

106TH CONGRESS
1ST SESSION

S. 507

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 1999”.

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

- Sec. 1. Short title; table of contents.
 Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

- Sec. 101. Project authorizations.
 Sec. 102. Project modifications.
 Sec. 103. Project deauthorizations.
 Sec. 104. Studies.

TITLE II—GENERAL PROVISIONS

- Sec. 201. Flood hazard mitigation and riverine ecosystem restoration program.
 Sec. 202. Shore protection.
 Sec. 203. Small flood control authority.
 Sec. 204. Use of non-Federal funds for compiling and disseminating information on floods and flood damages.
 Sec. 205. Aquatic ecosystem restoration.
 Sec. 206. Beneficial uses of dredged material.
 Sec. 207. Voluntary contributions by States and political subdivisions.
 Sec. 208. Recreation user fees.
 Sec. 209. Water resources development studies for the Pacific region.
 Sec. 210. Missouri and Middle Mississippi Rivers enhancement project.
 Sec. 211. Outer Continental Shelf.
 Sec. 212. Environmental dredging.
 Sec. 213. Benefit of primary flood damages avoided included in benefit-cost analysis.
 Sec. 214. Control of aquatic plant growth.
 Sec. 215. Environmental infrastructure.
 Sec. 216. Watershed management, restoration, and development.
 Sec. 217. Lakes program.
 Sec. 218. Sediments decontamination policy.
 Sec. 219. Disposal of dredged material on beaches.
 Sec. 220. Fish and wildlife mitigation.
 Sec. 221. Reimbursement of non-Federal interest.
 Sec. 222. National Contaminated Sediment Task Force.
 Sec. 223. John Glenn Great Lakes Basin program.
 Sec. 224. Projects for improvement of the environment.
 Sec. 225. Water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation.
 Sec. 226. Irrigation diversion protection and fisheries enhancement assistance.
 Sec. 227. Small storm damage reduction projects.
 Sec. 228. Shore damage prevention or mitigation.
 Sec. 229. Atlantic coast of New York.
 Sec. 230. Accelerated adoption of innovative technologies for contaminated sediments.
 Sec. 231. Mississippi River Commission.
 Sec. 232. Use of private enterprises.

TITLE III—PROJECT-RELATED PROVISIONS

- Sec. 301. Dredging of salt ponds in the State of Rhode Island.

- Sec. 302. Upper Susquehanna River basin, Pennsylvania and New York.
- Sec. 303. Small flood control projects.
- Sec. 304. Small navigation projects.
- Sec. 305. Streambank protection projects.
- Sec. 306. Aquatic ecosystem restoration, Springfield, Oregon.
- Sec. 307. Guilford and New Haven, Connecticut.
- Sec. 308. Francis Bland Floodway Ditch.
- Sec. 309. Caloosahatchee River basin, Florida.
- Sec. 310. Cumberland, Maryland, flood project mitigation.
- Sec. 311. City of Miami Beach, Florida.
- Sec. 312. Sardis Reservoir, Oklahoma.
- Sec. 313. Upper Mississippi River and Illinois waterway system navigation modernization.
- Sec. 314. Upper Mississippi River management.
- Sec. 315. Research and development program for Columbia and Snake Rivers salmon survival.
- Sec. 316. Nine Mile Run habitat restoration, Pennsylvania.
- Sec. 317. Larkspur Ferry Channel, California.
- Sec. 318. Comprehensive Flood Impact-Response Modeling System.
- Sec. 319. Study regarding innovative financing for small and medium-sized ports.
- Sec. 320. Candy Lake project, Osage County, Oklahoma.
- Sec. 321. Saleha River and Piledriver Slough, Fairbanks, Alaska.
- Sec. 322. Eyak River, Cordova, Alaska.
- Sec. 323. North Padre Island storm damage reduction and environmental restoration project.
- Sec. 324. Kanopolis Lake, Kansas.
- Sec. 325. New York City watershed.
- Sec. 326. City of Charlevoix reimbursement, Michigan.
- Sec. 327. Hamilton Dam flood control project, Michigan.
- Sec. 328. Holes Creek flood control project, Ohio.
- Sec. 329. Overflow management facility, Rhode Island.
- Sec. 330. Anacostia River aquatic ecosystem restoration, District of Columbia and Maryland.
- Sec. 331. Everglades and south Florida ecosystem restoration.
- Sec. 332. Pine Flat Dam, Kings River, California.
- Sec. 333. Levees in Elba and Geneva, Alabama.
- Sec. 334. Toronto Lake and El Dorado Lake, Kansas.
- Sec. 335. San Jacinto disposal area, Galveston, Texas.
- Sec. 336. Environmental infrastructure.
- Sec. 337. Water monitoring station.
- Sec. 338. Upper Mississippi River comprehensive plan.
- Sec. 339. McNary Lock and Dam, Washington.
- Sec. 340. McNary National Wildlife Refuge.

TITLE IV—CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE
SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL
WILDLIFE HABITAT RESTORATION

- Sec. 401. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of the Army.

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

6 **SEC. 101. PROJECT AUTHORIZATIONS.**

7 (a) **PROJECTS WITH CHIEF’S REPORTS.**—The fol-
8 lowing projects for water resources development and con-
9 servation and other purposes are authorized to be carried
10 out by the Secretary substantially in accordance with the
11 plans, and subject to the conditions, described in the re-
12 spective reports designated in this section:

13 (1) **SAND POINT HARBOR, ALASKA.**—The
14 project for navigation, Sand Point Harbor, Alaska:
15 Report of the Chief of Engineers dated October 13,
16 1998, at a total cost of \$11,760,000, with an esti-
17 mated Federal cost of \$6,964,000 and an estimated
18 non-Federal cost of \$4,796,000.

19 (2) **RIO SALADO (SALT RIVER), ARIZONA.**—The
20 project for environmental restoration, Rio Salado
21 (Salt River), Arizona: Report of the Chief of Engi-
22 neers dated August 20, 1998, at a total cost of
23 \$88,048,000, with an estimated Federal cost of
24 \$56,355,000 and an estimated non-Federal cost of
25 \$31,693,000.

1 (3) TUCSON DRAINAGE AREA, ARIZONA.—The
2 project for flood damage reduction, environmental
3 restoration, and recreation, Tucson drainage area,
4 Arizona: Report of the Chief of Engineers dated
5 May 20, 1998, at a total cost of \$29,900,000, with
6 an estimated Federal cost of \$16,768,000 and an es-
7 timated non-Federal cost of \$13,132,000.

8 (4) AMERICAN RIVER WATERSHED, CALI-
9 FORNIA.—

10 (A) IN GENERAL.—The project for flood
11 damage reduction described as the Folsom
12 Stepped Release Plan in the Corps of Engineers
13 Supplemental Information Report for the Amer-
14 ican River Watershed Project, California, dated
15 March 1996, at a total cost of \$505,400,000,
16 with an estimated Federal cost of \$329,300,000
17 and an estimated non-Federal cost of
18 \$176,100,000.

19 (B) IMPLEMENTATION.—

20 (i) IN GENERAL.—Implementation of
21 the measures by the Secretary pursuant to
22 subparagraph (A) shall be undertaken
23 after completion of the levee stabilization
24 and strengthening and flood warning fea-
25 tures authorized by section 101(a)(1) of

1 the Water Resources Development Act of
2 1996 (110 Stat. 3662).

3 (ii) FOLSOM DAM AND RESERVOIR.—

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

19 (iii) REMAINING DOWNSTREAM ELE-
20 MENTS.—

21 (I) IN GENERAL.—Implementa-
22 tion of the remaining downstream ele-
23 ments authorized pursuant to sub-
24 paragraph (A) may be undertaken
25 only after the Secretary, in consulta-

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

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

1 (5) LLAGAS CREEK, CALIFORNIA.—The project
2 for completion of the remaining reaches of the Nat-
3 ural Resources Conservation Service flood control
4 project at Llagas Creek, California, undertaken pur-
5 suant to section 5 of the Watershed Protection and
6 Flood Prevention Act (16 U.S.C. 1005), substan-
7 tially in accordance with the requirements of local
8 cooperation as specified in section 4 of that Act (16
9 U.S.C. 1004) at a total cost of \$45,000,000, with an
10 estimated Federal cost of \$21,800,000 and an esti-
11 mated non-Federal cost of \$23,200,000.

12 (6) SOUTH SACRAMENTO COUNTY STREAMS,
13 CALIFORNIA.—The project for flood control, environ-
14 mental restoration, and recreation, South Sac-
15 ramento County streams, California: Report of the
16 Chief of Engineers dated October 6, 1998, at a total
17 cost of \$65,500,000, with an estimated Federal cost
18 of \$41,200,000 and an estimated non-Federal cost
19 of \$24,300,000.

20 (7) UPPER GUADALUPE RIVER, CALIFORNIA.—
21 Construction of the locally preferred plan for flood
22 damage reduction and recreation, Upper Guadalupe
23 River, California, described as the Bypass Channel
24 Plan of the Chief of Engineers dated August 19,
25 1998, at a total cost of \$137,600,000, with an esti-

1 mated Federal cost of \$44,000,000 and an esti-
2 mated non-Federal cost of \$93,600,000.

3 (8) YUBA RIVER BASIN, CALIFORNIA.—The
4 project for flood damage reduction, Yuba River
5 Basin, California: Report of the Chief of Engineers
6 dated November 25, 1998, at a total cost of
7 \$26,600,000, with an estimated Federal cost of
8 \$17,350,000 and an estimated non-Federal cost of
9 \$9,250,000.

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

12 (A) IN GENERAL.—The project for hurri-
13 cane and storm damage reduction and shore
14 protection, Delaware Bay coastline: Delaware
15 and New Jersey-Broadkill Beach, Delaware,
16 Report of the Chief of Engineers dated August
17 17, 1998, at a total cost of \$9,049,000, with an
18 estimated Federal cost of \$5,674,000 and an
19 estimated non-Federal cost of \$3,375,000.

20 (B) PERIODIC NOURISHMENT.—Periodic
21 nourishment is authorized for a 50-year period
22 at an estimated average annual cost of
23 \$538,200, with an estimated annual Federal
24 cost of \$349,800 and an estimated annual non-
25 Federal cost of \$188,400.

1 (10) DELAWARE BAY COASTLINE: DELAWARE
2 AND NEW JERSEY-PORT MAHON, DELAWARE.—

3 (A) IN GENERAL.—The project for eco-
4 system restoration and shore protection, Dela-
5 ware Bay coastline: Delaware and New Jersey-
6 Port Mahon, Delaware: Report of the Chief of
7 Engineers dated September 28, 1998, at a total
8 cost of \$7,644,000, with an estimated Federal
9 cost of \$4,969,000 and an estimated non-Fed-
10 eral cost of \$2,675,000.

11 (B) PERIODIC NOURISHMENT.—Periodic
12 nourishment is authorized for a 50-year period
13 at an estimated average annual cost of
14 \$234,000, with an estimated annual Federal
15 cost of \$152,000 and an estimated annual non-
16 Federal cost of \$82,000.

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

1 (12) INDIAN RIVER COUNTY, FLORIDA.—Not-
2 withstanding section 1001(a) of the Water Re-
3 sources Development Act of 1986 (33 U.S.C.
4 579a(a)), the project for shoreline protection, Indian
5 River County, Florida, authorized by section 501(a)
6 of that Act (100 Stat. 4134), shall remain author-
7 ized for construction through December 31, 2002.

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

9 (A) IN GENERAL.—The project for shore
10 protection at Lido Key Beach, Sarasota, Flor-
11 ida, authorized by section 101 of the River and
12 Harbor Act of 1970 (84 Stat. 1819) and de-
13 authorized by operation of section 1001(b) of
14 the Water Resources Development Act of 1986
15 (33 U.S.C. 579a(b)), is authorized to be carried
16 out by the Secretary at a total cost of
17 \$5,200,000, with an estimated Federal cost of
18 \$3,380,000 and an estimated non-Federal cost
19 of \$1,820,000.

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

1 (14) TAMPA HARBOR-BIG BEND CHANNEL,
2 FLORIDA.—The project for navigation, Tampa Har-
3 bor-Big Bend Channel, Florida: Report of the Chief
4 of Engineers dated October 13, 1998, at a total cost
5 of \$12,356,000, with an estimated Federal cost of
6 \$6,235,000 and an estimated non-Federal cost of
7 \$6,121,000.

8 (15) BRUNSWICK HARBOR, GEORGIA.—The
9 project for navigation, Brunswick Harbor, Georgia:
10 Report of the Chief of Engineers dated October 6,
11 1998, at a total cost of \$50,717,000, with an esti-
12 mated Federal cost of \$32,966,000 and an esti-
13 mated non-Federal cost of \$17,751,000.

14 (16) BEARGRASS CREEK, KENTUCKY.—The
15 project for flood damage reduction, Beargrass Creek,
16 Kentucky: Report of the Chief of Engineers dated
17 May 12, 1998, at a total cost of \$11,172,000, with
18 an estimated Federal cost of \$7,262,000 and an es-
19 timated non-Federal cost of \$3,910,000.

20 (17) AMITE RIVER AND TRIBUTARIES, LOU-
21 ISIANA, EAST BATON ROUGE PARISH WATERSHED.—
22 The project for flood damage reduction and recre-
23 ation, Amite River and Tributaries, Louisiana, East
24 Baton Rouge Parish Watershed: Report of the Chief
25 of Engineers, dated December 23, 1996, at a total

1 cost of \$112,900,000, with an estimated Federal
2 cost of \$73,400,000 and an estimated non-Federal
3 cost of \$39,500,000.

4 (18) BALTIMORE HARBOR ANCHORAGES AND
5 CHANNELS, MARYLAND AND VIRGINIA.—

6 (A) IN GENERAL.—The project for naviga-
7 tion, Baltimore Harbor Anchorages and Chan-
8 nels, Maryland and Virginia, Report of the
9 Chief of Engineers dated June 8, 1998, at a
10 total cost of \$28,426,000, with an estimated
11 Federal cost of \$18,994,000 and an estimated
12 non-Federal cost of \$9,432,000.

13 (B) CREDIT OR REIMBURSEMENT.—If a
14 project cooperation agreement is entered into,
15 the non-Federal interest shall receive credit or
16 reimbursement of the Federal share of project
17 costs for construction work performed by the
18 non-Federal interest before execution of the
19 project cooperation agreement if the Secretary
20 finds the work to be integral to the project.

21 (C) STUDY OF MODIFICATIONS.—During
22 the preconstruction engineering and design
23 phase of the project, the Secretary shall con-
24 duct a study to determine the feasibility of un-
25 dertaking further modifications to the Dundalk

1 Marine Terminal access channels, consisting
2 of—

3 (i) deepening and widening the Dun-
4 dalk access channels to a depth of 50 feet
5 and a width of 500 feet;

6 (ii) widening the flares of the access
7 channels; and

8 (iii) providing a new flare on the west
9 side of the entrance to the east access
10 channel.

11 (D) REPORT.—

12 (i) IN GENERAL.—Not later than
13 March 1, 2000, the Secretary shall submit
14 to Congress a report on the study under
15 subparagraph (C).

16 (ii) CONTENTS.—The report shall in-
17 clude a determination of—

18 (I) the feasibility of performing
19 the project modifications described in
20 subparagraph (C); and

21 (II) the appropriateness of cred-
22 iting or reimbursing the Federal share
23 of the cost of the work performed by
24 the non-Federal interest on the
25 project modifications.

1 (19) RED LAKE RIVER AT CROOKSTON, MIN-
2 NESOTA.—The project for flood damage reduction,
3 Red Lake River at Crookston, Minnesota: Report of
4 the Chief of Engineers, dated April 20, 1998, at a
5 total cost of \$8,950,000, with an estimated Federal
6 cost of \$5,720,000 and an estimated non-Federal
7 cost of \$3,230,000.

8 (20) NEW JERSEY SHORE PROTECTION, TOWN-
9 SENDS INLET TO CAPE MAY INLET, NEW JERSEY.—

10 (A) IN GENERAL.—The project for hurri-
11 cane and storm damage reduction, ecosystem
12 restoration, and shore protection, New Jersey
13 coastline, Townsends Inlet to Cape May Inlet,
14 New Jersey: Report of the Chief of Engineers
15 dated September 28, 1998, at a total cost of
16 \$56,503,000, with an estimated Federal cost of
17 \$36,727,000 and an estimated non-Federal cost
18 of \$19,776,000.

19 (B) PERIODIC NOURISHMENT.—Periodic
20 nourishment is authorized for a 50-year period
21 at an estimated average annual cost of
22 \$2,000,000, with an estimated annual Federal
23 cost of \$1,300,000 and an estimated annual
24 non-Federal cost of \$700,000.

25 (21) PARK RIVER, NORTH DAKOTA.—

1 (A) IN GENERAL.—Subject to the condi-
2 tion stated in subparagraph (B), the project for
3 flood control, Park River, Grafton, North Da-
4 kota, authorized by section 401(a) of the Water
5 Resources Development Act of 1986 (100 Stat.
6 4121) and deauthorized under section 1001(a)
7 of the Water Resources Development Act of
8 1986 (33 U.S.C. 579a), at a total cost of
9 \$28,100,000, with an estimated Federal cost of
10 \$18,265,000 and an estimated non-Federal cost
11 of \$9,835,000.

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

18 (22) SALT CREEK, GRAHAM, TEXAS.—The
19 project for flood control, environmental restoration,
20 and recreation, Salt Creek, Graham, Texas: Report
21 of the Chief of Engineers dated October 6, 1998, at
22 a total cost of \$10,080,000, with an estimated Fed-
23 eral cost of \$6,560,000 and an estimated non-Fed-
24 eral cost of \$3,520,000.

1 (b) PROJECTS SUBJECT TO A FINAL REPORT.—The
2 following projects for water resources development and
3 conservation and other purposes are authorized to be car-
4 ried out by the Secretary substantially in accordance with
5 the plans, and subject to the conditions recommended in
6 a final report of the Chief of Engineers as approved by
7 the Secretary, if a favorable report of the Chief is com-
8 pleted not later than December 31, 1999:

9 (1) NOME HARBOR IMPROVEMENTS, ALASKA.—
10 The project for navigation, Nome Harbor Improve-
11 ments, Alaska, at a total cost of \$24,608,000, with
12 an estimated first Federal cost of \$19,660,000 and
13 an estimated first non-Federal cost of \$4,948,000.

14 (2) SEWARD HARBOR, ALASKA.—The project
15 for navigation, Seward Harbor, Alaska, at a total
16 cost of \$12,240,000, with an estimated first Federal
17 cost of \$4,364,000 and an estimated first non-Fed-
18 eral cost of \$7,876,000.

19 (3) ARROYO PASAJERO, CALIFORNIA.—The
20 project for flood damage reduction, Arroyo Pasajero,
21 California, at a total cost of \$260,700,000, with an
22 estimated first Federal cost of \$170,100,000 and an
23 estimated first non-Federal cost of \$90,600,000.

24 (4) HAMILTON AIRFIELD WETLAND RESTORA-
25 TION, CALIFORNIA.—The project for environmental

1 restoration at Hamilton Airfield, California, at a
2 total cost of \$55,200,000, with an estimated Federal
3 cost of \$41,400,000 and an estimated non-Federal
4 cost of \$13,800,000.

5 (5) OAKLAND, CALIFORNIA.—

6 (A) IN GENERAL.—The project for naviga-
7 tion and environmental restoration, Oakland,
8 California, at a total cost of \$214,340,000, with
9 an estimated Federal cost of \$143,450,000 and
10 an estimated non-Federal cost of \$70,890,000.

11 (B) BERTHING AREAS AND OTHER LOCAL
12 SERVICE FACILITIES.—The non-Federal inter-
13 ests shall provide berthing areas and other local
14 service facilities necessary for the project at an
15 estimated cost of \$42,310,000.

16 (6) SUCCESS DAM, TULE RIVER BASIN, CALI-
17 FORNIA.—The project for flood damage reduction
18 and water supply, Success Dam, Tule River basin,
19 California, at a total cost of \$17,900,000, with an
20 estimated first Federal cost of \$11,635,000 and an
21 estimated first non-Federal cost of \$6,265,000.

22 (7) DELAWARE BAY COASTLINE: DELAWARE
23 AND NEW JERSEY-ROOSEVELT INLET-LEWES BEACH,
24 DELAWARE.—

1 (A) IN GENERAL.—The project for naviga-
2 tion mitigation, shore protection, and hurricane
3 and storm damage reduction, Delaware Bay
4 coastline: Delaware and New Jersey-Roosevelt
5 Inlet-Lewes Beach, Delaware, at a total cost of
6 \$3,393,000, with an estimated Federal cost of
7 \$2,620,000 and an estimated non-Federal cost
8 of \$773,000.

9 (B) PERIODIC NOURISHMENT.—Periodic
10 nourishment is authorized for a 50-year period
11 at an estimated average annual cost of
12 \$196,000, with an estimated annual Federal
13 cost of \$152,000 and an estimated annual non-
14 Federal cost of \$44,000.

15 (8) DELAWARE COAST FROM CAPE HENELOPEN
16 TO FENWICK ISLAND, BETHANY BEACH/SOUTH
17 BETHANY BEACH, DELAWARE.—

18 (A) IN GENERAL.—The project for hurri-
19 cane and storm damage reduction and shore
20 protection, Delaware Coast from Cape
21 Henelopen to Fenwick Island, Bethany Beach/
22 South Bethany Beach, Delaware, at a total cost
23 of \$22,205,000, with an estimated Federal cost
24 of \$14,433,000 and an estimated non-Federal
25 cost of \$7,772,000.

1 (B) PERIODIC NOURISHMENT.—Periodic
2 nourishment is authorized for a 50-year period
3 at an estimated average annual cost of
4 \$1,584,000, with an estimated annual Federal
5 cost of \$1,030,000 and an estimated annual
6 non-Federal cost of \$554,000.

7 (9) JACKSONVILLE HARBOR, FLORIDA.—The
8 project for navigation, Jacksonville Harbor, Florida,
9 at a total cost of \$26,116,000, with an estimated
10 Federal cost of \$9,129,000 and an estimated non-
11 Federal cost of \$16,987,000.

12 (10) LITTLE TALBOT ISLAND, DUVAL COUNTY,
13 FLORIDA.—The project for hurricane and storm
14 damage prevention and shore protection, Little Tal-
15 bot Island, Duval County, Florida, at a total cost of
16 \$5,915,000, with an estimated Federal cost of
17 \$3,839,000 and an estimated non-Federal cost of
18 \$2,076,000.

19 (11) PONCE DE LEON INLET, VOLUSIA COUNTY,
20 FLORIDA.—The project for navigation and recre-
21 ation, Ponce de Leon Inlet, Volusia County, Florida,
22 at a total cost of \$5,454,000, with an estimated
23 Federal cost of \$2,988,000 and an estimated non-
24 Federal cost of \$2,466,000.

1 (12) SAVANNAH HARBOR EXPANSION, GEOR-
2 GIA.—

3 (A) IN GENERAL.—Subject to subpara-
4 graph (B), the Secretary may carry out the
5 project for navigation, Savannah Harbor expan-
6 sion, Georgia, substantially in accordance with
7 the plans, and subject to the conditions, rec-
8 ommended in a final report of the Chief of En-
9 gineers, with such modifications as the Sec-
10 retary deems appropriate, at a total cost of
11 \$230,174,000 (of which amount a portion is au-
12 thorized for implementation of the mitigation
13 plan), with an estimated Federal cost of
14 \$145,160,000 and an estimated non-Federal
15 cost of \$85,014,000.

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

19 (i) the Secretary, in consultation with
20 affected Federal, State, regional, and local
21 entities, has reviewed and approved an En-
22 vironmental Impact Statement that
23 includes—

1 (I) an analysis of the impacts of
2 project depth alternatives ranging
3 from 42 feet through 48 feet; and

4 (II) a selected plan for navigation
5 and associated mitigation plan as re-
6 quired by section 906(a) of the Water
7 Resources Development Act of 1986
8 (33 U.S.C. 2283); and

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

17 (C) MITIGATION REQUIREMENTS.—The
18 mitigation plan shall be implemented in advance
19 of or concurrently with construction of the
20 project.

21 (13) TURKEY CREEK BASIN, KANSAS CITY, MIS-
22 SOURI AND KANSAS CITY, KANSAS.—The project for
23 flood damage reduction, Turkey Creek Basin, Kan-
24 sas City, Missouri, and Kansas City, Kansas, at a
25 total cost of \$42,875,000 with an estimated Federal

1 cost of \$25,596,000 and an estimated non-Federal
2 cost of \$17,279,000.

3 (14) DELAWARE BAY COASTLINE, OAKWOOD
4 BEACH, NEW JERSEY.—

5 (A) IN GENERAL.—The project for hurri-
6 cane and storm damage reduction, Delaware
7 Bay coastline, Oakwood Beach, New Jersey, at
8 a total cost of \$3,380,000, with an estimated
9 Federal cost of \$2,197,000 and an estimated
10 non-Federal cost of \$1,183,000.

11 (B) PERIODIC NOURISHMENT.—Periodic
12 nourishment is authorized for a 50-year period
13 at an estimated average annual cost of \$90,000,
14 with an estimated annual Federal cost of
15 \$58,000 and an estimated annual non-Federal
16 cost of \$32,000.

17 (15) DELAWARE BAY COASTLINE, REEDS
18 BEACH AND PIERCES POINT, NEW JERSEY.—The
19 project for environmental restoration, Delaware Bay
20 coastline, Reeds Beach and Pierces Point, New Jer-
21 sey, at a total cost of \$4,057,000, with an estimated
22 Federal cost of \$2,637,000 and an estimated non-
23 Federal cost of \$1,420,000.

24 (16) DELAWARE BAY COASTLINE, VILLAS AND
25 VICINITY, NEW JERSEY.—The project for environ-

1 mental restoration, Delaware Bay coastline, Villas
2 and vicinity, New Jersey, at a total cost of
3 \$7,520,000, with an estimated Federal cost of
4 \$4,888,000 and an estimated non-Federal cost of
5 \$2,632,000.

6 (17) LOWER CAPE MAY MEADOWS, CAPE MAY
7 POINT, NEW JERSEY.—

8 (A) IN GENERAL.—The project for naviga-
9 tion mitigation, ecosystem restoration, shore
10 protection, and hurricane and storm damage re-
11 duction, Lower Cape May Meadows, Cape May
12 Point, New Jersey, at a total cost of
13 \$15,952,000, with an estimated Federal cost of
14 \$12,118,000 and an estimated non-Federal cost
15 of \$3,834,000.

16 (B) PERIODIC NOURISHMENT.—Periodic
17 nourishment is authorized for a 50-year period
18 at an estimated average annual cost of
19 \$1,114,000, with an estimated annual Federal
20 cost of \$897,000 and an estimated annual non-
21 Federal cost of \$217,000.

22 (18) NEW JERSEY SHORE PROTECTION, BRIG-
23 ANTINE INLET TO GREAT EGG HARBOR, BRIGANTINE
24 ISLAND, NEW JERSEY.—

1 (A) IN GENERAL.—The project for hurri-
2 cane and storm damage reduction and shore
3 protection, New Jersey Shore protection, Brig-
4 antine Inlet to Great Egg Harbor, Brigantine
5 Island, New Jersey, at a total cost of
6 \$4,970,000, with an estimated Federal cost of
7 \$3,230,000 and an estimated non-Federal cost
8 of \$1,740,000.

9 (B) PERIODIC NOURISHMENT.—Periodic
10 nourishment is authorized for a 50-year period
11 at an estimated average annual cost of
12 \$465,000, with an estimated annual Federal
13 cost of \$302,000 and an estimated annual non-
14 Federal cost of \$163,000.

15 (19) COLUMBIA RIVER CHANNEL DEEPENING,
16 OREGON AND WASHINGTON.—

17 (A) IN GENERAL.—The project for naviga-
18 tion, Columbia River channel deepening, Oregon
19 and Washington, at a total cost of
20 \$176,700,000, with an estimated Federal cost
21 of \$116,900,000 and an estimated non-Federal
22 cost of \$59,800,000.

23 (B) BERTHING AREAS AND OTHER LOCAL
24 SERVICE FACILITIES.—The non-Federal inter-
25 ests shall provide berthing areas and other local

1 service facilities necessary for the project at an
2 estimated cost of \$1,200,000.

3 (20) MEMPHIS HARBOR, MEMPHIS, TEN-
4 NESSEE.—

5 (A) IN GENERAL.—Subject to subpara-
6 graph (B), the project for navigation, Memphis
7 Harbor, Memphis, Tennessee, authorized by
8 section 601(a) of the Water Resources Develop-
9 ment Act of 1986 (100 Stat. 4145) and de-
10 authorized under section 1001(a) of that Act
11 (33 U.S.C. 579a(a)) is authorized to be carried
12 out by the Secretary.

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

19 (21) JOHNSON CREEK, ARLINGTON, TEXAS.—
20 The project for flood damage reduction, environ-
21 mental restoration, and recreation, Johnson Creek,
22 Arlington, Texas, at a total cost of \$20,300,000,
23 with an estimated Federal cost of \$12,000,000 and
24 an estimated non-Federal cost of \$8,300,000.

1 (22) HOWARD HANSON DAM, WASHINGTON.—
2 The project for water supply and ecosystem restora-
3 tion, Howard Hanson Dam, Washington, at a total
4 cost of \$75,600,000, with an estimated Federal cost
5 of \$36,900,000 and an estimated non-Federal cost
6 of \$38,700,000.

7 **SEC. 102. PROJECT MODIFICATIONS.**

8 (a) PROJECTS WITH REPORTS.—

9 (1) SAN LORENZO RIVER, CALIFORNIA.—The
10 project for flood control, San Lorenzo River, Cali-
11 fornia, authorized by section 101(a)(5) of the Water
12 Resources Development Act of 1996 (110 Stat.
13 3663), is modified to authorize the Secretary to in-
14 clude as a part of the project streambank erosion
15 control measures to be undertaken substantially in
16 accordance with the report entitled “Bank Stabiliza-
17 tion Concept, Laurel Street Extension”, dated April
18 23, 1998, at a total cost of \$4,000,000, with an esti-
19 mated Federal cost of \$2,600,000 and an estimated
20 non-Federal cost of \$1,400,000.

21 (2) ST. JOHNS COUNTY SHORE PROTECTION,
22 FLORIDA.—

23 (A) IN GENERAL.—The project for hurri-
24 cane and storm damage reduction and shore
25 protection, St. Johns County, Florida, author-

1 ized by section 501(a) of the Water Resources
2 Development Act of 1986 (100 Stat. 4133) is
3 modified to authorize the Secretary to include
4 navigation mitigation as a purpose of the
5 project in accordance with the report of the
6 Corps of Engineers dated November 18, 1998,
7 at a total cost of \$16,086,000, with an esti-
8 mated Federal cost of \$12,949,000 and an esti-
9 mated non-Federal cost of \$3,137,000.

10 (B) PERIODIC NOURISHMENT.—Periodic
11 nourishment is authorized for a 50-year period
12 at an estimated average annual cost of
13 \$1,251,000, with an estimated annual Federal
14 cost of \$1,007,000 and an estimated annual
15 non-Federal cost of \$244,000.

16 (3) WOOD RIVER, GRAND ISLAND, NEBRASKA.—
17 The project for flood control, Wood River, Grand Is-
18 land, Nebraska, authorized by section 101(a)(19) of
19 the Water Resources Development Act of 1996 (110
20 Stat. 3665) is modified to authorize the Secretary to
21 construct the project in accordance with the Corps
22 of Engineers report dated June 29, 1998, at a total
23 cost of \$17,039,000, with an estimated Federal cost
24 of \$9,730,000 and an estimated non-Federal cost of
25 \$7,309,000.

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

8 (5) ARTHUR KILL, NEW YORK AND NEW JER-
9 SEY.—

10 (A) IN GENERAL.—The project for naviga-
11 tion, Arthur Kill, New York and New Jersey,
12 authorized by section 202(b) of the Water Re-
13 sources Development Act of 1986 (100 Stat.
14 4098) and modified by section 301(b)(11) of
15 the Water Resources Development Act of 1996
16 (110 Stat. 3711), is further modified to author-
17 ize the Secretary to construct the project at a
18 total cost of \$276,800,000, with an estimated
19 Federal cost of \$183,200,000 and an estimated
20 non-Federal cost of \$93,600,000.

21 (B) BERTHING AREAS AND OTHER LOCAL
22 SERVICE FACILITIES.—The non-Federal inter-
23 ests shall provide berthing areas and other local
24 service facilities necessary for the project at an
25 estimated cost of \$38,900,000.

1 (6) WAURIKA LAKE, OKLAHOMA, WATER CON-
2 VEYANCE FACILITIES.—The requirement for the
3 Waurika Project Master Conservancy District to
4 repay the \$2,900,000 in costs (including interest)
5 resulting from the October 1991 settlement of the
6 claim of the Travelers Insurance Company before
7 the United States Claims Court related to construc-
8 tion of the water conveyance facilities authorized by
9 the first section of Public Law 88–253 (77 Stat.
10 841) is waived.

11 (b) PROJECTS SUBJECT TO REPORTS.—The fol-
12 lowing projects are modified as follows, except that no
13 funds may be obligated to carry out work under such
14 modifications until completion of a final report by the
15 Chief of Engineers, as approved by the Secretary, finding
16 that such work is technically sound, environmentally ac-
17 ceptable, and economically justified, as applicable:

18 (1) FORT PIERCE SHORE PROTECTION, FLOR-
19 IDA.—

20 (A) IN GENERAL.—The Fort Pierce, Flor-
21 ida, shore protection and harbor mitigation
22 project authorized by section 301 of the River
23 and Harbor Act of 1965 (79 Stat. 1092) and
24 section 506(a)(2) of the Water Resources De-
25 velopment Act of 1996 (110 Stat. 3757) is

1 modified to include an additional 1-mile exten-
2 sion of the project and increased Federal par-
3 ticipation in accordance with section 101(c) of
4 the Water Resources Development Act of 1986
5 (33 U.S.C. 2211(c)), as described in the general
6 reevaluation report approved by the Chief of
7 Engineers, at an estimated total cost of
8 \$9,128,000, with an estimated Federal cost of
9 \$7,074,000 and an estimated non-Federal cost
10 of \$2,054,000.

11 (B) PERIODIC NOURISHMENT.—Periodic
12 nourishment is authorized for a 50-year period
13 for the modified project, at an estimated annual
14 cost of \$559,000, with an estimated annual
15 Federal cost of \$433,000 and an estimated an-
16 nual non-Federal cost of \$126,000.

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

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

1 age attributable to the Natural Resources Con-
2 servation Service Thornton Reservoir (Structure
3 84), Little Calumet River Watershed, Illinois,
4 approved under the Watershed Protection and
5 Flood Prevention Act (16 U.S.C. 1001 et seq.).

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

10 (C) TRANSITIONAL STORAGE.—The Sec-
11 retary of Agriculture may cooperate with non-
12 Federal interests to provide, on a transitional
13 basis, flood control storage for the Natural Re-
14 sources Conservation Service Thornton Res-
15 ervoir (Structure 84) project in the west lobe of
16 the Thornton 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 AS PART OF THE 6-
2 FOOT ANCHORAGE.—The following portions of
3 the project shall be redesignated as part of the
4 6-foot anchorage:

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

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

1 N177,052.69, E394,461.58, thence run-
2 ning south 11 degrees 46 minutes 45.4
3 seconds west 299.99 feet to a point
4 N176,759.02, E394,400.34, thence run-
5 ning south 78 degrees 13 minutes 17.9
6 seconds east 160 feet to a point
7 N176,726.36, E394,556.97, thence run-
8 ning north 11 degrees 46 minutes 44.0
9 seconds east 300.00 feet to the point of or-
10 igin.

11 (D) REDESIGNATION AS PART OF THE 6-
12 FOOT CHANNEL.—The following portion of the
13 project shall be redesignated as part of the 6-
14 foot channel: the portion the boundaries of
15 which begin at a point with coordinates
16 N178,102.26, E394,751.83, thence running
17 south 51 degrees 59 minutes 42.1 seconds west
18 526.51 feet to a point N177,778.07,
19 E394,336.96, thence running south 11 degrees
20 46 minutes 26.6 seconds west 511.83 feet to a
21 point N177,277.01, E394,232.52, thence run-
22 ning south 78 degrees 13 minutes 17.9 seconds
23 east 80.00 feet to a point N177,260.68,
24 E394,310.84, thence running north 11 degrees
25 46 minutes 24.8 seconds east 482.54 feet to a

1 point N177,733.07, E394,409.30, thence run-
2 ning north 51 degrees 59 minutes 41.0 seconds
3 east 402.63 feet to a point N177,980.98,
4 E394,726.55, thence running north 11 degrees
5 46 minutes 27.6 seconds east 123.89 feet to the
6 point of origin.

7 (E) REALIGNMENT.—The portion of the
8 project described in subparagraph (D) shall be
9 realigned to include the area located south of
10 the inner harbor settling basin in existence on
11 the date of enactment of this Act beginning at
12 a point with coordinates N176,726.36,
13 E394,556.97, thence running north 78 degrees
14 13 minutes 17.9 seconds west 160.00 feet to a
15 point N176,759.02, E394,400.34, thence run-
16 ning south 11 degrees 47 minutes 03.8 seconds
17 west 45 feet to a point N176,714.97,
18 E394,391.15, thence running south 78 degrees
19 13 minutes 17.9 seconds 160.00 feet to a point
20 N176,682.31, E394,547.78, thence running
21 north 11 degrees 47 minutes 03.8 seconds east
22 45 feet to the point of origin.

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

1 (G) CONSERVATION EASEMENT.—The Sec-
2 retary of the Interior, acting through the Direc-
3 tor of the United States Fish and Wildlife Serv-
4 ice, may accept a conveyance of the right, but
5 not the obligation, to enforce a conservation
6 easement to be held by the State of Maine over
7 certain land owned by the town of Wells, Maine,
8 that is adjacent to the Rachel Carson National
9 Wildlife Refuge.

10 (4) NEW YORK HARBOR AND ADJACENT CHAN-
11 NELS, PORT JERSEY, NEW JERSEY.—

12 (A) IN GENERAL.—The project for naviga-
13 tion, New York Harbor and adjacent channels,
14 Port Jersey, New Jersey, authorized by section
15 201(b) of the Water Resources Development
16 Act of 1986 (100 Stat. 4091), is modified to
17 authorize the Secretary to construct the project
18 at a total cost of \$102,545,000, with an esti-
19 mated Federal cost of \$76,909,000 and an esti-
20 mated non-Federal cost of \$25,636,000.

21 (B) BERTHING AREAS AND OTHER LOCAL
22 FACILITIES.—The non-Federal interests shall
23 provide berthing areas and other local service
24 facilities necessary for the project at an esti-
25 mated cost of \$722,000.

1 (5) WILLAMETTE RIVER TEMPERATURE CON-
2 TROL, MCKENZIE SUBBASIN, OREGON.—The project
3 for environmental restoration, Willamette River
4 Temperature Control, McKenzie Subbasin, Oregon,
5 authorized by section 101(a)(25) of the Water Re-
6 sources Development Act of 1996 (110 Stat. 3665),
7 is modified to authorize the Secretary to construct
8 the project at a total Federal cost of \$64,741,000.

9 (6) WHITE RIVER BASIN, ARKANSAS AND MIS-
10 SOURI.—

11 (A) IN GENERAL.—The project for flood
12 control, power generation and other purposes at
13 the White River Basin, Arkansas and Missouri,
14 authorized by section 4 of the Act of June 28,
15 1938 (52 Stat. 1218, chapter 795), and modi-
16 fied by House Document 917, Seventy-sixth
17 Congress, Third Session, and House Document
18 290, Seventy-seventh Congress, First Session,
19 approved August 18, 1941, and House Docu-
20 ment 499, Eighty-third Congress, Second Ses-
21 sion, approved September 3, 1954, and by sec-
22 tion 304 of the Water Resources Development
23 Act of 1996 (110 Stat. 3711) is modified to au-
24 thorize the Secretary to provide minimum flows
25 necessary to sustain tail water trout fisheries by

1 reallocating the following amounts of project
2 storage: Beaver Lake, 3.5 feet; Table Rock, 2
3 feet; Bull Shoals Lake, 5 feet; Norfork Lake,
4 3.5 feet; and Greers Ferry Lake, 3 feet. The
5 Secretary shall complete such report and sub-
6 mit it to the Congress by July 30, 2000.

7 (B) REPORT.—The report of the Chief of
8 Engineers, required by this subsection, shall
9 also include a determination that the modifica-
10 tion of the project in subparagraph (A) does
11 not adversely affect other authorized project
12 purposes, and that no Federal costs are in-
13 curred.

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

21 (d) TOLCHESTER CHANNEL S-TURN, BALTIMORE,
22 MARYLAND.—The project for navigation, Baltimore Har-
23 bor and Channels, Maryland, authorized by section 101
24 of the River and Harbor Act of 1958 (72 Stat. 297), is

1 modified to direct the Secretary to straighten the
2 Tolchester Channel S-turn as part of project maintenance.

3 (e) TROPICANA WASH AND FLAMINGO WASH, NE-
4 VADA.—Any Federal costs associated with the Tropicana
5 and Flamingo Washes, Nevada, authorized by section
6 101(13) of the Water Resources Development Act of 1992
7 (106 Stat. 4803), incurred by the non-Federal interest to
8 accelerate or modify construction of the project, in co-
9 operation with the Corps of Engineers, shall be considered
10 to be eligible for reimbursement by the Secretary.

11 (f) REDIVERSION PROJECT, COOPER RIVER,
12 CHARLESTON HARBOR, SOUTH CAROLINA.—

13 (1) IN GENERAL.—The redirection project,
14 Cooper River, Charleston Harbor, South Carolina,
15 authorized by section 101 of the River and Harbor
16 Act of 1968 (82 Stat. 731) and modified by title I
17 of the Energy and Water Development Appropria-
18 tions Act, 1992 (105 Stat. 517), is modified to au-
19 thorize the Secretary to pay the State of South
20 Carolina not more than \$3,750,000, if the State en-
21 ters into an agreement with the Secretary providing
22 that the State shall perform all future operation of
23 the St. Stephen, South Carolina, fish lift (including
24 associated studies to assess the efficacy of the fish
25 lift).

1 (2) CONTENTS.—The agreement shall specify
2 the terms and conditions under which payment will
3 be made and the rights of, and remedies available to,
4 the Secretary to recover all or a portion of the pay-
5 ment if the State suspends or terminates operation
6 of the fish lift or fails to perform the operation in
7 a manner satisfactory to the Secretary.

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

10 (g) TRINITY RIVER AND TRIBUTARIES, TEXAS.—The
11 project for flood control and navigation, Trinity River and
12 tributaries, Texas, authorized by section 301 of the River
13 and Harbor Act of 1965 (79 Stat. 1091), is modified to
14 add environmental restoration as a project purpose.

15 (h) BEACH EROSION CONTROL AND HURRICANE
16 PROTECTION, VIRGINIA BEACH, VIRGINIA.—

17 (1) ACCEPTANCE OF FUNDS.—In any fiscal
18 year that the Corps of Engineers does not receive
19 appropriations sufficient to meet expected project ex-
20 penditures for that year, the Secretary shall accept
21 from the city of Virginia Beach, Virginia, for pur-
22 poses of the project for beach erosion control and
23 hurricane protection, Virginia Beach, Virginia, au-
24 thorized by section 501(a) of the Water Resources

1 Development Act of 1986 (100 Stat. 4136), such
2 funds as the city may advance for the project.

3 (2) REPAYMENT.—Subject to the availability of
4 appropriations, the Secretary shall repay, without in-
5 terest, the amount of any advance made under para-
6 graph (1), from appropriations that may be provided
7 by Congress for river and harbor, flood control,
8 shore protection, and related projects.

9 (i) ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.—
10 Notwithstanding any other provision of law, after the date
11 of enactment of this Act, the city of Chesapeake, Virginia,
12 shall not be obligated to make the annual cash contribu-
13 tion required under paragraph 1(9) of the Local Coopera-
14 tion Agreement dated December 12, 1978, between the
15 Government and the city for the project for navigation,
16 southern branch of Elizabeth River, Chesapeake, Virginia.

17 (j) PAYMENT OPTION, MOOREFIELD, WEST VIR-
18 GINIA.—The Secretary may permit the non-Federal inter-
19 ests for the project for flood control, Moorefield, West Vir-
20 ginia, to pay without interest the remaining non-Federal
21 cost over a period not to exceed 30 years, to be determined
22 by the Secretary.

23 (k) MIAMI DADE AGRICULTURAL AND RURAL LAND
24 RETENTION PLAN AND SOUTH BISCAYNE, FLORIDA.—
25 Section 528(b)(3) of the Water Resources Development

1 Act of 1996 (110 Stat. 3768) is amended by adding at
2 the end the following:

3 “(D) CREDIT AND REIMBURSEMENT OF
4 PAST AND FUTURE ACTIVITIES.—The Secretary
5 may afford credit to or reimburse the non-Fed-
6 eral sponsors (using funds authorized by sub-
7 paragraph (C)) for the reasonable costs of any
8 work that has been performed or will be per-
9 formed in connection with a study or activity
10 meeting the requirements of subparagraph (A)
11 if—

12 “(i) the Secretary determines that—

13 “(I) the work performed by the
14 non-Federal sponsors will substan-
15 tially expedite completion of a critical
16 restoration project; and

17 “(II) the work is necessary for a
18 critical restoration project; and

19 “(ii) the credit or reimbursement is
20 granted pursuant to a project-specific
21 agreement that prescribes the terms and
22 conditions of the credit or reimburse-
23 ment.”.

24 (l) LAKE MICHIGAN, ILLINOIS.—

1 (1) IN GENERAL.—The project for storm dam-
2 age reduction and shoreline protection, Lake Michi-
3 gan, Illinois, from Wilmette, Illinois, to the Illinois-
4 Indiana State line, authorized by section 101(a)(12)
5 of the Water Resources Development Act of 1996
6 (110 Stat. 3664), is modified to provide for reim-
7 bursement for additional project work undertaken by
8 the non-Federal interest.

9 (2) CREDIT OR REIMBURSEMENT.—The Sec-
10 retary shall credit or reimburse the non-Federal in-
11 terest for the Federal share of project costs incurred
12 by the non-Federal interest in designing, con-
13 structing, or reconstructing reach 2F (700 feet
14 south of Fullerton Avenue and 500 feet north of
15 Fullerton Avenue), reach 3M (Meigs Field), and seg-
16 ments 7 and 8 of reach 4 (43rd Street to 57th
17 Street), if the non-Federal interest carries out the
18 work in accordance with plans approved by the Sec-
19 retary, at an estimated total cost of \$83,300,000.

20 (3) REIMBURSEMENT.—The Secretary shall re-
21 imburse the non-Federal interest for the Federal
22 share of project costs incurred by the non-Federal
23 interest in reconstructing the revetment structures
24 protecting Solidarity Drive in Chicago, Illinois, be-

1 fore the signing of the project cooperation agree-
2 ment, at an estimated total cost of \$7,600,000.

3 (m) MEASUREMENTS OF LAKE MICHIGAN DIVER-
4 SIONS, ILLINOIS.—Section 1142(b) of the Water Re-
5 sources Development Act of 1986 (100 Stat. 4253) is
6 amended by striking “\$250,000 per fiscal year for each
7 fiscal year beginning after September 30, 1986” and in-
8 serting “a total of \$1,250,000 for each of fiscal years
9 1999 through 2003”.

10 (n) PROJECT FOR NAVIGATION, DUBUQUE, IOWA.—
11 The project for navigation at Dubuque, Iowa, authorized
12 by section 101 of the River and Harbor Act of 1960 (74
13 Stat. 482), is modified to authorize the development of
14 a wetland demonstration area of approximately 1.5 acres
15 to be developed and operated by the Dubuque County His-
16 torical Society or a successor nonprofit organization.

17 (o) LOUISIANA STATE PENITENTIARY LEVEE.—The
18 Secretary may credit against the non-Federal share work
19 performed in the project area of the Louisiana State Peni-
20 tentiary Levee, Mississippi River, Louisiana, authorized by
21 section 401(a) of the Water Resources Development Act
22 of 1986 (100 Stat. 4117).

23 (p) JACKSON COUNTY, MISSISSIPPI.—The project for
24 environmental infrastructure, Jackson County, Mis-
25 sissippi, authorized by section 219(c)(5) of the Water Re-

1 sources Development Act of 1992 (106 Stat. 4835) and
2 modified by section 504 of the Water Resources Develop-
3 ment Act of 1996 (110 Stat. 3757), is modified to direct
4 the Secretary to provide a credit, not to exceed
5 \$5,000,000, against the non-Federal share of the cost of
6 the project for the costs incurred by the Jackson County
7 Board of Supervisors since February 8, 1994, in con-
8 structing the project, if the Secretary determines that such
9 costs are for work that the Secretary determines was com-
10 patible with and integral to the project.

11 (q) RICHARD B. RUSSELL DAM AND LAKE, SOUTH
12 CAROLINA.—

13 (1) IN GENERAL.—Except as otherwise pro-
14 vided in this paragraph, the Secretary shall convey
15 to the State of South Carolina all right, title, and
16 interest of the United States in the parcels of land
17 described in paragraph (2)(A) that are currently
18 being managed by the South Carolina Department
19 of Natural Resources for fish and wildlife mitigation
20 purposes for the Richard B. Russell Dam and Lake,
21 South Carolina, project authorized by the Flood
22 Control Act of 1966 and modified by the Water Re-
23 sources Development Act of 1986.

24 (2) LAND DESCRIPTION.—

1 (A) IN GENERAL.—The parcels of land to
2 be conveyed are described in Exhibits A, F, and
3 H of Army Lease No. DACW21-1-93-0910
4 and associated supplemental agreements or are
5 designated in red in Exhibit A of Army License
6 No. DACW21-3-85-1904, excluding all des-
7 ignated parcels in the license that are below ele-
8 vation 346 feet mean sea level or that are less
9 than 300 feet measured horizontally from the
10 top of the power pool.

11 (B) MANAGEMENT OF EXCLUDED PAR-
12 CELS.—Management of the excluded parcels
13 shall continue in accordance with the terms of
14 Army License No. DACW21-3-85-1904 until
15 the Secretary and the State enter into an agree-
16 ment under paragraph (6).

17 (C) SURVEY.—The exact acreage and legal
18 description of the land shall be determined by
19 a survey satisfactory to the Secretary, with the
20 cost of the survey borne by the State.

21 (3) COSTS OF CONVEYANCE.—The State shall
22 be responsible for all costs, including real estate
23 transaction and environmental compliance costs, as-
24 sociated with the conveyance.

25 (4) PERPETUAL STATUS.—

1 (A) IN GENERAL.—All land conveyed
2 under this paragraph shall be retained in public
3 ownership and shall be managed in perpetuity
4 for fish and wildlife mitigation purposes in ac-
5 cordance with a plan approved by the Secretary.

6 (B) REVERSION.—If any parcel of land is
7 not managed for fish and wildlife mitigation
8 purposes in accordance with the plan, title to
9 the parcel shall revert to the United States.

10 (5) ADDITIONAL TERMS AND CONDITIONS.—
11 The Secretary may require such additional terms
12 and conditions in connection with the conveyance as
13 the Secretary considers appropriate to protect the
14 interests of the United States.

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

17 (A) IN GENERAL.—The Secretary may pay
18 the State of South Carolina not more than
19 \$4,850,000 subject to the Secretary and the
20 State entering into a binding agreement for the
21 State to manage for fish and wildlife mitigation
22 purposes in perpetuity the lands conveyed under
23 this paragraph and excluded parcels designated
24 in Exhibit A of Army License No. DACW21-
25 3-85-1904.

1 (B) FAILURE OF PERFORMANCE.—The
2 agreement shall specify the terms and condi-
3 tions under which payment will be made and
4 the rights of, and remedies available to, the
5 Federal Government to recover all or a portion
6 of the payment if the State fails to manage any
7 parcel in a manner satisfactory to the Sec-
8 retary.

9 (F) LAND CONVEYANCE, CLARKSTON, WASH-
10 INGTON.—

11 (1) IN GENERAL.—The Secretary shall convey
12 to the Port of Clarkston, Washington, all right, title,
13 and interest of the United States in and to a portion
14 of the land described in the Department of the Army
15 lease No. DACW68-1-97-22, consisting of approxi-
16 mately 31 acres, the exact boundaries of which shall
17 be determined by the Secretary and the Port of
18 Clarkston.

19 (2) ADDITIONAL LAND.—The Secretary may
20 convey to the Port of Clarkston, Washington, such
21 additional land located in the vicinity of Clarkston,
22 Washington, as the Secretary determines to be ex-
23 cess to the needs of the Columbia River Project and
24 appropriate for conveyance.

1 (3) TERMS AND CONDITIONS.—The conveyances
2 made under paragraphs (1) and (2) shall be subject
3 to such terms and conditions as the Secretary deter-
4 mines to be necessary to protect the interests of the
5 United States, including a requirement that the Port
6 of Clarkston pay all administrative costs associated
7 with the conveyances, including the cost of land sur-
8 veys and appraisals and costs associated with com-
9 pliance with applicable environmental laws (includ-
10 ing regulations).

11 (4) USE OF LAND.—The Port of Clarkston
12 shall be required to pay the fair market value, as de-
13 termined by the Secretary, of any land conveyed
14 pursuant to paragraphs (1) and (2) that is not re-
15 tained in public ownership and used for public park
16 or recreation purposes, except that the Secretary
17 shall have a right of reverter to reclaim possession
18 and title to any such land.

19 (s) WHITE RIVER, INDIANA.—The project for flood
20 control, Indianapolis on West Fork of the White River,
21 Indiana, authorized by section 5 of the Act entitled “An
22 Act authorizing the construction of certain public works
23 on rivers and harbors for flood control, and other pur-
24 poses”, approved June 22, 1936 (49 Stat. 1586, chapter
25 688), as modified by section 323 of the Water Resources

1 Development Act of 1996 (110 Stat. 3716), is modified
2 to authorize the Secretary to undertake the riverfront al-
3 terations described in the Central Indianapolis Waterfront
4 Concept Plan, dated February 1994, for the Canal Devel-
5 opment (Upper Canal feature) and the Beveridge Paper
6 feature, at a total cost not to exceed \$25,000,000, of
7 which \$12,500,000 is the estimated Federal cost and
8 \$12,500,000 is the estimated non-Federal cost, except
9 that no such alterations may be undertaken unless the
10 Secretary determines that the alterations authorized by
11 this subsection, in combination with the alterations under-
12 taken under section 323 of the Water Resources Develop-
13 ment Act of 1996 (110 Stat. 3716), are economically justi-
14 fied.

15 (t) FOX POINT HURRICANE BARRIER, PROVIDENCE,
16 RHODE ISLAND.—The project for hurricane-flood protec-
17 tion, Fox Point, Providence, Rhode Island, authorized by
18 section 203 of the Flood Control Act of 1958 (72 Stat.
19 306) is modified to direct the Secretary to undertake the
20 necessary repairs to the barrier, as identified in the Condi-
21 tion Survey and Technical Assessment dated April 1998
22 with Supplement dated August 1998, at a total cost of
23 \$3,000,000, with an estimated Federal cost of \$1,950,000
24 and an estimated non-Federal cost of \$1,050,000.

1 (u) LEE COUNTY, CAPTIVA ISLAND SEGMENT, FLOR-
2 IDA.—

3 (1) IN GENERAL.—The project for shoreline
4 protection, Lee County, Captiva Island segment,
5 Florida, authorized by section 506(b)(3)(A) of the
6 Water Resources Development Act of 1996 (110
7 Stat. 3758), is modified to direct the Secretary to
8 enter into an agreement with the non-Federal inter-
9 est to carry out the project in accordance with sec-
10 tion 206 of the Water Resources Development Act
11 of 1992 (33 U.S.C. 426i–1).

12 (2) DECISION DOCUMENT.—The design memo-
13 randum approved in 1996 shall be the decision docu-
14 ment supporting continued Federal participation in
15 cost sharing of the project.

16 (v) COLUMBIA RIVER CHANNEL, WASHINGTON AND
17 OREGON.—

18 (1) IN GENERAL.—The project for navigation,
19 Columbia River between Vancouver, Washington,
20 and The Dalles, Oregon, authorized by the first sec-
21 tion of the Act of July 24, 1946 (60 Stat. 637,
22 chapter 595), is modified to authorize the Secretary
23 to construct an alternate barge channel to traverse
24 the high span of the Interstate Route 5 bridge be-
25 tween Portland, Oregon, and Vancouver, Wash-

1 ington, to a depth of 17 feet, with a width of ap-
2 proximately 200 feet through the high span of the
3 bridge and a width of approximately 300 feet up-
4 stream of the bridge.

5 (2) DISTANCE UPSTREAM.—The channel shall
6 continue upstream of the bridge approximately
7 2,500 feet to about river mile 107, then to a point
8 of convergence with the main barge channel at about
9 river mile 108.

10 (3) DISTANCE DOWNSTREAM.—

11 (A) SOUTHERN EDGE.—The southern edge
12 of the channel shall continue downstream of the
13 bridge approximately 1,500 feet to river mile
14 106+10, then turn northwest to tie into the
15 edge of the Upper Vancouver Turning Basin.

16 (B) NORTHERN EDGE.—The northern
17 edge of the channel shall continue downstream
18 of the bridge to the Upper Vancouver Turning
19 Basin.

20 **SEC. 103. PROJECT DEAUTHORIZATIONS.**

21 (a) BRIDGEPORT HARBOR, CONNECTICUT.—The por-
22 tion of the project for navigation, Bridgeport Harbor,
23 Connecticut, authorized by section 101 of the River and
24 Harbor Act of 1958 (72 Stat. 297), consisting of a 2.4-
25 acre anchorage area 9 feet deep and an adjacent 0.60-

1 acre anchorage area 6 feet deep, located on the west side
2 of Johnsons River, Connecticut, is not authorized after the
3 date of enactment of this Act.

4 (b) BASS HARBOR, MAINE.—

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

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

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

1 along the westerly limit of the project to the
2 point of origin.

3 (B) Beginning at a point on the westerly
4 limit of the project, N148118.55, E538689.05,
5 thence running southeasterly about 91.92 feet
6 to a point, N148041.43, E538739.07, thence
7 running southerly about 65.00 feet to a point,
8 N147977.86, E538725.51, thence running
9 southwesterly about 91.92 feet to a point on the
10 westerly limit of the project, N147927.84,
11 E538648.39, thence running northerly about
12 195.00 feet along the westerly limit of the
13 project to the point of origin.

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

18 (d) CARVERS HARBOR, VINALHAVEN, MAINE.—

19 (1) DEAUTHORIZATION.—The portion of the
20 project for navigation, Carvers Harbor, Vinalhaven,
21 Maine, authorized by the Act of June 3, 1896 (com-
22 monly known as the “River and Harbor Appropria-
23 tions Act of 1896”) (29 Stat. 202, chapter 314), de-
24 scribed in paragraph (2) is not authorized after the
25 date of enactment of this Act.

1 (2) DESCRIPTION.—The portion of the project
2 referred to in paragraph (1) is the portion of the 16-
3 foot anchorage beginning at a point with coordinates
4 N137,502.04, E895,156.83, thence running south 6
5 degrees 34 minutes 57.6 seconds west 277.660 feet
6 to a point N137,226.21, E895,125.00, thence run-
7 ning north 53 degrees, 5 minutes 42.4 seconds west
8 127.746 feet to a point N137,302.92, E895022.85,
9 thence running north 33 degrees 56 minutes 9.8 sec-
10 onds east 239.999 feet to the point of origin.

11 (e) EAST BOOTHBAY HARBOR, MAINE.—Section 364
12 of the Water Resources Development Act of 1996 (110
13 Stat. 3731) is amended by striking paragraph (9) and in-
14 serting the following:

15 “(9) EAST BOOTHBAY HARBOR, MAINE.—The
16 project for navigation, East Boothbay Harbor,
17 Maine, authorized by the first section of the Act en-
18 titled ‘An Act making appropriations for the con-
19 struction, repair, and preservation of certain public
20 works on rivers and harbors, and for other pur-
21 poses’, approved June 25, 1910 (36 Stat. 657).”.

22 (f) SEARSPORT HARBOR, SEARSPORT, MAINE.—

23 (1) DEAUTHORIZATION.—The portion of the
24 project for navigation, Searsport Harbor, Searsport,
25 Maine, authorized by section 101 of the River and

1 Harbor Act of 1962 (76 Stat. 1173), described in
2 paragraph (2) is not authorized after the date of en-
3 actment of this Act.

4 (2) DESCRIPTION.—The portion of the project
5 referred to in paragraph (1) is the portion of the 35-
6 foot turning basin beginning at a point with coordi-
7 nates N225,008.38, E395,464.26, thence running
8 north 43 degrees 49 minutes 53.4 seconds east
9 362.001 feet to a point N225,269.52, E395,714.96,
10 thence running south 71 degrees 27 minutes 33.0
11 seconds east 1,309.201 feet to a point N224,853.22,
12 E396,956.21, thence running north 84 degrees 3
13 minutes 45.7 seconds west 1,499.997 feet to the
14 point of origin.

15 **SEC. 104. STUDIES.**

16 (a) CADDO LEVEE, RED RIVER BELOW DENISON
17 DAM, ARIZONA, LOUISIANA, OKLAHOMA, AND TEXAS.—
18 The Secretary shall conduct a study to determine the fea-
19 sibility of undertaking a project for flood control, Caddo
20 Levee, Red River Below Denison Dam, Arizona, Lou-
21 isiana, Oklahoma, and Texas, including incorporating the
22 existing levee, along Twelve Mile Bayou from its juncture
23 with the existing Red River Below Denison Dam Levee
24 approximately 26 miles upstream to its terminus at high
25 ground in the vicinity of Black Bayou, Louisiana.

1 (b) BOYDSVILLE, ARKANSAS.—The Secretary shall
2 conduct a study to determine the feasibility of reservoir
3 and associated improvements to provide for flood control,
4 recreation, water quality, water supply, and fish and wild-
5 life purposes in the vicinity of Boydsville, Arkansas.

6 (c) UNION COUNTY, ARKANSAS.—The Secretary
7 shall conduct a study to determine the feasibility of munic-
8 ipal and industrial water supply for Union County, Arkan-
9 sas.

10 (d) WHITE RIVER BASIN, ARKANSAS AND MIS-
11 SOURI.—

12 (1) IN GENERAL.—The Secretary shall conduct
13 a study of the project for flood control, power gen-
14 eration, and other purposes at the White River
15 Basin, Arkansas and Missouri, authorized by section
16 4 of the Act of June 28, 1938 (52 Stat. 1218, chap-
17 ter 795), and modified by H. Doc. 917, 76th Cong.,
18 3d Sess., and H. Doc. 290, 77th Cong., 1st Sess.,
19 approved August 18, 1941, and H. Doc. 499, 83d
20 Cong., 2d Sess., approved September 3, 1954, and
21 by section 304 of the Water Resources Development
22 Act of 1996 (110 Stat. 3711) to determine the feasi-
23 bility of modifying the project to provide minimum
24 flows necessary to sustain the tail water trout fish-
25 eries.

1 (2) REPORT.—Not later than July 30, 2000,
2 the Secretary shall submit to Congress a report on
3 the study and any recommendations on reallocation
4 of storage at Beaver Lake, Table Rock, Bull Shoals
5 Lake, Norfolk Lake, and Greers Ferry Lake.

6 (e) FIELDS LANDING CHANNEL, HUMBOLDT HAR-
7 BOR, CALIFORNIA.—The Secretary—

8 (1) shall conduct a study for the project for
9 navigation, Fields Landing Channel, Humboldt Har-
10 bor and Bay, California, to a depth of minus 35 feet
11 (MLLW), and for that purpose may use any feasi-
12 bility report prepared by the non-Federal sponsor
13 under section 203 of the Water Resources Develop-
14 ment Act of 1986 (33 U.S.C. 2231) for which reim-
15 bursement of the Federal share of the study is au-
16 thorized subject to the availability of appropriations;
17 and

18 (2) may carry out the project under section 107
19 of the River and Harbor Act of 1960 (33 U.S.C.
20 577), if the Secretary determines that the project is
21 feasible.

22 (f) FRAZIER CREEK, TULARE COUNTY, CALI-
23 FORNIA.—The Secretary shall conduct a study to
24 determine—

1 (1) the feasibility of restoring Frazier Creek,
2 Tulare County, California; and

3 (2) the Federal interest in flood control, envi-
4 ronmental restoration, conservation of fish and wild-
5 life resources, recreation, and water quality of the
6 creek.

7 (g) STRAWBERRY CREEK, BERKELEY, CALI-
8 FORNIA.—The Secretary shall conduct a study to deter-
9 mine the feasibility of restoring Strawberry Creek, Berke-
10 ley, California, and the Federal interest in environmental
11 restoration, conservation of fish and wildlife resources,
12 recreation, and water quality.

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

18 (i) APALACHICOLA RIVER, FLORIDA.—The Secretary
19 shall conduct a study for the purpose of identifying—

20 (1) alternatives for the management of material
21 dredged in connection with operation and mainte-
22 nance of the Apalachicola River Navigation Project;
23 and

24 (2) alternatives that reduce the requirements
25 for such dredging.

1 (j) BROWARD COUNTY, SAND BYPASSING AT PORT
2 EVERGLADES, FLORIDA.—The Secretary shall conduct a
3 study to determine the feasibility of constructing a sand
4 bypassing project at the Port Everglades Inlet, Florida.

5 (k) CITY OF DESTIN-NORIEGA POINT BREAKWATER,
6 FLORIDA.—The Secretary shall conduct a study to deter-
7 mine the feasibility of—

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

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

12 (l) GATEWAY TRIANGLE REDEVELOPMENT AREA,
13 FLORIDA.—

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

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

22 (m) CITY OF PLANT CITY, FLORIDA.—

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

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

5 (n) BOISE, IDAHO.—The Secretary shall conduct a
6 study to determine the feasibility of undertaking flood con-
7 trol on the Boise River in Boise, Idaho.

8 (o) GOOSE CREEK WATERSHED, OAKLEY, IDAHO.—
9 The Secretary shall conduct a study to determine the fea-
10 sibility of undertaking flood damage reduction, water con-
11 servation, ground water recharge, ecosystem restoration,
12 and related purposes along the Goose Creek watershed
13 near Oakley, Idaho.

14 (p) LITTLE WOOD RIVER, GOODING, IDAHO.—The
15 Secretary shall conduct a study to determine the feasibility
16 of restoring and repairing the Lava Rock Little Wood
17 River Containment System to prevent flooding in the city
18 of Gooding, Idaho.

19 (q) BANK STABILIZATION, SNAKE RIVER, LEWISTON,
20 IDAHO.—The Secretary shall conduct a study to deter-
21 mine the feasibility of undertaking bank stabilization and
22 flood control on the Snake River at Lewiston, Idaho.

23 (r) SNAKE RIVER AND PAYETTE RIVER, IDAHO.—
24 The Secretary shall conduct a study to determine the fea-

1 sibility of a flood control project along the Snake River
2 and Payette River, in the vicinity of Payette, Idaho.

3 (s) ACADIANA NAVIGATION CHANNEL, LOUISIANA.—

4 The Secretary shall conduct a study to determine the fea-
5 sibility of assuming operations and maintenance for the
6 Acadiana Navigation Channel located in Iberia and
7 Vermillion Parishes, Louisiana.

8 (t) CAMERON PARISH WEST OF CALCASIEU RIVER,

9 LOUISIANA.—The Secretary shall conduct a study to de-
10 termine the feasibility of a storm damage reduction and
11 ecosystem restoration project for Cameron Parish west of
12 Calcasieu River, Louisiana.

13 (u) BENEFICIAL USE OF DREDGED MATERIAL,

14 COASTAL LOUISIANA.—The Secretary shall conduct a
15 study to determine the feasibility of using dredged mate-
16 rial from maintenance activities at Federal navigation
17 projects in coastal Louisiana to benefit coastal areas in
18 the State.

19 (v) CONTRABAND BAYOU NAVIGATION CHANNEL,

20 LOUISIANA.—The Secretary shall conduct a study to de-
21 termine the feasibility of assuming the maintenance at
22 Contraband Bayou, Calcasieu River Ship Canal, Lou-
23 isiana.

24 (w) GOLDEN MEADOW LOCK, LOUISIANA.—The Sec-

25 retary shall conduct a study to determine the feasibility

1 of converting the Golden Meadow floodgate into a naviga-
2 tion lock to be included in the Larose to Golden Meadow
3 Hurricane Protection Project, Louisiana.

4 (x) GULF INTRACOASTAL WATERWAY ECOSYSTEM
5 PROTECTION, CHEF MENTEUR TO SABINE RIVER, LOU-
6 ISIANA.—

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

12 (2) MATTERS TO BE ADDRESSED.—The study
13 shall address saltwater intrusion, tidal scour, ero-
14 sion, compaction, subsidence, wind and wave action,
15 bank failure, and other problems relating to water
16 resources in the area.

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

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

12 (aa) MUDDY RIVER, BROOKLINE AND BOSTON, MAS-
13 SACHUSETTS.—

14 (1) IN GENERAL.—The Secretary shall evaluate
15 the January 1999 study commissioned by the Bos-
16 ton Parks and Recreation Department, Boston, Mas-
17 sachusetts, and entitled “The Emerald Necklace En-
18 vironmental Improvement Master Plan, Phase I
19 Muddy River Flood Control, Water Quality and
20 Habitat Enhancement”, to determine whether the
21 plans outlined in the study for flood control, water
22 quality, habitat enhancements, and other improve-
23 ments to the Muddy River in Brookline and Boston,
24 Massachusetts, are cost-effective, technically sound,

1 environmentally acceptable, and in the Federal inter-
2 est.

3 (2) REPORT.—Not later than December 31,
4 1999, the Secretary shall report to Congress the re-
5 sults of the evaluation.

6 (bb) DETROIT RIVER, MICHIGAN, GREENWAY COR-
7 RIDOR STUDY.—

8 (1) IN GENERAL.—The Secretary shall conduct
9 a study to determine the feasibility of a project for
10 shoreline protection, frontal erosion, and associated
11 purposes in the Detroit River shoreline area from
12 the Belle Isle Bridge to the Ambassador Bridge in
13 Detroit, Michigan.

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

18 (cc) ST. CLAIR SHORES FLOOD CONTROL, MICHIGAN.—The Secretary shall conduct a study to determine
19 the feasibility of constructing a flood control project at St.
20 Clair Shores, Michigan.

22 (dd) WOODTICK PENINSULA, MICHIGAN, AND TO-
23 LEDO HARBOR, OHIO.—The Secretary shall conduct a
24 study to determine the feasibility of utilizing dredged ma-
25 terial from Toledo Harbor, Ohio, to provide erosion reduc-

1 tion, navigation, and ecosystem restoration at Woodtick
2 Peninsula, Michigan.

3 (ee) DREDGED MATERIAL MANAGEMENT,
4 PASCAGOULA HARBOR, MISSISSIPPI.—

5 (1) IN GENERAL.—The Secretary shall conduct
6 a study to determine an alternative plan for dredged
7 material management for the Pascagoula River por-
8 tion of the project for navigation, Pascagoula Har-
9 bor, Mississippi, authorized by section 202(a) of the
10 Water Resources Development Act of 1986 (100
11 Stat. 4094).

12 (2) CONTENTS.—The study under paragraph
13 (1) shall—

14 (A) include an analysis of the feasibility of
15 expanding the Singing River Island Disposal
16 Area or constructing a new dredged material
17 disposal facility; and

18 (2) identify methods of managing and re-
19 ducing sediment transport into the Federal
20 navigation channel.

21 (ff) TUNICA LAKE WEIR, MISSISSIPPI.—

22 (1) IN GENERAL.—The Secretary shall conduct
23 a study to determine the feasibility of constructing
24 an outlet weir at Tunica Lake, Tunica County, Mis-

1 Mississippi, and Lee County, Arkansas, for the purpose
2 of stabilizing water levels in the Lake.

3 (2) ECONOMIC ANALYSIS.—In carrying out the
4 study, the Secretary shall include as a part of the
5 economic analysis the benefits derived from recre-
6 ation uses at the Lake and economic benefits associ-
7 ated with restoration of fish and wildlife habitat.

8 (gg) PROTECTIVE FACILITIES FOR THE ST. LOUIS,
9 MISSOURI, RIVERFRONT AREA.—

10 (1) STUDY.—The Secretary shall conduct a
11 study to determine the optimal plan to protect facili-
12 ties that are located on the Mississippi River river-
13 front within the boundaries of St. Louis, Missouri.

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

16 (A) evaluate alternatives to offer safety
17 and security to facilities; and

18 (B) use state-of-the-art techniques to best
19 evaluate the current situation, probable solu-
20 tions, and estimated costs.

21 (3) REPORT.—Not later than April 15, 2000,
22 the Secretary shall submit to Congress a report on
23 the results of the study.

24 (hh) YELLOWSTONE RIVER, MONTANA.—

1 (1) STUDY.—The Secretary shall conduct a
2 comprehensive study of the Yellowstone River from
3 Gardiner, Montana to the confluence of the Missouri
4 River to determine the hydrologic, biological, and so-
5 cioeconomic cumulative impacts on the river.

6 (2) CONSULTATION AND COORDINATION.—The
7 Secretary shall conduct the study in consultation
8 with the United States Fish and Wildlife Service,
9 the United States Geological Survey, and the Nat-
10 ural Resources Conservation Service and with the
11 full participation of the State of Montana and tribal
12 and local entities, and provide for public participa-
13 tion.

14 (3) REPORT.—Not later than 5 years after the
15 date of enactment of this Act, the Secretary shall
16 submit a report to Congress on the results of the
17 study.

18 (ii) LAS VEGAS VALLEY, NEVADA.—

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

22 (2) OBJECTIVES.—The study shall identify
23 problems and opportunities related to ecosystem res-
24 toration, water quality, particularly the quality of
25 surface runoff, water supply, and flood control.

1 (jj) OSWEGO RIVER BASIN, NEW YORK.—The Sec-
2 retary shall conduct a study to determine the feasibility
3 of establishing a flood forecasting system within the
4 Oswego River basin, New York.

5 (kk) PORT OF NEW YORK-NEW JERSEY NAVIGATION
6 STUDY AND ENVIRONMENTAL RESTORATION STUDY.—

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

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

1 (3) REPORT.—The Secretary may use funds
2 from the ongoing navigation study for New York
3 and New Jersey Harbor to complete a reconnais-
4 sance report for environmental restoration by De-
5 cember 31, 1999. The navigation study to deepen
6 New York and New Jersey Harbor shall consider
7 beneficial use of dredged material.

8 (II) CLEVELAND HARBOR, CLEVELAND, OHIO.—The
9 Secretary shall conduct a study to determine the feasibility
10 of undertaking repairs and related navigation improve-
11 ments at Dike 14, Cleveland, Ohio.

12 (mm) CHAGRIN, OHIO.—

13 (1) IN GENERAL.—The Secretary shall conduct
14 a study to determine the feasibility of undertaking
15 flood damage reduction at Chagrin, Ohio.

16 (2) ICE RETENTION STRUCTURE.—In con-
17 ducting the study, the Secretary may consider con-
18 struction of an ice retention structure as a potential
19 means of providing flood damage reduction.

20 (nn) TOUSSAINT RIVER, CARROLL TOWNSHIP,
21 OHIO.—The Secretary shall conduct a study to determine
22 the feasibility of undertaking navigation improvements at
23 Toussaint River, Carroll Township, Ohio.

24 (oo) SANTEE DELTA WETLAND HABITAT, SOUTH
25 CAROLINA.—Not later than 18 months after the date of

1 enactment of this Act, the Secretary shall complete a com-
2 prehensive study of the ecosystem in the Santee Delta
3 focus area of South Carolina to determine the feasibility
4 of undertaking measures to enhance the wetland habitat
5 in the area.

6 (pp) WACCAMAW RIVER, SOUTH CAROLINA.—The
7 Secretary shall conduct a study to determine the feasibility
8 of a flood control project for the Waccamaw River in
9 Horry County, South Carolina.

10 (qq) UPPER SUSQUEHANNA-LACKAWANNA, PENN-
11 SYLVANIA, WATERSHED MANAGEMENT AND RESTORA-
12 TION STUDY.—

13 (1) IN GENERAL.—The Secretary shall conduct
14 a study to determine the feasibility of a comprehen-
15 sive flood plain management and watershed restora-
16 tion project for the Upper Susquehanna-Lacka-
17 wanna Watershed, Pennsylvania.

18 (2) GEOGRAPHIC INFORMATION SYSTEM.—In
19 conducting the study, the Secretary shall use a geo-
20 graphic information system.

21 (3) PLANS.—The study shall formulate plans
22 for comprehensive flood plain management and envi-
23 ronmental restoration.

24 (4) CREDITING.—Non-Federal interests may re-
25 ceive credit for in-kind services and materials that

1 contribute to the study. The Secretary may credit
2 non-Corps Federal assistance provided to the non-
3 Federal interest toward the non-Federal share of
4 study costs to the maximum extent authorized by
5 law.

6 (rr) CONTAMINATED DREDGED MATERIAL AND
7 SEDIMENT MANAGEMENT, SOUTH CAROLINA COASTAL
8 AREAS.—

9 (1) IN GENERAL.—The Secretary shall review
10 pertinent reports and conduct other studies and field
11 investigations to determine the best available science
12 and methods for management of contaminated
13 dredged material and sediments in the coastal areas
14 of South Carolina.

15 (2) FOCUS.—In carrying out subsection (a), the
16 Secretary shall place particular focus on areas where
17 the Corps of Engineers maintains deep draft naviga-
18 tion projects, such as Charleston Harbor, George-
19 town Harbor, and Port Royal, South Carolina.

20 (3) COOPERATION.—The studies shall be con-
21 ducted in cooperation with the appropriate Federal
22 and State environmental agencies.

23 (ss) NIOBRARA RIVER AND MISSOURI RIVER SEDI-
24 MENTATION STUDY, SOUTH DAKOTA.—The Secretary
25 shall conduct a study of the Niobrara River watershed and

1 the operations of Fort Randall Dam and Gavins Point
2 Dam on the Missouri River to determine the feasibility
3 of alleviating the bank erosion, sedimentation, and related
4 problems in the lower Niobrara River and the Missouri
5 River below Fort Randall Dam.

6 (tt) SANTA CLARA RIVER, UTAH.—

7 (1) IN GENERAL.—The Secretary shall conduct
8 a study to determine the feasibility of undertaking
9 measures to alleviate damage caused by flooding,
10 bank erosion, and sedimentation along the watershed
11 of the Santa Clara River, Utah, above the Gunlock
12 Reservoir.

13 (2) CONTENTS.—The study shall include an
14 analysis of watershed conditions and water quality,
15 as related to flooding and bank erosion, along the
16 Santa Clara River in the vicinity of the town of
17 Gunlock, Utah.

18 (uu) MOUNT ST. HELENS ENVIRONMENTAL RES-
19 TORATION, WASHINGTON.—

20 (1) IN GENERAL.—The Secretary shall conduct
21 a study to determine the feasibility of ecosystem res-
22 toration improvements throughout the Cowlitz and
23 Toutle River basins, Washington, including the
24 6,000 acres of wetland, riverine, riparian, and up-
25 land habitats lost or altered due to the eruption of

1 Mount St. Helens in 1980 and subsequent emer-
2 gency actions.

3 (2) REQUIREMENTS.—In carrying out the
4 study, the Secretary shall—

5 (A) work in close coordination with local
6 governments, watershed entities, the State of
7 Washington, and other Federal agencies; and

8 (B) place special emphasis on—

9 (i) conservation and restoration strat-
10 egies to benefit species that are listed or
11 proposed for listing as threatened or en-
12 dangered species under the Endangered
13 Species Act of 1973 (16 U.S.C. 1531 et
14 seq.); and

15 (ii) other watershed restoration objec-
16 tives.

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

23 (ww) APRA HARBOR SEAWALL, GUAM.—The Sec-
24 retary shall conduct a study to determine the feasibility
25 of undertaking measures to repair, upgrade, and extend

1 the seawall protecting Apra Harbor, Guam, and to ensure
2 continued access to the harbor via Route 11B.

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

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

14 (zz) ALTERNATIVE WATER SOURCES STUDY.—

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

21 (2) REQUIREMENTS.—The study shall—

22 (A) identify the water supply needs (in-
23 cluding potable, commercial, industrial, rec-
24 reational and agricultural needs) of each State
25 described in paragraph (1) through 2020, mak-

1 ing use of such State, regional, and local plans,
2 studies, and reports as are available;

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

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

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

17 (aaa) GREAT LAKES NAVIGATIONAL SYSTEM.—In
18 consultation with the St. Lawrence Seaway Development
19 Corporation, the Secretary shall review the Great Lakes
20 Connecting Channel and Harbors Report dated March
21 1985 to determine the feasibility of any modification of
22 the recommendations made in the report to improve com-
23 mercial navigation on the Great Lakes navigation system,
24 including locks, dams, harbors, ports, channels, and other
25 related features.

1 **TITLE II—GENERAL PROVISIONS**

2 **SEC. 201. FLOOD HAZARD MITIGATION AND RIVERINE ECO-**
3 **SYSTEM RESTORATION PROGRAM.**

4 (a) IN GENERAL.—

5 (1) AUTHORIZATION.—The Secretary may carry
6 out a program to reduce flood hazards and restore
7 the natural functions and values of riverine eco-
8 systems throughout the United States.

9 (2) STUDIES.—In carrying out the program,
10 the Secretary shall conduct studies to identify appro-
11 priate flood damage reduction, conservation, and
12 restoration measures and may design and implement
13 watershed management and restoration projects.

14 (3) PARTICIPATION.—The studies and projects
15 carried out under the program shall be conducted, to
16 the extent practicable, with the full participation of
17 the appropriate Federal agencies, including the De-
18 partment of Agriculture, the Federal Emergency
19 Management Agency, the Department of the Inte-
20 rior, the Environmental Protection Agency, and the
21 Department of Commerce.

22 (4) NONSTRUCTURAL APPROACHES.—The stud-
23 ies and projects shall, to the extent practicable, em-
24 phasize nonstructural approaches to preventing or
25 reducing flood damages.

1 (b) COST-SHARING REQUIREMENTS.—

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

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

9 (3) IN-KIND CONTRIBUTIONS.—The non-Fed-
10 eral interests shall provide all land, easements,
11 rights-of-way, dredged material disposal areas, and
12 relocations necessary for the projects. The value of
13 the land, easements, rights-of-way, dredged material
14 disposal areas, and relocations shall be credited to-
15 ward the payment required under this subsection.

16 (4) RESPONSIBILITIES OF THE NON-FEDERAL
17 INTERESTS.—The non-Federal interests shall be re-
18 sponsible for all costs associated with operating,
19 maintaining, replacing, repairing, and rehabilitating
20 all projects carried out under this section.

21 (c) PROJECT JUSTIFICATION.—

22 (1) IN GENERAL.—The Secretary may imple-
23 ment a project under this section if the Secretary
24 determines that the project—

1 (A) will significantly reduce potential flood
2 damages;

3 (B) will improve the quality of the environ-
4 ment; and

5 (C) is justified considering all costs and
6 beneficial outputs of the project.

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

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

13 (B) establish policies and procedures for
14 carrying out the studies and projects under-
15 taken under this section.

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

18 (1) the Secretary provides to the Committee on
19 Environment and Public Works of the Senate and
20 the Committee on Transportation and Infrastructure
21 of the House of Representatives a written notifica-
22 tion describing the project and the determinations
23 made under subsection (c); and

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

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

7 (1) Los Angeles County drainage area, Cali-
8 fornia;

9 (2) Napa River Valley watershed, California;

10 (3) Le May, Missouri;

11 (4) the upper Delaware River basin, New York;

12 (5) Mill Creek, Cincinnati, Ohio;

13 (6) Tillamook County, Oregon;

14 (7) Willamette River basin, Oregon;

15 (8) Delaware River, Pennsylvania;

16 (9) Schuylkill River, Pennsylvania; and

17 (10) Providence County, Rhode Island.

18 (f) PER-PROJECT LIMITATION.—Not more than
19 \$25,000,000 in Army Civil Works appropriations may be
20 expended on any single project undertaken under this sec-
21 tion.

22 (g) AUTHORIZATION OF APPROPRIATIONS.—

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

1 (2) PROGRAM FUNDING LEVELS.—All studies
2 and projects undertaken under this authority from
3 Army Civil Works appropriations shall be fully fund-
4 ed within the program funding levels provided in this
5 subsection.

6 **SEC. 202. SHORE PROTECTION.**

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

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

11 “(1) CONSTRUCTION.—Costs of constructing”;
12 and

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

14 “(2) PERIODIC NOURISHMENT.—In the case of
15 a project authorized for construction after December
16 31, 1999, or for which a feasibility study is com-
17 pleted after that date, the non-Federal cost of the
18 periodic nourishment of projects or measures for
19 shore protection or beach erosion control shall be 50
20 percent, except that—

21 “(A) all costs assigned to benefits to pri-
22 vately owned shores (where use of such shores
23 is limited to private interests) or to prevention
24 of losses of private land shall be borne by non-
25 Federal interests; and

1 “(B) all costs assigned to the protection of
2 federally owned shores shall be borne by the
3 United States.”.

4 **SEC. 203. SMALL FLOOD CONTROL AUTHORITY.**

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

7 (1) in the first sentence, by striking “construc-
8 tion of small projects” and inserting “implementa-
9 tion of small structural and nonstructural projects”;
10 and

11 (2) in the third sentence, by striking
12 “\$5,000,000” and inserting “\$7,000,000”.

13 **SEC. 204. USE OF NON-FEDERAL FUNDS FOR COMPILING**
14 **AND DISSEMINATING INFORMATION ON**
15 **FLOODS AND FLOOD DAMAGES.**

16 Section 206(b) of the Flood Control Act of 1960 (33
17 U.S.C. 709a(b)) is amended in the third sentence by in-
18 serting before the period at the end the following: “, but
19 the Secretary of the Army may accept funds voluntarily
20 contributed by such entities for the purpose of expanding
21 the scope of the services requested by the entities”.

22 **SEC. 205. AQUATIC ECOSYSTEM RESTORATION.**

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

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

3 “(1) IN GENERAL.—Construction”; and

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

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

11 **SEC. 206. BENEFICIAL USES OF DREDGED MATERIAL.**

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

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

20 **SEC. 207. VOLUNTARY CONTRIBUTIONS BY STATES AND PO-**
21 **LITICAL SUBDIVISIONS.**

22 Section 5 of the Act of June 22, 1936 (33 U.S.C.
23 701h), is amended by inserting “or environmental restora-
24 tion” after “flood control”.

1 **SEC. 208. RECREATION USER FEES.**

2 (a) WITHHOLDING OF AMOUNTS.—

3 (1) IN GENERAL.—During fiscal years 1999
4 through 2002, the Secretary may withhold from the
5 special account established under section 4(i)(1)(A)
6 of the Land and Water Conservation Fund Act of
7 1965 (16 U.S.C. 4601–6a(i)(1)(A)) 100 percent of
8 the amount of receipts above a baseline of
9 \$34,000,000 per each fiscal year received from fees
10 imposed at recreation sites under the administrative
11 jurisdiction of the Department of the Army under
12 section 4(b) of that Act (16 U.S.C. 4601–6a(b)).

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

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

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

24 (1) repair and maintenance projects (including
25 projects relating to health and safety);

26 (2) interpretation;

- 1 (3) signage;
- 2 (4) habitat or facility enhancement;
- 3 (5) resource preservation;
- 4 (6) annual operation (including fee collection);
- 5 (7) maintenance; and
- 6 (8) law enforcement related to public use.

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

11 **SEC. 209. WATER RESOURCES DEVELOPMENT STUDIES FOR**
 12 **THE PACIFIC REGION.**

13 Section 444 of the Water Resources Development Act
 14 of 1996 (110 Stat. 3747) is amended by striking “interest
 15 of navigation” and inserting “interests of water resources
 16 development (including navigation, flood damage reduc-
 17 tion, and environmental restoration)”.

18 **SEC. 210. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**
 19 **HANCEMENT PROJECT.**

20 (a) DEFINITIONS.—In this section:

- 21 (1) MIDDLE MISSISSIPPI RIVER.—The term
 22 “middle Mississippi River” means the reach of the
 23 Mississippi River from the mouth of the Ohio River
 24 (river mile 0, upper Mississippi River) to the mouth
 25 of the Missouri River (river mile 195).

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

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

8 (b) PROTECTION AND ENHANCEMENT ACTIVITIES.—

9 (1) PLAN.—

10 (A) DEVELOPMENT.—Not later than 180
11 days after the date of enactment of this Act,
12 the Secretary shall develop a plan for a project
13 to protect and enhance fish and wildlife habitat
14 of the Missouri River and the middle Mis-
15 sissippi River.

16 (B) ACTIVITIES.—

17 (i) IN GENERAL.—The plan shall pro-
18 vide for such activities as are necessary to
19 protect and enhance fish and wildlife habi-
20 tat without adversely affecting—

21 (I) the water-related needs of the
22 region surrounding the Missouri River
23 and the middle Mississippi River, in-
24 cluding flood control, navigation,

1 recreation, and enhancement of water
2 supply; and

3 (II) private property rights.

4 (ii) REQUIRED ACTIVITIES.—The plan
5 shall include—

6 (I) modification and improvement
7 of navigation training structures to
8 protect and enhance fish and wildlife
9 habitat;

10 (II) modification and creation of
11 side channels to protect and enhance
12 fish and wildlife habitat;

13 (III) restoration and creation of
14 island fish and wildlife habitat;

15 (IV) creation of riverine fish and
16 wildlife habitat;

17 (V) establishment of criteria for
18 prioritizing the type and sequencing of
19 activities based on cost-effectiveness
20 and likelihood of success; and

21 (VI) physical and biological moni-
22 toring for evaluating the success of
23 the project, to be performed by the
24 River Studies Center of the United

1 States Geological Survey in Columbia,
2 Missouri.

3 (2) IMPLEMENTATION OF ACTIVITIES.—

4 (A) IN GENERAL.—Using funds made
5 available to carry out this section, the Secretary
6 shall carry out the activities described in the
7 plan.

8 (B) USE OF EXISTING AUTHORITY FOR
9 UNCONSTRUCTED FEATURES OF THE
10 PROJECT.—Using funds made available to the
11 Secretary under other law, the Secretary shall
12 design and construct any feature of the project
13 that may be carried out using the authority of
14 the Secretary to modify an authorized project,
15 if the Secretary determines that the design and
16 construction will—

17 (i) accelerate the completion of activi-
18 ties to protect and enhance fish and wild-
19 life habitat of the Missouri River or the
20 middle Mississippi River; and

21 (ii) be compatible with the project
22 purposes described in this section.

23 (c) INTEGRATION OF OTHER ACTIVITIES.—

24 (1) IN GENERAL.—In carrying out the activities
25 described in subsection (b), the Secretary shall inte-

1 grate the activities with other Federal, State, and
2 tribal activities.

3 (2) NEW AUTHORITY.—Nothing in this section
4 confers any new regulatory authority on any Federal
5 or non-Federal entity that carries out any activity
6 authorized by this section.

7 (d) PUBLIC PARTICIPATION.—In developing and car-
8 rying out the plan and the activities described in sub-
9 section (b), the Secretary shall provide for public review
10 and comment in accordance with applicable Federal law,
11 including—

12 (1) providing advance notice of meetings;

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

15 (3) maintaining appropriate records; and

16 (4) compiling a record of the proceedings of
17 meetings.

18 (e) COMPLIANCE WITH APPLICABLE LAW.—In car-
19 rying out the activities described in subsections (b) and
20 (c), the Secretary shall comply with any applicable Federal
21 law, including the National Environmental Policy Act of
22 1969 (42 U.S.C. 4321 et seq.).

23 (f) COST SHARING.—

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

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

4 (3) OPERATION AND MAINTENANCE.—The op-
5 eration and maintenance of the project shall be a
6 non-Federal responsibility.

7 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to pay the Federal share
9 of the cost of carrying out activities under this section
10 \$30,000,000 for the period of fiscal years 2000 and 2001.

11 **SEC. 211. OUTER CONTINENTAL SHELF.**

12 (a) SAND, GRAVEL, AND SHELL.—Section 8(k)(2)(B)
13 of the Outer Continental Shelf Lands Act (43 U.S.C.
14 1337(k)(2)(B)) is amended in the second sentence by in-
15 serting before the period at the end the following: “or any
16 other non-Federal interest subject to an agreement en-
17 tered into under section 221 of the Flood Control Act of
18 1970 (42 U.S.C. 1962d–5b)”.

19 (b) REIMBURSEMENT FOR LOCAL INTERESTS.—Any
20 amounts paid by non-Federal interests for beach erosion
21 control, hurricane protection, shore protection, or storm
22 damage reduction projects as a result of an assessment
23 under section 8(k) of the Outer Continental Shelf Lands
24 Act (43 U.S.C. 1337(k)) shall be fully reimbursed.

1 **SEC. 212. ENVIRONMENTAL DREDGING.**

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

5 “(6) Snake Creek, Bixby, Oklahoma.

6 “(7) Willamette River, Oregon.”.

7 **SEC. 213. BENEFIT OF PRIMARY FLOOD DAMAGES AVOIDED**
8 **INCLUDED IN BENEFIT-COST ANALYSIS.**

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

11 (1) in the heading of subsection (a), by striking
12 “BENEFIT-COST ANALYSIS” and inserting “ELE-
13 MENTS EXCLUDED FROM COST-BENEFIT ANAL-
14 YSIS”;

15 (2) by redesignating subsections (b) through (e)
16 as subsections (c) through (f), respectively;

17 (3) by inserting after subsection (a) the fol-
18 lowing:

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

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

1 **SEC. 214. CONTROL OF AQUATIC PLANT GROWTH.**

2 Section 104(a) of the River and Harbor Act of 1958
 3 (33 U.S.C. 610(a)) is amended in the first sentence by
 4 striking “water-hyacinth, alligatorweed, Eurasian water
 5 milfoil, melaleuca,” and inserting “Alligatorweed,
 6 Aquaticum, Arundo Dona, Brazilian Elodea, Cabomba,
 7 Melaleuca, Myrophyllum, Spicatum, Tarmarix, Water
 8 Hyacinth,”.

9 **SEC. 215. ENVIRONMENTAL INFRASTRUCTURE.**

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

13 “(19) LAKE TAHOE, CALIFORNIA AND NE-
 14 VADA.—Regional water system for Lake Tahoe,
 15 California and Nevada.

16 “(20) LANCASTER, CALIFORNIA.—Fox Field In-
 17 dustrial Corridor water facilities, Lancaster, Cali-
 18 fornia.

19 “(21) SAN RAMON, CALIFORNIA.—San Ramon
 20 Valley recycled water project, San Ramon, Cali-
 21 fornia.”.

22 **SEC. 216. WATERSHED MANAGEMENT, RESTORATION, AND**
 23 **DEVELOPMENT.**

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

26 (1) in subsection (d)—

1 (A) by striking paragraph (10) and insert-
2 ing the following:

3 “(10) Regional Atlanta Watershed, Atlanta,
4 Georgia, and Lake Lanier of Forsyth and Hall
5 Counties, Georgia.”; and

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

7 “(14) Clear Lake watershed, California.

8 “(15) Fresno Slough watershed, California.

9 “(16) Hayward Marsh, Southern San Francisco
10 Bay watershed, California.

11 “(17) Kaweah River watershed, California.

12 “(18) Lake Tahoe watershed, California and
13 Nevada.

14 “(19) Malibu Creek watershed, California.

15 “(20) Truckee River basin, Nevada.

16 “(21) Walker River basin, Nevada.

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

18 “(23) Catawba River watershed, North Caro-
19 lina.

20 “(24) Columbia Slough watershed, Oregon.”;

21 (2) by redesignating subsection (e) as sub-
22 section (f); and

23 (3) by inserting after subsection (d) the fol-
24 lowing:

1 “(e) NONPROFIT ENTITIES.—Notwithstanding sec-
2 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
3 1962d–5b(b)), for any project undertaken under this sec-
4 tion, with the consent of the affected local government,
5 a non-Federal interest may include a nonprofit entity.”.

6 **SEC. 217. LAKES PROGRAM.**

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

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

11 (2) in paragraph (16), by striking the period at
12 the end; and

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

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

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

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

21 **SEC. 218. SEDIMENTS DECONTAMINATION POLICY.**

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

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

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

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

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

18 **SEC. 219. DISPOSAL OF DREDGED MATERIAL ON BEACHES.**

19 (a) IN GENERAL.—Section 145 of the Water Re-
20 sources Development Act of 1976 (33 U.S.C. 426j) is
21 amended in the first sentence by striking “50” and insert-
22 ing “35”.

23 (b) GREAT LAKES BASIN.—The Secretary shall work
24 with the State of Ohio, other Great Lakes States, and po-
25 litical subdivisions of the States to fully implement and

1 maximize beneficial reuse of dredged material as provided
2 under section 145 of the Water Resources Development
3 Act of 1976 (33 U.S.C. 426j).

4 **SEC. 220. FISH AND WILDLIFE MITIGATION.**

5 Section 906(e) of the Water Resources Development
6 Act of 1986 (33 U.S.C. 2283(e)) is amended by inserting
7 after the second sentence the following: “Not more than
8 80 percent of the non-Federal share of such first costs
9 may be in kind, including a facility, supply, or service that
10 is necessary to carry out the enhancement project.”.

11 **SEC. 221. REIMBURSEMENT OF NON-FEDERAL INTEREST.**

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

17 **SEC. 222. NATIONAL CONTAMINATED SEDIMENT TASK**
18 **FORCE.**

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

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

4 (c) REPORTING ON REMEDIAL ACTION.—

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

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

12 (A) areas of probable concern identified in
13 the survey of data regarding aquatic sediment
14 quality required by section 503(a) of the Na-
15 tional Contaminated Sediment Assessment and
16 Management Act (33 U.S.C. 1271);

17 (B) areas of concern within the Great
18 Lakes, as identified under section 118(f) of the
19 Federal Water Pollution Control Act (33 U.S.C.
20 1268(f));

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

1 (D) areas for which remedial action has
2 been authorized under any of the Water Re-
3 sources Development Acts; and

4 (E) as appropriate, any other areas where
5 sediment contamination is identified by the
6 Task Force.

7 (3) ACTIVITIES.—Remedial actions subject to
8 reporting under this subsection include remedial ac-
9 tions under—

10 (A) the Comprehensive Environmental Re-
11 sponse, Compensation, and Liability Act of
12 1980 (42 U.S.C. 9601 et seq.) or other Federal
13 or State law containing environmental remedi-
14 ation authority;

15 (B) any of the Water Resources Develop-
16 ment Acts;

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

19 (D) section 10 of the Act of March 3,
20 1899 (30 Stat. 1151, chapter 425).

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

24 (A) the authorities and sources of funding
25 for conducting the remedial action;

1 (B) the nature and sources of the sediment
2 contamination, including volume and concentra-
3 tion, where appropriate;

4 (C) the testing conducted to determine the
5 nature and extent of sediment contamination
6 and to determine whether the remedial action is
7 necessary;

8 (D) the action levels or other factors used
9 to determine that the remedial action is nec-
10 essary;

11 (E) the nature of the remedial action
12 planned or undertaken, including the levels of
13 protection of public health and the environment
14 to be achieved by the remedial action;

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

17 (G) the status of projects and the obstacles
18 or barriers to prompt conduct of the remedial
19 action; and

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

22 **SEC. 223. JOHN GLENN GREAT LAKES BASIN PROGRAM.**

23 (a) STRATEGIC PLANS.—

24 (1) IN GENERAL.—Not later than 18 months
25 after the date of enactment of this Act, and every

1 2 years thereafter, the Secretary shall report to Con-
2 gress on a plan for programs of the Corps of Engi-
3 neers in the Great Lakes basin.

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

7 (A) navigational maintenance and oper-
8 ations for commercial and recreational vessels;

9 (B) environmental restoration activities;

10 (C) water level maintenance activities;

11 (D) technical and planning assistance to
12 States and remedial action planning commit-
13 tees;

14 (E) sediment transport analysis, sediment
15 management planning, and activities to support
16 prevention of excess sediment loadings;

17 (F) flood damage reduction and shoreline
18 erosion prevention;

19 (G) all other activities of the Corps of En-
20 gineers; and

21 (H) an analysis of factors limiting use of
22 programs and authorities of the Corps of Engi-
23 neers in existence on the date of enactment of
24 this Act in the Great Lakes basin, including the
25 need for new or modified authorities.

1 (b) GREAT LAKES BIOHYDROLOGICAL INFORMA-
2 TION.—

3 (1) INVENTORY.—

4 (A) IN GENERAL.—Not later than 90 days
5 after the date of enactment of this Act, the Sec-
6 retary shall request each Federal agency that
7 may possess information relevant to the Great
8 Lakes biohydrological system to provide an in-
9 ventory of all such information in the posses-
10 sion of the agency.

11 (B) RELEVANT INFORMATION.—For the
12 purpose of subparagraph (A), relevant informa-
13 tion includes information on—

14 (i) ground and surface water hydrol-
15 ogy;

16 (ii) natural and altered tributary dy-
17 namics;

18 (iii) biological aspects of the system
19 influenced by and influencing water quan-
20 tity and water movement;

21 (iv) meteorological projections and
22 weather impacts on Great Lakes water lev-
23 els; and

1 (v) other Great Lakes biohydrological
2 system data relevant to sustainable water
3 use management.

4 (2) REPORT.—

5 (A) IN GENERAL.—Not later than 18
6 months after the date of enactment of this Act,
7 the Secretary, in consultation with the States,
8 Indian tribes, and Federal agencies, and after
9 requesting information from the provinces and
10 the federal government of Canada, shall—

11 (i) compile the inventories of informa-
12 tion;

13 (ii) analyze the information for con-
14 sistency and gaps; and

15 (iii) submit to Congress, the Inter-
16 national Joint Commission, and the Great
17 Lakes States a report that includes rec-
18 ommendations on ways to improve the in-
19 formation base on the biohydrological dy-
20 namics of the Great Lakes ecosystem as a
21 whole, so as to support environmentally
22 sound decisions regarding diversions and
23 consumptive uses of Great Lakes water.

24 (B) RECOMMENDATIONS.—The rec-
25 ommendations in the report under subpara-

1 graph (A) shall include recommendations relat-
2 ing to the resources and funds necessary for
3 implementing improvement of the information
4 base.

5 (C) CONSIDERATIONS.—In developing the
6 report under subparagraph (A), the Secretary,
7 in cooperation with the Secretary of State, the
8 Secretary of Transportation, and other relevant
9 agencies as appropriate, shall consider and re-
10 port on the status of the issues described and
11 recommendations made in—

12 (i) the Report of the International
13 Joint Commission to the Governments of
14 the United States and Canada under the
15 1977 reference issued in 1985; and

16 (ii) the 1993 Report of the Inter-
17 national Joint Commission to the Govern-
18 ments of Canada and the United States on
19 Methods of Alleviating Adverse Con-
20 sequences of Fluctuating Water Levels in
21 the Great Lakes St. Lawrence Basin.

22 (c) GREAT LAKES RECREATIONAL BOATING.—Not
23 later than 18 months after the date of enactment of this
24 Act, the Secretary shall, using information and studies in
25 existence on the date of enactment of this Act to the max-

1 imum extent practicable, and in cooperation with the
2 Great Lakes States, submit to Congress a report detailing
3 the economic benefits of recreational boating in the Great
4 Lakes basin, particularly at harbors benefiting from oper-
5 ation and maintenance projects of the Corps of Engineers.

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

8 (1) encourage public participation; and

9 (2) cooperate, and, as appropriate, collaborate,
10 with Great Lakes States, tribal governments, and
11 Canadian federal, provincial, tribal governments.

12 (e) WATER USE ACTIVITIES AND POLICIES.—The
13 Secretary may provide technical assistance to the Great
14 Lakes States to develop interstate guidelines to improve
15 the consistency and efficiency of State-level water use ac-
16 tivities and policies in the Great Lakes basin.

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

21 **SEC. 224. PROJECTS FOR IMPROVEMENT OF THE ENVIRON-**
22 **MENT.**

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

1 (1) by striking “The Secretary” and inserting
2 the following:

3 “(1) IN GENERAL.—The Secretary”; and

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

5 “(2) CONTROL OF SEA LAMPREY.—Congress
6 finds that—

7 “(A) the Great Lakes navigation system
8 has been instrumental in the spread of sea lam-
9 prey and the associated impacts to its fishery;
10 and

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

14 **SEC. 225. WATER QUALITY, ENVIRONMENTAL QUALITY,**
15 **RECREATION, FISH AND WILDLIFE, FLOOD**
16 **CONTROL, AND NAVIGATION.**

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

19 (1) water quality, environmental quality, recre-
20 ation, fish and wildlife, flood control, and navigation
21 in the western Lake Erie watershed, including the
22 watersheds of the Maumee River, Ottawa River, and
23 Portage River in the States of Indiana, Ohio, and
24 Michigan; and

1 (2) measures to improve water quality, environ-
2 mental quality, recreation, fish and wildlife, flood
3 control, and navigation in the western Lake Erie
4 basin.

5 (b) COOPERATION.—In carrying out studies and in-
6 vestigations under subsection (a), the Secretary shall co-
7 operate with Federal, State, and local agencies and non-
8 governmental organizations to ensure full consideration of
9 all views and requirements of all interrelated programs
10 that those agencies may develop independently or in co-
11 ordination with the Corps of Engineers.

12 **SEC. 226. IRRIGATION DIVERSION PROTECTION AND FISH-**
13 **ERIES ENHANCEMENT ASSISTANCE.**

14 The Secretary may provide technical planning and
15 design assistance to non-Federal interests and may con-
16 duct other site-specific studies to formulate and evaluate
17 fish screens, fish passages devices, and other measures to
18 decrease the incidence of juvenile and adult fish inadvert-
19 ently entering into irrigation systems. Measures shall be
20 developed in cooperation with Federal and State resource
21 agencies and not impair the continued withdrawal of water
22 for irrigation purposes. In providing such assistance pri-
23 ority shall be given based on the objectives of the Endan-
24 gered Species Act, cost-effectiveness, and the potential for
25 reducing fish mortality. Non-Federal interests shall agree

1 by contract to contribute 50 percent of the cost of such
2 assistance. Not more than one-half of such non-Federal
3 contribution may be made by the provision of services, ma-
4 terials, supplies, or other in-kind services. No construction
5 activities are authorized by this section. Not later than
6 2 years after the date of enactment of this section, the
7 Secretary shall report to Congress on fish mortality caused
8 by irrigation water intake devices, appropriate measures
9 to reduce mortality, the extent to which such measures
10 are currently being employed in the arid States, the con-
11 struction costs associated with such measures, and the ap-
12 propriate Federal role, if any, to encourage the use of such
13 measures.

14 **SEC. 227. SMALL STORM DAMAGE REDUCTION PROJECTS.**

15 Section 3 of the Act of August 13, 1946 (33 U.S.C.
16 426g), is amended by striking “\$2,000,000” and inserting
17 “\$3,000,000”.

18 **SEC. 228. SHORE DAMAGE PREVENTION OR MITIGATION.**

19 Section 111 of the River and Harbor Act of 1968
20 (33 U.S.C. 426(i)) is amended—

21 (1) in the first sentence, by striking “The Sec-
22 retary” and inserting “(a) IN GENERAL.—The Sec-
23 retary”;

24 (2) in the second sentence, by striking “The
25 costs” and inserting the following:

1 “(b) COST SHARING.—The costs”;

2 (3) in the third sentence—

3 (A) by striking “No such” and inserting
4 the following:

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

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

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

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

11 “(1) coordinate the implementation of the
12 measures under this section with other Federal and
13 non-Federal shore protection projects in the same
14 geographic area; and

15 “(2) to the extent practicable, combine mitiga-
16 tion projects with other shore protection projects in
17 the same area into a comprehensive regional
18 project.”.

19 **SEC. 229. ATLANTIC COAST OF NEW YORK.**

20 Section 404(c) of the Water Resources Development
21 Act of 1992 (106 Stat. 4863) is amended by inserting
22 after “1997” the following: “and an additional total of
23 \$2,500,000 for fiscal years thereafter”.

1 **SEC. 230. ACCELERATED ADOPTION OF INNOVATIVE TECH-**
2 **NOLOGIES FOR CONTAMINATED SEDIMENTS.**

3 Section 8 of the Water Resources Development Act
4 of 1988 (33 U.S.C. 2314) is amended—

5 (1) by redesignating subsections (b) and (c) as
6 subsections (c) and (d), respectively; and

7 (2) by inserting after subsection (a) the fol-
8 lowing:

9 “(b) ACCELERATED ADOPTION OF INNOVATIVE
10 TECHNOLOGIES FOR MANAGEMENT OF CONTAMINATED
11 SEDIMENTS.—

12 “(1) TEST PROJECTS.—The Secretary shall ap-
13 prove an appropriate number of projects to test,
14 under actual field conditions, innovative technologies
15 for environmentally sound management of contami-
16 nated sediments.

17 “(2) DEMONSTRATION PROJECTS.—The Sec-
18 retary may approve an appropriate number of
19 projects to demonstrate innovative technologies that
20 have been pilot tested under paragraph (1).

21 “(3) CONDUCT OF PROJECTS.—Each pilot
22 project under paragraph (1) and demonstration
23 project under paragraph (2) shall be conducted by a
24 university with proven expertise in the research and
25 development of contaminated sediment treatment

1 technologies and innovative applications using waste
2 materials.”.

3 **SEC. 231. MISSISSIPPI RIVER COMMISSION.**

4 Notwithstanding any other provision of law, a mem-
5 ber of the Mississippi River Commission (other than the
6 president of the Commission) shall receive annual pay of
7 \$21,500.

8 **SEC. 232. USE OF PRIVATE ENTERPRISES.**

9 (a) INVENTORY AND REVIEW.—The Secretary shall
10 inventory and review all activities of the Corps of Engi-
11 neers that are not inherently governmental in nature in
12 accordance with the Federal Activities Inventory Reform
13 Act of 1998 (31 U.S.C. 501 note; Public Law 105–270).

14 (b) CONSIDERATIONS.—In determining whether to
15 commit to private enterprise the performance of architec-
16 tural or engineering services (including surveying and
17 mapping services), the Secretary shall take into consider-
18 ation professional qualifications as well as cost.

19 **TITLE III—PROJECT-RELATED**
20 **PROVISIONS**

21 **SEC. 301. DREDGING OF SALT PONDS IN THE STATE OF**
22 **RHODE ISLAND.**

23 The Secretary may acquire for the State of Rhode
24 Island a dredge and associated equipment with the capac-

1 ity to dredge approximately 100 cubic yards per hour for
2 use by the State in dredging salt ponds in the State.

3 **SEC. 302. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**
4 **VANIA AND NEW YORK.**

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

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

10 **SEC. 303. SMALL FLOOD CONTROL PROJECTS.**

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

13 (1) by redesignating paragraphs (15) through
14 (22) as paragraphs (16) through (23), respectively;

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

17 “(15) REPAUPO CREEK AND DELAWARE RIVER,
18 GLOUCESTER COUNTY, NEW JERSEY.—Project for
19 tidegate and levee improvements for Repaupo Creek
20 and the Delaware River, Gloucester County, New
21 Jersey.”; and

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

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

1 “(25) TIOGA COUNTY, PENNSYLVANIA.—Project
2 for flood control, Tioga River and Cowanesque River
3 and their tributaries, Tioga County, Pennsylvania.”.

4 **SEC. 304. SMALL NAVIGATION PROJECTS.**

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

7 (1) by redesignating paragraphs (9) through
8 (12) as paragraphs (11) through (14), respectively;
9 and

10 (2) by inserting after paragraph (8) the fol-
11 lowing:

12 “(9) FORTESCUE INLET, DELAWARE BAY, NEW
13 JERSEY.—Project for navigation for Fortescue Inlet,
14 Delaware Bay, New Jersey.

15 “(10) BRADDOCK BAY, GREECE, NEW YORK.—
16 Project for navigation, Braddock Bay, Greece, New
17 York.”.

18 **SEC. 305. STREAMBANK PROTECTION PROJECTS.**

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

24 (b) SAGINAW RIVER, BAY CITY, MICHIGAN.—The
25 Secretary may construct appropriate control structures in

1 areas along the Saginaw River in the city of Bay City,
2 Michigan, under authority of section 14 of the Flood Con-
3 trol Act of 1946 (33 Stat. 701r).

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

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

15 **SEC. 306. AQUATIC ECOSYSTEM RESTORATION, SPRING-**
16 **FIELD, OREGON.**

17 Under section 206 of the Water Resources Develop-
18 ment Act of 1996 (33 U.S.C. 2330), the Secretary shall
19 conduct measures to address water quality, water flows,
20 and fish habitat restoration in the historic Springfield, Or-
21 egon, millrace through the reconfiguration of the existing
22 millpond, if the Secretary determines that harmful im-
23 pacts have occurred as the result of a previously con-
24 structed flood control project by the Corps of Engineers.

1 **SEC. 307. GUILFORD AND NEW HAVEN, CONNECTICUT.**

2 The Secretary shall expeditiously complete the activi-
3 ties authorized under section 346 of the Water Resources
4 Development Act of 1992 (106 Stat. 4858), including ac-
5 tivities associated with Sluice Creek in Guilford, Con-
6 necticut, and Lighthouse Point Park in New Haven, Con-
7 necticut.

8 **SEC. 308. FRANCIS BLAND FLOODWAY DITCH.**

9 (a) REDESIGNATION.—The project for flood control,
10 Eight Mile Creek, Paragould, Arkansas, authorized by sec-
11 tion 401(a) of the Water Resources Development Act of
12 1986 (100 Stat. 4112) and known as “Eight Mile Creek,
13 Paragould, Arkansas”, shall be known and designated as
14 the “Francis Bland Floodway Ditch”.

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

20 **SEC. 309. CALOOSAHATCHEE RIVER BASIN, FLORIDA.**

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

1 **SEC. 310. CUMBERLAND, MARYLAND, FLOOD PROJECT**
2 **MITIGATION.**

3 (a) **IN GENERAL.**—The project for flood control and
4 other purposes, Cumberland, Maryland, authorized by sec-
5 tion 5 of the Act of June 22, 1936 (commonly known as
6 the “Flood Control Act of 1936”) (49 Stat. 1574, chapter
7 688), is modified to authorize the Secretary to undertake,
8 as a separate part of the project, restoration of the historic
9 Chesapeake and Ohio Canal substantially in accordance
10 with the Chesapeake and Ohio Canal National Historic
11 Park, Cumberland, Maryland, Rewatering Design Anal-
12 ysis, dated February 1998, at a total cost of \$15,000,000,
13 with an estimated Federal cost of \$9,750,000 and an esti-
14 mated non-Federal cost of \$5,250,000.

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

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

20 (2) shall receive credit toward the non-Federal
21 share of project costs for design and construction
22 work performed by the non-Federal interest before
23 execution of a project cooperation agreement and for
24 land, easements, and rights-of-way required for the
25 restoration and acquired by the non-Federal interest
26 before execution of such an agreement.

1 (c) OPERATION AND MAINTENANCE.—The operation
2 and maintenance of the restoration project under sub-
3 section (a) shall be the full responsibility of the National
4 Park Service.

5 **SEC. 311. CITY OF MIAMI BEACH, FLORIDA.**

6 Section 5(b)(3)(C)(i) of the Act of August 13, 1946
7 (33 U.S.C. 426h), is amended by inserting before the
8 semicolon the following: “, including the city of Miami
9 Beach, Florida”.

10 **SEC. 312. SARDIS RESERVOIR, OKLAHOMA.**

11 (a) IN GENERAL.—The Secretary shall accept from
12 the State of Oklahoma or an agent of the State an
13 amount, as determined under subsection (b), as prepay-
14 ment of 100 percent of the water supply cost obligation
15 of the State under Contract No. DACW56-74-JC-0314
16 for water supply storage at Sardis Reservoir, Oklahoma.

17 (b) DETERMINATION OF AMOUNT.—The amount to
18 be paid by the State of Oklahoma under subsection (a)
19 shall be subject to adjustment in accordance with accepted
20 discount purchase methods for Government properties as
21 determined by an independent accounting firm designated
22 by the Director of the Office of Management and Budget.

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

1 **SEC. 313. UPPER MISSISSIPPI RIVER AND ILLINOIS WATER-**
2 **WAY SYSTEM NAVIGATION MODERNIZATION.**

3 (a) FINDINGS.—Congress finds that—

4 (1) exports are necessary to ensure job creation
5 and an improved standard of living for the people of
6 the United States;

7 (2) the ability of producers of goods in the
8 United States to compete in the international mar-
9 ketplace depends on a modern and efficient trans-
10 portation network;

11 (3) a modern and efficient waterway system is
12 a transportation option necessary to provide United
13 States shippers a safe, reliable, and competitive
14 means to win foreign markets in an increasingly
15 competitive international marketplace;

16 (4) the need to modernize is heightened because
17 the United States is at risk of losing its competitive
18 edge as a result of the priority that foreign competi-
19 tors are placing on modernizing their own waterway
20 systems;

21 (5) growing export demand projected over the
22 coming decades will force greater demands on the
23 waterway system of the United States and increase
24 the cost to the economy if the system proves inad-
25 equate to satisfy growing export opportunities;

1 (6) the locks and dams on the upper Mississippi
2 River and Illinois River waterway system were built
3 in the 1930s and have some of the highest average
4 delays to commercial tows in the country;

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

11 (8) it should be the policy of the Corps of Engi-
12 neers to pursue aggressively modernization of the
13 waterway system authorized by Congress to promote
14 the relative competitive position of the United States
15 in the international marketplace.

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

1 **SEC. 314. UPPER MISSISSIPPI RIVER MANAGEMENT.**

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

4 (1) in subsection (e)—

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

8 “(e) UNDERTAKINGS.—

9 “(1) IN GENERAL.—

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

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

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

23 “(B) REQUIREMENTS FOR PROJECTS.—

24 Each project carried out under subparagraph
25 (A)(i) shall—

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

3 “(ii) include an outreach and edu-
4 cation component; and

5 “(iii) on completion of the assessment
6 under subparagraph (D), address identified
7 habitat and natural resource needs.

8 “(C) ADVISORY COMMITTEE.—In carrying
9 out subparagraph (A), the Secretary shall cre-
10 ate an independent technical advisory com-
11 mittee to review projects, monitoring plans, and
12 habitat and natural resource needs assessments.

13 “(D) HABITAT AND NATURAL RESOURCE
14 NEEDS ASSESSMENT.—

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

21 “(ii) DATA.—The habitat and natural
22 resource needs assessment shall, to the
23 maximum extent practicable, use data in
24 existence at the time of the assessment.

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

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

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

13 “(B) describes the accomplishments of
14 each program;

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

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

21 (B) in paragraph (3)—

22 (i) by striking “paragraph (1)(A)”
23 and inserting “paragraph (1)(A)(i)”; and

24 (ii) by striking “Secretary not to ex-
25 ceed” and all that follows and inserting

1 “Secretary not to exceed \$22,750,000 for
2 each of fiscal years 1999 through 2009.”;

3 (C) in paragraph (4)—

4 (i) by striking “paragraph (1)(B)”
5 and inserting “paragraph (1)(A)(ii)”; and

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

10 (D) by striking paragraphs (5) and (6)

11 and inserting the following:

12 “(5) AUTHORIZATION OF APPROPRIATIONS.—

13 There is authorized to be appropriated to carry out
14 paragraph (1)(C) not to exceed \$350,000 for each of
15 fiscal years 1999 through 2009.

16 “(6) TRANSFER OF AMOUNTS.—

17 “(A) IN GENERAL.—For each fiscal year
18 beginning after September 30, 1992, the Sec-
19 retary, in consultation with the Secretary of the
20 Interior and the States of Illinois, Iowa, Min-
21 nesota, Missouri, and Wisconsin, may transfer
22 appropriated amounts between the programs
23 under clauses (i) and (ii) of paragraph (1)(A)
24 and paragraph (1)(C).

1 “(B) APPORTIONMENT OF COSTS.—In car-
2 rying out paragraph (1)(D), the Secretary may
3 apportion the costs between the programs au-
4 thorized by paragraph (1)(A) in amounts that
5 are proportionate to the amounts authorized to
6 be appropriated to carry out those programs,
7 respectively.”; and

8 (E) in paragraph (7)—

9 (i) in subparagraph (A)—

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

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

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

22 (2) in subsection (f)(2)—

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

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

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

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

7 **SEC. 315. RESEARCH AND DEVELOPMENT PROGRAM FOR**
8 **COLUMBIA AND SNAKE RIVERS SALMON SUR-**
9 **VIVAL.**

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

14 “(a) SALMON SURVIVAL ACTIVITIES.—

15 “(1) IN GENERAL.—In conjunction with the
16 Secretary of Commerce and Secretary of the Inte-
17 rior, the Secretary shall accelerate ongoing research
18 and development activities, and may carry out or
19 participate in additional research and development
20 activities, for the purpose of developing innovative
21 methods and technologies for improving the survival
22 of salmon, especially salmon in the Columbia/Snake
23 River Basin.

24 “(2) ACCELERATED ACTIVITIES.—Accelerated
25 research and development activities referred to in

1 paragraph (1) may include research and develop-
2 ment related to—

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

5 “(B) juvenile and adult salmon passage;

6 “(C) light and sound guidance systems;

7 “(D) surface-oriented collector systems;

8 “(E) transportation mechanisms; and

9 “(F) dissolved gas monitoring and abate-
10 ment.

11 “(3) ADDITIONAL ACTIVITIES.—Additional re-
12 search and development activities referred to in
13 paragraph (1) may include research and develop-
14 ment related to—

15 “(A) studies of juvenile salmon survival in
16 spawning and rearing areas;

17 “(B) estuary and near-ocean juvenile and
18 adult salmon survival;

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

21 “(D) cryopreservation of fish gametes and
22 formation of a germ plasm repository for
23 threatened and endangered populations of na-
24 tive fish; and

1 “(E) other innovative technologies and ac-
2 tions intended to improve fish survival, includ-
3 ing the survival of resident fish.

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

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

16 “(6) AUTHORIZATION OF APPROPRIATIONS.—
17 There is authorized to be appropriated \$10,000,000
18 to carry out research and development activities
19 under paragraph (3).

20 “(b) ADVANCED TURBINE DEVELOPMENT.—

21 “(1) IN GENERAL.—In conjunction with the
22 Secretary of Energy, the Secretary shall accelerate
23 efforts toward developing and installing in Corps of
24 Engineers-operated dams innovative, efficient, and
25 environmentally safe hydropower turbines, including

1 design of fish-friendly turbines, for use on the Co-
2 lumbia/Snake River hydrosystem.

3 “(2) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

16 “(2) AUTHORIZATION OF APPROPRIATIONS.—

17 There is authorized to be appropriated \$1,000,000
18 to carry out research and development activities
19 under this subsection.

20 “(d) IMPLEMENTATION.—Nothing in this section af-
21 fects the authority of the Secretary to implement the re-
22 sults of the research and development carried out under
23 this section or any other law.”.

1 **SEC. 316. NINE MILE RUN HABITAT RESTORATION, PENN-**
 2 **SYLVANIA.**

3 If the Secretary determines that the documentation
 4 is integral to the project, the Secretary shall credit against
 5 the non-Federal share such costs, not to exceed
 6 \$1,000,000, as are incurred by the non-Federal interests
 7 in preparing the environmental restoration report, plan-
 8 ning and design-phase scientific and engineering technical
 9 services documentation, and other preconstruction docu-
 10 mentation for the habitat restoration project, Nine Mile
 11 Run, Pennsylvania.

12 **SEC. 317. LARKSPUR FERRY CHANNEL, CALIFORNIA.**

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

19 **SEC. 318. COMPREHENSIVE FLOOD IMPACT-RESPONSE**
 20 **MODELING SYSTEM.**

21 (a) IN GENERAL.—The Secretary may study and im-
 22 plement a Comprehensive Flood Impact-Response Mod-
 23 eling System for the Coralville Reservoir and the Iowa
 24 River watershed, Iowa.

25 (b) STUDY.—The study shall include—

1 submit to the Committee on Environment and Public
2 Works of the Senate and Committee on Transportation
3 and Infrastructure of the House of Representatives and
4 the results of the study and any related legislative rec-
5 ommendations for consideration by Congress.

6 **SEC. 320. CANDY LAKE PROJECT, OSAGE COUNTY, OKLA-**
7 **HOMA.**

8 (a) DEFINITIONS.—In this section:

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

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

20 (3) SECRETARY.—The term “Secretary” means
21 the Secretary of the Army.

22 (b) LAND CONVEYANCES.—

23 (1) IN GENERAL.—The Secretary shall convey,
24 in accordance with this section, all right, title, and
25 interest of the United States in and to the land ac-

1 quired by the United States for the Candy Lake
2 project in Osage County, Oklahoma.

3 (2) PREVIOUS OWNERS OF LAND.—

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

7 (B) APPLICATION.—

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

18 (ii) FIRST TO FILE HAS FIRST OP-
19 TION.—If more than 1 application is filed
20 for a parcel of land described in paragraph
21 (1), first options to purchase the parcel of
22 land shall be allotted in the order in which
23 applications for the parcel of land were
24 filed.

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

6 (D) CONSIDERATION.—Consideration for
7 land conveyed under this subsection shall be the
8 fair market value of the land.

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

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

17 (c) NOTICE.—

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

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

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

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

3 (A) a copy of this section;

4 (B) information sufficient to separately
5 identify each parcel of land subject to this sec-
6 tion; and

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

9 (3) OFFICIAL DATE OF NOTICE.—The official
10 date of notice under this subsection shall be the
11 later of—

12 (A) the date on which actual notice is
13 mailed; or

14 (B) the date of publication of the notice in
15 the Federal Register.

16 **SEC. 321. SALCHA RIVER AND PILED RIVER SLOUGH, FAIR-**
17 **BANKS, ALASKA.**

18 The Secretary shall evaluate and, if justified under
19 section 205 of the Flood Control Act of 1948 (33 U.S.C.
20 701s), carry out flood damage reduction measures along
21 the lower Salcha River and on Piledriver Slough, from its
22 headwaters at the mouth of the Salcha River to the Chena
23 Lakes Flood Control Project, in the vicinity of Fairbanks,
24 Alaska, to protect against surface water flooding.

1 **SEC. 322. EYAK RIVER, CORDOVA, ALASKA.**

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

6 **SEC. 323. NORTH PADRE ISLAND STORM DAMAGE REDUC-**
7 **TION AND ENVIRONMENTAL RESTORATION**
8 **PROJECT.**

9 The Secretary shall carry out a project for ecosystem
10 restoration and storm damage reduction at North Padre
11 Island, Corpus Christi Bay, Texas, at a total estimated
12 cost of \$30,000,000, with an estimated Federal cost of
13 \$19,500,000 and an estimated non-Federal cost of
14 \$10,500,000, if the Secretary finds that the work is tech-
15 nically sound, environmentally acceptable, and economi-
16 cally justified. The Secretary shall make such a finding
17 not later than 270 days after the date of enactment of
18 this Act.

19 **SEC. 324. 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,
26 Kanopolis Lake, Kansas, as a basis on which the

1 Secretary shall enter into negotiations with the State
2 of Kansas or another non-Federal interest for the
3 terms and conditions of a reallocation of the water
4 supply.

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

8 (A) Financial terms of storage reallocation.

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

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

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

19 (b) IN-KIND CREDIT.—

20 (1) IN GENERAL.—The Secretary may negotiate
21 a credit for a portion of the financial repayment to
22 the Federal Government for work performed by the
23 State of Kansas, or another non-Federal interest, on
24 land adjacent or in close proximity to the project, if
25 the work provides a benefit to the project.

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

5 **SEC. 325. NEW YORK CITY WATERSHED.**

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

13 **SEC. 326. CITY OF CHARLEVOIX REIMBURSEMENT, MICHIGAN.**

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

21 **SEC. 327. HAMILTON DAM FLOOD CONTROL PROJECT,**
22 **MICHIGAN.**

23 The Secretary may construct the Hamilton Dam
24 flood control project, Michigan, under authority of section
25 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

1 **SEC. 328. HOLES CREEK FLOOD CONTROL PROJECT, OHIO.**

2 (a) IN GENERAL.—Notwithstanding any other provi-
3 sion of law, the non-Federal share of project costs for the
4 project for flood control, Holes Creek, Ohio, shall not ex-
5 ceed the sum of—

6 (1) the total amount projected as the non-Fed-
7 eral share as of September 30, 1996, in the Project
8 Cooperation Agreement executed on that date; and

9 (2) 100 percent of the amount of any increases
10 in the cost of the locally preferred plan over the cost
11 estimated in the Project Cooperation Agreement.

12 (b) REIMBURSEMENT.—The Secretary shall reim-
13 burse the non-Federal interest any amount paid by the
14 non-Federal interest in excess of the non-Federal share.

15 **SEC. 329. OVERFLOW MANAGEMENT FACILITY, RHODE IS-**
16 **LAND.**

17 Section 585(a) of the Water Resources Development
18 Act of 1996 (110 Stat. 3791) is amended by striking
19 “river” and inserting “sewer”.

20 **SEC. 330. ANACOSTIA RIVER AQUATIC ECOSYSTEM RES-**
21 **TORATION, DISTRICT OF COLUMBIA AND**
22 **MARYLAND.**

23 The Secretary may use the balance of funds appro-
24 priated for the improvement of the environment as part
25 of the Anacostia River Flood Control and Navigation
26 Project under section 1135 of the Water Resources Devel-

1 opment Act of 1986 (33 U.S.C. 2309a) to construct
2 aquatic ecosystem restoration projects in the Anacostia
3 River watershed under section 206 of the Water Resources
4 Development Act of 1996 (33 U.S.C. 2330).

5 **SEC. 331. 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 “2003”.

11 **SEC. 332. PINE FLAT DAM, KINGS RIVER, CALIFORNIA.**

12 Under the authority of section 1135(a) of the Water
13 Resources Development Act of 1986 (33 U.S.C. 2309a),
14 the Secretary shall carry out a project to construct a tur-
15 bine bypass at Pine Flat Dam, Kings River, California,
16 in accordance with the Project Modification Report and
17 Environmental Assessment dated September 1996.

18 **SEC. 333. LEVEES IN ELBA AND GENEVA, ALABAMA.**

19 (a) ELBA, ALABAMA.—

20 (1) IN GENERAL.—The Secretary may repair
21 and rehabilitate a levee in the city of Elba, Alabama,
22 at a total cost of \$12,900,000.

23 (2) COST SHARING.—The non-Federal share of
24 the cost of repair and rehabilitation under para-
25 graph (1) shall be 35 percent.

1 (b) GENEVA, ALABAMA.—

2 (1) IN GENERAL.—The Secretary may repair
3 and rehabilitate a levee in the city of Geneva, Ala-
4 bama, at a total cost of \$16,600,000.

5 (2) COST SHARING.—The non-Federal share of
6 the cost of repair and rehabilitation under para-
7 graph (1) shall be 35 percent.

8 **SEC. 334. TORONTO LAKE AND EL DORADO LAKE, KANSAS.**

9 (a) IN GENERAL.—The Secretary shall convey to the
10 State of Kansas, by quitclaim deed and without consider-
11 ation, all right, title, and interest of the United States in
12 and to the 2 parcels of land described in subsection (b)
13 on which correctional facilities operated by the Kansas De-
14 partment of Corrections are situated.

15 (b) LAND DESCRIPTION.—The parcels of land re-
16 ferred to in subsection (a) are—

17 (1) the parcel located in Butler County, Kan-
18 sas, adjacent to the El Dorado Lake Project, con-
19 sisting of approximately 32.98 acres; and

20 (2) the parcel located in Woodson County, Kan-
21 sas, adjacent to the Toronto Lake Project, con-
22 sisting of approximately 51.98 acres.

23 (c) CONDITIONS.—

24 (1) USE OF LAND.—A conveyance of a parcel
25 under subsection (a) shall be subject to the condition

1 that all right, title, and interest in and to the parcel
2 conveyed under subsection (a) shall revert to the
3 United States if the parcel is used for a purpose
4 other than that of a correctional facility.

5 (2) COSTS.—The Secretary may require such
6 additional terms, conditions, reservations, and re-
7 strictions in connection with the conveyance as the
8 Secretary determines are necessary to protect the in-
9 terests of the United States, including a requirement
10 that the State pay all reasonable administrative
11 costs associated with the conveyance.

12 **SEC. 335. SAN JACINTO DISPOSAL AREA, GALVESTON,**
13 **TEXAS.**

14 Section 108 of the Energy and Water Development
15 Appropriations Act, 1994 (107 Stat. 1320), is amended
16 in the first sentence of subsection (a) and in subsection
17 (b)(1) by striking “fee simple absolute title” each place
18 it appears and inserting “fee simple title to the surface
19 estate (without the right to use the surface of the property
20 for the production of minerals)”.

21 **SEC. 336. ENVIRONMENTAL INFRASTRUCTURE.**

22 Section 219(e)(1) of the Water Resources Develop-
23 ment Act of 1992 (106 Stat. 4835; 110 Stat. 3757) is
24 amended by striking “\$10,000,000” and inserting
25 “\$15,000,000”.

1 **SEC. 337. WATER MONITORING STATION.**

2 Section 584(b) of the Water Resources Development
3 Act of 1996 (110 Stat. 3791) is amended by striking
4 “\$50,000” and inserting “\$100,000”.

5 **SEC. 338. UPPER MISSISSIPPI RIVER COMPREHENSIVE**
6 **PLAN.**

7 (a) DEVELOPMENT.—The Secretary shall develop a
8 plan to address water and related land resources problems
9 in the upper Mississippi River basin and the Illinois River
10 basin, extending from Cairo, Illinois, to the headwaters of
11 the Mississippi River, to determine the feasibility of sys-
12 temic flood damage reduction by means of—

13 (1) structural and nonstructural flood control
14 and floodplain management strategies;

15 (2) continued maintenance of the navigation
16 project;

17 (3) management of bank caving, erosion, water-
18 shed nutrients and sediment, habitat, and recre-
19 ation; and

20 (4) other related means.

21 (b) CONTENTS.—The plan shall contain rec-
22 ommendations for—

23 (1) management plans and actions to be carried
24 out by Federal and non-Federal entities;

1 (2) construction of a systemic flood control
2 project in accordance with a plan for the upper Mis-
3 sissippi River;

4 (3) Federal action, where appropriate; and

5 (4) follow-on studies for problem areas for
6 which data or current technology does not allow im-
7 mediate solutions.

8 (c) CONSULTATION AND USE OF EXISTING DATA.—
9 In developing the plan, the Secretary shall—

10 (1) consult with appropriate State and Federal
11 agencies; and

12 (2) make maximum use of—

13 (A) data and programs in existence on the
14 date of enactment of this Act; and

15 (B) efforts of States and Federal agencies.

16 (d) REPORT.—Not later than 3 years after the date
17 of enactment of this Act, the Secretary shall submit to
18 the Committee on Transportation and Infrastructure of
19 the House of Representatives and the Committee on Envi-
20 ronment and Public Works of the Senate a report that
21 includes the plan.

22 **SEC. 339. MCNARY LOCK AND DAM, WASHINGTON.**

23 (a) IN GENERAL.—The Secretary may convey to a
24 port district or a port authority—

1 (1) without the payment of additional consider-
2 ation, any remaining right, title, and interest of the
3 United States in property acquired for the McNary
4 Lock and Dam, Washington, project and subse-
5 quently conveyed to the port district or a port au-
6 thority under section 108 of the River and Harbor
7 Act of 1960 (33 U.S.C. 578); and

8 (2) at fair market value, as determined by the
9 Secretary, all right, title, and interest of the United
10 States in such property under the jurisdiction of the
11 Secretary relating to the project as the Secretary
12 considers appropriate.

13 (b) **CONDITIONS, RESERVATIONS, AND RESTRIC-**
14 **TIONS.**—A conveyance under subsection (a) shall be sub-
15 ject to—

16 (1) such conditions, reservations, and restric-
17 tions as the Secretary determines to be necessary for
18 the development, maintenance, or operation or the
19 project or otherwise in the public interest; and

20 (2) the payment by the port district or port au-
21 thority of all administrative costs associated with the
22 conveyance.

23 **SEC. 340. MCNARY NATIONAL WILDLIFE REFUGE.**

24 (a) **TRANSFER OF ADMINISTRATIVE JURISDIC-**
25 **TION.**—Administrative jurisdiction over the McNary Na-

1 tional Wildlife Refuge is transferred from the Secretary
2 to the Secretary of the Interior.

3 (b) LAND EXCHANGE WITH THE PORT OF WALLA
4 WALLA, WASHINGTON.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Secretary of
7 the Interior may exchange approximately 188 acres
8 of land located south of Highway 12 and comprising
9 a portion of the McNary National Wildlife Refuge
10 for approximately 122 acres of land owned by the
11 Port of Walla Walla, Washington, and located at the
12 confluence of the Snake River and the Columbia
13 River.

14 (2) TERMS AND CONDITIONS.—The land ex-
15 change under paragraph (1) shall be carried out in
16 accordance with such terms and conditions as the
17 Secretary of the Interior determines to be necessary
18 to protect the interests of the United States, includ-
19 ing a requirement that the Port pay—

20 (A) reasonable administrative costs (not to
21 exceed \$50,000) associated with the exchange;
22 and

23 (B) any excess (as determined by the Sec-
24 retary of the Interior) of the fair market value
25 of the parcel conveyed by the Secretary of the

1 Interior over the fair market value of the parcel
2 conveyed by the Port.

3 (3) USE OF FUNDS.—The Secretary of the In-
4 terior may retain any funds received under para-
5 graph (2)(B) and, without further Act of appropria-
6 tion, may use the funds to acquire replacement habi-
7 tat for the Mid-Columbia River National Wildlife
8 Refuge Complex.

9 (c) MANAGEMENT.—The McNary National Wildlife
10 Refuge and land conveyed by the Port of Walla Walla,
11 Washington, under subsection (b) shall be managed in ac-
12 cordance with applicable laws, including section 120(h) of
13 the Comprehensive Environmental Response, Compensa-
14 tion, and Liability Act of 1980 (42 U.S.C. 9620(h)) and
15 the National Environmental Policy Act of 1969 (42 U.S.C.
16 4321 et seq.).

1 **TITLE IV—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. 401. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE**
8 **SIOUX TRIBE, AND STATE OF SOUTH DAKOTA**
9 **TERRESTRIAL WILDLIFE HABITAT RESTORA-**
10 **TION.**

11 (a) DEFINITIONS.—Section 601 of division C of the
12 Omnibus Consolidated and Emergency Supplemental Ap-
13 propriations Act, 1999 (112 Stat. 2681–660), is
14 amended—

15 (1) by redesignating paragraphs (1), (2), and
16 (3) as paragraphs (2), (4), and (5), respectively;

17 (2) by inserting before paragraph (2) (as redesi-
18 gnated by paragraph (1)) the following:

19 “(1) COMMISSION.—The term ‘Commission’
20 means the South Dakota Cultural Resources Advi-
21 sory Commission established by section 605(j).”;

22 (3) by inserting after paragraph (2) (as redesi-
23 gnated by paragraph (1)) the following:

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

1 (b) TERRESTRIAL WILDLIFE HABITAT RESTORA-
2 TION.—Section 602 of division C of the Omnibus Consoli-
3 dated and Emergency Supplemental Appropriations Act,
4 1999 (112 Stat. 2681–660), is amended—

5 (1) in subsection (a)(4)—

6 (A) in subparagraph (A)(ii), by striking
7 “803” and inserting “603”;

8 (B) in subparagraph (B)(ii), by striking
9 “804” and inserting “604”; and

10 (C) in subparagraph (C)—

11 (i) in clause (i)(II), by striking
12 “803(d)(3) and 804(d)(3)” and inserting
13 “603(d)(3) and 604(d)(3)”; and

14 (ii) in clause (ii)(II)—

15 (I) by striking “803(d)(3)(A)(i)”
16 and inserting “603(d)(3)(A)(i)”; and

17 (II) by striking
18 “804(d)(3)(A)(i)” and inserting
19 “604(d)(3)(A)(i)”; and

20 (2) in subsection (b)—

21 (A) in paragraph (1), by striking
22 “803(d)(3)(A)(iii)” and inserting
23 “603(d)(3)(A)(ii)(III)”; and

24 (B) in paragraph (4)—

1 (i) in subparagraph (A), by striking
2 “803(d)(3)(A)(iii)” and inserting
3 “603(d)(3)(A)(ii)(III)”; and

4 (ii) in subparagraph (B), by striking
5 “804(d)(3)(A)(iii)” and inserting
6 “604(d)(3)(A)(ii)(III)”; and

7 (3) in subsection (c), by striking “803 and
8 804” and inserting “603 and 604”.

9 (c) SOUTH DAKOTA TERRESTRIAL WILDLIFE HABI-
10 TAT RESTORATION TRUST FUND.—Section 603 of divi-
11 sion C of the Omnibus Consolidated and Emergency Sup-
12 plemental Appropriations Act, 1999 (112 Stat. 2681-
13 663), is amended—

14 (1) in subsection (c)—

15 (A) by striking “The Secretary” and in-
16 serting the following:

17 “(1) IN GENERAL.—The Secretary”; and

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

19 “(2) INTEREST RATE.—The Secretary of the
20 Treasury shall invest amounts in the fund in obliga-
21 tions that carry the highest rate of interest among
22 available obligations of the required maturity.”; and

23 (2) in subsection (d)—

1 (A) in paragraph (2), by striking
2 “802(a)(4)(A)” and inserting “602(a)(4)(A)”;
3 and

4 (B) in paragraph (3)(A)—

5 (i) in clause (i)—

6 (I) by striking “802(a)” and in-
7 serting “602(a)”; and

8 (II) by striking “and” at the end;
9 and

10 (ii) in clause (ii)—

11 (I) in subclause (III), by striking
12 “802(b)” and inserting “602(b)”; and

13 (II) in subclause (IV)—

14 (aa) by striking “802” and
15 inserting “602”; and

16 (bb) by striking “and” at
17 the end.

18 (d) CHEYENNE RIVER SIOUX TRIBE AND LOWER
19 BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT
20 RESTORATION TRUST FUNDS.—Section 604 of division C
21 of the Omnibus Consolidated and Emergency Supple-
22 mental Appropriations Act, 1999 (112 Stat. 2681–664),
23 is amended—

24 (1) in subsection (c)—

1 (A) by striking “The Secretary” and in-
2 serting the following:

3 “(1) IN GENERAL.—The Secretary”; and

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

5 “(2) INTEREST RATE.—The Secretary of the
6 Treasury shall invest amounts in the fund in obliga-
7 tions that carry the highest rate of interest among
8 available obligations of the required maturity.”; and

9 (2) in subsection (d)—

10 (A) in paragraph (2), by striking
11 “802(a)(4)(B)” and inserting “602(a)(4)(B)”;
12 and

13 (B) in paragraph (3)(A)—

14 (i) in clause (i), by striking “802(a)”
15 and inserting “602(a)”; and

16 (ii) in clause (ii)—

17 (I) in subclause (III), by striking
18 “802(b)” and inserting “602(b)”; and

19 (II) in subclause (IV), by striking
20 “802” and inserting “602”.

21 (e) TRANSFER OF FEDERAL LAND TO STATE OF
22 SOUTH DAKOTA.—Section 605 of division C of the Omni-
23 bus Consolidated and Emergency Supplemental Appro-
24 priations Act, 1999 (112 Stat. 2681–665), is amended—

1 (1) in subsection (a)(2)(B), by striking “802”
2 and inserting “602”;

3 (2) in subsection (c), in the mater preceding
4 paragraph (1), by striking “waters” and inserting
5 “facilities”;

6 (3) in subsection (e)(2), by striking “803” and
7 inserting “603”;

8 (4) by striking subsection (g) and inserting the
9 following:

10 “(g) HUNTING AND FISHING.—

11 “(1) IN GENERAL.—Except as provided in this
12 section, nothing in this title affects jurisdiction over
13 the waters of the Missouri River below the water’s
14 edge and outside the exterior boundaries of an In-
15 dian reservation in South Dakota.

16 “(2) JURISDICTION.—

17 “(A) TRANSFERRED LAND.—On transfer
18 of the land under this section to the State of
19 South Dakota, jurisdiction over the land shall
20 be the same as that over other land owned by
21 the State of South Dakota.

22 “(B) LAND BETWEEN THE MISSOURI
23 RIVER WATER’S EDGE AND THE LEVEL OF THE
24 EXCLUSIVE FLOOD POOL.—Jurisdiction over
25 land between the Missouri River water’s edge

1 and the level of the exclusive flood pool outside
2 Indian reservations in the State of South Da-
3 kota shall be the same as that exercised by the
4 State on other land owned by the State, and
5 that jurisdiction shall follow the fluctuations of
6 the water's edge.

7 “(D) FEDERAL LAND.—Jurisdiction over
8 land and water owned by the Federal govern-
9 ment within the boundaries of the State of
10 South Dakota that are not affected by this Act
11 shall remain unchanged.

12 “(3) EASEMENTS AND ACCESS.—The Secretary
13 shall provide the State of South Dakota with ease-
14 ments and access on land and water below the level
15 of the exclusive flood pool outside Indian reserva-
16 tions in the State of South Dakota for recreational
17 and other purposes (including for boat docks, boat
18 ramps, and related structures), so long as the ease-
19 ments would not prevent the Corps of Engineers
20 from carrying out its mission under the Act entitled
21 “An Act authorizing the construction of certain pub-
22 lic works on rivers and harbors for flood control, and
23 for other purposes”, approved December 22, 1944
24 (commonly known as the ‘Flood Control Act of
25 1944’) (58 Stat. 887)).”; and

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

2 “(i) IMPACT AID.—The land transferred under sub-
3 section (a) shall be deemed to continue to be owned by
4 the United States for purposes of section 8002 of the Ele-
5 mentary and Secondary Education Act of 1965 (20 U.S.C.
6 7702).”

7 (f) TRANSFER OF CORPS OF ENGINEERS LAND FOR
8 INDIAN TRIBES.—Section 606 of division C of the Omni-
9 bus Consolidated and Emergency Supplemental Appro-
10 priations Act, 1999 (112 Stat. 2681–667), is amended—

11 (1) in subsection (a)(1), by inserting before the
12 period at the end the following: “for their use in per-
13 petuity”;

14 (2) in subsection (e), in the matter preceding
15 paragraph (1), by striking “waters” and inserting
16 “facilities”;

17 (3) in subsection (f), by striking paragraph (2)
18 and inserting the following:

19 “(2) HUNTING AND FISHING.—

20 “(A) IN GENERAL.—Except as provided in
21 this section, nothing in this title affects juris-
22 diction over the waters of the Missouri River
23 below the water’s edge and within the exterior
24 boundaries of the Cheyenne River Sioux and
25 Lower Brule Sioux Tribe reservations.

1 “(B) JURISDICTION.—On transfer of the
2 land to the respective tribes under this section,
3 jurisdiction over the land and on land between
4 the water’s edge and the level of the exclusive
5 flood pool within the respective Tribe’s reserva-
6 tion boundaries shall be the same as that over
7 land held in trust by the Secretary of the Inte-
8 rior on the Cheyenne River Sioux Reservation
9 and the Lower Brule Sioux Reservation, and
10 that jurisdiction shall follow the fluctuations of
11 the water’s edge.

12 “(C) EASEMENTS AND ACCESS.—The Sec-
13 retary shall provide the Tribes with such ease-
14 ments and access on land and water below the
15 level of the exclusive flood pool inside the re-
16 spective Indian reservations for recreational and
17 other purposes (including for boat docks, boat
18 ramps, and related structures), so long as the
19 easements would not prevent the Corps of Engi-
20 neers from carrying out its mission under the
21 Act entitled “An Act authorizing the construc-
22 tion of certain public works on rivers and har-
23 bors for flood control, and for other purposes”,
24 approved December 22, 1944 (commonly known

1 as the ‘Flood Control Act of 1944’) (58 Stat.
2 887)).”;

3 (4) in subsection (e)(2), by striking “804” and
4 inserting “604”; and

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

6 “(g) EXTERIOR INDIAN RESERVATION BOUND-
7 ARIES.—Notheing in this section diminishes, changes, or
8 otherwise affects the exterior boundaries of a reservation
9 of an Indian tribe.”.

10 (g) ADMINISTRATION.—Section 607(b) of division C
11 of the Omnibus Consolidated and Energy Supplemental
12 Appropriations Act, 1999 (112 Stat. 2681–669), is
13 amended by striking “land” and inserting “property”.

14 (h) STUDY.—Section 608 of division C of the Omni-
15 bus Consolidated and Emergency Supplemental Appro-
16 priations Act, 1999 (112 Stat. 2681–670), is amended—

17 (1) in subsection (a)—

18 (A) by striking “Not late than 1 year after
19 the date of enactment of this Act, the Sec-
20 retary” and inserting “The Secretary”;

21 (B) by striking “to conduct” and inserting
22 “to complete, not later than October 31,
23 1999,”; and

24 (C) by striking “805(b) and 806(b)” and
25 inserting “605(b) and 606(b)”;

1 (2) in subsection (b), by striking “805(b) or
2 806(b)” and inserting “606(b) or 606(b)”; and

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

4 “(c) STATE WATER RIGHTS.—The results of the
5 study shall not affect, and shall not be taken into consider-
6 ation in, any proceeding to quantify the water rights of
7 any State.

8 “(d) INDIAN WATER RIGHTS.—The results of the
9 study shall not affect, and shall not be taken into consider-
10 ation in, any proceeding to quantify the water rights of
11 any Indian tribe or tribal nation.”.

12 (i) AUTHORIZATION OF APPROPRIATIONS.—Section
13 609(a) of division C of the Omnibus Consolidated and
14 Emergency Supplemental Appropriations Act, 1999 (112
15 Stat. 2681–670), is amended—

16 (1) in paragraph (1), by striking “and” at the
17 end;

18 (2) in paragraph (2)—

19 (A) by striking “802(a)” and inserting
20 “605(a)”; and

21 (B) by striking “803(d)(3) and
22 804(d)(3).” and inserting “603(d)(3) and
23 604(d)(3); and”; and

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

1 “(3) to fund the annual expenses (not to exceed
2 the Federal cost as of the date of enactment of this
3 Act) of operating recreation areas to be transferred
4 under sections 605(c) and 606(c) or leased by the
5 State of South Dakota or Indian tribes, until such
6 time as the trust funds under sections 603 and 604
7 are fully capitalized.”.

Passed the Senate April 19, 1999.

Attest:

Secretary.

106TH CONGRESS
1ST SESSION

S. 507

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.

S 507 ES—2
S 507 ES—3
S 507 ES—4
S 507 ES—5
S 507 ES—6
S 507 ES—7
S 507 ES—8
S 507 ES—9
S 507 ES—10
S 507 ES—11
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S 507 ES—14
S 507 ES—15