

Union Calendar No. 94

109TH CONGRESS
1ST SESSION

H. R. 2864

[Report No. 109-154]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2005

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

JUNE 24, 2005

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on June 13, 2005]

A BILL

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

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

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“Water Resources Development Act of 2005”.*

6 (b) *TABLE OF CONTENTS.*—

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.

Sec. 1002. Small projects for flood damage reduction.

Sec. 1003. Small projects for emergency streambank protection.

Sec. 1004. Small projects for navigation.

Sec. 1005. Small projects for improvement of the quality of the environment.

Sec. 1006. Small projects for aquatic ecosystem restoration.

Sec. 1007. Small projects for shoreline protection.

Sec. 1008. Small projects for snagging and sediment removal.

TITLE II—GENERAL PROVISIONS

Sec. 2001. Non-Federal contributions.

Sec. 2002. Harbor cost sharing.

Sec. 2003. Funding to process permits.

Sec. 2004. National shoreline erosion control development and demonstration pro-
gram.

Sec. 2005. Small shore and beach restoration and protection projects.

Sec. 2006. Written agreement for water resources projects.

Sec. 2007. Assistance for remediation, restoration, and reuse.

Sec. 2008. Compilation of laws.

Sec. 2009. Dredged material disposal.

Sec. 2010. Wetlands mitigation.

Sec. 2011. Remote and subsistence harbors.

Sec. 2012. Beneficial uses of dredged material.

Sec. 2013. Cost-sharing provisions for certain areas.

Sec. 2014. Revision of project partnership agreement.

Sec. 2015. Cost sharing.

Sec. 2016. Credit for work performed before partnership agreement.

Sec. 2017. Recreation user fee revenues.

Sec. 2018. Expedited actions for emergency flood damage reduction.

Sec. 2019. Watershed and river basin assessments.

Sec. 2020. Tribal partnership program.

Sec. 2021. Wildfire firefighting.

Sec. 2022. Credit for nonconstruction services.

Sec. 2023. Technical assistance.

Sec. 2024. Coordination and scheduling of Federal, State, and local actions.

Sec. 2025. Project streamlining.

Sec. 2026. Lakes program.

- Sec. 2027. Mitigation for fish and wildlife losses.*
- Sec. 2028. Cooperative agreements.*
- Sec. 2029. Project planning.*
- Sec. 2030. Independent peer review.*
- Sec. 2031. Training funds.*
- Sec. 2032. Access to water resource data.*
- Sec. 2033. Shore protection projects.*
- Sec. 2034. Ability to pay.*
- Sec. 2035. Aquatic ecosystem restoration.*
- Sec. 2036. Small flood damage reduction projects.*
- Sec. 2037. Leasing authority.*
- Sec. 2038. Cost estimates.*
- Sec. 2039. Studies and reports for water resources projects.*
- Sec. 2040. Fiscal transparency report.*

TITLE III—PROJECT-RELATED PROVISIONS

- Sec. 3001. King Cove Harbor, Alaska.*
- Sec. 3002. St. Paul Harbor, St. Paul Island, Alaska.*
- Sec. 3003. Sitka, Alaska.*
- Sec. 3004. Tatitlek, Alaska.*
- Sec. 3005. Grand Prairie Region and Bayou Meto basin, Arkansas.*
- Sec. 3006. Osceola Harbor, Arkansas.*
- Sec. 3007. Pine Mountain Dam, Arkansas.*
- Sec. 3008. Saint Francis Basin, Arkansas.*
- Sec. 3009. American River Watershed, California.*
- Sec. 3010. Compton Creek, California.*
- Sec. 3011. Grayson Creek/Murderer's Creek, California.*
- Sec. 3012. Hamilton Airfield, California.*
- Sec. 3013. John F. Baldwin Ship Channel and Stockton Ship Channel, California.*
- Sec. 3014. Kaweah River, California.*
- Sec. 3015. Larkspur Ferry Channel, Larkspur, California.*
- Sec. 3016. Llagas Creek, California.*
- Sec. 3017. Los Angeles Harbor, California.*
- Sec. 3018. Magpie Creek, California.*
- Sec. 3019. Pacific Flyway Center, Sacramento, California.*
- Sec. 3020. Pinole Creek, California.*
- Sec. 3021. Prado Dam, California.*
- Sec. 3022. Sacramento and American Rivers Flood Control, California.*
- Sec. 3023. Sacramento Deep Water Ship Channel, California.*
- Sec. 3024. Sacramento River, Glenn-Colusa, California.*
- Sec. 3025. Santa Cruz Harbor, California.*
- Sec. 3026. Seven Oaks Dam, California.*
- Sec. 3027. Upper Guadalupe River, California.*
- Sec. 3028. Walnut Creek Channel, California.*
- Sec. 3029. Wildcat/San Pablo Creek Phase I, California.*
- Sec. 3030. Wildcat/San Pablo Creek Phase II, California.*
- Sec. 3031. Yuba River Basin project, California.*
- Sec. 3032. Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland.*
- Sec. 3033. Brevard County, Florida.*
- Sec. 3034. Broward County and Hillsboro Inlet, Florida.*
- Sec. 3035. Canaveral Harbor, Florida.*
- Sec. 3036. Gasparilla and Estero Islands, Florida.*

- Sec. 3037. *Jacksonville Harbor, Florida.*
- Sec. 3038. *Lido Key Beach, Sarasota, Florida.*
- Sec. 3039. *Miami Harbor, Florida.*
- Sec. 3040. *Peanut Island, Florida.*
- Sec. 3041. *Tampa Harbor-Big Bend Channel, Florida.*
- Sec. 3042. *Tampa Harbor Cut B, Florida.*
- Sec. 3043. *Allatoona Lake, Georgia.*
- Sec. 3044. *Latham River, Glynn County, Georgia.*
- Sec. 3045. *Dworshak Dam and Reservoir improvements, Idaho.*
- Sec. 3046. *Beardstown Community Boat Harbor, Beardstown, Illinois.*
- Sec. 3047. *Cache River Levee, Illinois.*
- Sec. 3048. *Chicago River, Illinois.*
- Sec. 3049. *Chicago Sanitary and Ship Canal, Illinois.*
- Sec. 3050. *Emiquon, Illinois.*
- Sec. 3051. *LaSalle, Illinois.*
- Sec. 3052. *Spunky Bottoms, Illinois.*
- Sec. 3053. *Fort Wayne and vicinity, Indiana.*
- Sec. 3054. *Koontz Lake, Indiana.*
- Sec. 3055. *Little Calumet River, Indiana.*
- Sec. 3056. *White River, Indiana.*
- Sec. 3057. *Des Moines River and Greenbelt, Iowa.*
- Sec. 3058. *Prestonsburg, Kentucky.*
- Sec. 3059. *Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed.*
- Sec. 3060. *Atchafalaya Basin, Louisiana.*
- Sec. 3061. *Bayou Plaquemine, Louisiana.*
- Sec. 3062. *Atchafalaya Basin Floodway System, Louisiana.*
- Sec. 3063. *J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana.*
- Sec. 3064. *Mississippi Delta Region, Louisiana.*
- Sec. 3065. *New Orleans to Venice, Louisiana.*
- Sec. 3066. *West bank of the Mississippi River (East of Harvey Canal), Louisiana.*
- Sec. 3067. *Camp Ellis, Saco, Maine.*
- Sec. 3068. *Union River, Maine.*
- Sec. 3069. *Gwynns Falls Watershed, Baltimore, Maryland.*
- Sec. 3070. *Boston Harbor, Massachusetts.*
- Sec. 3071. *Detroit River Shoreline, Detroit, Michigan.*
- Sec. 3072. *St. Joseph Harbor, Michigan.*
- Sec. 3073. *Sault Sainte Marie, Michigan.*
- Sec. 3074. *Ada, Minnesota.*
- Sec. 3075. *Duluth Harbor, McQuade Road, Minnesota.*
- Sec. 3076. *Grand Portage Harbor, Minnesota.*
- Sec. 3077. *Granite Falls, Minnesota.*
- Sec. 3078. *Knife River Harbor, Minnesota.*
- Sec. 3079. *Red Lake River, Minnesota.*
- Sec. 3080. *Silver Bay, Minnesota.*
- Sec. 3081. *Taconite Harbor, Minnesota.*
- Sec. 3082. *Two Harbors, Minnesota.*
- Sec. 3083. *Deer Island, Harrison County, Mississippi.*
- Sec. 3084. *Pearl River Basin, Mississippi.*
- Sec. 3085. *Festus and Crystal City, Missouri.*
- Sec. 3086. *Monarch-Chesterfield, Missouri.*
- Sec. 3087. *River Des Peres, Missouri.*
- Sec. 3088. *Antelope Creek, Lincoln, Nebraska.*

- Sec. 3089. *Sand Creek watershed, Wahoo, Nebraska.*
- Sec. 3090. *Lower Cape May Meadows, Cape May Point, New Jersey.*
- Sec. 3091. *Passaic River Basin flood management, New Jersey.*
- Sec. 3092. *Buffalo Harbor, New York.*
- Sec. 3093. *Orchard Beach, Bronx, New York.*
- Sec. 3094. *Port of New York and New Jersey, New York and New Jersey.*
- Sec. 3095. *New York State Canal System.*
- Sec. 3096. *Lower Girard Lake Dam, Ohio.*
- Sec. 3097. *Mahoning River, Ohio.*
- Sec. 3098. *Arcadia Lake, Oklahoma.*
- Sec. 3099. *Waurika Lake, Oklahoma.*
- Sec. 3100. *Willamette River temperature control, McKenzie Subbasin, Oregon.*
- Sec. 3101. *Delaware River, Pennsylvania, New Jersey, and Delaware.*
- Sec. 3102. *Raystown Lake, Pennsylvania.*
- Sec. 3103. *Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania.*
- Sec. 3104. *Solomon's Creek, Wilkes-Barre, Pennsylvania.*
- Sec. 3105. *South Central Pennsylvania.*
- Sec. 3106. *Wyoming Valley, Pennsylvania.*
- Sec. 3107. *Cedar Bayou, Texas.*
- Sec. 3108. *Freeport Harbor, Texas.*
- Sec. 3109. *Johnson Creek, Arlington, Texas.*
- Sec. 3110. *Lake Kemp, Texas.*
- Sec. 3111. *Lower Rio Grande Basin, Texas.*
- Sec. 3112. *North Padre Island, Corpus Christi Bay, Texas.*
- Sec. 3113. *Pat Mayse Lake, Texas.*
- Sec. 3114. *Proctor Lake, Texas.*
- Sec. 3115. *San Antonio Channel, San Antonio, Texas.*
- Sec. 3116. *James River, Virginia.*
- Sec. 3117. *Lee, Russell, Scott, Smyth, Tazewell, and Wise Counties, Virginia.*
- Sec. 3118. *Tangier Island Seawall, Virginia.*
- Sec. 3119. *Duwamish/Green, Washington.*
- Sec. 3120. *Yakima River, Port of Sunnyside, Washington.*
- Sec. 3121. *Greenbrier River Basin, West Virginia.*
- Sec. 3122. *Lesage/Greenbottom Swamp, West Virginia.*
- Sec. 3123. *Northern West Virginia.*
- Sec. 3124. *Manitowoc Harbor, Wisconsin.*
- Sec. 3125. *Mississippi River headwaters reservoirs.*
- Sec. 3126. *Continuation of project authorizations.*
- Sec. 3127. *Project reauthorizations.*
- Sec. 3128. *Project deauthorizations.*
- Sec. 3129. *Land conveyances.*
- Sec. 3130. *Extinguishment of reversionary interests and use restrictions.*

TITLE IV—STUDIES

- Sec. 4001. *John Glenn Great Lakes Basin program.*
- Sec. 4002. *Lake Erie dredged material disposal sites.*
- Sec. 4003. *Southwestern United States drought study.*
- Sec. 4004. *Upper Mississippi River comprehensive plan.*
- Sec. 4005. *Knik Arm, Cook Inlet, Alaska.*
- Sec. 4006. *Kuskokwim River, Alaska.*
- Sec. 4007. *St. George Harbor, Alaska.*
- Sec. 4008. *Susitna River, Alaska.*
- Sec. 4009. *Gila Bend, Maricopa, Arizona.*

- Sec. 4010. Searcy County, Arkansas.*
Sec. 4011. Dry Creek Valley, California.
Sec. 4012. Elkhorn Slough estuary, California.
Sec. 4013. Fresno, Kings, and Kern Counties, California.
Sec. 4014. Los Angeles River, California.
Sec. 4015. Lytle Creek, Rialto, California.
Sec. 4016. Mokelumne River, San Joaquin County, California.
Sec. 4017. Napa River, St. Helena, California.
Sec. 4018. Orick, California.
Sec. 4019. Rialto, Fontana, and Colton, California.
Sec. 4020. Sacramento River, California.
Sec. 4021. San Diego County, California.
Sec. 4022. San Francisco Bay, Sacramento-San Joaquin Delta, California.
Sec. 4023. South San Francisco Bay shoreline study, California.
Sec. 4024. Twentynine Palms, California.
Sec. 4025. Yucca Valley, California.
Sec. 4026. Boulder Creek, Boulder, Colorado.
Sec. 4027. Roaring Fork River, Basalt, Colorado.
Sec. 4028. Delaware and Christina Rivers and Shellpot Creek, Wilmington, Delaware.
Sec. 4029. Collier County beaches, Florida.
Sec. 4030. Vanderbilt Beach Lagoon, Florida.
Sec. 4031. Meriwether County, Georgia.
Sec. 4032. Tybee Island, Georgia.
Sec. 4033. Kaukonahua-Helemano watershed, Oahu, Hawaii.
Sec. 4034. West Maui, Maui, Hawaii.
Sec. 4035. Boise River, Idaho.
Sec. 4036. Ballard's Island Side Channel, Illinois.
Sec. 4037. Chicago, Illinois.
Sec. 4038. South Branch, Chicago River, Chicago, Illinois.
Sec. 4039. Utica, Illinois.
Sec. 4040. Lake and Porter Counties, Indiana.
Sec. 4041. Salem, Indiana.
Sec. 4042. Buckhorn Lake, Kentucky.
Sec. 4043. Dewey Lake, Kentucky.
Sec. 4044. Louisville, Kentucky.
Sec. 4045. Bastrop-Morehouse Parish, Louisiana.
Sec. 4046. Offshore oil and gas fabrication ports, Louisiana.
Sec. 4047. Vermilion River, Louisiana.
Sec. 4048. West Feliciana Parish, Louisiana.
Sec. 4049. Patapsco River, Maryland.
Sec. 4050. Fall River Harbor, Massachusetts and Rhode Island.
Sec. 4051. Hamburg and Green Oak Townships, Michigan.
Sec. 4052. St. Clair River, Michigan.
Sec. 4053. Duluth-Superior Harbor, Minnesota and Wisconsin.
Sec. 4054. Wild Rice River, Minnesota.
Sec. 4055. Mississippi coastal area, Mississippi.
Sec. 4056. Northeast Mississippi.
Sec. 4057. St. Louis, Missouri.
Sec. 4058. Dredged material disposal, New Jersey.
Sec. 4059. Bayonne, New Jersey.
Sec. 4060. Carteret, New Jersey.
Sec. 4061. Elizabeth River, Elizabeth, New Jersey.
Sec. 4062. Gloucester County, New Jersey.
Sec. 4063. Perth Amboy, New Jersey.

- Sec. 4064. Wreck Pond, Monmouth County, New Jersey.*
Sec. 4065. Batavia, New York.
Sec. 4066. Big Sister Creek, Evans, New York.
Sec. 4067. East Chester Bay, Turtle Cove, New York.
Sec. 4068. Finger Lakes, New York.
Sec. 4069. Hudson-Raritan Estuary, New York and New Jersey.
Sec. 4070. Lake Erie Shoreline, Buffalo, New York.
Sec. 4071. Newtown Creek, New York.
Sec. 4072. Niagara River, New York.
Sec. 4073. Upper Delaware River watershed, New York.
Sec. 4074. Lincoln County, North Carolina.
Sec. 4075. Wilkes County, North Carolina.
Sec. 4076. Yadkinville, North Carolina.
Sec. 4077. Cincinnati, Ohio.
Sec. 4078. Euclid, Ohio.
Sec. 4079. Lake Erie, Ohio.
Sec. 4080. Ohio River, Ohio.
Sec. 4081. Sutherlin, Oregon.
Sec. 4082. Tillamook Bay and Bar, Oregon.
Sec. 4083. Ecosystem restoration and fish passage improvements, Oregon.
Sec. 4084. Walla Walla River Basin, Oregon.
Sec. 4085. Chartiers Creek watershed, Pennsylvania.
Sec. 4086. Kinzua Dam and Allegheny Reservoir, Pennsylvania.
Sec. 4087. North Central Pennsylvania.
Sec. 4088. Northampton and Lehigh Counties streams, Pennsylvania.
Sec. 4089. Western Pennsylvania flood damage reduction.
Sec. 4090. Williamsport, Pennsylvania.
Sec. 4091. Yardley Borough, Pennsylvania.
Sec. 4092. Rio Valenciano, Juncos, Puerto Rico.
Sec. 4093. Crooked Creek, Bennettsville, South Carolina.
Sec. 4094. Broad River, York County, South Carolina.
Sec. 4095. Georgetown and Williamsburg Counties, South Carolina.
Sec. 4096. Chattanooga, Tennessee.
Sec. 4097. Cleveland, Tennessee.
Sec. 4098. Cumberland River, Nashville, Tennessee.
Sec. 4099. Lewis, Lawrence, and Wayne Counties, Tennessee.
Sec. 4100. Wolf River and Nonconnah Creek, Memphis Tennessee.
Sec. 4101. Abilene, Texas.
Sec. 4102. Coastal Texas ecosystem protection and restoration, Texas.
Sec. 4103. Fort Bend County, Texas.
Sec. 4104. Harris County, Texas.
Sec. 4105. Port of Galveston, Texas.
Sec. 4106. Roma Creek, Texas.
Sec. 4107. Walnut Creek, Texas.
Sec. 4108. Grand County and Moab, Utah.
Sec. 4109. Southwestern Utah.
Sec. 4110. Chowan River Basin, Virginia and North Carolina.
Sec. 4111. James River, Richmond, Virginia.
Sec. 4112. Elliott Bay Seawall, Seattle, Washington.
Sec. 4113. Monongahela River Basin, Northern West Virginia.
Sec. 4114. Kenosha Harbor, Wisconsin.
Sec. 4115. Wauwatosa, Wisconsin.

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 5001. Maintenance of navigation channels.*
Sec. 5002. Watershed management.
Sec. 5003. Dam safety.
Sec. 5004. Structural integrity evaluations.
Sec. 5005. Flood mitigation priority areas.
Sec. 5006. Additional assistance for authorized projects.
Sec. 5007. Expedited completion of reports and construction for certain projects.
Sec. 5008. Expedited completion of reports for certain projects.
Sec. 5009. Southeastern water resources assessment.
Sec. 5010. Upper Mississippi River environmental management program.
Sec. 5011. Missouri and Middle Mississippi Rivers enhancement project.
Sec. 5012. Great Lakes fishery and ecosystem restoration.
Sec. 5013. Great Lakes remedial action plans and sediment remediation.
Sec. 5014. Great Lakes tributary model.
Sec. 5015. Susquehanna, Delaware, and Potomac River Basins.
Sec. 5016. Chesapeake Bay Environmental Restoration and Protection Program.
Sec. 5017. Chesapeake Bay oyster restoration.
Sec. 5018. Hypoxia assessment.
Sec. 5019. Potomac River Watershed Assessment and Tributary Strategy Evaluation and Monitoring Program.
Sec. 5020. Lock and dam security.
Sec. 5021. Pinhook Creek, Huntsville, Alabama.
Sec. 5022. Tallapoosa, Alabama.
Sec. 5023. Alaska.
Sec. 5024. Barrow, Alaska.
Sec. 5025. Coffman Cove, Alaska.
Sec. 5026. Fort Yukon, Alaska.
Sec. 5027. Kotzebue Harbor, Alaska.
Sec. 5028. Lowell Creek Tunnel, Seward, Alaska.
Sec. 5029. St. Herman and St. Paul Harbors, Kodiak, Alaska.
Sec. 5030. Tanana River, Alaska.
Sec. 5031. Valdez, Alaska.
Sec. 5032. Whittier, Alaska.
Sec. 5033. Wrangell Harbor, Alaska.
Sec. 5034. Augusta and Clarendon, Arkansas.
Sec. 5035. Des Arc levee protection, Arkansas.
Sec. 5036. Helena and vicinity, Arkansas.
Sec. 5037. Loomis Landing, Arkansas.
Sec. 5038. St. Francis River Basin, Arkansas and Missouri.
Sec. 5039. White River basin, Arkansas.
Sec. 5040. Cambria, California.
Sec. 5041. Contra Costa Canal, Oakley and Knightsen, California; Mallard Slough, Pittsburg, California.
Sec. 5042. Dana Point Harbor, California.
Sec. 5043. East San Joaquin County, California.
Sec. 5044. Eastern Santa Clara Basin, California.
Sec. 5045. Pine Flat Dam and Reservoir, California.
Sec. 5046. Sacramento deep water ship channel, California.
Sec. 5047. San Francisco, California.
Sec. 5048. San Francisco, California, waterfront area.
Sec. 5049. Santa Venetia, California.
Sec. 5050. Stockton, California.
Sec. 5051. Victor V. Veysey Dam, California.

- Sec. 5052. *Whittier, California.*
- Sec. 5053. *Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.*
- Sec. 5054. *Christina River shipwreck, Delaware.*
- Sec. 5055. *Anacostia River, District of Columbia, Maryland, and Virginia.*
- Sec. 5056. *Florida Keys water quality improvements.*
- Sec. 5057. *Lake Worth, Florida.*
- Sec. 5058. *Lake Lanier, Georgia.*
- Sec. 5059. *Riley Creek Recreation Area, Idaho.*
- Sec. 5060. *Reconstruction of Illinois flood protection projects.*
- Sec. 5061. *Kaskaskia River Basin, Illinois, restoration.*
- Sec. 5062. *Floodplain mapping, Little Calumet River, Chicago, Illinois.*
- Sec. 5063. *Natalie Creek, Midlothian and Oak Forest, Illinois.*
- Sec. 5064. *Illinois River basin restoration.*
- Sec. 5065. *Promontory Point, Lake Michigan, Illinois.*
- Sec. 5066. *Burns Waterway Harbor, Indiana.*
- Sec. 5067. *Calumet region, Indiana.*
- Sec. 5068. *Floodplain mapping, Missouri River, Iowa.*
- Sec. 5069. *Rathbun Lake, Iowa.*
- Sec. 5070. *Cumberland River basin, Kentucky.*
- Sec. 5071. *Louisville, Kentucky.*
- Sec. 5072. *Mayfield Creek and tributaries, Kentucky.*
- Sec. 5073. *North Fork, Kentucky River, Breathitt County, Kentucky.*
- Sec. 5074. *Paducah, Kentucky.*
- Sec. 5075. *Southern and eastern Kentucky.*
- Sec. 5076. *Winchester, Kentucky.*
- Sec. 5077. *Baton Rouge, Louisiana.*
- Sec. 5078. *Calcasieu Ship Channel, Louisiana.*
- Sec. 5079. *Cross Lake, Shreveport, Louisiana.*
- Sec. 5080. *West Baton Rouge Parish, Louisiana.*
- Sec. 5081. *Charlestown, Maryland.*
- Sec. 5082. *Delmarva Conservation Corridor, Maryland and Delaware.*
- Sec. 5083. *Massachusetts dredged material disposal sites.*
- Sec. 5084. *Ontonagon Harbor, Michigan.*
- Sec. 5085. *St. Clair River and Lake St. Clair, Michigan.*
- Sec. 5086. *Crookston, Minnesota.*
- Sec. 5087. *Garrison and Kathio Township, Minnesota.*
- Sec. 5088. *Minneapolis, Minnesota.*
- Sec. 5089. *Northeastern Minnesota.*
- Sec. 5090. *Harrison, Hancock, and Jackson Counties, Mississippi.*
- Sec. 5091. *Mississippi River, Missouri, and Illinois.*
- Sec. 5092. *St. Louis, Missouri.*
- Sec. 5093. *Acid Brook, Pompton Lakes, New Jersey.*
- Sec. 5094. *Hackensack Meadowlands area, New Jersey.*
- Sec. 5095. *Central New Mexico, New Mexico.*
- Sec. 5096. *Atlantic Coast of New York.*
- Sec. 5097. *College Point, New York City, New York.*
- Sec. 5098. *Flushing Bay and Creek, New York City, New York.*
- Sec. 5099. *Hudson River, New York.*
- Sec. 5100. *Mount Morris Dam, New York.*
- Sec. 5101. *Onondaga Lake, New York.*
- Sec. 5102. *John H. Kerr Dam and Reservoir, North Carolina.*
- Sec. 5103. *Stanly County, North Carolina.*
- Sec. 5104. *W. Kerr Scott Dam and Reservoir, North Carolina.*
- Sec. 5105. *Ohio.*

- Sec. 5106. *Toussaint River, Ohio.*
 Sec. 5107. *Eugene, Oregon.*
 Sec. 5108. *John Day Lock and Dam, Lake Umatilla, Oregon and Washington.*
 Sec. 5109. *Lowell, Oregon.*
 Sec. 5110. *Allegheny County, Pennsylvania.*
 Sec. 5111. *Lehigh River, Lehigh County, Pennsylvania.*
 Sec. 5112. *Northeast Pennsylvania.*
 Sec. 5113. *Upper Susquehanna River Basin, Pennsylvania and New York.*
 Sec. 5114. *Cano Martin Pena, San Juan, Puerto Rico.*
 Sec. 5115. *Beaufort and Jasper Counties, South Carolina.*
 Sec. 5116. *Fritz Landing, Tennessee.*
 Sec. 5117. *J. Percy Priest Dam and Reservoir, Tennessee.*
 Sec. 5118. *Town Creek, Lenoir City, Tennessee.*
 Sec. 5119. *Tennessee River partnership.*
 Sec. 5120. *Upper Mississippi Embayment, Tennessee, Arkansas, and Mississippi.*
 Sec. 5121. *Bosque River watershed, Texas.*
 Sec. 5122. *Dallas Floodway, Dallas, Texas.*
 Sec. 5123. *Harris County, Texas.*
 Sec. 5124. *Onion Creek, Texas.*
 Sec. 5125. *Dyke Marsh, Fairfax County, Virginia.*
 Sec. 5126. *Eastern Shore and southwest Virginia.*
 Sec. 5127. *James River, Virginia.*
 Sec. 5128. *Baker Bay and Ilwaco Harbor, Washington.*
 Sec. 5129. *Hamilton Island campground, Washington.*
 Sec. 5130. *Puget Island, Washington.*
 Sec. 5131. *Willapa Bay, Washington.*
 Sec. 5132. *Bluestone, West Virginia.*
 Sec. 5133. *West Virginia and Pennsylvania flood control.*
 Sec. 5134. *Lower Kanawha River Basin, West Virginia.*
 Sec. 5135. *Central West Virginia.*
 Sec. 5136. *Southern West Virginia.*
 Sec. 5137. *Johnsonville Dam, Johnsonville, Wisconsin.*
 Sec. 5138. *Construction of flood control projects by non-Federal interests.*
 Sec. 5139. *Use of Federal hopper dredge fleet.*

TITLE VI—FLORIDA EVERGLADES

- Sec. 6001. *Hillsboro and Okeechobee Aquifer, Florida.*
 Sec. 6002. *Pilot projects.*
 Sec. 6003. *Maximum cost of projects.*
 Sec. 6004. *Project authorization.*
 Sec. 6005. *Credit.*
 Sec. 6006. *Outreach and assistance.*
 Sec. 6007. *Critical restoration projects.*
 Sec. 6008. *Deauthorizations.*
 Sec. 6009. *Modified water delivery.*

TITLE VII—LOUISIANA COASTAL AREA

- Sec. 7001. *Definitions.*
 Sec. 7002. *Additional Reports.*
 Sec. 7003. *Coastal Louisiana ecosystem protection and restoration task force.*
 Sec. 7004. *Investigations.*
 Sec. 7005. *Construction.*
 Sec. 7006. *Non-Federal cost share.*
 Sec. 7007. *Project justification.*

Sec. 7008. Statutory Construction.

**TITLE VIII—UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY
SYSTEM**

Sec. 8001. Definitions.

Sec. 8002. Navigation improvements and restoration.

Sec. 8003. Authorization of construction of navigation improvements.

Sec. 8004. Ecosystem restoration authorization.

Sec. 8005. Comparable progress.

1 SEC. 2. DEFINITION OF SECRETARY.

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

4 **TITLE I—WATER RESOURCES**
5 **PROJECTS**

6 **SEC. 1001. PROJECT AUTHORIZATIONS.**

7 *Except as otherwise provided in this section, the fol-*
8 *lowing projects for water resources development and con-*
9 *servation and other purposes are authorized to be carried*
10 *out by the Secretary substantially in accordance with the*
11 *plans, and subject to the conditions, described in the respec-*
12 *tive reports designated in this section:*

13 (1) *AKUTAN, ALASKA.—*

14 (A) *IN GENERAL.—The project for naviga-*
15 *tion, Akutan, Alaska: Report of the Chief of En-*
16 *gineers dated December 20, 2004, at a total cost*
17 *of \$19,700,000.*

18 (B) *TREATMENT OF CERTAIN DREDGING.—*
19 *The headlands dredging for the mooring basin*
20 *shall be considered a general navigation feature*

1 *for purposes of estimating the non-Federal share*
2 *of the cost of the project.*

3 (2) *HAINES SMALL BOAT HARBOR, HAINES,*
4 *ALASKA.—The project for navigation, Haines Small*
5 *Boat Harbor, Haines, Alaska: Report of the Chief of*
6 *Engineers dated December 20, 2004, at a total of*
7 *\$12,200,000, with an estimated Federal cost of*
8 *\$9,700,000 and an estimated non-Federal cost of*
9 *\$2,500,000.*

10 (3) *TANQUE VERDE CREEK, ARIZONA.—The*
11 *project for environmental restoration, Tanque Verde*
12 *Creek, Arizona: Report of the Chief of Engineers,*
13 *dated July 22, 2003, at a total cost of \$4,978,000,*
14 *with an estimated Federal cost of \$3,236,000 and an*
15 *estimated non-Federal cost of \$1,742,000.*

16 (4) *VA SHILY' AY AKIMEL, SALT RIVER RESTORA-*
17 *TION, ARIZONA.—The project for ecosystem restora-*
18 *tion, Va Shily' Ay Akimel, Salt River, Arizona: Re-*
19 *port of the Chief of Engineers dated January 3, 2005,*
20 *at a total cost of \$138,968,000, with an estimated*
21 *Federal cost of \$90,129,000 and an estimated non-*
22 *Federal cost of \$48,839,000.*

23 (5) *HAMILTON CITY, CALIFORNIA.—The project*
24 *for flood damage reduction and ecosystem restoration,*
25 *Hamilton City, California: Report of the Chief of En-*

1 *gineers dated December 22, 2004, at a total cost of*
2 *\$50,600,000, with an estimated Federal cost of*
3 *\$33,000,000 and estimated non-Federal cost of*
4 *\$17,600,000.*

5 (6) *IMPERIAL BEACH, CALIFORNIA.—The project*
6 *for storm damage reduction, Imperial Beach, Cali-*
7 *formia: Report of the Chief of Engineers, dated Decem-*
8 *ber 30, 2003, at a total cost of \$11,862,000, with an*
9 *estimated Federal cost of \$7,592,000 and an estimated*
10 *non-Federal cost of \$4,270,000, and at an estimated*
11 *total cost of \$38,004,000 for periodic beach nourish-*
12 *ment over the 50-year life of the project, with an esti-*
13 *mated Federal cost of \$19,002,000 and an estimated*
14 *non-Federal cost of \$19,002,000.*

15 (7) *MATILIJA DAM, VENTURA COUNTY, CALI-*
16 *FORNIA.—The project for ecosystem restoration,*
17 *Matilija Dam and Ventura River Watershed, Ventura*
18 *County, California: Report of the Chief of Engineers*
19 *dated December 20, 2004, at a total cost of*
20 *\$130,335,000, with an estimated Federal cost of*
21 *\$78,973,000 and an estimated non-Federal cost of*
22 *\$51,362,000.*

23 (8) *MIDDLE CREEK, LAKE COUNTY, CALI-*
24 *FORNIA.—The project for ecosystem restoration and*
25 *flood damage reduction, Middle Creek, Lake County,*

1 *California: Report of the Chief of Engineers dated No-*
2 *vember 29, 2004, at a total cost of \$41,793,000, with*
3 *an estimated Federal cost of \$27,256,000 and an esti-*
4 *mated non-Federal cost of \$14,537,000.*

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

6 (A) *IN GENERAL.—The project for ecosystem*
7 *restoration, Napa River Salt Marsh, Nap River,*
8 *California: Report of the Chief of Engineers*
9 *dated December 22, 2004, at a total cost of*
10 *\$100,500,000, with an estimated Federal cost of*
11 *\$64,000,000 and an estimated non-Federal cost*
12 *of \$36,500,000.*

13 (B) *PROJECT FEATURES.—In carrying out*
14 *the project, the Secretary shall include construc-*
15 *tion of a recycled water pipeline extending from*
16 *the Sonoma Valley County Sanitation District*
17 *Waste Water Treatment Plant and the Napa*
18 *Sanitation District Waste Water Treatment*
19 *Plant as part of the project and restoration and*
20 *enhancement of Salt Ponds 1, 1A, 2, and 3.*

21 (10) *SOUTH PLATTE RIVER, DENVER, COLO-*
22 *RADO.—The project for environmental restoration*
23 *Denver County Reach, South Platte River, Denver,*
24 *Colorado: Report of the Chief of Engineers, dated May*
25 *16, 2003, at a total cost of \$18,824,000, with an esti-*

1 *mated Federal cost of \$12,236,000 and an estimated*
2 *non-Federal cost of \$6,588,000.*

3 (11) *MIAMI HARBOR, MIAMI-DADE COUNTY,*
4 *FLORIDA.—*

5 (A) *IN GENERAL.—The project for naviga-*
6 *tion, Miami Harbor, Miami-Dade County, Flor-*
7 *ida: Report of the Chief of Engineers dated April*
8 *25, 2005, at a total cost of \$121,127,000, with an*
9 *estimated Federal cost of \$64,843,000 and an es-*
10 *timated non-Federal cost of \$56,284,000.*

11 (B) *GENERAL REEVALUATION REPORT.—*
12 *The non-Federal share of the cost of the general*
13 *reevaluation report that resulted in the report of*
14 *the Chief of Engineers referred to in subpara-*
15 *graph (A) shall be the same percentage as the*
16 *non-Federal share of cost of construction of the*
17 *project.*

18 (C) *AGREEMENT.—The Secretary shall*
19 *enter into a new partnership with the non-Fed-*
20 *eral interest to reflect the cost sharing required*
21 *by subparagraph (B).*

22 (12) *EAST ST. LOUIS AND VICINITY, ILLINOIS.—*
23 *The project for ecosystem restoration, East St. Louis*
24 *and vicinity, Illinois: Report of the Chief of Engi-*
25 *neers dated December 22, 2004, at a total cost of*

1 \$191,158,000, with an estimated Federal cost of
2 \$123,807,000 and an estimated non-Federal cost of
3 \$67,351,000.

4 (13) *PEORIA RIVERFRONT, ILLINOIS.*—The
5 project for environmental restoration, Peoria River-
6 front, Illinois: Report of the Chief of Engineers, dated
7 July 28, 2003, at a total cost of \$16,000,000, with an
8 estimated Federal cost of \$10,400,000 and an esti-
9 mated non-Federal cost of \$5,600,000.

10 (14) *BAYOU SORREL LOCK, LOUISIANA.*—The
11 project for navigation, Bayou Sorrel Lock, Louisiana:
12 Report of the Chief of Engineers dated January 3,
13 2005, at a total cost of \$9,000,000. The costs of con-
14 struction of the project shall be paid $\frac{1}{2}$ from amounts
15 appropriated from the general fund of the Treasury
16 and $\frac{1}{2}$ from amounts appropriated from the Inland
17 Waterways Trust Fund.

18 (15) *MORGANZA TO THE GULF OF MEXICO, LOU-*
19 *ISIANA.*—

20 (A) *IN GENERAL.*—The project for hurricane
21 and storm damage reduction, Morganza to the
22 Gulf of Mexico, Louisiana: Reports of the Chief
23 of Engineers, dated August 23, 2002, and July
24 22, 2003, at a total cost of \$788,000,000 with an

1 *estimated Federal cost of \$512,200,000 and an*
2 *estimated non-Federal cost of \$275,800,000.*

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

10 (16) *SWOPE PARK INDUSTRIAL AREA, MIS-*
11 *SOURI.—The project for flood damage reduction,*
12 *Swope Park Industrial Area, Missouri: Report of the*
13 *Chief of Engineers, dated December 30, 2003, at a*
14 *total cost of \$15,683,000, with an estimated Federal*
15 *cost of \$10,194,000 and an estimated non-Federal cost*
16 *of \$5,489,000.*

17 (17) *MANASQUAN TO BARNEGAT INLET, NEW*
18 *JERSEY.—The project for hurricane and storm dam-*
19 *age reduction, Manasquan to Barnegat Inlet, New*
20 *Jersey: Report of the Chief of Engineers dated Decem-*
21 *ber 30, 2003, at a total cost of \$65,800,000, with an*
22 *estimated Federal cost of \$42,800,000 and an esti-*
23 *mated non-Federal cost of \$23,000,000, and at an es-*
24 *timated total cost of \$108,000,000 for periodic beach*
25 *nourishment over the 50-year life of the project, with*

1 *an estimated Federal cost of \$54,000,000 and an esti-*
2 *mated non-Federal cost of \$54,000,000.*

3 (18) *SOUTH RIVER, NEW JERSEY.—The project*
4 *for hurricane and storm damage reduction and envi-*
5 *ronmental restoration, South River, New Jersey: Re-*
6 *port of the Chief of Engineers, dated July 22, 2003,*
7 *at a total cost of \$112,623,000, with an estimated*
8 *Federal cost of \$73,205,000 and an estimated non-*
9 *Federal cost of \$39,418,000.*

10 (19) *SOUTHWEST VALLEY, ALBUQUERQUE, NEW*
11 *MEXICO.—The project for flood damage reduction,*
12 *Southwest Valley, Albuquerque, New Mexico: Report*
13 *of the Chief of Engineers dated November 29, 2004, at*
14 *a total cost of \$19,494,000, with an estimated Federal*
15 *cost of \$12,671,000 and an estimated non-Federal cost*
16 *of \$6,823,000.*

17 (20) *CORPUS CHRISTI SHIP CHANNEL, CORPUS*
18 *CHRISTI, TEXAS.—The project for navigation and en-*
19 *vironmental restoration, Corpus Christi Ship Chan-*
20 *nel, Texas, Channel Improvement Project: Report of*
21 *the Chief of Engineers dated June 2, 2003, at a total*
22 *cost of \$172,940,000, with an estimated Federal cost*
23 *of \$80,086,000 and an estimated non-Federal cost of*
24 *\$92,823,000.*

1 (21) *GULF INTRACOASTAL WATERWAY, HIGH IS-*
2 *LAND TO BRAZOS RIVER, TEXAS.—The project for*
3 *navigation, Gulf Intracoastal Waterway, Sabine*
4 *River to Corpus Christi, Texas: Report of the Chief of*
5 *Engineers, dated April 16, 2004, at a total cost of*
6 *\$13,104,000. The costs of construction of the project*
7 *are to be paid 1/2 from amounts appropriated from*
8 *the general fund of the Treasury and 1/2 from*
9 *amounts appropriated from the Inland Waterways*
10 *Trust Fund.*

11 (22) *MATAGORDA BAY, TEXAS.—The project for*
12 *navigation, Gulf Intracoastal Waterway, Brazos*
13 *River to Port O'Connor, Matagorda Bay Re-Route,*
14 *Texas: Report of the Chief of Engineers, dated Decem-*
15 *ber 24, 2002, at a total cost of \$15,960,000. The costs*
16 *of construction of the project are to be paid 1/2 from*
17 *amounts appropriated from the general fund of the*
18 *Treasury and 1/2 from amounts appropriated from*
19 *the Inland Waterways Trust Fund.*

20 (23) *RIVERSIDE OXBOW, FORT WORTH, TEXAS.—*

21 (A) *IN GENERAL.—The project for environ-*
22 *mental restoration, Riverside Oxbow, Fort*
23 *Worth, Texas: Report of the Chief of Engineers*
24 *dated May 29, 2003, at a total cost of*
25 *\$25,200,000, with an estimated Federal cost of*

1 \$10,400,000 and an estimated non-Federal cost
2 of \$14,800,000.

3 (B) CREDIT.—The Secretary shall credit to-
4 ward the non-Federal share of the cost of the
5 project the cost of design and construction work
6 carried out on the Beach Street Dam and associ-
7 ated features by the non-Federal interest before
8 the date of the partnership agreement for the
9 project if the Secretary determines that the work
10 is integral to the project.

11 (24) DEEP CREEK, CHESAPEAKE, VIRGINIA.—The
12 project for the Atlantic Intracoastal Waterway Bridge
13 Replacement, Deep Creek, Chesapeake, Virginia: Re-
14 port of the Chief of Engineers, dated March 3, 2003,
15 at a Federal cost of \$35,573,000.

16 (25) CHEHALIS RIVER, CENTRALIA, WASH-
17 INGTON.—

18 (A) IN GENERAL.—The project for flood
19 damage reduction, Chehalis River, Centralia,
20 Washington: Report of the Chief of Engineers
21 dated September 27, 2004, at a total cost of
22 \$109,850,000, with an estimated Federal cost of
23 \$66,425,000 and an estimated non-Federal cost
24 of \$43,425,000.

25 (B) CREDIT.—The Secretary shall—

1 (i) credit up to \$6,500,000 toward the
2 non-Federal share of the cost of the project
3 for the cost of planning and design work
4 carried out by the non-Federal interest in
5 accordance with the project study plan
6 dated November 28, 1999; and

7 (ii) credit toward the non-Federal
8 share of the cost of the project the cost of de-
9 sign and construction work carried out by
10 the non-Federal interest before the date of
11 the partnership agreement for the project if
12 the Secretary determines that the work is
13 integral to the project.

14 (C) *ADDITIONAL FLOOD STORAGE AT*
15 *SKOOKUMCHUCK DAM.*—The Secretary shall inte-
16 grate into the project the locally preferred plan
17 to provide an additional 9,000 acre-feet of stor-
18 age capacity at Skookumchuck Dam, Wash-
19 ington, upon a determination by the Secretary
20 that providing such additional storage capacity
21 is feasible.

22 **SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUC-**
23 **TION.**

24 (a) *IN GENERAL.*—The Secretary shall conduct a
25 study for each of the following projects and, if the Secretary

1 *determines that a project is feasible, may carry out the*
2 *project under section 205 of the Flood Control Act of 1948*
3 *(33 U.S.C. 701s):*

4 (1) *HALEYVILLE, ALABAMA.—Project for flood*
5 *damage reduction, Haleyville, Alabama.*

6 (2) *WEISS LAKE, ALABAMA.—Project for flood*
7 *damage reduction, Weiss Lake, Alabama.*

8 (3) *CHINO VALLEY WASH, ARIZONA.—Project for*
9 *flood damage reduction, Chino Valley Wash, Arizona.*

10 (4) *LITTLE COLORADO RIVER LEVEE, ARIZONA.—*
11 *Project for flood damage reduction, Little Colorado*
12 *River Levee, Arizona.*

13 (5) *CACHE RIVER BASIN, GRUBBS, ARKANSAS.—*
14 *Project for flood damage reduction, Cache River*
15 *Basin, Grubbs, Arkansas.*

16 (6) *BARREL SPRINGS WASH, PALMDALE, CALI-*
17 *FORNIA.—Project for flood damage reduction, Barrel*
18 *Springs Wash, Palmdale, California.*

19 (7) *BORREGO SPRINGS, CALIFORNIA.—Project for*
20 *flood damage reduction, Borrego Springs, California.*

21 (8) *COLTON, CALIFORNIA.—Project for flood*
22 *damage reduction, Colton, California.*

23 (9) *DUNLAP STREAM, SAN BERNARDINO, CALI-*
24 *FORNIA.—Project for flood damage reduction, Dunlap*
25 *Stream, San Bernardino, California.*

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

4 (11) *WILDWOOD CREEK, YUCAIPA, CALIFORNIA.—*
5 *Project for flood damage reduction, Wildwood Creek,*
6 *Yucaipa, California.*

7 (12) *UTICA AND VICINITY, ILLINOIS.—Project for*
8 *flood damage reduction, Utica and vicinity, Illinois.*

9 (13) *DES MOINES AND RACCOON RIVERS,*
10 *IOWA.—Project for flood damage reduction, Des*
11 *Moines and Raccoon Rivers, Iowa.*

12 (14) *PEABODY, MASSACHUSETTS.—Project for*
13 *flood damage reduction, Peabody, Massachusetts.*

14 (15) *SALEM, MASSACHUSETTS.—Project for flood*
15 *damage reduction, Salem, Massachusetts.*

16 (16) *CASS RIVER, MICHIGAN.—Project for flood*
17 *damage reduction, Cass River, Vassar and vicinity,*
18 *Michigan.*

19 (17) *CROW RIVER, ROCKFORD, MINNESOTA.—*
20 *Project for flood damage reduction, Crow River, Rock-*
21 *ford, Minnesota.*

22 (18) *ITASCA COUNTY, MINNESOTA.—Project for*
23 *flood damage reduction, Trout Lake and Canisteo Pit,*
24 *Itasca County, Minnesota.*

1 (19) *MARSH CREEK, MINNESOTA.—Project for*
2 *flood damage reduction, Marsh Creek, Minnesota.*

3 (20) *ROSEAU RIVER, ROSEAU, MINNESOTA.—*
4 *Project for flood damage reduction, Roseau River,*
5 *Roseau, Minnesota.*

6 (21) *SOUTH BRANCH OF THE WILD RICE RIVER,*
7 *BORUP, MINNESOTA.—Project for flood damage reduc-*
8 *tion, South Branch of the Wild Rice River, Borup,*
9 *Minnesota.*

10 (22) *BLACKSNAKE CREEK, ST. JOSEPH, MIS-*
11 *SOURI.—Project for flood damage reduction, Black-*
12 *snake Creek, St. Joseph, Missouri.*

13 (23) *CANNISTEO RIVER, ADDISON, NEW YORK.—*
14 *Project for flood damage reduction, Cannisteco River,*
15 *Addison, New York.*

16 (24) *COHOCTON RIVER, CAMPBELL, NEW YORK.—*
17 *Project for flood damage reduction, Cohocton River,*
18 *Campbell, New York.*

19 (25) *EAST RIVER, SILVER BEACH, NEW YORK*
20 *CITY, NEW YORK.—Project for flood damage reduction,*
21 *East River, Silver Beach, New York City, New York.*

22 (26) *EAST VALLEY CREEK, ANDOVER, NEW*
23 *YORK.—Project for flood damage reduction, East Val-*
24 *ley Creek, Andover, New York.*

1 (27) *SUNNYSIDE BROOK, WESTCHESTER COUNTY,*
2 *NEW YORK.—Project for flood damage reduction, Sun-*
3 *nyside Brook, Westchester County, New York.*

4 (28) *LITTLE YANKEE RUN, OHIO.—Project for*
5 *flood damage reduction, Little Yankee Run, Ohio.*

6 (29) *LITTLE NESHAMINY CREEK, WARRENTON,*
7 *PENNSYLVANIA.—Project for flood damage reduction,*
8 *Little Neshaminy Creek, Warrenton, Pennsylvania.*

9 (30) *SOUTHAMPTON CREEK WATERSHED, SOUTH-*
10 *AMPTON, PENNSYLVANIA.—Project for flood damage*
11 *reduction, Southampton Creek watershed, South-*
12 *ampton, Pennsylvania.*

13 (31) *SPRING CREEK, LOWER MACUNGIE TOWN-*
14 *SHIP, PENNSYLVANIA.—Project for flood damage re-*
15 *duction, Spring Creek, Lower Macungie Township,*
16 *Pennsylvania.*

17 (32) *YARDLEY AQUEDUCT, SILVER AND BROCK*
18 *CREEKS, YARDLEY, PENNSYLVANIA.—Project for flood*
19 *damage reduction, Yardley Aqueduct, Silver and*
20 *Brock Creeks, Yardley, Pennsylvania.*

21 (33) *SURFSIDE BEACH, SOUTH CAROLINA.—*
22 *Project for flood damage reduction, Surfside Beach*
23 *and vicinity, South Carolina.*

1 (34) CONGELOSI DITCH, MISSOURI CITY,
2 TEXAS.—Project for flood damage reduction,
3 Congelosi Ditch, Missouri City, Texas.

4 (35) DILLEY, TEXAS.—Project for flood damage
5 reduction, Dilley, Texas.

6 (b) SPECIAL RULES.—

7 (1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—
8 The Secretary may proceed with the project for the
9 Cache River Basin, Grubbs, Arkansas, referred to in
10 subsection (a)(5), notwithstanding that the project is
11 located within the boundaries of the flood control
12 project, Cache River Basin, Arkansas and Missouri,
13 authorized by section 204 of the Flood Control Act of
14 1950, (64 Stat. 172) and modified by section 99 of the
15 Water Resources Development Act of 1974 (88 Stat.
16 41).

17 (2) WILDWOOD CREEK, YUCAIPA, CALIFORNIA.—
18 The Secretary shall review the locally prepared plan
19 for the project for flood damage, Wildwood Creek,
20 California, referred to in subsection (a)(11) and, if
21 the Secretary determines that the plan meets the eval-
22 uation and design standards of the Corps of Engi-
23 neers and that the plan is feasible, the Secretary may
24 use the plan to carry out the project and shall provide
25 credit toward the non-Federal share of the cost of the

1 *project for the cost of work carried out by the non-*
2 *Federal interest before the date of the partnership*
3 *agreement for the project if the Secretary determines*
4 *that the work is integral to the project.*

5 (3) *BORUP, MINNESOTA.—In carrying out the*
6 *project for flood damage reduction, South Branch of*
7 *the Wild Rice River, Borup, Minnesota, referred to in*
8 *subsection (a)(21) the Secretary may consider na-*
9 *tional ecosystem restoration benefits in determining*
10 *the Federal interest in the project and shall allow the*
11 *non-Federal interest to participate in the financing of*
12 *the project in accordance with section 903(c) of the*
13 *Water Resources Development Act of 1986 (100 Stat.*
14 *4184) to the extent that the Secretary’s evaluation in-*
15 *dicates that applying such section is necessary to im-*
16 *plement the project.*

17 (4) *ITASCA COUNTY, MINNESOTA.—In carrying*
18 *out the project for flood damage reduction, Itasca*
19 *County, Minnesota, referred to in subsection (a)(18)*
20 *the Secretary may consider national ecosystem res-*
21 *toration benefits in determining the Federal interest*
22 *in the project.*

23 (5) *DILLEY, TEXAS.—The Secretary shall carry*
24 *out the project for flood damage reduction, Dilley,*

1 *Texas, referred to in subsection (a)(35) if the Sec-*
2 *retary determines that the project is feasible.*

3 **SEC. 1003. SMALL PROJECTS FOR EMERGENCY**
4 **STREAMBANK PROTECTION.**

5 *The Secretary shall conduct a study for each of the*
6 *following projects and, if the Secretary determines that a*
7 *project is feasible, may carry out the project under section*
8 *14 of the Flood Control Act of 1946 (33 U.S.C. 701r):*

9 (1) *OUACHITA AND BLACK RIVERS, ARKANSAS*
10 *AND LOUISIANA.—Projects for emergency streambank*
11 *protection, Ouachita and Black Rivers, Arkansas and*
12 *Louisiana.*

13 (2) *FRANKLIN POINT PARK, ANNE ARUNDEL*
14 *COUNTY, MARYLAND.—Project for emergency*
15 *streambank protection, Franklin Point Park, Anne*
16 *Arundel County, Maryland.*

17 (3) *MAYO BEACH PARK, ANNE ARUNDEL COUNTY,*
18 *MARYLAND.—Project for emergency streambank pro-*
19 *tection, Mayo Beach Park, Anne Arundel County,*
20 *Maryland.*

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

1 (5) *ST. JOSEPH HARBOR, MICHIGAN.—Project for*
2 *emergency streambank protection, St. Joseph Harbor,*
3 *Michigan.*

4 (6) *PUG HOLE LAKE, MINNESOTA.—Project for*
5 *emergency streambank protection, Pug Hole Lake,*
6 *Minnesota.*

7 (7) *MIDDLE FORK GRAND RIVER, GENTRY COUN-*
8 *TY, MISSOURI.—Project for emergency streambank*
9 *protection, Middle Fork Grand River, Gentry County,*
10 *Missouri.*

11 (8) *PLATTE RIVER, PLATTE CITY, MISSOURI.—*
12 *Project for emergency streambank protection, Platte*
13 *River, Platte City, Missouri.*

14 (9) *RUSH CREEK, PARKVILLE, MISSOURI.—*
15 *Project for emergency streambank protection, Rush*
16 *Creek, Parkville, Missouri, including measures to ad-*
17 *dress degradation of the creek bed.*

18 (10) *KEUKA LAKE, HAMMONDSPORT, NEW*
19 *YORK.—Project for emergency streambank protection,*
20 *Keuka Lake, Hammondsport, New York.*

21 (11) *KOWAWESE UNIQUE AREA AND HUDSON*
22 *RIVER, NEW WINDSOR, NEW YORK.—Project for emer-*
23 *gency streambank protection, Kowawese Unique Area*
24 *and Hudson River, New Windsor, New York.*

1 (12) *HOWARD ROAD OUTFALL, SHELBY COUNTY,*
2 *TENNESSEE.—Project for emergency streambank pro-*
3 *tection, Howard Road outfall, Shelby County, Ten-*
4 *nessee.*

5 (13) *MITCH FARM DITCH AND LATERAL D, SHEL-*
6 *BY COUNTY, TENNESSEE.—Project for emergency*
7 *streambank protection, Mitch Farm Ditch and Lat-*
8 *eral D, Shelby County, Tennessee.*

9 (14) *WOLF RIVER TRIBUTARIES, SHELBY COUN-*
10 *TY, TENNESSEE.—Project for emergency streambank*
11 *protection, Wolf River tributaries, Shelby County,*
12 *Tennessee.*

13 (15) *JOHNSON CREEK, ARLINGTON, TEXAS.—*
14 *Project for emergency streambank protection, Johnson*
15 *Creek, Arlington, Texas.*

16 (16) *WELLS RIVER, NEWBURY, VERMONT.—*
17 *Project for emergency streambank protection, Wells*
18 *River, Newbury, Vermont.*

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

20 (a) *IN GENERAL.—The Secretary shall conduct a*
21 *study for each of the following projects and, if the Secretary*
22 *determines that a project is feasible, may carry out the*
23 *project under section 107 of the River and Harbor Act of*
24 *1960 (33 U.S.C. 577):*

1 (1) *BLYTHEVILLE COUNTY HARBOR, ARKAN-*
2 *SAS.—Project for navigation, Blytheville County Har-*
3 *bor, Arkansas.*

4 (2) *MAHUKONA BEACH PARK, HAWAII.—Project*
5 *for navigation, Mahukona Beach Park, Hawaii.*

6 (3) *NORTH KOHALA HARBOR, HAWAII.—Project*
7 *for navigation, North Kohala Harbor in the vicinity*
8 *of Kailua Kona, Hawaii.*

9 (4) *WAILOA SMALL BOAT HARBOR, HAWAII.—*
10 *Project for navigation, Wailoa Small Boat Harbor,*
11 *Hawaii.*

12 (5) *MISSISSIPPI RIVER SHIP CHANNEL, LOU-*
13 *ISIANA.—Project for navigation, Mississippi River*
14 *Ship Channel, Louisiana.*

15 (6) *PORT TOBACCO RIVER AND GOOSE CREEK,*
16 *MARYLAND.—Project for navigation, Port Tobacco*
17 *River and Goose Creek, Maryland.*

18 (7) *ST. JEROME CREEK, ST. MARY'S COUNTY,*
19 *MARYLAND.—Project for navigation, St. Jerome*
20 *Creek, St. Mary's County, Maryland.*

21 (8) *EAST BASIN, CAPE COD CANAL, SANDWICH,*
22 *MASSACHUSETTS.—Project for navigation, East*
23 *Basin, Cape Cod Canal, Sandwich, Massachusetts.*

1 (9) *LYNN HARBOR, LYNN, MASSACHUSETTS.—*
2 *Project for navigation, Lynn Harbor, Lynn, Massa-*
3 *chusetts.*

4 (10) *MERRIMACK RIVER, HAVERHILL, MASSA-*
5 *CHUSETTS.—Project for navigation, Merrimack*
6 *River, Haverhill, Massachusetts.*

7 (11) *OAK BLUFFS HARBOR, OAK BLUFFS, MASSA-*
8 *CHUSETTS.—Project for navigation, Oak Bluffs Har-*
9 *bor, Oak Bluffs, Massachusetts.*

10 (12) *WOODS HOLE GREAT HARBOR, FALMOUTH,*
11 *MASSACHUSETTS.—Project for navigation, Woods*
12 *Hole Great Harbor, Falmouth, Massachusetts.*

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

16 (14) *TRAVERSE CITY HARBOR, TRAVERSE CITY,*
17 *MICHIGAN.—Project for navigation, Traverse City*
18 *Harbor, Traverse City, Michigan.*

19 (b) *SPECIAL RULES.—*

20 (1) *BLYTHEVILLE COUNTY HARBOR, ARKAN-*
21 *SAS.—The Secretary shall carry out the project for*
22 *navigation, Blytheville County Harbor, Arkansas, re-*
23 *ferred to in subsection (a)(1) if the Secretary deter-*
24 *mines that the project is feasible.*

1 (2) *TRAVERSE CITY HARBOR, TRAVERSE CITY,*
2 *MICHIGAN.—The Secretary shall review the locally*
3 *prepared plan for the project for navigation, Traverse*
4 *City Harbor, Michigan, referred to in subsection*
5 *(a)(14), and, if the Secretary determines that the plan*
6 *meets the evaluation and design standards of the*
7 *Corps of Engineers and that the plan is feasible, the*
8 *Secretary may use the plan to carry out the project*
9 *and shall provide credit toward the non-Federal share*
10 *of the cost of the project for the cost of work carried*
11 *out by the non-Federal interest before the date of the*
12 *partnership agreement for the project if the Secretary*
13 *determines that the work is integral to the project.*

14 **SEC. 1005. SMALL PROJECTS FOR IMPROVEMENT OF THE**
15 **QUALITY OF THE ENVIRONMENT.**

16 *The Secretary shall conduct a study for each of the*
17 *following projects and, if the Secretary determines that a*
18 *project is appropriate, may carry out the project under sec-*
19 *tion 1135 of the Water Resources Development Act of 1986*
20 *(33 U.S.C. 2309a):*

21 (1) *BALLONA CREEK, LOS ANGELES COUNTY,*
22 *CALIFORNIA.—Project for improvement of the quality*
23 *of the environment, Ballona Creek, Los Angeles Coun-*
24 *ty, California.*

1 (2) *BALLONA LAGOON TIDE GATES, MARINA DEL*
2 *REY, CALIFORNIA.—Project for improvement of the*
3 *quality of the environment, Ballona Lagoon Tide*
4 *Gates, Marina Del Rey, California.*

5 (3) *RATHBUN LAKE, IOWA.—Project for improve-*
6 *ment of the quality of the environment, Rathbun*
7 *Lake, Iowa.*

8 (4) *SMITHVILLE LAKE, MISSOURI.—Project for*
9 *improvement of the quality of the environment,*
10 *Smithville Lake, Missouri.*

11 (5) *DELAWARE BAY, NEW JERSEY AND DELA-*
12 *WARE.—Project for improvement of the quality of the*
13 *environment, Delaware Bay, New Jersey and Dela-*
14 *ware, for the purpose of oyster restoration.*

15 (6) *TIOGA-HAMMOND LAKES, PENNSYLVANIA.—*
16 *Project for improvement of the quality of the environ-*
17 *ment, Tioga-Hammond Lakes, Pennsylvania.*

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

19 **RESTORATION.**

20 *The Secretary shall conduct a study for each of the*
21 *following projects and, if the Secretary determines that a*
22 *project is appropriate, may carry out the project under sec-*
23 *tion 206 of the Water Resources Development Act of 1996*
24 *(33 U.S.C. 2330):*

1 (1) *CYPRESS CREEK, MONTGOMERY, ALABAMA.—*
2 *Project for aquatic ecosystem restoration, Cypress*
3 *Creek, Montgomery, Alabama.*

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

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

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

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

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

22 (7) *SWEETWATER RESERVOIR, SAN DIEGO COUN-*
23 *TY, CALIFORNIA.—Project for aquatic ecosystem res-*
24 *toration, Sweetwater Reservoir, San Diego County,*

1 *California, including efforts to address invasive*
2 *aquatic plant species.*

3 (8) *BAYOU TEXAR, PENSACOLA, FLORIDA.—*
4 *Project for aquatic ecosystem restoration, Bayou*
5 *Texar, Pensacola, Florida.*

6 (9) *BISCAYNE BAY, FLORIDA.—Project for aquat-*
7 *ic ecosystem restoration, Biscayne Bay, Key Bis-*
8 *cayne, Florida.*

9 (10) *CLAM BAYOU AND DINKINS BAYOU, SANIBEL*
10 *ISLAND, FLORIDA.—Project for aquatic ecosystem res-*
11 *toration, Clam Bayou and Dinkins Bayou, Sanibel*
12 *Island, Florida.*

13 (11) *DESTIN HARBOR, FLORIDA.—Project for*
14 *aquatic ecosystem restoration, Destin Harbor, Flor-*
15 *ida.*

16 (12) *CHATTAHOOCHEE FALL LINE, GEORGIA AND*
17 *ALABAMA.—Project for aquatic ecosystem restoration,*
18 *Chattahoochee Fall Line, Georgia and Alabama.*

19 (13) *LONGWOOD COVE, GAINESVILLE, GEOR-*
20 *GIA.—Project for aquatic ecosystem restoration,*
21 *Longwood Cove, Gainesville, Georgia.*

22 (14) *CITY PARK, UNIVERSITY LAKES, LOU-*
23 *ISIANA.—Project for aquatic ecosystem restoration,*
24 *City Park, University Lakes, Louisiana.*

1 (15) *MILL POND, LITTLETON, MASSACHU-*
2 *SETTS.—Project for aquatic ecosystem restoration,*
3 *Mill Pond, Littleton, Massachusetts.*

4 (16) *PINE TREE BROOK, MILTON, MASSACHU-*
5 *SETTS.—Project for aquatic ecosystem restoration,*
6 *Pine Tree Brook, Milton, Massachusetts.*

7 (17) *KALAMAZOO RIVER WATERSHED, BATTLE*
8 *CREEK, MICHIGAN.—Project for aquatic ecosystem res-*
9 *toration, Kalamazoo River watershed, Battle Creek,*
10 *Michigan.*

11 (18) *RUSH LAKE, MINNESOTA.—Project for*
12 *aquatic ecosystem restoration, Rush Lake, Minnesota.*

13 (19) *SOUTH FORK OF THE CROW RIVER, HUTCH-*
14 *INSON, MINNESOTA.—Project for aquatic ecosystem*
15 *restoration, South Fork of the Crow River, Hutch-*
16 *inson, Minnesota.*

17 (20) *ST. LOUIS COUNTY, MISSOURI.—Project for*
18 *aquatic ecosystem restoration, St. Louis County, Mis-*
19 *souri.*

20 (21) *TRUCKEE RIVER, RENO, NEVADA.—Project*
21 *for aquatic ecosystem restoration, Truckee River,*
22 *Reno, Nevada, including features for fish passage.*

23 (22) *GROVER'S MILL POND, NEW JERSEY.—*
24 *Project for aquatic ecosystem restoration, Grover's*
25 *Mill Pond, New Jersey.*

1 (23) *DUGWAY CREEK, BRATENAH, OHIO.—*
2 *Project for aquatic ecosystem restoration, Dugway*
3 *Creek, Bratenahl, Ohio.*

4 (24) *JOHNSON CREEK, GRESHAM, OREGON.—*
5 *Project for aquatic ecosystem restoration, Johnson*
6 *Creek, Gresham, Oregon.*

7 (25) *BEAVER CREEK, BEAVER AND SALEM, PENN-*
8 *SYLVANIA.—Project for aquatic ecosystem restoration,*
9 *Beaver Creek, Beaver and Salem, Pennsylvania.*

10 (26) *CEMENTON DAM, LEHIGH RIVER, PENNSYL-*
11 *VANIA.—Project for aquatic ecosystem restoration,*
12 *Cementon Dam, Lehigh River, Pennsylvania.*

13 (27) *DELAWARE RIVER, PHILADELPHIA NAVAL*
14 *SHIPYARD, PENNSYLVANIA.—Project for aquatic eco-*
15 *system restoration, Delaware River in the vicinity of*
16 *the Philadelphia Naval Shipyard, Pennsylvania.*

17 (28) *SAUCON CREEK, NORTHAMPTON COUNTY,*
18 *PENNSYLVANIA.—Project for aquatic ecosystem res-*
19 *toration, Saucon Creek, Northampton County, Penn-*
20 *sylvania.*

21 (29) *BLACKSTONE RIVER, RHODE ISLAND.—*
22 *Project for aquatic ecosystem restoration, Blackstone*
23 *River, Rhode Island.*

1 (30) *WILSON BRANCH, CHERAW, SOUTH CARO-*
2 *LINA.—Project for aquatic ecosystem restoration, Wil-*
3 *son Branch, Cheraw, South Carolina.*

4 (31) *WHITE RIVER, BETHEL, VERMONT.—Project*
5 *for aquatic ecosystem restoration, White River, Bethel,*
6 *Vermont.*

7 **SEC. 1007. SMALL PROJECTS FOR SHORELINE PROTECTION.**

8 *The Secretary shall conduct a study for each of the*
9 *following projects and, if the Secretary determines that a*
10 *project is feasible, may carry out the project under section*
11 *3 of the Act entitled “An Act authorizing Federal participa-*
12 *tion in the cost of protecting the shores of publicly owned*
13 *property”, approved August 13, 1946 (33 U.S.C. 426g):*

14 (1) *NELSON LAGOON, ALASKA.—Project for shore-*
15 *line protection, Nelson Lagoon, Alaska.*

16 (2) *SANIBEL ISLAND, FLORIDA.—Project for*
17 *shoreline protection, Sanibel Island, Florida.*

18 (3) *APRA HARBOR, GUAM.—Project for shoreline*
19 *protection, Apra Harbor, Guam.*

20 (4) *PITI, CABRAS ISLAND, GUAM.—Project for*
21 *shoreline protection, Piti, Cabras Island, Guam.*

22 (5) *NARROWS AND GRAVESEND BAY, UPPER NEW*
23 *YORK BAY, BROOKLYN, NEW YORK.—Project for shore-*
24 *line protection in the vicinity of the confluence of the*

1 *Narrows and Gravesend Bay, Upper New York Bay,*
 2 *Brooklyn, New York.*

3 (6) *DELAWARE RIVER, PHILADELPHIA NAVAL*
 4 *SHIPYARD, PENNSYLVANIA.—Project for shoreline pro-*
 5 *tection, Delaware River in the vicinity of the Phila-*
 6 *delphia Naval Shipyard, Pennsylvania.*

7 (7) *PORT ARANSAS, TEXAS.—Project for shoreline*
 8 *protection, Port Aransas, Texas.*

9 **SEC. 1008. SMALL PROJECTS FOR SNAGGING AND SEDI-**
 10 **MENT REMOVAL.**

11 *The Secretary shall conduct a study for the following*
 12 *project and, if the Secretary determines that the project is*
 13 *feasible, the Secretary may carry out the project under sec-*
 14 *tion 2 of the Flood Control Act of August 28, 1937 (33*
 15 *U.S.C. 701g): Project for removal of snags and clearing and*
 16 *straightening of channels for flood control, Kowawese*
 17 *Unique Area and Hudson River, New Windsor, New York.*

18 **TITLE II—GENERAL PROVISIONS**

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

20 *Section 103 of the Water Resources Development Act*
 21 *of 1986 (33 U.S.C. 2213) is amended by adding at the end*
 22 *the following:*

23 *“(n) NON-FEDERAL CONTRIBUTIONS.—*

24 *“(1) PROHIBITION ON SOLICITATION OF EXCESS*
 25 *CONTRIBUTIONS.—The Secretary may not solicit con-*

1 *contributions from non-Federal interests for costs of con-*
2 *structing authorized water resources development*
3 *projects or measures in excess of the non-Federal*
4 *share assigned to the appropriate project purposes*
5 *listed in subsections (a), (b), and (c) or condition*
6 *Federal participation in such projects or measures on*
7 *the receipt of such contributions.*

8 *“(2) LIMITATION ON STATUTORY CONSTRUC-*
9 *TION.—Nothing in this subsection shall be construed*
10 *to affect the Secretary’s authority under section*
11 *903(c) of this Act.”.*

12 **SEC. 2002. HARBOR COST SHARING.**

13 *(a) PAYMENTS DURING CONSTRUCTION.—Section*
14 *101(a)(1) of the Water Resources Development Act of 1986*
15 *(33 U.S.C. 2211(a)(1); 100 Stat. 4082) is amended in each*
16 *of subparagraphs (B) and (C) by striking “45 feet” and*
17 *inserting “53 feet”.*

18 *(b) OPERATION AND MAINTENANCE.—Section*
19 *101(b)(1) of such Act (33 U.S.C. 2211(b)(1)) is amended*
20 *by striking “45 feet” and inserting “53 feet”.*

21 *(c) DEFINITIONS.—Section 214 of such Act (33 U.S.C.*
22 *2241; 100 Stat. 4108) is amended in each of paragraphs*
23 *(1) and (3) by striking “45 feet” and inserting “53 feet”.*

24 *(d) APPLICABILITY.—The amendments made by sub-*
25 *sections (a), (b), and (c) shall apply only to a project, or*

1 *separable element of a project, on which a contract for phys-*
 2 *ical construction has not been awarded before October 1,*
 3 *2003.*

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

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

11 *Section 214 of the Water Resources Development Act*
 12 *of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 117 Stat.*
 13 *1836) is amended—*

14 *(1) in subsection (a) by striking “In fiscal years*
 15 *2001 through 2005, the” and inserting “The”; and*

16 *(2) by adding at the end the following:*

17 *“(c) DURATION OF AUTHORITY.—The authority pro-*
 18 *vided under this section shall be in effect from October 1,*
 19 *2000, through December 31, 2007.”.*

20 **SEC. 2004. NATIONAL SHORELINE EROSION CONTROL DE-**
 21 **VELOPMENT AND DEMONSTRATION PRO-**
 22 **GRAM.**

23 *(a) EXTENSION OF PROGRAM.—Section 5(a) of the Act*
 24 *entitled “An Act authorizing Federal participation in the*
 25 *cost of protecting the shores of publicly owned property”,*

1 *approved August 13, 1946 (33 U.S.C. 426h(a)), is amended*
2 *by striking “6 years” and inserting “10 years”.*

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

7 **(c) COST SHARING; REMOVAL OF PROJECTS.—Section**
8 *5(b) of such Act (33 U.S.C. 426h(b)) is amended—*

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

11 **(2) by inserting after paragraph (2) the fol-**
12 *lowing:*

13 **“(3) COST SHARING.—The Secretary may enter**
14 *into a cost sharing agreement with a non-Federal in-*
15 *terest to carry out a project, or a phase of a project,*
16 *under the erosion control program in cooperation*
17 *with the non-Federal interest.*

18 **“(4) REMOVAL OF PROJECTS.—The Secretary**
19 *may pay all or a portion of the costs of removing a*
20 *project, or an element of a project, constructed under*
21 *the erosion control program if the Secretary deter-*
22 *mines during the term of the program that the project*
23 *or element is detrimental to the environment, private*
24 *property, or public safety.”.*

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

4 **SEC. 2005. SMALL SHORE AND BEACH RESTORATION AND**
5 **PROTECTION PROJECTS.**

6 Section 3 of the Act entitled “An Act authorizing Fed-
7 eral participation in the cost of protecting the shores of pub-
8 licly owned property”, approved August 13, 1946 (33
9 U.S.C. 426g), is amended by striking “\$3,000,000” and in-
10 serting “\$5,000,000”.

11 **SEC. 2006. WRITTEN AGREEMENT FOR WATER RESOURCES**
12 **PROJECTS.**

13 (a) *PARTNERSHIP AGREEMENTS.*—Section 221 of the
14 Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amend-
15 ed—

16 (1) in subsection (a)—

17 (A) by striking “under the provisions” and
18 all that follows through “under any other” and
19 inserting “under any”;

20 (B) by striking “to furnish its required co-
21 operation for” and inserting “under which each
22 party agrees to carry out its responsibilities and
23 requirements for implementation or construction
24 of”; and

1 (C) by inserting after “\$25,000.” the fol-
2 lowing: “Such agreement may include a provi-
3 sion for damages in the event of a failure of one
4 or more parties to perform.”;

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

7 (3) by inserting after subsection (d) the fol-
8 lowing:

9 “(e) *LIMITATION.*—Nothing in subsection (a) shall be
10 construed as limiting the authority of the Secretary to en-
11 sure that an agreement under this section meets all require-
12 ments of law and policies of the Secretary in effect on the
13 date of entry into the agreement.”.

14 (b) *LOCAL COOPERATION.*—Section 912(b) of the
15 Water Resources Development Act of 1986 (101 Stat. 4190)
16 is amended—

17 (1) in paragraph (2)—

18 (A) by striking “shall” the first place it ap-
19 pears and inserting “may”; and

20 (B) by striking the last sentence; and

21 (2) in paragraph (4)—

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

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

1 (C) by striking “any civil penalty imposed
2 under this section,” and inserting “any dam-
3 ages,”.

4 (c) *APPLICABILITY.*—The amendments made by sub-
5 sections (a) and (b) only apply to partnership agreements
6 entered into after the date of enactment of this Act; except
7 that at the request of a non-Federal interest for a project,
8 the district engineer for the district in which the project
9 is located may amend a project partnership agreement en-
10 tered into on or before such date and under which construc-
11 tion on the project has not been initiated as of such date
12 of enactment for the purpose of incorporating such amend-
13 ments.

14 (d) *PARTNERSHIP AND COOPERATIVE ARRANGE-*
15 *MENTS.*—

16 (1) *IN GENERAL.*—A goal of agreements entered
17 into under section 221 of the Flood Control Act of
18 1970 (42 U.S.C. 1962d–5(b)) shall be to further part-
19 nership and cooperative arrangements, and the agree-
20 ments shall be referred to as “partnership agree-
21 ments”.

22 (2) *REFERENCES TO COOPERATION AGREE-*
23 *MENTS.*—Any reference in a law, regulation, docu-
24 ment, or other paper of the United States to a co-
25 operation agreement or project cooperation agreement

1 *shall be considered to be a reference to a partnership*
2 *agreement or a project partnership agreement, respec-*
3 *tively.*

4 (3) *REFERENCES TO PARTNERSHIP AGREE-*
5 *MENTS.—Any reference to a partnership agreement or*
6 *project partnership agreement in this Act (other than*
7 *this section) shall be considered as a reference to a co-*
8 *operation agreement or a project cooperation agree-*
9 *ment, respectively.*

10 (e) *DELEGATION OF AUTHORITY.—Not later than Sep-*
11 *tember 30, 2006, the Secretary shall issue policies and*
12 *guidelines for partnership agreements that delegate to the*
13 *district engineers, at a minimum—*

14 (1) *the authority to approve any policy in a*
15 *partnership agreement that has appeared in an agree-*
16 *ment previously approved by the Secretary;*

17 (2) *the authority to approve any policy in a*
18 *partnership agreement the specific terms of which are*
19 *dictated by law, or by a final feasibility study, final*
20 *environmental impact statement, or other final deci-*
21 *sion document for a water resources development*
22 *project;*

23 (3) *the authority to approve any partnership*
24 *agreement that complies with the policies and guide-*
25 *lines issued by the Secretary; and*

1 (4) *the authority to sign any partnership agree-*
2 *ment for any water resources development project un-*
3 *less, within 30 days of the date of authorization of the*
4 *project, the Secretary notifies the district engineer in*
5 *which the project will be carried out that the Sec-*
6 *retary wishes to retain the prerogative to sign the*
7 *partnership agreement for that project.*

8 (f) *REPORT TO CONGRESS.*—*Not later than 2 years*
9 *after the date of enactment of this Act, and every year there-*
10 *after, the Secretary shall submit to Congress a report detail-*
11 *ing the following:*

12 (1) *the number of partnership agreements signed*
13 *by district engineers and the number of partnership*
14 *agreements signed by the Secretary, and*

15 (2) *for any partnership agreement signed by the*
16 *Secretary, an explanation of why delegation to the*
17 *district engineer was not appropriate.*

18 (g) *PUBLIC AVAILABILITY.*—*Not later than the 120th*
19 *day following the date of enactment of this Act, the Chief*
20 *of Engineers shall ensure that each district engineer has*
21 *made available on the Internet all partnership agreements*
22 *entered into under section 221 of the Flood Control Act of*
23 *1970 (42 U.S.C. 1962d–5(b)) within the preceding 10 years*
24 *and all partnership agreements for water resources develop-*
25 *ment projects currently being carried out in that district*

1 *and shall make any partnership agreements entered into*
2 *after such date of enactment available on the Internet with-*
3 *in 7 days of the date on which such agreement is entered*
4 *into.*

5 **SEC. 2007. ASSISTANCE FOR REMEDIATION, RESTORATION,**
6 **AND REUSE.**

7 (a) *IN GENERAL.*—*The Secretary may provide to State*
8 *and local governments assessment, planning, and design as-*
9 *sistance for remediation, environmental restoration, or*
10 *reuse of areas located within the boundaries of such State*
11 *or local governments where such remediation, environ-*
12 *mental restoration, or reuse will contribute to the improve-*
13 *ment of water quality or the conservation of water and re-*
14 *lated resources of drainage basins and watersheds within*
15 *the United States.*

16 (b) *NON-FEDERAL SHARE.*—*The non-Federal share of*
17 *the cost of assistance provided under subsection (a) shall*
18 *be 50 percent.*

19 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
20 *authorized to be appropriated to carry out this section*
21 *\$30,000,000 for each of fiscal years 2006 through 2010.*

22 **SEC. 2008. COMPILATION OF LAWS.**

23 *Within one year after the date of enactment of this*
24 *Act, the laws of the United States relating to the improve-*
25 *ment of rivers and harbors, flood control, beach erosion, and*

1 *other water resources development enacted after November*
2 *8, 1966, and before January 1, 2006, shall be compiled*
3 *under the direction of the Secretary and the Chief of Engi-*
4 *neers and printed for the use of the Department of the*
5 *Army, Congress, and the general public. The Secretary shall*
6 *reprint the volumes containing such laws enacted before No-*
7 *vember 8, 1966. In addition, the Secretary shall include an*
8 *index in each volume so compiled or reprinted. Not later*
9 *than December 1, 2006, the Secretary shall transmit at least*
10 *25 copies of each such volume to the Committee on Trans-*
11 *portation and Infrastructure of the House of Representa-*
12 *tives and the Committee on Environment and Public Works*
13 *of the Senate. The Secretary shall also ensure that such com-*
14 *pilations are available through electronic means, including*
15 *the Internet.*

16 **SEC. 2009. DREDGED MATERIAL DISPOSAL.**

17 *Section 217 of the Water Resources Development Act*
18 *of 1996 (33 U.S.C. 2326a; 110 Stat. 3694–3696) is amend-*
19 *ed—*

20 *(1) by redesignating subsection (c) as subsection*
21 *(d);*

22 *(2) by inserting after subsection (b) the fol-*
23 *lowing:*

24 *“(c) GOVERNMENTAL PARTNERSHIPS.—*

1 “(1) *IN GENERAL.*—*The Secretary may enter*
2 *into cost sharing agreements with one or more non-*
3 *Federal public interests with respect to a project, or*
4 *group of projects within a geographic region if appro-*
5 *priate, for the acquisition, design, construction, man-*
6 *agement, or operation of a dredged material proc-*
7 *essing, treatment, contaminant reduction, or disposal*
8 *facility (including any facility used to demonstrate*
9 *potential beneficial uses of dredged material, which*
10 *may include effective sediment contaminant reduction*
11 *technologies) using funds provided in whole or in part*
12 *by the Federal Government. One or more of the par-*
13 *ties of the agreement may perform the acquisition, de-*
14 *sign, construction, management, or operation of a*
15 *dredged material processing, treatment, or disposal*
16 *facility. If appropriate, the Secretary may combine*
17 *portions of separate construction or maintenance ap-*
18 *propriations from separate Federal projects with the*
19 *appropriate combined cost sharing between the var-*
20 *ious projects when the facility serves to manage*
21 *dredged material from multiple Federal projects lo-*
22 *cated in the geographic region of the facility.*

23 “(2) *PUBLIC FINANCING.*—

24 “(A) *AGREEMENTS.*—

1 “(i) *SPECIFIED FEDERAL FUNDING*
2 *SOURCES AND COST SHARING.*—*The cost-*
3 *sharing agreement used shall clearly specify*
4 *the Federal funding sources and combined*
5 *cost sharing when applicable to multiple*
6 *Federal navigation projects and the respon-*
7 *sibilities and risks of each of the parties re-*
8 *lated to present and future dredged material*
9 *managed by the facility.*

10 “(ii) *MANAGEMENT OF SEDIMENTS.*—
11 *The cost-sharing agreement may include the*
12 *management of sediments from the mainte-*
13 *nance dredging of Federal navigation*
14 *projects that do not have partnership agree-*
15 *ments. The cost-sharing agreement may*
16 *allow the non-Federal sponsor to receive re-*
17 *imbursable payments from the Federal Gov-*
18 *ernment for commitments made by the*
19 *sponsor for disposal or placement capacity*
20 *at dredged material treatment, processing,*
21 *contaminant reduction, or disposal facili-*
22 *ties.*

23 “(iii) *CREDIT.*—*The cost-sharing*
24 *agreement may allow costs incurred prior to*
25 *execution of a partnership agreement for*

1 *construction or the purchase of equipment*
2 *or capacity for the project to be credited ac-*
3 *ording to existing cost-sharing rules.*

4 “(B) *CREDIT.*—*Nothing in this subsection*
5 *supersedes or modifies existing agreements be-*
6 *tween the Federal Government and any non-Fed-*
7 *eral sponsors for the cost sharing, construction,*
8 *and operation and maintenance of Federal navi-*
9 *gation projects. Subject to the approval of the*
10 *Secretary and in accordance with existing laws,*
11 *regulations, and policies, a non-Federal public*
12 *sponsor of a Federal navigation project may seek*
13 *credit for funds provided in the acquisition, de-*
14 *sign, construction, management, or operation of*
15 *a dredged material processing, treatment, or dis-*
16 *posal facility to the extent the facility is used to*
17 *manage dredged material from the Federal navi-*
18 *gation project. The non-Federal sponsor shall be*
19 *responsible for providing all necessary lands,*
20 *easements, rights-of-way, or relocations associ-*
21 *ated with the facility and shall receive credit for*
22 *these items.”; and*

23 (3) *in each of subsections (d)(1) and (d)(2)(A),*
24 *as so redesignated—*

1 (A) by inserting “and maintenance” after
2 “operation”; and

3 (B) by inserting “processing, treatment, or”
4 after “dredged material” the first place it ap-
5 pears.

6 **SEC. 2010. WETLANDS MITIGATION.**

7 *In carrying out a water resources project that involves*
8 *wetlands mitigation and that has impacts that occur within*
9 *the service area of a mitigation bank, the Secretary, to the*
10 *maximum extent practicable and where appropriate, shall*
11 *give preference to the use of the mitigation bank if the bank*
12 *contains sufficient available credits to offset the impact and*
13 *the bank is approved in accordance with the Federal Guid-*
14 *ance for the Establishment, Use and Operation of Mitiga-*
15 *tion Banks (60 Fed. Reg. 58605) or other applicable Federal*
16 *law (including regulations).*

17 **SEC. 2011. REMOTE AND SUBSISTENCE HARBORS.**

18 (a) *IN GENERAL.*—*In conducting a study of harbor*
19 *and navigation improvements, the Secretary may rec-*
20 *ommend a project without the need to demonstrate that the*
21 *project is justified solely by national economic development*
22 *benefits if the Secretary determines that—*

23 (1)(A) *the community to be served by the project*
24 *is at least 70 miles from the nearest surface accessible*
25 *commercial port and has no direct rail or highway*

1 *link to another community served by a surface acces-*
2 *sible port or harbor; or*

3 *(B) the project would be located in the Common-*
4 *wealth of Puerto Rico, Guam, the Commonwealth of*
5 *the Northern Mariana Islands, or American Samoa;*

6 *(2) the harbor is economically critical such that*
7 *over 80 percent of the goods transported through the*
8 *harbor would be consumed within the community*
9 *served by the harbor and navigation improvement;*
10 *and*

11 *(3) the long-term viability of the community*
12 *would be threatened without the harbor and naviga-*
13 *tion improvement.*

14 *(b) JUSTIFICATION.—In considering whether to rec-*
15 *ommend a project under subsection (a), the Secretary shall*
16 *consider the benefits of the project to—*

17 *(1) public health and safety of the local commu-*
18 *nity, including access to facilities designed to protect*
19 *public health and safety;*

20 *(2) access to natural resources for subsistence*
21 *purposes;*

22 *(3) local and regional economic opportunities;*

23 *(4) welfare of the local population; and*

24 *(5) social and cultural value to the community.*

1 **SEC. 2012. BENEFICIAL USES OF DREDGED MATERIAL.**

2 (a) *IN GENERAL.*—Section 204 of the Water Resources
3 *Development Act of 1992 (33 U.S.C. 2326)* is amended by
4 *striking subsections (c) through (g) and inserting the fol-*
5 *lowing:*

6 “(c) *IN GENERAL.*—The Secretary may carry out
7 *projects to transport and place sediment obtained in con-*
8 *nection with the construction, operation, or maintenance of*
9 *an authorized water resources project at locations selected*
10 *by a non-Federal entity for use in the construction, repair,*
11 *or rehabilitation of projects determined by the Secretary to*
12 *be in the public interest and associated with navigation,*
13 *flood damage reduction, hydroelectric power, municipal*
14 *and industrial water supply, agricultural water supply,*
15 *recreation, hurricane and storm damage reduction, aquatic*
16 *plant control, and environmental protection and restora-*
17 *tion.*

18 “(d) *COOPERATIVE AGREEMENT.*—Any project under-
19 *taken pursuant to this section shall be initiated only after*
20 *non-Federal interests have entered into an agreement with*
21 *the Secretary in which the non-Federal interests agree to*
22 *pay the non-Federal share of the cost of construction of the*
23 *project and 100 percent of the cost of operation, mainte-*
24 *nance, replacement, and rehabilitation of the project in ac-*
25 *cordance with section 103 of the Water Resources Develop-*
26 *ment Act of 1986 (33 U.S.C. 2213).*

1 “(e) *SPECIAL RULE.*—Construction of a project under
2 subsection (a) for one or more of the purposes of protection,
3 restoration, or creation of aquatic and ecologically related
4 habitat, the cost of which does not exceed \$750,000 and
5 which will be located in a disadvantaged community as de-
6 termined by the Secretary, may be carried out at Federal
7 expense.

8 “(f) *DETERMINATION OF CONSTRUCTION COSTS.*—
9 Costs associated with construction of a project under this
10 section shall be limited solely to construction costs that are
11 in excess of those costs necessary to carry out the dredging
12 for construction, operation, or maintenance of the author-
13 ized water resources project in the most cos- effective way,
14 consistent with economic, engineering, and environmental
15 criteria.

16 “(g) *SELECTION OF SEDIMENT DISPOSAL METHOD.*—
17 In developing and carrying out a water resources project
18 involving the disposal of sediment, the Secretary may select,
19 with the consent of the non-Federal interest, a disposal
20 method that is not the least cost option if the Secretary de-
21 termines that the incremental costs of such disposal method
22 are reasonable in relation to the environmental benefits, in-
23 cluding the benefits to the aquatic environment to be derived
24 from the creation of wetlands and control of shoreline ero-

1 sion. The Federal share of such incremental costs shall be
2 determined in accordance with subsections (d) and (f).

3 “(h) *NONPROFIT ENTITIES.*—Notwithstanding section
4 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–
5 5b), for any project carried out under this section, a non-
6 Federal interest may include a nonprofit entity, with the
7 consent of the affected local government.

8 “(i) *AUTHORIZATION OF APPROPRIATIONS.*—There is
9 authorized to be appropriated \$30,000,000 annually for
10 projects under this section of which not more than
11 \$3,000,000 annually may be used for construction of
12 projects described in subsection (e). Such sums shall remain
13 available until expended.

14 “(j) *REGIONAL SEDIMENT MANAGEMENT PLANNING.*—
15 In consultation with appropriate State and Federal agen-
16 cies, the Secretary may develop, at Federal expense, plans
17 for regional management of sediment obtained in conjunc-
18 tion with the construction, operation, or maintenance of
19 water resources projects, including potential beneficial uses
20 of sediment for construction, repair, or rehabilitation of
21 public projects for navigation, flood damage reduction, hy-
22 droelectric power, municipal and industrial water supply,
23 agricultural water supply, recreation, hurricane and storm
24 damage reduction, aquatic plant control, and environ-
25 mental protection and restoration.

1 “(k) *USE OF FUNDS.*—

2 “(1) *NON-FEDERAL INTEREST.*—*The non-Federal*
3 *interest for a project described in this section may*
4 *use, and the Secretary shall accept, funds provided*
5 *under any other Federal program, to satisfy, in whole*
6 *or in part, the non-Federal share of the cost of such*
7 *project if such funds are authorized to be used to*
8 *carry out such project.*

9 “(2) *OTHER FEDERAL AGENCIES.*—*The non-Fed-*
10 *eral share of the cost of construction of a project*
11 *under this section may be met through contributions*
12 *from a Federal agency made directly to the Secretary,*
13 *with the consent of the affected local government, if*
14 *such funds are authorized to be used to carry out such*
15 *project. Before initiating a project to which this para-*
16 *graph applies, the Secretary shall enter into an agree-*
17 *ment with a non-Federal interest in which the non-*
18 *Federal interest agrees to pay 100 percent of the cost*
19 *of operation, maintenance, replacement, and rehabili-*
20 *tation of the project.”.*

21 “(b) *REPEAL.*—

22 “(1) *IN GENERAL.*—*Section 145 of the Water Re-*
23 *sources Development Act of 1976 (33 U.S.C. 426j) is*
24 *repealed.*

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

6 (c) *PRIORITY AREAS.*—*In carrying out section 204 of*
7 *the Water Resources Development Act of 1992 (33 U.S.C.*
8 *2326), the Secretary shall give priority to the following:*

9 (1) *A project at Little Rock Slackwater Harbor,*
10 *Arkansas.*

11 (2) *A project at Egmont Key, Florida.*

12 (3) *A project in the vicinity of Calcasieu Ship*
13 *Channel, Louisiana.*

14 (4) *A project in the vicinity of the Smith Point*
15 *Park Pavilion and the TWA Flight 800 Memorial,*
16 *Brookhaven, New York.*

17 (5) *A project in the vicinity of Morehead City,*
18 *North Carolina.*

19 (6) *A project in the vicinity of Galveston Bay,*
20 *Texas.*

21 **SEC. 2013. COST-SHARING PROVISIONS FOR CERTAIN**
22 **AREAS.**

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

1 **“SEC. 1156. COST-SHARING PROVISIONS FOR CERTAIN**
2 **AREAS.**

3 “(a) *IN GENERAL.*—*The Secretary shall waive local*
4 *cost-sharing requirements up to \$500,000 for all studies and*
5 *projects in the Commonwealth of Puerto Rico, American*
6 *Samoa, Guam, the Commonwealth of the Northern Mariana*
7 *Islands, and the United States Virgin Islands, in Indian*
8 *country (as defined in section 1151 of title 18, United*
9 *States Code, and including lands that are within the juris-*
10 *ditional area of an Oklahoma Indian tribe, as determined*
11 *by the Secretary of the Interior, and are recognized by the*
12 *Secretary of the Interior as eligible for trust land status*
13 *under part 151 of title 25, Code of Federal Regulations)*
14 *or on land in the State of Alaska owned by an Alaska Na-*
15 *tive Regional Corporation or an Alaska Native Village Cor-*
16 *poration (as those terms are defined in the Alaska Native*
17 *Claims Settlement Act (43 U.S.C. 1601 et seq.)) or the*
18 *Metlakatla Indian community.*

19 “(b) *USE OF FUNDS.*—*The non-Federal interest for a*
20 *study or project for an area described in subsection (a) may*
21 *use, and the Secretary shall accept, funds provided under*
22 *any other Federal program, to satisfy, in whole or in part,*
23 *the non-Federal share of such study or project if such funds*
24 *are authorized to be used to carry out such study or*
25 *project.”.*

1 **SEC. 2014. REVISION OF PROJECT PARTNERSHIP AGREE-**
2 **MENT.**

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

10 **SEC. 2015. COST SHARING.**

11 *An increase in the maximum amount of Federal funds*
12 *that may be allocated for a project or an increase in the*
13 *total cost of a project authorized to be carried out by the*
14 *Secretary shall not affect any cost-sharing requirement ap-*
15 *plicable to the project under title I of the Water Resources*
16 *Development Act of 1986 (33 U.S.C. 2211 et seq.).*

17 **SEC. 2016. CREDIT FOR WORK PERFORMED BEFORE PART-**
18 **nership Agreement.**

19 *If the Secretary is authorized to credit toward the non-*
20 *Federal share the cost of work carried out by the non-Fed-*
21 *eral interest before the date of the partnership agreement*
22 *for the project and such work has not been carried out as*
23 *of the date of enactment of this Act, the Secretary shall enter*
24 *into an agreement with the non-Federal interest for the*
25 *project under which the non-Federal interest shall carry out*

1 *such work, and the credit shall apply only to work carried*
2 *out under the agreement.*

3 **SEC. 2017. RECREATION USER FEE REVENUES.**

4 *Section 225 of the Water Resources Development Act*
5 *of 1999 (113 Stat. 297–298) is amended—*

6 *(1) in subsection (a)(1)—*

7 *(A) by striking “During fiscal years 1999*
8 *through 2002, the” and inserting “The”; and*

9 *(B) by striking “\$34,000,000” and inserting*
10 *“\$42,000,000”; and*

11 *(2) in subsection (a)(3) by striking “September*
12 *30, 2005” and inserting “expended”.*

13 **SEC. 2018. EXPEDITED ACTIONS FOR EMERGENCY FLOOD**
14 **DAMAGE REDUCTION.**

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

1 **SEC. 2019. WATERSHED AND RIVER BASIN ASSESSMENTS.**

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

5 (1) in subsection (d)—

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

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

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

11 “(6) Tuscarawas River Basin, Ohio;

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

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

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

16 (2) by striking paragraph (1) of subsection (f)
17 and inserting the following:

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

22 (3) by striking subsection (g).

23 (b) *REVISION OF PARTNERSHIP AGREEMENT.*—The
24 Secretary shall revise the partnership agreement for any as-
25 sessment being carried out under such section 729 to take
26 into account the change in non-Federal participation in the

1 *assessment as a result of the amendments made by sub-*
2 *section (a).*

3 **SEC. 2020. TRIBAL PARTNERSHIP PROGRAM.**

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

12 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section
13 203(e) of such Act is amended by striking “2006” and in-
14 serting “2010”.

15 **SEC. 2021. WILDFIRE FIREFIGHTING.**

16 Section 309 of Public Law 102–154 (42 U.S.C. 1856a–
17 1; 105 Stat. 1034) is amended by inserting “the Secretary
18 of the Army,” after “the Secretary of Energy,”.

19 **SEC. 2022. CREDIT FOR NONCONSTRUCTION SERVICES.**

20 (a) *IN GENERAL.*—The Secretary is authorized to
21 allow a non-Federal interest credit toward its share of
22 project costs for any authorized water resources development
23 project for the cost of materials and in-kind services, includ-
24 ing design and management services but not including con-

1 *struction, provided by the non-Federal interest for carrying*
2 *out the project.*

3 (b) *LIMITATION.—Credit authorized under subsection*
4 (a)—

5 (1) *shall not exceed the non-Federal share of*
6 *project costs;*

7 (2) *shall not alter any other requirements that*
8 *require a non-Federal interest to provide lands, ease-*
9 *ments, rights-of-way, and dredged material disposal*
10 *areas for the project;*

11 (3) *shall not exceed the actual and reasonable*
12 *costs of the materials or in-kind services provided by*
13 *the non-Federal interest, as determined by the Sec-*
14 *retary; and*

15 (4) *shall not be allowed unless the Secretary has*
16 *determined that such materials or services are inte-*
17 *gral to the project.*

18 **SEC. 2023. TECHNICAL ASSISTANCE.**

19 *Section 22 of the Water Resources Development Act of*
20 *1974 (42 U.S.C. 1962d–16) is amended—*

21 (1) *in subsection (a) by striking “The Secretary”*
22 *and inserting the following:*

23 “(a) *FEDERAL STATE COOPERATION.—*

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

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

3 “(2) *TECHNICAL ASSISTANCE.—*

4 “(A) *IN GENERAL.—At the request of a*
5 *governmental agency or non-Federal inter-*
6 *est, the Secretary may provide, at Federal*
7 *expense, technical assistance to such agency*
8 *or non-Federal interest in managing water*
9 *resources.*

10 “(B) *TYPES OF ASSISTANCE.—Tech-*
11 *nical assistance under this paragraph may*
12 *include provision and integration of hydro-*
13 *logic, economic, and environmental data*
14 *and analyses.”;*

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

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

20 (5) *in subsection (c) by striking “(c) There is”*
21 *and inserting the following:*

22 “(c) *AUTHORIZATION OF APPROPRIATIONS.—*

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

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

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

5 (B) *by striking “\$500,000” and inserting*
6 *“\$1,000,000”;*

7 (7) *by inserting at the end of subsection (c) the*
8 *following:*

9 “(2) *TECHNICAL ASSISTANCE.—There is author-*
10 *ized to be appropriated \$5,000,000 annually to carry*
11 *out subsection (a)(2), of which not more than*
12 *\$2,000,000 annually may be used by the Secretary to*
13 *enter into cooperative agreements with nonprofit or-*
14 *ganizations to provide assistance to rural and small*
15 *communities.”;*

16 (8) *by redesignating subsection (d) as subsection*
17 *(e); and*

18 (9) *by inserting after subsection (c) the fol-*
19 *lowing:*

20 “(d) *ANNUAL SUBMISSION OF PROPOSED ACTIVI-*
21 *TIES.—Concurrent with the President’s submission to Con-*
22 *gress of the President’s request for appropriations for the*
23 *Civil Works Program for a fiscal year, the Secretary shall*
24 *submit to the Committee on Transportation and Infrastruc-*
25 *ture of the House of Representatives and the Committee on*

1 *Environment and Public Works of the Senate a report de-*
2 *scribing the individual activities proposed for funding*
3 *under subsection (a)(1) for that fiscal year.”.*

4 **SEC. 2024. COORDINATION AND SCHEDULING OF FEDERAL,**
5 **STATE, AND LOCAL ACTIONS.**

6 (a) *NOTICE OF INTENT.*—Upon request of the non-Fed-
7 eral interest in the form of a written notice of intent to
8 construct or modify a non-Federal water supply, waste-
9 water infrastructure, flood damage reduction, storm dam-
10 age reduction, ecosystem restoration, or navigation project
11 that requires the approval of the Secretary, the Secretary
12 shall initiate, subject to subsection (g)(1), procedures to es-
13 tablish a schedule for consolidating Federal, State, and local
14 agency and Indian tribe environmental assessments, project
15 reviews, and issuance of all permits for the construction or
16 modification of the project. The non-Federal interest shall
17 submit to the Secretary, with the notice of intent, studies
18 and documentation, including environmental reviews, that
19 may be required by Federal law for decisionmaking on the
20 proposed project. All States and Indian tribes having juris-
21 diction over the proposed project shall be invited by the Sec-
22 retary, but shall not be required, to participate in carrying
23 out this section with respect to the project.

24 (b) *PROCEDURAL REQUIREMENTS.*—Within 15 days
25 after receipt of notice under subsection (a), the Secretary

1 shall publish such notice in the Federal Register. The Sec-
2 retary also shall provide written notification of the receipt
3 of a notice under subsection (a) to all State and local agen-
4 cies and Indian tribes that may be required to issue permits
5 for the construction of the project or related activities. The
6 Secretary shall solicit the cooperation of those agencies and
7 request their entry into a memorandum of agreement de-
8 scribed in subsection (c) with respect to the project. Within
9 30 days after publication of the notice in the Federal Reg-
10 ister, State and local agencies and Indian tribes that intend
11 to enter into the memorandum of agreement with respect
12 to the project shall notify the Secretary of their intent in
13 writing.

14 (c) SCHEDULING AGREEMENT.—Within 90 days after
15 the date of receipt of notice under subsection (a) with re-
16 spect to a project, the Secretary of the Interior, the Sec-
17 retary of Commerce, and the Administrator of the Environ-
18 mental Protection Agency, as necessary, and any State or
19 local agencies that have notified the Secretary under sub-
20 section (b) shall enter into an agreement with the Secretary
21 establishing a schedule of decisionmaking for approval of
22 the project and permits associated with the project and with
23 related activities.

24 (d) CONTENTS OF AGREEMENT.—An agreement en-
25 tered into under subsection (c) with respect to a project,

1 *to the extent practicable, shall consolidate hearing and com-*
2 *ment periods, procedures for data collection and report*
3 *preparation, and the environmental review and permitting*
4 *processes associated with the project and related activities.*
5 *The agreement shall detail, to the extent possible, the non-*
6 *Federal interest's responsibilities for data development and*
7 *information that may be necessary to process each permit*
8 *required for the project, including a schedule when the in-*
9 *formation and data will be provided to the appropriate*
10 *Federal, State, or local agency or Indian tribe.*

11 *(e) REVISION OF AGREEMENT.—The Secretary may re-*
12 *visе an agreement entered into under subsection (c) with*
13 *respect to a project once to extend the schedule to allow the*
14 *non-Federal interest the minimum amount of additional*
15 *time necessary to revise its original application to meet the*
16 *objections of a Federal, State, or local agency or Indian*
17 *tribe that is a party to the agreement.*

18 *(f) FINAL DECISION.—Not later than the final day of*
19 *a schedule established by an agreement entered into under*
20 *subsection (c) with respect to a project, the Secretary shall*
21 *notify the non-Federal interest of the final decision on the*
22 *project and whether the permit or permits have been issued.*

23 *(g) REIMBURSEMENT.—*

24 *(1) COSTS OF COORDINATION.—The costs in-*
25 *curred by the Secretary to establish and carry out a*

1 *schedule to consolidate Federal, State, and local agen-*
2 *cy and Indian tribe environmental assessments,*
3 *project reviews, and permit issuance for a project*
4 *under this section shall be paid by the non-Federal*
5 *interest.*

6 (2) *COSTS INCURRED TO EXPEDITE PERMITS*
7 *AND REVIEWS.—*

8 (A) *ACCEPTANCE OF NON-FEDERAL*
9 *FUNDS.—The Secretary may accept funds from*
10 *the non-Federal interest to hire additional staff*
11 *or obtain the services of consultants, or to pro-*
12 *vide financial, technical, and administrative*
13 *support to agencies that have entered into an*
14 *agreement with the Secretary under subsection*
15 *(c) with respect to a project in order to facilitate*
16 *the timely processing, review, and completion of*
17 *applicable Federal, State, and local agency and*
18 *Indian tribe environmental assessments, project*
19 *reviews, and permits for the project.*

20 (B) *USE OF FUNDS.—Funds accepted under*
21 *this paragraph shall be used to supplement exist-*
22 *ing resources of the Secretary or a participating*
23 *agency.*

24 (C) *ASSURANCE OF LEVEL OF SERVICE AND*
25 *IMPARTIALITY.—The Secretary shall ensure that*

1 *the Department of the Army and any partici-*
2 *pating agency that accepts funds under this*
3 *paragraph shall continue to provide the same*
4 *level of service to other projects and other respon-*
5 *sibilities not covered by this section as it would*
6 *provide, notwithstanding any activities carried*
7 *out under this section, and that acceptance of*
8 *such funds will not impact impartial decision-*
9 *making either substantively or procedurally.*

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

21 **SEC. 2025. PROJECT STREAMLINING.**

22 *(a) POLICY.—The benefits of water resources projects*
23 *are important to the Nation's economy and environment,*
24 *and recommendations to Congress regarding such projects*
25 *should not be delayed due to uncoordinated and sequential*

1 *environmental reviews or the failure to timely resolve dis-*
2 *putes during the development of water resources projects.*

3 (b) *SCOPE.*—*This section shall apply to each study*
4 *initiated after the date of enactment of this Act to develop*
5 *a feasibility report under section 905 of the Water Resources*
6 *Development Act of 1986 (33 U.S.C. 2282), or a reevalua-*
7 *tion report, for a water resources project if the Secretary*
8 *determines that such study requires an environmental im-*
9 *pact statement under the National Environmental Policy*
10 *Act of 1969 (42 U.S.C. 4321 et seq.).*

11 (c) *WATER RESOURCES PROJECT REVIEW PROC-*
12 *ESS.*—*The Secretary shall develop and implement a coordi-*
13 *nated review process for water resources projects.*

14 (d) *COORDINATED REVIEWS.*—

15 (1) *IN GENERAL.*—*The coordinated review proc-*
16 *ess under this section shall provide that all environ-*
17 *mental reviews, analyses, opinions, permits, licenses,*
18 *and approvals that must be issued or made by a Fed-*
19 *eral, State, or local government agency or Indian*
20 *tribe for a water resources project will be conducted*
21 *concurrently, to the maximum extent practicable, and*
22 *completed within a time period established by the*
23 *Secretary, in cooperation with the agencies identified*
24 *under subsection (e) with respect to the project.*

1 (2) *AGENCY PARTICIPATION.*—*Each Federal*
2 *agency identified under subsection (e) shall formulate*
3 *and implement administrative, policy, and proce-*
4 *dural mechanisms to enable the agency to ensure com-*
5 *pletion of environmental reviews, analyses, opinions,*
6 *permits, licenses, and approvals described in para-*
7 *graph (1) in a timely and environmentally respon-*
8 *sible manner.*

9 *(e) IDENTIFICATION OF JURISDICTIONAL AGENCIES.*—
10 *With respect to each water resources project, the Secretary*
11 *shall identify, as soon as practicable, all Federal, State, and*
12 *local government agencies and Indian tribes that may have*
13 *jurisdiction over environmental-related matters that may be*
14 *affected by the project or may be required by law to conduct*
15 *an environmental-related review or analysis of the project*
16 *or determine whether to issue an environmental-related per-*
17 *mit, license, or approval for the project.*

18 *(f) STATE AUTHORITY.*—*If a coordinated review proc-*
19 *ess is being implemented under this section by the Secretary*
20 *with respect to a water resources project within the bound-*
21 *aries of a State, the State, consistent with State law, may*
22 *choose to participate in such process and provide that all*
23 *State agencies that have jurisdiction over environmental-*
24 *related matters that may be affected by the project or may*
25 *be required by law to conduct an environmental-related re-*

1 *view or analysis of the project or determine whether to issue*
2 *an environmental-related permit, license, or approval for*
3 *the project, be subject to the process.*

4 *(g) MEMORANDUM OF UNDERSTANDING.—The coordi-*
5 *nated review process developed under this section may be*
6 *incorporated into a memorandum of understanding for a*
7 *project between the Secretary and the heads of other Fed-*
8 *eral, State, and local government agencies and Indian*
9 *tribes identified under subsection (e) with respect to the*
10 *project and the non-Federal interest for the project.*

11 *(h) EFFECT OF FAILURE TO MEET DEADLINE.—*

12 *(1) NOTIFICATION OF CONGRESS AND CEQ.—If*
13 *the Secretary determines that a Federal, State, or*
14 *local government agency, Indian tribe, or non-Federal*
15 *interest that is participating in a coordinated review*
16 *process under this section with respect to a project*
17 *has not met a deadline established under subsection*
18 *(d) for the project, the Secretary shall notify, within*
19 *30 days of the date of such determination, the Com-*
20 *mittee on Transportation and Infrastructure of the*
21 *House of Representatives, the Committee on Environ-*
22 *ment and Public Works of the Senate, the Council on*
23 *Environmental Quality, and the agency, Indian tribe,*
24 *or non-Federal interest involved about the failure to*
25 *meet the deadline.*

1 (2) *AGENCY REPORT.*—Not later than 30 days
2 after the date of receipt of a notice under paragraph
3 (1), the Federal, State, or local government agency,
4 Indian tribe, or non-Federal interest involved shall
5 submit a report to the Secretary, the Committee on
6 Transportation and Infrastructure of the House of
7 Representatives, the Committee on Environment and
8 Public Works of the Senate, and the Council on Envi-
9 ronmental Quality explaining why the agency, In-
10 dian tribe, or non-Federal interest did not meet the
11 deadline and what actions it intends to take to com-
12 plete or issue the required review, analysis, opinion,
13 permit, license, or approval.

14 (i) *PURPOSE AND NEED AND DETERMINATION OF*
15 *REASONABLE ALTERNATIVES.*—

16 (1) *IN GENERAL.*—As an official of the lead Fed-
17 eral agency that is responsible for carrying out a
18 study to which this section applies and its associated
19 process for meeting the requirements of the National
20 Environmental Policy Act of 1969 (42 U.S.C. 4321 *et*
21 *seq.*) and as the Federal agency with expertise in
22 water resources development, the Secretary, in car-
23 rying out such study and process, shall—

24 (A) define the purpose and need for the pro-
25 posed water resources project; and

1 (B) *determine which alternatives are rea-*
2 *sonable and may be reasonably anticipated to*
3 *meet project purposes and needs.*

4 (2) *STREAMLINING STUDY.*—*To streamline a*
5 *study to which this section applies and its associated*
6 *process for meeting the requirements of the National*
7 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et*
8 *seq.), the Secretary may eliminate from consideration*
9 *any alternatives the Secretary determines are not rea-*
10 *sonable or are not reasonably anticipated to meet*
11 *project purposes and needs.*

12 (j) *SOLICITATION AND CONSIDERATION OF COM-*
13 *MENTS.*—*In applying subsection (i), the Secretary shall so-*
14 *licit, consider, and respond to comments from interested*
15 *persons and governmental entities.*

16 (k) *CATEGORICAL EXCLUSIONS.*—*Not later than 120*
17 *days after the date of enactment of this Act, the Secretary*
18 *shall develop and publish a list of categorical exclusions*
19 *from the requirement that an environmental assessment or*
20 *an environmental impact statement be prepared under the*
21 *National Environmental Policy Act of 1969 (42 U.S.C.*
22 *4321 et seq.) for water resources projects.*

23 (l) *LIMITATIONS.*—*Nothing in this section shall pre-*
24 *empt or interfere with—*

25 (1) *any practice of seeking public comment;*

1 (2) *any power, jurisdiction, or authority that a*
2 *Federal, State, or local government agency, Indian*
3 *tribe, or non-Federal interest has with respect to car-*
4 *rying out a water resources project; or*

5 (3) *any obligation to comply with the provisions*
6 *of the National Environmental Policy Act of 1969 (42*
7 *U.S.C. 4371 et seq.) and the regulations issued by the*
8 *Council on Environmental Quality to carry out such*
9 *Act.*

10 (m) *BENCHMARKS.—Within 12 months of the date of*
11 *enactment of this Act, the Chief of Engineers shall establish*
12 *benchmarks for determining the length of time it should take*
13 *to conduct a feasibility study for a water resources develop-*
14 *ment project and its associated review process under the Na-*
15 *tional Environmental Policy Act of 1969 (42 U.S.C. 4371*
16 *et seq.). Benchmarks may be established for activities based*
17 *on project type, size, cost, and complexity. The Chief of En-*
18 *gineers shall use such benchmarks as a management tool*
19 *to make the feasibility study process more efficient in all*
20 *districts of the Army Corps of Engineers.*

21 **SEC. 2026. LAKES PROGRAM.**

22 *Section 602(a) of the Water Resources Development*
23 *Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295)*
24 *is amended—*

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

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

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

4 “(20) *Kinkaid Lake, Jackson County, Illinois,*
5 *removal of silt and aquatic growth and measures to*
6 *address excessive sedimentation;*

7 “(21) *McCarter Pond, Borough of Fairhaven,*
8 *New Jersey, removal of silt and measures to address*
9 *water quality;*

10 “(22) *Rogers Pond, Franklin Township, New*
11 *Jersey, removal of silt and restoration of structural*
12 *integrity;*

13 “(23) *Greenwood Lake, New York and New Jer-*
14 *sey, removal of silt and aquatic growth;*

15 “(24) *Lake Rodgers, Creedmoor, North Carolina,*
16 *removal of silt and excessive nutrients and restoration*
17 *of structural integrity; and*

18 “(25) *Lake Luxembourg, Pennsylvania.”*

19 **SEC. 2027. MITIGATION FOR FISH AND WILDLIFE LOSSES.**

20 (a) *MITIGATION PLAN CONTENTS.*—Section 906(d) of
21 *the Water Resources Development Act of 1986 (33 U.S.C.*
22 *2283(d)) is amended by adding at the end the following:*

23 “(3) *CONTENTS.*—A mitigation plan shall in-
24 *clude—*

1 “(A) a description of the physical action to
2 be undertaken to achieve the mitigation objectives
3 within the watershed in which such losses occur
4 and, in any case in which mitigation must take
5 place outside the watershed, a justification de-
6 tailing the rationale for undertaking the mitiga-
7 tion outside of the watershed;

8 “(B) a description of the lands or interests
9 in lands to be acquired for mitigation and the
10 basis for a determination that such lands are
11 available for acquisition;

12 “(C) the type, amount, and characteristics
13 of the habitat being restored;

14 “(D) success criteria for mitigation based
15 on replacement of lost functions and values of the
16 habitat, including hydrologic and vegetative
17 characteristics; and

18 “(E) a plan for any necessary monitoring
19 to determine the success of the mitigation, in-
20 cluding the cost and duration of any monitoring
21 and, to the extent practicable, the entities respon-
22 sible for any monitoring.

23 “(4) RESPONSIBILITY FOR MONITORING.—In any
24 case in which it is not practicable to identify in a
25 mitigation plan for a water resources project, the en-

1 *tity responsible for monitoring at the time of a final*
2 *report of the Chief of Engineers or other final decision*
3 *document for the project, such entity shall be identi-*
4 *fied in the partnership agreement entered into with*
5 *the non-Federal interest.”.*

6 *(b) STATUS REPORT.—*

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

18 *(2) PROJECTS INCLUDED.—The status report*
19 *shall include the status of all projects that are under*
20 *construction, all projects for which the President re-*
21 *quests funding for the next fiscal year, and all*
22 *projects that have completed construction, but have*
23 *not completed the mitigation required under section*
24 *906 of the Water Resources Development Act of 1986.*

1 **SEC. 2028. COOPERATIVE AGREEMENTS.**

2 (a) *IN GENERAL.*—*For the purpose of expediting the*
3 *cost-effective design and construction of wetlands restora-*
4 *tion that is part of an authorized water resources project,*
5 *the Secretary may enter into cooperative agreements under*
6 *section 6305 of title 31, United States Code, with nonprofit*
7 *organizations with expertise in wetlands restoration to*
8 *carry out such design and construction on behalf of the Sec-*
9 *retary.*

10 (b) *LIMITATIONS.*—

11 (1) *PER PROJECT LIMIT.*—*A cooperative agree-*
12 *ment under this section shall not obligate the Sec-*
13 *retary to pay the nonprofit organization more than*
14 *\$1,000,000 for any single wetlands restoration*
15 *project.*

16 (2) *ANNUAL LIMIT.*—*The total value of work car-*
17 *ried out under cooperative agreements under this sec-*
18 *tion may not exceed \$5,000,000 in any fiscal year.*

19 **SEC. 2029. PROJECT PLANNING.**

20 (a) *OBJECTIVES.*—

21 (1) *FLOOD DAMAGE REDUCTION, NAVIGATION,*
22 *AND HURRICANE AND STORM DAMAGE REDUCTION*
23 *PROJECTS.*—*The Federal objective of any study of the*
24 *feasibility of a water resources project carried out by*
25 *the Secretary for flood damage reduction, navigation,*
26 *or hurricane and storm damage reduction shall be to*

1 *maximize the net national economic development ben-*
2 *efits associated with the project, consistent with pro-*
3 *tecting the Nation's environment.*

4 (2) *ECOSYSTEM RESTORATION PROJECTS.*—*The*
5 *Federal objective of any study of the feasibility of a*
6 *water resources project for ecosystem restoration car-*
7 *ried out by the Secretary shall be to maximize the net*
8 *national ecosystem restoration benefits associated*
9 *with the project, consistent with national economic*
10 *development.*

11 (3) *PROJECTS WITH MULTIPLE PURPOSES.*—*In*
12 *the case of a study that includes multiple project pur-*
13 *poses, the primary and other project purposes shall be*
14 *evaluated, based on the relevant Federal objective*
15 *identified under paragraphs (1) and (2).*

16 (4) *SELECTION OF PROJECT ALTERNATIVES.*—

17 (A) *IN GENERAL.*—*Notwithstanding the*
18 *Federal objectives identified in this subsection,*
19 *the Secretary may select a project alternative*
20 *that does not maximize net benefits if there is an*
21 *overriding reason based upon other Federal,*
22 *State, local, or international concerns.*

23 (B) *FLOOD DAMAGE REDUCTION, NAVIGA-*
24 *TION, AND HURRICANE STORM DAMAGE REDUC-*
25 *TION PROJECTS.*—*With respect to a water re-*

1 *sources project described in paragraph (1), an*
2 *overriding reason for selecting a plan other than*
3 *the plan that maximizes national economic de-*
4 *velopment benefits may be if the Secretary deter-*
5 *mines, and the non-Federal interest concurs, that*
6 *an alternative plan is feasible and achieves the*
7 *project purposes while providing greater eco-*
8 *system restoration benefits.*

9 (C) *ECOSYSTEM RESTORATION PROJECTS.—*

10 *With respect to a water resources project de-*
11 *scribed in paragraph (2), an overriding reason*
12 *for selecting a plan other than the plan that*
13 *maximizes national ecosystem restoration bene-*
14 *fits may be if the Secretary determines, and the*
15 *non-Federal interest concurs, that an alternative*
16 *plan is feasible and achieves the project purposes*
17 *while providing greater economic development*
18 *benefits.*

19 (b) *IDENTIFYING ADDITIONAL BENEFITS AND*
20 *PROJECTS.—*

21 (1) *PRIMARILY ECONOMIC BENEFITS.—In con-*
22 *ducting a study of the feasibility of a project where*
23 *the primary benefits are expected to be economic, the*
24 *Secretary may identify ecosystem restoration benefits*
25 *that may be achieved in the study area and, after ob-*

1 *taining the participation of a non-Federal interest,*
2 *may study and recommend construction of additional*
3 *measures, a separate project, or separable project ele-*
4 *ment to achieve those benefits.*

5 (2) *PRIMARYLY ECOSYSTEM RESTORATION BENE-*
6 *FITS.—In conducting a study of the feasibility of a*
7 *project where the primary benefits are expected to be*
8 *associated with ecosystem restoration, the Secretary*
9 *may identify economic benefits that may be achieved*
10 *in the study area and, after obtaining the participa-*
11 *tion of a non-Federal interest, may study and rec-*
12 *ommend construction of additional measures, a sepa-*
13 *rate project, or separable project element to achieve*
14 *those benefits.*

15 (3) *RULES APPLICABLE TO CERTAIN MEASURES,*
16 *PROJECTS, AND ELEMENTS.—Any additional meas-*
17 *ures, separate project, or separable element identified*
18 *under paragraph (1) or (2) and recommended for*
19 *construction shall not be considered integral to the*
20 *underlying project and, if authorized, shall be subject*
21 *to a separate partnership agreement, unless a non-*
22 *Federal interest agrees to share in the cost of the ad-*
23 *ditional measures, project, or separable element.*

24 (c) *CALCULATION OF BENEFITS AND COSTS FOR*
25 *FLOOD DAMAGE REDUCTION PROJECTS.—A feasibility*

1 *study for a project for flood damage reduction shall include,*
2 *as part of the calculation of benefits and costs—*

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

5 *(2) a calculation of any upstream or down-*
6 *stream impacts of the proposed project; and*

7 *(3) calculations to ensure that the benefits and*
8 *costs associated with structural and nonstructural al-*
9 *ternatives are evaluated in an equitable manner.*

10 **SEC. 2030. INDEPENDENT PEER REVIEW.**

11 *(a) PROJECT STUDIES SUBJECT TO INDEPENDENT*
12 *PEER REVIEW.—*

13 *(1) IN GENERAL.—Project studies shall be subject*
14 *to a peer review by an independent panel of experts*
15 *as determined under this section.*

16 *(2) SCOPE.—The peer review may include a re-*
17 *view of the economic and environmental assumptions*
18 *and projections, project evaluation data, economic*
19 *analyses, environmental analyses, engineering anal-*
20 *yses, formulation of alternative plans, methods for in-*
21 *tegrating risk and uncertainty, models used in eval-*
22 *uation of economic or environmental impacts of pro-*
23 *posed projects, and any biological opinions of the*
24 *project study.*

1 (3) *PROJECT STUDIES SUBJECT TO PEER RE-*
2 *VIEW.—*

3 (A) *MANDATORY.—A project study shall be*
4 *subject to peer review under paragraph (1) if the*
5 *project has an estimated total cost of more than*
6 *\$50,000,000, including mitigation costs, and is*
7 *not determined by the Chief of Engineers to be*
8 *exempt from peer review under paragraph (6).*

9 (B) *DISCRETIONARY.—A project study may*
10 *be subject to peer review if—*

11 (i) *the Governor of an affected State*
12 *requests a peer review by an independent*
13 *panel of experts;*

14 (ii) *the head of a Federal or State*
15 *agency charged with reviewing the project*
16 *study determines that the project is likely to*
17 *have a significant adverse impact on envi-*
18 *ronmental, cultural, or other resources*
19 *under the jurisdiction of the agency after*
20 *implementation of proposed mitigation*
21 *plans and requests a peer review by an*
22 *independent panel of experts; or*

23 (iii) *the Chief of Engineers determines*
24 *that the project study is controversial.*

1 (4) *CONTROVERSIAL PROJECTS.*—Upon receipt of
2 a written request under paragraph (3)(B) or on the
3 initiative of the Chief of Engineers, the Chief of Engi-
4 neers shall determine whether a project study is con-
5 troversial.

6 (5) *FACTORS TO CONSIDER.*—In determining
7 whether a project study is controversial, the Chief of
8 Engineers shall consider if—

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

11 (B) there is a significant public dispute as
12 to the economic or environmental costs or bene-
13 fits of the project.

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

17 (A) a study for a project the Chief of Engi-
18 neers determines—

19 (i) is not controversial;

20 (ii) has no more than negligible ad-
21 verse impacts on scarce or unique cultural,
22 historic, or tribal resources;

23 (iii) has no substantial adverse im-
24 pacts on fish and wildlife species and their

1 *habitat prior to the implementation of miti-*
2 *gation measures; and*

3 *(iv) has, before implementation of*
4 *mitigation measures, no more than a neg-*
5 *ligible adverse impact on a species listed as*
6 *endangered or threatened species under the*
7 *Endangered Species Act of 1973 (16 U.S.C.*
8 *1539 et seq.) or the critical habitat of such*
9 *species designated under such Act; and*

10 *(B) a study for a project pursued under sec-*
11 *tion 205 of the Flood Control Act of 1948 (33*
12 *U.S.C. 701s), section 2 of the Flood Control Act*
13 *of August 28, 1937 (33 U.S.C. 701g), section 14*
14 *of the Flood Control Act of 1946 (33 U.S.C.*
15 *701r), section 107(a) of the River and Harbor*
16 *Act of 1960 (33 U.S.C. 577(a)), section 3 of the*
17 *Act entitled “An Act authorizing Federal par-*
18 *ticipation in the cost of protecting the shores of*
19 *publicly owned property”, approved August 13,*
20 *1946 (33 U.S.C. 426g), section 111 of the River*
21 *and Harbor Act of 1968 (33 U.S.C. 426i), sec-*
22 *tion 3 of the Act entitled “An Act authorizing*
23 *the construction, repair, and preservation of cer-*
24 *tain public works on rivers and harbors, and for*
25 *other purposes”, approved March 2, 1945 (33*

1 *U.S.C. 603a), section 1135 of the Water Re-*
2 *sources Development Act of 1986 (33 U.S.C.*
3 *2309a), section 206 of the Water Resources De-*
4 *velopment Act of 1996 (33 U.S.C. 2330), or sec-*
5 *tion 204 of the Water Resources Development Act*
6 *of 1992 (33 U.S.C. 2326).*

7 (7) *APPEAL.—The decision of the Chief of Engi-*
8 *neers whether to peer review a project study shall be*
9 *published in the Federal Register and shall be subject*
10 *to appeal by a person referred to in paragraph*
11 *(3)(B)(i) or (3)(B)(ii) to the Secretary of the Army*
12 *if such appeal is made within the 30-day period fol-*
13 *lowing the date of such publication.*

14 (8) *DETERMINATION OF PROJECT COST.—For*
15 *purposes of determining the estimated total cost of a*
16 *project under paragraph (3)(A), the project cost shall*
17 *be based upon the reasonable estimates of the Chief of*
18 *Engineers at the completion of the reconnaissance*
19 *study for the project. If the reasonable estimate of*
20 *project costs is subsequently determined to be in excess*
21 *of the amount in paragraph (3)(A), the Chief of Engi-*
22 *neers shall make a determination whether a project*
23 *study should be reviewed under this section.*

24 (b) *TIMING OF PEER REVIEW.—The Chief of Engineers*
25 *shall determine the timing of a peer review of a project*

1 *study under subsection (a). In all cases, the peer review*
2 *shall occur during the period beginning on the date of the*
3 *completion of the reconnaissance study for the project and*
4 *ending on the date the draft report of the Chief of Engineers*
5 *for the project is made available for public comment. Where*
6 *the Chief of Engineers has not initiated a peer review of*
7 *a project study, the Chief of Engineers shall consider, at*
8 *a minimum, whether to initiate a peer review at the time*
9 *that—*

10 *(1) the without-project conditions are identified;*

11 *(2) the array of alternatives to be considered are*
12 *identified; and*

13 *(3) the preferred alternative is identified.*

14 *Nothing in this subsection shall be construed to require the*
15 *Chief of Engineers to conduct multiple peer reviews for a*
16 *project study.*

17 *(c) ESTABLISHMENT OF PANELS.—*

18 *(1) IN GENERAL.—For each project study subject*
19 *to peer review under subsection (a), as soon as prac-*
20 *ticable after the Chief of Engineers determines that a*
21 *project study will be subject to peer review, the Chief*
22 *of Engineers shall contract with the National Acad-*
23 *emy of Sciences (or a similar independent scientific*
24 *and technical advisory organization), or an eligible*
25 *organization, to establish a panel of experts to peer*

1 *review the project study for technical and scientific*
2 *sufficiency.*

3 (2) *MEMBERSHIP.*—*A panel of experts estab-*
4 *lished for a project study under this section shall be*
5 *composed of independent experts who represent a bal-*
6 *ance of areas of expertise suitable for the review being*
7 *conducted.*

8 (3) *LIMITATION ON APPOINTMENTS.*—*An indi-*
9 *vidual may not be selected to serve on a panel of ex-*
10 *perts established for a project study under this section*
11 *if the individual has a financial or close professional*
12 *association with any organization or group with a*
13 *strong financial or organizational interest in the*
14 *project.*

15 (4) *CONGRESSIONAL NOTIFICATION.*—*Upon iden-*
16 *tification of a project study for peer review under this*
17 *section, but prior to initiation of any review, the*
18 *Chief of Engineers shall notify the Committee on En-*
19 *vironment and Public Works of the Senate and the*
20 *Committee on Transportation and Infrastructure of*
21 *the House of Representatives of such review.*

22 (d) *DUTIES OF PANELS.*—*A panel of experts estab-*
23 *lished for a peer review for a project study under this sec-*
24 *tion shall, consistent with the scope of the referral for re-*
25 *view—*

1 (1) *conduct a peer review for the project study*
2 *submitted to the panel for review;*

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

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

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

17 (e) *DURATION OF PROJECT STUDY PEER REVIEWS.—*

18 (1) *DEADLINE.—A panel of experts shall—*

19 (A) *complete its peer review under this sec-*
20 *tion for a project study and submit a report to*
21 *the Chief of Engineers under subsection (d)(4)*
22 *within 180 days after the date of establishment*
23 *of the panel, or, if the Chief of Engineers deter-*
24 *mines that a longer period of time is necessary,*
25 *such period of time established by the Chief of*

1 *Engineers, but in no event later than 90 days*
2 *after the date a draft project study is made*
3 *available for public review; and*

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

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

14 *(f) RECOMMENDATIONS OF PANEL.—*

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

23 *(2) PUBLIC AVAILABILITY AND TRANSMITTAL TO*
24 *CONGRESS.—After receiving a report on a project*

1 study from a panel of experts under this section, the
2 Chief of Engineers shall—

3 (A) make a copy of the report and any
4 written response of the Chief of Engineers on rec-
5 ommendations contained in the report available
6 to the public; and

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

13 (g) COSTS.—

14 (1) IN GENERAL.—The costs of a panel of experts
15 established for a peer review under this section—

16 (A) shall be a Federal expense; and

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

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

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

23 (1) project studies initiated during the 2-year
24 period preceding the date of enactment of this Act and

1 *for which the array of alternatives to be considered*
2 *has not been identified; and*

3 (2) *project studies initiated during the period be-*
4 *ginning on such date of enactment and ending 4*
5 *years after such date of enactment.*

6 (i) *REPORT.*—*Within 4 1/2 years of the date of enact-*
7 *ment of this section, the Chief of Engineers shall submit*
8 *a report to Congress on the implementation of this section.*

9 (j) *NONAPPLICABILITY OF FACCA.*—*The Federal Advi-*
10 *sory Committee Act (5 U.S.C. App.) shall not apply to any*
11 *peer review panel established under this section.*

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

16 (l) *DEFINITIONS.*—*In this section, the following defini-*
17 *tions apply:*

18 (1) *PROJECT STUDY.*—*The term “project study”*
19 *means a feasibility study or reevaluation study for a*
20 *project. The term also includes any other study asso-*
21 *ciated with a modification or update of a project that*
22 *includes an environmental impact statement, includ-*
23 *ing the environmental impact statement.*

24 (2) *AFFECTED STATE.*—*The term “affected*
25 *State”, as used with respect to a project, means a*

1 *State all or a portion of which is within the drainage*
2 *basin in which the project is or would be located and*
3 *would be economically or environmentally affected as*
4 *a consequence of the project.*

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

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

10 (B) *is independent;*

11 (C) *is free from conflicts of interest;*

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

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

16 **SEC. 2031. TRAINING FUNDS.**

17 (a) *IN GENERAL.*—*The Secretary may include indi-*
18 *viduals not employed by the Department of the Army in*
19 *training classes and courses offered by the Corps of Engi-*
20 *neers in any case in which the Secretary determines that*
21 *it is in the best interest of the Federal Government to in-*
22 *clude those individuals as participants.*

23 (b) *EXPENSES.*—

24 (1) *IN GENERAL.*—*An individual not employed*
25 *by the Department of the Army attending a training*

1 *class or course described in subsection (a) shall pay*
2 *the full cost of the training provided to the indi-*
3 *vidual.*

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

7 (A) *may be retained by the Secretary;*

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

10 (C) *shall be available for use by the Sec-*
11 *retary, without further appropriation, for train-*
12 *ing purposes.*

13 (3) *EXCESS AMOUNTS.*—*Any payments received*
14 *under paragraph (2) that are in excess of the actual*
15 *cost of training provided shall be credited as miscella-*
16 *neous receipts to the Treasury of the United States.*

17 **SEC. 2032. ACCESS TO WATER RESOURCE DATA.**

18 (a) *IN GENERAL.*—*The Secretary shall carry out a*
19 *program to provide public access to water resource and re-*
20 *lated water quality data in the custody of the Corps of En-*
21 *gineers.*

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

23 (1) *include, at a minimum, access to data gen-*
24 *erated in water resources project development and*

1 regulation under section 404 of the Federal Water
2 Pollution Control Act (33 U.S.C. 1344); and

3 (2) appropriately employ geographic informa-
4 tion system technology and linkages to water resource
5 models and analytical techniques.

6 (c) *PARTNERSHIPS.*—To the maximum extent prac-
7 ticable, in carrying out activities under this section, the
8 Secretary shall develop partnerships, including cooperative
9 agreements with State, tribal, and local governments and
10 other Federal agencies.

11 (d) *AUTHORIZATION OF APPROPRIATIONS.*—There is
12 authorized to be appropriated to carry out this section
13 \$5,000,000 for each fiscal year.

14 **SEC. 2033. SHORE PROTECTION PROJECTS.**

15 (a) *IN GENERAL.*—In accordance with the Act of July
16 3, 1930 (33 U.S.C. 426), and notwithstanding administra-
17 tive actions, it is the policy of the United States to promote
18 beach nourishment for the purposes of flood damage reduc-
19 tion and hurricane and storm damage reduction and re-
20 lated research that encourage the protection, restoration,
21 and enhancement of sandy beaches, including beach restora-
22 tion and periodic beach renourishment for a period of 50
23 years, on a comprehensive and coordinated basis by the
24 Federal Government, States, localities, and private enter-
25 prises.

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

3 (1) *areas in which there has been a Federal investment of funds for the purposes described in subsection (a); and*

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

10 (c) *APPLICABILITY.*—*The Secretary shall apply the policy to each shore protection and beach renourishment project (including shore protection and beach renourishment projects constructed before the date of enactment of this Act).*

15 **SEC. 2034. ABILITY TO PAY.**

16 (a) *CRITERIA AND PROCEDURES.*—*Section 103(m)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(2)) is amended by striking “180 days after such date of enactment” and inserting “August 31, 2005”.*

20 (b) *PROJECTS.*—*The Secretary shall apply the criteria and procedures referred to in section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) to the following projects:*

24 (1) *ST. JOHNS BAYOU AND NEW MADRID FLOODWAY, MISSOURI.*—*The project for flood control,*

1 *St. Johns Bayou and New Madrid Floodway, Mis-*
2 *souri, authorized by section 401(a) of the Water Re-*
3 *sources Development Act of 1986 (100 Stat. 4118).*

4 (2) *LOWER RIO GRANDE BASIN, TEXAS.—The*
5 *project for flood control, Lower Rio Grande Basin,*
6 *Texas, authorized by section 401(a) of the Water Re-*
7 *sources Development Act of 1986 (100 Stat. 4125).*

8 (3) *WEST VIRGINIA AND PENNSYLVANIA*
9 *PROJECTS.—The projects for flood control authorized*
10 *by section 581 of the Water Resources Development*
11 *Act of 1996 (110 Stat. 3790–3791).*

12 **SEC. 2035. AQUATIC ECOSYSTEM RESTORATION.**

13 *Section 206(e) of the Water Resources Development Act*
14 *of 1996 (33 U.S.C. 2330) is amended by striking*
15 *“\$25,000,000” and inserting “\$40,000,000”.*

16 **SEC. 2036. SMALL FLOOD DAMAGE REDUCTION PROJECTS.**

17 *Section 205 of the Flood Control Act of 1948 (33*
18 *U.S.C. 701s) is amended by striking “\$50,000,000” and in-*
19 *serting “\$60,000,000”.*

20 **SEC. 2037. LEASING AUTHORITY.**

21 *Section 4 of the Act entitled “An Act authorizing the*
22 *construction of certain public works on rivers and harbors*
23 *for flood control, and other purposes”, approved December*
24 *22, 1944 (16 U.S.C. 460d) is amended—*

1 (1) by inserting “federally-recognized Indian
2 tribes and” before “Federal” the first place it appears;

3 (2) by inserting “Indian tribes or” after “consid-
4 erations, to such”; and

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

7 **SEC. 2038. COST ESTIMATES.**

8 *The estimated Federal and non-Federal costs of*
9 *projects authorized to be carried out by the Secretary before,*
10 *on, or after the date of enactment of this Act are for infor-*
11 *mational purposes only and shall not be interpreted as af-*
12 *fecting the cost sharing responsibilities established by law.*

13 **SEC. 2039. STUDIES AND REPORTS FOR WATER RESOURCES**
14 **PROJECTS.**

15 (a) *STUDIES.*—

16 (1) *COST-SHARING REQUIREMENTS.*—*Section*
17 *105(a) of the Water Resources Development Act of*
18 *1986 (33 U.S.C. 2215(a)) is amended by adding at*
19 *the end the following:*

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

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

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

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

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

12 “(d) *DEFINITIONS.*—In this section, the following defi-
13 nitions apply:

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

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

11 (b) *REPORTS*.—

12 (1) *PREPARATION*.—Section 905(a) of the Water
13 Resources Development Act of 1986 (33 U.S.C.
14 2282(a); 100 Stat. 4185) is amended—

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

17 “(a) *PREPARATION OF REPORTS*.—

18 (1) *IN GENERAL*.—In the case of any”;

19 (B) by striking “the Secretary, the Sec-
20 retary shall” and inserting “the Secretary that
21 results in recommendations concerning a project
22 or the operation of a project and that requires
23 specific authorization by Congress in law or oth-
24 erwise, the Secretary shall perform a reconnais-
25 sance study and”;

1 (C) by striking “Such feasibility report”
2 and inserting the following:

3 “(2) CONTENTS OF FEASIBILITY REPORTS.—A
4 feasibility report”;

5 (D) by striking “The feasibility report” and
6 inserting “A feasibility report”; and

7 (E) by striking the last sentence and insert-
8 ing the following:

9 “(3) APPLICABILITY.—This subsection shall not
10 apply to—

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

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

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

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

23 “(4) FEASIBILITY REPORT DEFINED.—In this
24 subsection, the term ‘feasibility report’ means each
25 feasibility report, and any associated environmental

1 *impact statement and mitigation plan, prepared by*
2 *the Corps of Engineers for a water resources project.*
3 *The term includes a project implementation report*
4 *prepared under title VI of the Water Resources Devel-*
5 *opment Act of 2000 (114 Stat. 2680–2694), a general*
6 *reevaluation report, and a limited reevaluation re-*
7 *port.”.*

8 (2) *PROJECTS NOT SPECIALLY AUTHORIZED BY*
9 *CONGRESS.—Section 905 of such Act is further*
10 *amended—*

11 (A) *in subsection (b) by inserting “RECON-*
12 *NAISSANCE STUDIES.—” before “Before initi-*
13 *ating”;*

14 (B) *by redesignating subsections (c), (d),*
15 *and (e) as subsections (d), (e), and (f), respec-*
16 *tively;*

17 (C) *by inserting after subsection (b) the fol-*
18 *lowing:*

19 “(c) *PROJECTS NOT SPECIFICALLY AUTHORIZED BY*
20 *CONGRESS.—In the case of any water resources project-re-*
21 *lated study authorized to be undertaken by the Secretary*
22 *without specific authorization by Congress in law or other-*
23 *wise, the Secretary shall prepare a detailed project report.”;*

1 (D) in subsection (d) (as so redesignated) by
2 inserting “INDIAN TRIBES.—” before “For pur-
3 poses of”; and

4 (E) in subsection (e) (as so redesignated) by
5 inserting “STANDARD AND UNIFORM PROCE-
6 DURES AND PRACTICES.—” before “The Sec-
7 retary shall” .

8 **SEC. 2040. FISCAL TRANSPARENCY REPORT.**

9 (a) *IN GENERAL.*—On the third Tuesday of January
10 of each year beginning January 2006, the Chief of Engi-
11 neers shall submit to the Committee on Environment and
12 Public Works of the Senate and the Committee on Transpor-
13 tation and Infrastructure of the House of Representatives
14 a report on the expenditures for the preceding fiscal year
15 and estimated expenditures for the current fiscal year and,
16 for projects and activities that are not scheduled for comple-
17 tion in the current fiscal year, the estimated expenditures
18 necessary in the following fiscal year for each project or
19 activity to maintain the same level of effort being achieved
20 in the current fiscal year.

21 (b) *CONTENTS.*—In addition to the information de-
22 scribed in subsection (a), the report shall contain a detailed
23 accounting of the following information:

24 (1) With respect to general construction, infor-
25 mation on—

1 (A) *projects currently under construction,*
2 *including—*

3 (i) *allocations to date;*

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

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

8 (iv) *a list of projects the Corps of En-*
9 *gineers expects to complete during the cur-*
10 *rent fiscal year; and*

11 (B) *projects for which there is a signed cost-*
12 *sharing agreement and completed planning, en-*
13 *gineering, and design, including—*

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

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

18 (2) *With respect to operation and maintenance*
19 *of the inland and intracoastal waterways under sec-*
20 *tion 206 of Public Law 95–502 (33 U.S.C. 1804)—*

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

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

4 (3) With respect to general investigations and re-
5 connaissance and feasibility studies—

6 (A) the number of active studies;

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

9 (C) the number of initiated studies; and

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

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

16 (5) Recreation fees and lease payments.

17 (6) Hydropower and water storage fees.

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

20 (8) Other revenues and fees collected.

21 **TITLE III—PROJECT-RELATED**
22 **PROVISIONS**

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

24 The maximum amount of Federal funds that may be
25 expended for the project for navigation, King Cove Harbor,

1 *Alaska, being carried out under section 107 of the River*
2 *and Harbor Act of 1960 (33 U.S.C. 577), shall be*
3 *\$8,000,000.*

4 **SEC. 3002. ST. PAUL HARBOR, ST. PAUL ISLAND, ALASKA.**

5 *(a) SMALL BOAT HARBOR.—No elements of the project*
6 *for navigation, St. Paul Harbor, St. Paul Island, Alaska,*
7 *authorized by section 101(b)(3) of the Water Resources De-*
8 *velopment Act of 1996 (110 Stat. 3667) and modified by*
9 *section 303 of the Water Resources Development Act of 1999*
10 *(113 Stat. 298) and section 105 of the Energy and Water*
11 *Development Appropriations Act, 2003 (117 Stat. 139),*
12 *shall be treated by the Secretary as separable.*

13 *(b) LIMITATION ON NON-FEDERAL SHARE.—The non-*
14 *Federal share for the project shall not exceed \$14,400,000.*

15 **SEC. 3003. SITKA, ALASKA.**

16 *The Thompson Harbor, Sitka, Alaska, element of the*
17 *project for navigation Southeast Alaska Harbors of Refuge,*
18 *Alaska, authorized by section 101 of the Water Resources*
19 *Development Act of 1992 (106 Stat. 4801), is modified to*
20 *direct the Secretary to take such action as may be necessary*
21 *to correct design deficiencies in such element, at a Federal*
22 *expense of \$6,300,000.*

23 **SEC. 3004. TATITLEK, ALASKA.**

24 *The maximum amount of Federal funds that may be*
25 *expended for the project for navigation, Tatitlek, Alaska,*

1 *being carried out under section 107 of the River and Harbor*
2 *Act of 1960 (33 U.S.C. 577), shall be \$10,000,000.*

3 **SEC. 3005. GRAND PRAIRIE REGION AND BAYOU METO**
4 **BASIN, ARKANSAS.**

5 *The Secretary shall review the general reevaluation re-*
6 *port for the Bayou Meto basin element of the project for*
7 *Grand Prairie Region and Bayou Meto Basin, Arkansas,*
8 *reauthorized by section 363(a) of the Water Resources De-*
9 *velopment Act of 1996 (110 Stat. 3730), and make a deter-*
10 *mination of whether the element is feasible, regardless of*
11 *mission priorities.*

12 **SEC. 3006. OSCEOLA HARBOR, ARKANSAS.**

13 *(a) IN GENERAL.—The project for navigation, Osceola*
14 *Harbor, Arkansas, constructed under section 107 of the*
15 *River and Harbor Act of 1960 (33 U.S.C. 577), is modified*
16 *to allow non-Federal interests to construct a mooring facil-*
17 *ity within the existing authorized harbor channel, subject*
18 *to all necessary permits, certifications, and other require-*
19 *ments.*

20 *(b) LIMITATION ON STATUTORY CONSTRUCTION.—*
21 *Nothing in this section shall be construed as affecting the*
22 *responsibility of the Secretary to maintain the general*
23 *navigation features of the project at a bottom width of 250*
24 *feet.*

1 **SEC. 3007. PINE MOUNTAIN DAM, ARKANSAS.**

2 *The Pine Mountain Dam feature of the project for flood*
3 *protection, Lee Creek, Arkansas and Oklahoma, authorized*
4 *by section 204 of the Flood Control Act of 1965 (79 Stat.*
5 *1078), is modified—*

6 *(1) to add environmental restoration as a project*
7 *purpose; and*

8 *(2) to direct the Secretary to finance the non-*
9 *Federal share of the cost of the project over a 30-year*
10 *period in accordance with section 103(k) of the Water*
11 *Resources Development Act of 1986 (33 U.S.C.*
12 *2213(k)).*

13 **SEC. 3008. SAINT FRANCIS BASIN, ARKANSAS.**

14 *The project for flood control, Saint Francis Basin,*
15 *Missouri and Arkansas, authorized by section 204 of the*
16 *Flood Control Act of 1950 (64 Stat. 172), is modified to*
17 *authorize the Secretary to construct improvements along*
18 *Ditch No. 1 that consist of a gated culvert through the Saint*
19 *Francis Levee and related channel improvements.*

20 **SEC. 3009. AMERICAN RIVER WATERSHED, CALIFORNIA.**

21 *Section 128 of Public Law 108–137 (117 Stat. 1838)*
22 *is amended by adding at the end the following:*

23 *“(c) DAM SAFETY MODIFICATIONS AT L.L. ANDERSON*
24 *DAM.—In determining improvements for dam safety that*
25 *are necessary at the L.L. Anderson Dam, the Secretary shall*

1 *consider the without-project condition to be the dam as it*
2 *existed on December 1, 2003.*

3 “(d) *COST ALLOCATION.*—*In allocating costs for the*
4 *project authorized in subsection (a), the Secretary shall use*
5 *the project cost allocations for flood damage reduction and*
6 *dam safety that are contained in the American River Wa-*
7 *tershed, California, long-term study final supplemental*
8 *plan formulation report dated February 2002.”.*

9 **SEC. 3010. COMPTON CREEK, CALIFORNIA.**

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

15 **SEC. 3011. GRAYSON CREEK/MURDERER’S CREEK, CALI-**
16 **FORNIA.**

17 *The project for aquatic ecosystem restoration, Grayson*
18 *Creek/Murderer’s Creek, California, being carried out under*
19 *section 206 of the Water Resources Development Act of 1996*
20 *(33 U.S.C. 2330), is modified to direct the Secretary to*
21 *credit toward the non-Federal share of the cost of the project*
22 *the cost of work carried out by the non-Federal interest be-*
23 *fore the date of the partnership agreement for the project*
24 *if the Secretary determines that the work is integral to the*
25 *project and to authorize the Secretary to consider national*

1 *ecosystem restoration benefits in determining the Federal*
2 *interest in the project.*

3 **SEC. 3012. HAMILTON AIRFIELD, CALIFORNIA.**

4 *The project for environmental restoration, Hamilton*
5 *Airfield, California, authorized by section 101(b)(3) of the*
6 *Water Resources Development Act of 1999 (113 Stat. 279),*
7 *is modified to direct the Secretary to construct the project*
8 *substantially in accordance with the report of the Chief of*
9 *Engineers dated July 19, 2004, at a total cost of*
10 *\$205,226,000, with an estimated Federal cost of*
11 *\$153,840,000 and an estimated non-Federal cost of*
12 *\$51,386,000.*

13 **SEC. 3013. JOHN F. BALDWIN SHIP CHANNEL AND STOCK-**
14 **TON SHIP CHANNEL, CALIFORNIA.**

15 *The project for navigation, San Francisco to Stockton,*
16 *California, authorized by section 301 of the River and Har-*
17 *bor Act of 1965 (79 Stat. 1091) is modified—*

18 *(1) to provide that the non-Federal share of the*
19 *cost of the John F. Baldwin Ship Channel and Stock-*
20 *ton Ship Channel element of the project may be pro-*
21 *vided in the form of in-kind services and materials;*
22 *and*

23 *(2) to direct the Secretary to credit toward the*
24 *non-Federal share of the cost of such element the cost*
25 *of planning and design work carried out by the non-*

1 *Federal interest before the date of an agreement for*
2 *such planning and design if the Secretary determines*
3 *that such work is integral to such element.*

4 **SEC. 3014. KAWEAH RIVER, CALIFORNIA.**

5 *The project for flood control, Terminus Dam, Kaweah*
6 *River, California, authorized by section 101(b)(5) of the*
7 *Water Resources Development Act of 1996 (110 Stat. 3658),*
8 *is modified to direct the Secretary to credit toward the non-*
9 *Federal share of the cost of the project, or provide reim-*
10 *bursement not to exceed \$800,000, for the costs of any work*
11 *carried out by the non-Federal interest before, on, or after*
12 *the date of the project partnership agreement if the Sec-*
13 *retary determines that the work is integral to the project.*

14 **SEC. 3015. LARKSPUR FERRY CHANNEL, LARKSPUR, CALI-**
15 **FORNIA.**

16 *The project for navigation, Larkspur Ferry Channel,*
17 *Larkspur, California, authorized by section 601(d) of the*
18 *Water Resources Development Act of 1986 (100 Stat. 4148),*
19 *is modified to direct the Secretary to determine whether*
20 *maintenance of the project is feasible, and if the Secretary*
21 *determines that maintenance of the project is feasible, to*
22 *carry out such maintenance.*

23 **SEC. 3016. LLAGAS CREEK, CALIFORNIA.**

24 *The project for flood damage reduction, Llagas Creek,*
25 *California, authorized by section 501(a) of the Water Re-*

1 *sources Development Act of 1999 (113 Stat. 333), is modi-*
2 *fied to authorize the Secretary to carry out the project at*
3 *a total cost of \$105,000,000.*

4 **SEC. 3017. LOS ANGELES HARBOR, CALIFORNIA.**

5 *The project for navigation, Los Angeles Harbor, Cali-*
6 *fornia, authorized by section 101(b)(5) of the Water Re-*
7 *sources Development Act of 2000 (114 Stat. 2577), is modi-*
8 *fied to authorize the Secretary to carry out the project at*
9 *a total cost of \$222,000,000.*

10 **SEC. 3018. MAGPIE CREEK, CALIFORNIA.**

11 *(a) IN GENERAL.—The project for Magpie Creek, Cali-*
12 *fornia, authorized under section 205 of the Flood Control*
13 *Act of 1948 (33 U.S.C. 701s), is modified to direct the Sec-*
14 *retary to apply the cost-sharing requirements of section*
15 *103(b) of the Water Resources Development Act of 1986*
16 *(100 Stat. 4085) for the portion of the project consisting*
17 *of land acquisition to preserve and enhance existing flood-*
18 *water storage.*

19 *(b) CREDIT.—The Secretary shall credit toward the*
20 *non-Federal share of the cost of the project the cost of plan-*
21 *ning and design work carried out by the non-Federal inter-*
22 *est before the date of the partnership agreement for the*
23 *project if the Secretary determines that the work is integral*
24 *to the project.*

1 **SEC. 3019. PACIFIC FLYWAY CENTER, SACRAMENTO, CALI-**
2 **FORNIA.**

3 *The project for aquatic ecosystem restoration, Pacific*
4 *Flyway Center, Sacramento, California, being carried out*
5 *under section 206 of the Water Resources Development Act*
6 *of 1996 (33 U.S.C. 2330), is modified to authorize the Sec-*
7 *retary to expend \$2,000,000 to enhance public access to the*
8 *project.*

9 **SEC. 3020. PINOLE CREEK, CALIFORNIA.**

10 *The project for improvement of the quality of the envi-*
11 *ronment, Pinole Creek Phase I, California, being carried*
12 *out under section 1135 of the Water Resources Development*
13 *Act of 1986 (33 U.S.C. 2309a), is modified to direct the*
14 *Secretary to credit toward the non-Federal share of the cost*
15 *of the project the cost of work carried out by the non-Federal*
16 *interest before the date of the partnership agreement for the*
17 *project if the Secretary determines that the work is integral*
18 *to the project.*

19 **SEC. 3021. PRADO DAM, CALIFORNIA.**

20 *Upon completion of the modifications to the Prado*
21 *Dam element of the project for flood control, Santa Ana*
22 *River Mainstem, California, authorized by section 401(a)*
23 *of the Water Resources Development Act of 1986 (100 Stat.*
24 *4113), the Memorandum of Agreement for the Operation for*
25 *Prado Dam for Seasonal Additional Water Conservation*
26 *between the Department of the Army and the Orange Coun-*

1 *ty Water District (including all the conditions and stipula-*
2 *tions in the memorandum) shall remain in effect for vol-*
3 *umes of water made available prior to such modifications.*

4 **SEC. 3022. SACRAMENTO AND AMERICAN RIVERS FLOOD**
5 **CONTROL, CALIFORNIA.**

6 *(a) DETERMINATION OF FEDERAL COSTS PAID BY*
7 *NON-FEDERAL INTEREST.—*

8 *(1) FEDERAL COSTS PAID BY NON-FEDERAL IN-*
9 *TEREST.—The Secretary shall determine the amount*
10 *paid by the Sacramento Area Flood Control Agency*
11 *towards the Federal share of the cost of the project for*
12 *the Natomas levee features authorized by section*
13 *9159(b) of the Department of Defense Appropriations*
14 *Act, 1993 (106 Stat. 1944) of the project for flood con-*
15 *trol and recreation, Sacramento and American Riv-*
16 *ers, California.*

17 *(2) REIMBURSEMENTS TO NON-FEDERAL INTER-*
18 *EST.—The Secretary shall determine the amount of*
19 *reimbursements paid to the Sacramento Flood Control*
20 *Agency for payment of the Federal share of the cost*
21 *of the project referred to in paragraph (1).*

22 *(3) DETERMINATION OF FEDERAL SHARE.—In*
23 *carrying out paragraph (1), the Secretary shall in-*
24 *clude in the total cost of the project all costs of the*

1 *following activities that the Secretary determines to*
2 *be integral to the project:*

3 *(A) Planning, engineering, and construc-*
4 *tion.*

5 *(B) Acquisition of project lands, easements,*
6 *and rights-of-way.*

7 *(C) Performance of relocations.*

8 *(D) Environmental mitigation for all*
9 *project elements.*

10 *(b) CREDIT.—*

11 *(1) IN GENERAL.—The Secretary shall credit to-*
12 *ward the non-Federal share of the cost of any flood*
13 *damage reduction project, authorized before the date*
14 *of enactment of this Act, for which the non-Federal*
15 *interest is the Sacramento Area Flood Control Agency*
16 *an amount equal to the total amount determined*
17 *under subsection (a)(1) reduced by the amount deter-*
18 *mined under subsection (a)(2).*

19 *(2) ALLOCATION OF CREDIT.—The Secretary*
20 *shall allocate the amount to be credited under para-*
21 *graph (1) toward the non-Federal share of such*
22 *projects as are requested by the Sacramento Area*
23 *Flood Control Agency.*

1 **SEC. 3023. SACRAMENTO DEEP WATER SHIP CHANNEL,**
2 **CALIFORNIA.**

3 *The project for navigation, Sacramento Deep Water*
4 *Ship Channel, California, authorized by section 202(a) of*
5 *the Water Resources Development Act of 1986 (100 Stat.*
6 *4092), is modified to direct the Secretary to credit toward*
7 *the non-Federal share of the cost of the project the cost of*
8 *planning and design work carried out by the non-Federal*
9 *interest before the date of the partnership agreement for the*
10 *project if the Secretary determines that the work is integral*
11 *to the project.*

12 **SEC. 3024. SACRAMENTO RIVER, GLENN-COLUSA, CALI-**
13 **FORNIA.**

14 *The project for flood control, Sacramento River, Cali-*
15 *fornia, authorized by section 2 of the Act entitled “An Act*
16 *to provide for the control of the floods of the Mississippi*
17 *River and of the Sacramento River, California, and for*
18 *other purposes”, approved March 1, 1917 (39 Stat. 949),*
19 *and modified by section 102 of the Energy and Water De-*
20 *velopment Appropriations Act, 1990 (103 Stat. 649), sec-*
21 *tion 301(b)(3) of the Water Resources Development Act of*
22 *1996 (110 Stat. 3110), title I of the Energy and Water De-*
23 *velopment Appropriations Act, 1999 (112 Stat. 1841), and*
24 *section 305 of the Water Resources Development Act of 1999*
25 *(113 Stat. 299), is further modified to direct the Secretary*
26 *to credit the non-Federal interest up to \$4,000,000 toward*

1 *the non-Federal share of the cost of the project for costs in-*
2 *curred by the non-Federal interest in carrying out activities*
3 *(including the provision of lands, easements, rights-of-way,*
4 *relocations, and dredged material disposal areas) associated*
5 *with environmental compliance for the project if the Sec-*
6 *retary determines that the activities are integral to the*
7 *project.*

8 **SEC. 3025. SANTA CRUZ HARBOR, CALIFORNIA.**

9 *The project of navigation, Santa Cruz Harbor, Cali-*
10 *ornia, authorized by section 101 of the River and Harbor*
11 *Act of 1958 (72 Stat. 300) and modified by section 809*
12 *of the Water Resources Development Act of 1986 (100 Stat.*
13 *4168) and section 526 of the Water Resources Development*
14 *Act of 1999 (113 Stat. 346), is modified to direct the Sec-*
15 *retary—*

16 *(1) to renegotiate the memorandum of agreement*
17 *with the non-Federal interest to increase the annual*
18 *payment to reflect the updated cost of operation and*
19 *maintenance that is the Federal and non-Federal*
20 *share as provided by law based on the project pur-*
21 *pose; and*

22 *(2) to revise the memorandum of agreement to*
23 *include terms that revise such payments for inflation.*

1 **SEC. 3026. SEVEN OAKS DAM, CALIFORNIA.**

2 *The project for flood control, Santa Ana Mainstem, au-*
3 *thorized by section 401(a) of the Water Resources Develop-*
4 *ment Act of 1986 (100 Stat. 4113) and modified by section*
5 *104 of the Energy and Water Development Appropriations*
6 *Act, 1988 (101 Stat. 1329–11), section 102(e) of the Water*
7 *Resources Development Act of 1990 (104 Stat. 4611), and*
8 *section 311 of the Water Resources Development Act of 1996*
9 *(110 Stat. 3713), is further modified to direct the Secretary*
10 *to conduct a study for the reallocation of water storage at*
11 *the Seven Oaks Dam, California, for water conservation.*

12 **SEC. 3027. UPPER GUADALUPE RIVER, CALIFORNIA.**

13 *The project for flood damage reduction and recreation,*
14 *Upper Guadalupe River, California, described as the By-*
15 *pass Channel Plan of the Chief of Engineers dated August*
16 *19, 1998, authorized by section 101(a)(9) of the Water Re-*
17 *sources Development Act of 1999 (113 Stat. 275), is modi-*
18 *fied to authorize the Secretary to construct the project, at*
19 *a total cost of \$212,100,000, with an estimated Federal cost*
20 *of \$106,050,000, and an estimated non-Federal cost of*
21 *\$106,050,000. The non-Federal share of the cost of the*
22 *project shall be subject to section 103(a)(3) of the Water Re-*
23 *sources Development Act of 1986 (33 U.S.C. 2213(a)(3)).*

24 **SEC. 3028. WALNUT CREEK CHANNEL, CALIFORNIA.**

25 *The project for aquatic ecosystem restoration, Walnut*
26 *Creek Channel, California, being carried out under section*

1 *206 of the Water Resources Development Act of 1996 (33*
2 *U.S.C. 2330), is modified to direct the Secretary to credit*
3 *toward the non-Federal share of the cost of the project the*
4 *cost of work carried out by the non-Federal interest before*
5 *the date of the partnership agreement for the project if the*
6 *Secretary determines that the work is integral to the project*
7 *and to authorize the Secretary to consider national eco-*
8 *system restoration benefits in determining the Federal in-*
9 *terest in the project.*

10 **SEC. 3029. WILDCAT/SAN PABLO CREEK PHASE I, CALI-**
11 **FORNIA.**

12 *The project for improvement of the quality of the envi-*
13 *ronment, Wildcat/San Pablo Creek Phase I, California,*
14 *being carried out under section 1135 of the Water Resources*
15 *Development Act of 1986 (33 U.S.C. 2309a), is modified*
16 *to direct the Secretary to credit toward the non-Federal*
17 *share of the cost of the project the cost of work carried out*
18 *by the non-Federal interest before the date of the partner-*
19 *ship agreement for the project if the Secretary determines*
20 *that the work is integral to the project.*

21 **SEC. 3030. WILDCAT/SAN PABLO CREEK PHASE II, CALI-**
22 **FORNIA.**

23 *The project for aquatic ecosystem restoration, Wildcat/*
24 *San Pablo Creek Phase II, California, being carried out*
25 *under section 206 of the Water Resources Development Act*

1 of 1996 (33 U.S.C. 2330), is modified to direct the Secretary
2 to credit toward the non-Federal share of the cost of the
3 project the cost of work carried out by the non-Federal in-
4 terest before the date of the partnership agreement for the
5 project if the Secretary determines that the work is integral
6 to the project and to authorize the Secretary to consider
7 national ecosystem restoration benefits in determining the
8 Federal interest in the project.

9 **SEC. 3031. YUBA RIVER BASIN PROJECT, CALIFORNIA.**

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

14 (1) to authorize the Secretary to construct the
15 project at a total cost of \$107,700,000, with an esti-
16 mated Federal cost of \$70,000,000 and an estimated
17 non-Federal cost of \$37,700,000; and

18 (2) to direct the Secretary to credit toward the
19 non-Federal share of the cost of the project the cost of
20 work carried out by the non-Federal interest before
21 the date of the partnership agreement for the project
22 if the Secretary determines that the work is integral
23 to the project.

1 **SEC. 3032. INTRACOASTAL WATERWAY, DELAWARE RIVER**
2 **TO CHESAPEAKE BAY, DELAWARE AND MARY-**
3 **LAND.**

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

10 **SEC. 3033. BREVARD COUNTY, FLORIDA.**

11 *(a) SHORELINE.—The project for shoreline protection,*
12 *Brevard County, Florida, authorized by section 101(b)(7)*
13 *of the Water Resources Development Act of 1996 (110 Stat.*
14 *3667), is modified—*

15 *(1) to direct the Secretary to establish the reach*
16 *of the project as the reach between the Florida depart-*
17 *ment of environmental protection monuments 75.4 to*
18 *118.3, a distance of 7.6 miles; and*

19 *(2) to direct the Secretary to expedite the general*
20 *reevaluation report required by section 418 of the*
21 *Water Resources Development Act of 2000 (114 Stat.*
22 *2637).*

23 *(b) CREDIT.—Section 310 of the Water Resources De-*
24 *velopment Act of 1999 (113 Stat. 301) is amended by add-*
25 *ing at the end the following:*

1 “(d) *CREDIT.*—After completion of the study, the Sec-
2 retary shall credit toward the non-Federal share of the cost
3 of the project the cost of nourishment and renourishment
4 associated with the shore protection project incurred by the
5 non-Federal interest to respond to damages to Brevard
6 County beaches that are the result of a Federal navigation
7 project, as determined in the final report for the study.”.

8 **SEC. 3034. BROWARD COUNTY AND HILLSBORO INLET,**
9 **FLORIDA.**

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

21 **SEC. 3035. CANAVERAL HARBOR, FLORIDA.**

22 *In carrying out the project for navigation, Canaveral*
23 *Harbor, Florida, authorized by section 101 of the River and*
24 *Harbor Act of 1962 (76 Stat. 1174), the Secretary shall con-*
25 *struct a sediment trap.*

1 **SEC. 3036. GASPARILLA AND ESTERO ISLANDS, FLORIDA.**

2 *The project for shore protection, Gasparilla and Estero*
3 *Island segments, Lee County, Florida, authorized under sec-*
4 *tion 201 of the Flood Control Act of 1965 (79 Stat. 1073)*
5 *by Senate Resolution dated December 17, 1970, and by*
6 *House Resolution dated December 15, 1970, and modified*
7 *by section 309 of the Water Resources Development Act of*
8 *2000 (114 Stat. 2602), is further modified to direct the Sec-*
9 *retary to credit toward the non-Federal share of the cost*
10 *of the project the cost of work carried out by the non-Federal*
11 *interest before the date of the partnership agreement for the*
12 *project if the Secretary determines that the work is integral*
13 *to the project.*

14 **SEC. 3037. JACKSONVILLE HARBOR, FLORIDA.**

15 *(a) IN GENERAL.—The project for navigation, Jack-*
16 *sonville Harbor, Florida, authorized by section 101(a)(17)*
17 *of the Water Resources Development Act of 1999 (113 Stat.*
18 *276), is modified to authorize the Secretary to extend the*
19 *navigation features in accordance with the Report of the*
20 *Chief of Engineers, dated July 22, 2003, at a total cost of*
21 *\$14,658,000, with an estimated Federal cost of \$9,636,000*
22 *and an estimated non-Federal cost of \$5,022,000.*

23 *(b) GENERAL REEVALUATION REPORTS.—The non-*
24 *Federal share of the cost of the general reevaluation report*
25 *that resulted in the report of the Chief of Engineers for the*
26 *project and the non-Federal share of the cost of the general*

1 reevaluation report for Jacksonville Harbor, Florida, being
2 conducted on June 1, 2005, shall each be the same percent-
3 age as the non-Federal share of the cost of construction of
4 the project.

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

8 **SEC. 3038. LIDO KEY BEACH, SARASOTA, FLORIDA.**

9 (a) IN GENERAL.—The project for shore protection,
10 Lido Key Beach, Sarasota, Florida, authorized by section
11 101 of the River and Harbor Act of 1970 (84 Stat. 1819),
12 deauthorized under section 1001(b) of the Water Resources
13 Development Act of 1986 (33 U.S.C. 579a(b)), and reau-
14 thorized by section 364(2)(A) of the Water Resources Devel-
15 opment Act of 1999 (113 Stat. 313), is modified to direct
16 the Secretary to construct the project substantially in ac-
17 cordance with the report of the Chief of Engineers dated
18 December 22, 2004, at a total cost of \$14,809,000, with an
19 estimated Federal cost of \$9,088,000 and an estimated non-
20 Federal cost of \$5,721,000, and at an estimated total cost
21 of \$58,635,000 for periodic nourishment over the 50-year
22 life of the project.

23 (b) CONSTRUCTION OF SHORELINE PROTECTION
24 PROJECTS BY NON-FEDERAL INTERESTS.—The Secretary
25 shall enter into a partnership agreement with the non-Fed-

1 eral sponsor in accordance with section 206 of the Water
2 Resources Development Act of 1992 (33 U.S.C. 426i–1) for
3 the modified project.

4 **SEC. 3039. MIAMI HARBOR, FLORIDA.**

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

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

16 (2) *to direct the Secretary to reimburse the non-*
17 *Federal interest for costs it has incurred in construc-*
18 *tion of the project in accordance with section 204 of*
19 *the Water Resources Development Act of 1986 (33*
20 *U.S.C. 2232).*

21 **SEC. 3040. PEANUT ISLAND, FLORIDA.**

22 *The maximum amount of Federal funds that may be*
23 *expended for the project for improvement of the quality of*
24 *the environment, Peanut Island, Palm Beach County, Flor-*
25 *ida, being carried out under section 1135 of the Water Re-*

1 *sources Development Act of 1986 (33 U.S.C. 2309a) shall*
2 *be \$9,750,000.*

3 **SEC. 3041. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.**

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

13 **SEC. 3042. TAMPA HARBOR CUT B, FLORIDA.**

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

21 *(b) GENERAL REEVALUATION REPORT.—The non-Fed-*
22 *eral share of the cost of the general reevaluation report for*
23 *Tampa Harbor, Florida, being conducted on June 1, 2005,*
24 *shall be the same percentage as the non-Federal share of*
25 *the cost of construction of the project.*

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

4 **SEC. 3043. ALLATOONA LAKE, GEORGIA.**

5 (a) *LAND EXCHANGE.*—

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

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

19 (b) *DISPOSAL AND ACQUISITION OF LANDS,*
20 *ALLATOONA LAKE, GEORGIA.*—

21 (1) *IN GENERAL.*—*The Secretary may also sell*
22 *lands above 863 feet in elevation at Allatoona Lake,*
23 *Georgia, identified in the memorandum referred to in*
24 *subsection (a)(1) and may use the proceeds to pay*
25 *costs associated with the purchase of lands needed for*

1 *wildlife management and for protection of the water*
2 *quality and overall environment of Allatoona Lake.*

3 (2) *TERMS AND CONDITIONS.—Land sales and*
4 *purchases to be conducted under this subsection shall*
5 *be subject to the following terms and conditions:*

6 (A) *Lands acquired under this subsection*
7 *shall be by negotiated purchase from willing sell-*
8 *ers only.*

9 (B) *The basis for all transactions under the*
10 *program shall be a fair market appraisal accept-*
11 *able to the Secretary.*

12 (C) *The purchasers shall share in the associ-*
13 *ated environmental and real estate costs, to in-*
14 *clude surveys and associated fees in accordance*
15 *with the memorandum referred to in subsection*
16 *(a)(1).*

17 (D) *Any other conditions that the Secretary*
18 *may impose.*

19 (c) *REPEAL.—Section 325 of the Water Resources De-*
20 *velopment Act of 1992 (106 Stat. 4849) is repealed.*

21 **SEC. 3044. LATHAM RIVER, GLYNN COUNTY, GEORGIA.**

22 *The maximum amount of Federal funds that may be*
23 *expended for the project for improvement of the quality of*
24 *the environment, Latham River, Glynn County, Georgia,*
25 *being carried out under section 1135 of the Water Resources*

1 *Development Act of 1986 (33 U.S.C. 2309a) shall be*
2 *\$6,175,000.*

3 **SEC. 3045. DWORSHAK DAM AND RESERVOIR IMPROVE-**
4 **MENTS, IDAHO.**

5 *The Secretary may carry out improvements to rec-*
6 *reational facilities at the Dworshak Dam and Reservoir,*
7 *North Fork, Clearwater River, Idaho, authorized by section*
8 *203 of the Flood Control Act of 1962 (76 Stat. 1193), to*
9 *accommodate lower pool levels.*

10 **SEC. 3046. BEARDSTOWN COMMUNITY BOAT HARBOR,**
11 **BEARDSTOWN, ILLINOIS.**

12 *(a) PARTNERSHIP AGREEMENT.—The project for navi-*
13 *gation, Muscooten Bay, Illinois River, Beardstown Commu-*
14 *nity Boat Harbor, Beardstown, Illinois, constructed under*
15 *section 107 of the River and Harbor Act of 1960 (33 U.S.C.*
16 *577), is modified to direct the Secretary to enter into a*
17 *partnership agreement with the city of Beardstown to re-*
18 *place the August 18, 1983, local cooperation agreement with*
19 *the Beardstown Community Park District. The partnership*
20 *agreement shall include the same rights and responsibilities*
21 *as the agreement, changing only the identity of the non-*
22 *Federal sponsor.*

23 *(b) MAINTENANCE.—Following execution of the part-*
24 *nership agreement referred to in subsection (a), the Sec-*

1 *retary may carry out maintenance of the project referred*
2 *to in subsection (a) on an annual basis.*

3 **SEC. 3047. CACHE RIVER LEVEE, ILLINOIS.**

4 *The Cache River Levee portion of the project for flood*
5 *control, Cache River, Illinois, authorized by the Act of June*
6 *28, 1938 (52 Stat. 1215), is modified to add environmental*
7 *restoration as a project purpose.*

8 **SEC. 3048. CHICAGO RIVER, ILLINOIS.**

9 *The navigation channel for the North Branch Canal*
10 *portion of the Chicago River, authorized by the first section*
11 *of the Rivers and Harbors Appropriations Act of March 3,*
12 *1899 (30 Stat. 1129), extending from 100 feet downstream*
13 *of the Halsted Street Bridge to 100 feet upstream of the*
14 *Division Street Bridge is modified to be no wider than 66*
15 *feet.*

16 **SEC. 3049. CHICAGO SANITARY AND SHIP CANAL, ILLINOIS.**

17 *(a) EXISTING BARRIER.—The Secretary shall upgrade*
18 *and make permanent, at Federal expense, the existing Chi-*
19 *cago Sanitary and Ship Canal Dispersal Barrier Chicago,*
20 *Illinois, constructed as a demonstration project under sec-*
21 *tion 1202(i)(3) of the Nonindigenous Aquatic Nuisance Pre-*
22 *vention and Control Act of 1990 (16 U.S.C. 4722(i)(3)).*

23 *(b) OPERATION AND MAINTENANCE.—The barrier re-*
24 *ferred to in subsection (a) and the barrier in the Chicago*
25 *Sanitary and Ship Canal being constructed under section*

1 1135 of the Water Resources Development Act of 1986 (33
2 U.S.C. 2309a) shall be operated and maintained, at Federal
3 expense, as a system in a manner to optimize effectiveness.
4 Operation and maintenance includes investigating and
5 eliminating potential pathways that may allow aquatic
6 species in the Des Plaines River and Illinois and Michigan
7 Canal to bypass the barriers in the Chicago Sanitary and
8 Ship Canal.

9 (c) *FEASIBILITY STUDY.*—The Secretary, in consulta-
10 tion with appropriate Federal, State, local, and nongovern-
11 mental entities, shall conduct a feasibility study, at Federal
12 expense, of the range of options and technologies available
13 to prevent the spread of aquatic species between the Great
14 Lakes and Mississippi River Basins through the Chicago
15 Sanitary and Ship Canal and other pathways.

16 **SEC. 3050. EMIQUON, ILLINOIS.**

17 (a) *MAXIMUM AMOUNT.*—The maximum amount of
18 Federal funds that may be expended for the project for
19 aquatic ecosystem restoration, Emiquon, Illinois, being car-
20 ried out under section 206 of the Water Resources Develop-
21 ment Act of 1996 (33 U.S.C. 2330), shall be \$7,500,000.

22 (b) *LIMITATION.*—Nothing in this section shall affect
23 the eligibility of the project for emergency repair assistance
24 under section 5(a) of the Act entitled “An Act authorizing
25 the construction of certain public works on rivers and har-

1 bors for flood control, and for other purposes”, approved
2 August 18, 1941 (33 U.S.C. 701n).

3 **SEC. 3051. LASALLE, ILLINOIS.**

4 *In carrying out section 312 of the Water Resources De-*
5 *velopment Act of 1990 (104 Stat. 4639–4640), the Secretary*
6 *shall give priority to work in the vicinity of LaSalle, Illi-*
7 *nois, on the Illinois and Michigan Canal.*

8 **SEC. 3052. SPUNKY BOTTOMS, ILLINOIS.**

9 (a) *PROJECT PURPOSE.*—*The project for flood control,*
10 *Spunky Bottoms, Illinois, authorized by section 5 of the*
11 *Flood Control Act of June 26, 1936 (35 Stat. 1584), is*
12 *modified to add environmental restoration as a project pur-*
13 *pose.*

14 (b) *MAXIMUM AMOUNT.*—*The maximum amount of*
15 *Federal funds that may be expended for the project for im-*
16 *provement of the quality of the environment, Spunky Bot-*
17 *toms, Illinois, being carried out under section 1135 of the*
18 *Water Resources Development Act of 1986 (33 U.S.C.*
19 *2309a), shall be \$7,500,000.*

20 (c) *LIMITATION.*—*Nothing in this section shall affect*
21 *the eligibility of the project for emergency repair assistance*
22 *under section 5(a) of the Act entitled “An Act authorizing*
23 *the construction of certain public works on rivers and har-*
24 *bors for flood control, and for other purposes”, approved*
25 *August 18, 1941 (33 U.S.C. 701n).*

1 **SEC. 3053. FORT WAYNE AND VICINITY, INDIANA.**

2 *The project for flood control Fort Wayne, St. Mary's*
3 *and Maumee Rivers, Indiana, authorized by section*
4 *101(a)(11) of the Water Resources Development Act of 1990*
5 *(104 Stat. 4604), is modified—*

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

11 *(2) to allow the non-Federal interest to partici-*
12 *rate in the financing of the project in accordance*
13 *with section 903(c) of the Water Resources Develop-*
14 *ment Act of 1986 (100 Stat. 4184) to the extent that*
15 *the Secretary's evaluation indicates that applying*
16 *such section is necessary to implement the project.*

17 **SEC. 3054. KOONTZ LAKE, INDIANA.**

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

1 **SEC. 3055. LITTLE CALUMET RIVER, INDIANA.**

2 *The project for flood control, Little Calumet River, In-*
3 *diana, authorized by section 401(a) of the Water Resources*
4 *Development Act of 1986 (100 Stat. 4115), is modified to*
5 *authorize the Secretary to carry out the project in accord-*
6 *ance with the postauthorization change report dated August*
7 *2000, at a total cost of \$198,000,000, with an estimated*
8 *Federal cost of \$148,500,000 and an estimated non-Federal*
9 *cost of \$49,500,000.*

10 **SEC. 3056. WHITE RIVER, INDIANA.**

11 *The project for flood control, Indianapolis on West*
12 *Fork of White River, Indiana, authorized by section 5 of*
13 *the Act entitled “An Act authorizing the construction of cer-*
14 *tain public works on rivers and harbors for flood control,*
15 *and for other purposes”, approved June 22, 1936 (49 Stat.*
16 *1586), and modified by section 323 of the Water Resources*
17 *Development Act of 1996 (110 Stat. 3716) and section 322*
18 *of the Water Resources Development Act of 1999 (113 Stat.*
19 *303–304), is further modified—*

20 *(1) to authorize the Secretary to undertake the*
21 *riverfront alterations described in the Central Indian-*
22 *apolis Waterfront Concept Plan, dated February*
23 *1994, for the Fall Creek Reach feature at a total cost*
24 *of \$28,545,000; and*

25 *(2) to direct the Secretary to credit toward the*
26 *non-Federal share of the cost of the project the cost of*

1 *planning, design, and construction work carried out*
2 *by the non-Federal interest before the date of the part-*
3 *nership agreement for the project if the Secretary de-*
4 *termines that the work is integral to the project.*

5 **SEC. 3057. DES MOINES RIVER AND GREENBELT, IOWA.**

6 *The project for the Des Moines Recreational River and*
7 *Greenbelt, Iowa, authorized by Public Law 99–88 and*
8 *modified by section 604 of the Water Resources Development*
9 *Act of 1986 (100 Stat. 4153), is modified to include en-*
10 *hanced public access and recreational enhancements, at a*
11 *Federal cost of \$3,000,000.*

12 **SEC. 3058. PRESTONSBURG, KENTUCKY.**

13 *The Prestonsburg, Kentucky, element of the project for*
14 *flood control, Levisa and Tug Fork of the Big Sandy and*
15 *Cumberland Rivers, West Virginia, Virginia, and Ken-*
16 *tucky, authorized by section 202(a) of the Energy and*
17 *Water Development Appropriations Act, 1981 (94 Stat.*
18 *1339), is modified to direct the Secretary to take measures*
19 *to provide a 100-year level of flood protection for the city*
20 *of Prestonsburg.*

21 **SEC. 3059. AMITE RIVER AND TRIBUTARIES, LOUISIANA,**

22 **EAST BATON ROUGE PARISH WATERSHED.**

23 *The project for flood damage reduction and recreation,*
24 *Amite River and Tributaries, Louisiana, East Baton Rouge*
25 *Parish Watershed, authorized by section 101(a)(21) of the*

1 *Water Resources Development Act of 1999 (113 Stat. 277)*
2 *and modified by section 116 of division D of Public Law*
3 *108–7 (117 Stat. 140), is further modified—*

4 (1) *to direct the Secretary to carry out the*
5 *project with the cost sharing for the project deter-*
6 *mined in accordance with section 103(a) of the Water*
7 *Resources Development Act of 1986 (33 U.S.C.*
8 *2213(a)), as in effect on October 11, 1996;*

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

11 (3) *to direct the Secretary to credit toward the*
12 *non-Federal share of the cost of the project the cost of*
13 *work carried out by the non-Federal interest before*
14 *the date of the partnership agreement for the project*
15 *if the Secretary determines that the work is integral*
16 *to the project.*

17 **SEC. 3060. ATCHAFALAYA BASIN, LOUISIANA.**

18 (a) *IN GENERAL.*—*Section 315(a)(1) of the Water Re-*
19 *sources Development Act of 2000 (114 Stat. 2603–2604) is*
20 *amended to read as follows:*

21 “(1) *is authorized to study, design, construct, op-*
22 *erate, and maintain, at Federal expense, a Type A*
23 *Regional Visitor Center in the vicinity of Morgan*
24 *City, Louisiana, in consultation with the State of*
25 *Louisiana, to provide information to the public on*

1 *the Atchafalaya River system and other associated*
2 *waterways that have influenced surrounding commu-*
3 *nities, and national and local water resources devel-*
4 *opment of the Army Corps of Engineers in South*
5 *Central Louisiana; and”.*

6 **(b) TECHNICAL CORRECTION.**—*Section 315(b) of such*
7 *Act is amended by striking “(a)” and inserting “(a)(2)”.*

8 **(c) DONATIONS.**—*Section 315 of such Act is amended*
9 *by adding at the end the following:*

10 *“(c) DONATIONS.—In carrying out subsection (a)(1),*
11 *the Mississippi River Commission is authorized to accept*
12 *the donation of cash, funds, lands, materials, and services*
13 *from non-Federal governmental entities and nonprofit cor-*
14 *porations.”.*

15 **SEC. 3061. BAYOU PLAQUEMINE, LOUISIANA.**

16 *The project for the improvement of the quality of the*
17 *environment, Bayou Plaquemine, Louisiana, being carried*
18 *out under section 1135 of the Water Resources Development*
19 *Act of 1986 (33 U.S.C. 2309(a)), is modified to direct the*
20 *Secretary to credit toward the non-Federal share of the cost*
21 *of the project the cost of work carried out by the non-Federal*
22 *interest before the date of the partnership agreement for the*
23 *project if the Secretary determines that the work is integral*
24 *to the project.*

1 **SEC. 3062. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOU-**
2 **ISIANA.**

3 *The public access feature of the Atchafalaya Basin*
4 *Floodway System project, Louisiana, authorized by section*
5 *601(a) of the Water Resources Development Act 1986 (100*
6 *Stat. 4142), is modified to authorize the Secretary to ac-*
7 *quire from willing sellers the fee interest, exclusive of oil,*
8 *gas, and minerals, of an additional 20,000 acres of land*
9 *within the Lower Atchafalaya Basin Floodway for the pub-*
10 *lic access feature of the Atchafalaya Basin Floodway Sys-*
11 *tem, to enhance fish and wildlife resources, at a total cost*
12 *of \$4,000,000.*

13 **SEC. 3063. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI**
14 **RIVER TO SHREVEPORT, LOUISIANA.**

15 *The project for mitigation of fish and wildlife losses,*
16 *J. Bennett Johnston Waterway, Mississippi River to*
17 *Shreveport, Louisiana, authorized by section 601(a) of the*
18 *Water Resources Development Act of 1986 (100 Stat. 4142)*
19 *and modified by section 4(h) of the Water Resources Devel-*
20 *opment Act of 1988 (102 Stat. 4016), section 102(p) of the*
21 *Water Resources Development Act of 1990 (104 Stat. 4613),*
22 *section 301(b)(7) of the Water Resources Development Act*
23 *of 1996 (110 Stat. 3710), and section 316 of the Water Re-*
24 *sources Development Act of 2000 (114 Stat. 2572), is fur-*
25 *ther modified—*

1 (1) to authorize the purchase and reforesting
2 lands that have been cleared or converted to agricul-
3 tural uses; and

4 (2) to incorporate current wildlife and forestry
5 management practices for the purpose of improving
6 species diversity on mitigation lands that meet Fed-
7 eral and State of Louisiana habitat goals and objec-
8 tives.

9 **SEC. 3064. MISSISSIPPI DELTA REGION, LOUISIANA.**

10 *The Mississippi Delta Region project, Louisiana, au-*
11 *thorized as part of the project for hurricane-flood protection*
12 *on Lake Pontchartrain, Louisiana, by section 204 of the*
13 *Flood Control Act of 1965 (79 Stat. 1077) and modified*
14 *by section 365 of the Water Resources Development Act of*
15 *1996 (110 Stat. 3739), is further modified to direct the Sec-*
16 *retary to credit toward the non-Federal share of the cost*
17 *of the project the costs of relocating oyster beds in the Davis*
18 *Pond project area if the Secretary determines that the work*
19 *is integral to the Mississippi Delta Region project.*

20 **SEC. 3065. NEW ORLEANS TO VENICE, LOUISIANA.**

21 *The New Orleans to Venice, Louisiana, project for hur-*
22 *ricane protection, authorized by section 203 of the Flood*
23 *Control Act of 1962 (76 Stat. 1184), is modified to author-*
24 *ize the Secretary to carry out the work on the St. Jude to*

1 *City Price, Upper Reach A back levee. The Federal share*
2 *of the cost of such work shall be 70 percent.*

3 **SEC. 3066. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF**
4 **HARVEY CANAL), LOUISIANA.**

5 *Section 328 of the Water Resources Development Act*
6 *of 1999 (113 Stat. 304–305) is amended—*

7 *(1) in subsection (a)—*

8 *(A) by striking “operation and mainte-*
9 *nance” and inserting “operation, maintenance,*
10 *rehabilitation, repair, and replacement”; and*

11 *(B) by striking “Algiers Channel” and in-*
12 *serting “Algiers Canal Levees”; and*

13 *(2) by adding at the end the following:*

14 *“(c) COST SHARING.—The non-Federal share of the*
15 *cost of the project shall be 35 percent.”.*

16 **SEC. 3067. CAMP ELLIS, SACO, MAINE.**

17 *The maximum amount of Federal funds that may be*
18 *expended for the project being carried out under section 111*
19 *of the River and Harbor Act of 1968 (33 U.S.C. 426i) for*
20 *the mitigation of shore damages attributable to the project*
21 *for navigation, Camp Ellis, Saco, Maine, shall be*
22 *\$25,000,000.*

23 **SEC. 3068. UNION RIVER, MAINE.**

24 *The project for navigation, Union River, Maine, au-*
25 *thorized by the first section of the Act entitled “An Act mak-*

1 *ing appropriations for the construction, repair, and preser-*
2 *vation of certain public works on rivers and harbors, and*
3 *for other purposes”, approved June 3, 1896 (29 Stat. 215),*
4 *is modified by redesignating as an anchorage area that por-*
5 *tion of the project consisting of a 6-foot turning basin and*
6 *lying northerly of a line commencing at a point*
7 *N315,975.13, E1,004,424.86, thence running north 61 de-*
8 *grees 27 minutes 20.71 seconds west about 132.34 feet to*
9 *a point N316,038.37, E1,004,308.61.*

10 **SEC. 3069. GWYNNS FALLS WATERSHED, BALTIMORE, MARY-**
11 **LAND.**

12 (a) *IN GENERAL.*—*The Secretary shall carry out the*
13 *project for ecosystem restoration, Gwynns Falls, Maryland,*
14 *in accordance with the Baltimore Metropolitan Water Re-*
15 *sources Gwynns Falls Watershed Study-Draft Feasibility*
16 *Report and Integrated Environmental Assessment prepared*
17 *by the Corps of Engineers and the city of Baltimore, Mary-*
18 *land, dated April 2004.*

19 (b) *SPECIAL RULE FOR GWYNNS FALLS, MARYLAND.*—
20 *The report on the project for environmental restoration at*
21 *Gwynns Falls, Maryland, shall be treated as being con-*
22 *sistent and in compliance with the consent decree entered*
23 *into between the United States and the Mayor and City*
24 *Council of Baltimore, Maryland, filed with the United*

1 *States District Court for the District of Maryland on April*
2 *26, 2002.*

3 (c) *REPEAL.*—*Section 123 of Public Law 108–137*
4 *(117 Stat. 1837) is repealed.*

5 **SEC. 3070. BOSTON HARBOR, MASSACHUSETTS.**

6 *The project for navigation, Boston Harbor, Massachu-*
7 *setts, authorized by section 101(a)(13) of the Water Re-*
8 *sources Development Act of 1990 (104 Stat. 4607), is modi-*
9 *fied to provide that no funds may be expended for the dredg-*
10 *ing of Chelsea Creek until the city of Boston and the United*
11 *States Coast Guard complete the replacement of the Chelsea*
12 *Street Bridge, as identified in the limited reevaluation re-*
13 *port for the project dated June 1996.*

14 **SEC. 3071. DETROIT RIVER SHORELINE, DETROIT, MICH-**
15 **IGAN.**

16 (a) *IN GENERAL.*—*The project for emergency*
17 *streambank and shoreline protection, Detroit River Shore-*
18 *line, Detroit, Michigan, being carried out under section 14*
19 *of the Flood Control Act of 1946 (33 U.S.C. 701r), is modi-*
20 *fied to include measures to enhance public access.*

21 (b) *MAXIMUM FEDERAL EXPENDITURE.*—*The max-*
22 *imum amount of Federal funds that may be expended for*
23 *the project shall be \$3,000,000.*

1 **SEC. 3072. ST. JOSEPH HARBOR, MICHIGAN.**

2 *The Secretary shall expedite development of the*
3 *dredged material management plan for the project for navi-*
4 *gation St. Joseph Harbor, Michigan, authorized by section*
5 *101 of the River and Harbor Act of 1958 (72 Stat. 299).*

6 **SEC. 3073. SAULT SAINTE MARIE, MICHIGAN.**

7 *(a) IN GENERAL.—The text of section 1149 of the*
8 *Water Resources Development Act of 1986 (100 Stat. 4254)*
9 *is amended to read as follows:*

10 *“The Secretary shall construct at Federal expense a*
11 *second lock, of the same dimensions as the existing Poe*
12 *Lock, adjacent to the existing lock at Sault Sainte Marie,*
13 *Michigan, generally in accordance with the report of the*
14 *Board of Engineers for Rivers and Harbors, dated May 19,*
15 *1986, and the limited reevaluation report dated February*
16 *2004 at a total cost of \$341,714,000.”*

17 *(b) CONFORMING REPEALS.—The following provisions*
18 *are repealed:*

19 *(1) Section 107(a)(8) of the Water Resources De-*
20 *velopment Act of 1990 (104 Stat. 4620).*

21 *(2) Section 330 of the Water Resources Develop-*
22 *ment Act of 1996 (110 Stat. 3717–3718).*

23 *(3) Section 330 of the Water Resources Develop-*
24 *ment Act of 1999 (113 Stat. 305).*

1 **SEC. 3074. ADA, MINNESOTA.**

2 (a) *IN GENERAL.*—*The project for flood damage reduc-*
3 *tion, Wild Rice River, Ada, Minnesota, being carried out*
4 *under section 205 of the Flood Control Act of 1948 (33*
5 *U.S.C. 701s), is modified to authorize the Secretary to con-*
6 *sider national ecosystem restoration benefits in determining*
7 *the Federal interest in the project.*

8 (b) *EVALUATION OF BENEFITS AND COSTS.*—*In evalu-*
9 *ating the economic benefits and costs for the project, the*
10 *Secretary shall not consider the emergency levee adjacent*
11 *to Judicial Ditch No. 51 in the determination of conditions*
12 *existing prior to construction of the project.*

13 (c) *SPECIAL RULE.*—*In evaluating and implementing*
14 *the project, the Secretary shall allow the non-Federal inter-*
15 *est to participate in the financing of the project in accord-*
16 *ance with section 903(c) of the Water Resources Develop-*
17 *ment Act of 1986 (100 Stat. 4184) to the extent that the*
18 *Secretary's evaluation indicates that applying such section*
19 *is necessary to implement the project.*

20 **SEC. 3075. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.**

21 (a) *IN GENERAL.*—*The project for navigation, Duluth*
22 *Harbor, McQuade Road, Minnesota, being carried out*
23 *under section 107 of the River and Harbor Act of 1960 (33*
24 *U.S.C. 577) and modified by section 321 of the Water Re-*
25 *sources Development Act of 2000 (114 Stat. 2605), is fur-*
26 *ther modified to authorize the Secretary to provide public*

1 *access and recreational facilities as generally described in*
2 *the Detailed Project Report and Environmental Assessment,*
3 *McQuade Road Harbor of Refuge, Duluth, Minnesota, dated*
4 *August 1999.*

5 (b) *CREDIT.*—*The Secretary shall provide credit to-*
6 *ward the non-Federal share of the cost of the project for*
7 *the costs of design work carried out before the date of the*
8 *partnership agreement for the project if the Secretary deter-*
9 *mines that the work is integral to the project.*

10 (c) *MAXIMUM FEDERAL EXPENDITURE.*—*The max-*
11 *imum amount of Federal funds that may be expended for*
12 *the project shall be \$5,000,000.*

13 **SEC. 3076. GRAND PORTAGE HARBOR, MINNESOTA.**

14 *The Secretary shall provide credit toward the non-Fed-*
15 *eral share of the cost of the navigation project for Grand*
16 *Portage Harbor, Minnesota, carried out under section 107*
17 *of the River and Harbor Act of 1960 (33 U.S.C. 577) and*
18 *modified by section 312 of the Water Resources Development*
19 *Act of 2000 (114 Stat. 2605), for the costs of design work*
20 *carried out before the date of the partnership agreement for*
21 *the project if the Secretary determines that the work is inte-*
22 *gral to the project.*

23 **SEC. 3077. GRANITE FALLS, MINNESOTA.**

24 (a) *IN GENERAL.*—*The Secretary is directed to imple-*
25 *ment under section 205 of the Flood Control Act of 1948*

1 *(33 U.S.C. 701s) the locally preferred plan for flood damage*
2 *reduction, Granite Falls, Minnesota, substantially in ac-*
3 *cordance with the detailed project report dated 2002, at a*
4 *total cost of \$12,000,000, with an estimated Federal cost*
5 *of \$8,000,000 and an estimated non-Federal cost of*
6 *\$4,000,000.*

7 **(b) PROJECT FINANCING.**—*In evaluating and imple-*
8 *menting the project under this section, the Secretary shall*
9 *allow the non-Federal interests to participate in the financ-*
10 *ing of the project in accordance with section 903(c) of the*
11 *Water Resources Development Act of 1986 (100 Stat. 4184),*
12 *to the extent that the detailed project report evaluation indi-*
13 *cates that applying such section is necessary to implement*
14 *the project.*

15 **(c) CREDIT.**—*The Secretary shall credit toward the*
16 *non-Federal share of the project the cost of design and con-*
17 *struction work carried out by the non-Federal interest be-*
18 *fore date of execution of a partnership agreement for the*
19 *project if the Secretary determines that the work is integral*
20 *to the project.*

21 **(d) MAXIMUM FUNDING.**—*The maximum amount of*
22 *Federal funds that may be expended for the flood damage*
23 *reduction shall be \$8,000,000.*

1 **SEC. 3078. KNIFE RIVER HARBOR, MINNESOTA.**

2 *The project for navigation, Harbor at Knife River,*
3 *Minnesota, authorized by section 2 of the Rivers and Har-*
4 *bors Act of March 2, 1945 (59 Stat. 19), is modified to di-*
5 *rect the Secretary to develop a final design and prepare*
6 *plans and specifications to correct the harbor entrance and*
7 *mooring conditions at the project.*

8 **SEC. 3079. RED LAKE RIVER, MINNESOTA.**

9 *The project for flood control, Red Lake River,*
10 *Crookston, Minnesota, authorized by section 101(a)(23) of*
11 *the Water Resources Development Act of 1999 (113 Stat.*
12 *278), is modified to include flood protection for the adjacent*
13 *and interconnected areas generally known as the Sampson*
14 *and Chase/Loring neighborhoods, in accordance with the*
15 *Feasibility Report Supplement, Local Flood Protection,*
16 *Crookston, Minnesota, at a total cost of \$17,000,000, with*
17 *an estimated Federal cost of \$11,000,000 and an estimated*
18 *non-Federal cost of \$6,000,000.*

19 **SEC. 3080. SILVER BAY, MINNESOTA.**

20 *The project for navigation, Silver Bay, Minnesota, au-*
21 *thorized by section 2 of the Rivers and Harbors Act of*
22 *March 2, 1945 (59 Stat. 19), is modified to include oper-*
23 *ation and maintenance of the general navigation facilities*
24 *as a Federal responsibility.*

1 **SEC. 3081. TACONITE HARBOR, MINNESOTA.**

2 *The project for navigation, Taconite Harbor, Min-*
3 *nesota, carried out under section 107 of the River and Har-*
4 *bor Act of 1960 (33 U.S.C. 577), is modified to include op-*
5 *eration and maintenance of the general navigation facilities*
6 *as a Federal responsibility.*

7 **SEC. 3082. TWO HARBORS, MINNESOTA.**

8 *(a) IN GENERAL.—The project for navigation, Two*
9 *Harbors, Minnesota, being carried out under section 107*
10 *of the River and Harbor Act of 1960 (33 U.S.C. 577), is*
11 *modified to include construction of a dredged material dis-*
12 *posal facility, including actions required to clear the site.*

13 *(b) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—Non-*
14 *Federal interests shall be responsible for providing all lands,*
15 *easements, rights-of-way, and relocations necessary for the*
16 *construction of the dredged material disposal facility.*

17 *(c) MAXIMUM FEDERAL EXPENDITURE.—The max-*
18 *imum amount of Federal funds that may be expended for*
19 *the project shall be \$5,000,000.*

20 **SEC. 3083. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.**

21 *The project for ecosystem restoration, Deer Island,*
22 *Harrison County, Mississippi, being carried out under sec-*
23 *tion 204 of the Water Resources Development Act of 1992*
24 *(33 U.S.C. 2326), is modified to authorize the non-Federal*
25 *interest to provide any portion of the non-Federal share of*

1 *the cost of the project in the form of in-kind services and*
2 *materials.*

3 **SEC. 3084. PEARL RIVER BASIN, MISSISSIPPI.**

4 (a) *IN GENERAL.*—*The Secretary shall complete a fea-*
5 *sibility study for the project for flood damage reduction,*
6 *Pearl River Watershed, Mississippi.*

7 (b) *COMPARISON OF ALTERNATIVES.*—*The feasibility*
8 *study shall identify both the plan that maximizes national*
9 *economic development benefits and the locally preferred*
10 *plan and shall compare the level of flood damage reduction*
11 *provided by each plan to that portion of Jackson, Mis-*
12 *sissippi, located below the Ross Barnett Reservoir Dam.*

13 (c) *RECOMMENDED PLAN.*—*If the Secretary deter-*
14 *mines that the locally preferred plan provides a level of*
15 *flood damage reduction that is equal to or greater than the*
16 *level of flood damage reduction provided by the national*
17 *economic development plan, and the locally preferred plan*
18 *is technically feasible and environmentally protective, the*
19 *Secretary shall recommend construction of the locally pre-*
20 *ferred plan.*

21 (d) *EVALUATION OF PROJECT COST.*—*For the pur-*
22 *poses of determining compliance with the first section of*
23 *the Flood Control Act of June 22, 1936 (33 U.S.C. 701a),*
24 *the Secretary shall consider only the costs of the national*
25 *economic development plan, and shall exclude incremental*

1 *costs associated with the locally preferred plan that are in*
2 *excess of such costs, if the non-Federal interest agrees to pay*
3 *100 percent of such incremental costs.*

4 *(e) NON-FEDERAL COST SHARE.—If the locally pre-*
5 *ferred plan is authorized for construction, the non-Federal*
6 *share of the cost of the project shall be the same percentage*
7 *as the non-Federal share of the cost of the national economic*
8 *development plan plus all additional costs of construction*
9 *associated with the locally preferred plan.*

10 **SEC. 3085. FESTUS AND CRYSTAL CITY, MISSOURI.**

11 *Section 102(b)(1) of the Water Resources Development*
12 *Act of 1999 (113 Stat. 282) is amended by striking*
13 *“\$10,000,000” and inserting “\$12,000,000”.*

14 **SEC. 3086. MONARCH-CHESTERFIELD, MISSOURI.**

15 *The project for flood damage reduction, Monarch-Ches-*
16 *terfield, Missouri, authorized by section 101(b)(18) of the*
17 *Water Resources Development Act of 2000 (114 Stat. 2578),*
18 *is modified to direct the Secretary to credit toward the non-*
19 *Federal share of the cost of the project the cost of the plan-*
20 *ning, design, and construction work carried out by the non-*
21 *Federal interest before the date of the partnership agreement*
22 *for the project if the Secretary determines that the work is*
23 *integral to the project.*

1 **SEC. 3087. RIVER DES PERES, MISSOURI.**

2 *The projects for flood control, River Des Peres, Mis-*
3 *souri, authorized by section 101(a)(17) of the Water Re-*
4 *sources Development Act of 1990 (104 Stat. 4607) and sec-*
5 *tion 102(13) of the Water Resources Development Act of*
6 *1996 (110 Stat. 3668), are each modified to direct the Sec-*
7 *retary to credit toward the non-Federal share of the cost*
8 *of the project the cost of work carried out by the non-Federal*
9 *interest before the date of the partnership agreement for the*
10 *project if the Secretary determines that the work is integral*
11 *to the project.*

12 **SEC. 3088. ANTELOPE CREEK, LINCOLN, NEBRASKA.**

13 *The project for flood damage reduction, Antelope Creek,*
14 *Lincoln, Nebraska, authorized by section 101(b)(19) of the*
15 *Water Resources Development Act of 2000 (114 Stat. 2578),*
16 *is modified—*

17 (1) *to direct the Secretary to credit toward the*
18 *non-Federal share of the cost of the project the cost of*
19 *design, and construction work carried out by the non-*
20 *Federal interest before the date of the partnership*
21 *agreement for the project if the Secretary determines*
22 *that the work is integral to the project; and*

23 (2) *to allow the non-Federal sponsor for the*
24 *project to use, and to direct the Secretary to accept,*
25 *funds provided under any other Federal program, to*
26 *satisfy, in whole or in part, the non-Federal share of*

1 *the project if such funds are authorized to be used to*
2 *carry out the project.*

3 **SEC. 3089. SAND CREEK WATERSHED, WAHOO, NEBRASKA.**

4 *The project for ecosystem restoration and flood damage*
5 *reduction, Sand Creek watershed, Wahoo, Nebraska, author-*
6 *ized by section 101(b)(20) of the Water Resources Develop-*
7 *ment Act of 2000 (114 Stat. 2578), is modified—*

8 *(1) to direct the Secretary to provide credit to-*
9 *ward the non-Federal share of the cost of the project*
10 *or reimbursement for the costs of any work that has*
11 *been or will be performed by the non-Federal interest*
12 *before, on, or after the approval of the project partner-*
13 *ship agreement, including work performed by the non-*
14 *Federal interest in connection with the design and*
15 *construction of 7 upstream detention storage struc-*
16 *tures, if the Secretary determines that the work is in-*
17 *tegral to the project;*

18 *(2) to require that in-kind work to be credited*
19 *under paragraph (1) be subject to audit; and*

20 *(3) to direct the Secretary to accept advance*
21 *funds from the non-Federal interest as needed to*
22 *maintain the project schedule.*

1 **SEC. 3090. LOWER CAPE MAY MEADOWS, CAPE MAY POINT,**
2 **NEW JERSEY.**

3 *The project for navigation mitigation, ecosystem res-*
4 *toration, shore protection, and hurricane and storm damage*
5 *reduction, Lower Cape May Meadows, Cape May Point,*
6 *New Jersey, authorized by section 101(a)(25) of the Water*
7 *Resources Development Act of 1999 (113 Stat. 278), is*
8 *modified to incorporate the project for shoreline erosion con-*
9 *trol, Cape May Point, New Jersey, carried out under section*
10 *5 of the Act entitled “An Act authorizing Federal participa-*
11 *tion in the cost of protecting the shores of publicly owned*
12 *property”, approved August 13, 1946 (33 U.S.C. 426h), if*
13 *the Secretary determines that such incorporation is feasible.*

14 **SEC. 3091. PASSAIC RIVER BASIN FLOOD MANAGEMENT,**
15 **NEW JERSEY.**

16 *The project for flood control, Passaic River, New Jer-*
17 *sey and New York, authorized by section 101(a)(18) of the*
18 *Water Resources Development Act of 1990 (104 Stat. 4607)*
19 *and modified by section 327 of the Water Resources Devel-*
20 *opment Act of 2000 (114 Stat. 2607), is further modified*
21 *to direct the Secretary to include the benefits and costs of*
22 *preserving natural flood storage in any future economic*
23 *analysis of the project.*

24 **SEC. 3092. BUFFALO HARBOR, NEW YORK.**

25 *The project for navigation, Buffalo Harbor, New York,*
26 *authorized by section 101 of the River and Harbor Act of*

1 1962 (76 Stat. 1176), is modified to include measures to
2 enhance public access, at Federal cost of \$500,000.

3 **SEC. 3093. ORCHARD BEACH, BRONX, NEW YORK.**

4 *The project for shoreline protection, Orchard Beach,*
5 *Bronx, New York, authorized by section 554 of the Water*
6 *Resources Development Act of 1996 (110 Stat. 3781), is*
7 *modified to authorize the Secretary to construct the project,*
8 *at a total cost of \$20,000,000.*

9 **SEC. 3094. PORT OF NEW YORK AND NEW JERSEY, NEW**
10 **YORK AND NEW JERSEY.**

11 *The navigation project, Port of New York and New*
12 *Jersey, New York and New Jersey, authorized by section*
13 *101(a)(2) of the Water Resources Development Act of 2000*
14 *(114 Stat. 2576), is modified—*

15 *(1) to authorize the Secretary to allow the non-*
16 *Federal interest to construct a temporary dredged*
17 *material storage facility to receive dredged material*
18 *from the project if—*

19 *(A) the non-Federal interest submits, in*
20 *writing, a list of potential sites for the tem-*
21 *porary storage facility to the Committee on*
22 *Transportation and Infrastructure of the House*
23 *of Representatives, the Committee on Environ-*
24 *ment and Public Works of the Senate, and the*

1 *Secretary at least 180 days before the selection of*
2 *the final site; and*

3 *(B) at least 70 percent of the dredged mate-*
4 *rial generated in connection with the project*
5 *suitable for beneficial reuse will be used at sites*
6 *in the State of New Jersey to the extent that*
7 *there are sufficient sites available; and*

8 *(2) to direct the Secretary to credit toward the*
9 *non-Federal share of the cost of the project the cost of*
10 *construction of the temporary storage facility if the*
11 *Secretary determines that the work is integral to the*
12 *project.*

13 **SEC. 3095. NEW YORK STATE CANAL SYSTEM.**

14 *Section 553(c) of the Water Resources Development Act*
15 *of 1996 (110 Stat. 3781) is amended to read as follows:*

16 “(c) *NEW YORK STATE CANAL SYSTEM DEFINED.*—
17 *In this section, the term ‘New York State Canal System’*
18 *means the 524 miles of navigable canal that comprise the*
19 *New York State Canal System, including the Erie, Cayuga-*
20 *Seneca, Oswego, and Champlain Canals and the historic*
21 *alignments of these canals, including the cities of Albany*
22 *and Buffalo.’”.*

1 **SEC. 3096. LOWER GIRARD LAKE DAM, OHIO.**

2 *Section 507(1) of the Water Resources Development*
3 *Act of 1996 (110 Stat. 3758) is amended by striking*
4 *“\$2,500,000” and inserting “\$6,000,000”.*

5 **SEC. 3097. MAHONING RIVER, OHIO.**

6 *In carrying out the project for environmental dredg-*
7 *ing, authorized by section 312(f)(4) of the Water Resources*
8 *Development Act of 1990 (33 U.S.C. 1272(f)(4)), the Sec-*
9 *retary is directed to credit toward the non-Federal share*
10 *of the cost of the project the cost of work carried out by*
11 *the non-Federal interest before the date of the partnership*
12 *agreement for the project if the Secretary determines that*
13 *the work is integral to the project.*

14 **SEC. 3098. ARCADIA LAKE, OKLAHOMA.**

15 *Payments made by the city of Edmond, Oklahoma, to*
16 *the Secretary in October 1999 of costs associated with*
17 *present and future water storage at Arcadia Lake, Okla-*
18 *homa, under Arcadia Lake Water Storage Contract Number*
19 *DACW56-79-C-0072 shall satisfy the obligations of the*
20 *city under that contract for such costs, including accrued*
21 *interest.*

22 **SEC. 3099. WAURIKA LAKE, OKLAHOMA.**

23 *The remaining obligation of the Waurika Project Mas-*
24 *ter Conservancy District payable to the United States Gov-*
25 *ernment in the amounts, rates of interest, and payment*
26 *schedules is set at the amounts, rates of interest, and pay-*

1 *ment schedules that existed, and that both parties agreed*
2 *to, on June 3, 1986, and may not be adjusted, altered, or*
3 *changed without a specific, separate, and written agreement*
4 *between the District and the United States Government.*

5 **SEC. 3100. WILLAMETTE RIVER TEMPERATURE CONTROL,**
6 **MCKENZIE SUBBASIN, OREGON.**

7 *(a) IN GENERAL.—The project for environmental res-*
8 *toration, Willamette River temperature control, McKenzie*
9 *Subbasin, Oregon, authorized by section 101(a)(25) of the*
10 *Water Resources Development Act of 1996 (110 Stat. 3665)*
11 *and modified by section 344 of the Water Resources Devel-*
12 *opment Act of 1999 (113 Stat. 308), is further modified*
13 *to direct the Secretary to pay, subject to the availability*
14 *of appropriations, compensation for losses to small business*
15 *attributable to the implementation of the drawdown con-*
16 *ducted as a part of project implementation in 2002.*

17 *(b) ESTABLISHMENT OF PROGRAM.—Not later than*
18 *120 days after the date of enactment of this Act, the Sec-*
19 *retary shall establish, and provide public notice of, a pro-*
20 *gram—*

21 *(1) to receive claims for compensation for losses*
22 *to small business attributable to the implementation*
23 *of the drawdown conducted as a part of project imple-*
24 *mentation in 2002;*

25 *(2) to evaluate claims for such losses; and*

1 (3) to pay claims for such losses.

2 (c) *IMPLEMENTATION OF PROGRAM.*—In carrying out
3 the program established under subsection (b), the Secretary
4 shall provide—

5 (1) public notice of the existence of the program
6 sufficient to reach those in the area that may have
7 suffered losses to small businesses;

8 (2) a period for the submission of claims of not
9 fewer than 45 days and not greater than 75 days
10 from the date of the first public notice of the existence
11 of the program;

12 (3) for the evaluation of each claim submitted to
13 the Secretary under the program and a determination
14 of whether the claim constitutes a loss to a small busi-
15 ness on or before the last day of the 30-day period be-
16 ginning on the date of submission of the claim; and

17 (4) for the payment of each claim that the Sec-
18 retary determines constitutes a loss to a small busi-
19 ness on or before the last day of the 30-day period be-
20 ginning on the date of the Secretary's determination.

21 (d) *LOSS TO A SMALL BUSINESS DEFINED.*—In this
22 section, the term “loss to a small business” means docu-
23 mented financial losses associated with commercial activity
24 of a small business that can be attributed to the turbidity
25 levels in the McKenzie River being higher than those antici-

1 *pated in the original planning documents and public an-*
2 *nouncements existing before the initiation of the drawdown*
3 *in 2002. Commercial losses include decline in sales, loss of*
4 *revenue (including loss of revenue from canceled or delayed*
5 *reservations at lodging establishments), and any other fi-*
6 *nancial losses that can be shown to be associated with the*
7 *elevated turbidity levels in the McKenzie River in 2002.*

8 *(e) PAYMENT OF CLAIMS.—The payment of claims for*
9 *losses to small businesses shall be a Federal responsibility.*

10 **SEC. 3101. DELAWARE RIVER, PENNSYLVANIA, NEW JERSEY,**
11 **AND DELAWARE.**

12 *The Secretary may remove debris from the project for*
13 *navigation, Delaware River, Pennsylvania, New Jersey,*
14 *and Delaware, Philadelphia to the Sea.*

15 **SEC. 3102. RAYSTOWN LAKE, PENNSYLVANIA.**

16 *The Secretary may take such action as may be nec-*
17 *essary, including construction of a breakwater, to prevent*
18 *shoreline erosion between .07 and 2.7 miles south of Penn-*
19 *sylvania State route 994 on the east shore of Raystown*
20 *Lake, Pennsylvania.*

21 **SEC. 3103. SHERADEN PARK STREAM AND CHARTIERS**
22 **CREEK, ALLEGHENY COUNTY, PENNSYL-**
23 **VANIA.**

24 *The project for aquatic ecosystem restoration,*
25 *Sheraden Park Stream and Chartiers Creek, Allegheny*

1 *County, Pennsylvania, being carried out under section 206*
 2 *of the Water Resources Development Act of 1996 (33 U.S.C.*
 3 *2330), is modified to direct the Secretary to credit up to*
 4 *\$400,000 toward the non-Federal share of the cost of the*
 5 *project for planning and design work carried out by the*
 6 *non-Federal interest before the date of the partnership*
 7 *agreement for the project if the Secretary determines that*
 8 *the work is integral to the project.*

9 **SEC. 3104. SOLOMON'S CREEK, WILKES-BARRE, PENNSYL-**
 10 **VANIA.**

11 *The project for flood control, Wyoming Valley, Penn-*
 12 *sylvania, authorized by section 401(a) of the Water Re-*
 13 *sources Development Act of 1986 (100 Stat. 4124), is modi-*
 14 *fied to include as a project element the project for flood con-*
 15 *trol for Solomon's Creek, Wilkes-Barre, Pennsylvania.*

16 **SEC. 3105. SOUTH CENTRAL PENNSYLVANIA.**

17 *Section 313 of the Water Resources Development Act*
 18 *of 1992 (106 Stat. 4845; 109 Stat. 407; 110 Stat. 3723;*
 19 *113 Stat. 310; 117 Stat. 142) is amended—*

20 *(1) in subsection (g)(1) by striking*
 21 *“\$180,000,000” and inserting “\$200,000,000”; and*

22 *(2) in subsection (h)(2) by striking “Allegheny,*
 23 *Armstrong, Beford, Blair, Cambria, Clearfield, Fay-*
 24 *ette, Franklin, Fulton, Greene, Huntingdon, Indiana,*
 25 *Juniata, Mifflin, Somerset, Snyder, Washington, and*

1 *Westmoreland Counties” and inserting “Allegheny,*
2 *Armstrong, Bedford, Blair, Cambria, Fayette, Frank-*
3 *lin, Fulton, Greene, Huntingdon, Indiana, Juniata,*
4 *Somerset, Washington, and Westmoreland Counties”.*

5 **SEC. 3106. WYOMING VALLEY, PENNSYLVANIA.**

6 *In carrying out the project for flood control, Wyoming*
7 *Valley, Pennsylvania, authorized by section 401(a) of the*
8 *Water Resources Development Act of 1986 (100 Stat. 4124),*
9 *the Secretary shall coordinate with non-Federal interests to*
10 *review opportunities for increased public access.*

11 **SEC. 3107. CEDAR BAYOU, TEXAS.**

12 *(a) IN GENERAL.—The project for navigation, Cedar*
13 *Bayou, Texas, reauthorized by section 349(a)(2) of the*
14 *Water Resources Development Act of 2000 (114 Stat. 2632),*
15 *is modified to direct the Secretary to credit toward the non-*
16 *Federal share of the cost of the project the cost of planning*
17 *and design work carried out by the non-Federal interest for*
18 *the project if the Secretary determines that such work is*
19 *integral to the project.*

20 *(b) COST SHARING.—Cost sharing for construction*
21 *and operation and maintenance of the project shall be deter-*
22 *mined in accordance with section 101 of the Water Re-*
23 *sources Development Act of 1986 (33 U.S.C. 2211).*

1 **SEC. 3108. FREEPORT HARBOR, TEXAS.**

2 *The project for navigation, Freeport Harbor, Texas,*
3 *authorized by section 101 of the Rivers and Harbors Act*
4 *of 1970 (84 Stat. 1818), is modified.—*

5 *(1) to direct the Secretary to credit toward the*
6 *non-Federal share of the cost of the project the cost of*
7 *the planning, design, and construction work carried*
8 *out by the non-Federal interest before the date of the*
9 *partnership agreement for the project if the Secretary*
10 *determines that the work is integral to the project;*
11 *and*

12 *(2) to direct the Secretary to remove the sunken*
13 *vessel “COMSTOCK” at Federal expense.*

14 **SEC. 3109. JOHNSON CREEK, ARLINGTON, TEXAS.**

15 *The project for flood damage reduction, environmental*
16 *restoration, and recreation, authorized by section*
17 *101(b)(14) of the Water Resources Development Act of 1999*
18 *(113 Stat. 280), is modified to authorize the Secretary to*
19 *carry out the project at a total cost of \$29,717,000, with*
20 *an estimated Federal cost of \$20,670,000 and an estimated*
21 *non-Federal cost \$9,047,000.*

22 **SEC. 3110. LAKE KEMP, TEXAS.**

23 *(a) IN GENERAL.—The Secretary may not take any*
24 *legal or administrative action seeking to remove a Lake*
25 *Kemp improvement before the earlier of January 1, 2020,*

1 *or the date of any transfer of ownership of the improvement*
2 *occurring after the date of enactment of this Act.*

3 (b) *LIMITATION ON LIABILITY.—The United States, or*
4 *any of its officers, agents, or assignees, shall not be liable*
5 *for any injury, loss, or damage accruing to the owners of*
6 *a Lake Kemp improvement, their lessees, or occupants as*
7 *a result of any flooding or inundation of such improvements*
8 *by the waters of the Lake Kemp reservoir, or for such in-*
9 *jury, loss, or damage as may occur through the operation*
10 *and maintenance of the Lake Kemp dam and reservoir in*
11 *any manner.*

12 (c) *LAKE KEMP IMPROVEMENT DEFINED.—In this sec-*
13 *tion, the term “Lake Kemp improvement” means an im-*
14 *provement (including dwellings) located within the flowage*
15 *easement of Lake Kemp, Texas, below elevation 1159 feet*
16 *mean sea level.*

17 **SEC. 3111. LOWER RIO GRANDE BASIN, TEXAS.**

18 *The project for flood control, Lower Rio Grande Basin,*
19 *Texas, authorized by section 401(a) of the Water Resources*
20 *Development Act of 1986 (100 Stat. 4125), is modified—*

21 (1) *to include as part of the project flood protec-*
22 *tion works to reroute drainage to Raymondville*
23 *Drain constructed by the non-Federal interests in Hi-*
24 *dalgo County in the vicinity of Edinburg, Texas, if*

1 *the Secretary determines that such work meets feasi-*
 2 *bility requirements;*

3 *(2) to direct the Secretary to credit toward the*
 4 *non-Federal share of the cost of the project the cost of*
 5 *planning, design, and construction work carried out*
 6 *by the non-Federal interest before the date of the part-*
 7 *nership agreement for the project if the Secretary de-*
 8 *termines that the work is integral to the project; and*

9 *(3) to direct the Secretary, in calculating the*
 10 *non-Federal share of the cost of the project, to make*
 11 *a determination within 180 days after the date of en-*
 12 *actment of this Act under section 103(m) of the Water*
 13 *Resources Development Act of 1986 (33 U.S.C.*
 14 *2213(m)) on the non-Federal interest's ability to pay.*

15 **SEC. 3112. NORTH PADRE ISLAND, CORPUS CHRISTI BAY,**

16 **TEXAS.**

17 *The project for ecosystem restoration and storm dam-*
 18 *age reduction, North Padre Island, Corpus Christi Bay,*
 19 *Texas, authorized by section 556 of the Water Resources De-*
 20 *velopment Act of 1999 (113 Stat. 353), is modified to in-*
 21 *clude recreation as a project purpose.*

22 **SEC. 3113. PAT MAYSE LAKE, TEXAS.**

23 *The Secretary is directed to accept from the city of*
 24 *Paris, Texas, \$3,461,432 as payment in full of monies owed*
 25 *to the United States for water supply storage space in Pat*

1 *Mayse Lake, Texas, under contract number DA-34-066-*
2 *CIVENG-65-1272, including accrued interest.*

3 **SEC. 3114. PROCTOR LAKE, TEXAS.**

4 *The Secretary is authorized to purchase fee simple title*
5 *to all properties located within the boundaries, and nec-*
6 *essary for the operation, of the Proctor Lake project, Texas,*
7 *authorized by section 203 of the Flood Control Act of 1954*
8 *(68 Stat. 1259).*

9 **SEC. 3115. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

10 *The project for flood control, San Antonio Channel,*
11 *Texas, authorized by section 203 of the Flood Control Act*
12 *of 1954 (68 Stat. 1259) as part of the comprehensive plan*
13 *for flood protection on the Guadalupe and San Antonio*
14 *Rivers in Texas and modified by section 103 of the Water*
15 *Resources Development Act of 1976 (90 Stat. 2921) and sec-*
16 *tion 335 of the Water Resources Development Act of 2000*
17 *(114 Stat. 2611), is further modified to authorize the Sec-*
18 *retary to credit toward the non-Federal share of the cost*
19 *of the project the cost of design and construction work car-*
20 *ried out by the non-Federal interest for the project if the*
21 *Secretary determines that the work is integral to the project.*

22 **SEC. 3116. JAMES RIVER, VIRGINIA.**

23 *The project for navigation, James River, Virginia, au-*
24 *thorized by the first section of the River and Harbor Appro-*
25 *priations Act of July 5, 1884 (23 Stat. 138), is further*

1 *modified to authorize the Secretary to enlarge the turning*
2 *basin adjacent to the Richmond Deepwater Terminal at a*
3 *total cost of \$1,511,000 if the Secretary determines that the*
4 *such enlargement is necessary for navigation safety.*

5 **SEC. 3117. LEE, RUSSELL, SCOTT, SMYTH, TAZEWELL, AND**
6 **WISE COUNTIES, VIRGINIA.**

7 *The project for flood control, Levisa and Tug Forks*
8 *of the Big Sandy River and Upper Cumberland River, au-*
9 *thorized by section 202 of the Energy and Water Develop-*
10 *ment Appropriation Act, 1981 (94 Stat. 1339) and modi-*
11 *fied by section 352 of the Water Resources Development Act*
12 *of 1996 (110 Stat. 3724–3725) and section 336 of the Water*
13 *Resources Development Act of 2000 (114 Stat. 2611), is fur-*
14 *ther modified to direct the Secretary to determine the abil-*
15 *ity of Lee, Russell, Scott, Smyth, Tazewell, and Wise Coun-*
16 *ties, Virginia, to pay the non-Federal share of the cost of*
17 *the project based solely on the criterion specified in section*
18 *103(m)(3)(A)(i) of the Water Resources Development Act of*
19 *1986 (33 U.S.C. 2213(m)(3)(A)(i)).*

20 **SEC. 3118. TANGIER ISLAND SEAWALL, VIRGINIA.**

21 *Section 577(a) of the Water Resources Development*
22 *Act of 1996 (110 Stat. 3789) is amended by striking “at*
23 *a total cost of \$1,200,000, with an estimated Federal cost*
24 *of \$900,000 and an estimated non-Federal cost of*
25 *\$300,000.” and inserting “at a total cost of \$3,000,000,*

1 *with an estimated Federal cost of \$2,250,000 and an esti-*
2 *mated non-Federal cost of \$750,000.”.*

3 **SEC. 3119. DUWAMISH/GREEN, WASHINGTON.**

4 *The project for ecosystem restoration, Duwamish/*
5 *Green, Washington, authorized by section 101(b)(26) of the*
6 *Water Resources Development Act of 2000 (114 Stat. 2579),*
7 *is modified—*

8 *(1) to direct the Secretary to credit toward the*
9 *non-Federal share of the cost of the project the cost of*
10 *work carried out by the non-Federal interest before,*
11 *on, or after the date of the partnership agreement for*
12 *the project if the Secretary determines that the work*
13 *is integral to the project; and*

14 *(2) to authorize the non-Federal interest to pro-*
15 *vide any portion of the non-Federal share of the cost*
16 *of the project in the form of in-kind services and ma-*
17 *terials.*

18 **SEC. 3120. YAKIMA RIVER, PORT OF SUNNYSIDE, WASH-**
19 **INGTON.**

20 *The project for aquatic ecosystem restoration, Yakima*
21 *River, Port of Sunnyside, Washington, being carried out*
22 *under section 206 of the Water Resources Development Act*
23 *of 1996 (33 U.S.C. 2330), is modified to direct the Secretary*
24 *to credit toward the non-Federal share of the cost of the*
25 *project the cost of work carried out by the non-Federal in-*

1 *terest before the date of the partnership agreement for the*
2 *project if the Secretary determines that the work is integral*
3 *to the project.*

4 **SEC. 3121. GREENBRIER RIVER BASIN, WEST VIRGINIA.**

5 *Section 579(c) of the Water Resources Development Act*
6 *of 1996 (110 Stat. 3790; 113 Stat. 312) is amended by*
7 *striking “\$47,000,000” and inserting “\$99,000,000”.*

8 **SEC. 3122. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.**

9 *Section 30(d) of the Water Resources Development Act*
10 *of 1988 (102 Stat. 4030; 114 Stat. 2678) is amended to*
11 *read as follows:*

12 *“(d) HISTORIC STRUCTURE.—The Secretary shall en-*
13 *sure the preservation and restoration of the structure known*
14 *as the ‘Jenkins House’, and the reconstruction of associated*
15 *buildings and landscape features of such structure located*
16 *within the Lesage/Greenbottom Swamp in accordance with*
17 *the Secretary of the Interior’s standards for the treatment*
18 *of historic properties. Amounts made available for expendi-*
19 *ture for the project authorized by section 301(a) of the*
20 *Water Resources Development Act of 1986 (100 Stat. 4110)*
21 *shall be available for the purposes of this subsection.”.*

22 **SEC. 3123. NORTHERN WEST VIRGINIA.**

23 *Section 557 of the Water Resources Development Act*
24 *of 1999 (113 Stat. 353) is amended in the first sentence*
25 *by striking “favorable”.*

1 **SEC. 3124. MANITOWOC HARBOR, WISCONSIN.**

2 *The project for navigation, Manitowoc Harbor, Wis-*
3 *consin, authorized by the River and Harbor Act of August*
4 *30, 1852, is modified to direct the Secretary to deepen the*
5 *upstream reach of the navigation channel from 12 feet to*
6 *18 feet, at a total cost of \$300,000.*

7 **SEC. 3125. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

8 *Section 21 of the Water Resources Development Act of*
9 *1988 (102 Stat. 4027) is amended—*

10 *(1) in subsection (a)—*

11 *(A) by striking “1276.42” and inserting*
12 *“1278.42”;*

13 *(B) by striking “1218.31” and inserting*
14 *“1221.31”; and*

15 *(C) by striking “1234.82” and inserting*
16 *“1235.30”; and*

17 *(2) by striking subsection (b) and inserting the*
18 *following:*

19 *“(b) EXCEPTION.—The Secretary may operate the*
20 *headwaters reservoirs below the minimum or above the max-*
21 *imum water levels established in subsection (a) in accord-*
22 *ance with water control regulation manuals (or revisions*
23 *thereto) developed by the Secretary, after consultation with*
24 *the Governor of Minnesota and affected tribal governments,*
25 *landowners, and commercial and recreational users. The*
26 *water control regulation manuals (and any revisions there-*

1 to) shall be effective when the Secretary transmits them to
2 Congress. The Secretary shall report to Congress at least
3 14 days before operating any such headwaters reservoir
4 below the minimum or above the maximum water level lim-
5 its specified in subsection (a); except that notification is
6 not required for operations necessary to prevent the loss of
7 life or to ensure the safety of the dam or where the draw-
8 down of lake levels is in anticipation of flood control oper-
9 ations.”.

10 **SEC. 3126. CONTINUATION OF PROJECT AUTHORIZATIONS.**

11 (a) *IN GENERAL.*—Notwithstanding section 1001(b)(2)
12 of the Water Resources Development Act of 1986 (33 U.S.C.
13 579a(b)(2)), the following projects shall remain authorized
14 to be carried out by the Secretary:

15 (1) *The project for flood control, Agana River,*
16 *Guam, authorized by section 401(a) of the Water Re-*
17 *sources Development Act of 1986 (100 Stat. 4127).*

18 (2) *The project for navigation, Fall River Har-*
19 *bor, Massachusetts, authorized by section 101 of the*
20 *River and Harbor Act of 1968 (82 Stat. 731); except*
21 *that the authorized depth of that portion of the project*
22 *extending riverward of the Charles M. Braga, Jr. Me-*
23 *morial Bridge, Fall River and Somerset, Massachu-*
24 *setts, shall not exceed 35 feet.*

1 (b) *LIMITATION.*—A project described in subsection (a)
2 shall not be authorized for construction after the last day
3 of the 5-year period beginning on the date of enactment of
4 this Act, unless, during such period, funds have been obli-
5 gated for the construction (including planning and design)
6 of the project.

7 **SEC. 3127. PROJECT REAUTHORIZATIONS.**

8 Each of the following projects may be carried out by
9 the Secretary and no construction on any such project may
10 be initiated until the Secretary determines that the project
11 is feasible:

12 (1) *MENOMINEE HARBOR AND RIVER, MICHIGAN*
13 *AND WISCONSIN.*—The project for navigation, Menom-
14 inee Harbor and River, Michigan and Wisconsin, au-
15 thorized by section 101 of the River and Harbor Act
16 of 1960 (74 Stat. 482) and deauthorized on April 15,
17 2002, in accordance with section 1001(b)(2) of the
18 Water Resources Development Act of 1986 (33 U.S.C.
19 579a(b)(2)).

20 (2) *MANITOWOC HARBOR, WISCONSIN.*—That
21 portion of the project for navigation, Manitowoc Har-
22 bor, Wisconsin, consisting of the channel in the south
23 part of the outer harbor, deauthorized by section 101
24 of the River and Harbor Act of 1962 (76 Stat. 1176).

1 **SEC. 3128. PROJECT DEAUTHORIZATIONS.**

2 (a) *IN GENERAL.*—*The following projects are not au-*
3 *thorized after the date of enactment of this Act:*

4 (1) *BRIDGEPORT HARBOR, CONNECTICUT.*—*The*
5 *portion of the project for navigation, Bridgeport Har-*
6 *bor, Connecticut, authorized by the first section of the*
7 *River and Harbor Act of July 3, 1930 (46 Stat. 919),*
8 *consisting of an 18-foot channel in Yellow Mill River*
9 *and described as follows: Beginning at a point along*
10 *the eastern limit of the existing project, N123,649.75,*
11 *E481,920.54, thence running northwesterly about*
12 *52.64 feet to a point N123,683.03, E481,879.75,*
13 *thence running northeasterly about 1,442.21 feet to a*
14 *point N125,030.08, E482,394.96, thence running*
15 *northeasterly about 139.52 feet to a point along the*
16 *eastern limit of the existing channel, N125,133.87,*
17 *E482,488.19, thence running southwesterly about*
18 *1,588.98 feet to the point of origin.*

19 (2) *MYSTIC RIVER, CONNECTICUT.*—*The portion*
20 *of the project for navigation, Mystic River, Con-*
21 *necticut, authorized by the first section of the River*
22 *and Harbor Appropriations Act of September 19, 1890*
23 *(26 Stat. 436) consisting of a 12-foot-deep channel,*
24 *approximately 7,554 square feet in area, starting at*
25 *a point N193,086.51, E815,092.78, thence running*
26 *north 59 degrees 21 minutes 46.63 seconds west about*

1 138.05 feet to a point N193,156.86, E814,974.00,
2 thence running north 51 degrees 04 minutes 39.00
3 seconds west about 166.57 feet to a point
4 N193,261.51, E814,844.41, thence running north 43
5 degrees 01 minutes 34.90 seconds west about 86.23
6 feet to a point N193,324.55, E814,785.57, thence run-
7 ning north 06 degrees 42 minutes 03.86 seconds west
8 about 156.57 feet to a point N193,480.05,
9 E814,767.30, thence running south 21 degrees 21
10 minutes 17.94 seconds east about 231.42 feet to a
11 point N193,264.52, E814,851.57, thence running
12 south 53 degrees 34 minutes 23.28 seconds east about
13 299.78 feet to the point of origin.

14 (3) FALMOUTH HARBOR, MASSACHUSETTS.—The
15 portion of the project for navigation, Falmouth Har-
16 bor, Massachusetts, authorized by section 101 of the
17 River and Harbor Act of 1948 (62 Stat. 1172), begin-
18 ning at a point along the eastern side of the inner
19 harbor N200,415.05, E845,307.98, thence running
20 north 25 degrees 48 minutes 54.3 seconds east 160.24
21 feet to a point N200,559.20, E845,377.76, thence run-
22 ning north 22 degrees 7 minutes 52.4 seconds east
23 596.82 feet to a point N201,112.15, E845,602.60,
24 thence running north 60 degrees 1 minute 0.3 seconds
25 east 83.18 feet to a point N201,153.72, E845,674.65,

1 *thence running south 24 degrees 56 minutes 43.4 sec-*
2 *onds west 665.01 feet to a point N200,550.75,*
3 *E845,394.18, thence running south 32 degrees 25*
4 *minutes 29.0 seconds west 160.76 feet to the point of*
5 *origin.*

6 (4) *ISLAND END RIVER, MASSACHUSETTS.—The*
7 *portion of the project for navigation, Island End*
8 *River, Massachusetts, carried out under section 107 of*
9 *the River and Harbor Act of 1960 (33 U.S.C. 577),*
10 *described as follows: Beginning at a point along the*
11 *eastern limit of the existing project, N507,348.98,*
12 *E721,180.01, thence running northeast about 35 feet*
13 *to a point N507,384.17, E721,183.36, thence running*
14 *northeast about 324 feet to a point N507,590.51,*
15 *E721,433.17, thence running northeast about 345 feet*
16 *to a point along the northern limit of the existing*
17 *project, N507,927.29, E721,510.29, thence running*
18 *southeast about 25 feet to a point N507,921.71,*
19 *E721,534.66, thence running southwest about 354 feet*
20 *to a point N507,576.65, E721,455.64, thence running*
21 *southwest about 357 feet to the point of origin.*

22 (5) *CITY WATERWAY, TACOMA, WASHINGTON.—*
23 *The portion of the project for navigation, City Water-*
24 *way, Tacoma, Washington, authorized by the first sec-*
25 *tion of the River and Harbor Appropriations Act of*

1 *June 13, 1902 (32 Stat. 347), consisting of the last*
2 *1,000 linear feet of the inner portion of the waterway*
3 *beginning at station 70+00 and ending at station*
4 *80+00.*

5 *(b) ANCHORAGE AREA, NEW LONDON HARBOR, CON-*
6 *NECTICUT.—The portion of the project for navigation, New*
7 *London Harbor, Connecticut, authorized by the River and*
8 *Harbor Appropriations Act of June 13, 1902 (32 Stat.*
9 *333), that consists of a 23-foot waterfront channel and that*
10 *is further described as beginning at a point along the west-*
11 *ern limit of the existing project, N188, 802.75, E779,*
12 *462.81, thence running northeasterly about 1,373.88 feet to*
13 *a point N189, 554.87, E780, 612.53, thence running south-*
14 *easterly about 439.54 feet to a point N189, 319.88, E780,*
15 *983.98, thence running southwesterly about 831.58 feet to*
16 *a point N188, 864.63, E780, 288.08, thence running south-*
17 *easterly about 567.39 feet to a point N188, 301.88, E780,*
18 *360.49, thence running northwesterly about 1,027.96 feet to*
19 *the point of origin, shall be redesignated as an anchorage*
20 *area.*

21 *(c) SOUTHPORT HARBOR, FAIRFIELD, CON-*
22 *NECTICUT.—The project for navigation, Southport Harbor,*
23 *Fairfield, Connecticut, authorized by section 2 of the River*
24 *and Harbor Act of March 2, 1829, and by the first section*
25 *of the River and Harbor Act of August 30, 1935 (49 Stat.*

1 1029), and section 364 of the Water Resources Development
2 Act of 1996 (110 Stat. 3733–3734), is further modified to
3 redesignate a portion of the 9-foot-deep channel to an an-
4 chorage area, approximately 900 feet in length and 90,000
5 square feet in area, and lying generally north of a line with
6 points at coordinates N108,043.45, E452,252.04 and
7 N107938.74, E452265.74.

8 (d) MYSTIC RIVER, MASSACHUSETTS.—The portion of
9 the project for navigation, Mystic River, Massachusetts, au-
10 thorized by the first section of the River and Harbor Appro-
11 priations Act of July 13, 1892 (27 Stat. 96), between a line
12 starting at a point N515,683.77, E707,035.45 and ending
13 at a point N515,721.28, E707,069.85 and a line starting
14 at a point N514,595.15, E707,746.15 and ending at a point
15 N514,732.94, E707,658.38 shall be relocated and reduced
16 from 100 foot to a 50-foot wide channel after the date of
17 enactment of this Act described as follows: Beginning at a
18 point N515,721.28, E707,069.85, thence running southeast-
19 erly about 840.50 feet to a point N515,070.16, E707,601.27,
20 thence running southeasterly about 177.54 feet to a point
21 N514,904.84, E707,665.98, thence running southeasterly
22 about 319.90 feet to a point with coordinates N514,595.15,
23 E707,746.15, thence running northwesterly about 163.37
24 feet to a point N514,732.94, E707,658.38, thence running
25 northwesterly about 161.58 feet to a point N514.889.47,

1 *E707,618.30, thence running northwesterly about 166.61*
2 *feet to a point N515.044.62, E707,557.58, thence running*
3 *northwesterly about 825.31 feet to a point N515,683.77,*
4 *E707,035.45, thence running northeasterly about 50.90 feet*
5 *returning to a point N515,721.28, E707,069.85.*

6 *(e) GREEN BAY HARBOR, GREEN BAY, WISCONSIN.—*
7 *The portion of the inner harbor of the Federal navigation*
8 *channel, Green Bay Harbor, Green Bay, Wisconsin, author-*
9 *ized by the first section of the River and Harbor Act of*
10 *June 23, 1866, beginning at station 190+00 to station*
11 *378+00 is authorized to a width of 75 feet and a depth*
12 *of 6 feet.*

13 *(f) ADDITIONAL DEAUTHORIZATIONS.—The following*
14 *projects are not authorized after the date of enactment of*
15 *this Act, except with respect to any portion of such a project*
16 *which portion has been completed before such date or is*
17 *under construction on such date:*

18 *(1) The project for flood control, Cache Creek*
19 *Basin, Clear Lake Outlet Channel, California, au-*
20 *thorized by section 401(a) of the Water Resources De-*
21 *velopment Act of 1986 (100 Stat. 4112).*

22 *(2) The project for flood protection on Atascadero*
23 *Creek and its tributaries of Goleta, California, au-*
24 *thorized by section 201 of the Flood Control Act of*
25 *1970 (84 Stat. 1826).*

1 (3) *The project for flood control, central and*
2 *southern Florida, Shingle Creek basin, Florida, au-*
3 *thorized by section 203 of the Flood Control Act of*
4 *1962 (76 Stat. 1182).*

5 (4) *The project for flood control, Middle Wabash,*
6 *Greenfield Bayou, Indiana, authorized by section 10*
7 *of the Flood Control Act of July 24, 1946 (60 Stat.*
8 *649).*

9 (5) *The project for flood damage reduction, Lake*
10 *George, Hobart, Indiana, authorized by section*
11 *602(a)(2) of the Water Resources Development Act of*
12 *1986 (100 Stat. 4148).*

13 (6) *The project for flood control, Green Bay*
14 *Levee and Drainage District No. 2, Iowa, authorized*
15 *by section 401(a) of the Water Resources Development*
16 *Act of 1986 (100 Stat. 4115), deauthorized in fiscal*
17 *year 1991, and reauthorized by section 115(a) of the*
18 *Water Resources Development Act of 1992 (106 Stat.*
19 *4821).*

20 (7) *The project for flood control, Hazard, Ken-*
21 *tucky, authorized by section 3(a)(7) of the Water Re-*
22 *sources Development Act of 1988 (100 Stat. 4014)*
23 *and section 108 of the Water Resources Development*
24 *Act of 1990 (104 Stat. 4621).*

1 (8) *The recreation portion of the project for flood*
2 *control, Taylorsville Lake, Kentucky, authorized by*
3 *section 203 of the Flood Control Act of 1966 (80 Stat.*
4 *1421).*

5 (9) *The project for flood control, western Ken-*
6 *tucky tributaries, Kentucky, authorized by section 204*
7 *of the Flood Control Act of 1965 (79 Stat. 1076) and*
8 *modified by section 210 of the Flood Control Act of*
9 *1970 (84 Stat. 1829).*

10 (10) *The project for flood damage reduction,*
11 *Tensas-Cocodrie area, Louisiana, authorized by sec-*
12 *tion 3 of the Flood Control Act of August 18, 1941*
13 *(55 Stat. 643).*

14 (11) *The project for flood control, Eastern*
15 *Rapides and South-Central Avoyelles Parishes, Lou-*
16 *isiana, authorized by section 201 of the Flood Control*
17 *Act of 1970 (84 Stat. 1825).*

18 (12) *The bulkhead and jetty features at Lake*
19 *Borgne and Chef Menteur, Louisiana, of the project*
20 *for navigation, Mississippi River, Baton Rouge to the*
21 *Gulf of Mexico, barge channel through Devils Swamp,*
22 *Louisiana, authorized by the first section of the River*
23 *and Harbor Act of July 24, 1946 (60 Stat. 635).*

24 (13) *The project for navigation Red River Wa-*
25 *terway, Shreveport, Louisiana to Daingerfield, Texas,*

1 *authorized by the River and Harbor Act of 1968 (82*
2 *Stat. 731).*

3 (14) *The project for flood damage reduction*
4 *Brockton, Massachusetts, authorized by section 401(c)*
5 *of the Water Resources Development Act of 1986 (100*
6 *Stat. 4129).*

7 (15) *The project for navigation, Grand Haven*
8 *Harbor, Michigan, authorized by section 202 of the*
9 *Water Resources Development Act of 1986 (100 Stat.*
10 *4093).*

11 (16) *The project for hydropower, Libby Dam,*
12 *Montana, (Units 6–8), authorized by section 549 of*
13 *the Water Resources Development Act of 1996 (110*
14 *Stat. 3779).*

15 (17) *The project for flood damage reduction,*
16 *Platte River Flood and Related Streambank Erosion*
17 *Control, Nebraska, authorized by section 603(f)(6) of*
18 *the Water Resources Development Act of 1986 (100*
19 *Stat. 4150).*

20 (18) *The project for navigation, Outer Harbor,*
21 *Buffalo, New York, authorized by section 110 of the*
22 *Water Resources Development Act of 1992 (106 Stat.*
23 *4817).*

24 (19) *The project for flood control, Sugar Creek*
25 *Basin, North Carolina and South Carolina, author-*

1 *ized by section 401(a) of the Water Resources Devel-*
2 *opment Act of 1986 (100 Stat. 4121).*

3 *(20) The project for flood control, Miami River,*
4 *Fairfield, Ohio, authorized by section 401(a) of the*
5 *Water Resources Development Act of 1986 (100 Stat.*
6 *4122).*

7 *(21) The project for shoreline protection, Maumee*
8 *Bay, Lake Erie, Ohio, authorized by section 501(a) of*
9 *the Water Resources Development Act of 1986 (100*
10 *Stat. 4135).*

11 *(22) The project for flood control and water sup-*
12 *ply, Parker Lake, Muddy Boggy Creek, Oklahoma,*
13 *authorized by section 601 of the Water Resources De-*
14 *velopment Act of 1986 (100 Stat. 4144).*

15 *(23) The project for the Columbia River, Sea-*
16 *farers Memorial, Hammond, Oregon, authorized by*
17 *title I of the Energy and Water Development Appro-*
18 *ropriations Act, 1991 (104 Stat. 2078).*

19 *(24) The project for bulkhead repairs, Quonset*
20 *Point-Davisville, Rhode Island, authorized by section*
21 *571 of the Water Resources Development Act of 1996*
22 *(110 Stat. 3788).*

23 *(25) The project for flood damage reduction,*
24 *Harris Fork Creek, Tennessee and Kentucky, author-*

1 *ized by section 102 of the Water Resources Develop-*
2 *ment Act of 1976 (90 Stat. 2921).*

3 (26) *The Arroyo Colorado, Texas, feature of the*
4 *project for flood control Lower Rio Grande, Texas,*
5 *authorized by section 401(a) of the Water Resources*
6 *Development Act of 1986 (100 Stat. 4125).*

7 (27) *The structural portion of the project for*
8 *flood control, Cypress Creek, Texas, authorized by sec-*
9 *tion 3(a)(13) of the Water Resources Development Act*
10 *of 1988 (102 Stat. 4014).*

11 (28) *The project for flood protection, East Fork*
12 *Channel Improvement, Increment 2, East Fork of the*
13 *Trinity River, Texas, authorized by section 202 of the*
14 *Flood Control Act of 1962 (76 Stat. 1185).*

15 (29) *The project for flood control, Falfurrias,*
16 *Texas, authorized by section 3(a)(14) of the Water Re-*
17 *sources Development Act of 1988 (102 Stat. 4014).*

18 (30) *The project for streambank erosion,*
19 *Kanawha River, Charleston, West Virginia, author-*
20 *ized by section 603(f)(13) of the Water Resources De-*
21 *velopment Act of 1986 (100 Stat. 4153).*

22 (g) *CONDITIONS.—The first sentence of section*
23 *1001(b)(2) of the Water Resources Development Act of 1986*
24 *(33 U.S.C. 579a(b)(2)) is amended—*

1 (1) *by striking “two years” and inserting*
2 *“year”; and*

3 (2) *by striking “7” and inserting “5”.*

4 **SEC. 3129. LAND CONVEYANCES.**

5 (a) *ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.—*

6 (1) *IN GENERAL.—The Secretary shall convey to*
7 *the State of Arkansas, without monetary consider-*
8 *ation and subject to paragraph (2), all right, title,*
9 *and interest to real property within the State ac-*
10 *quired by the Federal Government as mitigation land*
11 *for the project for flood control, St. Francis Basin,*
12 *Arkansas and Missouri Project, authorized by the*
13 *Flood Control Act of May 15, 1928 (33 U.S.C. 702a*
14 *et seq.)*

15 (2) *TERMS AND CONDITIONS.—*

16 (A) *IN GENERAL.—The conveyance by the*
17 *United States under this subsection shall be sub-*
18 *ject to—*

19 (i) *the condition that the State of Ar-*
20 *kansas agree to operate, maintain, and*
21 *manage the real property for fish and wild-*
22 *life, recreation, and environmental purposes*
23 *at no cost or expense to the United States;*
24 *and*

1 (ii) such other terms and conditions as
2 the Secretary determines to be in the inter-
3 est of the United States.

4 (B) REVERSION.—If the Secretary deter-
5 mines that the real property conveyed under
6 paragraph (1) ceases to be held in public owner-
7 ship or the State ceases to operate, maintain,
8 and manage the real property in accordance
9 with this subsection, all right, title, and interest
10 in and to the property shall revert to the United
11 States, at the option of the Secretary.

12 (3) MITIGATION.—Nothing in this subsection ex-
13 tinguishes the responsibility of the Federal Govern-
14 ment or the non-Federal interest for the project re-
15 ferred to in paragraph (1) from the obligation to im-
16 plement mitigation for such project that existed on the
17 day prior to the transfer authorized by this sub-
18 section.

19 (b) MILFORD, KANSAS.—

20 (1) IN GENERAL.—The Secretary shall convey by
21 quitclaim deed without consideration to the Geary
22 County Fire Department, Milford, Kansas, all right,
23 title, and interest of the United States in and to real
24 property consisting of approximately 7.4 acres located

1 *in Geary County, Kansas, for construction, operation,*
2 *and maintenance of a fire station.*

3 (2) *REVERSION.—If the Secretary determines*
4 *that the real property conveyed under paragraph (1)*
5 *ceases to be held in public ownership or to be used for*
6 *any purpose other than a fire station, all right, title,*
7 *and interest in and to the property shall revert to the*
8 *United States, at the option of the United States.*

9 (c) *PIKE COUNTY, MISSOURI.—*

10 (1) *IN GENERAL.—At such time as S.S.S., Inc.,*
11 *conveys all right, title and interest in and to the real*
12 *property described in paragraph (2)(A) to the United*
13 *States, the Secretary shall convey all right, title, and*
14 *interest of the United States in and to the real prop-*
15 *erty described in paragraph (2)(B) to S.S.S., Inc.*

16 (2) *LAND DESCRIPTION.—The parcels of land re-*
17 *ferred to in paragraph (1) are the following:*

18 (A) *NON-FEDERAL LAND.—Approximately*
19 *42 acres, the exact legal description to be deter-*
20 *mined by mutual agreement of S.S.S., Inc., and*
21 *the Secretary, subject to any existing flowage*
22 *easements situated in Pike County, Missouri, up-*
23 *stream and northwest, about a 200-foot distance*
24 *from Drake Island (also known as Grimes Is-*
25 *land).*

1 (B) *FEDERAL LAND.*—Approximately 42
2 acres, the exact legal description to be deter-
3 mined by mutual agreement of S.S.S. Inc., and
4 the Secretary, situated in Pike County, Missouri,
5 known as Government Tract Numbers MIs-7
6 and a portion of FM-46 (both tracts on Buffalo
7 Island), administered by the Corps of Engineers.

8 (3) *CONDITIONS.*—The exchange of real property
9 under paragraph (1) shall be subject to the following
10 conditions:

11 (A) *DEEDS.*—

12 (i) *NON-FEDERAL LAND.*—The convey-
13 ance of the real property described in para-
14 graph (2)(A) to the Secretary shall be by a
15 warranty deed acceptable to the Secretary.

16 (ii) *FEDERAL LAND.*—The instrument
17 of conveyance used to convey the real prop-
18 erty described in paragraph (2)(B) to
19 S.S.S., Inc., shall be by quitclaim deed and
20 contain such reservations, terms, and condi-
21 tions as the Secretary considers necessary to
22 allow the United States to operate and
23 maintain the Mississippi River 9-Foot
24 Navigation Project.

1 (B) *REMOVAL OF IMPROVEMENTS.*—S.S.S.,
2 Inc., may remove, and the Secretary may require
3 S.S.S., Inc., to remove, any improvements on the
4 land described in paragraph (2)(A).

5 (C) *TIME LIMIT FOR EXCHANGE.*—The land
6 exchange under paragraph (1) shall be completed
7 not later than 2 years after the date of enact-
8 ment of this Act.

9 (4) *VALUE OF PROPERTIES.*—If the appraised
10 fair market value, as determined by the Secretary, of
11 the real property conveyed to S.S.S., Inc., by the Sec-
12 retary under paragraph (1) exceeds the appraised fair
13 market value, as determined by the Secretary, of the
14 real property conveyed to the United States by S.S.S.,
15 Inc., under paragraph (1), S.S.S., Inc., shall make a
16 payment to the United States equal to the excess in
17 cash or a cash equivalent that is satisfactory to the
18 Secretary.

19 (d) *BOARDMAN, OREGON.*—Section 501(g)(1) of the
20 Water Resources Development Act of 1996 (110 Stat. 3751)
21 is amended—

22 (1) by striking “city of Boardman,” and insert-
23 ing “the Boardman Park and Recreation District,
24 Boardman,”; and

1 (2) *by striking “such city” and inserting “the*
2 *city of Boardman”.*

3 (e) *TIOGA TOWNSHIP, PENNSYLVANIA.—*

4 (1) *IN GENERAL.—The Secretary shall convey by*
5 *quitclaim deed to the Tioga Township, Pennsylvania,*
6 *without consideration, all right, title, and interest of*
7 *the United States in and to the parcel of real prop-*
8 *erty located on the northeast end of Tract No. 226, a*
9 *portion of the Tioga-Hammond Lakes flood control*
10 *project, Tioga County, Pennsylvania, consisting of*
11 *approximately 8 acres, together with any improve-*
12 *ments on that property, for public ownership and use*
13 *as the site of the administrative offices and road*
14 *maintenance complex for the Township.*

15 (2) *RESERVATION OF INTERESTS.—The Sec-*
16 *retary shall reserve such rights and interests in and*
17 *to the property to be conveyed as the Secretary con-*
18 *siders necessary to preserve the operational integrity*
19 *and security of the Tioga-Hammond Lakes flood con-*
20 *trol project.*

21 (3) *REVERSION.—If the Secretary determines*
22 *that the property conveyed under paragraph (1)*
23 *ceases to be held in public ownership, or to be used*
24 *as a site for the Tioga Township administrative of-*
25 *fices and road maintenance complex or for related*

1 *public purposes, all right, title, and interest in and*
2 *to the property shall revert to the United States, at*
3 *the option of the United States.*

4 (f) *RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.—*

5 (1) *IN GENERAL.—The Secretary shall convey to*
6 *the State of South Carolina, by quitclaim deed, at*
7 *fair market value, all right, title, and interest of the*
8 *United States in and to the real property described*
9 *in paragraph (2) that is managed, as of the date of*
10 *enactment of this Act, by the South Carolina depart-*
11 *ment of commerce for public recreation purposes for*
12 *the Richard B. Russell Dam and Lake, South Caro-*
13 *lina, project authorized by section 203 of the Flood*
14 *Control Act of 1966 (80 Stat. 1420).*

15 (2) *LAND DESCRIPTION.—Subject to paragraph*
16 *(3), the real property referred to in paragraph (1) is*
17 *the parcel contained in the portion of real property*
18 *described in Army Lease Number DACW21-1-92-*
19 *0500.*

20 (3) *RESERVATION OF INTERESTS.—The United*
21 *States shall reserve—*

22 (A) *ownership of all real property included*
23 *in the lease referred to in paragraph (2) that*
24 *would have been acquired for operational pur-*
25 *poses in accordance with the 1971 implementa-*

1 *tion of the 1962 Army/Interior Joint Acquisition*
2 *Policy; and*

3 *(B) such other rights and interests in and*
4 *to the real property to be conveyed as the Sec-*
5 *retary considers necessary for authorized project*
6 *purposes, including easement rights-of-way to re-*
7 *maining Federal land.*

8 *(4) NO EFFECT ON SHORE MANAGEMENT POL-*
9 *ICY.—The Shoreline Management Policy (ER-1130-*
10 *2-406) of the Corps of Engineer shall not be changed*
11 *or altered for any proposed development of land con-*
12 *veyed under this subsection.*

13 *(5) COST SHARING.—In carrying out the convey-*
14 *ance under this subsection, the Secretary and the*
15 *State shall comply with all obligations of any cost-*
16 *sharing agreement between the Secretary and the*
17 *State with respect to the real property described in*
18 *paragraph (2) in effect as of the date of the convey-*
19 *ance.*

20 *(6) LAND NOT CONVEYED.—The State shall con-*
21 *tinue to manage the real property described in para-*
22 *graph (3) not conveyed under this subsection in ac-*
23 *cordance with the terms and conditions of Army*
24 *Lease Number DACW21-1-92-0500.*

25 *(g) GENERALLY APPLICABLE PROVISIONS.—*

1 (1) *SURVEY TO OBTAIN LEGAL DESCRIPTION.*—
2 *The exact acreage and the legal description of any*
3 *real property to be conveyed under this section shall*
4 *be determined by a survey that is satisfactory to the*
5 *Secretary.*

6 (2) *APPLICABILITY OF PROPERTY SCREENING*
7 *PROVISIONS.*—*Section 2696 of title 10, United States*
8 *Code, shall not apply to any conveyance under this*
9 *section.*

10 (3) *ADDITIONAL TERMS AND CONDITIONS.*—*The*
11 *Secretary may require that any conveyance under*
12 *this section be subject to such additional terms and*
13 *conditions as the Secretary considers appropriate and*
14 *necessary to protect the interests of the United States.*

15 (4) *COSTS OF CONVEYANCE.*—*An entity to which*
16 *a conveyance is made under this section shall be re-*
17 *sponsible for all reasonable and necessary costs, in-*
18 *cluding real estate transaction and environmental*
19 *documentation costs, associated with the conveyance.*

20 (5) *LIABILITY.*—*An entity to which a conveyance*
21 *is made under this section shall hold the United*
22 *States harmless from any liability with respect to ac-*
23 *tivities carried out, on or after the date of the convey-*
24 *ance, on the real property conveyed. The United*
25 *States shall remain responsible for any liability with*

1 *respect to activities carried out, before such date, on*
2 *the real property conveyed.*

3 **SEC. 3130. EXTINGUISHMENT OF REVERSIONARY INTER-**
4 **ESTS AND USE RESTRICTIONS.**

5 *(a) IDAHO.—*

6 *(1) IN GENERAL.—With respect to the property*
7 *covered by each deed in paragraph (2)—*

8 *(A) the reversionary interests and use re-*
9 *strictions relating to port and industrial use*
10 *purposes are extinguished;*

11 *(B) the restriction that no activity shall be*
12 *permitted that will compete with services and fa-*
13 *cilities offered by public marinas is extinguished;*

14 *(C) the human habitation or other building*
15 *structure use restriction is extinguished if the*
16 *elevation of the property is above the standard*
17 *project flood elevation; and*

18 *(D) the use of fill material to raise areas of*
19 *the property above the standard project flood ele-*
20 *vation is authorized, except in any area for*
21 *which a permit under section 404 of the Federal*
22 *Water Pollution Control Act (33 U.S.C. 1344) is*
23 *required.*

1 (2) *AFFECTED DEEDS.*—*The deeds with the fol-*
2 *lowing county auditor’s file numbers are referred to*
3 *in paragraph (1):*

4 (A) *Auditor’s Instruments No. 399218 and*
5 *No. 399341 of Nez Perce County, Idaho—2.07*
6 *acres.*

7 (B) *Auditor’s Instruments No. 487437 and*
8 *No. 339341 of Nez Perce County, Idaho—7.32*
9 *acres.*

10 (b) *OLD HICKORY LOCK AND DAM, CUMBERLAND*
11 *RIVER, TENNESSEE.*—

12 (1) *RELEASE OF RETAINED RIGHTS, INTERESTS,*
13 *RESERVATIONS.*—*With respect to land conveyed by*
14 *the Secretary to the Tennessee Society of Crippled*
15 *Children and Adults, Incorporated (now known as*
16 *“Easter Seals Tennessee”), at Old Hickory Lock and*
17 *Dam, Cumberland River, Tennessee, under section*
18 *211 of the Flood Control Act of 1965 (79 Stat. 1087),*
19 *the reversionary interests and the use restrictions re-*
20 *lating to recreation and camping purposes are extin-*
21 *guished.*

22 (2) *INSTRUMENT OF RELEASE.*—*As soon as pos-*
23 *sible after the date of enactment of this Act, the Sec-*
24 *retary shall execute and file in the appropriate office*
25 *a deed of release, amended deed, or other appropriate*

1 *instrument effectuating the release of interests re-*
2 *quired by paragraph (1).*

3 *(c) PORT OF PASCO, WASHINGTON.—*

4 *(1) EXTINGUISHMENT OF USE RESTRICTIONS*
5 *AND FLOWAGE EASEMENT.—With respect to the prop-*
6 *erty covered by the deed in paragraph (3)(A)—*

7 *(A) the flowage easement and human habi-*
8 *tation or other building structure use restriction*
9 *is extinguished if the elevation of the property is*
10 *above the standard project flood elevation; and*

11 *(B) the use of fill material to raise areas of*
12 *the property above the standard project flood ele-*
13 *vation is authorized, except in any area for*
14 *which a permit under section 404 of the Federal*
15 *Water Pollution Control Act (33 U.S.C. 1344) is*
16 *required.*

17 *(2) EXTINGUISHMENT OF FLOWAGE EASE-*
18 *MENT.—With respect to the property covered by each*
19 *deed in paragraph (3)(B), the flowage easement is ex-*
20 *tinguished if the elevation of the property is above the*
21 *standard project flood elevation.*

22 *(3) AFFECTED DEEDS.—The deeds referred to in*
23 *paragraphs (1) and (2) are as follows:*

24 *(A) Auditor's File Number 262980 of*
25 *Franklin County, Washington.*

1 (B) Auditor's File Numbers 263334 and
2 404398 of Franklin County, Washington.

3 (d) NO EFFECT ON OTHER RIGHTS.—Nothing in this
4 section affects the remaining rights and interests of the
5 Corps of Engineers for authorized project purposes.

6 **TITLE IV—STUDIES**

7 **SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.**

8 Section 455 of the Water Resources Development Act
9 of 1999 (42 U.S.C. 1962d–21) is amended by adding at the
10 end the following:

11 “(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The non-
12 Federal interest may provide up to 100 percent of the non-
13 Federal share required under subsection (f) in the form of
14 in-kind services and materials.”.

15 **SEC. 4002. LAKE ERIE DREDGED MATERIAL DISPOSAL**
16 **SITES.**

17 The Secretary shall conduct a study to determine the
18 nature and frequency of avian botulism problems in the vi-
19 cinity of Lake Erie associated with dredged material dis-
20 posal sites and shall make recommendations to eliminate
21 the conditions that result in such problems.

22 **SEC. 4003. SOUTHWESTERN UNITED STATES DROUGHT**
23 **STUDY.**

24 (a) IN GENERAL.—The Secretary, in coordination
25 with the Secretary of the Interior, the Secretary of Agri-

1 *culture, the Secretary of Commerce, and other appropriate*
2 *agencies, shall conduct, at Federal expense, a comprehensive*
3 *study of drought conditions in the southwestern United*
4 *States, with a particular emphasis on the Colorado River*
5 *basin, the Rio Grande River basin, and the Great Basin.*

6 (b) *INVENTORY OF ACTIONS.—In conducting the study,*
7 *the Secretary shall assemble an inventory of actions taken*
8 *or planned to be taken to address drought-related situations*
9 *in the southwestern United States.*

10 (c) *PURPOSE.—The purpose of the study shall be to*
11 *develop recommendations to more effectively address current*
12 *and future drought conditions in the southwestern United*
13 *States.*

14 (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*
15 *authorized to be appropriated to the Secretary to carry out*
16 *this section \$7,000,000. Such funds shall remain available*
17 *until expended.*

18 **SEC. 4004. UPPER MISSISSIPPI RIVER COMPREHENSIVE**
19 **PLAN.**

20 *Section 459(e) of the Water Resources Development Act*
21 *of 1999 (113 Stat. 333; 114 Stat. 2635) is amended by*
22 *striking “3 years after the first date on which funds are*
23 *appropriated to carry out this section” and inserting “De-*
24 *cember 30, 2006”.*

1 **SEC. 4005. KNIK ARM, COOK INLET, ALASKA.**

2 *The Secretary shall conduct, at Federal expense, a*
3 *study to determine the potential impacts on navigation of*
4 *construction of a bridge across Knik Arm, Cook Inlet, Alas-*
5 *ka.*

6 **SEC. 4006. KUSKOKWIM RIVER, ALASKA.**

7 *The Secretary shall conduct a study to determine the*
8 *feasibility of carrying out a project for navigation,*
9 *Kuskokwim River, Alaska, in the vicinity of the village of*
10 *Crooked Creek.*

11 **SEC. 4007. ST. GEORGE HARBOR, ALASKA.**

12 *The Secretary shall conduct, at Federal expense, a*
13 *study to determine the feasibility of providing navigation*
14 *improvements at St. George Harbor, Alaska.*

15 **SEC. 4008. SUSITNA RIVER, ALASKA.**

16 *The Secretary shall conduct a study to determine the*
17 *feasibility of carrying out a project for hydropower, recre-*
18 *ation, and related purposes on the Susitna River, Alaska.*

19 **SEC. 4009. GILA BEND, MARICOPA, ARIZONA.**

20 *The Secretary shall conduct a study to determine the*
21 *feasibility of carrying out a project for flood damage reduc-*
22 *tion, Gila Bend, Maricopa, Arizona. In conducting the*
23 *study, the Secretary shall review plans and designs devel-*
24 *oped by non-Federal interests and shall incorporate such*
25 *plans and designs into the Federal study if the Secretary*

1 *determines that such plans and designs are consistent with*
2 *Federal standards.*

3 **SEC. 4010. SEARCY COUNTY, ARKANSAS.**

4 *The Secretary shall conduct a study to determine the*
5 *feasibility of using Greers Ferry Lake as a water supply*
6 *source for Searcy County, Arkansas.*

7 **SEC. 4011. DRY CREEK VALLEY, CALIFORNIA.**

8 *The Secretary shall conduct a study to determine the*
9 *feasibility of carrying out a project to provide recycled*
10 *water for agricultural water supply, Dry Creek Valley,*
11 *California, including a review of the feasibility of expand-*
12 *ing the Geysers recharge project north of Healdsburg, Cali-*
13 *fornia.*

14 **SEC. 4012. ELKHORN SLOUGH ESTUARY, CALIFORNIA.**

15 *The Secretary shall conduct a study of the Elkhorn*
16 *Slough estuary, California, to determine the feasibility of*
17 *conserving, enhancing, and restoring estuarine habitats by*
18 *developing strategies to address hydrological management*
19 *issues.*

20 **SEC. 4013. FRESNO, KINGS, AND KERN COUNTIES, CALI-**
21 **FORNIA.**

22 *The Secretary shall conduct a study to determine the*
23 *feasibility of carrying out a project for water supply for*
24 *Fresno, Kings, and Kern Counties, California.*

1 **SEC. 4014. LOS ANGELES RIVER, CALIFORNIA.**

2 (a) *IN GENERAL.*—*The Secretary shall conduct a*
3 *study to determine the feasibility of carrying out a project*
4 *for flood damage reduction and ecosystem restoration, Los*
5 *Angeles River, California.*

6 (b) *REVITALIZATION PLAN.*—*In conducting the study,*
7 *the Secretary shall review the Los Angeles River revitaliza-*
8 *tion plan developed by non-Federal interests and shall in-*
9 *corporate such plan into the Federal study if the Secretary*
10 *determines that such plan is consistent with Federal stand-*
11 *ards.*

12 **SEC. 4015. LYTLE CREEK, RIALTO, CALIFORNIA.**

13 *The Secretary shall conduct a study to determine the*
14 *feasibility of carrying out a project for flood damage reduc-*
15 *tion and groundwater recharge, Lytle Creek, Rialto, Cali-*
16 *fornia.*

17 **SEC. 4016. MOKELUMNE RIVER, SAN JOAQUIN COUNTY,**
18 **CALIFORNIA.**

19 (a) *IN GENERAL.*—*The Secretary shall conduct a*
20 *study to determine the feasibility of carrying out a project*
21 *for water supply along the Mokelumne River, San Joaquin*
22 *County, California.*

23 (b) *LIMITATION ON STATUTORY CONSTRUCTION.*—
24 *Nothing in this section shall be construed to invalidate, pre-*
25 *empt, or create any exception to State water law, State*

1 *water rights, or Federal or State permitted activities or*
2 *agreements.*

3 **SEC. 4017. NAPA RIVER, ST. HELENA, CALIFORNIA.**

4 (a) *IN GENERAL.*—*The Secretary shall conduct a com-*
5 *prehensive study of the Napa River in the vicinity of St.*
6 *Helena, California, for the purposes of improving flood*
7 *management through reconnecting the river to its flood-*
8 *plain; restoring habitat, including riparian and aquatic*
9 *habitat; improving fish passage and water quality; and re-*
10 *storing native plant communities.*

11 (b) *PLANS AND DESIGNS.*—*In conducting the study,*
12 *the Secretary shall review plans and designs developed by*
13 *non-Federal interests and shall incorporate such plans and*
14 *designs into the Federal study if the Secretary determines*
15 *that such plans and designs are consistent with Federal*
16 *standards.*

17 **SEC. 4018. ORICK, CALIFORNIA.**

18 *The Secretary shall conduct a study to determine the*
19 *feasibility of carrying out a project for flood damage reduc-*
20 *tion and ecosystem restoration, Orick, California. In con-*
21 *ducting the study, the Secretary shall determine the feasi-*
22 *bility of restoring or rehabilitating the Redwood Creek Lev-*
23 *ees, Humboldt County, California.*

1 **SEC. 4019. RIALTO, FONTANA, AND COLTON, CALIFORNIA.**

2 *The Secretary shall conduct a study to determine the*
3 *feasibility of carrying out a project for water supply for*
4 *Rialto, Fontana, and Colton, California.*

5 **SEC. 4020. SACRAMENTO RIVER, CALIFORNIA.**

6 *The Secretary shall conduct a comprehensive study to*
7 *determine the feasibility of, and alternatives for, measures*
8 *to protect water diversion facilities and fish protective*
9 *screen facilities in the vicinity of river mile 178 on the Sac-*
10 *ramento River, California.*

11 **SEC. 4021. SAN DIEGO COUNTY, CALIFORNIA.**

12 *The Secretary shall conduct a study to determine the*
13 *feasibility of carrying out a project for water supply, San*
14 *Diego County, California, including a review of the feasi-*
15 *bility of connecting 4 existing reservoirs to increase usable*
16 *storage capacity.*

17 **SEC. 4022. SAN FRANCISCO BAY, SACRAMENTO-SAN JOA-**
18 **QUIN DELTA, CALIFORNIA.**

19 *(a) IN GENERAL.—The Secretary shall conduct a*
20 *study to determine the feasibility of the beneficial use of*
21 *dredged material from the San Francisco Bay in the Sac-*
22 *ramento-San Joaquin Delta, California, including the bene-*
23 *fits and impacts of salinity in the Delta and the benefits*
24 *to navigation, flood damage reduction, ecosystem restora-*
25 *tion, water quality, salinity control, water supply reli-*
26 *ability, and recreation.*

1 (b) *COOPERATION.*—*In conducting the study, the Sec-*
2 *retary shall cooperate with the California Department of*
3 *Water Resources and appropriate Federal and State enti-*
4 *ties in developing options for the beneficial use of dredged*
5 *material from San Francisco Bay for the Sacramento-San*
6 *Joaquin Delta area.*

7 (c) *REVIEW.*—*The study shall include a review of the*
8 *feasibility of using Sherman Island as a rehandling site*
9 *for levee maintenance material, as well as for ecosystem res-*
10 *toration. The review may include monitoring a pilot project*
11 *using up to 150,000 cubic yards of dredged material and*
12 *being carried out at the Sherman Island site, examining*
13 *larger scale use of dredged materials from the San Fran-*
14 *cisco Bay and Suisun Bay Channel, and analyzing the fea-*
15 *sibility of the potential use of saline materials from the San*
16 *Francisco Bay for both rehandling and ecosystem restora-*
17 *tion purposes.*

18 **SEC. 4023. SOUTH SAN FRANCISCO BAY SHORELINE STUDY,**

19 **CALIFORNIA.**

20 (a) *IN GENERAL.*—*In conducting the South San Fran-*
21 *cisco Bay shoreline study, the Secretary shall—*

22 (1) *review the planning, design, and land acqui-*
23 *sition documents prepared by the California State*
24 *Coastal Conservancy, the Santa Clara Valley Water*
25 *District, and other local interests in developing rec-*

1 *ommendations for measures to provide flood protec-*
2 *tion of the South San Francisco Bay shoreline, res-*
3 *toration of the South San Francisco Bay salt ponds*
4 *(including lands owned by the Department of the In-*
5 *terior), and other related purposes; and*

6 *(2) incorporate such planning, design, and land*
7 *acquisition documents into the Federal study if the*
8 *Secretary determines that such documents are con-*
9 *sistent with Federal standards.*

10 *(b) REPORT.—Not later than December 31, 2008, the*
11 *Secretary shall transmit a feasibility report for the South*
12 *San Francisco Bay shoreline study to the Committee on*
13 *Transportation and Infrastructure of the House of Rep-*
14 *resentatives and the Committee on Environment and Public*
15 *Works of the Senate.*

16 *(c) CREDIT.—*

17 *(1) IN GENERAL.—The Secretary shall credit to-*
18 *ward the non-Federal share of the cost of any project*
19 *authorized by law as a result of the South San Fran-*
20 *cisco Bay shoreline study the cost of work carried out*
21 *by the non-Federal interest before the date of the part-*
22 *nership agreement for the project if the Secretary de-*
23 *termines that the work is integral to the project.*

24 *(2) LIMITATION.—In no case may work that was*
25 *carried out more than 5 years before the date of en-*

1 *actment of this Act be eligible for credit under this*
2 *subsection.*

3 **SEC. 4024. TWENTYNINE PALMS, CALIFORNIA.**

4 *The Secretary shall conduct a study to determine the*
5 *feasibility of carrying out a project for flood damage reduc-*
6 *tion, Pinto Cove Wash, in the vicinity of Twentynine*
7 *Palms, California.*

8 **SEC. 4025. YUCCA VALLEY, CALIFORNIA.**

9 *The Secretary shall conduct a study to determine the*
10 *feasibility of carrying out a project for flood damage reduc-*
11 *tion, West Burnt Mountain basin, in the vicinity of Yucca*
12 *Valley, California.*

13 **SEC. 4026. BOULDER CREEK, BOULDER, COLORADO.**

14 *The Secretary shall conduct a study to determine the*
15 *feasibility of carrying out a project for flood damage reduc-*
16 *tion in the Boulder Creek floodplain, Colorado.*

17 **SEC. 4027. ROARING FORK RIVER, BASALT, COLORADO.**

18 *The Secretary shall conduct a study to determine the*
19 *feasibility of carrying out a project for flood damage reduc-*
20 *tion and other purposes for the Roaring Fork River, Basalt,*
21 *Colorado.*

22 **SEC. 4028. DELAWARE AND CHRISTINA RIVERS AND**
23 **SHELLPOT CREEK, WILMINGTON, DELAWARE.**

24 *The Secretary shall conduct a study to determine the*
25 *feasibility of carrying out a project for flood damage reduc-*

1 *tion and related purposes along the Delaware and Christina*
2 *Rivers and Shellpot Creek, Wilmington, Delaware.*

3 **SEC. 4029. COLLIER COUNTY BEACHES, FLORIDA.**

4 *The Secretary shall conduct a study to determine the*
5 *feasibility of carrying out a project for hurricane and storm*
6 *damage reduction and flood damage reduction in the vicin-*
7 *ity of Vanderbilt, Park Shore, and Naples beaches, Collier*
8 *County, Florida.*

9 **SEC. 4030. VANDERBILT BEACH LAGOON, FLORIDA.**

10 *The Secretary shall conduct a study to determine the*
11 *feasibility of carrying out a project for environmental res-*
12 *toration, water supply, and improvement of water quality*
13 *at Vanderbilt Beach Lagoon, Florida.*

14 **SEC. 4031. MERIWETHER COUNTY, GEORGIA.**

15 *The Secretary shall conduct a study to determine the*
16 *feasibility of carrying out a project for water supply,*
17 *Meriwether County, Georgia.*

18 **SEC. 4032. TYBEE ISLAND, GEORGIA.**

19 *The Secretary shall conduct a study to determine the*
20 *feasibility of including the northern end of Tybee Island*
21 *extending from the north terminal groin to the mouth of*
22 *Lazaretto Creek as a part of the project for beach erosion*
23 *control, Tybee Island, Georgia, carried out under section*
24 *201 of the Flood Control Act of 1965 (42 U.S.C. 1962d-*
25 *5).*

1 **SEC. 4033. KAUKONAHUA-HELEMANO WATERSHED, OAHU,**
2 **HAWAII.**

3 *The Secretary shall conduct a study to determine the*
4 *feasibility of carrying out a project for flood damage reduc-*
5 *tion, Kaukonahua-Helemano watershed, Oahu, Hawaii.*

6 **SEC. 4034. WEST MAUI, MAUI, HAWAII.**

7 *The Secretary shall conduct a study to determine the*
8 *feasibility of carrying out projects for water resources devel-*
9 *opment, environmental restoration, and natural resources*
10 *protection, West Maui, Maui, Hawaii.*

11 **SEC. 4035. BOISE RIVER, IDAHO.**

12 *The study for flood control, Boise River, Idaho, author-*
13 *ized by section 414 of the Water Resources Development Act*
14 *of 1999 (113 Stat. 324), is modified—*

15 *(1) to add ecosystem restoration and water sup-*
16 *ply as project purposes to be studied; and*

17 *(2) to require the Secretary to credit toward the*
18 *non-Federal share of the cost of the study the cost, not*
19 *to exceed \$500,000, of work carried out by the non-*
20 *Federal interest before the date of the partnership*
21 *agreement for the project if the Secretary determines*
22 *that the work is integral to the project.*

23 **SEC. 4036. BALLARD'S ISLAND SIDE CHANNEL, ILLINOIS.**

24 *The Secretary shall conduct a study to determine the*
25 *feasibility of carrying out a project for ecosystem restora-*
26 *tion, Ballard's Island, Illinois.*

1 **SEC. 4037. CHICAGO, ILLINOIS.**

2 *Section 425(a) of the Water Resources Development*
3 *Act of 2000 (114 Stat. 2638) is amended by inserting “Lake*
4 *Michigan and” before “the Chicago River”.*

5 **SEC. 4038. SOUTH BRANCH, CHICAGO RIVER, CHICAGO, ILLI-**
6 **NOIS.**

7 *The Secretary shall conduct a study to determine the*
8 *feasibility of carrying out a project for ecosystem restora-*
9 *tion at the South Fork of the South Branch of the Chicago*
10 *River, Chicago, Illinois.*

11 **SEC. 4039. UTICA, ILLINOIS.**

12 *The Secretary shall conduct a study to determine the*
13 *feasibility of carrying out a project for flood damage reduc-*
14 *tion in the vicinity of Utica, Illinois.*

15 **SEC. 4040. LAKE AND PORTER COUNTIES, INDIANA.**

16 *The Secretary shall conduct a study to determine the*
17 *feasibility of carrying out a project for riverfront develop-*
18 *ment, including enhanced public access, recreation, and en-*
19 *vironmental restoration along Lake Michigan, Hammond,*
20 *Whiting, East Chicago, Gary, and Portage, Indiana.*

21 **SEC. 4041. SALEM, INDIANA.**

22 *The Secretary shall conduct a study to determine the*
23 *feasibility of carrying out a project to provide an additional*
24 *water supply source for Salem, Indiana.*

1 **SEC. 4042. BUCKHORN LAKE, KENTUCKY.**

2 (a) *IN GENERAL.*—*The Secretary shall conduct a*
3 *study to determine the feasibility of modifying the project*
4 *for flood damage reduction, Buckhorn Lake, Kentucky, au-*
5 *thorized by section 2 of the Flood Control Act of June 28,*
6 *1938 (52 Stat. 1217), to add ecosystem restoration, recre-*
7 *ation, and improved access as project purposes, including*
8 *permanently raising the winter pool elevation of the project.*

9 (b) *IN-KIND CONTRIBUTIONS.*—*The non-Federal inter-*
10 *est may provide the non-Federal share of the cost of the*
11 *study in the form of services, materials, supplies, or other*
12 *in-kind contributions.*

13 **SEC. 4043. DEWEY LAKE, KENTUCKY.**

14 *The Secretary shall conduct a study to determine the*
15 *feasibility of modifying the project for Dewey Lake, Ken-*
16 *tucky, to add water supply as a project purpose.*

17 **SEC. 4044. LOUISVILLE, KENTUCKY.**

18 *The Secretary shall conduct a study of the project for*
19 *flood control, Louisville, Kentucky, authorized by section 4*
20 *of the Flood Control Act of June 28, 1938 (52 Stat. 1217),*
21 *to investigate measures to address the rehabilitation of the*
22 *project.*

23 **SEC. 4045. BASTROP-MOREHOUSE PARISH, LOUISIANA.**

24 *The Secretary shall conduct a study to determine the*
25 *feasibility of carrying out a project for water supply,*
26 *Bastrop-Morehouse Parish, Louisiana.*

1 **SEC. 4046. OFFSHORE OIL AND GAS FABRICATION PORTS,**
2 **LOUISIANA.**

3 (a) *BENEFITS.*—*In conducting a feasibility study for*
4 *each of the following projects for navigation, the Secretary*
5 *shall include in the calculation of national economic devel-*
6 *opment benefits all economic benefits associated with con-*
7 *tracts for new energy exploration and contracts for the fab-*
8 *rication of energy infrastructure that would result from car-*
9 *rying out the project:*

10 (1) *Atchafalaya River, Bayous Chene, Boeuf,*
11 *and Black, Louisiana, being conducted under section*
12 *430 of the Water Resources Development Act of 2000*
13 *(114 Stat. 2639).*

14 (2) *Iberia Port, Louisiana, being conducted*
15 *under section 431 of the Water Resources Development*
16 *Act of 2000 (114 Stat. 2639).*

17 (b) *REPEAL.*—*Section 6009 of the Emergency Supple-*
18 *mental Appropriations Act for Defense, the Global War on*
19 *Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119*
20 *Stat. 282) is repealed.*

21 **SEC. 4047. VERMILION RIVER, LOUISIANA.**

22 *The Secretary shall conduct a study to determine the*
23 *feasibility of carrying out a project for navigation on the*
24 *Vermilion River, Louisiana, from the intersection of the*
25 *Vermilion River and the Gulf Intracoastal Waterway to the*
26 *industrial area north of the Vermilion River.*

1 **SEC. 4048. WEST FELICIANA PARISH, LOUISIANA.**

2 *The Secretary shall conduct a study to determine the*
3 *feasibility of carrying out a project for riverfront develop-*
4 *ment, including enhanced public access, recreation, and en-*
5 *vironmental restoration, on the Mississippi River in West*
6 *Feliciana Parish, Louisiana.*

7 **SEC. 4049. PATAPSCO RIVER, MARYLAND.**

8 *The Secretary shall conduct a study to determine and*
9 *assess the impact of debris in the Patapsco River basin,*
10 *Maryland, on wetlands, water quality, and public health*
11 *and to identify management measures to reduce the inflow*
12 *of debris into the Patapsco River.*

13 **SEC. 4050. FALL RIVER HARBOR, MASSACHUSETTS AND**
14 **RHODE ISLAND.**

15 *The Secretary shall conduct a study to determine the*
16 *feasibility of deepening that portion of the navigation chan-*
17 *nel of the navigation project for Fall River Harbor, Massa-*
18 *chusetts and Rhode Island, authorized by section 101 of the*
19 *River and Harbor Act of 1968 (82 Stat. 731), seaward of*
20 *the Charles M. Braga, Jr. Memorial Bridge, Fall River and*
21 *Somerset, Massachusetts.*

22 **SEC. 4051. HAMBURG AND GREEN OAK TOWNSHIPS, MICH-**
23 **IGAN.**

24 *The Secretary shall conduct a study to determine the*
25 *feasibility of carrying out a project for flood damage reduc-*

1 *tion on Ore Lake and the Huron River for Hamburg and*
2 *Green Oak Townships, Michigan.*

3 **SEC. 4052. ST. CLAIR RIVER, MICHIGAN.**

4 *(a) IN GENERAL.—The Secretary shall carry out a*
5 *study of the relationships among dredging of the St. Clair*
6 *River for navigation, erosion in the river, and declining*
7 *water levels in the river and in Lake Michigan and Lake*
8 *Huron.*

9 *(b) RECOMMENDATIONS.—The report on the results of*
10 *the study may include recommendations to address water*
11 *level declines in Lake Michigan and Lake Huron.*

12 **SEC. 4053. DULUTH-SUPERIOR HARBOR, MINNESOTA AND**
13 **WISCONSIN.**

14 *(a) IN GENERAL.—The Secretary shall conduct a*
15 *study and prepare a report to evaluate the integrity of the*
16 *bulkhead system located on and in the vicinity of Duluth-*
17 *Superior Harbor, Duluth, Minnesota, and Superior, Wis-*
18 *consin.*

19 *(b) CONTENTS.—The report shall include—*

20 *(1) a determination of causes of corrosion of the*
21 *bulkhead system;*

22 *(2) recommendations to reduce corrosion of the*
23 *bulkhead system;*

24 *(3) a description of the necessary repairs to the*
25 *bulkhead system; and*

1 (4) *an estimate of the cost of addressing the*
2 *causes of the corrosion and carrying out necessary re-*
3 *pairs.*

4 **SEC. 4054. WILD RICE RIVER, MINNESOTA.**

5 *The Secretary shall review the project for flood protec-*
6 *tion and other purposes on Wild Rice River, Minnesota,*
7 *authorized by section 201 of the Flood Control Act of 1970*
8 *(84 Stat. 1825), to develop alternatives to the Twin Valley*
9 *Lake feature.*

10 **SEC. 4055. MISSISSIPPI COASTAL AREA, MISSISSIPPI.**

11 *The Secretary shall conduct a study to determine the*
12 *feasibility of making improvements or modifications to ex-*
13 *isting improvements in the coastal area of Mississippi in*
14 *the interest of hurricane and storm damage reduction, pre-*
15 *vention of saltwater intrusion, preservation of fish and*
16 *wildlife, prevention of erosion, and other related water re-*
17 *source purposes.*

18 **SEC. 4056. NORTHEAST MISSISSIPPI.**

19 *The Secretary shall conduct a study to determine the*
20 *feasibility of modifying the project for navigation, Ten-*
21 *nessee-Tombigbee Waterway, Alabama and Mississippi, to*
22 *provide water supply for northeast Mississippi.*

23 **SEC. 4057. ST. LOUIS, MISSOURI.**

24 *The Secretary shall conduct a study to determine the*
25 *feasibility of carrying out a project for flood damage reduc-*

1 tion, St. Louis, Missouri, to restore or rehabilitate the levee
2 system feature of the project for flood protection, St. Louis,
3 Missouri, authorized by the first section of the Act entitled
4 “An Act authorizing construction of certain public works
5 on the Mississippi River for the protection of Saint Louis,
6 Missouri”, approved August 9, 1955 (69 Stat. 540).

7 **SEC. 4058. DREDGED MATERIAL DISPOSAL, NEW JERSEY.**

8 *The Secretary shall conduct a study to determine the*
9 *feasibility of carrying out a project in the vicinity of the*
10 *Atlantic Intracoastal Waterway, New Jersey, for the con-*
11 *struction of a dredged material disposal transfer facility to*
12 *make dredged material available for beneficial reuse.*

13 **SEC. 4059. BAYONNE, NEW JERSEY.**

14 *The Secretary shall conduct a study to determine the*
15 *feasibility of carrying out a project for environmental res-*
16 *toration, including improved water quality, enhanced pub-*
17 *lic access, and recreation, on the Kill Van Kull, Bayonne,*
18 *New Jersey.*

19 **SEC. 4060. CARTERET, NEW JERSEY.**

20 *The Secretary shall conduct a study to determine the*
21 *feasibility of carrying out a project for environmental res-*
22 *toration, including improved water quality, enhanced pub-*
23 *lic access, and recreation, on the Raritan River, Carteret,*
24 *New Jersey.*

1 **SEC. 4061. ELIZABETH RIVER, ELIZABETH, NEW JERSEY.**

2 *The Secretary shall conduct a study to determine the*
3 *feasibility of carrying out ecosystem restoration improve-*
4 *ments in the Elizabeth River watershed, Elizabeth, New*
5 *Jersey.*

6 **SEC. 4062. GLOUCESTER COUNTY, NEW JERSEY.**

7 *The Secretary shall conduct a study to determine the*
8 *feasibility of carrying out a project for flood damage reduc-*
9 *tion, Gloucester, New Jersey, including the feasibility of re-*
10 *storing the flood protection dikes in Gibbstown, New Jersey,*
11 *and the associated tidegates in Gloucester, New Jersey.*

12 **SEC. 4063. PERTH AMBOY, NEW JERSEY.**

13 *The Secretary shall conduct a study to determine the*
14 *feasibility of carrying out a project for riverfront develop-*
15 *ment, including enhanced public access, recreation, and en-*
16 *vironmental restoration, on the Arthur Kill, Perth Amboy,*
17 *New Jersey.*

18 **SEC. 4064. WRECK POND, MONMOUTH COUNTY, NEW JER-**
19 **SEY.**

20 *The Secretary shall conduct a study to determine the*
21 *feasibility of carrying out a project for environmental res-*
22 *toration at Wreck Pond, New Jersey, including Black Creek*
23 *and associated waters.*

1 **SEC. 4065. BATAVIA, NEW YORK.**

2 *The Secretary shall conduct a study to determine the*
3 *feasibility of carrying out a project for hydropower and re-*
4 *lated purposes in the vicinity of Batavia, New York.*

5 **SEC. 4066. BIG SISTER CREEK, EVANS, NEW YORK.**

6 (a) *IN GENERAL.*—*The Secretary shall conduct a*
7 *study to determine the feasibility of carrying out a project*
8 *for flood damage reduction, Big Sister Creek, Evans, New*
9 *York.*

10 (b) *EVALUATION OF POTENTIAL SOLUTIONS.*—*In con-*
11 *ducting the study, the Secretary shall evaluate potential so-*
12 *lutions to flooding from all sources, including flooding that*
13 *results from ice jams.*

14 **SEC. 4067. EAST CHESTER BAY, TURTLE COVE, NEW YORK.**

15 *The Secretary shall conduct a study to determine the*
16 *feasibility of carrying out a project for navigation, East*
17 *Chester Creek, Chester Bay, Turtle Cove, New York.*

18 **SEC. 4068. FINGER LAKES, NEW YORK.**

19 *The Secretary shall conduct a study to determine the*
20 *feasibility of carrying out a project for aquatic ecosystem*
21 *restoration and protection, Finger Lakes, New York, to ad-*
22 *dress water quality and invasive species.*

23 **SEC. 4069. HUDSON-RARITAN ESTUARY, NEW YORK AND**
24 **NEW JERSEY.**

25 *In conducting the study for environmental restoration,*
26 *Hudson-Raritan Estuary, New York and New Jersey, the*

1 *Secretary shall establish and utilize watershed restoration*
2 *teams composed of estuary restoration experts from the*
3 *Corps of Engineers, the New Jersey Department of Environ-*
4 *mental Protection, and the Port Authority of New York and*
5 *New Jersey and other experts designated by the Secretary*
6 *for the purpose of developing habitat restoration and water*
7 *quality enhancement.*

8 **SEC. 4070. LAKE ERIE SHORELINE, BUFFALO, NEW YORK.**

9 *The Secretary shall conduct a study to determine the*
10 *feasibility of carrying out a project for storm damage reduc-*
11 *tion and shoreline protection in the vicinity of Gallagher*
12 *Beach, Lake Erie Shoreline, Buffalo, New York.*

13 **SEC. 4071. NEWTOWN CREEK, NEW YORK.**

14 *The Secretary shall conduct a study to determine the*
15 *feasibility of carrying out ecosystem restoration improve-*
16 *ments on Newtown Creek, Brooklyn and Queens, New York.*

17 **SEC. 4072. NIAGARA RIVER, NEW YORK.**

18 *The Secretary shall conduct a study to determine the*
19 *feasibility of carrying out a project for a low-head hydro-*
20 *electric generating facility in the Niagara River, New York.*

21 **SEC. 4073. UPPER DELAWARE RIVER WATERSHED, NEW**
22 **YORK.**

23 *Notwithstanding section 221(b) of the Flood Control*
24 *Act of 1970 (42 U.S.C. 1962d–5b(b)) and with the consent*
25 *of the affected local government, a nonprofit organization*

1 *may serve as the non-Federal interest for a study for the*
2 *Upper Delaware River watershed, New York, being carried*
3 *out under Committee Resolution 2495 of the Committee on*
4 *Transportation and Infrastructure of the House of Rep-*
5 *resentatives, adopted May 9, 1996.*

6 **SEC. 4074. LINCOLN COUNTY, NORTH CAROLINA.**

7 *The Secretary shall conduct a study of existing water*
8 *and water quality-related infrastructure in Lincoln Coun-*
9 *ty, North Carolina, to assist local interests in determining*
10 *the most efficient and effective way to connect county infra-*
11 *structure.*

12 **SEC. 4075. WILKES COUNTY, NORTH CAROLINA.**

13 *The Secretary shall conduct a study to determine the*
14 *feasibility of carrying out a project for water supply, Wilkes*
15 *County, North Carolina.*

16 **SEC. 4076. YADKINVILLE, NORTH CAROLINA.**

17 *The Secretary shall conduct a study to determine the*
18 *feasibility of carrying out a project for water supply,*
19 *Yadkinville, North Carolina.*

20 **SEC. 4077. CINCINNATI, OHIO.**

21 *(a) IN GENERAL.—The Secretary shall conduct a*
22 *study to determine the feasibility of carrying out a project*
23 *for ecosystem restoration and recreation on the Ohio River,*
24 *Cincinnati, Ohio.*

1 (b) *DESIGN.*—While conducting the study, the Sec-
2 retary may continue to carry out design work for the project
3 as authorized by section 118 of division H of the Consoli-
4 dated Appropriations Act, 2004 (118 Stat. 439).

5 (c) *EXISTING PLANS.*—In conducting the study, the
6 Secretary shall review the Central Riverfront Park Master
7 Plan, dated December 1999, and incorporate any compo-
8 nents of the plan that the Secretary determines are con-
9 sistent with Federal standards.

10 (d) *CREDIT.*—

11 (1) *IN GENERAL.*—The Secretary shall credit to-
12 ward the non-Federal share of the cost of any project
13 authorized by law as a result of the study the cost of
14 work carried out by the non-Federal interest before
15 the date of the partnership agreement for the project
16 if the Secretary determines that the work is integral
17 to the project.

18 (2) *LIMITATION.*—In no case may work that was
19 carried out more than 5 years before the date of en-
20 actment of this Act be eligible for credit under this
21 subsection.

22 **SEC. 4078. EUCLID, OHIO.**

23 The Secretary shall conduct a study to determine the
24 feasibility of carrying out a project for navigation, eco-

1 *system restoration, and recreation on Lake Erie, in the vi-*
2 *cinity of the Euclid Lakefront, Euclid, Ohio.*

3 **SEC. 4079. LAKE ERIE, OHIO.**

4 *The Secretary shall conduct a study to determine the*
5 *feasibility of carrying out projects for power generation at*
6 *confined disposal facilities along Lake Erie, Ohio.*

7 **SEC. 4080. OHIO RIVER, OHIO.**

8 *The Secretary shall conduct a study to determine the*
9 *feasibility of carrying out projects for flood damage reduc-*
10 *tion on the Ohio River in Mahoning, Columbiana, Jeffer-*
11 *son, Belmont, Noble, Monroe, Washington, Athens, Meigs,*
12 *Gallia, Lawrence, and Scioto Counties, Ohio.*

13 **SEC. 4081. SUTHERLIN, OREGON.**

14 *(a) STUDY.—The Secretary shall conduct a study of*
15 *water resources along Sutherlin Creek in the vicinity of*
16 *Sutherlin, Oregon, to determine the feasibility of carrying*
17 *out a project to restore and enhance aquatic resources using*
18 *a combination of structural and bioengineering techniques*
19 *and, if the Secretary determines that the project is feasible,*
20 *the Secretary may carry out the project.*

21 *(b) AUTHORIZATION OF APPROPRIATIONS.—There is*
22 *authorized to be appropriated to carry out this section*
23 *\$2,500,000.*

1 **SEC. 4082. TILLAMOOK BAY AND BAR, OREGON.**

2 *The Secretary shall conduct a study of the project for*
3 *navigation, Tillamook Bay and Bar, Oregon, authorized by*
4 *the first section of the River and Harbor Appropriations*
5 *Act of July 25, 1912 (37 Stat. 220), to investigate measures*
6 *to address dangerous and hazardous wave and ocean condi-*
7 *tions.*

8 **SEC. 4083. ECOSYSTEM RESTORATION AND FISH PASSAGE**
9 **IMPROVEMENTS, OREGON.**

10 *(a) STUDY.—The Secretary shall conduct a study to*
11 *determine the feasibility of undertaking ecosystem restora-*
12 *tion and fish passage improvements on rivers throughout*
13 *the State of Oregon.*

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

16 *(1) work in coordination with the State of Or-*
17 *egon, local governments, and other Federal agencies;*
18 *and*

19 *(2) place emphasis on—*

20 *(A) fish passage and conservation and res-*
21 *toration strategies to benefit species that are list-*
22 *ed or proposed for listing as threatened or en-*
23 *dangered species under the Endangered Species*
24 *Act of 1973 (16 U.S.C. 1531 et seq.); and*

25 *(B) other watershed restoration objectives.*

26 *(c) PILOT PROGRAM.—*

1 (1) *IN GENERAL.*—*In conjunction with con-*
2 *ducting the study under subsection (a), the Secretary*
3 *may carry out pilot projects to demonstrate the effec-*
4 *tiveness of ecosystem restoration and fish passages.*

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

8 **SEC. 4084. WALLA WALLA RIVER BASIN, OREGON.**

9 *In conducting the study of determine the feasibility of*
10 *carrying out a project for ecosystem restoration, Walla*
11 *Walla River Basin, Oregon, the Secretary shall—*

12 (1) *credit toward the non-Federal share of the*
13 *cost of the study the cost of work carried out by the*
14 *non-Federal interest before the date of the partnership*
15 *agreement for the project if the Secretary determines*
16 *that the work is integral to the project; and*

17 (2) *allow the non-Federal interest to provide the*
18 *non-Federal share of the cost of the study in the form*
19 *of in-kind services and materials.*

20 **SEC. 4085. CHARTIERS CREEK WATERSHED, PENNSYLVANIA.**

21 *The Secretary shall conduct a study to determine the*
22 *feasibility of carrying out a project for flood damage reduc-*
23 *tion, Chartiers Creek watershed, Pennsylvania.*

1 **SEC. 4086. KINZUA DAM AND ALLEGHENY RESERVOIR,**
2 **PENNSYLVANIA.**

3 *The Secretary shall conduct a study of the project for*
4 *flood control, Kinzua Dam and Allegheny Reservoir, War-*
5 *ren, Pennsylvania, authorized by section 5 of the Flood*
6 *Control Act of June 22, 1936 (49 Stat. 1570), and modified*
7 *by section 2 of the Flood Control Act of June 28, 1938 (52*
8 *Stat. 1215), section 2 of the Flood Control Act of August*
9 *18, 1941 (55 Stat. 646), and section 4 of the Flood Control*
10 *Act of December 22, 1944 (58 Stat. 887), to review oper-*
11 *ations of and identify modifications to the project to expand*
12 *recreational opportunities.*

13 **SEC. 4087. NORTH CENTRAL PENNSYLVANIA.**

14 *The Secretary shall conduct a study to determine the*
15 *feasibility of carrying out project for aquatic ecosystem res-*
16 *toration and protection in Warren, McKean, Potter, Tioga,*
17 *Lycoming, Centre, Cameron, Elk, Clearfield, Jefferson,*
18 *Clarion, Venango, Forest, Clinton, Crawford, and Mifflin*
19 *Counties, Pennsylvania, particularly as related to aban-*
20 *doned mine drainage abatement and reestablishment of*
21 *stream and river channels.*

22 **SEC. 4088. NORTHAMPTON AND LEHIGH COUNTIES**
23 **STREAMS, PENNSYLVANIA.**

24 *The Secretary shall conduct a study to determine the*
25 *feasibility of carrying out a project for ecosystem restora-*
26 *tion, floodplain management, flood damage reduction,*

1 *water quality control, and watershed management, for the*
2 *streams of Northampton and Lehigh Counties, Pennsyl-*
3 *vania.*

4 **SEC. 4089. WESTERN PENNSYLVANIA FLOOD DAMAGE RE-**
5 **DUCTION.**

6 (a) *IN GENERAL.*—*The Secretary shall conduct a*
7 *study of structural and nonstructural flood damage reduc-*
8 *tion, stream bank protection, storm water management,*
9 *channel clearing and modification, and watershed coordi-*
10 *nation measures in the Mahoning River basin, Pennsyl-*
11 *vania, the Allegheny River basin, Pennsylvania, and the*
12 *Upper Ohio River basin, Pennsylvania, to provide a level*
13 *of flood protection sufficient to prevent future losses to com-*
14 *munities located in such basins from flooding such as oc-*
15 *curred in September 2004, but not less than a 100-year level*
16 *of flood protection.*

17 (b) *PRIORITY COMMUNITIES.*—*In carrying out this*
18 *section, the Secretary shall give priority to the following*
19 *Pennsylvania communities: Marshall Township, Ross*
20 *Township, Shaler Township, Jackson Township, Harmony,*
21 *Zelienople, Darlington Township, Houston Borough,*
22 *Chartiers Township, Washington, Canton Township,*
23 *Tarentum Borough, and East Deer Township.*

1 **SEC. 4090. WILLIAMSPORT, PENNSYLVANIA.**

2 *The Secretary shall conduct a study of the project for*
3 *flood control, Williamsport, Pennsylvania, authorized by*
4 *section 5 of the Flood Control Act of June 22, 1936 (49*
5 *Stat. 1570), to investigate measures to rehabilitate the*
6 *project.*

7 **SEC. 4091. YARDLEY BOROUGH, PENNSYLVANIA.**

8 *The Secretary shall conduct a study to determine the*
9 *feasibility of carrying out a project for flood damage reduc-*
10 *tion, at Yardley Borough, Pennsylvania, including the al-*
11 *ternative of raising River Road.*

12 **SEC. 4092. RIO VALENCIANO, JUNCOS, PUERTO RICO.**

13 *(a) IN GENERAL.—The Secretary shall conduct a*
14 *study to reevaluate the project for flood damage reduction*
15 *and water supply, Rio Valenciano, Juncos, Puerto Rico,*
16 *authorized by section 209 of the Flood Control Act of 1962*
17 *(76 Stat. 1197) and section 204 of the Flood Control Act*
18 *of 1970 (84 Stat. 1828), to determine the feasibility of car-*
19 *rying out the project.*

20 *(b) CREDIT.—The Secretary shall credit toward the*
21 *non-Federal share of the cost of the study the cost of work*
22 *carried out by the non-Federal interest before the date of*
23 *the partnership agreement for the project if the Secretary*
24 *determines that the work is integral to the project.*

1 **SEC. 4093. CROOKED CREEK, BENNETTSVILLE, SOUTH**
2 **CAROLINA.**

3 *The Secretary shall conduct a study to determine the*
4 *feasibility of carrying out a project for water supply, Crook-*
5 *ed Creek, Bennettsville, South Carolina.*

6 **SEC. 4094. BROAD RIVER, YORK COUNTY, SOUTH CAROLINA.**

7 *The Secretary shall conduct a study to determine the*
8 *feasibility of carrying out a project for water supply, Broad*
9 *River, York County, South Carolina.*

10 **SEC. 4095. GEORGETOWN AND WILLIAMSBURG COUNTIES,**
11 **SOUTH CAROLINA.**

12 *The Secretary shall conduct a study to determine the*
13 *feasibility of carrying out a project for water supply for*
14 *Georgetown and Williamsburg Counties, South Carolina,*
15 *including the viability and practicality of constructing a*
16 *desalinization water treatment facility to meet such water*
17 *supply needs.*

18 **SEC. 4096. CHATTANOOGA, TENNESSEE.**

19 *The Secretary shall conduct a study to determine the*
20 *feasibility of carrying out a project for flood damage reduc-*
21 *tion, Chattanooga Creek, Dobbs Branch, Chattanooga, Ten-*
22 *nessee.*

23 **SEC. 4097. CLEVELAND, TENNESSEE.**

24 *The Secretary shall conduct a study to determine the*
25 *feasibility of carrying out a project for flood damage reduc-*
26 *tion, Cleveland, Tennessee.*

1 **SEC. 4098. CUMBERLAND RIVER, NASHVILLE, TENNESSEE.**

2 *The Secretary shall conduct a study to determine the*
3 *feasibility of carrying out a project for recreation on, river-*
4 *bank protection for, and environmental protection of, the*
5 *Cumberland River and riparian habitats in the city of*
6 *Nashville and Davidson County, Tennessee.*

7 **SEC. 4099. LEWIS, LAWRENCE, AND WAYNE COUNTIES, TEN-**
8 **NESSEE.**

9 *The Secretary shall conduct a study to determine the*
10 *feasibility of carrying out a project for water supply for*
11 *Lewis, Lawrence, and Wayne Counties, Tennessee.*

12 **SEC. 4100. WOLF RIVER AND NONCONNAH CREEK, MEMPHIS**
13 **TENNESSEE.**

14 *The Secretary shall conduct a study to determine the*
15 *feasibility of carrying out a project for flood damage reduc-*
16 *tion along Wolf River and Nonconnah Creek, in the vicinity*
17 *of Memphis, Tennessee, to include the repair, replacement,*
18 *rehabilitation, and restoration of the following pumping*
19 *stations: Cypress Creek, Nonconnah Creek, Ensley, Marble*
20 *Bayou, and Bayou Gayoso.*

21 **SEC. 4101. ABILENE, TEXAS.**

22 *The Secretary shall conduct a study to determine the*
23 *feasibility of carrying out a project for water supply, Abi-*
24 *lene, Texas.*

1 **SEC. 4102. COASTAL TEXAS ECOSYSTEM PROTECTION AND**
2 **RESTORATION, TEXAS.**

3 (a) *IN GENERAL.*—*The Secretary shall develop a com-*
4 *prehensive plan to determine the feasibility of carrying out*
5 *projects for flood damage reduction, hurricane and storm*
6 *damage reduction, and ecosystem restoration in the coastal*
7 *areas of the State of Texas.*

8 (b) *SCOPE.*—*The comprehensive plan shall provide for*
9 *the protection, conservation, and restoration of wetlands,*
10 *barrier islands, shorelines, and related lands and features*
11 *that protect critical resources, habitat, and infrastructure*
12 *from the impacts of coastal storms, hurricanes, erosion, and*
13 *subsidence.*

14 (c) *DEFINITION.*—*For purposes of this section, the*
15 *term “coastal areas in the State of Texas” means the coastal*
16 *areas of the State of Texas from the Sabine River on the*
17 *east to the Rio Grande River on the west and includes tidal*
18 *waters, barrier islands, marches, coastal wetlands, rivers*
19 *and streams, and adjacent areas.*

20 **SEC. 4103. FORT BEND COUNTY, TEXAS.**

21 *The Secretary shall conduct a study to determine the*
22 *feasibility of carrying out a project for flood damage reduc-*
23 *tion, Fort Bend County, Texas.*

1 **SEC. 4104. HARRIS COUNTY, TEXAS.**

2 *The Secretary shall conduct a study to determine the*
3 *feasibility of carrying out a project for flood damage reduc-*
4 *tion, Harris County, Texas.*

5 **SEC. 4105. PORT OF GALVESTON, TEXAS.**

6 *The Secretary shall conduct a study of the feasibility*
7 *of carrying out a project for dredged material disposal in*
8 *the vicinity of the project for navigation and environmental*
9 *restoration, Houston-Galveston Navigation Channels,*
10 *Texas, authorized by section 101(a)(30) of the Water Re-*
11 *sources Development Act of 1996 (110 Stat. 3666).*

12 **SEC. 4106. ROMA CREEK, TEXAS.**

13 *The Secretary shall conduct a study to determine the*
14 *feasibility of carrying out a project for flood damage reduc-*
15 *tion, Roma Creek, Texas.*

16 **SEC. 4107. WALNUT CREEK, TEXAS.**

17 *The Secretary shall conduct a study to determine the*
18 *feasibility of carrying out a project for flood damage reduc-*
19 *tion, environmental restoration, and erosion control, Wal-*
20 *nut Creek, Texas.*

21 **SEC. 4108. GRAND COUNTY AND MOAB, UTAH.**

22 *The Secretary shall conduct a study to determine the*
23 *feasibility of carrying out a project for water supply for*
24 *Grand County and the city of Moab, Utah, including a re-*
25 *view of the impact of current and future demands on the*
26 *Spanish Valley Aquifer.*

1 **SEC. 4109. SOUTHWESTERN UTAH.**

2 *The Secretary shall conduct a study to determine the*
3 *feasibility of carrying out a project for flood damage reduc-*
4 *tion, Santa Clara River, Washington, Iron, and Kane*
5 *Counties, Utah.*

6 **SEC. 4110. CHOWAN RIVER BASIN, VIRGINIA AND NORTH**
7 **CAROLINA.**

8 *The Secretary shall conduct a study to determine the*
9 *feasibility of carrying out a project for flood damage reduc-*
10 *tion, environmental restoration, navigation, and erosion*
11 *control, Chowan River basin, Virginia and North Carolina.*

12 **SEC. 4111. JAMES RIVER, RICHMOND, VIRGINIA.**

13 *The Secretary shall conduct a study to determine the*
14 *feasibility of carrying out a project for flood damage reduc-*
15 *tion for the James River in the vicinity of Richmond, Vir-*
16 *ginia, including the Shockoe Bottom area.*

17 **SEC. 4112. ELLIOTT BAY SEAWALL, SEATTLE, WASHINGTON.**

18 *(a) IN GENERAL.—The study for rehabilitation of the*
19 *Elliott Bay Seawall, Seattle, Washington, being carried out*
20 *under Committee Resolution 2704 of the Committee on*
21 *Transportation and Infrastructure of the House of Rep-*
22 *resentatives adopted September 25, 2002, is modified to in-*
23 *clude a determination of the feasibility of reducing future*
24 *damage to the seawall from seismic activity.*

25 *(b) ACCEPTANCE OF CONTRIBUTIONS.—In carrying*
26 *out the study, the Secretary may accept contributions in*

1 *excess of the non-Federal share of the cost of the study from*
2 *the non-Federal interest to the extent that the Secretary de-*
3 *termines that the contributions will facilitate completion of*
4 *the study.*

5 *(c) CREDIT.—The Secretary shall credit toward the*
6 *non-Federal share of the cost of any project authorized by*
7 *law as a result of the study the value of contributions ac-*
8 *cepted by the Secretary under subsection (b).*

9 **SEC. 4113. MONONGAHELA RIVER BASIN, NORTHERN WEST**
10 **VIRGINIA.**

11 *The Secretary shall conduct a study to determine the*
12 *feasibility of carrying out aquatic ecosystem restoration*
13 *and protection projects in the watersheds of the*
14 *Monongahela River Basin lying within the counties of*
15 *Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood,*
16 *Doddridge, Monongalia, Marion, Harrison, Taylor,*
17 *Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke,*
18 *and Rithchie, West Virginia, particularly as related to*
19 *abandoned mine drainage abatement.*

20 **SEC. 4114. KENOSHA HARBOR, WISCONSIN.**

21 *The Secretary shall conduct a study to determine the*
22 *feasibility of carrying out a project for navigation, Kenosha*
23 *Harbor, Wisconsin, including the extension of existing*
24 *piers.*

1 **SEC. 4115. WAUWATOSA, WISCONSIN.**

2 *The Secretary shall conduct a study to determine the*
3 *feasibility of carrying out a project for flood damage reduc-*
4 *tion and environmental restoration, Menomonee River and*
5 *Underwood Creek, Wauwatosa, Wisconsin, and greater Mil-*
6 *waukee watersheds, Wisconsin.*

7 **TITLE V—MISCELLANEOUS**
8 **PROVISIONS**

9 **SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS.**

10 *(a) IN GENERAL.—Upon request of a non-Federal in-*
11 *terest, the Secretary shall be responsible for maintenance*
12 *of the following navigation channels and breakwaters con-*
13 *structed or improved by the non-Federal interest if the Sec-*
14 *retary determines that such maintenance is economically*
15 *justified and environmentally acceptable and that the chan-*
16 *nel or breakwater was constructed in accordance with ap-*
17 *plicable permits and appropriate engineering and design*
18 *standards:*

19 *(1) Manatee Harbor basin, Florida.*

20 *(2) Bayou LaFourche Channel, Port Fourchon,*
21 *Louisiana.*

22 *(3) Calcasieu River at Devil's Elbow, Louisiana.*

23 *(4) Pidgeon Industrial Harbor, Pidgeon Indus-*
24 *trial Park, Memphis Harbor, Tennessee.*

25 *(5) Pix Bayou Navigation Channel, Chambers*
26 *County, Texas.*

1 (6) *Racine Harbor, Wisconsin.*

2 (b) *COMPLETION OF ASSESSMENT.*—*Not later than 6*
3 *months after the date of receipt of a request from a non-*
4 *Federal interest for Federal assumption of maintenance of*
5 *a channel listed in subsection (a), the Secretary shall make*
6 *a determination as provided in subsection (a) and advise*
7 *the non-Federal interest of the Secretary's determination.*

8 **SEC. 5002. WATERSHED MANAGEMENT.**

9 (a) *IN GENERAL.*—*The Secretary may provide tech-*
10 *nical, planning, and design assistance to non-Federal inter-*
11 *ests for carrying out watershed management, restoration,*
12 *and development projects at the locations described in sub-*
13 *section (d).*

14 (b) *SPECIFIC MEASURES.*—*Assistance provided under*
15 *subsection (a) may be in support of non-Federal projects*
16 *for the following purposes:*

17 (1) *Management and restoration of water qual-*
18 *ity.*

19 (2) *Control and remediation of toxic sediments.*

20 (3) *Restoration of degraded streams, rivers, wet-*
21 *lands, and other waterbodies to their natural condi-*
22 *tion as a means to control flooding, excessive erosion,*
23 *and sedimentation.*

24 (4) *Protection and restoration of watersheds, in-*
25 *cluding urban watersheds.*

1 (5) *Demonstration of technologies for non-*
2 *structural measures to reduce destructive impacts of*
3 *flooding.*

4 (c) *NON-FEDERAL SHARE.*—*The non-Federal share of*
5 *the cost of assistance provided under subsection (a) shall*
6 *be 50 percent.*

7 (d) *PROJECT LOCATIONS.*—*The locations referred to in*
8 *subsection (a) are the following:*

9 (1) *Cucamonga basin, Upland, California.*

10 (2) *Charlotte Harbor watershed, Florida.*

11 (3) *Big Creek watershed, Roswell, Georgia.*

12 (4) *Those portions of the watersheds of the Chat-*
13 *tahoochee, Etowah, Flint, Ocmulgee, and Oconee Riv-*
14 *ers lying within the counties of Bartow, Cherokee,*
15 *Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette,*
16 *Fulton, Forsyth, Gwinnett, Hall, Henry, Paulding,*
17 *Rockdale, and Walton, Georgia.*

18 (5) *Kinkaid Lake, Jackson County, Illinois.*

19 (6) *Amite River basin, Louisiana.*

20 (7) *East Atchafalaya River basin, Iberville Par-*
21 *ish and Pointe Coupee Parish, Louisiana.*

22 (8) *Red River watershed, Louisiana.*

23 (9) *Taunton River basin, Massachusetts.*

24 (10) *Lower Platte River watershed, Nebraska.*

25 (11) *Rio Grande watershed, New Mexico.*

- 1 (12) *Marlboro Township, New Jersey.*
- 2 (13) *Buffalo River watershed, New York.*
- 3 (14) *Cattaragus Creek watershed, New York.*
- 4 (15) *Eighteenmile Creek watershed, Niagara*
5 *County, New York.*
- 6 (16) *Esopus, Plattekill, and Rondout Creeks,*
7 *Greene, Sullivan, and Ulster Counties, New York.*
- 8 (17) *Genesee River watershed, New York.*
- 9 (18) *Greenwood Lake watershed, New York and*
10 *New Jersey.*
- 11 (19) *Long Island Sound watershed, New York.*
- 12 (20) *Oswego River basin, New York.*
- 13 (21) *Ramapo River watershed, New York.*
- 14 (22) *Tonawanda Creek watershed, New York.*
- 15 (23) *Tuscarawas River basin, Ohio.*
- 16 (24) *Western Lake Erie basin, Ohio.*
- 17 (25) *Those portions of the watersheds of the Bea-*
18 *ver, Upper Ohio, Connoquenessing, Lower Allegheny,*
19 *Kiskiminetas, Lower Monongahela, Youghioghny,*
20 *Shenango, and Mahoning Rivers lying within the*
21 *counties of Beaver, Butler, Lawrence, and Mercer,*
22 *Pennsylvania.*
- 23 (26) *Otter Creek watershed, Pennsylvania.*
- 24 (27) *Unami Creek watershed, Milford Township,*
25 *Pennsylvania.*

1 (28) *Sauk River basin, Washington.*

2 (29) *Greater Milwaukee watersheds, Wisconsin.*

3 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated to carry out this section*
5 *\$15,000,000.*

6 **SEC. 5003. DAM SAFETY.**

7 (a) *ASSISTANCE.—The Secretary may provide assist-*
8 *ance to enhance dam safety at the following locations:*

9 (1) *Fish Creek Dam, Blaine County, Idaho.*

10 (A) *Hamilton Dam, Saginaw River, Flint,*
11 *Michigan.*

12 (B) *Candor Dam, Candor, New York.*

13 (C) *State Dam, Auburn, New York.*

14 (D) *Whaley Lake Dam, Pawling, New York.*

15 (E) *Ingham Spring Dam, Solebury Township,*
16 *Pennsylvania.*

17 (F) *Leaser Lake Dam, Lehigh County, Pennsyl-*
18 *vania.*

19 (G) *Stillwater Dam, Monroe County, Pennsyl-*
20 *vania.*

21 (H) *Wissahickon Creek Dam, Montgomery Coun-*
22 *ty, Pennsylvania.*

23 (b) *SPECIAL RULE.—The assistance provided under*
24 *subsection (a) for State Dam, Auburn, New York, shall be*
25 *for a project for rehabilitation in accordance with the report*

1 *on State Dam Rehabilitation, Owasco Lake Outlet, New*
2 *York, dated March 1999, if the Secretary determines that*
3 *the project is feasible.*

4 (c) *FERN RIDGE DAM, OREGON.—It is the sense of*
5 *Congress that the Secretary should immediately carry out*
6 *a project to remedy the situation at Fern Ridge Dam, Or-*
7 *egon, due to the rapid deterioration of the dam. Cost shar-*
8 *ing for the project shall be as provided by section 1203 of*
9 *the Water Resources Development Act of 1986 (33 U.S.C.*
10 *467n).*

11 (d) *KEHLY RUN DAMS, PENNSYLVANIA.—Section*
12 *504(a)(2) of the Water Resources Development Act of 1999*
13 *(113 Stat. 338; 117 Stat. 1842) is amended by striking*
14 *“Dams” and inserting “Dams No. 1–5”.*

15 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
16 *authorized to be appropriated to carry out subsection (a)*
17 *\$6,000,000.*

18 **SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS.**

19 (a) *IN GENERAL.—Upon request of a non-Federal in-*
20 *terest, the Secretary shall evaluate the structural integrity*
21 *and effectiveness of a project for flood damage reduction*
22 *and, if the Secretary determines that the project does not*
23 *meet such minimum standards as the Secretary may estab-*
24 *lish and, absent action by the Secretary, the project will*
25 *fail, the Secretary may take such action as may be nec-*

1 *essary to restore the integrity and effectiveness of the*
2 *project.*

3 (b) *PRIORITY.*—*The Secretary shall evaluate under*
4 *subsection (a) the following projects:*

5 (1) *Project for flood damage reduction, Arkansas*
6 *River Levees, river mile 205 to river mile 308.4, Ar-*
7 *kansas.*

8 (2) *Project for flood damage reduction,*
9 *Nonconnah Creek, Tennessee.*

10 **SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.**

11 (a) *IN GENERAL.*—*Section 212(e) of the Water Re-*
12 *sources Development Act of 1999 (33 U.S.C. 2332(e); 114*
13 *Stat. 2599) is amended—*

14 (1) *by striking “and” at the end of paragraphs*
15 *(23) and (27);*

16 (2) *by striking the period at the end of para-*
17 *graph (28) and inserting a semicolon; and*

18 (3) *by adding at the end the following:*

19 “(29) *Ascension Parish, Louisiana;*

20 “(30) *East Baton Rouge Parish, Louisiana;*

21 “(31) *Iberville Parish, Louisiana;*

22 “(32) *Livingston Parish, Louisiana; and*

23 “(33) *Pointe Coupee Parish, Louisiana.”.*

24 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*Section*
25 *212(i)(1) of such Act (33 U.S.C. 2332(i)(1)) is amended by*

1 *striking “section—” and all that follows before the period*
2 *at the end and inserting “section \$20,000,000”.*

3 **SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED**
4 **PROJECTS.**

5 *(a) IN GENERAL.—Section 219(e) of the Water Re-*
6 *sources Development Act of 1992 (106 Stat. 4835; 110 Stat.*
7 *3757; 113 Stat. 334) is amended—*

8 *(1) by striking “and” at the end of paragraph*
9 *(7);*

10 *(2) by striking the period at the end of para-*
11 *graph (8) and inserting a semicolon; and*

12 *(3) by adding at the end the following:*

13 *“(9) \$35,000,000 for the project described in sub-*
14 *section (c)(18);*

15 *“(10) \$20,000,000 for the project described in*
16 *subsection (c)(20);*

17 *“(11) \$35,000,000 for the project described in*
18 *subsection (c)(23);*

19 *“(12) \$20,000,000 for the project described in*
20 *subsection (c)(25);*

21 *“(13) \$20,000,000 for the project described in*
22 *subsection (c)(26);*

23 *“(14) \$35,000,000 for the project described in*
24 *subsection (c)(27);*

1 “(15) \$20,000,000 for the project described in
2 subsection (c)(28); and

3 “(16) \$30,000,000 for the project described in
4 subsection (c)(40).”.

5 (b) *EAST ARKANSAS ENTERPRISE COMMUNITY, AR-*
6 *KANSAS.*—*Federal assistance made available under the*
7 *rural enterprise zone program of the Department of Agri-*
8 *culture may be used toward payment of the non-Federal*
9 *share of the costs of the project described in section*
10 *219(c)(20) of the Water Resources Development Act of 1992*
11 *(114 Stat. 2763A–219) if such assistance is authorized to*
12 *be used for such purposes.*

13 **SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND CON-**
14 **STRUCTION FOR CERTAIN PROJECTS.**

15 *The Secretary shall expedite completion of the reports*
16 *and, if the Secretary determines the project is feasible, shall*
17 *expedite completion of construction for the following*
18 *projects:*

19 (1) *Fulmer Creek, Village of Mohawk, New York,*
20 *being carried out under section 205 of the Flood Con-*
21 *trol Act of 1948 (33 U.S.C. 701s).*

22 (2) *Moyer Creek, Village of Frankfort, New York,*
23 *being carried out under section 205 of the Flood Con-*
24 *trol Act of 1948 (33 U.S.C. 701s).*

1 (3) *Steele Creek, Village of Ilion, New York,*
2 *being carried out under section 205 of the Flood Con-*
3 *trol Act of 1948 (33 U.S.C. 701s).*

4 (4) *Oriskany Wildlife Management Area, Rome,*
5 *New York, being carried out under section 206 of the*
6 *Water Resources Development Act of 1996 (33 U.S.C.*
7 *2330).*

8 (5) *Whitney Point Lake, Otselic River, Whitney*
9 *Point, New York, being carried out under section*
10 *1135 of the Water Resources Development Act of 1986*
11 *(33 U.S.C. 2309a).*

12 (6) *Newton Creek, Bainbridge, New York, being*
13 *carried out under section 14 of the Flood Control Act*
14 *of 1946 (33 U.S.C. 701r).*

15 (7) *Chenango Lake, Chenango County, New*
16 *York, being carried out under section 206 of the*
17 *Water Resources Development Act of 1996 (33 U.S.C.*
18 *2330).*

19 **SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CER-**
20 **TAIN PROJECTS.**

21 (a) *IN GENERAL.*—*The Secretary shall expedite com-*
22 *pletion of the reports for the following projects and, if the*
23 *Secretary determines that a project is justified in the com-*
24 *pleted report, proceed directly to project preconstruction,*
25 *engineering, and design:*

1 (b) *COOPERATIVE AGREEMENTS.*—*In carrying out the*
2 *assessment, the Secretary may enter into cooperative agree-*
3 *ments with State and local agencies, non-Federal and non-*
4 *profit entities, and regional researchers.*

5 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
6 *authorized to be appropriated \$7,000,000 to carry out this*
7 *section.*

8 **SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL**
9 **MANAGEMENT PROGRAM.**

10 *Section 1103(e)(7) of the Water Resources Development*
11 *Act of 1986 (33 U.S.C. 652(e)(7)) is amended—*

12 (1) *by adding at the end of subparagraph (A) the*
13 *following: “The non-Federal interest may provide the*
14 *non-Federal share of the cost of the project in the form*
15 *of in-kind services and materials.”; and*

16 (2) *by inserting after subparagraph (B) the fol-*
17 *lowing:*

18 *“(C) Notwithstanding section 221(b) of the Flood Con-*
19 *trol Act of 1970 (42 U.S.C. 1962d–5(b)), for any project*
20 *undertaken under this section, a non-Federal interest may*
21 *include a nonprofit entity, with the consent of the affected*
22 *local government.”.*

1 **SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**
2 **HANCEMENT PROJECT.**

3 *Section 514(g) of the Water Resources Development Act*
4 *of 1999 (113 Stat. 343; 117 Stat. 142) is amended by strik-*
5 *ing “and 2004” and inserting “through 2015”.*

6 **SEC. 5012. GREAT LAKES FISHERY AND ECOSYSTEM RES-**
7 **TORATION.**

8 *Section 506(f)(3)(B) of the Water Resources Develop-*
9 *ment Act of 2000 (42 U.S.C. 1962d–22; 114 Stat. 2646)*
10 *is amended by striking “50 percent” and inserting “100*
11 *percent”.*

12 **SEC. 5013. GREAT LAKES REMEDIAL ACTION PLANS AND**
13 **SEDIMENT REMEDIATION.**

14 *Section 401(c) of the Water Resources Development Act*
15 *of 1990 (33 U.S.C. 1268 note; 114 Stat. 2613) is amended*
16 *by striking “2006” and inserting “2011”.*

17 **SEC. 5014. GREAT LAKES TRIBUTARY MODEL.**

18 *Section 516(g)(2) of the Water Resources Development*
19 *Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking*
20 *“2006” and inserting “2011”.*

21 **SEC. 5015. SUSQUEHANNA, DELAWARE, AND POTOMAC**
22 **RIVER BASINS.**

23 *(a) EX OFFICIO MEMBER.—Notwithstanding section*
24 *3001(a) of the 1997 Emergency Supplemental Appropria-*
25 *tions Act for Recovery From Natural Disasters, and for*
26 *Overseas Peacekeeping Efforts, Including Those in Bosnia*

1 *(111 Stat. 176) and section 2.2 of both the Susquehanna*
2 *River Basin Compact (Public Law 91–575) and the Dela-*
3 *ware River Basin Compact (Public Law 87–328), begin-*
4 *ning in fiscal year 2005 and thereafter, the Division Engi-*
5 *neer, North Atlantic Division, Corps of Engineers, shall be*
6 *the ex officio United States member under the Susquehanna*
7 *River Basin Compact and the Delaware River Basin Com-*
8 *pact, who shall serve without additional compensation and*
9 *who may designate an alternate member or members in ac-*
10 *cordance with the terms of those respective compacts.*

11 *(b) AUTHORIZATION TO ALLOCATE.—The Secretary*
12 *may allocate funds to the Susquehanna River Basin Com-*
13 *mission, Delaware River Basin Commission, and the Inter-*
14 *state Commission on the Potomac River Basin (Potomac*
15 *River Basin Compact (Public Law 91–407)) to fulfill the*
16 *equitable funding requirements of their respective interstate*
17 *compacts.*

18 *(c) WATER SUPPLY AND CONSERVATION STORAGE.—*
19 *The Secretary shall enter into an agreement with the Dela-*
20 *ware River Basin Commission to provide temporary water*
21 *supply and conservation storage at the Francis E. Walter*
22 *Dam, Pennsylvania, during any period in which the Com-*
23 *mission has determined that a drought warning or drought*
24 *emergency exists. The agreement shall provide that the cost*
25 *for any such water supply and conservation storage shall*

1 *not exceed the incremental operating costs associated with*
2 *providing the storage.*

3 **SEC. 5016. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**
4 **TION AND PROTECTION PROGRAM.**

5 (a) *FORM OF ASSISTANCE.*—Section 510(a)(2) of the
6 *Water Resources Development Act of 1996 (110 Stat. 3759)*
7 *is amended by striking “, and beneficial uses of dredged*
8 *material” and inserting “, beneficial uses of dredged mate-*
9 *rial, and restoration of submerged aquatic vegetation”.*

10 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section
11 *510(i) of such Act (110 Stat. 3761) is amended by striking*
12 *“\$10,000,000” and inserting “\$50,000,000”.*

13 **SEC. 5017. CHESAPEAKE BAY OYSTER RESTORATION.**

14 *The second sentence of section 704(b) of the Water Re-*
15 *sources Development Act of 1986 (33 U.S.C. 2263(b)) is*
16 *amended by striking “\$20,000,000” and inserting*
17 *“\$30,000,000”.*

18 **SEC. 5018. HYPOXIA ASSESSMENT.**

19 *The Secretary may participate with Federal, State,*
20 *and local agencies, non-Federal and nonprofit entities, re-*
21 *gional researchers, and other interested parties to assess hy-*
22 *poxia in the Gulf of Mexico.*

1 **SEC. 5019. POTOMAC RIVER WATERSHED ASSESSMENT AND**
2 **TRIBUTARY STRATEGY EVALUATION AND**
3 **MONITORING PROGRAM.**

4 *The Secretary may participate in the Potomac River*
5 *Watershed Assessment and Tributary Strategy Evaluation*
6 *and Monitoring Program to identify a series of resource*
7 *management indicators to accurately monitor the effective-*
8 *ness of the implementation of the agreed upon tributary*
9 *strategies and other public policies that pertain to natural*
10 *resource protection of the Potomac River watershed.*

11 **SEC. 5020. LOCK AND DAM SECURITY.**

12 *(a) STANDARDS.—The Secretary, in consultation with*
13 *the Federal Emergency Management Agency, the Tennessee*
14 *Valley Authority, and the Coast Guard, shall develop stand-*
15 *ards for the security of locks and dams, including the test-*
16 *ing and certification of vessel exclusion barriers.*

17 *(b) SITE SURVEYS.—At the request of a lock or dam*
18 *owner, the Secretary shall provide technical assistance, on*
19 *a reimbursible basis, to improve lock or dam security.*

20 *(c) COOPERATIVE AGREEMENT.—The Secretary may*
21 *enter into a cooperative agreement with a nonprofit alliance*
22 *of public and private organizations that has the mission*
23 *of promoting safe waterways and seaports to carry out test-*
24 *ing and certification activities, and to perform site surveys,*
25 *under this section.*

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

4 **SEC. 5021. PINHOOK CREEK, HUNTSVILLE, ALABAMA.**

5 *The Secretary shall design and construct the locally*
6 *preferred plan for flood protection at Pinhook Creek, Hunts-*
7 *ville, Alabama, under the authority of section 205 of the*
8 *Flood Control Act of 1948 (33 U.S.C. 701s). The Secretary*
9 *shall allow the non-Federal interest to participate in the*
10 *financing of the project in accordance with section 903(c)*
11 *of the Water Resources Development Act of 1986 (100 Stat.*
12 *4184) to the extent that the Secretary’s evaluation indicates*
13 *that applying such section is necessary to implement the*
14 *project.*

15 **SEC. 5022. TALLAPOOSA, ALABAMA.**

16 *The Secretary may provide technical assistance relat-*
17 *ing to water supply to the Middle Tallapoosa Water Supply*
18 *District, Alabama. There is authorized to be appropriated*
19 *\$5,000,000 to carry out this section.*

20 **SEC. 5023. ALASKA.**

21 *Section 570 of the Water Resources Development Act*
22 *of 1999 (113 Stat. 369) is amended—*

23 (1) *in subsection (c) by inserting “environmental*
24 *restoration,” after “water supply and related facili-*
25 *ties,”;*

1 (2) in subsection (e)(3)(B) by striking the last
2 sentence;

3 (3) in subsection (h) by striking “\$25,000,000”
4 and inserting “\$45,000,000”; and

5 (4) by adding at the end the following:

6 “(i) *NONPROFIT ENTITIES.*—Notwithstanding section
7 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–
8 5b(b)), for any project undertaken under this section, a non-
9 Federal interest may include a nonprofit entity, with the
10 consent of the affected local government.

11 “(j) *CORPS OF ENGINEERS EXPENSES.*—Ten percent
12 of the amounts appropriated to carry out this section may
13 be used by the Corps of Engineers district offices to admin-
14 ister projects under this section at 100 percent Federal ex-
15 pense.”.

16 **SEC. 5024. BARROW, ALASKA.**

17 The Secretary shall carry out, under section 117 of the
18 Energy and Water Development Appropriations Act, 2005
19 (118 Stat. 2944), a nonstructural project for coastal erosion
20 and storm damage prevention and reduction at Barrow,
21 Alaska, including relocation of infrastructure.

22 **SEC. 5025. COFFMAN COVE, ALASKA.**

23 The Secretary is authorized to carry out a project for
24 navigation, Coffman Cove, Alaska, at a total cost of
25 \$3,000,000.

1 **SEC. 5026. FORT YUKON, ALASKA.**

2 *The Secretary shall make repairs to the dike at Fort*
3 *Yukon, Alaska, so that the dike meets Corps of Engineers*
4 *standards.*

5 **SEC. 5027. KOTZEBUE HARBOR, ALASKA.**

6 *The Secretary is authorized to carry out a project for*
7 *navigation, Kotzebue Harbor, Kotzebue, Alaska, at a total*
8 *cost of \$2,200,000.*

9 **SEC. 5028. LOWELL CREEK TUNNEL, SEWARD, ALASKA.**

10 (a) *LONG-TERM MAINTENANCE AND REPAIR.—The*
11 *Secretary shall assume responsibility for the long-term*
12 *maintenance and repair of the Lowell Creek Tunnel.*

13 (b) *STUDY.—The Secretary shall conduct a study to*
14 *determine whether alternative methods of flood diversion in*
15 *Lowell Canyon are feasible.*

16 **SEC. 5029. ST. HERMAN AND ST. PAUL HARBORS, KODIAK,**
17 **ALASKA.**

18 *The Secretary shall carry out, on an emergency basis,*
19 *necessary removal of rubble, sediment, and rock impeding*
20 *the entrance to the St. Herman and St. Paul Harbors, Ko-*
21 *diak, Alaska, at a Federal cost of \$2,000,000.*

22 **SEC. 5030. TANANA RIVER, ALASKA.**

23 *The Secretary shall carry out, on an emergency basis,*
24 *the removal of the hazard to navigation on the Tanana*
25 *River, Alaska, near the mouth of the Chena River, as de-*
26 *scribed in the January 3, 2005, memorandum from the*

1 *Commander, Seventeenth Coast Guard District, to the*
2 *Corps of Engineers, Alaska District, Anchorage, Alaska.*

3 **SEC. 5031. VALDEZ, ALASKA.**

4 *The Secretary is authorized to construct a small boat*
5 *harbor in Valdez, Alaska, at a total cost of \$20,000,000,*
6 *with an estimated Federal cost of \$10,500,000 and an esti-*
7 *mated non-Federal cost of \$9,500,000.*

8 **SEC. 5032. WHITTIER, ALASKA.**

9 *(a) STUDY.—The Secretary shall conduct, at Federal*
10 *expense, a study to determine the feasibility of carrying out*
11 *projects for navigation at Whittier, Alaska, to construct a*
12 *new boat harbor at the head of Whittier Bay and to expand*
13 *the existing harbor and, if the Secretary determines that*
14 *a project is feasible, the Secretary may carry out the project.*

15 *(b) NON-FEDERAL COST SHARE.—The non-Federal*
16 *interest may use, and the Secretary shall accept, funds pro-*
17 *vided under any other Federal program to satisfy, in whole*
18 *or in part, the non-Federal share of the construction of any*
19 *project carried out under this section if such funds are au-*
20 *thorized to be used to carry out such project.*

21 *(c) AUTHORIZATION OF APPROPRIATIONS.—There is*
22 *authorized to be appropriated to carry out this section*
23 *\$35,200,000.*

1 **SEC. 5033. WRANGELL HARBOR, ALASKA.**

2 (a) *GENERAL NAVIGATION FEATURES.*—*In carrying*
3 *out the project for navigation, Wrangell Harbor, Alaska,*
4 *authorized by section 101(b)(1) of the Water Resources De-*
5 *velopment Act of 1999 (113 Stat. 279), the Secretary shall*
6 *consider the dredging of the mooring basin and construction*
7 *of the inner harbor facilities to be general navigation fea-*
8 *tures for purposes of estimating the non-Federal share of*
9 *project costs.*

10 (b) *REVISION OF PARTNERSHIP AGREEMENT.*—*The*
11 *Secretary shall revise the partnership agreement for the*
12 *project to reflect the change required by subsection (a).*

13 **SEC. 5034. AUGUSTA AND CLARENDON, ARKANSAS.**

14 (a) *IN GENERAL.*—*The Secretary is authorized to per-*
15 *form operation, maintenance, and rehabilitation of author-*
16 *ized and completed levees on the White River between Au-*
17 *gusta and Clarendon, Arkansas.*

18 (b) *REIMBURSEMENT.*—*After performing the oper-*
19 *ation, maintenance, and rehabilitation under subsection*
20 *(a), the Secretary shall seek reimbursement from the Sec-*
21 *retary of the Interior of an amount equal to the costs allo-*
22 *cated to benefits to a Federal wildlife refuge of such oper-*
23 *ation, maintenance, and rehabilitation.*

24 **SEC. 5035. DES ARC LEVEE PROTECTION, ARKANSAS.**

25 *The Secretary shall review the project for flood control,*
26 *Des Arc, Arkansas, to determine whether bank and channel*

1 *scour along the White River threaten the existing project*
2 *and whether the scour is as a result of a design deficiency.*
3 *If the Secretary determines that such conditions exist as*
4 *a result of a deficiency, the Secretary shall carry out meas-*
5 *ures to eliminate the deficiency.*

6 **SEC. 5036. HELENA AND VICINITY, ARKANSAS.**

7 *The Secretary shall accept as fulfilling the non-Federal*
8 *cost-sharing responsibilities for the project for flood control,*
9 *Helena and Vicinity, Arkansas, authorized by section 401*
10 *of the Water Resources Development Act of 1986 (100 Stat.*
11 *4112), the non-Federal cash contribution of \$568,000 and*
12 *the lands, easements, rights-of-way, relocations, and*
13 *dredged material disposal areas provided by the non-Fed-*
14 *eral sponsor as of September 1, 2003, and the Secretary*
15 *shall not seek to recover any reimbursement from the non-*
16 *Federal sponsor related to advanced payments to, or work*
17 *performed for, the non-Federal sponsor under the authority*
18 *of sections 103 and 104 of the Water Resources Development*
19 *Act of 1986 (33 U.S.C. 2213, 2214).*

20 **SEC. 5037. LOOMIS LANDING, ARKANSAS.**

21 *The Secretary shall conduct a study of shore damage*
22 *in the vicinity of Loomis Landing, Arkansas, to determine*
23 *if the damage is the result of a Federal navigation project,*
24 *and, if the Secretary determines that the damage is the re-*
25 *sult of a Federal navigation project, the Secretary shall*

1 *carry out a project to mitigate the damage under section*
2 *111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).*

3 **SEC. 5038. ST. FRANCIS RIVER BASIN, ARKANSAS AND MIS-**
4 **SOURI.**

5 *The Secretary shall conduct a study of increased silta-*
6 *tion and streambank erosion in the St. Francis River*
7 *Basin, Arkansas and Missouri, to determine if the siltation*
8 *or erosion, or both, are the result of a Federal flood control*
9 *project and, if the Secretary determines that the siltation*
10 *or erosion, or both, are the result of a Federal flood control*
11 *project, the Secretary shall carry out a project to mitigate*
12 *the siltation or erosion, or both.*

13 **SEC. 5039. WHITE RIVER BASIN, ARKANSAS.**

14 *(a) MINIMUM FLOWS.—*

15 *(1) IN GENERAL.—In carrying out section 304 of*
16 *the Water Resources Development Act of 2000 (114*
17 *Stat. 2601), the Secretary shall implement alter-*
18 *natives BS–3 and NF–7, as described in the White*
19 *River Minimum Flows Reallocation Study Report,*
20 *Arkansas and Missouri, dated July 2004.*

21 *(2) COST SHARING.—Reallocation of storage and*
22 *installation of facilities under this subsection shall be*
23 *considered fish and wildlife enhancement that pro-*
24 *vides national benefits and shall be a Federal expense*
25 *in accordance with section 906(e)(1) of the Water Re-*

1 *sources Development Act of 1986 (33 U.S.C.*
2 *2283(e)(1)).*

3 (3) *OFFSET.—In carrying out this subsection,*
4 *losses to hydropower shall be offset by a reduction, not*
5 *to exceed \$17,000,000, in the costs allocated to hydro-*
6 *power, as determined by the present value of the esti-*
7 *mated replacement cost of the electrical energy and*
8 *capacity at the time of the implementation.*

9 (b) *FISH HATCHERY.—In operating the fish hatchery*
10 *at Beaver Lake, Arkansas, authorized by section 105 of the*
11 *Water Resources Development Act of 1976 (90 Stat. 2921),*
12 *losses to hydropower shall be offset by a reduction, not to*
13 *exceed \$2,200,000, in the costs allocated to hydropower, as*
14 *determined by the present value of the estimated replace-*
15 *ment cost of the electrical energy and capacity at the time*
16 *of the implementation.*

17 (c) *REPEAL.—Section 374 of the Water Resources De-*
18 *velopment Act of 1999 (113 Stat. 321) is repealed.*

19 **SEC. 5040. CAMBRIA, CALIFORNIA.**

20 *Section 219(f)(48) of the Water Resources Development*
21 *Act of 1992 (114 Stat. 2763A–220) is amended—*

22 (1) *by striking “\$10,300,000” and inserting the*
23 *following:*

24 “(A) *IN GENERAL.—\$10,300,000*”;

25 (2) *by adding at the end the following:*

1 “(B) CREDIT.—The Secretary shall credit
2 toward the non-Federal share of the cost of the
3 project not to exceed \$3,000,000 for the cost of
4 planning and design work carried out by the
5 non-Federal interest before the date of the part-
6 nership agreement for the project if the Secretary
7 determines that the work is integral to the
8 project.”; and

9 (3) by aligning the remainder of the text of sub-
10 paragraph (A) (as designated by paragraph (1) of
11 this section) with subparagraph (B) (as added by
12 paragraph (2) of this section).

13 **SEC. 5041. CONTRA COSTA CANAL, OAKLEY AND**
14 **KNIGHTSEN, CALIFORNIA; MALLARD SLOUGH,**
15 **PITTSBURG, CALIFORNIA.**

16 Sections 512 and 514 of the Water Resources Develop-
17 ment Act of 2000 (114 Stat. 2650) are each amended by
18 adding at the end the following: “All planning, study, de-
19 sign, and construction on the project shall be carried out
20 by the office of the district engineer, San Francisco, Cali-
21 fornia.”.

22 **SEC. 5042. DANA POINT HARBOR, CALIFORNIA.**

23 The Secretary shall conduct a study of the causes of
24 water quality degradation within Dana Point Harbor,
25 California, to determine if the degradation is the result of

1 *a Federal navigation project, and, if the Secretary deter-*
2 *mines that the degradation is the result of a Federal naviga-*
3 *tion project, the Secretary shall carry out a project to miti-*
4 *gate the degradation at Federal expense.*

5 **SEC. 5043. EAST SAN JOAQUIN COUNTY, CALIFORNIA.**

6 *Section 219(f)(22) of the Water Resources Development*
7 *Act of 1992 (113 Stat. 336) is amended—*

8 *(1) by striking “\$25,000,000” and inserting the*
9 *following:*

10 *“(A) IN GENERAL.—\$25,000,000”;*

11 *(2) by adding at the end the following:*

12 *“(B) CREDIT.—The Secretary shall credit*
13 *toward the non-Federal share of the cost of the*
14 *project (i) the cost of design and construction*
15 *work carried out by the non-Federal interest be-*
16 *fore, on, or after the date of the partnership*
17 *agreement for the project if the Secretary deter-*
18 *mines that the work is integral to the project;*
19 *and (ii) the cost of provided for the project by*
20 *the non-Federal interest.*

21 *“(C) IN-KIND CONTRIBUTIONS.—The non-*
22 *Federal interest may provide any portion of the*
23 *non-Federal share of the cost of the project in the*
24 *form of in-kind services and materials.”; and*

1 (3) *by aligning the remainder of the text of sub-*
2 *paragraph (A) (as designated by paragraph (1) of*
3 *this section) with subparagraph (B) (as added by*
4 *paragraph (2) of this section).*

5 **SEC. 5044. EASTERN SANTA CLARA BASIN, CALIFORNIA.**

6 *Section 111(c) of the Miscellaneous Appropriations*
7 *Act, 2001 (as enacted into law by Public Law 106–554;*
8 *114 Stat. 2763A-224) is amended—*

9 (1) *by striking “\$25,000,000” and inserting*
10 *“\$28,000,000”; and*

11 (2) *by striking “\$7,000,000” and inserting*
12 *“\$10,000,000”.*

13 **SEC. 5045. PINE FLAT DAM AND RESERVOIR, CALIFORNIA.**

14 (a) *IN GENERAL.—The Secretary shall review the*
15 *Kings River Fisheries Management Program Framework*
16 *Agreement, dated May 29, 1999, among the California De-*
17 *partment of Fish and Game, the Kings River Water Asso-*
18 *ciation, and the Kings River Conservation District and, if*
19 *the Secretary determines that the management program is*
20 *feasible, the Secretary may participate in the management*
21 *program.*

22 (b) *PROHIBITION.—Nothing in this section authorizes*
23 *any project for the raising of, or the construction of, a*
24 *multilevel intake structure at Pine Flat Dam, California.*

1 (c) *USE OF EXISTING STUDIES.*—*In carrying out this*
2 *section, the Secretary shall use, to the maximum extent*
3 *practicable, studies in existence on the date of enactment*
4 *of this Act, including data and environmental documenta-*
5 *tion in the Report of the Chief of Engineers, Pine Flat Dam*
6 *and Reservoir, Fresno County, California, dated July 19,*
7 *2002.*

8 (d) *CREDIT.*—*The Secretary shall credit toward the*
9 *non-Federal share of the cost of the project the cost of plan-*
10 *ning, design, and construction work carried out by the non-*
11 *Federal interest before the date of the partnership agreement*
12 *for the project if the Secretary determines that the work is*
13 *integral to the project.*

14 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
15 *authorized to be appropriated to \$20,000,000 to carry out*
16 *this section.*

17 **SEC. 5046. SACRAMENTO DEEP WATER SHIP CHANNEL,**
18 **CALIFORNIA.**

19 (a) *IN GENERAL.*—*The Secretary is authorized to*
20 *transfer title to the Bascule Bridge, deauthorized by section*
21 *347(a)(2) of the Water Resources Development Act of 2000*
22 *(114. Stat. 2618), to the city of West Sacramento, Cali-*
23 *fornia, subject to the execution of an agreement by the Sec-*
24 *retary and the city which specifies the terms and conditions*
25 *for such transfer. The terms and conditions of the transfer*

1 *shall include a provision authorizing the Secretary to par-*
2 *ticipate in the construction of a replacement bridge fol-*
3 *lowing the removal of the Bascule Bridge.*

4 (b) *AUTHORIZATION OF APPROPRIATION.—There is*
5 *authorized to be appropriated \$5,000,000 for the Secretary*
6 *to participate in the construction of a replacement bridge*
7 *under this section.*

8 **SEC. 5047. SAN FRANCISCO, CALIFORNIA.**

9 (a) *IN GENERAL.—The Secretary, in cooperation with*
10 *the Port of San Francisco, California, may carry out the*
11 *project for repair and removal, as appropriate, of Piers 35,*
12 *36, and 80 in San Francisco, California, substantially in*
13 *accordance with the Port's redevelopment plan.*

14 (1) *AUTHORIZATION OF APPROPRIATION.—There is*
15 *authorized to be appropriated \$20,000,000 to carry out this*
16 *subsection.*

17 **SEC. 5048. SAN FRANCISCO, CALIFORNIA, WATERFRONT**
18 **AREA.**

19 (a) *AREA TO BE DECLARED NONNAVIGABLE; PUBLIC*
20 *INTEREST.—Unless the Secretary finds, after consultation*
21 *with local and regional public officials (including local and*
22 *regional public planning organizations), that the proposed*
23 *projects to be undertaken within the boundaries of the por-*
24 *tion of the San Francisco, California, waterfront area de-*
25 *scribed in subsection (b) are not in the public interest, such*

1 *portion is declared to be nonnavigable waters of the United*
2 *States.*

3 (b) *NORTHERN EMBARCADERO SOUTH OF BRYANT*
4 *STREET.—The portion of the San Francisco, California,*
5 *waterfront area referred to in subsection (a) is as follows:*
6 *Beginning at the intersection of the northeasterly prolonga-*
7 *tion of that portion of the northwesterly line of Bryant*
8 *Street lying between Beale Street and Main Street with the*
9 *southwesterly line of Spear Street, which intersection lies*
10 *on the line of jurisdiction of the San Francisco Port Com-*
11 *mission; following thence southerly along said line of juris-*
12 *diction as described in the State of California Harbor and*
13 *Navigation Code Section 1770, as amended in 1961, to its*
14 *intersection with the easterly line of Townsend Street along*
15 *a line that is parallel and distant 10 feet distant from the*
16 *existing southern boundary of Pier 40 produced to its point*
17 *of intersection with the United States Government pier-*
18 *head line; thence northerly along said pier-head line to its*
19 *intersection with a line parallel with, and distant 10 feet*
20 *easterly from, the existing easterly boundary line of Pier*
21 *30–32; thence northerly along said parallel line and its*
22 *northerly prolongation, to a point of intersection with a*
23 *line parallel with, and distant 10 feet northerly from, the*
24 *existing northerly boundary of Pier 30–32, thence westerly*
25 *along last said parallel line to its intersection with the*

1 *United States Government pier-head line; to the northwest-*
2 *erly line of Bryant Street produced northwesterly; thence*
3 *southwesterly along said northwesterly line of Bryant Street*
4 *produced to the point of beginning.*

5 (c) *REQUIREMENT THAT AREA BE IMPROVED.*—*The*
6 *declaration of nonnavigability under subsection (a) applies*
7 *only to those parts of the area described in subsection (b)*
8 *that are or will be bulkheaded, filled, or otherwise occupied*
9 *by permanent structures and does not affect the applica-*
10 *bility of any Federal statute or regulation applicable to*
11 *such parts the day before the date of enactment of this Act,*
12 *including sections 9 and 10 of the Act of March 3, 1899*
13 *(33 U.S.C. 401 and 403; 30 Stat. 1151), commonly known*
14 *as the Rivers and Harbors Appropriation Act of 1899, sec-*
15 *tion 404 of the Federal Water Pollution Control Act (33*
16 *U.S.C. 1344), and the National Environmental Policy Act*
17 *of 1969 (42 U.S.C. 4321 et seq.).*

18 (d) *EXPIRATION DATE.*—*If, 20 years from the date of*
19 *enactment of this Act, any area or part thereof described*
20 *in subsection (b) is not bulkheaded or filled or occupied by*
21 *permanent structures, including marina facilities, in ac-*
22 *cordance with the requirements set out in subsection (c),*
23 *or if work in connection with any activity permitted in*
24 *subsection (c) is not commenced within 5 years after*

1 *issuance of such permits, then the declaration of nonnaviga-*
2 *bility for such area or part thereof shall expire.*

3 **SEC. 5049. SANTA VENETIA, CALIFORNIA.**

4 *(a) IN GENERAL.—The Secretary shall carry out a*
5 *project for flood damage reduction under section 205 of the*
6 *Flood Control Act of 1958 (33 U.S.C. 701s), Santa Venetia,*
7 *California, if the Secretary determines that the project is*
8 *feasible.*

9 *(b) PROJECT FINANCING.—In carrying out the project*
10 *under this section, the Secretary shall allow the non-Federal*
11 *interests to participate in the financing of the project in*
12 *accordance with section 903(c) of the Water Resources De-*
13 *velopment Act of 1986 (100 Stat. 4184), to the extent that*
14 *the Secretary's evaluation indicates that applying such sec-*
15 *tion is necessary to implement the project.*

16 **SEC. 5050. STOCKTON, CALIFORNIA.**

17 *(a) REEVALUATION.—The Secretary shall reevaluate*
18 *the feasibility of the Lower Mosher Slough element and the*
19 *levee extensions on the Upper Calaveras River element of*
20 *the project for flood control, Stockton Metropolitan Area,*
21 *California, carried out under section 211(f)(3) of the Water*
22 *Resources Development Act of 1996 (110 Stat. 3683), to de-*
23 *termine the eligibility of such elements for reimbursement*
24 *under section 211 of such Act (33 U.S.C. 701b–13).*

1 (b) *SPECIAL RULES FOR REEVALUATION.*—*In con-*
2 *ducting the reevaluation under subsection (a), the Secretary*
3 *shall not reject a feasibility determination based on one or*
4 *more of the policies of the Corps of Engineers concerning*
5 *the frequency of flooding, the drainage area, and the*
6 *amount of runoff.*

7 (c) *REIMBURSEMENT.*—*If the Secretary determines*
8 *that the elements referred to subsection (a) are feasible, the*
9 *Secretary shall reimburse, subject to appropriations, the*
10 *non-Federal interest under section 211 of the Water Re-*
11 *sources Development Act of 1996 for the Federal share of*
12 *the cost of such elements.*

13 **SEC. 5051. VICTOR V. VEYSEY DAM, CALIFORNIA.**

14 (a) *DESIGNATION.*—*The Prado Dam, authorized by the*
15 *Flood Control Act of 1936 (49 Stat. 1570), shall be known*
16 *and designated as the “Victor V. Veysey Dam”.*

17 (b) *REFERENCES.*—*Any reference in a law, map, regu-*
18 *lation, document, paper, or other record of the United*
19 *States to the dam referred to in subsection (a) shall be*
20 *deemed to be a reference to the “Victor V. Veysey Dam”.*

21 **SEC. 5052. WHITTIER, CALIFORNIA.**

22 *The Secretary shall carry out a project for flood dam-*
23 *age reduction under section 205 of the Flood Control Act*
24 *of 1948 (33 U.S.C. 701s) in the vicinity of Whittier, Cali-*

1 *for*nia, if the Secretary determines that the project is fea-
2 sible.

3 **SEC. 5053. CHARLES HERVEY TOWNSHEND BREAKWATER,**
4 **NEW HAVEN HARBOR, CONNECTICUT.**

5 (a) *DESIGNATION.*—The western breakwater for the
6 project for navigation, New Haven Harbor, Connecticut,
7 authorized by the first section of the Act of September 19,
8 1890 (26 Stat. 426), shall be known and designated as the
9 “Charles Hervey Townshend Breakwater”.

10 (b) *REFERENCES.*—Any reference in a law, map, regu-
11 lation, document, paper, or other record of the United
12 States to the breakwater referred to in subsection (a) shall
13 be deemed to be a reference to the “Charles Hervey
14 Townshend Breakwater”.

15 **SEC. 5054. CHRISTINA RIVER SHIPWRECK, DELAWARE.**

16 The Secretary may carry out the removal of the debris
17 associated with the steamship “STATE OF PENNSYLVANIA”
18 and other derelict vessels from the Christina River,
19 Delaware, under section 202 of the Water Resources Devel-
20 opment Act of 1976 (90 Stat. 2945).

21 **SEC. 5055. ANACOSTIA RIVER, DISTRICT OF COLUMBIA,**
22 **MARYLAND, AND VIRGINIA.**

23 (a) *COMPREHENSIVE ACTION PLAN.*—Not later than
24 1 year after the date of enactment of this Act, the Secretary,
25 in coordination with the Mayor of the District of Columbia,

1 *the Governor of Maryland, the Governor of Virginia, the*
2 *County Executives of Montgomery County and Prince*
3 *George’s County, Maryland, and other interested persons,*
4 *shall develop a 10-year comprehensive action plan for the*
5 *restoration and protection of the ecological integrity of the*
6 *Anacostia River and its tributaries.*

7 **(b) PUBLIC AVAILABILITY.**—*Upon completion of the*
8 *plan, the Secretary shall make the plan available to the*
9 *public.*

10 **SEC. 5056. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.**

11 *Section 109(e)(2) of the Miscellaneous Appropriations*
12 *Act, 2001 (enacted into law by Public Law 106–554) (114*
13 *Stat. 2763A–222) is amended by adding at the end the fol-*
14 *lowing:*

15 **“(C) CREDIT FOR WORK PRIOR TO EXECU-**
16 **TION OF THE PARTNERSHIP AGREEMENT.**—*The*
17 *Secretary shall credit toward the non-Federal*
18 *share of the cost of the project (i) the cost of con-*
19 *struction work carried out by the non-Federal*
20 *interest before the date of the partnership agree-*
21 *ment for the project if the Secretary determines*
22 *that the work is integral to the project; and (ii)*
23 *the cost of land acquisition carried out by the*
24 *non-Federal interest for projects to be carried out*
25 *under this section.”.*

1 **SEC. 5057. LAKE WORTH, FLORIDA.**

2 *The Secretary may carry out necessary repairs for the*
3 *Lake Worth bulkhead replacement project, West Palm*
4 *Beach, Florida, at an estimated total cost of \$9,000,000.*

5 **SEC. 5058. LAKE LANIER, GEORGIA.**

6 *The Secretary may assist local interests with plan-*
7 *ning, design, and construction of facilities at the Lake La-*
8 *nier Olympic Center, Georgia, at a total cost of \$5,300,000.*

9 **SEC. 5059. RILEY CREEK RECREATION AREA, IDAHO.**

10 *The Secretary is authorized to carry out the Riley*
11 *Creek Recreation Area Operation Plan of the Albeni Falls*
12 *Management Plan, dated October 2001, for the Riley Creek*
13 *Recreation Area, Albeni Falls Dam, Bonner County, Idaho.*

14 **SEC. 5060. RECONSTRUCTION OF ILLINOIS FLOOD PROTEC-**
15 **TION PROJECTS.**

16 (a) *IN GENERAL.*—*The Secretary may participate in*
17 *the reconstruction of an eligible flood control project if the*
18 *Secretary determines that such reconstruction is not re-*
19 *quired as a result of improper operation and maintenance*
20 *of the project by the non-Federal interest.*

21 (b) *COST SHARING.*—*The non-Federal share of the*
22 *costs for the reconstruction of a flood control project author-*
23 *ized by this section shall be the same non-Federal share that*
24 *was applicable to construction of the project. The non-Fed-*
25 *eral interest shall be responsible for operation and mainte-*

1 nance and repair of a project for which reconstruction is
2 undertaken under this section.

3 (c) *RECONSTRUCTION DEFINED.*—In this section, the
4 term “reconstruction”, as used with respect to a project,
5 means addressing major project deficiencies caused by long-
6 term degradation of the foundation, construction materials,
7 or engineering systems or components of the project, the re-
8 sults of which render the project at risk of not performing
9 in compliance with its authorized project purposes. In ad-
10 dressing such deficiencies, the Secretary may incorporate
11 current design standards and efficiency improvements, in-
12 cluding the replacement of obsolete mechanical and elec-
13 trical components at pumping stations, if such incorpora-
14 tion does not significantly change the scope, function, and
15 purpose of the project as authorized.

16 (d) *ELIGIBLE PROJECTS.*—The following flood control
17 projects are eligible for reconstruction under this section:

18 (1) *Clear Creek Drainage and Levee District, Il-*
19 *linois.*

20 (2) *Fort Chartres and Ivy Landing Drainage*
21 *District, Illinois.*

22 (3) *Wood River Drainage and Levee District, Il-*
23 *linois.*

24 (4) *Cairo, Illinois Mainline Levee, Cairo, Illi-*
25 *nois.*

1 (5) *Goose Pond Pump Station, Cairo, Illinois.*

2 (6) *Cottonwood Slough Pump Station, Alexander*
3 *County, Illinois.*

4 (7) *10th and 28th Street Pump Stations, Cairo,*
5 *Illinois.*

6 (8) *Flood control levee projects in Brookport,*
7 *Shawneetown, Old Shawneetown, Golconda,*
8 *Rosiclare, Harrisburg, and Reevesville, Illinois.*

9 (e) *JUSTIFICATION.—The reconstruction of a project*
10 *authorized by this section shall not be considered a sepa-*
11 *rable element of the project.*

12 (f) *AUTHORIZATION OF APPROPRIATIONS.—There is*
13 *authorized to be appropriated—*

14 (1) *\$15,000,000 to carry out the projects de-*
15 *scribed in paragraphs (1) through (7) of subsection*
16 *(d); and*

17 (2) *\$15,000,000 to carry out the projects de-*
18 *scribed in subsection (d)(8).*

19 *Such sums shall remain available until expended.*

20 **SEC. 5061. KASKASKIA RIVER BASIN, ILLINOIS, RESTORA-**
21 **TION.**

22 (a) *KASKASKIA RIVER BASIN DEFINED.—In this sec-*
23 *tion, the term “Kaskaskia River Basin” means the*
24 *Kaskaskia River, Illinois, its backwaters, its side channels,*

1 *and all tributaries, including their watersheds, draining*
2 *into the Kaskaskia River.*

3 (b) *COMPREHENSIVE PLAN.—*

4 (1) *DEVELOPMENT.—The Secretary shall de-*
5 *velop, as expeditiously as practicable, a comprehen-*
6 *sive plan for the purpose of restoring, preserving, and*
7 *protecting the Kaskaskia River Basin.*

8 (2) *TECHNOLOGIES AND INNOVATIVE AP-*
9 *PROACHES.—The comprehensive plan shall provide*
10 *for the development of new technologies and innova-*
11 *tive approaches—*

12 (A) *to enhance the Kaskaskia River as a*
13 *transportation corridor;*

14 (B) *to improve water quality within the en-*
15 *tire Kaskaskia River Basin;*

16 (C) *to restore, enhance, and preserve habitat*
17 *for plants and wildlife;*

18 (D) *to increase economic opportunity for*
19 *agriculture and business communities; and*

20 (E) *to reduce the impacts of flooding to*
21 *communities and landowners.*

22 (3) *SPECIFIC COMPONENTS.—The comprehensive*
23 *plan shall include such features as are necessary to*
24 *provide for—*

1 (A) the development and implementation of
2 a program for sediment removal technology, sedi-
3 ment characterization, sediment transport, and
4 beneficial uses of sediment;

5 (B) the development and implementation of
6 a program for the planning, conservation, eval-
7 uation, and construction of measures for fish and
8 wildlife habitat conservation and rehabilitation,
9 and stabilization and enhancement of land and
10 water resources in the basin;

11 (C) the development and implementation of
12 a long-term resource monitoring program;

13 (D) the development and implementation of
14 a computerized inventory and analysis system;
15 and

16 (E) the development and implementation of
17 a systemic plan to reduce flood impacts by
18 means of ecosystem restoration projects.

19 (4) CONSULTATION.—The comprehensive plan
20 shall be developed by the Secretary in consultation
21 with appropriate Federal agencies, the State of Illi-
22 nois, and the Kaskaskia River Coordinating Council.

23 (5) REPORT TO CONGRESS.—Not later than 2
24 years after the date of enactment of this Act, the Sec-

1 *retary shall transmit to Congress a report containing*
2 *the comprehensive plan.*

3 (6) *ADDITIONAL STUDIES AND ANALYSES.*—*After*
4 *transmission of a report under paragraph (5), the*
5 *Secretary shall conduct studies and analyses of*
6 *projects related to the comprehensive plan that are*
7 *appropriate and consistent with this subsection.*

8 (c) *GENERAL PROVISIONS.*—

9 (1) *WATER QUALITY.*—*In carrying out activities*
10 *under this section, the Secretary’s recommendations*
11 *shall be consistent with applicable State water quality*
12 *standards.*

13 (2) *PUBLIC PARTICIPATION.*—*In developing the*
14 *comprehensive plan under subsection (b), the Sec-*
15 *retary shall implement procedures to facilitate public*
16 *participation, including providing advance notice of*
17 *meetings, providing adequate opportunity for public*
18 *input and comment, maintaining appropriate*
19 *records, and making a record of the proceedings of*
20 *meetings available for public inspection.*

21 (d) *COORDINATION.*—*The Secretary shall integrate ac-*
22 *tivities carried out under this section with ongoing Federal*
23 *and State programs, projects, and activities, including the*
24 *following:*

1 (1) *Farm programs of the Department of Agri-*
2 *culture.*

3 (2) *Conservation Reserve Enhancement Program*
4 *(State of Illinois) and Conservation 2000 Ecosystem*
5 *Program of the Illinois Department of Natural Re-*
6 *sources.*

7 (3) *Conservation 2000 Conservation Practices*
8 *Program and the Livestock Management Facilities*
9 *Act administered by the Illinois Department of Agri-*
10 *culture.*

11 (4) *National Buffer Initiative of the Natural Re-*
12 *sources Conservation Service.*

13 (5) *Nonpoint source grant program administered*
14 *by the Illinois Environmental Protection Agency.*

15 (e) *COST SHARING.*—

16 (1) *IN GENERAL.*—*The non-Federal share of the*
17 *cost of activities carried out under this section shall*
18 *be 35 percent.*

19 (2) *IN-KIND SERVICES.*—*The Secretary may*
20 *credit the cost of in-kind services provided by the non-*
21 *Federal interest for an activity carried out under this*
22 *section toward not more than 80 percent of the non-*
23 *Federal share of the cost of the activity. In-kind serv-*
24 *ices shall include all State funds expended on pro-*
25 *grams that accomplish the goals of this section, as de-*

1 *terminated by the Secretary. The programs may include*
2 *the Kaskaskia River Conservation Reserve Program,*
3 *the Illinois Conservation 2000 Program, the Open*
4 *Lands Trust Fund, and other appropriate programs*
5 *carried out in the Kaskaskia River Basin.*

6 **SEC. 5062. FLOODPLAIN MAPPING, LITTLE CALUMET RIVER,**
7 **CHICAGO, ILLINOIS.**

8 *(a) IN GENERAL.—The Secretary shall provide assist-*
9 *ance for a project to develop maps identifying 100- and*
10 *500-year flood inundation areas along the Little Calumet*
11 *River, Chicago, Illinois.*

12 *(b) REQUIREMENTS.—Maps developed under the*
13 *project shall include hydrologic and hydraulic information*
14 *and shall accurately show the flood inundation of each*
15 *property by flood risk in the floodplain. The maps shall*
16 *be produced in a high resolution format and shall be made*
17 *available to all flood prone areas along the Little Calumet*
18 *River, Chicago, Illinois, in an electronic format.*

19 *(c) PARTICIPATION OF FEMA.—The Secretary and the*
20 *non-Federal interests for the project shall work with the Di-*
21 *rector of the Federal Emergency Management Agency to en-*
22 *sure the validity of the maps developed under the project*
23 *for flood insurance purposes.*

24 *(d) FORMS OF ASSISTANCE.—In carrying out the*
25 *project, the Secretary may enter into contracts or coopera-*

1 *tive agreements with the non-Federal interests or provide*
2 *reimbursements of project costs.*

3 (e) *FEDERAL SHARE.*—*The Federal share of the cost*
4 *of the project shall be 50 percent.*

5 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
6 *authorized to be appropriated to carry out this section*
7 *\$2,000,000.*

8 **SEC. 5063. NATALIE CREEK, MIDLOTHIAN AND OAK FOREST,**
9 **ILLINOIS.**

10 *The Secretary shall carry out a project for flood dam-*
11 *age reduction under section 205 of the Flood Control Act*
12 *of 1948 (33 U.S.C. 701s), Natalie Creek, Midlothian and*
13 *Oak Forest, Illinois, if the Secretary determines that the*
14 *project is feasible.*

15 **SEC. 5064. ILLINOIS RIVER BASIN RESTORATION.**

16 (a) *EXTENSION OF AUTHORIZATION.*—*Section*
17 *519(c)(2) of the Water Resources Development Act of 2000*
18 *(114 Stat. 2654) is amended by striking “2004” and insert-*
19 *ing “2010”.*

20 (b) *IN-KIND SERVICES.*—*Section 519(g)(3) of such Act*
21 *(114 Stat. 2655) is amended by inserting before the period*
22 *at the end of the first sentence “if such services are provided*
23 *not more than 5 years before the date of initiation of the*
24 *project or activity”.*

1 (c) *NONPROFIT ENTITIES AND MONITORING.*—Section
2 519 of such Act (114 Stat. 2654) is amended by adding
3 at the end the following:

4 “(h) *NONPROFIT ENTITIES.*—Notwithstanding section
5 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–
6 5b(b)), a non-Federal interest may include a nonprofit enti-
7 ty with the consent of the affected local government.

8 “(i) *MONITORING.*—The Secretary shall develop an Il-
9 linois river basin monitoring program to support the plan
10 referred to in subsection (b). Data collected under the moni-
11 toring program shall incorporate data provided by the
12 State of Illinois and shall be publicly accessible through
13 electronic means.”.

14 **SEC. 5065. PROMONTORY POINT, LAKE MICHIGAN, ILLINOIS.**

15 In carrying out the project for storm damage reduction
16 and shoreline erosion protection, Lake Michigan, authorized
17 by section 101(a)(12) of the Water Resources Development
18 Act of 1996 (110 Stat. 3664), the Secretary shall reevaluate
19 the feasibility of reconstructing the Promontory Point sec-
20 tion consistent with the original limestone step design.

21 **SEC. 5066. BURNS WATERWAY HARBOR, INDIANA.**

22 The Secretary shall conduct a study of shoaling in the
23 vicinity of Burns Waterway Harbor, Indiana, to determine
24 if the shoaling is the result of a Federal navigation project,
25 and, if the Secretary determines that the shoaling is the

1 *result of a Federal navigation project, the Secretary shall*
2 *carry out a project to mitigate the shoaling under section*
3 *111 of the River and Harbor Act of 1968 (33 U.S.C. 426).*

4 **SEC. 5067. CALUMET REGION, INDIANA.**

5 *Section 219(f)(12) of the Water Resources Development*
6 *Act of 1992 (113 Stat. 335; 117 Stat. 1843) is amended—*

7 *(1) by striking “\$30,000,000” and inserting the*
8 *following:*

9 *“(A) IN GENERAL.—\$30,000,000”;*

10 *(2) by adding at the end the following:*

11 *“(B) CREDIT.—The Secretary shall credit*
12 *toward the non-Federal share of the cost of the*
13 *project the cost of planning and design work car-*
14 *ried out by the non-Federal interest before, on, or*
15 *after the date of the partnership agreement for*
16 *the project if the Secretary determines that the*
17 *work is integral to the project.”; and*

18 *(3) by aligning the remainder of the text of sub-*
19 *paragraph (A) (as designated by paragraph (1) of*
20 *this section) with subparagraph (B) (as added by*
21 *paragraph (2) of this section).*

22 **SEC. 5068. FLOODPLAIN MAPPING, MISSOURI RIVER, IOWA.**

23 *(a) IN GENERAL.—The Secretary shall provide assist-*
24 *ance for a project to develop maps identifying 100- and*

1 500-year flood inundation areas in the State of Iowa, along
2 the Missouri River.

3 (b) *REQUIREMENTS.*—Maps developed under the
4 project shall include hydrologic and hydraulic information
5 and shall accurately portray the flood hazard areas in the
6 floodplain. The maps shall be produced in a high resolution
7 format and shall be made available to the State of Iowa
8 in an electronic format.

9 (c) *PARTICIPATION OF FEMA.*—The Secretary and the
10 non-Federal interests for the project shall work with the Di-
11 rector of the Federal Emergency Management Agency to en-
12 sure the validity of the maps developed under the project
13 for flood insurance purposes.

14 (d) *FORMS OF ASSISTANCE.*—In carrying out the
15 project, the Secretary may enter into contracts or coopera-
16 tive agreements with the non-Federal interests or provide
17 reimbursements of project costs.

18 (e) *FEDERAL SHARE.*—The Federal share of the cost
19 of the project shall be 50 percent.

20 (f) *AUTHORIZATION OF APPROPRIATIONS.*—There is
21 authorized to be appropriated to carry out this section
22 \$3,000,000.

23 **SEC. 5069. RATHBUN LAKE, IOWA.**

24 (a) *CONVEYANCE.*—The Secretary shall convey the re-
25 maining water supply storage allocation in Rathbun Lake,

1 *Iowa, to the Rathbun Regional Water Association (in this*
2 *section referred to as the “Water Association”).*

3 **(b) COST SHARING.**—*Notwithstanding the Water Sup-*
4 *ply Act of 1958 (43 U.S.C. 390b), the Water Association*
5 *shall pay 100 percent of the cost of the water supply storage*
6 *allocation to be conveyed under subsection (a). The Sec-*
7 *retary shall credit toward such non-Federal share the cost*
8 *of any structures and facilities constructed by the Water*
9 *Association at the project.*

10 **(c) TERMS AND CONDITIONS.**—*Before conveying the*
11 *water supply storage allocation under subsection (a), the*
12 *Secretary shall enter into an agreement with the Water As-*
13 *sociation, under which the Water Association shall agree*
14 *to—*

15 **(1)** *in accordance with designs approved by the*
16 *Chief of Engineers, construct structures and facilities*
17 *referred to in subsection (b) that have a value equal*
18 *to or greater than the amount that otherwise would*
19 *be paid to the Federal Government for the costs of the*
20 *water supply storage under the Water Supply Act of*
21 *1958 (43 U.S.C. 390b);*

22 **(2)** *be responsible for operating and maintaining*
23 *the structures and facilities;*

24 **(3)** *pay all operation and maintenance costs al-*
25 *located to the water supply storage space;*

1 (4) use any revenues generated at the structures
 2 and facilities that are above those required to operate
 3 and maintain or improve the complex to undertake,
 4 subject to the approval of the Chief of Engineers, ac-
 5 tivities that will improve the quality of the environ-
 6 ment in the Rathbun Lake watershed area; and

7 (5) such other terms and conditions as the Sec-
 8 retary considers necessary to protect the interests of
 9 the United States.

10 **SEC. 5070. CUMBERLAND RIVER BASIN, KENTUCKY.**

11 *At reservoirs managed by the Secretary above Cum-*
 12 *berland River mile 385.5 within the Cumberland River*
 13 *basin, Kentucky, the Secretary shall charge fees associated*
 14 *with storage and maintenance of water supply that do not*
 15 *exceed the fees in effect on October 1, 2002.*

16 **SEC. 5071. LOUISVILLE, KENTUCKY.**

17 (a) *IN GENERAL.*—Section 557 of the Water Resources
 18 *Development Act of 1999 (113 Stat. 353) is amended—*

19 (1) *in the section heading by inserting “**KEN-***
 20 ***TUCKY AND” before “NORTHERN WEST VIR-***
 21 ***GINIA”;*** and

22 (2) *by adding at the end the following:*

23 “(4) *LOUISVILLE, KENTUCKY.*—*Report of the*
 24 *Corps of Engineers entitled ‘Louisville Waterfront*
 25 *Park, Phase II, Kentucky, Master Plan’, dated July*

1 22, 2002, at a total cost of \$32,000,000, with an esti-
2 mated Federal cost of \$16,000,000 and an estimated
3 non-Federal cost of \$16,000,000.”.

4 (b) *CONFORMING AMENDMENT.*—In the table of con-
5 tents contained in section 1(b) of such Act strike the item
6 relating to section 557 and insert the following:

 “Sec. 557. *Kentucky and Northern West Virginia.*”.

7 **SEC. 5072. MAYFIELD CREEK AND TRIBUTARIES, KENTUCKY.**

8 *The Secretary shall conduct a study of flood damage*
9 *along Mayfield Creek and tributaries between Wickliffe and*
10 *Mayfield, Kentucky, to determine if the damage is the result*
11 *of a Federal flood damage reduction project, and, if the Sec-*
12 *retary determines that the damage is the result of a Federal*
13 *flood damage reduction project, the Secretary shall carry*
14 *out a project to mitigate the damage at Federal expense.*

15 **SEC. 5073. NORTH FORK, KENTUCKY RIVER, BREATHITT**
16 **COUNTY, KENTUCKY.**

17 *The Secretary shall rebuild the structure that is imped-*
18 *ing high water flows on the North Fork of the Kentucky*
19 *River in Breathitt County, Kentucky, in a manner that*
20 *will reduce flood damages at an estimated total cost of*
21 *\$1,800,000. The non-Federal interest shall provide lands,*
22 *easements, rights-of-way, relocations, and disposal areas re-*
23 *quired for the project. Operation and maintenance of the*
24 *rebuilt structure shall be a non-Federal expense.*

1 **SEC. 5074. PADUCAH, KENTUCKY.**

2 *The Secretary shall complete a feasibility report for*
3 *rehabilitation of the project for flood damage reduction, Pa-*
4 *ducah, Kentucky, and, if the Secretary determines that the*
5 *project is feasible, the Secretary shall carry out the project*
6 *at a total cost of \$3,000,000.*

7 **SEC. 5075. SOUTHERN AND EASTERN KENTUCKY.**

8 *Section 531 of the Water Resources Development Act*
9 *of 1996 (110 Stat. 3773; 113 Stat. 348; 117 Stat. 142) is*
10 *amended by adding the following:*

11 *“(i) CORPS OF ENGINEERS EXPENSES.—Ten percent*
12 *of the amounts appropriated to carry out this section may*
13 *be used by the Corps of Engineers district offices to admin-*
14 *ister projects under this section at 100 percent Federal ex-*
15 *pense.”.*

16 **SEC. 5076. WINCHESTER, KENTUCKY.**

17 *Section 219(c) of the Water Resources Development Act*
18 *of 1992 (106 Stat. 4835; 114 Stat. 2763A–219) is amended*
19 *by adding at the end the following:*

20 *“(41) WINCHESTER, KENTUCKY.—Wastewater*
21 *infrastructure, Winchester, Kentucky.”.*

22 **SEC. 5077. BATON ROUGE, LOUISIANA.**

23 *Section 219(f)(21) of the Water Resources Development*
24 *Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is*
25 *amended by striking “\$20,000,000” and inserting*
26 *“\$35,000,000”.*

1 **SEC. 5078. CALCASIEU SHIP CHANNEL, LOUISIANA.**

2 *The Secretary shall expedite completion of a dredged*
3 *material management plan for the Calcasieu Ship Channel,*
4 *Louisiana, and may take interim measures to increase the*
5 *capacity of existing disposal areas, or to construct new con-*
6 *fined or beneficial use disposal areas, for the channel.*

7 **SEC. 5079. CROSS LAKE, SHREVEPORT, LOUISIANA.**

8 *The Secretary may accept from the Department of the*
9 *Air Force, and may use, not to exceed \$4,500,000 to assist*
10 *the city of Shreveport, Louisiana, with its plan to construct*
11 *a water intake facility.*

12 **SEC. 5080. WEST BATON ROUGE PARISH, LOUISIANA.**

13 *Section 517(5) of the Water Resources Development*
14 *Act of 1999 (113 Stat. 345) is amended to read as follows:*

15 *“(5) Mississippi River, West Baton Rouge Par-*
16 *ish, Louisiana, project for waterfront and riverine*
17 *preservation, restoration, enhancement modifications,*
18 *and interpretive center development.”.*

19 **SEC. 5081. CHARLESTOWN, MARYLAND.**

20 *(a) IN GENERAL.—The Secretary may carry out a*
21 *project for nonstructural flood damage reduction and eco-*
22 *system restoration at Charlestown, Maryland.*

23 *(b) LAND ACQUISITION.—The flood damage reduction*
24 *component of the project may include the acquisition of pri-*
25 *vate property from willing sellers.*

1 (c) *JUSTIFICATION.*—Any nonstructural flood damage
2 reduction project to be carried out under this section that
3 will result in the conversion of property to use for ecosystem
4 restoration and wildlife habitat shall be justified based on
5 national ecosystem restoration benefits.

6 (d) *USE OF ACQUIRED PROPERTY.*—Property ac-
7 quired under this section shall be maintained in public
8 ownership for ecosystem restoration and wildlife habitat.

9 (e) *ABILITY TO PAY.*—In determining the appropriate
10 non-Federal cost share for the project, the Secretary shall
11 determine the ability of Cecil County, Maryland, to partici-
12 pate as a cost-sharing non-Federal interest in accordance
13 with section 103(m) of the Water Resources Development
14 Act of 1986 (33 U.S.C. 2213(m)).

15 (f) *AUTHORIZATION OF APPROPRIATIONS.*—There is
16 authorized to be appropriated \$2,000,000 to carry out this
17 section.

18 **SEC. 5082. DELMARVA CONSERVATION CORRIDOR, MARY-**
19 **LAND AND DELAWARE.**

20 (a) *ASSISTANCE.*—The Secretary may provide tech-
21 nical assistance to the Secretary of Agriculture for use in
22 carrying out the Conservation Corridor Demonstration Pro-
23 gram established under subtitle G of title II of the Farm
24 Security and Rural Investment Act of 2002 (16 U.S.C. 3801
25 note; 116 Stat. 275).

1 (b) *COORDINATION AND INTEGRATION.*—*In carrying*
2 *out water resources projects in Maryland and Delaware on*
3 *the Delmarva Peninsula, the Secretary shall coordinate and*
4 *integrate those projects, to the maximum extent practicable,*
5 *with any activities carried out to implement a conservation*
6 *corridor plan approved by the Secretary of Agriculture*
7 *under section 2602 of the Farm Security and Rural Invest-*
8 *ment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).*

9 **SEC. 5083. MASSACHUSETTS DREDGED MATERIAL DIS-**
10 **POSAL SITES.**

11 *The Secretary may cooperate with Massachusetts in*
12 *the management and long-term monitoring of aquatic*
13 *dredged material disposal sites within the State, and is au-*
14 *thorized to accept funds from the State to carry out such*
15 *activities.*

16 **SEC. 5084. ONTONAGON HARBOR, MICHIGAN.**

17 *The Secretary shall conduct a study of shore damage*
18 *in the vicinity of the project for navigation, Ontonagon*
19 *Harbor, Ontonagon County, Michigan, authorized by sec-*
20 *tion 101 of the Rivers and Harbors Act of 1962 (76 Stat.*
21 *1176, 100 Stat. 4213, 110 Stat. 3730), to determine if the*
22 *damage is the result of a Federal navigation project, and,*
23 *if the Secretary determines that the damage is the result*
24 *of a Federal navigation project, the Secretary shall carry*

1 *out a project to mitigate the damage under section 111 of*
2 *the River and Harbor Act of 1968 (33 U.S.C. 426i).*

3 **SEC. 5085. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**
4 **GAN.**

5 (a) *ECOSYSTEM RESTORATION.*—*The Secretary shall*
6 *carry out feasible aquatic ecosystem restoration projects*
7 *identified in the comprehensive management plan for St.*
8 *Clair River and Lake St. Clair, Michigan, developed under*
9 *section 426 of the Water Resources Development Act of 1999*
10 *(113 Stat. 326), at a total Federal cost of not to exceed*
11 *\$5,000,000.*

12 (b) *PLAN.*—*Section 426(d) of the Water Resources De-*
13 *velopment Act of 1999 (113 Stat. 326) is amended by strik-*
14 *ing “\$400,000” and inserting “\$475,000”.*

15 **SEC. 5086. CROOKSTON, MINNESOTA.**

16 *The Secretary shall conduct a study for a project for*
17 *emergency streambank protection along the Red Lake River*
18 *in Crookston, Minnesota, and, if the Secretary determines*
19 *that the project is feasible, the Secretary may carry out the*
20 *project under section 14 of the Flood Control Act of 1946*
21 *(33 U.S.C. 701r); except that the maximum amount of Fed-*
22 *eral funds that may be expended for the project shall be*
23 *\$6,500,000.*

1 **SEC. 5087. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.**

2 (a) *PROJECT DESCRIPTION.*—Section 219(f)(61) of the
3 *Water Resources Development Act of 1992 (114 Stat.*
4 *2763A–221)* is amended—

5 (1) *in the paragraph heading by striking “TOWN-*
6 *SHIP” and inserting “TOWNSHIP AND CROW WING AND*
7 *MILLE LACS COUNTIES”;*

8 (2) *by striking “\$11,000,000” and inserting*
9 *“\$17,000,000”;*

10 (3) *by inserting “, Crow Wing County, Mille*
11 *Lacs County,” after “Garrison”;* and

12 (4) *by adding at the end the following: “Such as-*
13 *sistance shall be provided directly to the Garrison-*
14 *Kathio-West Mille Lacs Lake Sanitary District, Min-*
15 *nesota.”.*

16 (b) *PROCEDURES.*—*In carrying out the project author-*
17 *ized by such section 219(f)(61), the Secretary may use the*
18 *cost sharing and contracting procedures available to the*
19 *Secretary under section 569 of the Water Resources Devel-*
20 *opment Act of 1999 (113 Stat. 368).*

21 **SEC. 5088. MINNEAPOLIS, MINNESOTA.**

22 (a) *CONVEYANCE.*—*The Secretary shall convey to the*
23 *city of Minneapolis by quitclaim deed and without consid-*
24 *eration all right, title, and interest of the United States to*
25 *the property known as the War Department (Fort Snelling*
26 *Interceptor) Tunnel in Minneapolis, Minnesota.*

1 (b) *APPLICABILITY OF PROPERTY SCREENING PROVI-*
2 *SIONS.*—Section 2696 of title 10, United States Code, shall
3 *not apply to the conveyance under this section.*

4 **SEC. 5089. NORTHEASTERN MINNESOTA.**

5 (a) *IN GENERAL.*—Section 569 of the Water Resources
6 *Development Act of 1999 (113 Stat. 368) is amended—*

7 (1) *in subsection (a) by striking “Benton,*
8 *Sherburne,” and inserting “Beltrami, Hubbard,*
9 *Wadena,”;*

10 (2) *by striking the last sentence of subsection*
11 *(e)(3)(B);*

12 (3) *by striking subsection (g) and inserting the*
13 *following:*

14 “*(g) NONPROFIT ENTITIES.*—Notwithstanding section
15 *221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–*
16 *5b(b)), for any project undertaken under this section, a non-*
17 *Federal interest may include a nonprofit entity.”; and*

18 (4) *by adding at the end the following:*

19 “*(i) CORPS OF ENGINEERS EXPENSES.*—Ten percent
20 *of the amounts appropriated to carry out this section may*
21 *be used by the Corps of Engineers district offices to admin-*
22 *ister projects under this section at 100 percent Federal ex-*
23 *pense.”.*

24 (b) *BIWABIK, MINNESOTA.*—The Secretary shall reim-
25 *burse the non-Federal interest for the project for environ-*

1 *mental infrastructure, Biwabik, Minnesota, carried out*
2 *under section 569 of the Water Resources Development Act*
3 *of 1999 (113 Stat. 368), for planning, design, and construc-*
4 *tion costs that were incurred by the non-Federal interest*
5 *with respect to the project before the date of the partnership*
6 *agreement for the project and that were in excess of the non-*
7 *Federal share of the cost of the project if the Secretary deter-*
8 *mines that the costs are appropriate.*

9 **SEC. 5090. HARRISON, HANCOCK, AND JACKSON COUNTIES,**
10 **MISSISSIPPI.**

11 *In carrying out projects for the protection, restoration,*
12 *and creation of aquatic and ecologically related habitats lo-*
13 *cated in Harrison, Hancock, and Jackson Counties, Mis-*
14 *sissippi, under section 204 of the Water Resources Develop-*
15 *ment Act of 1992 (33 U.S.C. 2326), the Secretary shall ac-*
16 *cept any portion of the non-Federal share of the cost of the*
17 *project in the form of in-kind services and materials.*

18 **SEC. 5091. MISSISSIPPI RIVER, MISSOURI, AND ILLINOIS.**

19 *As a part of the operation and maintenance of the*
20 *project for the Mississippi River (Regulating Works), be-*
21 *tween the Ohio and Missouri Rivers, Missouri and Illinois,*
22 *authorized by the first section of an Act entitled “Making*
23 *appropriations for the construction, repair, and preserva-*
24 *tion of certain public works on rivers and harbors, and for*
25 *other purposes”, approved June 25, 1910, the Secretary*

1 *may carry out activities necessary to restore and protect*
2 *fish and wildlife habitat in the middle Mississippi River*
3 *system. Such activities may include modification of naviga-*
4 *tion training structures, modification and creation of side*
5 *channels, modification and creation of islands, and studies*
6 *and analysis necessary to apply adaptive management*
7 *principles in design of future work.*

8 **SEC. 5092. ST. LOUIS, MISSOURI.**

9 *Section 219(f)(32) of the Water Resources Development*
10 *Act of 1992 (113 Stat. 337) is amended by striking*
11 *“\$15,000,000” and inserting “\$35,000,000”.*

12 **SEC. 5093. ACID BROOK, POMPTON LAKES, NEW JERSEY.**

13 *The Secretary shall carry out a project for flood dam-*
14 *age reduction under section 205 of the Flood Control Act*
15 *of 1948 (33 U.S.C. 701s), Acid Brook, Pompton Lakes, New*
16 *Jersey, if the Secretary determines that the project is fea-*
17 *sible.*

18 **SEC. 5094. HACKENSACK MEADOWLANDS AREA, NEW JER-**

19 **SEY.**

20 *Section 324 of the Water Resources Development Act*
21 *of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—*

22 *(1) in subsection (a)—*

23 *(A) by striking “design” and inserting*
24 *“planning, design,”; and*

1 (B) by striking “Hackensack Meadowlands
2 Development” and all that follows through “Plan
3 for” and inserting “New Jersey Meadowlands
4 Commission for the development of an environ-
5 mental improvement program for”;

6 (2) in subsection (b)—

7 (A) in the subsection heading by striking
8 “REQUIRED”;

9 (B) by striking “shall” and inserting
10 “may”;

11 (C) by striking paragraph (1) and inserting
12 the following:

13 “(1) Restoration and acquisitions of significant
14 wetlands and aquatic habitat that contribute to the
15 Meadowlands ecosystem.”;

16 (D) in paragraph (2) by inserting “and
17 aquatic habitat” before the period at the end;
18 and

19 (E) by striking paragraph (7) and inserting
20 the following:

21 “(7) Research, development, and implementation
22 for a water quality improvement program, including
23 restoration of hydrology and tidal flows and remedi-
24 ation of hot spots and other sources of contaminants
25 that degrade existing or planned sites.”;

1 (3) *in subsection (c) by inserting before the last*
2 *sentence the following: “The non-Federal sponsor may*
3 *also provide in-kind services, not to exceed the non-*
4 *Federal share of the total project cost, and may also*
5 *receive credit for reasonable cost of design work com-*
6 *pleted prior to entering into the partnership agree-*
7 *ment with the Secretary for a project to be carried*
8 *out under the program developed under subsection*
9 *(a).”;* and

10 (4) *in subsection (d) by striking “\$5,000,000”*
11 *and inserting “\$35,000,000”.*

12 **SEC. 5095. CENTRAL NEW MEXICO, NEW MEXICO.**

13 (a) *AUTHORIZATION OF APPROPRIATIONS.—Section*
14 *593(h) of the Water Resources Development Act of 1999*
15 *(113 Stat. 381) is amended by striking “\$25,000,000” and*
16 *inserting “\$40,000,000”.*

17 (b) *CORPS OF ENGINEERS EXPENSES.—Section 593 of*
18 *such Act (113 Stat. 381) is amended by adding at the end*
19 *the following:*

20 “(i) *CORPS OF ENGINEERS EXPENSES.—Ten percent*
21 *of the amounts appropriated to carry out this section may*
22 *be used by the Corps of Engineers district offices to admin-*
23 *ister projects under this section at 100 percent Federal ex-*
24 *pense.”.*

1 **SEC. 5096. ATLANTIC COAST OF NEW YORK.**

2 (a) *DEVELOPMENT OF PROGRAM.*—Section 404(a) of
3 the Water Resources Development Act of 1992 (106 Stat.
4 4863) is amended—

5 (1) by striking “processes” and inserting “and
6 related environmental processes”;

7 (2) by inserting after “Atlantic Coast” the fol-
8 lowing: “(and associated back bays)”;

9 (3) by inserting after “actions” the following: “,
10 environmental restoration or conservation measures
11 for coastal and back bays,”; and

12 (4) by adding at the end the following: “The
13 plan for collecting data and monitoring information
14 included in such annual report shall be fully coordi-
15 nated with and agreed to by appropriate agencies of
16 the State of New York.”.

17 (b) *ANNUAL REPORTS.*—Section 404(b) of such Act is
18 amended—

19 (1) by striking “*INITIAL PLAN.*—Not later than
20 12 months after the date of the enactment of this Act,
21 the” and inserting “*ANNUAL REPORTS.*—The”;

22 (2) by striking “initial plan for data collection
23 and monitoring” and inserting “annual report of
24 data collection and monitoring activities”; and

25 (3) by striking the last sentence.

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—Section
2 404(c) of such Act (113 Stat. 341) is amended by striking
3 “and an additional total of \$2,500,000 for fiscal years
4 thereafter” and inserting “\$2,500,000 for fiscal years 2000
5 through 2004, and \$7,500,000 for fiscal years beginning
6 after September 30, 2004.”.

7 (d) *TSUNAMI WARNING SYSTEM.*—Section 404 of the
8 *Water Resources Development Act of 1992* (106 Stat. 4863)
9 is amended by adding at the end the following:

10 “(d) *TSUNAMI WARNING SYSTEM.*—There is author-
11 ized to be appropriated \$800,000 for the Secretary to carry
12 out a project for a tsunami warning system, Atlantic Coast
13 of New York.”.

14 **SEC. 5097. COLLEGE POINT, NEW YORK CITY, NEW YORK.**

15 In carrying out section 312 of the *Water Resources De-*
16 *velopment Act of 1990* (104 Stat. 4639), the Secretary shall
17 give priority to work in College Point, New York City, New
18 York.

19 **SEC. 5098. FLUSHING BAY AND CREEK, NEW YORK CITY,**
20 **NEW YORK.**

21 The Secretary shall credit toward the non-Federal
22 share of the cost of the project for ecosystem restoration,
23 Flushing Bay and Creek, New York City, New York, the
24 cost of design and construction work carried out by the non-
25 Federal interest before the date of the partnership agreement

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

3 **SEC. 5099. HUDSON RIVER, NEW YORK.**

4 *The Secretary may participate with the State of New*
5 *York, New York City, and the Hudson River Park Trust*
6 *in carrying out activities to restore critical marine habitat,*
7 *improve safety, and protect and rehabilitate critical infra-*
8 *structure. There is authorized to be appropriated*
9 *\$5,000,000 to carry out this section.*

10 **SEC. 5100. MOUNT MORRIS DAM, NEW YORK.**

11 *As part of the operation and maintenance of the Mount*
12 *Morris Dam, New York, the Secretary may make improve-*
13 *ments to the access road for the dam to provide safe access*
14 *to a Federal visitor's center.*

15 **SEC. 5101. ONONDAGA LAKE, NEW YORK.**

16 *Section 573 of the Water Resources Development Act*
17 *of 1999 (113 Stat. 372) is amended—*

18 *(1) in subsection (f) by striking “\$10,000,000”*
19 *and inserting “\$30,000,000”;*

20 *(2) by redesignating subsections (f) and (g) as*
21 *subsections (g) and (h), respectively; and*

22 *(3) by inserting after subsection (e) the following:*

23 *“(f) NONPROFIT ENTITIES.—Notwithstanding section*
24 *221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–*
25 *5b(b)), for any project carried out under this section, a non-*

1 *Federal interest may include a nonprofit entity, with the*
2 *consent of the affected local government.”.*

3 **SEC. 5102. JOHN H. KERR DAM AND RESERVOIR, NORTH**
4 **CAROLINA.**

5 *The Secretary shall expedite the completion of the cal-*
6 *culations necessary to negotiate and execute a revised, per-*
7 *manent contract for water supply storage at John H. Kerr*
8 *Dam and Reservoir, North Carolina, among the Secretary*
9 *and the Kerr Lake Regional Water System and the city of*
10 *Henderson, North Carolina.*

11 **SEC. 5103. STANLY COUNTY, NORTH CAROLINA.**

12 *Section 219(f)(64) of the Water Resources Development*
13 *Act of 1992 (114 Stat. 2763A–221) is amended by inserting*
14 *“water and” before “wastewater”.*

15 **SEC. 5104. W. KERR SCOTT DAM AND RESERVOIR, NORTH**
16 **CAROLINA.**

17 *The Secretary shall remove debris from the joint intake*
18 *at the W. Kerr Scott Dam and Reservoir, North Carolina.*

19 **SEC. 5105. OHIO.**

20 *Section 594 of the Water Resources Development Act*
21 *of 1999 (113 Stat. 381) is amended—*

22 *(1) in subsection (b) by striking “design and*
23 *construction” and inserting “planning, design, and*
24 *construction”;*

1 (2) *in subsection (g) by striking “\$60,000,000”*
2 *and inserting “\$100,000,000”; and*

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

4 “(h) *NONPROFIT ENTITIES.*—*Notwithstanding section*
5 *221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–*
6 *5(b)), for any project undertaken under this section, a non-*
7 *Federal interest may include a nonprofit entity, with the*
8 *consent of the affected local government.”.*

9 **SEC. 5106. TOUSSAINT RIVER, OHIO.**

10 (a) *IN GENERAL.*—*The project for navigation, Tous-*
11 *saint River, Carroll Township, Ohio, authorized by section*
12 *107 of the River and Harbor Act of 1960 (33 U.S.C. 577),*
13 *is modified to authorize the Secretary to enter into an*
14 *agreement with the non-Federal interest under which the*
15 *Secretary may—*

16 (1) *acquire, and transfer to the non-Federal in-*
17 *terest, a dredge and associated equipment with the ca-*
18 *capacity to perform operation and maintenance of the*
19 *project; and*

20 (2) *provide the non-Federal interest with a*
21 *lump-sum payment to cover all future costs of oper-*
22 *ation and maintenance of the project.*

23 (b) *AGREEMENT.*—*The Secretary may carry out sub-*
24 *section (a)(1) by entering into an agreement with the non-*
25 *Federal interest under which the non-Federal interest may*

1 *acquire the dredge and associated equipment directly and*
2 *be reimbursed by the Secretary.*

3 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated \$1,800,000 to carry out this*
5 *section. Of such funds, \$500,000 may be used to carry out*
6 *subsection (a)(1).*

7 (d) *RELEASE.—Upon the acquisition and transfer of*
8 *a dredge and associated equipment under subsection (a)(1),*
9 *and the payment of funds under subsection (a)(2), all future*
10 *Federal responsibility for operation and maintenance of the*
11 *project is extinguished.*

12 **SEC. 5107. EUGENE, OREGON.**

13 (a) *IN GENERAL.—The Secretary shall conduct a*
14 *study to determine the feasibility of restoring the millrace*
15 *in Eugene, Oregon, and, if the Secretary determines that*
16 *the restoration is feasible, the Secretary shall carry out the*
17 *restoration.*

18 (b) *CONSIDERATION OF NONECONOMIC BENEFITS.—In*
19 *determining the feasibility of restoring the millrace, the Sec-*
20 *retary shall include noneconomic benefits associated with*
21 *the historical significance of the millrace and associated*
22 *with preservation and enhancement of resources.*

23 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
24 *authorized to be appropriated to carry out this section*
25 *\$20,000,000.*

1 **SEC. 5108. JOHN DAY LOCK AND DAM, LAKE UMATILLA, OR-**
2 **EGON AND WASHINGTON.**

3 (a) *IN GENERAL.*—*The Secretary shall pay not more*
4 *than \$2,500,000 to the provider of research and curation*
5 *support previously provided to the Federal Government as*
6 *a result of—*

7 (1) *the multipurpose project at John Day Lock*
8 *and Dam, Lake Umatilla, Oregon and Washington,*
9 *authorized by section 101 of the River and Harbor*
10 *Act of 1950 (64 Stat. 167); and*

11 (2) *the several navigation and flood damage re-*
12 *duction projects constructed on the Columbia River*
13 *and Lower Willamette River, Oregon and Wash-*
14 *ington.*

15 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
16 *authorized to be appropriated to carry out this section*
17 *\$2,500,000.*

18 **SEC. 5109. LOWELL, OREGON.**

19 (a) *IN GENERAL.*—*The Secretary may convey without*
20 *consideration to Lowell School District, by quitclaim deed,*
21 *all right, title, and interest of the United States in and to*
22 *land and buildings thereon, known as Tract A-82, located*
23 *in Lowell, Oregon, and described in subsection (b).*

24 (b) *DESCRIPTION OF PROPERTY.*—*The parcel of land*
25 *authorized to be conveyed under subsection (a) is as follows:*
26 *Commencing at the point of intersection of the west line*

1 of Pioneer Street with the westerly extension of the north
2 line of Summit Street, in Meadows Addition to Lowell, as
3 platted and recorded at page 56 of Volume 4, Lane County
4 Oregon Plat Records; thence north on the west line of Pio-
5 neer Street a distance of 176.0 feet to the true point of be-
6 ginning of this description; thence north on the west line
7 of Pioneer Street a distance of 170.0 feet; thence west at
8 right angles to the west line of Pioneer Street a distance
9 of 250.0 feet; thence south and parallel to the west line of
10 Pioneer Street a distance of 170.0 feet; thence east 250.0
11 feet to the true point of beginning of this description in
12 Section 14, Township 19 South, Range 1 West of the Wil-
13 lamette Meridian, Lane County, Oregon.

14 (c) *TERMS AND CONDITIONS.*—Before conveying the
15 parcel to the school district, the Secretary shall ensure that
16 the conditions of buildings and facilities meet the require-
17 ments of applicable Federal law.

18 (d) *REVERSION.*—If the Secretary determines that the
19 property conveyed under subsection (a) ceases to be held in
20 public ownership, all right, title, and interest in and to the
21 property shall revert to the United States, at the option of
22 the United States.

23 (e) *GENERALLY APPLICABLE PROVISIONS.*—

24 (1) *APPLICABILITY OF PROPERTY SCREENING*
25 *PROVISIONS.*—Section 2696 of title 10, United States

1 Code, shall not apply to any conveyance under this
2 section.

3 (2) *LIABILITY.*—An entity to which a conveyance
4 is made under this section shall hold the United
5 States harmless from any liability with respect to ac-
6 tivities carried out, on or after the date of the convey-
7 ance, on the real property conveyed. The United
8 States shall remain responsible for any liability with
9 respect to activities carried out, before such date, on
10 the real property conveyed.

11 **SEC. 5110. ALLEGHENY COUNTY, PENNSYLVANIA.**

12 Section 219(f)(66) of the Water Resources Development
13 Act of 1992 (114 Stat. 2763A–221) is amended—

14 (1) by striking “\$20,000,000” and inserting the
15 following:

16 “(A) *IN GENERAL.*—\$20,000,000”;

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

18 “(B) *CREDIT.*—The Secretary shall credit
19 toward the non-Federal share of the cost of the
20 project the cost of work carried out by the non-
21 Federal interest before the date of the partnership
22 agreement for the project if the Secretary deter-
23 mines that the work is integral to the project.”;
24 and

1 (3) by aligning the remainder of the text of sub-
 2 paragraph (A) (as designated by paragraph (1) of
 3 this section) with subparagraph (B) (as added by
 4 paragraph (2) of this section).

5 **SEC. 5111. LEHIGH RIVER, LEHIGH COUNTY, PENNSYL-**
 6 **VANIA.**

7 *The Secretary shall use existing water quality data to*
 8 *model the effects of the Francis E. Walter Dam, at different*
 9 *water levels, to determine its impact on water and related*
 10 *resources in and along the Lehigh River in Lehigh County,*
 11 *Pennsylvania. There is authorized to be appropriated*
 12 *\$500,000 to carry out this section.*

13 **SEC. 5112. NORTHEAST PENNSYLVANIA.**

14 *Section 219(f)(11) of the Water Resources Development*
 15 *Act of 1992 (113 Stat. 335) is amended by striking “and*
 16 *Monroe” and inserting “Northumberland, Union, Snyder,*
 17 *and Montour”.*

18 **SEC. 5113. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**
 19 **VANIA AND NEW YORK.**

20 (a) *STUDY AND STRATEGY DEVELOPMENT.*—*Section*
 21 *567(a) of the Water Resources Development Act of 1996*
 22 *(110 Stat. 3787; 114 Stat. 2662) is amended—*

23 (1) *in the matter preceding paragraph (1) by in-*
 24 *serting “and carry out” after “develop”; and*

1 (2) *in paragraph (2) by striking “\$10,000,000.”*
2 *and inserting “\$20,000,000, of which the Secretary*
3 *may utilize not more than \$5,000,000 to design and*
4 *construct feasible pilot projects during the develop-*
5 *ment of the strategy to demonstrate alternative ap-*
6 *proaches for the strategy. The total cost for any single*
7 *pilot project may not exceed \$500,000. The Secretary*
8 *shall evaluate the results of the pilot projects and con-*
9 *sider the results in the development of the strategy.”.*

10 (b) *COOPERATIVE AGREEMENTS.—Section 567(c) of*
11 *such Act (114 Stat. 2662) is amended—*

12 (1) *in the subsection heading by striking “CO-*
13 *OPERATION” and inserting “COOPERATIVE”; and*

14 (2) *in the first sentence—*

15 (A) *by inserting “and carrying out” after*
16 *“developing”; and*

17 (B) *by striking “cooperation” and inserting*
18 *“cost-sharing and cooperative”.*

19 (c) *IMPLEMENTATION OF STRATEGY.—Section 567(d)*
20 *of such Act (114 Stat. 2663) is amended—*

21 (1) *by striking “The Secretary” and inserting*
22 *the following:*

23 “(1) *IN GENERAL.—The Secretary*”;

24 (2) *in the second sentence of paragraph (1) (as*
25 *so designated)—*

1 (A) by striking “implement” and inserting
2 “carry out”; and

3 (B) by striking “implementing” and insert-
4 ing “carrying out”;

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

6 “(2) *PRIORITY PROJECT.*—In carrying out
7 projects to implement the strategy, the Secretary shall
8 give priority to the project for ecosystem restoration,
9 Cooperstown, New York, described in the Upper Sus-
10 quehanna River Basin—Cooperstown Area Ecosystem
11 Restoration Feasibility Study, dated December 2004,
12 prepared by the Corps of Engineers and the New York
13 State Department of Environmental Conservation.”;
14 and

15 (4) by aligning the remainder of the text of
16 paragraph (1) (as designated by paragraph (1) of this
17 subsection) with paragraph (2) (as added by para-
18 graph (3) of this subsection).

19 (d) *CREDIT.*—Section 567 of such Act (110 Stat. 3787;
20 114 Stat. 2662) is amended by adding at the end the fol-
21 lowing:

22 “(e) *CREDIT.*—The Secretary shall credit toward the
23 non-Federal share of the cost of a project under this sec-
24 tion—

1 “(1) the cost of design and construction work
2 carried out by the non-Federal interest before the date
3 of the partnership agreement for the project if the Sec-
4 retary determines that the work is integral to the
5 project; and

6 “(2) the cost of in-kind services and materials
7 provided for the project by the non-Federal interest.”.

8 **SEC. 5114. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.**

9 *The Secretary shall review a report prepared by the*
10 *non-Federal interest concerning flood protection and envi-*
11 *ronmental restoration for Cano Martin Pena, San Juan,*
12 *Puerto Rico, and, if the Secretary determines that the re-*
13 *port meets the evaluation and design standards of the Corps*
14 *of Engineers and that the project is feasible, the Secretary*
15 *may carry out the project at a total cost of \$130,000,000,*
16 *with an estimated Federal cost of \$85,000,000 and an esti-*
17 *mated non-Federal cost of \$45,000,000.*

18 **SEC. 5115. BEAUFORT AND JASPER COUNTIES, SOUTH**
19 **CAROLINA.**

20 *The Secretary may accept from the Department of the*
21 *Navy, and may use, not to exceed \$23,000,000 to assist the*
22 *Beaufort Jasper Water and Sewage Authority, South Caro-*
23 *lina, with its plan to consolidate civilian and military*
24 *wastewater treatment facilities.*

1 **SEC. 5116. FRITZ LANDING, TENNESSEE.**

2 *The Secretary shall—*

3 *(1) conduct a study of the Fritz Landing Agri-*
4 *cultural Spur Levee, Tennessee, to determine the ex-*
5 *tent of levee modifications that would be required to*
6 *make the levee and associated drainage structures*
7 *consistent with Federal standards;*

8 *(2) design and construct such modifications; and*

9 *(3) after completion of such modifications, incor-*
10 *porate the levee into the project for flood control, Mis-*
11 *sissippi River and Tributaries, authorized by the Act*
12 *entitled “An Act for the control of floods on the Mis-*
13 *sissippi River and its tributaries, and for other pur-*
14 *poses”, approved May 15, 1928 (45 Stat. 534–539),*
15 *commonly known as the “Flood Control Act of 1928”.*

16 **SEC. 5117. J. PERCY PRIEST DAM AND RESERVOIR, TEN-**
17 **NESSEE.**

18 *The Secretary shall plan, design, and construct a trail*
19 *system at the J. Percy Priest Dam and Reservoir, Ten-*
20 *nessee, authorized by section 4 of the Act entitled “An Act*
21 *authorizing the construction of certain public works on riv-*
22 *ers and harbors for flood control, and for other purposes”,*
23 *approved June 28, 1938 (52 Stat. 1217), including design*
24 *and construction of support facilities for public health and*
25 *safety associated with trail development. In carrying out*
26 *such improvements, the Secretary is authorized to use funds*

1 *made available by the State of Tennessee from any Federal*
2 *or State source, or both.*

3 **SEC. 5118. TOWN CREEK, LENOIR CITY, TENNESSEE.**

4 *The Secretary shall design and construct the project*
5 *for flood damage reduction designated as Alternative 4 in*
6 *the Town Creek, Lenoir City, Loudon County, Tennessee,*
7 *feasibility report of the Nashville district engineer, dated*
8 *November 2000, under the authority of section 205 of the*
9 *Flood Control Act of 1948 (33 U.S.C. 701s), notwith-*
10 *standing section 1 of the Flood Control Act of June 22, 1936*
11 *(33 U.S.C. 701a; 49 Stat. 1570). The non-Federal share of*
12 *the cost of the project shall be subject to section 103(a) of*
13 *the Water Resources Development Act of 1986 (33 U.S.C.*
14 *2213(a)).*

15 **SEC. 5119. TENNESSEE RIVER PARTNERSHIP.**

16 *(a) IN GENERAL.—As part of the operation and main-*
17 *tenance of the project for navigation, Tennessee River, Ten-*
18 *nessee, Alabama, Mississippi, and Kentucky, authorized by*
19 *the first section of the River and Harbor Act of July 3,*
20 *1930 (46 Stat. 927), the Secretary may enter into a part-*
21 *nership with a nonprofit entity to remove debris from the*
22 *Tennessee River in the vicinity of Knoxville, Tennessee, by*
23 *providing a vessel to such entity, at Federal expense, for*
24 *such debris removal purposes.*

1 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated to carry out this section*
3 *\$500,000.*

4 **SEC. 5120. UPPER MISSISSIPPI EMBAYMENT, TENNESSEE,**
5 **ARKANSAS, AND MISSISSIPPI.**

6 *The Secretary may participate with non-Federal and*
7 *nonprofit entities to address issues concerning managing*
8 *groundwater as a sustainable resource through the Upper*
9 *Mississippi Embayment, Tennessee, Arkansas, and Mis-*
10 *issippi, and coordinating the protection of groundwater*
11 *supply and groundwater quality with local surface water*
12 *protection programs. There is authorized to be appropriated*
13 *\$5,000,000 to carry out this section.*

14 **SEC. 5121. BOSQUE RIVER WATERSHED, TEXAS.**

15 (a) *COMPREHENSIVE PLAN.*—*The Secretary, in con-*
16 *sultation with appropriate Federal, State, and local enti-*
17 *ties, shall develop, as expeditiously as practicable, a com-*
18 *prehensive plan for development of new technologies and in-*
19 *novative approaches for restoring, preserving, and pro-*
20 *tecting the Bosque River watershed within Bosque, Ham-*
21 *ilton, McLennan, and Erath Counties, Texas. The Sec-*
22 *retary, in cooperation with the Secretary of Agriculture,*
23 *may carry out activities identified in the comprehensive*
24 *plan to demonstrate practicable alternatives for stabiliza-*

1 *tion and enhancement of land and water resources in the*
2 *basin.*

3 **(b) SERVICES OF PUBLIC NON-PROFIT INSTITUTIONS**
4 **AND OTHER ENTITIES.**—*In carrying out subsection (a), the*
5 *Secretary may utilize, through contracts or other means,*
6 *the services of public non-profit institutions and such other*
7 *entities as the Secretary considers appropriate.*

8 **(c) NON-FEDERAL SHARE.**—

9 **(1) IN GENERAL.**—*The non-Federal share of the*
10 *cost of activities carried out under this section shall*
11 *be 35 percent.*

12 **(2) CREDIT.**—*The Secretary shall credit toward*
13 *the non-Federal share of the cost of activities carried*
14 *out under this section the cost of planning, design,*
15 *and construction work completed by or on behalf of*
16 *the non-Federal interests for implementation of meas-*
17 *ures constructed with assistance provided under this*
18 *section. The amount of such credit shall not exceed the*
19 *non-Federal share of the cost of such activities.*

20 **(3) OPERATION AND MAINTENANCE.**—*The non-*
21 *Federal share of the cost of operation and mainte-*
22 *nance for measures constructed with assistance pro-*
23 *vided under this section shall be 100 percent.*

1 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated to carry out this section*
3 *\$5,000,000.*

4 **SEC. 5122. DALLAS FLOODWAY, DALLAS, TEXAS.**

5 (a) *IN GENERAL.*—*The Secretary shall review the Bal-*
6 *anced Vision Plan for the Trinity River Corridor, Dallas,*
7 *Texas, dated December 2003 and amended in March 2004,*
8 *prepared by the non-Federal interest for the project for flood*
9 *damage reduction and other purposes, Dallas Floodway,*
10 *Dallas, Texas, and, if the Secretary determines that the*
11 *project is technically sound and environmentally accept-*
12 *able, shall carry out the project at a total cost of*
13 *\$194,000,000, with an estimated Federal cost of*
14 *\$126,100,000 and an estimated non-Federal cost of*
15 *\$67,900,000.*

16 (b) *CREDIT.*—

17 (1) *IN-KIND CONTRIBUTIONS.*—*The Secretary*
18 *shall credit toward the non-Federal share of the cost*
19 *of the project the cost of planning, design, and con-*
20 *struction work carried out by the non-Federal interest*
21 *before the date of the partnership agreement for the*
22 *project if the Secretary determines that the work is*
23 *integral to the project.*

24 (2) *CASH CONTRIBUTIONS.*—*The Secretary shall*
25 *accept funds provided by the non-Federal interests for*

1 *use in carrying out planning, engineering, and design*
2 *for the project. The Federal share of such planning,*
3 *engineering, and design carried out with non-Federal*
4 *contributions shall be credited against the non-Fed-*
5 *eral share of project costs.*

6 **SEC. 5123. HARRIS COUNTY, TEXAS.**

7 (a) *IN GENERAL.*—Section 575(a) of the Water Re-
8 *sources Development Act of 1996 (110 Stat. 3789; 113 Stat.*
9 *311) is amended by inserting before the period at the end*
10 *the following: “, whether or not such works or actions are*
11 *partially funded under the hazard mitigation grant pro-*
12 *gram of the Federal Emergency Management Agency”.*

13 (b) *SPECIFIC PROJECTS.*—Section 575(b) of such Act
14 (110 Stat. 3789; 113 Stat. 311) is amended—

15 (1) *in paragraph (3) by striking “and” at the*
16 *end;*

17 (2) *in paragraph (4) by striking the period at*
18 *the end and inserting “; and”; and*

19 (3) *by adding the following:*

20 *“(5) the project for flood control, Upper White*
21 *Oak Bayou, Texas, authorized by section 401(a) of the*
22 *Water Resources Development Act of 1986 (100 Stat.*
23 *4125).”.*

1 **SEC. 5124. ONION CREEK, TEXAS.**

2 *In carrying out the study for the project for flood dam-*
3 *age reduction, recreation, and ecosystem restoration, Onion*
4 *Creek, Texas, the Secretary shall include the costs and bene-*
5 *fits associated with the relocation of flood-prone residences*
6 *in the study area for the project in the period beginning*
7 *2 years before the date of initiation of the study and ending*
8 *on the date of execution of the partnership agreement for*
9 *construction of the project to the extent the Secretary deter-*
10 *mines such relocations are compatible with the project. The*
11 *Secretary shall credit toward the non-Federal share of the*
12 *cost of the project the cost of relocation of such flood-prone*
13 *residences incurred by the non-Federal interest before the*
14 *date of the partnership agreement for the project if the Sec-*
15 *retary determines that the relocation of such residences is*
16 *integral to the project.*

17 **SEC. 5125. DYKE MARSH, FAIRFAX COUNTY, VIRGINIA.**

18 *The Secretary shall accept funds from the National*
19 *Park Service to restore Dyke Marsh, Fairfax County, Vir-*
20 *ginia.*

21 **SEC. 5126. EASTERN SHORE AND SOUTHWEST VIRGINIA.**

22 *Section 219(f)(10) of the Water Resources Development*
23 *Act of 1992 (106 Stat. 4835; 113 Stat. 335) is amended—*

24 *(1) by striking “\$20,000,000 for water supply*
25 *and wastewater infrastructure” and inserting the fol-*
26 *lowing:*

1 “(A) *IN GENERAL.*—\$20,000,000 for water
2 supply, wastewater infrastructure, and environ-
3 mental restoration”;

4 (2) by adding at the end the following:

5 “(B) *CREDIT.*—The Secretary shall credit
6 toward the non-Federal share of the cost of the
7 project the cost of work carried out by the non-
8 Federal interest before the date of the partnership
9 agreement for the project if the Secretary deter-
10 mines that the work is integral to the project.”;

11 and

12 (3) by aligning the remainder of the text of sub-
13 paragraph (A) (as designated by paragraph (1) of
14 this section) with subparagraph (B) (as added by
15 paragraph (2) of this section).

16 **SEC. 5127. JAMES RIVER, VIRGINIA.**

17 The Secretary shall accept funds from the National
18 Park Service to provide technical and project management
19 assistance for the James River, Virginia, with a particular
20 emphasis on locations along the shoreline adversely im-
21 pacted by Hurricane Isabel.

22 **SEC. 5128. BAKER BAY AND ILWACO HARBOR, WASHINGTON.**

23 The Secretary shall conduct a study of increased silta-
24 tion in Baker Bay and Ilwaco Harbor, Washington, to de-
25 termine if the siltation is the result of a Federal navigation

1 *project (including diverted flows from the Columbia River)*
2 *and, if the Secretary determines that the siltation is the*
3 *result of a Federal navigation project, the Secretary shall*
4 *carry out a project to mitigate the siltation as part of main-*
5 *tenance of the Federal navigation project.*

6 **SEC. 5129. HAMILTON ISLAND CAMPGROUND, WASHINGTON.**

7 *The Secretary is authorized to plan, design, and con-*
8 *struct a campground for Bonneville Lock and Dam at*
9 *Hamilton Island (also know as “Strawberry Island”) in*
10 *Skamania County, Washington.*

11 **SEC. 5130. PUGET ISLAND, WASHINGTON.**

12 *The Secretary is directed to place dredged and other*
13 *suitable material along portions of the Columbia River*
14 *shoreline of Puget Island, Washington, between river miles*
15 *38 to 47 in order to protect economic and environmental*
16 *resources in the area from further erosion, at a Federal cost*
17 *of \$1,000,000. This action shall be coordinated with appro-*
18 *priate resource agencies and comply with applicable Fed-*
19 *eral laws.*

20 **SEC. 5131. WILLAPA BAY, WASHINGTON.**

21 *Section 545 of the Water Resources Development Act*
22 *of 2000 (114 Stat. 2675) is amended—*

23 *(1) in subsection (b)(1) by striking “may con-*
24 *struct” and inserting “shall construct”; and*

1 (2) by inserting “and ecosystem restoration”
2 after “erosion protection” each place it appears.

3 **SEC. 5132. BLUESTONE, WEST VIRGINIA.**

4 Section 547 of the Water Resources Development Act
5 of 2000 (114 Stat. 2676–2678) is amended—

6 (1) in subsection (b)(1)(A) by striking “4 years”
7 and inserting “5 years”;

8 (2) in subsection (b)(1)(B)(iii) by striking “if
9 all” and all that follows through “facility” and in-
10 serting “assurance project”;

11 (3) in subsection (b)(1)(C) by striking “and con-
12 struction” and inserting “, construction, and oper-
13 ation and maintenance”;

14 (4) by adding at the end of subsection (b) the fol-
15 lowing:

16 “(3) OPERATION AND OWNERSHIP.—The Tri-Cit-
17 ies Power Authority shall be the owner and operator
18 of the hydropower facilities referred to in subsection
19 (a).”;

20 (5) in subsection (c)(1)—

21 (A) by striking “No” and inserting “Unless
22 otherwise provided, no”;

23 (B) by inserting “planning,” before “de-
24 sign”; and

1 (C) by striking “prior to” and all that fol-
2 lows through “subsection (d)”;

3 (6) in subsection (c)(2) by striking “design” and
4 inserting “planning, design,”;

5 (7) in subsection (d)—

6 (A) by striking paragraphs (1) and (2) and
7 inserting the following:

8 “(1) APPROVAL.—The Secretary shall review the
9 design and construction activities for all features of
10 the hydroelectric project that pertain to and affect
11 stability of the dam and control the release of water
12 from Bluestone Dam to ensure that the quality of con-
13 struction of those features meets all standards estab-
14 lished for similar facilities constructed by the Sec-
15 retary.”;

16 (B) by redesignating paragraph (3) as
17 paragraph (2);

18 (C) by striking the period at the end of
19 paragraph (2) (as so redesignated) and inserting
20 “, except that hydroelectric power is no longer a
21 project purpose of the facility. Water flow re-
22 leases from the hydropower facilities shall be de-
23 termined and directed by the Corps of Engi-
24 neers.”; and

25 (D) by adding at the end the following:

1 “(3) *COORDINATION.*—Construction of the hydro-
2 electric generating facilities shall be coordinated with
3 the dam safety assurance project currently in the de-
4 sign and construction phases.”;

5 (8) in subsection (e) by striking “in accordance”
6 and all that follows through “58 Stat. 890”;

7 (9) in subsection (f)—

8 (A) by striking “facility of the inter-
9 connected systems of reservoirs operated by the
10 Secretary” each place it appears and inserting
11 “facilities under construction under such agree-
12 ments”; and

13 (B) by striking “design” and inserting
14 “planning, design”;

15 (10) in subsection (f)(2)—

16 (A) by “Secretary” each place it appears
17 and inserting “Tri-Cities Power Authority”; and

18 (B) by striking “facilities referred to in sub-
19 section (a)” and inserting “such facilities”;

20 (11) by striking paragraph (1) of subsection (g)
21 and inserting the following:

22 “(1) to arrange for the transmission of power to
23 the market or to construct such transmission facilities
24 as necessary to market the power produced at the fa-

1 *cilities referred to in subsection (a) with funds con-*
 2 *tributed by the Tri-Cities Power Authority; and”;*

3 *(12) in subsection (g)(2) by striking “such facili-*
 4 *ties” and all that follows through “the Secretary” and*
 5 *inserting “the generating facility”; and*

6 *(13) by adding at the end the following:*

7 *“(i) TRI-CITIES POWER AUTHORITY DEFINED.—In*
 8 *this section, the ‘Tri-Cities Power Authority’ refers to the*
 9 *entity established by the City of Hinton, West Virginia, the*
 10 *City of White Sulphur Springs, West Virginia, and the City*
 11 *of Philippi, West Virginia, pursuant to a document entitled*
 12 *‘Second Amended and Restated Intergovernmental Agree-*
 13 *ment’ approved by the Attorney General of West Virginia*
 14 *on February 14, 2002.”.*

15 **SEC. 5133. WEST VIRGINIA AND PENNSYLVANIA FLOOD**
 16 **CONTROL.**

17 *(a) CHEAT AND TYGART RIVER BASINS, WEST VIR-*
 18 *GINIA.—Section 581(a)(1) of the Water Resources Develop-*
 19 *ment Act of 1996 (110 Stat. 3790; 113 Stat. 313) is amend-*
 20 *ed—*

21 *(1) by striking “flood control measures” and in-*
 22 *serting “structural and nonstructural flood control,*
 23 *streambank protection, stormwater management, and*
 24 *channel clearing and modification measures”; and*

1 (2) by inserting “with respect to measures that
2 incorporate levees or floodwalls” before the semicolon.

3 (b) *PRIORITY COMMUNITIES*.—Section 581(b) of the
4 *Water Resources Development Act of 1996 (110 Stat. 3791)*
5 *is amended—*

6 (1) by striking “and” at the end of paragraph
7 (5);

8 (2) by striking the period at the end of para-
9 graph (6) and inserting a semicolon; and

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

11 “(7) *Etna, Pennsylvania, in the Pine Creek wa-*
12 *tershed; and*

13 “(8) *Millvale, Pennsylvania, in the Girty’s Run*
14 *River basin.*”.

15 (c) *AUTHORIZATION OF APPROPRIATIONS*.—Section
16 *581(c) of the Water Resources Development Act of 1996 (110*
17 *Stat. 3791) is amended by striking “\$12,000,000” and in-*
18 *serting “\$90,000,000”.*

19 **SEC. 5134. LOWER KANAWHA RIVER BASIN, WEST VIRGINIA.**

20 *The Secretary shall conduct a watershed and river*
21 *basin assessment under section 729 of the Water Resources*
22 *Development Act of 1986 (33 U.S.C. 2267a) for the Lower*
23 *Kanawha River Basin, in the counties of Mason, Putnam,*
24 *Kanawha, Jackson, and Roane, West Virginia.*

1 **SEC. 5135. CENTRAL WEST VIRGINIA.**

2 *Section 571 of the Water Resources Development Act*
3 *of 1999 (113 Stat. 371) is amended—*

4 *(1) in subsection (a)—*

5 *(A) by striking “Nicholas,”; and*

6 *(B) by striking “Gilmer,”; and*

7 *(2) by adding at the end the following:*

8 *“(i) NONPROFIT ENTITIES.—Notwithstanding section*
9 *221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–*
10 *5b(b)), for any project undertaken under this section, a non-*
11 *Federal interest may include a nonprofit entity with the*
12 *consent of the affected local government.*

13 *“(j) CORPS OF ENGINEERS EXPENSES.—Ten percent*
14 *of the amounts appropriated to carry out this section may*
15 *be used by the Corps of Engineers district offices to admin-*
16 *ister projects under this section at 100 percent Federal ex-*
17 *pense.”.*

18 **SEC. 5136. SOUTHERN WEST VIRGINIA.**

19 *(a) CORPS OF ENGINEERS.—Section 340 of the Water*
20 *Resources Development Act of 1992 (106 Stat. 4856; 113*
21 *Stat. 320) is amended by adding at the end the following:*

22 *“(h) CORPS OF ENGINEERS.—Ten percent of the*
23 *amounts appropriated to carry out this section may be used*
24 *by the Corps of Engineers district offices to administer*
25 *projects under this section at 100 percent Federal expense.”.*

1 (b) *SOUTHERN WEST VIRGINIA DEFINED.*—Section
2 340(f) of such Act is amended by inserting “Nicholas,” after
3 “Greenbrier,”.

4 (c) *NONPROFIT ENTITIES.*—Section 340 of the Water
5 Resources Development Act of 1992 (106 Stat. 4856) is fur-
6 ther amended by adding at the end the following:

7 “(i) *NONPROFIT ENTITIES.*—Notwithstanding section
8 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–
9 5b(b)), for any project undertaken under this section, a non-
10 Federal interest may include a nonprofit entity with the
11 consent of the affected local government.”.

12 **SEC. 5137. JOHNSONVILLE DAM, JOHNSONVILLE, WIS-**
13 **CONSIN.**

14 *The Secretary shall conduct a study of the Johnsonville*
15 *Dam, Johnsonville, Wisconsin, to determine if the structure*
16 *prevents ice jams on the Sheboygan River.*

17 **SEC. 5138. CONSTRUCTION OF FLOOD CONTROL PROJECTS**
18 **BY NON-FEDERAL INTERESTS.**

19 Section 211(f) of the Water Resources Development Act
20 of 1996 (33 U.S.C. 701b–13) is amended by adding at the
21 end the following:

22 “(9) *BUFFALO BAYOU, TEXAS.*—The project for
23 flood control, Buffalo Bayou, Texas.

24 “(10) *HALLS BAYOU, TEXAS.*—The project for
25 flood control, Halls Bayou, Texas.

1 “(11) *ST. PAUL DOWNTOWN AIRPORT (HOLMAN*
2 *FIELD), ST. PAUL, MINNESOTA.—The project for flood*
3 *damage reduction, St. Paul Downtown Airport (Hol-*
4 *man Field), St. Paul, Minnesota.*

5 “(12) *THORNTON RESERVOIR, COOK COUNTY, IL-*
6 *LINOIS.—The project for flood control, Chicago*
7 *Underflow Plan, Thornton Reservoir, Cook County,*
8 *Illinois.*

9 “(13) *LAROSE TO GOLDEN MEADOW, LOU-*
10 *ISIANA.—The project for flood control, Larose to Gold-*
11 *en Meadow, Louisiana.*

12 “(14) *PERRIS, CALIFORNIA.—The project for*
13 *flood control, Perris, California.”.*

14 **SEC. 5139. USE OF FEDERAL HOPPER DREDGE FLEET.**

15 (a) *STUDY.—The Secretary shall conduct a study on*
16 *the appropriate use of the Federal hopper dredge fleet.*

17 (b) *CONTENTS.—In conducting the study, the Sec-*
18 *retary shall—*

19 (1) *obtain and analyze baseline data to deter-*
20 *mine the appropriate use of the Federal hopper*
21 *dredge fleet;*

22 (2) *prepare a comprehensive analysis of the costs*
23 *and benefits of existing and proposed restrictions on*
24 *the use of the Federal hopper dredge fleet; and*

1 *ment Act of 1999 (113 Stat. 276), shall be treated for*
2 *purposes of this section as being in the Plan, except*
3 *that operation and maintenance costs of the project*
4 *shall remain a non-Federal responsibility.”; and*

5 *(2) in clause (iii) by inserting after “subpara-*
6 *graph (B)” the following: “and the project for aquifer*
7 *storage and recovery, Hillsboro and Okeechobee Aqwi-*
8 *fer”.*

9 **SEC. 6002. PILOT PROJECTS.**

10 *Section 601(b)(2)(B) of the Water Resources Develop-*
11 *ment Act of 2000 (114 Stat. 2681) is amended—*

12 *(1) in the matter preceding clause (i)—*

13 *(A) by striking “\$69,000,000” and inserting*
14 *“\$71,200,000”; and*

15 *(B) by striking “\$34,500,000” each place it*
16 *appears and inserting “\$35,600,000”; and*

17 *(2) in clause (i)—*

18 *(A) by striking “\$6,000,000” and inserting*
19 *“\$8,200,000”; and*

20 *(B) by striking “\$3,000,000” each place it*
21 *appears and inserting “\$4,100,000”.*

22 **SEC. 6003. MAXIMUM COST OF PROJECTS.**

23 *Section 601(b)(2)(E) of the Water Resources Develop-*
24 *ment Act of 2000 (114 Stat. 2683) is amended by inserting*

25 *“and section (d)” before the period at the end.*

1 **SEC. 6004. PROJECT AUTHORIZATION.**

2 *Section 601(d) of the Water Resources Development*
3 *Act of 2000 (114 Stat. 2684) is amended by adding at the*
4 *end the following:*

5 “(3) *PROJECT AUTHORIZATION.*—*The following*
6 *project for water resources development and conserva-*
7 *tion and other purposes is authorized to be carried*
8 *out by the Secretary substantially in accordance with*
9 *the plans, and subject to the conditions, described in*
10 *the report designated in this paragraph:*

11 “(A) *INDIAN RIVER LAGOON SOUTH, FLOR-*
12 *IDA.*—*The project for ecosystem restoration,*
13 *water supply, flood damage reduction, and pro-*
14 *tection of water quality, Indian River Lagoon*
15 *South, Florida: Report of the Chief of Engineers*
16 *dated August 6, 2004, at a total cost of*
17 *\$1,210,608,000, with an estimated Federal cost*
18 *of \$605,304,000 and an estimated non-Federal*
19 *cost of \$605,304,000.”.*

20 **SEC. 6005. CREDIT.**

21 *Section 601(e)(5)(B) of the Water Resources Develop-*
22 *ment Act of 2000 (114 Stat. 2685) is amended—*

23 *(1) in clause (i)—*

24 *(A) by striking “or” at the end of subclause*
25 *(I);*

1 (B) by adding “or” at the end of subclause
2 (II); and

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

4 “(III) the credit is provided for work
5 carried out before the date of the partner-
6 ship agreement between the Secretary and
7 the non-Federal sponsor, as defined in an
8 agreement between the Secretary and the
9 non-Federal sponsor providing for such
10 credit;”; and

11 (2) in clause (i)—

12 (A) by striking “design agreement or the
13 project cooperation”; and

14 (B) by inserting before the semicolon the fol-
15 lowing: “, including in the case of credit pro-
16 vided under clause (i)(III) conditions relating to
17 design and construction”.

18 **SEC. 6006. OUTREACH AND ASSISTANCE.**

19 Section 601(k) of the Water Resources Development Act
20 of 2000 (114 Stat. 2691) is amended by adding at the end
21 the following:

22 “(3) **MAXIMUM EXPENDITURES.**—The Secretary
23 may expend up to \$3,000,000 per fiscal year for fiscal
24 years beginning after September 30, 2004, to carry
25 out this subsection.”.

1 **SEC. 6007. CRITICAL RESTORATION PROJECTS.**

2 *Section 528(b)(3)(C) of the Water Resources Develop-*
3 *ment Act of 1996 (110 Stat. 3769; 113 Stat. 286) is amend-*
4 *ed—*

5 *(1) in clause (i) by striking “\$75,000,000” and*
6 *all that follows through “2003” and inserting*
7 *“\$95,000,000”; and*

8 *(2) in clause (ii) by striking “\$25,000,000” and*
9 *inserting “\$30,000,000”.*

10 **SEC. 6008. DEAUTHORIZATIONS.**

11 *As of the date of enactment of this Act, the following*
12 *projects are not authorized:*

13 *(1) The uncompleted portions of the project au-*
14 *thorized by section 601(b)(2)(C)(i) of the Water Re-*
15 *sources Development Act of 2000 (114 Stat. 2682), C-*
16 *44 Basin Storage Reservoir of the Comprehensive Ev-*
17 *erglades Restoration Plan.*

18 *(2) The uncompleted portions of the project au-*
19 *thorized by section 203 of the Flood Control Act of*
20 *1968 (82 Stat. 740), Martin County, Florida modi-*
21 *fications to the Central and South Florida Project, as*
22 *contained in Senate Document 101, 90th Congress, 2d*
23 *Session.*

24 *(3) The uncompleted portions of the project au-*
25 *thorized by section 203 of the Flood Control Act of*
26 *1968 (82 Stat. 740), East Coast Backpumping, St.*

1 *Lucie—Martin County, Spillway Structure S-311 of*
2 *the Central and South Florida Project, as contained*
3 *in House Document 369, 90th Congress, 2d Session.*

4 **SEC. 6009. MODIFIED WATER DELIVERY.**

5 (a) *TAMIAMI TRAIL.*—*The Secretary shall not carry*
6 *out a project for raising Tamiami Trail, Florida, until such*
7 *date as the project is specifically authorized by law.*

8 (b) *REPORTS.*—*The Secretary shall submit to Congress*
9 *reports recommending specific authorizations in law for—*

10 (1) *changes to the project to improve water deliv-*
11 *eries to Everglades National Park, authorized by sec-*
12 *tion 104 of the Everglades National Park Protection*
13 *and Expansion Act of 1989 (16 U.S.C. 410r-8), if*
14 *necessary;*

15 (2) *a project to raise Tamiami Trail, Florida, if*
16 *necessary; and*

17 (3) *a combined structural and operational plan*
18 *for the C-111 Canal Project, authorized by section*
19 *203 of the Flood Control Act of 1948 (62 Stat. 1176),*
20 *and modified by section 203 of the Flood Control Act*
21 *of 1968 (82 Stat. 740), and further modified by sec-*
22 *tion 316 of the Water Resources Development Act of*
23 *1996 (110 Stat. 3715), and the project to improve*
24 *water deliveries to Everglades National Park.*

1 **TITLE VII—LOUISIANA COASTAL**
2 **AREA**

3 **SEC. 7001. DEFINITIONS.**

4 *In this title, the following definitions apply:*

5 (1) *COASTAL LOUISIANA ECOSYSTEM.*—*The term*
6 *“coastal Louisiana ecosystem” means the coastal area*
7 *of Louisiana from the Sabine River on the west and*
8 *the Pearl River on the east, including those parts of*
9 *the Deltaic Plain and the Chenier Plain included*
10 *within the study area of the Plan.*

11 (2) *GOVERNOR.*—*The term “Governor” means*
12 *the Governor of the State of Louisiana.*

13 (3) *PLAN.*—*The term “Plan” means the report of*
14 *the Chief of Engineers for ecosystem restoration for*
15 *the Louisiana Coastal Area dated January 31, 2005.*

16 (4) *TASK FORCE.*—*The term “Task Force”*
17 *means the Coastal Louisiana Ecosystem Protection*
18 *and Restoration Task Force established by section*
19 *7003.*

20 **SEC. 7002. ADDITIONAL REPORTS.**

21 (a) *MISSISSIPPI RIVER GULF OUTLET.*—*Not later*
22 *than 2 years after the date of enactment of this Act, the*
23 *Secretary shall submit to Congress a report recommending*
24 *modifications to the Mississippi River Gulf Outlet to ad-*

1 *dress navigation, salt water intrusion, channel bank ero-*
2 *sion, mitigation, and threats to life and property.*

3 (b) *CHENIER PLAIN.*—Not later than July 1, 2006, the
4 Secretary shall submit to Congress a report recommending
5 near-term ecosystem restoration measures for the Chenier
6 Plain, Louisiana.

7 (c) *LONG-TERM PLAN.*—

8 (1) *COMPREHENSIVE FRAMEWORK.*—Not later
9 than one year after the date of enactment of this sec-
10 tion, the Secretary shall submit to Congress a rec-
11 ommended framework for developing a long-term pro-
12 gram that provides for the comprehensive protection,
13 conservation, and restoration of the wetlands, estu-
14 aries (including Barataria-Terrebonne Estuary), bar-
15 rier islands, and related land and features that pro-
16 tect critical resources, habitat, and infrastructure in
17 the coastal Louisiana ecosystem from the impacts of
18 coastal storms, hurricanes, erosion, and subsidence.

19 (2) *CONSIDERATION.*—In developing the rec-
20 ommended framework, the Secretary shall consider in-
21 tegrating other Federal or State projects or activities
22 within the coastal Louisiana ecosystem into the long-
23 term restoration program.

24 (3) *COMPREHENSIVE PLAN.*—

1 (A) *DEADLINE.*—Not later than five years
2 after the date of enactment of this Act, the Sec-
3 retary shall submit to Congress a feasibility
4 study recommending a comprehensive, long-term,
5 plan for the protection, conservation, and res-
6 toration of the coastal Louisiana ecosystem.

7 (B) *INTEGRATION.*—The comprehensive,
8 long-term, plan shall include recommendations
9 for the integration of ongoing Federal and State
10 projects, programs, and activities.

11 **SEC. 7003. COASTAL LOUISIANA ECOSYSTEM PROTECTION**
12 **AND RESTORATION TASK FORCE.**

13 (a) *ESTABLISHMENT AND MEMBERSHIP.*—There is es-
14 tablished the Coastal Louisiana Ecosystem Protection and
15 Restoration Task Force, which shall consist of the following
16 members (or, in the case of the head of a Federal agency,
17 a designee at the level of Assistant Secretary or an equiva-
18 lent level):

19 (1) *The Secretary.*

20 (2) *The Secretary of the Interior.*

21 (3) *The Secretary of Commerce.*

22 (4) *The Administrator of the Environmental*
23 *Protection Agency.*

24 (5) *The Secretary of Agriculture.*

25 (6) *The Secretary of Transportation.*

1 (7) *The Secretary of Energy.*

2 (8) *The Director of the Federal Emergency Man-*
3 *agement Agency.*

4 (9) *The Commandant of the Coast Guard.*

5 (10) *The Coastal Advisor to the Governor.*

6 (11) *The Secretary of the Louisiana Department*
7 *of Natural Resources.*

8 (12) *A representative of the Louisiana Gov-*
9 *ernor's Advisory Commission on Coastal Restoration*
10 *and Conservation.*

11 (b) *DUTIES OF TASK FORCE.—The Task Force shall—*

12 (1) *make recommendations to the Secretary re-*
13 *garding policies, strategies, plans, programs, projects,*
14 *and activities for addressing protection, conservation,*
15 *and restoration of the coastal Louisiana ecosystem;*

16 (2) *prepare financial plans for each of the agen-*
17 *cies represented on the Task Force for funds proposed*
18 *for the protection, conservation, and restoration of the*
19 *coastal Louisiana ecosystem under authorities of each*
20 *agency, including—*

21 (A) *recommendations that identify funds*
22 *from current agency missions and budgets; and*

23 (B) *recommendations for coordinating indi-*
24 *vidual agency budget requests; and*

1 (3) *submit to Congress a biennial report that*
2 *summarizes the activities of the Task Force and*
3 *progress towards the purposes set forth in section*
4 *7002(c)(1).*

5 (c) *PROCEDURES AND ADVICE.—The Task Force*
6 *shall—*

7 (1) *implement procedures to facilitate public*
8 *participation with regard to Task Force activities, in-*
9 *cluding—*

10 (A) *providing advance notice of meetings;*

11 (B) *providing adequate opportunity for*
12 *public input and comment;*

13 (C) *maintaining appropriate records; and*

14 (D) *making a record of proceedings avail-*
15 *able for public inspection; and*

16 (2) *establish such working groups as are nec-*
17 *essary to assist the Task Force in carrying out its du-*
18 *ties.*

19 (d) *COMPENSATION.—Members of the Task Force or*
20 *any associated working group may not receive compensa-*
21 *tion for their services as members of the Task Force or work-*
22 *ing group.*

23 (e) *TRAVEL EXPENSES.—Travel expenses incurred by*
24 *members of the Task Force, or members of an associated*
25 *working group, in the performance of their service on the*

1 *Task Force or working group shall be paid by the agency*
2 *or entity that the member represents.*

3 (f) *APPLICATION OF FEDERAL ADVISORY COMMITTEE*
4 *ACT.—The Task Force and any working group established*
5 *by the Task Force shall not be considered an advisory com-*
6 *mittee under the Federal Advisory Committee Act (5 U.S.C.*
7 *App.).*

8 **SEC. 7004. INVESTIGATIONS.**

9 (a) *IN GENERAL.—The Secretary shall conduct feasi-*
10 *bility studies for future authorization and large-scale stud-*
11 *ies substantially in accordance with the Plan at a total cost*
12 *\$130,000,000.*

13 (b) *EXISTING FEDERALLY AUTHORIZED WATER RE-*
14 *SOURCES PROJECTS.—*

15 (1) *IN GENERAL.—The Secretary shall review ex-*
16 *isting federally authorized water resources projects in*
17 *the coastal Louisiana ecosystem in order to determine*
18 *their consistency with the purposes of this section and*
19 *whether the projects have the potential to contribute*
20 *to ecosystem restoration through revised operations or*
21 *modified project features.*

22 (2) *FUNDING.—There is authorized to be appro-*
23 *priated \$10,000,000 to carry out this subsection.*

24 **SEC. 7005. CONSTRUCTION.**

25 (a) *COASTAL LOUISIANA ECOSYSTEM PROGRAM.—*

1 (1) *IN GENERAL.*—*The Secretary shall carry out*
2 *a coastal Louisiana ecosystem program substantially*
3 *in accordance with the Plan, at a total cost of*
4 *\$50,000,000.*

5 (2) *OBJECTIVES.*—*The objectives of the program*
6 *shall be to—*

7 (A) *identify uncertainties about the phys-*
8 *ical, chemical, geological, biological, and cultural*
9 *baseline conditions in the coastal Louisiana eco-*
10 *system;*

11 (B) *improve the State of knowledge of the*
12 *physical, chemical, geological, biological, and*
13 *cultural baseline conditions in the coastal Lou-*
14 *isiana ecosystem; and*

15 (C) *identify and develop technologies, mod-*
16 *els, and methods that could be useful in carrying*
17 *out the purposes of this title.*

18 (3) *WORKING GROUPS.*—*The Secretary may es-*
19 *tablish such working groups as are necessary to assist*
20 *in carrying out this subsection.*

21 (4) *PROCEDURES AND ADVICE.*—*In carrying out*
22 *this subsection, the Secretary is authorized to enter*
23 *into contracts and cooperative agreements with sci-*
24 *entific and engineering experts in the restoration of*
25 *aquatic and marine ecosystems, including a consor-*

1 *tium of academic institutions in Louisiana and Mis-*
2 *issippi for coastal restoration and enhancement*
3 *through science and technology.*

4 *(b) DEMONSTRATION PROJECTS.—*

5 *(1) IN GENERAL.—Subject to paragraphs (2) and*
6 *(3), the Secretary may carry out projects substan-*
7 *tially in accordance with the Plan for the purpose of*
8 *resolving critical areas of scientific or technological*
9 *uncertainty related to the implementation of the com-*
10 *prehensive plan to be developed under section*
11 *7002(c)(3).*

12 *(2) MAXIMUM COST.—*

13 *(A) TOTAL COST.—The total cost for plan-*
14 *ning, design, and construction of all demonstra-*
15 *tion projects under this subsection shall not ex-*
16 *ceed \$100,000,000.*

17 *(B) INDIVIDUAL PROJECT.—The total cost of*
18 *an individual demonstration project under this*
19 *subsection shall not exceed \$25,000,000.*

20 *(c) INITIAL PROJECTS.—The Secretary is authorized*
21 *to carry out the following projects substantially in accord-*
22 *ance with the Plan:*

23 *(1) Mississippi River Gulf Outlet Environmental*
24 *Restoration at a total cost of \$105,300,000.*

1 (2) *Small Diversion at Hope Canal at a total*
2 *cost of \$68,600,000.*

3 (3) *Barataria Basin Barrier Shoreline Restora-*
4 *tion at a total cost of \$242,600,000.*

5 (4) *Small Bayou Lafourche Reintroduction at a*
6 *total cost of \$133,500,000.*

7 (5) *Medium Diversion at Myrtle Grove with*
8 *Dedicated Dredging at a total cost of \$278,300,000.*

9 (d) *BENEFICIAL USE OF DREDGED MATERIAL.—The*
10 *Secretary, substantially in accordance with the Plan, shall*
11 *implement in the coastal Louisiana ecosystem a program*
12 *for the beneficial use of material dredged from federally*
13 *maintained waterways at a total cost of \$100,000,000.*

14 **SEC. 7006. NON-FEDERAL COST SHARE.**

15 (a) *CREDIT.—The Secretary shall credit toward the*
16 *non-Federal share of the cost of a study authorized by sec-*
17 *tion 7004 or a project authorized by section 7005 the cost*
18 *of work carried out in the coastal Louisiana ecosystem by*
19 *the non-Federal interest before the date of the partnership*
20 *agreement for the study or project, as the case may be, if*
21 *the Secretary determines that the work is integral to the*
22 *study or project, as the case may be.*

23 (b) *TREATMENT OF CREDIT BETWEEN PROJECTS.—*
24 *Any credit provided under this section toward the non-Fed-*
25 *eral share of the cost of a study authorized by section 7004*

1 or a project authorized by section 7005 may be applied to-
2 ward the non-Federal share of the cost of any other study
3 authorized by section 7004 or any other project authorized
4 by section 7005, as the case may be.

5 (c) *PERIODIC MONITORING.*—

6 (1) *IN GENERAL.*—To ensure that the contribu-
7 tions of the non-Federal interest equal the non-Fed-
8 eral share of the cost of a study authorized by section
9 7004 or a project authorized by section 7005, during
10 each 5-year period beginning after the date of com-
11 mencement of the first study under section 7004 or
12 construction of the first project under section 7005, as
13 the case may be, the Secretary shall—

14 (A) monitor the non-Federal provision for
15 each study authorized by section 7004 or each
16 project authorized by section 7005, as the case
17 may be, of cash, in-kind services and materials,
18 and land, easements, rights-of-way, relocations,
19 and disposal areas; and

20 (B) manage, to the extent practicable, the
21 requirement of the non-Federal interest to pro-
22 vide for each such project cash, in-kind services
23 and materials, and land, easements, rights-of-
24 way, relocations, and disposal areas.

1 (2) *OTHER MONITORING.*—*The Secretary shall*
2 *conduct monitoring separately for the study phase,*
3 *construction phase, the preconstruction engineering*
4 *and design phase, and the planning phase for each*
5 *project authorized on or after date of enactment of*
6 *this Act for all or any portion of the coastal Lou-*
7 *isiana ecosystem.*

8 (d) *AUDITS.*—*Credit for land, easements, rights-of-*
9 *way, relocations, and disposal areas (including land value*
10 *and incidental costs) provided under this section, and the*
11 *cost of work provided under this section, shall be subject*
12 *to audit by the Secretary.*

13 **SEC. 7007. PROJECT JUSTIFICATION.**

14 (a) *IN GENERAL.*—*Notwithstanding section 209 of the*
15 *Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other*
16 *provision of law, in carrying out any project or activity*
17 *authorized by or under this title or any other provision of*
18 *law to protect, conserve, and restore the coastal Louisiana*
19 *ecosystem, the Secretary may determine that—*

20 (1) *the project or activity is justified by the envi-*
21 *ronmental benefits derived by the coastal Louisiana*
22 *ecosystem; and*

23 (2) *no further economic justification for the*
24 *project or activity is required if the Secretary deter-*
25 *mines that the project or activity is cost effective.*

1 (b) *LIMITATION ON APPLICABILITY.*—Subsection (a)
2 *shall not apply to any separable element intended to*
3 *produce benefits that are predominantly unrelated to the*
4 *protection, conservation, and restoration of the coastal Lou-*
5 *isiana ecosystem.*

6 **SEC. 7008. STATUTORY CONSTRUCTION.**

7 (a) *EXISTING AUTHORITY.*—Except as otherwise pro-
8 *vided in this title, nothing in this title affects any authority*
9 *in effect on the date of enactment of this Act, or any require-*
10 *ment relating to the participation in protection, conserva-*
11 *tion, and restoration projects and activities in the coastal*
12 *Louisiana ecosystem, including projects and activities re-*
13 *ferred to in subsection (a) of—*

- 14 (1) *the Department of the Army;*
15 (2) *the Department of the Interior;*
16 (3) *the Department of Commerce;*
17 (4) *the Environmental Protection Agency;*
18 (5) *the Department of Agriculture;*
19 (6) *the Department of Transportation;*
20 (7) *the Department of Energy;*
21 (8) *the Federal Emergency Management Agency;*
22 (9) *the Coast Guard; and*
23 (10) *the State of Louisiana.*

24 (b) *NEW AUTHORITY.*—Nothing in this title confers
25 *any new regulatory authority on any Federal or non-Fed-*

1 *eral entity that carries out any project or activity author-*
2 *ized by or under this title.*

3 **TITLE VIII—UPPER MISSISSIPPI**
4 **RIVER AND ILLINOIS WATER-**
5 **WAY SYSTEM**

6 **SEC. 8001. DEFINITIONS.**

7 *In this title, the following definitions apply:*

8 (1) *PLAN.*—*The term “Plan” means the project*
9 *for navigation and ecosystem improvements for the*
10 *Upper Mississippi River and Illinois Waterway Sys-*
11 *tem: Report of the Chief of Engineers, dated December*
12 *15, 2004.*

13 (2) *UPPER MISSISSIPPI RIVER AND ILLINOIS WA-*
14 *TERWAY SYSTEM.*—*The term “Upper Mississippi*
15 *River and Illinois Waterway System” means the*
16 *projects for navigation and ecosystem restoration au-*
17 *thorized by Congress for—*

18 (A) *the segment of the Mississippi River*
19 *from the confluence with the Ohio River, River*
20 *Mile 0.0, to Upper St. Anthony Falls Lock in*
21 *Minneapolis-St. Paul, Minnesota, River Mile*
22 *854.0; and*

23 (B) *the Illinois Waterway from its con-*
24 *fluence with the Mississippi River at Grafton, Il-*

1 *linois, River Mile 0.0, to T.J. O'Brien Lock in*
2 *Chicago, Illinois, River Mile 327.0.*

3 **SEC. 8002. NAVIGATION IMPROVEMENTS AND RESTORA-**
4 **TION.**

5 *Except as modified by this title, the Secretary shall*
6 *undertake navigation improvements and restoration of the*
7 *ecosystem for the Upper Mississippi River and Illinois*
8 *Water System substantially in accordance with the Plan*
9 *and subject to the conditions described therein.*

10 **SEC. 8003. AUTHORIZATION OF CONSTRUCTION OF NAVIGA-**
11 **TION IMPROVEMENTS.**

12 *(a) SMALL SCALE AND NONSTRUCTURAL MEAS-*
13 *URES.—*

14 *(1) IN GENERAL.—The Secretary shall—*

15 *(A) construct mooring facilities at Locks 12,*
16 *14, 18, 20, 22, 24, and LaGrange Lock;*

17 *(B) provide switchboats at Locks 20 through*
18 *25; and*

19 *(C) conduct development and testing of an*
20 *appointment scheduling system.*

21 *(2) AUTHORIZATION OF APPROPRIATIONS.—The*
22 *total cost of projects authorized under this subsection*
23 *shall be \$235,000,000. Such costs shall be paid 1/2*
24 *from amounts appropriated from the general fund of*

1 *the Treasury and 1/2 from amounts appropriated*
2 *from the Inland Waterways Trust Fund.*

3 **(b) NEW LOCKS.—**

4 **(1) IN GENERAL.—***The Secretary shall construct*
5 *new 1,200-foot locks at Locks 20, 21, 22, 24, and 25*
6 *on the Upper Mississippi River and at LaGrange*
7 *Lock and Peoria Lock on the Illinois Waterway.*

8 **(2) AUTHORIZATION OF APPROPRIATIONS.—***The*
9 *total cost of projects authorized under this subsection*
10 *shall be \$1,795,000,000. Such costs shall be paid 1/2*
11 *from amounts appropriated from the general fund of*
12 *the Treasury and 1/2 from amounts appropriated*
13 *from the Inland Waterways Trust Fund.*

14 **(c) CONCURRENCE.—***The mitigation required for the*
15 *projects authorized under subsections (a) and (b), including*
16 *any acquisition of lands or interests in lands, shall be un-*
17 *dertaken or acquired concurrently with lands and interests*
18 *in lands for the projects authorized under subsections (a)*
19 *and (b), and physical construction required for the purposes*
20 *of mitigation shall be undertaken concurrently with the*
21 *physical construction of such projects.*

22 **SEC. 8004. ECOSYSTEM RESTORATION AUTHORIZATION.**

23 **(a) OPERATION.—***To ensure the environmental sus-*
24 *tainability of the existing Upper Mississippi River and Illi-*
25 *nois Waterway System, the Secretary shall modify, con-*

1 *sistent with requirements to avoid adverse effects on naviga-*
2 *tion, the operation of the Upper Mississippi River and Illi-*
3 *nois Waterway System to address the cumulative environ-*
4 *mental impacts of operation of the system and improve the*
5 *ecological integrity of the Upper Mississippi River and Illi-*
6 *nois River.*

7 *(b) ECOSYSTEM RESTORATION PROJECTS.—*

8 *(1) IN GENERAL.—The Secretary shall carry out,*
9 *consistent with requirements to avoid adverse effects*
10 *on navigation, ecosystem restoration projects to attain*
11 *and maintain the sustainability of the ecosystem of*
12 *the Upper Mississippi River and Illinois River in ac-*
13 *cordance with the general framework outlined in the*
14 *Plan.*

15 *(2) PROJECTS INCLUDED.—Ecosystem restora-*
16 *tion projects may include—*

17 *(A) island building;*

18 *(B) construction of fish passages;*

19 *(C) floodplain restoration;*

20 *(D) water level management (including*
21 *water drawdown);*

22 *(E) backwater restoration;*

23 *(F) side channel restoration;*

24 *(G) wing dam and dike restoration and*
25 *modification;*

- 1 (H) island and shoreline protection;
2 (I) topographical diversity;
3 (J) dam point control;
4 (K) use of dredged material for environ-
5 mental purposes;
6 (L) tributary confluence restoration;
7 (M) spillway, dam, and levee modification;
8 and
9 (N) land and easement acquisition.

10 (3) COST SHARING.—

11 (A) IN GENERAL.—Except as provided in
12 subparagraphs (B) and (C), the Federal share of
13 the cost of carrying out an ecosystem restoration
14 project under this subsection shall be 65 percent.

15 (B) EXCEPTION FOR CERTAIN RESTORATION
16 PROJECTS.—In the case of a project under this
17 section for ecosystem restoration, the Federal
18 share of the cost of carrying out the project shall
19 be 100 percent if the project—

20 (i) is located below the ordinary high
21 water mark or in a connected backwater;

22 (ii) modifies the operation of structures
23 for navigation; or

24 (iii) is located on federally owned land.

1 (C) *SAVINGS CLAUSE.*—*Nothing in this sub-*
2 *section affects the applicability of section 906(e)*
3 *of the Water Resources Development Act of 1986*
4 *(33 U.S.C. 2283(e)).*

5 (D) *NONGOVERNMENTAL ORGANIZATIONS.*—
6 *Notwithstanding section 221(b) of the Flood Con-*
7 *trol Act of 1970 (42 U.S.C. 1962d–5(b)), for any*
8 *project carried out under this title, a non-Fed-*
9 *eral sponsor may include a nonprofit entity,*
10 *with the consent of the affected local government.*

11 (4) *LAND ACQUISITION.*—*The Secretary may ac-*
12 *quire land or an interest in land for an ecosystem*
13 *restoration project from a willing seller through con-*
14 *veyance of—*

15 (A) *fee title to the land; or*

16 (B) *a flood plain conservation easement.*

17 (c) *ECOSYSTEM RESTORATION PRECONSTRUCTION EN-*
18 *GINEERING AND DESIGN.*—

19 (1) *RESTORATION DESIGN.*—*Before initiating the*
20 *construction of any individual ecosystem restoration*
21 *project, the Secretary shall—*

22 (A) *establish ecosystem restoration goals*
23 *and identify specific performance measures de-*
24 *signed to demonstrate ecosystem restoration;*

1 (B) establish the without-project condition
2 or baseline for each performance indicator; and

3 (C) for each separable element of the eco-
4 system restoration, identify specific target goals
5 for each performance indicator.

6 (2) *OUTCOMES.*—Performance measures identi-
7 fied under paragraph (1)(A) shall include specific
8 measurable environmental outcomes, such as changes
9 in water quality, hydrology, or the well-being of indi-
10 cator species the population and distribution of which
11 are representative of the abundance and diversity of
12 ecosystem-dependent aquatic and terrestrial species.

13 (3) *RESTORATION DESIGN.*—Restoration design
14 carried out as part of ecosystem restoration shall in-
15 clude a monitoring plan for the performance measures
16 identified under paragraph (1)(A), including—

17 (A) a timeline to achieve the identified tar-
18 get goals; and

19 (B) a timeline for the demonstration of
20 project completion.

21 (d) *SPECIFIC PROJECTS AUTHORIZATION.*—

22 (1) *IN GENERAL.*—There is authorized to be ap-
23 propriated to carry out this subsection
24 \$1,580,000,000, of which not more than \$226,000,000
25 shall be available for projects described in subsection

1 **(b)(2)(B)** and not more than \$43,000,000 shall be
2 available for projects described in subsection **(b)(2)(J)**.

3 **(2) LIMITATION ON AVAILABLE FUNDS.**—Of the
4 amounts made available under paragraph (1), not
5 more than \$35,000,000 in any fiscal year may be
6 used for land acquisition under subsection **(b)(4)**.

7 **(3) INDIVIDUAL PROJECT LIMIT.**—Other than for
8 projects described in subparagraphs **(B)** and **(J)** of
9 subsection **(b)(2)**, the total cost of any single project
10 carried out under this subsection shall not exceed
11 \$25,000,000.

12 **(e) IMPLEMENTATION REPORTS.**—

13 **(1) IN GENERAL.**—Not later than June 30, 2007,
14 and every 4 years thereafter, the Secretary shall sub-
15 mit to the Committee on Environment and Public
16 Works of the Senate and the Committee on Transpor-
17 tation and Infrastructure of the House of Representa-
18 tives an implementation report that—

19 **(A)** includes baselines, milestones, goals,
20 and priorities for ecosystem restoration projects;
21 and

22 **(B)** measures the progress in meeting the
23 goals.

24 **(2) ADVISORY PANEL.**—

1 (A) *IN GENERAL.*—*The Secretary shall ap-*
2 *point and convene an advisory panel to provide*
3 *independent guidance in the development of each*
4 *implementation report under paragraph (1).*

5 (B) *PANEL MEMBERS.*—*Panel members*
6 *shall include—*

7 (i) *1 representative of each of the State*
8 *resource agencies (or a designee of the Gov-*
9 *ernor of the State) from each of the States*
10 *of Illinois, Iowa, Minnesota, Missouri, and*
11 *Wisconsin;*

12 (ii) *1 representative of the Department*
13 *of Agriculture;*

14 (iii) *1 representative of the Depart-*
15 *ment of Transportation;*

16 (iv) *1 representative of the United*
17 *States Geological Survey;*

18 (v) *1 representative of the United*
19 *States Fish and Wildlife Service;*

20 (vi) *1 representative of the Environ-*
21 *mental Protection Agency;*

22 (vii) *1 representative of affected land-*
23 *owners;*

24 (viii) *2 representatives of conservation*
25 *and environmental advocacy groups; and*

1 *(ix) 2 representatives of agriculture*
2 *and industry advocacy groups.*

3 *(C) CHAIRPERSON.—The Secretary shall*
4 *serve as chairperson of the advisory panel.*

5 *(D) APPLICATION OF FEDERAL ADVISORY*
6 *COMMITTEE ACT.—The Advisory Panel and any*
7 *working group established by the Advisory Panel*
8 *shall not be considered an advisory committee*
9 *under the Federal Advisory Committee Act (5*
10 *U.S.C. App.).*

11 *(f) RANKING SYSTEM.—*

12 *(1) IN GENERAL.—The Secretary, in consultation*
13 *with the Advisory Panel, shall develop a system to*
14 *rank proposed projects.*

15 *(2) PRIORITY.—The ranking system shall give*
16 *greater weight to projects that restore natural river*
17 *processes, including those projects listed in subsection*
18 *(b)(2).*

19 **SEC. 8005. COMPARABLE PROGRESS.**

20 *(a) IN GENERAL.—As the Secretary conducts pre-engi-*
21 *neering, design, and construction for projects authorized*
22 *under this title, the Secretary shall—*

23 *(1) select appropriate milestones; and*

1 (2) determine, at the time of such selection,
2 whether the projects are being carried out at com-
3 parable rates.

4 (b) *NO COMPARABLE RATE.*—If the Secretary deter-
5 mines under subsection (a)(2) that projects authorized
6 under this subsection are not moving toward completion at
7 a comparable rate, annual funding requests for the projects
8 shall be adjusted to ensure that the projects move toward
9 completion at a comparable rate in the future.

Union Calendar No. 94

109TH CONGRESS
1ST Session

H. R. 2864

[Report No. 109-154]

A BILL

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

JUNE 24, 2005

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed