

110TH CONGRESS
1ST SESSION

H. R. 1495

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2007

Mr. OBERSTAR (for himself and Ms. EDDIE BERNICE JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

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

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

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

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

6 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

- Sec. 1001. Project authorizations.
- Sec. 1002. Small projects for flood damage reduction.
- Sec. 1003. Small projects for emergency streambank protection.
- Sec. 1004. Small projects for navigation.
- Sec. 1005. Small projects for improvement of the quality of the environment.
- Sec. 1006. Small projects for aquatic ecosystem restoration.
- Sec. 1007. Small projects for shoreline protection.
- Sec. 1008. Small projects for snagging and sediment removal.

TITLE II—GENERAL PROVISIONS

- Sec. 2001. Non-Federal contributions.
- Sec. 2002. Harbor cost sharing.
- Sec. 2003. Funding to process permits.
- Sec. 2004. National shoreline erosion control development and demonstration program.
- Sec. 2005. Small shore and beach restoration and protection projects.
- Sec. 2006. Aquatic ecosystem restoration.
- Sec. 2007. Small flood damage reduction projects.
- Sec. 2008. Modification of projects for improvement of the quality of the environment.
- Sec. 2009. Written agreement for water resources projects.
- Sec. 2010. Assistance for remediation, restoration, and reuse.
- Sec. 2011. Compilation of laws.
- Sec. 2012. Dredged material disposal.
- Sec. 2013. Wetlands mitigation.
- Sec. 2014. Mitigation for fish and wildlife losses.
- Sec. 2015. Remote and subsistence harbors.
- Sec. 2016. Beneficial uses of dredged material.
- Sec. 2017. Cost-sharing provisions for certain areas.
- Sec. 2018. Use of other Federal funds.
- Sec. 2019. Revision of project partnership agreement.
- Sec. 2020. Cost sharing.
- Sec. 2021. Expedited actions for emergency flood damage reduction.
- Sec. 2022. Watershed and river basin assessments.
- Sec. 2023. Tribal partnership program.
- Sec. 2024. Wildfire firefighting.
- Sec. 2025. Technical assistance.
- Sec. 2026. Lakes program.
- Sec. 2027. Coordination and scheduling of Federal, State, and local actions.
- Sec. 2028. Project streamlining.
- Sec. 2029. Cooperative agreements.
- Sec. 2030. Training funds.
- Sec. 2031. Access to water resource data.
- Sec. 2032. Shore protection projects.
- Sec. 2033. Ability to pay.
- Sec. 2034. Leasing authority.
- Sec. 2035. Cost estimates.
- Sec. 2036. Project planning.
- Sec. 2037. Independent peer review.
- Sec. 2038. Studies and reports for water resources projects.
- Sec. 2039. Offshore oil and gas fabrication port.

TITLE III—PROJECT-RELATED PROVISIONS

- Sec. 3001. King Cove Harbor, Alaska.
- Sec. 3002. Sitka, Alaska.
- Sec. 3003. Tatitlek, Alaska.
- Sec. 3004. Rio De Flag, Flagstaff, Arizona.
- Sec. 3005. Osceola Harbor, Arkansas.
- Sec. 3006. Pine Mountain Dam, Arkansas.
- Sec. 3007. American and Sacramento Rivers, California.
- Sec. 3008. Compton Creek, California.
- Sec. 3009. Grayson Creek/Murderer's Creek, California.
- Sec. 3010. Hamilton Airfield, California.
- Sec. 3011. John F. Baldwin Ship Channel and Stockton Ship Channel, California.
- Sec. 3012. Kaweah River, California.
- Sec. 3013. Larkspur Ferry Channel, Larkspur, California.
- Sec. 3014. Llagas Creek, California.
- Sec. 3015. Magpie Creek, California.
- Sec. 3016. Pacific Flyway Center, Sacramento, California.
- Sec. 3017. Pinole Creek, California.
- Sec. 3018. Prado Dam, California.
- Sec. 3019. Sacramento and American Rivers flood control, California.
- Sec. 3020. Sacramento Deep Water Ship Channel, California.
- Sec. 3021. Seven Oaks Dam, California.
- Sec. 3022. Upper Guadalupe River, California.
- Sec. 3023. Walnut Creek Channel, California.
- Sec. 3024. Wildeat/San Pablo Creek Phase I, California.
- Sec. 3025. Wildeat/San Pablo Creek Phase II, California.
- Sec. 3026. Yuba River Basin project, California.
- Sec. 3027. South Platte River Basin, Colorado.
- Sec. 3028. Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland.
- Sec. 3029. Broward County and Hillsboro Inlet, Florida.
- Sec. 3030. Gasparilla and Estero Islands, Florida.
- Sec. 3031. Jacksonville Harbor, Florida.
- Sec. 3032. Lido Key Beach, Sarasota, Florida.
- Sec. 3033. Miami Harbor, Florida.
- Sec. 3034. Peanut Island, Florida.
- Sec. 3035. Tampa Harbor-Big Bend Channel, Florida.
- Sec. 3036. Tampa Harbor Cut B, Florida.
- Sec. 3037. Allatoona Lake, Georgia.
- Sec. 3038. Latham River, Glynn County, Georgia.
- Sec. 3039. Dworshak Dam and Reservoir improvements, Idaho.
- Sec. 3040. Beardstown Community Boat Harbor, Beardstown, Illinois.
- Sec. 3041. Cache River Levee, Illinois.
- Sec. 3042. Chicago River, Illinois.
- Sec. 3043. Chicago Sanitary and Ship Canal dispersal barriers project, Illinois.
- Sec. 3044. Emiquon, Illinois.
- Sec. 3045. Lasalle, Illinois.
- Sec. 3046. Spunky Bottoms, Illinois.
- Sec. 3047. Fort Wayne and vicinity, Indiana.
- Sec. 3048. Koontz Lake, Indiana.
- Sec. 3049. White River, Indiana.
- Sec. 3050. Des Moines River and Greenbelt, Iowa.
- Sec. 3051. Prestonsburg, Kentucky.

- Sec. 3052. Amite River and tributaries, Louisiana, East Baton Rouge Parish Watershed.
- Sec. 3053. Atchafalaya Basin, Louisiana.
- Sec. 3054. Atchafalaya Basin Floodway System, Louisiana.
- Sec. 3055. Bayou Plaquemine, Louisiana.
- Sec. 3056. J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana.
- Sec. 3057. Mississippi Delta Region, Louisiana.
- Sec. 3058. New Orleans to Venice, Louisiana.
- Sec. 3059. West bank of the Mississippi River (East of Harvey Canal), Louisiana.
- Sec. 3060. Camp Ellis, Saco, Maine.
- Sec. 3061. Detroit River Shoreline, Detroit, Michigan.
- Sec. 3062. St. Clair River and Lake St. Clair, Michigan.
- Sec. 3063. Sault Sainte Marie, Michigan.
- Sec. 3064. Ada, Minnesota.
- Sec. 3065. Duluth Harbor, McQuade Road, Minnesota.
- Sec. 3066. Grand Marais, Minnesota.
- Sec. 3067. Grand Portage Harbor, Minnesota.
- Sec. 3068. Granite Falls, Minnesota.
- Sec. 3069. Knife River Harbor, Minnesota.
- Sec. 3070. Red Lake River, Minnesota.
- Sec. 3071. Silver Bay, Minnesota.
- Sec. 3072. Taconite Harbor, Minnesota.
- Sec. 3073. Two Harbors, Minnesota.
- Sec. 3074. Deer Island, Harrison County, Mississippi.
- Sec. 3075. Pearl River Basin, Mississippi.
- Sec. 3076. Festus and Crystal City, Missouri.
- Sec. 3077. L-15 levee, Missouri.
- Sec. 3078. Monarch-Chesterfield, Missouri.
- Sec. 3079. River Des Peres, Missouri.
- Sec. 3080. Antelope Creek, Lincoln, Nebraska.
- Sec. 3081. Sand Creek Watershed, Wahoo, Nebraska.
- Sec. 3082. Lower Cape May Meadows, Cape May Point, New Jersey.
- Sec. 3083. Passaic River Basin flood management, New Jersey.
- Sec. 3084. Buffalo Harbor, New York.
- Sec. 3085. Orchard Beach, Bronx, New York.
- Sec. 3086. Port of New York and New Jersey, New York and New Jersey.
- Sec. 3087. New York State Canal System.
- Sec. 3088. Lower Girard Lake Dam, Ohio.
- Sec. 3089. Mahoning River, Ohio.
- Sec. 3090. Delaware River, Pennsylvania, New Jersey, and Delaware.
- Sec. 3091. Raystown Lake, Pennsylvania.
- Sec. 3092. Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania.
- Sec. 3093. Solomon's Creek, Wilkes-Barre, Pennsylvania.
- Sec. 3094. South Central Pennsylvania.
- Sec. 3095. Wyoming Valley, Pennsylvania.
- Sec. 3096. Cedar Bayou, Texas.
- Sec. 3097. Freeport Harbor, Texas.
- Sec. 3098. Lake Kemp, Texas.
- Sec. 3099. Lower Rio Grande Basin, Texas.
- Sec. 3100. North Padre Island, Corpus Christi Bay, Texas.
- Sec. 3101. Pat Mayse Lake, Texas.
- Sec. 3102. Proctor Lake, Texas.

- Sec. 3103. San Antonio Channel, San Antonio, Texas.
- Sec. 3104. Tangier Island Seawall, Virginia.
- Sec. 3105. Duwamish/Green, Washington.
- Sec. 3106. Yakima River, Port of Sunnyside, Washington.
- Sec. 3107. Greenbrier River Basin, West Virginia.
- Sec. 3108. Lesage/Greenbottom Swamp, West Virginia.
- Sec. 3109. Northern West Virginia.
- Sec. 3110. Manitowoc Harbor, Wisconsin.
- Sec. 3111. Mississippi River headwaters reservoirs.
- Sec. 3112. Continuation of project authorizations.
- Sec. 3113. Project reauthorizations.
- Sec. 3114. Project deauthorizations.
- Sec. 3115. Land conveyances.
- Sec. 3116. Extinguishment of reversionary interests and use restrictions.

TITLE IV—STUDIES

- Sec. 4001. John Glenn Great Lakes Basin Program.
- Sec. 4002. Lake Erie dredged material disposal sites.
- Sec. 4003. Southwestern United States drought study.
- Sec. 4004. Delaware River.
- Sec. 4005. Knik Arm, Cook Inlet, Alaska.
- Sec. 4006. Kuskokwim River, Alaska.
- Sec. 4007. St. George Harbor, Alaska.
- Sec. 4008. Susitna River, Alaska.
- Sec. 4009. Gila Bend, Maricopa, Arizona.
- Sec. 4010. Searcy County, Arkansas.
- Sec. 4011. Elkhorn Slough Estuary, California.
- Sec. 4012. Fresno, Kings, and Kern Counties, California.
- Sec. 4013. Los Angeles River revitalization study, California.
- Sec. 4014. Lytle Creek, Rialto, California.
- Sec. 4015. Mokelumne River, San Joaquin County, California.
- Sec. 4016. Napa River, St. Helena, California.
- Sec. 4017. Orick, California.
- Sec. 4018. Rialto, Fontana, and Colton, California.
- Sec. 4019. Sacramento River, California.
- Sec. 4020. San Diego County, California.
- Sec. 4021. San Francisco Bay, Sacramento-San Joaquin Delta, California.
- Sec. 4022. South San Francisco Bay shoreline study, California.
- Sec. 4023. Roaring Fork River, Basalt, Colorado.
- Sec. 4024. Delaware and Christina Rivers and Shellpot Creek, Wilmington,
Delaware.
- Sec. 4025. Collier County Beaches, Florida.
- Sec. 4026. Lower St. Johns River, Florida.
- Sec. 4027. Vanderbilt Beach Lagoon, Florida.
- Sec. 4028. Meriwether County, Georgia.
- Sec. 4029. Tybee Island, Georgia.
- Sec. 4030. Boise River, Idaho.
- Sec. 4031. Ballard's Island Side Channel, Illinois.
- Sec. 4032. Salem, Indiana.
- Sec. 4033. Buckhorn Lake, Kentucky.
- Sec. 4034. Dewey Lake, Kentucky.
- Sec. 4035. Louisville, Kentucky.
- Sec. 4036. Fall River Harbor, Massachusetts and Rhode Island.
- Sec. 4037. Hamburg and Green Oak Townships, Michigan.

- Sec. 4038. Duluth-Superior Harbor, Minnesota and Wisconsin.
- Sec. 4039. Northeast Mississippi.
- Sec. 4040. St. Louis, Missouri.
- Sec. 4041. Dredged material disposal, New Jersey.
- Sec. 4042. Bayonne, New Jersey.
- Sec. 4043. Carteret, New Jersey.
- Sec. 4044. Gloucester County, New Jersey.
- Sec. 4045. Perth Amboy, New Jersey.
- Sec. 4046. Batavia, New York.
- Sec. 4047. Big Sister Creek, Evans, New York.
- Sec. 4048. Finger Lakes, New York.
- Sec. 4049. Lake Erie Shoreline, Buffalo, New York.
- Sec. 4050. Newtown Creek, New York.
- Sec. 4051. Niagara River, New York.
- Sec. 4052. Shore Parkway Greenway, Brooklyn, New York.
- Sec. 4053. Upper Delaware River Watershed, New York.
- Sec. 4054. Lincoln County, North Carolina.
- Sec. 4055. Wilkes County, North Carolina.
- Sec. 4056. Yadkinville, North Carolina.
- Sec. 4057. Cincinnati, Ohio.
- Sec. 4058. Lake Erie, Ohio.
- Sec. 4059. Ohio River, Ohio.
- Sec. 4060. Ecosystem restoration and fish passage improvements, Oregon.
- Sec. 4061. Walla Walla River Basin, Oregon.
- Sec. 4062. Chartiers Creek Watershed, Pennsylvania.
- Sec. 4063. Kinzua Dam and Allegheny Reservoir, Pennsylvania.
- Sec. 4064. Western Pennsylvania flood damage reduction, Pennsylvania.
- Sec. 4065. Williamsport, Pennsylvania.
- Sec. 4066. Yardley Borough, Pennsylvania.
- Sec. 4067. Rio Valenciano, Juncos, Puerto Rico.
- Sec. 4068. Crooked Creek, Bennettsville, South Carolina.
- Sec. 4069. Broad River, York County, South Carolina.
- Sec. 4070. Chattanooga, Tennessee.
- Sec. 4071. Cleveland, Tennessee.
- Sec. 4072. Cumberland River, Nashville, Tennessee.
- Sec. 4073. Lewis, Lawrence, and Wayne Counties, Tennessee.
- Sec. 4074. Wolf River and Nonconnah Creek, Memphis Tennessee.
- Sec. 4075. Coastal Texas ecosystem protection and restoration, Texas.
- Sec. 4076. Port of Galveston, Texas.
- Sec. 4077. Grand County and Moab, Utah.
- Sec. 4078. Southwestern Utah.
- Sec. 4079. Chowan River Basin, Virginia and North Carolina.
- Sec. 4080. Elliott Bay Seawall, Seattle, Washington.
- Sec. 4081. Monongahela River Basin, northern West Virginia.
- Sec. 4082. Kenosha Harbor, Wisconsin.
- Sec. 4083. Johnsonville Dam, Johnsonville, Wisconsin.

TITLE V—MISCELLANEOUS

- Sec. 5001. Maintenance of navigation channels.
- Sec. 5002. Watershed management.
- Sec. 5003. Dam safety.
- Sec. 5004. Structural integrity evaluations.
- Sec. 5005. Flood mitigation priority areas.
- Sec. 5006. Additional assistance for authorized projects.

- Sec. 5007. Expedited completion of reports and construction for certain projects.
- Sec. 5008. Expedited completion of reports for certain projects.
- Sec. 5009. Southeastern water resources assessment.
- Sec. 5010. Upper Mississippi River environmental management program.
- Sec. 5011. Missouri and Middle Mississippi River enhancement project.
- Sec. 5012. Great Lakes fishery and ecosystem restoration.
- Sec. 5013. Great Lakes remedial action plans and sediment remediation.
- Sec. 5014. Great Lakes tributary models.
- Sec. 5015. Great Lakes navigation.
- Sec. 5016. Upper Mississippi River dispersal barrier project.
- Sec. 5017. Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia.
- Sec. 5018. Chesapeake Bay environmental restoration and protection program.
- Sec. 5019. Potomac River watershed assessment and tributary strategy evaluation and monitoring program.
- Sec. 5020. Lock and dam security.
- Sec. 5021. Rehabilitation.
- Sec. 5022. Research and development program for Columbia and Snake River salmon survival.
- Sec. 5023. Pinhook Creek, Huntsville, Alabama.
- Sec. 5024. Alaska.
- Sec. 5025. Barrow, Alaska.
- Sec. 5026. Coffman Cove, Alaska.
- Sec. 5027. Fort Yukon, Alaska.
- Sec. 5028. Kotzebue Harbor, Alaska.
- Sec. 5029. Lowell Creek Tunnel, Seward, Alaska.
- Sec. 5030. St. Herman and St. Paul Harbors, Kodiak, Alaska.
- Sec. 5031. Tanana River, Alaska.
- Sec. 5032. Valdez, Alaska.
- Sec. 5033. Whittier, Alaska.
- Sec. 5034. Wrangell Harbor, Alaska.
- Sec. 5035. Augusta and Clarendon, Arkansas.
- Sec. 5036. Des Arc levee protection, Arkansas.
- Sec. 5037. Loomis Landing, Arkansas.
- Sec. 5038. St. Francis River Basin, Arkansas and Missouri.
- Sec. 5039. Cambria, California.
- Sec. 5040. Contra Costa Canal, Oakley and Knightsen, California; Mallard Slough, Pittsburg, California.
- Sec. 5041. Dana Point Harbor, California.
- Sec. 5042. East San Joaquin County, California.
- Sec. 5043. Eastern Santa Clara basin, California.
- Sec. 5044. Los Osos, California.
- Sec. 5045. Pine Flat Dam and Reservoir, California.
- Sec. 5046. Raymond Basin, Six Basins, Chino Basin, and San Gabriel Basin, California.
- Sec. 5047. San Francisco, California.
- Sec. 5048. San Francisco, California, waterfront area.
- Sec. 5049. San Pablo Bay, California, watershed and Suisun Marsh ecosystem restoration.
- Sec. 5050. Stockton, California.
- Sec. 5051. Charles Hervev Townshend Breakwater, New Haven Harbor, Connecticut.
- Sec. 5052. Florida Keys water quality improvements.
- Sec. 5053. Lake Worth, Florida.

- Sec. 5054. Riley Creek Recreation Area, Idaho.
- Sec. 5055. Reconstruction of Illinois flood protection projects.
- Sec. 5056. Illinois River Basin restoration.
- Sec. 5057. Kaskaskia River Basin, Illinois, restoration.
- Sec. 5058. Floodplain mapping, Little Calumet River, Chicago, Illinois.
- Sec. 5059. Promontory Point, Lake Michigan, Illinois.
- Sec. 5060. Burns Waterway Harbor, Indiana.
- Sec. 5061. Calumet region, Indiana.
- Sec. 5062. Paducah, Kentucky.
- Sec. 5063. Southern and eastern Kentucky.
- Sec. 5064. Winchester, Kentucky.
- Sec. 5065. Baton Rouge, Louisiana.
- Sec. 5066. Calcasieu Ship Channel, Louisiana.
- Sec. 5067. Cross Lake, Shreveport, Louisiana.
- Sec. 5068. West Baton Rouge Parish, Louisiana.
- Sec. 5069. Charlestown, Maryland.
- Sec. 5070. Anacostia River, District of Columbia and Maryland.
- Sec. 5071. Delmarva Conservation Corridor, Delaware and Maryland.
- Sec. 5072. Massachusetts dredged material disposal sites.
- Sec. 5073. Ontonagon Harbor, Michigan.
- Sec. 5074. Crookston, Minnesota.
- Sec. 5075. Garrison and Kathio Township, Minnesota.
- Sec. 5076. Itasca County, Minnesota.
- Sec. 5077. Minneapolis, Minnesota.
- Sec. 5078. Northeastern Minnesota.
- Sec. 5079. Wild Rice River, Minnesota.
- Sec. 5080. Harrison, Hancock, and Jackson Counties, Mississippi.
- Sec. 5081. Mississippi River, Missouri and Illinois.
- Sec. 5082. St. Louis, Missouri.
- Sec. 5083. Hackensack Meadowlands area, New Jersey.
- Sec. 5084. Atlantic Coast of New York.
- Sec. 5085. College Point, New York City, New York.
- Sec. 5086. Flushing Bay and Creek, New York City, New York.
- Sec. 5087. Hudson River, New York.
- Sec. 5088. Mount Morris Dam, New York.
- Sec. 5089. John H. Kerr Dam and Reservoir, North Carolina.
- Sec. 5090. Toussaint River, Ohio.
- Sec. 5091. Eugene, Oregon.
- Sec. 5092. Fern Ridge Dam, Oregon.
- Sec. 5093. Allegheny County, Pennsylvania.
- Sec. 5094. Kehly Run Dams, Pennsylvania.
- Sec. 5095. Lehigh River, Lehigh County, Pennsylvania.
- Sec. 5096. Northeast Pennsylvania.
- Sec. 5097. Upper Susquehanna River Basin, Pennsylvania and New York.
- Sec. 5098. Cano Martin Pena, San Juan, Puerto Rico.
- Sec. 5099. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and terrestrial wildlife habitat restoration, South Dakota.
- Sec. 5100. Fritz Landing, Tennessee.
- Sec. 5101. J. Percy Priest Dam and Reservoir, Tennessee.
- Sec. 5102. Town Creek, Lenoir City, Tennessee.
- Sec. 5103. Tennessee River partnership.
- Sec. 5104. Upper Mississippi embayment, Tennessee, Arkansas, and Mississippi.
- Sec. 5105. Bosque River Watershed, Texas.
- Sec. 5106. Dallas Floodway, Dallas Texas.

- Sec. 5107. Harris County, Texas.
- Sec. 5108. Onion Creek, Texas.
- Sec. 5109. Dyke Marsh, Fairfax County, Virginia.
- Sec. 5110. Baker Bay and Ilwaco Harbor, Washington.
- Sec. 5111. Hamilton Island campground, Washington.
- Sec. 5112. Puget Island, Washington.
- Sec. 5113. Willapa Bay, Washington.
- Sec. 5114. West Virginia and Pennsylvania flood control.
- Sec. 5115. Central West Virginia.
- Sec. 5116. Southern West Virginia.
- Sec. 5117. Construction of flood control projects by non-Federal interests.

TITLE VI—FLORIDA EVERGLADES

- Sec. 6001. Hillsboro and Okeechobee Aquifer, Florida.
- Sec. 6002. Pilot projects.
- Sec. 6003. Maximum costs.
- Sec. 6004. Project authorization.
- Sec. 6005. Credit.
- Sec. 6006. Outreach and assistance.
- Sec. 6007. Critical restoration projects.
- Sec. 6008. Modified water deliveries.
- Sec. 6009. Deauthorizations.
- Sec. 6010. Regional engineering model for environmental restoration.

TITLE VII—LOUISIANA COASTAL AREA

- Sec. 7001. Definitions.
- Sec. 7002. Comprehensive plan.
- Sec. 7003. Louisiana coastal area.
- Sec. 7004. Coastal Louisiana Ecosystem Protection and Restoration Task Force.
- Sec. 7005. Project modifications.
- Sec. 7006. Construction.
- Sec. 7007. Non-Federal cost share.
- Sec. 7008. Project justification.
- Sec. 7009. Independent review.
- Sec. 7010. Expedited reports.
- Sec. 7011. Reporting.
- Sec. 7012. New Orleans and vicinity.
- Sec. 7013. Mississippi River Gulf Outlet.

TITLE VIII—UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM

- Sec. 8001. Definitions.
- Sec. 8002. Navigation improvements and restoration.
- Sec. 8003. Authorization of construction of navigation improvements.
- Sec. 8004. Ecosystem restoration authorization.
- Sec. 8005. Comparable progress.

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

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

1 **TITLE I—WATER RESOURCES**
2 **PROJECTS**

3 **SEC. 1001. PROJECT AUTHORIZATIONS.**

4 Except as otherwise provided in this section, the fol-
5 lowing projects for water resources development and con-
6 servation and other purposes are authorized to be carried
7 out by the Secretary substantially in accordance with the
8 plans, and subject to the conditions, described in the re-
9 spective reports designated in this section:

10 (1) HAINES, ALASKA.—The project for naviga-
11 tion, Haines, Alaska: Report of the Chief of Engi-
12 neers dated December 20, 2004, at a total cost of
13 \$14,040,000, with an estimated Federal cost of
14 \$11,232,000 and an estimated non-Federal cost of
15 \$2,808,000.

16 (2) PORT LIONS, ALASKA.—The project for
17 navigation, Port Lions, Alaska: Report of the Chief
18 of Engineers dated June 14, 2006, at a total cost
19 of \$9,530,000, with an estimated Federal cost of
20 \$7,624,000 and an estimated non-Federal cost of
21 \$1,906,000.

22 (3) RIO SALADO OESTE, ARIZONA.—The project
23 for environmental restoration, Rio Salado Oeste, Ari-
24 zona: Report of the Chief of Engineers dated De-
25 cember 19, 2006, at a total cost of \$166,650,000,

1 with an estimated Federal cost of \$106,629,000 and
2 an estimated non-Federal cost of \$60,021,000.

3 (4) SANTA CRUZ RIVER, PASEO DE LAS
4 IGLESIAS, ARIZONA.—The project for environmental
5 restoration, Santa Cruz River, Pima County, Ari-
6 zona: Report of the Chief of Engineers dated March
7 28, 2006, at a total cost of \$97,700,000, with an es-
8 timated Federal cost of \$63,300,000 and an esti-
9 mated non-Federal cost of \$34,400,000.

10 (5) TANQUE VERDE CREEK, PIMA COUNTY, ARI-
11 ZONA.—The project for environmental restoration,
12 Tanque Verde Creek, Pima County, Arizona: Report
13 of the Chief of Engineers dated July 22, 2003, at
14 a total cost of \$5,906,000, with an estimated Fed-
15 eral cost of \$3,836,000 and an estimated non-Fed-
16 eral cost of \$2,070,000.

17 (6) SALT RIVER (VA SHLYAY' AKIMEL), MARI-
18 COPA COUNTY, ARIZONA.—The project for environ-
19 mental restoration, Salt River (Va Shlyay' Akimel),
20 Arizona: Report of the Chief of Engineers dated
21 January 3, 2005, at a total cost of \$162,100,000,
22 with an estimated Federal cost of \$105,200,000 and
23 an estimated non-Federal cost of \$56,900,000.

24 (7) HAMILTON CITY, CALIFORNIA.—The project
25 for flood damage reduction and environmental res-

1 toration, Hamilton City, California: Report of the
2 Chief of Engineers dated December 22, 2004, at a
3 total cost of \$52,400,000, with an estimated Federal
4 cost of \$34,100,000 and estimated non-Federal cost
5 of \$18,300,000.

6 (8) IMPERIAL BEACH, CALIFORNIA.—The
7 project for storm damage reduction, Imperial Beach,
8 California: Report of the Chief of Engineers dated
9 December 30, 2003, at a total cost of \$13,700,000,
10 with an estimated Federal cost of \$8,521,000 and
11 an estimated non-Federal cost of \$5,179,000, and at
12 an estimated total cost of \$42,500,000 for periodic
13 beach nourishment over the 50-year life of the
14 project, with an estimated Federal cost of
15 \$21,250,000 and an estimated non-Federal cost of
16 \$21,250,000.

17 (9) MATILIJA DAM, VENTURA COUNTY, CALI-
18 FORNIA.—The project for environmental restoration,
19 Matilija Dam, Ventura County, California: Report of
20 the Chief of Engineers dated December 20, 2004, at
21 a total cost of \$144,500,000, with an estimated Fed-
22 eral cost of \$89,700,000 and an estimated non-Fed-
23 eral cost of \$54,800,000.

24 (10) MIDDLE CREEK, LAKE COUNTY, CALI-
25 FORNIA.—The project for flood damage reduction

1 and environmental restoration, Middle Creek, Lake
2 County, California: Report of the Chief of Engineers
3 dated November 29, 2004, at a total cost of
4 \$45,200,000, with an estimated Federal cost of
5 \$29,500,000 and an estimated non-Federal cost of
6 \$15,700,000.

7 (11) NAPA RIVER SALT MARSH RESTORATION,
8 CALIFORNIA.—

9 (A) IN GENERAL.—The project for envi-
10 ronmental restoration, Napa River Salt Marsh
11 Restoration, Napa, California: Report of the
12 Chief of Engineers dated December 22, 2004,
13 at a total cost of \$134,500,000, with an esti-
14 mated Federal cost of \$87,500,000 and an esti-
15 mated non-Federal cost of \$47,000,000.

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

19 (i) construct a recycled water pipeline
20 extending from the Sonoma Valley County
21 Sanitation District Waste Water Treat-
22 ment Plant and the Napa Sanitation Dis-
23 trict Waste Water Treatment Plant to the
24 project; and

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

3 (12) DENVER COUNTY REACH, SOUTH PLATTE
4 RIVER, DENVER, COLORADO.—The project for envi-
5 ronmental restoration, Denver County Reach, South
6 Platte River, Denver, Colorado: Report of the Chief
7 of Engineers dated May 16, 2003, at a total cost of
8 \$21,050,000, with an estimated Federal cost of
9 \$13,680,000 and an estimated non-Federal cost of
10 \$7,370,000.

11 (13) MIAMI HARBOR, MIAMI-DADE COUNTY,
12 FLORIDA.—

13 (A) IN GENERAL.—The project for naviga-
14 tion, Miami Harbor, Miami-Dade County, Flor-
15 ida: Report of the Chief of Engineers dated
16 April 25, 2005, at a total cost of \$125,270,000,
17 with an estimated Federal cost of \$75,140,000
18 and an estimated non-Federal cost of
19 \$50,130,000.

20 (B) GENERAL REEVALUATION REPORT.—
21 The non-Federal share of the cost of the gen-
22 eral reevaluation report that resulted in the re-
23 port of the Chief of Engineers referred to in
24 subparagraph (A) shall be the same percentage

1 as the non-Federal share of cost of construction
2 of the project.

3 (C) AGREEMENT.—The Secretary shall
4 enter into a new partnership with the non-Fed-
5 eral interest to reflect the cost sharing required
6 by subparagraph (B).

7 (14) EAST ST. LOUIS AND VICINITY, ILLI-
8 NOIS.—The project for environmental restoration
9 and recreation, East St. Louis and Vicinity, Illinois:
10 Report of the Chief of Engineers dated December
11 22, 2004, at a total cost of \$208,260,000, with an
12 estimated Federal cost of \$134,910,000 and an esti-
13 mated non-Federal cost of \$73,350,000.

14 (15) PEORIA RIVERFRONT DEVELOPMENT, ILLI-
15 NOIS.—The project for environmental restoration,
16 Peoria Riverfront Development, Illinois: Report of
17 the Chief of Engineers dated July 28, 2003, at a
18 total cost of \$18,220,000, with an estimated Federal
19 cost of \$11,840,000 and an estimated non-Federal
20 cost of \$6,380,000.

21 (16) WOOD RIVER LEVEE SYSTEM RECON-
22 STRUCTION, MADISON COUNTY, ILLINOIS.—The
23 project for flood damage reduction, Wood River
24 Levee System Reconstruction, Madison County, Illi-
25 nois: Report of the Chief of Engineers dated July

1 18, 2006, at a total cost of \$17,220,000, with an es-
2 timated Federal cost of \$11,193,000 and an esti-
3 mated non-Federal cost of \$6,027,000.

4 (17) DES MOINES AND RACCOON RIVERS, DES
5 MOINES, IOWA.—The project for flood damage re-
6 duction, Des Moines and Raccoon Rivers, Des
7 Moines, Iowa: Report of the Chief of Engineers
8 dated March 28, 2006, at a total cost of
9 \$10,780,000, with an estimated Federal cost of
10 \$6,967,000 and an estimated non-Federal cost of
11 \$3,813,000.

12 (18) BAYOU SORREL LOCK, LOUISIANA.—The
13 project for navigation, Bayou Sorrel Lock, Lou-
14 isiana: Report of the Chief of Engineers dated Janu-
15 ary 3, 2005, at a total cost of \$9,680,000. The costs
16 of construction of the project are to be paid $\frac{1}{2}$ from
17 amounts appropriated from the general fund of the
18 Treasury and $\frac{1}{2}$ from amounts appropriated from
19 the Inland Waterways Trust Fund.

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

22 (A) IN GENERAL.—The project for hurri-
23 cane and storm damage reduction, Morganza to
24 the Gulf of Mexico, Louisiana: Reports of the
25 Chief of Engineers dated August 23, 2002, and

1 July 22, 2003, at a total cost of \$886,700,000,
2 with an estimated Federal cost of \$576,355,000
3 and an estimated non-Federal cost of
4 \$310,345,000.

5 (B) CREDIT.—The Secretary shall credit
6 toward the non-Federal share of the cost of the
7 project the cost of design and construction work
8 carried out by the non-Federal interest before
9 the date of the partnership agreement for the
10 project if the Secretary determines that the
11 work is integral to the project.

12 (20) PORT OF IBERIA, LOUISIANA.—The project
13 for navigation, Port of Iberia, Louisiana, Report of
14 the Chief of Engineers dated December 31, 2006, at
15 a total cost of \$131,250,000, with an estimated Fed-
16 eral cost of \$105,315,000 and an estimated non-
17 Federal cost of \$25,935,000.

18 (21) ROSEAU RIVER, ROSEAU, MINNESOTA.—
19 The project for flood damage reduction, Roseau
20 River, Roseau, Minnesota, Report of the Chief of
21 Engineers dated December 19, 2006, at a total cost
22 of \$25,100,000, with an estimated Federal cost of
23 \$13,820,000 and an estimated non-Federal cost of
24 \$11,280,000.

1 (22) MISSISSIPPI COASTAL, MISSISSIPPI.—The
2 project for hurricane and storm damage reduction
3 and environmental restoration, Mississippi Coastal,
4 Mississippi, Report of the Chief of Engineers dated
5 December 31, 2006, at a total cost of \$107,690,000,
6 with an estimated Federal cost of \$70,000,000 and
7 an estimated non-Federal cost of \$37,690,000.

8 (23) KANSAS CITYS LEVEES, MISSOURI AND
9 KANSAS.—The project for flood damage reduction,
10 Kansas Citys levees, Missouri and Kansas, Report of
11 the Chief of Engineers dated December 19, 2006, at
12 a total cost of \$65,430,000, with an estimated Fed-
13 eral cost of \$42,530,000 and an estimated non-Fed-
14 eral cost of \$22,900,000.

15 (24) SWOPE PARK INDUSTRIAL AREA, BLUE
16 RIVER, KANSAS CITY, MISSOURI.—The project for
17 flood damage reduction, Swope Park Industrial
18 Area, Blue River, Kansas City, Missouri: Report of
19 the Chief of Engineers dated December 30, 2003, at
20 a total cost of \$16,980,000, with an estimated Fed-
21 eral cost of \$11,037,000 and an estimated non-Fed-
22 eral cost of \$5,943,000.

23 (25) GREAT EGG HARBOR INLET TO TOWN-
24 SENDS INLET, NEW JERSEY.—The project for hurri-
25 cane and storm damage reduction, Great Egg Har-

1 bor Inlet to Townsends Inlet, New Jersey: Report of
2 the Chief of Engineers dated October 24, 2006, at
3 a total cost of \$54,360,000, with an estimated Fed-
4 eral cost of \$35,069,000 and an estimated non-Fed-
5 eral cost of \$19,291,000, and at an estimated total
6 cost of \$202,500,000 for periodic nourishment over
7 the 50-year life of the project, with an estimated
8 Federal cost of \$101,250,000 and an estimated non-
9 Federal cost of \$101,250,000.

10 (26) HUDSON RARITAN ESTUARY, LIBERTY
11 STATE PARK, NEW JERSEY.—

12 (A) IN GENERAL.—The project for envi-
13 ronmental restoration, Hudson Raritan Estu-
14 ary, Liberty State Park, New Jersey: Report of
15 the Chief of Engineers dated August 25, 2006,
16 at a total cost of \$34,100,000, with an esti-
17 mated Federal cost of \$22,200,000 and an esti-
18 mated non-Federal cost of \$11,900,000.

19 (B) RESTORATION TEAMS.—In carrying
20 out the project, the Secretary shall establish
21 and utilize watershed restoration teams com-
22 posed of estuary restoration experts from the
23 Corps of Engineers, the New Jersey department
24 of environmental protection, and the Port Au-
25 thority of New York and New Jersey and other

1 experts designated by the Secretary for the pur-
2 pose of developing habitat restoration and water
3 quality enhancement.

4 (27) MANASQUAN INLET TO BARNEGAT INLET,
5 NEW JERSEY.—The project for hurricane and storm
6 damage reduction, Manasquan Inlet to Barnegat
7 Inlet, New Jersey: Report of the Chief of Engineers
8 dated December 30, 2003, at a total cost of
9 \$71,900,000, with an estimated Federal cost of
10 \$46,735,000 and an estimated non-Federal cost of
11 \$25,165,000, and at an estimated total cost of
12 \$119,680,000 for periodic beach nourishment over
13 the 50-year life of the project, with an estimated
14 Federal cost of \$59,840,000 and an estimated non-
15 Federal cost of \$59,840,000.

16 (28) RARITAN BAY AND SANDY HOOK BAY,
17 UNION BEACH, NEW JERSEY.—The project for hurri-
18 cane and storm damage reduction, Raritan Bay and
19 Sandy Hook Bay, Union Beach, New Jersey: Report
20 of the Chief of Engineers dated January 4, 2006, at
21 a total cost of \$115,000,000, with an estimated Fed-
22 eral cost of \$74,800,000 and an estimated non-Fed-
23 eral cost of \$40,200,000, and at an estimated total
24 cost of \$6,500,000 for periodic nourishment over the
25 50-year life of the project, with an estimated Federal

1 cost of \$3,250,000 and an estimated non-Federal
2 cost of \$3,250,000.

3 (29) SOUTH RIVER, RARITAN RIVER BASIN,
4 NEW JERSEY.—The project for hurricane and storm
5 damage reduction and environmental restoration,
6 South River, Raritan River Basin, New Jersey: Re-
7 port of the Chief of Engineers dated July 22, 2003,
8 at a total cost of \$122,300,000, with an estimated
9 Federal cost of \$79,500,000 and an estimated non-
10 Federal cost of \$42,800,000.

11 (30) SOUTHWEST VALLEY, BERNALILLO COUN-
12 TY, NEW MEXICO.—The project for flood damage re-
13 duction, Southwest Valley, Bernalillo County, New
14 Mexico: Report of the Chief of Engineers dated No-
15 vember 29, 2004, at a total cost of \$24,840,000,
16 with an estimated Federal cost of \$16,150,000 and
17 an estimated non-Federal cost of \$8,690,000.

18 (31) MONTAUK POINT, NEW YORK.—The
19 project for hurricane and storm damage reduction,
20 Montauk Point, New York: Report of the Chief of
21 Engineers dated March 31, 2006, at a total cost of
22 \$14,600,000, with an estimated Federal cost of
23 \$7,300,000 and an estimated non-Federal cost of
24 \$7,300,000.

1 (32) HOCKING RIVER, MONDAY CREEK SUB-
2 BASIN, OHIO.—The project for environmental res-
3 toration, Hocking River, Monday Creek Sub-basin,
4 Ohio: Report of the Chief of Engineers dated August
5 24, 2006, at a total cost of \$20,980,000, with an es-
6 timated Federal cost of \$13,440,000 and an esti-
7 mated non-Federal cost of \$7,540,000.

8 (33) TOWN OF BLOOMSBURG, COLUMBIA COUN-
9 TY, PENNSYLVANIA.—The project for flood damage
10 reduction, town of Bloomsburg, Columbia County,
11 Pennsylvania: Report of the Chief of Engineers
12 dated January 25, 2006, at a total cost of
13 \$44,500,000, with an estimated Federal cost of
14 \$28,925,000 and an estimated non-Federal cost of
15 \$15,575,000.

16 (34) PAWLEY'S ISLAND, SOUTH CAROLINA.—
17 The project for hurricane and storm damage reduc-
18 tion, Pawley's Island, South Carolina, Report of the
19 Chief of Engineers dated December 19, 2006, at a
20 total cost of \$8,980,000, with an estimated Federal
21 cost of \$5,840,000 and an estimated non-Federal
22 cost of \$3,140,000, and at an estimated total cost
23 of \$21,200,000 for periodic nourishment over the
24 50-year life of the project, with an estimated Federal

1 cost of \$10,600,000 and an estimated non-Federal
2 cost of \$10,600,000.

3 (35) CORPUS CHRISTI SHIP CHANNEL, CORPUS
4 CHRISTI, TEXAS.—The project for navigation and
5 ecosystem restoration, Corpus Christi Ship Channel,
6 Texas: Report of the Chief of Engineers dated June
7 2, 2003, at a total cost of \$188,110,000, with an es-
8 timated Federal cost of \$87,810,000 and an esti-
9 mated non-Federal cost of \$100,300,000.

10 (36) GULF INTRACOASTAL WATERWAY,
11 MATAGORDA BAY RE-ROUTE, TEXAS.—The project
12 for navigation, Gulf Intracoastal Waterway,
13 Matagorda Bay Re-Route, Texas: Report of the
14 Chief of Engineers dated December 24, 2002, at a
15 total cost of \$17,280,000. The costs of construction
16 of the project are to be paid $\frac{1}{2}$ from amounts appro-
17 priated from the general fund of the Treasury and
18 $\frac{1}{2}$ from amounts appropriated from the Inland Wa-
19 terways Trust Fund.

20 (37) GULF INTRACOASTAL WATERWAY, HIGH
21 ISLAND TO BRAZOS RIVER, TEXAS.—The project for
22 navigation, Gulf Intracoastal Waterway, High Island
23 to Brazos River, Texas: Report of the Chief of Engi-
24 neers dated April 16, 2004, at a total cost of
25 \$14,450,000. The costs of construction of the

1 project are to be paid $\frac{1}{2}$ from amounts appropriated
2 from the general fund of the Treasury and $\frac{1}{2}$ from
3 amounts appropriated from the Inland Waterways
4 Trust Fund.

5 (38) LOWER COLORADO RIVER BASIN PHASE I,
6 TEXAS.—The project for flood damage reduction and
7 environmental restoration, Lower Colorado River
8 Basin Phase I, Texas, Report of the Chief of Engi-
9 neers dated December 31, 2006, at a total cost of
10 \$110,730,000, with an estimated Federal cost of
11 \$69,640,000 and an estimated non-Federal cost of
12 \$41,090,000.

13 (39) ATLANTIC INTRACOASTAL WATERWAY
14 BRIDGE REPLACEMENT, DEEP CREEK, CHESAPEAKE,
15 VIRGINIA.—The project for Atlantic Intracoastal
16 Waterway Bridge Replacement, Deep Creek, Chesa-
17 peake, Virginia: Report of the Chief of Engineers
18 dated March 3, 2003, at a total cost of \$37,200,000.

19 (40) CRANEY ISLAND EASTWARD EXPANSION,
20 NORFOLK HARBOR AND CHANNELS, VIRGINIA.—The
21 project for navigation, Craney Island Eastward Ex-
22 pansion, Norfolk Harbor and Channels, Virginia:
23 Report of Chief of Engineers dated October 24,
24 2006, at a total cost of \$712,103,000, with an esti-

1 (7) HUNTS CANYON WASH, PALMDALE, CALI-
2 FORNIA.—Project for flood damage reduction, Hunts
3 Canyon Wash, Palmdale, California.

4 (8) ONTARIO AND CHINO, CALIFORNIA.—
5 Project for flood damage deduction, Ontario and
6 Chino, California.

7 (9) SANTA VENETIA, CALIFORNIA.—Project for
8 flood damage deduction, Santa Venetia, California.

9 (10) WHITTIER, CALIFORNIA.—Project for flood
10 damage reduction, Whittier, California.

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

13 (12) CASS RIVER, MICHIGAN.—Project for flood
14 damage reduction, Cass River, Vassar and vicinity,
15 Michigan.

16 (13) CROW RIVER, ROCKFORD, MINNESOTA.—
17 Project for flood damage reduction, Crow River,
18 Rockford, Minnesota.

19 (14) MARSH CREEK, MINNESOTA.—Project for
20 flood damage reduction, Marsh Creek, Minnesota.

21 (15) SOUTH BRANCH OF THE WILD RICE RIVER,
22 BORUP, MINNESOTA.—Project for flood damage re-
23 duction, South Branch of the Wild Rice River,
24 Borup, Minnesota.

1 (16) BLACKSNAKE CREEK, ST. JOSEPH, MIS-
2 SOURI.—Project for flood damage reduction, Black-
3 snake Creek, St. Joseph, Missouri.

4 (17) ACID BROOK, POMPTON LAKES, NEW JER-
5 SEY.—Project for flood damage reduction, Acid
6 Brook, Pompton Lakes, New Jersey.

7 (18) CANNISTEO RIVER, ADDISON, NEW
8 YORK.—Project for flood damage reduction,
9 Cannisteco River, Addison, New York.

10 (19) COHOCTON RIVER, CAMPBELL, NEW
11 YORK.—Project for flood damage reduction,
12 Cohocton River, Campbell, New York.

13 (20) DRY AND OTTER CREEKS, CORTLAND, NEW
14 YORK.—Project for flood damage reduction, Dry and
15 Otter Creeks, Cortland, New York.

16 (21) EAST RIVER, SILVER BEACH, NEW YORK
17 CITY, NEW YORK.—Project for flood damage reduc-
18 tion, East River, Silver Beach, New York City, New
19 York.

20 (22) EAST VALLEY CREEK, ANDOVER, NEW
21 YORK.—Project for flood damage reduction, East
22 Valley Creek, Andover, New York.

23 (23) SUNNYSIDE BROOK, WESTCHESTER COUN-
24 TY, NEW YORK.—Project for flood damage reduction,
25 Sunnyside Brook, Westchester County, New York.

1 (24) LITTLE YANKEE RUN, OHIO.—Project for
2 flood damage reduction, Little Yankee Run, Ohio.

3 (25) LITTLE NESHAMINY CREEK, WARRENTON,
4 PENNSYLVANIA.—Project for flood damage reduc-
5 tion, Little Neshaminy Creek, Warrenton, Pennsyl-
6 vania.

7 (26) SOUTHAMPTON CREEK WATERSHED,
8 SOUTHAMPTON, PENNSYLVANIA.—Project for flood
9 damage reduction, Southampton Creek watershed,
10 Southampton, Pennsylvania.

11 (27) SPRING CREEK, LOWER MACUNGIE TOWN-
12 SHIP, PENNSYLVANIA.—Project for flood damage re-
13 duction, Spring Creek, Lower Macungie Township,
14 Pennsylvania.

15 (28) YARDLEY AQUEDUCT, SILVER AND BROCK
16 CREEKS, YARDLEY, PENNSYLVANIA.—Project for
17 flood damage reduction, Yardley Aqueduct, Silver
18 and Brock Creeks, Yardley, Pennsylvania.

19 (29) SURFSIDE BEACH, SOUTH CAROLINA.—
20 Project for flood damage reduction, Surfside Beach
21 and vicinity, South Carolina.

22 (30) CONGELOSI DITCH, MISSOURI CITY,
23 TEXAS.—Project for flood damage reduction,
24 Congelosi Ditch, Missouri City, Texas.

1 (31) DILLEY, TEXAS.—Project for flood dam-
2 age reduction, Dilley, Texas.

3 (b) SPECIAL RULES.—

4 (1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—
5 The Secretary may proceed with the project for the
6 Cache River Basin, Grubbs, Arkansas, referred to in
7 subsection (a), notwithstanding that the project is
8 located within the boundaries of the flood control
9 project, Cache River Basin, Arkansas and Missouri,
10 authorized by section 204 of the Flood Control Act
11 of 1950, (64 Stat. 172) and modified by section 99
12 of the Water Resources Development Act of 1974
13 (88 Stat. 41).

14 (2) ONTARIO AND CHINO, CALIFORNIA.—The
15 Secretary shall carry out the project for flood dam-
16 age reduction, Ontario and Chino, California, re-
17 ferred to in subsection (a) if the Secretary deter-
18 mines that the project is feasible.

19 (3) SANTA VENETIA, CALIFORNIA.—The Sec-
20 retary shall carry out the project for flood damage
21 reduction, Santa Venetia, California, referred to in
22 subsection (a) if the Secretary determines that the
23 project is feasible and shall allow the non-Federal in-
24 terest to participate in the financing of the project
25 in accordance with section 903(c) of the Water Re-

1 sources Development Act of 1986 (100 Stat. 4184)
2 to the extent that the Secretary's evaluation indi-
3 cates that applying such section is necessary to im-
4 plement the project.

5 (4) WHITTIER, CALIFORNIA.—The Secretary
6 shall carry out the project for flood damage reduc-
7 tion, Whittier, California, referred to in subsection
8 (a) if the Secretary determines that the project is
9 feasible.

10 (5) SOUTH BRANCH OF THE WILD RICE RIVER,
11 BORUP, MINNESOTA.—In carrying out the project for
12 flood damage reduction, South Branch of the Wild
13 Rice River, Borup, Minnesota, referred to in sub-
14 section (a) the Secretary may consider national eco-
15 system restoration benefits in determining the Fed-
16 eral interest in the project and shall allow the non-
17 Federal interest to participate in the financing of
18 the project in accordance with section 903(c) of the
19 Water Resources Development Act of 1986 (100
20 Stat. 4184) to the extent that the Secretary's eval-
21 uation indicates that applying such section is nec-
22 essary to implement the project.

23 (6) ACID BROOK, POMPTON LAKES, NEW JER-
24 SEY.—The Secretary shall carry out the project for
25 flood damage reduction, Acid Brook, Pompton

1 Lakes, New Jersey, referred to in subsection (a) if
2 the Secretary determines that the project is feasible.

3 (7) DILLEY, TEXAS.—The Secretary shall carry
4 out the project for flood damage reduction, Dilley,
5 Texas, referred to in subsection (a) if the Secretary
6 determines that the project is feasible.

7 **SEC. 1003. SMALL PROJECTS FOR EMERGENCY**
8 **STREAMBANK PROTECTION.**

9 The Secretary shall conduct a study for each of the
10 following projects and, if the Secretary determines that
11 a project is feasible, may carry out the project under sec-
12 tion 14 of the Flood Control Act of 1946 (33 U.S.C.
13 701r):

14 (1) ST. JOHNS BLUFF TRAINING WALL, DUVAL
15 COUNTY, FLORIDA.—Project for emergency
16 streambank protection, St. Johns Bluff Training
17 Wall, Duval County, Florida.

18 (2) OUACHITA AND BLACK RIVERS, ARKANSAS
19 AND LOUISIANA.—Projects for emergency
20 streambank protection, Ouachita and Black Rivers,
21 Arkansas and Louisiana.

22 (3) PINEY POINT LIGHTHOUSE, ST. MARY'S
23 COUNTY, MARYLAND.—Project for emergency
24 streambank protection, Piney Point Lighthouse, St.
25 Mary's County, Maryland.

1 (4) PUG HOLE LAKE, MINNESOTA.—Project for
2 emergency streambank protection, Pug Hole Lake,
3 Minnesota.

4 (5) MIDDLE FORK GRAND RIVER, GENTRY
5 COUNTY, MISSOURI.—Project for emergency
6 streambank protection, Middle Fork Grand River,
7 Gentry County, Missouri.

8 (6) PLATTE RIVER, PLATTE CITY, MISSOURI.—
9 Project for emergency streambank protection, Platte
10 River, Platte City, Missouri.

11 (7) RUSH CREEK, PARKVILLE, MISSOURI.—
12 Project for emergency streambank protection, Rush
13 Creek, Parkville, Missouri, including measures to ad-
14 dress degradation of the creek bed.

15 (8) DRY AND OTTER CREEKS, CORTLAND COUN-
16 TY, NEW YORK.—Project for emergency streambank
17 protection, Dry and Otter Creeks, Cortland County,
18 New York.

19 (9) KEUKA LAKE, HAMMONDSPORT, NEW
20 YORK.—Project for emergency streambank protec-
21 tion, Keuka Lake, Hammondsport, New York.

22 (10) KOWAWESE UNIQUE AREA AND HUDSON
23 RIVER, NEW WINDSOR, NEW YORK.—Project for
24 emergency streambank protection, Kowawese Unique
25 Area and Hudson River, New Windsor, New York.

1 (11) OWEGO CREEK, TIOGA COUNTY, NEW
2 YORK.—Project for emergency streambank protec-
3 tion, Owego Creek, Tioga County, New York.

4 (12) HOWARD ROAD OUTFALL, SHELBY COUN-
5 TY, TENNESSEE.—Project for emergency
6 streambank protection, Howard Road outfall, Shelby
7 County, Tennessee.

8 (13) MITCH FARM DITCH AND LATERAL D,
9 SHELBY COUNTY, TENNESSEE.—Project for emer-
10 gency streambank protection, Mitch Farm Ditch and
11 Lateral D, Shelby County, Tennessee.

12 (14) WOLF RIVER TRIBUTARIES, SHELBY COUN-
13 TY, TENNESSEE.—Project for emergency
14 streambank protection, Wolf River tributaries, Shel-
15 by County, Tennessee.

16 (15) JOHNSON CREEK, ARLINGTON, TEXAS.—
17 Project for emergency streambank protection, John-
18 son Creek, Arlington, Texas.

19 (16) WELLS RIVER, NEWBURY, VERMONT.—
20 Project for emergency streambank protection, Wells
21 River, Newbury, Vermont.

22 **SEC. 1004. SMALL PROJECTS FOR NAVIGATION.**

23 (a) IN GENERAL.—The Secretary shall conduct a
24 study for each of the following projects and, if the Sec-
25 retary determines that a project is feasible, may carry out

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

3 (1) MISSISSIPPI RIVER SHIP CHANNEL, LOU-
4 ISIANA.—Project for navigation, Mississippi River
5 Ship Channel, Louisiana.

6 (2) EAST BASIN, CAPE COD CANAL, SANDWICH,
7 MASSACHUSETTS.—Project for navigation, East
8 Basin, Cape Cod Canal, Sandwich, Massachusetts.

9 (3) LYNN HARBOR, LYNN, MASSACHUSETTS.—
10 Project for navigation, Lynn Harbor, Lynn, Massa-
11 chusetts.

12 (4) MERRIMACK RIVER, HAVERHILL, MASSA-
13 CHUSETTS.—Project for navigation, Merrimack
14 River, Haverhill, Massachusetts.

15 (5) OAK BLUFFS HARBOR, OAK BLUFFS, MASSA-
16 CHUSETTS.—Project for navigation, Oak Bluffs
17 Harbor, Oak Bluffs, Massachusetts.

18 (6) WOODS HOLE GREAT HARBOR, FALMOUTH,
19 MASSACHUSETTS.—Project for navigation, Woods
20 Hole Great Harbor, Falmouth, Massachusetts.

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

1 (8) TRAVERSE CITY HARBOR, TRAVERSE CITY,
2 MICHIGAN.—Project for navigation, Traverse City
3 Harbor, Traverse City, Michigan.

4 (9) TOWER HARBOR, TOWER, MINNESOTA.—
5 Project for navigation, Tower Harbor, Tower, Min-
6 nesota.

7 (10) OLCOTT HARBOR, OLCOTT, NEW YORK.—
8 Project for navigation, Olcott Harbor, Olcott, New
9 York.

10 (b) SPECIAL RULES.—

11 (1) TRAVERSE CITY HARBOR, TRAVERSE CITY,
12 MICHIGAN.—The Secretary shall review the locally
13 prepared plan for the project for navigation, Tra-
14 verse City Harbor, Michigan, referred to in sub-
15 section (a), and, if the Secretary determines that the
16 plan meets the evaluation and design standards of
17 the Corps of Engineers and that the plan is feasible,
18 the Secretary may use the plan to carry out the
19 project and shall provide credit toward the non-Fed-
20 eral share of the cost of the project for the cost of
21 work carried out by the non-Federal interest before
22 the date of the partnership agreement for the
23 project if the Secretary determines that the work is
24 integral to the project.

1 (2) TOWER HARBOR, TOWER MINNESOTA.—The
2 Secretary shall carry out the project for navigation,
3 Tower Harbor, Tower, Minnesota, referred to in
4 subsection (a) if the Secretary determines that the
5 project is feasible.

6 **SEC. 1005. SMALL PROJECTS FOR IMPROVEMENT OF THE**
7 **QUALITY OF THE ENVIRONMENT.**

8 The Secretary shall conduct a study for each of the
9 following projects and, if the Secretary determines that
10 a project is appropriate, may carry out the project under
11 section 1135 of the Water Resources Development Act of
12 1986 (33 U.S.C. 2309a):

13 (1) BALLONA CREEK, LOS ANGELES COUNTY,
14 CALIFORNIA.—Project for improvement of the qual-
15 ity of the environment, Ballona Creek, Los Angeles
16 County, California.

17 (2) BALLONA LAGOON TIDE GATES, MARINA
18 DEL REY, CALIFORNIA.—Project for improvement of
19 the quality of the environment, Ballona Lagoon Tide
20 Gates, Marina Del Rey, California.

21 (3) FT. GEORGE INLET, DUVAL COUNTY, FLOR-
22 IDA.—Project for improvement of the quality of the
23 environment, Ft. George Inlet, Duval County, Flor-
24 ida.

1 (4) RATHBUN LAKE, IOWA.—Project for im-
2 provement of the quality of the environment,
3 Rathbun Lake, Iowa.

4 (5) SMITHVILLE LAKE, MISSOURI.—Project for
5 improvement of the quality of the environment,
6 Smithville Lake, Missouri.

7 (6) DELAWARE BAY, NEW JERSEY AND DELA-
8 WARE.—Project for improvement of the quality of
9 the environment, Delaware Bay, New Jersey and
10 Delaware, for the purpose of oyster restoration.

11 (7) TIOGA-HAMMOND LAKES, PENNSYLVANIA.—
12 Project for improvement of the quality of the envi-
13 ronment, Tioga-Hammond Lakes, Pennsylvania.

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

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

21 (1) CYPRESS CREEK, MONTGOMERY, ALA-
22 BAMA.—Project for aquatic ecosystem restoration,
23 Cypress Creek, Montgomery, Alabama.

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

4 (3) BEN LOMOND DAM, SANTA CRUZ, CALI-
5 FORNIA.—Project for aquatic ecosystem restoration,
6 Ben Lomond Dam, Santa Cruz, California.

7 (4) DOCKWEILER BLUFFS, LOS ANGELES COUN-
8 TY, CALIFORNIA.—Project for aquatic ecosystem res-
9 toration, Dockweiler Bluffs, Los Angeles County,
10 California.

11 (5) SALT RIVER, CALIFORNIA.—Project for
12 aquatic ecosystem restoration, Salt River, California.

13 (6) SANTA ROSA CREEK, SANTA ROSA, CALI-
14 FORNIA.—Project for aquatic ecosystem restoration,
15 Santa Rosa Creek in the vicinity of the Prince Me-
16 morial Greenway, Santa Rosa, California.

17 (7) STOCKTON DEEP WATER SHIP CHANNEL
18 AND LOWER SAN JOAQUIN RIVER, CALIFORNIA.—
19 Project for aquatic ecosystem restoration, Stockton
20 Deep Water Ship Channel and lower San Joaquin
21 River, California.

22 (8) SWEETWATER RESERVOIR, SAN DIEGO
23 COUNTY, CALIFORNIA.—Project for aquatic eco-
24 system restoration, Sweetwater Reservoir, San Diego

1 County, California, including efforts to address
2 aquatic nuisance species.

3 (9) CLAM BAYOU AND DINKINS BAYOU,
4 SANIBEL ISLAND, FLORIDA.—Project for aquatic
5 ecosystem restoration, Clam Bayou and Dinkins
6 Bayou, Sanibel Island, Florida.

7 (10) CHATTAHOOCHEE FALL LINE, GEORGIA
8 AND ALABAMA.—Project for aquatic ecosystem res-
9 toration, Chattahoochee Fall Line, Georgia and Ala-
10 bama.

11 (11) LONGWOOD COVE, GAINESVILLE, GEOR-
12 GIA.—Project for aquatic ecosystem restoration,
13 Longwood Cove, Gainesville, Georgia.

14 (12) CITY PARK, UNIVERSITY LAKES, LOU-
15 ISIANA.—Project for aquatic ecosystem restoration,
16 City Park, University Lakes, Louisiana.

17 (13) MILL POND, LITTLETON, MASSACHU-
18 SETTS.—Project for aquatic ecosystem restoration,
19 Mill Pond, Littleton, Massachusetts.

20 (14) PINE TREE BROOK, MILTON, MASSACHU-
21 SETTS.—Project for aquatic ecosystem restoration,
22 Pine Tree Brook, Milton, Massachusetts.

23 (15) RUSH LAKE, MINNESOTA.—Project for
24 aquatic ecosystem restoration, Rush Lake, Min-
25 nesota.

1 (16) SOUTH FORK OF THE CROW RIVER,
2 HUTCHINSON, MINNESOTA.—Project for aquatic eco-
3 system restoration, South Fork of the Crow River,
4 Hutchinson, Minnesota.

5 (17) ST. LOUIS, MISSOURI.—Project for aquatic
6 ecosystem restoration, St. Louis, Missouri.

7 (18) TRUCKEE RIVER, RENO, NEVADA.—Project
8 for aquatic ecosystem restoration, Truckee River,
9 Reno, Nevada, including features for fish passage
10 for Washoe County.

11 (19) GROVER'S MILL POND, NEW JERSEY.—
12 Project for aquatic ecosystem restoration, Grover's
13 Mill Pond, New Jersey.

14 (20) DUGWAY CREEK, BRATEN AHL, OHIO.—
15 Project for aquatic ecosystem restoration, Dugway
16 Creek, Bratenahl, Ohio.

17 (21) JOHNSON CREEK, GRESHAM, OREGON.—
18 Project for aquatic ecosystem restoration, Johnson
19 Creek, Gresham, Oregon.

20 (22) BEAVER CREEK, BEAVER AND SALEM,
21 PENNSYLVANIA.—Project for aquatic ecosystem res-
22 toration, Beaver Creek, Beaver and Salem, Pennsyl-
23 vania.

1 tion 3 of the Act entitled “An Act authorizing Federal
2 participation in the cost of protecting the shores of pub-
3 licly owned property”, approved August 13, 1946 (33
4 U.S.C. 426g):

5 (1) NELSON LAGOON, ALASKA.—Project for
6 shoreline protection, Nelson Lagoon, Alaska.

7 (2) SANIBEL ISLAND, FLORIDA.—Project for
8 shoreline protection, Sanibel Island, Florida.

9 (3) APRA HARBOR, GUAM.—Project for shore-
10 line protection, Apra Harbor, Guam.

11 (4) PITI, CABRAS ISLAND, GUAM.—Project for
12 shoreline protection, Piti, Cabras Island, Guam.

13 (5) NARROWS AND GRAVESEND BAY, UPPER
14 NEW YORK BAY, BROOKLYN, NEW YORK.—Project
15 for shoreline protection in the vicinity of the con-
16 fluence of the Narrows and Gravesend Bay, Upper
17 New York Bay, Shore Parkway Greenway, Brooklyn,
18 New York.

19 (6) DELAWARE RIVER, PHILADELPHIA NAVAL
20 SHIPYARD, PENNSYLVANIA.—Project for shoreline
21 protection, Delaware River in the vicinity of the
22 Philadelphia Naval Shipyard, Pennsylvania.

23 (7) PORT ARANSAS, TEXAS.—Project for shore-
24 line protection, Port Aransas, Texas.

1 **SEC. 1008. SMALL PROJECTS FOR SNAGGING AND SEDI-**
2 **MENT REMOVAL.**

3 The Secretary shall conduct a study for the following
4 project and, if the Secretary determines that the project
5 is feasible, the Secretary may carry out the project under
6 section 2 of the Flood Control Act of August 28, 1937
7 (33 U.S.C. 701g): Project for removal of snags and clear-
8 ing and straightening of channels for flood control,
9 Kowawese Unique Area and Hudson River, New Windsor,
10 New York.

11 **TITLE II—GENERAL PROVISIONS**

12 **SEC. 2001. NON-FEDERAL CONTRIBUTIONS.**

13 Section 103 of the Water Resources Development Act
14 of 1986 (33 U.S.C. 2213) is amended by adding at the
15 end the following:

16 “(n) NON-FEDERAL CONTRIBUTIONS.—

17 “(1) PROHIBITION ON SOLICITATION OF EX-
18 CESS CONTRIBUTIONS.—The Secretary may not—

19 “(A) solicit contributions from non-Federal
20 interests for costs of constructing authorized
21 water resources projects or measures in excess
22 of the non-Federal share assigned to the appro-
23 priate project purposes listed in subsections (a),
24 (b), and (c); or

1 “(B) condition Federal participation in
2 such projects or measures on the receipt of
3 such contributions.

4 “(2) LIMITATION ON STATUTORY CONSTRU-
5 TION.—Nothing in this subsection shall be construed
6 to affect the Secretary’s authority under section
7 903(c).”.

8 **SEC. 2002. HARBOR COST SHARING.**

9 (a) PAYMENTS DURING CONSTRUCTION.—Section
10 101(a)(1) of the Water Resources Development Act of
11 1986 (33 U.S.C. 2211(a)(1); 100 Stat. 4082) is amended
12 in each of subparagraphs (B) and (C) by striking “45
13 feet” and inserting “53 feet”.

14 (b) OPERATION AND MAINTENANCE.—Section
15 101(b)(1) of such Act (33 U.S.C. 2211(b)(1)) is amended
16 by striking “45 feet” and inserting “53 feet”.

17 (c) DEFINITIONS.—Section 214 of such Act (33
18 U.S.C. 2241; 100 Stat. 4108) is amended in each of para-
19 graphs (1) and (3) by striking “45 feet” and inserting
20 “53 feet”.

21 (d) APPLICABILITY.—The amendments made by sub-
22 sections (a), (b), and (c) shall apply only to a project, or
23 separable element of a project, on which a contract for
24 physical construction has not been awarded before October
25 1, 2003.

1 (e) REVISION OF PARTNERSHIP AGREEMENT.—The
2 Secretary shall revise any partnership agreement entered
3 into after October 1, 2003, for any project to which the
4 amendments made by subsections (a), (b), and (c) apply
5 to take into account the change in non-Federal participa-
6 tion in the project as a result of such amendments.

7 **SEC. 2003. FUNDING TO PROCESS PERMITS.**

8 Section 214(c) of the Water Resources Development
9 Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 117
10 Stat. 1836; 119 Stat. 2169; 120 Stat. 318; 120 Stat.
11 3197) is amended by striking “2007” and inserting
12 “2010”.

13 **SEC. 2004. NATIONAL SHORELINE EROSION CONTROL DE-**
14 **VELOPMENT AND DEMONSTRATION PRO-**
15 **GRAM.**

16 (a) EXTENSION OF PROGRAM.—Section 5(a) of the
17 Act entitled “An Act authorizing Federal participation in
18 the cost of protecting the shores of publicly owned prop-
19 erty”, approved August 13, 1946 (33 U.S.C. 426h(a)), is
20 amended by striking “7 years” and inserting “10 years”.

21 (b) EXTENSION OF PLANNING, DESIGN, AND CON-
22 STRUCTION PHASE.—Section 5(b)(1)(A) of such Act (33
23 U.S.C. 426h(b)(1)(A)) is amended by striking “3 years”
24 and inserting “6 years”.

1 (c) COST SHARING; REMOVAL OF PROJECTS.—Sec-
2 tion 5(b) of such Act (33 U.S.C. 426h(b)) is amended—

3 (1) by redesignating paragraphs (3) and (4) as
4 paragraphs (5) and (6), respectively; and

5 (2) by inserting after paragraph (2) the fol-
6 lowing:

7 “(3) COST SHARING.—The Secretary may enter
8 into a cost sharing agreement with a non-Federal in-
9 terest to carry out a project, or a phase of a project,
10 under the erosion control program in cooperation
11 with the non-Federal interest.

12 “(4) REMOVAL OF PROJECTS.—The Secretary
13 may pay all or a portion of the costs of removing a
14 project, or an element of a project, constructed
15 under the erosion control program if the Secretary
16 determines during the term of the program that the
17 project or element is detrimental to the environment,
18 private property, or public safety.”.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
20 5(e)(2) of such Act (33 U.S.C. 426h(e)(2)) is amended
21 by striking “\$25,000,000” and inserting “\$31,000,000”.

22 **SEC. 2005. SMALL SHORE AND BEACH RESTORATION AND**
23 **PROTECTION PROJECTS.**

24 Section 3 of the Act entitled “An Act authorizing
25 Federal participation in the cost of protecting the shores

1 of publicly owned property”, approved August 13, 1946
2 (33 U.S.C. 426g), is amended by striking “\$3,000,000”
3 and inserting “\$5,000,000”.

4 **SEC. 2006. AQUATIC ECOSYSTEM RESTORATION.**

5 Section 206(e) of the Water Resources Development
6 Act of 1996 (33 U.S.C. 2330) is amended by striking
7 “\$25,000,000” and inserting “\$40,000,000”.

8 **SEC. 2007. SMALL FLOOD DAMAGE REDUCTION PROJECTS.**

9 Section 205 of the Flood Control Act of 1948 (33
10 U.S.C. 701s) is amended by striking “\$50,000,000” and
11 inserting “\$60,000,000”.

12 **SEC. 2008. MODIFICATION OF PROJECTS FOR IMPROVE-**
13 **MENT OF THE QUALITY OF THE ENVIRON-**
14 **MENT.**

15 Section 1135(h) of the Water Resources Development
16 Act of 1986 (33 U.S.C. 2309a(h)) is amended by striking
17 “\$25,000,000” and inserting “\$30,000,000”.

18 **SEC. 2009. WRITTEN AGREEMENT FOR WATER RESOURCES**
19 **PROJECTS.**

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

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

1 **“SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR**
2 **WATER RESOURCES PROJECTS.”;**

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

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

6 “(1) IN GENERAL.—After December 31, 1970,
7 the construction of any water resources project, or
8 an acceptable separable element thereof, by the Sec-
9 retary of the Army, acting through the Chief of En-
10 gineers, or by a non-Federal interest where such in-
11 terest will be reimbursed for such construction under
12 any provision of law, shall not be commenced until
13 each non-Federal interest has entered into a written
14 partnership agreement with the Secretary (or, where
15 appropriate, the district engineer for the district in
16 which the project will be carried out) under which
17 each party agrees to carry out its responsibilities
18 and requirements for implementation or construction
19 of the project or the appropriate element of the
20 project, as the case may be; except that no such
21 agreement shall be required if the Secretary deter-
22 mines that the administrative costs associated with
23 negotiating, executing, or administering the agree-
24 ment would exceed the amount of the contribution
25 required from the non-Federal interest and are less
26 than \$25,000.

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

5 “(3) OBLIGATION OF FUTURE APPROPRIA-
6 TIONS.—In any partnership agreement described in
7 paragraph (1) and entered into by a State, or a body
8 politic of the State which derives its powers from the
9 State constitution, or a governmental entity created
10 by the State legislature, the agreement may reflect
11 that it does not obligate future appropriations for
12 such performance and payment when obligating fu-
13 ture appropriations would be inconsistent with con-
14 stitutional or statutory limitations of the State or a
15 political subdivision of the State.

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

17 “(A) IN GENERAL.—A partnership agree-
18 ment described in paragraph (1) may provide
19 with respect to a project that the Secretary
20 shall credit toward the non-Federal share of the
21 cost of the project, including a project imple-
22 mented without specific authorization in law,
23 the value of in-kind contributions made by the
24 non-Federal interest, including—

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

6 “(ii) the value of materials or services
7 provided before execution of the partner-
8 ship agreement, including efforts on con-
9 structed elements incorporated into the
10 project; and

11 “(iii) the value of materials and serv-
12 ices provided after execution of the part-
13 nership agreement.

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

19 “(C) WORK PERFORMED BEFORE PART-
20 NERSHIP AGREEMENT.—In any case in which
21 the non-Federal interest is to receive credit
22 under subparagraph (A)(ii) for the cost of work
23 carried out by the non-Federal interest and
24 such work has not been carried out as of the
25 date of enactment of this subparagraph, the

1 Secretary and the non-Federal interest shall
2 enter into an agreement under which the non-
3 Federal interest shall carry out such work, and
4 only work carried out following the execution of
5 the agreement shall be eligible for credit.

6 “(D) LIMITATIONS.—Credit authorized
7 under this paragraph for a project—

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

10 “(ii) shall not alter any require-
11 ment that a non-Federal interest provide
12 lands, easements or rights-of-way, or areas
13 for disposal of dredged material for the
14 project;

15 “(iii) shall not alter any requirement
16 that a non-Federal interest pay a portion
17 of the costs of construction of the project
18 under sections 101 and 103 of the Water
19 Resources Development Act of 1986 (33
20 U.S.C. 2211; 33 U.S.C. 2213); and

21 “(iv) shall not exceed the actual and
22 reasonable costs of the materials, services,
23 or other things provided by the non-Fed-
24 eral interest, as determined by the Sec-
25 retary.

1 “(E) APPLICABILITY.—

2 “(i) IN GENERAL.—This paragraph
3 shall apply to water resources projects au-
4 thorized after November 16, 1986, includ-
5 ing projects initiated after November 16,
6 1986, without specific authorization in law.

7 “(ii) LIMITATION.—In any case in
8 which a specific provision of law provides
9 for a non-Federal interest to receive credit
10 toward the non-Federal share of the cost
11 of a study for, or construction or operation
12 and maintenance of, a water resources
13 project, the specific provision of law shall
14 apply instead of this paragraph.”.

15 (b) NON-FEDERAL INTEREST.—Section 221(b) of
16 such Act is amended to read as follows:

17 “(b) DEFINITION OF NON-FEDERAL INTEREST.—
18 The term ‘non-Federal interest’ means a legally con-
19 stituted public body (including a federally recognized In-
20 dian tribe), and a nonprofit entity with the consent of the
21 affected local government, that has full authority and ca-
22 pability to perform the terms of its agreement and to pay
23 damages, if necessary, in the event of failure to perform.”.

24 (c) PROGRAM ADMINISTRATION.—Section 221 of
25 such Act is further amended—

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

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

5 “(e) DELEGATION OF AUTHORITY.—Not later than
6 September 30, 2008, the Secretary shall issue policies and
7 guidelines for partnership agreements that delegate to the
8 district engineers, at a minimum—

9 “(1) the authority to approve any policy in a
10 partnership agreement that has appeared in an
11 agreement previously approved by the Secretary;

12 “(2) the authority to approve any policy in a
13 partnership agreement the specific terms of which
14 are dictated by law or by a final feasibility study,
15 final environmental impact statement, or other final
16 decision document for a water resources project;

17 “(3) the authority to approve any partnership
18 agreement that complies with the policies and guide-
19 lines issued by the Secretary; and

20 “(4) the authority to sign any partnership
21 agreement for any water resources project unless,
22 within 30 days of the date of authorization of the
23 project, the Secretary notifies the district engineer in
24 which the project will be carried out that the Sec-

1 retary wishes to retain the prerogative to sign the
2 partnership agreement for that project.

3 “(f) REPORT TO CONGRESS.—Not later than 2 years
4 after the date of enactment of this subsection, and every
5 year thereafter, the Secretary shall submit to Congress a
6 report detailing the following:

7 “(1) The number of partnership agreements
8 signed by district engineers and the number of part-
9 nership agreements signed by the Secretary.

10 “(2) For any partnership agreement signed by
11 the Secretary, an explanation of why delegation to
12 the district engineer was not appropriate.

13 “(g) PUBLIC AVAILABILITY.—Not later than 120
14 days after the date of enactment of this subsection, the
15 Chief of Engineers shall—

16 “(1) ensure that each district engineer has
17 made available to the public, including on the Inter-
18 net, all partnership agreements entered into under
19 this section within the preceding 10 years and all
20 partnership agreements for water resources projects
21 currently being carried out in that district; and

22 “(2) make each partnership agreement entered
23 into after such date of enactment available to the
24 public, including on the Internet, not later than 7

1 days after the date on which such agreement is en-
2 tered into.”.

3 (d) LOCAL COOPERATION.—Section 912(b) of the
4 Water Resources Development Act of 1986 (101 Stat.
5 4190) is amended—

6 (1) in paragraph (2)—

7 (A) by striking “shall” the first place it
8 appears and inserting “may”; and

9 (B) by striking the last sentence; and

10 (2) in paragraph (4)—

11 (A) by inserting after “injunction, for” the
12 following: “payment of damages or, for”;

13 (B) by striking “to collect a civil penalty
14 imposed under this section,”; and

15 (C) by striking “any civil penalty imposed
16 under this section,” and inserting “any dam-
17 ages,”.

18 (e) APPLICABILITY.—The amendments made by sub-
19 sections (a), (b), and (d) only apply to partnership agree-
20 ments entered into after the date of enactment of this Act;
21 except that, at the request of a non-Federal interest for
22 a project, the district engineer for the district in which
23 the project is located may amend a project partnership
24 agreement entered into on or before such date and under
25 which construction on the project has not been initiated

1 as of such date of enactment for the purpose of incor-
2 porating such amendments.

3 (f) PARTNERSHIP AND COOPERATIVE ARRANGE-
4 MENTS; REFERENCES.—

5 (1) IN GENERAL.—A goal of agreements en-
6 tered into under section 221 of the Flood Control
7 Act of 1970 (42 U.S.C. 1962d–5b) shall be to fur-
8 ther partnership and cooperative arrangements, and
9 the agreements shall be referred to as “partnership
10 agreements”.

11 (2) REFERENCES TO COOPERATION AGREE-
12 MENTS.—Any reference in a law, regulation, docu-
13 ment, or other paper of the United States to a “co-
14 operation agreement” or “project cooperation agree-
15 ment” shall be deemed to be a reference to a “part-
16 nership agreement” or a “project partnership agree-
17 ment”, respectively.

18 (3) REFERENCES TO PARTNERSHIP AGREE-
19 MENTS.—Any reference to a “partnership agree-
20 ment” or “project partnership agreement” in this
21 Act (other than this section) shall be deemed to be
22 a reference to a “cooperation agreement” or a
23 “project cooperation agreement”, respectively.

1 **SEC. 2010. ASSISTANCE FOR REMEDIATION, RESTORATION,**
2 **AND REUSE.**

3 (a) IN GENERAL.—The Secretary may provide to
4 State and local governments assessment, planning, and
5 design assistance for remediation, environmental restora-
6 tion, or reuse of areas located within the boundaries of
7 such State or local governments where such remediation,
8 environmental restoration, or reuse will contribute to the
9 improvement of water quality or the conservation of water
10 and related resources of drainage basins and watersheds
11 within the United States.

12 (b) NON-FEDERAL SHARE.—The non-Federal share
13 of the cost of assistance provided under subsection (a)
14 shall be 50 percent.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$30,000,000 for each of fiscal years 2008 through 2012.

18 **SEC. 2011. COMPILATION OF LAWS.**

19 (a) COMPILATION OF LAWS ENACTED AFTER NO-
20 VEMBER 8, 1966.—Not later than one year after the date
21 of enactment of this Act, the Secretary and the Chief of
22 Engineers shall prepare a compilation of the laws of the
23 United States relating to the improvement of rivers and
24 harbors, flood damage reduction, beach and shoreline ero-
25 sion, hurricane and storm damage reduction, ecosystem
26 and environmental restoration, and other water resources

1 development enacted after November 8, 1966, and before
2 January 1, 2008, and have such compilation printed for
3 the use of the Department of the Army, Congress, and
4 the general public.

5 (b) REPRINT OF LAWS ENACTED BEFORE NOVEM-
6 BER 8, 1966.—The Secretary shall have the volumes con-
7 taining the laws referred to in subsection (a) enacted be-
8 fore November 8, 1966, reprinted.

9 (c) INDEX.—The Secretary shall include an index in
10 each volume compiled, and each volume reprinted, pursu-
11 ant to this section.

12 (d) CONGRESSIONAL COPIES.—Not later than De-
13 cember 1, 2008, the Secretary shall transmit at least 25
14 copies of each volume compiled, and of each volume re-
15 printed, pursuant to this section to each of the Committee
16 on Transportation and Infrastructure of the House of
17 Representatives and the Committee on Environment and
18 Public Works of the Senate.

19 (e) AVAILABILITY.—The Secretary shall ensure that
20 each volume compiled, and each volume reprinted, pursu-
21 ant to this section are available through electronic means,
22 including the Internet.

23 **SEC. 2012. DREDGED MATERIAL DISPOSAL.**

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

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

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

5 “(c) DREDGED MATERIAL FACILITY.—

6 “(1) IN GENERAL.—The Secretary may enter
7 into a partnership agreement under section 221 of
8 the Flood Control Act of 1970 (42 U.S.C. 1962d–
9 5b) with one or more non-Federal interests with re-
10 spect to a water resources project, or group of water
11 resources projects within a geographic region, if ap-
12 propriate, for the acquisition, design, construction,
13 management, or operation of a dredged material
14 processing, treatment, contaminant reduction, or
15 disposal facility (including any facility used to dem-
16 onstrate potential beneficial uses of dredged mate-
17 rial, which may include effective sediment contami-
18 nant reduction technologies) using funds provided in
19 whole or in part by the Federal Government.

20 “(2) PERFORMANCE.—One or more of the par-
21 ties to a partnership agreement under this sub-
22 section may perform the acquisition, design, con-
23 struction, management, or operation of a dredged
24 material processing, treatment, contaminant reduc-
25 tion, or disposal facility.

1 “(3) MULTIPLE PROJECTS.—If a facility to
2 which this subsection applies serves to manage
3 dredged material from multiple water resources
4 projects located in the geographic region of the facil-
5 ity, the Secretary may combine portions of such
6 projects with appropriate combined costsharing be-
7 tween the various projects in a partnership agree-
8 ment for the facility under this subsection.

9 “(4) SPECIFIED FEDERAL FUNDING SOURCES
10 AND COST SHARING.—

11 “(A) SPECIFIED FEDERAL FUNDING.—A
12 partnership agreement with respect to a facility
13 under this subsection shall specify—

14 “(i) the Federal funding sources and
15 combined cost-sharing when applicable to
16 multiple water resources projects; and

17 “(ii) the responsibilities and risks of
18 each of the parties relating to present and
19 future dredged material managed by the
20 facility.

21 “(B) MANAGEMENT OF SEDIMENTS.—

22 “(i) IN GENERAL.—A partnership
23 agreement under this subsection may in-
24 clude the management of sediments from
25 the maintenance dredging of Federal water

1 resources projects that do not have part-
2 nership agreements.

3 “(ii) PAYMENTS.—A partnership
4 agreement under this subsection may allow
5 the non-Federal interest to receive reim-
6 bursable payments from the Federal Gov-
7 ernment for commitments made by the
8 non-Federal interest for disposal or place-
9 ment capacity at dredged material proc-
10 essing, treatment, contaminant reduction,
11 or disposal facilities.

12 “(C) CREDIT.—A partnership agreement
13 under this subsection may allow costs incurred
14 by the non-Federal interest before execution of
15 the partnership agreement to be credited in ac-
16 cordance with section 221(a)(4) of the Flood
17 Control Act of 1970 (42 U.S.C. 1962d-
18 5b(a)(4)).

19 “(5) CREDIT.—

20 “(A) EFFECT ON EXISTING AGREE-
21 MENTS.—Nothing in this subsection supersedes
22 or modifies an agreement in effect on the date
23 of enactment of this paragraph between the
24 Federal Government and any non-Federal inter-
25 est for the cost-sharing, construction, and oper-

1 ation and maintenance of a water resources
2 project.

3 “(B) CREDIT FOR FUNDS.—Subject to the
4 approval of the Secretary and in accordance
5 with law (including regulations and policies) in
6 effect on the date of enactment of this para-
7 graph, a non-Federal interest for a water re-
8 sources project may receive credit for funds
9 provided for the acquisition, design, construc-
10 tion, management, or operation of a dredged
11 material processing, treatment, contaminant re-
12 duction, or disposal facility to the extent the fa-
13 cility is used to manage dredged material from
14 the project.

15 “(C) NON-FEDERAL INTEREST RESPON-
16 SIBILITIES.—A non-Federal interest entering
17 into a partnership agreement under this sub-
18 section for a facility shall—

19 “(i) be responsible for providing all
20 necessary lands, easements, rights-of-way,
21 and relocations associated with the facility;
22 and

23 “(ii) receive credit toward the non-
24 Federal share of the cost of the project

1 with respect to which the agreement is
2 being entered into for those items.”; and
3 (3) in paragraphs (1) and (2)(A) of subsection
4 (d) (as redesignated by paragraph (1))—
5 (A) by inserting “and maintenance” after
6 “operation” each place it appears; and
7 (B) by inserting “processing, treatment,
8 contaminant reduction, or” after “dredged ma-
9 terial” the first place it appears in each of
10 those paragraphs.

11 **SEC. 2013. WETLANDS MITIGATION.**

12 In carrying out a water resources project that in-
13 volves wetlands mitigation and that has impacts that occur
14 within the same watershed of a mitigation bank, the Sec-
15 retary, to the maximum extent practicable and where ap-
16 propriate, shall first consider the use of the mitigation
17 bank if the bank contains sufficient available credits to
18 offset the impact and the bank is approved in accordance
19 with the Federal Guidance for the Establishment, Use and
20 Operation of Mitigation Banks (60 Fed. Reg. 58605) or
21 other applicable Federal law (including regulations).

22 **SEC. 2014. MITIGATION FOR FISH AND WILDLIFE LOSSES.**

23 (a) **MITIGATION PLAN CONTENTS.**—Section 906(d)
24 of the Water Resources Development Act of 1986 (33

1 U.S.C. 2283(d)) is amended by adding at the end the fol-
2 lowing:

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

5 “(A) a description of the physical action to
6 be undertaken to achieve the mitigation objec-
7 tives within the watershed in which such losses
8 occur and, in any case in which mitigation must
9 take place outside the watershed, a justification
10 detailing the rationale for undertaking the miti-
11 gation outside of the watershed;

12 “(B) a description of the lands or interests
13 in lands to be acquired for mitigation and the
14 basis for a determination that such lands are
15 available for acquisition;

16 “(C) the type, amount, and characteristics
17 of the habitat being restored;

18 “(D) success criteria for mitigation based
19 on replacement of lost functions and values of
20 the habitat, including hydrologic and vegetative
21 characteristics; and

22 “(E) a plan for any necessary monitoring
23 to determine the success of the mitigation, in-
24 cluding the cost and duration of any monitoring

1 and, to the extent practicable, the entities re-
2 sponsible for any monitoring.

3 “(4) RESPONSIBILITY FOR MONITORING.—In
4 any case in which it is not practicable to identify in
5 a mitigation plan for a water resources project, the
6 entity responsible for monitoring at the time of a
7 final report of the Chief of Engineers or other final
8 decision document for the project, such entity shall
9 be identified in the partnership agreement entered
10 into with the non-Federal interest.”.

11 (b) STATUS REPORT.—

12 (1) IN GENERAL.—Concurrent with the Presi-
13 dent’s submission to Congress of the President’s re-
14 quest for appropriations for the Civil Works Pro-
15 gram for a fiscal year, the Secretary shall submit to
16 the Committee on Transportation and Infrastructure
17 of the House of Representatives and the Committee
18 on Environment and Public Works of the Senate a
19 report on the status of construction of projects that
20 require mitigation under section 906 of the Water
21 Resources Development Act of 1986 (33 U.S.C.
22 2283; 100 Stat. 4186) and the status of such miti-
23 gation.

24 (2) PROJECTS INCLUDED.—The status report
25 shall include the status of all projects that are under

1 construction, all projects for which the President re-
2 quests funding for the next fiscal year, and all
3 projects that have completed construction, but have
4 not completed the mitigation required under section
5 906 of the Water Resources Development Act of
6 1986.

7 **SEC. 2015. REMOTE AND SUBSISTENCE HARBORS.**

8 (a) IN GENERAL.—In conducting a study of harbor
9 and navigation improvements, the Secretary may rec-
10 ommend a project without the need to demonstrate that
11 the project is justified solely by national economic develop-
12 ment benefits if the Secretary determines that—

13 (1)(A) the community to be served by the
14 project is at least 70 miles from the nearest surface
15 accessible commercial port and has no direct rail or
16 highway link to another community served by a sur-
17 face accessible port or harbor; or

18 (B) the project would be located in the Com-
19 monwealth of Puerto Rico, Guam, the Common-
20 wealth of the Northern Mariana Islands, the United
21 States Virgin Islands, or American Samoa;

22 (2) the harbor is economically critical such that
23 over 80 percent of the goods transported through
24 the harbor would be consumed within the community

1 served by the harbor and navigation improvement;
2 and

3 (3) the long-term viability of the community
4 would be threatened without the harbor and naviga-
5 tion improvement.

6 (b) JUSTIFICATION.—In considering whether to rec-
7 ommend a project under subsection (a), the Secretary
8 shall consider the benefits of the project to—

9 (1) public health and safety of the local commu-
10 nity, including access to facilities designed to protect
11 public health and safety;

12 (2) access to natural resources for subsistence
13 purposes;

14 (3) local and regional economic opportunities;

15 (4) welfare of the local population; and

16 (5) social and cultural value to the community.

17 **SEC. 2016. BENEFICIAL USES OF DREDGED MATERIAL.**

18 (a) IN GENERAL.—Section 204 of the Water Re-
19 sources Development Act of 1992 (33 U.S.C. 2326) is
20 amended by striking subsections (c) through (g) and in-
21 serting the following:

22 “(c) IN GENERAL.—The Secretary may carry out
23 projects to transport and place sediment obtained in con-
24 nection with the construction, operation, or maintenance
25 of an authorized water resources project at locations se-

1 lected by a non-Federal entity for use in the construction,
2 repair, or rehabilitation of projects determined by the Sec-
3 retary to be in the public interest and associated with navi-
4 gation, flood damage reduction, hydroelectric power, mu-
5 nicipal and industrial water supply, agricultural water
6 supply, recreation, hurricane and storm damage reduction,
7 aquatic plant control, and environmental protection and
8 restoration.

9 “(d) COOPERATIVE AGREEMENT.—Any project un-
10 dertaken pursuant to this section shall be initiated only
11 after non-Federal interests have entered into an agree-
12 ment with the Secretary in which the non-Federal inter-
13 ests agree to pay the non-Federal share of the cost of con-
14 struction of the project and 100 percent of the cost of
15 operation, maintenance, replacement, and rehabilitation of
16 the project in accordance with section 103 of the Water
17 Resources Development Act of 1986 (33 U.S.C. 2213).

18 “(e) SPECIAL RULE.—Construction of a project
19 under subsection (a) for one or more of the purposes of
20 protection, restoration, or creation of aquatic and eco-
21 logically related habitat, the cost of which does not exceed
22 \$750,000 and which will be located in a disadvantaged
23 community as determined by the Secretary, may be car-
24 ried out at Federal expense.

1 “(f) DETERMINATION OF CONSTRUCTION COSTS.—
2 Costs associated with construction of a project under this
3 section shall be limited solely to construction costs that
4 are in excess of those costs necessary to carry out the
5 dredging for construction, operation, or maintenance of
6 the authorized water resources project in the most cos-
7 effective way, consistent with economic, engineering, and
8 environmental criteria.

9 “(g) SELECTION OF SEDIMENT DISPOSAL METH-
10 OD.—In developing and carrying out a water resources
11 project involving the disposal of sediment, the Secretary
12 may select, with the consent of the non-Federal interest,
13 a disposal method that is not the least cost option if the
14 Secretary determines that the incremental costs of such
15 disposal method are reasonable in relation to the environ-
16 mental benefits, including the benefits to the aquatic envi-
17 ronment to be derived from the creation of wetlands and
18 control of shoreline erosion. The Federal share of such in-
19 cremental costs shall be determined in accordance with
20 subsections (d) and (f).

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

1 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$30,000,000 annually for
3 projects under this section of which not more than
4 \$3,000,000 annually may be used for construction of
5 projects described in subsection (e). Such sums shall re-
6 main available until expended.

7 “(j) REGIONAL SEDIMENT MANAGEMENT PLAN-
8 NING.—In consultation with appropriate State and Fed-
9 eral agencies, the Secretary may develop, at Federal ex-
10 pense, plans for regional management of sediment ob-
11 tained in conjunction with the construction, operation, or
12 maintenance of water resources projects, including poten-
13 tial beneficial uses of sediment for construction, repair, or
14 rehabilitation of public projects for navigation, flood dam-
15 age reduction, hydroelectric power, municipal and indus-
16 trial water supply, agricultural water supply, recreation,
17 hurricane and storm damage reduction, aquatic plant con-
18 trol, and environmental protection and restoration.

19 “(k) USE OF FUNDS.—

20 “(1) NON-FEDERAL INTEREST.—The non-Fed-
21 eral interest for a project described in this section
22 may use, and the Secretary shall accept, funds pro-
23 vided under any other Federal program, to satisfy,
24 in whole or in part, the non-Federal share of the

1 cost of such project if such funds are authorized to
2 be used to carry out such project.

3 “(2) OTHER FEDERAL AGENCIES.—The non-
4 Federal share of the cost of construction of a project
5 under this section may be met through contributions
6 from a Federal agency made directly to the Sec-
7 retary, with the consent of the affected local govern-
8 ment, if such funds are authorized to be used to
9 carry out such project. Before initiating a project to
10 which this paragraph applies, the Secretary shall
11 enter into an agreement with a non-Federal interest
12 in which the non-Federal interest agrees to pay 100
13 percent of the cost of operation, maintenance, re-
14 placement, and rehabilitation of the project.”.

15 (b) REPEAL.—

16 (1) IN GENERAL.—Section 145 of the Water
17 Resources Development Act of 1976 (33 U.S.C.
18 426j) is repealed.

19 (2) HOLD HARMLESS.—The repeal made by
20 paragraph (1) shall not affect the authority of the
21 Secretary to complete any project being carried out
22 under such section 145 on the day before the date
23 of enactment of this Act.

24 (c) PRIORITY AREAS.—In carrying out section 204
25 of the Water Resources Development Act of 1992 (33

1 U.S.C. 2326), the Secretary shall give priority to the fol-
2 lowing:

3 (1) A project at Little Rock Slackwater Harbor,
4 Arkansas.

5 (2) A project at Egmont Key, Florida.

6 (3) A project in the vicinity of Calcasieu Ship
7 Channel, Louisiana.

8 (4) A project in the vicinity of the Smith Point
9 Park Pavilion and the TWA Flight 800 Memorial,
10 Brookhaven, New York.

11 (5) A project in the vicinity of Morehead City,
12 North Carolina.

13 (6) A project in the vicinity of Galveston Bay,
14 Texas.

15 (7) A project at Benson Beach, Washington.

16 **SEC. 2017. COST-SHARING PROVISIONS FOR CERTAIN**
17 **AREAS.**

18 Section 1156 of the Water Resources Development
19 Act of 1986 (33 U.S.C. 2310; 100 Stat. 4256) is amended
20 to read as follows:

21 **“SEC. 1156. COST-SHARING PROVISIONS FOR CERTAIN**
22 **AREAS.**

23 “The Secretary shall waive local cost-sharing require-
24 ments up to \$500,000 for all studies and projects—

1 “(1) in the Commonwealth of Puerto Rico,
2 American Samoa, Guam, the Commonwealth of the
3 Northern Mariana Islands, and the United States
4 Virgin Islands;

5 “(2) in Indian country (as defined in section
6 1151 of title 18, United States Code, and including
7 lands that are within the jurisdictional area of an
8 Oklahoma Indian tribe, as determined by the Sec-
9 retary of the Interior, and are recognized by the Sec-
10 retary of the Interior as eligible for trust land status
11 under part 151 of title 25, Code of Federal Regula-
12 tions); or

13 “(3) on land in the State of Alaska owned by
14 an Alaska Native Regional Corporation or an Alaska
15 Native Village Corporation (as those terms are de-
16 fined in the Alaska Native Claims Settlement Act
17 (43 U.S.C. 1601 et seq.)) or the Metlakatla Indian
18 community.”.

19 **SEC. 2018. USE OF OTHER FEDERAL FUNDS.**

20 The non-Federal interest for a water resources study
21 or project may use, and the Secretary shall accept, funds
22 provided by a Federal agency under any other Federal
23 program, to satisfy, in whole or in part, the non-Federal
24 share of the cost of the study or project if such funds are
25 authorized to be used to carry out the study or project.

1 **SEC. 2019. REVISION OF PROJECT PARTNERSHIP AGREE-**
2 **MENT.**

3 Upon authorization by law of an increase in the max-
4 imum amount of Federal funds that may be allocated for
5 a water resources project or an increase in the total cost
6 of a water resources project authorized to be carried out
7 by the Secretary, the Secretary shall revise the partnership
8 agreement for the project to take into account the change
9 in Federal participation in the project.

10 **SEC. 2020. COST SHARING.**

11 An increase in the maximum amount of Federal
12 funds that may be allocated for a water resources project,
13 or an increase in the total cost of a water resources
14 project, authorized to be carried out by the Secretary shall
15 not affect any cost-sharing requirement applicable to the
16 project.

17 **SEC. 2021. EXPEDITED ACTIONS FOR EMERGENCY FLOOD**
18 **DAMAGE REDUCTION.**

19 The Secretary shall expedite any authorized planning,
20 design, and construction of any project for flood damage
21 reduction for an area that, within the preceding 5 years,
22 has been subject to flooding that resulted in the loss of
23 life and caused damage of sufficient severity and mag-
24 nitude to warrant a declaration of a major disaster by the
25 President under the Robert T. Stafford Disaster Relief
26 and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

1 **SEC. 2022. WATERSHED AND RIVER BASIN ASSESSMENTS.**

2 (a) IN GENERAL.—Section 729 of the Water Re-
3 sources Development Act of 1986 (33 U.S.C. 2267a; 114
4 Stat. 2587–2588; 100 Stat. 4164) is amended—

5 (1) in subsection (d)—

6 (A) by striking “and” at the end of para-
7 graph (4);

8 (B) by striking the period at the end of
9 paragraph (5) and inserting “; and”; and

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

11 “(6) Tuscarawas River Basin, Ohio;

12 “(7) Sauk River Basin, Snohomish and Skagit
13 Counties, Washington;

14 “(8) Niagara River Basin, New York;

15 “(9) Genesee River Basin, New York; and

16 “(10) White River Basin, Arkansas and Mis-
17 souri.”;

18 (2) by striking paragraph (1) of subsection (f)
19 and inserting the following:

20 “(1) NON-FEDERAL SHARE.—The non-Federal
21 share of the costs of an assessment carried out
22 under this section on or after December 11, 2000,
23 shall be 25 percent.”; and

24 (3) by striking subsection (g).

25 (b) REVISION OF PARTNERSHIP AGREEMENT.—The
26 Secretary shall revise the partnership agreement for any

1 assessment being carried out under such section 729 to
2 take into account the change in non-Federal participation
3 in the assessment as a result of the amendments made
4 by subsection (a).

5 **SEC. 2023. TRIBAL PARTNERSHIP PROGRAM.**

6 (a) SCOPE.—Section 203(b)(1)(B) of the Water Re-
7 sources Development Act of 2000 (33 U.S.C.
8 2269(b)(1)(B); 114 Stat. 2589) is amended by inserting
9 after “Code” the following: “, and including lands that
10 are within the jurisdictional area of an Oklahoma Indian
11 tribe, as determined by the Secretary of the Interior, and
12 are recognized by the Secretary of the Interior as eligible
13 for trust land status under part 151 of title 25, Code of
14 Federal Regulations”.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
16 203(e) of such Act is amended by striking “2006” and
17 inserting “2012”.

18 **SEC. 2024. WILDFIRE FIREFIGHTING.**

19 Section 309 of Public Law 102–154 (42 U.S.C.
20 1856a–1; 105 Stat. 1034) is amended by inserting “the
21 Secretary of the Army,” after “the Secretary of Energy,”.

22 **SEC. 2025. TECHNICAL ASSISTANCE.**

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

1 (1) in subsection (a) by striking “The Sec-
2 retary” and inserting the following:

3 “(a) FEDERAL STATE COOPERATION.—

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

6 (2) by inserting after the last sentence in sub-
7 section (a) the following:

8 “(2) TECHNICAL ASSISTANCE.—

9 “(A) IN GENERAL.—At the request of
10 a governmental agency or non-Federal in-
11 terest, the Secretary may provide, at Fed-
12 eral expense, technical assistance to such
13 agency or non-Federal interest in man-
14 aging water resources.

15 “(B) TYPES OF ASSISTANCE.—Tech-
16 nical assistance under this paragraph may
17 include provision and integration of hydro-
18 logic, economic, and environmental data
19 and analyses.”;

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

23 (4) in subsection (b)(2) by striking “Up to 1/2
24 of the” and inserting “The”;

1 (5) in subsection (c) by striking “(c) There is”
2 and inserting the following:

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—

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

6 (6) in subsection (c)(1) (as designated by para-
7 graph (5))—

8 (A) by striking “the provisions of this sec-
9 tion” and inserting “subsection (a)(1);”; and

10 (B) by striking “\$500,000” and inserting
11 “\$1,000,000”;

12 (7) by inserting at the end of subsection (c) the
13 following:

14 “(2) TECHNICAL ASSISTANCE.—There is au-
15 thorized to be appropriated \$5,000,000 annually to
16 carry out subsection (a)(2), of which not more than
17 \$2,000,000 annually may be used by the Secretary
18 to enter into cooperative agreements with nonprofit
19 organizations to provide assistance to rural and
20 small communities.”;

21 (8) by redesignating subsection (d) as sub-
22 section (e); and

23 (9) by inserting after subsection (c) the fol-
24 lowing:

1 “(d) ANNUAL SUBMISSION OF PROPOSED ACTIVI-
2 TIES.—Concurrent with the President’s submission to
3 Congress of the President’s request for appropriations for
4 the Civil Works Program for a fiscal year, the Secretary
5 shall submit to the Committee on Transportation and In-
6 frastructure of the House of Representatives and the Com-
7 mittee on Environment and Public Works of the Senate
8 a report describing the individual activities proposed for
9 funding under subsection (a)(1) for that fiscal year.”.

10 **SEC. 2026. LAKES PROGRAM.**

11 Section 602(a) of the Water Resources Development
12 Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat.
13 295) is amended—

14 (1) by striking “and” at end of paragraph (18);

15 (2) by striking the period at the end of para-
16 graph (19) and inserting a semicolon; and

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

18 “(20) Kinkaid Lake, Jackson County, Illinois,
19 removal of silt and aquatic growth and measures to
20 address excessive sedimentation;

21 “(21) McCarter Pond, Borough of Fairhaven,
22 New Jersey, removal of silt and measures to address
23 water quality;

1 “(22) Rogers Pond, Franklin Township, New
2 Jersey, removal of silt and restoration of structural
3 integrity;

4 “(23) Greenwood Lake, New York and New
5 Jersey, removal of silt and aquatic growth; and

6 “(24) Lake Luxembourg, Pennsylvania.”.

7 **SEC. 2027. COORDINATION AND SCHEDULING OF FEDERAL,**
8 **STATE, AND LOCAL ACTIONS.**

9 (a) NOTICE OF INTENT.—Upon request of the non-
10 Federal interest in the form of a written notice of intent
11 to construct or modify a non-Federal water supply, waste-
12 water infrastructure, flood damage reduction, storm dam-
13 age reduction, ecosystem restoration, or navigation project
14 that requires the approval of the Secretary, the Secretary
15 shall initiate, subject to subsection (g)(1), procedures to
16 establish a schedule for consolidating Federal, State, and
17 local agency and Indian tribe environmental assessments,
18 project reviews, and issuance of all permits for the con-
19 struction or modification of the project. The non-Federal
20 interest shall submit to the Secretary, with the notice of
21 intent, studies and documentation, including environ-
22 mental reviews, that may be required by Federal law for
23 decisionmaking on the proposed project. All States and In-
24 dian tribes having jurisdiction over the proposed project
25 shall be invited by the Secretary, but shall not be required,

1 to participate in carrying out this section with respect to
2 the project.

3 (b) PROCEDURAL REQUIREMENTS.—Within 15 days
4 after receipt of notice under subsection (a), the Secretary
5 shall publish such notice in the Federal Register. The Sec-
6 retary also shall provide written notification of the receipt
7 of a notice under subsection (a) to all State and local
8 agencies and Indian tribes that may be required to issue
9 permits for the construction of the project or related ac-
10 tivities. The Secretary shall solicit the cooperation of those
11 agencies and request their entry into a memorandum of
12 agreement described in subsection (c) with respect to the
13 project. Within 30 days after publication of the notice in
14 the Federal Register, State and local agencies and Indian
15 tribes that intend to enter into the memorandum of agree-
16 ment with respect to the project shall notify the Secretary
17 of their intent in writing.

18 (c) SCHEDULING AGREEMENT.—Within 90 days
19 after the date of receipt of notice under subsection (a)
20 with respect to a project, the Secretary of the Interior,
21 the Secretary of Commerce, and the Administrator of the
22 Environmental Protection Agency, as necessary, and any
23 State or local agencies that have notified the Secretary
24 under subsection (b) shall enter into an agreement with
25 the Secretary establishing a schedule of decisionmaking

1 for approval of the project and permits associated with
2 the project and with related activities.

3 (d) CONTENTS OF AGREEMENT.—An agreement en-
4 tered into under subsection (c) with respect to a project,
5 to the extent practicable, shall consolidate hearing and
6 comment periods, procedures for data collection and re-
7 port preparation, and the environmental review and per-
8 mitting processes associated with the project and related
9 activities. The agreement shall detail, to the extent pos-
10 sible, the non-Federal interest’s responsibilities for data
11 development and information that may be necessary to
12 process each permit required for the project, including a
13 schedule when the information and data will be provided
14 to the appropriate Federal, State, or local agency or In-
15 dian tribe.

16 (e) REVISION OF AGREEMENT.—The Secretary may
17 revise an agreement entered into under subsection (c) with
18 respect to a project once to extend the schedule to allow
19 the non-Federal interest the minimum amount of addi-
20 tional time necessary to revise its original application to
21 meet the objections of a Federal, State, or local agency
22 or Indian tribe that is a party to the agreement.

23 (f) FINAL DECISION.—Not later than the final day
24 of a schedule established by an agreement entered into
25 under subsection (c) with respect to a project, the Sec-

1 retary shall notify the non-Federal interest of the final de-
2 cision on the project and whether the permit or permits
3 have been issued.

4 (g) COSTS OF COORDINATION.—The costs incurred
5 by the Secretary to establish and carry out a schedule to
6 consolidate Federal, State, and local agency and Indian
7 tribe environmental assessments, project reviews, and per-
8 mit issuance for a project under this section shall be paid
9 by the non-Federal interest.

10 (h) REPORT ON TIMESAVINGS METHODS.—Not later
11 than 3 years after the date of enactment of this section,
12 the Secretary shall prepare and transmit to Congress a
13 report estimating the time required for the issuance of all
14 Federal, State, local, and tribal permits for the construc-
15 tion of non-Federal projects for water supply, wastewater
16 infrastructure, flood damage reduction, storm damage re-
17 duction, ecosystem restoration, and navigation. The Sec-
18 retary shall include in that report recommendations for
19 further reducing the amount of time required for the
20 issuance of those permits, including any proposed changes
21 in existing law.

22 **SEC. 2028. PROJECT STREAMLINING.**

23 (a) POLICY.—The benefits of water resources
24 projects are important to the Nation’s economy and envi-
25 ronment, and recommendations to Congress regarding

1 such projects should not be delayed due to uncoordinated
2 or inefficient reviews or the failure to timely resolve dis-
3 putes during the development of water resources projects.

4 (b) SCOPE.—This section shall apply to each study
5 initiated after the date of enactment of this Act to develop
6 a feasibility report under section 905 of the Water Re-
7 sources Development Act of 1986 (33 U.S.C. 2282), or
8 a reevaluation report, for a water resources project if the
9 Secretary determines that such study requires an environ-
10 mental impact statement under the National Environ-
11 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

12 (c) WATER RESOURCES PROJECT REVIEW PROC-
13 ESS.—The Secretary shall develop and implement a co-
14 ordinated review process for the development of water re-
15 sources projects.

16 (d) COORDINATED REVIEWS.—

17 (1) IN GENERAL.—The coordinated review proc-
18 ess under this section shall provide that all reviews,
19 analyses, opinions, permits, licenses, and approvals
20 that must be issued or made by a Federal, State, or
21 local government agency or Indian tribe for the de-
22 velopment of a water resources project described in
23 subsection (b) will be conducted, to the maximum
24 extent practicable, concurrently and completed with-
25 in a time period established by the Secretary, in co-

1 operation with the agencies identified under sub-
2 section (e) with respect to the project.

3 (2) AGENCY PARTICIPATION.—Each Federal
4 agency identified under subsection (e) with respect
5 to the development of a water resources project shall
6 formulate and implement administrative policy and
7 procedural mechanisms to enable the agency to en-
8 sure completion of reviews, analyses, opinions, per-
9 mits, licenses, and approvals described in paragraph
10 (1) for the project in a timely and environmentally
11 responsible manner.

12 (e) IDENTIFICATION OF JURISDICTIONAL AGEN-
13 CIES.—With respect to the development of each water re-
14 sources project, the Secretary shall identify, as soon as
15 practicable all Federal, State, and local government agen-
16 cies and Indian tribes that may—

17 (1) have jurisdiction over the project;

18 (2) be required by law to conduct or issue a re-
19 view, analysis, or opinion for the project; or

20 (3) be required to make a determination on
21 issuing a permit, license, or approval for the project.

22 (f) STATE AUTHORITY.—If the coordinated review
23 process is being implemented under this section by the
24 Secretary with respect to the development of a water re-
25 sources project described in subsection (b) within the

1 boundaries of a State, the State, consistent with State law,
2 may choose to participate in the process and to make sub-
3 ject to the process all State agencies that—

4 (1) have jurisdiction over the project;

5 (2) are required to conduct or issue a review,
6 analysis, or opinion for the project; or

7 (3) are required to make a determination on
8 issuing a permit, license, or approval for the project.

9 (g) MEMORANDUM OF UNDERSTANDING.—The co-
10 ordinated review process developed under this section may
11 be incorporated into a memorandum of understanding for
12 a water resources project between the Secretary, the heads
13 of Federal, State, and local government agencies, Indian
14 tribes identified under subsection (e), and the non-Federal
15 interest for the project.

16 (h) EFFECT OF FAILURE TO MEET DEADLINE.—

17 (1) NOTIFICATION OF CONGRESS AND CEQ.—If
18 the Secretary determines that a Federal, State, or
19 local government agency, Indian tribe, or non-Fed-
20 eral interest that is participating in the coordinated
21 review process under this section with respect to the
22 development of a water resources project has not
23 met a deadline established under subsection (d) for
24 the project, the Secretary shall notify, within 30
25 days of the date of such determination, the Com-

1 mittee on Transportation and Infrastructure of the
2 House of Representatives, the Committee on Envi-
3 ronment and Public Works of the Senate, the Coun-
4 cil on Environmental Quality, and the agency, In-
5 dian tribe, or non-Federal interest involved about
6 the failure to meet the deadline.

7 (2) AGENCY REPORT.—Not later than 30 days
8 after the date of receipt of a notice under paragraph
9 (1), the Federal, State, or local government agency,
10 Indian tribe, or non-Federal interest involved may
11 submit a report to the Secretary, the Committee on
12 Transportation and Infrastructure of the House of
13 Representatives, the Committee on Environment and
14 Public Works of the Senate, and the Council on En-
15 vironmental Quality explaining why the agency, In-
16 dian tribe, or non-Federal interest did not meet the
17 deadline and what actions it intends to take to com-
18 plete or issue the required review, analysis, or opin-
19 ion or determination on issuing a permit, license, or
20 approval.

21 (i) PURPOSE AND NEED AND DETERMINATION OF
22 REASONABLE ALTERNATIVES.—

23 (1) IN GENERAL.—The Secretary, as the Fed-
24 eral lead agency responsible for carrying out a study
25 for a water resources project and the associated

1 process for meeting the requirements of the National
2 Environmental Policy Act of 1969, shall—

3 (A) define the project’s purpose and need
4 for purposes of any document which the Sec-
5 retary is responsible for preparing for the
6 project and shall determine the range of alter-
7 natives for consideration in any document which
8 the Secretary is responsible for preparing for
9 the project; and

10 (B) determine, in collaboration with par-
11 ticipating agencies at appropriate times during
12 the study process, the methodologies to be used
13 and the level of detail required in the analysis
14 of each alternative for the project.

15 (2) PREFERRED ALTERNATIVE.—At the discre-
16 tion of the Secretary, the preferred alternative for a
17 project, after being identified, may be developed to
18 a higher level of detail than other alternatives.

19 (j) LIMITATIONS.—Nothing in this section shall pre-
20 empt or interfere with—

21 (1) any statutory requirement for seeking pub-
22 lic comment;

23 (2) any power, jurisdiction, or authority that a
24 Federal, State, or local government agency, Indian

1 tribe, or non-Federal interest has with respect to
2 carrying out a water resources project; or

3 (3) any obligation to comply with the provisions
4 of the National Environmental Policy Act of 1969
5 and the regulations issued by the Council on Envi-
6 ronmental Quality to carry out such Act.

7 **SEC. 2029. COOPERATIVE AGREEMENTS.**

8 (a) IN GENERAL.—For the purpose of expediting the
9 cost-effective design and construction of wetlands restora-
10 tion that is part of an authorized water resources project,
11 the Secretary may enter into cooperative agreements
12 under section 6305 of title 31, United States Code, with
13 nonprofit organizations with expertise in wetlands restora-
14 tion to carry out such design and construction on behalf
15 of the Secretary.

16 (b) LIMITATIONS.—

17 (1) PER PROJECT LIMIT.—A cooperative agree-
18 ment under this section shall not obligate the Sec-
19 retary to pay the nonprofit organization more than
20 \$1,000,000 for any single wetlands restoration
21 project.

22 (2) ANNUAL LIMIT.—The total value of work
23 carried out under cooperative agreements under this
24 section may not exceed \$5,000,000 in any fiscal
25 year.

1 **SEC. 2030. TRAINING FUNDS.**

2 (a) **IN GENERAL.**—The Secretary may include indi-
3 viduals not employed by the Department of the Army in
4 training classes and courses offered by the Corps of Engi-
5 neers in any case in which the Secretary determines that
6 it is in the best interest of the Federal Government to
7 include those individuals as participants.

8 (b) **EXPENSES.**—

9 (1) **IN GENERAL.**—An individual not employed
10 by the Department of the Army attending a training
11 class or course described in subsection (a) shall pay
12 the full cost of the training provided to the indi-
13 vidual.

14 (2) **PAYMENTS.**—Payments made by an indi-
15 vidual for training received under paragraph (1), up
16 to the actual cost of the training—

17 (A) may be retained by the Secretary;

18 (B) shall be credited to an appropriations
19 account used for paying training costs; and

20 (C) shall be available for use by the Sec-
21 retary, without further appropriation, for train-
22 ing purposes.

23 (3) **EXCESS AMOUNTS.**—Any payments received
24 under paragraph (2) that are in excess of the actual
25 cost of training provided shall be credited as mis-

1 cellaneous receipts to the Treasury of the United
2 States.

3 **SEC. 2031. ACCESS TO WATER RESOURCE DATA.**

4 (a) IN GENERAL.—The Secretary shall carry out a
5 program to provide public access to water resources and
6 related water quality data in the custody of the Corps of
7 Engineers.

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

10 (1) include, at a minimum, access to data gen-
11 erated in water resources project development and
12 regulation under section 404 of the Federal Water
13 Pollution Control Act (33 U.S.C. 1344); and

14 (2) appropriately employ geographic informa-
15 tion system technology and linkages to water re-
16 source models and analytical techniques.

17 (c) PARTNERSHIPS.—To the maximum extent prac-
18 ticable, in carrying out activities under this section, the
19 Secretary shall develop partnerships, including cooperative
20 agreements with State, tribal, and local governments and
21 other Federal agencies.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section
24 \$5,000,000 for each fiscal year.

1 **SEC. 2032. SHORE PROTECTION PROJECTS.**

2 (a) IN GENERAL.—In accordance with the Act of
3 July 3, 1930 (33 U.S.C. 426), and notwithstanding ad-
4 ministrative actions, it is the policy of the United States
5 to promote beach nourishment for the purposes of flood
6 damage reduction and hurricane and storm damage reduc-
7 tion and related research that encourage the protection,
8 restoration, and enhancement of sandy beaches, including
9 beach restoration and periodic beach renourishment for a
10 period of 50 years, on a comprehensive and coordinated
11 basis by the Federal Government, States, localities, and
12 private enterprises.

13 (b) PREFERENCE.—In carrying out the policy under
14 subsection (a), preference shall be given to—

15 (1) areas in which there has been a Federal in-
16 vestment of funds for the purposes described in sub-
17 section (a); and

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

22 (c) APPLICABILITY.—The Secretary shall apply the
23 policy under subsection (a) to each shore protection and
24 beach renourishment project (including shore protection
25 and beach renourishment projects constructed before the
26 date of enactment of this Act).

1 **SEC. 2033. ABILITY TO PAY.**

2 (a) CRITERIA AND PROCEDURES.—Section
3 103(m)(2) of the Water Resources Development Act of
4 1986 (33 U.S.C. 2213(m)(2)) is amended by striking
5 “180 days after such date of enactment” and inserting
6 “September 30, 2007”.

7 (b) PROJECTS.—The Secretary shall apply the cri-
8 teria and procedures referred to in section 103(m) of the
9 Water Resources Development Act of 1986 (33 U.S.C.
10 2213(m)) to the following projects:

11 (1) ST. JOHNS BAYOU AND NEW MADRID
12 FLOODWAY, MISSOURI.—The project for flood con-
13 trol, St. Johns Bayou and New Madrid Floodway,
14 Missouri, authorized by section 401(a) of the Water
15 Resources Development Act of 1986 (100 Stat.
16 4118).

17 (2) LOWER RIO GRANDE BASIN, TEXAS.—The
18 project for flood control, Lower Rio Grande Basin,
19 Texas, authorized by section 401(a) of the Water
20 Resources Development Act of 1986 (100 Stat.
21 4125).

22 (3) WEST VIRGINIA AND PENNSYLVANIA
23 PROJECTS.—The projects for flood control author-
24 ized by section 581 of the Water Resources Develop-
25 ment Act of 1996 (110 Stat. 3790–3791).

1 **SEC. 2034. LEASING AUTHORITY.**

2 Section 4 of the Act entitled “An Act authorizing the
3 construction of certain public works on rivers and harbors
4 for flood control, and other purposes”, approved December
5 22, 1944 (16 U.S.C. 460d), is amended—

6 (1) by inserting “federally recognized Indian
7 tribes and” before “Federal” the first place it ap-
8 pears;

9 (2) by inserting “Indian tribes or” after “con-
10 siderations, to such”; and

11 (3) by inserting “federally recognized Indian
12 tribe” after “That in any such lease or license to a”.

13 **SEC. 2035. COST ESTIMATES.**

14 The estimated Federal and non-Federal costs of
15 projects authorized to be carried out by the Secretary be-
16 fore, on, or after the date of enactment of this Act are
17 for informational purposes only and shall not be inter-
18 preted as affecting the cost sharing responsibilities estab-
19 lished by law.

20 **SEC. 2036. PROJECT PLANNING.**

21 (a) DETERMINATION OF CERTAIN NATIONAL BENE-
22 FITS.—

23 (1) SENSE OF CONGRESS.—It is the sense of
24 Congress that, consistent with the Economic and
25 Environmental Principles and Guidelines for Water
26 and Related Land Resources Implementation Stud-

1 ies (1983), the Secretary may select a water re-
2 sources project alternative that does not maximize
3 net national economic development benefits or net
4 national ecosystem restoration benefits if there is an
5 overriding reason based on other Federal, State,
6 local, or international concerns.

7 (2) FLOOD DAMAGE REDUCTION, NAVIGATION,
8 AND HURRICANE STORM DAMAGE REDUCTION
9 PROJECTS.—With respect to a water resources
10 project the primary purpose of which is flood dam-
11 age reduction, navigation, or hurricane and storm
12 damage reduction, an overriding reason for selecting
13 a plan other than the plan that maximizes net na-
14 tional economic development benefits may be if the
15 Secretary determines, and the non-Federal interest
16 concurs, that an alternative plan is feasible and
17 achieves the project purposes while providing greater
18 ecosystem restoration benefits.

19 (3) ECOSYSTEM RESTORATION PROJECTS.—
20 With respect to a water resources project the pri-
21 mary purpose of which is ecosystem restoration, an
22 overriding reason for selecting a plan other than the
23 plan that maximizes net national ecosystem restora-
24 tion benefits may be if the Secretary determines,
25 and the non-Federal interest concurs, that an alter-

1 native plan is feasible and achieves the project pur-
2 poses while providing greater economic development
3 benefits.

4 (b) IDENTIFYING ADDITIONAL BENEFITS AND
5 PROJECTS.—

6 (1) PRIMARILY ECONOMIC BENEFITS.—In con-
7 ducting a study of the feasibility of a project where
8 the primary benefits are expected to be economic,
9 the Secretary may identify ecosystem restoration
10 benefits that may be achieved in the study area and,
11 after obtaining the participation of a non-Federal in-
12 terest, may study and recommend construction of
13 additional measures, a separate project, or separable
14 project element to achieve those benefits.

15 (2) PRIMARILY ECOSYSTEM RESTORATION BEN-
16 EFITS.—In conducting a study of the feasibility of a
17 project where the primary benefits are expected to
18 be associated with ecosystem restoration, the Sec-
19 retary may identify economic benefits that may be
20 achieved in the study area and, after obtaining the
21 participation of a non-Federal interest, may study
22 and recommend construction of additional measures,
23 a separate project, or separable project element to
24 achieve those benefits.

1 (3) RULES APPLICABLE TO CERTAIN MEAS-
2 URES, PROJECTS, AND ELEMENTS.—Any additional
3 measures, separate project, or separable element
4 identified under paragraph (1) or (2) and rec-
5 ommended for construction shall not be considered
6 integral to the underlying project and, if authorized,
7 shall be subject to a separate partnership agreement,
8 unless a non-Federal interest agrees to share in the
9 cost of the additional measures, project, or separable
10 element.

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

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

17 (2) a calculation of any upstream or down-
18 stream impacts of the proposed project; and

19 (3) calculations to ensure that the benefits and
20 costs associated with structural and nonstructural
21 alternatives are evaluated in an equitable manner.

22 **SEC. 2037. INDEPENDENT PEER REVIEW.**

23 (a) PROJECT STUDIES SUBJECT TO INDEPENDENT
24 PEER REVIEW.—

1 (1) IN GENERAL.—Project studies shall be sub-
2 ject to a peer review by an independent panel of ex-
3 perts as determined under this section.

4 (2) SCOPE.—The peer review may include a re-
5 view of the economic and environmental assumptions
6 and projections, project evaluation data, economic
7 analyses, environmental analyses, engineering anal-
8 yses, formulation of alternative plans, methods for
9 integrating risk and uncertainty, models used in
10 evaluation of economic or environmental impacts of
11 proposed projects, and any biological opinions of the
12 project study.

13 (3) PROJECT STUDIES SUBJECT TO PEER RE-
14 VIEW.—

15 (A) MANDATORY.—A project study shall
16 be subject to peer review under paragraph
17 (1)—

18 (i) if the project has an estimated
19 total cost of more than \$50,000,000, in-
20 cluding mitigation costs, and is not deter-
21 mined by the Chief of Engineers to be ex-
22 empt from peer review under paragraph
23 (6); or

1 (ii) the Governor of an affected State
2 requests a peer review by an independent
3 panel of experts.

4 (B) DISCRETIONARY.—A project study
5 may be subject to peer review if—

6 (i) the head of a Federal or State
7 agency charged with reviewing the project
8 study determines that the project is likely
9 to have a significant adverse impact on en-
10 vironmental, cultural, or other resources
11 under the jurisdiction of the agency after
12 implementation of proposed mitigation
13 plans and requests a peer review by an
14 independent panel of experts; or

15 (ii) the Chief of Engineers determines
16 that the project study is controversial.

17 (4) CONTROVERSIAL PROJECTS.—Upon receipt
18 of a written request under paragraph (3)(B) or on
19 the initiative of the Chief of Engineers, the Chief of
20 Engineers shall determine whether a project study is
21 controversial.

22 (5) FACTORS TO CONSIDER.—In determining
23 whether a project study is controversial, the Chief of
24 Engineers shall consider if—

1 (A) there is a significant public dispute as
2 to the size, nature, or effects of the project; or

3 (B) there is a significant public dispute as
4 to the economic or environmental costs or bene-
5 fits of the project.

6 (6) PROJECT STUDIES EXCLUDED FROM PEER
7 REVIEW.—Project studies that may be excluded from
8 peer review under paragraph (1) are—

9 (A) a study for a project the Chief of En-
10 gineers determines—

11 (i) is not controversial;

12 (ii) has no more than negligible ad-
13 verse impacts on scarce or unique cultural,
14 historic, or tribal resources;

15 (iii) has no substantial adverse im-
16 pacts on fish and wildlife species and their
17 habitat prior to the implementation of
18 mitigation measures; and

19 (iv) has, before implementation of
20 mitigation measures, no more than a neg-
21 ligible adverse impact on a species listed as
22 endangered or threatened species under
23 the Endangered Species Act of 1973 (16
24 U.S.C. 1539 et seq.) or the critical habitat

1 of such species designated under such Act;

2 and

3 (B) a study for a project pursued under
4 section 205 of the Flood Control Act of 1948
5 (33 U.S.C. 701s), section 2 of the Flood Con-
6 trol Act of August 28, 1937 (33 U.S.C. 701g),
7 section 14 of the Flood Control Act of 1946 (33
8 U.S.C. 701r), section 107(a) of the River and
9 Harbor Act of 1960 (33 U.S.C. 577(a)), section
10 3 of the Act entitled “An Act authorizing Fed-
11 eral participation in the cost of protecting the
12 shores of publicly owned property”, approved
13 August 13, 1946 (33 U.S.C. 426g), section 111
14 of the River and Harbor Act of 1968 (33
15 U.S.C. 426i), section 3 of the Act entitled “An
16 Act authorizing the construction, repair, and
17 preservation of certain public works on rivers
18 and harbors, and for other purposes”, approved
19 March 2, 1945 (33 U.S.C. 603a), section 1135
20 of the Water Resources Development Act of
21 1986 (33 U.S.C. 2309a), section 206 of the
22 Water Resources Development Act of 1996 (33
23 U.S.C. 2330), or section 204 of the Water Re-
24 sources Development Act of 1992 (33 U.S.C.
25 2326).

1 (7) APPEAL.—The decision of the Chief of En-
2 gineers whether to peer review a project study shall
3 be published in the Federal Register and shall be
4 subject to appeal by a person referred to in para-
5 graph (3)(B)(i) or (3)(B)(ii) to the Secretary of the
6 Army if such appeal is made within the 30-day pe-
7 riod following the date of such publication.

8 (8) DETERMINATION OF PROJECT COST.—For
9 purposes of determining the estimated total cost of
10 a project under paragraph (3)(A), the project cost
11 shall be based upon the reasonable estimates of the
12 Chief of Engineers at the completion of the recon-
13 naissance study for the project. If the reasonable es-
14 timate of project costs is subsequently determined to
15 be in excess of the amount in paragraph (3)(A), the
16 Chief of Engineers shall make a determination
17 whether a project study should be reviewed under
18 this section.

19 (b) TIMING OF PEER REVIEW.—The Chief of Engi-
20 neers shall determine the timing of a peer review of a
21 project study under subsection (a). In all cases, the peer
22 review shall occur during the period beginning on the date
23 of the completion of the reconnaissance study for the
24 project and ending on the date the draft report of the
25 Chief of Engineers for the project is made available for

1 public comment. Where the Chief of Engineers has not
2 initiated a peer review of a project study, the Chief of En-
3 gineers shall consider, at a minimum, whether to initiate
4 a peer review at the time that—

5 (1) the without-project conditions are identified;

6 (2) the array of alternatives to be considered
7 are identified; and

8 (3) the preferred alternative is identified.

9 Nothing in this subsection shall be construed to require
10 the Chief of Engineers to conduct multiple peer reviews
11 for a project study.

12 (c) ESTABLISHMENT OF PANELS.—

13 (1) IN GENERAL.—For each project study sub-
14 ject to peer review under subsection (a), as soon as
15 practicable after the Chief of Engineers determines
16 that a project study will be subject to peer review,
17 the Chief of Engineers shall contract with the Na-
18 tional Academy of Sciences (or a similar independent
19 scientific and technical advisory organization), or an
20 eligible organization, to establish a panel of experts
21 to peer review the project study for technical and
22 scientific sufficiency.

23 (2) MEMBERSHIP.—A panel of experts estab-
24 lished for a project study under this section shall be
25 composed of independent experts who represent a

1 balance of areas of expertise suitable for the review
2 being conducted.

3 (3) LIMITATION ON APPOINTMENTS.—An indi-
4 vidual may not be selected to serve on a panel of ex-
5 perts established for a project study under this sec-
6 tion if the individual has a financial or close profes-
7 sional association with any organization or group
8 with a strong financial or organizational interest in
9 the project.

10 (4) CONGRESSIONAL NOTIFICATION.—Upon
11 identification of a project study for peer review
12 under this section, but prior to initiation of any re-
13 view, the Chief of Engineers shall notify the Com-
14 mittee on Environment and Public Works of the
15 Senate and the Committee on Transportation and
16 Infrastructure of the House of Representatives of
17 such review.

18 (d) DUTIES OF PANELS.—A panel of experts estab-
19 lished for a peer review for a project study under this sec-
20 tion shall, consistent with the scope of the referral for re-
21 view—

22 (1) conduct a peer review for the project study
23 submitted to the panel for review;

1 (2) assess the adequacy and acceptability of the
2 economic and environmental methods, models, and
3 analyses used by the Chief of Engineers;

4 (3) provide timely written and oral comments to
5 the Chief of Engineers throughout the development
6 of the project study, as requested; and

7 (4) submit to the Chief of Engineers a final re-
8 port containing the panel's economic, engineering,
9 and environmental analysis of the project study, in-
10 cluding the panel's assessment of the adequacy and
11 acceptability of the economic and environmental
12 methods, models, and analyses used by the Chief of
13 Engineers, to accompany the publication of the
14 project study.

15 (e) DURATION OF PROJECT STUDY PEER RE-
16 VIEWS.—

17 (1) DEADLINE.—A panel of experts shall—

18 (A) complete its peer review under this sec-
19 tion for a project study and submit a report to
20 the Chief of Engineers under subsection (d)(4)
21 within 180 days after the date of establishment
22 of the panel, or, if the Chief of Engineers deter-
23 mines that a longer period of time is necessary,
24 such period of time established by the Chief of
25 Engineers, but in no event later than 90 days

1 after the date a draft project study is made
2 available for public review; and

3 (B) terminate on the date of submission of
4 the report.

5 (2) FAILURE TO MEET DEADLINE.—If a panel
6 does not complete its peer review of a project study
7 under this section and submit a report to the Chief
8 of Engineers under subsection (d)(4) on or before
9 the deadline established by paragraph (1) for the
10 project study, the Chief of Engineers shall continue
11 the project study for the project that is subject to
12 peer review by the panel without delay.

13 (f) RECOMMENDATIONS OF PANEL.—

14 (1) CONSIDERATION BY THE CHIEF OF ENGI-
15 NEERS.—After receiving a report on a project study
16 from a panel of experts under this section and be-
17 fore entering a final record of decision for the
18 project, the Chief of Engineers shall consider any
19 recommendations contained in the report and pre-
20 pare a written response for any recommendations
21 adopted or not adopted.

22 (2) PUBLIC AVAILABILITY AND TRANSMITTAL
23 TO CONGRESS.—After receiving a report on a project
24 study from a panel of experts under this section, the
25 Chief of Engineers shall—

1 (A) make a copy of the report and any
2 written response of the Chief of Engineers on
3 recommendations contained in the report avail-
4 able to the public; and

5 (B) transmit to Congress a copy of the re-
6 port, together with any such written response,
7 on the date of a final report of the Chief of En-
8 gineers or other final decision document for a
9 project study that is subject to peer review by
10 the panel.

11 (g) COSTS.—

12 (1) IN GENERAL.—The costs of a panel of ex-
13 perts established for a peer review under this sec-
14 tion—

15 (A) shall be a Federal expense; and

16 (B) shall not exceed \$500,000.

17 (2) WAIVER.—The Chief of Engineers may
18 waive the \$500,000 limitation contained in para-
19 graph (1)(B) in cases that the Chief of Engineers
20 determines appropriate.

21 (h) APPLICABILITY.—This section shall apply to—

22 (1) project studies initiated during the 2-year
23 period preceding the date of enactment of this Act
24 and for which the array of alternatives to be consid-
25 ered has not been identified; and

1 (2) project studies initiated during the period
2 beginning on such date of enactment and ending 4
3 years after such date of enactment.

4 (i) REPORT.—Within 4½ years of the date of enact-
5 ment of this section, the Chief of Engineers shall submit
6 a report to Congress on the implementation of this section.

7 (j) NONAPPLICABILITY OF FACCA.—The Federal Ad-
8 visory Committee Act (5 U.S.C. App.) shall not apply to
9 any peer review panel established under this section.

10 (k) SAVINGS CLAUSE.—Nothing in this section shall
11 be construed to affect any authority of the Chief of Engi-
12 neers to cause or conduct a peer review of a water re-
13 sources project existing on the date of enactment of this
14 section.

15 (l) DEFINITIONS.—In this section, the following defi-
16 nitions apply:

17 (1) PROJECT STUDY.—The term “project
18 study” means a feasibility study or reevaluation
19 study for a project. The term also includes any other
20 study associated with a modification or update of a
21 project that includes an environmental impact state-
22 ment, including the environmental impact statement.

23 (2) AFFECTED STATE.—The term “affected
24 State”, as used with respect to a project, means a
25 State all or a portion of which is within the drainage

1 basin in which the project is or would be located and
 2 would be economically or environmentally affected as
 3 a consequence of the project.

4 (3) ELIGIBLE ORGANIZATION.—The term “eligi-
 5 ble organization” means an organization that—

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

9 (B) is independent;

10 (C) is free from conflicts of interest;

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

13 (E) has experience in establishing and ad-
 14 ministering peer review panels.

15 **SEC. 2038. STUDIES AND REPORTS FOR WATER RESOURCES**
 16 **PROJECTS.**

17 (a) STUDIES.—

18 (1) COST-SHARING REQUIREMENTS.—Section
 19 105(a) of the Water Resources Development Act of
 20 1986 (33 U.S.C. 2215(a)) is amended by adding at
 21 the end the following:

22 “(3) DETAILED PROJECT REPORTS.—The re-
 23 quirements of this subsection that apply to a feasi-
 24 bility study also shall apply to a study that results
 25 in a detailed project report, except that—

1 “(A) the first \$100,000 of the costs of a
2 study that results in a detailed project report
3 shall be a Federal expense; and

4 “(B) paragraph (1)(C)(ii) shall not apply
5 to such a study.”.

6 (2) PLANNING AND ENGINEERING.—Section
7 105(b) of such Act (33 U.S.C. 2215(b)) is amended
8 by striking “authorized by this Act”.

9 (3) DEFINITIONS.—Section 105 of such Act (33
10 U.S.C. 2215) is amended by adding at the end the
11 following:

12 “(d) DEFINITIONS.—In this section, the following
13 definitions apply:

14 “(1) DETAILED PROJECT REPORT.—The term
15 ‘detailed project report’ means a report for a project
16 not specifically authorized by Congress in law or
17 otherwise that determines the feasibility of the
18 project with a level of detail appropriate to the scope
19 and complexity of the recommended solution and
20 sufficient to proceed directly to the preparation of
21 contract plans and specifications. The term includes
22 any associated environmental impact statement and
23 mitigation plan. For a project for which the Federal
24 cost does not exceed \$1,000,000, the term includes
25 a planning and design analysis document.

1 “(2) FEASIBILITY STUDY.—The term ‘feasi-
2 bility study’ means a study that results in a feasi-
3 bility report under section 905, and any associated
4 environmental impact statement and mitigation
5 plan, prepared by the Corps of Engineers for a
6 water resources project. The term includes a study
7 that results in a project implementation report pre-
8 pared under title VI of the Water Resources Devel-
9 opment Act of 2000 (114 Stat. 2680–2694), a gen-
10 eral reevaluation report, and a limited reevaluation
11 report.”.

12 (b) REPORTS.—

13 (1) PREPARATION.—Section 905(a) of the
14 Water Resources Development Act of 1986 (33
15 U.S.C. 2282(a)) is amended—

16 (A) by striking “(a) In the case of any”
17 and inserting the following:

18 “(a) PREPARATION OF REPORTS.—

19 “(1) IN GENERAL.—In the case of any”;

20 (B) by striking “the Secretary, the Sec-
21 retary shall” and inserting “the Secretary that
22 results in recommendations concerning a
23 project or the operation of a project and that
24 requires specific authorization by Congress in

1 law or otherwise, the Secretary shall perform a
2 reconnaissance study and”;

3 (C) by striking “Such feasibility report”
4 and inserting the following:

5 “(2) CONTENTS OF FEASIBILITY REPORTS.—A
6 feasibility report”;

7 (D) by striking “The feasibility report”
8 and inserting “A feasibility report”; and

9 (E) by striking the last sentence and in-
10 sserting the following:

11 “(3) APPLICABILITY.—This subsection shall not
12 apply to—

13 “(A) any study with respect to which a re-
14 port has been submitted to Congress before the
15 date of enactment of this Act;

16 “(B) any study for a project, which project
17 is authorized for construction by this Act and
18 is not subject to section 903(b);

19 “(C) any study for a project which does
20 not require specific authorization by Congress
21 in law or otherwise; and

22 “(D) general studies not intended to lead
23 to recommendation of a specific water resources
24 project.

1 “(4) FEASIBILITY REPORT DEFINED.—In this
2 subsection, the term ‘feasibility report’ means each
3 feasibility report, and any associated environmental
4 impact statement and mitigation plan, prepared by
5 the Corps of Engineers for a water resources
6 project. The term includes a project implementation
7 report prepared under title VI of the Water Re-
8 sources Development Act of 2000 (114 Stat. 2680–
9 2694), a general reevaluation report, and a limited
10 reevaluation report.”.

11 (2) PROJECTS NOT SPECIFICALLY AUTHORIZED
12 BY CONGRESS.—Section 905 of such Act is further
13 amended—

14 (A) in subsection (b) by inserting “RECON-
15 NAISSANCE STUDIES.—” before “Before initi-
16 ating”;

17 (B) by redesignating subsections (c), (d),
18 and (e) as subsections (d), (e), and (f), respec-
19 tively;

20 (C) by inserting after subsection (b) the
21 following:

22 “(c) PROJECTS NOT SPECIFICALLY AUTHORIZED BY
23 CONGRESS.—In the case of any water resources project-
24 related study authorized to be undertaken by the Sec-
25 retary without specific authorization by Congress in law

1 or otherwise, the Secretary shall prepare a detailed project
2 report.”;

3 (D) in subsection (d) (as so redesignated)
4 by inserting “INDIAN TRIBES.—” before “For
5 purposes of”; and

6 (E) in subsection (e) (as so redesignated)
7 by inserting “STANDARD AND UNIFORM PRO-
8 CEDURES AND PRACTICES.—” before “The Sec-
9 retary shall”.

10 **SEC. 2039. OFFSHORE OIL AND GAS FABRICATION PORT.**

11 (a) IN GENERAL.—In conducting a feasibility study
12 for the project for navigation, Atchafalaya River, Bayous
13 Chene, Boeuf, and Black, Louisiana, being conducted
14 under section 430 of the Water Resources Development
15 Act of 2000 (114 Stat. 2639), the Secretary shall include
16 in the calculation of national economic development bene-
17 fits all economic benefits associated with contracts for new
18 energy exploration and contracts for the fabrication of en-
19 ergy infrastructure that would result from carrying out
20 the project.

21 (b) REPEAL.—Section 6009 of the Emergency Sup-
22 plemental Appropriations Act for Defense, the Global War
23 on Terror, and Tsunami Relief, 2005 (Public Law 109–
24 13; 119 Stat. 282) is repealed.

1 **TITLE III—PROJECT-RELATED**
2 **PROVISIONS**

3 **SEC. 3001. KING COVE HARBOR, ALASKA.**

4 The maximum amount of Federal funds that may be
5 expended for the project for navigation, King Cove Har-
6 bor, Alaska, being carried out under section 107 of the
7 River and Harbor Act of 1960 (33 U.S.C. 577), shall be
8 \$8,000,000.

9 **SEC. 3002. SITKA, ALASKA.**

10 The Sitka, Alaska, element of the project for naviga-
11 tion, Southeast Alaska Harbors of Refuge, Alaska, author-
12 ized by section 101(1) of the Water Resources Develop-
13 ment Act of 1992 (106 Stat. 4801), is modified to direct
14 the Secretary to take such action as is necessary to correct
15 design deficiencies in the Sitka Harbor Breakwater, at full
16 Federal expense. The estimated cost is \$6,300,000.

17 **SEC. 3003. TATITLEK, ALASKA.**

18 The maximum amount of Federal funds that may be
19 expended for the project for navigation, Tatitlek, Alaska,
20 being carried out under section 107 of the River and Har-
21 bor Act of 1960 (33 U.S.C. 577), shall be \$10,000,000.

22 **SEC. 3004. RIO DE FLAG, FLAGSTAFF, ARIZONA.**

23 The project for flood damage reduction, Rio De Flag,
24 Flagstaff, Arizona, authorized by section 101(b)(3) of the
25 Water Resources Development Act of 2000 (114 Stat.

1 2576), is modified to authorize the Secretary to construct
2 the project at a total cost of \$54,100,000, with an esti-
3 mated Federal cost of \$35,000,000 and a non-Federal cost
4 of \$19,100,000.

5 **SEC. 3005. OSCEOLA HARBOR, ARKANSAS.**

6 (a) IN GENERAL.—The project for navigation, Osce-
7 ola Harbor, Arkansas, constructed under section 107 of
8 the River and Harbor Act of 1960 (33 U.S.C. 577), is
9 modified to allow non-Federal interests to construct a
10 mooring facility within the existing authorized harbor
11 channel, subject to all necessary permits, certifications,
12 and other requirements.

13 (b) LIMITATION ON STATUTORY CONSTRUCTION.—
14 Nothing in this section shall be construed as affecting the
15 responsibility of the Secretary to maintain the general
16 navigation features of the project at a bottom width of
17 250 feet.

18 **SEC. 3006. PINE MOUNTAIN DAM, ARKANSAS.**

19 The Pine Mountain Dam feature of the project for
20 flood protection, Lee Creek, Arkansas and Oklahoma, au-
21 thorized by section 204 of the Flood Control Act of 1965
22 (79 Stat. 1078), is modified—

23 (1) to add environmental restoration as a
24 project purpose; and

1 (c) TRANSFER OF FUNDS.—The Secretary and the
2 Secretary of the Interior are authorized to transfer be-
3 tween their respective agencies appropriated amounts and
4 other available funds (including funds contributed by non-
5 Federal interests) for the purpose of planning, design, and
6 construction of the auxiliary spillway. Any transfer made
7 pursuant to this subsection shall be subject to such terms
8 and conditions as agreed upon by the Secretary and the
9 Secretary of the Interior.

10 **SEC. 3008. COMPTON CREEK, CALIFORNIA.**

11 The project for flood control, Los Angeles Drainage
12 Area, California, authorized by section 101(b) of the
13 Water Resources Development Act of 1990 (104 Stat.
14 4611), is modified to add environmental restoration and
15 recreation as project purposes.

16 **SEC. 3009. GRAYSON CREEK/MURDERER'S CREEK, CALI-**
17 **FORNIA.**

18 The project for aquatic ecosystem restoration, Gray-
19 son Creek/Murderer's Creek, California, being carried out
20 under section 206 of the Water Resources Development
21 Act of 1996 (33 U.S.C. 2330), is modified—

22 (1) to direct the Secretary to credit toward the
23 non-Federal share of the cost of the project the cost
24 of work carried out by the non-Federal interest be-
25 fore the date of the partnership agreement for the

1 project if the Secretary determines that the work is
2 integral to the project; and

3 (2) to authorize the Secretary to consider na-
4 tional ecosystem restoration benefits in determining
5 the Federal interest in the project.

6 **SEC. 3010. HAMILTON AIRFIELD, CALIFORNIA.**

7 The project for environmental restoration, Hamilton
8 Airfield, California, authorized by section 101(b)(3) of the
9 Water Resources Development Act of 1999 (113 Stat.
10 279), is modified to direct the Secretary to construct the
11 project substantially in accordance with the report of the
12 Chief of Engineers dated July 19, 2004, at a total cost
13 of \$228,100,000, with an estimated Federal cost of
14 \$171,100,000 and an estimated non-Federal cost of
15 \$57,000,000.

16 **SEC. 3011. JOHN F. BALDWIN SHIP CHANNEL AND STOCK-**
17 **TON SHIP CHANNEL, CALIFORNIA.**

18 The project for navigation, San Francisco to Stock-
19 ton, California, authorized by section 301 of the River and
20 Harbor Act of 1965 (79 Stat. 1091) is modified—

21 (1) to provide that the non-Federal share of the
22 cost of the John F. Baldwin Ship Channel and
23 Stockton Ship Channel element of the project may
24 be provided in the form of in-kind services and ma-
25 terials; and

1 Secretary determines that maintenance of the project is
2 feasible, to carry out such maintenance.

3 **SEC. 3014. LLAGAS CREEK, CALIFORNIA.**

4 (a) IN GENERAL.—The project for flood damage re-
5 duction, Llagas Creek, California, authorized by section
6 501(a) of the Water Resources Development Act of 1999
7 (113 Stat. 333), is modified to authorize the Secretary
8 to carry out the project at a total cost of \$105,000,000,
9 with an estimated Federal cost of \$65,000,000, and an
10 estimated non-Federal cost of \$40,000,000.

11 (b) SPECIAL RULE.—In evaluating and implementing
12 the project, the Secretary shall allow the non-Federal in-
13 terest to participate in the financing of the project in ac-
14 cordance with section 903(c) of the Water Resources De-
15 velopment Act of 1986 (100 Stat. 4184) to the extent that
16 the Secretary's evaluation indicates that applying such
17 section is necessary to implement the project.

18 **SEC. 3015. MAGPIE CREEK, CALIFORNIA.**

19 (a) IN GENERAL.—The project for Magpie Creek,
20 California, authorized under section 205 of the Flood Con-
21 trol Act of 1948 (33 U.S.C. 701s), is modified to direct
22 the Secretary to apply the cost-sharing requirements of
23 section 103(b) of the Water Resources Development Act
24 of 1986 (100 Stat. 4085) for the portion of the project

1 consisting of land acquisition to preserve and enhance ex-
2 isting floodwater storage.

3 (b) CREDIT.—The Secretary shall credit toward the
4 non-Federal share of the cost of the project the cost of
5 planning and design work carried out by the non-Federal
6 interest before the date of the partnership agreement for
7 the project if the Secretary determines that the work is
8 integral to the project.

9 **SEC. 3016. PACIFIC FLYWAY CENTER, SACRAMENTO, CALI-**
10 **FORNIA.**

11 The project for aquatic ecosystem restoration, Pacific
12 Flyway Center, Sacramento, California, being carried out
13 under section 206 of the Water Resources Development
14 Act of 1996 (33 U.S.C. 2330), is modified to authorize
15 the Secretary to expend \$2,000,000 to enhance public ac-
16 cess to the project.

17 **SEC. 3017. PINOLE CREEK, CALIFORNIA.**

18 The project for improvement of the quality of the en-
19 vironment, Pinole Creek Phase I, California, being carried
20 out under section 1135 of the Water Resources Develop-
21 ment Act of 1986 (33 U.S.C. 2309a), is modified to direct
22 the Secretary to credit toward the non-Federal share of
23 the cost of the project the cost of work carried out by
24 the non-Federal interest before the date of the partnership

1 agreement for the project if the Secretary determines that
2 the work is integral to the project.

3 **SEC. 3018. PRADO DAM, CALIFORNIA.**

4 Upon completion of the modifications to the Prado
5 Dam element of the project for flood control, Santa Ana
6 River Mainstem, California, authorized by section 401(a)
7 of the Water Resources Development Act of 1986 (100
8 Stat. 4113), the Memorandum of Agreement for the Oper-
9 ation for Prado Dam for Seasonal Additional Water Con-
10 servation between the Department of the Army and the
11 Orange County Water District (including all the condi-
12 tions and stipulations in the memorandum) shall remain
13 in effect for volumes of water made available prior to such
14 modifications.

15 **SEC. 3019. SACRAMENTO AND AMERICAN RIVERS FLOOD**
16 **CONTROL, CALIFORNIA.**

17 (a) DETERMINATION OF FEDERAL COSTS PAID BY
18 NON-FEDERAL INTEREST.—

19 (1) FEDERAL COSTS PAID BY NON-FEDERAL IN-
20 TEREST.—The Secretary shall determine the amount
21 paid by the Sacramento Area Flood Control Agency
22 towards the Federal share of the cost of the project
23 for the Natomas levee features authorized by section
24 9159(b) of the Department of Defense Appropria-
25 tions Act, 1993 (106 Stat. 1944) of the project for

1 flood control and recreation, Sacramento and Amer-
2 ican Rivers, California.

3 (2) REIMBURSEMENTS TO NON-FEDERAL IN-
4 TEREST.—The Secretary shall determine the amount
5 of reimbursements paid to the Sacramento Flood
6 Control Agency for payment of the Federal share of
7 the cost of the project referred to in paragraph (1).

8 (3) DETERMINATION OF FEDERAL SHARE.—In
9 carrying out paragraph (1), the Secretary shall in-
10 clude in the total cost of the project all costs of the
11 following activities that the Secretary determines to
12 be integral to the project:

13 (A) Planning, engineering, and construc-
14 tion.

15 (B) Acquisition of project lands, ease-
16 ments, and rights-of-way.

17 (C) Performance of relocations.

18 (D) Environmental mitigation for all
19 project elements.

20 (b) CREDIT.—

21 (1) IN GENERAL.—The Secretary shall credit
22 toward the non-Federal share of the cost of any
23 flood damage reduction project, authorized before
24 the date of enactment of this Act, for which the non-
25 Federal interest is the Sacramento Area Flood Con-

1 trol Agency an amount equal to the total amount de-
2 termined under subsection (a)(1) reduced by the
3 amount determined under subsection (a)(2).

4 (2) ALLOCATION OF CREDIT.—The Secretary
5 shall allocate the amount to be credited under para-
6 graph (1) toward the non-Federal share of such
7 projects as are requested by the Sacramento Area
8 Flood Control Agency.

9 **SEC. 3020. SACRAMENTO DEEP WATER SHIP CHANNEL,**
10 **CALIFORNIA.**

11 The project for navigation, Sacramento Deep Water
12 Ship Channel, California, authorized by section 202(a) of
13 the Water Resources Development Act of 1986 (100 Stat.
14 4092), is modified to direct the Secretary to credit toward
15 the non-Federal share of the cost of the project the cost
16 of planning and design work carried out by the non-Fed-
17 eral interest before the date of the partnership agreement
18 for the project if the Secretary determines that the work
19 is integral to the project.

20 **SEC. 3021. SEVEN OAKS DAM, CALIFORNIA.**

21 The project for flood control, Santa Ana Mainstem,
22 authorized by section 401(a) of the Water Resources De-
23 velopment Act of 1986 (100 Stat. 4113) and modified by
24 section 104 of the Energy and Water Development Appro-
25 priations Act, 1988 (101 Stat. 1329–11), section 102(e)

1 of the Water Resources Development Act of 1990 (104
2 Stat. 4611), and section 311 of the Water Resources De-
3 velopment Act of 1996 (110 Stat. 3713), is further modi-
4 fied to direct the Secretary to conduct a study for the re-
5 allocation of water storage at the Seven Oaks Dam, Cali-
6 fornia, for water conservation.

7 **SEC. 3022. UPPER GUADALUPE RIVER, CALIFORNIA.**

8 The project for flood damage reduction and recre-
9 ation, Upper Guadalupe River, California, authorized by
10 section 101(a)(9) of the Water Resources Development
11 Act of 1999 (113 Stat. 275), is modified to authorize the
12 Secretary to construct the project generally in accordance
13 with the Upper Guadalupe River Flood Damage Reduc-
14 tion, San Jose, California, Limited Reevaluation Report,
15 dated March, 2004, at a total cost of \$244,500,000.

16 **SEC. 3023. WALNUT CREEK CHANNEL, CALIFORNIA.**

17 The project for aquatic ecosystem restoration, Wal-
18 nut Creek Channel, California, being carried out under
19 section 206 of the Water Resources Development Act of
20 1996 (33 U.S.C. 2330), is modified—

21 (1) to direct the Secretary to credit toward the
22 non-Federal share of the cost of the project the cost
23 of work carried out by the non-Federal interest be-
24 fore the date of the partnership agreement for the

1 project if the Secretary determines that the work is
2 integral to the project; and

3 (2) to authorize the Secretary to consider na-
4 tional ecosystem restoration benefits in determining
5 the Federal interest in the project.

6 **SEC. 3024. WILDCAT/SAN PABLO CREEK PHASE I, CALI-**
7 **FORNIA.**

8 The project for improvement of the quality of the en-
9 vironment, Wildcat/San Pablo Creek Phase I, California,
10 being carried out under section 1135 of the Water Re-
11 sources Development Act of 1986 (33 U.S.C. 2309a), is
12 modified to direct the Secretary to credit toward the non-
13 Federal share of the cost of the project the cost of work
14 carried out by the non-Federal interest before the date of
15 the partnership agreement for the project if the Secretary
16 determines that the work is integral to the project.

17 **SEC. 3025. WILDCAT/SAN PABLO CREEK PHASE II, CALI-**
18 **FORNIA.**

19 The project for aquatic ecosystem restoration, Wild-
20 cat/San Pablo Creek Phase II, California, being carried
21 out under section 206 of the Water Resources Develop-
22 ment Act of 1996 (33 U.S.C. 2330), is modified to direct
23 the Secretary to credit toward the non-Federal share of
24 the cost of the project the cost of work carried out by
25 the non-Federal interest before the date of the partnership

1 agreement for the project if the Secretary determines that
2 the work is integral to the project and to authorize the
3 Secretary to consider national ecosystem restoration bene-
4 fits in determining the Federal interest in the project.

5 **SEC. 3026. YUBA RIVER BASIN PROJECT, CALIFORNIA.**

6 The project for flood damage reduction, Yuba River
7 Basin, California, authorized by section 101(a)(10) of the
8 Water Resources Development Act of 1999 (113 Stat.
9 275), is modified—

10 (1) to authorize the Secretary to construct the
11 project at a total cost of \$107,700,000, with an esti-
12 mated Federal cost of \$70,000,000 and an esti-
13 mated non-Federal cost of \$37,700,000; and

14 (2) to direct the Secretary to credit toward the
15 non-Federal share of the cost of the project the cost
16 of work carried out by the non-Federal interest be-
17 fore the date of the partnership agreement for the
18 project if the Secretary determines that the work is
19 integral to the project.

20 **SEC. 3027. SOUTH PLATTE RIVER BASIN, COLORADO.**

21 Section 808 of the Water Resources Development Act
22 of 1986 (100 Stat. 4168) is amended by striking “agri-
23 culture,” and inserting “agriculture, environmental res-
24 toration,”.

1 **SEC. 3028. INTRACOASTAL WATERWAY, DELAWARE RIVER**
2 **TO CHESAPEAKE BAY, DELAWARE AND MARY-**
3 **LAND.**

4 The project for navigation, Intracoastal Waterway,
5 Delaware River to Chesapeake Bay, Delaware and Mary-
6 land, authorized by the first section of the Rivers and Har-
7 bors Act of August 30, 1935 (49 Stat. 1030), and section
8 101 of the River and Harbor Act of 1954 (68 Stat. 1249),
9 is modified to add recreation as a project purpose.

10 **SEC. 3029. BROWARD COUNTY AND HILLSBORO INLET,**
11 **FLORIDA.**

12 The project for shore protection, Broward County
13 and Hillsboro Inlet, Florida, authorized by section 301 of
14 the River and Harbor Act of 1965 (79 Stat. 1090), and
15 modified by section 311 of the Water Resources Develop-
16 ment Act of 1999 (113 Stat. 301), is further modified to
17 direct the Secretary to credit toward the non-Federal
18 share of the cost of the project the cost of mitigation con-
19 struction and derelict erosion control structure removal
20 carried out by the non-Federal interest before the date of
21 the partnership agreement for the project if the Secretary
22 determines that the work is integral to the project.

23 **SEC. 3030. GASPARILLA AND ESTERO ISLANDS, FLORIDA.**

24 The project for shore protection, Gasparilla and
25 Estero Island segments, Lee County, Florida, authorized
26 by section 201 of the Flood Control Act of 1965 (79 Stat.

1 1073), by Senate Resolution dated December 17, 1970,
2 and by House Resolution dated December 15, 1970, and
3 modified by section 309 of the Water Resources Develop-
4 ment Act of 2000 (114 Stat. 2602), is further modified
5 to direct the Secretary to credit toward the non-Federal
6 share of the cost of the project the cost of work carried
7 out by the non-Federal interest before the date of the part-
8 nership agreement for the project if the Secretary deter-
9 mines that the work is integral to the project.

10 **SEC. 3031. JACKSONVILLE HARBOR, FLORIDA.**

11 (a) IN GENERAL.—The project for navigation, Jack-
12 sonville Harbor, Florida, authorized by section 101(a)(17)
13 of the Water Resources Development Act of 1999 (113
14 Stat. 276), is modified to authorize the Secretary to ex-
15 tend the navigation features in accordance with the Report
16 of the Chief of Engineers, dated July 22, 2003, at a total
17 cost of \$14,658,000, with an estimated Federal cost of
18 \$9,636,000 and an estimated non-Federal cost of
19 \$5,022,000.

20 (b) GENERAL REEVALUATION REPORTS.—The non-
21 Federal share of the cost of the general reevaluation re-
22 port that resulted in the report of the Chief of Engineers
23 for the project and the non-Federal share of the cost of
24 the general reevaluation report for Jacksonville Harbor,
25 Florida, being conducted on June 1, 2005, shall each be

1 the same percentage as the non-Federal share of the cost
2 of construction of the project.

3 (c) AGREEMENT.—The Secretary shall enter into new
4 partnership agreements with the non-Federal interest to
5 reflect the cost sharing required by subsection (b).

6 **SEC. 3032. LIDO KEY BEACH, SARASOTA, FLORIDA.**

7 (a) IN GENERAL.—The project for shore protection,
8 Lido Key Beach, Sarasota, Florida, authorized by section
9 101 of the River and Harbor Act of 1970 (84 Stat. 1819),
10 deauthorized under section 1001(b) of the Water Re-
11 sources Development Act of 1986 (33 U.S.C. 579a(b)),
12 and reauthorized by section 364(2)(A) of the Water Re-
13 sources Development Act of 1999 (113 Stat. 313), is
14 modified to direct the Secretary to construct the project
15 substantially in accordance with the report of the Chief
16 of Engineers dated December 22, 2004, at a total cost
17 of \$15,190,000, with an estimated Federal cost of
18 \$9,320,000 and an estimated non-Federal cost of
19 \$5,870,000, and at an estimated total cost of \$65,000,000
20 for periodic nourishment over the 50-year life of the
21 project.

22 (b) CONSTRUCTION OF SHORELINE PROTECTION
23 PROJECTS BY NON-FEDERAL INTERESTS.—The Sec-
24 retary shall enter into a partnership agreement with the
25 non-Federal interest in accordance with section 206 of the

1 Water Resources Development Act of 1992 (33 U.S.C.
2 426i–1) for the modified project.

3 **SEC. 3033. MIAMI HARBOR, FLORIDA.**

4 The project for navigation, Miami Harbor Channel,
5 Florida, authorized by section 101(a)(9) of the Water Re-
6 sources Development Act of 1990 (104 Stat. 4606) and
7 modified by section 315 of the Water Resources Develop-
8 ment Act of 1999 (113 Stat. 302), is further modified—

9 (1) to include as a project purpose environ-
10 mental mitigation required before July 18, 2003, by
11 a Federal, State, or local environmental agency for
12 unauthorized or unanticipated environmental im-
13 pacts within, or in the vicinity of, the authorized
14 project; and

15 (2) to direct the Secretary to reimburse the
16 non-Federal interest for the Federal share of the
17 costs the non-Federal interest has incurred in con-
18 struction of the project (including environmental
19 mitigation costs and costs incurred for incomplete
20 usable increments of the project) in accordance with
21 section 204 of the Water Resources Development
22 Act of 1986 (33 U.S.C. 2232).

23 **SEC. 3034. PEANUT ISLAND, FLORIDA.**

24 The maximum amount of Federal funds that may be
25 expended for the project for improvement of the quality

1 of the environment, Peanut Island, Palm Beach County,
2 Florida, being carried out under section 1135 of the Water
3 Resources Development Act of 1986 (33 U.S.C. 2309a)
4 shall be \$9,750,000.

5 **SEC. 3035. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.**

6 The project for navigation, Tampa Harbor-Big Bend
7 Channel, Florida, authorized by section 101(a)(18) of the
8 Water Resources Development Act of 1999 (113 Stat.
9 276) is modified to direct the Secretary to credit toward
10 the non-Federal share of the cost of the project the cost
11 of planning, design, and construction work carried out by
12 the non-Federal interest before the date of the partnership
13 agreement for the project if the Secretary determines that
14 the work is integral to the project.

15 **SEC. 3036. TAMPA HARBOR CUT B, FLORIDA.**

16 (a) IN GENERAL.—The project for navigation,
17 Tampa Harbor, Florida, authorized by section 101 of the
18 River and Harbor Act of 1970 (84 Stat. 1818), is modified
19 to authorize the Secretary to construct passing lanes in
20 an area approximately 3.5 miles long and centered on
21 Tampa Harbor Cut B if the Secretary determines that
22 such improvements are necessary for navigation safety.

23 (b) GENERAL REEVALUATION REPORT.—The non-
24 Federal share of the cost of the general reevaluation re-
25 port for Tampa Harbor, Florida, being conducted on June

1 1, 2005, shall be the same percentage as the non-Federal
2 share of the cost of construction of the project.

3 (c) AGREEMENT.—The Secretary shall enter into a
4 new partnership agreement with the non-Federal interest
5 to reflect the cost sharing required by subsection (b).

6 **SEC. 3037. ALLATOONA LAKE, GEORGIA.**

7 (a) LAND EXCHANGE.—

8 (1) IN GENERAL.—The Secretary may exchange
9 lands above 863 feet in elevation at Allatoona Lake,
10 Georgia, identified in the Real Estate Design Memo-
11 randum prepared by the Mobile district engineer,
12 April 5, 1996, and approved October 8, 1996, for
13 lands on the north side of Allatoona Lake that are
14 needed for wildlife management and for protection
15 of the water quality and overall environment of
16 Allatoona Lake.

17 (2) TERMS AND CONDITIONS.—The basis for all
18 land exchanges under this subsection shall be a fair
19 market appraisal so that lands exchanged are of
20 equal value.

21 (b) DISPOSAL AND ACQUISITION OF LANDS,
22 ALLATOONA LAKE, GEORGIA.—

23 (1) IN GENERAL.—The Secretary may also sell
24 lands above 863 feet in elevation at Allatoona Lake,
25 Georgia, identified in the memorandum referred to

1 in subsection (a)(1) and may use the proceeds to
2 pay costs associated with the purchase of lands
3 needed for wildlife management and for protection
4 of the water quality and overall environment of
5 Allatoona Lake.

6 (2) TERMS AND CONDITIONS.—Land sales and
7 purchases to be conducted under this subsection
8 shall be subject to the following terms and condi-
9 tions:

10 (A) Lands acquired under this subsection
11 shall be by negotiated purchase from willing
12 sellers only.

13 (B) The basis for all transactions under
14 the program shall be a fair market appraisal
15 acceptable to the Secretary.

16 (C) The purchasers shall share in the asso-
17 ciated real estate costs, to include surveys and
18 associated fees in accordance with the memo-
19 randum referred to in subsection (a)(1).

20 (D) Any other conditions that the Sec-
21 retary may impose.

22 (c) REPEAL.—Section 325 of the Water Resources
23 Development Act of 1992 (106 Stat. 4849) is repealed.

1 **SEC. 3038. LATHAM RIVER, GLYNN COUNTY, GEORGIA.**

2 The maximum amount of Federal funds that may be
3 expended for the project for improvement of the quality
4 of the environment, Latham River, Glynn County, Geor-
5 gia, being carried out under section 1135 of the Water
6 Resources Development Act of 1986 (33 U.S.C. 2309a)
7 shall be \$6,175,000.

8 **SEC. 3039. DWORSHAK DAM AND RESERVOIR IMPROVE-**
9 **MENTS, IDAHO.**

10 The Secretary may carry out improvements to rec-
11 reational facilities at the Dworshak Dam and Reservoir,
12 North Fork, Clearwater River, Idaho, authorized by sec-
13 tion 203 of the Flood Control Act of 1962 (76 Stat. 1193),
14 to accommodate lower pool levels.

15 **SEC. 3040. BEARDSTOWN COMMUNITY BOAT HARBOR,**
16 **BEARDSTOWN, ILLINOIS.**

17 (a) IN GENERAL.—The project for navigation,
18 Muscooten Bay, Illinois River, Beardstown Community
19 Boat Harbor, Beardstown, Illinois, constructed under sec-
20 tion 107 of the River and Harbor Act of 1960 (33 U.S.C.
21 577), is modified—

22 (1) to include the channel between the harbor
23 and the Illinois River; and

24 (2) to direct the Secretary to enter into a part-
25 nership agreement with the city of Beardstown to
26 replace the local cooperation agreement dated Au-

1 gust 18, 1983, with the Beardstown Community
2 Park District.

3 (b) **TERMS OF PARTNERSHIP AGREEMENT.**—The
4 partnership agreement referred to in subsection (a) shall
5 include the same rights and responsibilities as the local
6 cooperation agreement dated August 18, 1983, changing
7 only the identity of the non-Federal sponsor.

8 (c) **MAINTENANCE.**—Following execution of the part-
9 nership agreement referred to in subsection (a), the Sec-
10 retary may carry out maintenance of the project referred
11 to in subsection (a) on an annual basis.

12 **SEC. 3041. CACHE RIVER LEVEE, ILLINOIS.**

13 The Cache River Levee constructed for flood control
14 at the Cache River, Illinois, and authorized by the Act of
15 June 28, 1938 (52 Stat. 1217), is modified to add envi-
16 ronmental restoration as a project purpose.

17 **SEC. 3042. CHICAGO RIVER, ILLINOIS.**

18 The navigation channel for the North Branch Canal
19 portion of the Chicago River, authorized by the first sec-
20 tion of the Rivers and Harbors Appropriations Act of
21 March 3, 1899 (30 Stat. 1129), extending from 100 feet
22 downstream of the Halsted Street Bridge to 100 feet up-
23 stream of the Division Street Bridge is modified to be no
24 wider than 66 feet.

1 **SEC. 3043. CHICAGO SANITARY AND SHIP CANAL DIS-**
2 **PERSAL BARRIERS PROJECT, ILLINOIS.**

3 (a) TREATMENT AS SINGLE PROJECT.—The Chicago
4 Sanitary and Ship Canal Dispersal Barrier Project (in this
5 section referred to as “Barrier I”) (as in existence on the
6 date of enactment of this Act), constructed as a dem-
7 onstration project under section 1202(i)(3) of the Non-
8 indigenous Aquatic Nuisance Prevention and Control Act
9 of 1990 (16 U.S.C. 4722(i)(3)), and the project relating
10 to the Chicago Sanitary and Ship Canal Dispersal Barrier,
11 authorized by section 345 of the District of Columbia Ap-
12 propriations Act, 2005 (Public Law 108–335; 118 Stat.
13 1352) (in this section referred to as “Barrier II”), shall
14 be considered to constitute a single project.

15 (b) AUTHORIZATION.—

16 (1) IN GENERAL.—The Secretary, at Federal
17 expense, shall—

18 (A) upgrade and make permanent Barrier
19 I;

20 (B) construct Barrier II, notwithstanding
21 the project cooperation agreement with the
22 State of Illinois dated June 14, 2005;

23 (C) operate and maintain Barrier I and
24 Barrier II as a system to optimize effectiveness;

25 (D) conduct, in consultation with appro-
26 priate Federal, State, local, and nongovern-

1 (d) FEASIBILITY STUDY.—The Secretary, in con-
2 sultation with appropriate Federal, State, local, and non-
3 governmental entities, shall conduct, at Federal expense,
4 a feasibility study of the range of options and technologies
5 available to prevent the spread of aquatic nuisance species
6 between the Great Lakes and Mississippi River Basins
7 through the Chicago Sanitary and Ship Canal and other
8 pathways.

9 **SEC. 3044. EMIQUON, ILLINOIS.**

10 (a) MAXIMUM AMOUNT.—The maximum amount of
11 Federal funds that may be expended for the project for
12 aquatic ecosystem restoration, Emiquon, Illinois, being
13 carried out under section 206 of the Water Resources De-
14 velopment Act of 1996 (33 U.S.C. 2330), shall be
15 \$7,500,000.

16 (b) LIMITATION.—Nothing in this section shall affect
17 the eligibility of the project for emergency repair assist-
18 ance under section 5(a) of the Act entitled “An Act au-
19 thorizing the construction of certain public works on rivers
20 and harbors for flood control, and for other purposes”,
21 approved August 18, 1941 (33 U.S.C. 701n).

22 **SEC. 3045. LASALLE, ILLINOIS.**

23 In carrying out section 312 of the Water Resources
24 Development Act of 1990 (104 Stat. 4639-4640), the Sec-

1 retary shall give priority to work in the vicinity of LaSalle,
2 Illinois, on the Illinois and Michigan Canal.

3 **SEC. 3046. SPUNKY BOTTOMS, ILLINOIS.**

4 (a) PROJECT PURPOSE.—The project for flood con-
5 trol, Spunky Bottoms, Illinois, authorized by section 5 of
6 the Flood Control Act of June 22, 1936 (49 Stat. 1583),
7 is modified to add environmental restoration as a project
8 purpose.

9 (b) MAXIMUM AMOUNT.—The maximum amount of
10 Federal funds that may be expended for the project for
11 improvement of the quality of the environment, Spunky
12 Bottoms, Illinois, being carried out under section 1135 of
13 the Water Resources Development Act of 1986 (33 U.S.C.
14 2309a), shall be \$7,500,000.

15 (c) LIMITATION.—Nothing in this section shall affect
16 the eligibility of the project for emergency repair assist-
17 ance under section 5(a) of the Act entitled “An Act au-
18 thorizing the construction of certain public works on rivers
19 and harbors for flood control, and for other purposes”,
20 approved August 18, 1941 (33 U.S.C. 701n).

21 **SEC. 3047. FORT WAYNE AND VICINITY, INDIANA.**

22 The project for flood control Fort Wayne, St. Mary’s
23 and Maumee Rivers, Indiana, authorized by section
24 101(a)(11) of the Water Resources Development Act of
25 1990 (104 Stat. 4604), is modified—

1 (1) to direct the Secretary to provide a 100-
2 year level of flood protection at the Berry-Thieme,
3 Park-Thompson, Woodhurst, and Tillman sites
4 along the St. Mary's River, Fort Wayne and vicinity,
5 Indiana, at a total cost of \$5,300,000; and

6 (2) to allow the non-Federal interest to partici-
7 pate in the financing of the project in accordance
8 with section 903(c) of the Water Resources Develop-
9 ment Act of 1986 (100 Stat. 4184) to the extent
10 that the Secretary's evaluation indicates that apply-
11 ing such section is necessary to implement the
12 project.

13 **SEC. 3048. KOONTZ LAKE, INDIANA.**

14 The project for aquatic ecosystem restoration, Koontz
15 Lake, Indiana, being carried out under section 206 of the
16 Water Resources Development Act of 1996 (33 U.S.C.
17 2330) and modified by section 520 of the Water Resources
18 Development Act of 2000 (114 Stat. 2655), is further
19 modified to direct the Secretary to seek to reduce the cost
20 of the project by using innovative technologies and cost
21 reduction measures determined from a review of non-Fed-
22 eral lake dredging projects in the vicinity of Koontz Lake.

23 **SEC. 3049. WHITE RIVER, INDIANA.**

24 The project for flood control, Indianapolis on West
25 Fork of White River, Indiana, authorized by section 5 of

1 the Act entitled “An Act authorizing the construction of
2 certain public works on rivers and harbors for flood con-
3 trol, and for other purposes”, approved June 22, 1936 (49
4 Stat. 1586), and modified by section 323 of the Water
5 Resources Development Act of 1996 (110 Stat. 3716) and
6 section 322 of the Water Resources Development Act of
7 1999 (113 Stat. 303–304), is further modified—

8 (1) to authorize the Secretary to undertake the
9 riverfront alterations described in the Central Indi-
10 anapolis Waterfront Concept Plan, dated February
11 1994, for the Fall Creek Reach feature at a total
12 cost of \$28,545,000; and

13 (2) to direct the Secretary to credit toward the
14 non-Federal share of the cost of the project the cost
15 of planning, design, and construction work carried
16 out by the non-Federal interest before the date of
17 the partnership agreement for the project if the Sec-
18 retary determines that the work is integral to the
19 project.

20 **SEC. 3050. DES MOINES RIVER AND GREENBELT, IOWA.**

21 The project for the Des Moines Recreational River
22 and Greenbelt, Iowa, authorized by Public Law 99–88 and
23 modified by section 604 of the Water Resources Develop-
24 ment Act of 1986 (100 Stat. 4153), is modified to include

1 enhanced public access and recreational enhancements, at
2 a Federal cost of \$3,000,000.

3 **SEC. 3051. PRESTONSBURG, KENTUCKY.**

4 The Prestonsburg, Kentucky, element of the project
5 for flood control, Levisa and Tug Fork of the Big Sandy
6 and Cumberland Rivers, West Virginia, Virginia, and Ken-
7 tucky, authorized by section 202(a) of the Energy and
8 Water Development Appropriations Act, 1981 (94 Stat.
9 1339), is modified to direct the Secretary to take measures
10 to provide a 100-year level of flood protection for the city
11 of Prestonsburg.

12 **SEC. 3052. AMITE RIVER AND TRIBUTARIES, LOUISIANA,**
13 **EAST BATON ROUGE PARISH WATERSHED.**

14 The project for flood damage reduction and recre-
15 ation, Amite River and Tributaries, Louisiana, East
16 Baton Rouge Parish Watershed, authorized by section
17 101(a)(21) of the Water Resources Development Act of
18 1999 (113 Stat. 277) and modified by section 116 of divi-
19 sion D of Public Law 108–7 (117 Stat. 140), is further
20 modified—

21 (1) to direct the Secretary to carry out the
22 project with the cost sharing for the project deter-
23 mined in accordance with section 103(a) of the
24 Water Resources Development Act of 1986 (33
25 U.S.C. 2213(a)), as in effect on October 11, 1996;

1 (2) to authorize the Secretary to construct the
2 project at a total cost of \$178,000,000; and

3 (3) to direct the Secretary to credit toward the
4 non-Federal share of the cost of the project the cost
5 of work carried out by the non-Federal interest be-
6 fore the date of the partnership agreement for the
7 project if the Secretary determines that the work is
8 integral to the project.

9 **SEC. 3053. ATCHAFALAYA BASIN, LOUISIANA.**

10 (a) IN GENERAL.—Section 315(a)(1) of the Water
11 Resources Development Act of 2000 (114 Stat. 2603–
12 2604) is amended to read as follows:

13 “(1) is authorized to study, design, construct,
14 operate, and maintain, at Federal expense, a Type
15 A Regional Visitor Center in the vicinity of Morgan
16 City, Louisiana, in consultation with the State of
17 Louisiana, to provide information to the public on
18 the Atchafalaya River system and other associated
19 waterways that have influenced surrounding commu-
20 nities, and national and local water resources devel-
21 opment of the Army Corps of Engineers in South
22 Central Louisiana; and”.

23 (b) TECHNICAL CORRECTION.—Section 315(b) of
24 such Act is amended by striking “(a)” and inserting
25 “(a)(2)”.

1 (c) DONATIONS.—Section 315 of such Act is amend-
2 ed by adding at the end the following:

3 “(c) DONATIONS.—In carrying out subsection (a)(1),
4 the Mississippi River Commission is authorized to accept
5 the donation of cash, funds, lands, materials, and services
6 from non-Federal governmental entities and nonprofit cor-
7 porations.”.

8 **SEC. 3054. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOU-**
9 **ISIANA.**

10 The public access feature of the Atchafalaya Basin
11 Floodway System project, Louisiana, authorized by sec-
12 tion 601(a) of the Water Resources Development Act
13 1986 (100 Stat. 4142), is modified to authorize the Sec-
14 retary to acquire from willing sellers the fee interest, ex-
15 clusive of oil, gas, and minerals, of an additional 20,000
16 acres of land within the Lower Atchafalaya Basin
17 Floodway for the public access feature of the Atchafalaya
18 Basin Floodway System, to enhance fish and wildlife re-
19 sources, at a total cost of \$4,000,000.

20 **SEC. 3055. BAYOU PLAQUEMINE, LOUISIANA.**

21 The project for the improvement of the quality of the
22 environment, Bayou Plaquemine, Louisiana, being carried
23 out under section 1135 of the Water Resources Develop-
24 ment Act of 1986 (33 U.S.C. 2309a), is modified to direct
25 the Secretary to credit toward the non-Federal share of

1 the cost of the project the cost of work carried out by
2 the non-Federal interest before the date of the partnership
3 agreement for the project if the Secretary determines that
4 the work is integral to the project.

5 **SEC. 3056. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI**
6 **RIVER TO SHREVEPORT, LOUISIANA.**

7 The project for mitigation of fish and wildlife losses,
8 J. Bennett Johnston Waterway, Mississippi River to
9 Shreveport, Louisiana, authorized by section 601(a) of the
10 Water Resources Development Act of 1986 (100 Stat.
11 4142) and modified by section 4(h) of the Water Re-
12 sources Development Act of 1988 (102 Stat. 4016), sec-
13 tion 102(p) of the Water Resources Development Act of
14 1990 (104 Stat. 4613), section 301(b)(7) of the Water
15 Resources Development Act of 1996 (110 Stat. 3710), and
16 section 316 of the Water Resources Development Act of
17 2000 (114 Stat. 2572), is further modified—

18 (1) to authorize the purchase and reforestation of
19 lands that have been cleared or converted to agricul-
20 tural uses; and

21 (2) to incorporate current wildlife and forestry
22 management practices for the purpose of improving
23 species diversity on mitigation lands that meet Fed-
24 eral and State of Louisiana habitat goals and objec-
25 tives.

1 **SEC. 3057. MISSISSIPPI DELTA REGION, LOUISIANA.**

2 The Mississippi Delta Region project, Louisiana, au-
3 thorized as part of the project for hurricane-flood protec-
4 tion on Lake Pontchartrain, Louisiana, by section 204 of
5 the Flood Control Act of 1965 (79 Stat. 1077) and modi-
6 fied by section 365 of the Water Resources Development
7 Act of 1996 (110 Stat. 3739), is further modified to direct
8 the Secretary to credit toward the non-Federal share of
9 the cost of the project the costs of relocating oyster beds
10 in the Davis Pond project area if the Secretary determines
11 that the work is integral to the Mississippi Delta Region
12 project.

13 **SEC. 3058. NEW ORLEANS TO VENICE, LOUISIANA.**

14 The New Orleans to Venice, Louisiana, project for
15 hurricane protection, authorized by section 203 of the
16 Flood Control Act of 1962 (76 Stat. 1184), is modified
17 to authorize the Secretary to carry out the work on the
18 St. Jude to City Price, Upper Reach A back levee. The
19 Federal share of the cost of such work shall be 70 percent.

20 **SEC. 3059. WEST BANK OF THE MISSISSIPPI RIVER (EAST**
21 **OF HARVEY CANAL), LOUISIANA.**

22 Section 328 of the Water Resources Development Act
23 of 1999 (113 Stat. 304–305) is amended—

24 (1) in subsection (a)—

1 (A) by striking “operation and maintenance” and inserting “operation, maintenance,
2 rehabilitation, repair, and replacement”; and
3

4 (B) by striking “Algiers Channel” and inserting “Algiers Canal Levees”; and
5

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

7 “(c) COST SHARING.—The non-Federal share of the
8 cost of the project shall be 35 percent.”.

9 **SEC. 3060. CAMP ELLIS, SACO, MAINE.**

10 The maximum amount of Federal funds that may be
11 expended for the project being carried out under section
12 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i)
13 for the mitigation of shore damages attributable to the
14 project for navigation, Camp Ellis, Saco, Maine, shall be
15 \$26,900,000.

16 **SEC. 3061. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.**
17

18 (a) IN GENERAL.—The project for emergency
19 streambank and shoreline protection, Detroit River Shore-
20 line, Detroit, Michigan, being carried out under section 14
21 of the Flood Control Act of 1946 (33 U.S.C. 701r), is
22 modified to include measures to enhance public access.

23 (b) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for
24 the project shall be \$3,000,000.
25

1 **SEC. 3062. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**
2 **GAN.**

3 Section 426 of the Water Resources Development Act
4 of 1999 (113 Stat. 326) is amended to read as follows:

5 **“SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**
6 **GAN.**

7 **“(a) DEFINITIONS.—**In this section, the following
8 definitions apply:

9 **“(1) MANAGEMENT PLAN.—**The term ‘manage-
10 ment plan’ means the management plan for the St.
11 Clair River and Lake St. Clair, Michigan, that is in
12 effect as of the date of enactment of the Water Re-
13 sources Development Act of 2006.

14 **“(2) PARTNERSHIP.—**The term ‘partnership’
15 means the partnership established by the Secretary
16 under subsection (b)(1).

17 **“(b) PARTNERSHIP.—**

18 **“(1) IN GENERAL.—**The Secretary shall estab-
19 lish and lead a partnership of appropriate Federal
20 agencies (including the Environmental Protection
21 Agency) and the State of Michigan (including polit-
22 ical subdivisions of the State)—

23 **“(A)** to promote cooperation among the
24 Federal, State, and local governments and other
25 involved parties in the management of the St.
26 Clair River and Lake St. Clair watersheds; and

1 “(B) develop and implement projects con-
2 sistent with the management plan.

3 “(2) COORDINATION WITH ACTIONS UNDER
4 OTHER LAW.—

5 “(A) IN GENERAL.—Actions taken under
6 this section by the partnership shall be coordi-
7 nated with actions to restore and conserve the
8 St. Clair River and Lake St. Clair and water-
9 sheds taken under other provisions of Federal
10 and State law.

11 “(B) NO EFFECT ON OTHER LAW.—Noth-
12 ing in this section alters, modifies, or affects
13 any other provision of Federal or State law.

14 “(c) IMPLEMENTATION OF ST. CLAIR RIVER AND
15 LAKE ST. CLAIR MANAGEMENT PLAN.—

16 “(1) IN GENERAL.—The Secretary shall—

17 “(A) develop a St. Clair River and Lake
18 St. Clair strategic implementation plan in ac-
19 cordance with the management plan;

20 “(B) provide technical, planning, and engi-
21 neering assistance to non-Federal interests for
22 developing and implementing activities con-
23 sistent with the management plan;

24 “(C) plan, design, and implement projects
25 consistent with the management plan; and

1 “(D) provide, in coordination with the Ad-
2 ministrator of the Environmental Protection
3 Agency, financial and technical assistance, in-
4 cluding grants, to the State of Michigan (in-
5 cluding political subdivisions of the State) and
6 interested nonprofit entities for the planning,
7 design, and implementation of projects to re-
8 store, conserve, manage, and sustain the St.
9 Clair River, Lake St. Clair, and associated wa-
10 tersheds.

11 “(2) SPECIFIC MEASURES.—Financial and tech-
12 nical assistance provided under subparagraphs (B)
13 and (C) of paragraph (1) may be used in support of
14 non-Federal activities consistent with the manage-
15 ment plan.

16 “(d) SUPPLEMENTS TO MANAGEMENT PLAN AND
17 STRATEGIC IMPLEMENTATION PLAN.—In consultation
18 with the partnership and after providing an opportunity
19 for public review and comment, the Secretary shall develop
20 information to supplement—

21 “(1) the management plan; and

22 “(2) the strategic implementation plan devel-
23 oped under subsection (c)(1)(A).

24 “(e) COST SHARING.—

1 “(1) IN-KIND SERVICES.—The non-Federal
2 share of the cost of technical assistance under sub-
3 section (c), the cost of planning, design, and con-
4 struction of a project under subsection (c), and the
5 cost of development of supplementary information
6 under subsection (d) may be provided through the
7 provision of in-kind services.

8 “(2) CREDIT FOR LAND, EASEMENTS, AND
9 RIGHTS-OF-WAY.—The Secretary shall credit the
10 non-Federal sponsor for the value of any land, ease-
11 ments, rights-of-way, dredged material disposal
12 areas, or relocations required in carrying out a
13 project under subsection (c).

14 “(3) NONPROFIT ENTITIES.—Notwithstanding
15 section 221 of the Flood Control Act of 1970 (42
16 U.S.C. 1962d–5b), a non-Federal interest for any
17 project carried out under this section may include a
18 nonprofit entity.

19 “(4) OPERATION AND MAINTENANCE.—The op-
20 eration, maintenance, repair, rehabilitation, and re-
21 placement of projects carried out under this section
22 shall be non-Federal responsibilities.

23 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
24 is authorized to be appropriated to carry out this section
25 \$10,000,000 for each fiscal year.”.

1 **SEC. 3063. SAULT SAINTE MARIE, MICHIGAN.**

2 (a) IN GENERAL.—The text of section 1149 of the
3 Water Resources Development Act of 1986 (100 Stat.
4 4254) is amended to read as follows:

5 “The Secretary shall construct at Federal ex-
6 pense a second lock, of a width not less than 110
7 feet and a length not less than 1,200 feet, adjacent
8 to the existing lock at Sault Sainte Marie, Michigan,
9 generally in accordance with the report of the Board
10 of Engineers for Rivers and Harbors, dated May 19,
11 1986, and the limited reevaluation report dated Feb-
12 ruary 2004 at a total cost of \$341,714,000.”

13 (b) CONFORMING REPEALS.—The following provi-
14 sions are repealed:

15 (1) Section 107(a)(8) of the Water Resources
16 Development Act of 1990 (104 Stat. 4620).

17 (2) Section 330 of the Water Resources Devel-
18 opment Act of 1996 (110 Stat. 3717–3718).

19 (3) Section 330 of the Water Resources Devel-
20 opment Act of 1999 (113 Stat. 305).

21 **SEC. 3064. ADA, MINNESOTA.**

22 (a) IN GENERAL.—The project for flood damage re-
23 duction, Wild Rice River, Ada, Minnesota, being carried
24 out under section 205 of the Flood Control Act of 1948
25 (33 U.S.C. 701s), is modified to authorize the Secretary

1 to consider national ecosystem restoration benefits in de-
2 termining the Federal interest in the project.

3 (b) EVALUATION OF BENEFITS AND COSTS.—In
4 evaluating the economic benefits and costs for the project,
5 the Secretary shall not consider the emergency levee adja-
6 cent to Judicial Ditch No. 51 in the determination of con-
7 ditions existing prior to construction of the project.

8 (c) SPECIAL RULE.—In evaluating and implementing
9 the project, the Secretary shall allow the non-Federal in-
10 terest to participate in the financing of the project in ac-
11 cordance with section 903(c) of the Water Resources De-
12 velopment Act of 1986 (100 Stat. 4184) to the extent that
13 the Secretary's evaluation indicates that applying such
14 section is necessary to implement the project.

15 **SEC. 3065. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.**

16 (a) IN GENERAL.—The project for navigation, Du-
17 luth Harbor, McQuade Road, Minnesota, being carried out
18 under section 107 of the River and Harbor Act of 1960
19 (33 U.S.C. 577) and modified by section 321 of the Water
20 Resources Development Act of 2000 (114 Stat. 2605), is
21 further modified to authorize the Secretary to provide
22 public access and recreational facilities as generally de-
23 scribed in the Detailed Project Report and Environmental
24 Assessment, McQuade Road Harbor of Refuge, Duluth,
25 Minnesota, dated August 1999.

1 (b) CREDIT.—The Secretary shall provide credit to-
2 ward the non-Federal share of the cost of the project for
3 the costs of design work carried out before the date of
4 the partnership agreement for the project if the Secretary
5 determines that the work is integral to the project.

6 (c) MAXIMUM FEDERAL EXPENDITURE.—The max-
7 imum amount of Federal funds that may be expended for
8 the project shall be \$9,000,000.

9 **SEC. 3066. GRAND MARAIS, MINNESOTA.**

10 The project for navigation, Grand Marais, Minnesota,
11 carried out under section 107 of the River and Harbor
12 Act of 1960 (33 U.S.C. 577) is modified to direct the Sec-
13 retary to provide credit toward the non-Federal share of
14 the cost of the project the cost of design work carried out
15 before the date of the partnership agreement for the
16 project if the Secretary determines that the work is inte-
17 gral to the project.

18 **SEC. 3067. GRAND PORTAGE HARBOR, MINNESOTA.**

19 The Secretary shall provide credit toward the non-
20 Federal share of the cost of the navigation project for
21 Grand Portage Harbor, Minnesota, carried out under sec-
22 tion 107 of the River and Harbor Act of 1960 (33 U.S.C.
23 577), for the costs of design work carried out before the
24 date of the partnership agreement for the project if the

1 Secretary determines that the work is integral to the
2 project.

3 **SEC. 3068. GRANITE FALLS, MINNESOTA.**

4 (a) IN GENERAL.—The Secretary is directed to im-
5 plement under section 205 of the Flood Control Act of
6 1948 (33 U.S.C. 701s) the locally preferred plan for flood
7 damage reduction, Granite Falls, Minnesota, substantially
8 in accordance with the detailed project report dated 2002,
9 at a total cost of \$12,000,000, with an estimated Federal
10 cost of \$8,000,000 and an estimated non-Federal cost of
11 \$4,000,000.

12 (b) PROJECT FINANCING.—In evaluating and imple-
13 menting the project under this section, the Secretary shall
14 allow the non-Federal interests to participate in the fi-
15 nancing of the project in accordance with section 903(c)
16 of the Water Resources Development Act of 1986 (100
17 Stat. 4184), to the extent that the detailed project report
18 evaluation indicates that applying such section is nec-
19 essary to implement the project.

20 (c) CREDIT.—The Secretary shall credit toward the
21 non-Federal share of the project the cost of design and
22 construction work carried out by the non-Federal interest
23 before the date of execution of a partnership agreement
24 for the project if the Secretary determines that the work
25 is integral to the project.

1 (d) MAXIMUM FUNDING.—The maximum amount of
2 Federal funds that may be expended for the flood damage
3 reduction shall be \$8,000,000.

4 **SEC. 3069. KNIFE RIVER HARBOR, MINNESOTA.**

5 The project for navigation, Harbor at Knife River,
6 Minnesota, authorized by section 2 of the Rivers and Har-
7 bors Act of March 2, 1945 (59 Stat. 19), is modified to
8 direct the Secretary to develop a final design and prepare
9 plans and specifications to correct the harbor entrance and
10 mooring conditions at the project.

11 **SEC. 3070. RED LAKE RIVER, MINNESOTA.**

12 The project for flood control, Red Lake River,
13 Crookston, Minnesota, authorized by section 101(a)(23) of
14 the Water Resources Development Act of 1999 (113 Stat.
15 278), is modified to include flood protection for the adja-
16 cent and interconnected areas generally known as the
17 Sampson and Chase/Loring neighborhoods, in accordance
18 with the feasibility report supplement for local flood pro-
19 tection, Crookston, Minnesota, at a total cost of
20 \$25,000,000, with an estimated Federal cost of
21 \$16,250,000 and an estimated non-Federal cost of
22 \$8,750,000.

23 **SEC. 3071. SILVER BAY, MINNESOTA.**

24 The project for navigation, Silver Bay, Minnesota,
25 authorized by section 2 of the Rivers and Harbors Act

1 of March 2, 1945 (59 Stat. 19), is modified to include
2 operation and maintenance of the general navigation fa-
3 cilities as a Federal responsibility.

4 **SEC. 3072. TACONITE HARBOR, MINNESOTA.**

5 The project for navigation, Taconite Harbor, Min-
6 nesota, carried out under section 107 of the River and
7 Harbor Act of 1960 (33 U.S.C. 577), is modified to in-
8 clude operation and maintenance of the general navigation
9 facilities as a Federal responsibility.

10 **SEC. 3073. TWO HARBORS, MINNESOTA.**

11 (a) IN GENERAL.—The project for navigation, Two
12 Harbors, Minnesota, being carried out under section 107
13 of the River and Harbor Act of 1960 (33 U.S.C. 577),
14 is modified to include construction of a dredged material
15 disposal facility, including actions required to clear the
16 site.

17 (b) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—
18 Non-Federal interests shall be responsible for providing all
19 lands, easements, rights-of-way, and relocations necessary
20 for the construction of the dredged material disposal facil-
21 ity.

22 (c) MAXIMUM FEDERAL EXPENDITURE.—The max-
23 imum amount of Federal funds that may be expended for
24 the project shall be \$5,000,000.

1 **SEC. 3074. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.**

2 The project for ecosystem restoration, Deer Island,
3 Harrison County, Mississippi, being carried out under sec-
4 tion 204 of the Water Resources Development Act of 1992
5 (33 U.S.C. 2326), is modified to authorize the non-Fed-
6 eral interest to provide any portion of the non-Federal
7 share of the cost of the project in the form of in-kind serv-
8 ices and materials.

9 **SEC. 3075. PEARL RIVER BASIN, MISSISSIPPI.**

10 (a) **IN GENERAL.**—The Secretary shall complete a
11 feasibility study for the project for flood damage reduc-
12 tion, Pearl River Watershed, Mississippi.

13 (b) **COMPARISON OF ALTERNATIVES.**—The feasibility
14 study shall identify both the plan that maximizes national
15 economic development benefits and the locally preferred
16 plan and shall compare the level of flood damage reduction
17 provided by each plan to that portion of Jackson, Mis-
18 sissippi, located below the Ross Barnett Reservoir Dam.

19 (c) **RECOMMENDED PLAN.**—If the Secretary deter-
20 mines that the locally preferred plan provides a level of
21 flood damage reduction that is equal to or greater than
22 the level of flood damage reduction provided by the na-
23 tional economic development plan and the locally preferred
24 plan is technically feasible and environmentally protective,
25 the Secretary shall recommend construction of the locally
26 preferred plan.

1 (d) EVALUATION OF PROJECT COST.—For the pur-
2 poses of determining compliance with the first section of
3 the Flood Control Act of June 22, 1936 (33 U.S.C. 701a),
4 the Secretary shall consider only the costs of the national
5 economic development plan and shall exclude incremental
6 costs associated with the locally preferred plan that are
7 in excess of such costs if the non-Federal interest agrees
8 to pay 100 percent of such incremental costs.

9 (e) NON-FEDERAL COST SHARE.—If the locally pre-
10 ferred plan is authorized for construction, the non-Federal
11 share of the cost of the project shall be the same percent-
12 age as the non-Federal share of the cost of the national
13 economic development plan plus all additional costs of con-
14 struction associated with the locally preferred plan.

15 **SEC. 3076. FESTUS AND CRYSTAL CITY, MISSOURI.**

16 Section 102(b)(1) of the Water Resources Develop-
17 ment Act of 1999 (113 Stat. 282) is amended by striking
18 “\$10,000,000” and inserting “\$12,000,000”.

19 **SEC. 3077. L-15 LEVEE, MISSOURI.**

20 The portion of the L-15 levee system that is under
21 the jurisdiction of the Consolidated North County Levee
22 District and situated along the right descending bank of
23 the Mississippi River from the confluence of that river
24 with the Missouri River and running upstream approxi-
25 mately 14 miles shall be considered to be a Federal levee

1 for purposes of cost sharing under section 5 of the Act
2 of August 18, 1941 (33 U.S.C. 701n).

3 **SEC. 3078. MONARCH-CHESTERFIELD, MISSOURI.**

4 The project for flood damage reduction, Monarch-
5 Chesterfield, Missouri, authorized by section 101(b)(18)
6 of the Water Resources Development Act of 2000 (114
7 Stat. 2578), is modified to direct the Secretary to credit
8 toward the non-Federal share of the cost of the project
9 the cost of the planning, design, and construction work
10 carried out by the non-Federal interest before the date of
11 the partnership agreement for the project if the Secretary
12 determines that the work is integral to the project.

13 **SEC. 3079. RIVER DES PERES, MISSOURI.**

14 The projects for flood control, River Des Peres, Mis-
15 souri, authorized by section 101(a)(17) of the Water Re-
16 sources Development Act of 1990 (104 Stat. 4607) and
17 section 102(13) of the Water Resources Development Act
18 of 1996 (110 Stat. 3668), are each modified to direct the
19 Secretary to credit toward the non-Federal share of the
20 cost of the project the cost of work carried out by the
21 non-Federal interest before the date of the partnership
22 agreement for the project if the Secretary determines that
23 the work is integral to the project.

1 **SEC. 3080. ANTELOPE CREEK, LINCOLN, NEBRASKA.**

2 The project for flood damage reduction, Antelope
3 Creek, Lincoln, Nebraska, authorized by section
4 101(b)(19) of the Water Resources Development Act of
5 2000 (114 Stat. 2578), is modified—

6 (1) to direct the Secretary to credit toward the
7 non-Federal share of the cost of the project the cost
8 of design and construction work carried out by the
9 non-Federal interest before the date of the partner-
10 ship agreement for the project if the Secretary de-
11 termines that the work is integral to the project; and

12 (2) to allow the non-Federal interest for the
13 project to use, and to direct the Secretary to accept,
14 funds provided under any other Federal program, to
15 satisfy, in whole or in part, the non-Federal share
16 of the project if such funds are authorized to be
17 used to carry out the project.

18 **SEC. 3081. SAND CREEK WATERSHED, WAHOO, NEBRASKA.**

19 The project for ecosystem restoration and flood dam-
20 age reduction, Sand Creek watershed, Wahoo, Nebraska,
21 authorized by section 101(b)(20) of the Water Resources
22 Development Act of 2000 (114 Stat. 2578), is modified—

23 (1) to direct the Secretary to provide credit to-
24 ward the non-Federal share of the cost of the project
25 or reimbursement for the costs of any work that has
26 been or will be performed by the non-Federal inter-

1 est before, on, or after the approval of the project
2 partnership agreement, including work performed by
3 the non-Federal interest in connection with the de-
4 sign and construction of 7 upstream detention stor-
5 age structures, if the Secretary determines that the
6 work is integral to the project;

7 (2) to require that in-kind work to be credited
8 under paragraph (1) be subject to audit; and

9 (3) to direct the Secretary to accept advance
10 funds from the non-Federal interest as needed to
11 maintain the project schedule.

12 **SEC. 3082. LOWER CAPE MAY MEADOWS, CAPE MAY POINT,**
13 **NEW JERSEY.**

14 The project for navigation mitigation, ecosystem res-
15 toration, shore protection, and hurricane and storm dam-
16 age reduction, Lower Cape May Meadows, Cape May
17 Point, New Jersey, authorized by section 101(a)(25) of
18 the Water Resources Development Act of 1999 (113 Stat.
19 278), is modified to incorporate the project for shoreline
20 erosion control, Cape May Point, New Jersey, carried out
21 under section 5 of the Act entitled “An Act authorizing
22 Federal participation in the cost of protecting the shores
23 of publicly owned property”, approved August 13, 1946
24 (33 U.S.C. 426h), if the Secretary determines that such
25 incorporation is feasible.

1 **SEC. 3083. PASSAIC RIVER BASIN FLOOD MANAGEMENT,**
2 **NEW JERSEY.**

3 The project for flood control, Passaic River, New Jer-
4 sey and New York, authorized by section 101(a)(18) of
5 the Water Resources Development Act of 1990 (104 Stat.
6 4607) and modified by section 327 of the Water Resources
7 Development Act of 2000 (114 Stat. 2607), is further
8 modified to direct the Secretary to include the benefits and
9 costs of preserving natural flood storage in any future eco-
10 nomic analysis of the project.

11 **SEC. 3084. BUFFALO HARBOR, NEW YORK.**

12 The project for navigation, Buffalo Harbor, New
13 York, authorized by section 101 of the River and Harbor
14 Act of 1962 (76 Stat. 1176), is modified to include meas-
15 ures to enhance public access, at Federal cost of
16 \$500,000.

17 **SEC. 3085. ORCHARD BEACH, BRONX, NEW YORK.**

18 Section 554 of the Water Resources Development Act
19 of 1996 (110 Stat. 3781) is amended by striking “max-
20 imum Federal cost of \$5,200,000” and inserting “total
21 cost of \$20,000,000”.

22 **SEC. 3086. PORT OF NEW YORK AND NEW JERSEY, NEW**
23 **YORK AND NEW JERSEY.**

24 The navigation project, Port of New York and New
25 Jersey, New York and New Jersey, authorized by section

1 101(a)(2) of the Water Resources Development Act of
2 2000 (114 Stat. 2576), is modified—

3 (1) to authorize the Secretary to allow the non-
4 Federal interest to construct a temporary dredged
5 material storage facility to receive dredged material
6 from the project if—

7 (A) the non-Federal interest submits, in
8 writing, a list of potential sites for the tem-
9 porary storage facility to the Committee on
10 Transportation and Infrastructure of the House
11 of Representatives, the Committee on Environ-
12 ment and Public Works of the Senate, and the
13 Secretary at least 180 days before the selection
14 of the final site; and

15 (B) at least 70 percent of the dredged ma-
16 terial generated in connection with the project
17 suitable for beneficial reuse will be used at sites
18 in the State of New Jersey to the extent that
19 there are sufficient sites available; and

20 (2) to direct the Secretary to credit toward the
21 non-Federal share of the cost of the project the cost
22 of construction of the temporary storage facility if
23 the Secretary determines that the work is integral to
24 the project.

1 **SEC. 3087. NEW YORK STATE CANAL SYSTEM.**

2 Section 553(c) of the Water Resources Development
3 Act of 1996 (110 Stat. 3781) is amended to read as fol-
4 lows:

5 “(c) NEW YORK STATE CANAL SYSTEM DEFINED.—
6 In this section, the term ‘New York State Canal System’
7 means the 524 miles of navigable canal that comprise the
8 New York State Canal System, including the Erie, Ca-
9 yuga-Seneca, Oswego, and Champlain Canals and the his-
10 toric alignments of these canals, including the cities of Al-
11 bany and Buffalo.”.

12 **SEC. 3088. LOWER GIRARD LAKE DAM, OHIO.**

13 Section 507(1) of the Water Resources Development
14 Act of 1996 (110 Stat. 3758) is amended by striking
15 “\$2,500,000” and inserting “\$6,000,000”.

16 **SEC. 3089. MAHONING RIVER, OHIO.**

17 In carrying out the project for environmental dredg-
18 ing, authorized by section 312(f)(4) of the Water Re-
19 sources Development Act of 1990 (33 U.S.C. 1272(f)(4)),
20 the Secretary is directed to credit toward the non-Federal
21 share of the cost of the project the cost of work carried
22 out by the non-Federal interest before the date of the part-
23 nership agreement for the project if the Secretary deter-
24 mines that the work is integral to the project.

1 **SEC. 3090. DELAWARE RIVER, PENNSYLVANIA, NEW JER-**
2 **SEY, AND DELAWARE.**

3 The Secretary may remove debris from the project
4 for navigation, Delaware River, Pennsylvania, New Jersey,
5 and Delaware, Philadelphia to the Sea.

6 **SEC. 3091. RAYSTOWN LAKE, PENNSYLVANIA.**

7 The Secretary may take such action as may be nec-
8 essary, including construction of a breakwater, to prevent
9 shoreline erosion between .07 and 2.7 miles south of Penn-
10 sylvania State Route 994 on the east shore of Raystown
11 Lake, Pennsylvania.

12 **SEC. 3092. SHERADEN PARK STREAM AND CHARTIERS**
13 **CREEK, ALLEGHENY COUNTY, PENNSYL-**
14 **VANIA.**

15 The project for aquatic ecosystem restoration,
16 Sheraden Park Stream and Chartiers Creek, Allegheny
17 County, Pennsylvania, being carried out under section 206
18 of the Water Resources Development Act of 1996 (33
19 U.S.C. 2330), is modified to direct the Secretary to credit
20 up to \$400,000 toward the non-Federal share of the cost
21 of the project for planning and design work carried out
22 by the non-Federal interest before the date of the partner-
23 ship agreement for the project if the Secretary determines
24 that the work is integral to the project.

1 **SEC. 3093. SOLOMON'S CREEK, WILKES-BARRE, PENNSYL-**
2 **VANIA.**

3 The project for flood control, Wyoming Valley, Penn-
4 sylvania, authorized by section 401(a) of the Water Re-
5 sources Development Act of 1986 (100 Stat. 4124), is
6 modified to include as a project element the project for
7 flood control for Solomon's Creek, Wilkes-Barre, Pennsyl-
8 vania.

9 **SEC. 3094. SOUTH CENTRAL PENNSYLVANIA.**

10 Section 313 of the Water Resources Development Act
11 of 1992 (106 Stat. 4845; 109 Stat. 407; 110 Stat. 3723;
12 113 Stat. 310; 117 Stat. 142) is amended—

13 (1) in subsection (g)(1) by striking
14 “\$180,000,000” and inserting “\$200,000,000”; and

15 (2) in subsection (h)(2) by striking “Allegheny,
16 Armstrong, Beford, Blair, Cambria, Clearfield, Fay-
17 ette, Franklin, Fulton, Greene, Huntingdon, Indi-
18 ana, Juniata, Mifflin, Somerset, Snyder, Wash-
19 ington, and Westmoreland Counties” and inserting
20 “Allegheny, Armstrong, Bedford, Blair, Cambria,
21 Fayette, Franklin, Fulton, Greene, Huntingdon, In-
22 diana, Juniata, Somerset, Washington, and West-
23 moreland Counties”.

24 **SEC. 3095. WYOMING VALLEY, PENNSYLVANIA.**

25 In carrying out the project for flood control, Wyo-
26 ming Valley, Pennsylvania, authorized by section 401(a)

1 of the Water Resources Development Act of 1986 (100
2 Stat. 4124), the Secretary shall coordinate with non-Fed-
3 eral interests to review opportunities for increased public
4 access.

5 **SEC. 3096. CEDAR BAYOU, TEXAS.**

6 (a) CREDIT FOR PLANNING AND DESIGN.—The
7 project for navigation, Cedar Bayou, Texas, reauthorized
8 by section 349(a)(2) of the Water Resources Development
9 Act of 2000 (114 Stat. 2632), is modified to direct the
10 Secretary to credit toward the non-Federal share of the
11 cost of the project the cost of planning and design work
12 carried out by the non-Federal interest for the project if
13 the Secretary determines that such work is integral to the
14 project.

15 (b) COST SHARING.—Cost sharing for construction
16 and operation and maintenance of the project shall be de-
17 termined in accordance with section 101 of the Water Re-
18 sources Development Act of 1986 (33 U.S.C. 2211).

19 **SEC. 3097. FREEPORT HARBOR, TEXAS.**

20 The project for navigation, Freeport Harbor, Texas,
21 authorized by section 101 of the Rivers and Harbors Act
22 of 1970 (84 Stat. 1818), is modified.—

23 (1) to direct the Secretary to credit toward the
24 non-Federal share of the cost of the project the cost
25 of the planning, design, and construction work car-

1 ried out by the non-Federal interest before the date
2 of the partnership agreement for the project if the
3 Secretary determines that the work is integral to the
4 project; and

5 (2) to direct the Secretary to remove the sunk-
6 en vessel “COMSTOCK” at Federal expense.

7 **SEC. 3098. LAKE KEMP, TEXAS.**

8 (a) IN GENERAL.—The Secretary may not take any
9 legal or administrative action seeking to remove a Lake
10 Kemp improvement before the earlier of January 1, 2020,
11 or the date of any transfer of ownership of the improve-
12 ment occurring after the date of enactment of this Act.

13 (b) LIMITATION ON LIABILITY.—The United States,
14 or any of its officers, agents, or assignees, shall not be
15 liable for any injury, loss, or damage accruing to the own-
16 ers of a Lake Kemp improvement, their lessees, or occu-
17 pants as a result of any flooding or inundation of such
18 improvements by the waters of the Lake Kemp reservoir,
19 or for such injury, loss, or damage as may occur through
20 the operation and maintenance of the Lake Kemp dam
21 and reservoir in any manner.

22 (c) LAKE KEMP IMPROVEMENT DEFINED.—In this
23 section, the term “Lake Kemp improvement” means an
24 improvement (including dwellings) located within the flow-

1 age easement of Lake Kemp, Texas, below elevation 1159
2 feet mean sea level.

3 **SEC. 3099. LOWER RIO GRANDE BASIN, TEXAS.**

4 The project for flood control, Lower Rio Grande
5 Basin, Texas, authorized by section 401(a) of the Water
6 Resources Development Act of 1986 (100 Stat. 4125), is
7 modified—

8 (1) to include as part of the project flood pro-
9 tection works to reroute drainage to Raymondville
10 Drain constructed by the non-Federal interests in
11 Hidalgo County in the vicinity of Edinburg, Texas,
12 if the Secretary determines that such work meets
13 feasibility requirements;

14 (2) to direct the Secretary to credit toward the
15 non-Federal share of the cost of the project the cost
16 of planning, design, and construction work carried
17 out by the non-Federal interest before the date of
18 the partnership agreement for the project if the Sec-
19 retary determines that the work is integral to the
20 project; and

21 (3) to direct the Secretary in calculating the
22 non-Federal share of the cost of the project, to make
23 a determination, within 180 days after the date of
24 enactment of this Act, under section 103(m) of the
25 Water Resources Development Act of 1986 (33

1 U.S.C. 2213(m)) on the non-Federal interest's abil-
2 ity to pay.

3 **SEC. 3100. NORTH PADRE ISLAND, CORPUS CHRISTI BAY,**
4 **TEXAS.**

5 The project for ecosystem restoration and storm dam-
6 age reduction, North Padre Island, Corpus Christi Bay,
7 Texas, authorized by section 556 of the Water Resources
8 Development Act of 1999 (113 Stat. 353), is modified to
9 include recreation as a project purpose.

10 **SEC. 3101. PAT MAYSE LAKE, TEXAS.**

11 The Secretary is directed to accept from the city of
12 Paris, Texas, \$3,461,432 as payment in full of monies
13 owed to the United States for water supply storage space
14 in Pat Mayse Lake, Texas, under contract number DA-
15 34-066-CIVENG-65-1272, including accrued interest.

16 **SEC. 3102. PROCTOR LAKE, TEXAS.**

17 The Secretary is authorized to purchase fee simple
18 title to all properties located within the boundaries, and
19 necessary for the operation, of the Proctor Lake project,
20 Texas, authorized by section 203 of the Flood Control Act
21 of 1954 (68 Stat. 1259).

22 **SEC. 3103. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

23 The project for flood control, San Antonio Channel,
24 Texas, authorized by section 203 of the Flood Control Act
25 of 1954 (68 Stat. 1259) as part of the comprehensive plan

1 for flood protection on the Guadalupe and San Antonio
2 Rivers in Texas and modified by section 103 of the Water
3 Resources Development Act of 1976 (90 Stat. 2921) and
4 section 335 of the Water Resources Development Act of
5 2000 (114 Stat. 2611), is further modified to authorize
6 the Secretary to credit toward the non-Federal share of
7 the cost of the project the cost of design and construction
8 work carried out by the non-Federal interest for the
9 project if the Secretary determines that the work is inte-
10 gral to the project.

11 **SEC. 3104. TANGIER ISLAND SEAWALL, VIRGINIA.**

12 Section 577(a) of the Water Resources Development
13 Act of 1996 (110 Stat. 3789) is amended by striking “at
14 a total cost of \$1,200,000, with an estimated Federal cost
15 of \$900,000 and an estimated non-Federal cost of
16 \$300,000.” and inserting “at a total cost of \$3,000,000,
17 with an estimated Federal cost of \$2,500,000 and an esti-
18 mated non-Federal cost of \$750,000.”.

19 **SEC. 3105. DUWAMISH/GREEN, WASHINGTON.**

20 The project for ecosystem restoration, Duwamish/
21 Green, Washington, authorized by section 101(b)(26) of
22 the Water Resources Development Act of 2000 (114 Stat.
23 2579), is modified—

24 (1) to direct the Secretary to credit toward the
25 non-Federal share of the cost of the project the cost

1 of work carried out by the non-Federal interest be-
2 fore, on, or after the date of the partnership agree-
3 ment for the project if the Secretary determines that
4 the work is integral to the project; and

5 (2) to authorize the non-Federal interest to pro-
6 vide any portion of the non-Federal share of the cost
7 of the project in the form of in-kind services and
8 materials.

9 **SEC. 3106. YAKIMA RIVER, PORT OF SUNNYSIDE, WASH-**
10 **INGTON.**

11 The project for aquatic ecosystem restoration,
12 Yakima River, Port of Sunnyside, Washington, being car-
13 ried out under section 206 of the Water Resources Devel-
14 opment Act of 1996 (33 U.S.C. 2330), is modified to di-
15 rect the Secretary to credit toward the non-Federal share
16 of the cost of the project the cost of work carried out by
17 the non-Federal interest before the date of the partnership
18 agreement for the project if the Secretary determines that
19 the work is integral to the project.

20 **SEC. 3107. GREENBRIER RIVER BASIN, WEST VIRGINIA.**

21 Section 579(c) of the Water Resources Development
22 Act of 1996 (110 Stat. 3790; 113 Stat. 312) is amended
23 by striking “\$47,000,000” and inserting “\$99,000,000”.

1 **SEC. 3108. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.**

2 Section 30(d) of the Water Resources Development
3 Act of 1988 (102 Stat. 4030; 114 Stat. 2678) is amended
4 to read as follows:

5 “(d) HISTORIC STRUCTURE.—The Secretary shall
6 ensure the preservation and restoration of the structure
7 known as the ‘Jenkins House’, and the reconstruction of
8 associated buildings and landscape features of such struc-
9 ture located within the Lesage/Greenbottom Swamp in ac-
10 cordance with the Secretary of the Interior’s standards for
11 the treatment of historic properties. Amounts made avail-
12 able for expenditure for the project authorized by section
13 301(a) of the Water Resources Development Act of 1986
14 (100 Stat. 4110) shall be available for the purposes of this
15 subsection.”.

16 **SEC. 3109. NORTHERN WEST VIRGINIA.**

17 Section 557 of the Water Resources Development Act
18 of 1999 (113 Stat. 353) is amended—

19 (1) in the first sentence by striking “favorable”;

20 (2) by striking “\$8,400,000” and inserting
21 “\$12,000,000”; and

22 (3) by striking “\$4,200,000” each place it ap-
23 pears and inserting “\$6,000,000”.

24 **SEC. 3110. MANITOWOC HARBOR, WISCONSIN.**

25 The project for navigation, Manitowoc Harbor, Wis-
26 consin, authorized by the River and Harbor Act of August

1 30, 1852 (10 Stat. 58), is modified to direct the Secretary
2 to deepen the upstream reach of the navigation channel
3 from 12 feet to 18 feet, at a total cost of \$405,000.

4 **SEC. 3111. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

5 Section 21 of the Water Resources Development Act
6 of 1988 (102 Stat. 4027) is amended—

7 (1) in subsection (a)—

8 (A) by striking “1276.42” and inserting
9 “1278.42”;

10 (B) by striking “1218.31” and inserting
11 “1221.31”; and

12 (C) by striking “1234.82” and inserting
13 “1235.30”; and

14 (2) by striking subsection (b) and inserting the
15 following:

16 “(b) EXCEPTION.—The Secretary may operate the
17 headwaters reservoirs below the minimum or above the
18 maximum water levels established in subsection (a) in ac-
19 cordance with water control regulation manuals (or revi-
20 sions thereto) developed by the Secretary, after consulta-
21 tion with the Governor of Minnesota and affected tribal
22 governments, landowners, and commercial and rec-
23 reational users. The water control regulation manuals
24 (and any revisions thereto) shall be effective when the Sec-
25 retary transmits them to Congress. The Secretary shall

1 report to Congress at least 14 days before operating any
2 such headwaters reservoir below the minimum or above
3 the maximum water level limits specified in subsection (a);
4 except that notification is not required for operations nec-
5 essary to prevent the loss of life or to ensure the safety
6 of the dam or if the drawdown of lake levels is in anticipa-
7 tion of flood control operations.”.

8 **SEC. 3112. CONTINUATION OF PROJECT AUTHORIZATIONS.**

9 (a) IN GENERAL.—Notwithstanding section
10 1001(b)(2) of the Water Resources Development Act of
11 1986 (33 U.S.C. 579a(b)(2)), the following projects shall
12 remain authorized to be carried out by the Secretary:

13 (1) The project for navigation, Sacramento
14 Deep Water Ship Channel, California, authorized by
15 section 202(a) of the Water Resources Development
16 Act of 1986 (100 Stat. 4092).

17 (2) The project for flood control, Agana River,
18 Guam, authorized by section 401(a) of the Water
19 Resources Development Act of 1986 (100 Stat.
20 4127).

21 (3) The project for navigation, Fall River Har-
22 bor, Massachusetts, authorized by section 101 of the
23 River and Harbor Act of 1968 (82 Stat. 731); ex-
24 cept that the authorized depth of that portion of the
25 project extending riverward of the Charles M.

1 Braga, Jr. Memorial Bridge, Fall River and Som-
2 erset, Massachusetts, shall not exceed 35 feet.

3 (b) LIMITATION.—A project described in subsection
4 (a) shall not be authorized for construction after the last
5 day of the 5-year period beginning on the date of enact-
6 ment of this Act, unless, during such period, funds have
7 been obligated for the construction (including planning
8 and design) of the project.

9 **SEC. 3113. PROJECT REAUTHORIZATIONS.**

10 Each of the following projects may be carried out by
11 the Secretary and no construction on any such project may
12 be initiated until the Secretary determines that the project
13 is feasible:

14 (1) MENOMINEE HARBOR AND RIVER, MICHIGAN AND WISCONSIN.—The project for navigation,
15 Menominee Harbor and River, Michigan and Wis-
16 consin, authorized by section 101 of the River and
17 Harbor Act of 1960 (74 Stat. 482) and deauthorized
18 on April 15, 2002, in accordance with section
19 1001(b)(2) of the Water Resources Development Act
20 of 1986 (33 U.S.C. 579a(b)(2)).

22 (2) MANITOWOC HARBOR, WISCONSIN.—That
23 portion of the project for navigation, Manitowoc
24 Harbor, Wisconsin, authorized by the first section of
25 the River and Harbor Act of August 30, 1852 (10

1 Stat. 58), consisting of the channel in the south part
2 of the outer harbor, deauthorized by section 101 of
3 the River and Harbor Act of 1962 (76 Stat. 1176).

4 (3) HEARDING ISLAND INLET, DULUTH HAR-
5 BOR, MINNESOTA.—The project for dredging,
6 Hearing Island Inlet, Duluth Harbor, Minnesota,
7 authorized by section 22 of the Water Resources De-
8 velopment Act of 1988 (102 Stat. 4027).

9 **SEC. 3114. PROJECT DEAUTHORIZATIONS.**

10 (a) IN GENERAL.—The following projects are not au-
11 thorized after the date of enactment of this Act:

12 (1) BRIDGEPORT HARBOR, CONNECTICUT.—The
13 portion of the project for navigation, Bridgeport
14 Harbor, Connecticut, authorized by the first section
15 of the River and Harbor Act of July 3, 1930 (46
16 Stat. 919), consisting of an 18-foot channel in Yel-
17 low Mill River and described as follows: Beginning
18 at a point along the eastern limit of the existing
19 project, N123,649.75, E481,920.54, thence running
20 northwesterly about 52.64 feet to a point
21 N123,683.03, E481,879.75, thence running north-
22 easterly about 1,442.21 feet to a point N125,030.08,
23 E482,394.96, thence running northeasterly about
24 139.52 feet to a point along the eastern limit of the
25 existing channel, N125,133.87, E482,488.19, thence

1 running southwesterly about 1,588.98 feet to the
2 point of origin.

3 (2) MYSTIC RIVER, CONNECTICUT.—The por-
4 tion of the project for navigation, Mystic River, Con-
5 necticut, authorized by the first section of the River
6 and Harbor Appropriations Act of September 19,
7 1890 (26 Stat. 436) consisting of a 12-foot-deep
8 channel, approximately 7,554 square feet in area,
9 starting at a point N193,086.51, E815,092.78,
10 thence running north 59 degrees 21 minutes 46.63
11 seconds west about 138.05 feet to a point
12 N193,156.86, E814,974.00, thence running north
13 51 degrees 04 minutes 39.00 seconds west about
14 166.57 feet to a point N193,261.51, E814,844.41,
15 thence running north 43 degrees 01 minutes 34.90
16 seconds west about 86.23 feet to a point
17 N193,324.55, E814,785.57, thence running north
18 06 degrees 42 minutes 03.86 seconds west about
19 156.57 feet to a point N193,480.05, E814,767.30,
20 thence running south 21 degrees 21 minutes 17.94
21 seconds east about 231.42 feet to a point
22 N193,264.52, E814,851.57, thence running south
23 53 degrees 34 minutes 23.28 seconds east about
24 299.78 feet to the point of origin.

1 (3) NEW LONDON HARBOR, CONNECTICUT.—

2 The portion of the project for navigation, New Lon-
3 don Harbor, Connecticut, authorized by the River
4 and Harbor Appropriations Act of June 13, 1902
5 (32 Stat. 333), that consists of a 23-foot waterfront
6 channel and that is further described as beginning
7 at a point along the western limit of the existing
8 project, N188,802.75, E779,462.81, thence running
9 northeasterly about 1,373.88 feet to a point
10 N189,554.87, E780,612.53, thence running south-
11 easterly about 439.54 feet to a point N189,319.88,
12 E780,983.98, thence running southwesterly about
13 831.58 feet to a point N188,864.63, E780,288.08,
14 thence running southeasterly about 567.39 feet to a
15 point N188,301.88, E780,360.49, thence running
16 northwesterly about 1,027.96 feet to the point of or-
17 igin.

18 (4) FALMOUTH HARBOR, MASSACHUSETTS.—

19 The portion of the project for navigation, th Harbor,
20 Massachusetts, authorized by section 101 of the
21 River and Harbor Act of 1948 (62 Stat. 1172), be-
22 ginning at a point along the eastern side of the inner
23 harbor N200,415.05, E845,307.98, thence running
24 north 25 degrees 48 minutes 54.3 seconds east
25 160.24 feet to a point N200,559.20, E845,377.76,

1 thence running north 22 degrees 7 minutes 52.4 sec-
2 onds east 596.82 feet to a point N201,112.15,
3 E845,602.60, thence running north 60 degrees 1
4 minute 0.3 seconds east 83.18 feet to a point
5 N201,153.72, E845,674.65, thence running south
6 24 degrees 56 minutes 43.4 seconds west 665.01
7 feet to a point N200,550.75, E845,394.18, thence
8 running south 32 degrees 25 minutes 29.0 seconds
9 west 160.76 feet to the point of origin.

10 (5) ISLAND END RIVER, MASSACHUSETTS.—The
11 portion of the project for navigation, Island End
12 River, Massachusetts, carried out under section 107
13 of the River and Harbor Act of 1960 (33 U.S.C.
14 577), described as follows: Beginning at a point
15 along the eastern limit of the existing project,
16 N507,348.98, E721,180.01, thence running north-
17 east about 35 feet to a point N507,384.17,
18 E721,183.36, thence running northeast about 324
19 feet to a point N507,590.51, E721,433.17, thence
20 running northeast about 345 feet to a point along
21 the northern limit of the existing project,
22 N507,927.29, E721,510.29, thence running south-
23 east about 25 feet to a point N507,921.71,
24 E721,534.66, thence running southwest about 354
25 feet to a point N507,576.65, E721,455.64, thence

1 running southwest about 357 feet to the point of ori-
2 gin.

3 (6) CITY WATERWAY, TACOMA, WASHINGTON.—

4 The portion of the project for navigation, City Wa-
5 terway, Tacoma, Washington, authorized by the first
6 section of the River and Harbor Appropriations Act
7 of June 13, 1902 (32 Stat. 347), consisting of the
8 last 1,000 linear feet of the inner portion of the wa-
9 terway beginning at station 70+00 and ending at
10 station 80+00.

11 (7) AUNT LYDIA'S COVE, MASSACHUSETTS.—

12 (A) IN GENERAL.—The portion of the
13 project for navigation, Aunt Lydia's Cove, Mas-
14 sachusetts, constructed under section 107 of
15 the River and Harbor Act of 1960 (33 U.S.C.
16 577), consisting of the 8-foot deep anchorage in
17 the cove described in subparagraph (B).

18 (B) DESCRIPTION OF PORTION.—The por-
19 tion of the project described in subparagraph
20 (A) is more particularly described as the por-
21 tion beginning at a point along the southern
22 limit of the existing project, N254,332.00,
23 E1,023,103.96, thence running northwesterly
24 about 761.60 feet to a point along the western
25 limit of the existing project N255,076.84,

1 E1,022,945.07, thence running southwesterly
2 about 38.11 feet to a point N255,038.99,
3 E1,022,940.60, thence running southeasterly
4 about 267.07 feet to a point N254,772.00,
5 E1,022,947.00, thence running southeasterly
6 about 462.41 feet to a point N254,320.06,
7 E1,023,044.84, thence running northeasterly
8 about 60.31 feet to the point of origin.

9 (b) SOUTHPORT HARBOR, FAIRFIELD, CON-
10 NECTICUT.—The project for navigation, Southport Har-
11 bor, Fairfield, Connecticut, authorized by section 2 of the
12 River and Harbor Act of March 2, 1829, and by the first
13 section of the River and Harbor Act of August 30, 1935
14 (49 Stat. 1029), and section 364 of the Water Resources
15 Development Act of 1996 (110 Stat. 3733–3734), is fur-
16 ther modified to redesignate a portion of the 9-foot-deep
17 channel as an anchorage area, approximately 900 feet in
18 length and 90,000 square feet in area, and lying generally
19 north of a line with points at coordinates N108,043.45,
20 E452,252.04 and N107,938.74, E452,265.74.

21 (c) SACO RIVER, MAINE.—The portion of the project
22 for navigation, Saco River, Maine, authorized under sec-
23 tion 107 of the River and Harbor Act of 1960 (33 U.S.C.
24 577) and described as a 6-foot deep, 10-acre turning basin

1 located at the head of navigation, is redesignated as an
2 anchorage area.

3 (d) UNION RIVER, MAINE.—The project for naviga-
4 tion, Union River, Maine, authorized by the first section
5 of the Act of June 3, 1896 (29 Stat. 215), is modified
6 by redesignating as an anchorage area that portion of the
7 project consisting of a 6-foot turning basin and lying
8 northerly of a line commencing at a point N315,975.13,
9 E1,004,424.86, thence running north 61 degrees 27 min-
10 utes 20.71 seconds west about 132.34 feet to a point
11 N316,038.37, E1,004,308.61.

12 (e) MYSTIC RIVER, MASSACHUSETTS.—The portion
13 of the project for navigation, Mystic River, Massachusetts,
14 authorized by the first section of the River and Harbor
15 Appropriations Act of July 13, 1892 (27 Stat. 96), be-
16 tween a line starting at a point N515,683.77,
17 E707,035.45 and ending at a point N515,721.28,
18 E707,069.85 and a line starting at a point N514,595.15,
19 E707,746.15 and ending at a point N514,732.94,
20 E707,658.38 shall be relocated and reduced from a 100-
21 foot wide channel to a 50-foot wide channel after the date
22 of enactment of this Act described as follows: Beginning
23 at a point N515,721.28, E707,069.85, thence running
24 southeasterly about 840.50 feet to a point N515,070.16,
25 E707,601.27, thence running southeasterly about 177.54

1 feet to a point N514,904.84, E707,665.98, thence running
2 southeasterly about 319.90 feet to a point with coordi-
3 nates N514,595.15, E707,746.15, thence running north-
4 westerly about 163.37 feet to a point N514,732.94,
5 E707,658.38, thence running northwesterly about 161.58
6 feet to a point N514.889.47, E707,618.30, thence running
7 northwesterly about 166.61 feet to a point N515.044.62,
8 E707,557.58, thence running northwesterly about 825.31
9 feet to a point N515,683.77, E707,035.45, thence running
10 northeasterly about 50.90 feet returning to a point
11 N515,721.28, E707,069.85.

12 (f) CONDITIONS.—The first sentence of section
13 1001(b)(2) of the Water Resources Development Act of
14 1986 (33 U.S.C. 579a(b)(2)) is amended—

15 (1) by striking “two years” and inserting
16 “year”; and

17 (2) by striking “7” and inserting “5”.

18 **SEC. 3115. LAND CONVEYANCES.**

19 (a) ST. FRANCIS BASIN, ARKANSAS AND MIS-
20 SOURI.—

21 (1) IN GENERAL.—The Secretary shall convey
22 to the State of Arkansas, without monetary consid-
23 eration and subject to paragraph (2), all right, title,
24 and interest in and to real property within the State
25 acquired by the Federal Government as mitigation

1 land for the project for flood control, St. Francis
2 Basin, Arkansas and Missouri Project, authorized by
3 the Flood Control Act of May 15, 1928 (33 U.S.C.
4 702a et seq.).

5 (2) TERMS AND CONDITIONS.—

6 (A) IN GENERAL.—The conveyance by the
7 United States under this subsection shall be
8 subject to—

9 (i) the condition that the State of Ar-
10 kansas agree to operate, maintain, and
11 manage the real property for fish and wild-
12 life, recreation, and environmental pur-
13 poses at no cost or expense to the United
14 States; and

15 (ii) such other terms and conditions
16 as the Secretary determines to be in the
17 interest of the United States.

18 (B) REVERSION.—If the Secretary deter-
19 mines that the real property conveyed under
20 paragraph (1) ceases to be held in public own-
21 ership or the State ceases to operate, maintain,
22 and manage the real property in accordance
23 with this subsection, all right, title, and interest
24 in and to the property shall revert to the United
25 States, at the option of the Secretary.

1 (3) MITIGATION.—Nothing in this subsection
2 extinguishes the responsibility of the Federal Gov-
3 ernment or the non-Federal interest for the project
4 referred to in paragraph (1) from the obligation to
5 implement mitigation for such project that existed
6 on the day prior to the transfer authorized by this
7 subsection.

8 (b) MILFORD, KANSAS.—

9 (1) IN GENERAL.—The Secretary shall convey
10 by quitclaim deed without consideration to the Geary
11 County Fire Department, Milford, Kansas, all right,
12 title, and interest of the United States in and to real
13 property consisting of approximately 7.4 acres lo-
14 cated in Geary County, Kansas, for construction, op-
15 eration, and maintenance of a fire station.

16 (2) REVERSION.—If the Secretary determines
17 that the real property conveyed under paragraph (1)
18 ceases to be held in public ownership or ceases to be
19 operated and maintained as a fire station, all right,
20 title, and interest in and to the property shall revert
21 to the United States, at the option of the United
22 States.

23 (c) PIKE COUNTY, MISSOURI.—

24 (1) IN GENERAL.—At such time as S.S.S., Inc.,
25 conveys all right, title and interest in and to the real

1 property described in paragraph (2)(A) to the
2 United States, the Secretary shall convey all right,
3 title, and interest of the United States in and to the
4 real property described in paragraph (2)(B) to
5 S.S.S., Inc.

6 (2) LAND DESCRIPTION.—The parcels of land
7 referred to in paragraph (1) are the following:

8 (A) NON-FEDERAL LAND.—Approximately
9 42 acres, the exact legal description to be deter-
10 mined by mutual agreement of S.S.S., Inc., and
11 the Secretary, subject to any existing flowage
12 easements situated in Pike County, Missouri,
13 upstream and northwest, about a 200-foot dis-
14 tance from Drake Island (also known as Grimes
15 Island).

16 (B) FEDERAL LAND.—Approximately 42
17 acres, the exact legal description to be deter-
18 mined by mutual agreement of S.S.S. Inc., and
19 the Secretary, situated in Pike County, Mis-
20 souri, known as Government Tract Numbers
21 MIs-7 and a portion of FM-46 (both tracts on
22 Buffalo Island), administered by the Corps of
23 Engineers.

1 (3) CONDITIONS.—The exchange of real prop-
2 erty under paragraph (1) shall be subject to the fol-
3 lowing conditions:

4 (A) DEEDS.—

5 (i) NON-FEDERAL LAND.—The con-
6 veyance of the real property described in
7 paragraph (2)(A) to the Secretary shall be
8 by a warranty deed acceptable to the Sec-
9 retary.

10 (ii) FEDERAL LAND.—The instrument
11 of conveyance used to convey the real prop-
12 erty described in paragraph (2)(B) to
13 S.S.S., Inc., shall be by quitclaim deed and
14 contain such reservations, terms, and con-
15 ditions as the Secretary considers nec-
16 essary to allow the United States to oper-
17 ate and maintain the Mississippi River 9-
18 Foot Navigation Project.

19 (B) REMOVAL OF IMPROVEMENTS.—
20 S.S.S., Inc., may remove, and the Secretary
21 may require S.S.S., Inc., to remove, any im-
22 provements on the land described in paragraph
23 (2)(A).

24 (C) TIME LIMIT FOR EXCHANGE.—The
25 land exchange under paragraph (1) shall be

1 completed not later than 2 years after the date
2 of enactment of this Act.

3 (4) VALUE OF PROPERTIES.—If the appraised
4 fair market value, as determined by the Secretary,
5 of the real property conveyed to S.S.S., Inc., by the
6 Secretary under paragraph (1) exceeds the appraised
7 fair market value, as determined by the Secretary,
8 of the real property conveyed to the United States
9 by S.S.S., Inc., under paragraph (1), S.S.S., Inc.,
10 shall make a payment to the United States equal to
11 the excess in cash or a cash equivalent that is satis-
12 factory to the Secretary.

13 (d) BOARDMAN, OREGON.—Section 501(g)(1) of the
14 Water Resources Development Act of 1996 (110 Stat.
15 3751) is amended—

16 (1) by striking “city of Boardman,” and insert-
17 ing “the Boardman Park and Recreation District,
18 Boardman,”; and

19 (2) by striking “such city” and inserting “the
20 city of Boardman”.

21 (e) LOWELL, OREGON.—

22 (1) IN GENERAL.—The Secretary may convey
23 without consideration to Lowell School District, by
24 quitclaim deed, all right, title, and interest of the
25 United States in and to land and buildings thereon,

1 known as Tract A-82, located in Lowell, Oregon,
2 and described in paragraph (2).

3 (2) DESCRIPTION OF PROPERTY.—The parcel
4 of land authorized to be conveyed under paragraph
5 (1) is as follows: Commencing at the point of inter-
6 section of the west line of Pioneer Street with the
7 westerly extension of the north line of Summit
8 Street, in Meadows Addition to Lowell, as platted
9 and recorded at page 56 of Volume 4, Lane County
10 Oregon Plat Records; thence north on the west line
11 of Pioneer Street a distance of 176.0 feet to the true
12 point of beginning of this description; thence north
13 on the west line of Pioneer Street a distance of
14 170.0 feet; thence west at right angles to the west
15 line of Pioneer Street a distance of 250.0 feet;
16 thence south and parallel to the west line of Pioneer
17 Street a distance of 170.0 feet; thence east 250.0
18 feet to the true point of beginning of this description
19 in Section 14, Township 19 South, Range 1 West of
20 the Willamette Meridian, Lane County, Oregon.

21 (3) TERMS AND CONDITIONS.—Before con-
22 veying the parcel to the school district, the Secretary
23 shall ensure that the conditions of buildings and fa-
24 cilities meet the requirements of applicable Federal
25 law.

1 (4) REVERSION.—If the Secretary determines
2 that the property conveyed under paragraph (1)
3 ceases to be held in public ownership, all right, title,
4 and interest in and to the property shall revert to
5 the United States, at the option of the United
6 States.

7 (f) LOWELL, OREGON.—

8 (1) RELEASE AND EXTINGUISHMENT OF DEED
9 RESERVATIONS.—

10 (A) RELEASE AND EXTINGUISHMENT OF
11 DEED RESERVATIONS.—The Secretary may re-
12 lease and extinguish the deed reservations for
13 access and communication cables contained in
14 the quitclaim deed, dated January 26, 1965,
15 and recorded February 15, 1965, in the records
16 of Lane County, Oregon; except that such res-
17 ervations may only be released and extinguished
18 for the lands owned by the city of Lowell as de-
19 scribed in the quitclaim deed, dated April 11,
20 1991, in such records.

21 (B) ADDITIONAL RELEASE AND EXTIN-
22 GUISHMENT OF DEED RESERVATIONS.—The
23 Secretary may also release and extinguish the
24 same deed reservations referred to in subpara-
25 graph (A) over land owned by Lane County,

1 Oregon, within the city limits of Lowell, Or-
2 egon, to accommodate the development pro-
3 posals of the city of Lowell/St. Vincent de Paul,
4 Lane County, affordable housing project; except
5 that the Secretary may require, at no cost to
6 the United States—

7 (i) the alteration or relocation of any
8 existing facilities, utilities, roads, or similar
9 improvements on such lands; and

10 (ii) the right-of-way for such facilities,
11 utilities, or improvements, as a pre-condi-
12 tion of any release or extinguishment of
13 the deed reservations.

14 (2) CONVEYANCE.—The Secretary may convey
15 to the city of Lowell, Oregon, at fair market value
16 the parcel of land situated in the city of Lowell, Or-
17 egon, at fair market value consisting of the strip of
18 federally-owned lands located northeast of West
19 Boundary Road between Hyland Lane and the city
20 of Lowell's eastward city limits.

21 (3) ADMINISTRATIVE COST.—Notwithstanding
22 paragraphs (1) and (2), the city of Lowell, Oregon,
23 shall pay the administrative costs incurred by the
24 United States to execute the release and extinguish-

1 ment of the deed reservations under paragraph (1)
2 and the conveyance under paragraph (2).

3 (g) RICHARD B. RUSSELL LAKE, SOUTH CARO-
4 LINA.—

5 (1) IN GENERAL.—The Secretary shall convey
6 to the State of South Carolina, by quitclaim deed,
7 at fair market value, all right, title, and interest of
8 the United States in and to the real property de-
9 scribed in paragraph (2) that is managed, as of the
10 date of enactment of this Act, by the South Carolina
11 department of commerce for public recreation pur-
12 poses for the Richard B. Russell Dam and Lake,
13 South Carolina, project authorized by section 203 of
14 the Flood Control Act of 1966 (80 Stat. 1420).

15 (2) LAND DESCRIPTION.—Subject to paragraph
16 (3), the real property referred to in paragraph (1)
17 is the parcel contained in the portion of real prop-
18 erty described in Army Lease Number DACW21-1-
19 92-0500.

20 (3) RESERVATION OF INTERESTS.—The United
21 States shall reserve—

22 (A) ownership of all real property included
23 in the lease referred to in paragraph (2) that
24 would have been acquired for operational pur-
25 poses in accordance with the 1971 implementa-

1 tion of the 1962 Army/Interior Joint Acquisi-
2 tion Policy; and

3 (B) such other rights and interests in and
4 to the real property to be conveyed as the Sec-
5 retary considers necessary for authorized
6 project purposes, including easement rights-of-
7 way to remaining Federal land.

8 (4) NO EFFECT ON SHORE MANAGEMENT POL-
9 ICY.—The Shoreline Management Policy (ER-1130-
10 2-406) of the Corps of Engineers shall not be
11 changed or altered for any proposed development of
12 land conveyed under this subsection.

13 (5) COST SHARING.—In carrying out the con-
14 veyance under this subsection, the Secretary and the
15 State shall comply with all obligations of any cost-
16 sharing agreement between the Secretary and the
17 State with respect to the real property described in
18 paragraph (2) in effect as of the date of the convey-
19 ance.

20 (6) LAND NOT CONVEYED.—The State shall
21 continue to manage the real property described in
22 paragraph (3) not conveyed under this subsection in
23 accordance with the terms and conditions of Army
24 Lease Number DACW21-1-92-0500.

25 (h) DENISON, TEXAS.—

1 (1) IN GENERAL.—The Secretary shall offer to
2 convey at fair market value to the city of Denison,
3 Texas, all right, title, and interest of the United
4 States in and to the approximately 900 acres of land
5 located in Grayson County, Texas, which is currently
6 subject to an application for lease for public park
7 and recreational purposes made by the city of
8 Denison, dated August 17, 2005.

9 (2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—
10 The exact acreage and description of the real prop-
11 erty referred to in paragraph (1) shall be determined
12 by a survey paid for by the city of Denison, Texas,
13 that is satisfactory to the Secretary.

14 (3) CONVEYANCE.—On acceptance by the city
15 of Denison, Texas, of an offer under paragraph (1),
16 the Secretary may immediately convey the land sur-
17 veyed under paragraph (2) by quitclaim deed to the
18 city of Denison, Texas.

19 (i) GENERALLY APPLICABLE PROVISIONS.—

20 (1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—
21 The exact acreage and the legal description of any
22 real property to be conveyed under this section shall
23 be determined by a survey that is satisfactory to the
24 Secretary.

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

5 (3) ADDITIONAL TERMS AND CONDITIONS.—
6 The Secretary may require that any conveyance
7 under this section be subject to such additional
8 terms and conditions as the Secretary considers ap-
9 propriate and necessary to protect the interests of
10 the United States.

11 (4) COSTS OF CONVEYANCE.—An entity to
12 which a conveyance is made under this section shall
13 be responsible for all reasonable and necessary costs,
14 including real estate transaction and environmental
15 documentation costs, associated with the conveyance.

16 (5) LIABILITY.—An entity to which a convey-
17 ance is made under this section shall hold the
18 United States harmless from any liability with re-
19 spect to activities carried out, on or after the date
20 of the conveyance, on the real property conveyed.
21 The United States shall remain responsible for any
22 liability with respect to activities carried out, before
23 such date, on the real property conveyed.

1 **SEC. 3116. EXTINGUISHMENT OF REVERSIONARY INTER-**
2 **ESTS AND USE RESTRICTIONS.**

3 (a) IDAHO.—

4 (1) IN GENERAL.—With respect to the property
5 covered by each deed in paragraph (2)—

6 (A) the reversionary interests and use re-
7 strictions relating to port and industrial use
8 purposes are extinguished;

9 (B) the restriction that no activity shall be
10 permitted that will compete with services and
11 facilities offered by public marinas is extin-
12 guished; and

13 (C) the human habitation or other building
14 structure use restriction is extinguished if the
15 elevation of the property is above the standard
16 project flood elevation.

17 (2) AFFECTED DEEDS.—The deeds with the fol-
18 lowing county auditor's file numbers are referred to
19 in paragraph (1):

20 (A) Auditor's Instrument No. 399218 of
21 Nez Perce County, Idaho—2.07 acres.

22 (B) Auditor's Instrument No. 487437 of
23 Nez Perce County, Idaho—7.32 acres.

24 (b) OLD HICKORY LOCK AND DAM, CUMBERLAND
25 RIVER, TENNESSEE.—

1 (1) RELEASE OF RETAINED RIGHTS, INTER-
2 ESTS, RESERVATIONS.—With respect to land con-
3 veyed by the Secretary to the Tennessee Society of
4 Crippled Children and Adults, Incorporated (com-
5 monly known as “Easter Seals Tennessee”) at Old
6 Hickory Lock and Dam, Cumberland River, Ten-
7 nessee, under section 211 of the Flood Control Act
8 of 1965 (79 Stat. 1087), the reversionary interests
9 and the use restrictions relating to recreation and
10 camping purposes are extinguished.

11 (2) INSTRUMENT OF RELEASE.—As soon as
12 practicable after the date of enactment of this Act,
13 the Secretary shall execute and file in the appro-
14 priate office a deed of release, amended deed, or
15 other appropriate instrument effectuating the release
16 of interests required by paragraph (1).

17 (c) PORT OF PASCO, WASHINGTON.—

18 (1) EXTINGUISHMENT OF USE RESTRICTIONS
19 AND FLOWAGE EASEMENT.—With respect to the
20 property covered by the deed in paragraph (3)(A)—

21 (A) the flowage easement and human habi-
22 tation or other building structure use restriction
23 is extinguished if the elevation of the property
24 is above the standard project flood elevation;
25 and

1 (B) the use of fill material to raise areas
2 of the property above the standard project flood
3 elevation is authorized, except in any area for
4 which a permit under section 404 of the Fed-
5 eral Water Pollution Control Act (33 U.S.C.
6 1344) is required.

7 (2) EXTINGUISHMENT OF FLOWAGE EASE-
8 MENT.—With respect to the property covered by
9 each deed in paragraph (3)(B), the flowage ease-
10 ment is extinguished if the elevation of the property
11 is above the standard project flood elevation.

12 (3) AFFECTED DEEDS.—The deeds referred to
13 in paragraphs (1) and (2) are as follows:

14 (A) Auditor's File Number 262980 of
15 Franklin County, Washington.

16 (B) Auditor's File Numbers 263334 and
17 404398 of Franklin County, Washington.

18 (d) NO EFFECT ON OTHER RIGHTS.—Nothing in
19 this section affects the remaining rights and interests of
20 the Corps of Engineers for authorized project purposes.

21 **TITLE IV—STUDIES**

22 **SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.**

23 Section 455 of the Water Resources Development Act
24 of 1999 (42 U.S.C. 1962d–21) is amended by adding at
25 the end the following:

1 “(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The
2 non-Federal interest may provide up to 100 percent of the
3 non-Federal share required under subsection (f) in the
4 form of in-kind services and materials.”.

5 **SEC. 4002. LAKE ERIE DREDGED MATERIAL DISPOSAL**
6 **SITES.**

7 The Secretary shall conduct a study to determine the
8 nature and frequency of avian botulism problems in the
9 vicinity of Lake Erie associated with dredged material dis-
10 posal sites and shall make recommendations to eliminate
11 the conditions that result in such problems.

12 **SEC. 4003. SOUTHWESTERN UNITED STATES DROUGHT**
13 **STUDY.**

14 (a) IN GENERAL.—The Secretary, in coordination
15 with the Secretary of the Interior, the Secretary of Agri-
16 culture, the Secretary of Commerce, and other appropriate
17 agencies, shall conduct, at Federal expense, a comprehen-
18 sive study of drought conditions in the southwestern
19 United States, with particular emphasis on the Colorado
20 River basin, the Rio Grande River basin, and the Great
21 Basin.

22 (b) INVENTORY OF ACTIONS.—In conducting the
23 study, the Secretary shall assemble an inventory of actions
24 taken or planned to be taken to address drought-related
25 situations in the southwestern United States.

1 (c) PURPOSE.—The purpose of the study shall be to
2 develop recommendations to more effectively address cur-
3 rent and future drought conditions in the southwestern
4 United States.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Secretary to carry
7 out this section \$7,000,000. Such funds shall remain
8 available until expended.

9 **SEC. 4004. DELAWARE RIVER.**

10 The Secretary shall review, in consultation with the
11 Delaware River Basin Commission and the States of Dela-
12 ware, Pennsylvania, New Jersey, and New York, the re-
13 port of the Chief of Engineers on the Delaware River, pub-
14 lished as House Document Numbered 522, 87th Congress,
15 Second Session, as it relates to the Mid-Delaware River
16 Basin from Wilmington to Port Jervis, and any other per-
17 tinent reports (including the strategy for resolution of
18 interstate flow management issues in the Delaware River
19 Basin dated August 2004 and the National Park Service
20 Lower Delaware River Management Plan (1997–1999)),
21 with a view to determining whether any modifications of
22 recommendations contained in the first report referred to
23 are advisable at the present time, in the interest of flood
24 damage reduction, ecosystem restoration, and other re-
25 lated problems.

1 **SEC. 4005. KNIK ARM, COOK INLET, ALASKA.**

2 The Secretary shall conduct, at Federal expense, a
3 study to determine the potential impacts on navigation of
4 construction of a bridge across Knik Arm, Cook Inlet,
5 Alaska.

6 **SEC. 4006. KUSKOKWIM RIVER, ALASKA.**

7 The Secretary shall conduct a study to determine the
8 feasibility of carrying out a project for navigation,
9 Kuskokwim River, Alaska, in the vicinity of the village of
10 Crooked Creek.

11 **SEC. 4007. ST. GEORGE HARBOR, ALASKA.**

12 The Secretary shall conduct, at Federal expense, a
13 study to determine the feasibility of providing navigation
14 improvements at St. George Harbor, Alaska.

15 **SEC. 4008. SUSITNA RIVER, ALASKA.**

16 The Secretary shall conduct a study to determine the
17 feasibility of carrying out a project for hydropower, recre-
18 ation, and related purposes on the Susitna River, Alaska.

19 **SEC. 4009. GILA BEND, MARICOPA, ARIZONA.**

20 (a) IN GENERAL.—The Secretary shall conduct a
21 study to determine the feasibility of carrying out a project
22 for flood damage reduction, Gila Bend, Maricopa, Arizona.

23 (b) REVIEW OF PLANS.—In conducting the study, the
24 Secretary shall review plans and designs developed by non-
25 Federal interests and shall incorporate such plans and de-
26 signs into the Federal study if the Secretary determines

1 that such plans and designs are consistent with Federal
2 standards.

3 **SEC. 4010. SEARCY COUNTY, ARKANSAS.**

4 The Secretary shall conduct a study to determine the
5 feasibility of using Greers Ferry Lake as a water supply
6 source for Searcy County, Arkansas.

7 **SEC. 4011. ELKHORN SLOUGH ESTUARY, CALIFORNIA.**

8 The Secretary shall conduct a study of the Elkhorn
9 Slough estuary, California, to determine the feasibility of
10 conserving, enhancing, and restoring estuarine habitats by
11 developing strategies to address hydrological management
12 issues.

13 **SEC. 4012. FRESNO, KINGS, AND KERN COUNTIES, CALI-**
14 **FORNIA.**

15 The Secretary shall conduct a study to determine the
16 feasibility of carrying out a project for water supply for
17 Fresno, Kings, and Kern Counties, California.

18 **SEC. 4013. LOS ANGELES RIVER REVITALIZATION STUDY,**
19 **CALIFORNIA.**

20 (a) IN GENERAL.—The Secretary, in coordination
21 with the city of Los Angeles, shall—

22 (1) prepare a feasibility study for environmental
23 restoration, flood control, recreation, and other as-
24 pects of Los Angeles River revitalization that is con-
25 sistent with the goals of the Los Angeles River Revi-

1 talization Master Plan published by the city of Los
2 Angeles; and

3 (2) consider any locally-preferred project alter-
4 natives developed through a full and open evaluation
5 process for inclusion in the study.

6 (b) USE OF EXISTING INFORMATION AND MEAS-
7 URES.—In preparing the study under subsection (a), the
8 Secretary shall use, to the maximum extent practicable—

9 (1) information obtained from the Los Angeles
10 River Revitalization Master Plan; and

11 (2) the development process of that plan.

12 (c) DEMONSTRATION PROJECTS.—

13 (1) IN GENERAL.—The Secretary is authorized
14 to construct demonstration projects in order to pro-
15 vide information to develop the study under sub-
16 section (a)(1).

17 (2) FEDERAL SHARE.—The Federal share of
18 the cost of any project under this subsection shall be
19 not more than 65 percent.

20 (3) AUTHORIZATION OF APPROPRIATIONS.—

21 There is authorized to be appropriated to carry out
22 this subsection \$20,000,000.

23 **SEC. 4014. LYTLE CREEK, RIALTO, CALIFORNIA.**

24 The Secretary shall conduct a study to determine the
25 feasibility of carrying out a project for flood damage re-

1 duction and groundwater recharge, Lytle Creek, Rialto,
2 California.

3 **SEC. 4015. MOKELUMNE RIVER, SAN JOAQUIN COUNTY,**
4 **CALIFORNIA.**

5 (a) IN GENERAL.—The Secretary shall conduct a
6 study to determine the feasibility of carrying out a project
7 for water supply along the Mokelumne River, San Joaquin
8 County, California.

9 (b) LIMITATION ON STATUTORY CONSTRUCTION.—
10 Nothing in this section shall be construed to invalidate,
11 preempt, or create any exception to State water law, State
12 water rights, or Federal or State permitted activities or
13 agreements.

14 **SEC. 4016. NAPA RIVER, ST. HELENA, CALIFORNIA.**

15 (a) IN GENERAL.—The Secretary shall conduct a
16 comprehensive study of the Napa River in the vicinity of
17 St. Helena, California, for the purposes of improving flood
18 management through reconnecting the river to its flood-
19 plain; restoring habitat, including riparian and aquatic
20 habitat; improving fish passage and water quality; and re-
21 storing native plant communities.

22 (b) PLANS AND DESIGNS.—In conducting the study,
23 the Secretary shall review plans and designs developed by
24 non-Federal interests and shall incorporate such plans and
25 designs into the Federal study if the Secretary determines

1 that such plans and designs are consistent with Federal
2 standards.

3 **SEC. 4017. ORICK, CALIFORNIA.**

4 (a) IN GENERAL.—The Secretary shall conduct a
5 study to determine the feasibility of carrying out a project
6 for flood damage reduction and ecosystem restoration,
7 Orick, California.

8 (b) FEASIBILITY OF RESTORING OR REHABILI-
9 TATING REDWOOD CREEK LEVEES.—In conducting the
10 study, the Secretary shall determine the feasibility of re-
11 storing or rehabilitating the Redwood Creek Levees, Hum-
12 boldt County, California.

13 **SEC. 4018. RIALTO, FONTANA, AND COLTON, CALIFORNIA.**

14 The Secretary shall conduct a study to determine the
15 feasibility of carrying out a project for water supply for
16 Rialto, Fontana, and Colton, California.

17 **SEC. 4019. SACRAMENTO RIVER, CALIFORNIA.**

18 The Secretary shall conduct a comprehensive study
19 to determine the feasibility of, and alternatives for, meas-
20 ures to protect water diversion facilities and fish protective
21 screen facilities in the vicinity of river mile 178 on the
22 Sacramento River, California.

23 **SEC. 4020. SAN DIEGO COUNTY, CALIFORNIA.**

24 The Secretary shall conduct a study to determine the
25 feasibility of carrying out a project for water supply, San

1 Diego County, California, including a review of the feasi-
2 bility of connecting 4 existing reservoirs to increase usable
3 storage capacity.

4 **SEC. 4021. SAN FRANCISCO BAY, SACRAMENTO-SAN JOA-**
5 **QUIN DELTA, CALIFORNIA.**

6 (a) IN GENERAL.—The Secretary shall conduct a
7 study to determine the feasibility of the beneficial use of
8 dredged material from the San Francisco Bay in the Sac-
9 ramento-San Joaquin Delta, California, including the ben-
10 efits and impacts of salinity in the Delta and the benefits
11 to navigation, flood damage reduction, ecosystem restora-
12 tion, water quality, salinity control, water supply reli-
13 ability, and recreation.

14 (b) COOPERATION.—In conducting the study, the
15 Secretary shall cooperate with the California Department
16 of Water Resources and appropriate Federal and State en-
17 tities in developing options for the beneficial use of
18 dredged material from San Francisco Bay for the Sac-
19 ramento-San Joaquin Delta area.

20 (c) REVIEW.—The study shall include a review of the
21 feasibility of using Sherman Island as a rehandling site
22 for levee maintenance material, as well as for ecosystem
23 restoration. The review may include monitoring a pilot
24 project using up to 150,000 cubic yards of dredged mate-
25 rial and being carried out at the Sherman Island site, ex-

1 amining larger scale use of dredged materials from the
2 San Francisco Bay and Suisun Bay Channel, and ana-
3 lyzing the feasibility of the potential use of saline mate-
4 rials from the San Francisco Bay for both rehandling and
5 ecosystem restoration purposes.

6 **SEC. 4022. SOUTH SAN FRANCISCO BAY SHORELINE STUDY,**
7 **CALIFORNIA.**

8 (a) IN GENERAL.—In conducting the South San
9 Francisco Bay shoreline study, the Secretary shall—

10 (1) review the planning, design, and land acqui-
11 sition documents prepared by the California State
12 Coastal Conservancy, the Santa Clara Valley Water
13 District, and other local interests in developing rec-
14 ommendations for measures to provide flood protec-
15 tion of the South San Francisco Bay shoreline, res-
16 toration of the South San Francisco Bay salt ponds
17 (including lands owned by the Department of the In-
18 terior), and other related purposes; and

19 (2) incorporate such planning, design, and land
20 acquisition documents into the Federal study if the
21 Secretary determines that such documents are con-
22 sistent with Federal standards.

23 (b) REPORT.—Not later than December 31, 2008,
24 the Secretary shall transmit a feasibility report for the
25 South San Francisco Bay shoreline study to the Com-

1 mittee on Transportation and Infrastructure of the House
2 of Representatives and the Committee on Environment
3 and Public Works of the Senate.

4 (c) CREDIT.—

5 (1) IN GENERAL.—The Secretary shall credit
6 toward the non-Federal share of the cost of any
7 project authorized by law as a result of the South
8 San Francisco Bay shoreline study the cost of work
9 carried out by the non-Federal interest before the
10 date of the partnership agreement for the project if
11 the Secretary determines that the work is integral to
12 the project.

13 (2) LIMITATION.—In no case may work that
14 was carried out more than 5 years before the date
15 of enactment of this Act be eligible for credit under
16 this subsection.

17 **SEC. 4023. ROARING FORK RIVER, BASALT, COLORADO.**

18 The Secretary shall conduct a study to determine the
19 feasibility of carrying out a project for flood damage re-
20 duction and other purposes for the Roaring Fork River,
21 Basalt, Colorado.

22 **SEC. 4024. DELAWARE AND CHRISTINA RIVERS AND**
23 **SHELLPOT CREEK, WILMINGTON, DELAWARE.**

24 The Secretary shall conduct a study to determine the
25 feasibility of carrying out a project for flood damage re-

1 duction and related purposes along the Delaware and
2 Christina Rivers and Shellpot Creek, Wilmington, Dela-
3 ware.

4 **SEC. 4025. COLLIER COUNTY BEACHES, FLORIDA.**

5 The Secretary shall conduct a study to determine the
6 feasibility of carrying out a project for hurricane and
7 storm damage reduction and flood damage reduction in
8 the vicinity of Vanderbilt, Park Shore, and Naples beach-
9 es, Collier County, Florida.

10 **SEC. 4026. LOWER ST. JOHNS RIVER, FLORIDA.**

11 The Secretary shall conduct a study to determine the
12 feasibility of carrying out a project for environmental pro-
13 tection and restoration, including improved water quality,
14 and related purposes, Lower St. Johns River, Florida.

15 **SEC. 4027. VANDERBILT BEACH LAGOON, FLORIDA.**

16 The Secretary shall conduct a study to determine the
17 feasibility of carrying out a project for environmental res-
18 toration, water supply, and improvement of water quality
19 at Vanderbilt Beach Lagoon, Florida.

20 **SEC. 4028. MERIWETHER COUNTY, GEORGIA.**

21 The Secretary shall conduct a study to determine the
22 feasibility of carrying out a project for water supply,
23 Meriwether County, Georgia.

1 **SEC. 4029. TYBEE ISLAND, GEORGIA.**

2 The Secretary shall conduct a study to determine the
3 feasibility of including the northern end of Tybee Island
4 extending from the north terminal groin to the mouth of
5 Lazaretto Creek as a part of the project for beach erosion
6 control, Tybee Island, Georgia, carried out under section
7 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–
8 5).

9 **SEC. 4030. BOISE RIVER, IDAHO.**

10 The study for flood control, Boise River, Idaho, au-
11 thorized by section 414 of the Water Resources Develop-
12 ment Act of 1999 (113 Stat. 324), is modified—

13 (1) to add ecosystem restoration and water sup-
14 ply as project purposes to be studied; and

15 (2) to require the Secretary to credit toward the
16 non-Federal share of the cost of the study the cost,
17 not to exceed \$500,000, of work carried out by the
18 non-Federal interest before the date of the partner-
19 ship agreement for the project if the Secretary de-
20 termines that the work is integral to the project.

21 **SEC. 4031. BALLARD'S ISLAND SIDE CHANNEL, ILLINOIS.**

22 The Secretary shall conduct a study to determine the
23 feasibility of carrying out a project for ecosystem restora-
24 tion, Ballard's Island, Illinois.

1 **SEC. 4032. SALEM, INDIANA.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project to provide an addi-
4 tional water supply source for Salem, Indiana.

5 **SEC. 4033. BUCKHORN LAKE, KENTUCKY.**

6 (a) IN GENERAL.—The Secretary shall conduct a
7 study to determine the feasibility of modifying the project
8 for flood damage reduction, Buckhorn Lake, Kentucky,
9 authorized by section 2 of the Flood Control Act of June
10 28, 1938 (52 Stat. 1217), to add ecosystem restoration,
11 recreation, and improved access as project purposes, in-
12 cluding permanently raising the winter pool elevation of
13 the project.

14 (b) IN-KIND CONTRIBUTIONS.—The non-Federal in-
15 terest may provide the non-Federal share of the cost of
16 the study in the form of in-kind services and materials.

17 **SEC. 4034. DEWEY LAKE, KENTUCKY.**

18 The Secretary shall conduct a study to determine the
19 feasibility of modifying the project for Dewey Lake, Ken-
20 tucky, to add water supply as a project purpose.

21 **SEC. 4035. LOUISVILLE, KENTUCKY.**

22 The Secretary shall conduct a study of the project
23 for flood control, Louisville, Kentucky, authorized by sec-
24 tion 4 of the Flood Control Act of June 28, 1938 (52 Stat.
25 1217), to investigate measures to address the rehabilita-
26 tion of the project.

1 **SEC. 4036. FALL RIVER HARBOR, MASSACHUSETTS AND**
2 **RHODE ISLAND.**

3 The Secretary shall conduct a study to determine the
4 feasibility of deepening that portion of the navigation
5 channel of the navigation project for Fall River Harbor,
6 Massachusetts and Rhode Island, authorized by section
7 101 of the River and Harbor Act of 1968 (82 Stat. 731),
8 seaward of the Charles M. Braga, Jr. Memorial Bridge,
9 Fall River and Somerset, Massachusetts.

10 **SEC. 4037. HAMBURG AND GREEN OAK TOWNSHIPS, MICHIGAN.**
11 **GAN.**

12 The Secretary shall conduct a study to determine the
13 feasibility of carrying out a project for flood damage re-
14 duction on Ore Lake and the Huron River for Hamburg
15 and Green Oak Townships, Michigan.

16 **SEC. 4038. DULUTH-SUPERIOR HARBOR, MINNESOTA AND**
17 **WISCONSIN.**

18 (a) IN GENERAL.—The Secretary shall conduct a
19 study and prepare a report to evaluate the integrity of
20 the bulkhead system located on and in the vicinity of Du-
21 luth-Superior Harbor, Duluth, Minnesota, and Superior,
22 Wisconsin.

23 (b) CONTENTS.—The report shall include—

24 (1) a determination of causes of corrosion of
25 the bulkhead system;

1 (2) recommendations to reduce corrosion of the
2 bulkhead system;

3 (3) a description of the necessary repairs to the
4 bulkhead system; and

5 (4) an estimate of the cost of addressing the
6 causes of the corrosion and carrying out necessary
7 repairs.

8 **SEC. 4039. NORTHEAST MISSISSIPPI.**

9 The Secretary shall conduct a study to determine the
10 feasibility of modifying the project for navigation, Ten-
11 nessee-Tombigbee Waterway, Alabama and Mississippi, to
12 provide water supply for northeast Mississippi.

13 **SEC. 4040. ST. LOUIS, MISSOURI.**

14 The Secretary shall conduct a study to determine the
15 feasibility of carrying out a project for flood damage re-
16 duction, St. Louis, Missouri, to restore or rehabilitate the
17 levee system feature of the project for flood protection,
18 St. Louis, Missouri, authorized by the first section of the
19 Act entitled "An Act authorizing construction of certain
20 public works on the Mississippi River for the protection
21 of Saint Louis, Missouri", approved August 9, 1955 (69
22 Stat. 540).

23 **SEC. 4041. DREDGED MATERIAL DISPOSAL, NEW JERSEY.**

24 The Secretary shall conduct a study to determine the
25 feasibility of carrying out a project in the vicinity of the

1 Atlantic Intracoastal Waterway, New Jersey, for the con-
2 struction of a dredged material disposal transfer facility
3 to make dredged material available for beneficial reuse.

4 **SEC. 4042. BAYONNE, NEW JERSEY.**

5 The Secretary shall conduct a study to determine the
6 feasibility of carrying out a project for environmental res-
7 toration, including improved water quality, enhanced pub-
8 lic access, and recreation, on the Kill Van Kull, Bayonne,
9 New Jersey.

10 **SEC. 4043. CARTERET, NEW JERSEY.**

11 The Secretary shall conduct a study to determine the
12 feasibility of carrying out a project for environmental res-
13 toration, including improved water quality, enhanced pub-
14 lic access, and recreation, on the Raritan River, Carteret,
15 New Jersey.

16 **SEC. 4044. GLOUCESTER COUNTY, NEW JERSEY.**

17 The Secretary shall conduct a study to determine the
18 feasibility of carrying out a project for flood damage re-
19 duction, Gloucester County, New Jersey, including the
20 feasibility of restoring the flood protection dikes in
21 Gibbstown, New Jersey, and the associated tidegates in
22 Gloucester County, New Jersey.

23 **SEC. 4045. PERTH AMBOY, NEW JERSEY.**

24 The Secretary shall conduct a study to determine the
25 feasibility of carrying out a project for riverfront develop-

1 ment, including enhanced public access, recreation, and
2 environmental restoration, on the Arthur Kill, Perth
3 Amboy, New Jersey.

4 **SEC. 4046. BATAVIA, NEW YORK.**

5 The Secretary shall conduct a study to determine the
6 feasibility of carrying out a project for hydropower and
7 related purposes in the vicinity of Batavia, New York.

8 **SEC. 4047. BIG SISTER CREEK, EVANS, NEW YORK.**

9 (a) IN GENERAL.—The Secretary shall conduct a
10 study to determine the feasibility of carrying out a project
11 for flood damage reduction, Big Sister Creek, Evans, New
12 York.

13 (b) EVALUATION OF POTENTIAL SOLUTIONS.—In
14 conducting the study, the Secretary shall evaluate poten-
15 tial solutions to flooding from all sources, including flood-
16 ing that results from ice jams.

17 **SEC. 4048. FINGER LAKES, NEW YORK.**

18 The Secretary shall conduct a study to determine the
19 feasibility of carrying out a project for aquatic ecosystem
20 restoration and protection, Finger Lakes, New York, to
21 address water quality and aquatic nuisance species.

22 **SEC. 4049. LAKE ERIE SHORELINE, BUFFALO, NEW YORK.**

23 The Secretary shall conduct a study to determine the
24 feasibility of carrying out a project for storm damage re-

1 duction and shoreline protection in the vicinity of Galla-
2 gher Beach, Lake Erie Shoreline, Buffalo, New York.

3 **SEC. 4050. NEWTOWN CREEK, NEW YORK.**

4 The Secretary shall conduct a study to determine the
5 feasibility of carrying out ecosystem restoration improve-
6 ments on Newtown Creek, Brooklyn and Queens, New
7 York.

8 **SEC. 4051. NIAGARA RIVER, NEW YORK.**

9 The Secretary shall conduct a study to determine the
10 feasibility of carrying out a project for a low-head hydro-
11 electric generating facility in the Niagara River, New
12 York.

13 **SEC. 4052. SHORE PARKWAY GREENWAY, BROOKLYN, NEW**
14 **YORK.**

15 The Secretary shall conduct a study of the feasibility
16 of carrying out a project for shoreline protection in the
17 vicinity of the confluence of the Narrows and Gravesend
18 Bay, Upper New York Bay, Shore Parkway Greenway,
19 Brooklyn, New York.

20 **SEC. 4053. UPPER DELAWARE RIVER WATERSHED, NEW**
21 **YORK.**

22 Notwithstanding section 221 of the Flood Control
23 Act of 1970 (42 U.S.C. 1962d–5b) and with the consent
24 of the affected local government, a nonprofit organization
25 may serve as the non-Federal interest for a study for the

1 Upper Delaware River watershed, New York, being carried
2 out under Committee Resolution 2495 of the Committee
3 on Transportation and Infrastructure of the House of
4 Representatives, adopted May 9, 1996.

5 **SEC. 4054. LINCOLN COUNTY, NORTH CAROLINA.**

6 The Secretary shall conduct a study of existing water
7 and water quality-related infrastructure in Lincoln Coun-
8 ty, North Carolina, to assist local interests in determining
9 the most efficient and effective way to connect county in-
10 frastructure.

11 **SEC. 4055. WILKES COUNTY, NORTH CAROLINA.**

12 The Secretary shall conduct a study to determine the
13 feasibility of carrying out a project for water supply,
14 Wilkes County, North Carolina.

15 **SEC. 4056. YADKINVILLE, NORTH CAROLINA.**

16 The Secretary shall conduct a study to determine the
17 feasibility of carrying out a project for water supply,
18 Yadkinville, North Carolina.

19 **SEC. 4057. CINCINNATI, OHIO.**

20 (a) IN GENERAL.—The Secretary shall conduct a
21 study to determine the feasibility of carrying out a project
22 for ecosystem restoration and recreation on the Ohio
23 River, Cincinnati, Ohio.

24 (b) DESIGN.—While conducting the study, the Sec-
25 retary may continue to carry out design work for the

1 project as authorized by section 118 of division H of the
2 Consolidated Appropriations Act, 2004 (118 Stat. 439).

3 (c) EXISTING PLANS.—In conducting the study, the
4 Secretary shall review the Central Riverfront Park Master
5 Plan, dated December 1999, and incorporate any compo-
6 nents of the plan that the Secretary determines are con-
7 sistent with Federal standards.

8 (d) CREDIT.—

9 (1) IN GENERAL.—The Secretary shall credit
10 toward the non-Federal share of the cost of any
11 project authorized by law as a result of the study
12 the cost of work carried out by the non-Federal in-
13 terest before the date of the partnership agreement
14 for the project if the Secretary determines that the
15 work is integral to the project.

16 (2) LIMITATION.—In no case may work that
17 was carried out more than 5 years before the date
18 of enactment of this Act be eligible for credit under
19 this subsection.

20 **SEC. 4058. LAKE ERIE, OHIO.**

21 The Secretary shall conduct a study to determine the
22 feasibility of carrying out projects for power generation
23 at confined disposal facilities along Lake Erie, Ohio.

1 **SEC. 4059. OHIO RIVER, OHIO.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out projects for flood damage reduc-
4 tion on the Ohio River in Mahoning, Columbiana, Jeffer-
5 son, Belmont, Noble, Monroe, Washington, Athens, Meigs,
6 Gallia, Lawrence, and Scioto Counties, Ohio.

7 **SEC. 4060. ECOSYSTEM RESTORATION AND FISH PASSAGE**
8 **IMPROVEMENTS, OREGON.**

9 (a) **STUDY.**—The Secretary shall conduct a study to
10 determine the feasibility of undertaking ecosystem restora-
11 tion and fish passage improvements on rivers throughout
12 the State of Oregon.

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

15 (1) work in coordination with the State of Or-
16 egon, local governments, and other Federal agencies;
17 and

18 (2) place emphasis on—

19 (A) fish passage and conservation and res-
20 toration strategies to benefit species that are
21 listed or proposed for listing as threatened or
22 endangered species under the Endangered Spe-
23 cies Act of 1973 (16 U.S.C. 1531 et seq.); and

24 (B) other watershed restoration objectives.

25 (c) **PILOT PROGRAM.**—

1 **SEC. 4063. KINZUA DAM AND ALLEGHENY RESERVOIR,**
2 **PENNSYLVANIA.**

3 The Secretary shall conduct a study of the project
4 for flood control, Kinzua Dam and Allegheny Reservoir,
5 Warren, Pennsylvania, authorized by section 5 of the
6 Flood Control Act of June 22, 1936 (49 Stat. 1570), and
7 modified by section 2 of the Flood Control Act of June
8 28, 1938 (52 Stat. 1215), section 2 of the Flood Control
9 Act of August 18, 1941 (55 Stat. 646), and section 4 of
10 the Flood Control Act of December 22, 1944 (58 Stat.
11 887), to review operations of and identify modifications
12 to the project to expand recreational opportunities.

13 **SEC. 4064. WESTERN PENNSYLVANIA FLOOD DAMAGE RE-**
14 **DUCTION, PENNSYLVANIA.**

15 (a) IN GENERAL.—The Secretary shall conduct a
16 study of structural and nonstructural flood damage reduc-
17 tion, stream bank protection, storm water management,
18 channel clearing and modification, and watershed coordi-
19 nation measures in the Mahoning River basin, Pennsyl-
20 vania, the Allegheny River basin, Pennsylvania, and the
21 Upper Ohio River basin, Pennsylvania, to provide a level
22 of flood protection sufficient to prevent future losses to
23 communities located in such basins from flooding such as
24 occurred in September 2004, but not less than a 100-year
25 level of flood protection.

1 (b) PRIORITY COMMUNITIES.—In carrying out this
2 section, the Secretary shall give priority to the following
3 Pennsylvania communities: Marshall Township, Ross
4 Township, Shaler Township, Jackson Township, Har-
5 mony, Zelienople, Darlington Township, Houston Bor-
6 ough, Chartiers Township, Washington, Canton Town-
7 ship, Tarentum Borough, and East Deer Township.

8 **SEC. 4065. WILLIAMSPORT, PENNSYLVANIA.**

9 The Secretary shall conduct a study of the project
10 for flood control, Williamsport, Pennsylvania, authorized
11 by section 5 of the Flood Control Act of June 22, 1936
12 (49 Stat. 1570), to investigate measures to rehabilitate
13 the project.

14 **SEC. 4066. YARDLEY BOROUGH, PENNSYLVANIA.**

15 The Secretary shall conduct a study to determine the
16 feasibility of carrying out a project for flood damage re-
17 duction, at Yardley Borough, Pennsylvania, including the
18 alternative of raising River Road.

19 **SEC. 4067. RIO VALENCIANO, JUNCOS, PUERTO RICO.**

20 (a) IN GENERAL.—The Secretary shall conduct a
21 study to reevaluate the project for flood damage reduction
22 and water supply, Rio Valenciano, Juncos, Puerto Rico,
23 authorized by section 209 of the Flood Control Act of
24 1962 (76 Stat. 1197) and section 204 of the Flood Con-

1 trol Act of 1970 (84 Stat. 1828), to determine the feasi-
2 bility of carrying out the project.

3 (b) CREDIT.—The Secretary shall credit toward the
4 non-Federal share of the cost of the study the cost of work
5 carried out by the non-Federal interest before the date of
6 the partnership agreement for the project if the Secretary
7 determines that the work is integral to the project.

8 **SEC. 4068. CROOKED CREEK, BENNETTSVILLE, SOUTH**
9 **CAROLINA.**

10 The Secretary shall conduct a study to determine the
11 feasibility of carrying out a project for water supply,
12 Crooked Creek, Bennettsville, South Carolina.

13 **SEC. 4069. BROAD RIVER, YORK COUNTY, SOUTH CAROLINA.**

14 The Secretary shall conduct a study to determine the
15 feasibility of carrying out a project for water supply,
16 Broad River, York County, South Carolina.

17 **SEC. 4070. CHATTANOOGA, TENNESSEE.**

18 The Secretary shall conduct a study to determine the
19 feasibility of carrying out a project for flood damage re-
20 duction, Chattanooga Creek, Dobbs Branch, Chattanooga,
21 Tennessee.

22 **SEC. 4071. CLEVELAND, TENNESSEE.**

23 The Secretary shall conduct a study to determine the
24 feasibility of carrying out a project for flood damage re-
25 duction, Cleveland, Tennessee.

1 **SEC. 4072. CUMBERLAND RIVER, NASHVILLE, TENNESSEE.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for recreation on, river-
4 bank protection for, and environmental protection of, the
5 Cumberland River and riparian habitats in the city of
6 Nashville and Davidson County, Tennessee.

7 **SEC. 4073. LEWIS, LAWRENCE, AND WAYNE COUNTIES, TEN-**
8 **NESSEE.**

9 The Secretary shall conduct a study to determine the
10 feasibility of carrying out a project for water supply for
11 Lewis, Lawrence, and Wayne Counties, Tennessee.

12 **SEC. 4074. WOLF RIVER AND NONCONNAH CREEK, MEM-**
13 **PHIS TENNESSEE.**

14 The Secretary shall conduct a study to determine the
15 feasibility of carrying out a project for flood damage re-
16 duction along Wolf River and Nonconnah Creek, in the
17 vicinity of Memphis, Tennessee, to include the repair, re-
18 placement, rehabilitation, and restoration of the following
19 pumping stations: Cypress Creek, Nonconnah Creek,
20 Ensley, Marble Bayou, and Bayou Gayoso.

21 **SEC. 4075. COASTAL TEXAS ECOSYSTEM PROTECTION AND**
22 **RESTORATION, TEXAS.**

23 (a) IN GENERAL.—The Secretary shall develop a
24 comprehensive plan to determine the feasibility of carrying
25 out projects for flood damage reduction, hurricane and

1 storm damage reduction, and ecosystem restoration in the
2 coastal areas of the State of Texas.

3 (b) SCOPE.—The comprehensive plan shall provide
4 for the protection, conservation, and restoration of wet-
5 lands, barrier islands, shorelines, and related lands and
6 features that protect critical resources, habitat, and infra-
7 structure from the impacts of coastal storms, hurricanes,
8 erosion, and subsidence.

9 (c) DEFINITION.—For purposes of this section, the
10 term “coastal areas in the State of Texas” means the
11 coastal areas of the State of Texas from the Sabine River
12 on the east to the Rio Grande River on the west and in-
13 cludes tidal waters, barrier islands, marshes, coastal wet-
14 lands, rivers and streams, and adjacent areas.

15 **SEC. 4076. PORT OF GALVESTON, TEXAS.**

16 The Secretary shall conduct a study of the feasibility
17 of carrying out a project for dredged material disposal in
18 the vicinity of the project for navigation and environ-
19 mental restoration, Houston-Galveston Navigation Chan-
20 nels, Texas, authorized by section 101(a)(30) of the Water
21 Resources Development Act of 1996 (110 Stat. 3666).

22 **SEC. 4077. GRAND COUNTY AND MOAB, UTAH.**

23 The Secretary shall conduct a study to determine the
24 feasibility of carrying out a project for water supply for
25 Grand County and the city of Moab, Utah, including a

1 review of the impact of current and future demands on
2 the Spanish Valley Aquifer.

3 **SEC. 4078. SOUTHWESTERN UTAH.**

4 The Secretary shall conduct a study to determine the
5 feasibility of carrying out a project for flood damage re-
6 duction, Santa Clara River, Washington, Iron, and Kane
7 Counties, Utah.

8 **SEC. 4079. CHOWAN RIVER BASIN, VIRGINIA AND NORTH**
9 **CAROLINA.**

10 The Secretary shall conduct a study to determine the
11 feasibility of carrying out a project for flood damage re-
12 duction, environmental restoration, navigation, and ero-
13 sion control, Chowan River basin, Virginia and North
14 Carolina.

15 **SEC. 4080. ELLIOTT BAY SEAWALL, SEATTLE, WASHINGTON.**

16 (a) IN GENERAL.—The study for rehabilitation of the
17 Elliott Bay Seawall, Seattle, Washington, being carried
18 out under Committee Resolution 2704 of the Committee
19 on Transportation and Infrastructure of the House of
20 Representatives adopted September 25, 2002, is modified
21 to include a determination of the feasibility of reducing
22 future damage to the seawall from seismic activity.

23 (b) ACCEPTANCE OF CONTRIBUTIONS.—In carrying
24 out the study, the Secretary may accept contributions in
25 excess of the non-Federal share of the cost of the study

1 from the non-Federal interest to the extent that the Sec-
2 retary determines that the contributions will facilitate
3 completion of the study.

4 (c) CREDIT.—The Secretary shall credit toward the
5 non-Federal share of the cost of any project authorized
6 by law as a result of the study the value of contributions
7 accepted by the Secretary under subsection (b).

8 **SEC. 4081. MONONGAHELA RIVER BASIN, NORTHERN WEST**
9 **VIRGINIA.**

10 The Secretary shall conduct a study to determine the
11 feasibility of carrying out aquatic ecosystem restoration
12 and protection projects in the watersheds of the
13 Monongahela River Basin lying within the counties of
14 Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood,
15 Doddridge, Monongalia, Marion, Harrison, Taylor,
16 Barbour, Preston, Tucker, Mineral, Grant, Gilmer,
17 Brooke, and Rithchie, West Virginia, particularly as re-
18 lated to abandoned mine drainage abatement.

19 **SEC. 4082. KENOSHA HARBOR, WISCONSIN.**

20 The Secretary shall conduct a study to determine the
21 feasibility of carrying out a project for navigation, Ken-
22 sha Harbor, Wisconsin, including the extension of existing
23 piers.

1 **SEC. 4083. JOHNSONVILLE DAM, JOHNSONVILLE, WIS-**
2 **CONSIN.**

3 The Secretary shall conduct a study of the
4 Johnsonville Dam, Johnsonville, Wisconsin, to determine
5 if the structure prevents ice jams on the Sheboygan River.

6 **TITLE V—MISCELLANEOUS**

7 **SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS.**

8 (a) IN GENERAL.—Upon request of a non-Federal in-
9 terest, the Secretary shall be responsible for maintenance
10 of the following navigation channels and breakwaters con-
11 structed or improved by the non-Federal interest if the
12 Secretary determines that such maintenance is economi-
13 cally justified and environmentally acceptable and that the
14 channel or breakwater was constructed in accordance with
15 applicable permits and appropriate engineering and design
16 standards:

17 (1) Manatee Harbor basin, Florida.

18 (2) Bayou LaFourche Channel, Port Fourchon,
19 Louisiana.

20 (3) Calcasieu River at Devil's Elbow, Louisiana.

21 (4) Pidgeon Industrial Harbor, Pidgeon Indus-
22 trial Park, Memphis Harbor, Tennessee.

23 (5) Pix Bayou Navigation Channel, Chambers
24 County, Texas.

25 (6) Racine Harbor, Wisconsin.

1 (b) COMPLETION OF ASSESSMENT.—Not later than
2 6 months after the date of receipt of a request from a
3 non-Federal interest for Federal assumption of mainte-
4 nance of a channel listed in subsection (a), the Secretary
5 shall make a determination as provided in subsection (a)
6 and advise the non-Federal interest of the Secretary’s de-
7 termination.

8 **SEC. 5002. WATERSHED MANAGEMENT.**

9 (a) IN GENERAL.—The Secretary may provide tech-
10 nical, planning, and design assistance to non-Federal in-
11 terests for carrying out watershed management, restora-
12 tion, and development projects at the locations described
13 in subsection (d).

14 (b) SPECIFIC MEASURES.—Assistance provided
15 under subsection (a) may be in support of non-Federal
16 projects for the following purposes:

17 (1) Management and restoration of water qual-
18 ity.

19 (2) Control and remediation of toxic sediments.

20 (3) Restoration of degraded streams, rivers,
21 wetlands, and other waterbodies to their natural
22 condition as a means to control flooding, excessive
23 erosion, and sedimentation.

24 (4) Protection and restoration of watersheds,
25 including urban watersheds.

1 (5) Demonstration of technologies for non-
2 structural measures to reduce destructive impacts of
3 flooding.

4 (c) NON-FEDERAL SHARE.—The non-Federal share
5 of the cost of assistance provided under subsection (a)
6 shall be 50 percent.

7 (d) PROJECT LOCATIONS.—The locations referred to
8 in subsection (a) are the following:

9 (1) Big Creek watershed, Roswell, Georgia.

10 (2) Those portions of the watersheds of the
11 Chattahoochee, Etowah, Flint, Ocmulgee, and
12 Oconee Rivers lying within the counties of Bartow,
13 Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas,
14 Fayette, Fulton, Forsyth, Gwinnett, Hall, Henry,
15 Paulding, Rockdale, and Walton, Georgia.

16 (3) Kinkaid Lake, Jackson County, Illinois.

17 (4) Amite River basin, Louisiana.

18 (5) East Atchafalaya River basin, Iberville Par-
19 ish and Pointe Coupee Parish, Louisiana.

20 (6) Red River watershed, Louisiana.

21 (7) Lower Platte River watershed, Nebraska.

22 (8) Rio Grande watershed, New Mexico.

23 (9) Taunton River basin, Massachusetts.

24 (10) Marlboro Township, New Jersey.

1 (11) Esopus, Plattekill, and Rondout Creeks,
2 Greene, Sullivan, and Ulster Counties, New York.

3 (12) Greenwood Lake watershed, New York
4 and New Jersey.

5 (13) Long Island Sound watershed, New York.

6 (14) Ramapo River watershed, New York.

7 (15) Western Lake Erie basin, Ohio.

8 (16) Those portions of the watersheds of the
9 Beaver, Upper Ohio, Connoquenessing, Lower Alle-
10 gheny, Kiskiminetas, Lower Monongahela,
11 Youghiogheny, Shenango, and Mahoning Rivers
12 lying within the counties of Beaver, Butler, Law-
13 rence, and Mercer, Pennsylvania.

14 (17) Otter Creek watershed, Pennsylvania.

15 (18) Unami Creek watershed, Milford Town-
16 ship, Pennsylvania.

17 (19) Sauk River basin, Washington.

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section
20 \$15,000,000.

21 **SEC. 5003. DAM SAFETY.**

22 (a) ASSISTANCE.—The Secretary may provide assist-
23 ance to enhance dam safety at the following locations:

24 (1) Fish Creek Dam, Blaine County, Idaho.

1 (2) Hamilton Dam, Saginaw River, Flint,
2 Michigan.

3 (3) State Dam, Auburn, New York.

4 (4) Whaley Lake Dam, Pawling, New York.

5 (5) Ingham Spring Dam, Solebury Township,
6 Pennsylvania.

7 (6) Leaser Lake Dam, Lehigh County, Pennsyl-
8 vania.

9 (7) Stillwater Dam, Monroe County, Pennsyl-
10 vania.

11 (8) Wissahickon Creek Dam, Montgomery
12 County, Pennsylvania.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out subsection (a)
15 \$6,000,000.

16 **SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS.**

17 (a) IN GENERAL.—Upon request of a non-Federal in-
18 terest, the Secretary shall evaluate the structural integrity
19 and effectiveness of a project for flood damage reduction
20 and, if the Secretary determines that the project does not
21 meet such minimum standards as the Secretary may es-
22 tablish and, absent action by the Secretary, the project
23 will fail, the Secretary may take such action as may be
24 necessary to restore the integrity and effectiveness of the
25 project.

1 (b) PRIORITY.—The Secretary shall evaluate under
2 subsection (a) the following projects:

3 (1) Project for flood damage reduction, Arkan-
4 sas River Levees, Arkansas.

5 (2) Project for flood damage reduction,
6 Nonconnah Creek, Tennessee.

7 **SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.**

8 (a) IN GENERAL.—Section 212(e) of the Water Re-
9 sources Development Act of 1999 (33 U.S.C. 2332(e); 114
10 Stat. 2599) is amended—

11 (1) by striking “and” at the end of paragraphs
12 (23) and (27);

13 (2) by striking the period at the end of para-
14 graph (28) and inserting a semicolon; and

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

16 “(29) Ascension Parish, Louisiana;

17 “(30) East Baton Rouge Parish, Louisiana;

18 “(31) Iberville Parish, Louisiana;

19 “(32) Livingston Parish, Louisiana; and

20 “(33) Pointe Coupee Parish, Louisiana.”.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
22 212(i)(1) of such Act (33 U.S.C. 2332(i)(1)) is amended
23 by striking “section—” and all that follows before the pe-
24 riod at the end and inserting “section \$20,000,000”.

1 **SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED**
2 **PROJECTS.**

3 (a) IN GENERAL.—Section 219(e) of the Water Re-
4 sources Development Act of 1992 (106 Stat. 4835; 110
5 Stat. 3757; 113 Stat. 334) is amended—

6 (1) by striking “and” at the end of paragraph
7 (7);

8 (2) by striking the period at the end of para-
9 graph (8) and inserting a semicolon; and

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

11 “(9) \$35,000,000 for the project described in
12 subsection (c)(18);

13 “(10) \$27,000,000 for the project described in
14 subsection (c)(19);

15 “(11) \$20,000,000 for the project described in
16 subsection (c)(20);

17 “(12) \$20,000,000 for the project described in
18 subsection (c)(25);

19 “(13) \$20,000,000 for the project described in
20 subsection (c)(26);

21 “(14) \$35,000,000 for the project described in
22 subsection (c)(27);

23 “(15) \$20,000,000 for the project described in
24 subsection (c)(28); and

25 “(16) \$30,000,000 for the project described in
26 subsection (c)(40).”.

1 (b) EAST ARKANSAS ENTERPRISE COMMUNITY, AR-
2 KANSAS.—Federal assistance made available under the
3 rural enterprise zone program of the Department of Agri-
4 culture may be used toward payment of the non-Federal
5 share of the costs of the project described in section
6 219(c)(20) of the Water Resources Development Act of
7 1992 (114 Stat. 2763A–219) if such assistance is author-
8 ized to be used for such purposes.

9 **SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND**
10 **CONSTRUCTION FOR CERTAIN PROJECTS.**

11 The Secretary shall expedite completion of the re-
12 ports and, if the Secretary determines that the project is
13 feasible, shall expedite completion of construction for the
14 following projects:

15 (1) Fulmer Creek, Village of Mohawk, New
16 York, being carried out under section 205 of the
17 Flood Control Act of 1948 (33 U.S.C. 701s).

18 (2) Moyer Creek, Village of Frankfort, New
19 York, being carried out under section 205 of the
20 Flood Control Act of 1948 (33 U.S.C. 701s).

21 (3) Steele Creek, Village of Ilion, New York,
22 being carried out under section 205 of the Flood
23 Control Act of 1948 (33 U.S.C. 701s).

24 (4) Oriskany Wildlife Management Area, Rome,
25 New York, being carried out under section 206 of

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

3 (5) Whitney Point Lake, Otselic River, Whitney
4 Point, New York, being carried out under section
5 1135 of the Water Resources Development Act of
6 1986 (33 U.S.C. 2309a).

7 (6) North River, Peabody, Massachusetts, being
8 carried out under section 205 of the Flood Control
9 Act of 1948 (33 U.S.C. 701s).

10 (7) Chenango Lake, Chenango County, New
11 York, being carried out under section 206 of the
12 Water Resources Development Act of 1996 (33
13 U.S.C. 2330).

14 **SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CER-**
15 **TAIN PROJECTS.**

16 (a) IN GENERAL.—The Secretary shall expedite com-
17 pletion of the reports for the following projects and, if the
18 Secretary determines that a project is justified in the com-
19 pleted report, proceed directly to project preconstruction,
20 engineering, and design:

21 (1) Project for water supply, Little Red River,
22 Arkansas.

23 (2) Project for shoreline stabilization at
24 Egmont Key, Florida.

1 (3) Project for ecosystem restoration, Univer-
2 sity Lake, Baton Rouge, Louisiana.

3 (b) SPECIAL RULE FOR EGMONT KEY, FLORIDA.—

4 In carrying out the project for shoreline stabilization at
5 Egmont Key, Florida, referred to in subsection (a)(3), the
6 Secretary shall waive any cost share to be provided by non-
7 Federal interests for any portion of the project that bene-
8 fits federally owned property.

9 **SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESS-**
10 **MENT.**

11 (a) IN GENERAL.—The Secretary shall conduct, at
12 Federal expense, an assessment of the water resources
13 needs of the river basins and watersheds of the south-
14 eastern United States.

15 (b) COOPERATIVE AGREEMENTS.—In carrying out
16 the assessment, the Secretary may enter into cooperative
17 agreements with State and local agencies, non-Federal
18 and nonprofit entities, and regional researchers.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated \$7,000,000 to carry out this
21 section.

22 **SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL**
23 **MANAGEMENT PROGRAM.**

24 Section 1103(e)(7) of the Water Resources Develop-
25 ment Act of 1986 (33 U.S.C. 652(e)(7)) is amended—

1 (1) by adding at the end of subparagraph (A)
2 the following: “The non-Federal interest may pro-
3 vide the non-Federal share of the cost of the project
4 in the form of in-kind services and materials.”; and

5 (2) by inserting after subparagraph (B) the fol-
6 lowing:

7 “(C) Notwithstanding section 221 of the Flood Con-
8 trol Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal in-
9 terest may include for any project undertaken under this
10 section, a nonprofit entity with the consent of the affected
11 local government.”.

12 **SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVER EN-**
13 **HANCEMENT PROJECT.**

14 Section 514(g) of the Water Resources Development
15 Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended
16 by striking “and 2004” and inserting “through 2015”.

17 **SEC. 5012. GREAT LAKES FISHERY AND ECOSYSTEM RES-**
18 **TORATION.**

19 Section 506(f)(3)(B) of the Water Resources Devel-
20 opment Act of 2000 (42 U.S.C. 1962d–22; 114 Stat.
21 2646) is amended by striking “50 percent” and inserting
22 “100 percent”.

1 **SEC. 5013. GREAT LAKES REMEDIAL ACTION PLANS AND**
2 **SEDIMENT REMEDIATION.**

3 Section 401(c) of the Water Resources Development
4 Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is
5 amended by striking “through 2006” and inserting
6 “through 2012”.

7 **SEC. 5014. GREAT LAKES TRIBUTARY MODELS.**

8 Section 516(g)(2) of the Water Resources Develop-
9 ment Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended
10 by striking “through 2006” and inserting “through
11 2012”.

12 **SEC. 5015. GREAT LAKES NAVIGATION.**

13 (a) IN GENERAL.—Using available funds, the Sec-
14 retary shall expedite the operation and maintenance, in-
15 cluding dredging, of the navigation features of the Great
16 Lakes and Connecting Channels for the purpose of sup-
17 porting commercial navigation to authorized project
18 depths.

19 (b) GREAT LAKES AND CONNECTING CHANNELS DE-
20 FINED.—In this section, the term “Great Lakes and Con-
21 necting Channels” includes Lakes Superior, Huron, Michi-
22 gan, Erie, and Ontario, all connecting waters between and
23 among such lakes used for commercial navigation, any
24 navigation features in such lakes or waters that are a Fed-
25 eral operation or maintenance responsibility, and areas of

1 the Saint Lawrence River that are operated or maintained
2 by the Federal government for commercial navigation.

3 **SEC. 5016. UPPER MISSISSIPPI RIVER DISPERSAL BARRIER**
4 **PROJECT.**

5 (a) IN GENERAL.—The Secretary, in consultation
6 with appropriate Federal and State agencies, shall study,
7 design, and carry out a project for preventing and reduc-
8 ing the dispersal of aquatic nuisance species through the
9 Upper Mississippi River system. The Secretary shall com-
10 plete the study, design, and construction of the project not
11 later than 6 months after the date of enactment of this
12 Act.

13 (b) DISPERSAL BARRIER.—The Secretary, at Federal
14 expense, shall—

15 (1) investigate and identify environmentally
16 sound methods for preventing and reducing the dis-
17 persal of aquatic nuisance species;

18 (2) study, design, and carry out a project for a
19 dispersal barrier, using available technologies and
20 measures, to be located in the lock portion of Lock
21 and Dam 11 in the Upper Mississippi River basin;

22 (3) monitor and evaluate, in cooperation with
23 the Director of the United States Fish and Wildlife
24 Service, the effectiveness of the project in preventing
25 and reducing the dispersal of aquatic nuisance spe-

1 cies through the Upper Mississippi River system,
2 and report to the Committee on Transportation and
3 Infrastructure of the House of Representatives and
4 the Committee on Environment and Public Works of
5 the Senate on the results of the evaluation; and

6 (4) operate and maintain the project.

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

10 **SEC. 5017. SUSQUEHANNA, DELAWARE, AND POTOMAC**
11 **RIVER BASINS, DELAWARE, MARYLAND,**
12 **PENNSYLVANIA, AND VIRGINIA.**

13 (a) EX OFFICIO MEMBER.—Notwithstanding section
14 3001(a) of the 1997 Emergency Supplemental Appropria-
15 tions Act for Recovery From Natural Disasters, and for
16 Overseas Peacekeeping Efforts, Including Those in Bosnia
17 (Public Law 105–18; 111 Stat. 176), section 2.2 of the
18 Susquehanna River Basin Compact (Public Law 91–575),
19 and section 2.2 of the Delaware River Basin Compact
20 (Public Law 87–328), beginning in fiscal year 2002, and
21 each fiscal year thereafter, the Division Engineer, North
22 Atlantic Division, Corps of Engineers—

23 (1) shall be the ex officio United States member
24 under the Susquehanna River Basin Compact, the

1 Delaware River Basin Compact, and the Potomac
2 River Basin Compact;

3 (2) shall serve without additional compensation;
4 and

5 (3) may designate an alternate member in ac-
6 cordance with the terms of those compacts.

7 (b) AUTHORIZATION TO ALLOCATE.—The Secretary
8 shall allocate funds to the Susquehanna River Basin Com-
9 mission, Delaware River Basin Commission, and the
10 Interstate Commission on the Potomac River Basin (Poto-
11 mac River Basin Compact (Public Law 91–407)) to fulfill
12 the equitable funding requirements of the respective inter-
13 state compacts.

14 (c) WATER SUPPLY AND CONSERVATION STORAGE,
15 DELAWARE RIVER BASIN.—

16 (1) IN GENERAL.—The Secretary shall enter
17 into an agreement with the Delaware River Basin
18 Commission to provide temporary water supply and
19 conservation storage at the Francis E. Walter Dam,
20 Pennsylvania, for any period during which the Com-
21 mission has determined that a drought warning or
22 drought emergency exists.

23 (2) LIMITATION.—The agreement shall provide
24 that the cost for water supply and conservation stor-
25 age under paragraph (1) shall not exceed the incre-

1 mental operating costs associated with providing the
2 storage.

3 (d) WATER SUPPLY AND CONSERVATION STORAGE,
4 SUSQUEHANNA RIVER BASIN.—

5 (1) IN GENERAL.—The Secretary shall enter
6 into an agreement with the Susquehanna River
7 Basin Commission to provide temporary water sup-
8 ply and conservation storage at Federal facilities op-
9 erated by the Corps of Engineers in the Susque-
10 hanna River Basin for any period for which the
11 Commission has determined that a drought warning
12 or drought emergency exists.

13 (2) LIMITATION.—The agreement shall provide
14 that the cost for water supply and conservation stor-
15 age under paragraph (1) shall not exceed the incre-
16 mental operating costs associated with providing the
17 storage.

18 (e) WATER SUPPLY AND CONSERVATION STORAGE,
19 POTOMAC RIVER BASIN.—

20 (1) IN GENERAL.—The Secretary shall enter
21 into an agreement with the Potomac River Basin
22 Commission to provide temporary water supply and
23 conservation storage at Federal facilities operated by
24 the Corps of Engineers in the Potomac River Basin
25 for any period for which the Commission has deter-

1 tiveness of the implementation of the agreed upon tribu-
2 tary strategies and other public policies that pertain to
3 natural resource protection of the Potomac River water-
4 shed.

5 **SEC. 5020. LOCK AND DAM SECURITY.**

6 (a) STANDARDS.—The Secretary, in consultation
7 with the Federal Emergency Management Agency, the
8 Tennessee Valley Authority, and the Coast Guard, shall
9 develop standards for the security of locks and dams, in-
10 cluding the testing and certification of vessel exclusion
11 barriers.

12 (b) SITE SURVEYS.—At the request of a lock or dam
13 owner, the Secretary shall provide technical assistance, on
14 a reimbursable basis, to improve lock or dam security.

15 (c) COOPERATIVE AGREEMENT.—The Secretary may
16 enter into a cooperative agreement with a nonprofit alli-
17 ance of public and private organizations that has the mis-
18 sion of promoting safe waterways and seaports to carry
19 out testing and certification activities, and to perform site
20 surveys, under this section.

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

1 **SEC. 5021. REHABILITATION.**

2 The Secretary, at Federal expense and not to exceed
3 \$1,000,000, shall rehabilitate and improve the water-re-
4 lated infrastructure and the transportation infrastructure
5 for the historic property in the Anacostia River Watershed
6 located in the District of Columbia, including measures
7 to address wet weather conditions. To carry out this sec-
8 tion, the Secretary shall accept funds provided for such
9 project under any other Federal program.

10 **SEC. 5022. RESEARCH AND DEVELOPMENT PROGRAM FOR**
11 **COLUMBIA AND SNAKE RIVER SALMON SUR-**
12 **VIVAL.**

13 Section 511 of the Water Resources Development Act
14 of 1996 (16 U.S.C. 3301 note; 110 Stat. 3761; 113 Stat.
15 375) is amended—

- 16 (1) in subsection (a)(6) by striking
17 “\$10,000,000” and inserting “\$25,000,000”; and
18 (2) in subsection (c)(2) by striking
19 “\$1,000,000” and inserting “\$10,000,000”.

20 **SEC. 5023. PINHOOK CREEK, HUNTSVILLE, ALABAMA.**

21 (a) PROJECT AUTHORIZATION.—The Secretary shall
22 design and construct the locally preferred plan for flood
23 protection at Pinhook Creek, Huntsville, Alabama. In car-
24 rying out the project, the Secretary shall utilize, to the
25 extent practicable, the existing detailed project report for

1 the project prepared under the authority of section 205
2 of the Flood Control Act of 1948 (33 U.S.C. 701s).

3 (b) PARTICIPATION BY NON-FEDERAL INTEREST.—

4 The Secretary shall allow the non-Federal interest to par-
5 ticipate in the financing of the project in accordance with
6 section 903(c) of the Water Resources Development Act
7 of 1986 (100 Stat. 4184) to the extent that the Sec-
8 retary's evaluation indicates that applying such section is
9 necessary to implement the project.

10 (c) CREDIT.—The Secretary shall credit toward the
11 non-Federal share of the cost of the project the cost of
12 work carried out by the non-Federal interest before the
13 date of the partnership agreement for the project if the
14 Secretary determines that the work is integral to the
15 project.

16 **SEC. 5024. ALASKA.**

17 Section 570 of the Water Resources Development Act
18 of 1999 (113 Stat. 369) is amended—

19 (1) in subsection (c) by inserting “environ-
20 mental restoration,” after “water supply and related
21 facilities,”;

22 (2) in subsection (e)(3)(B) by striking the last
23 sentence;

24 (3) in subsection (h) by striking “\$25,000,000”
25 and inserting “\$45,000,000”; and

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

2 “(i) **NONPROFIT ENTITIES.**—Notwithstanding sec-
3 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
4 1962d–5b(b)), a non-Federal interest may include for any
5 project undertaken under this section a nonprofit entity
6 with the consent of the affected local government.

7 “(j) **CORPS OF ENGINEERS EXPENSES.**—Ten percent
8 of the amounts appropriated to carry out this section may
9 be used by the Corps of Engineers district offices to ad-
10 minister projects under this section at Federal expense.”.

11 **SEC. 5025. BARROW, ALASKA.**

12 The Secretary shall carry out, under section 117 of
13 the Energy and Water Development Appropriations Act,
14 2005 (118 Stat. 2944), a nonstructural project for coastal
15 erosion and storm damage prevention and reduction at
16 Barrow, Alaska, including relocation of infrastructure.

17 **SEC. 5026. COFFMAN COVE, ALASKA.**

18 The Secretary is authorized to carry out a project for
19 navigation, Coffman Cove, Alaska, at a total cost of
20 \$3,000,000.

21 **SEC. 5027. FORT YUKON, ALASKA.**

22 The Secretary shall make repairs to the dike at Fort
23 Yukon, Alaska, so that the dike meets Corps of Engineers
24 standards.

1 **SEC. 5028. KOTZEBUE HARBOR, ALASKA.**

2 The Secretary is authorized to carry out a project for
3 navigation, Kotzebue Harbor, Kotzebue, Alaska, at total
4 cost of \$2,200,000.

5 **SEC. 5029. LOWELL CREEK TUNNEL, SEWARD, ALASKA.**

6 (a) LONG-TERM MAINTENANCE AND REPAIR.—The
7 Secretary shall assume responsibility for the long-term
8 maintenance and repair of the Lowell Creek Tunnel.

9 (b) STUDY.—The Secretary shall conduct a study to
10 determine whether alternative methods of flood diversion
11 in Lowell Canyon are feasible.

12 **SEC. 5030. ST. HERMAN AND ST. PAUL HARBORS, KODIAK,**
13 **ALASKA.**

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

18 **SEC. 5031. TANANA RIVER, ALASKA.**

19 The Secretary shall carry out, on an emergency basis,
20 the removal of the hazard to navigation on the Tanana
21 River, Alaska, near the mouth of the Chena River, as de-
22 scribed in the January 3, 2005, memorandum from the
23 Commander, Seventeenth Coast Guard District, to the
24 Corps of Engineers, Alaska District, Anchorage, Alaska.

1 **SEC. 5032. VALDEZ, ALASKA.**

2 The Secretary is authorized to construct a small boat
3 harbor in Valdez, Alaska, at a total cost of \$20,000,000,
4 with an estimated Federal cost of \$10,500,000 and an es-
5 timated non-Federal cost of \$9,500,000.

6 **SEC. 5033. WHITTIER, ALASKA.**

7 (a) STUDY.—The Secretary shall conduct, at Federal
8 expense, a study to determine the feasibility of carrying
9 out projects for navigation at Whittier, Alaska, to con-
10 struct a new boat harbor at the head of Whittier Bay and
11 to expand the existing harbor and, if the Secretary deter-
12 mines that a project is feasible, the Secretary may carry
13 out the project.

14 (b) NON-FEDERAL COST SHARE.—The non-Federal
15 interest for the project may use, and the Secretary shall
16 accept, funds provided by a Federal agency under any
17 other Federal program, to satisfy, in whole or in part, the
18 non-Federal share of the cost of the project if such funds
19 are authorized to be used to carry out the project.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to carry out this section
22 \$35,200,000.

23 **SEC. 5034. WRANGELL HARBOR, ALASKA.**

24 (a) GENERAL NAVIGATION FEATURES.—In carrying
25 out the project for navigation, Wrangell Harbor, Alaska,
26 authorized by section 101(b)(1) of the Water Resources

1 Development Act of 1999 (113 Stat. 279), the Secretary
2 shall consider the dredging of the mooring basin and con-
3 struction of the inner harbor facilities to be general navi-
4 gation features for purposes of estimating the non-Federal
5 share of project costs.

6 (b) REVISION OF PARTNERSHIP AGREEMENT.—The
7 Secretary shall revise the partnership agreement for the
8 project to reflect the change required by subsection (a).

9 **SEC. 5035. AUGUSTA AND CLARENDON, ARKANSAS.**

10 (a) IN GENERAL.—The Secretary is authorized to
11 perform operation, maintenance, and rehabilitation of au-
12 thorized and completed levees on the White River between
13 Augusta and Clarendon, Arkansas.

14 (b) REIMBURSEMENT.—After performing the oper-
15 ation, maintenance, and rehabilitation under subsection
16 (a), the Secretary shall seek reimbursement from the Sec-
17 retary of the Interior of an amount equal to the costs allo-
18 cated to benefits to a Federal wildlife refuge of such oper-
19 ation, maintenance, and rehabilitation.

20 **SEC. 5036. DES ARC LEVEE PROTECTION, ARKANSAS.**

21 The Secretary shall review the project for flood con-
22 trol, Des Arc, Arkansas, to determine whether bank and
23 channel scour along the White River threaten the existing
24 project and whether the scour is as a result of a design
25 deficiency. If the Secretary determines that such condi-

1 tions exist as a result of a deficiency, the Secretary shall
2 carry out measures to eliminate the deficiency.

3 **SEC. 5037. LOOMIS LANDING, ARKANSAS.**

4 The Secretary shall conduct a study of shore damage
5 in the vicinity of Loomis Landing, Arkansas, to determine
6 if the damage is the result of a Federal navigation project,
7 and, if the Secretary determines that the damage is the
8 result of a Federal navigation project, the Secretary shall
9 carry out a project to mitigate the damage under section
10 111 of the River and Harbor Act of 1968 (33 U.S.C.
11 426i).

12 **SEC. 5038. ST. FRANCIS RIVER BASIN, ARKANSAS AND MIS-**
13 **SOURI.**

14 The Secretary shall conduct a study of increased sil-
15 tation and streambank erosion in the St. Francis River
16 Basin, Arkansas and Missouri, to determine if the siltation
17 or erosion, or both, are the result of a Federal flood con-
18 trol project and, if the Secretary determines that the silta-
19 tion or erosion, or both, are the result of a Federal flood
20 control project, the Secretary shall carry out a project to
21 mitigate the siltation or erosion, or both.

22 **SEC. 5039. CAMBRIA, CALIFORNIA.**

23 Section 219(f)(48) of the Water Resources Develop-
24 ment Act of 1992 (114 Stat. 2763A–220) is amended—

1 (1) by striking “\$10,300,000” and inserting the
2 following:

3 “(A) IN GENERAL.—\$10,300,000”;

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

5 “(B) CREDIT.—The Secretary shall credit
6 toward the non-Federal share of the cost of the
7 project not to exceed \$3,000,000 for the cost of
8 planning and design work carried out by the
9 non-Federal interest before the date of the
10 partnership agreement for the project if the
11 Secretary determines that the work is integral
12 to the project.”; and

13 (3) by aligning the remainder of the text of
14 subparagraph (A) (as designated by paragraph (1)
15 of this section) with subparagraph (B) (as added by
16 paragraph (2) of this section).

17 **SEC. 5040. CONTRA COSTA CANAL, OAKLEY AND**
18 **KNIGHTSEN, CALIFORNIA; MALLARD**
19 **SLOUGH, PITTSBURG, CALIFORNIA.**

20 Sections 512 and 514 of the Water Resources Devel-
21 opment Act of 2000 (114 Stat. 2650) are each amended
22 by adding at the end the following: “All planning, study,
23 design, and construction on the project shall be carried
24 out by the office of the district engineer, San Francisco,
25 California.”.

1 **SEC. 5041. DANA POINT HARBOR, CALIFORNIA.**

2 The Secretary shall conduct a study of the causes of
3 water quality degradation within Dana Point Harbor,
4 California, to determine if the degradation is the result
5 of a Federal navigation project, and, if the Secretary de-
6 termines that the degradation is the result of a Federal
7 navigation project, the Secretary shall carry out a project
8 to mitigate the degradation at Federal expense.

9 **SEC. 5042. EAST SAN JOAQUIN COUNTY, CALIFORNIA.**

10 Section 219(f)(22) of the Water Resources Develop-
11 ment Act of 1992 (113 Stat. 336) is amended—

12 (1) by striking “\$25,000,000” and inserting the
13 following:

14 “(A) IN GENERAL.—\$25,000,000”;

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

16 “(B) CREDIT.—The Secretary shall credit
17 toward the non-Federal share of the cost of the
18 project (i) the cost of design and construction
19 work carried out by the non-Federal interest
20 before, on, or after the date of the partnership
21 agreement for the project if the Secretary de-
22 termines that the work is integral to the
23 project; and (ii) the cost of provided for the
24 project by the non-Federal interest.

25 “(C) IN-KIND CONTRIBUTIONS.—The non-
26 Federal interest may provide any portion of the

1 non-Federal share of the cost of the project in
2 the form of in-kind services and materials.”;
3 and

4 (3) by aligning the remainder of the text of
5 subparagraph (A) (as designated by paragraph (1)
6 of this section) with subparagraph (B) (as added by
7 paragraph (2) of this section).

8 **SEC. 5043. EASTERN SANTA CLARA BASIN, CALIFORNIA.**

9 Section 111(c) of the Miscellaneous Appropriations
10 Act, 2001 (as enacted into law by Public Law 106–554;
11 114 Stat. 2763A–224) is amended—

12 (1) by striking “\$25,000,000” and inserting
13 “\$28,000,000”; and

14 (2) by striking “\$7,000,000” and inserting
15 “\$10,000,000”.

16 **SEC. 5044. LOS OSOS, CALIFORNIA.**

17 Section 219(c)(27) of the Water Resources Develop-
18 ment Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219)
19 is amended to read as follows:

20 “(27) LOS OSOS, CALIFORNIA.—Wastewater in-
21 frastructure, Los Osos, California.”.

22 **SEC. 5045. PINE FLAT DAM AND RESERVOIR, CALIFORNIA.**

23 (a) IN GENERAL.—The Secretary shall review the
24 Kings River Fisheries Management Program Framework
25 Agreement, dated May 29, 1999, among the California

1 Department of Fish and Game, the Kings River Water
2 Association, and the Kings River Conservation District
3 and, if the Secretary determines that the management
4 program is feasible, the Secretary may participate in the
5 management program.

6 (b) PROHIBITION.—Nothing in this section author-
7 izes any project for the raising of, or the construction of,
8 a multilevel intake structure at Pine Flat Dam, California.

9 (c) USE OF EXISTING STUDIES.—In carrying out this
10 section, the Secretary shall use, to the maximum extent
11 practicable, studies in existence on the date of enactment
12 of this Act, including data and environmental documenta-
13 tion in the Report of the Chief of Engineers, Pine Flat
14 Dam and Reservoir, Fresno County, California, dated July
15 19, 2002.

16 (d) CREDIT.—The Secretary shall credit toward the
17 non-Federal share of the cost of the project the cost of
18 planning, design, and construction work carried out by the
19 non-Federal interest before the date of the partnership
20 agreement for the project if the Secretary determines that
21 the work is integral to the project.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to \$20,000,000 to carry out
24 this section.

1 **SEC. 5046. RAYMOND BASIN, SIX BASINS, CHINO BASIN, AND**
2 **SAN GABRIEL BASIN, CALIFORNIA.**

3 (a) **COMPREHENSIVE PLAN.**—The Secretary, in con-
4 sultation and coordination with appropriate Federal,
5 State, and local entities, shall develop a comprehensive
6 plan for the management of water resources in the Ray-
7 mond Basin, Six Basins, Chino Basin, and San Gabriel
8 Basin, California. The Secretary may carry out activities
9 identified in the comprehensive plan to demonstrate prac-
10 ticable alternatives for water resources management.

11 (b) **NON-FEDERAL SHARE.**—

12 (1) **IN GENERAL.**—The non-Federal share of
13 the cost of activities carried out under this section
14 shall be 35 percent.

15 (2) **CREDIT.**—The Secretary shall credit toward
16 the non-Federal share of the cost of activities car-
17 ried out under this section the cost of planning, de-
18 sign, and construction work completed by or on be-
19 half of the non-Federal interests for implementation
20 of measures under this section. The amount of such
21 credit shall not exceed the non-Federal share of the
22 cost of such activities.

23 (3) **OPERATION AND MAINTENANCE.**—The non-
24 Federal share of the cost of operation and mainte-
25 nance of any measures constructed under this sec-
26 tion shall be 100 percent.

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

4 **SEC. 5047. SAN FRANCISCO, CALIFORNIA.**

5 (a) IN GENERAL.—The Secretary, in cooperation
6 with the Port of San Francisco, California, may carry out
7 the project for repair and removal, as appropriate, of Piers
8 30-32, 35, 36, 70 (including Wharves 7 and 8), and 80
9 in San Francisco, California, substantially in accordance
10 with the Port's redevelopment plan.

11 (b) AUTHORIZATION OF APPROPRIATION.—There is
12 authorized to be appropriated \$25,000,000 to carry out
13 this subsection.

14 **SEC. 5048. SAN FRANCISCO, CALIFORNIA, WATERFRONT**
15 **AREA.**

16 (a) AREA TO BE DECLARED NONNAVIGABLE; PUB-
17 LIC INTEREST.—Unless the Secretary finds, after con-
18 sultation with local and regional public officials (including
19 local and regional public planning organizations), that the
20 proposed projects to be undertaken within the boundaries
21 of the portion of the San Francisco, California, waterfront
22 area described in subsection (b) are not in the public inter-
23 est, such portion is declared to be nonnavigable waters of
24 the United States.

1 (b) NORTHERN EMBARCADERO SOUTH OF BRYANT
2 STREET.—The portion of the San Francisco, California,
3 waterfront area referred to in subsection (a) is as follows:
4 Beginning at the intersection of the northeasterly prolon-
5 gation of that portion of the northwesterly line of Bryant
6 Street lying between Beale Street and Main Street with
7 the southwesterly line of Spear Street, which intersection
8 lies on the line of jurisdiction of the San Francisco Port
9 Commission; following thence southerly along said line of
10 jurisdiction as described in the State of California Harbor
11 and Navigation Code Section 1770, as amended in 1961,
12 to its intersection with the easterly line of Townsend
13 Street along a line that is parallel and distant 10 feet
14 southerly from the existing southern boundary of Pier 40
15 produced to its point of intersection with the United
16 States Government pier-head line; thence northerly along
17 said pier-head line to its intersection with a line parallel
18 with, and distant 10 feet easterly from, the existing eas-
19 terly boundary line of Pier 30–32; thence northerly along
20 said parallel line and its northerly prolongation, to a point
21 of intersection with a line parallel with, and distant 10
22 feet northerly from, the existing northerly boundary of
23 Pier 30–32, thence westerly along last said parallel line
24 to its intersection with the United States Government
25 pier-head line; to the northwesterly line of Bryant Street

1 produced northwesterly; thence southwesterly along said
2 northwesterly line of Bryant Street produced to the point
3 of beginning.

4 (c) REQUIREMENT THAT AREA BE IMPROVED.—The
5 declaration of nonnavigability under subsection (a) applies
6 only to those parts of the area described in subsection (b)
7 that are or will be bulkheaded, filled, or otherwise occupied
8 by permanent structures and does not affect the applica-
9 bility of any Federal statute or regulation applicable to
10 such parts the day before the date of enactment of this
11 Act, including sections 9 and 10 of the Act of March 3,
12 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly
13 known as the Rivers and Harbors Appropriation Act of
14 1899, section 404 of the Federal Water Pollution Control
15 Act (33 U.S.C. 1344), and the National Environmental
16 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

17 (d) EXPIRATION DATE.—If, 20 years from the date
18 of enactment of this Act, any area or part thereof de-
19 scribed in subsection (b) is not bulkheaded or filled or oc-
20 cupied by permanent structures, including marina facili-
21 ties, in accordance with the requirements set out in sub-
22 section (c), or if work in connection with any activity per-
23 mitted in subsection (c) is not commenced within 5 years
24 after issuance of such permits, then the declaration of
25 nonnavigability for such area or part thereof shall expire.

1 **SEC. 5049. SAN PABLO BAY, CALIFORNIA, WATERSHED AND**
2 **SUISUN MARSH ECOSYSTEM RESTORATION.**

3 (a) SAN PABLO BAY WATERSHED, CALIFORNIA.—

4 (1) IN GENERAL.—The Secretary shall complete
5 work, as expeditiously as possible, on the ongoing
6 San Pablo Bay watershed, California, study to deter-
7 mine the feasibility of opportunities for restoring,
8 preserving and protecting the San Pablo Bay water-
9 shed.

10 (2) REPORT.—Not later than March 31, 2008,
11 the Secretary shall submit to Congress a report on
12 the results of the study.

13 (b) SUISUN MARSH, CALIFORNIA.—The Secretary
14 shall conduct a comprehensive study to determine the fea-
15 sibility of opportunities for restoring, preserving and pro-
16 tecting the Suisun Marsh, California.

17 (c) SAN PABLO AND SUISUN BAY MARSH WATER-
18 SHED CRITICAL RESTORATION PROJECTS.—

19 (1) IN GENERAL.—The Secretary may partici-
20 pate in critical restoration projects that will produce,
21 consistent with Federal programs, projects, and ac-
22 tivities, immediate and substantial ecosystem res-
23 toration, preservation, and protection benefits in the
24 following sub-watersheds of the San Pablo and
25 Suisun Bay Marsh watersheds:

1 (A) The tidal areas of the Petaluma River,
2 Napa-Sonoma Marsh.

3 (B) The shoreline of West Contra Costa
4 County.

5 (C) Novato Creek.

6 (D) Suisun Marsh.

7 (E) Gallinas-Miller Creek.

8 (2) TYPES OF ASSISTANCE.—Participation in
9 critical restoration projects under this subsection
10 may include assistance for planning, design, or con-
11 struction.

12 (d) NON-FEDERAL INTERESTS.—Notwithstanding
13 section 221(b) of the Flood Control Act of 1970 (42
14 U.S.C. 1962d–5b(b)), a non-Federal interest may include
15 for any project undertaken under this section a nonprofit
16 entity with the consent of the affected local government.

17 (e) CREDIT.—The Secretary shall credit toward the
18 non-Federal share of the cost of construction of a project
19 under this section—

20 (1) the value of any lands, easements, rights-of-
21 way, dredged material disposal areas, or relocations
22 provided by the non-Federal interest for carrying out
23 the project, regardless of the date of acquisition;

24 (2) funds received from the CALFED Bay-
25 Delta program; and

1 (3) the cost of the studies, design, and con-
2 struction work carried out by the non-Federal inter-
3 est before the date of execution of a partnership
4 agreement for the project if the Secretary deter-
5 mines that the work is integral to the project.

6 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to carry out this section
8 \$40,000,000.

9 **SEC. 5050. STOCKTON, CALIFORNIA.**

10 (a) REEVALUATION.—The Secretary shall reevaluate
11 the feasibility of the Lower Mosher Slough element and
12 the levee extensions on the Upper Calaveras River element
13 of the project for flood control, Stockton Metropolitan
14 Area, California, carried out under section 211(f)(3) of the
15 Water Resources Development Act of 1996 (110 Stat.
16 3683), to determine the eligibility of such elements for re-
17 imbursement under section 211 of such Act (33 U.S.C.
18 701b–13).

19 (b) SPECIAL RULES FOR REEVALUATION.—In con-
20 ducting the reevaluation under subsection (a), the Sec-
21 retary shall not reject a feasibility determination based on
22 one or more of the policies of the Corps of Engineers con-
23 cerning the frequency of flooding, the drainage area, and
24 the amount of runoff.

1 (c) REIMBURSEMENT.—If the Secretary determines
2 that the elements referred to subsection (a) are feasible,
3 the Secretary shall reimburse, subject to appropriations,
4 the non-Federal interest under section 211 of the Water
5 Resources Development Act of 1996 for the Federal share
6 of the cost of such elements.

7 **SEC. 5051. CHARLES HERVEY TOWNSHEND BREAKWATER,**
8 **NEW HAVEN HARBOR, CONNECTICUT.**

9 (a) DESIGNATION.—The western breakwater for the
10 project for navigation, New Haven Harbor, Connecticut,
11 authorized by the first section of the Act of September
12 19, 1890 (26 Stat. 426), shall be known and designated
13 as the “Charles Hervey Townshend Breakwater”.

14 (b) REFERENCES.—Any reference in a law, map, reg-
15 ulation, document, paper, or other record of the United
16 States to the breakwater referred to in subsection (a) shall
17 be deemed to be a reference to the “Charles Hervey
18 Townshend Breakwater”.

19 **SEC. 5052. FLORIDA KEYS WATER QUALITY IMPROVE-**
20 **MENTS.**

21 Section 109 of the Miscellaneous Appropriations Act,
22 2001 (enacted into law by Public Law 106–554) (114
23 Stat. 2763A–222) is amended—

24 (1) by adding at the end of subsection (e)(2)
25 the following:

1 “(C) CREDIT FOR WORK PRIOR TO EXECU-
2 TION OF THE PARTNERSHIP AGREEMENT.—The
3 Secretary shall credit toward the non-Federal
4 share of the cost of the project—

5 “(i) the cost of construction work car-
6 ried out by the non-Federal interest before
7 the date of the partnership agreement for
8 the project if the Secretary determines that
9 the work is integral to the project; and

10 “(ii) the cost of land acquisition car-
11 ried out by the non-Federal interest for
12 projects to be carried out under this sec-
13 tion.”; and

14 (2) in subsection (f) by striking
15 “\$100,000,000” and inserting “\$100,000,000, of
16 which not more than \$15,000,000 may be used to
17 provide planning, design, and construction assistance
18 to the Florida Keys Aqueduct Authority for a water
19 treatment plant, Florida City, Florida”.

20 **SEC. 5053. LAKE WORTH, FLORIDA.**

21 The Secretary may carry out necessary repairs for
22 the Lake Worth bulkhead replacement project, West Palm
23 Beach, Florida, at an estimated total cost of \$9,000,000.

1 **SEC. 5054. RILEY CREEK RECREATION AREA, IDAHO.**

2 The Secretary is authorized to carry out the Riley
3 Creek Recreation Area Operation Plan of the Albeni Falls
4 Management Plan, dated October 2001, for the Riley
5 Creek Recreation Area, Albeni Falls Dam, Bonner Coun-
6 ty, Idaho.

7 **SEC. 5055. RECONSTRUCTION OF ILLINOIS FLOOD PROTEC-**
8 **TION PROJECTS.**

9 (a) IN GENERAL.—The Secretary may participate in
10 the reconstruction of an eligible flood control project if the
11 Secretary determines that such reconstruction is not re-
12 quired as a result of improper operation and maintenance
13 of the project by the non-Federal interest.

14 (b) COST SHARING.—The non-Federal share of the
15 costs for the reconstruction of a flood control project au-
16 thorized by this section shall be the same non-Federal
17 share that was applicable to construction of the project.
18 The non-Federal interest shall be responsible for operation
19 and maintenance and repair of a project for which recon-
20 struction is undertaken under this section.

21 (c) RECONSTRUCTION DEFINED.—In this section,
22 the term “reconstruction”, as used with respect to a
23 project, means addressing major project deficiencies
24 caused by long-term degradation of the foundation, con-
25 struction materials, or engineering systems or components
26 of the project, the results of which render the project at

1 risk of not performing in compliance with its authorized
2 project purposes. In addressing such deficiencies, the Sec-
3 retary may incorporate current design standards and effi-
4 ciency improvements, including the replacement of obso-
5 lete mechanical and electrical components at pumping sta-
6 tions, if such incorporation does not significantly change
7 the scope, function, and purpose of the project as author-
8 ized.

9 (d) ELIGIBLE PROJECTS.—The following flood con-
10 trol projects are eligible for reconstruction under this sec-
11 tion:

12 (1) Clear Creek Drainage and Levee District,
13 Illinois.

14 (2) Fort Chartres and Ivy Landing Drainage
15 District, Illinois.

16 (3) Cairo, Illinois Mainline Levee, Cairo, Illi-
17 nois.

18 (4) Goose Pond Pump Station, Cairo, Illinois.

19 (5) Cottonwood Slough Pump Station, Alex-
20 ander County, Illinois.

21 (6) 10th and 28th Street Pump Stations, Cairo,
22 Illinois.

23 (7) Prairie Du Pont Levee and Sanitary Dis-
24 trict, including Fish Lake Drainage and Levee Dis-
25 trict, Illinois.

1 (8) Flood control levee projects in Brookport,
2 Shawneetown, Old Shawneetown, Golconda,
3 Rosiclare, Harrisburg, and Reevesville, Illinois.

4 (e) JUSTIFICATION.—The reconstruction of a project
5 authorized by this section shall not be considered a sepa-
6 rable element of the project.

7 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated—

9 (1) \$15,000,000 to carry out the projects de-
10 scribed in paragraphs (1) through (7) of subsection
11 (d); and

12 (2) \$15,000,000 to carry out the projects de-
13 scribed in subsection (d)(8).

14 Such sums shall remain available until expended.

15 **SEC. 5056. ILLINOIS RIVER BASIN RESTORATION.**

16 (a) EXTENSION OF AUTHORIZATION.—Section
17 519(c)(2) of the Water Resources Development Act of
18 2000 (114 Stat. 2654) is amended by striking “2004” and
19 inserting “2010”.

20 (b) IN-KIND SERVICES.—Section 519(g)(3) of such
21 Act (114 Stat. 2655) is amended by inserting before the
22 period at the end of the first sentence “if such services
23 are provided not more than 5 years before the date of initi-
24 ation of the project or activity”.

1 (c) NONPROFIT ENTITIES AND MONITORING.—Sec-
2 tion 519 of such Act (114 Stat. 2654) is amended by add-
3 ing at the end the following:

4 “(h) NONPROFIT ENTITIES.—Notwithstanding sec-
5 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
6 1962d–5b(b)), a non-Federal interest may include for any
7 project undertaken under this section a nonprofit entity,
8 with the consent of the affected local government.

9 “(i) MONITORING.—The Secretary shall develop an
10 Illinois river basin monitoring program to support the plan
11 referred to in subsection (b). Data collected under the
12 monitoring program shall incorporate data provided by the
13 State of Illinois and shall be publicly accessible through
14 electronic means.”.

15 **SEC. 5057. KASKASKIA RIVER BASIN, ILLINOIS, RESTORA-**
16 **TION.**

17 (a) KASKASKIA RIVER BASIN DEFINED.—In this sec-
18 tion, the term “Kaskaskia River Basin” means the
19 Kaskaskia River, Illinois, its backwaters, its side channels,
20 and all tributaries, including their watersheds, draining
21 into the Kaskaskia River.

22 (b) COMPREHENSIVE PLAN.—

23 (1) DEVELOPMENT.—The Secretary shall de-
24 velop, as expeditiously as practicable, a comprehen-

1 sive plan for the purpose of restoring, preserving,
2 and protecting the Kaskaskia River Basin.

3 (2) TECHNOLOGIES AND INNOVATIVE AP-
4 PROACHES.—The comprehensive plan shall provide
5 for the development of new technologies and innova-
6 tive approaches—

7 (A) to enhance the Kaskaskia River as a
8 transportation corridor;

9 (B) to improve water quality within the en-
10 tire Kaskaskia River Basin;

11 (C) to restore, enhance, and preserve habi-
12 tat for plants and wildlife;

13 (D) to ensure aquatic integrity of
14 sidechannels and backwaters and their
15 connectivity with the mainstem river;

16 (E) to increase economic opportunity for
17 agriculture and business communities; and

18 (F) to reduce the impacts of flooding to
19 communities and landowners.

20 (3) SPECIFIC COMPONENTS.—The comprehen-
21 sive plan shall include such features as are necessary
22 to provide for—

23 (A) the development and implementation of
24 a program for sediment removal technology,

1 sediment characterization, sediment transport,
2 and beneficial uses of sediment;

3 (B) the development and implementation
4 of a program for the planning, conservation,
5 evaluation, and construction of measures for
6 fish and wildlife habitat conservation and reha-
7 bilitation, and stabilization and enhancement of
8 land and water resources in the basin;

9 (C) the development and implementation of
10 a long-term resource monitoring program;

11 (D) a conveyance study of the Kaskaskia
12 River floodplain from Vandalia, Illinois, to
13 Carlyle Lake to determine the impacts of exist-
14 ing and future waterfowl improvements on flood
15 stages, including detailed surveys and mapping
16 information to ensure proper hydraulic and
17 hydrological analysis;

18 (E) the development and implementation
19 of a computerized inventory and analysis sys-
20 tem; and

21 (F) the development and implementation
22 of a systemic plan to reduce flood impacts by
23 means of ecosystem restoration projects.

24 (4) CONSULTATION.—The comprehensive plan
25 shall be developed by the Secretary in consultation

1 with appropriate Federal agencies, the State of Illi-
2 nois, and the Kaskaskia River Watershed Associa-
3 tion.

4 (5) REPORT TO CONGRESS.—Not later than 2
5 years after the date of enactment of this Act, the
6 Secretary shall transmit to Congress a report con-
7 taining the comprehensive plan.

8 (6) ADDITIONAL STUDIES AND ANALYSES.—
9 After transmission of a report under paragraph (5),
10 the Secretary shall conduct studies and analyses of
11 projects related to the comprehensive plan that are
12 appropriate and consistent with this subsection.

13 (c) GENERAL PROVISIONS.—

14 (1) WATER QUALITY.—In carrying out activi-
15 ties under this section, the Secretary's recommenda-
16 tions shall be consistent with applicable State water
17 quality standards.

18 (2) PUBLIC PARTICIPATION.—In developing the
19 comprehensive plan under subsection (b), the Sec-
20 retary shall implement procedures to facilitate public
21 participation, including providing advance notice of
22 meetings, providing adequate opportunity for public
23 input and comment, maintaining appropriate
24 records, and making a record of the proceedings of
25 meetings available for public inspection.

1 (d) CRITICAL PROJECTS AND INITIATIVES.—If the
2 Secretary, in cooperation with appropriate Federal agen-
3 cies and the State of Illinois, determines that a project
4 or initiative for the Kaskaskia River Basin will produce
5 independent, immediate, and substantial benefits, the Sec-
6 retary may proceed expeditiously with the implementation
7 of the project.

8 (e) COORDINATION.—The Secretary shall integrate
9 activities carried out under this section with ongoing Fed-
10 eral and State programs, projects, and activities, including
11 the following:

12 (1) Farm programs of the Department of Agri-
13 culture.

14 (2) Conservation Reserve Enhancement Pro-
15 gram (State of Illinois) and Conservation 2000 Eco-
16 system Program of the Illinois Department of Nat-
17 ural Resources.

18 (3) Conservation 2000 Conservation Practices
19 Program and the Livestock Management Facilities
20 Act administered by the Illinois Department of Agri-
21 culture.

22 (4) National Buffer Initiative of the Natural
23 Resources Conservation Service.

1 (5) Nonpoint source grant program adminis-
2 tered by the Illinois Environmental Protection Agen-
3 cy.

4 (6) Other programs that may be developed by
5 the State of Illinois or the Federal Government, or
6 that are carried out by non-profit organizations, to
7 carry out the objectives of the Kaskaskia River
8 Basin Comprehensive Plan.

9 (f) IN-KIND SERVICES.—The Secretary may credit
10 the cost of in-kind services provided by the non-Federal
11 interest for an activity carried out under this section to-
12 ward not more than 80 percent of the non-Federal share
13 of the cost of the activity. In-kind services shall include
14 all State funds expended on programs that accomplish the
15 goals of this section, as determined by the Secretary. The
16 programs may include the Kaskaskia River Conservation
17 Reserve Program, the Illinois Conservation 2000 Pro-
18 gram, the Open Lands Trust Fund, and other appropriate
19 programs carried out in the Kaskaskia River Basin.

20 **SEC. 5058. FLOODPLAIN MAPPING, LITTLE CALUMET**
21 **RIVER, CHICAGO, ILLINOIS.**

22 (a) IN GENERAL.—The Secretary shall provide as-
23 sistance for a project to develop maps identifying 100- and
24 500-year flood inundation areas along the Little Calumet
25 River, Chicago, Illinois.

1 (b) REQUIREMENTS.—Maps developed under the
2 project shall include hydrologic and hydraulic information
3 and shall accurately show the flood inundation of each
4 property by flood risk in the floodplain. The maps shall
5 be produced in a high resolution format and shall be made
6 available to all flood prone areas along the Little Calumet
7 River, Chicago, Illinois, in an electronic format.

8 (c) PARTICIPATION OF FEMA.—The Secretary and
9 the non-Federal interests for the project shall work with
10 the Director of the Federal Emergency Management
11 Agency to ensure the validity of the maps developed under
12 the project for flood insurance purposes.

13 (d) FORMS OF ASSISTANCE.—In carrying out the
14 project, the Secretary may enter into contracts or coopera-
15 tive agreements with the non-Federal interests or provide
16 reimbursements of project costs.

17 (e) FEDERAL SHARE.—The Federal share of the cost
18 of the project shall be 50 percent.

19 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$2,000,000.

22 **SEC. 5059. PROMONTORY POINT, LAKE MICHIGAN, ILLI-**
23 **NOIS.**

24 (a) REVIEW.—

1 (1) IN GENERAL.—The Secretary may carry out
2 a third-party review of the Promontory Point project
3 along the Chicago Shoreline, Chicago, Illinois, at a
4 cost not to exceed \$450,000.

5 (2) JOINT REVIEW.—The Buffalo and Seattle
6 districts of the Corps of Engineers shall jointly con-
7 duct the review.

8 (3) STANDARDS.—The review shall be based on
9 the standards under part 68 of title 36, Code of
10 Federal Regulations, for implementation by the non-
11 Federal sponsor for the Chicago Shoreline, Chicago,
12 Illinois, project.

13 (b) CONTRIBUTIONS.—The Secretary shall accept
14 from a State or political subdivision of a State voluntarily
15 contributed funds to initiate the third-party review under
16 subsection (a).

17 (c) EFFECT OF SECTION.—Nothing in this section af-
18 fects the authorization for the project for the Chicago
19 Shoreline, Chicago, Illinois.

20 **SEC. 5060. BURNS WATERWAY HARBOR, INDIANA.**

21 The Secretary shall conduct a study of shoaling in
22 the vicinity of Burns Waterway Harbor, Indiana, to deter-
23 mine if the shoaling is the result of a Federal navigation
24 project, and, if the Secretary determines that the shoaling
25 is the result of a Federal navigation project, the Secretary

1 shall carry out a project to mitigate the shoaling under
2 section 111 of the River and Harbor Act of 1968 (33
3 U.S.C. 426).

4 **SEC. 5061. CALUMET REGION, INDIANA.**

5 Section 219(f)(12) of the Water Resources Develop-
6 ment Act of 1992 (113 Stat. 335; 117 Stat. 1843) is
7 amended—

8 (1) by striking “\$30,000,000” and inserting the
9 following:

10 “(A) IN GENERAL.—\$100,000,000”;

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

12 “(B) CREDIT.—The Secretary shall credit
13 toward the non-Federal share of the cost of the
14 project the cost of planning and design work
15 carried out by the non-Federal interest before,
16 on, or after the date of the partnership agree-
17 ment for the project if the Secretary determines
18 that the work is integral to the project.”; and

19 (3) by aligning the remainder of the text of
20 subparagraph (A) (as designated by paragraph (1)
21 of this section) with subparagraph (B) (as added by
22 paragraph (2) of this section).

23 **SEC. 5062. PADUCAH, KENTUCKY.**

24 The Secretary shall complete a feasibility report for
25 rehabilitation of the project for flood damage reduction,

1 Paducah, Kentucky, and, if the Secretary determines that
2 the project is feasible, the Secretary shall carry out the
3 project at a total cost of \$3,000,000.

4 **SEC. 5063. SOUTHERN AND EASTERN KENTUCKY.**

5 Section 531 of the Water Resources Development Act
6 of 1996 (110 Stat. 3773; 113 Stat. 348; 117 Stat. 142)
7 is amended by adding the following:

8 “(i) CORPS OF ENGINEERS EXPENSES.—Ten percent
9 of the amounts appropriated to carry out this section may
10 be used by the Corps of Engineers district offices to ad-
11 minister projects under this section at Federal expense.”.

12 **SEC. 5064. WINCHESTER, KENTUCKY.**

13 Section 219(c) of the Water Resources Development
14 Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219) is
15 amended by adding at the end the following:

16 “(41) WINCHESTER, KENTUCKY.—Wastewater
17 infrastructure, Winchester, Kentucky.”.

18 **SEC. 5065. BATON ROUGE, LOUISIANA.**

19 Section 219(f)(21) of the Water Resources Develop-
20 ment Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220)
21 is amended by striking “\$20,000,000” and inserting
22 “\$35,000,000”.

23 **SEC. 5066. CALCASIEU SHIP CHANNEL, LOUISIANA.**

24 The Secretary shall expedite completion of a dredged
25 material management plan for the Calcasieu Ship Chan-

1 nel, Louisiana, and may take interim measures to increase
2 the capacity of existing disposal areas, or to construct new
3 confined or beneficial use disposal areas, for the channel.

4 **SEC. 5067. CROSS LAKE, SHREVEPORT, LOUISIANA.**

5 The Secretary may accept from the Department of
6 the Air Force, and may use, not to exceed \$4,500,000 to
7 assist the city of Shreveport, Louisiana, with its plan to
8 construct a water intake facility.

9 **SEC. 5068. WEST BATON ROUGE PARISH, LOUISIANA.**

10 (a) MODIFICATION OF STUDY.—The study for water-
11 front and riverine preservation, restoration, and enhance-
12 ment, Mississippi River, West Baton Rouge Parish, Lou-
13 isiana, being carried out under Committee Resolution
14 2570 of the Committee on Transportation and Infrastruc-
15 ture of the House of Representatives adopted July 23,
16 1998, is modified—

17 (1) to add West Feliciana Parish and East
18 Baton Rouge Parish to the geographic scope of the
19 study; and

20 (2) to direct the Secretary to credit toward the
21 non-Federal share the cost of the study and the non-
22 Federal share of the cost of any project authorized
23 by law as a result of the study the cost of work car-
24 ried out by the non-Federal interest before the date
25 of the partnership agreement for the project if the

1 Secretary determines that the work is integral to the
2 study or project, as the case may be.

3 (b) EXPEDITED CONSIDERATION.—Section 517(5) of
4 the Water Resources Development Act of 1999 (113 Stat.
5 345) is amended to read as follows:

6 “(5) Mississippi River, West Baton Rouge,
7 West Feliciana, and East Baton Rouge Parishes,
8 Louisiana, project for waterfront and riverine pres-
9 ervation, restoration, and enhancement modifica-
10 tions.”.

11 **SEC. 5069. CHARLESTOWN, MARYLAND.**

12 (a) IN GENERAL.—The Secretary may carry out a
13 project for nonstructural flood damage reduction and eco-
14 system restoration at Charlestown, Maryland.

15 (b) LAND ACQUISITION.—The flood damage reduc-
16 tion component of the project may include the acquisition
17 of private property from willing sellers.

18 (c) JUSTIFICATION.—Any nonstructural flood dam-
19 age reduction project to be carried out under this section
20 that will result in the conversion of property to use for
21 ecosystem restoration and wildlife habitat shall be justified
22 based on national ecosystem restoration benefits.

23 (d) USE OF ACQUIRED PROPERTY.—Property ac-
24 quired under this section shall be maintained in public
25 ownership for ecosystem restoration and wildlife habitat.

1 (e) ABILITY TO PAY.—In determining the appro-
2 priate non-Federal cost share for the project, the Sec-
3 retary shall determine the ability of Cecil County, Mary-
4 land, to participate as a cost-sharing non-Federal interest
5 in accordance with section 103(m) of the Water Resources
6 Development Act of 1986 (33 U.S.C. 2213(m)).

7 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated \$2,000,000 to carry out this
9 section.

10 **SEC. 5070. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND**
11 **MARYLAND.**

12 (a) COMPREHENSIVE ACTION PLAN.—Not later than
13 one year after the date of enactment of this Act, the Sec-
14 retary, in coordination with the Mayor of the District of
15 Columbia, the Governor of Maryland, the county execu-
16 tives of Montgomery County and Prince George’s County,
17 Maryland, and other interested entities, shall develop and
18 make available to the public a 10-year comprehensive ac-
19 tion plan to provide for the restoration and protection of
20 the ecological integrity of the Anacostia River and its trib-
21 utaries.

22 (b) PUBLIC AVAILABILITY.—On completion of the
23 comprehensive action plan under subsection (a), the Sec-
24 retary shall make the plan available to the public, includ-
25 ing on the Internet.

1 **SEC. 5071. DELMARVA CONSERVATION CORRIDOR, DELA-**
2 **WARE AND MARYLAND.**

3 (a) ASSISTANCE.—The Secretary may provide tech-
4 nical assistance to the Secretary of Agriculture for use in
5 carrying out the Conservation Corridor Demonstration
6 Program established under subtitle G of title II of the
7 Farm Security and Rural Investment Act of 2002 (16
8 U.S.C. 3801 note; 116 Stat. 275).

9 (b) COORDINATION AND INTEGRATION.—In carrying
10 out water resources projects in Delaware and Maryland
11 on the Delmarva Peninsula, the Secretary shall coordinate
12 and integrate those projects, to the maximum extent prac-
13 ticable, with any activities carried out to implement a con-
14 servation corridor plan approved by the Secretary of Agri-
15 culture under section 2602 of the Farm Security and
16 Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116
17 Stat. 275).

18 **SEC. 5072. MASSACHUSETTS DREDGED MATERIAL DIS-**
19 **POSAL SITES.**

20 The Secretary may cooperate with Massachusetts in
21 the management and long-term monitoring of aquatic
22 dredged material disposal sites within the State, and is
23 authorized to accept funds from the State to carry out
24 such activities.

1 **SEC. 5073. ONTONAGON HARBOR, MICHIGAN.**

2 The Secretary shall conduct a study of shore damage
3 in the vicinity of the project for navigation, Ontonagon
4 Harbor, Ontonagon County, Michigan, authorized by sec-
5 tion 101 of the Rivers and Harbors Act of 1962 (76 Stat.
6 1176, 100 Stat. 4213, 110 Stat. 3730), to determine if
7 the damage is the result of a Federal navigation project,
8 and, if the Secretary determines that the damage is the
9 result of a Federal navigation project, the Secretary shall
10 carry out a project to mitigate the damage under section
11 111 of the River and Harbor Act of 1968 (33 U.S.C.
12 426i).

13 **SEC. 5074. CROOKSTON, MINNESOTA.**

14 The Secretary shall conduct a study for a project for
15 emergency streambank protection along the Red Lake
16 River in Crookston, Minnesota, and, if the Secretary de-
17 termines that the project is feasible, the Secretary may
18 carry out the project under section 14 of the Flood Control
19 Act of 1946 (33 U.S.C. 701r); except that the maximum
20 amount of Federal funds that may be expended for the
21 project shall be \$6,500,000.

22 **SEC. 5075. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.**

23 (a) PROJECT DESCRIPTION.—Section 219(f)(61) of
24 the Water Resources Development Act of 1992 (114 Stat.
25 2763A–221) is amended—

1 (1) in the paragraph heading by striking “AND
2 KATHIO TOWNSHIP” and inserting “, CROW WING
3 COUNTY, MILLE LACS COUNTY, MILLE LACS INDIAN
4 RESERVATION,, AND KATHIO TOWNSHIP”;

5 (2) by striking “\$11,000,000” and inserting
6 “\$17,000,000”;

7 (3) by inserting “, Crow Wing County, Mille
8 Lacs County, Mille Lacs Indian Reservation (10
9 Stat. 1165),” after “Garrison”; and

10 (4) by adding at the end the following: “Such
11 assistance shall be provided directly to the Garrison-
12 Kathio-West Mille Lacs Lake Sanitary District,
13 Minnesota, except for assistance provided directly to
14 the Mille Lacs Band of Ojibwe at the discretion of
15 the Secretary.”.

16 (b) PROCEDURES.—In carrying out the project au-
17 thorized by such section 219(f)(61), the Secretary may use
18 the cost sharing and contracting procedures available to
19 the Secretary under section 569 of the Water Resources
20 Development Act of 1999 (113 Stat. 368).

21 **SEC. 5076. ITASCA COUNTY, MINNESOTA.**

22 The Secretary shall carry out a project for flood dam-
23 age reduction, Trout Lake and Canisteo Pit, Itasca Coun-
24 ty, Minnesota, irrespective of normal policy considerations.

1 **SEC. 5077. MINNEAPOLIS, MINNESOTA.**

2 (a) CONVEYANCE.—The Secretary shall convey to the
3 city of Minneapolis by quitclaim deed and without consid-
4 eration all right, title, and interest of the United States
5 to the property known as the War Department (Fort
6 Snelling Interceptor) Tunnel in Minneapolis, Minnesota.

7 (b) APPLICABILITY OF PROPERTY SCREENING PRO-
8 VISIONS.—Section 2696 of title 10, United States Code,
9 shall not apply to the conveyance under this section.

10 **SEC. 5078. NORTHEASTERN MINNESOTA.**

11 (a) IN GENERAL.—Section 569 of the Water Re-
12 sources Development Act of 1999 (113 Stat. 368) is
13 amended—

14 (1) in subsection (a) by striking “Benton,
15 Sherburne,” and inserting “Beltrami, Hubbard,
16 Wadena,”;

17 (2) by striking the last sentence of subsection
18 (e)(3)(B);

19 (3) by striking subsection (g) and inserting the
20 following:

21 “(g) NONPROFIT ENTITIES.—Notwithstanding sec-
22 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
23 1962d–5b(b)), a non-Federal interest may include for any
24 project undertaken under this section a nonprofit entity.”;

25 (4) in subsection (h) by striking “\$40,000,000”
26 and inserting “\$54,000,000”; and

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

2 “(i) CORPS OF ENGINEERS EXPENSES.—Ten percent
3 of the amounts appropriated to carry out this section may
4 be used by the Corps of Engineers district offices to ad-
5 minister projects under this section at Federal expense.”.

6 (b) BIWABIK, MINNESOTA.—The Secretary shall re-
7 imburse the non-Federal interest for the project for envi-
8 ronmental infrastructure, Biwabik, Minnesota, carried out
9 under section 569 of the Water Resources Development
10 Act of 1999 (113 Stat. 368), for planning, design, and
11 construction costs that were incurred by the non-Federal
12 interest with respect to the project before the date of the
13 partnership agreement for the project and that were in
14 excess of the non-Federal share of the cost of the project
15 if the Secretary determines that the costs are appropriate.

16 **SEC. 5079. WILD RICE RIVER, MINNESOTA.**

17 The Secretary shall expedite the completion of the
18 general reevaluation report, authorized by section 438 of
19 the Water Resources Development Act of 2000 (114 Stat.
20 2640), for the project for flood protection, Wild Rice
21 River, Minnesota, authorized by section 201 of the Flood
22 Control Act of 1970 (84 Stat. 1825), to develop alter-
23 natives to the Twin Valley Lake feature, and upon the
24 completion of such report, shall construct the project at
25 a total cost of \$20,000,000.

1 **SEC. 5080. HARRISON, HANCOCK, AND JACKSON COUNTIES,**
2 **MISSISSIPPI.**

3 In carrying out projects for the protection, restora-
4 tion, and creation of aquatic and ecologically related habi-
5 tats located in Harrison, Hancock, and Jackson Counties,
6 Mississippi, under section 204 of the Water Resources De-
7 velopment Act of 1992 (33 U.S.C. 2326), the Secretary
8 shall accept any portion of the non-Federal share of the
9 cost of the project in the form of in-kind services and ma-
10 terials.

11 **SEC. 5081. MISSISSIPPI RIVER, MISSOURI AND ILLINOIS.**

12 As a part of the operation and maintenance of the
13 project for the Mississippi River (Regulating Works), be-
14 tween the Ohio and Missouri Rivers, Missouri and Illinois,
15 authorized by the first section of an Act entitled “Making
16 appropriations for the construction, repair, and preserva-
17 tion of certain public works on rivers and harbors, and
18 for other purposes”, approved June 25, 1910, the Sec-
19 retary may carry out activities necessary to restore and
20 protect fish and wildlife habitat in the middle Mississippi
21 River system. Such activities may include modification of
22 navigation training structures, modification and creation
23 of side channels, modification and creation of islands, and
24 studies and analysis necessary to apply adaptive manage-
25 ment principles in design of future work.

1 **SEC. 5082. ST. LOUIS, MISSOURI.**

2 Section 219(f)(32) of the Water Resources Develop-
3 ment Act of 1992 (113 Stat. 337) is amended—

4 (1) by striking “project” and inserting
5 “projects”;

6 (2) by striking “\$15,000,000” and inserting
7 “\$35,000,000”; and

8 (3) by inserting “and St. Louis County” before
9 “, Missouri”.

10 **SEC. 5083. HACKENSACK MEADOWLANDS AREA, NEW JER-**
11 **SEY.**

12 Section 324 of the Water Resources Development Act
13 of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—

14 (1) in subsection (a)—

15 (A) by striking “design” and inserting
16 “planning, design,”; and

17 (B) by striking “Hackensack Meadowlands
18 Development” and all that follows through
19 “Plan for” and inserting “New Jersey
20 Meadowlands Commission for the development
21 of an environmental improvement program for”;

22 (2) in subsection (b)—

23 (A) in the subsection heading by striking
24 “REQUIRED”;

25 (B) by striking “shall” and inserting
26 “may”;

1 (C) by striking paragraph (1) and insert-
2 ing the following:

3 “(1) Restoration and acquisitions of significant
4 wetlands and aquatic habitat that contribute to the
5 Meadowlands ecosystem.”;

6 (D) in paragraph (2) by inserting “and
7 aquatic habitat” before the period at the end;
8 and

9 (E) by striking paragraph (7) and insert-
10 ing the following:

11 “(7) Research, development, and implementa-
12 tion for a water quality improvement program, in-
13 cluding restoration of hydrology and tidal flows and
14 remediation of hot spots and other sources of con-
15 taminants that degrade existing or planned sites.”;

16 (3) in subsection (c) by inserting before the last
17 sentence the following: “The non-Federal sponsor
18 may also provide in-kind services, not to exceed the
19 non-Federal share of the total project cost, and may
20 also receive credit for reasonable cost of design work
21 completed prior to entering into the partnership
22 agreement with the Secretary for a project to be car-
23 ried out under the program developed under sub-
24 section (a).”; and

1 (4) in subsection (d) by striking “\$5,000,000”
2 and inserting “\$35,000,000”.

3 **SEC. 5084. ATLANTIC COAST OF NEW YORK.**

4 (a) DEVELOPMENT OF PROGRAM.—Section 404(a) of
5 the Water Resources Development Act of 1992 (106 Stat.
6 4863) is amended—

7 (1) by striking “processes” and inserting “and
8 related environmental processes”;

9 (2) by inserting after “Atlantic Coast” the fol-
10 lowing: “(and associated back bays)”;

11 (3) by inserting after “actions” the following: “,
12 environmental restoration or conservation measures
13 for coastal and back bays,”; and

14 (4) by adding at the end the following: “The
15 plan for collecting data and monitoring information
16 included in such annual report shall be fully coordi-
17 nated with and agreed to by appropriate agencies of
18 the State of New York.”.

19 (b) ANNUAL REPORTS.—Section 404(b) of such Act
20 is amended—

21 (1) by striking “INITIAL PLAN.—Not later than
22 12 months after the date of the enactment of this
23 Act, the” and inserting “ANNUAL REPORTS.—The”;

1 (2) by striking “initial plan for data collection
2 and monitoring” and inserting “annual report of
3 data collection and monitoring activities”; and

4 (3) by striking the last sentence.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
6 404(c) of such Act (113 Stat. 341) is amended by striking
7 “and an additional total of \$2,500,000 for fiscal years
8 thereafter” and inserting “\$2,500,000 for fiscal years
9 2000 through 2004, and \$7,500,000 for fiscal years begin-
10 ning after September 30, 2004.”.

11 (d) TSUNAMI WARNING SYSTEM.—Section 404 of the
12 Water Resources Development Act of 1992 (106 Stat.
13 4863) is amended by adding at the end the following:

14 “(d) TSUNAMI WARNING SYSTEM.—There is author-
15 ized to be appropriated \$800,000 for the Secretary to
16 carry out a project for a tsunami warning system, Atlantic
17 Coast of New York.”.

18 **SEC. 5085. COLLEGE POINT, NEW YORK CITY, NEW YORK.**

19 In carrying out section 312 of the Water Resources
20 Development Act of 1990 (104 Stat. 4639), the Secretary
21 shall give priority to work in College Point, New York
22 City, New York.

1 **SEC. 5086. FLUSHING BAY AND CREEK, NEW YORK CITY,**
2 **NEW YORK.**

3 The Secretary shall credit toward the non-Federal
4 share of the cost of the project for ecosystem restoration,
5 Flushing Bay and Creek, New York City, New York, the
6 cost of design and construction work carried out by the
7 non-Federal interest before the date of the partnership
8 agreement for the project if the Secretary determines that
9 the work is integral to the project.

10 **SEC. 5087. HUDSON RIVER, NEW YORK.**

11 The Secretary may participate with the State of New
12 York, New York City, and the Hudson River Park Trust
13 in carrying out activities to restore critical marine habitat,
14 improve safety, and protect and rehabilitate critical infra-
15 structure. There is authorized to be appropriated
16 \$5,000,000 to carry out this section.

17 **SEC. 5088. MOUNT MORRIS DAM, NEW YORK.**

18 As part of the operation and maintenance of the
19 Mount Morris Dam, New York, the Secretary may make
20 improvements to the access road for the dam to provide
21 safe access to a Federal visitor's center.

22 **SEC. 5089. JOHN H. KERR DAM AND RESERVOIR, NORTH**
23 **CAROLINA.**

24 The Secretary shall expedite the completion of the
25 calculations necessary to negotiate and execute a revised,
26 permanent contract for water supply storage at John H.

1 Kerr Dam and Reservoir, North Carolina, among the Sec-
2 retary and the Kerr Lake Regional Water System and the
3 city of Henderson, North Carolina.

4 **SEC. 5090. TOUSSAINT RIVER, OHIO.**

5 (a) IN GENERAL.—The project for navigation, Tous-
6 saint River, Carroll Township, Ohio, authorized by section
7 107 of the River and Harbor Act of 1960 (33 U.S.C. 577),
8 is modified to authorize the Secretary to enter into an
9 agreement with the non-Federal interest under which the
10 Secretary may—

11 (1) acquire, and transfer to the non-Federal in-
12 terest, a dredge and associated equipment with the
13 capacity to perform operation and maintenance of
14 the project; and

15 (2) provide the non-Federal interest with a
16 lump-sum payment to cover all future costs of oper-
17 ation and maintenance of the project.

18 (b) AGREEMENT.—The Secretary may carry out sub-
19 section (a)(1) by entering into an agreement with the non-
20 Federal interest under which the non-Federal interest may
21 acquire the dredge and associated equipment directly and
22 be reimbursed by the Secretary.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated \$1,800,000 to carry out this

1 section. Of such funds, \$500,000 may be used to carry
2 out subsection (a)(1).

3 (d) RELEASE.—Upon the acquisition and transfer of
4 a dredge and associated equipment under subsection
5 (a)(1), and the payment of funds under subsection (a)(2),
6 all future Federal responsibility for operation and mainte-
7 nance of the project is extinguished.

8 **SEC. 5091. EUGENE, OREGON.**

9 (a) IN GENERAL.—The Secretary shall conduct a
10 study to determine the feasibility of restoring the millrace
11 in Eugene, Oregon, and, if the Secretary determines that
12 the restoration is feasible, the Secretary shall carry out
13 the restoration.

14 (b) CONSIDERATION OF NONECONOMIC BENEFITS.—
15 In determining the feasibility of restoring the millrace, the
16 Secretary shall include noneconomic benefits associated
17 with the historical significance of the millrace and associ-
18 ated with preservation and enhancement of resources.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$20,000,000.

22 **SEC. 5092. FERN RIDGE DAM, OREGON.**

23 The Secretary may treat all work carried out for
24 emergency corrective actions to repair the embankment
25 dam at the Fern Ridge Lake project, Oregon, as a dam

1 safety project. The cost of work carried out may be recov-
2 ered in accordance with section 1203 of the Water Re-
3 sources Development Act of 1986 (33 U.S.C. 467n; 100
4 Stat. 4263).

5 **SEC. 5093. ALLEGHENY COUNTY, PENNSYLVANIA.**

6 Section 219(f)(66) of the Water Resources Develop-
7 ment Act of 1992 (114 Stat. 2763A–221) is amended—

8 (1) by striking “\$20,000,000” and inserting the
9 following:

10 “(A) IN GENERAL.—\$20,000,000”;

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

12 “(B) CREDIT.—The Secretary shall credit
13 toward the non-Federal share of the cost of the
14 project the cost of work carried out by the non-
15 Federal interest before the date of the partner-
16 ship agreement for the project if the Secretary
17 determines that the work is integral to the
18 project.”; and

19 (3) by aligning the remainder of the text of
20 subparagraph (A) (as designated by paragraph (1)
21 of this section) with subparagraph (B) (as added by
22 paragraph (2) of this section).

23 **SEC. 5094. KEHLY RUN DAMS, PENNSYLVANIA.**

24 Section 504(a)(2) of the Water Resources Develop-
25 ment Act of 1999 (113 Stat. 338; 117 Stat. 1842) is

1 amended by striking “Dams” and inserting “Dams No.
2 1–5”.

3 **SEC. 5095. LEHIGH RIVER, LEHIGH COUNTY, PENNSYL-**
4 **VANIA.**

5 The Secretary shall use existing water quality data
6 to model the effects of the Francis E. Walter Dam, at
7 different water levels, to determine its impact on water
8 and related resources in and along the Lehigh River in
9 Lehigh County, Pennsylvania. There is authorized to be
10 appropriated \$500,000 to carry out this section.

11 **SEC. 5096. NORTHEAST PENNSYLVANIA.**

12 Section 219(f)(11) of the Water Resources Develop-
13 ment Act of 1992 (113 Stat. 335) is amended by striking
14 “and Monroe” and inserting “Northumberland, Union,
15 Snyder, Luzerne, and Monroe”.

16 **SEC. 5097. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**
17 **VANIA AND NEW YORK.**

18 (a) STUDY AND STRATEGY DEVELOPMENT.—Section
19 567(a) of the Water Resources Development Act of 1996
20 (110 Stat. 3787; 114 Stat. 2662) is amended—

21 (1) in the matter preceding paragraph (1) by
22 inserting “and carry out” after “develop”; and

23 (2) in paragraph (2) by striking
24 “\$10,000,000.” and inserting “\$20,000,000, of
25 which the Secretary may utilize not more than

1 \$5,000,000 to design and construct feasible pilot
2 projects during the development of the strategy to
3 demonstrate alternative approaches for the strategy.
4 The total cost for any single pilot project may not
5 exceed \$500,000. The Secretary shall evaluate the
6 results of the pilot projects and consider the results
7 in the development of the strategy.”.

8 (b) COOPERATIVE AGREEMENTS.—Section 567(c) of
9 such Act (114 Stat. 2662) is amended—

10 (1) in the subsection heading by striking “CO-
11 OPERATION” and inserting “COOPERATIVE”; and

12 (2) in the first sentence—

13 (A) by inserting “and carrying out” after
14 “developing”; and

15 (B) by striking “cooperation” and insert-
16 ing “cost-sharing and cooperative”.

17 (c) IMPLEMENTATION OF STRATEGY.—Section
18 567(d) of such Act (114 Stat. 2663) is amended—

19 (1) by striking “The Secretary” and inserting
20 the following:

21 “(1) IN GENERAL.—The Secretary”;

22 (2) in the second sentence of paragraph (1) (as
23 so designated)—

24 (A) by striking “implement” and inserting
25 “carry out”; and

1 (B) by striking “implementing” and insert-
2 ing “carrying out”;

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

4 “(2) PRIORITY PROJECT.—In carrying out
5 projects to implement the strategy, the Secretary
6 shall give priority to the project for ecosystem res-
7 toration, Cooperstown, New York, described in the
8 Upper Susquehanna River Basin—Cooperstown
9 Area Ecosystem Restoration Feasibility Study, dated
10 December 2004, prepared by the Corps of Engineers
11 and the New York State Department of Environ-
12 mental Conservation.”; and

13 (4) by aligning the remainder of the text of
14 paragraph (1) (as designated by paragraph (1) of
15 this subsection) with paragraph (2) (as added by
16 paragraph (3) of this subsection).

17 (d) CREDIT.—Section 567 of such Act (110 Stat.
18 3787; 114 Stat. 2662) is amended by adding at the end
19 the following:

20 “(e) CREDIT.—The Secretary shall credit toward the
21 non-Federal share of the cost of a project under this sec-
22 tion—

23 “(1) the cost of design and construction work
24 carried out by the non-Federal interest before the
25 date of the partnership agreement for the project if

1 the Secretary determines that the work is integral to
2 the project; and

3 “(2) the cost of in-kind services and materials
4 provided for the project by the non-Federal inter-
5 est.”.

6 **SEC. 5098. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.**

7 The Secretary shall review a report prepared by the
8 non-Federal interest concerning flood protection and envi-
9 ronmental restoration for Cano Martin Pena, San Juan,
10 Puerto Rico, and, if the Secretary determines that the re-
11 port meets the evaluation and design standards of the
12 Corps of Engineers and that the project is feasible, the
13 Secretary may carry out the project at a total cost of
14 \$130,000,000, with an estimated Federal cost of
15 \$85,000,000 and an estimated non-Federal cost of
16 \$45,000,000.

17 **SEC. 5099. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE**

18 **SIOUX TRIBE, AND TERRESTRIAL WILDLIFE**

19 **HABITAT RESTORATION, SOUTH DAKOTA.**

20 (a) DISBURSEMENT PROVISIONS OF THE STATE OF
21 SOUTH DAKOTA AND THE CHEYENNE RIVER SIOUX
22 TRIBE AND THE LOWER BRULE SIOUX TRIBE TERRES-
23 TRIAL WILDLIFE HABITAT RESTORATION TRUST
24 FUNDS.—Section 602(a)(4) of the Water Resources De-
25 velopment Act of 1999 (113 Stat. 386) is amended—

1 (1) in subparagraph (A)—

2 (A) in clause (i) by inserting “and the Sec-
3 retary of the Treasury” after “Secretary”; and

4 (B) by striking clause (ii) and inserting the
5 following:

6 “(ii) AVAILABILITY OF FUNDS.—On
7 notification in accordance with clause (i),
8 the Secretary of the Treasury shall make
9 available to the State of South Dakota
10 funds from the State of South Dakota Ter-
11 restrial Wildlife Habitat Restoration Trust
12 Fund established under section 603, to be
13 used to carry out the plan for terrestrial
14 wildlife habitat restoration submitted by
15 the State of South Dakota after the State
16 certifies to the Secretary of the Treasury
17 that the funds to be disbursed will be used
18 in accordance with section 603(d)(3) and
19 only after the Trust Fund is fully capital-
20 ized.”; and

21 (2) in subparagraph (B) by striking clause (ii)
22 and inserting the following:

23 “(ii) AVAILABILITY OF FUNDS.—On
24 notification in accordance with clause (i),
25 the Secretary of the Treasury shall make

1 available to the Cheyenne River Sioux
2 Tribe and the Lower Brule Sioux Tribe
3 funds from the Cheyenne River Sioux Ter-
4 restrial Wildlife Habitat Restoration Trust
5 Fund and the Lower Brule Sioux Terres-
6 trial Wildlife Habitat Restoration Trust
7 Fund, respectively, established under sec-
8 tion 604, to be used to carry out the plans
9 for terrestrial wildlife habitat restoration
10 submitted by the Cheyenne River Sioux
11 Tribe and the Lower Brule Sioux Tribe,
12 respectively, to after the respective tribe
13 certifies to the Secretary of the Treasury
14 that the funds to be disbursed will be used
15 in accordance with section 604(d)(3) and
16 only after the Trust Fund is fully capital-
17 ized.”.

18 (b) INVESTMENT PROVISIONS OF THE STATE OF
19 SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION
20 TRUST FUND.—Section 603 of the Water Resources De-
21 velopment Act of 1999 (113 Stat. 388; 114 Stat. 2664)
22 is amended—

23 (1) by striking subsection (c) and inserting the
24 following:

25 “(c) INVESTMENTS.—

1 “(1) ELIGIBLE OBLIGATIONS.—Notwith-
2 standing any other provision of law, the Secretary of
3 the Treasury shall invest the amounts deposited
4 under subsection (b) and the interest earned on
5 those amounts only in interest-bearing obligations of
6 the United States issued directly to the Fund.

7 “(2) INVESTMENT REQUIREMENTS.—

8 “(A) IN GENERAL.—The Secretary of the
9 Treasury shall invest the amounts in the Fund
10 in accordance with the requirements of this
11 paragraph.

12 “(B) SEPARATE INVESTMENTS OF PRIN-
13 CIPAL AND INTEREST.—

14 “(i) PRINCIPAL ACCOUNT.—The
15 amounts deposited in the Fund under sub-
16 section (b) shall be credited to an account
17 within the Fund (referred to in this para-
18 graph as the ‘principal account’) and in-
19 vested as provided in subparagraph (C).

20 “(ii) INTEREST ACCOUNT.—The inter-
21 est earned from investing amounts in the
22 principal account of the Fund shall be
23 transferred to a separate account within
24 the Fund (referred to in this paragraph as

1 the ‘interest account’) and invested as pro-
2 vided in subparagraph (D).

3 “(iii) CREDITING.—The interest
4 earned from investing amounts in the in-
5 terest account of the Fund shall be cred-
6 ited to the interest account.

7 “(C) INVESTMENT OF PRINCIPAL AC-
8 COUNT.—

9 “(i) INITIAL INVESTMENT.—Each
10 amount deposited in the principal account
11 of the Fund shall be invested initially in el-
12 igible obligations having the shortest matu-
13 rity then available until the date on which
14 the amount is divided into 3 substantially
15 equal portions and those portions are in-
16 vested in eligible obligations that are iden-
17 tical (except for transferability) to the
18 next-issued publicly issued Treasury obli-
19 gations having a 2-year maturity, a 5-year
20 maturity, and a 10-year maturity, respec-
21 tively.

22 “(ii) SUBSEQUENT INVESTMENT.—As
23 each 2-year, 5-year, and 10-year eligible
24 obligation matures, the principal of the
25 maturing eligible obligation shall also be

1 invested initially in the shortest-maturity
2 eligible obligation then available until the
3 principal is reinvested substantially equally
4 in the eligible obligations that are identical
5 (except for transferability) to the next-
6 issued publicly issued Treasury obligations
7 having 2-year, 5-year, and 10-year matu-
8 rities.

9 “(iii) DISCONTINUANCE OF ISSUANCE
10 OF OBLIGATIONS.—If the Department of
11 the Treasury discontinues issuing to the
12 public obligations having 2-year, 5-year, or
13 10-year maturities, the principal of any
14 maturing eligible obligation shall be rein-
15 vested substantially equally in eligible obli-
16 gations that are identical (except for trans-
17 ferability) to the next-issued publicly
18 issued Treasury obligations of the matu-
19 rities longer than 1 year then available.

20 “(D) INVESTMENT OF INTEREST AC-
21 COUNT.—

22 “(i) BEFORE FULL CAPITALIZA-
23 TION.—Until the date on which the Fund
24 is fully capitalized, amounts in the interest
25 account of the Fund shall be invested in el-

1 eligible obligations that are identical (except
2 for transferability) to publicly issued
3 Treasury obligations that have maturities
4 that coincide, to the maximum extent prac-
5 ticable, with the date on which the Fund
6 is expected to be fully capitalized.

7 “(ii) AFTER FULL CAPITALIZATION.—

8 On and after the date on which the Fund
9 is fully capitalized, amounts in the interest
10 account of the Fund shall be invested and
11 reinvested in eligible obligations having the
12 shortest maturity then available until the
13 amounts are withdrawn and transferred to
14 fund the activities authorized under sub-
15 section (d)(3).

16 “(E) PAR PURCHASE PRICE.—The price to
17 be paid for eligible obligations purchased as in-
18 vestments of the principal account shall not ex-
19 ceed the par value of the obligations so that the
20 amount of the principal account shall be pre-
21 served in perpetuity.

22 “(F) HIGHEST YIELD.—Among eligible ob-
23 ligations having the same maturity and pur-
24 chase price, the obligation to be purchased shall
25 be the obligation having the highest yield.

1 “(G) HOLDING TO MATURITY.—Eligible
2 obligations purchased shall generally be held to
3 their maturities.

4 “(3) ANNUAL REVIEW OF INVESTMENT ACTIVI-
5 TIES.—Not less frequently than once each calendar
6 year, the Secretary of the Treasury shall review with
7 the State of South Dakota the results of the invest-
8 ment activities and financial status of the Fund dur-
9 ing the preceding 12-month period.

10 “(4) AUDITS.—

11 “(A) IN GENERAL.—The activities of the
12 State of South Dakota (referred to in this sub-
13 section as the ‘State’) in carrying out the plan
14 of the State for terrestrial wildlife habitat res-
15 toration under section 602(a) shall be audited
16 as part of the annual audit that the State is re-
17 quired to prepare under the Office of Manage-
18 ment and Budget Circular A-133 (or a suc-
19 cessor circulation).

20 “(B) DETERMINATION BY AUDITORS.—An
21 auditor that conducts an audit under subpara-
22 graph (A) shall—

23 “(i) determine whether funds received
24 by the State under this section during the
25 period covered by the audit were used to

1 carry out the plan of the State in accord-
2 ance with this section; and

3 “(ii) include the determination under
4 clause (i) in the written findings of the
5 audit.

6 “(5) MODIFICATION OF INVESTMENT REQUIRE-
7 MENTS.—

8 “(A) IN GENERAL.—If the Secretary of the
9 Treasury determines that meeting the require-
10 ments under paragraph (2) with respect to the
11 investment of a Fund is not practicable, or
12 would result in adverse consequences for the
13 Fund, the Secretary shall modify the require-
14 ments, as the Secretary determines to be nec-
15 essary.

16 “(B) CONSULTATION.—Before modifying a
17 requirement under subparagraph (A), the Sec-
18 retary of the Treasury shall consult with the
19 State regarding the proposed modification.”;

20 (2) in subsection (d)(2) by inserting “of the
21 Treasury” after “Secretary”; and

22 (3) by striking subsection (f) and inserting the
23 following:

24 “(f) ADMINISTRATIVE EXPENSES.—There are au-
25 thorized to be appropriated to the Secretary of the Treas-

1 ury to pay expenses associated with investing the Fund
2 and auditing the uses of amounts withdrawn from the
3 Fund—

4 “(1) \$500,000 for each of fiscal years 2006 and
5 2007; and

6 “(2) such sums as are necessary for each subse-
7 quent fiscal year.”.

8 (c) INVESTMENT PROVISIONS FOR THE CHEYENNE
9 RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE
10 TRUST FUNDS.—Section 604 of the Water Resources De-
11 velopment Act of 1999 (113 Stat. 389; 114 Stat. 2665)
12 is amended—

13 (1) by striking subsection (c) and inserting the
14 following:

15 “(c) INVESTMENTS.—

16 “(1) ELIGIBLE OBLIGATIONS.—Notwith-
17 standing any other provision of law, the Secretary of
18 the Treasury shall invest the amounts deposited
19 under subsection (b) and the interest earned on
20 those amounts only in interest-bearing obligations of
21 the United States issued directly to the Funds.

22 “(2) INVESTMENT REQUIREMENTS.—

23 “(A) IN GENERAL.—The Secretary of the
24 Treasury shall invest the amounts in each of

1 the Funds in accordance with the requirements
2 of this paragraph.

3 “(B) SEPARATE INVESTMENTS OF PRIN-
4 CIPAL AND INTEREST.—

5 “(i) PRINCIPAL ACCOUNT.—The
6 amounts deposited in each Fund under
7 subsection (b) shall be credited to an ac-
8 count within the Fund (referred to in this
9 paragraph as the ‘principal account’) and
10 invested as provided in subparagraph (C).

11 “(ii) INTEREST ACCOUNT.—The inter-
12 est earned from investing amounts in the
13 principal account of each Fund shall be
14 transferred to a separate account within
15 the Fund (referred to in this paragraph as
16 the ‘interest account’) and invested as pro-
17 vided in subparagraph (D).

18 “(iii) CREDITING.—The interest
19 earned from investing amounts in the in-
20 terest account of each Fund shall be cred-
21 ited to the interest account.

22 “(C) INVESTMENT OF PRINCIPAL AC-
23 COUNT.—

24 “(i) INITIAL INVESTMENT.—Each
25 amount deposited in the principal account

1 of each Fund shall be invested initially in
2 eligible obligations having the shortest ma-
3 turity then available until the date on
4 which the amount is divided into 3 sub-
5 stantially equal portions and those portions
6 are invested in eligible obligations that are
7 identical (except for transferability) to the
8 next-issued publicly issued Treasury obli-
9 gations having a 2-year maturity, a 5-year
10 maturity, and a 10-year maturity, respec-
11 tively.

12 “(ii) SUBSEQUENT INVESTMENT.—As
13 each 2-year, 5-year, and 10-year eligible
14 obligation matures, the principal of the
15 maturing eligible obligation shall also be
16 invested initially in the shortest-maturity
17 eligible obligation then available until the
18 principal is reinvested substantially equally
19 in the eligible obligations that are identical
20 (except for transferability) to the next-
21 issued publicly issued Treasury obligations
22 having 2-year, 5-year, and 10-year matu-
23 rities.

24 “(iii) DISCONTINUATION OF ISSUANCE
25 OF OBLIGATIONS.—If the Department of

1 the Treasury discontinues issuing to the
2 public obligations having 2-year, 5-year, or
3 10-year maturities, the principal of any
4 maturing eligible obligation shall be rein-
5 vested substantially equally in eligible obli-
6 gations that are identical (except for trans-
7 ferability) to the next-issued publicly
8 issued Treasury obligations of the matu-
9 rities longer than 1 year then available.

10 “(D) INVESTMENT OF THE INTEREST AC-
11 COUNT.—

12 “(i) BEFORE FULL CAPITALIZA-
13 TION.—Until the date on which each Fund
14 is fully capitalized, amounts in the interest
15 account of the Fund shall be invested in el-
16 igible obligations that are identical (except
17 for transferability) to publicly issued
18 Treasury obligations that have maturities
19 that coincide, to the maximum extent prac-
20 ticable, with the date on which the Fund
21 is expected to be fully capitalized.

22 “(ii) AFTER FULL CAPITALIZATION.—
23 On and after the date on which each Fund
24 is fully capitalized, amounts in the interest
25 account of the Fund shall be invested and

1 reinvested in eligible obligations having the
2 shortest maturity then available until the
3 amounts are withdrawn and transferred to
4 fund the activities authorized under sub-
5 section (d)(3).

6 “(E) PAR PURCHASE PRICE.—The price to
7 be paid for eligible obligations purchased as in-
8 vestments of the principal account shall not ex-
9 ceed the par value of the obligations so that the
10 amount of the principal account shall be pre-
11 served in perpetuity.

12 “(F) HIGHEST YIELD.—Among eligible ob-
13 ligations having the same maturity and pur-
14 chase price, the obligation to be purchased shall
15 be the obligation having the highest yield.

16 “(G) HOLDING TO MATURITY.—Eligible
17 obligations purchased shall generally be held to
18 their maturities.

19 “(3) ANNUAL REVIEW OF INVESTMENT ACTIVI-
20 TIES.—Not less frequently than once each calendar
21 year, the Secretary of the Treasury shall review with
22 the Cheyenne River Sioux Tribe and the Lower
23 Brule Sioux Tribe (referred to in this subsection as
24 the ‘Tribes’) the results of the investment activities

1 and financial status of the Funds during the pre-
2 ceding 12-month period.

3 “(4) AUDITS.—

4 “(A) IN GENERAL.—The activities of the
5 Tribes in carrying out the plans of the Tribes
6 for terrestrial wildlife habitat restoration under
7 section 602(a) shall be audited as part of the
8 annual audit that the Tribes are required to
9 prepare under the Office of Management and
10 Budget Circular A-133 (or a successor circula-
11 tion).

12 “(B) DETERMINATION BY AUDITORS.—An
13 auditor that conducts an audit under subpara-
14 graph (A) shall—

15 “(i) determine whether funds received
16 by the Tribes under this section during the
17 period covered by the audit were used to
18 carry out the plan of the appropriate Tribe
19 in accordance with this section; and

20 “(ii) include the determination under
21 clause (i) in the written findings of the
22 audit.

23 “(5) MODIFICATION OF INVESTMENT REQUIRE-
24 MENTS.—

1 “(A) IN GENERAL.—If the Secretary of the
2 Treasury determines that meeting the require-
3 ments under paragraph (2) with respect to the
4 investment of a Fund is not practicable, or
5 would result in adverse consequences for the
6 Fund, the Secretary shall modify the require-
7 ments, as the Secretary determines to be nec-
8 essary.

9 “(B) CONSULTATION.—Before modifying a
10 requirement under subparagraph (A), the Sec-
11 retary of the Treasury shall consult with the
12 Tribes regarding the proposed modification.”;
13 and

14 (2) by striking subsection (f) and inserting the
15 following:

16 “(f) ADMINISTRATIVE EXPENSES.—There are au-
17 thorized to be appropriated to the Secretary of the Treas-
18 ury to pay expenses associated with investing the Funds
19 and auditing the uses of amounts withdrawn from the
20 Funds—

21 “(1) \$500,000 for each of fiscal years 2006 and
22 2007; and

23 “(2) such sums as are necessary for each subse-
24 quent fiscal year.”.

1 **SEC. 5100. FRITZ LANDING, TENNESSEE.**

2 The Secretary shall—

3 (1) conduct a study of the Fritz Landing Agri-
4 cultural Spur Levee, Tennessee, to determine the ex-
5 tent of levee modifications that would be required to
6 make the levee and associated drainage structures
7 consistent with Federal standards;

8 (2) design and construct such modifications;
9 and

10 (3) after completion of such modifications, in-
11 corporate the levee into the project for flood control,
12 Mississippi River and Tributaries, authorized by the
13 Act entitled “An Act for the control of floods on the
14 Mississippi River and its tributaries, and for other
15 purposes”, approved May 15, 1928 (45 Stat. 534–
16 539), commonly known as the “Flood Control Act of
17 1928”.

18 **SEC. 5101. J. PERCY PRIEST DAM AND RESERVOIR, TEN-**
19 **NESSEE.**

20 The Secretary shall plan, design, and construct a trail
21 system at the J. Percy Priest Dam and Reservoir, Ten-
22 nessee, authorized by section 4 of the Act entitled “An
23 Act authorizing the construction of certain public works
24 on rivers and harbors for flood control, and for other pur-
25 poses”, approved June 28, 1938 (52 Stat. 1217), and ad-
26 jacent public property, including design and construction

1 of support facilities. In carrying out such improvements,
2 the Secretary is authorized to use funds made available
3 by the State of Tennessee from any Federal or State
4 source, or both.

5 **SEC. 5102. TOWN CREEK, LENOIR CITY, TENNESSEE.**

6 The Secretary shall design and construct the project
7 for flood damage reduction designated as Alternative 4 in
8 the Town Creek, Lenoir City, Loudon County, Tennessee,
9 feasibility report of the Nashville district engineer, dated
10 November 2000, under the authority of section 205 of the
11 Flood Control Act of 1948 (33 U.S.C. 701s), notwith-
12 standing section 1 of the Flood Control Act of June 22,
13 1936 (33 U.S.C. 701a; 49 Stat. 1570). The non-Federal
14 share of the cost of the project shall be subject to section
15 103(m) of the Water Resources Development Act of 1986
16 (33 U.S.C. 2213(m)).

17 **SEC. 5103. TENNESSEE RIVER PARTNERSHIP.**

18 (a) IN GENERAL.—As part of the operation and
19 maintenance of the project for navigation, Tennessee
20 River, Tennessee, Alabama, Mississippi, and Kentucky,
21 authorized by the first section of the River and Harbor
22 Act of July 3, 1930 (46 Stat. 927), the Secretary may
23 enter into a partnership with a nonprofit entity to remove
24 debris from the Tennessee River in the vicinity of Knox-

1 ville, Tennessee, by providing a vessel to such entity, at
2 Federal expense, for such debris removal purposes.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$500,000.

6 **SEC. 5104. UPPER MISSISSIPPI EMBAYMENT, TENNESSEE,**
7 **ARKANSAS, AND MISSISSIPPI.**

8 The Secretary may participate with non-Federal and
9 nonprofit entities to address issues concerning managing
10 groundwater as a sustainable resource through the Upper
11 Mississippi Embayment, Tennessee, Arkansas, and Mis-
12 sissippi, and coordinating the protection of groundwater
13 supply and groundwater quality with local surface water
14 protection programs. There is authorized to be appro-
15 priated \$5,000,000 to carry out this section.

16 **SEC. 5105. BOSQUE RIVER WATERSHED, TEXAS.**

17 (a) COMPREHENSIVE PLAN.—The Secretary, in con-
18 sultation with appropriate Federal, State, and local enti-
19 ties, shall develop, as expeditiously as practicable, a com-
20 prehensive plan for development of new technologies and
21 innovative approaches for restoring, preserving, and pro-
22 tecting the Bosque River watershed within Bosque, Ham-
23 ilton, McLennan, and Erath Counties, Texas. The Sec-
24 retary, in cooperation with the Secretary of Agriculture,
25 may carry out activities identified in the comprehensive

1 plan to demonstrate practicable alternatives for stabiliza-
2 tion and enhancement of land and water resources in the
3 basin.

4 (b) SERVICES OF PUBLIC NON-PROFIT INSTITU-
5 TIONS AND OTHER ENTITIES.—In carrying out subsection
6 (a), the Secretary may utilize, through contracts or other
7 means, the services of public non-profit institutions and
8 such other entities as the Secretary considers appropriate.

9 (c) NON-FEDERAL SHARE.—

10 (1) CREDIT.—The Secretary shall credit toward
11 the non-Federal share of the cost of activities car-
12 ried out under this section the cost of planning, de-
13 sign, and construction work completed by or on be-
14 half of the non-Federal interests for implementation
15 of measures constructed with assistance provided
16 under this section. The amount of such credit shall
17 not exceed the non-Federal share of the cost of such
18 activities.

19 (2) OPERATION AND MAINTENANCE.—The non-
20 Federal share of the cost of operation and mainte-
21 nance for measures constructed with assistance pro-
22 vided under this section shall be 100 percent.

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

1 **SEC. 5106. DALLAS FLOODWAY, DALLAS TEXAS.**

2 (a) IN GENERAL.—The project for flood control,
3 Trinity River and tributaries, Texas, authorized by section
4 2 of the Act entitled, “An Act authorizing the construc-
5 tion, repair, and preservation of certain public works on
6 rivers and harbors, and for other purposes”, approved
7 March 2, 1945 (59 Stat. 18), is modified to—

8 (1) direct the Secretary to review the Balanced
9 Vision Plan for the Trinity River Corridor, Dallas,
10 Texas, dated December 2003 and amended in March
11 2004, prepared by the non-Federal interest for the
12 project;

13 (2) direct the Secretary to review the Interior
14 Levee Drainage Study Phase-I report, Dallas,
15 Texas, dated September 2006, prepared by the non-
16 Federal interest; and

17 (3) if the Secretary determines that the project
18 is technically sound and environmentally acceptable,
19 authorize the Secretary to construct the project at a
20 total cost of \$459,000,000, with an estimated Fed-
21 eral cost of \$298,000,000 and an estimated non-
22 Federal cost of \$161,000,000.

23 (b) CREDIT.—

24 (1) IN-KIND CONTRIBUTIONS.—The Secretary
25 shall credit toward the non-Federal share of the cost
26 of the project the cost of planning, design, and con-

1 construction work carried out by the non-Federal inter-
2 est before the date of the partnership agreement for
3 the project if the Secretary determines that the work
4 is integral to the project.

5 (2) CASH CONTRIBUTIONS.—The Secretary
6 shall accept funds provided by the non-Federal inter-
7 est for use in carrying out planning, engineering,
8 and design for the project. The Federal share of
9 such planning, engineering, and design carried out
10 with non-Federal contributions shall be credited
11 against the non-Federal share of the cost of the
12 project.

13 **SEC. 5107. HARRIS COUNTY, TEXAS.**

14 (a) IN GENERAL.—Section 575(a) of the Water Re-
15 sources Development Act of 1996 (110 Stat. 3789; 113
16 Stat. 311) is amended by inserting before the period at
17 the end the following: “, whether or not such works or
18 actions are partially funded under the hazard mitigation
19 grant program of the Federal Emergency Management
20 Agency”.

21 (b) SPECIFIC PROJECTS.—Section 575(b) of such
22 Act (110 Stat. 3789; 113 Stat. 311) is amended—

23 (1) in paragraph (3) by striking “and” at the
24 end;

1 (2) in paragraph (4) by striking the period at
2 the end and inserting “; and”; and

3 (3) by adding the following:

4 “(5) the project for flood control, Upper White
5 Oak Bayou, Texas, authorized by section 401(a) of
6 the Water Resources Development Act of 1986 (100
7 Stat. 4125).”.

8 **SEC. 5108. ONION CREEK, TEXAS.**

9 In carrying out the study for the project for flood
10 damage reduction, recreation, and ecosystem restoration,
11 Onion Creek, Texas, the Secretary shall include the costs
12 and benefits associated with the relocation of flood-prone
13 residences in the study area for the project in the period
14 beginning 2 years before the date of initiation of the study
15 and ending on the date of execution of the partnership
16 agreement for construction of the project to the extent the
17 Secretary determines such relocations are compatible with
18 the project. The Secretary shall credit toward the non-
19 Federal share of the cost of the project the cost of reloca-
20 tion of such flood-prone residences incurred by the non-
21 Federal interest before the date of the partnership agree-
22 ment for the project if the Secretary determines that the
23 relocation of such residences is integral to the project.

1 **SEC. 5109. DYKE MARSH, FAIRFAX COUNTY, VIRGINIA.**

2 The Secretary shall accept funds from the National
3 Park Service to restore Dyke Marsh, Fairfax County, Vir-
4 ginia.

5 **SEC. 5110. BAKER BAY AND ILWACO HARBOR, WASH-**
6 **INGTON.**

7 The Secretary shall conduct a study of increased sil-
8 tation in Baker Bay and Ilwaco Harbor, Washington, to
9 determine if the siltation is the result of a Federal naviga-
10 tion project (including diverted flows from the Columbia
11 River) and, if the Secretary determines that the siltation
12 is the result of a Federal navigation project, the Secretary
13 shall carry out a project to mitigate the siltation as part
14 of maintenance of the Federal navigation project.

15 **SEC. 5111. HAMILTON ISLAND CAMPGROUND, WASH-**
16 **INGTON.**

17 The Secretary is authorized to plan, design, and con-
18 struct a campground for Bonneville Lock and Dam at
19 Hamilton Island (also know as “Strawberry Island”) in
20 Skamania County, Washington.

21 **SEC. 5112. PUGET ISLAND, WASHINGTON.**

22 The Secretary is directed to place dredged and other
23 suitable material along portions of the Columbia River
24 shoreline of Puget Island, Washington, between river miles
25 38 to 47 in order to protect economic and environmental
26 resources in the area from further erosion, at a Federal

1 cost of \$1,000,000. This action shall be coordinated with
2 appropriate resource agencies and comply with applicable
3 Federal laws.

4 **SEC. 5113. WILLAPA BAY, WASHINGTON.**

5 Section 545 of the Water Resources Development Act
6 of 2000 (114 Stat. 2675) is amended—

7 (1) in subsection (b)(1) by striking “may con-
8 struct” and inserting “shall construct”; and

9 (2) by inserting “and ecosystem restoration”
10 after “erosion protection” each place it appears.

11 **SEC. 5114. WEST VIRGINIA AND PENNSYLVANIA FLOOD**
12 **CONTROL.**

13 (a) CHEAT AND TYGART RIVER BASINS, WEST VIR-
14 GINIA.—Section 581(a)(1) of the Water Resources Devel-
15 opment Act of 1996 (110 Stat. 3790; 113 Stat. 313) is
16 amended—

17 (1) by striking “flood control measures” and in-
18 serting “structural and nonstructural flood control,
19 streambank protection, stormwater management,
20 and channel clearing and modification measures”;
21 and

22 (2) by inserting “with respect to measures that
23 incorporate levees or floodwalls” before the semi-
24 colon.

1 (b) PRIORITY COMMUNITIES.—Section 581(b) of the
2 Water Resources Development Act of 1996 (110 Stat.
3 3791) is amended—

4 (1) by striking “and” at the end of paragraph
5 (5);

6 (2) by striking the period at the end of para-
7 graph (6) and inserting a semicolon; and

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

9 “(7) Etna, Pennsylvania, in the Pine Creek wa-
10 tershed; and

11 “(8) Millvale, Pennsylvania, in the Girty’s Run
12 River basin.”.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
14 581(c) of the Water Resources Development Act of 1996
15 (110 Stat. 3791) is amended by striking “\$12,000,000”
16 and inserting “\$90,000,000”.

17 **SEC. 5115. CENTRAL WEST VIRGINIA.**

18 Section 571 of the Water Resources Development Act
19 of 1999 (113 Stat. 371) is amended—

20 (1) in subsection (a)—

21 (A) by striking “Nicholas,”; and

22 (B) by striking “Gilmer,”; and

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

24 “(i) NONPROFIT ENTITIES.—Notwithstanding sec-
25 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.

1 1962d–5b(b)), a non-Federal interest may include for any
2 project undertaken under this section a nonprofit entity
3 with the consent of the affected local government.

4 “(j) CORPS OF ENGINEERS EXPENSES.—Ten percent
5 of the amounts appropriated to carry out this section may
6 be used by the Corps of Engineers district offices to ad-
7 minister projects under this section at Federal expense.”.

8 **SEC. 5116. SOUTHERN WEST VIRGINIA.**

9 (a) CORPS OF ENGINEERS.—Section 340 of the
10 Water Resources Development Act of 1992 (106 Stat.
11 4856; 113 Stat. 320) is amended by adding at the end
12 the following:

13 “(h) CORPS OF ENGINEERS.—Ten percent of the
14 amounts appropriated to carry out this section may be
15 used by the Corps of Engineers district offices to admin-
16 ister projects under this section at Federal expense.”.

17 (b) SOUTHERN WEST VIRGINIA DEFINED.—Section
18 340(f) of such Act is amended by inserting “Nicholas,”
19 after “Greenbrier,”.

20 (c) NONPROFIT ENTITIES.—Section 340 of the
21 Water Resources Development Act of 1992 (106 Stat.
22 4856) is further amended by adding at the end the fol-
23 lowing:

24 “(i) NONPROFIT ENTITIES.—Notwithstanding sec-
25 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.

1 1962d–5b(b)), a non-Federal interest may include for any
2 project undertaken under this section a nonprofit entity
3 with the consent of the affected local government.”.

4 **SEC. 5117. CONSTRUCTION OF FLOOD CONTROL PROJECTS**
5 **BY NON-FEDERAL INTERESTS.**

6 Section 211(f) of the Water Resources Development
7 Act of 1996 (33 U.S.C. 701b–13) is amended by adding
8 at the end the following:

9 “(12) PERRIS, CALIFORNIA.—The project for
10 flood control, Perris, California.

11 “(13) THORNTON RESERVOIR, COOK COUNTY,
12 ILLINOIS.—An element of the project for flood con-
13 trol, Chicagoland Underflow Plan, Illinois.

14 “(14) LAROSE TO GOLDEN MEADOW, LOU-
15 ISIANA.—The project for flood control, Larose to
16 Golden Meadow, Louisiana.

17 “(15) BUFFALO BAYOU, TEXAS.—A project for
18 flood control, Buffalo Bayou, Texas, to provide an
19 alternative to the project authorized by the first sec-
20 tion of the River and Harbor Act of June 20, 1938
21 (52 Stat. 804) and modified by section 3a of the
22 Flood Control Act of August 11, 1939 (53 Stat.
23 1414).

24 “(16) HALLS BAYOU, TEXAS.—A project for
25 flood control, Halls Bayou, Texas, to provide an al-

1 ternative to the project for flood control, Buffalo
2 Bayou and tributaries, Texas, authorized by section
3 101(a)(21) of the Water Resources Development Act
4 of 1990 (104 Stat. 4610).”.

5 **TITLE VI—FLORIDA**
6 **EVERGLADES**

7 **SEC. 6001. HILLSBORO AND OKEECHOBEE AQUIFER, FLOR-**
8 **IDA.**

9 (a) MODIFICATION.—The project for Hillsboro and
10 Okeechobee Aquifer, Florida, authorized by section
11 101(a)(16) of the Water Resources Development Act of
12 1999 (113 Stat. 276), is modified to authorize the Sec-
13 retary to carry out the project at a total cost of
14 \$42,500,000.

15 (b) TREATMENT.—Section 601(b)(2)(A) of the Water
16 Resources Development Act of 2000 (114 Stat. 2681) is
17 amended—

18 (1) in clause (i) by adding at the end the fol-
19 lowing: “The project for aquifer storage and recov-
20 ery, Hillsboro and Okeechobee Aquifer, Florida, au-
21 thorized by section 101(a)(16) of the Water Re-
22 sources Development Act of 1999 (113 Stat. 276),
23 shall be treated for purposes of this section as being
24 in the Plan, except that operation and maintenance

1 costs of the project shall remain a non-Federal re-
2 sponsibility.”; and

3 (2) in clause (iii) by inserting after “subpara-
4 graph (B)” the following: “and the project for aqui-
5 fer storage and recovery, Hillsboro and Okeechobee
6 Aquifer”.

7 **SEC. 6002. PILOT PROJECTS.**

8 Section 601(b)(2)(B) of the Water Resources Devel-
9 opment Act of 2000 (114 Stat. 2681) is amended—

10 (1) in the matter preceding clause (i)—

11 (A) by striking “\$69,000,000” and insert-
12 ing “\$71,200,000”; and

13 (B) by striking “\$34,500,000” each place
14 it appears and inserting “\$35,600,000”; and

15 (2) in clause (i)—

16 (A) by striking “\$6,000,000” and inserting
17 “\$8,200,000”; and

18 (B) by striking “\$3,000,000” each place it
19 appears and inserting “\$4,100,000”.

20 **SEC. 6003. MAXIMUM COSTS.**

21 (a) **MAXIMUM COST OF PROJECTS.**—Section
22 601(b)(2)(E) of the Water Resources Development Act of
23 2000 (114 Stat. 2683) is amended by inserting “and sec-
24 tion (d)” before the period at the end.

1 (b) MAXIMUM COST OF PROGRAM AUTHORITY.—Sec-
2 tion 601(c)(3) of such Act (114 Stat. 2684) is amended
3 by adding at the end the following:

4 “(C) MAXIMUM COST OF PROGRAM AU-
5 THORITY.—Section 902 of the Water Resources
6 Development Act of 1986 (33 U.S.C. 2280)
7 shall apply to the individual project funding
8 limits in subparagraph (A) and the aggregate
9 cost limits in subparagraph (B).”.

10 **SEC. 6004. PROJECT AUTHORIZATION.**

11 Section 601(d) of the Water Resources Development
12 Act of 2000 (114 Stat. 2684) is amended by adding at
13 the end the following:

14 “(3) PROJECT AUTHORIZATION.—The following
15 project for water resources development and con-
16 servation and other purposes is authorized to be car-
17 ried out by the Secretary substantially in accordance
18 with the plans, and subject to the conditions, de-
19 scribed in the report designated in this paragraph:

20 “(A) INDIAN RIVER LAGOON SOUTH, FLOR-
21 IDA.—The project for ecosystem restoration,
22 water supply, flood damage reduction, and pro-
23 tection of water quality, Indian River Lagoon
24 South, Florida: Report of the Chief of Engi-
25 neers dated August 6, 2004, at a total cost of

1 \$1,365,000,000, with an estimated Federal cost
2 of \$682,500,000 and an estimated non-Federal
3 cost of \$682,500,000.

4 “(B) PICAYUNE STRAND, FLORIDA.—The
5 project for environmental restoration, Picayune
6 Strand, Florida: Report of the Chief of Engi-
7 neers dated September 15, 2005, at a total cost
8 of \$375,330,000, with an estimated Federal
9 cost of \$187,665,000 and an estimated non-
10 Federal cost of \$187,665,000.

11 “(C) SITE 1 IMPOUNDMENT, FLORIDA.—
12 The project for environmental restoration, Site
13 1 Impoundment, Florida: Report of the Chief of
14 Engineers dated December 19, 2006, at a total
15 cost of \$80,840,000, with an estimated Federal
16 cost of \$40,420,000 and an estimated non-Fed-
17 eral cost of \$40,420,000.”.

18 **SEC. 6005. CREDIT.**

19 Section 601(e)(5)(B) of the Water Resources Devel-
20 opment Act of 2000 (114 Stat. 2685) is amended—

21 (1) in clause (i)—

22 (A) by striking “or” at the end of sub-
23 clause (I);

24 (B) by adding “or” at the end of subclause
25 (II); and

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

2 “(III) the credit is provided for work
3 carried out before the date of the partner-
4 ship agreement between the Secretary and
5 the non-Federal sponsor, as defined in an
6 agreement between the Secretary and the
7 non-Federal sponsor providing for such
8 credit;”; and

9 (2) in clause (ii)—

10 (A) by striking “design agreement or the
11 project cooperation”; and

12 (B) by inserting before the semicolon the
13 following: “, including in the case of credit pro-
14 vided under clause (i)(III) conditions relating to
15 design and construction”.

16 **SEC. 6006. OUTREACH AND ASSISTANCE.**

17 Section 601(k) of the Water Resources Development
18 Act of 2000 (114 Stat. 2691) is amended by adding at
19 the end the following:

20 “(3) **MAXIMUM EXPENDITURES.**—The Sec-
21 retary may expend up to \$3,000,000 per fiscal year
22 for fiscal years beginning after September 30, 2004,
23 to carry out this subsection.”.

1 **SEC. 6007. CRITICAL RESTORATION PROJECTS.**

2 Section 528(b)(3)(C) of the Water Resources Devel-
3 opment Act of 1996 (110 Stat. 3769; 113 Stat. 286) is
4 amended—

5 (1) in clause (i) by striking “\$75,000,000” and
6 all that follows through “2003” and inserting
7 “\$95,000,000”; and

8 (2) in clause (ii) by striking “\$25,000,000” and
9 inserting “\$30,000,000”.

10 **SEC. 6008. MODIFIED WATER DELIVERIES.**

11 (a) IN GENERAL.—The project, Modified Water De-
12 liveries to Everglades National Park, authorized by section
13 104 of the Everglades National Park Protection and Ex-
14 pansion Act of 1989 (16 U.S.C. 410r-8), as described in
15 the General Design Memorandum and Environmental Im-
16 pact Statement for Modified Water Deliveries to Ever-
17 glades National Park, June 1992, is modified to authorize
18 the Secretary to construct the project substantially in ac-
19 cordance with the Revised General Reevaluation Report/
20 Second Supplemental Environmental Impact Statement
21 for the Tamiami Trail Modifications, Modified Water De-
22 liveries to Everglades National Park, August 2005, at a
23 total cost of \$144,131,000.

24 (b) USE OF FUNDS.—Funds made available under
25 section 102(f) of the Everglades National Park Protection
26 and Expansion Act of 1989 (16 U.S.C. 410r-6), may be

1 used to carry out the project modification under sub-
2 section (a).

3 (c) SOURCE AND ALLOCATION OF FUNDS.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), Federal costs incurred for construction of
6 the project modification under subsection (a) on or
7 after October 1, 2004, shall be shared equally be-
8 tween the Secretary and the Secretary of the Inte-
9 rior.

10 (2) ACCEPTANCE AND USE OF FUNDS.—The
11 Secretary may accept and expend funds, without
12 further appropriation, provided from another Fed-
13 eral agency or from non-Federal interests for con-
14 struction of the project modification under sub-
15 section (a) or for carrying out such other work that
16 the Secretary determines to be appropriate and con-
17 sistent with authorized purposes of the modified
18 project.

19 **SEC. 6009. DEAUTHORIZATIONS.**

20 The following projects are not authorized after the
21 date of enactment of this Act:

22 (1) The uncompleted portions of the project for
23 the C-44 Basin Storage Reservoir of the Com-
24 prehensive Everglades Restoration Plan, authorized
25 by section 601(b)(2)(C)(i) of the Water Resources

1 Development Act of 2000 (114 Stat. 2682), at a
2 total cost of \$147,800,000, with an estimated Fed-
3 eral cost of \$73,900,000 and an estimated non-Fed-
4 eral cost of \$73,900,000.

5 (2) The uncompleted portions of the Martin
6 County, Florida, modifications to the project for
7 Central and Southern Florida, authorized by section
8 203 of the Flood Control Act of 1968 (82 Stat.
9 740), at a total cost of \$15,471,000, with an esti-
10 mated Federal cost of \$8,073,000 and an estimated
11 non-Federal cost of \$7,398,000.

12 (3) The uncompleted portions of the East Coast
13 Backpumping, St. Lucie–Martin County, Spillway
14 Structure S–311 modifications to the project for
15 Central and Southern Florida, authorized by section
16 203 of the Flood Control Act of 1968 (82 Stat.
17 740), at a total cost of \$77,118,000, with an esti-
18 mated Federal cost of \$55,124,000 and an esti-
19 mated non-Federal cost of \$21,994,000.

20 **SEC. 6010. REGIONAL ENGINEERING MODEL FOR ENVIRON-**
21 **MENTAL RESTORATION.**

22 (a) IN GENERAL.—The Secretary shall complete the
23 development and testing of the regional engineering model
24 for environmental restoration as expeditiously as prac-
25 ticable.

1 (b) USAGE.—The Secretary shall consider using, as
2 appropriate, the regional engineering model for environ-
3 mental restoration in the development of future water re-
4 source projects, including projects developed pursuant to
5 section 601 of the Water Resources Development Act of
6 2000 (114 Stat. 2680).

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated \$10,000,000 to carry out
9 subsection (a).

10 **TITLE VII—LOUISIANA COASTAL** 11 **AREA**

12 **SEC. 7001. DEFINITIONS.**

13 In this title, the following definitions apply:

14 (1) COASTAL LOUISIANA ECOSYSTEM.—The
15 term “coastal Louisiana ecosystem” means the
16 coastal area of Louisiana from the Sabine River on
17 the west to the Pearl River on the east, including
18 those parts of the Deltaic Plain and the Chenier
19 Plain included within the study area of the Plan.

20 (2) GOVERNOR.—The term “Governor” means
21 the Governor of the State of Louisiana.

22 (3) PLAN.—The term “Plan” means the report
23 of the Chief of Engineers for ecosystem restoration
24 for the Louisiana Coastal Area dated January 31,
25 2005.

1 (4) **TASK FORCE.**—The term “Task Force”
2 means the Coastal Louisiana Ecosystem Protection
3 and Restoration Task Force established by section
4 7003.

5 **SEC. 7002. COMPREHENSIVE PLAN.**

6 (a) **IN GENERAL.**—The Secretary, in coordination
7 with the Governor, shall develop a comprehensive plan for
8 protecting, preserving, and restoring the coastal Louisiana
9 ecosystem.

10 (b) **INTEGRATION OF PLAN INTO COMPREHENSIVE**
11 **HURRICANE PROTECTION STUDY.**—In developing the
12 comprehensive plan, the Secretary shall integrate the plan
13 into the analysis and design of the comprehensive hurri-
14 cane protection study authorized by title I of the Energy
15 and Water Development Appropriations Act, 2006 (Public
16 Law 109–103; 119 Stat. 2247).

17 (c) **CONSISTENCY WITH COMPREHENSIVE COASTAL**
18 **PROTECTION MASTER PLAN.**—In developing the com-
19 prehensive plan, the Secretary shall ensure that the plan
20 is consistent with the goals, analysis, and design of the
21 comprehensive coastal protection master plan authorized
22 and defined pursuant to Act 8 of the First Extraordinary
23 Session of the Louisiana State Legislature, 2005, includ-
24 ing—

1 (1) investigation and study of the maximum ef-
2 fective use of the water and sediment of the Mis-
3 sissippi and Atchafalaya Rivers for coastal restora-
4 tion purposes consistent with flood control and navi-
5 gation;

6 (2) a schedule for the design and implementa-
7 tion of large-scale water and sediment reintroduction
8 projects and an assessment of funding needs from
9 any source; and

10 (3) an investigation and assessment of alter-
11 ations in the operation of the Old River Control
12 Structure, consistent with flood control and naviga-
13 tion purposes.

14 (d) INCLUSIONS.—The comprehensive plan shall in-
15 clude a description of—

16 (1) the framework of a long-term program inte-
17 grated with hurricane and storm damage reduction,
18 flood damage reduction, and navigation activities
19 that provide for the comprehensive protection, con-
20 servation, and restoration of the wetlands, estuaries
21 (including the Barataria-Terrebonne estuary), bar-
22 rier islands, shorelines, and related land and fea-
23 tures of the coastal Louisiana ecosystem, including
24 protection of critical resources, habitat, and infra-

1 structure from the effects of a coastal storm, a hur-
2 ricane, erosion, or subsidence;

3 (2) the means by which a new technology, or an
4 improved technique, can be integrated into the pro-
5 gram referred to in paragraph (1);

6 (3) the role of other Federal and State agencies
7 and programs in carrying out such program;

8 (4) specific, measurable ecological success cri-
9 teria by which success of the plan will be measured;
10 and

11 (5) proposed projects in order of priority as de-
12 termined by their respective potential to contribute
13 to—

14 (A) creation of coastal wetlands; and

15 (B) flood protection of communities ranked
16 by population density and level of protection.

17 (e) CONSIDERATIONS.—In developing the comprehen-
18 sive plan, the Secretary shall consider the advisability of
19 integrating into the program referred to in subsection
20 (d)(1)—

21 (1) any related Federal or State project being
22 carried out on the date on which the plan is devel-
23 oped;

24 (2) any activity in the Plan; or

25 (3) any other project or activity identified in—

1 (A) the Mississippi River and Tributaries
2 program;

3 (B) the Louisiana Coastal Wetlands Con-
4 servation Plan;

5 (C) the Louisiana Coastal Zone Manage-
6 ment Plan; or

7 (D) the plan of the State of Louisiana en-
8 titled “Coast 2050: Toward a Sustainable
9 Coastal Louisiana”.

10 (f) REPORTS TO CONGRESS.—

11 (1) INITIAL REPORT.—Not later than 1 year
12 after the date of enactment of this Act, the Sec-
13 retary shall submit to Congress a report containing
14 the comprehensive plan.

15 (2) UPDATES.—Not later than 5 years after the
16 date of submission of a report under paragraph (1),
17 and at least once every 5 years thereafter until im-
18 plementation of the comprehensive plan is complete,
19 the Secretary shall submit to Congress a report con-
20 taining an update of the plan and an assessment of
21 the progress made in implementing the plan.

22 **SEC. 7003. LOUISIANA COASTAL AREA.**

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

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

3 (b) PRIORITIES.—

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

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

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

12 (i) will protect a major population
13 area of the Pontchartrain, Pearl, Breton
14 Sound, Barataria, or Terrebonne basins;
15 and

16 (ii) will produce an environmental
17 benefit to the coastal Louisiana ecosystem;

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

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

23 (ii) will protect a major population
24 area;

1 (D) any project that will reduce storm
2 surge and prevent or reduce the risk of loss of
3 human life and the risk to public safety; and

4 (E) a project to physically modify the Mis-
5 sissippi River-Gulf outlet and to restore the
6 areas affected by the Mississippi River-Gulf
7 outlet in accordance with the comprehensive
8 plan to be developed under section 7002(a),
9 subject to the conditions and recommendations
10 in a final report of the Chief of Engineers.

11 **SEC. 7004. COASTAL LOUISIANA ECOSYSTEM PROTECTION**
12 **AND RESTORATION TASK FORCE.**

13 (a) **ESTABLISHMENT.**—There is established a task
14 force to be known as the Coastal Louisiana Ecosystem
15 Protection and Restoration Task Force (in this section re-
16 ferred to as the “Task Force”).

17 (b) **MEMBERSHIP.**—The Task Force shall consist of
18 the following members (or, in the case of the head of a
19 Federal agency, a designee at the level of Assistant Sec-
20 retary or an equivalent level):

21 (1) The Secretary.

22 (2) The Secretary of the Interior.

23 (3) The Secretary of Commerce.

24 (4) The Administrator of the Environmental
25 Protection Agency.

1 (5) The Secretary of Agriculture.

2 (6) The Secretary of Transportation.

3 (7) The Secretary of Energy.

4 (8) The Director of the Federal Emergency
5 Management Agency.

6 (9) The Commandant of the Coast Guard.

7 (10) The Coastal Advisor to the Governor.

8 (11) The Secretary of the Louisiana Depart-
9 ment of Natural Resources.

10 (12) A representative of the Governor's Advi-
11 sory Commission on Coastal Restoration and Con-
12 servation.

13 (c) DUTIES.—The Task Force shall make rec-
14 ommendations to the Secretary regarding—

15 (1) policies, strategies, plans, programs,
16 projects, and activities for addressing conservation,
17 protection, restoration, and maintenance of the
18 coastal Louisiana ecosystem;

19 (2) financial participation by each agency rep-
20 resented on the Task Force in conserving, pro-
21 tecting, restoring, and maintaining the coastal Lou-
22 isiana ecosystem, including recommendations—

23 (A) that identify funds from current agen-
24 cy missions and budgets; and

1 (B) for coordinating individual agency
2 budget requests; and

3 (3) the comprehensive plan to be developed
4 under section 7002(a).

5 (d) REPORT.—The Task Force shall submit to Con-
6 gress a biennial report that summarizes the activities of
7 the Task Force.

8 (e) WORKING GROUPS.—

9 (1) GENERAL AUTHORITY.—The Task Force
10 may establish such working groups as the Task
11 Force determines to be necessary to assist the Task
12 Force in carrying out this section.

13 (2) HURRICANES KATRINA AND RITA.—

14 (A) IN GENERAL.—The Task Force may
15 establish a working group for the purpose of
16 advising the Task Force of opportunities to in-
17 tegrate the planning, engineering, design, im-
18 plementation, and performance of Corps of En-
19 gineers projects for hurricane and storm dam-
20 age reduction, flood damage reduction, eco-
21 system restoration, and navigation in those
22 areas in Louisiana for which a major disaster
23 has been declared by the President as a result
24 of Hurricane Katrina or Rita.

1 (B) EXPERTISE; REPRESENTATION.—In
2 establishing the working group under subpara-
3 graph (A), the Task Force shall ensure that the
4 group—

5 (i) has expertise in coastal estuaries,
6 diversions, coastal restoration and wetlands
7 protection, ecosystem restoration, hurri-
8 cane protection, storm damage reduction
9 systems, navigation, and ports; and

10 (ii) represents the State of Louisiana
11 and local governments in south Louisiana.

12 (f) COMPENSATION.—Members of the Task Force
13 and members of a working group established by the Task
14 Force may not receive compensation for their services as
15 members of the Task Force or working group, as the case
16 may be.

17 (g) TRAVEL EXPENSES.—Travel expenses incurred
18 by members of the Task Force and members of a working
19 group established by the Task Force, in the performance
20 of their service on the Task Force or working group, as
21 the case may be, shall be paid by the agency or entity
22 that the member represents.

23 (h) NONAPPLICABILITY OF FACA.—The Federal Ad-
24 visory Committee Act (5 U.S.C. App.) shall not apply to

1 the Task Force or any working group established by the
2 Task Force.

3 **SEC. 7005. PROJECT MODIFICATIONS.**

4 (a) REVIEW.—The Secretary, in cooperation with the
5 non-Federal interest of the project involved, shall review
6 each Federally-authorized water resources project in the
7 coastal Louisiana ecosystem being carried out or com-
8 pleted as of the date of enactment of this Act to determine
9 whether the project needs to be modified—

10 (1) under the program authorized by section
11 7003; or

12 (2) to contribute to ecosystem restoration under
13 section 7003.

14 (b) MODIFICATIONS.—Subject to subsections (c) and
15 (d), the Secretary may carry out the modifications de-
16 scribed in subsection (a).

17 (c) PUBLIC NOTICE AND COMMENT.—Before com-
18 pleting the report required under subsection (d), the Sec-
19 retary shall provide an opportunity for public notice and
20 comment.

21 (d) REPORT.—

22 (1) IN GENERAL.—Before modifying an oper-
23 ation or feature of a project under subsection (b),
24 the Secretary shall submit to the Committee on
25 Transportation and Infrastructure of the House of

1 Representatives and the Committee on Environment
2 and Public Works of the Senate a report describing
3 the modification.

4 (2) INCLUSION.—A report describing a modi-
5 fication under paragraph (1) shall include such in-
6 formation relating to the timeline for and cost of the
7 modification, as the Secretary determines to be rel-
8 evant.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$10,000,000.

12 **SEC. 7006. CONSTRUCTION.**

13 (a) SCIENCE AND TECHNOLOGY.—

14 (1) IN GENERAL.—The Secretary shall carry
15 out a coastal Louisiana ecosystem program substan-
16 tially in accordance with the Plan, at a total cost of
17 \$100,000,000.

18 (2) PURPOSES.—The purposes of the program
19 under paragraph (1) shall be—

20 (A) to identify any uncertainty relating to
21 the physical, chemical, geological, biological,
22 and cultural baseline conditions in coastal Lou-
23 isiana ecosystem;

24 (B) to improve knowledge of the physical,
25 chemical, geological, biological, and cultural

1 baseline conditions in coastal Louisiana eco-
2 system; and

3 (C) to identify and develop technologies,
4 models, and methods to carry out this sub-
5 section.

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

10 (4) CONTRACTS AND COOPERATIVE AGREE-
11 MENTS.—In carrying out this subsection, the Sec-
12 retary may enter into a contract or cooperative
13 agreement with an individual or entity (including a
14 consortium of academic institutions in Louisiana)
15 with scientific or engineering expertise in the res-
16 toration of aquatic and marine ecosystems for coast-
17 al restoration and enhancement through science and
18 technology.

19 (b) DEMONSTRATION PROJECTS.—

20 (1) IN GENERAL.—Subject to paragraph (2),
21 the Secretary may carry out demonstration projects
22 substantially in accordance with the Plan and within
23 the coastal Louisiana ecosystem for the purpose of
24 resolving critical areas of scientific or technological
25 uncertainty related to the implementation of the

1 comprehensive plan to be developed under section
2 7002(a).

3 (2) MAXIMUM COST.—

4 (A) TOTAL COST.—The total cost for plan-
5 ning, design, and construction of all projects
6 under this subsection shall not exceed
7 \$100,000,000.

8 (B) INDIVIDUAL PROJECT.—The total cost
9 of an individual project under this subsection
10 shall not exceed \$25,000,000.

11 (c) INITIAL PROJECTS.—

12 (1) IN GENERAL.—The Secretary is authorized
13 to carry out the following projects substantially in
14 accordance with the Plan:

15 (A) Mississippi River Gulf Outlet environ-
16 mental restoration at a total cost of
17 \$105,300,000.

18 (B) Small diversion at Hope Canal at a
19 total cost of \$68,600,000.

20 (C) Barataria basin barrier shoreline res-
21 toration at a total cost of \$242,600,000.

22 (D) Small Bayou Lafourche reintroduction
23 at a total cost of \$133,500,000.

1 (E) Medium diversion at Myrtle Grove
2 with dedicated dredging at a total cost of
3 \$278,300,000.

4 (2) MODIFICATIONS.—

5 (A) IN GENERAL.—In carrying out each
6 project under paragraph (1), the Secretary shall
7 carry out such modifications as may be nec-
8 essary to the ecosystem restoration features
9 identified in the Plan to address the impacts of
10 Hurricanes Katrina and Rita on the areas of
11 the project.

12 (B) INTEGRATION.—The Secretary shall
13 ensure that each modification under subpara-
14 graph (A) is taken into account in conducting
15 the study of comprehensive hurricane protection
16 authorized by title I of the Energy and Water
17 Development Appropriations Act, 2006 (119
18 Stat. 2247).

19 (3) CONSTRUCTION REPORTS.—Before the Sec-
20 retary may begin construction of any project under
21 this subsection, the Secretary shall submit a report
22 documenting any modifications to the project, in-
23 cluding cost changes, to the Committee on Transpor-
24 tation and Infrastructure of the House of Represent-

1 atives and the Committee on Environment and Pub-
2 lic Works of the Senate.

3 (4) APPLICABILITY OF OTHER PROVISIONS.—

4 Notwithstanding section 902 of the Water Resources
5 Development Act of 1986 (33 U.S.C. 2280), the cost
6 of a project described in paragraph (1) and any
7 modifications to the project shall not exceed 150
8 percent of the cost of such project set forth in para-
9 graph (1).

10 (d) BENEFICIAL USE OF DREDGED MATERIAL.—The
11 Secretary, substantially in accordance with the Plan, shall
12 implement in the coastal Louisiana ecosystem a program
13 for the beneficial use of material dredged from federally
14 maintained waterways at a total cost of \$100,000,000.

15 (e) ADDITIONAL PROJECTS.—

16 (1) IN GENERAL.—The Secretary is authorized
17 to carry out a project for ecosystem restoration for
18 the Chenier Plain, Louisiana, and the following
19 projects referred to in the Plan if the Secretary de-
20 termines such projects are feasible:

21 (A) Land Bridge between Caillou Lake and
22 the Gulf of Mexico at a total cost of
23 \$56,300,000.

24 (B) Gulf Shoreline at Point Au Fer Island
25 at a total cost of \$43,400,000.

1 (C) Modification of Caernarvon Diversion
2 at a total cost of \$20,700,000.

3 (D) Modification of Davis Pond Diversion
4 at a total cost of \$64,200,000.

5 (2) REPORTS.—Not later than December 31,
6 2009, the Secretary shall submit feasibility reports
7 on the projects described in paragraph (1) to the
8 Committee on Transportation and Infrastructure of
9 the House of Representatives and the Committee on
10 Environment and Public Works of the Senate.

11 (3) CONSTRUCTION.—No appropriations shall
12 be made to construct any project under this sub-
13 section if the report under paragraph (2) has not
14 been approved by resolutions adopted by the Com-
15 mittee on Transportation and Infrastructure of the
16 House of Representatives and the Committee on En-
17 vironment and Public Works of the Senate.

18 **SEC. 7007. NON-FEDERAL COST SHARE.**

19 (a) CREDIT.—The Secretary shall credit toward the
20 non-Federal share of the cost of a study or project under
21 this title the cost of work carried out in the coastal Lou-
22 isiana ecosystem by the non-Federal interest before the
23 date of the execution of the partnership agreement for the
24 study or project if the Secretary determines that the work
25 is integral to the study or project.

1 (b) SOURCES OF FUNDS.—The non-Federal interest
2 may use, and the Secretary shall accept, funds provided
3 under any other Federal program to satisfy, in whole or
4 in part, the non-Federal share of the construction of any
5 project carried out under this section if such funds are
6 authorized to be used to carry out such project.

7 (c) TREATMENT OF CREDIT BETWEEN PROJECTS.—
8 Any credit provided under this section toward the non-
9 Federal share of the cost of a study or project under this
10 title may be applied toward the non-Federal share of the
11 cost of any other study or project under this title.

12 (d) PERIODIC MONITORING.—

13 (1) IN GENERAL.—To ensure that the contribu-
14 tions of the non-Federal interest equal the non-Fed-
15 eral share of the cost of a study or project under
16 this title during each 5-year period beginning after
17 the date of commencement of the first study or
18 project under this title, the Secretary shall—

19 (A) monitor for each study or project
20 under this title the non-Federal provision of
21 cash, in-kind services and materials, and land,
22 easements, rights-of-way, relocations, and dis-
23 posal areas; and

24 (B) manage the requirement of the non-
25 Federal interest to provide for each such study

1 or project cash, in-kind services and materials,
2 and land, easements, rights-of-way, relocations,
3 and disposal areas.

4 (2) OTHER MONITORING.—The Secretary shall
5 conduct monitoring separately for the study phase,
6 construction phase, preconstruction engineering and
7 design phase, and planning phase for each project
8 authorized on or after date of enactment of this Act
9 for all or any portion of the coastal Louisiana eco-
10 system.

11 (e) AUDITS.—Credit for land, easements, rights-of-
12 way, relocations, and disposal areas (including land value
13 and incidental costs) provided under this section, and the
14 cost of work provided under this section, shall be subject
15 to audit by the Secretary.

16 **SEC. 7008. PROJECT JUSTIFICATION.**

17 (a) IN GENERAL.—Notwithstanding section 209 of
18 the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any
19 other provision of law, in carrying out any project or activ-
20 ity under this title or any other provision of law to protect,
21 conserve, and restore the coastal Louisiana ecosystem, the
22 Secretary may determine that—

23 (1) the project or activity is justified by the en-
24 vironmental benefits derived by the coastal Lou-
25 isiana ecosystem; and

1 (2) no further economic justification for the
2 project or activity is required if the Secretary deter-
3 mines that the project or activity is cost effective.

4 (b) **LIMITATION ON APPLICABILITY.**—Subsection (a)
5 shall not apply to any separable element of a project in-
6 tended to produce benefits that are predominantly unre-
7 lated to the protection, preservation, and restoration of the
8 coastal Louisiana ecosystem.

9 **SEC. 7009. INDEPENDENT REVIEW.**

10 The Secretary shall establish the Louisiana Water
11 Resources Council which shall serve as the exclusive peer
12 review panel for projects under this title as required by
13 section 2037 of this Act.

14 **SEC. 7010. EXPEDITED REPORTS.**

15 The Secretary shall expedite completion of the re-
16 ports for the following projects and, if the Secretary deter-
17 mines that a project is justified in the completed report,
18 proceed directly to project preconstruction engineering
19 and design:

20 (1) The projects identified in the study of com-
21 prehensive hurricane protection authorized by title I
22 of the Energy and Water Development Appropria-
23 tions Act, 2006 (119 Stat. 2447).

24 (2) A project for ecosystem restoration for the
25 Chenier Plain, Louisiana.

1 (3) The project for Multipurpose Operation of
2 Houma Navigation Lock.

3 (4) The project for Terrebonne Basin Barrier
4 Shoreline Restoration.

5 (5) The project for Small Diversion at Convent/
6 Blind River.

7 (6) The project for Amite River Diversion
8 Canal Modification.

9 (7) The project for Medium Diversion at
10 White's Ditch.

11 (8) The project to convey Atchafalaya River
12 Water to Northern Terrebonne Marshes.

13 **SEC. 7011. REPORTING.**

14 (a) IN GENERAL.—Not later than 6 years after the
15 date of enactment of this Act, the Secretary shall submit
16 to the Committee on Transportation and Infrastructure
17 of the House of Representatives and the Committee on
18 Environment and Public Works of the Senate a report in-
19 cluding a description of—

20 (1) the projects authorized and undertaken
21 under this title;

22 (2) the construction status of the projects;

23 (3) the cost to date and the expected final cost
24 of each project undertaken under this title; and

1 (4) the benefits and environmental impacts of
2 the projects.

3 (b) **EXTERNAL REVIEW.**—The Secretary shall enter
4 into a contract with the National Academy of Sciences
5 under which the National Academy of Sciences shall per-
6 form and submit to the Committee on Transportation and
7 Infrastructure of the House of Representatives and the
8 Committee on Environment and Public Works of the Sen-
9 ate an external review of the demonstration program au-
10 thorized by subsection 7006(b).

11 **SEC. 7012. NEW ORLEANS AND VICINITY.**

12 (a) **IN GENERAL.**—The Secretary is authorized to—

13 (1) raise levee heights where necessary and oth-
14 erwise enhance the Lake Pontchartrain and Vicinity
15 Project and the West Bank and Vicinity Project to
16 provide the levels of protection necessary to achieve
17 the certification required for participation in the na-
18 tional flood insurance program under the National
19 Flood Insurance Act of 1965 (42 U.S.C. 2001 et
20 seq.);

21 (2) modify the 17th Street, Orleans Avenue,
22 and London Avenue drainage canals and install
23 pumps and closure structures at or near the lake-
24 front at Lake Pontchartrain;

1 (3) armor critical elements of the New Orleans
2 hurricane and storm damage reduction system;

3 (4) modify the Inner Harbor Navigation Canal
4 to increase the reliability of the flood protection sys-
5 tem for the city of New Orleans;

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

10 (6) reinforce or replace flood walls in the exist-
11 ing Lake Pontchartrain and Vicinity Project and the
12 existing West Bank and Vicinity Project to improve
13 performance of the flood and storm damage reduc-
14 tion systems;

15 (7) perform one time stormproofing of interior
16 pump stations to ensure the operability of the sta-
17 tions during hurricanes, storms, and high water
18 events;

19 (8) repair, replace, modify and improve non-
20 Federal levees and associated protection measures in
21 Terrebonne Parish; and

22 (9) reduce the risk of storm damage to the
23 greater New Orleans metropolitan area by restoring
24 the surrounding wetlands through measures to begin
25 to reverse wetland losses in areas affected by naviga-

1 tion, oil and gas, and other channels and through
2 modification of the Caernarvon Freshwater Diver-
3 sion structure or its operations.

4 (b) FUNDING AUTHORITY.—Activities authorized by
5 subsection (a) and section 7013 shall be carried out in
6 a manner that is consistent with the cost-sharing require-
7 ments specified in the Emergency Supplemental Appro-
8 priations Act for Defense, the Global War on Terror, and
9 Hurricane Recovery, 2006 (Public Law 109–234).

10 (c) CONDITIONS.—The Secretary shall notify the
11 Committee on Transportation and Infrastructure of the
12 House of Representatives and the Committee on Environ-
13 ment and Public Works of the Senate if estimates for the
14 expenditure of funds on any single project or activity iden-
15 tified in subsection (a) exceeds the amount specified for
16 that project or activity in the Emergency Supplemental
17 Appropriations Act for Defense, the Global War on Ter-
18 ror, and Hurricane Recovery, 2006 (Public Law 109–
19 234). No appropriation in excess of 25 percent above the
20 amount specified for a project or activity in such Act shall
21 be made until an increase in the level of expenditure has
22 been approved by resolutions adopted by the Committee
23 on Transportation and Infrastructure of the House of
24 Representatives and the Committee on Environment and
25 Public Works of the Senate.

1 **SEC. 7013. MISSISSIPPI RIVER GULF OUTLET.**

2 (a) IN GENERAL.—The project for navigation, Mis-
3 sissippi River-Gulf outlet, authorized by the Act entitled
4 “An Act to authorize construction of the Mississippi
5 River-Gulf outlet”, approved March 29, 1956 (70 Stat.
6 65), as modified by section 844 of the Water Resources
7 Development Act of 1986 (100 Stat. 4177), is not author-
8 ized.

9 (b) PLAN FOR CLOSURE AND RESTORATION.—The
10 Secretary shall carry out a study and implement a project
11 to physically modify the Mississippi River-Gulf outlet and
12 to restore the areas affected by the Mississippi River-Gulf
13 outlet in accordance with the plan to be developed under
14 section 7002(a), subject to the conditions and rec-
15 ommendations in a final report of the Chief of Engineers
16 if a favorable report of the Chief is completed not later
17 than 180 days after the date of enactment of this Act.
18 The plan shall incorporate the recommendations of the In-
19 terim Mississippi River Gulf Outlet Deep-Draft De-Au-
20 thorization Report submitted to Congress in December
21 2006.

22 (c) REPORT TO CONGRESS.—Not later than 180 days
23 after the date of enactment of this Act, the Secretary shall
24 submit to the Committee on Transportation and Infra-
25 structure of the House of Representatives and the Com-

1 mittee on Environment and Public Works of the Senate
2 a report on the project described in subsection (b).

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated \$5,000,000 for the costs of
5 carrying out the study and developing the report of the
6 Chief of Engineers required by subsection (b). Such costs
7 shall be a Federal expense.

8 **TITLE VIII—UPPER MISSISSIPPI**
9 **RIVER AND ILLINOIS WATER-**
10 **WAY SYSTEM**

11 **SEC. 8001. DEFINITIONS.**

12 In this title, the following definitions apply:

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

18 (2) UPPER MISSISSIPPI RIVER AND ILLINOIS
19 WATERWAY SYSTEM.—The term “Upper Mississippi
20 River and Illinois Waterway System” means the
21 projects for navigation and ecosystem restoration au-
22 thorized by Congress for—

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

1 Minneapolis-St. Paul, Minnesota, River Mile
2 854.0; and

3 (B) the Illinois Waterway from its con-
4 fluence with the Mississippi River at Grafton,
5 Illinois, River Mile 0.0, to T.J. O'Brien Lock in
6 Chicago, Illinois, River Mile 327.0.

7 **SEC. 8002. NAVIGATION IMPROVEMENTS AND RESTORA-**
8 **TION.**

9 Except as modified by this title, the Secretary shall
10 undertake navigation improvements and restoration of the
11 ecosystem for the Upper Mississippi River and Illinois
12 Water System substantially in accordance with the Plan
13 and subject to the conditions described therein.

14 **SEC. 8003. AUTHORIZATION OF CONSTRUCTION OF NAVIGA-**
15 **TION IMPROVEMENTS.**

16 (a) SMALL SCALE AND NONSTRUCTURAL MEAS-
17 URES.—

18 (1) IN GENERAL.—The Secretary shall—

19 (A) construct mooring facilities at Locks
20 12, 14, 18, 20, 22, 24, and LaGrange Lock or
21 other alternative locations that are economically
22 and environmentally feasible;

23 (B) provide switchboats at Locks 20
24 through 25; and

1 (C) conduct development and testing of an
2 appointment scheduling system.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

4 The total cost of projects authorized under this sub-
5 section shall be \$235,000,000. Such costs are to be
6 paid 1/2 from amounts appropriated from the gen-
7 eral fund of the Treasury and 1/2 from amounts ap-
8 propriated from the Inland Waterways Trust Fund.
9 Such sums shall remain available until expended.

10 (b) NEW LOCKS.—

11 (1) IN GENERAL.—The Secretary shall con-
12 struct new 1,200-foot locks at Locks 20, 21, 22, 24,
13 and 25 on the Upper Mississippi River and at La-
14 Grange Lock and Peoria Lock on the Illinois Water-
15 way.

16 (2) AUTHORIZATION OF APPROPRIATIONS.—

17 The total cost of projects authorized under this sub-
18 section shall be \$1,795,000,000. Such costs are to
19 be paid 1/2 from amounts appropriated from the
20 general fund of the Treasury and 1/2 from amounts
21 appropriated from the Inland Waterways Trust
22 Fund. Such sums shall remain available until ex-
23 pended.

24 (c) CONCURRENCE.—The mitigation required for the
25 projects authorized under subsections (a) and (b), includ-

1 ing any acquisition of lands or interests in lands, shall be
2 undertaken or acquired concurrently with lands and inter-
3 ests in lands for the projects authorized under subsections
4 (a) and (b), and physical construction required for the
5 purposes of mitigation shall be undertaken concurrently
6 with the physical construction of such projects.

7 **SEC. 8004. ECOSYSTEM RESTORATION AUTHORIZATION.**

8 (a) OPERATION.—To ensure the environmental sus-
9 tainability of the existing Upper Mississippi River and Illi-
10 nois Waterway System, the Secretary shall modify, con-
11 sistent with requirements to avoid adverse effects on navi-
12 gation, the operation of the Upper Mississippi River and
13 Illinois Waterway System to address the cumulative envi-
14 ronmental impacts of operation of the system and improve
15 the ecological integrity of the Upper Mississippi River and
16 Illinois River.

17 (b) ECOSYSTEM RESTORATION PROJECTS.—

18 (1) IN GENERAL.—The Secretary shall carry
19 out, consistent with requirements to avoid adverse
20 effects on navigation, ecosystem restoration projects
21 to attain and maintain the sustainability of the eco-
22 system of the Upper Mississippi River and Illinois
23 River in accordance with the general framework out-
24 lined in the Plan.

1 (2) PROJECTS INCLUDED.—Ecosystem restora-
2 tion projects may include—

3 (A) island building;

4 (B) construction of fish passages;

5 (C) floodplain restoration;

6 (D) water level management (including
7 water drawdown);

8 (E) backwater restoration;

9 (F) side channel restoration;

10 (G) wing dam and dike restoration and
11 modification;

12 (H) island and shoreline protection;

13 (I) topographical diversity;

14 (J) dam point control;

15 (K) use of dredged material for environ-
16 mental purposes;

17 (L) tributary confluence restoration;

18 (M) spillway, dam, and levee modification
19 to benefit the environment; and

20 (N) land and easement acquisition.

21 (3) COST SHARING.—

22 (A) IN GENERAL.—Except as provided in
23 subparagraphs (B) and (C), the Federal share
24 of the cost of carrying out an ecosystem res-

1 toration project under this subsection shall be
2 65 percent.

3 (B) EXCEPTION FOR CERTAIN RESTORA-
4 TION PROJECTS.—In the case of a project
5 under this section for ecosystem restoration, the
6 Federal share of the cost of carrying out the
7 project shall be 100 percent if the project—

8 (i) is located below the ordinary high
9 water mark or in a connected backwater;

10 (ii) modifies the operation of struc-
11 tures for navigation; or

12 (iii) is located on federally owned
13 land.

14 (C) SAVINGS CLAUSE.—Nothing in this
15 subsection affects the applicability of section
16 906(e) of the Water Resources Development
17 Act of 1986 (33 U.S.C. 2283(e)).

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

1 (4) LAND ACQUISITION.—The Secretary may
2 acquire land or an interest in land for an ecosystem
3 restoration project from a willing seller through con-
4 veyance of—

5 (A) fee title to the land; or

6 (B) a flood plain conservation easement.

7 (c) MONITORING.—The Secretary shall carry out a
8 long term resource monitoring, computerized data inven-
9 tory and analysis, and applied research program for the
10 Upper Mississippi River and Illinois River to determine
11 trends in ecosystem health, to understand systemic
12 changes, and to help identify restoration needs. The pro-
13 gram shall build upon the monitoring program established
14 under section 1103(e)(1)(A)(ii) of the Water Resources
15 Development Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)).

16 (d) ECOSYSTEM RESTORATION PRECONSTRUCTION
17 ENGINEERING AND DESIGN.—

18 (1) RESTORATION DESIGN.—Before initiating
19 the construction of any individual ecosystem restora-
20 tion project, the Secretary shall—

21 (A) establish ecosystem restoration goals
22 and identify specific performance measures de-
23 signed to demonstrate ecosystem restoration;

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

1 (C) for each separable element of the eco-
2 system restoration, identify specific target goals
3 for each performance indicator.

4 (2) OUTCOMES.—Performance measures identi-
5 fied under paragraph (1)(A) shall include specific
6 measurable environmental outcomes, such as
7 changes in water quality, hydrology, or the well-
8 being of indicator species the population and dis-
9 tribution of which are representative of the abun-
10 dance and diversity of ecosystem-dependent aquatic
11 and terrestrial species.

12 (3) RESTORATION DESIGN.—Restoration design
13 carried out as part of ecosystem restoration shall in-
14 clude a monitoring plan for the performance meas-
15 ures identified under paragraph (1)(A), including—

16 (A) a timeline to achieve the identified tar-
17 get goals; and

18 (B) a timeline for the demonstration of
19 project completion.

20 (e) CONSULTATION AND FUNDING AGREEMENTS.—

21 (1) IN GENERAL.—In carrying out the environ-
22 mental sustainability, ecosystem restoration, and
23 monitoring activities authorized in this section, the
24 Secretary shall consult with the Secretary of the In-

1 terior and the States of Illinois, Iowa, Minnesota,
2 Missouri, and Wisconsin.

3 (2) FUNDING AGREEMENTS.—The Secretary is
4 authorized to enter into agreements with the Sec-
5 retary of the Interior, the Upper Mississippi River
6 Basin Association, and natural resource and con-
7 servation agencies of the States of Illinois, Iowa,
8 Minnesota, Missouri, and Wisconsin to provide for
9 the direct participation of and transfer of funds to
10 such entities for the planning, implementation, and
11 evaluation of projects and programs established by
12 this section.

13 (f) SPECIFIC PROJECTS AUTHORIZATION.—

14 (1) IN GENERAL.—There is authorized to be
15 appropriated to carry out this subsection
16 \$1,580,000,000, of which not more than
17 \$226,000,000 shall be available for projects de-
18 scribed in subsection (b)(2)(B) and not more than
19 \$43,000,000 shall be available for projects described
20 in subsection (b)(2)(J). Such sums shall remain
21 available until expended.

22 (2) LIMITATION ON AVAILABLE FUNDS.—Of the
23 amounts made available under paragraph (1), not
24 more than \$35,000,000 in any fiscal year may be
25 used for land acquisition under subsection (b)(4).

1 (3) INDIVIDUAL PROJECT LIMIT.—Other than
2 for projects described in subparagraphs (B) and (J)
3 of subsection (b)(2), the total cost of any single
4 project carried out under this subsection shall not
5 exceed \$25,000,000.

6 (4) MONITORING.—In addition to amounts au-
7 thorized under paragraph (1), there are authorized
8 \$10,420,000 per fiscal year to carry out the moni-
9 toring program under subsection (c) if such sums
10 are not appropriated pursuant to section 1103(e)(4)
11 the Water Resources Development Act of 1986 (33
12 U.S.C. 652(e)(4)).

13 (g) IMPLEMENTATION REPORTS.—

14 (1) IN GENERAL.—Not later than June 30,
15 2008, and every 4 years thereafter, the Secretary
16 shall submit to the Committee on Environment and
17 Public Works of the Senate and the Committee on
18 Transportation and Infrastructure of the House of
19 Representatives an implementation report that—

20 (A) includes baselines, milestones, goals,
21 and priorities for ecosystem restoration
22 projects; and

23 (B) measures the progress in meeting the
24 goals.

25 (2) ADVISORY PANEL.—

1 (A) IN GENERAL.—The Secretary shall ap-
2 point and convene an advisory panel to provide
3 independent guidance in the development of
4 each implementation report under paragraph
5 (1).

6 (B) PANEL MEMBERS.—Panel members
7 shall include—

8 (i) one representative of each of the
9 State resource agencies (or a designee of
10 the Governor of the State) from each of
11 the States of Illinois, Iowa, Minnesota,
12 Missouri, and Wisconsin;

13 (ii) one representative of the Depart-
14 ment of Agriculture;

15 (iii) one representative of the Depart-
16 ment of Transportation;

17 (iv) one representative of the United
18 States Geological Survey;

19 (v) one representative of the United
20 States Fish and Wildlife Service;

21 (vi) one representative of the Environ-
22 mental Protection Agency;

23 (vii) one representative of affected
24 landowners;

1 (viii) two representatives of conserva-
2 tion and environmental advocacy groups;
3 and

4 (ix) two representatives of agriculture
5 and industry advocacy groups.

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

8 (D) APPLICATION OF FEDERAL ADVISORY
9 COMMITTEE ACT.—The Advisory Panel and any
10 working group established by the Advisory
11 Panel shall not be considered an advisory com-
12 mittee under the Federal Advisory Committee
13 Act (5 U.S.C. App.).

14 (h) RANKING SYSTEM.—

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

18 (2) PRIORITY.—The ranking system shall give
19 greater weight to projects that restore natural river
20 processes, including those projects listed in sub-
21 section (b)(2).

22 **SEC. 8005. COMPARABLE PROGRESS.**

23 (a) IN GENERAL.—As the Secretary conducts pre-en-
24 gineering, design, and construction for projects authorized
25 under this title, the Secretary shall—

- 1 (1) select appropriate milestones;
- 2 (2) determine, at the time of such selection,
3 whether the projects are being carried out at com-
4 parable rates; and
- 5 (3) make an annual report to Congress, begin-
6 ning in fiscal year 2008, regarding whether the
7 projects are being carried out at a comparable rate.
- 8 (b) NO COMPARABLE RATE.—If the Secretary or
9 Congress determines under subsection (a)(2) that projects
10 authorized under this title are not moving toward comple-
11 tion at a comparable rate, annual funding requests for the
12 projects shall be adjusted to ensure that the projects move
13 toward completion at a comparable rate in the future.

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