Public Law 101-640
101st Congress

An Act

Nov. 28, 1990
[S. 2740]

To provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes.

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

Water Resources Development Act of 1990.

33 USC 2201 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1990".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Secretary defined.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Project modifications.
Sec. 103. Small navigation projects.
Sec. 104. Small flood control projects.
Sec. 105. Bay City, Michigan.
Sec. 106. Delaware River and tributaries, Pennsylvania.
Sec. 107. Continuation of authorization of certain projects.
Sec. 108. Hazard, Kentucky.
Sec. 109. Sauk Lake, Minnesota.
Sec. 110. Rehabilitation of Federal flood control levees.
Sec. 111. Belen, New Mexico.
Sec. 112. Lower Truckee River, Nevada.
Sec. 113. Arkansas Post Navigation Canal.
Sec. 114. Struthers, Ohio.
Sec. 115. Maysville, Kentucky.
Sec. 116. Studies.
Sec. 117. Cranston, Rhode Island.
Sec. 118. Technical assistance for New York Harbor.
Sec. 119. Project deauthorizations.
Sec. 120. Half Moon Bay Harbor.

TITLE II—LAND TRANSFERS

Sec. 201. Sneads, Florida.
Sec. 202. Ira D. Maclachlan American Legion Post, Sault Sainte Marie, Michigan.
Sec. 203. Aberdeen, Washington.
Sec. 204. Release of reversionary interest to Clay County, Georgia.
Sec. 205. Conveyance of Oakland Inner Harbor Tidal Canal property to cities of Oakland and Alameda, California.

TITLE III—GENERALLY APPLICABLE PROVISIONS

Sec. 301. Planning and engineering.
Sec. 302. Emergency response.
Sec. 303. Construction of navigation projects by non-Federal interests.
Sec. 304. Project modifications for improvement of environment.
Sec. 305. Ability to pay.
Sec. 306. Environmental protection mission.
Sec. 307. Wetlands.
Sec. 308. Flood plain management.
Sec. 309. Shoreline protection.
Sec. 310. Reservoir management.
Sec. 311. Reservoir project operations.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Sec. 312. Environmental dredging.
Sec. 313. Protection of recreational and commercial uses.
Sec. 314. Operation and maintenance of hydroelectric facilities.
Sec. 315. Matters to be addressed in planning.
Sec. 316. Harbor maintenance trust fund amendment.
Sec. 317. Single entities.
Sec. 318. Technical assistance to private entities.
Sec. 319. Fees for development of State water plans.
Sec. 320. Cabin site leases.
Sec. 321. Information on floods and flood damages.
Sec. 322. Reduced pricing for certain water supply storage.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Great Lakes remedial action plans.
Sec. 402. Cross Florida Barge Canal.
Sec. 403. Wappingers Lake and Lake George, New York.
Sec. 404. Demonstration of construction of Federal project by non-Federal interests.
Sec. 405. Upper Mississippi River plan.
Sec. 406. Construction of Virgin Islands projects by Secretary of the Army.
Sec. 407. Virginia Beach, Virginia.
Sec. 408. Declaration of nonnavigability for portions of Lake Erie.
Sec. 409. Wetlands enhancement opportunities.
Sec. 410. Raystown Lake, Pennsylvania.
Sec. 411. Onondaga Lake, New York.
Sec. 412. Alternatives to mud dump site for disposal of dredged material.
Sec. 413. Albemarle Sound-Roanoke River Basin, North Carolina.
Sec. 414. Rondout Creek and Wallkill River, New York and New Jersey.
Sec. 415. Regulation of Dworshak Dam, Idaho.
Sec. 416. Southeast light on Block Island, Rhode Island.
Sec. 417. Magnetic levitation technology.
Sec. 418. Riverside, California.
Sec. 419. Buy American.
Sec. 420. Sense of Congress.
Sec. 421. Woodlawn Beach, Hamburg, New York.

SEC. 2. SECRETARY DEFINED.

33 USC 2201 note.

For purposes of this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

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.—The project for navigation for Bayou La Batre, Alabama: Report of the Chief of Engineers, dated August 3, 1989, at a total cost of $16,230,000, with an estimated first Federal cost of $4,490,000 and an estimated first non-Federal cost of $11,740,000.

(2) HOMER SPIT, ALASKA.—The project for storm damage prevention, Homer Spit, Alaska: Report of the Chief of Engineers, dated June 28, 1990, at a total cost of $4,700,000, with an estimated first Federal cost of $3,050,000 and an estimated first non-Federal cost of $1,650,000, and an average annual cost of $242,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $157,000 and an estimated annual non-Federal cost of $85,000.

(3) CLIFTON, SAN FRANCISCO RIVER, ARIZONA.—The project for flood control on the San Francisco River at Clifton, Arizona, authorized by section 401(d) of the Water Resources Development Act of 1986 (100 Stat. 4130), is modified to authorize the Secretary to construct the project substantially in accordance with the report of the Chief of Engineers, dated September 6, 1988, at a total cost of $12,510,000, with an estimated first Federal cost of $9,150,000 and an estimated first non-Federal cost of $3,360,000.

(4) NOGALES WASH AND TRIBUTARIES, ARIZONA.—The project for flood control, Nogales Wash and tributaries, Arizona: Report of the Chief of Engineers, dated February 28, 1989, at a total cost of $11,100,000, with an estimated first Federal cost of $8,300,000 and an estimated first non-Federal cost of $2,800,000. The Secretary shall cooperate with the Government of Mexico as necessary to provide for flood warning gauges in Mexico. The Secretary may proceed with the portion of the project in the United States before an agreement is reached with the Government of Mexico with respect to the portion of the project in Mexico.

Mexico.
Flood control.

(5) COYOTE AND BERRYESSA CREEKS, CALIFORNIA.—The project for flood control, Coyote and Berryessa Creeks, California: Report of the Chief of Engineers, dated February 7, 1989, at a total cost of $56,300,000, with an estimated first Federal cost of $39,000,000 and an estimated first non-Federal cost of $17,300,000.

(6) OCEANSIDE HARBOR, CALIFORNIA.—The project for navigation and storm damage reduction, Oceanside Harbor, California: Report of the Chief of Engineers, dated May 21, 1990, at a total cost of $5,100,000, with an estimated first Federal cost of $3,350,000 and an estimated first non-Federal cost of $1,750,000.

(7) VENTURA HARBOR, CALIFORNIA.—The project for navigation, Ventura Harbor, California: Report of the Chief of Engineers, dated June 5, 1990, at a total cost of $6,455,000, with an estimated first Federal cost of $5,175,000 and an estimated first non-Federal cost of $1,280,000.

(8) MARTIN COUNTY, FLORIDA.—The project for storm damage reduction, Martin County, Florida: Report of the Chief of Engineers dated November 20, 1989, at a total first cost of $9,400,000, with an estimated first Federal cost of $3,850,000 and an estimated first non-Federal cost of $5,550,000, and an average annual cost of $472,300 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $193,600 and an estimated annual non-Federal cost of $278,700.

(9) MIAMI HARBOR CHANNEL, FLORIDA.—The project for navigation, Miami Harbor Channel, Florida: Report of the Chief of Engineers dated September 25, 1989, at a total cost of $67,100,000, with an estimated first Federal cost of $42,810,000 and an estimated first non-Federal cost of $24,290,000.

(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, with a first Federal cost of $219,600,000. 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.

(11) FORT WAYNE, ST. MARY'S AND MAUMEE RIVERS, INDIANA.—The project for flood control, Fort Wayne, St. Mary's and Maumee Rivers, Indiana: Report of the Chief of Engineers, dated May 1, 1989, at a total cost of $35,618,400, with an estimated first Federal cost of $26,493,000 and an estimated first non-Federal cost of $9,125,400.

(12) ALOHA-RIGOLETTE, LOUISIANA.—The project for flood control, Aloha-Rigolette Area, Louisiana: Report of the Chief of Engineers dated April 11, 1990, at a total cost of $8,283,000, with an estimated first Federal cost of $6,212,000 and an estimated first non-Federal cost of $2,071,000.

(13) BOSTON HARBOR, MASSACHUSETTS.—The project for navigation, Boston Harbor, Massachusetts: Report of the Chief of Engineers, dated May 11, 1989, at a total cost of $26,200,000, with an estimated first Federal cost of $16,230,000 and an estimated first non-Federal cost of $9,970,000.

(14) ECORSE CREEK, WAYNE COUNTY, MICHIGAN.—The project for flood control, Ecorse Creek, Wayne County, Michigan: Report of the Chief of Engineers, dated August 8, 1989, at a total cost of $9,296,000, with an estimated first Federal cost of $6,754,000 and an estimated first non-Federal cost of $2,542,000.

(15) GREAT LAKES CONNECTING CHANNELS AND HARBORS, MICHIGAN AND MINNESOTA.—The project for navigation, Great Lakes Connecting Channels and Harbors, Michigan and Minnesota: Report of the Chief of Engineers, dated January 30, 1990, at a total cost of $13,148,400, with an estimated first Federal cost of $8,791,700 and an estimated first non-Federal cost of $4,356,700.

(16) COLDWATER CREEK, MISSOURI.—The project for flood control, Coldwater Creek, Missouri: Report of the Chief of Engineers, dated August 9, 1988, at a total cost of $22,829,000, with an estimated first Federal cost of $15,496,000 and an estimated first non-Federal cost of $7,333,000.

(17) RIVER DES PERES, MISSOURI.—The project for flood control, River Des Peres, Missouri: Report of the Chief of Engineers, dated May 23, 1989, at a total cost of $21,318,000, with an estimated first Federal cost of $15,846,000 and an estimated first non-Federal cost of $5,472,000.

(18) PASSAIC RIVER MAIN STEM, NEW JERSEY AND NEW YORK.—

(A) FLOOD CONTROL ELEMENTS.—

(i) IN GENERAL.—The project for flood control, Passaic River Main Stem, New Jersey and New York: Report of the Chief of Engineers, dated February 3, 1989, except that the main diversion tunnel shall be extended to include the outlet to Newark Bay, New Jersey, at a total cost of $1,200,000,000, with an estimated first Federal cost of $890,000,000 and an estimated first non-Federal cost of $310,000,000.

(ii) DESIGN AND CONSTRUCTION.—The Secretary shall design and construct the project in accordance with the Newark Bay tunnel outlet alternative described in the Phase I General Design Memorandum of the District Engineer, dated December 1987. The main diversion tunnel shall be extended approximately 6½ miles to outlet in Newark Bay, the 9 levee systems in Bergen, East Essex, and Passaic Counties which were associated with the eliminated Third River tunnel outlet shall be excluded from the project, and no dikes or levees shall

be constructed along the Passaic River in Bergen County in connection with the project. With respect to the Newark Bay tunnel outlet project, all acquisition, use, condemnation, or requirement for parklands or properties in connection with the excluded 9 levee systems and the eliminated Third River tunnel outlet works, and any other acquisition, use or condemnation, or requirement for parkland or properties in Bergen County in connection with the project, is prohibited. The Secretary shall certify to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate that no detrimental flood impact will accrue in Bergen County as a result of the project.

(iii) APPLICABILITY OF COST SHARING.—Except as otherwise provided in this paragraph, the total project, including the extension to Newark Bay, shall be subject to cost sharing in accordance with section 103 of the Water Resources Development Act of 1986.

Regulations.

(iv) OPERATION AND MAINTENANCE.—The non-Federal sponsor shall maintain and operate the project after its completion in accordance with the regulations prescribed by the Secretary; except that the Secretary shall perform all measures to ensure integrity of the tunnel, including staffing of operation centers, cleaning and periodically inspecting the tunnel structure, and testing and assuring the effectiveness of mechanical equipment at gated structures and pump stations.

(v) CREDIT FOR NON-FEDERAL WORK.—In recognition of the State of New Jersey's commitment to the project on June 28, 1984, all work completed after such date by the State or other non-Federal interests which is either compatible with or complementary to the project shall be considered as part of the project and shall be credited by the Secretary toward the non-Federal share of the cost of the project. Such work shall include, but not be limited to, those activities specified in the letter of the New Jersey Department of Environmental Protection, dated December 9, 1988, to the Office of the Chief of Engineers. However, only the portion of such work that meets the guidelines established under section 104 of the Water Resources Development Act of 1986 shall be considered as project costs for economic purposes. In applying such section 104 to the project, the Secretary shall likewise consider work carried out by non-Federal interests after June 28, 1984, and before the date of the enactment of this Act that otherwise meets the requirements of such section 104.

(B) STREAMBANK RESTORATION MEASURES.—The project shall include the construction of environmental and other streambank restoration measures (including bulkheads, recreation, greenbelt, and scenic overlook facilities) on the west bank of the Passaic River between Bridge and Jackson Streets in the city of Newark, New Jersey, at a total cost of $6,000,000. The non-Federal share of the project element authorized by this subparagraph shall be 25 percent. The value of the lands, easements, and rights-of-way provided

by non-Federal interests shall be credited to the non-Federal share. Construction of the project element authorized by this subparagraph may be undertaken in advance of the other project features and shall not await implementation of the overall project.

(C) WETLANDS BANK.—

(i) PURPOSES.—The purposes of this subparagraph are to evaluate and demonstrate, for application on a national basis, the feasibility of and methods of obtaining an interim goal of no overall net loss of the Nation's remaining wetlands base and a long-term goal to increase the quality and quantity of the Nation's wetlands; of restoring and creating wetlands; of developing public and private initiatives to search out opportunities of restoring, preserving, and enhancing wetlands; and of improving understanding of the function of wetlands ecosystems in order to improve the effectiveness of the Nation's wetlands program, including evaluating the functions and values of wetlands, assessing cumulative impacts and the effectiveness of protection programs, and wetlands restoration and creation techniques.

(ii) ESTABLISHMENT.—The State of New Jersey shall establish a Passaic River Central Basin Wetlands Bank (hereinafter in this paragraph referred to as the "Wetlands Bank") to be comprised of lands which are acquired before, on, or after the date of the enactment of this Act by the State or any other non-Federal interest and which lie within the Passaic River Central Basin, New Jersey, natural storage area discussed in the report of the Chief Engineers and the Phase I General Design Memorandum.

(iii) USE.—The Wetlands Bank shall be available for mitigation purposes required under Federal or State law with respect to non-Federal activities carried out in the State.

(iv) COMPENSATION.—The State may receive compensation for making lands available under clause (iii).

(v) STATE OWNERSHIP AND OPERATION.—The State shall continue to own and operate, consistent with the purposes of the project authorized by this paragraph, lands made available for mitigation purposes under clause (iii).

(vi) ACQUISITION OF ADDITIONAL LANDS.—The State or other non-Federal interests may acquire for the Wetlands Bank additional lands which are in, adjacent to, or provide drainage for runoff and streamflows into the storage area described in clause (ii) and may use funds provided by sources other than the State for such purpose. Such lands shall include transition and buffer areas adjacent to the Central Basin natural storage wetlands and other Passaic River Basin areas, including the Rockaway, Pequannock, Ramapo, and Wanaque River watershed areas.

(vii) CREDIT.—The fair market value of lands acquired by the State or other non-Federal interests in the storage area described in clause (ii) before, on, or

after the date of the enactment of this Act, the fair market value of lands acquired for the Wetlands Bank under clause (vi) before, on, or after such date of enactment, and the costs incurred by the State or other non-Federal interests in converting any of such lands to wetlands shall be credited to the non-Federal share of the cost of the project authorized by this paragraph.

(viii) TREATMENT OF ACQUIRED LANDS.—Lands acquired by the State for the Wetlands Bank shall not be treated as a project cost for purposes of economic evaluation of the project.

(ix) EFFECT ON OTHER LAWS.—Nothing in this subparagraph shall be construed as affecting any requirements under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) or section 10 of the Act of March 3, 1899 (33 U.S.C. 403).

(19) RIO DE LA PLATA, PUERTO RICO.—The project for flood control, Rio De La Plata, Puerto Rico: Report of the Chief of Engineers, dated January 3, 1989, at a total cost of $58,968,000, with an estimated first Federal cost of $35,900,000 and an estimated first non-Federal cost of $23,068,000.

(20) MYRTLE BEACH, SOUTH CAROLINA.—The project for storm damage reduction, Myrtle Beach, South Carolina: Report of the Chief of Engineers, dated March 2, 1989, at a total cost of $59,730,000, with an estimated first Federal cost of $38,820,000 and an estimated first non-Federal cost of $20,910,000, and an average annual cost of $1,215,000 for period nourishment over the 50-year life of the project, with an estimated annual Federal cost of $790,000 and an estimated annual non-Federal cost of $425,000.

(21) BUFFALO BAYOU AND TRIBUTARIES, TEXAS.—The project for flood control, Buffalo Bayou and tributaries, Texas: Report of the Chief of Engineers, dated February 12, 1990, at a total cost of $727,364,000, with an estimated first Federal cost of $403,359,500 and an estimated first non-Federal cost of $324,004,500.

(22) RAY ROBERTS LAKE, GREENBELT, TEXAS.—The multiple purpose project, Ray Roberts Lake, Greenbelt, Texas, authorized by section 301 of the Rivers and Harbors Act of 1965, is modified to authorize the Secretary to construct recreation features substantially in accordance with the Report of the Chief of Engineers, dated December 24, 1987, at a total cost of $8,503,000, with an estimated first Federal cost of $3,189,000 and an estimated first non-Federal cost of $5,314,000.

(23) UPPER JORDAN RIVER, UTAH.—The project for flood control, Upper Jordan River, Utah: Report of the Chief of Engineers, dated November 16, 1988, at a total cost of $7,900,000, with an estimated first Federal cost of $5,200,000 and an estimated first non-Federal cost of $2,700,000.

(24) BUENA VISTA, VIRGINIA.—The project for flood control, Buena Vista, Virginia: Report of the Chief of Engineers, dated June 27, 1990, at a total cost of $55,100,000, with an estimated first Federal cost of $41,300,000 and an estimated first non-Federal cost of $13,800,000.

(25) MOOREFIELD, WEST VIRGINIA.—The project for flood control, Moorefield, West Virginia: Report of the Chief of Engineers, dated July 23, 1990, at a total cost of $16,260,000, with an

estimated first Federal cost of $11,675,000 and an estimated first non-Federal cost of $4,585,000.

(26) PETERSBURG, WEST VIRGINIA.—The project for flood control, Petersburg, West Virginia: Report of the Chief of Engineers, dated June 29, 1990, at a total cost of $17,904,000, with an estimated first Federal cost of $10,044,000 and an estimated first non-Federal cost of $7,860,000.

(b) PROJECT SUBJECT TO FAVORABLE REPORT OF THE CHIEF OF ENGINEERS.—The project for flood control, Los Angeles County Drainage Area, California, at a total cost of $327,000,000, with an estimated first Federal cost of $163,500,000 and an estimated first non-Federal cost of $163,500,000, is authorized to be prosecuted by the Secretary in accordance with a final report of the Chief of Engineers and with such modifications as are recommended by the Secretary. No construction on the project may be initiated until such a report of the Chief of Engineers is issued and approved by the Secretary.

SEC. 102. PROJECT MODIFICATIONS.

(a) VILLAGE CREEK, ALABAMA.—The project for flood control, Village Creek, Alabama, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4111), is modified to authorize the Secretary to acquire private vacant lands within the definite project boundaries established in the Real Estate Design Memorandum, dated March 4, 1988, as a nonstructural element of the project.

(b) KODIAK HARBOR, ALASKA.—The project for navigation, Kodiak Harbor, Alaska, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4091), is modified to authorize the Secretary to construct the project at a total cost of $25,000,000, with an estimated first Federal cost of $22,500,000 and an estimated first non-Federal cost of $2,500,000.

(c) LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA.—Section 4(d) of the Water Resources Development Act of 1988 (102 Stat. 4015) is amended by inserting after "approved by the Secretary" in the first sentence the following: "or which is carried out after approval of the final report by the Secretary and which is determined by the Secretary to be compatible with the project".

(d) SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.—The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to direct the Secretary, if requested by a non-Federal sponsor, to enforce, on a reimbursable basis, the terms of any permit issued by the Secretary under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), commonly known as the Rivers and Harbors Appropriations Act of 1899, to compel the relocation of any utility necessitated by the construction of such project.

(e) SANTA ANA MAINSTEM, CALIFORNIA.—The project for flood control, Santa Ana Mainstem, including Santiago Creek, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113), is modified to authorize the Secretary to develop recreational trails and facilities on lands between Seven Oaks Dam and Prado Dam, including flood plain management areas.

(f) SAN LUIS REY RIVER, CALIFORNIA.—The project for flood control, San Luis Rey River, California, authorized pursuant to section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d-5), is modified to authorize the Secretary to construct the project at a total cost of $60,400,000, with an estimated first Federal cost of $45,100,000 and an estimated first non-Federal cost of $15,300,000.

Bridges.

(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, authorized by the first 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. If the State carries out the bridge replacement, the Secretary may reimburse the State for costs incurred.

(h) ALAFIA CHANNEL, FLORIDA.—

(1) PROJECT DEPTH.—The project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Rivers and Harbors Act of September 22, 1922 (42 Stat. 1042), is modified to authorize the Secretary to maintain the Alafia Channel at a depth of 34 feet if the non-Federal sponsor dredges the channel to such depth; except that the non-Federal sponsor shall reimburse the United States for the incremental costs incurred by the Secretary in maintaining the channel at a depth greater than 30 feet.

(2) MAINTENANCE.—Nothing in this subsection shall be construed as affecting the Federal responsibility for maintenance of the Alafia Channel to a depth of 30 feet.

(i) FERNANDINA HARBOR, FLORIDA.—The project for navigation, Fernandina Harbor, Florida, authorized by the River and Harbor Appropriation Act of June 14, 1880, is modified to redesignate the location of the turning basin between stations 0+00 of cut 8 and 5+45 of cut 10 to the area between stations 11+70 and 23+30 of cut 5. Such redesignation shall remain in effect until the ongoing study of Fernandina Harbor under section 107 of the River and Harbor Act of 1960 is completed and the resulting project is constructed.

21 Stat. 180.

(j) MANATEE HARBOR, FLORIDA.—The project for navigation, Manatee Harbor, Florida, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093), is modified to direct the Secretary to construct the project substantially in accordance with the post authorization change report, dated April 1990, at an estimated total cost of $27,589,000, with an estimated first Federal cost of $12,381,000 and an estimated first non-Federal cost of $15,208,000.

(k) ALENAIO STREAM, HAWAII.—The project for flood control, Alenaio Stream, Hawaii, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4114), is modified to authorize the Secretary to construct the project substantially in accordance with the report of the Chief of Engineers, dated August 15, 1983, as modified by the General Design Memorandum and Environmental Assessment, dated March 1990, at a total cost of $12,060,000, with an estimated first Federal cost of $7,730,000 and an estimated first non-Federal cost of $4,330,000.

(l) LOCKS AND DAM 26, MISSISSIPPI RIVER, ALTON, ILLINOIS AND MISSOURI.—The navigation project for replacement of locks and dam 26, Mississippi River, Alton, Illinois and Missouri, authorized by section 102 of Public Law 95-502, is modified to authorize the Secretary to provide project-related recreational development in the State of Illinois, that requires no separable project lands and includes site preparations and infrastructure for a marina and docking facilities, access roads and parking, a boat launching ramp, hiking trails, and picnicking facilities, at a Federal construction cost that will not increase the overall project cost estimate for recreational development. The recreational development shall be subject to cost-sharing with the State of Illinois.

92 Stat. 1695.

Recreation and recreation areas.

(m) FALLS OF THE OHIO NATIONAL WILDLIFE CONSERVATION AREA, INDIANA.—The Falls of the Ohio National Wildlife Conservation Area, Indiana, authorized by title II of Public Law 97-137, is modified to authorize the Secretary to design and construct an interpretive center for such area, at a total cost of $3,200,000, with an estimated first Federal cost of $1,600,000 and an estimated first non-Federal cost of $1,600,000.

(n) DES MOINES RIVER AND GREENBELT, IOWA.—

(1) AREA DESCRIPTION.—The project for Des Moines Recreational River and Greenbelt, Iowa, authorized by the Supplemental Appropriations Act, 1985 (99 Stat. 313), is modified to include the area described in the Des Moines Recreational River and Greenbelt map, which description is printed in Committee Print 101-47 of the Committee on Public Works and Transportation of the House of Representatives, dated July 1990.

(2) FORMER AREA DESCRIPTION.—Section 604 of the Water Resources Development Act of 1986 (100 Stat. 4153) is repealed.

Repeal.

(o) SOUTH FRANKFORT, KENTUCKY.—The project for flood protection for the Ohio River Basin, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), is modified to direct the Secretary, subject to section 903(c) of the Water Resources Development Act of 1986, to carry out a project for flood protection for South Frankfort, Kentucky, in accordance with plan R-1 of the Louisville District Commander's Re-evaluation Report, dated June 1990. The level of protection shall be no less than that afforded North Frankfort, Kentucky. In addition, the Secretary shall execute a local cooperation agreement for the project for South Frankfort not later than October 1991.

Cooperative agreements.

(p) RED RIVER WATERWAY, LOUISIANA.—The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire an additional 12,000 acres adjacent to or close to the Bayou Bodcau Wildlife Management Area.

(q) CROOKED AND INDIAN RIVERS, MICHIGAN.—

(1) NON-FEDERAL OPERATION AND MAINTENANCE.—The navigation project for the Crooked and Indian Rivers, Michigan, authorized by the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes", approved September 3, 1954 (68 Stat. 1248), is modified to authorize the Secretary to enter into agreements with the State of Michigan and other non-Federal interests in such State to make operation and maintenance of such project a non-Federal responsibility.

(2) TERMS AND CONDITIONS.—The agreements referred to in paragraph (1) may—

(A) contain such terms and conditions as the Secretary determines to be necessary to protect the interests of the United States; and

(B) require the Secretary to make payments to the State of Michigan to cover the costs of operation, maintenance, and repair of such project for lake level regulation and other flood control purposes, including payments made in advance of such costs being incurred by the State.

(3) NON-FEDERAL IMPOSITION OF TOLLS.—Notwithstanding section 4 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 5, 1884 (33 U.S.C. 5; 23 Stat. 147), during any period in which a non-Federal interest is responsible for operation and maintenance of the project described in paragraph (1), the non-Federal interest may impose upon boats and other watercraft using the project such tolls, operating charges, and other fees as may be necessary to pay the costs incurred by the non-Federal interest in connection with such projects which are not covered by payments made by the Secretary under this subsection.

(r) ROUGE RIVER, MICHIGAN.—The multipurpose project at Rouge River, Michigan, authorized by the Act of August 30, 1935 (49 Stat. 1036–1037), is modified to authorize and direct the Secretary, in consultation with appropriate State and local agencies, to conduct a 1-year comprehensive study of the Rouge River streamflow enhancement project at the Rouge River, Huron River, and Belleville Lake for the purpose of identifying measures which will optimize achievement of the project's purposes while preserving and enhancing the quality of the Rouge River, Huron River, and Belleville Lake for current and future users. Upon completion of the study, the Secretary is authorized to provide, on a reimbursable basis, technical assistance in the implementation of measures identified in such study.

(s) MISSISSIPPI RIVER, ST. PAUL, MINNESOTA.—The project for flood control, Mississippi River at St. Paul, Minnesota, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118), is modified to authorize the Secretary to construct the project substantially in accordance with the Design Memorandum, dated March 1990, and the Recreational Supplement, dated April 1990, at a total cost of $18,021,000, with an estimated first cost of $10,226,000 and an estimated first non-Federal cost of $7,795,000.

(t) BRUSH CREEK AND TRIBUTARIES, MISSOURI AND KANSAS.—The project for flood control, Brush Creek and tributaries, Missouri and Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4168), is modified to authorize the Secretary to construct the project substantially in accordance with the Post Authorization Change Report, dated April 1969, as revised in January 1990, at a total cost of $26,200,000, with an estimated first Federal cost of $16,090,000 and an estimated first non-Federal cost of $10,110,000.

Real property acquisition.

(u) MISSOURI RIVER BETWEEN FORT PECK DAM, MONTANA, AND GAVINS POINT DAM, SOUTH DAKOTA AND NEBRASKA.—Section 9 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 891), is amended by

inserting "acquisition of real property and associated improvements (from willing sellers), and monetary compensation to affected landowners" after "including maintenance and rehabilitation of existing structures,".

(v) NEW YORK HARBOR DRIFT REMOVAL PROJECT, NEW YORK AND NEW JERSEY.—

(1) REMOVAL OF FLOATING MATERIAL.—The New York Harbor collection and removal of drift project, authorized by section 2 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 March 4, 1915 (38 Stat. 1051), and section 91 of the Water Resources Development Act of 1974 (88 Stat. 39), is modified to authorize the Secretary to collect and remove floating material whenever the Secretary is collecting and removing debris which is an obstruction to navigation.

(2) CONTINUATION.—The Secretary shall continue engineering, design, and construction on the New York Harbor collection and removal of drift project, including construction of the 2nd phase in the Jersey City North reach which shall include remaining piers and debris in the Harsimus Cove area, construction of the Brooklyn II reach, and engineering and design for the remaining unconstructed reaches.

(3) BARGE REMOVAL.—As part of the New York Harbor collection and removal of drift project, the Secretary shall expedite necessary engineering, design, and removal of 7 abandoned barges from the Passaic River in Kearny, Nutley, and Passaic, New Jersey.

(4) PROHIBITION OF BURNING OF WOOD.—

(A) GENERAL RULE.—The New York Harbor collection and removal of drift project referred to in paragraph (1), including construction described in paragraph (2), is further modified to provide (i) that after December 31, 1990, material collected by the Secretary in carrying out the project may be disposed of only as provided in subparagraph (D), and (ii) that no later than December 31, 1993, the Administrator shall prohibit the burning of wood collected in carrying out the project on ocean waters.

(B) DEMONSTRATION OF ALTERNATIVES.—

(i) SURVEY.—The Secretary shall conduct a survey of potential acceptable alternative methods to the burning of wood on ocean waters which could be used for disposal of wood collected in carrying out the project.

(ii) GOAL.—Methods of disposal identified in the survey shall be demonstrated in accordance with subparagraph (D), with the goal of arriving at an implementable acceptable alternative method at the earliest practicable date.

(C) REPORT TO CONGRESS.—The Secretary shall report to the Committee on Public Works and Transportation of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Merchant Marine and Fisheries of the House of Representatives by February 1, 1991, by January 1, 1992, and, if an implementable acceptable alternative method is not identified under this paragraph, by January 1, 1993, on the progress being made toward achieving an early end to the

practice of burning of wood on ocean waters. Each of such reports shall describe specific methods and strategies and the results of the demonstration of those methods, specify a date by which an acceptable alternative method or methods is likely to be implementable, and include an estimate of the volume of wood collected in carrying out the project to be disposed of in calendar year 1991, 1992, or 1993, as the case may be. A final report shall be issued no later than December 31, 1993.

(D) DISPOSAL OF WOOD.—Effective January 1, 1991, and until December 31, 1993, at least half of the volume of wood estimated by the Secretary under subparagraph (C) to be collected in carrying out the project each year shall be disposed so as to demonstrate alternative methods of disposal. If bids received for alternative methods are substantially greater in cost than the cost of disposal by burning on ocean waters, the Secretary shall dispose of no more than half of the estimated volume at the lesser cost; except that, if a bid received for an alternative method is not substantially greater than the cost of disposal by burning on ocean waters, the Secretary shall select the alternative method.

(E) EPA PERMIT FOR DISPOSAL ON OCEAN WATERS.—The Administrator shall continue to issue permits for the disposal of wood collected in carrying out the project by burning on ocean waters until December 31, 1993, and shall designate an interim site for such disposal. If an acceptable alternative method for disposal of wood is determined to be implementable under subparagraph (F), the Administrator shall prohibit the burning of such wood at a date earlier than December 31, 1993.

Regulations.

(F) IMPLEMENTABLE ACCEPTABLE ALTERNATIVE.—The Administrator shall, by regulation, end the permitting of the disposal of wood collected in carrying out the project by burning on ocean waters at such time as one or more alternative methods of disposal are determined to be acceptable alternative methods and implementable by the Regional Administrator for Region II of the Environmental Protection Agency, the District Engineer for the New York District, the State of New Jersey, and the State of New York. Such determination shall be published in the Federal Register 5 working days after the date of such determination.

Federal Register, publication.

(G) DEFINITIONS.—For purposes of this paragraph, the following definitions apply:

(i) ACCEPTABLE ALTERNATIVE METHOD.—The term "acceptable alternative method" means a method of disposal of wood other than burning on ocean waters that is both environmentally appropriate and economically feasible.

(ii) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(w) HARSHA LAKE, OHIO.—

(1) PROJECT MODIFICATION.—The project for flood control, water supply, and recreation, Harsha Lake, Ohio, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), is modified to provide that, if the State of Ohio does not

enter into a contract before October 1, 1991, with the Clermont County Board of Commissioners for the delivery of not less than 20,000,000 gallons of water a day from water supply storage assigned to the State of Ohio from the project, water supply storage from the project sufficient to yield 20,000,000 gallons of water a day shall be reassigned to the Board.

(2) REIMBURSEMENT.—Upon a reassignment of water supply storage under paragraph (1), the Clermont County Board of Commissioners shall reimburse the State of Ohio for a proportionate share of amounts previously paid by the State to the Secretary for costs which are attributable to water supply storage which has been so reassigned.

(x) WEST COLUMBUS, OHIO.—The project for flood control, West Columbus, Ohio, authorized by section 3(a)(11) of the Water Resources Development Act of 1988 (102 Stat. 4014), is modified to authorize the Secretary to construct the project substantially in accordance with the report of the Chief of Engineers, dated February 9, 1988, as modified by the Phase II West Columbus Local Protection Project Re-evaluation Report, dated May 1990, at a total cost of $89,600,000, with an estimated first Federal cost of $63,700,000 and an estimated first non-Federal cost of $25,900,000.

(y) CANTON LAKE, OKLAHOMA.—The second paragraph under the heading "ARKANSAS RIVER BASIN" in section 10 of the Flood Control Act of 1946 (60 Stat. 647), as amended by the first paragraph under the heading "ARKANSAS RIVER BASIN" in section 203 of the Flood Control Act of 1948 (62 Stat. 1176), is amended—

(1) by striking "Enid, Oklahoma" and inserting "Oklahoma City, Oklahoma"; and

Oklahoma.

(2) by adding at the end the following: "Not later than 180 days after the date of the enactment of the Water Resources Development Act of 1990, the Secretary of the Army is directed (subject to agreement between the city of Oklahoma City, Oklahoma, or the Oklahoma City Municipal Improvement Authority and the city of Enid, Oklahoma, providing for such reassignment) to reassign to the city of Oklahoma City all the municipal and industrial storage in the Canton Reservoir for the city of Enid and all irrigation storage to municipal and industrial water supply storage (under the terms of the Water Supply Act of 1958 (72 Stat. 319-320))."

(z) ROCHESTER, PENNSYLVANIA.—The project for navigation on the Ohio River at Rochester, Pennsylvania, authorized by section 13 of the River and Harbor Act of 1909 (35 Stat. 831), is modified to authorize the Secretary to construct safety facilities of a floating dock, a river access ramp, and roadway and parking areas at a total cost of $90,000.

(aa) COOPER LAKE AND CHANNELS, TEXAS.—The project for mitigation of fish and wildlife resource losses, Cooper Lake and Channels, Texas, authorized by section 601 of the Water Resources Development Act of 1986 (100 Stat. 4145), is modified to authorize the Secretary to construct the project substantially in accordance with the Post Authorization Change Notification Report, dated April 1990, at a total cost of $22,500,000, with an estimated first Federal cost of $12,400,000 and an estimated first non-Federal cost of $10,100,000.

(bb) DENISON, TEXAS.—The Act entitled "An Act to authorize the utilization of a limited amount of storage space in Lake Texoma for the purpose of water supply for the city of Denison, Texas", ap-

proved August 14, 1953 (67 Stat. 583), is amended by striking "in an amount not to exceed 13,000 acre-feet annually".

(cc) ROANOKE RIVER UPPER BASIN, VIRGINIA.—The flood control project for Roanoke River Upper Basin, Virginia, is modified—

(1) to provide that, notwithstanding section 215 of the Flood Control Act of 1968 (82 Stat. 747), work completed by non-Federal interests on flood protection measures at Roanoke Memorial Hospital shall be credited toward the non-Federal share of the cost of the project; and

(2) to direct the Secretary, notwithstanding such section 215, to reimburse the non-Federal sponsor $700,000, an amount equal to the Federal share of the costs of such work completed by the non-Federal interests, which may be applied to the non-Federal share of the cost of the project.

(dd) MCNARY LOCK AND DAM, WASHINGTON AND OREGON.—The project for McNary Lock and Dam, Second Powerhouse, Columbia River, Washington and Oregon, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4146), is modified to direct the Secretary to construct the levee beautification portion of the project described in the Phase I General Design Memorandum: Report of the Chief of Engineers, dated June 24, 1981. In determining the new levee heights, the Secretary shall complete the feasibility studies underway for the Tri-Cities Levees, Washington, giving full consideration to the impact that present upstream reservoir storage has had in lowering water surface elevations during major floods.

(ee) WISCONSIN AND FOX RIVERS, WISCONSIN.—

(1) NON-FEDERAL OPERATION AND MAINTENANCE.—The navigation project for the Wisconsin and Fox Rivers, Wisconsin, authorized to be acquired pursuant to the Act entitled "An Act for the Improvement of Water Communication between the Mississippi River and Lake Michigan, by the Wisconsin and Fox Rivers", approved July 7, 1870 (16 Stat. 189), is modified to authorize the Secretary to enter into agreements with the State of Wisconsin and other non-Federal interests in such State to make operation and maintenance of such project a non-Federal responsibility.

(2) NON-FEDERAL IMPOSITION OF TOLLS.—Notwithstanding section 4 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 5, 1884 (33 U.S.C. 5; 23 Stat. 147), during any period in which a non-Federal interest is responsible for operation, maintenance, and repair of the project described in paragraph (1), the non-Federal interest may impose upon boats and other watercraft using the project such tolls, operating charges, and other fees as may be necessary to pay the costs incurred by the non-Federal interest in connection with the project.

SEC. 103. SMALL NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, after completion of such study, shall carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) BOLLES HARBOR, MICHIGAN.—A navigation project at the mouth of the LaPliasance Creek, Bolles Harbor, Michigan, by construction of an offshore barrier.

(2) WARROAD HARBOR, MINNESOTA.—A navigation project to dredge the navigation channel and adjacent basin at Warroad Harbor, Minnesota. The project shall be undertaken to provide safe boating access and egress and to upgrade existing retaining walls.

Marine safety.

(3) BUFFALO, NEW YORK.—A navigation project south of the existing dike disposal area in Buffalo, New York, by construction of a breakwater, fishing pier, and floating docks.

(4) ROCHESTER, NEW YORK.—A navigation project for the mouth of the Genesee River in Rochester, New York, by development and implementation of wave surge control measures.

SEC. 104. SMALL FLOOD CONTROL PROJECTS.

(a) PROJECT AUTHORIZATIONS.—The Secretary shall conduct a study for each of the following projects and, after completion of such study, shall carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) DRY JORDAN AND CROOKED CREEKS, ARKANSAS.—A project for flood control, Dry Jordan and Crooked Creeks, Harrison, Arkansas, including construction of improvements to provide enhanced flood control and recreation benefits.

(2) OLD SULFUR CREEK, ORLEANS, INDIANA.—A project for flood control, Old Sulfur Creek, Orleans, Indiana.

(3) FARMERS BRANCH CREEK, WHITE SETTLEMENT, TEXAS.—A nonstructural project for flood control, Farmers Branch Creek, White Settlement, Texas. Such project shall consist of relocation and purchase of residential structures located within the flood plain and shall be carried out on an expedited basis.

(4) KROUTS CREEK, WEST VIRGINIA.—A project for flood control, Krouts Creek in the vicinity of Huntington, West Virginia, including deepening and widening of the channel and culvert replacement.

(b) SAVAN GUT, VIRGIN ISLANDS.—

(1) MAXIMUM ALLOTMENT.—The maximum amount which may be allotted under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) for the project for flood control, Savan Gut, Virgin Islands, shall be $10,000,000 instead of $5,000,000.

(2) COST SHARING.—Nothing in this subsection shall be construed as affecting any cost sharing requirements applicable to the project under the Water Resources Development Act of 1986.

SEC. 105. BAY CITY, MICHIGAN.

The Secretary may undertake a project for shoreline protection along the Saginaw River in Bay City, Michigan, at a total estimated cost of $6,105,000.

SEC. 106. DELAWARE RIVER AND TRIBUTARIES, PENNSYLVANIA.

The Secretary may carry out a project for shoreline protection for the Glen Foerd Historic Property in Philadelphia, Pennsylvania, along the Delaware River and tributaries, including restoration of seawalls.

SEC. 107. CONTINUATION OF AUTHORIZATION OF CERTAIN PROJECTS.

(a) GENERAL RULE.—Notwithstanding section 1001(b)(1) of the Water Resources Development Act of 1986, the following projects shall remain authorized to be carried out by the Secretary:

(1) PAJARO RIVER, SANTA CRUZ, CALIFORNIA.—The project for flood control, Pajaro River and tributaries, Santa Cruz, California, authorized by the Flood Control Act of 1966 (80 Stat. 1421).

(2) SANTA CRUZ HARBOR, CALIFORNIA.—The modification for sealing the east jetty of the project for Santa Cruz Harbor, California, authorized by section 811 of the Water Resources Development Act of 1986 (100 Stat. 4168).

(3) HILLSBORO INLET, FLORIDA.—Dredging of Hillsboro Inlet, Florida, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090).

(4) LITTLE CALUMET RIVER BASIN, INDIANA.—The project for flood control, Little Calumet River basin (Cady Marsh Ditch), Indiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115).

(5) LOUISIANA STATE PENITENTIARY LEVEE, LOUISIANA.—The project for flood control, Louisiana State Penitentiary Levee, Mississippi River, Louisiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4117).

(6) ONTONAGON HARBOR, MICHIGAN.—The project for navigation, Ontonagon Harbor, Michigan, authorized by the Rivers and Harbors Appropriations Act of June 25, 1910 (36 Stat. 655).

(7) OTTAWA RIVER HARBOR, MICHIGAN AND OHIO.—The project for navigation, Ottawa River Harbor, Michigan and Ohio, authorized by section 201 of the Flood Control Act of 1965 (79 Stat. 1073) and approved by committee resolution, in accordance with the Phase I General Design Memorandum for such project, dated November 1976, at a total cost of $13,200,000, with an estimated first Federal cost of $6,530,000 and an estimated non-Federal cost of $6,670,000.

Canada.
State listing.

(8) SAULT SAINTE MARIE, MICHIGAN.—The second lock for Sault Sainte Marie, Michigan, authorized by section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254-55); except that the Secretary shall conduct, not later than 180 days after the date of the enactment of this Act and after providing an opportunity for notice and comment, an analysis of the projected total tonnage of commercial cargo which will be delivered by vessels using such lock to or from ports in Canada and the States of Minnesota, Wisconsin, Indiana, Illinois, Michigan, Ohio, Pennsylvania, and New York. Such analysis shall be based on the Secretary's estimate, using current traffic statistics.

(9) CONNEAUT, OHIO.—The small boat harbor project for Conneaut, Ohio, authorized by section 101 of the River and Harbor Act of 1966 (80 Stat. 1405).

(10) FAIRPORT, OHIO.—The small boat harbor project for Fairport, Ohio, and the dredging of the navigation project for Fairport, Ohio, authorized pursuant to section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d-f).

(11) MEMPHIS HARBOR, MEMPHIS, TENNESSEE.—The project for navigation, Memphis Harbor, Memphis, Tennessee, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4145).

(12) EAST FORK OF TRINITY RIVER, TEXAS.—The project for flood protection on the East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185).

(13) NORFOLK HARBOR, VIRGINIA.—The project for deepening of 3 navigation anchorages at Norfolk Harbor, Virginia, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090).

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period that begins on the date of the enactment of this Act unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

(c) FREEPORT, ILLINOIS.—The project for flood control, Freeport, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1586), and deauthorized by section 1002 of the Water Resources Development Act of 1986 (100 Stat. 4208), is authorized to be carried out by the Secretary.

SEC. 108. HAZARD, KENTUCKY.

Flood control.

The Secretary is authorized and directed to design and construct such flood control measures at or in the vicinity of Hazard, Kentucky, on the North Fork of the Kentucky River as the Secretary determines necessary and appropriate to afford the city of Hazard, Kentucky, and its immediate environs a level of protection against flooding at least sufficient to prevent any future losses to such city from the likelihood of flooding such as occurred in January 1957, at a total cost of $30,000,000. With respect to such project, Congress finds that the benefits determined in accordance with section 209 of the Flood Control Act of 1970 and attributable to the flood measures authorized for such project exceed the cost of such measures.

SEC. 109. SAUK LAKE, MINNESOTA.

The Secretary shall complete the project for removal of silt and aquatic weeds, Sauk Lake, Minnesota, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148), including acquisition of weed harvesting equipment using funds appropriated by Congress for such purpose, and shall carry out measures to protect and enhance water quality, including implementation of best management practices in the drainage basin.

SEC. 110. REHABILITATION OF FEDERAL FLOOD CONTROL LEVEES.

(a) PROJECTS.—The Secretary shall undertake—

Arkansas.
Oklahoma.

(1) projects for rehabilitation and reconstruction of Federal flood control levees on the Arkansas River, Arkansas and Oklahoma, substantially in accordance with the Little Rock District Engineer's Arkansas River Basin, Arkansas and Oklahoma, Draft Feasibility Report, dated March 1990, and the Tulsa District Engineer's Keystone to Tulsa Reconnaissance Report, dated September 1989; and

(2) projects for rehabilitation and reconstruction of Federal flood control levees on the Red River, Oklahoma and Arkansas, below Denison Dam.

(b) PURPOSE OF PROJECTS.—The purpose of projects under this section shall be to make the levees comply with current Federal design standards.

(c) INCLUDED FEATURES.—The projects under this section shall include repairs of design deficiencies and replacement of deteriorated drainage structures and other appurtenances.

(d) COST SHARING.—Work carried out under this section shall be treated as new construction for purposes of determining the Federal and non-Federal shares of the cost of such work.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 per fiscal year for each of fiscal years 1992, 1993, 1994, 1995, and 1996.

Flood control.

SEC. 111. BELEN, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—Subject to section 903(c) of the Water Resources Development Act of 1986, the Secretary is authorized to carry out a project for flood protection for the city of Belen, New Mexico, at a total cost of $19,576,000, with an estimated first Federal cost of $12,130,000 and an estimated first non-Federal cost of $7,446,000.

(b) REQUIRED MEASURES.—The project authorized by this section shall include measures to increase the capacity of the Belen Highline Canal so that such canal will function as a conveyance system to divert flood waters safely around the city of Belen and as an irrigation facility.

SEC. 112. LOWER TRUCKEE RIVER, NEVADA.

(a) PLANNING, ENGINEERING, AND DESIGN.—The Secretary is authorized to carry out planning, engineering, and design—

(1) for rehabilitation of the Lower Truckee River, Nevada, including—

(A) restoration of the riparian habitat and vegetative cover;

(B) stabilization of the course of the Lower Truckee River and minimization of erosion damage;

(C) provision of the best possible spawning habitat for the cui-ui fish; and

(D) provision of improved spawning habitat for the Lahontan cutthroat trout to the extent deemed feasible; and

(2) for facilities to enable the efficient passage of cui-ui and Lahontan cutthroat trout through or around the delta at the mouth of the Lower Truckee River to obtain access to their upstream spawning grounds.

SEC. 113. ARKANSAS POST NAVIGATION CANAL.

The Secretary is authorized to carry out planning, engineering, and design for modifications to the Arkansas Post Navigation Canal of the McClellan-Kerr Arkansas River Navigation System for the purpose of improving environmental quality. Such modifications shall include a closure structure at the downstream end of the Morgan Point Bendway and related work.

SEC. 114. STRUTHERS, OHIO.

The Secretary is authorized to carry out design for replacement of the Bridge Street bridge in Struthers, Ohio, at a total cost of $2,400,000. The non-Federal share of the cost of such design shall be 50 percent.

SEC. 115. MAYSVILLE, KENTUCKY.

The Secretary is authorized to carry out design for construction of a bridge between Maysville, Kentucky, and the State of Ohio, at a total cost of $2,000,000. The non-Federal share of the cost of such design shall be 50 percent.

SEC. 116. STUDIES.

(a) SOUTH ATLANTIC CARGO TRAFFIC.—

(1) STUDY.—The Secretary, in conjunction with the Administrator of the Federal Maritime Administration of the Department of Transportation, shall conduct a study of the market for container ship traffic in the South Atlantic region of the United States from Port Everglades, Florida, to Norfolk, Virginia.

(2) PURPOSES.—The purposes of the study to be conducted under this subsection are as follows:

(A) Identifying major containerized cargo trade routes and commodity flows.

(B) Identifying inland transportation infrastructure needs.

(C) Projecting future traffic volumes.

(D) Forecasting future container vessel fleets.

(E) Developing origin-to-destination transportation costs.

(F) Developing differential trade route costs for origin-destination pairs.

(G) Forecasting future micro- and mini-bridging opportunities.

(H) Developing a computerized database of all traffic flows and costs.

(I) Forecasting future port infrastructure needs.

(3) REPORT.—Not later than 14 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,200,000.

(b) NORCO BLUFFS, CALIFORNIA.—The Secretary shall conduct a feasibility study of bank stabilization measures for Norco Bluffs, California, under the flood control program of the Corps of Engineers.

(c) RANCHO PALOS VERDES, CALIFORNIA.—The Secretary shall—

(1) complete the study of the feasibility of constructing shoreline erosion mitigation measures along the Rancho Palos Verdes coastline and in the city of Rolling Hills, California, authorized by section 712 of the Water Resources Development Act of 1986 (100 Stat. 4160); and

(2) in connection with such study, investigate measures to conserve fish and wildlife (as specified in section 704 of the Water Resources Development Act of 1986), including measures to demonstrate the effectiveness of intertidal marine habitat.

(d) SOUTHERN CALIFORNIA INFRASTRUCTURE RESTORATION.—

(1) STUDY.—The Secretary, in consultation with the Director of the Federal Emergency Management Agency, shall conduct a feasibility study in the Southern California region of the problems and alternative solutions, including governmental roles and responsibilities, of restoring such region's public works infrastructure (including roads and highways, fixed rails, bridges, airports, flood control channels, dams, aqueducts, and utility pipes and lines) to full service following earthquakes which cause substantial damage to such infrastructure.

(2) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall transmit to Congress

a report on the results of the study conducted under this subsection.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,500,000.

(e) SANTA MONICA BREAKWATER, CALIFORNIA.—The Secretary shall complete the reconnaissance investigation and feasibility study for the breakwater project, Santa Monica, California, not later than July 1, 1992, and may consider as commercial benefits, for purposes of section 119 of the 1970 River and Harbor Act, benefits from reestablishment of past charter fishing vessel accommodation activities which existed in the area from the 1930's prior to damage of the breakwater structure.

(f) CALIFORNIA OIL SPILL RESTORATION.—

(1) STUDY.—The Secretary, in consultation with the Director of the Federal Emergency Management Agency and the Commandant of the Coast Guard, shall conduct a feasibility study in the California coastal region of the problems and alternative solutions, including Federal and non-Federal roles and responsibilities, of containment and restoration of coastal waters and lands (including natural wildlife, habitat restoration, commercial, and recreational activities) following a major oil spill.

(2) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,500,000.

(g) SANTA ROSA, CALIFORNIA.—The Secretary may conduct a review and evaluation of proposals for storage facilities associated with wastewater reclamation and irrigation in Santa Rosa, California, for the purpose of developing recommendations concerning Federal and non-Federal participation in construction of such facilities.

(h) KISSIMMEE RIVER, CENTRAL AND SOUTHERN FLORIDA.—

(1) STUDY.—The Secretary shall conduct a feasibility study of the Kissimmee River in central and southern Florida for the purpose of determining modifications of the flood control project for central and southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176), which are necessary to provide a comprehensive plan for the environmental restoration of the Kissimmee River. The study shall be based on implementing the Level II Backfilling Plan specified in the Kissimmee River Restoration, Alternative Plan Evaluation and Preliminary Design Report, dated June 1990, published by the South Florida Water Management District.

(2) REPORT.—Not later than April 1, 1992, the Secretary shall transmit to Congress a final report of the Chief of Engineers on the results of the study conducted under this subsection, together with such modifications as are recommended by the Secretary.

(3) POST-STUDY WORK.—All work necessary to prepare the project recommended by the Chief of Engineers, as modified by the Secretary, for construction bidding, including Feature Design Memoranda, shall be completed by June 1, 1994.

(i) NASSAU COUNTY, FLORIDA.—The Secretary is authorized to study the project for beach erosion control, Nassau County (Amelia Island), Florida, authorized by section 3 of the Water Resources

Development Act of 1988 (102 Stat. 4013), for the purpose of determining whether or not such project should be modified to authorize beach nourishment for the southern beaches of Fernandina (south Amelia Island) from Florida Department of Natural Resources monument number 60 to monument number 79.

(j) THURMAN TO HAMBURG, IOWA.—The Secretary shall complete the feasibility phase of the study authorized by section 1152 of the Water Resources Development Act of 1986 (100 Stat. 4255), including completion of planning and specifications, not later than August 1, 1991.

(k) LAKE PONTCHARTRAIN, LOUISIANA.—

(1) STUDY.—The Secretary shall study the benefits which accrue to non-Federal sponsors from the project for flood protection on Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), for the purposes of determining—

(A) whether or not such sponsors have received the expected benefits from the project; and

(B) whether or not there should be a reallocation of costs as a result of any unrealized expected benefits from the project.

(2) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(3) NON-FEDERAL RESPONSIBILITY DURING STUDY.—During the period beginning on the date of the enactment of this Act and ending on the 30th day following the date of transmission of the report under paragraph (2), non-Federal sponsors of the project referred to in paragraph (1) shall not be required to make payments on non-Federal responsibilities incurred for the St. Bernard Parish portion of the Chalmette area before or during such period.

(l) BUFFUMVILLE LAKE, MASSACHUSETTS.—The Secretary may study the flood control project for Buffumville Lake, Massachusetts, authorized by the Flood Control Act of August 18, 1941 (55 Stat. 639), for the purpose of determining whether or not such project should be modified to authorize low flow augmentation for improving water quality on the French River.

(m) PEARL RIVER BASIN, MISSISSIPPI.—The Secretary shall conduct a feasibility study of providing flood protection for the metropolitan area of Jackson, Mississippi, and the counties of Rankin, Hinds, Simpson, Lawrence, Marion, and Madison, Mississippi.

(n) ROCK CREEK, MARYLAND.—

(1) WATER QUALITY STUDY.—The Secretary shall conduct a study of methods of improving water quality of Rock Creek, Maryland.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(o) SAGINAW BAY, MICHIGAN.—

(1) EXTENSION OF DEADLINE FOR FEASIBILITY REPORT.—Section 711 of the Water Resources Development Act of 1986 (100 Stat. 4160) is amended by striking "1989" and inserting "1992".

(2) CONTINUATION OF FEASIBILITY STUDY AUTHORIZATION.—For purposes of section 710 of the Water Resources Development

Act of 1986, the study authorized by section 711 of such Act shall be treated as being authorized on the date of the enactment of this Act.

(p) WATER SUPPLY, MINNESOTA AND NORTH DAKOTA.—

(1) IN GENERAL.—The Secretary shall conduct a study, with the States of Minnesota and North Dakota—

(A) to determine and recommend alternative plans to augment flows in the Red River of the North, Minnesota and North Dakota, including plans to supplement flows for municipal, industrial, agricultural, and fish and wildlife purposes; and

(B) to utilize and conserve water within the area.

(2) ADDITIONAL PURPOSES.—Additional purposes of the study under this subsection are as follows:

(A) To identify alternative courses of action during drought conditions.

(B) To address such issues as system capabilities, regulatory actions, water quality, treaty constraints, and institutional arrangements.

(C) To recommend short- and long-term approaches to resolving water supply and use problems, including those that occur outside the area.

(3) SPECIFIC REQUIREMENTS.—In conducting the study under this subsection, the Secretary shall—

(A) recognize the need for continued flow into Canada;

(B) coordinate with the Bureau of Reclamation on actions being undertaken by the Bureau with respect to the Garrison Diversion Unit; and

(C) provide for appropriate consideration for protection of the Nation's water resources as well as the needs of the area for water management and water availability.

(q) LAKE WINNIBIGOSHISH, MINNESOTA.—The Secretary is authorized to conduct a study to determine whether the Secretary's jurisdiction should be expanded to include areas above the current pool regulation levels at Lake Winnibigoshish, Minnesota, and to identify methods for bank stabilization and preservation needed due to lake level regulation.

(r) LAKE OF THE WOODS, MINNESOTA.—

(1) INVESTIGATION.—The Secretary may undertake an investigation of the lands bordering on the Lake of the Woods, Minnesota, to determine if such lands and improvements thereto in the United States currently meet applicable requirements of international agreements concerning regulation of the levels of the Lake of the Woods.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall report to Congress on the progress made in carrying out this subsection and the need for further legislation to resolve any outstanding claims for damages caused by the need for additional protective works and measures to satisfy the requirements referred to in paragraph (1).

(s) HEADWATERS RESERVOIRS OF THE MISSISSIPPI RIVER, MINNESOTA.—The Secretary shall conduct a study of the 6 headwaters reservoirs of the Mississippi River, Minnesota, to assess lake currents and resulting siltation behavior and to determine the impact of lake levels on fish habitat and spawning success.

(t) HIGHFIELD WATER COMPANY, NEW JERSEY.—

(1) STUDY.—The Comptroller General shall conduct a study of the facts and circumstances concerning the claims of the Highfield Water Company, New Jersey, against the United States Army Corps of Engineers for the purpose of making recommendations for an appropriate settlement of such claims.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study conducted under this subsection.

(u) MANASQUAN RIVER, NEW JERSEY.—

(1) STUDY.—The Secretary shall conduct a study of the feasibility of implementing flood control measures on the Manasquan River to alleviate flooding in Freehold, Howell, and other affected townships in New Jersey.

(2) REPORT.—Not later than December 31, 1992, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(v) ACEQUIAS IRRIGATION SYSTEM, NEW MEXICO.—The Secretary is authorized to conduct a study of the Acequias irrigation system, New Mexico, to determine whether the project for restoration and preservation of such system, authorized by section 1113 of the Water Resources Development Act of 1986 (100 Stat. 4232), should be expanded to include additional areas of the system.

(w) BUFFALO, NEW YORK.—

(1) REVIEW AND EVALUATION.—The Secretary shall conduct a review and evaluation of the plan prepared by the city of Buffalo, New York, on flooding and associated water quality problems (including those associated with combined sewer overflows, sewer backups, and riverside outfalls) in the Buffalo, New York, metropolitan area.

(2) PURPOSES.—The purposes of the review and evaluation to be conducted under this subsection are to develop recommendations for Federal and non-Federal participation in solving the problems described in paragraph (1) and to identify flood control benefits of implementing the plan.

(3) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall transmit to Congress and the mayor of Buffalo, New York, a report on the results of the review and evaluation conducted under this subsection.

(x) CAESAR'S CREEK LAKE, OHIO.—

(1) STUDY.—The Secretary shall conduct a study of the water supply needs of Clinton County, Ohio.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection, together with recommendations for meeting the projected water supply needs of Clinton County, Ohio.

(y) LIBERTY, OHIO.—

(1) STUDY.—The Secretary shall conduct a study of the water supply needs of Liberty, Ohio.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection, together with recommendations for meeting the projected water supply needs of Liberty, Ohio.

(z) WASHINGTONVILLE, OHIO.—

(1) STUDY.—The Secretary shall conduct a study of the water supply needs of Washingtonville, Ohio.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection, together with recommendations for meeting the projected water supply needs of Washingtonville, Ohio.

(aa) MILL CREEK, TENNESSEE.—

(1) FEASIBILITY STUDY.—The Secretary shall study the feasibility of nondam options to alleviate flooding along Mill Creek and Seven Mile Creek, Tennessee.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection, together with a recommended plan for alleviating the flooding referred to in paragraph (1).

(bb) NEW MADRID INFRASTRUCTURE RESTORATION.—

State listing.

(1) STUDY.—The Secretary, in consultation with the Director of the Federal Emergency Management Agency, shall conduct a feasibility study in the region surrounding the New Madrid Fault (including the States of Tennessee, Missouri, Arkansas, Kentucky, Mississippi, Indiana, and Illinois) of the problems and alternative solutions, including governmental roles and responsibilities, of restoring such region's public works infrastructure (including roads and highways, fixed rails, bridges, airports, flood control channels, dams, aqueducts, and utility pipes and lines) to full service following earthquakes which cause substantial damage to such infrastructure.

(2) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the study conducted under this subsection.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,500,000.

(cc) SOUTHWEST REGION FLOOD RESPONSE.—

(1) STUDY.—The Secretary, in consultation with the Secretary of Agriculture and the Director of the Federal Emergency Management Agency, shall conduct a study to evaluate—

(A) existing flood control measures in the Arkansas, Red, and Ouachita river basins, including the adequacy of flood control storage at existing reservoirs, operation of such reservoirs, and downstream flood control and local protection projects;

(B) the effectiveness of Federal emergency response capabilities to prevent or minimize loss of life and damage to property resulting from flooding; and

(C) the effectiveness of Federal disaster assistance programs in providing adequate and prompt compensation to flood victims.

(2) REPORT.—The Secretary shall transmit a report to Congress on the results of the study conducted under this subsection not later than 1 year after the date of the enactment of this Act. The report shall contain a detailed statement of the findings and conclusions of the Secretary, together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

(dd) RADIUM REMOVAL.—

(1) STUDY.—The Secretary, in cooperation with State public authorities, may conduct a study of methods of mitigating radium contamination in ground water.

(2) TECHNICAL ASSISTANCE.—Upon application of a State public authority, the Secretary may provide, on a reimbursable basis, technical assistance with respect to development and installation of ground water treatment technologies needed to remove radium from ground water used as a source of public drinking water for residents of small communities.

(ee) MISSISSIPPI RIVER WATER QUALITY.—

(1) STUDY.—The Secretary shall conduct a study of the water quality of the Mississippi River.

(2) CONSULTATION AND ASSISTANCE.—In conducting the study under this subsection, the Secretary is authorized to consult with, and request the assistance of, the United States Geological Survey, the United States Fish and Wildlife Service, the Environmental Protection Agency, and appropriate States.

(3) FRAMEWORK.—The Secretary shall consult with the Federal agencies and States referred to in paragraph (2) to develop a framework for the study to be conducted under this subsection. Such framework shall be completed on or before the 120th day after the date of the enactment of this Act.

(4) REPORT.—Not later than December 31, 1992, the Secretary shall transmit a report to Congress on the results of the study conducted under this subsection, including findings and recommendations of the Secretary.

(5) FEDERAL SHARE.—The Federal share of the costs of carrying out this subsection shall be 50 percent.

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

SEC. 117. CRANSTON, RHODE ISLAND.

Waste treatment and disposal.

(a) STUDY.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall conduct a feasibility study of wastewater treatment options for transporting contamination from the central landfill site and other sources of pollution in Rhode Island to a wastewater treatment facility in Cranston, Rhode Island, through the use of a regional connector system.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section.

(c) DEMONSTRATION PROGRAM.—After completion of the feasibility study under this section, the Secretary shall conduct a technology demonstration of the connector system described in subsection (a) to determine the capability of the system design to operate properly.

(d) FEDERAL SHARE.—The Federal share for carrying out this section shall be 50 percent.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out subsection (a) and $10,000,000 to carry out subsection (c).

SEC. 118. TECHNICAL ASSISTANCE FOR NEW YORK HARBOR.

The Secretary may provide, on a reimbursable basis, technical assistance with respect to a comprehensive review of New York Harbor and a systems investigation of the system of channels and anchorages of the Port of New York and New Jersey (including areas and channels outside the Federal system). Such technical

assistance may include analysis of traffic design, shoaling, and hydraulics in order to determine the potential of streamlining the operation of such system and of reducing the potential for maritime accidents.

SEC. 119. PROJECT DEAUTHORIZATIONS.

(a) NOTIFICATION OF MEMBERS OF CONGRESS.—Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended by inserting after the first sentence the following new sentence: "Before submission of such list to Congress, the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, a project (including any part thereof) on such list would be located.".

(b) REPEAL OF OUTDATED DEAUTHORIZATION PROVISION.—Section 12 of the Water Resources Development Act of 1974 (33 U.S.C. 579) is repealed.

(c) SPECIFIED PROJECTS.—The following projects are not authorized after the date of the enactment of this Act, except with respect to any portion of such a project which portion has been completed before such date or is under construction on such date:

(1) GREENWICH HARBOR, CONNECTICUT.—The following portion of the channel at Greenwich Harbor, Connecticut, authorized by the Rivers and Harbors Appropriations Act of March 2, 1919 (40 Stat. 1276):

Beginning at a point on the limit line of the Federal Anchorage Area in Greenwich Harbor, such point having coordinates of N66,309.76 E358,059.81 and running thence northwesterly along the limit line of the Federal Anchorage Area N50°0104W, a distance of 621.62 feet to an angle point on the existing Federal Anchorage Area Limit Line having coordinates N66,709.18 E357,583.50; thence continuing along the existing Federal Anchorage Area Limit Line N39°5855E a distance of 200.00 feet to an angle point on the existing Federal Anchorage Area Limit Line having coordinates N66,862.43 E357,712.01; thence continuing along the existing Federal Anchorage Area Limit Line S50°0104E a distance of 140.00 feet to a point on the existing Federal Anchorage Area Limit Line having coordinates N66,772.47 E357,819.28; thence running into the existing Federal Anchorage Area S39°5855W a distance of 187.66 feet to a point having coordinates N66,628.75 E357,698.76; thence running in the existing Federal Anchorage Area S59°1032″E a distance of 376.47 feet to a point having coordinates N66,435.85 E358,022.05; thence running in the existing Federal Anchorage Area S16°4026″E a distance of 131.62 feet to the point and place of the beginning for a total area of 47,737 square feet.

(2) CONNEAUT HARBOR, OHIO.—The feature of the navigation project for Conneaut Harbor, Ohio, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176), which feature is a channel lying easterly of the access channel and adjacent to the municipal pier.

(3) BIG RIVER RESERVOIR, RHODE ISLAND.—The water supply project, Big River Reservoir, Providence, Rhode Island, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4144).

SEC. 120. HALF MOON BAY HARBOR.

Nomenclature.

(a) DESIGNATION.—The harbor commonly known as Half Moon Bay Harbor, located in El Granada, California, shall hereafter be known and designated as "Pillar Point Harbor".

(b) LEGAL REFERENCES.—A reference in any law, map, regulation, document, record, or other paper of the United States to the harbor referred to in subsection (a) shall be deemed to be a reference to "Pillar Point Harbor".

TITLE II—LAND TRANSFERS

SEC. 201. SNEADS, FLORIDA.

(a) IN GENERAL.—The Secretary shall convey to the trustees of the Salem Wesleyan Church all right, title, and interest of the United States in and to the parcel of land described in subsection (b).

(b) PROPERTY DESCRIPTION.—The parcel of land referred to in subsection (a) contains approximately 2.30 acres lying in section 12, township 4 north, range 8 west, Tallahassee meridian, Jackson County, Florida, and is more particularly described as follows:

Beginning at a point that is 294 feet west of the east line and 294 feet north of the south line of the northeast quarter of the northeast quarter of such section 12, and at a corner of a tract of land now or formerly owned by the Salem Wesleyan Church;

Thence south along a line parallel to the east line of such section a distance of approximately 269 feet to a point that is 25 feet north of the south line of the northeast quarter of the northeast quarter of such section;

Thence west along a line parallel to the south line of the northeast quarter of the northeast quarter of such section a distance of approximately 425 feet to the eastern right-of-way line of Florida State Road Numbered S-69A;

Thence northerly along the eastern right-of-way line of such State road a distance of approximately 200 feet to the boundary of such Salem Wesleyan Church tract; and

Thence northeasterly along the boundary of such Salem Wesleyan Church tract approximately 450 feet to the point of beginning.

(c) PAYMENT OF FAIR MARKET VALUE.—The conveyance authorized by this section shall be made upon payment to the United States of a sum equal to the fair market value of the land as determined by the Secretary.

(d) CONDITIONS AND RESTRICTIONS.—The conveyance under this section shall be subject to a reversionary interest in the United States if the lands conveyed are used for other than church purposes. The Secretary may require such additional terms, conditions, reservations, and restrictions in connection with the conveyance as the Secretary determines are necessary to protect the interests of the United States.

(e) SURVEY COSTS.—The cost of any surveys necessary as an incident to the conveyance authorized by this section shall be borne by the trustees of the Salem Wesleyan Church.

(f) DEADLINE.—Subject to compliance with this section, the Secretary shall convey the parcel of land described in subsection (b) not later than 2 years after the date of the enactment of this Act.

SEC. 202. IRA D. MACLACHLAN AMERICAN LEGION POST, SAULT SAINTE MARIE, MICHIGAN.

The Secretary shall convey to the Commandant of the Coast Guard the parcel of land described in the Act of June 5, 1936 (49 Stat. 1481), and the building located thereon for use as a clubhouse for the local American Legion Post of Sault Sainte Marie, Michigan.

SEC. 203. ABERDEEN, WASHINGTON.

(a) IN GENERAL.—The Secretary may transfer to the city of Aberdeen, Washington, by quitclaim deed, all rights, interests, and title of the United States in the approximately 570.5 acres of land under the administrative jurisdiction of the Department of the Army acquired for the purposes of the project for Wynoochee Lake, Wynoochee River, Washington, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193), together with any improvements thereon.

(b) CONDITIONS.—A transfer under this section shall be subject to the following conditions:

Regulations.

(1) The city shall operate, maintain, repair, replace, and rehabilitate the project in accordance with regulations prescribed by the Secretary which are consistent with the project's authorized purposes, including fish and wildlife mitigation.

(2) The city shall hold and save the United States free from any claims or damages resulting from the operation, maintenance, repair, or rehabilitation of the project by the city or its contractors.

(3) If the city uses the land transferred under this section for any purpose other than the project's authorized purposes or generation of hydropower or fails to comply with paragraph (1) or (2), the Secretary shall notify the city of such use or failure. If the city does not correct such nonconforming use or failure during the 1-year period beginning on the date of such notification, the Secretary shall have a right of reverter to reclaim possession and title to the land transferred under this section.

(c) LIMITATION.—No transfer under this section may be made until the Secretary has determined that the city can operate, maintain, repair, replace, and rehabilitate the project.

(d) REPAYMENT OF CAPITAL COSTS.—Nothing in this section shall be construed to relieve the city of its obligations under the project contract to repay the capital costs of the project allocated to water supply. The Secretary may negotiate a cash settlement to allow the city to prepay the present value of the payments for capital costs due under the contract.

SEC. 204. RELEASE OF REVERSIONARY INTEREST TO CLAY COUNTY, GEORGIA.

(a) IN GENERAL.—Subject to the condition stated in subsection (b) and notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and section 108 of the River and Harbor Act of 1960 (33 U.S.C. 578), the Secretary shall release to Clay County, Georgia, without reimbursement, the reversionary interest of the United States in approximately 50 acres of land in the deed described in subsection (c).

(b) CONDITION.—

(1) REPLACEMENT REVERSIONARY INTEREST.—The condition referred to in subsection (a) is that Clay County, Georgia, agree to an amendment of the deed described in subsection (c) by which

the reversionary interest that is released pursuant to subsection (a) is replaced with a reversionary interest as described in paragraph (2).

(2) DESCRIPTION.—The deed described in subsection (c) shall be amended to provide that the property conveyed by the deed is subject to the condition and restriction that it is to be used and enjoyed solely for the development of a retirement community, as that term may be defined by the parties in the instrument described in subsection (d), operated on a nonprofit basis by Clay County, Georgia, and its successors and assigns, or under a lease arrangement between the county and the South Georgia Methodist Home for the Aging, Inc., and that if the property is used for any other purpose, title to the property, including any improvements, shall revert to the United States.

(c) DESCRIPTION OF DEED.—The deed referred to in subsections (a) and (b) is the quitclaim deed dated October 22, 1963, by which the United States conveyed to Clay County, Georgia, the parcel of land lying in land lots 263 and 264, Seventh Land District, Clay County, Georgia.

(d) INSTRUMENT OF RELEASE.—The Secretary and Clay County, Georgia, shall execute and file in the appropriate office an amendment of deed, amended deed, deed of release, or other appropriate form of instrument or instruments effecting the substitution of reversionary interest authorized by this section.

SEC. 205. CONVEYANCE OF OAKLAND INNER HARBOR TIDAL CANAL PROPERTY TO CITIES OF OAKLAND AND ALAMEDA, CALIFORNIA.

The Secretary may convey, by quitclaim deed, the title of the United States in all or portions of the approximately 86 acres of uplands, tidelands, and submerged lands, commonly referred to as the Oakland Inner Harbor Tidal Canal, California, as follows:

(1) To the city of Oakland, the United States title to all or portions of that part of the Oakland Inner Harbor Tidal Canal which are located within the boundaries of the city of Oakland.

(2) To the city of Alameda, the United States title to all or portions of that part of the Oakland Inner Harbor Tidal Canal which are located within the boundaries of the city of Alameda.

The Secretary may reserve and retain from any such conveyance a right-of-way for the operation and maintenance of the authorized Federal channel in the Oakland Inner Harbor Tidal Canal.

TITLE III—GENERALLY APPLICABLE PROVISIONS

SEC. 301. PLANNING AND ENGINEERING.

Section 105(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(b)) is amended by adding at the end the following new sentence: "Costs of planning and engineering of projects for which non-Federal interests contributed 50 percent of the cost of the feasibility study shall be treated as costs of construction.".

SEC. 302. EMERGENCY RESPONSE.

Section 5(a)(1) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood

control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended—

(1) in the first sentence by striking "flood emergency preparation," and inserting "preparation for emergency response to any natural disaster,"; and

(2) by inserting after the first sentence the following: "The emergency fund may also be expended for emergency dredging for restoration of authorized project depths for Federal navigable channels and waterways made necessary by flood, drought, earthquake, or other natural disasters.".

SEC. 303. CONSTRUCTION OF NAVIGATION PROJECTS BY NON-FEDERAL INTERESTS.

(a) TRANSMISSION OF HARBOR IMPROVEMENT STUDIES TO NON-FEDERAL INTERESTS.—Section 204(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(c)) is amended by inserting after the first sentence the following new sentence: "The Secretary is further authorized to complete and transmit to the appropriate non-Federal interest any study for improvement to harbors or inland harbors of the United States that is initiated pursuant to section 107 of the River and Harbor Act of 1960 or, upon request of such non-Federal interest, to terminate such study and transmit such partially completed study to the non-Federal interest.".

(b) REIMBURSEMENT.—Section 204 of such Act is amended—

(1) by redesignating the second subsection (e) and subsection (f), and any reference thereto, as subsections (f) and (g), respectively;

Reports.

(2) in paragraph (1) of the first subsection (e) by inserting "including any small navigation project approved pursuant to section 107 of the River and Harbor Act of 1960," after "or separable element thereof,"; and

(3) in paragraph (1)(A) of the first subsection (e) by inserting "(or, in the case of a small navigation project, after completion of a favorable project report by the Corps of Engineers)" after "authorization of the project".

33 USC 2309a.

SEC. 304. PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.

(a) REVIEW OF PROJECT OPERATIONS.—Section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note), is amended by striking "before the date of enactment of this Act".

(b) MODIFICATION PROGRAM.—Section 1135(b) of such Act is amended—

(1) by striking "demonstration program in the 5-year period beginning on the date of enactment of this Act" and inserting "program"; and

(2) by striking "before the date of enactment of this Act".

(c) REPORT.—Section 1135(d) of such Act as amended to read as follows:

"(d) BIENNIAL REPORT.—Beginning in 1992 and every 2 years thereafter, the Secretary shall transmit to Congress a report on the results of reviews conducted under subsection (a) and on the program conducted under subsection (b).".

(d) FUNDING.—Section 1135(e) of such Act is amended by striking "$25,000,000 to carry out this section." and inserting "$15,000,000 annually to carry out this section.".

SEC. 305. ABILITY TO PAY.

(a) GENERAL RULE.—Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended to read as follows:

"(m) ABILITY TO PAY.—

"(1) GENERAL RULE.—Any cost-sharing agreement under this section for flood control or agricultural water supply shall be subject to the ability of a non-Federal interest to pay.

"(2) PROCEDURES.—

"(A) IN GENERAL.—The ability of any non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

"(B) LIMITATIONS.—The procedures established pursuant to this subsection shall provide for a reduction in any non-Federal cash contribution required under subsection (a)(2) of this section. In addition, such procedures shall provide for determination of the eligibility of the non-Federal interest for a reduction in the required cash contribution on the basis of local, not statewide, economic and financial data.

"(C) REGULATIONS.—Not later than 1 year after the date of the enactment of this subparagraph, the Secretary shall issue regulations establishing the procedures required by this paragraph.".

(b) CONTINUATION OF EXISTING REGULATIONS.—Regulations issued to carry out section 103(m) of the Water Resources Development Act of 1986 before the date of the enactment of this Act and in effect on such date shall continue in effect until regulations are issued pursuant to paragraph (2)(C) of such section, as added by subsection (a) of this section. 33 USC 2213 note.

SEC. 306. ENVIRONMENTAL PROTECTION MISSION. 33 USC 2316.

(a) GENERAL RULE.—The Secretary shall include environmental protection as one of the primary missions of the Corps of Engineers in planning, designing, constructing, operating, and maintaining water resources projects.

(b) LIMITATION.—Nothing in this section affects—

(1) existing Corps of Engineers' authorities, including its authorities with respect to navigation and flood control;

(2) pending Corps of Engineers permit applications or pending lawsuits involving permits or water resources projects; or

(3) the application of public interest review procedures for Corps of Engineers permits.

SEC. 307. WETLANDS. 33 USC 2317.

(a) GOALS AND ACTION PLAN.—

(1) GOALS.—There is established, as part of the Corps of Engineers water resources development program, an interim goal of no overall net loss of the Nation's remaining wetlands base, as defined by acreage and function, and a long-term goal to increase the quality and quantity of the Nation's wetlands, as defined by acreage and function.

(2) USE OF AUTHORITIES.—The Secretary shall utilize all appropriate authorities, including those to restore and create wetlands, in meeting the interim and long-term goals.

(3) ACTION PLAN.—

(A) DEVELOPMENT.—The Secretary shall develop, in consultation with the Environmental Protection Agency, the

Fish and Wildlife Service, and other appropriate Federal agencies, a wetlands action plan to achieve the goals established by this subsection as soon as possible.

(B) CONTENTS.—The plan shall include and identify actions to be taken by the Secretary in achieving the goals and any new authorities which may be necessary to accelerate attainment of the goals.

(C) COMPLETION DEADLINE.—The Secretary shall complete the plan not later than 1 year after the date of enactment of this Act.

(b) CONSTRUCTED WETLANDS FOR MUD CREEK, ARKANSAS.—Notwithstanding any other provision of law, the Secretary is authorized and directed to establish and carry out a research and pilot project to evaluate and demonstrate—

(1) the use of constructed wetlands for wastewater treatment, and

(2) methods by which such projects contribute—

(A) to meeting the objective of the Federal Water Pollution Control Act to restore and maintain the physical, chemical, and biological integrity of the Nation's waters, and

(B) to attaining the goals established by subsection (a).

The project under this subsection shall be carried out to improve the quality of effluent discharged from publicly owned treatment works operated by the city of Fayetteville, Arkansas, into Mud Creek or its tributaries.

(c) NON-FEDERAL RESPONSIBILITIES.—For the project conducted under subsection (b), the non-Federal interest shall agree—

(1) to provide, without cost to the United States, all lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for construction and subsequent research and demonstration work;

(2) to hold and save the United States free from damages due to construction, operation, and maintenance of the project, except damages due to the fault or negligence of the United States or its contractors; and

(3) to operate and maintain the restored or constructed wetlands in accordance with good management practices; except that nothing in this paragraph shall be construed as precluding a Federal agency from agreeing to operate and maintain the restored or reconstructed wetlands.

The value of the non-Federal lands, easements, rights-of-way, relocations, and dredged material disposal areas provided by the non-Federal interest shall be credited toward the non-Federal share of project design and construction costs. The non-Federal share of project design and construction costs shall be 25 percent.

(d) WETLANDS RESTORATION AND ENHANCEMENT DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT AND IMPLEMENTATION.—The Secretary, in consultation with the Administrator, is authorized to establish and implement a demonstration program for the purpose of determining the feasibility of wetlands restoration, enhancement, and creation as a means of contributing to the goals established by subsection (a).

(2) GOAL.—The goal of the program under this subsection shall be to establish a limited number of demonstration wetlands restoration, enhancement, and creation areas in districts

of the Corps of Engineers for the purpose of evaluating the technical and scientific long-term feasibility of such areas as a means of contributing to the attainment of the goals established by subsection (a). Federal and State land-owning agencies and private parties may contribute to such areas.

(3) FACTORS TO CONSIDER.—In establishing the demonstration program under this subsection, the Secretary shall consider—

(A) past experience with wetlands restoration, enhancement, and creation;

(B) the appropriate means of measuring benefits of compensatory mitigation activities, including enhancement or restoration of existing wetlands or creation of wetlands;

(C) the appropriate geographic scope for which wetlands loss may be offset by restoration, enhancement, and creation efforts;

(D) the technical feasibility and scientific likelihood that wetlands can be successfully restored, enhanced, and created;

(E) means of establishing liability for, and long-term ownership of, wetlands restoration, enhancement, and creation areas; and

(F) responsibilities for short- and long-term project monitoring.

(4) REPORTING.—

(A) TO THE CHIEF OF ENGINEERS.—The district engineer for each district of the Corps of Engineers in which a wetlands restoration, enhancement, and creation area is established under this subsection shall transmit annual reports to the Chief of Engineers describing the amount and value of wetlands restored, enhanced, and created for the area and a summary of whether the area is contributing to the goal established in paragraph (2).

(B) TO CONGRESS.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report evaluating the use of wetlands restoration, enhancement, and creation areas in fulfilling the goal established by paragraph (2), together with recommendations on whether or not to continue use of such areas as a means of meeting the goals established by subsection (a).

(5) EFFECT ON OTHER LAWS.—Nothing in this subsection affects any requirements under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) or section 10 of the Act of March 3, 1899 (33 U.S.C. 403).

(e) TRAINING AND CERTIFICATION OF DELINEATORS.—

(1) IN GENERAL.—The Secretary is authorized to establish a program for the training and certification of individuals as wetlands delineators. As part of such program, the Secretary shall carry out demonstration projects in districts of the Corps of Engineers. The program shall include training and certification of delineators and procedures for expediting consideration and acceptance of delineations performed by certified delineators.

(2) REPORTS.—The Secretary shall transmit to Congress periodic reports concerning the status of the program and any recommendations on improving the content and implementation of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

33 USC 2318.

SEC. 308. FLOOD PLAIN MANAGEMENT.

(a) BENEFIT-COST ANALYSIS.—The Secretary shall not include in the benefit base for justifying Federal flood damage reduction projects—

(1)(A) any new or substantially improved structure (other than a structure necessary for conducting a water-dependent activity) built in the 100-year flood plain with a first floor elevation less than the 100-year flood elevation after July 1, 1991; or

(B) in the case of a county substantially located within the 100-year flood plain, any new or substantially improved structure (other than a structure necessary for conducting a water-dependent activity) built in the 10-year flood plain after July 1, 1991; and

(2) any structure which becomes located in the 100-year flood plain with a first floor elevation less than the 100-year flood elevation or in the 10-year flood plain, as the case may be, by virtue of constrictions placed in the flood plain after July 1, 1991.

(b) COUNTIES SUBSTANTIALLY LOCATED WITHIN 100-YEAR FLOOD PLAIN.—For the purposes of subsection (a), a county is substantially located within the 100-year flood plain—

(1) if the county is comprised of lands of which 50 percent or more are located in the 100-year flood plain; and

(2) if the Secretary determines that application of the requirement contained in subsection (a)(1)(A) with respect to the county would unreasonably restrain continued economic development or unreasonably limit the availability of needed flood control measures.

Reports.

(c) COST SHARING.—Not later than January 1, 1992, the Secretary shall transmit to Congress a report on the feasibility and advisability of increasing the non-Federal share of costs for new projects in areas where new or substantially improved structures and other constrictions are built or placed in the 100-year flood plain or the 10-year flood plain, as the case may be, after the initial date of the affected governmental unit's entry into the regular program of the national flood insurance program of the National Flood Insurance Act of 1968.

(d) REGULATIONS.—Not later than 6 months after the date on which a report is transmitted to Congress under subsection (b), the Secretary, in consultation with the Director of the Federal Emergency Management Agency, shall issue regulations to implement subsection (a). Such regulations shall define key terms, such as new or substantially improved structure, constriction, 10-year flood plain, and 100-year flood plain.

(e) APPLICABILITY.—The provisions of this section shall not apply to any project, or separable element thereof, for which a final report of the Chief of Engineers has been forwarded to the Secretary before the last day of the 6-month period beginning on the date on which regulations are issued pursuant to subsection (a) but not later than July 1, 1993.

33 USC 426e note.
Reports.

SEC. 309. SHORELINE PROTECTION.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the advisability of not participating in the planning, implementation, or maintenance of any beach stabilization or renourishment project involving

Federal funds unless the State in which the proposed project will be located has established or committed to establish a beach front management program that includes—

(1) restrictions on new development seaward of an erosion setback line (based on preproject beach size) of at least 30 times the annual erosion rate;

(2) restrictions on construction of new structural stabilization projects, such as seawalls and groins, and their reconstruction if damaged by 50 percent or more;

(3) provisions for the relocation of structures in erosion-prone areas;

(4) provisions to assure public access to beaches stabilized or renourished with Federal funds after January 1, 1991; and

(5) such other provisions as the Secretary may prescribe by regulation to prevent hazardous or environmentally damaging shoreline development.

SEC. 310. RESERVOIR MANAGEMENT. 33 USC 2319.

(a) TECHNICAL ADVISORY COMMITTEE.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall establish for major reservoirs under the jurisdiction of the Corps of Engineers a technical advisory committee to provide to the Secretary and Corps of Engineers recommendations on reservoir monitoring and options for reservoir research. The Secretary shall determine the membership of the committee, except that the Secretary may not appoint more than 6 members and shall ensure a predominance of members with appropriate academic, technical, or scientific qualifications. Members shall serve without pay, and the Secretary shall provide any necessary facilities, staff, and other support services in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.).

(b) PUBLIC PARTICIPATION.—The Secretary shall ensure that, in developing or revising reservoir operating manuals of the Corps of Engineers, the Corps shall provide significant opportunities for public participation, including opportunities for public hearings. The Secretary shall issue regulations to implement this subsection, including a requirement that all appropriate informational materials relating to proposed management decisions of the Corps be made available to the public sufficiently in advance of public hearings. Not later than January 1, 1992, the Secretary shall transmit to Congress a report on measures taken pursuant to this subsection. Regulations. Reports.

SEC. 311. RESERVOIR PROJECT OPERATIONS.

(a) STUDY.—The Secretary shall conduct a study of the operations of reservoir projects which are under the jurisdiction of the Secretary—

(1) to identify the purposes for which each such project is authorized; and

(2) to identify the purposes for which each such project is being operated.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).

SEC. 312. ENVIRONMENTAL DREDGING. 33 USC 1252 note.

(a) OPERATION AND MAINTENANCE OF NAVIGATION PROJECTS.—Whenever necessary to meet the requirements of the Federal Water

Pollution Control Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, may remove, as part of operation and maintenance of a navigation project, contaminated sediments outside the boundaries of and adjacent to the navigation channel.

(b) NONPROJECT SPECIFIC.—

(1) IN GENERAL.—The Secretary may remove contaminated sediments from the navigable waters of the United States for the purpose of environmental enhancement and water quality improvement if such removal is requested by a non-Federal sponsor and the sponsor agrees to pay 50 percent of the cost of such removal.

(2) MAXIMUM AMOUNT.—The Secretary may not expend more than $10,000,000 in a fiscal year to carry out this subsection.

(c) JOINT PLAN REQUIREMENT.—The Secretary may only remove contaminated sediments under subsection (b) in accordance with a joint plan developed by the Secretary and interested Federal, State, and local government officials. Such plan must include an opportunity for public comment, a description of the work to be undertaken, the method to be used for dredged material disposal, the roles and responsibilities of the Secretary and non-Federal sponsors, and identification of sources of funding.

(d) DISPOSAL COSTS.—Costs of disposal of contaminated sediments removed under this section shall be a non-Federal responsibility.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the rights and responsibilities of any person under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

(f) TERMINATION DATE.—This section shall not be effective after the last day of the 5-year period beginning on the date of the enactment of this Act; except that the Secretary may complete any project commenced under this section on or before such last day.

33 USC 2320.

SEC. 313. PROTECTION OF RECREATIONAL AND COMMERCIAL USES.

(a) GENERAL RULE.—In planning any water resources project, the Secretary shall consider the impact of the project on existing and future recreational and commercial uses in the area surrounding the project.

(b) MAINTENANCE.—Whenever the Secretary maintains, repairs, rehabilitates, or reconstructs a water resources project which will result in a change in the configuration of a structure which is a part of such project, the Secretary, to the maximum extent practicable, shall carry out such maintenance, repair, rehabilitation, or reconstruction in a manner which will not adversely affect any recreational use established with respect to such project before the date of such maintenance, repair, rehabilitation, or reconstruction.

(c) MITIGATION.—

(1) IN GENERAL.—If maintenance, repair, rehabilitation, or reconstruction of a water resources project by the Secretary results in a change in the configuration of any structure which is a part of such project and has an adverse effect on a recreational use established with respect to such project before the date of such maintenance, repair, rehabilitation, or reconstruction, the Secretary, to the maximum extent practicable, shall take such actions as may be necessary to restore such recreational use or provide alternative opportunities for comparable recreational use.

(2) MAXIMUM AMOUNT.—The Secretary may not expend more than $2,000,000 in a fiscal year to carry out this subsection.

(3) TERMINATION DATE.—This subsection shall not be effective after the last day of the 5-year period beginning on the date of the enactment of this Act; except that the Secretary may complete any restoration commenced under this subsection on or before such last day.

(d) APPLICABILITY.—

(1) GENERAL RULE.—Subsections (b) and (c) shall apply to maintenance, repair, rehabilitation, or reconstruction for which physical construction is initiated after May 1, 1988.

(2) LIMITATION.—Subsections (b) and (c) shall not apply to any action of the Secretary which is necessary to discontinue the operation of a water resources project.

(e) COST SHARING.—Costs incurred by the Secretary to carry out the objectives of this section shall be allocated to recreation and shall be payable by the beneficiaries of the recreation.

SEC. 314. OPERATION AND MAINTENANCE OF HYDROELECTRIC FACILITIES. 33 USC 2321.

Activities currently performed by personnel under the direction of the Secretary in connection with the operation and maintenance of hydroelectric power generating facilities at Corps of Engineers water resources projects are to be considered as inherently governmental functions and not commercial activities. This section does not prohibit contracting out major maintenance or other functions which are currently contracted out or studying services not directly connected with project maintenance and operations.

SEC. 315. MATTERS TO BE ADDRESSED IN PLANNING.

Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended by inserting "(including preservation and enhancement of the environment)" after "environment".

SEC. 316. HARBOR MAINTENANCE TRUST FUND AMENDMENT.

Section 210(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended by striking "not more than 40 percent" and inserting "up to 100 percent".

SEC. 317. SINGLE ENTITIES. 33 USC 2322.

For purposes of Federal participation in water resource development projects which are to be carried out by the Secretary, benefits which are to be provided to a facility owned by a State (including the District of Columbia and a territory or possession of the United States), county, municipality, or other public entity shall not be treated as benefits to be provided a single owner or single entity. The Secretary shall not treat such a facility as a single owner or single entity for any purpose. District of Columbia.

SEC. 318. TECHNICAL ASSISTANCE TO PRIVATE ENTITIES. 33 USC 2323.

(a) USE OF CORPS RESEARCH AND DEVELOPMENT LABS.—The Secretary is authorized to use Corps of Engineers research and development laboratories to provide research and development assistance to corporations, partnerships, limited partnerships, consortia, public and private foundations, universities, and nonprofit organizations operating within the United States, territories or possessions of the United States, and the Commonwealths of Puerto Rico and the Northern Mariana Islands— Territories.

(1) if the entity furnishes in advance of fiscal obligation by the United States such funds as are necessary to cover any and all costs of such research and development assistance;

(2) if the Secretary determines that the research and development assistance to be provided is within the mission of the Corps of Engineers and is in the public interest;

(3) if the entity has certified to the Secretary that provision of such research and development assistance is not otherwise reasonably and expeditiously obtainable from the private sector; and

(4) if the entity has agreed to hold and save the United States free from any damages due to any such research and development assistance.

(b) CONTRACT.—The Secretary may provide research and development assistance under subsection (a), or any part thereof, by contract.

33 USC 2314a.

(c) TECHNICAL ASSISTANCE PROGRAM.—Section 9 of the Water Resources Development Act of 1988 (102 Stat. 4024; 33 U.S.C. 2314 note) is amended—

(1) in the section heading by striking "**DEMONSTRATION**";

(2) in the first sentence of subsection (a) by striking "to undertake a demonstration program for a 2-year period, which shall begin within 6 months after the date of the enactment of this Act,";

(3) by striking subsection (d); and

(4) by redesignating subsection (e), and any reference thereto, as subsection (d).

SEC. 319. FEES FOR DEVELOPMENT OF STATE WATER PLANS.

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

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

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

"(b) FEES.—

"(1) ESTABLISHMENT AND COLLECTION.—For the purpose of recovering 50 percent of the total cost of providing assistance pursuant to this section, 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.

"(2) PHASE-IN.—The Secretary shall phase in the cost sharing program under this subsection by recovering—

"(A) approximately 10 percent of the total cost of providing assistance in fiscal year 1991;

"(B) approximately 30 percent of the total cost in fiscal year 1992; and

"(C) approximately 50 percent of the total cost in fiscal year 1993 and each succeeding fiscal year.

"(3) DEPOSIT AND USE.—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.".

SEC. 320. CABIN SITE LEASES.

Section 1134(d) of the Water Resources Development Act of 1986 (100 Stat. 4251) is amended by inserting "cabin or trailer and" after "lawfully installed dock or". 16 USC 460d note.

SEC. 321. INFORMATION ON FLOODS AND FLOOD DAMAGES.

Section 206 of the Flood Control Act of 1960 (74 Stat. 500, 33 U.S.C. 709a), is amended—

(1) by redesignating subsection (b), and any reference thereto, as subsection (c); and

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

"(b) FEES.—The Secretary of the Army is authorized to establish and collect fees from Federal agencies and private persons for the purpose of recovering the cost of providing services pursuant to this section. Funds collected pursuant to this section shall be deposited into the account of the Treasury of the United States entitled 'Contributions and Advances, Rivers and Harbor, Corps of Engineers (8862)' and shall be available until expended to carry out this section. No fees shall be collected from State, regional, or local governments or other non-Federal public agencies for services provided pursuant to this section.".

SEC. 322. REDUCED PRICING FOR CERTAIN WATER SUPPLY STORAGE. 33 USC 2324.

(a) PROVISION OF STORAGE SPACE.—If a low income community requests the Secretary to provide water supply storage space in a water resources development project operated by the Secretary and if the amount of space requested is available or could be made available through reallocation of water supply storage space in the project or through modifications to operation of the project, the Secretary may provide such space to the community at a price determined under subsection (c).

(b) MAXIMUM AMOUNT OF STORAGE SPACE.—The maximum amount of water supply storage space which may be provided to a community under this section may not exceed an amount of water supply storage space sufficient to yield 2,000,000 gallons of water per day.

(c) PRICE.—The Secretary shall provide water supply storage space under this section at a price which is the greater of—

(1) the updated construction cost of the project allocated to provide such amount of water supply storage space or $100 per acre foot of storage space, whichever is less; and

(2) the value of the benefits which are lost as a result of providing such water supply storage space.

(d) DETERMINATIONS.—For purposes of subsection (c), the determinations of updated construction costs and value of benefits lost shall be made by the Secretary on the basis of the most recent information available.

(e) INFLATION ADJUSTMENT OF DOLLAR AMOUNT.—The $100 amount set forth in subsection (c) shall be adjusted annually by the Secretary for changes in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics.

(f) NON-FEDERAL RESPONSIBILITIES.—Nothing in this section shall be construed as affecting the responsibility of non-Federal interests to provide operation and maintenance costs assigned to water supply storage provided under this section.

(g) LOW INCOME COMMUNITY DEFINED.—The term "low income community" means a community with a population of less than 20,000 which is located in a county with a per capita income less than the per capita income of two-thirds of the counties in the United States.

TITLE IV—MISCELLANEOUS PROVISIONS

33 USC 1268 note.

SEC. 401. GREAT LAKES REMEDIAL ACTION PLANS.

(a) ASSISTANCE.—The Secretary is authorized to provide technical, planning, and engineering assistance to States and local governments in the development and implementation of remedial action plans for areas of concern in the Great Lakes identified under the Great Lakes Water Quality Agreement of 1978. Non-Federal interests shall contribute 50 percent of the costs of such assistance.

(b) MAXIMUM AMOUNT.—The Secretary may not expend more than $3,000,000 in a fiscal year to carry out this section.

SEC. 402. CROSS FLORIDA BARGE CANAL.

Section 1114 of the Water Resources Development Act of 1986 (16 U.S.C. 460tt; 100 Stat. 4232) is amended to read as follows:

"SEC. 1114. CROSS FLORIDA BARGE CANAL.

"(a) DEAUTHORIZATION.—The barge canal project located between the Gulf of Mexico and the Atlantic Ocean (hereinafter in this section referred to as the 'project'), as described in the Act of July 23, 1942 (56 Stat. 703), shall be deauthorized by operation of law immediately upon the Governor and Cabinet of the State of Florida adopting a resolution specifically agreeing on behalf of the State of Florida (hereinafter in this section referred to as the 'State') to all of the terms of the agreement prescribed in subsection (b).

Intergovernmental relations.

"(b) TRANSFER OF PROJECT LANDS.—Notwithstanding any other provision of law, the Secretary is, subject to the provisions of subsections (d) and (e), directed to transfer to the State all lands and interests in lands acquired by the Secretary and facilities completed for the project in subsection (a), without consideration, if the State agrees to each of the following:

Claims.

"(1) The State shall agree to hold the United States harmless from all claims arising from or through the operations of the lands and facilities conveyed by the United States.

Recreation and recreation areas.

"(2) The State shall agree to preserve and maintain a greenway corridor which shall be open to the public for compatible recreation and conservation activities and which shall be continuous, except for areas referred to in subparagraphs (A) and (C) of this paragraph, along the project route over lands acquired by the Secretary or by the State or State Canal Authority, or lands acquired along the project route in the future by the State or State Canal Authority, to the maximum width possible, as determined in the management plan to be developed by the State for former project lands. Such greenway corridor shall not be less than 300 yards wide, except for the following areas:

"(A) Any area of the project corridor where, as of the date of the enactment of this subparagraph, no land is owned by the State or State Canal Authority.

"(B) Any area of the project corridor where, as of the date of the enactment of this subparagraph, the land owned by the State or State Canal Authority is less than 300 yards wide.

"(C) Any area of the project corridor where a road or bridge crosses the project corridor.

"(3) Consistent with paragraph (2) of this subsection, the State shall create a State park or conservation/recreation area in the lands and interests in lands acquired for the project lying between the Atlantic Ocean and the western boundaries of sections 20 and 29, township 15 south, range 23 east.

National parks. Recreation and recreation areas.

"(4) The State shall agree, consistent with paragraphs (2), (5) and (6) of this subsection, to preserve, enhance, interpret, and manage the water and related land resources of the area containing cultural, fish and wildlife, scenic, and recreational values in the remaining lands and interests in land acquired for the project, lying west of sections 20 and 29, township 15 south, range 23 east, as determined by the State, for the benefit and enjoyment of present and future generations of people and the development of outdoor recreation.

"(5) The State shall agree to pay, from the assets of the State Canal Authority and the Cross Florida Canal Navigation District, including revenues from the sale of former project lands declared surplus by the State management plan, to the counties of Citrus, Clay, Duval, Levy, Marion, and Putnam a minimum aggregate sum of $32,000,000 in cash or, at the option of the counties, payment to be made by conveyance of surplus former project lands selected by the State at current appraised values.

"(6) The State shall agree to provide that, after repayment of all sums due to the counties of Citrus, Clay, Duval, Levy, Marion, and Putnam, the State may use any remaining funds generated from the sale of former project lands declared surplus by the State to acquire the fee title to lands along the project route as to which less than fee title was obtained, or to purchase privately owned lands, or easements over such privately owned lands, lying within the proposed project route, consistent with paragraphs (2), (3), and (4) of this subsection, according to such priorities as are determined in the management plan to be developed by the State for former project lands. Any remaining funds generated from the sale of former project lands declared surplus by the State shall be used for the improvement and management of the greenway corridor consistent with paragraphs (2), (3), and (4) of this subsection.

"(c) ENFORCEMENT.—

Courts.

"(1) REMEDIES AND JURISDICTION.—The United States is directed to vigorously enforce the agreement referred to in subsections (a) and (b) in the courts of the United States and shall be entitled to any remedies in equity or law, including, without limitation, injunctive relief. The court, in issuing any final order in any suit brought pursuant to this subsection, may, in its discretion, award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party. The United States district courts shall have original and exclusive jurisdiction of any action under this subsection.

"(2) STATE REMEDIES.—The State shall be entitled to the same remedies listed in paragraph (1) of this subsection in the courts of the State or of the United States.

"(d) TIME OF TRANSFER.—Actual transfer of lands and management responsibilities under this section shall not occur on the constructed portions of the project lying between the Atlantic Ocean and the Eureka Lock and Dam, inclusive, and between the Gulf of Mexico and the Inglis Lock and Dam, inclusive, until the last day of the 24-month period beginning on the date of the enactment of the Water Resources Development Act of 1990.

"(e) MANAGEMENT PENDING TRANSFER.—In the 24-month period following the date of the enactment of the Water Resources Development Act of 1990, the Secretary shall carry out any and all programmed maintenance on the portions of the project outlined in subsection (d).

"(f) SURVEY.—The exact acreage and legal description of the real property to be transferred pursuant to this section shall be determined by a survey which is satisfactory to the Secretary and to the State. The cost of such survey shall be borne by the State.".

SEC. 403. WAPPINGERS LAKE AND LAKE GEORGE, NEW YORK.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148-49) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(10) Wappingers Lake, New York, for removal of silt and aquatic growth; and

"(11) Lake George, New York, for removal of silt and aquatic growth, stump removal, and the control of pollution.".

33 USC 2232 note.

SEC. 404. DEMONSTRATION OF CONSTRUCTION OF FEDERAL PROJECT BY NON-FEDERAL INTERESTS.

Cooperative agreements.

(a) IN GENERAL.—For purposes of demonstrating the safety benefits and economic efficiencies which would accrue as a consequence of non-Federal management of harbor improvement projects, the Secretary shall enter into agreements with 2 non-Federal interests pursuant to which the non-Federal interests will undertake part or all of a harbor project authorized by law, by utilizing their own personnel or by procuring outside services, if the cost of doing so will not exceed the cost of the Secretary undertaking the project. If proposals for such agreements meet the criteria of section 204 of the Water Resources Development Act of 1986, the agreements shall be entered into not later than 1 year after the date of the enactment of this Act.

Cargo vessels. Passenger vessels.

(b) LIMITATION.—At least 1 project carried out pursuant to this section shall pertain to improvements to a major ship channel which carries a substantial volume of both passenger and cargo traffic.

(c) REPORT.—The Secretary shall transmit to Congress a report regarding the safety benefits and economic efficiencies accrued from entering into agreements with non-Federal interests under this section.

SEC. 405. UPPER MISSISSIPPI RIVER PLAN.

Section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652) is amended—

(1) in paragraph (e)(2) by striking "ten" and inserting "15";

(2) in paragraph (e)(3) by striking "eight" and inserting "13";

(3) in paragraph (e)(4) by striking "nine" and inserting "14";

(4) in paragraph (e)(5) by striking "seven" and inserting "12"; and

(5) in paragraph (f)(2)(A) by striking "ten" and inserting "15".

SEC. 406. CONSTRUCTION OF VIRGIN ISLANDS PROJECTS BY SECRETARY OF THE ARMY. 48 USC 1405c note.

(a) GENERAL RULE.—Upon request of the Governor of the Virgin Islands with respect to a construction project in the Virgin Islands for which Federal financial assistance is available under any law of the United States, the Federal official administering such assistance may make such assistance available to the Secretary instead of the Virgin Islands. The Secretary shall use such assistance to carry out such project in accordance with the provisions of such law.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as relieving the Virgin Islands from complying with any requirements for non-Federal cooperation with respect to a construction project carried out with Federal financial assistance provided to the Secretary pursuant to this section; except that the Secretary shall be responsible for complying with administrative and fiscal requirements associated with utilization of such assistance.

(c) TERMINATION DATE.—Subsection (a) shall not be effective after the last day of the 3-year period beginning on the date of the enactment of this Act; except that the Secretary shall complete construction of any project commenced under subsection (a) before such day.

SEC. 407. VIRGINIA BEACH, VIRGINIA.

(a) LOCAL COOPERATION AGREEMENT EFFECTIVE DATE.—The Secretary shall enter into a local cooperative agreement with the city of Virginia Beach, Virginia, for beach nourishment in accordance with section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j). The local cooperation agreement shall be effective from February 6, 1987.

(b) REIMBURSEMENT.—The Secretary is authorized to reimburse the city of Virginia Beach for the Federal share of beach nourishment in accordance with section 103(c)(5) of the Water Resources Development Act of 1986.

SEC. 408. DECLARATION OF NONNAVIGABILITY FOR PORTIONS OF LAKE ERIE. 33 USC 59bb.

(a) AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries of Lake Erie described in Committee Print 101-48 of the Committee on Public Works and Transportation of the House of Representatives, dated July 1990, are not in the public interest then, subject to subsections (b) and (c) of this section, those portions of Lake Erie, bounded and described in such Committee print, are declared to be nonnavigable waters of the United States.

(b) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—The declaration under subsection (a) shall apply only to those parts of the areas described in the Committee print referred to in subsection (a) which are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina facilities. All such work is subject to all applicable Federal statutes and regulations includ-

ing, but not limited to, sections 9 and 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401 and 403), commonly known as the Rivers and Harbors Appropriations Act of 1899, section 404 of the Federal Water Pollution Control Act, and the National Environmental Policy Act of 1969.

(c) EXPIRATION DATE.—If, 20 years from the date of the enactment of this Act, any area or part thereof described in the Committee print referred to in subsection (a) is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance with the requirements set out in subsection (b), or if work in connection with any activity permitting in subsection (b) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

33 USC 2317 note.

SEC. 409. WETLANDS ENHANCEMENT OPPORTUNITIES.

Not later than January 20, 1992, the Secretary shall transmit to Congress a list which specifically identifies opportunities of enhancing wetlands in connection with construction and operation of water resource projects.

SEC. 410. RAYSTOWN LAKE, PENNSYLVANIA.

The Secretary shall submit to Congress for approval any proposed changes in the allocation of storage for the Raystown Lake project, Pennsylvania, which result from the on-going Raystown Lake reallocation study undertaken by the District Engineer for the Baltimore District. Pending submission to and approval by Congress of the results of the study, the Secretary may not reallocate storage at the project.

SEC. 411. ONONDAGA LAKE, NEW YORK.

(a) MANAGEMENT CONFERENCE.—The Assistant Secretary of the Army for Civil Works, the Administrator of the Environmental Protection Agency, and the Governor of the State of New York, acting jointly, shall convene a management conference for the restoration, conservation, and management of Onondaga Lake, New York. The purposes of the management conference shall include—

(1) the development, in the 2-year period beginning on the date of the enactment of this Act, of a comprehensive restoration, conservation, and management plan for Onondaga Lake that recommends priority corrective actions and compliance schedules for the cleanup of such lake; and

(2) the coordination of the implementation of such plan by the State of New York, the Army Corps of Engineers, the Environmental Protection Agency, and all local agencies, governments, and other groups participating in such management conference.

(b) ADMINISTRATIVE PROVISIONS.—

(1) MEMBERSHIP.—The members of the management conference shall include, at a minimum, the Assistant Secretary of the Army for Civil Works, the Administrator of the Environmental Protection Agency, the Governor of the State of New York, and representatives of—

(A) the attorney general of the State of New York;

(B) Onondaga County, New York; and

(C) the city of Syracuse, New York.

(2) DESIGNATED REPRESENTATIVE.—Any member of the management conference may designate a representative to

attend meetings of the management conference and otherwise represent such member on the management conference.

(3) EX OFFICIO MEMBERS.—The management conference shall have ex officio members which shall include, at a minimum—

(A) the United States Senators from the State of New York; and

(B) each member of the United States House of Representatives within whose congressional district any portion of Onondaga Lake lies.

(4) STANDING COMMITTEES.—The management conference shall have standing committees which shall include, at a minimum—

(A) a Citizens Advisory Committee; and

(B) a Technical Review Committee.

(c) REQUIRED ACTIONS UPON PLAN COMPLETION.—

(1) APPROVAL.—Not later than 120 days after the completion of the plan developed pursuant to subsection (a) and after providing for public review and comment, the Assistant Secretary of the Army for Civil Works and the Administrator of the Environmental Protection Agency shall approve such plan if such plan meets the requirements of this section and if the Governor of the State of New York concurs in such approval.

(2) IMPLEMENTATION.—Upon approval of the plan under this subsection, such plan shall be implemented.

(d) GRANTS.—

(1) IN GENERAL.—The Assistant Secretary of the Army for Civil Works and the Administrator of the Environmental Protection Agency are authorized to make grants to the State of New York to perform activities authorized under this section or to contract for such performance. Such grants may not exceed 70 percent of the costs of such activities and the non-Federal share of such costs shall be provided by non-Federal sources. Administrative services for the development and implementation of the plan approved pursuant to subsection (a) shall be provided by a not-for-profit corporation established for the purpose of assisting with the planning and coordination of the cleanup of Onondaga Lake.

(2) USE OF GRANTS.—To carry out this section, the Governor of the State of New York may, using funds made available pursuant to paragraph (1), make grants for—

(A) research, surveys, administrative services, and studies approved by the management conference as necessary for the development of the plan under this section;

(B) other activities, including administrative services, that are approved by the management conference and are necessary to implement the plan approved by the management conference pursuant to subsection (a); and

(C) gathering data and retaining expert consultants in support of litigation undertaken by the State of New York to compel cleanup or obtain cleanup and damage costs from parties responsible for the pollution of Onondaga Lake, including administrative services.

(3) IN-KIND PAYMENTS.—In-kind payments shall qualify for the purpose of meeting the total non-Federal matching requirements of this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary and the Administrator of the

Environmental Protection Agency such sums as may be necessary to carry out this section.

(f) EFFECT ON LIABILITY.—Grants made under this section shall not relieve from liability any person who would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

33 USC 2239 note.

SEC. 412. ALTERNATIVES TO MUD DUMP SITE FOR DISPOSAL OF DREDGED MATERIAL.

(a) REPORT.—Within 90 days after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to the Congress a final report on the feasibility of designating an alternative site to the Mud Dump Site at a distance not less than 20 miles from the shoreline.

New York. New Jersey.

(b) PLAN.—Within 180 days after the date of the enactment of this Act, the Secretary and the Administrator of the Environmental Protection Agency shall submit to Congress a plan for the long-term management of dredged material from the New York/New Jersey Harbor region. The plan shall include—

(1) an identification of the source, quantities, and characteristics of material to be dredged;

(2) a discussion of potential alternative sites for disposal of dredged material, including the feasibility of altering the boundaries of the Mud Dump Site;

(3) measures to reduce the quantities of dredged material proposed for ocean disposal;

(4) measures to reduce the amount of contaminants in materials proposed to be dredged from the Harbor through source controls and decontamination technology;

(5) a program for monitoring the physical, chemical, and biological effects of dumping dredged material at the Mud Dump Site; and

(6) a study of the characteristics of the bottom sediments, including type and distribution.

New York. New Jersey.

(c) DEMONSTRATION PROJECT.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall implement a demonstration project for disposing on an annual basis up to 10 percent of the material dredged from the New York/New Jersey Harbor region in an environmentally sound manner other than by ocean disposal. Environmentally sound alternatives may include, among others, capping of borrow pits, construction of a containment island, application for landfill cover, habitat restoration, and use of decontamination technology.

(d) MUD DUMP SITE DEFINED.—For purposes of this section, the term "Mud Dump Site" means the area located approximately 5¾ miles east of Sandy Hook, New Jersey, with boundary coordinates of 40 degrees, 23 minutes, 48 seconds North, 73 degrees, 51 minutes, 28 seconds West; 40 degrees, 21 minutes, 48 seconds North, 73 degrees, 50 minutes, 00 seconds West; 40 degrees, 21 minutes, 48 seconds North; 73 degrees, 51 minutes, 28 seconds West; and 40 degrees, 23 minutes, 48 seconds North; 73 degrees, 50 minutes, 00 seconds West.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 1991, $3,000,000 to implement subsection (b) and $1,000,000 to implement subsection (c), and such sums as may be necessary for fiscal year 1992.

(f) REPEAL.—Section 211 of the Water Resources Development Act of 1986 (33 U.S.C. 2239) is repealed.

SEC. 413. ALBEMARLE SOUND-ROANOKE RIVER BASIN, NORTH CAROLINA.

Not later than January 1, 1992, the Secretary shall review the report mandated by section 5 of Public Law 100-589 with respect to project application 83-0747-06, make a determination of the impact of the project in light of such report, and take all action he deems appropriate, including permit modification, notwithstanding any construction that may have occurred.

SEC. 414. RONDOUT CREEK AND WALLKILL RIVER, NEW YORK AND NEW JERSEY.

(a) NON-FEDERAL SHARE.—If the Secretary determines that a design deficiency exists in the North Ellenville portion of the project for flood control, Rondout Creek and Wallkill River and their tributaries, New York and New Jersey, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1181), the non-Federal share of correcting such deficiency shall be the same as the non-Federal share of the project as originally authorized and constructed.

(b) DEADLINE FOR DETERMINATION.—The Secretary must make the determination under subsection (a) not later than the 90th day following the date of the enactment of this Act.

SEC. 415. REGULATION OF DWORSHAK DAM, IDAHO.

(a) JOINT REPORT.—On or before January 1, 1994, or as soon thereafter as reasonably practicable, as part of the joint systems operations review by the Army Corps of Engineers, the Secretary, the Commissioner of the Bureau of Reclamation, and the Administrator of the Bonneville Power Administration shall issue a joint report to Congress on the regulation of Dworshak Dam, Idaho, including the following:

(1) An analysis of the current recreational and transportation usage of Dworshak Reservoir and the potential for such usage given differing operating criteria for the dam.

(2) Identification of the annual time period during which the operating criteria for Dworshak Dam has the greatest impact on recreational and transportation usage of the reservoir.

(3) Recommendations for achieving to the greatest degree the Corps of Engineers' project purposes and suggestions for mitigating any adverse impacts on recreational and transportation usage of the Dworshak Reservoir.

(b) PUBLIC MEETINGS.—The Secretary shall, in cooperation with the Administrator of the Bonneville Power Administration, conduct public meetings in the vicinity of Dworshak Dam, Idaho, for the purpose of keeping the public informed about projected drawdowns of Dworshak Reservoir and the reasons for such drawdowns.

SEC. 416. SOUTHEAST LIGHT ON BLOCK ISLAND, RHODE ISLAND.

(a) RELOCATION.—The Secretary shall relocate the Southeast Light on Block Island, Rhode Island, to a more suitable location on such island.

(b) TERMS, CONDITIONS, AND OBLIGATIONS.—Nothing in this section shall be construed as relieving any person operating the Southeast Light on Block Island of any term, condition, or obligation to which such person is subject with respect to such operation on the day before the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section the lesser of

$970,000 or 50 percent of the total cost of relocating the southeast light.

33 USC 2313 note.

SEC. 417. MAGNETIC LEVITATION TECHNOLOGY.

(a) RESEARCH AND DEVELOPMENT.—The Secretary is authorized, in cooperation with the Secretary of Transportation, to conduct research and development activities on magnetic levitation technology or to provide for such research and development.

(b) COLLABORATION.—The Secretary is authorized to collaborate with non-Federal entities (including State and local governments, colleges and universities, and corporations, partnerships, sole proprietorships, and trade associations which are incorporated or established under laws of a State or the District of Columbia) in carrying out research and development on magnetic levitation technology.

(c) COOPERATIVE RESEARCH CONTRACTS.—In carrying out this section, the Secretary may enter into contracts or cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a), except that the Secretary may fund up to 50 percent of the cost of each collaborative research and development project undertaken.

(d) LICENSING OF RESEARCH AND DEVELOPMENT.—The research, development, and use of any technology developed under an agreement entered into pursuant to this section, including the terms under which such technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701-3714). In addition, the Secretary may require the non-Federal entity to certify that such research and development will be performed substantially in the United States and that products embodying inventions made under an agreement entered into pursuant to this section or produced through the use of such inventions will be manufactured substantially in the United States.

(e) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there is authorized to be appropriated $1,000,000 for fiscal year 1990 and $4,000,000 for fiscal year 1991. Such funds shall remain available until expended. No funds are authorized to be appropriated under this section for any fiscal year beginning after September 30, 1991.

SEC. 418. RIVERSIDE, CALIFORNIA.

If the holder and owner of a leasehold mineral and royalty interest in the existing Prado Flood Control Basin in Riverside, California, requests the Administrator of General Services to exchange such interest for excess Federal property, the Administrator shall acquire such interest by exchange of excess Federal property. Such acquisition must be completed not later than 270 days after the date of such request. The Administrator shall undertake an evaluation and appraisal of an interest to be acquired under this section.

SEC. 419. BUY AMERICAN.

(a) STUDY.—The Secretary shall conduct a study of the requirements of the use of materials and products produced in the United States as they apply to water resource projects carried out by the Secretary for the purpose of determining whether or not such requirements are meeting the objectives for which they are being

imposed and whether or not additional requirements are necessary to meet such objectives.

(b) REVIEW.—The study under this section shall include a review of the application of existing requirements and a description of the types and amounts of domestic and foreign materials and products used in water resource projects administered by the Secretary.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with recommendations for any modifications to requirements described in subsection (a).

SEC. 420. SENSE OF CONGRESS.

It is the sense of Congress that priority consideration will be given to the authorization of water resources development projects which are recommended by the Chief of Engineers in reports completed after the date of the enactment of this Act.

SEC. 421. WOODLAWN BEACH, HAMBURG, NEW YORK.

(a) DEMONSTRATION PROJECT.—The Administrator of the Environmental Protection Agency is authorized to undertake a demonstration project to eliminate contamination of the waters in the vicinity of Woodlawn Beach, Hamburg, New York, from nonpoint sources of pollution resulting from surface runoff and septic system contamination entering Rush and Blasdell Creeks. The project shall include control of sources of pollution, relocation of Rush and Blasdell Creeks, and construction of a settling pond.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of the project under this section shall be 50 percent.

Approved November 28, 1990.

LEGISLATIVE HISTORY—S. 2740 (H.R. 5314):

HOUSE REPORTS: No. 101-705 accompanying H.R. 5314 (Comm. on Public Works and Transportation) and No. 101-966 (Comm. of Conference).
SENATE REPORTS: No. 101-333 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 136 (1990):
Aug. 1, considered and passed Senate.
Sept. 26, H.R. 5314 considered and passed House; S. 2740, amended, passed in lieu.
Oct. 27, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 26 (1990):
Nov. 28, Presidential statement.