250 and an estimated non-Federal cost of \$6,757,750.

(B) COST SHARING.—Cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996.

(28) RIO GRANDE DE MANATI, BARCELONETA, PUERTO RICO.—The project for flood control, Rio Grande De Manati, Barceloneta, Puerto Rico: Report of the Chief of Engineers dated January 22, 1999, at a total cost of \$13,491,000, with an estimated Federal cost of \$8,785,000 and an estimated non-Federal cost of \$4,706,000.

(29) RIO NIGUA, SALINAS, PUERTO RICO.—The project for flood control, Rio Nigua, Salinas, Puerto Rico: Report of the Chief of Engineers dated April 15, 1997, at a total cost of \$13,702,000, with an estimated Federal cost of \$7,645,000 and an estimated non-Federal cost of \$6,057,000.

(30) SALT CREEK, GRAHAM, TEXAS.—The project for flood control, environmental restoration, and recreation, Salt Creek,

Graham, Texas: Report of the Chief of Engineers dated October 6, 1998, at a total cost of \$10,080,000, with an estimated Federal cost of \$6,560,000 and an estimated non-Federal cost of \$3,520,000.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—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, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 1999:

(1) HERITAGE HARBOR, WRANGELL, ALASKA.—The project for navigation, Heritage Harbor, Wrangell, Alaska, at a total cost of \$24,556,000, with an estimated Federal cost of \$14,447,000 and estimated non-Federal cost of \$10,109,000.

(2) ARROYO PASAJERO, CALIFORNIA.—The project for flood damage reduction, Arroyo Pasajero, California, at a total cost of \$260,700,000, with an estimated Federal cost of \$170,100,000 and an estimated non-Federal cost of \$90,600,000.

(3) HAMILTON AIRFIELD, CALIFORNIA.—The project for environmental restoration, Hamilton Airfield, California, at a total cost of \$55,200,000, with an estimated Federal cost of \$41,400,000 and an estimated non-Federal cost of \$13,800,000.

(4) SUCCESS DAM, TULE RIVER BASIN, CALIFORNIA.—The project for flood damage reduction and water supply, Success Dam, Tule River basin, California, at a total cost of \$17,900,000, with an estimated Federal cost of \$11,635,000 and an estimated non-Federal cost of \$6,265,000.

(5) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY: OAKWOOD BEACH, NEW JERSEY.—The project for shore protection, Delaware Bay coastline, Delaware and New Jersey: Oakwood Beach, New Jersey, at a total cost of \$3,360,000, with an estimated Federal cost of \$2,184,000 and an estimated non-Federal cost of \$1,176,000, and at an estimated average annual cost of \$81,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$53,000 and an estimated annual non-Federal cost of \$28,000.

(6) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY: REEDS BEACH AND PIERCES POINT, NEW JERSEY.—The project for shore protection and ecosystem restoration, Delaware Bay coastline, Delaware and New Jersey: Reeds Beach and Pierces Point, New Jersey, at a total cost of \$4,057,000, with an estimated Federal cost of \$2,637,000 and an estimated non-Federal cost of \$1,420,000.

(7) LITTLE TALBOT ISLAND, DUVAL COUNTY, FLORIDA.—The project for hurricane and storm damage prevention and shore protection, Little Talbot Island, Duval County, Florida, at a total cost of \$5,915,000, with an estimated Federal cost of \$3,839,000 and an estimated non-Federal cost of \$2,076,000.

(8) PONCE DE LEON INLET, FLORIDA.—The project for navigation and related purposes, Ponce de Leon Inlet, Volusia County, Florida, at a total cost of \$5,454,000, with an estimated Federal cost of \$2,988,000 and an estimated non-Federal cost of \$2,466,000.

(9) SAVANNAH HARBOR EXPANSION, GEORGIA.—

(A) IN GENERAL.—Subject to subparagraph (B), the project for navigation, Savannah Harbor expansion,

Georgia, including implementation of the mitigation plan, with such modifications as the Secretary considers appropriate, at a total cost of \$230,174,000 (of which amount a portion is authorized for implementation of the mitigation plan), with an estimated Federal cost of \$145,160,000 and an estimated non-Federal cost of \$85,014,000.

(B) CONDITIONS.—The project authorized by subparagraph (A) may be carried out only after—

(i) the Secretary, in consultation with affected Federal, State of Georgia, State of South Carolina, regional, and local entities, reviews and approves an environmental impact statement for the project that includes—

(I) an analysis of the impacts of project depth alternatives ranging from 42 feet through 48 feet; and

(II) a selected plan for navigation and an associated mitigation plan as required under section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)); and

(ii) the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the Secretary approve the selected plan and determine that the associated mitigation plan adequately addresses the potential environmental impacts of the project.

(C) MITIGATION REQUIREMENTS.—The mitigation plan shall be implemented before or concurrently with construction of the project.

(10) DES PLAINES RIVER, ILLINOIS.—The project for flood control, Des Plaines River, Illinois, at a total cost of \$48,800,000 with an estimated Federal cost of \$31,700,000 and an estimated non-Federal cost of \$17,100,000.

(11) REELFOOT LAKE, KENTUCKY AND TENNESSEE.—The project for ecosystem restoration, Reelfoot Lake, Kentucky and Tennessee, at a total cost of \$35,287,000, with an estimated Federal cost of \$23,601,000 and an estimated non-Federal cost of \$11,686,000.

(12) BRIGANTINE INLET TO GREAT EGG HARBOR, BRIGANTINE ISLAND, NEW JERSEY.—The project for hurricane and storm damage reduction and shore protection, Brigantine Inlet to Great Egg Harbor, Brigantine Island, New Jersey, at a total cost of \$4,970,000, with an estimated Federal cost of \$3,230,000 and an estimated non-Federal cost of \$1,740,000, and at an estimated average annual cost of \$465,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$302,000 and an estimated annual non-Federal cost of \$163,000.

(13) COLUMBIA RIVER CHANNEL, OREGON AND WASHINGTON.—The project for navigation, Columbia River Channel, Oregon and Washington, at a total cost of \$183,623,000, with an estimated Federal cost of \$106,132,000 and an estimated non-Federal cost of \$77,491,000.

(14) JOHNSON CREEK, ARLINGTON, TEXAS.—The project for flood damage reduction, environmental restoration, and recreation, Johnson Creek, Arlington, Texas, at a total cost of

\$20,300,000, with an estimated Federal cost of \$12,000,000 and an estimated non-Federal cost of \$8,300,000.

(15) HOWARD HANSON DAM, WASHINGTON.—The project for water supply and ecosystem restoration, Howard Hanson Dam, Washington, at a total cost of \$75,600,000, with an estimated Federal cost of \$36,900,000 and an estimated non-Federal cost of \$38,700,000.

**SEC. 102. SMALL FLOOD CONTROL PROJECTS.**

(a) IN GENERAL.—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) EYAK RIVER, CORDOVA, ALASKA.—Project for flood damage reduction, Eyak River, Cordova, Alaska.

(2) SALCHA RIVER AND PILEDRIVER SLOUGH, FAIRBANKS, ALASKA.—Project for flood damage reduction to protect against surface water flooding, lower Salcha River and Piledriver Slough from its headwaters at the mouth of the Salcha River to the Chena Lakes Flood Control Project, Fairbanks, Alaska.

(3) LANCASTER, CALIFORNIA.—Project for flood control, Lancaster, California, westside stormwater retention facility.

(4) MAGPIE CREEK, CALIFORNIA.—Project for flood control, Magpie Creek, California, located within the boundaries of McClellan Air Force Base.

(5) GATEWAY TRIANGLE AREA, FLORIDA.—Project for flood control, Gateway Triangle area, Collier County, Florida.

(6) PLANT CITY, FLORIDA.—Project for flood control, Plant City, Florida.

(7) STONE ISLAND, LAKE MONROE, FLORIDA.—Project for flood control, Stone Island, Lake Monroe, Florida.

(8) OHIO RIVER, ILLINOIS.—Project for flood control, Ohio River, Illinois.

(9) HAMILTON DAM, MICHIGAN.—Project for flood control, Hamilton Dam, Michigan.

(10) REPAUPO CREEK AND DELAWARE RIVER, GLOUCESTER COUNTY, NEW JERSEY.—Project for tidegate and levee improvements for Repaupo Creek and the Delaware River, Gloucester County, New Jersey.

(11) IRONDEQUOIT CREEK, NEW YORK.—Project for flood control, Irondequoit Creek watershed, New York.

(12) OWASCO LAKE SEAWALL, NEW YORK.—Project for flood control, Owasco Lake seawall, New York.

(13) PORT CLINTON, OHIO.—Project for flood control, Port Clinton, Ohio.

(14) ABINGTON TOWNSHIP, PENNSYLVANIA.—Project for flood control, Baeder and Wanamaker Roads, Abington Township, Pennsylvania.

(15) PORT INDIAN, WEST NORRITON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA.—Project for flood control, Port Indian, West Norriton Township, Montgomery County, Pennsylvania.

(16) PORT PROVIDENCE, UPPER PROVIDENCE TOWNSHIP, PENNSYLVANIA.—Project for flood control, Port Providence, Upper Providence Township, Pennsylvania.

(17) SPRINGFIELD TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA.—Project for flood control, Springfield Township, Montgomery County, Pennsylvania.

- (18) TAWNEY RUN CREEK, PENNSYLVANIA.—Project for flood control, Tawney Run Creek, Allegheny County, Pennsylvania.
- (19) WISSAHICKON WATERSHED, PENNSYLVANIA.—Project for flood control, Wissahickon watershed, Philadelphia, Pennsylvania.
- (20) TIOGA COUNTY, PENNSYLVANIA.—Project for flood control, Tioga River and Cowanesque River and their tributaries, Tioga County, Pennsylvania.
- (21) FIRST CREEK, KNOXVILLE, TENNESSEE.—Project for flood control, First Creek, Knoxville, Tennessee.
- (22) METRO CENTER LEVEE, CUMBERLAND RIVER, NASHVILLE, TENNESSEE.—Project for flood control, Metro Center Levee, Cumberland River, Nashville, Tennessee.

(b) FESTUS AND CRYSTAL CITY, MISSOURI.—

- (1) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project for flood control, Festus and Crystal City, Missouri, is \$10,000,000.
- (2) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project described in paragraph (1) to take into account the change in the Federal participation in the project under paragraph (1).

#### SEC. 103. SMALL BANK STABILIZATION PROJECTS.

(a) IN GENERAL.—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 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

- (1) ARCTIC OCEAN, BARROW, ALASKA.—Project for storm damage reduction and coastal erosion, Barrow, Alaska.
- (2) SAINT JOSEPH RIVER, INDIANA.—Project for streambank erosion control, Saint Joseph River, Indiana.
- (3) SAGINAW RIVER, BAY CITY, MICHIGAN.—Project for streambank erosion control, Saginaw River, Bay City, Michigan.
- (4) BIG TIMBER CREEK, NEW JERSEY.—Project for streambank erosion control, Big Timber Creek, New Jersey.
- (5) LAKE SHORE ROAD, ATHOL SPRINGS, NEW YORK.—Project for streambank erosion control, Lake Shore Road, Athol Springs, New York.
- (6) MARIST COLLEGE, POUGHKEEPSIE, NEW YORK.—Project for streambank erosion control, Marist College, Poughkeepsie, New York.
- (7) MONROE COUNTY, OHIO.—Project for streambank erosion control, Monroe County, Ohio.
- (8) GREEN VALLEY, WEST VIRGINIA.—Project for streambank erosion control, Green Valley, West Virginia.

(b) YELLOWSTONE RIVER, BILLINGS, MONTANA.—The streambank protection project at Coulson Park, along the Yellowstone River, Billings, Montana, shall be eligible for assistance under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

#### SEC. 104. SMALL 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 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

- (1) GRAND MARAIS, ARKANSAS.—Project for navigation, Grand Marais, Arkansas.
- (2) FIELDS LANDING CHANNEL, HUMBOLDT HARBOR, CALIFORNIA.—Project for navigation, Fields Landing Channel, Humboldt Harbor, California.
- (3) SAN MATEO (PILLAR POINT HARBOR), CALIFORNIA.—Project for navigation, San Mateo (Pillar Point Harbor), California.
- (4) AGANA MARINA, GUAM.—Project for navigation, Agana Marina, Guam.
- (5) AGAT MARINA, GUAM.—Project for navigation, Agat Marina, Guam.
- (6) APRA HARBOR FUEL PIERS, GUAM.—Project for navigation, Apra Harbor Fuel Piers, Guam.
- (7) APRA HARBOR PIER F-6, GUAM.—Project for navigation, Apra Harbor Pier F-6, Guam.
- (8) APRA HARBOR SEAWALL, GUAM.—Project for navigation including a seawall, Apra Harbor, Guam.
- (9) GUAM HARBOR, GUAM.—Project for navigation, Guam Harbor, Guam.
- (10) ILLINOIS RIVER NEAR CHAUTAUQUA PARK, ILLINOIS.—Project for navigation, Illinois River near Chautauqua Park, Illinois.
- (11) WHITING SHORELINE WATERFRONT, WHITING, INDIANA.—Project for navigation, Whiting shoreline waterfront, Whiting, Indiana.
- (12) UNION RIVER, ELLSWORTH, MAINE.—Project for navigation, Union River, Ellsworth, Maine.
- (13) NARAGUAGUS RIVER, MACHIAS, MAINE.—Project for navigation, Naraguagus River, Machias, Maine.
- (14) DETROIT RIVER, MICHIGAN.—Project for navigation, Detroit River, Michigan, including dredging and removal of a reef.
- (15) FORTESCUE INLET, DELAWARE BAY, NEW JERSEY.—Project for navigation, Fortescue Inlet, Delaware Bay, New Jersey.
- (16) BRADDOCK BAY, GREECE, NEW YORK.—Project for navigation, Braddock Bay, Greece, New York.
- (17) BUFFALO AND LASALLE PARK, NEW YORK.—Project for navigation, Buffalo and LaSalle Park, New York.
- (18) STURGEON POINT, NEW YORK.—Project for navigation, Sturgeon Point, New York.
- (19) FAIRPORT HARBOR, OHIO.—Project for navigation, Fairport Harbor, Ohio, including a recreation channel.

**SEC. 105. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.**

(a) IN GENERAL.—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 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)):

- (1) ILLINOIS RIVER IN THE VICINITY OF HAVANA, ILLINOIS.—Project for improvement of the quality of the environment, Illinois River in the vicinity of Havana, Illinois.
- (2) KNITTING MILL CREEK, VIRGINIA.—Project for improvement of the quality of the environment, Knitting Mill Creek, Virginia.

(b) PINE FLAT DAM, KINGS RIVER, CALIFORNIA.—Under authority of section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)), the Secretary shall carry out a project to construct a turbine bypass at Pine Flat Dam, Kings River, California, in accordance with the project modification report and environmental assessment dated September 1996.

**SEC. 106. SMALL AQUATIC ECOSYSTEM RESTORATION PROJECTS.**

The Secretary is authorized to carry out the following projects under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

- (1) CONTRA COSTA COUNTY, BAY DELTA, CALIFORNIA.—Project for aquatic ecosystem restoration, Contra Costa County, Bay Delta, California.
- (2) INDIAN RIVER, FLORIDA.—Project for aquatic ecosystem restoration and lagoon restoration, Indian River, Florida.
- (3) LITTLE WEKIVA RIVER, FLORIDA.—Project for aquatic ecosystem restoration and erosion control, Little Wekiva River, Florida.
- (4) COOK COUNTY, ILLINOIS.—Project for aquatic ecosystem restoration and lagoon restoration and protection, Cook County, Illinois.
- (5) GRAND BATTURE ISLAND, MISSISSIPPI.—Project for aquatic ecosystem restoration, Grand Batture Island, Mississippi.
- (6) HANCOCK, HARRISON, AND JACKSON COUNTIES, MISSISSIPPI.—Project for aquatic ecosystem restoration and reef restoration along the Gulf Coast, Hancock, Harrison, and Jackson Counties, Mississippi.
- (7) MISSISSIPPI RIVER AND RIVER DES PERES, ST. LOUIS, MISSOURI.—Project for aquatic ecosystem restoration and recreation, Mississippi River and River Des Peres, St. Louis, Missouri.
- (8) HUDSON RIVER, NEW YORK.—Project for aquatic ecosystem restoration, Hudson River, New York.
- (9) ONEIDA LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Oneida Lake, Oneida County, New York.
- (10) OTSEGO LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Otsego Lake, Otsego County, New York.
- (11) NORTH FORK OF YELLOW CREEK, OHIO.—Project for aquatic ecosystem restoration, North Fork of Yellow Creek, Ohio.
- (12) WHEELING CREEK WATERSHED, OHIO.—Project for aquatic ecosystem restoration, Wheeling Creek watershed, Ohio.
- (13) SPRINGFIELD MILLRACE, OREGON.—Project for aquatic ecosystem restoration, Springfield Millrace, Oregon.
- (14) UPPER AMAZON CREEK, OREGON.—Project for aquatic ecosystem restoration, Upper Amazon Creek, Oregon.
- (15) LAKE ONTELAUNEE RESERVOIR, BERKS COUNTY, PENNSYLVANIA.—Project for aquatic ecosystem restoration and distilling pond facilities, Lake Ontelaunee Reservoir, Berks County, Pennsylvania.
- (16) BLACKSTONE RIVER BASIN, RHODE ISLAND AND MASSACHUSETTS.—Project for aquatic ecosystem restoration and fish passage facilities, Blackstone River Basin, Rhode Island and Massachusetts.

## TITLE II—GENERAL PROVISIONS

### SEC. 201. SMALL FLOOD CONTROL AUTHORITY.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended—

- (1) in the first sentence, by striking “construction of small projects” and inserting “implementation of small structural and nonstructural projects”; and
- (2) in the third sentence, by striking “\$5,000,000” and inserting “\$7,000,000”.

### SEC. 202. USE OF NON-FEDERAL FUNDS FOR COMPILING AND DISSEMINATING INFORMATION ON FLOODS AND FLOOD DAMAGE.

Section 206(b) of the Flood Control Act of 1960 (33 U.S.C. 709a(b)) is amended in the third sentence by inserting before the period at the end the following: “, but the Secretary of the Army may accept funds voluntarily contributed by such entities for the purpose of expanding the scope of the services requested by the entities”.

### SEC. 203. CONTRIBUTIONS BY STATES AND POLITICAL SUBDIVISIONS.

Section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), is amended by inserting “or environmental restoration” after “flood control”.

### SEC. 204. SEDIMENT DECONTAMINATION TECHNOLOGY.

Section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; Public Law 102-580) is amended—

- (1) in subsection (a), by adding at the end the following:  
“(4) PRACTICAL END-USE PRODUCTS.—Technologies selected for demonstration at the pilot scale shall be intended to result in practical end-use products.

“(5) ASSISTANCE BY THE SECRETARY.—The Secretary shall assist the project to ensure expeditious completion by providing sufficient quantities of contaminated dredged material to conduct the full-scale demonstrations to stated capacity.”;

“(2) in subsection (c), by striking the first sentence and inserting the following: “There is authorized to be appropriated to carry out this section \$22,000,000 to complete technology testing, technology commercialization, and the development of full scale processing facilities within the New York/New Jersey Harbor.”; and

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

“(e) SUPPORT.—In carrying out the program under this section, the Secretary is encouraged to use contracts, cooperative agreements, and grants with colleges and universities and other non-Federal entities.”.

Appropriation  
authorization.

### SEC. 205. CONTROL OF AQUATIC PLANTS.

Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended—

- (1) in the first sentence of subsection (a), by striking “water-hyacinth, alligatorweed, Eurasian water milfoil, melaleuca, and other obnoxious aquatic plant growths, from” and inserting “noxious aquatic plant growths from”;

(2) in the first sentence of subsection (b), by striking “\$12,000,000” and inserting “\$15,000,000”; and  
(3) by adding at the end the following:

“(c) SUPPORT.—In carrying out the program under this section, the Secretary is encouraged to use contracts, cooperative agreements, and grants with colleges and universities and other non-Federal entities.”.

33 USC 2331.

**SEC. 206. USE OF CONTINUING CONTRACTS FOR CONSTRUCTION OF CERTAIN PROJECTS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall not implement a fully allocated funding policy with respect to a water resource project if initiation of construction has occurred but sufficient funds are not available to complete the project.

(b) CONTINUING CONTRACTS.—The Secretary shall enter into a continuing contract for a project described in subsection (a).

(c) INITIATION OF CONSTRUCTION CLARIFIED.—For the purposes of this section, initiation of construction for a project occurs on the date of enactment of an Act that appropriates funds for the project from 1 of the following appropriation accounts:

- (1) Construction, General.
- (2) Operation and Maintenance, General.
- (3) Flood Control, Mississippi River and Tributaries.

**SEC. 207. WATER RESOURCES DEVELOPMENT STUDIES FOR THE PACIFIC REGION.**

Section 444 of the Water Resources Development Act of 1996 (110 Stat. 3747) is amended by striking “interest of navigation” and inserting “interests of water resources development including navigation, flood damage reduction, and environmental restoration”.

**SEC. 208. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.**

(a) EXTENSION OF PROGRAM.—Section 528(b)(3) of the Water Resources Development Act of 1996 is amended—

- (1) in subparagraph (B) (110 Stat. 3769), by striking “1999” and inserting “2003”; and
- (2) in subparagraph (C)(i) (110 Stat. 3769), by striking “1999” and inserting “2003”.

(b) CREDIT AND REIMBURSEMENT OF PAST AND FUTURE ACTIVITIES.—Section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3768) is amended by adding at the end the following:

“(D) CREDIT AND REIMBURSEMENT OF PAST AND FUTURE ACTIVITIES.—The Secretary may provide credit to or reimburse the non-Federal project sponsor (using funds authorized by subparagraph (C)) for the reasonable costs of any work that has been performed or will be performed in connection with a study or activity meeting the requirements of subparagraph (A) if—

“(i) the Secretary determines that—

“(I) the work performed by the non-Federal project sponsor will substantially expedite completion of a critical restoration project; and

“(II) the work is necessary for a critical restoration project; and

“(ii) the credit or reimbursement is granted pursuant to a project-specific agreement that prescribes the terms and conditions of the credit or reimbursement.”.

(c) CALOOSAHATCHEE RIVER BASIN, FLORIDA.—Section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) is amended in the first sentence by inserting before the period at the end the following: “if the Secretary determines that the acquisition is compatible with and an integral component of the Everglades and South Florida ecosystem restoration, including potential acquisition of land or interests in land in the Caloosahatchee River basin or other areas”.

(d) IN-KIND WORK.—Section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) is amended—

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

“(1) LAND ACQUISITION.—Regardless”; and

(2) by adding at the end the following:

“(2) IN-KIND WORK.—

“(A) IN GENERAL.—During the preconstruction, engineering, and design phase and the construction phase of the Central and Southern Florida Project, the Secretary shall allow credit against the non-Federal share of the cost of activities described in subsection (b) for work performed by non-Federal interests at the request of the Secretary in furtherance of the design of features included in the comprehensive plan under that subsection.

“(B) AUDITS.—In-kind work to be credited under subparagraph (A) shall be subject to audit.”.

#### SEC. 209. BENEFICIAL USES OF DREDGED MATERIAL.

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended—

(1) in subsection (c), by striking “cooperative agreement in accordance with the requirements of section 221 of the Flood Control Act of 1970” and inserting “binding agreement with the Secretary”; and

(2) by adding at the end the following:

“(g) 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. 210. AQUATIC ECOSYSTEM RESTORATION.

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

(1) in subsection (b)—

(A) by striking “Non-Federal” and inserting the following:

“(1) IN GENERAL.—Non-Federal”; and

(B) by adding at the end the following:

“(2) FORM.—Before October 1, 2003, the Federal share of the cost of a project under this section may be provided in the form of reimbursements of project costs.”; and

(2) in subsection (c)—

(A) by striking “Construction” and inserting the following:

“(1) IN GENERAL.—Construction”; and

(B) by adding at the end the following:

“(2) 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. 211. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.**

Section 503 of the Water Resources Development Act of 1996 (110 Stat. 3756) is amended—

(1) in subsection (d)—

(A) by striking paragraph (10) and inserting the following:

“(10) Regional Atlanta watershed, Atlanta, Georgia, and Lake Lanier, Forsyth and Hall Counties, Georgia.”; and

(B) by adding at the end the following:

“(14) Clear Lake watershed, California.

“(15) Fresno Slough watershed, California.

“(16) Hayward Marsh, Southern San Francisco Bay watershed, California.

“(17) Kaweah River watershed, California.

“(18) Lake Tahoe watershed, California and Nevada.

“(19) Malibu Creek watershed, California.

“(20) Lower St. Johns River basin, Florida.

“(21) Illinois River watershed, Illinois.

“(22) Truckee River basin, Nevada.

“(23) Walker River basin, Nevada.

“(24) Bronx River watershed, New York.

“(25) Catawba River watershed, North Carolina.

“(26) Columbia Slough watershed, Oregon.

“(27) Cabin Creek basin, West Virginia.”;

(2) by redesignating subsection (e) as subsection (f); and

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

“(e) 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 nonprofit entity, with the consent of the affected local government.”.

33 USC 2332.

**SEC. 212. FLOOD MITIGATION AND RIVERINE RESTORATION PROGRAM.**

(a) IN GENERAL.—The Secretary may undertake a program for the purpose of conducting projects to reduce flood hazards and restore the natural functions and values of rivers throughout the United States.

(b) STUDIES AND PROJECTS.—

(1) AUTHORITY.—In carrying out the program, the Secretary may conduct studies to identify appropriate flood damage reduction, conservation, and restoration measures and may design and implement projects described in subsection (a).

(2) CONSULTATION AND COORDINATION.—The studies and projects carried out under this section shall be conducted, to the maximum extent practicable, in consultation and coordination with the Federal Emergency Management Agency and other appropriate Federal agencies, and in consultation and coordination with appropriate State and local agencies and tribes.

(3) NONSTRUCTURAL APPROACHES.—The studies and projects shall emphasize, to the maximum extent practicable

and appropriate, nonstructural approaches to preventing or reducing flood damages.

(4) PARTICIPATION.—The studies and projects shall be conducted, to the maximum extent practicable, in cooperation with State and local agencies and tribes to ensure the coordination of local flood damage reduction or riverine and wetland restoration studies with projects that conserve, restore, and manage hydrologic and hydraulic regimes and restore the natural functions and values of floodplains.

(c) COST-SHARING REQUIREMENTS.—

(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(2) ENVIRONMENTAL RESTORATION AND NONSTRUCTURAL FLOOD CONTROL PROJECTS.—

(A) IN GENERAL.—The non-Federal interests shall pay 35 percent of the cost of any environmental restoration or nonstructural flood control project carried out under this section.

(B) ITEMS PROVIDED BY NON-FEDERAL INTERESTS.—The non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for such projects.

(C) CREDIT.—The value of such land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this paragraph.

(3) STRUCTURAL FLOOD CONTROL PROJECTS.—Any structural flood control projects carried out under this section shall be subject to cost sharing in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)).

(4) OPERATION AND MAINTENANCE.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(d) PROJECT JUSTIFICATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law or requirement for economic justification established under section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2), the Secretary may implement a project under this section if the Secretary determines that the project—

- (A) will significantly reduce potential flood damages;
- (B) will improve the quality of the environment; and
- (C) is justified considering all costs and beneficial outputs of the project.

(2) ESTABLISHMENT OF SELECTION AND RATING CRITERIA AND POLICIES.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in cooperation with State and local agencies and tribes, shall—

- (i) develop, and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, criteria for selecting and rating projects to be carried out under this section; and

Deadline.

(ii) establish policies and procedures for carrying out the studies and projects undertaken under this section.

(B) CRITERIA.—The criteria referred to in subparagraph (A)(i) shall include, as a priority, the extent to which the appropriate State government supports the project.

(e) PRIORITY AREAS.—In carrying out this section, the Secretary shall examine appropriate locations, including—

- (1) Pima County, Arizona, at Paseo De Las Iglesias and Rillito River;
- (2) Coachella Valley, Riverside County, California;
- (3) Los Angeles and San Gabriel Rivers, California;
- (4) Murrieta Creek, California;
- (5) Napa River Valley watershed, California, at Yountville, St. Helena, Calistoga, and American Canyon;
- (6) Santa Clara basin, California, at Upper Guadalupe River and Tributaries, San Francisquito Creek, and Upper Penitencia Creek;
- (7) Pond Creek, Kentucky;
- (8) Red River of the North, Minnesota, North Dakota, and South Dakota;
- (9) Connecticut River, New Hampshire;
- (10) Pine Mount Creek, New Jersey;
- (11) Southwest Valley, Albuquerque, New Mexico;
- (12) Upper Delaware River, New York;
- (13) Briar Creek, North Carolina;
- (14) Chagrin River, Ohio;
- (15) Mill Creek, Cincinnati, Ohio;
- (16) Tillamook County, Oregon;
- (17) Willamette River basin, Oregon;
- (18) Blair County, Pennsylvania, at Altoona and Frankstown Township;
- (19) Delaware River, Pennsylvania;
- (20) Schuylkill River, Pennsylvania;
- (21) Providence County, Rhode Island;
- (22) Shenandoah River, Virginia; and
- (23) Lincoln Creek, Wisconsin.

(f) PROGRAM REVIEW.—

(1) IN GENERAL.—The program established under this section shall be subject to an independent review to evaluate the efficacy of the program in achieving the dual goals of flood hazard mitigation and riverine restoration.

(2) REPORT.—Not later than April 15, 2003, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the findings of the review conducted under this subsection with any recommendations concerning continuation of the program.

(g) MAXIMUM FEDERAL COST PER PROJECT.—Not more than \$30,000,000 may be expended by the United States on any single project under this section.

(h) PROCEDURE.—

(1) ALL PROJECTS.—The Secretary shall not implement any project under this section until—

Deadline.

(A) the Secretary submits to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notification describing the project and the determinations made under subsection (d)(1); and

(B) 21 calendar days have elapsed after the date on which the notification was received by the committees.

(2) PROJECTS EXCEEDING \$15,000,000.—

(A) LIMITATION ON APPROPRIATIONS.—No appropriation shall be made to construct any project under this section the total Federal cost of construction of which exceeds \$15,000,000 if the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(B) REPORT.—For the purpose of securing consideration of approval under this paragraph, the Secretary shall submit a report on the proposed project, including all relevant data and information on all costs.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) \$20,000,000 for fiscal year 2001;

(B) \$30,000,000 for fiscal year 2002; and

(C) \$50,000,000 for each of fiscal years 2003 through 2005.

(2) FULL FUNDING.—All studies and projects carried out under this section from Army Civil Works appropriations shall be fully funded within the program funding levels provided in this subsection.

#### SEC. 213. SHORE MANAGEMENT PROGRAM.

33 USC 426e  
note.

(a) REVIEW.—The Secretary shall review the implementation of the Corps of Engineers shore management program, with particular attention to—

(1) inconsistencies in implementation among the divisions and districts of the Corps of Engineers; and

(2) complaints by or potential inequities regarding property owners in the Savannah District, including an accounting of the number and disposition of complaints in the Savannah District during the 5-year period preceding the date of enactment of this Act.

(b) REPORT.—As expeditiously as practicable, but not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the review under subsection (a).

#### SEC. 214. SHORE DAMAGE PREVENTION OR MITIGATION.

Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) is amended—

(1) in the first sentence—

(A) by striking “The Secretary” and inserting “(a) IN GENERAL.—The Secretary”; and

(B) by inserting after “navigation works” the following: “and shore damage attributable to the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway”;

(2) in the second sentence, by striking “The costs” and inserting the following:

“(b) COST SHARING.—The costs”;

(3) in the third sentence—

“(A) by striking “No such” and inserting the following:

“(c) REQUIREMENT FOR SPECIFIC AUTHORIZATION.—No such”;

and

(B) by striking “\$2,000,000” and inserting “\$5,000,000”;

and

(4) by adding at the end the following:

“(d) COORDINATION.—The Secretary shall—

“(1) coordinate the implementation of the measures under this section with other Federal and non-Federal shore protection projects in the same geographic area; and

“(2) to the extent practicable, combine mitigation projects with other shore protection projects in the same area into a comprehensive regional project.”.

#### SEC. 215. SHORE PROTECTION.

(a) PERIODIC NOURISHMENT.—Section 103(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)) is amended—

(1) by striking “Costs of constructing” and inserting the following:

“(1) CONSTRUCTION.—Costs of constructing”; and

(2) by adding at the end the following:

“(2) PERIODIC NOURISHMENT.—

“(A) IN GENERAL.—In the case of a project authorized for construction after December 31, 1999, or for which a feasibility study is completed after that date, the non-Federal cost of the periodic nourishment of the project, or any measure for shore protection or beach erosion control for the project, that is carried out—

“(i) after January 1, 2001, shall be 40 percent;

“(ii) after January 1, 2002, shall be 45 percent;

and

“(iii) after January 1, 2003, shall be 50 percent.

“(B) BENEFITS TO PRIVATELY OWNED SHORES.—All costs assigned to benefits of periodic nourishment projects or measures to privately owned shores (where use of such shores is limited to private interests) or to prevention of losses of private land shall be borne by the non-Federal interest.

“(C) BENEFITS TO FEDERALLY OWNED SHORES.—All costs assigned to the protection of federally owned shores for periodic nourishment measures shall be borne by the United States.”.

(b) OUTER CONTINENTAL SHELF.—

(1) USE OF SAND FROM OUTER CONTINENTAL SHELF.—Section 8(k)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)(2)(B)) is amended in the second sentence by striking “an agency of the Federal Government” and inserting “a Federal, State, or local government agency”.

(2) REIMBURSEMENT OF LOCAL INTERESTS.—Any amounts paid by non-Federal interests for beach erosion control, hurricane protection, shore protection, or storm damage reduction projects as a result of an assessment under section 8(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)) shall be fully reimbursed.

(c) REPORT ON SHORES OF THE UNITED STATES.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall report to Congress on the state of the shores of the United States.

(2) CONTENTS.—The report shall include—

(A) a description of—

(i) the extent of, and economic and environmental effects caused by, erosion and accretion along the shores of the United States; and

(ii) the causes of such erosion and accretion;

(B) a description of resources committed by Federal, State, and local governments to restore and renourish shores;

(C) a description of the systematic movement of sand along the shores of the United States; and

(D) recommendations regarding—

(i) appropriate levels of Federal and non-Federal participation in shore protection; and

(ii) use of a systems approach to sand management.

(3) USE OF SPECIFIC LOCATION DATA.—In developing the report, the Secretary shall use data from specific locations on the coasts of the Atlantic Ocean, Pacific Ocean, Great Lakes, and Gulf of Mexico.

(d) NATIONAL COASTAL DATA BANK.—

(1) ESTABLISHMENT OF DATA BANK.—Not later than 2 years after the date of enactment of this Act, the Secretary shall establish a national coastal data bank containing data on the geophysical and climatological characteristics of the shores of the United States.

(2) CONTENT.—To the extent practicable, the national coastal data bank shall include data regarding current and predicted shore positions, information on federally authorized shore protection projects, and data on the movement of sand along the shores of the United States, including impediments to such movement caused by natural and manmade features.

(3) ACCESS.—The national coastal data bank shall be made readily accessible to the public.

33 USC 426e  
note.  
Deadline.

33 USC 426i-2.  
Deadline.

## SEC. 216. FLOOD PREVENTION COORDINATION.

Section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

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

“(b) FLOOD PREVENTION COORDINATION.—The Secretary shall coordinate with the Director of the Federal Emergency Management Agency and the heads of other Federal agencies to ensure that flood control projects and plans are complementary and integrated to the extent practicable and appropriate.”.

**SEC. 217. DISPOSAL OF DREDGED MATERIAL ON BEACHES.**33 USC 426j  
note.

(a) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is amended in the first sentence by striking “50” and inserting “35”.

(b) GREAT LAKES BASIN.—The Secretary shall work with the State of Ohio, other Great Lakes States, and political subdivisions of the States to fully implement and maximize beneficial reuse of dredged material as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).

(c) BOLIVAR PENINSULA, JEFFERSON, CHAMBERS, AND GALVESTON COUNTIES, TEXAS.—The Secretary may design and construct a shore protection project between the south jetty of the Sabine Pass Channel and the north jetty of the Galveston Harbor Entrance Channel in Jefferson, Chambers, and Galveston Counties, Texas, including beneficial use of dredged material from Federal navigation projects as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).

(d) GALVESTON BEACH, GALVESTON COUNTY, TEXAS.—The Secretary may design and construct a shore protection project between the Galveston South Jetty and San Luis Pass, Galveston County, Texas, using innovative nourishment techniques, including beneficial use of dredged material from Federal navigation projects as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).

(e) ROLLOVER PASS, GALVESTON COUNTY, TEXAS.—The Secretary may place dredged material from the Gulf Intracoastal Waterway on the beaches along Rollover Pass, Galveston County, Texas, to stabilize beach erosion as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).

**SEC. 218. ANNUAL PASSES FOR RECREATION.**

Section 208(c)(4) of the Water Resources Development Act of 1996 (16 U.S.C. 460d-3 note; 110 Stat. 3681) is amended by striking “later of December 31, 1999, or the date of transmittal of the report under paragraph (3)” and inserting “December 31, 2003”.

**SEC. 219. NONSTRUCTURAL FLOOD CONTROL PROJECTS.**

(a) ANALYSIS OF BENEFITS.—Section 308 of the Water Resources Development Act of 1990 (33 U.S.C. 2318) is amended—

(1) in the heading of subsection (a), by inserting “EXCLUSION OF ELEMENTS FROM” before “BENEFIT-COST”;

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

(3) by inserting after subsection (a) the following:

“(b) FLOOD DAMAGE REDUCTION BENEFITS.—

“(1) IN GENERAL.—In calculating the benefits of a proposed project for nonstructural flood damage reduction, the Secretary shall calculate the benefits of the nonstructural project using methods similar to those used for calculating the benefits of structural projects, including similar treatment in calculating the benefits from losses avoided.

“(2) AVOIDANCE OF DOUBLE COUNTING.—In carrying out paragraph (1), the Secretary should avoid double counting of benefits.”; and

(4) in subsection (d), by striking “subsection (b)” and inserting “subsection (c)”.

(b) REEVALUATION OF FLOOD CONTROL PROJECTS.—At the request of a non-Federal interest for a flood control project, the Secretary shall conduct a reevaluation of a project authorized before the date of enactment of this Act to consider nonstructural alternatives in light of the amendments made by subsection (a).

33 USC 2318  
note.

(c) COST SHARING.—Section 103(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(b)) is amended—

(1) by striking “The non-Federal” and inserting the following:

“(1) IN GENERAL.—The non-Federal”; and

(2) by adding at the end the following:

“(2) NON-FEDERAL CONTRIBUTION IN EXCESS OF 35 PERCENT.—At any time during construction of a project, if the Secretary determines that the costs of land, easements, rights-of-way, dredged material disposal areas, and relocations for the project, in combination with other costs contributed by the non-Federal interests, will exceed 35 percent, any additional costs for the project (not to exceed 65 percent of the total costs of the project) shall be a Federal responsibility and shall be contributed during construction as part of the Federal share.”.

#### SEC. 220. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758) is amended—

(1) in paragraph (14), by inserting “and nutrient monitoring” after “growth”;

(2) in paragraph (15), by striking “and” at the end;

(3) in paragraph (16), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(17) Clear Lake, Lake County, California, removal of silt and aquatic growth and measures to address excessive sedimentation and high nutrient concentration;

“(18) Flints Pond, Hollis, Hillsborough County, New Hampshire, removal of silt and aquatic growth and measures to address excessive sedimentation; and

“(19) Osgood Pond, Milford, Hillsborough County, New Hampshire, removal of silt and aquatic growth and measures to address excessive sedimentation.”.

#### SEC. 221. ENHANCEMENT OF FISH AND WILDLIFE RESOURCES.

Section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)) is amended by inserting after the second sentence the following: “Not more than 80 percent of the non-Federal share of such first costs may be satisfied through in-kind contributions, including facilities, supplies, and services that are necessary to carry out the enhancement project.”.

#### SEC. 222. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

33 USC 2201  
note.

(a) IN GENERAL.—It is the sense of Congress that, to the extent practicable, all equipment and products purchased with funds made available under this Act should be American made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a).

**SEC. 223. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.**

(a) IN GENERAL.—Section 211(d) of the Water Resources Development Act of 1996 (33 U.S.C. 701b-13(d)) is amended—

(1) in paragraph (1), by striking “Any non-Federal interest that has received from the Secretary pursuant to subsection (b) or (c)” and inserting the following:

“(A) STUDIES AND DESIGN ACTIVITIES UNDER SUBSECTION (b).—

“(i) IN GENERAL.—A non-Federal interest may carry out construction for which studies and design documents are prepared under subsection (b) only if the Secretary approves the project for construction.

“(ii) CRITERIA FOR APPROVAL.—The Secretary shall approve a project for construction if the Secretary determines that the project is technically sound, economically justified, and environmentally acceptable and meets the requirements for obtaining the appropriate permits required under the authority of the Secretary.

“(iii) NO UNREASONABLE WITHHOLDING OF APPROVAL.—The Secretary shall not unreasonably withhold approval of a project for construction.

“(iv) NO EFFECT ON REGULATORY AUTHORITY.—Nothing in this subparagraph affects any regulatory authority of the Secretary.

“(B) STUDIES AND DESIGN ACTIVITIES UNDER SUBSECTION (c).—Any non-Federal interest that has received from the Secretary under subsection (c); and

(2) in the first sentence of paragraph (2), by inserting “(other than paragraph (1)(A))” after “this subsection”.

(b) REIMBURSEMENT.—

(1) IN GENERAL.—Section 211(e)(1) of the Water Resources Development Act of 1996 (33 U.S.C. 701b-13(e)(1)) is amended—

(A) in the matter preceding subparagraph (A), by inserting after “constructed pursuant to this section” the following: “and provide credit for the non-Federal share of the project”;

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

(C) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(C) if the construction work is substantially in accordance with plans prepared under subsection (b).”.

(2) SPECIAL RULES.—Section 211(e)(2)(A) of the Water Resources Development Act of 1996 (33 U.S.C. 701b-13(e)(2)(A)) is amended—

(A) in the subparagraph heading, by inserting “OR CREDIT” after “REIMBURSEMENT”;

(B) by striking “subject to amounts being made available in advance in appropriations Acts” and inserting “subject to the availability of appropriations”; and

(C) by inserting after “the cost of such work” the following: “, or provide credit (depending on the request of the non-Federal interest) for the non-Federal share of such work.”.

(3) SCHEDULE AND MANNER OF REIMBURSEMENTS.—Section 211(e) of the Water Resources Development Act of 1996 (33 U.S.C. 701b-13(e)) is amended by adding at the end the following:

“(6) SCHEDULE AND MANNER OF REIMBURSEMENT.—

“(A) BUDGETING.—The Secretary shall budget and request appropriations for reimbursements under this section on a schedule that is consistent with a Federal construction schedule.

“(B) COMMENCEMENT OF REIMBURSEMENTS.—Reimbursements under this section may commence on approval of a project by the Secretary.

“(C) CREDIT.—At the request of a non-Federal interest, the Secretary may reimburse the non-Federal interest by providing credit toward future non-Federal costs of the project.

“(D) SCHEDULING.—Nothing in this paragraph affects the discretion of the President to schedule new construction starts.”.

**SEC. 224. ENVIRONMENTAL DREDGING.**

Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “50” and inserting “35”; and

(B) in paragraph (2), by striking “\$20,000,000” and inserting “\$50,000,000”;

(2) in subsection (d), by striking “non-Federal responsibility” and inserting “shared as a cost of construction”; and

(3) in subsection (f), by adding at the end the following:

“(6) Passaic River and Newark Bay, New Jersey.

“(7) Snake Creek, Bixby, Oklahoma.

“(8) Willamette River, Oregon.”.

**SEC. 225. RECREATION USER FEES.**

16 USC 460l-6a  
note.

(a) WITHHOLDING OF AMOUNTS.—

(1) IN GENERAL.—During fiscal years 1999 through 2002, the Secretary may withhold from the special account established under section 4(i)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(i)(1)(A)) 100 percent of the amount of receipts above a baseline of \$34,000,000 per each fiscal year received from fees imposed at recreation sites under the administrative jurisdiction of the Department of the Army under section 4(b) of that Act (16 U.S.C. 460l-6a(b)).

(2) USE.—The amounts withheld shall be retained by the Secretary and shall be available, without further Act of appropriation, for expenditure by the Secretary in accordance with subsection (b).

(3) AVAILABILITY.—The amounts withheld shall remain available until September 30, 2005.

(b) USE OF AMOUNTS WITHHELD.—In order to increase the quality of the visitor experience at public recreational areas and to enhance the protection of resources, the amounts withheld under subsection (a) may be used only for—

(1) repair and maintenance projects (including projects relating to health and safety);

(2) interpretation;

- (3) signage;
- (4) habitat or facility enhancement;
- (5) resource preservation;
- (6) annual operation (including fee collection);
- (7) maintenance; and
- (8) law enforcement related to public use.

(c) AVAILABILITY.—Each amount withheld by the Secretary shall be available for expenditure, without further Act of appropriation, at the specific project from which the amount, above baseline, is collected.

**SEC. 226. SMALL STORM DAMAGE REDUCTION PROJECTS.**

Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g), is amended by striking “\$2,000,000” and inserting “\$3,000,000”.

31 USC 501 note.

**SEC. 227. USE OF PRIVATE ENTERPRISES.**

(a) IN GENERAL.—The Secretary shall comply with the requirements of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note; Public Law 105-270).

(b) COMPLIANCE WITH OTHER LAW.—

(1) INVENTORY AND REVIEW.—In carrying out this section, the Secretary shall inventory and review all activities that are not inherently governmental in nature in accordance with the Federal Activities Inventory Reform Act of 1998.

(2) ARCHITECTURAL AND ENGINEERING SERVICES.—Any review and conversion by the Secretary to performance by private enterprise of an architectural or engineering service (including a surveying or mapping service) shall be carried out in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

### **TITLE III—PROJECT-RELATED PROVISIONS**

**SEC. 301. TENNESSEE-TOMBIGBEE WATERWAY WILDLIFE MITIGATION, ALABAMA AND MISSISSIPPI.**

The Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4138), is modified to authorize the Secretary to complete the project at a cost of \$93,530,000, in accordance with the post authorization change report dated August 17, 1998.

**SEC. 302. OUZINKIE HARBOR, ALASKA.**

(a) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project for navigation, Ouzinkie Harbor, Alaska, shall be \$8,500,000.

(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project referred to in subsection (a) to take into account the change in the Federal participation in the project under subsection (a).

**SEC. 303. ST. PAUL HARBOR, ST. PAUL, ALASKA.**

The project for navigation, St. Paul Harbor, St. Paul, Alaska, authorized by section 101(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3667), is modified to include the construction of additional features for a small boat harbor with an entrance

channel and maneuvering area dredged to a 20-foot depth and appropriate wave protection features at an additional estimated total cost of \$12,700,000, with an estimated Federal cost of \$5,000,000 and an estimated non-Federal cost of \$7,700,000.

**SEC. 304. LOGGY BAYOU, RED RIVER BELOW DENISON DAM, ARKANSAS, LOUISIANA, OKLAHOMA, AND TEXAS.**

The project for flood control on the Red River below Denison Dam, Arkansas, Louisiana, Oklahoma, and Texas, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 647), is modified to direct the Secretary to conduct a study to determine the feasibility of expanding the project to include mile 0.0 to mile 7.8 of Loggy Bayou between the Red River and Flat River.

**SEC. 305. SACRAMENTO RIVER, GLENN-COLUSA, CALIFORNIA.**

(a) **IN GENERAL.**—The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled “An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes”, approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3110), and title I of the Energy and Water Development Appropriations Act, 1999 (112 Stat. 1841), is further modified to authorize the Secretary—

(1) to carry out the portion of the project at Glenn-Colusa, California, at a total cost of \$26,000,000, with an estimated Federal cost of \$20,000,000 and an estimated non-Federal cost of \$6,000,000; and

(2) to carry out bank stabilization work in the riverbed gradient facility, particularly in the vicinity of River Mile 208, if the Secretary determines that such work is necessary to protect the overall integrity of the project, on the condition that additional environmental review of the project is conducted.

**SEC. 306. SAN LORENZO RIVER, CALIFORNIA.**

The project for flood control, San Lorenzo River, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663), is modified to authorize the Secretary to include as a part of the project streambank erosion control measures to be undertaken substantially in accordance with the report entitled “Bank Stabilization Concept, Laurel Street Extension”, dated April 23, 1998, at a total cost of \$4,800,000, with an estimated Federal cost of \$3,100,000 and an estimated non-Federal cost of \$1,700,000.

**SEC. 307. TERMINUS DAM, KAWeah RIVER, CALIFORNIA.**

(a) **TRANSFER OF TITLE TO ADDITIONAL LAND.**—If the non-Federal interests for the project for flood control and water supply, Terminus Dam, Kaweah River, California, authorized by section 101(b)(5) of the Water Resources Development Act of 1996 (110 Stat. 3667), transfer to the Secretary without consideration title to perimeter lands acquired for the project by the non-Federal interests, the Secretary may accept the transfer of that title.

(b) **LAND, EASEMENTS, AND RIGHTS-OF-WAY.**—Nothing in this section changes, modifies, or otherwise affects the responsibility of the non-Federal interests to provide land, easements, rights-

of-way, relocations, and dredged material disposal areas necessary for the Terminus Dam project and to perform operation and maintenance for the project.

(c) OPERATION AND MAINTENANCE.—On request by the non-Federal interests, the Secretary shall carry out operation, maintenance, repair, replacement, and rehabilitation of the project if the non-Federal interests enter into a binding agreement with the Secretary to reimburse the Secretary for 100 percent of the costs of such operation, maintenance, repair, replacement, and rehabilitation, and any other expenses incurred by the Corps of Engineers under this section.

(d) HOLD HARMLESS.—The non-Federal interests shall hold the United States harmless for ownership, operation, and maintenance of lands and facilities of the Terminus Dam project title to which is transferred to the Secretary under this section.

**SEC. 308. DELAWARE RIVER MAINSTEM AND CHANNEL DEEPENING, DELAWARE, NEW JERSEY, AND PENNSYLVANIA.**

The project for navigation, Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania, authorized by section 101(6) of the Water Resources Development Act of 1992 (106 Stat. 4802), is modified as follows:

(1) CREDIT FOR ENGINEERING AND DESIGN AND CONSTRUCTION MANAGEMENT WORK.—The Secretary may provide the non-Federal interests credit, toward cash contributions required for construction and subsequent to construction, for the costs of engineering and design and construction management work that is performed by the non-Federal interests and that the Secretary determines is necessary to implement the project. Any such credit shall reduce the Philadelphia District's private sector performance goals for engineering work by the amount of the credit.

(2) CREDIT FOR COSTS OF CONSTRUCTION.—The Secretary may provide the non-Federal interests credit, toward cash contributions required during construction and subsequent to construction, for the costs of construction performed by the non-Federal interests on behalf of the Secretary and that the Secretary determines is necessary to implement the project.

(3) PAYMENT OF DISPOSAL OR TIPPING FEES.—The Secretary may enter into an agreement with a non-Federal interest for the payment of disposal or tipping fees for dredged material from a Federal project, other than for the construction or operation and maintenance of the new deepening project as described in the Limited Reevaluation Report dated May 1997, if the non-Federal interest has supplied the corresponding disposal capacity.

(4) DISPOSAL AREA MANAGEMENT PLAN.—The Secretary may enter into an agreement with a non-Federal interest under which—

(A) the non-Federal interest may carry out or cause to have carried out on behalf of the Secretary a disposal area management program for dredged material disposal areas necessary to construct, operate, and maintain the project; and

(B) the Secretary shall reimburse the non-Federal interest for the costs of carrying out the program.

**SEC. 309. POTOMAC RIVER, WASHINGTON, DISTRICT OF COLUMBIA.**

The project for flood control, Potomac River, Washington, District of Columbia, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1574, chapter 688), and modified by section 301(a)(4) of the Water Resources Development Act of 1996 (110 Stat. 3707), is modified to authorize the Secretary to construct the project at a Federal cost of \$5,965,000, in accordance with the post authorization change report dated June 29, 1998.

**SEC. 310. BREVARD COUNTY, FLORIDA.**

(a) STUDY.—Not later than 120 days after the date of enactment of this Act, the Secretary, in cooperation with the non-Federal interest, shall complete a study of any damage to the project for shore protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), to determine whether the damage is the result of a Federal navigation project.

Deadline.

(b) CONDITIONS.—In conducting the study, the Secretary shall use the services of an independent coastal expert, who shall consider all relevant studies completed by the Corps of Engineers and the local sponsor of the project.

(c) MITIGATION OF DAMAGE.—After completion of the study, the Secretary shall mitigate any damage to the shore protection project that is the result of a Federal navigation project. The costs of the mitigation shall be allocated to the Federal navigation project as operation and maintenance costs.

**SEC. 311. BROWARD COUNTY AND HILLSBORO INLET, FLORIDA.**

The project for shore protection, Broward County and Hillsboro Inlet, Florida, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090), is modified to authorize the Secretary, on execution of a contract to construct the project, to reimburse the non-Federal interest for the Federal share of the cost of preconstruction planning and design for the project, if the Secretary determines that the work is compatible with and integral to the project.

**SEC. 312. LEE COUNTY, CAPTIVA ISLAND SEGMENT, FLORIDA, PERIODIC BEACH NOURISHMENT.**

(a) IN GENERAL.—The project for shore protection, Lee County, Captiva Island segment, Florida, authorized by section 506(b)(3)(A) of the Water Resources Development Act of 1996 (110 Stat. 3758), is modified to direct the Secretary to enter into an agreement with the non-Federal interest to carry out the project in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i-1).

(b) DECISION DOCUMENT.—The design memorandum approved in 1996 shall be the decision document supporting continued Federal participation in cost sharing of the project.

**SEC. 313. FORT PIERCE, FLORIDA.**

(a) IN GENERAL.—The project for shore protection and harbor mitigation, Fort Pierce, Florida, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092) and section 506(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3757), is modified to incorporate 1 additional mile into the project in accordance with a final approved general reevaluation report, at a total cost for initial nourishment for the entire project of

\$9,128,000, with an estimated Federal cost of \$7,073,500 and an estimated non-Federal cost of \$2,054,500, at an average annual cost of \$556,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$431,000 and an estimated annual non-Federal cost of \$125,000.

(b) PERIODIC BEACH NOURISHMENT.—Periodic beach nourishment is authorized for the project in accordance with section 506(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3757).

**SEC. 314. NASSAU COUNTY, FLORIDA.**

The project for beach erosion control, Nassau County (Amelia Island), Florida, authorized by section 3(a)(3) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to authorize the Secretary to construct the project at a total cost of \$17,000,000, with an estimated Federal cost of \$13,300,000 and an estimated non-Federal cost of \$3,700,000, at an average annual cost of \$1,177,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$807,000 and an estimated annual non-Federal cost of \$370,000.

**SEC. 315. MIAMI HARBOR CHANNEL, FLORIDA.**

The project for navigation, Miami Harbor Channel, Florida, authorized by section 101(a)(9) of the Water Resources Development Act of 1990 (104 Stat. 4606), is modified to include construction of artificial reefs and related environmental mitigation required by Federal, State, and local environmental permitting agencies for the project, if the Secretary determines that the project as modified is technically sound, environmentally acceptable, and economically justified.

**SEC. 316. ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA.**

The project for shore protection and storm damage reduction, St. Augustine, St. Johns County, Florida, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4133) is modified to include navigation mitigation as a project purpose and to be carried out by the Secretary substantially in accordance with the general reevaluation report dated November 18, 1998, at a total cost of \$17,208,000, with an estimated Federal cost of \$13,852,000 and an estimated non-Federal cost of \$3,356,000, and at an estimated average annual cost of \$1,360,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$1,095,000 and an estimated annual non-Federal cost of \$265,000.

**SEC. 317. MILO CREEK, IDAHO.**

The Secretary shall reimburse the non-Federal interests for 65 percent of the reasonable costs of flood control for the South Division Street Segment, Milo Creek Flood Control Project, Idaho, to be constructed by the State of Idaho as described in the provision entitled “Add Alternative I” in the Milo Creek Phase II plans and specifications dated April 1999.

**SEC. 318. LAKE MICHIGAN, ILLINOIS.**

(a) IN GENERAL.—The project for storm damage reduction and shore protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664),

is modified to provide for reimbursement for additional project work undertaken by the non-Federal interest.

(b) CREDIT OR REIMBURSEMENT.—The Secretary shall credit or reimburse the non-Federal interest for the Federal share of project costs incurred by the non-Federal interest in designing, constructing, or reconstructing reach 2F (700 feet south of Fullerton Avenue and 500 feet north of Fullerton Avenue), reach 3M (Meigs Field), and segments 7 and 8 of reach 4 (43rd Street to 57th Street), if the non-Federal interest carries out the work in accordance with plans approved by the Secretary, at an estimated total cost of \$83,300,000.

(c) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interest for the Federal share of project costs incurred by the non-Federal interest in reconstructing the revetment structures protecting Solidarity Drive in Chicago, Illinois, before the signing of the project cooperation agreement, at an estimated total cost of \$7,600,000.

#### **SEC. 319. SPRINGFIELD, ILLINOIS.**

Section 417 of the Water Resources Development Act of 1996 (110 Stat. 3743) is amended—

(1) by inserting “(a) IN GENERAL.—” before “The Secretary”; and

(2) by adding at the end the following:

“(b) COST SHARING.—The non-Federal share of assistance provided under this section before, on, or after the date of enactment of this subsection shall be 50 percent.”.

#### **SEC. 320. OGDEN DUNES, INDIANA.**

(a) STUDY.—The Secretary shall conduct a study of beach erosion in and around the town of Ogden Dunes, Indiana, to determine whether the damage is the result of a Federal navigation project.

(b) MITIGATION OF DAMAGE.—If the Secretary determines that the damage described in subsection (a) is the result of a Federal navigation project, the Secretary shall take appropriate measures to mitigate the damage.

(c) COST.—The cost of the mitigation shall be allocated to the Federal navigation project as an operation and maintenance cost.

#### **SEC. 321. SAINT JOSEPH RIVER, SOUTH BEND, INDIANA.**

(a) MAXIMUM TOTAL EXPENDITURE.—The maximum total expenditure for the project for streambank erosion, recreation, and pedestrian access features, Saint Joseph River, South Bend, Indiana, shall be \$7,800,000.

(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project referred to in subsection (a) to take into account the change in the Federal participation in the project under subsection (a).

#### **SEC. 322. WHITE RIVER, INDIANA.**

The project for flood control, Indianapolis on West Fork of the White River, Indiana, authorized by section 5 of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes”, approved June 22, 1936 (49 Stat. 1586, chapter 688), as modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), is modified to authorize the Secretary to undertake the

riverfront alterations described in the Central Indianapolis Waterfront Concept Plan, dated February 1994, for the Canal Development (Upper Canal feature) and the Beveridge Paper feature, at a total cost not to exceed \$25,000,000, of which \$12,500,000 is the estimated Federal cost and \$12,500,000 is the estimated non-Federal cost, except that no such alterations may be undertaken unless the Secretary determines that the alterations authorized by this section, in combination with the alterations undertaken under section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), are economically justified.

**SEC. 323. DUBUQUE, IOWA.**

The project for navigation, Dubuque, Iowa, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is modified to authorize the development of a wetland demonstration area of approximately 1.5 acres to be developed and operated by the Dubuque County Historical Society or a successor nonprofit organization.

**SEC. 324. LAKE PONTCHARTRAIN, LOUISIANA.**

The project for hurricane-flood protection, Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified—

(1) to direct the Secretary to conduct a study to determine the feasibility of constructing a pump adjacent to each of the 4 proposed drainage structures for the Saint Charles Parish feature of the project; and

(2) to authorize the Secretary to construct the pumps, with a Federal cost of 65 percent, if the Secretary determines that the project as modified is technically sound, environmentally acceptable, and economically justified.

**SEC. 325. LAROSE TO GOLDEN MEADOW, LOUISIANA.**

The project for hurricane protection Larose to Golden Meadow, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to authorize the Secretary to convert the Golden Meadow floodgate into a navigation lock if the Secretary determines that the conversion is technically feasible, environmentally acceptable, and economically justified.

**SEC. 326. LOUISIANA STATE PENITENTIARY LEVEE, LOUISIANA.**

The Secretary may credit against the non-Federal share work performed in the project area of the Louisiana State Penitentiary Levee, Mississippi River, Louisiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4117).

**SEC. 327. TWELVE-MILE BAYOU, CADDO PARISH, LOUISIANA.**

The Red River Below Denison Dam project, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 647), is modified to incorporate the Twelve-Mile Bayou and levee from its confluence with the Red River and levee approximately 26 miles upstream to the vicinity of Black Bayou, Caddo Parish, Louisiana.

**SEC. 328. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF HARVEY CANAL), LOUISIANA.**

(a) IN GENERAL.—The project to prevent flood damage and for hurricane damage reduction, west bank of the Mississippi River (east of Harvey Canal), Louisiana, authorized by section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4128)

and section 101(a)(17) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to direct the Secretary to continue Federal operation and maintenance of the portion of the project included in the report of the Chief of Engineers dated May 1, 1995, referred to as "Algiers Channel".

(b) COMBINATION OF PROJECTS.—The Secretary shall carry out work authorized as part of the Westwego to Harvey Canal project, the East of Harvey Canal project, and the Lake Cataouatche modifications as a single project, to be known as the "West Bank and Vicinity, New Orleans, Louisiana, Hurricane Protection Project", with a combined total cost of \$280,300,000.

**SEC. 329. TOLCHESTER CHANNEL S-TURN, BALTIMORE, MARYLAND.**

The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), is modified to direct the Secretary to straighten the Tolchester Channel S-turn as part of project maintenance.

**SEC. 330. SAULT SAINTE MARIE, CHIPPEWA COUNTY, MICHIGAN.**

The project for navigation Sault Sainte Marie, Chippewa County, Michigan, authorized by section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254) and modified by section 330 of the Water Resources Development Act of 1996 (110 Stat. 3717), is further modified to provide that the amount to be paid by non-Federal interests under section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)) and section 330(a) of the Water Resources Development Act of 1996 shall not include any interest payments.

**SEC. 331. JACKSON COUNTY, MISSISSIPPI.**

The project for environmental infrastructure, Jackson County, Mississippi, authorized by section 219(c)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835) and modified by section 504 of the Water Resources Development Act of 1996 (110 Stat. 3757), is further modified to direct the Secretary to provide a credit, not to exceed \$5,000,000, toward the non-Federal share of the cost of the project for the costs incurred by the Jackson County Board of Supervisors since February 8, 1994, in constructing the project, if the Secretary determines that the work is compatible with and integral to the project.

**SEC. 332. BOIS BRULE DRAINAGE AND LEVEE DISTRICT, MISSOURI.**

(a) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be allocated for the project for flood control, Bois Brule Drainage and Levee District, Missouri, authorized under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is \$15,000,000.

(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project referred to in subsection (a) to take into account the change in Federal participation in the project under subsection (a).

(c) COST SHARING.—Nothing in this section affects any cost-sharing requirement applicable to the project referred to in subsection (a) under title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

**SEC. 333. MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MISSOURI.**

The project for flood control, Meramec River Basin, Valley Park Levee, Missouri, authorized by section 2(h) of the Act entitled “An Act to deauthorize several projects within the jurisdiction of the Army Corps of Engineers” (Public Law 97-128; 95 Stat. 1682) and modified by section 1128 of the Water Resources Development Act of 1986 (100 Stat. 4246), is further modified to authorize the Secretary to construct the project at a maximum Federal expenditure of \$35,000,000, if the Secretary determines that the project as modified is technically sound, environmentally acceptable, and economically justified.

**SEC. 334. MISSOURI RIVER MITIGATION PROJECT, MISSOURI, KANSAS, IOWA, AND NEBRASKA.**

(a) IN GENERAL.—The project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143) is modified to increase by 118,650 acres the amount of land and interests in land to be acquired for the project.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in conjunction with the States of Missouri, Kansas, Iowa, and Nebraska, shall conduct a study to determine the cost of restoring, under the authority of the Missouri River fish and wildlife mitigation project, a total of 118,650 acres of lost Missouri River fish and wildlife habitat.

Deadline.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall report to Congress on the results of the study.

**SEC. 335. WOOD RIVER, GRAND ISLAND, NEBRASKA.**

The project for flood control, Wood River, Grand Island, Nebraska, authorized by section 101(a)(19) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to authorize the Secretary to construct the project substantially in accordance with the report of the Corps of Engineers dated June 29, 1998, at a total cost of \$17,039,000, with an estimated Federal cost of \$9,730,000 and an estimated non-Federal cost of \$7,309,000.

**SEC. 336. ABSECON ISLAND, NEW JERSEY.**

The project for storm damage reduction and shore protection, Brigantine Inlet to Great Egg Harbor Inlet, Absecon Island, New Jersey, authorized by section 101(b)(13) of the Water Resources Development Act of 1996 (110 Stat. 3668), is modified to provide that if, after October 12, 1996, the non-Federal interests carry out any work associated with the project that is later recommended by the Chief of Engineers and approved by the Secretary, the Secretary may provide the non-Federal interests credit toward the non-Federal share of the cost of the project in an amount equal to the Federal share of the cost of the work, without interest.

**SEC. 337. NEW YORK HARBOR AND ADJACENT CHANNELS, PORT JERSEY, NEW JERSEY.**

(a) IN GENERAL.—The project for navigation, New York Harbor and Adjacent Channels, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is further modified to authorize the Secretary

to construct the portion of the project that is located between Military Ocean Terminal Bayonne and Global Terminal in Bayonne, New Jersey, at a total cost of \$103,267,000, with an estimated Federal cost of \$76,909,000 and an estimated non-Federal cost of \$26,358,000.

(b) LIMITATION.—No funds may be obligated to carry out work under the modification under subsection (a) until completion of a final report by the Chief of Engineers finding that the work is technically sound, environmentally acceptable, and economically justified.

**SEC. 338. ARTHUR KILL, NEW YORK AND NEW JERSEY.**

(a) IN GENERAL.—The project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) and modified by section 301(b)(11) of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to construct the project substantially in accordance with the report of the Corps of Engineers dated July 23, 1999, at a total cost of \$315,700,000, with an estimated Federal cost of \$183,200,000 and an estimated non-Federal cost of \$132,500,000.

(b) CREDIT.—The Secretary may provide non-Federal interests—

(1) credit toward cash contributions required prior to and during construction and subsequent to construction for planning, engineering, and design and construction management work that is performed by non-Federal interests and that the Secretary determines is necessary to implement the project; and

(2) credit toward cash contributions required during construction and subsequent to construction for the costs of construction carried out by the non-Federal interest on behalf of the Secretary and that the Secretary determines is necessary to implement the project.

**SEC. 339. KILL VAN KULL AND NEWARK BAY CHANNELS, NEW YORK AND NEW JERSEY.**

The project for navigation, Kill Van Kull and Newark Bay Channels, New York and New Jersey, authorized by chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 313), section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), and section 301(b)(12) of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to provide the non-Federal interests credit toward cash contributions required—

(1) before, during, and after construction for planning, engineering and design, and construction management work that is performed by the non-Federal interests and that the Secretary determines is necessary to implement the project; and

(2) during and after construction for the costs of the construction that the non-Federal interests carry out on behalf of the Secretary and that the Secretary determines is necessary to implement the project.

**SEC. 340. NEW YORK CITY WATERSHED.**

Section 552 of the Water Resources Development Act of 1996 (110 Stat. 3779) is amended—

- (1) in subsection (d), by striking “for the project to be carried out with such assistance” and inserting “, or a public entity designated by the State director, to carry out the project with the assistance, subject to the project’s meeting the certification requirement of subsection (c)(1)”; and
- (2) in subsection (i), by striking “\$22,500,000” and inserting “\$42,500,000”.

**SEC. 341. NEW YORK STATE CANAL SYSTEM.**

Section 553(e) of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking “\$8,000,000” and inserting “\$18,000,000”.

**SEC. 342. FIRE ISLAND INLET TO MONTAUK POINT, NEW YORK.**

The project for combined beach erosion control and hurricane protection, Fire Island Inlet to Montauk Point, Long Island, New York, authorized by section 101(a) of the River and Harbor Act of 1960 (74 Stat. 483) and modified by the River and Harbor Act of 1962, the Water Resources Development Act of 1974, and the Water Resources Development Act of 1986, is further modified to direct the Secretary, in coordination with the heads of other Federal departments and agencies, to complete all procedures and reviews expeditiously and to adopt and submit to Congress, not later than 120 days after the date of enactment of this Act, a mutually acceptable shore erosion plan for the Fire Island Inlet to Moriches Inlet reach of the project.

**SEC. 343. BROKEN BOW LAKE, RED RIVER BASIN, OKLAHOMA.**

The project for flood control and water supply, Broken Bow Lake, Red River Basin, Oklahoma, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 309) and modified by section 203 of the Flood Control Act of 1962 (76 Stat. 1187), section 102(v) of the Water Resources Development Act of 1992 (106 Stat. 4808), and section 338 of the Water Resources Development Act of 1996 (110 Stat. 3720), is further modified to require the Secretary to make seasonal adjustments to the top of the conservation pool at the project, if the Secretary determines that the adjustments will be undertaken at no cost to the United States and will adequately protect affected water and related resources, as follows:

- (1) Maintain an elevation of 599.5 from November 1 through March 31.
- (2) Increase elevation gradually from 599.5 to 602.5 during April and May.
- (3) Maintain an elevation of 602.5 from June 1 to September 30.
- (4) Decrease elevation gradually from 602.5 to 599.5 during October.

**SEC. 344. WILLAMETTE RIVER TEMPERATURE CONTROL, MCKENZIE SUBBASIN, OREGON.**

(a) IN GENERAL.—The project for environmental restoration, Willamette River Temperature Control, McKenzie Subbasin, Oregon, authorized by section 101(a)(25) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to authorize the Secretary to construct the project substantially in accordance with the Feature Memorandum dated July 31, 1998, at a total cost of \$64,741,000, if the Secretary determines that the project as modified is technically sound and environmentally acceptable.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

- (1) states the reasons for the increase in the cost of the project;
- (2) outlines the steps that the Corps of Engineers is taking to control project costs, including the application of value engineering and other appropriate measures; and
- (3) includes a cost estimate for, and recommendations on the advisability of, adding fish screens to the project.

Deadline.

**SEC. 345. CURWENSVILLE LAKE, PENNSYLVANIA.**

Section 562 of the Water Resources Development Act of 1996 (110 Stat. 3784) is amended—

- (1) by striking “The Secretary” and inserting the following:
- “(a) IN GENERAL.—The Secretary”; and
- (2) by adding at the end the following:

“(b) RECREATION FACILITIES.—The Secretary—

- “(1) may provide design and construction assistance for recreational facilities at Curwensville Lake; and
- “(2) may require the non-Federal interest to provide not more than 25 percent of the cost of designing and constructing the recreational facilities.”.

**SEC. 346. DELAWARE RIVER, PENNSYLVANIA AND DELAWARE.**

The project for navigation, Delaware River, Philadelphia to Wilmington, Pennsylvania and Delaware, authorized by section 3(a)(12) of the Water Resources Development Act of 1988 (102 Stat. 4014), is modified to authorize the Secretary to extend the channel of the Delaware River at Camden, New Jersey, to within 150 feet of the existing bulkhead and to relocate the 40-foot deep Federal navigation channel, eastward within Philadelphia Harbor, from the Ben Franklin Bridge to the Walt Whitman Bridge, into deep water, if the Secretary determines that the project as modified is technically sound, economically acceptable, and economically justified.

**SEC. 347. MUSSERS DAM, PENNSYLVANIA.**

Section 209 of the Water Resources Development Act of 1992 (106 Stat. 4830) is amended—

- (1) by striking subsection (e); and
- (2) by redesignating subsection (f) as subsection (e).

**SEC. 348. PHILADELPHIA, PENNSYLVANIA.**

Section 564(c)(2) of the Water Resources Development Act of 1996 (110 Stat. 3785) is amended by striking “\$2,700,000” and inserting “\$4,000,000”.

**SEC. 349. NINE MILE RUN, ALLEGHENY COUNTY, PENNSYLVANIA.**

If the Secretary determines that the documentation is integral to the project, the Secretary shall credit against the non-Federal share such costs, not to exceed \$1,000,000, as are incurred by the non-Federal interests in preparing the environmental restoration report, planning and design-phase scientific and engineering technical services documentation, and other preconstruction documentation for the habitat restoration project, Nine Mile Run, Pennsylvania.

**SEC. 350. RAYSTOWN LAKE, PENNSYLVANIA.**

(a) **RECREATION PARTNERSHIP INITIATIVE.**—Section 519(b) of the Water Resources Development Act of 1996 (33 U.S.C. 2328 note; 110 Stat. 3765) is amended—

- (1) by redesignating paragraph (3) as paragraph (4); and
- (2) by inserting after paragraph (2) the following:

“(3) **ENGINEERING AND DESIGN SERVICES.**—The Secretary may perform engineering and design services for project infrastructure expected to be associated with the development of the site at Raystown Lake, Hesston, Pennsylvania.”.

(b) **CONSTRUCTION ASSISTANCE.**—

(1) **IN GENERAL.**—Consistent with the master plan described in section 318 of the Water Resources Development Act of 1992 (106 Stat. 4848), the Secretary may provide a grant to Juniata College for the construction of facilities and structures at Raystown Lake, Pennsylvania, to interpret and understand environmental conditions and trends. As a condition of the receipt of financial assistance, officials at Juniata College shall coordinate the construction with the Baltimore District of the Army Corps of Engineers.

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

**SEC. 351. SOUTH CENTRAL PENNSYLVANIA.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 313(g)(1) of the Water Resources Development Act of 1992 (106 Stat. 4846; 110 Stat. 3723) is amended by striking “\$80,000,000” and inserting “\$180,000,000”.

(b) **CORPS OF ENGINEERS EXPENSES.**—Section 313(g) of the Water Resources Development Act of 1992 (106 Stat. 4846) is amended by adding at the end the following:

“(4) **CORPS OF ENGINEERS EXPENSES.**—10 percent of the amounts appropriated to carry out this section for each of fiscal years 2000 through 2002 may be used by the Corps of Engineers district offices to administer and implement projects under this section at 100 percent Federal expense.”.

**SEC. 352. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.**

The project for hurricane-flood protection, Fox Point, Providence, Rhode Island, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 306), is modified to direct the Secretary to undertake the necessary repairs to the barrier, as identified in the Condition Survey and Technical Assessment dated April 1998, with Supplement dated August 1998, at a total cost of \$3,000,000, with an estimated Federal cost of \$1,950,000 and an estimated non-Federal cost of \$1,050,000.

**SEC. 353. COOPER RIVER, CHARLESTON HARBOR, SOUTH CAROLINA.**

(a) **IN GENERAL.**—The project for redirection, Cooper River, Charleston Harbor, South Carolina, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731) and modified by title I of the Energy and Water Development Appropriations Act, 1992 (105 Stat. 517), is further modified to authorize the Secretary to pay to the State of South Carolina not more than \$3,750,000 if the Secretary and the State enter into a binding agreement for the State to perform all future operation of the

fish lift at St. Stephen, South Carolina, including performance of studies to assess the efficacy of the fish lift.

(b) CONTENTS OF AGREEMENT.—The agreement under subsection (a) shall specify—

(1) the terms and conditions under which payment will be made; and

(2) the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State suspends or terminates operation of the fish lift or fails to operate the fish lift in a manner satisfactory to the Secretary.

(c) MAINTENANCE.—Maintenance of the fish lift shall remain a Federal responsibility.

#### SEC. 354. CLEAR CREEK, TEXAS.

Section 575 of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended—

(1) in subsection (a)—

(A) by inserting “or nonstructural actions” after “flood control works constructed”; and

(B) by inserting “or nonstructural actions” after “construction of the project”; and

(2) in subsection (b)—

(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) the project for flood control, Clear Creek, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742).”.

#### SEC. 355. CYPRESS CREEK, TEXAS.

(a) IN GENERAL.—The project for flood control, Cypress Creek, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014), is modified to authorize the Secretary to carry out a nonstructural flood control project at a total cost of \$5,000,000.

(b) REIMBURSEMENT FOR WORK.—The Secretary may reimburse the non-Federal interest for the Cypress Creek project for work done by the non-Federal interest on the nonstructural flood control project in an amount equal to the estimate of the Federal share, without interest, of the cost of the work—

(1) if, after authorization and before initiation of construction of the nonstructural project, the Secretary approves the plans for construction of the nonstructural project by the non-Federal interest; and

(2) if the Secretary finds, after a review of studies and design documents prepared to carry out the nonstructural project, that construction of the nonstructural project is economically justified and environmentally acceptable.

#### SEC. 356. DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS.

The project for flood control, Dallas Floodway Extension, Dallas, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091) and modified by section 351 of the Water Resources Development Act of 1996 (110 Stat. 3724), is further modified to add environmental restoration and recreation as project purposes.

**SEC. 357. UPPER JORDAN RIVER, UTAH.**

The project for flood control, Upper Jordan River, Utah, authorized by section 101(a)(23) of the Water Resources Development Act of 1990 (104 Stat. 4610) and modified by section 301(a)(14) of the Water Resources Development Act of 1996 (110 Stat. 3709), is further modified to direct the Secretary to carry out the locally preferred project, entitled “Upper Jordan River Flood Control Project, Salt Lake County, Utah—Supplemental Information” and identified in the document of Salt Lake County, Utah, dated July 30, 1998, at a total cost of \$12,870,000, with an estimated Federal cost of \$8,580,000 and an estimated non-Federal cost of \$4,290,000, if the Secretary determines that the project as modified is technically sound, environmentally acceptable, and economically justified.

**SEC. 358. ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.**

Notwithstanding any other provision of law, after September 30, 1999, the city of Chesapeake, Virginia, shall not be obligated to make the annual cash contribution required under paragraph 1(9) of the Local Cooperation Agreement dated December 12, 1978, between the Government and the city for the project for navigation, southern branch of the Elizabeth River, Chesapeake, Virginia.

**SEC. 359. COLUMBIA RIVER CHANNEL, WASHINGTON AND OREGON.**

(a) IN GENERAL.—The project for navigation, Columbia River between Vancouver, Washington, and The Dalles, Oregon, authorized by the first section of the Act of July 24, 1946 (60 Stat. 637, chapter 595), is modified to authorize the Secretary to construct an alternate barge channel to traverse the high span of the Interstate Route 5 bridge between Portland, Oregon, and Vancouver, Washington, to a depth of 17 feet, with a width of approximately 200 feet through the high span of the bridge and a width of approximately 300 feet upstream of the bridge.

(b) DISTANCE UPSTREAM.—The channel shall continue upstream of the bridge approximately 2,500 feet to about river mile 107, then to a point of convergence with the main barge channel at about river mile 108.

(c) DISTANCE DOWNSTREAM.—

(1) SOUTHERN EDGE.—The southern edge of the channel shall continue downstream of the bridge approximately 1,500 feet to river mile 106+10, then turn northwest to tie into the edge of the Upper Vancouver Turning Basin.

(2) NORTHERN EDGE.—The northern edge of the channel shall continue downstream of the bridge to the Upper Vancouver Turning Basin.

**SEC. 360. GREENBRIER RIVER BASIN, WEST VIRGINIA.**

Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790) is amended by striking “\$12,000,000” and inserting “\$47,000,000”.

**SEC. 361. BLUESTONE LAKE, OHIO RIVER BASIN, WEST VIRGINIA.**

Section 102(ff) of the Water Resources Development Act of 1992 (106 Stat. 4810) is amended by striking “take such measures as are technologically feasible” and inserting “implement Plan C/G, as defined in the Evaluation Report of the District Engineer dated December 1996.”

**SEC. 362. MOOREFIELD, WEST VIRGINIA.**

Effective October 1, 1999, the project for flood control, Moorefield, West Virginia, authorized by section 101(a)(25) of the Water Resources Development Act of 1990 (104 Stat. 4610), is modified to provide that the non-Federal interest shall not be required to pay the unpaid balance, including interest, of the non-Federal share of the cost of the project.

Effective date.

**SEC. 363. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.**

Section 581 of the Water Resources Development Act of 1996 (110 Stat. 3790) is amended by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—The Secretary may design and construct—

“(1) flood control measures in the Cheat and Tygart River basins, West Virginia, at a level of protection that is sufficient to prevent any future losses to communities in the basins from flooding such as occurred in January 1996, but not less than a 100-year level of protection; and

“(2) structural and nonstructural flood control, streambank protection, stormwater management, and channel clearing and modification measures in the lower Allegheny, lower Monongahela, West Branch Susquehanna, and Juniata River basins, Pennsylvania, at a level of protection that is sufficient to prevent any future losses to communities in the basins from flooding such as occurred in January 1996, but not less than a 100-year level of flood protection with respect to measures that incorporate levees or floodwalls.”.

**SEC. 364. PROJECT REAUTHORIZATIONS.**

Each of the following projects is authorized to be carried out by the Secretary, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, as appropriate:

(1) INDIAN RIVER COUNTY, FLORIDA.—The project for shore protection, Indian River County, Florida, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4134) and deauthorized under section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(1)).

(2) LIDO KEY BEACH, SARASOTA, FLORIDA.—

(A) IN GENERAL.—The project for shore protection, Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819) and deauthorized under section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), at a total cost of \$5,200,000, with an estimated Federal cost of \$3,380,000 and an estimated non-Federal cost of \$1,820,000.

(B) PERIODIC NOURISHMENT.—The Secretary may carry out periodic nourishment for the project for a 50-year period at an estimated average annual cost of \$602,000, with an estimated annual Federal cost of \$391,000 and an estimated annual non-Federal cost of \$211,000.

(3) CASS RIVER, MICHIGAN (VASSAR).—The project for flood protection, Cass River, Michigan (Vassar), authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 311) and

deauthorized under section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

(4) SAGINAW RIVER, MICHIGAN (SHIAWASSEE FLATS).—The project for flood control, Saginaw River, Michigan (Shiawassee Flats), authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 311) and deauthorized under section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

(5) PARK RIVER, GRAFTON, NORTH DAKOTA.—The project for flood control, Park River, Grafton, North Dakota, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121) and deauthorized under section 1001(a) of that Act (33 U.S.C. 579a(a)), at a total cost of \$28,100,000, with an estimated Federal cost of \$18,265,000 and an estimated non-Federal cost of \$9,835,000.

(6) MEMPHIS HARBOR, MEMPHIS, TENNESSEE.—The project for navigation, Memphis Harbor, Memphis, Tennessee, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4145) and deauthorized pursuant to section 1001(a) of that Act (33 U.S.C. 579a(a)), is authorized to be carried out by the Secretary.

#### SEC. 365. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) BRIDGEPORT HARBOR, CONNECTICUT.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), consisting of a 2.4-acre anchorage area, 9 feet deep, and an adjacent 0.6-acre anchorage area, 6 feet deep, located on the west side of Johnsons River.

(2) CLINTON HARBOR, CONNECTICUT.—The portion of the project for navigation, Clinton Harbor, Connecticut, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 13, chapter 19), and House Document 240, 76th Congress, 1st Session, lying upstream of a line designated by the points N158,592.12, E660,193.92 and N158,444.58, E660,220.95.

(3) BASS HARBOR, MAINE.—The following portions of the project for navigation, Bass Harbor, Maine, authorized on May 7, 1962, under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(A) Beginning at a bend in the project, N149040.00, E538505.00, thence running easterly about 50.00 feet along the northern limit of the project to a point N149061.55, E538550.11, thence running southerly about 642.08 feet to a point, N148477.64, E538817.18, thence running southwesterly about 156.27 feet to a point on the westerly limit of the project, N148348.50, E538737.02, thence running northerly about 149.00 feet along the westerly limit of the project to a bend in the project, N148489.22, E538768.09, thence running northwesterly about 610.39 feet along the westerly limit of the project to the point of origin.

(B) Beginning at a point on the westerly limit of the project, N148118.55, E538689.05, thence running south-easterly about 91.92 feet to a point, N148041.43, E538739.07, thence running southerly about 65.00 feet to

a point, N147977.86, E538725.51, thence running southwesterly about 91.92 feet to a point on the westerly limit of the project, N147927.84, E538648.39, thence running northerly about 195.00 feet along the westerly limit of the project to the point of origin.

(4) BOOTHBAY HARBOR, MAINE.—The project for navigation, Boothbay Harbor, Maine, authorized by the Act of July 25, 1912 (37 Stat. 201, chapter 253).

(5) BUCKSPORT HARBOR, MAINE.—The portion of the project for navigation, Bucksport Harbor, Maine, authorized by the first section of the Act of June 13, 1902 (32 Stat. 331, chapter 1079), consisting of a 16-foot deep channel beginning at a point N268.748.16, E423.390.76, thence running north 47 degrees 02 minutes 23 seconds east 51.76 feet to a point N268.783.44, E423.428.64, thence running north 67 degrees 54 minutes 32 seconds west 1513.94 feet to a point N269.352.81, E422.025.84, thence running south 47 degrees 02 minutes 23 seconds west 126.15 feet to a point N269.266.84, E421.933.52, thence running south 70 degrees 24 minutes 28 seconds east 1546.79 feet to the point of origin.

(6) CARVERS HARBOR, VINALHAVEN, MAINE.—The portion of the project for navigation, Carvers Harbor, Vinalhaven, Maine, authorized by the Act of June 3, 1896 (commonly known as the “River and Harbor Appropriations Act of 1896”) (29 Stat. 202, chapter 314), consisting of the 16-foot anchorage beginning at a point with coordinates N137,502.04, E895,156.83, thence running south 6 degrees 34 minutes 57.6 seconds west 277.660 feet to a point N137,226.21, E895,125.00, thence running north 53 degrees, 5 minutes 42.4 seconds west 127.746 feet to a point N137,302.92, E895022.85, thence running north 33 degrees 56 minutes 9.8 seconds east 239.999 feet to the point of origin.

(7) EAST BOOTHBAY HARBOR, MAINE.—Section 364 of the Water Resources Development Act of 1996 is amended by striking paragraph (9) (110 Stat. 3734) and inserting the following:

“(9) EAST BOOTHBAY HARBOR, MAINE.—The project for navigation, East Boothbay Harbor, Maine, 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 June 25, 1910 (36 Stat. 631, chapter 382).”

(8) SEARSPORT HARBOR, SEARSPORT, MAINE.—The portion of the project for navigation, Searsport Harbor, Searsport, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), consisting of the 35-foot turning basin beginning at a point with coordinates N225,008.38, E395,464.26, thence running north 43 degrees 49 minutes 53.4 seconds east 362.001 feet to a point N225,269.52, E395,714.96, thence running south 71 degrees 27 minutes 33.0 seconds east 1,309.201 feet to a point N224,853.22, E396,956.21, thence running north 84 degrees 3 minutes 45.7 seconds west 1,499.997 feet to the point of origin.

(9) WELLS HARBOR, MAINE.—The following portions of the project for navigation, Wells Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480):

(A) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,992.00, E394,831.00, thence running south 83 degrees 58 minutes 14.8 seconds west 10.38 feet to a point N177,990.91, E394,820.68, thence running south 11 degrees 46 minutes 47.7 seconds west 991.76 feet to a point N177,020.04, E394,618.21, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,018.00, E394,628.00, thence running north 11 degrees 46 minutes 22.8 seconds east 994.93 feet to the point of origin.

(B) The portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N177,778.07, E394,336.96, thence running south 51 degrees 58 minutes 32.7 seconds west 15.49 feet to a point N177,768.53, E394,324.76, thence running south 11 degrees 46 minutes 26.5 seconds west 672.87 feet to a point N177,109.82, E394,187.46, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,107.78, E394,197.25, thence running north 11 degrees 46 minutes 25.4 seconds east 684.70 feet to the point of origin.

(C) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,107.78, E394,197.25, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,109.82, E394,187.46, thence running south 11 degrees 46 minutes 15.7 seconds west 300.00 feet to a point N176,816.13, E394,126.26, thence running south 78 degrees 12 minutes 21.4 seconds east 9.98 feet to a point N176,814.09, E394,136.03, thence running north 11 degrees 46 minutes 29.1 seconds east 300.00 feet to the point of origin.

(D) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,018.00, E394,628.00, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,020.04, E394,618.21, thence running south 11 degrees 46 minutes 44.0 seconds west 300.00 feet to a point N176,726.36, E394,556.97, thence running south 78 degrees 12 minutes 30.3 seconds east 10.03 feet to a point N176,724.31, E394,566.79, thence running north 11 degrees 46 minutes 22.4 seconds east 300.00 feet to the point of origin.

(10) 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) lying southeasterly of a line commencing at a point N199,286.41, E844,394.91, thence running north 66 degrees 52 minutes 3.31 seconds east 472.95 feet to a point N199,472.21, E844,829.83, thence running north 43 degrees 9 minutes 28.3 seconds east 262.64 feet to a point N199,633.80, E845,009.48, thence running north 21 degrees 40 minutes 11.26 seconds east 808.38 feet to a point N200,415.05, E845,307.98, thence running north 32 degrees 25 minutes 29.01 seconds east 160.76 feet to a point N200,550.75, E845,394.18, thence running north 24 degrees 56 minutes 42.29 seconds east 1,410.29 feet to a point N201,829.48, E845,988.97.

(11) GREEN HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Green Harbor, Massachusetts, undertaken pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), consisting of the 6-foot deep channel beginning at a point along the west limit of the existing project, north 395990.43, east 831079.16, thence running northwesterly about 752.85 feet to a point, north 396722.80, east 830904.76, thence running northwesterly about 222.79 feet to a point along the west limit of the existing project, north 396844.34, east 830718.04, thence running southwesterly about 33.72 feet along the west limit of the existing project to a point, north 396810.80, east 830714.57, thence running southeasterly about 195.42 feet along the west limit of the existing project to a point, north 396704.19, east 830878.35, thence running about 544.66 feet along the west limit of the existing project to a point, north 396174.35, east 831004.52, thence running southeasterly about 198.49 feet along the west limit of the existing project to the point of beginning.

(12) NEW BEDFORD AND FAIRHAVEN HARBOR, MASSACHUSETTS.—The following portions of the project for navigation, New Bedford and Fairhaven Harbor, Massachusetts:

(A) A portion of the 25-foot spur channel leading to the west of Fish Island, authorized by section 3 of the Act of March 3, 1909 (35 Stat. 816, chapter 264), beginning at a point with coordinates N232,173.77, E758,791.32, thence running south 27 degrees 36 minutes 52.8 seconds west 38.2 feet to a point N232,139.91, E758,773.61, thence running south 87 degrees 35 minutes 31.6 seconds west 196.84 feet to a point N232,131.64, E758,576.94, thence running north 47 degrees 47 minutes 48.4 seconds west 502.72 feet to a point N232,469.35, E758,204.54, thence running north 10 degrees 10 minutes 20.3 seconds west 438.88 feet to a point N232,901.33, E758,127.03, thence running north 79 degrees 49 minutes 43.1 seconds east 121.69 feet to a point N232,922.82, E758,246.81, thence running south 04 degrees 29 minutes 17.6 seconds east 52.52 feet to a point N232,870.46, E758,250.92, thence running south 23 degrees 56 minutes 11.2 seconds east 49.15 feet to a point N323,825.54, E758,270.86, thence running south 79 degrees 49 minutes 27.0 seconds west 88.19 feet to a point N232,809.96, E758,184.06, thence running south 10 degrees 10 minutes 25.7 seconds east 314.83 feet to a point N232,500.08, E758,239.67, thence running south 56 degrees 33 minutes 56.1 seconds east 583.07 feet to a point N232,178.82, E758,726.25, thence running south 85 degrees 33 minutes 16.0 seconds east to the point of origin.

(B) A portion of the 30-foot west maneuvering basin, authorized by the first section of the Act of July 3, 1930 (46 Stat. 918, chapter 847), beginning at a point with coordinates N232,139.91, E758,773.61, thence running north 81 degrees 49 minutes 30.1 seconds east 160.76 feet to a point N232,162.77, E758,932.74, thence running north 85 degrees 33 minutes 16.0 seconds west 141.85 feet to a point N232,173.77, E758,791.32, thence running south 27 degrees 36 minutes 52.8 seconds west to the point of origin.

(b) ANCHORAGE AREA, CLINTON HARBOR, CONNECTICUT.—The portion of the Clinton Harbor, Connecticut, navigation project referred to in subsection (a)(2) beginning at a point with coordinates N158,444.58, E660,220.95, thence running north 79 degrees 37 minutes 14 seconds east 833.31 feet to a point N158,594.72, E661,040.67, thence running south 80 degrees 51 minutes 53 seconds east 181.21 feet to a point N158,565.95, E661,219.58, thence running north 57 degrees 38 minutes 04 seconds west 126.02 feet to a point N158,633.41, E660,113.14, thence running south 79 degrees 37 minutes 14 seconds west 911.61 feet to a point N158,469.17, E660,216.44, thence running south 10 degrees 22 minutes 46 seconds east 25 feet returning to a point N158,444.58, E660,220.95, is redesignated as an anchorage area.

(c) WELLS HARBOR, MAINE.—

(1) PROJECT MODIFICATION.—The Wells Harbor, Maine, navigation project referred to in subsection (a)(9) is modified to authorize the Secretary to realign the channel and anchorage areas based on a harbor design capacity of 150 craft.

(2) REDESIGNATIONS.—

(A) 6-FOOT ANCHORAGE.—The following portions of the Wells Harbor, Maine, navigation project referred to in subsection (a)(9) shall be redesignated as part of the 6-foot anchorage:

(i) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,990.91, E394,820.68, thence running south 83 degrees 58 minutes 40.8 seconds west 94.65 feet to a point N177,980.98, E394,726.55, thence running south 11 degrees 46 minutes 22.4 seconds west 962.83 feet to a point N177,038.40, E394,530.10, thence running south 78 degrees 13 minutes 45.7 seconds east 90.00 feet to a point N177,020.04, E394,618.21, thence running north 11 degrees 46 minutes 47.7 seconds east 991.76 feet to the point of origin.

(ii) The portion of the 10-foot inner harbor settling basin the boundaries of which begin at a point with coordinates N177,020.04, E394,618.21, thence running north 78 degrees 13 minutes 30.5 seconds west 160.00 feet to a point N177,052.69, E394,461.58, thence running south 11 degrees 46 minutes 45.4 seconds west 299.99 feet to a point N176,759.02, E394,400.34, thence running south 78 degrees 13 minutes 17.9 seconds east 160 feet to a point N176,726.36, E394,556.97, thence running north 11 degrees 46 minutes 44.0 seconds east 300.00 feet to the point of origin.

(B) 6-FOOT CHANNEL.—The following portion of the Wells Harbor, Maine, navigation project referred to in subsection (a)(9) shall be redesignated as part of the 6-foot channel: the portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N178,102.26, E394,751.83, thence running south 51 degrees 59 minutes 42.1 seconds west 526.51 feet to a point N177,778.07, E394,336.96, thence running south 11 degrees 46 minutes 26.6 seconds west 511.83 feet to a point N177,277.01, E394,232.52, thence running south 78 degrees 13 minutes 17.9 seconds east 80.00 feet to a point N177,260.68, E394,310.84, thence running north 11 degrees 46 minutes

24.8 seconds east 482.54 feet to a point N177,733.07, E394,409.30, thence running north 51 degrees 59 minutes 41.0 seconds east 402.63 feet to a point N177,980.98, E394,726.55, thence running north 11 degrees 46 minutes 27.6 seconds east 123.89 feet to the point of origin.

(3) REALIGNMENT.—The 6-foot anchorage area described in paragraph (2)(B) shall be realigned to include the area located south of the inner harbor settling basin in existence on the date of enactment of this Act beginning at a point with coordinates N176,726.36, E394,556.97, thence running north 78 degrees 13 minutes 17.9 seconds west 160.00 feet to a point N176,759.02, E394,400.34, thence running south 11 degrees 47 minutes 03.8 seconds west 45 feet to a point N176,714.97, E394,391.15, thence running south 78 degrees 13 minutes 17.9 seconds 160.00 feet to a point N176,682.31, E394,547.78, thence running north 11 degrees 47 minutes 03.8 seconds east 45 feet to the point of origin.

(4) RELOCATION.—The Secretary may relocate the settling basin feature of the Wells Harbor, Maine, navigation project referred to in subsection (a)(9) to the outer harbor between the jetties.

(5) ADDITIONAL ACTIONS.—In carrying out the operation and the maintenance of the Wells Harbor, Maine, navigation project referred to in subsection (a)(9), the Secretary shall undertake each of the actions of the Corps of Engineers specified in section IV(B) of the memorandum of agreement relating to the project dated January 20, 1998, including the actions specified in section IV(B) that the parties agreed to ask the Corps of Engineers to undertake.

(6) CONSERVATION EASEMENT.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may accept a conveyance of the right, but not the obligation, to enforce a conservation easement to be held by the State of Maine over certain land owned by the town of Wells, Maine, that is adjacent to the Rachel Carson National Wildlife Refuge.

(d) ANCHORAGE AREA, GREEN HARBOR, MASSACHUSETTS.—The portion of the Green Harbor, Massachusetts, navigation project referred to in subsection (a)(11) consisting of a 6-foot deep channel that lies northerly of a line the coordinates of which are North 394825.00, East 831660.00 and North 394779.28, East 831570.64 is redesignated as an anchorage area.

#### SEC. 366. AMERICAN AND SACRAMENTO RIVERS, CALIFORNIA.

(a) IN GENERAL.—The project for flood damage reduction, American and Sacramento Rivers, California, authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662-3663), is modified to direct the Secretary to include the following improvements as part of the overall project:

(1) Raising the left bank of the non-Federal levee upstream of the Mayhew Drain for a distance of 4,500 feet by an average of 2.5 feet.

(2) Raising the right bank of the American River levee from 1,500 feet upstream to 4,000 feet downstream of the Howe Avenue bridge by an average of 1 foot.

(3) Modifying the south levee of the Natomas Cross Canal for a distance of 5 miles to ensure that the south levee is

consistent with the level of protection provided by the authorized levee along the east bank of the Sacramento River.

(4) Modifying the north levee of the Natomas Cross Canal for a distance of 5 miles to ensure that the height of the levee is equivalent to the height of the south levee as authorized by paragraph (3).

(5) Installing gates to the existing Mayhew Drain culvert and pumps to prevent backup of floodwater on the Folsom Boulevard side of the gates.

(6) Installing a slurry wall in the north levee of the American River from the east levee of the Natomas east Main Drain upstream for a distance of approximately 1.2 miles.

(7) Installing a slurry wall in the north levee of the American River from 300 feet west of Jacob Lane north for a distance of approximately 1 mile to the end of the existing levee.

(b) COST LIMITATIONS.—Section 101(a)(1)(A) of the Water Resources Development Act of 1996 (110 Stat. 3662) is amended by striking “at a total cost of” and all that follows through “\$14,225,000,” and inserting the following: “at a total cost of \$91,900,000, with an estimated Federal cost of \$68,925,000 and an estimated non-Federal cost of \$22,975,000.”

(c) COST SHARING.—For the purposes of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), the modifications authorized by this section shall be subject to the same cost sharing in effect for the project for flood damage reduction, American and Sacramento Rivers, California, authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662).

#### **SEC. 367. MARTIN, KENTUCKY.**

The project for flood control, Martin, Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), is modified to authorize the Secretary to take all necessary measures to prevent future losses that would occur as a result of a flood equal in magnitude to a 100-year frequency event.

#### **SEC. 368. SOUTHERN WEST VIRGINIA PILOT PROGRAM.**

Section 340(g) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended to read as follows:

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the pilot program under this section \$40,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.”.

#### **SEC. 369. BLACK WARRIOR AND TOMBIGBEE RIVERS, JACKSON, ALABAMA.**

(a) IN GENERAL.—The project for navigation, Black Warrior and Tombigbee Rivers, vicinity of Jackson, Alabama, authorized by section 106 of the Energy and Water Development Appropriations Act, 1987 (100 Stat. 3341-199), is modified to authorize the Secretary to acquire land for mitigation of the habitat losses attributable to the project, including the navigation channel, dredged material disposal areas, and other areas directly affected by construction of the project.

(b) CONSTRUCTION BEFORE ACQUISITION OF MITIGATION LAND.—Notwithstanding section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283), the Secretary may construct the

project before acquisition of the mitigation land if the Secretary takes such actions as are necessary to ensure that any required mitigation land will be acquired not later than 2 years after initiation of construction of the new channel and that the acquisition will fully mitigate any adverse environmental impacts resulting from the project.

**SEC. 370. TROPICANA WASH AND FLAMINGO WASH, NEVADA.**

Any Federal costs associated with the Tropicana Wash and Flamingo Wash, Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (106 Stat. 4803), incurred by the non-Federal interest to accelerate or modify construction of the project, in cooperation with the Corps of Engineers, shall be eligible for reimbursement by the Secretary.

**SEC. 371. COMITE RIVER, LOUISIANA.**

The Comite River Diversion Project for flood control, authorized as part of the project for flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resources Development Act of 1992 (106 Stat. 4802) and modified by section 301(b)(5) of the Water Resources Development Act of 1996 (110 Stat. 3709), is further modified to authorize the Secretary to include the costs of highway relocations to be cost shared as a project construction feature.

**SEC. 372. ST. MARYS RIVER, MICHIGAN.**

The project for navigation, St. Marys River, Michigan, is modified to direct the Secretary to provide an additional foot of overdraft between Point Louise Turn and the Locks, Sault Sainte Marie, Michigan, consistent with the channels upstream of Point Louise Turn. The modification shall be carried out as operation and maintenance to improve navigation safety.

**SEC. 373. CHARLEVOIX, MICHIGAN.**

The Secretary shall review and, if consistent with authorized project purposes, reimburse the city of Charlevoix, Michigan, for the Federal share of costs associated with construction of the new revetment connection to the Federal navigation project at Charlevoix Harbor, Michigan.

**SEC. 374. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.**

(a) IN GENERAL.—Subject to subsection (b), the project for flood control, power generation, and other purposes at the White River Basin, Arkansas and Missouri, authorized by section 4 of the Act of June 28, 1938 (52 Stat. 1218, chapter 795), and modified by House Document 917, 76th Congress, 3d Session, and House Document 290, 77th Congress, 1st Session, approved August 18, 1941, and House Document 499, 83d Congress, 2d Session, approved September 3, 1954, and by section 304 of the Water Resources Development Act of 1996 (110 Stat. 3711) is further modified to authorize the Secretary to provide minimum flows necessary to sustain tail water trout fisheries by reallocating the following amounts of project storage: Beaver Lake, 1.5 feet; Table Rock, 2 feet; Bull Shoals Lake, 5 feet; Norfork Lake, 3.5 feet; and Greers Ferry Lake, 3 feet.

(b) REPORT.—

(1) IN GENERAL.—No funds may be obligated to carry out work on the modification under subsection (a) until completion

of a final report by the Chief of Engineers finding that the work is technically sound, environmentally acceptable, and economically justified.

(2) TIMING.—The Secretary shall submit the report to Congress not later than July 30, 2000.

(3) CONTENTS.—The report shall include determinations concerning whether—

(A) the modification under subsection (a) adversely affects other authorized project purposes; and

(B) Federal costs will be incurred in connection with the modification.

**SEC. 375. WAURIKA LAKE, OKLAHOMA, WATER CONVEYANCE FACILITIES.**

For the project for construction of the water conveyances authorized by the first section of Public Law 88-253 (77 Stat. 841), the requirements for the Waurika Project Master Conservancy District to repay the \$2,900,000 in costs (including interest) resulting from the October 1991 settlement of the claim before the United States Claims Court, and to make a payment of \$595,000 of the final cost representing a portion of the difference between the 1978 estimate of cost and the actual cost determined after completion of the project in 1991, are waived.

## **TITLE IV—STUDIES**

33 USC 2211  
note.

Deadline.

**SEC. 401. DEEP DRAFT HARBOR COST SHARING.**

(a) IN GENERAL.—The Secretary shall undertake a study of non-Federal cost-sharing requirements for the construction and operation and maintenance of deep draft harbor projects to determine whether—

(1) cost sharing adversely affects United States port development or domestic and international trade; and

(2) any revision of the cost-sharing requirements would benefit United States domestic and international trade.

(b) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than May 30, 2001, 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 any recommendations that the Secretary may have in light of the study under subsection (a).

(2) CONSIDERATIONS.—In making recommendations, the Secretary shall consider—

(A) the potential economic, environmental, and budgetary impacts of any proposed revision of the cost-sharing requirements; and

(B) the effect that any such revision would have on regional port competition.

**SEC. 402. BOYDSVILLE, ARKANSAS.**

The Secretary shall conduct a study to determine the feasibility of the reservoir and associated improvements to provide for flood control, recreation, water quality, and fish and wildlife purposes in the vicinity of Boydsville, Arkansas.

**SEC. 403. GREERS FERRY LAKE, ARKANSAS.**

The Secretary shall conduct a study to determine the feasibility of constructing water intake facilities at Greers Ferry Lake, Arkansas.

**SEC. 404. DEL NORTE COUNTY, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of designating a permanent disposal site for dredged material from Federal navigation projects in Del Norte County, California.

**SEC. 405. FRAZIER CREEK, TULARE COUNTY, CALIFORNIA.**

The Secretary shall conduct a study to determine—

- (1) the feasibility of restoring Frazier Creek, Tulare County, California; and
- (2) the Federal interest in flood control, environmental restoration, conservation of fish and wildlife resources, recreation, and water quality of the creek.

**SEC. 406. MARE ISLAND STRAIT, CALIFORNIA.**

(a) IN GENERAL.—The Secretary shall conduct a general reevaluation to determine the Federal interest in reconfiguring the Mare Island Strait channel.

(b) CONSIDERATIONS.—In determining the Federal interest, the Secretary shall consider the benefits of economic activity associated with potential future uses of the channel and any other benefits that could be realized by increasing the width and depth of the channel to accommodate both current and potential future uses of the channel.

**SEC. 407. STRAWBERRY CREEK, BERKELEY, CALIFORNIA.**

The Secretary shall conduct a study to determine—

- (1) the feasibility of restoring Strawberry Creek, Berkeley, California; and
- (2) the Federal interest in environmental restoration, conservation of fish and wildlife resources, recreation, and water quality of the creek.

**SEC. 408. SWEETWATER RESERVOIR, SAN DIEGO COUNTY, CALIFORNIA.**

The Secretary shall conduct a study of the potential water quality problems and pollution abatement measures in the watershed in and around Sweetwater Reservoir, San Diego County, California.

**SEC. 409. WHITEWATER RIVER BASIN, CALIFORNIA.**

The Secretary shall complete a study to determine the feasibility of a flood damage reduction project in the Whitewater River basin (also known as "Thousand Palms"), California.

**SEC. 410. DESTIN-NORIEGA POINT, FLORIDA.**

The Secretary shall conduct a study to determine the feasibility of—

- (1) restoring Noriega Point, Florida, to serve as a breakwater for Destin Harbor; and
- (2) including Noriega Point as part of the East Pass, Florida, navigation project.

**SEC. 411. LITTLE ECONLACKHATCHEE RIVER BASIN, FLORIDA.**

The Secretary shall conduct a study of pollution abatement measures in the Little Econlackhatchee River basin, Florida.

**SEC. 412. PORT EVERGLADES, BROWARD COUNTY, FLORIDA.**

The Secretary shall conduct a study to determine the feasibility of constructing a sand bypassing project at the Port Everglades Inlet, Florida.

**SEC. 413. LAKE ALLATOONA, ETOWAH RIVER, AND LITTLE RIVER WATERSHED, GEORGIA.**

(a) IN GENERAL.—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, may carry out the following water-related environmental restoration and resource protection investigations into restoring Lake Allatoona, the Etowah River, and the Little River watershed, Georgia:

(1) LAKE ALLATOONA/ETOWAH RIVER SHORELINE RESTORATION INVESTIGATION.—Feasibility phase investigation to identify and recommend to Congress structural and nonstructural measures to alleviate shore erosion and sedimentation problems along the shores of Lake Allatoona and the Etowah River.

(2) LITTLE RIVER ENVIRONMENTAL RESTORATION INVESTIGATION.—Feasibility phase investigation to evaluate environmental problems and recommend environmental restoration measures (including appropriate environmental structural and nonstructural measures) for the Little River watershed, Georgia.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the period beginning with fiscal year 2000—

- (1) \$850,000 to carry out subsection (a)(1); and
- (2) \$500,000 to carry out subsection (a)(2).

**SEC. 414. BOISE, IDAHO.**

The Secretary shall conduct a study to determine the feasibility of undertaking flood control on the Boise River in Boise, Idaho.

**SEC. 415. GOOSE CREEK WATERSHED, OAKLEY, IDAHO.**

The Secretary shall conduct a study to determine the feasibility of undertaking flood damage reduction, water conservation, ground water recharge, ecosystem restoration, and related activities along the Goose Creek watershed near Oakley, Idaho.

**SEC. 416. LITTLE WOOD RIVER, GOODING, IDAHO.**

The Secretary shall conduct a study to determine the feasibility of restoring and repairing the Lava Rock Little Wood River Containment System to prevent flooding in the city of Gooding, Idaho.

**SEC. 417. SNAKE RIVER, LEWISTON, IDAHO.**

The Secretary shall conduct a study to determine the feasibility of undertaking bank stabilization and flood control on the Snake River at Lewiston, Idaho.

**SEC. 418. SNAKE RIVER AND PAYETTE RIVER, IDAHO.**

The Secretary shall conduct a study to determine the feasibility of undertaking a flood control project along the Snake River and Payette River, in the vicinity of Payette, Idaho.

**SEC. 419. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS AND WISCONSIN.**

(a) IN GENERAL.—The Secretary shall conduct a study of the upper Des Plaines River and tributaries, Illinois and Wisconsin, upstream of the confluence with Salt Creek at Riverside, Illinois, to determine the feasibility of improvements in the interests of

flood damage reduction, environmental restoration and protection, water quality, recreation, and related purposes.

(b) SPECIAL RULE.—In conducting the study, the Secretary may not exclude from consideration and evaluation flood damage reduction measures based on restrictive policies regarding the frequency of flooding, the drainage area, and the amount of runoff.

(c) CONSULTATION AND USE OF EXISTING DATA.—In carrying out this section, the Secretary shall—

(1) consult with appropriate Federal and State agencies; and

(2) make maximum use of data in existence on the date of enactment of this Act and ongoing programs and efforts of Federal agencies and States.

**SEC. 420. CAMERON PARISH WEST OF CALCASIEU RIVER, LOUISIANA.**

The Secretary shall conduct a study to determine the feasibility of undertaking a storm damage reduction and ecosystem restoration project for Cameron Parish west of Calcasieu River, Louisiana.

**SEC. 421. COASTAL LOUISIANA.**

The Secretary shall conduct a study to determine the feasibility of using dredged material from maintenance activities at Federal navigation projects in coastal Louisiana to benefit coastal areas in the State.

**SEC. 422. GRAND ISLE AND VICINITY, LOUISIANA.**

In carrying out a study of the storm damage reduction benefits to Grand Isle and vicinity, Louisiana, the Secretary shall include benefits that a storm damage reduction project for Grand Isle and vicinity, Louisiana, may have on the mainland coast of Louisiana as project benefits attributable to the Grand Isle project.

**SEC. 423. GULF INTRACOASTAL WATERWAY ECOSYSTEM, CHEF MENTEUR TO SABINE RIVER, LOUISIANA.**

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration and protection measures along the Gulf Intracoastal Waterway from Chef Menteur to Sabine River, Louisiana.

(b) MATTERS TO BE ADDRESSED.—The study shall address saltwater intrusion, tidal scour, erosion, compaction, subsidence, wind and wave action, bank failure, and other problems relating to ecosystem restoration and protection.

**SEC. 424. MUDDY RIVER, BROOKLINE AND BOSTON, MASSACHUSETTS.**

(a) IN GENERAL.—The Secretary shall evaluate the January 1999 study commissioned by the Boston Parks and Recreation Department, Boston, Massachusetts, and entitled “The Emerald Necklace Environmental Improvement Master Plan, Phase I Muddy River Flood Control, Water Quality and Habitat Enhancement”, to determine whether the plans outlined in the study for flood control, water quality, habitat enhancements, and other improvements to the Muddy River in Brookline and Boston, Massachusetts, are cost-effective, technically sound, environmentally acceptable, and in the Federal interest.

(b) REPORT.—Not later than June 30, 2000, the Secretary shall submit to Congress a report on the results of the evaluation. Deadline.

**SEC. 425. WESTPORT, MASSACHUSETTS.**

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking a navigation project for the town of Westport, Massachusetts.

(b) CONSIDERATIONS.—In determining the benefits of the project, the Secretary shall include the benefits derived from using dredged material for shore protection and storm damage reduction.

**SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**

(a) PLAN.—The Secretary, in coordination with State and local governments and appropriate Federal and provincial authorities of Canada, shall develop a comprehensive management plan for St. Clair River and Lake St. Clair.

(b) ELEMENTS.—The plan shall include the following elements:

(1) Identification of the causes and sources of environmental degradation.

(2) Continuous monitoring of organic, biological, metallic, and chemical contamination levels.

(3) Timely dissemination of information of contamination levels to public authorities, other interested parties, and the public.

Deadline. (c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes the plan developed under subsection (a) and recommendations for potential restoration measures.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$400,000.

**SEC. 427. ST. CLAIR SHORES, MICHIGAN.**

The Secretary shall conduct a study to determine the feasibility of constructing a flood control project at St. Clair Shores, Michigan.

**SEC. 428. WOODTICK PENINSULA, MICHIGAN, AND TOLEDO HARBOR, OHIO.**

The Secretary shall conduct a study to determine the feasibility of using dredged material from Toledo Harbor, Ohio, to provide erosion reduction, navigation, and ecosystem restoration at Woodtick Peninsula, Michigan.

**SEC. 429. PASCAGOULA HARBOR, MISSISSIPPI.**

(a) IN GENERAL.—The Secretary shall conduct a study to determine an alternative plan for dredged material management for the Pascagoula River portion of the project for navigation, Pascagoula Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094).

(b) CONTENTS.—The study under subsection (a) shall—

(1) include an analysis of the feasibility of expanding the Singing River Island Disposal Area or constructing a new dredged material disposal facility; and

(2) identify methods of managing and reducing sediment transport into the Federal navigation channel.

**SEC. 430. TUNICA LAKE WEIR, MISSISSIPPI.**

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of constructing an outlet weir at Tunica Lake, Tunica County, Mississippi, and Lee County, Arkansas, for the purpose of stabilizing water levels in the lake.

(b) ECONOMIC ANALYSIS.—In carrying out the study, the Secretary shall include as part of the economic analysis the benefits derived from recreation uses at Tunica Lake and economic benefits associated with restoration of fish and wildlife habitat.

**SEC. 431. YELLOWSTONE RIVER, MONTANA.**

(a) STUDY.—The Secretary shall conduct a comprehensive study of the Yellowstone River from Gardiner, Montana, to the confluence of the Missouri River to determine the hydrologic, biological, and socioeconomic cumulative impacts on the river.

(b) CONSULTATION AND COORDINATION.—The Secretary shall conduct the study in consultation with the United States Fish and Wildlife Service, the United States Geological Survey, and the Natural Resources Conservation Service and with the full participation of the State of Montana and tribal and local entities, and provide for public participation.

(c) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study.

Deadline.

**SEC. 432. LAS VEGAS VALLEY, NEVADA.**

(a) IN GENERAL.—The Secretary shall conduct a comprehensive study of water resources in the Las Vegas Valley, Nevada.

(b) OBJECTIVES.—The study shall identify problems and opportunities related to ecosystem restoration, water quality (particularly the quality of surface runoff), and flood control.

**SEC. 433. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.**

The Secretary shall conduct a study to determine the feasibility of undertaking a project for flood damage reduction in the Southwest Valley, Albuquerque, New Mexico.

**SEC. 434. CAYUGA CREEK, NEW YORK.**

The Secretary shall conduct a study to determine the feasibility of undertaking a project for flood control for Cayuga Creek, New York.

**SEC. 435. LAKE CHAMPLAIN, NEW YORK AND VERMONT.**

The Secretary shall conduct a study to determine the feasibility of restoring Lake Champlain, New York and Vermont, to improve water quality, fish and wildlife habitat, and navigation.

**SEC. 436. OSWEGO RIVER BASIN, NEW YORK.**

The Secretary shall conduct a study to determine the feasibility of establishing a flood forecasting system in the Oswego River basin, New York.

**SEC. 437. WHITE OAK RIVER, NORTH CAROLINA.**

The Secretary shall conduct a study to determine whether there is a Federal interest in a project for water quality, environmental restoration and protection, and related purposes on the White Oak River, North Carolina.

**SEC. 438. ARCOLA CREEK WATERSHED, MADISON, OHIO.**

The Secretary shall conduct a study to determine the feasibility of undertaking a project to provide environmental restoration and protection for the Arcola Creek watershed, Madison, Ohio.

**SEC. 439. CLEVELAND HARBOR, CLEVELAND, OHIO.**

The Secretary shall conduct a study to determine the feasibility of undertaking repairs and related navigation improvements at Dike 14, Cleveland, Ohio.

**SEC. 440. TOUSSAINT RIVER, CARROLL TOWNSHIP, OHIO.**

The Secretary shall conduct a study to determine the feasibility of undertaking navigation improvements on the Toussaint River, Carroll Township, Ohio.

**SEC. 441. WESTERN LAKE ERIE BASIN, OHIO, INDIANA, AND MICHIGAN.**

(a) IN GENERAL.—The Secretary shall conduct a study to develop measures to improve flood control, navigation, water quality, recreation, and fish and wildlife habitat in a comprehensive manner in the western Lake Erie basin, Ohio, Indiana, and Michigan, including watersheds of the Maumee, Ottawa, and Portage Rivers.

(b) COOPERATION.—In carrying out the study, the Secretary shall—

(1) cooperate with interested Federal, State, and local agencies and nongovernmental organizations; and

(2) consider all relevant programs of the agencies.

Deadline.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study, including findings and recommendations.

**SEC. 442. SCHUYLKILL RIVER, NORRISTOWN, PENNSYLVANIA.**

The Secretary shall conduct a study to determine the feasibility of undertaking a project for flood control for the Schuylkill River, Norristown, Pennsylvania.

**SEC. 443. SOUTH CAROLINA COASTAL AREAS.**

(a) IN GENERAL.—The Secretary shall review pertinent reports and conduct other studies and field investigations to determine the best available science and methods for management of contaminated dredged material and sediments in the coastal areas of South Carolina.

(b) FOCUS.—In carrying out subsection (a), the Secretary shall place particular focus on areas where the Corps of Engineers maintains deep draft navigation projects, such as Charleston Harbor, Georgetown Harbor, and Port Royal, South Carolina.

(c) COOPERATION.—The studies shall be conducted in cooperation with the appropriate Federal and State environmental agencies.

Deadline.

**SEC. 444. SANTEE DELTA FOCUS AREA, SOUTH CAROLINA.**

Not later than 18 months after the date of enactment of this Act, the Secretary shall complete a comprehensive study of the ecosystem in the Santee Delta focus area, South Carolina, to determine the feasibility of undertaking a project to enhance wetland habitat and public recreational opportunities in the area.

**SEC. 445. WACCAMAW RIVER, SOUTH CAROLINA.**

The Secretary shall conduct a study to determine the feasibility of undertaking a flood control project for the Waccamaw River in Horry County, South Carolina.

**SEC. 446. DAY COUNTY, SOUTH DAKOTA.**

The Secretary shall conduct—

- (1) an investigation of flooding and other water resources problems between the James River and Big Sioux watersheds, South Dakota; and
- (2) an assessment of flood damage reduction needs of the area.

**SEC. 447. NIOBRARA RIVER AND MISSOURI RIVER, SOUTH DAKOTA.**

The Secretary shall conduct a study of the Niobrara River watershed and the operations of Fort Randall Dam and Gavins Point Dam on the Missouri River, South Dakota, to determine the feasibility of alleviating the bank erosion, sedimentation, and related problems in the lower Niobrara River and the Missouri River below Fort Randall Dam.

**SEC. 448. CORPUS CHRISTI, TEXAS.**

The Secretary shall include, as part of the study authorized by a resolution of the Committee on Public Works and Transportation of the House of Representatives dated August 1, 1990, a review of two 175-foot-wide barge shelves on either side of the navigation channel at the Port of Corpus Christi, Texas.

**SEC. 449. MITCHELL'S CUT CHANNEL (CANEY FORK CUT), TEXAS.**

The Secretary shall conduct a study to determine the feasibility of undertaking a project for navigation, Mitchell's Cut Channel (Caney Fork Cut), Texas.

**SEC. 450. MOUTH OF COLORADO RIVER, TEXAS.**

The Secretary shall conduct a study to determine the feasibility of undertaking a project for navigation at the mouth of the Colorado River, Texas, to provide a minimum draft navigation channel extending from the Colorado River through Parkers Cut (also known as "Tiger Island Cut"), or an acceptable alternative, to Matagorda Bay.

**SEC. 451. SANTA CLARA RIVER, UTAH.**

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to alleviate damage caused by flooding, bank erosion, and sedimentation along the watershed of the Santa Clara River, Utah, above the Gunlock Reservoir.

(b) CONTENTS.—The study shall include an analysis of watershed conditions and water quality, as related to flooding and bank erosion, along the Santa Clara River in the vicinity of Gunlock, Utah.

**SEC. 452. MOUNT ST. HELENS, WASHINGTON.**

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration improvements throughout the Cowlitz and Toutle River basins, Washington, including the 6,000 acres of wetland, riverine, riparian, and upland habitats lost or altered due to the eruption of Mount St. Helens in 1980 and subsequent emergency actions.

(b) REQUIREMENTS.—In carrying out the study, the Secretary shall—

- (1) work in close coordination with local governments, watershed entities, the State of Washington, and other Federal agencies; and
- (2) place special emphasis on—

(A) conservation and restoration strategies to benefit species that are listed or proposed for listing as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and  
 (B) other watershed restoration objectives.

**SEC. 453. KANAWHA RIVER, FAYETTE COUNTY, WEST VIRGINIA.**

The Secretary shall conduct a study to determine the feasibility of developing a public port along the Kanawha River in Fayette County, West Virginia, at a site known as "Longacre".

**SEC. 454. WEST VIRGINIA PORTS.**

The Secretary shall conduct a study to determine the feasibility of expanding public port development in West Virginia along the Ohio River and the navigable portion of the Kanawha River from its mouth to river mile 91.0.

42 USC  
1962d-21.

Deadline.

**SEC. 455. JOHN GLENN GREAT LAKES BASIN PROGRAM.**

(a) **STRATEGIC PLANS.**—

(1) **STUDY.**—The Secretary shall conduct a comprehensive study of the Great Lakes region to ensure the future use, management, and protection of water resources and related resources of the Great Lakes basin.

(2) **REPORT.**—

(A) **IN GENERAL.**—As expeditiously as possible, but not later than 3 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report outlining a strategic plan for Corps of Engineers programs and proposed Corps of Engineers projects in the Great Lakes basin.

(B) **CONTENTS.**—The plan shall include—

(i) details of projects in the Great Lakes region relating to—

(I) navigation improvements, maintenance, and operations for commercial and recreational vessels;

(II) environmental restoration activities;

(III) water level maintenance activities;

(IV) technical and planning assistance to States and remedial action planning committees;

(V) sediment transport analysis, sediment management planning, and activities to support prevention of excess sediment loadings;

(VI) flood damage reduction and shoreline erosion prevention; and

(VII) all other relevant activities of the Corps of Engineers; and

(ii) an analysis of factors limiting use of programs and authorities of the Corps of Engineers in existence on the date of enactment of this Act in the Great Lakes basin, including the need for new or modified authorities.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$1,000,000 for the period of fiscal years 2000 through 2003.

## (b) GREAT LAKES BIOHYDROLOGICAL INFORMATION.—

## (1) INVENTORY.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall request each Federal agency that may possess information relevant to the Great Lakes biohydrological system to provide an inventory of all such information in the possession of the agency.

(B) RELEVANT INFORMATION.—For the purpose of subparagraph (A), relevant information includes information on—

- (i) ground and surface water hydrology;
- (ii) natural and altered tributary dynamics;
- (iii) biological aspects of the system influenced by and influencing water quantity and water movement;
- (iv) meteorological projections and the impacts of weather conditions on Great Lakes water levels; and
- (v) other Great Lakes biohydrological system data relevant to sustainable water use management.

## (2) REPORT.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the States, Indian tribes, and Federal agencies, and after requesting information from the provinces and the federal government of Canada, shall—

- (i) compile the inventories of information;
- (ii) analyze the information for consistency and gaps; and
- (iii) submit to Congress, the International Joint Commission, and the Great Lakes States a report that includes recommendations on ways to improve the information base on the biohydrological dynamics of the Great Lakes ecosystem as a whole, so as to support environmentally sound decisions regarding diversions and consumptive uses of Great Lakes water.

(B) RECOMMENDATIONS.—The recommendations in the report under subparagraph (A) shall include recommendations relating to the resources and funds necessary for implementing improvement of the information base.

(C) CONSIDERATIONS.—In developing the report under subparagraph (A), the Secretary, in cooperation with the Secretary of State, the Secretary of Transportation, and the heads of other agencies as appropriate, shall consider and report on the status of the issues described and recommendations made in—

- (i) the Report of the International Joint Commission to the Governments of the United States and Canada under the 1977 reference issued in 1985; and
- (ii) the 1993 Report of the International Joint Commission to the Governments of Canada and the United States on Methods of Alleviating Adverse Consequences of Fluctuating Water Levels in the Great Lakes St. Lawrence Basin.

(c) GREAT LAKES RECREATIONAL BOATING.—Not later than 18 months after the date of enactment of this Act, the Secretary, using information and studies in existence on the date of enactment of this Act to the extent practicable, and in cooperation with the

Great Lakes States, shall submit to Congress a report detailing the economic benefits of recreational boating in the Great Lakes basin, particularly at harbors benefiting from operation and maintenance projects of the Corps of Engineers.

(d) COOPERATION.—In undertaking activities under this section, the Secretary shall—

- (1) encourage public participation; and
- (2) cooperate, and, as appropriate, collaborate, with Great Lakes States, tribal governments, and Canadian federal, provincial, and tribal governments.

(e) WATER USE ACTIVITIES AND POLICIES.—The Secretary may provide technical assistance to the Great Lakes States to develop interstate guidelines to improve the consistency and efficiency of State-level water use activities and policies in the Great Lakes basin.

(f) COST SHARING.—The Secretary may seek and accept funds from non-Federal entities to be used to pay up to 25 percent of the cost of carrying out subsections (b), (c), (d), and (e).

**SEC. 456. GREAT LAKES NAVIGATIONAL SYSTEM.**

In consultation with the St. Lawrence Seaway Development Corporation, the Secretary shall review the Great Lakes Connecting Channel and Harbors Report dated March 1985 to determine the feasibility of undertaking any modification of the recommendations made in the report to improve commercial navigation on the Great Lakes navigation system, including locks, dams, harbors, ports, channels, and other related features.

33 USC 1267  
note.

Deadline.

**SEC. 457. NUTRIENT LOADING RESULTING FROM DREDGED MATERIAL DISPOSAL.**

(a) STUDY.—The Secretary shall conduct a study of nutrient loading that occurs as a result of discharges of dredged material into open-water sites in the Chesapeake Bay.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study.

**SEC. 458. UPPER MISSISSIPPI AND ILLINOIS RIVERS LEVEES AND STREAMBANKS PROTECTION.**

The Secretary shall conduct a study of erosion damage to levees and other flood control structures on the upper Mississippi and Illinois Rivers and the impact of increased barge and pleasure craft traffic on deterioration of the levees and other flood control structures.

33 USC 652 note.

**SEC. 459. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.**

(a) DEVELOPMENT.—The Secretary shall develop a plan to address water resource and related land resource problems and opportunities in the upper Mississippi and Illinois River basins, from Cairo, Illinois, to the headwaters of the Mississippi River, in the interest of systemic flood damage reduction by means of—

- (1) structural and nonstructural flood control and floodplain management strategies;
- (2) continued maintenance of the navigation project;
- (3) management of bank caving and erosion;
- (4) watershed nutrient and sediment management;
- (5) habitat management;

- (6) recreation needs; and
- (7) other related purposes.

(b) CONTENTS.—The plan under subsection (a) shall—

- (1) contain recommendations on management plans and actions to be carried out by the responsible Federal and non-Federal entities;
- (2) specifically address recommendations to authorize construction of a systemic flood control project for the upper Mississippi River; and
- (3) include recommendations for Federal action where appropriate and recommendations for follow-on studies for problem areas for which data or current technology does not allow immediate solutions.

(c) CONSULTATION AND USE OF EXISTING DATA.—In carrying out this section, the Secretary shall—

- (1) consult with appropriate Federal and State agencies; and
- (2) make maximum use of data in existence on the date of enactment of this Act and ongoing programs and efforts of Federal agencies and States in developing the plan under subsection (a).

(d) COST SHARING.—

- (1) DEVELOPMENT.—Development of the plan under subsection (a) shall be at Federal expense.
- (2) FEASIBILITY STUDIES.—Feasibility studies resulting from development of the plan shall be subject to cost sharing under section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(e) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes the plan under subsection (a).

Deadline.

**SEC. 460. SUSQUEHANNA RIVER AND UPPER CHESAPEAKE BAY.**

(a) IN GENERAL.—The Secretary shall conduct a study of controlling and managing waterborne debris in the interest of navigation, flood control, environmental restoration, and other purposes in the Susquehanna River Basin, New York, Pennsylvania, and Maryland, and the upper Chesapeake Bay, Maryland.

(b) EVALUATION OF TECHNOLOGIES AND PRACTICES.—The study shall include an evaluation of technologies and practices currently available, in use, or in development in the United States for debris removal programs at various dams and harbors and recommendations for applying those techniques and practices in the Susquehanna River and the upper Chesapeake Bay.

(c) COOPERATION.—The study shall be conducted in cooperation with State agencies and other Federal agencies, the Susquehanna River Basin Commission, and owners of major dams.

**TITLE V—MISCELLANEOUS PROVISIONS****SEC. 501. CORPS ASSUMPTION OF NRCS PROJECTS.**

(a) LLAGAS CREEK, CALIFORNIA.—The Secretary may complete the remaining reaches of the Natural Resources Conservation Service flood control project at Llagas Creek, California, undertaken

pursuant to section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), substantially in accordance with the Natural Resources Conservation Service watershed plan for Llagas Creek, Department of Agriculture, and in accordance with the requirements of local cooperation as specified in section 4 of that Act (16 U.S.C. 1004), at a total cost of \$45,000,000, with an estimated Federal cost of \$21,800,000 and an estimated non-Federal cost of \$23,200,000.

(b) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—

(1) IN GENERAL.—The Thornton Reservoir project, an element of the project for flood control, Chicagoland Underflow Plan, Illinois, authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to authorize the Secretary to include additional permanent flood control storage attributable to the Natural Resources Conservation Service Thornton Reservoir (Structure 84), Little Calumet River Watershed, Illinois, approved under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.).

(2) LIMITATION.—No funds may be obligated to carry out work under the modification under paragraph (1) until completion and approval by the Secretary of a final report by the Chief of Engineers finding that the work is technically sound, environmentally acceptable, and economically justified.

(3) COST SHARING.—Costs for the Thornton Reservoir project shall be shared in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(4) TRANSITIONAL STORAGE.—The Secretary of Agriculture may cooperate with non-Federal interests to provide, on a transitional basis, flood control storage for the Natural Resources Conservation Service Thornton Reservoir (Structure 84) project in the west lobe of the Thornton quarry.

(5) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary may credit toward the non-Federal share of the costs of the Thornton Reservoir project all design and construction costs incurred by the non-Federal interests before the date of signing of the project cooperation agreement.

(6) REEVALUATION REPORT.—The Secretary shall determine the credits authorized by paragraph (5) that are integral to the Thornton Reservoir project and the current total project costs based on a limited reevaluation report.

**SEC. 502. ENVIRONMENTAL INFRASTRUCTURE.**

(a) IN GENERAL.—Section 219(e) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757) is amended by striking paragraphs (5) and (6) and inserting the following:

“(5) \$25,000,000 for the project described in subsection (c)(2);

“(6) \$20,000,000 for the project described in subsection (c)(9);

“(7) \$30,000,000 for the project described in subsection (c)(16); and

“(8) \$30,000,000 for the project described in subsection (c)(17).”.

(b) ADDITIONAL ASSISTANCE.—Section 219 of the Water Resources Development Act of 1992 is amended by adding at the end the following:

“(f) ADDITIONAL ASSISTANCE.—The Secretary may provide assistance under subsection (a) and assistance for construction for the following:

“(1) ATLANTA, GEORGIA.—The project described in subsection (c)(2), modified to include \$25,000,000 for watershed restoration and development in the regional Atlanta watershed, including Big Creek and Rock Creek.

“(2) PATERSON, PASSAIC COUNTY, AND PASSAIC VALLEY, NEW JERSEY.—The project described in subsection (c)(9), modified to include \$20,000,000 for drainage facilities to alleviate flooding problems on Getty Avenue in the vicinity of St. Joseph’s Hospital for the city of Paterson, New Jersey, and Passaic County, New Jersey, and innovative facilities to manage and treat additional flows in the Passaic Valley, Passaic River basin, New Jersey.

“(3) NASHUA, NEW HAMPSHIRE.—\$20,000,000 for a project to eliminate or control combined sewer overflows in the city of Nashua, New Hampshire.

“(4) FALL RIVER AND NEW BEDFORD, MASSACHUSETTS.—\$15,000,000 for a project to eliminate or control combined sewer overflows in the cities of Fall River and New Bedford, Massachusetts.

“(5) FINDLAY TOWNSHIP, PENNSYLVANIA.—\$11,000,000 for water and wastewater infrastructure in Findlay Township, Allegheny County, Pennsylvania.

“(6) DILLSBURG BOROUGH AUTHORITY, PENNSYLVANIA.—\$2,000,000 for water and wastewater infrastructure in Franklin Township, York County, Pennsylvania.

“(7) HAMPDEN TOWNSHIP, PENNSYLVANIA.—\$3,000,000 for water, sewer, and storm sewer improvements in Hampden Township, Pennsylvania.

“(8) TOWAMENCIN TOWNSHIP, PENNSYLVANIA.—\$1,500,000 for sanitary sewer and water and wastewater infrastructure in Towamencin Township, Pennsylvania.

“(9) DAUPHIN COUNTY, PENNSYLVANIA.—\$2,000,000 for a project to eliminate or control combined sewer overflows and water system rehabilitation for the city of Harrisburg, Dauphin County, Pennsylvania.

“(10) EASTERN SHORE AND SOUTHWEST VIRGINIA.—\$20,000,000 for water supply and wastewater infrastructure projects in the counties of Accomac, Northampton, Lee, Norton, Wise, Scott, Russell, Dickenson, Buchanan, and Tazewell, Virginia.

“(11) NORTHEAST PENNSYLVANIA.—\$20,000,000 for water related infrastructure in the counties of Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sullivan, Bradford, and Monroe, Pennsylvania, including assistance for the Mountoursville Regional Sewer Authority, Lycoming County, Pennsylvania.

“(12) CALUMET REGION, INDIANA.—\$10,000,000 for water related infrastructure projects in the counties of Lake and Porter, Indiana.

“(13) CLINTON COUNTY, PENNSYLVANIA.—\$1,000,000 for water related infrastructure in Clinton County, Pennsylvania.

“(14) PATTON TOWNSHIP, PENNSYLVANIA.—\$1,400,000 for water related infrastructure in Patton Township, Pennsylvania.

“(15) NORTH FAYETTE TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA.—\$500,000 for water related infrastructure in North Fayette Township, Allegheny County, Pennsylvania.

“(16) SPRINGDALE BOROUGH, PENNSYLVANIA.—\$500,000 for water related infrastructure in Springdale Borough, Pennsylvania.

“(17) ROBINSON TOWNSHIP, PENNSYLVANIA.—\$1,200,000 for water related infrastructure in Robinson Township, Pennsylvania.

“(18) UPPER ALLEN TOWNSHIP, PENNSYLVANIA.—\$3,400,000 for water related infrastructure in Upper Allen Township, Pennsylvania.

“(19) JEFFERSON TOWNSHIP, GREENE COUNTY, PENNSYLVANIA.—\$1,000,000 for water related infrastructure in Jefferson Township, Greene County, Pennsylvania.

“(20) LUMBERTON, NORTH CAROLINA.—\$1,700,000 for water and wastewater infrastructure projects in Lumberton, North Carolina.

“(21) BATON ROUGE, LOUISIANA.—\$10,000,000 for water related infrastructure for the parishes of East Baton Rouge, Ascension, and Livingston, Louisiana.

“(22) EAST SAN JOAQUIN COUNTY, CALIFORNIA.—\$25,000,000 for ground water recharge and conjunctive use projects in Stockton East Water District, California.

“(23) SACRAMENTO AREA, CALIFORNIA.—\$25,000,000 for regional water conservation and recycling projects in Placer and El Dorado Counties and the San Juan Suburban Water District, California.

“(24) CUMBERLAND COUNTY, TENNESSEE.—\$5,000,000 for water supply projects in Cumberland County, Tennessee.

“(25) LAKES MARION AND MOULTRIE, SOUTH CAROLINA.—\$5,000,000 for water supply treatment and distribution projects in the counties of Calhoun, Clarendon, Colleton, Dorchester, Orangeberg, and Sumter, South Carolina.

“(26) BRIDGEPORT, CONNECTICUT.—\$10,000,000 for a project to eliminate or control combined sewer overflows in the city of Bridgeport, Connecticut.

“(27) HARTFORD, CONNECTICUT.—\$10,000,000 for a project to eliminate or control combined sewer overflows in the city of Hartford, Connecticut.

“(28) NEW HAVEN, CONNECTICUT.—\$10,000,000 for a project to eliminate or control combined sewer overflows in the city of New Haven, Connecticut.

“(29) OAKLAND COUNTY, MICHIGAN.—\$20,000,000 for a project to eliminate or control combined sewer overflows in the cities of Berkley, Ferndale, Madison Heights, Royal Oak, Birmingham, Hazel Park, Oak Park, Southfield, Clawson, Huntington Woods, Pleasant Ridge, and Troy, and the village of Beverly Hills, and the Charter Township of Royal Oak, Michigan.

“(30) DESOTO COUNTY, MISSISSIPPI.—\$10,000,000 for a wastewater treatment project in the county of DeSoto, Mississippi.

“(31) KANSAS CITY, MISSOURI.—\$15,000,000 for a project to eliminate or control combined sewer overflows in the city of Kansas City, Missouri.

“(32) ST. LOUIS, MISSOURI.—\$15,000,000 for a project to eliminate or control combined sewer overflows in the city of St. Louis, Missouri.

“(33) ELIZABETH, NEW JERSEY.—\$20,000,000 for a project to eliminate or control combined sewer overflows in the city of Elizabeth, New Jersey.

“(34) NORTH HUDSON, NEW JERSEY.—\$10,000,000 for a project to eliminate or control combined sewer overflows in the city of North Hudson, New Jersey.

“(35) INNER HARBOR PROJECT, NEW YORK, NEW YORK.—\$15,000,000 for a project to eliminate or control combined sewer overflows for the inner harbor project, New York, New York.

“(36) OUTER HARBOR PROJECT, NEW YORK, NEW YORK.—\$15,000,000 for a project to eliminate or control combined sewer overflows for the outer harbor project, New York, New York.

“(37) LEBANON, NEW HAMPSHIRE.—\$8,000,000 for a project to eliminate or control combined sewer overflows in the city of Lebanon, New Hampshire.

“(38) ASTORIA, OREGON.—\$5,000,000 for a project to eliminate or control combined sewer overflows in the city of Astoria, Oregon.

“(39) CACHE COUNTY, UTAH.—\$5,000,000 for a wastewater infrastructure project for Cache County, Utah.

“(40) LAWTON, OKLAHOMA.—\$5,000,000 for a wastewater infrastructure project for the city of Lawton, Oklahoma.

“(41) LANCASTER, CALIFORNIA.—\$1,500,000 for a project to provide water facilities for the Fox Field Industrial Corridor, Lancaster, California.

“(42) SAN RAMON VALLEY, CALIFORNIA.—\$15,000,000 for a project for recycled water for San Ramon Valley, California.

“(43) HARBOR/SOUTH BAY, CALIFORNIA.—\$15,000,000 for an industrial water reuse project for the Harbor/South Bay area, California.”.

#### SEC. 503. CONTAMINATED SEDIMENT DREDGING TECHNOLOGY.

33 USC 2314  
note.

##### (a) REVIEW OF INNOVATIVE DREDGING TECHNOLOGIES.—

(1) IN GENERAL.—Not later than June 1, 2001, the Secretary shall complete a review of innovative dredging technologies designed to minimize or eliminate contamination of a water column upon removal of contaminated sediments.

##### (2) TESTING.—

(A) SELECTION OF TECHNOLOGY.—After completion of the review under paragraph (1), the Secretary shall select, from among the technologies reviewed, the technology that the Secretary determines will best increase the effectiveness of removing contaminated sediments and significantly reduce contamination of the water column.

(B) AGREEMENT.—Not later than December 31, 2001, the Secretary shall enter into an agreement with a public or private entity to test the selected technology in the vicinity of Peoria Lakes, Illinois.

Deadline.

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

(b) ACCELERATED ADOPTION OF INNOVATIVE TECHNOLOGIES.—Section 8 of the Water Resources Development Act of 1988 (33 U.S.C. 2314) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

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

“(b) ACCELERATED ADOPTION OF INNOVATIVE TECHNOLOGIES FOR MANAGEMENT OF CONTAMINATED SEDIMENTS.—

“(1) TEST PROJECTS.—The Secretary shall approve an appropriate number of projects to test, under actual field conditions, innovative technologies for environmentally sound management of contaminated sediments.

“(2) DEMONSTRATION PROJECTS.—The Secretary may approve an appropriate number of projects to demonstrate innovative technologies that have been pilot tested under paragraph (1).

“(3) CONDUCT OF PROJECTS.—Each pilot project under paragraph (1) and demonstration project under paragraph (2) shall be conducted by a university with proven expertise in the research and development of contaminated sediment treatment technologies and innovative applications using waste materials.

“(4) LOCATION.—At least 1 of the projects under this subsection shall be conducted in New England by the University of New Hampshire.”.

**SEC. 504. DAM SAFETY.**

(a) ASSISTANCE.—The Secretary may provide assistance to enhance dam safety at the following locations:

- (1) Healdsburg Veteran’s Memorial Dam, California.
- (2) Kehly Run Dam, Pennsylvania.
- (3) Sweet Arrow Lake Dam, Pennsylvania.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$6,000,000.

**SEC. 505. GREAT LAKES REMEDIAL ACTION PLANS.**

Section 401(a)(2) of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644; 110 Stat. 3763) is amended—

(1) by striking “Non-Federal” and inserting the following:

“(A) IN GENERAL.—Non-Federal”; and

(2) by adding at the end the following:

“(B) CONTRIBUTIONS BY ENTITIES.—Nonprofit public or private entities may contribute all or a portion of the non-Federal share.”.

**SEC. 506. PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT.**

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

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

“(1) IN GENERAL.—If the Secretary”; and

(2) by adding at the end the following:

“(2) CONTROL OF SEA LAMPREY.—Congress finds that—

“(A) the Great Lakes navigation system has been instrumental in the spread of sea lamprey and the associated impacts on its fishery; and

“(B) the use of the authority under this subsection for control of sea lamprey at any Great Lakes basin location is appropriate.”.

**SEC. 507. MAINTENANCE OF NAVIGATION CHANNELS.**

Section 509(a) of the Water Resources Development Act of 1996 (110 Stat. 3759) is amended by adding at the end the following:

- “(12) Acadiana Navigation Channel, Louisiana.
- “(13) Contraband Bayou, Louisiana, as part of the Calcasieu River and Pass Ship Channel.
- “(14) Lake Wallula Navigation Channel, Washington.
- “(15) Wadley Pass (also known as ‘McGriff Pass’), Suwanee River, Florida.”.

**SEC. 508. MEASUREMENTS OF LAKE MICHIGAN DIVERSSIONS, ILLINOIS.**

Section 1142(b) of the Water Resources Development Act of 1986 (100 Stat. 4253) is amended by striking “\$250,000 per fiscal year for each fiscal year beginning after September 30, 1986,” and inserting “\$1,250,000 for each of fiscal years 1999 through 2003”.

42 USC  
1962d-20 note.

**SEC. 509. UPPER MISSISSIPPI RIVER ENVIRONMENTAL MANAGEMENT PROGRAM.**

(a) AUTHORIZED ACTIVITIES.—Section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)) is amended by striking “(e)(1)” and all that follows through the end of paragraph (1) and inserting the following:

“(e) PROGRAM AUTHORITY.—

“(1) AUTHORITY.—

“(A) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may undertake, as identified in the master plan—

“(i) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

“(ii) implementation of a long-term resource monitoring, computerized data inventory and analysis, and applied research program.

“(B) ADVISORY COMMITTEE.—In carrying out subparagraph (A)(i), the Secretary shall establish an independent technical advisory committee to review projects, monitoring plans, and habitat and natural resource needs assessments.”.

(b) REPORTS.—Section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)) is amended by striking paragraph (2) and inserting the following:

“(2) REPORTS.—Not later than December 31, 2004, and not later than December 31 of every sixth year thereafter, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall submit to Congress a report that—

Deadline.

“(A) contains an evaluation of the programs described in paragraph (1);

“(B) describes the accomplishments of each of the programs;

“(C) provides updates of a systemic habitat needs assessment; and

“(D) identifies any needed adjustments in the authorization of the programs.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)) is amended—

(1) in paragraph (3)—

(A) by striking “(1)(A)” and inserting “(1)(A)(i)”; and  
 (B) by striking “Secretary not to exceed” and all that follows before the period at the end and inserting “Secretary \$22,750,000 for fiscal year 1999 and each fiscal year thereafter”;

(2) in paragraph (4)—

(A) by striking “(1)(B)” and inserting “(1)(A)(ii)”; and  
 (B) by striking “Secretary not to exceed” and all that follows before the period at the end and inserting “Secretary \$10,420,000 for fiscal year 1999 and each fiscal year thereafter”; and

(3) by striking paragraph (5) and inserting the following:

“(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1)(A)(i) \$350,000 for each of fiscal years 1999 through 2009.”.

(d) TRANSFER OF AMOUNTS.—Section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)) is amended by striking paragraph (6) and inserting the following:

“(6) TRANSFER OF AMOUNTS.—For fiscal year 1999 and each fiscal year thereafter, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may transfer not to exceed 20 percent of the amounts appropriated to carry out clause (i) or (ii) of paragraph (1)(A) to the amounts appropriated to carry out the other of those clauses.”.

(e) COST SHARING.—Section 1103(e)(7)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(7)(A)) is amended by inserting before the period at the end the following: “and, in the case of any project requiring non-Federal cost sharing, the non-Federal share of the cost of the project shall be 35 percent”.

(f) HABITAT NEEDS ASSESSMENT.—Section 1103(h)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 652(h)(2)) is amended—

(1) by striking “(2) The Secretary” and inserting the following:

“(2) DETERMINATION.—

“(A) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(B) REQUIREMENTS.—The Secretary shall—

“(i) complete the ongoing habitat needs assessment conducted under this paragraph not later than September 30, 2000; and

“(ii) include in each report under subsection (e)(2) the most recent habitat needs assessment conducted under this paragraph.”.

(g) CONFORMING AMENDMENTS.—Section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652) is amended—

(1) in subsection (e)(7)—

(A) in subparagraph (A), by striking “(1)(A)” and inserting “(1)(A)(i)”; and

(B) in subparagraph (B), by striking “paragraphs (1)(B) and (1)(C)” and inserting “paragraph (1)(A)(ii)”; and

(2) in subsection (f)(2)—

- (A) by striking “(2)(A)” and inserting “(2)”; and
- (B) by striking subparagraph (B).

**SEC. 510. ATLANTIC COAST OF NEW YORK.**

Section 404(c) of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended in the first sentence—

- (1) by striking “is” and inserting “are”; and
- (2) by inserting after “1997” the following: “, and an additional total of \$2,500,000 for fiscal years thereafter”.

**SEC. 511. WATER CONTROL MANAGEMENT.**

33 USC 2201  
note.

(a) IN GENERAL.—In evaluating potential improvements for water control management activities and consolidation of water control management centers, the Secretary may consider a regionalized water control management plan but may not implement such a plan until the date on which a report is submitted under subsection (b).

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate a report containing—

- (1) a description of the primary objectives of streamlining water control management activities;
- (2) a description of the benefits provided by streamlining water control management activities through consolidation of centers for those activities;
- (3) a determination whether the benefits to users of establishing regional water control management centers will be retained in each district office of the Corps of Engineers that does not have a regional center;
- (4) a determination whether users of regional centers will receive a higher level of benefits from streamlining water control management activities; and
- (5) a list of the members of Congress who represent a district that includes a water control management center that is to be eliminated under a proposed regionalized plan.

Deadline.

**SEC. 512. BENEFICIAL USE OF DREDGED MATERIAL.**

The Secretary may carry out the following projects under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326):

(1) BODEGA BAY, CALIFORNIA.—A project to make beneficial use of dredged material from a Federal navigation project in Bodega Bay, California.

(2) SABINE REFUGE, LOUISIANA.—A project to make beneficial use of dredged material from Federal navigation projects in the vicinity of Sabine Refuge, Louisiana.

(3) HANCOCK, HARRISON, AND JACKSON COUNTIES, MISSISSIPPI.—A project to make beneficial use of dredged material from a Federal navigation project in Hancock, Harrison, and Jackson Counties, Mississippi.

(4) ROSE CITY MARSH, ORANGE COUNTY, TEXAS.—A project to make beneficial use of dredged material from a Federal navigation project in Rose City Marsh, Orange County, Texas.

(5) BESSIE HEIGHTS MARSH, ORANGE COUNTY, TEXAS.—A project to make beneficial use of dredged material from a Federal navigation project in Bessie Heights Marsh, Orange County, Texas.

**SEC. 513. DESIGN AND CONSTRUCTION ASSISTANCE.**

Section 507 of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended by striking paragraph (2) and inserting the following:

“(2) Expansion and improvement of Long Pine Run Dam, Pennsylvania, and associated water infrastructure, in accordance with subsections (b) through (e) of section 313 of the Water Resources Development Act of 1992 (106 Stat. 4845), at a total cost of \$20,000,000.”

**SEC. 514. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.**

(a) **DEFINITIONS.**—In this section:

(1) **MIDDLE MISSISSIPPI RIVER.**—The term “middle Mississippi River” means the reach of the Mississippi River from the mouth of the Ohio River (river mile 0, upper Mississippi River) to the mouth of the Missouri River (river mile 195).

(2) **MISSOURI RIVER.**—The term “Missouri River” means the main stem and floodplain of the Missouri River (including reservoirs) from its confluence with the Mississippi River at St. Louis, Missouri, to its headwaters near Three Forks, Montana.

(3) **PROJECT.**—The term “project” means the project authorized by this section.

(b) **PROTECTION AND ENHANCEMENT ACTIVITIES.**—

(1) **PLAN.**—

(A) **DEVELOPMENT.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a plan for a project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River.

(B) **ACTIVITIES.**—

(i) **IN GENERAL.**—The plan shall provide for such activities as are necessary to protect and enhance fish and wildlife habitat without adversely affecting—

(I) the water-related needs of the region surrounding the Missouri River and the middle Mississippi River, including flood control, navigation, recreation, and enhancement of water supply; and

(II) private property rights.

(ii) **REQUIRED ACTIVITIES.**—The plan shall include—

(I) modification and improvement of navigation training structures to protect and enhance fish and wildlife habitat;

(II) modification and creation of side channels to protect and enhance fish and wildlife habitat;

(III) restoration and creation of island fish and wildlife habitat;

(IV) creation of riverine fish and wildlife habitat;

Deadline.

(V) establishment of criteria for prioritizing the type and sequencing of activities based on cost-effectiveness and likelihood of success; and  
(VI) physical and biological monitoring for evaluating the success of the project, to be performed by the River Studies Center of the United States Geological Survey in Columbia, Missouri.

(2) **IMPLEMENTATION OF ACTIVITIES.**—

(A) **IN GENERAL.**—Using funds made available to carry out this section, the Secretary shall carry out the activities described in the plan.

(B) **USE OF EXISTING AUTHORITY FOR UNCONSTRUCTED FEATURES OF THE PROJECT.**—Using funds made available to the Secretary under other law, the Secretary shall design and construct any feature of the project that may be carried out using the authority of the Secretary to modify an authorized project, if the Secretary determines that the design and construction will—

- (i) accelerate the completion of activities to protect and enhance fish and wildlife habitat of the Missouri River or the middle Mississippi River; and
- (ii) be compatible with the project purposes described in this section.

(c) **INTEGRATION OF OTHER ACTIVITIES.**—

(1) **IN GENERAL.**—In carrying out the activities described in subsection (b), the Secretary shall integrate the activities with other Federal, State, and tribal activities.

(2) **NEW AUTHORITY.**—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity authorized by this section.

(d) **PUBLIC PARTICIPATION.**—In developing and carrying out the plan and the activities described in subsection (b), the Secretary shall provide for public review and comment in accordance with applicable Federal law, including—

- (1) providing advance notice of meetings;
- (2) providing adequate opportunity for public input and comment;
- (3) maintaining appropriate records; and
- (4) compiling a record of the proceedings of meetings.

(e) **COMPLIANCE WITH APPLICABLE LAW.**—In carrying out the plan and the activities described in subsections (b) and (c), the Secretary shall comply with any applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) **COST SHARING.**—

(1) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of the project shall be 35 percent.

(2) **FEDERAL SHARE.**—The Federal share of the cost of any 1 activity described in subsection (b) shall not exceed \$5,000,000.

(3) **OPERATION AND MAINTENANCE.**—The operation and maintenance of the project shall be a non-Federal responsibility.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to pay the Federal share of the cost of carrying out this section \$30,000,000 for the period of fiscal years 2000 and 2001.

33 USC 2333.

**SEC. 515. IRRIGATION DIVERSION PROTECTION AND FISHERIES ENHANCEMENT ASSISTANCE.**

(a) IN GENERAL.—The Secretary may provide technical planning and design assistance to non-Federal interests and may conduct other site-specific studies to formulate and evaluate fish screens, fish passages devices, and other measures to decrease the incidence of juvenile and adult fish inadvertently entering irrigation systems.

(b) COOPERATION.—Measures under subsection (a)—

- (1) shall be developed in cooperation with Federal and State resource agencies; and
- (2) shall not impair the continued withdrawal of water for irrigation purposes.

(c) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority based on—

- (1) the objectives of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
- (2) cost-effectiveness; and
- (3) the potential for reducing fish mortality.

(d) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of the cost of measures under subsection (a) shall be 50 percent.

(2) IN-KIND CONTRIBUTIONS.—Not more than 50 percent of the non-Federal contribution may be made through the provision of services, materials, supplies, or other in-kind contributions.

(e) NO CONSTRUCTION ACTIVITY.—This section does not authorize any construction activity.

Deadline.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on—

- (1) fish mortality caused by irrigation water intake devices;
- (2) appropriate measures to reduce fish mortality;
- (3) the extent to which those measures are currently being employed in arid States;
- (4) the construction costs associated with those measures; and
- (5) the appropriate Federal role, if any, to encourage the use of those measures.

33 USC 2334.

**SEC. 516. INNOVATIVE TECHNOLOGIES FOR WATERSHED RESTORATION.**

The Secretary shall examine using, and, if appropriate, encourage the use of, innovative treatment technologies, including membrane technologies, for watershed and environmental restoration and protection projects involving water quality.

**SEC. 517. EXPEDITED CONSIDERATION OF CERTAIN PROJECTS.**

The Secretary shall expedite completion of the reports for the following projects and, if justified, proceed directly to project preconstruction, engineering, and design:

- (1) Sluice Creek, Guilford, Connecticut, and Lighthouse Point Park, New Haven, Connecticut.
- (2) Alafia Channel, Tampa Harbor, Florida, project for navigation.
- (3) Little Calumet River, Indiana.
- (4) Ohio River Greenway, Indiana, project for environmental restoration and recreation.

(5) Mississippi River, West Baton Rouge Parish, Louisiana, project for waterfront and riverine preservation, restoration, and enhancement modifications.

(6) Extension of locks 20, 21, 22, 24, and 25 on the upper Mississippi River and the La Grange and Peoria locks on the Illinois River, project to provide lock chambers 110 feet in width and 1,200 feet in length.

**SEC. 518. DOG RIVER, ALABAMA.**

The Secretary shall provide \$1,500,000 for environmental restoration for a pilot project, in cooperation with non-Federal interests, to restore natural water depths in the Dog River, Alabama.

**SEC. 519. LEVEES IN ELBA AND GENEVA, ALABAMA.**

(a) **ELBA, ALABAMA.**—

(1) **IN GENERAL.**—The Secretary may repair and rehabilitate a levee in the city of Elba, Alabama, at a total cost of \$12,900,000.

(2) **COST SHARING.**—The non-Federal share of the cost of repair and rehabilitation under paragraph (1) shall be 35 percent.

(b) **GENEVA, ALABAMA.**—

(1) **IN GENERAL.**—The Secretary may repair and rehabilitate a levee in the city of Geneva, Alabama, at a total cost of \$16,600,000.

(2) **COST SHARING.**—The non-Federal share of the cost of repair and rehabilitation under paragraph (1) shall be 35 percent.

**SEC. 520. NAVAJO RESERVATION, ARIZONA, NEW MEXICO, AND UTAH.**

(a) **IN GENERAL.**—In cooperation with other appropriate Federal and local agencies, the Secretary shall undertake a survey of, and provide technical, planning, and design assistance for, watershed management, restoration, and development on the Navajo Indian Reservation, Arizona, New Mexico, and Utah.

(b) **COST SHARING.**—The Federal share of the cost of activities carried out under this section shall be 75 percent. Funds made available under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) may be used by the Navajo Nation in meeting the non-Federal share of the cost of the activities.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$12,000,000 for the period beginning with fiscal year 2000.

**SEC. 521. BEAVER LAKE, ARKANSAS, WATER SUPPLY STORAGE RE-ALLOCATION.**

The Secretary shall reallocate approximately 31,000 additional acre-feet at Beaver Lake, Arkansas, to water supply storage at no cost to the Beaver Water District or the Carroll-Boone Water District, except that at no time shall the bottom of the conservation pool be at an elevation that is less than 1,076 feet, NGVD.

**SEC. 522. BEAVER LAKE TROUT PRODUCTION FACILITY, ARKANSAS.**

Not later than 2 years after the date of enactment of this Act, the Secretary, in conjunction with the State of Arkansas, shall prepare a plan for the mitigation of effects of the Beaver Dam project on Beaver Lake, including the benefits of and schedule

Deadline.

for construction of the Beaver Lake trout production facility and related facilities.

**SEC. 523. CHINO DAIRY PRESERVE, CALIFORNIA.**

(a) **TECHNICAL ASSISTANCE.**—The Secretary, in coordination with the heads of other Federal agencies, shall provide technical assistance to State and local agencies in the study, design, and implementation of measures for flood damage reduction and environmental restoration and protection in the Santa Ana River watershed, California, with particular emphasis on structural and nonstructural measures in the vicinity of the Chino Dairy Preserve.

(b) **COST SHARING.**—The non-Federal share of the cost of activities assisted under subsection (a) shall be 50 percent.

(c) **COMPREHENSIVE STUDY.**—The Secretary shall conduct a feasibility study to determine the most cost-effective plan for flood damage reduction and environmental restoration and protection in the vicinity of the Chino Dairy Preserve, Santa Ana River watershed, Orange County and San Bernardino County, California.

**SEC. 524. ORANGE AND SAN DIEGO COUNTIES, CALIFORNIA.**

(a) **IN GENERAL.**—The Secretary, in cooperation with local governments, may prepare special area management plans for Orange and San Diego Counties, California, to demonstrate the effectiveness of using the plans to provide information regarding aquatic resources.

(b) **USE OF PLANS.**—The Secretary may—

- (1) use plans described in subsection (a) in making regulatory decisions; and
- (2) issue permits consistent with the plans.

**SEC. 525. RUSH CREEK, NOVATO, CALIFORNIA.**

The Secretary shall carry out a project for flood control under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Rush Creek, Novato, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

**SEC. 526. SANTA CRUZ HARBOR, CALIFORNIA.**

The Secretary may—

- (1) modify the cooperative agreement with the Santa Cruz Port District, California, to reflect unanticipated additional dredging effort; and
- (2) extend the agreement for 10 years.

**SEC. 527. LOWER ST. JOHNS RIVER BASIN, FLORIDA.**

(a) **COMPUTER MODEL.**—

(1) **IN GENERAL.**—The Secretary may apply the computer model developed under the St. Johns River basin feasibility study to assist non-Federal interests in developing strategies for improving water quality in the Lower St. Johns River basin, Florida.

(2) **COST SHARING.**—The non-Federal share of the cost of activities assisted under paragraph (1) shall be 50 percent.

(b) **TOPOGRAPHIC SURVEY.**—The Secretary may provide 1-foot contour topographic survey maps of the Lower St. Johns River basin, Florida, to non-Federal interests for analyzing environmental data and establishing benchmarks for subbasins.

**SEC. 528. MAYO'S BAR LOCK AND DAM, COOSA RIVER, ROME, GEORGIA.**

(a) IN GENERAL.—The Secretary may provide technical assistance (including planning, engineering, and design assistance) for the reconstruction of the Mayo's Bar Lock and Dam, Coosa River, Rome, Georgia.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities assisted under subsection (a) shall be 50 percent.

**SEC. 529. COMPREHENSIVE FLOOD IMPACT RESPONSE MODELING SYSTEM, CORALVILLE RESERVOIR AND IOWA RIVER WATERSHED, IOWA.**

(a) IN GENERAL.—The Secretary, in cooperation with the University of Iowa, shall conduct a study and develop a comprehensive flood impact response modeling system for Coralville Reservoir and the Iowa River watershed, Iowa.

(b) STUDY.—The study shall include—

(1) an evaluation of the combined hydrologic, geomorphic, environmental, economic, social, and recreational impacts of operating strategies within the watershed;

(2) creation of an integrated, dynamic flood impact model; and

(3) the development of a rapid response system to be used during flood and emergency situations.

(c) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit a report to Congress on the results of the study and modeling system and such recommendations as the Secretary determines to be appropriate.

Deadline.

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

**SEC. 530. ADDITIONAL CONSTRUCTION ASSISTANCE IN ILLINOIS.**

The Secretary may carry out the project for Georgetown, Illinois, and the project for Olney, Illinois, referred to in House Report Number 104-741, accompanying the Safe Drinking Water Act Amendments of 1996 (Public Law 104-182).

**SEC. 531. KANOPOLIS LAKE, KANSAS.**

(a) WATER STORAGE.—The Secretary shall offer to the State of Kansas the right to purchase water storage in Kanopolis Lake, Kansas, at the average of—

(1) the cost calculated in accordance with the terms of the memorandum of understanding entitled “Memorandum of Understanding Between the State of Kansas and the U.S. Department of the Army Concerning the Purchase of Municipal and Industrial Water Supply Storage”, dated December 11, 1985; and

(2) the cost calculated in accordance with procedures established as of the date of enactment of this Act by the Secretary to determine the cost of water storage at other projects under the Secretary's jurisdiction.

(b) EFFECTIVE DATE.—For the purposes of this section, the effective date of the memorandum of understanding referred to in subsection (a)(1) shall be deemed to be the date of enactment of this Act.

**SEC. 532. SOUTHERN AND EASTERN KENTUCKY.**

Section 531 of the Water Resources Development Act of 1996 (110 Stat. 3773) is amended—

(1) in subsection (b)—

(A) by striking “and surface” and inserting “surface”; and

(B) by striking “development.” and inserting “development, and small stream flooding, local storm water drainage, and related problems.”;

(2) in subsection (d)(1), by adding at the end the following: “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, with the consent of the affected local government, a non-Federal interest may include a nonprofit entity.”; and

(3) in subsection (h), by striking “\$10,000,000” and inserting “\$25,000,000”.

**SEC. 533. SOUTHEAST LOUISIANA.**

Section 533(c) of the Water Resources Development Act of 1996 (110 Stat. 3775) is amended by striking “\$100,000,000” and inserting “\$250,000,000”.

**SEC. 534. SNUG HARBOR, MARYLAND.**

(a) IN GENERAL.—The Secretary, in coordination with the Director of the Federal Emergency Management Agency, may—

(1) provide technical assistance to the residents of Snug Harbor, in the vicinity of Berlin, Maryland, for the purpose of flood damage reduction;

(2) conduct a study of a project consisting of nonstructural measures for flood damage reduction in the vicinity of Snug Harbor, Maryland, taking into account the relationship of both the Ocean City Inlet and Assateague Island to the flooding; and

(3) after completion of the study, carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(b) FEMA ASSISTANCE.—The Director, in coordination with the Secretary and under the authorities of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), may provide technical assistance and nonstructural measures for flood damage mitigation in the vicinity of Snug Harbor, Maryland.

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of assistance under this section shall not exceed \$3,000,000.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance under this section shall be determined in accordance with title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.) or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), as appropriate.

**SEC. 535. WELCH POINT, ELK RIVER, CECIL COUNTY, AND CHESAPEAKE CITY, MARYLAND.**

(a) SPILLAGE OF DREDGED MATERIALS.—The Secretary shall carry out a study to determine whether the spillage of dredged materials that were removed as part of the project for navigation,

Inland Waterway from Delaware River to Chesapeake Bay, Delaware and Maryland, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1030, chapter 831), is a significant impediment to vessels transiting the Elk River near Welch Point, Maryland. If the Secretary determines that the spillage is an impediment to navigation, the Secretary may conduct such dredging as may be required to permit navigation on the river.

(b) DAMAGE TO WATER SUPPLY.—The Secretary shall carry out a study to determine whether additional compensation is required to fully compensate the city of Chesapeake, Maryland, for damage to the city's water supply resulting from dredging of the Chesapeake and Delaware Canal project. If the Secretary determines that such additional compensation is required, the Secretary may provide the compensation to the city of Chesapeake.

**SEC. 536. CAPE COD CANAL RAILROAD BRIDGE, BUZZARDS BAY, MASSACHUSETTS.**

(a) ALTERNATIVE TRANSPORTATION.—The Secretary may provide up to \$300,000 for meeting the need for alternative transportation that may arise as a result of the operation, maintenance, repair, and rehabilitation of the Cape Cod Canal Railroad Bridge.

(b) OPERATION AND MAINTENANCE CONTRACT RENEGOTIATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into negotiation with the owner of the railroad right-of-way for the Cape Cod Canal Railroad Bridge for the purpose of establishing the rights and responsibilities for the operation and maintenance of the Bridge. The Secretary may include in any new contract the termination of the prior contract numbered ER-W175-ENG-1.

Deadline.

**SEC. 537. ST. LOUIS, MISSOURI.**

(a) DEMONSTRATION PROJECT.—The Secretary, in consultation with local officials, shall conduct a demonstration project to improve water quality in the vicinity of St. Louis, Missouri.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$1,700,000 to carry out this section.

**SEC. 538. BEAVER BRANCH OF BIG TIMBER CREEK, NEW JERSEY.**

At the request of the State of New Jersey or a political subdivision of the State, using authority under law in effect on the date of enactment of this Act, the Secretary may—

(1) compile and disseminate information on floods and flood damage, including identification of areas subject to inundation by floods; and

(2) provide technical assistance regarding floodplain management for the Beaver Branch of Big Timber Creek, New Jersey.

**SEC. 539. LAKE ONTARIO AND ST. LAWRENCE RIVER WATER LEVELS, NEW YORK.**

On request, the Secretary may provide technical assistance to the International Joint Commission and the St. Lawrence River Board of Control in undertaking studies on the effects of fluctuating water levels on the natural environment, recreational boating, property flooding, and erosion along the shorelines of Lake Ontario and the St. Lawrence River in New York. The Commission and

33 USC 2326b  
note.

the Board are encouraged to conduct such studies in a comprehensive and thorough manner before implementing any change to Water Regulation Plan 1958-D.

**SEC. 540. NEW YORK-NEW JERSEY HARBOR, NEW YORK AND NEW JERSEY.**

(a) IN GENERAL.—The Secretary shall conduct a study to analyze the economic and environmental benefits and costs of potential sediment management and contaminant reduction measures.

(b) COOPERATIVE AGREEMENTS.—In conducting the study, the Secretary may enter into cooperative agreements with non-Federal interests to investigate, develop, and support measures for sediment management and reduction of sources of contaminant that affect navigation in the Port of New York-New Jersey and the environmental conditions of the New York-New Jersey Harbor estuary.

**SEC. 541. SEA GATE REACH, CONEY ISLAND, NEW YORK, NEW YORK.**

The Secretary may construct a project for shoreline protection that includes a beachfill with revetment and T-groin for the Sea Gate Reach on Coney Island, New York, as identified in the March 1998 report prepared for the Corps of Engineers, New York District, entitled "Field Data Gathering, Project Performance Analysis and Design Alternative Solutions to Improve Sandfill Retention", at a total cost of \$9,000,000, with an estimated Federal cost of \$5,850,000 and an estimated non-Federal cost of \$3,150,000.

**SEC. 542. WOODLAWN, NEW YORK.**

(a) IN GENERAL.—The Secretary shall provide planning, design, and other technical assistance to non-Federal interests for identifying and mitigating sources of contamination at Woodlawn Beach in Woodlawn, New York.

(b) COST SHARING.—The non-Federal share of the cost of assistance provided under subsection (a) shall be 50 percent.

**SEC. 543. FLOODPLAIN MAPPING, NEW YORK.**

(a) IN GENERAL.—The Secretary shall provide assistance for a project to develop maps identifying 100- and 500-year flood inundation areas in the State of New York.

(b) REQUIREMENTS.—Maps developed under the project shall include hydrologic and hydraulic information and shall accurately show the flood inundation of each property by flood risk in the floodplain. The maps shall be produced in a high resolution format and shall be made available to all flood prone areas in the State of New York in an electronic format.

(c) PARTICIPATION OF FEMA.—The Secretary and the non-Federal interests for the project shall work with the Director of the Federal Emergency Management Agency to ensure the validity of the maps developed under the project for flood insurance purposes.

(d) FORMS OF ASSISTANCE.—In carrying out the project, the Secretary may enter into contracts or cooperative agreements with the non-Federal interests or provide reimbursements of project costs.

(e) FEDERAL SHARE.—The Federal share of the cost of the project shall be 50 percent.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for the period beginning with fiscal year 2000.

**SEC. 544. TOUSSAINT RIVER, CARROLL TOWNSHIP, OTTAWA COUNTY, OHIO.**

The Secretary may provide technical assistance for the removal of military ordnance from the Toussaint River, Carroll Township, Ottawa County, Ohio.

**SEC. 545. SARDIS RESERVOIR, OKLAHOMA.**

(a) IN GENERAL.—The Secretary shall accept from the State of Oklahoma or an agent of the State an amount, determined under subsection (b), as prepayment of 100 percent of the water supply cost obligation of the State under Contract No. DACW56-74-JC-0314 for water supply storage at Sardis Reservoir, Oklahoma.

(b) DETERMINATION OF AMOUNT.—The amount to be paid by the State of Oklahoma under subsection (a) shall be subject to adjustment in accordance with accepted discount purchase methods for Federal Government properties as determined by an independent accounting firm designated by the Director of the Office of Management and Budget. The cost of the determination shall be paid for by the State of Oklahoma or an agent of the State.

(c) EFFECT.—Nothing in this section affects any of the rights or obligations of the parties to the contract referred to in subsection (a).

**SEC. 546. SKINNER BUTTE PARK, EUGENE, OREGON.**

(a) STUDY.—The Secretary shall conduct a study of the south bank of the Willamette River, in the area of Skinner Butte Park from Ferry Street Bridge to the Valley River footbridge, to determine the feasibility of carrying out a project to stabilize the river bank, and to restore and enhance riverine habitat, using a combination of structural and bioengineering techniques.

(b) FEDERAL PARTICIPATION.—If, on completion of the study, the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, the Secretary may participate with non-Federal interests in the project.

(c) COST SHARING.—The non-Federal share of the cost of the project shall be 35 percent.

(d) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—

(1) IN GENERAL.—The non-Federal interest shall provide land, easements, rights-of-way, relocations, and dredged material disposal areas necessary for construction of the project.

(2) CREDIT TOWARD NON-FEDERAL SHARE.—The value of the land, easements, rights-of-way, relocations, and dredged material disposal areas provided by the non-Federal interests shall be credited toward the non-Federal share.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for the period beginning with fiscal year 2000.

**SEC. 547. WILLAMETTE RIVER BASIN, OREGON.**

(a) IN GENERAL.—The Secretary, the Director of the Federal Emergency Management Agency, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal agencies shall, using authorities under law in effect on the date of enactment of this Act, assist the State of Oregon in developing and implementing a comprehensive basin-wide strategy in the Willamette River basin, Oregon, for coordinated and integrated management of land and water resources to improve water quality,

reduce flood hazards, ensure sustainable economic activity, and restore habitat for native fish and wildlife.

(b) TECHNICAL ASSISTANCE, STAFF, AND FINANCIAL SUPPORT.—The heads of the Federal agencies may provide technical assistance, staff, and financial support for development of the basin-wide management strategy.

(c) FLEXIBILITY.—The heads of the Federal agencies shall exercise flexibility to reduce barriers to efficient and effective implementation of the basin-wide management strategy.

**SEC. 548. BRADFORD AND SULLIVAN COUNTIES, PENNSYLVANIA.**

The Secretary may provide assistance for water-related environmental infrastructure and resource protection and development projects in Bradford and Sullivan Counties, Pennsylvania, using the funds and authorities provided in title I of the Energy and Water Development Appropriations Act, 1999 (Public Law 105-245), under the heading “CONSTRUCTION, GENERAL” (112 Stat. 1840) for similar projects in Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, and Monroe Counties, Pennsylvania.

**SEC. 549. ERIE HARBOR, PENNSYLVANIA.**

The Secretary may reimburse the appropriate non-Federal interest not more than \$78,366 for architectural and engineering costs incurred in connection with the Erie Harbor basin navigation project, Pennsylvania.

**SEC. 550. POINT MARION LOCK AND DAM, PENNSYLVANIA.**

(a) IN GENERAL.—The project for navigation, Point Marion Lock and Dam, borough of Point Marion, Pennsylvania, authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110), is modified to direct the Secretary, in the operation and maintenance of the project, to mitigate damages to the shoreline, at a total cost of \$2,000,000.

(b) ALLOCATION.—The cost of the mitigation shall be allocated as an operation and maintenance cost of a Federal navigation project.

**SEC. 551. SEVEN POINTS' HARBOR, PENNSYLVANIA.**

(a) IN GENERAL.—The Secretary may, at full Federal expense, construct a breakwater at the entrance to Seven Points' Harbor, Pennsylvania.

(b) OPERATION AND MAINTENANCE COSTS.—All operation and maintenance costs associated with the facility constructed under this section shall be the responsibility of the lessee of the marina complex at Seven Points' Harbor.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$850,000.

**SEC. 552. SOUTHEASTERN PENNSYLVANIA.**

Section 566(b) of the Water Resources Development Act of 1996 (110 Stat. 3786) is amended by inserting “environmental restoration,” after “water supply and related facilities.”

**SEC. 553. UPPER SUSQUEHANNA-LACKAWANNA, PENNSYLVANIA, WATERSHED MANAGEMENT AND RESTORATION STUDY.**

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of a comprehensive floodplain management and watershed restoration project for the Upper Susquehanna-Lackawanna Watershed, Pennsylvania.

(b) GEOGRAPHIC INFORMATION SYSTEM.—In conducting the study, the Secretary shall use a geographic information system.

(c) PLANS.—The study shall formulate plans for comprehensive floodplain management and environmental restoration.

(d) CREDIT TOWARD NON-FEDERAL SHARE.—Non-Federal interests may receive credit toward the non-Federal share for in-kind services and materials that contribute to the study. The Secretary may credit non-Corps Federal assistance provided to the non-Federal interest toward the non-Federal share of the costs of the study to the maximum extent authorized by law.

**SEC. 554. AGUADILLA HARBOR, PUERTO RICO.**

The Secretary shall conduct a study to determine whether erosion and additional storm damage risks that exist in the vicinity of Aguadilla Harbor, Puerto Rico, are the result of a Federal navigation project. If the Secretary determines that such erosion and additional storm damage risks are the result of the project, the Secretary shall take appropriate measures to mitigate the erosion and storm damage.

**SEC. 555. OAHE DAM TO LAKE SHARPE, SOUTH DAKOTA, STUDY.**

Section 441 of the Water Resources Development Act of 1996 (110 Stat. 3747) is amended—

(1) by inserting “(a) INVESTIGATION.—” before “The Secretary”; and

(2) by adding at the end the following:

“(b) REPORT.—Not later than September 30, 1999, the Secretary shall submit to Congress a report on the results of the investigation under this section. The report shall include the examination of financing options for regular maintenance and preservation of the lake. The report shall be prepared in coordination and cooperation with the Natural Resources Conservation Service, other Federal agencies, and State and local officials.”.

Deadline.

**SEC. 556. NORTH PADRE ISLAND STORM DAMAGE REDUCTION AND ENVIRONMENTAL RESTORATION PROJECT.**

The Secretary is directed to carry out a project for ecosystem restoration and storm damage reduction at North Padre Island, Corpus Christi Bay, Texas, at a total estimated cost of \$30,000,000, with an estimated Federal cost of \$19,500,000 and an estimated non-Federal cost of \$10,500,000, if the Secretary determines that the work is technically sound and environmentally acceptable. The Secretary shall make such a determination not later than 270 days after the date of enactment of this Act.

**SEC. 557. NORTHERN WEST VIRGINIA.**

The projects described in the following reports are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the reports, and subject to a favorable report of the Chief of Engineers:

(1) PARKERSBURG, WEST VIRGINIA.—Report of the Corps of Engineers entitled “Parkersburg/Vienna Riverfront Park Feasibility Study”, dated June 1998, at a total cost of \$8,400,000, with an estimated Federal cost of \$4,200,000, and an estimated non-Federal cost of \$4,200,000.

(2) WEIRTON, WEST VIRGINIA.—Report of the Corps of Engineers entitled “Feasibility Master Plan for Weirton Port and Industrial Center, West Virginia Public Port Authority”, dated

December 1997, at a total cost of \$18,000,000, with an estimated Federal cost of \$9,000,000, and an estimated non-Federal cost of \$9,000,000.

(3) ERICKSON/WOOD COUNTY, WEST VIRGINIA.—Report of the Corps of Engineers entitled “Feasibility Master Plan for Erickson/Wood County Port District, West Virginia Public Port Authority”, dated July 7, 1997, at a total cost of \$28,000,000, with an estimated Federal cost of \$14,000,000, and an estimated non-Federal cost of \$14,000,000.

**SEC. 558. MISSISSIPPI RIVER COMMISSION.**

Section 8 of the Act of May 15, 1928 (33 U.S.C. 702h; 45 Stat. 537, chapter 569) (commonly known as the “Flood Control Act of 1928”), is amended by striking “\$7,500” and inserting “\$21,500”.

33 USC 2335.

**SEC. 559. COASTAL AQUATIC HABITAT MANAGEMENT.**

(a) IN GENERAL.—The Secretary may cooperate with the Secretaries of Agriculture and the Interior, the Administrators of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, other appropriate Federal, State, and local agencies, and affected private entities, in the development of a management strategy to address problems associated with toxic microorganisms and the resulting degradation of ecosystems in the tidal and nontidal wetlands and waters of the United States.

(b) ASSISTANCE.—As part of the management strategy, the Secretary may provide planning, design, and other technical assistance to each participating State in the development and implementation of nonregulatory measures to mitigate environmental problems and restore aquatic resources.

(c) COST SHARING.—The Federal share of the cost of measures undertaken under this section shall not exceed 65 percent.

(d) 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) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$7,000,000 for the period beginning with fiscal year 2000.

33 USC 2336.

**SEC. 560. ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.**

(a) IN GENERAL.—The Secretary may provide technical, planning, and design assistance to Federal and non-Federal interests for carrying out projects to address water quality problems caused by drainage and related activities from abandoned and inactive noncoal mines.

(b) SPECIFIC MEASURES.—Assistance provided under subsection (a) may be in support of projects for the purposes of—

(1) managing drainage from abandoned and inactive noncoal mines;

(2) restoring and protecting streams, rivers, wetlands, other waterbodies, and riparian areas degraded by drainage from abandoned and inactive noncoal mines; and

(3) demonstrating management practices and innovative and alternative treatment technologies to minimize or eliminate adverse environmental effects associated with drainage from abandoned and inactive noncoal mines.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance under subsection (a) shall be 50 percent, except that

the Federal share with respect to projects located on land owned by the United States shall be 100 percent.

(d) EFFECT ON AUTHORITY OF SECRETARY OF THE INTERIOR.—Nothing in this section affects the authority of the Secretary of the Interior under title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.).

(e) TECHNOLOGY DATABASE FOR RECLAMATION OF ABANDONED MINES.—The Secretary may provide assistance to non-Federal and nonprofit entities to develop, manage, and maintain a database of conventional and innovative, cost-effective technologies for reclamation of abandoned and inactive noncoal mine sites. Such assistance shall be provided through the Rehabilitation of Abandoned Mine Sites Program managed by the Sacramento District Office of the Corps of Engineers.

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

**SEC. 561. BENEFICIAL USE OF WASTE TIRE RUBBER.**

33 USC 2314  
note.

(a) IN GENERAL.—The Secretary shall, when appropriate, encourage the beneficial use of waste tire rubber (including crumb rubber and baled tire products) recycled from tires.

(b) INCLUDED BENEFICIAL USES.—Beneficial uses under subsection (a) may include marine pilings, underwater framing, floating docks with built-in flotation, utility poles, and other uses associated with transportation and infrastructure projects receiving Federal funds.

(c) USE OF WASTE TIRE RUBBER.—The Secretary shall encourage the use, when appropriate, of waste tire rubber (including crumb rubber) in projects described in subsection (b).

**SEC. 562. SITE DESIGNATION.**

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, 2000” and inserting “January 1, 2003”.

**SEC. 563. LAND CONVEYANCES.**

(a) TORONTO LAKE AND EL DORADO LAKE, KANSAS.—

(1) IN GENERAL.—The Secretary shall convey to the State of Kansas, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the 2 parcels of land described in paragraph (2) on which correctional facilities operated by the Kansas Department of Corrections are situated.

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are—

(A) the parcel located in Butler County, Kansas, adjacent to the El Dorado Lake Project, consisting of approximately 32.98 acres; and

(B) the parcel located in Woodson County, Kansas, adjacent to the Toronto Lake Project, consisting of approximately 51.98 acres.

(3) CONDITIONS.—

(A) USE OF LAND.—A conveyance of a parcel under paragraph (1) shall be subject to the condition that all right, title, and interest in and to the parcel shall revert to the United States if the parcel is used for a purpose other than that of a correctional facility.

(B) COSTS.—The Secretary may require such additional terms, conditions, reservations, and restrictions in connection with the conveyance as the Secretary determines are necessary to protect the interests of the United States, including a requirement that the State pay all reasonable administrative costs associated with the conveyance.

(b) PIKE COUNTY, MISSOURI.—

(1) LAND EXCHANGE.—Subject to paragraphs (3) and (4), at such time as Holnam Inc. conveys all right, title, and interest in and to the parcel of land described in paragraph (2)(A) to the United States, the Secretary shall convey all right, title, and interest in the parcel of land described in paragraph (2)(B) to Holnam Inc.

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are the following:

(A) NON-FEDERAL LAND.—152.45 acres with existing flowage easements situated in Pike County, Missouri, described as a portion of Government Tract Number FM-9 and all of Government Tract Numbers FM-11, FM-10, FM-12, FM-13, and FM-16, owned and administered by Holnam Inc.

(B) FEDERAL LAND.—152.61 acres situated in Pike County, Missouri, known as Government Tract Numbers FM-17 and a portion of FM-18, administered by the Corps of Engineers.

(3) CONDITIONS.—The exchange of land under paragraph (1) shall be subject to the following conditions:

(A) DEEDS.—

(i) NON-FEDERAL LAND.—The conveyance of the land described in paragraph (2)(A) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(ii) FEDERAL LAND.—The instrument of conveyance used to convey the land described in paragraph (2)(B) to Holnam Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(B) REMOVAL OF IMPROVEMENTS.—Holnam Inc. may remove any improvements on the land described in paragraph (2)(A). The Secretary may require Holnam Inc. to remove any improvements on the land described in paragraph (2)(A). In either case, Holnam Inc. shall hold the United States harmless from liability, and the United States shall not incur cost associated with the removal or relocation of any of the improvements.

(C) TIME LIMIT FOR EXCHANGE.—The land exchange under paragraph (1) shall be completed not later than 2 years after the date of enactment of this Act.

(D) LEGAL DESCRIPTION.—The Secretary shall provide the legal description of the land described in paragraph (2). The legal description shall be used in the instruments of conveyance of the land.

(E) ADMINISTRATIVE COSTS.—The Secretary shall require Holnam Inc. to pay reasonable administrative costs associated with the exchange.

(4) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the land conveyed to Holnam Inc. by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the land conveyed to the United States by Holnam Inc. under paragraph (1), Holnam Inc. shall make a payment equal to the excess in cash or a cash equivalent to the United States.

(c) CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.—

(1) DEFINITIONS.—In this subsection:

(A) FAIR MARKET VALUE.—The term “fair market value” means the amount for which a willing buyer would purchase and a willing seller would sell a parcel of land, as determined by a qualified, independent land appraiser.

(B) PREVIOUS OWNER OF LAND.—The term “previous owner of land” means a person (including a corporation) that conveyed, or a descendant of a deceased individual who conveyed, land to the Corps of Engineers for use in the Candy Lake project in Osage County, Oklahoma.

(2) CONVEYANCES.—

(A) IN GENERAL.—The Secretary shall convey all right, title, and interest of the United States in and to the land acquired by the United States for the Candy Lake project in Osage County, Oklahoma.

(B) PREVIOUS OWNERS OF LAND.—

(i) IN GENERAL.—The Secretary shall give a previous owner of land the first option to purchase the land described in subparagraph (A).

(ii) APPLICATION.—

(I) IN GENERAL.—A previous owner of land that desires to purchase the land described in paragraph (1) that was owned by the previous owner of land, or by the individual from whom the previous owner of land is descended, shall file an application to purchase the land with the Secretary not later than 180 days after the official date of notice to the previous owner of land under paragraph (3).

(II) FIRST TO FILE HAS FIRST OPTION.—If more than 1 application is filed to purchase a parcel of land described in subparagraph (A), the first option to purchase the parcel of land shall be determined in the order in which applications for the parcel of land were filed.

(iii) IDENTIFICATION OF PREVIOUS OWNERS OF LAND.—As soon as practicable after the date of enactment of this Act, the Secretary shall, to the extent practicable, identify each previous owner of land.

(iv) CONSIDERATION.—Consideration for land conveyed under this subsection shall be the fair market value of the land.

(C) DISPOSAL.—Any land described in subparagraph (A) for which an application to purchase the land has not been filed under subparagraph (B)(ii) within the applicable time period shall be disposed of in accordance with law.

Federal Register,  
publication.

(D) EXTINGUISHMENT OF EASEMENTS.—All flowage easements acquired by the United States for use in the Candy Lake project in Osage County, Oklahoma, are extinguished.

(3) NOTICE.—

(A) IN GENERAL.—The Secretary shall notify—

(i) each person identified as a previous owner of land under paragraph (2)(B)(iii), not later than 90 days after identification, by United States mail; and

(ii) the general public, not later than 90 days after the date of enactment of this Act, by publication in the Federal Register.

(B) CONTENTS OF NOTICE.—Notice under this paragraph shall include—

(i) a copy of this subsection;

(ii) information sufficient to separately identify each parcel of land subject to this subsection; and

(iii) specification of the fair market value of each parcel of land subject to this subsection.

(C) OFFICIAL DATE OF NOTICE.—The official date of notice under this subsection shall be the later of—

(i) the date on which actual notice is mailed; or

(ii) the date of publication of the notice in the Federal Register.

(d) LAKE HUGO, OKLAHOMA, AREA LAND CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall convey at fair market value to Choctaw County Industrial Authority, Oklahoma, the parcels of land described in paragraph (2).

(2) LAND DESCRIPTION.—

(A) IN GENERAL.—The parcel of land to be conveyed under paragraph (1) is the parcel lying above elevation 445.2 feet (NGVD) located in the S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$  and the S $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 13 and the N $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 24, T 6 S, R 18 E, of the Indian Meridian, in Choctaw County, Oklahoma, the parcel also being part of the Sawyer Bluff Public Use Area and including parts of Hugo Lake Tracts 134 and 139, and more particularly described as follows: Beginning at a point on the east line of Section 13, the point being 100.00 feet north of the southeast corner of S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 13; thence S 01° 36' 24" 100.00 to a Corps of Engineers brass-capped monument at the southeast corner of S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 13; thence S 88° 16' 57" W, along the south line of the S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 13, 2649.493 feet, more or less, to a Corps of Engineers brass-capped monument on the centerline of Section 13; thence S 01° 20' 53" E, along the centerline of Section 13, 1316.632 feet to a Corps of Engineers brass-capped monument; thence S 00° 41' 35" E, along the centerline of Section 24, 1000.00 feet, more or less, to a point lying 50.00 feet north and 300.00 feet, more or less, east of Road B of the Sawyer Bluff Public Use Area; thence westerly and northwesterly, parallel to Road B, to the approximate location of the 445.2-foot contour; thence meandering northerly along the 445.2-foot contour to a point approximately 100.00 feet west and 100.00 feet north of the southwest corner of the S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 13;

thence east, paralleling the south line of the S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 13, 2649.493 feet, more or less, to the point of beginning.

(B) SURVEY.—The exact description and acreage of the parcel shall be determined by a metes and bounds survey provided by the Choctaw County Industrial Authority.

(e) CONVEYANCE OF PROPERTY IN MARSHALL COUNTY, OKLAHOMA.—

(1) IN GENERAL.—The Secretary shall convey to the State of Oklahoma all right, title, and interest of the United States in and to real property located in Marshall County, Oklahoma, and included in the Lake Texoma (Denison Dam), Oklahoma and Texas, project, consisting of approximately 1,580 acres and leased to the State of Oklahoma for public park and recreation purposes.

(2) CONSIDERATION.—Consideration for the conveyance under paragraph (1) shall be the fair market value of the real property, as determined by the Secretary. All costs associated with the conveyance under paragraph (1) shall be paid by the State of Oklahoma.

(3) DESCRIPTION.—The exact acreage and legal description of the real property to be conveyed under paragraph (1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be paid by the State of Oklahoma.

(4) ENVIRONMENTAL COMPLIANCE.—Before making the conveyance under paragraph (1), the Secretary shall—

(A) conduct an environmental baseline survey to determine whether there are levels of contamination for which the United States would be responsible under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) ensure that the conveyance complies with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(5) OTHER TERMS AND CONDITIONS.—The conveyance under paragraph (1) shall be subject to such other terms and conditions as the Secretary considers appropriate to protect the interests of the United States, including reservation by the United States of a flowage easement over all portions of the real property to be conveyed that are at or below elevation 645.0 NGVD.

(f) SUMMERFIELD CEMETERY ASSOCIATION, OKLAHOMA.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall transfer to the Summerfield Cemetery Association, Oklahoma, all right, title, and interest of the United States in and to the land described in paragraph (3) for use as a cemetery.

(2) REVERSION.—If the land to be transferred under this subsection ever ceases to be used as a not-for-profit cemetery or for another public purpose, the land shall revert to the United States.

(3) DESCRIPTION.—The land to be conveyed under this subsection is the approximately 10 acres of land located in Leflore County, Oklahoma, and described as follows:

## INDIAN BASIN MERIDIAN

## SECTION 23, TOWNSHIP 5 NORTH, RANGE 23 EAST

SW SE SW NW  
NW NE NW SW  
N½ SW SW NW.

(4) CONSIDERATION.—The conveyance under this subsection shall be without consideration. All costs associated with the conveyance shall be paid by the Summerfield Cemetery Association, Oklahoma.

(5) OTHER TERMS AND CONDITIONS.—The conveyance under this subsection shall be subject to such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

(g) DEXTER, OREGON.—

(1) IN GENERAL.—The Secretary shall convey to the Dexter Sanitary District all right, title, and interest of the United States in and to a parcel of land consisting of approximately 5 acres located at Dexter Lake, Oregon, under lease to the Dexter Sanitary District.

(2) CONSIDERATION.—Land to be conveyed under this subsection shall be conveyed without consideration. If the land is no longer held in public ownership or no longer used for wastewater treatment purposes, title to the land shall revert to the Secretary.

(3) TERMS AND CONDITIONS.—The conveyance by the United States shall be subject to such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(4) SURVEYS.—The exact acreage and description of the land to be conveyed under paragraph (1) shall be determined by such surveys as the Secretary considers necessary. The cost of the surveys shall be borne by the Dexter Sanitary District.

(h) CHARLESTON, SOUTH CAROLINA.—The Secretary may convey the property of the Corps of Engineers known as the "Equipment and Storage Yard", located on Meeting Street in Charleston, South Carolina, in as-is condition for fair market value, with all proceeds from the conveyance to be applied by the Corps of Engineers, Charleston District, to offset a portion of the costs of moving or leasing an office facility in the city of Charleston, South Carolina.

(i) RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in and to the parcels of land described in paragraph (2)(A) that are being managed, as of the date of enactment of this Act, by the South Carolina Department of Natural Resources for fish and wildlife mitigation 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) and modified by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4140).

(2) LAND DESCRIPTION.—

(A) IN GENERAL.—The parcels of land to be conveyed are described in Exhibits A, F, and H of Army Lease

No. DACW21-1-93-0910 and associated supplemental agreements or are designated in red in Exhibit A of Army License No. DACW21-3-85-1904, excluding all designated parcels in the license that are below elevation 346 feet mean sea level or that are less than 300 feet measured horizontally from the top of the power pool.

(B) MANAGEMENT OF EXCLUDED PARCELS.—Management of the excluded parcels shall continue in accordance with the terms of Army License No. DACW21-3-85-1904 until the Secretary and the State enter into an agreement under paragraph (6).

(C) SURVEY.—The exact acreage and legal description of the land shall be determined by a survey satisfactory to the Secretary, with the cost of the survey borne by the State.

(3) COSTS OF CONVEYANCE.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) PERPETUAL STATUS.—

(A) IN GENERAL.—All land conveyed under this subsection shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary.

(B) REVERSION.—If any parcel of land is not managed for fish and wildlife mitigation purposes in accordance with the plan, title to the parcel shall revert to the United States.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

(6) FISH AND WILDLIFE MITIGATION AGREEMENT.—

(A) IN GENERAL.—The Secretary may pay the State of South Carolina not more than \$4,850,000, subject to the Secretary and the State entering into a binding agreement for the State to manage for fish and wildlife mitigation purposes in perpetuity the parcels of land conveyed under this subsection and excluded parcels designated in Exhibit A of Army License No. DACW21-3-85-1904.

(B) FAILURE OF PERFORMANCE.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State fails to manage any parcel in a manner satisfactory to the Secretary.

(j) CLARKSTON, WASHINGTON.—

(1) IN GENERAL.—The Secretary shall convey to the Port of Clarkston, Washington, all right, title, and interest of the United States in and to a portion of the land described in the Department of the Army Lease No. DACW68-1-97-22, consisting of approximately 31 acres, the exact boundaries of which shall be determined by the Secretary and the Port of Clarkston.

(2) ADDITIONAL LAND.—The Secretary may convey to the Port of Clarkston, Washington, such additional land located

in the vicinity of Clarkston, Washington, as the Secretary determines to be excess to the needs of the Columbia River Project and appropriate for conveyance.

(3) TERMS AND CONDITIONS.—The conveyances made under paragraphs (1) and (2) shall be subject to such terms and conditions as the Secretary considers necessary to protect the interests of the United States, including a requirement that the Port of Clarkston pay all administrative costs associated with the conveyances, including the cost of land surveys and appraisals and costs associated with compliance with applicable environmental laws (including regulations).

(4) USE OF LAND.—The Port of Clarkston shall be required to pay the fair market value, as determined by the Secretary, of any land conveyed under paragraphs (1) and (2) that is not retained in public ownership and used for public park or recreation purposes, except that the Secretary shall have a right of reverter to reclaim possession and title to any such land.

(k) MATEWAN, WEST VIRGINIA.—

(1) IN GENERAL.—The United States shall convey by quitclaim deed to the town of Matewan, West Virginia, all right, title, and interest of the United States in and to 4 parcels of land that the Secretary determines to be excess to the structural project for flood control constructed by the Corps of Engineers along the Tug Fork River under section 202 of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339).

(2) PROPERTY DESCRIPTION.—The parcels of land referred to in paragraph (1) are as follows:

(A) A certain parcel of land in the State of West Virginia, Mingo County, town of Matewan, being more particularly bounded and described as follows:

Beginning at a point on the southerly right-of-way line of a 40-foot-wide street right-of-way (known as McCoy Alley), having an approximate coordinate value of N228,695, E1,662,397, in the line common to the land designated as U.S.A. Tract No. 834, and the land designated as U.S.A. Tract No. 837, said point being South 51°52' East 81.8 feet from an iron pin and cap marked M-12 on the boundary of the Matewan Area Structural Project, on the north right-of-way line of said street, at a corner common to designated U.S.A. Tracts Nos. 834 and 836; thence, leaving the right-of-way of said street, with the line common to the land of said Tract No. 834, and the land of said Tract No. 837.

South 14°37' West 46 feet to the corner common to the land of said Tract No. 834, and the land of said Tract No. 837; thence, leaving the land of said Tract No. 837, severing the lands of said Project.

South 14°37' West 46 feet.

South 68°07' East 239 feet.

North 26°05' East 95 feet to a point on the southerly right-of-way line of said street; thence, with the right-of-way of said street, continuing to sever the lands of said Project.

South 63°55' East 206 feet; thence, leaving the right-of-way of said street, continuing to sever the lands of said Project.

South 26°16' West 63 feet; thence, with a curve to the left having a radius of 70 feet, a delta of 33°58', an arc length of 41 feet, the chord bearing.

South 09°17' West 41 feet; thence, leaving said curve, continuing to sever the lands of said Project.

South 07°42' East 31 feet to a point on the right-of-way line of the floodwall; thence, with the right-of-way of said floodwall, continuing to sever the lands of said Project.

South 77°04' West 71 feet.

North 77°10' West 46 feet.

North 67°07' West 254 feet.

North 67°54' West 507 feet.

North 57°49' West 66 feet to the intersection of the right-of-way line of said floodwall with the southerly right-of-way line of said street; thence, leaving the right-of-way of said floodwall and with the southerly right-of-way of said street, continuing to sever the lands of said Project.

North 83°01' East 171 feet.

North 89°42' East 74 feet.

South 83°39' East 168 feet.

South 83°38' East 41 feet.

South 77°26' East 28 feet to the point of beginning, containing 2.59 acres, more or less.

The bearings and coordinate used in this subparagraph are referenced to the West Virginia State Plane Coordinate System, South Zone.

(B) A certain parcel of land in the State of West Virginia, Mingo County, town of Matewan, being more particularly bounded and described as follows:

Beginning at an iron pin and cap designated Corner No. M2-2 on the southerly right-of-way line of the Norfolk and Western Railroad, having an approximate coordinate value of N228,755 E1,661,242, and being at the intersection of the right-of-way line of the floodwall with the boundary of the Matewan Area Structural Project; thence, leaving the right-of-way of said floodwall and with said Project boundary, and the southerly right-of-way of said Railroad.

North 59°45' East 34 feet.

North 69°50' East 44 feet.

North 58°11' East 79 feet.

North 66°13' East 102 feet.

North 69°43' East 98 feet.

North 77°39' East 18 feet.

North 72°39' East 13 feet to a point at the intersection of said Project boundary, and the southerly right-of-way of said Railroad, with the westerly right-of-way line of State Route 49/10; thence, leaving said Project boundary, and the southerly right-of-way of said Railroad, and with the westerly right-of-way of said road.

South 03°21' East 100 feet to a point at the intersection of the westerly right-of-way of said road with the right-of-way of said floodwall; thence, leaving the right-of-way of said road, and with the right-of-way line of said floodwall.

South 79°30' West 69 feet.

South 78°28' West 222 feet.

South 80°11' West 65 feet.

North 38°40' West 14 feet to the point of beginning, containing 0.53 acre, more or less.

The bearings and coordinate used in this subparagraph are referenced to the West Virginia State Plane Coordinate System, South Zone.

(C) A certain parcel of land in the State of West Virginia, Mingo County, town of Matewan, being more particularly bounded and described as follows:

Beginning at a point on the southerly right-of-way line of the Norfolk and Western Railroad, having an approximate coordinate value of N228,936 E1,661,672, and being at the intersection of the easterly right-of-way line of State Route 49/10 with the boundary of the Matewan Area Structural Project; thence, leaving the right-of-way of said road, and with said Project boundary, and the southerly right-of-way of said Railroad.

North 77°49' East 89 feet to an iron pin and cap designated as U.S.A. Corner No. M-4.

North 79°30' East 74 feet to an iron pin and cap designated as U.S.A. Corner No. M-5-1; thence, leaving the southerly right-of-way of said Railroad, and continuing with the boundary of said Project.

South 06°33' East 102 to an iron pipe and cap designated U.S.A. Corner No. M-6-1 on the northerly right-of-way line of State Route 49/28; thence, leaving the boundary of said Project, and with the right-of-way of said road, severing the lands of said Project.

North 80°59' West 171 feet to a point at the intersection of the northerly right-of-way line of said State Route 49/28 with the easterly right-of-way line of said State Route 49/10; thence, leaving the right-of-way of said State Route 49/28 and with the right-of-way of said State Route 49/10.

North 03°21' West 42 feet to the point of beginning, containing 0.27 acre, more or less.

The bearings and coordinate used in this subparagraph are referenced to the West Virginia State Plane Coordinate System, South Zone.

(D) A certain parcel of land in the State of West Virginia, Mingo County, town of Matewan, being more particularly bounded and described as follows:

Beginning at a point at the intersection of the easterly right-of-way line of State Route 49/10 with the right-of-way line of the floodwall, having an approximate coordinate value of N228,826 E1,661,679; thence, leaving the right-of-way of said floodwall, and with the right-of-way of said State Route 49/10.

North 03°21' West 23 feet to a point at the intersection of the easterly right-of-way line of said State Route 49/10 with the southerly right-of-way line of State Route 49/28; thence, leaving the right-of-way of said State Route 49/10 and with the right-of-way of said State Route 49/28.

South 80°59' East 168 feet.

North 82°28' East 45 feet to an iron pin and cap designated as U.S.A. Corner No. M-8-1 on the boundary of the Western Area Structural Project; thence, leaving the right-of-way of said State Route 49/28, and with said Project boundary.

South 08°28' East 88 feet to an iron pin and cap designated as U.S.A. Corner No. M-9-1 point on the northerly right-of-way line of a street (known as McCoy Alley); thence, leaving said Project boundary and with the northerly right-of-way of said street.

South 83°01' West 38 feet to a point on the right-of-way line of said floodwall; thence, leaving the right-of-way of said street, and with the right-of-way of said floodwall.

North 57°49' West 180 feet.

South 79°30' West 34 feet to a point of beginning, containing 0.24 acre, more or less.

The bearings and coordinate used in this subparagraph are referenced to the West Virginia State Plane Coordinate System, South Zone.

(l) MCNARY NATIONAL WILDLIFE REFUGE.—

(1) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the McNary National Wildlife Refuge is transferred from the Secretary to the Secretary of the Interior.

(2) LAND EXCHANGE WITH THE PORT OF WALLA WALLA, WASHINGTON.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior may exchange approximately 188 acres of land located south of Highway 12 and comprising a portion of the McNary National Wildlife Refuge for approximately 122 acres of land owned by the Port of Walla Walla, Washington, and located at the confluence of the Snake River and the Columbia River.

(B) TERMS AND CONDITIONS.—The land exchange under subparagraph (A) shall be carried out in accordance with such terms and conditions as the Secretary of the Interior determines to be necessary to protect the interests of the United States, including a requirement that the Port pay—

- (i) reasonable administrative costs (not to exceed \$50,000) associated with the exchange; and
- (ii) any excess (as determined by the Secretary of the Interior) of the fair market value of the parcel conveyed by the Secretary of the Interior over the fair market value of the parcel conveyed by the Port.

(C) USE OF FUNDS.—The Secretary of the Interior may retain any funds received under subparagraph (B)(ii) and, without further Act of appropriation, may use the funds

16 USC 668dd  
note.

Deadline.

to acquire replacement habitat for the Mid-Columbia River National Wildlife Refuge Complex.

(3) MANAGEMENT.—The McNary National Wildlife Refuge and land conveyed by the Port of Walla Walla, Washington, under paragraph (2) shall be managed in accordance with applicable laws, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

**SEC. 564. MCNARY POOL, WASHINGTON.**

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to each deed listed in subsection (b)—

(1) the reversionary interests and the 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 where 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.

(b) AFFECTED DEEDS.—The deeds with the following county auditor's file numbers are referred to in subsection (a):

(1) Auditor's File Numbers 521608 and 529071 of Benton County, Washington.

(2) Auditor's File Numbers 262980, 263334, 318437, and 404398 of Franklin County, Washington.

(3) Auditor's File Numbers 411133, 447417, 447418, 462156, 563333, and 569593 of Walla Walla County, Washington.

(4) Auditor's File Number 285215 of Umatilla County, Oregon, executed by the United States.

(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.

**SEC. 565. NAMINGS.**

(a) FRANCIS BLAND FLOODWAY DITCH, ARKANSAS.—

(1) DESIGNATION.—8-Mile Creek in Paragould, Arkansas, shall be known and designated as the "Francis Bland Floodway Ditch".

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the creek referred to in paragraph (1) shall be deemed to be a reference to the "Francis Bland Floodway Ditch".

(b) LAWRENCE BLACKWELL MEMORIAL BRIDGE, ARKANSAS.—

(1) DESIGNATION.—The bridge over lock and dam numbered 4 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall be known and designated as the "Lawrence Blackwell Memorial Bridge".

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the bridge referred to in paragraph (1) shall be deemed to be a reference to the "Lawrence Blackwell Memorial Bridge".

(c) JOHN H. CHAFEE NATIONAL WILDLIFE REFUGE.—Title II of Public Law 100-610 (16 U.S.C. 668dd note; 102 Stat. 3176) is amended—

(1) in the title heading, by striking “PETTAQUAMSCUTT COVE” and inserting “JOHN H. CHAFEE”;

(2) in section 201—

(A) in paragraph (3), by striking “and” at the end;

(B) in paragraph (4), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(5) John H. Chafee has been a steadfast champion for the conservation of fish, wildlife, and natural resources throughout a distinguished career of public service to the people of Rhode Island and the United States.”;

(3) in section 202, by striking “Pettaquamscutt Cove” and inserting “John H. Chafee”; and

(4) in section 203(1), by striking “Pettaquamscutt Cove” and inserting “John H. Chafee”.

**SEC. 566. FOLSOM DAM AND RESERVOIR ADDITIONAL STORAGE AND ADDITIONAL FLOOD CONTROL STUDIES.**

(a) **FOLSOM FLOOD CONTROL STUDIES.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the State of California and local water resources agencies, shall undertake a study of increasing surcharge flood control storage at the Folsom Dam and Reservoir.

(2) **LIMITATIONS.**—The study of the Folsom Dam and Reservoir undertaken under paragraph (1) shall assume that there is to be no increase in conservation storage at the Folsom Reservoir.

(3) **REPORT.**—Not later than March 1, 2000, the Secretary shall transmit to Congress a report on the results of the study under this subsection.

Deadline.

(b) **AMERICAN AND SACRAMENTO RIVERS FLOOD CONTROL STUDY.**—

(1) **IN GENERAL.**—The Secretary shall undertake a study of all levees on the American River and on the Sacramento River downstream and immediately upstream of the confluence of such Rivers to access opportunities to increase potential flood protection through levee modifications.

(2) **DEADLINE FOR COMPLETION.**—Not later than March 1, 2000, the Secretary shall transmit to Congress a report on the results of the study undertaken under this subsection.

**SEC. 567. WALLOPS ISLAND, VIRGINIA.**

(a) **EMERGENCY ACTION.**—The Secretary shall take emergency action to protect Wallops Island, Virginia, from damaging coastal storms, by improving and extending the existing seawall, replenishing and renourishing the beach, and constructing protective dunes.

(b) **REIMBURSEMENT.**—The Secretary may seek reimbursement from other Federal agencies whose resources are protected by the emergency action taken under subsection (a).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$8,000,000.

**SEC. 568. DETROIT RIVER, MICHIGAN.**

(a) **GREENWAY CORRIDOR STUDY.**—The Secretary shall conduct a study to determine the feasibility of a project for shoreline protection, frontal erosion, and associated purposes in the Detroit River shoreline area from the Belle Isle Bridge to the Ambassador Bridge in Detroit, Michigan.

(b) **POTENTIAL MODIFICATIONS.**—As part of the study, the Secretary shall review potential project modifications to any Corps of Engineers project within the Detroit River shoreline area.

(c) **REPAIR AND REHABILITATION.**—

(1) **IN GENERAL.**—The Secretary may repair and rehabilitate the seawalls on the Detroit River in Detroit, Michigan, if the Secretary determines that such work is technically sound, environmentally acceptable, and economically justified.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out paragraph (1) \$1,000,000 for the period beginning with fiscal year 2000.

**SEC. 569. NORTHEASTERN MINNESOTA.**

(a) **DEFINITION OF NORTHEASTERN MINNESOTA.**—In this section, the term “northeastern Minnesota” means the counties of Cook, Lake, St. Louis, Koochiching, Itasca, Cass, Crow Wing, Aitkin, Carlton, Pine, Kanabec, Mille Lacs, Morrison, Benton, Sherburne, Isanti, and Chisago, Minnesota.

(b) **ESTABLISHMENT OF PROGRAM.**—The Secretary may establish a pilot program to provide environmental assistance to non-Federal interests in northeastern Minnesota.

(c) **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 northeastern Minnesota, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) **PUBLIC OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) **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 shall be 75 percent. The Federal share

may be 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 completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project. The credit for the design work shall not exceed 6 percent of the total construction costs of the 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's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—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.

(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) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, including recommendations concerning whether the program should be implemented on a national basis.

Deadline.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$40,000,000 for the period beginning with fiscal year 2000, to remain available until expended.

#### SEC. 570. ALASKA.

(a) DEFINITION OF NATIVE CORPORATION.—In this section, the term “Native Corporation” has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a pilot program to provide environmental assistance to non-Federal interests in Alaska.

(c) 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 Alaska, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENTS.—The Secretary may provide assistance for a project under this section only if the project is publicly owned or is owned by a Native Corporation.

(e) LOCAL COOPERATION AGREEMENTS.—

(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 the project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be 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 completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project. The credit for the design work shall not exceed 6 percent of the total construction costs of the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share 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's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—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.

(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) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the pilot program

carried out under this section, including a recommendation concerning whether the program should be implemented on a national basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for the period beginning with fiscal year 2000, to remain available until expended.

**SEC. 571. CENTRAL WEST VIRGINIA.**

(a) DEFINITION OF CENTRAL WEST VIRGINIA.—In this section, the term “central West Virginia” means the counties of Mason, Jackson, Putnam, Kanawha, Roane, Wirt, Calhoun, Clay, Nicholas, Braxton, Gilmer, Lewis, Upshur, Randolph, Pendleton, Hardy, Hampshire, Morgan, Berkeley, and Jefferson, West Virginia.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a pilot program to provide environmental assistance to non-Federal interests in central West Virginia.

(c) 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 central West Virginia, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(d) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) LOCAL COOPERATION AGREEMENTS.—

(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 the project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be 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 completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project. The credit for the design work shall not exceed 6 percent of the total construction costs of the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share 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's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—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.

(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.

Deadline.

(g) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, including a recommendation concerning whether the program should be implemented on a national basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for the period beginning with fiscal year 2000, to remain available until expended.

#### SEC. 572. SACRAMENTO METROPOLITAN AREA WATERSHED RESTORATION, CALIFORNIA.

(a) LIMITATION.—The Secretary may undertake studies to determine the extent of ground water contamination and the feasibility of prevention and cleanup of such contamination resulting from the acts of a Federal department or agency—

(1) at or in the vicinity of McClellan Air Force Base, Mather Air Force Base, or Sacramento Army Depot, California; or

(2) at any place in the Sacramento metropolitan area watershed where the Federal Government would be a responsible party under any Federal environmental law.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for the period beginning with fiscal year 2000.

#### SEC. 573. ONONDAGA LAKE, NEW YORK.

(a) IN GENERAL.—The Secretary shall—

(1) plan, design, and construct projects that are consistent with the Onondaga Lake Management Plan and comply with the amended consent judgment and the project labor agreement for the environmental restoration, conservation, and management of Onondaga Lake, New York; and

(2) provide, in coordination with the Administrator of the Environmental Protection Agency, financial assistance,

including grants to the State of New York and political subdivisions of the State, for the development and implementation of projects to restore, conserve, and manage the lake.

(b) PARTNERSHIP.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall establish and lead a partnership with appropriate Federal agencies (including the Environmental Protection Agency) and the State of New York and political subdivisions of the State for the purpose of development and implementation of the projects.

(2) COORDINATION WITH ACTIONS UNDER OTHER LAW.—

(A) IN GENERAL.—The partnership shall coordinate the actions taken under this section with actions to restore and conserve Onondaga Lake taken under other provisions of Federal or State law.

(B) NO EFFECT ON OTHER LAW.—Except as provided in subsection (g), this section does not alter, modify, or affect any other provision of Federal or State law.

(3) TERMINATION.—Unless the Secretary and the Governor of the State of New York agree otherwise, the partnership established under this subsection shall terminate not later than the date that is 15 years after the date of enactment of this Act.

(c) REVISIONS TO THE ONONDAGA LAKE MANAGEMENT PLAN.—

(1) IN GENERAL.—In consultation with the partnership established under subsection (b) and after providing for public review and comment, the Secretary and the Administrator of the Environmental Protection Agency shall approve revisions to the Onondaga Lake Management Plan if the Governor of the State of New York concurs in the approval.

(2) NO EFFECT ON MODIFICATION OF AMENDED CONSENT JUDGMENT.—Paragraph (1) has no effect on the conditions under which the amended consent judgment referred to in subsection (a)(1) may be modified.

(d) COST SHARING.—

(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project constructed under subsection (a) shall be not less than 30 percent of the total cost of the project and may be provided through the provision of in-kind services.

(2) ADMINISTRATION AND MANAGEMENT.—The Secretary's administration and management of the project shall be at full Federal expense.

(e) NO EFFECT ON LIABILITY.—The provision of financial 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.

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

(g) REPEAL.—Title IV of the Great Lakes Critical Programs Act of 1990 (104 Stat. 3010) and section 411 of the Water Resources Development Act of 1990 (104 Stat. 4648) are repealed effective on the date that is 1 year after the date of enactment of this Act.

**SEC. 574. EAST LYNN LAKE, WEST VIRGINIA.**

The Secretary shall defer any decision relating to the leasing of mineral resources underlying East Lynn Lake, West Virginia, project lands to the Federal entity vested with such leasing authority.

**SEC. 575. EEL RIVER, CALIFORNIA.**

(a) IN GENERAL.—The Secretary shall conduct a study to determine whether flooding in the city of Ferndale, California, is the result of the Federal flood control project on the Eel River.

(b) MITIGATION MEASURES.—If the Secretary determines that the flooding is the result of the project, the Secretary shall take appropriate measures (including dredging of the Salt River and construction of sediment ponds at the confluence of Francis, Reas, and Williams Creeks) to mitigate the flooding.

**SEC. 576. NORTH LITTLE ROCK, ARKANSAS.**

The Secretary—

(1) shall review a report prepared by the non-Federal interest concerning flood protection for the Dark Hollow area of North Little Rock, Arkansas; and

(2) if the Secretary determines that the report meets the evaluation and design standards of the Corps of Engineers and that the project is economically justified, technically sound, and environmentally acceptable, may carry out the project.

**SEC. 577. UPPER MISSISSIPPI RIVER, MISSISSIPPI PLACE, ST. PAUL, MINNESOTA.**

Contracts.

(a) IN GENERAL.—The Secretary may enter into a cooperative agreement to participate in a project for the planning, design, and construction of infrastructure and other improvements at Mississippi Place, St. Paul, Minnesota.

(b) COST SHARING.—

(1) IN GENERAL.—The Federal share of the cost of the project shall be 50 percent. The Federal share may be provided in the form of grants or reimbursements of project costs.

(2) CREDIT FOR NON-FEDERAL WORK.—The non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for reasonable costs incurred by the non-Federal interest as a result of participation in the planning, design, and construction of the project.

(3) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for land, easements, rights-of-way, and relocations provided by the non-Federal interest with respect to the project.

(4) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for the project shall be 100 percent.

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

**SEC. 578. DREDGING OF SALT PONDS IN THE STATE OF RHODE ISLAND.**

The Secretary may acquire for the State of Rhode Island a dredge and associated equipment with the capacity to dredge approximately 100 cubic yards per hour for use by the State in dredging salt ponds in the State.

**SEC. 579. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.**

Section 567(a) of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended by adding at the end the following:

“(3) The Chemung River watershed, New York, at an estimated Federal cost of \$5,000,000.”

**SEC. 580. CUMBERLAND, MARYLAND, FLOOD PROJECT MITIGATION.**

(a) IN GENERAL.—The project for flood control and other purposes, Cumberland, Maryland, authorized by section 5 of the Act of June 22, 1936 (commonly known as the ‘‘Flood Control Act of 1936’’) (49 Stat. 1574, chapter 688), is modified to authorize the Secretary to undertake, as a separate part of the project, restoration of the historic Chesapeake and Ohio Canal substantially in accordance with the Chesapeake and Ohio Canal National Historic Park, Cumberland, Maryland, Rewatering Design Analysis, dated February 1998, at a total cost of \$15,000,000, with an estimated Federal cost of \$9,750,000 and an estimated non-Federal cost of \$5,250,000.

(b) IN-KIND SERVICES.—The non-Federal interest for the restoration project under subsection (a)—

(1) may provide all or a portion of the non-Federal share of project costs in the form of in-kind services; and

(2) shall receive credit toward the non-Federal share of project costs for design and construction work performed by the non-Federal interest before execution of a project cooperation agreement and for land, easements, and rights-of-way required for the restoration and acquired by the non-Federal interest before execution of such an agreement.

(c) OPERATION AND MAINTENANCE.—The operation and maintenance of the restoration project under subsection (a) shall be the full responsibility of the National Park Service.

**SEC. 581. CITY OF MIAMI BEACH, FLORIDA.**

Section 5(b)(3)(C)(i) of the Act of August 13, 1946 (33 U.S.C. 426h), is amended by inserting before the semicolon the following: ‘‘, including the city of Miami Beach, Florida’’.

**SEC. 582. RESEARCH AND DEVELOPMENT PROGRAM FOR COLUMBIA AND SNAKE RIVERS SALMON SURVIVAL.**

Section 511 of the Water Resources Development Act of 1996 (16 U.S.C. 3301 note; Public Law 104-303) is amended by striking subsection (a) and all that follows and inserting the following:

“(a) SALMON SURVIVAL ACTIVITIES.—

“(1) IN GENERAL.—In conjunction with the Secretary of Commerce and the Secretary of the Interior, the Secretary shall accelerate ongoing research and development activities, and may carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia/Snake River Basin.

“(2) ACCELERATED ACTIVITIES.—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

“(A) impacts from water resources projects and other impacts on salmon life cycles;

“(B) juvenile and adult salmon passage;

“(C) light and sound guidance systems;

“(D) surface-oriented collector systems;  
“(E) transportation mechanisms; and  
“(F) dissolved gas monitoring and abatement.

“(3) ADDITIONAL ACTIVITIES.—Additional research and development activities referred to in paragraph (1) may include research and development related to—

“(A) studies of juvenile salmon survival in spawning and rearing areas;

“(B) estuary and near-ocean juvenile and adult salmon survival;

“(C) impacts on salmon life cycles from sources other than water resources projects;

“(D) cryopreservation of fish gametes and formation of a germ plasma repository for threatened and endangered populations of native fish; and

“(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

“(4) COORDINATION.—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

“(5) REPORT.—Not later than 3 years after the date of enactment of the Water Resources Development Act of 1999, the Secretary shall submit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

“(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 to carry out research and development activities under paragraph (3).

“(b) ADVANCED TURBINE DEVELOPMENT.—

“(1) IN GENERAL.—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing and installing in Corps of Engineers-operated dams innovative, efficient, and environmentally safe hydropower turbines, including design of fish-friendly turbines, for use on the Columbia/Snake River hydrosystem.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$35,000,000 to carry out this subsection.

“(c) MANAGEMENT OF PREDATION ON COLUMBIA/SNAKE RIVER SYSTEM NATIVE FISHES.—

“(1) NESTING AVIAN PREDATORS.—In conjunction with the Secretary of Commerce and the Secretary of the Interior, and consistent with a management plan to be developed by the United States Fish and Wildlife Service, the Secretary shall carry out methods to reduce nesting populations of avian predators on dredge spoil islands in the Columbia River under the jurisdiction of the Secretary.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$1,000,000 to carry out research and development activities under this subsection.

“(d) IMPLEMENTATION.—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.”.

Deadline.

**SEC. 583. LARKSPUR FERRY CHANNEL, CALIFORNIA.**

The Secretary shall work with the Secretary of Transportation on a proposed solution to carry out the project to maintain the Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148).

**SEC. 584. HOLES CREEK FLOOD CONTROL PROJECT, OHIO.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the non-Federal share of project costs for the project for flood control, Holes Creek, Ohio, shall not exceed the sum of—

(1) the total amount projected as the non-Federal share as of September 30, 1996, in the Project Cooperation Agreement executed on that date; and

(2) 100 percent of the amount of any increases in the cost of the locally preferred plan over the cost estimated in the Project Cooperation Agreement.

(b) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interest any amount paid by the non-Federal interest in excess of the non-Federal share.

**SEC. 585. SAN JACINTO DISPOSAL AREA, GALVESTON, TEXAS.**

33 USC 59hh.

Section 108 of the Energy and Water Development Appropriations Act, 1994 (107 Stat. 1320), is amended—

(1) in the first sentence of subsection (a), by inserting “all or any part of” after “absolute title to”;

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

**“(b) COMPENSATION FOR CONVEYANCE.”**

“(1) IN GENERAL.—Upon receipt of compensation from the city of Galveston, the Secretary shall convey the parcel, or any part of the parcel, as described in subsection (a).

“(2) FULL PARCEL.—If the full 605-acre parcel is conveyed, the compensation shall be—

“(A) conveyance to the Department of the Army of fee simple absolute title to a parcel of land containing approximately 564 acres on Pelican Island, Texas, in the Eneas Smith Survey, A-190, Pelican Island, city of Galveston, Galveston County, Texas, adjacent to property currently owned by the United States, with the fair market value of the parcel being determined in accordance with subsection (d); and

“(B) payment to the United States of an amount equal to the difference between the fair market value of the parcel to be conveyed under subsection (a) and the fair market value of the parcel to be conveyed under subparagraph (A).

“(3) PARTIAL PARCEL.—If the conveyance is 125 acres or less, compensation shall be an amount equal to the fair market value of the parcel to be conveyed, with the fair market value of the parcel being determined in accordance with subsection (d).”; and

(3) in the second sentence of subsection (c)—

(A) by inserting “, or any part of the parcel,” after “parcel”; and

(B) by inserting “, if any,” after “LCA”.

**SEC. 586. WATER MONITORING STATION.**

Section 584(b) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended by striking “\$50,000” and inserting “\$100,000”.

**SEC. 587. OVERFLOW MANAGEMENT FACILITY, RHODE ISLAND.**

Section 585 of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended—

- (1) in subsection (a), by striking “river” and inserting “sewer”; and
- (2) in subsection (b), by striking “\$30,000,000” and inserting “\$60,000,000”.

**SEC. 588. LOWER CHENA RIVER, ALASKA.**

The Secretary may expend up to \$500,000 in fiscal year 2000 to complete the dredging project initiated on the Lower Chena River, Alaska.

**SEC. 589. NUMANA DAM FISH PASSAGE, NEVADA.**

After the date of enactment of this Act, the Secretary shall complete planning, design, and construction of the Numana Dam Fish Passage Project, currently being evaluated under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), under section 906(b) of that Act (33 U.S.C. 2283(b)).

**SEC. 590. EMBREY DAM, VIRGINIA.**

(a) IN GENERAL.—The Secretary shall remove the Embrey Dam on the Rappahannock River at Fredericksburg, Virginia, at full Federal expense.

(b) USE OF EXISTING STUDIES.—The Secretary shall expedite the feasibility study and preconstruction, engineering, and design of the project by using, to the maximum extent practicable, existing studies prepared by the State and non-Federal interests.

(c) AUTHORIZATION.—There is authorized to be appropriated to carry out this section \$10,000,000.

**SEC. 591. ENVIRONMENTAL REMEDIATION, FRONT ROYAL, VIRGINIA.**

(a) PARTICIPATION OF SECRETARY.—

(1) AUTHORIZATION.—The Secretary shall participate with other Federal departments and agencies in environmental restoration and remediation activities (including the demolition of contaminated buildings) at the Avtex Fibers facility in Front Royal, Virginia, at full Federal expense.

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

(b) PARTICIPATION OF SECRETARY OF DEFENSE.—

(1) REQUIREMENT.—The Secretary of Defense shall make available \$5,000,000 for environmental restoration and remediation activities (including the demolition of contaminated buildings) at the Avtex Fibers facility in Front Royal, Virginia.

(2) SOURCE OF FUNDS.—The amount made available under paragraph (1) shall be derived from amounts in the Environmental Restoration Account, Formerly Used Defense Sites, established by section 2703 of title 10, United States Code.

**SEC. 592. MISSISSIPPI.**

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a pilot program to provide environmental assistance to non-Federal interests in Mississippi.

(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 Mississippi, 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 shall be 75 percent. The Federal share may be 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 completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project. The credit for the design work shall not exceed 6 percent of the total construction costs of the 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's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—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.

(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.

Deadline. (f) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, including recommendations concerning whether the program should be implemented on a national basis.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for the period beginning with fiscal year 2000, to remain available until expended.

#### SEC. 593. CENTRAL NEW MEXICO.

(a) DEFINITION OF CENTRAL NEW MEXICO.—In this section, the term “central New Mexico” means the counties of Bernalillo, Sandoval, and Valencia, New Mexico.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a pilot program to provide environmental assistance to non-Federal interests in central New Mexico.

(c) 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 central New Mexico, including projects for wastewater treatment and related facilities, water supply, conservation, and related facilities, stormwater retention and remediation, environmental restoration, and surface water resource protection and development.

(d) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) 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 shall be 75 percent. The Federal share may be 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 completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project. The credit for the design work shall not exceed 6 percent of the total construction costs of the 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's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—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.

(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) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, including recommendations concerning whether the program should be implemented on a national basis.

Deadline.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for the period beginning with fiscal year 2000, to remain available until expended.

#### SEC. 594. OHIO.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in Ohio.

(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 Ohio, including projects for—

- (1) wastewater treatment and related facilities;
- (2) combined sewer overflow, water supply, storage, treatment, and related facilities;
- (3) mine drainage;

- (4) environmental restoration; and
- (5) 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 project costs under each project cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be 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 completed by the non-Federal interest before entering into a project cooperation agreement with the Secretary.

(C) CREDIT FOR CERTAIN FINANCING COSTS.—In case of a delay in the reimbursement of the non-Federal share of the costs of a project, the non-Federal interest shall receive credit for reasonable interest and other associated financing costs necessary for the non-Federal interest to provide the non-Federal share of the project costs.

(D) LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations provided by the non-Federal interest toward the non-Federal share of project costs (including costs associated with obtaining permits necessary for the placement of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed under an agreement entered into under this subsection 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) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the program carried out under this section, including recommendations concerning whether the program should be implemented on a national basis. Deadline.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$60,000,000.

**SEC. 595. RURAL NEVADA AND MONTANA.**

(a) DEFINITION OF RURAL NEVADA.—In this section, the term “rural Nevada” means—

(1) the counties of Lincoln, White Pine, Nye, Eureka, Elko, Humboldt, Pershing, Churchill, Storey, Lyon, Carson, Douglas, Mineral, Esmeralda, and Lander, Nevada;

(2) the portions of Washoe County, Nevada, that are located outside the cities of Reno and Sparks; and

(3) the portions of Clark County, Nevada, that are located outside the cities of Las Vegas, North Las Vegas, and Henderson and the unincorporated portion of the county in the Las Vegas Valley.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program for providing environmental assistance to non-Federal interests in rural Nevada and Montana.

(c) 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 rural Nevada and Montana, including projects for—

(1) wastewater treatment and related facilities;

(2) water supply and related facilities;

(3) environmental restoration; and

(4) surface water resource protection and development.

(d) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) 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 shall be 75 percent. The Federal share may be 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 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) LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations provided by the non-Federal interest 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.

(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.

Deadline.

(g) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the program carried out under this section, including recommendations concerning whether the program should be implemented on a national basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2001—

(1) \$25,000,000 for rural Nevada; and

(2) \$25,000,000 for Montana;

to remain available until expended.

#### SEC. 596. PHOENIX, ARIZONA.

Section 1608 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-6) is amended—

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

“(a) The Secretary, in cooperation with the city of Phoenix, Arizona, shall participate in the planning, design, and construction of the Phoenix Metropolitan Water Reclamation and Reuse Project to utilize fully wastewater from the regional wastewater treatment plant for direct municipal, industrial, agricultural and environmental purposes, groundwater recharge and indirect potable reuse in the Phoenix metropolitan area.”;

(2) in subsection (b), by striking the first sentence; and  
(3) by striking subsection (c).

**SEC. 597. NATIONAL HARBOR, MARYLAND.**

(a) IN GENERAL.—The first section of Public Law 99-215 (99 Stat. 1724) is amended in the first sentence of subsection (a)(2) by striking “solely” and inserting “for transportation or”.  
(b) REVISION OF QUITCLAIM DEED.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall—

(1) with the consent of the grantee, withdraw and revise any terms or conditions in the quitclaim deed of December 16, 1986, between the United States and the Maryland-National Capital Park and Planning Commission that limit the authority of the Maryland-National Capital Park and Planning Commission to use the property for transportation purposes; and  
(2) prepare, execute, and record a deed that is consistent with this section and the amendment made by subsection (a).  
(c) EFFECT ON ENVIRONMENTAL LAW.—Nothing in this section abrogates any requirement of any environmental law.

**TITLE VI—CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION****SEC. 601. DEFINITIONS.**

In this title, the following definitions apply:

(1) COMMISSION.—The term “Commission” means the South Dakota Cultural Resources Advisory Commission established by section 605(j).  
(2) RESTORATION.—The term “restoration” means mitigation of the habitat of wildlife.  
(3) SECRETARY.—The term “Secretary” means the Secretary of the Army.  
(4) TERRESTRIAL WILDLIFE HABITAT.—The term “terrestrial wildlife habitat” means a habitat for a wildlife species (including game and nongame species) that existed or exists on an upland habitat (including a prairie grassland, woodland, bottom land forest, scrub, or shrub) or an emergent wetland habitat.  
(5) WILDLIFE.—The term “wildlife” has the meaning given the term in section 8 of the Fish and Wildlife Coordination Act (16 U.S.C. 666b).

**SEC. 602. TERRESTRIAL WILDLIFE HABITAT RESTORATION.**

(a) TERRESTRIAL WILDLIFE HABITAT RESTORATION PLANS.—

(1) IN GENERAL.—In accordance with this subsection and in consultation with the Secretary and the Secretary of the Interior, the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe shall, as a condition of the receipt of funds under this title, each develop a plan for the restoration of terrestrial wildlife habitat loss that occurred as a result of flooding related to the Big Bend and Oahe projects carried out as part of the Pick-Sloan Missouri River Basin program.

(2) SUBMISSION OF PLAN TO SECRETARY.—On completion of a plan for terrestrial wildlife habitat restoration, the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe shall submit the plan to the Secretary.

(3) REVIEW BY SECRETARY AND SUBMISSION TO COMMITTEES.—The Secretary shall review the plan and submit the plan, with any comments, to the appropriate committees of the Senate and the House of Representatives.

(4) FUNDING FOR CARRYING OUT PLANS.—

(A) STATE OF SOUTH DAKOTA.—

(i) NOTIFICATION.—On receipt of the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota, each of the committees referred to in paragraph (3) shall notify the Secretary of the receipt of the plan.

(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary shall make available to the State of South Dakota funds from the 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 and only after the Trust Fund is fully capitalized.

(B) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE.—

(i) NOTIFICATION.—On receipt of the plan for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, each of the committees referred to in paragraph (3) shall notify the Secretary of the Treasury of the receipt of each of the plans.

(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 Tribe Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, and only after the Trust Fund is fully capitalized.

(C) TRANSITION PERIOD.—

(i) IN GENERAL.—During the period described in clause (ii), the Secretary shall—

(I) fund the terrestrial wildlife habitat restoration programs being carried out on the date of enactment of this Act on Oahe and Big Bend project land and the plans established under this section at a level that does not exceed the highest amount of funding that was provided for the programs during a previous fiscal year; and

(II) fund the activities described in sections 603(d)(3) and 604(d)(3).

(ii) PERIOD.—Clause (i) shall apply during the period—

(I) beginning on the date of enactment of this Act; and

(II) ending on the date on which funds are made available for use from the South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund under section 603(d)(3)(A)(i) and the Cheyenne River Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund under section 604(d)(3)(A)(i).

(b) PROGRAMS FOR THE PURCHASE OF WILDLIFE HABITAT LEASES.—

(1) IN GENERAL.—The State of South Dakota may use funds made available under section 603(d)(3)(A)(iii) to develop a program for the purchase of wildlife habitat leases that meets the requirements of this subsection.

(2) DEVELOPMENT OF A PLAN.—

(A) IN GENERAL.—If the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe elects to conduct a program under this subsection, the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe (in consultation with the United States Fish and Wildlife Service and the Secretary and with an opportunity for public comment) shall develop a plan to lease land for the protection and development of wildlife habitat, including habitat for threatened and endangered species, associated with the Missouri River ecosystem.

(B) USE FOR PROGRAM.—The plan shall be used by the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe in carrying out the program carried out under paragraph (1).

(3) CONDITIONS OF LEASES.—Each lease covered under a program carried out under paragraph (1) shall specify that the owner of the property that is subject to the lease shall provide—

(A) public access for sportsmen during hunting season; and

(B) public access for other outdoor uses covered under the lease, as negotiated by the landowner and the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe.

(4) USE OF ASSISTANCE.—

(A) STATE OF SOUTH DAKOTA.—If the State of South Dakota conducts a program under this subsection, the State may use funds made available under section 603(d)(3)(A)(iii) to—

(i) acquire easements, rights-of-way, or leases for management and protection of wildlife habitat, including habitat for threatened and endangered species, and public access to wildlife on private property in the State of South Dakota;

(ii) create public access to Federal or State land through the purchase of easements or rights-of-way that traverse such private property; or

(iii) lease land for the creation or restoration of a wetland on such private property.

(B) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE.—If the Cheyenne River Sioux Tribe or the Lower Brule Sioux Tribe conducts a program under this subsection, the Tribe may use funds made available under section 604(d)(3)(A)(iii) for the purposes described in subparagraph (A).

(c) FEDERAL OBLIGATION FOR TERRESTRIAL WILDLIFE HABITAT MITIGATION FOR THE BIG BEND AND OAHE PROJECTS IN SOUTH DAKOTA.—The establishment of the trust funds under sections 603 and 604 and the development and implementation of plans for terrestrial wildlife habitat restoration developed by the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe in accordance with this section shall be considered to satisfy the Federal obligation under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) for terrestrial wildlife habitat mitigation for the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe for the Big Bend and Oahe projects carried out as part of the Pick-Sloan Missouri River Basin program.

**SEC. 603. SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.**

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund” (referred to in this section as the “Fund”).

(b) FUNDING.—For the fiscal year during which this Act is enacted and each fiscal year thereafter until the aggregate amount deposited in the Fund under this subsection is equal to at least \$108,000,000, the Secretary of the Treasury shall transfer \$10,000,000 from the general fund of the Treasury to the Fund.

(c) INVESTMENTS.—

(1) IN GENERAL.—At the request of the Secretary, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed by the United States as to both principal and interest.

(2) INTEREST RATE.—The Secretary of the Treasury shall invest amounts in the fund in obligations that carry the highest rate of interest among available obligations of the required maturity.

(d) PAYMENTS.—

(1) IN GENERAL.—All amounts credited as interest under subsection (c) shall be available, without fiscal year limitation, to the State of South Dakota for use in accordance with paragraph (3) after the Fund has been fully capitalized.

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—Subject to section 602(a)(4)(A), the Secretary shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the State of South Dakota for use as State funds in accordance with paragraph (3) after the Fund has been fully capitalized.

(3) USE OF TRANSFERRED FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the State of South Dakota shall use the amounts transferred under paragraph (2) only to—

- (i) fully fund the annually scheduled work described in the terrestrial wildlife habitat restoration plan of the State developed under section 602(a); and
- (ii) with any remaining funds—
  - (I) protect archaeological, historical, and cultural sites located along the Missouri River on land transferred to the State;
  - (II) fund all costs associated with the ownership, management, operation, administration, maintenance, and development of recreation areas and other lands that are transferred to the State of South Dakota by the Secretary;
  - (III) purchase and administer wildlife habitat leases under section 602(b);
  - (IV) carry out other activities described in section 602; and
  - (V) develop and maintain public access to, and protect, wildlife habitat and recreation areas along the Missouri River.

(B) PROHIBITION.—The amounts transferred under paragraph (2) shall not be used for the purchase of land in fee title.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d), the Secretary may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

Appropriation  
authorization.

**SEC. 604. CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.**

(a) ESTABLISHMENT.—There are established in the Treasury of the United States 2 funds to be known as the “Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration Trust Fund” and the “Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund” (each of which is referred to in this section as a “Fund”).

(b) FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), for the fiscal year during which this Act is enacted and each fiscal year thereafter until the aggregate amount deposited in the Funds under this subsection is equal to at least \$57,400,000, the Secretary of the Treasury shall transfer \$5,000,000 from the general fund of the Treasury to the Funds.

(2) ALLOCATION.—Of the total amount of funds deposited in the Funds for a fiscal year, the Secretary of the Treasury shall deposit—

(A) 74 percent of the funds into the Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration Trust Fund; and

(B) 26 percent of the funds into the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund.

(c) INVESTMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(2) INTEREST RATE.—The Secretary of the Treasury shall invest amounts in the Funds in obligations that carry the highest rate of interest among available obligations of the required maturity.

(d) PAYMENTS.—

(1) IN GENERAL.—All amounts credited as interest under subsection (c) shall be available after the Trust Funds are fully capitalized, without fiscal year limitation, to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe for their use in accordance with paragraph (3).

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—Subject to section 602(a)(4)(B), the Secretary of the Treasury shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe for use in accordance with paragraph (3).

(3) USE OF TRANSFERRED FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe shall use the amounts transferred under paragraph (2) only to—

(i) fully fund the annually scheduled work described in the terrestrial wildlife habitat restoration plan of the respective Tribe developed under section 602(a); and

(ii) with any remaining funds—

(I) protect archaeological, historical, and cultural sites located along the Missouri River on land transferred to the respective Tribe;

(II) fund all costs associated with the ownership, management, operation, administration, maintenance, and development of recreation areas and other lands that are transferred to the respective Tribe by the Secretary;

(III) purchase and administer wildlife habitat leases under section 602(b);

(IV) carry out other activities described in section 602; and

(V) develop and maintain public access to, and protect, wildlife habitat and recreation areas along the Missouri River.

(B) PROHIBITION.—The amounts transferred under paragraph (2) shall not be used for the purchase of land in fee title.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

**SEC. 605. TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.**

(a) IN GENERAL.—

(1) TRANSFER.—

(A) IN GENERAL.—The Secretary shall transfer to the Department of Game, Fish and Parks of the State of South Dakota (referred to in this section as the “Department”) the land and recreation areas described in subsections (b) and (c) for fish and wildlife purposes, or public recreation uses, in perpetuity.

(B) PERMITS, RIGHTS-OF-WAY, AND EASEMENTS.—All permits, rights-of-way, and easements granted by the Secretary to the Oglala Sioux Tribe for land on the west side of the Missouri River between the Oahe Dam and Highway 14, and all permits, rights-of-way, and easements on any other land administered by the Secretary and used by the Oglala Sioux Rural Water Supply System, are granted to the Oglala Sioux Tribe in perpetuity to be held in trust under section 3(e) of the Mni Wiconi Project Act of 1988 (102 Stat. 2568).

(2) USES.—The Department shall maintain and develop the land outside the recreation areas for fish and wildlife purposes in accordance with—

(A) fish and wildlife purposes in effect on the date of enactment of this Act; or  
(B) a plan developed under section 602.

(3) CORPS OF ENGINEERS.—The transfer shall not interfere with the Corps of Engineers operation of a project under this section for an authorized purpose of the project under the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.), or other applicable law.

(4) SECRETARY.—The Secretary shall retain the right to inundate with water the land transferred to the Department under this section or draw down a project reservoir, as necessary to carry out an authorized purpose of a project.

(b) LAND TRANSFERRED.—The land described in this subsection is land that—

(1) is located above the top of the exclusive flood pool of the Oahe, Big Bend, Fort Randall, and Gavin’s Point projects of the Pick-Sloan Missouri River Basin program;

(2) was acquired by the Secretary for the implementation of the Pick-Sloan Missouri River Basin program;

(3) is located outside the external boundaries of a reservation of an Indian Tribe; and

(4) is located within the State of South Dakota.

(c) RECREATION AREAS TRANSFERRED.—A recreation area described in this section includes the land and facilities within a recreation area that—

(1) the Secretary determines, at the time of the transfer, is a recreation area classified for recreation use by the Corps of Engineers on the date of enactment of this Act;

(2) is located outside the external boundaries of a reservation of an Indian Tribe;

(3) is located within the State of South Dakota;

(4) is not the recreation area known as “Cottonwood”, “Training Dike”, or “Tailwaters”; and

(5) is located below Gavin’s Point Dam in the State of South Dakota in accordance with boundary agreements and reciprocal fishing agreements between the State of South Dakota and the State of Nebraska in effect on the date of

enactment of this Act, which agreements shall continue to be honored by the State of South Dakota as the agreements apply to any land or recreation areas transferred under this title to the State of South Dakota below Gavin's Point Dam and on the waters of the Missouri River.

(d) MAP.—

(1) IN GENERAL.—The Secretary, in consultation with the Department, shall prepare a map of the land and recreation areas transferred under this section.

(2) LAND.—The map shall identify—

(A) land reasonably expected to be required for project purposes during the 20-year period beginning on the date of enactment of this Act; and

(B) dams and related structures;

which shall be retained by the Secretary.

(3) AVAILABILITY.—The map shall be on file in the appropriate offices of the Secretary.

(e) SCHEDULE FOR TRANSFER.—

Deadline.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Army and the Secretary of the Department shall jointly develop a schedule for transferring the land and recreation areas under this section.

(2) TRANSFER DEADLINE.—All land and recreation areas shall be transferred not later than 1 year after the full capitalization of the Trust Fund described in section 603.

(f) TRANSFER CONDITIONS.—The land and recreation areas described in subsections (b) and (c) shall be transferred in fee title to the Department on the following conditions:

(1) RESPONSIBILITY FOR DAMAGE.—The Secretary shall not be responsible for any damage to the land caused by flooding, sloughing, erosion, or other changes to the land caused by the operation of any project of the Pick-Sloan Missouri River Basin program (except as otherwise provided by Federal law).

(2) EASEMENTS, RIGHTS-OF-WAY, LEASES, AND COST-SHARING AGREEMENTS.—The Department shall maintain all easements, rights-of-way, leases, and cost-sharing agreements that are in effect as of the date of the transfer.

(g) HUNTING AND FISHING.—

(1) IN GENERAL.—Except as provided in this section, nothing in this title affects jurisdiction over the waters of the Missouri River below the water's edge and outside the exterior boundaries of an Indian reservation in South Dakota.

(2) JURISDICTION.—

(A) TRANSFERRED LAND.—On transfer of the land under this section to the State of South Dakota, jurisdiction over the land shall be the same as that over other land owned by the State of South Dakota.

(B) LAND BETWEEN THE MISSOURI RIVER WATER'S EDGE AND THE LEVEL OF THE EXCLUSIVE FLOOD POOL.—Jurisdiction over land between the Missouri River water's edge and the level of the exclusive flood pool outside Indian reservations in the State of South Dakota shall be the same as that exercised by the State on other land owned by the State, and that jurisdiction shall follow the fluctuations of the water's edge.

(C) FEDERAL LAND.—Jurisdiction over land and water owned by the Federal Government within the boundaries of the State of South Dakota that are not affected by this title shall remain unchanged.

(3) EASEMENTS AND ACCESS.—The Secretary shall provide the State of South Dakota with easements and access on land and water below the level of the exclusive flood pool outside Indian reservations in the State of South Dakota for recreational and other purposes (including for boat docks, boat ramps, and related structures), so long as the easements would not prevent the Corps of Engineers from carrying out its mission under the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 887).

(h) APPLICABILITY OF LAW.—Notwithstanding any other provision of this Act, the following provisions of law shall apply to land transferred under this section:

(1) The National Historic Preservation Act (16 U.S.C. 470 et seq.), including sections 106 and 304 of that Act (16 U.S.C. 470f, 470w-3).

(2) The Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), including sections 4, 6, 7, and 9 of that Act (16 U.S.C. 470cc, 470ee, 470ff, 470hh).

(3) The Native American Graves Protection Act and Repatriation Act (25 U.S.C. 3001 et seq.), including subsections (a) and (d) of section 3 of that Act (25 U.S.C. 3003).

(i) IMPACT AID.—The land transferred under subsection (a) shall be deemed to continue to be owned by the United States for purposes of section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702).

#### **SEC. 606. TRANSFER OF CORPS OF ENGINEERS LAND FOR INDIAN TRIBES.**

(a) IN GENERAL.—

(1) TRANSFER.—The Secretary of the Army shall transfer to the Secretary of the Interior the land and recreation areas described in subsections (b) and (c) for the use of the Indian Tribes in perpetuity.

(2) CORPS OF ENGINEERS.—The transfer shall not interfere with the Corps of Engineers operation of a project under this section for an authorized purpose of the project under the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.), or other applicable law.

(3) SECRETARY OF THE ARMY.—The Secretary of the Army shall retain the right to inundate with water the land transferred to the Secretary of the Interior under this section or draw down a project reservoir, as necessary to carry out an authorized purpose of a project.

(4) TRUST.—The Secretary of the Interior shall hold in trust for the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe the land transferred under this section that is located within the external boundaries of the reservation of the Indian Tribes.

(b) LAND TRANSFERRED.—The land described in this subsection is land that—

(1) is located above the top of the exclusive flood pool of the Big Bend and Oahe projects of the Pick-Sloan Missouri River Basin program;

(2) was acquired by the Secretary of the Army for the implementation of the Pick-Sloan Missouri River Basin program; and

(3) is located within the external boundaries of the reservation of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.

(c) RECREATION AREAS TRANSFERRED.—A recreation area described in this section includes the land and facilities within a recreation area that—

(1) the Secretary determines, at the time of the transfer, is a recreation area classified for recreation use by the Corps of Engineers on the date of enactment of this Act;

(2) is located within the external boundaries of a reservation of an Indian Tribe; and

(3) is located within the State of South Dakota.

(d) MAP.—

(1) IN GENERAL.—The Secretary, in consultation with the governing bodies of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, shall prepare a map of the land transferred under this section.

(2) LAND.—The map shall identify—

(A) land reasonably expected to be required for project purposes during the 20-year period beginning on the date of enactment of this Act; and

(B) dams and related structures;

which shall be retained by the Secretary.

(3) AVAILABILITY.—The map shall be on file in the appropriate offices of the Secretary.

(e) SCHEDULE FOR TRANSFER.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Chairmen of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe shall jointly develop a schedule for transferring the land and recreation areas under this section.

(2) TRANSFER DEADLINE.—All land and recreation areas shall be transferred not later than 1 year after the full capitalization of the State and tribal Trust Fund described in section 604.

(f) TRANSFER CONDITIONS.—The land and recreation areas described in subsections (b) and (c) shall be transferred to, and held in trust by, the Secretary of the Interior on the following conditions:

(1) RESPONSIBILITY FOR DAMAGE.—The Secretary shall not be responsible for any damage to the land caused by flooding, sloughing, erosion, or other changes to the land caused by the operation of any project of the Pick-Sloan Missouri River Basin program (except as otherwise provided by Federal law).

(2) HUNTING AND FISHING.—

(A) IN GENERAL.—Except as provided in this section, nothing in this title affects jurisdiction over the waters of the Missouri River below the water's edge and within the exterior boundaries of the Cheyenne River Sioux and Lower Brule Sioux Tribe reservations.

(B) JURISDICTION.—

Deadline.

(i) IN GENERAL.—On transfer of the land to the respective tribes under this section, jurisdiction over the land and on land between the water's edge and the level of the exclusive flood pool within the respective Tribe's reservation boundaries shall be the same as that over land held in trust by the Secretary of the Interior on the Cheyenne River Sioux Reservation and the Lower Brule Sioux Reservation, and that jurisdiction shall follow the fluctuations of the water's edge.

(ii) JURISDICTION UNAFFECTED.—Jurisdiction over land and water owned by the Federal Government and held in trust for the Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe that is not affected by this title shall remain unchanged.

(C) EASEMENTS AND ACCESS.—The Secretary shall provide the Tribes with such easements and access on land and water below the level of the exclusive flood pool inside the respective Indian reservations for recreational and other purposes (including for boat docks, boat ramps, and related structures), so long as the easements would not prevent the Corps of Engineers from carrying out its mission under the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 887).

(3) EASEMENTS, RIGHTS-OF-WAY, LEASES, AND COST-SHARING AGREEMENTS.—

(A) MAINTENANCE.—The Secretary of the Interior shall maintain all easements, rights-of-way, leases, and cost-sharing agreements that are in effect as of the date of the transfer.

(B) PAYMENTS TO COUNTY.—The Secretary of the Interior shall pay any affected county 100 percent of the receipts from the easements, rights-of-way, leases, and cost-sharing agreements described in subparagraph (A).

(g) EXTERIOR INDIAN RESERVATION BOUNDARIES.—Nothing in this section diminishes, changes, or otherwise affects the exterior boundaries of a reservation of an Indian Tribe.

**SEC. 607. ADMINISTRATION.**

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian Tribe;

(2) any other right of an Indian Tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian Tribe;

(5) any authority of the State of South Dakota that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

- (A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);
- (B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);
- (C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);
- (D) the Act entitled “An Act for the protection of the bald eagle”, approved June 8, 1940 (16 U.S.C. 668 et seq.);
- (E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);
- (F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
- (G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);
- (H) the Federal Water Pollution Control Act (commonly known as the “Clean Water Act”) (33 U.S.C. 1251 et seq.);
- (I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and
- (J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan Missouri River Basin program.

(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan Missouri River Basin program for purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.).

#### SEC. 608. STUDY.

(a) IN GENERAL.—The Secretary shall arrange for the United States Geological Survey, in consultation with the Bureau of Indian Affairs and other appropriate Federal agencies, to complete, not later than October 31, 1999, a comprehensive study of the potential impacts of the transfer of land under sections 605(b) and 606(b), including potential impacts on South Dakota Sioux Tribes having water claims within the Missouri River Basin, on water flows in the Missouri River.

(b) NO TRANSFER PENDING DETERMINATION.—No transfer of land under section 605(b) or 606(b) shall occur until the Secretary determines, based on the study, that the transfer of land under either section will not significantly reduce the amount of water flow to the downstream States of the Missouri River.

(c) STATE WATER RIGHTS.—The results of the study shall not affect, and shall not be taken into consideration in, any proceeding to quantify the water rights of any State.

(d) INDIAN WATER RIGHTS.—The results of the study shall not affect, and shall not be taken into consideration in, any proceeding to quantify the water rights of any Indian Tribe or tribal nation.

#### SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

(a) SECRETARY.—There are authorized to be appropriated to the Secretary such sums as are necessary—

- (1) to pay the administrative expenses incurred by the Secretary in carrying out this title;

(2) to fund the implementation of terrestrial wildlife habitat restoration plans under section 602(a) and other activities under sections 603(d)(3) and 604(d)(3); and

(3) to fund the annual expenses (not to exceed the Federal cost as of the date of enactment of this Act) of operating recreation areas to be transferred under sections 605(c) and 606(c) or leased by the State of South Dakota or Indian Tribes, until such time as the trust funds under sections 603 and 604 are fully capitalized.

(b) SECRETARY OF THE INTERIOR.—There are authorized to be appropriated to the Secretary of the Interior such sums as are necessary to pay the administrative expenses incurred by the Secretary of the Interior in carrying out this title.

Approved August 17, 1999.

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LEGISLATIVE HISTORY—S. 507 (H.R. 1480):

HOUSE REPORTS: Nos. 106-106, Pt. 1 accompanying H.R. 1480 (Comm. on Transportation and Infrastructure) and 106-298 (Comm. of Conference).

SENATE REPORTS: No. 106-34 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Apr. 19, considered and passed Senate.

July 22, considered and passed House, amended, in lieu of H.R. 1480.

Aug. 5, Senate and House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Aug. 17, Presidential statement.

