

107TH CONGRESS
2^D SESSION

H. R. 5428

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2002

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

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Water Resources Development Act of 2002”.

6 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

- Sec. 101. Project authorizations.
- Sec. 102. Small projects for flood damage reduction.
- Sec. 103. Small projects for emergency streambank protection.
- Sec. 104. Small projects for navigation.
- Sec. 105. Small projects for improvement of the quality of the environment.
- Sec. 106. Small projects for aquatic ecosystem restoration.
- Sec. 107. Small projects for shoreline protection.
- Sec. 108. Upper Big Sioux River, Watertown, South Dakota.

TITLE II—GENERAL PROVISIONS

- Sec. 201. Annual passes for recreation.
- Sec. 202. Non-Federal contributions.
- Sec. 203. Harbor cost sharing.
- Sec. 204. Funding to process permits.
- Sec. 205. National shoreline erosion control development and demonstration program.
- Sec. 206. Written agreement for water resources projects.
- Sec. 207. Assistance for remediation, restoration, and reuse.
- Sec. 208. Compilation of laws.
- Sec. 209. Dredged material disposal.
- Sec. 210. Wetlands mitigation.
- Sec. 211. Remote and subsistence harbors.
- Sec. 212. Beneficial uses of dredged material.
- Sec. 213. Cost sharing provisions for certain areas.
- Sec. 214. Revision of project cooperation agreement.
- Sec. 215. Cost sharing.
- Sec. 216. Credit for work performed before cooperation agreement.
- Sec. 217. Recreation user fee revenues.
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- Sec. 221. Treatment of certain separable elements.

TITLE III—PROJECT-RELATED PROVISIONS

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- Sec. 302. Galena, Alaska.
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- Sec. 508. Expedited completion of reports for certain projects.
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 Sec. 589. Southern West Virginia.

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 Except as otherwise provided in this section, the fol-
 8 lowing projects for water resources development and con-

1 servation and other purposes are authorized to be carried
2 out by the Secretary substantially in accordance with the
3 plans, and subject to the conditions, described in the re-
4 spective reports designated in this section:

5 (1) PINE FLAT DAM AND RESERVOIR, CALI-
6 FORNIA.—The project for environmental restoration,
7 Pine Flat Dam and Reservoir, Fresno County, Cali-
8 fornia: Report of the Chief of Engineers, dated July
9 19, 2002, at a total cost of \$37,100,000, with an es-
10 timated Federal cost of \$24,116,000 and an esti-
11 mated non-Federal cost of \$12,984,000.

12 (2) MORGANZA TO THE GULF OF MEXICO, LOU-
13 ISIANA.—The project for hurricane and storm dam-
14 age reduction, Morganza to the Gulf of Mexico, Lou-
15 isiana: Report of the Chief of Engineers, dated Au-
16 gust 23, 2002, at a total cost of \$680,00,000, with
17 an estimated Federal cost of \$442,000,000 and an
18 estimated non-Federal cost of \$238,000,000.

19 (3) SMITH ISLAND, MARYLAND.—The project
20 for environmental restoration and protection, Smith
21 Island, Maryland: Report of the Chief of Engineers,
22 dated October 29, 2001, at a total cost of
23 \$7,442,000, with an estimated Federal cost of
24 \$4,838,000 and an estimated non-Federal cost of
25 \$2,604,000.

1 (3) NASHUA RIVER, FITCHBURG, MASSACHU-
2 SETTS.—Project for flood damage reduction, Nashua
3 River, Fitchburg, Massachusetts.

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

7 (5) SOUTH BRANCH OF THE WILD RICE RIVER,
8 BORUP, MINNESOTA.—Project for flood damage re-
9 duction, South Branch of the Wild Rice River,
10 Borup, Minnesota

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

14 (7) JAMES RIVER, GREENE COUNTY, MIS-
15 SOURI.—Project for flood damage reduction, James
16 River, Greene County, Missouri.

17 (8) McKEEL BROOK, NEW JERSEY.—Project
18 for flood damage reduction, McKeel Brook, New
19 Jersey.

20 (9) EAST HUDSON RIVER, SILVER BEACH, NEW
21 YORK CITY, NEW YORK.—Project for flood damage
22 reduction, East Hudson River, Silver Beach, New
23 York City, New York.

1 is feasible, may carry out the project under section 14 of
2 the Flood Control Act of 1946 (33 U.S.C. 701r):

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

7 **SEC. 104. SMALL PROJECTS FOR NAVIGATION.**

8 The Secretary shall conduct a study for each of the
9 following projects and, if the Secretary determines that
10 a project is feasible, may carry out the project under sec-
11 tion 107 of the River and Harbor Act of 1960 (33 U.S.C.
12 577):

13 (1) BLYTHEVILLE COUNTY HARBOR, ARKAN-
14 SAS.—Project for navigation, Blytheville County
15 Harbor, Arkansas.

16 (2) EVANSTON, ILLINOIS.—Project for naviga-
17 tion, Evanston, Illinois.

18 (3) NIAGARA FRONTIER TRANSPORTATION AU-
19 THORITY BOAT HARBOR, BUFFALO, NEW YORK.—
20 Project for navigation, Niagara Frontier Transpor-
21 tation Authority Boat Harbor, Buffalo, New York.

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

1 **SEC. 105. SMALL PROJECTS FOR IMPROVEMENT OF THE**
2 **QUALITY OF THE ENVIRONMENT.**

3 The Secretary shall conduct a study for the following
4 project and, if the Secretary determines that the project
5 is appropriate, may carry out the project under section
6 1135 of the Water Resources Development Act of 1986
7 (33 U.S.C. 2309a):

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

11 **SEC. 106. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RES-**
12 **TORATION.**

13 The Secretary shall conduct a study for each of the
14 following projects and, if the Secretary determines that
15 a project is appropriate, may carry out the project under
16 section 206 of the Water Resources Development Act of
17 1996 (33 U.S.C. 2330):

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

21 (2) CHINO VALLEY, CALIFORNIA.—Project for
22 aquatic ecosystem restoration, Chino Valley, Cali-
23 fornia.

24 (3) STOCKTON DEEP WATER SHIP CHANNEL
25 AND LOWER SAN JOAQUIN RIVER, CALIFORNIA.—
26 Project for aquatic ecosystem restoration, Stockton

1 Deep Water Ship Channel and lower San Joaquin
2 River, California.

3 (4) SWEETWATER RESERVOIR, SAN DIEGO
4 COUNTY, CALIFORNIA.—Project for aquatic eco-
5 system restoration, Sweetwater Reservoir, San Diego
6 County, California, including efforts to address
7 aquatic invasive plant species.

8 (5) BISCAYNE BAY, FLORIDA.—Project for
9 aquatic ecosystem restoration, Biscayne Bay, Key
10 Biscayne, Florida.

11 (6) CHATTAHOOCHEE RIVER AND OCMULGEE
12 RIVER BASINS, GEORGIA.—Project for aquatic eco-
13 system restoration, Chattahoochee River and
14 Ocmulgee River basins, Gwinnett County, Georgia.

15 (7) SNAKE RIVER, JEROME, IDAHO.—Project
16 for aquatic ecosystem restoration, Snake River, Je-
17 rrome, Idaho.

18 **SEC. 107. SMALL PROJECTS FOR SHORELINE PROTECTION.**

19 The Secretary shall conduct a study for the following
20 project and, if the Secretary determines that the project
21 is feasible, may carry out the project under section 3 of
22 the Act entitled “An Act authorizing Federal participation
23 in the cost of protecting the shores of publicly owned prop-
24 erty”, approved August 13, 1946 (33 U.S.C. 426g):

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

3 **SEC. 108. UPPER BIG SIOUX RIVER, WATERTOWN, SOUTH**
4 **DAKOTA.**

5 (a) IN GENERAL.—The Secretary shall conduct a re-
6 evaluation of the project for flood damage reduction,
7 Upper Big Sioux River basin, Watertown, South Dakota,
8 as described in the report of the Chief of Engineers, dated
9 August 31, 1994, and entitled “Watertown and Vicinity,
10 South Dakota”.

11 (b) NON-FEDERAL SHARE.—

12 (1) IN GENERAL.—The non-Federal share of
13 the cost of the reevaluation may be provided in the
14 form of in-kind services and materials.

15 (2) CREDIT.—The Secretary shall credit toward
16 the non-Federal share of the cost of the reevaluation
17 the cost of planning and design work carried out by
18 the non-Federal interest before the date of an agree-
19 ment for the reevaluation if the Secretary deter-
20 mines that such work is integral to the reevaluation.

21 (c) PROJECT AUTHORIZATION.—If the Secretary de-
22 termines as a result of the reevaluation that the project
23 referred to in subsection (a) is feasible, the Secretary may
24 carry out the project, at a total cost of \$18,000,000.

1 **TITLE II—GENERAL PROVISIONS**

2 **SEC. 201. ANNUAL PASSES FOR RECREATION.**

3 Section 208(c)(4) of the Water Resources Develop-
4 ment Act of 1996 (16 U.S.C. 460d–3 note; 110 Stat.
5 3681; 113 Stat. 294) is amended by striking “the Decem-
6 ber 31, 2003” and inserting “December 31, 2004”.

7 **SEC. 202. NON-FEDERAL CONTRIBUTIONS.**

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

11 “(n) NON-FEDERAL CONTRIBUTIONS.—

12 “(1) PROHIBITION ON SOLICITATION OF EX-
13 CESS CONTRIBUTIONS.—The Secretary may not so-
14 licit contributions from non-Federal interests for
15 costs of constructing authorized water resources de-
16 velopment projects or measures in excess of the non-
17 Federal share assigned to the appropriate project
18 purposes listed in subsections (a), (b), and (c) or
19 condition Federal participation in such projects or
20 measures on the receipt of such contributions.

21 “(2) LIMITATION ON STATUTORY CONSTRUC-
22 TION.—Nothing in this subsection shall be construed
23 to affect the Secretary’s authority under section
24 903(c) of the Water Resources Development Act of
25 1986 (100 Stat. 4184).”.

1 **SEC. 203. HARBOR COST SHARING.**

2 (a) PAYMENTS DURING CONSTRUCTION.—Section
3 101(a)(1) of the Water Resources Development Act of
4 1986 (33 U.S.C. 2211(a)(1); 100 Stat. 4082) is amended
5 in each of subparagraphs (B) and (C) by striking “45
6 feet” and inserting “53 feet”.

7 (b) OPERATION AND MAINTENANCE.—Section
8 101(b) of such Act (33 U.S.C. 2211(b)) is amended by
9 striking “45 feet” and inserting “53 feet”.

10 (c) DEFINITIONS.—Section 214 of such Act (33
11 U.S.C. 2241; 100 Stat. 4108) is amended in each of para-
12 graphs (1) and (3) by striking “45 feet” and inserting
13 “53 feet”.

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

19 **SEC. 204. FUNDING TO PROCESS PERMITS.**

20 Section 214 of the Water Resources Development Act
21 of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is
22 amended—

23 (1) in subsection (a) by striking “2003” and in-
24 serting “2005”; and

25 (2) by adding at the end of subsection (b) the
26 following: “The acceptance and expenditure of funds

1 under subsection (a) shall not affect the order in
2 which permits are considered or approved by the
3 Secretary.”.

4 **SEC. 205. NATIONAL SHORELINE EROSION CONTROL DE-**
5 **VELOPMENT AND DEMONSTRATION PRO-**
6 **GRAM.**

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

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

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

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

20 (2) by inserting after paragraph (2) the fol-
21 lowing:

22 “(3) COST SHARING.—The Secretary may enter
23 into a cost-sharing agreement with a non-Federal in-
24 terest to carry out a project, or a phase of a project,

1 under the erosion control program in cooperation
2 with the non-Federal interest.

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

10 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
11 5(e)(2) of such Act (33 U.S.C. 426h(e)(2)) is amended
12 by striking “\$21,000,000” and inserting “\$31,000,000”.

13 **SEC. 206. WRITTEN AGREEMENT FOR WATER RESOURCES**
14 **PROJECTS.**

15 (a) LIQUIDATED DAMAGES.—Section 221(a) of the
16 Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)) is
17 amended by inserting after “\$25,000.” the following:
18 “Such agreement may include a provision for liquidated
19 damages in the event of a failure of one or more parties
20 to perform.”.

21 (b) LOCAL COOPERATION.—Section 912(b) of the
22 Water Resources Development Act of 1986 (101 Stat.
23 4190) is amended—

24 (1) in paragraph (2)—

1 (A) by striking “shall” the first place it
2 appears and inserting “may”; and

3 (B) by striking the last sentence; and
4 (2) in paragraph (4)—

5 (A) by inserting after “injunction, for” the
6 following: “payment of liquidated damages or,
7 for”;

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

10 (C) by striking “any civil penalty imposed
11 under this section,” and inserting “any liq-
12 uidated damages,”.

13 **SEC. 207. ASSISTANCE FOR REMEDIATION, RESTORATION,**
14 **AND REUSE.**

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

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

4 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section
6 \$3,000,000 for each of fiscal years 2003 through 2007.

7 **SEC. 208. COMPILATION OF LAWS.**

8 Within one year after the date of enactment of this
9 Act, the laws of the United States relating to the improve-
10 ment of rivers and harbors, flood control, beach erosion,
11 and other water resources development enacted after No-
12 vember 8, 1966, and before January 1, 2003, shall be
13 compiled under the direction of the Secretary and the
14 Chief of Engineers and printed for the use of the Depart-
15 ment of the Army, Congress, and the general public. The
16 Secretary shall reprint the volumes containing such laws
17 enacted before November 8, 1966. In addition, the Sec-
18 retary shall include an index in each volume so compiled
19 or reprinted. Not later than December 1, 2003, the Sec-
20 retary shall transmit at least 25 copies of each such vol-
21 ume to the Committee on Transportation and Infrastruc-
22 ture of the House of Representatives and the Committee
23 on Environment and Public Works of the Senate.

1 **SEC. 209. DREDGED MATERIAL DISPOSAL.**

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

5 (1) by redesignating subsection (c) as sub-
6 section (d);

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

9 “(c) GOVERNMENTAL PARTNERSHIPS.—

10 “(1) IN GENERAL.—The Secretary may enter
11 into cost-sharing agreements with 1 or more non-
12 Federal public interests with respect to a project, or
13 group of projects within a geographic region if ap-
14 propriate, for the acquisition, design, construction,
15 management, or operation of a dredged material
16 processing, treatment, or disposal facility (including
17 any facility used to demonstrate potential beneficial
18 uses of dredged material) using funds provided in
19 whole or in part by the Federal Government. One or
20 more of the parties of the agreement may perform
21 the acquisition, design, construction, management,
22 or operation of a dredged material processing, treat-
23 ment, or disposal facility. If appropriate, the Sec-
24 retary may combine portions of separate construc-
25 tion or maintenance appropriations from separate
26 Federal projects with the appropriate combined cost-

1 sharing between the various projects when the facil-
2 ity serves to manage dredged material from multiple
3 Federal projects located in the geographic region of
4 the facility.

5 “(2) PUBLIC FINANCING.—

6 “(A) AGREEMENTS.—The agreement used
7 shall clearly specify the Federal funding sources
8 and combined cost-sharing when applicable to
9 multiple Federal navigation projects and the re-
10 sponsibilities and risks of each of the parties re-
11 lated to present and future dredged material
12 managed by the facility.

13 “(B) CREDIT.—Nothing in this subsection
14 supersedes or modifies existing agreements be-
15 tween the Federal Government and any non-
16 Federal sponsors for the cost-sharing, construc-
17 tion, and operation and maintenance of Federal
18 navigation projects. Subject to the approval of
19 the Secretary and in accordance with existing
20 laws, regulations, and policies, a non-Federal
21 public sponsor of a Federal navigation project
22 may seek credit for funds provided in the acqui-
23 sition, design, construction, management, or op-
24 eration of a dredged material processing, treat-
25 ment, or disposal facility to the extent the facil-

1 ity is used to manage dredged material from
2 the Federal navigation project. The non-Federal
3 sponsor shall be responsible for providing all
4 necessary lands, easements, rights-of-way, or
5 relocations associated with the facility and shall
6 receive credit for these items.”; and

7 (3) in subsection (d), as so redesignated, by in-
8 serting “processing, treatment, or” after “dredged
9 material”.

10 **SEC. 210. WETLANDS MITIGATION.**

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

21 **SEC. 211. REMOTE AND SUBSISTENCE HARBORS.**

22 (a) IN GENERAL.—In conducting a study of harbor
23 and navigation improvements, the Secretary may rec-
24 ommend a project without the need to demonstrate that

1 the project is justified solely by national economic develop-
2 ment benefits if the Secretary determines that—

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

8 (B) the project would be located in the Com-
9 monwealth of Puerto Rico, Guam, the Common-
10 wealth of the Northern Mariana Islands, or Amer-
11 ican Samoa;

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

17 (3) the long-term viability of the community
18 would be threatened without the harbor and naviga-
19 tion improvement.

20 (b) JUSTIFICATION.—In considering whether to rec-
21 ommend a project under subsection (a), the Secretary
22 shall consider the benefits of the project to—

23 (1) public health and safety of the local commu-
24 nity, including access to facilities designed to protect
25 public health and safety;

- 1 (2) access to natural resources for subsistence
- 2 purposes;
- 3 (3) local and regional economic opportunities;
- 4 (4) welfare of the local population; and
- 5 (5) social and cultural value to the community.

6 **SEC. 212. BENEFICIAL USES OF DREDGED MATERIAL.**

7 (a) IN GENERAL.—Section 204 of the Water Re-
8 sources Development Act of 1992 (33 U.S.C. 2326) is
9 amended by striking subsections (c) through (e) and in-
10 serting the following:

11 “(c) IN GENERAL.—The Secretary may carry out
12 projects to transport and place suitable material dredged
13 in connection with the construction, operation, or mainte-
14 nance of an authorized navigation project at locations se-
15 lected by a non-Federal public entity for use in the con-
16 struction, repair, or rehabilitation of public projects asso-
17 ciated with navigation, flood damage reduction, hydro-
18 electric power, municipal and industrial water supply, ag-
19 ricultural water supply, recreation, hurricane and storm
20 damage reduction, aquatic plant control, and environ-
21 mental protection and restoration.

22 “(d) COOPERATIVE AGREEMENT.—Any project un-
23 dertaken pursuant to this section shall be initiated only
24 after non-Federal interests have entered into an agree-
25 ment with the Secretary in which the non-Federal inter-

1 ests agree to pay the non-Federal share of the cost of con-
2 struction of the project and 100 percent of the cost of
3 operation, maintenance, replacement, and rehabilitation of
4 the project in accordance with section 103 of the Water
5 Resources Development Act of 1986 (33 U.S.C. 2213).

6 “(e) DETERMINATION OF CONSTRUCTION COSTS.—
7 Costs associated with construction of a project under this
8 section shall be limited solely to construction costs that
9 are in excess of those costs necessary to carry out the
10 dredging for construction, operation, or maintenance of
11 the authorized navigation project in the most cost effective
12 way, consistent with economic, engineering, and environ-
13 mental criteria.

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

19 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated \$30,000,000 annually for
21 projects under this section. Such sums shall remain avail-
22 able until expended.

23 “(h) REGIONAL SEDIMENT MANAGEMENT PLAN-
24 NING.—In consultation with appropriate State and Fed-
25 eral agencies, the Secretary may develop, at Federal ex-

1 pense, plans for regional management of material dredged
2 in conjunction with the construction, operation, or mainte-
3 nance of navigation projects, including potential beneficial
4 uses of dredged material for construction, repair, or reha-
5 bilitation of public projects for navigation, flood damage
6 reduction, hydroelectric power, municipal and industrial
7 water supply, agricultural water supply, recreation, hurri-
8 cane and storm damage reduction, aquatic plant control,
9 and environmental protection and restoration.”.

10 (b) REPEAL.—

11 (1) IN GENERAL.—Section 145 of the Water
12 Resources Development Act of 1976 (33 U.S.C.
13 426j) is repealed.

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

19 (c) PRIORITY AREAS.—In carrying out section 204
20 of the Water Resources Development Act of 1992 (33
21 U.S.C 2326), the Secretary shall give priority to a project
22 in the vicinity of Morehead City, North Carolina.

1 **SEC. 213. COST SHARING PROVISIONS FOR CERTAIN AREAS.**

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

5 **“SEC. 1156. COST SHARING PROVISIONS FOR CERTAIN**
6 **AREAS.**

7 “The Secretary shall waive local cost-sharing require-
8 ments up to \$500,000 for all studies and projects in the
9 Commonwealth of Puerto Rico, American Samoa, Guam,
10 the Commonwealth of the Northern Mariana Islands, and
11 the United States Virgin Islands, in Indian country (as
12 defined in section 1151 of title 18, United States Code,
13 and including lands that are within the jurisdictional area
14 of an Oklahoma Indian tribe, as determined by the Sec-
15 retary of the Interior, and are recognized by the Secretary
16 of the Interior as eligible for trust land status under part
17 151 of title 25, Code of Federal Regulations) or on land
18 in the State of Alaska conveyed to an Alaska Native Vil-
19 lage Corporation under the Alaska Native Claims Settle-
20 ment Act (43 U.S.C. 1601 et seq.).”

21 **SEC. 214. REVISION OF PROJECT COOPERATION AGREE-**
22 **MENT.**

23 Upon authorization by law of an increase in the max-
24 imum amount of Federal funds that may be allocated for
25 a project or an increase in the total cost of a project au-
26 thorized to be carried out by the Secretary, the Secretary

1 shall revise the project cooperation agreement for the
2 project to take into account the change in Federal partici-
3 pation in the project.

4 **SEC. 215. COST SHARING.**

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

12 **SEC. 216. CREDIT FOR WORK PERFORMED BEFORE CO-**
13 **OPERATION AGREEMENT.**

14 If the Secretary is authorized to credit toward the
15 non-Federal share the cost of work carried out by the non-
16 Federal interest before the date of the cooperation agree-
17 ment for the project and such work has not been carried
18 out as of the date of enactment of this Act, the Secretary
19 shall enter into an agreement with the non-Federal inter-
20 est for the project under which the non-Federal interest
21 shall carry out such work, and the credit shall apply only
22 to work carried out under the agreement entered into
23 under this section.

1 **SEC. 217. RECREATION USER FEE REVENUES.**

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

4 (1) in subsection (a)(1) by striking “During fis-
5 cal years 1999 through 2002, the” and inserting
6 “The”; and

7 (2) in subsection (a)(3) by striking “September
8 30, 2005” and inserting “expended”.

9 **SEC. 218. EXPEDITED ACTIONS FOR EMERGENCY FLOOD**
10 **DAMAGE REDUCTION.**

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

19 **SEC. 219. WATERSHED AND RIVER BASIN ASSESSMENTS.**

20 (a) IN GENERAL.—Section 729(f)(1) of the Water
21 Resources Development Act of 1986 (114 Stat. 2588; 100
22 Stat. 4164) is amended to read as follows:

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

1 (b) REVISION OF COOPERATION AGREEMENT.—The
2 Secretary shall revise the cooperation agreement for any
3 assessment being carried out under such section 729 to
4 take into account the change in non-Federal participation
5 in the assessment as a result of the amendment made by
6 subsection (a).

7 **SEC. 220. TRIBAL PARTNERSHIP PROGRAM.**

8 Section 203(b)(1)(B) of the Water Resources Devel-
9 opment Act of 2000 (33 U.S.C. 2269(b)(1)(B); 114 Stat.
10 2589) is amended by inserting after “Code” the following
11 “, and including lands that are within the jurisdictional
12 area of an Oklahoma Indian tribe, as determined by the
13 Secretary of the Interior, and are recognized by the Sec-
14 retary of the Interior as eligible for trust land status under
15 part 151 of title 25, Code of Federal Regulations”.

16 **SEC. 221. TREATMENT OF CERTAIN SEPARABLE ELEMENTS.**

17 (a) IN GENERAL.—If, in carrying out a water re-
18 sources project, the Secretary identifies a separable ele-
19 ment that would advance a primary mission of the Corps
20 of Engineers, with benefits that could be achieved more
21 cost-effectively if carried out in conjunction with the
22 project, the Secretary, in consultation with the non-Fed-
23 eral interest, may carry out such separable element at
24 Federal expense not to exceed 3 percent of the Federal
25 project cost or \$1,000,000, whichever is less.

1 (b) OPERATION AND MAINTENANCE.—Operation and
2 maintenance of work carried out under this section shall
3 be a non-Federal responsibility.

4 **TITLE III—PROJECT-RELATED**
5 **PROVISIONS**

6 **SEC. 301. COOK INLET, ANCHORAGE HARBOR, ALASKA.**

7 The project for navigation improvements, Cook Inlet,
8 Alaska (Anchorage Harbor, Alaska), authorized by section
9 101 of the River and Harbor Act of 1958 (72 Stat. 299)
10 and modified by section 199 of the Water Resources De-
11 velopment Act of 1976 (90 Stat. 2944), is further modi-
12 fied to authorize the Secretary to establish a harbor depth
13 of 45 feet for a length of 5,000 feet at the Port of Anchor-
14 age marine facility, at a total cost of \$14,500,000. Federal
15 maintenance shall be in accordance with such section 101;
16 except that the project shall be maintained at a depth of
17 45 feet for such 5,000 feet.

18 **SEC. 302. GALENA, ALASKA.**

19 The project for emergency bank stabilization, Galena,
20 Alaska, authorized by title I of the Energy and Water De-
21 velopment Appropriations Act, 2001 (114 Stat. 1441A–
22 61), is modified to direct the Secretary to construct the
23 project, at a total cost of \$6,000,000.

1 **SEC. 303. KING COVE HARBOR, ALASKA.**

2 The maximum amount of Federal funds that may be
3 expended for the project for navigation, King Cove Har-
4 bor, Alaska, being carried out under section 107 of the
5 River Harbor Act of 1960 (33 U.S.C. 577), shall be
6 \$8,000,000.

7 **SEC. 304. ST. PAUL HARBOR, ALASKA.**

8 (a) IN GENERAL.—The project for navigation, St.
9 Paul Harbor, Alaska, authorized by section 101(b)(3) of
10 the Water Resources Development Act of 1996 (110 Stat.
11 3667) and modified by section 303 of the Water Resources
12 Development Act of 1999 (113 Stat. 298–299), is further
13 modified to direct the Secretary to construct the project,
14 at a total cost of \$65,000,000.

15 (b) LIMITATION ON NON-FEDERAL SHARE.—The
16 non-Federal share for the project shall not exceed
17 \$14,400,000.

18 **SEC. 305. SITKA, ALASKA.**

19 The Thompson Harbor, Sitka, Alaska, element of the
20 project for navigation Southeast Alaska Harbors of Ref-
21 uge, Alaska, authorized by section 101 of the Water Re-
22 sources Development Act of 1992 (106 Stat. 4801), is
23 modified to direct the Secretary to take such action as
24 may be necessary to correct design deficiencies in such ele-
25 ment, at a Federal expense of \$6,300,000.

1 west levee of the Yolo Bypass, and a new low-flow cross
2 channel to handle city and county storm drainage and set-
3 tling basin flows (1,760 cubic feet per second) when the
4 Yolo Bypass is in a low flow condition.

5 **SEC. 309. GRAYSON CREEK/MURDERER'S CREEK, CALI-**
6 **FORNIA.**

7 The project for aquatic ecosystem restoration, Gray-
8 son Creek/Murderer's Creek, California, being carried out
9 under section 206 of the Water Resources Development
10 Act of 1996 (33 U.S.C. 2330), is modified to direct the
11 Secretary to credit toward the non-Federal share of the
12 cost of the project the cost of work carried out by the
13 non-Federal interest before the date of the cooperation
14 agreement for the project if the Secretary determines that
15 the work is integral to the project and to authorize the
16 Secretary to consider national ecosystem restoration bene-
17 fits in determining the Federal interest in the project.

18 **SEC. 310. JOHN F. BALDWIN SHIP CHANNEL AND STOCKTON**
19 **SHIP CHANNEL, CALIFORNIA.**

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

23 (1) to provide that the non-Federal share of the
24 cost of the John F. Baldwin Ship Channel and
25 Stockton Ship Channel element of the project may

1 be provided in the form of in-kind services and ma-
2 terials; and

3 (2) to direct the Secretary to credit toward the
4 non-Federal share of the cost of such element the
5 cost of planning and design work carried out by the
6 non-Federal interest before the date of an agreement
7 for such planning and design if the Secretary deter-
8 mines that such work is integral to such element.

9 **SEC. 311. LOS ANGELES HARBOR, LOS ANGELES, CALI-**
10 **FORNIA.**

11 The project for navigation, Los Angeles Harbor, Los
12 Angeles, California, authorized by section 101(b)(5) of the
13 Water Resources Development Act of 2000 (114 Stat.
14 2577), is modified to direct the Secretary to credit toward
15 the non-Federal share of the cost of the project the cost
16 of the planning, design, and construction work carried out
17 by the non-Federal interest before the date of the coopera-
18 tion agreement for the project if the Secretary determines
19 the work is integral to the project.

20 **SEC. 312. LARKSPUR FERRY CHANNEL, LARKSPUR, CALI-**
21 **FORNIA.**

22 The project for navigation, Larkspur Ferry Channel,
23 Larkspur, California, authorized by section 601(d) of the
24 Water Resources Development Act of 1986 (100 Stat.
25 4148), is modified to direct the Secretary to prepare a

1 limited reevaluation report to determine whether mainte-
2 nance of the project is feasible. If the Secretary deter-
3 mines that maintenance of the project is feasible, the Sec-
4 retary shall carry out the maintenance.

5 **SEC. 313. NAPA RIVER SALT MARSH RESTORATION, NAPA**
6 **RIVER, CALIFORNIA.**

7 In carrying out the feasibility study for the project
8 for aquatic ecosystem restoration, Napa River Salt Marsh
9 Restoration, Napa and Sonoma Counties, California, the
10 Secretary shall determine whether work carried out by the
11 non-Federal interest is integral to the project. In any case
12 in which the work is determined to be integral to the
13 project before completion of the final report of the Chief
14 of Engineers on the project, such work shall be included
15 as part of the project, and the cost of such work shall
16 be recommended in the final report for credit toward the
17 non-Federal share of the cost of the project. Work carried
18 out after submission of the final report and before the date
19 of the cooperation agreement for the project that is deter-
20 mined to be integral to the project shall be considered as
21 part of the project, and the cost of such work shall be
22 credited toward the non-Federal share of the cost of the
23 project.

1 **SEC. 314. PACIFIC FLYWAY CENTER, SACRAMENTO, CALI-**
2 **FORNIA.**

3 The project for aquatic ecosystem restoration, Pacific
4 Flyway Center, Sacramento, California, being carried out
5 under section 206 of the Water Resources Development
6 Act of 1996 (33 U.S.C. 2330), is modified to authorize
7 the Secretary to expend \$1,000,000 to enhance public ac-
8 cess to the project.

9 **SEC. 315. PINOLE CREEK, CALIFORNIA.**

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

19 **SEC. 316. PRADO DAM, CALIFORNIA.**

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

1 Orange County Water District (including all the condi-
2 tions and stipulations in the memorandum) shall remain
3 in effect for volumes of water made available prior to such
4 modifications.

5 **SEC. 317. SACRAMENTO DEEP WATER SHIP CHANNEL, CALI-**
6 **FORNIA.**

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

16 **SEC. 318. SACRAMENTO RIVER, GLENN-COLUSA, CALI-**
17 **FORNIA.**

18 The project for flood control, Sacramento River, Cali-
19 fornia, authorized by section 2 of the Act entitled “An Act
20 to provide for the control of the floods of the Mississippi
21 River and of the Sacramento River, California, and for
22 other purposes”, approved March 1, 1917 (39 Stat. 949),
23 and modified by section 102 of the Energy and Water De-
24 velopment Appropriations Act, 1990 (103 Stat. 649), sec-
25 tion 301(b)(3) of the Water Resources Development Act

1 of 1996 (110 Stat. 3110), title I of the Energy and Water
2 Development Appropriations Act, 1999 (112 Stat. 1841),
3 and section 305 of the Water Resources Development Act
4 of 1999 (113 Stat. 299), is further modified to direct the
5 Secretary to credit the non-Federal interest up to
6 \$4,000,000 toward the non-Federal share of the cost of
7 the project for costs incurred by the non-Federal interest
8 in carrying out activities (including the provision of lands,
9 easements, rights-of-way, relocations, and dredged mate-
10 rial disposal areas) associated with environmental compli-
11 ance for the project if the Secretary determines that the
12 activities are integral to the project.

13 **SEC. 319. SAN LORENZO RIVER, CALIFORNIA.**

14 The project for flood control, San Lorenzo River,
15 California, authorized by section 101(a)(5) of the Water
16 Resources Development Act of 1996 (110 Stat. 3663), is
17 modified to direct the Secretary to credit not more than
18 \$2,000,000 toward the non-Federal share of the cost of
19 the project for the cost of the work carried out by the
20 non-Federal interest before the date of the cooperation
21 agreement for the project if the Secretary determines the
22 work is integral to the project.

23 **SEC. 320. TERMINUS DAM, KAWEAH RIVER, CALIFORNIA.**

24 The project for flood control and water supply, Ter-
25 minus Dam, Kaweah River, California, authorized by sec-

1 tion 101(b)(5) of the Water Resources Development Act
2 of 1996 (110 Stat. 3667) and modified by section 307
3 of the Water Resources Development Act of 1999 (113
4 Stat. 299), is further modified to authorize the Secretary
5 to construct the project, at a total cost of \$50,000,000.

6 **SEC. 321. UPPER GUADALUPE RIVER, CALIFORNIA.**

7 The project for flood damage reduction and recre-
8 ation, Upper Guadalupe River, California, described as the
9 Bypass Channel Plan of the Chief of Engineers dated Au-
10 gust 19, 1998, authorized by section 101(a)(9) of the
11 Water Resources Development Act of 1999 (113 Stat.
12 275), is modified to authorize the Secretary to construct
13 the project, at a total cost of \$140,328,000, with an esti-
14 mated Federal cost of \$70,164,000, and an estimated non-
15 Federal cost of \$70,164,000. The non-Federal share of
16 the cost of the project shall be subject to section 103(a)(3)
17 of the Water Resources Development Act of 1986 (33
18 U.S.C. 2213(a)(3)).

19 **SEC. 322. WALNUT CREEK CHANNEL, CALIFORNIA.**

20 The project for aquatic ecosystem restoration, Wal-
21 nut Creek Channel, California, being carried out under
22 section 206 of the Water Resources Development Act of
23 1996 (33 U.S.C. 2330), is modified to direct the Secretary
24 to credit toward the non-Federal share of the cost of the
25 project the cost of work carried out by the non-Federal

1 interest before the date of the cooperation agreement for
2 the project if the Secretary determines that the work is
3 integral to the project and to authorize the Secretary to
4 consider national ecosystem restoration benefits in deter-
5 mining the Federal interest in the project.

6 **SEC. 323. WILDCAT/SAN PABLO CREEK PHASE I, CALI-**
7 **FORNIA.**

8 The project for improvement of the quality of the en-
9 vironment, Wildcat/San Pablo Creek Phase I, California,
10 being carried out under section 1135 of the Water Re-
11 sources Development Act of 1986 (33 U.S.C. 2309a), is
12 modified to direct the Secretary to credit toward the non-
13 Federal share of the cost of the project the cost of work
14 carried out by the non-Federal interest before the date of
15 the cooperation agreement for the project if the Secretary
16 determines that the work is integral to the project.

17 **SEC. 324. WILDCAT/SAN PABLO CREEK PHASE II, CALI-**
18 **FORNIA.**

19 The project for aquatic ecosystem restoration, Wild-
20 cat/San Pablo Creek Phase II, California, being carried
21 out under section 206 of the Water Resources Develop-
22 ment Act of 1996 (33 U.S.C. 2330), is modified to direct
23 the Secretary to credit toward the non-Federal share of
24 the cost of the project the cost of work carried out by
25 the non-Federal interest before the date of the cooperation

1 agreement for the project if the Secretary determines that
2 the work is integral to the project and to authorize the
3 Secretary to consider national ecosystem restoration bene-
4 fits in determining the Federal interest in the project.

5 **SEC. 325. BREVARD COUNTY, FLORIDA.**

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

9 “(d) CREDIT.—After completion of the study, the
10 Secretary shall credit toward the non-Federal share of the
11 cost of the project the cost of nourishment and renourish-
12 ment associated with the shore protection project incurred
13 by the non-Federal interest to respond to damages to
14 Brevard County beaches that are the result of a Federal
15 navigation project, as determined in the final report for
16 the study.”.

17 **SEC. 326. GASPARILLA AND ESTERO ISLANDS, FLORIDA.**

18 The project for shore protection, Gasparilla and
19 Estero Island segments, Lee County, Florida, authorized
20 under section 201 of the Flood Control Act of 1965 (79
21 Stat. 1073) by Senate Resolution dated December 17,
22 1970, and by House Resolution dated December 15, 1970,
23 and modified by section 309 of the Water Resources De-
24 velopment Act of 2000 (114 Stat. 2602), is further modi-
25 fied to direct the Secretary to credit toward the non-Fed-

1 eral share of the cost of the project the cost of work car-
2 ried out by the non-Federal interest before the date of the
3 cooperation agreement for the project if the Secretary de-
4 termines that the work is integral to the project.

5 **SEC. 327. LIDO KEY BEACH, SARASOTA, FLORIDA.**

6 The project for shore protection, Lido Key Beach,
7 Sarasota, Florida, authorized by section 101 of the River
8 and Harbor Act of 1970 (84 Stat. 1819), deauthorized
9 under section 1001(b) of the Water Resources Develop-
10 ment Act of 1986 (33 U.S.C. 579a(b)), and reauthorized
11 by section 364(2)(A) of the Water Resources Development
12 Act of 1999 (113 Stat. 313), is modified to direct the Sec-
13 retary to construct the project, at a total cost of
14 \$12,926,000, with an estimated Federal cost of
15 \$6,547,000 and an estimated non-Federal cost of
16 \$6,379,000, and at an estimated average annual cost of
17 \$925,000 for periodic nourishment over the 50-year life
18 of the project, with an estimated annual Federal cost of
19 \$468,500 and an estimated annual non-Federal cost of
20 \$456,500.

21 **SEC. 328. MANATEE HARBOR, FLORIDA.**

22 The project for navigation, Manatee Harbor, Florida,
23 authorized by section 202(a) of the Water Resources De-
24 velopment Act of 1986 (100 Stat. 4093) and modified by

1 section 102(j) of the Water Resources Development Act
2 of 1990 (104 Stat. 4612), is further modified—

3 (1) to include the construction of an extension
4 of the south channel a distance of approximately
5 1584 feet consistent with the general reevaluation
6 report, dated April 2002, prepared by the Jackson-
7 ville District Corps of Engineers, at a total cost of
8 \$9,800,000, with an estimated Federal cost of
9 \$7,350,000 and an estimated non-Federal cost of
10 \$2,450,000;

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

15 (3) to direct the Secretary to credit toward the
16 non-Federal share of the cost of the project the cost
17 of planning, design, and construction work carried
18 out by the non-Federal interest before the date of
19 the cooperation agreement for the project if the Sec-
20 retary determines that the work is integral to the
21 project.

22 **SEC. 329. ROSE BAY, VOLUSIA COUNTY, FLORIDA.**

23 The project for aquatic ecosystem restoration, Rose
24 Bay, Volusia County, Florida, being carried out under sec-
25 tion 206 of the Water Resources Development Act of 1996

1 (33 U.S.C. 2330), is modified to direct the Secretary to
2 credit toward the non-Federal share of the cost of the
3 project the costs incurred by the Florida Department of
4 Transportation in constructing that portion of United
5 States Highway 1 bridge that the Secretary determines
6 is required for the proper functioning of the project.

7 **SEC. 330. TAMPA HARBOR, FLORIDA.**

8 The project for navigation, Tampa Harbor, Florida,
9 referred to in section 4 of the Rivers and Harbors Act
10 of September 22, 1922 (42 Stat. 1042), is modified to
11 direct the Secretary to credit toward the non-Federal
12 share of the cost of the project the cost of planning, de-
13 sign, and construction work carried out by the non-Fed-
14 eral interest before the date of the cooperation agreement
15 for the project if the Secretary determines that the work
16 is integral to the project.

17 **SEC. 331. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.**

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

1 agreement for the project if the Secretary determines that
2 the work is integral to the project.

3 **SEC. 332. LITTLE WOOD RIVER, GOODING, IDAHO.**

4 The project for flood damage reduction, Little Wood
5 River, Gooding, Idaho, being carried out under section
6 205 of the Flood Control Act of 1948 (33 U.S.C. 701s),
7 is modified—

8 (1) to authorize the non-Federal interest to pro-
9 vide any portion of the non-Federal share of the cost
10 of the project in the form of services, materials, sup-
11 plies, or other in-kind contributions;

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

17 (3) to direct the Secretary, in calculating the
18 non-Federal share of the cost of the project, to make
19 a determination under section 103(m) of the Water
20 Resources Development Act of 1986 (33 U.S.C.
21 2213(m)) on the non-Federal interest's ability to
22 pay.

23 **SEC. 333. INDIANA HARBOR, INDIANA.**

24 The project for environmental dredging, Indiana
25 Harbor, Indiana, being carried out under section 312 of

1 the Water Resources Development Act of 1990 (33 U.S.C.
2 1252 note; 104 Stat. 4639), is modified to direct the Sec-
3 retary to credit toward the non-Federal share of the cost
4 of the project the cost of design work carried out by the
5 non-Federal interest before the date of the cooperation
6 agreement for the project if the Secretary determines that
7 the work is integral to the project.

8 **SEC. 334. LITTLE CALUMET RIVER, INDIANA.**

9 The project for flood control, Little Calumet River,
10 Indiana, authorized by section 401(a) of the Water Re-
11 sources Development Act of 1986 (100 Stat. 4115), is
12 modified to authorize the Secretary to carry out the
13 project in accordance with the post authorization change
14 report dated August 2000, at a total cost of
15 \$186,300,000, with an estimated Federal cost of
16 \$136,600,000 and an estimated non-Federal cost of
17 \$49,700,000.

18 **SEC. 335. LITTLE CALUMET RIVER BASIN (CADY MARSH**
19 **DITCH), INDIANA.**

20 The project for flood control, Little Calumet River
21 Basin (Cady Marsh Ditch), Indiana, authorized by section
22 401(a) the Water Resources Development Act of 1986
23 (100 Stat. 4115), is modified to authorize the Secretary
24 to construct the project, at a total cost of \$23,146,000,

1 with an estimated Federal cost of \$17,359,000 and an es-
2 timated non-Federal cost of \$5,787,000.

3 **SEC. 336. LONG LAKE, INDIANA.**

4 (a) COST SHARING.—The project for ecosystem res-
5 toration, Long Lake, Indiana, being carried out under sec-
6 tion 206 of the Water Resources Development Act of 1996
7 (33 U.S.C. 2330), is modified to direct the Secretary to
8 carry out the components of the project located on Federal
9 land at full Federal expense.

10 (b) REIMBURSEMENT.—After completion of the
11 project referred to in subsection (a), the Secretary shall
12 seek reimbursement from the Secretary of the Interior of
13 an amount equal to the costs of the project allocated to
14 benefits to the Indiana Dunes National Lakeshore.

15 **SEC. 337. WHITE RIVER, INDIANA.**

16 The project for flood control, Indianapolis on West
17 Fork of White River, Indiana, authorized by section 5 of
18 the Act entitled “An Act authorizing the construction of
19 certain public works on rivers and harbors for flood con-
20 trol, and other purposes”, approved June 22, 1936 (49
21 Stat. 1586), and modified by section 323 of the Water
22 Resources Development Act of 1996 (110 Stat. 3716) and
23 section 322 of the Water Resources Development Act of
24 1999 (113 Stat. 303–304), is further modified to author-
25 ize the Secretary to undertake the riverfront alterations

1 described in the Central Indianapolis Waterfront Concept
2 Plan, dated February 1994, for the Fall Creek Reach fea-
3 ture, at a total cost of \$28,545,000.

4 **SEC. 338. WOLF LAKE, INDIANA.**

5 The project for aquatic ecosystem restoration, Wolf
6 Lake, Indiana, being carried out under section 206 of the
7 Water Resources Development Act of 1996 (33 U.S.C.
8 2330), is modified to direct the Secretary to credit toward
9 the non-Federal share of the cost of the project the cost
10 of planning, design, and construction work carried out by
11 the non-Federal interest before the date of the cooperation
12 agreement for the project if the Secretary determines that
13 the work is integral to the project.

14 **SEC. 339. HARLAN COUNTY, KENTUCKY.**

15 The Harlan County, Kentucky, element of the project
16 for flood control, Levisa and Tug Fork of the Big Sandy
17 and Cumberland Rivers, West Virginia, Virginia, and Ken-
18 tucky, authorized by section 202(a) of the Energy and
19 Water Development Appropriations Act, 1981 (94 Stat.
20 1339), is modified to direct the Secretary to take measures
21 to provide a 100-year level of flood protection.

22 **SEC. 340. AMITE RIVER AND TRIBUTARIES, LOUISIANA,**
23 **EAST BATON ROUGE PARISH WATERSHED.**

24 The project for flood damage reduction and recre-
25 ation, Amite River and Tributaries, Louisiana, East

1 Baton Rouge Parish Watershed, authorized by section
2 101(a)(21) of the Water Resources Development Act of
3 1999 (113 Stat. 277), is modified to direct the Secretary
4 to carry out the project with the cost sharing for the
5 project determined in accordance with section 103(a) of
6 the Water Resources Development Act of 1986 (33 U.S.C.
7 2213(a)) as in effect on October 11, 1996, at a total cost
8 of \$158,000,000, with an estimated Federal cost of
9 \$102,700,000 and an estimated non-Federal cost of
10 \$55,300,000.

11 **SEC. 341. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI**
12 **RIVER TO SHREVEPORT, LOUISIANA.**

13 The project for mitigation of fish and wildlife losses,
14 J. Bennett Johnston Waterway, Mississippi River to
15 Shreveport, Louisiana, authorized by section 601(a) of the
16 Water Resources Development Act of 1986 (100 Stat.
17 4142) and modified by section 4(h) of the Water Re-
18 sources Development Act of 1988 (102 Stat. 4016), sec-
19 tion 102(p) of the Water Resources Development Act of
20 1990 (104 Stat. 4613), section 301(b)(7) of the Water
21 Resources Development Act of 1996 (110 Stat. 3710), and
22 section 316 of the Water Resources Development Act of
23 2000 (114 Stat. 2572), is further modified to authorize
24 the purchase and reforestation of lands which have been

1 cleared or converted to agricultural uses, at a total cost
2 of \$33,000,000.

3 **SEC. 342. MISSISSIPPI DELTA REGION, LOUISIANA.**

4 The Mississippi Delta Region project, Louisiana, au-
5 thorized as part of the project for hurricane-flood protec-
6 tion on Lake Pontchartrain, Louisiana, by section 204 of
7 the Flood Control Act of 1965 (79 Stat. 1077) and modi-
8 fied by section 365 of the Water Resources Development
9 Act of 1996 (110 Stat. 3739), is further modified to direct
10 the Secretary to credit toward the non-Federal share of
11 the cost of the project the costs of relocating oyster beds
12 in the Davis Pond project area if the Secretary determines
13 that the work is integral to the Mississippi Delta Region
14 project.

15 **SEC. 343. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF**
16 **HARVEY CANAL), LOUISIANA.**

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

19 (1) in subsection (a)—

20 (A) by striking “operation and mainte-
21 nance” and inserting “operation, maintenance,
22 rehabilitation, repair, and replacement”; and

23 (B) by striking “Algiers Channel” and in-
24 serting “Algiers Canal Levees”; and

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

1 (b) MAXIMUM FEDERAL EXPENDITURE.—The max-
2 imum amount of Federal funds that may be expended for
3 the project shall be \$3,000,000.

4 **SEC. 346. WATER RESOURCES INSTITUTE, MUSKEGON,**
5 **MICHIGAN.**

6 (a) IN GENERAL.—The project for emergency
7 streambank and shoreline protection, Water Resources In-
8 stitute, Muskegon, Michigan, being carried out under sec-
9 tion 14 of the Flood Control Act of 1946 (33 U.S.C.
10 701r), is modified to provide for completion of shoreline
11 protection measures in accordance with the approved
12 plans and specifications for Grand Valley State University,
13 Lake Michigan Center, dated August 6, 2001.

14 (b) MAXIMUM FEDERAL EXPENDITURE.—The max-
15 imum amount of Federal funds that may be expended for
16 the project shall be \$2,000,000.

17 (c) CREDIT.—The Secretary shall credit toward the
18 non-Federal share of the cost of the project the cost of
19 design and implementation of shoreline protection meas-
20 ures carried out by the non-Federal interest before the
21 date of the cooperation agreement for the project if the
22 Secretary determines that the work is integral to the
23 project.

1 **SEC. 347. SAGINAW RIVER, BAY CITY, MICHIGAN.**

2 The maximum amount of Federal funds that may be
3 expended for the project for emergency streambank pro-
4 tection, Saginaw River, Bay City, Michigan, being carried
5 out under section 14 of the Flood Control Act of 1946
6 (33 U.S.C. 701r), shall be \$2,000,000.

7 **SEC. 348. ADA, MINNESOTA.**

8 (a) IN GENERAL.—The project for flood damage re-
9 duction, Wild Rice River, Ada, Minnesota, being carried
10 out under section 205 of the Flood Control Act of 1948
11 (33 U.S.C. 701s), is modified to authorize the Secretary
12 to consider national ecosystem restoration benefits in de-
13 termining the Federal interest in the project.

14 (b) EVALUATION OF BENEFITS AND COSTS.—In
15 evaluating the economic benefits and costs for the project,
16 the Secretary shall not consider the emergency levee adja-
17 cent to Judicial Ditch No. 51 in the determination of con-
18 ditions existing prior to construction of the project.

19 (c) SPECIAL RULE.—In evaluating and implementing
20 the project, the Secretary shall allow the non-Federal in-
21 terest to participate in the financing of the project in ac-
22 cordance with section 903(c) of the Water Resources De-
23 velopment Act of 1986 (100 Stat. 4184) to the extent that
24 the Secretary's evaluation indicates that applying such
25 section is necessary to implement the project.

1 **SEC. 349. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.**

2 (a) IN GENERAL.—The project for navigation, Du-
3 luth Harbor, McQuade Road, Minnesota, being carried out
4 under section 107 of the River and Harbor Act of 1960
5 (33 U.S.C. 577) and modified by section 321 of the Water
6 Resources Development Act of 2000 (114 Stat. 2605), is
7 further modified to authorize the Secretary to provide
8 public access and recreational facilities as generally de-
9 scribed in the Detailed Project Report and Environmental
10 Assessment, McQuade Road Harbor of Refuge, Duluth,
11 Minnesota, dated August 1999.

12 (b) MAXIMUM FEDERAL EXPENDITURE.—The max-
13 imum amount of Federal funds that may be expended for
14 the project shall be \$5,000,000.

15 **SEC. 350. GRANITE FALLS, MINNESOTA.**

16 The maximum amount of Federal funds that may be
17 expended for the project for flood damage reduction,
18 Granite Falls, Minnesota, being carried out under section
19 205 of the Flood Control Act of 1948 (33 U.S.C. 701s),
20 shall be \$12,000,000.

21 **SEC. 351. RED LAKE RIVER, MINNESOTA.**

22 The project for flood control, Red Lake River at
23 Crookston, Minnesota, authorized by section 101(a)(23) of
24 the Water Resources Development Act of 1999 (113 Stat.
25 278), is modified to authorize the Secretary to construct
26 the project, at a total cost of \$25,000,000, with an esti-

1 mated Federal cost of \$16,250,000 and an estimated non-
2 Federal cost of \$8,750,000.

3 **SEC. 352. SILVER BAY, MINNESOTA.**

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

9 **SEC. 353. TACONITE HARBOR, MINNESOTA.**

10 The project for navigation, Taconite Harbor, Min-
11 nesota, carried out under section 107 of the River and
12 Harbor Act of 1960 (33 U.S.C. 577), is modified to in-
13 clude operation and maintenance of the general navigation
14 facilities as a Federal responsibility.

15 **SEC. 354. TWO HARBORS, MINNESOTA.**

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

22 (b) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—
23 Non-Federal interests shall be responsible for providing all
24 lands, easements, rights-of-way, and relocations necessary

1 for the construction of the dredged material disposal facil-
2 ity.

3 (c) **MAXIMUM FEDERAL EXPENDITURE.**—The max-
4 imum amount of Federal funds that may be expended for
5 the project shall be \$5,000,000.

6 **SEC. 355. BOIS BRULE DRAINAGE AND LEVEE DISTRICT,**
7 **MISSOURI.**

8 The maximum amount of Federal funds that may be
9 expended for the project for flood damage reduction, Bois
10 Brule Drainage and Levee District, Missouri, being car-
11 ried out under section 205 of the Flood Control Act of
12 1948 (33 U.S.C. 701s), shall be \$25,000,000.

13 **SEC. 356. TURKEY CREEK BASIN, KANSAS CITY, MISSOURI,**
14 **AND KANSAS CITY, KANSAS.**

15 The project for flood damage reduction, Turkey
16 Creek Basin, Kansas City, Missouri, and Kansas City,
17 Kansas, authorized by section 101(a)(24) of the Water
18 Resources Development Act of 1999 (113 Stat. 278), is
19 modified to direct the Secretary to credit toward the non-
20 Federal share of the cost of the project the cost of work
21 carried out by the non-Federal interest before the date of
22 the cooperation agreement for the project if the Secretary
23 determines that the work is integral to the project.

1 **SEC. 357. ORCHARD BEACH, BRONX, NEW YORK.**

2 The project for shoreline protection, Orchard Beach,
3 Bronx, New York, authorized by section 554 of the Water
4 Resources Development Act of 1996 (110 Stat. 3781), is
5 modified to authorize the Secretary to construct the
6 project, at a total cost of \$18,000,000.

7 **SEC. 358. TIMES BEACH, BUFFALO, NEW YORK.**

8 The project for improvement of the quality of the en-
9 vironment, Times Beach, Buffalo, New York, being car-
10 ried out under section 1135 of the Water Resources Devel-
11 opment Act of 1986 (100 Stat. 4251), is modified to direct
12 the Secretary to credit not more than \$750,000 toward
13 the non-Federal share of the cost of the project for the
14 cost of planning, design, and construction work carried out
15 by the non-Federal interest before the date of the coopera-
16 tion agreement for the project if the Secretary determines
17 the work is integral to the project.

18 **SEC. 359. PORT OF NEW YORK AND NEW JERSEY, NEW**
19 **YORK AND NEW JERSEY.**

20 The Secretary may not require as an item of local
21 cooperation in the construction of the project for naviga-
22 tion, Port of New York and New Jersey, New York and
23 New Jersey, authorized by section 101(a)(2) of the Water
24 Resources Development Act of 2000 (114 Stat. 2576),
25 that the non-Federal interest agree that the container fa-
26 cilities at the former Military Ocean Terminal at the Ba-

1 yonne, New Jersey, site along the Port Jersey Channel
2 be operational prior to construction of the 50-foot deep
3 Port Jersey Channel. Such container facilities may be
4 made operational concurrent with the navigation project.

5 **SEC. 360. NEW YORK STATE CANAL SYSTEM.**

6 Section 553(c) of the Water Resources Development
7 Act of 1996 (110 Stat. 3781) is amended to read as fol-
8 lows:

9 “(c) NEW YORK STATE CANAL SYSTEM DEFINED.—
10 In this section, the term ‘New York State Canal System’
11 means the 524 miles of navigable canal that comprise the
12 New York State Canal System, including the Erie, Ca-
13 yuga-Seneca, Oswego, and Champlain Canals and the his-
14 toric alignments of these canals, including the cities of Al-
15 bany and Buffalo.”.

16 **SEC. 361. ASHTABULA RIVER, OHIO.**

17 The project for environmental dredging, Ashtabula
18 River, Ohio, being carried out under section 312 of the
19 Water Resources Development Act of 1990 (33 U.S.C.
20 1252 note; 104 Stat. 4639; 110 Stat. 3679), is modified
21 to direct the Secretary to credit toward the non-Federal
22 share of the cost of the project the cost of design and con-
23 struction work provided by the non-Federal interest before
24 the date of the cooperation agreement for the project if

1 the Secretary determines that the work is integral to the
2 project.

3 **SEC. 362. WILLAMETTE RIVER TEMPERATURE CONTROL,**
4 **MCKENZIE SUBBASIN, OREGON.**

5 (a) IN GENERAL.—The project for environmental
6 restoration, Willamette River Temperature Control,
7 McKenzie Subbasin, Oregon, authorized by section
8 101(a)(25) of the Water Resources Development Act of
9 1996 (110 Stat. 3665) and modified by section 344 of
10 the Water Resources Development Act of 1999 (113 Stat.
11 308), is further modified to direct the Secretary to pay,
12 subject to the availability of appropriations, compensation
13 for losses to small business attributable to the implemen-
14 tation of the draw down conducted as a part of project
15 implementation in 2002.

16 (b) ESTABLISHMENT OF PROGRAM.—Not later than
17 120 days after the date of enactment of this Act, the Sec-
18 retary shall establish, and provide public notice of, a
19 program—

20 (1) to receive claims for compensation for losses
21 to small business attributable to the implementation
22 of the draw down conducted as a part of project im-
23 plementation in 2002;

24 (2) to evaluate claims for such losses; and

25 (3) to pay claims for such losses.

1 (c) IMPLEMENTATION OF PROGRAM.—In carrying
2 out the program established under subsection (b), the Sec-
3 retary shall provide—

4 (1) public notice of the existence of the pro-
5 gram sufficient to reach those in the area that may
6 have suffered losses to small businesses;

7 (2) a period for the submission of claims of not
8 fewer than 45 days and not greater than 75 days
9 from the date of the first public notice of the exist-
10 ence of the program;

11 (3) for the evaluation of each claim submitted
12 to the Secretary under the program and a deter-
13 mination of whether the claim constitutes a loss to
14 a small business on or before the last day of the 30-
15 day period beginning on the date of submission of
16 the claim; and

17 (4) for the payment of each claim that the Sec-
18 retary determines constitutes a loss to a small busi-
19 ness on or before the last day of the 30-day period
20 beginning on the date of the Secretary’s determina-
21 tion.

22 (d) LOSS TO A SMALL BUSINESS DEFINED.—In this
23 section, the term “loss to a small business” means docu-
24 mented financial losses associated with commercial activ-
25 ity of a small business that can be attributed to the tur-

1 bidity levels in the McKenzie River being higher than
2 those anticipated in the original planning documents and
3 public announcements existing before the initiation of the
4 draw down in 2002. Commercial losses include decline in
5 sales, loss of revenue (including loss of revenue from can-
6 celed or delayed reservations at lodging establishments),
7 and any other financial losses that can be shown to be
8 associated with the elevated turbidity levels in the
9 McKenzie River in 2002.

10 (e) PAYMENT OF CLAIMS.—The payment of claims
11 for losses to small businesses shall be a Federal responsi-
12 bility.

13 **SEC. 363. LACKAWANNA RIVER AT OLYPHANT, PENNSYLVANIA.**
14

15 The project for flood control, Lackawanna River at
16 Olyphant, Pennsylvania, authorized by section 101(16) of
17 the Water Resources Development Act of 1992 (106 Stat.
18 4803), is modified to authorize the Secretary to construct
19 the project, at a total cost of \$20,000,000.

20 **SEC. 364. LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.**
21

22 The project for flood control, Lackawanna River at
23 Scranton, Pennsylvania, authorized by section 101(17) of
24 the Water Resources Development Act of 1992 (106 Stat.

1 4803), is modified to authorize the Secretary to construct
2 the project, at a total cost of \$23,000,000.

3 **SEC. 365. RAYSTOWN LAKE, PENNSYLVANIA.**

4 The Secretary may take such action as may be nec-
5 essary, including construction of a breakwater, to prevent
6 shoreline erosion between .07 and 2.7 miles south of Penn-
7 sylvania State Route 994 on the east shore of Raystown
8 Lake, Pennsylvania.

9 **SEC. 366. SHERADEN PARK STREAM AND CHARTIERS**
10 **CREEK, ALLEGHENY COUNTY, PENNSYL-**
11 **VANIA.**

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

22 **SEC. 367. SOLOMON'S CREEK, WILKES-BARRE, PENNSYL-**
23 **VANIA.**

24 The project for flood control, Wyoming Valley, Penn-
25 sylvania, authorized by section 401(a) of the Water Re-

1 sources Development Act of 1986 (100 Stat. 4124), is
2 modified to include as a project element the project for
3 flood control for Solomon’s Creek, Wilkes-Barre, Pennsyl-
4 vania.

5 **SEC. 368. SOUTH CENTRAL PENNSYLVANIA.**

6 Section 313(h)(2) of the Water Resources Develop-
7 ment Act of 1992 (106 Stat. 4847; 107 Stat. 407) is
8 amended by striking “Armstrong, Bedford, Blair,
9 Cambria, Clearfield, Fayette, Franklin, Fulton, Hun-
10 tingdon, Indiana, Juniata, Mifflin, Somerset, Snyder and,
11 Westmoreland Counties” and inserting “Allegheny, Arm-
12 strong, Bedford, Blair, Cambria, Clearfield, Cumberland,
13 Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana,
14 Juniata, Mifflin, Perry, Somerset, Washington, and West-
15 moreland Counties”.

16 **SEC. 369. WYOMING VALLEY, PENNSYLVANIA.**

17 In carrying out the project for flood control, Wyo-
18 ming Valley, Pennsylvania, authorized by section 401(a)
19 of the Water Resources Development Act of 1986 (100
20 Stat. 4124), the Secretary shall coordinate with non-Fed-
21 eral interests to review opportunities for increased public
22 access.

1 **SEC. 370. LITTLE LIMESTONE CREEK, JONESBOROUGH,**
2 **TENNESSEE.**

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

12 **SEC. 371. BOWIE COUNTY LEVEE, TEXAS.**

13 (a) IN GENERAL.—The project for flood control, Red
14 River Below Denison Dam, Texas and Oklahoma, author-
15 ized by section 10 of the Flood Control Act of 1946 (60
16 Stat. 647), is modified to direct the Secretary to imple-
17 ment the Bowie County Levee feature of the project in
18 accordance with the plan defined as Alternative B in the
19 draft document entitled “Bowie County Local Flood Pro-
20 tection, Red River, Texas Project Design Memorandum
21 No. 1, Bowie County Levee”, dated April 1997.

22 (b) SPECIAL RULE.—In evaluating and implementing
23 the modification, the Secretary shall allow the non-Federal
24 interest to participate in the financing of the project in
25 accordance with section 903(c) of the Water Resources
26 Development Act of 1986 (100 Stat. 4184) to the extent

1 that the Secretary's evaluation indicates that applying
2 such section is necessary to implement the project.

3 **SEC. 372. LOWER RIO GRANDE BASIN, TEXAS.**

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

8 (1) to direct the Secretary to credit toward the
9 non-Federal share of the cost of the project the cost
10 of planning, design, and construction work carried
11 out by the non-Federal interest before the date of
12 the cooperation agreement for the project if the Sec-
13 retary determines that the work is integral to the
14 project; and

15 (2) to direct the Secretary, in calculating the
16 non-Federal share of the cost of the project, to make
17 a determination under section 103(m) of the Water
18 Resources Development Act of 1986 (33 U.S.C.
19 2213(m)) on the non-Federal interest's ability to
20 pay .

21 **SEC. 373. NORTH PADRE ISLAND, CORPUS CHRISTI BAY,**
22 **TEXAS.**

23 The project for ecosystem restoration and storm dam-
24 age reduction, North Padre Island, Corpus Christi Bay,
25 Texas, authorized by section 556 of the Water Resources

1 Development Act of 1999 (113 Stat. 353), is modified to
2 include recreation as a project purpose.

3 **SEC. 374. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

4 The project for flood control, San Antonio Channel,
5 Texas, authorized by section 203 of the Flood Control Act
6 of 1954 (68 Stat. 1259) as part of the comprehensive plan
7 for flood protection on the Guadalupe and San Antonio
8 Rivers in Texas and modified by section 103 of the Water
9 Resources Development Act of 1976 (90 Stat. 2921) and
10 section 335 of the Water Resources Development Act of
11 2000 (114 Stat. 2611), is further modified to authorize
12 the Secretary to credit toward the non-Federal share of
13 the cost of the project the cost of construction work car-
14 ried out by the non-Federal interest before the date of the
15 cooperation agreement for the project if the Secretary de-
16 termines that the work is integral to the project.

17 **SEC. 375. ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.**

18 Section 358 of the Water Resources Development Act
19 of 1999 (113 Stat. 312) is amended by striking “Sep-
20 tember 30, 1999” and inserting “May 4, 1997”.

21 **SEC. 376. GREAT BRIDGE, CHESAPEAKE, VIRGINIA.**

22 The project for navigation at Great Bridge, Virginia,
23 Highway 168 over the Atlantic Intracoastal Waterway in
24 Chesapeake, Virginia, authorized by section 339(h) of the
25 National Highway System Designation Act of 1995 (109

1 Stat. 606) is modified to authorize the Secretary to con-
2 struct the project, at a total cost of \$48,000,000, with an
3 estimated Federal cost of \$39,400,000 and an estimated
4 non-Federal cost of \$8,600,000.

5 **SEC. 377. ROANOKE RIVER UPPER BASIN, VIRGINIA.**

6 The project for flood control, Roanoke River Upper
7 Basin, Virginia, authorized by section 401(a) of the Water
8 Resources Development Act of 1986 (100 Stat. 4126) and
9 modified by section 110 of the Energy and Water Develop-
10 ment Appropriations Act, 1990 (103 Stat. 650), is further
11 modified to authorize the Secretary to construct the
12 project, at a total cost of \$64,300,000, with an estimated
13 Federal cost of \$42,100,000 and an estimated non-Fed-
14 eral cost of \$22,200,000.

15 **SEC. 378. BLAIR AND SITCUM WATERWAYS, TACOMA HAR-**
16 **BOR, WASHINGTON.**

17 (a) IN GENERAL.—The project for navigation, Blair
18 and Sicum Waterways, Tacoma Harbor, Washington, au-
19 thorized by section 202(a) of the Water Resources Devel-
20 opment Act of 1986 (100 Stat. 4096), is modified to direct
21 the Secretary to review the locally prepared plan for the
22 Blair and Sicum Waterways, Washington, and, if the Sec-
23 retary determines that the plan meets the evaluation and
24 design standards of the Corps of Engineers and that the

1 plan is feasible, to authorize the Secretary to carry out
2 the plan, at a Federal cost of \$4,240,000.

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

9 **SEC. 379. GREENBRIER RIVER BASIN, WEST VIRGINIA.**

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

13 **SEC. 380. MANITOWOC HARBOR, WISCONSIN.**

14 The project for navigation, Manitowoc Harbor, Wis-
15 consin, authorized by the River and Harbor Act of August
16 30, 1852, is modified to direct the Secretary to deepen
17 the upstream reach of the navigation channel from 12 feet
18 to 18 feet, at a total cost of \$300,000.

19 **SEC. 381. CONTINUATION OF PROJECT AUTHORIZATIONS.**

20 (a) IN GENERAL.—Notwithstanding section
21 1001(b)(2) of the Water Resources Development Act of
22 1986 (33 U.S.C. 579a(b)(2)), the following projects shall
23 remain authorized to be carried out by the Secretary:

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

4 (2) The project for flood control, Agana River,
5 Guam, authorized by section 401(a) of the Water
6 Resources Development Act of 1986 (100 Stat.
7 4127).

8 (b) LIMITATION.—A project described in subsection
9 (a) shall not be authorized for construction after the last
10 day of the 7-year period beginning on the date of enact-
11 ment of this Act, unless, during such period, funds have
12 been obligated for the construction (including planning
13 and design) of the project.

14 **SEC. 382. PROJECT REAUTHORIZATION.**

15 That portion of the project for navigation, Manitowoc
16 Harbor, Wisconsin, consisting of the channel in the south
17 part of the outer harbor, deauthorized by section 101 of
18 the River and Harbor Act of 1962 (76 Stat. 1176), may
19 be carried out by the Secretary if the Secretary determines
20 that it is feasible.

21 **SEC. 383. PROJECT DEAUTHORIZATIONS.**

22 The following projects are not authorized after the
23 date of enactment of this Act:

24 (1) BRIDGEPORT HARBOR, CONNECTICUT.—The
25 portion of the project for navigation, Bridgeport

1 Harbor, Connecticut, authorized by the River and
2 Harbor Act of July 3, 1930 (46 Stat. 919), con-
3 sisting of an 18-foot channel in Yellow Mill River
4 and described as follows: Beginning at a point along
5 the eastern limit of the existing project,
6 N123,649.75, E481,920.54, thence running north-
7 westerly about 52.64 feet to a point N123,683.03,
8 E481,879.75, thence running northeasterly about
9 1,442.21 feet to a point N125,030.08, E482,394.96,
10 thence running northeasterly about 139.52 feet to a
11 point along the east limit of the existing channel,
12 N125,133.87, E482,488.19, thence running south-
13 westerly about 1,588.98 feet to the point of origin.

14 (2) CITY WATERWAY, TACOMA, WASHINGTON.—
15 The portion of the project for navigation, City Wa-
16 terway, Tacoma, Washington, authorized by the first
17 section of the River and Harbor Appropriations Act
18 of June 13, 1902 (32 Stat. 347), consisting of the
19 last 1,000 linear feet of the inner portion of the wa-
20 terway beginning at Station 70+00 and ending at
21 Station 80+00.

22 **SEC. 384. LAND CONVEYANCES.**

23 (a) MILFORD, KANSAS.—

24 (1) IN GENERAL.—Subject to the provisions of
25 this section, the Secretary shall convey by quitclaim

1 deed without consideration to the Geary County Fire
2 Department, Milford, Kansas, all right, title, and in-
3 terest of the United States in and to a parcel of
4 land consisting of approximately 7.4 acres located in
5 Geary County, Kansas, for construction, operation,
6 and maintenance of a fire station.

7 (2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—

8 The exact acreage and the description of the real
9 property referred to in paragraph (1) shall be deter-
10 mined by a survey that is satisfactory to the Sec-
11 retary.

12 (3) REVERSION.—If the Secretary determines

13 that the property conveyed under paragraph (1)
14 ceases to be held in public ownership or to be used
15 for any purpose other than a fire station, all right,
16 title, and interest in and to the property shall revert
17 to the United States, at the option of the United
18 States.

19 (b) HICKORY POINT, LAKE EUFAULA, OKLAHOMA.—

20 (1) IN GENERAL.—Subject to the provisions of

21 this section, the Secretary shall convey by quitclaim
22 deed without consideration to the Choctaw Nation
23 all right, title, and interest of the United States in
24 and to approximately 265 acres in the vicinity of
25 Hickory Point, Lake Eufaula, Oklahoma, together

1 with any improvements thereon, for public ownership
2 and use for public recreation.

3 (2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—

4 The exact acreage and the legal description of the
5 real property referred to in paragraph (1) shall be
6 determined by a survey that is satisfactory to the
7 Secretary.

8 (3) REVERSION.—If the Secretary determines
9 that the property conveyed under paragraph (1)
10 ceases to be held in public ownership or to be used
11 for public recreation, all right, title, and interest in
12 and to the property shall revert to the United
13 States, at the option of the United States.

14 (c) BOARDMAN, OREGON.—Section 501(g) of the
15 Water Resources Development Act of 1996 (110 Stat.
16 3751) is amended—

17 (1) by striking “city of Boardman,” and insert-
18 ing “the Boardman Park and Recreation District,
19 Boardman,”; and

20 (2) by striking “such city” and inserting “the
21 city of Boardman”.

22 (d) GENERALLY APPLICABLE PROVISIONS.—

23 (1) APPLICABILITY OF PROPERTY SCREENING
24 PROVISIONS.—Section 2696 of title 10, United

1 States Code, shall not apply to any conveyance
2 under this section.

3 (2) ADDITIONAL TERMS AND CONDITIONS.—

4 The Secretary may require that any conveyance
5 under this section be subject to such additional
6 terms and conditions as the Secretary considers ap-
7 propriate and necessary to protect the interests of
8 the United States.

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

14 (4) LIABILITY.—An entity to which a convey-
15 ance is made under this section shall hold the
16 United States harmless from any liability with re-
17 spect to activities carried out, on or after the date
18 of the conveyance, on the real property conveyed.
19 The United States shall remain responsible for any
20 liability with respect to activities carried out, before
21 such date, on the real property conveyed.

22 **SEC. 385. EXTINGUISHMENT OF REVERSIONARY INTERESTS**
23 **AND USE RESTRICTIONS.**

24 (a) IN GENERAL.—With respect to each deed listed
25 in subsection (b), the reversionary interests and use re-

1 strictions relating to industrial use purposes are extin-
2 guished.

3 (b) AFFECTED DEEDS.—The deeds with the fol-
4 lowing county auditor’s file numbers are referred to in
5 subsection (a):

6 (1) Auditor’s Instrument No. 399218 of Nez
7 Perce County, Idaho—2.07 acres.

8 (2) Auditor’s Instrument No. 487437 of Nez
9 Perce County, Idaho—7.32 acres.

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

13 **TITLE IV—STUDIES**

14 **SEC. 401. GREAT LAKES NAVIGATION SYSTEM.**

15 Section 456 of the Water Resources Development Act
16 of 1999 (113 Stat. 332) is amended by adding at the end
17 the following: “If the Government of Canada and the Gov-
18 ernment of the United States have entered into a bilateral
19 agreement that provides for the financial participation of
20 the Government of Canada in the study, the Secretary
21 may accept such participation.”.

22 **SEC. 402. JOHN GLENN GREAT LAKES BASIN PROGRAM.**

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

1 “(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The
2 non-Federal interest may provide up to 100 percent of the
3 non-Federal share required under subsection (f) in the
4 form of services, materials, supplies, or other in-kind con-
5 tributions.”.

6 **SEC. 403. ST. GEORGE HARBOR, ALASKA.**

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

10 **SEC. 404. UPPER MISSISSIPPI RIVER AND ILLINOIS WATER-**
11 **WAY, ILLINOIS, IOWA, MINNESOTA, MISSOURI,**
12 **AND WISCONSIN.**

13 The Secretary shall transmit to Congress a report on
14 the results of the Upper Mississippi River and Illinois Wa-
15 terway Restructured System Navigation Feasibility Study,
16 Illinois, Iowa, Minnesota, Missouri, and Wisconsin, no
17 later than July 1, 2004.

18 **SEC. 405. HAMILTON, CALIFORNIA.**

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

1 **SEC. 406. OCEANSIDE, CALIFORNIA.**

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

5 **SEC. 407. SACRAMENTO RIVER, CALIFORNIA.**

6 The Secretary shall conduct a comprehensive study
7 to determine the feasibility of, and alternatives for, meas-
8 ures to protect water diversion facilities and fish protective
9 screen facilities in the vicinity of river mile 178 on the
10 Sacramento River, California.

11 **SEC. 408. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN**
12 **DELTA, CALIFORNIA.**

13 (a) IN GENERAL.—The Secretary shall conduct a
14 study to determine the feasibility of the beneficial use of
15 dredged material from the San Francisco Bay in the Sac-
16 ramento-San Joaquin Delta, California, including the ben-
17 efits and impacts of salinity in the Delta and the benefits
18 to navigation, flood damage reduction, ecosystem restora-
19 tion, water quality, salinity control, water supply reli-
20 ability, and recreation.

21 (b) COOPERATION.—In conducting the study, the
22 Secretary shall cooperate with the California Department
23 of Water Resources and appropriate Federal and State en-
24 tities in developing options for the beneficial use of
25 dredged material from San Francisco Bay for the Sac-
26 ramento-San Joaquin Delta area.

1 (c) REVIEW.—The study shall include a review of the
2 feasibility of using Sherman Island as a rehandling site
3 for levee maintenance material, as well as for ecosystem
4 restoration. The review may include monitoring a pilot
5 project using up to 150,000 cubic yards of dredged mate-
6 rial and being carried out at the Sherman Island site, ex-
7 amining larger-scale use of dredged materials from the
8 San Francisco Bay and Suisun Bay Channel, and ana-
9 lyzing the feasibility of the potential use of saline mate-
10 rials from the San Francisco Bay for both rehandling and
11 ecosystem restoration purposes.

12 **SEC. 409. TYBEE ISLAND, GEORGIA.**

13 The Secretary shall conduct a study to determine the
14 feasibility of including the northern end of Tybee Island
15 extending from the north terminal groin to the mouth of
16 Lazaretto Creek as a part of the project for beach erosion
17 control, Tybee Island, Georgia, carried out under section
18 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–
19 5).

20 **SEC. 410. PADUCAH, KENTUCKY.**

21 The Secretary is authorized to complete a rehabilita-
22 tion evaluation report for the project for flood damage re-
23 duction, Paducah, Kentucky, and, if the Secretary deter-
24 mines that the project is feasible, proceed to

1 preconstruction engineering and design for rehabilitation
2 of the project.

3 **SEC. 411. WEST FELICIANA PARISH, LOUISIANA.**

4 The Secretary shall conduct a study to determine the
5 feasibility of carrying out a project for riverfront develop-
6 ment, including enhanced public access, recreation, and
7 environmental restoration, on the Mississippi River in
8 West Feliciana Parish, Louisiana.

9 **SEC. 412. CITY OF MACKINAC ISLAND, MICHIGAN.**

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

13 **SEC. 413. CHICAGO, ILLINOIS.**

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

17 **SEC. 414. MISSISSIPPI RIVER, MISSOURI AND ILLINOIS.**

18 The Secretary shall conduct a study to determine the
19 feasibility of modifying the project for the Mississippi
20 River (Regulating Works), between the Ohio and Missouri
21 Rivers, Missouri and Illinois, to provide for navigation and
22 environmental restoration enhancements.

1 **SEC. 415. ARTHUR KILL CHANNEL AND MORSES CREEK TO**
2 **PERTH AMBOY, NEW JERSEY.**

3 The Secretary shall reevaluate the results of the
4 study for the project for navigation, Arthur Kill Channel
5 and Morses Creek to Perth Amboy, New Jersey, to deter-
6 mine whether the benefits of the project have increased
7 as a result of a change in circumstances. In conducting
8 the reevaluation, the Secretary shall review the locally pre-
9 pared study entitled “Pre-Feasibility Study for Channel
10 Improvements—Arthur Kill from Morses Creek to Perth
11 Amboy and Raritan Bay Approaches”.

12 **SEC. 416. PUEBLO OF ZUNI, NEW MEXICO.**

13 The Secretary shall conduct a study to determine the
14 feasibility of carrying out projects for water resources de-
15 velopment, environmental restoration, and natural re-
16 sources protection for the Pueblo of Zuni, New Mexico,
17 under section 203 of the Water Resources Development
18 Act of 2000 (33 U.S.C. 2269).

19 **SEC. 417. HUDSON-RARITAN ESTUARY, NEW YORK AND NEW**
20 **JERSEY.**

21 In carrying out the study for environmental restora-
22 tion, Hudson-Raritan Estuary, New York and New Jer-
23 sey, the Secretary shall establish and utilize watershed res-
24 toration teams composed of estuary restoration experts
25 from the Corps of Engineers, the New Jersey Department
26 of Environmental Protection, and the Port Authority of

1 New York and New Jersey and other experts designated
2 by the Secretary for the purpose of developing habitat res-
3 toration and water quality enhancement.

4 **SEC. 418. LAKE CARL BLACKWELL, STILLWATER, OKLA-**
5 **HOMA.**

6 The Secretary shall conduct a study to determine the
7 feasibility of carrying out a project for flood damage re-
8 duction and ecosystem restoration at Lake Carl Blackwell,
9 Stillwater, Oklahoma.

10 **SEC. 419. SAC AND FOX NATION, OKLAHOMA.**

11 The Secretary shall complete a water and related
12 land resource conservation and management plan for the
13 Sac and Fox Nation, Oklahoma, under section 203 of the
14 Water Resources Development Act of 2000 (33 U.S.C.
15 2269).

16 **SEC. 420. SUTHERLIN, OREGON.**

17 (a) STUDY.—The Secretary shall conduct a study of
18 water resources along Sutherlin Creek in the vicinity of
19 Sutherlin, Oregon, to determine the feasibility of carrying
20 out a project to restore and enhance aquatic resources
21 using a combination of structural and bioengineering tech-
22 niques and, if the Secretary determines that the project
23 is feasible, may carry out the project.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$2,500,000.

4 **SEC. 421. ECOSYSTEM RESTORATION AND FISH PASSAGE**
5 **IMPROVEMENTS, OREGON.**

6 (a) STUDY.—The Secretary shall conduct a study to
7 determine the feasibility of undertaking ecosystem restora-
8 tion and fish passage improvements on rivers throughout
9 the State of Oregon.

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

12 (1) work in coordination with the State of Or-
13 egon, local governments, and other Federal agencies;
14 and

15 (2) place emphasis on—

16 (A) fish passage and conservation and res-
17 toration strategies to benefit species that are
18 listed or proposed for listing as threatened or
19 endangered species under the Endangered Spe-
20 cies Act of 1973 (16 U.S.C. 1531 et seq.); and

21 (B) other watershed restoration objectives.

22 (c) PILOT PROGRAM.—

23 (1) IN GENERAL.—In conjunction with con-
24 ducting the study under subsection (a), the Sec-
25 retary may carry out pilot projects to demonstrate

1 the effectiveness of ecosystem restoration and fish
2 passages.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

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

6 **SEC. 422. NORTHEASTERN PENNSYLVANIA AQUATIC ECO-**
7 **SYSTEM RESTORATION AND PROTECTION.**

8 The Secretary shall conduct a study to determine the
9 feasibility of carrying out aquatic ecosystem restoration
10 and protection projects in the counties of Lackawanna,
11 Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sul-
12 livan, Bradford, Northumberland, Union, Snyder, and
13 Montour, Pennsylvania, particularly as related to aban-
14 doned mine drainage abatement and reestablishment of
15 stream and river channels.

16 **SEC. 423. BROWNSVILLE SHIP CHANNEL, TEXAS.**

17 (a) MITIGATION.—In carrying out the study to deter-
18 mine the feasibility of the project for navigation, Browns-
19 ville Ship Channel, Brownsville, Texas, the Secretary shall
20 examine the feasibility of restoring wetlands in the vicinity
21 of the Bahia Grande, Port Isabel, Texas, for the purpose
22 of mitigating project impacts.

23 (b) CREDIT.—If the Secretary determines that the
24 wetlands restoration referred to in subsection (a) is appro-
25 priate to meet mitigation requirements for the project and

1 the non-Federal interest undertakes such restoration be-
2 fore the date of the cooperation agreement for the project,
3 the Secretary shall credit toward the non-Federal share
4 of the cost of planning, design, and construction of the
5 project the cost of such restoration work carried out by
6 the non-Federal interest if the Secretary determines that
7 the work is integral to the project.

8 **SEC. 424. SABINE PASS TO GALVESTON BAY, TEXAS.**

9 In conducting a feasibility study for shore protection
10 and related improvements between Sabine Pass and the
11 entrance to Galveston Bay, Texas, the Secretary may in-
12 clude any benefits related to the use of State Highway
13 87 as an emergency evacuation route in the determination
14 of national economic development benefits of the project.

15 **SEC. 425. CHEHALIS RIVER BASIN, WASHINGTON.**

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

21 **SEC. 426. SPRAGUE, LINCOLN COUNTY, WASHINGTON.**

22 The Secretary may accept from the non-Federal in-
23 terest to pay all or a part of the non-Federal share of
24 the cost of feasibility study for the project for flood control
25 in the vicinity of Sprague, Lincoln County, Washington,

1 funds made available under any other Federal program
2 if such use of the funds is permitted under the Federal
3 program.

4 **SEC. 427. MONONGAHELA RIVER BASIN, NORTHERN WEST**
5 **VIRGINIA.**

6 The Secretary shall conduct a study to determine the
7 feasibility of carrying out aquatic ecosystem restoration
8 and protection projects in the watersheds of the
9 Monongahela River basin lying within the counties of
10 Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood,
11 Doddridge, Monongalia, Marion, Harrison, Taylor,
12 Barbour, Preston, Tucker, Mineral, Grant, Gilmer,
13 Brooke, and Ritchie, West Virginia, particularly as re-
14 lated to abandoned mine drainage abatement.

15 **SEC. 428. WAUWATOSA, WISCONSIN.**

16 The Secretary shall conduct a study to determine the
17 feasibility of carrying out a project for flood damage re-
18 duction and environmental restoration, Menomonee River
19 and Underwood Creek, Wauwatosa, Wisconsin.

20 **TITLE V—MISCELLANEOUS**
21 **PROVISIONS**

22 **SEC. 501. MAINTENANCE OF NAVIGATION CHANNELS.**

23 (a) IN GENERAL.—Upon request of a non-Federal in-
24 terest, the Secretary shall be responsible for maintenance
25 of the following navigation channels constructed or im-

1 proved by the non-Federal interest if the Secretary deter-
2 mines that such maintenance is economically justified and
3 environmentally acceptable and that the channel was con-
4 structed in accordance with applicable permits and appro-
5 priate engineering and design standards:

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

8 (2) Pidgeon Industrial Harbor, Pidgeon Indus-
9 trial Park, Memphis Harbor, Tennessee.

10 (3) Racine Harbor, Wisconsin.

11 (b) COMPLETION OF ASSESSMENT.—Not later than
12 6 months after the date of receipt of a request from a
13 non-Federal interest for Federal assumption of mainte-
14 nance of a channel listed in subsection (a), the Secretary
15 shall make a determination as provided in subsection (a)
16 and advise the non-Federal interest of the Secretary's de-
17 termination.

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

23 **SEC. 502. WATERSHED MANAGEMENT.**

24 (a) IN GENERAL.—The Secretary may provide tech-
25 nical, planning, and design assistance to non-Federal in-

1 terests for carrying out watershed management, restora-
2 tion, and development projects at the locations described
3 in subsection (d).

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

7 (1) Management and restoration of water qual-
8 ity.

9 (2) Control and remediation of toxic sediments.

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

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

16 (5) Demonstration of technologies for non-
17 structural measures to reduce destructive impacts of
18 flooding.

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

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

24 (1) Choctawhatchee, Pea, and Yellow Rivers
25 watershed, in Barbour, Bullock, Coffee, Covington,

1 Crenshaw, Dale, Geneva, Henry, Houston, and Pike
2 Counties, Alabama.

3 (2) Spring Branch watershed, Huntsville, Ala-
4 bama.

5 (3) Cucamonga basin, Upland, California.

6 (4) Tuolumne County, California.

7 (5) Kinkaid Lake, Jackson County, Illinois.

8 (6) Those portions of the watersheds of the
9 Concord, Charles, Blackstone, Neponset, Taunton,
10 Nashua, Shawsheen, and Merrimack Rivers, Massa-
11 chusetts, lying within the Interstate Route 495 cor-
12 ridor.

13 (7) Jackson Brook watershed, New Jersey.

14 (8) Those portions of the watersheds of the
15 Beaver, Upper Ohio, Connoquenessing, Lower Alle-
16 gheny, Kiskiminetas, Lower Monongahela,
17 Youghioghenny, Shenango, and Mahoning Rivers
18 lying within the counties of Beaver, Butler, Law-
19 rence, and Mercer, Pennsylvania.

20 (9) Southampton Creek watershed, South-
21 ampton, Pennsylvania.

22 (10) Unami Creek watershed, Milford Town-
23 ship, Pennsylvania.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$15,000,000.

4 **SEC. 503. DAM SAFETY.**

5 (a) ASSISTANCE.—The Secretary may provide assist-
6 ance to enhance dam safety at the following locations:

7 (1) Mountain Park Dam, Mountain Park, Geor-
8 gia.

9 (2) Barber Dam, Ada County, Idaho.

10 (3) Fish Creek Dam, Blaine County, Idaho.

11 (4) Lost Valley Dam, Adams County, Idaho.

12 (5) Salmon Falls Dam, Twin Falls County,
13 Idaho.

14 (6) Whaley Lake Dam, Pawling, New York.

15 (7) Lake Carl Blackwell Dam, Stillwater, Okla-
16 homa.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$6,000,000.

20 **SEC. 504. STRUCTURAL INTEGRITY EVALUATIONS.**

21 (a) IN GENERAL.—Upon request of a non-Federal in-
22 terest, the Secretary shall evaluate the structural integrity
23 and effectiveness of a project for flood damage reduction
24 and, if the Secretary determines that the project does not
25 meet such minimum standards as the Secretary may es-

1 tablish and, absent action by the Secretary, the project
2 will fail, the Secretary may take such action as may be
3 necessary to restore the integrity and effectiveness of the
4 project.

5 (b) PRIORITY.—The Secretary shall evaluate under
6 subsection (a) the following projects:

7 (1) Project for flood damage reduction, Arkan-
8 sas River Levees, river mile 205 to river mile 308.4,
9 Arkansas.

10 (2) Project for flood damage reduction,
11 Marianna Borough, Pennsylvania.

12 (3) Project for flood damage reduction,
13 Nonconnah Creek, Tennessee.

14 **SEC. 505. FLOOD MITIGATION PRIORITY AREAS.**

15 Section 212(e) of the Water Resources Development
16 Act of 1999 (33 U.S.C. 2332(e); 114 Stat. 2599) is
17 amended—

18 (1) by striking “and” at the end of paragraph
19 (27);

20 (2) by striking the period at the end of para-
21 graph (28) and inserting “a semicolon”; and

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

23 “(29) La Crosse County, Wisconsin;

24 “(30) Crawford County, Wisconsin;

25 “(31) Buffalo County, Wisconsin;

1 “(32) Calhoun County, Illinois;

2 “(33) Saint Charles County, Missouri;

3 “(34) Saint Louis County, Missouri;

4 “(35) Dubuque County, Iowa;

5 “(36) Scott County, Iowa; and

6 “(37) Rock Island County, Illinois.”.

7 **SEC. 506. ADDITIONAL ASSISTANCE FOR AUTHORIZED**
8 **PROJECTS.**

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

12 (1) by striking “and” at the end of paragraph
13 (7);

14 (2) by striking the period at the end of para-
15 graph (8); and

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

17 “(9) \$20,000,000 for the project described in
18 subsection (c)(20);

19 “(10) \$20,000,000 for the project described in
20 subsection (c)(25);

21 “(11) \$15,000,000 for the project described in
22 subsection (c)(26);

23 “(12) \$7,800,000 for the project described in
24 subsection (c)(27);

1 “(13) \$18,000,000 for the project described in
2 subsection (c)(31); and

3 “(14) \$30,000,000 for the project described in
4 subsection (c)(40).”.

5 **SEC. 507. EXPEDITED COMPLETION OF REPORTS AND CON-**
6 **STRUCTION FOR CERTAIN PROJECTS.**

7 The Secretary shall expedite completion of the re-
8 ports and, if the Secretary determines the project is fea-
9 sible, shall expedite completion of construction for the fol-
10 lowing projects:

11 (1) Welch Point, Elk River, Cecil County,
12 Maryland, and Chesapeake, Maryland, being carried
13 out under section 535 of the Water Resources Devel-
14 opment Act of 1999 (113 Stat. 348–349).

15 (2) West View Shores, Cecil County, Maryland,
16 being carried out under section 521 of the Water
17 Resources Development Act of 2000 (114. Stat.
18 2655).

19 (3) Sylvan Beach Breakwater, Verona, Oneida
20 County, New York, being carried out under section
21 3 of the Act entitled “An Act authorizing Federal
22 participation in the cost of protecting the shores of
23 publicly owned property”, approved August 13, 1946
24 (33 U.S.C. 426g).

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

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

7 (6) Steele Creek, Village of Ilion, New York,
8 being carried out under section 205 of the Flood
9 Control Act of 1948 (33 U.S.C. 701s).

10 **SEC. 508. EXPEDITED COMPLETION OF REPORTS FOR CER-**
11 **TAIN PROJECTS.**

12 The Secretary shall expedite completion of the re-
13 ports for the following projects and, if the Secretary deter-
14 mines that a project is justified in the completed report,
15 proceed directly to project preconstruction, engineering,
16 and design:

17 (1) Project for flood damage reduction and eco-
18 system restoration, Sacramento and San Joaquin
19 River basins, Hamilton, California.

20 (2) Project for shoreline protection, Detroit
21 River Greenway Corridor, Detroit, Michigan.

22 **SEC. 509. SOUTHEASTERN WATER RESOURCES ASSESS-**
23 **MENT.**

24 The Secretary may provide assistance to a coordi-
25 nated effort by Federal, State, and local agencies, non-

1 Federal and nonprofit entities, regional researchers, and
2 other interested parties to assess the water resources and
3 water resources needs of river basins and watersheds of
4 the southeastern United States.

5 **SEC. 510. UPPER MISSISSIPPI RIVER ENVIRONMENTAL**
6 **MANAGEMENT PROGRAM.**

7 Section 1103(e)(7)(A) of the Water Resources Devel-
8 opment Act of 1986 (33 U.S.C. 652(e)(7)(A)) is amended
9 by adding at the end the following: “The non-Federal in-
10 terest may provide the non-Federal share of the cost of
11 the project in the form of services, materials, supplies, or
12 other in-kind contributions.”.

13 **SEC. 511. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**
14 **HANCEMENT PROJECT.**

15 Section 514(g) of the Water Resources Development
16 Act of 1999 (113 Stat. 343) is amended by striking “and
17 2001” and inserting “through 2015”.

18 **SEC. 512. MEMBERSHIP OF MISSOURI RIVER TRUST.**

19 Section 904(b)(1)(B) of the Water Resources Devel-
20 opment Act of 2000 (114 Stat. 2708) is amended—

21 (1) by striking “and” at the end of clause (vii);

22 (2) by redesignating clause (viii) as clause (ix);

23 and

24 (3) by inserting after clause (vii) the following:

25 “(viii) rural water systems; and”.

1 **SEC. 513. WATERSHED MANAGEMENT, RESTORATION, AND**
2 **DEVELOPMENT.**

3 Section 503(e) of the Water Resources Development
4 Act of 1996 (110 Stat. 3757) is amended by striking
5 “\$15,000,000” and inserting “\$25,000,000”.

6 **SEC. 514. GREAT LAKES FISHERY AND ECOSYSTEM RES-**
7 **TORATION.**

8 Section 506(f)(3)(B) of the Water Resources Devel-
9 opment Act of 2000 (114 Stat. 2646) is amended by strik-
10 ing “50 percent” and inserting “100 percent”.

11 **SEC. 515. SUSQUEHANNA, DELAWARE, AND POTOMAC**
12 **RIVER BASINS.**

13 (a) EX OFFICIO MEMBER.—Notwithstanding section
14 3001(a) of the 1997 Emergency Supplemental Appropria-
15 tions Act for Recovery From Natural Disasters, and for
16 Overseas Peacekeeping Efforts, Including Those in Bosnia
17 (111 Stat. 176) and section 2.2 of both the Susquehanna
18 River Basin Compact (Public Law 91–575) and the Dela-
19 ware River Basin Compact (Public Law 87–328), begin-
20 ning in fiscal year 2002 and thereafter, the Division Engi-
21 neer, North Atlantic Division, Corps of Engineers, shall
22 be the ex officio United States member under the Susque-
23 hanna River Basin Compact and the Delaware River
24 Basin Compact, who shall serve without additional com-
25 pensation and who may designate an alternate member or

1 members in accordance with the terms of those respective
2 compacts.

3 (b) AUTHORIZATION TO ALLOCATE.—The Secretary
4 may allocate funds to the Susquehanna River Basin Com-
5 mission, Delaware River Basin Commission, and the
6 Interstate Commission on the Potomac River Basin (Poto-
7 mac River Basin Compact (Public Law 91–407)) to fulfill
8 the equitable funding requirements of their respective
9 interstate compacts.

10 (c) WATER SUPPLY AND CONSERVATION STOR-
11 AGE.—The Secretary shall enter into an agreement with
12 the Delaware River Basin Commission to provide tem-
13 porary water supply and conservation storage at the
14 Francis E. Walter Dam, Pennsylvania, during any period
15 in which the Commission has determined that a drought
16 warning or drought emergency exists. The agreement shall
17 provide that the cost for any such water supply and con-
18 servation storage shall not exceed the incremental oper-
19 ating costs associated with providing the storage.

20 **SEC. 516. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**
21 **TION AND PROTECTION PROGRAM.**

22 Section 510(i) of the Water Resources Development
23 Act of 1996 (110 Stat. 3761) is amended by striking
24 “\$10,000,000” and inserting “\$30,000,000”.

1 **SEC. 517. MONTGOMERY, ALABAMA.**

2 The Secretary shall review the navigation and aquatic
3 ecosystem restoration components of the Montgomery
4 Riverfront and Downtown Master Plan, Montgomery, Ala-
5 bama, dated May 2001, and prepared by the non-Federal
6 interest and, if the Secretary determines that those com-
7 ponents meet the evaluation and design standards of the
8 Corps of Engineers and that the components are feasible,
9 may carry out the components at a Federal cost not to
10 exceed \$5,000,000.

11 **SEC. 518. ALASKA.**

12 Section 570 of the Water Resources Development Act
13 of 1999 (113 Stat. 369) is amended—

14 (1) in subsection (e)(3)(B) by striking the last
15 sentence;

16 (2) in subsection (h) by striking “\$25,000,000”
17 and inserting “\$40,000,000”; and

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

19 “(i) **NONPROFIT ENTITIES.**—Notwithstanding sec-
20 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
21 1962d–5b(b), for any project undertaken under this sec-
22 tion, a non-Federal interest may include a nonprofit enti-
23 ty, with the consent of the affected local government.

24 “(j) **CORPS OF ENGINEERS EXPENSES.**—Ten percent
25 of the amounts appropriated to carry out this section may
26 be used by the Corps of Engineers district offices to ad-

1 minister projects under this section at 100 percent Fed-
2 eral expense.”.

3 **SEC. 519. AKUTAN SMALL BOAT HARBOR, ALASKA.**

4 (a) IN GENERAL.—The Secretary shall expedite the
5 study for the Akutan Small Boat Harbor, Alaska, and
6 upon completion of the feasibility study, shall design and
7 construct the project, if the Secretary determines that the
8 project is feasible.

9 (b) TREATMENT OF CERTAIN DREDGING.—The
10 headlands dredging for the mooring basin shall be consid-
11 ered general navigation feature for purposes of estimating
12 the non-Federal share of the cost of the project.

13 **SEC. 520. LOWELL CREEK TUNNEL, SEWARD, ALASKA.**

14 (a) LONG-TERM MAINTENANCE AND REPAIR.—The
15 Secretary shall assume responsibility for the long-term
16 maintenance and repair of the Lowell Creek Tunnel.

17 (b) STUDY.—The Secretary shall conduct a study to
18 determine whether alternative methods of flood diversion
19 in Lowell Canyon are feasible.

20 **SEC. 521. ST. HERMAN HARBOR, KODIAK, ALASKA.**

21 The Secretary shall carry out, on an emergency basis,
22 necessary removal of rubble, sediment, and rock that are
23 impeding the entrance to the St. Herman Harbor, Kodiak,
24 Alaska, at a Federal cost of \$2,000,000.

1 **SEC. 522. AUGUSTA AND CLARENDON, ARKANSAS.**

2 (a) IN GENERAL.—The Secretary is authorized to
3 perform operation, maintenance, and rehabilitation of au-
4 thorized and completed levees on the White River between
5 Augusta and Clarendon, Arkansas.

6 (b) REIMBURSEMENT.—After performing the oper-
7 ation, maintenance, and rehabilitation under subsection
8 (a), the Secretary shall seek reimbursement from the Sec-
9 retary of the Interior of an amount equal to the costs allo-
10 cated to benefits to a Federal wildlife refuge of such oper-
11 ation, maintenance, and rehabilitation.

12 **SEC. 523. LOOMIS LANDING, ARKANSAS.**

13 The Secretary shall conduct a study of shore damage
14 in the vicinity of Loomis Landing, Arkansas, to determine
15 if the damage is the result of a Federal navigation project,
16 and, if the Secretary determines that the damage is the
17 result of a Federal navigation project, the Secretary shall
18 carry out a project to mitigate the damage under section
19 111 of the River and Harbor Act of 1968 (33 U.S.C.
20 426i).

21 **SEC. 524. ST. FRANCIS RIVER BASIN, ARKANSAS AND MIS-**
22 **SOURI.**

23 The Secretary shall conduct a study of increased sil-
24 tation and streambank erosion in the St. Francis River
25 basin, Arkansas and Missouri, to determine if the siltation
26 or erosion, or both, are the result of a Federal flood con-

1 trol project and, if the Secretary determines that the silta-
2 tion or erosion, or both, are the result of a Federal flood
3 control project, the Secretary shall carry out a project to
4 mitigate the siltation or erosion, or both.

5 **SEC. 525. CAMBRIA, CALIFORNIA.**

6 Section 219(f)(48) of the Water Resources Develop-
7 ment Act of 1992 (114 Stat. 2763A–220) is amended—

8 (1) by striking “\$10,300,000” and inserting the
9 following:

10 “(A) IN GENERAL.—\$10,300,000”;

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

12 “(B) CREDIT.—The Secretary shall credit
13 toward the non-Federal share of the cost of the
14 project not to exceed \$3,000,000 for the cost of
15 planning and design work carried out by the
16 non-Federal interest before the date of the co-
17 operation agreement for the project if the Sec-
18 retary determines that the work is integral to
19 the project.”; and

20 (3) by aligning the remainder of the text of
21 subparagraph (A) (as designated by paragraph (1)
22 of this section) with subparagraph (B) (as added by
23 paragraph (2) of this section).

1 **SEC. 526. EAST SAN JOAQUIN COUNTY, CALIFORNIA.**

2 Section 219(f)(22) of the Water Resources Develop-
3 ment Act of 1992 (106 Stat. 4835–4836; 113 Stat. 336)
4 is amended—

5 (1) by striking “\$25,000,000” and inserting the
6 following:

7 “(A) IN GENERAL.—\$25,000,000”;

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

9 “(B) CREDIT.—The Secretary shall credit
10 toward the non-Federal share of the cost of the
11 project the cost of design and construction work
12 carried out by the non-Federal interest before
13 the date of the cooperation agreement for the
14 project, if the Secretary determines that the
15 work is integral to the project, and the cost of
16 in-kind services and materials provided for the
17 project by the non-Federal interest.”; and

18 (3) by aligning the remainder of the text of
19 subparagraph (A) (as designated by paragraph (1)
20 of this section) with subparagraph (B) (as added by
21 paragraph (2) of this section).

22 **SEC. 527. HARBOR/SOUTH BAY, CALIFORNIA.**

23 Section 219(f)(43) of the Water Resources Develop-
24 ment Act of 1992 (113 Stat. 337; 114 Stat. 2763A–220)
25 is amended by striking “California.” and inserting “Calif-
26 fornia, and for the Southern Los Angeles County Ground-

1 water Pipeline Project, Pico Rivera, Downey, Bellflower,
2 Paramount Lakewood, and Long Beach, California.”.

3 **SEC. 528. SAN FRANCISCO, CALIFORNIA.**

4 (a) PIER 70 WHARF 5 REMOVAL AND DREDGING
5 PROJECT.—The Secretary, in cooperation with the Port
6 of San Francisco, shall carry out the project for removal
7 of Wharf 5 and associated pilings and dredgings at Pier
8 70 in San Francisco, California, substantially in accord-
9 ance with the Port’s redevelopment plans.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated \$1,600,000 to carry out this
12 section.

13 **SEC. 529. SAN FRANCISCO, CALIFORNIA, WATERFRONT**
14 **AREA.**

15 (a) AREA TO BE DECLARED NONNAVIGABLE; PUB-
16 LIC INTEREST.—Unless the Secretary finds, after con-
17 sultation with local and regional public officials (including
18 local and regional public planning organizations), that the
19 proposed projects to be undertaken within the boundaries
20 of the portion of the San Francisco, California, waterfront
21 area described in subsection (b) are not in the public inter-
22 est, such portion is declared to be nonnavigable waters of
23 the United States.

24 (b) NORTHERN EMBARCADERO SOUTH OF BRYANT
25 STREET.—The portion of the San Francisco, California,

1 waterfront area referred to in subsection (a) is as follows:
2 Beginning at the intersection of the northwesterly line of
3 Bryant Street with the southwesterly line of Spear Street,
4 which intersection lies on the line of jurisdiction of the
5 San Francisco Port Authority; following thence westerly
6 and southerly along said line of jurisdiction as described
7 in the State of California Harbor and Navigable Code Sec-
8 tion 1770, as amended in 1961, to its intersection with
9 the easterly line of Townsend Street produced southerly;
10 thence northerly along said easterly line of Townsend
11 Street produced to its intersection with the United States
12 Government pier-head line; thence following said pier-head
13 line westerly and northerly to its intersection with the ex-
14 isting boundary line of Piers 30/32, then northerly and
15 easterly along the existing boundary of Piers 30/32 until
16 its intersection with the United States Government pier-
17 head line, thence following said pier-head line westerly and
18 northerly to the northwesterly line of Bryant Street pro-
19 duced northwesterly; thence southwesterly along said
20 northwesterly line of Bryant Street produced to the point
21 of beginning.

22 (c) REQUIREMENT THAT AREA BE IMPROVED.—The
23 declaration of nonnavigability under subsection (a) applies
24 only to those parts of the area described in subsection (b)
25 that are or will be bulkheaded, filled, or otherwise occupied

1 by permanent structures. All such work is subject to all
2 applicable Federal statutes and regulations, including sec-
3 tions 9 and 10 of the Act of March 3, 1899 (33 U.S.C.
4 401 and 403; 30 Stat. 1151), commonly known as the Riv-
5 ers and Harbors Appropriation Act of 1899, section 404
6 of the Federal Water Pollution Control Act (33 U.S.C.
7 1344), and the National Environmental Policy Act of
8 1969 (42 U.S.C. 4321 et seq.).

9 (d) EXPIRATION DATE.—If, 20 years from the date
10 of enactment of this Act, any area or part thereof de-
11 scribed in subsection (b) is not bulkheaded or filled or oc-
12 cupied by permanent structures, including marina facili-
13 ties, in accordance with the requirements set out in sub-
14 section (c), or if work in connection with any activity per-
15 mitted in subsection (c) is not commenced within 5 years
16 after issuance of such permits, then the declaration of
17 nonnavigability for such area or part thereof shall expire.

18 **SEC. 530. STOCKTON, CALIFORNIA.**

19 The Secretary shall reevaluate the feasibility of the
20 Lower Mosher Slough element and the levee extensions on
21 the Upper Calaveras River element of the project for flood
22 control, Stockton Metropolitan Area, California, carried
23 out under section 211(f)(3) of the Water Resources Devel-
24 opment Act of 1996 (110 Stat. 3683), to determine the
25 eligibility of such elements for reimbursement under sec-

1 tion 211 of such Act (33 U.S.C. 701b–13). If the Sec-
2 retary determines that such elements are feasible, the Sec-
3 retary shall reimburse, subject to appropriations, the non-
4 Federal interest under section 211 of such Act for the
5 Federal share of the cost of such elements.

6 **SEC. 531. EVERGLADES RESTORATION, FLORIDA.**

7 (a) COMPREHENSIVE PLAN.—

8 (1) HILLSBORO AND OKEECHOBEE AQUIFER.—
9 Section 601(b)(2)(A) of the Water Resources Devel-
10 opment Act of 2000 (114 Stat. 2681) is amended—

11 (A) in clause (i) by adding at the end the
12 following: “The project for aquifer storage and
13 recovery, Hillsboro and Okeechobee Aquifer,
14 Florida, authorized by section 101(a)(16) of the
15 Water Resources Development Act of 1999
16 (113 Stat. 276), shall be treated for purposes
17 of this section as being in the Plan.”; and

18 (B) in clause (iii) by inserting after “sub-
19 paragraph (B)” the following: “and the project
20 for aquifer storage and recovery, Hillsboro and
21 Okeechobee Aquifer”.

22 (2) OUTREACH AND ASSISTANCE.—Section
23 601(k) of such Act (114 Stat. 2691–2692) is
24 amended by adding at the end the following:

1 “(3) MAXIMUM EXPENDITURES.—The Sec-
2 retary may expend up to \$3,000,000 per fiscal year
3 for fiscal years beginning after September 30, 2002,
4 to carry out this subsection.”.

5 (b) CRITICAL RESTORATION PROJECTS.—Section
6 528(b)(3)(C) of the Water Resources Development Act of
7 1996 (110 Stat. 3769; 113 Stat. 286) is amended—

8 (1) in clause (i) by striking “\$75,000,000” and
9 all that follows through “2003” and inserting
10 “\$95,000,000”; and

11 (2) in clause (ii) by striking “\$25,000,000” and
12 inserting “\$30,000,000”.

13 **SEC. 532. MAYO’S BAR LOCK AND DAM, COOSA RIVER,**
14 **ROME, GEORGIA.**

15 The Secretary may provide assistance for the recon-
16 struction of the Mayo’s Bar Lock and Dam, Coosa River,
17 Rome, Georgia.

18 **SEC. 533. RILEY CREEK RECREATION AREA, IDAHO.**

19 The Secretary is authorized to carry out the Riley
20 Creek Recreation Area Operation Plan of the Albeni Falls
21 Management Plan, dated October 2001, for the Riley
22 Creek Recreation Area, Albeni Falls Dam, Bonner Coun-
23 ty, Idaho.

1 **SEC. 534. GRAND TOWER DRAINAGE AND LEVEES, GRAND**
2 **TOWER TOWNSHIP, ILLINOIS.**

3 (a) IN GENERAL.—The Secretary is authorized to
4 perform operation and maintenance of authorized and
5 completed levees on the Mississippi River in Grand Tower
6 Township, Illinois.

7 (b) ALLOCATION OF COSTS.—The Secretary shall al-
8 locate the cost of operation and maintenance performed
9 under subsection (a) on the basis of whether the lands pro-
10 tected by the levees are owned by the United States.

11 (c) NON-FEDERAL COSTS.—If the lands protected by
12 the levees are not owned by the United States, the cost
13 of operation and maintenance allocated to protecting such
14 lands under subsection (b) shall be a non-Federal cost.

15 (d) FEDERAL COSTS.—If the lands protected by the
16 levees are owned by the United States, the cost of oper-
17 ation and maintenance allocated to protecting such lands
18 under subsection (b) shall be a Federal cost. After per-
19 forming the operation and maintenance under subsection
20 (a), the Secretary shall seek reimbursement from the Sec-
21 retary of the Agriculture of an amount equal to the costs
22 allocated to protecting lands owned by the Department of
23 Agriculture.

1 **SEC. 535. KASKASKIA RIVER BASIN, ILLINOIS, RESTORA-**
2 **TION.**

3 (a) KASKASKIA RIVER BASIN DEFINED.—In this sec-
4 tion, the term “Kaskaskia River basin” means the
5 Kaskaskia River, Illinois, its backwaters, its side channels,
6 and all tributaries, including their watersheds, draining
7 into the Kaskaskia River.

8 (b) COMPREHENSIVE PLAN.—

9 (1) DEVELOPMENT.—The Secretary shall de-
10 velop, as expeditiously as practicable, a comprehen-
11 sive plan for the purpose of restoring, preserving,
12 and protecting the Kaskaskia River basin.

13 (2) TECHNOLOGIES AND INNOVATIVE AP-
14 PROACHES.—The comprehensive plan shall provide
15 for the development of new technologies and innova-
16 tive approaches—

17 (A) to enhance the Kaskaskia River as a
18 transportation corridor;

19 (B) to improve water quality within the en-
20 tire Kaskaskia River basin;

21 (C) to restore, enhance, and preserve habi-
22 tat for plants and wildlife;

23 (D) to increase economic opportunity for
24 agriculture and business communities; and

25 (E) to reduce the impacts of flooding to
26 communities and landowners.

1 (3) SPECIFIC COMPONENTS.—The comprehen-
2 sive plan shall include such features as are necessary
3 to provide for—

4 (A) the development and implementation of
5 a program for sediment removal technology,
6 sediment characterization, sediment transport,
7 and beneficial uses of sediment;

8 (B) the development and implementation
9 of a program for the planning, conservation,
10 evaluation, and construction of measures for
11 fish and wildlife habitat conservation and reha-
12 bilitation, and stabilization and enhancement of
13 land and water resources in the basin;

14 (C) the development and implementation of
15 a long-term resource monitoring program;

16 (D) the development and implementation
17 of a computerized inventory and analysis sys-
18 tem; and

19 (E) the development and implementation
20 of a systemic plan to reduce flood impacts by
21 means of ecosystem restoration projects.

22 (4) CONSULTATION.—The comprehensive plan
23 shall be developed by the Secretary in consultation
24 with appropriate Federal agencies, the State of Illi-
25 nois, and the Kaskaskia River Coordinating Council.

1 (5) REPORT TO CONGRESS.—Not later than 2
2 years after the date of enactment of this Act, the
3 Secretary shall transmit to Congress a report con-
4 taining the comprehensive plan.

5 (6) ADDITIONAL STUDIES AND ANALYSES.—
6 After transmission of a report under paragraph (5),
7 the Secretary shall conduct studies and analyses of
8 projects related to the comprehensive plan that are
9 appropriate and consistent with this subsection.

10 (c) GENERAL PROVISIONS.—

11 (1) WATER QUALITY.—In carrying out activi-
12 ties under this section, the Secretary's recommenda-
13 tions shall be consistent with applicable State water
14 quality standards.

15 (2) PUBLIC PARTICIPATION.—In developing the
16 comprehensive plan under subsection (b), the Sec-
17 retary shall implement procedures to facilitate public
18 participation, including providing advance notice of
19 meetings, providing adequate opportunity for public
20 input and comment, maintaining appropriate
21 records, and making a record of the proceedings of
22 meetings available for public inspection.

23 (d) COORDINATION.—The Secretary shall integrate
24 activities carried out under this section with ongoing Fed-

1 eral and State programs, projects, and activities, including
2 the following:

3 (1) Farm programs of the Department of Agri-
4 culture.

5 (2) Conservation Reserve Enhancement Pro-
6 gram (State of Illinois) and Conservation 2000 Eco-
7 system Program of the Illinois Department of Nat-
8 ural Resources.

9 (3) Conservation 2000 Conservation Practices
10 Program and the Livestock Management Facilities
11 Act administered by the Illinois Department of Agri-
12 culture.

13 (4) National Buffer Initiative of the Natural
14 Resources Conservation Service.

15 (5) Nonpoint source grant program adminis-
16 tered by the Illinois Environmental Protection Agen-
17 cy.

18 (e) COST SHARING.—

19 (1) IN GENERAL.—The non-Federal share of
20 the cost of activities carried out under this section
21 shall be 35 percent.

22 (2) IN-KIND SERVICES.—The Secretary may
23 credit the cost of in-kind services provided by the
24 non-Federal interest for an activity carried out
25 under this section toward not more than 80 percent

1 of the non-Federal share of the cost of the activity.
2 In-kind services shall include all State funds ex-
3 pended on programs that accomplish the goals of
4 this section, as determined by the Secretary. The
5 programs may include the Kaskaskia River Con-
6 servation Reserve Program, the Illinois Conservation
7 2000 Program, the Open Lands Trust Fund, and
8 other appropriate programs carried out in the
9 Kaskaskia River basin.

10 **SEC. 536. NATALIE CREEK, MIDLOTHIAN AND OAK FOREST,**
11 **ILLINOIS.**

12 The Secretary shall carry out a project for flood dam-
13 age reduction under section 205 of the Flood Control Act
14 of 1948 (33 U.S.C. 701s) Natalie Creek, Midlothian and
15 Oak Forest, Illinois, if the Secretary determines that the
16 project is feasible.

17 **SEC. 537. ILLINOIS RIVER BASIN RESTORATION.**

18 Section 519(c)(2) of the Water Resources Develop-
19 ment Act of 2000 (114 Stat. 2654) is amended by striking
20 “2004” and inserting “2010”.

21 **SEC. 538. CALUMET REGION, INDIANA.**

22 Section 219(f)(12) of the Water Resources Develop-
23 ment Act of 1992 (113 Stat. 335) is amended—

24 (1) by striking “\$10,000,000” and inserting
25 “\$30,000,000”; and

1 (2) by striking “Lake and Porter” and insert-
2 ing “Benton, Jasper, Lake, Newton, and Porter”.

3 **SEC. 539. RATHBUN LAKE, IOWA.**

4 (a) CONVEYANCE.—The Secretary shall convey the
5 remaining water supply storage allocation in Rathbun
6 Lake, Iowa, to the Rathbun Regional Water Association
7 (in this section referred to as the “Water Association”).

8 (b) COST SHARING.—Notwithstanding the Water
9 Supply Act of 1958 (43 U.S.C. 390b), the Water Associa-
10 tion shall pay 100 percent of the cost of the water supply
11 storage allocation to be conveyed under subsection (a).
12 The Secretary shall credit toward such non-Federal share
13 the cost of any structures and facilities constructed by the
14 Water Association at the project.

15 (c) TERMS AND CONDITIONS.—Before conveying the
16 water supply storage allocation under subsection (a), the
17 Secretary shall enter into an agreement with the Water
18 Association under which the Water Association shall agree
19 to—

20 (1) in accordance with designs approved by the
21 Chief of Engineers, construct structures and facili-
22 ties referred to in subsection (b) that have a value
23 equal to or greater than the amount that otherwise
24 would be paid to the Federal Government for the

1 costs of the water supply storage under the Water
2 Supply Act of 1958 (43 U.S.C. 390b);

3 (2) be responsible for operating and maintain-
4 ing the structures and facilities;

5 (3) pay all operation and maintenance costs al-
6 located to the water supply storage space;

7 (4) use any revenues generated at the struc-
8 tures and facilities that are above those required to
9 operate and maintain or improve the complex to un-
10 dertake, subject to the approval of the Chief of En-
11 gineers, activities that will improve the quality of the
12 environment in the Rathbun Lake watershed area;
13 and

14 (5) such other terms and conditions as the Sec-
15 retary considers necessary to protect the interests of
16 the United States.

17 **SEC. 540. MAYFIELD CREEK AND TRIBUTARIES, KENTUCKY.**

18 The Secretary shall conduct a study of flood damage
19 along Mayfield Creek and tributaries between Wickliffe
20 and Mayfield, Kentucky, to determine if the damage is the
21 result of a Federal flood damage reduction project, and,
22 if the Secretary determines that the damage is the result
23 of a Federal flood damage reduction project, the Secretary
24 shall carry out a project to mitigate the damage at Federal
25 expense.

1 **SEC. 541. SOUTHERN AND EASTERN KENTUCKY.**

2 (a) PROJECT PURPOSES.—Section 531(b) of the
3 Water Resources Development Act of 1996 (110 Stat.
4 3773) is amended by inserting before “and resource” the
5 following: “, environmental restoration,”.

6 (b) DEFINITION.—Section 531(g) of such Act (110
7 Stat. 3774) is amended by inserting after “Lee,” the fol-
8 lowing: “Bath, Rowan,”.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
10 531(h) of such Act (110 Stat. 3774; 113 Stat. 348) is
11 amended by striking “\$25,000,000” and inserting
12 “\$40,000,000”.

13 (d) CORPS OF ENGINEERS EXPENSES.—Section 531
14 of such Act (110 Stat. 3774; 113 Stat. 348) is amended
15 by adding at the end the following:

16 “(i) CORPS OF ENGINEERS EXPENSES.—Ten percent
17 of the amounts appropriated to carry out this section may
18 be used by the Corps of Engineers district offices to ad-
19 minister projects under this section at 100 percent Fed-
20 eral expense.”.

21 **SEC. 542. COASTAL LOUISIANA ECOSYSTEM PROTECTION**
22 **AND RESTORATION.**

23 (a) DEFINITIONS.—In this section, the following defi-
24 nitions apply:

25 (1) COASTAL LOUISIANA ECOSYSTEM.—The
26 term “Coastal Louisiana Ecosystem” means the

1 coastal area of Louisiana from the Sabine River on
2 the west to the Pearl River on the east and includes
3 tidal waters, barrier islands, marshes, coastal wet-
4 lands, rivers and streams, and adjacent areas.

5 (2) GOVERNOR.—The term “Governor” means
6 the Governor of Louisiana.

7 (3) TASK FORCE.—The term “Task Force”
8 means the Coastal Louisiana Ecosystem Protection
9 and Restoration Task Force established by sub-
10 section (e).

11 (b) COMPREHENSIVE PLAN.—

12 (1) IN GENERAL.—The Secretary shall develop
13 a comprehensive plan for the purpose of protecting,
14 preserving, and restoring the Coastal Louisiana Eco-
15 system. The comprehensive plan shall provide for the
16 protection, conservation and restoration of the wet-
17 lands, barrier islands, shorelines, and related lands
18 and features that protect critical resources, habitat,
19 and infrastructure from the impacts of coastal
20 storms, hurricanes, erosion, and subsidence.

21 (2) DEADLINE.—Not later than July 1, 2004,
22 the Secretary shall transmit the plan to Congress.

23 (3) CONTENTS.—The plan shall include a com-
24 prehensive report and a programmatic environmental

1 impact statement covering the proposed Federal ac-
2 tion set forth in the plan.

3 (4) ADDITIONAL STUDIES AND ANALYSES.—

4 After transmission of a report under this subsection,
5 the Secretary may conduct studies and analyses of
6 projects related to the comprehensive plan that are
7 appropriate and consistent with this subsection.

8 (c) INTEGRATION OF OTHER ACTIVITIES.—

9 (1) IN GENERAL.—In developing the plan under
10 subsection (b), the Secretary shall integrate ongoing
11 Federal and State projects and activities, including
12 projects implemented under the Coastal Wetlands
13 Planning, Protection and Restoration Act (16
14 U.S.C. 3951 et seq.), the Louisiana Coastal Wet-
15 lands Conservation Plan, the Louisiana Coastal
16 Zone Management Plan, and the plan of the State
17 of Louisiana entitled “Coast 2050: Toward a Sus-
18 tainable Coastal Louisiana”.

19 (2) STATUTORY CONSTRUCTION.—

20 (A) EXISTING AUTHORITY.—Except as
21 otherwise expressly provided for in this section,
22 nothing in the section affects any authority in
23 effect on the date of enactment of this Act, or
24 any requirement relating to the participation in
25 protection or restoration activities in the Coast-

1 al Louisiana Ecosystem, including projects and
2 activities specified in paragraph (1) of—

- 3 (i) the Department of the Army;
4 (ii) the Department of the Interior;
5 (iii) the Department of Commerce;
6 (iv) the Environmental Protection
7 Agency;
8 (v) the Department of Agriculture;
9 (vi) the Department of Transpor-
10 tation;
11 (vii) the Department of Energy; and
12 (viii) the State of Louisiana.

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

17 (d) COST SHARING.—The non-Federal share of the
18 cost of developing the plan under subsection (b) shall be
19 50 percent.

20 (e) COASTAL LOUISIANA ECOSYSTEM PROTECTION
21 AND RESTORATION TASK FORCE.—

22 (1) ESTABLISHMENT AND MEMBERSHIP.—
23 There is established the Coastal Louisiana Eco-
24 system Protection and Restoration Task Force,
25 which shall consist of the following members (or, in

1 the case of the head of a Federal Agency, a designee
2 at the level of Assistant Secretary or an equivalent
3 level):

4 (A) The Secretary.

5 (B) The Secretary of the Interior.

6 (C) The Secretary of Commerce.

7 (D) The Administrator of the Environ-
8 mental Protection Agency.

9 (E) The Secretary of Agriculture.

10 (F) The Secretary of Transportation.

11 (G) The Secretary of Energy.

12 (H) The Coastal Advisor to the Governor.

13 (I) The Secretary of the Louisiana Depart-
14 ment of Natural Resources.

15 (J) A representative of the Governor's Ad-
16 visory Commission on Coastal Restoration and
17 Conservation, Louisiana.

18 (2) DUTIES OF TASK FORCE.—The Task
19 Force—

20 (A) shall consult with, and provide rec-
21 ommendations to, the Secretary during develop-
22 ment of the comprehensive plan under sub-
23 section (b)(1);

24 (B) shall coordinate the development of
25 consistent policies, strategies, plans, programs,

1 projects, activities, and priorities for addressing
2 the protection, conservation, and restoration of
3 the Coastal Louisiana Ecosystem;

4 (C) shall exchange information regarding
5 programs, projects, and activities of the agen-
6 cies and entities represented on the Task Force
7 to promote ecosystem protection, restoration,
8 and maintenance;

9 (D) shall establish a regional working
10 group which shall include representatives of the
11 agencies and entities represented on the Task
12 Force as well as other governmental entities as
13 appropriate for the purpose of formulating, rec-
14 ommending, coordinating, and implementing
15 policies, strategies, plans, programs, projects,
16 activities, and priorities of the Task Force;

17 (E) may allow the working group described
18 in subparagraph (D) to—

19 (i) establish such advisory bodies as
20 are necessary to assist the Task Force in
21 its duties; and

22 (ii) select as an advisory body any en-
23 tity that represents a broad variety of pri-
24 vate and public interests;

1 (F) shall facilitate the resolution of inter-
2 agency and intergovernmental conflicts associ-
3 ated with the protection, conservation, and res-
4 toration of the Coastal Louisiana Ecosystem;

5 (G) shall coordinate scientific research as-
6 sociated with the protection and restoration of
7 the Coastal Louisiana Ecosystem;

8 (H) shall provide assistance and support to
9 agencies and entities represented on the Task
10 Force in their protection and restoration activi-
11 ties;

12 (I) shall prepare an integrated financial
13 plan and recommendations for coordinated
14 budget requests for the funds proposed to be
15 expended by agencies and entities represented
16 on the Task Force for the protection, conserva-
17 tion, and restoration of the Coastal Louisiana
18 Ecosystem; and

19 (J) shall transmit to the Committee on
20 Transportation and Infrastructure of the House
21 of Representatives and the Committee on Envi-
22 ronment and Public Works of the Senate a re-
23 port that summarizes the activities of the Task
24 Force.

25 (3) PROCEDURES AND ADVICE.—

1 (A) PUBLIC PARTICIPATION.—

2 (i) IN GENERAL.—The Task Force
3 shall implement procedures to facilitate
4 public participation in the advisory pro-
5 cess, including providing advance notice of
6 meetings, providing adequate opportunity
7 for public input and comment, maintaining
8 appropriate records, and making a record
9 of proceedings of meetings available for
10 public inspection.

11 (ii) OVERSIGHT.—The Secretary shall
12 ensure that the procedures described in
13 clause (i) are adopted and implemented
14 and that the records described in clause (i)
15 are accurately maintained and available for
16 public inspection.

17 (B) ADVISORS TO THE TASK FORCE AND
18 WORKING GROUPS.—The Task Force or the
19 working group described in paragraph (2)(D)
20 may seek such advice and input from any inter-
21 ested, knowledgeable, or affected party as the
22 Task Force or working group determines to be
23 necessary to perform the duties described in
24 paragraph (2).

1 (C) APPLICATION OF THE FEDERAL ADVI-
2 SORY COMMITTEE ACT.—The Task Force, advi-
3 sors to the Task Force, and any associated
4 workgroups shall not be considered advisory
5 committees under the Federal Advisory Com-
6 mittee Act (5 U.S.C. App).

7 (4) COMPENSATION.—A member of the Task
8 Force shall receive no additional compensation for
9 the services provided as a member of the Task
10 Force.

11 (5) TRAVEL EXPENSES.—Travel expenses in-
12 curred by a member of the Task Force in the per-
13 formance of services for the Task Force shall be
14 paid by the agency or entity that the member rep-
15 resents.

16 **SEC. 543. BATON ROUGE, LOUISIANA.**

17 Section 219(f)(21) of the Water Resources Develop-
18 ment Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220)
19 is amended by striking “\$20,000,000” and inserting
20 “\$35,000,000”.

21 **SEC. 544. WEST BATON ROUGE PARISH, LOUISIANA.**

22 Section 517(5) of the Water Resources Development
23 Act of 1999 (113 Stat. 345) is amended to read as follows:

24 “(5) Mississippi River, West Baton Rouge Par-
25 ish, Louisiana, project for waterfront and riverine

1 preservation, restoration, enhancement modifica-
2 tions, and interpretive center development.”.

3 **SEC. 545. CHESAPEAKE BAY SHORELINE, MARYLAND, VIR-**
4 **GINIA, PENNSYLVANIA, AND DELAWARE.**

5 (a) IN GENERAL.—In carrying out comprehensive
6 study of the feasibility of a project to address shoreline
7 erosion and related sediment management measures to
8 protect water and land resources of the Chesapeake Bay,
9 the Secretary may carry out pilot projects to demonstrate
10 the feasibility of alternative measures to address sediment
11 loads to the Chesapeake Bay from sediment behind dams
12 on the lower Susquehanna River.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated \$5,000,000 to carry out this
15 section.

16 **SEC. 546. DELMARVA CONSERVATION CORRIDOR, MARY-**
17 **LAND.**

18 (a) ASSISTANCE.—The Secretary may provide tech-
19 nical assistance to the Secretary of Agriculture in carrying
20 out the Conservation Corridor Demonstration Program
21 authorized under subtitle G of title II of Public Law 107–
22 171 (116 Stat. 275–278).

23 (b) COORDINATION AND INTEGRATION.—In carrying
24 out water resources projects in the State of Maryland on
25 land located on the east side of the Chesapeake Bay, the

1 Secretary shall coordinate and integrate, to the extent
2 practicable, such projects with any activities undertaken
3 to implement a conservation corridor plan approved by the
4 Secretary of Agriculture under section 2602 of Public Law
5 107–171 (116 Stat. 275–276).

6 **SEC. 547. DETROIT RIVER, MICHIGAN.**

7 Section 568(c)(2) of the Water Resources Develop-
8 ment Act of 1999 (113 Stat. 368) is amended by striking
9 “\$1,000,000” and inserting “\$25,000,000”.

10 **SEC. 548. OAKLAND COUNTY, MICHIGAN.**

11 Section 219(f)(29) of the Water Resources Develop-
12 ment Act of 1992 (113 Stat. 336) is amended by inserting
13 “sanitary sewer overflows and” before “combined sewer
14 overflows”.

15 **SEC. 549. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**

16 The Secretary shall carry out feasible aquatic eco-
17 system restoration projects identified in the comprehensive
18 management plan for St. Clair River and Lake St. Clair,
19 Michigan, developed under section 426 of the Water Re-
20 sources Development Act of 1999 (113 Stat. 326), at a
21 total Federal cost of not to exceed \$10,000,000.

22 **SEC. 550. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.**

23 Section 219(f)(61) of the Water Resources Develop-
24 ment Act of 1992 (114 Stat. 2763A–221) is amended by
25 adding at the end the following: “Such assistance shall

1 be provided directly to the Garrison-Kathio-West Mille
2 Laes Lake Sanitary District, Minnesota.”.

3 **SEC. 551. NORTHEASTERN MINNESOTA.**

4 (a) IN GENERAL.—Section 569 of the Water Re-
5 sources Development Act of 1999 (113 Stat. 368) is
6 amended—

7 (1) in subsection (a) by striking “Benton,
8 Sherburne,” and inserting “Hubbard, Wadena,”;

9 (2) by striking the last sentence of subsection
10 (e)(3)(B);

11 (3) by striking subsection (g) and inserting the
12 following:

13 “(g) NONPROFIT ENTITIES.—Notwithstanding sec-
14 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
15 1962d–5b(b), for any project undertaken under this sec-
16 tion, a non-Federal interest may include a nonprofit enti-
17 ty.”; and

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

19 “(i) CORPS OF ENGINEERS EXPENSES.—Ten percent
20 of the amounts appropriated to carry out this section may
21 be used by the Corps of Engineers district offices to ad-
22 minister projects under this section at 100 percent Fed-
23 eral expense.”.

24 (b) BIWABIK, MINNESOTA.—The Secretary shall re-
25 imburse the non-Federal interest for the project for envi-

1 ronmental infrastructure, Biwabik, Minnesota, carried out
2 under section 569 of the Water Resources Development
3 Act of 1999 (113 Stat. 368–369), for planning, design,
4 and construction costs incurred by the non-Federal inter-
5 est with respect to the project before the date of the co-
6 operation agreement for the project and were in excess
7 of the non-Federal share of the project costs if the Sec-
8 retary determines that the costs are appropriate.

9 **SEC. 552. RURAL NEVADA.**

10 Section 595(h)(1) of the Water Resources Develop-
11 ment Act of 1999 (113. Stat. 384) is amended by striking
12 “\$25,000,000” and inserting “\$40,000,000”.

13 **SEC. 553. HACKENSACK MEADOWLANDS AREA, NEW JER-**
14 **SEY.**

15 Section 324 of the Water Resources Development Act
16 of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—

17 (1) in subsection (a) by striking “Hackensack
18 Meadowlands Development” and all that follows
19 through “Plan for” and inserting “New Jersey
20 Meadowlands Commission for the development of an
21 environmental improvement program for”;

22 (2) in subsection (b)—

23 (A) in the subsection heading by striking
24 “REQUIRED”;

1 (B) by striking “shall” and inserting
2 “may”; and

3 (C) by striking paragraph (1) and insert-
4 ing the following:

5 “(1) Enhancement and acquisition of signifi-
6 cant wetlands that contribute to the Meadowlands
7 ecosystem.”;

8 (3) in subsection (c) by inserting before the last
9 sentence the following: “The non-Federal sponsor
10 may also provide in-kind services, not to exceed 25
11 percent of the total project cost, and may also re-
12 ceive credit for reasonable cost of design work com-
13 pleted prior to entering into the cooperation agree-
14 ment with the Secretary for a project to be carried
15 out under the program developed under subsection
16 (a).”; and

17 (4) in subsection (d) by striking “\$5,000,000”
18 and inserting “\$35,000,000”.

19 **SEC. 554. ATLANTIC COAST OF NEW YORK.**

20 (a) DEVELOPMENT OF PROGRAM.—Section 404(a) of
21 the Water Resources Development Act of 1992 (106 Stat.
22 4863) is amended—

23 (1) by striking “processes” and inserting “and
24 related environmental processes”;

1 (2) by inserting after “Atlantic Coast” the fol-
2 lowing: “(and associated back bays)”;

3 (3) by inserting after “actions” the following: “,
4 environmental restoration or conservation measures
5 for coastal and back bays,”; and

6 (4) by inserting at the end the following: “The
7 plan for collecting data and monitoring information
8 included in such annual report shall be fully coordi-
9 nated with and agreed to by appropriate agencies of
10 the State of New York.”.

11 (b) ANNUAL REPORTS.—Section 404(b) of such Act
12 is amended—

13 (1) by striking “INITIAL PLAN.—Not later than
14 12 months after the date of enactment of this Act,
15 the” and inserting “ANNUAL REPORTS.—The”;

16 (2) by striking “initial plan for data collection
17 and monitoring” and inserting “annual report of
18 data collection and monitoring activities”; and

19 (3) by striking the last sentence.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
21 404(c) of such Act (113 Stat. 341) is amended by striking
22 “and an additional total of \$2,500,000 for fiscal years
23 thereafter” and inserting “\$2,500,000 for fiscal years
24 2000 through 2002, and \$17,000,000 for fiscal years be-
25 ginning after September 30, 2002,”.

1 **SEC. 555. COLLEGE POINT, NEW YORK CITY, NEW YORK.**

2 In carrying out section 312 of the Water Resources
3 Development Act of 1990 (104 Stat. 4639–4640), the Sec-
4 retary shall give priority to work in College Point, New
5 York City, New York.

6 **SEC. 556. FLUSHING BAY AND CREEK, NEW YORK CITY, NEW**
7 **YORK.**

8 The Secretary shall credit toward the non-Federal
9 share of the cost of the project for ecosystem restoration,
10 Flushing Bay and Creek, New York City, New York, the
11 cost of design and construction work carried out by the
12 non-Federal interest before the date of the cooperation
13 agreement for the project if the Secretary determines that
14 the work is integral to the project.

15 **SEC. 557. LITTLE NECK BAY, VILLAGE OF KINGS POINT,**
16 **NEW YORK.**

17 (a) IN GENERAL.—The Secretary may carry out a
18 navigation project at Little Neck Bay (Hague Basin), Vil-
19 lage of Kings Point, New York, sufficient to permit the
20 safe operation of the vessel T/V Kings Pointer at all tide
21 levels.

22 (b) REIMBURSEMENT.—The Secretary shall seek re-
23 imbursement from the United States Merchant Marine
24 Academy for the cost of the project carried out under this
25 section.

1 **SEC. 558. STANLEY COUNTY, NORTH CAROLINA.**

2 Section 219(f)(64) of the Water Resources Develop-
3 ment Act of 1992 (114 Stat. 2763A–221) is amended by
4 inserting “water and” before “wastewater”.

5 **SEC. 559. PIEDMONT LAKE DAM, OHIO.**

6 In reconstructing the road on the Piedmont Lake
7 Dam as part of the project for dam safety assurance, Pied-
8 mont Lake Dam, Ohio, being carried out under section
9 4 of the Flood Control Act of August 11, 1939 (53 Stat.
10 1414–1415), the Secretary shall upgrade the condition of
11 the road to meet standards applicable to public use roads
12 in the State of Ohio. The incremental cost of upgrading
13 the road to meet such standards shall be a non-Federal
14 expense.

15 **SEC. 560. WAURIKA LAKE, OKLAHOMA.**

16 The remaining obligation of the Waurika Project
17 Master Conservancy District payable to the United States
18 Government in the amounts, rates of interest, and pay-
19 ment schedules is set at the amounts, rates of interest,
20 and payment schedules that existed, and that both parties
21 agreed to, on June 3, 1986, and may not be adjusted,
22 altered, or changed without a specific, separate, and writ-
23 ten agreement between the District and the United States
24 Government.

1 **SEC. 561. COLUMBIA RIVER, OREGON.**

2 Section 401(b)(3) of Public Law 100–581 (102 Stat.
3 2944), is amended by inserting “and Celilo Village, Or-
4 egon” after “existing sites”.

5 **SEC. 562. EUGENE, OREGON.**

6 (a) IN GENERAL.—The Secretary shall conduct a
7 study to determine the feasibility of restoring the millrace
8 in Eugene, Oregon, and, if the Secretary determines that
9 the restoration is feasible, shall carry out the restoration.

10 (b) CONSIDERATION OF NON-ECONOMIC BENE-
11 FITS.—In determining the feasibility of restoring the mill-
12 race, the Secretary shall include non-economic benefits as-
13 sociated with the historical significance of the millrace and
14 associated with preservation and enhancement of re-
15 sources.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to carry out this section
18 \$20,000,000.

19 **SEC. 563. JOHN DAY LOCK AND DAM, LAKE UMATILLA, OR-**
20 **EGON AND WASHINGTON.**

21 (a) IN GENERAL.—The Secretary shall pay up to
22 \$2,500,000 to the provider of research and curation sup-
23 port previously provided to the Federal Government as a
24 result of the multi-purpose project, John Day Lock and
25 Dam, Lake Umatilla, Oregon and Washington, authorized
26 by section 101 of the River and Harbor Act of 1950 (64

1 Stat. 167), and the several navigation and flood damage
2 reduction projects constructed on the Columbia River and
3 Lower Willamette River, Oregon and Washington.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section
6 \$2,500,000.

7 **SEC. 564. LOWELL, OREGON.**

8 (a) IN GENERAL.—The Secretary may convey with-
9 out consideration to Lowell School District, by quitclaim
10 deed, all right, title and interest of the United States in
11 and to approximately 3.32 acres of land and buildings
12 thereon, known as Tract A-82, located in Lowell, Oregon,
13 and described in subsection (b).

14 (b) DESCRIPTION OF PROPERTY.—The parcel of land
15 authorized to be conveyed under subsection (a) is as fol-
16 lows: Commencing at the point of intersection of the west
17 line of Pioneer Street with the westerly extension of the
18 north line of Summit Street, in Meadows Addition to Low-
19 ell, as platted and recorded at page 56 of Volume 4, Lane
20 County Oregon Plat Records; thence north on the west
21 line of Pioneer Street a distance of 176.0 feet to the true
22 point of beginning of this description; thence north on the
23 west line of Pioneer Street a distance of 170.0 feet; thence
24 west at right angles to the west line of Pioneer Street a
25 distance of 250.0 feet; thence south and parallel to the

1 west line of Pioneer Street a distance of 170.0 feet; thence
2 east 250.0 feet to the true point of beginning of this de-
3 scription in Section 14, Township 19 South, Range 1 West
4 of the Willamette Meridian, Lane County, Oregon.

5 (c) TERMS AND CONDITIONS.—Before conveying the
6 parcel to the school district, the Secretary shall ensure
7 that the conditions of buildings and facilities meet the re-
8 quirements of applicable Federal law.

9 (d) GENERALLY APPLICABLE PROVISIONS.—

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

14 (2) LIABILITY.—An entity to which a convey-
15 ance is made under this section shall hold the
16 United States harmless from any liability with re-
17 spect to activities carried out, on or after the date
18 of the conveyance, on the real property conveyed.
19 The United States shall remain responsible for any
20 liability with respect to activities carried out, before
21 such date, on the real property conveyed.

22 **SEC. 565. HAGERMAN'S RUN, WILLIAMSPORT, PENNSYL-**
23 **VANIA.**

24 The Secretary may rehabilitate the pumps at the
25 project for flood damage reduction, Hagerman's Run, Wil-

1 liamsport, Pennsylvania, at a total Federal cost of
2 \$225,000.

3 **SEC. 566. NORTHEAST PENNSYLVANIA.**

4 Section 219(f)(11) of the Water Resources Develop-
5 ment Act of 1992 (113 Stat. 335) is amended by striking
6 “and Monroe” and inserting “Northumberland, Union,
7 Snyder, and Montour”.

8 **SEC. 567. SUSQUEHANNOCK CAMPGROUND ACCESS ROAD,**
9 **RAYSTOWN LAKE, PENNSYLVANIA.**

10 (a) IMPROVEMENT OF ACCESS ROAD.—The Sec-
11 retary may make improvements to the Susquehannock
12 Campground access road at Raystown Lake, Pennsyl-
13 vania.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$500,000.

17 **SEC. 568. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**
18 **VANIA AND NEW YORK.**

19 Section 567 of the Water Resources Development Act
20 of 1996 (114 Stat. 2662–2663; 110 Stat. 3787–3788) is
21 amended—

22 (1) in subsection (a)(2) by striking
23 “\$10,000,000.” and inserting the following:
24 “\$20,000,000, of which the Secretary may utilize
25 not more than \$5,000,000 to design and construct

1 feasible pilot projects during the development of the
2 strategy to demonstrate alternative approaches for
3 the strategy. The total cost for any single pilot
4 project may not exceed \$500,000. The Secretary
5 shall evaluate the results of the pilot projects and
6 consider the results in the development of the strat-
7 egy.”.

8 (2) in subsection (c)—

9 (A) in the subsection heading by striking
10 “COOPERATION” and inserting “COOPERA-
11 TIVE”; and

12 (B) by striking “cooperation” and insert-
13 ing “cooperative”; and

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

15 “(e) CREDIT.—The Secretary shall credit toward the
16 non-Federal share of the cost of the project the cost of
17 design and construction work carried out by the non-Fed-
18 eral interest before the date of the cooperation agreement
19 for the project, if the Secretary determines that the work
20 is integral to the project, and the cost of in-kind services
21 and materials provided for the project by the non-Federal
22 interest.”.

1 **SEC. 569. WASHINGTON, GREENE, WESTMORELAND, AND**
2 **FAYETTE COUNTIES, PENNSYLVANIA.**

3 Section 219(f)(70) of the Water Resources Develop-
4 ment Act of 1992 (114 Stat. 2763A–221) is amended by
5 striking “\$8,000,000” and inserting “\$13,300,000”.

6 **SEC. 570. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.**

7 The Secretary shall review a report prepared by the
8 non-Federal interest concerning flood protection and envi-
9 ronmental restoration for Cano Martin Pena, San Juan,
10 Puerto Rico, and, if the Secretary determines that the re-
11 port meets the evaluation and design standards of the
12 Corps of Engineers and that the project is feasible, may
13 carry out the project, at a total cost of \$130,000,000, with
14 an estimated Federal cost of \$85,000,000 and an esti-
15 mated non-Federal cost of \$45,000,000.

16 **SEC. 571. LAKES MARION AND MOULTRIE, SOUTH CARO-**
17 **LINA.**

18 Section 219(f)(25) of the Water Resources Develop-
19 ment Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220)
20 is amended by striking “\$15,000,000” and inserting
21 “\$35,000,000”.

22 **SEC. 572. FRITZ LANDING, TENNESSEE.**

23 The Secretary shall—

24 (1) conduct a study of the Fritz Landing Agri-
25 cultural Spur Levee, Tennessee, to determine the ex-
26 tent of levee modifications that would be required to

1 make the levee and associated drainage structures
2 consistent with Federal standards;

3 (2) design and construct such modifications;
4 and

5 (3) after completion of such modifications, in-
6 corporate the levee into the project for flood control,
7 Mississippi River and Tributaries, authorized by the
8 Act entitled “An Act for the control of floods on the
9 Mississippi River and its tributaries, and for other
10 purposes”, approved May 15, 1928 (45 Stat. 534–
11 539), commonly know as the “Flood Control Act of
12 1928”.

13 **SEC. 573. MEMPHIS, TENNESSEE.**

14 The Secretary shall review the aquatic ecosystem res-
15 toration component of the Memphis Riverfront Develop-
16 ment Master Plan, Memphis, Tennessee, prepared by the
17 non-Federal interest and, if the Secretary determines that
18 the component meets the evaluation and design standards
19 of the Corps of Engineers and that the component is fea-
20 sible, may carry out the component at a total Federal cost
21 not to exceed \$5,000,000.

22 **SEC. 574. TOWN CREEK, LENOIR CITY, TENNESSEE.**

23 The Secretary shall construct the project for flood
24 damage reduction designated as Alternative 4 in the Town
25 Creek, Lenoir City, Loudon City, Tennessee, feasibility re-

1 port of the Nashville district engineer, dated November
2 2000, at a total cost of \$1,250,000.

3 **SEC. 575. TENNESSEE RIVER PARTNERSHIP.**

4 (a) IN GENERAL.—As part of the operation and
5 maintenance of the project for navigation, Tennessee
6 River, Tennessee, Alabama, Mississippi, and Kentucky,
7 authorized by the first section of the Rivers and Harbors
8 Act of July 3, 1930 (46 Stat. 927), the Secretary may
9 enter into a partnership with a nonprofit entity to remove
10 debris from the Tennessee River in the vicinity of Knox-
11 ville, Tennessee, by providing a vessel to such entity, at
12 Federal expense, for such debris removal purposes.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out this section
15 \$500,000.

16 **SEC. 576. HALLS BAYOU, TEXAS.**

17 Section 211(f) of the Water Resources Development
18 Act of 1996 (33 U.S.C. 701b–13) is amended—

19 (1) by redesignating paragraphs (7) and (8) as
20 paragraphs (8) and (9), respectively; and

21 (2) by inserting after paragraph (6) the fol-
22 lowing:

23 “(7) HALLS BAYOU, TEXAS.—The project for
24 flood control, Halls Bayou, Texas.”.

1 **SEC. 577. HARRIS GULLY, HARRIS COUNTY, TEXAS.**

2 (a) STUDY.—

3 (1) IN GENERAL.—The Secretary shall conduct
4 a study to determine the feasibility of carrying out
5 a project for flood damage reduction in the Harris
6 Gully watershed, Harris County, Texas, to provide
7 flood protection for the Texas Medical Center, Hous-
8 ton, Texas.

9 (2) USE OF LOCAL STUDIES AND PLANS.—In
10 conducting the study, the Secretary shall use, to the
11 extent practicable, studies and plans developed by
12 the non-Federal interest if the Secretary determines
13 that such studies and plans meet the evaluation and
14 design standards of the Corps of Engineers.

15 (3) COMPLETION DATE.—The Secretary shall
16 complete the study by July 1, 2004.

17 (b) CRITICAL FLOOD DAMAGE REDUCTION MEAS-
18 URES.—The Secretary may carry out critical flood damage
19 reduction measures that the Secretary determines are fea-
20 sible and that will provide immediate and substantial flood
21 damage reduction benefits in the Harris Gully watershed,
22 at a Federal cost of \$7,000,000.

23 (c) CREDIT.—The Secretary shall credit toward the
24 non-Federal share of the cost of the project the cost of
25 planning, design, and construction work carried out by the
26 non-Federal interest before the date of the cooperation

1 agreement for the project if the Secretary determines that
2 such work is integral to the project.

3 (d) **NONPROFIT ENTITY.**—Notwithstanding section
4 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–
5 5b), a nonprofit entity may, with the consent of the local
6 government, serve as a non-Federal interest for the project
7 undertaken under this section.

8 **SEC. 578. ONION CREEK, TEXAS.**

9 The Secretary shall credit toward the non-Federal
10 share of the cost of the project for flood damage reduction
11 and ecosystem restoration, Onion Creek, Texas, the cost
12 of relocation of flood prone residences in the study area
13 for the project incurred by the non-Federal interest before
14 the date of the cooperation agreement for the project if
15 the Secretary determines that the relocation of such resi-
16 dences is integral to the project.

17 **SEC. 579. PELICAN ISLAND, TEXAS.**

18 (a) **IN GENERAL.**—Section 108(a) of the Energy and
19 Water Development Appropriations Act, 1994 (33 U.S.C.
20 59hh(a)) is amended—

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

23 “(1) **AUTHORITY TO CONVEY.**—The Secretary”;

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

25 “(2) **LETTER OF INTENT.**—

1 “(A) IN GENERAL.—The Secretary may
2 provide a letter of intent to the city of Gal-
3 veston for conveyance of less than 100 acres of
4 the parcel described in subsection (a) for pri-
5 vate development purposes if the Secretary re-
6 ceives and approves a proposal by the city des-
7 ignating the land which would be subject to
8 such development.

9 “(B) DISPOSITION OF SPOIL.—If the Sec-
10 retary issues a letter of intent under subpara-
11 graph (A), no additional spoil material may be
12 placed on the land designated for private devel-
13 opment for a period of at least 5 years from the
14 date of issuance of the letter to provide the city
15 of Galveston with an opportunity to secure pri-
16 vate developers, perform appraisals, conduct en-
17 vironmental studies, and provide the compensa-
18 tion to the United States required for the con-
19 veyance.”; and

20 (3) by aligning the remainder of the text of
21 paragraph (1) (as designated by paragraph (1) of
22 this subsection) with paragraph (2) (as added by
23 paragraph (2) of this subsection).

24 (b) EXPIRATION DATE.—Section 108(e)(3) of such
25 Act (33 U.S.C. 59hh(e)(3)) is amended by striking “date

1 of enactment of this Act” and inserting “date of enact-
2 ment of the Water Resources Development Act of 2002”.

3 **SEC. 580. RIVERSIDE OXBOW, FORT WORTH, TEXAS.**

4 The Secretary shall credit toward the non-Federal
5 share of the cost of the project for ecosystem restoration
6 and recreation, Riverside Oxbow, Fort Worth, Texas, the
7 cost of design and construction work carried out on the
8 Beach Street Dam and associated features by the non-
9 Federal interest before the date of the cooperation agree-
10 ment for the project if the Secretary determines that the
11 work is integral to the project.

12 **SEC. 581. RICHMOND NATIONAL BATTLEFIELD PARK, RICH-**
13 **MOND, VIRGINIA.**

14 (a) IN GENERAL.—The Secretary is authorized to
15 carry out bluff stabilization measures on the James River
16 in the vicinity of Drewry’s Bluff, Richmond National Bat-
17 tlefield Park, Richmond, Virginia.

18 (b) REIMBURSEMENT.—The Secretary shall seek re-
19 imbursement from the Secretary of the Interior of any
20 costs incurred by the Secretary in carrying out subsection
21 (a).

22 **SEC. 582. BAKER BAY AND ILWACO HARBOR, WASHINGTON.**

23 The Secretary shall conduct a study of increased sil-
24 tation in Baker Bay and Ilwaco Harbor, Washington, to
25 determine if the siltation is the result of a Federal naviga-

1 tion project (including diverted flows from the Columbia
2 River) and, if the Secretary determines that the siltation
3 is the result of a Federal navigation project, the Secretary
4 shall carry out a project to mitigate the siltation as part
5 of maintenance of the Federal navigation project.

6 **SEC. 583. CHEHALIS RIVER, CENTRALIA, WASHINGTON.**

7 The Secretary shall credit toward the non-Federal
8 share of the cost of the project for flood damage reduction,
9 Chehalis River, Centralia, Washington, the cost of plan-
10 ning, design, and construction work carried out by the
11 non-Federal interest before the date of the cooperation
12 agreement for the project if the Secretary determines that
13 the work is integral to the project.

14 **SEC. 584. HAMILTON ISLAND CAMPGROUND, WASHINGTON.**

15 The Secretary is authorized to plan, design, and con-
16 struct a campground for Bonneville Lock and Dam at
17 Hamilton Island (also know as “Strawberry Island”) in
18 Skamania County, Washington.

19 **SEC. 585. PUGET ISLAND, WASHINGTON.**

20 The Secretary is directed to place dredged and other
21 suitable material along portions of the Columbia River
22 shoreline of Puget Island, Washington, between river miles
23 38 to 47 in order to protect economic and environmental
24 resources in the area from further erosion, at a Federal
25 cost of \$1,000,000. This action shall be coordinated with

1 appropriate resource agencies and comply with applicable
2 Federal laws.

3 **SEC. 586. WEST VIRGINIA AND PENNSYLVANIA FLOOD CON-**
4 **TROL.**

5 (a) CHEAT AND TYGART RIVER BASINS, WEST VIR-
6 GINIA.—Section 581(a)(1) of the Water Resources Devel-
7 opment Act of 1996 (110 Stat. 3790; 113 Stat. 313) is
8 amended—

9 (1) by striking “flood control measures” and in-
10 sserting “structural and nonstructural flood control,
11 streambank protection, stormwater management,
12 and channel clearing and modification measures”;
13 and

14 (2) by inserting “with respect to measures that
15 incorporate levees or floodwalls” before the semi-
16 colon.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
18 581(e) of the Water Resources Development Act of 1996
19 (110 Stat. 3791) is amended by striking “\$12,000,000”
20 and inserting “\$90,000,000”.

21 **SEC. 587. LOWER KANAWHA RIVER BASIN, WEST VIRGINIA.**

22 The Secretary shall conduct a watershed and river
23 basin assessment under section 729 of the Water Re-
24 sources Development Act of 1986 (33 U.S.C. 2267a) for
25 the Lower Kanawha River Basin, in the counties of

1 Mason, Putnam, Kanawha, Jackson, and Roane, West
2 Virginia.

3 **SEC. 588. CENTRAL WEST VIRGINIA.**

4 Section 571 of the Water Resources Development Act
5 of 1999 (113 Stat. 371) is amended—

6 (1) in subsection (a)—

7 (A) by striking “Nicholas,”; and

8 (B) by striking “Gilmer,”; and

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

10 “(i) NONPROFIT ENTITIES.—Notwithstanding sec-
11 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
12 1962d–5b(b), for any project undertaken under this sec-
13 tion, a non-Federal interest may include a nonprofit entity
14 with the consent of the affected local government.

15 “(j) CORPS OF ENGINEERS EXPENSES.—Ten percent
16 of the amounts appropriated to carry out this section may
17 be used by the Corps of Engineers district offices to ad-
18 minister projects under this section at 100 percent Fed-
19 eral expense.”.

20 **SEC. 589. SOUTHERN WEST VIRGINIA.**

21 (a) CORPS OF ENGINEERS.—Section 340 of the
22 Water Resources Development Act of 1992 (106 Stat.
23 4856; 113 Stat. 320) is amended by adding at the end
24 the following:

1 “(h) CORPS OF ENGINEERS.—Ten percent of the
2 amounts appropriated to carry out this section for fiscal
3 years 2003 and thereafter may be used by the Corps of
4 Engineers district offices to administer projects under this
5 section at 100 percent Federal expense.”.

6 (b) SOUTHERN WEST VIRGINIA DEFINED.—Section
7 340(f) of such Act is amended by inserting “Nicholas,
8 Gilmer,” after “Greenbrier,”.

9 (c) NONPROFIT ENTITIES.—Section 340 of the
10 Water Resources Development Act of 1992 (106 Stat.
11 4856) is further amended by adding at the end the fol-
12 lowing:

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

○