

105TH CONGRESS
2^D SESSION

S. 2131

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 1998

Referred to the Committee on Transportation and Infrastructure

AN ACT

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

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

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Water Resources Development Act of 1998”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—WATER RESOURCES DEVELOPMENT

- Sec. 101. Definition.
 Sec. 102. Project authorizations.
 Sec. 103. Project modifications.
 Sec. 104. Project deauthorizations.
 Sec. 105. Studies.
 Sec. 106. Flood hazard mitigation and riverine ecosystem restoration program.
 Sec. 107. Shore protection.
 Sec. 108. Small flood control authority.
 Sec. 109. Use of non-Federal funds for compiling and disseminating information on floods and flood damages.
 Sec. 110. Everglades and south Florida ecosystem restoration.
 Sec. 111. Aquatic ecosystem restoration.
 Sec. 112. Beneficial uses of dredged material.
 Sec. 113. Voluntary contributions by States and political subdivisions.
 Sec. 114. Recreation user fees.
 Sec. 115. Water resources development studies for the Pacific region.
 Sec. 116. Missouri and Middle Mississippi Rivers enhancement project.
 Sec. 117. Outer Continental Shelf.
 Sec. 118. Environmental dredging.
 Sec. 119. Benefit of primary flood damages avoided included in benefit-cost analysis.
 Sec. 120. Control of aquatic plant growth.
 Sec. 121. Environmental infrastructure.
 Sec. 122. Watershed management, restoration, and development.
 Sec. 123. Lakes program.
 Sec. 124. Dredging of salt ponds in the State of Rhode Island.
 Sec. 125. Upper Susquehanna River basin, Pennsylvania and New York.
 Sec. 126. Small flood control projects.
 Sec. 127. Small navigation projects.
 Sec. 128. Streambank protection projects.
 Sec. 129. Aquatic ecosystem restoration, Springfield, Oregon.
 Sec. 130. Guilford and New Haven, Connecticut.
 Sec. 131. Francis Bland Floodway Ditch.
 Sec. 132. Caloosahatchee River basin, Florida.
 Sec. 133. Cumberland, Maryland, flood project mitigation.
 Sec. 134. Sediments decontamination policy.
 Sec. 135. City of Miami Beach, Florida.
 Sec. 136. Small storm damage reduction projects.
 Sec. 137. Sardis Reservoir, Oklahoma.
 Sec. 138. Upper Mississippi River and Illinois waterway system navigation modernization.
 Sec. 139. Disposal of dredged material on beaches.
 Sec. 140. Fish and wildlife mitigation.
 Sec. 141. Upper Mississippi River management.
 Sec. 142. Reimbursement of non-Federal interest.
 Sec. 143. Research and development program for Columbia and Snake Rivers salmon survival.

1 the Secretary substantially in accordance with the plans,
2 and subject to the conditions, described in the respective
3 reports designated in this section:

4 (1) RIO SALADO (SALT RIVER), ARIZONA.—The
5 project for environmental restoration, Rio Salado
6 (Salt River), Arizona: Report of the Chief of Engi-
7 neers, dated August 20, 1998, at a total cost of
8 \$85,900,000, with an estimated Federal cost of
9 \$54,980,000 and an estimated non-Federal cost of
10 \$30,920,000.

11 (2) AMERICAN RIVER WATERSHED, CALIFOR-
12 NIA.—

13 (A) IN GENERAL.—The project for flood
14 damage reduction described as the Folsom
15 Stepped Release Plan in the United States
16 Army Corps of Engineers Supplemental Infor-
17 mation Report for the American River Water-
18 shed Project, California, dated March 1996, at
19 a total cost of \$464,600,000, with an estimated
20 Federal cost of \$302,000,000 and an estimated
21 non-Federal cost of \$162,600,000.

22 (B) IMPLEMENTATION.—

23 (i) IN GENERAL.—Implementation of
24 the measures by the Secretary pursuant to
25 subparagraph (A) shall be undertaken

1 after completion of the levee stabilization
2 and strengthening and flood warning fea-
3 tures authorized by section 101(a)(1) of
4 the Water Resources Development Act of
5 1996 (110 Stat. 3662).

6 (ii) FOLSOM DAM AND RESERVOIR.—

7 The Secretary may undertake measures at
8 the Folsom Dam and Reservoir authorized
9 under subparagraph (A) only after review-
10 ing the design of such measures to deter-
11 mine if modifications are necessary to ac-
12 count for changed hydrologic conditions
13 and any other changed conditions in the
14 project area, including operational and
15 construction impacts that have occurred
16 since completion of the report referred to
17 in subparagraph (A). The Secretary shall
18 conduct the review and develop the modi-
19 fications to the Folsom Dam and Reservoir
20 with the full participation of the Secretary
21 of the Interior.

22 (iii) REMAINING DOWNSTREAM ELE-
23 MENTS.—

24 (I) IN GENERAL.—Implementa-
25 tion of the remaining downstream ele-

1 ments authorized pursuant to sub-
2 paragraph (A) may be undertaken
3 only after the Secretary, in consulta-
4 tion with affected Federal, State, re-
5 gional, and local entities, has reviewed
6 the elements to determine if modifica-
7 tions are necessary to address changes
8 in the hydrologic conditions, any other
9 changed conditions in the project area
10 that have occurred since completion of
11 the report referred to in subparagraph
12 (A) and any design modifications for
13 the Folsom Dam and Reservoir made
14 by the Secretary in implementing the
15 measures referred to in clause (ii),
16 and has issued a report on the review.

17 (II) PRINCIPLES AND GUIDE-
18 LINES.—The review shall be prepared
19 in accordance with the economic and
20 environmental principles and guide-
21 lines for water and related land re-
22 sources implementation studies, and
23 no construction may be initiated un-
24 less the Secretary determines that the
25 remaining downstream elements are

1 technically sound, environmentally ac-
2 ceptable, and economically justified.

3 (3) LLAGAS CREEK, CALIFORNIA.—The project
4 for completion of the remaining reaches of the Natu-
5 ral Resources Conservation Service flood control
6 project at Llagas Creek, California, undertaken pur-
7 suant to section 5 of the Watershed Protection and
8 Flood Prevention Act (16 U.S.C. 1005), substan-
9 tially in accordance with the requirements of local
10 cooperation as specified in section 4 of that Act (16
11 U.S.C. 1004) at a total cost of \$34,300,000, with an
12 estimated Federal cost of \$16,600,000 and an esti-
13 mated non-Federal share of \$17,700,000.

14 (4) UPPER GUADALUPE RIVER, CALIFORNIA.—
15 The Secretary may construct the locally preferred
16 plan for flood damage reduction and recreation,
17 Upper Guadalupe River, California, described as the
18 Bypass Channel Plan of the Chief of Engineers
19 dated August 18, 1998, at a total cost of
20 \$132,836,000, with an estimated Federal cost of
21 \$42,869,000 and an estimated non-Federal cost of
22 \$89,967,000.

23 (5) DELAWARE BAY COASTLINE: DELAWARE
24 AND NEW JERSEY-BROADKILL BEACH, DELAWARE.—

1 (A) IN GENERAL.—The shore protection
2 project for hurricane and storm damage reduc-
3 tion, Delaware Bay Coastline: Delaware and
4 New Jersey-Broadkill Beach, Delaware, Report
5 of the Chief of Engineers dated August 17,
6 1998, at a total cost of \$8,871,000, with an es-
7 timated Federal cost of \$5,593,000 and an esti-
8 mated non-Federal cost of \$3,278,000.

9 (B) PERIODIC NOURISHMENT.—Periodic
10 nourishment is authorized for a 50-year period
11 at an estimated average annual cost of
12 \$651,000, with an estimated annual Federal
13 cost of \$410,000 and an estimated annual non-
14 Federal cost of \$241,000.

15 (6) HILLSBORO AND OKEECHOBEE AQUIFER
16 STORAGE AND RECOVERY PROJECT, FLORIDA.—The
17 project for aquifer storage and recovery described in
18 the United States Army Corps of Engineers Central
19 and Southern Florida Water Supply Study, Florida,
20 dated April 1989, and in House Document 369,
21 dated July 30, 1968, at a total cost of \$27,000,000,
22 with an estimated Federal cost of \$13,500,000 and
23 an estimated non-Federal cost of \$13,500,000.

24 (7) INDIAN RIVER COUNTY, FLORIDA.—Not-
25 withstanding section 1001(a) of the Water Re-

1 sources Development Act of 1986 (33 U.S.C.
2 579a(a)), the project for shoreline protection, Indian
3 River County, Florida, authorized by section 501(a)
4 of that Act (100 Stat. 4134), shall remain author-
5 ized for construction through December 31, 2002.

6 (8) LIDO KEY BEACH, SARASOTA, FLORIDA.—

7 (A) IN GENERAL.—The project for shore
8 protection at Lido Key Beach, Sarasota, Flor-
9 ida, authorized by section 101 of the River and
10 Harbor Act of 1970 (84 Stat. 1819) and de-
11 authorized by operation of section 1001(b) of
12 the Water Resources Development Act of 1986
13 (33 U.S.C. 579a(b)), is authorized to be carried
14 out by the Secretary at a total cost of
15 \$5,200,000, with an estimated Federal cost of
16 \$3,380,000 and an estimated non-Federal cost
17 of \$1,820,000.

18 (B) PERIODIC NOURISHMENT.—Periodic
19 nourishment is authorized for a 50-year period
20 at an estimated average annual cost of
21 \$602,000, with an estimated annual Federal
22 cost of \$391,000 and an estimated annual non-
23 Federal cost of \$211,000.

24 (9) AMITE RIVER AND TRIBUTARIES, LOUISI-
25 ANA, EAST BATON ROUGE PARISH WATERSHED.—

1 The project for flood damage reduction and recre-
2 ation, Amite River and Tributaries, Louisiana, East
3 Baton Rouge Parish Watershed: Report of the Chief
4 of Engineers, dated December 23, 1996, at a total
5 cost of \$110,045,000, with an estimated Federal
6 cost of \$71,343,000 and an estimated non-Federal
7 cost of \$38,702,000.

8 (10) BALTIMORE HARBOR ANCHORAGES AND
9 CHANNELS, MARYLAND AND VIRGINIA.—The project
10 for navigation, Baltimore Harbor Anchorages and
11 Channels, Maryland and Virginia: Report of the
12 Chief of Engineers, dated June 8, 1998, at a total
13 cost of \$27,692,000, with an estimated Federal cost
14 of \$18,510,000 and an estimated non-Federal cost
15 of \$9,182,000.

16 (11) RED LAKE RIVER AT CROOKSTON, MIN-
17 NESOTA.—The project for flood damage reduction,
18 Red Lake River at Crookston, Minnesota: Report of
19 the Chief of Engineers, dated April 20, 1998, at a
20 total cost of \$8,720,000, with an estimated Federal
21 cost of \$5,567,000 and an estimated non-Federal
22 cost of \$3,153,000.

23 (12) PARK RIVER, NORTH DAKOTA.—

24 (A) IN GENERAL.—Subject to the condi-
25 tion stated in subparagraph (B), the project for

1 flood control, Park River, Grafton, North Da-
2 kota, authorized by section 401(a) of the Water
3 Resources Development Act of 1986 (100 Stat.
4 4121) and deauthorized under section 1001(a)
5 of the Water Resources Development Act of
6 1986 (33 U.S.C. 579a), at a total cost of
7 \$27,300,000, with an estimated Federal cost of
8 \$17,745,000 and an estimated non-Federal cost
9 of \$9,555,000.

10 (B) CONDITION.—No construction may be
11 initiated unless the Secretary determines
12 through a general reevaluation report using
13 current data, that the project is technically
14 sound, environmentally acceptable, and eco-
15 nomically justified.

16 (b) PROJECTS SUBJECT TO A FINAL REPORT.—The
17 following projects for water resources development and
18 conservation and other purposes are authorized to be car-
19 ried out by the Secretary substantially in accordance with
20 the plans, and subject to the conditions recommended in
21 a final report of the Chief of Engineers as approved by
22 the Secretary, if the report of the Chief is completed not
23 later than December 31, 1998.

24 (1) NOME HARBOR IMPROVEMENTS, ALASKA.—

25 The project for navigation, Nome Harbor Improve-

1 ments, Alaska, at a total cost of \$24,280,000, with
2 an estimated first Federal cost of \$19,162,000 and
3 an estimated first non-Federal cost of \$5,118,000.

4 (2) SAND POINT HARBOR, ALASKA.—The
5 project for navigation, Sand Point Harbor, Alaska,
6 at a total cost of \$11,463,000, with an estimated
7 Federal cost of \$6,718,000 and an estimated first
8 non-Federal cost of \$4,745,000.

9 (3) SEWARD HARBOR, ALASKA.—The project
10 for navigation, Seward Harbor, Alaska, at a total
11 cost of \$11,930,000, with an estimated first Federal
12 cost of \$3,816,000 and an estimated first non-Fed-
13 eral cost of \$8,114,000.

14 (4) HAMILTON AIRFIELD WETLAND RESTORA-
15 TION, CALIFORNIA.—The project for environmental
16 restoration at Hamilton Airfield, California, at a
17 total cost of \$55,100,000, with an estimated Federal
18 cost of \$41,300,000 and an estimated non-Federal
19 cost of \$13,800,000.

20 (5) OAKLAND, CALIFORNIA.—

21 (A) IN GENERAL.—The project for naviga-
22 tion and environmental restoration, Oakland,
23 California, at a total cost of \$214,900,000, with
24 an estimated Federal cost of \$128,600,000 and
25 an estimated non-Federal cost of \$86,300,000.

1 (B) BERTHING AREAS AND OTHER LOCAL
2 SERVICE FACILITIES.—The non-Federal inter-
3 ests shall provide berthing areas and other local
4 service facilities necessary for the project at an
5 estimated cost of \$38,200,000.

6 (6) SOUTH SACRAMENTO COUNTY STREAMS,
7 CALIFORNIA.—The project for flood damage reduc-
8 tion, environmental restoration, and recreation,
9 South Sacramento County Streams, California at a
10 total cost of \$65,410,000, with an estimated Federal
11 cost of \$39,104,000 and an estimated non-Federal
12 cost of \$26,306,000.

13 (7) YUBA RIVER BASIN, CALIFORNIA.—The
14 project for flood damage reduction, Yuba River
15 Basin, California, at a total cost of \$25,850,000,
16 with an estimated Federal cost of \$16,775,000 and
17 an estimated non-Federal cost of \$9,075,000.

18 (8) DELAWARE BAY COASTLINE: DELAWARE
19 AND NEW JERSEY-PORT MAHON, DELAWARE.—

20 (A) IN GENERAL.—The shore protection
21 project for ecosystem restoration, Delaware Bay
22 Coastline: Delaware and New Jersey-Port
23 Mahon, Delaware, at a total cost of \$7,563,000,
24 with an estimated Federal cost of \$4,916,000

1 and an estimated non-Federal cost of
2 \$2,647,000.

3 (B) PERIODIC NOURISHMENT.—Periodic
4 nourishment is authorized for a 50-year period
5 at an estimated average annual cost of
6 \$238,000, with an estimated annual Federal
7 cost of \$155,000 and an estimated annual non-
8 Federal cost of \$83,000.

9 (9) DELAWARE BAY COASTLINE: DELAWARE
10 AND NEW JERSEY-ROOSEVELT INLET-LEWES BEACH,
11 DELAWARE.—

12 (A) IN GENERAL.—The shore protection
13 project for navigation mitigation and hurricane
14 and storm damage reduction, Delaware Bay
15 Coastline: Delaware and New Jersey-Roosevelt
16 Inlet-Lewes Beach, Delaware, at a total cost of
17 \$3,326,000, with an estimated Federal cost of
18 \$2,569,000 and an estimated non-Federal cost
19 of \$757,000.

20 (B) PERIODIC NOURISHMENT.—Periodic
21 nourishment is authorized for a 50-year period
22 at an estimated average annual cost of
23 \$207,000, with an estimated annual Federal
24 cost of \$159,000 and an estimated annual non-
25 Federal cost of \$48,000.

1 (10) DELAWARE COAST FROM CAPE
2 HENELOPEN TO FENWICK ISLAND, BETHANY BEACH/
3 SOUTH BETHANY BEACH, DELAWARE.—

4 (A) IN GENERAL.—The shore protection
5 project for hurricane storm damage reduction,
6 Delaware Coast from Cape Henelopen to
7 Fenwick Island, Bethany Beach/South Bethany
8 Beach, Delaware, at a total cost of
9 \$22,094,000, with an estimated Federal cost of
10 \$14,361,000 and an estimated non-Federal cost
11 of \$7,733,000.

12 (B) PERIODIC NOURISHMENT.—Periodic
13 nourishment is authorized for a 50-year period
14 at an estimated average annual cost of
15 \$1,573,000, with an estimated annual Federal
16 cost of \$1,022,000 and an estimated annual
17 non-Federal cost of \$551,000.

18 (11) JACKSONVILLE HARBOR, FLORIDA.—The
19 project for navigation, Jacksonville Harbor, Florida,
20 at a total cost of \$27,758,000, with an estimated
21 Federal cost of \$9,632,000 and an estimated non-
22 Federal cost of \$18,126,000.

23 (12) LITTLE TALBOT ISLAND, DUVAL COUNTY,
24 FLORIDA.—The shore protection project for hurri-
25 cane and storm damage prevention, Little Talbot Is-

1 land, Duval County, Florida, at a total cost of
2 \$5,802,000, with an estimated Federal cost of
3 \$3,771,000 and an estimated non-Federal cost of
4 \$2,031,000.

5 (13) PONCE DE LEON INLET, VOLUSIA COUNTY,
6 FLORIDA.—The project for navigation and recre-
7 ation, Ponce de Leon Inlet, Volusia County, Florida,
8 at a total cost of \$5,533,000, with an estimated
9 Federal cost of \$3,408,000 and an estimated non-
10 Federal cost of \$2,125,000.

11 (14) TAMPA HARBOR-BIG BEND CHANNEL,
12 FLORIDA.—The project for navigation, Tampa Har-
13 bor-Big Bend Channel, Florida, at a total cost of
14 \$11,348,000, with an estimated Federal cost of
15 \$5,747,000 and an estimated non-Federal cost of
16 \$5,601,000.

17 (15) BRUNSWICK HARBOR DEEPENING, GEOR-
18 GIA.—The project for navigation, Brunswick Harbor
19 deepening, Georgia, at a total cost of \$49,433,000,
20 with an estimated Federal cost of \$32,083,000 and
21 an estimated non-Federal cost of \$17,350,000.

22 (16) SAVANNAH HARBOR EXPANSION, GEOR-
23 GIA.—

24 (A) IN GENERAL.—Subject to subpara-
25 graph (B), the Secretary may carry out the

1 project for navigation, Savannah Harbor expansion,
2 Georgia, substantially in accordance with
3 the plans, and subject to the conditions, recommended
4 in a final report of the Chief of Engineers, with such
5 modifications as the Secretary deems appropriate, at a
6 total cost of \$223,887,000 (of which amount a portion is
7 authorized for implementation of the mitigation
8 plan), with an estimated Federal cost of
9 \$141,482,000 and an estimated non-Federal
10 cost of \$82,405,000, if the final report of the
11 Chief of Engineers is completed by December
12 31, 1998.

14 (B) CONDITIONS.—The project authorized
15 by subparagraph (A) may be carried out only
16 after—

17 (i) the Secretary, in consultation with
18 affected Federal, State, regional, and local
19 entities, has reviewed and approved an Environmental
20 Impact Statement that
21 includes—

22 (I) an analysis of the impacts of
23 project depth alternatives ranging
24 from 42 feet through 48 feet; and

1 (II) a selected plan for navigation
2 and associated mitigation plan as re-
3 quired by section 906(a) of the Water
4 Resources Development Act of 1986
5 (33 U.S.C. 2283); and

6 (ii) the Secretary of the Interior, the
7 Secretary of Commerce, and the Adminis-
8 trator of the Environmental Protection
9 Agency, with the Secretary, have approved
10 the selected plan and have determined that
11 the mitigation plan adequately addresses
12 the potential environmental impacts of the
13 project.

14 (C) MITIGATION REQUIREMENTS.—The
15 mitigation plan shall be implemented in advance
16 of or concurrently with construction of the
17 project.

18 (17) GRAND FORKS, NORTH DAKOTA, AND EAST
19 GRAND FORKS, MINNESOTA.—The project for flood
20 damage reduction and recreation, Grand Forks,
21 North Dakota, and East Grand Forks, Minnesota,
22 at a total cost of \$307,750,000, with an estimated
23 Federal cost of \$154,360,000 and an estimated non-
24 Federal cost of \$153,390,000.

1 (18) BAYOU CASSOTTE EXTENSION,
2 PASCAGOULA HARBOR, PASCAGOULA, MISSISSIPPI.—
3 The project for navigation, Bayou Cassotte exten-
4 sion, Pascagoula Harbor, Pascagoula, Mississippi, at
5 a total cost of \$5,700,000, with an estimated Fed-
6 eral cost of \$3,705,000 and an estimated non-Fed-
7 eral cost of \$1,995,000.

8 (19) TURKEY CREEK BASIN, KANSAS CITY, MIS-
9 SOURI AND KANSAS CITY, KANSAS.—The project for
10 flood damage reduction, Turkey Creek Basin, Kan-
11 sas City, Missouri, and Kansas City, Kansas, at a
12 total cost of \$43,288,000 with an estimated Federal
13 cost of \$28,840,000 and an estimated non-Federal
14 cost of \$17,448,000.

15 (20) LOWER CAPE MAY MEADOWS, CAPE MAY
16 POINT, NEW JERSEY.—

17 (A) IN GENERAL.—The shore protection
18 project for navigation mitigation, ecosystem res-
19 toration, and hurricane and storm damage re-
20 duction, Lower Cape May Meadows, Cape May
21 Point, New Jersey, at a total cost of
22 \$14,885,000, with an estimated Federal cost of
23 \$11,390,000 and an estimated non-Federal cost
24 of \$3,495,000.

1 (B) PERIODIC NOURISHMENT.—Periodic
2 nourishment is authorized for a 50-year period
3 at an estimated average annual cost of
4 \$4,565,000, with an estimated annual Federal
5 cost of \$3,674,000 and an estimated annual
6 non-Federal cost of \$891,000.

7 (21) NEW JERSEY SHORE PROTECTION, BRIG-
8 ANTINE INLET TO GREAT EGG HARBOR, BRIGANTINE
9 ISLAND, NEW JERSEY.—

10 (A) IN GENERAL.—The shore protection
11 project for hurricane and storm damage reduc-
12 tion, New Jersey Shore protection, Brigantine
13 Inlet to Great Egg Harbor, Brigantine Island,
14 New Jersey, at a total cost of \$4,861,000, with
15 an estimated Federal cost of \$3,160,000 and an
16 estimated non-Federal cost of \$1,701,000.

17 (B) PERIODIC NOURISHMENT.—Periodic
18 nourishment is authorized for a 50-year period
19 at an estimated average annual cost of
20 \$454,000, with an estimated annual Federal
21 cost of \$295,000 and an estimated annual non-
22 Federal cost of \$159,000.

23 (22) NEW JERSEY SHORE PROTECTION, TOWN-
24 SENDS INLET TO CAPE MAY INLET, NEW JERSEY.—

1 (A) IN GENERAL.—The shore protection
2 project for hurricane and storm damage reduc-
3 tion and ecosystem restoration, New Jersey
4 Shore protection, Townsends Inlet to Cape May
5 Inlet, New Jersey, at a total cost of
6 \$55,204,000, with an estimated Federal cost of
7 \$35,883,000 and an estimated non-Federal cost
8 of \$19,321,000.

9 (B) PERIODIC NOURISHMENT.—Periodic
10 nourishment is authorized for a 50-year period
11 at an estimated average annual cost of
12 \$6,319,000, with an estimated annual Federal
13 cost of \$4,107,000 and an estimated annual
14 non-Federal cost of \$2,212,000.

15 (23) MEMPHIS HARBOR, MEMPHIS, TEN-
16 NESSEE.—

17 (A) IN GENERAL.—Subject to subpara-
18 graph (B), the project for navigation, Memphis
19 Harbor, Memphis, Tennessee, authorized by
20 section 601(a) of the Water Resources Develop-
21 ment Act of 1986 (100 Stat. 4145) and de-
22 authorized under section 1001(a) of that Act
23 (33 U.S.C. 579a(a)) is authorized to be carried
24 out by the Secretary.

1 (B) CONDITION.—No construction may be
2 initiated unless the Secretary determines
3 through a general reevaluation report using
4 current data, that the project is technically
5 sound, environmentally acceptable, and eco-
6 nomically justified.

7 (24) METRO CENTER LEVEE, CUMBERLAND
8 RIVER, NASHVILLE, TENNESSEE.—The project for
9 flood damage reduction and recreation, Metro Certer
10 Levee, Cumberland River, Nashville, Tennessee, at a
11 total cost of \$5,931,000, with an estimated Federal
12 cost of \$3,753,000 and an estimated non-Federal
13 cost of \$2,178,000.

14 (25) HOWARD HANSON DAM, WASHINGTON.—
15 The project for water supply and ecosystem restora-
16 tion, Howard Hanson Dam, Washington, at a total
17 cost of \$74,908,000, with an estimated Federal cost
18 of \$36,284,000 and an estimated non-Federal cost
19 of \$38,624,000.

20 **SEC. 103. PROJECT MODIFICATIONS.**

21 (a) PROJECTS WITH REPORTS.—

22 (1) GLENN-COLUSA, CALIFORNIA.—The project
23 for flood control, Sacramento River, California, au-
24 thorized by section 2 of the Act entitled “An Act to
25 provide for the control of the floods of the Mis-

1 Mississippi River and of the Sacramento River, Califor-
2 nia, and for other purposes”, approved March 1,
3 1917 (39 Stat. 949), and modified by section 102 of
4 the Energy and Water Development Appropriations
5 Act, 1990 (103 Stat. 649), and further modified by
6 section 301(b)(3) of the Water Resources Develop-
7 ment Act of 1996 (110 Stat. 3709), is further modi-
8 fied to authorize the Secretary to carry out the por-
9 tion of the project in Glenn-Colusa, California, in ac-
10 cordance with the Corps of Engineers report dated
11 May 22, 1998, at a total cost of \$20,700,000, with
12 an estimated Federal cost of \$15,570,000 and an es-
13 timated non-Federal cost of \$5,130,000.

14 (2) SAN LORENZO RIVER, CALIFORNIA.—The
15 project for flood control, San Lorenzo River, Califor-
16 nia, authorized by section 101(a)(5) of the Water
17 Resources Development Act of 1996 (110 Stat.
18 3663), is modified to authorize the Secretary to in-
19 clude as a part of the project streambank erosion
20 control measures to be undertaken substantially in
21 accordance with the report entitled “Bank Stabiliza-
22 tion Concept, Laurel Street Extension”, dated April
23 23, 1998, at a total cost of \$4,000,000, with an esti-
24 mated Federal cost of \$2,600,000 and an estimated
25 non-Federal cost of \$1,400,000.

1 (3) WOOD RIVER, GRAND ISLAND, NEBRASKA.—
2 The project for flood control, Wood River, Grand Is-
3 land, Nebraska, authorized by section 101(a)(19) of
4 the Water Resources Development Act of 1996 (110
5 Stat. 3665) is modified to authorize the Secretary to
6 construct the project in accordance with the Corps
7 of Engineers report dated June 29, 1998, at a total
8 cost of \$16,632,000, with an estimated Federal cost
9 of \$9,508,000 and an estimated non-Federal cost of
10 \$7,124,000.

11 (4) ABSECON ISLAND, NEW JERSEY.—The
12 project for Absecon Island, New Jersey, authorized
13 by section 101(b)(13) of the Water Resources Devel-
14 opment Act of 1996 (110 Stat. 3668) is amended to
15 authorize the Secretary to reimburse the non-Fed-
16 eral interests for all work performed, consistent with
17 the authorized project.

18 (5) WAURIKA LAKE, OKLAHOMA, WATER CON-
19 VEYANCE FACILITIES.—The requirement for the
20 Waurika Project Master Conservancy District to
21 repay the \$2,900,000 in costs (including interest)
22 resulting from the October 1991 settlement of the
23 claim of the Travelers Insurance Company before
24 the United States Claims Court related to construc-
25 tion of the water conveyance facilities authorized by

1 the first section of Public Law 88-253 (77 Stat.
2 841) is waived.

3 (b) PROJECTS SUBJECT TO REPORTS.—The follow-
4 ing projects are modified as follows, except that no funds
5 may be obligated to carry out work under such modifica-
6 tions until completion of a final report by the Chief of
7 Engineers, as approved by the Secretary, finding that such
8 work is technically sound, environmentally acceptable, and
9 economically justified, as applicable:

10 (1) SACRAMENTO METRO AREA, CALIFORNIA.—

11 The project for flood control, Sacramento Metro
12 Area, California, authorized by section 101(4) of the
13 Water Resources Development Act of 1992 (106
14 Stat. 4801) is modified to authorize the Secretary to
15 construct the project at a total cost of \$32,600,000,
16 with an estimated Federal cost of \$24,500,000 and
17 an estimated non-Federal cost of \$8,100,000.

18 (2) THORNTON RESERVOIR, COOK COUNTY, IL-
19 LINOIS.—

20 (A) IN GENERAL.—The Thornton Res-
21 ervoir project, an element of the project for
22 flood control, Chicagoland Underflow Plan, Illi-
23 nois, authorized by section 3(a)(5) of the Water
24 Resources Development Act of 1988 (102 Stat.
25 4013), is modified to authorize the Secretary to

1 include additional permanent flood control stor-
2 age attributable to the Thorn Creek Reservoir
3 project, Little Calumet River Watershed, Illi-
4 nois, approved under the Watershed Protection
5 and Flood Prevention Act (16 U.S.C. 1001 et
6 seq.).

7 (B) COST SHARING.—Costs for the Thorn-
8 ton Reservoir project shall be shared in accord-
9 ance with section 103 of the Water Resources
10 Development Act of 1986 (33 U.S.C. 2213).

11 (C) TRANSITIONAL STORAGE.—The Sec-
12 retary of Agriculture may cooperate with non-
13 Federal interests to provide, on a transitional
14 basis, flood control storage for the Thorn Creek
15 Reservoir project in the west lobe of the Thorn-
16 ton quarry.

17 (D) CREDITING.—The Secretary may cred-
18 it against the non-Federal share of the Thorn-
19 ton Reservoir project all design and construc-
20 tion costs incurred by the non-Federal interests
21 before the date of enactment of this Act.

22 (E) REEVALUATION REPORT.—The Sec-
23 retary shall determine the credits authorized by
24 subparagraph (D) that are integral to the
25 Thornton Reservoir project and the current

1 total project costs based on a limited reevalua-
2 tion report.

3 (3) WELLS HARBOR, WELLS, MAINE.—

4 (A) IN GENERAL.—The project for naviga-
5 tion, Wells Harbor, Maine, authorized by sec-
6 tion 101 of the River and Harbor Act of 1960
7 (74 Stat. 480), is modified to authorize the
8 Secretary to realign the channel and anchorage
9 areas based on a harbor design capacity of 150
10 craft.

11 (B) DEAUTHORIZATION OF CERTAIN POR-
12 TIONS.—The following portions of the project
13 are not authorized after the date of enactment
14 of this Act:

15 (i) The portion of the 6-foot channel
16 the boundaries of which begin at a point
17 with coordinates N177,992.00,
18 E394,831.00, thence running south 83 de-
19 grees 58 minutes 14.8 seconds west 10.38
20 feet to a point N177,990.91, E394,820.68,
21 thence running south 11 degrees 46 min-
22 utes 47.7 seconds west 991.76 feet to a
23 point N177,020.04, E394,618.21, thence
24 running south 78 degrees 13 minutes 45.7
25 seconds east 10.00 feet to a point

1 N177,018.00, E394,628.00, thence run-
2 ning north 11 degrees 46 minutes 22.8
3 seconds east 994.93 feet to the point of or-
4 igin.

5 (ii) The portion of the 6-foot anchor-
6 age the boundaries of which begin at a
7 point with coordinates N177,778.07,
8 E394,336.96, thence running south 51 de-
9 grees 58 minutes 32.7 seconds west 15.49
10 feet to a point N177,768.53, E394,324.76,
11 thence running south 11 degrees 46 min-
12 utes 26.5 seconds west 672.87 feet to a
13 point N177,109.82, E394,187.46, thence
14 running south 78 degrees 13 minutes 45.7
15 seconds east 10.00 feet to a point
16 N177,107.78, E394,197.25, thence run-
17 ning north 11 degrees 46 minutes 25.4
18 seconds east 684.70 feet to the point of or-
19 igin.

20 (iii) The portion of the 10-foot set-
21 tling basin the boundaries of which begin
22 at a point with coordinates N177,107.78,
23 E394,197.25, thence running north 78 de-
24 grees 13 minutes 45.7 seconds west 10.00
25 feet to a point N177,109.82, E394,187.46,

1 thence running south 11 degrees 46 min-
2 utes 15.7 seconds west 300.00 feet to a
3 point N176,816.13, E394,126.26, thence
4 running south 78 degrees 12 minutes 21.4
5 seconds east 9.98 feet to a point
6 N176,814.09, E394,136.03, thence run-
7 ning north 11 degrees 46 minutes 29.1
8 seconds east 300.00 feet to the point of or-
9 igin.

10 (iv) The portion of the 10-foot settling
11 basin the boundaries of which begin at a
12 point with coordinates N177,018.00,
13 E394,628.00, thence running north 78 de-
14 grees 13 minutes 45.7 seconds west 10.00
15 feet to a point N177,020.04, E394,618.21,
16 thence running south 11 degrees 46 min-
17 utes 44.0 seconds west 300.00 feet to a
18 point N176,726.36, E394,556.97, thence
19 running south 78 degrees 12 minutes 30.3
20 seconds east 10.03 feet to a point
21 N176,724.31, E394,566.79, thence run-
22 ning north 11 degrees 46 minutes 22.4
23 seconds east 300.00 feet to the point of or-
24 igin.

1 (C) REDESIGNATIONS.—The following por-
2 tions of the project shall be redesignated as
3 part of the 6-foot anchorage:

4 (i) The portion of the 6-foot channel
5 the boundaries of which begin at a point
6 with coordinates N177,990.91,
7 E394,820.68, thence running south 83 de-
8 grees 58 minutes 40.8 seconds west 94.65
9 feet to a point N177,980.98, E394,726.55,
10 thence running south 11 degrees 46 min-
11 utes 22.4 seconds west 962.83 feet to a
12 point N177,038.40, E394,530.10, thence
13 running south 78 degrees 13 minutes 45.7
14 seconds east 90.00 feet to a point
15 N177,020.04, E394,618.21, thence run-
16 ning north 11 degrees 46 minutes 47.7
17 seconds east 991.76 feet to the point of or-
18 igin.

19 (ii) The portion of the 10-foot inner
20 harbor settling basin the boundaries of
21 which begin at a point with coordinates
22 N177,020.04, E394,618.21, thence run-
23 ning north 78 degrees 13 minutes 30.5
24 seconds west 160.00 feet to a point
25 N177,052.69, E394,461.58, thence run-

1 ning south 11 degrees 46 minutes 45.4
2 seconds west 299.99 feet to a point
3 N176,759.02, E394,400.34, thence run-
4 ning south 78 degrees 13 minutes 17.9
5 seconds east 160 feet to a point
6 N176,726.36, E394,556.97, thence run-
7 ning north 11 degrees 46 minutes 44.0
8 seconds east 300.00 feet to the point of or-
9 igin.

10 (iii) The portion of the 6-foot anchor-
11 age the boundaries of which begin at a
12 point with coordinates N178,102.26,
13 E394,751.83, thence running south 51 de-
14 grees 59 minutes 42.1 seconds west 526.51
15 feet to a point N177,778.07, E394,336.96,
16 thence running south 11 degrees 46 min-
17 utes 26.6 seconds west 511.83 feet to a
18 point N177,277.01, E394,232.52, thence
19 running south 78 degrees 13 minutes 17.9
20 seconds east 80.00 feet to a point
21 N177,260.68, E394,310.84, thence run-
22 ning north 11 degrees 46 minutes 24.8
23 seconds east 482.54 feet to a point
24 N177,733.07, E394,409.30, thence run-
25 ning north 51 degrees 59 minutes 41.0

1 seconds east 402.63 feet to a point
2 N177,980.98, E394,726.55, thence run-
3 ning north 11 degrees 46 minutes 27.6
4 seconds east 123.89 feet to the point of or-
5 igin.

6 (D) REALIGNMENT.—The 6-foot anchorage
7 area described in subparagraph (C)(iii) shall be
8 realigned to include the area located south of
9 the inner harbor settling basin in existence on
10 the date of enactment of this Act beginning at
11 a point with coordinates N176,726.36,
12 E394,556.97, thence running north 78 degrees
13 13 minutes 17.9 seconds west 160.00 feet to a
14 point N176,759.02, E394,400.34, thence run-
15 ning south 11 degrees 47 minutes 03.8 seconds
16 west 45 feet to a point N176,714.97,
17 E394,391.15, thence running south 78 degrees
18 13 minutes 17.9 seconds 160.00 feet to a point
19 N176,682.31, E394,547.78, thence running
20 north 11 degrees 47 minutes 03.8 seconds east
21 45 feet to the point of origin.

22 (E) RELOCATION.—The Secretary may re-
23 locate the settling basin feature of the project
24 to the outer harbor between the jetties.

1 (4) NEW YORK HARBOR AND ADJACENT CHAN-
2 NELS, PORT JERSEY, NEW JERSEY.—The project for
3 navigation, New York Harbor and Adjacent Chan-
4 nels, Port Jersey, New Jersey, authorized by section
5 202(b) of the Water Resources Development Act of
6 1986 (100 Stat. 4098), is modified to authorize the
7 Secretary to construct the project at a total cost of
8 \$100,689,000, with an estimated Federal cost of
9 \$74,998,000 and an estimated non-Federal cost of
10 \$25,701,000.

11 (5) ARTHUR KILL, NEW YORK AND NEW JER-
12 SEY.—

13 (A) IN GENERAL.—The project for naviga-
14 tion, Arthur Kill, New York and New Jersey,
15 authorized by section 202(b) of the Water Re-
16 sources Development Act of 1986 (100 Stat.
17 4098) and modified by section 301(b)(11) of
18 the Water Resources Development Act of 1996
19 (110 Stat. 3711), is further modified to author-
20 ize the Secretary to construct the project at a
21 total cost of \$269,672,000, with an estimated
22 Federal cost of \$178,400,000 and an estimated
23 non-Federal cost of \$91,272,000.

24 (B) BERTHING AREAS AND OTHER LOCAL
25 SERVICE FACILITIES.—The non-Federal inter-

1 ests shall provide berthing areas and other local
2 service facilities necessary for the project at an
3 estimated cost of \$37,936,000.

4 (c) BEAVER LAKE, ARKANSAS, WATER SUPPLY
5 STORAGE REALLOCATION.—The Secretary shall reallocate
6 approximately 31,000 additional acre-feet at Beaver Lake,
7 Arkansas, to water supply storage at no cost to the Beaver
8 Water District or the Carroll-Boone Water District, except
9 that at no time shall the bottom of the conservation pool
10 be at an elevation that is less than 1,076 feet, NGVD.

11 (d) TOLCHESTER CHANNEL S-TURN, BALTIMORE,
12 MARYLAND.—The project for navigation, Baltimore Har-
13 bor and Channels, Maryland, authorized by section 101
14 of the River and Harbor Act of 1958 (72 Stat. 297), is
15 modified to direct the Secretary to straighten the
16 Tolchester Channel S-turn as part of project maintenance.

17 (e) TROPICANA WASH AND FLAMINGO WASH, NE-
18 VADA.—Any Federal costs associated with the Tropicana
19 and Flamingo Washes, Nevada, authorized by section
20 101(13) of the Water Resources Development Act of 1992
21 (106 Stat. 4803), incurred by the non-Federal interest to
22 accelerate or modify construction of the project, in co-
23 operation with the Corps of Engineers, shall be considered
24 to be eligible for reimbursement by the Secretary.

1 (f) REDIVERSION PROJECT, COOPER RIVER,
2 CHARLESTON HARBOR, SOUTH CAROLINA.—

3 (1) IN GENERAL.—The rediversion project,
4 Cooper River, Charleston Harbor, South Carolina,
5 authorized by section 101 of the River and Harbor
6 Act of 1968 (82 Stat. 731) and modified by title I
7 of the Energy and Water Development Appropria-
8 tions Act, 1992 (105 Stat. 517), is modified to au-
9 thorize the Secretary to pay the State of South
10 Carolina not more than \$3,750,000, if the State en-
11 ters into an agreement with the Secretary providing
12 that the State shall perform all future operation of
13 the St. Stephen, South Carolina, fish lift (including
14 associated studies to assess the efficacy of the fish
15 lift).

16 (2) CONTENTS.—The agreement shall specify
17 the terms and conditions under which payment will
18 be made and the rights of, and remedies available to,
19 the Secretary to recover all or a portion of the pay-
20 ment if the State suspends or terminates operation
21 of the fish lift or fails to perform the operation in
22 a manner satisfactory to the Secretary.

23 (3) MAINTENANCE.—Maintenance of the fish
24 lift shall remain a Federal responsibility.

1 (g) FLOOD MITIGATION NEAR PIERRE, SOUTH DA-
2 KOTA.—

3 (1) IN GENERAL.—

4 (A) LAND ACQUISITION.—To provide full
5 operational capability to carry out the author-
6 ized purposes of the Missouri River Main Stem
7 dams that are part of the Pick-Sloan Missouri
8 River Basin Program authorized by section 9 of
9 the Act entitled “An Act authorizing the con-
10 struction of certain public works on rivers and
11 harbors for flood control, and for other pur-
12 poses” approved December 22, 1944 (58 Stat.
13 891), the Secretary may acquire from willing
14 sellers such land and property in the vicinity of
15 Pierre, South Dakota, or floodproof or relocate
16 such property within the project area, as the
17 Secretary determines is adversely affected by
18 the full wintertime Oahe Powerplant releases.

19 (B) OWNERSHIP AND USE.—Any land that
20 is acquired under subparagraph (A) shall be
21 kept in public ownership and shall be dedicated
22 and maintained in perpetuity for a use that is
23 compatible with any remaining flood threat.

24 (C) REPORT.—

1 (i) IN GENERAL.—The Secretary shall
2 not obligate funds to implement this para-
3 graph until the Secretary has completed a
4 report addressing the criteria for selecting
5 which properties are to be acquired, relo-
6 cated, or floodproofed, and a plan for im-
7 plementing such measures, and has made a
8 determination that the measures are eco-
9 nomically justified.

10 (ii) DEADLINE.—The report shall be
11 completed not later than 180 days after
12 funding is made available.

13 (D) COORDINATION AND COOPERATION.—

14 The report and implementation plan—

15 (i) shall be coordinated with the Fed-
16 eral Emergency Management Agency; and

17 (ii) shall be prepared in consultation
18 with other Federal agencies, State and
19 local officials, and residents.

20 (E) CONSIDERATIONS.—The report should
21 take into account information from prior and
22 ongoing studies.

23 (2) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated to carry out
25 this subsection \$35,000,000.

1 (h) TRINITY RIVER AND TRIBUTARIES, TEXAS.—The
2 project for flood control and navigation, Trinity River and
3 tributaries, Texas, authorized by section 301 of the River
4 and Harbor Act of 1965 (79 Stat. 1091), is modified to
5 add environmental restoration as a project purpose.

6 (i) BEACH EROSION CONTROL AND HURRICANE
7 PROTECTION, VIRGINIA BEACH, VIRGINIA.—

8 (1) ACCEPTANCE OF FUNDS.—In any fiscal
9 year that the Corps of Engineers does not receive
10 appropriations sufficient to meet expected project ex-
11 penditures for that year, the Secretary shall accept
12 from the city of Virginia Beach, Virginia, for pur-
13 poses of the project for beach erosion control and
14 hurricane protection, Virginia Beach, Virginia, au-
15 thorized by section 501(a) of the Water Resources
16 Development Act of 1986 (100 Stat. 4136), such
17 funds as the city may advance for the project.

18 (2) REPAYMENT.—Subject to the availability of
19 appropriations, the Secretary shall repay, without in-
20 terest, the amount of any advance made under para-
21 graph (1), from appropriations that may be provided
22 by Congress for river and harbor, flood control,
23 shore protection, and related projects.

24 (j) ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.—
25 Notwithstanding any other provision of law, after the date

1 of enactment of this Act, the city of Chesapeake, Virginia,
 2 shall not be obligated to make the annual cash contribu-
 3 tion required under paragraph 1(9) of the Local Coopera-
 4 tion Agreement dated December 12, 1978, between the
 5 Government and the city for the project for navigation,
 6 southern branch of Elizabeth River, Chesapeake, Virginia.

7 (k) PAYMENT OPTION, MOOREFIELD, WEST VIR-
 8 GINIA.—The Secretary may permit the non-Federal inter-
 9 ests for the project for flood control, Moorefield, West Vir-
 10 ginia, to pay without interest the remaining non-Federal
 11 cost over a period not to exceed 30 years, to be determined
 12 by the Secretary.

13 (l) MIAMI DADE AGRICULTURAL AND RURAL LAND
 14 RETENTION PLAN AND SOUTH BISCAYNE, FLORIDA.—
 15 Section 528(b)(3) of the Water Resources Development
 16 Act of 1996 (110 Stat. 3768) is amended by adding at
 17 the end the following:

18 “(D) CREDIT AND REIMBURSEMENT OF
 19 PAST AND FUTURE ACTIVITIES.—The Secretary
 20 may afford credit to or reimburse the non-Fed-
 21 eral sponsors (using funds authorized by sub-
 22 paragraph (C)) for the reasonable costs of any
 23 work that has been performed or will be per-
 24 formed in connection with a study or activity

1 meeting the requirements of subparagraph (A)
 2 if—

3 “(i) the Secretary determines that—

4 “(I) the work performed by the
 5 non-Federal sponsors will substan-
 6 tially expedite completion of a critical
 7 restoration project; and

8 “(II) the work is necessary for a
 9 critical restoration project; and

10 “(ii) the credit or reimbursement is
 11 granted pursuant to a project-specific
 12 agreement that prescribes the terms and
 13 conditions of the credit or reimburse-
 14 ment.”.

15 (m) LAKE MICHIGAN, ILLINOIS.—

16 (1) IN GENERAL.—The project for storm dam-
 17 age reduction and shoreline protection, Lake Michi-
 18 gan, Illinois, from Wilmette, Illinois, to the Illinois-
 19 Indiana State line, authorized by section 101(a)(12)
 20 of the Water Resources Development Act of 1996
 21 (110 Stat. 3664), is modified to provide for reim-
 22 bursement for additional project work undertaken by
 23 the non-Federal interest.

24 (2) CREDIT OR REIMBURSEMENT.—The Sec-
 25 retary shall credit or reimburse the non-Federal in-

1 terest for the Federal share of project costs incurred
2 by the non-Federal interest in designing, construct-
3 ing, or reconstructing reach 2F (700 feet south of
4 Fullerton Avenue and 500 feet north of Fullerton
5 Avenue), reach 3M (Meigs Field), and segments 7
6 and 8 of reach 4 (43rd Street to 57th Street), if the
7 non-Federal interest carries out the work in accord-
8 ance with plans approved by the Secretary, at an es-
9 timated total cost of \$83,300,000.

10 (3) REIMBURSEMENT.—The Secretary shall re-
11 imburse the non-Federal interest for the Federal
12 share of project costs incurred by the non-Federal
13 interest in reconstructing the revetment structures
14 protecting Solidarity Drive in Chicago, Illinois, be-
15 fore the signing of the project cooperation agree-
16 ment, at an estimated total cost of \$7,600,000.

17 (n) MEASUREMENTS OF LAKE MICHIGAN DIVER-
18 SIONS, ILLINOIS.—Section 1142(b) of the Water Re-
19 sources Development Act of 1986 (100 Stat. 4253) is
20 amended by striking “\$250,000 per fiscal year for each
21 fiscal year beginning after September 30, 1986” and in-
22 serting “a total of \$1,250,000 for each of fiscal years
23 1999 through 2003”.

24 (o) PROJECT FOR NAVIGATION, DUBUQUE, IOWA.—
25 The project for navigation at Dubuque, Iowa, authorized

1 by section 101 of the River and Harbor Act of 1960 (74
2 Stat. 482), is modified to authorize the development of
3 a wetland demonstration area of approximately 1.5 acres
4 to be developed and operated by the Dubuque County His-
5 torical Society or a successor nonprofit organization.

6 (p) LOUISIANA STATE PENITENTIARY LEVEE.—The
7 Secretary may credit against the non-Federal share work
8 performed in the project area of the Louisiana State Peni-
9 tentiary Levee, Mississippi River, Louisiana, authorized by
10 section 401(a) of the Water Resources Development Act
11 of 1986 (100 Stat. 4117).

12 (q) JACKSON COUNTY, MISSISSIPPI.—The project for
13 environmental infrastructure, Jackson County, Mis-
14 sissippi, authorized by section 219(c)(5) of the Water Re-
15 sources Development Act of 1992 (106 Stat. 4835) and
16 modified by section 504 of the Water Resources Develop-
17 ment Act of 1996 (110 Stat. 3757), is modified to direct
18 the Secretary to provide a credit, not to exceed
19 \$5,000,000, against the non-Federal share of the cost of
20 the project for the costs incurred by the Jackson County
21 Board of Supervisors since February 8, 1994, in con-
22 structing the project, if the Secretary determines that such
23 costs are for work that the Secretary determines was com-
24 patible with and integral to the project.

1 (r) RICHARD B. RUSSELL DAM AND LAKE, SOUTH
2 CAROLINA.—

3 (1) IN GENERAL.—Except as otherwise pro-
4 vided in this paragraph, the Secretary shall convey
5 to the State of South Carolina all right, title, and
6 interest of the United States in the parcels of land
7 described in subparagraph (B) that are currently
8 being managed by the South Carolina Department
9 of Natural Resources for fish and wildlife mitigation
10 purposes for the Richard B. Russell Dam and Lake,
11 South Carolina, project authorized by the Flood
12 Control Act of 1966 and modified by the Water Re-
13 sources Development Act of 1986.

14 (2) LAND DESCRIPTION.—

15 (A) IN GENERAL.—The parcels of land to
16 be conveyed are described in Exhibits A, F, and
17 H of Army Lease No. DACW21-1-93-0910
18 and associated supplemental agreements or are
19 designated in red in Exhibit A of Army License
20 No. DACW21-3-85-1904, excluding all des-
21 ignated parcels in the license that are below ele-
22 vation 346 feet mean sea level or that are less
23 than 300 feet measured horizontally from the
24 top of the power pool.

1 (B) MANAGEMENT OF EXCLUDED PAR-
2 CELS.—Management of the excluded parcels
3 shall continue in accordance with the terms of
4 Army License No. DACW21–3–85–1904 until
5 the Secretary and the State enter into an agree-
6 ment under subparagraph (F).

7 (C) SURVEY.—The exact acreage and legal
8 description of the land shall be determined by
9 a survey satisfactory to the Secretary, with the
10 cost of the survey borne by the State.

11 (3) COSTS OF CONVEYANCE.—The State shall
12 be responsible for all costs, including real estate
13 transaction and environmental compliance costs, as-
14 sociated with the conveyance.

15 (4) PERPETUAL STATUS.—

16 (A) IN GENERAL.—All land conveyed
17 under this paragraph shall be retained in public
18 ownership and shall be managed in perpetuity
19 for fish and wildlife mitigation purposes in ac-
20 cordance with a plan approved by the Secretary.

21 (B) REVERSION.—If any parcel of land is
22 not managed for fish and wildlife mitigation
23 purposes in accordance with such plan, title to
24 the parcel shall revert to the United States.

1 (5) ADDITIONAL TERMS AND CONDITIONS.—

2 The Secretary may require such additional terms
3 and conditions in connection with the conveyance as
4 the Secretary considers appropriate to protect the
5 interests of the United States.

6 (6) FISH AND WILDLIFE MITIGATION AGREE-
7 MENT.—

8 (A) IN GENERAL.—The Secretary may pay
9 the State of South Carolina not more than
10 \$4,850,000 subject to the Secretary and the
11 State entering into a binding agreement for the
12 State to manage for fish and wildlife mitigation
13 purposes in perpetuity the lands conveyed under
14 this paragraph and excluded parcels designated
15 in Exhibit A of Army License No. DACW21-
16 3-85-1904.

17 (B) FAILURE OF PERFORMANCE.—The
18 agreement shall specify the terms and condi-
19 tions under which payment will be made and
20 the rights of, and remedies available to, the
21 Federal Government to recover all or a portion
22 of the payment if the State fails to manage any
23 parcel in a manner satisfactory to the Sec-
24 retary.

1 (s) LAND CONVEYANCE, CLARKSTON, WASHING-
2 TON.—

3 (1) IN GENERAL.—The Secretary shall convey
4 to the Port of Clarkston, Washington, all right, title,
5 and interest of the United States in and to a portion
6 of the land described in the Department of the Army
7 lease No. DACW68–1–97–22, consisting of approxi-
8 mately 31 acres, the exact boundaries of which shall
9 be determined by the Secretary and the Port of
10 Clarkston.

11 (2) The Secretary may convey to the Port of
12 Clarkston, Washington, at fair market value as de-
13 termined by the Secretary, such additional land lo-
14 cated in the vicinity of Clarkston, Washington, as
15 the Secretary determines to be excess to the needs
16 of the Columbia River Project and appropriate for
17 conveyance.

18 (3) TERMS AND CONDITIONS.—The conveyances
19 made under subsections (a) and (b) shall be subject
20 to such terms and conditions as the Secretary deter-
21 mines to be necessary to protect the interests of the
22 United States, including a requirement that the Port
23 of Clarkston pay all administrative costs associated
24 with the conveyances, including the cost of land sur-
25 veys and appraisals and costs associated with com-

1 pliance with applicable environmental laws and regu-
2 lations.

3 (4) USE OF LAND.—The Port of Clarkston
4 shall be required to pay the fair market value, as de-
5 termined by the Secretary, of any land conveyed
6 pursuant to subsection (a) that is not retained in
7 public ownership or is used for other than public
8 park or recreation purposes, except that the Sec-
9 retary shall have a right of reverter to reclaim pos-
10 session and title to any such land.

11 (t) WHITE RIVER, INDIANA.—The project for flood
12 control, Indianapolis on West Fork of the White River,
13 Indiana, authorized by section 5 of the Act entitled “An
14 Act authorizing the construction of certain public works
15 on rivers and harbors for flood control, and other pur-
16 poses”, approved June 22, 1936 (49 Stat. 1586, chapter
17 688), as modified by section 323 of the Water Resources
18 Development Act of 1996 (110 Stat. 3716), is modified
19 to authorize the Secretary to undertake the riverfront al-
20 terations described in the Central Indianapolis Waterfront
21 Concept Plan, dated February 1994, for the Canal Devel-
22 opment (Upper Canal feature) and the Beveridge Paper
23 feature, at a total cost not to exceed \$25,000,000, of
24 which \$12,500,000 is the estimated Federal cost and
25 \$12,500,000 is the estimated non-Federal cost, except

1 that no such alterations may be undertaken unless the
2 Secretary determines that the alterations authorized by
3 this subsection, in combination with the alterations under-
4 taken under section 323 of the Water Resources Develop-
5 ment Act of 1996 (110 Stat. 3716), are economically justi-
6 fied.

7 (u) FOX POINT HURRICANE BARRIER, PROVIDENCE,
8 RHODE ISLAND.—The project for hurricane-flood protec-
9 tion, Fox Point, Providence, Rhode Island, authorized by
10 section 203 of the Flood Control Act of 1958 (72 Stat.
11 306) is modified to direct the Secretary to undertake the
12 necessary repairs to the barrier, as identified in the Condi-
13 tion Survey and Technical Assessment dated April 1998
14 with Supplement dated August 1998, at a total cost of
15 \$3,000,000, with an estimated Federal cost of \$1,950,000
16 and an estimated non-Federal cost of \$1,050,000.

17 **SEC. 104. PROJECT DEAUTHORIZATIONS.**

18 (a) BRIDGEPORT HARBOR, CONNECTICUT.—The por-
19 tion of the project for navigation, Bridgeport Harbor,
20 Connecticut, authorized by section 101 of the River and
21 Harbor Act of 1958 (72 Stat. 297), consisting of a 2.4-
22 acre anchorage area 9 feet deep and an adjacent 0.60-
23 acre anchorage area 6 feet deep, located on the west side
24 of Johnsons River, Connecticut, is not authorized after the
25 date of enactment of this Act.

1 (b) BASS HARBOR, MAINE.—

2 (1) DEAUTHORIZATION.—The portions of the
3 project for navigation, Bass Harbor, Maine, author-
4 ized on May 7, 1962, under section 107 of the River
5 and Harbor Act of 1960 (33 U.S.C. 577) described
6 in paragraph (2) are not authorized after the date
7 of enactment of this Act.

8 (2) DESCRIPTION.—The portions of the project
9 referred to in paragraph (1) are described as follows:

10 (A) Beginning at a bend in the project,
11 N149040.00, E538505.00, thence running eas-
12 terly about 50.00 feet along the northern limit
13 of the project to a point, N149061.55,
14 E538550.11, thence running southerly about
15 642.08 feet to a point, N148477.64,
16 E538817.18, thence running southwesterly
17 about 156.27 feet to a point on the westerly
18 limit of the project, N148348.50, E538737.02,
19 thence running northerly about 149.00 feet
20 along the westerly limit of the project to a bend
21 in the project, N148489.22, E538768.09,
22 thence running northwesterly about 610.39 feet
23 along the westerly limit of the project to the
24 point of origin.

1 (B) Beginning at a point on the westerly
2 limit of the project, N148118.55, E538689.05,
3 thence running southeasterly about 91.92 feet
4 to a point, N148041.43, E538739.07, thence
5 running southerly about 65.00 feet to a point,
6 N147977.86, E538725.51, thence running
7 southwesterly about 91.92 feet to a point on the
8 westerly limit of the project, N147927.84,
9 E538648.39, thence running northerly about
10 195.00 feet along the westerly limit of the
11 project to the point of origin.

12 (c) BOOTHBAY HARBOR, MAINE.—The project for
13 navigation, Boothbay Harbor, Maine, authorized by the
14 Act of July 25, 1912 (37 Stat. 201, chapter 253), is not
15 authorized after the date of enactment of this Act.

16 (d) EAST BOOTHBAY HARBOR, MAINE.—Section 364
17 of the Water Resources Development Act of 1996 (110
18 Stat. 3731) is amended by striking paragraph (9) and in-
19 serting the following:

20 “(9) EAST BOOTHBAY HARBOR, MAINE.—The
21 project for navigation, East Boothbay Harbor,
22 Maine, authorized by the first section of the Act en-
23 titled ‘An Act making appropriations for the con-
24 struction, repair, and preservation of certain public

1 works on rivers and harbors, and for other pur-
2 poses', approved June 25, 1910 (36 Stat. 657).”.

3 **SEC. 105. STUDIES.**

4 (a) BALDWIN COUNTY, ALABAMA, WATERSHEDS.—
5 The Secretary of the Army shall review the report of the
6 Chief of Engineers on the Alabama Coast published as
7 House Document 108, 90th Congress, 1st Session, and
8 other pertinent reports, with a view to determining wheth-
9 er modifications of the recommendations contained in the
10 House Document are advisable at this time in the interest
11 of flood damage reduction, environmental restoration and
12 protection, water quality, and other purposes, with a spe-
13 cial emphasis on determining the advisability of developing
14 a comprehensive coordinated watershed management plan
15 for the development, conservation, and utilization of water
16 and related land resources in the watersheds in Baldwin
17 County, Alabama.

18 (b) ESCAMBIA RIVER, ALABAMA AND FLORIDA.—

19 (1) IN GENERAL.—The Secretary shall review
20 the report of the Chief of Engineers on the
21 Escambia River, Alabama and Florida, published as
22 House Document 350, 71st Congress, 2d Session,
23 and other pertinent reports, to determine whether
24 modifications of any of the recommendations con-
25 tained in the House Document are advisable at this

1 time with particular reference to Burnt Corn Creek
2 and Murder Creek in the vicinity of Brewton, and
3 East Brewton, Alabama, and the need for flood con-
4 trol, floodplain evacuation, flood warning and pre-
5 paredness, environmental restoration and protection,
6 and bank stabilization in those areas.

7 (2) COORDINATION.—The review shall be co-
8 ordinated with plans of other local and Federal
9 agencies.

10 (c) CADDO LEVEE, RED RIVER BELOW DENISON
11 DAM, ARIZONA, LOUISIANA, OKLAHOMA, AND TEXAS.—
12 The Secretary shall conduct a study to determine the fea-
13 sibility of undertaking a project for flood control, Caddo
14 Levee, Red River Below Denison Dam, Arizona, Louisi-
15 ana, Oklahoma, and Texas, including incorporating the ex-
16 isting levee, along Twelve Mile Bayou from its juncture
17 with the existing Red River Below Denison Dam Levee
18 approximately 26 miles upstream to its terminus at high
19 ground in the vicinity of Black Bayou, Louisiana.

20 (d) FIELDS LANDING CHANNEL, HUMBOLDT HAR-
21 BOR, CALIFORNIA.—The Secretary—

22 (1) shall conduct a study for the project for
23 navigation, Fields Landing Channel, Humboldt Har-
24 bor and Bay, California, to a depth of minus 35 feet
25 (MLLW), and for that purpose may use any feasibil-

1 ity report prepared by the non-Federal sponsor
2 under section 203 of the Water Resources Develop-
3 ment Act of 1986 (33 U.S.C. 2231) for which reim-
4 bursement of the Federal share of the study is au-
5 thorized subject to the availability of appropriations;
6 and

7 (2) may carry out the project under section 107
8 of the River and Harbor Act of 1960 (33 U.S.C.
9 577), if the Secretary determines that the project is
10 feasible.

11 (e) STRAWBERRY CREEK, BERKELEY, CALIFOR-
12 NIA.—The Secretary shall conduct a study to determine
13 the feasibility of restoring Strawberry Creek, Berkeley,
14 California, and the Federal interest in environmental res-
15 toration, conservation of fish and wildlife resources, recre-
16 ation, and water quality.

17 (f) WEST SIDE STORM WATER RETENTION FACIL-
18 ITY, CITY OF LANCASTER, CALIFORNIA.—The Secretary
19 shall conduct a study to determine the feasibility of under-
20 taking measures to construct the West Side Storm Water
21 Retention Facility in the city of Lancaster, California.

22 (g) APALACHICOLA RIVER, FLORIDA.—The Secretary
23 shall conduct a study for the purpose of identifying—

24 (1) alternatives for the management of material
25 dredged in connection with operation and mainte-

1 nance of the Apalachicola River Navigation Project;
2 and

3 (2) alternatives that reduce the requirements
4 for such dredging.

5 (h) BROWARD COUNTY, SAND BYPASSING AT PORT
6 EVERGLADES, FLORIDA.—The Secretary shall conduct a
7 study to determine the feasibility of constructing a sand
8 bypassing project at the Port Everglades Inlet, Florida.

9 (i) CITY OF DESTIN-NORIEGA POINT BREAKWATER,
10 FLORIDA.—The Secretary shall conduct a study to deter-
11 mine the feasibility of—

12 (1) restoring Noriega Point, Florida, to serve as
13 a breakwater for Destin Harbor; and

14 (2) including Noriega Point as part of the East
15 Pass, Florida, navigation project.

16 (j) GATEWAY TRIANGLE REDEVELOPMENT AREA,
17 FLORIDA.—

18 (1) IN GENERAL.—The Secretary shall conduct
19 a study to determine the feasibility of undertaking
20 measures to reduce the flooding problems in the vi-
21 cinity of Gateway Triangle Redevelopment Area,
22 Florida.

23 (2) STUDIES AND REPORTS.—The study shall
24 include a review and consideration of studies and re-
25 ports completed by the non-Federal interests.

1 (k) HILLSBOROUGH RIVER, WITHLACOOCHEE RIVER
2 BASINS, FLORIDA.—The Secretary shall conduct a study
3 to identify appropriate measures that can be undertaken
4 in the Green Swamp, Withlacoochee River, and the
5 Hillsborough River, the Water Triangle of west central
6 Florida, to address comprehensive watershed planning for
7 water conservation, water supply, restoration and protec-
8 tion of environmental resources, and other water resource-
9 related problems in the area.

10 (l) CITY OF PLANT CITY, FLORIDA.—

11 (1) IN GENERAL.—The Secretary shall conduct
12 a study to determine the feasibility of a flood control
13 project in the city of Plant City, Florida.

14 (2) STUDIES AND REPORTS.—In conducting the
15 study, the Secretary shall review and consider stud-
16 ies and reports completed by the non-Federal inter-
17 ests.

18 (m) ST. LUCIE COUNTY, FLORIDA, SHORE PROTEC-
19 TION.—The Secretary shall conduct a study to determine
20 the feasibility of a shore protection and hurricane and
21 storm damage reduction project to the shoreline areas in
22 St. Lucie County from the current project for Fort Pierce
23 Beach, Florida, southward to the Martin County line.

24 (n) SAINT JOSEPH RIVER, SOUTH BEND, INDI-
25 ANA.—The Secretary shall conduct a study to determine

1 the feasibility of undertaking erosion control, bank sta-
2 bilization, and flood control along the Saint Joseph River,
3 Indiana, including the South Bend Dam and the banks
4 of the East Bank and Island Park.

5 (o) ACADIANA NAVIGATION CHANNEL, LOUISIANA.—
6 The Secretary shall conduct a study to determine the fea-
7 sibility of assuming operations and maintenance for the
8 Acadiana Navigation Channel located in Iberia and Ver-
9 million Parishes, Louisiana.

10 (p) CAMERON PARISH WEST OF CALCASIEU RIVER,
11 LOUISIANA.—The Secretary shall conduct a study to de-
12 termine the feasibility of a storm damage reduction and
13 ecosystem restoration project for Cameron Parish west of
14 Calcasieu River, Louisiana.

15 (q) BENEFICIAL USE OF DREDGED MATERIAL,
16 COASTAL LOUISIANA.—The Secretary shall conduct a
17 study to determine the feasibility of using dredged mate-
18 rial from maintenance activities at Federal navigation
19 projects in coastal Louisiana to benefit coastal areas in
20 the State.

21 (r) CONTRABAND BAYOU NAVIGATION CHANNEL,
22 LOUISIANA.—The Secretary shall conduct a study to de-
23 termine the feasibility of assuming the maintenance at
24 Contraband Bayou, Calcasieu River Ship Canal, Louisi-
25 ana.

1 (s) GOLDEN MEADOW LOCK, LOUISIANA.—The Sec-
2 retary shall conduct a study to determine the feasibility
3 of converting the Golden Meadow floodgate into a naviga-
4 tion lock to be included in the Larose to Golden Meadow
5 Hurricane Protection Project, Louisiana.

6 (t) GULF INTRACOASTAL WATERWAY ECOSYSTEM
7 PROTECTION, CHEF MENTEUR TO SABINE RIVER, LOU-
8 ISIANA.—

9 (1) IN GENERAL.—The Secretary shall conduct
10 a study to determine the feasibility of undertaking
11 ecosystem restoration and protection measures along
12 the Gulf Intracoastal Waterway from Chef Menteur
13 to Sabine River, Louisiana.

14 (2) MATTERS TO BE ADDRESSED.—The study
15 shall address saltwater intrusion, tidal scour, ero-
16 sion, and other water resources related problems in
17 that area.

18 (u) LAKE PONTCHARTRAIN, LOUISIANA, AND VICIN-
19 ITY, ST. CHARLES PARISH PUMPS.—The Secretary shall
20 conduct a study to determine the feasibility of modifying
21 the Lake Pontchartrain Hurricane Protection Project to
22 include the St. Charles Parish Pumps and the modifica-
23 tion of the seawall fronting protection along Lake Pont-
24 chartrain in Orleans Parish, from New Basin Canal on

1 the west to the Inner Harbor Navigation Canal on the
2 east.

3 (v) LAKE PONTCHARTRAIN AND VICINITY SEAWALL
4 RESTORATION, LOUISIANA.—The Secretary shall conduct
5 a study to determine the feasibility of undertaking struc-
6 tural modifications of that portion of the seawall fronting
7 protection along the south shore of Lake Pontchartrain
8 in Orleans Parish, Louisiana, extending approximately 5
9 miles from the new basin Canal on the west to the Inner
10 Harbor Navigation Canal on the east as a part of the Lake
11 Pontchartrain and Vicinity Hurricane Protection Project,
12 authorized by section 204 of the Flood Control Act of
13 1965 (79 Stat. 1077).

14 (w) LOUISIANA STATE PENITENTIARY LEVEE.—The
15 Secretary shall conduct a study of the impacts of crediting
16 the non-Federal interests for work performed in the
17 project area of the Louisiana State Penitentiary Levee.

18 (x) DETROIT RIVER, MICHIGAN, GREENWAY COR-
19 RIDOR STUDY.—

20 (1) IN GENERAL.—The Secretary shall conduct
21 a study to determine the feasibility of a project for
22 shoreline protection, frontal erosion, and associated
23 purposes in the Detroit River shoreline area from
24 the Belle Isle Bridge to the Ambassador Bridge in
25 Detroit, Michigan.

1 (2) POTENTIAL MODIFICATIONS.—As a part of
2 the study, the Secretary shall review potential
3 project modifications to any existing Corps projects
4 within the same area.

5 (y) ST. CLAIR SHORES FLOOD CONTROL, MICHIGAN.—The Secretary shall conduct a study to determine
6 the feasibility of constructing a flood control project at St.
7 Clair Shores, Michigan.

9 (z) TUNICA LAKE WEIR, MISSISSIPPI.—

10 (1) IN GENERAL.—The Secretary shall conduct
11 a study to determine the feasibility of constructing
12 an outlet weir at Tunica Lake, Tunica County, Mississippi, and Lee County, Arkansas, for the purpose
13 of stabilizing water levels in the Lake.

15 (2) ECONOMIC ANALYSIS.—In carrying out the
16 study, the Secretary shall include as a part of the
17 economic analysis the benefits derived from recreation uses at the Lake and economic benefits associated with restoration of fish and wildlife habitat.

20 (aa) PROTECTIVE FACILITIES FOR THE ST. LOUIS, MISSOURI, RIVERFRONT AREA.—

22 (1) STUDY.—The Secretary shall conduct a
23 study to determine the optimal plan to protect facilities that are located on the Mississippi River riverfront within the boundaries of St. Louis, Missouri.

1 (2) REQUIREMENTS.—In conducting the study,
2 the Secretary shall—

3 (A) evaluate alternatives to offer safety
4 and security to facilities; and

5 (B) use state-of-the-art techniques to best
6 evaluate the current situation, probable solu-
7 tions, and estimated costs.

8 (3) REPORT.—Not later than April 15, 1999,
9 the Secretary shall submit to Congress a report on
10 the results of the study.

11 (bb) YELLOWSTONE RIVER, MONTANA.—

12 (1) STUDY.—The Secretary shall conduct a
13 comprehensive study of the Yellowstone River from
14 Gardiner, Montana to the confluence of the Missouri
15 River to determine the hydrologic, biological, and so-
16 cioeconomic cumulative impacts on the river.

17 (2) CONSULTATION AND COORDINATION.—The
18 Secretary shall conduct the study in consultation
19 with the United States Fish and Wildlife Service,
20 the United States Geological Survey, and the Natu-
21 ral Resources Conservation Service and with the full
22 participation of the State of Montana and tribal and
23 local entities, and provide for public participation.

24 (3) REPORT.—Not later than 5 years after the
25 date of enactment of this Act, the Secretary shall

1 submit a report to Congress on the results of the
2 study.

3 (cc) LAS VEGAS VALLEY, NEVADA.—

4 (1) IN GENERAL.—The Secretary shall conduct
5 a comprehensive study of water resources located in
6 the Las Vegas Valley, Nevada.

7 (2) OBJECTIVES.—The study shall identify
8 problems and opportunities related to ecosystem res-
9 toration, water quality, particularly the quality of
10 surface runoff, water supply, and flood control.

11 (dd) CAMDEN AND GLOUCESTER COUNTIES, NEW
12 JERSEY, STREAMS AND WATERSHEDS.—The Secretary
13 shall conduct a study to determine the feasibility of under-
14 taking ecosystem restoration, floodplain management,
15 flood control, water quality control, comprehensive water-
16 shed management, and other allied purposes along tribu-
17 taries of the Delaware River, Camden County and
18 Gloucester County, New Jersey.

19 (ee) OSWEGO RIVER BASIN, NEW YORK.—The Sec-
20 retary shall conduct a study to determine the feasibility
21 of establishing a flood forecasting system within the
22 Oswego River basin, New York.

23 (ff) PORT OF NEW YORK-NEW JERSEY NAVIGATION
24 STUDY AND ENVIRONMENTAL RESTORATION STUDY.—

1 (1) NAVIGATION STUDY.—The Secretary shall
2 conduct a comprehensive study of navigation needs
3 at the Port of New York-New Jersey (including the
4 South Brooklyn Marine and Red Hook Container
5 Terminals, Staten Island, and adjacent areas) to ad-
6 dress improvements, including deepening of existing
7 channels to depths of 50 feet or greater, that are re-
8 quired to provide economically efficient and environ-
9 mentally sound navigation to meet current and fu-
10 ture requirements.

11 (2) ENVIRONMENTAL RESTORATION STUDY.—
12 The Secretary, acting through the Chief of Engi-
13 neers, shall review the report of the Chief of Engi-
14 neers on the New York Harbor, printed in the
15 House Management Plan of the Harbor Estuary
16 Program, and other pertinent reports concerning the
17 New York Harbor Region and the Port of New
18 York-New Jersey, to determine the Federal interest
19 in advancing harbor environmental restoration.

20 (3) REPORT.—The Secretary may use funds
21 from the ongoing navigation study for New York
22 and New Jersey Harbor to complete a reconnais-
23 sance report for environmental restoration by De-
24 cember 31, 1999. The navigation study to deepen

1 New York and New Jersey Harbor shall consider
2 beneficial use of dredged material.

3 (gg) BANK STABILIZATION, MISSOURI RIVER,
4 NORTH DAKOTA.—

5 (1) STUDY.—

6 (A) IN GENERAL.—The Secretary shall
7 conduct a study to determine the feasibility of
8 bank stabilization on the Missouri River be-
9 tween the Garrison Dam and Lake Oahe in
10 North Dakota.

11 (B) ELEMENTS.—In conducting the study,
12 the Secretary shall study—

13 (i) options for stabilizing the erosion
14 sites on the banks of the Missouri River
15 between the Garrison Dam and Lake Oahe
16 identified in the report developed by the
17 North Dakota State Water Commission,
18 dated December 1997, including stabiliza-
19 tion through nontraditional measures;

20 (ii) the cumulative impact of bank
21 stabilization measures between the Garri-
22 son Dam and Lake Oahe on fish and wild-
23 life habitat and the potential impact of ad-
24 ditional stabilization measures, including

1 the impact of nontraditional stabilization
2 measures;

3 (iii) the current and future effects, in-
4 cluding economic and fish and wildlife
5 habitat effects, that bank erosion is having
6 on creating the delta at the beginning of
7 Lake Oahe; and

8 (iv) the impact of taking no additional
9 measures to stabilize the banks of the Mis-
10 souri River between the Garrison Dam and
11 Lake Oahe.

12 (C) INTERESTED PARTIES.—In conducting
13 the study, the Secretary shall, to the maximum
14 extent practicable, seek the participation and
15 views of interested Federal, State, and local
16 agencies, landowners, conservation organiza-
17 tions, and other persons.

18 (D) REPORT.—

19 (i) IN GENERAL.—The Secretary shall
20 report to Congress on the results of the
21 study not later than 1 year after the date
22 of enactment of this Act.

23 (ii) STATUS.—If the Secretary cannot
24 complete the study and report to Congress
25 by the day that is 1 year after the date of

1 enactment of this Act, the Secretary shall,
2 by that day, report to Congress on the sta-
3 tus of the study and report, including an
4 estimate of the date of completion.

5 (2) EFFECT ON EXISTING PROJECTS.—This
6 subsection does not preclude the Secretary from es-
7 tablishing or carrying out a stabilization project that
8 is authorized by law.

9 (hh) SANTEE DELTA WETLAND HABITAT, SOUTH
10 CAROLINA.—Not later than 18 months after the date of
11 enactment of this Act, the Secretary shall complete a com-
12 prehensive study of the ecosystem in the Santee Delta
13 focus area of South Carolina to determine the feasibility
14 of undertaking measures to enhance the wetland habitat
15 in the area.

16 (ii) WACCAMAW RIVER, SOUTH CAROLINA.—The
17 Secretary shall conduct a study to determine the feasibility
18 of a flood control project for the Waccamaw River in
19 Horry County, South Carolina.

20 (jj) UPPER SUSQUEHANNA-LACKAWANNA, PENNSYLVANIA,
21 WATERSHED MANAGEMENT AND RESTORATION
22 STUDY.—

23 (1) IN GENERAL.—The Secretary shall conduct
24 a study to determine the feasibility of a comprehen-
25 sive flood plain management and watershed restora-

1 tion project for the Upper Susquehanna-Lacka-
2 wanna Watershed, Pennsylvania.

3 (2) GEOGRAPHIC INFORMATION SYSTEM.—In
4 conducting the study, the Secretary shall use a geo-
5 graphic information system.

6 (3) PLANS.—The study shall formulate plans
7 for comprehensive flood plain management and envi-
8 ronmental restoration.

9 (4) CREDITING.—Non-Federal interests may re-
10 ceive credit for in-kind services and materials that
11 contribute to the study. The Secretary may credit
12 non-Corps Federal assistance provided to the non-
13 Federal interest toward the non-Federal share of
14 study costs to the maximum extent authorized by
15 law.

16 (kk) NIORARA RIVER AND MISSOURI RIVER SEDI-
17 MENTATION STUDY, SOUTH DAKOTA.—The Secretary
18 shall conduct a study of the Niobrara River watershed and
19 the operations of Fort Randall Dam and Gavins Point
20 Dam on the Missouri River to determine the feasibility
21 of alleviating the bank erosion, sedimentation, and related
22 problems in the lower Niobrara River and the Missouri
23 River below Fort Randall Dam.

24 (ll) SANTA CLARA RIVER, UTAH.—

1 (1) IN GENERAL.—The Secretary shall conduct
2 a study to determine the feasibility of undertaking
3 measures to alleviate damage caused by flooding,
4 bank erosion, and sedimentation along the watershed
5 of the Santa Clara River, Utah, above the Gunlock
6 Reservoir.

7 (2) CONTENTS.—The study shall include an
8 analysis of watershed conditions and water quality,
9 as related to flooding and bank erosion, along the
10 Santa Clara River in the vicinity of the town of
11 Gunlock, Utah.

12 (mm) CITY OF OCEAN SHORES SHORE PROTECTION
13 PROJECT, WASHINGTON.—The Secretary shall conduct a
14 study to determine the feasibility of undertaking a project
15 for beach erosion and flood control, including relocation
16 of a primary dune and periodic nourishment, at Ocean
17 Shores, Washington.

18 (nn) AGAT SMALL BOAT HARBOR, GUAM.—The Sec-
19 retary shall conduct a study to determine the feasibility
20 of undertaking the repair and reconstruction of Agat
21 Small Boat Harbor, Guam, including the repair of existing
22 shore protection measures and construction or a revetment
23 of the breakwater seawall.

24 (oo) APRA HARBOR SEAWALL, GUAM.—The Sec-
25 retary shall conduct a study to determine the feasibility

1 of undertaking measures to repair, upgrade, and extend
2 the seawall protecting Apra Harbor, Guam, and to ensure
3 continued access to the harbor via Route 11B.

4 (pp) APRA HARBOR FUEL PIERS, GUAM.—The Sec-
5 retary shall conduct a study to determine the feasibility
6 of undertaking measures to upgrade the piers and fuel
7 transmission lines at the fuel piers in the Apra Harbor,
8 Guam, and measures to provide for erosion control and
9 protection against storm damage.

10 (qq) MAINTENANCE DREDGING OF HARBOR PIERS,
11 GUAM.—The Secretary shall conduct a study to determine
12 the feasibility of Federal maintenance of areas adjacent
13 to piers at harbors in Guam, including Apra Harbor, Agat
14 Harbor, and Agana Marina.

15 (rr) ALTERNATIVE WATER SOURCES STUDY.—

16 (1) IN GENERAL.—The Administrator of the
17 Environmental Protection Agency shall conduct a
18 study of the water supply needs of States that are
19 not currently eligible for assistance under title XVI
20 of the Reclamation Projects Authorization and Ad-
21 justment Act of 1992 (43 U.S.C. 390h et seq.).

22 (2) REQUIREMENTS.—The study shall—

23 (A) identify the water supply needs (in-
24 cluding potable, commercial, industrial, rec-
25 reational and agricultural needs) of each State

1 described in paragraph (1) through 2020,
2 making use of such State, regional, and local
3 plans, studies, and reports as are available;

4 (B) evaluate the feasibility of various alter-
5 native water source technologies such as reuse
6 and reclamation of wastewater and stormwater
7 (including indirect potable reuse), aquifer stor-
8 age and recovery, and desalination to meet the
9 anticipated water supply needs of the States;
10 and

11 (C) assess how alternative water sources
12 technologies can be utilized to meet the identi-
13 fied needs.

14 (3) REPORT.—The Administrator shall report
15 to Congress on the results of the study not more
16 than 180 days after the date of enactment of this
17 Act.

18 **SEC. 106. FLOOD HAZARD MITIGATION AND RIVERINE ECO-**
19 **SYSTEM RESTORATION PROGRAM.**

20 (a) IN GENERAL.—

21 (1) AUTHORIZATION.—The Secretary may carry
22 out a program to reduce flood hazards and restore
23 the natural functions and values of riverine eco-
24 systems throughout the United States.

1 (2) STUDIES.—In carrying out the program,
2 the Secretary shall conduct studies to identify appro-
3 priate flood damage reduction, conservation, and
4 restoration measures and may design and implement
5 watershed management and restoration projects.

6 (3) PARTICIPATION.—The studies and projects
7 carried out under the program shall be conducted, to
8 the extent practicable, with the full participation of
9 the appropriate Federal agencies, including the De-
10 partment of Agriculture, the Federal Emergency
11 Management Agency, the Department of the Inte-
12 rior, the Environmental Protection Agency, and the
13 Department of Commerce.

14 (4) NONSTRUCTURAL APPROACHES.—The stud-
15 ies and projects shall, to the extent practicable, em-
16 phasize nonstructural approaches to preventing or
17 reducing flood damages.

18 (b) COST-SHARING REQUIREMENTS.—

19 (1) STUDIES.—The cost of studies conducted
20 under subsection (a) shall be shared in accordance
21 with section 105 of the Water Resources Develop-
22 ment Act of 1986 (33 Stat. 2215).

23 (2) PROJECTS.—The non-Federal interests
24 shall pay 35 percent of the cost of any project car-
25 ried out under this section.

1 (3) IN-KIND CONTRIBUTIONS.—The non-Fed-
2 eral interests shall provide all land, easements,
3 rights-of-way, dredged material disposal areas, and
4 relocations necessary for the projects. The value of
5 the land, easements, rights-of-way, dredged material
6 disposal areas, and relocations shall be credited to-
7 ward the payment required under this subsection.

8 (4) RESPONSIBILITIES OF THE NON-FEDERAL
9 INTERESTS.—The non-Federal interests shall be re-
10 sponsible for all costs associated with operating,
11 maintaining, replacing, repairing, and rehabilitating
12 all projects carried out under this section.

13 (c) PROJECT JUSTIFICATION.—

14 (1) IN GENERAL.—The Secretary may imple-
15 ment a project under this section if the Secretary
16 determines that the project—

17 (A) will significantly reduce potential flood
18 damages;

19 (B) will improve the quality of the environ-
20 ment; and

21 (C) is justified considering all costs and
22 beneficial outputs of the project.

23 (2) SELECTION CRITERIA; POLICIES AND PRO-
24 CEDURES.—Not later than 180 days after the date
25 of enactment of this Act, the Secretary shall—

1 (A) develop criteria for selecting and rating
2 the projects to be carried out as part of the
3 program authorized by this section; and

4 (B) establish policies and procedures for
5 carrying out the studies and projects under-
6 taken under this section.

7 (d) REPORTING REQUIREMENT.—The Secretary may
8 not implement a project under this section until—

9 (1) the Secretary provides to the Committee on
10 Environment and Public Works of the Senate and
11 the Committee on Transportation and Infrastructure
12 of the House of Representatives a written notifica-
13 tion describing the project and the determinations
14 made under subsection (c); and

15 (2) a period of 21 calendar days has expired
16 following the date on which the notification was re-
17 ceived by the Committees.

18 (e) PRIORITY AREAS.—In carrying out this section,
19 the Secretary shall examine the potential for flood damage
20 reductions at appropriate locations, including—

- 21 (1) Le May, Missouri;
- 22 (2) upper Delaware River basin, New York;
- 23 (3) Tillamook County, Oregon;
- 24 (4) Providence County, Rhode Island; and
- 25 (5) Willamette River basin, Oregon.

1 (f) PER-PROJECT LIMITATION.—Not more than
2 \$25,000,000 in Army Civil Works appropriations may be
3 expended on any single project undertaken under this sec-
4 tion.

5 (g) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) IN GENERAL.—There is authorized to be
7 appropriated to carry out this section \$75,000,000
8 for the period of fiscal years 2000 and 2001.

9 (2) PROGRAM FUNDING LEVELS.—All studies
10 and projects undertaken under this authority from
11 Army Civil Works appropriations shall be fully fund-
12 ed within the program funding levels provided in this
13 subsection.

14 **SEC. 107. SHORE PROTECTION.**

15 Section 103(d) of the Water Resources Development
16 Act of 1986 (33 U.S.C. 2213(d)) is amended—

17 (1) by striking “Costs of constructing” and in-
18 serting the following:

19 “(1) CONSTRUCTION.—Costs of constructing”;
20 and

21 (2) by adding at the end the following:

22 “(2) PERIODIC NOURISHMENT.—In the case of
23 a project authorized for construction after December
24 31, 1998, or for which a feasibility study is com-
25 pleted after that date, the non-Federal cost of the

1 periodic nourishment of projects or measures for
2 shore protection or beach erosion control shall be 50
3 percent, except that—

4 “(A) all costs assigned to benefits to pri-
5 vately owned shores (where use of such shores
6 is limited to private interests) or to prevention
7 of losses of private land shall be borne by non-
8 Federal interests; and

9 “(B) all costs assigned to the protection of
10 federally owned shores shall be borne by the
11 United States.”.

12 **SEC. 108. SMALL FLOOD CONTROL AUTHORITY.**

13 Section 205 of the Flood Control Act of 1948 (33
14 U.S.C. 701s) is amended—

15 (1) in the first sentence, by striking “construc-
16 tion of small projects” and inserting “implementa-
17 tion of small structural and nonstructural projects”;
18 and

19 (2) in the third sentence, by striking
20 “\$5,000,000” and inserting “\$7,000,000”.

21 **SEC. 109. USE OF NON-FEDERAL FUNDS FOR COMPILING**
22 **AND DISSEMINATING INFORMATION ON**
23 **FLOODS AND FLOOD DAMAGES.**

24 Section 206(b) of the Flood Control Act of 1960 (33
25 U.S.C. 709a(b)) is amended in the third sentence by in-

1 serting before the period at the end the following: “, but
 2 the Secretary of the Army may accept funds voluntarily
 3 contributed by such entities for the purpose of expanding
 4 the scope of the services requested by the entities”.

5 **SEC. 110. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM**
 6 **RESTORATION.**

7 Subparagraphs (B) and (C)(i) of section 528(b)(3)
 8 of the Water Resources Development Act of 1996 (110
 9 Stat. 3769) are amended by striking “1999” and inserting
 10 “2000”.

11 **SEC. 111. AQUATIC ECOSYSTEM RESTORATION.**

12 Section 206(c) of the Water Resources Development
 13 Act of 1996 (33 U.S.C. 2330(c)) is amended—

14 (1) by striking “Construction” and inserting
 15 the following:

16 “(1) IN GENERAL.—Construction”; and

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

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

1 **SEC. 112. BENEFICIAL USES OF DREDGED MATERIAL.**

2 Section 204 of the Water Resources Development Act
3 of 1992 (33 U.S.C. 2326) is amended by adding at the
4 end the following:

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

10 **SEC. 113. VOLUNTARY CONTRIBUTIONS BY STATES AND PO-**
11 **LITICAL SUBDIVISIONS.**

12 Section 5 of the Act of June 22, 1936 (33 U.S.C.
13 701h), is amended by inserting “or environmental restora-
14 tion” after “flood control”.

15 **SEC. 114. RECREATION USER FEES.**

16 (a) WITHHOLDING OF AMOUNTS.—

17 (1) IN GENERAL.—During fiscal years 1999
18 through 2002, the Secretary may withhold from the
19 special account established under section 4(i)(1)(A)
20 of the Land and Water Conservation Fund Act of
21 1965 (16 U.S.C. 4601–6a(i)(1)(A)) 100 percent of
22 the amount of receipts above a baseline of
23 \$34,000,000 per each fiscal year received from fees
24 imposed at recreation sites under the administrative
25 jurisdiction of the Department of the Army under
26 section 4(b) of that Act (16 U.S.C. 4601–6a(b)).

1 (2) USE.—The amounts withheld shall be re-
2 tained by the Secretary and shall be available, with-
3 out further Act of appropriation, for expenditure by
4 the Secretary in accordance with subsection (b).

5 (3) AVAILABILITY.—The amounts withheld
6 shall remain available until September 30, 2005.

7 (b) USE OF AMOUNTS WITHHELD.—In order to in-
8 crease the quality of the visitor experience at public rec-
9 reational areas and to enhance the protection of resources,
10 the amounts withheld under subsection (a) may be used
11 only for—

12 (1) repair and maintenance projects (including
13 projects relating to health and safety);

14 (2) interpretation;

15 (3) signage;

16 (4) habitat or facility enhancement;

17 (5) resource preservation;

18 (6) annual operation (including fee collection);

19 (7) maintenance; and

20 (8) law enforcement related to public use.

21 (c) AVAILABILITY.—Each amount withheld by the
22 Secretary shall be available for expenditure, without fur-
23 ther Act of appropriation, at the specific project from
24 which the amount, above baseline, is collected.

1 **SEC. 115. WATER RESOURCES DEVELOPMENT STUDIES FOR**
 2 **THE PACIFIC REGION.**

3 Section 444 of the Water Resources Development Act
 4 of 1996 (110 Stat. 3747) is amended by striking “interest
 5 of navigation” and inserting “interests of water resources
 6 development (including navigation, flood damage reduc-
 7 tion, and environmental restoration)”.

8 **SEC. 116. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**
 9 **HANCEMENT PROJECT.**

10 (a) DEFINITIONS.—In this section:

11 (1) MIDDLE MISSISSIPPI RIVER.—The term
 12 “middle Mississippi River” means the reach of the
 13 Mississippi River from the mouth of the Ohio River
 14 (river mile 0, upper Mississippi River) to the mouth
 15 of the Missouri River (river mile 195).

16 (2) MISSOURI RIVER.—The term “Missouri
 17 River” means the main stem and floodplain of the
 18 Missouri River (including reservoirs) from its con-
 19 fluence with the Mississippi River at St. Louis, Mis-
 20 souri, to its headwaters near Three Forks, Montana.

21 (3) PROJECT.—The term “project” means the
 22 project authorized by this section.

23 (b) PROTECTION AND ENHANCEMENT ACTIVITIES.—

24 (1) PLAN.—

25 (A) DEVELOPMENT.—Not later than 180
 26 days after the date of enactment of this Act,

1 the Secretary shall develop a plan for a project
2 to protect and enhance fish and wildlife habitat
3 of the Missouri River and the middle Mis-
4 sissippi River.

5 (B) ACTIVITIES.—

6 (i) IN GENERAL.—The plan shall pro-
7 vide for such activities as are necessary to
8 protect and enhance fish and wildlife habi-
9 tat without adversely affecting—

10 (I) the water-related needs of the
11 region surrounding the Missouri River
12 and the middle Mississippi River, in-
13 cluding flood control, navigation,
14 recreation, and enhancement of water
15 supply; and

16 (II) private property rights.

17 (ii) REQUIRED ACTIVITIES.—The plan
18 shall include—

19 (I) modification and improvement
20 of navigation training structures to
21 protect and enhance fish and wildlife
22 habitat;

23 (II) modification and creation of
24 side channels to protect and enhance
25 fish and wildlife habitat;

1 (III) restoration and creation of
2 island fish and wildlife habitat;

3 (IV) creation of riverine fish and
4 wildlife habitat;

5 (V) establishment of criteria for
6 prioritizing the type and sequencing of
7 activities based on cost-effectiveness
8 and likelihood of success; and

9 (VI) physical and biological mon-
10 itoring for evaluating the success of
11 the project, to be performed by the
12 River Studies Center of the United
13 States Geological Survey in Columbia,
14 Missouri.

15 (2) IMPLEMENTATION OF ACTIVITIES.—

16 (A) IN GENERAL.—Using funds made
17 available to carry out this section, the Secretary
18 shall carry out the activities described in the
19 plan.

20 (B) USE OF EXISTING AUTHORITY FOR
21 UNCONSTRUCTED FEATURES OF THE
22 PROJECT.—Using funds made available to the
23 Secretary under other law, the Secretary shall
24 design and construct any feature of the project
25 that may be carried out using the authority of

1 the Secretary to modify an authorized project,
2 if the Secretary determines that the design and
3 construction will—

4 (i) accelerate the completion of activi-
5 ties to protect and enhance fish and wild-
6 life habitat of the Missouri River or the
7 middle Mississippi River; and

8 (ii) be compatible with the project
9 purposes described in this section.

10 (c) INTEGRATION OF OTHER ACTIVITIES.—

11 (1) IN GENERAL.—In carrying out the activities
12 described in subsection (b), the Secretary shall inte-
13 grate the activities with other Federal, State, and
14 tribal activities.

15 (2) NEW AUTHORITY.—Nothing in this section
16 confers any new regulatory authority on any Federal
17 or non-Federal entity that carries out any activity
18 authorized by this section.

19 (d) PUBLIC PARTICIPATION.—In developing and car-
20 rying out the plan and the activities described in sub-
21 section (b), the Secretary shall provide for public review
22 and comment in accordance with applicable Federal law,
23 including—

24 (1) providing advance notice of meetings;

1 (2) providing adequate opportunity for public
2 input and comment;

3 (3) maintaining appropriate records; and

4 (4) compiling a record of the proceedings of
5 meetings.

6 (e) COMPLIANCE WITH APPLICABLE LAW.—In carry-
7 ing out the activities described in subsections (b) and (c),
8 the Secretary shall comply with any applicable Federal
9 law, including the National Environmental Policy Act of
10 1969 (42 U.S.C. 4321 et seq.).

11 (f) COST SHARING.—

12 (1) NON-FEDERAL SHARE.—The non-Federal
13 share of the cost of the project shall be 35 percent.

14 (2) FEDERAL SHARE.—The Federal share of
15 the cost of any 1 activity described in subsection (b)
16 shall not exceed \$5,000,000.

17 (3) OPERATION AND MAINTENANCE.—The op-
18 eration and maintenance of the project shall be a
19 non-Federal responsibility.

20 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to pay the Federal share
22 of the cost of carrying out activities under this section
23 \$30,000,000 for the period of fiscal years 2000 and 2001.

1 **SEC. 117. OUTER CONTINENTAL SHELF.**

2 (a) SAND, GRAVEL, AND SHELL.—Section 8(k)(2)(B)
3 of the Outer Continental Shelf Lands Act (43 U.S.C.
4 1337(k)(2)(B)) is amended in the second sentence by in-
5 serting before the period at the end the following: “or any
6 other non-Federal interest subject to an agreement en-
7 tered into under section 221 of the Flood Control Act of
8 1970 (42 U.S.C. 1962d–5b)”.

9 (b) REIMBURSEMENT FOR LOCAL INTERESTS AT
10 SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.—Any
11 amounts paid by the non-Federal interests for beach ero-
12 sion control and hurricane protection, Sandbridge Beach,
13 Virginia Beach, Virginia, as a result of an assessment
14 under section 8(k) of the Outer Continental Shelf Lands
15 Act (43 U.S.C. 1337(k)) shall be fully reimbursed.

16 **SEC. 118. ENVIRONMENTAL DREDGING.**

17 Section 312(f) of the Water Resources Development
18 Act of 1990 (33 U.S.C. 1272(f)) is amended by adding
19 at the end the following:

20 “(6) Snake Creek, Bixby, Oklahoma.”.

21 **SEC. 119. BENEFIT OF PRIMARY FLOOD DAMAGES AVOIDED**
22 **INCLUDED IN BENEFIT-COST ANALYSIS.**

23 Section 308 of the Water Resources Development Act
24 of 1990 (33 U.S.C. 2318) is amended—

25 (1) in the heading of subsection (a), by striking
26 “BENEFIT-COST ANALYSIS” and inserting “ELE-

1 MENTS EXCLUDED FROM COST-BENEFIT ANALY-
2 SIS”;

3 (2) by redesignating subsections (b) through (e)
4 as subsections (c) through (f), respectively;

5 (3) by inserting after subsection (a) the follow-
6 ing:

7 “(b) ELEMENTS INCLUDED IN COST-BENEFIT ANAL-
8 YSIS.—The Secretary shall include primary flood damages
9 avoided in the benefit base for justifying Federal non-
10 structural flood damage reduction projects.”; and

11 (4) in the first sentence of subsection (e) (as re-
12 designated by paragraph (2)), by striking “(b)” and
13 inserting “(d)”.

14 **SEC. 120. CONTROL OF AQUATIC PLANT GROWTH.**

15 Section 104(a) of the River and Harbor Act of 1958
16 (33 U.S.C. 610(a)) is amended—

17 (1) by inserting “Arundo dona,” after “water-
18 hyacinth,”; and

19 (2) by inserting “tarmarix” after “melaleuca”.

20 **SEC. 121. ENVIRONMENTAL INFRASTRUCTURE.**

21 Section 219(c) of the Water Resources Development
22 Act of 1992 (106 Stat. 4835) is amended by adding at
23 the end the following:

1 “(19) LAKE TAHOE, CALIFORNIA AND NE-
2 VADA.—Regional water system for Lake Tahoe,
3 California and Nevada.

4 “(20) LANCASTER, CALIFORNIA.—Fox Field In-
5 dustrial Corridor water facilities, Lancaster, Califor-
6 nia.

7 “(21) SAN RAMON, CALIFORNIA.—San Ramon
8 Valley recycled water project, San Ramon, Califor-
9 nia.”.

10 **SEC. 122. WATERSHED MANAGEMENT, RESTORATION, AND**
11 **DEVELOPMENT.**

12 Section 503 of the Water Resources Development Act
13 of 1996 (110 Stat. 3756) is amended—

14 (1) in subsection (d)—

15 (A) by striking paragraph (10) and insert-
16 ing the following:

17 “(10) Regional Atlanta Watershed, Atlanta,
18 Georgia, and Lake Lanier of Forsyth and Hall
19 Counties, Georgia.”; and

20 (B) by adding at the end the following:

21 “(14) Clear Lake watershed, California.

22 “(15) Fresno Slough watershed, California.

23 “(16) Hayward Marsh, Southern San Francisco
24 Bay watershed, California.

25 “(17) Kaweah River watershed, California.

1 “(18) Lake Tahoe watershed, California and
2 Nevada.

3 “(19) Malibu Creek watershed, California.

4 “(20) Truckee River basin, Nevada.

5 “(21) Walker River basin, Nevada.

6 “(22) Bronx River watershed, New York.

7 “(23) Catawba River watershed, North Caro-
8 lina.”;

9 (2) by redesignating subsection (e) as sub-
10 section (f); and

11 (3) by inserting after subsection (d) the follow-
12 ing:

13 “(e) NONPROFIT ENTITIES.—Notwithstanding sec-
14 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
15 1962d–5b(b)), for any project undertaken under this sec-
16 tion, with the consent of the affected local government,
17 a non-Federal interest may include a nonprofit entity.”.

18 **SEC. 123. LAKES PROGRAM.**

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

21 (1) in paragraph (15), by striking “and” at the
22 end;

23 (2) in paragraph (16), by striking the period at
24 the end; and

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

1 “(17) Clear Lake, Lake County, California, re-
2 moval of silt and aquatic growth and development of
3 a sustainable weed and algae management program;

4 “(18) Flints Pond, Hollis, New Hampshire, re-
5 moval of excessive aquatic vegetation; and

6 “(19) Osgood Pond, Milford, New Hampshire,
7 removal of excessive aquatic vegetation.”.

8 **SEC. 124. DREDGING OF SALT PONDS IN THE STATE OF**
9 **RHODE ISLAND.**

10 The Secretary may acquire for the State of Rhode
11 Island a dredge and associated equipment with the capaci-
12 ty to dredge approximately 100 cubic yards per hour for
13 use by the State in dredging salt ponds in the State.

14 **SEC. 125. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**
15 **VANIA AND NEW YORK.**

16 Section 567(a) of the Water Resources Development
17 Act of 1996 (110 Stat. 3787) is amended by adding at
18 the end the following:

19 “(3) The Chemung River watershed, New York,
20 at an estimated Federal cost of \$5,000,000.”.

21 **SEC. 126. SMALL FLOOD CONTROL PROJECTS.**

22 Section 102 of the Water Resources Development Act
23 of 1996 (110 Stat. 3668) is amended—

24 (1) by redesignating paragraphs (15) through
25 (22) as paragraphs (16) through (23), respectively;

1 (2) by inserting after paragraph (14) the fol-
2 lowing:

3 “(15) REPAUPO CREEK AND DELAWARE RIVER,
4 GLOUCESTER COUNTY, NEW JERSEY.—Project for
5 tidegate and levee improvements for Repaupo Creek
6 and the Delaware River, Gloucester County, New
7 Jersey.”; and

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

9 “(24) IRONDEQUOIT CREEK, NEW YORK.—
10 Project for flood control, Irondequoit Creek water-
11 shed, New York.

12 “(25) TIOGA COUNTY, PENNSYLVANIA.—Project
13 for flood control, Tioga River and Cowanesque River
14 and their tributaries, Tioga County, Pennsylvania.”.

15 **SEC. 127. SMALL NAVIGATION PROJECTS.**

16 Section 104 of the Water Resources Development Act
17 of 1996 (110 Stat. 3669) is amended—

18 (1) by redesignating paragraphs (9) through
19 (12) as paragraphs (10) through (13), respectively;
20 and

21 (2) by inserting after paragraph (8) the follow-
22 ing:

23 “(9) FORTESCUE INLET, DELAWARE BAY, NEW
24 JERSEY.—Project for navigation for Fortescue Inlet,
25 Delaware Bay, New Jersey.”.

1 **SEC. 128. STREAMBANK PROTECTION PROJECTS.**

2 (a) ARCTIC OCEAN, BARROW, ALASKA.—The Sec-
 3 retary shall evaluate and, if justified under section 14 of
 4 the Flood Control Act of 1946 (33 U.S.C. 701r), carry
 5 out storm damage reduction and coastal erosion measures
 6 at the town of Barrow, Alaska.

7 (b) SAGINAW RIVER, BAY CITY, MICHIGAN.—The
 8 Secretary may construct appropriate control structures in
 9 areas along the Saginaw River in the city of Bay City,
 10 Michigan, under authority of section 14 of the Flood Con-
 11 trol Act of 1946 (33 Stat. 701s).

12 (c) YELLOWSTONE RIVER, BILLINGS, MONTANA.—
 13 The streambank protection project at Coulson Park, along
 14 the Yellowstone River, Billings, Montana, shall be eligible
 15 for assistance under section 14 of the Flood Control Act
 16 of 1946 (33 U.S.C. 701r).

17 (d) MONONGAHELA RIVER, POINT MARION, PENN-
 18 SYLVANIA.—The Secretary shall evaluate and, if justified
 19 under section 14 of the Flood Control Act of 1946 (33
 20 U.S.C. 701r), carry out streambank erosion control meas-
 21 ures along the Monongahela River at the borough of Point
 22 Marion, Pennsylvania.

23 **SEC. 129. AQUATIC ECOSYSTEM RESTORATION, SPRING-**
 24 **FIELD, OREGON.**

25 (a) IN GENERAL.—Under section 1135 of the Water
 26 Resources Development Act of 1990 (33 Stat. 2309a) or

1 other applicable authority, the Secretary shall conduct
2 measures to address water quality, water flows and fish
3 habitat restoration in the historic Springfield, Oregon,
4 millrace through the reconfiguration of the existing
5 millpond, if the Secretary determines that harmful im-
6 pacts have occurred as the result of a previously con-
7 structed flood control project by the Corps of Engineers.

8 (b) NON-FEDERAL SHARE.—The non-Federal share,
9 excluding lands, easements, rights-of-way, dredged mate-
10 rial disposal areas, and relocations, shall be 25 percent.

11 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$1,500,000.

14 **SEC. 130. GUILFORD AND NEW HAVEN, CONNECTICUT.**

15 The Secretary shall expeditiously complete the activi-
16 ties authorized under section 346 of the Water Resources
17 Development Act of 1992 (106 Stat. 4858), including ac-
18 tivities associated with Sluice Creek in Guilford, Connecti-
19 cut, and Lighthouse Point Park in New Haven, Connecti-
20 cut.

21 **SEC. 131. FRANCIS BLAND FLOODWAY DITCH.**

22 (a) REDESIGNATION.—The project for flood control,
23 Eight Mile Creek, Paragould, Arkansas, authorized by sec-
24 tion 401(a) of the Water Resources Development Act of
25 1986 (100 Stat. 4112) and known as “Eight Mile Creek,

1 Paragould, Arkansas”, shall be known and designated as
2 the “Francis Bland Floodway Ditch”.

3 (b) LEGAL REFERENCES.—Any reference in any law,
4 map, regulation, document, paper, or other record of the
5 United States to the project and creek referred to in sub-
6 section (a) shall be deemed to be a reference to the
7 Francis Bland Floodway Ditch.

8 **SEC. 132. CALOOSAHATCHEE RIVER BASIN, FLORIDA.**

9 Section 528(e)(4) of the Water Resources Develop-
10 ment Act of 1996 (110 Stat. 3770) is amended in the first
11 sentence by inserting before the period at the end the fol-
12 lowing: “, including potential land acquisition in the
13 Caloosahatchee River basin or other areas”.

14 **SEC. 133. CUMBERLAND, MARYLAND, FLOOD PROJECT**
15 **MITIGATION.**

16 (a) IN GENERAL.—The project for flood control and
17 other purposes, Cumberland, Maryland, authorized by sec-
18 tion 5 of the Act of June 22, 1936 (commonly known as
19 the “Flood Control Act of 1936”) (49 Stat. 1574, chapter
20 688), is modified to authorize the Secretary to undertake,
21 as a separate part of the project, restoration of the historic
22 Chesapeake and Ohio Canal substantially in accordance
23 with the Chesapeake and Ohio Canal National Historic
24 Park, Cumberland, Maryland, Rewatering Design Analy-
25 sis, dated February 1998, at a total cost of \$15,000,000,

1 with an estimated Federal cost of \$9,750,000 and an esti-
2 mated non-Federal cost of \$5,250,000.

3 (b) IN-KIND SERVICES.—The non-Federal interest
4 for the restoration project under subsection (a)—

5 (1) may provide all or a portion of the non-Fed-
6 eral share of project costs in the form of in-kind
7 services; and

8 (2) shall receive credit toward the non-Federal
9 share of project costs for design and construction
10 work performed by the non-Federal interest before
11 execution of a project cooperation agreement and for
12 land, easements, and rights-of-way required for the
13 restoration and acquired by the non-Federal interest
14 before execution of such an agreement.

15 (c) OPERATION AND MAINTENANCE.—The operation
16 and maintenance of the restoration project under sub-
17 section (a) shall be the full responsibility of the National
18 Park Service.

19 **SEC. 134. SEDIMENTS DECONTAMINATION POLICY.**

20 Section 405 of the Water Resources Development Act
21 of 1992 (33 U.S.C. 2239 note; Public Law 102–580) is
22 amended—

23 (1) in subsection (a), by adding at the end the
24 following:

1 “(4) PRACTICAL END-USE PRODUCTS.—Tech-
2 nologies selected for demonstration at the pilot scale
3 shall result in practical end-use products.

4 “(5) ASSISTANCE BY THE SECRETARY.—The
5 Secretary shall assist the project to ensure expedi-
6 tious completion by providing sufficient quantities of
7 contaminated dredged material to conduct the full-
8 scale demonstrations to stated capacity.”; and

9 (2) in subsection (c), by striking the first sen-
10 tence and inserting the following: “There is author-
11 ized to be appropriated to carry out this section a
12 total of \$22,000,000 to complete technology testing,
13 technology commercialization, and the development
14 of full scale processing facilities within the New
15 York/New Jersey Harbor.”.

16 **SEC. 135. CITY OF MIAMI BEACH, FLORIDA.**

17 Section 5(b)(3)(C)(i) of the Act of August 13, 1946
18 (33 U.S.C. 426h), is amended by inserting before the
19 semicolon the following: “, including the city of Miami
20 Beach, Florida”.

21 **SEC. 136. SMALL STORM DAMAGE REDUCTION PROJECTS.**

22 Section 3 of the Act of August 13, 1946 (33 U.S.C.
23 426g), is amended by striking “\$2,000,000” and inserting
24 “\$3,000,000”.

1 **SEC. 137. SARDIS RESERVOIR, OKLAHOMA.**

2 (a) IN GENERAL.—The Secretary shall accept from
3 the State of Oklahoma or an agent of the State an
4 amount, as determined under subsection (b), as prepay-
5 ment of 100 percent of the water supply cost obligation
6 of the State under Contract No. DACW56–74–JC–0314
7 for water supply storage at Sardis Reservoir, Oklahoma.

8 (b) DETERMINATION OF AMOUNT.—The amount to
9 be paid by the State of Oklahoma under subsection (a)
10 shall be subject to adjustment in accordance with accepted
11 discount purchase methods for Government properties as
12 determined by an independent accounting firm designated
13 by the Director of the Office of Management and Budget.

14 (c) EFFECT.—Nothing in this section shall otherwise
15 affect any of the rights or obligations of the parties to
16 the contract referred to in subsection (a).

17 **SEC. 138. UPPER MISSISSIPPI RIVER AND ILLINOIS WATER-**
18 **WAY SYSTEM NAVIGATION MODERNIZATION.**

19 (a) FINDINGS.—Congress finds that—

20 (1) exports are necessary to ensure job creation
21 and an improved standard of living for the people of
22 the United States;

23 (2) the ability of producers of goods in the
24 United States to compete in the international mar-
25 ketplace depends on a modern and efficient trans-
26 portation network;

1 (3) a modern and efficient waterway system is
2 a transportation option necessary to provide United
3 States shippers a safe, reliable, and competitive
4 means to win foreign markets in an increasingly
5 competitive international marketplace;

6 (4) the need to modernize is heightened because
7 the United States is at risk of losing its competitive
8 edge as a result of the priority that foreign competi-
9 tors are placing on modernizing their own waterway
10 systems;

11 (5) growing export demand projected over the
12 coming decades will force greater demands on the
13 waterway system of the United States and increase
14 the cost to the economy if the system proves inad-
15 equate to satisfy growing export opportunities;

16 (6) the locks and dams on the upper Mississippi
17 River and Illinois River waterway system were built
18 in the 1930s and have some of the highest average
19 delays to commercial tows in the country;

20 (7) inland barges carry freight at the lowest
21 unit cost while offering an alternative to truck and
22 rail transportation that is environmentally sound, is
23 energy efficient, is safe, causes little congestion, pro-
24 duces little air or noise pollution, and has minimal
25 social impact; and

1 (8) it should be the policy of the Corps of Engi-
2 neers to pursue aggressively modernization of the
3 waterway system authorized by Congress to promote
4 the relative competitive position of the United States
5 in the international marketplace.

6 (b) **PRECONSTRUCTION ENGINEERING AND DE-**
7 **SIGN.**—In accordance with the Upper Mississippi River-
8 Illinois Waterway System Navigation Study, the Secretary
9 shall proceed immediately to prepare engineering design,
10 plans, and specifications for extension of locks 20, 21, 22,
11 24, 25 on the Mississippi River and the LaGrange and
12 Peoria Locks on the Illinois River, to provide lock cham-
13 bers 110 feet in width and 1,200 feet in length, so that
14 construction can proceed immediately upon completion of
15 studies and authorization of projects by Congress.

16 **SEC. 139. DISPOSAL OF DREDGED MATERIAL ON BEACHES.**

17 Section 145 of the Water Resources Development Act
18 of 1976 (33 U.S.C. 426j) is amended in the first sentence
19 by striking “50” and inserting “35”.

20 **SEC. 140. FISH AND WILDLIFE MITIGATION.**

21 Section 906(e) of the Water Resources Development
22 Act of 1986 (33 U.S.C. 2283(e)) is amended by inserting
23 after the second sentence the following: “Not more than
24 80 percent of the non-Federal share of such first costs

1 may be in kind, including a facility, supply, or service that
2 is necessary to carry out the enhancement project.”.

3 **SEC. 141. UPPER MISSISSIPPI RIVER MANAGEMENT.**

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

6 (1) in subsection (e)—

7 (A) by striking “(e)” and all that follows
8 through the end of paragraph (2) and inserting
9 the following:

10 “(e) UNDERTAKINGS.—

11 “(1) IN GENERAL.—

12 “(A) AUTHORITY.—The Secretary, in con-
13 sultation with the Secretary of the Interior and
14 the States of Illinois, Iowa, Minnesota, Mis-
15 souri, and Wisconsin, is authorized to
16 undertake—

17 “(i) a program for the planning, con-
18 struction, and evaluation of measures for
19 fish and wildlife habitat rehabilitation and
20 enhancement; and

21 “(ii) implementation of a program of
22 long-term resource monitoring, computer-
23 ized data inventory and analysis, and ap-
24 plied research.

1 “(B) REQUIREMENTS FOR PROJECTS.—

2 Each project carried out under subparagraph

3 (A)(i) shall—

4 “(i) to the maximum extent prac-
5 ticable, simulate natural river processes;

6 “(ii) include an outreach and edu-
7 cation component; and

8 “(iii) on completion of the assessment
9 under subparagraph (D), address identified
10 habitat and natural resource needs.

11 “(C) ADVISORY COMMITTEE.—In carrying
12 out subparagraph (A), the Secretary shall cre-
13 ate an independent technical advisory commit-
14 tee to review projects, monitoring plans, and
15 habitat and natural resource needs assessments.

16 “(D) HABITAT AND NATURAL RESOURCE
17 NEEDS ASSESSMENT.—

18 “(i) AUTHORITY.—The Secretary is
19 authorized to undertake a systemic, river
20 reach, and pool scale assessment of habitat
21 and natural resource needs to serve as a
22 blueprint to guide habitat rehabilitation
23 and long-term resource monitoring.

24 “(ii) DATA.—The habitat and natural
25 resource needs assessment shall, to the

1 maximum extent practicable, use data in
2 existence at the time of the assessment.

3 “(iii) TIMING.—The Secretary shall
4 complete a habitat and natural resource
5 needs assessment not later than 3 years
6 after the date of enactment of this sub-
7 paragraph.

8 “(2) REPORTS.—On December 31, 2005, in
9 consultation with the Secretary of the Interior and
10 the States of Illinois, Iowa, Minnesota, Missouri, and
11 Wisconsin, the Secretary shall prepare and submit to
12 Congress a report that—

13 “(A) contains an evaluation of the pro-
14 grams described in paragraph (1);

15 “(B) describes the accomplishments of
16 each program;

17 “(C) includes results of a habitat and nat-
18 ural resource needs assessment; and

19 “(D) identifies any needed adjustments in
20 the authorization under paragraph (1) or the
21 authorized appropriations under paragraphs
22 (3), (4), and (5).”;

23 (B) in paragraph (3)—

24 (i) by striking “paragraph (1)(A)”
25 and inserting “paragraph (1)(A)(i)”; and

1 (ii) by striking “Secretary not to ex-
2 ceed” and all that follows and inserting
3 “Secretary not to exceed \$22,750,000 for
4 each of fiscal years 1999 through 2009.”;
5 (C) in paragraph (4)—

6 (i) by striking “paragraph (1)(B)”
7 and inserting “paragraph (1)(A)(ii)”; and

8 (ii) by striking “\$7,680,000” and all
9 that follows and inserting “\$10,420,000
10 for each of fiscal years 1999 through
11 2009.”;

12 (D) by striking paragraphs (5) and (6)
13 and inserting the following:

14 “(5) AUTHORIZATION OF APPROPRIATIONS.—
15 There is authorized to be appropriated to carry out
16 paragraph (1)(C) not to exceed \$350,000 for each of
17 fiscal years 1999 through 2009.

18 “(6) TRANSFER OF AMOUNTS.—

19 “(A) IN GENERAL.—For each fiscal year
20 beginning after September 30, 1992, the Sec-
21 retary, in consultation with the Secretary of the
22 Interior and the States of Illinois, Iowa, Min-
23 nesota, Missouri, and Wisconsin, may transfer
24 appropriated amounts between the programs

1 under clauses (i) and (ii) of paragraph (1)(A)
2 and paragraph (1)(C).

3 “(B) APPORTIONMENT OF COSTS.—In car-
4 rying out paragraph (1)(D), the Secretary may
5 apportion the costs equally between the pro-
6 grams authorized by paragraph (1)(A).”; and

7 (E) in paragraph (7)—

8 (i) in subparagraph (A)—

9 (I) by inserting “(i)” after “para-
10 graph (1)(A)”; and

11 (II) by inserting before the pe-
12 riod at the end the following: “and, in
13 the case of any project requiring non-
14 Federal cost sharing, the non-Federal
15 share of the cost of the project shall
16 be 35 percent”; and

17 (ii) in subparagraph (B), by striking
18 “paragraphs (1)(B) and (1)(C) of this sub-
19 section” and inserting “paragraph
20 (1)(A)(ii)”;

21 (2) in subsection (f)(2)—

22 (A) in subparagraph (A), by striking
23 “(A)”; and

24 (B) by striking subparagraph (B); and

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

1 “(k) ST. LOUIS AREA URBAN WILDLIFE HABITAT.—
 2 The Secretary shall investigate and, if appropriate, carry
 3 out restoration of urban wildlife habitat, with a special
 4 emphasis on the establishment of greenways in the St.
 5 Louis, Missouri, area and surrounding communities.”.

6 **SEC. 142. REIMBURSEMENT OF NON-FEDERAL INTEREST.**

7 Section 211(e)(2)(A) of the Water Resources Devel-
 8 opment Act of 1996 (33 U.S.C. 701b–13(e)(2)(A)) is
 9 amended by striking “subject to amounts being made
 10 available in advance in appropriations Acts” and inserting
 11 “subject to the availability of appropriations”.

12 **SEC. 143. RESEARCH AND DEVELOPMENT PROGRAM FOR**
 13 **COLUMBIA AND SNAKE RIVERS SALMON SUR-**
 14 **VIVAL.**

15 Section 511 of the Water Resources Development Act
 16 of 1996 (16 U.S.C. 3301 note; Public Law 104–303) is
 17 amended by striking subsection (a) and all that follows
 18 and inserting the following:

19 “(a) SALMON SURVIVAL ACTIVITIES.—

20 “(1) IN GENERAL.—In conjunction with the
 21 Secretary of Commerce and Secretary of the Inte-
 22 rior, the Secretary shall accelerate ongoing research
 23 and development activities, and may carry out or
 24 participate in additional research and development
 25 activities, for the purpose of developing innovative

1 methods and technologies for improving the survival
2 of salmon, especially salmon in the Columbia/Snake
3 River Basin.

4 “(2) ACCELERATED ACTIVITIES.—Accelerated
5 research and development activities referred to in
6 paragraph (1) may include research and develop-
7 ment related to—

8 “(A) impacts from water resources projects
9 and other impacts on salmon life cycles;

10 “(B) juvenile and adult salmon passage;

11 “(C) light and sound guidance systems;

12 “(D) surface-oriented collector systems;

13 “(E) transportation mechanisms; and

14 “(F) dissolved gas monitoring and abate-
15 ment.

16 “(3) ADDITIONAL ACTIVITIES.—Additional re-
17 search and development activities referred to in
18 paragraph (1) may include research and develop-
19 ment related to—

20 “(A) studies of juvenile salmon survival in
21 spawning and rearing areas;

22 “(B) estuary and near-ocean juvenile and
23 adult salmon survival;

24 “(C) impacts on salmon life cycles from
25 sources other than water resources projects;

1 “(D) cryopreservation of fish gametes and
2 formation of a germ plasm repository for
3 threatened and endangered populations of na-
4 tive fish; and

5 “(E) other innovative technologies and ac-
6 tions intended to improve fish survival, includ-
7 ing the survival of resident fish.

8 “(4) COORDINATION.—The Secretary shall co-
9 ordinate any activities carried out under this sub-
10 section with appropriate Federal, State, and local
11 agencies, affected Indian tribes, and the Northwest
12 Power Planning Council.

13 “(5) REPORT.—Not later than 3 years after the
14 date of enactment of this section, the Secretary shall
15 submit to Congress a report on the research and de-
16 velopment activities carried out under this sub-
17 section, including any recommendations of the Sec-
18 retary concerning the research and development ac-
19 tivities.

20 “(6) AUTHORIZATION OF APPROPRIATIONS.—
21 There is authorized to be appropriated \$10,000,000
22 to carry out research and development activities
23 under paragraph (3).

24 “(b) ADVANCED TURBINE DEVELOPMENT.—

1 “(1) IN GENERAL.—In conjunction with the
2 Secretary of Energy, the Secretary shall accelerate
3 efforts toward developing and installing in Corps of
4 Engineers-operated dams innovative, efficient, and
5 environmentally safe hydropower turbines, including
6 design of fish-friendly turbines, for use on the Co-
7 lumbia/Snake River hydrosystem.

8 “(2) AUTHORIZATION OF APPROPRIATIONS.—
9 There is authorized to be appropriated \$35,000,000
10 to carry out this subsection.

11 “(c) MANAGEMENT OF PREDATION ON COLUMBIA/
12 SNAKE RIVER SYSTEM NATIVE FISHES.—

13 “(1) NESTING AVIAN PREDATORS.—In conjunc-
14 tion with the Secretary of Commerce and the Sec-
15 retary of the Interior, and consistent with a manage-
16 ment plan to be developed by the United States Fish
17 and Wildlife Service, the Secretary shall carry out
18 methods to reduce nesting populations of avian pred-
19 ators on dredge spoil islands in the Columbia River
20 under the jurisdiction of the Secretary.

21 “(2) AUTHORIZATION OF APPROPRIATIONS.—
22 There is authorized to be appropriated \$1,000,000
23 to carry out research and development activities
24 under this subsection.

1 “(c) REQUIREMENT FOR SPECIFIC AUTHORIZA-
2 TION.—No such”; and

3 (B) by striking “\$2,000,000” and insert-
4 ing “\$5,000,000”; and

5 (4) by adding at the end the following:

6 “(d) COORDINATION.—The Secretary shall—

7 “(1) coordinate the implementation of the
8 measures under this section with other Federal and
9 non-Federal shore protection projects in the same
10 geographic area; and

11 “(2) to the extent practicable, combine mitiga-
12 tion projects with other shore protection projects in
13 the same area into a comprehensive regional
14 project.”.

15 **SEC. 146. LARKSPUR FERRY CHANNEL, CALIFORNIA.**

16 The Secretary shall work with the Secretary of
17 Transportation on a proposed solution to carry out the
18 project to maintain the Larkspur Ferry Channel, Lark-
19 spur, California, authorized by section 601(d) of the
20 Water Resources Development Act of 1986 (100 Stat.
21 4148).

22 **SEC. 147. COMPREHENSIVE FLOOD IMPACT-RESPONSE**
23 **MODELING SYSTEM.**

24 (a) IN GENERAL.—The Secretary may study and im-
25 plement a Comprehensive Flood Impact-Response Model-

1 ing System for the Coralville Reservoir and the Iowa River
2 watershed, Iowa.

3 (b) STUDY.—The study shall include—

4 (1) an evaluation of the combined hydrologic,
5 geomorphic, environmental, economic, social, and
6 recreational impacts of operating strategies within
7 the watershed;

8 (2) creation of an integrated, dynamic flood im-
9 pact model; and

10 (3) the development of a rapid response system
11 to be used during flood and emergency situations.

12 (c) REPORT TO CONGRESS.—Not later than 5 years
13 after the date of enactment of this Act, the Secretary shall
14 transmit a report to Congress on the results of the study
15 and modeling system and such recommendations as the
16 Secretary determines to be appropriate.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated a total of \$2,250,000 to
19 carry out this section.

20 **SEC. 148. STUDY REGARDING INNOVATIVE FINANCING FOR**
21 **SMALL AND MEDIUM-SIZED PORTS.**

22 (a) STUDY.—The Comptroller General of the United
23 States shall conduct a study and analysis of various alter-
24 natives for innovative financing of future construction, op-

1 eration, and maintenance of projects in small and me-
 2 dium-sized ports.

3 (b) REPORT.—Not later than 270 days after the date
 4 of enactment of this Act, the Comptroller General shall
 5 submit to the Committee on Environment and Public
 6 Works of the Senate and Committee on Transportation
 7 and Infrastructure of the House of Representatives and
 8 the results of the study and any related legislative rec-
 9 ommendations for consideration by Congress.

10 **SEC. 149. CANDY LAKE PROJECT, OSAGE COUNTY, OKLA-**
 11 **HOMA.**

12 (a) DEFINITIONS.—In this section:

13 (1) FAIR MARKET VALUE.—The term “fair
 14 market value” means the amount for which a willing
 15 buyer would purchase and a willing seller would sell
 16 a parcel of land, as determined by a qualified, inde-
 17 pendent land appraiser.

18 (2) PREVIOUS OWNER OF LAND.—The term
 19 “previous owner of land” means a person (including
 20 a corporation) that conveyed, or a descendant of a
 21 deceased individual who conveyed, land to the Army
 22 Corps of Engineers for use in the Candy Lake
 23 project in Osage County, Oklahoma.

24 (3) SECRETARY.—The term “Secretary” means
 25 the Secretary of the Army.

1 (b) LAND CONVEYANCES.—

2 (1) IN GENERAL.—The Secretary shall convey,
3 in accordance with this section, all right, title, and
4 interest of the United States in and to the land ac-
5 quired by the United States for the Candy Lake
6 project in Osage County, Oklahoma.

7 (2) PREVIOUS OWNERS OF LAND.—

8 (A) IN GENERAL.—The Secretary shall
9 give a previous owner of land first option to
10 purchase the land described in paragraph (1).

11 (B) APPLICATION.—

12 (i) IN GENERAL.—A previous owner
13 of land that desires to purchase the land
14 described in paragraph (1) that was owned
15 by the previous owner of land, or by the in-
16 dividual from whom the previous owner of
17 land is descended, shall file an application
18 to purchase the land with the Secretary
19 not later than 180 days after the official
20 date of notice to the previous owner of
21 land under subsection (c).

22 (ii) FIRST TO FILE HAS FIRST OP-
23 TION.—If more than 1 application is filed
24 for a parcel of land described in paragraph
25 (1), first options to purchase the parcel of

1 land shall be allotted in the order in which
2 applications for the parcel of land were
3 filed.

4 (C) IDENTIFICATION OF PREVIOUS OWN-
5 ERS OF LAND.—As soon as practicable after the
6 date of enactment of this Act, the Secretary
7 shall, to the extent practicable, identify each
8 previous owner of land.

9 (D) CONSIDERATION.—Consideration for
10 land conveyed under this subsection shall be the
11 fair market value of the land.

12 (3) DISPOSAL.—Any land described in para-
13 graph (1) for which an application has not been filed
14 under paragraph (2)(B) within the applicable time
15 period shall be disposed of in accordance with law.

16 (4) EXTINGUISHMENT OF EASEMENTS.—All
17 flowage easements acquired by the United States for
18 use in the Candy Lake project in Osage County,
19 Oklahoma, are extinguished.

20 (c) NOTICE.—

21 (1) IN GENERAL.—The Secretary shall notify—

22 (A) each person identified as a previous
23 owner of land under subsection (b)(2)(C), not
24 later than 90 days after identification, by
25 United States mail; and

1 (B) the general public, not later than 90
2 days after the date of enactment of this Act, by
3 publication in the Federal Register.

4 (2) CONTENTS OF NOTICE.—Notice under this
5 subsection shall include—

6 (A) a copy of this section;

7 (B) information sufficient to separately
8 identify each parcel of land subject to this sec-
9 tion; and

10 (C) specification of the fair market value
11 of each parcel of land subject to this section.

12 (3) OFFICIAL DATE OF NOTICE.—The official
13 date of notice under this subsection shall be the
14 later of—

15 (A) the date on which actual notice is
16 mailed; or

17 (B) the date of publication of the notice in
18 the Federal Register.

19 **SEC. 150. SALCHA RIVER AND PILEDRIVER SLOUGH, FAIR-**
20 **BANKS, ALASKA.**

21 The Secretary shall evaluate and, if justified under
22 section 205 of the Flood Control Act of 1948 (33 U.S.C.
23 701s), carry out flood damage reduction measures along
24 the lower Salcha River and on Piledriver Slough, from its
25 headwaters at the mouth of the Salcha River to the Chena

1 Lakes Flood Control Project, in the vicinity of Fairbanks,
2 Alaska, to protect against surface water flooding.

3 **SEC. 151. EYAK RIVER, CORDOVA, ALASKA.**

4 The Secretary shall evaluate and, if justified under
5 section 205 of the Flood Control Act of 1948 (33 U.S.C.
6 701s), carry out flood damage reduction measures along
7 the Eyak River at the town of Cordova, Alaska.

8 **SEC. 152. NORTH PADRE ISLAND STORM DAMAGE REDUC-**
9 **TION AND ENVIRONMENTAL RESTORATION**
10 **PROJECT.**

11 The Secretary shall carry out a project for ecosystem
12 restoration and storm damage reduction at North Padre
13 Island, Corpus Christi Bay, Texas, at a total estimated
14 cost of \$30,000,000, with an estimated Federal cost of
15 \$19,500,000 and an estimated non-Federal cost of
16 \$10,500,000, if the Secretary finds that the work is tech-
17 nically sound, environmentally acceptable, and economi-
18 cally justified.

19 **SEC. 153. KANOPOLIS LAKE, KANSAS.**

20 (a) WATER SUPPLY.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date of enactment of this Act, the Secretary, in
23 cooperation with the State of Kansas or another
24 non-Federal interest, shall complete a water supply
25 reallocation study at the project for flood control,

1 Kanopolis Lake, Kansas, as a basis on which the
2 Secretary shall enter into negotiations with the State
3 of Kansas or another non-Federal interest for the
4 terms and conditions of a reallocation of the water
5 supply.

6 (2) OPTIONS.—The negotiations for storage re-
7 allocation shall include the following options for eval-
8 uation by all parties:

9 (A) Financial terms of storage reallocation.

10 (B) Protection of future Federal water re-
11 leases from Kanopolis Dam, consistent with
12 State water law, to ensure that the benefits ex-
13 pected from releases are provided.

14 (C) Potential establishment of a water as-
15 surance district consistent with other such dis-
16 tricts established by the State of Kansas.

17 (D) Protection of existing project purposes
18 at Kanopolis Dam to include flood control,
19 recreation, and fish and wildlife.

20 (b) IN-KIND CREDIT.—

21 (1) IN GENERAL.—The Secretary may negotiate
22 a credit for a portion of the financial repayment to
23 the Federal Government for work performed by the
24 State of Kansas, or another non-Federal interest, on

1 land adjacent or in close proximity to the project, if
2 the work provides a benefit to the project.

3 (2) WORK INCLUDED.—The work for which
4 credit may be granted may include watershed protec-
5 tion and enhancement, including wetland construc-
6 tion and ecosystem restoration.

7 **SEC. 154. NEW YORK CITY WATERSHED.**

8 Section 552(d) of the Water Resources Development
9 Act of 1996 (110 Stat. 3780) is amended by striking “for
10 the project to be carried out with such assistance” and
11 inserting “, or a public entity designated by the State di-
12 rector, to carry out the project with such assistance, sub-
13 ject to the project’s meeting the certification requirement
14 of subsection (c)(1)”.

15 **SEC. 155. CITY OF CHARLEVOIX REIMBURSEMENT, MICHIGAN.**

16
17 The Secretary shall review and, if consistent with au-
18 thorized project purposes, reimburse the city of
19 Charlevoix, Michigan, for the Federal share of costs asso-
20 ciated with construction of the new revetment connection
21 to the Federal navigation project at Charlevoix Harbor,
22 Michigan.

1 **SEC. 156. HAMILTON DAM FLOOD CONTROL PROJECT,**
2 **MICHIGAN.**

3 The Secretary may construct the Hamilton Dam
4 flood control project, Michigan, under authority of section
5 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

6 **SEC. 157. NATIONAL CONTAMINATED SEDIMENT TASK**
7 **FORCE.**

8 (a) DEFINITION OF TASK FORCE.—In this section,
9 the term “Task Force” means the National Contaminated
10 Sediment Task Force established by section 502 of the
11 National Contaminated Sediment Assessment and Man-
12 agement Act (33 U.S.C. 1271 note; Public Law 102–580).

13 (b) CONVENING.—The Secretary and the Adminis-
14 trator shall convene the Task Force not later than 90 days
15 after the date of enactment of this Act.

16 (c) REPORTING ON REMEDIAL ACTION.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the date of enactment of this Act, the Task Force
19 shall submit to Congress a report on the status of
20 remedial actions at aquatic sites in the areas de-
21 scribed in paragraph (2).

22 (2) AREAS.—The report under paragraph (1)
23 shall address remedial actions in—

24 (A) areas of probable concern identified in
25 the survey of data regarding aquatic sediment
26 quality required by section 503(a) of the Na-

1 tional Contaminated Sediment Assessment and
2 Management Act (33 U.S.C. 1271);

3 (B) areas of concern within the Great
4 Lakes, as identified under section 118(f) of the
5 Federal Water Pollution Control Act (33 U.S.C.
6 1268(f));

7 (C) estuaries of national significance iden-
8 tified under section 320 of the Federal Water
9 Pollution Control Act (33 U.S.C. 1330);

10 (D) areas for which remedial action has
11 been authorized under any of the Water Re-
12 sources Development Acts; and

13 (E) as appropriate, any other areas where
14 sediment contamination is identified by the
15 Task Force.

16 (3) ACTIVITIES.—Remedial actions subject to
17 reporting under this subsection include remedial ac-
18 tions under—

19 (A) the Comprehensive Environmental Re-
20 sponse, Compensation, and Liability Act of
21 1980 (42 U.S.C. 9601 et seq.) or other Federal
22 or State law containing environmental remedi-
23 ation authority;

24 (B) any of the Water Resources Develop-
25 ment Acts;

1 (C) section 404 of the Federal Water Pol-
2 lution Control Act (33 U.S.C. 1344); or

3 (D) section 10 of the Act of March 3,
4 1899 (30 Stat. 1151, chapter 425).

5 (4) CONTENTS.—The report under paragraph
6 (1) shall provide, with respect to each remedial ac-
7 tion described in the report, a description of—

8 (A) the authorities and sources of funding
9 for conducting the remedial action;

10 (B) the nature and sources of the sediment
11 contamination, including volume and concentra-
12 tion, where appropriate;

13 (C) the testing conducted to determine the
14 nature and extent of sediment contamination
15 and to determine whether the remedial action is
16 necessary;

17 (D) the action levels or other factors used
18 to determine that the remedial action is nec-
19 essary;

20 (E) the nature of the remedial action
21 planned or undertaken, including the levels of
22 protection of public health and the environment
23 to be achieved by the remedial action;

24 (F) the ultimate disposition of any mate-
25 rial dredged as part of the remedial action;

1 (G) the status of projects and the obstacles
2 or barriers to prompt conduct of the remedial
3 action; and

4 (H) contacts and sources of further infor-
5 mation concerning the remedial action.

6 **SEC. 158. GREAT LAKES BASIN PROGRAM.**

7 (a) STRATEGIC PLANS.—

8 (1) IN GENERAL.—Not later than 18 months
9 after the date of enactment of this Act, and every
10 2 years thereafter, the Secretary shall report to Con-
11 gress on a plan for programs of the Army Corps of
12 Engineers in the Great Lakes basin.

13 (2) CONTENTS.—The plan shall include details
14 of the projected environmental and navigational
15 projects in the Great Lakes basin, including—

16 (A) navigational maintenance and oper-
17 ations for commercial and recreational vessels;

18 (B) environmental restoration activities;

19 (C) water level maintenance activities;

20 (D) technical and planning assistance to
21 States and remedial action planning commit-
22 tees;

23 (E) sediment transport analysis, sediment
24 management planning, and activities to support
25 prevention of excess sediment loadings;

1 (F) flood damage reduction and shoreline
2 erosion prevention;

3 (G) all other activities of the Army Corps
4 of Engineers; and

5 (H) an analysis of factors limiting use of
6 programs and authorities of the Army Corps of
7 Engineers in existence on the date of enactment
8 of this Act in the Great Lakes basin, including
9 the need for new or modified authorities.

10 (b) GREAT LAKES BIOHYDROLOGICAL INFORMA-
11 TION.—

12 (1) INVENTORY.—

13 (A) IN GENERAL.—Not later than 90 days
14 after the date of enactment of this Act, the Sec-
15 retary shall request each Federal agency that
16 may possess information relevant to the Great
17 Lakes biohydrological system to provide an in-
18 ventory of all such information in the posses-
19 sion of the agency.

20 (B) RELEVANT INFORMATION.—For the
21 purpose of subparagraph (A), relevant informa-
22 tion includes information on—

23 (i) ground and surface water hydro-
24 ology;

- 1 (ii) natural and altered tributary dy-
2 namics;
- 3 (iii) biological aspects of the system
4 influenced by and influencing water quan-
5 tity and water movement;
- 6 (iv) meteorological projections and
7 weather impacts on Great Lakes water lev-
8 els; and
- 9 (v) other Great Lakes biohydrological
10 system data relevant to sustainable water
11 use management.

12 (2) REPORT.—

13 (A) IN GENERAL.—Not later than 18
14 months after the date of enactment of this Act,
15 the Secretary, in consultation with the States,
16 Indian tribes, and Federal agencies, and after
17 requesting information from the provinces and
18 the federal government of Canada, shall—

- 19 (i) compile the inventories of informa-
20 tion;
- 21 (ii) analyze the information for con-
22 sistency and gaps; and
- 23 (iii) submit to Congress, the Inter-
24 national Joint Commission, and the Great
25 Lakes States a report that includes rec-

1 ommendations on ways to improve the in-
2 formation base on the biohydrological dy-
3 namics of the Great Lakes ecosystem as a
4 whole, so as to support environmentally
5 sound decisions regarding diversions and
6 consumptive uses of Great Lakes water.

7 (B) RECOMMENDATIONS.—The rec-
8 ommendations in the report under subpara-
9 graph (A) shall include recommendations relat-
10 ing to the resources and funds necessary for
11 implementing improvement of the information
12 base.

13 (C) CONSIDERATIONS.—In developing the
14 report under subparagraph (A), the Secretary,
15 in cooperation with the Secretary of State, the
16 Secretary of Transportation, and other relevant
17 agencies as appropriate, shall consider and re-
18 port on the status of the issues described and
19 recommendations made in—

20 (i) the Report of the International
21 Joint Commission to the Governments of
22 the United States and Canada under the
23 1977 reference issued in 1985; and

24 (ii) the 1993 Report of the Inter-
25 national Joint Commission to the Govern-

1 ments of Canada and the United States on
2 Methods of Alleviating Adverse Con-
3 sequences of Fluctuating Water Levels in
4 the Great Lakes St. Lawrence Basin.

5 (c) GREAT LAKES RECREATIONAL BOATING.—Not
6 later than 18 months after the date of enactment of this
7 Act, the Secretary shall, using information and studies in
8 existence on the date of enactment of this Act to the maxi-
9 mum extent practicable, and in cooperation with the Great
10 Lakes States, submit to Congress a report detailing the
11 economic benefits of recreational boating in the Great
12 Lakes basin, particularly at harbors benefiting from oper-
13 ation and maintenance projects of the Army Corps of En-
14 gineers.

15 (d) COOPERATION.—In undertaking activities under
16 this section, the Secretary shall—

17 (1) encourage public participation; and
18 (2) cooperate, and, as appropriate, collaborate,
19 with Great Lakes States, tribal governments, and
20 Canadian federal, provincial, tribal governments.

21 (e) WATER USE ACTIVITIES AND POLICIES.—The
22 Secretary may provide technical assistance to the Great
23 Lakes States to develop interstate guidelines to improve
24 the consistency and efficiency of State-level water use ac-
25 tivities and policies in the Great Lakes basin.

1 (f) COST SHARING.—The Secretary may seek and ac-
2 cept funds from non-Federal entities to be used to pay
3 up to 25 percent of the cost of carrying out subsections
4 (b), (c), (d), and (e).

5 **SEC. 159. PROJECTS FOR IMPROVEMENT OF THE ENVIRON-**
6 **MENT.**

7 Section 1135(c) of the Water Resources Development
8 Act of 1986 (33 U.S.C. 2309a(c)) is amended—

9 (1) by striking “If the Secretary” and inserting
10 the following:

11 “(1) IN GENERAL.—If the Secretary”; and

12 (2) by adding at the end the following:

13 “(2) CONTROL OF SEA LAMPREY.—Congress
14 finds that—

15 “(A) the Great Lakes navigation system
16 has been instrumental in the spread of sea lam-
17 prey and the associated impacts to its fishery;
18 and

19 “(B) the use of the authority under this
20 subsection for control of sea lamprey at any
21 Great Lakes basin location is appropriate.”.

1 **SEC. 160. WATER QUALITY, ENVIRONMENTAL QUALITY,**
2 **RECREATION, FISH AND WILDLIFE, FLOOD**
3 **CONTROL, AND NAVIGATION.**

4 (a) IN GENERAL.—The Secretary may investigate,
5 study, evaluate, and report on—

6 (1) water quality, environmental quality, recre-
7 ation, fish and wildlife, flood control, and navigation
8 in the western Lake Erie watershed, including the
9 watersheds of the Maumee River, Ottawa River, and
10 Portage River in the States of Indiana, Ohio, and
11 Michigan; and

12 (2) measures to improve water quality, environ-
13 mental quality, recreation, fish and wildlife, flood
14 control, and navigation in the western Lake Erie
15 basin.

16 (b) COOPERATION.—In carrying out studies and in-
17 vestigations under subsection (a), the Secretary shall co-
18 operate with Federal, State, and local agencies and non-
19 governmental organizations to ensure full consideration of
20 all views and requirements of all interrelated programs
21 that those agencies may develop independently or in co-
22 ordination with the Army Corps of Engineers.

23 **SEC. 161. IRRIGATION DIVERSION PROTECTION AND FISH-**
24 **ERIES ENHANCEMENT ASSISTANCE.**

25 The Secretary may provide technical planning and
26 design assistance to non-Federal interests and may con-

1 duct other site-specific studies to formulate and evaluate
2 fish screens, fish passages devices, and other measures to
3 decrease the incidence of juvenile and adult fish inadvert-
4 ently entering into irrigation systems. Measures shall be
5 developed in cooperation with Federal and State resource
6 agencies and not impair the continued withdrawal of water
7 for irrigation purposes. In providing such assistance prior-
8 ity shall be given based on the objectives of the Endan-
9 gered Species Act, cost-effectiveness, and the potential for
10 reducing fish mortality. Non-Federal interests shall agree
11 by contract to contribute 50 percent of the cost of such
12 assistance. Not more than one-half of such non-Federal
13 contribution may be made by the provision of services, ma-
14 terials, supplies, or other in-kind services. No construction
15 activities are authorized by this section. Not later than
16 2 years after the date of enactment of this section, the
17 Secretary shall report to Congress on fish mortality caused
18 by irrigation water intake devices, appropriate measures
19 to reduce mortality, the extent to which such measures
20 are currently being employed in the arid States, the con-
21 struction costs associated with such measures, and the ap-
22 propriate Federal role, if any, to encourage the use of such
23 measures.

1 **TITLE II—CHEYENNE RIVER**
2 **SIOUX TRIBE, LOWER BRULE**
3 **SIOUX TRIBE, AND STATE OF**
4 **SOUTH DAKOTA TERRES-**
5 **TRIAL WILDLIFE HABITAT**
6 **RESTORATION**

7 **SEC. 201. DEFINITIONS.**

8 In this title:

9 (1) RESTORATION.—The term “restoration”
10 means mitigation of the habitat of wildlife.

11 (2) SECRETARY.—The term “Secretary” means
12 the Secretary of the Army.

13 (3) TERRESTRIAL WILDLIFE HABITAT.—The
14 term “terrestrial wildlife habitat” means a habitat
15 for a wildlife species (including game and nongame
16 species) that existed or exists on an upland habitat
17 (including a prairie grassland, woodland, bottom
18 land forest, scrub, or shrub) or an emergent wetland
19 habitat.

20 (4) WILDLIFE.—The term “wildlife” has the
21 meaning given the term in section 8 of the Fish and
22 Wildlife Coordination Act (16 U.S.C. 666b).

23 **SEC. 202. TERRESTRIAL WILDLIFE HABITAT RESTORATION.**

24 (a) TERRESTRIAL WILDLIFE HABITAT RESTORATION
25 PLANS.—

1 (1) IN GENERAL.—In accordance with this sub-
2 section and in consultation with the Secretary and
3 the Secretary of the Interior, the State of South Da-
4 kota, the Cheyenne River Sioux Tribe, and the
5 Lower Brule Sioux Tribe shall, as a condition of the
6 receipt of funds under this title, each develop a plan
7 for the restoration of terrestrial wildlife habitat loss
8 that occurred as a result of flooding related to the
9 Big Bend and Oahe projects carried out as part of
10 the Pick-Sloan Missouri River Basin program.

11 (2) SUBMISSION OF PLAN TO SECRETARY.—On
12 completion of a plan for terrestrial wildlife habitat
13 restoration, the State of South Dakota, the Chey-
14 enne River Sioux Tribe, and the Lower Brule Sioux
15 Tribe shall submit the plan to the Secretary.

16 (3) REVIEW BY SECRETARY AND SUBMISSION
17 TO COMMITTEES.—The Secretary shall review the
18 plan and submit the plan, with any comments, to the
19 appropriate committees of the Senate and the House
20 of Representatives.

21 (4) FUNDING FOR CARRYING OUT PLANS.—

22 (A) STATE OF SOUTH DAKOTA.—

23 (i) NOTIFICATION.—On receipt of the
24 plan for terrestrial wildlife habitat restora-
25 tion submitted by the State of South Da-

1 kota, each of the Committees referred to in
2 paragraph (3) shall notify the Secretary of
3 the Treasury of the receipt of the plan.

4 (ii) AVAILABILITY OF FUNDS.—On
5 notification in accordance with clause (i),
6 the Secretary of the Treasury shall make
7 available to the State of South Dakota
8 funds from the South Dakota Terrestrial
9 Wildlife Habitat Restoration Trust Fund
10 established under section 203, to be used
11 to carry out the plan for terrestrial wildlife
12 habitat restoration submitted by the State.

13 (B) CHEYENNE RIVER SIOUX TRIBE AND
14 LOWER BRULE SIOUX TRIBE.—

15 (i) NOTIFICATION.—On receipt of the
16 plan for terrestrial wildlife habitat restora-
17 tion submitted by the Cheyenne River
18 Sioux Tribe and the Lower Brule Sioux
19 Tribe, each of the Committees referred to
20 in paragraph (3) shall notify the Secretary
21 of the Treasury of the receipt of each of
22 the plans.

23 (ii) AVAILABILITY OF FUNDS.—On
24 notification in accordance with clause (i),
25 the Secretary of the Treasury shall make

1 available to the Cheyenne River Sioux
2 Tribe and the Lower Brule Sioux Tribe
3 funds from the Cheyenne River Sioux
4 Tribe Terrestrial Wildlife Habitat Restora-
5 tion Trust Fund and the Lower Brule
6 Sioux Tribe Terrestrial Wildlife Habitat
7 Restoration Trust Fund, respectively, es-
8 tablished under section 204, to be used to
9 carry out the plan for terrestrial wildlife
10 habitat restoration submitted by the Chey-
11 enne River Sioux Tribe and the Lower
12 Brule Sioux Tribe, respectively.

13 (C) TRANSITION PERIOD.—

14 (i) IN GENERAL.—During the period
15 described in clause (ii), the Secretary
16 shall—

17 (I) fund the terrestrial wildlife
18 habitat restoration programs being
19 carried out on the date of enactment
20 of this Act on Oahe and Big Bend
21 project land and the plans established
22 under this section at a level that does
23 not exceed the highest amount of
24 funding that was provided for the pro-

1 grams during a previous fiscal year;
2 and

3 (II) implement the programs.

4 (ii) PERIOD.—Clause (i) shall apply
5 during the period—

6 (I) beginning on the date of en-
7 actment of this Act; and

8 (II) ending on the earlier of—

9 (aa) the date on which funds
10 are made available for use from
11 the South Dakota Terrestrial
12 Wildlife Habitat Restoration
13 Trust Fund under section
14 203(d)(3)(A)(i) and the Chey-
15 enne River Sioux Tribe Terres-
16 trial Wildlife Habitat Restoration
17 Trust Fund and the Lower Brule
18 Sioux Tribe Terrestrial Wildlife
19 Habitat Restoration Trust Fund
20 under section 204(d)(3)(A)(i); or

21 (bb) the date that is 4 years
22 after the date of enactment of
23 this Act.

24 (b) PROGRAMS FOR THE PURCHASE OF WILDLIFE
25 HABITAT LEASES.—

1 (1) IN GENERAL.—The State of South Dakota
2 may use funds made available under section
3 203(d)(3)(A)(iii) to develop a program for the pur-
4 chase of wildlife habitat leases that meets the re-
5 quirements of this subsection.

6 (2) DEVELOPMENT OF A PLAN.—

7 (A) IN GENERAL.—If the State of South
8 Dakota, the Cheyenne River Sioux Tribe, or the
9 Lower Brule Sioux Tribe elects to conduct a
10 program under this subsection, the State of
11 South Dakota, the Cheyenne River Sioux Tribe,
12 or the Lower Brule Sioux Tribe (in consultation
13 with the United States Fish and Wildlife Serv-
14 ice and the Secretary and with an opportunity
15 for public comment) shall develop a plan to
16 lease land for the protection and development of
17 wildlife habitat, including habitat for threatened
18 and endangered species, associated with the
19 Missouri River ecosystem.

20 (B) USE FOR PROGRAM.—The plan shall
21 be used by the State of South Dakota, the
22 Cheyenne River Sioux Tribe, or the Lower
23 Brule Sioux Tribe in carrying out the program
24 carried out under paragraph (1).

1 (3) CONDITIONS OF LEASES.—Each lease cov-
2 ered under a program carried out under paragraph
3 (1) shall specify that the owner of the property that
4 is subject to the lease shall provide—

5 (A) public access for sportsmen during
6 hunting season; and

7 (B) public access for other outdoor uses
8 covered under the lease, as negotiated by the
9 landowner and the State of South Dakota, the
10 Cheyenne River Sioux Tribe, or the Lower
11 Brule Sioux Tribe.

12 (4) USE OF ASSISTANCE.—

13 (A) STATE OF SOUTH DAKOTA.—If the
14 State of South Dakota conducts a program
15 under this subsection, the State may use funds
16 made available under section 203(d)(3)(A)(iii)
17 to—

18 (i) acquire easements, rights-of-way,
19 or leases for management and protection of
20 wildlife habitat, including habitat for
21 threatened and endangered species, and
22 public access to wildlife on private property
23 in the State of South Dakota;

24 (ii) create public access to Federal or
25 State land through the purchase of ease-

1 ments or rights-of-way that traverse such
2 private property; or

3 (iii) lease land for the creation or res-
4 toration of a wetland on such private prop-
5 erty.

6 (B) CHEYENNE RIVER SIOUX TRIBE AND
7 LOWER BRULE SIOUX TRIBE.—If the Cheyenne
8 River Sioux Tribe or the Lower Brule Sioux
9 Tribe conducts a program under this sub-
10 section, the Tribe may use funds made available
11 under section 204(d)(3)(A)(iii) for the purposes
12 described in subparagraph (A).

13 (c) FEDERAL OBLIGATION FOR TERRESTRIAL WILD-
14 LIFE HABITAT MITIGATION FOR THE BIG BEND AND
15 OAHÉ PROJECTS IN SOUTH DAKOTA.—The establishment
16 of the trust funds under sections 203 and 204 and the
17 development and implementation of plans for terrestrial
18 wildlife habitat restoration developed by the State of
19 South Dakota, the Cheyenne River Sioux Tribe, and the
20 Lower Brule Sioux Tribe in accordance with this section
21 shall be considered to satisfy the Federal obligation under
22 the Fish and Wildlife Coordination Act (16 U.S.C. 661
23 et seq.) for terrestrial wildlife habitat mitigation for the
24 State of South Dakota, the Cheyenne River Sioux Tribe,
25 and the Lower Brule Sioux Tribe for the Big Bend and

1 Oahe projects carried out as part of the Pick-Sloan Mis-
2 souri River Basin program.

3 **SEC. 203. SOUTH DAKOTA TERRESTRIAL WILDLIFE HABI-
4 TAT RESTORATION TRUST FUND.**

5 (a) ESTABLISHMENT.—There is established in the
6 Treasury of the United States a fund to be known as the
7 “South Dakota Terrestrial Wildlife Habitat Restoration
8 Trust Fund” (referred to in this section as the “Fund”).

9 (b) FUNDING.—For the fiscal year during which this
10 Act is enacted and each fiscal year thereafter until the
11 aggregate amount deposited in the Fund under this sub-
12 section is equal to at least \$108,000,000, the Secretary
13 of the Treasury shall deposit in the Fund an amount equal
14 to 15 percent of the receipts from the deposits in the
15 Treasury of the United States for the preceding fiscal year
16 from the power program of the Pick-Sloan Missouri River
17 Basin program, administered by the Western Area Power
18 Administration.

19 (c) INVESTMENTS.—The Secretary of the Treasury
20 shall invest the amounts deposited under subsection (b)
21 only in interest-bearing obligations of the United States
22 or in obligations guaranteed by the United States as to
23 both principal and interest.

24 (d) PAYMENTS.—

1 (1) IN GENERAL.—All amounts credited as in-
2 terest under subsection (c) shall be available, with-
3 out fiscal year limitation, to the State of South Da-
4 kota for use in accordance with paragraph (3).

5 (2) WITHDRAWAL AND TRANSFER OF FUNDS.—
6 Subject to section 202(a)(4)(A), the Secretary of the
7 Treasury shall withdraw amounts credited as inter-
8 est under paragraph (1) and transfer the amounts
9 to the State of South Dakota for use as State funds
10 in accordance with paragraph (3).

11 (3) USE OF TRANSFERRED FUNDS.—

12 (A) IN GENERAL.—Subject to subpara-
13 graph (B), the State of South Dakota shall use
14 the amounts transferred under paragraph (2)
15 only to—

16 (i) fully fund the annually scheduled
17 work described in the terrestrial wildlife
18 habitat restoration plan of the State devel-
19 oped under section 202(a); and

20 (ii) with any remaining funds—

21 (I) protect archaeological, histori-
22 cal, and cultural sites located along
23 the Missouri River on land transferred
24 to the State;

1 (II) fund all costs associated with
2 the ownership, management, oper-
3 ation, administration, maintenance,
4 and development of recreation areas
5 and other lands that are transferred
6 to the State of South Dakota by the
7 Secretary;

8 (III) purchase and administer
9 wildlife habitat leases under section
10 202(b);

11 (IV) carry out other activities de-
12 scribed in section 202; and

13 (V) develop and maintain public
14 access to, and protect, wildlife habitat
15 and recreation areas along the Mis-
16 souri River.

17 (B) PROHIBITION.—The amounts trans-
18 ferred under paragraph (2) shall not be used
19 for the purchase of land in fee title.

20 (e) TRANSFERS AND WITHDRAWALS.—Except as
21 provided in subsection (d), the Secretary of the Treasury
22 may not transfer or withdraw any amount deposited under
23 subsection (b).

24 (f) ADMINISTRATIVE EXPENSES.—There are author-
25 ized to be appropriated to the Secretary of the Treasury

1 such sums as are necessary to pay the administrative ex-
2 penses of the Fund.

3 **SEC. 204. CHEYENNE RIVER SIOUX TRIBE AND LOWER**
4 **BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE**
5 **HABITAT RESTORATION TRUST FUNDS.**

6 (a) ESTABLISHMENT.—There are established in the
7 Treasury of the United States 2 funds to be known as
8 the “Cheyenne River Sioux Tribe Terrestrial Wildlife Res-
9 toration Trust Fund” and the “Lower Brule Sioux Tribe
10 Terrestrial Wildlife Habitat Restoration Trust Fund”
11 (each of which is referred to in this section as a “Fund”).

12 (b) FUNDING.—

13 (1) IN GENERAL.—Subject to paragraph (2),
14 for the fiscal year during which this Act is enacted
15 and each fiscal year thereafter until the aggregate
16 amount deposited in the Funds under this sub-
17 section is equal to at least \$57,400,000, the Sec-
18 retary of the Treasury shall deposit in the Funds an
19 amount equal to 10 percent of the receipts from the
20 deposits in the Treasury of the United States for the
21 preceding fiscal year from the power program of the
22 Pick-Sloan Missouri River Basin program, adminis-
23 tered by the Western Area Power Administration.

1 (2) ALLOCATION.—Of the total amount of
2 funds deposited into the Funds for a fiscal year, the
3 Secretary of the Treasury shall deposit—

4 (A) 74 percent of the funds into the Chey-
5 enne River Sioux Tribe Terrestrial Wildlife Res-
6 toration Trust Fund; and

7 (B) 26 percent of the funds into the Lower
8 Brule Sioux Tribe Terrestrial Wildlife Habitat
9 Restoration Trust Fund.

10 (c) INVESTMENTS.—The Secretary of the Treasury
11 shall invest the amounts deposited under subsection (b)
12 only in interest-bearing obligations of the United States
13 or in obligations guaranteed as to both principal and inter-
14 est by the United States.

15 (d) PAYMENTS.—

16 (1) IN GENERAL.—All amounts credited as in-
17 terest under subsection (c) shall be available, with-
18 out fiscal year limitation, to the Cheyenne River
19 Sioux Tribe and the Lower Brule Sioux Tribe for
20 their use in accordance with paragraph (3).

21 (2) WITHDRAWAL AND TRANSFER OF FUNDS.—
22 Subject to section 202(a)(4)(B), the Secretary of the
23 Treasury shall withdraw amounts credited as inter-
24 est under paragraph (1) and transfer the amounts
25 to the Cheyenne River Sioux Tribe and the Lower

1 Brule Sioux Tribe for use in accordance with para-
2 graph (3).

3 (3) USE OF TRANSFERRED FUNDS.—

4 (A) IN GENERAL.—Subject to subpara-
5 graph (B), the Cheyenne River Sioux Tribe and
6 the Lower Brule Sioux Tribe shall use the
7 amounts transferred under paragraph (2) only
8 to—

9 (i) fully fund the annually scheduled
10 work described in the terrestrial wildlife
11 habitat restoration plan of the respective
12 Tribe developed under section 202(a); and

13 (ii) with any remaining funds—

14 (I) protect archaeological, histori-
15 cal, and cultural sites located along
16 the Missouri River on land transferred
17 to the respective Tribe;

18 (II) fund all costs associated with
19 the ownership, management, oper-
20 ation, administration, maintenance,
21 and development of recreation areas
22 and other lands that are transferred
23 to the respective Tribe by the Sec-
24 retary;

1 (III) purchase and administer
2 wildlife habitat leases under section
3 202(b);

4 (IV) carry out other activities de-
5 scribed in section 202; and

6 (V) develop and maintain public
7 access to, and protect, wildlife habitat
8 and recreation areas along the Mis-
9 souri River.

10 (B) PROHIBITION.—The amounts trans-
11 ferred under paragraph (2) shall not be used
12 for the purchase of land in fee title.

13 (e) TRANSFERS AND WITHDRAWALS.—Except as
14 provided in subsection (d), the Secretary of the Treasury
15 may not transfer or withdraw any amount deposited under
16 subsection (b).

17 (f) ADMINISTRATIVE EXPENSES.—There are author-
18 ized to be appropriated to the Secretary of the Treasury
19 such sums as are necessary to pay the administrative ex-
20 penses of the Fund.

21 **SEC. 205. TRANSFER OF FEDERAL LAND TO STATE OF**
22 **SOUTH DAKOTA.**

23 (a) IN GENERAL.—

24 (1) TRANSFER.—

1 (A) IN GENERAL.—The Secretary of the
2 Army shall transfer to the Department of
3 Game, Fish and Parks of the State of South
4 Dakota (referred to in this section as the “De-
5 partment”) the land and recreation areas de-
6 scribed in subsections (b) and (c) for fish and
7 wildlife purposes, or public recreation uses, in
8 perpetuity.

9 (B) PERMITS, RIGHTS-OF-WAY, AND EASE-
10 MENTS.—All permits, rights-of-way, and ease-
11 ments granted by the Secretary of the Army to
12 the Oglala Sioux Tribe for land on the west side
13 of the Missouri River between the Oahe Dam
14 and Highway 14, and all permits, rights-of-way,
15 and easements on any other land administered
16 by the Secretary and used by the Oglala Sioux
17 Rural Water Supply System, are granted to the
18 Oglala Sioux Tribe in perpetuity to be held in
19 trust under section 3(e) of the Mni Wiconi
20 Project Act of 1988 (102 Stat. 2568).

21 (2) USES.—The Department shall maintain and
22 develop the land outside the recreation areas for fish
23 and wildlife purposes in accordance with—

24 (A) fish and wildlife purposes in effect on
25 the date of enactment of this Act; or

1 (B) a plan developed under section 202.

2 (3) CORPS OF ENGINEERS.—The transfer shall
3 not interfere with the Corps of Engineers operation
4 of a project under this section for an authorized pur-
5 pose of the project under the Act of December 22,
6 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1
7 et seq.), or other applicable law.

8 (4) SECRETARY OF THE ARMY.—The Secretary
9 of the Army shall retain the right to inundate with
10 water the land transferred to the Department under
11 this section or draw down a project reservoir, as nec-
12 essary to carry out an authorized purpose of a
13 project.

14 (b) LAND TRANSFERRED.—The land described in
15 this subsection is land that—

16 (1) is located above the top of the exclusive
17 flood pool of the Oahe, Big Bend, Fort Randall, and
18 Gavin’s Point projects of the Pick-Sloan Missouri
19 River Basin program;

20 (2) was acquired by the Secretary of the Army
21 for the implementation of the Pick-Sloan Missouri
22 River Basin program;

23 (3) is located outside the external boundaries of
24 a reservation of an Indian Tribe; and

25 (4) is located within the State of South Dakota.

1 (c) RECREATION AREAS TRANSFERRED.—A recre-
2 ation area described in this section includes the land and
3 waters within a recreation area that—

4 (1) the Secretary of the Army determines, at
5 the time of the transfer, is a recreation area classi-
6 fied for recreation use by the Corps of Engineers on
7 the date of enactment of this Act;

8 (2) is located outside the external boundaries of
9 a reservation of an Indian Tribe;

10 (3) is located within the State of South Dakota;

11 (4) is not the recreation area known as “Cot-
12 tonwood”, “Training Dike”, or “Tailwaters”; and

13 (5) is located below Gavin’s Point Dam in the
14 State of South Dakota in accordance with boundary
15 agreements and reciprocal fishing agreements be-
16 tween the State of South Dakota and the State of
17 Nebraska in effect on the date of enactment of this
18 Act, which agreements shall continue to be honored
19 by the State of South Dakota as the agreements
20 apply to any land or recreation areas transferred
21 under this title to the State of South Dakota below
22 Gavin’s Point Dam and on the waters of the Mis-
23 souri River.

24 (d) MAP.—

1 (1) IN GENERAL.—The Secretary of the Army,
2 in consultation with the Department, shall prepare a
3 map of the land and recreation areas transferred
4 under this section.

5 (2) LAND.—The map shall identify—

6 (A) land reasonably expected to be re-
7 quired for project purposes during the 20-year
8 period beginning on the date of enactment of
9 this Act; and

10 (B) dams and related structures;

11 which shall be retained by the Secretary.

12 (3) AVAILABILITY.—The map shall be on file in
13 the appropriate offices of the Secretary of the Army.

14 (e) SCHEDULE FOR TRANSFER.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of enactment of this Act, the Secretary of
17 the Army and the Secretary of the Department shall
18 jointly develop a schedule for transferring the land
19 and recreation areas under this section.

20 (2) TRANSFER DEADLINE.—All land and recre-
21 ation areas shall be transferred not later than 1 year
22 after the full capitalization of the Trust Fund de-
23 scribed in section 203.

24 (f) TRANSFER CONDITIONS.—The land and recre-
25 ation areas described in subsections (b) and (c) shall be

1 transferred in fee title to the Department on the following
2 conditions:

3 (1) RESPONSIBILITY FOR DAMAGE.—The Sec-
4 retary of the Army shall not be responsible for any
5 damage to the land caused by flooding, sloughing,
6 erosion, or other changes to the land caused by the
7 operation of any project of the Pick-Sloan Missouri
8 River Basin program (except as otherwise provided
9 by Federal law).

10 (2) EASEMENTS, RIGHTS-OF-WAY, LEASES, AND
11 COST-SHARING AGREEMENTS.—The Department
12 shall maintain all easements, rights-of-way, leases,
13 and cost-sharing agreements that are in effect as of
14 the date of the transfer.

15 (g) HUNTING AND FISHING.—

16 (1) IN GENERAL.—Nothing in this title affects
17 jurisdiction over the land and water below the exclu-
18 sive flood pool of the Missouri River within the State
19 of South Dakota, including affected Indian reserva-
20 tions. The State of South Dakota, the Lower Brule
21 Sioux Tribe, and the Cheyenne River Sioux Tribe
22 shall continue in perpetuity to exercise the jurisdic-
23 tion the State and Tribes possess on the date of en-
24 actment of this Act.

1 (2) NO EFFECT ON RESPECTIVE JURISDIC-
2 TIONS.—The Secretary may not adopt any regula-
3 tion or otherwise affect the respective jurisdictions of
4 the State of South Dakota, the Lower Brule River
5 Sioux Tribe, or the Cheyenne River Sioux Tribe de-
6 scribed in paragraph (1).

7 (h) APPLICABILITY OF LAW.—Notwithstanding any
8 other provision of this Act, the following provisions of law
9 shall apply to land transferred under this section:

10 (1) The National Historic Preservation Act (16
11 U.S.C. 470 et seq.), including sections 106 and 304
12 of that Act (16 U.S.C. 470f, 470w–3).

13 (2) The Archaeological Resources Protection
14 Act of 1979 (16 U.S.C. 470aa et seq.), including
15 sections 4, 6, 7, and 9 of that Act (16 U.S.C. 470ee,
16 470ee, 470ff, 470hh).

17 (3) The Native American Graves Protection Act
18 and Repatriation Act (25 U.S.C. 3001 et seq.), in-
19 cluding subsections (a) and (d) of section 3 of that
20 Act (25 U.S.C. 3003).

21 **SEC. 206. TRANSFER OF CORPS OF ENGINEERS LAND FOR**
22 **INDIAN TRIBES.**

23 (a) IN GENERAL.—

24 (1) TRANSFER.—The Secretary of the Army
25 shall transfer to the Secretary of the Interior the

1 land and recreation areas described in subsections
2 (b) and (c).

3 (2) CORPS OF ENGINEERS.—The transfer shall
4 not interfere with the Corps of Engineers operation
5 of a project under this section for an authorized pur-
6 pose of the project under the Act of December 22,
7 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1
8 et seq.), or other applicable law.

9 (3) SECRETARY OF THE ARMY.—The Secretary
10 of the Army shall retain the right to inundate with
11 water the land transferred to the Secretary of the
12 Interior under this section or draw down a project
13 reservoir, as necessary to carry out an authorized
14 purpose of a project.

15 (4) TRUST.—The Secretary of the Interior shall
16 hold in trust for the Cheyenne River Sioux Tribe
17 and the Lower Brule Sioux Tribe the land trans-
18 ferred under this section that is located within the
19 external boundaries of the reservation of the Indian
20 Tribes.

21 (b) LAND TRANSFERRED.—The land described in
22 this subsection is land that—

23 (1) is located above the top of the exclusive
24 flood pool of the Big Bend and Oahe projects of the
25 Pick-Sloan Missouri River Basin program;

1 (2) was acquired by the Secretary of the Army
2 for the implementation of the Pick-Sloan Missouri
3 River Basin program; and

4 (3) is located within the external boundaries of
5 the reservation of the Cheyenne River Sioux Tribe
6 and the Lower Brule Sioux Tribe.

7 (c) RECREATION AREAS TRANSFERRED.—A recre-
8 ation area described in this section includes the land and
9 waters within a recreation area that—

10 (1) the Secretary of the Army determines, at
11 the time of the transfer, is a recreation area classi-
12 fied for recreation use by the Corps of Engineers on
13 the date of enactment of this Act;

14 (2) is located within the external boundaries of
15 a reservation of an Indian Tribe; and

16 (3) is located within the State of South Dakota.

17 (d) MAP.—

18 (1) IN GENERAL.—The Secretary of the Army,
19 in consultation with the governing bodies of the
20 Cheyenne River Sioux Tribe and the Lower Brule
21 Sioux Tribe, shall prepare a map of the land trans-
22 ferred under this section.

23 (2) LAND.—The map shall identify—

24 (A) land reasonably expected to be re-
25 quired for project purposes during the 20-year

1 period beginning on the date of enactment of
2 this Act; and

3 (B) dams and related structures;
4 which shall be retained by the Secretary.

5 (3) AVAILABILITY.—The map shall be on file in
6 the appropriate offices of the Secretary of the Army.

7 (e) SCHEDULE FOR TRANSFER.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this Act, the Secretary of
10 the Army and the Chairmen of the Cheyenne River
11 Sioux Tribe and the Lower Brule Sioux Tribe shall
12 jointly develop a schedule for transferring the land
13 and recreation areas under this section.

14 (2) TRANSFER DEADLINE.—All land and recre-
15 ation areas shall be transferred not later than 1 year
16 after the full capitalization of the State and tribal
17 Trust Fund described in section 204.

18 (f) TRANSFER CONDITIONS.—The land and recre-
19 ation areas described in subsections (b) and (c) shall be
20 transferred to, and held in trust by, the Secretary of the
21 Interior on the following conditions:

22 (1) RESPONSIBILITY FOR DAMAGE.—The Sec-
23 retary of the Army shall not be responsible for any
24 damage to the land caused by flooding, sloughing,
25 erosion, or other changes to the land caused by the

1 operation of any project of the Pick-Sloan Missouri
2 River Basin program (except as otherwise provided
3 by Federal law).

4 (2) HUNTING AND FISHING.—Nothing in this
5 title affects jurisdiction over the land and waters
6 below the exclusive flood pool and within the exter-
7 nal boundaries of the Cheyenne River Sioux Tribe
8 and Lower Brule Sioux Tribe reservations. The
9 State of South Dakota, the Lower Brule Sioux
10 Tribe, and the Cheyenne River Sioux Tribe shall
11 continue to exercise, in perpetuity, the jurisdiction
12 they possess on the date of enactment of this Act
13 with regard to those lands and waters. The Sec-
14 retary may not adopt any regulation or otherwise af-
15 fect the respective jurisdictions of the State of South
16 Dakota, the Lower Brule River Sioux Tribe, or the
17 Cheyenne River Sioux Tribe described in the preced-
18 ing sentence. Jurisdiction over the land transferred
19 under this section shall be the same as that over
20 other land held in trust by the Secretary of the Inte-
21 rior on the Cheyenne River Sioux Tribe reservation
22 and the Lower Brule Sioux Tribe reservation.

23 (3) EASEMENTS, RIGHTS-OF-WAY, LEASES, AND
24 COST-SHARING AGREEMENTS.—

1 (A) MAINTENANCE.—The Secretary of the
2 Interior shall maintain all easements, rights-of-
3 way, leases, and cost-sharing agreements that
4 are in effect as of the date of the transfer.

5 (B) PAYMENTS TO COUNTY.—The Sec-
6 retary of the Interior shall pay any affected
7 county 100 percent of the receipts from the
8 easements, rights-of-way, leases, and cost-shar-
9 ing agreements described in subparagraph (A).

10 **SEC. 207. ADMINISTRATION.**

11 (a) IN GENERAL.—Nothing in this title diminishes
12 or affects—

13 (1) any water right of an Indian Tribe;

14 (2) any other right of an Indian Tribe, except
15 as specifically provided in another provision of this
16 title;

17 (3) any treaty right that is in effect on the date
18 of enactment of this Act;

19 (4) any external boundary of an Indian reserva-
20 tion of an Indian Tribe;

21 (5) any authority of the State of South Dakota
22 that relates to the protection, regulation, or manage-
23 ment of fish, terrestrial wildlife, and cultural and ar-
24 chaeological resources, except as specifically provided
25 in this title; or

1 (6) any authority of the Secretary, the Sec-
2 retary of the Interior, or the head of any other Fed-
3 eral agency under a law in effect on the date of en-
4 actment of this Act, including—

5 (A) the National Historic Preservation Act
6 (16 U.S.C. 470 et seq.);

7 (B) the Archaeological Resources Protec-
8 tion Act of 1979 (16 U.S.C. 470aa et seq.);

9 (C) the Fish and Wildlife Coordination Act
10 (16 U.S.C. 661 et seq.);

11 (D) the Act entitled “An Act for the pro-
12 tection of the bald eagle”, approved June 8,
13 1940 (16 U.S.C. 668 et seq.);

14 (E) the Migratory Bird Treaty Act (16
15 U.S.C. 703 et seq.);

16 (F) the Endangered Species Act of 1973
17 (16 U.S.C. 1531 et seq.);

18 (G) the Native American Graves Protec-
19 tion and Repatriation Act (25 U.S.C. 3001 et
20 seq.);

21 (H) the Federal Water Pollution Control
22 Act (commonly known as the “Clean Water
23 Act”) (33 U.S.C. 1251 et seq.);

24 (I) the Safe Drinking Water Act (42
25 U.S.C. 300f et seq.); and

1 (J) the National Environmental Policy Act
2 of 1969 (42 U.S.C. 4321 et seq.).

3 (b) POWER RATES.—No payment made under this
4 title shall affect any power rate under the Pick-Sloan Mis-
5 souri River Basin program.

6 (c) FEDERAL LIABILITY FOR DAMAGE.—Nothing in
7 this title relieves the Federal Government of liability for
8 damage to private land caused by the operation of the
9 Pick-Sloan Missouri River Basin program.

10 (d) FLOOD CONTROL.—Notwithstanding any other
11 provision of this title, the Secretary shall retain the au-
12 thority to operate the Pick-Sloan Missouri River Basin
13 program for purposes of meeting the requirements of the
14 Act of December 22, 1944 (58 Stat. 887, chapter 665;
15 33 U.S.C. 701–1 et seq.).

16 **SEC. 208. STUDY.**

17 (a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this Act, the Secretary of the Army
19 shall arrange for the United States Geological Survey, in
20 consultation with the Bureau of Indian Affairs and other
21 appropriate Federal agencies, to conduct a comprehensive
22 study of the potential impacts of the transfer of land
23 under sections 205(b) and 206(b), including potential im-
24 pacts on South Dakota Sioux Tribes having water claims

1 within the Missouri River Basin, on water flows in the
2 Missouri River.

3 (b) NO TRANSFER PENDING DETERMINATION.—No
4 transfer of land under section 205(b) or 206(b) shall occur
5 until the Secretary determines, based on the study, that
6 the transfer of land under either section will not signifi-
7 cantly reduce the amount of water flow to the downstream
8 States of the Missouri River.

9 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) SECRETARY.—There are authorized to be appro-
11 priated to the Secretary such sums as are necessary—

12 (1) to pay the administrative expenses incurred
13 by the Secretary in carrying out this title; and

14 (2) to fund the implementation of terrestrial
15 wildlife habitat restoration plans under section
16 202(a).

17 (b) SECRETARY OF THE INTERIOR.—There are au-
18 thorized to be appropriated to the Secretary of the Interior
19 such sums as are necessary to pay the administrative ex-
20 penses incurred by the Secretary of the Interior in carry-
21 ing out this title.

Passed the Senate October 9 (legislative day, Octo-
ber 2), 1998.

Attest:

GARY SISCO,
Secretary.