108TH CONGRESS
*1st Session*
HOUSE OF REPRESENTATIVES
REPORT
108–265

# WATER RESOURCES DEVELOPMENT ACT OF 2003

SEPTEMBER 5, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Transportation and Infrastructure, submitted the following

# R E P O R T

[To accompany H.R. 2557]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 2557) 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

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

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2003".

(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.
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Sec. 2008. Compilation of laws.
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Sec. 2014. Revision of project partnership agreement.
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Sec. 2017. Recreation user fee revenues.
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Sec. 2019. Watershed and river basin assessments.
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Sec. 2024. Credit for nonconstruction services.
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Sec. 2026. Centers of specialized planning expertise.
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**SEC. 2. DEFINITION OF SECRETARY.**

In this Act, the term "Secretary" means the Secretary of the Army.

# TITLE I—WATER RESOURCES PROJECTS

**SEC. 1001. PROJECT AUTHORIZATIONS.**

Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) AMERICAN RIVER WATERSHED, CALIFORNIA.—The project for flood damage reduction and environmental restoration, American River Watershed, California: Report of the Chief of Engineers, dated November 5, 2002, at a total cost of $257,300,000, with an estimated Federal cost of $201,200,000 and an estimated non-Federal cost of $56,100,000; except that the Secretary is authorized to accept funds from State and local governments and other Federal agencies for the purpose of constructing a permanent bridge instead of the temporary bridge described in the recommended plan and may construct such permanent bridge if all additional costs for such bridge, above the $36,000,000 provided for in the recommended plan for bridge construction, are provided by such governments or agencies.

(2) PINE FLAT DAM AND RESERVOIR, CALIFORNIA.—The project for environmental restoration, Pine Flat Dam and Reservoir, Fresno County, California: Report of the Chief of Engineers, dated July 19, 2002, at a total cost of $38,480,000, with an estimated Federal cost of $24,930,000 and an estimated non-Federal cost of $13,550,000.

(3) SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for environmental restoration Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers, dated May 16, 2003, at a total cost of $17,997,000, with an estimated Federal cost of $11,698,000 and an estimated non-Federal cost of $6,299,000.

(4) MORGANZA TO THE GULF OF MEXICO, LOUISIANA.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Report of the Chief of Engineers, dated August 23, 2002, at a total cost of $719,00,000, with an estimated Federal cost of $467,000,000 and an estimated non-Federal cost of $252,000,000.

(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for interim flood protection after March 31, 1989, if the Secretary determines that the work is integral to the project.

(5) SMITH ISLAND, MARYLAND.—The project for environmental restoration and protection, Smith Island, Maryland: Report of the Chief of Engineers, dated October 29, 2001, at a total cost of $8,000,000, with an estimated Federal cost of $5,200,000 and an estimated non-Federal cost of $2,800,000.

(6) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—The project for navigation and environmental restoration, Corpus Christi Ship Channel, Texas, Channel Improvement Project: Report of the Chief of Engineers dated June 2, 2003, at a total cost of $153,808,000, with an estimated Federal cost of $73,554,000 and an estimated non-Federal cost of $80,254,000.

(7) MATAGORDA BAY, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers, dated December 4, 2002, at a total cost of $14,515,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(8) RIVERSIDE OXBOW, FORT WORTH, TEXAS.—

(A) IN GENERAL.—The project for environmental restoration, Riverside Oxbow, Fort Worth, Texas: Report of the Chief of Engineers dated May 29, 2003, at a total cost of $22,200,000, with an estimated Federal cost of $9,180,000 and an estimated non-Federal cost of $13,020,000.

(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out on the Beach Street Dam and associated features by the non-Federal inter-

est before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(9) DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers, dated March 3, 2003, at a total cost of $22,178,000.

**SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.**

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—Project for flood damage reduction, Cache River basin, Grubbs, Arkansas.

(2) SANTA ANA RIVER BASIN AND ORANGE COUNTY STREAMS, CALIFORNIA.—Project for flood damage reduction, Santa Ana River basin and Orange County streams, California.

(3) STONY CREEK, OAK LAWN, ILLINOIS.—Project for flood damage reduction, Stony Creek, Oak Lawn, Illinois.

(4) OLIVE HILL AND VICINITY, KENTUCKY.—Project for flood damage reduction, Olive Hill and vicinity, Kentucky.

(5) NASHUA RIVER, FITCHBURG, MASSACHUSETTS.—Project for flood damage reduction, Nashua River, Fitchburg, Massachusetts.

(6) SAGINAW RIVER, HAMILTON DAM, FLINT, MICHIGAN.—Project for flood damage reduction, Saginaw River, Hamilton Dam, Flint, Michigan.

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

(8) ROSEAU RIVER, ROSEAU, MINNESOTA.—Project for flood damage reduction, Roseau River, Roseau, Minnesota.

(9) SOUTH BRANCH OF THE WILD RICE RIVER, BORUP, MINNESOTA.—Project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota.

(10) TWIN VALLEY LAKE, WILD RICE RIVER, MINNESOTA.—Project for flood damage reduction, Twin Valley Lake, Wild Rice River, Minnesota.

(11) BLACKSNAKE CREEK, ST. JOSEPH, MISSOURI.—Project for flood damage reduction, Blacksnake Creek, St. Joseph, Missouri.

(12) MCKEEL BROOK, NEW JERSEY.—Project for flood damage reduction, McKeel Brook, New Jersey.

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

(14) RAMAPO RIVER, TOWN OF MONROE AND VILLAGES OF MONROE, KIRYAS JOEL, AND HARRIMAN, NEW YORK.—Project for flood damage reduction, Ramapo River, Town of Monroe and Villages of Monroe, Kiryas Joel, and Harriman, New York.

(15) LITTLE MILL CREEK, SOUTHAMPTON, PENNSYLVANIA.—Project for flood damage reduction, Little Mill Creek, Southampton, Pennsylvania.

(16) LITTLE NESHAMINY CREEK, WARRENTON, PENNSYLVANIA.—Project for flood damage reduction, Little Neshaminy Creek, Warrenton, Pennsylvania.

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

(b) SPECIAL RULES.—In carrying out the project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota, referred to in subsection (a)(9) the Secretary may consider national ecosystem restoration benefits in determining the Federal interest in the project and shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

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

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

(1) OUACHITA AND BLACK RIVERS, ARKANSAS.—Project for emergency streambank protection, Ouachita and Black Rivers, Arkansas.

(2) MELVINA DITCH, CHICAGO RIDGE, ILLINOIS.—Project for emergency streambank protection for the east side of Melvina Ditch in the vicinity of 96th Street and Nashville Avenue, Chicago Ridge, Illinois.

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

(4) SHREWSBURY RIVER, RUMSON, NEW JERSEY.—Project for emergency streambank protection, Shrewsbury River, Rumson, New Jersey.

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

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

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

(1) BLYTHEVILLE COUNTY HARBOR, ARKANSAS.—Project for navigation, Blytheville County Harbor, Arkansas.

(2) EVANSTON, ILLINOIS.—Project for navigation, Evanston, Illinois.

(3) NIAGARA FRONTIER TRANSPORTATION AUTHORITY BOAT HARBOR, BUFFALO, NEW YORK.—Project for navigation, Niagara Frontier Transportation Authority Boat Harbor, Buffalo, New York.

(4) WOODLAWN MARINA, LACKAWANNA, NEW YORK.—Project for navigation, Woodlawn Marina, Lackawanna, New York.

(5) BAKER BAY AND ILWACO HARBOR, WASHINGTON.—Project for navigation, Baker Bay and Ilwaco Harbor, Washington.

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

The Secretary shall conduct a study for the following project and, if the Secretary determines that the project is appropriate, may carry out the project under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a): Project for improvement of the quality of the environment, Smithville Lake, Missouri.

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

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) COLORADO RIVER, YUMA, ARIZONA.—Project for aquatic ecosystem restoration, Colorado River, Yuma, Arizona.

(2) CHINO VALLEY, CALIFORNIA.—Project for aquatic ecosystem restoration, Chino Valley, California.

(3) NEW AND ALAMO RIVERS, IMPERIAL COUNTY, CALIFORNIA.—Project for aquatic ecosystem restoration, New and Alamo Rivers, Imperial County, California, including efforts to address invasive aquatic plant species.

(4) SAN DIEGO RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, San Diego River, California, including efforts to address invasive aquatic plant species.

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

(6) SWEETWATER RESERVOIR, SAN DIEGO COUNTY, CALIFORNIA.—Project for aquatic ecosystem restoration, Sweetwater Reservoir, San Diego County, California, including efforts to address invasive aquatic plant species.

(7) BISCAYNE BAY, FLORIDA.—Project for aquatic ecosystem restoration, Biscayne Bay, Key Biscayne, Florida.

(8) DESTIN HARBOR, FLORIDA.—Project for aquatic ecosystem restoration, Destin Harbor, Florida.

(9) CHATTAHOOCHEE RIVER, COLUMBUS, GEORGIA, AND PHENIX CITY, ALABAMA.—Project for aquatic ecosystem restoration, City Mills Dam and Eagle and Phenix Dam, Chattahoochee River, Columbus, Georgia, and Phenix City, Alabama.

(10) CHATTAHOOCHEE RIVER AND OCMULGEE RIVER BASINS, GEORGIA.—Project for aquatic ecosystem restoration, Chattahoochee River and Ocmulgee River basins, Gwinnett County, Georgia.

(11) SNAKE RIVER, JEROME, IDAHO.—Project for aquatic ecosystem restoration, Snake River, Jerome, Idaho.

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

The Secretary shall conduct a study for the following project and, if the Secretary determines that the project is feasible, may carry out the project under section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g):

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

**SEC. 1008. SMALL PROJECTS FOR SNAGGING AND SEDIMENT REMOVAL.**

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

# TITLE II—GENERAL PROVISIONS

**SEC. 2001. ANNUAL PASSES FOR RECREATION.**

Section 208(c)(4) of the Water Resources Development Act of 1996 (16 U.S.C. 460d–3 note; 110 Stat. 3681; 113 Stat. 294) is amended by striking ''the December 31, 2003'' and inserting ''December 31, 2004''.

**SEC. 2002. NON-FEDERAL CONTRIBUTIONS.**

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

''(n) NON-FEDERAL CONTRIBUTIONS.—

''(1) PROHIBITION ON SOLICITATION OF EXCESS CONTRIBUTIONS.—The Secretary may not solicit contributions from non-Federal interests for costs of constructing authorized water resources development projects or measures in excess of the non-Federal share assigned to the appropriate project purposes listed in subsections (a), (b), and (c) or condition Federal participation in such projects or measures on the receipt of such contributions.

''(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect the Secretary's authority under section 903(c) of this Act.''.

**SEC. 2003. HARBOR COST SHARING.**

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

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

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

(d) APPLICABILITY.—The amendments made by subsections (a), (b), and (c) shall apply only to a project, or separable element of a project, on which a contract for physical construction has not been awarded before the date of enactment of this Act.

**SEC. 2004. FUNDING TO PROCESS PERMITS.**

Section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is amended by striking ''2003'' and inserting ''2005''.

**SEC. 2005. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.**

(a) EXTENSION OF PROGRAM.—Section 5(a) of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426h(a)), is amended by striking ''6 years'' and inserting ''10 years''.

(b) EXTENSION OF PLANNING, DESIGN, AND CONSTRUCTION PHASE.—Section 5(b)(1)(A) of such Act (33 U.S.C. 426h(b)(1)(A)) is amended by striking ''3 years'' and inserting ''6 years''.

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

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

(2) by inserting after paragraph (2) the following:

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

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

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

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

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

(1) in subsection (a)—

(A) by striking "under the provisions" and all that follows through "under any other" and inserting "under any";

(B) by inserting "partnership" after "written";

(C) by striking "Secretary of the Army to furnish its required cooperation for" and inserting "district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of"; and

(D) by inserting after "$25,000." the following: "Such agreement may include a provision for liquidated damages in the event of a failure of one or more parties to perform.";

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

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

"(e) LIMITATION.—Nothing in subsection (a) shall be construed as limiting the authority of the Secretary to ensure that a partnership agreement meets all requirements of law and policies of the Secretary in effect on the date of entry into the partnership agreement.".

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

(1) in paragraph (2)—

(A) by striking "shall" the first place it appears and inserting "may"; and

(B) by striking the last sentence; and

(2) in paragraph (4)—

(A) by inserting after "injunction, for" the following: "payment of liquidated damages or, for";

(B) by striking "to collect a civil penalty imposed under this section,"; and

(C) by striking "any civil penalty imposed under this section," and inserting "any liquidated damages,".

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) only apply to partnership agreements entered into after the date of enactment of this Act; except that at the request of a non-Federal interest for a project the district engineer for the district in which the project is located may amend a project partnership agreement entered into on or before such date and under which construction on the project has not been initiated as of such date of enactment for the purpose of incorporating such amendments.

(d) REFERENCES.—

(1) TO COOPERATION AGREEMENTS.—Any reference in a law, regulation, document, or other paper of the United States to a cooperation agreement or project cooperation agreement shall be treated to be a reference to a partnership agreement or a project partnership agreement, respectively.

(2) TO PARTNERSHIP AGREEMENTS.—Any reference to a partnership agreement or project partnership agreement in this Act (other than this section) shall be treated as a reference to a cooperation agreement or a project cooperation agreement, respectively.

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

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

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

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2004 through 2008.

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

Within one year after the date of enactment of this Act, the laws of the United States relating to the improvement of rivers and harbors, flood control, beach erosion, and other water resources development enacted after November 8, 1966, and before January 1, 2004, shall be compiled under the direction of the Secretary and the Chief of Engineers and printed for the use of the Department of the Army, Congress, and the general public. The Secretary shall reprint the volumes containing such laws enacted before November 8, 1966. In addition, the Secretary shall include an index in each volume so compiled or reprinted. Not later than December 1, 2004, the Secretary shall transmit at least 25 copies of each such volume to the Com-

mittee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

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

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a; 110 Stat. 3694–3696) is amended—

(1) by redesignating subsection (c) as subsection (d);

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

"(c) GOVERNMENTAL PARTNERSHIPS.—

"(1) IN GENERAL.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government. One or more of the parties of the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility. If appropriate, the Secretary may combine portions of separate construction or maintenance appropriations from separate Federal projects with the appropriate combined cost-sharing between the various projects when the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

"(2) PUBLIC FINANCING.—

"(A) AGREEMENTS.—

"(i) SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.—The cost-sharing agreement used shall clearly specify the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects and the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

"(ii) MANAGEMENT OF SEDIMENTS.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnership agreements. The cost-sharing agreement may allow the non-Federal sponsor to receive reimbursable payments from the Federal Government for commitments made by the sponsor for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.

"(iii) CREDIT.—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.

"(B) CREDIT.—Nothing in this subsection supersedes or modifies existing agreements between the Federal Government and any non-Federal sponsors for the cost-sharing, construction, and operation and maintenance of Federal navigation projects. Subject to the approval of the Secretary and in accordance with existing laws, regulations, and policies, a non-Federal public sponsor of a Federal navigation project may seek credit for funds provided in the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project. The non-Federal sponsor shall be responsible for providing all necessary lands, easements, rights-of-way, or relocations associated with the facility and shall receive credit for these items."; and

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

(A) by inserting "and maintenance" after "operation"; and

(B) by inserting "processing, treatment, or" after "dredged material" the first place it appears.

**SEC. 2010. WETLANDS MITIGATION.**

In carrying out a water resources project that involves wetlands mitigation and that has impacts that occur within the service area of a mitigation bank, the Secretary, to the maximum extent practicable and where appropriate, shall give preference to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605) or other applicable Federal law (including regulations).

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

(a) IN GENERAL.—In conducting a study of harbor and navigation improvements, the Secretary may recommend a project without the need to demonstrate that the project is justified solely by national economic development benefits if the Secretary determines that—

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

(B) the project would be located in the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa;

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

(3) the long-term viability of the community would be threatened without the harbor and navigation improvement.

(b) JUSTIFICATION.—In considering whether to recommend a project under subsection (a), the Secretary shall consider the benefits of the project to—

(1) public health and safety of the local community, including access to facilities designed to protect public health and safety;

(2) access to natural resources for subsistence purposes;

(3) local and regional economic opportunities;

(4) welfare of the local population; and

(5) social and cultural value to the community.

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

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by striking subsections (c) through (g) and inserting the following:

"(c) IN GENERAL.—The Secretary may carry out projects to transport and place suitable material dredged in connection with the construction, operation, or maintenance of an authorized navigation project at locations selected by a non-Federal entity for use in the construction, repair, or rehabilitation of projects determined by the Secretary to be in the public interest and associated with navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.

"(d) COOPERATIVE AGREEMENT.—Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into an agreement with the Secretary in which the non-Federal interests agree to pay the non-Federal share of the cost of construction of the project and 100 percent of the cost of operation, maintenance, replacement, and rehabilitation of the project in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

"(e) SPECIAL RULE.—Construction of a project under subsection (a) for the protection and restoration of aquatic and ecologically related habitat the cost of which does not exceed $750,000 and which will be located in a disadvantaged community as determined by the Secretary may be carried out at Federal expense.

"(f) DETERMINATION OF CONSTRUCTION COSTS.—Costs associated with construction of a project under this section shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of the authorized navigation project in the most cost effective way, consistent with economic, engineering, and environmental criteria.

"(g) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD.—In developing and carrying out a project for navigation involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of such disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion. The Federal share of such incremental costs shall be determined in accordance with subsection (d).

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

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

"(j) REGIONAL SEDIMENT MANAGEMENT PLANNING.—In consultation with appropriate State and Federal agencies, the Secretary may develop, at Federal expense,

plans for regional management of material dredged in conjunction with the construction, operation, or maintenance of navigation projects, including potential beneficial uses of dredged material for construction, repair, or rehabilitation of public projects for navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.''.

(b) REPEAL.—

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

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

(c) PRIORITY AREAS.—In carrying out section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), the Secretary shall give priority to a project for the beaches of Bogues Bank in the vicinity of Morehead City, North Carolina, and a project in the vicinity of the Smith Point Park Pavilion and the TWA Flight 800 Memorial, Brookhaven, New York.

**SEC. 2013. COST SHARING PROVISIONS FOR CERTAIN AREAS.**

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

**''SEC. 1156. COST SHARING PROVISIONS FOR CERTAIN AREAS.**

''The Secretary shall waive local cost-sharing requirements up to $500,000 for all studies and projects in the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands, in Indian country (as defined in section 1151 of title 18, United States Code, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations) or on land in the State of Alaska conveyed to an Alaska Native Village Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).''.

**SEC. 2014. REVISION OF PROJECT PARTNERSHIP AGREEMENT.**

Upon authorization by law of an increase in the maximum amount of Federal funds that may be allocated for a project or an increase in the total cost of a project authorized to be carried out by the Secretary, the Secretary shall revise the project partnership agreement for the project to take into account the change in Federal participation in the project.

**SEC. 2015. COST SHARING.**

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

**SEC. 2016. CREDIT FOR WORK PERFORMED BEFORE PARTNERSHIP AGREEMENT.**

If the Secretary is authorized to credit toward the non-Federal share the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project and such work has not been carried out as of the date of enactment of this Act, the Secretary shall enter into an agreement with the non-Federal interest for the project under which the non-Federal interest shall carry out such work, and the credit shall apply only to work carried out under the agreement.

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

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

(1) in subsection (a)(1) by striking ''During fiscal years 1999 through 2002, the'' and inserting ''The''; and

(2) in subsection (a)(3) by striking ''September 30, 2005'' and inserting ''expended''.

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

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

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

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

(1) in subsection (d)—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by adding at the end the following:

''(6) Sacramento-San Joaquin Delta, California.'';

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

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

(3) by striking subsection (g).

(b) REVISION OF PARTNERSHIP AGREEMENT.—The Secretary shall revise the partnership agreement for any assessment being carried out under such section 729 to take into account the change in non-Federal participation in the assessment as a result of the amendments made by subsection (a).

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

Section 203(b)(1)(B) of the Water Resources Development Act of 2000 (33 U.S.C. 2269(b)(1)(B); 114 Stat. 2589) is amended by inserting after ''Code'' the following '', and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations''.

**SEC. 2021. TREATMENT OF CERTAIN SEPARABLE ELEMENTS.**

(a) IN GENERAL.—If, in carrying out a water resources project, the Secretary identifies a separable element that would advance a primary mission of the Corps of Engineers, with benefits that could be achieved more cost-effectively if carried out in conjunction with the project, the Secretary, in consultation with the non-Federal interest, may carry out such separable element at Federal expense if the cost of such separable element does not exceed 3 percent of the Federal project cost and does not exceed $1,000,000.

(b) OPERATION AND MAINTENANCE.—Operation and maintenance of a separable element of a project carried out under this section shall be a non-Federal responsibility.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to increase the amount authorized to be appropriated for a project beyond that amount authorized by law or to provide a separate authorization of appropriations.

**SEC. 2022. PROSECUTION OF WORK.**

Section 10 of the Rivers and Harbors Act of September 22, 1922 (33 U.S.C. 621; 42 Stat. 1043), is amended by inserting after ''harbors'' the following: '', including any planning, engineering, design, construction, operation, and maintenance,''.

**SEC. 2023. WILDFIRE FIREFIGHTING.**

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

**SEC. 2024. CREDIT FOR NONCONSTRUCTION SERVICES.**

(a) IN GENERAL.—The Secretary is authorized to allow a non-Federal interest credit toward its share of project costs for any authorized water resources development project for the cost of materials and in-kind services, including design and management services but not including construction, provided by the non-Federal interest for implementation of the project.

(b) LIMITATION.—Credit authorized under subsection (a)—

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

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

(3) shall not exceed the actual and reasonable costs of the materials or in-kind services provided by the non-Federal interest, as determined by the Secretary; and

(4) shall not be allowed unless the Secretary has determined that such materials or services are compatible with and necessary for the project.

**SEC. 2025. TECHNICAL ASSISTANCE.**

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

(1) in subsection (a) by striking "The Secretary" and inserting the following:
"(a) FEDERAL STATE COOPERATION.—
"(1) COMPREHENSIVE PLANS.—The Secretary";

(2) by inserting after the last sentence in subsection (a) the following:
"(2) TECHNICAL ASSISTANCE.—
"(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to such agency or non-Federal interest in managing water resources.
"(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses."

(3) in subsection (b)(1) by striking "this section" each place it appears and inserting "subsection (a)(1)";

(4) in subsection (c) by striking "(c) There is" and inserting the following:
"(c) AUTHORIZATION OF APPROPRIATIONS.—
"(1) FEDERAL AND STATE COOPERATION.—There is";

(5) in subsection (c) strike "the provisions of this section" and insert "subsection (a)(1);"; and

(6) by inserting at the end of subsection (c) the following:
"(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated $5,000,000 annually to carry out subsection (a)(2), of which not more than $2,000,000 annually may be used by the Secretary to enter into cooperative agreements with nonprofit organizations to provide assistance to rural and small communities.".

**SEC. 2026. CENTERS OF SPECIALIZED PLANNING EXPERTISE.**

(a) ESTABLISHMENT.—The Secretary is authorized to establish centers to provide specialized planning expertise for water resources projects to be carried out by the Secretary to enhance and supplement the capabilities of the districts of the Army Corps of Engineers.

(b) DUTIES.—A center of expertise shall have the following duties:

(1) Providing technical and managerial assistance to district engineers for project planning, development, and implementation.

(2) Providing peer reviews of new major scientific, engineering, or economic methods, models or analyses that will be used to support decisions of the Secretary with respect to feasibility studies.

(3) Providing support for external peer review panels convened by the Secretary.

(4) Performing such other duties as prescribed by the Secretary.

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

(a) NOTICE OF INTENT.—Upon request of the non-Federal interest in the form of a written notice of intent to construct or modify a non-Federal water supply, wastewater infrastructure, flood damage reduction, environmental restoration, or navigation project that requires the approval of the Secretary, the Secretary shall initiate, subject to subsection (g)(1), procedures to establish a schedule for consolidating Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and issuance of all permits for the construction or modification of the project. The non-Federal interest shall submit to the Secretary, with the notice of intent, studies and documentation, including environmental reviews, that may be required by Federal law for decisionmaking on the proposed project. All States and Indian tribes having jurisdiction over the proposed project shall be invited by the Secretary, but shall not be required, to participate in carrying out this section with respect to the project.

(b) PROCEDURAL REQUIREMENTS.—Within 15 days after receipt of notice under subsection (a), the Secretary shall publish such notice in the Federal Register. The Secretary also shall provide written notification of the receipt of a notice under subsection (a) to all State and local agencies and Indian tribes that may be required to issue permits for the construction of the project or related activities. The Secretary shall solicit the cooperation of those agencies and request their entry into a memorandum of agreement described in subsection (c) with respect to the project. Within 30 days after publication of the notice in the Federal Register, State and local agencies and Indian tribes that intend to enter into the memorandum of agreement with respect to the project shall notify the Secretary of their intent in writing.

(c) SCHEDULING AGREEMENT.—Within 90 days after the date of receipt of notice under subsection (a) with respect to a project, the Secretary of the Interior, the Sec-

retary of Commerce, and the Administrator of the Environmental Protection Agency, as necessary, and any State or local agencies that have notified the Secretary under subsection (b) shall enter into an agreement with the Secretary establishing a schedule of decisionmaking for approval of the project and permits associated with the project and with related activities.

(d) CONTENTS OF AGREEMENT.—An agreement entered into under subsection (c) with respect to a project, to the extent practicable, shall consolidate hearing and comment periods, procedures for data collection and report preparation, and the environmental review and permitting processes associated with the project and related activities. The agreement shall detail, to the extent possible, the non-Federal interest's responsibilities for data development and information that may be necessary to process each permit required for the project, including a schedule when the information and data will be provided to the appropriate Federal, State, or local agency or Indian tribe.

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

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

(g) REIMBURSEMENT.—

(1) COSTS OF COORDINATION.—The costs incurred by the Secretary to establish and carry out a schedule to consolidate Federal, State, and local agency and Indian tribe environmental assessments, project reviews, and permit issuance for a project under this section shall be paid by the non-Federal interest.

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

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

(B) USE OF FUNDS.—Funds accepted under this paragraph shall be used to supplement existing resources of the Secretary or a participating agency.

(C) ASSURANCE OF LEVEL OF SERVICE AND IMPARTIALITY.—The Secretary shall ensure that the Department of the Army and any participating agency that accepts funds under this paragraph shall continue to provide the same level of service to other projects and other responsibilities not covered by this section as it would provide notwithstanding any activities carried out under this section and that acceptance of such funds will not impact impartial decisionmaking either substantively or procedurally.

(h) REPORT ON TIMESAVINGS METHODS.—Not later than 3 years after the date of enactment of this section, the Secretary shall prepare and transmit to Congress a report estimating the time required for the issuance of all Federal, State, local, and tribal permits for the construction of non-Federal projects for water supply, wastewater infrastructure, flood damage reduction, environmental restoration, and navigation. The Secretary shall include in that report recommendations for further reducing the amount of time required for the issuance of those permits, including any proposed changes in existing law.

**SEC. 2028. PROJECT STREAMLINING.**

(a) POLICY.—The benefits of water resources projects are important to the Nation's economy and environment, and recommendations to Congress regarding such projects should not be delayed due to uncoordinated and sequential environmental reviews or the failure to timely resolve disputes during the development of water resources projects.

(b) SCOPE.—This section shall apply to each study initiated after the date of enactment of this Act to develop a feasibility report under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282), or a reevaluation report, for a water resources project if the Secretary determines that such study requires an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) WATER RESOURCES PROJECT REVIEW PROCESS.—The Secretary shall develop and implement a coordinated review process for water resources projects.

(d) COORDINATED REVIEWS.—

(1) IN GENERAL.—The coordinated review process under this section shall provide that all environmental reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal, State, or local government agency or Indian tribe for a water resources project will be conducted concurrently, to the maximum extent practicable, and completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (e) with respect to the project.

(2) AGENCY PARTICIPATION.—Each Federal agency identified under subsection (e) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in paragraph (1) in a timely and environmentally responsible manner.

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

(f) STATE AUTHORITY.—If a coordinated review process is being implemented under this section by the Secretary with respect to a water resources project within the boundaries of a State, the State, consistent with State law, may choose to participate in such process and provide that all State agencies that have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project, be subject to the process.

(g) MEMORANDUM OF UNDERSTANDING.—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a project between the Secretary and the heads of other Federal, State, and local government agencies and Indian tribes identified under subsection (e) with respect to the project and the non-Federal interest for the project.

(h) EFFECT OF FAILURE TO MEET DEADLINE.—

(1) NOTIFICATION OF CONGRESS AND CEQ.—If the Secretary determines that a Federal, State, or local government agency, Indian tribe, or non-Federal interest that is participating in a coordinated review process under this section with respect to a project has not met a deadline established under subsection (d) for the project, the Secretary shall notify, within 30 days of the date of such determination, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, the Council on Environmental Quality, and the agency, Indian tribe, or non-Federal interest involved about the failure to meet the deadline.

(2) AGENCY REPORT.—Not later than 30 days after the date of receipt of a notice under paragraph (1), the Federal, State, or local government agency, Indian tribe, or non-Federal interest involved shall submit a report to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Council on Environmental Quality explaining why the agency, Indian tribe, or non-Federal interest did not meet the deadline and what actions it intends to take to complete or issue the required review, analysis, opinion, permit, license, or approval.

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

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

(A) define the purpose and need for the proposed water resources project; and

(B) determine which alternatives are reasonable and may be reasonably anticipated to meet project purposes and needs.

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

(j) SOLICITATION AND CONSIDERATION OF COMMENTS.—In applying subsection (i), the Secretary shall solicit, consider, and respond to comments from interested persons and governmental entities.

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

(l) LIMITATIONS.—Nothing in this section shall preempt or interfere with—

(1) any practice of seeking public comment;

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

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

(m) BENCHMARKS.—Within 12 months of the date of enactment of this Act, the Chief of Engineers shall establish benchmarks for determining the length of time it should take to conduct a feasibility study for a water resources development project and its associated review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.). Benchmarks may be established for activities based on project type, size, cost, and complexity. The Chief of Engineers shall use such benchmarks as a management tool to make the feasibility study process more efficient in all districts of the Army Corps of Engineers.

**SEC. 2029. LAKES PROGRAM.**

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

(1) by striking ''and'' at end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting a semicolon; and

(3) by adding at the end the following:

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

''(21) Rogers Pond, Franklin Township, New Jersey, removal of silt and restoration of structural integrity;

''(22) Greenwood Lake, Greenwood Lake, New York, removal of silt and aquatic growth; and

''(23) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity.''.

**SEC. 2030. MITIGATION FOR FISH AND WILDLIFE LOSSES.**

(a) COMPLETION OF MITIGATION.—Section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended by adding at the following:

''(3) COMPLETION OF MITIGATION.—In those instances in which it is not technically practicable to complete mitigation concurrent with the last day of project construction because of the nature of the mitigation to be undertaken, the Secretary shall complete the required mitigation as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.''.

(b) MITIGATION PLAN CONTENTS.—Section 906(d) of such Act (33 U.S.C. 2283(d)) is amended by adding at the end the following:

''(3) CONTENTS.—A mitigation plan shall include—

''(A) a description of the physical action to be undertaken to achieve the mitigation objectives within the watershed in which such losses occur and, in any case in which mitigation must take place outside the watershed, a justification detailing the rationale for undertaking the mitigation outside of the watershed;

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

''(C) the type, amount, and characteristics of the habitat being restored;

''(D) success criteria for mitigation based on replacement of lost functions and values of the habitat, including hydrologic and vegetative characteristics; and

''(E) a plan for any necessary monitoring to determine the success of the mitigation, including the cost and duration of any monitoring, and to the extent practicable, the entities responsible for any monitoring.

''(4) RESPONSIBILITY FOR MONITORING.—In any case in which it is not practicable to identify in a mitigation plan for a water resources project, the entity

responsible for monitoring at the time of a final report of the Chief of Engineers or other final decision document for the project, such entity shall be identified in the partnership agreement entered into with the non-Federal interest.''.

(c) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the President's submission to Congress of the President's request for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on the Environment and Public Works of the Senate a report on the status of construction of projects that require mitigation under section 906 of Water Resources Development Act 1986 (33 U.S.C. 2283; 100 Stat. 4186) and the status of such mitigation.

(2) PROJECTS INCLUDED.—The status report shall include the status of all projects that are under construction, all projects for which the President requests funding for the next fiscal year, and all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986.

**SEC. 2031. COOPERATIVE AGREEMENTS.**

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

(b) LIMITATIONS.—

(1) PER PROJECT LIMIT.—A cooperative agreement under this section shall not obligate the Secretary to pay the nonprofit organization more than $1,000,000 for any single wetlands restoration project.

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

**SEC. 2032. PROJECT PLANNING.**

(a) OBJECTIVES.—

(1) FLOOD CONTROL, NAVIGATION, AND HURRICANE AND STORM DAMAGE REDUCTION PROJECTS.—The Federal objective of any study of the feasibility of a water resources project carried out by the Secretary for flood damage reduction, navigation, or hurricane and storm damage reduction shall be to maximize the net national economic development benefits associated with the project, consistent with protecting the Nation's environment.

(2) ECOSYSTEM RESTORATION PROJECTS.—The Federal objective of any study of the feasibility of a water resources project for ecosystem restoration carried out by the Secretary shall be to maximize the net national ecosystem restoration benefits associated with the project, consistent with national economic development.

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

(4) SELECTION OF PROJECT ALTERNATIVES.—

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

(B) FLOOD DAMAGE REDUCTION, NAVIGATION, AND HURRICANE STORM DAMAGE REDUCTION PROJECTS.—With respect to a water resources project described in paragraph (1), an overriding reason for selecting a plan other than the plan that maximizes national economic development benefits may be if the Secretary determines, and the non-Federal interest concurs, that an alternative plan is feasible and achieves the project purposes while providing greater ecosystem restoration benefits.

(C) ECOSYSTEM RESTORATION PROJECTS.—With respect to a water resources project described in paragraph (2), an overriding reason for selecting a plan other than the plan that maximizes national ecosystem restoration benefits may be if the Secretary determines, and the non-Federal interest concurs, that an alternative is feasible and achieves the project purpose while providing greater economic development benefits.

(b) IDENTIFYING ADDITIONAL BENEFITS AND PROJECTS.—

(1) PRIMARILY ECONOMIC BENEFITS.—In conducting a study of the feasibility of a project where the primary benefits are expected to be economic, the Secretary may identify ecosystem restoration benefits that may be achieved in the

study area and, after obtaining the participation of a non-Federal interest, may study and recommend construction of a separate project or separable project element to achieve those benefits.

(2) PRIMARILY ECOSYSTEM RESTORATION BENEFITS.—In conducting a study of the feasibility of a project where the primary benefits are expected to be associated with ecosystem restoration, the Secretary may identify economic benefits that may be achieved in the study area and, after obtaining the participation of a non-Federal interest, may study and recommend construction of a separate project or separable project element to achieve those benefits.

(3) RULES APPLICABLE TO IDENTIFIED SEPARATE PROJECTS AND ELEMENTS.—Any separate project or separable element identified under paragraph (1) or (2) and recommended for construction shall not be considered integral to the underlying project under study and, if authorized, shall be subject to a separate partnership agreement, unless a non-Federal interest agrees to share in the cost of both projects or separable elements.

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

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

(2) a calculation of any upstream or downstream impacts of the proposed project; and

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

**SEC. 2033. INDEPENDENT PEER REVIEW.**

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

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

(2) SCOPE.—The peer review may include a review of the economic and environmental assumptions and projections, project evaluation data, economic analyses, environmental analyses, engineering analyses, formulation of alternative plans, methods for integrating risk and uncertainty, models used in evaluation of economic or environmental impacts of proposed projects, and any biological opinions of the project study.

(3) PROJECT STUDIES SUBJECT TO PEER REVIEW.—

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

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

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

(ii) the head of a Federal or State agency charged with reviewing the project study determines that the project is likely to have a significant adverse impact on environmental, cultural, or other resources under the jurisdiction of the agency after implementation of proposed mitigation plans and requests a peer review by an independent panel of experts; or

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

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

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

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

(B) there is a significant public dispute as to the economic or environmental costs or benefits of the project.

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

(A) a study for a project the Chief of Engineers determines—

(i) is not controversial;

(ii) has no more than negligible adverse impacts on scarce or unique cultural, historic, or tribal resources;

(iii) has no substantial adverse impacts on fish and wildlife species and their habitat prior to the implementation of mitigation measures; and

(iv) has, before implementation of mitigation measures, no more than a negligible adverse impact on a species listed as endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1539 et seq.) or the critical habitat of such species designated under such Act; and

(B) a study for a project pursued under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107(a) of the River and Harbor Act of 1960 (33 U.S.C. 577(a)), section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (33 U.S.C. 603a), section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), or section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

(7) APPEAL.—The decision of the Chief of Engineers whether to peer review a project study shall be published in the Federal Register and shall be subject to appeal by a person referred to in paragraph (3)(B)(i) or (3)(B)(ii) to the Secretary of the Army if such appeal is made within the 30-day period following the date of such publication.

(8) DETERMINATION OF PROJECT COST.—For purposes of determining the estimated total cost of a project under paragraph (3)(A), the project cost shall be based upon the reasonable estimates of the Chief of Engineers at the completion of the reconnaissance study for the project. If the reasonable estimate of project costs is subsequently determined to be in excess of the amount in paragraph (3)(A), the Chief of Engineers shall make a determination whether a project study should be reviewed under this section.

(b) TIMING OF PEER REVIEW.—The Chief of Engineers shall determine the timing of a peer review of a project study under subsection (a). In all cases, the peer review shall occur during the period beginning on the date of the completion of the reconnaissance study for the project and ending on the date the draft report of the Chief of Engineers for the project is made available for public comment. Where the Chief of Engineers has not initiated a peer review of a project study, the Chief of Engineers shall consider, at a minimum, whether to initiate a peer review at the time that—

(1) the without project conditions are identified;

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

(3) the preferred alternative is identified.

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

(c) ESTABLISHMENT OF PANELS.—

(1) IN GENERAL.—For each project study subject to peer review under subsection (a), as soon as practicable after the Chief of Engineers determines that a project study will be subject to peer review, the Chief of Engineers shall contract with the National Academy of Sciences (or a similar independent scientific and technical advisory organization), or an eligible organization, to establish a panel of experts to peer review the project study for technical and scientific sufficiency.

(2) MEMBERSHIP.—A panel of experts established for a project study under this section shall be composed of independent experts who represent a balance of areas of expertise suitable for the review being conducted.

(3) LIMITATION ON APPOINTMENTS.—An individual may not be selected to serve on a panel of experts established for a project study under this section if the individual has a financial or close professional association with any organization or group with a strong financial or organizational interest in the project.

(4) CONGRESSIONAL NOTIFICATION.—Upon identification of a project study for peer review under this section, but prior to initiation of any review, the Chief of Engineers shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of such review.

(d) DUTIES OF PANELS.—A panel of experts established for a peer review for a project study under this section shall, consistent with the scope of the referral for review—

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

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

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

(4) submit to the Chief of Engineers a final report containing the panel's economic, engineering, and environmental analysis of the project study, including the panel's assessment of the adequacy and acceptability of the economic and environmental methods, models, and analyses used by the Chief of Engineers, to accompany the publication of the project study.

(e) DURATION OF PROJECT STUDY PEER REVIEWS.—

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

(A) complete its peer review under this section for a project study and submit a report to the Chief of Engineers under subsection (d)(4) within 180 days after the date of establishment of the panel, or, if the Chief of Engineers determines that a longer period of time is necessary, such period of time established by the Chief of Engineers, but in no event later than 90 days after the date a draft project study is made available for public review; and

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

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

(f) RECOMMENDATIONS OF PANEL.—

(1) CONSIDERATION BY THE CHIEF OF ENGINEERS.—After receiving a report on a project study from a panel of experts under this section and before entering a final record of decision for the project, the Chief of Engineers shall consider any recommendations contained in the report and prepare a written response for any recommendations adopted or not adopted.

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

(A) make a copy of the report and any written response of the Chief of Engineers on recommendations contained in the report available to the public; and

(B) transmit to Congress a copy of the report, together with any such written response, on the date of a final report of the Chief of Engineers or other final decision document for a project study that is subject to peer review by the panel.

(g) COSTS.—

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

(A) shall be a Federal expense; and

(B) shall not exceed $500,000.

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

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

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

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

(i) REPORT.—Within 4 1/2 years of the date of enactment of this section, the Chief of Engineers shall submit a report to Congress on the implementation of this section.

(j) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any peer review panel established under this section.

(k) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Chief of Engineers to cause or conduct a peer review of a water resources project existing on the date of enactment of this section.

(l) DEFINITIONS.—In this section, the following definitions apply:

(1) PROJECT STUDY.—The term ''project study'' means a feasibility study or reevaluation study for a project. The term also includes any other study associated with a modification or update of a project that includes an environmental impact statement, including the environmental impact statement.

(2) AFFECTED STATE.—The term "affected State", as used with respect to a project, means a State all or a portion of which is within the drainage basin in which the project is or would be located and would be economically or environmentally affected as a consequence of the project.

(3) ELIGIBLE ORGANIZATION.—The term "eligible organization" means an organization that—

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

(B) is independent;

(C) is free from conflicts of interest;

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

(E) has experience in establishing and administering peer review panels.

# TITLE III—PROJECT-RELATED PROVISIONS

**SEC. 3001. COOK INLET, ALASKA.**

(a) ANCHORAGE HARBOR.—The project for navigation improvements, Cook Inlet, Alaska (Anchorage Harbor, Alaska), authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299) and modified by section 199 of the Water Resources Development Act of 1976 (90 Stat. 2944), is further modified to direct the Secretary to establish a harbor depth of minus 45 feet mean lower low water for a length of 5,200 feet at the modified Port of Anchorage intermodal marine facility at each phase as such phases are completed and thereafter as the entire project is completed, at a total cost of $8,175,000. Federal maintenance shall continue for the existing facility until the modified facility is completed. Federal maintenance of the modified project shall be in accordance with such section 101; except that the project shall be maintained at a depth of minus 45 feet mean lower low water for such 5,200 feet, at an estimated annual cost of $6,000,000.

(b) NAVIGATION CHANNEL.—The Secretary shall modify the channel depth to run the entire length of Fire Island Range and Point Woronzof Range maintaining the same width and modifying the depth to minus 45 feet mean lower low water in the existing Cook Inlet Navigation Channel approach to Anchorage Harbor, Alaska, at a total cost of $21,525,000. The project shall be maintained at a depth of minus 45 mean lower low water, at an estimated annual cost of $3,000,000.

**SEC. 3002. KING COVE HARBOR, ALASKA.**

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

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

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

**SEC. 3004. TATILEK, ALASKA.**

The maximum amount of Federal funds that may be expended for the project for navigation, Tatilek, Alaska, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), shall be $10,000,000.

**SEC. 3005. NOGALES WASH AND TRIBUTARIES, ARIZONA.**

The project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606) and modified by section 303 of the Water Resources Development Act of 1996 (110 Stat. 3711) and section 302 of the Water Resources Development Act of 2000 (114 Stat. 2600), is further modified to direct the Secretary to use the Mexico Plan-1st Added Increment, as described in the limited reevaluation report dated September 13, 2002, to determine the cost allocation and cost apportionment for the project.

**SEC. 3006. GRAND PRAIRIE REGION AND BAYOU METO BASIN, ARKANSAS.**

The Secretary shall review the general reevaluation report for the Bayou Meto basin element of the project for Grand Prairie Region and Bayou Meto Basin, Arkansas, reauthorized by section 363(a) of the Water Resources Development Act of 1996 (110 Stat. 3730), and make a determination of whether the element is feasible, regardless of mission priorities.

**SEC. 3007. SAINT FRANCIS BASIN, ARKANSAS.**

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

**SEC. 3008. AMERICAN AND SACRAMENTO RIVERS, CALIFORNIA.**

The project for flood damage reduction, American and Sacramento Rivers, California, authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662–3663) and modified by section 366 of the Water Resources Development Act of 1999 (113 Stat. 319–320), is further modified to direct the Secretary to carry out the project, at a total cost of $205,000,000.

**SEC. 3009. CACHE CREEK BASIN, CALIFORNIA.**

The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to mitigate the impacts of the new south levee of the Cache Creek settling basin on the city of Woodland's storm drainage system, including all appurtenant features, erosion control measures, and environmental protection features. Such mitigation shall restore the city's preproject capacity (1,360 cubic feet per second) to release water to the Yolo Bypass, including channel improvements, an outlet work through the west levee of the Yolo Bypass, and a new low-flow cross channel to handle city and county storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

**SEC. 3010. GRAYSON CREEK/MURDERER'S CREEK, CALIFORNIA.**

The project for aquatic ecosystem restoration, Grayson Creek/Murderer's Creek, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

**SEC. 3011. JOHN F. BALDWIN SHIP CHANNEL AND STOCKTON SHIP CHANNEL, CALIFORNIA.**

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

(1) to provide that the non-Federal share of the cost of the John F. Baldwin Ship Channel and Stockton Ship Channel element of the project may be provided in the form of in-kind services and materials; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of such element the cost of planning and design work carried out by the non-Federal interest before the date of an agreement for such planning and design if the Secretary determines that such work is integral to such element.

**SEC. 3012. LOS ANGELES HARBOR, LOS ANGELES, CALIFORNIA.**

The project for navigation, Los Angeles Harbor, Los Angeles, California, authorized by section 101(b)(5) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of the planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines the work is integral to the project.

**SEC. 3013. LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA.**

The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is feasible. If the Secretary determines that maintenance of the project is feasible, the Secretary shall carry out the maintenance.

**SEC. 3014. NAPA RIVER SALT MARSH RESTORATION, NAPA RIVER, CALIFORNIA.**

In carrying out the feasibility study for the project for aquatic ecosystem restoration, Napa River Salt Marsh Restoration, Napa and Sonoma Counties, California, the Secretary shall determine whether work carried out by the non-Federal interest is integral to the project. In any case in which the work is determined to be integral to the project before completion of the final report of the Chief of Engineers on the project, such work shall be included as part of the project, and the cost of such work shall be recommended in the final report for credit toward the non-Federal share of the cost of the project. Work carried out after submission of the final report and

before the date of the partnership agreement for the project that is determined to be integral to the project shall be considered as part of the project, and the cost of such work shall be credited toward the non-Federal share of the cost of the project.

**SEC. 3015. PACIFIC FLYWAY CENTER, SACRAMENTO, CALIFORNIA.**

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

**SEC. 3016. PINOLE CREEK, CALIFORNIA.**

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

**SEC. 3017. PRADO DAM, CALIFORNIA.**

Upon completion of the modifications to the Prado Dam element of the project for flood control, Santa Ana River Mainstem, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113), the Memorandum of Agreement for the Operation for Prado Dam for Seasonal Additional Water Conservation between the Department of the Army and the Orange County Water District (including all the conditions and stipulations in the memorandum) shall remain in effect for volumes of water made available prior to such modifications.

**SEC. 3018. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.**

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

**SEC. 3019. SACRAMENTO RIVER, GLENN-COLUSA, CALIFORNIA.**

The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled "An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes", approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3110), title I of the Energy and Water Development Appropriations Act, 1999 (112 Stat. 1841), and section 305 of the Water Resources Development Act of 1999 (113 Stat. 299), is further modified to direct the Secretary to credit the non-Federal interest up to $4,000,000 toward the non-Federal share of the cost of the project for costs incurred by the non-Federal interest in carrying out activities (including the provision of lands, easements, rights-of-way, relocations, and dredged material disposal areas) associated with environmental compliance for the project if the Secretary determines that the activities are integral to the project.

**SEC. 3020. SAN LORENZO RIVER, CALIFORNIA.**

The project for flood control, San Lorenzo River, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663), is modified to direct the Secretary to credit not more than $2,000,000 toward the non-Federal share of the cost of the project for the cost of the work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines the work is integral to the project.

**SEC. 3021. UPPER GUADALUPE RIVER, CALIFORNIA.**

The project for flood damage reduction and recreation, Upper Guadalupe River, California, described as the Bypass Channel Plan of the Chief of Engineers dated August 19, 1998, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project, at a total cost of $140,328,000, with an estimated Federal cost of $70,164,000, and an estimated non-Federal cost of $70,164,000. The non-Federal share of the cost of the project shall be subject to section 103(a)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)(3)).

**SEC. 3022. WALNUT CREEK CHANNEL, CALIFORNIA.**

The project for aquatic ecosystem restoration, Walnut Creek Channel, California, being carried out under section 206 of the Water Resources Development Act of

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

**SEC. 3023. WILDCAT/SAN PABLO CREEK PHASE I, CALIFORNIA.**

The project for improvement of the quality of the environment, Wildcat/San Pablo Creek Phase I, California, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3024. WILDCAT/SAN PABLO CREEK PHASE II, CALIFORNIA.**

The project for aquatic ecosystem restoration, Wildcat/San Pablo Creek Phase II, California, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

**SEC. 3025. BREVARD COUNTY, FLORIDA.**

Section 310 of the Water Resources Development Act of 1999 (113 Stat. 301) is amended by adding at the end the following:

"(d) CREDIT.—After completion of the study, the Secretary shall credit toward the non-Federal share of the cost of the project the cost of nourishment and renourishment associated with the shore protection project incurred by the non-Federal interest to respond to damages to Brevard County beaches that are the result of a Federal navigation project, as determined in the final report for the study.".

**SEC. 3026. BROWARD COUNTY AND HILLSBORO INLET, FLORIDA.**

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

**SEC. 3027. GASPARILLA AND ESTERO ISLANDS, FLORIDA.**

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

**SEC. 3028. LIDO KEY BEACH, SARASOTA, FLORIDA.**

The project for shore protection, Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819), deauthorized under section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), and reauthorized by section 364(2)(A) of the Water Resources Development Act of 1999 (113 Stat. 313), is modified to direct the Secretary to construct the project, at a total cost of $12,926,000, with an estimated Federal cost of $6,547,000 and an estimated non-Federal cost of $6,379,000, and at an estimated average annual cost of $925,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $468,500 and an estimated annual non-Federal cost of $456,500.

**SEC. 3029. MANATEE HARBOR, FLORIDA.**

The project for navigation, Manatee Harbor, Florida, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093) and modified by section 102(j) of the Water Resources Development Act of 1990 (104 Stat. 4612), is further modified—

(1) to include the construction of an extension of the south channel a distance of approximately 1584 feet consistent with the general reevaluation report, dated April 2002, prepared by the Jacksonville District Corps of Engineers, at a total cost of $11,300,000, with an estimated Federal cost of $8,475,000 and an estimated non-Federal cost of $2,825,000;

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of in-kind services and materials provided for the project by the non-Federal interest;

(3) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(4) to authorize the Secretary to carry out the project as modified at a total cost of $61,500,000.

**SEC. 3030. TAMPA HARBOR, FLORIDA.**

The project for navigation, Tampa Harbor, Florida, referred to in section 4 of the Rivers and Harbors Act of September 22, 1922 (42 Stat. 1042), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3031. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.**

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

**SEC. 3032. MIAMI HARBOR, FLORIDA.**

The project for navigation, Miami Harbor Channel, Florida, authorized by section 101(a)(9) of the Water Resources Development Act of 1990 (104 Stat. 4606) and modified by section 315 of the Water Resources Development Act of 1999 (113 Stat. 302), is further modified to include as a project purpose environmental mitigation required before July 18, 2003, by Federal, State, and local environmental agencies for unauthorized or unanticipated environmental impacts within, or in the vicinity of, the authorized project.

**SEC. 3033. LITTLE WOOD RIVER, GOODING, IDAHO.**

The project for flood damage reduction, Little Wood River, Gooding, Idaho, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified—

(1) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions;

(2) to authorize the non-Federal interest to use funds made available under any other Federal program toward the non-Federal share of the cost of the project if such use of the funds is permitted under the other Federal program; and

(3) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the non-Federal interest's ability to pay.

**SEC. 3034. HENNEPIN-HOPPER LAKES, ILLINOIS.**

(a) PROJECT PURPOSE.—The project for flood control, Hennepin levees, Illinois, authorized by the Flood Control Act of June 26, 1936 (35 Stat. 1583), is modified to add environmental restoration as a project purpose.

(b) MAXIMUM AMOUNT.—The maximum amount of Federal funds that may be expended for the project for improvement of the quality of the environment, Hennepin-Hopper Lakes, Illinois, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), shall be $7,500,000.

(c) LIMITATION.—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n).

**SEC. 3035. MISSISSIPPI RIVER AND BIG MUDDY RIVER, ILLINOIS.**

(a) IN GENERAL.—The project for flood control, Mississippi River and Big Muddy River, Illinois, authorized by the Flood Control Act of 1938, is modified to authorize the Secretary to carry out repair and rehabilitation of the project at a total cost of $22,600,000, with an estimated Federal cost of $16,950,000 and an estimated non-Federal cost of $5,650,000, and to perform operation and maintenance of the project thereafter.

(b) OTHER ASSISTANCE.—Federal assistance made available through the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the repair and rehabilitation under this section.

(c) UNITED STATES LANDS.—Costs under this section for the repair and rehabilitation allocable to the protection of lands owned by the United States shall be a Federal responsibility. The Secretary shall seek reimbursement from the Secretary of Agriculture for the costs allocated to protecting lands owned by the Department of Agriculture.

(d) OPERATION AND MAINTENANCE OF NON-FEDERAL LANDS.—The cost of operation and maintenance under this section allocated to protecting non-Federal lands shall be a non-Federal responsibility.

**SEC. 3036. SPUNKY BOTTOMS, ILLINOIS.**

(a) PROJECT PURPOSE.—The project for flood control at Spunky Bottoms, Illinois, authorized by section 5 of the Flood Control Act of June 26, 1936 (35 Stat. 1584), is modified to add environmental restoration as a project purpose.

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

(c) LIMITATION.—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n).

**SEC. 3037. EMIQUON, ILLINOIS.**

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

(b) LIMITATION.—Nothing in this section shall affect the eligibility of the project for emergency repair assistance under section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n).

**SEC. 3038. LITTLE CALUMET RIVER, INDIANA.**

The project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), is modified to authorize the Secretary to carry out the project in accordance with the postauthorization change report dated August 2000, at a total cost of $186,300,000, with an estimated Federal cost of $136,600,000 and an estimated non-Federal cost of $49,700,000.

**SEC. 3039. WHITE RIVER, INDIANA.**

The project for flood control, Indianapolis on West Fork of White River, Indiana, authorized by section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes", approved June 22, 1936 (49 Stat. 1586), and modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716) and section 322 of the Water Resources Development Act of 1999 (113 Stat. 303–304), is further modified to authorize the Secretary to undertake the riverfront alterations described in the Central Indianapolis Waterfront Concept Plan, dated February 1994, for the Fall Creek Reach feature, at a total cost of $28,545,000 and to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3040. WOLF LAKE, INDIANA.**

The project for aquatic ecosystem restoration, Wolf Lake, Indiana, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried

out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3041. PRESTONSBURG, KENTUCKY.**

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

**SEC. 3042. AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.**

The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277) and modified by section 116 of Division D of Public Law 108–7 (117 Stat. 140), is further modified to direct the Secretary to carry out the project with the cost sharing for the project determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996.

**SEC. 3043. ATCHAFALAYA BASIN, LOUISIANA.**

(a) IN GENERAL.—Section 315(a)(1) of the Water Resources Development Act of 2000 (114 Stat. 2603–2604) is amended to read as follows:

"(1) is authorized to study, design, construct, operate, and maintain, at Federal expense, a Type A Regional Visitor Center in the vicinity of Morgan City, Louisiana, in consultation with the State of Louisiana, to provide information to the public on the Atchafalaya River system and other associated waterways that have influenced surrounding communities, and national and local water resources development of the Army Corps of Engineers in South Central Louisiana; and".

(b) TECHNICAL CORRECTION.—Section 315(b) of such Act is amended by striking "(a)" and inserting "(a)(2)".

(c) DONATIONS.—Section 315 of such Act is amended by adding at the end the following:

"(c) DONATIONS.—In carrying out subsection (a)(1), the Mississippi River Commission is authorized to accept the donation of cash, funds, lands, materials, and services from non-Federal governmental entities and nonprofit corporations.".

**SEC. 3044. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.**

The public access feature of the Atchafalaya Basin Floodway System, Louisiana, project, authorized by the Water Resources Development Act 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest, exclusive of oil, gas, and minerals, of an additional 20,000 acres of land within the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, to enhance fish and wildlife resources, at a total cost of $4,000,000.

**SEC. 3045. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, LOUISIANA.**

The project for mitigation of fish and wildlife losses, J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2572), is further modified to authorize the purchase and reforesting of lands which have been cleared or converted to agricultural uses.

**SEC. 3046. MISSISSIPPI DELTA REGION, LOUISIANA.**

The Mississippi Delta Region project, Louisiana, authorized as part of the project for hurricane-flood protection on Lake Pontchartrain, Louisiana, by section 204 of the Flood Control Act of 1965 (79 Stat. 1077) and modified by section 365 of the Water Resources Development Act of 1996 (110 Stat. 3739), is further modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the costs of relocating oyster beds in the Davis Pond project area if the Secretary determines that the work is integral to the Mississippi Delta Region project.

**SEC. 3047. NEW ORLEANS TO VENICE, LOUISIANA.**

The New Orleans to Venice, Louisiana, project for hurricane protection, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1184), is modified to

authorize the Secretary to carry out the work on the St. Jude to City Price, Upper Reach A back levee. The Federal share of the cost of such work shall be 70 percent.

**SEC. 3048. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF HARVEY CANAL), LOUISIANA.**

Section 328 of the Water Resources Development Act of 1999 (113 Stat. 304–305) is amended—

(1) in subsection (a)—

(A) by striking "operation and maintenance" and inserting "operation, maintenance, rehabilitation, repair, and replacement"; and

(B) by striking "Algiers Channel" and inserting "Algiers Canal Levees"; and

(2) by adding at the end the following:

"(c) COST SHARING.—The non-Federal share of the cost of the project shall be 35 percent.".

**SEC. 3049. CAMP ELLIS, SACO, MAINE.**

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be $10,000,000.

**SEC. 3050. UNION RIVER, MAINE.**

The project for navigation, Union River, Maine, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 3, 1896 (29 Stat. 215), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N315,975.13, E1,004,424.86 thence running north 61 degrees 27 minutes 20.71 seconds west about 132.34 feet to a point N316,038.37, E1,004,308.61.

**SEC. 3051. CASS RIVER, SPAULDING TOWNSHIP, MICHIGAN.**

(a) IN GENERAL.—The project for flood damage reduction, Cass River, Spaulding Township, Saginaw County, Michigan, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to incorporate flood control works constructed by the non-Federal interests between Sheridan Road and East Street (M–13) if the Secretary determines that the inclusion of such flood control works is feasible.

(b) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3052. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.**

(a) IN GENERAL.—The project for emergency streambank and shoreline protection, Detroit River Shoreline, Detroit, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), is modified to include measures to enhance public access.

(b) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be $3,000,000.

**SEC. 3053. WATER RESOURCES INSTITUTE, MUSKEGON, MICHIGAN.**

(a) IN GENERAL.—The project for emergency streambank and shoreline protection, Water Resources Institute, Muskegon, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), is modified to provide for completion of shoreline protection measures in accordance with the approved plans and specifications for Grand Valley State University, Lake Michigan Center, dated August 6, 2001.

(b) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be $2,000,000.

(c) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and implementation of shoreline protection measures carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3054. SAGINAW RIVER, BAY CITY, MICHIGAN.**

The maximum amount of Federal funds that may be expended for the project for emergency streambank protection, Saginaw River, Bay City, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), shall be $2,000,000.

**SEC. 3055. ADA, MINNESOTA.**

(a) IN GENERAL.—The project for flood damage reduction, Wild Rice River, Ada, Minnesota, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest in the project.

(b) EVALUATION OF BENEFITS AND COSTS.—In evaluating the economic benefits and costs for the project, the Secretary shall not consider the emergency levee adjacent to Judicial Ditch No. 51 in the determination of conditions existing prior to construction of the project.

(c) SPECIAL RULE.—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

**SEC. 3056. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.**

(a) IN GENERAL.—The project for navigation, Duluth Harbor, McQuade Road, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605), is further modified to authorize the Secretary to provide public access and recreational facilities as generally described in the Detailed Project Report and Environmental Assessment, McQuade Road Harbor of Refuge, Duluth, Minnesota, dated August 1999.

(b) CREDIT.—The Secretary shall provide credit toward the non-Federal share of the cost of the project for the costs of design work carried out before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(c) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be $5,000,000.

**SEC. 3057. GRAND PORTAGE HARBOR, MINNESOTA.**

The Secretary shall provide credit toward the non-Federal share of the cost of the navigation project for Grand Portage Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 312 of the Water Resources Development Act of 2000 (114 Stat. 2605), for the costs of design work carried out before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3058. GRANITE FALLS, MINNESOTA.**

(a) IN GENERAL.—The Secretary is directed to implement under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) the locally preferred plan for flood damage reduction, Granite Falls, Minnesota, substantially in accordance with the detailed project report dated 2002, at a total cost of $12,000,000, with an estimated Federal cost of $8,000,000 and an estimated non-Federal cost of $4,000,000.

(b) PROJECT FINANCING.—In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interests to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184), to the extent that the detailed project report evaluation indicates that applying such section is necessary to implement the project.

(c) CREDIT.—The Secretary shall credit toward the non-Federal share of the project the cost of design and construction work carried out by the non-Federal interest before date of execution of a partnership agreement for the project if the Secretary determines that the work is integral to the project.

(d) MAXIMUM FUNDING.—The maximum amount of Federal funds that may be expended for the flood damage reduction shall be $8,000,000.

**SEC. 3059. MINNEAPOLIS, MINNESOTA.**

Section 527 of the Water Resources Development Act of 2000 (114 Stat. 2657) is amended—

(1) in subsection (a) by inserting after "June 30, 1999" the following ", and including Hennepin Island and adjacent areas on the east side of the Mississippi River"; and

(2) in subsection (c) by striking "$10,000,000" and inserting "$25,000,000".

**SEC. 3060. RED LAKE RIVER, MINNESOTA.**

The project for flood control, Red Lake River at Crookston, Minnesota, authorized by section 101(a)(23) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to include flood protection for the adjacent and interconnected areas generally known as the Sampson and Chase/Loring neighborhoods, in accordance with the Feasibility Report Supplement, Local Flood Protection, Crookston,

Minnesota, at a total cost of $25,000,000, with an estimated Federal cost of $16,250,000 and an estimated non-Federal cost of $8,750,000.

**SEC. 3061. SILVER BAY, MINNESOTA.**

The project for navigation, Silver Bay, Minnesota, authorized by section 2 of the Rivers and Harbors Act of March 2, 1945 (59 Stat. 19), is modified to include operation and maintenance of the general navigation facilities as a Federal responsibility.

**SEC. 3062. TACONITE HARBOR, MINNESOTA.**

The project for navigation, Taconite Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include operation and maintenance of the general navigation facilities as a Federal responsibility.

**SEC. 3063. TWO HARBORS, MINNESOTA.**

(a) IN GENERAL.—The project for navigation, Two Harbors, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include construction of a dredged material disposal facility, including actions required to clear the site.

(b) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—Non-Federal interests shall be responsible for providing all lands, easements, rights-of-way, and relocations necessary for the construction of the dredged material disposal facility.

(c) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project shall be $5,000,000.

**SEC. 3064. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.**

The project for ecosystem restoration, Deer Island, Harrison County, Mississippi, being carried out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is modified to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions.

**SEC. 3065. BOIS BRULE DRAINAGE AND LEVEE DISTRICT, MISSOURI.**

The maximum amount of Federal funds that may be expended for the project for flood damage reduction, Bois Brule Drainage and Levee District, Missouri, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), shall be $25,000,000.

**SEC. 3066. SAND CREEK WATERSHED, WAHOO, NEBRASKA.**

The project for ecosystem restoration and flood damage reduction, Sand Creek watershed, Wahoo, Nebraska, authorized by section 101(b)(20) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified—

(1) to direct the Secretary to provide credit toward the non-Federal share of the cost of the project or reimbursement for the costs of any work that has been or will be performed by the non-Federal interest before, on, or after the approval of the project partnership agreement, including work performed by the non-Federal interest in connection with the design and construction of 7 upstream detention storage structures, if the Secretary determines that the work is integral to the project;

(2) to require that in-kind work to be credited under paragraph (1) be subject to audit; and

(3) to direct the Secretary to accept advance funds from the non-Federal interest as needed to maintain the project schedule.

**SEC. 3067. ALAMOGORDO, NEW MEXICO.**

The Secretary shall review the general reevaluation report, dated March 1999, for the project for flood protection, Alamogordo, New Mexico, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 85), and determine if the locally preferred flood detention basin would provide the same level of flood protection for the north side of the city of Alamogordo at a cost that is not greater than the cost of authorized channel improvements. If the Secretary determines that the flood detention basin is feasible, would provide the same level of flood protection, and can be constructed at the no additional cost, the Secretary may construct the flood detention basin instead of the channel improvements. The Federal share of the cost of the flood detention basin alternative shall be calculated in the same manner as if the channel improvements project was being constructed.

**SEC. 3068. ORCHARD BEACH, BRONX, NEW YORK.**

The project for shoreline protection, Orchard Beach, Bronx, New York, authorized by section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781),

is modified to authorize the Secretary to construct the project, at a total cost of $18,000,000.

**SEC. 3069. TIMES BEACH, BUFFALO, NEW YORK.**

The project for improvement of the quality of the environment, Times Beach, Buffalo, New York, being carried out under section 1135 of the Water Resources Development Act of 1986 (100 Stat. 4251), is modified to direct the Secretary to credit not more than $750,000 toward the non-Federal share of the cost of the project for the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines the work is integral to the project.

**SEC. 3070. PORT OF NEW YORK AND NEW JERSEY, NEW YORK AND NEW JERSEY.**

The navigation project, Port of New York and New Jersey, New York and New Jersey, authorized by section 101(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified—

(1) to authorize the Secretary to allow the non-Federal interest to construct a temporary dredged material storage facility to receive dredged material from the project if—

(A) the non-Federal interest submits, in writing, a list of potential sites for the temporary storage facility to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Secretary at least 180 days before the selection of the final site; and

(B) at least 70 percent of the dredged material generated in connection with the project suitable for beneficial reuse will be used at sites in the State of New Jersey to the extent that there are sufficient sites available; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of construction of the temporary storage facility if the Secretary determines that the work is integral to the project.

**SEC. 3071. NEW YORK STATE CANAL SYSTEM.**

Section 553(c) of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended to read as follows:

"(c) NEW YORK STATE CANAL SYSTEM DEFINED.—In this section, the term 'New York State Canal System' means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga-Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany and Buffalo.".

**SEC. 3072. ARCADIA LAKE, OKLAHOMA.**

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of all costs associated with present and future water storage costs at Arcadia Lake, Oklahoma, under Arcadia Lake Water Storage Contract Number DACW56–79–C–002 shall satisfy the obligations of the city under that contract.

**SEC. 3073. WILLAMETTE RIVER TEMPERATURE CONTROL, MCKENZIE SUBBASIN, OREGON.**

(a) IN GENERAL.—The project for environmental restoration, Willamette River Temperature Control, McKenzie Subbasin, Oregon, authorized by section 101(a)(25) of the Water Resources Development Act of 1996 (110 Stat. 3665) and modified by section 344 of the Water Resources Development Act of 1999 (113 Stat. 308), is further modified to direct the Secretary to pay, subject to the availability of appropriations, compensation for losses to small business attributable to the implementation of the drawdown conducted as a part of project implementation in 2002.

(b) ESTABLISHMENT OF PROGRAM.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish, and provide public notice of, a program—

(1) to receive claims for compensation for losses to small business attributable to the implementation of the drawdown conducted as a part of project implementation in 2002;

(2) to evaluate claims for such losses; and

(3) to pay claims for such losses.

(c) IMPLEMENTATION OF PROGRAM.—In carrying out the program established under subsection (b), the Secretary shall provide—

(1) public notice of the existence of the program sufficient to reach those in the area that may have suffered losses to small businesses;

(2) a period for the submission of claims of not fewer than 45 days and not greater than 75 days from the date of the first public notice of the existence of the program;

(3) for the evaluation of each claim submitted to the Secretary under the program and a determination of whether the claim constitutes a loss to a small business on or before the last day of the 30-day period beginning on the date of submission of the claim; and

(4) for the payment of each claim that the Secretary determines constitutes a loss to a small business on or before the last day of the 30-day period beginning on the date of the Secretary's determination.

(d) LOSS TO A SMALL BUSINESS DEFINED.—In this section, the term "loss to a small business" means documented financial losses associated with commercial activity of a small business that can be attributed to the turbidity levels in the McKenzie River being higher than those anticipated in the original planning documents and public announcements existing before the initiation of the drawdown in 2002. Commercial losses include decline in sales, loss of revenue (including loss of revenue from canceled or delayed reservations at lodging establishments), and any other financial losses that can be shown to be associated with the elevated turbidity levels in the McKenzie River in 2002.

(e) PAYMENT OF CLAIMS.—The payment of claims for losses to small businesses shall be a Federal responsibility.

**SEC. 3074. FRENCH CREEK, UNION CITY DAM, PENNSYLVANIA.**

The project for flood control French Creek, Union City Dam, Pennsylvania, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1189), is modified to include recreation as a project purpose.

**SEC. 3075. LACKAWANNA RIVER AT OLYPHANT, PENNSYLVANIA.**

The project for flood control, Lackawanna River at Olyphant, Pennsylvania, authorized by section 101(16) of the Water Resources Development Act of 1992 (106 Stat. 4803), is modified to authorize the Secretary to construct the project, at a total cost of $20,000,000.

**SEC. 3076. LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.**

The project for flood control, Lackawanna River at Scranton, Pennsylvania, authorized by section 101(17) of the Water Resources Development Act of 1992 (106 Stat. 4803), is modified to authorize the Secretary to construct the project, at a total cost of $23,000,000.

**SEC. 3077. RAYSTOWN LAKE, PENNSYLVANIA.**

The Secretary may take such action as may be necessary, including construction of a breakwater, to prevent shoreline erosion between .07 and 2.7 miles south of Pennsylvania State Route 994 on the east shore of Raystown Lake, Pennsylvania.

**SEC. 3078. SHERADEN PARK STREAM AND CHARTIERS CREEK, ALLEGHENY COUNTY, PENNSYLVANIA.**

The project for aquatic ecosystem restoration, Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit up to $400,000 toward the non-Federal share of the cost of the project for planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3079. SOLOMON'S CREEK, WILKES-BARRE, PENNSYLVANIA.**

The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to include as a project element the project for flood control for Solomon's Creek, Wilkes-Barre, Pennsylvania.

**SEC. 3080. SOUTH CENTRAL PENNSYLVANIA.**

Section 313(h)(2) of the Water Resources Development Act of 1992 (106 Stat. 4847; 109 Stat. 407; 117 Stat. 142) is amended by striking "Allegheny, Armstrong, Beford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder, Washington, and Westmoreland Counties" and inserting "Allegheny, Armstrong, Bedford, Blair, Cambria, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Somerset, Washington, and Westmoreland Counties".

**SEC. 3081. WYOMING VALLEY, PENNSYLVANIA.**

In carrying out the project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), the Secretary shall coordinate with non-Federal interests to review opportunities for increased public access.

**SEC. 3082. LITTLE LIMESTONE CREEK, JONESBOROUGH, TENNESSEE.**

In evaluating and implementing the project for flood damage reduction, Little Limestone Creek, Jonesborough, Tennessee, under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184), to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

**SEC. 3083. CEDAR BAYOU, TEXAS.**

(a) IN GENERAL.—The project for navigation, Cedar Bayou, Texas, reauthorized by section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632), is modified—

(1) to authorize the Secretary to carry out the project to a depth of 10 feet by 100 feet wide from mile 2.5 to mile 11 on Cedar Bayou if the Secretary determines that the project is feasible; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning and design work carried out by the non-Federal interest for the project if the Secretary determines that such work is integral to the project.

(b) COST SHARING.—Cost sharing for construction and operation and maintenance of the project shall be determined in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

**SEC. 3084. LAKE KEMP, TEXAS.**

(a) IN GENERAL.—The Secretary may not take any legal or administrative action seeking to remove a Lake Kemp improvement before the earlier of January 1, 2020, or the date of any transfer of ownership of the improvement occurring after the date of enactment of this Act.

(b) LIMITATION ON LIABILITY.—The United States, or any of its officers, agents, or assignees, shall not be liable for any injury, loss, or damage accruing to the owners of a Lake Kemp improvement, their lessees, or occupants as a result of any flooding or inundation of such improvements by the waters of the Lake Kemp reservoir, or for such injury, loss, or damage as may occur through the operation and maintenance of the Lake Kemp dam and reservoir in any manner.

(c) LAKE KEMP IMPROVEMENT DEFINED.—In this section, the term ''Lake Kemp improvement'' means an improvement (including dwellings) located within the flowage easement of Lake Kemp, Texas, below elevation 1159 feet mean sea level.

**SEC. 3085. LOWER RIO GRANDE BASIN, TEXAS.**

The project for flood control, Lower Rio Grande Basin, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is modified—

(1) to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and

(2) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the non-Federal interest's ability to pay.

**SEC. 3086. NORTH PADRE ISLAND, CORPUS CHRISTI BAY, TEXAS.**

The project for ecosystem restoration and storm damage reduction, North Padre Island, Corpus Christi Bay, Texas, authorized by section 556 of the Water Resources Development Act of 1999 (113 Stat. 353), is modified to include recreation as a project purpose.

**SEC. 3087. PROCTOR LAKE, TEXAS.**

The Secretary is authorized to convert flowage easements to fee simple title in the subdivisions of Buffalo Springs and Frees Lakeview, and adjacent areas, located within the boundaries necessary for the operation of the Proctor Lake project, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259), and to purchase all improved and unimproved properties within such boundaries and to pay relocation assistance benefits to qualified landowners as applicable under the provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (42 U.S.C. 4601 et seq.).

**SEC. 3088. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

The project for flood control, San Antonio Channel, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259) as part of the comprehensive

plan for flood protection on the Guadalupe and San Antonio Rivers in Texas and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921) and section 335 of the Water Resources Development Act of 2000 (114 Stat. 2611), is further modified to authorize the Secretary to credit toward the non-Federal share of the cost of the project the cost of construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3089. ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.**

Section 358 of the Water Resources Development Act of 1999 (113 Stat. 312) is amended by striking ''September 30, 1999'' and inserting ''May 4, 1997''.

**SEC. 3090. ROANOKE RIVER UPPER BASIN, VIRGINIA.**

The project for flood control, Roanoke River Upper Basin, Virginia, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4126) and modified by section 110 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 650), is further modified to authorize the Secretary to construct the project, at a total cost of $64,300,000, with an estimated Federal cost of $42,100,000 and an estimated non-Federal cost of $22,200,000. In carrying out the project, the Secretary shall award contracts based on invitation-for-bids procedures.

**SEC. 3091. BLAIR AND SITCUM WATERWAYS, TACOMA HARBOR, WASHINGTON.**

(a) IN GENERAL.—The project for navigation, Blair and Sitcum Waterways, Tacoma Harbor, Washington, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4096) and deepened to 51 feet under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to direct the Secretary to review the locally prepared plan for the Blair and Sitcum Waterways, Washington, and, if the Secretary determines that the plan meets the evaluation and design standards of the Corps of Engineers and that the plan is feasible, to authorize the Secretary to carry out the plan, at a Federal cost of $4,240,000.

(b) NON-FEDERAL WORK.—The Secretary shall provide credit toward the non-Federal share of the cost of the project, or reimbursement for, the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3092. GREENBRIER RIVER BASIN, WEST VIRGINIA.**

Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790; 113 Stat. 312) is amended by striking ''$47,000,000'' and inserting ''$89,000,000''.

**SEC. 3093. MANITOWOC HARBOR, WISCONSIN.**

The project for navigation, Manitowoc Harbor, Wisconsin, authorized by the River and Harbor Act of August 30, 1852, is modified to direct the Secretary to deepen the upstream reach of the navigation channel from 12 feet to 18 feet, at a total cost of $300,000.

**SEC. 3094. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

(1) in subsection (a)—

(A) by striking ''1276.42'' and inserting ''1278.42'';

(B) by striking ''1218.31'' and inserting ''1221.31''; and

(C) by striking ''1234.82'' and inserting ''1235.30''; and

(2) by striking subsection (b) and inserting the following:

''(b) EXCEPTION.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established in subsection (a) in accordance with water control regulation manuals (or revisions thereto) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users. The water control regulation manuals (and any revisions thereto) shall be effective when the Secretary transmits them to Congress. The Secretary shall report to Congress at least 14 days before operating any such headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a); except that notification is not required for operations necessary to prevent the loss of life or to ensure the safety of the dam or where the drawdown of lake levels is in anticipation of flood control operations.''.

**SEC. 3095. CONTINUATION OF PROJECT AUTHORIZATIONS.**

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:

(1) The project for navigation, Fall River Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731).

(2) The project for flood control, Agana River, Guam, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4127).

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

**SEC. 3096. PROJECT REAUTHORIZATIONS.**

Each of the following projects may be carried out by the Secretary and no construction on any such project may be initiated until the Secretary determines that the project is feasible:

(1) MENOMINEE HARBOR AND RIVER, MICHIGAN AND WISCONSIN.—The project for navigation, Menominee Harbor and River, Michigan and Wisconsin, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482) and deauthorized on April 15, 2002, in accordance with section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

(2) MANITOWOC HARBOR, WISCONSIN.—That portion of the project for navigation, Manitowoc Harbor, Wisconsin, consisting of the channel in the south part of the outer harbor, deauthorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176).

**SEC. 3097. PROJECT DEAUTHORIZATIONS.**

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

(1) BRIDGEPORT HARBOR, CONNECTICUT.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the River and Harbor Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described as follows: Beginning at a point along the eastern limit of the existing project, N123,649.75, E481,920.54, thence running northwesterly about 52.64 feet to a point N123,683.03, E481,879.75, thence running northeasterly about 1,442.21 feet to a point N125,030.08, E482,394.96, thence running northeasterly about 139.52 feet to a point along the east limit of the existing channel, N125,133.87, E482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

(2) NORWALK HARBOR, CONNECTICUT.—The following portions a 10-foot channel of the project for navigation, Norwalk Harbor, Connecticut, authorized by the first section of the Rivers and Harbors Appropriations Act of March 2, 1919 (40 Stat. 1276):

(A) An approximate rectangular shaped section along the northwesterly terminus of the channel. The section is 35-feet wide and about 460-feet long and is further described as follows: Commencing at a point N104,165.85, E417,662.71, thence running south 24 degrees 06 minutes 55 seconds east 395.00 feet to a point N103,805.32, E417,824.10, thence running south 00 degrees 38 minutes 06 seconds east 87.84 feet to a point N103,717.49, E417,825.07, thence running north 24 degrees 06 minutes 55 seconds west 480.00 feet, to a point N104,155.59, E417.628.96, thence running north 73 degrees 05 minutes 25 seconds east 35.28 feet to the point of origin.

(B) An area having the approximate shape of a parallelogram along the northeasterly portion of the channel, southeast of the area described in subparagraph (A). This area is 20-feet wide and about 260-feet long and is further described as follows: Commencing at a point N103,855.48, E417,849.99, thence running south 33 degrees 07 minutes 30 seconds east 133.40 feet to a point N103,743.76, E417,922.89, thence running south 24 degrees 07 minutes 04 seconds east 127.75 feet to a point N103,627.16, E417,975.09, thence running north 33 degrees 07 minutes 30 seconds west 190.00 feet to a point N103,786.28, E417,871.26, thence running north 17 degrees 05 minutes 15 seconds west 72.39 feet to the point of origin.

(3) CHICAGO RIVER AND HARBOR, CHICAGO, ILLINOIS.—Those portions of the projects for navigation, Chicago River and Chicago Harbor, Chicago, Illinois, authorized by the River and Harbor Act of March 3, 1899 (30 Stat. 1129), extending 50 feet riverward of the existing dock wall on the south side of the channel from Lake Street to Franklin Street and 25 feet riverward of the existing dock wall on the south side of the channel from Franklin Street to Wabash Avenue, and those areas within 20 feet of the bridge abutments on the south side of the channel for the length of the protection bridge piers from the Franklin Street Bridge to the Michigan Avenue Bridge.

(4) ISLAND END RIVER, MASSACHUSETTS.—The portion of the project for navigation, Island End River, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), described as follows: Beginning at a point along the eastern limit of the existing project, N507,348.98,

E721,180.01, thence running northeast about 35 feet to a point N507,384.17, E721,183.36, thence running northeast about 324 feet to a point N507,590.51, E721,433.17, thence running northeast about 345 feet to a point along the northern limit of the existing project, N507,927.29, E721,510.29, thence running southeast about 25 feet to a point N507,921.71, E721,534.66, thence running southwest about 354 feet to a point N507,576.65, E721,455.64, thence running southwest about 357 feet to the point of origin.

(5) CITY WATERWAY, TACOMA, WASHINGTON.—The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the River and Harbor Appropriations Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the waterway beginning at Station 70+00 and ending at Station 80+00.

(b) ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the River and Harbor Appropriations Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel and that is further described as beginning at a point along the western limit of the existing project, N188, 802.75, E779, 462.81, thence running northeasterly about 1,373.88 feet to a point N189, 554.87, E780, 612.53, thence running southeasterly about 439.54 feet to a point N189, 319.88, E780, 983.98, thence running southwesterly about 831.58 feet to a point N188, 864.63, E780, 288.08, thence running southeasterly about 567.39 feet to a point N188, 301.88, E780, 360.49, thence running northwesterly about 1,027.96 feet to the point of origin, shall be redesignated as an anchorage area.

(c) NORWALK HARBOR, CONNECTICUT.—The 10-foot channel portion of the Norwalk Harbor, Connecticut, navigation project described in subsection (a)(2) is modified to authorize the Secretary to realign the channel to include a new section immediately north of the area described in subsection (a)(2)(B). The new triangular shaped section is described as follows: Commencing at a point N103,968.35, E417,815.29, thence running south 17 degrees 05 minutes 15 seconds east 118.09 feet to a point N103,855.48, E417,849.99, thence running north 33 degrees 07 minutes 30 seconds west 36.76 feet to a point N103,886.27, E417.829.90, thence running north 10 degrees 05 minutes 26 seconds west 83.37 feet to the point of origin.

(d) CHICAGO RIVER AND HARBOR, CHICAGO, ILLINOIS.—The projects for navigation, Chicago River and Chicago Harbor referred to in subsection (a)(3) are modified to direct the Secretary to redefine the Federal navigation channel for the North Branch Canal portion extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge to be no wider than 66 feet.

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

(1) The project for flood damage reduction, Cache Creek Basin, Clear Lake Outlet Channel, California, authorized by the Water Resources Development Act of 1986 (Public Law 99–662).

(2) The project for flood control, Goleta and Vicinity, California, authorized by the Flood Control Act of 1970.

(3) The project to modify the Central and Southern Florida project to improve water supply to the Everglades National Park, Florida, authorized by the Flood Control Act of 1954 (Public Law 83–780) and the Flood Control Act of 1968 (Public Law 90–483).

(4) The project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida, authorized by the Flood Control Act of 1962.

(5) The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946.

(6) The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (Public Law 99–662).

(7) The project for flood damage reduction, Green Bay Levee and Drainage District No. 2, Iowa, authorized by the Water Resources Development Act of 1986, deauthorized in fiscal year 1991, and reauthorized by the Water Resources Development Act of 1992 (Public Law 102–580).

(8) The project for flood damage reduction, Hazard, Kentucky, authorized by section 3 of the Water Resources Development Act of 1988 (Public Law 100–676) and section 108 of the Water Resources Development Act of 1990 (Public Law 101–640).

(9) The recreation portion of the project for flood control, Taylorsville Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1966.

(10) The project for flood control, West Kentucky Tributaries, Kentucky, authorized by the Flood Control Acts of 1965 and 1970 and the Water Resources Development Act of 1986.

(11) The project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by the Flood Control Act of 1941 and the Water Resources Development Act of 1974.

(12) The project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by the Flood Control Act of 1970 (Public Law–611).

(13) The project for Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas, authorized by the River and Harbor Act of 1968 (Public Law 90–483).

(14) The project for flood damage reduction Brockton, Massachusetts, authorized by section 401(c) of the Water Resources Development Act of 1986 (Public Law 99–662).

(15) The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202 of the Water Resources Development Act of 1986 (Public Law 99–662).

(16) The project for navigation, Greenville Harbor, Mississippi, authorized by section 601 of the Water Resources Development Act of 1986 (Public Law 99–662).

(17) The project for hydropower, Libby Dam, Montana, (Units 6–8), authorized by section 549 of the Water Resources Development Act of 1996 (Public Law 104–303).

(18) The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603 of the Water Resources Development Act of 1986 (Public Law 99–662).

(19) The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992.

(20) The project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401 of the Water Resources Development Act of 1986 (Public Law 99–662).

(21) The project for flood control and recreation, Fairfield, Ohio, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662).

(22) The project for shoreline protection, Maumee Bay, Lake Erie, Ohio, authorized by section 501(a) of the Water Resources Development Act of 1986.

(23) The project for flood control and water supply, Parker Lake, Muddy Boggy Creek, Oklahoma, authorized by the Water Resources Development Act of 1986 (Public Law 99–662).

(24) The project for the Columbia River, Seafarers Memorial, Hammond, Oregon, authorized by the Energy and Water Development Appropriations Act of 1991.

(25) The project for bulkhead repairs, Quonset Point-Davisville, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996.

(26) The project for flood damage reduction, Harris Fork Creek, Tennessee and Kentucky, authorized by section 102 of the Water Resources Development Acts of 1976 and 1986.

(27) The project for flood damage reduction, Arroyo Colorado, Texas, authorized by the Water Resources Development Act of 1986 (Public Law 99–662).

(28) The project for flood damage reduction, Cypress Creek-Structural, Texas, authorized by the Water Resources Development Act of 1988.

(29) The project for flood damage reduction, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by the Flood Control Act of 1962.

(30) The project for flood damage reduction, Falfurrias, Texas, authorized by the Water Resources Development Act of 1988.

(31) The project for bank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (Public Law 99–662).

(f) CONDITIONS.—The first sentence of section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended—

(1) by striking "two years" and inserting "year"; and

(2) by striking "7" and inserting "5".

**SEC. 3098. LAND CONVEYANCES.**

(a) MILFORD, KANSAS.—

(1) IN GENERAL.—Subject to the provisions of this section, the Secretary shall convey by quitclaim deed without consideration to the Geary County Fire De-

partment, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the description of the real property referred to in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used for any purpose other than a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(b) BOARDMAN, OREGON.—Section 501(g)(1) of the Water Resources Development Act of 1996 (110 Stat. 3751) is amended—

(1) by striking "city of Boardman," and inserting "the Boardman Park and Recreation District, Boardman,"; and

(2) by striking "such city" and inserting "the city of Boardman".

(c) GENERALLY APPLICABLE PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

**SEC. 3099. EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.**

(a) IDAHO.—

(1) IN GENERAL.—With respect to each deed listed in paragraph (2), the reversionary interests and use restrictions relating to industrial use purposes are extinguished.

(2) AFFECTED DEEDS.—The deeds with the following county auditor's file numbers are referred to in paragraph (1):

(A) Auditor's Instrument No. 399218 of Nez Perce County, Idaho—2.07 acres.

(B) Auditor's Instrument No. 487437 of Nez Perce County, Idaho—7.32 acres.

(b) OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.—

(1) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (now known as "Easter Seals Tennessee"), at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087), the reversionary interests and the use restrictions relating to recreation and camping purposes are extinguished.

(2) INSTRUMENT OF RELEASE.—As soon as possible after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by paragraph (1).

(c) NO EFFECT OF OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.

**SEC. 3100. LAND EXCHANGE, DISPOSAL AND ACQUISITION OF LANDS, ALLATOONA LAKE, GEORGIA.**

(a) LAND EXCHANGE.—

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

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

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

(1) IN GENERAL.—The Secretary may also sell lands above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1) and may use the proceeds to pay costs associated with the purchase of lands needed for wildlife management and for protection of the water quality and overall environment of Allatoona Lake.

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

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

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

(C) The purchasers shall share in the associated environmental and real estate costs, to include surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

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

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

# TITLE IV—STUDIES

**SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.**

Section 455 of the Water Resources Development Act of 1999 (113 Stat. 330–332) is amended by adding at the end the following:

"(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The non-Federal interest may provide up to 100 percent of the non-Federal share required under subsection (f) in the form of services, materials, supplies, or other in-kind contributions.".

**SEC. 4002. ST. GEORGE HARBOR, ALASKA.**

The Secretary shall conduct, at Federal expense, a study to determine the feasibility of providing navigation improvements at St. George, Alaska.

**SEC. 4003. SUSITNA RIVER, ALASKA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hydropower, recreation, and related purposes on the Susitna River, Alaska.

**SEC. 4004. SEARCY COUNTY, ARKANSAS.**

The Secretary shall conduct a study to determine the feasibility of using Greers Ferry Lake as a water supply source for Searcy County, Arkansas.

**SEC. 4005. UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY, ILLINOIS, IOWA, MINNESOTA, MISSOURI, AND WISCONSIN.**

The Secretary shall transmit to Congress a report on the results of the Upper Mississippi River and Illinois Waterway Restructured System Navigation Feasibility Study, Illinois, Iowa, Minnesota, Missouri, and Wisconsin, no later than July 1, 2004.

**SEC. 4006. HAMILTON, CALIFORNIA.**

The Secretary is directed to continue planning, preconstruction, engineering, and design efforts on the Sacramento-San Joaquin River Basins Comprehensive Study-Hamilton City Flood Damage Reduction and Ecosystem Restoration Initial Project and shall include in the study an area 2 miles north and 4 miles south of State Highway 32.

**SEC. 4007. OCEANSIDE, CALIFORNIA.**

Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) is amended by striking "32 months" and inserting "44 months".

**SEC. 4008. SACRAMENTO RIVER, CALIFORNIA.**

The Secretary shall conduct a comprehensive study to determine the feasibility of, and alternatives for, measures to protect water diversion facilities and fish protective screen facilities in the vicinity of river mile 178 on the Sacramento River, California.

**SEC. 4009. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA.**

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of the beneficial use of dredged material from the San Francisco Bay in the Sacramento-San Joaquin Delta, California, including the benefits and impacts of salinity in the Delta and the benefits to navigation, flood damage reduction, ecosystem restoration, water quality, salinity control, water supply reliability, and recreation.

(b) COOPERATION.—In conducting the study, the Secretary shall cooperate with the California Department of Water Resources and appropriate Federal and State entities in developing options for the beneficial use of dredged material from San Francisco Bay for the Sacramento-San Joaquin Delta area.

(c) REVIEW.—The study shall include a review of the feasibility of using Sherman Island as a rehandling site for levee maintenance material, as well as for ecosystem restoration. The review may include monitoring a pilot project using up to 150,000 cubic yards of dredged material and being carried out at the Sherman Island site, examining larger scale use of dredged materials from the San Francisco Bay and Suisun Bay Channel, and analyzing the feasibility of the potential use of saline materials from the San Francisco Bay for both rehandling and ecosystem restoration purposes.

**SEC. 4010. TYBEE ISLAND, GEORGIA.**

The Secretary shall conduct a study to determine the feasibility of including the northern end of Tybee Island extending from the north terminal groin to the mouth of Lazaretto Creek as a part of the project for beach erosion control, Tybee Island, Georgia, carried out under section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–5).

**SEC. 4011. CALUMET HARBOR, ILLINOIS.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation at Calumet Harbor, Illinois.

**SEC. 4012. PADUCAH, KENTUCKY.**

The Secretary is authorized to complete a rehabilitation evaluation report for the project for flood damage reduction, Paducah, Kentucky, and, if the Secretary determines that the project is feasible, proceed to preconstruction engineering and design for rehabilitation of the project.

**SEC. 4013. BASTROP-MOREHOUSE PARISH, LOUISIANA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply, Bastrop-Morehouse Parish, Louisiana.

**SEC. 4014. WEST FELICIANA PARISH, LOUISIANA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for riverfront development, including enhanced public access, recreation, and environmental restoration, on the Mississippi River in West Feliciana Parish, Louisiana.

**SEC. 4015. CITY OF MACKINAC ISLAND, MICHIGAN.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation at the city of Mackinac Island, Michigan.

**SEC. 4016. CHICAGO, ILLINOIS.**

Section 425(a) of the Water Resources Development Act of 2000 (114 Stat. 2638) is amended by inserting "Lake Michigan and" before "the Chicago River".

**SEC. 4017. SOUTH BRANCH, CHICAGO RIVER, CHICAGO, ILLINOIS.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration at the South Fork of the South Branch of the Chicago River, Chicago, Illinois.

**SEC. 4018. NORTHEAST MISSISSIPPI.**

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Tennessee-Tombigbee Waterway, Alabama and Mississippi, to provide water supply for northeast Mississippi.

**SEC. 4019. PUEBLO OF ZUNI, NEW MEXICO.**

The Secretary shall conduct a study to determine the feasibility of carrying out projects for water resources development, environmental restoration, and natural resources protection for the Pueblo of Zuni, New Mexico, under section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269).

**SEC. 4020. HUDSON-RARITAN ESTUARY, NEW YORK AND NEW JERSEY.**

In carrying out the study for environmental restoration, Hudson-Raritan Estuary, New York and New Jersey, the Secretary shall establish and utilize watershed restoration teams composed of estuary restoration experts from the Corps of Engineers, the New Jersey Department of Environmental Protection, and the Port Authority of New York and New Jersey and other experts designated by the Secretary for the purpose of developing habitat restoration and water quality enhancement.

**SEC. 4021. SAC AND FOX NATION, OKLAHOMA.**

The Secretary shall complete a water and related land resource conservation and management plan for the Sac and Fox Nation, Oklahoma, under section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269).

**SEC. 4022. SUTHERLIN, OREGON.**

(a) STUDY.—The Secretary shall conduct a study of water resources along Sutherlin Creek in the vicinity of Sutherlin, Oregon, to determine the feasibility of carrying out a project to restore and enhance aquatic resources using a combination of structural and bioengineering techniques and, if the Secretary determines that the project is feasible, may carry out the project.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

**SEC. 4023. TILLAMOOK BAY AND BAR, OREGON.**

The Secretary shall conduct under section 216 of the Flood Control Act of 1970 (84 Stat. 1830) a study of the project for navigation, Tillamook Bay and Bar, Oregon, authorized by the first section of the River and Harbor Appropriations Act of July 25, 1912 (37 Stat. 220), to investigate measures to address dangerous and hazardous wave and ocean conditions.

**SEC. 4024. ECOSYSTEM RESTORATION AND FISH PASSAGE IMPROVEMENTS, OREGON.**

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration and fish passage improvements on rivers throughout the State of Oregon.

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

(1) work in coordination with the State of Oregon, local governments, and other Federal agencies; and

(2) place emphasis on—

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

(B) other watershed restoration objectives.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—In conjunction with conducting the study under subsection (a), the Secretary may carry out pilot projects to demonstrate the effectiveness of ecosystem restoration and fish passages.

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

**SEC. 4025. NORTHEASTERN PENNSYLVANIA AQUATIC ECOSYSTEM RESTORATION AND PROTECTION.**

The Secretary shall conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration and protection projects in the counties of Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sullivan, Bradford, Northumberland, Union, Snyder, and Montour, Pennsylvania, particularly as related to abandoned mine drainage abatement and reestablishment of stream and river channels.

**SEC. 4026. GEORGETOWN AND WILLIAMSBURG COUNTIES, SOUTH CAROLINA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Georgetown and Williamsburg Counties, South Carolina, including the viability and practicality of constructing a desalinization water treatment facility to meet such water supply needs.

**SEC. 4027. SABINE PASS TO GALVESTON BAY, TEXAS.**

In conducting a feasibility study for shore protection and related improvements between Sabine Pass and the entrance to Galveston Bay, Texas, the Secretary may include any benefits related to the use of State Highway 87 as an emergency evacuation route in the determination of national economic development benefits of the project.

**SEC. 4028. GRAND COUNTY AND MOAB, UTAH.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Grand County and the city of Moab, Utah, including a review of the impact of current and future demands on the Spanish Valley Aquifer.

**SEC. 4029. CHEHALIS RIVER BASIN, WASHINGTON.**

The Secretary shall conduct a river basin study for the Chehalis River basin, Washington, including a study of the uses of the basin's water resources to assist users in developing a fair and equitable distribution of such resources.

**SEC. 4030. SPRAGUE, LINCOLN COUNTY, WASHINGTON.**

The Secretary may accept from the non-Federal interest to pay all or a part of the non-Federal share of the cost of feasibility study for the project for flood control in the vicinity of Sprague, Lincoln County, Washington, funds made available under any other Federal program if such use of the funds is permitted under the Federal program.

**SEC. 4031. MONONGAHELA RIVER BASIN, NORTHERN WEST VIRGINIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration and protection projects in the watersheds of the Monongahela River basin lying within the counties of Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, and Rithchie, West Virginia, particularly as related to abandoned mine drainage abatement.

**SEC. 4032. WAUWATOSA, WISCONSIN.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction and environmental restoration, Menomonee River and Underwood Creek, Wauwatosa, Wisconsin.

# TITLE V—MISCELLANEOUS PROVISIONS

**SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS.**

(a) IN GENERAL.—Upon request of a non-Federal interest, the Secretary shall be responsible for maintenance of the following navigation channels and breakwaters constructed or improved by the non-Federal interest if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the channel or breakwater was constructed in accordance with applicable permits and appropriate engineering and design standards:

(1) Pix Bayou navigation channel, Chambers County, Texas.

(2) Pidgeon Industrial Harbor, Pidgeon Industrial Park, Memphis Harbor, Tennessee.

(3) Racine Harbor, Wisconsin.

(b) COMPLETION OF ASSESSMENT.—Not later than 6 months after the date of receipt of a request from a non-Federal interest for Federal assumption of maintenance of a channel listed in subsection (a), the Secretary shall make a determination as provided in subsection (a) and advise the non-Federal interest of the Secretary's determination.

(c) SABINE-NECHES WATERWAY, TEXAS.—The Secretary shall remove sunken vessels and debris between miles 35 and 43 of the Channel to Orange, Sabine-Neches Waterway, Texas, for the purpose of improving navigation safety and reducing the risk to the public.

**SEC. 5002. WATERSHED MANAGEMENT.**

(a) IN GENERAL.—The Secretary may provide technical, planning, and design assistance to non-Federal interests for carrying out watershed management, restoration, and development projects at the locations described in subsection (d).

(b) SPECIFIC MEASURES.—Assistance provided under subsection (a) may be in support of non-Federal projects for the following purposes:

(1) Management and restoration of water quality.

(2) Control and remediation of toxic sediments.

(3) Restoration of degraded streams, rivers, wetlands, and other waterbodies to their natural condition as a means to control flooding, excessive erosion, and sedimentation.

(4) Protection and restoration of watersheds, including urban watersheds.

(5) Demonstration of technologies for nonstructural measures to reduce destructive impacts of flooding.

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

(d) PROJECT LOCATIONS.—The locations referred to in subsection (a) are the following:

(1) Spring Branch watershed, Huntsville, Alabama.

(2) Tuolumne County, California.

(3) Cucamonga basin, Upland, California.

(4) Kinkaid Lake, Jackson County, Illinois.
(5) Those portions of the watersheds of the Concord, Charles, Blackstone, Neponset, Taunton, Nashua, Shawsheen, and Merrimack Rivers, Massachusetts, lying within the Interstate Route 495 corridor.
(6) Jackson Brook watershed, New Jersey.
(7) Those portions of the watersheds of the Beaver, Upper Ohio, Connoquenessing, Lower Allegheny, Kiskiminetas, Lower Monongahela, Youghiogheny, Shenango, and Mahoning Rivers lying within the counties of Beaver, Butler, Lawrence, and Mercer, Pennsylvania.
(8) Southampton Creek watershed, Southampton, Pennsylvania.
(9) Unami Creek watershed, Milford Township, Pennsylvania.
(10) Amite River basin, Louisiana.
(11) Iberville Parish, East Atchafalaya River basin, Louisiana.
(12) Genesee River watershed, New York.
(13) Tonawanda Creek watershed, New York.
(14) Buffalo River watershed, New York.
(15) Eighteenmile Creek watershed, Niagara County, New York.
(16) Cattaragus Creek watershed, New York.
(17) Oswego River basin, New York.
(18) Red River watershed, Louisiana.
(19) Fountain Creek and tributaries, Colorado.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.

**SEC. 5003. DAM SAFETY.**

(a) ASSISTANCE.—The Secretary may provide assistance to enhance dam safety at the following locations:
(1) Mountain Park Dam, Mountain Park, Georgia.
(2) Barber Dam, Ada County, Idaho.
(3) Fish Creek Dam, Blaine County, Idaho.
(4) Lost Valley Dam, Adams County, Idaho.
(5) Salmon Falls Dam, Twin Falls County, Idaho.
(6) Whaley Lake Dam, Pawling, New York.
(7) Lake Carl Blackwell Dam, Stillwater, Oklahoma.
(8) Dams in Mountain Lakes Park, Princeton Township, New Jersey.
(9) State Dam, Auburn, New York.
(10) Candor Dam, Candor, New York.

(b) SPECIAL RULE.—The assistance provided under subsection (a) for State Dam, Auburn, New York, shall be for a project for rehabilitation in accordance with the report on State Dam Rehabilitation, Owasco Lake Outlet, New York, dated March 1999, if the Secretary determines that the project is feasible.

(c) FERN RIDGE DAM, OREGON.—It is the sense of Congress that the Secretary should work to immediately remedy the situation at Fern Ridge Dam, Oregon, due to the rapid deterioration of the dam.

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

**SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS.**

(a) IN GENERAL.—Upon request of a non-Federal interest, the Secretary shall evaluate the structural integrity and effectiveness of a project for flood damage reduction and, if the Secretary determines that the project does not meet such minimum standards as the Secretary may establish and, absent action by the Secretary, the project will fail, the Secretary may take such action as may be necessary to restore the integrity and effectiveness of the project.

(b) PRIORITY.—The Secretary shall evaluate under subsection (a) the following projects:
(1) Project for flood damage reduction, Arkansas River Levees, river mile 205 to river mile 308.4, Arkansas.
(2) Project for flood damage reduction, Marianna Borough, Pennsylvania.
(3) Project for flood damage reduction, Nonconnah Creek, Tennessee.

**SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.**

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e); 114 Stat. 2599) is amended—
(1) by striking ''and'' at the end of paragraph (27);
(2) by striking the period at the end of paragraph (28) and inserting a semicolon; and
(3) by adding at the end the following:
''(29) La Crosse County, Wisconsin;
''(30) Crawford County, Wisconsin;

"(31) Buffalo County, Wisconsin;
"(32) Calhoun County, Illinois;
"(33) Saint Charles County, Missouri;
"(34) Saint Louis County, Missouri;
"(35) Dubuque County, Iowa;
"(36) Scott County, Iowa;
"(37) Rock Island County, Illinois;
"(38) Ascension Parish, Louisiana;
"(39) East Baton Rouge Parish, Louisiana;
"(40) Iberville Parish, Louisiana; and
"(41) Livingston Parish, Louisiana.".

**SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED PROJECTS.**

Section 219(e) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(3) by adding at the end the following:
"(9) $20,000,000 for the project described in subsection (c)(20);
"(10) $20,000,000 for the project described in subsection (c)(25);
"(11) $15,000,000 for the project described in subsection (c)(26);
"(12) $7,800,000 for the project described in subsection (c)(27);
"(13) $18,000,000 for the project described in subsection (c)(31); and
"(14) $30,000,000 for the project described in subsection (c)(40).".

**SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND CONSTRUCTION FOR CERTAIN PROJECTS.**

The Secretary shall expedite completion of the reports and, if the Secretary determines the project is feasible, shall expedite completion of construction for the following projects:

(1) Welch Point, Elk River, Cecil County, Maryland, being carried out under section 535(a) of the Water Resources Development Act of 1999 (113 Stat. 348–349).

(2) West View Shores, Cecil County, Maryland, being carried out under section 521 of the Water Resources Development Act of 2000 (114. Stat. 2655).

(3) Sylvan Beach Breakwater, Verona, Oneida County, New York, being carried out under section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g).

(4) Fulmer Creek, Village of Mohawk, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(5) Moyer Creek, Village of Frankfort, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(6) Steele Creek, Village of Ilion, New York, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(7) Oriskany Wildlife Management Area, Rome, New York, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(8) Whitney Point Lake, Otselic River, Whitney Point, New York, being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(9) Newton Creek, Bainbridge, New York, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(10) Chenango Lake, Chenango County, New York, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(11) Lucas Berg Pit, Worth, Illinois, being carried out as part of the Calumet-Sag navigation project, authorized by section 2 of the River and Harbor Act of March 2, 1945 (59 Stat. 19), and modified by the first section of the River and Harbor Act of July 24, 1946 (60 Stat. 636), and section 109 of the River and Harbor Act of 1958 (72 Stat. 302).

**SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CERTAIN PROJECTS.**

(a) IN GENERAL.—The Secretary shall expedite completion of the reports for the following projects and, if the Secretary determines that a project is justified in the completed report, proceed directly to project preconstruction, engineering, and design:

(1) Project for flood damage reduction and ecosystem restoration, Sacramento and San Joaquin River basins, Hamilton, California.

(2) Project for ecosystem restoration, University Lake, Baton Rouge, Louisiana.

(3) Project for shoreline protection, Detroit River Greenway Corridor, Detroit, Michigan.

(4) Project for shoreline stabilization at Egmont Key, Florida.

(b) SPECIAL RULE.—In carrying out the project for shoreline stabilization at Egmont Key, Florida, referred to in subsection (a)(4), the Secretary shall waive any cost share to be provided by non-Federal interests for any portion of the project that benefits federally owned property.

(c) CHESAPEAKE, MARYLAND.—The Secretary shall expedite completion of the study being carried out under section 535(b) of the Water Resources Development Act of 1999 (113 Stat. 349) with respect to additional compensation to the city of Chesapeake, Maryland.

**SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESSMENT.**

The Secretary may provide assistance to a coordinated effort by Federal, State, and local agencies, non-Federal and nonprofit entities, regional researchers, and other interested parties to assess the water resources and water resources needs of river basins and watersheds of the southeastern United States.

**SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL MANAGEMENT PROGRAM.**

Section 1103(e)(7)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(7)(A)) is amended by adding at the end the following: "The non-Federal interest may provide the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions.".

**SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.**

Section 514(g) of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended by striking "and 2004" and inserting "through 2015".

**SEC. 5012. MEMBERSHIP OF MISSOURI RIVER TRUST.**

Section 904(b)(1)(B) of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended—

(1) by striking "and" at the end of clause (vii);

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

"(viii) rural water systems; and".

**SEC. 5013. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.**

Section 506(f)(3)(B) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22; 114 Stat. 2646) is amended by striking "50 percent" and inserting "100 percent".

**SEC. 5014. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS.**

(a) EX OFFICIO MEMBER.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (111 Stat. 176) and section 2.2 of both the Susquehanna River Basin Compact (Public Law 91–575) and the Delaware River Basin Compact (Public Law 87–328), beginning in fiscal year 2002 and thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers, shall be the ex officio United States member under the Susquehanna River Basin Compact and the Delaware River Basin Compact, who shall serve without additional compensation and who may designate an alternate member or members in accordance with the terms of those respective compacts.

(b) AUTHORIZATION TO ALLOCATE.—The Secretary may allocate funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin (Potomac River Basin Compact (Public Law 91–407)) to fulfill the equitable funding requirements of their respective interstate compacts.

(c) WATER SUPPLY AND CONSERVATION STORAGE.—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, during any period in which the Commission has determined that a drought warning or drought emergency exists. The agreement shall provide that the cost for any such water supply and conservation storage shall not exceed the incremental operating costs associated with providing the storage.

**SEC. 5015. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.**

Section 510(i) of the Water Resources Development Act of 1996 (110 Stat. 3761) is amended by striking "$10,000,000" and inserting "$30,000,000".

**SEC. 5016. MONTGOMERY, ALABAMA.**

The Secretary shall review the navigation and aquatic ecosystem restoration components of the Montgomery Riverfront and Downtown Master Plan, Montgomery, Alabama, dated May 2001, and prepared by the non-Federal interest and, if the Secretary determines that those components meet the evaluation and design standards of the Corps of Engineers and that the components are feasible, may carry out the components at a Federal cost not to exceed $5,000,000.

**SEC. 5017. PINHOOK CREEK, HUNTSVILLE, ALABAMA.**

The Secretary shall design and construct the locally preferred plan for flood protection at Pinhook Creek, Huntsville, Alabama, under the authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s). The Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

**SEC. 5018. ALASKA.**

Section 570 of the Water Resources Development Act of 1999 (113 Stat. 369) is amended—

(1) in subsection (e)(3)(B) by striking the last sentence;

(2) in subsection (h) by striking "$25,000,000" and inserting "$40,000,000"; and

(3) by adding at the end the following:

"(i) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.

"(j) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.".

**SEC. 5019. AKUTAN SMALL BOAT HARBOR, ALASKA.**

(a) IN GENERAL.—The Secretary shall expedite the study for the Akutan Small Boat Harbor, Alaska, and upon completion of the feasibility study, shall design and construct the project, if the Secretary determines that the project is feasible.

(b) TREATMENT OF CERTAIN DREDGING.—The headlands dredging for the mooring basin shall be considered general navigation feature for purposes of estimating the non-Federal share of the cost of the project.

**SEC. 5020. LOWELL CREEK TUNNEL, SEWARD, ALASKA.**

(a) LONG-TERM MAINTENANCE AND REPAIR.—The Secretary shall assume responsibility for the long-term maintenance and repair of the Lowell Creek Tunnel.

(b) STUDY.—The Secretary shall conduct a study to determine whether alternative methods of flood diversion in Lowell Canyon are feasible.

**SEC. 5021. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA.**

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

**SEC. 5022. AUGUSTA AND CLARENDON, ARKANSAS.**

(a) IN GENERAL.—The Secretary is authorized to perform operation, maintenance, and rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas.

(b) REIMBURSEMENT.—After performing the operation, maintenance, and rehabilitation under subsection (a), the Secretary shall seek reimbursement from the Secretary of the Interior of an amount equal to the costs allocated to benefits to a Federal wildlife refuge of such operation, maintenance, and rehabilitation.

**SEC. 5023. LOOMIS LANDING, ARKANSAS.**

The Secretary shall conduct a study of shore damage in the vicinity of Loomis Landing, Arkansas, to determine if the damage is the result of a Federal navigation project, and, if the Secretary determines that the damage is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the damage under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

**SEC. 5024. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION PROJECT, ARKANSAS AND OKLAHOMA.**

The McClellan-Kerr Arkansas River navigation and comprehensive development project, Arkansas and Oklahoma, authorized by the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and

for other purposes", approved June 28, 1938 (52 Stat. 1215), and the first section of the River and Harbor Act of 1946 (60 Stat. 364) and modified by section 108 of the Energy and Water Development Appropriations Act, 1988 (101 Stat. 1329–112), is further modified to authorize a project depth of 12 feet in the States of Arkansas and Oklahoma.

**SEC. 5025. ST. FRANCIS RIVER BASIN, ARKANSAS AND MISSOURI.**

The Secretary shall conduct a study of increased siltation and streambank erosion in the St. Francis River basin, Arkansas and Missouri, to determine if the siltation or erosion, or both, are the result of a Federal flood control project and, if the Secretary determines that the siltation or erosion, or both, are the result of a Federal flood control project, the Secretary shall carry out a project to mitigate the siltation or erosion, or both.

**SEC. 5026. CAMBRIA, CALIFORNIA.**

Section 219(f)(48) of the Water Resources Development Act of 1992 (114 Stat. 2763A–220) is amended—

(1) by striking "$10,300,000" and inserting the following:

"(A) IN GENERAL.—$10,300,000";

(2) by adding at the end the following:

"(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project not to exceed $3,000,000 for the cost of planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project."; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

**SEC. 5027. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA; MALLARD SLOUGH, PITTSBURG, CALIFORNIA.**

Sections 512 and 514 of the Water Resources Development Act of 2000 (114 Stat. 2650) are each amended by adding at the end the following: "All planning, study, design, and construction on the project shall be carried out by the office of the district engineer, San Francisco, California.".

**SEC. 5028. EAST SAN JOAQUIN COUNTY, CALIFORNIA.**

Section 219(f)(22) of the Water Resources Development Act of 1992 (106 Stat. 4835–4836; 113 Stat. 336) is amended—

(1) by striking "$25,000,000" and inserting the following:

"(A) IN GENERAL.—$25,000,000";

(2) by adding at the end the following:

"(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of in-kind services and materials provided for the project by the non-Federal interest.

"(C) IN-KIND CONTRIBUTIONS.—The non-Federal interest may provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions."; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this section) with subparagraph (B) (as added by paragraph (2) of this section).

**SEC. 5029. SACRAMENTO AREA, CALIFORNIA.**

Section 219(f)(23) of the Water Resources Development Act of 1992 (106 Stat. 4835–4836; 113 Stat. 336) is amended—

(1) by striking "$25,000,000" and inserting "$35,000,000";

(2) by inserting "water supply and" before "regional"; and

(3) by adding at the end the following: "$lllllllll for wastewater and water supply infrastructure in the counties of Modoc, Lassen, Plumas, Butte, Sierra, Nevada, El Dorado, and Placer, California.".

**SEC. 5030. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.**

(a) IN GENERAL.—The Secretary is authorized to transfer title to the Bascule Bridge, deauthorized by section 347(a)(2) of the Water Resources Development Act of 2000 (114. Stat. 2618), to the city of West Sacramento, California, subject to the execution of an agreement by the Secretary and the city which specifies the terms and conditions for such transfer. The terms and conditions of the transfer shall in-

clude a provision authorizing the Secretary to participate in the construction of a replacement bridge following the removal of the Bascule Bridge.

(b) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $5,000,000 for the Secretary to participate in the construction of a replacement bridge under this section.

**SEC. 5031. SAN FRANCISCO, CALIFORNIA.**

(a) PIER 70 WHARF 5 REMOVAL AND DREDGING PROJECT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Port of San Francisco, shall carry out the project for removal of Wharf 5 and associated pilings and dredgings at Pier 70 in San Francisco, California, substantially in accordance with the Port's redevelopment plans.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,600,000 to carry out this subsection.

(b) PIERS 94–96 REPAIRS PROJECT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Port of San Francisco, California, may carry out the project for repairs to Piers 94–96 in San Francisco, California, substantially in accordance with the Port's redevelopment plan.

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

(c) CAPITAL IMPROVEMENT PROJECT.—

(1) ESTABLISHMENT OF OFFICE.—The Secretary shall establish a centralized office at the office of the district engineer, San Francisco, California, for the use of all Federal and State agencies that are or will be involved in issuing permits and conducting environmental reviews for the capital improvement project to repair and upgrade the water supply and delivery system for the city of San Francisco.

(2) CONTRIBUTIONS.—The Secretary may use the authority under section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note) for the project described in paragraph (1).

(3) PROTECTION OF IMPARTIAL DECISIONMAKING.—In carrying out this subsection, the Secretary and the heads of Federal agencies receiving funds under such section 214 for the project described in paragraph (1) shall ensure that the use of the funds accepted under such section for such project will not impact impartial decisionmaking with respect to the issuance of permits, either substantively or procedurally, or diminish, modify, or otherwise affect the statutory or regulatory authorities of such agencies.

**SEC. 5032. SAN FRANCISCO, CALIFORNIA, WATERFRONT AREA.**

(a) AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries of the portion of the San Francisco, California, waterfront area described in subsection (b) are not in the public interest, such portion is declared to be nonnavigable waters of the United States.

(b) NORTHERN EMBARCADERO SOUTH OF BRYANT STREET.—The portion of the San Francisco, California, waterfront area referred to in subsection (a) is as follows: Beginning at the intersection of the northwesterly line of Bryant Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Authority; following thence westerly and southerly along said line of jurisdiction as described in the State of California Harbor and Navigable Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street produced southerly; thence northerly along said easterly line of Townsend Street produced to its intersection with the United States Government pier-head line; thence following said pier-head line westerly and northerly to its intersection with the existing boundary line of Piers 30/32, then northerly and easterly along the existing boundary of Piers 30/32 until its intersection with the United States Government pier-head line, thence following said pier-head line westerly and northerly to the northwesterly line of Bryant Street produced northwesterly; thence southwesterly along said northwesterly line of Bryant Street produced to the point of beginning.

(c) REQUIREMENT THAT AREA BE IMPROVED.—The declaration of nonnavigability under subsection (a) applies only to those parts of the area described in subsection (b) that are or will be bulkheaded, filled, or otherwise occupied by permanent structures and does not affect the applicability of any Federal statute or regulation applicable to such parts the day before the date of enactment of this Act, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly known as the Rivers and Harbors Appropriation Act of 1899, section 404

of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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

**SEC. 5033. STOCKTON, CALIFORNIA.**

(a) REEVALUATION.—The Secretary shall reevaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, carried out under section 211(f)(3) of the Water Resources Development Act of 1996 (110 Stat. 3683), to determine the eligibility of such elements for reimbursement under section 211 of such Act (33 U.S.C. 701b–13).

(b) SPECIAL RULES FOR REEVALUATION.—In conducting the reevaluation under subsection (a), the Secretary shall not reject a feasibility determination based on policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.

(c) REIMBURSEMENT.—If the Secretary determines that the elements referred to subsection (a) are feasible, the Secretary shall reimburse, subject to appropriations, the non-Federal interest under section 211 of the Water Resources Development Act of 1996 for the Federal share of the cost of such elements.

**SEC. 5034. CHARLES HERVEY TOWNSHEND BREAKWATER, CONNECTICUT.**

The western breakwater for the project for navigation, New Haven Harbor, Connecticut, authorized by the 1st section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 19, 1890 (26 Stat. 426), shall be known and designated as the "Charles Hervey Townshend Breakwater".

**SEC. 5035. EVERGLADES RESTORATION, FLORIDA.**

(a) COMPREHENSIVE PLAN.—

(1) HILLSBORO AND OKEECHOBEE AQUIFER.—Section 601(b)(2)(A) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended—

(A) in clause (i) by adding at the end the following: "The project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for purposes of this section as being in the Plan."; and

(B) in clause (iii) by inserting after "subparagraph (B)" the following: "and the project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer".

(2) OUTREACH AND ASSISTANCE.—Section 601(k) of such Act (114 Stat. 2691–2692) is amended by adding at the end the following:

"(3) MAXIMUM EXPENDITURES.—The Secretary may expend up to $3,000,000 per fiscal year for fiscal years beginning after September 30, 2002, to carry out this subsection.".

(b) CRITICAL RESTORATION PROJECTS.—Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769; 113 Stat. 286) is amended—

(1) in clause (i) by striking "$75,000,000" and all that follows through "2003" and inserting "$95,000,000"; and

(2) in clause (ii) by striking "$25,000,000" and inserting "$30,000,000".

**SEC. 5036. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.**

Section 109(e)(2) of Division B of the Miscellaneous Appropriations Act, 2001 (enacted into law by Public Law 106–554) (114 Stat. 2763A–222) is amended by adding at the end the following:

"(C) CREDIT FOR WORK PRIOR TO EXECUTION OF THE PARTNERSHIP AGREEMENT.—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of land acquisition carried out by the non-Federal interest for projects to be carried out under this section.".

**SEC. 5037. LAKE WORTH, FLORIDA.**

The Secretary may carry out necessary repairs for the Lake Worth bulkhead replacement project, West Palm Beach, Florida, at an estimated total cost of $9,000,000.

**SEC. 5038. LAKE LANIER, GEORGIA.**

The Secretary may assist local interests with planning, design, and construction of facilities at the Lake Lanier Olympic Center, Georgia, in support of the 2003 World Kayaking Championships, at a total cost of $5,300,000.

**SEC. 5039. RILEY CREEK RECREATION AREA, IDAHO.**

The Secretary is authorized to carry out the Riley Creek Recreation Area Operation Plan of the Albeni Falls Management Plan, dated October 2001, for the Riley Creek Recreation Area, Albeni Falls Dam, Bonner County, Idaho.

**SEC. 5040. RECONSTRUCTION OF ILLINOIS FLOOD PROTECTION PROJECTS.**

(a) IN GENERAL.—The Secretary may participate in the reconstruction of an eligible flood control project if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance of the project by the non-Federal interest.

(b) COST SHARING.—The non-Federal share of the costs for the reconstruction of a flood control project authorized by this section shall be the same Federal share that was applicable to construction of the project. The non-Federal interest shall be responsible for operation and maintenance and repair of a project for which reconstruction is undertaken under this section.

(c) RECONSTRUCTION DEFINED.—In this section, the term "reconstruction", as used with respect to a project, means addressing major project deficiencies caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with its authorized project purposes. In addressing such deficiencies, the Secretary may incorporate current design standards and efficiency improvements, including the replacement of obsolete mechanical and electrical components at pumping stations, if such incorporation does not significantly change the scope, function, and purpose of the project as authorized.

(d) ELIGIBLE PROJECTS.—The following flood control projects are eligible for reconstruction under this section:

(1) Wood River Drainage and Levee District, Illinois, authorized as part of the navigation project of the Upper Mississippi River basin by section 2 of the Flood Control Act of June 28, 1938 (52 Stat. 1218).

(2) Clear Creek Drainage and Levee District, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1581).

(3) Fort Chartres and Ivy Landing Drainage District, Illinois, authorized as part of the navigation project of the Upper Mississippi River basin by section 2 of the Flood Control Act of June 22, 1938 (52 Stat. 1218).

(e) JUSTIFICATION.—The reconstruction of a project authorized by this section shall not be considered a separable element of the project.

(f) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $15,000,000 to carry out this section. Such sums shall remain available until expended.

**SEC. 5041. KASKASKIA RIVER BASIN, ILLINOIS, RESTORATION.**

(a) KASKASKIA RIVER BASIN DEFINED.—In this section, the term "Kaskaskia River basin" means the Kaskaskia River, Illinois, its backwaters, its side channels, and all tributaries, including their watersheds, draining into the Kaskaskia River.

(b) COMPREHENSIVE PLAN.—

(1) DEVELOPMENT.—The Secretary shall develop, as expeditiously as practicable, a comprehensive plan for the purpose of restoring, preserving, and protecting the Kaskaskia River basin.

(2) TECHNOLOGIES AND INNOVATIVE APPROACHES.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Kaskaskia River as a transportation corridor;

(B) to improve water quality within the entire Kaskaskia River basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife;

(D) to increase economic opportunity for agriculture and business communities; and

(E) to reduce the impacts of flooding to communities and landowners.

(3) SPECIFIC COMPONENTS.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the basin;

(C) the development and implementation of a long-term resource monitoring program;

(D) the development and implementation of a computerized inventory and analysis system; and

(E) the development and implementation of a systemic plan to reduce flood impacts by means of ecosystem restoration projects.

(4) CONSULTATION.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies, the State of Illinois, and the Kaskaskia River Coordinating Council.

(5) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the comprehensive plan.

(6) ADDITIONAL STUDIES AND ANALYSES.—After transmission of a report under paragraph (5), the Secretary shall conduct studies and analyses of projects related to the comprehensive plan that are appropriate and consistent with this subsection.

(c) GENERAL PROVISIONS.—

(1) WATER QUALITY.—In carrying out activities under this section, the Secretary's recommendations shall be consistent with applicable State water quality standards.

(2) PUBLIC PARTICIPATION.—In developing the comprehensive plan under subsection (b), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

(d) COORDINATION.—The Secretary shall integrate activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Farm programs of the Department of Agriculture.

(2) Conservation Reserve Enhancement Program (State of Illinois) and Conservation 2000 Ecosystem Program of the Illinois Department of Natural Resources.

(3) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Illinois Department of Agriculture.

(4) National Buffer Initiative of the Natural Resources Conservation Service.

(5) Nonpoint source grant program administered by the Illinois Environmental Protection Agency.

(e) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of activities carried out under this section shall be 35 percent.

(2) IN-KIND SERVICES.—The Secretary may credit the cost of in-kind services provided by the non-Federal interest for an activity carried out under this section toward not more than 80 percent of the non-Federal share of the cost of the activity. In-kind services shall include all State funds expended on programs that accomplish the goals of this section, as determined by the Secretary. The programs may include the Kaskaskia River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Kaskaskia River basin.

**SEC. 5042. NATALIE CREEK, MIDLOTHIAN AND OAK FOREST, ILLINOIS.**

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) Natalie Creek, Midlothian and Oak Forest, Illinois, if the Secretary determines that the project is feasible.

**SEC. 5043. PEORIA RIVERFRONT DEVELOPMENT, PEORIA, ILLINOIS.**

The Secretary may carry out the project for Peoria riverfront development, Peoria, Illinois, under section 519 of the Water Resources Development Act of 2000 (114 Stat. 2653–2655), at a total cost of $16,000,000, with an estimated Federal cost of $10,400,000 and an estimated non-Federal cost of $5,600,000.

**SEC. 5044. ILLINOIS RIVER BASIN RESTORATION.**

(a) EXTENSION OF AUTHORIZATION.—Section 519(c)(2) of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended by striking "2004" and inserting "2010".

(b) IN-KIND SERVICES.—Section 519(g)(3) of such Act (114 Stat. 2655) is amended by inserting before the period at the end of the first sentence "if such services are provided not more than 5 years before the date of initiation of the project or activity".

**SEC. 5045. CALUMET REGION, INDIANA.**

Section 219(f)(12) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended—

(1) by striking "$10,000,000" and inserting "$30,000,000"; and

(2) by striking "Lake and Porter" and inserting "Benton, Jasper, Lake, Newton, and Porter".

**SEC. 5046. RATHBUN LAKE, IOWA.**

(a) CONVEYANCE.—The Secretary shall convey the remaining water supply storage allocation in Rathbun Lake, Iowa, to the Rathbun Regional Water Association (in this section referred to as the "Water Association").

(b) COST SHARING.—Notwithstanding the Water Supply Act of 1958 (43 U.S.C. 390b), the Water Association shall pay 100 percent of the cost of the water supply storage allocation to be conveyed under subsection (a). The Secretary shall credit toward such non-Federal share the cost of any structures and facilities constructed by the Water Association at the project.

(c) TERMS AND CONDITIONS.—Before conveying the water supply storage allocation under subsection (a), the Secretary shall enter into an agreement with the Water Association, under which the Water Association shall agree to—

(1) in accordance with designs approved by the Chief of Engineers, construct structures and facilities referred to in subsection (b) that have a value equal to or greater than the amount that otherwise would be paid to the Federal Government for the costs of the water supply storage under the Water Supply Act of 1958 (43 U.S.C. 390b);

(2) be responsible for operating and maintaining the structures and facilities;

(3) pay all operation and maintenance costs allocated to the water supply storage space;

(4) use any revenues generated at the structures and facilities that are above those required to operate and maintain or improve the complex to undertake, subject to the approval of the Chief of Engineers, activities that will improve the quality of the environment in the Rathbun Lake watershed area; and

(5) such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

**SEC. 5047. CUMBERLAND RIVER BASIN, KENTUCKY.**

At reservoirs managed by the Secretary within the Cumberland River basin, Kentucky, the Secretary shall continue to charge fees associated with storage and maintenance of water supply that were in effect on October 1, 2002.

**SEC. 5048. MAYFIELD CREEK AND TRIBUTARIES, KENTUCKY.**

The Secretary shall conduct a study of flood damage along Mayfield Creek and tributaries between Wickliffe and Mayfield, Kentucky, to determine if the damage is the result of a Federal flood damage reduction project, and, if the Secretary determines that the damage is the result of a Federal flood damage reduction project, the Secretary shall carry out a project to mitigate the damage at Federal expense.

**SEC. 5049. NORTH FORK, KENTUCKY RIVER, BREATHITT COUNTY, KENTUCKY.**

The Secretary shall rebuild the structure that is impeding high water flows on the North Fork of the Kentucky River in Breathitt County, Kentucky, in a manner that will reduce flood damages, at an estimated total cost of $1,800,000. The non-Federal interest shall provide lands, easements, rights-of-way, relocations, and disposal areas required for the project. Operation and maintenance of the rebuilt structure shall be a non-Federal expense.

**SEC. 5050. SOUTHERN AND EASTERN KENTUCKY.**

Section 531 of the Water Resources Development Act of 1996 (110 Stat. 3774; 113 Stat. 348; 117 Stat. 142) is amended by adding the following:

"(i) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section for fiscal years 2004 and thereafter may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.".

**SEC. 5051. COASTAL LOUISIANA ECOSYSTEM PROTECTION AND RESTORATION.**

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) COASTAL LOUISIANA ECOSYSTEM.—The term "Coastal Louisiana Ecosystem" means the coastal area of Louisiana from the Sabine River on the west to the Pearl River on the east and includes tidal waters, barrier islands, marshes, coastal wetlands, rivers and streams, and adjacent areas.

(2) GOVERNOR.—The term "Governor" means the Governor of Louisiana.

(3) TASK FORCE.—The term "Task Force" means the Coastal Louisiana Ecosystem Protection and Restoration Task Force established by subsection (e).

(b) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—The Secretary shall develop a comprehensive plan for the purpose of protecting, preserving, and restoring the Coastal Louisiana Ecosystem. The comprehensive plan shall provide for the protection, conservation and restoration of the wetlands, barrier islands, shorelines, and related lands and features that protect critical resources, habitat, and infrastructure from the impacts of coastal storms, hurricanes, erosion, and subsidence.

(2) DEADLINE.—Not later than July 1, 2004, the Secretary shall transmit the plan to Congress.

(3) CONTENTS.—The plan shall include a comprehensive report and a programmatic environmental impact statement covering the proposed Federal action set forth in the plan.

(4) ADDITIONAL STUDIES AND ANALYSES.—After transmission of a report under this subsection, the Secretary may conduct studies and analyses of projects related to the comprehensive plan that are appropriate and consistent with this subsection.

(c) INTEGRATION OF OTHER ACTIVITIES.—

(1) IN GENERAL.—In developing the plan under subsection (b), the Secretary shall integrate ongoing Federal and State projects and activities, including projects implemented under the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3951 et seq.), the Louisiana Coastal Wetlands Conservation Plan, the Louisiana Coastal Zone Management Plan, and the plan of the State of Louisiana entitled "Coast 2050: Toward a Sustainable Coastal Louisiana".

(2) STATUTORY CONSTRUCTION.—

(A) EXISTING AUTHORITY.—Except as otherwise expressly provided for in this section, nothing in the section affects any authority in effect on the date of enactment of this Act, or any requirement relating to the participation in protection or restoration activities in the Coastal Louisiana Ecosystem, including projects and activities specified in paragraph (1) of—

(i) the Department of the Army;
(ii) the Department of the Interior;
(iii) the Department of Commerce;
(iv) the Environmental Protection Agency;
(v) the Department of Agriculture;
(vi) the Department of Transportation;
(vii) the Department of Energy; and
(viii) the State of Louisiana.

(B) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity authorized by this section.

(d) COST SHARING.—The non-Federal share of the cost of developing the plan under subsection (b) shall be 50 percent.

(e) COASTAL LOUISIANA ECOSYSTEM PROTECTION AND RESTORATION TASK FORCE.—

(1) ESTABLISHMENT AND MEMBERSHIP.—There is established the Coastal Louisiana Ecosystem Protection and Restoration Task Force, which shall consist of the following members (or, in the case of the head of a Federal Agency, a designee at the level of Assistant Secretary or an equivalent level):

(A) The Secretary.
(B) The Secretary of the Interior.
(C) The Secretary of Commerce.
(D) The Administrator of the Environmental Protection Agency.
(E) The Secretary of Agriculture.
(F) The Secretary of Transportation.
(G) The Secretary of Energy.
(H) The Coastal Advisor to the Governor.
(I) The Secretary of the Louisiana Department of Natural Resources.
(J) A representative of the Governor's Advisory Commission on Coastal Restoration and Conservation, Louisiana.

(2) DUTIES OF TASK FORCE.—The Task Force—

(A) shall consult with, and provide recommendations to, the Secretary during development of the comprehensive plan under subsection (b)(1);

(B) shall coordinate the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for addressing the protection, conservation, and restoration of the Coastal Louisiana Ecosystem;

(C) shall exchange information regarding programs, projects, and activities of the agencies and entities represented on the Task Force to promote ecosystem protection, restoration, and maintenance;

(D) shall establish a regional working group which shall include representatives of the agencies and entities represented on the Task Force as well as other governmental entities as appropriate for the purpose of formulating, recommending, coordinating, and implementing policies, strategies, plans, programs, projects, activities, and priorities of the Task Force;

(E) may allow the working group described in subparagraph (D) to—

(i) establish such advisory bodies as are necessary to assist the Task Force in its duties; and

(ii) select as an advisory body any entity that represents a broad variety of private and public interests;

(F) shall facilitate the resolution of interagency and intergovernmental conflicts associated with the protection, conservation, and restoration of the Coastal Louisiana Ecosystem;

(G) shall coordinate scientific research associated with the protection and restoration of the Coastal Louisiana Ecosystem;

(H) shall provide assistance and support to agencies and entities represented on the Task Force in their protection and restoration activities;

(I) shall prepare an integrated financial plan and recommendations for coordinated budget requests for the funds proposed to be expended by agencies and entities represented on the Task Force for the protection, conservation, and restoration of the Coastal Louisiana Ecosystem; and

(J) shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that summarizes the activities of the Task Force.

(3) PROCEDURES AND ADVICE.—

(A) PUBLIC PARTICIPATION.—

(i) IN GENERAL.—The Task Force shall implement procedures to facilitate public participation in the advisory process, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of proceedings of meetings available for public inspection.

(ii) OVERSIGHT.—The Secretary shall ensure that the procedures described in clause (i) are adopted and implemented and that the records described in clause (i) are accurately maintained and available for public inspection.

(B) ADVISORS TO THE TASK FORCE AND WORKING GROUPS.—The Task Force or the working group described in paragraph (2)(D) may seek such advice and input from any interested, knowledgeable, or affected party as the Task Force or working group determines to be necessary to perform the duties described in paragraph (2).

(C) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Task Force, advisors to the Task Force, and any associated workgroups shall not be considered advisory committees under the Federal Advisory Committee Act (5 U.S.C. App).

(4) COMPENSATION.—A member of the Task Force shall receive no additional compensation for the services provided as a member of the Task Force.

(5) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Task Force in the performance of services for the Task Force shall be paid by the agency or entity that the member represents.

**SEC. 5052. BATON ROUGE, LOUISIANA.**

Section 219(f)(21) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is amended by striking ''$20,000,000'' and inserting ''$35,000,000''.

**SEC. 5053. WEST BATON ROUGE PARISH, LOUISIANA.**

Section 517(5) of the Water Resources Development Act of 1999 (113 Stat. 345) is amended to read as follows:

''(5) Mississippi River, West Baton Rouge Parish, Louisiana, project for waterfront and riverine preservation, restoration, enhancement modifications, and interpretive center development.''.

**SEC. 5054. CHESAPEAKE BAY SHORELINE, MARYLAND, VIRGINIA, PENNSYLVANIA, AND DELAWARE.**

(a) IN GENERAL.—In carrying out comprehensive study of the feasibility of a project to address shoreline erosion and related sediment management measures to protect water and land resources of the Chesapeake Bay, the Secretary may carry out pilot projects to demonstrate the feasibility of alternative measures to address sediment loads to the Chesapeake Bay from sediment behind dams on the lower Susquehanna River.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 to carry out this section.

**SEC. 5055. DELMARVA CONSERVATION CORRIDOR, MARYLAND.**

(a) ASSISTANCE.—The Secretary may provide technical assistance to the Secretary of Agriculture in carrying out the Conservation Corridor Demonstration Program authorized under subtitle G of title II of Public Law 107–171 (116 Stat. 275–278).

(b) COORDINATION AND INTEGRATION.—In carrying out water resources projects in the State of Maryland on land located on the east side of the Chesapeake Bay, the Secretary shall coordinate and integrate, to the extent practicable, such projects with any activities undertaken to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of Public Law 107–171 (116 Stat. 275–276).

**SEC. 5056. DETROIT RIVER, MICHIGAN.**

Section 568(c)(2) of the Water Resources Development Act of 1999 (113 Stat. 368) is amended by striking "$1,000,000" and inserting "$25,000,000".

**SEC. 5057. OAKLAND COUNTY, MICHIGAN.**

Section 219(f)(29) of the Water Resources Development Act of 1992 (113 Stat. 336) is amended by inserting "sanitary sewer overflows and" before "combined sewer overflows".

**SEC. 5058. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**

The Secretary shall carry out feasible aquatic ecosystem restoration projects identified in the comprehensive management plan for St. Clair River and Lake St. Clair, Michigan, developed under section 426 of the Water Resources Development Act of 1999 (113 Stat. 326), at a total Federal cost of not to exceed $5,000,000.

**SEC. 5059. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.**

(a) PROJECT DESCRIPTION.—Section 219(f)(61) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended—

(1) in the paragraph heading by striking "TOWNSHIP" and inserting "AND CROW WING AND MILLE LACS COUNTIES";

(2) by inserting ", Crow Wing County, Mille Lacs County," after "Garrison"; and

(3) by adding at the end the following: "Such assistance shall be provided directly to the Garrison-Kathio-West Mille Lacs Lake Sanitary District, Minnesota.".

(b) PROCEDURES.—In carrying out the project for Garrison and Kathio Township, Minnesota, authorized by such section 219(f)(61), the Secretary may use the cost sharing and contracting procedures available to the Secretary under section 569 of the Water Resources Development Act of 1999 (113 Stat. 368).

**SEC. 5060. NORTHEASTERN MINNESOTA.**

(a) IN GENERAL.—Section 569 of the Water Resources Development Act of 1999 (113 Stat. 368) is amended—

(1) in subsection (a) by striking "Benton, Sherburne," and inserting "Beltrami, Hubbard, Wadena,";

(2) by striking the last sentence of subsection (e)(3)(B);

(3) by striking subsection (g) and inserting the following:

"(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity."; and

(4) by adding at the end the following:

"(i) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.".

(b) BIWABIK, MINNESOTA.—The Secretary shall reimburse the non-Federal interest for the project for environmental infrastructure, Biwabik, Minnesota, carried out under section 569 of the Water Resources Development Act of 1999 (113 Stat. 368–369), for planning, design, and construction costs that were incurred by the non-Federal interest with respect to the project before the date of the partnership agreement

for the project and that were in excess of the non-Federal share of the cost of the project if the Secretary determines that the costs are appropriate.

**SEC. 5061. DESOTO COUNTY, MISSISSIPPI.**

Section 219(f)(30) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is amended by striking "$20,000,000" and inserting "$30,000,000".

**SEC. 5062. HARRISON, HANCOCK, AND JACKSON COUNTIES, MISSISSIPPI.**

In carrying out projects for the protection, restoration, and creation of aquatic and ecologically related habitats located in Harrison, Hancock, and Jackson Counties, Mississippi, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), the Secretary shall accept any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, and other in-kind contributions.

**SEC. 5063. MISSISSIPPI RIVER, MISSOURI, AND ILLINOIS.**

As a part of the operation and maintenance of the project for the Mississippi River (Regulating Works), between the Ohio and Missouri Rivers, Missouri and Illinois, authorized by the first section of an Act entitled "Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 25, 1910, the Secretary may carry out activities necessary to restore and protect fish and wildlife habitat in the middle Mississippi River system. Such activities may include modification of navigation training structures, modification and creation of side channels, modification and creation of islands, and studies and analysis necessary to apply adaptive management principles in design of future work.

**SEC. 5064. ST. LOUIS, MISSOURI.**

Section 219(f)(32) of the Water Resources Development Act of 1992 (106 Stat. 4835–4836; 113 Stat. 337) is amended by striking "$15,000,000" and inserting "$35,000,000".

**SEC. 5065. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.**

Section 324 of the Water Resources Development Act of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—

(1) in subsection (a)—

(A) by striking "design" and inserting "planning, design,"; and

(B) by striking "Hackensack Meadowlands Development" and all that follows through "Plan for" and inserting "New Jersey Meadowlands Commission for the development of an environmental improvement program for";

(2) in subsection (b)—

(A) in the subsection heading by striking "REQUIRED";

(B) by striking "shall" and inserting "may";

(C) by striking paragraph (1) and inserting the following:

"(1) Restoration and acquisitions of significant wetlands and aquatic habitat that contribute to the Meadowlands ecosystem.";

(D) in paragraph (2) by inserting "and aquatic habitat" before the period at the end; and

(E) by striking paragraph (7) and inserting the following:

"(7) Research, development, and implementation for a water quality improvement program, including restoration of hydrology and tidal flows and remediation of hot spots and other sources of contaminants that degrade existing or planned sites.";

(3) in subsection (c) by inserting before the last sentence the following: "The non-Federal sponsor may also provide in-kind services, not to exceed 25 percent of the total project cost, and may also receive credit for reasonable cost of design work completed prior to entering into the partnership agreement with the Secretary for a project to be carried out under the program developed under subsection (a)."; and

(4) in subsection (d) by striking "$5,000,000" and inserting "$35,000,000".

**SEC. 5066. ATLANTIC COAST OF NEW YORK.**

(a) DEVELOPMENT OF PROGRAM.—Section 404(a) of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended—

(1) by striking "processes" and inserting "and related environmental processes";

(2) by inserting after "Atlantic Coast" the following: "(and associated back bays)";

(3) by inserting after "actions" the following: ", environmental restoration or conservation measures for coastal and back bays,"; and

(4) by inserting at the end the following: "The plan for collecting data and monitoring information included in such annual report shall be fully coordinated with and agreed to by appropriate agencies of the State of New York.".

(b) ANNUAL REPORTS.—Section 404(b) of such Act is amended—

(1) by striking "INITIAL PLAN.—Not later than 12 months after the date of the enactment of this Act, the" and inserting "ANNUAL REPORTS.—The";

(2) by striking "initial plan for data collection and monitoring" and inserting "annual report of data collection and monitoring activities"; and

(3) by striking the last sentence.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 404(c) of such Act (113 Stat. 341) is amended by striking "and an additional total of $2,500,000 for fiscal years thereafter" and inserting "$2,500,000 for fiscal years 2000 through 2002, and $17,000,000 for fiscal years beginning after September 30, 2002,".

**SEC. 5067. COLLEGE POINT, NEW YORK CITY, NEW YORK.**

In carrying out section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639–4640), the Secretary shall give priority to work in College Point, New York City, New York.

**SEC. 5068. FLUSHING BAY AND CREEK, NEW YORK CITY, NEW YORK.**

The Secretary shall credit toward the non-Federal share of the cost of the project for ecosystem restoration, Flushing Bay and Creek, New York City, New York, the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 5069. LITTLE NECK BAY, VILLAGE OF KINGS POINT, NEW YORK.**

(a) IN GENERAL.—The Secretary may carry out a navigation project at Little Neck Bay (Hague Basin), Village of Kings Point, New York, sufficient to permit the safe operation of the vessel T/V Kings Pointer at all tide levels.

(b) REIMBURSEMENT.—The Secretary shall seek reimbursement from the United States Merchant Marine Academy for the cost of the project carried out under this section.

**SEC. 5070. ONONDAGA LAKE, NEW YORK.**

Section 573 of the Water Resources Development Act of 1999 (113 Stat. 372–373) is amended—

(1) in subsection (f) by striking "$10,000,000" and inserting "$30,000,000";

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

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

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

**SEC. 5071. JOHN H. KERR DAM AND RESERVOIR, NORTH CAROLINA.**

The Secretary shall expedite the completion of the calculations necessary to negotiate and execute a revised, permanent contract for water supply storage at John H. Kerr Dam and Reservoir, North Carolina, among the Secretary and the Kerr Lake Regional Water System and the city of Henderson, North Carolina.

**SEC. 5072. STANLY COUNTY, NORTH CAROLINA.**

Section 219(f)(64) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended by inserting "water and" before "wastewater".

**SEC. 5073. CENTRAL RIVERFRONT PARK, CINCINNATI, OHIO.**

If the Secretary is authorized to carry out a downtown waterfront development project for the Central Riverfront Park, Cincinnati, Ohio, the Secretary shall credit toward the non-Federal share of the cost of the project the cost of—

(1) design and construction work undertaken by the non-Federal interest before entering into a partnership agreement for the project with the Secretary if the Secretary determines that the work is integral to the project; and

(2) land, easements, rights-of-way, and relocations provided by the non-Federal interest.

**SEC. 5074. PIEDMONT LAKE DAM, OHIO.**

In reconstructing the road on the Piedmont Lake Dam as part of the project for dam safety assurance, Piedmont Lake Dam, Ohio, being carried out under section 4 of the Flood Control Act of August 11, 1939 (53 Stat. 1414–1415), the Secretary shall upgrade the condition of the road to meet standards applicable to public use

roads in the State of Ohio. The incremental cost of upgrading the road to meet such standards shall be a non-Federal expense.

**SEC. 5075. OHIO.**

Section 594(g) of the Water Resources Development Act of 1999 (113 Stat. 383) is amended by striking "$60,000,000" and inserting "$90,000,000".

**SEC. 5076. WAURIKA LAKE, OKLAHOMA.**

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules is set at the amounts, rates of interest, and payment schedules that existed, and that both parties agreed to, on June 3, 1986, and may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States Government.

**SEC. 5077. COLUMBIA RIVER, OREGON.**

Section 401(b)(3) of Public Law 100–581 (102 Stat. 2944), is amended by inserting "and Celilo Village, Oregon" after "existing sites".

**SEC. 5078. EUGENE, OREGON.**

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of restoring the millrace in Eugene, Oregon, and, if the Secretary determines that the restoration is feasible, shall carry out the restoration.

(b) CONSIDERATION OF NONECONOMIC BENEFITS.—In determining the feasibility of restoring the millrace, the Secretary shall include noneconomic benefits associated with the historical significance of the millrace and associated with preservation and enhancement of resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

**SEC. 5079. JOHN DAY LOCK AND DAM, LAKE UMATILLA, OREGON AND WASHINGTON.**

(a) IN GENERAL.—The Secretary shall pay up to $2,500,000 to the provider of research and curation support previously provided to the Federal Government as a result of the multipurpose project, John Day Lock and Dam, Lake Umatilla, Oregon and Washington, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 167), and the several navigation and flood damage reduction projects constructed on the Columbia River and Lower Willamette River, Oregon and Washington.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

**SEC. 5080. LOWELL, OREGON.**

(a) IN GENERAL.—The Secretary may convey without consideration to Lowell School District, by quitclaim deed, all right, title and interest of the United States in and to approximately 3.32 acres of land and buildings thereon, known as Tract A–82, located in Lowell, Oregon, and described in subsection (b).

(b) DESCRIPTION OF PROPERTY.—The parcel of land authorized to be conveyed under subsection (a) is as follows: Commencing at the point of intersection of the west line of Pioneer Street with the westerly extension of the north line of Summit Street, in Meadows Addition to Lowell, as platted and recorded at page 56 of Volume 4, Lane County Oregon Plat Records; thence north on the west line of Pioneer Street a distance of 176.0 feet to the true point of beginning of this description; thence north on the west line of Pioneer Street a distance of 170.0 feet; thence west at right angles to the west line of Pioneer Street a distance of 250.0 feet; thence south and parallel to the west line of Pioneer Street a distance of 170.0 feet; thence east 250.0 feet to the true point of beginning of this description in Section 14, Township 19 South, Range 1 West of the Willamette Meridian, Lane County, Oregon.

(c) TERMS AND CONDITIONS.—Before conveying the parcel to the school district, the Secretary shall ensure that the conditions of buildings and facilities meet the requirements of applicable Federal law.

(d) GENERALLY APPLICABLE PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

**SEC. 5081. HAGERMAN'S RUN, WILLIAMSPORT, PENNSYLVANIA.**

The Secretary may rehabilitate the pumps at the project for flood damage reduction, Hagerman's Run, Williamsport, Pennsylvania, at a total Federal cost of $225,000.

**SEC. 5082. NORTHEAST PENNSYLVANIA.**

Section 219(f)(11) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended by striking "and Monroe" and inserting "Northumberland, Union, Snyder, and Montour".

**SEC. 5083. SUSQUEHANNOCK CAMPGROUND ACCESS ROAD, RAYSTOWN LAKE, PENNSYLVANIA.**

(a) IMPROVEMENT OF ACCESS ROAD.—The Secretary may make improvements to the Susquehannock Campground access road at Raystown Lake, Pennsylvania.

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

**SEC. 5084. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.**

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787–3788; 114 Stat. 2662–2663) is amended—

(1) in subsection (a)(2) by striking "$10,000,000." and inserting the following: "$20,000,000, of which the Secretary may utilize not more than $5,000,000 to design and construct feasible pilot projects during the development of the strategy to demonstrate alternative approaches for the strategy. The total cost for any single pilot project may not exceed $500,000. The Secretary shall evaluate the results of the pilot projects and consider the results in the development of the strategy.";

(2) in subsection (c)—

(A) in the subsection heading by striking "COOPERATION" and inserting "COOPERATIVE"; and

(B) by striking "cooperation" and inserting "cooperative"; and

(3) by adding at the end the following:

"(e) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of in-kind services and materials provided for the project by the non-Federal interest.".

**SEC. 5085. WASHINGTON, GREENE, WESTMORELAND, AND FAYETTE COUNTIES, PENNSYLVANIA.**

Section 219(f)(70) of the Water Resources Development Act of 1992 (114 Stat. 2763A–221) is amended by striking "$8,000,000" and inserting "$13,300,000".

**SEC. 5086. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.**

The Secretary shall review a report prepared by the non-Federal interest concerning flood protection and environmental restoration for Cano Martin Pena, San Juan, Puerto Rico, and, if the Secretary determines that the report meets the evaluation and design standards of the Corps of Engineers and that the project is feasible, may carry out the project, at a total cost of $130,000,000, with an estimated Federal cost of $85,000,000 and an estimated non-Federal cost of $45,000,000.

**SEC. 5087. BEAUFORT AND JASPER COUNTIES, SOUTH CAROLINA.**

The Secretary may accept from the Department of the Navy, and may use, not to exceed $23,000,000 to assist the Beaufort Jasper Water and Sewage Authority, South Carolina, with its plan to consolidate civilian and military wastewater treatment facilities.

**SEC. 5088. COOPER RIVER, SOUTH CAROLINA.**

(a) IN GENERAL.—The Secretary is authorized to provide technical and financial assistance for the removal of the Grace and Pearman Bridges over the Cooper River, South Carolina.

(b) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $5,000,000 to carry out this section.

**SEC. 5089. LAKES MARION AND MOULTRIE, SOUTH CAROLINA.**

Section 219(f)(25) of the Water Resources Development Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is amended—

(1) by striking "$15,000,000" and inserting "$35,000,000"; and

(2) by inserting "wastewater treatment and" before "water supply".

**SEC. 5090. UPPER BIG SIOUX RIVER, WATERTOWN, SOUTH DAKOTA.**

(a) IN GENERAL.—The Secretary shall review the project for flood damage reduction, Upper Big Sioux River basin, Watertown, South Dakota, as described in the report of the Chief of Engineers, dated August 31, 1994, and entitled "Watertown

and Vicinity, South Dakota" and, if the Secretary determines that the project is feasible, may carry out the project, at a total cost of $25,000,000.

(b) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of the cost of the review may be provided in the form of in-kind services and materials.

(2) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the review the cost of planning and design work carried out by the non-Federal interest before the date of an agreement for the review if the Secretary determines that such work is integral to the review.

**SEC. 5091. FRITZ LANDING, TENNESSEE.**

The Secretary shall—

(1) conduct a study of the Fritz Landing Agricultural Spur Levee, Tennessee, to determine the extent of levee modifications that would be required to make the levee and associated drainage structures consistent with Federal standards;

(2) design and construct such modifications; and

(3) after completion of such modifications, incorporate the levee into the project for flood control, Mississippi River and Tributaries, authorized by the Act entitled "An Act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928 (45 Stat. 534–539), commonly known as the "Flood Control Act of 1928".

**SEC. 5092. MEMPHIS, TENNESSEE.**

The Secretary shall review the aquatic ecosystem restoration component of the Memphis Riverfront Development Master Plan, Memphis, Tennessee, prepared by the non-Federal interest and, if the Secretary determines that the component meets the evaluation and design standards of the Corps of Engineers and that the component is feasible, may carry out the component at a total Federal cost not to exceed $5,000,000.

**SEC. 5093. TOWN CREEK, LENOIR CITY, TENNESSEE.**

The Secretary shall design and construct the project for flood damage reduction designated as Alternative 4 in the Town Creek, Lenoir City, Loudon City, Tennessee, feasibility report of the Nashville district engineer, dated November 2000, under the authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), notwithstanding section 1 of the Flood Control Act of June 22, 1936 (33 U.S.C. 701a; 49 Stat. 1570). The non-Federal share of the cost of the project shall be subject to section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)).

**SEC. 5094. TENNESSEE RIVER PARTNERSHIP.**

(a) IN GENERAL.—As part of the operation and maintenance of the project for navigation, Tennessee River, Tennessee, Alabama, Mississippi, and Kentucky, authorized by the first section of the Rivers and Harbors Act of July 3, 1930 (46 Stat. 927), the Secretary may enter into a partnership with a nonprofit entity to remove debris from the Tennessee River in the vicinity of Knoxville, Tennessee, by providing a vessel to such entity, at Federal expense, for such debris removal purposes.

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

**SEC. 5095. CLEAR CREEK AND TRIBUTARIES, HARRIS, GALVESTON, AND BRAZORIA COUNTIES, TEXAS.**

The Secretary shall expedite completion of the report for the project for flood damage reduction, ecosystem restoration, and recreation, Clear Creek and tributaries, Harris, Galveston, and Brazoria Counties, Texas.

**SEC. 5096. HARRIS COUNTY, TEXAS.**

Section 575(a) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended by inserting before the period at the end the following: ", whether or not such works or actions are partially funded under the hazard mitigation grant program of the Federal Emergency Management Agency".

**SEC. 5097. HARRIS GULLY, HARRIS COUNTY, TEXAS.**

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Harris Gully watershed, Harris County, Texas, to provide flood protection for the Texas Medical Center, Houston, Texas.

(2) USE OF LOCAL STUDIES AND PLANS.—In conducting the study, the Secretary shall use, to the extent practicable, studies and plans developed by the non-Federal interest if the Secretary determines that such studies and plans meet the evaluation and design standards of the Corps of Engineers.

(3) COMPLETION DATE.—The Secretary shall complete the study by July 1, 2004.

(b) CRITICAL FLOOD DAMAGE REDUCTION MEASURES.—The Secretary may carry out critical flood damage reduction measures that the Secretary determines are feasible and that will provide immediate and substantial flood damage reduction benefits in the Harris Gully watershed, at a Federal cost of $7,000,000.

(c) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that such work is integral to the project.

(d) NONPROFIT ENTITY.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a nonprofit entity may, with the consent of the local government, serve as a non-Federal interest for the project undertaken under this section.

**SEC. 5098. ONION CREEK, TEXAS.**

In carrying out the study for the project for flood damage, reduction, recreation, and ecosystem restoration, Onion Creek, Texas, the Secretary shall include the costs and benefits associated with the relocation of flood-prone residences in the study area for the project during the 2-year period before the initiation of the feasibility study to the extent the Secretary determines such relocations are compatible with the project. The Secretary shall credit toward the non-Federal share of the cost of the project the cost of relocation of such flood-prone residences incurred by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the relocation of such residences is integral to the project.

**SEC. 5099. PELICAN ISLAND, TEXAS.**

(a) IN GENERAL.—Section 108(a) of the Energy and Water Development Appropriations Act, 1994 (33 U.S.C. 59hh(a)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) AUTHORITY TO CONVEY.—The Secretary";

(2) by adding at the end the following:

"(2) LETTER OF INTENT.—

"(A) IN GENERAL.—The Secretary may provide a letter of intent to the city of Galveston for conveyance of less than 100 acres of the parcel described in subsection (a) for private development purposes if the Secretary receives and approves a proposal by the city designating the land which would be subject to such development.

"(B) DISPOSITION OF SPOIL.—If the Secretary issues a letter of intent under subparagraph (A), no additional spoil material may be placed on the land designated for private development for a period of at least 5 years from the date of issuance of the letter to provide the city of Galveston with an opportunity to secure private developers, perform appraisals, conduct environmental studies, and provide the compensation to the United States required for the conveyance."; and

(3) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

(b) EXPIRATION DATE.—Section 108(e)(3) of such Act (33 U.S.C. 59hh(e)(3)) is amended by striking "date of the enactment of this Act" and inserting "date of enactment of the Water Resources Development Act of 2003".

**SEC. 5100. FRONT ROYAL, VIRGINIA.**

Section 591(a)(2) of the Water Resources Development Act of 1999 (113 Stat. 378) is amended by striking "$12,000,000" and inserting "$22,000,000".

**SEC. 5101. RICHMOND NATIONAL BATTLEFIELD PARK, RICHMOND, VIRGINIA.**

(a) IN GENERAL.—The Secretary is authorized to carry out bluff stabilization measures on the James River in the vicinity of Drewry's Bluff, Richmond National Battlefield Park, Richmond, Virginia.

(b) REIMBURSEMENT.—The Secretary shall seek reimbursement from the Secretary of the Interior of any costs incurred by the Secretary in carrying out subsection (a).

**SEC. 5102. BAKER BAY AND ILWACO HARBOR, WASHINGTON.**

The Secretary shall conduct a study of increased siltation in Baker Bay and Ilwaco Harbor, Washington, to determine if the siltation is the result of a Federal navigation project (including diverted flows from the Columbia River) and, if the Secretary determines that the siltation is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the siltation as part of maintenance of the Federal navigation project.

**SEC. 5103. CHEHALIS RIVER, CENTRALIA, WASHINGTON.**

The Secretary shall credit toward the non-Federal share of the cost of the project for flood damage reduction, Chehalis River, Centralia, Washington, the cost of planning, design, and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 5104. HAMILTON ISLAND CAMPGROUND, WASHINGTON.**

The Secretary is authorized to plan, design, and construct a campground for Bonneville Lock and Dam at Hamilton Island (also know as "Strawberry Island") in Skamania County, Washington.

**SEC. 5105. PUGET ISLAND, WASHINGTON.**

The Secretary is directed to place dredged and other suitable material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47 in order to protect economic and environmental resources in the area from further erosion, at a Federal cost of $1,000,000. This action shall be coordinated with appropriate resource agencies and comply with applicable Federal laws.

**SEC. 5106. BLUESTONE, WEST VIRGINIA.**

Section 547 of the Water Resources Development Act of 2000 (114 Stat. 2676–2678) is amended—

(1) in subsection (b)(1)(A) by striking "4 years" and inserting "5 years";

(2) in subsection (b)(1)(B)(iii) by striking "if all" and all that follows through "facility" and inserting "assurance project";

(3) in subsection (b)(1)(C) by striking "and construction" and inserting ", construction, and operation and maintenance";

(4) by adding at the end of subsection (b) the following:

"(3) OPERATION AND OWNERSHIP.—The Tri-Cities Power Authority shall be the owner and operator of the hydropower facilities referred to in subsection (a).";

(5) in subsection (c)(1)—

(A) by striking "No" and inserting "Unless otherwise provided, no";

(B) by inserting "planning," before "design"; and

(C) by striking "prior to" and all that follows through "subsection (d)";

(6) in subsection (c)(2) by striking "design" and inserting "planning, design,";

(7) in subsection (d)—

(A) by striking paragraphs (1) and (2) and inserting the following:

"(1) APPROVAL.—The Secretary shall review the design and construction activities for all features of the hydroelectric project that pertain to and affect stability of the dam and control the release of water from Bluestone Dam to ensure that the quality of construction of those features meets all standards established for similar facilities constructed by the Secretary.";

(B) by redesignating paragraph (3) as paragraph (2);

(C) by striking the period at the end of paragraph (2) (as so redesignated) and inserting ", except that hydroelectric power is no longer a project purpose of the facility. Water flow releases from the hydropower facilities shall be determined and directed by the Corps of Engineers."; and

(D) by adding at the end the following:

"(3) COORDINATION.—Construction of the hydroelectric generating facilities shall be coordinated with the dam safety assurance project currently in the design and construction phases.";

(8) in subsection (e) by striking "in accordance" and all that follows through "58 Stat. 890)";

(9) in subsection (f)—

(A) by striking "facility of the interconnected systems of reservoirs operated by the Secretary" each place it appears and inserting "facilities under construction under such agreements"; and

(B) by striking "design" and inserting "planning, design";

(10) in subsection (f)(2)—

(A) by "Secretary" each place it appears and inserting "Tri-Cities Power Authority"; and

(B) by striking "facilities referred to in subsection (a)" and inserting "such facilities";

(11) by striking paragraph (1) of subsection (g) and inserting the following:

"(1) to arrange for the transmission of power to the market or to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and";

(12) in subsection (g)(2) by striking "such facilities" and all that follows through "the Secretary" and inserting "the generating facility"; and

(13) by adding at the end the following:

"(i) TRI-CITIES POWER AUTHORITY DEFINED.—In this section, the 'Tri-Cities Power Authority' refers to the entity established by the City of Hinton, West Virginia, the City of White Sulphur Springs, West Virginia, and the City of Philippi, West Virginia, pursuant to a document entitled 'Second Amended and Restated Intergovernmental Agreement' approved by the Attorney General of West Virginia on February 14, 2002.".

**SEC. 5107. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.**

(a) CHEAT AND TYGART RIVER BASINS, WEST VIRGINIA.—Section 581(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3790; 113 Stat. 313) is amended—

(1) by striking "flood control measures" and inserting "structural and nonstructural flood control, streambank protection, stormwater management, and channel clearing and modification measures"; and

(2) by inserting "with respect to measures that incorporate levees or floodwalls" before the semicolon.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 581(c) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended by striking "$12,000,000" and inserting "$90,000,000".

**SEC. 5108. LOWER KANAWHA RIVER BASIN, WEST VIRGINIA.**

The Secretary shall conduct a watershed and river basin assessment under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a) for the Lower Kanawha River Basin, in the counties of Mason, Putnam, Kanawha, Jackson, and Roane, West Virginia.

**SEC. 5109. CENTRAL WEST VIRGINIA.**

Section 571 of the Water Resources Development Act of 1999 (113 Stat. 371) is amended—

(1) in subsection (a)—

(A) by striking "Nicholas,"; and

(B) by striking "Gilmer,"; and

(2) by adding at the end the following:

"(i) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

"(j) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.".

**SEC. 5110. SOUTHERN WEST VIRGINIA.**

(a) CORPS OF ENGINEERS.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856; 113 Stat. 320) is amended by adding at the end the following:

"(h) CORPS OF ENGINEERS.—Ten percent of the amounts appropriated to carry out this section for fiscal years 2003 and thereafter may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.".

(b) SOUTHERN WEST VIRGINIA DEFINED.—Section 340(f) of such Act is amended by inserting "Nicholas," after "Greenbrier,".

(c) NONPROFIT ENTITIES.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856) is further amended by adding at the end the following:

"(i) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.".

**SEC. 5111. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.**

Section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) is amended by adding at the end the following:

"(9) BUFFALO BAYOU, TEXAS.—The project for flood control, Buffalo Bayou, Texas.

"(10) HALLS BAYOU, TEXAS.—The project for flood control, Halls Bayou, Texas.

"(11) ST. PAUL DOWNTOWN AIRPORT (HOLMAN FIELD), ST. PAUL, MINNESOTA.—The project for flood damage reduction, St. Paul Downtown Holman Field), St. Paul, Minnesota.".

**SEC. 5112. BRIDGE AUTHORIZATION.**

There is authorized to be appropriated $20,000,000 for the construction of the bridge referred to in section 1001(1).

**SEC. 5113. ADDITIONAL ASSISTANCE FOR CRITICAL PROJECTS.**

Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335–337; 114 Stat. 2763A–220–221) is amended by adding at the end the following:

"(71) PLAQUEMINE, LOUISIANA.—$7,000,000 for sanitary sewer and wastewater infrastructure, Plaquemine, Louisiana.

"(72) CHARLESTON, SOUTH CAROLINA.—$20,000,000 for wastewater infrastructure, including wastewater collection systems, Charleston, South Carolina.

"(73) CROSS, SOUTH CAROLINA.—$2,000,000 for water-related environmental infrastructure, Cross, South Carolina.

"(74) SURFSIDE, SOUTH CAROLINA.—$8,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.

"(75) NORTH MYRTLE BEACH, SOUTH CAROLINA.—$3,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.

"(76) TIA JUANA VALLEY, CALIFORNIA.—$1,400,000 for water-related environmental infrastructure, Tia Juana Valley, California.

"(77) CABARRUS COUNTY, NORTH CAROLINA.—$4,500,000 for water-related infrastructure, Cabarrus County, North Carolina.

"(78) RICHMOND COUNTY, NORTH CAROLINA.—$8,000,000 for water-related infrastructure, Richmond County, North Carolina.

"(79) UNION COUNTY, NORTH CAROLINA.—$9,000,000 for wastewater infrastructure, Union County, North Carolina.

"(80) WASHINGTON, DISTRICT OF COLUMBIA.—$35,000,000 for implementation of a combined sewer overflow long term control plan, Washington, District of Columbia.

"(81) SOUTHERN LOS ANGELES COUNTY, CALIFORNIA.—$15,000,000 for environmental infrastructure for the groundwater basin optimization pipeline, Southern Los Angeles County, California.

"(82) INDIANAPOLIS, INDIANA.—$6,430,000 for environmental infrastructure for Indianapolis, Indiana.

"(83) HENDERSON, NEVADA.—$5,000,000 for wastewater infrastructure, Henderson, Nevada.

"(84) SENNETT, NEW YORK.—$1,500,000 for water infrastructure, Town of Sennett, New York.

"(85) LEDYARD AND MONTVILLE, CONNECTICUT.—$7,113,000 for water infrastructure, Ledyard and Montville, Connecticut.

"(86) AWENDAW, SOUTH CAROLINA.—$2,000,000 for water-related infrastructure, Awendaw, South Carolina.

"(87) ST. CLAIR COUNTY, ALABAMA.—$5,000,000 for water-related infrastructure, St. Clair County, Alabama.

"(88) EAST BAY, SAN FRANCISCO, AND SANTA CLARA AREAS, CALIFORNIA.—$4,000,000 for a desalination project to serve the East Bay, San Francisco, and Santa Clara areas, California.

"(89) ATHENS, TENNESSEE.—$16,000,000 for wastewater infrastructure, Athens, Tennessee.

"(90) WARWICK, NEW YORK.—$1,200,000 for water storage capacity restoration, Warwick, New York.

"(91) KIRYAS JOEL, NEW YORK.—$20,000,000 for water-related infrastructure, Kiryas Joel, New York.

"(92) WHITTIER, CALIFORNIA.—$8,000,000 for wastewater and water-related infrastructure, Whittier, California.

"(93) ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.—$20,000,000 for environmental infrastructure and resource protection and development to enhance water quality and living resources in the Anacostia River watershed, District of Columbia and Maryland.

"(94) DUCHESNE, IRON, AND UINTAH COUNTIES, UTAH.—$10,000,000 for water-related infrastructure, Duchesne, Iron, and Uintah Counties, Utah.

"(95) HANCOCK, HARRISON, JACKSON, AND PEARL RIVER COUNTIES, MISSISSIPPI.—$5,824,300 for water and wastewater-related infrastructure, Hancock, Harrison, Jackson, and Pearl River Counties, Mississippi.".

**SEC. 5114. USE OF FEDERAL HOPPER DREDGE FLEET.**

(a) STUDY.—The Secretary shall conduct a study on the appropriate use of the Federal hopper dredge fleet.

(b) CONTENTS.—In conducting the study, the Secretary shall—

(1) obtain and analyze baseline data to determine the appropriate use of the Federal hopper dredge fleet;

(2) prepare a comprehensive analysis of the costs and benefits of existing and proposed restrictions on the use of the Federal hopper dredge fleet; and

(3) assess the data and procedure used by the Secretary to prepare the Government cost estimate for worked performed by the Federal hopper dredge fleet.

(c) CONSULTATION.—The Secretary shall conduct the study in consultation with ports, pilots, and representatives of the private dredge industry.

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

## PURPOSE OF LEGISLATION

The Water Resources Development Act of 2003 includes project authorizations, modifications, deauthorizations, studies, and policy initiatives for the Army Corps of Engineers' Civil Works Program—the nation's largest water resources program. Throughout its five titles, the bill authorizes and directs the Corps to carry out various studies, projects, and programs relating to navigation, flood damage reduction, shoreline protection, dam safety, water supply, recreation, environmental restoration and protection.

## BACKGROUND AND NEED FOR LEGISLATION

The Water Resources Development Act of 2003 demonstrates the continuing commitment of the Committee on Transportation and Infrastructure to the Nation's water resources infrastructure, and a regular authorization schedule for the Civil Works Program of the Army Corps of Engineers (Corps), which was instituted by the Water Resources Development Act of 1986. The Committee believes that passage of the Water Resources Development Act of 2003 is vitally important to fulfill commitments to non-Federal sponsors, to be responsive to new and emerging water resources needs, and to fine-tune the Corps' missions and responsibilities.

### *Value of the Civil Works Program*

The Committee recognizes the value of the Corps and the Corps' Civil Works missions to the Nation and the critical importance of maintaining these vital contributions. Over the years, the Corps has maintained flexibility in its Civil Works missions to meet the changing needs of the Nation. The Corps has an impressive history of helping to meet the Nation's water resources needs. For over 175 years, the Corps has supported navigation needs by maintaining and improving the Nation's waterways in 41 States. The Corps also maintains 300 commercial harbors, through which pass over 2 billion tons of cargo a year, and with more than 13 million American jobs dependent on our import and export trade, these ports are vital to our economic security. The ports and waterways maintained by the Corps also play a vital role in national defense.

Corps flood damage reduction efforts range from small, local protection projects (levees or non-structural flood damage reduction measures) to major dams. Today, most Corps constructed flood protection projects are owned by sponsoring cities, towns, and agricultural districts, but the Corps continues to maintain and operate 383 dams and reservoirs for flood damage reduction. During the 10 years from 1991 through 2000 the United States suffered $45 billion in property damage from floods. During that same period, however, Corps flood damage reduction measures prevented more than

$208 billion in damage—82% of the damage that would have occurred if the protection was absent.

Legislation passed in 1990 established environmental protection as one of the primary missions of the Corps—along with navigation and flood damage reduction. Since that time, ecosystem restoration projects have grown increasingly popular throughout the country, resulting in over $1.3 billion in Federal support for environmental activities. The Corps has provided leadership on large-scale ecosystem restoration projects, including restoring the hydrologic regime for the Everglades in Florida and addressing wetland losses of catastrophic proportion in Coastal Louisiana. In addition, the Corps carries out environmental and natural resource management programs at its projects, manages thousands of square miles of forest and wildlife habitat, monitors water quality at its dams, and in some cases restores the environment at projects built in earlier days.

As the Corps program continues to evolve in service to the Nation, the Committee notes with interest the efforts of the Chief of Engineers to encourage a more holistic approach to water resources management. An increased emphasis on watershed and basin-wide planning, conducted in conjunction with State and local governments and non-public stakeholders, can lead to a more sustainable use of water resources that integrates water development, protection, and restoration. The Corps can play a particularly important role in facilitating planning when the issues affecting water resources concern multiple jurisdictions. The Corps is encouraged to pursue efforts to improve coordination and cooperation in the development of recommended approaches to address water resources problems and formulating plans to solve these problems.

*Corps of Engineers Planning Process*

In recent years, there has been some controversy regarding the planning process used by the Corps of Engineers to develop water resources projects. The Civil Works program of the Corps of Engineers is an approximately $4.5 billion annual program. Of that amount, between $135 and $145 million is spent annually to study water resources needs, determine if there is a Federal interest in meeting those needs, and develop recommendations for water resources projects that are technically sound, environmentally acceptable, and economically justified.

For certain small projects, Congress has authorized the Corps to participate in the development and construction under continuing authorities. The Federal participation in these small projects is limited to between $500,000 and $7 million per project, depending on the project type. For all other projects, the Corps must first receive authorization from Congress to proceed with a study, either by statute or, if the Corps previously has conducted a study in the same geographic area, in the form of a Committee resolution.

Once authorized, a water resources study begins with a reconnaissance study. The reconnaissance phase is a relatively quick examination of the problem (generally costing no more than $100,000) during which the Corps of Engineers determines if there is a Federal interest and a potentially feasible project. Currently, there are 40 ongoing reconnaissance studies. If, based on the reconnaissance study, the Corps determines there is a potentially fea-

sible water resources project, the Corps may seek the participation of a non-Federal interest willing to share in 50 percent of the study costs (for studies for projects other than inland navigation) and proceed to a full feasibility study. A feasibility study is generally expected to take about 2 years. However, due to the complexity of the issues, controversy over proposed solutions, and budget constraints, feasibility studies often take longer than 2 years and in rare cases may take in excess of 15 years. Currently, there are 210 ongoing feasibility studies.

To ensure that a project is technically sound, environmentally acceptable, and economically justified, the Corps must conduct a study in accordance with applicable laws, regulations, and policy, including the 1983 Principles and Guidelines issued by the Water Resources Council, Engineering Regulations issued by the Corps of Engineers (and most recently comprehensively revised in 1999), and other guidance periodically issued by the Chief of Engineers. Studies that result in a report of the Chief of Engineers recommending a water resources project are submitted to Congress for authorization. Other than projects constructed under continuing authorities, the Corps may not proceed to construction of a project until it is specifically authorized.

All Corps of Engineers projects manage water resources in some fashion. In many cases, there may be competing demands on those water resources, leading to controversy and even opposition to a proposed project by some constituencies. In some cases, project opponents have carried out or obtained a careful review of a study for a Corps project and have uncovered examples of projects that do not comply with applicable guidance. In particular, there have been three projects where close scrutiny revealed that the projected benefits of the project might not exceed the projected costs, notwithstanding the requirement that most water resources projects be economically justified. (The requirement for economic justification does not apply to environmental projects; under the Water Resources Development Act of 1990, the benefits of environmental projects are deemed to be equal to their costs).

Two of these three projects, the Chesapeake and Delaware Canal and the Delaware River Deepening, were already authorized by Congress at the time questions were raised about the project economics. In the case of the Chesapeake and Delaware Canal, the project has been suspended. In the case of the Delaware River Deepening, notwithstanding mathematical errors made by the Corps in its original economic analysis, further analysis has demonstrated that the project remains economically justified and the project is continuing. In the case of the third project, the Upper Mississippi River Locks and Dams, questions were raised regarding the models to be used to analyze projected demand for barge traffic on the river before the study had been completed. The Corps of Engineers is continuing with this ongoing study and expects to make recommendations to Congress next year that will be economically justified.

The problems with the economic analyses of these three projects has led to a call for the improvement of the Corps' process for developing water resources projects. The Committee believes that the Corps of Engineers employs experts in their fields who provide a tremendous service to the Nation. The Committee also holds these

professionals to the highest standards and expects all work products generated by the Corps of Engineers to be able to withstand any level of scrutiny. Accordingly, this bill provides the Chief of Engineers with tools to ensure that project studies are carried out using high quality methods, models, and analyses. At the same time, the Committee also recognizes that many disputes over water resources projects are policy disputes. Accordingly, the bill also ensures that changes to the project planning process will not lead to delays in project delivery and provides the Chief of Engineers with tools to resolve policy disputes and minimize delays.

## DISCUSSION OF COMMITTEE BILL AND SECTION-BY-SECTION ANALYSIS

*Section 1. Short title; table of contents*

(a) Short Title.—Establishes the short title of this Act as the "Water Resources Development Act of 2003".

(b) Table of Contents.

*Section 2: Definition of Secretary*

Defines the term "Secretary," which is used throughout the bill, as the Secretary of the Army.

## TITLE I—WATER RESOURCES PROJECTS

*Section 1001. Project authorizations*

This section authorizes projects for water resources development and conservation to be carried out substantially in accordance with the reports of the Chief of Engineers cited for each project, except as otherwise provided.

(1) American River Watershed, California.—

The American River watershed lies northeast of Sacramento. It covers approximately 2,100 square miles and includes portions of Placer, El Dorado, and Sacramento Counties. Runoff from the American River drainage basin flows through Folsom Reservoir and passes through Sacramento in a channel controlled by a system of levees. The Folsom Dam and Reservoir are located about 29 miles upstream of Sacramento and are part of the Federal Central Valley Project (CVP), one of California's major water delivery systems.

*Problems and Opportunities Identified in Study*: Numerous floods, most notably in 1986 and 1997, underscore the continued high risk of catastrophic flooding in Sacramento. Currently, Sacramento has a 1-in-85 chance of flooding in any year. In 1996 and 1999, Congress authorized improvements to the levees on the American River and modifications to the Folsom Dam to reduce this flood risk. Once these projects are completed, the risk of flooding will decrease to about a 1-in-164 chance in any one year. Even with improvements already authorized, flood protection will fall short of the community goal of reducing the risk of flooding to a 1-in-200 chance of catastrophic flooding in a given year.

The combination of mining, development, flood plain constrictions (including bridges, levees, diversions, and the parkway system), dam construction, and flow modifications over the past 150 years has altered the physical processes that sustain the Lower American River ecosystem and have thereby contributed to its deg-

radation. These changes will likely continue, further reducing riparian, wildlife, and related habitat values along the lower river. In addition, the construction of Folsom Dam has cut off most of the spawning areas historically used by the river's migratory steelhead trout and salmon. There are opportunities to restore lost resources through modification and replanting of remnant floodplain terraces. Lower American River in-stream habitat could be altered to improve fish spawning and rearing conditions, thus increasing the viability of salmon and steelhead populations.

*Alternative Plans Considered:* Eight primary flood damage reduction alternatives were evaluated, not including the no-action alternative. Four different downstream levee modifications were evaluated to address increases in objective releases from Folsom Dam and three Folsom Dam enlargement alternatives were evaluated to address increases in flood storage capacity at Folsom Dam. One alternative that addressed increased flood damage reduction through a new upstream detention dam was included for informational purposes.

The study also considered 26 measures in formulating ecosystem restoration alternatives for the lower American River. From these measures, five alternatives were evaluated.

*Description of Recommended Plan:* The recommended plan consists of raising the height of Folsom Dam by 7 feet. The raise would include a combination of raising the concrete monolith and embankments and adding a 3.5-foot parapet wall, replacing the spillway radial gates, modifying the spillway bridge piers, and replacing the spillway bridge. With these modifications the top-of-flood-pool elevation at Folsom Reservoir would be increased from an elevation of 474 to 482 feet above mean sea level and flood control storage capacity would be increased by 95,000 acre-feet. Significant work at Folsom Dam to address dam safety is avoided by also including modifications to the spillway at L. L. Anderson Dam. The L. L. Anderson Dam is owned by Placer County Water Agency and controls French Meadows Reservoir that is located on the Middle Fork of the American River. By including measures to widen the L. L. Anderson Dam spillway, the probable maximum flood inflows to Folsom Dam would be lowered, thereby avoiding more costly dam safety work at Folsom Dam. The recommended flood damage reduction improvements would remedy the existing safety deficiency at Folsom Dam and reduce the annual probability of flooding in Sacramento from an estimated 1-in-164 chance to a 1-in-213 chance in any year.

The recommended plan also includes ecosystem restoration components that would provide for approximately 620 acres of wildlife habitat including wetlands, riparian, and native vegetation at the Woodlake and Bushy Lake sites along the lower American River parkway. In addition, temperature control shutters for the inlets to the Folsom Dam penstocks would be mechanized to better regulate the American River water temperature to increase native salmon and steelhead populations downstream of the dam.

*Physical Data on Project Features:*

(a) Raise Folsom Dam.

(1) *Replace Existing Spillway Gates.* All eight spillway radial gates at Folsom Dam would be replaced with larger gates. The new gates would be approximately 66 feet high, 16 feet taller than the

gates under the without-project condition. The top-of-gate elevation would be 484 feet.

(2) *Modify Spillway Bridge Piers.* The piers would be raised and extended downstream to anchor the new larger radial gates. Additionally, the piers would be strengthened by installing post-tensioned tendons to anchor the piers to the mass concrete of the overflow section.

(3) *Replace Spillway Bridge.* The existing eight-span spillway bridge would require replacement.

(4) *Raise Concrete Dam.* The concrete portions of Folsom Dam including the spillway area would be raised to accommodate the higher flood control pool. The raise would be accomplished through a combination of raising the dam crest and spillway bridge deck, and constructing a short crest/parapet wall. The new top-of-dam elevation in the concrete section would be 487.5 feet (top of crest/parapet wall), and the top of the roadway and bridge deck would be 487.0 feet elevation.

(5) *Extend Stilling Basin.* Extension of the spillway stilling basin and side walls by approximately 60 feet is required to ensure proper stilling basin function and adequate energy dissipation of the larger flows and higher heads of the new design flood and probable maximum flood.

(6) *Construct Temporary Construction Bridge.* A temporary construction bridge approximately ¼ mile in length may be constructed downstream of the left wing dam to mitigate short-term traffic effects during construction of the dam modifications. The bridge would be aligned to provide an alternate route of transportation across the American River to ensure that no conflicts occur with existing Folsom Dam operations. The Secretary is authorized to construct a permanent bridge, in lieu of a temporary construction bridge, if the additional costs of such a bridge, in excess of the $36 million provided in the recommended plan for the temporary construction bridge, are provided by other entities, including State and local governments and other Federal agencies.

(7) *Widen L. L. Anderson Dam Spillway.* L. L. Anderson Dam (French Meadows Reservoir) spillway would be widened so that Folsom Dam would safely pass the probable maximum flood.

(8) *Mitigation.* Mitigation for project construction includes approximately 82.6 acres of oak woodland/blue oak-gray pine woodland, 10.3 acres of riparian woodland and 0.3 acre of seasonal wetland habitat. In addition, an adaptive management plan would be implemented by the non-Federal sponsor to mitigate unforeseen effects on vegetation and wildlife due to the enlarged flood pool from 474 to 482 feet elevation.

(b) Ecosystem Restoration.

(1) *Woodlake.* The restoration plan at this 283-acre site includes the eradication of nonnative invasive plant species; modification of flood plain terraces to increase frequency of natural flooding; seeding to reestablish native grasslands; and grading to appropriate flood plain elevations and planting reconstructed areas with riparian forest oak woodland, and oak savanna plant species.

(2) *Bushy Lake Restoration Site.* The 347-acre Bushy Lake site is upstream from Woodlake. The conceptual restoration plan includes the eradication of nonnative invasive plant species and the construction of a pump and delivery system and meandering chan-

nel to carry local drainage water to Bushy Lake. The new channels would be planted with emergent wetland plant species. Restoration also includes the creation of an ephemeral channel to convey flows from the lake to the river; terracing steep banks; and planting riparian forest, oak woodland, and oak savanna plant species on newly graded site areas.

(3) *Folsom Dam Temperature Shutter Mechanization.* Folsom Dam restricts salmon and steelhead life cycles to the 23-mile Lower American River precluding the fish from migrating to their upstream natal spawning grounds. Cold water is necessary to sustain existing spawning and rearing salmon and steelhead populations below the dam. To manage Lower American River water temperature, cold water from varying depths in Folsom Lake is withdrawn via shutters located at different elevations on the penstock inlet. The restoration feature would modify and automate the temperature shutters to allow for the flexibility and timeliness needed to optimize management of the coldwater pool to sustain the downstream fishery.

*Views of States, Non-Federal Interests and Other Countries:* The State of California and the Sacramento Area Flood Control Agency (SAFCA) both support a high level of flood protection for Sacramento and support improvement of the American River ecosystem. They are willing to cost share and perform other sponsor duties.

*Views of Federal and Regional Agencies:* Agencies commenting on the draft report either support or are neutral to the proposed project. In its Coordination Act Report, the U.S. Fish and Wildlife Service has provided recommendations on avoidance of, and compensation for, environmental impacts directly related to raising Folsom Dam. The Service is neutral towards the Folsom Dam raise plan and supports the Woodlake, Bushy Lake, and Folsom Dam temperature shutter modification plans.

*Status of NEPA Document:* The Final Environmental Impact Statement was filed with EPA on May 3, 2002.

*Estimated Implementation Costs:* (October 2002 price levels)

| | *Cost Sharing* |
|---|---|
| Federal (Agency/Purpose): | |
| Corps of Engineers/Flood Damage Reduction | $86,900,000 |
| Bureau of Reclamation/Dam Safety | 95,900,000 |
| Corps of Engineers/Ecosystem Restoration | 18,400,000 |
| Subtotal | 201,200,000 |
| Non-Federal (Agency/Purpose): | |
| The Reclamation Board/SAFCA Flood Damage Reduction | 46,200,000 |
| SAFCA/Ecosystem Restoration | 9,900,000 |
| Subtotal | 56,100,000 |
| Total | 257,300,000 |

*Description of Non-Federal Implementation Costs:* For the flood damage reduction features the non-Federal sponsors will provide 5 percent of the initial construction cost in cash during construction, and all required lands, easements, rights-of-way, relocations, and disposal areas. Additionally, the non-Federal sponsor will provide any additional cash amount required to produce a total non-Federal contribution of at least 35 percent of the total flood damage reduc-

tion project cost. The Reclamation Board and SAFCA are the prospective non-Federal sponsors for the proposed flood damage reduction project features. For the flood damage reduction project features, the Federal share of project costs would be about $86,900,000 and the non-Federal share would be about $46,200,000. For the environmental restoration features the non-Federal sponsor will provide 35 percent of the initial construction cost allocated to these features. Included in this 35 percent are all required lands, easements, rights-of-way, relocations, and disposal areas. Additionally, the non-Federal sponsor will provide any additional cash amount required to produce a total non-Federal contribution of at least 35 percent of the total environmental restoration project cost. SAFCA is the prospective non-Federal sponsor for the proposed environmental restoration project features. For the environmental restoration project features, the Federal share of project costs would be about $18,400,000 and the non-Federal share would be about $9,900,000. All dam safety costs have been allocated to the Bureau of Reclamation, although it is acknowledged that the non-Federal sponsor for the original Folsom Dam project may be required to share in 15 percent of the dam safety costs in accordance with the cost sharing in effect at the time of initial construction of the project.

*Estimated Annual O&M Costs:* (October 2002 price levels):

| | *Cost sharing* |
|---|---|
| Federal: Corps of Engineers | 0 |
| Non-Federal: The Reclamation Board/SAFCA: | |
| Flood Damage Reduction | $207,000 |
| Ecosystem Restoration | 580,000 |
| Total | 787,000 |

*Description of Non-Federal O&M Cost:* Operation and maintenance costs are for the additional amount above the existing, without-project O&M cost. Operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) costs of improvement features would normally be the responsibility of the non-Federal sponsor. However, since Folsom Dam is owned and operated by the Federal government, the OMRR&R would continue to be performed by the Bureau of Reclamation, but a cost-sharing agreement would be negotiated between the non-Federal sponsors and Bureau of Reclamation to pay the portion of the OMRR&R costs related to the new flood control features. For the ecosystem restoration components of the selected plan, OMRR&R of the project will be the responsibility of the non-Federal sponsor, SAFCA. Estimated annual OMRR&R cost for ecosystem restoration include activities to operate and maintain the mechanized temperature control shutters on Folsom Dam in addition to landscape maintenance activities on the Bushy Lake and Woodlake sites that include the application of herbicides and excavation of seed banks to eradicate non-native invasive plant species, the replacement of wetland and riparian plant species during the period of plant community establishment, and other adaptive management activities that may be deemed necessary to ensure the successful restoration of riverine habitat on these two sites.

*Estimated Effects:*

| Account | Average annual equivalent beneficial effects | Average annual adverse effects |
|---|---|---|
| NED | $19,200,000 | $7,800,000 |
| NER | 894 AAHU's (Average Annual Habitat Units) | $2,481,000 |

Project economic life years: 50 years.
Benefit-cost ratio: 2.5 (current discount rate: 6.125%).

NED plan recommended—No. It was determined that the 545,000 acre-foot upstream detention, flood control-only dam originally studied in the 1991 American River Watershed feasibility report would continue to provide greater net National Economic Development (NED) benefits than the recommended plan. The first cost of the NED plan would be about $777 million. The average annual cost would be $64.1 million and the average annual flood damage reduction benefits would be approximately $71 million. Because an upstream detention dam would reduce flood storage requirements at Folsom Dam, this alternative would also generate substantial water resource-related benefits. These additional benefits were estimated at $12 million in the 1996 American River Supplemental Information Report. Although this estimate has not been updated, it is likely that the net benefits of an upstream detention dam would exceed those of any other alternative presented and thus would remain the NED Plan. Consequently, the 545,000 acre-foot upstream detention flood-control-only dam was identified as the NED plan. However, the non-Federal sponsors have selected the recommended plan as their preferred alternative since the recommended plan is smaller and less comprehensive, is of lesser cost than the NED Plan, and provides the highest net flood damage reduction benefits compared to all Folsom Dam enlargement and downstream levee modification alternatives considered.

*Direct Beneficiaries:* Immediate beneficiaries include the City and County of Sacramento and commercial, public, industrial, and residential development within the flood plain and surrounding urbanized areas that rely upon the public facilities in the study area. The larger Sacramento community is a beneficiary of more viable fish and wildlife habitat within the metropolitan area.

*Relationship to Other Plans:* The recommended plan is compatible with other water resources development projects in the study area. These include the North Area Local Project, Common Features project, Folsom Dam Modifications project, and recently authorized Lower American River flood control improvements.

(a) Rebuilding or replacing the Folsom Dam spillway bridge would negate the need for a planned reconstruction or major overhaul of the bridge by the Bureau. Also, construction of new, larger spillway gates would negate the need for the currently on-going Folsom modifications project to replace gates. This would result in a cost savings to the Federal project of about $38 million.

(b) Section 101 of the Water Resources Development Act of 1999 also directed that the Folsom Dam Flood Management Plan be updated to take advantage of improved weather forecasting. Three possible scenarios were developed to illustrate the possible impacts of the addition of prerelease to the without-project condition damages. The first scenario is that advance release would not occur, possibly because of currently unanticipated problems. The second or most likely scenario anticipates that advance release could cre-

ate 100,000 acre-feet of additional flood space. The third scenario of advance release could create 140,000 acre-feet of additional flood space.

*Cumulative Funds Expended to Date on Previous/Related Project(s):*

| | |
|---|---|
| Federal | $85,000,000 |
| Non-Federal | 31,400,000 |
| Total | 116,400,000 |

*Current Status of Chief of Engineers Report:* Signed November 5, 2002.

(2) Pine Flat Dam and Reservoir, California.—

*Location of Study Area:* The project area is located at Pine Flat Dam on the Kings River in central California, 25 miles east of Fresno.

*Problems and Opportunities Identified in Study:* The construction of Pine Flat Dam on the Kings River has altered the natural hydraulics and temperatures of the river, affected the vegetation, restricted native coldwater fish movements, which resulted in the decline of the fishery, affected fish and wildlife resources and aquatic wetland habitats, and further accelerated the decline of the riverine ecosystem habitat.

Due to the design and operation of Pine Flat Dam, the reservoir can experience a significant increase in water temperature at certain times of the year. When there is adequate water, water temperatures are well within the optimal range for the survival of both coldwater and warmwater fish. In low-water years, however, the availability of coldwater habitat for native fisheries in the reservoir and lower Kings River can decrease dramatically.

Water release from Pine Flat Lake influence the fishery downstream in the lower Kings River. During dry and below average precipitation years, with below average carryover storage, the coldwater reserves may be depleted from the reservoir by late summer and early fall, causing water temperatures in the reservoir and lower Kings River to exceed levels acceptable for coldwater fish growth and survival. In addition, low instream flows can adversely affect food supply, spatial habitat, and access to shaded riverine aquatic (SRA) habitat, and provide favorable habitat for nonnative warmwater fishery growth, which further declines the native coldwater fishery survival rate. Finally, various land use activities have resulted in some loss of riparian, SRA, and oak-woodland habitat, which has depleted the food source to the associated wildlife and special-status species along the river.

*Alternative Plans Considered:* The eight alternative plans included: (1) No action; (2) constructing a multilevel intake structure on the upstream face of the dam to manage the temperature of downstream water releases to preserve the coldwater in the reservoir and promote downstream water temperatures suitable to sustain the native coldwater fishery throughout the year; (3) reestablishing historic floodplain riparian, SRA, and wildlife habitat at Byrd Slough along the Kings River immediately south of the Friant-Kern Canal siphon; and (4) a combination of alternatives 2 and 3.

*Description of Recommended Plan:* The recommended plan, alternative 4, will include a multilevel intake structure on the upstream

face of Pine Flat Dam. This structure would allow for temperature-controlled releases through the power plant at the base of the dam. The plan would also include the restoration of 143.5 acres of historic floodplain, shaded riverine aquatic habitat, and wildlife habitat at Byrd Slough along the Kings River.

*Physical Data on Project Features:* (a) Multilevel Intake Structure: A multilevel intake structure would be constructed on the upstream face of Pine Flat Dam. This multilevel intake structure would consist of three separate steel (space frame) structures which extend from elevation 953.46 feet, mean sea level (msl), downward to elevation 616.5 feet, msl. The three separate steel structures would fit over the three existing power penstock intakes. Each of the three structures would have three port openings and gates. There would be a hoist and cable unit (including a motor) for each of the nine openings. The three port openings would be 25 feet high and 42 feet wide and would be staggered at seven different elevations that would permit selective withdrawal of water from a wide range of levels in the reservoir.

Steel gates measuring 27 feet high by 44 feet wide would be constructed to close off each of the new port openings. One gate on all three of the structures would be at the same elevation, and two gates on each of the structures would be at different elevations. The gates would open in the downward direction and would sit in a structural channel when completely open. This design would take the gate loadings off the hoist cable. Cladding would be placed on the space frame to enclose each of the structures. Steel plates would be put on the bottom of each of the space frame structures to prevent water from leaking into each structure. A trash rack would be placed on the front face of each of the structures to prevent any large debris from entering the port openings and to protect the structure.

(b) Byrd Slough Habitat Restoration: About 143.5 acres of Fresno County land downstream of the dam and immediately south of the Friant-Kern Canal siphon would be acquired by conservation easement to reestablish riparian and SRA habitat for fish and wildlife along the Kings River. The restoration work would involve repairing perimeter fences to exclude cattle from the restoration area, installing revegetation signs at the fishing access parking area, planting restoration species (250 plants per acre), designing an irrigation system to the planted areas, and installing wildlife habitat enhancement structures. In order of priority, these structures could include brush piles, bluebird boxes, bat boxes, raptor perches, wood duck boxes, and/or songbird perches.

*Views of States, Non-Federal Interests and Other Countries:* The sponsor, Kings River Conservation District, has continued to express support for the project, understands the cost sharing requirements during preconstruction engineering and design and is prepared to execute a cost sharing agreement upon completion of the feasibility study.

*Views of Federal and Regional Agencies:* The Kings River Conservation District strongly supports the recommended multi-level intake structure and the Byrd Slough Habitat Restoration plan. The U.S. Fish and Wildlife Service supports the recommended plan as indicated in its findings in the Coordination Act Report. EPA is

not adverse to the project as stated in their review of the draft report.

*Status of NEPA Document:* The final Environmental Impact Statement and the Environmental Impact Report were completed December 2001.

*Estimated Implementation Costs:* (October 2002 price levels)

| | *Cost-Sharing* |
|---|---|
| Federal: Corps of Engineers | $24,930,000 |
| Non-Federal: Kings River Conservation District | 13,550,000 |
| Total | $38,480,000 |

*Description of Non-Federal Implementation Costs:* Non-Federal implementation costs include $341,000 for land acquisition and the rest will be cash.

*Estimated Annual O&M Costs:* (October 2002 price levels)

| | *Cost-Sharing* |
|---|---|
| Federal: Corps of Engineers | $0 |
| Non-Federal: Kings River Conservation District | 58,000 |
| Total | $58,000 |

*Description of Non-Federal O&M Costs:* The operation, maintenance, repair, replacement, and rehabilitation costs for the multi-level intake structure consist of routine maintenance and replacement of parts over the life of the project. The OMRR&R costs for the Byrd Slough Habitat area include monitoring and periodic maintenance of fencing.

*Estimated Effects:* Construction of the multi-level intake structure would adversely affect about 2.07 acres of agricultural land/chenopod scrub vegetation at the staging area. These effects would be temporary (approximately 24 months). Wildlife may experience temporary disturbance and/or displacement due to construction noise and activity. The operation and maintenance of the multi-level structure would not adversely affect vegetation or wildlife. The Friant-Kern Canal riparian restoration site would improve conditions for vegetation and wildlife recovery.

Project life: 50 years.

The National Ecosystem Restoration plan was recommended.

*Direct Beneficiaries:* The long-term benefit is an increase in the survival of coldwater species in the lower Kings River downstream from Pine Flat Dam.

*Relationship to Other Plans:* The Pine Flat Dam Fish and Wildlife Habitat Restoration Project is related to the Pine Flat Turbine Bypass Project, for which physical construction was completed in April 2003. The turbine bypass improves the flexibility of the multi-level intake structure by allowing release of water when the power plant turbines are not operating, thus providing cooler water than would be available from the flood control sluiceways. The multi-level intake structure allows the release of water from higher reservoir elevations early in the year, thus conserving cold water that can be released in the fall when lower water temperatures are most beneficial for the downstream fishery.

*Cumulative Funds Expended to Date on Previous/Related Projects:* Funds in the amount of $4,961,000 (Federal) have been expended on Pine Flat 1135 Turbine Bypass for the total project to date. Construction is complete except for project closeout. Project closeout should be completed by January 2004.

*Current Status of Chief of Engineers Report:* Signed July 19, 2003.

(3) South Platte River, Denver, Colorado.—

*Location of the Study Area:* The project is located on the Zuni/Sun Valley Reach of the South Platte River, between 8th Avenue and Lakewood Gulch.

*Problems and Opportunities Identified in Study:* The City and County of Denver has accomplished much towards restoring the environmental assets of Denver's South Platte River corridor. Only the Zuni to Sun Valley reach, which includes the Zuni Power Plant and the Sun Valley housing development, remains in a severely degraded condition. A low head Fabridam that is used to store water for cooling purposes by the Zuni Power Plant dominates this area by backing up water for over one mile and blocking upstream movement of aquatic organisms to an additional 13 miles of river habitat. Ecosystem problems include restricted fish mobility (100 percent blockage during low river flows); low dissolved oxygen levels upstream of the Fabridam; harmful sediment deposition in areas downstream of the Fabridam following periodic flushing of sediment trapped above the dam; no protective cover for aquatic species downstream of the dam; minimal riparian habitat; virtually no wetland habitat; extremely low stream flow depth to width ratios; elevated stream temperatures from power plant discharged water and from stagnant upstream pools heated by sunlight; bank stabilization problems caused by the Fabridam backwater; elimination of wildlife mobility due to the presence of the Fabridam, significant invasion by non-native plant species; minimal river access constraining recreational use of the river corridor; and safety problems due to steep banks and deep pools behind the dam.

Opportunities exist to restore this last river reach in metropolitan Denver, resulting in unrestricted mobility through aquatic, riparian, and terrestrial habitat and substantial increases in wetlands and quality aquatic habitat. Once the Fabridam is removed and aquatic and riparian habitat is restored, an unobstructed South Platte greenway will exist through the entire 35–mile reach from Chatfield Dam through the Denver metropolitan area.

Weir Gulch, a west bank tributary entering the South Platte River a few thousand feet upstream of the Fabridam, also presents significant opportunity for restoration and reconnection of aquatic and riparian habitat with the South Platte River.

*Alternative Plans Considered*: Measures considered included revegetation, bank modifications, Weir Gulch restoration, removal of the Fabridam, development of a low flow channel, and no action. Also, the potential for abandonment of the dam was considered at some future point in time; however, the power plant, which relies on the dam for necessary cooling water, is expected to operate indefinitely into the future. Combinations of these measures were evaluated for cost-effectiveness and "best buy" (incremental analysis) using the Institute for Water Resources IWR-Plan model to define the National Ecosystem Restoration plan.

*Description of Recommended Plan*: The recommended plan is the National Ecosystem Restoration (NER) plan. This plan consists of the removal of the Fabridam, construction of a 250 cfs low flow channel, site utility relocations, and full site restoration including bank modifications, revegetation with native plants, and Weir

Gulch restoration. With removal of the Fabridam, a new alternative cooling water supply (a within-channel infiltration gallery system) will be constructed to allow continued operation of the Zuni Power Plant.

*Physical Data on Project Features*: The recommended NER plan will restore 15 acres of fish and wildlife habitats along one mile of the stream corridor of the South Platte River. Bank modifications will include removal of existing riprap, stripping of vegetation, excavation of soil material, and use of excavated west bank soil material to build out and stabilize the east bank. A 250 cfs low flow channel excavated into the channel will concentrate flows in a slight meandering pattern, creating aquatic and wetland habitat through the formation of riffles, pools and bars. The stream corridor throughout the project area will be fully vegetated with native species. Weir Gulch restoration will consist of clearing, grading and revegetation for approximately 600 feet upstream from its mouth.

*Views of States, Non-Federal Interests and Other Countries*: This project is strongly supported locally by the Greenway Foundation, Urban Drainage and Flood Control District, and the City and County of Denver, the study's non-Federal sponsor. A letter from the State of Colorado Division of Wildlife dated March 9, 2001, and a letter from the Denver Board of Water Commissioners dated 20 February 2001 provided extensive support for this project, including support for the removal of the Fabridam and for the established goals for restoration of the South Platte River downstream of 8th Avenue to Lakewood Gulch. There is broad community support for South Platte River restoration, as reflected in letters of concurrence from the Colorado Historical Society and support from nongovernmental organizations, including the Audubon Society and Sierra Club. Approximately 40 letters of support have been received from agencies, organizations, and other interested parties. A State of Colorado letter dated December 2, 2002, had a few minor concerns that have been formally addressed by the Omaha District in a letter dated February 25, 2003.

*Views of Federal and Regional Agencies*: The U.S. Fish and Wildlife Service letter dated February 14, 2001, states directly that the proposed project would not negatively impact any threatened and endangered species. The Environmental Protection Agency provided two letters, dated March 15, 2001, and February 26, 2003, supporting the project.

*Status of NEPA Document*: The Finding of No Significant Impact under the National Environmental Policy Act of 1969 was signed on August 7, 2002, following public review, which ended on February 8, 2002. No opposing or negative responses were encountered or submitted.

*Estimated Implementation Costs*: (October 2002 price level)

| | |
|---|---|
| Federal: Corps of Engineers—Environmental Restoration | $11,698,000 |
| Non-Federal | 6,299,000 |
| Total First Cost | $17,997,000 |

*Description of Non-Federal Implementation Costs*: The City and County of Denver will be responsible for acquiring all real estate necessary for project construction, including relocation of all utilities, as well as construction of the infiltration gallery and acquisition of all consumptive water rights. In accordance with report rec-

ommendations, the Federal government will execute and/or reimburse the non-Federal sponsor for all activities that exceed their 35% total project cost obligation.

*Estimated Annual O&M Costs*: (October 2002 price level) Non-Federal Sponsor will be responsible for all operation, maintenance, replacement, repair, and rehabilitation (OMRR&R) costs, estimated at approximately $20,000.

*Description of Non-Federal O&M Costs*: At the end of the monitoring period, and upon receipt of the OMRR&R manual, the local sponsor will assume normal operation and maintenance responsibility for the project. Future operation and maintenance requirements will be funded entirely by the local sponsor.

*Estimated Effects*: The recommended NER plan will restore 15 acres of fish and wildlife habitats along one mile of the stream corridor of the South Platte River. A more natural flow regime will be restored by removal of the Fabridam. Negative downstream impacts associated with sediment flushing at the Fabridam every 3–4 months will be eliminated. The project area will experience improved water temperatures and water quality, a significant increase in native plants and fish habitat, a decrease in non-native plants and noxious weeds, and a net gain of approximately 3 acres of wetland. A productive and biologically diverse fish and wildlife community, including migratory waterfowl and fish-eating birds, riparian songbirds and mammals, and native fish, will develop. Unrestricted movement by mobile aquatic and riparian species will be possible along a 35-mile reach of the South Platte River, since restoration of river reaches both upstream and downstream of the proposed project through Denver has previously been completed by local interests.

*Benefit-Cost Ratio*: Not applicable. Single purpose ecosystem restoration plans are formulated and evaluated in terms of their net contributions to increases in ecosystem value, expressed in non-monetary units. The Denver County Reach project contributes to national ecosystem restoration.

*NED plan recommended*? No. The National Ecosystem Restoration plan is recommended.

*Direct Beneficiaries*: Fish and wildlife using the South Platte River and the residents of the Denver metropolitan area and the rest of the nation will benefit from the improved fish and wildlife habitat quality and quantity.

*Relationship to Other Plans*: The City and County of Denver has spent over $35 million of local funds on numerous projects upstream and downstream of Denver County Reach to create a more environmentally sound South Platte River through metropolitan Denver. As the last major river restoration project in metropolitan Denver, the proposed Denver County Reach project completes the transformation of the South Platte River from one long-abused as solely a means of providing storm drainage and a water delivery system for residential, agricultural and commercial interests to a river corridor recognized as having great environmental value. The project location is upstream and contiguous to the Colfax Reach Project, being carried out under section 1135 of the Water Resources Development Act of 1986.

*Cumulative Funds Expended to Date on Previous/Related Projects*: Over $35 million on South Platte River restoration efforts within metropolitan Denver.

*Current Status of Chief of Engineers Report*: Signed on May 16, 2003.

(4) Morganza to the Gulf of Mexico, Louisiana.—

*Location of Study Area*: The study is located in south Louisiana between the Mississippi and Atchafalaya Rivers. Bayou Lafourche forms the western study boundary and Bayou du Large and Louisiana Highway 311 form the eastern boundary. The eastern and western boundaries form an apex at Thibodaux, Louisiana. The southern boundary is the Gulf of Mexico.

*Problems and Opportunities Identified in Study:* Hurricanes and tropical storms cause widespread flooding of residential and commercial property in the study area. Residential communities, commercial and agricultural developments, and industries in the study area are generally located along alluvial ridges at elevations ranging from 4 or 5 feet to less than 1 foot above sea level. The Terrebonne Levee and Conservation District maintains about 20 miles of forced drainage levees in various communities, including flood control structures and drainage pumping stations. The existing levees have a maximum elevation of 7 feet above sea level and protect against weak tidal and rainfall events, but not hurricanes. Following Hurricane Andrew in 1992, Terrebonne Parish residents qualified for more than $23 million in FEMA claim settlements. Hurricane Andrew caused an estimated $55 million in losses to crops and other uninsured property in Terrebonne Parish alone, destroying over 360 homes and damaging about 2,900 more. Over 90 percent of the damage occurred in Terrebonne Parish south of Houma, with up to 6 feet of water in residential and commercial structures.

*Alternative Plans Considered*: Eight alternative plans were evaluated. A preliminary screening focused detailed efforts on the plans that provided the most benefit. Two structural alternatives and various non-structural alternatives were evaluated in detail. The structural alternatives, known as the Reconnaissance and the Highway 57 Alignments, involved raising existing levees and constructing new levees to provide reliable protection against 50-, 85-, 100- and 500-year flood frequency events. The structural plans included earthen levees, sector-gated floodgate structures, and environmental water control structures to maintain tidal ebb and flow. The non-structural plans involved relocating, purchasing and elevating structures.

*Description of Recommended Plan:* The recommended plan is the 100–year Highway 57 Alignment. Features include approximately 72 miles of earthen levees with 12 sector-gated floodgate structures, 12 environmental water-control structures, road closure structures, numerous pipeline relocations, several minor pump station discharge realignments and other minor features.

*Physical Data on Project Features:* The recommended plan would protect Terrebonne Parish against storm events with a one percent and greater chance of exceedence. In general, many existing levees will be raised approximately three to seven feet and widened with an impervious earthen material excavated from nearby borrow sites. The floodgates and road closure structures will provide a reli-

able and efficient means to close vulnerable gaps in the levee system. A total of six pump station discharge pipes will be relocated to maintain interior drainage. Numerous oilfield pipelines will either be relocated over the levee or buried below the levee.

*Views of States, Non-Federal Interests and Other Countries:* The Louisiana Department of Transportation and Development (lead sponsor), Terrebonne Parish, City of Houma, Terrebonne Levee and Conservation District, and Congressional representatives strongly support the project. The sponsor has indicated a strong desire to cost-share in the design and construction of this project.

*Views of Federal and Regional Agencies:* The U.S. Fish and Wildlife Service (USFWS) and Environmental Protection Agency (EPA) raised concerns about induced floodplain development resulting from the Federal project that may have cumulative environmental effects on aquatic and terrestrial resources. However, these concerns are not significant enough to prevent this project from proceeding. Development is still regulated by the existing permit process. The project will mitigate for all direct adverse impacts resulting from construction. The Corps will continue to coordinate with NMFS, USFWS and EPA to ensure that adequate compensatory mitigation is provided.

*Status of NEPA Document:* The Final Programmatic Environmental Impact Statement and Feasibility Report was filed with the EPA on April 26, 2002.

*Estimated Implementation Costs:* (based on October 2002 price levels)

| | *Cost-sharing* |
|---|---|
| Federal (65%): Corps of Engineers | $467,000,000 |
| Non-Federal Sponsors (35%): Louisiana Department of Transportation and Development, and Terrebonne Levee and Conservation District | 252,000,000 |
| Total | $719,000,000 |

*Description of Non-Federal Implementation Costs:* The sponsor would be responsible for acquiring all necessary lands, easements, rights-of-way, relocations and disposal sites for the project worth an estimated $49,241,000. The sponsor would also provide work-in-kind and cash worth $202,759,000.

*Estimated Annual O&M Costs:* (October 2002 price levels)

| | *Cost-sharing* |
|---|---|
| Federal: Corps of Engineers | $976,500 |
| Non-Federal Sponsor: Terrebonne Levee & Conservation District | 420,000 |
| Total | $1,396,500 |

*Description of Non-Federal O&M Cost:* This cost covers the general operation and maintenance of floodgate structures, environmental water control structures and levees including levee inspections, mowing and erosion control. Note that the Corps would assume operation of the floodgates along the Gulf Intracoastal Waterway (GIWW) and the lock to be located in the Houma Navigation Canal as part of the Federal operation and maintenance of the GIWW and Houma Navigation Canal.

*Estimated Effects (October 2002 price levels):*

| Account/purposes | Average annual equivalent beneficial effects ($1000) | Average annual adverse effects ($1000) |
|---|---|---|
| National Economic Development: Hurricane Protection | $80,772 | N/A |
| Total | $80,772 | N/A |

Project economic life: 50 years.
Benefit-Cost Ratio: 1.72 (Discount Rate: 5.875%).
NED plan recommended? Yes.

*Direct Beneficiaries:* This project will directly benefit the residents and businesses of Terrebonne Parish, and help preserve the Louisiana ecosystem.

*Relationship to Other Plans:* This plan is consistent with the Coastal Wetlands Planning, Protection and Restoration Act program and other coastal restoration projects in the study area.

*Cumulative Funds Expended to Date on Previous/Related Project(s):* Approximately $6.6 million has been expended since January 2000 for dual preliminary engineering and design efforts on the detailed design of the Houma Navigation Canal Lock and Reach G–1 levee contract of the Morganza project.

*Credit for in-kind services:* The Secretary also is directed to credit toward the non-Federal share the cost of work carried out by the non-Federal interest for interim flood protection after March 31, 1989, if integral to the project. This is consistent with the supplemental report of the Chief of Engineers issued July 22, 2003, under which the State of Louisiana Department of Transportation and Development may design, construct, and manage the construction of several project features at an estimated cost of $113,851,000 as in-kind services in lieu of part or all of the cash portion of the non-Federal cost share. The features that may be designed, constructed, or managed during construction by the sponsor with in-kind services include:

- A 56-foot-wide floodgate on Bayou Pointe au Chien;
- A 56-foot-wide floodgate on Bush Canal;
- A 14-foot-high and 12-mile-long levee from the Bayou Pointe au Chien floodgate to Humble Canal floodgate, and the structures therein;
- A 14-foot-high and 6.5-mile-long levee from Bayou Petite Caillou floodgate to the Bush Canal floodgate, and the structures therein; and
- A 14-foot-high and 3-mile-long levee from the Bush Canal floodgate to the Bayou Terrebonne floodgate, and the structures therein.

All features to be designed and implemented through in-kind services must be integral to the project. Any credit afforded to the sponsor for approved in-kind services will be auditable, allowable, and allocable to the project and will be limited to the lesser of the Corps' estimate of the value of the work allocable to the project had the Corps performed the work, or the actual costs incurred by the sponsor.

*Current Status of Chief of Engineers Report:* Signed August 23, 2002. A supplemental Chief of Engineers Report addressing the sponsor's request for credit for in-kind services was signed on July 22, 2003.

(5) Smith Island, Maryland.—

*Location of the Study Area:* The project is located in Chesapeake Bay on Smith Island, Somerset County, Maryland, which is 12 miles west of Crisfield, Maryland, 95 miles south of Baltimore. The island straddles the Maryland-Virginia state line, but all of the project features are in Maryland. The Non-Federal sponsors are Somerset County and the State of Maryland Departments of the Environment and Natural Resources.

*Problems and Opportunities Identified in Study:* Smith Island is part of a chain of islands that form the border between Chesapeake Bay and Tangier Sound, and is comprised of 97 percent emergent wetlands. The study area is within the largest contiguous submerged aquatic vegetation (SAV) bed in the Bay. Although SAV coverages have been rebounding for more than a decade throughout the Bay, the Tangier Sound area has seen continual decreases in coverage. There are many factors that determine whether or not SAV flourishes, some factors are local and some are larger-scale. SAV experts have determined that the likely overriding factor in the study area is the effect of erosion. As the landmasses that make up Smith Island erode, it allows increased wave and current action into shallow-water areas that were previously protected, quiescent, and suitable for SAV growth. The eroded material also adds turbidity and nutrients to the water column that further inhibit SAV colonization and growth. Additionally, the landmasses themselves are extremely high quality emergent wetlands. These wetlands are even more valuable than most since they are part of a remote island with little human disruption. In its entirety, Smith Island has lost over 3,300 acres of wetlands in the last 150 years, and, in the identified project areas alone, it lost almost 2,400 acres of SAV between 1992 and 1998.

*Alternative Plans Considered:* Investigations during this study involved understanding and quantifying the impact of the ongoing process of erosion on habitat degradation. It was determined that the tremendous loss of SAV around parts of Smith Island could be stopped and, to an extent, reversed by protecting and restoring lost wetlands in the Martin National Wildlife Refuge. A number of structural means were investigated including stone revetment, groins, non-traditional bulkheads and walls, proprietary erosion control measures, artificial beach nourishment, breakwaters/sills, and geotextile breakwaters. The study team concluded that the most cost-effective and reliable way to accomplish this was to construct offshore, segmented breakwaters to protect or recreate strategic areas along the coastline of the Refuge. In many areas, the breakwaters would be back-filled using borrow material from the Chesapeake Bay bottom west of the Island. This back-fill would create additional wetland habitat and greatly increase the effectiveness of the structures. Four main areas of analysis were identified in the reconnaissance effort and were carried through the feasibility process, the Western Shoreline, Fog Point Cove, Back Cove and Terrapin Sand Cove. Each of these areas has been seriously degraded over time due to erosion. Of the four, no plan at Terrapin Sand Cove was recommended for implementation due to the exorbitant cost. Plans at the other three areas that form the recommended project are estimated to protect 216 acres of wetlands and 504 acres of SAV over a 50-year life span, while at the same time creating 24 acres of wetlands and 1,440 acres of SAV habitat.

Minimal adverse impacts are anticipated as a result of construction including temporary and localized turbidity and impacts related to offshore borrow sites, if utilized. The project will require 68,000 cubic yards of material for back-fill.

*Recommended Plan:* The selected plan includes construction of segmented offshore breakwaters located from 30 to 100 feet offshore, depending upon water depth and shoreline configuration. The breakwaters would have a top elevation of +3.5 feet MLLW. Areas behind the breakwaters would be backfilled and wetlands enhanced through plantings. The following four components are included in the plan:

| Project area | Location | Structure | Length (ft) | Height | Backfill | Plants |
|---|---|---|---|---|---|---|
| Western Shoreline. | Offshore from Swan Island to Fog Point Cove. | Offshore breakwaters. | 9,420 | +3.5 MLLW .. | 15,000 CY/7.5 acres. | Spartina alternaflora. |
| Fog Point Cove | Offshore, 600 ft. extension from western shore, 1,200 ft. from eastern shore. | Off shore Breakwaters and sill. | 1,800 | +3.5 MLLW .. | 5,000 CY/3.8 acres. | Spartina alternaflora. |
| Back Cove NW Shoreline. | Offshore, along NW shoreline of Back Cove with extension into cove shore. | Off shore Breakwaters. | 5,950 | +3.5 MLLW .. | 28,000 CY/5.5 acres. | Spartina alternaflora. |
| Back Cove SE Shoreline. | Offshore, along SE shoreline of Back Cove with extension into cove shore. | Off shore Breakwaters. | 2,950 | +3.5 MLLW .. | 12,000 CY/6.7 acres. | Spartina alternaflora. |

*Views of States, Non-Federal Interests and Other Countries:* This project is supported at the State and local level by Somerset County, the State of Maryland, and the Chesapeake Bay community.

*Views of Federal and Regional Agencies:* The U.S. Fish and Wildlife Service has provided a letter of support for the project.

*Status of NEPA Document:* The public review period for the draft feasibility study and environmental assessment was initiated on March 15, 2001, and concluded on April 18, 2001. No opposition or negative responses were encountered or submitted.

*Estimated Implementation Costs:* Baseline costs for the recommended plan in October 2002 dollars are shown below:

| | |
|---|---|
| Federal Cost | $5,200,000 |
| Non-Federal Cost | 2,800,000 |
| Total Project Estimated Cost | $8,000,000 |

*Description of Non-Federal Implementation Costs:* The State of Maryland and Somerset County will be responsible for acquiring all real estate necessary for project construction, which is estimated at $2,000.

*Estimated Annual O&M Costs:* Pre-construction monitoring will cost $7,000, and there will be 5 years of monitoring at a total of $40,000 (estimated).

*Description of Non-Federal O&M Costs:* State of Maryland Department of Natural Resources will assume responsibility for O&M at an estimated annual cost of $16,000.

*Current Status of Chief of Engineers Report:* The Chiefs Report was issued on October 29, 2001.

(6) Corpus Christi Ship Channel, Corpus Christi, Texas.—

*Location of Study Area:* The Corpus Christi Ship Channel (CCSC) provides deep-water access from the Gulf of Mexico to the Port of Corpus Christi, via Aransas Pass, through Redfish Bay and Corpus Christi Bay. Access points include the La Quinta Channel, the Gulf Intracoastal Waterway (GIWW), and the Rincon Canal.

*Problems and Opportunities Identified in Study:* The CCSC was the first waterway in Texas to be completed to a depth of 45 feet. This channel ranks fifth in the Nation for tonnage shipped on deep-draft vessels, and in Texas only the Houston Ship Channel handles more tonnage. Since the completion of the 45-foot project, the size of ships using the waterway has steadily increased so that many vessels currently have to be light-loaded to traverse the waterway. The current channel depth also requires that large crude carriers remain offshore and transfer their cargo into smaller crude tankers for the remainder of the voyage. Widening the Upper Bay reach and installing barge lanes would increase the safety factor for this area and would reduce the shipping delays for the project, especially since shipping trends indicate a movement toward the use of larger vessels. Development of the La Quinta extension would allow benefits to be achieved while enhancing the economy of the region.

*Alternative Plans Considered:* A general screening process was first used to determine which structural plan would result in the objective of providing safe and efficient navigation at the least cost while minimizing environmental impacts. A total of 23 alternatives were initially evaluated for more detailed consideration. These alternatives included widening portions of the CCSC, deepening the CCSC, construction of barge lanes, deepening of the La Quinta Channel, and extending the La Quinta Channel. The reporting officers recommend a plan to modify the existing projects for Corpus Christi and La Quinta channels and provide ecosystem restoration to areas near the navigation channel.

*Description of Selected Plan:* Based on the economic, engineering, and environmental factors considered, the recommended plan consists of the following improvements:

(a) Deepen the CCSC from Viola Turning Basin to the end of the jetties in the Gulf of Mexico (approximately 34 miles) to ·52 feet mean low tide (MLT); deepen the remainder of the channel into the Gulf of Mexico (approximately 2 miles) to ·54 feet MLT; and widen the Upper Bay and Lower Bay reaches (approximately 20 miles) to 530 feet.

(b) Construct barge shelves (channels) 200-foot-wide and 12-foot-deep MLT on both sides of the CCSC from it's junction with the La Quinta Channel to the entrance of the Inner Harbor (approximately 10 miles).

(c) Extend the La Quinta Channel approximately 1.4 miles beyond its current limit at a depth of ·39 feet MLT. The channel will measure 400 feet wide and include a second turning basin. The turning basin will be constructed at the end of the proposed channel extension with a diameter of 1200 feet, to a depth of ·39 feet, MLT. The existing La Quinta Channel will remain at the existing 45-foot depth. The creation of 15 acres of sea grass adjacent to the La Quinta extension will mitigate for project impacts to approximately 5 acres of sea grass.

(d) Construct two ecosystem restoration features, including rock breakwaters and geo-tubes to protect 1,200 acres of an existing high quality, complex wetland ecosystem that is comprised of a valuable mix of subtidal habitat, salt marsh, blue-green algae flats, sand flats and associated uplands. Additionally, protect 40 acres of

highly productive sea grass. Both components are adjacent to the CCSC in the Lower Bay reach of the channel.

*Physical Data on Project Features:* Deepening of the CCSC to ·52 feet will allow vessels with deeper draft to access port facilities without first lightering/lightening their loads. Widening of the CCSC will allow for two-way traffic in the channel, increasing safety and reducing delays. Barge lanes will allow the smaller, slower barges to transit the bay without the increased concern of collisions with larger ships. This will reduce delays and increase safety. Extension of the La Quinta Channel will allow benefits to be achieved while enhancing the economy of the region. Ecosystem restoration components will protect and enhance several important habitats including estuarine marsh, submerged aquatic vegetation, and endangered species habitat.

*Views of States, Non-Federal Interests and Other Countries:* The selected beneficial use plan is the least costly plan that is implementable and has the support of the State and Federal resource agencies. The non-Federal sponsor for the existing project, the Port of Corpus Christi Authority, has actively participated throughout the planning process. The Port of Corpus Christi Authority is supportive of the selected plan and has indicated an interest in beginning construction as soon as possible. There are no known significant issues.

*Views of Federal and Regional Agencies:* Extensive coordination was performed with the State and Federal resource agencies through the development of a Regulatory Agency Coordination Team. No outstanding issues remain.

*States of NEPA Document:* The Final Feasibility Report and Final Environmental Impact Statement were filed in the Federal Register on April 18, 2003.

*Estimated Implementation Costs:* Based on October 2002 prices, the estimated total first cost of the project are about $153,808,000 with the Federal cost of $73,554,000 and a non-Federal cost of $80,254,000. This total first cost includes about $128,658,000 for cost-shared general navigation features; $7,852,000 for lands, easements, rights-of-way, and relocations; $13,016,000 for non-Federal share of deep draft utility relocations; and $4,282,000 for two cost-shared ecosystem restoration features. Total project implementation costs of approximately $203,480,000 include total project cost, plus $49,672,000 in non-Federal costs associated with dredging of berthing areas and development of other local service facilities.

*Description of Non-Federal Implementation Costs:* The non-Federal share of the first cost for navigation features is $78,755,000, and for ecosystem restoration is $1,499,000.

*Estimated Annual O&M Costs:* The incremental annual cost for operation and maintenance (O&M) of the recommended plan is estimated at $2,247,000. In accordance with Section 101(b) of the Water Resources Development Act of 1986, the non-Federal interest will be responsible for 50 percent of the costs attributable to maintenance dredging to a depth in excess of ·45 feet below MLT. Annual O&M costs for the CCSC are estimated to be $1,670,000. Annual O&M costs for the barge shelves are expected to be $27,000. Annual O&M costs for the La Quinta extension are expected to be $550,000.

*Description of Non-Federal O&M Cost:* The non-Federal sponsor will cost-share O&M for the CCSC at the same ratio as construction for the increment below 45 feet in depth. O&M for the barge shelves, and La Quinta extension will be paid 100% by the Federal interest. The non-Federal sponsor will also be responsible for 100% of O&M costs associated with mitigation and ecosystem restoration.

*Estimated Effects:*

| Account effects | Average annual equivalent beneficial effects ($1,000) | Average annual adverse effects ($1,000) |
|---|---|---|
| NED: | | |
| CCSC | $32,607 | $12,305 |
| Barge Shelves | 134 | 85 |
| La Quinta | 9,264 | 5,000 |
| Ecosystem Restoration | (1) | 267 |
| Project economic life: 50 years. | | |
| Benefit-cost ratio: | | |
| CCSC—2.6 | | |
| Barge Lanes—1.6 | | |
| La Quinta—1.8 | | |
| Current discount rate: 5.875%. | | |
| NED plan recommended? Yes. | | |

[1] Average annual costs for ecosystem restoration at sites L and P are estimated at $160,600 and $106,400, respectively. It is estimated that the two sites will generate 144 and 16 average annual habitat units (AAHU), respectively, resulting in average annual costs of $1,120 and $6,650 per AAHU, respectively. The combination of breakwater/geo-tubes construction, represents the most cost-effective measures in protecting these valuable resources.

*Direct Beneficiaries:* Benefits were identified for ships carrying both import and export petroleum products and grain, as well as barge traffic and container ship traffic.

*Current State of Chief of Engineers Report:* The Chief of Engineers Report was signed on June 2, 2003.

(7) Matagorda Bay, Texas.—

*Location of Study Area:* The Gulf Intracoastal Waterway (GIWW) parallels the Gulf of Mexico's coastline from Brownsville, at the southern tip of Texas, to St. Marks, Florida. The man-made channel is maintained by the U.S. Army Corps of Engineers at a minimum bottom width of 125 feet and a minimum depth of 12 feet. This shallow draft channel is an integral part of the total inland transportation system of the United States. The GIWW is a necessary link in the transportation network that moves commodities throughout the United States, as well as foreign markets. The Matagorda Bay reach of the GIWW extends from Channel Mile 454 to 473, a distance of about 19 miles. The GIWW leaves the landlocked portion on the eastern side of Matagorda Bay near Mile 454 and turns in a southwesterly direction before turning west and running parallel to Matagorda Peninsula. At Mile 471, the GIWW intersects with the deep-draft Matagorda Ship Channel (MSC). The GIWW enters the landlocked portion again at Port O'Connor near Mile 473.

*Problems and Opportunities Identified in Study:* The proximity of the GIWW to the natural pass of Pass Cavallo and the construction of the jettied entrance channel and deep-draft MSC has created maintenance dredging problems and a navigation hazard. The influences of the natural and man-made channels have created a dangerous crosscurrent at the intersection with the GIWW. One-way traffic has been self-imposed from mile marker 469 to the Port O'Connor jetties at mile 473. To the south of the GIWW is Sun-

down Island, a National Audubon Society bird sanctuary. To the north is the dredged material placement site for the maintenance dredging operations. This has effectively limited the ability of barge traffic to maneuver to compensate for the crosscurrents and shoaling. The Feasibility Report offers an opportunity to relocate and widen the existing channel to avoid the strong crosscurrents and allow for safe two-way vessel passage.

*Alternative Plans Considered:* The process for this study began with several alternative solutions that were considered reasonable and practical for the Matagorda Bay reach of the GIWW. Additional alternatives and changes to current alternatives were added as the study progressed. The non-structural and structural alternative plans were presented and developed to the level of detail needed to evaluate each plan alternative. The ultimate goal of the study was to identify the National Economic Development Plan and the selected plan. Non-structural alternatives, other than no-action, included the utilization of alternate modes of transportation such as the use of rail, truck, ocean-going barge, or combinations of these alternatives. The typical ratio of tonnage per movement between rail and inland barges is about 15 to 1, and with truck the ratio is about 60 to 1. Another non-structural alternative of additional tugs to assist barges across the high-current area was considered but eliminated because the alternative did not fully address the problems. Structural alternatives included dredging exchange outlets across the Matagorda barrier island to reduce the strong currents at the MSC, or realigning the existing route to avoid the existing current.

*Description of Selected Plan:* The selected plan involves a Southern Realignment utilizing the existing GIWW route on the eastward end for approximately 3.9 miles before turning westward. The alignment is approximately 6,000 feet north of and parallel to the existing route. As the channel approaches the MSC, it is aligned towards the north, approximately 7,500 feet from the existing GIWW at its farthest point. The channel intersects the MSC approximately 6,000 feet north of the existing GIWW. The alignment then reconnects with the existing GIWW just before entering the jetties at Port O'Connor. A flare at the intersection allows the tows to realign in the GIWW before passing through the jetties. The total length of this alignment is 13 miles and divided into three reaches. Reach 1 is from station 0+00 to 160+00. Reach 2 is from 160+00 to 452+00. Reach 3 is from 452+00 to 704+59. The proposed channel depth is 12 feet, plus 2 feet of overdepth and 2 feet of advanced maintenance. The bottom width remains at 125 feet from station 0+00 to 550+00. It continues westward to station 703+00 with an average bottom width of 300 feet. The Southern Realignment results in 2.5 million cubic yards of dredged material and avoids impacts to oyster reefs. Future maintenance dredging is estimated at 77,000 cubic yards per year.

*Physical Data on Project Features:*

(a) Several ecosystem restoration features and beneficial use of dredged material features are included in the selected placement plan.

(b) The area south of the shoreline east of Palacios Point is suitable for marsh creation using the material dredged from Reach 1. The water depth near the shoreline quickly drops to 2 feet and in-

creases to 5 feet approximately 700 feet from the water's edge. The bottom sediment is sandy clay with large amounts of shell material, although no live oysters were present. Some 7,000 feet east of Palacios Point, soil conditions and water depths are considered more suitable for establishment of oyster beds, therefore this would represent the limit of the marsh. The sandy clay material has sufficient bearing strength to easily support a geotextile tube that would be used as the perimeter levee of the marsh site. A marsh between 58 and 78 acres would be sufficient to contain the dredged material from Reach 1.

(c) For Reach 3, an acceptable marsh creation site was found in the bay, south of Broad Bayou and north of Port O'Connor. The area along the shore is prime habitat for oyster beds and sea grass is plentiful. However, some 900 feet from shore the depth of water is 4 feet and varies between 4 feet and 5 feet for approximately another 1,500 feet farther from shore. Maintaining this distance from shore ensures that the marsh avoids impacting this habitat. Approximately 108 acres of marsh can be created from the dredged material. The foundation material in this area is a silty sand with considerable shell fragments. The bearing capacity is easily sufficient for the geotextile tube that would be required to achieve the necessary levee height.

(d) Sundown Island in Matagorda Bay is situated approximately one mile southeast of the intersection of the existing GIWW and the MSC. This island was created entirely from dredged material and consists of 60 acres, not including an existing bird island of 16 acres enclosed by one 8-foot-high geotextile tube on the east end of the island. The site is a designated National Audubon Sanctuary (NAS) and serves as a nesting site for several endangered and threatened species. Due to the strong currents in the area, the island undergoes severe erosion. The NAS has requested that dredged material be placed on the perimeter of the island to offset the effects of erosion and help preserve the site. This existing bird island has a remaining capacity that can utilize the more sandy material from the western portion of Reach 3. An additional levee can be constructed off the north shore of Sundown Island, using 8-foot-high tubes. The northwestern leg of the existing bird island's tube can serve as one of the boundaries in the new enclosure. With geotextile tubes placed out to distances of between 450 and 700 feet, in water depths suitable for avoiding stacking of tubes, an additional 31 acres would provide a storage capacity of 414,752 cubic yards of material. It will be necessary to construct a 2-foot berm under the tube's scour pad to raise the levee height in the deeper water. The western portion of Reach 3 consists of, on average, 74.3% loose sand. There is sufficient suitable sandy material for both the placement at Sundown Island and at Port O'Connor beach.

(e) The beach at Port O'Connor was originally constructed as a beneficial use site using material dredged from the GIWW. The area north of the existing geotextile tube jetty that extends from the beach has experienced some erosion. This area could benefit from placement of the sandy material from dredging the western portion of Reach 3. The area would extend from the shore to approximately 300 to 400 feet into the water. The sand quality of this material, mostly between 37% and 14% fines, is sufficient for this

purpose. The material could be pumped onto the beach from an average depth of between ·2 feet and +1 feet (MLLW). This restoration could yield a disposal capacity for approximately 200,000 cubic yards of dredged material. The use of this beach as a beneficial use site may be considered once or twice during the 50-year maintenance dredge plan.

(f) The application of ecosystem restoration and beneficial uses of dredged material for both new work and maintenance material for the selected plan is summarized below.

—In Reach 1, dredged material would be used to create a 10-acre marsh at Palacios Point. The remainder of the material would be deposited in the offshore surf zone. Material from each 10-year maintenance-dredging event would be used to create an additional 25-acre marsh at Palacios Point.

—For Reach 2, all of the new work and maintenance material would be placed in the offshore surf zone.

—In Reach 3, new work material would be used to create a 20-acre marsh at Port O'Connor, nourish the Port O'Connor beach, provide material to Sundown Island, and offshore placement in the surf zone. Maintenance material from each 3-year dredging event would be used to create an additional 20-acre marsh at Port O'Connor for the first 21 years or 7 cycles. After 21 years, the maintenance material would be placed offshore in the surf zone.

*Views of States, Non-Federal Interests and Other Countries:* The non-Federal sponsor for the existing navigation project, the Port of Corpus Christi Authority, has actively participated throughout the planning process. The Port of Corpus Christi Authority is supportive of the selected plan and has indicated an interest in beginning construction as soon as possible. There are no known significant issues.

*Views of Federal and Regional Agencies:* The local sponsor for the existing navigation project, the Texas Department of Transportation, has actively participated throughout the planning process. Their primary concern has been about the potential interruption of navigational traffic on the waterway and the economic impacts to the region and to the State. The Texas Department of Transportation supports the Matagorda Bay Re-Route and the continuation of shallow draft navigation of the State's coastal waters. Extensive coordination was performed with the State and Federal resource agencies through the development of the NED plan and no outstanding issues remain.

*Status of NEPA Document:* The Final Feasibility Report and Final Environmental Assessment have been approved by all necessary Environmental Agencies. An Environmental Impact Statement was not required for this report.

*Estimated Implementation Costs:* At October 2002 prices, the estimated total project cost is $14,515,000. Fifty percent of the project cost is from general revenues and fifty percent is derived from the Inland Waterway Trust Fund.

*Description of Non-Federal Implementation Costs:* One-half of project costs will come from the Inland Waterway Trust Fund.

*Estimated Annual O&M Costs:* Annual operation and maintenance costs for the GIWW across Matagorda Bay are estimated to be $630,000.

*Description of Non-Federal O&M Cost:* There are no non-Federal costs.

*Estimated Effects:*

| Account effects | Average annual equivalent beneficial effects ($1,000) | Average annual adverse effects ($1,000) |
|---|---|---|
| NED: | | |
| Re-Route | $1,553 | $2,185 |
| Ecosystem Restoration | (1) | (1) |
| Project Economic Life: 50 years. | | |
| Benefit-Cost Ratio: 1.4. | | |
| Current Discount Rate: 5.875%. | | |
| NED Plan Recommended? Yes. | | |

[1] Environmental benefits are not quantified monetarily and therefore environment specific costs are not included in the project benefit/cost ratio. Restoration efforts include benefits to diverse and sensitive habitats including a marsh creations and beach nourishment.

*Direct Beneficiaries:* Benefits were identified for ships carrying both import and export petroleum products and grain, as well as barge traffic and container ship traffic.

*Current State of Chief of Engineers Report:* The Chief of Engineer's Report was signed on December 24, 2002.

(8) Riverside Oxbow, Fort Worth, Texas.—

*Location of Study Area:* The study area is located within the corporate limits of Fort Worth, Tarrant County, Texas.

*Problems and Opportunities Identified in Study:* The Riverside Oxbow and surrounding area has experienced both direct and indirect environmental degradation as a result of the construction and implementation of Benbrook Lake, Eagle Mountain Lake, Lake Worth, the Fort Worth Floodway project, and subsequent flood control projects and development activities. According to the United States Fish and Wildlife Service (1985), the indirect downstream effects of large flood control projects and reservoir construction on natural bottomland ecosystems are often more destructive, albeit not as immediate, as the direct impacts. Adverse impacts observed downstream include: (1) An unnatural bottomland hydro-period causing major vegetational changes toward more xeric species as a result of the reduction in flooding; (2) the reduction of associated nutrient inputs to downstream bottomlands; (3) the loss of aquatic flora and fauna; (4) the loss of bank-stabilizing vegetation as a result of excessive bed and bank scour from irregular reservoir releases; (5) disruption of normal feeding and spawning cycles of fish which use floodplains; (6) elimination of high flows into bottomlands which prevents the input of bottomland nutrients into the aquatic system; and (7) potential negative effects to plant communities as a result of prolonged water releases during the growing season.

*Alternative Plans Considered:* Alternatives investigated in detail included three plans; the no-action, the National Ecosystem Restoration (NER) Plan and the Locally Preferred Plan (LPP).

*Description of Recommended Plan:* The Recommended Plan is the locally preferred plan (LPP). In total, the recommended plan would restore ecosystem values on 512.2 acres of floodplain lands, approximately 2 miles of Oxbow river channel, 56.5 acres of wetlands, and 112 acres of uplands. It would also provide 25,700 feet of mixed surface linear recreation trails.

*Physical Data on Project Features:* The Recommended Plan consists of reestablishing flows through the old West Fork of the Trinity River Oxbow including replacing the existing Beach Street Bridge; creation of 69.6 acres of emergent wetlands, open water, and vegetative fringe habitat; habitat improvement of 179.7 acres of existing forested areas, including establishment of a 150-foot-wide riparian buffer along the West Fork from Riverside Drive to East 1st Street; establishment of a buffer of native grasses and forbs on approximately 45.6 acres of land; reforestation of roughly 66.9 acres using a variety of native hard and soft mast trees and shrubs; preservation and habitat improvements to approximately 206.9 acres of native floodplain grassland; and eradication of 80 acres of invasive species and reestablishment of native species and creek bed protection on 112 acres within the Tandy Hills Nature Preserve. The plan also includes compatible linear recreation along a 9,000-feet by 10-feet wide concrete trail including one vehicular bridge, 1,400 feet of crushed agregate trail, 7,600 feet of wood mulch equestrian trail, three observation areas, a new Gateway Park entrance road and bridge and other associated facilities (access points, parking lot, and restroom facilities), and 7,743 feet of crushed agregate trail and associated facilities (access points and parking lot) in the Tandy Hill Nature Preserve.

*Views of States, Non-Federal Interests and Other Countries:* The Tarrant Regional Water District (TRWD) is the local sponsor. The TRWD strongly supports the project and will fund the local share of the project.

*Views of Federal and Regional Agencies:* The U.S. Fish and Wildlife Service and the Texas Parks and Wildlife Department support the recommended plan as it would have substantial positive benefits to fish and wildlife resources of the project area. There are no outstanding issues.

*Status of NEPA Document:* The Final Environmental Assessment has been included as part of the Final Feasibility Report, dated May 2003. These documents were released for public review and comment on April 14, 2003, and minor comments were received by the close of the public comment period on May 14, 2003.

*Estimated Implementation Costs of Recommended LPP Plan:* The estimated first cost for construction of the recommended project is $22,198,000 (October 2002 price level), with a Federal cost of $9,178,500 and a non-Federal cost of $13,019,500.

| | Cost-sharing |
|---|---|
| Federal: Corps of Engineers: | |
| Flood Damage Reduction | 0 (0%) |
| Ecosystem Restoration (ER) | 8,680,000 (65% of ER portion of NER Plan) |
| Recreation | 498,500 (50% of recreation portion of NER Plan) |
| Subtotal | 9,178,500 |
| Non-Federal: Tarrant Regional Water District: | |
| Flood Damage Reduction | 0 (0%) |
| Ecosystem Restoration (ER) | 4,675,500 (35% of ER portion of NER Plan) |
| Recreation | 498,500 (50% of recreation portion of NER Plan) |
| Additional Local Features (ALF) | *7,845,500* (100% of ALF components) |
| Subtotal | 13,019,500 |
| Total | $22,198,000 |

*Description of Non-Federal Implementation Costs:* Non-Federal implementation costs for the Recommended Plan consist primarily of the cost related to the acquisition of lands, easements, rights-of-way, relocations and disposals (LERRDs), and additional local features (ALF). The estimated cost of the LERRDS is $11.8 million. Non-Federal cash for the NER is approximately $581,000, and for the LPP, approximately $1,222,500.

*Estimated Annual O&M Costs:* There are no Federal annual operation and maintenance costs. The local sponsor, the Tarrant Regional Water District will be responsible for all operation and maintenance costs for the NER plan estimated at $72,500 annually, and for the LPP, approximately $87,500 annually.

*Description of Non-Federal O&M Costs:* Operation and maintenance responsibilities include mowing, trash collection and, as needed, replacements or rehabilitation of any of its components.

*Estimated Effects of the NER Plan* (Effects for the LPP were not calculated):

| Account purposes | Average annual equivalent beneficial effects (1,000's) | Average annual adverse effects (1,000's) |
|---|---|---|
| National Ecosystem Restoration Plan (NER): | | |
| NER | N/A | $969.1 |
| Recreation | 805.1 | 78.9 |
| Total | $805.1 | $1,048.0 |

Project economic life: 50 years.
Benefit-cost ratio: 10.0 (current discount rate: 5–7/8%).
NED plan recommended? No.
NER plan recommended? No.

The NER plan would restore approximately 568.7 acres and would produce approximately 305 average annual habitat units (AAHU). The LPP would restore an additional 112 acres and 25.83 AAHU's. The restoration will benefit the trail system and the habitat for songbirds and migratory wading birds. Environmental benefits are not quantified monetarily and therefore environment specific costs are not included in the project benefit/cost ratio.

*Direct Beneficiaries:* The residents in the surrounding area are the direct beneficiaries of the project.

*Relationship to Other Plans:* N/A.

*Cumulative Funds Expended to Date on Previous/Related Project(s):* N/A.

*Current Status of Chief of Engineers Report:* The Chief of Engineers Report was signed on May 29, 2003.

(9) Deep Creek, Chesapeake, Virginia.—

*Location of the Study Area:* The Norfolk District Corps of Engineers operates a Federally owned highway bridge over which U.S. Route 17 (George Washington Highway) crosses the Dismal Swamp Canal (DSC), a part of the Atlantic Intracoastal Waterway (AIWW). The bridge was constructed in 1934 and is located in the community of Deep Creek in the city of Chesapeake, Virginia. Chesapeake is part of the large metropolitan area of Hampton Roads, at the mouth of the Chesapeake Bay. The city is located in southeastern Virginia, approximately 150 miles southeast of Washington, D.C. The non-Federal sponsor is the City of Chesapeake, VA.

*Problems and Opportunities Identified in Study:* The existing Deep Creek Bridge is a two lane, single-leaf Bascule Bridge that was constructed in 1934 at a cost of $64,000. The bridge is now outdated and while structurally sound it is functionally obsolete in that it does not conform to existing standards for traffic load limits and roadway geometry. Traffic congestion and delays are commonplace. Potential adverse impacts to vessel traffic on the AIWW could result due to malfunction of the bridge, which has been used for almost twice its originally estimated useful life. The city of Chesapeake operates and maintains four moveable highway bridges over navigable waterways, has experience in operating to meet the needs of navigation, and is willing to take over operation and maintenance of the improved bridge.

In a letter dated March 21, 1996, the city of Chesapeake requested that the Norfolk District consider the need for and feasibility of modifying or replacing this structure in conjunction with City and Commonwealth of Virginia plans to improve the road system in this area. The City has already begun improvements to the area's roadways, and the Commonwealth is currently contracting the design for a 10-mile stretch of U.S. Route 17 improvements from the North Carolina line to the proposed Dominion Boulevard. These improvements are needed to accommodate the rapidly increasing development in this area of Chesapeake. The sponsor's letter also stated that, the City would assume ownership and subsequent operation and maintenance of a replacement bridge.

*Alternative Plans Considered:* The possible solutions examined in the feasibility study included: (1) Abandonment of the existing bridge in favor of relocating highways; (2) abandonment of the waterway; (3) rerouting the waterway to consolidate or minimize highway crossings; (4) bridge replacement with adequate structures that will accommodate existing and future traffic conditions and minimize delays for highway uses and navigation traffic; and (5) continued use of the existing low-level bridge. Bridge replacements included high-level fixed-span bridges, low-level bridges, and tunnels under the Dismal Swamp Canal.

*Description of the Recommended Plan:* The recommended plan, which is the National Economic Development (NED) plan, consists of replacing the existing bridge with a 5-lane, low-level, split-leaf, pit bascule bridge aligned south of and parallel to the existing bridge's centerline, and approach roadways.

(a) Structural:

(1) The selected plan consists of a separate 2-lane leaf (eastbound) and 3-lane leaf (westbound). The eastbound leaf would be 75 feet long, 40 feet wide, and have two vehicle lanes and a pedestrian sidewalk. The westbound lane would have 3 vehicle lanes and be approximately 48 feet wide. The two spans would be separated by a space of approximately 1.5 feet. The new deck elevation would be at approximately 16.9 feet National Geodetic Vertical Datum, which is approximately 5.5 to 7 feet above average ground elevation in the vicinity and over one foot higher than the existing bridge deck. The roadway centerline would be approximately 100 feet south of the existing bridge centerline.

(2) Approach Roadways—The higher deck would require modifications to the approach roads on either side of the bridge to tie into existing road elevations on Cedar Road and Old Mill Road, as well as tying into the intersecting portions of George Washington Highway and Route 17. The recommended south parallel alignment was developed for a 5-lane roadway width. This south alternative alignment is less likely to disturb existing utilities. The provision of a fifth lane allows smooth traffic movement at the intersection without unreasonable stacking of traffic onto the bridge. In particular, the fifth lane will provide a dedicated through lane to Old Mill Road and a left turn lane for southbound traffic on Mill Creek Parkway. These movements are projected to increase substantially over the life of the project. The location of the proposed south alignment was set to allow continued operation of the existing bridge during new bridge construction. The approach roadway design speed for this alignment is 35 mph.

(3) Lands, easements, rights-of-way, and relocations—Property impacts resulting from the horizontal and vertical alignment changes require the acquisition of rights-of-way, the demolition of three commercial buildings, and the relocation of businesses in two of those buildings. This alignment will not require relocation of major utilities as the preponderance of these utilities is located north of the existing bridge.

(b) Environmental Features: There would be no net loss of aquatic habitat resulting from the relocation of the fender system in the canal or from any activities associated with construction of the replacement bridge. Loss of wetland and aquatic habitat (estimated at less than one-tenth of an acre) will be mitigated on existing lands at a 2–1 ratio. Water quality would be disturbed temporarily during construction but would return to normal after completion of the project.

The selected plan described above is a design refinement of the bridge described in the Feasibility Report, which consisted of a 5–lane, low-level, fast acting (Scherzer rolling lift), single-leaf bascule bridge located south of and parallel to the existing bridge. The design change resulted from ongoing coordination by the Project Delivery Team including two design charrettes to refine the bridge design and roadway tie-ins. The results of these efforts are provided in an Addendum to the Feasibility Report dated April 23, 2002. The refined design has several advantages over the initial design presented in the feasibility report including improving the sequence of construction, provides a better alignment which reduces real estate needs and impacts to adjacent properties, and allows better maintenance of traffic during construction. The new design does not change the estimated OMRR&R costs. The new design involves both cost savings and increased costs for various project features. There is a net increase in cost; estimated first costs are $21.8 million for the split-leaf bridge design compared to $21.5 million for the single leaf design (after updating to October 2001 price levels and applying a discount rate of 6.125%). The increase is largely due to increased work resulting from additional information on site conditions and to increases in materials costs. These costs would be associated with any bridge plans; therefore, the new design remains the NED plan.

The plan initially preferred by the non-Federal sponsor was a four-lane bridge. However, the studies have shown that in addition to providing greater overall benefits the addition of the fifth lane provides for a through lane to Old Mill Road and a left turn lane for southbound traffic on Mill Creek Parkway. These improvements allow for smooth traffic flow without backing traffic onto the bridge. The sponsor concurred with the selection of the NED plan.

*Views of States, Non-Federal Interests and Other Countries:* The Commonwealth of Virginia, Department of Environmental Quality, responded by letter dated August 20, 2001. This letter forwarded a copy of the Commonwealth's January 29, 2001, comments on the draft report, which stated they had no objection to the project as long as it is constructed in accordance with all applicable State and Federal laws and regulations. There were no additional comments.

*Views of Federal and Regional Agencies:* The U.S. Department of the Interior (DOI), Office of the Secretary, responded by letter dated August 8, 2001. DOI had no comments to offer and did not object to the proposed project. The Environmental Protection Agency (EPA), Region 3 and Department of Transportation, responded by phone conversation on February 26, 2002, and August 21, 2001, respectively, that each had no comments to offer.

*Status of NEPA Document:* Because there were no significant issues affecting the natural and human environment, an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) were prepared for this project. The FONSI was signed by the Norfolk District Engineer on April 25, 2001. The final Feasibility Report and EA with the signed FONSI were circulated for State and agency review on July 10, 2001. The State and Agency review period ended on August 9, 2001.

*Estimated Implementation Costs:* The NED plan estimated implementation costs are shown below in October 2001 price levels.

| | *NED (recommended plan)* |
|---|---|
| Federal: Corps of Engineers | $22,178,000 |
| Non-Federal: City of Chesapeake | 0 |
| Total | $22,178,000 |

*Description of Non-Federal Implementation Costs:* The city of Chesapeake has no costs associated with the recommended plan.

*Estimated Annual O&M Costs:* The NED plan estimated operation and maintenance costs are shown below in October 2002 price levels.

| *O&M* | *NED (recommended plan)* |
|---|---|
| Federal | $0 |
| Non-Federal | 222,130 |
| Total | $222,130 |

*Description of Non-Federal O&M Costs:* The city of Chesapeake will assume ownership of the bridge and be responsible for all operations and maintenance (O&M) activities associated with this movable bridge. O&M responsibilities for the project include operator's labor, maintenance materials, equipment and labor, bridge inspection reports, utilities, and major replacements.

*Estimated Effects:*

(a) Economic Effects—See Table 1.

(b) NED Plan recommended? Yes. The NED plan for the existing bridge replacement is the recommended plan and LPP. It consists of a 5-lane, split-leaf, rolling-lift bascule bridge. Refer to the proposed bridge description in section 9a.

The NED Plan is implementable and economically justified and the city of Chesapeake, as local cost-sharing sponsor, is willing to assume all costs associated with the operations and maintenance of this project.

*Table 1.—Economic Summary NED Plan*[1]

| | |
|---|---|
| Investment Costs: | |
| Project Cost[2] | $20,823,000 |
| Lands and Damages | 1,355,000 |
| Interest During Construction | 1,373,860 |
| Total Investment Cost | $23,551,860 |
| Average Annual Costs: | |
| Annualized First Cost | $1,468,220 |
| Annual O&M Costs O&M | 222,130 |
| Subtotal Annualized Cost | 1,690,350 |
| Subtotal Vehicle User Costs | 5,301,000 |
| Total Average Annual Costs[3] | $6,991,350 |
| Average Annual Benefits | $15,652,000 |
| Benefit/Cost Ratio | 2.24 |
| Net Remaining Benefits | $8,660,650 |

[1] October 2002 price levels; discount rate @ 5-7/8 percent, 50-year planning period.
[2] M–CACES estimate dated April 2002.
[3] Including highway user costs.

(c) Environmental Quality—There are no major or long-term adverse environmental effects that would result from the implementation of the selected plan. Water quality would be temporarily disturbed during the construction phase of the project but would return to normal once construction is completed.

Petroleum contamination was discovered east of the existing bridge. The site will be remediated by the City and verified clean under all Federal and State standards prior to the government's purchase of that real estate and before commencement of any construction activities associated with that area.

(d) Regional Economic Development Effects—The regional economic development account indicates that there is a positive impact of the NED plan on employment and income in the regional economy from construction and operation, maintenance, replacement, repair, and rehabilitation activities. The construction and subsequent operation and maintenance of the new bridge would provide regional gains in output, earnings, and employment.

In addition, there would be both positive and negative impacts associated with the new bridge on businesses located along the improved roadway. Such impacts are related to parking, visibility, access, traffic flow, and location.

(e) Other Social Effects—The most significant negative social effect would be the displacement of businesses that would be necessary with all of the alternatives, except for a replacement of the existing structure with another two-lane bridge in the same location. The 5-lane bridge on the southern alignment would require

the demolition of three commercial buildings and the relocation of two businesses.

Some short-term disruption of the internal traffic patterns within the community may occur during construction of the new bridge, the approach improvement, and removal of the old bridge. The long-term provision to the community of increased safety and improved traffic flow would help to offset this temporary effect.

*Direct Beneficiaries:* Highway users.

*Relationship to Other Plans:* The recommended plan is commensurate with the connecting roadways and will improve traffic flow and reduce delays in the heavily congested area at peak traffic hours. In addition, navigation along the AIWW will not be adversely impacted.

*Cumulative Funds Expended to Date on Previous/Related Projects:* In excess of an estimated $15,000,000 has been expended on the Norfolk District project for the Atlantic Intracoastal Waterway between Norfolk, VA, and the St. John's River, FL.

*Current Status of Chief of Engineers Report:* A final Chief of Engineers report was signed on March 3, 2003.

*Section 1002. Small projects for flood damage reduction*

Directs the Secretary to study and carry out projects for flood damage reduction under the authority of section 205 of the Flood Control Act of 1948 at the following locations:

(1) Cache River Basin, Grubbs, Arkansas.
(2) Santa Ana River Basin and Orange County Streams, California.
(3) Stony Creek, Oak Lawn, Illinois.
(4) Olive Hill and vicinity, Kentucky.
(5) Nashua River, Fitchburg, Massachusetts.
(6) Saginaw River, Hamilton Dam, Flint, Michigan.
(7) Marsh Creek, Minnesota.
(8) Roseau River, Minnesota.
(9) South Branch of the Wild Rice River, Borup, Minnesota.
(10) Twin Valley Lake, Wild Rice River, Minnesota.
(11) Blacksnake Creek, St. Joseph, Missouri.
(12) McKeel Brook, New Jersey.
(13) East River, Silver Beach, New York City, New York.
(14) Ramapo River, Town of Monroe and Villages of Monroe, Kiryas Joel, and Harriman, New York.
(15) Little Mill Creek, Southampton, Pennsylvania.
(16) Little Neshaminy Creek, Warrenton, Pennsylvania.
(17) Surfside Beach, South Carolina.

*Section 1003. Small projects for emergency streambank protection*

Directs the Secretary to study and carry out projects for streambank erosion control under section 14 of the Flood Control Act of 1946 at the following locations:

(1) Ouachita and Black Rivers, Arkansas.
(2) Melvina Ditch, Chicago Ridge, Illinois.
(3) Middle Fork Grand River, Gentry County, Missouri.
(4) Shrewsbury River, Rumson, New Jersey.
(5) Kowawese Unique Area and Hudson River, New Windsor, New York.

*Section 1004. Small projects for navigation*

Directs the Secretary to study and carry out projects for navigation, under the authority of section 107 of the River and Harbor Act of 1960 at the following locations:

(1) Blytheville County Harbor, Arkansas.

(2) Evanston, Illinois.

(3) Niagara Frontier Transportation Authority Boat Harbor, Buffalo, New York.

(4) Woodlawn Marina, Lackawanna, New York.

(5) Baker Bay and Ilwaco Harbor, Washington.

*Section 1005. Small projects for improvement of the quality of the environment*

Directs the Secretary to study and carry out a project for improvement of the environment under the authority of section 1135 of the Water Resources Development Act of 1986 for Smithville Lake, Missouri.

*Section 1006. Small projects for aquatic ecosystem restoration*

Directs the Secretary to study and carry out projects for aquatic ecosystem restoration under the authority of section 206 of the Water Resources Development Act of 1996 at the following locations:

(1) Colorado River, Yuma, Arizona.

(2) Chino Valley, California.

(3) New and Alamo Rivers, Imperial County, California.

(4) San Diego River, California.

(5) Stockton Deep Water Ship Channel and Lower San Joaquin River, California.

(6) Sweetwater Reservoir, San Diego County, California.

(7) Biscayne Bay, Florida.

(8) Destin Harbor, Florida.

(9) Chattahoochee River, Columbus, Georgia and Phenix City, Alabama.

(10) Chattahoochee River and Ocmulgee River Basins, Georgia.

(11) Snake River, Jerome, Idaho.

*Section 1007. Small projects for shoreline protection*

Directs the Secretary to study and carry out a project under section 3 of the Act entitled "An Act authorizing the Federal participation in the cost of protecting the shores of publicly owned property," approved August 13, 1946, at Nelson Lagoon, Alaska.

*Section 1008. Small projects for snagging and sediment removal*

Directs the Secretary to study and carry out a project under section 2 of the Flood Control Act of August 28, 1937 at Kowawese Unique Area and Hudson River, New Windsor, New York.

TITLE II—GENERAL PROVISIONS

*Section 2001. Annual passes for recreation*

Amends section 208(c)(4) of the Water Resources Development Act of 1996 to extend the authority for alternative annual passes to December 31, 2004.

*Section 2002. Non-Federal contributions*

Amends section 103 of the Water Resources Development Act of 1986 by placing a prohibition on the solicitation of excess contributions from the non-Federal sponsor for water resources development projects. This provision does not affect the ability of non-Federal interest to make additional contributions in order to implement a project as provided in section 903(c) of the Water Resources Development Act of 1986.

*Section 2003. Harbor cost sharing*

Amends sections 101 and 214 of the Water Resources Development Act of 1986 by striking "45 feet" each place it appears and inserting "53 feet" and provides that such amendments shall only apply to the project, or separable element thereof, on which a contract for physical construction has not been awarded before the date of enactment of this Act.

*Section 2004. Funding to process permits*

Amends section 214 of the Water Resources Development Act of 2000 to extend the period of funding to process permits to 2005.

*Section 2005. National Shoreline Erosion Control Development and Demonstration Program*

Amends sections 5(a) and 5(b)(1)(A) of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", to extend the program to 10 years and to continue the planning, design, and construction phase to 6 years, provide for cost-sharing, allow removal of some projects, and to increase the authorization level from $21,000,000 to $31,000,000.

*Section 2006. Written agreement for water resources projects*

This section amends section 221(a) of the Flood Control Act of 1970, to rename project cooperation agreements as partnership agreements, allow District Engineers to enter into partnership agreements, and to include a provision for liquidated damages. This section also amends section 912(b) of the Water Resources Development Act of 1986 to eliminate civil penalties in partnership agreements and allow the use of liquidated damages instead. The purpose of this section is to encourage a new culture of partnership among the Corps of Engineers and its non-Federal project sponsors, and to substantially increase the efficiency of Corps project implementation.

The Water Resources Development Act of 1986 significantly increased the roles and responsibilities of project sponsors. Non-Federal interests were required to act in cohort and partnership with the Federal Government in carrying out projects. Non-Federal interests found themselves responsible for providing a substantial portion of the cost of the project.

As a result of the Water Resources Development Act of 1986, project cooperation agreements (PCAs) required under Section 221 of the Flood Control Act of 1970 and Section 912 of the Water Resources Development Act of 1986 assumed significant importance in defining non-Federal responsibilities for providing items of local cooperation. Unfortunately, since 1986, the administration of PCAs

has evolved into a layered bureaucracy that frustrates non-Federal interests and unnecessarily slows progress toward ultimate project construction.

Non-Federal interests frequently express concern that PCAs serve only the interests of the Federal government and often impose binding conditions on them that are inconsistent with their non-Federal constitutional powers, creating an adversarial atmosphere of mistrust that frustrates the essential partnership needed for effective project implementation. Non-Federal project partners also find frustration in the multiple layers of review and approval imposed upon the execution of PCAs within the Department of the Army. Projects are delayed for long periods, some for years, awaiting approval and execution of the project agreement.

This section adopts a structure under which the Assistant Secretary of the Army (Civil Works) develops broad policy to govern the content of partnership agreements to comply with law and policy; the Chief of Engineers provides specific policy guidelines governing the content of these agreements; and District Commanders review and execute partnership agreements. These changes reflect favorably on the capability of Divisions and Districts to accomplish as much review and approval as possible. The Committee does not expect all partnership agreements to undergo a Washington level review. However, agreements that address novel issues may continue to be reviewed and the Chief of Engineers or the Assistant Secretary may choose to audit a representative sample of partnership agreements to ensure compliance with law and policy.

Through these changes, the Committee expects to address the concerns of non-Federal interests, improve efficiency by streamlining the process for approving partnership agreements, and to foster a culture of true partnerships that will improve projects and their implementation.

*Section 2007. Assistance for remediation, restoration, and reuse*

Authorizes the Secretary to provide assessment, planning, and design assistance to State and local governments for remediation, environmental restoration, and reuse of areas that will contribute to improvement in water quality or to conservation of water and related resources. The non-Federal share is 50%. Authorizes $30,000,000 a year for fiscal years 2004–2008. Under the authority provided by this section, the Secretary may help the city of Norwich, Connecticut, carry out an environmental assessment of the Seders property at Norwich Harbor, Connecticut.

*Section 2008. Compilation of laws*

Directs the Secretary to produce a compilation of water resources development laws enacted after November 8, 1966, and before January 1, 2004. The Committee included similar language in the Water Resources Development Act of 1986, which the Secretary has not implemented. The Committee strongly supports public availability and consolidation of laws related to water resources development, and expects the Secretary to promptly comply with this section using existing, internal resources.

*Section 2009. Dredged material disposal*

Amends section 217 of the Water Resources Development Act of 1996 to ensure that the Secretary has the authority to address dredged material disposal on a regional, as well as a project-by-project basis, and may combine funding from separate projects to do so.

*Section 2010. Wetlands mitigation*

Requires the Secretary, to the maximum extent practicable and where appropriate, to give preference for use of wetlands mitigation banks that meet certain criteria, when carrying out wetlands mitigation for a water resources project. Nothing in this section affects the responsibility of the Corps of Engineers to apply the guidelines developed under section 404(b)(1) of the Federal Water Pollution Control Act.

*Section 2011. Remote and subsistence harbors*

Allows the Secretary to recommend a project for harbor and navigation improvements without the need to demonstrate that the project is justified solely by national economic development benefits if (1) the community served by the project is at least 70 miles from the nearest surface accessible commercial port with no direct rail or highway link to another serviceable community or located in the Commonwealth of Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, or American Samoa; (2) the harbor is economically critical such that over 80 percent of the goods transported would be consumed within the community served by the harbor and navigation improvement; and (3) the long term viability of the community is dependent on the harbor, including access to resources and facilities designed to protect public health and safety.

*Section 2012. Beneficial uses of dredged material*

Amends section 204 of the Water Resources Development Act of 1992 to allow cost-sharing of the use of dredged material at any water resources project (not just aquatic ecosystem restoration projects), to allow nonprofit entities to serve as the non-Federal interest for a project under specified conditions, to increase the authorization of appropriations to $30,000,000 annually, and to allow the Secretary to develop regional sediment management plans at full Federal expense. Also allows the Secretary to use this dredged material to carry out, at full Federal expense, aquatic ecosystem restoration projects located in a disadvantaged community if the project cost is not greater than $750,000, not to exceed a total of $3,000,000 in any fiscal year. Directs the Secretary to give priority to beneficial use projects in the vicinity of Smith Point Park Pavilion and TWA Flight 800 Memorial, Brookhaven, New York, and Morehead City, North Carolina.

*Section 2013. Cost sharing provisions for certain areas*

Amends section 1156 of the Water Resources Development Act of 1986 to increase from $250,000 to $500,000 the exemption from cost-sharing for the initial costs of studies and projects in the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, United States Virgin Is-

lands and on land in the State of Alaska conveyed to an Alaska Native Village Corporation under the Alaskan Native Claims Settlement Act.

*Section 2014. Revision of project partnership agreement*

Directs the Secretary to revise the partnership agreement for the project to take into account the change in Federal participation in the project, when Congress increases the authorization ceiling for a project.

*Section 2015. Cost sharing*

Provides that in any case in which Congress increases the maximum amount of Federal funds that may be allocated for a project or increases the total cost of a project, such increase shall not affect any cost-sharing requirement applicable to the project.

*Section 2016. Credit for work performed before cooperation agreement*

Requires the Secretary to enter into an agreement with a non-Federal sponsor for the performance of work eligible for credit against the non-Federal sponsor's costs, thereby ensuring that Federal standards for the construction of public works will apply to these projects.

*Section 2017. Recreation user fee revenues*

Amends section 225 of the Water Resources Development Act of 1999 to make permanent the provision of law that allows the Secretary to retain recreation user fee revenues for use at Corps recreation facilities.

*Section 2018. Expedited actions for emergency flood damage reduction*

Directs the Secretary to expedite planning, design, and construction of a project for flood damage reduction for an area that, within the preceding 5 years, has been subject to flooding that resulted in the loss of life and caused damage sufficient to warrant a declaration of a major disaster by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

*Section 2019. Watershed and river basin assessments*

Amends section 729(f)(1) of the Water Resources Development Act of 1986 to provide a 75% Federal share for watershed and river basin assessments carried out under that section to encourage States and local governments to engage in regional planning. This section also adds Sacramento-San Joaquin Delta, California, to the list of priority basins in section 729(d).

*Section 2020. Tribal Partnership Program*

Amends section 203 of the Water Resources Development Act of 2000 to make Oklahoma tribes eligible for assistance under the Tribal Partnership Program.

*Section 2021. Treatment of certain separable elements*

Authorizes the Secretary, during construction of a project, to identify opportunities to achieve benefits relating to a primary mis-

sion of the Corps as a separable project element, and carry out that separable element at full Federal expense, up to the lesser of $1 million or 3% of project costs, if that element would be carried out more cost-effectively in conjunction with the ongoing project and can be carried out within existing authorization levels.

*Section 2022. Prosecution of work*

Authorizes the use of continuing contracts by the Corps of Engineers.

*Section 2023. Wildfire firefighting*

Adds the Secretary to the existing list of Federal agencies authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction.

*Section 2024. Credit for non-construction services*

The Committee has included language in the bill that provides generic authority to the Secretary to allow, under certain conditions, credit toward the non-Federal share of project costs for design and management work performed by a non-Federal interest that is compatible with and necessary to implement the project. This authority does not apply to construction. The Committee has received numerous requests from proponents of specific projects to allow non-Federal interests to obtain credit for work they perform that advances the project. Where a non-Federal interest has an established capability, it can often accomplish work faster and at less cost than if undertaken by the Corps of Engineers, thus freeing the Corps to expedite other aspects of the project. While requests for credit have received favorable consideration in this legislation and prior water resources legislation, the Committee concluded that a general provision allowing credit under specified conditions would minimize the need for future project-specific provisions and, at the same time, assure consistency in considering future proposals for credit. The authority to approve such credit applies to any authorized water resources development project, regardless of the date of project authorization, provided the limitations of this section are applied.

Several limitations are included in this provision to assure compatibility with the project, control costs, and safeguard the Federal interest. The credit amount cannot exceed the non-Federal share of project costs; and allowing credit does not obviate the normal requirement that the non-Federal interest provide necessary lands, easements, rights-of-way and dredged material disposal area. Furthermore, the value of the credited amount cannot exceed the Secretary's determination of actual and reasonable costs of materials or in-kind services that are provided by the non-Federal interest. The non-Federal interest may, however, provide such materials and services with in-house capabilities or through consultants or other third-party entities. Finally, while prior approval from the Secretary is not required, the non-Federal interest shall not be allowed credit for materials and services that are not determined by the Secretary to be compatible with and necessary for the project.

*Section 2025. Technical assistance*

Authorizes the Secretary, upon request of a governmental agency or non-Federal interests, to provide technical assistance at Federal expense. This assistance may include hydrologic, economic and environmental data and analyses and may not exceed $5,000,000 a year. This authority will allow the Corps of Engineers to participate with State and local governments in watershed planning, instead of maintaining a narrow focus on individual project areas. Of the amount authorized, $2 million may be used for cooperative agreements with nonprofit entities to provide assistance to rural and small communities. The Committee notes that State rural water associations have the capability to carry out these activities. Assistance under this section to State rural water associations may be combined with assistance provided under the Farm Security and Rural Investment Act of 2002 and other authorities to maximize the ability to provide watershed technical assistance to rural and small communities.

*Section 2026. Centers of specialized planning expertise*

This section authorizes the Secretary to establish regional offices to enhance capabilities of the districts of the Army Corps of Engineers and provide technical and managerial assistance to district engineers for project planning, development, and implementation.

The Committee supports the Corps of Engineers' continuing efforts to transform into an agency that can meet the Nation's water resources needs in the 21st Century. The strengthening of the Corps planning capabilities is one of the cornerstones of this transformation. The Committee endorses the rigorous training curriculum the Corps has developed to ensure that Corps planners are highly qualified to formulate and evaluate project proposals. In cooperation with major universities, the Corps has sponsored staff pursuing graduate degrees in water resources planning, and has re-instituted the Planning Associates Program to ensure an effective planning workforce. The Committee also urges the Corps to train planners in multi-stakeholder planning emphasizing negotiation, consensus building, and dispute resolution.

The Corps should continue the initiatives to improve the models used in project evaluations, to strengthen economic analysis and the assessment of environmental benefits, and to intensify organizational commitments to objective and thorough reviews, ensuring that the concept becomes integral to the culture of project planning. This section supports the effort of the Corps to establish regional centers of expertise that will provide state-of-the-art planning expertise for highly specialized missions.

*Section 2027. Coordination and scheduling of Federal, State, and local actions*

This section authorizes the Secretary to assist in consolidation and streamlining of all agency environmental assessments, project review, and issuance of permits for the construction of non-Federal water supply, wastewater, flood control, environmental restoration, and navigation projects that require the Secretary's approval, if reimbursed by the non-Federal interest. Under this section, if the Secretary is responsible for reviewing and issuing an approval for a non-Federal project, the Secretary may provide a coordinating

role to facilitate other necessary reviews and approvals. This provision is based on the Corps' existing authority under section 205 of the Water Resources Development Act of 1986 to coordinate Federal, State, and local reviews for non-Federal navigation projects.

*Section 2028. Project streamlining*

This section authorizes the Secretary to coordinate and expedite environmental reviews of proposed water resources projects with schedules and early dispute resolution to streamline project studies. To achieve this, this section directs the Secretary to develop and implement a coordinated review process under which all environmental reviews, analyses, opinions, permits, licenses, and approvals would be completed within a period of time established by the Secretary, in cooperation with the agencies participating in the coordinated environmental review process. Participation by non-Federal agencies is voluntary. If deadlines are not met, this section requires the Secretary to notify the Committee, as well as the Committee on Environment and Public Works of the Senate, the Council on Environmental Quality, and the agency, Indian tribe, or non-Federal interest involved in the failure to meet the deadline. This section also requires the participating agency, Indian tribe, or non-Federal interest that has failed to meet a deadline to prepare a report explaining the reasons for the failure and what remedial actions will be taken. This report is to be submitted to the Secretary, the Committee, the Committee on Environment and Public Works of the Senate, and the Council on Environmental Quality.

Under the National Environmental Policy Act of 1969 (NEPA), the Corps of Engineers is the lead Federal agency for the water resources projects that it carries out. As such, the Corps of Engineers is responsible for defining the purpose and need for the proposed water resources project and for determining which alternatives for carrying out the project are reasonable and may be reasonably anticipated to meet project purposes and needs. As the lead Federal agency, the Corps of Engineers also has authority under the NEPA regulations issued by the Council on Environmental Quality to bring other Federal agencies with jurisdiction over the project into the project development process early, to resolve issues and disputes in a timely fashion. Unfortunately, the Corps of Engineers does not regularly use this authority and other Federal agencies often do not raise objections until a project study is nearly complete, leading to needless delay if the objections must be addressed through reformulation of the project. The Committee intends that the authority under this section to develop a coordinated review process for water resources projects be carried out in a fashion that is consistent with these NEPA authorities. Nothing in this section preempts or interferes with any obligation of the Corps of Engineers to comply with NEPA or the CEQ regulations implementing NEPA, or any other practice of seeking public comment, or any other power, jurisdiction, or authority with respect to carrying out a water resources project.

Finally, this section directs the Chief of Engineers to establish benchmarks for determining the length of time it should take to complete various elements of a feasibility study. The Committee recognizes that not all projects are uniform and studies may take varying lengths of time, depending on the scope and complexity. At

the same time, much of what the Corps of Engineers does is not novel, and each project should not be developed as a completely new endeavor, as if no similar project had ever been developed before. Benchmarks established under this section are not binding, but should be used as a management tool to encourage efficiency at all Corps districts.

*Section 2029. Lakes program*

Adds the following lakes to the list of lakes at which the Secretary is authorized to carry out programs for the removal of silt and other material under Section 602 of the Water Resources Development Act of 1986.

(1) Kinkaid Lake, Jackson County, Illinois.
(2) Rogers Pond, Franklin Township, New Jersey.
(3) Greenwood Lake, New York.
(4) Lake Rogers, North Carolina.

*Section 2030. Mitigation for fish and wildlife losses*

This section amends section 906(a) of the Water Resources Development Act of 1986 to require completion of all mitigation no later than one fiscal year after completion of the project where such mitigation is not undertaken in advance or concurrently. This section also amends section 906(d) to identify the elements to be included in the specific mitigation plan that already is required under that section. The specific mitigation plan must include a description of the physical action to be undertaken. The plan also must include a description of the lands or interests in lands to be acquired for mitigation, and the basis for a determination that such lands are available. This description is not intended to be a description of the specific property interests. The Committee expects the mitigation plan to identify the quantity and type of lands needed, and include a determination that lands of such quantity and type are available for acquisition. The plan also must include the type, amount, and characteristics of the habitat to be restored. The plan must include success criteria based on replacement of lost functions and values of the habitat, including hydrologic and vegetative characteristics. Finally, if monitoring is necessary to determine success of the mitigation, the plan must include a plan for monitoring and to the extent practicable, identification of the entities responsible for monitoring. As monitoring is part of operation and maintenance of a project, in most cases the entity responsible for any monitoring will be the non-Federal sponsor. If such person is not identifiable at the time the mitigation plan is prepared under this section, such person must be identified in the partnership agreement entered into with the non-Federal interest.

The Committee supports more specificity in Corps reporting documents concerning expected mitigation efforts. Such increased specificity will better inform the Congress, the non-Federal sponsor, and the public as to planned mitigation efforts and the likely success of these efforts. This section also directs the Secretary to submit to Congress a report on the status of mitigation concurrent with the submission of reports on the status of project construction, as part of the President's budget submission.

*Section 2031. Cooperative agreements*

Authorizes the Secretary to enter into cooperative agreements with nonprofit organizations to carry out wetlands restoration at authorized projects, limited to $1 million per project and $5 million per year.

*Section 2032. Project planning*

Subsection (a) of this section establishes the Federal objective for economic, ecosystem restoration, and multi-purpose projects. For economic projects (flood control, navigation, and hurricane and storm damage reduction) the Federal objective is to maximize net national economic development benefits, consistent with protecting the Nation's environment. This objective is consistent with the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies, issued by the Water Resources Council in 1983.

For ecosystem restoration projects the Federal objective is to maximize net national ecosystem restoration benefits associated with the project, consistent with net national economic development. This objective is consistent with existing Corps policy for identifying a National Ecosystem Restoration (NER) plan. The requirement that an NER plan be consistent with net national economic development does not change existing law under which the costs of ecosystem restoration are deemed to be equal to the benefits. Rather, this subsection codifies existing policy that requires the Corps of Engineers to develop NER plans that are cost-effective and justified incrementally such that additional increments added to the plan increase the nonmonetary values gained.

For multi-purpose projects, each purpose shall be evaluated based on the relevant Federal objective, with the economic element meeting the objective for economic projects and the ecosystem restoration element meeting the objective for ecosystem restoration projects.

Subsection (a) also authorizes the Secretary to select project alternatives that do not maximize net benefits associated with the primary project purpose if there is an overriding reason based on other Federal, State, local or international concerns. This flexibility also is found in the Principles and Guidelines, however, the Secretary rarely uses it. To encourage consideration of project alternatives that are feasible but may not maximize net benefits, this subsection specifically authorizes the Secretary to select an alternative for an economic project that the Secretary determines, and the non-Federal interest agrees, provides greater ecosystem restoration benefits. Similarly, this subsection specifically authorizes the Secretary to select an alternative for an ecosystem restoration project that the Secretary determines, and the non-Federal interest agrees, provides greater economic development benefits.

Subsection (b) of this section authorizes the Secretary to study and identify additional benefits when formulating a water resources project beyond the primary project purpose. However, the scope of the study must still be consistent with the study authorization. In addition, the Secretary must obtain the willing participation of a cost-sharing non-Federal interest both for the expanded study, as well as any construction, if a separable project or project element is subsequently authorized. The Secretary may not require

a non-Federal interest to participate as a cost-sharing partner in the study or construction of a separable project or project element as a condition of participation in a water resources project.

Subsection (c) directs the Secretary to calculate residual flood risks and upstream or downstream impacts when studying a project for flood damage reduction, and requires equitable treatment of structural and nonstructural alternatives. This subsection also directs the Secretary to ensure that there is no bias when evaluating structural and nonstructural alternatives.

*Section 2033. Independent peer review*

The Committee has considered carefully the views of interested parties on the application of peer review to Corps of Engineers studies and projects. There have been many calls for independent peer review as a means of ensuring that Federal agency decision-making is based on sound science and economics. These recommendations have been developed by agencies themselves, by scientific organizations such as the National Academy of Sciences, and by interest groups. In addition, the Office of Management and Budget recently has placed an increased emphasis on peer review.

On March 5, 2003, the Subcommittee on Water Resources and the Environment held a hearing on ''Independent Peer Review of Products that Support Agency Decision-Making.'' The Subcommittee received testimony from the U.S. Environmental Protection Agency, the Department of the Interior, the U.S. Army Corps of Engineers, a representative of the National Research Council, a representative of waterways users (MARC 2000), a representative of the American Enterprise Institute, a representative of American Rivers, and a representative of a consulting group that conducts peer reviews. This testimony disclosed that Federal agencies conduct peer reviews in different ways and view it as a useful tool appropriate for some, but not all circumstances. The testimony from other stakeholders disclosed divergent views over whether peer reviews of Corps of Engineers studies would be beneficial or harmful to water resources projects and how such reviews should be carried out.

As a result, the Committee has proceeded cautiously on the issue of peer review of Corps of Engineers studies and has established in this section a peer review process that will apply to certain studies that are initiated within 4 years after the date of enactment of this section, as well as certain ongoing studies that are early in the study process. After four and a half years, the Chief of Engineers must submit a report to Congress on the experience with peer reviews under this section. This report will allow the Committee to evaluate the merits of peer review based on actual information and experience and determine if additional legislative action should be taken.

Under the peer review process established under this section, the Chief of Engineers must subject a project study to independent peer review if the project has an estimated total cost of more than $50,000,000, at the time of the completion of the reconnaissance study. Some stakeholders have expressed concern that a monetary threshold is an arbitrary basis for determining what studies would benefit from peer review and could create additional delays and costs by subjecting to peer review studies that are routine or other-

wise noncontroversial. Based on previous authorizations, the $50,000,000 cost threshold may include as many as 30% of project studies. However, a far smaller percentage of studies have been controversial, and even fewer studies have been found to have significant problems.

To address these concerns, this section authorizes the Chief of Engineers to exempt certain studies from review. Specifically, the Chief of Engineers may exclude a study from review if the Chief determines that the study is for a project that is not controversial; has no more than negligible adverse impacts on scarce or unique cultural, historic, or tribal resources; has no substantial adverse impacts on fish and wildlife species and their habitat prior to implementation of mitigation measures; and has, before implementation of mitigation measures, no more than a negligible adverse impact on a species listed as endangered or threatened species under the Endangered Species Act of 1973, or the critical habitat of such species. By using the adjective "substantial" for determining the scope of the adverse impact on fish and wildlife species, the Committee intends to establish a threshold that is higher than the existing threshold of "significant" impact used under the National Environmental Policy Act of 1969 for determining whether an environmental impact statement is necessary. By using the phrase "more than a negligible adverse impact" for determining the scope of the impact on an endangered species, the Committee intends to establish a threshold that is higher than the existing threshold of "likely affect" used under section 7 of the Endangered Species Act of 1973 to trigger consultation. In addition, all studies for projects pursued under one of the Corps of Engineers' continuing authorities may be excluded from peer review.

Other stakeholders have expressed concern that a monetary threshold may exclude a study from review that is below the cost threshold, but may benefit from a peer review. To address this issue, the Chief retains the discretion to subject any study to independent peer review that the Chief determines is controversial. In addition, the Governor of a State that would be affected by a project, and the head of a Federal or State agency that determines the project is likely to have a significant adverse impact on environmental, cultural, or other resources within the jurisdiction of the agency after the implementation of mitigation, may request that a project study be subject to peer review by an independent panel. A decision by the Chief of Engineers whether to agree to a request to peer review a study may be appealed to the Secretary of the Army.

The Committee heard concerns from some stakeholders that peer reviews could have the unintended consequence of delaying a project study, because of the time needed to address any concerns raised by reviewers. To address this matter, this section gives the Chief of Engineers substantial discretion regarding when during the course of a study a peer review should take place. The Chief may initiate the peer review at any time following completion of the reconnaissance study for the project. As a result, a peer review under this section may be a review of the models and methods to be used to evaluate project alternatives, rather than a review of a completed analysis. If problems are discovered at this stage of the study, they may be corrected before significant time and resources

are expended on using flawed models or methods to analyze project alternatives.

Generally, a review shall take no longer than 180 days and shall not exceed $500,000, but the Chief is given the discretion to allow a longer period of time for the review and to waive the cost limitation. If a study is subject to review, and no review has yet taken place when one of the following milestones is reached, the Chief must consider whether to initiate the peer review at that time: (1) when the Corps identifies the conditions that will occur if the project is not built (the without project conditions), (2) when the array of alternatives to be considered is identified, and (3) when the preferred alternative is identified. If a review has already been initiated when one of these milestones is reached, the Chief has no obligation to consider any additional peer review. No matter when it is initiated, in all cases a peer review under this section must be completed no later than 90 days after the date a draft study is made available for public review.

Under this section a peer review panel must be established by the National Academy of Sciences, a similar independent scientific technical advisory organization, or a non-profit organization that is free from conflicts of interest and has experience in establishing and administering peer review panels, pursuant to a contract with the Chief of Engineers. The members of the panels must be independent, free from conflict of interest and must represent a balance of expertise suitable for the review being conducted.

A panel shall review a study for technical and scientific sufficiency and, consistent with the scope of the referral for review and the stage of the study at which the review takes place, shall assess the adequacy and acceptability of the economic and environmental methods, models, and analyses used in the study. The panel must provide timely written and oral comments, as requested, and must submit a report to the Chief of Engineers at the conclusion of the peer review. The Chief of Engineers must respond to the peer review report and both the report and the Chief's response must be made available to the public and transmitted to Congress.

With this section, the Committee intends to provide the Chief of Engineers with a tool that will improve the Corps' planning process and result in a greater number of successful water resources projects. The Committee does not intend peer review to be used as a tool to delay or halt projects.

## TITLE III—PROJECT-RELATED PROVISIONS

*Section 3001. Cook Inlet, Anchorage Harbor, Alaska*

Modifies the project for navigation, Cook Inlet, Anchorage Harbor, Alaska, to authorize the Secretary to deepen the harbor and the navigation channel at a total cost of $8,175,000 (for the harbor) and $21,525,000 (for the channel), and to maintain both.

*Section 3002. King Cove Harbor, Alaska*

Provides that the maximum Federal expenditure for the King Cove Harbor navigation project shall be $8,000,000.

*Section 3003. Sitka, Alaska*

Modifies the Thompson Harbor, Sitka, Alaska, element of the project for navigation, Southeast Alaska Harbors of Refuge, to direct the Secretary to correct design deficiencies at a total Federal cost of $6,300,000.

*Section 3004. Tatilek, Alaska*

Provides that the maximum Federal expenditure for the Tatilek navigation project shall be $10,000,000.

*Section 3005. Nogales Wash and Tributaries, Arizona*

Modifies the project for flood control, Nogales Wash and Tributaries, Arizona, to direct the Secretary to use the Mexico Plan, 1st Added Increment to allocate costs.

*Section 3006. Grand Prairie Region and Bayou Meto Basin, Arkansas*

Directs the Secretary to review the general reevaluation report for the Bayou Meto basin element of the project for Grand Prairie Region and Bayou Meto Basin, Arkansas, to determine if the project is feasible.

*Section 3007. Saint Francis Basin, Arkansas*

Modifies the project for flood control, Saint Francis Basin, Arkansas, to authorize the Secretary to construct improvements constituting of a culvert through the levee.

*Section 3008. American and Sacramento Rivers, California*

Modifies the project for flood damage reduction, American and Sacramento Rivers, California, to increase the authorization ceiling to $205,000,000.

*Section 3009. Cache Creek Basin, California*

Modifies the project for flood control, Cache Creek Basin, California, to direct the Secretary to mitigate the impacts of the new south levee of the settling basin on the city of Woodland's storm drainage system and to restore the City's pre-project capacity to release water to the Yolo Bypass, when the Bypass is in a low flow condition.

*Section 3010. Grayson Creek/Murderer's Creek, California*

Modifies the project for aquatic ecosystem restoration, Grayson Creek/Murderer's Creek, California, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest before the project cooperation agreement is signed, if an integral part of the project. Also allows the Secretary to consider national ecosystem restoration benefits when determining whether the project is justified.

*Section 3011. John F. Baldwin Ship Channel and Stockton Ship Channel, California*

Modifies the project for navigation, John F. Baldwin Ship Channel and Stockton Ship Channel, California, to allow the non-Federal share of the cost of the project to be provided in the form of in-kind services and to direct the Secretary to provide credit for the

cost of planning and design work performed by the non-Federal interest, if an integral part of the project.

*Section 3012. Los Angeles Harbor, Los Angeles, California*

Modifies the project for navigation, Los Angeles Harbor, Los Angeles, California, to direct the Secretary to provide credit for the cost of planning and design work performed by the non-Federal interest, if an integral part of the project.

*Section 3013. Larkspur Ferry Channel, Larkspur, California*

Modifies the project for navigation, Larkspur Ferry Channel, California, to direct the Secretary to prepare a reevaluation report to determine whether or not maintenance of the project is justified, and carry out such maintenance, if justified.

*Section 3014. Napa River Salt Marsh Restoration, Napa River, California*

Modifies the project for aquatic ecosystem restoration, Napa River Salt Marsh Restoration, Napa and Sonoma Counties, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest, if an integral part of the project.

*Section 3015. Pacific Flyway Center, Sacramento, California*

Modifies the project for aquatic ecosystem restoration, Pacific Flyway Center, Sacramento, California, to authorize the Secretary to expend $2,000,000 to enhance public access to the project.

*Section 3016. Pinole Creek, California*

Modifies the project for improvement of the quality of the environment, Pinole Creek Phase I, California, to direct the Secretary to provide credit for work performed by the non-Federal interests, if an integral part of the project.

*Section 3017. Prado Dam, California*

Ensures that the agreement between the Corps of Engineers and the Orange County Water District, which requires the District to pay specific costs associated with operating and maintaining Prado Dam for seasonal water conservation, shall remain in effect after reconfiguration of the Dam for volumes of water up to the maximum amount provided for water conservation prior to the reconfiguration of the Dam.

*Section 3018. Sacramento Deep Water Ship Channel, California*

Modifies the project for navigation, Sacramento Deep Water Ship Channel, California, to direct the Secretary to provide credit for work performed by the non-Federal interests before the project cooperation agreement, if an integral part of the project.

*Section 3019. Sacramento River, Glenn-Colusa, California*

Modifies the project for flood control, Sacramento River, Glenn-Colusa, California, to direct the Secretary to provide the non-Federal interest a credit of up to $4,000,000 toward the non-Federal share of the cost of the project for costs incurred by the non-Federal interest, if integral to the project.

*Section 3020. San Lorenzo River, California*

Modifies the project for flood control, San Lorenzo River, California, to direct the Secretary to provide the non-Federal interest a credit not more than $2,000,000 toward the non-Federal share of the cost of the project for costs incurred by the non-Federal interest, if an integral part of the project.

*Section 3021. Upper Guadalupe River, California*

Modifies the project for flood damage reduction and recreation, Upper Guadalupe River, California, to ensure that the project is carried out as authorized by Congress.

*Section 3022. Walnut Creek Channel, California*

Modifies the project for aquatic ecosystem restoration, Walnut Creek Channel, California, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest, if an integral part of the project, and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest.

*Section 3023. Wildcat/San Pablo Creek Phase I, California*

Modifies the project for improvement of the quality of the environment, Wildcat/San Pablo Creek Phase I, California, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest, if an integral part of the project.

*Section 3024. Wildcat/San Pablo Creek Phase II, California*

Modifies the project for aquatic ecosystem restoration, Wildcat/San Pablo Creek Phase II, California, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest, if an integral part of the project, and to authorize the Secretary to consider national ecosystem restoration benefits in determining the Federal interest.

*Section 3025. Brevard County, Florida*

Amends section 310 of the Water Resources Act of 1999, authorizing mitigation of damage to a project for shore protection, to authorize credit for costs incurred by the non-Federal interest to respond to damages to Brevard County beaches that are the result of a Federal navigation project, as determined in a final report of a study of such damages.

*Section 3026. Broward County and Hillsboro Inlet, Florida*

Modifies the project for shore protection, Broward County and Hillsboro Inlet, Florida, to direct the Secretary to provide credit for the removal of derelict structures carried out by the non-Federal interest, if integral to the project.

*Section 3027. Gasparilla and Estero Islands, Florida*

Amends the project for shore protection, Gasparilla and Estero Islands, Florida, to authorize credit for the cost of work performed by the non-Federal interest that is integral to the project.

*Section 3028. Lido Key Beach, Sarasota, Florida*

Amends the project for shore protection, Lido Key Beach, Sarasota, Florida, to increase the authorization ceiling to $12,926,000.

*Section 3029. Manatee Harbor, Florida*

Amends the project for navigation, Manatee Harbor, Florida, to authorize extension of the south channel, to authorize in-kind and other credit for costs incurred by the non-Federal interest for work that is integral to the project, and to increase the authorization ceiling to $61,500,000.

*Section 3030. Tampa Harbor, Florida*

Modifies the project for navigation, Tampa Harbor, Florida, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest, if an integral part of the project.

*Section 3031. Tampa Harbor-Big Bend Channel, Florida*

Modifies the project for navigation, Tampa Harbor-Big Bend Channel, Florida, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest, if an integral part of the project.

*Section 3032. Miami Harbor, Florida*

Modifies the project for navigation, Miami Harbor Channel, Florida, to include as a project purpose mitigation for dredging outside the authorized channel.

*Section 3033. Little Wood River, Gooding, Idaho*

Modifies the project for flood damage reduction, Little Wood River, Idaho, to authorize in-kind contributions and the use of funds from other Federal programs to be used toward the non-Federal share if a permissible use of the funds under the other program, and to direct the Secretary to make a determination of the non-Federal interest's ability to pay the non-Federal costs.

*Section 3034. Hennepin-Hopper Lakes, Illinois*

Modifies the project for flood control, Hennepin-Hopper Lakes, Illinois, to add environmental restoration as a project purpose; increase the authorized cost of the project for the improvement of the quality of the environment being carried out under section 1135 of the Water Resources Development Act of 1986 to $7,500,000; and ensure that eligibility of the project for emergency repair is not affected.

*Section 3035. Mississippi River and Big Muddy River, Illinois*

Modifies the project for flood control, Mississippi River and Big Muddy River, to authorize the Secretary to repair and rehabilitate the project at a total cost of $22,600,000.

*Section 3036. Spunky Bottoms, Illinois*

Modifies the project for flood control, Spunky Bottoms, Illinois, to add environmental restoration as a project purpose; increase the authorized cost of the project for the improvement of the environment being carried out under section 1135 of the Water Resources

Development Act of 1986 to $7,500,000; and provide that these changes do not affect eligibility of the project for emergency repair.

*Section 3037. Emiquon, Illinois*

Increases the authorization for the project for aquatic ecosystem restoration, being carried out under section 206 of the Water Resources Development Act of 1996, to $7,500,000. Ensures that nothing affects eligibility of the project for emergency repairs.

*Section 3038. Little Calumet River, Indiana*

Modifies the project for flood control, Little Calumet River, Indiana, to authorize the Secretary to complete the project in accordance with the post authorization change report dated August 2000, at a total cost of $186,300,000.

*Section 3039. White River, Indiana*

Modifies the project for flood control, Indianapolis, Fall Creek Section, on West Fork of White River, Indiana, to authorize the Secretary to carry out the Fall Creek Reach feature, at a total cost of $28,545,000, and to provide credit for work carried out by the non-Federal interest, if integral to the project.

*Section 3040. Wolf Lake, Indiana*

Modifies the project for aquatic ecosystem restoration, Wolf Lake, Indiana, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest, if an integral part of the project.

*Section 3041. Prestonsburg, Kentucky*

Directs the Secretary to provide 100-year level of flood protection for the city of Prestonsburg at the Prestonsburg, Kentucky, element of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland River, West Virginia, Virginia, and Kentucky.

*Section 3042. Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed*

Modifies the project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed, to direct the Secretary to carry out the project with cost-sharing in accordance with section 103(a) of the Water Resources Development Act of 1986, as in effect on October 11, 1996.

*Section 3043. Atchafalaya Basin, Louisiana*

Modifies the Atchafalaya Basin Floodway System project to authorize the Secretary to construct a Type A Regional Visitor Center.

*Section 3044. Public Access, Atchafalaya Basin Floodway System, Louisiana*

Modifies the public access feature of the Atchafalaya Basin Floodway System project to authorize the Secretary to purchase an additional 20,000 acres of land from willing sellers at a total cost of $4,000,000.

*Section 3045. J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana*

Modifies the project for mitigation of fish and wildlife losses, J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana, to authorize the purchase and reforesting of lands, which have been cleared or converted to agricultural uses.

*Section 3046. Mississippi Delta Region, Louisiana*

Modifies the project for hurricane-flood protection on Lake Pontchartrain, Louisiana, to direct the Secretary to provide credit for costs incurred in relocating oyster beds in the Davis Pond project area, if integral to the project.

*Section 3047. New Orleans to Venice, Louisiana*

Authorizes the Secretary to carry out work on the St. Jude to City Price, Upper Reach A back levee, at a 70% Federal cost share, consistent with the rest of the project.

*Section 3048. West Bank of the Mississippi River (east of Harvey Canal), Louisiana*

Makes technical corrections to the Water Resources Development Act of 1999 modification of the project to prevent flood damage-hurricane damage reduction, West Bank of the Mississippi River (East of Harvey Canal), Louisiana.

*Section 3049. Camp Ellis, Saco, Maine*

Increases the authorization of Federal funds for the project being carried out under section 111 of the River and Harbor Act of 1968 to $10,000,000.

*Section 3050. Union River, Maine*

Modifies the project for navigation, Union River, Maine, to redesignate a portion of the navigation channel as an anchorage area.

*Section 3051. Cass River, Spaulding Township, Michigan*

Modifies the project for flood damage reduction, Cass River, Spaulding Township, Michigan, to incorporate flood control works constructed by the non-Federal interests and to direct the Secretary to provide credit toward the non-Federal share of the cost of the project for work the Secretary determines is integral to the project.

*Section 3052. Detroit River Shoreline, Detroit, Michigan*

Modifies the project for emergency streambank and shoreline protection, Detroit River Shoreline, Detroit, Michigan, to include measures to enhance public access at the maximum Federal amount of $3,000,000.

*Section 3053. Water Resources Institute, Muskegon, Michigan*

Modifies the project for emergency streambank and shoreline protection, Water Resources Institute, Muskegon, Michigan, to provide for completion in accordance with the approved plans and specifications for Grand Valley State University, Lake Michigan Center and directs the Secretary to provide credit toward the non-

Federal share of the cost of the project for work the Secretary determines is integral to the project.

*Section 3054. Saginaw River, Bay City, Michigan*

Modifies the project for emergency streambank protection, Saginaw River, Bay City, Michigan, to increase the maximum Federal expenditure to $2,000,000.

*Section 3055. Ada, Minnesota*

Modifies the project for flood damage reduction, Wild Rice River, Minnesota, to authorize the Secretary to consider national ecosystem restoration benefits; to exclude consideration of an emergency levee as a pre-project condition and to allow the local sponsor to contribute a larger non-Federal share, if necessary to implement the project.

*Section 3056. Duluth Harbor, McQuade Road, Minnesota*

Modifies the project for navigation, Duluth Harbor, McQuade Road, Minnesota, to authorize the Secretary to provide access and recreational facilities as described in the Detailed Project Report and Environmental Assessment dated August 1999, at a maximum Federal cost of $5,000,000.

*Section 3057. Grand Portage Harbor, Minnesota*

Directs the Secretary to provide the Secretary credit toward the non-Federal share of the cost of the project for work the Secretary determines is integral to the project.

*Section 3058. Granite Falls, Minnesota*

Modifies the project for flood damage reduction, Granite Falls, Minnesota, to increase the maximum Federal expenditure to $8,000,000; authorize the non-Federal interest to contribute a larger share, if necessary to implement the project; and authorize credit toward the non-Federal share for work carried out by the non-Federal interest that the Secretary determines is integral to the project.

*Section 3059. Minneapolis, Minnesota*

Modifies the project for environmental restoration and recreation for the Mississippi Whitewater Park by increasing the authorization to $25,000,000 and including Hennepin Island within the scope of the project.

*Section 3060. Red Lake River, Minnesota*

Modifies the project for flood damage reduction, Red Lake River, Minnesota, to increase the project authorization to $25,000,000.

*Section 3061. Silver Bay, Minnesota*

Modifies the project for navigation, Silver Bay, Minnesota, to include operation and maintenance of the general navigation facilities as a Federal responsibility.

*Section 3062. Taconite Harbor, Minnesota*

Modifies the project for navigation, Taconite Harbor, Minnesota, to include operation and maintenance of the general navigation facilities as a Federal responsibility.

*Section 3063. Two Harbors, Minnesota*

Modifies the project for navigation, Two Harbors, Minnesota, to include construction of a dredged material disposal facility at a Federal cost not to exceed $5,000,000.

*Section 3064. Deer Island, Harrison County, Mississippi*

Modifies the project for aquatic ecosystem restoration, Deer Island, Mississippi, to authorize the non-Federal share to be provided in the form of in-kind contributions.

*Section 3065. Bois Brule Drainage and Levee District, Missouri*

Modifies the project for flood damage reduction, Bois Brule Drainage and Levee District, Missouri, to increase the maximum Federal expenditure to $25,000,000.

*Section 3066. Sand Creek Watershed, Wahoo, Nebraska*

Modifies the project for ecosystem restoration and flood damage reduction, Sand Creek Watershed, Wahoo, Nebraska, to direct the Secretary to provide credit or reimbursement toward the non-Federal share of the cost of the project for work that is integral to the project, and to direct the Secretary to accept advance funds from the non-Federal interest as needed to maintain the project schedule.

*Section 3067. Alamogordo, New Mexico*

Directs the Secretary to carry out the flood control project by constructing a flood detention basin in lieu of the authorized channel improvements if the cost is not greater and the benefits are not less.

*Section 3068. Orchard Beach, Bronx, New York*

Modifies the project for shoreline protection, Orchard Beach, Bronx, New York, to increase the project authorization to $18,000,000.

*Section 3069. Times Beach, Buffalo, New York*

Modifies the project for improvement of the quality of the environment, Times Beach, Buffalo, New York, to direct the Secretary to credit not more than $750,000 toward the non-Federal share of the cost of the project for the cost of work by the non-Federal interest, if integral to the project.

*Section 3070. Port of New York and New Jersey, New York and New Jersey*

Modifies the project for navigation, Port of New York and New Jersey, New York and New Jersey, to authorize the Secretary to allow the non-Federal interest to construct a temporary dredged material disposal facility; to require the potential sites be submitted to Congress; to require 70% of dredged material generated by the project to be beneficially reused; and to direct the Secretary

to provide credit for the cost of the temporary storage facility, if integral to the project.

*Section 3071. New York State Canal System*

Modifies section 553 of the Water Resources Development Act of 1996 to change the definition of the New York State Canal System.

*Section 3072. Arcadia Lake, Oklahoma*

Clarifies that payments made for water storage by the City of Acadia, Oklahoma, satisfy its obligations under its contract with the Corps of Engineers.

*Section 3073. Willamette River Temperature Control, McKenzie Subbasin, Oregon*

Modifies the project for environmental restoration, Willamette River Temperature Control, McKenzie Subbasin, Oregon, to direct the Secretary to compensate small businesses for losses attributable to unanticipated sedimentation resulting from project implementation.

*Section 3074. French Creek, Union City Dam, Pennsylvania*

Modifies the project for flood control, French Creek, Pennsylvania, to include recreation as a project purpose.

*Section 3075. Lackawanna River at Olyphant, Pennsylvania*

Modifies the project for flood control, Lackawanna River at Olyphant, Pennsylvania, to increase the project authorization to $20,000,000.

*Section 3076. Lackawanna River at Scranton, Pennsylvania*

Modifies the project for flood control, Lackawanna River at Scranton, Pennsylvania, to increase the project authorization to $23,000,000.

*Section 3077. Raystown Lake, Pennsylvania*

Authorizes the Secretary to take such action as may be necessary to prevent shoreline erosion to protect recreational facilities located south of Pennsylvania Route 994 on the east shore of Raystown Lake.

*Section 3078. Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania*

Modifies the project for aquatic ecosystem restoration, Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania, to direct the Secretary to credit $400,000 for the cost of work performed by the non-Federal interest determined by the Secretary to be an integral part of the project.

*Section 3079. Solomon's Creek, Wilkes-Barre, Pennsylvania*

Modifies the project for flood control, Wyoming Valley, Pennsylvania, to include as a project element the project for flood control, Solomon's Creek, Wilkes-Barre, Pennsylvania.

*Section 3080. South Central Pennsylvania*

Modifies the geographic scope of section 313 of the Water Resources Development Act of 1992.

*Section 3081. Wyoming Valley, Pennsylvania*

Modifies the project for flood control, Wyoming Valley, Pennsylvania, to direct the Secretary to coordinate with non-Federal interests to review options for increased public access.

*Section 3082. Little Limestone Creek, Jonesborough, Tennessee*

Modifies the project for flood damage reduction, Little Limestone Creek, Jonesborough, Tennessee, to direct the Secretary to allow the non-Federal interest to participate in the financing of evaluating and implementing the project for flood damage reduction in accordance with section 903(c) of the Water Resources Development Act of 1986, if necessary to implement the project.

*Section 3083. Cedar Bayou, Texas*

Modifies the project for navigation, Cedar Bayou, Texas, to authorize the Secretary to dredge the channel to a depth of 10 feet by 100 feet along an 8-mile stretch if determined to be feasible. Also authorizes credit for planning and design work carried out by the non-Federal interest, if integral to the project.

*Section 3084. Lake Kemp, Texas*

Directs the Secretary to forgo removing improvements from Lake Kemp before January 1, 2020, or the date ownership of the improvement is transferred, whichever is earlier.

*Section 3085. Lower Rio Grande Basin, Texas*

Modifies the project for flood control, Lower Rio Grande Basin, Texas, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest determined by the Secretary to be an integral part of the project and, in calculating the non-Federal share, to make a determination on the non-Federal interest's ability to pay.

*Section 3086. North Padre Island, Corpus Christi Bay, Texas*

Modifies the project for ecosystem restoration and storm damage reduction, North Padre Island, Corpus Christi Bay, Texas, to include recreation as a project purpose.

*Section 3087. Proctor Lake, Texas*

Authorizes the Secretary to convert flowage easements to fee simple title for the flood control project at Proctor Lake, Texas, and purchase properties and pay relocation assistance benefits to qualified landowners.

*Section 3088. San Antonio Channel, San Antonio, Texas*

Modifies the project for flood control, San Antonio Channel, San Antonio, Texas, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest determined by the Secretary to be an integral part of the project.

*Section 3089. Elizabeth River, Chesapeake, Virginia*

Amends section 358 of the Water Resources Development Act of 1999 to change the date of termination of a cooperation agreement for a navigation project.

*Section 3090. Roanoke River Upper Basin, Virginia*

Modifies the project for flood control, Roanoke River Upper Basin, Virginia, to increase the project authorization to $64,300,000.

*Section 3091. Blair and Sitcum Waterways, Tacoma Harbor, Washington*

Modifies the project for navigation, Blair and Sitcum Waterways, Tacoma Harbor, Washington, to direct the Secretary to review the locally prepared plan and determine whether the plan meets the evaluation and design standards of the Corps of Engineers, and to authorize the Secretary to carry out the plan, if properly designed and feasible, at a Federal cost not to exceed $4,240,000. Also directs the Secretary to provide credit or reimbursement for the cost of work performed by the non-Federal interest determined by the Secretary to be an integral part of the project.

*Section 3092. Greenbrier River Basin, West Virginia*

Amends section 579(c) of the Water Resources Development Act of 1996 to increase the authorization for a flood protection program for the Greenbrier River Basin, West Virginia, to $89,000,000.

*Section 3093. Manitowoc Harbor, Wisconsin*

Modifies the project for navigation, Manitowoc Harbor, Wisconsin, to direct the Secretary to deepen the upstream reach of the navigation channel from 12 feet to 18 feet, at a total cost of $300,000.

*Section 3094. Mississippi Headwaters reservoirs*

Changes the levels of the Mississippi River Headwaters reservoirs and authorizes the Secretary to operate the reservoirs below the minimum or above the maximum water levels established by the Water Resources Development Act of 1988, in accordance with water regulation control manuals that are transmitted to Congress.

*Section 3095. Continuation of project authorizations*

Continues the authorization for an additional 7 years the following projects: (1) the project for navigation, Fall River Harbor, Massachusetts and (2) the project for flood control, Agana River, Guam.

*Section 3096. Project reauthorizations*

Renews the authorizations for the projects for navigation in Menominee Harbor and River, Michigan and Wisconsin and the south part of the outer harbor, Manitowoc Harbor, Wisconsin, that was deauthorized by section 101 of the River and Harbor Act of 1962.

*Section 3097. Project deauthorizations*

Deauthorizes a portion of the following projects for navigation, Bridgeport Harbor, Connecticut, Norwalk Harbor, Connecticut, Chicago River and Harbor, Chicago, Illinois, Island End River, Massachusetts, City Waterway, Tacoma, Washington, and Anchorage Area, New London Harbor, Connecticut.

Additional deauthorizations include:

(1) Project for flood control, Cache Creek Basin, Clear Lake Outlet Channel, California.

(2) Project for flood control, Goleta and vicinity, California.

(3) Project to modify the Central and South Florida Project, to improve water supply to the Everglades National Park, Florida.

(4) Project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida.

(5) Project for flood control, Middle Wabash, Greenfield Bayou, Indiana.

(6) Project for flood damage reduction, Lake George, Hobart, Indiana.

(7) Project for flood damage reduction, Green Bay Levee and Drainage District No. 2, Iowa.

(8) Project for flood damage reduction, Hazard, Kentucky.

(9) Project for uncompleted recreation, Taylorsville Lake, Kentucky.

(10) Project for flood control, West Kentucky Tributaries, Kentucky.

(11) Project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana.

(12) Project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana.

(13) Project for the Red River Waterway, Shreveport, Louisiana to Daingerfield Texas.

(14) Project for flood damage reduction, Brockton, Massachusetts.

(15) Project for navigation, Grand Haven Harbor, Michigan.

(16) Project for navigation, Greenville Harbor, Mississippi.

(17) Project for hydropower, Libby Dam, Montana.

(18) Project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska.

(19) Project for navigation, Outer Harbor, Buffalo, New York.

(20) Project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina.

(21) Project for flood control and recreation, Fairfield, Ohio.

(22) Project for shoreline protection, Maumee Bay, Lake Erie, Ohio.

(23) Project for flood control and water supply, Parker Lake, Muddy Boggy Creek, Oklahoma.

(24) Project for Columbia River, Seafarers Memorial, Hammond, Oregon.

(25) Project for bulkhead repairs, Quonset Point-Davisville, Rhode Island.

(26) Project for flood damage reduction, Harris Fork Creek, Tennessee and Kentucky.

(27) Project for flood damage reduction, Arroyo Colorado, Texas.

(28) Project for flood damage reduction, Cypress Creek-Structural, Texas.

(29) Project for flood damage reduction, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas.
(30) Project for flood damage reduction, Falfurrias, Texas.
(31) Project for bank erosion, Kanawha River, Charleston, West Virginia.

Also amends section 1001(b)(2) of the Water Resources Development Act of 1986 to require the Secretary to submit a list of projects for deauthorization yearly, instead of biennially and to make projects eligible for the list if they received no funding during the previous five years, instead of seven years.

*Section 3098. Land conveyances*

Conveys Federal property at, Milford, Kansas and Boardman, Oregon.

*Section 3099. Extinguishment of reversionary interests and use restrictions*

Extinguishes reversionary interests and use restrictions in deeds conveying two properties in Nez Perce County, Idaho and at Old Hickory Lock and Dam, Cumberland River, Tennessee.

*Section 3100. Land exchange, disposal and acquisition of lands, Allatoona Lake, Georgia*

Authorizes the Secretary to exchange lands for wildlife management and protection of water quality and the overall environment of Allatoona Lake, Georgia.

TITLE IV—STUDIES

*Section 4001. John Glenn Great Lakes Basin Program*

Amends section 455 of the Water Resources Development Act of 1999 to authorize payment of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

*Section 4002. St. George Harbor, Alaska*

Directs the Secretary to conduct a study to determine the feasibility of providing navigation improvements at St. George, Alaska.

*Section 4003. Susitna River, Alaska*

Directs the Secretary to conduct a study to determine the feasibility of constructing a hydropower project on the Susitna River, Alaska.

*Section 4004. Searcy County, Arkansas*

Directs the Secretary to conduct a study to determine the feasibility of using Greers Ferry Lake as a source of water supply.

*Section 4005. Upper Mississippi River and Illinois Waterway, Illinois, Iowa, Minnesota, Missouri, and Wisconsin*

Directs the Secretary to transmit to Congress no later than July 1, 2004, a report on the results of the Upper Mississippi River and Illinois Waterways Restructured System Navigation Feasibility Study. The Committee believes that this project is vitally important to the economies of farming communities in the Midwest. Accordingly, the Committee encourages the Secretary to expedite

completion of this study. In keeping with existing authorizations, the Committee urges the Secretary to proceed with modernized lock and other navigation improvements while simultaneously evaluating an enhanced environmental restoration program for the basin. The Committee appreciates the collaborative effort made to complete the Interim Report and endorses this approach among Federal agencies, State agencies and private stakeholder groups as a means of forging a basin-wide approach to managing this resource for multiple uses.

*Section 4006. Hamilton, California*

Directs the Secretary to continue planning, preconstruction, engineering, and design efforts on the Sacramento-San Joaquin River Basins Comprehensive Study-Hamilton City Flood Damage Reduction and Ecosystem Restoration Initial Project and modifies the study to include an area 2 miles north and 4 miles south of State Highway 32.

*Section 4007. Oceanside, California*

Amends section 414 of the Water Resources Development Act of 2000 to provide the Secretary with an additional 12 months to complete a study of plans to mitigate damages to beaches resulting from military measures.

*Section 4008. Sacramento River, California*

Directs the Secretary to conduct a study to determine the feasibility of and alternatives for measures to protect water diversion facilities and fish protective screen facilities on the Sacramento River, California.

*Section 4009. San Francisco Bay, Sacramento-San Joaquin Delta, California*

Directs the Secretary to conduct a study to determine the feasibility of the beneficial use of dredged material from the San Francisco Bay in the Sacramento-San Joaquin Delta, California, including a review of using Sherman Island as a re-handling site.

*Section 4010. Tybee Island, Georgia*

Directs the Secretary to conduct a study to determine the feasibility of including the northern end of Tybee Island extending from the north terminal groin to the mouth of Lazaretto Creek as part of the project for beach erosion control, Tybee Island, Georgia.

*Section 4011. Calumet Harbor, Illinois*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for navigation at Calumet Harbor, Illinois.

*Section 4012. Paducah, Kentucky*

Authorizes the Secretary to complete the rehabilitation evaluation report for the project for flood damage reduction, Paducah, Kentucky, and to proceed to preconstruction engineering and design, if feasible.

*Section 4013. Bastrop-Morehouse Parish, Louisiana*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for water supply at Bastrop-Morehouse Parish, Louisiana.

*Section 4014. West Feliciana Parish, Louisiana*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for riverfront development, including enhanced public access, recreation, and environmental restoration, on the Mississippi River in West Feliciana Parish.

*Section 4015. City of Mackinac Island, Michigan*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for navigation at the city of Mackinac Island, Michigan.

*Section 4016. Chicago, Illinois*

Amends section 425(a) of the Water Resources Development Act of 2000 to clarify that some of the specified shoreline protection study sites are on Lake Michigan.

*Section 4017. South Branch, Chicago River, Chicago, Illinois*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, at the South Fork of the South Branch of the Chicago River, Chicago, Illinois.

*Section 4018. Northeast Mississippi*

Directs the Secretary to conduct a study to determine the feasibility of modifying the project for navigation on the Tennessee-Tombigbee Waterway, Alabama and Mississippi, to provide water supply to northeast Mississippi.

*Section 4019. Pueblo of Zuni, New Mexico*

Directs the Corps to conduct a feasibility study of water resources projects for the Pueblo of Zuni, New Mexico, authorized under section 203 of the Water Resources Development Act of 2000.

*Section 4020. Hudson-Raritan Estuary, New York and New Jersey*

Directs the Secretary, in carrying out a study for environmental restoration, Hudson-Raritan Estuary, New York and New Jersey, to establish and utilize the watershed restoration teams composed of certain estuary restoration experts.

*Section 4021. Sac and Fox Nation, Oklahoma*

Directs the Secretary to develop a water and related land resource conservation and management plan for the Sac and Fox Nation, authorized under section 203 of the Water Resources Development Act of 2000.

*Section 4022. Sutherlin, Oregon*

Directs the Secretary to conduct a study of water resources along Sutherlin Creek in the vicinity of Sutherlin, Oregon, to determine the feasibility of carrying out a project to restore and enhance aquatic resources using structural and bioengineering techniques.

*Section 4023. Tillamook Bay and Bar, Oregon*

Directs the Secretary to conduct a study under section 216 of the Flood Control Act of 1970 to investigate hazardous conditions at a project for navigation, Tillamook Bay and Bar, Oregon.

*Section 4024. Ecosystem restoration and fish passage improvements, Oregon*

Directs the Secretary to conduct a study to determine the feasibility of undertaking ecosystem restoration and fish passage improvements on rivers in Oregon, and authorizes up to $5,000,000 for pilot projects.

*Section 4025. Northeastern Pennsylvania aquatic ecosystem restoration and protection*

Directs the Secretary to conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration and protection in the counties of Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sullivan, Bradford, Northumberland, Union, Snyder, and Montour, Pennsylvania, relating to abandoned mine drainage abatement and reestablishment of stream and river channels.

*Section 4026. Georgetown and Williamsburg Counties, South Carolina*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for water supply for Georgetown and Williamsburg Counties, South Carolina.

*Section 4027. Sabine Pass to Galveston Bay, Texas*

Authorizes the Secretary, in conducting the study for shore protection and related improvements between Sabine Pass and the entrance to Galveston Bay, to include any benefits related to the use of State Highway 87 as an emergency evacuation route.

*Section 4028. Grand County and Moab, Utah*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for water supply for Grand County and the city of Moab, Utah.

*Section 4029. Chehalis River Basin, Washington*

Directs the Secretary to conduct a study for the Chehalis River basin, including a study of the use of the basin's water resources, to assist users in developing a fair and equitable distribution of such resources.

*Section 4030. Sprague, Lincoln County, Washington*

Authorizes the Secretary to accept from the non-Federal interest funds provided under another Federal program to pay all or part of the non-Federal share of the cost of a feasibility study for flood control in the vicinity of Sprague, Lincoln County, Washington, if it is a permissible use of funds under the other Federal program.

*Section 4031. Monongahela River Basin, Northern West Virginia*

Directs the Secretary to conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration and protection projects in the watersheds of the Monongahela River basin within

the counties of Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, and Ritchie, West Virginia, relating to abandoned mine drainage abatement.

*Section 4032. Wauwatosa, Wisconsin*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction and environmental restoration, Menomonee River and Underwood Creek, Wisconsin.

## TITLE V—MISCELLANEOUS PROVISIONS

*Section 5001. Maintenance of navigation channels*

Authorizes the Secretary to maintain the following navigation channels, if feasible: (1) Pix Bayou Navigation Channel, Chambers County, Texas; (2) Pidgeon Industrial Harbor, Pidgeon Industrial Park, Memphis Harbor, Tennessee; and (3) Racine Harbor, Wisconsin. Also directs the Secretary to remove sunken vessels and debris between miles 35 and 43 of the Channel to Orange, Sabine-Neches Waterway, Texas, for the purpose of improving navigation safety and reducing the risk to the public.

*Section 5002. Watershed management*

Authorizes the Secretary to provide technical planning and design assistance to a non-Federal interest for carrying out watershed management, restoration and development projects in the following watersheds:

(1) Spring Branch, Huntsville, Alabama.
(2) Tuolumne County, California.
(3) Cucamonga Basin, Upland, California.
(4) Kinkaid Lake, Jackson County, Illinois.
(5) Portions of the watersheds of Concord, Charles, Blackstone, Neponset, Taunton, Nashua, Shawsheen, and Merrimack Rivers, Massachusetts.
(6) Jackson Brook, New Jersey.
(7) Portions of the watersheds of Beaver, Upper Ohio, Connoquenessing, Lower Allegheny, Kiskiminetas, Lower Monongahela, Youghiogheny, Shenango, and Mahoning Rivers in Beaver, Butler, Lawrence and Mercer Counties, Pennsylvania.
(8) Southampton Creek, Southampton, Pennsylvania.
(9) Unami Creek, Milford Township, Pennsylvania.
(10) Amite River Basin, Louisiana.
(11) Iberville Parish, East Atchafalaya River basin, Louisiana.
(12) Genesee River watershed, New York.
(13) Tonawanda Creek watershed, New York.
(14) Buffalo River watershed, New York.
(15) Eighteenmile Creek watershed, Niagara County, New York.
(16) Cattaragus Creek watershed, New York.
(17) Oswego River basin, New York.
(18) Red River watershed, Louisiana.
(19) Fountain Creek and Tributaries, Colorado.

*Section 5003. Dam safety*

Authorizes the Secretary to provide assistance to enhance dam safety at the following locations:

(1) Mountain Park Dam, Mountain Park, Georgia.
(2) Barber Dam, Ada County, Idaho.
(3) Fish Creek Dam, Blaine County, Idaho.
(4) Lost Valley Dam, Adams County, Idaho.
(5) Salmon Falls Dam, Twins Falls County, Idaho.
(6) Whaley Lake Dam, Pawling, New York.
(7) Lake Carl Blackwell Dam, Stillwater, Oklahoma.
(8) Dams in Mountain Lakes Park, Princeton Township, New Jersey.
(9) State Dam, Auburn, New York.
(10) Candor Dam, Candor, New York.

This section also states the sense of Congress that the Corps should remedy the deterioration of the Fern Ridge Dam, Oregon.

*Section 5004. Structural integrity evaluations*

Authorizes the Secretary to evaluate the structural integrity and effectiveness of a project for flood damage reduction and to prevent project failure at the following locations:

(1) Arkansas River Levees, Arkansas.
(2) Marianna Borough, Pennsylvania.
(3) Nonconnah Creek, Tennessee.

*Section 5005. Flood mitigation priority areas*

Amends the flood mitigation and riverine restoration program in section 212 of the Water Resources Development Act of 1999 to add the following to the list of priority areas for review by the Secretary: La Crosse County, Wisconsin; Crawford County, Wisconsin; Buffalo County, Wisconsin; Calhoun County, Illinois; Saint Charles County, Missouri; Saint Louis County, Missouri; Dubuque County, Iowa; Scott County, Iowa; Rock Island County, Illinois; Ascension Parish, Louisiana; East Baton Rouge Parish, Louisiana; Iberville Parish, Louisiana; and Livingston Parish, Louisiana.

*Section 5006. Additional assistance for authorized projects*

Amends section 219(e) of the Water Resources Development Act of 1992 to increase the authorization ceiling for specific projects to allow ongoing work to continue.

*Section 5007. Expedited completion of reports and construction for certain projects*

Directs the Secretary to expedite completion of reports and construction for the following projects being carried out under existing authorities:

(1) Welch Point, Elk River, Cecil County, Maryland.
(2) West View Shores, Cecil County, Maryland.
(3) Sylvan Beach, Breakwater, Verona, Oneida County, New York.
(4) Fulmer Creek, Village of Mohawk, New York.
(5) Moyer Creek, Village of Frankfort, New York.
(6) Steele Creek, Village of Ilion, New York.
(7) Oriskany Wildlife Management Area, Rome, New York.
(8) Whitney Point Lake, Otselic River, Whitney Point, New York.

(9) Newton Creek, Bainbridge, New York.
(10) Chenango Lake, Chenago County, New York.
(11) Lucas Berg Pit, Worth, Illinois.

*Section 5008. Expedited completion of reports for certain projects*

Directs the Secretary to expedite completion of the reports and, if it is determined that a project is justified, proceed to project preconstruction, engineering, and design for the following:

(1) Project for flood damage reduction and ecosystem restoration, Sacramento and San Joaquin River basins, Hamilton, California.

(2) Project for ecosystem restoration, University Lake, Baton Rouge, Louisiana.

(3) Project for shoreline protection, Detroit River Greenway Corridor, Detroit, Michigan.

(4) Project for shoreline stabilization at Egmont Key, Florida.

Also directs the Secretary to expedite completion of the study regarding the need for additional compensation for the city of Chesapeake, Maryland.

*Section 5009. Southeastern water resources assessment*

Authorizes the Secretary to provide assistance to a coordinated effort by Federal, State, and local agencies, non-Federal and nonprofit entities, regional researchers, and other interested parties to assess the water resources and water resources needs of river basins and watersheds of the southeastern United States.

*Section 5010. Upper Mississippi River Environmental Management Program*

Amends the Upper Mississippi River Environmental Management Program to allow the non-Federal interest to provide the non-Federal share of the project in the form of services, materials, supplies, or other in-kind contributions.

*Section 5011. Missouri and Middle Mississippi Rivers Enhancement Project*

Amends the Missouri and Middle Mississippi River Enhancement Project to extend the authorization period.

*Section 5012. Membership of Missouri River Trust*

Amends the membership of the Missouri River Trust to include rural water systems.

*Section 5013. Great Lakes Fishery and Ecosystem Restoration*

Amends the Great Lakes Fishery and Ecosystem Restoration program to allow the non-Federal share to be provided in the form of in-kind contributions.

*Section 5014. Susquehanna, Delaware, and Potomac River Basins*

Makes the Division Engineer, North Atlantic Division, an ex officio member of the Susquehanna River Basin Compact and the Delaware River Basin Compact and authorizes the Secretary to provide funding to interstate compacts, and authorizes the Secretary to enter into an agreement with the Delaware River Basin Commission to provide water from a Corps dam during a drought warning or drought emergency, at a cost to the Commission not to

exceed the incremental operating costs associated with providing the storage.

*Section 5015. Chesapeake Bay Environmental Restoration and Protection Program*

Amends section 510 of the Water Resources Development Act of 1996 to increase authorization to $30,000,000.

*Section 5016. Montgomery, Alabama*

Directs the Secretary to review the navigation and ecosystem restoration components of the Montgomery Riverfront and Downtown Master Plan, and authorizes the Secretary to expend up to $5,000,000 to carry out these components, if feasible.

*Section 5017. Pinhook Creek, Huntsville, Alabama*

Directs the Secretary to design and construct the flood protection project at Pinhook Creek, Huntsville, Alabama, and allow the non-Federal interest to increase its cost-share, if necessary to implement the project.

*Section 5018. Alaska*

Amends section 570 of the Water Resources Development Act of 1999 to increase the authorization level, allow non-profits to serve as non-Federal interests with the consent of the local government, and allow 10% of appropriated funds to be used for administrative expenses.

*Section 5019. Akutan Small Boat Harbor, Alaska*

Directs the Secretary to expedite the study for the Akutan Small Boat Harbor, Alaska, and upon completion, design and construct the project if feasible.

*Section 5020. Lowell Creek Tunnel, Seward, Alaska*

Directs the Secretary to assume responsibility for the long-term maintenance and repair of the Lowell Creek Tunnel and also authorizes a study to determine whether alternative methods of flood diversion in Lowell Canyon are feasible.

*Section 5021. St. Herman and St. Paul Harbors, Kodiak, Alaska*

The Committee has provided an authorization of $2 million to fund the removal of rubble, sediment, and debris from harbors at Kodiak, Alaska. The provision provides the Corps of Engineers with the authorization to spend the $1,500,000 already appropriated in Fiscal Years 2002 and 2003 to dredge the St. Paul Harbor entrance channel and clear the St. Herman's Harbor entrance channel of rubble from the breakwater. The Committee is aware that the Corps is considering reprogramming the funds appropriated for this project due to the lack of authorization. The Committee directs the Corps to refrain from reprogramming funds appropriated for this action.

*Section 5022. Augusta and Clarendon, Arkansas*

Authorizes the Secretary to perform operation, maintenance and rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas. Requires the

Secretary to seek reimbursement from the Secretary of the Interior for the share of the cost of performing such maintenance and repair allocated to benefits to a Federal wildlife refuge.

*Section 5023. Loomis Landing, Arkansas*

Directs the Secretary to conduct a study to determine if shore damage in the vicinity of Loomis Landing, Arkansas is the result of a Federal navigation project, and to mitigate any such damage that has occurred.

*Section 5024. McClellan-Kerr Arkansas River navigation project, Arkansas and Oklahoma*

Modifies the McClellan-Kerr Arkansas River navigation project to authorize a channel depth of 12 feet in the States of Arkansas and Oklahoma.

*Section 5025. St. Francis River basin, Arkansas and Missouri*

Directs the Secretary to conduct a study to determine if increased siltation and streambank erosion are the results of a Federal flood control project, and to mitigate such siltation and erosion in the St. Francis River basin.

*Section 5026. Cambria, California*

Amends section 219(f)(48) of the Water Resources Development Act of 1992 to direct the Secretary to provide credit toward the non-Federal share of the cost of the work performed by the non-Federal interest, not to exceed $3,000,000, if an integral part of the project.

*Section 5027. Contra Costa Canal, Oakley and Knightsen, California; Mallard Slough, Pittsburg, California*

Amends sections 512 and 514 of the Water Resources Development Act of 2000 to ensure that all planning, study, design and construction of the flood damage reduction projects at Contra Costa Canal, Oakley and Knightsen, California, and Mallard Slough, Pittsburg, California are carried out by the district engineer in San Francisco, California.

*Section 5028. East San Joaquin County, California*

Amends section 219(f)(22) of the Water Resources Development Act of 1992 to direct the Secretary to provide credit toward the non-Federal share of the cost of the work performed by the non-Federal interest, if determined by the Secretary to be an integral part of the project and to allow the non-Federal share to be provided in the form of in-kind contributions.

*Section 5029. Sacramento Area, California*

Amends section 219(f)(23) of the Water Resources Development Act of 1992 to increase the authorization.

*Section 5030. Sacramento Deep Water Ship Channel, California*

Authorizes the Secretary to transfer the title of the Bascule Bridge near the Sacramento Deep Water Ship Channel, California, project to the city of West Sacramento, California, and authorizes $5,000,000 for replacement of the bridge.

*Section 5031. San Francisco, California*

Authorizes the Secretary to remove a wharf and associated pilings and dredged material at Pier 70 in San Francisco, at a cost not to exceed $1,600,000, and to carry out repairs at Piers 94–96 in San Francisco, at a cost not to exceed $5,000,000. Also authorizes the Secretary to establish an office at the office of the district engineer, San Francisco, to coordinate permits and environmental reviews for the city's Capital Improvement Project, if the costs are reimbursed by the non-Federal interest.

*Section 5032. San Francisco, California, waterfront area*

Declares a portion of the San Francisco, California, waterfront to be nonnavigable.

*Section 5033. Stockton, California*

Directs the Secretary to evaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, to determine the eligibility of such elements for reimbursement. Directs the Secretary to provide reimbursement if such elements of the project are technically sound, environmentally acceptable, and economically justified.

*Section 5034. Charles Hervey Townshend Breakwater, Connecticut*

Redesignates a breakwater in New Haven Harbor, Connecticut as the "Charles Hervey Townshend Breakwater."

*Section 5035. Everglades Restoration, Florida*

Amends the authorization of the Comprehensive Everglades Restoration Plan to incorporate certain pre-existing projects into the Plan, to provide an authorization ceiling for outreach and assistance, and to increase the authorization ceiling for certain critical restoration projects.

*Section 5036. Florida Keys water quality improvements*

Authorizes the Secretary to credit toward the non-Federal share, the cost of project work carried out prior to the execution of the partnership agreement.

*Section 5037. Lake Worth, Florida*

Authorizes the Secretary to carry out necessary repairs for the Lake Worth bulkhead replacement project, West Palm Beach, Florida.

*Section 5038. Lake Lanier, Georgia*

Authorizes the Secretary to assist with the planning, design and construction of the Lake Lanier Olympic Center, Georgia, at a total cost of $5,300,000.

*Section 5039. Riley Creek Recreation Area, Idaho*

Authorizes the Secretary to carry out the Riley Creek Recreation Area Master Plan for the Corps of Engineers project at Albeni Falls Dam, Bonner County, Idaho.

*Section 5040. Reconstruction of Illinois flood protection projects*

Authorizes $15,000,000 for the Secretary to participate in the reconstruction of certain levees on the Mississippi River if the Secretary determines that reconstruction is not required due to improper operation and maintenance.

*Section 5041. Kaskaskia River Basin, Illinois, restoration*

Authorizes the Secretary to develop a comprehensive plan for the purpose of restoring the Kaskaskia River basin.

*Section 5042. Natalie Creek, Midlothian and Oak Forest, Illinois*

Directs the Secretary to carry out a small project for flood damage reduction under section 205 of the Flood Control Act of 1948 at Natalie Creek, Midlothian and Oak Forest, Illinois, if feasible, notwithstanding any policies relating to minimum flows.

*Section 5043. Peoria riverfront development, Peoria, Illinois*

Authorizes the Secretary to carry out a project of riverfront development in Peoria, Illinois at a cost of $16,000,000.

*Section 5044. Illinois River Basin restoration*

Extends the authorization for restoration of the Illinois River Basin until 2010. This section also modifies the existing authority that allows the non-Federal share to be met through in-kind services by specifying that such services must have taken place within five years of the project or activity begin carried out. In developing and implementing the computerized inventory and analysis system for the project, the Secretary is directed to consider the Illinois River Decision Support System.

*Section 5045. Calumet Region, Indiana*

Amends section 219(f)(12) of the Water Resources Development Act of 1992 to increase the authorization ceiling and change the geographic scope of the authorization.

*Section 5046. Rathbun Lake, Iowa*

Directs the Secretary to provide water supply at to a regional water association with costs allocated pursuant to existing law, and to provide credit towards these costs for certain in-kind contributions.

*Section 5047. Cumberland River Basin, Kentucky*

Directs the Secretary to continue to charge water storage fees that were in effect on October 1, 2002, at the reservoirs in the Cumberland River Basin, Kentucky.

*Section 5048. Mayfield Creek and tributaries, Kentucky*

Directs the Secretary to conduct a study of flood damage along Mayfield Creek and tributaries between Wickliffe and Mayfield, Kentucky, to determine if the damage is the result of a Federal navigation project and to mitigate any such damage.

*Section 5049. North Fork, Kentucky River, Breathitt County, Kentucky*

Directs the Secretary to rebuild a structure impeding high water flows on the North Fork of the Kentucky River in Breathitt County, Kentucky, to reduce flood damages at a cost of $1,800,000.

*Section 5050. Southern and Eastern Kentucky*

Authorizes the Secretary to use 10% of amounts appropriated to administer projects under this section at 100% Federal expense.

*Section 5051. Coastal Louisiana Ecosystem protection and restoration*

Directs the Corps to develop a comprehensive plan for protecting, preserving and restoring the Coastal Louisiana Ecosystem.

*Section 5052. Baton Rouge, Louisiana*

Amends section 219(f)(21) of the Water Resources and Development Act of 1992 to increase the authorization level.

*Section 5053. West Baton Rouge Parish, Louisiana*

Amends section 517 of the Water Resources Development Act of 1999 to make a technical correction to the description of a project.

*Section 5054. Chesapeake Bay Shoreline, Maryland, Virginia, Pennsylvania, and Delaware*

Authorizes the Secretary to undertake pilot projects during the feasibility study on shoreline erosion and related sediment management issues to protect land and water resources of the Chesapeake Bay.

*Section 5055. Delmarva Conservation Corridor, Maryland*

Authorizes the Secretary to provide technical assistance to the Secretary of Agriculture in carrying out projects under the Conservation Corridor Demonstration Program, and to coordinate and integrate activities of the Secretary of the Army with activities of the Secretary of Agriculture in such conservation corridor.

*Section 5056. Detroit River, Michigan*

Amends shoreline protection project authorization in section 568(c)(2) of the Water Resources Development Act of 1999 to increase the authorization level.

*Section 5057. Oakland County, Michigan*

Amends section 219(f)(29) of the Water Resources Development Act of 1992 to expand the scope of authority.

*Section 5058. St. Clair River and Lake St. Clair, Michigan*

Authorizes the Secretary to carry out feasible aquatic ecosystem restoration projects identified in the comprehensive management plan for St. Clair River and Lake St. Clair, Michigan, at a Federal cost not to exceed $5,000,000.

*Section 5059. Garrison and Kathio Township, Minnesota*

Amends section 219(f)(61) of the Water Resources Development Act of 1992 to specify the entity to receive assistance, and to au-

thorize the Secretary to use the contracting procedures developed under section 569 of the Water Resources Development Act of 1999.

*Section 5060. Northeastern Minnesota*

Amends section 569 of the Water Resources Development Act of 1999 to change the geographic scope of the authorization, to authorize non-profit entities to serve as non-Federal sponsors, and to allow 10% of amounts appropriated to be used for administrative expenses. Directs the Secretary to reimburse the non-Federal sponsor of the environmental infrastructure project in Biwabik, Minnesota, for project costs that exceed the non-Federal share of project costs.

*Section 5061. Desoto County, Mississippi*

Amends section 219(f)(30) of the Water Resources Development Act of 1992 to increase the authorization.

*Section 5062. Harrison, Hancock, and Jackson Counties, Mississippi*

Authorizes the Secretary to accept any portion of the non-Federal share of the cost of ecosystem restoration projects within Harrison, Hancock, and Jackson Counties, Mississippi, in the form of in-kind contributions.

*Section 5063. Mississippi River, Missouri, and Illinois*

Authorizes the Secretary to conduct environmental restoration at the project for the Mississippi River (Regulating Works), between the Ohio and Missouri Rivers, Missouri and Illinois.

*Section 5064. St. Louis, Missouri*

Amends section 219(f)(32) of the Water Resources Development Act of 1992 to increase the authorization.

*Section 5065. Hackensack Meadowlands area, New Jersey*

Amends ecosystem management project program authorized under section 324 of the Water Resources Development Act of 1992 to change the non-Federal sponsor, expand the scope of the authorization, allow credit for in-kind services, and increase the authorization of appropriations.

*Section 5066. Atlantic Coast of New York*

Amends monitoring program authorized under section 404(a) of the Water Resources Development Act of 1992 to clarify the scope of the program, require annual reports, and extend the authorization.

*Section 5067. College Point, New York City, New York*

Authorizes the Secretary to give priority to environmental dredging in College Point, Queens, New York.

*Section 5068. Flushing Bay and Creek, New York City, New York*

Directs the Secretary to provide credit for the cost of work performed by the non-Federal interest for ecosystem restoration for Flushing Bay and Creek, New York City, New York, if an integral part of the project.

*Section 5069. Little Neck Bay, Village of Kings Point, New York*

Authorizes the Secretary to carry out a navigation project at Little Neck Bay, Village of Kings Point, New York, to allow safe operation of the vessel T/V Kings Pointer and directs the Secretary to seek reimbursement from the United States Merchant Marine Academy.

*Section 5070. Onondaga Lake, New York*

Increases the authorization for the environmental restoration program at Onondaga Lake, New York, to $30,000,000 and allows nonprofit entities to be non-Federal sponsors.

*Section 5071. John H. Kerr Dam and Reservoir, North Carolina*

Authorizes the Secretary to expedite, negotiate and execute a permanent contract for water supply storage at John H. Kerr Dam and Reservoir, North Carolina.

*Section 5072. Stanly County, North Carolina*

Amends section 219(f)(64) of the Water Resources Development Act of 1992 to expand the scope of the authority.

*Section 5073. Central Riverfront Park, Cincinnati, Ohio*

Authorizes the Secretary to provide credit toward the non-Federal share of the cost of a project at Central Riverfront, Cincinnati, Ohio, for design and construction work and lands provided by the non-Federal interest, if the project is subsequently authorized and if the work is integral to the project.

*Section 5074. Piedmont Lake Dam, Ohio*

Directs the Secretary to upgrade the road on Piedmont Lake Dam, Ohio, to public use standards when reconstructing the road as part of a project for dam safety. Provides that any increase in cost, between the cost of a road the Secretary would otherwise build as part of the project, and the cost of a road that meets public use standards, shall be a local cost.

*Section 5075. Ohio*

Amends section 594 of the Water Resources Development Act to increase the authorization.

*Section 5076. Waurika Lake, Oklahoma*

Provides that the remaining obligation of the Waurika Project Master Conservancy District agreed to on June 3, 1986, payable to the U.S. Government, may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States Government.

*Section 5077. Columbia River, Oregon*

Amends section 401(b)(3) of Public Law 100–581 to include Celilo Village, Oregon.

*Section 5078. Eugene, Oregon*

Directs the Secretary to conduct a study of the feasibility of restoring the millrace in Eugene, Oregon and, if feasible, carry out

the restoration. Also directs the Secretary to include non-economic benefits when determining feasibility.

*Section 5079. John Day Lock and Dam, Lake Umatilla, Oregon and Washington*

Directs the Secretary to pay $2,500,000 for research and curation support provided to the Federal Government as a result of the multi-purpose project and the several navigation and flood damage reduction projects constructed on the Columbia River and Lower Willamette River, Oregon and Washington.

*Section 5080. Lowell, Oregon*

Authorizes the Secretary to convey land in Lowell, Oregon.

*Section 5081. Hagerman's Run, Williamsport, Pennsylvania*

Authorizes the Secretary to rehabilitate pumps at a project for flood damage reduction, Hagerman's Run, Williamsport, Pennsylvania, at a total cost of $225,000.

*Section 5082. Northeast Pennsylvania*

Amends section 219(f)(11) of the Water Resources Development Act of 1992 to modify the geographic scope of the authorization.

*Section 5083. Susquehannock Campground access road, Raystown Lake, Pennsylvania*

Authorizes the Secretary to provide up to $500,000 for improvements to the Susquehannock Campground access road at the Corps of Engineers project at Raystown Lake, Pennsylvania.

*Section 5084. Upper Susquehanna River Basin, Pennsylvania and New York*

Amends the authorization for flood damage reduction and environmental restoration under section 567 of the Water Resources Development Act of 1992 to increase the authorization and to authorize pilot projects not to exceed $500,000. The amendment also substitutes the word "cooperative" for the word "cooperation" in describing the agreements under which the Corps is able to obtain the assistance of non-Federal interests in carrying out the project. This will clarify that the Corps may work directly with public and non-profit organizations with expertise in wetland and stream restoration, including organizations such as Ducks Unlimited and local soil and water conservation districts. Finally, the amendment provides for credit against the non-Federal share of work done by local sponsors where such work is integral to the project and acceptance of in-kind services and materials provided by non-Federal interests.

*Section 5085. Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania*

Amends section 219(f)(70) of the Water Resources Development Act of 1992 to increase the authorization ceiling.

*Section 5086. Cano Martin Pena, San Juan, Puerto Rico*

Directs the Secretary to review a report prepared by the non-Federal interest concerning flood protection and environmental res-

toration for Cano Martin Pena, San Juan, Puerto Rico, and, if feasible, authorizes the Secretary to carry out the project at a total cost of $130,000,000, with an estimated Federal cost of $85,000,000 and an estimated non-Federal cost of $45,000,000.

*Section 5087. Beaufort and Jasper Counties, South Carolina*

Authorizes the Secretary to accept and use $23,000,000 from the United States Navy to assist Beaufort and Jasper Counties, South Carolina, with its plan to consolidate civilian and military wastewater facilities.

*Section 5088. Cooper River, South Carolina*

Authorizes $5,000,000 for technical and financial assistance for the removal of the Grace and Pearman Bridges over the Cooper River, South Carolina.

*Section 5089. Lakes Marion and Moultrie, South Carolina*

Amends section 219(f)(25) of the Water Resources Development Act of 1992 to increase the authorization ceiling.

*Section 5090. Upper Big Sioux River, Watertown, South Dakota*

Directs the Secretary to review the project for flood damage reduction, Upper Big Sioux River Basin, Watertown, South Dakota, and construct the project, if feasible. Also authorizes credit toward planning and design work performed by the non-Federal sponsor.

*Section 5091. Fritz Landing, Tennessee*

Directs the Secretary to conduct a study of the Fritz Landing Agricultural Spur Levee, Tennessee, to determine the extent of levee modifications that would be required to bring the levee and associated drainage structures up to Federal standards, to design and construct such modifications, and to incorporate the levees into the project for flood control, Mississippi River and Tributaries.

*Section 5092. Memphis, Tennessee*

Authorizes the Secretary to review the aquatic ecosystem restoration component of the Memphis Riverfront Development Master Plan prepared by the non-Federal interest and, if the Secretary determines that the component meets the evaluation and design standards of the Corps of Engineers, authorizes the Secretary to carry out that component at a total Federal cost not to exceed $5,000,000.

*Section 5093. Town Creek, Lenoir City, Tennessee*

Directs the Secretary to construct the project for flood damage reduction designated as Alternative 4 in the Town Creek, Lenoir City, Loudon City, Tennessee, in accordance with the feasibility report of the Nashville district engineer dated November 2000, at a total cost not to exceed $1,250,000, notwithstanding any policies relating to minimum flows.

*Section 5094. Tennessee River Partnership*

Authorizes the Secretary to enter into a partnership with a nonprofit entity to remove debris from the Tennessee River in the vicinity of Knoxville, Tennessee.

*Section 5095. Clear Creek and Tributaries, Harris and Galveston Counties, Texas*

Directs the Secretary to expedite the report on the feasibility of the project for flood damage reduction, ecosystem restoration, and recreation, Clear Creek and tributaries, Harris and Galveston Counties, Texas.

*Section 5096. Harris County, Texas*

Section 575(a) of the Water Resources Development Act of 1996 to ensure that measures funded in part by the hazard mitigation grant program of the Federal Emergency Management Agency are considered measures taken by the non-Federal interest, for the purpose of evaluating the pre-project conditions.

*Section 5097. Harris Gully, Harris County, Texas*

Directs the Secretary to conduct a study to determine the feasibility of carrying out a project for flood damage reduction to protect the Texas Medical Center, Houston, Texas, using studies and plans developed by the non-Federal sponsor, to the maximum extent practicable. Also authorizes the Secretary to carry out critical flood damage reduction projects, at a Federal cost not to exceed $7,000,000, authorizes credit for work performed by the non-Federal interest if integral to the project, and authorizes a non-profit entity to serve as the non-Federal interest.

*Section 5098. Onion Creek, Texas*

Directs the Secretary to include costs and benefits associated with relocations occurring during the 2-year period of time before the feasibility study as project costs and benefits, and to provide credit toward the non-Federal share for the cost of relocations carried out before the date of the cooperation agreement if integral to the project.

*Section 5099. Pelican Island, Texas*

Amends section 108(a) of the Energy and Water Appropriations Act, 1994, to authorize the Secretary to provide a letter of intent to the city of Galveston, Texas, to convey property currently being used for management of dredged material, under certain terms and conditions.

*Section 5100. Front Royal, Virginia*

Amends section 591 of the Water Resources Development Act of 1999 to increase the authorization for Front Royal, Virginia.

*Section 5101. Richmond National Battlefield Park, Richmond, Virginia*

Authorizes the Secretary to carry out bluff stabilization measures on the James River to protect a Civil War battlefield known as Drewry's Bluff. Directs the Secretary to seek reimbursement from the Secretary of the Interior.

*Section 5102. Baker Bay and Ilwaco Harbor, Washington*

Directs the Secretary to conduct a study to determine if increased siltation is the result of a Federal navigation project and,

if so, to mitigate the siltation in the Baker Bay and Ilwaco Harbor, Washington.

*Section 5103. Chehalis River, Centralia, Washington*

Directs the Secretary to provide credit for the cost of work performed by the non-Federal interest for flood damage reduction if determined by the Secretary to be an integral part of the project.

*Section 5104. Hamilton Island Campground, Washington*

Authorizes the Secretary to plan, design and construct a campground for Bonneville Lock and Dam at Hamilton Island in Skamania County, Washington.

*Section 5105. Puget Island, Washington*

Directs the Secretary to place dredged and other suitable material along portions of the Columbia River shoreline of Puget Island, at a Federal cost not to exceed $1,000,000.

*Section 5106. Bluestone, West Virginia*

Amends section 547 of the Water Resources Development Act of 2000 to allow the hydroelectric power feature of the Bluestone, West Virginia, project to be privately constructed and owned.

*Section 5107. West Virginia and Pennsylvania flood control*

Amends section 581 of the Water Resources Development Act of 1996 to expand the scope of the authority and to increase the authorization ceiling.

*Section 5108. Lower Kanawha River Basin, West Virginia*

Directs the Secretary to conduct a watershed and river basin assessment for the Lower Kanawha River Basin, in certain counties in West Virginia.

*Section 5109. Central West Virginia*

Amends section 571 of the Water Resources Development Act of 1999 to modify the geographic scope of the authorization, to allow nonprofit entities to serve as non-Federal interests, and to allow 10% of appropriated amounts to be used for administrative expenses.

*Section 5110. Southern West Virginia*

Amends section 340 of the Water Resources Development Act of 1992 to modify the geographic scope of the authorization, to allow nonprofit entities to serve as non-Federal interests, and to allow 10% of appropriated amounts to be used for administrative expenses.

*Section 5111. Construction of flood control projects by non-Federal interests*

Adds the following projects to the list of projects that may be constructed by non-Federal interests under Section 211(f) of the Water Resources Development Act of 1996: (1) Buffalo Bayou, Texas; Halls Bayou, Texas; and (2) St. Paul Downtown Airport (Holman Field), St. Paul, Minnesota.

*Section 5112. Bridge authorization*

Authorizes $20,000,000 for construction of the permanent bridge referred to in Section 1001(1).

*Section 5113. Additional assistance for critical projects*

Authorizes the Secretary to design and construct environmental infrastructure projects in the following locations:
(1) Plaquemine, Louisiana.
(2) Charleston, South Carolina.
(3) Cross, South Carolina.
(4) Surfside, South Carolina.
(5) North Myrtle Beach, South Carolina.
(6) Tia Juana Valley, California.
(7) Cabarrus County, North Carolina.
(8) Richmond County, North Carolina.
(9) Union County, North Carolina.
(10) Washington, District of Columbia.
(11) South Los Angeles County.
(12) Indianapolis, Indiana.
(13) Henderson, Nevada.
(14) Sennet, New York.
(15) Ledyard and Montville, Connecticut.
(16) Awendaw, South Carolina.
(17) St. Clair County, Alabama.
(18) East Bay, San Francisco and Santa Clara Areas, California.
(19) Athens, Tennessee.
(20) Warwick, New York.
(21) Kiryas Joel, New York.
(22) Whittier, California.
(23) Anacostia River, District of Columbia and Maryland.
(24) Duchesne, Iron, and Uintah Counties, Utah.
(25) Hancock, Harrison, Jackson, and Pearl River Counties, Mississippi.

*Section 5114. Use of Federal hopper dredge fleet*

Authorizes the Secretary to conduct a study and issue a report to Congress on the appropriate use of the Federal hopper dredge fleet. The study shall determine the appropriate use of the fleet, analyze costs and benefits of existing and proposed restrictions, and assess the data and procedure used by the Secretary to prepare cost estimates for work performed by the Federal hopper dredge fleet.

## ADDITIONAL MATTERS

The water levels of the Great Lakes are cyclical, rising and falling as temperature and precipitation patterns naturally change over the years. Currently, the level of Lake Huron is in a low period, exposing muck and vegetation that can be both unhealthy and unsightly. This exposed lake bottom also can serve as a breeding ground for mosquitoes. The Committee is aware that some owners of property on Lake Huron, in Saginaw Bay, have tried to clean up this muck and vegetation. As a result of these beach maintenance activities, the Corps of Engineers has issued cease and desist orders and threatened some landowners with penalties under section

404 of the Clean Water Act and section 10 of the Rivers and Harbors Act. In fact, the Detroit District informed this Committee, "[I]n an effort to keep such unauthorized work from spreading across the entire Saginaw Bay, we secured assistance from the US Attorneys Office to take action against three, randomly chosen parties," threatening criminal penalties.

The Committee is concerned about how the Detroit District chose to address this situation. The Committee directs the Corps of Engineers to continue to examine its enforcement measures, and emphasize education and compliance assistance to carry out its regulatory responsibilities.

The Committee is aware that in May 2003, the Secretary issued a regional permit concerning the leveling of sand. The Secretary has determined that certain other maintenance activities of these landowners are not regulated activities (such as mowing, debris removal, or other de minimis activities). Notwithstanding this progress, the Committee remains concerned about this issue. Where there are other beach maintenance activities that may be subject to regulation, the Committee directs the Corps of Engineers to work with the property owners to minimize the effects of such activities and bring them within the scope of a general or regional permit.

In section 2027, discussed above, this legislation provides the Secretary with authority to coordinate Federal, State, and local approvals for certain water-related non-Federal projects. In section 2028, also discussed above, this legislation provides for a coordinated process for the review and approval of Corps of Engineers water resources projects. Under these sections, the Corps of Engineers is expected to demonstrate leadership and facilitate the coordination of the activities of many agencies. However, there are other projects that are not water projects and for which the Corps of Engineers must provide an approval, but is not the lead agency. For these projects, the Committee expects the Corps of Engineers to cooperate with other agencies and to help the lead agency streamline any necessary reviews and approvals. Unfortunately, the Committee is aware of circumstances where the Corps of Engineers has not done so.

For example, where a permit application is subject to a rigorous and comprehensive State environmental review process that includes adjudicatory hearings, a parallel Federal process may be duplicative, time consuming and unnecessary. This is especially true in cases where a State environmental review process substantially meets or exceeds the scope of issues that would be reviewed under Federal law. In such cases, the Corps of Engineers should consider using existing, credible documentation and expeditiously conclude the environmental review of publicly noticed applications. For example, in the case of a permit application for a cement supply-loading terminal in Hudson, New York, the State of New York has conducted a 3-year comprehensive environmental review of the proposed project. The Corps' decision on the permit application could be based on the information provided in the State's review thus avoiding duplicative studies and expediting the decision.

The Committee also is aware of a permit application that is pending for the Islander East Interstate Natural Pipeline from Connecticut to Long Island. After an extensive review, this project

has received approval from the Federal Energy Regulatory Commission (FERC). The New England District of the Corps of Engineers, however, has said that it will use a different definition of the project purpose in its analysis of the project, even though FERC is the lead Federal agency for this project and extensively reviewed this issue during their approval process. The Corps' actions are contrary to the Committee's objective to streamline approvals of needed infrastructure. The Corps should defer to the project purpose as determined by the lead Federal agency, in this case FERC.

Finally, the Committee also is aware of problems with an invasive aquatic species known as tamarisk, or salt cedar, that is using 2 to 4.5 million acre-feet of water in reservoirs on the West Coast. The Corps of Engineers has a great deal of expertise in aquatic plant control through its Aquatic Plant Control Research Program. The Committee encourages the Corps to look for opportunities to use this program to assist with the control of tamarisk.

## LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

The Subcommittee on Water Resources and Environment held three days of hearings on projects, programs and policies during the development of the Water Resources Development Act of 2002 on March 7, 2002; April 10, 2002; and April 17, 2002. During these hearings, testimony was received from 30 witnesses, including Members of Congress, the Administration, project sponsors, national water resources development and environmental organizations, and State and local officials. Chairman Young, Ranking Democratic Member Oberstar, Subcommittee Chairman Duncan and then Ranking Democratic Member DeFazio introduced H.R. 5428, the "Water Resources Development Act of 2002 on September 23, 2002. The Subcommittee on Water Resources and Environment marked up H.R. 5428 on September 24, 2002. On September 25, 2002, the Committee on Transportation and Infrastructure marked up H.R. 5428, and on October 2, 2002, reported it favorably to the House. No further action was taken on that legislation.

On February 27, 2003, the Subcommittee held a hearing on the Corps of Engineers' Budget and Priorities for FY 2004, receiving testimony from the Acting Assistant Secretary of the Army for Civil Works. Additionally, the Subcommittee held a hearing on independent peer review of products that support agency decision-making on March 5, 2003.

H.R. 2557, the "Water Resources Development Act of 2003," was introduced on June 23, 2003, by Chairman Don Young and Subcommittee Chairman John J. Duncan, Jr. H.R. 2557 is largely based on H.R. 5428 from the 107th Congress.

On July 17, 2003, the Subcommittee on Water Resources and Environment marked up H.R. 2557, approved by voice vote a manager's amendment offered by Mr. Duncan, and reported the bill, as amended, favorably to the Full Committee by voice vote. The Transportation and Infrastructure Committee met in open session on July 23, 2003, and adopted by voice vote a manager's amendment, offered by Mr. Duncan. The Committee ordered the bill, H.R. 2557, as amended, favorably reported to the House by voice vote.

## ROLLCALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each roll call vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with ordering H.R. 2557 reported. A motion to order H.R. 2557 reported favorably to the House, with an amendment, was agreed to by voice vote.

## COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

## COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

## COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are the improvement of navigation, flood damage reduction, shoreline protection, dam safety, water supply, recreation, and environmental restoration and protection.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 2557 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, September 3, 2003.*

Hon. DON YOUNG,
*Chairman, Committee on Transportation and Infrastructure,*
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2557, the Water Resources Development Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Rachel Milberg.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
*Director.*

Enclosure.

*H.R. 2557—Water Resources Development Act of 2003*

Summary: H.R. 2557 would authorize the Secretary of the Army, acting through the Army Corps of Engineers, to conduct water resource studies and undertake specified projects and programs for flood control, inland navigation, shoreline protection, and environmental restoration. The bill would authorize the Secretary to conduct studies on water resource needs and feasibility studies for specified projects and to convey ownership of certain federal properties. Finally, the bill would extend, terminate, or modify existing authorizations for various water projects and would authorize new programs to develop water resources and protect the environment.

Assuming appropriation of the necessary amounts, including adjustments for increases in anticipated inflation, CBO estimates that implementing H.R. 2557 would cost about $2.6 billion over the 2004–2008 period and an additional $2.1 billion over the 10 years after 2008. (Some construction costs and operations and maintenance would continue or occur after those first 15 years.) In addition, CBO estimates that enacting H.R. 2557 would increase direct spending by $17 million over the 2004–2008 period and by $32 million over the 2004–2013 period.

H.R. 2557 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Federal participation in water resources projects and programs authorized by this bill would benefit state, local, and tribal governments, and any costs incurred by those governments to comply with the conditions of this federal assistance would be voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2557 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and the environment).

| | By fiscal year, in millions of dollars— | | | | |
|---|---|---|---|---|---|
| | 2004 | 2005 | 2006 | 2007 | 2008 |
| CHANGES IN SPENDING SUBJECT TO APPROPRIATION | | | | | |
| Estimated authorization level | 808 | 612 | 478 | 445 | 375 |
| Estimated outlays | 566 | 671 | 518 | 455 | 396 |
| CHANGES IN DIRECT SPENDING | | | | | |
| Estimated budget authority | 5 | 3 | 3 | 3 | 3 |
| Estimated outlays | 5 | 3 | 3 | 3 | 3 |

Basis of estimate: For this estimate, CBO assumes that H.R. 2557 will be enacted near the beginning of fiscal year 2004 and that the necessary amounts will be appropriated for each fiscal year.

*Spending subject to appropriation*

For new water projects specified in the bill, the Corps provided CBO with estimates of annual budget authority needed to meet de-

sign and construction schedules. CBO adjusted those estimates to reflect the impact of anticipated inflation during the time between project authorization and appropriation of construction costs. Estimated outlays are based on historical spending rates for Corps projects. For ongoing construction costs of previously authorized projects, the Corps received a 2003 appropriation of $1.8 billion.

H.R. 2557 would authorize new projects related to environmental restoration, shoreline protection, and navigation. Two of the larger projects that would be authorized by the bill include a project for hurricane and storm damage reduction in Louisiana with an estimated federal cost of $467 million and a project to reduce flood damage and restore the environment in California with an estimated federal cost of $201 million. In addition, this bill would modify many existing Corps projects and programs by increasing the amounts authorized to be appropriated to construct or maintain them or by increasing the federal share of project costs. For example, section 2003 would authorize an increase in the federal share of the construction, operations, and maintenance of some deepwater navigation projects. CBO estimates that this provision would increase federal costs by about $70 million over the 2004–2008 period. In the 10-year period after 2008, however, the cost of this provision could increase by over $30 million a year, subject to the availability of appropriated funds for deepwater navigation projects.

H.R. 2557 also would withdraw the authority for the Corps to build over 30 projects authorized in previous legislation. Based on information from the Corps, however, CBO does not expect that the Corps would begin most of these projects over the next five years. Some do not have a local sponsor to pay nonfederal costs, others do not pass certain tests for economic viability, and still others do not pass certain tests for environmental protection. Consequently, CBO estimates that taking away the authority to build these projects would provide no significant savings over the next several years.

*Direct spending*

CBO estimates that enacting H.R. 2557 would increase direct spending by $17 million over the 2004–2008 period and by about $3 million each year after 2008. Components of this cost are described below.

Spending of Recreation Fees. Section 2017 would permanently authorize the Corps to retain and spend annual recreation fees collected in excess of $34 million a year. The Corps' authority to retain and spend those fees expired at the end of fiscal year 2002. CBO estimates that this extension would cost about $3 million a year.

Rathbun Lake Project. Section 5046 would authorize the Secretary to convey a certain portion of the water supply storage capacity of Rathbun Lake to the Rathbun Regional Water Association. In exchange, the water association would fund, construct, operate, and maintain a regional visitor center complex on federal land at Rathbun Lake in Iowa. CBO estimates that enacting this section would cost about $2 million in 2004 because the Corps would forgo receipts that the Rathbun Regional Water Association

would otherwise have to pay for the unallocated water supply storage.

Waurika Lake Project. Section 5076 would eliminate the obligation of the Waurika Project Master Conservancy District in Oklahoma to pay its outstanding debt related to the construction of a water conveyance project. Due to an accounting error, the Corps inadvertently undercharged the district for costs association with a land purchase related to the water project in the early 1980s. Under the terms of the construction contract, the district is required to pay all costs associated with building the project, including the full cost of the land purchases. CBO estimates that enacting this section would cost less than $200,000 a year over the 2004–2013 period.

Annual Passes for Recreation—Raystown Lake, Pennsylvania. Section 2001 would extend for one year a pilot project that allows the Corps to charge lower fees at its Raystown Lake recreation facility in Pennsylvania by one year. CBO estimates that extending the program until December 31, 2004, would cost less than $100,000 over the next two years.

Funding to Process Permits. Section 2004 would extend the Corps' current authority for two more years to accept and spend funds contributed by private firms to expedite the evaluation of permit applications submitted to the Corps. CBO estimates that the Corps would accept and spend less than $500,000 during each year of this extension and that the net budgetary impact of this provision would be negligible.

Elizabeth River Project. Section 3089 would eliminate the obligation of the city of Chesapeake, Virginia, to pay its outstanding debt to the federal government related to the construction of a navigation channel. Section 358 of the Water Resources Development Act of 1999 waived the city's obligation to repay its share of the cost of construction of the channel that remained unpaid as of September 30, 1999. That act, however, did not eliminate the city's responsibility to pay those amounts in arrears prior to September 30, 1999. CBO estimates that the cost of this additional debt forgiveness would be less than $500,000 in 2004.

Cumberland River Basin Reservoirs. Section 5047 would authorize the Corps to continue to charge certain reservoir projects in Kentucky and Tennessee reduced rates on municipal and industrial water supply storage. CBO estimates that enacting this provision would result in a loss of about $25,000 in receipts each year to the Corps.

Various Land Conveyances. H.R. 2557 would authorize the Corps to convey certain lands in Kansas and Oregon. Section 3098 would authorize the Corps to convey 7.4 acres to Geary County, Kansas, for the construction, operation, and maintenance of a fire station. In addition, section 5080 would authorize the Corps and the U.S. Forest Service to convey approximately three acres of land and buildings in Lowell, Oregon, to the Lowell School District. CBO estimates that those conveyances would have no significant impact on the federal budget.

Intergovernmental and private-sector impact: H.R. 2557 contains no intergovernmental or private-sector mandates as defined in UMRA. Federal participation in water resources projects and programs authorized by this bill would benefit state, local, and tribal

governments. Governments that choose to participate in those projects would incur costs to comply with the conditions of the federal assistance, including cost-sharing requirements, but such costs would be voluntary. In addition, some state and local governments participating in ongoing water resources projects would benefit from provisions in the bill that would alter existing cost-sharing obligations. Many of those provisions would make it easier for nonfederal participants to meet their obligations by giving them credit for expenses they have already incurred or by expanding the types of expenditures counted as part of the nonfederal share.

Estimate prepared by: Federal Costs: Julie Middleton and Rachel Milberg. Impact on State, Local, and Tribal Governments: Marjorie Miller. Impact on the Private Sector: Cecil McPherson.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

## FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act. (Public Law 104–4).

## PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1994 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local or Tribal law. The Committee states that H.R. 2557 does not preempt any State, local, or Tribal law.

## ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

## APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act. (Public Law 104–1).

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omit-

ted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**WATER RESOURCES DEVELOPMENT ACT OF 1996**

* * * * * * *

# TITLE II—GENERAL PROVISIONS

* * * * * * *

**SEC. 208. RECREATION POLICY AND USER FEES.**

(a) * * *

* * * * * * *

(c) ALTERNATIVE TO ANNUAL PASSES.—

(1) * * *

* * * * * * *

(4) EXPIRATION OF AUTHORITY.—The authority to establish an annual pass under paragraph (2) shall expire on ¿the December 31, 2003 *December 31, 2004*.

* * * * * * *

**SEC. 211. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.**

(a) * * *

* * * * * * *

(f) SPECIFIC PROJECTS.—For the purpose of demonstrating the potential advantages and effectiveness of non-Federal implementation of flood control projects, the Secretary shall enter into agreements pursuant to this section with non-Federal interests for development of the following flood control projects by such interests:

(1) * * *

* * * * * * *

*(9) BUFFALO BAYOU, TEXAS.—The project for flood control, Buffalo Bayou, Texas.*

*(10) HALLS BAYOU, TEXAS.—The project for flood control, Halls Bayou, Texas.*

*(11) ST. PAUL DOWNTOWN AIRPORT (HOLMAN FIELD), ST. PAUL, MINNESOTA.—The project for flood damage reduction, St. Paul Downtown Airport (Holman Field), St. Paul, Minnesota.*

* * * * * * *

**SEC. 217. DREDGED MATERIAL DISPOSAL FACILITY PARTNERSHIPS.**

(a) * * *

* * * * * * *

*(c) GOVERNMENTAL PARTNERSHIPS.—*

*(1) IN GENERAL.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (includ-*

*ing any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government. One or more of the parties of the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility. If appropriate, the Secretary may combine portions of separate construction or maintenance appropriations from separate Federal projects with the appropriate combined cost-sharing between the various projects when the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.*

*(2) PUBLIC FINANCING.—*

*(A) AGREEMENTS.—*

*(i) SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.—The cost-sharing agreement used shall clearly specify the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects and the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.*

*(ii) MANAGEMENT OF SEDIMENTS.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnership agreements. The cost-sharing agreement may allow the non-Federal sponsor to receive reimbursable payments from the Federal Government for commitments made by the sponsor for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.*

*(iii) CREDIT.—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.*

*(B) CREDIT.—Nothing in this subsection supersedes or modifies existing agreements between the Federal Government and any non-Federal sponsors for the cost-sharing, construction, and operation and maintenance of Federal navigation projects. Subject to the approval of the Secretary and in accordance with existing laws, regulations, and policies, a non-Federal public sponsor of a Federal navigation project may seek credit for funds provided in the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project. The non-Federal sponsor shall be responsible for providing all necessary lands, easements, rights-of-way, or relocations associated with the facility and shall receive credit for these items.*

¿(c) *(d)* PUBLIC-PRIVATE PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary may carry out a program to evaluate and implement opportunities for public-private part-

nerships in the design, construction, management, or operation *and maintenance* of dredged material *processing, treatment, or* disposal facilities in connection with construction or maintenance of Federal navigation projects. If a non-Federal interest is a sponsor of the project, the Secretary shall consult with the non-Federal interest in carrying out the program with respect to the project.

(2) PRIVATE FINANCING.—

(A) AGREEMENTS.—In carrying out this subsection, the Secretary may enter into an agreement with a non-Federal interest with respect to a project, a private entity, or both for the acquisition, design, construction, management, or operation *and maintenance* of a dredged material *processing, treatment, or* disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material) using funds provided in whole or in part by the private entity.

* * * * * * *

# TITLE V—MISCELLANEOUS PROVISIONS

* * * * * * *

**SEC. 501. LAND CONVEYANCES.**

(a) * * *

* * * * * * *

(g) BOARDMAN, OREGON.—

(1) IN GENERAL.—The Secretary shall convey to the ¿city of Boardman, *the Boardman Park and Recreation District, Boardman,* Oregon, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 141 acres acquired as part of the John Day Lock and Dam project in the vicinity of ¿such city *the city of Boardman* currently under lease to the Boardman Park and Recreation District.

* * * * * * *

**SEC. 510. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.**

(a) * * *

* * * * * * *

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section ¿$10,000,000 *$30,000,000*.

* * * * * * *

**SEC. 528. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.**

(a) * * *

(b) RESTORATION ACTIVITIES.—

(1) * * *

* * * * * * *

(3) CRITICAL RESTORATION PROJECTS.—

(A) * * *

* * * * * * *

(C) AUTHORIZATION OF APPROPRIATIONS.—

(i) IN GENERAL.—There is authorized to be appropriated to the Department of the Army to pay the Federal share of the cost of carrying out projects under subparagraph (A) ¿$75,000,000 for the period consisting of fiscal years 1997 through 2003 *$95,000,000*.

(ii) FEDERAL SHARE.—The Federal share of the cost of carrying out any 1 project under subparagraph (A) shall be not more than ¿$25,000,000 *$30,000,000*.

* * * * * * *

**SEC. 531. SOUTHERN AND EASTERN KENTUCKY.**

(a) * * *

* * * * * * *

*(i) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section for fiscal years 2004 and thereafter may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.*

* * * * * * *

**SEC. 553. NEW YORK STATE CANAL SYSTEM.**

(a) * * *

* * * * * * *

¿(c) NEW YORK STATE CANAL SYSTEM DEFINED.—In this section, the term "New York State Canal System" means the Erie, Oswego, Champlain, and Cayuga-Seneca Canals.

*(c) NEW YORK STATE CANAL SYSTEM DEFINED.—In this section, the term "New York State Canal System" means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga-Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany and Buffalo.*

* * * * * * *

**SEC. 567. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.**

(a) STUDY AND STRATEGY DEVELOPMENT.—The Secretary, in cooperation with the Secretary of Agriculture, the State of Pennsylvania, and the State of New York, shall conduct a study, and develop a strategy, for using wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the following portions of the Upper Susquehanna River basin:

(1) * * *

(2) The Susquehanna River watershed upstream of the Chemung River, New York, at an estimated Federal cost of ¿$10,000,000. *$20,000,000, of which the Secretary may utilize not more than $5,000,000 to design and construct feasible pilot projects during the development of the strategy to demonstrate alternative approaches for the strategy. The total cost for any single pilot project may not exceed $500,000. The Secretary*

*shall evaluate the results of the pilot projects and consider the results in the development of the strategy.*

* * * * * * *

(c) ¿COOPERATION *COOPERATIVE* AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary shall enter into ¿cooperation *cooperative* agreements to provide financial assistance to appropriate Federal, State, and local government agencies and appropriate nonprofit, nongovernmental organizations with expertise in wetland restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

* * * * * * *

*(e) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of in-kind services and materials provided for the project by the non-Federal interest.*

* * * * * * *

**SEC. 575. HARRIS COUNTY, TEXAS.**

(a) IN GENERAL.—During any evaluation of economic benefits and costs for projects set forth in subsection (b) that occurs after the date of the enactment of this Act, the Secretary shall not consider flood control works constructed or nonstructural actions by non-Federal interests within the drainage area of such projects prior to the date of such evaluation in the determination of conditions existing prior to construction of the project or nonstructural actions, *whether or not such works or actions are partially funded under the hazard mitigation grant program of the Federal Emergency Management Agency*.

* * * * * * *

**SEC. 579. GREENBRIER RIVER BASIN, WEST VIRGINIA, FLOOD PROTECTION.**

(a) * * *

* * * * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section ¿$47,000,000 *$89,000,000*.

* * * * * * *

**SEC. 581. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.**

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

(1) ¿flood control measures *structural and nonstructural flood control, streambank protection, stormwater management, and channel clearing and modification measures* in the Cheat and Tygart River basins, West Virginia, at a level of protection that is sufficient to prevent any future losses to communities in the basins from flooding such as occurred in January 1996,

but not less than a 100-year level of protection *with respect to measures that incorporate levees or floodwalls*; and

* * * * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section ¿$12,000,000 *$90,000,000*.

* * * * * * *

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## WATER RESOURCES DEVELOPMENT ACT OF 1986

* * * * * * *

### TITLE I—COST SHARING

**SEC. 101. HARBORS.**

(a) CONSTRUCTON.—

(1) PAYMENTS DURING CONSTRUCTION.—The non-Federal interests for a navigation project for a harbor or inland harbor, or any separable element thereof, on which a contract for physical construction has not been awarded before the date of enactment of this Act shall pay, during the period of construction of the project, the following costs associated with general navigation features:

(A) * * *

(B) 25 percent of the cost of construction of the portion of the project which has a depth is excess of 20 feet but not in excess of ¿45 *53* feet; plus

(C) 50 percent of the cost of construction of the portion of the project which has a depth in excess of ¿45 *53* feet.

* * * * * * *

(b) OPERATION AND MAINTENANCE.—

(1) IN GENERAL.—The Federal share of the cost of operation and maintenance of each navigation project for a harbor or inland harbor constructed by the Secretary pursuant to this Act or any other law approved after the date of the enactment of this Act shall be 100 percent, except that in the case of a deep-draft harbor, the non-Federal interests shall be responsible for an amount equal to 50 percent of the excess of the cost of the operation and maintenance of such project over the cost which the Secertary determines would be incurred for operation and maintenance of such project if such project had a depth of ¿45 *53* feet.

* * * * * * *

**SEC. 103. FLOOD CONTROL AND OTHER PURPOSES.**

(a) * * *

* * * * * * *

*(n) NON-FEDERAL CONTRIBUTIONS.—*

*(1) PROHIBITION ON SOLICITATION OF EXCESS CONTRIBUTIONS.—The Secretary may not solicit contributions from non-Federal interests for costs of constructing authorized water resources development projects or measures in excess of the non-Federal share assigned to the appropriate project purposes list-*

*ed in subsections (a), (b), and (c) or condition Federal participation in such projects or measures on the receipt of such contributions.*

*(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect the Secretary's authority under section 903(c) of this Act.*

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## TITLE II—HARBOR DEVELOPMENT

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**SEC. 214. DEFINITIONS.**

For purposes of this title—

(1) DEEP-DRAFT HARBOR.—The term ''deep-draft harbor'' means a harbor which is authorized to be constructed to a depth of more than ¿45 *53* feet (other than a project which is authorized by section 202 of this title).

* * * * * * *

(3) GENERAL CARGO HARBOR.—The term ''general cargo harbor'' means a harbor for which a project is authorized by section 202 of this title and any other harbor which is authorized to be constructed to a depth of more than 20 feet but not more than ¿45 *53* feet;

* * * * * * *

## TITLE VI—WATER RESOURCES CONSERVATION AND DEVELOPMENT

* * * * * * *

**SEC. 602. LAKES PROGRAM.**

(a) Subject to section 903(a) of this Act, the Secretary shall carry out programs for the removal of silt, aquatic growth, and other material in the following lakes:

(1) * * *

* * * * * * *

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

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

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

*(21) Rogers Pond, Franklin Township, New Jersey, removal of silt and restoration of structural integrity;*

*(22) Greenwood Lake, Greenwood Lake, New York, removal of silt and aquatic growth; and*

*(23) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity.*

* * * * * * *

## TITLE VII—WATER RESOURCES STUDIES

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**SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.**

(a) * * *

* * * * * * *

(d) PRIORITY RIVER BASINS AND WATERSHEDS.—In selecting river basins and watersheds for assessment under this section, the Secretary shall give priority to—

(1) * * *

* * * * * * *

(4) the Susquehanna River basin; ¿and

(5) the Willamette River basin¿. *; and*

*(6) Sacramento-San Joaquin Delta, California.*

* * * * * * *

(f) COST-SHARING REQUIREMENTS.—

¿(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section shall be 50 percent.

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

* * * * * * *

¿(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.

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## TITLE IX—GENERAL PROVISIONS

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**SEC. 906. FISH AND WILDLIFE MITIGATION.**

(a)(1) * * *

* * * * * * *

*(3) COMPLETION OF MITIGATION.—In those instances in which it is not technically practicable to complete mitigation concurrent with the last day of project construction because of the nature of the mitigation to be undertaken, the Secretary shall complete the required mitigation as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.*

* * * * * * *

(d) MITIGATION PLANS AS PART OF PROJECT PROPOSALS.—

(1) * * *

* * * * * * *

*(3) CONTENTS.—A mitigation plan shall include—*

*(A) a description of the physical action to be undertaken to achieve the mitigation objectives within the watershed in which such losses occur and, in any case in which mitigation must take place outside the watershed, a justification*

*detailing the rationale for undertaking the mitigation outside of the watershed;*

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

*(C) the type, amount, and characteristics of the habitat being restored;*

*(D) success criteria for mitigation based on replacement of lost functions and values of the habitat, including hydrologic and vegetative characteristics; and*

*(E) a plan for any necessary monitoring to determine the success of the mitigation, including the cost and duration of any monitoring, and to the extent practicable, the entities responsible for any monitoring.*

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

* * * * * * *

**SECTION 912. SECTION 221 AGREEMENTS.**

(a) * * *

(b)(1) * * *

(2) Whenever on the basis of any information available to the Secretary, the Secretary finds that any non-Federal interest is not providing cooperation required under subsection (a), the Secretary ¿shall *may* issue an order requiring such non-Federal interest to provide such cooperation. ¿After notice and opportunity for a hearing, if the Secretary finds that any person is violating an order issued under this section, such person shall be subject to a civil penalty not to exceed $10,000 per day of such violation, except that the total amount of civil penalties for any violation shall not exceed $50,000.

* * * * * * *

(4) The Secretary may request the Attorney General to bring a civil action for appropriate relief, including permanent or temporary injunction, for *payment of liquidated damages or, for* any violation of an order issued under this section, ¿to collect a civil penalty imposed under this section, to recover any cost incurred by the Secretary in undertaking performance of any item of cooperation under section 221(d) of the Flood Control Act of 1970, or to collect interest for which a non-Federal interest is liable under paragraph (3). Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides, or is doing businesss, and such court shall have jurisdiction to restrain such violation, to require compliance, to require payment of ¿any civil penalty imposed under this section, *any liquidated damages*, and to require payment of any costs incurred by the Secretary in undertaking performance of any such item.

* * * * * * *

## TITLE X—PROJECT DEAUTHORIZATION

SEC. 1001. (a) * * *
(b)(1) * * *
(2) Notwithstanding section 3003 of Public Law 104–66 (31 U.S.C. 1113 note; 109 Stat. 734), every ¿two years *year* after the transmittal of the list under paragraph (1), the Secretary shall transmit to Congress a list of projects or separable elements of projects which have been authorized, but have received no obligations during the ¿7 *5* full fiscal years preceding the transmittal of such list. Upon submission of such list to Congress, the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, a project (including any part thereof) on such list would be located. A project or separable element included in such list is not authorized after the date which is 30 months after the date the list is so transmitted if funds have not been obligated for the planning, design, or construction of such project or element during such 30-month period.

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## TITLE XI—MISCELLANEOUS PROGRAMS AND PROJECTS

* * * * * * *

**SEC. 1103. UPPER MISSISSIPPI RIVER PLAN.**

(a) * * *

* * * * * * *

(e) PROGRAM AUTHORITY.—
(1) * * *

* * * * * * *

(7)(A) Notwithstanding the provisions of subsection (a)(2) of this section, the costs of each project carried out pursuant to paragraph (1)(A)(i) of this subsection shall be allocated between the Secretary and the appropriate non-Federal sponsor in accordance with the provisions of section 906(e) of this Act; except that the costs of operation and maintenance of projects located on Federal lands or lands owned or operated by a State or local government shall be borne by the Federal, State, or local agency that is responsible for management activities for fish and wildlife on such lands and, in the case of any project requiring non-Federal cost sharing, the non-Federal share of the cost of the project shall be 35 percent. *The non-Federal interest may provide the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions.*

* * * * * * *

**¿SEC. 1156. COST SHARING PROVISIONS FOR THE TERRITORIES.**

¿The Secretary shall waive local cost-sharing requirements up to $200,000 for all studies and projects in American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands.

***SEC. 1156. COST SHARING PROVISIONS FOR CERTAIN AREAS.***

*The Secretary shall waive local cost-sharing requirements up to $500,000 for all studies and projects in the Commonwealth of Puer-*

*to Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands, in Indian country (as defined in section 1151 of title 18, United States Code, and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations) or on land in the State of Alaska conveyed to an Alaska Native Village Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).*

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**WATER RESOURCES DEVELOPMENT ACT OF 2000**

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# TITLE II—GENERAL PROVISIONS

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**SEC. 203. TRIBAL PARTNERSHIP PROGRAM.**

(a) * * *

(b) PROGRAM.—

(1) IN GENERAL.—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may study and determine the feasibility of carrying out water resources development projects that—

(A) * * *

(B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code, *and including lands that are within the jurisdictional area of an Oklahoma Indian tribe, as determined by the Secretary of the Interior, and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations*) or in proximity to Alaska Native villages.

* * * * * * *

**SEC. 214. FUNDING TO PROCESS PERMITS.**

(a) IN GENERAL.—In fiscal years 2001 through ¿2003 *2005*, the Secretary, after public notice, may accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.

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# TITLE III—PROJECT-RELATED PROVISIONS

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**SEC. 315. ATCHAFALAYA BASIN, LOUISIANA.**

(a) IN GENERAL.—Notwithstanding the report of the Chief of Engineers, dated February 28, 1983, for the project for flood control,

Atchafalaya Basin Floodway System, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), which report refers to recreational development in the Lower Atchafalaya Basin Floodway, the Secretary—

¿(1) shall initiate, in collaboration with the State of Louisiana, construction of the visitors center, authorized as part of the project, at or near Lake End Park in Morgan City, Louisiana; and

*(1) is authorized to study, design, construct, operate, and maintain, at Federal expense, a Type A Regional Visitor Center in the vicinity of Morgan City, Louisiana, in consultation with the State of Louisiana, to provide information to the public on the Atchafalaya River system and other associated waterways that have influenced surrounding communities, and national and local water resources development of the Army Corps of Engineers in South Central Louisiana; and*

* * * * * * *

(b) AUTHORITIES.—The Secretary shall carry out subsection ¿(a) *(a)(2)* in accordance with—

(1) * * *

* * * * * * *

*(c) DONATIONS.—In carrying out subsection (a)(1), the Mississippi River Commission is authorized to accept the donation of cash, funds, lands, materials, and services from non-Federal governmental entities and nonprofit corporations.*

* * * * * * *

# TITLE IV—STUDIES

* * * * * * *

**SEC. 414. OCEANSIDE, CALIFORNIA.**

Not later than ¿32 *44* months after the date of enactment of this Act, the Secretary shall conduct a study, at Federal expense, of plans—

(1) * * *

* * * * * * *

**SEC. 425. CHICAGO, ILLINOIS.**

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for shoreline protection along *Lake Michigan and* the Chicago River, Chicago, Illinois.

* * * * * * *

# TITLE V—MISCELLANEOUS PROVISIONS

* * * * * * *

**SEC. 506. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.**

(a) * * *

* * * * * * *

(f) COST SHARING.—

(1) * * *

* * * * * * *

(3) NON-FEDERAL SHARE.—

(A) * * *

(B) FORM.—The non-Federal interest may provide up to ¿50 *100* percent of the non-Federal share required under paragraphs (1) and (2) in the form of services, materials, supplies, or other in-kind contributions.

* * * * * * *

**SEC. 512. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA.**

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at the Contra Costa Canal, Oakley and Knightsen, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified. *All planning, study, design, and construction on the project shall be carried out by the office of the district engineer, San Francisco, California.*

* * * * * * *

**SEC. 514. MALLARD SLOUGH, PITTSBURG, CALIFORNIA.**

The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Mallard Slough, Pittsburg, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified. *All planning, study, design, and construction on the project shall be carried out by the office of the district engineer, San Francisco, California.*

* * * * * * *

**SEC. 519. ILLINOIS RIVER BASIN RESTORATION.**

(a) * * *

* * * * * * *

(c) CRITICAL RESTORATION PROJECTS.—

(1) * * *

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out projects under this subsection $100,000,000 for fiscal years 2001 through ¿2004 *2010*.

* * * * * * *

(g) COST SHARING.—

(1) * * *

* * * * * * *

(3) IN-KIND SERVICES.—The Secretary may credit the value of in-kind services provided by the non-Federal interest for a project or activity carried out under this section toward not more than 80 percent of the non-Federal share of the cost of the project or activity *if such services are provided not more than 5 years before the date of initiation of the project or activity*. In-kind services shall include all State funds expended on programs and projects that accomplish the goals of this section, as determined by the Secretary. The programs and projects

may include the Illinois River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Illinois River basin.

* * * * * * *

**SEC. 527. MINNEAPOLIS, MINNESOTA.**

(a) IN GENERAL.—The Secretary, in cooperation with the State of Minnesota, shall design and construct the project for environmental restoration and recreation, Minneapolis, Minnesota, substantially in accordance with the plans described in the report entitled "Feasibility Study for Mississippi Whitewater Park, Minneapolis, Minnesota", prepared for the State of Minnesota Department of Natural Resources, dated June 30, 1999, *and including Hennepin Island and adjacent areas on the east side of the Mississippi River*.

* * * * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated ¿$10,000,000 *$25,000,000* to carry out this section.

* * * * * * *

**SEC. 547. BLUESTONE, WEST VIRGINIA.**

(a) * * *

(b) AGREEMENT.—

(1) AGREEMENT TERMS.—The Secretary and the Secretary of Energy, acting through the Southeastern Power Administration, shall enter into a binding agreement with the Tri-Cities Power Authority that contains mutually acceptable terms and conditions and under which the Tri-Cities Power Authority agrees to each of the following:

(A) To design and construct the generating facilities referred to in subsection (a) within ¿4 *5* years after the date of such agreement.

(B) To reimburse the Secretary for—

(i) * * *

* * * * * * *

(iii) the redistributed costs associated with the original construction of the dam and dam safety ¿if all parties agree with the method of the development of the chargeable amounts associated with hydropower at the facility *assurance project*.

(C) To release and indemnify the United States from any claims, causes of action, or liabilities that may arise from such design ¿and construction , *construction, and operation and maintenance* of the facilities referred to in subsection (a), including any liability that may arise out of the removal of the facility if directed by the Secretary.

* * * * * * *

*(3) OPERATION AND OWNERSHIP.—The Tri-Cities Power Authority shall be the owner and operator of the hydropower facilities referred to in subsection (a).*

(c) OTHER REQUIREMENTS.—

(1) PROHIBITION.—¿No *Unless otherwise provided, no* Federal funds may be expended for the *planning,* design, construc-

tion, and operation and maintenance of the facilities referred to in subsection (a) ¿prior to the date on which such facilities are accepted by the Secretary under subsection (d) .

(2) REIMBURSEMENT.—Notwithstanding any other provision of law, if requested by the Tri-Cities Power Authority, the Secretary may provide, on a reimbursable basis, assistance in connection with the ¿design *planning, design,* and construction of the generating facilities referred to in subsection (a).

(d) COMPLETION OF CONSTRUCTION.—

¿(1) TRANSFER OF FACILITIES.—Notwithstanding any other provision of law, upon completion of the construction of the facilities referred to in subsection (a) and final approval of such facilities by the Secretary, the Tri-Cities Power Authority shall transfer without consideration title to such facilities to the United States, and the Secretary shall—

¿(A) accept the transfer of title to such facilities on behalf of the United States; and

¿(B) operate and maintain the facilities.

¿(2) CERTIFICATION.—The Secretary may accept title to the facilities pursuant to paragraph (1) only after certifying that the quality of the construction meets all standards established for similar facilities constructed by the Secretary.

*(1) APPROVAL.—The Secretary shall review the design and construction activities for all features of the hydroelectric project that pertain to and affect stability of the dam and control the release of water from Bluestone Dam to ensure that the quality of construction of those features meets all standards established for similar facilities constructed by the Secretary.*

¿(3) *(2)* AUTHORIZED PROJECT PURPOSES.—The operation and maintenance of the facilities shall be conducted in a manner that is consistent with other authorized project purposes of the Bluestone Lake facility¿. *, except that hydroelectric power is no longer a project purpose of the facility. Water flow releases from the hydropower facilities shall be determined and directed by the Corps of Engineers.*

*(3) COORDINATION.—Construction of the hydroelectric generating facilities shall be coordinated with the dam safety assurance project currently in the design and construction phases.*

(e) EXCESS POWER.—Pursuant to any agreement under subsection (b), the Southeastern Power Administration shall market the excess power produced by the facilities referred to in subsection (a) ¿in accordance with section 5 of the Rivers and Harbors Act of December 22, 1944 (16 U.S.C. 825s; 58 Stat. 890) .

(f) PAYMENTS.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, may pay, in accordance with the terms of the agreement entered into under subsection (b), out of the revenues from the sale of power produced by the generating ¿facility of the interconnected systems of reservoirs operated by the Secretary *facilities under construction under such agreements* and marketed by the Southeastern Power Administration—

(1) to the Tri-Cities Power Authority all reasonable costs incurred by the Tri-Cities Power Authority in the ¿design *planning, design* and construction of the facilities referred to in subsection (a), including the capital investment in such facili-

ties and a reasonable rate of return on such capital investment; and

(2) to the ¿Secretary *Tri-Cities Power Authority*, in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating ¿facility of the interconnected systems of reservoirs operated by the Secretary *facilities under construction under such agreements* and marketed by the Southeastern Power Administration, all reasonable costs incurred by the ¿Secretary *Tri-Cities Power Authority* in the operation and maintenance of ¿facilities referred to in subsection (a) *such facilities*.

(g) AUTHORITY OF SECRETARY OF ENERGY.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, is authorized—

¿(1) to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and

*(1) to arrange for the transmission of power to the market or to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and*

(2) to repay those funds, including interest and any administrative expenses, directly from the revenues from the sale of power produced by ¿such facilities of the interconnected systems of reservoirs operated by the Secretary *the generating facility* and marketed by the Southeastern Power Administration.

* * * * * * *

*(i) TRI-CITIES POWER AUTHORITY DEFINED.—In this section, the "Tri-Cities Power Authority" refers to the entity established by the City of Hinton, West Virginia, the City of White Sulphur Springs, West Virginia, and the City of Philippi, West Virginia, pursuant to a document entitled "Second Amended and Restated Intergovernmental Agreement" approved by the Attorney General of West Virginia on February 14, 2002.*

* * * * * * *

# TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

**SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.**

(a) * * *

(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) * * *

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—

(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D), and (E). *The project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the*

*Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for purposes of this section as being in the Plan.*

* * * * * * *

(iii) REVIEW AND COMMENT.—In developing the projects authorized under subparagraph (B) *and the project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer,* the Secretary shall provide for public review and comment in accordance with applicable Federal law.

* * * * * * *

(k) OUTREACH AND ASSISTANCE.—

(1) * * *

* * * * * * *

*(3) MAXIMUM EXPENDITURES.—The Secretary may expend up to $3,000,000 per fiscal year for fiscal years beginning after September 30, 2002, to carry out this subsection.*

* * * * * * *

# TITLE IX—MISSOURI RIVER RESTORATION, SOUTH DAKOTA

* * * * * * *

**SEC. 904. MISSOURI RIVER TRUST.**

(a) * * *

(b) MEMBERSHIP.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—

(1) 15 members recommended by the Governor of South Dakota that—

(A) * * *

(B) include representatives of—

(i) * * *

* * * * * * *

(vii) agricultural groups; ¿and

*(viii) rural water systems; and*

¿(viii) *(ix)* other appropriate interests;

* * * * * * *

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## SECTION 5 OF THE ACT OF AUGUST 13, 1946

AN ACT authorizing Federal participation in the cost of protecting the shores of publicly owned property.

**SEC. 5. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.**

(a) ESTABLISHMENT OF EROSION CONTROL PROGRAM.—The Secretary shall establish and conduct a national shoreline erosion control development and demonstration program for a period of ¿6 *10* years beginning on the date that funds are made available to carry out this section.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The erosion control program shall include provisions for—

(A) projects consisting of planning, designing, and constructing prototype engineered and vegetative shoreline erosion control devices and methods during the first ¿3 *6* years of the erosion control program;

* * * * * * *

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

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

¿(3) *(5)* SITES.—

(A) * * *

* * * * * * *

¿(4) *(6)* DETERMINATION OF FEASIBILITY.—Implementation of a project under this section is contingent upon a determination by the Secretary that such project is feasible.

* * * * * * *

(e) FUNDING.—

(1) * * *

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated ¿$21,000,000 *$31,000,000* to carry out this section.

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## SECTION 221 OF THE FLOOD CONTROL ACT OF 1970

SEC. 221. (a) After the date of enactment of this Act, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction ¿under the provisions of section 215 of the Flood Control Act of 1968 or under any other *under any* provision of law, shall not be commenced until each non-Federal interest has entered into a written *partnership* agreement with the ¿Secretary of the Army to furnish its required cooperation for *district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of* the project; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000. *Such agreement may include a provision for liquidated damages in the event of a failure of one or more parties to perform.* In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the

State legislature, the agreement may reflect that it does not obligate future State legislative appropriations for such performance and payment when obligating future appropriations would be inconsistent with State constitutional or statutory limitations.

* * * * * * *

*(e) LIMITATION.—Nothing in subsection (a) shall be construed as limiting the authority of the Secretary to ensure that a partnership agreement meets all requirements of law and policies of the Secretary in effect on the date of entry into the partnership agreement.*

¿(e) *(f)* This section shall not apply to any project the construction of which was commenced before January 1, 1972, or to the assurances for future demands required by the Water Supply Act of 1958, as amended.

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## WATER RESOURCES DEVELOPMENT ACT OF 1992

* * * * * * *

# TITLE II—GENERALLY APPLICABLE PROVISIONS

* * * * * * *

**SEC. 204. BENEFICIAL USES OF DREDGED MATERIAL.**

(a) * * *

* * * * * * *

¿(c) COOPERATIVE AGREEMENT.—Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into a binding agreement with the Secretary in which the non-Federal interests agree to—

¿(1) provide 25 percent of the cost associated with construction of the project for the protection, restoration, and creation of aquatic and ecologically related habitats, including provision of all lands, easements, rights-of-way, and necessary relocations; and

¿(2) pay 100 percent of the operation, maintenance, replacement, and rehabilitation costs associated with the project for the protection, restoration, and creation of aquatic and ecologically related habitats.

¿(d) DETERMINATION OF CONSTRUCTION COSTS.—Costs associated with construction of a project for the protection, restoration, and creation of aquatic and ecologically related habitats shall be limited solely to construction costs which are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of the authorized navigation project in the most cost effective way, consistent with economic, engineering, and environmental criteria.

¿(e) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD.—In developing and carrying out a project for navigation involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of such disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic

environment to be derived from the creation of wetlands and control of shoreline erosion. The Federal share of such incremental costs shall be determined in accordance with subsection (c).

¿(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed $15,000,000 annually to carry out this section. Such sums shall remain available until expended.

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

*(c) IN GENERAL.—The Secretary may carry out projects to transport and place suitable material dredged in connection with the construction, operation, or maintenance of an authorized navigation project at locations selected by a non-Federal entity for use in the construction, repair, or rehabilitation of projects determined by the Secretary to be in the public interest and associated with navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.*

*(d) COOPERATIVE AGREEMENT.—Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into an agreement with the Secretary in which the non-Federal interests agree to pay the non-Federal share of the cost of construction of the project and 100 percent of the cost of operation, maintenance, replacement, and rehabilitation of the project in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).*

*(e) SPECIAL RULE.—Construction of a project under subsection (a) for the protection and restoration of aquatic and ecologically related habitat the cost of which does not exceed $750,000 and which will be located in a disadvantaged community as determined by the Secretary may be carried out at Federal expense.*

*(f) DETERMINATION OF CONSTRUCTION COSTS.—Costs associated with construction of a project under this section shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of the authorized navigation project in the most cost effective way, consistent with economic, engineering, and environmental criteria.*

*(g) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD.—In developing and carrying out a project for navigation involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of such disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion. The Federal share of such incremental costs shall be determined in accordance with subsection (d).*

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

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

*(j) REGIONAL SEDIMENT MANAGEMENT PLANNING.—In consultation with appropriate State and Federal agencies, the Secretary may develop, at Federal expense, plans for regional management of material dredged in conjunction with the construction, operation, or maintenance of navigation projects, including potential beneficial uses of dredged material for construction, repair, or rehabilitation of public projects for navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.*

* * * * * * *

**SEC. 219. ENVIRONMENTAL INFRASTRUCTURE.**

(a) * * *

* * * * * * *

(e) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION ASSISTANCE.—There are authorized to be appropriated for providing construction assistance under this section—

(1) * * *

* * * * * * *

(7) $30,000,000 for the project described in subsection (c)(16); ¿and

(8) $30,000,000 for the project described in subsection (c)(17)¿. ;

*(9) $20,000,000 for the project described in subsection (c)(20);*

*(10) $20,000,000 for the project described in subsection (c)(25);*

*(11) $15,000,000 for the project described in subsection (c)(26);*

*(12) $7,800,000 for the project described in subsection (c)(27);*

*(13) $18,000,000 for the project described in subsection (c)(31); and*

*(14) $30,000,000 for the project described in subsection (c)(40).*

(f) ADDITIONAL ASSISTANCE.—The Secretary may provide assistance under subsection (a) and assistance for construction for the following:

(1) * * *

* * * * * * *

(11) NORTHEAST PENNSYLVANIA.—$20,000,000 for water related infrastructure in the counties of Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sullivan, Bradford, ¿and Monroe *Northumberland, Union, Snyder, and Montour*, Pennsylvania, including assistance for the Mountoursville Regional Sewer Authority, Lycoming County, Pennsylvania.

(12) CALUMET REGION, INDIANA.—¿$10,000,000 *$30,000,000* for water related infrastructure projects in the counties of

¿Lake and Porter *Benton, Jasper, Lake, Newton, and Porter,* Indiana.

* * * * * * *

(21) BATON ROUGE, LOUISIANA.—¿$20,000,000 *$35,000,000* for water related infrastructure for the parishes of East Baton Rouge, Ascension, and Livingston, Louisiana.

(22) EAST SAN JOAQUIN COUNTY, CALIFORNIA.—¿$25,000,000

*(A) IN GENERAL.—$25,000,000* for ground water recharge and conjunctive use projects in Stockton East Water District, California.

*(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of in-kind services and materials provided for the project by the non-Federal interest.*

*(C) IN-KIND CONTRIBUTIONS.—The non-Federal interest may provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions.*

(23) SACRAMENTO AREA, CALIFORNIA.—¿$25,000,000 *$35,000,000* for *water supply and* regional water conservation and recycling projects in Placer and El Dorado Counties and the San Juan Suburban Water District, California. *$lllllllll for wastewater and water supply infrastructure in the counties of Modoc, Lassen, Plumas, Butte, Sierra, Nevada, El Dorado, and Placer, California.*

* * * * * * *

(25) LAKES MARION AND MOULTRIE, SOUTH CAROLINA.—¿$15,000,000 *$35,000,000* for *wastewater treatment and* water supply treatment and distribution projects in the counties of Calhoun, Clarendon, Colleton, Dorchester, Orangeberg, and Sumter, South Carolina.

* * * * * * *

(29) OAKLAND COUNTY, MICHIGAN.—$20,000,000 for a project to eliminate or control *sanitary sewer overflows and* combined sewer overflows in the cities of Berkley, Ferndale, Madison Heights, Royal Oak, Birmingham, Hazel Park, Oak Park, Southfield, Clawson, Huntington Woods, Pleasant Ridge, and Troy, and the village of Beverly Hills, and the Charter Township of Royal Oak, Michigan.

(30) DESOTO COUNTY, MISSISSIPPI.—¿$20,000,000 *$30,000,000* for a wastewater treatment project in the county of DeSoto, Mississippi.

* * * * * * *

(32) ST. LOUIS, MISSOURI.—¿$15,000,000 *$35,000,000* for a project to eliminate or control combined sewer overflows in the city of St. Louis, Missouri.

* * * * * * *

(48) CAMBRIA, CALIFORNIA.—¿$10,300,000

*(A) IN GENERAL.—$10,300,000* for desalination infrastructure, Cambria, California.

*(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project not to exceed $3,000,000 for the cost of planning and design work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.*

* * * * * * *

(61) GARRISON AND KATHIO ¿TOWNSHIP *AND CROW WING AND MILLE LACS COUNTIES*, MINNESOTA.—$11,000,000 for a wastewater infrastructure project for the city of Garrison, *Crow Wing County, Mille Lacs County,* and Kathio Township, Minnesota. *Such assistance shall be provided directly to the Garrison-Kathio-West Mille Lacs Lake Sanitary District, Minnesota.*

* * * * * * *

(64) STANLY COUNTY, NORTH CAROLINA.—$8,900,000 for *water and* wastewater infrastructure, Stanly County, North Carolina.

* * * * * * *

(70) WASHINGTON, GREENE, WESTMORELAND, AND FAYETTE COUNTIES, PENNSYLVANIA.—¿$8,000,000 *$13,300,000* for water and wastewater infrastructure, Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.

*(71) PLAQUEMINE, LOUISIANA.—$7,000,000 for sanitary sewer and wastewater infrastructure, Plaquemine, Louisiana.*

*(72) CHARLESTON, SOUTH CAROLINA.—$20,000,000 for wastewater infrastructure, including wastewater collection systems, Charleston, South Carolina.*

*(73) CROSS, SOUTH CAROLINA.—$2,000,000 for water-related environmental infrastructure, Cross, South Carolina.*

*(74) SURFSIDE, SOUTH CAROLINA.—$8,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.*

*(75) NORTH MYRTLE BEACH, SOUTH CAROLINA.—$3,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.*

*(76) TIA JUANA VALLEY, CALIFORNIA.—$1,400,000 for water-related environmental infrastructure, Tia Juana Valley, California.*

*(77) CABARRUS COUNTY, NORTH CAROLINA.—$4,500,000 for water-related infrastructure, Cabarrus County, North Carolina.*

*(78) RICHMOND COUNTY, NORTH CAROLINA.—$8,000,000 for water-related infrastructure, Richmond County, North Carolina.*

*(79) UNION COUNTY, NORTH CAROLINA.—$9,000,000 for wastewater infrastructure, Union County, North Carolina.*

*(80) WASHINGTON, DISTRICT OF COLUMBIA.—$35,000,000 for implementation of a combined sewer overflow long term control plan, Washington, District of Columbia.*

*(81) SOUTHERN LOS ANGELES COUNTY, CALIFORNIA.—$15,000,000 for environmental infrastructure for the groundwater basin optimization pipeline, Southern Los Angeles County, California.*

*(82) INDIANAPOLIS, INDIANA.—$6,430,000 for environmental infrastructure for Indianapolis, Indiana.*

*(83) HENDERSON, NEVADA.—-$5,000,000 for wastewater infrastructure, Henderson, Nevada.*

*(84) SENNETT, NEW YORK.—$1,500,000 for water infrastructure, Town of Sennett, New York.*

*(85) LEDYARD AND MONTVILLE, CONNECTICUT.—$7,113,000 for water infrastructure, Ledyard and Montville, Connecticut.*

*(86) AWENDAW, SOUTH CAROLINA.—$2,000,000 for water-related infrastructure, Awendaw, South Carolina.*

*(87) ST. CLAIR COUNTY, ALABAMA.—$5,000,000 for water-related infrastructure, St. Clair County, Alabama.*

*(88) EAST BAY, SAN FRANCISCO AND SANTA CLARA AREAS, CALIFORNIA.—$4,000,000 for a desalination project to serve the East Bay, San Francisco, and Santa Clara areas, California.*

*(89) ATHENS, TENNESSEE.—$16,000,000 for wastewater infrastructure, Athens, Tennessee.*

*(90) WARWICK, NEW YORK.—$1,200,000 for water storage capacity restoration, Warwick, New York.*

*(91) KIRYAS JOEL, NEW YORK.—$20,000,000 for water-related infrastructure, Kiryas Joel, New York.*

*(92) WHITTIER, CALIFORNIA.—$8,000,000 for wastewater and water-related infrastructure, Whittier, California.".*

*(93) ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.—$20,000,000 for environmental infrastructure and resource protection and development to enhance water quality and living resources in the Anacostia River watershed, District of Columbia and Maryland.*

*(94) DUCHESNE, IRON, AND UINTAH COUNTIES, UTAH.—$10,000,000 for water-related infrastructure, Duchesne, Iron, and Uintah Counties, Utah.*

*(95) HANCOCK, HARRISON, JACKSON, AND PEARL RIVER COUNTIES, MISSISSIPPI.—$5,824,300 for water and wastewater-related infrastructure, Hancock, Harrison, Jackson, and Pearl River Counties, Mississippi.*

* * * * * * *

# TITLE III—MISCELLANEOUS PROVISIONS

* * * * * * *

**SEC. 313. SOUTH CENTRAL PENNSYLVANIA ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM.**

(a) * * *

* * * * * * *

(h) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) * * *

(2) SOUTH CENTRAL PENNSYLVANIA.—The term "south central Pennsylvania" means ¿Allegheny, Armstrong, Beford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder, Wash-

ington, and Westmoreland Counties *Allegheny, Armstrong, Bedford, Blair, Cambria, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Somerset, Washington, and Westmoreland Counties,* Pennsylvania.

* * * * * * *

**SEC. 324. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.**

(a) IN GENERAL.—The Secretary is authorized to provide ¿design *planning, design,* and construction assistance to the ¿Hackensack Meadowlands Development Commission of the State of New Jersey for the development of the Phase I Environmental Improvement Program of the Special Area Management Plan for *New Jersey Meadowlands Commission for the development of an environmental improvement program for* the Hackensack Meadowlands area, New Jersey.

(b) ¿REQUIRED ELEMENTS.—The program to be developed under subsection (a) ¿shall *may* include at a minimum the following areas:

¿(1) Mitigation, enhancement, and acquisition of significant wetlands that contribute to the Meadowlands ecosystem.

*(1) Restoration and acquisitions of significant wetlands and aquatic habitat that contribute to the Meadowlands ecosystem.*

(2) Development and implementation of a regional system to protect, preserve, and monitor wetlands *and aquatic habitat.*

* * * * * * *

¿(7) Research and development for a water quality improvement program.

*(7) Research, development, and implementation for a water quality improvement program, including restoration of hydrology and tidal flows and remediation of hot spots and other sources of contaminants that degrade existing or planned sites.*

(c) COST SHARING.—Total project costs under subsection (a) shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, but not to exceed 25 percent of total project costs. *The non-Federal sponsor may also provide in-kind services, not to exceed 25 percent of the total project cost, and may also receive credit for reasonable cost of design work completed prior to entering into the partnership agreement with the Secretary for a project to be carried out under the program developed under subsection (a).* Operation and maintenance cost shall be 100 percent non-Federal.

(d) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section ¿$5,000,000 *$35,000,000* for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

¿**SEC. 325. LAND EXCHANGE, ALLATOONA LAKE, GEORGIA.**

¿(a) IN GENERAL.—The Secretary may initiate a program to exchange lands above 863 feet in elevation which are excess to the operational needs of Allatoona Lake, Georgia, for lands on the north side of Allatoona Lake which are needed for wildlife management and for protection of the water quality and overall environment of Allatoona Lake.

¿(b) TERMS AND CONDITIONS.—Land exchanges under the program to be conducted under subsection (a) shall be subject to the following terms and conditions:

¿(1) Lands acquired under the program must be contiguous to the lands in Federal Government ownership on the date of the enactment of this Act.

¿(2) Lands acquired under the program shall be from willing sellers only.

¿(3) The basis for all land exchanges under the program shall be a fair market appraisal so that lands exchanged are of equal value.

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**SEC. 340. SOUTHERN WEST VIRGINIA ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM.**

(a) * * *

* * * * * * *

(f) SOUTHERN WEST VIRGINIA DEFINED.—For purposes of this section, the term ''Southern West Virginia'' means Raleigh, Wayne, Cabell, Fayette, Lincoln, Summers, Wyoming, Webster, Mingo, McDowell, Logan, Boone, Mercer, Pocahontas, Greenbrier, *Nicholas,* and Monroe Counties, West Virginia.

* * * * * * *

*(h) CORPS OF ENGINEERS.—Ten percent of the amounts appropriated to carry out this section for fiscal years 2003 and thereafter may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.*

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

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## TITLE IV—INFRASTRUCTURE TECHNOLOGY, RESEARCH AND DEVELOPMENT

* * * * * * *

**SEC. 404. ATLANTIC COAST OF NEW YORK.**

(a) DEVELOPMENT OF PROGRAM.—The Secretary is authorized and directed to develop a data collection and monitoring program of coastal ¿processes *and related environmental processes* for the Atlantic Coast *(and associated back bays)* of New York, from Coney Island to Montauk Point, with a view toward providing information necessary to develop a program for addressing post storm actions, *environmental restoration or conservation measures for coastal and back bays,* and long-term shoreline erosion control. *The plan for collecting data and monitoring information included in such annual report shall be fully coordinated with and agreed to by appropriate agencies of the State of New York.*

(b) ¿INITIAL PLAN.—Not later than 12 months after the date of the enactment of this Act, the *ANNUAL REPORTS.—The* Secretary shall provide an ¿initial plan for data collection and monitoring *annual report of data collection and monitoring activities* to the

Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. ¿Such initial plan shall be fully coordinated with and agreed to by appropriate agencies of the State of New York.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,400,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997, ¿and an additional total of $2,500,000 for fiscal years thereafter *$2,500,000 for fiscal years 2000 through 2002, and $17,000,000 for fiscal years beginning after September 30, 2002,* to carry out this section. Such sums shall remain available until expended.

* * * * * * *

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## SECTION 145 OF THE WATER RESOURCES DEVELOPMENT ACT OF 1976

¿SEC. 145. The Secretary of the Army, acting through the Chief of Engineers, is authorized upon request of the State, to place on the beaches of such State beach-quality sand which has been dredged in constructing and maintaining navigation inlets and channels adjacent to such beaches, if the Secretary deems such action to be in the public interest and upon payment by such State of 35 percent of the increased cost thereof above the cost required for alternative methods of disposing of such sand. At the request of the State, the Secretary may enter into an agreement with a political subdivision of the State to place sand on the beaches of the political subdivision of the State under the same terms and conditions required in the first sentence of this section; except that the political subdivision shall be responsible for providing any payments required under such sentence in lieu of the State. In carrying out this section, the Secretary shall give consideration to the schedule of the State, or the schedule of the responsible political subdivision of the requesting State, for providing its share of funds for placing such sand on the beaches of the State or the political subdivision and shall, to the maximum extent practicable, accommodate such schedule.

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## WATER RESOURCES DEVELOPMENT ACT OF 1999

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# TITLE II—GENERAL PROVISIONS

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

(a) * * *

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

(1) * * *

* * * * * * *

(27) Susquehanna River watershed, Bradford County, Pennsylvania; ¿and

(28) Clear Creek, Harris, Galveston, and Brazoria Counties, Texas¿. ;

*(29) La Crosse County, Wisconsin;*
*(30) Crawford County, Wisconsin;*
*(31) Buffalo County, Wisconsin;*
*(32) Calhoun County, Illinois;*
*(33) Saint Charles County, Missouri;*
*(34) Saint Louis County, Missouri;*
*(35) Dubuque County, Iowa;*
*(36) Scott County, Iowa;*
*(37) Rock Island County, Illinois;*
*(38) Ascension Parish, Louisiana;*
*(39) East Baton Rouge Parish, Louisiana;*
*(40) Iberville Parish, Louisiana; and*
*(41) Livingston Parish, Louisiana.*

* * * * * * *

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

(a) WITHHOLDING OF AMOUNTS.—

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

* * * * * * *

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

* * * * * * *

# TITLE III—PROJECT-RELATED PROVISIONS

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

(a) * * *

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

* * * * * * *

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

(a) IN GENERAL.—The project to prevent flood damage and for hurricane damage reduction, west bank of the Mississippi River (east of Harvey Canal), Louisiana, authorized by section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4128) and section 101(a)(17) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to direct the Secretary to continue Federal ¿operation and maintenance *operation, maintenance, rehabilitation, repair, and replacement* of the portion of the project included in the report of the Chief of Engineers dated May 1, 1995, referred to as "¿Algiers Channel *Algiers Canal Levees*".

* * * * * * *

*(c) COST SHARING.—The non-Federal share of the cost of the project shall be 35 percent.*

* * * * * * *

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

Notwithstanding any other provision of law, after ¿September 30, 1999 *May 4, 1997*, the city of Chesapeake, Virginia, shall not be obligated to make the annual cash contribution required under paragraph 1(9) of the Local Cooperation Agreement dated December 12, 1978, between the Government and the city for the project for navigation, southern branch of the Elizabeth River, Chesapeake, Virginia.

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# TITLE IV—STUDIES

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

(a) * * *

* * * * * * *

*(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The non-Federal interest may provide up to 100 percent of the non-Federal share required under subsection (f) in the form of services, materials, supplies, or other in-kind contributions.*

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# TITLE V—MISCELLANEOUS PROVISIONS

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**SEC. 514. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.**

(a) * * *

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(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out

this section $30,000,000 for the period of fiscal years 2003 ¿and 2004 *through 2015*.

* * * * * * *

**SEC. 517. EXPEDITED CONSIDERATION OF CERTAIN PROJECTS.**

The Secretary shall expedite completion of the reports for the following projects and, if justified, proceed directly to project preconstruction, engineering, and design:

(1) * * *

* * * * * * *

¿(5) Mississippi River, West Baton Rouge Parish, Louisiana, project for waterfront and riverine preservation, restoration, and enhancement modifications.

*(5) Mississippi River, West Baton Rouge Parish, Louisiana, project for waterfront and riverine preservation, restoration, enhancement modifications, and interpretive center development.*

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**SEC. 568. DETROIT RIVER, MICHIGAN.**

(a) * * *

* * * * * * *

(c) REPAIR AND REHABILITATION.—

(1) * * *

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1) ¿$1,000,000 *$25,000,000* for the period beginning with fiscal year 2000.

* * * * * * *

**SEC. 569. NORTHEASTERN MINNESOTA.**

(a) DEFINITION OF NORTHEASTERN MINNESOTA.—In this section, the term ''northeastern Minnesota'' means the counties of Cook, Lake, St. Louis, Koochiching, Itasca, Cass, Crow Wing, Aitkin, Carlton, Pine, Kanabec, Mille Lacs, Morrison, ¿Benton, Sherburne, *Beltrami, Hubbard, Wadena,* Isanti, and Chisago, Minnesota.

* * * * * * *

(e) LOCAL COOPERATION AGREEMENT.—

(1) * * *

* * * * * * *

(3) COST SHARING.—

(A) * * *

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project. ¿The credit for the design work shall not exceed 6 percent of the total construction costs of the project.

* * * * * * *

¿(g) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, including recommendations concerning whether the program should be implemented on a national basis.

*(g) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.*

* * * * * * *

*(i) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.*

**SEC. 570. ALASKA.**

(a) * * *

* * * * * * *

(e) LOCAL COOPERATION AGREEMENTS.—

(1) * * *

* * * * * * *

(3) COST SHARING.—

(A) * * *

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project. ¿The credit for the design work shall not exceed 6 percent of the total construction costs of the project.

* * * * * * *

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section ¿$25,000,000 *$40,000,000* for the period beginning with fiscal year 2000, to remain available until expended.

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

*(j) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at 100 percent Federal expense.*

**SEC. 571. CENTRAL WEST VIRGINIA.**

(a) DEFINITION OF CENTRAL WEST VIRGINIA.—In this section, the term "central West Virginia" means the counties of Mason, Jackson, Putnam, Kanawha, Roane, Wirt, Calhoun, Clay, ¿Nicholas, Braxton, ¿Gilmer, Lewis, Upshur, Randolph, Pendleton, Hardy, Hampshire, Morgan, Berkeley, and Jefferson, West Virginia.

* * * * * * *

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

*(j) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of*

*Engineers district offices to administer projects under this section at 100 percent Federal expense.*

* * * * * * *

**SEC. 573. ONONDAGA LAKE, NEW YORK.**

(a) * * *

* * * * * * *

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

¿(f) *(g)* AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section ¿$10,000,000 *$30,000,000*.

¿(g) *(h)* REPEAL.—Title IV of the Great Lakes Critical Programs Act of 1990 (104 Stat. 3010) and section 411 of the Water Resources Development Act of 1990 (104 Stat. 4648) are repealed effective on the date that is 1 year after the date of enactment of this Act.

* * * * * * *

**SEC. 591. ENVIRONMENTAL REMEDIATION, FRONT ROYAL, VIRGINIA.**

(a) PARTICIPATION OF SECRETARY.—

(1) * * *

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section ¿$12,000,000 *$22,000,000*.

* * * * * * *

**SEC. 594. OHIO.**

(a) * * *

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(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section ¿$60,000,000 *$90,000,000*.

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## SECTION 10 OF THE ACT OF SEPTEMBER 22, 1922

(Commonly known as the "Rivers and Harbors Act)

**CHAP. 427**.—AN ACT AUTHORIZING THE CONSTRUCTION, REPAIR, AND PRESERVATION OF CERTAIN PUBLIC WORKS ON RIVERS AND HARBORS, AND FOR OTHER PURPOSES.

SEC. 10. That any work of improvement herein adopted, and any public work on canals, rivers, and harbors, *including any planning, engineering, design, construction, operation, and maintenance,* adopted by Congress may be prosecuted by direct appropriations, by continuing contracts, or by both direct appropriations and continuing contracts.

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## SECTION 309 OF THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

(Public Law 102–154)

SEC. 309. Notwithstanding any other provision of law, in fiscal year 1992 and thereafter, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, *the Secretary of the Army,* and the Secretary of the Smithsonian Institution are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction.

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## SECTION 22 OF THE WATER RESOURCES DEVELOPMENT ACT OF 1974

SEC. 22. ¿(a) The Secretary

*(a) FEDERAL STATE COOPERATION.—*

*(1) COMPREHENSIVE PLANS.—The Secretary* of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins, watersheds or ecosystems located within the boundaries of such State and to submit to congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

*(2) TECHNICAL ASSISTANCE.—*

*(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to such agency or non-Federal interest in managing water resources.*

*(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.*

(b) FEES.—

(1) ESTABLISHMENT AND COLLECTION.—For the purpose of recovering 50 percent of the total cost of providing assistance pursuant to ¿this section *subsection (a)(1),* the Secretary of the Army is authorized to establish appropriate fees, as determined by the Secretary, and to collect such fees from States and other non-Federal public bodies to whom assistance is provided under ¿this section *subsection (a)(1).*

* * * * * * *

¿(c) There is

*(c) AUTHORIZATION OF APPROPRIATIONS.—*

*(1) FEDERAL AND STATE COOPERATION.—There is* authorized to be appropriated not to exceed $10,000,000 annually to carry out ¿the provisions of this section *subsection (a)(1);* except that not more than $500,000 shall be expended in any one year in any one State.

*(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated $5,000,000 annually to carry out subsection (a)(2), of*

*which not more than $2,000,000 annually may be used by the Secretary to enter into cooperative agreements with nonprofit organizations to provide assistance to rural and small communities.*

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## SECTION 21 OF THE WATER RESOURCES DEVELOPMENT ACT OF 1988

**SEC. 21. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

(a) GENERAL RULE.—Notwithstanding any other provision of law, the Secretary is directed to maintain water levels in the Mississippi River headwaters reservoirs within the following operating limits: Winnibigoshish 1296.94 feet—1303.14 feet; Leech 1293.20 feet—1297.94 feet; Pokegama 1270.42 feet—¿1276.42 *1278.42* feet; Sandy 1214.31 feet—¿1218.31 *1221.31* feet; Pine 1227.32 feet—¿1234.82 *1235.30* feet; and Gull 1192.75 feet—1194.75 feet. Such water levels shall be measured using the National Geodetic Vertical Datum.

¿(b) EXCEPTION.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established in subsection (a) in accordance with a contingency plan which the Secretary develops after consulting with the Governor of Minnesota and affected landowners and commercial and recreational users. The Secretary shall transmit such plan to Congress within 6 months after the date of the enactment of this Act. The Secretary shall report to Congress at least 14 days prior to operating any such headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a).

*(b) EXCEPTION.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established in subsection (a) in accordance with water control regulation manuals (or revisions thereto) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users. The water control regulation manuals (and any revisions thereto) shall be effective when the Secretary transmits them to Congress. The Secretary shall report to Congress at least 14 days before operating any such headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a); except that notification is not required for operations necessary to prevent the loss of life or to ensure the safety of the dam or where the drawdown of lake levels is in anticipation of flood control operations.*

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## MISCELLANEOUS APPROPRIATIONS ACT, 2001

(Division B of H.R. 5666 as introduced on December 15, 2000 and enacted into law by section 1(a)(4) of Public Law 106–554)

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DIVISION B

TITLE I

* * * * * * *

SEC. 109. FLORIDA KEYS WATER QUALITY IMPROVEMENTS. (a)

(e) NON-FEDERAL SHARE.—

(1) * * *

(2) CREDIT.—

(A) * * *

* * * * * * *

*(C) CREDIT FOR WORK PRIOR TO EXECUTION OF THE PARTNERSHIP AGREEMENT.—The Secretary shall credit toward the non-Federal share of the cost of the project (i) the cost of construction work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project; and (ii) the cost of land acquisition carried out by the non-Federal interest for projects to be carried out under this section.*

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## SECTION 401 OF THE ACT OF NOVEMBER 1, 1988

(Public Law 100–581)

AN ACT To establish procedures for review of tribal constitutions and bylaws or amendments thereto pursuant to the Act of June 18, 1934 (48 Stat. 987).

SEC. 401. (a) * * *

(b) Notwithstanding any other provision of law, the Secretary of the Army shall—

(1) * * *

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(3) make improvements at existing sites *and Celilo Village, Oregon,* including but not limited to dredging at the site at Wind River, Washington, and constructing a boat ramp on or near the site at Cascade Locks, Oregon.

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## SECTION 108 OF THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1994

SEC. 108. (a) IN GENERAL.—¿The Secretary

*(1) AUTHORITY TO CONVEY.—The Secretary* of the Army is authorized to convey to the City of Galveston, Texas, fee simple absolute title to all or any part of a parcel of land containing approximately 605 acres known as the San Jacinto Disposal Area located on the east end of Galveston Island, Texas, in the W.A.A. Wallace Survey, A–647 and A–648, City of Galveston, Galveston County, Texas, being part of the old Fort San Jacinto site, at the fair market value of such parcel to be determined in accordance with the provisions of subsection (d). Such conveyance shall only be made by the Secretary of the Army upon the agreement of the Secretary and the City as to all compensation due herein.

*(2) LETTER OF INTENT.—*

*(A) IN GENERAL.—The Secretary may provide a letter of intent to the city of Galveston for conveyance of less than 100 acres of the parcel described in subsection (a) for private development purposes if the Secretary receives and approves a proposal by the city designating the land which would be subject to such development.*

*(B) DISPOSITION OF SPOIL.—If the Secretary issues a letter of intent under subparagraph (A), no additional spoil material may be placed on the land designated for private development for a period of at least 5 years from the date of issuance of the letter to provide the city of Galveston with an opportunity to secure private developers, perform appraisals, conduct environmental studies, and provide the compensation to the United States required for the conveyance.*

* * * * * * *

(e) NAVIGATIONAL SERVITUDE.—

(1) * * *

* * * * * * *

(3) EXPIRATION DATE.—If, 20 years after the ¿date of the enactment of this Act *date of enactment of the Water Resources Development Act of 2003*, any area or part thereof described in subsection (a) is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance with the requirements set out in paragraph (2), or if work in connection with any activity permitted in paragraph (2) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

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## COMMITTEE CORRESPONDENCE

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
*Washington, DC, September 4, 2003.*

Hon. DON YOUNG,
*Chairman, Committee on Transportation and Infrastructure,*
*Rayburn HOB, Washington, DC.*

DEAR MR. CHAIRMAN: I have reviewed H.R. 2557, the Water Resources Development Act of 2003, as ordered reported by the Committee on Transportation and Infrastructure. I believe that the Committee on Resources has a substantial jurisdictional interest in many provisions of this important legislation affecting fish and wildlife, environmental review and coordination, ecosystem restoration and Native Americans.

Recognizing that the House of Representatives has a dwindling number of legislative days left before the first session of 108th Congress ends, I will forego seeking a sequential referral of H.R. 2557. Waiving the Committee on Resources' right to a referral in this case does not waive the Committee's jurisdiction over any provision in H.R. 2557 or similar provisions in other bills. In addition, I ask that you support my request to have the Committee on Resources represented on the conference on this bill, if a conference is necessary. Finally, I ask that you include this letter in the report accompanying H.R. 2557.

I appreciate your leadership on this bill and I look forward to working with you on H.R. 2557.

Sincerely,

RICHARD W. POMBO,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
*Washington, DC, September 5, 2003.*

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,*
*Longworth Building, Washington, DC.*

Dear Mr. Chairman: Thank you for your letter of September 4, 2003, regarding H.R. 2557, the Water Resources Development Act of 2003, and for your willingness to waive consideration of the provisions in the bill that fall within your Committee's jurisdiction under House Rules.

I agree that your waiving consideration of this provision of H.R. 2557 does not waive your Committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are under your Committee's jurisdiction during any House-

Senate conference on H.R. 2557 or similar legislation, and will support your request for conferees on such provisions.

As you request, your letter and this response will be included in the Committee report on the legislation.

Thank you for your cooperation in moving this important legislation to the House Floor.

Sincerely,

DON YOUNG,
*Chairman.*

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