AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Calendar No. 126

110TH CONGRESS, *1st Session* | SENATE | REPORT 110–58

WATER RESOURCES DEVELOPMENT ACT OF 2007

APRIL 30, 2007.—Ordered to be printed

Mrs. BOXER, from the Committee on Environment and Public Works, submitted the following

R E P O R T

[To accompany S. 1248]

The Committee on Environment and Public Works, which considered the original bill (S. 1248) 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, reports favorably thereon and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

In 1986, a House-Senate Conference Committee produced a Conference Report (H. Rpt. 99–1013), passed by the House and Senate and signed into law on November 17, 1986, that was the largest and most comprehensive authorization of projects and programs for the Army Corps' Civil Works Program since the Senate Public Works Committee was created in 1947. The Water Resources Development Act of 1986 marked the end of a 16-year deadlock between the Congress and executive branch regarding authorization of the civil works program. In addition to authorizing numerous projects, the 1986 Act resolved longstanding disputes relating to cost sharing, user fees, and environmental requirements.

Some of the major reforms included in the Water Resources Development Act of 1986 and subsequent legislation are listed below:

Cost-sharing formulas were established for harbor dredging (section 101), inland navigation (section 102), flood control, hydroelectric power, water supply, recreation, hurricane and storm damage reduction, and aquatic plant control (section 103). Ecosystem Restoration was added to section 103 in 1996. Project Cooperation Agreements were required for all such projects. Projects for mitiga-

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tion of fish and wildlife resources were allowed to be carried out at up to 100 percent Federal expense under section 906 and modifications of Army Corps of Engineers projects in the interest of environmental quality were authorized to be carried out at 75 percent Federal expense under section 1135. The Water Resources Development Act of 1996 extended harbor cost sharing formulas to dredged material disposal facilities, increased the non-Federal cost share for flood control, and established cost sharing for environmental protection and restoration.

The Harbor Maintenance Trust Fund, capitalized by a new Harbor Maintenance Tax, was established in the 1986 Act to pay 40 percent of the Federal cost of maintaining authorized deep draft navigation channels (sections 210, 1402, and 1403). The tax that supports the trust fund was subsequently increased and authorized to provide for 100 percent of the cost under the Revenue Reconciliation Act of 1990 and the Water Resources Development Act of 1990.

These policy changes applied to all projects contained in the Water Resources Development Acts of 1988 (Public Law 100–676); 1990 (Public Law 101–640); 1992 (Public Law 102–580); 1996 (Public Law 104–303); 1999 (Public Law 106–53); and 2000 (Public Law 106–541); and will continue to apply to all projects contained in the Water Resources Development Act of 2007.

In reporting the Water Resources Development Act of 2007, the committee is adhering to the policies established in the Water Resources Development Act of 1986 (P.L. 99–662) and continued in the civil works program of the Army Corps of Engineers. This bill includes authorization for new projects for navigation, flood and coastal storm damage reduction, ecosystem restoration and environmental remediation, and water storage and water quality. This bill limits contingent authorization of water resources projects to those projects that will have final reports of the Chief of Engineers in the same calendar year as the Water Resources Development Act under consideration.

WATER RESOURCES DEVELOPMENT ACT OF 2007

The Water Resources Development Act of 2007, ordered reported by the Committee on Environment and Public Works, resulted from consideration of a draft bill on March 29, 2007.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title; table of contents

This section designates the title of the bill as "The Water Resources Development Act of 2007" and lists the table of contents.

Sec. 2. Definition of Secretary

This section defines the term "Secretary" for the purposes of the Act as the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations

This section provides authority for the Secretary to carry out 40 projects for water resources development, conservation, and other

purposes substantially in accordance with the plans recommended in the reports referenced in the bill language. Descriptions of the projects are as follows:

(a) Projects with Chief's Report.

Subsection (a) of section 1001 authorizes 39 projects to be carried out by the Secretary substantially in accordance with the plan and subject to the conditions recommended in a final report of the Chief of Engineers.

(1) Haines Small Boat Harbor, Haines, Alaska.

Location. Haines, Alaska.

Purpose. Navigation.

Problem. The existing harbor is inadequate in terms of size and design to accommodate the needs of the existing demands of resident and transient users.

Recommended Plan. The recommended plan provides additional protection to the existing 2.25-hectare mooring and maneuvering basin and adds a new adjacent 6.60-hectare basin with an additional entrance channel.

Project Costs. Total Cost $13,700,000. Federal cost $10,960,000; non-Federal cost $2,740,000.

Benefit/Cost Ratio. 1.2 to 1.

(2) Tanque Verde Creek Project, Pima County, Arizona.

Location. Pima County, Arizona.

Purpose. Ecosystem Restoration and Flood Damage Reduction.

Problem. There is erosion along an approximately two-mile reach of Tanque Verde Creek immediately upstream of Rillito River at its confluence with Pantano Wash, east of Tucson, Arizona. This segment of Tanque Verde Creek (a tributary of the Rillito River) has an average annual rate of bank erosion of 13 feet. About 9,500 linear feet, located along four separate channel segments have previously been stabilized with soil cement to prevent streambank erosion. Annual erosion damage caused by floodflows is estimated as $714,100.

Recommended Plan. The recommended plan includes: (1) completing bank erosion control on the southern bank with the construction of two segments of which one is approximately 4,220 linear feet and the other 2,830 linear feet, (2) north bank erosion control (1,550 linear feet) protecting vulnerable public infrastructure and 5,000 feet of modified bank protection along the mitigation preserve area, and (3) the establishment of a 48-acre riparian habitat area for mitigation.

Project Costs. Total cost $5,706,000. Federal cost $3,706,000; non-Federal cost $2,000,000.

Benefit/Cost Ratio. 2.1 to 1.

(3) Salt River (Va Shlyay Akimel), Maricopa County, Arizona.

Location. Salt River between Granite Reef Dam and Price Freeway Bridge within the jurisdiction of the Salt River Pima-Maricopa Indian Community and the city of Mesa.

Purpose. Ecosystem Restoration.

Problem. The primary problem is the severe degradation and loss of riparian habitat along the Salt River since the early 20th century. The Salt River once flowed perennially and supported substantial growth of cottonwoods, willows, and mesquites. The river channel carried abundant water that supported early irrigation projects. Increasing appropriation of surface and groundwater to

support expansion of agriculture and growing urban populations resulted in the transformation of the Salt River to a dry river that flows only ephemerally in response to storm runoff. As a result of this change, stands of native riparian habitat are rare in the study area, as they are throughout Maricopa County. The riparian areas of this reach of the Salt River have become severely degraded.

Recommended Plan. The recommenced plan includes: (1) reshaping of abandoned quarry pits and the river channel to provide a low-flow channel and terraces, (2) construction of new drainage channels, irrigation diversions and pipelines, and/or spillways, (3) installation of a groundwater well to nourish vegetation planted on the terraces along the river, (4) construction of a grade control structure across the channel at the abandoned Gilbert Road quarry, and (5) a passive recreation plan consisting of approximately 5.1 miles of multi-use decomposed-granite trails, parking lots with trailheads, rest stops spaced approximately at one per mile, and interpretive signs.

Project Costs. Total cost is $156,700,000. Federal cost $101,600,000; non-Federal cost $55,100,000.

Benefit/Cost Ratio. The cost of the plan is justified by the restoration of valuable habitat.

(4) Hamilton City, California.

Location. Hamilton City, Glenn County, California.

Purpose. Flood Damage Reduction and Ecosystem Restoration.

Problem. The Hamilton City community has long been at risk of flooding from the Sacramento River. Portions of Hamilton City and the surrounding area were flooded in 1974, and extensive flood fighting was necessary in 1983, 1986, 1995, 1997, and 1998 to avoid failure of the existing private levee. Residents of the town were evacuated six times in the past 20 years: 1983, 1986, twice in 1995, 1997, and 1998. The existing levee does not meet U.S. Army Corps of Engineers or any other levee construction standards and could fail at river levels well below the top of the levee. In addition to the existing flood risk, native habitat and natural functions of the Sacramento River have been altered by construction of the private levee and conversion of the floodplain to agricultural and rural development.

Recommended Plan. The recommended plan, as described in the Chief's report signed December 22, 2004, consists of construction of a levee, which would be set back from the Sacramento River, and for the restoration of lands waterside of the setback levee. The recommended multi-purpose plan focuses on reconnecting the Sacramento River with a portion of its historic floodplain by removing the existing levee. This would restore hydrologic functions of the floodplain while providing flood damage reduction to the community and area landside of the setback levee. The project area encompasses about 1,480 acres with a 6.8-mile setback levee that would begin about 2 miles north of the community. Implementation of this plan would reduce potential flood damages and restore ecosystem functions and values in the area by restoring fish and wildlife habitats. The setback levee would provide 3 distinct levels of flood protection associated with three different average levee heights. The recommended plan includes removal of existing orchards in the project area, and planting of native vegetation to re-

store native habitat types that have become degraded along much of the Sacramento River.

Project Costs. Total cost is $50,600,000. Federal cost $33,000,000; non-Federal cost $17,600,000.

Benefit/Cost Ratio. 1.8 to 1. The cost of the ecosystem restoration plan is justified by the restoration of valuable habitat.

(5) Imperial Beach, California.

Location. Imperial Beach, San Diego County, California.

Purpose. Storm Damage Reduction.

Problem. There is a lack of adequate protection from winter coastal storms for the Silver Shoreline, Imperial Beach, California. The shoreline is eroding at a rate of 6 feet per year. Many private and commercial properties along the shoreline are susceptible to wave attack, inundation, and failure due to erosion during coastal storm events.

Recommended Plan. The recommended plan consists of an initial beach fill of approximately 1.6 million cubic yards of sand. The placement will be 7,100 feet long and 105 feet wide along the developed shorefront. Periodic nourishment of approximately 1 million cubic yards of sand will occur on average every 10 years over a 50–year period of Federal participation for a total of four additional nourishments.

Project Costs. Total Cost $13,300,000. Federal cost $8,500,000; non-Federal cost $4,800,000. Estimated total costs of $41,100,000 for periodic nourishment over a period of 50 years, with an estimated Federal cost of $20,550,000 and an estimated non-Federal cost of $20,550,000.

Benefit/Cost Ratio. 1.7 to 1.

(6) Matilija Dam, Ventura County, California.

Location. Ventura River, Ventura County, California.

Purpose. Ecosystem Restoration.

Problem. Matilija Dam was constructed in 1948 as a water supply facility. The resulting reservoir has filled with sediment and provides very little water storage; approximately 500 acre-feet, 7 percent of capacity, and decreasing. The Matilija Dam is an impediment for fish passage, no longer provides adequate water supply, and negatively affects downstream and coastal sediment transport. Arundo Donax, a non-native invasive plant, is prevalent throughout the river system reducing the quality of habitat for a number of endangered, listed and other species.

Recommended Plan. The recommended plan includes dam removal to restore fish passage and sediment transport processes to the river and beach. It also includes levees and floodwalls, bridge modification, radial gates, a detention basin, land acquisition, sediment slurry lines and sediment placement, channel excavation upstream of current dam site, recreation features and removal of invasive plant species.

Project Costs. Total cost $139,600,000. Federal cost $86,700,000; non-Federal cost $52,900,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

(7) Middle Creek, Lake County, California.

Location. Middle Creek, Lake County, California.

Purpose. Flood Damage Reduction and Ecosystem Restoration.

Problem. Considerable ecosystem degradation has taken place in the area. Historically, the area was part of Clear Lake and consisted of tule marsh and open water. These wetlands were converted to agricultural fields during the last century. This has caused loss of natural habitat, loss of ecosystem function, and degraded water quality. The area is subject to damages to structures and agricultural lands from overflows from Rodman Slough. Although surrounded by levees, the area remains at risk from flooding from both Clear Lake and Rodman Slough because of levee settlement.

Recommended Plan. The recommended plan is to reconnect the flood plain of Middle Creek to the historic Robinson Lake wetland area by breaching the existing levee system to create inlets that direct flows into the area and providing flood damage reduction by relocating residents from the flood plain. Implementation of this plan would result in 765 acres of wetlands, 230 acres of riparian, 405 acres of open water, and 250 acres of upland habitat.

Committee Recommendation: As part of the authorization of this project and upon request of the governing body of the Robinson Rancheria of Pomo Indians, the Secretary of the Interior shall, notwithstanding any other provision of law, accept the transfer from the tribe to the Secretary of the tribe's interest in three parcels of land located adjacent to Clear Lake in Lake County, California, and hold such lands in trust for the benefit of the tribe. Such lands shall be deemed restored lands for the tribe.

Project Costs. Total cost $43,630,000. Federal Cost $28,460,000; non-Federal Cost $15,170,000.

Benefit/Cost Ratio. The cost of the ecosystem restoration plan is justified by the restoration of valuable habitat.

(8) Napa River Salt Marsh, California.

Location. Napa, Sonoma, and Solano Counties, California.

Purpose. Ecosystem Restoration.

Problem. The San Francisco Bay Region is an extensive, complex and diverse estuary that has lost approximately 90 percent of its original tidal wetlands due to development over the past 150 years. The degradation of fish and wildlife resources associated with the loss of the Bay's historic wetlands has resulted in several species being listed as threatened or endangered. The project site, historically dominated by tidal salt marsh, was diked and converted to hayfields approximately 150 years ago. In the early 1950's, the diked areas were converted to solar salt evaporation ponds. This project will restore a portion of diked baylands to tidal action to support endangered and special status species recovery, improve water quality, and restore greater ecological balance to the San Francisco Bay.

Recommended Plan. The recommended plan will use a system of water control structures and levee breaches to reduce the salinity of 11 former salt production ponds by using a combination of water sources, including a recycled water pipeline, seasonal rainfall and adjacent sloughs that will flow through the ponds and then be discharged to the Napa River and an adjacent slough. The recommended plan then relies on natural sediment processes and colonization by marsh vegetation to restore nearly 9,500 acres of tidal ponds and managed ponds. Because the recycled water pipeline can provide non-saline water at all times during the year, it will enable

pond desalinization to continue during the 'dry season'. Once the ponds are desalinated, the pipeline will continue to provide water to maintain the salinity levels in the managed ponds.

Project Costs. Total cost $103,012,000. Federal cost $65,600,000; non-Federal cost $37,412,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

(9) South Platte River, Denver, Colorado.

Location. Denver County Reach, South Platte River, Denver, Colorado.

Purpose. Ecosystem Restoration.

Problem. The City and County of Denver has accomplished much toward restoring the environmental assets of Denver's South Platte River corridor. Only the Zuni to Sun Valley reach, which includes the Zuni Power Plant and the Sun Valley housing development, remains in a severely degraded condition.

Recommended Plan. The recommended plan consists of removal of a low head Fabridam; construction of a 250 cubic-feet-per-second, low-flow channel; stripping vegetation; modification of overall channel banks; construction of a series of pool/riffle structures and diversion jetties; relocation of existing trails; relocation of utilities; and complete revegetation of the project area with native species. To allow continued operation of the existing Zuni Power Plant, construction of an infiltration gallery and purchase of water rights as necessary are included as just compensation for removal of the Fabridam.

Project Costs. Total cost $21,050,000. Federal cost $13,680,000; non-Federal cost $7,370,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

(10) Indian River Lagoon, South Florida.

Location. Martin, St Lucie and Okeechobee Counties, Florida.

Purpose. Ecosystem Restoration, Water Supply, Flood Control, and Protection of Water Quality.

Problem. The southern Indian River Lagoon estuary system has been degraded by large and frequently occurring discharges of freshwater, and by an excessive accumulation of muck in estuary and lagoon bottoms. Together these stressors have reduced water clarity and exceeded the salinity tolerances of submerged vegetation and benthic animals.

Recommended Plan. The recommended plan consists of 12,600 acres of new reservoirs for surface water storage, 8,700 acres of storm-water treatment areas for water quality improvement, 7,900,000 cubic yards of muck removal, 92,000 acres of natural water storage areas and 3,100 acres of floodplain wetlands. This section also deauthorizes the C–44 storage reservoir identified in the Comprehensive Review Study authorized for construction in section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680), the Martin County irrigation, flood control and backflow projects authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 740) and the East Coast Backpumping, St. Lucie-Martin County, Spillway Structure S–311, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 740).

Project Costs. Total Cost $1,365,000,000. Federal cost $682,500,000; non-Federal cost $682,500,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

(11) Miami Harbor, Miami, Florida.

Location. Miami Harbor, Miami-Dade County, Florida.

Purpose. Navigation.

Problem. Entrance channel and inner harbor widths and depths are not adequate for safe, cost-efficient vessel transit.

Recommended Plan. Component 1C: Widen seaward portion of Cut–1 from 500 to 800 feet and deepen Cut–1 and Cut–2 from a project depth of 44 to 52 feet. Component 2A: Add turn widener at the southern intersection of Cut–3 with Fisherman's Channel and deepen to a project depth of 50 feet. Component 3B: Increase the Fisher Island Turning Basin from 1200 to 1500 feet, truncate the 28 northeast section of the turning basin, deepen from a project depth of 42 feet to 50 feet. Component 4: Realign the western end of the existing 36-foot main channel about 250 feet to the south—no dredging require for Component 4. Component 5A: Expand the Sponsor's berthing area by 60 feet and widen the southern edge of Fisherman's Channel (Lummus Island Cut) about 40 feet for a 100-foot increase in total width, reduce the Lummus Island (Middle) Turning Basin to a 1500-foot diameter from the currently authorized 1600-foot diameter, and deepen from a project depth of 42 feet to 50 feet. Mitigation including restoration of seagrass beds and construction of artificial reefs.

Project Costs. Total cost $125,270,000. Federal cost $75,140,000; non-Federal cost $50,130,000.

Benefit/Cost Ratio. 1.5 to 1.

(12) Picayune Strand Ecosystem Restoration, Collier County, Florida.

Location. Collier County, Florida.

Purpose. Ecosystem Restoration.

Problem. Canals and roads cause excessive drainage and the reduction of many wetland communities and associated plants and wildlife of over 59,000 acres of Picayune Strand. The drainage also creates large discharges of freshwater to some downstream estuaries and greatly reduces discharges to other nearby estuaries, stressing a total of nearly 50,000 acres of estuary habitat.

Recommended Plan. The recommended plan consists of plugging the main canals, degrading roads, filling ditches, and constructing spreader channels and pump stations to restore the flows of water across the landscape and reduce damaging high and low discharges of freshwater to the estuaries.

Project Costs. Total cost $362,260,000. Federal cost $181,130,000; non-Federal cost $181,130,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

(13) East St. Louis and Vicinity, Illinois.

Location. East St. Louis and Vicinity, Illinois.

Purpose. Ecosystem Restoration and Recreation.

Problem. The study area consisted of approximately 166 square miles (about 105,000 acres). The area has historically experienced the loss or serious degradation of the floodplain ecosystems and widespread interior flooding. Many aquatic resources of national and regional significance are found in the study area. Urban

growth in the study area has led to the increasing scarcity of aquatic habitat.

Recommended Plan. The recommended plan is an extensive restoration of the ecosystem in the vicinity of East St. Louis, Illinois, on the Mississippi River. The recommended plan will restore approximately 1,700 acres of bottomland forest habitat, 1,100 acres of prairie wetland habitat, 840 acres of marsh and shrub swamp habitat, 460 acres of Lake Habitat, and 380 acres of riparian forest. In addition, the recommended plan also includes restoration of 10.4 miles of floodplain stream, installation of 650 wood duck boxes and 870 prairie bird perches, improvement of 20 acres of lacustrine over-wintering and shoreline habitat, construction of 130 tributary sediment detention basins and riffle and pool complexes in 178 miles of streams, 15.5 miles of earthen embankments, and associated water control features (i.e., culverts, flap gates, and new channels). All project features are located within the State of Illinois. Because the recommended plan would not have any significant adverse effects, no mitigation measures (beyond management practices and avoidance) or compensation measures are required.

Project Cost. Total cost $201,600,000. Federal cost $130,600,000; non-Federal cost $71,000,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

(14) Peoria Riverfront, Illinois.

Location. Illinois River, Tazewell and Peoria Counties, Illinois.

Purpose. Ecosystem Restoration.

Problem. Peoria Lake, the largest bottomland lake in the Illinois River valley, reflects changes similar to other lakes. Since 1903, the volume of Peoria Lake has decreased by approximately 61 percent. This sedimentation has reduced many of the deeper, off-channel parts of the lake from an estimated maximum of 8 feet to 1–2 feet in recent years. These changes have transformed Peoria Lake into a narrow navigation channel with bordering shallow water. The loss of aquatic habitat due to sedimentation is viewed as the greatest threat to the Illinois River. The loss of lake depth and volume has severely impacted off-channel over-wintering, spawning, and nursery habitats for fish. Shallow water areas are subject to wave action that resuspends sediment, further limiting fish, aquatic vegetation, macroinvertebrate, and mussel production.

Recommended Plan. The selected aquatic restoration plan in Lower Peoria Lake includes off-channel dredging with island creation. It would result in the greatest restoration of depth diversity of any of the plans proposed. Overall, lake habitat diversity would increase through the addition of shoreline and terrestrial habitats associated with the islands and aquatic structures. The dredged area would provide critical backwater habitat and flowing side channel habitat for fish and other aquatic species. The islands would provide resting, nesting, and feeding areas for waterfowl and shorebirds. In addition, the islands would reduce wind-and wake-generated waves in the study area, helping to improve water quality by lowering turbidity levels.

Project Cost. Total cost $17,760,000. Federal cost $11,540,000; non-Federal cost $6,220,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

(15) Wood River Levee System, Illinois.

Location. Wood River, Madison County in southwestern Illinois.

Purpose. Flood Damage Reduction.

Problem. The existing project was constructed in the 1950s and 1960s. The condition of the original project has worsened due to project deficiencies and the long term degradation of materials. Many components of the existing project have exceeded their expected service life.

Recommended Plan. The recommended plan consists of construction of certain measures to address design deficiencies and reconstruction measures to address the long-term degradation of material, systems and components of the existing projects. The design deficiency measures include replacement of 163 existing relief wells and installation of 60 new relief wells which can be implemented under existing project authority. Congressional authorization is required to implement the reconstruction measures which include construction or replacement work at 38 gravity drains, 26 closure structures (including abandonment of 3 railroad closure structures that are no longer used), and 7 pump stations.

Project Cost. Total cost $16,730,000. Federal cost $10,900,000; non-Federal cost $5,830,000.

Benefit/Cost Ratio. 3.1 to 1.

(16) Des Moines and Raccoon Rivers, Des Moines, Iowa.

Location. Des Moines and Raccoon Rivers, Des Moines, Polk County, Iowa.

Purpose. Flood Damage Reduction.

Problem. During the Great Flood of 1993, Polk County suffered more than $152 million in flood damages, mostly in the Des Moines metropolitan area. Major portions of the city of Des Moines' downtown and several large neighborhoods were flooded and the city was without water service for over a week. More than 3,000 properties were inundated.

Recommended Plan. The recommended plan includes reconstructing 13,300 feet of levees, improving 19 closure structures, and constructing a recreation trail on a segment of the Birdland Park levee.

Project Costs. Total cost $10,500,000. Federal cost $6,800,000; non-Federal cost $3,700,000.

Benefit/Cost Ratio. 2.7 to 1.

(17) Licking River, Cynthiana, Kentucky

Location. Licking River Basin in the communities of Cynthiana, Millersburg and Paris, Kentucky.

Purpose. Flood Damage Reduction.

Problem. The flooding of the South Fork of the Licking River has resulted in severe damages to the City of Cynthiana, Kentucky. The flood of record in 1997 resulted in damages of $60 million to Cynthiana and Paris, Kentucky. Average annual damages for the study area were estimated to be $3,639,000. Without the proposed project, the study area is at high risk to human health and safety, and flood damages from which may result from additional flood events.

Recommended Plan. The recommended plan includes constructing two dry bed detention basins on tributaries of the South Fork of the Licking River. Mitigation for unavoidable environmental impacts associated with the proposed project would consist

of 90 acres of hardwood planting on project lands to offset the impacts of the detention structures on the existing riparian hardwood corridors in the vicinity of the proposed project.

Project Costs. Total cost $17,800,000. Federal cost $11,570,000; non-Federal cost $6,230,000.

Benefit/Cost Ratio. 3.1 to 1.

(18) Bayou Sorrel Lock, Louisiana.

Location. Located in the Gulf Intracoastal Waterway, about half way up the Morgan City to Port Allen Alternate Route near Bayou Sorrel, Iberville Parish, Louisiana.

Purpose. Navigation.

Problem. Bayou Sorrel Lock is structurally sound; however, the lock must be replaced for flood control purposes and is congested due to increasing traffic and its restrictive dimensions. The improvements allocated to navigation need to be authorized subject to applicable requirements of section 102 of WRDA 1986, as amended. The modification of Bayou Sorrel Lock to safely pass the project flood in the Atchafalaya Basin Floodway is a feature of the authorized MR&T project, and as such, no additional implementing authority is required.

Recommended Plan. The recommended plan is a new 75-ft wide by 1,200-ft long replacement lock.

Project Costs. Total cost $9,500,000. Federal cost $4,750,000; non-Federal cost (from the Inland Waterways Trust Fund) $4,750,000.

Benefit/Cost Ratio. 19.2 to 1.

(19) Morganza to the Gulf of Mexico.

Location. Houma City, Terrebonne and Lafourche Parishes, Louisiana.

Purpose. Hurricane and Storm Damage Reduction.

Problem. The area is significantly affected by tides emanating from the Gulf of Mexico. Deterioration of coastal marshes, as a result of saltwater intrusion, land subsidence, and the lack of interchanges from the Mississippi River and Tributaries (MR&T) system has increased storm surge inundation.

Recommended Plan. The recommended hurricane protection plan consists of approximately 72 miles of earthen levee with 12 water control structures to allow ebb and flow through the levee, 12 floodgate structures (proposed for the navigable waterways), and a lock complex in the Houma Navigation Canal. The structural features are integrated into the levee alignment to provide flood protection, drainage, environmental benefit, and navigational passage. The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the GIWW floodgate features that provide for inland waterway transportation shall be a Federal responsibility.

Project Costs. Total cost $841,100,000. Federal cost $546,300,000; non-Federal cost $294,800,000.

Benefit/Cost Ratio. 1.7 to 1.

(20) Port of Iberia, Louisiana.

Location. Iberia and Vermilion Parishes, Louisiana.

Purpose. Navigation.

Problem. The primary problem is the depth restriction of −12 feet of the existing access channels, Freshwater Bayou, Gulf Intracoastal Waterway and Commercial Canal, to the Port of Iberia. The predominant economic engines located in the study area are large

offshore rig fabricators and offshore petroleum services firms. The primary purpose of this deepening project is to allow for deeper draft vessels that are needed to meet the burgeoning demands of the deepwater offshore petroleum industry. At present the relative shallow depth does not allow for the size vessels needed to transport the fabricated structures used in the exploration and production in the deep waters in the Gulf of Mexico.

Recommended Plan. The reporting officers identified a plan for navigation at the Port of Iberia, Louisiana, to improve access for ocean going vessels transporting prefabricated deepwater topsides to the Gulf of Mexico. That plan includes modifications of about 57.5 miles of existing navigation channel which consist of two segments of the existing inland waterway system: Freshwater Bayou and a portion of the Gulf Intracoastal Waterway (GIWW), and the non-Federally constructed Commercial Canal. It provides for an enlargement of the Commercial Canal, a 14-mile-long segment of the GIWW and Freshwater Bayou navigation channels to a depth of −16 feet mean lower low water (MLLW) and a bottom width of 150 feet. To address the uncertainties associated with future deepwater topside fabrication by Gulf of Mexico (GOM) businesses and Port of Iberia's potential future share of the GOM deepwater topside market, a number of scenarios were projected to encompass a reasonable range of future conditions. Deepwater topside contract benefits for each scenario were measured in accordance with Section 6009 of the Emergency Supplemental Appropriations Act of 2005 and used to identify a recommended plan. Port of Iberia firms would likely compete with fabricators located at other U.S. ports for the topside contracts. The 24 scenarios encompassed 3 distinct GOM topside forecasts and differing assumptions of foreign or other domestic competition, contract types, topside and hull integrations, and order staging. The outcome was that 17 of 24 scenarios indicate maximum net benefits for channel deepening to 16 feet at Port of Iberia, representing more than 70 percent of the scenarios (corresponding benefit-to-cost ratios range from 2.2 to 0.8). Based on the scenario analysis results, the 16-foot channel is the plan that most reasonably maximizes net benefits and represents the minimum Federal investment that accommodates barge transport of all topsides forecast for fabrication by Port of Iberia firms. The local sponsor, the Louisiana Department of Transportation and Development, prefers the 20-foot channel-deepening plan and considers it critical to Port of Iberia's future competitiveness. It is difficult to project with some degree of certainty the future deepwater topside fabrications by Gulf of Mexico businesses and the Port of Iberia's future share of that market. As a result, there may be a need to reevaluate the feasibility of a deeper navigation channel at some point in the future. Additional authorization will be required to construct the 20-foot channel plan.

Project Costs. Total cost: $204,600,000. Federal Cost $129,700,000; non-Federal Cost $74,900,000.

Benefit/Cost Ratio. 1.03 to 1.

(21) Poplar Island Expansion, Maryland.

Location. Poplar Island, Chesapeake Bay, Maryland.

Purpose. Beneficial Use of Dredged Material.

Problem. Land subsidence, rising sea level, and wave action are causing valuable remote island habitats to be lost throughout the Chesapeake Bay.

Recommended Plan. The recommended plan would expand the current Poplar Island project by 575 acres. The plan would expand the existing project into the shallow bay waters to the north and northeast of the existing Poplar Island project and increasing the elevation of the upland habitats associated with the currently authorized project by about 5 feet. These project modifications would use an additional 28 million cubic yard of dredged material from the Federal navigation channels. The additional island acreage created would be comprised of 29 percent wetland habitat (165 acres), 47 percent upland habitat (270 acres), and 24 percent open water habitat (130 acres of open-water embayment habitat plus 10 acres of tidal gut habitat).

Project Costs. Total cost $256,100,000. Federal cost $192,100,000; non-Federal cost $64,000,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

(22) Smith Island, Maryland.

Location. Smith Island, Chesapeake Bay, Maryland.

Purpose. Ecosystem Restoration.

Problem. Valuable wetland and submerged aquatic vegetation (SAV) habitat is being destroyed and degraded by erosion. As the landmasses that make up Smith Island erode, there is increased wave and current action into shallow-water areas that were previously protected, quiescent, and suitable for SAV growth. The eroded material also adds turbidity and nutrients to the water column that further inhibit SAV colonization and growth. Additionally, the landmasses themselves are extremely high quality emergent wetlands. These wetlands are even more valuable than most since they are part of a remote island with little human disruption. In its entirety, Smith Island has lost over 3,300 acres of wetlands in the last 150 years, and, in the identified project areas alone, it lost almost 2,400 acres of SAV between 1992 and 1998.

Recommended Plan. The recommended plan consists of constructing over 2 miles of off-shore segmented breakwaters to provide protection to over 2100 acres of wetlands and SAV habitats, and reduction of sediment to the Chesapeake Bay.

Project Costs. Total cost $14,500,000. Federal cost $9,425,000; non-Federal cost $5,075,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

(23) Swope Park Industrial Area, Missouri.

Location. Blue River at the Swope Park Industrial Area, Kansas City, Missouri.

Purpose. Flood Damage Reduction.

Problem. The Blue River flooded in 1961, 1977, 1984, and 1990. The most severe floods occurred in 1961 and 1990. The May 1990 flood caused an estimated $1,000,000 in damages. If left without protection in the current condition, the Swope Park Industrial Area will be subjected to continuing damaging floods. Eventually, the area will fall into decline as a viable industrial park and source of employment.

Recommended Plan. The recommended plan consists of construction of reinforced concrete floodwall and compacted earthen levee; construction of an interior drainage system consisting of reinforced concrete pipe and an interior storm water retention pond; construction of a rolling-gate closure at the existing 75th Street entrance to the industrial park; construction of a small park and trailhead; planting of hardwood trees along the Blue River Parkway; and excavation for a small wetland riverward of the levee at a location just upstream of the Swope Park Industrial Area.

Project Costs. Total cost $16,900,000. Federal cost $10,990,000; non-Federal cost $5,910,000.

Benefit/Cost Ratio. 1.5 to 1.

(24) Hudson-Raritan Estuary, Liberty State Park, New Jersey.

Location. Liberty State Park, New Jersey.

Purpose. Ecosystem Restoration.

Problem. Liberty State Park was once mostly open cove and coastal marshland until it was filled in the 19th century to create a large urban rail yard. The rail yard and nearby properties were converted into an urban waterfront park in 1976 as part of the United States bicentennial celebrations. While many improvements have been made, in the absence of this project, the study area ecosystem will experience long-term decrease in ecological value, due to successional processes and accelerated dominance of invasive and opportunistic species. Tidal marsh habitat has been lost through filling. Existing maritime grassland communities located adjacent to monocultures of invasive plant species will likely become non-existent within the Liberty State Park restoration area at some future point. Freshwater wetland functional value will likely decrease over time, as common reed and/or purple loosestrife are common in most of the freshwater wetlands, and are poised to spread in many cases. Existing wetlands may develop into monocultures of these invasive species, losing ecological value and further reducing the already severely depleted acreage of tidal wetlands, a key driver of a healthy system.

Recommended Plan. The recommended plan consists of construction of a 46 acre salt marsh and tidal creek system; construction of a 50 acre upland berm, utilizing 700,000 cubic yards of material from the excavated tidal creek; construction and restoration of 26 acres of freshwater wetlands; construction of two drainage pipes; construction of a drainage swale to connect interior freshwater wetlands; construction of buffer areas surrounding the tidal marsh and existing freshwater wetlands.

Project Costs. Total cost $33,050,000. Federal cost $21,480,000; non-Federal cost $11,570,000.

Benefit/Cost Ratio. The restoration plan is justified by the restoration of valuable habitat.

(25) Manasquan to Barnegat Inlets, New Jersey.

Location. Atlantic Coast of New Jersey, Island Beach, Ocean County, New Jersey.

Purpose. Hurricane and Storm Damage Reduction.

Problem. Severe storms in recent years have caused a reduction in the overall beach height and width along the study area. The narrowing and lowering of the beaches and dunes along the study area have reduced the storm protection that would have otherwise been available. As a result, public and private property is subject

to damage from erosion, wave attack and tidal inundation. Some storms have caused extensive damage and even loss of life, and when evacuation was considered necessary, families have suffered hardships and inconvenience.

Recommended Plan. The recommended plan consists of berm and dune restoration using sand obtained from offshore borrow sources. Periodic nourishment is expected to occur at 4-year intervals subsequent to completion of initial construction.

Project Costs. Total cost $70,340,000. Federal cost $45,720,000; non-Federal cost $24,620,000. Estimated total costs of $117,100,000 for periodic nourishment over a period of 50 years, with an estimated Federal cost of $58,550,000 and an estimated non-Federal cost of $58,550,000.

Benefit/Cost Ratio. 2.1 to 1.

(26) Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey.

Location. Union Beach, New Jersey.

Purpose. Hurricane and Storm Damage Reduction.

Problem. The identified problem is coastal storm inundation along the Raritan and Sandy Hook Bays, Chingarora Creek, Flat Creek, and East Creek, which results in inundation of approximately 1,000 structures from a 100-yr storm event. The problem is caused by a combination of rainfall and coastal storm surges, erosion, and wave attack, combined with restrictions to channel flow in the tidal creeks.

Recommended Plan. The recommended plan consists of a combination of levees, floodwalls, 2 storm gates, 3 pump stations, 2 terminal groins, beach and dune, periodic renourishment, interior drainage structures and mitigation.

Project Costs. Total cost $112,640,000. Federal cost $73,220,000; non-Federal cost $39,420,000. Estimated total cost of $6,400,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $2,300,000 and an estimated non-Federal cost of $4,100,000.

Benefit/Cost Ratio. 1.8 to 1.

(27) South River, New Jersey.

Location. South River, Boroughs of South River and Sayreville, New Jersey.

Purpose. Hurricane and Storm Damage Reduction and Ecosystem Restoration.

Problem. The main problem affecting the area is flooding caused by periodic hurricanes and other storms. Damages are primarily due to storm surges and associated basin runoff, which subject these areas to significant flooding. Significant degradation of wetlands and the surrounding ecosystem has occurred due to urbanization resulting in tidal flow restrictions and increased storm surge inputs of excess water and sediments.

Recommended Plan. The recommended plan consists of a storm surge barrier, two combined levees/floodwalls, and interior drainage facilities including pump stations and outlets. In addition, the project will provide for the restoration of the structure and function of 380 acres of degraded ecosystems, including wetlands and forest habitats.

Project Costs. Total cost $120,810,000. Federal cost $78,530,000; non-Federal cost $42,280,000.

Benefit/Cost Ratio. 2.2 to 1.

(28) Southwest Valley, Albuquerque, New Mexico.

Location. Southwest Valley, Albuquerque, Bernalillo County, New Mexico.

Purpose. Flood Damage Reduction.

Problem. Portions of the Southwest Valley are subject to flooding from a variety of sources. The runoff from the West Mesa is largely controlled by a series of dams, detention basins, and diversion channels constructed by Albuquerque Metropolitan Arroyo Flood Control, Bernalillo County, and the city of Albuquerque. Most of these facilities release controlled discharges directly or indirectly into Middle Rio Grande Conservancy District (MRGCD) agricultural drainage facilities. Flood damages occur when large floods overwhelm the capacity of these facilities, or the capacity of the MRGCD drains or canals is exceeded.

Recommended Plan. The recommended plan, as described in the Chief's report signed November 29, 2004, involves reduction of flood damages by modifying existing features of the Middle Rio Grande Conservancy District's surface drain facilities. The recommended plan includes utilizing existing easements, widening existing drains, and providing a gravity outfall to the Rio Grande with the opportunity for wetland enhancement. Approximately 7.5 miles of existing 30- to 40-foot-wide drains would be enlarged to a width of 68 feet to store and convey flood flows on the Isleta, Armijo, and Los Padillas drains. New access roads and trails would be installed on each side of these drains. Existing road crossings would be rehabilitated and/or enlarged to facilitate the proposed improvements and additions to the drainage system. A 25-acre detention pond would be constructed in an existing agricultural field situated east of the Isleta Drain to detain a portion of flood flow during large storm events. Two flood flow channels totaling approximately 1.5 miles would be constructed to connect the Isleta drain to the Los Padillas drain and then to the Rio Grande levee. New access roads 15 feet wide would be placed on each side of these drains. Floodgates would be built at the Rio Grande levee. An engineered outfall would continue from the levee for approximately 700 feet through the floodplain to the Rio Grande.

Project Costs. Total cost is $24,000,000. Federal cost $15,600,000; non-Federal cost $8,400,000.

Benefit/Cost Ratio. 1.4 to 1.

(29) Montauk Point, New York.

Location. Montauk Point, New York.

Purpose. Hurricane and Storm Damage Reduction.

Problem. The Montauk Point study area, including the historic lighthouse, is located on a bluff at the eastern end of the southern fork of Long Island, approximately 125 miles east of New York City. The area surrounding the lighthouse is operated as a State park. The Montauk Point Lighthouse was commissioned by President Washington and completed in 1796. It is included in the National Register of Historic Places (NRHP). Continued shoreline erosion threatens the loss of the lighthouse complex and surrounding State park property.

Recommended Plan. The recommended plan consists of an 840-foot long revetment with a crest width of 40 feet at an elevation of +25 feet NGVD and 2 vertical and 1 horizontal side slopes.

Project Costs. Total cost $14,070,000. Federal cost $7,035,000; non-Federal cost $7,035,000.

Benefit/Cost Ratio. 1.9 to 1.

(30) Hocking River Basin, Monday Creek, Ohio.

Location. Hocking River, Monday Creek, OH.

Purpose. Ecosystem Restoration.

Problem. The Monday Creek Basin ecosystem and environment is, and continues to be, significantly impacted by abandoned mines resulting in acid mine drainage contaminating water system. The resultant is a near sterile aquatic ecosystem.

Recommended Plan. The recommended plan would mitigate acid mine drainage within the Monday Creek watershed and reestablish connectivity of aquatic resources between the Hocking River and the Monday Creek headwaters. The recommended plan would restore 230 acres and 59 miles of aquatic ecosystem and stream habitat by ameliorating the conditions of severe acid loading and toxic metal concentrations. The plan consists of 180 restoration measures, including 45 open limestone channels, three low head dams, 39 limestone leach beds, 17 slag leach beds, 3 aerobic wetlands and 2 dosers, or limestone dispensers. Measures to restore surface flows and unblock natural drainage patterns include 25 subsidence closures, rerouting of 11 dissipating streams, and breaching or removing mine spoil piles at 35 sites. These components are located on both private (124.6 acres to be acquired) and Federal-owned lands in the Wayne National Forest.

The sponsor of the project is the Ohio Department of Natural Resources (ODNR). However, part of the project is located on the Federal lands of the Wayne National Forest, Ohio and managed by the US Forest Service. In designing and constructing the project described, ODNR and the Secretary will work, in cooperation with the Secretary of Agriculture, to construct the project features on land located in the Wayne National Forest.

The Federal (COE) share of the project will be 65 percent. However, it is anticipated that the Federal share of the costs of the features of the project located in the Wayne National Forest, would be 100 percent. The Corps will be responsible for implementation costs, while the Forest Service would provide the lands, easements and rights of way necessary for the project at no cost to the Department of the Army. The operation, maintenance, repair, rehabilitation, and replacement of the project under subsection would be a non-Federal (ODNR) responsibility. The operation, maintenance, repair, rehabilitation, and replacement of the project features, located in the Wayne National Forest, will be a U.S. Forest Service responsibility.

Project Costs. Total cost $18,730,000. Federal cost $12,170,000; non-Federal cost $6,560,000.

Benefit/Cost Ratio. The plan is justified by the restoration of valuable habitat.

(31) Bloomsburg, Pennsylvania.

Location. Vicinity of Bloomsburg and Fernville, Pennsylvania.

Purpose. Flood Damage Reduction.

Problem. The primary water resource problem along the Susquehanna River at Bloomsburg is recurrent flooding. Since the early 1800's, the river has flooded, on average, once every twenty years. In the Bloomsburg area, the Susquehanna River has very little

slope and shallow banks. Therefore, when storms occur, the river is slow to recede, causing the floodwaters to flow upstream and overtop the banks of Fishing Creek. Normal discharge from Fishing Creek to the main stem of the river is also hindered and exacerbates backwater flooding. When the Susquehanna River and Fishing Creek simultaneously rise above flood stage, overbank flooding can cover up to 33 percent of the land mass within the Town's boundaries, resulting in extensive damages to structures, water and sewer services and transportation systems. Therefore, any solution must be able to provide protection from the River and from backwater flooding along Fishing Creek. There is an opportunity to reduce average annual urban flood damages estimated at $4,601,000.

Recommended Plan. The recommended plan, as described in the Chief's report signed January 25, 2005, involves reduction of flood damages by constructing earthen levee, mechanically stabilized earth floodwalls, concrete floodwalls, drainage structures, road raises, and closure structures to protect Bloomsburg and Fernville. Unavoidable environmental impacts would be fully compensated for by the creation of about 0.7 acre of emergent wetland and about 1.5 acres of forested wetland habitats, and the removal of a timber crib dam on Fishing Creek to enable fish passage.

Project Costs. Total cost is $43,300,000. Federal cost $28,150,000; non-Federal cost $15,150,000.

Benefit/Cost Ratio. 1.4 to 1.

(32) Pawleys Island, South Carolina.

Location. Pawleys Island is a barrier island located on the Atlantic Ocean in Georgetown County, South Carolina, approximately 25 miles southwest of Myrtle Beach, South Carolina and approximately 12 miles northeast of Georgetown, South Carolina.

Purpose. Hurricane and Storm Damage Reduction.

Problem. Seasonal storm events, particularly hurricanes and northeasters, cause damage to the structures (all of which are residential) located on Pawleys Island. South Carolina is indirectly affected by a tropical storm or hurricane on the average every 2.5 years and directly affected every 5.5 years. Hurricanes have in the past caused breaches across the southern portion of the island and resultant damage to properties, structures, roadways, utilities, and public access. Based on without-project conditions, the potential total damages to the structures in the project area at Pawleys Island are estimated to be approximately $9,000,000. Without the proposed project, the structural integrity of many of the beachfront structures will continue to be threatened. The ancillary environmental benefit of improved loggerhead sea turtle nesting area will also not be realized without the project in place.

Recommended Plan. The recommended plan consists of berm and dune restoration using sand obtained from offshore borrow sources. Periodic nourishment is expected to occur at 9-year intervals subsequent to completion of initial construction.

Project Costs. Total cost $8,980,000. Federal cost $4,040,000; non-Federal cost $4,940,000. Estimated total costs of $21,200,000 for periodic nourishment over a period of 50 years, with an estimated Federal cost of $7,632,000 and an estimated non-Federal cost of $13,568,000.

Benefit/Cost Ratio. 1.6 to 1.

(33) Corpus Christi Ship Channel, Corpus Christi, Texas.

Location. Corpus Christi Ship Channel, Corpus Christi, Texas.

Purpose. Navigation and Ecosystem Restoration.

Problem. The depth and width of the existing Federal navigation channel system has become restrictive due to the increasing size of vessels in operation in the world fleet. Beam width restrictions also cause delays for larger ships wishing to enter Corpus Christi's port facilities.

Recommended Plan. The recommended plan consists of deepening the navigation channel from Viola Turning Basin to the end of the jetties in the Gulf of Mexico (approximately 34 miles) to—52 feet mean low tide (MLT); deepening of the remainder of the channel into the Gulf of Mexico (approximately 2 miles) to—54 feet MLT; and widening of the Upper Bay and Lower Bay reaches (approximately 20 miles) to 530 feet. The project would include deepening in all channel reaches, including the Entrance Channel, Upper and Lower Bay reaches, and the Inner Harbor, construction of 200-foot wide, 12-foot deep MLT barge shelves on both sides of the CCSC (approximately 10 miles), and construction of an extension to the La Quinta Channel to—39 feet MLT. The channel would be extended approximately 1.4 miles beyond its current limit. The channel would measure 400 feet wide, and a second turning basin with a 1,200-foot radius would be constructed. The existing limits of the La Quinta Channel would remain at their existing 45-foot depth. The project includes construction of two ecosystem restoration features, including construction of rock breakwaters and geotubes to protect 1,200 acres of high quality marsh and 40 acres of seagrass. Both components are adjacent to the CCSC in the Lower Bay reach of the channel.

Project Costs. Total cost $188,110,000. Federal cost $87,810,000; non-Federal cost $100,300,000.

Benefit/Cost Ratio. 2.6 to 1.

(34) Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Texas.

Location. Gulf Intracoastal Waterway through Matagorda Bay, Texas.

Purpose. Navigation.

Problem. The Gulf Intracoastal Waterway (GIWW) through Matagorda Bay is experiencing strong cross currents from the interplay with the natural bay opening at Pass Cavallo and the deep-draft Matagorda Ship Channel and its jettied entrance channel resulting in significant vessel delays, property damages, and high waterway maintenance costs for the existing Matagorda Bay reach of the GIWW.

Recommended Plan. The recommended plan consists of rerouting the existing GIWW from mile markers 460 to 472 approximately 6,000 feet north of and parallel to the existing channel. The channel will have a depth of 12 feet and a bottom width of 125 feet, which is the same as the existing channel. The project will make beneficial use of dredged material to provide for the construction of approximately 135 acres of marsh at Palacios Point and 160 acres of marsh near Port O'Connor, and to nourish beaches at Sundown Island, a National Audubon Society site, and the beach at Port O'Connor.

Project Costs. Total cost $17,280,000. Federal cost $8,640,000; non-Federal cost (from the Inland Waterways Trust Fund) $8,640,000.

Benefit/Cost Ratio. 2.1 to 1.

(35) Gulf Intracoastal Waterway, High Island to Brazos River, Texas.

Location. The project is located along the Gulf Intracoastal Waterway (GIWW) from mile 318 to 400, between High Island and the Brazos River in Texas.

Purpose. Navigation.

Problem. Navigation users have experienced problems along the GIWW at Rollover Pass, Sievers Cove, the Texas City Wye, and Greens Lake due to channel width and alignment restrictions, lack of mooring facilities, high maintenance costs due to frequent dredging requirements and limitation on placement areas for dredged material, and strong tidal current affects.

Recommended Plan. The recommended plan consists of widening and realigning reaches of the existing GIWW channel to allow maneuvering room to alleviate navigation restrictions.

Project Costs. Total cost $14,450,000. Federal cost $7,225,000; non-Federal cost (from the Inland Waterways Trust Fund) $7,225,000.

Benefit/Cost Ratio. 2.4 to 1.

(36) Riverside Oxbow, Fort Worth, Texas.

Location. Riverside Oxbow Trinity River, Fort Worth, Texas.

Purpose. Ecosystem Restoration.

Problem. The Riverside Oxbow and surrounding area have experienced both direct and indirect environmental degradation as a result of the construction and implementation of Benbrook Lake, Eagle Mountain Lake, Lake Worth, the Fort Worth Floodway project, and subsequent flood control projects and development activities.

Recommended Plan. The recommended plan consists of restoration of 512.2 acres of floodplain lands, approximately 2 miles of Oxbow river channel, 56.5 acres of wetlands, and 112 acres of uplands. It also provides 25,700 feet of mixed surface linear recreation trails.

Project Costs. Total cost $27,330,000. Federal cost $11,320,000; non-Federal cost $16,010,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

(37) Craney Island Eastward Expansion, Virginia.

Location. Chesapeake, Virginia.

Purpose. Navigation.

Problem. The Norfolk Harbor and Channels project requires periodic dredging and the disposal of the material at the confined disposal facility at Craney Island. The expansion of Craney Island could extend the useful life of the facility and provide space needed for landside port facilities.

Recommended Plan. The recommended plan is for the eastward expansion of the Craney Island Dredged Material Management Area (CIDMMA) would consist of a 580 acre dredged material containment facility adjacent to the east side of the existing facility. The expansion would be designed and constructed to accommodate a marine terminal. The project would receive priority for the re-

ceipt of any dredged material after the date of completion of the construction.

Project Costs. Total cost $671,340,000. Federal cost $26,220,000; non-Federal cost $645,120,000.

Benefit/Cost Ratio. 4.4 to 1.

(38) Deep Creek, Chesapeake, Virginia.

Location. Chesapeake, Virginia.

Purpose. Navigation (Bridge Replacement).

Problem. The bridge, constructed in 1934, which is a Federally owned and operated facility and assists in navigation. The bridge passes over the Dismal Swamp Canal where U.S. Route 17 crosses. The bridge is a two-lane low level swing bridge with several intersecting side streets, none of which meet today's highway/bridge standards. The bridge is considered obsolete.

Recommended Plan. The recommended plan is for a low-level, 5-lane, split leaf, pit bascule bridge, with separate 2-lane and 3-lane leafs. The new bridge will relieve heavy traffic congestion, correct poor alignments with connecting roads, and insure the required safety features are brought up to standard. Upon completion, the city of Chesapeake will assume ownership of the bridge.

Project Costs. Total cost $37,200,000. Federal cost $37,200,000; non-Federal cost $0.

Benefit/Cost Ratio. 8.3 to 1.

(39) Chehalis River, Centralia, Washington.

Location. Chehalis River valley at the cities of Centralia and Chehalis in Lewis County, Washington.

Purpose. Flood Damage Reduction.

Problem. The river valley has a broad meandering channel and a mile-wide floodplain. The average annual rainfall is about 42 inches. Major floods occur during the October to March period from heavy rainfall augmented by snowmelt runoff. The cities of Centralia and Chehalis have been subject to repeated flooding for many years. This flooding has caused extensive damage to private and public property and periodic closure of critical transportation routes resulting in significant economic losses.

Recommended Plan. The recommended plan consists of construction of a levee system along the Chehalis River from approximately river mile (RM) 75 to RM 64 and along most of the lower 2 miles of both 46 Dillenbaugh Creek and Salzer Creek; construction of a levee along the lower approximately 2 miles of Skookumchuck River to the confluence with Coffee Creek; modification to the existing Skookumchuck Dam to add a short gated outlet tunnel to create flood control storage; and raising in elevation approximately eight structures that would incur induced damages from increased inundation as a result of the project. Unavoidable environmental impacts will include wetland and riparian habitat degradation and destruction resulting in the loss of approximately 105 habitat units.

Mitigation for these losses will be accomplished through a combination of wetland creation, revegetation of riparian habitat, and reconnection of an isolated oxbow with the mainstem Chehalis River.

Project Costs. Total cost $121,100,000. Federal cost $73,220,000; non-Federal cost $47,880,000.

Benefit/Cost Ratio. 1.3 to 1.

(b) Projects Subject to Final Report.

The Secretary is authorized to carry out the following project substantially in accordance with the plan and subject to the conditions recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2006.

Jamaica Bay, Queens and Brooklyn, New York.

Location. Jamaica Bay, New York.

Purpose. Ecosystem Restoration.

Problem. Over the past century, the Bay's fragile ecosystem has been degraded through human encroachment and increased urbanization.

Recommended Plan. The recommended plan includes restoration measures at nine sites, including measures to regrade shorelines, revegetate grasslands, create and/or restore additional estuarine, wetland, and upland habitats, and improve circulation and flushing in the bay.

Project Costs. Total cost $180,000,000. Federal cost $117,000,000; non-Federal cost $63,000,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

Sec. 1002. Enhanced navigation capacity improvements and ecosystem restoration plan for the Upper Mississippi River and Illinois Waterway System

This section authorizes navigation improvements and ecosystem restoration for the Upper Mississippi River and Illinois Waterway System. These improvements and the ecosystem restoration for the Upper Mississippi River and Illinois Waterway System are in general conformance with the recommended plan contained in the Report of the Chief of Engineers dated December 15, 2004. The Upper Mississippi River and Illinois Waterway System consists of the projects for navigation and ecosystem restoration authorized by Congress for the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0 and the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O'Brien Lock in Chicago, Illinois, River Mile 327.0.

In section 1103(a)(2) of the Water Resources Development Act of 1986 (100 Stat. 4225), Congress recognized the Upper Mississippi River System as 'a nationally significant ecosystem and a nationally significant commercial navigation system' and declared that the system 'shall be administered and regulated in recognition of its several purposes'.

The inland waterway transportation system moves 16 percent of the freight in the United States for 2 percent of the cost, including more than 100,000,000 tons on the Upper Mississippi River System. The Upper Mississippi River and Illinois Waterway is a major thoroughfare for goods in the United States. The river provides transportation for 60 percent of the corn exports of the United States and 45 percent of the soybean exports of the United States. The current 600-foot lock system was designed for steamboats, at a time when only 4,000,000 tons moved on the Mississippi River. The Waterway supports 400,000 full- and part-time jobs in the United States, generating over $4,000,000,000 in income and

$12,000,000,000 to $15,000,000,000 in economic activity. The Upper Mississippi River System also provides important economic benefits from recreational and tourist uses, resulting in the basin receiving more visitors annually than most National Parks, with the ecosystems and wildlife being the main attractions.

United States farm and trade policies work to open world markets and promote United States exports. Keeping the cost of transportation lower through competition between transportation modes is the United States farmer's competitive advantage in capturing future global growth in agricultural exports. Foreign competitors have worked over the last 15 years to improve transportation infrastructure to compete more effectively with United States production. The movement of 100,000,000 tons on the river system in 4,400 15-barge tows would require an equivalent of 4,000,000 trucks or 1,000,000 rail cars moving directly through our communities. The Department of Transportation projects that freight congestion on the roads and rails in the United States will double in the next 25 years.

The Army Corps of Engineers has been studying the needs for national investments on the Upper Mississippi River System for the last 15 years and completed its feasibility report dated September 24, 2004. The construction of new 1,200-foot locks and lock extensions will provide more than 48,000,000 man-hours of employment over 10 to 15 years. Based on the current construction schedule of new locks and dams on the inland system, lock modernization will need to take place over 30 years, starting immediately.

The Upper Mississippi and Illinois Rivers ecosystem consists of hundreds of thousands of acres of bottomland forests, islands, backwaters, side channels, and wetlands, including 284,688 acres of National Wildlife Refuge land that provides habitat and recreational opportunities. It is home to 270 species of birds, 57 species of mammals, 45 species of amphibians and reptiles, 113 species of fish, and nearly 50 species of mussels. More than 40 percent of migratory waterfowl and shorebirds in North America depend on the river for food, shelter, and habitat during migration. Development since the 1930's has altered and reduced the biological diversity of the large flood plain river systems of the Upper Mississippi and Illinois Rivers. The annual operation of the Upper Mississippi River Basin needs to take into consideration opportunities for ecosystem restoration, and Congress recognizes the need for significant Federal investment in the restoration of the Upper Mississippi and Illinois River ecosystems.

The navigation improvements that would be authorized for construction by the Secretary of the Army include small scale and nonstructural measures and new locks.

The small scale and nonstructural measures consist of the construction of mooring facilities at Locks 12, 14, 18, 20, 22, 24, and La Grange Lock, switch boats at Locks 20 through 25 and the development and testing of an appointment scheduling system. The cost of these measures is $246,000,000, one-half in funds from the general fund of the Treasury, and one-half from the Inland Waterways Trust Fund that is paid by private users.

New 1,200-foot locks are authorized for construction at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway. The cost of the new

locks is $1,870,000,000, one-half in funds from the general fund of the Treasury, and one-half from the Inland Waterways Trust Fund that is paid by private users.

This section also authorizes ecosystem restoration on the Upper Mississippi River and Illinois Waterway System. First, to ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall, consistent with requirements to avoid any adverse effects on navigation, modify the operation of the Upper Mississippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River. Second, the Secretary shall, consistent with requirements to avoid any adverse effects on navigation, carry out ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Chief of Engineers Report dated December 15, 2004. This section lists specific types of ecosystem restoration projects that may be conducted under this authority.

The Federal share of the cost of carrying out an ecosystem restoration project under this section shall be 100 percent if the project is located below the ordinary high water mark or in a connected backwater; modifies the operation or structures for navigation; or is located on Federally owned land. The Federal share of ecosystem restoration projects not meeting these criteria shall be 65 percent. Nongovernmental organizations shall be eligible to contribute the non-Federal cost-sharing requirements applicable to ecosystem restoration projects. The Secretary of the Army may acquire land or an interest in land for an ecosystem restoration project from a willing owner through conveyance of fee title to the land, or a flood plain conservation easement. Ecosystem restoration projects shall be carried out at a total construction cost of $1,650,000,000. Before initiating the construction of any individual ecosystem restoration project, the Secretary of the Army shall: (i) Establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration; (ii) establish the without-project condition or baseline for each performance indicator; and (iii) for each separable element of the ecosystem restoration identify specific target goals for each performance indicator. Performance measures should comprise specific measurable environmental outcomes, such as changes in water quality, hydrology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species. Restoration design shall include a monitoring plan for the performance measures including a timeline to achieve the identified target goals and a timeline for the demonstration of project completion.

Not later than June 30, 2008 and every 5 years thereafter, the Secretary of the Army shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that includes baselines, benchmarks, goals, and priorities for ecosystem restoration projects and measures the progress in meeting the goals.

The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report. The panelists shall include 1 representative of each of the State resource agencies or a designee of the Governor of the State from each of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin; 1 representative of the Department of Agriculture; 1 representative of the Department of Transportation; 1 representative of the United States Geological Survey; 1 representative of the United States Fish and Wildlife Service; 1 representative of the Environmental Protection Agency; 1 representative of affected landowners; 2 representatives of conservation and environmental advocacy groups; and 2 representatives of agriculture and industry advocacy groups. The Secretary of the Army shall serve as chair of the advisory panel. The advisory panel shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.)

The Secretary, in consultation with the advisory panel, shall develop a system to rank proposed projects. The ranking system shall give greater weight to projects that restore natural river processes including floodplain restoration and water level management including dam point control. If the Secretary determines that projects for navigation improvement and ecosystem restoration are not moving toward completion at a comparable rate, annual funding for the projects will be adjusted to ensure that projects move toward completion at a comparable rate in the future.

Sec. 1003. Louisiana coastal area ecosystem restoration, Louisiana

This section authorizes a program for ecosystem restoration in the Louisiana Coastal Area (LCA). The LCA contains one of the largest expanses of coastal wetlands in the contiguous United States and accounts for 90 percent of the total coastal marsh loss in the nation. Coastal Louisiana has lost more than 1.2 million acres (1,875 sq. mi.) since 1930, and it is estimated to continue to lose land at a rate of approximately 14 square miles per year over the next 50 years.

Louisiana's coastal wetlands and barrier island system enhances protection of an internationally significant commercial-industrial complex from the destructive forces of storm driven waves and tides. The system, taken as a whole with migratory birds, fish and other species, places the coastal wetlands of Louisiana among the nation's most productive and important natural assets. Louisiana's coastal area is home to more than two million people, representing 46 percent of Louisiana's population. The State provides more than 20 percent of the seafood consumed in the United States. An estimated 20 percent of our nation's energy is dependent upon the coastal area of Louisiana. In 2001, offshore oil and gas production off the coast of Louisiana provided approximately $5.1 billion to the Federal Government, making it one of the largest revenue sources to the U.S. Treasury. Without implementation of a comprehensive restoration program, these resources, including the extensive energy infrastructure network, are at risk.

In response to the degradation of the coastal area, the State of Louisiana, in cooperation with the Corps and other Federal agencies, developed a comprehensive plan for the restoration of coastal Louisiana. The plan, which served as the Corps reconnaissance re-

port for the LCA, is known as the Coast 2050 plan. As a result of this plan, the Louisiana Coastal Area Ecosystem Restoration program report (report of the Chief of Engineers dated January 31, 2005) has identified an initial phase of near-term work. The framework established in this bill advances the initial component.

Subsection (a) authorizes the Louisiana Coastal Area program substantially in accordance with the report of the Chief of Engineers dated January 31, 2005. The report identifies five major categories as follows.

(1) *Five Near-Term Critical Ecosystem Restoration Features*—subsection (c) includes additional language on these five projects.

(2) *Ten Additional Near-Term Restoration Features*—subsection (f) directs the Secretary to submit a feasibility report on these features by December 31, 2008.

(3) *Science and Technology Program*—subsection (j) provides additional direction on implementation of this component of the program, including authority to use the expertise of estuary assessment groups and consortia with significant experience directly related to the Louisiana Coastal Area ecosystem. Various agencies and experts have conducted investigations into the coastal Louisiana ecosystem over the past four decades. Utilization of the materials and researchers may prove to be an efficient use of funds.

(4) *Beneficial Use of Dredged Material*—the Corps spends millions of dollars annually to dredge navigation channels in the program area. This program component is designed to ensure the efficient use of tax dollars by coordinating dredging for navigation purposes with the restoration goals of the program.

(5) *Demonstration Program*—Standard practice for demonstration projects involves local entities at or near the site of the project to be the non-Federal partner. Therefore, each demonstration project under this program should occur within the State of Louisiana.

Subsection (b) establishes the priorities of the program; critical restoration features, any Mississippi River diversion project that protects a major population area and produces an environmental benefit to the Louisiana coastal area, and any barrier island, or barrier shoreline project that is carried out in conjunction with a Mississippi River diversion project and protects a major population area.

Subsection (c) authorizes the Corps to make modification as necessary to the 5 near-term critical ecosystem restoration features identified in the Chief's Report due to the impact of Hurricanes Katrina and Rita on the project areas. This subsection also authorizes the construction of the projects, but prior to construction the Corps shall submit a report documenting any modifications to the Louisiana Water Resources Council established by subsection (n). The council shall submit the report to both the Senate and House authorization committees.

Subsection (d) authorizes the Corps to conduct a demonstration program to evaluate new technologies and the applicability of the technologies to the program.

Subsection (e) authorizes the Corps to conduct a program for beneficial use of dredged material. The Corps shall consider the beneficial use dredged material from the Illinois River System for wetlands restoration.

Under subsection (f) not later than December 31, 2008, the Corps shall submit to Congress feasibility reports on the features included in table 3 of the Chief of Engineers Report. The Corps shall submit the feasibility report to the authorization committees of the Senate and House.

Subsection (g) provides for the financial participation of non-governmental entities as contributors toward the non-Federal share.

Subsection (h) requires that within one year the Secretary in coordination with the Governor of Louisiana is to develop and submit a comprehensive plan with updates every 5 years. This plan is for protecting, preserving, and restoring the coastal Louisiana. The plan should be fully integrated with the analysis and design of comprehensive hurricane protection authorized by the Energy and Water Appropriations Act, 2006.

Subsection (i) establishes a task force comprised of eight members of the President's cabinet and three representatives of the State. Federal participation in the task force shall be at the level of assistant secretary or equivalent. In the case of agencies where the participation of more than one assistant secretary (or equivalent) may be appropriate, two or more assistant secretaries (or equivalent) may participate in the task force meeting, but the agency will have only one vote for matters considered before the task force.

The task force is directed to make recommendations to the Secretary regarding the policies, strategies, plans, programs, projects, activities and financial participation (including identifying funds from current agency missions and budgets and coordination of individual agency budget requests) for addressing conservation, protection, restoration and maintenance of the coastal Louisiana ecosystem.

The task force is also authorized to establish working groups. This program could cause potential conflicts pertaining to maritime and surface transportation, oil and gas activities, recreational and commercial fishing impacts. The working groups in each of these areas established by the task force will provide an opportunity to identify and address potential conflicts between the implementation of this program and activities in the coastal area and the OCS. The Governor's Advisory Commission on Coastal Restoration and Conservation may be one such appropriate working group. The task force and any working groups are exempt from the Federal Advisory Committee Act.

Subsection (j) establishes a Science and Technology program with three purposes—(1) to identify any uncertainty relating to the physical, chemical, geological, biological and cultural baseline conditions in coastal Louisiana; (2) to improve the knowledge of these baseline conditions; and (3) to identify and develop technologies, models and methods to carry out the LCA program.

Subsection (k) authorizes the Secretary to determine that the environmental benefits provided by the program outweigh the disadvantage of an activity, and no further economic justification is required if the Secretary determines that the activity is cost-effective.

Subsection (l) requires the Secretary, in consultation with the non-Federal sponsor, to enter into a contract with the National Academy of Sciences for a study to evaluate the impact on eco-

system degradation in south Louisiana of activities authorized by the Secretary. Upon completion of this study, the Secretary is directed to review the findings as well as the potential reduction in emergency expenditures as a result of ecosystem restoration in the LCA in order to identify financing alternatives for the LCA program.

Subsection (m) authorizes the Secretary to review existing water resources projects in the program area to determine if the projects are consistent with the goals of the LCA program and if modifications to the projects could result in additional contributions to achieving the goals of the LCA program. The Secretary is authorized to implement such modifications after providing opportunity for public notice and comment and submitting a report to the Senate Environment and Public Works Committee and the House Transportation and Infrastructure Committee. The bill authorizes $10 million to implement this subsection.

Subsection (n) establishes within the Mississippi River Commission, a subgroup—The Louisiana Water Resources Council. The purposes of the Council are to manage and oversee every aspect of the implementation of a system-wide, comprehensive plan for projects of the Corps, and to demonstrate and evaluate a streamline approach to authorization of water resources projects by the Corps. The president of the Mississippi River Commission shall appoint members of the Council, after considering recommendations of the Governor of Louisiana. The duties of the Council include the review of reports completed by the Corps and on approval, submitting the reports to both the House and Senate authorization committees. The Council will terminate 6 years after the date of enactment of this Act.

In subsection (o), with respect to the projects identified in the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act 2006, the Corps shall submit a report describing the projects to the authorization committees.

Sec. 1004. Small projects for flood damage reduction

This section authorizes the Secretary to carry out the following project under the Small Projects for Flood Damage Reduction continuing authority program:

(1) Cache River Basin, Grubbs, Arkansas

Sec. 1005. Small projects for navigation

This section authorizes the Secretary to carry out the following projects under the Small Projects for Navigation continuing authority program:

(1) Little Rock Port, Arkansas

(2) Au Sable River, Michigan

(3) Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin

(4) Middle Bass Island State Park, Middle Bass Island, Ohio

Sec. 1006. Small projects for aquatic ecosystem restoration

This section authorizes the Secretary to carry out the following projects under the Small Projects for Aquatic Ecosystem Restoration continuing authority program:

(1) San Diego River, California
(2) Suison Marsh, San Pablo Bay, California
(3) Johnson Creek, Gresham, Oregon
(4) Blackstone River, Rhode Island
(5) College Lake, Lynchburg, Virginia

TITLE II—GENERAL PROVISIONS

SUBTITLE A—PROVISIONS

Sec. 2001. Credit for in-kind contributions

This section provides general authority for the Secretary to provide credit for in-kind services made by the non-Federal sponsor toward the non-Federal share of the cost of a project. This authority applies to all authorized projects, including projects implemented under general continuing authority. In-kind services include: (1) The costs of planning (including data collection), design, management, mitigation, construction, and construction services; (2) the value of materials or services provided before the execution of an agreement for the project, including efforts on constructed elements incorporated into the project and materials; and (3) services provided after an agreement is executed.

In all cases, credit is subject to a determination by the Secretary that the property or service provided is integral to the project. Credit may be provided as long as it does not exceed the non-Federal share of the cost of the project, it does not alter any other requirement that the non-Federal interest provide land, easements or rights-of-way, or an area for disposal of dredged material for the project, or it does not exceed the actual and reasonable costs of the materials, services, or other items provided by the non-Federal sponsor.

This section was incorporated in the Water Resources Development Act of 2007 to ensure that a consistent crediting policy is applied throughout the Army Corps of Engineers for all projects undertaken. The committee recognizes that many non-Federal sponsors have significant capability to carry out elements of projects and studies, as described in the testimony offered by Mr. Gregory A. Zlotnik, Director of the Santa Clara Valley Water District in California, on March 31, 2004, at a hearing before the U.S. Senate Committee on Environment and Public Works, Subcommittee on Transportation and Infrastructure regarding the Water Resources Development Act of 2004, which this credit policy is designed to encourage.

It is the intent of the committee to allow credit for in-kind contributions for all on-going, but not completed, projects in accordance with this section. Ongoing projects that this crediting policy applies to include:

(1) White River Basin Comprehensive Study, Arkansas and Missouri
(2) San Francisco Bay to Port of Stockton Channel Deepening Project, California
(3) Pinole Creek, California
(4) Walnut Creek Channel Aquatic Restoration, California
(5) Garyson's Creek/Murderer's Creek, California
(6) Wildcat Creek, Phase I, California
(7) Wildcat Creek, Phase II, California

(8) South Platte River Urban Watershed, Colorado
(9) Port of Miami, Florida
(10) Port of Tampa, Florida
(11) Ft. Pierce Shoreline Protection Study, Florida
(12) Gasparilla and Estero Islands Shore Protection Project, Florida
(13) Broward County and Hillsboro Inlet Shore Protection Project, Florida
(14) South Branch of the Wild Rice River, Minnesota
(15) Pemiscot County Harbor, Missouri
(16) Monarch Chesterfield, Missouri
(17) Sand Creek Watershed, Nebraska
(18) Watershed Management and Development, Nevada
(19) Great Lakes Fishery and Ecosystem Restoration Program
(20) John Glenn Great Lakes Basin Program
(21) Alsop/Brownwood Wetlands Restoration Project, Oregon
(22) San Antonio Channel, Texas

Sec. 2002. Interagency and international support authority

This section modifies the existing authority to provide support for other Federal agencies and international organizations. Under current law, the Secretary is authorized to receive funds to support Federal agencies or international organizations (after consultation with the Department of State) to address problems of national significance to the United States. This section allows the Secretary to also provide support to foreign governments and it adds contracting as one of the activities the Army Corps of Engineers may undertake under this authority. It authorizes $1,000,000 for this purpose for fiscal year 2007, and years thereafter.

By changing the consultation requirement to the Department of State, the Secretary is able to streamline the consultation process to more quickly and effectively work directly with the offices within the State Department that oversee the particular support requests.

Sec. 2003. Training funds

This section authorizes the Secretary to allow non-Federal interests, including the private sector, to enroll in training classes or courses offered by the Army Corps of Engineers and to recoup expenses incurred by the Corps in providing training for those participants. It also authorizes the Secretary to retain the funds paid by private sector individuals who enroll in these courses. Funds retained by the Secretary must be credited to an appropriation or account used to pay for training costs and will be available without further appropriations for use by the Secretary for training purposes. Amounts received in excess of costs of training are required to be credited to the U.S. Treasury. Under the current system, the more successful the Army Corps of Engineers is in training the private sector, the greater the financial burden on the agency. Currently, any reimbursements collected by the Army Corps of Engineers for training provided to private sector individuals are sent to the U.S. Treasury as miscellaneous receipts.

Sec. 2004. Fiscal transparency report

This section directs the Secretary to prepare and submit to Congress on the third Tuesday of January, beginning in 2008, and each year thereafter, a report on the expenditures for the preceding fiscal year and estimated expenditures for the current fiscal year for:

(1) Construction;

(2) Operation and Maintenance of inland and intracoastal waterways;

(3) General Investigations, reconnaissance, and feasibility studies;

(4) Interagency and International Support Activities;

(5) Recreation Fees and Lease Payments;

(6) Hydropower and Water Supply Fees;

(7) Inland Waterway Trust Fund and Harbor Maintenance Trust Fund;

(8) Other revenues, fees and payments;

(9) Permit Application and notification processing information; and

(10) Project backlog.

This section provides details on what is required to be reported for each item. This information will allow Congress to evaluate funding priorities to support the projects and programs of the Army Corps of Engineers.

Sec. 2005. Planning

This section amends section 904 of the Water Resources Development Act of 1986 related to planning water resources projects to require the Secretary to assess each water resource project and project increment for cost-effectiveness and compliance with local, State, and national laws, regulations, and public policies. While the committee expects that all Army Corps of Engineers projects will be fully compliant with local, State and national laws, regulations, and public policy, it is aware of instances where a project may come into conflict with particular laws, regulations, or public policies. This section ensures that such conflicts, including the degree and severity, will be identified and assessed by the Army Corps of Engineers and documented in the feasibility report.

Second, the Chief of Engineers generally is required to complete feasibility reports within 2 years of execution of a cost-sharing agreement. Complex reports may be extended to up to 4 years. The Chief is to adopt a risk analysis approach to project cost estimates, and issue procedures for risk analysis for cost estimation and recommend to Congress any changes to section 902 of the Water Resources Development Act of 1986 that might be necessary to effectuate this requirement.

Under this section, feasibility reports are required to include a calculation of the residual risk of flooding following completion of the proposed project, a calculation of the residual risk of loss of human life and residual risk to human safety following completion of the proposed project, and a calculation of upstream and downstream impacts of the proposed project.

The committee supports the efforts of the Chief of Engineers to strengthen the planning competency within the Corps and therefore provides authority to establish centers of expertise to provide

specialized planning expertise for studies and to provide internal peer review support for external peer review panels.

The committee supports the concept that planning studies of the Corps should follow principles of integrated water management. If non-Federal study sponsors request and provide the cost-share, studies should incorporate and evaluate project alternatives without regard for whether such alternatives are within budgetary priorities for implementation. As these reports are primarily to provide Congress with the information and assurances necessary to justify congressional authorization, the Corps should not predetermine the outcome or eliminate viable alternatives for any reasons beyond the statutory requirements for feasibility studies.

This section also gives full responsibility to the Chief of Engineers for the technical aspects of project development by directing that the Chief of Engineers shall not be subject to direction as to the contents, findings or recommendation of reports and shall be solely responsible for the reports and any related recommendations, including any evaluation and recommendation for changes in law or policy that may be appropriate and representative of the best technical solutions to water resource needs and problems. This section directs that the reports of the Chief of Engineers be based solely on the best technical solutions to water resources needs and problems.

Finally this section provides for timely review and submission of reports to Congress. The completion of the Chief of Engineers reports shall not be delayed while consideration is being given to potential changes in policy or priority for project consideration and, after completion, shall be submitted to the Committee on Environment and Public Works of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives. The Secretary shall, within 90 days after the date of completion of a report of the Chief of Engineers that recommends to Congress a water resource project, review the report and provide any recommendation regarding the project to Congress. Within 90 days of enactment of this Act, the Secretary shall complete review of, and provide recommendation to Congress for any report recommending to Congress a water resource project that the Chief of Engineers completed before the date of enactment of this Act.

Sec. 2006. Water Resources Planning Coordinating Committee

This section requires the President to establish a Water Resources Planning Coordinating Committee. The Coordinating Committee is composed of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Secretary of Energy, the Secretary of Homeland Security, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the Chairperson of the Council on Environmental Quality.

The President appoints one member of the Coordinating Committee to serve as Chairperson of the Coordinating Committee for a term of two years. The President also appoints an Executive Director to supervise the activities of the Coordinating Committee.

The function of the Coordinating Committee is to carry out the duties and responsibilities set forth in the National Water Re-

sources Planning and Modernization Policy. This policy states that all water resources projects carried out by the Corp of Engineers will reflect national priorities; seek to avoid the unwise use of floodplains; minimize vulnerabilities in any case in which a floodplain must be used; protect and restore the functions of natural systems; and mitigate any unavoidable damage to natural systems.

The Water Resources Planning Coordinating Committee will no later than two years after it is established submit to the President and Congress a report describing the vulnerability of the United Stets to damage from flooding and related storm damage.

This section directs the Secretary and Coordinating Committee, within 2 years of enactment and every 5 years thereafter, to review and propose updates and revisions to the planning principles and guidelines, regulations, and circulars by which the Corps of Engineers analyzes and evaluates water projects.

Sec. 2007. Independent peer review

Section 2007 establishes new requirements for independent peer review of certain proposed Corps of Engineers projects. Subject to the requirements of the section, any feasibility report, reevaluation report, or environmental impact statement prepared by the Corps would be subject to review.

The independent reviews would be conducted under the responsibility of the Director of Independent Review. The director will be appointed by the Secretary, must be free of any conflicts of interest, and must have suitable qualifications to carry out the director's responsibilities.

The independent review requirements of this section apply to any project that will have an estimated total cost of more than $40,000,000, including mitigation costs, any project where the governor of an affected State requests a review, any project where the head of a Federal agency that is charged with reviewing a project determines that the project will have a significant adverse impact, and any project where the Secretary determines the project is controversial. The public can request a determination of whether a project is controversial.

Independent review panels will consist of between 5 and 9 members, including at least 1 engineer, 1 hydrologist, 1 biologist, and 1 economist. The panelists may be compensated for their service. The panel is charged with reviewing the project study, including receiving public comments, and submitting a report on the panel's conclusion and recommendation regarding issues identified as significant by the panel.

Issues that can be considered by the independent review panel include economic and environmental assumptions and projections, project evaluation data, economic or environmental analyses, engineering analyses, formulation of alternative plans, methods for integrating risk and uncertainty, models used in evaluation of economic or environmental impacts of proposed projects, and any related biological opinions.

Upon completion of the review, the panel is to provide the recommendations to the Secretary, who shall take into consideration any recommendations and make the recommendations publicly available. If the Secretary does not adopt a recommendation of the panel, the Secretary is required to explain such a decision in writ-

ing. The section is not intended to create any rights of judicial action. However, in the event that a proposal is subject to judicial review, if the recommendations of the review panel are rejected without good cause shown, they are to be afforded the same level of deference by a court as decisions made by the Corps or Secretary.

Independent reviews are to be completed prior to the completion of any Chief of Engineers report for a water resources project. The panel must submit its report no later than 180 days after the date of establishment of the panel, or not later than 90 days after the close of the public comment period on the preferred alternative, whichever is later. The Secretary may extend these deadlines. The Chief of Engineers may continue project planning if the panel fails to meet its deadlines.

The section also establishes requirements for safety assurance reviews. Such reviews will accompany the construction of any flood damage reduction project if the Director of Independent Review determines that the review is necessary to ensure public health, safety, and welfare on a project.

The safety assurance review panels will consist of at least 5 and not more than 9 reviewers with adequate credentials. The panels are to report periodically on the construction activities of the Corps, and the Secretary is to take into consideration the recommendations of the report.

Nothing in this section affects any authority of the Secretary to cause or conduct a peer review of the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this section.

Sec. 2008. Mitigation for fish and wildlife losses

This section amends section 906 of the Water Resources Development Act of 1986. Subsection (a) amends 906(a) to require completion of mitigation no later than the last day of the first fiscal year beginning after completion of the project or separable element where such mitigation is not technically practicable to complete by the last day of construction. The section also amends section 906(b) by authorizing the use of consolidated mitigation where other forms of mitigation are not practicable or are less environmentally desirable, including mitigation banks and conservation banks. This subsection also relieves the Secretary and non-Federal interest from responsibility for monitoring or demonstrating mitigation success, where a mitigation bank is used.

This section also amends section 906(d) to require mitigation to not less than in-kind conditions. The Secretary is to ensure that the mitigation plan for each water resources project complies fully with the mitigation standards and policies established pursuant to section 404 of the Federal Water Pollution Control Act. This section also requires the Corps to identify elements to be included in a specific mitigation plan required under section 906. The plan is to include a plan for monitoring the implementation and ecological success of each mitigation measure, the criteria for ecological success; land and interests in land to be acquired for the mitigation plan and the basis for a determination that lands and interest will be available at the time required; a description of the types and amount of restoration activities to be conducted, and the resource functions and values that will result from the mitigation plan; and

a contingency plan for taking corrective actions in cases in which monitoring demonstrates that mitigation measures are not achieving ecological success in accordance with the criteria. In the case where it is not practicable to identify the entity responsible for monitoring at the time of the final report of the Chief of Engineers or other final decision document, then the entity shall be identified in the partnership agreement entered into with the non-Federal interest.

This subsection also requires submission of a status report describing the construction of projects that require mitigation under section 906. This report shall be submitted to the Committee on Environment and Public Works in the Senate and the Committee on Transportation and Infrastructure of the House of Representatives concurrently with the President's submission of the Civil Works appropriations request to Congress. Projects to be included in the status report are: all projects under construction as of the date of the report; all projects for which the President requests funding for the next fiscal year; and all projects that have completed construction but have not completed mitigation.

The section requires the development of a mitigation tracking system to aid in determining the success of the mitigation program.

Sec. 2009. State technical assistance

This section amends section 22 of the Water Resources Development Act of 1974. It authorizes the Secretary, upon request of a governmental agency or non-Federal interests, to provide technical assistance at Federal expense. This assistance may include hydrologic, economic and environmental data and analyses and may not exceed $10,000,000 a year. Of the amount authorized, $2,000,000 may be used for cooperative agreements with nonprofit entities to provide assistance to rural and small communities. This authority will allow the Army Corps of Engineers to participate with State and local governments in watershed planning. The committee does not intend the receipt of funds by non-profit organizations and State agencies under other Federal programs to preclude technical assistance under this section.

In addition, this section eliminates the $500,000 per State limitations under current section 22 and directs the Secretary to submit, as part of the President's annual budget request, a list of the individual activities proposed for funding under this program.

The committee believes this section will better support State, tribal, and local government for integrated water resources management.

Sec. 2010. Access to water resources data

Subsection (a) directs the Secretary to carry out a program to provide public access to water resources and related water quality data.

Subsection (b) requires that the program include access to data generated in water resources project development and regulation under section 404 of the Federal Water Pollution Control Act and employ geographic information system technology and linkages to water resources models and analytical techniques.

Subsection (c) requires the Secretary to develop partnerships with States, tribal, and local governments and other Federal agencies in carrying out this program.

Subsection (d) authorizes $5,000,000 annually to carry out the section.

The committee is aware that the Army Corps of Engineers collects significant amounts of water resources and related data in the development of water resources projects and the regulation of wetlands. This data, including models and analytical techniques developed and maintained by Army Corps of Engineers laboratories, are valuable to States, tribal, and local governments and the general public, yet, in this age of modern information technology, are not accessible. The committee believes the program established by this section will improve water management and save money at all levels of government.

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

Subsection (a) establishes that for projects being developed and carried out under the authority of section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b), the budget priority of those projects shall be proportionate to the percentage of project completion or if the project is complete, shall have the same priority as a project with a contractor onsite.

Subsection (b) adds the following projects to the list of demonstration projects established in section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13):

Thornton Reservoir, Cook County, Illinois—This section amends section 211(f) of the Water Resources Development Act of 1996 to include an element of the project for flood control, Chicagoland Underflow Plan, Illinois.

Buffalo Bayou, Texas—This section amends section 211(f) of the Water Resources Development Act of 1996 to include the Buffalo Bayou, Texas project. The Buffalo Bayou Texas project was authorized by the River and Harbors Act of 20 June 1938, and modified by the 1939 and 1954 Flood Control Acts.

Halls Bayou, Texas—This section amends section 211(f) of the Water Resources Development Act of 1996 to include the Halls Bayou project, and subject to approval by the Secretary as provided by this section, the non-Federal interests may design and construct an alternative to the authorized project. The Halls Bayou project was authorized by section 101(a)(21) of the Water Resources Development Act of 1990, in accordance with the report of the Chief of Engineers dated February 12, 1990.

Sec. 2012. Regional sediment management

This section amends section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) to authorize the Corps of Engineers to engage in the regional planning and implementation of water resources and environmental restoration projects. The committee recognizes the need for Regional Sediment Management Plans to address in a programmatic fashion those water resource and environmental restoration needs in which there is, under current law, a Federal interest. The ongoing regional planning and management of these projects will improve the Corps' civil works

program, conserve sediment, and decrease the long-term costs of projects.

Subsection (a) authorizes the Secretary, in connection with the construction, operation, or maintenance of a Federal water resource project, to carry out projects for the protection, restoration, and creation of aquatic and ecologically related habitats, and the transport and placement of dredged material.

Subsection (b) requires that projects carried out under subsection (a) are justified in terms of their environmental, economic, and social costs.

Subsection (c) outlines the determination of planning and construction costs for projects carried out under subsection (a). Studies conducted under this section are to be at full Federal cost to assure that no governmental entity within a region can, by its refusal to pay its share of the cost, impede the other non-Federal interests from partnering with the Federal Government to prepare a plan. The non-Federal share of the construction cost of any project with a willing and fiscally committed non-Federal partner will be based on the type of Federal water resource project (i.e., navigation, shore protection, environmental restoration, etc.) to which the regional sediment management plan is related. Total Federal costs associated with the construction of a project may not exceed $5,000,000 without congressional approval.

Subsection (d) authorizes the Secretary, with the consent of the non-Federal interest, to select a placement of sediment that is not the least-cost option if the Secretary determines that the incremental costs of the placement are reasonable in relation to the derived environmental benefits. The Federal share of the incremental costs would be determined in accordance with subsection (c).

Subsection (e) authorizes the Secretary, acting through the Chief of Engineers, to work with State, regional and local governments to develop plans for the regional management of sand that may or may not result in Federal water resource projects. In some cases, for example, the Federal Government may be able to assist other levels of government in the development of regional sediment management plans that the non-Federal entity chooses to implement without Federal construction assistance.

Subsection (f) establishes priority areas for the development of plans identified in subsection (e).

Subsection (g) authorizes $30,000,000 annually for section 204 and reserves up to $5,000,000 of this amount for the development of plans as provided in subsection (e).

This section repeals section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j), but does not affect the authority to complete any on-going project under that section.

Sec. 2013. National shoreline erosion control development program

This section amends section 3 of the Act of August 13, 1946 (33 U.S.C. 426g) by permanently reauthorizing the National Shoreline Erosion Control Development and Demonstration program. This authorization for this innovative program to test new technology to combat shoreline erosion expired on September 30, 2005. This section expands this program in the hope that it can continue to develop and test technologies that will reduce the costs of periodic renourishment of beach projects.

This section places the shoreline demonstration program within the general authority for small shoreline projects. Both are intended to provide expedited means to deal with erosion problems along limited areas of shoreline. Although the bill places authority for both programs within the same section of law, it does not change current management of either program.

This section makes several amendments to the current erosion control demonstration program. In order to assist in effective congressional oversight of this program, an annual reporting procedure is established. This section emphasizes that the technology or methods to be tested under this program shall be chosen with the goal of improving the performance of beach nourishment projects (i.e., lessen the frequency of required periodic renourishments), therefore lowering project costs. It also emphasizes the use of natural designs, including the use of native and naturalized vegetation, to minimize permanent structural alterations of shorelines.

In addition, this section authorizes the Secretary, acting through the Chief of Engineers and at the request of a non-Federal sponsor, to incorporate a demonstration project as a feature of an existing, authorized Federal shore protection project. The section authorizes the Federal Government to enter into cost share agreements for the construction of the demonstration project. Current law makes the construction cost solely a Federal responsibility. The committee believes that this will save significant time and cost involved with studying and modifying the original authorization to incorporate the new technology or methods.

The section also improves existing authority for this program by permitting the Federal Government to cost share the removal of a project that has failed to the extent that it endangers property, infrastructure or lives. Current law places this fiscal responsibility solely on the non-Federal sponsor of the project.

Sec. 2014. Shore protection projects

Subsection (a) states that it is the policy of the United States to promote shore protection projects, including beach restoration and periodic beach renourishment for a period of 50 years. Subsection (b) states that preference shall be given to areas where Federal funds have been invested and areas where Federal navigation projects or activities have caused the need for prevention or mitigation to shores and beaches.

This section emphasizes the committee's support for the protection, restoration and enhancement of sand beaches that provide hurricane and storm damage reduction benefits through financial support of periodic beach nourishment for a period of 50 years. The committee recognizes that periodic beach nourishment is an effective measure to prevent or mitigate damage to shore from storms and hurricanes. Preference shall be given to areas in which there has been a Federal investment of funds. The committee emphasizes that through previous Water Resources Development Acts, Congress has established the length and Federal cost share for period beach nourishment and renourishment.

Sec. 2015. Cost sharing for monitoring

This section authorizes the Secretary to cost share in the monitoring of ecosystem restoration projects identical to the cost sharing

for construction, including projects designed and constructed under a continuing authority program for a maximum of 10 years and not to exceed 5 percent of the construction cost of the original project. After 10 years, the costs of monitoring shall be 100 percent non-Federal.

Sec. 2016. Ecosystem restoration benefits

This section directs the Secretary to include ecosystem restoration benefits as part of developing a recommended plan for the following projects:

(1) Grayson's Creek, California
(2) Seven Oaks, California
(3) Oxford, California
(4) Walnut Creek, California
(5) Wildcat Phase II, California

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

This section amends section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) to make the program permanent.

Sec. 2018. Electronic submission of permit applications

This section directs the Secretary to establish procedures to allow the electronic submission of permit applications for permits under the jurisdiction of the Department of the Army.

Sec. 2019. Improvement of water management at Corps of Engineers reservoirs

This section authorizes the Secretary to carry out measures in cooperation and coordination with States, tribal governments, and local governments to more effectively and efficiently meet the water resource needs in watersheds containing reservoirs operated and maintained by the Army Corps of Engineers.

Water supply storage fees at reservoirs should reflect the opportunity cost to the project for providing that water. For the permanent first costs of water storage, such fees shall be the lesser of the estimated cost of purposes foregone (benefits foregone), replacement costs, or the updated cost of storage. The committee recognizes that this is a departure from the current agency developed policy. In all cases the Corps should calculate the joint use costs for the annual operation and maintenance of each reservoir based on the allocated benefits of water storage. In the case of a water supply that is reallocated from another project purpose to municipal or industrial water supply, the joint use costs for the reservoir shall be adjusted to reflect the reallocation of project purposes. In addition, in the case of a reallocation that adversely affects hydropower generation, the Secretary shall defer to the Administrator of the respective Power Marketing Administration to calculate the impact of such a reallocation on the rates for hydroelectric power.

Water supply and management issues are becoming increasingly important as the demand on existing supplies continues to grow. The Army Corps of Engineers currently manages 383 major dams and reservoirs, providing significant benefits to many regions of the nation. However, some of these reservoirs use operating plans that

may no longer reflect the best comparative net economic and environmental returns for the nation. The intent of this program is to ensure existing Army Corps of Engineers reservoirs contribute to enhance economic and ecosystem values in a cost efficient and environmentally sustainable way as water demands continue to increase.

Sec. 2020. Federal hopper dredges

This section lifts the annual operational restrictions on the Federal dredges, Yaquina and Essayons, to maximize the available dredging capacity to maintain channel dimensions of West Coast Federal navigation projects. The committee is aware that the current restrictions on the Federal hopper dredges do not maximize the use of these important Federal resources.

Sec. 2021. Extraordinary rainfall events

In the State of Louisiana, extraordinary rainfall events such as Hurricanes Katrina, Rita, and Andrew shall not be considered in making a determination with respect to the ordinary high water mark for the purposes of carrying out section 10 of the Rivers and Harbors Act of 1899.

Sec. 2022. Wildfire firefighting

This section modifies Section 309 of Public Law 102–154 by adding "Secretary of the Army" to the entities able to participate with local authorities on firefighting.

Sec. 2023. Nonprofit organizations as sponsors

This section modifies Section 221(b) of the Flood Control Act of 1970 by permitting nonprofit organization acting with the consent of the affected unit of government to be a non-Federal sponsor of a Federal project.

Sec. 2024. Project administration

This section requires the Secretary to assign a unique tracking number to each project to assist in public availability of information. It also requires the Secretary to provide project documents to the Library of Congress to improve public availability.

Sec. 2025. Program administration

This section repeals certain existing provisions of law that affect the flexibility of the Corps to manage its program.

Sec. 2026. Extension of shore protection projects

Prior to the termination of federal financial participation in a shore protection project, the Secretary is authorized to review the project to determine whether it would be feasible to extend Federal participation.

SUBTITLE B—CONTINUING AUTHORITIES PROGRAMS

Sec. 2031. Navigation enhancements for waterbourne transportation

This section increases the per project limit from $4,000,000 to $7,000,000 for the continuing authority navigation program carried

out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

Sec. 2032. Protection and restoration due to emergencies at shore and streambanks

This section increases the annual program limit from $15,000,000 to $20,000,000 and the per project limit from $1,000,000 to $1,500,000 for the continuing authority program for emergency streambank protection carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

Sec. 2033. Restoration of the environment for protection of aquatic and riparian ecosystems program

This section increases the annual program limit from $25,000,000 to $75,000,000 for the continuing authority program for aquatic ecosystem restoration carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

Sec. 2034. Environmental modification of projects for improvement and restoration of ecosystems program

This section increases the annual program limit from $25,000,000 to $50,000,000 for the continuing authority program that allows for modifications to existing projects to benefit the environment being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

Sec. 2035. Projects to enhance estuaries and coastal habitats

This section creates a new continuing authority program, Projects to Enhance Estuaries and Coastal Habitats, for improvement of the quality of the environment by performing estuary habitat restoration, with an annual program limit of $25,000,000 and a per project cost limit of $5,000,000.

Sec. 2036. Remediation of abandoned mine sites

This section expands the existing Remediation of Abandoned Mine Sites (RAMS) program into a continuing authority program, with an annual program limit of $45,000,000, by amending section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 2336; 113 Stat. 354–355) to authorize the Secretary to perform construction activities associated with remediation of abandoned mines, to cost share program features with non-profit organizations with the consent of the affected local government, to adjust the cost share requirement, and defines the operation and maintenance costs as 100 percent non-Federal.

Sec. 2037. Small projects for the rehabilitation or removal of dams

This section creates a new continuing authority program, Small Projects for the Rehabilitation or Removal of Dams, for improvement of the quality of the environment, with an annual program limit of $25,000,000 and a per project cost limit of $5,000,000.

Sec. 2038. Remote, maritime-dependent communities

This section gives the Secretary of the Army authority to develop criteria for the justification of Federal participation in remote harbors without the need to demonstrate that the project is justified

solely by National Economic Development benefits. The remote or subsistence harbor projects would be cost shared in accordance with section 101 of the Water Resources Development Act of 1986, in the same way other harbor projects are cost shared. The provision recognizes that there are communities within the United States and its Territories that are totally dependent on water transportation for their subsistence. In addition to their geographic isolation, in many cases these communities are in economically disadvantaged areas. Conventional procedures currently used to estimate National Economic Development benefits do not capture water transportation economic dependency and subsistence issues. This provision is responsive to the need to expand the economy and promote growth in areas of poverty and economic need.

Sec. 2039. Agreements for water resource projects

Subsection (a) amends section 221 of the Flood Control Act of 1970, to require that if the Secretary determines that a project needs to be continued for the purposes of public health and safety, the non-Federal interest shall pay its share of the increased project costs, up to an amount equal to 20 percent of the original estimated project costs and in accordance with the statutorily determined cost share and the Secretary shall pay all increased costs remaining.

Subsection (b) amends 912(b) of the Water Resources Development Act of 1986 to eliminate civil penalties in partnership agreements and allow the use of liquidated damages.

Subsection (c) clarifies that these changes apply only to partnership agreements entered into after the date of enactment, unless the non-Federal interest requests applicability from the district engineer and construction has not been initiated.

Subsection (d) clarifies that cooperation agreements or project cooperation agreements shall be partnerships agreements or project partnership agreements, respectively and vice versa.

The Water Resources Development Act of 1986 significantly increased the roles and responsibilities of project sponsors. As a result of the Water Resources Development Act of 1986, project cooperation agreements (PCAs) required under section 221 of the Flood Control Act of 1970 and section 912 of the Water Resources Development Act of 1986 assumed significant importance in defining non-Federal responsibilities for providing items of local cooperation.

In testimony before the committee, non-Federal project partners, including Mr. Gregory A. Zlotnik, Director of the Santa Clara Valley Water District in California, expressed frustration in the multiple layers of review and approval imposed upon the execution of PCAs within the Department of the Army, which produced needless delays and inefficiencies. The committee expects these changes will address the concerns of non-Federal interests, improve efficiency by streamlining the process for approving partnership agreements, and foster a culture of true partnership that will improve projects and their implementation.

Sec. 2040. Program names

This section changes the name for the continuing authority program created under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SUBTITLE C—NATIONAL LEVEE SAFETY PROGRAM

The sections in this subtitle authorize the components of a new National Levee Safety Program. This program includes the National Levee Safety Committee (sec. 2053) and responsibilities of the Levee Safety Program (sec. 2054), and authorizes the appropriations associated with the Program (sec. 2055).

Sec. 2051 provides the short title for the program.

Sec. 2052 provides definitions for the program.

Sec. 2053 authorizes the establishment of the National Levee Safety Committee. The committee, chaired by the Secretary of the Army, shall be made up of representatives from Federal agencies, state and local governments, tribal governments, and recognized experts from throughout the United States. The committee has the responsibility of advising the Secretary of the Army on the policies, procedures, and program needs for the enhancement of levee safety for the protection of human life and property.

Sec. 2054 authorizes the establishment of the National Levee Safety Program. The responsibility for establishment and maintenance of the program is with the Secretary of the Army in consultation with the National Levee Safety Committee and the State levee safety agencies. The purpose of the program is to ensure that new and existing levees are safe through the implementation of policy and procedures for hazard reduction and public safety. The program will also encourage the establishment and implementation of levee safety programs in each State, develop and support a public education and awareness program, and develop and provide technical assistance for Federal and State levee safety programs and non-Federal entities.

In addition to the above under Sec. 2054, the Secretary of the Army shall develop, maintain, and periodically publish an inventory of levees in the United States and perform an assessment of these levees. The assessment of these levees will take into account the hydrologic and hydraulic condition, storm surges, geotechnical conditions, operating procedures, deficiencies, and other conditions that may occur in the vicinity of the levee system. The assessments will be prioritized based on which would constitute the highest risk of loss of human life or a risk to the public safety. Following the initial assessment, the reassessment of levees will occur every 5 years. This section also outlines the components of a State levee safety program to be eligible for assistance.

Every odd numbered year the Secretary of the Army shall submit a report to Congress addressing the progress of the program during the previous two years and the implementation of Federal guidelines for levee safety. The report should also contain an update on the progress of the State programs as well as the recommendation for legislative or other actions that the Secretary considers to be necessary.

Section 2055 authorizes appropriations for the Levee Safety Program established in Section 2054. Six items are identified for funding. The first is $50 million for the establishment and maintenance of the national inventory of levees. Second is $424 million to perform levee assessments. Next is the provision of $15 million for state levee safety programs in 2007 followed by $5 million per year for fiscal years 2008 through 2011. Finally for research and levee

safety training under Section 2054, $2 million and $1 million, are authorized respectively. There is authorized $150 thousand for travel expenses associated with the Levee Safety Committee.

TITLE III—PROJECT RELATED PROVISIONS

Sec. 3001. St. Herman and St. Paul Harbors, Kodiak, Alaska

This section authorizes the Secretary to carry out, on an emergency basis, the necessary removal of rubble, sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of $2,000,000.

Sec. 3002. Sitka, Alaska

This section directs the Secretary to take such action as is necessary to correct design deficiencies in the Thompson Harbor element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106) Stat. 4801) Thompson Harbor at Sitka, Alaska, at a Federal cost $6,300,000.

Sec. 3003. Black Warrior-Tombigbee Rivers, Alabama

This section authorizes the Secretary to construct a new project management office for the Black Warrior-Tombigbee Rivers and Alabama River projects to be located in the vicinity of Tuscaloosa, Alabama. To accomplish this section, the Secretary shall acquire necessary real estate interests, prepare required environmental documentation, design and construct office, warehouse, shop and dock facilities, and necessary ancillary buildings for the new project management office. The Secretary shall sell, convey, or otherwise transfer to the city of Tuscaloosa, Alabama, at fair market value, the land and structures with the existing project management office, if the city agrees to assume full responsibility and costs associated with the demolition of the existing project management office. There is authorized to carry out this section $32,000,000.

Sec. 3004. Rio De Flag, Flagstaff, Arizona

The cost of the project for Rio De Flag, Flagstaff, Arizona authorized by Section 101(b)(3) of the Water Resources Development Act of 2000 is increased to $54,100,000, with an estimated Federal cost of $35,000,000 and a non-Federal cost of $19,100,000.

Sec. 3005. Augusta and Clarendon, Arkansas

This section modifies the project for flood control, Augusta to Clarendon Levee, Lower White River, Arkansas project, authorized by the Flood Control Act of 1941 (P.L. 77–228) and modified by the Flood Control Act of 1946 (P.L. 79–525), to authorize the Secretary to carry out rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas, at a total estimated cost of $8,000,000, with an estimated Federal cost of $5,200,000 and an estimated non-Federal cost of $2,800,000.

Sec. 3006. Red-Ouachita River Basin levees, Arkansas and Louisiana

This section authorizes the Secretary to design, construct, operate and maintain bank stabilization measures, at Federal expense,

along the Ouachita and Black Rivers, Arkansas and Louisiana, between mile 0 on the Black River, Louisiana, to mile 460 on the Ouachita River, Arkansas at the outlet of Remmel Dam.

Sec. 3007. St. Francis Basin, Arkansas and Missouri

This section modifies the St. Francis Basin, Arkansas and Missouri project, authorized by the Act of June 15, 1936 (49 Stat. 1508, chapter 548), to authorize the Secretary to undertake channel stabilization and sediment removal measures as an integral part of original project and not to be considered a separable element. These measures would be provided at current project cost sharing, which is 100 percent Federal.

Sec. 3008. St. Francis Basin land transfer, Arkansas and Missouri

This section modifies the St. Francis Basin, Arkansas and Missouri project, authorized by the Act of June 15, 1936 (49 Stat. 1508, chapter 548), to authorize the Secretary to transfer acquired project mitigation lands in Arkansas directly to the State of Arkansas or its appropriate designee, provided that certain local requirements are met. Currently, transfer of the land is only authorized for the U.S. Fish and Wildlife Service.

Sec. 3009. McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma

Subsection (a) directs the Secretary to continue construction of the 12–foot channel project as authorized by section 136 of P.L. 108–137.

Subsection (b) authorizes the Secretary to determine the need for and construct modifications in the structures and operations of the Arkansas River in the area of Tulsa County, Oklahoma, specifically including the construction of low water dams and islands to provide nesting and foraging habitat for the interior least tern, in accordance with the study entitled, 'Arkansas River Corridor Master Plan Planning Assistance to States.' Such habitat will provide for mitigation for any incidental taking relating to the McClellan-Kerr Navigation System. The non-Federal share of the cost of a project under this subsection shall be 35 percent. There is authorized to be appropriated to carry out this subsection $12,000,000.

Sec. 3010. Cache Creek Basin, California

This section modifies the Cache Creek Basin project authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), and directs the Secretary to mitigate the hydraulic impacts of the new south levee of the Cache Creek Settling Basin on the city of Woodland's storm drainage system capacity, including all appurtenant features, erosion control measures, and environmental mitigation features. This project would be a separable element of the original project.

Sec. 3011. CALFED Levee Stability Program, California

This section authorizes an additional $106,000,000 to assist in the CALFED Levee Stability Program to continue the efforts authorized by the Water Supply, Reliability and Environmental Improvement Act (P.L. 108–361).

Sec. 3012. Hamilton Airfield, California

This section modifies the project for environmental restoration, Hamilton Army Airfield, California, substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers of July 19, 2004. The project is modified to include the diked bayland parcel 'Bel Marin Keys Unit V.' The total cost is $221,700,000, with a Federal cost of $166,200,000 and a non-Federal cost of $55,500,000.

Sec. 3013. LA–3 dredged material ocean disposal site designation, California

This section amends section 102(c)(4) of the Marine Protection, Research, and Sanctuary Act of 1972 (33 U.S.C. 1412(c)(4)) to extend the LA–3 Dredged Material Ocean Disposal Site interim designation from January 1, 2003, to January 1, 2007. The extension is needed to allow for maintenance dredging activities to proceed within Newport Harbor as the formal site designation process continues to completion.

Sec. 3014. Larkspur Ferry Channel, California

This section authorizes the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is feasible. If the Secretary determines that maintenance of the project is feasible, the Secretary shall maintain the channel.

Sec. 3015. Llagas Creek, California

This section authorizes the Secretary to complete the project for flood damage reduction, authorized by section 501(a) of the Water Resources Development Act of 1999 (113 Stat. 333), in accordance with the requirements of local cooperation agreements as specified in section 5 of the Watershed Protection and Flood Prevention Act (16 USC 1005) at a total cost of $105,000,000 with a Federal cost of $65,000,000 and a non-Federal cost of $40,000,000.

Sec. 3016. Magpie Creek, California

This section directs the Secretary to apply cost-sharing requirements applicable to non-structural flood control under section 103(b) of the Water Resources Development Act of 1986 (100 Stat. 4085) for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage. The crediting allowed under this provision shall not exceed the non-Federal share of the cost of the project. The Secretary is directed to utilize the in-kind contribution authorization in section 2001 of this Act to provide a credit to the local sponsors for the value of their in-kind contributions made on authorized activities in the project's scope of work if the Secretary determines the work is integral to the project.

Sec. 3017. Pine Flat Dam fish and wildlife habitat, California

This section directs the Secretary to participate with appropriate State and local agencies in the implementation of a cooperative program to improve and manage fisheries and aquatic habitat conditions in the Pine Flat Reservoir and in the 14-mile reach of Kings River immediately below the dam in accordance with Kings River Fisheries Management Program Framework. There is authorized to be appropriated $20,000,000.

Sec. 3018. Redwood City navigation project, California

This section authorizes the Secretary to dredge the Redwood City Navigation Channel on an annual basis, to maintain the authorized depth of—30 feet mean lower low water.

Sec. 3019. Sacramento and American Rivers flood control, California

This section directs the Secretary to apply remaining funds eligible for reimbursement on the Natomas Federal Plan as a credit toward the non-Federal share of costs for future work on any flood damage reduction project authorized before the date of enactment of this Act that is to be paid for by the Sacramento Area Flood Control Agency. The Secretary of the Army and the Secretary of the Interior are directed to expedite their respective activities, including the formulation of all necessary studies and decision documents in their collaborative effort regarding Folsom Dam.

Sec. 3020. Conditional declaration of nonnavigability, Port of San Francisco, California

This section declares portions of the San Francisco, California, waterfront not to be navigable water of the United States for the purpose of section 9 of the Act of March 3, 1899 (33 U.S.C. 401) and the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) if the Secretary determines that proposed projects are in the public interest. This determination is based on proposed projects which are to be carried out by non-Federal entities, consisting of bulkheads, fill, or otherwise occupied by permanent structures, that will impact the accessibility of the waterfront. If, after 20 years from the date of the enactment of this Act, any of the portions of the project declared to be non-navigable have not been impacted or if work has not begun within 5 years after the date of issuance of a permit, the declaration of nonnavigability shall cease to be effective.

Sec. 3021. Salton Sea restoration, California

This section authorizes a special study of pilot projects identified in the preferred restoration concept plan approved by the Salton Sea Authority to determine if the pilot projects are economically justifiable, technically sound, environmentally acceptable and meet the objectives of the Salton Sea Reclamation Act (Public Law 105–372). If the Secretary makes a positive determination, the Secretary may enter into an agreement with the Salton Sea Authority, in consultation with the Salton Sea Science Office, to carry out pilot projects for improvement of the environment in the area of the Salton Sea. There is authorized $26,000,000 to pay 65% of the cost of any measures carried out, and of which not more than $5,000,000 may be used for any one pilot project.

Sec. 3022. Santa Barbra Streams, Lower Mission Creek, California

The cost of the project for Santa Barbara Streams, Lower Mission Creek, California, authorized by Section 101(b)(8) of the Water Resources Development Act of 2000 is increased to $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

Sec. 3023. Upper Guadalupe River, California

This section authorizes the Secretary to carry out the project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), generally in accordance with Upper Guadalupe River Flood Damage Reduction Project, San Jose, California, Limited Reevaluation Report, dated March, 2004, at a total cost of $244,500,000, with an estimated Federal cost of $130,600,000 and an estimated non-Federal cost of $113,900,000.

Sec. 3024. Yuba River Basin project, California

This section modifies the project for flood damage reduction authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275) by increasing the authorized project cost from $26,600,000 to $107,700,000 with a Federal cost of $70,000,000 and a non-Federal cost of $37,700,000. The Secretary is directed to utilize the in-kind contribution authorization in section 2001 of this Act to provide a credit to the local sponsors for the value of their in-kind contributions made on authorized activities related to the levees in the project's scope of work, if the Secretary determines the work is integral to the project.

Sec. 3025. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut

This section designates the western breakwater in New Haven Harbor as the 'Charles Hervey Townshend Breakwater'.

Sec. 3026. Anchorage area, New London Harbor, Connecticut

This section modifies the project for navigation, New London Harbor, Connecticut, authorized by the Act of June 13, 1902 (32 Stat. 333), to redesignate a portion of the 23-foot deep waterfront channel as an anchorage area.

Sec. 3027. Norwalk Harbor, Connecticut

This section deauthorizes two small areas and authorizes the Secretary to realign a portion of the 10-foot channel at the northern section of the project for navigation, Norwalk Harbor, Connecticut, authorized by the Act of March 2, 1919 (40 Stat. 1276).

Sec. 3028. St. George's Bridge, Delaware

This section amends section 102(g) of the Water Resources Development Act of 1990 (104 Stat. 4612) to direct the Secretary to assume ownership of the State Route 1 replacement bridge and continue to operate and maintain the existing St. Georges Bridge unless otherwise directed by Congress.

Sec. 3029. Additional program authority, comprehensive Everglades restoration, Florida

This section applies section 902 of WRDA 1986 to the cost limits on the Federal share, total cost, and aggregate cost of projects pursued under CERP's programmatic authority of WRDA 2000 section 601(c).

Sec. 3030. Brevard County, Florida

The project limit for Brevard County, Florida, authorized in Section 418 of the Water Resources Development Act of 2000 is amended from 7.1 mile reach to 7.6 mile reach.

Sec. 3031. Critical restoration projects, Everglades and south Florida ecosystem restoration, Florida

This section increases the Federal appropriation limit for this program from $75,000,000 to $95,000,000 and removes language ending the period of appropriation, which was set at fiscal year 1999 in WRDA 1996 and at fiscal year 2003 in WRDA 1999. It would also increase the limit on Federal expenditures for a single project from $25,000,000 to $30,000,000 in the case of the Seminole Water Conservation Plan, which is one of the projects for which a Project Cooperation Agreement has been executed. Cost estimates for the projects have increased over time due to inflation, unexpected site conditions, design modifications necessary to meet the project goals, and construction bids higher than those originally estimated.

Sec. 3032. Lake Okeechobee and Hillsboro Aquifer pilot projects, comprehensive Everglades restoration, Florida

This section amends section 601(b)(2)(B) of WRDA 2000, to include the pilot projects for aquifer storage and recovery, Lake Okeechobee and Hillsboro Aquifer, Florida, under the cost sharing and other provisions of WRDA 2000. These pilot projects shall be treated as being integral components of the Comprehensive Everglades Restoration Plan, and carried out in accordance with the Plan, except that costs of operation and maintenance of these projects shall remain 100 percent non-Federal.

Sec. 3033. Lido Key, Sarasota County, Florida

This section directs the Secretary to carry out the project for hurricane and storm damage reduction in Lido Key, Sarasota County, Florida, in accordance with the report of the Chief of Engineers dated December 22, 2004. The modified project provides for initial construction and periodic nourishment of an 80–foot-wide beach berm at elevation +5 feet National Geodetic Vertical Datum over 1.56 miles of shoreline. The authorized total cost is $14,809,000 with an estimated Federal cost of $9,088,000 and an estimated non-Federal cost of $5,721,000. Estimated total costs of $63,606,000 for periodic nourishment over a period of 50 years have an estimated Federal cost of $31,803,000 and an estimated non-Federal cost of $31,803,000.

Sec. 3034. Port Sutton Channel, Tampa Harbor, Florida

The project for Port Sutton Channel, Tampa Harbor, Florida, authorized by Section 101(b)(12) of the Water Resources Development Act of 2000 is modified to authorize the project to be carried out at a cost of $12,900,000.

Sec. 3035. Tampa Harbor, Cut B, Tampa, Florida

This section modifies the project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818) to authorize the Secretary to construct passing

lanes in an area approximately 3.5 miles long and centered on Tampa Bay Cut B, if the Secretary determines that the improvements are necessary for navigation safety.

Sec. 3036. Allatoona Lake, Georgia

This section repeals the authority provided in section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849), and authorizes the Secretary to exchange land at Allatoona Lake, Georgia, by adding an alternative method whereby the Government could sell land above 863 feet in elevation and with the proceeds from the sales, without further appropriations, acquire additional lands, from willing sellers, to protect the water quality and overall environment of Allatoona Lake. The lands available to be sold are in accordance with the Real Estate Design Memorandum prepared by the Mobile district engineer dated April 5, 1996, and approved October 8, 1996.

Sec. 3037. Dworshak Reservoir Improvements, Idaho

This section directs the Secretary to construct recreational facilities as well as improve existing Army Corps of Engineers and other improvements to recreation facilities at the existing Dworshak Reservoir to allow for operation at the lower pool elevations that are being experienced to assist in salmon species recovery efforts. The estimated total project cost is $5,300,000, with an estimated Federal cost of $3,900,000 and an estimated non-Federal cost of $1,400,000.

Sec. 3038. Little Wood River, Gooding, Idaho

This section modifies the project at Gooding, Idaho, constructed under Public Law 75–5, the Emergency Conservation Work Program (16 U.S.C. 585 et seq.), to direct the rehabilitation of the Gooding Idaho Channel Project for the purpose of flood control and ecosystem restoration, if the Secretary determines the rehabilitation and ecosystem restoration to be feasible. The section authorizes the Secretary to plan, design and construct the project at a total cost of $9,000,000, provides that the non-Federal share of the cost of the project can be provided as in-kind contributions, services, supplies and material, and provides that non-Federal funds may come from other Federal programs if permitted under that Federal program. This provision directs the Secretary to consider the ability to pay provisions of section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) when computing the non-Federal cost share.

Sec. 3039. Port of Lewiston, Idaho

This section extinguishes reversionary interests and use restrictions related to industrial use purposes, the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas, and the restriction on human habitation or other building structure in which the elevation is above the standard project flood elevation. This section also specifies the deeds involved and includes a savings clause regarding other remaining rights and interests of the Army Corps of Engineers for authorized project purposes.

Sec. 3040. Cache River Levee, Illinois

This section modifies the Cache River Levee, Illinois, authorized under the Flood Control Act of June 28, 1938 (52 Stat. 1215, Chapter 795) to add environmental restoration as a project purpose.

Sec. 3041. Chicago, Illinois

This section modifies the existing authorization by clarifying that the study includes Lake Michigan as well as the Chicago River.

Sec. 3042. Chicago River, Illinois

This section reduces the width of the authorized navigation channel from between 100 and 120 to no wider than 66 feet from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge, Chicago, Illinois to ensure consistency in Army Corps of Engineers records to actual bridge size.

Sec. 3043. Illinois River Basin Restoration

This section increases the authorization of Section 519(c)(3) of the Water Resources Development Act of 2000, from $5,000,000 to $20,000,000.

Sec. 3044. Missouri and Illinois flood protection projects reconstruction pilot program

This section directs the Secretary to reconstruct existing flood control projects in Missouri and Illinois as needed for proper functioning as originally authorized, so long as the deficiencies identified are not due to lack of proper operation and maintenance by the non-Federal interest. Costs shall be shared in the same percentages as the original projects. Operation, maintenance, repair, and rehabilitation of reconstructed projects are a non-Federal responsibility. A total of $50,000,000 is authorized for this effort. The following critical projects are to receive priority:

(1) Clear Creek Drainage and Levee District, Illinois.
(2) Fort Chartres and Ivy Landing Drainage District, Illinois.
(3) Wood River Drainage and Levee District, Illinois.
(4) City of St. Louis, Missouri.
(5) Missouri River Levee Drainage District, Missouri.

Sec. 3045. Spunky Bottom, Illinois

This section adds ecosystem restoration as a project purpose to the flood control project between Beardstown, Illinois and the mouth of the Illinois River, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1583, Chapter 688). In addition, it directs that the flood control project shall remain eligible for emergency repair assistance under the Flood Control Act of August 18, 1941 (Public Law 77–228), as amended (33 U.S.C. 701n) without consideration of economic justification. It also authorizes $7,500,000 in Federal funding ($500,000 of which will be available for post-construction monitoring and adaptive management for a period of 5 years following completion of construction) for project modifications carried out under section 1135 of WRDA 1986 for the Spunky Bottoms, Illinois project.

Sec. 3046. Strawn Cemetery, John Redmond Lake, Kansas

This section directs the transfer of approximately 3 acres of Federal lands at John Redmond Lake directly to Pleasant Township, Kansas. The conveyance would be at fair market value of undeveloped land. All costs associated with the conveyance shall be non-Federal.

Sec. 3047. Milford Lake, Milford, Kansas

The Secretary is directed to convey at fair market value to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Geary County, Kansas.

Sec. 3048. Ohio River, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia

This section modifies the project for ecosystem restoration, Ohio River, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia, authorized by section 101(a)(16) of the Water Resources Development Act of 2000 (114 Stat. 2578), to authorize the Secretary to cost share projects with non-profit organizations with the consent of the affected local government, prepare an implementation plan and initiate a pilot restoration program in the Lower Scioto Basin, Ohio.

Sec. 3049. McAlpine Lock and Dam, Kentucky and Indiana

This section increases the authorized costs of the project for McAlpine Lock and Dam, authorized by Section 101(a)(10) of the Water Resources Development Act of 1990 to $430,000,000.

Sec. 3050. Public Access, Atchafalaya, Basin Floodway System, Louisiana

This section authorizes the Secretary to acquire an additional 20,000 acres of land from willing sellers as is consistent with the Public Access feature. This section also addresses an inconsistency in previous Acts pertaining to a limitation placed on Federal expenditures. This section removes the $32,000,000 cap for the acquisition of additional lands retroactive to the Water Resources Development Act of 1986 when the project scope was expanded.

Sec. 3051. Regional Visitor Center, Atchafalaya Basin Floodway System, Louisiana

This section directs the Secretary in consultation with the State of Louisiana to study, design, and construct a type A regional visitors center in the vicinity of Morgan City, Louisiana. The non-Federal share of the cost of upgrading the visitors center from a type B to a type B, and the operation and maintenance costs of the visitors center is 100 percent.

Sec. 3052. Calcasieu River and Pass, Louisiana

This section modifies the project for the Calcasieu River and Pass, Louisiana, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 481) to authorize the Secretary to provide $3,000,000 for each fiscal year, in a total amount of $15,000,000, for such rock bank protection of the Calcasieu River from mile 5 to mile 16, as the Chief of Engineers determines to be advisable to

reduce maintenance dredging needs and facilitate protection of valuable disposal areas for the Calcasieu River and Pass, Louisiana.

Sec. 3053. East Baton Rouge Parish, Louisiana

This section modifies the project for flood damage reduction and recreation, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), as amended by section 116 of the Consolidated Appropriations Resolution, 2003 (117 Stat. 140), to authorize the Secretary to carry out the project substantially in accordance with the Report of the Chief of Engineers dated December 23, 1996, and the subsequent Post Authorization Change Report dated December 2004. The estimated cost is $178,000,000.

Sec. 3054. Mississippi River Gulf Outlet Relocation Assistance, Louisiana

To support the relocation of the Port of New Orleans deep draft facilities from the Mississippi River Gulf Outlet, the Gulf Intracoastal Waterway, and the Inner Harbor Navigation Canal to the Mississippi River, $175,000,000 is authorized to be appropriated to be administered by the Economic Development Administration. An additional $185,000,000 is authorized to be available to support revolving loan funds to assist private businesses in relocation.

Sec. 3055. Red River (J. Bennett Johnston) Waterway, Louisiana

This section will allow the Secretary to purchase and reforest lands, which have been cleared or converted to agricultural uses for mitigation purposes. Current law restricts land purchases to bottomland hardwood lands. There are no additional willing sellers of bottomland hardwood lands available. This change will increase the amount of land available to meet the projects' mitigation requirements. The total project cost is $33,200,000.

Sec. 3056. Camp Ellis, Saco, Maine

This section authorizes the Secretary to continue the project initiated under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), up to a maximum of $20,000,000 to mitigate erosion on Camp Ellis Beach caused by the Federal navigation project.

Sec. 3057. Union River, Maine

This section modifies the project for navigation, Union River, Maine, authorized by the Act of June 3, 1896 (29 Stat. 215, Chapter 314), by redesignating the upper 6-foot turning basin as an anchorage area.

Sec. 3058. Chesapeake Bay environmental restoration and protection program, Maryland, Pennsylvania, and Virginia

This section amends section 510(i) of the Water Resources Development Act of 1996 (110 Stat. 3761) to increase the total program funding limit from $10,000,000 to $30,000,000.

Sec. 3059. Cumberland, Maryland

This section amends section 580(a) of the Water Resources Development Act of 1999 (113 Stat. 375) to increase the total authorized cost of the project for restoration of the Chesapeake and Ohio

Canal from $15,000,000 to $25,750,000 with an estimated Federal cost of $16,738,000 and an estimated non-Federal cost of $9,012,000.

Sec. 3060. Aunt Lydia's Cove, Massachusetts

The portion of the project for navigation, Aunt Lydia's Cove, Massachusetts, authorized August 31, 1994, pursuant to section 107 of the Act of July 14, 1960, consisting of the 8-foot deep anchorage in the cove is deauthorized.

Sec. 3061. Fall River Harbor, Massachusetts and Rhode Island

First, this section extends the authorization for the project for navigation, Fall River Harbor, Massachusetts and Rhode Island authorized by section 101 of the River and Harbor Act of 1968(82 Stat. 731) and amends the authorization to restrict the project depth of the existing navigation project riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, to not more than 35 feet in depth. Second, this section also directs the Secretary to conduct a study to determine the feasibility of deepening the portion of the channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, seaward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts. If funds are not obligated for construction (including planning and design) of the Fall River Harbor project within 5 years of the enactment of this act, the original project will no longer be authorized.

Sec. 3062. St. Clair River and Lake St. Clair, Michigan

This section modifies existing law to authorize the Secretary to establish and lead a partnership of Federal agencies, including the Environmental Protection Agency (EPA), and the State of Michigan and political subdivisions of the State and other involved parties in the management of the St. Clair River and Lake St. Clair Watersheds, in accordance with the St. Clair River and Lake St. Clair Comprehensive Management Plan. The focus of this partnership would be to develop and implement projects consistent with the management plan.

In 2001, the U.S. Army Corps of Engineers initiated development of the management plan, emphasizing broad coordination with other public agencies and local stakeholders. The management plan recommends that successful, locally driven programs continue, and that larger efforts be coordinated by an intergovernmental steering group. This provision supports both efforts, allowing grants and other financial assistance as well as providing for direct participation in project development and implementation.

The section directs the Secretary, working in consultation with the partnership, to develop a St. Clair River and Lake St. Clair strategic implementation plan in accordance with the St. Clair River and Lake St. Clair Management Plan; and to supplement the management plan and the strategic implementation plan, as needed.

Appropriations to support this provision are authorized at $10,000,000 per fiscal year. The non-Federal share for the cost of technical assistance, planning, design, construction, and evaluation of a project, and the development of supplementary information, is

25 percent of the total cost of the project or development. All operation and maintenance costs associated with projects implemented under this provision are to be 100 percent non-Federal responsibilities.

Sec. 3063. Duluth Harbor, Minnesota

This section authorizes the Secretary to include public access and recreational facilities as part of the Federally cost-shared facilities for the project, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577). These facilities include, parking facilities, pedestrian walkways, and boating and fishing access facilities. This section also increases the allowable Federal share to $9,000,000 to accommodate the increased project scope.

Sec. 3064. Bonnet Carre Freshwater Diversion Project, Mississippi and Louisiana

This section modifies the Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, project to provide for implementation of the Bonnet Carre Freshwater Diversion Project. Freshwater diversion projects can restore historic salinity levels, which benefit valuable habitat.

Sec. 3065. Land exchange, Pike County, Missouri

This section directs a land exchange of 42 acres between S.S.S., Inc. and the Army Corps of Engineers within 2 years. The Federal land includes 2 parcels of Army Corps of Engineers land located on Buffalo Island in Pike County, Missouri. The S.S.S., Inc. land is situated in Pike County, Missouri, upstream and northwest, about 200 feet from Drake Island (also known as Grimes Island).

Sec. 3066. L–15 Levee, Missouri

The section deems that portion of the L–15 levee system that is under the jurisdiction of the Consolidated North County Levee District and situated along the right descending bank of the Mississippi River from the confluence of that river with the Missouri River and running upstream approximately 14 miles to be a Federal levee.

Sec. 3067. Union Lake, Missouri

This section directs the Secretary to offer to convey to the State of Missouri two tracts of land totaling approximately 205.5 acres that were originally purchased for the Union Lake Project, which was deauthorized in the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)).

Sec. 3068. Lower Yellowstone Project, Montana

The section authorizes the Secretary to use funds appropriated to carry out the Missouri River recovery and mitigation program to assist the Bureau of Reclamation in the design and construction of the Lower Yellowstone project of the Bureau, Intake, Montana.

Sec. 3069. Yellowstone River and tributaries, Montana and North Dakota

This section authorizes the Secretary to carry out restoration projects in the watershed of the Yellowstone River and tributaries

in Montana and North Dakota. The restoration projects would be implemented in partnership with non-Federal sponsors, including non-profit entities with the support of the local government. Projects would provide for a wide range of measures in the main channel and flood plain to accomplish restoration, creation, and preservation of fish and wildlife habitat. Incorporation of multi-purpose features into these projects is authorized. This section authorizes Federal appropriations up to $30,000,000.

Sec. 3070. Lower Truckee River, McCarran Ranch, Nevada

This section authorizes the Secretary to construct a project modification for environmental restoration on the Truckee River at McCarran Ranch, Nevada, with the Federal share of the cost in excess of the statutory $5,000,000 limit established under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a). The total project cost is $7,500,000, with an estimated Federal cost of $5,775,000 and an estimated non-Federal cost of $1,725,000.

Sec. 3071. Middle Rio Grande restoration, New Mexico

This section authorizes the Secretary to carry out restoration projects in the Middle Rio Grande. The Secretary shall consult with and consider the activities being carried out by the Middle Rio Grande Endangered Species Act Collaborative Program and the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative. The cost of projects carried out under this authority will be cost-shared at a non-Federal share of 35 percent and shall include provision of necessary land, easements, relocations, and disposal sites. The non-Federal sponsor may, with the consent of the affected government, be a nonprofit entity. The program is authorized for an appropriation of $25,000,000.

Sec. 3072. Long Island Sound oyster restoration, New York and Connecticut

This section authorizes the Secretary to plan, design, and construct projects to increase aquatic habitats within Long Island Sound, New York and Connecticut, and adjacent waters, including the construction and restoration of oyster beds and related shellfish habitat. There is authorized to be appropriated $25,000,000.

Sec. 3073. Orchard Beach, Bronx, New York

This section amends section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) to increase the maximum Federal cost of the project from $5,200,000 to $18,200,000.

Sec. 3074. New York Harbor, New York, New York

This section amends section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a) which authorized the Secretary to enter into cost-sharing agreements with one or more non-Federal public interests for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, decontamination, or disposal facility. This includes any facility used to demonstrate potential beneficial uses of dredged material. When appropriate, the Secretary may combine portions of separate Federal projects if the facility is used to manage dredged material from

multiple Federal projects in the same geographic area. The New York and New Jersey Harbor Deepening Project, New York and New Jersey, is the most likely candidate navigation project to use the facility; however, the cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnership agreements.

Sec. 3075. Missouri River restoration, North Dakota

This section amends section 707(a) of the Water Resources Development Act of 2000 (114 Stat. 2699) to extend the authorization for appropriations by striking "$5,000,000" and all that follows through "2005" and inserting "$25,000,000".

Sec. 3076. Lower Girard Lake Dam, Girard, Ohio

The section amends section 507(l) of the Water Resources Development Act of 1996 (110 Stat. 3758) by increasing the authorization from $2,500,000 to $5,500,000 for repair and rehabilitation of the Lower Girard Lake Dam, which may include lowering the crest of the Dam by not more than 12.5 feet.

Sec. 3077. Toussaint River navigation project, Carroll Township, Ohio

This section authorizes Federal funding for all the costs associated with increased operation and maintenance activities that are carried out in accordance with section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and relate directly to the presence of unexploded ordnance at the Toussaint River Navigation Project.

Sec. 3078. Arcadia Lake, Oklahoma

This section directs the Secretary to eliminate the requirement to pay accrued interest costs for the water supply storage following the end of the 10-year interest free period beginning on November 30, 1996 to September 1999; the date the storage was placed into active status.

Sec. 3079. Lake Eufaula, Oklahoma

This section requires the Secretary to maximize the storage capacity at Lake Eufaula to ensure that the full value of the reservoir is realized by the United States. To assist the Secretary, there is established a Lake Eufaula Advisory Committee.

Sec. 3080. Release of Reversionary Interest, Oklahoma

This section extinguishes each reversionary interest and use restriction related to recreation and public parks on the land conveyed by the Secretary to the State of Oklahoma pursuant to the Act entitled 'An Act to authorize the sale of certain lands to the State of Oklahoma' (67 Stat. 63, chapter 118). Any deed of release, amended deed, or other appropriate instrument of release needed to extinguish each reversionary interest and use restriction, shall be filed and executed as soon as practicable after the date of enactment of this act.

Sec. 3081. Oklahoma Lakes Demonstration Program, Oklahoma

This section directs the Secretary to implement within one year of enactment of this Act an innovative program at the Corps of En-

gineers lakes in Oklahoma. The purpose of the program is to demonstrate the benefits of enhanced recreation facilities and activities at those lakes. The Secretary is to report on the results of the program within two years of enactment of this Act. The authority provided by this section terminates ten years after the date of enactment of this Act.

Sec. 3082. Waurika Lake, Oklahoma

This section directs the Secretary to use the costs for construction of the water conveyance facilities for the projects as in existence in June 1986. Any costs identified by the Army Corps of Engineers after June 1986 are considered a Federal cost.

Sec. 3083. Lookout Point Project, Lowell, Oregon

This section directs the Secretary to offer to convey to the Lowell School District No. 71, Oregon one tract of land totaling approximately 0.98 acres located in Lane County, Oregon for use as a fire station. The conveyance shall not take place until the United States Forest Service, which currently operates structures on the property, completes and certifies that the necessary environmental remediation has been performed and transfers the structures to the Corps of Engineers.

Sec. 3084. Upper Willamette River Watershed ecosystem restoration

This section directs the Secretary to conduct studies and ecosystem restoration projects for the Upper Willamette Watershed, which includes the planning, design, and construction of ecosystem restoration projects. Habitat has been altered or destroyed for a wide variety of plants and animals, including fish species, such as bull trout and Willamette spring Chinook salmon and winter steelhead, listed as threatened under the Endangered Species Act. There is authorized to be appropriated $15,000,000.

Sec. 3085. Upper Susquehanna River Basin, Pennsylvania and New York

This section amends the project for ecosystem restoration, Upper Susquehanna River Basin, Pennsylvania and New York, authorized by section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787), to expand the definition of potential non-Federal sponsors; to authorize the Secretary to provide assistance for implementing wetland restoration projects and soil conservation measures; and defines an implementation strategy for carrying out the goals of the program.

Sec. 3086. Narragansett Bay, Rhode Island

This section authorizes the Secretary to use amounts in the Environmental Restoration Account, Formerly Used Defense Sites, for the removal of abandoned marine camels in Narragansett Bay, Rhode Island.

Sec. 3087. South Carolina Department of Commerce development proposal at Richard B. Russell Lake, South Carolina

This section directs the Secretary to convey to the State of South Carolina a portion of those lands described in Army Lease No. DACW21–1–92–500 (Abbeville, Hester Marina and Manor Recre-

ation Areas) currently under lease to the South Carolina Department of Commerce (SCDOC) for 99 years for cost-shared recreation development pursuant to P.L. 89–72 (approximately 650 acres). This section includes provisions for the Army to retain ownership of land that would have been acquired for operational purposes in accordance with existing policy and such other land as is determined to be required for project purposes. The section eliminates the applicability of section 2696 of title 10, U.S.C. to this conveyance and allows the Secretary to require additional terms and conditions as appropriate to protect the interests of the United States. The State is responsible for all costs associated with this conveyance, is required to pay fair market value for land conveyed, and is permitted to perform environmental or real estate actions associated with the conveyance in lieu of payment. This section retains the applicability of the Shoreline Management Policy of the Army Corps of Engineers and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including public review under that Act, and other Federal statutes.

Sec. 3088. Missouri River restoration, South Dakota

This section amends section 707(a) of the Water Resources Development Act of 2000 (114 Stat. 2699) to extend the authorization for appropriations through 2010.

Sec. 3089. Missouri and Middle Mississippi Rivers enhancement project

This section amends section 514 of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) to extend the authorization of appropriations through fiscal year 2015. For any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

Sec. 3090. Nonconnah Weir, Memphis, Tennessee

This section modifies the project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4124) and modified by section 334 of the Water Resources Development Act of 2000 (114 Stat. 2611), to authorize the Secretary to reconstruct, at Federal expense, the weir originally constructed in the vicinity of the mouth of Nonconnah Creek and to make repairs and maintain the weir in the future so that the weir functions properly. The estimated cost of reconstruction of the weir is $2,500,000.

Sec. 3091. Old Hickory Lock and Dam, Cumberland River, Tennessee

This section extinguishes the reversionary interests and use restrictions relating to recreation and camping purposes with respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (commonly known as "Easter Seals Tennessee") at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087). The Army Corps of Engineers retains remaining rights or interest of the Army Corps of Engineers with respect to an authorized purpose of any project.

Sec. 3092. Sandy Creek, Jackson County, Tennessee

This section authorizes the Secretary to carry out a project for flood damage reduction at Sandy Creek, Tennessee, under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified. Sandy Creek is not to be considered an authorized channel of the West Tennessee Tributaries Project, nor is the flood damage reduction project to be considered a part of the West Tennessee Tributaries Project.

Sec. 3093. Cedar Bayou, Texas

This section modifies the project, authorized by section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632), to authorize construction of a navigation channel that is 10 feet by 100 feet instead of 12 feet by 125 feet.

Sec. 3094. Denison, Texas

This section authorizes the Secretary to offer to convey at fair market value to the city of Denison, Texas, all right, title, and interest of the United States in and to approximately 900 acres of land located in Grayson County, Texas.

Sec. 3095. Freeport Harbor, Texas

This section clarifies that all costs associated as a result of the discovery of the sunken vessel Comstock of the Corps of Engineers are a Federal responsibility and directs the Corps not to seek these costs or any costs associated with a delay from the local sponsor.

Sec. 3096. Harris County, Texas

This section modifies section 575(b) of WRDA 1996 to require the Secretary to not consider flood control works constructed by non-Federal interests within the drainage area in the determination of conditions existing prior to construction of the Upper White Oak Bayou, Texas project authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).

Sec. 3097. Connecticut River Restoration, Vermont

This section permits a nonprofit entity to act as the non-Federal sponsor for the purposes of carrying out the activities described in the agreement executed between the Nature Conservancy and the Department of the Army on August 5, 2005.

Sec. 3098. Dam remediation, Vermont

This section amends section 543 of the Water Resources Development Act of 2000 (42 Stat. 2671) to add ecosystem restoration, protection, and preservation as a purpose of the dam remediation authority and identifies nine additional dams to be evaluated under the program.

Sec. 3099. Lake Champlain eurasian milfoil, water chestnut, and other nonnative plant control, Vermont

This section directs the Secretary to revise the existing General Design Memorandum prepared under the authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) to permit the use of chemical means of control, when appropriate, of Eurasian

milfoil, water chestnuts, and other nonnative plants in the Lake Champlain basin, Vermont.

Sec. 3100. Upper Connecticut River Basin wetland restoration, Vermont and New Hampshire

This section authorizes the Secretary, in consultation with Federal, State, local and non-profit agencies, to conduct a study and develop a strategy for the use of wetland restoration, soil and water conservation practices, and non-structural measures in the Upper Connecticut River basin to reduce flood damage, improve water quality, and create wildlife habitat. It further directs the Secretary to participate in the implementation of the strategy in cooperation with local landowners and local government officials. The river basin provides important habitat for Atlantic salmon, dwarf mussels, beaver, otter, mink, bear, and moose. It is a flyway for migratory bird species. Portions of the Connecticut River, such as the Conte Refuge Special Focus Area, are known for their biological diversity and an unusual concentration of species that are disappearing from other places. It has the best dwarf wedge mussel population in the basin and it provides summer forage for migratory bald eagles. In addition, the Connecticut River Rapids Macrosite includes some of the river's last floodplain forests. There is $5,000,000 authorized to carry out the section.

Sec. 3101. Upper Connecticut River Basin ecosystem restoration, Vermont and New Hampshire

This section directs the Secretary, in consultation with Federal, State, local and non-profit agencies, to conduct a study and develop a strategy for ecosystem restoration of the Upper Connecticut River ecosystem. It further directs the Secretary to participate in the implementation of critical restoration projects in the Upper Connecticut River Basin consistent with the developed strategy. The river basin provides important habitat for Atlantic salmon, dwarf mussels, beaver, otter, mink, bear, and moose. It is a flyway for migratory bird species. Portions of the Connecticut River, such as the Conte Refuge Special Focus Area, are known for their biological diversity and an unusual concentration of species that are disappearing from other places. It has the best dwarf wedge mussel population in the basin and it provides summer forage for migratory bald eagles. In addition, the Connecticut River Rapids Macrosite includes some of the river's last floodplain forests. There is $20,000,000 authorized to carry out the section.

Sec. 3102. Lake Champlain Watershed, Vermont and New York

This section amends section 542 of the Water Resources Development Act of 2000 (42 Stat. 2671) to identify additional activities that may be considered critical restoration projects, including geographic mapping using existing technical capacity to produce a high-resolution, multi-spectral satellite, imagery-based land use and cover data sets; and river corridor assessments, protection, management, and restoration for purposes of ecosystem restoration. This section increases the authorization for the section from $20,000,000 to $32,000,000.

Sec. 3103. Chesapeake Bay oyster restoration, Virginia and Maryland

This section amends section 704(b) of the Water Resources Development Act of 1968 (33 U.S.C. 22263(b)) to increase the authorized appropriation limit for the program from $20,000,000 to $50,000,000. The provision also modifies the allowable activities to be conducted in the Chesapeake Bay and expands the purposes for which restoration activities may be undertaken and defines successful restoration activities.

Sec. 3104. Tangier Island Seawall, Virginia

This section amends section 577(a) of the Water Resources Development Act of 1196 (110 Stat. 3789) to increase the total project cost from $1,200,000 to $3,000,000 with a Federal cost of $2,400,000 and a non-Federal cost of $600,000.

Sec. 3105. Erosion control, Puget Island, Wahkiakum County, Washington

This section modifies section 204 of the Flood Control Act of 1950 (64 Stat. 178) for a one-time placement of dredge material from the Columbia River channel onto the shoreline of Puget Island, Washington, for temporary protection from erosion of economic and environmental resources. This section authorizes appropriations of $1,000,000 at Federal expense and instructs the Secretary to perform appropriate agency coordination and ensure environmental compliance.

Sec. 3106. Lower granite pool, Washington

This section extinguishes reversionary interests and use restrictions related to industrial use purposes, the restriction that no activity is permitted that will compete with services and facilities offered by public marinas, and the restriction on human habitation or other building structures in which the elevation is above the standard project flood elevation. This section also specifies the deeds involved and includes a savings clause regarding other remaining rights and interests of the Army Corps of Engineers for authorized project purposes.

Sec. 3107. McNary Lock and Dam, McNary National Wildlife Refuge, Washington and Idaho

This section directs the transfer of administrative jurisdiction over the land acquired for the McNary Lock and Dam Project and managed by the Fish and Wildlife Service under Cooperative Agreement Number DACW68–4–00–13 from the Army Corps of Engineers to the Fish and Wildlife Service. The land will continue to be managed as part of the McNary National Wildlife Refuge. This section includes specific provisions regarding retention of habitat unit credits at the Cummins property. It requires the Fish and Wildlife Service to obtain priority approval of the Washington State Department of Fish and Wildlife for any change to the previously approved site development plan for the Cummins property, and it requires that the Fish and Wildlife Service continue operation of the Madame Dorian Recreation Area for public use and boater access.

Sec. 3108. Snake River project, Washington and Idaho

This section modifies the project for the Snake River Project, Oregon and Washington, authorized by section 101 of the Water Resources Development Act of 1976 (90 Stat. 2921), to amend the Fish and Wildlife Compensation Plan for the Lower Snake River, Washington, and Idaho. This section authorizes the Secretary to conduct studies and implement aquatic and riparian ecosystem restoration and improvements specifically for fisheries and wildlife.

Sec. 3109. Whatcom Creek Waterway, Bellingham, Washington

This section provides that the portion of the project for navigation, Whatcom Creek Waterway, Bellingham, Washington, authorized by the River and Harbor Act of 1958, consisting of the last 2,900 linear feet of the inner portion of the waterway, shall not be authorized as of the date of enactment of this Act.

Sec. 3110. Lower Mud River, Milton, West Virginia

This section authorizes the modification of the project for flood damage reduction, Lower Mud River, Milton, West Virginia, substantially in accordance with the plans, and subject to the conditions, recommended in a draft report of the Corps of Engineers at an estimated total cost of $45,500,000, with an estimated Federal cost of $34,125,000 and an estimated non-Federal cost of $11,375,000.

Sec. 3111. McDowell County, West Virginia

The section modifies the non-structural component of the Levisa and Tug Fork of the Big Sandy and Cumberland Rivers project to direct the Secretary to take measures to provide protection from the reoccurrence of the greater of the April 1977 flood; July 2001 flood; May 2002 flood; or the 100-year frequency event.

Sec. 3112. Green Bay Harbor Project, Green Bay, Wisconsin

This section modifies the existing limits of the authorized navigation channel of the Green Bay Harbor Project, beginning at Station 190+00 to Station 378+00 to a width of 75 feet and a depth of 6 feet. This modification will allow the local entities to complete the cleanup of hazardous wastes currently within the waterway, but does not affect responsibility or liability for the cleanup.

Sec. 3113. Underwood Creek diversion facility project, Milwaukee County, Wisconsin

This section authorizes the Secretary to carry out planning, engineering, and design of an adaptive ecosystem restoration, flood damage reduction, and erosion protection project at the Milwaukee County Grounds, Wauwatosa, Wisconsin. The project is made a part of the existing program for flood mitigation and riverine restoration.

Sec. 3114. Oconto Harbor, Wisconsin

This section provides that a portion of the project for navigation, Oconto Harbor, Wisconsin, authorized by the River and Harbor Act of 1910, consisting of a 15-foot deep turning basin in the Oconto River, is no longer authorized.

Sec. 3115. Mississippi River headwaters reservoirs

This section allows the Secretary to operate headwaters reservoirs below the minimum or above the maximum water levels established in 1988 as modified by this section in accordance with a manual developed by the Secretary after consultation with the Governor of Minnesota and affected tribal governments. In addition, this section requires the Secretary to submit a notice of intent to Congress 14 days prior to operating the headwaters reservoir below the minimum or above the maximum water level limits. This notice does not have to be provided in cases where the operation is necessary to prevent the loss of life, to ensure the safety of a dam, or in anticipation of a flood control operation.

Sec. 3116. Lower Mississippi River Museum and Riverfront Interpretive Site

This section amends section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) to allow the purchase of property that is not limited to property being held by the Resolution Trust Corporation.

Sec. 3117. Upper Mississippi River system environmental management program

This section modifies the existing authorization to allow that for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

Sec. 3118. Upper Basin of Missouri River

This section permits funds made available for recovery or mitigation activities in the lower basin of the Missouri River to be used in the upper basin of the Missouri River.

Sec. 3119. Great Lakes fishery and ecosystem restoration program

This section amends the Great Lakes Fishery and Ecosystem Restoration Program established in section 506(c) of the Water Resources Development Act of 2000 by directing the Corps to carry out a reconnaissance study before planning, designing, or constructing a project for restoring fisheries, ecosystems and beneficial uses of the Great Lakes. The Secretary shall then make a determination as to whether the planning should proceed. Any reconnaissance study carried out under this section shall be at Federal expense.

Sec. 3120. Great Lakes remedial action plans and sediment remediation

This section amends section 401(c) of the Water Resources Development Act of 1990 to extend the authorization of the program from 2006 through 2011.

Sec. 3121. Great Lakes tributary models

This section amends section 506(g)(2) of the Water Resources Development Act of 1996 by extending the authorization of the program from 2006 through 2011.

Sec. 3122. Upper Ohio River and Tributaries Navigation System new technology pilot program

This section establishes a pilot program to evaluate new technologies for the Upper Ohio River and Tributaries Navigation System. The program may include the design, construction, or implementation of innovative technologies and solutions. The purposes of the program are to increase the reliability and availability of Federally-owned and Federally-operated navigation facilities; to decrease system operational risks; and to improve vessel traffic management, access, and Federal asset management. The cost sharing for this program is in accordance with the formula relating to the applicable original construction project. The authorized appropriation for this program is $3,100,000.

TITLE IV—STUDIES

Sec. 4001. Eurasian milfoil

This section directs the Secretary to carry out a study, at Federal expense, to develop national protocols for the use of the Euhrychiopsis lecontei weevil for biological control of Eurasian milfoil in the lakes of Vermont and other northern tier States.

Sec. 4002. McClellan-Kerr Arkansas River Navigation Channel

The committee is aware of scientific and technical concerns with the identification and differentiation of sturgeon species and the effects that this may have on navigation projects operated by the Corps of Engineers. The Secretary, in conjunction with Oklahoma State University, is directed to convene a panel of experts with acknowledged expertise in wildlife biology and genetics to review the available scientific information regarding the genetic variation of various sturgeon species and possible hybrids.

Sec. 4003. Los Angeles River Revitalization Study, California

This section authorizes the Secretary to prepare a feasibility study for environmental restoration, flood control, recreation, and other aspects of Los Angeles River revitalization that is consistent with the goals Master Plan published by the city of Los Angles. The Secretary is authorized to construct demonstration projects in order to provide information to develop the study. The Federal share of the cost of any demonstration project shall be not more than 65 percent. The authorized appropriation for the demonstration program is $12,000,000.

Sec. 4004. Nicholas Canyon, Los Angeles, California

This section authorizes the Secretary to conduct a study to determine the feasibility of bank stabilization and shore protection for Nicholas Canyon, Los Angeles, California, under the authority of section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

Sec. 4005. Oceanside, California, shoreline special study

This section amends section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) to increase by 12 months an extension for completing the Oceanside, California Shoreline Special Study by striking “32 months” and inserting “44 months”.

Sec. 4006. Comprehensive flood protection project, St. Helena, California

This section authorizes the Secretary to review the project for flood control and environmental restoration at St. Helena, California, generally in accordance with the Enhanced Minimum Plan A, as described in the Final Environmental Impact Report prepared by the city of St. Helena, California and certified by the city to be in compliance with the California Environmental Quality Act. Cost sharing for the project shall in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

Sec. 4007. San Francisco Bay, Sacramento-San Joaquin Delta, Sherman Island, California

This section authorizes the Secretary to conduct a study to determine the feasibility of using a portion of Sherman Island, California, as a dredged material rehandling facility.

Sec. 4008. South San Francisco Bay shoreline study, California

This section authorizes the Secretary in carrying out the feasibility phase of the South San Francisco Bay shoreline study to use planning and design documents prepared by the California State Coastal Conservancy, the Santa Clara Valley Water District, and other local interests, in cooperation with the Army Corps of Engineers (who shall provide technical assistance to the local interests), as the basis for recommendations to Congress for authorization of a project to provide for flood protection of the South San Francisco Bay shoreline and restoration of the South San Francisco Bay salt ponds.

Sec. 4009. San Pablo Bay Watershed restoration, California

This section directs the Secretary to submit to Congress a report describing the results of the San Pablo Bay watershed study not later than March 31, 2008.

Sec. 4010. Fountain Creek, North of Pueblo, Colorado

This section directs the Secretary to expedite the completion of the Fountain Creek watershed study.

Sec. 4011. Selenium Study, Colorado

This section authorizes the Secretary in consultation with State water quality and resource and conservation agencies, to conduct regional and watershed-wide studies to address selenium concentrations in the State of Colorado. The authorized appropriation for the study is $5,000,000.

Sec. 4012. Promontory Point third-party review, Chicago shoreline, Chicago, Illinois

This section authorizes the Secretary to conduct a third-party review of the Promontory Point project at a cost not to exceed $450,000. The Corps Buffalo and Seattle districts will jointly conduct the review. The review shall be based on the standards under part 68 of title 36, code of Federal Regulations (or successor regulation), for implementation by the non-Federal sponsor for the Chicago Shoreline, Chicago, Illinois, project.

Sec. 4013. Vidalia Port, Louisiana

This section authorizes the Secretary to conduct a study to determine the feasibility of a project for navigation improvement at Vidalia, Louisiana.

Sec. 4014. Lake Erie at Luna Pier, Michigan

This section authorizes the Secretary to conduct a study to determine the feasibility of carrying out a project for storm damage reduction, beach erosion protection and other related measures along the shores of Lake Erie at Luna Pier, Michigan. The study shall include consideration of replacement, repair or modification of existing local and Federal storm damage reduction and beach erosion protection measures.

Sec. 4015. Middle Bass Island State Park, Middle Bass Island, Ohio

This section authorizes the Secretary to conduct a study to determine the feasibility of providing a safe harbor and shoreline protection at Middle Bass Island State Park.

Sec. 4016. Jasper County port facility study, South Carolina

This section authorizes the Secretary to conduct a study to determine the feasibility of providing improvements to the Savannah River, Jasper County, South Carolina, for navigation and other purposes related necessary to support locating a container cargo and other port facilities near the entrance to the Savannah Harbor Entrance Channel. The Secretary shall take into consideration landside infrastructure, dredged material disposal sites, and the results of consultation with the Governors of the States of Georgia and South Carolina.

Sec. 4017. Johnson Creek, Arlington, Texas

This section authorizes the Secretary to conduct a study to determine the technical soundness, economic feasibility, and environmental acceptability of the plan prepared by the City of Arlington, Texas, as generally described in the report entitled "Johnson Creek: A Vision of Conservation, Arlington, Texas", dated March 2006.

Sec. 4018. Lake Champlain Canal study, Vermont and New York

This section directs the Secretary to conduct a study, at Federal expense, to determine the feasibility of a dispersal barrier for control of invasive species at the Lake Champlain Canal, Vermont and New York, and, if such project is found to be feasible, directs the Secretary to construct, maintain, and operate such dispersal barrier as necessary.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 5001. Lakes program

This section amends section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) to include additional sites in Illinois, North Carolina, North Dakota, and Vermont to the Lakes Program.

Sec. 5002. Estuary restoration

Subsection (a) amends section 102 of the Estuary Restoration Act (ERA) of 2000 (the Act) (33 U.S.C. 2901) to expand the purposes of the restoration program by including the implementation of a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage; adding implementation to the strategy; and adding cooperative agreements to the Federal assistance purpose.

Subsection (b) amends section 103(6)(A) of the Act (33 U.S.C. 2902(6)(A)) by adding regional interests to the estuary habitat restoration plan.

Subsection (c) amends section 104 of the Act (33 U.S.C. 2903) to allow monitoring costs to be included in the total cost of the estuary restoration project and allows the Secretary, on recommendation of the Estuary Council, to delegate the implementation of projects costing less than $1,000,000 to the Secretary of the Interior; the Under Secretary for Oceans and Atmosphere of the Department of Commerce; the Administrator of the Environmental Protection Agency; or the Secretary of Agriculture. These small projects may be funded from the responsible department or appropriations of the agency authorized by section 109(a)(1).

Subsection (d) amends section 105(b) of the Act (33 U.S.C. 2903(b)) to direct the Estuary Habitat Restoration Council to cooperate in the implementation of the strategy, recommend standards for monitoring restoration projects and contribution of project information to the data base, and use agency authorities to carry out the Act.

Subsection (e) amends section 107(d) of the Act (33 U.S.C. 2906(d) to give the Secretary general data compilation, coordination, and analysis responsibilities to support the strategy.

Subsection (f) amends section 108(a) of the Act (33 U.S.C. 2908(a)) by changing the reporting requirement from the third and fifth year to every sixth, eighth, and tenth fiscal year after November 7, 2000.

Subsection (g) amends section 109(a) of the Act (33 U.S.C. 2908(a)) to establish project funding for fiscal years 2007 through 2011 as follows: $25,000,000 for the Secretary; $2,500,000 for the Secretary of the Interior; $2,500,000 for the Under Secretary for Oceans and Atmosphere of the Department of Commerce; $2,500,000 for the Administrator of the Environmental Protection Agency; and $2,500,000 for the Secretary of Agriculture. In addition, this subsection extends the monitoring authorization through 2011.

Subsection (h) amends section 110 of the Act (33 U.S.C. 2909) to allow nongovernmental organizations to enter into cooperative agreements or contracts.

The Estuary Restoration Act of 2000 (P.L. 106–457; 33 U.S.C. 2901–2909) was enacted to promote the restoration of estuary habitat through the development of a national estuary habitat restoration strategy, creating and maintaining effective estuary restoration partnerships among public agencies and private sectors. In passing the Estuary Restoration Act, Congress recognized the importance of a national, strategic plan and multi-level partnerships for effectively addressing the problems plaguing our nation's estu-

aries. By setting a goal to restore one million acres of estuary habitat by 2010, the Act encourages coordination among all levels of government, along with engaging the unique strengths of the public, non-profit, and private sectors. In 2002, the Estuary Council, consisting of members from several Federal agencies including the Army Corps of Engineers and the Department of Commerce, completed the national estuary strategy to ensure a comprehensive and integrated approach for implementing the Estuary Restoration Program.

Section 5002 amends sections 102, 103(6)(A), 104, 105(b), 107(d), 108(a), 109(a), and 110 of the Estuary Restoration Act (ERA) to clarify the coordinated Federal approach and cooperative nature of the law; to include monitoring costs as part of the total costs of an estuary restoration project; to provide new authorities to the Secretary for the delegation of small estuary projects; to extend funding authority for the Secretary; and to provide new authority for the U.S. Fish and Wildlife Service, Department of Commerce, Environmental Protection Agency, and Department of Agriculture to develop and implement estuary projects.

Ongoing uncertainty exists regarding the inclusion of monitoring costs within the non-Federal cost share. Some are interpreting the law to read that the required monitoring is part of the 'operations and maintenance', which may not be included in the sponsor's portion of the cost share agreement. The Council has released monitoring guidelines that stipulate restoration projects should be monitored for at least 5 years, an amount of time that may significantly increase the burden on the project sponsor, particularly if these costs are not included as part of the total cost of a project. Section 104(d) is amended to clarify that monitoring costs may be included in the total costs of an estuary project.

To date, the ERA has received $3,500,000 in annual appropriations for estuary projects. Authorized at $275,000,000 through fiscal year 2005, the ERA has faced a number of hurdles since its enactment in November 2000, including the Army Corps of Engineers' no new starts policy and the tight fiscal situation. The law has no sunset provision, but appropriations are defined only through fiscal year 2005. Section 109(a) of the ERA is amended to authorize $25,000,000 annually through fiscal year 2010 for the Secretary; $1,500,000 annually for the Department of Commerce estuary monitoring activities; and to grant new funding authority of $2,500,000 annually to the U.S. Fish and Wildlife Service, Department of Commerce, Environmental Protection Agency, and Department of Agriculture, respectively, for estuary projects. This new funding authority, combined with language encouraging the Secretary to delegate implementation of small projects with a Federal share of less than $1,000,000, is essential to maximize the partnership model of the Act and encourage other Federal partners to become engaged in project implementation.

Sec. 5003. Delmarva conservation corridor, Delaware and Maryland

This section authorizes the Secretary to provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801; 116 Stat. 275). The Delmarva Con-

servation Corridor (DCC) is an attempt to integrate and connect restoration efforts throughout the Delmarva Peninsula. The DCC is a multi-faceted effort, designed to preserve farmland and rural character, as well as restore natural ecosystem through the creation of a hub and corridor system.

Sec. 5004. Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia

This section designates that the Division Engineer, North Atlantic Division, U.S. Army Corps of Engineers, shall serve as the ex-officio United States member under the Susquehanna River Basin Compact, the Delaware River Basin Compact, and the Potomac River Basin Compact without additional compensation, and with the authority to designate an alternate member(s) in accordance with the terms of the applicable compact. The section directs the Secretary to allocate funds to the Susquehanna River Basin Commission, the Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin, to fulfill the equitable funding requirements of the applicable compacts. The section directs the Secretary to enter into an agreement with the Susquehanna River Basin Commission, the Delaware River Basin Commission and the Interstate Commission on the Potomac River Basin, to provide temporary water supply and conservation storage during drought emergencies.

Sec. 5005. Anacostia River, District of Columbia and Maryland

This section authorizes the Secretary, in coordination with the Mayor of the District of Columbia, the Governor of Maryland, the county executives of Montgomery County and Prince George's County, Maryland, and other stakeholders, to develop and make available to the public a 10-year comprehensive action plan to provide for the restoration and protection of the Anacostia River ecosystem.

Sec. 5006. Chicago Sanitary and Ship Canal Dispersal Barriers project, Illinois

The Chicago Ship and Sanitary Canal forms a unique, man-made link between the Great Lakes and the Mississippi River. The Canal also provides non-indigenous aquatic nuisance species access between the two water basins. As non-indigenous aquatic nuisance species move toward the Great Lakes from the Mississippi River and vice versa, they prey on native species and compete for food, living space and spawning areas. There is a current demonstration barrier authorized by the Non-Indigenous Aquatic Nuisance Prevention and Control Act of 1990 (amended through 1996) which is nearing the end of its useful life.

Subsection (a) provides that both of the barriers currently on the ship canal are to be treated as a single project: Subsection (b) directs the Secretary to upgrade and make permanent the existing dispersal barrier at Federal expense; to construct the dispersal barrier currently being implemented using section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) at Federal expense; and to operate and maintain the dispersal barriers described in subsections (a) and (b) at Federal expense.

This section also directs the Secretary to credit to each State the proportion funds that the State contributed to the dispersal barriers and allows the States to apply that credit toward the State's interest in other existing or future Corps projects.

Sec. 5007. Rio Grande environmental management program, New Mexico

This section authorizes the Secretary to implement a program for planning, design, construction and evaluation of planning and implementation of measures for ecosystem restoration for the Rio Grande, including all tributaries of the River, from the border between the States of Colorado and New Mexico downstream to the border between the States of New Mexico and Texas. The section also provides for long-term monitoring, computerized data inventory and analyses, and applied research and adaptive management programs for the resources associated with the Rio Grande basin and its tributaries. The Secretary must ensure coordinated planning and implementation of the program by consulting with the State of New Mexico and other entities and by entering into an interagency agreement with the Secretary of the Interior that provides for the transfer of funds to Interior Department agencies for their participation in program planning, design, implementation and monitoring. The Secretary, in consultation with the Secretary of the Interior and the State of New Mexico, will be required to submit a report every 6 years that evaluates and describes the accomplishments of the program, and identifies needed adjustments to the program authorization. This program will not preempt any State water law, and will comply with the Rio Grande Compact and any applicable court decrees or State and Federal laws affecting water or water rights in the Rio Grande system. The cost of projects carried out under this authority will be cost-shared at a non-Federal share of 35 percent, which may be provided through cash contribution or in-kind services, and shall include provision of necessary land, easements, relocations, and disposal sites. The non-Federal sponsor, may, with the consent of the affected government, be a nonprofit entity. The program is authorized for an annual appropriation of $25,000,000.

Sec. 5008. Missouri River and Tributaries, mitigation, recovery and restoration, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming

This section authorizes the Secretary to participate with state and tribal officials and nongovernmental stakeholders in a study of the Missouri River and its tributaries to determine what actions are required to mitigate loss of aquatic and terrestrial habitat, recover Federally listed species under the Endangered Species Act and restore the ecosystem to prevent further declines among other native species.

This section also establishes the Missouri River Recovery Implementation Committee made up of state representatives, tribal representatives and nongovernmental stakeholders. The committee will provide guidance to the Secretary with respect to recovery and mitigation activities, including changes to the implementation strategy from the use of adaptive management. The committee will also provide for the exchange of information regarding projects and

programs among the agencies represented on the committee, establish working groups, facilitate resolution of interagency and intergovernmental conflicts regarding the Missouri River recovery and mitigation program and coordinate scientific research associated with Missouri River recovery and mitigation program.

Sec. 5009. St. Mary Project, Blackfeet Reservation, Montana

This section authorizes the Secretary to work collaboratively with the U.S. Bureau of Reclamation on the evaluation and execution of major repair and rehabilitation needs for the St. Mary Diversion and Conveyance Work.

Sec. 5010. Lower Platte River Watershed restoration, Nebraska

The section authorizes the Secretary to participate in watershed-based efforts in the Lower Platte River basin, Nebraska.

Sec. 5011. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and Terrestrial Wildlife Habitat Restoration, South Dakota

This section amends section 602(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 386) to direct the Secretary of the Treasury to make funds available to the State of South Dakota from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund. The prior authorization directed the Secretary of the Army to make such funds available to the State and the Secretary of the Treasury to make funds available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe. This section also amends the investment strategy directed in sections 603 and 604 of the Water Resources Development Act of 1999 for the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund and the Cheyenne River Sioux Tribe and Lower Brule Sioux Terrestrial Wildlife Habitat Restoration Trust Fund. This section directs the investment of funds in Treasury obligations with differing maturities to ensure high returns while allowing for the availability of funds.

Sec. 5012. Connecticut River dams, Vermont

This section authorizes the Secretary to evaluate, design and construct structural modifications, at Federal expense, for the purposes of improving the environment, to the following Army Corps of Engineers operated dams in Vermont: Townshend Lake, Ball Mountain Lake, North Springfield Lake, North Hartland Lake, and Union Village Lake. There is authorized to carry out this section $30,000,000.

TITLE VI—PROJECT DEAUTHORIZATIONS

Sec. 6001. Little Cove Creek, Glencoe, Alabama

This section deauthorizes the project for flood damage reduction, Little Cove Creek, Glencoe, Alabama, authorized in the Supplemental Appropriations Act, 1985 (99 Stat. 312).

Sec. 6002. Goleta and vicinity, California

This section deauthorizes the project for flood control, Goleta and vicinity, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1826).

Sec. 6003. Bridgeport Harbor, Connecticut

This section deauthorizes the Yellow Mill River portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the Act of July 3, 1930 (46 Stat. 919), that consists of an 18-foot channel, 150 to 200 feet wide, extending about a mile upstream from the 35-foot entrance channel.

Sec. 6004. Bridgeport, Connecticut

This section deauthorizes the project for environmental infrastructure, Bridgeport, Connecticut, authorized by section 219(f)(26) of the Water Resources Development Act of 1992 (106 Stat. 4835; 73, 113 Stat. 336).

Sec. 6005. Inland waterway from Delaware River to Chesapeake Bay, Part II, installation of fender protection for bridges, Delaware and Maryland

This section deauthorizes the project for construction of bridge fenders for the Summit and St. Georges Bridges over the Chesapeake and Delaware Canal, Delaware and Maryland, authorized by the River and Harbor Act of 1954 (68 Stat. 1249).

Sec. 6006. Shingle Creek Basin, Florida

This section deauthorizes the project for flood control, Shingle Creek Basin, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182).

Sec. 6007. Brevoort, Indiana

This section deauthorizes the project for flood control, Brevoort, Indiana, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1587).

Sec. 6008. Middle Wabash, Greenfield Bayou, Indiana

This section deauthorizes the project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 649).

Sec. 6009. Lake George, Hobart, Indiana

This section deauthorizes the project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148).

Sec. 6010. Green Bay Levee and Drainage District No. 2, Iowa

This section deauthorizes the project for flood damage reduction, Green Bay Levee and Drainage District No. 2, Iowa, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), deauthorized in fiscal year 1991, and reauthorized by section 115(a)(1) of the Water Resources Development Act of 1992 (106 Stat. 4821).

Sec. 6011. Muscatine Harbor, Iowa

This section deauthorizes the project for navigation at Muscatine Harbor on the Mississippi River at Muscatine, Iowa, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166).

Sec. 6012. Big South Fork National River and Recreational Area, Kentucky and Tennessee

This section deauthorizes the uninitiated portions of the project for recreation facilities, Big South Fork National River and Recreational Area, Kentucky and Tennessee, authorized by section 108 of the Water Resources Development Act of 1974 (88 Stat. 43).

Sec. 6013. Eagle Creek Lake, Kentucky

This section deauthorizes the project for flood control and water supply, Eagle Creek Lake, Kentucky, authorized by section 203 the Flood Control Act 1962 (76 Stat. 1188).

Sec. 6014. Hazard, Kentucky

This section deauthorizes the project for flood damage reduction, Hazard, Kentucky, authorized by section 3 of the Water Resources Development Act (WRDA) of 1988 (102 Stat. 4014) and section 108 of the Water Resources Development Act of 1990 (104 Stat. 4621).

Sec. 6015. West Kentucky tributaries, Kentucky

This section deauthorizes the project for flood control, West Kentucky Tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4129).

Sec. 6016. Bayou Cocodrie and tributaries, Louisiana

This section deauthorizes the project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by section 3 of the Flood Control Act of 1941 (55 Stat. 644) and section 1(a) of the Water Resources Development of 1974 (88 Stat. 12).

Sec. 6017. Bayou LaFourche and LaFourche Jump, Louisiana

This section deauthorizes the project for navigation improvement for Bayou LaFourche and LaFourche Jump, Louisiana, authorized by the Act of August 30, 1935 (49 Stat. 1033, chapter 831) and the River and Harbor Act of 1960 (74 Stat. 481).

Sec. 6018. Eastern Rapides and South-Central Avoyelles Parishes, Louisiana

This section deauthorizes the project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825).

Sec. 6019. Fort Livingston, Grand Terre Island, Louisiana

This section deauthorizes the project for erosion protection and recreation, Fort Livingston, Grande Terre Island, Louisiana, authorized by the Flood Control Act of 1946 (33 U.S.C. 426e et seq.).

Sec. 6020. Gulf Intracoastal Waterway, Lake Borgne and Chef Menteur, Louisiana

This section deauthorizes the project for the construction of bulkheads and jetties at Lake Borgne and Chef Menteur, Louisiana, as part of the Gulf Intracoastal Waterway, authorized by the first section of the River and Harbor Act of 1946 (60 Stat. 635).

Sec. 6021. Red River Waterway, Shreveport, Louisiana To Daingerfield, Texas

This section deauthorizes the Red River Waterway, Shreveport, Louisiana to Dangerfield, Texas, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731).

Sec. 6022. Casco Bay, Portland, Maine

This section deauthorizes the project for environmental infrastructure, Casco Bay, Portland, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841).

Sec. 6023. Northeast Harbor, Maine

This section deauthorizes the project for navigation, Northeast Harbor, Maine, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12, Chapter 19).

Sec. 6024. Penobscot River, Bangor, Maine

This section deauthorizes the project for environmental infrastructure, Penobscot River, Bangor, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841).

Sec. 6025. Saint John River Basin, Maine

This section deauthorizes the program for research and demonstration of cropland irrigation and soil conservation techniques, Saint John River Basin, Maine, authorized section 1108 of the Water Resources Development Act of 1986 (106 Stat. 4230).

Sec. 6026. Tenants Harbor, Maine

This section deauthorizes the project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275, Chapter 95).

Sec. 6027. Grand Haven Harbor, Michigan

This section deauthorizes modifications to the project for navigation, Grand Haven Harbor, Michigan, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093).

Sec. 6028. Greenville Harbor, Mississippi

This section deauthorizes the project for navigation, Greenville Harbor, Mississippi, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142).

Sec. 6029. Platte River flood and related streambank erosion control, Nebraska

This section deauthorizes the project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603 of the Water Resources Development Act of 1986 (100 Stat. 4149).

Sec. 6030. Epping, New Hampshire

This section deauthorizes the project for environmental infrastructure, Epping, New Hampshire, authorized by section 219(c)(6) of the Water Resources Development Act of 1992 (106 Stat. 4835).

No funds have been allocated to date and the project is eligible for deauthorization.

Sec. 6031. New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey

This section deauthorizes the project for navigation, New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098).

Sec. 6032. Eisenhower and Snell Locks, New York

This section deauthorizes the project for navigation rehabilitation, Eisenhower and Snell Locks, New York, authorized by section 1163 of the Water Resources Development Act of 1986 (100 Stat. 4258).

Sec. 6033. Olcott Harbor, Lake Ontario, New York

This section deauthorizes the project for navigation, Olcott Harbor, New York, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143).

Sec. 6034. Outer Harbor, Buffalo, New York

This section deauthorizes the project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992 (106 Stat. 4817).

Sec. 6035. Sugar Creek Basin, North Carolina and South Carolina

This section deauthorizes the project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401(a) of Water Resources Development Act of 1986 (100 Stat. 4121).

Sec. 6036. Cleveland Harbor 1958 Act, Ohio

This section deauthorizes the project for navigation, Cleveland Harbor, Ohio, project modifications, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482).

Sec. 6037. Cleveland Harbor 1960 Act, Ohio

This section deauthorizes the project for navigation, Cleveland Harbor, Ohio, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482).

Sec. 6038. Cleveland Harbor, uncompleted portion of Cut #4, Ohio

This section deauthorizes the project for navigation, Cleveland Harbor, Ohio, authorized by the first section of the Act of July 24, 1946 (60 Stat. 636, chapter 595).

Sec. 6039. Columbia River, Seafarers Memorial, Hammond, Oregon

This section deauthorizes the proposed Seafarers Memorial at Hammond, Oregon, authorized by Title I of the Fiscal Year 1991 Energy and Water Development Act (104 Stat. 2078).

Sec. 6040. Tioga-Hammond Lakes, Pennsylvania

This section deauthorizes the project for flood control and recreation, Tioga Hammond Lakes, Mill Creek Recreation, Pennsyl-

vania, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 313).

Sec. 6041. Tamaqua, Pennsylvania

This section deauthorizes the project for flood control, Tamaqua, Pennsylvania, authorized by section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 14).

Sec. 6042. Narragansett Town Beach, Narragansett, Rhode Island

This section deauthorizes the project for navigation, Narragansett Town Beach, Rhode Island, authorized by section 361 of the Water Resources Development Act of 1992 (106 Stat. 4861).

Sec. 6043. Quonset Point-Davisville, Rhode Island

This section deauthorizes the project for navigation, Davisville, Quonset Point, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996 (110 Stat. 3788).

Sec. 6044. Arroyo Colorado, Texas

This section deauthorizes project for flood damage reduction, Arroyo Colorado, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).

Sec. 6045. Cypress Creek-Structural, Texas

This section deauthorizes the project for flood damage reduction, Cypress Creek Structural, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014).

Sec. 6046. East Fork Channel Improvement, Increment 2, east fork of the Trinity River, Texas

This section deauthorizes the Increment II of the project for flood damage reduction, East Fork Channel Improvement, East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185).

Sec. 6047. Falfurrias, Texas

This section deauthorizes the project for flood damage reduction, Falfurrias, Texas, authorized by the section 3(a)(14) of the Water Resources Development Act of 1988 (102 Stat. 4014).

Sec. 6048. Pecan Bayou Lake, Texas

This section deauthorizes the project for flood control, Pecan Bayou Lake, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742).

Sec. 6049. Lake of the Pines, Texas

This section deauthorizes the project for navigation, Lake of the Pines, Texas for the portion of the Red River below Fulton, Arkansas, authorized by the Act of July 13, 1892 (27 Stat. 88, chapter 158), as amended by the Act of July 24, 1946 (60 Stat. 635, chapter 595), the Act of May 17, 1950 (64 Stat. 163, chapter 188), and the River and Harbor Act of 1968 (82 Stat. 731).

Sec. 6050. Tennessee Colony Lake, Texas

This section deauthorizes the project for navigation, Tennessee Colony Lake, Trinity River, Texas, authorized by section 204 of the River and Harbor Act of 1965 (79 Stat. 1091).

Sec. 6051. City Waterway, Tacoma, Washington

This section deauthorizes the unused portion of The City Waterway, Tacoma, Washington, consisting of the last 1,000 linear feet of the inner portion of the Waterway beginning at Station 70+00 and ending at Station 80+00, authorized by the Rivers and Harbors Act of 1902 (32 Stat. 347).

Sec. 6052. Kanawha River, Charleston, West Virginia

This section deauthorizes the project for bank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (100 Stat. 4153).

HEARINGS

The Subcommittee on Transportation and Infrastructure of the Committee on Environment and Public Works held a hearing on March 15, 2007 on Water Resources Needs and the President's Budget Proposal for the Army Corps of Engineers for Fiscal Year 2008. Testimony was received from Senator Russell Feingold, Assistant Secretary of the Army John Paul Woodley, Chief of Engineers Lieutenant General Carl Strock, Ms. Pam Pogue, Hazards Program Manager, Rhode Island Emergency Management Agency, Mr. Doug J. Marchand, Executive Director, Georgia Ports Authority, and Mr. Jamie Williams, State Director, The Nature Conservancy of Montana.

LEGISLATIVE HISTORY

The Water Resources Development Act of 2007 is substantially the same bill as passed the Senate in July, 2006 by voice vote. On March 29, 2007, the committee held a business meeting at which it considered the draft bill. The draft bill was adopted without amendment. The bill was ordered reported to the Senate by voice vote, a quorum being present.

ROLLCALL VOTES

There were no rollcall votes during the consideration of the Water Resources Development Act of 2007 by the committee.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the committee finds that this bill would impose no Federal intergovernmental unfunded mandates on State, local or tribal governments. All of its governmental directives are imposed on Federal agencies. Any costs that State, local or tribal might incur, including matching funds, would result from complying with conditions of Federal assistance. The bill does not directly impose any private sector mandates.

EVALUATION OF REGULATORY IMPACT

Section 11(b) of rule XXVI of the Standing Rules of the Senate requires publication in the report the committee's estimate of the regulatory impact made by the bill as reported. No regulatory impact is expected by the passage of the bill. The bill will not affect the personal privacy of individuals.

COST OF LEGISLATION

Due to time constraints the Congressional Budget Office estimate was not included in the report. When it is received by the committee, it will appear in the Congressional Record.

DISCLOSURE

The committee provides the following disclosure of the project-related provisions in the bill:

Title I - WATER RESOURCES PROJECTS							
Section 1001- Project Authorizations							
HAINES HARBOR, ALASKA	Stevens	Murkowski					
TANQUE VERDE CREEK, ARIZONA	Kyl						
SALT RIVER (VA SHLYAY AKIMEL), MARICOPA COUNTY, ARIZONA	Kyl						
HAMILTON CITY, CALIFORNIA	Boxer						
IMPERIAL BEACH, CALIFORNIA	Boxer						
MATILIJA DAM, VENTURA COUNTY, CALIFORNIA	Boxer						
MIDDLE CREEK, LAKE COUNTY, CALIFORNIA	Boxer						
NAPA RIVER SALT MARSH, CALIFORNIA	Boxer						
SOUTH PLATTE RIVER, DENVER, COLORADO	Allard	Salazar					
INDIAN RIVER LAGOON, SOUTH FLORIDA	Nelson (FL)	Martinez					
MIAMI HARBOR, MIAMI, FLORIDA	Nelson (FL)	Martinez					
PICAYUNE STRAND, FLORIDA	Nelson (FL)	Martinez					
EAST ST. LOUIS AND VICINITY, ILLINOIS	Durbin	Obama					
PEORIA RIVERFRONT, ILLINOIS	Durbin	Obama					
WOOD RIVER LEVEE SYSTEM, ILLINOIS	Durbin	Obama					
DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA	Grassley	Harkin					
LICKING RIVER, CYNTHIANA, KENTUCKY							
BAYOU SORREL LOCK, LOUISIANA	Landrieu	Vitter					
MORGANZA TO THE GULF OF MEXICO, LOUISIANA	Landrieu	Vitter					
PORT OF IBERIA, LOUISIANA	Landrieu	Vitter					
POPLAR ISLAND EXPANSION, MARYLAND	Mikulski	Cardin					
SMITH ISLAND, MARYLAND	Mikulski	Cardin					
SWOPE PARK INDUSTRIAL AREA, MISSOURI	Bond	McCaskill					
HUDSON-RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY	Lautenberg	Menendez					
MANASQUAN TO BARNEGAT INLETS, NEW JERSEY	Lautenberg	Menendez					
RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NEW JERSEY	Lautenberg	Menendez					
SOUTH RIVER, NEW JERSEY	Lautenberg	Menendez					
SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO	Domenici	Bingaman					
MONTAUK POINT, NEW YORK	Clinton						
HOCKING RIVER BASIN, MONDAY CREEK, OHIO	Voinovich						
BLOOMSBERG, PENNSYLVANIA	Specter	Casey					
PAWLEYS ISLAND, SOUTH CAROLINA	Graham						
CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS	Cornyn						
GULF INTRACOASTAL WATERWAY, BRAZOS RIVER TO PORT O'CONNOR, MATAGORDA BAY RE-ROUTE, TEXAS	Cornyn						
GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS	Cornyn						
RIVERSIDE OXBOW, FORT WORTH, TEXAS	Cornyn						
CRANEY ISLAND EASTWARD EXPANSION, VIRGINIA	Warner	Webb					
DEEP CREEK, CHESAPEAKE, VIRGINIA	Warner	Webb					
CHEHALIS RIVER, CENTRALIA, WASHINGTON	Murray	Cantwell					
JAMAICA BAY, QUEENS AND BROOKLYN, NEW YORK	Clinton						
Section 1002 - ENHANCED NAVIGATION CAPACITY IMPROVEMENTS	Grassley	Harkin	Bond	Durbin	Obama	McCaskill	Klobuchar
AND ECOSYSTEM RESTORATION PLAN FOR UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM							
Section 1003 - LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LOUISIANA	Durbin	Landrieu	Vitter	Obama			
Section 1004 - SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION							
CACHE RIVER BASIN, GRUBBS, ARKANSAS	Lincoln	Pryor					
Section 1005 - SMALL PROJECTS FOR NAVIGATION							
LITTLE ROCK PORT, ARKANSAS	Lincoln	Pryor					
AU SABLE RIVER, MICHIGAN							
OUTER CHANNEL AND INNER HARBOR, MENOMINEE HARBOR, MICHIGAN AND WISCONSIN							
MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO	Voinovich						
Section 1006 - SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION							
SAN DIEGO RIVER, CALIFORNIA	Boxer						
SUISUN MARSH, SAN PABLO BAY, CALIFORNIA	Boxer						
JOHNSON CREEK, GRESHAM, OREGON	Wyden	Smith					
BLACKSTONE RIVER, RHODE ISLAND	Reed	Whitehouse					
COLLEGE LAKE, LYNCHBURG, VIRGINIA	Warner						
Title II - General Provisions							
Subtitle A - Provisions							
Section 2011 - CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS							
THORNTON RESERVOIR, COOK COUNTY, ILLINOIS	Durbin	Obama					
BUFFALO BAYOU, TEXAS	Cornyn						
HALLS BAYOU, TEXAS	Cornyn						
Section 2012 - REGIONAL SEDIMENT MANAGEMENT							
FIRE ISLAND INLET, SUFFOLK COUNTY, NEW YORK	Clinton						
FLETCHER COVE, CALIFORNIA	Boxer						
DELAWARE RIVER ESTUARY, NEW JERSEY AND PENNSYLVANIA	Lautenberg	Menendez					

	TOLEDO HARBOR, LUCAS COUNTY, OHIO	Voinovich				
Section 2016 - ECOSYSTEM RESTORATION BENEFITS						
	GRAYSON'S CREEK, CALIFORNIA	Boxer				
	SEVEN OAKS, CALIFORNIA	Boxer				
	OXFORD, CALIFORNIA	Boxer				
	WALNUT CREEK, CALIFORNIA	Boxer				
	WILDCAT PHASE II, CALIFORNIA	Boxer				
Title III - Project-Related Provisions						
Section 3001	ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA	Stevens	Murkowski			
Section 3002	SITKA, ALASKA	Stevens	Murkowski			
Section 3003	BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA	Shelby				
Section 3004	RIO DE FLAG, FLAGSTAFF, ARIZONA	Kyl				
Section 3005	AUGUSTA AND CLARENDON, ARKANSAS	Lincoln	Pryor			
Section 3006	RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND LOUISIANA	Lincoln	Pryor			
Section 3007	ST. FRANCIS BASIN, ARKANSAS AND MISSOURI	Lincoln	Pryor			
Section 3008	ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS AND MISSOURI	Lincoln	Pryor			
Section 3009	MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA	Inhofe	Lincoln	Pryor		
Section 3010	CACHE CREEK BASIN, CALIFORNIA	Boxer				
Section 3011	CALFED LEVEE STABILITY PROGRAM, CALIFORNIA	Boxer				
Section 3012	HAMILTON AIRFIELD, CALIFORNIA	Boxer				
Section 3013	LA-3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA	Boxer				
Section 3014	LARKSPUR FERRY CHANNEL, CALIFORNIA	Boxer				
Section 3015	LLAGAS CREEK, CALIFORNIA	Boxer				
Section 3016	MAGPIE CREEK, CALIFORNIA	Boxer				
Section 3017	PINE FLAT DAM FISH AND WILDLIFE HABITAT, CALIFORNIA	Boxer				
Section 3018	REDWOOD CITY NAVIGATION PROJECT, CALIFORNIA	Boxer				
Section 3019	SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA	Boxer				
Section 3020	CONDITIONAL DECLARATION OF NONNAVIGABILITY, PORT OF SAN FRANCISCO, CALIFORNIA	Boxer				
Section 3021	SALTON SEA RESTORATION, CALIFORNIA	Boxer				
Section 3022	SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA	Boxer				
Section 3023	UPPER GUADALUPE RIVER, CALIFORNIA	Boxer				
Section 3024	YUBA RIVER BASIN PROJECT, CALIFORNIA	Boxer				
Section 3025	CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT	Dodd	Lieberman			
Section 3026	ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT	Dodd	Lieberman			
Section 3027	NORWALK HARBOR, CONNECTICUT	Dodd	Lieberman			
Section 3028	ST. GEORGE'S BRIDGE, DELAWARE	Biden	Carper			
Section 3029	ADDITIONAL PROGRAM AUTHORITY, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA	Nelson (FL)	Martinez			
Section 3030	BREVARD COUNTY, FLORIDA	Nelson (FL)	Martinez			
Section 3031	CRITICAL RESTORATION PROJECTS, EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FLORIDA	Nelson (FL)	Martinez			
Section 3032	LAKE OKEECHOBEE AND HILLSBORO AQUIFER PILOT PROJECTS, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA	Nelson (FL)	Martinez			
Section 3033	LIDO KEY, SARASOTA COUNTY, FLORIDA	Nelson (FL)	Martinez			
Section 3034	PORT SUTTON CHANNEL, TAMPA HARBOR, FLORIDA	Nelson (FL)	Martinez			
Section 3035	TAMPA HARBOR, CUT B, TAMPA, FLORIDA	Nelson (FL)	Martinez			
Section 3036	ALLATOONA LAKE, GEORGIA	Chambliss	Isakson			
Section 3037	DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO	Craig	Crapo			
Section 3038	LITTLE WOOD RIVER, GOODING, IDAHO	Craig	Crapo			
Section 3039	PORT OF LEWISTON, IDAHO	Craig	Crapo			
Section 3040	CACHE RIVER LEVEE, ILLINOIS	Durbin	Obama			
Section 3041	CHICAGO, ILLINOIS	Durbin	Obama			
Section 3042	CHICAGO RIVER, ILLINOIS	Durbin	Obama			
Section 3043	ILLINOIS RIVER BASIN RESTORATION	Durbin	Obama			
Section 3044	MISSOURI AND ILLINOIS FLOOD PROTECTION PROJECTS RECONSTRUCTION PILOT PROGRAM	Bond	Durbin	Obama	McCaskill	
Section 3045	SPUNKY BOTTOM, ILLINOIS	Durbin	Obama			
Section 3046	STRAWN CEMETERY, JOHN REDMOND LAKE, KANSAS	Brownback				
Section 3047	MILFORD LAKE, MILFORD, KANSAS	Brownback				
Section 3048	OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA	Specter	Durbin	Voinovich	Casey	
Section 3049	MCALPINE LOCK AND DAM, KENTUCKY AND INDIANA	McConnell				
Section 3050	PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA	Landrieu	Vitter			
Section 3051	REGIONAL VISITOR CENTER, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA	Landrieu	Vitter			
Section 3052	CALCASIEU RIVER AND PASS, LOUISIANA	Landrieu	Vitter			
Section 3053	EAST BATON ROUGE PARISH, LOUISIANA	Landrieu	Vitter			
Section 3054	MISSISSIPPI RIVER GULF OUTLET RELOCATION ASSISTANCE, LOUISIANA	Landrieu	Vitter			
Section 3055	RED RIVER (J. BENNETT JOHNSTON) WATERWAY, LOUISIANA	Landrieu	Vitter			
Section 3056	CAMP ELLIS, SACO, MAINE	Snowe	Collins			
Section 3057	UNION RIVER, MAINE	Snowe				
Section 3058	CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM, MARYLAND, PENNSYLVANIA, AND VIRGINIA	Warner	Specter	Mikulski	Cardin	Casey	Webb
Section 3059	CUMBERLAND, MARYLAND	Mikulski	Cardin			
Section 3060	AUNT LYDIA'S COVE, MASSACHUSETTS	Kennedy	Kerry			
Section 3061	FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND	Kennedy	Kerry			

Section 3062	ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN	Levin	Stabenow				
Section 3063	DULUTH HARBOR, MINNESOTA	Coleman	Klobuchar				
Section 3064	BONNET CARRE FRESHWATER DIVERSION PROJECT, MISSISSIPPI AND LOUISIANA	Cochran	Lott				
Section 3065	LAND EXCHANGE, PIKE COUNTY, MISSOURI	Bond	McCaskill				
Section 3066	L-15 LEVEE, MISSOURI	Bond	McCaskill				
Section 3067	UNION LAKE, MISSOURI	Bond	McCaskill				
Section 3068	LOWER YELLOWSTONE PROJECT, MONTANA	Baucus	Tester				
Section 3069	YELLOWSTONE RIVER AND TRIBUTARIES, MONTANA AND NORTH DAKOTA	Baucus	Tester				
Section 3070	LOWER TRUCKEE RIVER, MCCARRAN RANCH, NEVADA	Ensign					
Section 3071	MIDDLE RIO GRANDE RESTORATION, NEW MEXICO	Domenici	Bingaman				
Section 3072	LONG ISLAND SOUND OYSTER RESTORATION, NEW YORK AND CONNECTICUT	Clinton	Dodd	Lieberman			
Section 3073	ORCHARD BEACH, BRONX, NEW YORK	Clinton					
Section 3074	NEW YORK HARBOR, NEW YORK, NEW YORK	Clinton	Lautenberg	Menendez			
Section 3075	MISSOURI RIVER RESTORATION, NORTH DAKOTA	Conrad					
Section 3076	LOWER GIRARD LAKE DAM, GIRARD, OHIO	Voinovich					
Section 3077	TOUSSAINT RIVER NAVIGATION PROJECT, CARROLL TOWNSHIP, OHIO	Voinovich					
Section 3078	ARCADIA LAKE, OKLAHOMA	Inhofe					
Section 3079	LAKE EUFAULA, OKLAHOMA	Inhofe					
Section 3080	RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS, OKLAHOMA	Inhofe					
Section 3081	OKLAHOMA LAKES DEMONSTRATION PROGRAM, OKLAHOMA	Inhofe					
Section 3082	WAURIKA LAKE, OKLAHOMA	Inhofe					
Section 3083	LOOKOUT POINT PROJECT, LOWELL, OREGON	Wyden	Smith				
Section 3084	UPPER WILLAMETTE RIVER WATERSHED ECOSYSTEM RESTORATION	Wyden	Smith				
Section 3085	UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK	Specter	Clinton	Casey			
Section 3086	NARRAGANSETT BAY, RHODE ISLAND	Reed	Whitehouse				
Section 3087	SOUTH CAROLINA DEPARTMENT OF COMMERCE DEVELOPMENT PROPOSAL AT RICHARD B. RUSSELL LAKE, SOUTH CAROLINA	Graham					
Section 3088	MISSOURI RIVER RESTORATION, SOUTH DAKOTA	Thune					
Section 3089	MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT	Grassley	Bond	McCaskill			
Section 3090	NONCONNAH WEIR, MEMPHIS, TENNESSEE	Alexander					
Section 3091	OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE	Alexander					
Section 3092	SANDY CREEK, JACKSON COUNTY, TENNESSEE	Alexander					
Section 3093	CEDAR BAYOU, TEXAS	Cornyn					
Section 3094	DENISON, TEXAS	Cornyn					
Section 3095	FREEPORT HARBOR, TEXAS	Cornyn					
Section 3096	HARRIS COUNTY, TEXAS	Cornyn					
Section 3097	CONNECTICUT RIVER RESTORATION, VERMONT	Sanders					
Section 3098	DAM REMEDIATION, VERMONT	Sanders					
Section 3099	LAKE CHAMPLAIN EURASIAN MILFOIL, WATER CHESTNUT, AND OTHER NONNATIVE PLANT CONTROL, VERMONT	Sanders					
Section 3100	UPPER CONNECTICUT RIVER BASIN WETLAND RESTORATION, VERMONT AND NEW HAMPSHIRE	Sanders					
Section 3101	UPPER CONNECTICUT RIVER BASIN ECOSYSTEM RESTORATION, VERMONT AND NEW HAMPSHIRE	Sanders					
Section 3102	LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK	Sanders	Clinton				
Section 3103	CHESAPEAKE BAY OYSTER RESTORATION, VIRGINIA AND MARYLAND	Warner	Mikulski	Cardin	Webb		
Section 3104	TANGIER ISLAND SEAWALL, VIRGINIA	Warner	Webb				
Section 3105	EROSION CONTROL, PUGET ISLAND, WAHKIAKUM COUNTY, WASHINGTON	Murray	Wyden	Cantwell			
Section 3106	LOWER GRANITE POOL, WASHINGTON	Murray	Cantwell				
Section 3107	MCNARY LOCK AND DAM, MCNARY NATIONAL WILDLIFE REFUGE, WASHINGTON AND IDAHO	Craig	Murray	Crapo	Cantwell		
Section 3108	SNAKE RIVER PROJECT, WASHINGTON AND IDAHO	Craig	Murray	Crapo	Cantwell		
Section 3109	WHATCOM CREEK WATERWAY, BELLINGHAM, WASHINGTON	Murray	Cantwell				
Section 3110	LOWER MUD RIVER, MILTON, WEST VIRGINIA	Byrd					
Section 3111	MCDOWELL COUNTY, WEST VIRGINIA	Byrd					
Section 3112	GREEN BAY HARBOR PROJECT, GREEN BAY, WISCONSIN	Kohl					
Section 3113	UNDERWOOD CREEK DIVERSION FACILITY PROJECT, MILWAUKEE, WISCONSIN	Kohl					
Section 3114	OCONTO HARBOR, WISCONSIN	Kohl					
Section 3115	MISSISSIPPI RIVER HEADWATERS RESERVOIRS	Klobuchar					
Section 3116	LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE	Cochran	Lott				
Section 3118	UPPER BASIN OF MISSOURI RIVER	Baucus	Nelson (NE)	Hagel	Thune	Tester	
Section 3119	GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION PROGRAM	Levin	Specter	Kohl	Durbin	Voinovich	Bayh	Stabenow
	Section 3119 Continued	Schumer	Clinton	Brown	Casey			
Section 3120	GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION	Levin	Specter	Kohl	Durbin	Voinovich	Bayh	Stabenow
	Section 3120 Continued	Schumer	Clinton	Brown	Casey			
Section 3121	GREAT LAKES TRIBUTARY MODELS	Levin	Specter	Kohl	Durbin	Voinovich	Bayh	Stabenow
	Section 3121 Continued	Schumer	Clinton	Brown	Casey			
Section 3122	UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM NEW TECHNOLOGY PILOT PROGRAM	Specter	Casey					
Title IV - Studies								
Section 4001	EURASIAN MILFOIL	Sanders						
Section 4002	MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA	Inhofe	Lincoln	Pryor				
Section 4003	LOS ANGELES RIVER REVITALIZATION STUDY, CALIFORNIA	Boxer						
Section 4004	NICHOLAS CANYON, LOS ANGELES, CALIFORNIA	Boxer						
Section 4005	OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL STUDY	Boxer						

Section 4006	COMPREHENSIVE FLOOD PROTECTION PROJECT, ST. HELENA, CALIFORNIA	Boxer						
Section 4007	SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, SHERMAN ISLAND, CALIFORNIA	Boxer						
Section 4008	SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA	Boxer						
Section 4009	SAN PABLO BAY WATERSHED RESTORATION, CALIFORNIA	Boxer						
Section 4010	FOUNTAIN CREEK, NORTH OF PUEBLO, COLORADO	Salazar						
Section 4011	SELENIUM STUDY, COLORADO	Allard	Salazar					
Section 4012	PROMONTORY POINT THIRD-PARTY REVIEW, CHICAGO SHORELINE, CHICAGO, ILLINOIS	Obama						
Section 4013	VIDALIA PORT, LOUISIANA	Landrieu	Vitter					
Section 4014	LAKE ERIE AT LUNA PIER, MICHIGAN	Levin	Stabenow					
Section 4015	MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO	Voinovich						
Section 4016	JASPER COUNTY PORT FACILITY STUDY, SOUTH CAROLINA	Graham						
Section 4017	JOHNSON CREEK, ARLINGTON, TEXAS	Cornyn						
Section 4018	LAKE CHAMPLAIN CANAL STUDY, VERMONT AND NEW YORK	Clinton	Sanders					
Title V - Miscellaneous Provisions								
Section 5001 - LAKES PROGRAM								
	Kincaid Lake, Jackson County, Illinois							
	Lake Sakakawea, North Dakota							
	Lake Morley, Vermont	Sanders						
	Lake Fairlee, Vermont	Sanders						
	Lake Rogers, Creedmoor, North Carolina	Dole						
Section 5003 - DELMARVA CONSERVATION CORRIDOR		Biden	Carper					
Section 5004 - SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA		Biden	Warner	Specter	Carper	Casey		
Section 5005 - ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND		Warner	Mikulski	Cardin				
Section 5006 - CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINIOIS		Voinovich	Levin	Stabenow	Specter	Brown	Kohl	
	Section 5006 Continued	Casey	Clinton	Schumer	Bayh	Durbin	Obama	
Section 5007 - RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS		Salazar	Domenici	Bingaman	Cornyn			
Section 5008 - MISSOURI RIVER AND TRIBUTARIES, MITIGATION, RECOVERY, AND RESTORATION, IOWA, KANSAS, MISSOURI, MONTANA, NEBRASKA, NORTH DAKOTA, SOUTH DAKOTA, AND WYOMING		Baucus	Harkin	Conrad	Hagel	Nelson (NE)	Thune	Tester
Section 5009 - ST. MARY PROJECT, BLACKFEET RESERVATION, MONTANA		Baucus	Tester					
Section 5010 - LOWER PLATTE RIVER WATERSHED RESTORATION, NEBRASKA		Nelson (NE)	Hagel					
Section 5011 - CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA		Thune						
Section 5012 - CONNECTICUT RIVER DAMS, VERMONT		Sanders						

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

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[33 U.S.C. 622; 25 STAT. 423]

ACT OF AUGUST 11, 1888

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SEC. 3. CONTRACTS, ETC., WITH PRIVATE INDUSTRY FOR IMPLEMENTATION OF PROJECTS FOR IMPROVEMENTS AND DREDGING; REDUCTION OF FEDERALLY OWNED FLEET.

(a) * * *

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(c) PROGRAM TO INCREASE USE OF PRIVATE HOPPER DREDGES.—

(1) * * *

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(7) LIMITATIONS.—

(A) * * *

(B) INCREASE IN ASSIGMENTS OF DREDGING WORK.—For each fiscal year beginning after October 12, 1996, the Secretary shall not assign any greater quantity of dredging work to any Federal hopper dredge in active status than was assigned to that vessel in the average of the 3 prior fiscal years. *This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.*

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[55 STAT. 642, CHAPTER 377]

ACT OF AUGUST 18, 1941

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LOWER MISSISSIPPI RIVER

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(a) The existing engineering plan for flood control in the alluvial valley of the Mississippi River is hereby modified so as to provide for the construction of plan 4 as set forth in the report of the Mississippi River Commission, dated March 7, 1941, to the Chief of Engineers, except that the levees in the Yazoo Basin on the east bank of the Mississippi River south of the Coahoma-Bolivar County line in said plan shall have a three-foot freeboard over the project flood, and all levees shall be constructed with adequate section and foundation to conform to increased levee heights. The Boeuf Floodway in the project adopted by the Act of May 15, 1928, and the Eudora Floodway as well as the Northward Extension and the

back protection levee extending from the head of the said Eudora Floodway north to the Arkansas River in the project adopted by the Act of June 15, 1936, as amended, are hereby abandoned, and the provisions of said Acts relating to the prosecution of work on said floodways and extension are hereby repealed *Provided, That the Ouachita River Levees, Louisiana, authorized by the first section of the Act of May 15, 1928 (45 Stat. 534, chapter 569), shall remain as a component of the Mississippi River and Tributaries Project and afforded operation and maintenance responsibilities as directed in section 3 of that Act (45 Stat. 535).*

* * * * * * *

[33 U.S.C. 701R—JUL. 24, 1946]

FLOOD CONTROL ACT OF 1946

* * * * * * *

SEC. 14.—The Secretary of the Army is authorized to allot from any appropriations heretofore or hereafter made for flood control, not to exceed **[**$15,000,000**]** *$20,000,000* per year, for the construction, repair, restoration, and modification of emergency streambank and shoreline protection works to prevent damage to highways, bridge approaches, and public works, churches, hospitals, schools, and other nonprofit public services, when in the opinion of the Chief of Engineers such work is advisable: Provided, That not more than **[**$1,000,000**]** *$1,500,000* shall be allotted for this purpose at any single locality from the appropriations for any one fiscal year.

* * * * * * *

[CF. 33 U.S.C. 426G, AUGUST 13, 1946]

AN ACT AUTHORIZING FEDERAL PARTICIPATION IN THE COST OF PROTECTING THE SHORES OF PUBLICLY OWNED PROPERTY

[SEC. 3. AUTHORIZATION OF SMALL PROJECTS NOT SPECIFICALLY AUTHORIZED; EXPENDITURES; LOCAL COOPERATION; WORK TO BE COMPLETE; EXCEPTIONS

[The Secretary is authorized to undertake construction of small shore and beach restoration and protection projects not specifically authorized by Congress, which otherwise comply with section 426e of this title, when he finds that such work is advisable, and he is further authorized to allot from any appropriations hereafter made for civil works, not to exceed $30,000,000 for any one fiscal year for the Federal share of the costs of construction of such projects: Provided, That not more than $3,000,000 shall be allotted for this purpose for any single project and the total amount allotted shall be sufficient to complete the Federal participation in the project under this section including periodic nourishment as provided for under section 426e(c) of this title: Provided further, That the provisions of local cooperation specified in section 426e of this title shall apply: And provided further, That the work shall be complete in itself and shall not commit the United States to any additional improvement to insure its successful operation, except for participa-

tion in periodic beach nourishment in accordance with section 426e(c) of this title, and as may result from the normal procedure applying to projects authorized after submission of survey reports.]

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

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

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

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

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

(A) shall be complete; and

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

(i) the first section of this Act; and

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

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

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

(2) REQUIREMENTS.—

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

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

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

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

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

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

(i) the development and demonstration of innovative technologies;

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

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

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

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

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

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

(I) adequate consideration of the subgrade;

(II) proper filtration;

(III) durable components;

(IV) adequate connection between units; and

(V) consideration of additional relevant information.

(D) SITES.—

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

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

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

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

(I) a variety of geographic and climatic conditions;

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

(III) the rate of erosion;

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

(V) significant threatened historic structures or landmarks.

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

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

(B) Federal, State, and local agencies;

(C) private organizations;

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

(E) applicable university research facilities.

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

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

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

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

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

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

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

(6) REPORT.—Not later than December 31 of each year beginning after the date of enactment of this paragraph, the Secretary shall prepare and submit to the Committee on Environment and Public works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

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

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

(c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

* * * * * * *

[SEC. 5. FEDERAL AID IN PROTECTION OF SHORES

[(a) DECLARATION OF POLICY.—With the purpose of preventing damage to the shores and beaches of the United States, its Territories and possessions and promoting and encouraging the healthful recreation of the people, it is declared to be the policy of the United States, subject to sections 426e to 426h-1 of this title, to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises. In carrying out this policy, preference shall be given to areas in which there has been a Federal investment of funds and areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.

[(b) FEDERAL CONTRIBUTION; MAXIMUM AMOUNT; EXCEPTIONS.—The Federal contribution in the case of any project referred to in subsection (a) of this section shall not exceed one-half of the cost of the project, and the remainder shall be paid by the State, municipality, or other political subdivision in which the project is located, except that—

[(1) the costs allocated to the restoration and protection of Federal property shall be borne fully by the Federal Government,

[(2) Federal participation in the cost of a project for restoration and protection of State, county, and other publicly owned shore parks and conservation areas may be, in the discretion of the Chief of Engineers, not more than 70 per centum of the total cost exclusive of land costs, when such areas: Include a zone which excludes permanent human habitation; include but are not limited to recreational beaches; satisfy adequate criteria for conservation and development of the natural resources of the environment; extend landward a sufficient distance to include, where appropriate, protective dunes, bluffs, or other natural features which serve to protect the uplands from damage; and provide essentially full park facilities for appropriate public use, all of which shall meet with the approval of the Chief of Engineers, and

[(3) Federal participation in the cost of a project providing hurricane protection may be, in the discretion of the Secretary not more than 70 per centum of the total cost exclusive of land costs.

[(c) PERIODIC BEACH NOURISHMENT; "CONSTRUCTION" DEFINED.—When in the opinion of the Chief of Engineers the most suitable and economical remedial measures would be provided by periodic beach nourishment, the term "construction" may be construed for the purposes of sections 426e to 426h-1 of this title to include the deposit of sand fill at suitable intervals of time to furnish sand supply to project shores for a length of time specified by the Chief of Engineers.

[(d) SHORES OTHER THAN PUBLIC.—Shores other than public will be eligible for Federal assistance if there is benefit such as that arising from public use or from the protection of nearby public property or if the benefits to those shores are incidental to the

project, and the Federal contribution to the project shall be adjusted in accordance with the degree of such benefits.

[(e) AUTHORIZATION OF PROJECTS.—

[(1) IN GENERAL.—No Federal contributions shall be made with respect to a project under sections 426e to 426h-1 of this title unless the plan therefor shall have been specifically adopted and authorized by Congress after investigation and study by the Coastal Engineering Research Center under the provisions of section 426 of this title as amended and supplemented, or, in the case of a small project under section 426g or 426h of this title, unless the plan therefor has been approved by the Chief of Engineers.

[(2) STUDIES.—

[(A) IN GENERAL.—The Secretary shall—

[(i) recommend to Congress studies concerning shore protection projects that meet the criteria established under sections 426e to 426h-1 of this title (including subparagraph (B)(iii)) and other applicable law;

[(ii) conduct such studies as Congress requires under applicable laws; and

[(iii) report the results of the studies to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

[(B) RECOMMENDATIONS FOR SHORE PROTECTION PROJECTS.—

[(i) IN GENERAL.—The Secretary shall recommend to Congress the authorization or reauthorization of shore protection projects based on the studies conducted under subparagraph (A).

[(ii) CONSIDERATIONS.—In making recommendations, the Secretary shall consider the economic and ecological benefits of the shore protection project.

[(C) COORDINATION OF PROJECTS.—In conducting studies and making recommendations for a shore protection project under this paragraph, the Secretary shall—

[(i) determine whether there is any other project being carried out by the Secretary or the head of another Federal agency that may be complementary to the shore protection project; and

[(ii) if there is such a complementary project, describe the efforts that will be made to coordinate the projects.

[(3) SHORE PROTECTION PROJECTS.—

[(A) IN GENERAL.—The Secretary shall construct, or cause to be constructed, any shore protection project authorized by Congress, or separable element of such a project, for which funds have been appropriated by Congress.

[(B) AGREEMENTS.—

[(i) REQUIREMENT.—After authorization by Congress, and before commencement of construction, of a shore protection project or separable element, the Secretary shall enter into a written agreement with a

non-Federal interest with respect to the project or separable element.

[(ii) TERMS.—The agreement shall—

[(I) specify the life of the project; and

[(II) ensure that the Federal Government and the non-Federal interest will cooperate in carrying out the project or separable element.

[(C) COORDINATION OF PROJECTS.—In constructing a shore protection project or separable element under this paragraph, the Secretary shall, to the extent practicable, coordinate the project or element with any complementary project identified under paragraph (2)(C).]

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[33 U.S.C. 701S]

FLOOD CONTROL ACT OF 1948

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[SEC. 205. That the] * * *

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

The * * *

* * * * * * *

[64 STAT. 170—MAY 17, 1950]

FLOOD CONTROL ACT OF 1950

* * * * * * *

SEC. 204. * * *

* * * * * * *

RED-OUACHITA RIVER BASIN

The project for flood protection [at Calion, Arkansas] *improvements at Calion, Arkansas (including authorization for the comprehensive flood-control project for Ouachita River and tributaries, incorporating in the project all flood control, drainage, and power improvements in the basin above the lower end of the left bank Ouachita River levee)* authorized by the Act of August 18, 1941, in accordance with the recommendations of the Chief of Engineers in House Document Numbered 427, Seventy-sixth Congress, first session, is hereby modified to include additional improvements at Calion, Arkansas *(including authorization for the comprehensive flood-control project for Ouachita River and tributaries, incorporating in the project all flood control, drainage, and power improvements in the basin above the lower end of the left bank Ouachita River levee)*, in accordance with plans on file in the office of the Chief of Engineers, at an estimated cost of $430,000.

* * * * * * *

[33 U.S.C. 577; PUBLIC LAW 86–645—JUL. 14, 1960]

RIVER AND HARBOR ACT OF 1960

SEC. 101. * * *

* * * * * * *

[SEC. 107. (a) That the Secretary of the Army is hereby authorized to]

SEC. 107. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

(a) IN GENERAL.—The Secretary of the Army may allot from any appropriations hereafter made for rivers and harbors not to exceed $2,000,000 for any one fiscal year for the construction of small river and harbor improvement projects not specifically authorized by Congress which will result in substantial benefits to navigation and which can be operated consistently with appropriate and economic use of the waters of the Nation for other purposes, when in the opinion of the Chief of Engineers such work is advisable, if benefits are in excess of the cost.

[(b) Not more]

(b) ALLOTMENT.—Not more than [$4,000,000] *$7,000,000* shall be allotted for the construction of a project under this section at any single locality and the amount allotted shall be sufficient to complete the Federal participation in the project under this section.

[(c) Local]

(c) LOCAL CONTRIBUTIONS.—Local interests shall provide without cost to the United States all necessary lands, easements and rights-of-way for all projects to be constructed under the authority of this section. In addition, local interests may be required to hold and save the United States free from damages that may result from the construction and maintenance of the project and may be required to provide such additional local cooperation as the Chief of Engineers deems appropriate. A State, county, municipality or other responsible local entity shall give assurance satisfactory to the Chief of Engineers that such conditions of cooperation as are required will be accomplished.

[(d) Non-Federal]

(d) NON-FEDERAL SHARE.—Non-Federal interests may be required to share in the cost of the project to the extent that the Chief of Engineers deems that such cost should not be borne by the Federal government in view of the recreational or otherwise special or local nature of the project benefits.

[(e) Each]

(e) COMPLETION.—Each project for which money is alloted under this section shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, other than routine maintenance, and except as may result from the normal procedure applying to projects authorized after submission of survey reports, and projects constructed under the authority of this section shall be considered as authorized projects.

[(f) This]

(f) APPLICABILITY.—This section shall apply to, but not be limited to, the provision of low water access navigation channels from the

existing channel of the Mississippi River to harbor areas heretofore or now established and located along the Mississippi River.

* * * * * * *

[PUBLIC LAW 91–611—DEC. 31, 1970]

[CF. 42 U.S.C. 1962D–5B]

FLOOD CONTROL ACT OF 1970

* * * * * * *

[SEC. 221.]

SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.

[(a) COOPERATION OF NON-FEDERAL INTEREST.—

[After December 31, 1970, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under the provisions of section 1962d-5a of this title or under any other provision of law, shall not be commenced until each non-Federal interest has entered into a written agreement with the Secretary of the Army to furnish its required cooperation for the project or the appropriate element of the project, as the case may be; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000. In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future appropriations for such performance and payment when obligating future appropriations would be inconsistent with constitutional or statutory limitations of the State or a political subdivision of the State.]

(a) COOPERATION OF NON-FEDERAL INTEREST.—

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

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

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

(4) CREDIT FOR IN-KIND CONTRIBUTIONS.—

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

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

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

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

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

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

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

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

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

(b) [A non-Federal interest shall be]*(1) IN GENERAL.—In this section, the term "non-Federal interest" means a legally constituted public body with full authority and capability to perform the terms of its agreement and to pay damages, if necessary, in the event of failure to perform.*

(2) INCLUSIONS.—The term "non-Federal interest" includes a non-profit organization acting with the consent of the affected unit of government.

(c) Every agreement entered into pursuant to this section shall be enforcible in the appropriate district court of the United States.

(d) After commencement of construction of a project, the Chief of Engineers may undertake performance of those items of coopera-

tion necessary to the functioning of the project for its purposes, if he has first notified the non-Federal interest of its failure to perform the terms of its agreement and has given such interest a reasonable time after such notification to so perform.

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

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

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

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

[(e)**]** *(g)* The Secretary of the Army, acting through the Chief of Engineers, shall maintain a continuing inventory of agreements and the status of their performance, and shall report thereon annually to the Congress.

* * * * * * *

[PUBLIC LAW 92–532—OCT. 23, 1972]

[CF. 33 U.S.C. 1412(C)(4)]

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972

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SEC. 1412. DUMPING PERMIT PROGRAM.

(a) * * *

* * * * * * *

(c) DESIGNATION OF SITES

(1) * * *

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(4) GENERAL SITE MANAGEMENT PLAN REQUIREMENT; PROHIBITIONS.—After January 1, 1995, no site shall receive a final designation unless a management plan has been developed pursuant to this section. Beginning on January 1, 1997, no permit for dumping pursuant to this Act or authorization for dumping under section 1413(e) of this title shall be issued for a site (other than the site located off the coast of Newport Beach, California, which is known as "LA–3") unless such site has received a final designation pursuant to this subsection or an alternative site has been selected pursuant to section 1413(b) of this title. Beginning **[**January 1, 2003**]** *January 1, 2007*, no permit for dumping pursuant to this Act or authorization for dumping under section 1413(e) of this title shall be issued for the site located off the coast of Newport Beach, California, which is known as "LA–3", unless such site has received a final

designation pursuant to this subsection or an alternative site has been selected pursuant to section 1413(b) of this title.

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[PUBLIC LAW 93–251—MAR. 7, 1974]

WATER RESOURCES DEVELOPMENT ACT OF 1974

SEC. 1. (a) * * *

* * * * * * *

[SEC. 22. (a) The Secretary]

SEC. 22. PLANNING ASSISTANCE TO STATES.

(a) FEDERAL STATE COOPERATION.—

(1) COMPREHENSIVE PLANS.—The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins, watersheds, or ecosystems located within the boundaries of such State and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

(2) TECHNICAL ASSISTANCE.—

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

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

(b) FEES.—

(1) For the purpose of recovering 50 percent of the total cost of providing assistance pursuant to [this section] *subsection (a)(1)*, the Secretary of the Army is authorized to establish appropriate fees, as determined by the Secretary, and to collect such fees from States and other non-Federal public bodies to whom assistance is provided under [this section] *subsection (a)(1)*.

(2) [Up to 1/2 of the] *the* non-Federal contribution for preparation of a plan subject to the cost sharing program under this subsection may be made by the provision of services, materials, supplies, or other in-kind services necessary to prepare the plan.

(3) Fees collected under this subsection shall be deposited into the account in the Treasury of the United States entitled, "Contributions and Advances, Rivers and Harbors, Corps of Engineers (8862)" and shall be available until expended to carry out this section.

[(c) There is]

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) FEDERAL AND STATE COOPERATION.—There is authorized to be appropriated not to exceed $10,000,000 annually to carry out [the provisions of this section except that not more than

$500,000 shall be expended in any one year in any one State.] *subsection (a)(1).*

(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated to carry out subsection (a)(2) $10,000,000 for each fiscal year, of which not more than $2,000,000 for each fiscal year may be used by the Secretary to enter into cooperative agreements with nonprofit organizations and State agencies to provide assistance to rural and small communities

* * * * * * *

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

* * * * * * *

[CF. 33 U.S.C. 426J]

WATER RESOURCES DEVELOPMENT ACT OF 1976

[SEC. 426j. PLACEMENT ON STATE BEACHES OF SAND DREDGED IN CONSTRUCTING AND MAINTAINING NAVIGATION INLETS AND CHANNELS ADJACENT TO SUCH BEACHES

[The Secretary of the Army, acting through the Chief of Engineers, is authorized upon request of the State, to place on the beaches of such State beach-quality sand which has been dredged in constructing and maintaining navigation inlets and channels adjacent to such beaches, if the Secretary deems such action to be in the public interest and upon payment by such State of 35 percent of the increased cost thereof above the cost required for alternative methods of disposing of such sand. At the request of the State, the Secretary may enter into an agreement with a political subdivision of the State to place sand on the beaches of the political subdivision of the State under the same terms and conditions required in the first sentence of this section; except that the political subdivision shall be responsible for providing any payments required under such sentence in lieu of the State. In carrying out this section, the Secretary shall give consideration to the schedule of the State, or the schedule of the responsible political subdivision of the requesting State, for providing its share of funds for placing such sand on the beaches of the State or the political subdivision and shall, to the maximum extent practicable, accommodate such schedule.]

* * * * * * *

[PUBLIC LAW 99–662—NOV. 17, 1986]

WATER RESOURCES DEVELOPMENT ACT OF 1986

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act many be cited as the "Water Resources Development Act of 1986".

* * * * * * *

SEC. 601. AUTHORIZATION OF PROJECTS.

(a) AUTHORIZATION OF CONSTRUCTION.—The following works of improvement for water resources development and conservation and for other purposes are adopted and authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection, except as otherwise provided in this subsection:

* * * * * * *

MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA—The project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska: Report of the Chief of Engineers, dated April 24, 1984, at a total cost of $51,900,000, with a first Federal cost of $51,900,000. The Secretary shall study the need for additional measures for mitigation of losses of aquatic and terrestrial habitat caused by such project and shall report to Congress, within three years after the date of enactment of this Act, on the results of such study and any recommendations for additional measures needed for mitigation of such losses.

The Secretary may carry out any recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota, using funds made available under this heading in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and consistent with the project purposes of the Missouri River Mainstem System as authorized by section 10 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 897).

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SEC. 602. LAKES PROGRAM.

(a) Subject to section 903(a) of this Act, the Secretary shall carry out programs for the removal of silt, aquatic growth, and other material in the following lakes:

(1) Albert Lea Lake, Freeborn County, Minnesota, removal of silt and aquatic growth;

(2) Lake George, Hobart, Indiana, and in that part of Deep River upstream of such lake through Lake Station, Indiana, removal of silt, aquatic growth, and other material and construction of silt traps or other devices to prevent and abate the deposit of sediment in Lake George and such part of Deep River;

(3) Greenwood Lake and Belcher Creek, New Jersey, removal of silt and stumps;

(4) Sauk Lake and its tributary streams in the vicinity of Sauk Centre, Stearns County, Minnesota, removal of silt and aquatic growth;

(5) Deal Lake, Monmouth County, New Jersey, removal of silt and stumps and the control of pollution from nonpoint sources;

(6) Lake Worth, Tarrant County, Texas, removal of silt and aquatic growth, including construction of silt traps and providing other devices or equipment to prevent and abate the further deposit of sediment in Lake Worth; such project shall also provide for the use of dredged material from Lake Worth for the reclamation of despoiled land;

(7) Hamlet City Lake, Hamlet, North Carolina, removal of accumulated silt and debris including construction of silt traps and providing other devices or equipment to prevent and abate the further deposit of sediment in Hamlet City Lake;

(8) Lake Herman, Lake County, South Dakota, removal of excess silt;

(9) Gorton's Pond, Warwick, Rhode Island, mitigation activities recommended in the 1982 Environmental Protection Agency diagnostic feasibility study, including the installation of retention basins, the dredging of inlets and outlets in recommended areas and the disposal of dredge material, and weed harvesting and nutrient inactivation;

(10) Wappingers Lake, New York, for removal of silt and aquatic growth;

(11) Lake George, New York, for removal of silt and aquatic growth, stump removal, and the control of pollution;

(12) Goodyear Lake, Otsego County, New York, removal of silt and aquatic growth;

(13) Otsego Lake, Otsego County, New York, removal of silt and aquatic growth and measures to address high nutrient concentration;

(14) Oneida Lake, Oneida County, New York, removal of silt and aquatic growth and nutrient monitoring;

(15) Skaneateles and Owasco Lakes, New York, removal of silt and aquatic growth and prevention of sediment deposit;

(16) Twin Lakes, Paris, Illinois, removal of silt and excess aquatic vegetation, including measures to address excessive sedimentation, high nutrient concentration, and shoreline erosion;

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

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

(19) Osgood Pond, Milford, Hillsborough County, New Hampshire, removal of silt and aquatic growth and measures to address excessive sedimentation**[**.**]***;*

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

(21) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

(22) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation;

(23) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation; and

(24) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity.

* * * * * * *

SEC. 704. STUDY OF CORPS CAPABILITY TO CONSERVE FISH AND WILDLIFE.

(a) * * *

* * * * * * *

(b) PROJECTS.—

(1) IN GENERAL.—The Secretary is further authorized to conduct projects of alternative or beneficially modified habitats for fish and wildlife, including but not limited to man-made reefs for fish. There is authorized to be appropriated not to exceed [$20,000,000] *$50,000,000* to carry out such projects. [Such projects]

(2) INCLUSIONS.—Such projects shall be developed, and their effectiveness evaluated, in consultation with the Director of the Fish and Wildlife Service and the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration. Such projects shall include—

(A) the construction of a reef for fish habitat in Lake Erie in the vicinity of Buffalo, New York;

(B) the construction of a reef for fish habitat in the Atlantic Ocean in the vicinity of Fort Lauderdale, Florida;

(C) the construction of a reef for fish habitat in Lake Ontario in the vicinity of the town of Newfane, New York; and

[(D) the construction of reefs and related clean shell substrate for fish habitat, including manmade 3-dimensional oyster reefs, in the Chesapeake Bay and its tributaries in Maryland and Virginia if the reefs are preserved as permanent sanctuaries by the non-Federal interests, consistent with the recommendations of the scientific consensus document on Chesapeake Bay oyster restoration dated June 1999.]

(D) the restoration and rehabilitation of habitat for fish, including native oysters, in the Chesapeake Bay and its tributaries in Virginia and Maryland, including—

(i) the construction of oyster bars and reefs;

(ii) the rehabilitation of existing marginal habitat;

(iii) the use of appropriate alternative substrate material in oyster bar and reef construction;

(iv) the construction and upgrading of oyster hatcheries; and

(v) activities relating to increasing the output of native oyster broodstock for seeding and monitoring of restored sites to ensure ecological success.

(3) RESTORATION AND REHABILITATION ACTIVITIES.—The restoration and rehabilitation activities described in paragraph (2)(D) shall be—

(A) for the purpose of establishing permanent sanctuaries and harvest management areas; and

(B) consistent with plans and strategies for guiding the restoration of the Chesapeake Bay oyster resource and fishery.

[(2)] *(4)* COST SHARING

(A) IN GENERAL.—The non-Federal share of the cost of any project under this subsection shall be 25 percent.

(B) FORM.—The non-Federal share may be provided through in-kind services, including the provision by the non-Federal interest of shell stock material that is determined by the Chief of Engineers to be suitable for use in carrying out the project.

(C) APPLICABILITY.—The non-Federal interest shall be credited with the value of in-kind services provided on or after October 1, 2000, for a project described in paragraph (1) completed on or after that date, if the Secretary determines that the work is integral to the project.

(5) DEFINITION OF ECOLOGICAL SUCCESS.—In this subsection, the term "ecological success" means—

(A) achieving a tenfold increase in native oyster biomass by the year 2010, from a 1994 baseline; and

(B) the establishment of a sustainable fishery as determined by a broad scientific and economic consensus.

* * * * * * *

SEC. 904. MATTERS TO BE ADDRESSED IN PLANNING.

[Enhancing] *(a) IN GENERAL.—Enhancing* national economic development (including benefits to particular regions of the Nation not involving the transfer of economic activity to such regions from other regions), the quality of the total environment (including preservation and enhancement of the environment), the well-being of the people of the United States, the prevention of loss of life, and the preservation of cultural and historical values shall be addressed in the formulation and evaluation of water resources projects to be carried out by the Secretary, and the associated benefits and costs, both quantifiable and unquantifiable, and information regarding potential loss of human life that may be associated with flooding and coastal storm events, shall be displayed in the benefits and costs of such projects.

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

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

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

* * * * * * *

SEC. 906. FISH AND WILDLIFE MITIGATION.

(a)(1) In the case of any water resources project which is authorized to be constructed by the Secretary before, on, or after the date of enactment of this Act, construction of which has not commenced as of the date of enactment of this Act, and which necessitates the mitigation of fish and wildlife losses, including the acquisition of lands or interests in lands to mitigate losses to fish and wildlife, as a result of such project, such mitigation, including acquisition of the lands or interests—

(A) shall be undertaken or acquired before any construction of the project (other than such acquisition) commences, or

(B) shall be undertaken or acquired concurrently with lands and interests in lands for project purposes (other than mitigation of fish and wildlife losses),

whichever the Secretary determines is appropriate, except that any physical construction required for the purposes of mitigation may be undertaken concurrently with the physical construction of such project.

(2) For the purposes of this subsection, any project authorized before the date of enactment of this Act on which more than 50 percent of the land needed for the project, exclusive of mitigation lands, has been acquired shall be deemed to have commenced construction under this subsection.

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

(b)(1) After consultation with appropriate Federal and non-Federal agencies, the Secretary is authorized to mitigate damages to fish and wildlife resulting from any water resources project under his jurisdiction, whether completed, under construction, or to be constructed. Such mitigation may include the acquisition of lands, or interests therein, except that—

(A) acquisition under this paragraph shall not be by condemnation in the case of projects completed as of the date of enactment of this Act or on which at least 10 percent of the physical construction on the project has been completed as of the date of enactment of this Act; and

(B) acquisition of water, or interests therein, under this paragraph, shall not be by condemnation.

The Secretary, shall, under the terms of this paragraph, obligate no more than $30,000,000 in any fiscal year. With respect to any water resources project, the authority under this subsection shall not apply to measures that cost more than $7,500,000 or 10 percent of the cost of the project, whichever is greater.

(2) Whenever, after his review, the Secretary determines that such mitigation features under this subsection are likely to require condemnation under subparagraph (A) or (B) of paragraph (1) of this subsection, the Secretary shall transmit to Congress a report on such proposed modification, together with his recommendations.

(3) USE OF CONSOLIDATED MITIGATION.—

(A) IN GENERAL.—If the Secretary determines that other forms of compensatory mitigation are not practicable or are less environmentally desirable, the Secretary may purchase available credits from a mitigation bank or conservation bank that is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigations Banks (60 Fed. Reg. 58605) or other applicable Federal laws (including regulations).

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

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

responsibility for monitoring or demonstrating mitigation success.

* * * * * * *

(d) MITIGATION PLANS AS PART OF PROJECT PROPOSALS.—

(1) IN GENERAL.—After November 17, 1986, the Secretary shall not submit any proposal for the authorization of any water resources project [to the Congress unless such report contains] *to Congress, and shall not select a project alternative in any final record of decision, environmental impact statement, or environmental assessment, unless the proposal, record of decision, environmental impact statement, or environmental assessment contains* (A) a recommendation with a specific plan to mitigate fish and wildlife losses created by such project, or (B) a determination by the Secretary that such project will have negligible adverse impact on fish and wildlife. Specific mitigation plans shall ensure that impacts to bottomland hardwood forests are mitigated in-kind*, and other habitat types are mitigated to not less than in-kind conditions* to the extent possible. In carrying out this subsection, the Secretary shall consult with appropriate Federal and non-Federal agencies.

(2) DESIGN OF MITIGATION PROJECTS.—The Secretary shall design mitigation projects to reflect contemporary understanding of the science of mitigating the adverse environmental impacts of water resources projects.

(3) MITIGATION REQUIREMENTS.—

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

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

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

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

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

(iv) a description of—

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

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

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

(4) DETERMINATION OF SUCCESS.—

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

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

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

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

(iii) The projected timeline for achieving that success.

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

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

(D) ACTION BY SECRETARY.—The Secretary shall respond in writing to the substance and recommendations contained in each report under subparagraph (C) by not later than 30 days after the date of receipt of the report.

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

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SEC. 912. SECTION 221 AGREEMENTS.

(a) * * *

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(b)(1) The Secretary may require compliance with any requirements pertaining to cooperation by non-Federal interests in carrying out any water resources project authorized before, on, or after the date of enactment of this Act.

(2) Whenever on the basis of any information available to the Secretary, the Secretary finds that any non-Federal interest is not providing cooperation required under subsection (a), the Secretary ⟦shall⟧ *may* issue an order requiring such non-Federal interest to provide such cooperation. ⟦After notice and opportunity for a hearing, if the Secretary finds that any person is violating an order issued under this section, such person shall be subject to a civil penalty not to exceed $10,000 per day of such violation, except that the total amount of civil penalties for any violation shall not exceed $50,000.⟧

(3) Non-Federal interests shall be liable for interest on any payments required pursuant to section 221 of the Flood Control Act of 1970 that may fall delinquent. The interest rate to be charged on any such delinquent payment shall be at a rate, to be determined by the Secretary of the Treasury, equal to 150 percent of the average bond equivalent rate of the thirteen-week Treasury bills auctioned immediately prior to the date on which such payment be-

came delinquent, or auctioned immediately prior to the beginning of each additional three-month period if the period of delinquency exceeds three months.

(4) The Secretary may request the Attorney General to bring a civil action for appropriate relief, including permanent or temporary [injunction, for] *injunction and payment of liquidated damages, for* any violation of an order issued under this section, [to collect a civil penalty imposed under this section,] to recover any cost incurred by the Secretary in undertaking performance of any item of cooperation under section 221(d) of the Flood Control Act of 1970, or to collect interest for which a non-Federal interest is liable under paragraph (3). Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides, or is doing businesss, and such court shall have jurisdiction to restrain such violation, to require compliance, to require payment of [any civil penalty imposed under this section,] *any liquidated damages,* and to require payment of any costs incurred by the Secretary in undertaking performance of any such item.

(5) The Secretary is authorized to determine that no funds appropriated for operation and maintenance, including operation and maintenance of the project for flood control, Mississippi River and Tributaries, are to be used for the particular benefit of projects within the jurisdiction of any non-Federal interest when such non-Federal interest is in arrears for more than twenty-four months in the payment of charges due under an agreement entered into with the United States pursuant to section 221 of the Flood Control Act of 1970 (Public Law 91–611).

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SEC. 1103. UPPER MISSISSIPPI RIVER PLAN.

(a)(1) * * *

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(e) PROGRAM AUTHORITY.—

(1) AUTHORITY.—

(A) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may undertake, as identified in the master plan—

(i) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

(ii) implementation of a long-term resource monitoring, computerized data inventory and analysis, and applied research program*, including research on water quality issues affecting the Mississippi River, including elevated nutrient levels, and the development of remediation strategies*.

* * * * * * *

[SEC. 1135. PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.]

SEC. 1135. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.

(a) * * *

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(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed **[**$25,000,000**]** *$50,000,000* annually to carry out this section.

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[PUBLIC LAW 100–676—NOV. 17, 1988]

WATER RESOURCES DEVELOPMENT ACT OF 1988

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE .—This Act may be cited as the "Water Resources Development Act of 1988".

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SEC. 21. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

(a) GENERAL RULE.—Notwithstanding any other provision of law, the Secretary is directed to maintain water levels in the Mississippi River headwaters reservoirs within the following operating limits: Winnibigoshish 1296.94 feet—1303.14 feet; Leech 1293.20 feet—1297.94 feet; Pokegama 1270.42 feet—**[**1276.42**]** *1278.42* feet; Sandy 1214.31 feet—**[**1218.31**]** *1221.31* feet; Pine 1227.32 feet—**[**1234.82**]** *1235.30* feet; and Gull 1192.75 feet—1194.75 feet. Such water levels shall be measured using the National Geodetic Vertical Datum.

[(b) EXCEPTION.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established in subsection (a) in accordance with a contingency plan which the Secretary develops after consulting with the Governor of Minnesota and affected landowners and commercial and recreational users. The Secretary shall transmit such plan to Congress within 6 months after the date of the enactment of this Act. The Secretary shall report to Congress at least 14 days prior to operating any such headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a).**]**

(b) EXCEPTION.—

(1) IN GENERAL.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established under subsection (a) in accordance with water control regulation manuals (or revisions to those manuals) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users.

(2) EFFECTIVE DATE OF MANUALS.—The water control regulation manuals referred to in paragraph (1) (and any revisions to those manuals) shall be effective as of the date on which the Secretary submits the manuals (or revisions) to Congress.

(3) NOTIFICATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not less than 14 days before operating any headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a), the Secretary shall submit to Congress a notice of intent to operate the headwaters reservoir.

(B) EXCEPTION.—Notice under subparagraph (A) shall not be required in any case in which—

(i) the operation of a headwaters reservoir is necessary to prevent the loss of life or to ensure the safety of a dam; or

(ii) the drawdown of the water level of the reservoir is in anticipation of a flood control operation.

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[PUBLIC LAW 101–646—NOV. 29, 1990]

NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL ACT OF 1990

SECTION 1001. SHORT TITLE.

This title may be cited as the "Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990".

SEC. 1002. FINDINGS AND PURPOSES.

(a) FINDINGS.— * * *

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SEC. 1202. AQUATIC NUISANCE SPECIES PROGRAM.

(a) IN GENERAL.—* * *

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(i) ZEBRA MUSSEL DEMONSTRATION PROGRAM.—

(1) IN GENERAL.— * * *

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(3) DISPERSAL BARRIER DEMONSTRATION.—

(A) IN GENERAL.— * * *

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(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Army**[**, to carry out this paragraph, $750,000**]** *such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph.*

* * * * * * *

[PUBLIC LAW 101–640—NOV. 28, 1990]

WATER RESOURCES DEVELOPMENT ACT OF 1990

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE .—This Act may be cited as the "Water Resources Development Act of 1990".

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SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH REPORT OF THE CHIEF OF ENGINEERS.—Except as provided in this subsection, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the respective reports designated in this subsection:

(1) BAYOU LA BATRE, ALABAMA.— * * *

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(10) MCALPINE LOCK AND DAM, INDIANA AND KENTUCKY.—The project for navigation, McAlpine Lock and Dam, Indiana and Kentucky: Report of the Chief of Engineers, dated June 29, 1990, at a total cost of [$219,600,000] *$430,000,000*, with a first Federal cost of [$219,600,000] *$430,000,000*. The Federal share of costs of construction of the project is to be paid one-half from amounts appropriated from the general fund of the Treasury and one-half from amounts appropriated from the Inland Waterways Trust Fund.

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SEC. 102. PROJECT MODIFICATIONS.

(g) DELAWARE RIVER TO CHESAPEAKE BAY, DELAWARE AND MARYLAND.—The project for navigation, inland waterway from the Delaware River to the Chesapeake Bay, Delaware and Maryland, authorizaed by the frist section of the Act of August 30, 1935 (49 Stat. 1030), and modified by the Act entitled "An Act authorizing construction of a highway bridge across the Chesapeake and Delaware Canal at Saint Georges, Delaware", approved August 7, 1939 (53 Stat. 1240-1241), is modified to direct the Secretary to replace the highway bridge on United States Route 13 in the vicinity of St. Georges, Delaware, to meet current and projected traffic needs, at a Federal cost of $115,000,000. The State may carry out the bridge replacement, the Secretary may reimburse the State for costs incurred. *The Secretary shall assume ownership responsibility for the replacement bridge not later than the date on which the construction of the bridge is completed and the contractors are released of their responsibility by the State. In addition, the Secretary may not carry out any action to close or remove the St. George's Bridge, Delaware, without specific congressional authorization.*

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SEC. 401. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

(a) * * *

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(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2001 [through 2006] *through 2011*.

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[PUBLIC LAW 102–154—NOV. 13, 1991]

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, OF 1992

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SEC. 101. * * *

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SEC. 309.

Notwithstanding any other provision of law, in fiscal year 1992 and thereafter, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, *the Secretary of the Army*, and the Secretary of the Smithsonian Institution are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction.

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[PUBLIC LAW 102–580—OCT. 31, 1992]

WATER RESOURCES DEVELOPMENT ACT OF 1992

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1992".

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SEC. 103. VISITOR CENTERS

(a) * * *

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(c) LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.—

(1) * * *

(2) LOCATION OF MUSEUM.—The museum shall be located on [property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge] *riverfront property* in Vicksburg, Mississippi. Title to the property shall be transferred to the Secretary at no cost.

* * * * * * *

[SEC. 204. BENEFICIAL USES OF DREDGED MATERIAL.

[(a) IN GENERAL.—The Secretary is authorized to carry out projects for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in connection with dredging for construction, operation, or maintenance by the Secretary of an authorized navigation project.

[(b) SECRETARIAL FINDINGS.—Subject to subsection (c) of this section, projects for the protection, restoration, or creation of aquatic and ecologically related habitats may be undertaken in any case where the Secretary finds that—

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

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

[(c) COOPERATIVE AGREEMENT.—Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into a binding agreement with the Secretary in which the non-Federal interests agree to—

[(1) provide 25 percent of the cost associated with construction of the project for the protection, restoration, and creation of aquatic and ecologically related habitats, including provision of all lands, easements, rights-of-way, and necessary relocations; and

[(2) pay 100 percent of the operation, maintenance, replacement, and rehabilitation costs associated with the project for the protection, restoration, and creation of aquatic and ecologically related habitats.

[(d) DETERMINATION OF CONSTRUCTION COSTS.—Costs associated with construction of a project for the protection, restoration, and creation of aquatic and ecologically related habitats shall be limited solely to construction costs which are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of the authorized navigation project in the most cost effective way, consistent with economic, engineering, and environmental criteria.

[(e) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD.—In developing and carrying out a project for navigation involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of such disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion. The Federal share of such incremental costs shall be determined in accordance with subsection (c).

[(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed $15,000,000 annually to carry out this section. Such sums shall remain available until expended.

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

SEC. 204. REGIONAL SEDIMENT MANAGEMENT.

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

(1) the protection of property;

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

(3) the transport and placement of suitable sediment

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

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

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

(c) DETERMINATION OF PLANNING AND PROJECT COSTS.—

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

(2) COSTS OF CONSTRUCTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Fletcher Cove, California;

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

(4) Toledo Harbor, Lucas County, Ohio.

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

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

* * * * * * *

[SEC. 325. LAND EXCHANGE, ALLATOONA LAKE, GEORGIA.

[(a) IN GENERAL.—The Secretary may initiate a program to exchange lands above 863 feet in elevation which are excess to the operational needs of Allatoona Lake, Georgia, for lands on the north side of Allatoona Lake which are needed for wildlife management and for protection of the water quality and overall environment of Allatoona Lake.

[(b) TERMS AND CONDITIONS.—Land exchanges under the program to be conducted under subsection (a) shall be subject to the following terms and conditions:

[(1) Lands acquired under the program must be contiguous to the land in Federal Government ownership on the date of the enactment of this Act.

[(2) Lands acquired under the program shall be from willing sellers only.

[(3) The basis for all land exchanges under the program shall be a fair market appraisal so that lands exchanged are of equal value.]

* * * * * * *

[PUBLIC LAW 104–303—OCT. 12, 1996]

WATER RESOURCES DEVELOPMENT ACT OF 1996

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1996".

* * * * * * *

SECTION 101. PROJECT AUTHORIZATIONS.

(a) * * *

* * * * * * *

[SEC. 206. AQUATIC ECOSYSTEM RESTORATION.]

SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.

(a) GENERAL AUTHORITY.—The Secretary may carry out [an aquatic] *a freshwater aquatic* ecosystem restoration and protection project if the Secretary zdetermines that the project—

(1) will improve the quality of the environment and is in the public interest; and

(2) is cost-effective.

* * * * * * *

(e) FUNDING.—There is authorized to be appropriated to carry out this section [$25,000,000] *$75,000,000* for each fiscal year.

* * * * * * *

SEC. 211. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) * * *

* * * * * * *

(e) REIMBURSEMENT.—

(1) * * *

* * * * * * *

(6) SCHEDULE AND MANNER OF REIMBURSEMENT.—

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

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

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

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

(E) BUDGET PRIORITY.—

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

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

(f) SPECIFIC PROJECTS.—

(1) * * *

* * * * * * *

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

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

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

* * * * * * *

SEC. 217. DREDGED MATERIAL DISPOSAL FACILITY PARTNERSHIPS.

(a) ADDITIONAL CAPACITY.—

(1) PROVIDED BY SECRETARY.—At the request of a non-Federal interest with respect to a project, the Secretary may provide additional capacity at a dredged material disposal facility constructed by the Secretary beyond the capacity that would be required for project purposes if the non-Federal interest agrees to pay, during the period of construction, all costs associated with the construction of the additional capacity.

(2) COST RECOVERY AUTHORITY.—The non-Federal interest may recover the costs assigned to the additional capacity through fees assessed on third parties whose dredged material is deposited at the facility and who enter into agreements with the non-Federal interest for the use of the facility. The amount of such fees may be determined by the non-Federal interest.

(b) NON-FEDERAL USE OF DISPOSAL FACILITIES.—

(1) IN GENERAL.—The Secretary—

(A) may permit the use of any dredged material disposal facility under the jurisdiction of, or managed by, the Secretary by a non-Federal interest if the Secretary determines that such use will not reduce the availability of the facility for project purposes; and

(B) may impose fees to recover capital, operation, and maintenance costs associated with such use.

(2) USE OF FEES.—Notwithstanding section 401(c) of the Federal Water Pollution Control Act (33 U.S.C. 1341(c)) but subject to advance appropriations, any monies received through collection of fees under this subsection shall be available to the

Secretary, and shall be used by the Secretary, for the operation and maintenance of the disposal facility from which the fees were collected.

(c) DREDGED MATERIAL FACILITY.—

(1) IN GENERAL.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region, if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government.

(2) PERFORMANCE.—One or more of the parties to the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility.

(3) MULTIPLE FEDERAL PROJECTS.—If appropriate, the Secretary may combine portions of separate Federal projects with appropriate combined cost-sharing between the various projects, if the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

(4) PUBLIC FINANCING.—

(A) AGREEMENTS.—

(i) SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.—The cost-sharing agreement used shall clearly specify—

(I) the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects; and

(II) the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

(ii) MANAGEMENT OF SEDIMENTS.—

(I) IN GENERAL.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnerships agreements.

(II) PAYMENTS.—The cost-sharing agreement may allow the non-Federal interest to receive reimbursable payments from the Federal Government for commitments made by the non-Federal interest for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.

(iii) CREDIT.—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.

(B) CREDIT.—

(i) EFFECT ON EXISTING AGREEMENTS.—Nothing in this subsection supersedes or modifies an agreement in effect on the date of enactment of this paragraph be-

tween the Federal Government and any other non-Federal interest for the cost-sharing, construction, and operation and maintenance of a Federal navigation project.

(ii) CREDIT FOR FUNDS.—Subject to the approval of the Secretary and in accordance with law (including regulations and policies) in effect on the date of enactment of this paragraph, a non-Federal public interest of a Federal navigation project may seek credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project.

(iii) NON-FEDERAL INTEREST RESPONSIBILITIES.—The non-Federal interest shall—

(I) be responsible for providing all necessary land, easement rights-of-way, or relocations associated with the facility; and

(II) receive credit for those items.

[(c)] *(d)* PUBLIC-PRIVATE PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary may carry out a program to evaluate and implement opportunities for public-private partnerships in the design, construction, management, or operation *and maintenance* of dredged material *processing, treatment, or* disposal facilities in connection with construction or maintenance of Federal navigation projects. If a non-Federal interest is a sponsor of the project, the Secretary shall consult with the non-Federal interest in carrying out the program with respect to the project.

(2) PRIVATE FINANCING.—

(A) AGREEMENTS.—In carrying out this subsection, the Secretary may enter into an agreement with a non-Federal interest with respect to a project, a private entity, or both for the acquisition, design, construction, management, or operation *and maintenance* of a dredged material *processing, treatment, or* disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material) using funds provided in whole or in part by the private entity.

(B) REIMBURSEMENT.—If any funds provided by a private entity are used to carry out a project under this subsection, the Secretary may reimburse the private entity over a period of time agreed to by the parties to the agreement through the payment of subsequent user fees. Such fees may include the payment of a disposal or tipping fee for placement of suitable dredged material at the facility.

(C) AMOUNT OF FEES.—User fees paid pursuant to subparagraph (B) shall be sufficient to repay funds contributed by the private entity plus a reasonable return on investment approved by the Secretary in cooperation with the non-Federal interest with respect to the project and the private entity.

(D) FEDERAL SHARE.—The Federal share of such fees shall be equal to the percentage of the total cost that

would otherwise be borne by the Federal Government as required pursuant to existing cost-sharing requirements, including section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) and section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2325).

(E) BUDGET ACT COMPLIANCE.—Any spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2))) authorized by this section shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

* * * * * * *

SEC. 234. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

[(a) IN GENERAL.—The Secretary may engage in activities in support of other Federal agencies or international organizations to address problems of national significance to the United States.**]**

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

(b) CONSULTATION.—The Secretary may engage in activities in support of international organizations only after consulting with the **[**Secretary of State**]** *Department of State.*

(c) USE OF CORPS' EXPERTISE.—The Secretary may use the technical and managerial expertise of the Corps of Engineers to address domestic and international problems related to water resources, infrastructure development, and environmental protection.

(d) FUNDING.—There is authorized to be appropriated to carry out this sec+tion **[**$250,000 for fiscal year 2001**]** *$1,000,000 for fiscal year 2007* and each fiscal year thereafter. The Secretary may accept and expend additional funds from other Federal agencies **[**or international organizations**]***, international organizations, or foreign governments* to carry out this section.

* * * * * * *

SEC. 507. DESIGN AND CONSTRUCTION ASSISTANCE.

The Secretary shall provide design and construction assistance to non-Federal interests for each of the following projects if the Secretary determines that the project is feasible:

(1) Repair and rehabilitation of the Lower Girard Lake Dam, Girard, Ohio, at an estimated total cost of **[**$2,500,000**]** *$5,500,000 (which repair and rehabilitation shall include lowering the crest of the Dam by not more than 12.5 feet).*

* * * * * * *

SEC. 510. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) * * *

* * * * * * *

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **[**$10,000,000**]** *$30,000,000.*

* * * * * * *

SEC. 516. SEDIMENT MANAGEMENT.

(a) * * *

* * * * * * *

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section $5,000,000 for each of fiscal years 1998 through 2001.

(2) GREAT LAKES TRIBUTARY MODEL.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) $5,000,000 for each of fiscal years 2002 [through 2006] *through 2011*.

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SEC. 528. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

(a) * * *

* * * * * * *

(b) RESTORATION ACTIVITIES.—

(1) * * *

* * * * * * *

(3) CRITICAL RESTORATION PROJECTS.—

(A) * * *

* * * * * * *

(C) AUTHORIZATION OF APPROPRIATIONS.—

(i) IN GENERAL.—There is authorized to be appropriated to the Department of the Army to pay the Federal share of the cost of carrying out projects under subparagraph (A) [$75,000,000 for the period consisting of fiscal years 1997 through 1999.] *$95,000,000.*

[(ii) FEDERAL SHARE.—The Federal share of the cost of carrying out any 1 project under subparagraph (A) shall be not more than $25,000,000.]

(ii) FEDERAL SHARE.—

(I) IN GENERAL.—Except as provided in subclause (II), the Federal share of the cost of carrying out a project under subparagraph (A) shall not exceed $25,000,000.

(II) SEMINOLE WATER CONSERVATION PLAN.—The Federal share of the cost of carrying out the Seminole Water Conservation Plan shall not exceed $30,000,000.

* * * * * * *

SEC. 554. ORCHARD BEACH, BRONX, NEW YORK.

The Secretary shall conduct a study for a project for shoreline protection, Orchard Beach, Bronx, New York, and, if the Secretary determines that the project is feasible, may carry out the project, at a maximum Federal cost of [$5,200,000] *$18,200,000*.

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SEC. 567. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

(a) * * *

* * * * * * *

[(c) COOPERATION AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary may enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.]

(c) COOPERATION AGREEMENTS.—

(1) IN GENERAL.—In conducting the study and implementing the strategy under this section, the Secretary shall enter into cost-sharing and project cooperation agreements with the Federal Government, State and local governments (with the consent of the State and local governments), land trusts, or nonprofit, nongovernmental organizations with expertise in wetland restoration.

(2) FINANCIAL ASSISTANCE.—Under the cooperation agreement, the Secretary may provide assistance for implementation of wetland restoration projects and soil and water conservation measures.

[(d) IMPLEMENTATION.—The Secretary shall undertake development and implementation of the strategy authorized by this section in cooperation with local landowners and local government officials.]

(d) IMPLEMENTATION OF STRATEGY.—

(1) IN GENERAL.—The Secretary shall carry out the development, demonstration, and implementation of the strategy under this section in cooperation with local landowners, local government officials, and land trusts.

(2) GOALS OF PROJECTS.—Projects to implement the strategy under this subsection shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetland restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects.

* * * * * * *

SEC. 575. HARRIS COUNTY, TEXAS.

(a) * * *

(b) SPECIFIC PROJECTS.—The projects to which subsection (a) apply are—

(1) the project for flood control, Buffalo Bayou Basin, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1258);

(2) the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a) of the Water Resources Development Act of 1990 (104 Stat. 4610); and

(3) the project for flood control, Cypress Creek, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014); [and]

(4) the project for flood control, Clear Creek, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742)[.]*; and*

(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).

* * * * * * *

SEC. 577. TANGIER ISLAND, VIRGINIA.

(a) IN GENERAL.—The Secretary shall design and construct a breakwater at the North Channel on Tangier Island, Virginia, [at a total cost of $1,200,000, with an estimated Federal cost of $900,000 and an estimated non-Federal cost of $300,000.] *at a total cost of $3,000,000, with an estimated Federal cost of $2,400,000 and an estimated non-Federal cost of $600,000.*

* * * * * * *

[PUBLIC LAW 106–53—AUG. 17, 1999]

WATER RESOURCES DEVELOPMENT ACT OF 1999

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act many be cited as the "Water Resources Development Act of 1999".

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SEC. 212. FLOOD MITIGATION AND RIVERINE RESTORATION PROGRAM.

(a) * * *

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

(1) * * *

* * * * * * *

(22) Shenandoah River, Virginia; [and]

(23) Lincoln Creek, Wisconsin[.]*; and*

(24) Underwood Creek Diversion Facility Project (County Grounds), Milwaukee County, Wisconsin.

* * * * * * *

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

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

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

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

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

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

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

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

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

(a) DEFINITIONS.—In this section:

(1) MANAGEMENT PLAN.—The term "Management plan" means the management plan for the St. Clair River and Lake St. Clair, Michigan, that is in effect as of the date of enactment of this section.

(2) PARTNERSHIP.—The term "Partnership" means the partnership established by the Secretary under subsection (b)(1).

(b) PARTNERSHIP.—

(1) IN GENERAL.—The Secretary shall establish and lead a partnership of appropriate Federal agencies (including the Environmental Protection Agency) and the State of Michigan (including political subdivisions of the State)—

(A) to promote cooperation among the Federal Government, State and local governments, and other involved parties in the management of the St. Clair River and Lake St. Clair watersheds; and

(B) develop and implement projects consistent with the management plan.

(2) COORDINATION WITH ACTIONS UNDER OTHER LAW.—

(A) IN GENERAL.—Actions taken under this section by the Partnership shall be coordinated with actions to restore and conserve the St. Clair River and Lake St. Clair and watersheds taken under other provisions of Federal and State law.

(B) NO EFFECT ON OTHER LAW.—Nothing in this section alters, modifies, or affects any other provision of Federal or State law.

(c) IMPLEMENTATION OF ST. CLAIR RIVER AND LAKE ST. CLAIR MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall—

(A) develop a St. Clair River and Lake St. Clair strategic implementation plan in accordance with the management plan;

(B) provide technical, planning, and engineering assistance to non-Federal interests for developing and implementing activities consistent with the management plan;

(C) plan, design, and implement projects consistent with the management plan; and

(D) provide, in coordination with the Administrator of the Environmental Protection Agency, financial and technical assistance, including grants, to the State of Michigan (including political subdivisions of the State) and interested nonprofit entities for the planning, design, and implementation of projects to restore, conserve, manage, and sustain the St. Clair River, Lake St. Clair, and associated watersheds.

(2) SPECIFIC MEASURES.—Financial and technical assistance provided under subparagraphs (B) and (C) of paragraph (1) may be used in support of non-Federal activities consistent with the management plan.

(d) SUPPLEMENTS TO MANAGEMENT PLAN AND STRATEGIC IMPLEMENTATION PLAN.—In consultation with the Partnership and after

providing an opportunity for public review and comment, the Secretary shall develop information to supplement—

(1) the management plan; and

(2) the strategic implementation plan developed under subsection (c)(1)(A).

(e) COST SHARING.—

(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of technical assistance, or the cost of planning, design, construction, and evaluation of a project under subsection (c), and the cost of development of supplementary information under subsection (d)—

(A) shall be 25 percent of the total cost of the project or development; and

(B) may be provided through the provision of in-kind services.

(2) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit the non-Federal sponsor for the value of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided for use in carrying out a project under subsection (c).

(3) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity.

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be non-Federal responsibilities.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each fiscal year.

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SEC. 514. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

(a) * * *

* * * * * * *

(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a regional or national nonprofit entity with the consent of the affected local government.

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

[(f)**]** *(h)* COST SHARING.—

[(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of the project shall be 35 percent.**]**

(1) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of the cost of projects may be provided—

(i) in cash;

(ii) by the provision of land, easements, rights-of-way, relocations, or disposal areas;

(iii) by in-kind services to implement the project; or

(iv) by any combination of the foregoing.

(B) PRIVATE OWNERSHIP.—Land needed for a project under this authority may remain in private ownership subject to easements that are—

(i) satisfactory to the Secretary; and

(ii) necessary to assure achievement of the project purposes.

(2) FEDERAL SHARE.—The Federal share of the cost of any 1 activity described in subsection (b) shall not exceed $5,000,000.

(3) OPERATION AND MAINTENANCE.—The operation and maintenance of the project shall be a non-Federal responsibility.

[(g)**]** *(i)* AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out this section $30,000,000 **[**for the period of fiscal years 2000 and 2001.**]** *per year, and that authority shall extend until Federal fiscal year 2015.*

* * * * * * *

SEC. 560. ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.

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

[(a) **]** *(b)* IN GENERAL.—The Secretary may provide technical, planning, and design *, and construction* assistance to Federal and non-Federal interests*, including, with the consent of the affected local government, nonprofit entities,* for carrying out projects to address water quality problems caused by drainage and related activities from abandoned and inactive noncoal mines.

[(b) **]** *(c)* SPECIFIC MEASURES.—Assistance provided under subsection (a) may be in support of projects for the purpose of—

(1) managing drainage from abandoned and inactive noncoal mines;

(2) restoring and protecting streams, rivers, wetlands, other waterbodies, and riparian areas degraded by drainage from abandoned and inactive noncoal mines; and

(3) demonstrating management practices and innovative and alternative treatment technologies to minimize or eliminate adverse *physical hazards and* environmental effects associated with **[**drainage from **]** abandoned and inactive noncoal mines.

[(c) **]** *(d)* NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance under subsection (a) shall be **[**50**]** *25* percent, except that the Federal share with respect to projects located on land owned by the United States shall be 100 percent.

[(d)**]** *(e)* EFFECT ON AUTHORITY OF SECRETARY OF THE INTERIOR.—Nothing in this section affects the authority of the Secretary of the Interior under title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.).

[(e)**]** *(f)* TECHNOLOGY DATABASE FOR RECLAMATION OF ABANDONED MINES.—The Secretary may provide assistance to non-Federal and nonprofit entities to develop, manage, and maintain a database of conventional and innovative, cost-effective technologies for reclamation of abandoned and inactive noncoal mine sites. Such assistance shall be provided through the Rehabilitation of Aban-

doned Mine Sites Program managed by the Sacramento District Office of the Corps of Engineers.

[(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.]

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

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

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for each fiscal year $45,000,000, to remain available until expended.

* * * * * * *

SEC. 580. CUMBERLAND, MARYLAND, FLOOD PROJECT MITIGATION.

(a) IN GENERAL.—The project for flood control and other purposes, Cumberland, Maryland, authorized by section 5 of the Act of June 22, 1936 (commonly known as the "Flood Control Act of 1936") (49 Stat. 1574, chapter 688), is modified to authorize the Secretary to undertake, as a separate part of the project, restoration of the historic Chesapeake and Ohio Canal substantially in accordance with the Chesapeake and Ohio Canal National Historic Park, Cumberland, Maryland, Rewatering Design Analysis, dated February 1998, at a total cost of [$15,000,000] *$25,750,000*, with an estimated Federal cost of [$9,750,000] *$16,738,000* and an estimated non-Federal cost of [$5,250,000] *$9,012,000*.

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SEC. 602. TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) * * *

* * * * * * *

(4) FUNDING FOR CARRYING OUT PLANS.—

(A) STATE OF SOUTH DAKOTA.—

(i) NOTIFICATION.—On receipt of the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota, each of the committees referred to in paragraph (3) shall notify the Secretary *and the Secretary of the Treasury* of the receipt of the plan.

[(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary shall make available to the State of South Dakota funds from the South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State and only after the Trust Fund is fully capitalized.]

(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603, to be used to carry out the plan for terres-

trial wildlife habitat restoration submitted by the State of South Dakota after the State certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 603(d)(3) and only after the Trust Fund is fully capitalized.

(B) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE.—

(i) NOTIFICATION.—On receipt of the plan for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, each of the committees referred to in paragraph (3) shall notify the Secretary of the Treasury of the receipt of each of the plans.

[(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, and only after the Trust Fund is fully capitalized.]

(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plans for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, after the respective tribe certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 604(d)(3) and only after the Trust Fund is fully capitalized.

* * * * * * *

SEC. 603. SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.

(a) * * *

* * * * * * *

[(c) INVESTMENTS.—

[(1) IN GENERAL.—At the request of the Secretary, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed by the United States as to both principal and interest.

[(2) INTEREST RATE.—The Secretary of the Treasury shall invest amounts in the fund in obligations that carry the highest

rate of interest among available obligations of the required maturity.]

(c) INVESTMENTS.—

(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

(2) INVESTMENT REQUIREMENTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with all of the requirements of this paragraph.

(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

(i) PRINCIPAL ACCOUNT.—The amounts deposited in the Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of the Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

(iii) CREDITING.—The interest earned from investing amounts in the interest account of the Fund shall be credited to the interest account.

(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of the Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

(iii) DISCONTINUANCE OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued

Treasury obligations of the maturities longer than 1 year then available.

(D) INVESTMENT OF INTEREST ACCOUNT.—

(i) BEFORE FULL CAPITALIZATION.—Until the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

(ii) AFTER FULL CAPITALIZATION.—On and after the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the State of South Dakota the results of the investment activities and financial status of the Fund during the preceding 12-month period.

(4) AUDITS.—

(A) IN GENERAL.—The activities of the State of South Dakota (referred to in this subsection as the "State") in carrying out the plan of the State for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the State is required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

(i) determine whether funds received by the State under this section during the period covered by the audit were used to carry out the plan of the State in accordance with this section; and

(ii) include the determination under clause (i) in the written findings of the audit.

(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the

Secretary shall modify the requirements, as the Secretary determines to be necessary.

(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the State regarding the proposed modification.

* * * * * * *

(d) PAYMENTS.—

(1) * * *

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—Subject to section 602(a)(4)(A), the Secretary *of the Treasury* shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the State of South Dakota for use as State funds in accordance with paragraph (3) after the Fund has been fully capitalized.

* * * * * * *

[(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.**]**

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury, to pay expenses associated with investing the Fund and auditing the uses of amounts withdrawn from the Fund—

(1) up to $500,000 for each of fiscal years 2006 and 2007; and

(2) such sums as are necessary for each subsequent fiscal year.

* * * * * * *

SEC. 604. CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.

(a) * * *

* * * * * * *

[(c) INVESTMENTS.—

[(1) IN GENERAL.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

[(2) INTEREST RATE.—The Secretary of the Treasury shall invest amounts in the Funds in obligations that carry the highest rate of interest among available obligations of the required maturity.**]**

(c) INVESTMENTS.—

(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Funds.

(2) INVESTMENT REQUIREMENTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest each of the Funds in accordance with all of the requirements of this paragraph.

(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

(i) PRINCIPAL ACCOUNT.—The amounts deposited in each Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the "principal account") and invested as provided in subparagraph (C).

(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of each Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the "interest account") and invested as provided in subparagraph (D).

(iii) CREDITING.—The interest earned from investing amounts in the interest account of each Fund shall be credited to the interest account.

(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of each Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

(D) INVESTMENT OF THE INTEREST ACCOUNT.—

(i) BEFORE FULL CAPITALIZATION.—Until the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

(ii) AFTER FULL CAPITALIZATION.—On and after the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe (referred to in this subsection as the "Tribes") the results of the investment activities and financial status of the Funds during the preceding 12-month period.

(4) AUDITS.—

(A) IN GENERAL.—*The activities of the Tribes in carrying out the plan of the Tribes for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the Tribes are required to prepare under the Office of Management and Budget Circular A–133 (or a successor circulation).*

(B) DETERMINATION BY AUDITORS.—*An auditor that conducts an audit under subparagraph (A) shall—*

(i) determine whether funds received by the Tribes under this section during the period covered by the audit were used to carry out the plan of the appropriate Tribe in accordance with this section; and

(ii) include the determination under clause (i) in the written findings of the audit.

(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

(A) IN GENERAL.—*If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.*

(B) CONSULTATION.—*Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the Tribes regarding the proposed modification.*

* * * * * * *

[(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.**]**

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appro-

priated, to the Secretary of the Treasury to pay expenses associated with investing the Funds and auditing the uses of amounts withdrawn from the Funds—

(1) up to $500,000 for each of fiscal years 2006 and 2007; and

(2) such sums as are necessary for each subsequent fiscal year.

* * * * * * *

[33 U.S.C. 2901—NOV. 7, 2000]

ESTUARY RESTORATION ACT OF 2000

SEC. 101. * * *

* * * * * * *

SEC. 102. PURPOSES.

The purposes of this title are—

(1) to promote the restoration of estuary habitat *by implementing a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage*;

(2) to develop *and implement* a national estuary habitat restoration strategy for creating and maintaining effective estuary habitat restoration partnerships among public agencies at all levels of government and to establish new partnerships between the public and private sectors;

(3) to provide Federal assistance for estuary habitat restoration projects *through cooperative agreements* and to promote efficient financing of such projects; and

* * * * * * *

SEC. 103. DEFINITIONS.

In this title, the following definitions apply:

(1) * * *

* * * * * * *

(6) ESTUARY HABITAT RESTORATION PLAN.—

(A) IN GENERAL.—The term "estuary habitat restoration plan" means any [Federal or State] *Federal, State, or regional* plan for restoration of degraded estuary habitat that was developed with the substantial participation of appropriate public and private stakeholders.

* * * * * * *

SEC. 104. ESTUARY HABITAT RESTORATION PROGRAM.

(a) ESTABLISHMENT.—There is established an estuary habitat restoration program under which the Secretary may carry out estuary habitat restoration projects and provide technical assistance *through the award of contracts and cooperative agreements* in accordance with the requirements of this title.

(b) * * *

* * * * * * *

(c) SELECTION OF PROJECTS.—

(1) * * *

* * * * * * *

(3) FACTORS FOR SELECTION OF PROJECTS.—In selecting an estuary habitat restoration project, the Secretary shall consider the following factors:

(A) Whether the project is part of an approved Federal *or State* estuary management or habitat restoration plan.

* * * * * * *

(4) PRIORITY.—In selecting estuary habitat restoration projects to be carried out under this title, the Secretary shall give priority consideration to a project if, in addition to meriting selection based on the factors under paragraph (3)—

(A) * * *

(B) the project includes pilot testing of or a demonstration of an innovative technology *or approach* having the potential for improved cost-effectiveness in estuary habitat restoration.

(d) COST SHARING.—

(1) FEDERAL SHARE.—[Except]

(i) IN GENERAL.—Except as provided in paragraph (2) and subsection (e)(2), the Federal share of the cost of an estuary habitat restoration project (other than the cost of operation and maintenance of the project) carried out under this title shall not exceed 65 percent of such cost.

(ii) MONITORING.—

(I) COSTS.—The costs of monitoring an estuary habitat restoration project funded under this title may be included in the total cost of the estuary habitat restoration project.

(II) GOALS.—The goals of the monitoring shall be—

(aa) to measure the effectiveness of the restoration project; and

(bb) to allow adaptive management to ensure project success.

(2) INNOVATIVE TECHNOLOGY COSTS.—The Federal share of the incremental additional cost of including in a project pilot testing of or a demonstration of an innovative technology *or approach* described in subsection (c)(4)(B) of this section shall be 85 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of an estuary habitat restoration project carried out under this chapter shall include lands, easements, rights-of-way, and relocations and may include services *(including monitoring)*, or any other form of in-kind contribution determined by the Secretary to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the activity.

* * * * * * *

(f) COOPERATION OF NON-FEDERAL INTERESTS.—

(1) IN GENERAL.—The Secretary may not carry out an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which the non-Federal interest agrees to—

(A) provide all lands, easements, rights-of-way, and relocations and any other elements the Secretary determines appropriate under subsection (d)(3) of this section; and

(B) provide for *long-term* maintenance and monitoring of the project.

(2) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 1962d-5b(b) of title 42, for any project to be undertaken under this chapter, the Secretary, in consultation and coordination with appropriate State and local governmental agencies and Indian tribes, may allow a nongovernmental organization to serve as the non-Federal interest for the project.

(g) DELEGATION OF PROJECT IMPLEMENTATION.—[In carrying]

(1) IN GENERAL.—In carrying out this chapter, the Secretary may delegate project implementation to another Federal department or agency on a reimbursable basis if the Secretary, upon the recommendation of the Council, determines such delegation is appropriate.

(2) SMALL PROJECTS.—

(A) DEFINITION OF SMALL PROJECT.—In this paragraph, the term "small project" means a project carried out under this title at a Federal cost of less than $1,000,000.

(B) SMALL PROJECT DELEGATION.—In carrying out this title, the Secretary, upon the recommendation of the Council, may delegate implementation of a small project to—

(i) the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service);

(ii) the Under Secretary for Oceans and Atmosphere of the Department of Commerce;

(iii) the Administrator of the Environmental Protection Agency; or

(iv) the Secretary of Agriculture.

(C) FUNDING.—The implementation of a small project delegated to the head of a Federal department or agency under this paragraph may be carried out using—

(i) funds appropriated to the department or agency under section 109(a)(1); or

(ii) any other funds available to the department or agency.

(D) AGREEMENTS.—The Federal department or agency to which implementation of a small project is delegated shall enter into an agreement with the non-Federal interest generally in conformance with the criteria in subsections (d) and (e). Cooperative agreements may be used for any delegated project.

* * * * * * *

SEC. 105. ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.

(a) COUNCIL.—There is established a council to be known as the "Estuary Habitat Restoration Council".

(b) DUTIES.—The Council shall be responsible for—

(1) soliciting, reviewing, and evaluating project proposals and developing recommendations concerning such proposals based on the factors specified in section 2903(c)(3) of this title;

(2) submitting to the Secretary a list of recommended projects, including a recommended priority order and any recommendation as to whether a project should be carried out by the Secretary or by another Federal department or agency under section 2903(g) of this title;

(3) developing and transmitting to Congress a national strategy for restoration of estuary habitat;

(4) periodically reviewing the effectiveness of the national strategy in meeting the purposes of this chapter and, as necessary, updating the national strategy; [and]

(5) providing advice on the development of the database, monitoring standards, and report required under sections 2906 and 2907 of this title[.]*; and*

(6) cooperating in the implementation of the strategy developed under section 106;

(7) recommending standards for monitoring for restoration projects and contribution of project information to the database developed under section 107; and

(8) otherwise using the respective agency authorities of the Council members to carry out this title.

* * * * * * *

SEC. 107. MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) * * *

* * * * * * *

(d) COORDINATION OF DATA.—The Under Secretary shall [compile] *have general data compilation, coordination, and analysis responsibilities to carry out this title and in support of the strategy developed under this section, including compilation of* information that pertains to estuary habitat restoration projects from other Federal, State, and local sources and that meets the quality control requirements and data standards established under this section.

* * * * * * *

SEC. 108. REPORTING.

(a) IN GENERAL.—At the end of the [third and fifth] *sixth, eighth, and tenth* fiscal years following November 7, 2000, the Secretary, after considering the advice and recommendations of the Council, shall transmit to Congress a report on the results of activities carried out under this chapter.

* * * * * * *

SEC. 109. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) ESTUARY HABITAT RESTORATION PROJECTS.—There is authorized to be appropriated [to the Secretary] for carrying out and providing technical assistance for estuary habitat restoration projects—

[(A) $40,000,000 for fiscal year 2001;

[(B) $50,000,000 for each of fiscal years 2002 and 2003;

[(C) $60,000,000 for fiscal year 2004; and

[(D) $75,000,000 for fiscal year 2005.]

(A) to the Secretary, $25,000,000 for each of fiscal years 2007 through 2011;

(B) to the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), $2,500,000 for each of fiscal years 2007 through 2011;

(C) to the Under Secretary for Oceans and Atmosphere of the Department of Commerce, $2,500,000 for each of fiscal years 2007 through 2011;

(D) to the Administrator of the Environmental Protection Agency, $2,500,000 for each of fiscal years 2007 through 2011; and

(E) to the Secretary of Agriculture, $2,500,000 for each of fiscal years 2007 through 2011.

Such sums shall remain available until expended.

(2) MONITORING.—There is authorized to be appropriated to the Under Secretary for Oceans and Atmosphere of the Department of Commerce for the acquisition, maintenance, and management of monitoring data on restoration projects carried out under this title *and other information compiled under section 107*, $1,500,000 for each of fiscal years 2001 through [2005] *2011*. Such sums shall remain available until expended.

* * * * * * *

SEC. 110. GENERAL PROVISIONS.

(a) AGENCY CONSULTATION AND COORDINATION.—In carrying out this chapter, the Secretary shall, as necessary, consult with, cooperate with, and coordinate its activities with the activities of other Federal departments and agencies.

(b) COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.—In carrying out this chapter, the Secretary may—

(1) enter into cooperative agreements *or contracts* with Federal, State, and local government agencies*, nongovernmental organizations,* and other entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

(c) FEDERAL AGENCY FACILITIES AND PERSONNEL.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this chapter, and may provide facilities and personnel, for the purpose of assisting the Council in carrying out its duties under this chapter.

[(d) IDENTIFICATION AND MAPPING OF DREDGED MATERIAL DISPOSAL SITES.—In consultation with appropriate Federal and non-Federal public entities, the Secretary shall undertake, and update as warranted by changed conditions, surveys to identify and map sites appropriate for beneficial uses of dredged material for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in order to further the purposes of this chapter.

[(e) STUDY OF BIOREMEDIATION TECHNOLOGY.—

[(1) IN GENERAL.—Not later than 180 days after November 7, 2000, the Administrator of the Environmental Protection Agency, with the participation of the estuarine scientific community, shall begin a 2-year study on the efficacy of bioremediation products.

[(2) REQUIREMENTS.—The study shall—

[(A) evaluate and assess bioremediation technology—

[(i) on low-level petroleum hydrocarbon contamination from recreational boat bilges;

[(ii) on low-level petroleum hydrocarbon contamination from stormwater discharges;

[(iii) on nonpoint petroleum hydrocarbon discharges; and

[(iv) as a first response tool for petroleum hydrocarbon spills; and

[(B) recommend management actions to optimize the return of a healthy and balanced ecosystem and make improvements in the quality and character of estuarine waters.]

* * * * * * *

[PUBLIC LAW 106–541—DEC. 11, 2000]

WATER RESOURCES DEVELOPMENT ACT OF 2000

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act many be cited as the "Water Resources Development Act of 2000".

* * * * * * *

SEC. 101. PROJECT AUTHORIZATIONS.

(a) * * *

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(16) OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.—

[(A) IN GENERAL.—Projects for ecosystem restoration, Ohio River Mainstem]

(A) AUTHORIZATION.—

(i) IN GENERAL.—Projects for ecosystem restoration, Ohio River Basin (excluding the Tennessee and Cumberland River Basins), Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia, at a total cost of $307,700,000, with an estimated Federal cost of $200,000,000 and an estimated non-Federal cost of $107,700,000.

(ii) NONPROFIT ENTITY.—For any ecosystem restoration project carried out under this paragraph, with the consent of the affected local government, a nonprofit entity may be considered to be a non-Federal interest.

(iii) PROGRAM IMPLEMENTATION PLAN.—There is authorized to be developed a program implementation plan of the Ohio River Basin (excluding the Tennessee and Cumberland River Basins) at full Federal expense.

(iv) PILOT PROGRAM.—There is authorized to be initiated a completed pilot program in Lower Scioto Basin, Ohio.

* * * * * * *

SEC. 214. FUNDING TO PROCESS PERMITS.

(a) IN GENERAL.—[In fiscal years 2001 through 2003, the] *The* Secretary, after public notice, may accept and expend funds con-

tributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.

* * * * * * *

[(c) DURATION OF AUTHORITY.—The authority provided under this section shall be in effect from October 1, 2000, through March 31, 2006.]

* * * * * * *

SEC. 315. ATCHAFALAYA BASIN, LOUISIANA.

(a) IN GENERAL.—Notwithstanding the report of the Chief of Engineers, dated February 28, 1983, for the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), which report refers to recreational development in the Lower Atchafalaya Basin Floodway, the Secretary—

(1) shall initiate, in collaboration with the State of Louisiana, construction of the visitors center, authorized as part of the project, at or near Lake End Park in Morgan City, Louisiana; and

(2) shall construct other recreational features, authorized as part of the project, within, and in the vicinity of, the Lower Atchafalaya Basin protection levees*and may include Eagle Point Park, Jeanerette, Louisiana, as 1 of the alternative sites*.

* * * * * * *

SEC. 321. DULUTH HARBOR, MINNESOTA.

The project for navigation, Duluth Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include the relocation of Scenic Highway 61, including any required bridge construction*, and to provide public access and recreational facilities*.

* * * * * * *

SEC. 349. PROJECT REAUTHORIZATIONS.

(a) * * *

* * * * * * *

(2) CEDAR BAYOU, TEXAS.—The project for navigation, Cedar Bayou, Texas, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 19, 1890 (26 Stat. 444), and modified by the first section of the Act entitled "An Act authorizing the contruction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 3, 1930 (46 Stat. 926), and deauthorized by section 1002 of the Water Resources Development Act of 1986 (100 Stat, 4219), [except that the project is authorized only for construction of a navaigation channel 12 feet deep by 125 feet wide] *except that the project is authorized for construction of a navigation channel that is 10 feet deep by 100 feet wide* from mile -2.5 (at the junction with the Houston Ship Channel) to mile 11.0 on Cedar Bayou.

* * * * * * *

SEC. 414. OCEANSIDE, CALIFORNIA.

Not later than [32 months] *44 months* after the date of enactment of this Act, the Secretary shall conduct a study, at Federal expense, of plans—

(1) * * *

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SEC. 418. BREVARD COUNTY, FLORIDA.

The Secretary shall prepare a general reevaluation report on the project for shoreline protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), to determine, if the project were modified to direct the Secretary to incorporate in the project any or all of the [7.1-mile reach]*7.6-mile reach* of the project that was deleted from the south reach of the project, as described in paragraph (5) of the Report of the Chief of Engineers, dated December 23, 1996, whether the project as modified would be technically sound, environmentally acceptable, and economically justified.

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SEC. 425. CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for shoreline protection along *Lake Michigan and* the Chicago River, Chicago, Illinois.

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SEC. 506. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

(a) * * *

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(c) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—

(1) * * *

(2) RECONNAISSANCE STUDIES.—Before planning, designing, or constructing a project under paragraph (3), the Secretary shall carry out a reconnaissance study—

(A) to identify methods of restoring the fishery, ecosystem, and beneficial uses of the Great Lakes; and

(B) to determine whether planning of a project under paragraph (3) should proceed.

[(2)] *(3)* PROJECTS.—The Secretary shall plan, design, and construct projects to support the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes.

[(3)] *(4)* EVALUATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a program to evaluate the success of the projects carried out under [paragraph (2)] *paragraph (3)* in meeting fishery and ecosystem restoration goals.

(B) STUDIES.—Evaluations under subparagraph (A) shall be conducted in consultation with the Great Lakes Fishery Commission and appropriate Federal, State, and local agencies.

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(f) COST SHARING.—

(1) DEVELOPMENT OF PLAN.—The Federal share of the cost of development of the plan under subsection (c)(1) shall be 65 percent.

(2) RECONNAISSANCE STUDIES.—Any reconnaissance study under subsection (c)(2) shall be carried out at full Federal expense.

[(2)**]** *(3)* PROJECT PLANNING, DESIGN, CONSTRUCTION, AND EVALUATION.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraph **[**(2) or (3)**]** *(3) or (4)* of subsection (c) shall be 65 percent.

[(3)**]** *(4)* NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit the non-Federal interest for the value of any land, easement, right-of-way, dredged material disposal area, or relocation provided for carrying out a project under **[**subsection (c)(2)**]** *subsection (c)(3)*.

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share required under paragraphs (1) and (2) in the form of services, materials, supplies, or other in-kind contributions.

[(4)**]** *(5)* OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

[(5)**]** *(6)* NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

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SEC. 519. ILLINOIS RIVER BASIN RESTORATION.

(a) ILLINOIS RIVER BASIN DEFINED.—* * *

* * * * * * *

(c) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—* * *

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(3) FEDERAL SHARE.—The Federal share of the cost of carrying out any project under this subsection shall not exceed **[**$5,000,000**]***$20,000,000*.

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SEC. 542. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

(a) * * *

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(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in critical restoration projects in the Lake Champlain watershed.

(2) TYPES OF PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the critical restoration project consists of —

(A) implementation of an intergovernmental agreement for coordinating regulatory and management responsibilities with respect to the Lake Champlain watershed;

(B) acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use in the Lake Champlain watershed;

(C) acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality in the Lake Champlain watershed;

(D) natural resource stewardship activities on public or private land to promote land uses that—

(i) preserve and enhance the economic and social character of the communities in the Lake Champlain watershed; and

(ii) protect and enhance water quality; [or]

(E) river corridor assessment, protection, management, and restoration for the purposes of ecosystem restoration;

(F) geographic mapping conducted by the Secretary using existing technical capacity to produce a high-resolution, multispectral satellite imagery-based land use and cover data set; or

[(E)] *(G)* any other activity determined by the Secretary to be appropriate.

* * * * * * *

(e) COST SHARING.—

(1) IN GENERAL.—Before providing assistance under this section with respect to a critical restoration project, the Secretary shall enter into a project cooperation agreement that shall require the non-Federal interest—

(A) * * *

* * * * * * *

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR DESIGN WORK.—[The non-Federal]

(i) IN GENERAL.—The non-Federal interest shall receive credit for the reasonable costs of design work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the critical restoration project, if the Secretary finds that the design work is integral to the project.

(ii) APPROVAL OF DISTRICT ENGINEER.—Approval of credit for design work of less than $100,000 shall be determined by the appropriate district engineer.

* * * * * * *

(B) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit the non-Federal interest for the value of any land, easement, right-of-way, dredged material disposal area, or relocation provided for carrying out the project.

(C) FORM.—The non-Federal interest may provide [up to 50 percent of] the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

* * * * * * *

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section [$20,000,000]*$32,000,000*, to remain available until expended.

SEC. 543. VERMONT DAMS REMEDIATION.

(a) IN GENERAL.—The Secretary—

(1) shall conduct a study to evaluate the structural integrity and need for modification or removal of each dam located in the State of Vermont and described in subsection (b);

(2) shall provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair, restoration, modification, and removal of each dam described in subsection (b); [and]

(3) may carry out measures to prevent or mitigate against such risk if the Secretary determines that a dam described in subsection (b) presents an imminent and substantial risk to public safety[.]*; and*

(4) may carry out measures to restore, protect, and preserve an ecosystem affected by a dam described in subsection (b).

(b) DAMS TO BE EVALUATED.—The dams referred to in subsection (a) are the following:

(1) East Barre Dam, Barre Town.
(2) Wrightsville Dam, Middlesex-Montpelier.
(3) Lake Sadawga Dam, Whitingham.
(4) Dufresne Pond Dam, Manchester.
(5) Knapp Brook Site 1 Dam, Cavendish.
(6) Lake Bomoseen Dam, Castleton.
(7) Little Hosmer Dam, Craftsbury.
(8) Colby Pond Dam, Plymouth.
(9) Silver Lake Dam, Barnard.
(10) Gale Meadows Dam, Londonderry.
(11) Camp Wapanacki, Hardwick.
(12) Star Lake Dam, Mt. Holly.
(13) Curtis Pond, Calais.
(14) Weathersfield Reservoir, Springfield.
(15) Burr Pond, Sudbury.
(16) Maidstone Lake, Guildhall.
(17) Upper and Lower Hurricane Dam.
(18) Lake Fairlee.
(19) West Charleston Dam.

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SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) * * *

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(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) * * *

* * * * * * *

(2) SPECIFIC AUTHORIZATIONS.—

(A) * * *

* * * * * * *

(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of $69,000,000, with an esti-

mated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:

(i) * * *

* * * * * * *

(v) HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.—The pilot projects for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for the purposes of this section as being in the Plan and carried out in accordance with this section, except that costs of operation and maintenance of those projects shall remain 100 percent non-Federal.

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(c) ADDITIONAL PROGRAM AUTHORITY.—

(1) * * *

* * * * * * *

(3) FUNDING.—

(A) * * *

* * * * * * *

(C) MAXIMUM COST OF PROGRAM AUTHORITY.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to the individual project funding limits in subparagraph (A) and the aggregate cost limits in subparagraph (B).

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SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this title **[**$5,000,000 for each of fiscal years 2001 through 2005**]***$25,000,000*. Such sums shall remain available until expended.

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SEC. 904. MISSOURI RIVER TRUST.

(a) * * *

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(b) MEMBERSHIP.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—

(1) 15 members recommended by the Governor of South Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the South Dakota Department of Environment and Natural Resources;

(ii) the South Dakota Department of Game, Fish, and Parks;

(iii) environmental groups;

(iv) the hydroelectric power industry;

(v) local governments;

(vi) recreation user groups;

(vii) agricultural groups; [and]
(viii) rural water systems; and
[(viii)]*(ix)* other appropriate interests;

* * * * * * *

SEC. 907. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this title $10,000,000 for each of fiscal years 2001 through [2005] *2010*. Such sums shall remain available until expended.

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[PUBLIC LAW 108–335—OCT. 18, 2004]

DISTRICT OF COLUMBIA APPROPRIATIONS ACT 2005

SEC. 301. * * *

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[SEC. 345. The Project for the Chicago Sanitary and Ship Canal Dispersal Barrier, Illinois, initiated under section 1135 of Public Law 99–662, is authorized at a total cost of $9,100,000 with a Federal cost of $6,825,000 and a non-Federal cost of $2,275,000.]

SEC. 345. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, ILLINOIS.

There are authorized to be appropriated such sums as are necessary to carry out the Barrier II project of the project for the Chicago Sanitary and Ship Canal Dispersal Barrier, Illinois, initiated pursuant to section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note; 100 Stat. 4251).

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[PUBLIC LAW 109–103—NOV. 19, 2005]

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2006

[SEC. 101.

[(a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2006, shall be available for obligation or expenditure through a reprogramming of funds that—

[(1) creates or initiates a new program, project, or activity;

[(2) eliminates a program, project or activity;

[(3) increases funds or personnel for any program, project or activity for which funds have been denied or restricted by this Act;

[(4) proposes to use funds directed for a specific activity by either the House or the Senate Committees on Appropriations for a different purpose;

[(5) augments existing programs, projects or activities in excess of $2,000,000 or 50 percent, whichever is less, unless prior

approval is received from the House and Senate Committees on Appropriations;

[(6) reduces existing programs, projects or activities in excess of $2,000,000 or 50 percent, whichever is less, unless prior approval is received from the House and Senate Committees on Appropriations; or

[(7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the Statement of Managers accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations.

[(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948; section 14 of the Flood Control Act of 1946; section 208 of the Flood Control Act of 1954; section 107 of the River and Harbor Act of 1960; section 103 of the River and Harbor Act of 1962; section 111 of the River and Harbor Act of 1968; section 1135 of the Water Resources Development Act of 1986; section 206 of the Water Resources Development Act of 1996; sections 204 and 207 of the Water Resources Development Act of 1992 or section 933 of the Water Resources Development Act of 1986.

[(c) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided, That the report shall include--(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

[(2) a delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

[(3) an identification of items of special congressional interest: Provided further, That the amount appropriated for salaries and expenses of the Corps of Engineers shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.(d) None of the funds received as a non-Federal share for project costs by any agency funded in title I of this Act shall be available for reprogramming.]

* * * * * * *

[SEC. 106.

[Notwithstanding any other provision of law, the requirements regarding the use of continuing contracts under the authority of section 206 of the Water Resources Development Act of 1999 (33 U.S.C. 2331) shall apply only to projects funded under the Operation and Maintenance account and the Operation and Maintenance subaccount of the Flood Control, Mississippi River and Tributaries account.]

* * * * * * *

[SEC. 108.

[None of the funds made available in title I of this Act may be used to award any continuing contract or to make modifications to any existing continuing contract that commits an amount for a project in excess of the amount appropriated for such project pursuant to this Act: Provided, That the amounts appropriated in this Act may be modified pursuant to the authorities provided in section 101 of this Act or through the application of unobligated balances for such project.]

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SEC. 128. AMERICAN RIVER WATERSHED, CALIFORNIA (FOLSOM DAM AND PERMANENT BRIDGE).—

(a) COORDINATION OF FLOOD DAMAGE REDUCTION AND DAM SAFETY.—[The Secretary]

(1) IN GENERAL.—The Secretary of the Army and the Secretary of the Interior are directed to collaborate on authorized activities to maximize flood damage reduction improvements and address dam safety needs at Folsom Dam and Reservoir, California. [The Secretaries]

(2) TECHNICAL REVIEWS.—The Secretaries shall expedite technical reviews for flood damage reduction and dam safety improvements. [In developing]

(3) IMPROVEMENTS.—

(A) IN GENERAL.—In developing improvements under this section, the Secretaries shall consider reasonable modifications to existing authorized activities, including a potential auxiliary spillway. [In conducting]

(B) USE OF FUNDS.—In conducting such activities, the Secretaries are authorized to expend funds for coordinated technical reviews and joint planning, and preliminary design activities.

(4) PROJECT ALTERNATIVE SOLUTIONS STUDY.—The Secretaries, in cooperation with non-Federal agencies, are directed to expedite their respective activities, including the formulation of all necessary studies and decision documents, in furtherance of the collaborative effort known as the "Project Alternative Solutions Study", as well as planning, engineering, and design, including preparation of plans and specifications, of any features recommended for authorization by the Secretary of the Army under paragraph (6).

(5) CONSOLIDATION OF TECHNICAL REVIEWS AND DESIGN ACTIVITIES.—The Secretary of the Army shall consolidate technical reviews and design activities for—

(A) the project for flood damage reduction authorized by section 101(a)(6) of the Water Resources Development Act of 1999 (113 Stat. 274); and

(B) the project for flood damage reduction, dam safety, and environmental restoration authorized by sections 128 and 134 of the Energy and Water Development Appropriations Act, 2004 (117 Stat. 1838, 1842).

(6) REPORT.*—The recommendations of the Secretary of the Army, along with the views of the Secretary of the Interior and relevant non-Federal agencies resulting from the activities directed in paragraphs (4) and (5), shall be submitted to the Com-*

mittee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives by not later than June 30, 2007, and the Secretary of the Army shall provide a status report by not later than April 30, 2007.

(7) EFFECT.—*Nothing in this section shall be deemed as deauthorizing the full range of project features and parameters of the projects listed in paragraph (5), nor shall it limit any previous authorizations granted by Congress.*

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