

109TH CONGRESS
1ST SESSION

H. R. 2864

AN ACT

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

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

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

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

6 (b) **TABLE OF CONTENTS.**—The table of contents for
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

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

Sec. 2008. Compilation of laws.

Sec. 2009. Dredged material disposal.

Sec. 2010. Wetlands mitigation.

Sec. 2011. Remote and subsistence harbors.

Sec. 2012. Beneficial uses of dredged material.

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

Sec. 2014. Revision of project partnership agreement.

Sec. 2015. Cost sharing.

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

Sec. 2017. Recreation user fee revenues.

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

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Sec. 2021. Wildfire firefighting.

Sec. 2022. Credit for nonconstruction services.

Sec. 2023. Technical assistance.

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- Sec. 2025. Project streamlining.
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- Sec. 2027. Mitigation for fish and wildlife losses.
- Sec. 2028. Cooperative agreements.
- Sec. 2029. Project planning.
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- Sec. 5140. James River, Virginia.
- Sec. 5141. Baker Bay and Ilwaco Harbor, Washington.
- Sec. 5142. Hamilton Island campground, Washington.
- Sec. 5143. Puget Island, Washington.
- Sec. 5144. Willapa Bay, Washington.
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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. 1001. PROJECT AUTHORIZATIONS.**

7 (a) **PROJECTS WITH CHIEF’S REPORT.**—Except as
8 otherwise provided in this section, the following projects

1 for water resources development and conservation and
2 other purposes are authorized to be carried out by the Sec-
3 retary substantially in accordance with the plans, and sub-
4 ject to the conditions, described in the respective reports
5 designated in this section:

6 (1) AKUTAN, ALASKA.—

7 (A) IN GENERAL.—The project for naviga-
8 tion, Akutan, Alaska: Report of the Chief of
9 Engineers dated December 20, 2004, at a total
10 cost of \$19,700,000.

11 (B) TREATMENT OF CERTAIN DREDG-
12 ING.—The headlands dredging for the mooring
13 basin shall be considered a general navigation
14 feature for purposes of estimating the non-Fed-
15 eral share of the cost of the project.

16 (2) HAINES SMALL BOAT HARBOR, HAINES,
17 ALASKA.—The project for navigation, Haines Small
18 Boat Harbor, Haines, Alaska: Report of the Chief of
19 Engineers dated December 20, 2004, at a total of
20 \$12,200,000, with an estimated Federal cost of
21 \$9,700,000 and an estimated non-Federal cost of
22 \$2,500,000.

23 (3) TANQUE VERDE CREEK, ARIZONA.—The
24 project for environmental restoration, Tanque Verde
25 Creek, Arizona: Report of the Chief of Engineers,

1 dated July 22, 2003, at a total cost of \$4,978,000,
2 with an estimated Federal cost of \$3,236,000 and
3 an estimated non-Federal cost of \$1,742,000.

4 (4) VA SHLY' AY AKIMEL, SALT RIVER RES-
5 TORATION, ARIZONA.—The project for ecosystem
6 restoration, Va Shly' Ay Akimel, Salt River, Ari-
7 zona: Report of the Chief of Engineers dated Janu-
8 ary 3, 2005, at a total cost of \$138,968,000, with
9 an estimated Federal cost of \$90,129,000 and an es-
10 timated non-Federal cost of \$48,839,000.

11 (5) HAMILTON CITY, CALIFORNIA.—The project
12 for flood damage reduction and ecosystem restora-
13 tion, Hamilton City, California: Report of the Chief
14 of Engineers dated December 22, 2004, at a total
15 cost of \$50,600,000, with an estimated Federal cost
16 of \$33,000,000 and estimated non-Federal cost of
17 \$17,600,000.

18 (6) IMPERIAL BEACH, CALIFORNIA.—The
19 project for storm damage reduction, Imperial Beach,
20 California: Report of the Chief of Engineers, dated
21 December 30, 2003, at a total cost of \$11,862,000,
22 with an estimated Federal cost of \$7,592,000 and
23 an estimated non-Federal cost of \$4,270,000, and at
24 an estimated total cost of \$38,004,000 for periodic
25 beach nourishment over the 50-year life of the

1 project, with an estimated Federal cost of
2 \$19,002,000 and an estimated non-Federal cost of
3 \$19,002,000.

4 (7) MATILIJA DAM, VENTURA COUNTY, CALI-
5 FORNIA.—The project for ecosystem restoration,
6 Matilija Dam and Ventura River Watershed, Ven-
7 tura County, California: Report of the Chief of En-
8 gineers dated December 20, 2004, at a total cost of
9 \$130,335,000, with an estimated Federal cost of
10 \$78,973,000 and an estimated non-Federal cost of
11 \$51,362,000.

12 (8) MIDDLE CREEK, LAKE COUNTY, CALI-
13 FORNIA.—The project for ecosystem restoration and
14 flood damage reduction, Middle Creek, Lake County,
15 California: Report of the Chief of Engineers dated
16 November 29, 2004, at a total cost of \$41,793,000,
17 with an estimated Federal cost of \$27,256,000 and
18 an estimated non-Federal cost of \$14,537,000.

19 (9) NAPA RIVER SALT MARSH, CALIFORNIA.—

20 (A) IN GENERAL.—The project for eco-
21 system restoration, Napa River Salt Marsh,
22 Nap River, California: Report of the Chief of
23 Engineers dated December 22, 2004, at a total
24 cost of \$100,500,000, with an estimated Fed-

1 eral cost of \$64,000,000 and an estimated non-
2 Federal cost of \$36,500,000.

3 (B) PROJECT FEATURES.—In carrying out
4 the project, the Secretary shall include con-
5 struction of a recycled water pipeline extending
6 from the Sonoma Valley County Sanitation Dis-
7 trict Waste Water Treatment Plant and the
8 Napa Sanitation District Waste Water Treat-
9 ment Plant as part of the project and restora-
10 tion and enhancement of Salt Ponds 1, 1A, 2,
11 and 3.

12 (10) SOUTH PLATTE RIVER, DENVER, COLO-
13 RADO.—The project for environmental restoration
14 Denver County Reach, South Platte River, Denver,
15 Colorado: Report of the Chief of Engineers, dated
16 May 16, 2003, at a total cost of \$18,824,000, with
17 an estimated Federal cost of \$12,236,000 and an es-
18 timated non-Federal cost of \$6,588,000.

19 (11) MIAMI HARBOR, MIAMI-DADE COUNTY,
20 FLORIDA.—

21 (A) IN GENERAL.—The project for naviga-
22 tion, Miami Harbor, Miami-Dade County, Flor-
23 ida: Report of the Chief of Engineers dated
24 April 25, 2005, at a total cost of \$121,127,000,
25 with an estimated Federal cost of \$64,843,000

1 and an estimated non-Federal cost of
2 \$56,284,000.

3 (B) GENERAL REEVALUATION REPORT.—

4 The non-Federal share of the cost of the gen-
5 eral reevaluation report that resulted in the re-
6 port of the Chief of Engineers referred to in
7 subparagraph (A) shall be the same percentage
8 as the non-Federal share of cost of construction
9 of the project.

10 (C) AGREEMENT.—The Secretary shall
11 enter into a new partnership with the non-Fed-
12 eral interest to reflect the cost sharing required
13 by subparagraph (B).

14 (12) EAST ST. LOUIS AND VICINITY, ILLI-
15 NOIS.—The project for ecosystem restoration, East
16 St. Louis and vicinity, Illinois: Report of the Chief
17 of Engineers dated December 22, 2004, at a total
18 cost of \$191,158,000, with an estimated Federal
19 cost of \$123,807,000 and an estimated non-Federal
20 cost of \$67,351,000.

21 (13) PEORIA RIVERFRONT, ILLINOIS.—The
22 project for environmental restoration, Peoria River-
23 front, Illinois: Report of the Chief of Engineers,
24 dated July 28, 2003, at a total cost of \$16,000,000,

1 with an estimated Federal cost of \$10,400,000 and
2 an estimated non-Federal cost of \$5,600,000.

3 (14) BAYOU SORREL LOCK, LOUISIANA.—The
4 project for navigation, Bayou Sorrel Lock, Lou-
5 isiana: Report of the Chief of Engineers dated Janu-
6 ary 3, 2005, at a total cost of \$9,000,000. The costs
7 of construction of the project shall be paid $\frac{1}{2}$ from
8 amounts appropriated from the general fund of the
9 Treasury and $\frac{1}{2}$ from amounts appropriated from
10 the Inland Waterways Trust Fund.

11 (15) MORGANZA TO THE GULF OF MEXICO,
12 LOUISIANA.—

13 (A) IN GENERAL.—The project for hurri-
14 cane and storm damage reduction, Morganza to
15 the Gulf of Mexico, Louisiana: Reports of the
16 Chief of Engineers, dated August 23, 2002, and
17 July 22, 2003, at a total cost of \$788,000,000
18 with an estimated Federal cost of \$512,200,000
19 and an estimated non-Federal cost of
20 \$275,800,000.

21 (B) CREDIT.—The Secretary shall credit
22 toward the non-Federal share of the cost of the
23 project the cost of design and construction work
24 carried out by the non-Federal interest before
25 the date of the partnership agreement for the

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

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

10 (17) MANASQUAN TO BARNEGAT INLET, NEW
11 JERSEY.—The project for hurricane and storm dam-
12 age reduction, Manasquan to Barnegat Inlet, New
13 Jersey: Report of the Chief of Engineers dated De-
14 cember 30, 2003, at a total cost of \$65,800,000,
15 with an estimated Federal cost of \$42,800,000 and
16 an estimated non-Federal cost of \$23,000,000, and
17 at an estimated total cost of \$108,000,000 for peri-
18 odic beach nourishment over the 50-year life of the
19 project, with an estimated Federal cost of
20 \$54,000,000 and an estimated non-Federal cost of
21 \$54,000,000.

22 (18) SOUTH RIVER, NEW JERSEY.—The project
23 for hurricane and storm damage reduction and envi-
24 ronmental restoration, South River, New Jersey: Re-
25 port of the Chief of Engineers, dated July 22, 2003,

1 at a total cost of \$112,623,000, with an estimated
2 Federal cost of \$73,205,000 and an estimated non-
3 Federal cost of \$39,418,000.

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

11 (20) CORPUS CHRISTI SHIP CHANNEL, CORPUS
12 CHRISTI, TEXAS.—The project for navigation and
13 environmental restoration, Corpus Christi Ship
14 Channel, Texas, Channel Improvement Project: Re-
15 port of the Chief of Engineers dated June 2, 2003,
16 at a total cost of \$172,940,000, with an estimated
17 Federal cost of \$80,086,000 and an estimated non-
18 Federal cost of \$92,823,000.

19 (21) GULF INTRACOASTAL WATERWAY, HIGH
20 ISLAND TO BRAZOS RIVER, TEXAS.—The project for
21 navigation, Gulf Intracoastal Waterway, Sabine
22 River to Corpus Christi, Texas: Report of the Chief
23 of Engineers, dated April 16, 2004, at a total cost
24 of \$13,104,000. The costs of construction of the
25 project are to be paid ½ from amounts appropriated

1 from the general fund of the Treasury and $\frac{1}{2}$ from
2 amounts appropriated from the Inland Waterways
3 Trust Fund.

4 (22) MATAGORDA BAY, TEXAS.—The project for
5 navigation, Gulf Intracoastal Waterway, Brazos
6 River to Port O'Connor, Matagorda Bay Re-Route,
7 Texas: Report of the Chief of Engineers, dated De-
8 cember 24, 2002, at a total cost of \$15,960,000.
9 The costs of construction of the project are to be
10 paid $\frac{1}{2}$ from amounts appropriated from the general
11 fund of the Treasury and $\frac{1}{2}$ from amounts appro-
12 priated from the Inland Waterways Trust Fund.

13 (23) RIVERSIDE OXBOW, FORT WORTH,
14 TEXAS.—

15 (A) IN GENERAL.—The project for envi-
16 ronmental restoration, Riverside Oxbow, Fort
17 Worth, Texas: Report of the Chief of Engineers
18 dated May 29, 2003, at a total cost of
19 \$25,200,000, with an estimated Federal cost of
20 \$10,400,000 and an estimated non-Federal cost
21 of \$14,800,000.

22 (B) CREDIT.—The Secretary shall credit
23 toward the non-Federal share of the cost of the
24 project the cost of design and construction work
25 carried out on the Beach Street Dam and asso-

1 ciated features by the non-Federal interest be-
2 fore the date of the partnership agreement for
3 the project if the Secretary determines that the
4 work is integral to the project.

5 (24) DEEP CREEK, CHESAPEAKE, VIRGINIA.—

6 The project for the Atlantic Intracoastal Waterway
7 Bridge Replacement, Deep Creek, Chesapeake, Vir-
8 ginia: Report of the Chief of Engineers, dated March
9 3, 2003, at a Federal cost of \$35,573,000.

10 (25) CHEHALIS RIVER, CENTRALIA, WASH-

11 INGTON.—

12 (A) IN GENERAL.—The project for flood
13 damage reduction, Chehalis River, Centralia,
14 Washington: Report of the Chief of Engineers
15 dated September 27, 2004, at a total cost of
16 \$109,850,000, with an estimated Federal cost
17 of \$66,425,000 and an estimated non-Federal
18 cost of \$43,425,000.

19 (B) CREDIT.—The Secretary shall—

20 (i) credit up to \$6,500,000 toward the
21 non-Federal share of the cost of the
22 project for the cost of planning and design
23 work carried out by the non-Federal inter-
24 est in accordance with the project study
25 plan dated November 28, 1999; and

1 (ii) credit toward the non-Federal
2 share of the cost of the project the cost of
3 design and construction work carried out
4 by the non-Federal interest before the date
5 of the partnership agreement for the
6 project if the Secretary determines that the
7 work is integral to the project.

8 (C) ADDITIONAL FLOOD STORAGE AT
9 SKOOKUMCHUCK DAM.—The Secretary shall in-
10 tegrate into the project the locally preferred
11 plan to provide an additional 9,000 acre-feet of
12 storage capacity at Skookumchuck Dam, Wash-
13 ington, upon a determination by the Secretary
14 that providing such additional storage capacity
15 is feasible.

16 (b) PROJECTS SUBJECT TO FINAL REPORT.—The
17 following projects for water resources development and
18 conservation and other purposes are authorized to be car-
19 ried out by the Secretary substantially in accordance with
20 the plans, and subject to the conditions, recommended in
21 a final report of the Chief of Engineers if a favorable re-
22 port of the Chief is completed not later than December
23 31, 2005:

24 (1) DES MOINES/RACCOON RIVERS, IOWA.—The
25 project for flood damage reduction, Des Moines/Rac-

1 coon Rivers, Iowa, at a total cost of \$10,000,000,
2 with an estimated Federal cost of \$6,500,000 and
3 an estimated non-Federal cost of \$3,500,000.

4 (2) PORT OF IBERIA, LOUISIANA.—The project
5 for navigation, Port of Iberia, Louisiana, at a total
6 cost of \$194,000,000, with an estimated Federal
7 cost of \$123,000,000 and an estimated non-Federal
8 cost of \$71,000,000.

9 (3) HUDSON-RARITAN ESTUARY, LIBERTY
10 STATE PARK, NEW JERSEY.—The project for envi-
11 ronmental restoration, Hudson-Raritan Estuary,
12 Liberty State Park, New Jersey, at a total cost of
13 \$32,000,000, with an estimated Federal cost of
14 \$20,800,000 and an estimated non-Federal cost of
15 \$11,200,000.

16 (4) RARITAN AND SANDY HOOK BAYS, UNION
17 BEACH, NEW JERSEY.—The project for hurricane
18 and storm damage reduction, Raritan and Sandy
19 Hook Bays, Union Beach, New Jersey, at a total
20 cost of \$99,095,000, with an estimated Federal cost
21 of \$64,412,000 and an estimated non-Federal cost
22 of \$34,683,000.

23 (5) HOCKING RIVER, MONDAY CREEK SUB-
24 BASIN, OHIO.—The project for environmental res-
25 toration, Hocking River, Monday Creek Sub-basin,

1 Ohio, at a total cost of \$20,000,000, with an esti-
2 mated Federal cost of \$17,000,000 and an esti-
3 mated non-Federal cost of \$3,000,000.

4 (6) PAWLEY'S ISLAND, SOUTH CAROLINA.—The
5 project for hurricane and storm damage reduction,
6 Pawley's Island, South Carolina, at a total cost of
7 \$8,813,000, with an estimated Federal cost of
8 \$4,133,000 and an estimated non-Federal cost of
9 \$4,680,000.

10 **SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUC-**
11 **TION.**

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

17 (1) HALEYVILLE, ALABAMA.—Project for flood
18 damage reduction, Haleyville, Alabama.

19 (2) WEISS LAKE, ALABAMA.—Project for flood
20 damage reduction, Weiss Lake, Alabama.

21 (3) CHINO VALLEY WASH, ARIZONA.—Project
22 for flood damage reduction, Chino Valley Wash, Ari-
23 zona.

1 (4) LITTLE COLORADO RIVER LEVEE, ARI-
2 ZONA.—Project for flood damage reduction, Little
3 Colorado River Levee, Arizona.

4 (5) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—
5 Project for flood damage reduction, Cache River
6 Basin, Grubbs, Arkansas.

7 (6) BARREL SPRINGS WASH, PALMDALE, CALI-
8 FORNIA.—Project for flood damage reduction, Barrel
9 Springs Wash, Palmdale, California.

10 (7) BORREGO SPRINGS, CALIFORNIA.—Project
11 for flood damage reduction, Borrego Springs, Cali-
12 fornia.

13 (8) COLTON, CALIFORNIA.—Project for flood
14 damage reduction, Colton, California.

15 (9) DUNLAP STREAM, SAN BERNARDINO, CALI-
16 FORNIA.—Project for flood damage reduction,
17 Dunlap Stream, San Bernardino, California.

18 (10) HUNTS CANYON WASH, PALMDALE, CALI-
19 FORNIA.—Project for flood damage reduction, Hunts
20 Canyon Wash, Palmdale, California.

21 (11) WILDWOOD CREEK, YUCAIPA, CALI-
22 FORNIA.—Project for flood damage reduction, Wild-
23 wood Creek, Yucaipa, California.

1 (12) UTICA AND VICINITY, ILLINOIS.—Project
2 for flood damage reduction, Utica and vicinity, Illi-
3 nois.

4 (13) SALEM, MASSACHUSETTS.—Project for
5 flood damage reduction, Salem, Massachusetts.

6 (14) CASS RIVER, MICHIGAN.—Project for flood
7 damage reduction, Cass River, Vassar and vicinity,
8 Michigan.

9 (15) CROW RIVER, ROCKFORD, MINNESOTA.—
10 Project for flood damage reduction, Crow River,
11 Rockford, Minnesota.

12 (16) ITASCA COUNTY, MINNESOTA.—Project for
13 flood damage reduction, Trout Lake and Canisteo
14 Pit, Itasca County, Minnesota.

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

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

20 (19) SOUTH BRANCH OF THE WILD RICE RIVER,
21 BORUP, MINNESOTA.—Project for flood damage re-
22 duction, South Branch of the Wild Rice River,
23 Borup, Minnesota.

1 (20) BLACKSNAKE CREEK, ST. JOSEPH, MIS-
2 SOURI.—Project for flood damage reduction, Black-
3 snake Creek, St. Joseph, Missouri.

4 (21) CANNISTEO RIVER, ADDISON, NEW
5 YORK.—Project for flood damage reduction,
6 Cannisteo River, Addison, New York.

7 (22) COHOCTON RIVER, CAMPBELL, NEW
8 YORK.—Project for flood damage reduction,
9 Cohocton River, Campbell, New York.

10 (23) DRY AND OTTER CREEKS, CORTLAND, NEW
11 YORK.—Project for flood damage reduction, Dry and
12 Otter Creeks, Cortland, New York.

13 (24) EAST RIVER, SILVER BEACH, NEW YORK
14 CITY, NEW YORK.—Project for flood damage reduc-
15 tion, East River, Silver Beach, New York City, New
16 York.

17 (25) EAST VALLEY CREEK, ANDOVER, NEW
18 YORK.—Project for flood damage reduction, East
19 Valley Creek, Andover, New York.

20 (26) SUNNYSIDE BROOK, WESTCHESTER COUN-
21 TY, NEW YORK.—Project for flood damage reduction,
22 Sunnyside Brook, Westchester County, New York.

23 (27) LITTLE YANKEE RUN, OHIO.—Project for
24 flood damage reduction, Little Yankee Run, Ohio.

1 (28) LITTLE NESHAMINY CREEK, WARRENTON,
2 PENNSYLVANIA.—Project for flood damage reduc-
3 tion, Little Neshaminy Creek, Warrenton, Pennsyl-
4 vania.

5 (29) SOUTHAMPTON CREEK WATERSHED,
6 SOUTHAMPTON, PENNSYLVANIA.—Project for flood
7 damage reduction, Southampton Creek watershed,
8 Southampton, Pennsylvania.

9 (30) SPRING CREEK, LOWER MACUNGIE TOWN-
10 SHIP, PENNSYLVANIA.—Project for flood damage re-
11 duction, Spring Creek, Lower Macungie Township,
12 Pennsylvania.

13 (31) YARDLEY AQUEDUCT, SILVER AND BROCK
14 CREEKS, YARDLEY, PENNSYLVANIA.—Project for
15 flood damage reduction, Yardley Aqueduct, Silver
16 and Brock Creeks, Yardley, Pennsylvania.

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

20 (33) CONGELOSI DITCH, MISSOURI CITY,
21 TEXAS.—Project for flood damage reduction,
22 Congelosi Ditch, Missouri City, Texas.

23 (34) DILLEY, TEXAS.—Project for flood dam-
24 age reduction, Dilley, Texas.

25 (b) SPECIAL RULES.—

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

11 (2) WILDWOOD CREEK, YUCAIPA, CALI-
12 FORNIA.—The Secretary shall review the locally pre-
13 pared plan for the project for flood damage, Wild-
14 wood Creek, California, referred to in subsection
15 (a)(11) and, if the Secretary determines that the
16 plan meets the evaluation and design standards of
17 the Corps of Engineers and that the plan is feasible,
18 the Secretary may use the plan to carry out the
19 project and shall provide credit toward the non-Fed-
20 eral share of the cost of the project for the cost of
21 work carried out by the non-Federal interest before
22 the date of the partnership agreement for the
23 project if the Secretary determines that the work is
24 integral to the project.

1 (3) BORUP, MINNESOTA.—In carrying out the
2 project for flood damage reduction, South Branch of
3 the Wild Rice River, Borup, Minnesota, referred to
4 in subsection (a)(19) the Secretary may consider na-
5 tional ecosystem restoration benefits in determining
6 the Federal interest in the project and shall allow
7 the non-Federal interest to participate in the financ-
8 ing of the project in accordance with section 903(c)
9 of the Water Resources Development Act of 1986
10 (100 Stat. 4184) to the extent that the Secretary’s
11 evaluation indicates that applying such section is
12 necessary to implement the project.

13 (4) ITASCA COUNTY, MINNESOTA.—In carrying
14 out the project for flood damage reduction, Itasca
15 County, Minnesota, referred to in subsection (a)(16)
16 the Secretary may consider national ecosystem res-
17 toration benefits in determining the Federal interest
18 in the project.

19 (5) DILLEY, TEXAS.—The Secretary shall carry
20 out the project for flood damage reduction, Dilley,
21 Texas, referred to in subsection (a)(34) if the Sec-
22 retary determines that the project is feasible.

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

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

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

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

16 (3) MAYO BEACH PARK, ANNE ARUNDEL COUN-
17 TY, MARYLAND.—Project for emergency streambank
18 protection, Mayo Beach Park, Anne Arundel County,
19 Maryland.

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

24 (5) ST. JOSEPH HARBOR, MICHIGAN.—Project
25 for emergency streambank protection, St. Joseph
26 Harbor, Michigan.

1 (6) PUG HOLE LAKE, MINNESOTA.—Project for
2 emergency streambank protection, Pug Hole Lake,
3 Minnesota.

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

8 (8) PLATTE RIVER, PLATTE CITY, MISSOURI.—
9 Project for emergency streambank protection, Platte
10 River, Platte City, Missouri.

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

15 (10) DRY AND OTTER CREEKS, CORTLAND
16 COUNTY, NEW YORK.—Project for emergency
17 streambank protection, Dry and Otter Creeks,
18 Cortland County, New York.

19 (11) KEUKA LAKE, HAMMONDSPORT, NEW
20 YORK.—Project for emergency streambank protec-
21 tion, Keuka Lake, Hammondsport, New York.

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

1 (13) OWEGO CREEK, TIOGA COUNTY, NEW
2 YORK.—Project for emergency streambank protec-
3 tion, Owego Creek, Tioga County, New York.

4 (14) HOWARD ROAD OUTFALL, SHELBY COUN-
5 TY, TENNESSEE.—Project for emergency
6 streambank protection, Howard Road outfall, Shelby
7 County, Tennessee.

8 (15) MITCH FARM DITCH AND LATERAL D,
9 SHELBY COUNTY, TENNESSEE.—Project for emer-
10 gency streambank protection, Mitch Farm Ditch and
11 Lateral D, Shelby County, Tennessee.

12 (16) WOLF RIVER TRIBUTARIES, SHELBY COUN-
13 TY, TENNESSEE.—Project for emergency
14 streambank protection, Wolf River tributaries, Shel-
15 by County, Tennessee.

16 (17) JOHNSON CREEK, ARLINGTON, TEXAS.—
17 Project for emergency streambank protection, John-
18 son Creek, Arlington, Texas.

19 (18) WELLS RIVER, NEWBURY, VERMONT.—
20 Project for emergency streambank protection, Wells
21 River, Newbury, Vermont.

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

23 (a) IN GENERAL.—The Secretary shall conduct a
24 study for each of the following projects and, if the Sec-
25 retary determines that a project is feasible, may carry out

1 the project under section 107 of the River and Harbor
2 Act of 1960 (33 U.S.C. 577):

3 (1) BLYTHEVILLE COUNTY HARBOR, ARKAN-
4 SAS.—Project for navigation, Blytheville County
5 Harbor, Arkansas.

6 (2) MAHUKONA BEACH PARK, HAWAII.—Project
7 for navigation, Mahukona Beach Park, Hawaii.

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

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

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

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

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

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

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

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

7 (11) OAK BLUFFS HARBOR, OAK BLUFFS, MAS-
8 SACHUSETTS.—Project for navigation, Oak Bluffs
9 Harbor, Oak Bluffs, Massachusetts.

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

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

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

19 (b) SPECIAL RULES.—

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

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

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

17 The Secretary shall conduct a study for each of the
18 following projects and, if the Secretary determines that
19 a project is appropriate, may carry out the project under
20 section 1135 of the Water Resources Development Act of
21 1986 (33 U.S.C. 2309a):

22 (1) BALLONA CREEK, LOS ANGELES COUNTY,
23 CALIFORNIA.—Project for improvement of the qual-
24 ity of the environment, Ballona Creek, Los Angeles
25 County, California.

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

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

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

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

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

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

19 **RESTORATION.**

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

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

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

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

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

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

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

22 (7) SWEETWATER RESERVOIR, SAN DIEGO
23 COUNTY, CALIFORNIA.—Project for aquatic eco-
24 system restoration, Sweetwater Reservoir, San Diego

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

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

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

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

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

16 (12) CHATTAHOOCHEE FALL LINE, GEORGIA
17 AND ALABAMA.—Project for aquatic ecosystem res-
18 toration, Chattahoochee Fall Line, Georgia and Ala-
19 bama.

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

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

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

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

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

11 (18) RUSH LAKE, MINNESOTA.—Project for
12 aquatic ecosystem restoration, Rush Lake, Min-
13 nesota.

14 (19) SOUTH FORK OF THE CROW RIVER,
15 HUTCHINSON, MINNESOTA.—Project for aquatic eco-
16 system restoration, South Fork of the Crow River,
17 Hutchinson, Minnesota.

18 (20) ST. LOUIS COUNTY, MISSOURI.—Project
19 for aquatic ecosystem restoration, St. Louis County,
20 Missouri.

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

1 (22) GROVER'S MILL POND, NEW JERSEY.—
2 Project for aquatic ecosystem restoration, Grover's
3 Mill Pond, New Jersey.

4 (23) DUGWAY CREEK, BRATENAHL, OHIO.—
5 Project for aquatic ecosystem restoration, Dugway
6 Creek, Bratenahl, Ohio.

7 (24) JOHNSON CREEK, GRESHAM, OREGON.—
8 Project for aquatic ecosystem restoration, Johnson
9 Creek, Gresham, Oregon.

10 (25) BEAVER CREEK, BEAVER AND SALEM,
11 PENNSYLVANIA.—Project for aquatic ecosystem res-
12 toration, Beaver Creek, Beaver and Salem, Pennsyl-
13 vania.

14 (26) CEMENTON DAM, LEHIGH RIVER, PENN-
15 SYLVANIA.—Project for aquatic ecosystem restora-
16 tion, Cementon Dam, Lehigh River, Pennsylvania.

17 (27) DELAWARE RIVER, PHILADELPHIA NAVAL
18 SHIPYARD, PENNSYLVANIA.—Project for aquatic eco-
19 system restoration, Delaware River in the vicinity of
20 the Philadelphia Naval Shipyard, Pennsylvania.

21 (28) SAUCON CREEK, NORTHAMPTON COUNTY,
22 PENNSYLVANIA.—Project for aquatic ecosystem res-
23 toration, Saucon Creek, Northampton County, Penn-
24 sylvania.

1 (29) BLACKSTONE RIVER, RHODE ISLAND.—
2 Project for aquatic ecosystem restoration, Black-
3 stone River, Rhode Island.

4 (30) WILSON BRANCH, CHERAW, SOUTH CARO-
5 LINA.—Project for aquatic ecosystem restoration,
6 Wilson Branch, Cheraw, South Carolina.

7 (31) WHITE RIVER, BETHEL, VERMONT.—
8 Project for aquatic ecosystem restoration, White
9 River, Bethel, Vermont.

10 **SEC. 1007. SMALL PROJECTS FOR SHORELINE PROTEC-**
11 **TION.**

12 The Secretary shall conduct a study for each of the
13 following projects and, if the Secretary determines that
14 a project is feasible, may carry out the project under sec-
15 tion 3 of the Act entitled “An Act authorizing Federal
16 participation in the cost of protecting the shores of pub-
17 licly owned property”, approved August 13, 1946 (33
18 U.S.C. 426g):

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

21 (2) SANIBEL ISLAND, FLORIDA.—Project for
22 shoreline protection, Sanibel Island, Florida.

23 (3) APRA HARBOR, GUAM.—Project for shore-
24 line protection, Apra Harbor, Guam.

1 (4) PITI, CABRAS ISLAND, GUAM.—Project for
2 shoreline protection, Piti, Cabras Island, Guam.

3 (5) NARROWS AND GRAVESEND BAY, UPPER
4 NEW YORK BAY, BROOKLYN, NEW YORK.—Project
5 for shoreline protection in the vicinity of the con-
6 fluence of the Narrows and Gravesend Bay, Upper
7 New York Bay, Shore Parkway Greenway, Brooklyn,
8 New York.

9 (6) DELAWARE RIVER, PHILADELPHIA NAVAL
10 SHIPYARD, PENNSYLVANIA.—Project for shoreline
11 protection, Delaware River in the vicinity of the
12 Philadelphia Naval Shipyard, Pennsylvania.

13 (7) PORT ARANSAS, TEXAS.—Project for shore-
14 line protection, Port Aransas, Texas.

15 **SEC. 1008. SMALL PROJECTS FOR SNAGGING AND SEDI-**
16 **MENT REMOVAL.**

17 The Secretary shall conduct a study for the following
18 project and, if the Secretary determines that the project
19 is feasible, the Secretary may carry out the project under
20 section 2 of the Flood Control Act of August 28, 1937
21 (33 U.S.C. 701g): Project for removal of snags and clear-
22 ing and straightening of channels for flood control,
23 Kowawese Unique Area and Hudson River, New Windsor,
24 New York.

1 **TITLE II—GENERAL PROVISIONS**

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

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

6 “(n) NON-FEDERAL CONTRIBUTIONS.—

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

16 “(2) LIMITATION ON STATUTORY CONSTRUC-
17 TION.—Nothing in this subsection shall be construed
18 to affect the Secretary’s authority under section
19 903(c) of this Act.”.

20 **SEC. 2002. HARBOR COST SHARING.**

21 (a) PAYMENTS DURING CONSTRUCTION.—Section
22 101(a)(1) of the Water Resources Development Act of
23 1986 (33 U.S.C. 2211(a)(1); 100 Stat. 4082) is amended
24 in each of subparagraphs (B) and (C) by striking “45
25 feet” and inserting “53 feet”.

1 (b) OPERATION AND MAINTENANCE.—Section
2 101(b)(1) of such Act (33 U.S.C. 2211(b)(1)) is amended
3 by striking “45 feet” and inserting “53 feet”.

4 (c) DEFINITIONS.—Section 214 of such Act (33
5 U.S.C. 2241; 100 Stat. 4108) is amended in each of para-
6 graphs (1) and (3) by striking “45 feet” and inserting
7 “53 feet”.

8 (d) APPLICABILITY.—The amendments made by sub-
9 sections (a), (b), and (c) shall apply only to a project, or
10 separable element of a project, on which a contract for
11 physical construction has not been awarded before October
12 1, 2003.

13 (e) REVISION OF PARTNERSHIP AGREEMENT.—The
14 Secretary shall revise any partnership agreement entered
15 into after October 1, 2003, for any project to which the
16 amendments made by subsections (a), (b), and (c) apply
17 to take into account the change in non-Federal participa-
18 tion in the project as a result of such amendments.

19 **SEC. 2003. 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; 117 Stat.
22 1836) is amended—

23 (1) in subsection (a) by striking “In fiscal years
24 2001 through 2005, the” and inserting “The”; and

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

1 “(c) DURATION OF AUTHORITY.—The authority pro-
2 vided under this section shall be in effect from October
3 1, 2000, through December 31, 2007.”.

4 **SEC. 2004. 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. 2005. SMALL SHORE AND BEACH RESTORATION AND**
14 **PROTECTION PROJECTS.**

15 Section 3 of the Act entitled “An Act authorizing
16 Federal participation in the cost of protecting the shores
17 of publicly owned property”, approved August 13, 1946
18 (33 U.S.C. 426g), is amended by striking “\$3,000,000”
19 and inserting “\$5,000,000”.

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

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

25 (1) in subsection (a)—

1 (A) by striking “under the provisions” and
2 all that follows through “under any other” and
3 inserting “under any”;

4 (B) by striking “to furnish its required co-
5 operation for” and inserting “under which each
6 party agrees to carry out its responsibilities and
7 requirements for implementation or construc-
8 tion of”; and

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

13 (2) by redesignating subsection (e) as sub-
14 section (f); and

15 (3) by inserting after subsection (d) the fol-
16 lowing:

17 “(e) LIMITATION.—Nothing in subsection (a) shall be
18 construed as limiting the authority of the Secretary to en-
19 sure that an agreement under this section meets all re-
20 quirements of law and policies of the Secretary in effect
21 on the date of entry into the agreement.”.

22 (b) LOCAL COOPERATION.—Section 912(b) of the
23 Water Resources Development Act of 1986 (101 Stat.
24 4190) is amended—

25 (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 damages or, for”;

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

9 (C) by striking “any civil penalty imposed
10 under this section,” and inserting “any dam-
11 ages,”.

12 (c) APPLICABILITY.—The amendments made by sub-
13 sections (a) and (b) only apply to partnership agreements
14 entered into after the date of enactment of this Act; except
15 that at the request of a non-Federal interest for a project,
16 the district engineer for the district in which the project
17 is located may amend a project partnership agreement en-
18 tered into on or before such date and under which con-
19 struction on the project has not been initiated as of such
20 date of enactment for the purpose of incorporating such
21 amendments.

22 (d) PARTNERSHIP AND COOPERATIVE ARRANGE-
23 MENTS.—

24 (1) IN GENERAL.—A goal of agreements en-
25 tered into under section 221 of the Flood Control

1 Act of 1970 (42 U.S.C. 1962d–5(b)) shall be to fur-
2 ther partnership and cooperative arrangements, and
3 the agreements shall be referred to as “partnership
4 agreements”.

5 (2) REFERENCES TO COOPERATION AGREE-
6 MENTS.—Any reference in a law, regulation, docu-
7 ment, or other paper of the United States to a co-
8 operation agreement or project cooperation agree-
9 ment shall be considered to be a reference to a part-
10 nership agreement or a project partnership agree-
11 ment, respectively.

12 (3) REFERENCES TO PARTNERSHIP AGREE-
13 MENTS.—Any reference to a partnership agreement
14 or project partnership agreement in this Act (other
15 than this section) shall be considered as a reference
16 to a cooperation agreement or a project cooperation
17 agreement, respectively.

18 (e) DELEGATION OF AUTHORITY.—Not later than
19 September 30, 2006, the Secretary shall issue policies and
20 guidelines for partnership agreements that delegate to the
21 district engineers, at a minimum—

22 (1) the authority to approve any policy in a
23 partnership agreement that has appeared in an
24 agreement previously approved by the Secretary;

1 (2) the authority to approve any policy in a
2 partnership agreement the specific terms of which
3 are dictated by law, or by a final feasibility study,
4 final environmental impact statement, or other final
5 decision document for a water resources development
6 project;

7 (3) the authority to approve any partnership
8 agreement that complies with the policies and guide-
9 lines issued by the Secretary; and

10 (4) the authority to sign any partnership agree-
11 ment for any water resources development project
12 unless, within 30 days of the date of authorization
13 of the project, the Secretary notifies the district en-
14 gineer in which the project will be carried out that
15 the Secretary wishes to retain the prerogative to
16 sign the partnership agreement for that project.

17 (f) REPORT TO CONGRESS.—Not later than 2 years
18 after the date of enactment of this Act, and every year
19 thereafter, the Secretary shall submit to Congress a report
20 detailing the following:

21 (1) the number of partnership agreements
22 signed by district engineers and the number of part-
23 nership agreements signed by the Secretary, and

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

4 (g) PUBLIC AVAILABILITY.—Not later than the
5 120th day following the date of enactment of this Act, the
6 Chief of Engineers shall ensure that each district engineer
7 has made available on the Internet all partnership agree-
8 ments entered into under section 221 of the Flood Control
9 Act of 1970 (42 U.S.C. 1962d–5(b)) within the preceding
10 10 years and all partnership agreements for water re-
11 sources development projects currently being carried out
12 in that district and shall make any partnership agree-
13 ments entered into after such date of enactment available
14 on the Internet within 7 days of the date on which such
15 agreement is entered into.

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

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

1 and related resources of drainage basins and watersheds
2 within the United States.

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

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to carry out this section
8 \$30,000,000 for each of fiscal years 2006 through 2010.

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

10 Within one year after the date of enactment of this
11 Act, the laws of the United States relating to the improve-
12 ment of rivers and harbors, flood control, beach erosion,
13 and other water resources development enacted after No-
14 vember 8, 1966, and before January 1, 2006, shall be
15 compiled under the direction of the Secretary and the
16 Chief of Engineers and printed for the use of the Depart-
17 ment of the Army, Congress, and the general public. The
18 Secretary shall reprint the volumes containing such laws
19 enacted before November 8, 1966. In addition, the Sec-
20 retary shall include an index in each volume so compiled
21 or reprinted. Not later than December 1, 2006, the Sec-
22 retary shall transmit at least 25 copies of each such vol-
23 ume to the Committee on Transportation and Infrastruc-
24 ture of the House of Representatives and the Committee
25 on Environment and Public Works of the Senate. The Sec-

1 retary shall also ensure that such compilations are avail-
2 able through electronic means, including the Internet.

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

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

7 (1) by redesignating subsection (c) as sub-
8 section (d);

9 (2) by inserting after subsection (b) the fol-
10 lowing:

11 “(c) GOVERNMENTAL PARTNERSHIPS.—

12 “(1) IN GENERAL.—The Secretary may enter
13 into cost sharing agreements with one or more non-
14 Federal public interests with respect to a project, or
15 group of projects within a geographic region if ap-
16 propriate, for the acquisition, design, construction,
17 management, or operation of a dredged material
18 processing, treatment, contaminant reduction, or
19 disposal facility (including any facility used to dem-
20 onstrate potential beneficial uses of dredged mate-
21 rial, which may include effective sediment contami-
22 nant reduction technologies) using funds provided in
23 whole or in part by the Federal Government. One or
24 more of the parties of the agreement may perform
25 the acquisition, design, construction, management,

1 or operation of a dredged material processing, treat-
2 ment, or disposal facility. If appropriate, the Sec-
3 retary may combine portions of separate construc-
4 tion or maintenance appropriations from separate
5 Federal projects with the appropriate combined cost
6 sharing between the various projects when the facil-
7 ity serves to manage dredged material from multiple
8 Federal projects located in the geographic region of
9 the facility.

10 “(2) PUBLIC FINANCING.—

11 “(A) AGREEMENTS.—

12 “(i) SPECIFIED FEDERAL FUNDING
13 SOURCES AND COST SHARING.—The cost-
14 sharing agreement used shall clearly speci-
15 fy the Federal funding sources and com-
16 bined cost sharing when applicable to mul-
17 tiple Federal navigation projects and the
18 responsibilities and risks of each of the
19 parties related to present and future
20 dredged material managed by the facility.

21 “(ii) MANAGEMENT OF SEDIMENTS.—

22 The cost-sharing agreement may include
23 the management of sediments from the
24 maintenance dredging of Federal naviga-
25 tion projects that do not have partnership

1 agreements. The cost-sharing agreement
2 may allow the non-Federal sponsor to re-
3 ceive reimbursable payments from the Fed-
4 eral Government for commitments made by
5 the sponsor for disposal or placement ca-
6 pacity at dredged material treatment, proc-
7 essing, contaminant reduction, or disposal
8 facilities.

9 “(iii) CREDIT.—The cost-sharing
10 agreement may allow costs incurred prior
11 to execution of a partnership agreement
12 for construction or the purchase of equip-
13 ment or capacity for the project to be cred-
14 ited according to existing cost-sharing
15 rules.

16 “(B) CREDIT.—Nothing in this subsection
17 supersedes or modifies existing agreements be-
18 tween the Federal Government and any non-
19 Federal sponsors for the cost sharing, construc-
20 tion, and operation and maintenance of Federal
21 navigation projects. Subject to the approval of
22 the Secretary and in accordance with existing
23 laws, regulations, and policies, a non-Federal
24 public sponsor of a Federal navigation project
25 may seek credit for funds provided in the acqui-

1 sition, design, construction, management, or op-
2 eration of a dredged material processing, treat-
3 ment, or disposal facility to the extent the facil-
4 ity is used to manage dredged material from
5 the Federal navigation project. The non-Federal
6 sponsor shall be responsible for providing all
7 necessary lands, easements, rights-of-way, or
8 relocations associated with the facility and shall
9 receive credit for these items.”; and

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

12 (A) by inserting “and maintenance” after
13 “operation”; and

14 (B) by inserting “processing, treatment,
15 or” after “dredged material” the first place it
16 appears.

17 **SEC. 2010. WETLANDS MITIGATION.**

18 In carrying out a water resources project that in-
19 volves wetlands mitigation and that has impacts that occur
20 within the service area of a mitigation bank, the Secretary,
21 to the maximum extent practicable and where appropriate,
22 shall give preference to the use of the mitigation bank if
23 the bank contains sufficient available credits to offset the
24 impact and the bank is approved in accordance with the
25 Federal Guidance for the Establishment, Use and Oper-

1 ation of Mitigation Banks (60 Fed. Reg. 58605) or other
2 applicable Federal law (including regulations).

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

4 (a) IN GENERAL.—In conducting a study of harbor
5 and navigation improvements, the Secretary may rec-
6 ommend a project without the need to demonstrate that
7 the project is justified solely by national economic develop-
8 ment benefits if the Secretary determines that—

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

14 (B) the project would be located in the Com-
15 monwealth of Puerto Rico, Guam, the Common-
16 wealth of the Northern Mariana Islands, or Amer-
17 ican Samoa;

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

23 (3) the long-term viability of the community
24 would be threatened without the harbor and naviga-
25 tion improvement.

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

4 (1) public health and safety of the local commu-
5 nity, including access to facilities designed to protect
6 public health and safety;

7 (2) access to natural resources for subsistence
8 purposes;

9 (3) local and regional economic opportunities;

10 (4) welfare of the local population; and

11 (5) social and cultural value to the community.

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

13 (a) IN GENERAL.—Section 204 of the Water Re-
14 sources Development Act of 1992 (33 U.S.C. 2326) is
15 amended by striking subsections (c) through (g) and in-
16 serting the following:

17 “(c) IN GENERAL.—The Secretary may carry out
18 projects to transport and place sediment obtained in con-
19 nection with the construction, operation, or maintenance
20 of an authorized water resources project at locations se-
21 lected by a non-Federal entity for use in the construction,
22 repair, or rehabilitation of projects determined by the Sec-
23 retary to be in the public interest and associated with navi-
24 gation, flood damage reduction, hydroelectric power, mu-
25 nicipal and industrial water supply, agricultural water

1 supply, recreation, hurricane and storm damage reduction,
2 aquatic plant control, and environmental protection and
3 restoration.

4 “(d) COOPERATIVE AGREEMENT.—Any project un-
5 dertaken pursuant to this section shall be initiated only
6 after non-Federal interests have entered into an agree-
7 ment with the Secretary in which the non-Federal inter-
8 ests agree to pay the non-Federal share of the cost of con-
9 struction of the project and 100 percent of the cost of
10 operation, maintenance, replacement, and rehabilitation of
11 the project in accordance with section 103 of the Water
12 Resources Development Act of 1986 (33 U.S.C. 2213).

13 “(e) SPECIAL RULE.—Construction of a project
14 under subsection (a) for one or more of the purposes of
15 protection, restoration, or creation of aquatic and eco-
16 logically related habitat, the cost of which does not exceed
17 \$750,000 and which will be located in a disadvantaged
18 community as determined by the Secretary, may be car-
19 ried out at Federal expense.

20 “(f) DETERMINATION OF CONSTRUCTION COSTS.—
21 Costs associated with construction of a project under this
22 section shall be limited solely to construction costs that
23 are in excess of those costs necessary to carry out the
24 dredging for construction, operation, or maintenance of
25 the authorized water resources project in the most cos-

1 effective way, consistent with economic, engineering, and
2 environmental criteria.

3 “(g) SELECTION OF SEDIMENT DISPOSAL METH-
4 OD.—In developing and carrying out a water resources
5 project involving the disposal of sediment, the Secretary
6 may select, with the consent of the non-Federal interest,
7 a disposal method that is not the least cost option if the
8 Secretary determines that the incremental costs of such
9 disposal method are reasonable in relation to the environ-
10 mental benefits, including the benefits to the aquatic envi-
11 ronment to be derived from the creation of wetlands and
12 control of shoreline erosion. The Federal share of such in-
13 cremental costs shall be determined in accordance with
14 subsections (d) and (f).

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

20 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated \$30,000,000 annually for
22 projects under this section of which not more than
23 \$3,000,000 annually may be used for construction of
24 projects described in subsection (e). Such sums shall re-
25 main available until expended.

1 “(j) REGIONAL SEDIMENT MANAGEMENT PLAN-
2 NING.—In consultation with appropriate State and Fed-
3 eral agencies, the Secretary may develop, at Federal ex-
4 pense, plans for regional management of sediment ob-
5 tained in conjunction with the construction, operation, or
6 maintenance of water resources projects, including poten-
7 tial beneficial uses of sediment for construction, repair, or
8 rehabilitation of public projects for navigation, flood dam-
9 age reduction, hydroelectric power, municipal and indus-
10 trial water supply, agricultural water supply, recreation,
11 hurricane and storm damage reduction, aquatic plant con-
12 trol, and environmental protection and restoration.

13 “(k) USE OF FUNDS.—

14 “(1) NON-FEDERAL INTEREST.—The non-Fed-
15 eral interest for a project described in this section
16 may use, and the Secretary shall accept, funds pro-
17 vided under any other Federal program, to satisfy,
18 in whole or in part, the non-Federal share of the
19 cost of such project if such funds are authorized to
20 be used to carry out such project.

21 “(2) OTHER FEDERAL AGENCIES.—The non-
22 Federal share of the cost of construction of a project
23 under this section may be met through contributions
24 from a Federal agency made directly to the Sec-
25 retary, with the consent of the affected local govern-

1 ment, if such funds are authorized to be used to
2 carry out such project. Before initiating a project to
3 which this paragraph applies, the Secretary shall
4 enter into an agreement with a non-Federal interest
5 in which the non-Federal interest agrees to pay 100
6 percent of the cost of operation, maintenance, re-
7 placement, and rehabilitation of the project.”.

8 (b) REPEAL.—

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

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

17 (c) PRIORITY AREAS.—In carrying out section 204
18 of the Water Resources Development Act of 1992 (33
19 U.S.C. 2326), the Secretary shall give priority to the fol-
20 lowing:

21 (1) A project at Little Rock Slackwater Harbor,
22 Arkansas.

23 (2) A project at Egmont Key, Florida.

24 (3) A project in the vicinity of Calcasieu Ship
25 Channel, Louisiana.

1 (4) A project in the vicinity of the Smith Point
2 Park Pavilion and the TWA Flight 800 Memorial,
3 Brookhaven, New York.

4 (5) A project in the vicinity of Morehead City,
5 North Carolina.

6 (6) A project in the vicinity of Galveston Bay,
7 Texas.

8 **SEC. 2013. COST-SHARING PROVISIONS FOR CERTAIN**
9 **AREAS.**

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

13 **“SEC. 1156. COST-SHARING PROVISIONS FOR CERTAIN**
14 **AREAS.**

15 “(a) IN GENERAL.—The Secretary shall waive local
16 cost-sharing requirements up to \$500,000 for all studies
17 and projects in the Commonwealth of Puerto Rico, Amer-
18 ican Samoa, Guam, the Commonwealth of the Northern
19 Mariana Islands, and the United States Virgin Islands,
20 in Indian country (as defined in section 1151 of title 18,
21 United States Code, and including lands that are within
22 the jurisdictional area of an Oklahoma Indian tribe, as
23 determined by the Secretary of the Interior, and are recog-
24 nized by the Secretary of the Interior as eligible for trust
25 land status under part 151 of title 25, Code of Federal

1 Regulations) or on land in the State of Alaska owned by
2 an Alaska Native Regional Corporation or an Alaska Na-
3 tive Village Corporation (as those terms are defined in the
4 Alaska Native Claims Settlement Act (43 U.S.C. 1601 et
5 seq.)) or the Metlakatla Indian community.

6 “(b) USE OF FUNDS.—The non-Federal interest for
7 a study or project for an area described in subsection (a)
8 may use, and the Secretary shall accept, funds provided
9 under any other Federal program, to satisfy, in whole or
10 in part, the non-Federal share of such study or project
11 if such funds are authorized to be used to carry out such
12 study or project.”.

13 **SEC. 2014. REVISION OF PROJECT PARTNERSHIP AGREE-**
14 **MENT.**

15 Upon authorization by law of an increase in the max-
16 imum amount of Federal funds that may be allocated for
17 a project or an increase in the total cost of a project au-
18 thorized to be carried out by the Secretary, the Secretary
19 shall revise the project partnership agreement for the
20 project to take into account the change in Federal partici-
21 pation in the project.

22 **SEC. 2015. COST SHARING.**

23 An increase in the maximum amount of Federal
24 funds that may be allocated for a project or an increase
25 in the total cost of a project authorized to be carried out

1 by the Secretary shall not affect any cost-sharing require-
2 ment applicable to the project under title I of the Water
3 Resources Development Act of 1986 (33 U.S.C. 2211 et
4 seq.).

5 **SEC. 2016. CREDIT FOR WORK PERFORMED BEFORE PART-**
6 **nership Agreement.**

7 If the Secretary is authorized to credit toward the
8 non-Federal share the cost of work carried out by the non-
9 Federal interest before the date of the partnership agree-
10 ment for the project and such work has not been carried
11 out as of the date of enactment of this Act, the Secretary
12 shall enter into an agreement with the non-Federal inter-
13 est for the project under which the non-Federal interest
14 shall carry out such work, and the credit shall apply only
15 to work carried out under the agreement.

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

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

19 (1) in subsection (a)(1)—

20 (A) by striking “During fiscal years 1999
21 through 2002, the” and inserting “The”; and

22 (B) by striking “\$34,000,000” and insert-
23 ing “\$42,000,000”; and

24 (2) in subsection (a)(3) by striking “September
25 30, 2005” and inserting “expended”.

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

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

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

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

15 (1) in subsection (d)—

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

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

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

21 “(6) Tuscarawas River Basin, Ohio;

22 “(7) Sauk River Basin, Snohomish and Skagit
23 Counties, Washington;

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

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

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

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

7 (3) by striking subsection (g).

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

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

15 (a) SCOPE.—Section 203(b)(1)(B) of the Water Re-
16 sources Development Act of 2000 (33 U.S.C.
17 2269(b)(1)(B); 114 Stat. 2589) is amended by inserting
18 after “Code” the following: “, and including lands that
19 are within the jurisdictional area of an Oklahoma Indian
20 tribe, as determined by the Secretary of the Interior, and
21 are recognized by the Secretary of the Interior as eligible
22 for trust land status under part 151 of title 25, Code of
23 Federal Regulations”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
2 203(e) of such Act is amended by striking “2006” and
3 inserting “2010”.

4 **SEC. 2021. WILDFIRE FIREFIGHTING.**

5 Section 309 of Public Law 102–154 (42 U.S.C.
6 1856a–1; 105 Stat. 1034) is amended by inserting “the
7 Secretary of the Army,” after “the Secretary of Energy,”.

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

9 (a) IN GENERAL.—The Secretary is authorized to
10 allow a non-Federal interest credit toward its share of
11 project costs for any authorized water resources develop-
12 ment project for the cost of materials and in-kind services,
13 including design and management services but not includ-
14 ing construction, provided by the non-Federal interest for
15 carrying out the project.

16 (b) LIMITATION.—Credit authorized under sub-
17 section (a)—

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

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

24 (3) shall not exceed the actual and reasonable
25 costs of the materials or in-kind services provided by

1 the non-Federal interest, as determined by the Sec-
2 retary; and

3 (4) shall not be allowed unless the Secretary
4 has determined that such materials or services are
5 integral to the project.

6 **SEC. 2023. TECHNICAL ASSISTANCE.**

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

9 (1) in subsection (a) by striking “The Sec-
10 retary” and inserting the following:

11 “(a) FEDERAL STATE COOPERATION.—

12 “(1) COMPREHENSIVE PLANS.—The Sec-
13 retary”;

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

16 “(2) TECHNICAL ASSISTANCE.—

17 “(A) IN GENERAL.—At the request of
18 a governmental agency or non-Federal in-
19 terest, the Secretary may provide, at Fed-
20 eral expense, technical assistance to such
21 agency or non-Federal interest in man-
22 aging water resources.

23 “(B) TYPES OF ASSISTANCE.—Tech-
24 nical assistance under this paragraph may
25 include provision and integration of hydro-

1 logic, economic, and environmental data
2 and analyses.”;

3 (3) in subsection (b)(1) by striking “this sec-
4 tion” each place it appears and inserting “subsection
5 (a)(1)”;

6 (4) in subsection (b)(2) by striking “Up to 1/
7 2 of the” and inserting “The”;

8 (5) in subsection (c) by striking “(c) There is”
9 and inserting the following:

10 “(c) AUTHORIZATION OF APPROPRIATIONS.—

11 “(1) FEDERAL AND STATE COOPERATION.—
12 There is”;

13 (6) in subsection (c)(1) (as designated by para-
14 graph (5))—

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

17 (B) by striking “\$500,000” and inserting
18 “\$1,000,000”;

19 (7) by inserting at the end of subsection (c) the
20 following:

21 “(2) TECHNICAL ASSISTANCE.—There is au-
22 thorized to be appropriated \$5,000,000 annually to
23 carry out subsection (a)(2), of which not more than
24 \$2,000,000 annually may be used by the Secretary
25 to enter into cooperative agreements with nonprofit

1 organizations to provide assistance to rural and
2 small communities.”;

3 (8) by redesignating subsection (d) as sub-
4 section (e); and

5 (9) by inserting after subsection (e) the fol-
6 lowing:

7 “(d) ANNUAL SUBMISSION OF PROPOSED ACTIVI-
8 TIES.—Concurrent with the President’s submission to
9 Congress of the President’s request for appropriations for
10 the Civil Works Program for a fiscal year, the Secretary
11 shall submit to the Committee on Transportation and In-
12 frastructure of the House of Representatives and the Com-
13 mittee on Environment and Public Works of the Senate
14 a report describing the individual activities proposed for
15 funding under subsection (a)(1) for that fiscal year.”.

16 **SEC. 2024. COORDINATION AND SCHEDULING OF FEDERAL,**
17 **STATE, AND LOCAL ACTIONS.**

18 (a) NOTICE OF INTENT.—Upon request of the non-
19 Federal interest in the form of a written notice of intent
20 to construct or modify a non-Federal water supply, waste-
21 water infrastructure, flood damage reduction, storm dam-
22 age reduction, ecosystem restoration, or navigation project
23 that requires the approval of the Secretary, the Secretary
24 shall initiate, subject to subsection (g)(1), procedures to
25 establish a schedule for consolidating Federal, State, and

1 local agency and Indian tribe environmental assessments,
2 project reviews, and issuance of all permits for the con-
3 struction or modification of the project. The non-Federal
4 interest shall submit to the Secretary, with the notice of
5 intent, studies and documentation, including environ-
6 mental reviews, that may be required by Federal law for
7 decisionmaking on the proposed project. All States and In-
8 dian tribes having jurisdiction over the proposed project
9 shall be invited by the Secretary, but shall not be required,
10 to participate in carrying out this section with respect to
11 the project.

12 (b) PROCEDURAL REQUIREMENTS.—Within 15 days
13 after receipt of notice under subsection (a), the Secretary
14 shall publish such notice in the Federal Register. The Sec-
15 retary also shall provide written notification of the receipt
16 of a notice under subsection (a) to all State and local
17 agencies and Indian tribes that may be required to issue
18 permits for the construction of the project or related ac-
19 tivities. The Secretary shall solicit the cooperation of those
20 agencies and request their entry into a memorandum of
21 agreement described in subsection (c) with respect to the
22 project. Within 30 days after publication of the notice in
23 the Federal Register, State and local agencies and Indian
24 tribes that intend to enter into the memorandum of agree-

1 ment with respect to the project shall notify the Secretary
2 of their intent in writing.

3 (c) SCHEDULING AGREEMENT.—Within 90 days
4 after the date of receipt of notice under subsection (a)
5 with respect to a project, the Secretary of the Interior,
6 the Secretary of Commerce, and the Administrator of the
7 Environmental Protection Agency, as necessary, and any
8 State or local agencies that have notified the Secretary
9 under subsection (b) shall enter into an agreement with
10 the Secretary establishing a schedule of decisionmaking
11 for approval of the project and permits associated with
12 the project and with related activities.

13 (d) CONTENTS OF AGREEMENT.—An agreement en-
14 tered into under subsection (c) with respect to a project,
15 to the extent practicable, shall consolidate hearing and
16 comment periods, procedures for data collection and re-
17 port preparation, and the environmental review and per-
18 mitting processes associated with the project and related
19 activities. The agreement shall detail, to the extent pos-
20 sible, the non-Federal interest's responsibilities for data
21 development and information that may be necessary to
22 process each permit required for the project, including a
23 schedule when the information and data will be provided
24 to the appropriate Federal, State, or local agency or In-
25 dian tribe.

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

8 (f) FINAL DECISION.—Not later than the final day
9 of a schedule established by an agreement entered into
10 under subsection (c) with respect to a project, the Sec-
11 retary shall notify the non-Federal interest of the final de-
12 cision on the project and whether the permit or permits
13 have been issued.

14 (g) REIMBURSEMENT.—

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

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

24 (A) ACCEPTANCE OF NON-FEDERAL
25 FUNDS.—The Secretary may accept funds from

1 the non-Federal interest to hire additional staff
2 or obtain the services of consultants, or to pro-
3 vide financial, technical, and administrative
4 support to agencies that have entered into an
5 agreement with the Secretary under subsection
6 (c) with respect to a project in order to facili-
7 tate the timely processing, review, and comple-
8 tion of applicable Federal, State, and local
9 agency and Indian tribe environmental assess-
10 ments, project reviews, and permits for the
11 project.

12 (B) USE OF FUNDS.—Funds accepted
13 under this paragraph shall be used to supple-
14 ment existing resources of the Secretary or a
15 participating agency.

16 (C) ASSURANCE OF LEVEL OF SERVICE
17 AND IMPARTIALITY.—The Secretary shall en-
18 sure that the Department of the Army and any
19 participating agency that accepts funds under
20 this paragraph shall continue to provide the
21 same level of service to other projects and other
22 responsibilities not covered by this section as it
23 would provide, notwithstanding any activities
24 carried out under this section, and that accept-
25 ance of such funds will not impact impartial de-

1 cisionmaking either substantively or proce-
2 durally.

3 (h) REPORT ON TIMESAVINGS METHODS.—Not later
4 than 3 years after the date of enactment of this section,
5 the Secretary shall prepare and transmit to Congress a
6 report estimating the time required for the issuance of all
7 Federal, State, local, and tribal permits for the construc-
8 tion of non-Federal projects for water supply, wastewater
9 infrastructure, flood damage reduction, storm damage re-
10 duction, ecosystem restoration, and navigation. The Sec-
11 retary shall include in that report recommendations for
12 further reducing the amount of time required for the
13 issuance of those permits, including any proposed changes
14 in existing law.

15 **SEC. 2025. PROJECT STREAMLINING.**

16 (a) POLICY.—The benefits of water resources
17 projects are important to the Nation’s economy and envi-
18 ronment, and recommendations to Congress regarding
19 such projects should not be delayed due to uncoordinated
20 and sequential environmental reviews or the failure to
21 timely resolve disputes during the development of water
22 resources projects.

23 (b) SCOPE.—This section shall apply to each study
24 initiated after the date of enactment of this Act to develop
25 a feasibility report under section 905 of the Water Re-

1 sources Development Act of 1986 (33 U.S.C. 2282), or
2 a reevaluation report, for a water resources project if the
3 Secretary determines that such study requires an environ-
4 mental impact statement under the National Environ-
5 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

6 (c) WATER RESOURCES PROJECT REVIEW PROC-
7 ESS.—The Secretary shall develop and implement a co-
8 ordinated review process for water resources projects.

9 (d) COORDINATED REVIEWS.—

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

21 (2) AGENCY PARTICIPATION.—Each Federal
22 agency identified under subsection (e) shall formu-
23 late and implement administrative, policy, and pro-
24 cedural mechanisms to enable the agency to ensure
25 completion of environmental reviews, analyses, opin-

1 ions, permits, licenses, and approvals described in
2 paragraph (1) in a timely and environmentally re-
3 sponsible manner.

4 (e) IDENTIFICATION OF JURISDICTIONAL AGEN-
5 CIES.—With respect to each water resources project, the
6 Secretary shall identify, as soon as practicable, all Fed-
7 eral, State, and local government agencies and Indian
8 tribes that may have jurisdiction over environmental-re-
9 lated matters that may be affected by the project or may
10 be required by law to conduct an environmental-related
11 review or analysis of the project or determine whether to
12 issue an environmental-related permit, license, or approval
13 for the project.

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

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

8 (h) EFFECT OF FAILURE TO MEET DEADLINE.—

9 (1) NOTIFICATION OF CONGRESS AND CEQ.—If
10 the Secretary determines that a Federal, State, or
11 local government agency, Indian tribe, or non-Fed-
12 eral interest that is participating in a coordinated
13 review process under this section with respect to a
14 project has not met a deadline established under
15 subsection (d) for the project, the Secretary shall no-
16 tify, within 30 days of the date of such determina-
17 tion, the Committee on Transportation and Infra-
18 structure of the House of Representatives, the Com-
19 mittee on Environment and Public Works of the
20 Senate, the Council on Environmental Quality, and
21 the agency, Indian tribe, or non-Federal interest in-
22 volved about the failure to meet the deadline.

23 (2) AGENCY REPORT.—Not later than 30 days
24 after the date of receipt of a notice under paragraph
25 (1), the Federal, State, or local government agency,

1 Indian tribe, or non-Federal interest involved shall
2 submit a report to the Secretary, the Committee on
3 Transportation and Infrastructure of the House of
4 Representatives, the Committee on Environment and
5 Public Works of the Senate, and the Council on En-
6 vironmental Quality explaining why the agency, In-
7 dian tribe, or non-Federal interest did not meet the
8 deadline and what actions it intends to take to com-
9 plete or issue the required review, analysis, opinion,
10 permit, license, or approval.

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

13 (1) IN GENERAL.—As an official of the lead
14 Federal agency that is responsible for carrying out
15 a study to which this section applies and its associ-
16 ated process for meeting the requirements of the
17 National Environmental Policy Act of 1969 (42
18 U.S.C. 4321 et seq.) and as the Federal agency with
19 expertise in water resources development, the Sec-
20 retary, in carrying out such study and process,
21 shall—

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

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

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

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

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

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

25 (1) any practice of seeking public comment;

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

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

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

22 **SEC. 2026. LAKES PROGRAM.**

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

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

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

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

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

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

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

14 “(23) Greenwood Lake, New York and New
15 Jersey, removal of silt and aquatic growth;

16 “(24) Lake Rodgers, Creedmoor, North Caro-
17 lina, removal of silt and excessive nutrients and res-
18 toration of structural integrity; and

19 “(25) Lake Luxembourg, Pennsylvania.”.

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

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

1 “(3) CONTENTS.—A mitigation plan shall in-
2 clude—

3 “(A) a description of the physical action to
4 be undertaken to achieve the mitigation objec-
5 tives within the watershed in which such losses
6 occur and, in any case in which mitigation must
7 take place outside the watershed, a justification
8 detailing the rationale for undertaking the miti-
9 gation outside of the watershed;

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

14 “(C) the type, amount, and characteristics
15 of the habitat being restored;

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

20 “(E) a plan for any necessary monitoring
21 to determine the success of the mitigation, in-
22 cluding the cost and duration of any monitoring
23 and, to the extent practicable, the entities re-
24 sponsible for any monitoring.

1 “(4) RESPONSIBILITY FOR MONITORING.—In
2 any case in which it is not practicable to identify in
3 a mitigation plan for a water resources project, the
4 entity responsible for monitoring at the time of a
5 final report of the Chief of Engineers or other final
6 decision document for the project, such entity shall
7 be identified in the partnership agreement entered
8 into with the non-Federal interest.”.

9 (b) STATUS REPORT.—

10 (1) IN GENERAL.—Concurrent with the Presi-
11 dent’s submission to Congress of the President’s re-
12 quest for appropriations for the Civil Works Pro-
13 gram for a fiscal year, the Secretary shall submit to
14 the Committee on Transportation and Infrastructure
15 of the House of Representatives and the Committee
16 on Environment and Public Works of the Senate a
17 report on the status of construction of projects that
18 require mitigation under section 906 of the Water
19 Resources Development Act of 1986 (33 U.S.C.
20 2283; 100 Stat. 4186) and the status of such miti-
21 gation.

22 (2) PROJECTS INCLUDED.—The status report
23 shall include the status of all projects that are under
24 construction, all projects for which the President re-
25 quests funding for the next fiscal year, and all

1 projects that have completed construction, but have
2 not completed the mitigation required under section
3 906 of the Water Resources Development Act of
4 1986.

5 **SEC. 2028. COOPERATIVE AGREEMENTS.**

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

14 (b) LIMITATIONS.—

15 (1) PER PROJECT LIMIT.—A cooperative agree-
16 ment under this section shall not obligate the Sec-
17 retary to pay the nonprofit organization more than
18 \$1,000,000 for any single wetlands restoration
19 project.

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

1 **SEC. 2029. PROJECT PLANNING.**

2 (a) DETERMINATION OF CERTAIN NATIONAL BENE-
3 FITS.—

4 (1) SENSE OF CONGRESS.—It is the sense of
5 Congress that, consistent with the Economic and
6 Environmental Principles and Guidelines for Water
7 and Related Land Resources Implementation Stud-
8 ies (1983), the Secretary may select a water re-
9 sources project alternative that does not maximize
10 net national economic development benefits or net
11 national ecosystem restoration benefits if there is an
12 overriding reason based on other Federal, State,
13 local, or international concerns.

14 (2) FLOOD DAMAGE REDUCTION, NAVIGATION,
15 AND HURRICANE STORM DAMAGE REDUCTION
16 PROJECTS.—With respect to a water resources
17 project the primary purpose of which is flood dam-
18 age reduction, navigation, or hurricane and storm
19 damage reduction, an overriding reason for selecting
20 a plan other than the plan that maximizes net na-
21 tional economic development benefits may be if the
22 Secretary determines, and the non-Federal interest
23 concurs, that an alternative plan is feasible and
24 achieves the project purposes while providing greater
25 ecosystem restoration benefits.

1 (3) ECOSYSTEM RESTORATION PROJECTS.—

2 With respect to a water resources project the pri-
3 mary purpose of which is ecosystem restoration, an
4 overriding reason for selecting a plan other than the
5 plan that maximizes net national ecosystem restora-
6 tion benefits may be if the Secretary determines,
7 and the non-Federal interest concurs, that an alter-
8 native plan is feasible and achieves the project pur-
9 poses while providing greater economic development
10 benefits.

11 (b) IDENTIFYING ADDITIONAL BENEFITS AND
12 PROJECTS.—

13 (1) PRIMARILY ECONOMIC BENEFITS.—In con-
14 ducting a study of the feasibility of a project where
15 the primary benefits are expected to be economic,
16 the Secretary may identify ecosystem restoration
17 benefits that may be achieved in the study area and,
18 after obtaining the participation of a non-Federal in-
19 terest, may study and recommend construction of
20 additional measures, a separate project, or separable
21 project element to achieve those benefits.

22 (2) PRIMARILY ECOSYSTEM RESTORATION BEN-
23 EFITS.—In conducting a study of the feasibility of a
24 project where the primary benefits are expected to
25 be associated with ecosystem restoration, the Sec-

1 retary may identify economic benefits that may be
2 achieved in the study area and, after obtaining the
3 participation of a non-Federal interest, may study
4 and recommend construction of additional measures,
5 a separate project, or separable project element to
6 achieve those benefits.

7 (3) RULES APPLICABLE TO CERTAIN MEAS-
8 URES, PROJECTS, AND ELEMENTS.—Any additional
9 measures, separate project, or separable element
10 identified under paragraph (1) or (2) and rec-
11 ommended for construction shall not be considered
12 integral to the underlying project and, if authorized,
13 shall be subject to a separate partnership agreement,
14 unless a non-Federal interest agrees to share in the
15 cost of the additional measures, project, or separable
16 element.

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

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

23 (2) a calculation of any upstream or down-
24 stream impacts of the proposed project; and

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

4 **SEC. 2030. INDEPENDENT PEER REVIEW.**

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

7 (1) IN GENERAL.—Project studies shall be sub-
8 ject to a peer review by an independent panel of ex-
9 perts as determined under this section.

10 (2) SCOPE.—The peer review may include a re-
11 view of the economic and environmental assumptions
12 and projections, project evaluation data, economic
13 analyses, environmental analyses, engineering anal-
14 yses, formulation of alternative plans, methods for
15 integrating risk and uncertainty, models used in
16 evaluation of economic or environmental impacts of
17 proposed projects, and any biological opinions of the
18 project study.

19 (3) PROJECT STUDIES SUBJECT TO PEER RE-
20 VIEW.—

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

1 Engineers to be exempt from peer review under
2 paragraph (6).

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

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

8 (ii) the head of a Federal or State
9 agency charged with reviewing the project
10 study determines that the project is likely
11 to have a significant adverse impact on en-
12 vironmental, cultural, or other resources
13 under the jurisdiction of the agency after
14 implementation of proposed mitigation
15 plans and requests a peer review by an
16 independent panel of experts; or

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

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

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

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

6 (B) there is a significant public dispute as
7 to the economic or environmental costs or bene-
8 fits of the project.

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

12 (A) a study for a project the Chief of En-
13 gineers determines—

14 (i) is not controversial;

15 (ii) has no more than negligible ad-
16 verse impacts on scarce or unique cultural,
17 historic, or tribal resources;

18 (iii) has no substantial adverse im-
19 pacts on fish and wildlife species and their
20 habitat prior to the implementation of
21 mitigation measures; and

22 (iv) has, before implementation of
23 mitigation measures, no more than a neg-
24 ligible adverse impact on a species listed as
25 endangered or threatened species under

1 the Endangered Species Act of 1973 (16
2 U.S.C. 1539 et seq.) or the critical habitat
3 of such species designated under such Act;
4 and

5 (B) a study for a project pursued under
6 section 205 of the Flood Control Act of 1948
7 (33 U.S.C. 701s), section 2 of the Flood Con-
8 trol Act of August 28, 1937 (33 U.S.C. 701g),
9 section 14 of the Flood Control Act of 1946 (33
10 U.S.C. 701r), section 107(a) of the River and
11 Harbor Act of 1960 (33 U.S.C. 577(a)), section
12 3 of the Act entitled “An Act authorizing Fed-
13 eral participation in the cost of protecting the
14 shores of publicly owned property”, approved
15 August 13, 1946 (33 U.S.C. 426g), section 111
16 of the River and Harbor Act of 1968 (33
17 U.S.C. 426i), section 3 of the Act entitled “An
18 Act authorizing the construction, repair, and
19 preservation of certain public works on rivers
20 and harbors, and for other purposes”, approved
21 March 2, 1945 (33 U.S.C. 603a), section 1135
22 of the Water Resources Development Act of
23 1986 (33 U.S.C. 2309a), section 206 of the
24 Water Resources Development Act of 1996 (33
25 U.S.C. 2330), or section 204 of the Water Re-

1 sources Development Act of 1992 (33 U.S.C.
2 2326).

3 (7) APPEAL.—The decision of the Chief of En-
4 gineers whether to peer review a project study shall
5 be published in the Federal Register and shall be
6 subject to appeal by a person referred to in para-
7 graph (3)(B)(i) or (3)(B)(ii) to the Secretary of the
8 Army if such appeal is made within the 30-day pe-
9 riod following the date of such publication.

10 (8) DETERMINATION OF PROJECT COST.—For
11 purposes of determining the estimated total cost of
12 a project under paragraph (3)(A), the project cost
13 shall be based upon the reasonable estimates of the
14 Chief of Engineers at the completion of the recon-
15 naissance study for the project. If the reasonable es-
16 timate of project costs is subsequently determined to
17 be in excess of the amount in paragraph (3)(A), the
18 Chief of Engineers shall make a determination
19 whether a project study should be reviewed under
20 this section.

21 (b) TIMING OF PEER REVIEW.—The Chief of Engi-
22 neers shall determine the timing of a peer review of a
23 project study under subsection (a). In all cases, the peer
24 review shall occur during the period beginning on the date
25 of the completion of the reconnaissance study for the

1 project and ending on the date the draft report of the
2 Chief of Engineers for the project is made available for
3 public comment. Where the Chief of Engineers has not
4 initiated a peer review of a project study, the Chief of En-
5 gineers shall consider, at a minimum, whether to initiate
6 a peer review at the time that—

- 7 (1) the without-project conditions are identified;
- 8 (2) the array of alternatives to be considered
9 are identified; and
- 10 (3) the preferred alternative is identified.

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

14 (c) ESTABLISHMENT OF PANELS.—

- 15 (1) IN GENERAL.—For each project study sub-
16 ject to peer review under subsection (a), as soon as
17 practicable after the Chief of Engineers determines
18 that a project study will be subject to peer review,
19 the Chief of Engineers shall contract with the Na-
20 tional Academy of Sciences (or a similar independent
21 scientific and technical advisory organization), or an
22 eligible organization, to establish a panel of experts
23 to peer review the project study for technical and
24 scientific sufficiency.

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

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

13 (4) CONGRESSIONAL NOTIFICATION.—Upon
14 identification of a project study for peer review
15 under this section, but prior to initiation of any re-
16 view, the Chief of Engineers shall notify the Com-
17 mittee on Environment and Public Works of the
18 Senate and the Committee on Transportation and
19 Infrastructure of the House of Representatives of
20 such review.

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

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

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

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

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

17 (e) DURATION OF PROJECT STUDY PEER RE-
18 VIEWS.—

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

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

1 such period of time established by the Chief of
2 Engineers, but in no event later than 90 days
3 after the date a draft project study is made
4 available for public review; and

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

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

15 (f) RECOMMENDATIONS OF PANEL.—

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

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

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

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

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

13 (g) COSTS.—

14 (1) IN GENERAL.—The costs of a panel of ex-
15 perts established for a peer review under this sec-
16 tion—

17 (A) shall be a Federal expense; and

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

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

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

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

1 and for which the array of alternatives to be consid-
2 ered has not been identified; and

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

6 (i) REPORT.—Within 4½ years of the date of enact-
7 ment of this section, the Chief of Engineers shall submit
8 a report to Congress on the implementation of this section.

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

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

17 (l) DEFINITIONS.—In this section, the following defi-
18 nitions apply:

19 (1) PROJECT STUDY.—The term “project
20 study” means a feasibility study or reevaluation
21 study for a project. The term also includes any other
22 study associated with a modification or update of a
23 project that includes an environmental impact state-
24 ment, including the environmental impact statement.

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

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

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

12 (B) is independent;

13 (C) is free from conflicts of interest;

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

16 (E) has experience in establishing and ad-
17 ministering peer review panels.

18 **SEC. 2031. TRAINING FUNDS.**

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

25 (b) **EXPENSES.**—

1 (1) IN GENERAL.—An individual not employed
2 by the Department of the Army attending a training
3 class or course described in subsection (a) shall pay
4 the full cost of the training provided to the indi-
5 vidual.

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

9 (A) may be retained by the Secretary;

10 (B) shall be credited to an appropriation
11 or account used for paying training costs; and

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

15 (3) EXCESS AMOUNTS.—Any payments received
16 under paragraph (2) that are in excess of the actual
17 cost of training provided shall be credited as mis-
18 cellaneous receipts to the Treasury of the United
19 States.

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

21 (a) IN GENERAL.—The Secretary shall carry out a
22 program to provide public access to water resource and
23 related water quality data in the custody of the Corps of
24 Engineers.

1 (b) DATA.—Public access under subsection (a)
2 shall—

3 (1) include, at a minimum, access to data gen-
4 erated in water resources project development and
5 regulation under section 404 of the Federal Water
6 Pollution Control Act (33 U.S.C. 1344); and

7 (2) appropriately employ geographic informa-
8 tion system technology and linkages to water re-
9 source models and analytical techniques.

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

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$5,000,000 for each fiscal year.

18 **SEC. 2033. SHORE PROTECTION PROJECTS.**

19 (a) IN GENERAL.—In accordance with the Act of
20 July 3, 1930 (33 U.S.C. 426), and notwithstanding ad-
21 ministrative actions, it is the policy of the United States
22 to promote beach nourishment for the purposes of flood
23 damage reduction and hurricane and storm damage reduc-
24 tion and related research that encourage the protection,
25 restoration, and enhancement of sandy beaches, including

1 beach restoration and periodic beach renourishment for a
2 period of 50 years, on a comprehensive and coordinated
3 basis by the Federal Government, States, localities, and
4 private enterprises.

5 (b) PREFERENCE.—In carrying out the policy, pref-
6 erence shall be given to—

7 (1) areas in which there has been a Federal in-
8 vestment of funds for the purposes described in sub-
9 section (a); and

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

14 (c) APPLICABILITY.—The Secretary shall apply the
15 policy to each shore protection and beach renourishment
16 project (including shore protection and beach renourish-
17 ment projects constructed before the date of enactment
18 of this Act).

19 **SEC. 2034. ABILITY TO PAY.**

20 (a) CRITERIA AND PROCEDURES.—Section
21 103(m)(2) of the Water Resources Development Act of
22 1986 (33 U.S.C. 2213(m)(2)) is amended by striking
23 “180 days after such date of enactment” and inserting
24 “August 31, 2005”.

1 (b) PROJECTS.—The Secretary shall apply the cri-
2 teria and procedures referred to in section 103(m) of the
3 Water Resources Development Act of 1986 (33 U.S.C.
4 2213(m)) to the following projects:

5 (1) ST. JOHNS BAYOU AND NEW MADRID
6 FLOODWAY, MISSOURI.—The project for flood con-
7 trol, St. Johns Bayou and New Madrid Floodway,
8 Missouri, authorized by section 401(a) of the Water
9 Resources Development Act of 1986 (100 Stat.
10 4118).

11 (2) LOWER RIO GRANDE BASIN, TEXAS.—The
12 project for flood control, Lower Rio Grande Basin,
13 Texas, authorized by section 401(a) of the Water
14 Resources Development Act of 1986 (100 Stat.
15 4125).

16 (3) WEST VIRGINIA AND PENNSYLVANIA
17 PROJECTS.—The projects for flood control author-
18 ized by section 581 of the Water Resources Develop-
19 ment Act of 1996 (110 Stat. 3790–3791).

20 **SEC. 2035. AQUATIC ECOSYSTEM RESTORATION.**

21 Section 206(e) of the Water Resources Development
22 Act of 1996 (33 U.S.C. 2330) is amended by striking
23 “\$25,000,000” and inserting “\$40,000,000”.

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

2 Section 205 of the Flood Control Act of 1948 (33
3 U.S.C. 701s) is amended by striking “\$50,000,000” and
4 inserting “\$60,000,000”.

5 **SEC. 2037. LEASING AUTHORITY.**

6 Section 4 of the Act entitled “An Act authorizing the
7 construction of certain public works on rivers and harbors
8 for flood control, and other purposes”, approved December
9 22, 1944 (16 U.S.C. 460d) is amended—

10 (1) by inserting “federally-recognized Indian
11 tribes and” before “Federal” the first place it ap-
12 pears;

13 (2) by inserting “Indian tribes or” after “con-
14 siderations, to such”; and

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

17 **SEC. 2038. COST ESTIMATES.**

18 The estimated Federal and non-Federal costs of
19 projects authorized to be carried out by the Secretary be-
20 fore, on, or after the date of enactment of this Act are
21 for informational purposes only and shall not be inter-
22 preted as affecting the cost sharing responsibilities estab-
23 lished by law.

24 **SEC. 2039. STUDIES AND REPORTS FOR WATER RESOURCES**
25 **PROJECTS.**

26 (a) STUDIES.—

1 (1) COST-SHARING REQUIREMENTS.—Section
2 105(a) of the Water Resources Development Act of
3 1986 (33 U.S.C. 2215(a)) is amended by adding at
4 the end the following:

5 “(3) DETAILED PROJECT REPORTS.—The re-
6 quirements of this subsection that apply to a feasi-
7 bility study also shall apply to a study that results
8 in a detailed project report, except that—

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

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

14 (2) PLANNING AND ENGINEERING.—Section
15 105(b) of such Act (33 U.S.C. 2215(b)) is amended
16 by striking “authorized by this Act”.

17 (3) DEFINITIONS.—Section 105 of such Act (33
18 U.S.C. 2215) is amended by adding at the end the
19 following:

20 “(d) DEFINITIONS.—In this section, the following
21 definitions apply:

22 “(1) DETAILED PROJECT REPORT.—The term
23 ‘detailed project report’ means a report for a project
24 not specifically authorized by Congress in law or
25 otherwise that determines the feasibility of the

1 project with a level of detail appropriate to the scope
2 and complexity of the recommended solution and
3 sufficient to proceed directly to the preparation of
4 contract plans and specifications. The term includes
5 any associated environmental impact statement and
6 mitigation plan. For a project for which the Federal
7 cost does not exceed \$1,000,000, the term includes
8 a planning and design analysis document.

9 “(2) FEASIBILITY STUDY.—The term ‘feasi-
10 bility study’ means a study that results in a feasi-
11 bility report under section 905, and any associated
12 environmental impact statement and mitigation
13 plan, prepared by the Corps of Engineers for a
14 water resources project. The term includes a study
15 that results in a project implementation report pre-
16 pared under title VI of the Water Resources Devel-
17 opment Act of 2000 (114 Stat. 2680–2694), a gen-
18 eral reevaluation report, and a limited reevaluation
19 report.”.

20 (b) REPORTS.—

21 (1) PREPARATION.—Section 905(a) of the
22 Water Resources Development Act of 1986 (33
23 U.S.C. 2282(a); 100 Stat. 4185) is amended—

24 (A) by striking “(a) In the case of any”

25 and inserting the following:

1 “(a) PREPARATION OF REPORTS.—

2 “(1) IN GENERAL.—In the case of any”;

3 (B) by striking “the Secretary, the Sec-
4 retary shall” and inserting “the Secretary that
5 results in recommendations concerning a
6 project or the operation of a project and that
7 requires specific authorization by Congress in
8 law or otherwise, the Secretary shall perform a
9 reconnaissance study and”;

10 (C) by striking “Such feasibility report”
11 and inserting the following:

12 “(2) CONTENTS OF FEASIBILITY REPORTS.—A
13 feasibility report”;

14 (D) by striking “The feasibility report”
15 and inserting “A feasibility report”; and

16 (E) by striking the last sentence and in-
17 serting the following:

18 “(3) APPLICABILITY.—This subsection shall not
19 apply to—

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

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

1 “(C) any study for a project which does
2 not require specific authorization by Congress
3 in law or otherwise; and

4 “(D) general studies not intended to lead
5 to recommendation of a specific water resources
6 project.

7 “(4) FEASIBILITY REPORT DEFINED.—In this
8 subsection, the term ‘feasibility report’ means each
9 feasibility report, and any associated environmental
10 impact statement and mitigation plan, prepared by
11 the Corps of Engineers for a water resources
12 project. The term includes a project implementation
13 report prepared under title VI of the Water Re-
14 sources Development Act of 2000 (114 Stat. 2680–
15 2694), a general reevaluation report, and a limited
16 reevaluation report.”.

17 (2) PROJECTS NOT SPECIALLY AUTHORIZED
18 BY CONGRESS.—Section 905 of such Act is further
19 amended—

20 (A) in subsection (b) by inserting “RECON-
21 NAISSANCE STUDIES.—” before “Before initi-
22 ating”;

23 (B) by redesignating subsections (c), (d),
24 and (e) as subsections (d), (e), and (f), respec-
25 tively;

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

3 “(c) PROJECTS NOT SPECIFICALLY AUTHORIZED BY
4 CONGRESS.—In the case of any water resources project-
5 related study authorized to be undertaken by the Sec-
6 retary without specific authorization by Congress in law
7 or otherwise, the Secretary shall prepare a detailed project
8 report.”;

9 (D) in subsection (d) (as so redesignated)
10 by inserting “INDIAN TRIBES.—” before “For
11 purposes of”; and

12 (E) in subsection (e) (as so redesignated)
13 by inserting “STANDARD AND UNIFORM PRO-
14 CEDURES AND PRACTICES.—” before “The Sec-
15 retary shall”.

16 **SEC. 2040. FISCAL TRANSPARENCY REPORT.**

17 (a) IN GENERAL.—On the third Tuesday of January
18 of each year beginning January 2006, the Chief of Engi-
19 neers shall submit to the Committee on Environment and
20 Public Works of the Senate and the Committee on Trans-
21 portation and Infrastructure of the House of Representa-
22 tives a report on the expenditures for the preceding fiscal
23 year and estimated expenditures for the current fiscal year
24 and, for projects and activities that are not scheduled for
25 completion in the current fiscal year, the estimated ex-

1 penditures necessary in the following fiscal year for each
2 project or activity to maintain the same level of effort
3 being achieved in the current fiscal year.

4 (b) CONTENTS.—In addition to the information de-
5 scribed in subsection (a), the report shall contain a de-
6 tailed accounting of the following information:

7 (1) With respect to general construction, infor-
8 mation on—

9 (A) projects currently under construction,
10 including—

11 (i) allocations to date;

12 (ii) the number of years remaining to
13 complete construction;

14 (iii) the estimated annual Federal cost
15 to maintain that construction schedule;
16 and

17 (iv) a list of projects the Corps of En-
18 gineers expects to complete during the cur-
19 rent fiscal year; and

20 (B) projects for which there is a signed
21 cost-sharing agreement and completed planning,
22 engineering, and design, including—

23 (i) the number of years the project is
24 expected to require for completion; and

1 (ii) estimated annual Federal cost to
2 maintain that construction schedule.

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

6 (A) the estimated annual cost to maintain
7 each waterway for the authorized reach and at
8 the authorized depth; and

9 (B) the estimated annual cost of operation
10 and maintenance of locks and dams to ensure
11 navigation without interruption.

12 (3) With respect to general investigations and
13 reconnaissance and feasibility studies—

14 (A) the number of active studies;

15 (B) the number of completed studies not
16 yet authorized for construction;

17 (C) the number of initiated studies; and

18 (D) the number of studies expected to be
19 completed during the fiscal year.

20 (4) Funding received and estimates of funds to
21 be received for interagency and international support
22 activities under section 318(a) of the Water Re-
23 sources Development Act of 1990 (33 U.S.C.
24 2323(a)).

25 (5) Recreation fees and lease payments.

1 (6) Hydropower and water storage fees.

2 (7) Deposits into the Inland Waterway Trust
3 Fund and the Harbor Maintenance Trust Fund.

4 (8) Other revenues and fees collected.

5 **SEC. 2041. SUPPORT OF ARMY CIVIL WORKS PROGRAM.**

6 (a) IN GENERAL.—Notwithstanding section 2361 of
7 title 10, United States Code, the Secretary is authorized
8 to provide assistance through contracts, cooperative agree-
9 ments, and grants to—

10 (1) the University of Tennessee, Knoxville, Ten-
11 nessee, for establishment and operation of the
12 Southeastern Water Resources Institute to study
13 sustainable development and utilization of water re-
14 sources in the southeastern United States;

15 (2) Lewis and Clark Community College, Illi-
16 nois, for the Great Rivers National Research and
17 Education Center (including facilities that have been
18 or will be constructed at one or more locations in the
19 vicinity of the confluence of the Illinois River, the
20 Missouri River, and the Mississippi River), a collabo-
21 rative effort of Lewis and Clark Community College,
22 the University of Illinois, the Illinois Department of
23 Natural Resources and Environmental Sciences, and
24 other entities, for the study of river ecology, devel-
25 oping watershed and river management strategies,

1 and educating students and the public on river
2 issues; and

3 (3) the University of Texas at Dallas for sup-
4 port and operation of the International Center for
5 Decision and Risk Analysis to study risk analysis
6 and control methods for transboundary water re-
7 sources management in the southwestern United
8 States and other international water resources man-
9 agement problems.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to the Secretary to carry
12 out subsection (a)(1) \$5,000,000, to carry out subsection
13 (a)(2) \$5,000,000, and to carry out subsection (a)(3)
14 \$5,000,000. Such sums shall remain available until ex-
15 pended.

16 **SEC. 2042. CRITERIA FOR OPERATION AND MAINTENANCE**
17 **OF HARBOR DREDGING PROJECTS.**

18 The Secretary shall budget and request appropria-
19 tions for operation and maintenance of harbor dredging
20 projects based only upon criteria used for such projects
21 in fiscal year 2004.

1 **TITLE III—PROJECT-RELATED**
2 **PROVISIONS**

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

4 Section 118(a)(2) of the Energy and Water Develop-
5 ment Appropriations Act, 2005 (title I of division C of
6 the Consolidated Appropriations Act, 2005; 118 Stat.
7 2945) is amended—

8 (1) by inserting “maximum navigational” be-
9 fore “draft”;

10 (2) by striking “greater than”; and

11 (3) by inserting “or greater” after “35 feet”.

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

13 The maximum amount of Federal funds that may be
14 expended for the project for navigation, King Cove Har-
15 bor, Alaska, being carried out under section 107 of the
16 River and Harbor Act of 1960 (33 U.S.C. 577), shall be
17 \$8,000,000.

18 **SEC. 3003. ST. PAUL HARBOR, ST. PAUL ISLAND, ALASKA.**

19 (a) **SMALL BOAT HARBOR.**—No elements of the
20 project for navigation, St. Paul Harbor, St. Paul Island,
21 Alaska, authorized by section 101(b)(3) of the Water Re-
22 sources Development Act of 1996 (110 Stat. 3667) and
23 modified by section 303 of the Water Resources Develop-
24 ment Act of 1999 (113 Stat. 298) and section 105 of the
25 Energy and Water Development Appropriations Act, 2003

1 (117 Stat. 139), shall be treated by the Secretary as sepa-
2 rable.

3 (b) **LIMITATION ON NON-FEDERAL SHARE.**—The
4 non-Federal share for the project shall not exceed
5 \$14,400,000.

6 **SEC. 3004. SITKA, ALASKA.**

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

14 **SEC. 3005. TATITLEK, ALASKA.**

15 The maximum amount of Federal funds that may be
16 expended for the project for navigation, Tatitlek, Alaska,
17 being carried out under section 107 of the River and Har-
18 bor Act of 1960 (33 U.S.C. 577), shall be \$10,000,000.

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

21 The Secretary shall review the general reevaluation
22 report for the Bayou Meto basin element of the project
23 for Grand Prairie Region and Bayou Meto Basin, Arkan-
24 sas, reauthorized by section 363(a) of the Water Re-
25 sources Development Act of 1996 (110 Stat. 3730), and

1 make a determination of whether the element is feasible,
2 regardless of mission priorities.

3 **SEC. 3007. OSCEOLA HARBOR, ARKANSAS.**

4 (a) IN GENERAL.—The project for navigation, Osce-
5 ola Harbor, Arkansas, constructed under section 107 of
6 the River and Harbor Act of 1960 (33 U.S.C. 577), is
7 modified to allow non-Federal interests to construct a
8 mooring facility within the existing authorized harbor
9 channel, subject to all necessary permits, certifications,
10 and other requirements.

11 (b) LIMITATION ON STATUTORY CONSTRUCTION.—
12 Nothing in this section shall be construed as affecting the
13 responsibility of the Secretary to maintain the general
14 navigation features of the project at a bottom width of
15 250 feet.

16 **SEC. 3008. PINE MOUNTAIN DAM, ARKANSAS.**

17 The Pine Mountain Dam feature of the project for
18 flood protection, Lee Creek, Arkansas and Oklahoma, au-
19 thorized by section 204 of the Flood Control Act of 1965
20 (79 Stat. 1078), is modified—

21 (1) to add environmental restoration as a
22 project purpose; and

23 (2) to direct the Secretary to finance the non-
24 Federal share of the cost of the project over a 30-
25 year period in accordance with section 103(k) of the

1 Water Resources Development Act of 1986 (33
2 U.S.C. 2213(k)).

3 **SEC. 3009. SAINT FRANCIS BASIN, ARKANSAS.**

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

10 **SEC. 3010. AMERICAN RIVER WATERSHED, CALIFORNIA.**

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

13 “(c) DAM SAFETY MODIFICATIONS AT L.L. ANDER-
14 SON DAM.—In determining improvements for dam safety
15 that are necessary at the L.L. Anderson Dam, the Sec-
16 retary shall consider the without-project condition to be
17 the dam as it existed on December 1, 2003.

18 “(d) COST ALLOCATION.—In allocating costs for the
19 project authorized in subsection (a), the Secretary shall
20 use the project cost allocations for flood damage reduction
21 and dam safety that are contained in the American River
22 Watershed, California, long-term study final supplemental
23 plan formulation report dated February 2002.”.

1 **SEC. 3011. COMPTON CREEK, CALIFORNIA.**

2 The project for flood control, Los Angeles Drainage
3 Area, California, authorized by section 101(b) of the
4 Water Resources Development Act of 1990 (104 Stat.
5 4611), is modified to add environmental restoration and
6 recreation as project purposes.

7 **SEC. 3012. GRAYSON CREEK/MURDERER'S CREEK, CALI-**
8 **FORNIA.**

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

20 **SEC. 3013. HAMILTON AIRFIELD, CALIFORNIA.**

21 The project for environmental restoration, Hamilton
22 Airfield, California, authorized by section 101(b)(3) of the
23 Water Resources Development Act of 1999 (113 Stat.
24 279), is modified to direct the Secretary to construct the
25 project substantially in accordance with the report of the
26 Chief of Engineers dated July 19, 2004, at a total cost

1 of \$205,226,000, with an estimated Federal cost of
2 \$153,840,000 and an estimated non-Federal cost of
3 \$51,386,000.

4 **SEC. 3014. JOHN F. BALDWIN SHIP CHANNEL AND STOCK-**
5 **TON SHIP CHANNEL, CALIFORNIA.**

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

9 (1) to provide that the non-Federal share of the
10 cost of the John F. Baldwin Ship Channel and
11 Stockton Ship Channel element of the project may
12 be provided in the form of in-kind services and ma-
13 terials; and

14 (2) to direct the Secretary to credit toward the
15 non-Federal share of the cost of such element the
16 cost of planning and design work carried out by the
17 non-Federal interest before the date of an agreement
18 for such planning and design if the Secretary deter-
19 mines that such work is integral to such element.

20 **SEC. 3015. KAWEAH RIVER, CALIFORNIA.**

21 The project for flood control, Terminus Dam,
22 Kaweah River, California, authorized by section 101(b)(5)
23 of the Water Resources Development Act of 1996 (110
24 Stat. 3658), is modified to direct the Secretary to credit
25 toward the non-Federal share of the cost of the project,

1 or provide reimbursement not to exceed \$800,000, for the
2 costs of any work carried out by the non-Federal interest
3 before, on, or after the date of the project partnership
4 agreement if the Secretary determines that the work is
5 integral to the project.

6 **SEC. 3016. LARKSPUR FERRY CHANNEL, LARKSPUR, CALI-**
7 **FORNIA.**

8 The project for navigation, Larkspur Ferry Channel,
9 Larkspur, California, authorized by section 601(d) of the
10 Water Resources Development Act of 1986 (100 Stat.
11 4148), is modified to direct the Secretary to determine
12 whether maintenance of the project is feasible, and if the
13 Secretary determines that maintenance of the project is
14 feasible, to carry out such maintenance.

15 **SEC. 3017. LLAGAS CREEK, CALIFORNIA.**

16 The project for flood damage reduction, Llagas
17 Creek, California, authorized by section 501(a) of the
18 Water Resources Development Act of 1999 (113 Stat.
19 333), is modified to authorize the Secretary to carry out
20 the project at a total cost of \$105,000,000.

21 **SEC. 3018. LOS ANGELES HARBOR, CALIFORNIA.**

22 The project for navigation, Los Angeles Harbor, Cali-
23 fornia, authorized by section 101(b)(5) of the Water Re-
24 sources Development Act of 2000 (114 Stat. 2577), is

1 modified to authorize the Secretary to carry out the
2 project at a total cost of \$222,000,000.

3 **SEC. 3019. MAGPIE CREEK, CALIFORNIA.**

4 (a) IN GENERAL.—The project for Magpie Creek,
5 California, authorized under section 205 of the Flood Con-
6 trol Act of 1948 (33 U.S.C. 701s), is modified to direct
7 the Secretary to apply the cost-sharing requirements of
8 section 103(b) of the Water Resources Development Act
9 of 1986 (100 Stat. 4085) for the portion of the project
10 consisting of land acquisition to preserve and enhance ex-
11 isting floodwater storage.

12 (b) CREDIT.—The Secretary shall credit toward the
13 non-Federal share of the cost of the project the cost of
14 planning and design work carried out by the non-Federal
15 interest before the date of the partnership agreement for
16 the project if the Secretary determines that the work is
17 integral to the project.

18 **SEC. 3020. PACIFIC FLYWAY CENTER, SACRAMENTO, CALI-
19 FORNIA.**

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

1 **SEC. 3021. PINOLE CREEK, CALIFORNIA.**

2 The project for improvement of the quality of the en-
3 vironment, Pinole Creek Phase I, California, being carried
4 out under section 1135 of the Water Resources Develop-
5 ment Act of 1986 (33 U.S.C. 2309a), is modified to direct
6 the Secretary to credit toward the non-Federal share of
7 the cost of the project the cost of work carried out by
8 the non-Federal interest before the date of the partnership
9 agreement for the project if the Secretary determines that
10 the work is integral to the project.

11 **SEC. 3022. PRADO DAM, CALIFORNIA.**

12 Upon completion of the modifications to the Prado
13 Dam element of the project for flood control, Santa Ana
14 River Mainstem, California, authorized by section 401(a)
15 of the Water Resources Development Act of 1986 (100
16 Stat. 4113), the Memorandum of Agreement for the Oper-
17 ation for Prado Dam for Seasonal Additional Water Con-
18 servation between the Department of the Army and the
19 Orange County Water District (including all the condi-
20 tions and stipulations in the memorandum) shall remain
21 in effect for volumes of water made available prior to such
22 modifications.

23 **SEC. 3023. SACRAMENTO AND AMERICAN RIVERS FLOOD**
24 **CONTROL, CALIFORNIA.**

25 (a) DETERMINATION OF FEDERAL COSTS PAID BY
26 NON-FEDERAL INTEREST.—

1 (1) FEDERAL COSTS PAID BY NON-FEDERAL IN-
2 TEREST.—The Secretary shall determine the amount
3 paid by the Sacramento Area Flood Control Agency
4 towards the Federal share of the cost of the project
5 for the Natomas levee features authorized by section
6 9159(b) of the Department of Defense Appropria-
7 tions Act, 1993 (106 Stat. 1944) of the project for
8 flood control and recreation, Sacramento and Amer-
9 ican Rivers, California.

10 (2) REIMBURSEMENTS TO NON-FEDERAL IN-
11 TEREST.—The Secretary shall determine the amount
12 of reimbursements paid to the Sacramento Flood
13 Control Agency for payment of the Federal share of
14 the cost of the project referred to in paragraph (1).

15 (3) DETERMINATION OF FEDERAL SHARE.—In
16 carrying out paragraph (1), the Secretary shall in-
17 clude in the total cost of the project all costs of the
18 following activities that the Secretary determines to
19 be integral to the project:

20 (A) Planning, engineering, and construc-
21 tion.

22 (B) Acquisition of project lands, ease-
23 ments, and rights-of-way.

24 (C) Performance of relocations.

1 (D) Environmental mitigation for all
2 project elements.

3 (b) CREDIT.—

4 (1) IN GENERAL.—The Secretary shall credit
5 toward the non-Federal share of the cost of any
6 flood damage reduction project, authorized before
7 the date of enactment of this Act, for which the non-
8 Federal interest is the Sacramento Area Flood Con-
9 trol Agency an amount equal to the total amount de-
10 termined under subsection (a)(1) reduced by the
11 amount determined under subsection (a)(2).

12 (2) ALLOCATION OF CREDIT.—The Secretary
13 shall allocate the amount to be credited under para-
14 graph (1) toward the non-Federal share of such
15 projects as are requested by the Sacramento Area
16 Flood Control Agency.

17 **SEC. 3024. SACRAMENTO DEEP WATER SHIP CHANNEL,**
18 **CALIFORNIA.**

19 The project for navigation, Sacramento Deep Water
20 Ship Channel, California, authorized by section 202(a) of
21 the Water Resources Development Act of 1986 (100 Stat.
22 4092), is modified to direct the Secretary to credit toward
23 the non-Federal share of the cost of the project the cost
24 of planning and design work carried out by the non-Fed-
25 eral interest before the date of the partnership agreement

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

3 **SEC. 3025. SACRAMENTO RIVER, GLENN-COLUSA, CALI-**
4 **FORNIA.**

5 The project for flood control, Sacramento River, Cali-
6 fornia, authorized by section 2 of the Act entitled “An Act
7 to provide for the control of the floods of the Mississippi
8 River and of the Sacramento River, California, and for
9 other purposes”, approved March 1, 1917 (39 Stat. 949),
10 and modified by section 102 of the Energy and Water De-
11 velopment Appropriations Act, 1990 (103 Stat. 649), sec-
12 tion 301(b)(3) of the Water Resources Development Act
13 of 1996 (110 Stat. 3110), title I of the Energy and Water
14 Development Appropriations Act, 1999 (112 Stat. 1841),
15 and section 305 of the Water Resources Development Act
16 of 1999 (113 Stat. 299), is further modified to direct the
17 Secretary to credit the non-Federal interest up to
18 \$4,000,000 toward the non-Federal share of the cost of
19 the project for costs incurred by the non-Federal interest
20 in carrying out activities (including the provision of lands,
21 easements, rights-of-way, relocations, and dredged mate-
22 rial disposal areas) associated with environmental compli-
23 ance for the project if the Secretary determines that the
24 activities are integral to the project.

1 **SEC. 3026. SANTA CRUZ HARBOR, CALIFORNIA.**

2 The project of navigation, Santa Cruz Harbor, Cali-
3 fornia, authorized by section 101 of the River and Harbor
4 Act of 1958 (72 Stat. 300) and modified by section 809
5 of the Water Resources Development Act of 1986 (100
6 Stat. 4168) and section 526 of the Water Resources De-
7 velopment Act of 1999 (113 Stat. 346), is modified to di-
8 rect the Secretary—

9 (1) to renegotiate the memorandum of agree-
10 ment with the non-Federal interest to increase the
11 annual payment to reflect the updated cost of oper-
12 ation and maintenance that is the Federal and non-
13 Federal share as provided by law based on the
14 project purpose; and

15 (2) to revise the memorandum of agreement to
16 include terms that revise such payments for infla-
17 tion.

18 **SEC. 3027. SEVEN OAKS DAM, CALIFORNIA.**

19 The project for flood control, Santa Ana Mainstem,
20 authorized by section 401(a) of the Water Resources De-
21 velopment Act of 1986 (100 Stat. 4113) and modified by
22 section 104 of the Energy and Water Development Appro-
23 priations Act, 1988 (101 Stat. 1329–11), section 102(e)
24 of the Water Resources Development Act of 1990 (104
25 Stat. 4611), and section 311 of the Water Resources De-
26 velopment Act of 1996 (110 Stat. 3713), is further modi-

1 fied to direct the Secretary to conduct a study for the re-
2 allocation of water storage at the Seven Oaks Dam, Cali-
3 fornia, for water conservation.

4 **SEC. 3028. UPPER GUADALUPE RIVER, CALIFORNIA.**

5 The project for flood damage reduction and recre-
6 ation, Upper Guadalupe River, California, described as the
7 Bypass Channel Plan of the Chief of Engineers dated Au-
8 gust 19, 1998, authorized by section 101(a)(9) of the
9 Water Resources Development Act of 1999 (113 Stat.
10 275), is modified to authorize the Secretary to construct
11 the project, at a total cost of \$212,100,000, with an esti-
12 mated Federal cost of \$106,050,000, and an estimated
13 non-Federal cost of \$106,050,000. The non-Federal share
14 of the cost of the project shall be subject to section
15 103(a)(3) of the Water Resources Development Act of
16 1986 (33 U.S.C. 2213(a)(3)).

17 **SEC. 3029. WALNUT CREEK CHANNEL, CALIFORNIA.**

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

1 integral to the project and to authorize the Secretary to
2 consider national ecosystem restoration benefits in deter-
3 mining the Federal interest in the project.

4 **SEC. 3030. WILDCAT/SAN PABLO CREEK PHASE I, CALI-**
5 **FORNIA.**

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

15 **SEC. 3031. WILDCAT/SAN PABLO CREEK PHASE II, CALI-**
16 **FORNIA.**

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

1 Secretary to consider national ecosystem restoration bene-
2 fits in determining the Federal interest in the project.

3 **SEC. 3032. YUBA RIVER BASIN PROJECT, CALIFORNIA.**

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

8 (1) to authorize the Secretary to construct the
9 project at a total cost of \$107,700,000, with an esti-
10 mated Federal cost of \$70,000,000 and an esti-
11 mated non-Federal cost of \$37,700,000; and

12 (2) to direct the Secretary to credit toward the
13 non-Federal share of the cost of the project the cost
14 of work carried out by the non-Federal interest be-
15 fore the date of the partnership agreement for the
16 project if the Secretary determines that the work is
17 integral to the project.

18 **SEC. 3033. SOUTH PLATTE RIVER BASIN, COLORADO.**

19 Section 808 of the Water Resources Development Act
20 of 1986 (100 Stat. 4168) is amended by striking “agri-
21 culture,” and inserting “agriculture, environmental res-
22 toration,”.

1 **SEC. 3034. INTRACOASTAL WATERWAY, DELAWARE RIVER**
2 **TO CHESAPEAKE BAY, DELAWARE AND MARY-**
3 **LAND.**

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

10 **SEC. 3035. BREVARD COUNTY, FLORIDA.**

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

15 (1) to direct the Secretary to establish the
16 reach of the project as the reach between the Flor-
17 ida department of environmental protection monu-
18 ments 75.4 to 118.3, a distance of 7.6 miles; and

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

23 (b) CREDIT.—Section 310 of the Water Resources
24 Development Act of 1999 (113 Stat. 301) is amended by
25 adding at the end the following:

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

9 **SEC. 3036. BROWARD COUNTY AND HILLSBORO INLET,**
10 **FLORIDA.**

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

22 **SEC. 3037. CANAVERAL HARBOR, FLORIDA.**

23 In carrying out the project for navigation, Canaveral
24 Harbor, Florida, authorized by section 101 of the River

1 and Harbor Act of 1962 (76 Stat. 1174), the Secretary
2 shall construct a sediment trap.

3 **SEC. 3038. GASPARILLA AND ESTERO ISLANDS, FLORIDA.**

4 The project for shore protection, Gasparilla and
5 Estero Island segments, Lee County, Florida, authorized
6 under section 201 of the Flood Control Act of 1965 (79
7 Stat. 1073) by Senate Resolution dated December 17,
8 1970, and by House Resolution dated December 15, 1970,
9 and modified by section 309 of the Water Resources De-
10 velopment Act of 2000 (114 Stat. 2602), is further modi-
11 fied to direct the Secretary to credit toward the non-Fed-
12 eral share of the cost of the project the cost of work car-
13 ried out by the non-Federal interest before the date of the
14 partnership agreement for the project if the Secretary de-
15 termines that the work is integral to the project.

16 **SEC. 3039. JACKSONVILLE HARBOR, FLORIDA.**

17 (a) IN GENERAL.—The project for navigation, Jack-
18 sonville Harbor, Florida, authorized by section 101(a)(17)
19 of the Water Resources Development Act of 1999 (113
20 Stat. 276), is modified to authorize the Secretary to ex-
21 tend the navigation features in accordance with the Report
22 of the Chief of Engineers, dated July 22, 2003, at a total
23 cost of \$14,658,000, with an estimated Federal cost of
24 \$9,636,000 and an estimated non-Federal cost of
25 \$5,022,000.

1 (b) GENERAL REEVALUATION REPORTS.—The non-
2 Federal share of the cost of the general reevaluation re-
3 port that resulted in the report of the Chief of Engineers
4 for the project and the non-Federal share of the cost of
5 the general reevaluation report for Jacksonville Harbor,
6 Florida, being conducted on June 1, 2005, shall each be
7 the same percentage as the non-Federal share of the cost
8 of construction of the project.

9 (c) AGREEMENT.—The Secretary shall enter into new
10 partnership agreements with the non-Federal interest to
11 reflect the cost sharing required by subsection (b).

12 **SEC. 3040. LIDO KEY BEACH, SARASOTA, FLORIDA.**

13 (a) IN GENERAL.—The project for shore protection,
14 Lido Key Beach, Sarasota, Florida, authorized by section
15 101 of the River and Harbor Act of 1970 (84 Stat. 1819),
16 deauthorized under section 1001(b) of the Water Re-
17 sources Development Act of 1986 (33 U.S.C. 579a(b)),
18 and reauthorized by section 364(2)(A) of the Water Re-
19 sources Development Act of 1999 (113 Stat. 313), is
20 modified to direct the Secretary to construct the project
21 substantially in accordance with the report of the Chief
22 of Engineers dated December 22, 2004, at a total cost
23 of \$14,809,000, with an estimated Federal cost of
24 \$9,088,000 and an estimated non-Federal cost of
25 \$5,721,000, and at an estimated total cost of \$58,635,000

1 for periodic nourishment over the 50-year life of the
2 project.

3 (b) CONSTRUCTION OF SHORELINE PROTECTION
4 PROJECTS BY NON-FEDERAL INTERESTS.—The Sec-
5 retary shall enter into a partnership agreement with the
6 non-Federal sponsor in accordance with section 206 of the
7 Water Resources Development Act of 1992 (33 U.S.C.
8 426i–1) for the modified project.

9 **SEC. 3041. MIAMI HARBOR, FLORIDA.**

10 The project for navigation, Miami Harbor Channel,
11 Florida, authorized by section 101(a)(9) of the Water Re-
12 sources Development Act of 1990 (104 Stat. 4606) and
13 modified by section 315 of the Water Resources Develop-
14 ment Act of 1999 (113 Stat. 302), is further modified—

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

21 (2) to direct the Secretary to reimburse the
22 non-Federal interest for the Federal share of the
23 costs the non-Federal interest has incurred in con-
24 struction of the project (including environmental
25 mitigation costs and costs incurred for incomplete

1 usable increments of the project) in accordance with
2 section 204 of the Water Resources Development
3 Act of 1986 (33 U.S.C. 2232).

4 **SEC. 3042. PEANUT ISLAND, FLORIDA.**

5 The maximum amount of Federal funds that may be
6 expended for the project for improvement of the quality
7 of the environment, Peanut Island, Palm Beach County,
8 Florida, being carried out under section 1135 of the Water
9 Resources Development Act of 1986 (33 U.S.C. 2309a)
10 shall be \$9,750,000.

11 **SEC. 3043. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.**

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

21 **SEC. 3044. TAMPA HARBOR CUT B, FLORIDA.**

22 (a) IN GENERAL.—The project for navigation,
23 Tampa Harbor, Florida, authorized by section 101 of the
24 River and Harbor Act of 1970 (84 Stat. 1818), is modified
25 to authorize the Secretary to construct passing lanes in

1 an area approximately 3.5 miles long and centered on
2 Tampa Harbor Cut B if the Secretary determines that
3 such improvements are necessary for navigation safety.

4 (b) GENERAL REEVALUATION REPORT.—The non-
5 Federal share of the cost of the general reevaluation re-
6 port for Tampa Harbor, Florida, being conducted on June
7 1, 2005, shall be the same percentage as the non-Federal
8 share of the cost of construction of the project.

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

12 **SEC. 3045. ALLATOONA LAKE, GEORGIA.**

13 (a) LAND EXCHANGE.—

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

23 (2) TERMS AND CONDITIONS.—The basis for all
24 land exchanges under this subsection shall be a fair

1 market appraisal so that lands exchanged are of
2 equal value.

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

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

13 (2) TERMS AND CONDITIONS.—Land sales and
14 purchases to be conducted under this subsection
15 shall be subject to the following terms and condi-
16 tions:

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

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

23 (C) The purchasers shall share in the asso-
24 ciated environmental and real estate costs, to
25 include surveys and associated fees in accord-

1 ance with the memorandum referred to in sub-
2 section (a)(1).

3 (D) Any other conditions that the Sec-
4 retary may impose.

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

7 **SEC. 3046. LATHAM RIVER, GLYNN COUNTY, GEORGIA.**

8 The maximum amount of Federal funds that may be
9 expended for the project for improvement of the quality
10 of the environment, Latham River, Glynn County, Geor-
11 gia, being carried out under section 1135 of the Water
12 Resources Development Act of 1986 (33 U.S.C. 2309a)
13 shall be \$6,175,000.

14 **SEC. 3047. DWORSHAK DAM AND RESERVOIR IMPROVE-**
15 **MENTS, IDAHO.**

16 The Secretary may carry out improvements to rec-
17 reational facilities at the Dworshak Dam and Reservoir,
18 North Fork, Clearwater River, Idaho, authorized by sec-
19 tion 203 of the Flood Control Act of 1962 (76 Stat. 1193),
20 to accommodate lower pool levels.

21 **SEC. 3048. BEARDSTOWN COMMUNITY BOAT HARBOR,**
22 **BEARDSTOWN, ILLINOIS.**

23 (a) IN GENERAL.—The project for navigation,
24 Muscooten Bay, Illinois River, Beardstown Community
25 Boat Harbor, Beardstown, Illinois, constructed under sec-

1 tion 107 of the River and Harbor Act of 1960 (33 U.S.C.
2 577), is modified—

3 (1) to include the channel between the harbor
4 and the Illinois River; and

5 (2) to direct the Secretary to enter into a part-
6 nership agreement with the city of Beardstown to
7 replace the local cooperation agreement dated Au-
8 gust 18, 1983, with the Beardstown Community
9 Park District.

10 (b) **TERMS OF PARTNERSHIP AGREEMENT.**—The
11 partnership agreement referred to in subsection (a) shall
12 include the same rights and responsibilities as the local
13 cooperation agreement dated August 18, 1983, changing
14 only the identity of the non-Federal sponsor.

15 (c) **MAINTENANCE.**—Following execution of the part-
16 nership agreement referred to in subsection (a), the Sec-
17 retary may carry out maintenance of the project referred
18 to in subsection (a) on an annual basis.

19 **SEC. 3049. CACHE RIVER LEVEE, ILLINOIS.**

20 The Cache River Levee portion of the project for
21 flood control, Cache River, Illinois, authorized by the Act
22 of June 28, 1938 (52 Stat. 1215), is modified to add envi-
23 ronmental restoration as a project purpose.

1 **SEC. 3050. CHICAGO RIVER, ILLINOIS.**

2 The navigation channel for the North Branch Canal
3 portion of the Chicago River, authorized by the first sec-
4 tion of the Rivers and Harbors Appropriations Act of
5 March 3, 1899 (30 Stat. 1129), extending from 100 feet
6 downstream of the Halsted Street Bridge to 100 feet up-
7 stream of the Division Street Bridge is modified to be no
8 wider than 66 feet.

9 **SEC. 3051. CHICAGO SANITARY AND SHIP CANAL, ILLINOIS.**

10 (a) **EXISTING BARRIER.**—The Secretary shall up-
11 grade and make permanent, at Federal expense, the exist-
12 ing Chicago Sanitary and Ship Canal Dispersal Barrier
13 Chicago, Illinois, constructed as a demonstration project
14 under section 1202(i)(3) of the Nonindigenous Aquatic
15 Nuisance Prevention and Control Act of 1990 (16 U.S.C.
16 4722(i)(3)).

17 (b) **OPERATION AND MAINTENANCE.**—The barrier
18 referred to in subsection (a) and the barrier in the Chicago
19 Sanitary and Ship Canal being constructed under section
20 1135 of the Water Resources Development Act of 1986
21 (33 U.S.C. 2309a) shall be operated and maintained, at
22 Federal expense, as a system in a manner to optimize ef-
23 fectiveness. Operation and maintenance includes inves-
24 tigating and eliminating potential pathways that may
25 allow aquatic species in the Des Plaines River and Illinois

1 and Michigan Canal to bypass the barriers in the Chicago
2 Sanitary and Ship Canal.

3 (c) FEASIBILITY STUDY.—The Secretary, in con-
4 sultation with appropriate Federal, State, local, and non-
5 governmental entities, shall conduct a feasibility study, at
6 Federal expense, of the range of options and technologies
7 available to prevent the spread of aquatic species between
8 the Great Lakes and Mississippi River Basins through the
9 Chicago Sanitary and Ship Canal and other pathways.

10 **SEC. 3052. EMIQUON, ILLINOIS.**

11 (a) MAXIMUM AMOUNT.—The maximum amount of
12 Federal funds that may be expended for the project for
13 aquatic ecosystem restoration, Emiquon, Illinois, being
14 carried out under section 206 of the Water Resources De-
15 velopment Act of 1996 (33 U.S.C. 2330), shall be
16 \$7,500,000.

17 (b) LIMITATION.—Nothing in this section shall affect
18 the eligibility of the project for emergency repair assist-
19 ance under section 5(a) of the Act entitled “An Act au-
20 thorizing the construction of certain public works on rivers
21 and harbors for flood control, and for other purposes”,
22 approved August 18, 1941 (33 U.S.C. 701n).

23 **SEC. 3053. LASALLE, ILLINOIS.**

24 In carrying out section 312 of the Water Resources
25 Development Act of 1990 (104 Stat. 4639–4640), the Sec-

1 retary shall give priority to work in the vicinity of LaSalle,
2 Illinois, on the Illinois and Michigan Canal.

3 **SEC. 3054. SPUNKY BOTTOMS, ILLINOIS.**

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

9 (b) MAXIMUM AMOUNT.—The maximum amount of
10 Federal funds that may be expended for the project for
11 improvement of the quality of the environment, Spunky
12 Bottoms, Illinois, being carried out under section 1135 of
13 the Water Resources Development Act of 1986 (33 U.S.C.
14 2309a), shall be \$7,500,000.

15 (c) LIMITATION.—Nothing in this section shall affect
16 the eligibility of the project for emergency repair assist-
17 ance under section 5(a) of the Act entitled “An Act au-
18 thorizing the construction of certain public works on rivers
19 and harbors for flood control, and for other purposes”,
20 approved August 18, 1941 (33 U.S.C. 701n).

21 **SEC. 3055. FORT WAYNE AND VICINITY, INDIANA.**

22 The project for flood control Fort Wayne, St. Mary’s
23 and Maumee Rivers, Indiana, authorized by section
24 101(a)(11) of the Water Resources Development Act of
25 1990 (104 Stat. 4604), is modified—

1 (1) to direct the Secretary to provide a 100-
2 year level of flood protection at the Berry-Thieme,
3 Park-Thompson, Woodhurst, and Tillman sites
4 along the St. Mary's River, Fort Wayne and vicinity,
5 Indiana, at a total cost of \$5,300,000; and

6 (2) to allow the non-Federal interest to partici-
7 pate in the financing of the project in accordance
8 with section 903(c) of the Water Resources Develop-
9 ment Act of 1986 (100 Stat. 4184) to the extent
10 that the Secretary's evaluation indicates that apply-
11 ing such section is necessary to implement the
12 project.

13 **SEC. 3056. KOONTZ LAKE, INDIANA.**

14 The project for aquatic ecosystem restoration, Koontz
15 Lake, Indiana, being carried out under section 206 of the
16 Water Resources Development Act of 1996 (33 U.S.C.
17 2330) and modified by section 520 of the Water Resources
18 Development Act of 2000 (114 Stat. 2655), is further
19 modified to direct the Secretary to seek to reduce the cost
20 of the project by using innovative technologies and cost
21 reduction measures determined from a review of non-Fed-
22 eral lake dredging projects in the vicinity of Koontz Lake.

23 **SEC. 3057. LITTLE CALUMET RIVER, INDIANA.**

24 The project for flood control, Little Calumet River,
25 Indiana, authorized by section 401(a) of the Water Re-

1 sources Development Act of 1986 (100 Stat. 4115), is
2 modified to authorize the Secretary to carry out the
3 project in accordance with the postauthorization change
4 report dated August 2000, at a total cost of
5 \$198,000,000, with an estimated Federal cost of
6 \$148,500,000 and an estimated non-Federal cost of
7 \$49,500,000.

8 **SEC. 3058. WHITE RIVER, INDIANA.**

9 The project for flood control, Indianapolis on West
10 Fork of White River, Indiana, authorized by section 5 of
11 the Act entitled “An Act authorizing the construction of
12 certain public works on rivers and harbors for flood con-
13 trol, and for other purposes”, approved June 22, 1936 (49
14 Stat. 1586), and modified by section 323 of the Water
15 Resources Development Act of 1996 (110 Stat. 3716) and
16 section 322 of the Water Resources Development Act of
17 1999 (113 Stat. 303–304), is further modified—

18 (1) to authorize the Secretary to undertake the
19 riverfront alterations described in the Central Indi-
20 anapolis Waterfront Concept Plan, dated February
21 1994, for the Fall Creek Reach feature at a total
22 cost of \$28,545,000; and

23 (2) to direct the Secretary to credit toward the
24 non-Federal share of the cost of the project the cost
25 of planning, design, and construction work carried

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

5 **SEC. 3059. DES MOINES RIVER AND GREENBELT, IOWA.**

6 The project for the Des Moines Recreational River
7 and Greenbelt, Iowa, authorized by Public Law 99–88 and
8 modified by section 604 of the Water Resources Develop-
9 ment Act of 1986 (100 Stat. 4153), is modified to include
10 enhanced public access and recreational enhancements, at
11 a Federal cost of \$3,000,000.

12 **SEC. 3060. PRESTONSBURG, KENTUCKY.**

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

21 **SEC. 3061. AMITE RIVER AND TRIBUTARIES, LOUISIANA,**
22 **EAST BATON ROUGE PARISH WATERSHED.**

23 The project for flood damage reduction and recre-
24 ation, Amite River and Tributaries, Louisiana, East
25 Baton Rouge Parish Watershed, authorized by section

1 101(a)(21) of the Water Resources Development Act of
2 1999 (113 Stat. 277) and modified by section 116 of divi-
3 sion D of Public Law 108–7 (117 Stat. 140), is further
4 modified—

5 (1) to direct the Secretary to carry out the
6 project with the cost sharing for the project deter-
7 mined in accordance with section 103(a) of the
8 Water Resources Development Act of 1986 (33
9 U.S.C. 2213(a)), as in effect on October 11, 1996;

10 (2) to authorize the Secretary to construct the
11 project at a total cost of \$178,000,000; and

12 (3) to direct the Secretary to credit toward the
13 non-Federal share of the cost of the project the cost
14 of work carried out by the non-Federal interest be-
15 fore the date of the partnership agreement for the
16 project if the Secretary determines that the work is
17 integral to the project.

18 **SEC. 3062. ATCHAFALAYA BASIN, LOUISIANA.**

19 (a) IN GENERAL.—Section 315(a)(1) of the Water
20 Resources Development Act of 2000 (114 Stat. 2603–
21 2604) is amended to read as follows:

22 “(1) is authorized to study, design, construct,
23 operate, and maintain, at Federal expense, a Type
24 A Regional Visitor Center in the vicinity of Morgan
25 City, Louisiana, in consultation with the State of

1 Louisiana, to provide information to the public on
2 the Atchafalaya River system and other associated
3 waterways that have influenced surrounding commu-
4 nities, and national and local water resources devel-
5 opment of the Army Corps of Engineers in South
6 Central Louisiana; and”.

7 (b) TECHNICAL CORRECTION.—Section 315(b) of
8 such Act is amended by striking “(a)” and inserting
9 “(a)(2)”.

10 (c) DONATIONS.—Section 315 of such Act is amend-
11 ed by adding at the end the following:

12 “(c) DONATIONS.—In carrying out subsection (a)(1),
13 the Mississippi River Commission is authorized to accept
14 the donation of cash, funds, lands, materials, and services
15 from non-Federal governmental entities and nonprofit cor-
16 porations.”.

17 **SEC. 3063. BAYOU PLAQUEMINE, LOUISIANA.**

18 The project for the improvement of the quality of the
19 environment, Bayou Plaquemine, Louisiana, being carried
20 out under section 1135 of the Water Resources Develop-
21 ment Act of 1986 (33 U.S.C. 2309(a)), is modified to di-
22 rect the Secretary to credit toward the non-Federal share
23 of the cost of the project the cost of work carried out by
24 the non-Federal interest before the date of the partnership

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

3 **SEC. 3064. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOU-**
4 **ISIANA.**

5 The public access feature of the Atchafalaya Basin
6 Floodway System project, Louisiana, authorized by sec-
7 tion 601(a) of the Water Resources Development Act
8 1986 (100 Stat. 4142), is modified to authorize the Sec-
9 retary to acquire from willing sellers the fee interest, ex-
10 clusive of oil, gas, and minerals, of an additional 20,000
11 acres of land within the Lower Atchafalaya Basin
12 Floodway for the public access feature of the Atchafalaya
13 Basin Floodway System, to enhance fish and wildlife re-
14 sources, at a total cost of \$4,000,000.

15 **SEC. 3065. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI**
16 **RIVER TO SHREVEPORT, LOUISIANA.**

17 The project for mitigation of fish and wildlife losses,
18 J. Bennett Johnston Waterway, Mississippi River to
19 Shreveport, Louisiana, authorized by section 601(a) of the
20 Water Resources Development Act of 1986 (100 Stat.
21 4142) and modified by section 4(h) of the Water Re-
22 sources Development Act of 1988 (102 Stat. 4016), sec-
23 tion 102(p) of the Water Resources Development Act of
24 1990 (104 Stat. 4613), section 301(b)(7) of the Water
25 Resources Development Act of 1996 (110 Stat. 3710), and

1 section 316 of the Water Resources Development Act of
2 2000 (114 Stat. 2572), is further modified—

3 (1) to authorize the purchase and reforestation of
4 lands that have been cleared or converted to agricul-
5 tural uses; and

6 (2) to incorporate current wildlife and forestry
7 management practices for the purpose of improving
8 species diversity on mitigation lands that meet Fed-
9 eral and State of Louisiana habitat goals and objec-
10 tives.

11 **SEC. 3066. MISSISSIPPI DELTA REGION, LOUISIANA.**

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

23 **SEC. 3067. NEW ORLEANS TO VENICE, LOUISIANA.**

24 The New Orleans to Venice, Louisiana, project for
25 hurricane protection, authorized by section 203 of the

1 Flood Control Act of 1962 (76 Stat. 1184), is modified
2 to authorize the Secretary to carry out the work on the
3 St. Jude to City Price, Upper Reach A back levee. The
4 Federal share of the cost of such work shall be 70 percent.

5 **SEC. 3068. WEST BANK OF THE MISSISSIPPI RIVER (EAST**
6 **OF HARVEY CANAL), LOUISIANA.**

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

9 (1) in subsection (a)—

10 (A) by striking “operation and mainte-
11 nance” and inserting “operation, maintenance,
12 rehabilitation, repair, and replacement”; and

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

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

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

18 **SEC. 3069. CAMP ELLIS, SACO, MAINE.**

19 The maximum amount of Federal funds that may be
20 expended for the project being carried out under section
21 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i)
22 for the mitigation of shore damages attributable to the
23 project for navigation, Camp Ellis, Saco, Maine, shall be
24 \$25,000,000.

1 **SEC. 3070. UNION RIVER, MAINE.**

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

13 **SEC. 3071. GWYNNS FALLS WATERSHED, BALTIMORE,**
14 **MARYLAND.**

15 (a) IN GENERAL.—The Secretary shall carry out the
16 project for ecosystem restoration, Gwynns Falls, Mary-
17 land, in accordance with the Baltimore Metropolitan
18 Water Resources Gwynns Falls Watershed Study-Draft
19 Feasibility Report and Integrated Environmental Assess-
20 ment prepared by the Corps of Engineers and the city of
21 Baltimore, Maryland, dated April 2004.

22 (b) SPECIAL RULE FOR GWYNNS FALLS, MARY-
23 LAND.—The report on the project for environmental res-
24 toration at Gwynns Falls, Maryland, shall be treated as
25 being consistent and in compliance with the consent decree
26 entered into between the United States and the Mayor and

1 City Council of Baltimore, Maryland, filed with the United
2 States District Court for the District of Maryland on April
3 26, 2002.

4 (c) REPEAL.—Section 123 of Public Law 108–137
5 (117 Stat. 1837) is repealed.

6 **SEC. 3072. BOSTON HARBOR, MASSACHUSETTS.**

7 The project for navigation, Boston Harbor, Massa-
8 chusetts, authorized by section 101(a)(13) of the Water
9 Resources Development Act of 1990 (104 Stat. 4607), is
10 modified to provide that no funds may be expended for
11 the dredging of Chelsea Creek until the city of Boston and
12 the United States Coast Guard complete the replacement
13 of the Chelsea Street Bridge, as identified in the limited
14 reevaluation report for the project dated June 1996.

15 **SEC. 3073. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.**

16
17 (a) IN GENERAL.—The project for emergency
18 streambank and shoreline protection, Detroit River Shore-
19 line, Detroit, Michigan, being carried out under section 14
20 of the Flood Control Act of 1946 (33 U.S.C. 701r), is
21 modified to include measures to enhance public access.

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

1 **SEC. 3074. ST. JOSEPH HARBOR, MICHIGAN.**

2 The Secretary shall expedite development of the
3 dredged material management plan for the project for
4 navigation St. Joseph Harbor, Michigan, authorized by
5 section 101 of the River and Harbor Act of 1958 (72 Stat.
6 299).

7 **SEC. 3075. SAULT SAINTE MARIE, MICHIGAN.**

8 (a) IN GENERAL.—The text of section 1149 of the
9 Water Resources Development Act of 1986 (100 Stat.
10 4254) is amended to read as follows:

11 “The Secretary shall construct at Federal expense a
12 second lock, of the same dimensions as the existing Poe
13 Lock, adjacent to the existing lock at Sault Sainte Marie,
14 Michigan, generally in accordance with the report of the
15 Board of Engineers for Rivers and Harbors, dated May
16 19, 1986, and the limited reevaluation report dated Feb-
17 ruary 2004 at a total cost of \$341,714,000.”.

18 (b) CONFORMING REPEALS.—The following
19 provisions are repealed:

20 (1) Section 107(a)(8) of the Water Resources
21 Development Act of 1990 (104 Stat. 4620).

22 (2) Section 330 of the Water Resources Devel-
23 opment Act of 1996 (110 Stat. 3717–3718).

24 (3) Section 330 of the Water Resources Devel-
25 opment Act of 1999 (113 Stat. 305).

1 **SEC. 3076. ADA, MINNESOTA.**

2 (a) IN GENERAL.—The project for flood damage re-
3 duction, Wild Rice River, Ada, Minnesota, being carried
4 out under section 205 of the Flood Control Act of 1948
5 (33 U.S.C. 701s), is modified to authorize the Secretary
6 to consider national ecosystem restoration benefits in de-
7 termining the Federal interest in the project.

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

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

20 **SEC. 3077. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.**

21 (a) IN GENERAL.—The project for navigation, Du-
22 luth Harbor, McQuade Road, Minnesota, being carried out
23 under section 107 of the River and Harbor Act of 1960
24 (33 U.S.C. 577) and modified by section 321 of the Water
25 Resources Development Act of 2000 (114 Stat. 2605), is
26 further modified to authorize the Secretary to provide

1 public access and recreational facilities as generally de-
2 scribed in the Detailed Project Report and Environmental
3 Assessment, McQuade Road Harbor of Refuge, Duluth,
4 Minnesota, dated August 1999.

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

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

13 **SEC. 3078. GRAND PORTAGE HARBOR, MINNESOTA.**

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

23 **SEC. 3079. GRANITE FALLS, MINNESOTA.**

24 (a) IN GENERAL.—The Secretary is directed to im-
25 plement under section 205 of the Flood Control Act of

1 1948 (33 U.S.C. 701s) the locally preferred plan for flood
2 damage reduction, Granite Falls, Minnesota, substantially
3 in accordance with the detailed project report dated 2002,
4 at a total cost of \$12,000,000, with an estimated Federal
5 cost of \$8,000,000 and an estimated non-Federal cost of
6 \$4,000,000.

7 (b) PROJECT FINANCING.—In evaluating and imple-
8 menting the project under this section, the Secretary shall
9 allow the non-Federal interests to participate in the fi-
10 nancing of the project in accordance with section 903(c)
11 of the Water Resources Development Act of 1986 (100
12 Stat. 4184), to the extent that the detailed project report
13 evaluation indicates that applying such section is nec-
14 essary to implement the project.

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

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

1 **SEC. 3080. KNIFE RIVER HARBOR, MINNESOTA.**

2 The project for navigation, Harbor at Knife River,
3 Minnesota, authorized by section 2 of the Rivers and Har-
4 bors Act of March 2, 1945 (59 Stat. 19), is modified to
5 direct the Secretary to develop a final design and prepare
6 plans and specifications to correct the harbor entrance and
7 mooring conditions at the project.

8 **SEC. 3081. RED LAKE RIVER, MINNESOTA.**

9 The project for flood control, Red Lake River,
10 Crookston, Minnesota, authorized by section 101(a)(23) of
11 the Water Resources Development Act of 1999 (113 Stat.
12 278), is modified to include flood protection for the adja-
13 cent and interconnected areas generally known as the
14 Sampson and Chase/Loring neighborhoods, in accordance
15 with the Feasibility Report Supplement, Local Flood Pro-
16 tection, Crookston, Minnesota, at a total cost of
17 \$17,000,000, with an estimated Federal cost of
18 \$11,000,000 and an estimated non-Federal cost of
19 \$6,000,000.

20 **SEC. 3082. SILVER BAY, MINNESOTA.**

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

1 **SEC. 3083. TACONITE HARBOR, MINNESOTA.**

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

7 **SEC. 3084. TWO HARBORS, MINNESOTA.**

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

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

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

22 **SEC. 3085. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.**

23 The project for ecosystem restoration, Deer Island,
24 Harrison County, Mississippi, being carried out under sec-
25 tion 204 of the Water Resources Development Act of 1992
26 (33 U.S.C. 2326), is modified to authorize the non-Fed-

1 eral interest to provide any portion of the non-Federal
2 share of the cost of the project in the form of in-kind serv-
3 ices and materials.

4 **SEC. 3086. PEARL RIVER BASIN, MISSISSIPPI.**

5 (a) IN GENERAL.—The Secretary shall complete a
6 feasibility study for the project for flood damage reduc-
7 tion, Pearl River Watershed, Mississippi.

8 (b) COMPARISON OF ALTERNATIVES.—The feasibility
9 study shall identify both the plan that maximizes national
10 economic development benefits and the locally preferred
11 plan and shall compare the level of flood damage reduction
12 provided by each plan to that portion of Jackson, Mis-
13 sissippi, located below the Ross Barnett Reservoir Dam.

14 (c) RECOMMENDED PLAN.—If the Secretary deter-
15 mines that the locally preferred plan provides a level of
16 flood damage reduction that is equal to or greater than
17 the level of flood damage reduction provided by the na-
18 tional economic development plan, and the locally pre-
19 ferred plan is technically feasible and environmentally pro-
20 tective, the Secretary shall recommend construction of the
21 locally preferred plan.

22 (d) EVALUATION OF PROJECT COST.—For the pur-
23 poses of determining compliance with the first section of
24 the Flood Control Act of June 22, 1936 (33 U.S.C. 701a),
25 the Secretary shall consider only the costs of the national

1 economic development plan, and shall exclude incremental
2 costs associated with the locally preferred plan that are
3 in excess of such costs, if the non-Federal interest agrees
4 to pay 100 percent of such incremental costs.

5 (e) NON-FEDERAL COST SHARE.—If the locally pre-
6 ferred plan is authorized for construction, the non-Federal
7 share of the cost of the project shall be the same percent-
8 age as the non-Federal share of the cost of the national
9 economic development plan plus all additional costs of con-
10 struction associated with the locally preferred plan.

11 **SEC. 3087. FESTUS AND CRYSTAL CITY, MISSOURI.**

12 Section 102(b)(1) of the Water Resources Develop-
13 ment Act of 1999 (113 Stat. 282) is amended by striking
14 “\$10,000,000” and inserting “\$12,000,000”.

15 **SEC. 3088. MONARCH-CHESTERFIELD, MISSOURI.**

16 The project for flood damage reduction, Monarch-
17 Chesterfield, Missouri, authorized by section 101(b)(18)
18 of the Water Resources Development Act of 2000 (114
19 Stat. 2578), is modified to direct the Secretary to credit
20 toward the non-Federal share of the cost of the project
21 the cost of the planning, design, and construction work
22 carried out by the non-Federal interest before the date of
23 the partnership agreement for the project if the Secretary
24 determines that the work is integral to the project.

1 **SEC. 3089. RIVER DES PERES, MISSOURI.**

2 The projects for flood control, River Des Peres, Mis-
3 souri, authorized by section 101(a)(17) of the Water Re-
4 sources Development Act of 1990 (104 Stat. 4607) and
5 section 102(13) of the Water Resources Development Act
6 of 1996 (110 Stat. 3668), are each modified to direct the
7 Secretary to credit toward the non-Federal share of the
8 cost of the project the cost of work carried out by the
9 non-Federal interest before the date of the partnership
10 agreement for the project if the Secretary determines that
11 the work is integral to the project.

12 **SEC. 3090. ANTELOPE CREEK, LINCOLN, NEBRASKA.**

13 The project for flood damage reduction, Antelope
14 Creek, Lincoln, Nebraska, authorized by section
15 101(b)(19) of the Water Resources Development Act of
16 2000 (114 Stat. 2578), is modified—

17 (1) to direct the Secretary to credit toward the
18 non-Federal share of the cost of the project the cost
19 of design, and construction work carried out by the
20 non-Federal interest before the date of the partner-
21 ship agreement for the project if the Secretary de-
22 termines that the work is integral to the project; and

23 (2) to allow the non-Federal sponsor for the
24 project to use, and to direct the Secretary to accept,
25 funds provided under any other Federal program, to
26 satisfy, in whole or in part, the non-Federal share

1 of the project if such funds are authorized to be
2 used to carry out the project.

3 **SEC. 3091. SAND CREEK WATERSHED, WAHOO, NEBRASKA.**

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

8 (1) to direct the Secretary to provide credit to-
9 ward the non-Federal share of the cost of the project
10 or reimbursement for the costs of any work that has
11 been or will be performed by the non-Federal inter-
12 est before, on, or after the approval of the project
13 partnership agreement, including work performed by
14 the non-Federal interest in connection with the de-
15 sign and construction of 7 upstream detention stor-
16 age structures, if the Secretary determines that the
17 work is integral to the project;

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

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

1 **SEC. 3092. LOWER CAPE MAY MEADOWS, CAPE MAY POINT,**
2 **NEW JERSEY.**

3 The project for navigation mitigation, ecosystem res-
4 toration, shore protection, and hurricane and storm dam-
5 age reduction, Lower Cape May Meadows, Cape May
6 Point, New Jersey, authorized by section 101(a)(25) of
7 the Water Resources Development Act of 1999 (113 Stat.
8 278), is modified to incorporate the project for shoreline
9 erosion control, Cape May Point, New Jersey, carried out
10 under section 5 of the Act entitled “An Act authorizing
11 Federal participation in the cost of protecting the shores
12 of publicly owned property”, approved August 13, 1946
13 (33 U.S.C. 426h), if the Secretary determines that such
14 incorporation is feasible.

15 **SEC. 3093. PASSAIC RIVER BASIN FLOOD MANAGEMENT,**
16 **NEW JERSEY.**

17 The project for flood control, Passaic River, New Jer-
18 sey and New York, authorized by section 101(a)(18) of
19 the Water Resources Development Act of 1990 (104 Stat.
20 4607) and modified by section 327 of the Water Resources
21 Development Act of 2000 (114 Stat. 2607), is further
22 modified to direct the Secretary to include the benefits and
23 costs of preserving natural flood storage in any future eco-
24 nomic analysis of the project.

1 **SEC. 3094. BUFFALO HARBOR, NEW YORK.**

2 The project for navigation, Buffalo Harbor, New
3 York, authorized by section 101 of the River and Harbor
4 Act of 1962 (76 Stat. 1176), is modified to include meas-
5 ures to enhance public access, at Federal cost of
6 \$500,000.

7 **SEC. 3095. ORCHARD BEACH, BRONX, NEW YORK.**

8 Section 554 of the Water Resources Development Act
9 of 1996 (110 Stat. 3781) is amended by striking “max-
10 imum Federal cost of \$5,200,000” and inserting “total
11 cost of \$20,000,000”.

12 **SEC. 3096. PORT OF NEW YORK AND NEW JERSEY, NEW**
13 **YORK AND NEW JERSEY.**

14 The navigation project, Port of New York and New
15 Jersey, New York and New Jersey, authorized by section
16 101(a)(2) of the Water Resources Development Act of
17 2000 (114 Stat. 2576), is modified—

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

22 (A) the non-Federal interest submits, in
23 writing, a list of potential sites for the tem-
24 porary storage facility to the Committee on
25 Transportation and Infrastructure of the House
26 of Representatives, the Committee on Environ-

1 ment and Public Works of the Senate, and the
2 Secretary at least 180 days before the selection
3 of the final site; and

4 (B) at least 70 percent of the dredged ma-
5 terial generated in connection with the project
6 suitable for beneficial reuse will be used at sites
7 in the State of New Jersey to the extent that
8 there are sufficient sites available; and

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

14 **SEC. 3097. NEW YORK STATE CANAL SYSTEM.**

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

18 “(c) NEW YORK STATE CANAL SYSTEM DEFINED.—
19 In this section, the term ‘New York State Canal System’
20 means the 524 miles of navigable canal that comprise the
21 New York State Canal System, including the Erie, Ca-
22 yuga-Seneca, Oswego, and Champlain Canals and the his-
23 toric alignments of these canals, including the cities of Al-
24 bany and Buffalo.”.

1 **SEC. 3098. LOWER GIRARD LAKE DAM, OHIO.**

2 Section 507(1) of the Water Resources Development
3 Act of 1996 (110 Stat. 3758) is amended by striking
4 “\$2,500,000” and inserting “\$6,000,000”.

5 **SEC. 3099. MAHONING RIVER, OHIO.**

6 In carrying out the project for environmental dredg-
7 ing, authorized by section 312(f)(4) of the Water Re-
8 sources Development Act of 1990 (33 U.S.C. 1272(f)(4)),
9 the Secretary is directed to credit toward the non-Federal
10 share of the cost of the project the cost of work carried
11 out by the non-Federal interest before the date of the part-
12 nership agreement for the project if the Secretary deter-
13 mines that the work is integral to the project.

14 **SEC. 3100. ARCADIA LAKE, OKLAHOMA.**

15 Payments made by the city of Edmond, Oklahoma,
16 to the Secretary in October 1999 of costs associated with
17 present and future water storage at Arcadia Lake, Okla-
18 homa, under Arcadia Lake Water Storage Contract Num-
19 ber DACW56–79–C–0072 shall satisfy the obligations of
20 the city under that contract for such costs, including ac-
21 crued interest.

22 **SEC. 3101. WAURIKA LAKE, OKLAHOMA.**

23 The remaining obligation of the Waurika Project
24 Master Conservancy District payable to the United States
25 Government in the amounts, rates of interest, and pay-
26 ment schedules is set at the amounts, rates of interest,

1 and payment schedules that existed, and that both parties
2 agreed to, on June 3, 1986, and may not be adjusted,
3 altered, or changed without a specific, separate, and writ-
4 ten agreement between the District and the United States
5 Government.

6 **SEC. 3102. WILLAMETTE RIVER TEMPERATURE CONTROL,**
7 **MCKENZIE SUBBASIN, OREGON.**

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

19 (b) ESTABLISHMENT OF PROGRAM.—Not later than
20 120 days after the date of enactment of this Act, the Sec-
21 retary shall establish, and provide public notice of, a pro-
22 gram—

23 (1) to receive claims for compensation for losses
24 to small business attributable to the implementation

1 of the drawdown conducted as a part of project im-
2 plementation in 2002;

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

4 (3) to pay claims for such losses.

5 (c) IMPLEMENTATION OF PROGRAM.—In carrying
6 out the program established under subsection (b), the Sec-
7 retary shall provide—

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

11 (2) a period for the submission of claims of not
12 fewer than 45 days and not greater than 75 days
13 from the date of the first public notice of the exist-
14 ence of the program;

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

21 (4) for the payment of each claim that the Sec-
22 retary determines constitutes a loss to a small busi-
23 ness on or before the last day of the 30-day period
24 beginning on the date of the Secretary's determina-
25 tion.

1 (d) LOSS TO A SMALL BUSINESS DEFINED.—In this
2 section, the term “loss to a small business” means docu-
3 mented financial losses associated with commercial activ-
4 ity of a small business that can be attributed to the tur-
5 bidity levels in the McKenzie River being higher than
6 those anticipated in the original planning documents and
7 public announcements existing before the initiation of the
8 drawdown in 2002. Commercial losses include decline in
9 sales, loss of revenue (including loss of revenue from can-
10 celed or delayed reservations at lodging establishments),
11 and any other financial losses that can be shown to be
12 associated with the elevated turbidity levels in the
13 McKenzie River in 2002.

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

17 **SEC. 3103. DELAWARE RIVER, PENNSYLVANIA, NEW JER-**
18 **SEY, AND DELAWARE.**

19 The Secretary may remove debris from the project
20 for navigation, Delaware River, Pennsylvania, New Jersey,
21 and Delaware, Philadelphia to the Sea.

22 **SEC. 3104. RAYSTOWN LAKE, PENNSYLVANIA.**

23 The Secretary may take such action as may be nec-
24 essary, including construction of a breakwater, to prevent
25 shoreline erosion between .07 and 2.7 miles south of Penn-

1 sylvania State route 994 on the east shore of Raystown
2 Lake, Pennsylvania.

3 **SEC. 3105. SHERADEN PARK STREAM AND CHARTIERS**
4 **CREEK, ALLEGHENY COUNTY, PENNSYL-**
5 **VANIA.**

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

16 **SEC. 3106. SOLOMON'S CREEK, WILKES-BARRE, PENNSYL-**
17 **VANIA.**

18 The project for flood control, Wyoming Valley, Penn-
19 sylvania, authorized by section 401(a) of the Water Re-
20 sources Development Act of 1986 (100 Stat. 4124), is
21 modified to include as a project element the project for
22 flood control for Solomon's Creek, Wilkes-Barre, Pennsyl-
23 vania.

1 **SEC. 3107. SOUTH CENTRAL PENNSYLVANIA.**

2 Section 313 of the Water Resources Development Act
3 of 1992 (106 Stat. 4845; 109 Stat. 407; 110 Stat. 3723;
4 113 Stat. 310; 117 Stat. 142) is amended—

5 (1) in subsection (g)(1) by striking
6 “\$180,000,000” and inserting “\$200,000,000”; and

7 (2) in subsection (h)(2) by striking “Allegheny,
8 Armstrong, Beford, Blair, Cambria, Clearfield, Fay-
9 ette, Franklin, Fulton, Greene, Huntingdon, Indi-
10 ana, Juniata, Mifflin, Somerset, Snyder, Wash-
11 ington, and Westmoreland Counties” and inserting
12 “Allegheny, Armstrong, Bedford, Blair, Cambria,
13 Fayette, Franklin, Fulton, Greene, Huntingdon, In-
14 diana, Juniata, Somerset, Washington, and West-
15 moreland Counties”.

16 **SEC. 3108. 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.

23 **SEC. 3109. CEDAR BAYOU, TEXAS.**

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

1 2632), is modified to direct the Secretary to credit toward
2 the non-Federal share of the cost of the project the cost
3 of planning and design work carried out by the non-Fed-
4 eral interest for the project if the Secretary determines
5 that such work is integral to the project.

6 (b) COST SHARING.—Cost sharing for construction
7 and operation and maintenance of the project shall be de-
8 termined in accordance with section 101 of the Water Re-
9 sources Development Act of 1986 (33 U.S.C. 2211).

10 **SEC. 3110. FREEPORT HARBOR, TEXAS.**

11 The project for navigation, Freeport Harbor, Texas,
12 authorized by section 101 of the Rivers and Harbors Act
13 of 1970 (84 Stat. 1818), is modified.—

14 (1) to direct the Secretary to credit toward the
15 non-Federal share of the cost of the project the cost
16 of the planning, design, and construction work car-
17 ried out by the non-Federal interest before the date
18 of the partnership agreement for the project if the
19 Secretary determines that the work is integral to the
20 project; and

21 (2) to direct the Secretary to remove the sunk-
22 en vessel “COMSTOCK” at Federal expense.

23 **SEC. 3111. JOHNSON CREEK, ARLINGTON, TEXAS.**

24 The project for flood damage reduction, environ-
25 mental restoration, and recreation, authorized by section

1 101(b)(14) of the Water Resources Development Act of
2 1999 (113 Stat. 280), is modified to authorize the Sec-
3 retary to carry out the project at a total cost of
4 \$29,717,000, with an estimated Federal cost of
5 \$20,670,000 and an estimated non-Federal cost
6 \$9,047,000.

7 **SEC. 3112. LAKE KEMP, TEXAS.**

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

13 (b) LIMITATION ON LIABILITY.—The United States,
14 or any of its officers, agents, or assignees, shall not be
15 liable for any injury, loss, or damage accruing to the own-
16 ers of a Lake Kemp improvement, their lessees, or occu-
17 pants as a result of any flooding or inundation of such
18 improvements by the waters of the Lake Kemp reservoir,
19 or for such injury, loss, or damage as may occur through
20 the operation and maintenance of the Lake Kemp dam
21 and reservoir in any manner.

22 (c) LAKE KEMP IMPROVEMENT DEFINED.—In this
23 section, the term “Lake Kemp improvement” means an
24 improvement (including dwellings) located within the flow-

1 age easement of Lake Kemp, Texas, below elevation 1159
2 feet mean sea level.

3 **SEC. 3113. 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 include as part of the project flood pro-
9 tection works to reroute drainage to Raymondville
10 Drain constructed by the non-Federal interests in
11 Hidalgo County in the vicinity of Edinburg, Texas,
12 if the Secretary determines that such work meets
13 feasibility requirements;

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

21 (3) to direct the Secretary, in calculating the
22 non-Federal share of the cost of the project, to make
23 a determination within 180 days after the date of
24 enactment of this Act under section 103(m) of the
25 Water Resources Development Act of 1986 (33

1 U.S.C. 2213(m)) on the non-Federal interest's abil-
2 ity to pay.

3 **SEC. 3114. NORTH PADRE ISLAND, CORPUS CHRISTI BAY,**
4 **TEXAS.**

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

10 **SEC. 3115. PAT MAYSE LAKE, TEXAS.**

11 The Secretary is directed to accept from the city of
12 Paris, Texas, \$3,461,432 as payment in full of monies
13 owed to the United States for water supply storage space
14 in Pat Mayse Lake, Texas, under contract number DA-
15 34-066-CIVENG-65-1272, including accrued interest.

16 **SEC. 3116. PROCTOR LAKE, TEXAS.**

17 The Secretary is authorized to purchase fee simple
18 title to all properties located within the boundaries, and
19 necessary for the operation, of the Proctor Lake project,
20 Texas, authorized by section 203 of the Flood Control Act
21 of 1954 (68 Stat. 1259).

22 **SEC. 3117. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

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

1 for flood protection on the Guadalupe and San Antonio
2 Rivers in Texas and modified by section 103 of the Water
3 Resources Development Act of 1976 (90 Stat. 2921) and
4 section 335 of the Water Resources Development Act of
5 2000 (114 Stat. 2611), is further modified to authorize
6 the Secretary to credit toward the non-Federal share of
7 the cost of the project the cost of design and construction
8 work carried out by the non-Federal interest for the
9 project if the Secretary determines that the work is inte-
10 gral to the project.

11 **SEC. 3118. JAMES RIVER, VIRGINIA.**

12 The project for navigation, James River, Virginia, au-
13 thorized by the first section of the River and Harbor Ap-
14 propriations Act of July 5, 1884 (23 Stat. 138), is further
15 modified to authorize the Secretary to enlarge the turning
16 basin adjacent to the Richmond Deepwater Terminal at
17 a total cost of \$1,511,000 if the Secretary determines that
18 the such enlargement is necessary for navigation safety.

19 **SEC. 3119. LEE, RUSSELL, SCOTT, SMYTH, TAZEWELL, AND**
20 **WISE COUNTIES, VIRGINIA.**

21 The project for flood control, Levisa and Tug Forks
22 of the Big Sandy River and Upper Cumberland River, au-
23 thorized by section 202 of the Energy and Water Develop-
24 ment Appropriation Act, 1981 (94 Stat. 1339) and modi-
25 fied by section 352 of the Water Resources Development

1 Act of 1996 (110 Stat. 3724–3725) and section 336 of
2 the Water Resources Development Act of 2000 (114 Stat.
3 2611), is further modified to direct the Secretary to deter-
4 mine the ability of Lee, Russell, Scott, Smyth, Tazewell,
5 and Wise Counties, Virginia, to pay the non-Federal share
6 of the cost of the project based solely on the criterion spec-
7 ified in section 103(m)(3)(A)(i) of the Water Resources
8 Development Act of 1986 (33 U.S.C. 2213(m)(3)(A)(i)).

9 **SEC. 3120. TANGIER ISLAND SEAWALL, VIRGINIA.**

10 Section 577(a) of the Water Resources Development
11 Act of 1996 (110 Stat. 3789) is amended by striking “at
12 a total cost of \$1,200,000, with an estimated Federal cost
13 of \$900,000 and an estimated non-Federal cost of
14 \$300,000.” and inserting “at a total cost of \$3,000,000,
15 with an estimated Federal cost of \$2,250,000 and an esti-
16 mated non-Federal cost of \$750,000.”.

17 **SEC. 3121. DUWAMISH/GREEN, WASHINGTON.**

18 The project for ecosystem restoration, Duwamish/
19 Green, Washington, authorized by section 101(b)(26) of
20 the Water Resources Development Act of 2000 (114 Stat.
21 2579), is modified—

22 (1) to direct the Secretary to credit toward the
23 non-Federal share of the cost of the project the cost
24 of work carried out by the non-Federal interest be-
25 fore, on, or after the date of the partnership agree-

1 ment for the project if the Secretary determines that
2 the work is integral to the project; and

3 (2) to authorize the non-Federal interest to pro-
4 vide any portion of the non-Federal share of the cost
5 of the project in the form of in-kind services and
6 materials.

7 **SEC. 3122. YAKIMA RIVER, PORT OF SUNNYSIDE, WASH-**
8 **INGTON.**

9 The project for aquatic ecosystem restoration, Yak-
10 ima River, Port of Sunnyside, Washington, being carried
11 out under section 206 of the Water Resources Develop-
12 ment Act of 1996 (33 U.S.C. 2330), is modified to direct
13 the Secretary to credit toward the non-Federal share of
14 the cost of the project the cost of work carried out by
15 the non-Federal interest before the date of the partnership
16 agreement for the project if the Secretary determines that
17 the work is integral to the project.

18 **SEC. 3123. GREENBRIER RIVER BASIN, WEST VIRGINIA.**

19 Section 579(c) of the Water Resources Development
20 Act of 1996 (110 Stat. 3790; 113 Stat. 312) is amended
21 by striking “\$47,000,000” and inserting “\$99,000,000”.

22 **SEC. 3124. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.**

23 Section 30(d) of the Water Resources Development
24 Act of 1988 (102 Stat. 4030; 114 Stat. 2678) is amended
25 to read as follows:

1 “(d) HISTORIC STRUCTURE.—The Secretary shall
2 ensure the preservation and restoration of the structure
3 known as the ‘Jenkins House’, and the reconstruction of
4 associated buildings and landscape features of such struc-
5 ture located within the Lesage/Greenbottom Swamp in ac-
6 cordance with the Secretary of the Interior’s standards for
7 the treatment of historic properties. Amounts made avail-
8 able for expenditure for the project authorized by section
9 301(a) of the Water Resources Development Act of 1986
10 (100 Stat. 4110) shall be available for the purposes of this
11 subsection.”.

12 **SEC. 3125. NORTHERN WEST VIRGINIA.**

13 Section 557 of the Water Resources Development Act
14 of 1999 (113 Stat. 353) is amended in the first sentence
15 by striking “favorable”.

16 **SEC. 3126. MANITOWOC HARBOR, WISCONSIN.**

17 The project for navigation, Manitowoc Harbor, Wis-
18 consin, authorized by the River and Harbor Act of August
19 30, 1852, is modified to direct the Secretary to deepen
20 the upstream reach of the navigation channel from 12 feet
21 to 18 feet, at a total cost of \$300,000.

22 **SEC. 3127. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

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

25 (1) in subsection (a)—

1 (A) by striking “1276.42” and inserting
2 “1278.42”;

3 (B) by striking “1218.31” and inserting
4 “1221.31”; and

5 (C) by striking “1234.82” and inserting
6 “1235.30”; and

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

9 “(b) EXCEPTION.—The Secretary may operate the
10 headwaters reservoirs below the minimum or above the
11 maximum water levels established in subsection (a) in ac-
12 cordance with water control regulation manuals (or revi-
13 sions thereto) developed by the Secretary, after consulta-
14 tion with the Governor of Minnesota and affected tribal
15 governments, landowners, and commercial and rec-
16 reational users. The water control regulation manuals
17 (and any revisions thereto) shall be effective when the Sec-
18 retary transmits them to Congress. The Secretary shall
19 report to Congress at least 14 days before operating any
20 such headwaters reservoir below the minimum or above
21 the maximum water level limits specified in subsection (a);
22 except that notification is not required for operations nec-
23 essary to prevent the loss of life or to ensure the safety
24 of the dam or where the drawdown of lake levels is in an-
25 ticipation of flood control operations.”.

1 **SEC. 3128. CONTINUATION OF PROJECT AUTHORIZATIONS.**

2 (a) IN GENERAL.—Notwithstanding section
3 1001(b)(2) of the Water Resources Development Act of
4 1986 (33 U.S.C. 579a(b)(2)), the following projects shall
5 remain authorized to be carried out by the Secretary:

6 (1) The project for flood control, Agana River,
7 Guam, authorized by section 401(a) of the Water
8 Resources Development Act of 1986 (100 Stat.
9 4127).

10 (2) The project for navigation, Fall River Har-
11 bor, Massachusetts, authorized by section 101 of the
12 River and Harbor Act of 1968 (82 Stat. 731); ex-
13 cept that the authorized depth of that portion of the
14 project extending riverward of the Charles M.
15 Braga, Jr. Memorial Bridge, Fall River and Som-
16 erset, Massachusetts, shall not exceed 35 feet.

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

23 **SEC. 3129. PROJECT REAUTHORIZATIONS.**

24 Each of the following projects may be carried out by
25 the Secretary and no construction on any such project may

1 be initiated until the Secretary determines that the project
2 is feasible:

3 (1) MENOMINEE HARBOR AND RIVER, MICHIGAN AND WISCONSIN.—The project for navigation,
4 Menominee Harbor and River, Michigan and Wisconsin, authorized by section 101 of the River and
5 Harbor Act of 1960 (74 Stat. 482) and deauthorized
6 on April 15, 2002, in accordance with section
7 1001(b)(2) of the Water Resources Development Act
8 of 1986 (33 U.S.C. 579a(b)(2)).
9
10

11 (2) MANITOWOC HARBOR, WISCONSIN.—That
12 portion of the project for navigation, Manitowoc
13 Harbor, Wisconsin, consisting of the channel in the
14 south part of the outer harbor, deauthorized by section
15 101 of the River and Harbor Act of 1962 (76
16 Stat. 1176).

17 **SEC. 3130. PROJECT DEAUTHORIZATIONS.**

18 (a) IN GENERAL.—The following projects are not au-
19 thorized after the date of enactment of this Act:

20 (1) BRIDGEPORT HARBOR, CONNECTICUT.—The
21 portion of the project for navigation, Bridgeport
22 Harbor, Connecticut, authorized by the first section
23 of the River and Harbor Act of July 3, 1930 (46
24 Stat. 919), consisting of an 18-foot channel in Yellow
25 Mill River and described as follows: Beginning

1 at a point along the eastern limit of the existing
2 project, N123,649.75, E481,920.54, thence running
3 northwesterly about 52.64 feet to a point
4 N123,683.03, E481,879.75, thence running north-
5 easterly about 1,442.21 feet to a point N125,030.08,
6 E482,394.96, thence running northeasterly about
7 139.52 feet to a point along the eastern limit of the
8 existing channel, N125,133.87, E482,488.19, thence
9 running southwesterly about 1,588.98 feet to the
10 point of origin.

11 (2) MYSTIC RIVER, CONNECTICUT.—The por-
12 tion of the project for navigation, Mystic River, Con-
13 necticut, authorized by the first section of the River
14 and Harbor Appropriations Act of September 19,
15 1890 (26 Stat. 436) consisting of a 12-foot-deep
16 channel, approximately 7,554 square feet in area,
17 starting at a point N193,086.51, E815,092.78,
18 thence running north 59 degrees 21 minutes 46.63
19 seconds west about 138.05 feet to a point
20 N193,156.86, E814,974.00, thence running north
21 51 degrees 04 minutes 39.00 seconds west about
22 166.57 feet to a point N193,261.51, E814,844.41,
23 thence running north 43 degrees 01 minutes 34.90
24 seconds west about 86.23 feet to a point
25 N193,324.55, E814,785.57, thence running north

1 06 degrees 42 minutes 03.86 seconds west about
2 156.57 feet to a point N193,480.05, E814,767.30,
3 thence running south 21 degrees 21 minutes 17.94
4 seconds east about 231.42 feet to a point
5 N193,264.52, E814,851.57, thence running south
6 53 degrees 34 minutes 23.28 seconds east about
7 299.78 feet to the point of origin.

8 (3) FALMOUTH HARBOR, MASSACHUSETTS.—
9 The portion of the project for navigation, Falmouth
10 Harbor, Massachusetts, authorized by section 101 of
11 the River and Harbor Act of 1948 (62 Stat. 1172),
12 beginning at a point along the eastern side of the
13 inner harbor N200,415.05, E845,307.98, thence
14 running north 25 degrees 48 minutes 54.3 seconds
15 east 160.24 feet to a point N200,559.20,
16 E845,377.76, thence running north 22 degrees 7
17 minutes 52.4 seconds east 596.82 feet to a point
18 N201,112.15, E845,602.60, thence running north
19 60 degrees 1 minute 0.3 seconds east 83.18 feet to
20 a point N201,153.72, E845,674.65, thence running
21 south 24 degrees 56 minutes 43.4 seconds west
22 665.01 feet to a point N200,550.75, E845,394.18,
23 thence running south 32 degrees 25 minutes 29.0
24 seconds west 160.76 feet to the point of origin.

1 (4) ISLAND END RIVER, MASSACHUSETTS.—The
2 portion of the project for navigation, Island End
3 River, Massachusetts, carried out under section 107
4 of the River and Harbor Act of 1960 (33 U.S.C.
5 577), described as follows: Beginning at a point
6 along the eastern limit of the existing project,
7 N507,348.98, E721,180.01, thence running north-
8 east about 35 feet to a point N507,384.17,
9 E721,183.36, thence running northeast about 324
10 feet to a point N507,590.51, E721,433.17, thence
11 running northeast about 345 feet to a point along
12 the northern limit of the existing project,
13 N507,927.29, E721,510.29, thence running south-
14 east about 25 feet to a point N507,921.71,
15 E721,534.66, thence running southwest about 354
16 feet to a point N507,576.65, E721,455.64, thence
17 running southwest about 357 feet to the point of ori-
18 gin.

19 (5) CITY WATERWAY, TACOMA, WASHINGTON.—
20 The portion of the project for navigation, City Wa-
21 terway, Tacoma, Washington, authorized by the first
22 section of the River and Harbor Appropriations Act
23 of June 13, 1902 (32 Stat. 347), consisting of the
24 last 1,000 linear feet of the inner portion of the wa-

1 terway beginning at station 70+00 and ending at
2 station 80+00.

3 (b) ANCHORAGE AREA, NEW LONDON HARBOR,
4 CONNECTICUT.—The portion of the project for navigation,
5 New London Harbor, Connecticut, authorized by the River
6 and Harbor Appropriations Act of June 13, 1902 (32
7 Stat. 333), that consists of a 23-foot waterfront channel
8 and that is further described as beginning at a point along
9 the western limit of the existing project, N188, 802.75,
10 E779, 462.81, thence running northeasterly about
11 1,373.88 feet to a point N189, 554.87, E780, 612.53,
12 thence running southeasterly about 439.54 feet to a point
13 N189, 319.88, E780, 983.98, thence running southwest-
14 erly about 831.58 feet to a point N188, 864.63, E780,
15 288.08, thence running southeasterly about 567.39 feet
16 to a point N188, 301.88, E780, 360.49, thence running
17 northwesterly about 1,027.96 feet to the point of origin,
18 shall be redesignated as an anchorage area.

19 (c) SOUTHPORT HARBOR, FAIRFIELD, CON-
20 NECTICUT.—The project for navigation, Southport Har-
21 bor, Fairfield, Connecticut, authorized by section 2 of the
22 River and Harbor Act of March 2, 1829, and by the first
23 section of the River and Harbor Act of August 30, 1935
24 (49 Stat. 1029), and section 364 of the Water Resources
25 Development Act of 1996 (110 Stat. 3733–3734), is fur-

1 ther modified to redesignate a portion of the 9-foot-deep
2 channel to an anchorage area, approximately 900 feet in
3 length and 90,000 square feet in area, and lying generally
4 north of a line with points at coordinates N108,043.45,
5 E452,252.04 and N107938.74, E452265.74.

6 (d) MYSTIC RIVER, MASSACHUSETTS.—The portion
7 of the project for navigation, Mystic River, Massachusetts,
8 authorized by the first section of the River and Harbor
9 Appropriations Act of July 13, 1892 (27 Stat. 96), be-
10 tween a line starting at a point N515,683.77,
11 E707,035.45 and ending at a point N515,721.28,
12 E707,069.85 and a line starting at a point N514,595.15,
13 E707,746.15 and ending at a point N514,732.94,
14 E707,658.38 shall be relocated and reduced from 100 foot
15 to a 50-foot wide channel after the date of enactment of
16 this Act described as follows: Beginning at a point
17 N515,721.28, E707,069.85, thence running southeasterly
18 about 840.50 feet to a point N515,070.16, E707,601.27,
19 thence running southeasterly about 177.54 feet to a point
20 N514,904.84, E707,665.98, thence running southeasterly
21 about 319.90 feet to a point with coordinates
22 N514,595.15, E707,746.15, thence running northwesterly
23 about 163.37 feet to a point N514,732.94, E707,658.38,
24 thence running northwesterly about 161.58 feet to a point
25 N514.889.47, E707,618.30, thence running northwesterly

1 about 166.61 feet to a point N515.044.62, E707,557.58,
2 thence running northwesterly about 825.31 feet to a point
3 N515,683.77, E707,035.45, thence running northeasterly
4 about 50.90 feet returning to a point N515,721.28,
5 E707,069.85.

6 (e) GREEN BAY HARBOR, GREEN BAY, WIS-
7 CONSIN.—The portion of the inner harbor of the Federal
8 navigation channel, Green Bay Harbor, Green Bay, Wis-
9 consin, authorized by the first section of the River and
10 Harbor Act of June 23, 1866, beginning at station
11 190+00 to station 378+00 is authorized to a width of
12 75 feet and a depth of 6 feet.

13 (f) ADDITIONAL DEAUTHORIZATIONS.—The fol-
14 lowing projects are not authorized after the date of enact-
15 ment of this Act, except with respect to any portion of
16 such a project which portion has been completed before
17 such date or is under construction on such date:

18 (1) The project for flood control, Cache Creek
19 Basin, Clear Lake Outlet Channel, California, au-
20 thorized by section 401(a) of the Water Resources
21 Development Act of 1986 (100 Stat. 4112).

22 (2) The project for flood protection on
23 Atascadero Creek and its tributaries of Goleta, Cali-
24 fornia, authorized by section 201 of the Flood Con-
25 trol Act of 1970 (84 Stat. 1826).

1 (3) The project for flood control, central and
2 southern Florida, Shingle Creek basin, Florida, au-
3 thorized by section 203 of the Flood Control Act of
4 1962 (76 Stat. 1182).

5 (4) The project for flood control, Middle Wa-
6 bash, Greenfield Bayou, Indiana, authorized by sec-
7 tion 10 of the Flood Control Act of July 24, 1946
8 (60 Stat. 649).

9 (5) The project for flood damage reduction,
10 Lake George, Hobart, Indiana, authorized by section
11 602(a)(2) of the Water Resources Development Act
12 of 1986 (100 Stat. 4148).

13 (6) The project for flood control, Green Bay
14 Levee and Drainage District No. 2, Iowa, authorized
15 by section 401(a) of the Water Resources Develop-
16 ment Act of 1986 (100 Stat. 4115), deauthorized in
17 fiscal year 1991, and reauthorized by section 115(a)
18 of the Water Resources Development Act of 1992
19 (106 Stat. 4821).

20 (7) The project for flood control, Hazard, Ken-
21 tucky, authorized by section 3(a)(7) of the Water
22 Resources Development Act of 1988 (100 Stat.
23 4014) and section 108 of the Water Resources De-
24 velopment Act of 1990 (104 Stat. 4621).

1 (8) The recreation portion of the project for
2 flood control, Taylorsville Lake, Kentucky, author-
3 ized by section 203 of the Flood Control Act of 1966
4 (80 Stat. 1421).

5 (9) The project for flood control, western Ken-
6 tucky tributaries, Kentucky, authorized by section
7 204 of the Flood Control Act of 1965 (79 Stat.
8 1076) and modified by section 210 of the Flood
9 Control Act of 1970 (84 Stat. 1829).

10 (10) The project for flood damage reduction,
11 Tensas-Cocodrie area, Louisiana, authorized by sec-
12 tion 3 of the Flood Control Act of August 18, 1941
13 (55 Stat. 643).

14 (11) The project for flood control, Eastern
15 Rapides and South-Central Avoyelles Parishes, Lou-
16 isiana, authorized by section 201 of the Flood Con-
17 trol Act of 1970 (84 Stat. 1825).

18 (12) The bulkhead and jetty features at Lake
19 Borgne and Chef Menteur, Louisiana, of the project
20 for navigation, Mississippi River, Baton Rouge to
21 the Gulf of Mexico, barge channel through Devils
22 Swamp, Louisiana, authorized by the first section of
23 the River and Harbor Act of July 24, 1946 (60
24 Stat. 635).

1 (13) The project for navigation Red River Wa-
2 terway, Shreveport, Louisiana to Daingerfield,
3 Texas, authorized by the River and Harbor Act of
4 1968 (82 Stat. 731).

5 (14) The project for flood damage reduction
6 Brockton, Massachusetts, authorized by section
7 401(c) of the Water Resources Development Act of
8 1986 (100 Stat. 4129).

9 (15) The project for navigation, Grand Haven
10 Harbor, Michigan, authorized by section 202 of the
11 Water Resources Development Act of 1986 (100
12 Stat. 4093).

13 (16) The project for hydropower, Libby Dam,
14 Montana, (Units 6–8), authorized by section 549 of
15 the Water Resources Development Act of 1996 (110
16 Stat. 3779).

17 (17) The project for flood damage reduction,
18 Platte River Flood and Related Streambank Erosion
19 Control, Nebraska, authorized by section 603(f)(6)
20 of the Water Resources Development Act of 1986
21 (100 Stat. 4150).

22 (18) The project for navigation, Outer Harbor,
23 Buffalo, New York, authorized by section 110 of the
24 Water Resources Development Act of 1992 (106
25 Stat. 4817).

1 (19) The project for flood control, Sugar Creek
2 Basin, North Carolina and South Carolina, author-
3 ized by section 401(a) of the Water Resources De-
4 velopment Act of 1986 (100 Stat. 4121).

5 (20) The project for flood control, Miami River,
6 Fairfield, Ohio, authorized by section 401(a) of the
7 Water Resources Development Act of 1986 (100
8 Stat. 4122).

9 (21) The project for shoreline protection,
10 Maumee Bay, Lake Erie, Ohio, authorized by sec-
11 tion 501(a) of the Water Resources Development
12 Act of 1986 (100 Stat. 4135).

13 (22) The project for flood control and water
14 supply, Parker Lake, Muddy Boggy Creek, Okla-
15 homa, authorized by section 601 of the Water Re-
16 sources Development Act of 1986 (100 Stat. 4144).

17 (23) The project for the Columbia River, Sea-
18 farers Memorial, Hammond, Oregon, authorized by
19 title I of the Energy and Water Development Appro-
20 priations Act, 1991 (104 Stat. 2078).

21 (24) The project for bulkhead repairs, Quonset
22 Point-Davisville, Rhode Island, authorized by section
23 571 of the Water Resources Development Act of
24 1996 (110 Stat. 3788).

1 (25) The project for flood damage reduction,
2 Harris Fork Creek, Tennessee and Kentucky, au-
3 thorized by section 102 of the Water Resources De-
4 velopment Act of 1976 (90 Stat. 2921).

5 (26) The Arroyo Colorado, Texas, feature of
6 the project for flood control Lower Rio Grande,
7 Texas, authorized by section 401(a) of the Water
8 Resources Development Act of 1986 (100 Stat.
9 4125).

10 (27) The structural portion of the project for
11 flood control, Cypress Creek, Texas, authorized by
12 section 3(a)(13) of the Water Resources Develop-
13 ment Act of 1988 (102 Stat. 4014).

14 (28) The project for flood protection, East Fork
15 Channel Improvement, Increment 2, East Fork of
16 the Trinity River, Texas, authorized by section 202
17 of the Flood Control Act of 1962 (76 Stat. 1185).

18 (29) The project for flood control, Falfurrias,
19 Texas, authorized by section 3(a)(14) of the Water
20 Resources Development Act of 1988 (102 Stat.
21 4014).

22 (30) The project for streambank erosion,
23 Kanawha River, Charleston, West Virginia, author-
24 ized by section 603(f)(13) of the Water Resources
25 Development Act of 1986 (100 Stat. 4153).

1 (g) CONDITIONS.—The first sentence of section
2 1001(b)(2) of the Water Resources Development Act of
3 1986 (33 U.S.C. 579a(b)(2)) is amended—

4 (1) by striking “two years” and inserting
5 “year”; and

6 (2) by striking “7” and inserting “5”.

7 **SEC. 3131. LAND CONVEYANCES.**

8 (a) ST. FRANCIS BASIN, ARKANSAS AND MIS-
9 SOURI.—

10 (1) IN GENERAL.—The Secretary shall convey
11 to the State of Arkansas, without monetary consid-
12 eration and subject to paragraph (2), all right, title,
13 and interest to real property within the State ac-
14 quired by the Federal Government as mitigation
15 land for the project for flood control, St. Francis
16 Basin, Arkansas and Missouri Project, authorized by
17 the Flood Control Act of May 15, 1928 (33 U.S.C.
18 702a et seq.).

19 (2) TERMS AND CONDITIONS.—

20 (A) IN GENERAL.—The conveyance by the
21 United States under this subsection shall be
22 subject to—

23 (i) the condition that the State of Ar-
24 kansas agree to operate, maintain, and
25 manage the real property for fish and wild-

1 life, recreation, and environmental pur-
2 poses at no cost or expense to the United
3 States; and

4 (ii) such other terms and conditions
5 as the Secretary determines to be in the
6 interest of the United States.

7 (B) REVERSION.—If the Secretary deter-
8 mines that the real property conveyed under
9 paragraph (1) ceases to be held in public own-
10 ership or the State ceases to operate, maintain,
11 and manage the real property in accordance
12 with this subsection, all right, title, and interest
13 in and to the property shall revert to the United
14 States, at the option of the Secretary.

15 (3) MITIGATION.—Nothing in this subsection
16 extinguishes the responsibility of the Federal Gov-
17 ernment or the non-Federal interest for the project
18 referred to in paragraph (1) from the obligation to
19 implement mitigation for such project that existed
20 on the day prior to the transfer authorized by this
21 subsection.

22 (b) MILFORD, KANSAS.—

23 (1) IN GENERAL.—The Secretary shall convey
24 by quitclaim deed without consideration to the Geary
25 County Fire Department, Milford, Kansas, all right,

1 title, and interest of the United States in and to real
2 property consisting of approximately 7.4 acres lo-
3 cated in Geary County, Kansas, for construction, op-
4 eration, and maintenance of a fire station.

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

12 (c) CALCASIEU SHIP CHANNEL, LOUISIANA.—

13 (1) IN GENERAL.—At such time as Pujo Heirs
14 and Westland Corporation conveys all right, title,
15 and interest in and to the real property described in
16 paragraph (2)(A) to the United States, the Sec-
17 retary shall convey all right, title, and interest of the
18 United States in and to the real property described
19 in paragraph (2)(B) to Pujo Heirs and Westland
20 Corporation.

21 (2) LAND DESCRIPTION.—The parcels of land
22 referred to in paragraph (1) are the following:

23 (A) NON-FEDERAL LAND.—An equivalent
24 area to the real property described in subpara-
25 graph (B). The parcels that may be exchanged

1 include Tract 128E, Tract 129E, Tract 131E,
2 Tract 41A, Tract 42, Tract 132E, Tract 130E,
3 Tract 134E, Tract 133E-3, Tract 140E, or
4 some combination thereof.

5 (B) FEDERAL LAND.—An area in Cameron
6 Parish, Louisiana, known as portions of Gov-
7 ernment Tract Numbers 139E-2 and 48 (both
8 tracts on the west shore of the Calcasieu Ship
9 Channel), and known as Corps of Engineers
10 Dredge Material Placement Area O.

11 (3) CONDITIONS.—The exchange of real prop-
12 erty under paragraph (1) shall be subject to the fol-
13 lowing conditions:

14 (A) DEEDS.—

15 (i) NON-FEDERAL LAND.—The con-
16 veyance of the real property described in
17 paragraph (2)(A) to the Secretary shall be
18 by a warranty deed acceptable to the Sec-
19 retary.

20 (ii) FEDERAL LAND.—The conveyance
21 of the real property described in paragraph
22 (2)(B) to Pujo Heirs and Westland Cor-
23 poration shall be by quitclaim deed.

24 (B) TIME LIMIT FOR EXCHANGE.—The
25 land exchange under paragraph (1) shall be

1 completed not later than 1 year after the date
2 of enactment of this Act.

3 (4) VALUE OF PROPERTIES.—If the appraised
4 fair market value, as determined by the Secretary,
5 of the real property conveyed to Pujo Heirs and
6 Westland Corporation by the Secretary under para-
7 graph (1) exceeds the appraised fair market value,
8 as determined by the Secretary, of the real property
9 conveyed to the United States by Pujo Heirs and
10 Westland Corporation under paragraph (1), Pujo
11 Heirs and Westland Corporation shall make a pay-
12 ment to the United States equal to the excess in
13 cash or a cash equivalent that is satisfactory to the
14 Secretary.

15 (d) PIKE COUNTY, MISSOURI.—

16 (1) IN GENERAL.—At such time as S.S.S., Inc.,
17 conveys all right, title and interest in and to the real
18 property described in paragraph (2)(A) to the
19 United States, the Secretary shall convey all right,
20 title, and interest of the United States in and to the
21 real property described in paragraph (2)(B) to
22 S.S.S., Inc.

23 (2) LAND DESCRIPTION.—The parcels of land
24 referred to in paragraph (1) are the following:

1 (A) NON-FEDERAL LAND.—Approximately
2 42 acres, the exact legal description to be deter-
3 mined by mutual agreement of S.S.S., Inc., and
4 the Secretary, subject to any existing flowage
5 easements situated in Pike County, Missouri,
6 upstream and northwest, about a 200-foot dis-
7 tance from Drake Island (also known as Grimes
8 Island).

9 (B) FEDERAL LAND.—Approximately 42
10 acres, the exact legal description to be deter-
11 mined by mutual agreement of S.S.S. Inc., and
12 the Secretary, situated in Pike County, Mis-
13 souri, known as Government Tract Numbers
14 MIs-7 and a portion of FM-46 (both tracts on
15 Buffalo Island), administered by the Corps of
16 Engineers.

17 (3) CONDITIONS.—The exchange of real prop-
18 erty under paragraph (1) shall be subject to the fol-
19 lowing conditions:

20 (A) DEEDS.—

21 (i) NON-FEDERAL LAND.—The con-
22 veyance of the real property described in
23 paragraph (2)(A) to the Secretary shall be
24 by a warranty deed acceptable to the Sec-
25 retary.

1 (ii) FEDERAL LAND.—The instrument
2 of conveyance used to convey the real prop-
3 erty described in paragraph (2)(B) to
4 S.S.S., Inc., shall be by quitclaim deed and
5 contain such reservations, terms, and con-
6 ditions as the Secretary considers nec-
7 essary to allow the United States to oper-
8 ate and maintain the Mississippi River 9-
9 Foot Navigation Project.

10 (B) REMOVAL OF IMPROVEMENTS.—
11 S.S.S., Inc., may remove, and the Secretary
12 may require S.S.S., Inc., to remove, any im-
13 provements on the land described in paragraph
14 (2)(A).

15 (C) TIME LIMIT FOR EXCHANGE.—The
16 land exchange under paragraph (1) shall be
17 completed not later than 2 years after the date
18 of enactment of this Act.

19 (4) VALUE OF PROPERTIES.—If the appraised
20 fair market value, as determined by the Secretary,
21 of the real property conveyed to S.S.S., Inc., by the
22 Secretary under paragraph (1) exceeds the appraised
23 fair market value, as determined by the Secretary,
24 of the real property conveyed to the United States
25 by S.S.S., Inc., under paragraph (1), S.S.S., Inc.,

1 shall make a payment to the United States equal to
2 the excess in cash or a cash equivalent that is satis-
3 factory to the Secretary.

4 (e) BOARDMAN, OREGON.—Section 501(g)(1) of the
5 Water Resources Development Act of 1996 (110 Stat.
6 3751) is amended—

7 (1) by striking “city of Boardman,” and insert-
8 ing “the Boardman Park and Recreation District,
9 Boardman,”; and

10 (2) by striking “such city” and inserting “the
11 city of Boardman”.

12 (f) TIOGA TOWNSHIP, PENNSYLVANIA.—

13 (1) IN GENERAL.—The Secretary shall convey
14 by quitclaim deed to the Tioga Township, Pennsyl-
15 vania, without consideration, all right, title, and in-
16 terest of the United States in and to the parcel of
17 real property located on the northeast end of Tract
18 No. 226, a portion of the Tioga-Hammond Lakes
19 flood control project, Tioga County, Pennsylvania,
20 consisting of approximately 8 acres, together with
21 any improvements on that property, for public own-
22 ership and use as the site of the administrative of-
23 fices and road maintenance complex for the Town-
24 ship.

1 (2) RESERVATION OF INTERESTS.—The Sec-
2 retary shall reserve such rights and interests in and
3 to the property to be conveyed as the Secretary con-
4 siders necessary to preserve the operational integrity
5 and security of the Tioga-Hammond Lakes flood
6 control project.

7 (3) REVERSION.—If the Secretary determines
8 that the property conveyed under paragraph (1)
9 ceases to be held in public ownership, or to be used
10 as a site for the Tioga Township administrative of-
11 fices and road maintenance complex or for related
12 public purposes, all right, title, and interest in and
13 to the property shall revert to the United States, at
14 the option of the United States.

15 (g) RICHARD B. RUSSELL LAKE, SOUTH CARO-
16 LINA.—

17 (1) IN GENERAL.—The Secretary shall convey
18 to the State of South Carolina, by quitclaim deed,
19 at fair market value, all right, title, and interest of
20 the United States in and to the real property de-
21 scribed in paragraph (2) that is managed, as of the
22 date of enactment of this Act, by the South Carolina
23 department of commerce for public recreation pur-
24 poses for the Richard B. Russell Dam and Lake,

1 South Carolina, project authorized by section 203 of
2 the Flood Control Act of 1966 (80 Stat. 1420).

3 (2) LAND DESCRIPTION.—Subject to paragraph
4 (3), the real property referred to in paragraph (1)
5 is the parcel contained in the portion of real prop-
6 erty described in Army Lease Number DACW21-1-
7 92-0500.

8 (3) RESERVATION OF INTERESTS.—The United
9 States shall reserve—

10 (A) ownership of all real property included
11 in the lease referred to in paragraph (2) that
12 would have been acquired for operational pur-
13 poses in accordance with the 1971 implementa-
14 tion of the 1962 Army/Interior Joint Acquisi-
15 tion Policy; and

16 (B) such other rights and interests in and
17 to the real property to be conveyed as the Sec-
18 retary considers necessary for authorized
19 project purposes, including easement rights-of-
20 way to remaining Federal land.

21 (4) NO EFFECT ON SHORE MANAGEMENT POL-
22 ICY.—The Shoreline Management Policy (ER-1130-
23 2-406) of the Corps of Engineer shall not be
24 changed or altered for any proposed development of
25 land conveyed under this subsection.

1 (5) COST SHARING.—In carrying out the con-
2 veyance under this subsection, the Secretary and the
3 State shall comply with all obligations of any cost-
4 sharing agreement between the Secretary and the
5 State with respect to the real property described in
6 paragraph (2) in effect as of the date of the convey-
7 ance.

8 (6) LAND NOT CONVEYED.—The State shall
9 continue to manage the real property described in
10 paragraph (3) not conveyed under this subsection in
11 accordance with the terms and conditions of Army
12 Lease Number DACW21-1-92-0500.

13 (h) GENERALLY APPLICABLE PROVISIONS.—

14 (1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—
15 The exact acreage and the legal description of any
16 real property to be conveyed under this section shall
17 be determined by a survey that is satisfactory to the
18 Secretary.

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

23 (3) ADDITIONAL TERMS AND CONDITIONS.—
24 The Secretary may require that any conveyance
25 under this section be subject to such additional

1 terms and conditions as the Secretary considers ap-
2 propriate and necessary to protect the interests of
3 the United States.

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

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

17 **SEC. 3132. EXTINGUISHMENT OF REVERSIONARY INTER-**
18 **ESTS AND USE RESTRICTIONS.**

19 (a) IDAHO.—

20 (1) IN GENERAL.—With respect to the property
21 covered by each deed in paragraph (2)—

22 (A) the reversionary interests and use re-
23 strictions relating to port and industrial use
24 purposes are extinguished;

1 (B) the restriction that no activity shall be
2 permitted that will compete with services and
3 facilities offered by public marinas is extin-
4 guished;

5 (C) the human habitation or other building
6 structure use restriction is extinguished if the
7 elevation of the property is above the standard
8 project flood elevation; and

9 (D) the use of fill material to raise areas
10 of the property above the standard project flood
11 elevation is authorized, except in any area for
12 which a permit under section 404 of the Fed-
13 eral Water Pollution Control Act (33 U.S.C.
14 1344) is required.

15 (2) AFFECTED DEEDS.—The deeds with the fol-
16 lowing county auditor’s file numbers are referred to
17 in paragraph (1):

18 (A) Auditor’s Instruments No. 399218 and
19 No. 399341 of Nez Perce County, Idaho—2.07
20 acres.

21 (B) Auditor’s Instruments No. 487437 and
22 No. 339341 of Nez Perce County, Idaho—7.32
23 acres.

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

1 (1) RELEASE OF RETAINED RIGHTS, INTER-
2 ESTS, RESERVATIONS.—With respect to land con-
3 veyed by the Secretary to the Tennessee Society of
4 Crippled Children and Adults, Incorporated (now
5 known as “Easter Seals Tennessee”), at Old Hick-
6 ory Lock and Dam, Cumberland River, Tennessee,
7 under section 211 of the Flood Control Act of 1965
8 (79 Stat. 1087), the reversionary interests and the
9 use restrictions relating to recreation and camping
10 purposes are extinguished.

11 (2) INSTRUMENT OF RELEASE.—As soon as
12 possible after the date of enactment of this Act, the
13 Secretary shall execute and file in the appropriate
14 office a deed of release, amended deed, or other ap-
15 propriate instrument effectuating the release of in-
16 terests required by paragraph (1).

17 (c) PORT OF PASCO, WASHINGTON.—

18 (1) EXTINGUISHMENT OF USE RESTRICTIONS
19 AND FLOWAGE EASEMENT.—With respect to the
20 property covered by the deed in paragraph (3)(A)—

21 (A) the flowage easement and human habi-
22 tation or other building structure use restriction
23 is extinguished if the elevation of the property
24 is above the standard project flood elevation;
25 and

1 (B) the use of fill material to raise areas
2 of the property above the standard project flood
3 elevation is authorized, except in any area for
4 which a permit under section 404 of the Fed-
5 eral Water Pollution Control Act (33 U.S.C.
6 1344) is required.

7 (2) EXTINGUISHMENT OF FLOWAGE EASE-
8 MENT.—With respect to the property covered by
9 each deed in paragraph (3)(B), the flowage ease-
10 ment is extinguished if the elevation of the property
11 is above the standard project flood elevation.

12 (3) AFFECTED DEEDS.—The deeds referred to
13 in paragraphs (1) and (2) are as follows:

14 (A) Auditor’s File Number 262980 of
15 Franklin County, Washington.

16 (B) Auditor’s File Numbers 263334 and
17 404398 of Franklin County, Washington.

18 (d) NO EFFECT ON OTHER RIGHTS.—Nothing in
19 this section affects the remaining rights and interests of
20 the Corps of Engineers for authorized project purposes.

21 **TITLE IV—STUDIES**

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

23 Section 455 of the Water Resources Development Act
24 of 1999 (42 U.S.C. 1962d–21) 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 in-kind services and materials.”.

5 **SEC. 4002. LAKE ERIE DREDGED MATERIAL DISPOSAL**
6 **SITES.**

7 The Secretary shall conduct a study to determine the
8 nature and frequency of avian botulism problems in the
9 vicinity of Lake Erie associated with dredged material dis-
10 posal sites and shall make recommendations to eliminate
11 the conditions that result in such problems.

12 **SEC. 4003. SOUTHWESTERN UNITED STATES DROUGHT**
13 **STUDY.**

14 (a) IN GENERAL.—The Secretary, in coordination
15 with the Secretary of the Interior, the Secretary of Agri-
16 culture, the Secretary of Commerce, and other appropriate
17 agencies, shall conduct, at Federal expense, a comprehen-
18 sive study of drought conditions in the southwestern
19 United States, with a particular emphasis on the Colorado
20 River basin, the Rio Grande River basin, and the Great
21 Basin.

22 (b) INVENTORY OF ACTIONS.—In conducting the
23 study, the Secretary shall assemble an inventory of actions
24 taken or planned to be taken to address drought-related
25 situations in the southwestern United States.

1 (c) PURPOSE.—The purpose of the study shall be to
2 develop recommendations to more effectively address cur-
3 rent and future drought conditions in the southwestern
4 United States.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Secretary to carry
7 out this section \$7,000,000. Such funds shall remain
8 available until expended.

9 **SEC. 4004. UPPER MISSISSIPPI RIVER COMPREHENSIVE**
10 **PLAN.**

11 Section 459(e) of the Water Resources Development
12 Act of 1999 (113 Stat. 333; 114 Stat. 2635) is amended
13 by striking “3 years after the first date on which funds
14 are appropriated to carry out this section” and inserting
15 “December 30, 2006”.

16 **SEC. 4005. DELAWARE RIVER.**

17 The Secretary shall review, in consultation with the
18 Delaware River Basin Commission and the States of Dela-
19 ware, Pennsylvania, New Jersey, and New York, the re-
20 port of the Chief of Engineers on the Delaware River, pub-
21 lished as House Document Numbered 522, 87th Congress,
22 Second Session, as it relates to the Mid-Delaware River
23 Basin from Wilmington to Port Jervis, and any other per-
24 tinent reports (including the strategy for resolution of
25 interstate flow management issues in the Delaware River

1 Basin dated August 2004 and the National Park Service
2 Lower Delaware River Management Plan (1997–1999)),
3 with a view to determining whether any modifications of
4 recommendations contained in the first report referred to
5 are advisable at the present time, in the interest of flood
6 damage reduction, ecosystem restoration, and other re-
7 lated problems.

8 **SEC. 4006. KNIK ARM, COOK INLET, ALASKA.**

9 The Secretary shall conduct, at Federal expense, a
10 study to determine the potential impacts on navigation of
11 construction of a bridge across Knik Arm, Cook Inlet,
12 Alaska.

13 **SEC. 4007. KUSKOKWIM RIVER, ALASKA.**

14 The Secretary shall conduct a study to determine the
15 feasibility of carrying out a project for navigation,
16 Kuskokwim River, Alaska, in the vicinity of the village of
17 Crooked Creek.

18 **SEC. 4008. ST. GEORGE HARBOR, ALASKA.**

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

22 **SEC. 4009. SUSITNA RIVER, ALASKA.**

23 The Secretary shall conduct a study to determine the
24 feasibility of carrying out a project for hydropower, recre-
25 ation, and related purposes on the Susitna River, Alaska.

1 **SEC. 4010. GILA BEND, MARICOPA, ARIZONA.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for flood damage re-
4 duction, Gila Bend, Maricopa, Arizona. In conducting the
5 study, the Secretary shall review plans and designs devel-
6 oped by non-Federal interests and shall incorporate such
7 plans and designs into the Federal study if the Secretary
8 determines that such plans and designs are consistent with
9 Federal standards.

10 **SEC. 4011. SEARCY COUNTY, ARKANSAS.**

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

14 **SEC. 4012. DRY CREEK VALLEY, CALIFORNIA.**

15 The Secretary shall conduct a study to determine the
16 feasibility of carrying out a project to provide recycled
17 water for agricultural water supply, Dry Creek Valley,
18 California, including a review of the feasibility of expand-
19 ing the Geysers recharge project north of Healdsburg,
20 California.

21 **SEC. 4013. ELKHORN SLOUGH ESTUARY, CALIFORNIA.**

22 The Secretary shall conduct a study of the Elkhorn
23 Slough estuary, California, to determine the feasibility of
24 conserving, enhancing, and restoring estuarine habitats by
25 developing strategies to address hydrological management
26 issues.

1 **SEC. 4014. FRESNO, KINGS, AND KERN COUNTIES, CALI-**
2 **FORNIA.**

3 The Secretary shall conduct a study to determine the
4 feasibility of carrying out a project for water supply for
5 Fresno, Kings, and Kern Counties, California.

6 **SEC. 4015. LOS ANGELES RIVER, CALIFORNIA.**

7 (a) IN GENERAL.—The Secretary shall conduct a
8 study to determine the feasibility of carrying out a project
9 for flood damage reduction and ecosystem restoration, Los
10 Angeles River, California.

11 (b) REVITALIZATION PLAN.—In conducting the
12 study, the Secretary shall review the Los Angeles River
13 revitalization plan developed by non-Federal interests and
14 shall incorporate such plan into the Federal study if the
15 Secretary determines that such plan is consistent with
16 Federal standards.

17 **SEC. 4016. LYTLE CREEK, RIALTO, CALIFORNIA.**

18 The Secretary shall conduct a study to determine the
19 feasibility of carrying out a project for flood damage re-
20 duction and groundwater recharge, Lytle Creek, Rialto,
21 California.

22 **SEC. 4017. MOKELUMNE RIVER, SAN JOAQUIN COUNTY,**
23 **CALIFORNIA.**

24 (a) IN GENERAL.—The Secretary shall conduct a
25 study to determine the feasibility of carrying out a project

1 for water supply along the Mokelumne River, San Joaquin
2 County, California.

3 (b) LIMITATION ON STATUTORY CONSTRUCTION.—
4 Nothing in this section shall be construed to invalidate,
5 preempt, or create any exception to State water law, State
6 water rights, or Federal or State permitted activities or
7 agreements.

8 **SEC. 4018. NAPA RIVER, ST. HELENA, CALIFORNIA.**

9 (a) IN GENERAL.—The Secretary shall conduct a
10 comprehensive study of the Napa River in the vicinity of
11 St. Helena, California, for the purposes of improving flood
12 management through reconnecting the river to its flood-
13 plain; restoring habitat, including riparian and aquatic
14 habitat; improving fish passage and water quality; and re-
15 storing native plant communities.

16 (b) PLANS AND DESIGNS.—In conducting the study,
17 the Secretary shall review plans and designs developed by
18 non-Federal interests and shall incorporate such plans and
19 designs into the Federal study if the Secretary determines
20 that such plans and designs are consistent with Federal
21 standards.

22 **SEC. 4019. ORICK, CALIFORNIA.**

23 The Secretary shall conduct a study to determine the
24 feasibility of carrying out a project for flood damage re-
25 duction and ecosystem restoration, Orick, California. In

1 conducting the study, the Secretary shall determine the
2 feasibility of restoring or rehabilitating the Redwood
3 Creek Levees, Humboldt County, California.

4 **SEC. 4020. RIALTO, FONTANA, AND COLTON, CALIFORNIA.**

5 The Secretary shall conduct a study to determine the
6 feasibility of carrying out a project for water supply for
7 Rialto, Fontana, and Colton, California.

8 **SEC. 4021. SACRAMENTO RIVER, CALIFORNIA.**

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

14 **SEC. 4022. SAN DIEGO COUNTY, CALIFORNIA.**

15 The Secretary shall conduct a study to determine the
16 feasibility of carrying out a project for water supply, San
17 Diego County, California, including a review of the feasi-
18 bility of connecting 4 existing reservoirs to increase usable
19 storage capacity.

20 **SEC. 4023. SAN FRANCISCO BAY, SACRAMENTO-SAN JOA-**
21 **QUIN DELTA, CALIFORNIA.**

22 (a) IN GENERAL.—The Secretary shall conduct a
23 study to determine the feasibility of the beneficial use of
24 dredged material from the San Francisco Bay in the Sac-
25 ramento-San Joaquin Delta, California, including the ben-

1 efits and impacts of salinity in the Delta and the benefits
2 to navigation, flood damage reduction, ecosystem restora-
3 tion, water quality, salinity control, water supply reli-
4 ability, and recreation.

5 (b) COOPERATION.—In conducting the study, the
6 Secretary shall cooperate with the California Department
7 of Water Resources and appropriate Federal and State en-
8 tities in developing options for the beneficial use of
9 dredged material from San Francisco Bay for the Sac-
10 ramento-San Joaquin Delta area.

11 (c) REVIEW.—The study shall include a review of the
12 feasibility of using Sherman Island as a rehandling site
13 for levee maintenance material, as well as for ecosystem
14 restoration. The review may include monitoring a pilot
15 project using up to 150,000 cubic yards of dredged mate-
16 rial and being carried out at the Sherman Island site, ex-
17 amining larger scale use of dredged materials from the
18 San Francisco Bay and Suisun Bay Channel, and ana-
19 lyzing the feasibility of the potential use of saline mate-
20 rials from the San Francisco Bay for both rehandling and
21 ecosystem restoration purposes.

22 **SEC. 4024. SOUTH SAN FRANCISCO BAY SHORELINE STUDY,**
23 **CALIFORNIA.**

24 (a) IN GENERAL.—In conducting the South San
25 Francisco Bay shoreline study, the Secretary shall—

1 (1) review the planning, design, and land acqui-
2 sition documents prepared by the California State
3 Coastal Conservancy, the Santa Clara Valley Water
4 District, and other local interests in developing rec-
5 ommendations for measures to provide flood protec-
6 tion of the South San Francisco Bay shoreline, res-
7 toration of the South San Francisco Bay salt ponds
8 (including lands owned by the Department of the In-
9 terior), and other related purposes; and

10 (2) incorporate such planning, design, and land
11 acquisition documents into the Federal study if the
12 Secretary determines that such documents are con-
13 sistent with Federal standards.

14 (b) REPORT.—Not later than December 31, 2008,
15 the Secretary shall transmit a feasibility report for the
16 South San Francisco Bay shoreline study to the Com-
17 mittee on Transportation and Infrastructure of the House
18 of Representatives and the Committee on Environment
19 and Public Works of the Senate.

20 (c) CREDIT.—

21 (1) IN GENERAL.—The Secretary shall credit
22 toward the non-Federal share of the cost of any
23 project authorized by law as a result of the South
24 San Francisco Bay shoreline study the cost of work
25 carried out by the non-Federal interest before the

1 date of the partnership agreement for the project if
2 the Secretary determines that the work is integral to
3 the project.

4 (2) LIMITATION.—In no case may work that
5 was carried out more than 5 years before the date
6 of enactment of this Act be eligible for credit under
7 this subsection.

8 **SEC. 4025. TWENTYNINE PALMS, CALIFORNIA.**

9 The Secretary shall conduct a study to determine the
10 feasibility of carrying out a project for flood damage re-
11 duction, Pinto Cove Wash, in the vicinity of Twentynine
12 Palms, California.

13 **SEC. 4026. YUCCA VALLEY, CALIFORNIA.**

14 The Secretary shall conduct a study to determine the
15 feasibility of carrying out a project for flood damage re-
16 duction, West Burnt Mountain basin, in the vicinity of
17 Yucca Valley, California.

18 **SEC. 4027. BOULDER CREEK, BOULDER, COLORADO.**

19 The Secretary shall conduct a study to determine the
20 feasibility of carrying out a project for flood damage re-
21 duction in the Boulder Creek floodplain, Colorado.

22 **SEC. 4028. ROARING FORK RIVER, BASALT, COLORADO.**

23 The Secretary shall conduct a study to determine the
24 feasibility of carrying out a project for flood damage re-

1 duction and other purposes for the Roaring Fork River,
2 Basalt, Colorado.

3 **SEC. 4029. DELAWARE AND CHRISTINA RIVERS AND**
4 **SHELLPOT CREEK, WILMINGTON, DELAWARE.**

5 The Secretary shall conduct a study to determine the
6 feasibility of carrying out a project for flood damage re-
7 duction and related purposes along the Delaware and
8 Christina Rivers and Shellpot Creek, Wilmington, Dela-
9 ware.

10 **SEC. 4030. COLLIER COUNTY BEACHES, FLORIDA.**

11 The Secretary shall conduct a study to determine the
12 feasibility of carrying out a project for hurricane and
13 storm damage reduction and flood damage reduction in
14 the vicinity of Vanderbilt, Park Shore, and Naples beach-
15 es, Collier County, Florida.

16 **SEC. 4031. VANDERBILT BEACH LAGOON, FLORIDA.**

17 The Secretary shall conduct a study to determine the
18 feasibility of carrying out a project for environmental res-
19 toration, water supply, and improvement of water quality
20 at Vanderbilt Beach Lagoon, Florida.

21 **SEC. 4032. MERIWETHER COUNTY, GEORGIA.**

22 The Secretary shall conduct a study to determine the
23 feasibility of carrying out a project for water supply,
24 Meriwether County, Georgia.

1 **SEC. 4033. TYBEE ISLAND, GEORGIA.**

2 The Secretary shall conduct a study to determine the
3 feasibility of including the northern end of Tybee Island
4 extending from the north terminal groin to the mouth of
5 Lazaretto Creek as a part of the project for beach erosion
6 control, Tybee Island, Georgia, carried out under section
7 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–
8 5).

9 **SEC. 4034. KAUKONAHUA-HELEMANO WATERSHED, OAHU,**
10 **HAWAII.**

11 The Secretary shall conduct a study to determine the
12 feasibility of carrying out a project for flood damage re-
13 duction, Kaukonahua-Helemano watershed, Oahu, Ha-
14 waii.

15 **SEC. 4035. WEST MAUI, MAUI, HAWAII.**

16 The Secretary shall conduct a study to determine the
17 feasibility of carrying out projects for water resources de-
18 velopment, environmental restoration, and natural re-
19 sources protection, West Maui, Maui, Hawaii.

20 **SEC. 4036. BOISE RIVER, IDAHO.**

21 The study for flood control, Boise River, Idaho, au-
22 thorized by section 414 of the Water Resources Develop-
23 ment Act of 1999 (113 Stat. 324), is modified—

24 (1) to add ecosystem restoration and water sup-
25 ply as project purposes to be studied; and

1 (2) to require the Secretary to credit toward the
2 non-Federal share of the cost of the study the cost,
3 not to exceed \$500,000, of work carried out by the
4 non-Federal interest before the date of the partner-
5 ship agreement for the project if the Secretary de-
6 termines that the work is integral to the project.

7 **SEC. 4037. BALLARD'S ISLAND SIDE CHANNEL, ILLINOIS.**

8 The Secretary shall conduct a study to determine the
9 feasibility of carrying out a project for ecosystem restora-
10 tion, Ballard's Island, Illinois.

11 **SEC. 4038. CHICAGO, ILLINOIS.**

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

15 **SEC. 4039. SOUTH BRANCH, CHICAGO RIVER, CHICAGO, IL-**
16 **LINOIS.**

17 The Secretary shall conduct a study to determine the
18 feasibility of carrying out a project for ecosystem restora-
19 tion at the South Fork of the South Branch of the Chicago
20 River, Chicago, Illinois.

21 **SEC. 4040. UTICA, ILLINOIS.**

22 The Secretary shall conduct a study to determine the
23 feasibility of carrying out a project for flood damage re-
24 duction in the vicinity of Utica, Illinois.

1 **SEC. 4041. LAKE AND PORTER COUNTIES, INDIANA.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for riverfront develop-
4 ment, including enhanced public access, recreation, and
5 environmental restoration along Lake Michigan, Ham-
6 mond, Whiting, East Chicago, Gary, and Portage, Indi-
7 ana.

8 **SEC. 4042. SALEM, INDIANA.**

9 The Secretary shall conduct a study to determine the
10 feasibility of carrying out a project to provide an addi-
11 tional water supply source for Salem, Indiana.

12 **SEC. 4043. BUCKHORN LAKE, KENTUCKY.**

13 (a) IN GENERAL.—The Secretary shall conduct a
14 study to determine the feasibility of modifying the project
15 for flood damage reduction, Buckhorn Lake, Kentucky,
16 authorized by section 2 of the Flood Control Act of June
17 28, 1938 (52 Stat. 1217), to add ecosystem restoration,
18 recreation, and improved access as project purposes, in-
19 cluding permanently raising the winter pool elevation of
20 the project.

21 (b) IN-KIND CONTRIBUTIONS.—The non-Federal in-
22 terest may provide the non-Federal share of the cost of
23 the study in the form of in-kind services and materials.

1 **SEC. 4044. DEWEY LAKE, KENTUCKY.**

2 The Secretary shall conduct a study to determine the
3 feasibility of modifying the project for Dewey Lake, Ken-
4 tucky, to add water supply as a project purpose.

5 **SEC. 4045. LOUISVILLE, KENTUCKY.**

6 The Secretary shall conduct a study of the project
7 for flood control, Louisville, Kentucky, authorized by sec-
8 tion 4 of the Flood Control Act of June 28, 1938 (52 Stat.
9 1217), to investigate measures to address the rehabilita-
10 tion of the project.

11 **SEC. 4046. BASTROP-MOREHOUSE PARISH, LOUISIANA.**

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

15 **SEC. 4047. OFFSHORE OIL AND GAS FABRICATION PORTS,**
16 **LOUISIANA.**

17 (a) BENEFITS.—In conducting a feasibility study for
18 each of the following projects for navigation, the Secretary
19 shall include in the calculation of national economic devel-
20 opment benefits all economic benefits associated with con-
21 tracts for new energy exploration and contracts for the
22 fabrication of energy infrastructure that would result from
23 carrying out the project:

24 (1) Atchafalaya River, Bayous Chene, Boeuf,
25 and Black, Louisiana, being conducted under section

1 430 of the Water Resources Development Act of
2 2000 (114 Stat. 2639).

3 (2) Iberia Port, Louisiana, being conducted
4 under section 431 of the Water Resources Develop-
5 ment Act of 2000 (114 Stat. 2639).

6 (b) REPEAL.—Section 6009 of the Emergency Sup-
7 plemental Appropriations Act for Defense, the Global War
8 on Terror, and Tsunami Relief, 2005 (Public Law 109–
9 13; 119 Stat. 282) is repealed.

10 **SEC. 4048. VERMILION RIVER, LOUISIANA.**

11 The Secretary shall conduct a study to determine the
12 feasibility of carrying out a project for navigation on the
13 Vermilion River, Louisiana, from the intersection of the
14 Vermilion River and the Gulf Intracoastal Waterway to
15 the industrial area north of the Vermilion River.

16 **SEC. 4049. WEST FELICIANA PARISH, LOUISIANA.**

17 The Secretary shall conduct a study to determine the
18 feasibility of carrying out a project for riverfront develop-
19 ment, including enhanced public access, recreation, and
20 environmental restoration, on the Mississippi River in
21 West Feliciana Parish, Louisiana.

22 **SEC. 4050. PATAPSCO RIVER, MARYLAND.**

23 The Secretary shall conduct a study to determine and
24 assess the impact of debris in the Patapsco River basin,
25 Maryland, on wetlands, water quality, and public health

1 and to identify management measures to reduce the inflow
2 of debris into the Patapsco River.

3 **SEC. 4051. FALL RIVER HARBOR, MASSACHUSETTS AND**
4 **RHODE ISLAND.**

5 The Secretary shall conduct a study to determine the
6 feasibility of deepening that portion of the navigation
7 channel of the navigation project for Fall River Harbor,
8 Massachusetts and Rhode Island, authorized by section
9 101 of the River and Harbor Act of 1968 (82 Stat. 731),
10 seaward of the Charles M. Braga, Jr. Memorial Bridge,
11 Fall River and Somerset, Massachusetts.

12 **SEC. 4052. HAMBURG AND GREEN OAK TOWNSHIPS, MICHIGAN.**
13 **GAN.**

14 The Secretary shall conduct a study to determine the
15 feasibility of carrying out a project for flood damage re-
16 duction on Ore Lake and the Huron River for Hamburg
17 and Green Oak Townships, Michigan.

18 **SEC. 4053. ST. CLAIR RIVER, MICHIGAN.**

19 (a) IN GENERAL.—The Secretary shall carry out a
20 study of the relationships among dredging of the St. Clair
21 River for navigation, erosion in the river, and declining
22 water levels in the river and in Lake Michigan and Lake
23 Huron.

1 (b) RECOMMENDATIONS.—The report on the results
2 of the study may include recommendations to address
3 water level declines in Lake Michigan and Lake Huron.

4 **SEC. 4054. DULUTH-SUPERIOR HARBOR, MINNESOTA AND**
5 **WISCONSIN.**

6 (a) IN GENERAL.—The Secretary shall conduct a
7 study and prepare a report to evaluate the integrity of
8 the bulkhead system located on and in the vicinity of Du-
9 luth-Superior Harbor, Duluth, Minnesota, and Superior,
10 Wisconsin.

11 (b) CONTENTS.—The report shall include—

12 (1) a determination of causes of corrosion of
13 the bulkhead system;

14 (2) recommendations to reduce corrosion of the
15 bulkhead system;

16 (3) a description of the necessary repairs to the
17 bulkhead system; and

18 (4) an estimate of the cost of addressing the
19 causes of the corrosion and carrying out necessary
20 repairs.

21 **SEC. 4055. WILD RICE RIVER, MINNESOTA.**

22 The Secretary shall review the project for flood pro-
23 tection and other purposes on Wild Rice River, Minnesota,
24 authorized by section 201 of the Flood Control Act of

1 1970 (84 Stat. 1825), to develop alternatives to the Twin
2 Valley Lake feature.

3 **SEC. 4056. MISSISSIPPI COASTAL AREA, MISSISSIPPI.**

4 The Secretary shall conduct a study to determine the
5 feasibility of making improvements or modifications to ex-
6 isting improvements in the coastal area of Mississippi in
7 the interest of hurricane and storm damage reduction,
8 prevention of saltwater intrusion, preservation of fish and
9 wildlife, prevention of erosion, and other related water re-
10 source purposes.

11 **SEC. 4057. NORTHEAST MISSISSIPPI.**

12 The Secretary shall conduct a study to determine the
13 feasibility of modifying the project for navigation, Ten-
14 nessee-Tombigbee Waterway, Alabama and Mississippi, to
15 provide water supply for northeast Mississippi.

16 **SEC. 4058. ST. LOUIS, MISSOURI.**

17 The Secretary shall conduct a study to determine the
18 feasibility of carrying out a project for flood damage re-
19 duction, St. Louis, Missouri, to restore or rehabilitate the
20 levee system feature of the project for flood protection,
21 St. Louis, Missouri, authorized by the first section of the
22 Act entitled “An Act authorizing construction of certain
23 public works on the Mississippi River for the protection
24 of Saint Louis, Missouri”, approved August 9, 1955 (69
25 Stat. 540).

1 **SEC. 4059. DREDGED MATERIAL DISPOSAL, NEW JERSEY.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project in the vicinity of the
4 Atlantic Intracoastal Waterway, New Jersey, for the con-
5 struction of a dredged material disposal transfer facility
6 to make dredged material available for beneficial reuse.

7 **SEC. 4060. BAYONNE, NEW JERSEY.**

8 The Secretary shall conduct a study to determine the
9 feasibility of carrying out a project for environmental res-
10 toration, including improved water quality, enhanced pub-
11 lic access, and recreation, on the Kill Van Kull, Bayonne,
12 New Jersey.

13 **SEC. 4061. CARTERET, NEW JERSEY.**

14 The Secretary shall conduct a study to determine the
15 feasibility of carrying out a project for environmental res-
16 toration, including improved water quality, enhanced pub-
17 lic access, and recreation, on the Raritan River, Carteret,
18 New Jersey.

19 **SEC. 4062. ELIZABETH RIVER, ELIZABETH, NEW JERSEY.**

20 The Secretary shall conduct a study to determine the
21 feasibility of carrying out ecosystem restoration improve-
22 ments in the Elizabeth River watershed, Elizabeth, New
23 Jersey.

24 **SEC. 4063. GLOUCESTER COUNTY, NEW JERSEY.**

25 The Secretary shall conduct a study to determine the
26 feasibility of carrying out a project for flood damage re-

1 duction, Gloucester, New Jersey, including the feasibility
2 of restoring the flood protection dikes in Gibbstown, New
3 Jersey, and the associated tidegates in Gloucester, New
4 Jersey.

5 **SEC. 4064. PERTH AMBOY, NEW JERSEY.**

6 The Secretary shall conduct a study to determine the
7 feasibility of carrying out a project for riverfront develop-
8 ment, including enhanced public access, recreation, and
9 environmental restoration, on the Arthur Kill, Perth
10 Amboy, New Jersey.

11 **SEC. 4065. WRECK POND, MONMOUTH COUNTY, NEW JER-**
12 **SEY.**

13 The Secretary shall conduct a study to determine the
14 feasibility of carrying out a project for environmental res-
15 toration at Wreck Pond, New Jersey, including Black
16 Creek and associated waters.

17 **SEC. 4066. BATAVIA, NEW YORK.**

18 The Secretary shall conduct a study to determine the
19 feasibility of carrying out a project for hydropower and
20 related purposes in the vicinity of Batavia, New York.

21 **SEC. 4067. BIG SISTER CREEK, EVANS, NEW YORK.**

22 (a) IN GENERAL.—The Secretary shall conduct a
23 study to determine the feasibility of carrying out a project
24 for flood damage reduction, Big Sister Creek, Evans, New
25 York.

1 (b) EVALUATION OF POTENTIAL SOLUTIONS.—In
2 conducting the study, the Secretary shall evaluate poten-
3 tial solutions to flooding from all sources, including flood-
4 ing that results from ice jams.

5 **SEC. 4068. EAST CHESTER BAY, TURTLE COVE, NEW YORK.**

6 The Secretary shall conduct a study to determine the
7 feasibility of carrying out a project for navigation, East
8 Chester Creek, Chester Bay, Turtle Cove, New York.

9 **SEC. 4069. FINGER LAKES, NEW YORK.**

10 The Secretary shall conduct a study to determine the
11 feasibility of carrying out a project for aquatic ecosystem
12 restoration and protection, Finger Lakes, New York, to
13 address water quality and invasive species.

14 **SEC. 4070. HUDSON-RARITAN ESTUARY, NEW YORK AND**
15 **NEW JERSEY.**

16 In conducting the study for environmental restora-
17 tion, Hudson-Raritan Estuary, New York and New Jer-
18 sey, the Secretary shall establish and utilize watershed res-
19 toration teams composed of estuary restoration experts
20 from the Corps of Engineers, the New Jersey Department
21 of Environmental Protection, and the Port Authority of
22 New York and New Jersey and other experts designated
23 by the Secretary for the purpose of developing habitat res-
24 toration and water quality enhancement.

1 **SEC. 4071. LAKE ERIE SHORELINE, BUFFALO, NEW YORK.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for storm damage re-
4 duction and shoreline protection in the vicinity of Galla-
5 gher Beach, Lake Erie Shoreline, Buffalo, New York.

6 **SEC. 4072. NEWTOWN CREEK, NEW YORK.**

7 The Secretary shall conduct a study to determine the
8 feasibility of carrying out ecosystem restoration improve-
9 ments on Newtown Creek, Brooklyn and Queens, New
10 York.

11 **SEC. 4073. NIAGARA RIVER, NEW YORK.**

12 The Secretary shall conduct a study to determine the
13 feasibility of carrying out a project for a low-head hydro-
14 electric generating facility in the Niagara River, New
15 York.

16 **SEC. 4074. SHORE PARKWAY GREENWAY, BROOKLYN, NEW**
17 **YORK.**

18 The Secretary shall conduct a study of the feasibility
19 of carrying out a project for shoreline protection in the
20 vicinity of the confluence of the Narrows and Gravesend
21 Bay, Upper New York Bay, Shore Parkway Greenway,
22 Brooklyn, New York.

23 **SEC. 4075. UPPER DELAWARE RIVER WATERSHED, NEW**
24 **YORK.**

25 Notwithstanding section 221(b) of the Flood Control
26 Act of 1970 (42 U.S.C. 1962d-5b(b)) and with the con-

1 sent of the affected local government, a nonprofit organi-
2 zation may serve as the non-Federal interest for a study
3 for the Upper Delaware River watershed, New York, being
4 carried out under Committee Resolution 2495 of the Com-
5 mittee on Transportation and Infrastructure of the House
6 of Representatives, adopted May 9, 1996.

7 **SEC. 4076. LINCOLN COUNTY, NORTH CAROLINA.**

8 The Secretary shall conduct a study of existing water
9 and water quality-related infrastructure in Lincoln Coun-
10 ty, North Carolina, to assist local interests in determining
11 the most efficient and effective way to connect county in-
12 frastructure.

13 **SEC. 4077. WILKES COUNTY, NORTH CAROLINA.**

14 The Secretary shall conduct a study to determine the
15 feasibility of carrying out a project for water supply,
16 Wilkes County, North Carolina.

17 **SEC. 4078. YADKINVILLE, NORTH CAROLINA.**

18 The Secretary shall conduct a study to determine the
19 feasibility of carrying out a project for water supply,
20 Yadkinville, North Carolina.

21 **SEC. 4079. CINCINNATI, OHIO.**

22 (a) IN GENERAL.—The Secretary shall conduct a
23 study to determine the feasibility of carrying out a project
24 for ecosystem restoration and recreation on the Ohio
25 River, Cincinnati, Ohio.

1 (b) DESIGN.—While conducting the study, the Sec-
2 retary may continue to carry out design work for the
3 project as authorized by section 118 of division H of the
4 Consolidated Appropriations Act, 2004 (118 Stat. 439).

5 (c) EXISTING PLANS.—In conducting the study, the
6 Secretary shall review the Central Riverfront Park Master
7 Plan, dated December 1999, and incorporate any compo-
8 nents of the plan that the Secretary determines are con-
9 sistent with Federal standards.

10 (d) CREDIT.—

11 (1) IN GENERAL.—The Secretary shall credit
12 toward the non-Federal share of the cost of any
13 project authorized by law as a result of the study
14 the cost of work carried out by the non-Federal in-
15 terest before the date of the partnership agreement
16 for the project if the Secretary determines that the
17 work is integral to the project.

18 (2) LIMITATION.—In no case may work that
19 was carried out more than 5 years before the date
20 of enactment of this Act be eligible for credit under
21 this subsection.

22 **SEC. 4080. EUCLID, OHIO.**

23 The Secretary shall conduct a study to determine the
24 feasibility of carrying out a project for navigation, eco-

1 system restoration, and recreation on Lake Erie, in the
2 vicinity of the Euclid Lakefront, Euclid, Ohio.

3 **SEC. 4081. LAKE ERIE, OHIO.**

4 The Secretary shall conduct a study to determine the
5 feasibility of carrying out projects for power generation
6 at confined disposal facilities along Lake Erie, Ohio.

7 **SEC. 4082. OHIO RIVER, OHIO.**

8 The Secretary shall conduct a study to determine the
9 feasibility of carrying out projects for flood damage reduc-
10 tion on the Ohio River in Mahoning, Columbiana, Jeffer-
11 son, Belmont, Noble, Monroe, Washington, Athens, Meigs,
12 Gallia, Lawrence, and Scioto Counties, Ohio.

13 **SEC. 4083. SUTHERLIN, OREGON.**

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

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out this section
23 \$2,500,000.

1 **SEC. 4084. TILLAMOOK BAY AND BAR, OREGON.**

2 The Secretary shall conduct a study of the project
3 for navigation, Tillamook Bay and Bar, Oregon, author-
4 ized by the first section of the River and Harbor Appro-
5 priations Act of July 25, 1912 (37 Stat. 220), to inves-
6 tigate measures to address dangerous and hazardous wave
7 and ocean conditions.

8 **SEC. 4085. ECOSYSTEM RESTORATION AND FISH PASSAGE**
9 **IMPROVEMENTS, OREGON.**

10 (a) **STUDY.**—The Secretary shall conduct a study to
11 determine the feasibility of undertaking ecosystem restora-
12 tion and fish passage improvements on rivers throughout
13 the State of Oregon.

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

16 (1) work in coordination with the State of Or-
17 egon, local governments, and other Federal agencies;
18 and

19 (2) place emphasis on—

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

25 (B) other watershed restoration objectives.

26 (c) **PILOT PROGRAM.**—

1 (1) IN GENERAL.—In conjunction with con-
2 ducting the study under subsection (a), the Sec-
3 retary may carry out pilot projects to demonstrate
4 the effectiveness of ecosystem restoration and fish
5 passages.

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

9 **SEC. 4086. WALLA WALLA RIVER BASIN, OREGON.**

10 In conducting the study of determine the feasibility
11 of carrying out a project for ecosystem restoration, Walla
12 Walla River Basin, Oregon, the Secretary shall—

13 (1) credit toward the non-Federal share of the
14 cost of the study the cost of work carried out by the
15 non-Federal interest before the date of the partner-
16 ship agreement for the project if the Secretary de-
17 termines that the work is integral to the project; and

18 (2) allow the non-Federal interest to provide
19 the non-Federal share of the cost of the study in the
20 form of in-kind services and materials.

21 **SEC. 4087. CHARTIERS CREEK WATERSHED, PENNSYL-**
22 **VANIA.**

23 The Secretary shall conduct a study to determine the
24 feasibility of carrying out a project for flood damage re-
25 duction, Chartiers Creek watershed, Pennsylvania.

1 **SEC. 4088. KINZUA DAM AND ALLEGHENY RESERVOIR,**
2 **PENNSYLVANIA.**

3 The Secretary shall conduct a study of the project
4 for flood control, Kinzua Dam and Allegheny Reservoir,
5 Warren, Pennsylvania, authorized by section 5 of the
6 Flood Control Act of June 22, 1936 (49 Stat. 1570), and
7 modified by section 2 of the Flood Control Act of June
8 28, 1938 (52 Stat. 1215), section 2 of the Flood Control
9 Act of August 18, 1941 (55 Stat. 646), and section 4 of
10 the Flood Control Act of December 22, 1944 (58 Stat.
11 887), to review operations of and identify modifications
12 to the project to expand recreational opportunities.

13 **SEC. 4089. NORTH CENTRAL PENNSYLVANIA.**

14 The Secretary shall conduct a study to determine the
15 feasibility of carrying out project for aquatic ecosystem
16 restoration and protection in Warren, McKean, Potter,
17 Tioga, Lycoming, Centre, Cameron, Elk, Clearfield, Jef-
18 ferson, Clarion, Venango, Forest, Clinton, Crawford, and
19 Mifflin Counties, Pennsylvania, particularly as related to
20 abandoned mine drainage abatement and reestablishment
21 of stream and river channels.

22 **SEC. 4090. NORTHAMPTON AND LEHIGH COUNTIES**
23 **STREAMS, PENNSYLVANIA.**

24 The Secretary shall conduct a study to determine the
25 feasibility of carrying out a project for ecosystem restora-
26 tion, floodplain management, flood damage reduction,

1 water quality control, and watershed management, for the
2 streams of Northampton and Lehigh Counties, Pennsyl-
3 vania.

4 **SEC. 4091. WESTERN PENNSYLVANIA FLOOD DAMAGE RE-**
5 **DUCTION.**

6 (a) IN GENERAL.—The Secretary shall conduct a
7 study of structural and nonstructural flood damage reduc-
8 tion, stream bank protection, storm water management,
9 channel clearing and modification, and watershed coordi-
10 nation measures in the Mahoning River basin, Pennsyl-
11 vania, the Allegheny River basin, Pennsylvania, and the
12 Upper Ohio River basin, Pennsylvania, to provide a level
13 of flood protection sufficient to prevent future losses to
14 communities located in such basins from flooding such as
15 occurred in September 2004, but not less than a 100-year
16 level of flood protection.

17 (b) PRIORITY COMMUNITIES.—In carrying out this
18 section, the Secretary shall give priority to the following
19 Pennsylvania communities: Marshall Township, Ross
20 Township, Shaler Township, Jackson Township, Har-
21 mony, Zelienople, Darlington Township, Houston Bor-
22 ough, Chartiers Township, Washington, Canton Town-
23 ship, Tarentum Borough, and East Deer Township.

1 **SEC. 4092. WILLIAMSPORT, PENNSYLVANIA.**

2 The Secretary shall conduct a study of the project
3 for flood control, Williamsport, Pennsylvania, authorized
4 by section 5 of the Flood Control Act of June 22, 1936
5 (49 Stat. 1570), to investigate measures to rehabilitate
6 the project.

7 **SEC. 4093. YARDLEY BOROUGH, PENNSYLVANIA.**

8 The Secretary shall conduct a study to determine the
9 feasibility of carrying out a project for flood damage re-
10 duction, at Yardley Borough, Pennsylvania, including the
11 alternative of raising River Road.

12 **SEC. 4094. RIO VALENCIANO, JUNCOS, PUERTO RICO.**

13 (a) IN GENERAL.—The Secretary shall conduct a
14 study to reevaluate the project for flood damage reduction
15 and water supply, Rio Valenciano, Juncos, Puerto Rico,
16 authorized by section 209 of the Flood Control Act of
17 1962 (76 Stat. 1197) and section 204 of the Flood Con-
18 trol Act of 1970 (84 Stat. 1828), to determine the feasi-
19 bility of carrying out the project.

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

1 **SEC. 4095. CROOKED CREEK, BENNETTSVILLE, SOUTH**
2 **CAROLINA.**

3 The Secretary shall conduct a study to determine the
4 feasibility of carrying out a project for water supply,
5 Crooked Creek, Bennettsville, South Carolina.

6 **SEC. 4096. BROAD RIVER, YORK COUNTY, SOUTH CAROLINA.**

7 The Secretary shall conduct a study to determine the
8 feasibility of carrying out a project for water supply,
9 Broad River, York County, South Carolina.

10 **SEC. 4097. GEORGETOWN AND WILLIAMSBURG COUNTIES,**
11 **SOUTH CAROLINA.**

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

18 **SEC. 4098. CHATTANOOGA, TENNESSEE.**

19 The Secretary shall conduct a study to determine the
20 feasibility of carrying out a project for flood damage re-
21 duction, Chattanooga Creek, Dobbs Branch, Chattanooga,
22 Tennessee.

23 **SEC. 4099. CLEVELAND, TENNESSEE.**

24 The Secretary shall conduct a study to determine the
25 feasibility of carrying out a project for flood damage re-
26 duction, Cleveland, Tennessee.

1 **SEC. 4100. CUMBERLAND RIVER, NASHVILLE, TENNESSEE.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for recreation on, river-
4 bank protection for, and environmental protection of, the
5 Cumberland River and riparian habitats in the city of
6 Nashville and Davidson County, Tennessee.

7 **SEC. 4101. LEWIS, LAWRENCE, AND WAYNE COUNTIES, TEN-**
8 **NESSEE.**

9 The Secretary shall conduct a study to determine the
10 feasibility of carrying out a project for water supply for
11 Lewis, Lawrence, and Wayne Counties, Tennessee.

12 **SEC. 4102. WOLF RIVER AND NONCONNAH CREEK, MEM-**
13 **PHIS TENNESSEE.**

14 The Secretary shall conduct a study to determine the
15 feasibility of carrying out a project for flood damage re-
16 duction along Wolf River and Nonconnah Creek, in the
17 vicinity of Memphis, Tennessee, to include the repair, re-
18 placement, rehabilitation, and restoration of the following
19 pumping stations: Cypress Creek, Nonconnah Creek,
20 Ensley, Marble Bayou, and Bayou Gayoso.

21 **SEC. 4103. ABILENE, TEXAS.**

22 The Secretary shall conduct a study to determine the
23 feasibility of carrying out a project for water supply, Abi-
24 lene, Texas.

1 **SEC. 4104. COASTAL TEXAS ECOSYSTEM PROTECTION AND**
2 **RESTORATION, TEXAS.**

3 (a) IN GENERAL.—The Secretary shall develop a
4 comprehensive plan to determine the feasibility of carrying
5 out projects for flood damage reduction, hurricane and
6 storm damage reduction, and ecosystem restoration in the
7 coastal areas of the State of Texas.

8 (b) SCOPE.—The comprehensive plan shall provide
9 for the protection, conservation, and restoration of wet-
10 lands, barrier islands, shorelines, and related lands and
11 features that protect critical resources, habitat, and infra-
12 structure from the impacts of coastal storms, hurricanes,
13 erosion, and subsidence.

14 (c) DEFINITION.—For purposes of this section, the
15 term “coastal areas in the State of Texas” means the
16 coastal areas of the State of Texas from the Sabine River
17 on the east to the Rio Grande River on the west and in-
18 cludes tidal waters, barrier islands, marches, coastal wet-
19 lands, rivers and streams, and adjacent areas.

20 **SEC. 4105. FORT BEND COUNTY, TEXAS.**

21 The Secretary shall conduct a study to determine the
22 feasibility of carrying out a project for flood damage re-
23 duction, Fort Bend County, Texas.

1 **SEC. 4106. HARRIS COUNTY, TEXAS.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for flood damage re-
4 duction, Harris County, Texas.

5 **SEC. 4107. JOHNSON CREEK, ARLINGTON, TEXAS.**

6 (a) REEVALUATION OF ENVIRONMENTAL RESTORA-
7 TION FEATURES.—The Secretary shall reevaluate the
8 project for flood damage reduction, environmental restora-
9 tion, and recreation, authorized by section 101(b)(14) of
10 the Water Resources Development Act of 1999 (113 Stat.
11 280), to develop alternatives to the separable environ-
12 mental restoration element of the project.

13 (b) STUDY OF ADDITIONAL FLOOD DAMAGE REDUC-
14 TION MEASURES.—The Secretary shall conduct a study
15 to determine the feasibility of additional flood damage re-
16 duction measures and erosion control measures within the
17 boundaries of the project referred to in subsection (a).

18 (c) PLANS AND DESIGNS.—In conducting the studies
19 referred to in subsections (a) and (b), the Secretary shall
20 review plans and designs developed by non-Federal inter-
21 ests and shall use such plans and designs to the extent
22 that the Secretary determines that such plans and designs
23 are consistent with Federal standards.

24 (d) CREDIT TOWARD FEDERAL SHARE.—If an alter-
25 native environmental restoration element is authorized by
26 law, the Secretary shall credit toward the Federal share

1 of the cost of that project the costs incurred by the Sec-
2 retary to carry out the separable environmental restora-
3 tion element of the project referred to in subsection (a).
4 The non-Federal interest shall not be responsible for reim-
5 bursing the Secretary for any amount credited under this
6 subsection.

7 (e) CREDIT TOWARD THE NON-FEDERAL SHARE.—
8 The Secretary shall credit toward the non-Federal share
9 of the cost of the studies under subsections (a) and (b),
10 and the cost of any project carried out as a result of such
11 studies the cost of work carried out by the non-Federal
12 interest.

13 **SEC. 4108. PORT OF GALVESTON, TEXAS.**

14 The Secretary shall conduct a study of the feasibility
15 of carrying out a project for dredged material disposal in
16 the vicinity of the project for navigation and environ-
17 mental restoration, Houston-Galveston Navigation Chan-
18 nels, Texas, authorized by section 101(a)(30) of the Water
19 Resources Development Act of 1996 (110 Stat. 3666).

20 **SEC. 4109. ROMA CREEK, TEXAS.**

21 The Secretary shall conduct a study to determine the
22 feasibility of carrying out a project for flood damage re-
23 duction, Roma Creek, Texas.

1 **SEC. 4110. WALNUT CREEK, TEXAS.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for flood damage re-
4 duction, environmental restoration, and erosion control,
5 Walnut Creek, Texas.

6 **SEC. 4111. GRAND COUNTY AND MOAB, UTAH.**

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

12 **SEC. 4112. SOUTHWESTERN UTAH.**

13 The Secretary shall conduct a study to determine the
14 feasibility of carrying out a project for flood damage re-
15 duction, Santa Clara River, Washington, Iron, and Kane
16 Counties, Utah.

17 **SEC. 4113. CHOWAN RIVER BASIN, VIRGINIA AND NORTH**
18 **CAROLINA.**

19 The Secretary shall conduct a study to determine the
20 feasibility of carrying out a project for flood damage re-
21 duction, environmental restoration, navigation, and ero-
22 sion control, Chowan River basin, Virginia and North
23 Carolina.

24 **SEC. 4114. JAMES RIVER, RICHMOND, VIRGINIA.**

25 The Secretary shall conduct a study to determine the
26 feasibility of carrying out a project for flood damage re-

1 duction for the James River in the vicinity of Richmond,
2 Virginia, including the Shockoe Bottom area.

3 **SEC. 4115. ELLIOTT BAY SEAWALL, SEATTLE, WASHINGTON.**

4 (a) IN GENERAL.—The study for rehabilitation of the
5 Elliott Bay Seawall, Seattle, Washington, being carried
6 out under Committee Resolution 2704 of the Committee
7 on Transportation and Infrastructure of the House of
8 Representatives adopted September 25, 2002, is modified
9 to include a determination of the feasibility of reducing
10 future damage to the seawall from seismic activity.

11 (b) ACCEPTANCE OF CONTRIBUTIONS.—In carrying
12 out the study, the Secretary may accept contributions in
13 excess of the non-Federal share of the cost of the study
14 from the non-Federal interest to the extent that the Sec-
15 retary determines that the contributions will facilitate
16 completion of the study.

17 (c) CREDIT.—The Secretary shall credit toward the
18 non-Federal share of the cost of any project authorized
19 by law as a result of the study the value of contributions
20 accepted by the Secretary under subsection (b).

21 **SEC. 4116. MONONGAHELA RIVER BASIN, NORTHERN WEST**
22 **VIRGINIA.**

23 The Secretary shall conduct a study to determine the
24 feasibility of carrying out aquatic ecosystem restoration
25 and protection projects in the watersheds of the

1 Monongahela River Basin lying within the counties of
2 Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood,
3 Doddridge, Monongalia, Marion, Harrison, Taylor,
4 Barbour, Preston, Tucker, Mineral, Grant, Gilmer,
5 Brooke, and Ritchie, West Virginia, particularly as re-
6 lated to abandoned mine drainage abatement.

7 **SEC. 4117. KENOSHA HARBOR, WISCONSIN.**

8 The Secretary shall conduct a study to determine the
9 feasibility of carrying out a project for navigation, Ken-
10 sha Harbor, Wisconsin, including the extension of existing
11 piers.

12 **SEC. 4118. WAUWATOSA, WISCONSIN.**

13 The Secretary shall conduct a study to determine the
14 feasibility of carrying out a project for flood damage re-
15 duction and environmental restoration, Menomonee River
16 and Underwood Creek, Wauwatosa, Wisconsin, and great-
17 er Milwaukee watersheds, Wisconsin.

18 **TITLE V—MISCELLANEOUS**
19 **PROVISIONS**

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

21 (a) IN GENERAL.—Upon request of a non-Federal in-
22 terest, the Secretary shall be responsible for maintenance
23 of the following navigation channels and breakwaters con-
24 structed or improved by the non-Federal interest if the
25 Secretary determines that such maintenance is economi-

1 cally justified and environmentally acceptable and that the
2 channel or breakwater was constructed in accordance with
3 applicable permits and appropriate engineering and design
4 standards:

5 (1) Manatee Harbor basin, Florida.

6 (2) Bayou LaFourche Channel, Port Fourchon,
7 Louisiana.

8 (3) Calcasieu River at Devil's Elbow, Louisiana.

9 (4) Pidgeon Industrial Harbor, Pidgeon Indus-
10 trial Park, Memphis Harbor, Tennessee.

11 (5) Pix Bayou Navigation Channel, Chambers
12 County, Texas.

13 (6) Racine Harbor, Wisconsin.

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

21 **SEC. 5002. WATERSHED MANAGEMENT.**

22 (a) IN GENERAL.—The Secretary may provide tech-
23 nical, planning, and design assistance to non-Federal in-
24 terests for carrying out watershed management, restora-

1 tion, and development projects at the locations described
2 in subsection (d).

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

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

8 (2) Control and remediation of toxic sediments.

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

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

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

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

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

23 (1) Charlotte Harbor watershed, Florida.

24 (2) Big Creek watershed, Roswell, Georgia.

1 (3) Those portions of the watersheds of the
2 Chattahoochee, Etowah, Flint, Ocmulgee, and
3 Oconee Rivers lying within the counties of Bartow,
4 Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas,
5 Fayette, Fulton, Forsyth, Gwinnett, Hall, Henry,
6 Paulding, Rockdale, and Walton, Georgia.

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

8 (5) Amite River basin, Louisiana.

9 (6) East Atchafalaya River basin, Iberville Par-
10 ish and Pointe Coupee Parish, Louisiana.

11 (7) Red River watershed, Louisiana.

12 (8) Taunton River basin, Massachusetts.

13 (9) Lower Platte River watershed, Nebraska.

14 (10) Rio Grande watershed, New Mexico.

15 (11) Marlboro Township, New Jersey.

16 (12) Buffalo River watershed, New York.

17 (13) Cattaragus Creek watershed, New York.

18 (14) Eighteenmile Creek watershed, Niagara
19 County, New York.

20 (15) Esopus, Plattekill, and Rondout Creeks,
21 Greene, Sullivan, and Ulster Counties, New York.

22 (16) Genesee River watershed, New York.

23 (17) Greenwood Lake watershed, New York
24 and New Jersey.

25 (18) Long Island Sound watershed, New York.

1 (19) Oswego River basin, New York.

2 (20) Ramapo River watershed, New York.

3 (21) Tonawanda Creek watershed, New York.

4 (22) Tuscarawas River basin, Ohio.

5 (23) Western Lake Erie basin, Ohio.

6 (24) Those portions of the watersheds of the
7 Beaver, Upper Ohio, Connoquenessing, Lower Alle-
8 gheny, Kiskiminetas, Lower Monongahela,
9 Youghiogheny, Shenango, and Mahoning Rivers
10 lying within the counties of Beaver, Butler, Law-
11 rence, and Mercer, Pennsylvania.

12 (25) Otter Creek watershed, Pennsylvania.

13 (26) Unami Creek watershed, Milford Town-
14 ship, Pennsylvania.

15 (27) Sauk River basin, Washington.

16 (28) Greater Milwaukee watersheds, Wisconsin.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$15,000,000.

20 **SEC. 5003. DAM SAFETY.**

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

23 (1) Fish Creek Dam, Blaine County, Idaho.

24 (2) Hamilton Dam, Saginaw River, Flint,
25 Michigan.

1 (3) Candor Dam, Candor, New York.

2 (4) State Dam, Auburn, New York.

3 (5) Whaley Lake Dam, Pawling, New York.

4 (6) Ingham Spring Dam, Solebury Township,
5 Pennsylvania.

6 (7) Leaser Lake Dam, Lehigh County, Pennsyl-
7 vania.

8 (8) Stillwater Dam, Monroe County, Pennsyl-
9 vania.

10 (9) Wissahickon Creek Dam, Montgomery
11 County, Pennsylvania.

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

18 (c) FERN RIDGE DAM, OREGON.—

19 (1) IN GENERAL.—The Secretary shall plan, de-
20 sign, and complete emergency corrective actions to
21 repair the embankment dam at the Fern Ridge Lake
22 project, Oregon.

23 (2) TREATMENT.—The Secretary may treat
24 work to be carried out under this subsection as a
25 dam safety project, and the cost of the work may be

1 recovered in accordance with section 1203 of the
2 Water Resources Development Act of 1986 (33
3 U.S.C. 467n; 100 Stat. 4263).

4 (d) KEHLY RUN DAMS, PENNSYLVANIA.—Section
5 504(a)(2) of the Water Resources Development Act of
6 1999 (113 Stat. 338; 117 Stat. 1842) is amended by
7 striking “Dams” and inserting “Dams No. 1–5”.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out subsection (a)
10 \$6,000,000.

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

12 (a) IN GENERAL.—Upon request of a non-Federal in-
13 terest, the Secretary shall evaluate the structural integrity
14 and effectiveness of a project for flood damage reduction
15 and, if the Secretary determines that the project does not
16 meet such minimum standards as the Secretary may es-
17 tablish and, absent action by the Secretary, the project
18 will fail, the Secretary may take such action as may be
19 necessary to restore the integrity and effectiveness of the
20 project.

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

23 (1) Project for flood damage reduction, Arkan-
24 sas River Levees, Arkansas.

1 (2) Project for flood damage reduction,
2 Nonconnah Creek, Tennessee.

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

4 (a) IN GENERAL.—Section 212(e) of the Water Re-
5 sources Development Act of 1999 (33 U.S.C. 2332(e); 114
6 Stat. 2599) is amended—

7 (1) by striking “and” at the end of paragraphs
8 (23) and (27);

9 (2) by striking the period at the end of para-
10 graph (28) and inserting a semicolon; and

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

12 “(29) Ascension Parish, Louisiana;

13 “(30) East Baton Rouge Parish, Louisiana;

14 “(31) Iberville Parish, Louisiana;

15 “(32) Livingston Parish, Louisiana; and

16 “(33) Pointe Coupee Parish, Louisiana.”.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
18 212(i)(1) of such Act (33 U.S.C. 2332(i)(1)) is amended
19 by striking “section—” and all that follows before the pe-
20 riod at the end and inserting “section \$20,000,000”.

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

23 (a) IN GENERAL.—Section 219(e) of the Water Re-
24 sources Development Act of 1992 (106 Stat. 4835; 110
25 Stat. 3757; 113 Stat. 334) is amended—

1 (1) by striking “and” at the end of paragraph
2 (7);

3 (2) by striking the period at the end of para-
4 graph (8) and inserting a semicolon; and

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

6 “(9) \$35,000,000 for the project described in
7 subsection (c)(18);

8 “(10) \$27,000,000 for the project described in
9 subsection (c)(19);

10 “(11) \$20,000,000 for the project described in
11 subsection (c)(20);

12 “(12) \$35,000,000 for the project described in
13 subsection (c)(23);

14 “(13) \$20,000,000 for the project described in
15 subsection (c)(25);

16 “(14) \$20,000,000 for the project described in
17 subsection (c)(26);

18 “(15) \$35,000,000 for the project described in
19 subsection (c)(27);

20 “(16) \$20,000,000 for the project described in
21 subsection (c)(28); and

22 “(17) \$30,000,000 for the project described in
23 subsection (c)(40).”.

24 (b) EAST ARKANSAS ENTERPRISE COMMUNITY, AR-
25 KANSAS.—Federal assistance made available under the

1 rural enterprise zone program of the Department of Agri-
2 culture may be used toward payment of the non-Federal
3 share of the costs of the project described in section
4 219(c)(20) of the Water Resources Development Act of
5 1992 (114 Stat. 2763A–219) if such assistance is author-
6 ized to be used for such purposes.

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

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

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

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

19 (3) Steele Creek, Village of Ilion, New York,
20 being carried out under section 205 of the Flood
21 Control Act of 1948 (33 U.S.C. 701s).

22 (4) Oriskany Wildlife Management Area, Rome,
23 New York, being carried out under section 206 of
24 the Water Resources Development Act of 1996 (33
25 U.S.C. 2330).

1 (5) Whitney Point Lake, Otselic River, Whitney
2 Point, New York, being carried out under section
3 1135 of the Water Resources Development Act of
4 1986 (33 U.S.C. 2309a).

5 (6) North River, Peabody, Massachusetts, being
6 carried out under section 205 of the Flood Control
7 Act of 1948 (33 U.S.C. 701s).

8 (7) Newton Creek, Bainbridge, New York,
9 being carried out under section 14 of the Flood Con-
10 trol Act of 1946 (33 U.S.C. 701r).

11 (8) Chenango Lake, Chenango County, New
12 York, being carried out under section 206 of the
13 Water Resources Development Act of 1996 (33
14 U.S.C. 2330).

15 **SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CER-**
16 **TAIN PROJECTS.**

17 (a) IN GENERAL.—The Secretary shall expedite com-
18 pletion of the reports for the following projects and, if the
19 Secretary determines that a project is justified in the com-
20 pleted report, proceed directly to project preconstruction,
21 engineering, and design:

22 (1) Project for water supply, Little Red River,
23 Arkansas.

24 (2) Project for shoreline stabilization at
25 Egmont Key, Florida.

1 (3) Project for ecosystem restoration, Univer-
2 sity Lake, Baton Rouge, Louisiana.

3 (4) Project for hurricane and storm damage re-
4 duction, Montauk Point, New York.

5 (b) SPECIAL RULE FOR EGMONT KEY, FLORIDA.—
6 In carrying out the project for shoreline stabilization at
7 Egmont Key, Florida, referred to in subsection (a)(2), the
8 Secretary shall waive any cost share to be provided by non-
9 Federal interests for any portion of the project that bene-
10 fits federally owned property.

11 (c) SPECIAL RULE FOR MONTAUK POINT, NEW
12 YORK.—The Secretary shall complete the report for the
13 project referred to in subsection (a)(4) not later than Sep-
14 tember 30, 2005, notwithstanding the ownership of the
15 property to be protected.

16 **SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESS-**
17 **MENT.**

18 (a) IN GENERAL.—The Secretary shall conduct, at
19 Federal expense, an assessment of the water resources
20 needs of the river basins and watersheds of the south-
21 eastern United States.

22 (b) COOPERATIVE AGREEMENTS.—In carrying out
23 the assessment, the Secretary may enter into cooperative
24 agreements with State and local agencies, non-Federal
25 and nonprofit entities, and regional researchers.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$7,000,000 to carry out this
3 section.

4 **SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL**
5 **MANAGEMENT PROGRAM.**

6 Section 1103(e)(7) of the Water Resources Develop-
7 ment Act of 1986 (33 U.S.C. 652(e)(7)) is amended—

8 (1) by adding at the end of subparagraph (A)
9 the following: “The non-Federal interest may pro-
10 vide the non-Federal share of the cost of the project
11 in the form of in-kind services and materials.”; and

12 (2) by inserting after subparagraph (B) the fol-
13 lowing:

14 “(C) Notwithstanding section 221(b) of the Flood
15 Control Act of 1970 (42 U.S.C. 1962d–5(b)), for any
16 project undertaken under this section, a non-Federal in-
17 terest may include a nonprofit entity, with the consent of
18 the affected local government.”.

19 **SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**
20 **HANCEMENT PROJECT.**

21 Section 514(g) of the Water Resources Development
22 Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended
23 by striking “and 2004” and inserting “through 2015”.

1 **SEC. 5012. GREAT LAKES FISHERY AND ECOSYSTEM RES-**
2 **TORATION.**

3 Section 506(f)(3)(B) of the Water Resources Devel-
4 opment Act of 2000 (42 U.S.C. 1962d–22; 114 Stat.
5 2646) is amended by striking “50 percent” and inserting
6 “100 percent”.

7 **SEC. 5013. GREAT LAKES REMEDIAL ACTION PLANS AND**
8 **SEDIMENT REMEDIATION.**

9 Section 401(c) of the Water Resources Development
10 Act of 1990 (33 U.S.C. 1268 note; 114 Stat. 2613) is
11 amended by striking “2006” and inserting “2011”.

12 **SEC. 5014. GREAT LAKES TRIBUTARY MODEL.**

13 Section 516(g)(2) of the Water Resources Develop-
14 ment Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended
15 by striking “2006” and inserting “2011”.

16 **SEC. 5015. SUSQUEHANNA, DELAWARE, AND POTOMAC**
17 **RIVER BASINS.**

18 (a) EX OFFICIO MEMBER.—Notwithstanding section
19 3001(a) of the 1997 Emergency Supplemental Appropria-
20 tions Act for Recovery From Natural Disasters, and for
21 Overseas Peacekeeping Efforts, Including Those in Bosnia
22 (111 Stat. 176) and section 2.2 of both the Susquehanna
23 River Basin Compact (Public Law 91–575) and the Dela-
24 ware River Basin Compact (Public Law 87–328), begin-
25 ning in fiscal year 2005 and thereafter, the Division Engi-
26 neer, North Atlantic Division, Corps of Engineers, shall

1 be the ex officio United States member under the Susque-
2 hanna River Basin Compact and the Delaware River
3 Basin Compact, who shall serve without additional com-
4 pensation and who may designate an alternate member or
5 members in accordance with the terms of those respective
6 compacts.

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

14 (c) WATER SUPPLY AND CONSERVATION STOR-
15 AGE.—

16 (1) DELAWARE RIVER.—The Secretary shall
17 enter into an agreement with the Delaware River
18 Basin Commission to provide temporary water sup-
19 ply and conservation storage at the Francis E. Wal-
20 ter Dam, Pennsylvania, during any period in which
21 the Commission has determined that a drought
22 warning or drought emergency exists. The agree-
23 ment shall provide that the cost for any such water
24 supply and conservation storage shall not exceed the

1 incremental operating costs associated with pro-
2 viding the storage.

3 (2) SUSQUEHANNA RIVER.—The Secretary may
4 enter into an agreement with the Susquehanna River
5 Basin Commission to provide temporary water sup-
6 ply and conservation storage at Corps of Engineers
7 facilities in the Susquehanna River Basin during any
8 period in which the Commission has determined that
9 a drought warning or drought emergency exists. The
10 agreement shall provide that the cost for any such
11 water supply and conservation storage shall not ex-
12 ceed the incremental operating costs associated with
13 providing the storage.

14 **SEC. 5016. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**
15 **TION AND PROTECTION PROGRAM.**

16 (a) FORM OF ASSISTANCE.—Section 510(a)(2) of the
17 Water Resources Development Act of 1996 (110 Stat.
18 3759) is amended by striking “, and beneficial uses of
19 dredged material” and inserting “, beneficial uses of
20 dredged material, and restoration of submerged aquatic
21 vegetation”.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
23 510(i) of such Act (110 Stat. 3761) is amended by strik-
24 ing “\$10,000,000” and inserting “\$50,000,000”.

1 **SEC. 5017. CHESAPEAKE BAY OYSTER RESTORATION.**

2 The second sentence of section 704(b) of the Water
3 Resources Development Act of 1986 (33 U.S.C. 2263(b))
4 is amended by striking “\$20,000,000” and inserting
5 “\$30,000,000”.

6 **SEC. 5018. HYPOXIA ASSESSMENT.**

7 The Secretary may participate with Federal, State,
8 and local agencies, non-Federal and nonprofit entities, re-
9 gional researchers, and other interested parties to assess
10 hypoxia in the Gulf of Mexico.

11 **SEC. 5019. POTOMAC RIVER WATERSHED ASSESSMENT AND**
12 **TRIBUTARY STRATEGY EVALUATION AND**
13 **MONITORING PROGRAM.**

14 The Secretary may participate in the Potomac River
15 Watershed Assessment and Tributary Strategy Evaluation
16 and Monitoring Program to identify a series of resource
17 management indicators to accurately monitor the effec-
18 tiveness of the implementation of the agreed upon tribu-
19 tary strategies and other public policies that pertain to
20 natural resource protection of the Potomac River water-
21 shed.

22 **SEC. 5020. LOCK AND DAM SECURITY.**

23 (a) STANDARDS.—The Secretary, in consultation
24 with the Federal Emergency Management Agency, the
25 Tennessee Valley Authority, and the Coast Guard, shall
26 develop standards for the security of locks and dams, in-

1 cluding the testing and certification of vessel exclusion
2 barriers.

3 (b) SITE SURVEYS.—At the request of a lock or dam
4 owner, the Secretary shall provide technical assistance, on
5 a reimbursible basis, to improve lock or dam security.

6 (c) COOPERATIVE AGREEMENT.—The Secretary may
7 enter into a cooperative agreement with a nonprofit alli-
8 ance of public and private organizations that has the mis-
9 sion of promoting safe waterways and seaports to carry
10 out testing and certification activities, and to perform site
11 surveys, under this section.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated \$3,000,000 to carry out this
14 section.

15 **SEC. 5021. REHABILITATION.**

16 The Secretary, at Federal expense and not to exceed
17 \$1,000,000, shall rehabilitate and improve the water-re-
18 lated infrastructure and the transportation infrastructure
19 for the historic property in the Anacostia River Watershed
20 located in the District of Columbia, including measures
21 to address wet weather conditions. To carry out this sec-
22 tion, the Secretary shall accept funds provided for such
23 project under any other Federal program.

1 **SEC. 5022. RESEARCH AND DEVELOPMENT PROGRAM FOR**
2 **COLUMBIA AND SNAKE RIVER SALMON SUR-**
3 **VIVAL.**

4 Section 511 of the Water Resources Development Act
5 of 1996 (16 U.S.C. 3301 note; 110 Stat. 3761; 113 Stat.
6 375) is amended—

7 (1) in subsection (a)(6) by striking
8 “\$10,000,000” and inserting “\$25,000,000”; and

9 (2) in subsection (c)(2) by striking
10 “\$1,000,000” and inserting “\$10,000,000”.

11 **SEC. 5023. WAGE SURVEYS.**

12 Employees of the United States Army Corps of Engi-
13 neers who are paid wages determined under the last un-
14 designated paragraph under the heading “Administrative
15 Provisions” of chapter V of the Supplemental Appropria-
16 tions Act, 1982 (5 U.S.C. 5343 note; 96 Stat. 832) shall
17 be allowed, through appropriate employee organization
18 representatives, to participate in wage surveys under such
19 paragraph to the same extent as are prevailing rate em-
20 ployees under subsection (c)(2) of section 5343 of title 5,
21 United States Code. Nothing in such section 5343 shall
22 be considered to affect which agencies are to be surveyed
23 under such paragraph.

24 **SEC. 5024. PINHOOK CREEK, HUNTSVILLE, ALABAMA.**

25 The Secretary shall design and construct the locally
26 preferred plan for flood protection at Pinhook Creek,

1 Huntsville, Alabama, under the authority of section 205
2 of the Flood Control Act of 1948 (33 U.S.C. 701s). The
3 Secretary shall allow the non-Federal interest to partici-
4 pate in the financing of the project in accordance with sec-
5 tion 903(c) of the Water Resources Development Act of
6 1986 (100 Stat. 4184) to the extent that the Secretary’s
7 evaluation indicates that applying such section is nec-
8 essary to implement the project.

9 **SEC. 5025. TALLAPOOSA, ALABAMA.**

10 The Secretary may provide technical assistance relat-
11 ing to water supply to the Middle Tallapoosa Water Sup-
12 ply District, Alabama. There is authorized to be appro-
13 priated \$5,000,000 to carry out this section.

14 **SEC. 5026. ALASKA.**

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

17 (1) in subsection (c) by inserting “environ-
18 mental restoration,” after “water supply and related
19 facilities,”;

20 (2) in subsection (e)(3)(B) by striking the last
21 sentence;

22 (3) in subsection (h) by striking “\$25,000,000”
23 and inserting “\$45,000,000”; and

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

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

6 “(j) CORPS OF ENGINEERS EXPENSES.—Ten percent
7 of the amounts appropriated to carry out this section may
8 be used by the Corps of Engineers district offices to ad-
9 minister projects under this section at 100 percent Fed-
10 eral expense.”.

11 **SEC. 5027. BARROW, ALASKA.**

12 The Secretary shall carry out, under section 117 of
13 the Energy and Water Development Appropriations Act,
14 2005 (118 Stat. 2944), a nonstructural project for coastal
15 erosion and storm damage prevention and reduction at
16 Barrow, Alaska, including relocation of infrastructure.

17 **SEC. 5028. COFFMAN COVE, ALASKA.**

18 The Secretary is authorized to carry out a project for
19 navigation, Coffman Cove, Alaska, at a total cost of
20 \$3,000,000.

21 **SEC. 5029. FIRE ISLAND, ALASKA.**

22 (a) IN GENERAL.—The Secretary is authorized to
23 provide planning, design, and construction assistance to
24 the non-Federal interest for the construction of a cause-
25 way between Point Campbell and Fire Island, Alaska, in-

1 cluding the beneficial use of dredged material in the con-
2 struction of the causeway.

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

6 **SEC. 5030. FORT YUKON, ALASKA.**

7 The Secretary shall make repairs to the dike at Fort
8 Yukon, Alaska, so that the dike meets Corps of Engineers
9 standards.

10 **SEC. 5031. KOTZEBUE HARBOR, ALASKA.**

11 The Secretary is authorized to carry out a project for
12 navigation, Kotzebue Harbor, Kotzebue, Alaska, at at
13 total cost of \$2,200,000.

14 **SEC. 5032. LOWELL CREEK TUNNEL, SEWARD, ALASKA.**

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

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

21 **SEC. 5033. ST. HERMAN AND ST. PAUL HARBORS, KODIAK,**
22 **ALASKA.**

23 The Secretary shall carry out, on an emergency basis,
24 necessary removal of rubble, sediment, and rock impeding

1 the entrance to the St. Herman and St. Paul Harbors,
2 Kodiak, Alaska, at a Federal cost of \$2,000,000.

3 **SEC. 5034. TANANA RIVER, ALASKA.**

4 The Secretary shall carry out, on an emergency basis,
5 the removal of the hazard to navigation on the Tanana
6 River, Alaska, near the mouth of the Chena River, as de-
7 scribed in the January 3, 2005, memorandum from the
8 Commander, Seventeenth Coast Guard District, to the
9 Corps of Engineers, Alaska District, Anchorage, Alaska.

10 **SEC. 5035. VALDEZ, ALASKA.**

11 The Secretary is authorized to construct a small boat
12 harbor in Valdez, Alaska, at a total cost of \$20,000,000,
13 with an estimated Federal cost of \$10,500,000 and an es-
14 timated non-Federal cost of \$9,500,000.

15 **SEC. 5036. WHITTIER, ALASKA.**

16 (a) STUDY.—The Secretary shall conduct, at Federal
17 expense, a study to determine the feasibility of carrying
18 out projects for navigation at Whittier, Alaska, to con-
19 struct a new boat harbor at the head of Whittier Bay and
20 to expand the existing harbor and, if the Secretary deter-
21 mines that a project is feasible, the Secretary may carry
22 out the project.

23 (b) NON-FEDERAL COST SHARE.—The non-Federal
24 interest may use, and the Secretary shall accept, funds
25 provided under any other Federal program to satisfy, in

1 whole or in part, the non-Federal share of the construction
2 of any project carried out under this section if such funds
3 are authorized to be used to carry out such project.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section
6 \$35,200,000.

7 **SEC. 5037. WRANGELL HARBOR, ALASKA.**

8 (a) GENERAL NAVIGATION FEATURES.—In carrying
9 out the project for navigation, Wrangell Harbor, Alaska,
10 authorized by section 101(b)(1) of the Water Resources
11 Development Act of 1999 (113 Stat. 279), the Secretary
12 shall consider the dredging of the mooring basin and con-
13 struction of the inner harbor facilities to be general navi-
14 gation features for purposes of estimating the non-Federal
15 share of project costs.

16 (b) REVISION OF PARTNERSHIP AGREEMENT.—The
17 Secretary shall revise the partnership agreement for the
18 project to reflect the change required by subsection (a).

19 **SEC. 5038. AUGUSTA AND CLARENDON, ARKANSAS.**

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

24 (b) REIMBURSEMENT.—After performing the oper-
25 ation, maintenance, and rehabilitation under subsection

1 (a), the Secretary shall seek reimbursement from the Sec-
2 retary of the Interior of an amount equal to the costs allo-
3 cated to benefits to a Federal wildlife refuge of such oper-
4 ation, maintenance, and rehabilitation.

5 **SEC. 5039. DES ARC LEVEE PROTECTION, ARKANSAS.**

6 The Secretary shall review the project for flood con-
7 trol, Des Arc, Arkansas, to determine whether bank and
8 channel scour along the White River threaten the existing
9 project and whether the scour is as a result of a design
10 deficiency. If the Secretary determines that such condi-
11 tions exist as a result of a deficiency, the Secretary shall
12 carry out measures to eliminate the deficiency.

13 **SEC. 5040. LOOMIS LANDING, ARKANSAS.**

14 The Secretary shall conduct a study of shore damage
15 in the vicinity of Loomis Landing, Arkansas, to determine
16 if the damage is the result of a Federal navigation project,
17 and, if the Secretary determines that the damage is the
18 result of a Federal navigation project, the Secretary shall
19 carry out a project to mitigate the damage under section
20 111 of the River and Harbor Act of 1968 (33 U.S.C.
21 426i).

22 **SEC. 5041. ST. FRANCIS RIVER BASIN, ARKANSAS AND MIS-**
23 **SOURI.**

24 The Secretary shall conduct a study of increased sil-
25 tation and streambank erosion in the St. Francis River

1 Basin, Arkansas and Missouri, to determine if the siltation
2 or erosion, or both, are the result of a Federal flood con-
3 trol project and, if the Secretary determines that the siltation
4 or erosion, or both, are the result of a Federal flood
5 control project, the Secretary shall carry out a project to
6 mitigate the siltation or erosion, or both.

7 **SEC. 5042. WHITE RIVER BASIN, ARKANSAS.**

8 (a) MINIMUM FLOWS.—

9 (1) IN GENERAL.—In carrying out section 304
10 of the Water Resources Development Act of 2000
11 (114 Stat. 2601), the Secretary shall implement al-
12 ternatives BS-3 and NF-7, as described in the
13 White River Minimum Flows Reallocation Study Re-
14 port, Arkansas and Missouri, dated July 2004.

15 (2) COST SHARING.—Reallocation of storage
16 and installation of facilities under this subsection
17 shall be considered fish and wildlife enhancement
18 that provides national benefits and shall be a Fed-
19 eral expense in accordance with section 906(e)(1) of
20 the Water Resources Development Act of 1986 (33
21 U.S.C. 2283(e)(1)).

22 (3) OFFSET.—In carrying out this subsection,
23 losses to hydropower shall be offset by a reduction,
24 not to exceed \$17,000,000, in the costs allocated to
25 hydropower, as determined by the present value of

1 the estimated replacement cost of the electrical en-
2 ergy and capacity at the time of the implementation.

3 (b) FISH HATCHERY.—In operating the fish hatchery
4 at Beaver Lake, Arkansas, authorized by section 105 of
5 the Water Resources Development Act of 1976 (90 Stat.
6 2921), losses to hydropower shall be offset by a reduction,
7 not to exceed \$2,200,000, in the costs allocated to hydro-
8 power, as determined by the present value of the estimated
9 replacement cost of the electrical energy and capacity at
10 the time of the implementation.

11 (c) REPEAL.—Section 374 of the Water Resources
12 Development Act of 1999 (113 Stat. 321) is repealed.

13 **SEC. 5043. CAMBRIA, CALIFORNIA.**

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

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

18 “(A) IN GENERAL.—\$10,300,000”;

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

20 “(B) CREDIT.—The Secretary shall credit
21 toward the non-Federal share of the cost of the
22 project not to exceed \$3,000,000 for the cost of
23 planning and design work carried out by the
24 non-Federal interest before the date of the
25 partnership agreement for the project if the

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

3 (3) by aligning the remainder of the text of
4 subparagraph (A) (as designated by paragraph (1)
5 of this section) with subparagraph (B) (as added by
6 paragraph (2) of this section).

7 **SEC. 5044. CONTRA COSTA CANAL, OAKLEY AND**
8 **KNIGHTSEN, CALIFORNIA; MALLARD**
9 **SLOUGH, PITTSBURG, CALIFORNIA.**

10 Sections 512 and 514 of the Water Resources Devel-
11 opment Act of 2000 (114 Stat. 2650) are each amended
12 by adding at the end the following: “All planning, study,
13 design, and construction on the project shall be carried
14 out by the office of the district engineer, San Francisco,
15 California.”.

16 **SEC. 5045. DANA POINT HARBOR, CALIFORNIA.**

17 The Secretary shall conduct a study of the causes of
18 water quality degradation within Dana Point Harbor,
19 California, to determine if the degradation is the result
20 of a Federal navigation project, and, if the Secretary de-
21 termines that the degradation is the result of a Federal
22 navigation project, the Secretary shall carry out a project
23 to mitigate the degradation at Federal expense.

1 **SEC. 5046. EAST SAN JOAQUIN COUNTY, CALIFORNIA.**

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

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

6 “(A) IN GENERAL.—\$25,000,000”;

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

8 “(B) CREDIT.—The Secretary shall credit
9 toward the non-Federal share of the cost of the
10 project (i) the cost of design and construction
11 work carried out by the non-Federal interest
12 before, on, or after the date of the partnership
13 agreement for the project if the Secretary de-
14 termines that the work is integral to the
15 project; and (ii) the cost of provided for the
16 project by the non-Federal interest.

17 “(C) IN-KIND CONTRIBUTIONS.—The non-
18 Federal interest may provide any portion of the
19 non-Federal share of the cost of the project in
20 the form of in-kind services and materials.”;
21 and

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

1 **SEC. 5047. EASTERN SANTA CLARA BASIN, CALIFORNIA.**

2 Section 111(c) of the Miscellaneous Appropriations
3 Act, 2001 (as enacted into law by Public Law 106-554;
4 114 Stat. 2763A-224) is amended—

5 (1) by striking “\$25,000,000” and inserting
6 “\$28,000,000”; and

7 (2) by striking “\$7,000,000” and inserting
8 “\$10,000,000”.

9 **SEC. 5048. LA-3 DREDGED MATERIAL OCEAN DISPOSAL**
10 **SITE DESIGNATION, CALIFORNIA.**

11 The third sentence of section 102(c)(4) of the Marine
12 Protection, Research, and Sanctuaries Act of 1972 (33
13 U.S.C. 1412(c)(4)) is amended by striking “January 1,
14 2003” and inserting “January 1, 2007”.

15 **SEC. 5049. LANCASTER, CALIFORNIA.**

16 Section 219(f)(50) of the Water Resources Develop-
17 ment Act of 1992 (114 Stat. 2763A-220) is amended—

18 (1) by inserting after “water” the following:
19 “and wastewater”;

20 (2) by striking “\$14,500,000” and inserting
21 “\$24,500,000”.

22 **SEC. 5050. ONTARIO AND CHINO, CALIFORNIA.**

23 The Secretary shall carry out a project for flood dam-
24 age reduction under section 205 of the Flood Control Act
25 of 1948 (33 U.S.C. 701s), in the vicinity of Ontario and

1 Chino, California, if the Secretary determines that the
2 project is feasible.

3 **SEC. 5051. PINE FLAT DAM AND RESERVOIR, CALIFORNIA.**

4 (a) IN GENERAL.—The Secretary shall review the
5 Kings River Fisheries Management Program Framework
6 Agreement, dated May 29, 1999, among the California
7 Department of Fish and Game, the Kings River Water
8 Association, and the Kings River Conservation District
9 and, if the Secretary determines that the management
10 program is feasible, the Secretary may participate in the
11 management program.

12 (b) PROHIBITION.—Nothing in this section author-
13 izes any project for the raising of, or the construction of,
14 a multilevel intake structure at Pine Flat Dam, California.

15 (c) USE OF EXISTING STUDIES.—In carrying out this
16 section, the Secretary shall use, to the maximum extent
17 practicable, studies in existence on the date of enactment
18 of this Act, including data and environmental documenta-
19 tion in the Report of the Chief of Engineers, Pine Flat
20 Dam and Reservoir, Fresno County, California, dated July
21 19, 2002.

22 (d) CREDIT.—The Secretary shall credit toward the
23 non-Federal share of the cost of the project the cost of
24 planning, design, and construction work carried out by the
25 non-Federal interest before the date of the partnership

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

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to \$20,000,000 to carry out
5 this section.

6 **SEC. 5052. RAYMOND BASIN, SIX BASINS, CHINO BASIN, AND**
7 **SAN GABRIEL BASIN, CALIFORNIA.**

8 (a) COMPREHENSIVE PLAN.—The Secretary, in con-
9 sultation and coordination with appropriate Federal,
10 State, and local entities, shall develop a comprehensive
11 plan for the management of water resources in the Ray-
12 mond Basin, Six Basins, Chino Basin, and San Gabriel
13 Basin, California. The Secretary may carry out activities
14 identified in the comprehensive plan to demonstrate prac-
15 ticable alternatives for water resources management.

16 (b) NON-FEDERAL SHARE.—

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

20 (2) CREDIT.—The Secretary shall credit toward
21 the non-Federal share of the cost of activities car-
22 ried out under this section the cost of planning, de-
23 sign, and construction work completed by or on be-
24 half of the non-Federal interests for implementation
25 of measures under this section. The amount of such

1 credit shall not exceed the non-Federal share of the
2 cost of such activities.

3 (3) OPERATION AND MAINTENANCE.—The non-
4 Federal share of the cost of operation and mainte-
5 nance of any measures constructed under this sec-
6 tion shall be 100 percent.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to carry out this section
9 \$5,000,000.

10 **SEC. 5053. SACRAMENTO DEEP WATER SHIP CHANNEL,**
11 **CALIFORNIA.**

12 (a) IN GENERAL.—The Secretary is authorized to
13 transfer title to the Bascule Bridge, deauthorized by sec-
14 tion 347(a)(2) of the Water Resources Development Act
15 of 2000 (114. Stat. 2618), to the city of West Sacramento,
16 California, subject to the execution of an agreement by
17 the Secretary and the city which specifies the terms and
18 conditions for such transfer. The terms and conditions of
19 the transfer shall include a provision authorizing the Sec-
20 retary to participate in the construction of a replacement
21 bridge following the removal of the Bascule Bridge.

22 (b) AUTHORIZATION OF APPROPRIATION.—There is
23 authorized to be appropriated \$5,000,000 for the Sec-
24 retary to participate in the construction of a replacement
25 bridge under this section.

1 **SEC. 5054. SAN FRANCISCO, CALIFORNIA.**

2 (a) IN GENERAL.—The Secretary, in cooperation
3 with the Port of San Francisco, California, may carry out
4 the project for repair and removal, as appropriate, of Piers
5 35, 36, and 80 in San Francisco, California, substantially
6 in accordance with the Port's redevelopment plan.

7 (b) AUTHORIZATION OF APPROPRIATION.—There is
8 authorized to be appropriated \$20,000,000 to carry out
9 this subsection.

10 **SEC. 5055. SAN FRANCISCO, CALIFORNIA, WATERFRONT**
11 **AREA.**

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

21 (b) NORTHERN EMBARCADERO SOUTH OF BRYANT
22 STREET.—The portion of the San Francisco, California,
23 waterfront area referred to in subsection (a) is as follows:
24 Beginning at the intersection of the northeasterly prolon-
25 gation of that portion of the northwesterly line of Bryant
26 Street lying between Beale Street and Main Street with

1 the southwesterly line of Spear Street, which intersection
2 lies on the line of jurisdiction of the San Francisco Port
3 Commission; following thence southerly along said line of
4 jurisdiction as described in the State of California Harbor
5 and Navigation Code Section 1770, as amended in 1961,
6 to its intersection with the easterly line of Townsend
7 Street along a line that is parallel and distant 10 feet dis-
8 tant from the existing southern boundary of Pier 40 pro-
9 duced to its point of intersection with the United States
10 Government pier-head line; thence northerly along said
11 pier-head line to its intersection with a line parallel with,
12 and distant 10 feet easterly from, the existing easterly
13 boundary line of Pier 30–32; thence northerly along said
14 parallel line and its northerly prolongation, to a point of
15 intersection with a line parallel with, and distant 10 feet
16 northerly from, the existing northerly boundary of Pier
17 30–32, thence westerly along last said parallel line to its
18 intersection with the United States Government pier-head
19 line; to the northwesterly line of Bryant Street produced
20 northwesterly; thence southwesterly along said northwest-
21 erly line of Bryant Street produced to the point of begin-
22 ning.

23 (c) REQUIREMENT THAT AREA BE IMPROVED.—The
24 declaration of nonnavigability under subsection (a) applies
25 only to those parts of the area described in subsection (b)

1 that are or will be bulkheaded, filled, or otherwise occupied
2 by permanent structures and does not affect the applica-
3 bility of any Federal statute or regulation applicable to
4 such parts the day before the date of enactment of this
5 Act, including sections 9 and 10 of the Act of March 3,
6 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly
7 known as the Rivers and Harbors Appropriation Act of
8 1899, section 404 of the Federal Water Pollution Control
9 Act (33 U.S.C. 1344), and the National Environmental
10 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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

20 **SEC. 5056. SAN PABLO BAY, CALIFORNIA, WATERSHED AND**
21 **SUISUN MARSH ECOSYSTEM RESTORATION.**

22 (a) SAN PABLO BAY WATERSHED, CALIFORNIA.—

23 (1) IN GENERAL.—The Secretary shall complete
24 work, as expeditiously as possible, on the ongoing
25 San Pablo Bay watershed, California, study to deter-

1 mine the feasibility of opportunities for restoring,
2 preserving and protecting the San Pablo Bay water-
3 shed.

4 (2) REPORT.—Not later than March 31, 2008,
5 the Secretary shall submit to Congress a report on
6 the results of the study.

7 (b) SUISUN MARSH, CALIFORNIA.—The Secretary
8 shall conduct a comprehensive study to determine the fea-
9 sibility of opportunities for restoring, preserving and pro-
10 tecting the Suisun Marsh, California.

11 (c) SAN PABLO AND SUISUN BAY MARSH WATER-
12 SHED CRITICAL RESTORATION PROJECTS.—

13 (1) IN GENERAL.—The Secretary may partici-
14 pate in critical restoration projects that will produce,
15 consistent with Federal programs, projects, and ac-
16 tivities, immediate and substantial ecosystem res-
17 toration, preservation, and protection benefits in the
18 following sub-watersheds of the San Pablo and
19 Suisun Bay Marsh watersheds:

20 (A) The tidal areas of the Petaluma River,
21 Napa-Sonoma Marsh.

22 (B) The shoreline of West Contra Costa
23 County.

24 (C) Novato Creek.

25 (D) Suisun Marsh.

1 (E) Gallinas-Miller Creek.

2 (2) TYPES OF ASSISTANCE.—Participation in
3 critical restoration projects under this subsection
4 may include assistance for planning, design, or con-
5 struction.

6 (d) NON-FEDERAL INTERESTS.—Notwithstanding
7 the requirements of section 221 of the Flood Control Act
8 of 1970 (42 U.S.C. 1962d-5b), a nonprofit entity may
9 serve, with the consent of the affected local government,
10 as a non-Federal interest for a project undertaken under
11 this section.

12 (e) COST SHARING.—Before carrying out any project
13 under this section, the Secretary shall enter into a part-
14 nership agreement with the non-Federal interest that shall
15 require the non-Federal interest—

16 (1) to pay 35 percent of the cost of construc-
17 tion for the project;

18 (2) to provide any lands, easements, rights-of-
19 way, dredged material disposal areas, and reloca-
20 tions necessary to carry out the project; and

21 (3) to pay 100 percent of the operation, mainte-
22 nance, repair, replacement, and rehabilitation costs
23 associated with the project.

1 (f) CREDIT.—The Secretary shall credit toward the
2 non-Federal share of the cost of construction of a project
3 under this section—

4 (1) the value of any lands, easements, rights-of-
5 way, dredged material disposal areas, or relocations
6 provided by the non-Federal interest for carrying out
7 the project, regardless of the date of acquisition;

8 (2) funds received from the CALFED Bay-
9 Delta program; and

10 (3) the cost of the studies, design, and con-
11 struction work carried out by the non-Federal inter-
12 est before the date of execution of a partnership
13 agreement for the project if the Secretary deter-
14 mines that the work is integral to the project.

15 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$40,000,000.

18 **SEC. 5057. SANTA VENETIA, CALIFORNIA.**

19 (a) IN GENERAL.—The Secretary shall carry out a
20 project for flood damage reduction under section 205 of
21 the Flood Control Act of 1958 (33 U.S.C. 701s), Santa
22 Venetia, California, if the Secretary determines that the
23 project is feasible.

24 (b) PROJECT FINANCING.—In carrying out the
25 project under this section, the Secretary shall allow the

1 non-Federal interests to participate in the financing of the
2 project in accordance with section 903(c) of the Water Re-
3 sources Development Act of 1986 (100 Stat. 4184), to the
4 extent that the Secretary's evaluation indicates that apply-
5 ing such section is necessary to implement the project.

6 **SEC. 5058. STOCKTON, CALIFORNIA.**

7 (a) REEVALUATION.—The Secretary shall reevaluate
8 the feasibility of the Lower Mosher Slough element and
9 the levee extensions on the Upper Calaveras River element
10 of the project for flood control, Stockton Metropolitan
11 Area, California, carried out under section 211(f)(3) of the
12 Water Resources Development Act of 1996 (110 Stat.
13 3683), to determine the eligibility of such elements for re-
14 imbursement under section 211 of such Act (33 U.S.C.
15 701b–13).

16 (b) SPECIAL RULES FOR REEVALUATION.—In con-
17 ducting the reevaluation under subsection (a), the Sec-
18 retary shall not reject a feasibility determination based on
19 one or more of the policies of the Corps of Engineers con-
20 cerning the frequency of flooding, the drainage area, and
21 the amount of runoff.

22 (c) REIMBURSEMENT.—If the Secretary determines
23 that the elements referred to subsection (a) are feasible,
24 the Secretary shall reimburse, subject to appropriations,
25 the non-Federal interest under section 211 of the Water

1 Resources Development Act of 1996 for the Federal share
2 of the cost of such elements.

3 **SEC. 5059. VICTOR V. VEYSEY DAM, CALIFORNIA.**

4 (a) DESIGNATION.—The Prado Dam, authorized by
5 the Flood Control Act of 1936 (49 Stat. 1570), shall be
6 known and designated as the “Victor V. Veysey Dam”.

7 (b) REFERENCES.—Any reference in a law, map, reg-
8 ulation, document, paper, or other record of the United
9 States to the dam referred to in subsection (a) shall be
10 deemed to be a reference to the “Victor V. Veysey Dam”.

11 **SEC. 5060. WHITTIER, CALIFORNIA.**

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) in the vicinity of Whittier, Cali-
15 fornia, if the Secretary determines that the project is fea-
16 sible.

17 **SEC. 5061. CHARLES HERVEY TOWNSHEND BREAKWATER,**
18 **NEW HAVEN HARBOR, CONNECTICUT.**

19 (a) DESIGNATION.—The western breakwater for the
20 project for navigation, New Haven Harbor, Connecticut,
21 authorized by the first section of the Act of September
22 19, 1890 (26 Stat. 426), shall be known and designated
23 as the “Charles Hervey Townshend Breakwater”.

24 (b) REFERENCES.—Any reference in a law, map, reg-
25 ulation, document, paper, or other record of the United

1 States to the breakwater referred to in subsection (a) shall
2 be deemed to be a reference to the “Charles Hervey
3 Townshend Breakwater”.

4 **SEC. 5062. CHRISTINA RIVER SHIPWRECK, DELAWARE.**

5 The Secretary may carry out the removal of the de-
6bris associated with the steamship “STATE OF PENN-
7SYLVANIA” and other derelict vessels from the Christina
8River, Delaware, under section 202 of the Water Re-
9sources Development Act of 1976 (90 Stat. 2945).

10 **SEC. 5063. ANACOSTIA RIVER, DISTRICT OF COLUMBIA,**
11 **MARYLAND, AND VIRGINIA.**

12 (a) **COMPREHENSIVE ACTION PLAN.**—Not later than
13 1 year after the date of enactment of this Act, the Sec-
14retary, in coordination with the Mayor of the District of
15Columbia, the Governor of Maryland, the Governor of Vir-
16ginia, the County Executives of Montgomery County and
17Prince George’s County, Maryland, and other interested
18persons, shall develop a 10-year comprehensive action plan
19for the restoration and protection of the ecological integ-
20rity of the Anacostia River and its tributaries.

21 (b) **PUBLIC AVAILABILITY.**—Upon completion of the
22plan, the Secretary shall make the plan available to the
23public.

1 **SEC. 5064. FLORIDA KEYS WATER QUALITY IMPROVE-**
2 **MENTS.**

3 Section 109 of the Miscellaneous Appropriations Act,
4 2001 (enacted into law by Public Law 106–554) (114
5 Stat. 2763A–222) is amended—

6 (1) by adding at the end of subsection (e)(2)
7 the following:

8 “(C) CREDIT FOR WORK PRIOR TO EXECU-
9 TION OF THE PARTNERSHIP AGREEMENT.—The
10 Secretary shall credit toward the non-Federal
11 share of the cost of the project (i) the cost of
12 construction work carried out by the non-Fed-
13 eral interest before the date of the partnership
14 agreement for the project if the Secretary de-
15 termines that the work is integral to the
16 project; and (ii) the cost of land acquisition car-
17 ried out by the non-Federal interest for projects
18 to be carried out under this section.”; and

19 (2) in subsection (f) by striking
20 “\$100,000,000” and inserting “\$100,000,000, of
21 which not more than \$15,000,000 may be used to
22 provide planning, design, and construction assistance
23 to the Florida Keys Aqueduct Authority for a water
24 treatment plant, Florida City, Florida”.

1 **SEC. 5065. LAKE WORTH, FLORIDA.**

2 The Secretary may carry out necessary repairs for
3 the Lake Worth bulkhead replacement project, West Palm
4 Beach, Florida, at an estimated total cost of \$9,000,000.

5 **SEC. 5066. LAKE LANIER, GEORGIA.**

6 The Secretary may assist local interests with plan-
7 ning, design, and construction of facilities at the Lake La-
8 nier Olympic Center, Georgia, at a total cost of
9 \$5,300,000.

10 **SEC. 5067. RILEY CREEK RECREATION AREA, IDAHO.**

11 The Secretary is authorized to carry out the Riley
12 Creek Recreation Area Operation Plan of the Albeni Falls
13 Management Plan, dated October 2001, for the Riley
14 Creek Recreation Area, Albeni Falls Dam, Bonner Coun-
15 ty, Idaho.

16 **SEC. 5068. RECONSTRUCTION OF ILLINOIS FLOOD PROTEC-**
17 **TION PROJECTS.**

18 (a) IN GENERAL.—The Secretary may participate in
19 the reconstruction of an eligible flood control project if the
20 Secretary determines that such reconstruction is not re-
21 quired as a result of improper operation and maintenance
22 of the project by the non-Federal interest.

23 (b) COST SHARING.—The non-Federal share of the
24 costs for the reconstruction of a flood control project au-
25 thorized by this section shall be the same non-Federal
26 share that was applicable to construction of the project.

1 The non-Federal interest shall be responsible for operation
2 and maintenance and repair of a project for which recon-
3 struction is undertaken under this section.

4 (c) RECONSTRUCTION DEFINED.—In this section,
5 the term “reconstruction”, as used with respect to a
6 project, means addressing major project deficiencies
7 caused by long-term degradation of the foundation, con-
8 struction materials, or engineering systems or components
9 of the project, the results of which render the project at
10 risk of not performing in compliance with its authorized
11 project purposes. In addressing such deficiencies, the Sec-
12 retary may incorporate current design standards and effi-
13 ciency improvements, including the replacement of obso-
14 lete mechanical and electrical components at pumping sta-
15 tions, if such incorporation does not significantly change
16 the scope, function, and purpose of the project as author-
17 ized.

18 (d) ELIGIBLE PROJECTS.—The following flood con-
19 trol projects are eligible for reconstruction under this sec-
20 tion:

21 (1) Clear Creek Drainage and Levee District,
22 Illinois.

23 (2) Fort Chartres and Ivy Landing Drainage
24 District, Illinois.

1 (3) Wood River Drainage and Levee District,
2 Illinois.

3 (4) Cairo, Illinois Mainline Levee, Cairo, Illi-
4 nois.

5 (5) Goose Pond Pump Station, Cairo, Illinois.

6 (6) Cottonwood Slough Pump Station, Alex-
7 ander County, Illinois.

8 (7) 10th and 28th Street Pump Stations, Cairo,
9 Illinois.

10 (8) Flood control levee projects in Brookport,
11 Shawneetown, Old Shawneetown, Golconda,
12 Rosiclare, Harrisburg, and Reevesville, Illinois.

13 (e) JUSTIFICATION.—The reconstruction of a project
14 authorized by this section shall not be considered a sepa-
15 rable element of the project.

16 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated—

18 (1) \$15,000,000 to carry out the projects de-
19 scribed in paragraphs (1) through (7) of subsection
20 (d); and

21 (2) \$15,000,000 to carry out the projects de-
22 scribed in subsection (d)(8).

23 Such sums shall remain available until expended.

1 **SEC. 5069. 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 ensure aquatic integrity of
24 sidechannels and backwaters and their
25 connectivity with the mainstem river;

1 (E) to increase economic opportunity for
2 agriculture and business communities; and

3 (F) to reduce the impacts of flooding to
4 communities and landowners.

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

8 (A) the development and implementation of
9 a program for sediment removal technology,
10 sediment characterization, sediment transport,
11 and beneficial uses of sediment;

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

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

20 (D) a conveyance study of the Kaskaskia
21 River floodplain from Vandalia, Illinois, to
22 Carlyle Lake to determine the impacts of exist-
23 ing and future waterfowl improvements on flood
24 stages, including detailed surveys and mapping

1 information to ensure proper hydraulic and
2 hydrological analysis;

3 (E) the development and implementation
4 of a computerized inventory and analysis sys-
5 tem; and

6 (F) the development and implementation
7 of a systemic plan to reduce flood impacts by
8 means of ecosystem restoration projects.

9 (4) CONSULTATION.—The comprehensive plan
10 shall be developed by the Secretary in consultation
11 with appropriate Federal agencies, the State of Illi-
12 nois, and the Kaskaskia River Watershed Associa-
13 tion.

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

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

23 (c) GENERAL PROVISIONS.—

24 (1) WATER QUALITY.—In carrying out activi-
25 ties under this section, the Secretary's recommenda-

1 tions shall be consistent with applicable State water
2 quality standards.

3 (2) PUBLIC PARTICIPATION.—In developing the
4 comprehensive plan under subsection (b), the Sec-
5 retary shall implement procedures to facilitate public
6 participation, including providing advance notice of
7 meetings, providing adequate opportunity for public
8 input and comment, maintaining appropriate
9 records, and making a record of the proceedings of
10 meetings available for public inspection.

11 (d) COORDINATION.—The Secretary shall integrate
12 activities carried out under this section with ongoing Fed-
13 eral and State programs, projects, and activities, including
14 the following:

15 (1) Farm programs of the Department of Agri-
16 culture.

17 (2) Conservation Reserve Enhancement Pro-
18 gram (State of Illinois) and Conservation 2000 Eco-
19 system Program of the Illinois Department of Nat-
20 ural Resources.

21 (3) Conservation 2000 Conservation Practices
22 Program and the Livestock Management Facilities
23 Act administered by the Illinois Department of Agri-
24 culture.

1 (4) National Buffer Initiative of the Natural
2 Resources Conservation Service.

3 (5) Nonpoint source grant program adminis-
4 tered by the Illinois Environmental Protection Agen-
5 cy.

6 (6) Other programs that may be developed by
7 the State of Illinois or the Federal Government, or
8 that are carried out by non-profit organizations, to
9 carry out the objectives of the Kaskaskia River
10 Basin Comprehensive Plan.

11 (e) COST SHARING.—

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

15 (2) IN-KIND SERVICES.—The Secretary may
16 credit the cost of in-kind services provided by the
17 non-Federal interest for an activity carried out
18 under this section toward not more than 80 percent
19 of the non-Federal share of the cost of the activity.
20 In-kind services shall include all State funds ex-
21 pended on programs that accomplish the goals of
22 this section, as determined by the Secretary. The
23 programs may include the Kaskaskia River Con-
24 servation Reserve Program, the Illinois Conservation
25 2000 Program, the Open Lands Trust Fund, and

1 other appropriate programs carried out in the
2 Kaskaskia River Basin.

3 **SEC. 5070. FLOODPLAIN MAPPING, LITTLE CALUMET**
4 **RIVER, CHICAGO, ILLINOIS.**

5 (a) IN GENERAL.—The Secretary shall provide as-
6 sistance for a project to develop maps identifying 100- and
7 500-year flood inundation areas along the Little Calumet
8 River, Chicago, Illinois.

9 (b) REQUIREMENTS.—Maps developed under the
10 project shall include hydrologic and hydraulic information
11 and shall accurately show the flood inundation of each
12 property by flood risk in the floodplain. The maps shall
13 be produced in a high resolution format and shall be made
14 available to all flood prone areas along the Little Calumet
15 River, Chicago, Illinois, in an electronic format.

16 (c) PARTICIPATION OF FEMA.—The Secretary and
17 the non-Federal interests for the project shall work with
18 the Director of the Federal Emergency Management
19 Agency to ensure the validity of the maps developed under
20 the project for flood insurance purposes.

21 (d) FORMS OF ASSISTANCE.—In carrying out the
22 project, the Secretary may enter into contracts or coopera-
23 tive agreements with the non-Federal interests or provide
24 reimbursements of project costs.

1 (e) FEDERAL SHARE.—The Federal share of the cost
2 of the project shall be 50 percent.

3 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$2,000,000.

6 **SEC. 5071. NATALIE CREEK, MIDLOTHIAN AND OAK FOR-**
7 **EST, ILLINOIS.**

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

13 **SEC. 5072. ILLINOIS RIVER BASIN RESTORATION.**

14 (a) EXTENSION OF AUTHORIZATION.—Section
15 519(e)(2) of the Water Resources Development Act of
16 2000 (114 Stat. 2654) is amended by striking “2004” and
17 inserting “2010”.

18 (b) IN-KIND SERVICES.—Section 519(g)(3) of such
19 Act (114 Stat. 2655) is amended by inserting before the
20 period at the end of the first sentence “if such services
21 are provided not more than 5 years before the date of initi-
22 ation of the project or activity”.

23 (c) NONPROFIT ENTITIES AND MONITORING.—Sec-
24 tion 519 of such Act (114 Stat. 2654) is amended by add-
25 ing at the end the following:

1 “(h) NONPROFIT ENTITIES.—Notwithstanding sec-
2 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
3 1962d–5b(b)), a non-Federal interest may include a non-
4 profit entity with the consent of the affected local govern-
5 ment.

6 “(i) MONITORING.—The Secretary shall develop an
7 Illinois river basin monitoring program to support the plan
8 referred to in subsection (b). Data collected under the
9 monitoring program shall incorporate data provided by the
10 State of Illinois and shall be publicly accessible through
11 electronic means.”.

12 **SEC. 5073. PROMONTORY POINT, LAKE MICHIGAN, ILLI-**
13 **NOIS.**

14 In carrying out the project for storm damage reduc-
15 tion and shoreline erosion protection, Lake Michigan, au-
16 thorized by section 101(a)(12) of the Water Resources De-
17 velopment Act of 1996 (110 Stat. 3664), the Secretary
18 shall reconstruct the Promontory Point section consistent
19 with the original limestone step design. Additional costs
20 associated with such reconstruction shall be a non-Federal
21 responsibility. The costs of reconstruction not consistent
22 with the original limestone step design shall be a non-Fed-
23 eral responsibility.

1 **SEC. 5074. SOUTHWEST ILLINOIS.**

2 (a) SOUTHWEST ILLINOIS DEFINED.—In this sec-
3 tion, the term “Southwest Illinois” means the counties of
4 Madison, St. Clair, Monroe, Randolph, Perry, Franklin,
5 Jackson, Union, Alexander, Pulaski, and Williamson, Illi-
6 nois.

7 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
8 may establish a program to provide environmental assist-
9 ance to non-Federal interests in Southwest Illinois.

10 (c) FORM OF ASSISTANCE.—Assistance under this
11 section may be in the form of design and construction as-
12 sistance for water-related environmental infrastructure
13 and resource protection and development projects in
14 Southwest Illinois, including projects for wastewater treat-
15 ment and related facilities, water supply and related facili-
16 ties, and surface water resource protection and develop-
17 ment.

18 (d) OWNERSHIP REQUIREMENT.—The Secretary may
19 provide assistance for a project under this section only if
20 the project is publicly owned.

21 (e) PARTNERSHIP AGREEMENTS.—

22 (1) IN GENERAL.—Before providing assistance
23 under this section, the Secretary shall enter into a
24 partnership agreement with a non-Federal interest
25 to provide for design and construction of the project
26 to be carried out with the assistance.

1 (2) REQUIREMENTS.—Each partnership agree-
2 ment entered into under this subsection shall provide
3 for the following:

4 (A) PLAN.—Development by the Secretary,
5 in consultation with appropriate Federal and
6 State officials, of a facilities or resource protec-
7 tion and development plan, including appro-
8 priate engineering plans and specifications.

9 (B) LEGAL AND INSTITUTIONAL STRUC-
10 TURES.—Establishment of such legal and insti-
11 tutional structures as are necessary to ensure
12 the effective long-term operation of the project
13 by the non-Federal interest.

14 (3) COST SHARING.—

15 (A) IN GENERAL.—The Federal share of
16 the project costs under each partnership agree-
17 ment entered into under this subsection shall be
18 75 percent. The Federal share may be in the
19 form of grants or reimbursements of project
20 costs.

21 (B) CREDIT FOR WORK.—The non-Federal
22 interests shall receive credit for the reasonable
23 cost of design work on a project completed by
24 the non-Federal interest before entering into a

1 partnership agreement with the Secretary for
2 such project.

3 (C) CREDIT FOR INTEREST.—In case of a
4 delay in the funding of the non-Federal share
5 of a project that is the subject of an agreement
6 under this section, the non-Federal interest
7 shall receive credit for reasonable interest in-
8 curred in providing the non-Federal share of
9 the project's costs.

10 (D) LAND, EASEMENTS, AND RIGHTS-OF-
11 WAY CREDIT.—The non-Federal interest shall
12 receive credit for land, easements, rights-of-
13 way, and relocations toward the non-Federal
14 share of project costs (including all reasonable
15 costs associated with obtaining permits nec-
16 essary for the construction, operation, and
17 maintenance of the project on publicly owned or
18 controlled land), but not to exceed 25 percent
19 of total project costs.

20 (E) OPERATION AND MAINTENANCE.—The
21 non-Federal share of operation and mainte-
22 nance costs for projects constructed with assist-
23 ance provided under this section shall be 100
24 percent.

1 (f) APPLICABILITY OF OTHER FEDERAL AND STATE
2 LAWS.—Nothing in this section waives, limits, or other-
3 wise affects the applicability of any provision of Federal
4 or State law that would otherwise apply to a project to
5 be carried out with assistance provided under this section.

6 (g) NONPROFIT ENTITIES.—Notwithstanding section
7 221(b) of the Flood Control Act of 1970 (42 U.S.C.
8 1962d-5b(b)), for any project undertaken under this sec-
9 tion, a non-Federal interest may include a nonprofit enti-
10 ty.

11 (h) CORPS OF ENGINEERS EXPENSES.—Ten percent
12 of the amounts appropriated to carry out this section may
13 be used by the Corps of Engineers district offices to ad-
14 minister projects under this section at 100 percent Fed-
15 eral expense.

16 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to carry out this section
18 \$40,000,000. Such sums shall remain available until ex-
19 pended.

20 **SEC. 5075. BURNS WATERWAY HARBOR, INDIANA.**

21 The Secretary shall conduct a study of shoaling in
22 the vicinity of Burns Waterway Harbor, Indiana, to deter-
23 mine if the shoaling is the result of a Federal navigation
24 project, and, if the Secretary determines that the shoaling
25 is the result of a Federal navigation project, the Secretary

1 shall carry out a project to mitigate the shoaling under
2 section 111 of the River and Harbor Act of 1968 (33
3 U.S.C. 426).

4 **SEC. 5076. CALUMET REGION, INDIANA.**

5 Section 219(f)(12) of the Water Resources Develop-
6 ment Act of 1992 (113 Stat. 335; 117 Stat. 1843) is
7 amended—

8 (1) by striking “\$30,000,000” and inserting the
9 following:

10 “(A) IN GENERAL.—\$30,000,000”;

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

12 “(B) CREDIT.—The Secretary shall credit
13 toward the non-Federal share of the cost of the
14 project the cost of planning and design work
15 carried out by the non-Federal interest before,
16 on, or after the date of the partnership agree-
17 ment for the project if the Secretary determines
18 that the work is integral to the project.”; and

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

23 **SEC. 5077. FLOODPLAIN MAPPING, MISSOURI RIVER, IOWA.**

24 (a) IN GENERAL.—The Secretary shall provide as-
25 sistance for a project to develop maps identifying 100- and

1 500-year flood inundation areas in the State of Iowa,
2 along the Missouri River.

3 (b) REQUIREMENTS.—Maps developed under the
4 project shall include hydrologic and hydraulic information
5 and shall accurately portray the flood hazard areas in the
6 floodplain. The maps shall be produced in a high resolu-
7 tion format and shall be made available to the State of
8 Iowa in an electronic format.

9 (c) PARTICIPATION OF FEMA.—The Secretary and
10 the non-Federal interests for the project shall work with
11 the Director of the Federal Emergency Management
12 Agency to ensure the validity of the maps developed under
13 the project for flood insurance purposes.

14 (d) FORMS OF ASSISTANCE.—In carrying out the
15 project, the Secretary may enter into contracts or coopera-
16 tive agreements with the non-Federal interests or provide
17 reimbursements of project costs.

18 (e) FEDERAL SHARE.—The Federal share of the cost
19 of the project shall be 50 percent.

20 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to carry out this section
22 \$3,000,000.

23 **SEC. 5078. RATHBUN LAKE, IOWA.**

24 (a) CONVEYANCE.—The Secretary shall convey the
25 remaining water supply storage allocation in Rathbun

1 Lake, Iowa, to the Rathbun Regional Water Association
2 (in this section referred to as the “Water Association”).

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

10 (c) TERMS AND CONDITIONS.—Before conveying the
11 water supply storage allocation under subsection (a), the
12 Secretary shall enter into an agreement with the Water
13 Association, under which the Water Association shall
14 agree to—

15 (1) in accordance with designs approved by the
16 Chief of Engineers, construct structures and facili-
17 ties referred to in subsection (b) that have a value
18 equal to or greater than the amount that otherwise
19 would be paid to the Federal Government for the
20 costs of the water supply storage under the Water
21 Supply Act of 1958 (43 U.S.C. 390b);

22 (2) be responsible for operating and maintain-
23 ing the structures and facilities;

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

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

8 (5) such other terms and conditions as the Sec-
9 retary considers necessary to protect the interests of
10 the United States.

11 **SEC. 5079. CUMBERLAND RIVER BASIN, KENTUCKY.**

12 At reservoirs managed by the Secretary above Cum-
13 berland River mile 385.5 within the Cumberland River
14 basin, Kentucky, the Secretary shall charge fees associ-
15 ated with storage and maintenance of water supply that
16 do not exceed the fees in effect on October 1, 2002.

17 **SEC. 5080. LOUISVILLE, KENTUCKY.**

18 (a) IN GENERAL.—Section 557 of the Water Re-
19 sources Development Act of 1999 (113 Stat. 353) is
20 amended—

21 (1) in the section heading by inserting “**KEN-**
22 **TUCKY AND**” before “**NORTHERN WEST VIR-**
23 **GINIA**”; and

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

1 “(4) LOUISVILLE, KENTUCKY.—Report of the
2 Corps of Engineers entitled ‘Louisville Waterfront
3 Park, Phase II, Kentucky, Master Plan’, dated July
4 22, 2002, at a total cost of \$32,000,000, with an es-
5 timated Federal cost of \$16,000,000 and an esti-
6 mated non-Federal cost of \$16,000,000.”.

7 (b) CONFORMING AMENDMENT.—In the table of con-
8 tents contained in section 1(b) of such Act strike the item
9 relating to section 557 and insert the following:

 “Sec. 557. Kentucky and Northern West Virginia.”.

10 **SEC. 5081. MAYFIELD CREEK AND TRIBUTARIES, KEN-**
11 **TUCKY.**

12 The Secretary shall conduct a study of flood damage
13 along Mayfield Creek and tributaries between Wickliffe
14 and Mayfield, Kentucky, to determine if the damage is the
15 result of a Federal flood damage reduction project, and,
16 if the Secretary determines that the damage is the result
17 of a Federal flood damage reduction project, the Secretary
18 shall carry out a project to mitigate the damage at Federal
19 expense.

20 **SEC. 5082. NORTH FORK, KENTUCKY RIVER, BREATHITT**
21 **COUNTY, KENTUCKY.**

22 The Secretary shall rebuild the structure that is im-
23 peding high water flows on the North Fork of the Ken-
24 tucky River in Breathitt County, Kentucky, in a manner
25 that will reduce flood damages at an estimated total cost

1 of \$1,800,000. The non-Federal interest shall provide
2 lands, easements, rights-of-way, relocations, and disposal
3 areas required for the project. Operation and maintenance
4 of the rebuilt structure shall be a non-Federal expense.

5 **SEC. 5083. PADUCAH, KENTUCKY.**

6 The Secretary shall complete a feasibility report for
7 rehabilitation of the project for flood damage reduction,
8 Paducah, Kentucky, and, if the Secretary determines that
9 the project is feasible, the Secretary shall carry out the
10 project at a total cost of \$3,000,000.

11 **SEC. 5084. SOUTHERN AND EASTERN KENTUCKY.**

12 Section 531 of the Water Resources Development Act
13 of 1996 (110 Stat. 3773; 113 Stat. 348; 117 Stat. 142)
14 is amended by adding the following:

15 “(i) 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. 5085. WINCHESTER, KENTUCKY.**

21 Section 219(c) of the Water Resources Development
22 Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219) is
23 amended by adding at the end the following:

24 “(41) WINCHESTER, KENTUCKY.—Wastewater
25 infrastructure, Winchester, Kentucky.”.

1 **SEC. 5086. BATON ROUGE, LOUISIANA.**

2 Section 219(f)(21) of the Water Resources Develop-
3 ment Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220)
4 is amended by striking “\$20,000,000” and inserting
5 “\$35,000,000”.

6 **SEC. 5087. CALCASIEU SHIP CHANNEL, LOUISIANA.**

7 The Secretary shall expedite completion of a dredged
8 material management plan for the Calcasieu Ship Chan-
9 nel, Louisiana, and may take interim measures to increase
10 the capacity of existing disposal areas, or to construct new
11 confined or beneficial use disposal areas, for the channel.

12 **SEC. 5088. CROSS LAKE, SHREVEPORT, LOUISIANA.**

13 The Secretary may accept from the Department of
14 the Air Force, and may use, not to exceed \$4,500,000 to
15 assist the city of Shreveport, Louisiana, with its plan to
16 construct a water intake facility.

17 **SEC. 5089. LAKE PONTCHARTRAIN, LOUISIANA.**

18 For purposes of carrying out section 121 of the Fed-
19 eral Water Pollution Control Act (33 U.S.C. 1271), the
20 Lake Pontchartrain, Louisiana, basin stakeholders con-
21 ference convened by the Environmental Protection Agen-
22 cy, National Oceanic and Atmospheric Administration,
23 and United States Geological Survey on February 25,
24 2002, shall be treated as being a management conference
25 convened under section 320 of such Act (33 U.S.C. 1330).

1 **SEC. 5090. WEST BATON ROUGE PARISH, LOUISIANA.**

2 (a) **MODIFICATION OF STUDY.**—The study for water-
3 front and riverine preservation, restoration, and enhance-
4 ment, Mississippi River, West Baton Rouge Parish, Lou-
5 isiana, being carried out under Committee Resolution
6 2570 of the Committee on Transportation and Infrastruc-
7 ture of the House of Representatives adopted July 23,
8 1998, is modified—

9 (1) to add West Feliciana Parish and East
10 Baton Rouge Parish to the geographic scope of the
11 study; and

12 (2) to direct the Secretary to credit toward the
13 non-Federal share the cost of the study and the non-
14 Federal share of the cost of any project authorized
15 by law as a result of the study the cost of work car-
16 ried out by the non-Federal interest before the date
17 of the partnership agreement for the project if the
18 Secretary determines that the work is integral to the
19 study or project, as the case may be.

20 (b) **EXPEDITED CONSIDERATION.**—Section 517(5) of
21 the Water Resources Development Act of 1999 (113 Stat.
22 345) is amended to read as follows:

23 “(5) Mississippi River, West Baton Rouge,
24 West Feliciana, and East Baton Rouge Parishes,
25 Louisiana, project for waterfront and riverine pres-

1 ervation, restoration, and enhancement modifica-
2 tions.”.

3 **SEC. 5091. CHARLESTOWN, MARYLAND.**

4 (a) IN GENERAL.—The Secretary may carry out a
5 project for nonstructural flood damage reduction and eco-
6 system restoration at Charlestown, Maryland.

7 (b) LAND ACQUISITION.—The flood damage reduc-
8 tion component of the project may include the acquisition
9 of private property from willing sellers.

10 (c) JUSTIFICATION.—Any nonstructural flood dam-
11 age reduction project to be carried out under this section
12 that will result in the conversion of property to use for
13 ecosystem restoration and wildlife habitat shall be justified
14 based on national ecosystem restoration benefits.

15 (d) USE OF ACQUIRED PROPERTY.—Property ac-
16 quired under this section shall be maintained in public
17 ownership for ecosystem restoration and wildlife habitat.

18 (e) ABILITY TO PAY.—In determining the appro-
19 priate non-Federal cost share for the project, the Sec-
20 retary shall determine the ability of Cecil County, Mary-
21 land, to participate as a cost-sharing non-Federal interest
22 in accordance with section 103(m) of the Water Resources
23 Development Act of 1986 (33 U.S.C. 2213(m)).

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

4 **SEC. 5092. DELMARVA CONSERVATION CORRIDOR, MARY-**
5 **LAND AND DELAWARE.**

6 (a) ASSISTANCE.—The Secretary may provide tech-
7 nical assistance to the Secretary of Agriculture for use in
8 carrying out the Conservation Corridor Demonstration
9 Program established under subtitle G of title II of the
10 Farm Security and Rural Investment Act of 2002 (16
11 U.S.C. 3801 note; 116 Stat. 275).

12 (b) COORDINATION AND INTEGRATION.—In carrying
13 out water resources projects in Maryland and Delaware
14 on the Delmarva Peninsula, the Secretary shall coordinate
15 and integrate those projects, to the maximum extent prac-
16 ticable, with any activities carried out to implement a con-
17 servation corridor plan approved by the Secretary of Agri-
18 culture under section 2602 of the Farm Security and
19 Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116
20 Stat. 275).

21 **SEC. 5093. MASSACHUSETTS DREDGED MATERIAL DIS-**
22 **POSAL SITES.**

23 The Secretary may cooperate with Massachusetts in
24 the management and long-term monitoring of aquatic
25 dredged material disposal sites within the State, and is

1 authorized to accept funds from the State to carry out
2 such activities.

3 **SEC. 5094. ONTONAGON HARBOR, MICHIGAN.**

4 The Secretary shall conduct a study of shore damage
5 in the vicinity of the project for navigation, Ontonagon
6 Harbor, Ontonagon County, Michigan, authorized by sec-
7 tion 101 of the Rivers and Harbors Act of 1962 (76 Stat.
8 1176, 100 Stat. 4213, 110 Stat. 3730), to determine if
9 the damage is the result of a Federal navigation project,
10 and, if the Secretary determines that the damage is the
11 result of a Federal navigation project, the Secretary shall
12 carry out a project to mitigate the damage under section
13 111 of the River and Harbor Act of 1968 (33 U.S.C.
14 426i).

15 **SEC. 5095. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**

17 (a) **ECOSYSTEM RESTORATION.**—The Secretary shall
18 carry out feasible aquatic ecosystem restoration projects
19 identified in the comprehensive management plan for St.
20 Clair River and Lake St. Clair, Michigan, developed under
21 section 426 of the Water Resources Development Act of
22 1999 (113 Stat. 326), at a total Federal cost of not to
23 exceed \$5,000,000.

1 (b) PLAN.—Section 426(d) of the Water Resources
2 Development Act of 1999 (113 Stat. 326) is amended by
3 striking “\$400,000” and inserting “\$475,000”.

4 **SEC. 5096. CROOKSTON, MINNESOTA.**

5 The Secretary shall conduct a study for a project for
6 emergency streambank protection along the Red Lake
7 River in Crookston, Minnesota, and, if the Secretary de-
8 termines that the project is feasible, the Secretary may
9 carry out the project under section 14 of the Flood Control
10 Act of 1946 (33 U.S.C. 701r); except that the maximum
11 amount of Federal funds that may be expended for the
12 project shall be \$6,500,000.

13 **SEC. 5097. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.**

14 (a) PROJECT DESCRIPTION.—Section 219(f)(61) of
15 the Water Resources Development Act of 1992 (114 Stat.
16 2763A–221) is amended—

17 (1) in the paragraph heading by striking
18 “TOWNSHIP” and inserting “TOWNSHIP AND CROW
19 WING AND MILLE LACS COUNTIES”;

20 (2) by striking “\$11,000,000” and inserting
21 “\$17,000,000”;

22 (3) by inserting “, Crow Wing County, Mille
23 Lacs County,” after “Garrison”; and

24 (4) by adding at the end the following: “Such
25 assistance shall be provided directly to the Garrison-

1 Kathio-West Mille Lacs Lake Sanitary District,
2 Minnesota.”.

3 (b) PROCEDURES.—In carrying out the project au-
4 thorized by such section 219(f)(61), the Secretary may use
5 the cost sharing and contracting procedures available to
6 the Secretary under section 569 of the Water Resources
7 Development Act of 1999 (113 Stat. 368).

8 **SEC. 5098. MINNEAPOLIS, MINNESOTA.**

9 (a) CONVEYANCE.—The Secretary shall convey to the
10 city of Minneapolis by quitclaim deed and without consid-
11 eration all right, title, and interest of the United States
12 to the property known as the War Department (Fort
13 Snelling Interceptor) Tunnel in Minneapolis, Minnesota.

14 (b) APPLICABILITY OF PROPERTY SCREENING PRO-
15 VISIONS.—Section 2696 of title 10, United States Code,
16 shall not apply to the conveyance under this section.

17 **SEC. 5099. NORTHEASTERN MINNESOTA.**

18 (a) IN GENERAL.—Section 569 of the Water Re-
19 sources Development Act of 1999 (113 Stat. 368) is
20 amended—

21 (1) in subsection (a) by striking “Benton,
22 Sherburne,” and inserting “Beltrami, Hubbard,
23 Wadena,”;

24 (2) by striking the last sentence of subsection

25 (e)(3)(B);

1 (3) by striking subsection (g) and inserting the
2 following:

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

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

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

14 (b) BIWABIK, MINNESOTA.—The Secretary shall re-
15 imburse the non-Federal interest for the project for envi-
16 ronmental infrastructure, Biwabik, Minnesota, carried out
17 under section 569 of the Water Resources Development
18 Act of 1999 (113 Stat. 368), for planning, design, and
19 construction costs that were incurred by the non-Federal
20 interest with respect to the project before the date of the
21 partnership agreement for the project and that were in
22 excess of the non-Federal share of the cost of the project
23 if the Secretary determines that the costs are appropriate.

1 **SEC. 5100. HARRISON, HANCOCK, AND JACKSON COUNTIES,**
2 **MISSISSIPPI.**

3 In carrying out projects for the protection, restora-
4 tion, and creation of aquatic and ecologically related habi-
5 tats located in Harrison, Hancock, and Jackson Counties,
6 Mississippi, under section 204 of the Water Resources De-
7 velopment Act of 1992 (33 U.S.C. 2326), the Secretary
8 shall accept any portion of the non-Federal share of the
9 cost of the project in the form of in-kind services and ma-
10 terials.

11 **SEC. 5101. MISSISSIPPI RIVER, MISSOURI, AND ILLINOIS.**

12 As a part of the operation and maintenance of the
13 project for the Mississippi River (Regulating Works), be-
14 tween the Ohio and Missouri Rivers, Missouri and Illinois,
15 authorized by the first section of an Act entitled “Making
16 appropriations for the construction, repair, and preserva-
17 tion of certain public works on rivers and harbors, and
18 for other purposes”, approved June 25, 1910, the Sec-
19 retary may carry out activities necessary to restore and
20 protect fish and wildlife habitat in the middle Mississippi
21 River system. Such activities may include modification of
22 navigation training structures, modification and creation
23 of side channels, modification and creation of islands, and
24 studies and analysis necessary to apply adaptive manage-
25 ment principles in design of future work.

1 **SEC. 5102. ST. LOUIS, MISSOURI.**

2 Section 219(f)(32) of the Water Resources Develop-
3 ment Act of 1992 (113 Stat. 337) is amended by striking
4 “\$15,000,000” and inserting “\$35,000,000”.

5 **SEC. 5103. ACID BROOK, POMPTON LAKES, NEW JERSEY.**

6 The Secretary shall carry out a project for flood dam-
7 age reduction under section 205 of the Flood Control Act
8 of 1948 (33 U.S.C. 701s), Acid Brook, Pompton Lakes,
9 New Jersey, if the Secretary determines that the project
10 is feasible.

11 **SEC. 5104. HACKENSACK MEADOWLANDS AREA, NEW JER-**
12 **SEY.**

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

15 (1) in subsection (a)—

16 (A) by striking “design” and inserting
17 “planning, design,”; and

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

23 (2) in subsection (b)—

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

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

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

5 “(1) Restoration and acquisitions of significant
6 wetlands and aquatic habitat that contribute to the
7 Meadowlands ecosystem.”;

8 (D) in paragraph (2) by inserting “and
9 aquatic habitat” before the period at the end;
10 and

11 (E) by striking paragraph (7) and insert-
12 ing the following:

13 “(7) Research, development, and implementa-
14 tion for a water quality improvement program, in-
15 cluding restoration of hydrology and tidal flows and
16 remediation of hot spots and other sources of con-
17 taminants that degrade existing or planned sites.”;

18 (3) in subsection (c) by inserting before the last
19 sentence the following: “The non-Federal sponsor
20 may also provide in-kind services, not to exceed the
21 non-Federal share of the total project cost, and may
22 also receive credit for reasonable cost of design work
23 completed prior to entering into the partnership
24 agreement with the Secretary for a project to be car-

1 ried out under the program developed under sub-
2 section (a).”; and

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

5 **SEC. 5105. CENTRAL NEW MEXICO, NEW MEXICO.**

6 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section
7 593(h) of the Water Resources Development Act of 1999
8 (113 Stat. 381) is amended by striking “\$25,000,000”
9 and inserting “\$40,000,000”.

10 (b) **CORPS OF ENGINEERS EXPENSES.**—Section 593
11 of such Act (113 Stat. 381) is amended by adding at the
12 end the following:

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

18 **SEC. 5106. ATLANTIC COAST OF NEW YORK.**

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

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

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

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

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

9 (b) ANNUAL REPORTS.—Section 404(b) of such Act
10 is amended—

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

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

17 (3) by striking the last sentence.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
19 404(c) of such Act (113 Stat. 341) is amended by striking
20 “and an additional total of \$2,500,000 for fiscal years
21 thereafter” and inserting “\$2,500,000 for fiscal years
22 2000 through 2004, and \$7,500,000 for fiscal years begin-
23 ning after September 30, 2004,”.

1 (d) TSUNAMI WARNING SYSTEM.—Section 404 of the
2 Water Resources Development Act of 1992 (106 Stat.
3 4863) is amended by adding at the end the following:

4 “(d) TSUNAMI WARNING SYSTEM.—There is author-
5 ized to be appropriated \$800,000 for the Secretary to
6 carry out a project for a tsunami warning system, Atlantic
7 Coast of New York.”.

8 **SEC. 5107. COLLEGE POINT, NEW YORK CITY, NEW YORK.**

9 In carrying out section 312 of the Water Resources
10 Development Act of 1990 (104 Stat. 4639), the Secretary
11 shall give priority to work in College Point, New York
12 City, New York.

13 **SEC. 5108. FLUSHING BAY AND CREEK, NEW YORK CITY,**
14 **NEW YORK.**

15 The Secretary shall credit toward the non-Federal
16 share of the cost of the project for ecosystem restoration,
17 Flushing Bay and Creek, New York City, New York, the
18 cost of design and construction work carried out by the
19 non-Federal interest before the date of the partnership
20 agreement for the project if the Secretary determines that
21 the work is integral to the project.

22 **SEC. 5109. HUDSON RIVER, NEW YORK.**

23 The Secretary may participate with the State of New
24 York, New York City, and the Hudson River Park Trust
25 in carrying out activities to restore critical marine habitat,

1 improve safety, and protect and rehabilitate critical infra-
2 structure. There is authorized to be appropriated
3 \$5,000,000 to carry out this section.

4 **SEC. 5110. MOUNT MORRIS DAM, NEW YORK.**

5 As part of the operation and maintenance of the
6 Mount Morris Dam, New York, the Secretary may make
7 improvements to the access road for the dam to provide
8 safe access to a Federal visitor's center.

9 **SEC. 5111. ONONDAGA LAKE, NEW YORK.**

10 Section 573 of the Water Resources Development Act
11 of 1999 (113 Stat. 372) is amended—

12 (1) in subsection (f) by striking “\$10,000,000”
13 and inserting “\$30,000,000”;

14 (2) by redesignating subsections (f) and (g) as
15 subsections (g) and (h), respectively; and

16 (3) by inserting after subsection (e) the fol-
17 lowing:

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

1 **SEC. 5112. JOHN H. KERR DAM AND RESERVOIR, NORTH**
2 **CAROLINA.**

3 The Secretary shall expedite the completion of the
4 calculations necessary to negotiate and execute a revised,
5 permanent contract for water supply storage at John H.
6 Kerr Dam and Reservoir, North Carolina, among the Sec-
7 retary and the Kerr Lake Regional Water System and the
8 city of Henderson, North Carolina.

9 **SEC. 5113. STANLY COUNTY, NORTH CAROLINA.**

10 Section 219(f)(64) of the Water Resources Develop-
11 ment Act of 1992 (114 Stat. 2763A–221) is amended by
12 inserting “water and” before “wastewater”.

13 **SEC. 5114. W. KERR SCOTT DAM AND RESERVOIR, NORTH**
14 **CAROLINA.**

15 The Secretary shall remove debris from the joint in-
16 take at the W. Kerr Scott Dam and Reservoir, North
17 Carolina.

18 **SEC. 5115. OHIO.**

19 Section 594 of the Water Resources Development Act
20 of 1999 (113 Stat. 381) is amended—

21 (1) in subsection (b) by striking “design and
22 construction” and inserting “planning, design, and
23 construction”;

24 (2) in subsection (g) by striking “\$60,000,000”
25 and inserting “\$100,000,000”; and

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

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

6 **SEC. 5116. TOUSSAINT RIVER, OHIO.**

7 (a) IN GENERAL.—The project for navigation, Tous-
8 saint River, Carroll Township, Ohio, authorized by section
9 107 of the River and Harbor Act of 1960 (33 U.S.C. 577),
10 is modified to authorize the Secretary to enter into an
11 agreement with the non-Federal interest under which the
12 Secretary may—

13 (1) acquire, and transfer to the non-Federal in-
14 terest, a dredge and associated equipment with the
15 capacity to perform operation and maintenance of
16 the project; and

17 (2) provide the non-Federal interest with a
18 lump-sum payment to cover all future costs of oper-
19 ation and maintenance of the project.

20 (b) AGREEMENT.—The Secretary may carry out sub-
21 section (a)(1) by entering into an agreement with the non-
22 Federal interest under which the non-Federal interest may
23 acquire the dredge and associated equipment directly and
24 be reimbursed by the Secretary.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$1,800,000 to carry out this
3 section. Of such funds, \$500,000 may be used to carry
4 out subsection (a)(1).

5 (d) RELEASE.—Upon the acquisition and transfer of
6 a dredge and associated equipment under subsection
7 (a)(1), and the payment of funds under subsection (a)(2),
8 all future Federal responsibility for operation and mainte-
9 nance of the project is extinguished.

10 **SEC. 5117. EUGENE, OREGON.**

11 (a) IN GENERAL.—The Secretary shall conduct a
12 study to determine the feasibility of restoring the millrace
13 in Eugene, Oregon, and, if the Secretary determines that
14 the restoration is feasible, the Secretary shall carry out
15 the restoration.

16 (b) CONSIDERATION OF NONECONOMIC BENEFITS.—
17 In determining the feasibility of restoring the millrace, the
18 Secretary shall include noneconomic benefits associated
19 with the historical significance of the millrace and associ-
20 ated with preservation and enhancement of resources.

21 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out this section
23 \$20,000,000.

1 **SEC. 5118. JOHN DAY LOCK AND DAM, LAKE UMATILLA, OR-**
2 **EGON AND WASHINGTON.**

3 (a) IN GENERAL.—The Secretary shall pay not more
4 than \$2,500,000 to the provider of research and curation
5 support previously provided to the Federal Government as
6 a result of—

7 (1) the multipurpose project at John Day Lock
8 and Dam, Lake Umatilla, Oregon and Washington,
9 authorized by section 101 of the River and Harbor
10 Act of 1950 (64 Stat. 167); and

11 (2) the several navigation and flood damage re-
12 duction projects constructed on the Columbia River
13 and Lower Willamette River, Oregon and Wash-
14 ington.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$2,500,000.

18 **SEC. 5119. LOWELL, OREGON.**

19 (a) IN GENERAL.—The Secretary may convey with-
20 out consideration to Lowell School District, by quitclaim
21 deed, all right, title, and interest of the United States in
22 and to land and buildings thereon, known as Tract A-
23 82, located in Lowell, Oregon, and described in subsection
24 (b).

25 (b) DESCRIPTION OF PROPERTY.—The parcel of land
26 authorized to be conveyed under subsection (a) is as fol-

1 lows: Commencing at the point of intersection of the west
2 line of Pioneer Street with the westerly extension of the
3 north line of Summit Street, in Meadows Addition to Low-
4 ell, as platted and recorded at page 56 of Volume 4, Lane
5 County Oregon Plat Records; thence north on the west
6 line of Pioneer Street a distance of 176.0 feet to the true
7 point of beginning of this description; thence north on the
8 west line of Pioneer Street a distance of 170.0 feet; thence
9 west at right angles to the west line of Pioneer Street a
10 distance of 250.0 feet; thence south and parallel to the
11 west line of Pioneer Street a distance of 170.0 feet; thence
12 east 250.0 feet to the true point of beginning of this de-
13 scription in Section 14, Township 19 South, Range 1 West
14 of the Willamette Meridian, Lane County, Oregon.

15 (c) TERMS AND CONDITIONS.—Before conveying the
16 parcel to the school district, the Secretary shall ensure
17 that the conditions of buildings and facilities meet the re-
18 quirements of applicable Federal law.

19 (d) REVERSION.—If the Secretary determines that
20 the property conveyed under subsection (a) ceases to be
21 held in public ownership, all right, title, and interest in
22 and to the property shall revert to the United States, at
23 the option of the United States.

24 (e) GENERALLY APPLICABLE PROVISIONS.—

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

5 (2) LIABILITY.—An entity to which a convey-
6 ance is made under this section shall hold the
7 United States harmless from any liability with re-
8 spect to activities carried out, on or after the date
9 of the conveyance, on the real property conveyed.
10 The United States shall remain responsible for any
11 liability with respect to activities carried out, before
12 such date, on the real property conveyed.

13 **SEC. 5120. ALLEGHENY COUNTY, PENNSYLVANIA.**

14 Section 219(f)(66) of the Water Resources Develop-
15 ment Act of 1992 (114 Stat. 2763A–221) is amended—

16 (1) by striking “\$20,000,000” and inserting the
17 following:

18 “(A) IN GENERAL.—\$20,000,000”;

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

20 “(B) CREDIT.—The Secretary shall credit
21 toward the non-Federal share of the cost of the
22 project the cost of work carried out by the non-
23 Federal interest before the date of the partner-
24 ship agreement for the project if the Secretary

1 determines that the work is integral to the
2 project.”; and

3 (3) by aligning the remainder of the text of
4 subparagraph (A) (as designated by paragraph (1)
5 of this section) with subparagraph (B) (as added by
6 paragraph (2) of this section).

7 **SEC. 5121. CLINTON COUNTY, PENNSYLVANIA.**

8 Section 219(f)(13) of the Water Resources Develop-
9 ment Act of 1992 (113 Stat. 335) is amended by striking
10 “\$1,000,000” and inserting “\$2,000,000”.

11 **SEC. 5122. LEHIGH RIVER, LEHIGH COUNTY, PENNSYL-
12 VANIA.**

13 The Secretary shall use existing water quality data
14 to model the effects of the Francis E. Walter Dam, at
15 different water levels, to determine its impact on water
16 and related resources in and along the Lehigh River in
17 Lehigh County, Pennsylvania. There is authorized to be
18 appropriated \$500,000 to carry out this section.

19 **SEC. 5123. NORTHEAST PENNSYLVANIA.**

20 Section 219(f)(11) of the Water Resources Develop-
21 ment Act of 1992 (113 Stat. 335) is amended by striking
22 “and Monroe” and inserting “Northumberland, Union,
23 Snyder, and Montour”.

1 **SEC. 5124. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.**
2

3 (a) **STUDY AND STRATEGY DEVELOPMENT.**—Section
4 567(a) of the Water Resources Development Act of 1996
5 (110 Stat. 3787; 114 Stat. 2662) is amended—

6 (1) in the matter preceding paragraph (1) by
7 inserting “and carry out” after “develop”; and

8 (2) in paragraph (2) by striking
9 “\$10,000,000.” and inserting “\$20,000,000, of
10 which the Secretary may utilize not more than
11 \$5,000,000 to design and construct feasible pilot
12 projects during the development of the strategy to
13 demonstrate alternative approaches for the strategy.
14 The total cost for any single pilot project may not
15 exceed \$500,000. The Secretary shall evaluate the
16 results of the pilot projects and consider the results
17 in the development of the strategy.”.

18 (b) **COOPERATIVE AGREEMENTS.**—Section 567(c) of
19 such Act (114 Stat. 2662) is amended—

20 (1) in the subsection heading by striking “CO-
21 OPERATION” and inserting “COOPERATIVE”; and

22 (2) in the first sentence—

23 (A) by inserting “and carrying out” after
24 “developing”; and

25 (B) by striking “cooperation” and insert-
26 ing “cost-sharing and cooperative”.

1 (c) IMPLEMENTATION OF STRATEGY.—Section
2 567(d) of such Act (114 Stat. 2663) is amended—

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

5 “(1) IN GENERAL.—The Secretary”;

6 (2) in the second sentence of paragraph (1) (as
7 so designated)—

8 (A) by striking “implement” and inserting
9 “carry out”; and

10 (B) by striking “implementing” and insert-
11 ing “carrying out”;

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

13 “(2) PRIORITY PROJECT.—In carrying out
14 projects to implement the strategy, the Secretary
15 shall give priority to the project for ecosystem res-
16 toration, Cooperstown, New York, described in the
17 Upper Susquehanna River Basin—Cooperstown
18 Area Ecosystem Restoration Feasibility Study, dated
19 December 2004, prepared by the Corps of Engineers
20 and the New York State Department of Environ-
21 mental Conservation.”; and

22 (4) by aligning the remainder of the text of
23 paragraph (1) (as designated by paragraph (1) of
24 this subsection) with paragraph (2) (as added by
25 paragraph (3) of this subsection).

1 (d) CREDIT.—Section 567 of such Act (110 Stat.
2 3787; 114 Stat. 2662) is amended by adding at the end
3 the following:

4 “(e) CREDIT.—The Secretary shall credit toward the
5 non-Federal share of the cost of a project under this sec-
6 tion—

7 “(1) the cost of design and construction work
8 carried out by the non-Federal interest before the
9 date of the partnership agreement for the project if
10 the Secretary determines that the work is integral to
11 the project; and

12 “(2) the cost of in-kind services and materials
13 provided for the project by the non-Federal inter-
14 est.”.

15 **SEC. 5125. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.**

16 The Secretary shall review a report prepared by the
17 non-Federal interest concerning flood protection and envi-
18 ronmental restoration for Cano Martin Pena, San Juan,
19 Puerto Rico, and, if the Secretary determines that the re-
20 port meets the evaluation and design standards of the
21 Corps of Engineers and that the project is feasible, the
22 Secretary may carry out the project at a total cost of
23 \$130,000,000, with an estimated Federal cost of
24 \$85,000,000 and an estimated non-Federal cost of
25 \$45,000,000.

1 **SEC. 5126. BEAUFORT AND JASPER COUNTIES, SOUTH**
2 **CAROLINA.**

3 The Secretary may accept from the Department of
4 the Navy, and may use, not to exceed \$23,000,000 to as-
5 sist the Beaufort Jasper Water and Sewage Authority,
6 South Carolina, with its plan to consolidate civilian and
7 military wastewater treatment facilities.

8 **SEC. 5127. EAST TENNESSEE.**

9 (a) **EAST TENNESSEE DEFINED.**—In this section,
10 the term “East Tennessee” means the counties of Blount,
11 Knox, Loudon, McMinn, Monroe, and Sevier, Tennessee.

12 (b) **ESTABLISHMENT OF PROGRAM.**—The Secretary
13 may establish a program to provide environmental assist-
14 ance to non-Federal interests in East Tennessee.

15 (c) **FORM OF ASSISTANCE.**—Assistance under this
16 section may be in the form of design and construction as-
17 sistance for water-related environmental infrastructure
18 and resource protection and development projects in East
19 Tennessee, including projects for wastewater treatment
20 and related facilities, water supply and related facilities,
21 environmental restoration, and surface water resource pro-
22 tection and development.

23 (d) **OWNERSHIP REQUIREMENT.**—The Secretary may
24 provide assistance for a project under this section only if
25 the project is publicly owned.

26 (e) **PARTNERSHIP AGREEMENTS.**—

1 (1) IN GENERAL.—Before providing assistance
2 under this section, the Secretary shall enter into a
3 partnership agreement with a non-Federal interest
4 to provide for design and construction of the project
5 to be carried out with the assistance.

6 (2) REQUIREMENTS.—Each partnership agree-
7 ment entered into under this subsection shall provide
8 for the following:

9 (A) PLAN.—Development by the Secretary,
10 in consultation with appropriate Federal and
11 State officials, of a facilities or resource protec-
12 tion and development plan, including appro-
13 priate engineering plans and specifications.

14 (B) LEGAL AND INSTITUTIONAL STRUC-
15 TURES.—Establishment of such legal and insti-
16 tutional structures as are necessary to ensure
17 the effective long-term operation of the project
18 by the non-Federal interest.

19 (3) COST SHARING.—

20 (A) IN GENERAL.—The Federal share of
21 the project cost under each partnership agree-
22 ment entered into under this subsection shall be
23 75 percent. The Federal share may be in the
24 form of grants or reimbursements of project
25 costs.

1 (B) CREDIT FOR WORK.—The non-Federal
2 interests shall receive credit for the reasonable
3 cost of design work on a project completed by
4 the non-Federal interest before entering into a
5 partnership agreement with the Secretary for
6 such project.

7 (C) CREDIT FOR INTEREST.—In case of a
8 delay in the funding of the non-Federal share
9 of a project that is the subject of an agreement
10 under this section, the non-Federal interest
11 shall receive credit for reasonable interest in-
12 curred in providing the non-Federal share of
13 the project cost.

14 (D) LAND, EASEMENTS, AND RIGHTS-OF-
15 WAY CREDIT.—The non-Federal interest shall
16 receive credit for land, easements, rights-of-
17 way, and relocations toward the non-Federal
18 share of project cost (including all reasonable
19 costs associated with obtaining permits nec-
20 essary for the construction, operation, and
21 maintenance of the project on publicly owned or
22 controlled land), but not to exceed 25 percent
23 of total project cost.

24 (E) OPERATION AND MAINTENANCE.—The
25 non-Federal share of operation and mainte-

1 nance costs for projects constructed with assist-
2 ance provided under this section shall be 100
3 percent.

4 (f) APPLICABILITY OF OTHER FEDERAL AND STATE
5 LAWS.—Nothing in this section waives, limits, or other-
6 wise affects the applicability of any provision of Federal
7 or State law that would otherwise apply to a project to
8 be carried out with assistance provided under this section.

9 (g) NONPROFIT ENTITIES.—Notwithstanding section
10 221(b) of the Flood Control Act of 1970 (42 U.S.C.
11 1962d-5b(b)), for any project undertaken under this sec-
12 tion, a non-Federal interest may include a nonprofit entity
13 with the consent of the affected local government.

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

19 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$40,000,000. Such sums shall remain available until ex-
22 pended.

23 **SEC. 5128. FRITZ LANDING, TENNESSEE.**

24 The Secretary shall—

1 (1) conduct a study of the Fritz Landing Agri-
2 cultural Spur Levee, Tennessee, to determine the ex-
3 tent of levee modifications that would be required to
4 make the levee and associated drainage structures
5 consistent with Federal standards;

6 (2) design and construct such modifications;
7 and

8 (3) after completion of such modifications, in-
9 corporate the levee into the project for flood control,
10 Mississippi River and Tributaries, authorized by the
11 Act entitled “An Act for the control of floods on the
12 Mississippi River and its tributaries, and for other
13 purposes”, approved May 15, 1928 (45 Stat. 534–
14 539), commonly known as the “Flood Control Act of
15 1928”.

16 **SEC. 5129. J. PERCY PRIEST DAM AND RESERVOIR, TEN-**
17 **NESSEE.**

18 The Secretary shall plan, design, and construct a trail
19 system at the J. Percy Priest Dam and Reservoir, Ten-
20 nessee, authorized by section 4 of the Act entitled “An
21 Act authorizing the construction of certain public works
22 on rivers and harbors for flood control, and for other pur-
23 poses”, approved June 28, 1938 (52 Stat. 1217), includ-
24 ing design and construction of support facilities for public
25 health and safety associated with trail development. In

1 carrying out such improvements, the Secretary is author-
2 ized to use funds made available by the State of Tennessee
3 from any Federal or State source, or both.

4 **SEC. 5130. TOWN CREEK, LENOIR CITY, TENNESSEE.**

5 The Secretary shall design and construct the project
6 for flood damage reduction designated as Alternative 4 in
7 the Town Creek, Lenoir City, Loudon County, Tennessee,
8 feasibility report of the Nashville district engineer, dated
9 November 2000, under the authority of section 205 of the
10 Flood Control Act of 1948 (33 U.S.C. 701s), notwith-
11 standing section 1 of the Flood Control Act of June 22,
12 1936 (33 U.S.C. 701a; 49 Stat. 1570). The non-Federal
13 share of the cost of the project shall be subject to section
14 103(a) of the Water Resources Development Act of 1986
15 (33 U.S.C. 2213(a)).

16 **SEC. 5131. TENNESSEE RIVER PARTNERSHIP.**

17 (a) IN GENERAL.—As part of the operation and
18 maintenance of the project for navigation, Tennessee
19 River, Tennessee, Alabama, Mississippi, and Kentucky,
20 authorized by the first section of the River and Harbor
21 Act of July 3, 1930 (46 Stat. 927), the Secretary may
22 enter into a partnership with a nonprofit entity to remove
23 debris from the Tennessee River in the vicinity of Knox-
24 ville, Tennessee, by providing a vessel to such entity, at
25 Federal expense, for such debris removal purposes.

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

4 **SEC. 5132. UPPER MISSISSIPPI EMBAYMENT, TENNESSEE,**
5 **ARKANSAS, AND MISSISSIPPI.**

6 The Secretary may participate with non-Federal and
7 nonprofit entities to address issues concerning managing
8 groundwater as a sustainable resource through the Upper
9 Mississippi Embayment, Tennessee, Arkansas, and Mis-
10 sissippi, and coordinating the protection of groundwater
11 supply and groundwater quality with local surface water
12 protection programs. There is authorized to be appro-
13 priated \$5,000,000 to carry out this section.

14 **SEC. 5133. BOSQUE RIVER WATERSHED, TEXAS.**

15 (a) COMPREHENSIVE PLAN.—The Secretary, in con-
16 sultation with appropriate Federal, State, and local enti-
17 ties, shall develop, as expeditiously as practicable, a com-
18 prehensive plan for development of new technologies and
19 innovative approaches for restoring, preserving, and pro-
20 tecting the Bosque River watershed within Bosque, Ham-
21 ilton, McLennan, and Erath Counties, Texas. The Sec-
22 retary, in cooperation with the Secretary of Agriculture,
23 may carry out activities identified in the comprehensive
24 plan to demonstrate practicable alternatives for stabiliza-

1 tion and enhancement of land and water resources in the
2 basin.

3 (b) SERVICES OF PUBLIC NON-PROFIT INSTITU-
4 TIONS AND OTHER ENTITIES.—In carrying out subsection
5 (a), the Secretary may utilize, through contracts or other
6 means, the services of public non-profit institutions and
7 such other entities as the Secretary considers appropriate.

8 (c) NON-FEDERAL SHARE.—

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

12 (2) CREDIT.—The Secretary shall credit toward
13 the non-Federal share of the cost of activities car-
14 ried out under this section the cost of planning, de-
15 sign, and construction work completed by or on be-
16 half of the non-Federal interests for implementation
17 of measures constructed with assistance provided
18 under this section. The amount of such credit shall
19 not exceed the non-Federal share of the cost of such
20 activities.

21 (3) OPERATION AND MAINTENANCE.—The non-
22 Federal share of the cost of operation and mainte-
23 nance for measures constructed with assistance pro-
24 vided under this section shall be 100 percent.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$10,000,000.

4 **SEC. 5134. DALLAS COUNTY REGION, TEXAS.**

5 (a) DALLAS COUNTY REGION DEFINED.—In this sec-
6 tion, the term “Dallas County region” means the city of
7 Dallas, and the municipalities of DeSoto, Duncanville,
8 Lancaster, Wilmer, Hutchins, Balch Springs, Cedar Hill,
9 Glenn Heights, and Ferris, Texas.

10 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
11 may establish a program to provide environmental assist-
12 ance to non-Federal interests in the Dallas County region.

13 (c) FORM OF ASSISTANCE.—Assistance under this
14 section may be in the form of design and construction as-
15 sistance for water-related environmental infrastructure
16 and resource protection and development projects in the
17 Dallas County region, including projects for wastewater
18 treatment and related facilities, water supply and related
19 facilities, environmental restoration, and surface water re-
20 source protection and development.

21 (d) OWNERSHIP REQUIREMENT.—The Secretary may
22 provide assistance for a project under this section only if
23 the project is publicly owned.

24 (e) PARTNERSHIP AGREEMENTS.—

1 (1) IN GENERAL.—Before providing assistance
2 under this section, the Secretary shall enter into a
3 partnership agreement with a non-Federal interest
4 to provide for design and construction of the project
5 to be carried out with the assistance.

6 (2) REQUIREMENTS.—Each partnership agree-
7 ment entered into under this subsection shall provide
8 for the following:

9 (A) PLAN.—Development by the Secretary,
10 in consultation with appropriate Federal and
11 State officials, of a facilities or resource protec-
12 tion and development plan, including appro-
13 priate engineering plans and specifications.

14 (B) LEGAL AND INSTITUTIONAL STRUC-
15 TURES.—Establishment of such legal and insti-
16 tutional structures as are necessary to ensure
17 the effective long-term operation of the project
18 by the non-Federal interest.

19 (3) COST SHARING.—

20 (A) IN GENERAL.—The Federal share of
21 the project costs under each partnership agree-
22 ment entered into under this subsection shall be
23 75 percent. The Federal share may be in the
24 form of grants or reimbursements of project
25 costs.

1 (B) CREDIT FOR WORK.—The non-Federal
2 interests shall receive credit for the reasonable
3 cost of design work on a project completed by
4 the non-Federal interest before entering into a
5 partnership agreement with the Secretary for
6 such project.

7 (C) CREDIT FOR INTEREST.—In case of a
8 delay in the funding of the non-Federal share
9 of a project that is the subject of an agreement
10 under this section, the non-Federal interest
11 shall receive credit for reasonable interest in-
12 curred in providing the non-Federal share of
13 the project's costs.

14 (D) LAND, EASEMENTS, AND RIGHTS-OF-
15 WAY CREDIT.—The non-Federal interest shall
16 receive credit for land, easements, rights-of-
17 way, and relocations toward the non-Federal
18 share of project costs (including all reasonable
19 costs associated with obtaining permits nec-
20 essary for the construction, operation, and
21 maintenance of the project on publicly owned or
22 controlled land), but such credit may not exceed
23 25 percent of total project costs.

24 (E) OPERATION AND MAINTENANCE.—The
25 non-Federal share of operation and mainte-

1 nance costs for projects constructed with assist-
2 ance provided under this section shall be 100
3 percent.

4 (f) APPLICABILITY OF OTHER FEDERAL AND STATE
5 LAWS.—Nothing in this section waives, limits, or other-
6 wise affects the applicability of any provision of Federal
7 or State law that would otherwise apply to a project to
8 be carried out with assistance provided under this section.

9 (g) NONPROFIT ENTITIES.—Notwithstanding section
10 221(b) of the Flood Control Act of 1970 (42 U.S.C.
11 1962d-5b(b)), for any project undertaken under this sec-
12 tion, a non-Federal interest may include a nonprofit enti-
13 ty.

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

19 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$40,000,000. Such sums shall remain available until ex-
22 pended.

23 **SEC. 5135. DALLAS FLOODWAY, DALLAS, TEXAS.**

24 (a) IN GENERAL.—The Secretary shall review the
25 Balanced Vision Plan for the Trinity River Corridor, Dal-

1 las, Texas, dated December 2003 and amended in March
2 2004, prepared by the non-Federal interest for the project
3 for flood damage reduction and other purposes, Dallas
4 Floodway, Dallas, Texas, and, if the Secretary determines
5 that the project is technically sound and environmentally
6 acceptable, shall carry out the project at a total cost of
7 \$194,000,000, with an estimated Federal cost of
8 \$126,100,000 and an estimated non-Federal cost of
9 \$67,900,000.

10 (b) CREDIT.—

11 (1) IN-KIND CONTRIBUTIONS.—The Secretary
12 shall credit toward the non-Federal share of the cost
13 of the project the cost of planning, design, and con-
14 struction work carried out by the non-Federal inter-
15 est before the date of the partnership agreement for
16 the project if the Secretary determines that the work
17 is integral to the project.

18 (2) CASH CONTRIBUTIONS.—The Secretary
19 shall accept funds provided by the non-Federal inter-
20 ests for use in carrying out planning, engineering,
21 and design for the project. The Federal share of
22 such planning, engineering, and design carried out
23 with non-Federal contributions shall be credited
24 against the non-Federal share of project costs.

1 **SEC. 5136. HARRIS COUNTY, TEXAS.**

2 (a) IN GENERAL.—Section 575(a) of the Water Re-
3 sources Development Act of 1996 (110 Stat. 3789; 113
4 Stat. 311) is amended by inserting before the period at
5 the end the following: “, whether or not such works or
6 actions are partially funded under the hazard mitigation
7 grant program of the Federal Emergency Management
8 Agency”.

9 (b) SPECIFIC PROJECTS.—Section 575(b) of such
10 Act (110 Stat. 3789; 113 Stat. 311) is amended—

11 (1) in paragraph (3) by striking “and” at the
12 end;

13 (2) in paragraph (4) by striking the period at
14 the end and inserting “; and”; and

15 (3) by adding the following:

16 “(5) the project for flood control, Upper White
17 Oak Bayou, Texas, authorized by section 401(a) of
18 the Water Resources Development Act of 1986 (100
19 Stat. 4125).”.

20 **SEC. 5137. ONION CREEK, TEXAS.**

21 In carrying out the study for the project for flood
22 damage reduction, recreation, and ecosystem restoration,
23 Onion Creek, Texas, the Secretary shall include the costs
24 and benefits associated with the relocation of flood-prone
25 residences in the study area for the project in the period
26 beginning 2 years before the date of initiation of the study

1 and ending on the date of execution of the partnership
2 agreement for construction of the project to the extent the
3 Secretary determines such relocations are compatible with
4 the project. The Secretary shall credit toward the non-
5 Federal share of the cost of the project the cost of reloca-
6 tion of such flood-prone residences incurred by the non-
7 Federal interest before the date of the partnership agree-
8 ment for the project if the Secretary determines that the
9 relocation of such residences is integral to the project.

10 **SEC. 5138. DYKE MARSH, FAIRFAX COUNTY, VIRGINIA.**

11 The Secretary shall accept funds from the National
12 Park Service to restore Dyke Marsh, Fairfax County, Vir-
13 ginia.

14 **SEC. 5139. EASTERN SHORE AND SOUTHWEST VIRGINIA.**

15 Section 219(f)(10) of the Water Resources Develop-
16 ment Act of 1992 (106 Stat. 4835; 113 Stat. 335) is
17 amended—

18 (1) by striking “\$20,000,000 for water supply
19 and wastewater infrastructure” and inserting the
20 following:

21 “(A) IN GENERAL.—\$20,000,000 for water
22 supply, wastewater infrastructure, and environ-
23 mental restoration”;

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

1 “(B) CREDIT.—The Secretary shall credit
2 toward the non-Federal share of the cost of the
3 project the cost of work carried out by the non-
4 Federal interest before the date of the partner-
5 ship agreement for the project if the Secretary
6 determines that the work is integral to the
7 project.”; and

8 (3) by aligning the remainder of the text of
9 subparagraph (A) (as designated by paragraph (1)
10 of this section) with subparagraph (B) (as added by
11 paragraph (2) of this section).

12 **SEC. 5140. JAMES RIVER, VIRGINIA.**

13 The Secretary shall accept funds from the National
14 Park Service to provide technical and project management
15 assistance for the James River, Virginia, with a particular
16 emphasis on locations along the shoreline adversely im-
17 pacted by Hurricane Isabel.

18 **SEC. 5141. BAKER BAY AND ILWACO HARBOR, WASH-**
19 **INGTON.**

20 The Secretary shall conduct a study of increased sil-
21 tation in Baker Bay and Ilwaco Harbor, Washington, to
22 determine if the siltation is the result of a Federal naviga-
23 tion project (including diverted flows from the Columbia
24 River) and, if the Secretary determines that the siltation
25 is the result of a Federal navigation project, the Secretary

1 shall carry out a project to mitigate the siltation as part
2 of maintenance of the Federal navigation project.

3 **SEC. 5142. HAMILTON ISLAND CAMPGROUND, WASH-**
4 **INGTON.**

5 The Secretary is authorized to plan, design, and con-
6 struct a campground for Bonneville Lock and Dam at
7 Hamilton Island (also know as “Strawberry Island”) in
8 Skamania County, Washington.

9 **SEC. 5143. PUGET ISLAND, WASHINGTON.**

10 The Secretary is directed to place dredged and other
11 suitable material along portions of the Columbia River
12 shoreline of Puget Island, Washington, between river miles
13 38 to 47 in order to protect economic and environmental
14 resources in the area from further erosion, at a Federal
15 cost of \$1,000,000. This action shall be coordinated with
16 appropriate resource agencies and comply with applicable
17 Federal laws.

18 **SEC. 5144. WILLAPA BAY, WASHINGTON.**

19 Section 545 of the Water Resources Development Act
20 of 2000 (114 Stat. 2675) is amended—

21 (1) in subsection (b)(1) by striking “may con-
22 struct” and inserting “shall construct”; and

23 (2) by inserting “and ecosystem restoration”
24 after “erosion protection” each place it appears.

1 **SEC. 5145. BLUESTONE, WEST VIRGINIA.**

2 Section 547 of the Water Resources Development Act
3 of 2000 (114 Stat. 2676–2678) is amended—

4 (1) in subsection (b)(1)(A) by striking “4
5 years” and inserting “5 years”;

6 (2) in subsection (b)(1)(B)(iii) by striking “if
7 all” and all that follows through “facility” and in-
8 serting “assurance project”;

9 (3) in subsection (b)(1)(C) by striking “and
10 construction” and inserting “, construction, and op-
11 eration and maintenance”;

12 (4) by adding at the end of subsection (b) the
13 following:

14 “(3) OPERATION AND OWNERSHIP.—The Tri-
15 Cities Power Authority shall be the owner and oper-
16 ator of the hydropower facilities referred to in sub-
17 section (a).”;

18 (5) in subsection (c)(1)—

19 (A) by striking “No” and inserting “Un-
20 less otherwise provided, no”;

21 (B) by inserting “planning,” before “de-
22 sign”; and

23 (C) by striking “prior to” and all that fol-
24 lows through “subsection (d)”;

25 (6) in subsection (c)(2) by striking “design”
26 and inserting “planning, design,”;

1 (7) in subsection (d)—

2 (A) by striking paragraphs (1) and (2) and
3 inserting the following:

4 “(1) APPROVAL.—The Secretary shall review
5 the design and construction activities for all features
6 of the hydroelectric project that pertain to and affect
7 stability of the dam and control the release of water
8 from Bluestone Dam to ensure that the quality of
9 construction of those features meets all standards
10 established for similar facilities constructed by the
11 Secretary.”;

12 (B) by redesignating paragraph (3) as
13 paragraph (2);

14 (C) by striking the period at the end of
15 paragraph (2) (as so redesignated) and insert-
16 ing “, except that hydroelectric power is no
17 longer a project purpose of the facility. Water
18 flow releases from the hydropower facilities
19 shall be determined and directed by the Corps
20 of Engineers.”; and

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

22 “(3) COORDINATION.—Construction of the hy-
23 droelectric generating facilities shall be coordinated
24 with the dam safety assurance project currently in
25 the design and construction phases.”;

1 (8) in subsection (e) by striking “in accord-
2 ance” and all that follows through “58 Stat. 890”;

3 (9) in subsection (f)—

4 (A) by striking “facility of the inter-
5 connected systems of reservoirs operated by the
6 Secretary” each place it appears and inserting
7 “facilities under construction under such agree-
8 ments”; and

9 (B) by striking “design” and inserting
10 “planning, design”;

11 (10) in subsection (f)(2)—

12 (A) by “Secretary” each place it appears
13 and inserting “Tri-Cities Power Authority”;
14 and

15 (B) by striking “facilities referred to in
16 subsection (a)” and inserting “such facilities”;

17 (11) by striking paragraph (1) of subsection (g)
18 and inserting the following:

19 “(1) to arrange for the transmission of power
20 to the market or to construct such transmission fa-
21 cilities as necessary to market the power produced at
22 the facilities referred to in subsection (a) with funds
23 contributed by the Tri-Cities Power Authority; and”;

1 (12) in subsection (g)(2) by striking “such fa-
2 cilities” and all that follows through “the Secretary”
3 and inserting “the generating facility”; and

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

5 “(i) TRI-CITIES POWER AUTHORITY DEFINED.—In
6 this section, the ‘Tri-Cities Power Authority’ refers to the
7 entity established by the City of Hinton, West Virginia,
8 the City of White Sulphur Springs, West Virginia, and the
9 City of Philippi, West Virginia, pursuant to a document
10 entitled ‘Second Amended and Restated Intergovern-
11 mental Agreement’ approved by the Attorney General of
12 West Virginia on February 14, 2002.”.

13 **SEC. 5146. WEST VIRGINIA AND PENNSYLVANIA FLOOD**
14 **CONTROL.**

15 (a) CHEAT AND TYGART RIVER BASINS, WEST VIR-
16 GINIA.—Section 581(a)(1) of the Water Resources Devel-
17 opment Act of 1996 (110 Stat. 3790; 113 Stat. 313) is
18 amended—

19 (1) by striking “flood control measures” and in-
20 serting “structural and nonstructural flood control,
21 streambank protection, stormwater management,
22 and channel clearing and modification measures”;
23 and

1 (2) by inserting “with respect to measures that
2 incorporate levees or floodwalls” before the semi-
3 colon.

4 (b) PRIORITY COMMUNITIES.—Section 581(b) of the
5 Water Resources Development Act of 1996 (110 Stat.
6 3791) is amended—

7 (1) by striking “and” at the end of paragraph
8 (5);

9 (2) by striking the period at the end of para-
10 graph (6) and inserting a semicolon; and

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

12 “(7) Etna, Pennsylvania, in the Pine Creek wa-
13 tershed; and

14 “(8) Millvale, Pennsylvania, in the Girty’s Run
15 River basin.”.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
17 581(c) of the Water Resources Development Act of 1996
18 (110 Stat. 3791) is amended by striking “\$12,000,000”
19 and inserting “\$90,000,000”.

20 **SEC. 5147. LOWER KANAWHA RIVER BASIN, WEST VIRGINIA.**

21 The Secretary shall conduct a watershed and river
22 basin assessment under section 729 of the Water Re-
23 sources Development Act of 1986 (33 U.S.C. 2267a) for
24 the Lower Kanawha River Basin, in the counties of

1 Mason, Putnam, Kanawha, Jackson, and Roane, West
2 Virginia.

3 **SEC. 5148. 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. 5149. 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 may be
3 used by the Corps of Engineers district offices to admin-
4 ister projects under this section at 100 percent Federal
5 expense.”.

6 (b) SOUTHERN WEST VIRGINIA DEFINED.—Section
7 340(f) of such Act is amended by inserting “Nicholas,”
8 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.”.

18 **SEC. 5150. JOHNSONVILLE DAM, JOHNSONVILLE, WIS-**
19 **CONSIN.**

20 The Secretary shall conduct a study of the
21 Johnsonville Dam, Johnsonville, Wisconsin, to determine
22 if the structure prevents ice jams on the Sheboygan River.

1 **SEC. 5151. CONSTRUCTION OF FLOOD CONTROL PROJECTS**
2 **BY NON-FEDERAL INTERESTS.**

3 Section 211(f) of the Water Resources Development
4 Act of 1996 (33 U.S.C. 701b–13) is amended by adding
5 at the end the following:

6 “(9) BUFFALO BAYOU, TEXAS.—A project for
7 flood control, Buffalo Bayou, Texas, to provide an
8 alternative to the project authorized by the first sec-
9 tion of the River and Harbor Act of June 20, 1938
10 (52 Stat. 804) and modified by section 3a of the
11 Flood Control Act of August 11, 1939 (53 Stat.
12 1414).

13 “(10) HALLS BAYOU, TEXAS.—A project for
14 flood control, Halls Bayou, Texas, to provide an al-
15 ternative to the project for flood control, Buffalo
16 Bayou and tributaries, Texas, authorized by section
17 101(a)(21) of the Water Resources Development Act
18 of 1990 (104 Stat. 4610).

19 “(11) ST. PAUL DOWNTOWN AIRPORT (HOLMAN
20 FIELD), ST. PAUL, MINNESOTA.—The project for
21 flood damage reduction, St. Paul Downtown Airport
22 (Holman Field), St. Paul, Minnesota.

23 “(12) THORNTON RESERVOIR, COOK COUNTY,
24 ILLINOIS.—The project for flood control, Chicago
25 Underflow Plan, Thornton Reservoir, Cook County,
26 Illinois.

1 “(13) LAROSE TO GOLDEN MEADOW, LOU-
2 SIANA.—The project for flood control, Larose to
3 Golden Meadow, Louisiana.

4 “(14) PERRIS, CALIFORNIA.—The project for
5 flood control, Perris, California.”.

6 **SEC. 5152. USE OF FEDERAL HOPPER DREDGE FLEET.**

7 (a) STUDY.—The Secretary shall conduct a study on
8 the appropriate use of the Federal hopper dredge fleet.

9 (b) CONTENTS.—In conducting the study, the Sec-
10 retary shall—

11 (1) obtain and analyze baseline data to deter-
12 mine the appropriate use of the Federal hopper
13 dredge fleet;

14 (2) prepare a comprehensive analysis of the
15 costs and benefits of existing and proposed restric-
16 tions on the use of the Federal hopper dredge fleet;
17 and

18 (3) assess the data and procedure used by the
19 Secretary to prepare the Government cost estimate
20 for worked performed by the Federal hopper dredge
21 fleet.

22 (c) CONSULTATION.—The Secretary shall conduct
23 the study in consultation with ports, pilots, and represent-
24 atives of the private dredge industry.

1 (d) REPORT.—Not later than 180 days after the date
2 of enactment of this Act, the Secretary shall transmit to
3 Congress a report on the results of the study.

4 **SEC. 5153. ADDITIONAL ASSISTANCE FOR CRITICAL**
5 **PROJECTS.**

6 Section 219(f) of the Water Resources Development
7 Act of 1992 (106 Stat. 4835; 113 Stat. 335–337; 114
8 Stat. 2763A–220–221) is amended—

9 (1) by striking the undesignated paragraph re-
10 lating to Charleston, South Carolina, and inserting
11 the following:

12 “(72) CHARLESTON, SOUTH CAROLINA.—
13 \$20,000,000 for wastewater infrastructure, including
14 wastewater collection systems, and stormwater sys-
15 tem improvements, Charleston, South Carolina.”;

16 (2) by redesignating the paragraph (71) relat-
17 ing to Placer and El Dorado Counties, California, as
18 paragraph (73);

19 (3) by redesignating the paragraph (72) relat-
20 ing to Lassen, Plumas, Butte, Sierra, and Nevada
21 Counties, California, as paragraph (74);

22 (4) by striking the paragraph (71) relating to
23 Indianapolis, Indiana, and inserting the following:

1 “(75) INDIANAPOLIS, INDIANA.—\$6,430,000 for
2 environmental infrastructure for Indianapolis, Indi-
3 ana.”;

4 (5) by redesignating the paragraph (73) relat-
5 ing to St. Croix Falls, Wisconsin, as paragraph (76);
6 and

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

8 “(77) ST. CLAIR COUNTY, ALABAMA.—
9 \$5,000,000 for water related infrastructure, St.
10 Clair County, Alabama.

11 “(78) CRAWFORD COUNTY, ARKANSAS.—
12 \$35,000,000 for water supply infrastructure,
13 Crawford County, Arkansas.

14 “(79) BRAWLEY COLONIA, IMPERIAL COUNTY,
15 CALIFORNIA.—\$1,400,000 for water infrastructure
16 to improve water quality in the Brawley Colonia
17 Water District, Imperial County, California.

18 “(80) CONTRA COSTA WATER DISTRICT, CALI-
19 FORNIA.—\$23,000,000 for water and wastewater in-
20 frastructure for the Contra Costa Water District,
21 California.

22 “(81) EAST BAY, SAN FRANCISCO, AND SANTA
23 CLARA AREAS, CALIFORNIA.—\$4,000,000 for a de-
24 salination project to serve the East Bay, San Fran-
25 cisco, and Santa Clara areas, California.

1 “(82) IMPERIAL COUNTY, CALIFORNIA.—
2 \$10,000,000 for wastewater infrastructure, including
3 a wastewater disinfection facility and polishing sys-
4 tem, to improve water quality in the vicinity of
5 Calexico, California, on the southern New River, Im-
6 perial County, California.

7 “(83) RICHMOND, CALIFORNIA.—\$25,000,000
8 for a recycled water treatment facility, Richmond,
9 California.

10 “(84) SANTA CLARA COUNTY, CALIFORNIA.—
11 \$5,500,000 for an advanced recycling water treat-
12 ment plant in Santa Clara County, California.

13 “(85) SOUTHERN LOS ANGELES COUNTY, CALI-
14 FORNIA.—\$15,000,000 for environmental infrastruc-
15 ture for the groundwater basin optimization pipeline,
16 Southern Los Angeles County, California.

17 “(86) SWEETWATER RESERVOIR, SAN DIEGO
18 COUNTY, CALIFORNIA.—\$375,000 to improve water
19 quality, and remove nonnative aquatic species from
20 the Sweetwater Reservoir, San Diego County, Cali-
21 fornia.

22 “(87) WHITTIER, CALIFORNIA.—\$8,000,000 for
23 water, wastewater, and water related infrastructure,
24 Whittier, California.

1 “(88) MONTEZUMA AND LA PLATA COUNTIES,
2 COLORADO.—\$1,000,000 for water and wastewater
3 related infrastructure for the Ute Mountain project,
4 Montezuma and La Plata Counties, Colorado.

5 “(89) PUEBLO AND OTERO COUNTIES, COLO-
6 RADO.—\$34,000,000 for water transmission infra-
7 structure, Pueblo and Otero Counties, Colorado.

8 “(90) LEDYARD AND MONTVILLE, CON-
9 NECTICUT.—\$7,113,000 for water infrastructure,
10 Ledyard and Montville, Connecticut.

11 “(91) ANACOSTIA RIVER, DISTRICT OF COLUM-
12 BIA AND MARYLAND.—\$20,000,000 for environ-
13 mental infrastructure and resource protection and
14 development to enhance water quality and living re-
15 sources in the Anacostia River watershed, District of
16 Columbia and Maryland.

17 “(92) WASHINGTON, DISTRICT OF COLUMBIA.—
18 \$35,000,000 for implementation of a combined
19 sewer overflow long-term control plan, Washington,
20 District of Columbia.

21 “(93) CHARLOTTE COUNTY, FLORIDA.—
22 \$3,000,000 for water supply infrastructure, Char-
23 lotte County, Florida.

24 “(94) CHARLOTTE, LEE, AND COLLIER COUN-
25 TIES, FLORIDA.—\$20,000,000 for water supply

1 interconnectivity infrastructure, Charlotte, Lee, and
2 Collier Counties, Florida.

3 “(95) COLLIER COUNTY, FLORIDA.—
4 \$5,000,000 for water infrastructure to improve
5 water quality in the vicinity of the Gordon River,
6 Collier County, Florida.

7 “(96) JACKSONVILLE, FLORIDA.—\$25,000,000
8 for wastewater related infrastructure, including sep-
9 tic tank replacements, Jacksonville, Florida.

10 “(97) NORTH VERNON AND BUTLERVILLE, IN-
11 DIANA.—\$1,700,000 for wastewater infrastructure,
12 North Vernon and Butlerville, Indiana.

13 “(98) SALEM, WASHINGTON COUNTY, INDI-
14 ANA.—\$3,200,000 for water supply infrastructure,
15 Salem, Washington County, Indiana.

16 “(99) CENTRAL KENTUCKY.—\$10,000,000 for
17 water related infrastructure and resource protection
18 and development, Scott, Franklin, Woodford, Ander-
19 son, Fayette, Mercer, Jessamine, Boyle, Lincoln,
20 Garrard, Madison, Estill, Powell, Clark, Mont-
21 gomery, and Bourbon Counties, Kentucky.

22 “(100) PLAQUEMINE, LOUISIANA.—\$7,000,000
23 for sanitary sewer and wastewater infrastructure,
24 Plaquemine, Louisiana.

1 “(101) CITY OF BILOXI, CITY OF GULFPORT,
2 AND HARRISON COUNTY, MISSISSIPPI.—\$15,000,000
3 for water and wastewater related infrastructure, city
4 of Biloxi, city of Gulfport, and Harrison County,
5 Mississippi.

6 “(102) CLARK COUNTY, NEVADA.—\$30,000,000
7 for wastewater infrastructure, Clark County, Ne-
8 vada.

9 “(103) HENDERSON, NEVADA.—\$5,000,000 for
10 wastewater infrastructure, Henderson, Nevada.

11 “(104) PATERSON, NEW JERSEY.—\$35,000,000
12 for wastewater infrastructure, Paterson, New Jer-
13 sey.

14 “(105) SENNETT, NEW YORK.—\$1,500,000 for
15 water infrastructure, Town of Sennett, New York.

16 “(106) SPRINGPORT AND FLEMING, NEW
17 YORK.—\$10,000,000 for water related infrastruc-
18 ture, including water mains, pump stations, and
19 water storage tanks, Springport and Fleming, New
20 York.

21 “(107) CABARRUS COUNTY, NORTH CARO-
22 LINA.—\$4,500,000 for water related infrastructure,
23 Cabarrus County, North Carolina.

1 “(108) RICHMOND COUNTY, NORTH CARO-
2 LINA.—\$8,000,000 for water related infrastructure,
3 Richmond County, North Carolina.

4 “(109) UNION COUNTY, NORTH CAROLINA.—
5 \$6,000,000 for wastewater infrastructure, Union
6 County, North Carolina.

7 “(110) LAKE COUNTY, OHIO.—\$1,500,000 for
8 wastewater infrastructure, Lake County, Ohio.

9 “(111) MENTOR-ON-LAKE, OHIO.—\$625,000
10 for water and wastewater infrastructure, Mentor-on-
11 Lake, Ohio.

12 “(112) WILLOWICK, OHIO.—\$665,000 for water
13 and wastewater infrastructure, Willowick, Ohio.

14 “(113) ALBANY, OREGON.—\$35,000,000 for
15 wastewater infrastructure to improve water quality,
16 Albany, Oregon.

17 “(114) BOROUGH OF STOCKERTON, BOROUGH
18 OF TATAMY, AND PALMER TOWNSHIP, PENNSYLV-
19 VANIA.—\$10,000,000 for stormwater control meas-
20 ures, particularly to address sinkholes, in the vicinity
21 of the Borough of Stockerton, the Borough of
22 Tatamy, and Palmer Township, Pennsylvania.

23 “(115) HATFIELD BOROUGH, PENNSYLVANIA.—
24 \$310,000 for wastewater related infrastructure for
25 Hatfield Borough, Pennsylvania.

1 “(116) LEHIGH COUNTY, PENNSYLVANIA.—
2 \$5,000,000 for stormwater control measures and
3 storm sewer improvements, Lehigh County, Pennsyl-
4 vania.

5 “(117) NORTH WALES BOROUGH, PENNSYLV-
6 VANIA.—\$1,516,584 for wastewater related infra-
7 structure for North Wales Borough, Pennsylvania.

8 “(118) PEN ARGYL, PENNSYLVANIA.—
9 \$5,250,000 for wastewater infrastructure, Pen
10 Argyl, Pennsylvania.

11 “(119) PHILADELPHIA, PENNSYLVANIA.—
12 \$1,600,000 for wastewater related infrastructure for
13 Philadelphia, Pennsylvania.

14 “(120) VERA CRUZ, PENNSYLVANIA.—
15 \$5,500,000 for wastewater infrastructure, Vera
16 Cruz, Pennsylvania.

17 “(121) COMMONWEALTH OF PUERTO RICO.—
18 \$35,000,000 for water and wastewater infrastruc-
19 ture in the Commonwealth of Puerto Rico.

20 “(122) CROSS, SOUTH CAROLINA.—\$2,000,000
21 for water related environmental infrastructure,
22 Cross, South Carolina.

23 “(123) MYRTLE BEACH, SOUTH CAROLINA.—
24 \$6,000,000 for environmental infrastructure, includ-
25 ing ocean outfalls, Myrtle Beach, South Carolina.

1 “(124) NORTH MYRTLE BEACH, SOUTH CARO-
2 LINA.—\$6,000,000 for environmental infrastructure,
3 including ocean outfalls, North Myrtle Beach, South
4 Carolina.

5 “(125) SURFSIDE, SOUTH CAROLINA.—
6 \$6,000,000 for environmental infrastructure, includ-
7 ing stormwater system improvements and ocean out-
8 falls, Surfside, South Carolina.

9 “(126) ATHENS, TENNESSEE.—\$16,000,000 for
10 wastewater infrastructure, Athens, Tennessee.

11 “(127) DUCHESNE, IRON, AND UINTAH COUN-
12 TIES, UTAH.—\$10,800,000 for water related infra-
13 structure, Duchesne, Iron, and Uintah Counties,
14 Utah.

15 “(128) MONROE, NORTH CAROLINA.—
16 \$11,500,000 for water related infrastructure, includ-
17 ing water supply reservoir dredging, Monroe, North
18 Carolina.

19 “(129) CHARLOTTE, NORTH CAROLINA.—
20 \$5,000,000 for phase II of the Briar Creek waste-
21 water project, Charlotte, North Carolina.

22 “(130) LOS ANGELES COUNTY, CALIFORNIA.—
23 \$3,000,000 for wastewater and water related infra-
24 structure, Diamond Bar, La Habra Heights, and
25 Rowland Heights, Los Angeles County, California.

1 “(131) ORANGE COUNTY, CALIFORNIA.—
2 \$15,000,000 for wastewater and water related infra-
3 structure, Anaheim, Brea, La Habra, Mission Viejo,
4 Rancho Santa Margarita, and Yorba Linda, Orange
5 County, California.

6 “(132) SAN BERNADINO COUNTY, CALI-
7 FORNIA.—\$9,000,000 for wastewater and water re-
8 lated infrastructure, Chino and Chino Hills, San
9 Bernadino County, California.

10 “(133) FAYETTEVILLE, GRANTVILLE, LA-
11 GRANGE, PINE MOUNTAIN (HARRIS COUNTY),
12 DOUGLASVILLE, AND CARROLLTON, GEORGIA.—
13 \$24,500,000 for water and wastewater infrastruc-
14 ture, Fayetteville, Grantville, LaGrange, Pine Moun-
15 tain (Harris County), Douglasville, and Carrollton,
16 Georgia.

17 “(134) MERIWETHER AND SPALDING COUN-
18 TIES, GEORGIA.—\$7,000,000 for water and waste-
19 water infrastructure, Meriwether and Spalding
20 Counties, Georgia.

21 “(135) ARCADIA, SIERRA MADRE, AND UPLAND,
22 CALIFORNIA.—\$33,000,000 for water and waste-
23 water infrastructure, Arcadia, Sierra Madre, and
24 Upland, California, including \$13,000,000 for
25 stormwater infrastructure for Upland, California.

1 “(136) FT. BEND COUNTY, TEXAS.—
2 \$20,000,000 for wastewater infrastructure, Ft. Bend
3 County, Texas.

4 “(137) NEW RIVER, CALIFORNIA.—\$10,000,000
5 for wastewater infrastructure to improve water qual-
6 ity in the New River, California.

7 “(138) BIG BEAR AREA REGIONAL WASTE-
8 WATER AGENCY, CALIFORNIA.—\$15,000,000 for
9 water reclamation and distribution, Big Bear Area
10 Regional Wastewater Agency, California.

11 “(139) LAKE NACIMIENTO, CALIFORNIA.—
12 \$25,000,000 for water supply infrastructure for the
13 communities of Atascadero, Paso Robles, Templeton,
14 and San Luis Obispo, San Luis Obispo County,
15 California.

16 “(140) OTERO, BENT, CROWLEY, KIOWA, AND
17 PROWERS COUNTIES, COLORADO.—\$35,000,000 for
18 water transmission infrastructure, Otero, Bent,
19 Crowley, Kiowa, and Prowers Counties, Colorado.

20 “(141) SAIPAN, NORTHERN MARIANA IS-
21 LANDS.—\$20,000,000 for water related infrastruc-
22 ture, Saipan, Northern Mariana Islands.

23 “(142) STOCKTON, CALIFORNIA.—\$33,000,000
24 for water treatment and distribution infrastructure,
25 Stockton, California.

1 “(143) JACKSON, MISSISSIPPI.—\$25,000,000
2 for water and wastewater infrastructure, Jackson,
3 Mississippi.

4 “(144) CROOKED CREEK, MARLBORO COUNTY,
5 SOUTH CAROLINA.—\$25,000,000 for a project for
6 water storage and water supply infrastructure on
7 Crooked Creek, Marlboro County, South Carolina.

8 “(145) CENTRAL TEXAS.—\$20,000,000 for
9 water and wastewater infrastructure in Bosque,
10 Brazos, Burleson, Grimes, Hill, Hood, Johnson,
11 Madison, McLennan, Limestone, Robertson, and
12 Somervell Counties, Texas.

13 “(146) EL PASO COUNTY, TEXAS.—
14 \$25,000,000 for water related infrastructure and re-
15 source protection and development, El Paso County,
16 Texas.

17 “(147) NORTHERN WEST VIRGINIA.—
18 \$20,000,000 for water and wastewater infrastruc-
19 ture in Hancock, Ohio, Marshall, Wetzel, Tyler,
20 Pleasants, Wood, Doddridge, Monongalia, Marion,
21 Harrison, Taylor, Barbour, Preston, Tucker, Min-
22 eral, Grant, Gilmer, Brooke, Ritchie Counties, West
23 Virginia.”.

1 **TITLE VI—FLORIDA**
2 **EVERGLADES**

3 **SEC. 6001. HILLSBORO AND OKEECHOBEE AQUIFER, FLOR-**
4 **IDA.**

5 (a) **MODIFICATION.**—The project for Hillsboro and
6 Okeechobee Aquifer, Florida, authorized by section
7 101(a)(16) of the Water Resources Development Act of
8 1999 (113 Stat. 276), is modified to authorize the Sec-
9 retary to carry out the project at a total cost of
10 \$39,200,000.

11 (b) **TREATMENT.**—Section 601(b)(2)(A) of the Water
12 Resources Development Act of 2000 (114 Stat. 2681) is
13 amended—

14 (1) in clause (i) by adding at the end the fol-
15 lowing: “The project for aquifer storage and recov-
16 ery, Hillsboro and Okeechobee Aquifer, Florida, au-
17 thorized by section 101(a)(16) of the Water Re-
18 sources Development Act of 1999 (113 Stat. 276),
19 shall be treated for purposes of this section as being
20 in the Plan, except that operation and maintenance
21 costs of the project shall remain a non-Federal re-
22 sponsibility.”; and

23 (2) in clause (iii) by inserting after “subpara-
24 graph (B)” the following: “and the project for aquifer

1 fer storage and recovery, Hillsboro and Okeechobee
2 Aquifer”.

3 **SEC. 6002. PILOT PROJECTS.**

4 Section 601(b)(2)(B) of the Water Resources Devel-
5 opment Act of 2000 (114 Stat. 2681) is amended—

6 (1) in the matter preceding clause (i)—

7 (A) by striking “\$69,000,000” and insert-
8 ing “\$71,200,000”; and

9 (B) by striking “\$34,500,000” each place
10 it appears and inserting “\$35,600,000”; and

11 (2) in clause (i)—

12 (A) by striking “\$6,000,000” and inserting
13 “\$8,200,000”; and

14 (B) by striking “\$3,000,000” each place it
15 appears and inserting “\$4,100,000”.

16 **SEC. 6003. MAXIMUM COST OF PROJECTS.**

17 Section 601(b)(2)(E) of the Water Resources Devel-
18 opment Act of 2000 (114 Stat. 2683) is amended by in-
19 serting “and section (d)” before the period at the end.

20 **SEC. 6004. PROJECT AUTHORIZATION.**

21 Section 601(d) of the Water Resources Development
22 Act of 2000 (114 Stat. 2684) is amended by adding at
23 the end the following:

24 “(3) PROJECT AUTHORIZATION.—The following
25 project for water resources development and con-

1 servation and other purposes is authorized to be car-
2 ried out by the Secretary substantially in accordance
3 with the plans, and subject to the conditions, de-
4 scribed in the report designated in this paragraph:

5 “(A) INDIAN RIVER LAGOON SOUTH, FLOR-
6 IDA.—The project for ecosystem restoration,
7 water supply, flood damage reduction, and pro-
8 tection of water quality, Indian River Lagoon
9 South, Florida: Report of the Chief of Engi-
10 neers dated August 6, 2004, at a total cost of
11 \$1,210,608,000, with an estimated Federal cost
12 of \$605,304,000 and an estimated non-Federal
13 cost of \$605,304,000.

14 “(4) PROJECT SUBJECT TO A FINAL REPORT.—

15 The following project for water resources develop-
16 ment and conservation and other purposes is author-
17 ized to be carried out by the Secretary substantially
18 in accordance with a final report of the Chief of En-
19 gineers:

20 “(A) PICAYUNE STRAND, FLORIDA.—The
21 project for environmental restoration, Picayune
22 Strand, Florida, at a total cost of
23 \$349,422,000, with an estimated Federal cost
24 of \$174,711,000 and an estimated non-Federal
25 cost of \$174,711,000, if a favorable report of

1 the Chief is completed not later than December
2 31, 2005.”.

3 **SEC. 6005. CREDIT.**

4 Section 601(e)(5)(B) of the Water Resources Devel-
5 opment Act of 2000 (114 Stat. 2685) is amended—

6 (1) in clause (i)—

7 (A) by striking “or” at the end of sub-
8 clause (I);

9 (B) by adding “or” at the end of subclause
10 (II); and

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

12 “(III) the credit is provided for work
13 carried out before the date of the partner-
14 ship agreement between the Secretary and
15 the non-Federal sponsor, as defined in an
16 agreement between the Secretary and the
17 non-Federal sponsor providing for such
18 credit;”; and

19 (2) in clause (ii)—

20 (A) by striking “design agreement or the
21 project cooperation”; and

22 (B) by inserting before the semicolon the
23 following: “, including in the case of credit pro-
24 vided under clause (i)(III) conditions relating to
25 design and construction”.

1 **SEC. 6006. OUTREACH AND ASSISTANCE.**

2 Section 601(k) of the Water Resources Development
3 Act of 2000 (114 Stat. 2691) is amended by adding at
4 the end the following:

5 “(3) **MAXIMUM EXPENDITURES.**—The Sec-
6 retary may expend up to \$3,000,000 per fiscal year
7 for fiscal years beginning after September 30, 2004,
8 to carry out this subsection.”.

9 **SEC. 6007. CRITICAL RESTORATION PROJECTS.**

10 Section 528(b)(3)(C) of the Water Resources Devel-
11 opment Act of 1996 (110 Stat. 3769; 113 Stat. 286) is
12 amended—

13 (1) in clause (i) by striking “\$75,000,000” and
14 all that follows through “2003” and inserting
15 “\$95,000,000”; and

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

18 **SEC. 6008. DEAUTHORIZATIONS.**

19 As of the date of enactment of this Act, the following
20 projects are not authorized:

21 (1) The uncompleted portions of the project au-
22 thorized by section 601(b)(2)(C)(i) of the Water Re-
23 sources Development Act of 2000 (114 Stat. 2682),
24 C-44 Basin Storage Reservoir of the Comprehensive
25 Everglades Restoration Plan.

1 (2) The uncompleted portions of the project au-
2 thorized by section 203 of the Flood Control Act of
3 1968 (82 Stat. 740), Martin County, Florida modi-
4 fications to the Central and South Florida Project,
5 as contained in Senate Document 101, 90th Con-
6 gress, 2d Session.

7 (3) The uncompleted portions of the project au-
8 thorized by section 203 of the Flood Control Act of
9 1968 (82 Stat. 740), East Coast Backpumping, St.
10 Lucie—Martin County, Spillway Structure S-311 of
11 the Central and South Florida Project, as contained
12 in House Document 369, 90th Congress, 2d Session.

13 **SEC. 6009. MODIFIED WATER DELIVERY.**

14 (a) **TAMIAMI TRAIL.**—The Secretary shall not carry
15 out a project for raising Tamiami Trail, Florida, until
16 such date as the project is specifically authorized by law.

17 (b) **REPORTS.**—The Secretary shall submit to Con-
18 gress reports recommending specific authorizations in law
19 for—

20 (1) changes to the project to improve water de-
21 liveries to Everglades National Park, authorized by
22 section 104 of the Everglades National Park Protec-
23 tion and Expansion Act of 1989 (16 U.S.C. 410r-
24 8), if necessary;

1 (2) a project to raise Tamiami Trail, Florida,
2 if necessary; and

3 (3) a combined structural and operational plan
4 for the C-111 Canal Project, authorized by section
5 203 of the Flood Control Act of 1948 (62 Stat.
6 1176), and modified by section 203 of the Flood
7 Control Act of 1968 (82 Stat. 740), and further
8 modified by section 316 of the Water Resources De-
9 velopment Act of 1996 (110 Stat. 3715), and the
10 project to improve water deliveries to Everglades
11 National Park.

12 **TITLE VII—LOUISIANA COASTAL** 13 **AREA**

14 **SEC. 7001. DEFINITIONS.**

15 In this title, the following definitions apply:

16 (1) COASTAL LOUISIANA ECOSYSTEM.—The
17 term “coastal Louisiana ecosystem” means the
18 coastal area of Louisiana from the Sabine River on
19 the west and the Pearl River on the east, including
20 those parts of the Deltaic Plain and the Chenier
21 Plain included within the study area of the Plan.

22 (2) GOVERNOR.—The term “Governor” means
23 the Governor of the State of Louisiana.

24 (3) PLAN.—The term “Plan” means the report
25 of the Chief of Engineers for ecosystem restoration

1 for the Louisiana Coastal Area dated January 31,
2 2005.

3 (4) **TASK FORCE.**—The term “Task Force”
4 means the Coastal Louisiana Ecosystem Protection
5 and Restoration Task Force established by section
6 7003.

7 **SEC. 7002. ADDITIONAL REPORTS.**

8 (a) **MISSISSIPPI RIVER GULF OUTLET.**—Not later
9 than 2 years after the date of enactment of this Act, the
10 Secretary shall submit to Congress a report recommending
11 modifications to the Mississippi River Gulf Outlet to ad-
12 dress navigation, salt water intrusion, channel bank ero-
13 sion, mitigation, and threats to life and property.

14 (b) **CHENIER PLAIN.**—Not later than July 1, 2006,
15 the Secretary shall submit to Congress a report recom-
16 mending near-term ecosystem restoration measures for the
17 Chenier Plain, Louisiana.

18 (c) **LONG-TERM PLAN.**—

19 (1) **COMPREHENSIVE FRAMEWORK.**—Not later
20 than one year after the date of enactment of this
21 section, the Secretary shall submit to Congress a
22 recommended framework for developing a long-term
23 program that provides for the comprehensive protec-
24 tion, conservation, and restoration of the wetlands,
25 estuaries (including Barataria-Terrebonne Estuary),

1 barrier islands, and related land and features that
2 protect critical resources, habitat, and infrastructure
3 in the coastal Louisiana ecosystem from the impacts
4 of coastal storms, hurricanes, erosion, and subsid-
5 ence.

6 (2) CONSIDERATION.—In developing the rec-
7 ommended framework, the Secretary shall consider
8 integrating other Federal or State projects or activi-
9 ties within the coastal Louisiana ecosystem into the
10 long-term restoration program.

11 (3) COMPREHENSIVE PLAN.—

12 (A) DEADLINE.—Not later than five years
13 after the date of enactment of this Act, the Sec-
14 retary shall submit to Congress a feasibility
15 study recommending a comprehensive, long-
16 term, plan for the protection, conservation, and
17 restoration of the coastal Louisiana ecosystem.

18 (B) INTEGRATION.—The comprehensive,
19 long-term, plan shall include recommendations
20 for the integration of ongoing Federal and
21 State projects, programs, and activities.

22 **SEC. 7003. COASTAL LOUISIANA ECOSYSTEM PROTECTION**
23 **AND RESTORATION TASK FORCE.**

24 (a) ESTABLISHMENT AND MEMBERSHIP.—There is
25 established the Coastal Louisiana Ecosystem Protection

1 and Restoration Task Force, which shall consist of the fol-
2 lowing members (or, in the case of the head of a Federal
3 agency, a designee at the level of Assistant Secretary or
4 an equivalent level):

5 (1) The Secretary.

6 (2) The Secretary of the Interior.

7 (3) The Secretary of Commerce.

8 (4) The Administrator of the Environmental
9 Protection Agency.

10 (5) The Secretary of Agriculture.

11 (6) The Secretary of Transportation.

12 (7) The Secretary of Energy.

13 (8) The Director of the Federal Emergency
14 Management Agency.

15 (9) The Commandant of the Coast Guard.

16 (10) The Coastal Advisor to the Governor.

17 (11) The Secretary of the Louisiana Depart-
18 ment of Natural Resources.

19 (12) A representative of the Louisiana Gov-
20 ernor's Advisory Commission on Coastal Restoration
21 and Conservation.

22 (b) DUTIES OF TASK FORCE.—The Task Force
23 shall—

24 (1) make recommendations to the Secretary re-
25 garding policies, strategies, plans, programs,

1 projects, and activities for addressing protection,
2 conservation, and restoration of the coastal Lou-
3 isiana ecosystem;

4 (2) prepare financial plans for each of the agen-
5 cies represented on the Task Force for funds pro-
6 posed for the protection, conservation, and restora-
7 tion of the coastal Louisiana ecosystem under au-
8 thorities of each agency, including—

9 (A) recommendations that identify funds
10 from current agency missions and budgets; and

11 (B) recommendations for coordinating in-
12 dividual agency budget requests; and

13 (3) submit to Congress a biennial report that
14 summarizes the activities of the Task Force and
15 progress towards the purposes set forth in section
16 7002(e)(1).

17 (c) PROCEDURES AND ADVICE.—The Task Force
18 shall—

19 (1) implement procedures to facilitate public
20 participation with regard to Task Force activities,
21 including—

22 (A) providing advance notice of meetings;

23 (B) providing adequate opportunity for
24 public input and comment;

25 (C) maintaining appropriate records; and

1 (D) making a record of proceedings avail-
2 able for public inspection; and

3 (2) establish such working groups as are nec-
4 essary to assist the Task Force in carrying out its
5 duties.

6 (d) COMPENSATION.—Members of the Task Force or
7 any associated working group may not receive compensa-
8 tion for their services as members of the Task Force or
9 working group.

10 (e) TRAVEL EXPENSES.—Travel expenses incurred
11 by members of the Task Force, or members of an associ-
12 ated working group, in the performance of their service
13 on the Task Force or working group shall be paid by the
14 agency or entity that the member represents.

15 (f) APPLICATION OF FEDERAL ADVISORY COM-
16 MITTEE ACT.—The Task Force and any working group
17 established by the Task Force shall not be considered an
18 advisory committee under the Federal Advisory Com-
19 mittee Act (5 U.S.C. App.).

20 **SEC. 7004. INVESTIGATIONS.**

21 (a) IN GENERAL.—The Secretary shall conduct feasi-
22 bility studies for future authorization and large-scale stud-
23 ies substantially in accordance with the Plan at a total
24 cost \$130,000,000.

1 (b) EXISTING FEDERALLY AUTHORIZED WATER RE-
2 SOURCES PROJECTS.—

3 (1) IN GENERAL.—The Secretary shall review
4 existing federally authorized water resources projects
5 in the coastal Louisiana ecosystem in order to deter-
6 mine their consistency with the purposes of this sec-
7 tion and whether the projects have the potential to
8 contribute to ecosystem restoration through revised
9 operations or modified project features.

10 (2) FUNDING.—There is authorized to be ap-
11 propriated \$10,000,000 to carry out this subsection.

12 **SEC. 7005. CONSTRUCTION.**

13 (a) COASTAL LOUISIANA ECOSYSTEM PROGRAM.—

14 (1) IN GENERAL.—The Secretary shall carry
15 out a coastal Louisiana ecosystem program substan-
16 tially in accordance with the Plan, at a total cost of
17 \$50,000,000.

18 (2) OBJECTIVES.—The objectives of the pro-
19 gram shall be to—

20 (A) identify uncertainties about the phys-
21 ical, chemical, geological, biological, and cul-
22 tural baseline conditions in the coastal Lou-
23 isiana ecosystem;

24 (B) improve the State of knowledge of the
25 physical, chemical, geological, biological, and

1 cultural baseline conditions in the coastal Lou-
2 isiana ecosystem; and

3 (C) identify and develop technologies, mod-
4 els, and methods that could be useful in car-
5 rying out the purposes of this title.

6 (3) WORKING GROUPS.—The Secretary may es-
7 tablish such working groups as are necessary to as-
8 sist in carrying out this subsection.

9 (4) PROCEDURES AND ADVICE.—In carrying
10 out this subsection, the Secretary is authorized to
11 enter into contracts and cooperative agreements with
12 scientific and engineering experts in the restoration
13 of aquatic and marine ecosystems, including a con-
14 sortium of academic institutions in Louisiana and
15 Mississippi for coastal restoration and enhancement
16 through science and technology.

17 (b) DEMONSTRATION PROJECTS.—

18 (1) IN GENERAL.—Subject to paragraphs (2)
19 and (3), the Secretary may carry out projects sub-
20 stantially in accordance with the Plan for the pur-
21 pose of resolving critical areas of scientific or tech-
22 nological uncertainty related to the implementation
23 of the comprehensive plan to be developed under sec-
24 tion 7002(c)(3).

25 (2) MAXIMUM COST.—

1 (A) TOTAL COST.—The total cost for plan-
2 ning, design, and construction of all demonstra-
3 tion projects under this subsection shall not ex-
4 ceed \$100,000,000.

5 (B) INDIVIDUAL PROJECT.—The total cost
6 of an individual demonstration project under
7 this subsection shall not exceed \$25,000,000.

8 (c) INITIAL PROJECTS.—The Secretary is authorized
9 to carry out the following projects substantially in accord-
10 ance with the Plan:

11 (1) Mississippi River Gulf Outlet Environ-
12 mental Restoration at a total cost of \$105,300,000.

13 (2) Small Diversion at Hope Canal at a total
14 cost of \$68,600,000.

15 (3) Barataria Basin Barrier Shoreline Restora-
16 tion at a total cost of \$242,600,000.

17 (4) Small Bayou Lafourche Reintroduction at a
18 total cost of \$133,500,000.

19 (5) Medium Diversion at Myrtle Grove with
20 Dedicated Dredging at a total cost of \$278,300,000.

21 (d) BENEFICIAL USE OF DREDGED MATERIAL.—The
22 Secretary, substantially in accordance with the Plan, shall
23 implement in the coastal Louisiana ecosystem a program
24 for the beneficial use of material dredged from federally
25 maintained waterways at a total cost of \$100,000,000.

1 **SEC. 7006. NON-FEDERAL COST SHARE.**

2 (a) CREDIT.—The Secretary shall credit toward the
3 non-Federal share of the cost of a study authorized by
4 section 7004 or a project authorized by section 7005 the
5 cost of work carried out in the coastal Louisiana eco-
6 system by the non-Federal interest before the date of the
7 partnership agreement for the study or project, as the case
8 may be, if the Secretary determines that the work is inte-
9 gral to the study or project, as the case may be.

10 (b) TREATMENT OF CREDIT BETWEEN PROJECTS.—
11 Any credit provided under this section toward the non-
12 Federal share of the cost of a study authorized by section
13 7004 or a project authorized by section 7005 may be ap-
14 plied toward the non-Federal share of the cost of any other
15 study authorized by section 7004 or any other project au-
16 thorized by section 7005, as the case may be.

17 (c) PERIODIC MONITORING.—

18 (1) IN GENERAL.—To ensure that the contribu-
19 tions of the non-Federal interest equal the non-Fed-
20 eral share of the cost of a study authorized by sec-
21 tion 7004 or a project authorized by section 7005,
22 during each 5-year period beginning after the date
23 of commencement of the first study under section
24 7004 or construction of the first project under sec-
25 tion 7005, as the case may be, the Secretary shall—

1 (A) monitor the non-Federal provision for
2 each study authorized by section 7004 or each
3 project authorized by section 7005, as the case
4 may be, of cash, in-kind services and materials,
5 and land, easements, rights-of-way, relocations,
6 and disposal areas; and

7 (B) manage, to the extent practicable, the
8 requirement of the non-Federal interest to pro-
9 vide for each such project cash, in-kind services
10 and materials, and land, easements, rights-of-
11 way, relocations, and disposal areas.

12 (2) OTHER MONITORING.—The Secretary shall
13 conduct monitoring separately for the study phase,
14 construction phase, the preconstruction engineering
15 and design phase, and the planning phase for each
16 project authorized on or after date of enactment of
17 this Act for all or any portion of the coastal Lou-
18 isiana ecosystem.

19 (d) AUDITS.—Credit for land, easements, rights-of-
20 way, relocations, and disposal areas (including land value
21 and incidental costs) provided under this section, and the
22 cost of work provided under this section, shall be subject
23 to audit by the Secretary.

1 **SEC. 7007. PROJECT JUSTIFICATION.**

2 (a) IN GENERAL.—Notwithstanding section 209 of
3 the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any
4 other provision of law, in carrying out any project or activ-
5 ity authorized by or under this title or any other provision
6 of law to protect, conserve, and restore the coastal Lou-
7 isiana ecosystem, the Secretary may determine that—

8 (1) the project or activity is justified by the en-
9 vironmental benefits derived by the coastal Lou-
10 isiana ecosystem; and

11 (2) no further economic justification for the
12 project or activity is required if the Secretary deter-
13 mines that the project or activity is cost effective.

14 (b) LIMITATION ON APPLICABILITY.—Subsection (a)
15 shall not apply to any separable element intended to
16 produce benefits that are predominantly unrelated to the
17 protection, conservation, and restoration of the coastal
18 Louisiana ecosystem.

19 **SEC. 7008. STATUTORY CONSTRUCTION.**

20 (a) EXISTING AUTHORITY.—Except as otherwise pro-
21 vided in this title, nothing in this title affects any author-
22 ity in effect on the date of enactment of this Act, or any
23 requirement relating to the participation in protection,
24 conservation, and restoration projects and activities in the
25 coastal Louisiana ecosystem, including projects and activi-
26 ties referred to in subsection (a) of—

- 1 (1) the Department of the Army;
- 2 (2) the Department of the Interior;
- 3 (3) the Department of Commerce;
- 4 (4) the Environmental Protection Agency;
- 5 (5) the Department of Agriculture;
- 6 (6) the Department of Transportation;
- 7 (7) the Department of Energy;
- 8 (8) the Federal Emergency Management Agen-
- 9 cy;
- 10 (9) the Coast Guard; and
- 11 (10) the State of Louisiana.

12 (b) NEW AUTHORITY.—Nothing in this title confers
13 any new regulatory authority on any Federal or non-Fed-
14 eral entity that carries out any project or activity author-
15 ized by or under this title.

16 **TITLE VIII—UPPER MISSISSIPPI** 17 **RIVER AND ILLINOIS WATER-** 18 **WAY SYSTEM**

19 **SEC. 8001. DEFINITIONS.**

20 In this title, the following definitions apply:

- 21 (1) PLAN.—The term “Plan” means the project
22 for navigation and ecosystem improvements for the
23 Upper Mississippi River and Illinois Waterway Sys-
24 tem: Report of the Chief of Engineers, dated Decem-
25 ber 15, 2004.

1 (2) UPPER MISSISSIPPI RIVER AND ILLINOIS
2 WATERWAY SYSTEM.—The term “Upper Mississippi
3 River and Illinois Waterway System” means the
4 projects for navigation and ecosystem restoration au-
5 thORIZED by Congress for—

6 (A) the segment of the Mississippi River
7 from the confluence with the Ohio River, River
8 Mile 0.0, to Upper St. Anthony Falls Lock in
9 Minneapolis-St. Paul, Minnesota, River Mile
10 854.0; and

11 (B) the Illinois Waterway from its con-
12 fluence with the Mississippi River at Grafton,
13 Illinois, River Mile 0.0, to T.J. O’Brien Lock in
14 Chicago, Illinois, River Mile 327.0.

15 **SEC. 8002. NAVIGATION IMPROVEMENTS AND RESTORA-**
16 **TION.**

17 Except as modified by this title, the Secretary shall
18 undertake navigation improvements and restoration of the
19 ecosystem for the Upper Mississippi River and Illinois
20 Water System substantially in accordance with the Plan
21 and subject to the conditions described therein.

22 **SEC. 8003. AUTHORIZATION OF CONSTRUCTION OF NAVIGA-**
23 **TION IMPROVEMENTS.**

24 (a) SMALL SCALE AND NONSTRUCTURAL MEAS-
25 URES.—

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

2 (A) construct mooring facilities at Locks
3 12, 14, 18, 20, 22, 24, and LaGrange Lock;

4 (B) provide switchboats at Locks 20
5 through 25; and

6 (C) conduct development and testing of an
7 appointment scheduling system.

8 (2) AUTHORIZATION OF APPROPRIATIONS.—

9 The total cost of projects authorized under this sub-
10 section shall be \$235,000,000. Such costs shall be
11 paid $\frac{1}{2}$ from amounts appropriated from the general
12 fund of the Treasury and $\frac{1}{2}$ from amounts appro-
13 priated from the Inland Waterways Trust Fund.

14 (b) NEW LOCKS.—

15 (1) IN GENERAL.—The Secretary shall con-
16 struct new 1,200-foot locks at Locks 20, 21, 22, 24,
17 and 25 on the Upper Mississippi River and at La-
18 Grange Lock and Peoria Lock on the Illinois Water-
19 way.

20 (2) AUTHORIZATION OF APPROPRIATIONS.—

21 The total cost of projects authorized under this sub-
22 section shall be \$1,795,000,000. Such costs shall be
23 paid $\frac{1}{2}$ from amounts appropriated from the general
24 fund of the Treasury and $\frac{1}{2}$ from amounts appro-
25 priated from the Inland Waterways Trust Fund.

1 (c) CONCURRENCE.—The mitigation required for the
2 projects authorized under subsections (a) and (b), includ-
3 ing any acquisition of lands or interests in lands, shall be
4 undertaken or acquired concurrently with lands and inter-
5 ests in lands for the projects authorized under subsections
6 (a) and (b), and physical construction required for the
7 purposes of mitigation shall be undertaken concurrently
8 with the physical construction of such projects.

9 **SEC. 8004. ECOSYSTEM RESTORATION AUTHORIZATION.**

10 (a) OPERATION.—To ensure the environmental sus-
11 tainability of the existing Upper Mississippi River and Illi-
12 nois Waterway System, the Secretary shall modify, con-
13 sistent with requirements to avoid adverse effects on navi-
14 gation, the operation of the Upper Mississippi River and
15 Illinois Waterway System to address the cumulative envi-
16 ronmental impacts of operation of the system and improve
17 the ecological integrity of the Upper Mississippi River and
18 Illinois River.

19 (b) ECOSYSTEM RESTORATION PROJECTS.—

20 (1) IN GENERAL.—The Secretary shall carry
21 out, consistent with requirements to avoid adverse
22 effects on navigation, ecosystem restoration projects
23 to attain and maintain the sustainability of the eco-
24 system of the Upper Mississippi River and Illinois

1 River in accordance with the general framework out-
2 lined in the Plan.

3 (2) PROJECTS INCLUDED.—Ecosystem restora-
4 tion projects may include—

5 (A) island building;

6 (B) construction of fish passages;

7 (C) floodplain restoration;

8 (D) water level management (including
9 water drawdown);

10 (E) backwater restoration;

11 (F) side channel restoration;

12 (G) wing dam and dike restoration and
13 modification;

14 (H) island and shoreline protection;

15 (I) topographical diversity;

16 (J) dam point control;

17 (K) use of dredged material for environ-
18 mental purposes;

19 (L) tributary confluence restoration;

20 (M) spillway, dam, and levee modification;

21 and

22 (N) land and easement acquisition.

23 (3) COST SHARING.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraphs (B) and (C), the Federal share

1 of the cost of carrying out an ecosystem res-
2 toration project under this subsection shall be
3 65 percent.

4 (B) EXCEPTION FOR CERTAIN RESTORA-
5 TION PROJECTS.—In the case of a project
6 under this section for ecosystem restoration, the
7 Federal share of the cost of carrying out the
8 project shall be 100 percent if the project—

9 (i) is located below the ordinary high
10 water mark or in a connected backwater;

11 (ii) modifies the operation of struc-
12 tures for navigation; or

13 (iii) is located on federally owned
14 land.

15 (C) SAVINGS CLAUSE.—Nothing in this
16 subsection affects the applicability of section
17 906(e) of the Water Resources Development
18 Act of 1986 (33 U.S.C. 2283(e)).

19 (D) NONGOVERNMENTAL ORGANIZA-
20 TIONS.—Notwithstanding section 221(b) of the
21 Flood Control Act of 1970 (42 U.S.C. 1962d-
22 5(b)), for any project carried out under this
23 title, a non-Federal sponsor may include a non-
24 profit entity, with the consent of the affected
25 local government.

1 (4) LAND ACQUISITION.—The Secretary may
2 acquire land or an interest in land for an ecosystem
3 restoration project from a willing seller through con-
4 veyance of—

5 (A) fee title to the land; or

6 (B) a flood plain conservation easement.

7 (c) ECOSYSTEM RESTORATION PRECONSTRUCTION
8 ENGINEERING AND DESIGN.—

9 (1) RESTORATION DESIGN.—Before initiating
10 the construction of any individual ecosystem restora-
11 tion project, the Secretary shall—

12 (A) establish ecosystem restoration goals
13 and identify specific performance measures de-
14 signed to demonstrate ecosystem restoration;

15 (B) establish the without-project condition
16 or baseline for each performance indicator; and

17 (C) for each separable element of the eco-
18 system restoration, identify specific target goals
19 for each performance indicator.

20 (2) OUTCOMES.—Performance measures identi-
21 fied under paragraph (1)(A) shall include specific
22 measurable environmental outcomes, such as
23 changes in water quality, hydrology, or the well-
24 being of indicator species the population and dis-
25 tribution of which are representative of the abun-

1 dance and diversity of ecosystem-dependent aquatic
2 and terrestrial species.

3 (3) RESTORATION DESIGN.—Restoration design
4 carried out as part of ecosystem restoration shall in-
5 clude a monitoring plan for the performance meas-
6 ures identified under paragraph (1)(A), including—

7 (A) a timeline to achieve the identified tar-
8 get goals; and

9 (B) a timeline for the demonstration of
10 project completion.

11 (d) SPECIFIC PROJECTS AUTHORIZATION.—

12 (1) IN GENERAL.—There is authorized to be
13 appropriated to carry out this subsection
14 \$1,580,000,000, of which not more than
15 \$226,000,000 shall be available for projects de-
16 scribed in subsection (b)(2)(B) and not more than
17 \$43,000,000 shall be available for projects described
18 in subsection (b)(2)(J).

19 (2) LIMITATION ON AVAILABLE FUNDS.—Of the
20 amounts made available under paragraph (1), not
21 more than \$35,000,000 in any fiscal year may be
22 used for land acquisition under subsection (b)(4).

23 (3) INDIVIDUAL PROJECT LIMIT.—Other than
24 for projects described in subparagraphs (B) and (J)
25 of subsection (b)(2), the total cost of any single

1 project carried out under this subsection shall not
2 exceed \$25,000,000.

3 (e) IMPLEMENTATION REPORTS.—

4 (1) IN GENERAL.—Not later than June 30,
5 2007, and every 4 years thereafter, the Secretary
6 shall submit to the Committee on Environment and
7 Public Works of the Senate and the Committee on
8 Transportation and Infrastructure of the House of
9 Representatives an implementation report that—

10 (A) includes baselines, milestones, goals,
11 and priorities for ecosystem restoration
12 projects; and

13 (B) measures the progress in meeting the
14 goals.

15 (2) ADVISORY PANEL.—

16 (A) IN GENERAL.—The Secretary shall ap-
17 point and convene an advisory panel to provide
18 independent guidance in the development of
19 each implementation report under paragraph
20 (1).

21 (B) PANEL MEMBERS.—Panel members
22 shall include—

23 (i) one representative of each of the
24 State resource agencies (or a designee of
25 the Governor of the State) from each of

1 the States of Illinois, Iowa, Minnesota,
2 Missouri, and Wisconsin;

3 (ii) one representative of the Depart-
4 ment of Agriculture;

5 (iii) one representative of the Depart-
6 ment of Transportation;

7 (iv) one representative of the United
8 States Geological Survey;

9 (v) one representative of the United
10 States Fish and Wildlife Service;

11 (vi) one representative of the Environ-
12 mental Protection Agency;

13 (vii) one representative of affected
14 landowners;

15 (viii) two representatives of conserva-
16 tion and environmental advocacy groups;
17 and

18 (ix) two representatives of agriculture
19 and industry advocacy groups.

20 (C) CHAIRPERSON.—The Secretary shall
21 serve as chairperson of the advisory panel.

22 (D) APPLICATION OF FEDERAL ADVISORY
23 COMMITTEE ACT.—The Advisory Panel and any
24 working group established by the Advisory
25 Panel shall not be considered an advisory com-

1 mittee under the Federal Advisory Committee
2 Act (5 U.S.C. App.).

3 (f) RANKING SYSTEM.—

4 (1) IN GENERAL.—The Secretary, in consulta-
5 tion with the Advisory Panel, shall develop a system
6 to rank proposed projects.

7 (2) PRIORITY.—The ranking system shall give
8 greater weight to projects that restore natural river
9 processes, including those projects listed in sub-
10 section (b)(2).

11 **SEC. 8005. COMPARABLE PROGRESS.**

12 (a) IN GENERAL.—As the Secretary conducts pre-en-
13 gineering, design, and construction for projects authorized
14 under this title, the Secretary shall—

15 (1) select appropriate milestones;

16 (2) determine, at the time of such selection,
17 whether the projects are being carried out at com-
18 parable rates; and

19 (3) make an annual report to Congress, begin-
20 ning in fiscal year 2008, regarding whether the
21 projects are being carried out at a comparable rate.

22 (b) NO COMPARABLE RATE.—If the Secretary or
23 Congress determines under subsection (a)(2) that projects
24 authorized under this title are not moving toward comple-
25 tion at a comparable rate, annual funding requests for the

- 1 projects shall be adjusted to ensure that the projects move
- 2 toward completion at a comparable rate in the future.

Passed the House of Representatives July 14, 2005.

Attest:

Clerk.

109TH CONGRESS
1ST SESSION

H. R. 2864

AN ACT

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