

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2864

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

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2005

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

---

## A BILL

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

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

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

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

6        (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

#### TITLE I—WATER RESOURCES PROJECTS

- Sec. 1001. Project authorizations.
- Sec. 1002. Small projects for flood damage reduction.
- Sec. 1003. Small projects for emergency streambank protection.
- Sec. 1004. Small projects for navigation.
- Sec. 1005. Small projects for improvement of the quality of the environment.
- Sec. 1006. Small projects for aquatic ecosystem restoration.
- Sec. 1007. Small projects for shoreline protection.
- Sec. 1008. Small projects for snagging and sediment removal.

#### TITLE II—GENERAL PROVISIONS

- Sec. 2001. Non-Federal contributions.
- Sec. 2002. Harbor cost sharing.
- Sec. 2003. Funding to process permits.
- Sec. 2004. National shoreline erosion control development and demonstration program.
- Sec. 2005. Small shore and beach restoration and protection projects.
- Sec. 2006. Written agreement for water resources projects.
- 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.
- Sec. 2019. Watershed and river basin assessments.
- Sec. 2020. Tribal partnership program.
- Sec. 2021. Wildfire firefighting.
- Sec. 2022. Credit for nonconstruction services.
- Sec. 2023. Technical assistance.
- Sec. 2024. Coordination and scheduling of Federal, State, and local actions.
- Sec. 2025. Project streamlining.
- Sec. 2026. Lakes program.
- Sec. 2027. Mitigation for fish and wildlife losses.
- Sec. 2028. Cooperative agreements.
- Sec. 2029. Project planning.
- Sec. 2030. Independent peer review.
- Sec. 2031. Training funds.
- Sec. 2032. Access to water resource data.
- Sec. 2033. Shore protection projects.
- Sec. 2034. Ability to pay.
- Sec. 2035. Aquatic ecosystem restoration.
- Sec. 2036. Small flood damage reduction projects.
- Sec. 2037. Leasing authority.
- Sec. 2038. Cost estimates.
- Sec. 2039. Studies and reports for water resources projects.
- Sec. 2040. Fiscal transparency report.

## TITLE III—PROJECT-RELATED PROVISIONS

- Sec. 3001. King Cove Harbor, Alaska.
- Sec. 3002. St. Paul Harbor, St. Paul Island, Alaska.
- Sec. 3003. Sitka, Alaska.
- Sec. 3004. Tatitlek, Alaska.
- Sec. 3005. Whittier, Alaska.
- Sec. 3006. Grand Prairie Region and Bayou Meto basin, Arkansas.
- Sec. 3007. Osceola Harbor, Arkansas.
- Sec. 3008. Pine Mountain Dam, Arkansas.
- Sec. 3009. Saint Francis Basin, Arkansas.
- Sec. 3010. American River Watershed, California.
- Sec. 3011. Compton Creek, California.
- Sec. 3012. Grayson Creek/Murderer's Creek, California.
- Sec. 3013. Hamilton Airfield, California.
- Sec. 3014. John F. Baldwin Ship Channel and Stockton Ship Channel, California.
- Sec. 3015. Kaweah River, California.
- Sec. 3016. Larkspur Ferry Channel, Larkspur, California.
- Sec. 3017. Llagas Creek, California.
- Sec. 3018. Los Angeles Harbor, California.
- Sec. 3019. Magpie Creek, California.
- Sec. 3020. Pacific Flyway Center, Sacramento, California.
- Sec. 3021. Pinole Creek, California.
- Sec. 3022. Prado Dam, California.
- Sec. 3023. Sacramento and American Rivers Flood Control, California.
- Sec. 3024. Sacramento Deep Water Ship Channel, California.
- Sec. 3025. Sacramento River, Glenn-Colusa, California.
- Sec. 3026. Santa Cruz Harbor, California.
- Sec. 3027. Seven Oaks Dam, California.
- Sec. 3028. Upper Guadalupe River, California.
- Sec. 3029. Walnut Creek Channel, California.
- Sec. 3030. Wildeat/San Pablo Creek Phase I, California.
- Sec. 3031. Wildeat/San Pablo Creek Phase II, California.
- Sec. 3032. Yuba River Basin project, California.
- Sec. 3033. John Martin Reservoir, Bent County, Colorado.
- Sec. 3034. Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland.
- Sec. 3035. Brevard County, Florida.
- Sec. 3036. Broward County and Hillsboro Inlet, Florida.
- Sec. 3037. Canaveral Harbor, Florida.
- Sec. 3038. Gasparilla and Estero Islands, Florida.
- Sec. 3039. Jacksonville Harbor, Florida.
- Sec. 3040. Lido Key Beach, Sarasota, Florida.
- Sec. 3041. Miami Harbor, Florida.
- Sec. 3042. Peanut Island, Florida.
- Sec. 3043. Tampa Harbor-Big Bend Channel, Florida.
- Sec. 3044. Tampa Harbor Cut B, Florida.
- Sec. 3045. Allatoona Lake, Georgia.
- Sec. 3046. Latham River, Glynn County, Georgia.
- Sec. 3047. Dworshak Dam and Reservoir improvements, Idaho.
- Sec. 3048. Beardstown Community Boat Harbor, Beardstown, Illinois.
- Sec. 3049. Cache River Levee, Illinois.
- Sec. 3050. Chicago River, Illinois.
- Sec. 3051. Chicago Sanitary and Ship Canal, Illinois.

- Sec. 3052. Emiquon, Illinois.
- Sec. 3053. LaSalle, Illinois.
- Sec. 3054. Spunky Bottoms, Illinois.
- Sec. 3055. Fort Wayne and vicinity, Indiana.
- Sec. 3056. Koontz Lake, Indiana.
- Sec. 3057. Little Calumet River, Indiana.
- Sec. 3058. White River, Indiana.
- Sec. 3059. Des Moines River and Greenbelt, Iowa.
- Sec. 3060. Prestonsburg, Kentucky.
- Sec. 3061. Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed.
- Sec. 3062. Atchafalaya Basin, Louisiana.
- Sec. 3063. Bayou Plaquemine, Louisiana.
- Sec. 3064. Atchafalaya Basin Floodway System, Louisiana.
- Sec. 3065. J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana.
- Sec. 3066. Mississippi Delta Region, Louisiana.
- Sec. 3067. New Orleans to Venice, Louisiana.
- Sec. 3068. West bank of the Mississippi River (East of Harvey Canal), Louisiana.
- Sec. 3069. Camp Ellis, Saco, Maine.
- Sec. 3070. Union River, Maine.
- Sec. 3071. Gwynns Falls Watershed, Baltimore, Maryland.
- Sec. 3072. Detroit River Shoreline, Detroit, Michigan.
- Sec. 3073. St. Joseph Harbor, Michigan.
- Sec. 3074. Sault Sainte Marie, Michigan.
- Sec. 3075. Ada, Minnesota.
- Sec. 3076. Duluth Harbor, McQuade Road, Minnesota.
- Sec. 3077. Grand Portage Harbor, Minnesota.
- Sec. 3078. Granite Falls, Minnesota.
- Sec. 3079. Knife River Harbor, Minnesota.
- Sec. 3080. Red Lake River, Minnesota.
- Sec. 3081. Silver Bay, Minnesota.
- Sec. 3082. Taconite Harbor, Minnesota.
- Sec. 3083. Two Harbors, Minnesota.
- Sec. 3084. Deer Island, Harrison County, Mississippi.
- Sec. 3085. Pearl River Basin, Mississippi.
- Sec. 3086. Festus and Crystal City, Missouri.
- Sec. 3087. Monarch-Chesterfield, Missouri.
- Sec. 3088. River Des Peres, Missouri.
- Sec. 3089. Antelope Creek, Lincoln, Nebraska.
- Sec. 3090. Sand Creek watershed, Wahoo, Nebraska.
- Sec. 3091. Passaic River Basin flood management, New Jersey.
- Sec. 3092. Buffalo Harbor, New York.
- Sec. 3093. Orchard Beach, Bronx, New York.
- Sec. 3094. Port of New York and New Jersey, New York and New Jersey.
- Sec. 3095. New York State Canal System.
- Sec. 3096. Lower Girard Lake Dam, Ohio.
- Sec. 3097. Mahoning River, Ohio.
- Sec. 3098. Arcadia lake, Oklahoma.
- Sec. 3099. Willamette River temperature control, McKenzie Subbasin, Oregon.
- Sec. 3100. Delaware River, Pennsylvania, New Jersey, and Delaware.
- Sec. 3101. Raystown Lake, Pennsylvania.
- Sec. 3102. Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania.

- Sec. 3103. Solomon's Creek, Wilkes-Barre, Pennsylvania.
- Sec. 3104. South Central Pennsylvania.
- Sec. 3105. Wyoming Valley, Pennsylvania.
- Sec. 3106. Cedar Bayou, Texas.
- Sec. 3107. Freeport Harbor, Texas.
- Sec. 3108. Johnson Creek, Arlington, Texas.
- Sec. 3109. Lake Kemp, Texas.
- Sec. 3110. Lower Rio Grande Basin, Texas.
- Sec. 3111. North Padre Island, Corpus Christi Bay, Texas.
- Sec. 3112. Pat Mayse Lake, Texas.
- Sec. 3113. Proctor Lake, Texas.
- Sec. 3114. San Antonio Channel, San Antonio, Texas.
- Sec. 3115. James River, Virginia.
- Sec. 3116. Lee, Russell, Scott, Smyth, Tazewell, and Wise Counties, Virginia.
- Sec. 3117. Tangier Island Seawall, Virginia.
- Sec. 3118. Duwamish/Green, Washington.
- Sec. 3119. Yakima River, Port of Sunnyside, Washington.
- Sec. 3120. Greenbrier River Basin, West Virginia.
- Sec. 3121. Lesage/Greenbottom Swamp, West Virginia.
- Sec. 3122. Northern West Virginia.
- Sec. 3123. Manitowoc Harbor, Wisconsin.
- Sec. 3124. Mississippi River headwaters reservoirs.
- Sec. 3125. Continuation of project authorizations.
- Sec. 3126. Project reauthorizations.
- Sec. 3127. Project deauthorizations.
- Sec. 3128. Land conveyances.
- Sec. 3129. Extinguishment of reversionary interests and use restrictions.

#### TITLE IV—STUDIES

- Sec. 4001. John Glenn Great Lakes Basin program.
- Sec. 4002. Lake Erie dredged material disposal sites.
- Sec. 4003. Southwestern United States drought study.
- Sec. 4004. Upper Mississippi River comprehensive plan.
- Sec. 4005. St. George Harbor, Alaska.
- Sec. 4006. Susitna River, Alaska.
- Sec. 4007. Gila Bend, Maricopa, Arizona.
- Sec. 4008. Searey County, Arkansas.
- Sec. 4009. Dry Creek Valley, California.
- Sec. 4010. Elkhorn Slough estuary, California.
- Sec. 4011. Los Angeles River, California.
- Sec. 4012. Lytle Creek, Rialto, California.
- Sec. 4013. Mokelumne River, San Joaquin County, California.
- Sec. 4014. Napa River, St. Helena, California.
- Sec. 4015. Orick, California.
- Sec. 4016. Sacramento River, California.
- Sec. 4017. San Diego County, California.
- Sec. 4018. San Francisco Bay, Sacramento-San Joaquin Delta, California.
- Sec. 4019. South San Francisco Bay shoreline study, California.
- Sec. 4020. Twentynine Palms, California.
- Sec. 4021. Yucca Valley, California.
- Sec. 4022. Boulder Creek, Boulder, Colorado.
- Sec. 4023. Roaring Fork River, Basalt, Colorado.
- Sec. 4024. Delaware and Christina Rivers and Shellpot Creek, Wilmington, Delaware.

- Sec. 4025. Collier County beaches, Florida.
- Sec. 4026. Vanderbilt Beach Lagoon, Florida.
- Sec. 4027. Meriwether County, Georgia.
- Sec. 4028. Tybee Island, Georgia.
- Sec. 4029. Kaukonahua-Helemano watershed, Oahu, Hawaii.
- Sec. 4030. West Maui, Maui, Hawaii.
- Sec. 4031. Boise River, Idaho.
- Sec. 4032. Ballard's Island Side Channel, Illinois.
- Sec. 4033. Chicago, Illinois.
- Sec. 4034. South Branch, Chicago River, Chicago, Illinois.
- Sec. 4035. Utica, Illinois.
- Sec. 4036. Lake and Porter Counties, Indiana.
- Sec. 4037. Salem, Indiana.
- Sec. 4038. Buckhorn Lake, Kentucky.
- Sec. 4039. Dewey Lake, Kentucky.
- Sec. 4040. Louisville, Kentucky.
- Sec. 4041. Bastrop-Morehouse Parish, Louisiana.
- Sec. 4042. Offshore oil and gas fabrication ports, Louisiana.
- Sec. 4043. Vermilion River, Louisiana.
- Sec. 4044. West Feliciana Parish, Louisiana.
- Sec. 4045. Patapsco River, Maryland.
- Sec. 4046. Fall River Harbor, Massachusetts and Rhode Island.
- Sec. 4047. Hamburg and Green Oak Townships, Michigan.
- Sec. 4048. St. Clair River, Michigan.
- Sec. 4049. Duluth-Superior Harbor, Minnesota and Wisconsin.
- Sec. 4050. Wild Rice River, Minnesota.
- Sec. 4051. Mississippi coastal area, Mississippi.
- Sec. 4052. Northeast Mississippi.
- Sec. 4053. St. Louis, Missouri.
- Sec. 4054. Dredged material disposal, New Jersey.
- Sec. 4055. Bayonne, New Jersey.
- Sec. 4056. Carteret, New Jersey.
- Sec. 4057. Elizabeth River, Elizabeth, New Jersey.
- Sec. 4058. Gloucester County, New Jersey.
- Sec. 4059. Perth Amboy, New Jersey.
- Sec. 4060. Wreck Pond, Monmouth County, New Jersey.
- Sec. 4061. Batavia, New York.
- Sec. 4062. Big Sister Creek, Evans, New York.
- Sec. 4063. East Chester Bay, Turtle Cove, New York.
- Sec. 4064. Hudson-Raritan Estuary, New York and New Jersey.
- Sec. 4065. Lake Erie Shoreline, Buffalo, New York.
- Sec. 4066. Newtown Creek, New York.
- Sec. 4067. Niagara River, New York.
- Sec. 4068. Upper Delaware River watershed, New York.
- Sec. 4069. Lincoln County, North Carolina.
- Sec. 4070. Wilkes County, North Carolina.
- Sec. 4071. Yadkinville, North Carolina.
- Sec. 4072. Cincinnati, Ohio.
- Sec. 4073. Euclid, Ohio.
- Sec. 4074. Lake Erie, Ohio.
- Sec. 4075. Ohio River, Ohio.
- Sec. 4076. Sutherlin, Oregon.
- Sec. 4077. Tillamook Bay and Bar, Oregon.
- Sec. 4078. Ecosystem restoration and fish passage improvements, Oregon.
- Sec. 4079. Walla Walla River basin, Oregon.

- Sec. 4080. Chartiers Creek watershed, Pennsylvania.
- Sec. 4081. Kinzua Dam and Allegheny Reservoir, Pennsylvania.
- Sec. 4082. North Central Pennsylvania.
- Sec. 4083. Northampton and Lehigh Counties streams, Pennsylvania.
- Sec. 4084. Western Pennsylvania flood damage reduction.
- Sec. 4085. Williamsport, Pennsylvania.
- Sec. 4086. Yardley Borough, Pennsylvania.
- Sec. 4087. Crooked Creek, Bennettsville, South Carolina.
- Sec. 4088. Broad River, York County, South Carolina.
- Sec. 4089. Georgetown and Williamsburg Counties, South Carolina.
- Sec. 4090. Chattanooga, Tennessee.
- Sec. 4091. Cleveland, Tennessee.
- Sec. 4092. Cumberland River, Nashville, Tennessee.
- Sec. 4093. Lewis, Lawrence, and Wayne Counties, Tennessee.
- Sec. 4094. Wolf River and Nonconnah Creek, Memphis Tennessee.
- Sec. 4095. Abilene, Texas.
- Sec. 4096. Coastal Texas ecosystem protection and restoration, Texas.
- Sec. 4097. Fort Bend County, Texas.
- Sec. 4098. Harris County, Texas.
- Sec. 4099. Port of Galveston, Texas.
- Sec. 4100. Roma Creek, Texas.
- Sec. 4101. Walnut Creek, Texas.
- Sec. 4102. Grand County and Moab, Utah.
- Sec. 4103. Southwestern Utah.
- Sec. 4104. Chowan River Basin, Virginia and North Carolina.
- Sec. 4105. James River, Richmond, Virginia.
- Sec. 4106. Elliott Bay Seawall, Seattle, Washington.
- Sec. 4107. Monongahela River basin, Northern West Virginia.
- Sec. 4108. Kenosha Harbor, Wisconsin.
- Sec. 4109. Wauwatosa, Wisconsin.

#### TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 5001. Maintenance of navigation channels.
- Sec. 5002. Watershed management.
- Sec. 5003. Dam safety.
- Sec. 5004. Structural integrity evaluations.
- Sec. 5005. Flood mitigation priority areas.
- Sec. 5006. Additional assistance for authorized projects.
- Sec. 5007. Expedited completion of reports and construction for certain projects.
- Sec. 5008. Expedited completion of reports for certain projects.
- Sec. 5009. Southeastern water resources assessment.
- Sec. 5010. Upper Mississippi River environmental management program.
- Sec. 5011. Missouri and Middle Mississippi Rivers enhancement project.
- Sec. 5012. Great Lakes fishery and ecosystem restoration.
- Sec. 5013. Great Lakes remedial action plans and sediment remediation.
- Sec. 5014. Great Lakes tributary model.
- Sec. 5015. Susquehanna, Delaware, and Potomac River Basins.
- Sec. 5016. Chesapeake Bay Environmental Restoration and Protection Program.
- Sec. 5017. Chesapeake Bay oyster restoration.
- Sec. 5018. Hypoxia assessment.
- Sec. 5019. Potomac River Watershed Assessment and Tributary Strategy Evaluation and Monitoring Program.

- Sec. 5020. Lock and dam security.
- Sec. 5021. Tallapoosa, Alabama.
- Sec. 5022. Alaska.
- Sec. 5023. Fort Yukon, Alaska.
- Sec. 5024. Lowell Creek Tunnel, Seward, Alaska.
- Sec. 5025. St. Herman and St. Paul Harbors, Kodiak, Alaska.
- Sec. 5026. Valdez, Alaska.
- Sec. 5027. Wrangell Harbor, Alaska.
- Sec. 5028. Augusta and Clarendon, Arkansas.
- Sec. 5029. Des Arc levee protection, Arkansas.
- Sec. 5030. Helena and vicinity, Arkansas.
- Sec. 5031. Loomis Landing, Arkansas.
- Sec. 5032. St. Francis River basin, Arkansas and Missouri.
- Sec. 5033. White River basin, Arkansas.
- Sec. 5034. Cambria, California.
- Sec. 5035. Contra Costa Canal, Oakley and Knightsen, California; Mallard Slough, Pittsburg, California.
- Sec. 5036. Dana Point Harbor, California.
- Sec. 5037. East San Joaquin County, California.
- Sec. 5038. Pine Flat Dam and Reservoir, California.
- Sec. 5039. Sacramento deep water ship channel, California.
- Sec. 5040. San Francisco, California.
- Sec. 5041. San Francisco, California, waterfront area.
- Sec. 5042. Santa Venetia, California.
- Sec. 5043. Stockton, California.
- Sec. 5044. Victor V. Veysey Dam, California.
- Sec. 5045. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.
- Sec. 5046. Christina River shipwreck, Delaware.
- Sec. 5047. Florida Keys water quality improvements.
- Sec. 5048. Lake Worth, Florida.
- Sec. 5049. Lake Lanier, Georgia.
- Sec. 5050. Riley Creek Recreation Area, Idaho.
- Sec. 5051. Reconstruction of Illinois flood protection projects.
- Sec. 5052. Kaskaskia River basin, Illinois, restoration.
- Sec. 5053. Floodplain mapping, Little Calumet River, Chicago, Illinois.
- Sec. 5054. Natalie Creek, Midlothian and Oak Forest, Illinois.
- Sec. 5055. Illinois River basin restoration.
- Sec. 5056. Promontory Point, Lake Michigan, Illinois.
- Sec. 5057. Burns Waterway Harbor, Indiana.
- Sec. 5058. Calumet region, Indiana.
- Sec. 5059. Floodplain mapping, Missouri River, Iowa.
- Sec. 5060. Rathbun Lake, Iowa.
- Sec. 5061. Cumberland River basin, Kentucky.
- Sec. 5062. Louisville, Kentucky.
- Sec. 5063. Mayfield Creek and tributaries, Kentucky.
- Sec. 5064. North Fork, Kentucky River, Breathitt County, Kentucky.
- Sec. 5065. Paducah, Kentucky.
- Sec. 5066. Southern and eastern Kentucky.
- Sec. 5067. Winchester, Kentucky.
- Sec. 5068. Baton Rouge, Louisiana.
- Sec. 5069. Calcasieu Ship Channel, Louisiana.
- Sec. 5070. Cross Lake, Shreveport, Louisiana.
- Sec. 5071. West Baton Rouge Parish, Louisiana.
- Sec. 5072. Charlestown, Maryland.



- Sec. 5073. Delmarva Conservation Corridor, Maryland and Delaware.
- Sec. 5074. Massachusetts dredged material disposal sites.
- Sec. 5075. Ontonagon Harbor, Michigan.
- Sec. 5076. St. Clair River and Lake St. Clair, Michigan.
- Sec. 5077. Crookston, Minnesota.
- Sec. 5078. Garrison and Kathio Township, Minnesota.
- Sec. 5079. Minneapolis, Minnesota.
- Sec. 5080. Northeastern Minnesota.
- Sec. 5081. Harrison, Hancock, and Jackson Counties, Mississippi.
- Sec. 5082. Mississippi River, Missouri, and Illinois.
- Sec. 5083. St. Louis, Missouri.
- Sec. 5084. Acid Brook, Pompton Lakes, New Jersey.
- Sec. 5085. Hackensack Meadowlands area, New Jersey.
- Sec. 5086. Central New Mexico, New Mexico.
- Sec. 5087. Atlantic Coast of New York.
- Sec. 5088. College Point, New York City, New York.
- Sec. 5089. Flushing Bay and Creek, New York City, New York.
- Sec. 5090. Hudson River, New York.
- Sec. 5091. Mount Morris Dam, New York.
- Sec. 5092. Onondaga Lake, New York.
- Sec. 5093. John H. Kerr Dam and Reservoir, North Carolina.
- Sec. 5094. Stanly County, North Carolina.
- Sec. 5095. W. Kerr Scott Dam and Reservoir, North Carolina.
- Sec. 5096. Ohio.
- Sec. 5097. Toussaint River, Ohio.
- Sec. 5098. Eugene, Oregon.
- Sec. 5099. John Day Lock and Dam, Lake Umatilla, Oregon and Washington.
- Sec. 5100. Lowell, Oregon.
- Sec. 5101. Allegheny County, Pennsylvania.
- Sec. 5102. Lehigh River, Lehigh County, Pennsylvania.
- Sec. 5103. Northeast Pennsylvania.
- Sec. 5104. Upper Susquehanna River Basin, Pennsylvania and New York.
- Sec. 5105. Cano Martin Pena, San Juan, Puerto Rico.
- Sec. 5106. Beaufort and Jasper Counties, South Carolina.
- Sec. 5107. Fritz Landing, Tennessee.
- Sec. 5108. J. Percy Priest Dam and Reservoir, Tennessee.
- Sec. 5109. Town Creek, Lenoir City, Tennessee.
- Sec. 5110. Tennessee River partnership.
- Sec. 5111. Upper Mississippi Embayment, Tennessee, Arkansas, and Mississippi.
- Sec. 5112. Dallas Floodway, Dallas, Texas.
- Sec. 5113. Harris County, Texas.
- Sec. 5114. Onion Creek, Texas.
- Sec. 5115. Dyke Marsh, Fairfax County, Virginia.
- Sec. 5116. Eastern Shore and southwest Virginia.
- Sec. 5117. James River, Virginia.
- Sec. 5118. Baker Bay and Ilwaco Harbor, Washington.
- Sec. 5119. Hamilton Island campground, Washington.
- Sec. 5120. Puget Island, Washington.
- Sec. 5121. Willapa Bay, Washington.
- Sec. 5122. Bluestone, West Virginia.
- Sec. 5123. West Virginia and Pennsylvania flood control.
- Sec. 5124. Lower Kanawha River basin, West Virginia.
- Sec. 5125. Central West Virginia.
- Sec. 5126. Southern West Virginia.

- Sec. 5127. Johnsonville Dam, Johnsonville, Wisconsin.
- Sec. 5128. Construction of flood control projects by non-Federal interests.
- Sec. 5129. Use of Federal hopper dredge fleet.

#### TITLE VI—FLORIDA EVERGLADES

- Sec. 6001. Hillsboro and Okeechobee Aquifer, Florida.
- Sec. 6002. Pilot projects.
- Sec. 6003. Maximum cost of projects.
- Sec. 6004. Project authorization.
- Sec. 6005. Credit.
- Sec. 6006. Outreach and assistance.
- Sec. 6007. Critical restoration projects.
- Sec. 6008. Hillsboro and Okeechobee Aquifer, Florida.
- Sec. 6009. Deauthorizations.
- Sec. 6010. Modified water delivery.

#### TITLE VII—LOUISIANA COASTAL AREA

- Sec. 7001. Definitions.
- Sec. 7002. Additional Reports.
- Sec. 7003. Coastal Louisiana ecosystem protection and restoration task force.
- Sec. 7004. Investigations.
- Sec. 7005. Construction.
- Sec. 7006. Non-Federal cost share.
- Sec. 7007. Project justification.
- Sec. 7008. Statutory Construction.

#### TITLE VIII—UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM

- Sec. 8001. Definitions.
- Sec. 8002. Navigation improvements and restoration.
- Sec. 8003. Authorization of construction of navigation improvements.
- Sec. 8004. Ecosystem restoration authorization.
- Sec. 8005. Comparable progress.

### 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       Except as otherwise provided in this section, the fol-  
8       lowing projects for water resources development and con-  
9       servation and other purposes are authorized to be carried

1 out by the Secretary substantially in accordance with the  
2 plans, and subject to the conditions, described in the re-  
3 spective reports designated in this section:

4 (1) AKUTAN, ALASKA.—

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

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

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

21 (3) TANQUE VERDE CREEK, ARIZONA.—The  
22 project for environmental restoration, Tanque Verde  
23 Creek, Arizona: Report of the Chief of Engineers,  
24 dated July 22, 2003, at a total cost of \$4,978,000,

1 with an estimated Federal cost of \$3,236,000 and  
2 an estimated non-Federal cost of \$1,742,000.

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

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

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

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

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

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

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

19                   (A) IN GENERAL.—The project for eco-  
20       system restoration, Napa River Salt Marsh,  
21       Nap River, California: Report of the Chief of  
22       Engineers dated December 22, 2004, at a total  
23       cost of \$100,500,000, with an estimated Fed-  
24       eral cost of \$64,000,000 and an estimated non-  
25       Federal cost of \$36,500,000.

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

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

17 (11) MIAMI HARBOR, MIAMI-DADE COUNTY,  
18 FLORIDA.—

19 (A) IN GENERAL.—The project for naviga-  
20 tion, Miami Harbor, Miami-Dade County, Flor-  
21 ida: Report of the Chief of Engineers dated  
22 April 25, 2005, at a total cost of \$121,127,000,  
23 with an estimated Federal cost of \$64,843,000  
24 and an estimated non-Federal cost of  
25 \$56,284,000.

1 (B) GENERAL REEVALUATION REPORT.—

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

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

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

19 (13) PEORIA RIVERFRONT, ILLINOIS.—The  
20 project for environmental restoration, Peoria River-  
21 front, Illinois: Report of the Chief of Engineers,  
22 dated July 28, 2003, at a total cost of \$16,000,000,  
23 with an estimated Federal cost of \$10,400,000 and  
24 an estimated non-Federal cost of \$5,600,000.

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

9           (15) MORGANZA TO THE GULF OF MEXICO,  
10 LOUISIANA.—

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

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



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

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

20          (18) SOUTH RIVER, NEW JERSEY.—The project  
21          for hurricane and storm damage reduction and envi-  
22          ronmental restoration, South River, New Jersey: Re-  
23          port of the Chief of Engineers, dated July 22, 2003,  
24          at a total cost of \$112,623,000, with an estimated

1 Federal cost of \$73,205,000 and an estimated non-  
2 Federal cost of \$39,418,000.

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

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

18 (21) GULF INTRACOASTAL WATERWAY, HIGH  
19 ISLAND TO BRAZOS RIVER, TEXAS.—The project for  
20 navigation, Gulf Intracoastal Waterway, Sabine  
21 River to Corpus Christi, Texas: Report of the Chief  
22 of Engineers, dated April 16, 2004, at a total cost  
23 of \$13,104,000. The costs of construction of the  
24 project are to be paid  $\frac{1}{2}$  from amounts appropriated  
25 from the general fund of the Treasury and  $\frac{1}{2}$  from

1 amounts appropriated from the Inland Waterways  
2 Trust Fund.

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

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

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

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 on the Beach Street Dam and asso-  
25 ciated features by the non-Federal interest be-

1 fore the date of the partnership agreement for  
2 the project if the Secretary determines that the  
3 work is integral to the project.

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

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

9 (25) CHEHALIS RIVER, CENTRALIA, WASH-  
10 INGTON.—

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

18 (B) CREDIT.—The Secretary shall—

19 (i) credit up to \$6,500,000 toward the  
20 non-Federal share of the cost of the  
21 project for the cost of planning and design  
22 work carried out by the non-Federal inter-  
23 est in accordance with the project study  
24 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 **SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUC-**  
17 **TION.**

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

23 (1) HALEYVILLE, ALABAMA.—Project for flood  
24 damage reduction, Haleyville, Alabama.

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

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

6           (4) LITTLE COLORADO RIVER LEVEE, ARI-  
7 ZONA.—Project for flood damage reduction, Little  
8 Colorado River Levee, Arizona.

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

12           (6) BARREL SPRINGS WASH, PALMDALE, CALI-  
13 FORNIA.—Project for flood damage reduction, Barrel  
14 Springs Wash, Palmdale, California.

15           (7) BORREGO SPRINGS, CALIFORNIA.—Project  
16 for flood damage reduction, Borrego Springs, Cali-  
17 fornia.

18           (8) COLTON, CALIFORNIA.—Project for flood  
19 damage reduction, Colton, California.

20           (9) DUNLAP STREAM, SAN BERNARDINO, CALI-  
21 FORNIA.—Project for flood damage reduction,  
22 Dunlap Stream, San Bernardino, California.

23           (10) HUNTS CANYON WASH, PALMDALE, CALI-  
24 FORNIA.—Project for flood damage reduction, Hunts  
25 Canyon Wash, Palmdale, California.

1           (11) WILDWOOD CREEK, YUCAIPA, CALI-  
2           FORNIA.—Project for flood damage reduction, Wild-  
3           wood Creek, Yucaipa, California.

4           (12) UTICA AND VICINITY, ILLINOIS.—Project  
5           for flood damage reduction, Utica and vicinity, Illi-  
6           nois.

7           (13) DES MOINES AND RACCOON RIVERS,  
8           IOWA.—Project for flood damage reduction, Des  
9           Moines and Raccoon Rivers, Iowa.

10          (14) PEABODY, MASSACHUSETTS.—Project for  
11          flood damage reduction, Peabody, Massachusetts.

12          (15) SALEM, MASSACHUSETTS.—Project for  
13          flood damage reduction, Salem, Massachusetts.

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

17          (17) CROW RIVER, ROCKFORD, MINNESOTA.—  
18          Project for flood damage reduction, Crow River,  
19          Rockford, Minnesota.

20          (18) ITASCA COUNTY, MINNESOTA.—Project for  
21          flood damage reduction, Trout Lake and Canisteo  
22          Pit, Itasca County, Minnesota.

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

1           (20) ROSEAU RIVER, ROSEAU, MINNESOTA.—  
2           Project for flood damage reduction, Roseau River,  
3           Roseau, Minnesota.

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

8           (22) BLACKSNAKE CREEK, ST. JOSEPH, MIS-  
9           SOURL.—Project for flood damage reduction, Black-  
10          snake Creek, St. Joseph, Missouri.

11          (23) CANNISTEO RIVER, ADDISON, NEW  
12          YORK.—Project for flood damage reduction,  
13          Cannisteco River, Addison, New York.

14          (24) COHOCTON RIVER, CAMPBELL, NEW  
15          YORK.—Project for flood damage reduction,  
16          Cohocton River, Campbell, New York.

17          (25) EAST RIVER, SILVER BEACH, NEW YORK  
18          CITY, NEW YORK.—Project for flood damage reduc-  
19          tion, East River, Silver Beach, New York City, New  
20          York.

21          (26) EAST VALLEY CREEK, ANDOVER, NEW  
22          YORK.—Project for flood damage reduction, East  
23          Valley Creek, Andover, New York.



1           (27) SUNNYSIDE BROOK, WESTCHESTER COUN-  
2           TY, NEW YORK.—Project for flood damage reduction,  
3           Sunnyside Brook, Westchester County, New York.

4           (28) LITTLE YANKEE RUN, OHIO.—Project for  
5           flood damage reduction, Little Yankee Run, Ohio.

6           (29) LITTLE NESHAMINY CREEK, WARRENTON,  
7           PENNSYLVANIA.—Project for flood damage reduc-  
8           tion, Little Neshaminy Creek, Warrenton, Pennsyl-  
9           vania.

10          (30) SOUTHAMPTON CREEK WATERSHED,  
11          SOUTHAMPTON, PENNSYLVANIA.—Project for flood  
12          damage reduction, Southampton Creek watershed,  
13          Southampton, Pennsylvania.

14          (31) SPRING CREEK, LOWER MACUNGIE TOWN-  
15          SHIP, PENNSYLVANIA.—Project for flood damage re-  
16          duction, Spring Creek, Lower Macungie Township,  
17          Pennsylvania.

18          (32) YARDLEY AQUEDUCT, SILVER AND BROCK  
19          CREEKS, YARDLEY, PENNSYLVANIA.—Project for  
20          flood damage reduction, Yardley Aqueduct, Silver  
21          and Brock Creeks, Yardley, Pennsylvania.

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

1           (34) CONGELOSI DITCH, MISSOURI CITY,  
2 TEXAS.—Project for flood damage reduction,  
3 Congelosi Ditch, Missouri City, Texas.

4           (35) DILLEY, TEXAS.—Project for flood dam-  
5 age reduction, Dilley, Texas.

6           (b) SPECIAL RULES.—

7           (1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—  
8 The Secretary may proceed with the project for the  
9 Cache River Basin, Grubbs, Arkansas, referred to in  
10 subsection (a)(5), notwithstanding that the project is  
11 located within the boundaries of the flood control  
12 project, Cache River Basin, Arkansas and Missouri,  
13 authorized by section 204 of the Flood Control Act  
14 of 1950, (64 Stat. 172) and modified by section 99  
15 of the Water Resources Development Act of 1974  
16 (88 Stat. 41).

17           (2) WILDWOOD CREEK, YUCAIPA, CALI-  
18 FORNIA.—The Secretary shall review the locally pre-  
19 pared plan for the project for flood damage, Wild-  
20 wood Creek, California, referred to in subsection  
21 (a)(11) and, if the Secretary determines that the  
22 plan meets the evaluation and design standards of  
23 the Corps of Engineers and that the plan is feasible,  
24 the Secretary may use the plan to carry out the  
25 project and shall provide credit toward the non-Fed-

1       eral share of the cost of the project for the cost of  
2       work carried out by the non-Federal interest before  
3       the date of the partnership agreement for the  
4       project if the Secretary determines that the work is  
5       integral to the project.

6           (3) BORUP, MINNESOTA.—In carrying out the  
7       project for flood damage reduction, South Branch of  
8       the Wild Rice River, Borup, Minnesota, referred to  
9       in subsection (a)(21) the Secretary may consider na-  
10      tional ecosystem restoration benefits in determining  
11      the Federal interest in the project and shall allow  
12      the non-Federal interest to participate in the financ-  
13      ing of the project in accordance with section 903(c)  
14      of the Water Resources Development Act of 1986  
15      (100 Stat. 4184) to the extent that the Secretary’s  
16      evaluation indicates that applying such section is  
17      necessary to implement the project.

18          (4) ITASCA COUNTY, MINNESOTA.—In carrying  
19      out the project for flood damage reduction, Itasca  
20      County, Minnesota, referred to in subsection (a)(18)  
21      the Secretary may consider national ecosystem res-  
22      toration benefits in determining the Federal interest  
23      in the project.

24          (5) DILLEY, TEXAS.—The Secretary shall carry  
25      out the project for flood damage reduction, Dilley,

1 Texas, referred to in subsection (a)(35) if the Sec-  
2 retary determines that the project is feasible.

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

5 The Secretary shall conduct a study for each of the  
6 following projects and, if the Secretary determines that  
7 a project is feasible, may carry out the project under sec-  
8 tion 14 of the Flood Control Act of 1946 (33 U.S.C.  
9 701r):

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

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

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

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

1           (5) ST. JOSEPH HARBOR, MICHIGAN.—Project  
2 for emergency streambank protection, St. Joseph  
3 Harbor, Michigan.

4           (6) PUG HOLE LAKE, MINNESOTA.—Project for  
5 emergency streambank protection, Pug Hole Lake,  
6 Minnesota.

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

11          (8) PLATTE RIVER, PLATTE CITY, MISSOURI.—  
12 Project for emergency streambank protection, Platte  
13 River, Platte City, Missouri.

14          (9) KEUKA LAKE, HAMMONDSPORT, NEW  
15 YORK.—Project for emergency streambank protec-  
16 tion, Keuka Lake, Hammondsport, New York.

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

21          (11) HOWARD ROAD OUTFALL, SHELBY COUN-  
22 TY, TENNESSEE.—Project for emergency  
23 streambank protection, Howard Road outfall, Shelby  
24 County, Tennessee.

1           (12) MITCH FARM DITCH AND LATERAL D,  
2           SHELBY COUNTY, TENNESSEE.—Project for emer-  
3           gency streambank protection, Mitch Farm Ditch and  
4           Lateral D, Shelby County, Tennessee.

5           (13) WOLF RIVER TRIBUTARIES, SHELBY COUN-  
6           TY,        TENNESSEE.—Project     for     emergency  
7           streambank protection, Wolf River tributaries, Shel-  
8           by County, Tennessee.

9           (14) WELLS RIVER, NEWBURY, VERMONT.—  
10          Project for emergency streambank protection, Wells  
11          River, Newbury, Vermont.

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

13          (a) IN GENERAL.—The Secretary shall conduct a  
14          study for each of the following projects and, if the Sec-  
15          retary determines that a project is feasible, may carry out  
16          the project under section 107 of the River and Harbor  
17          Act of 1960 (33 U.S.C. 577):

18               (1) BLYTHEVILLE COUNTY HARBOR, ARKAN-  
19               SAS.—Project for navigation, Blytheville County  
20               Harbor, Arkansas.

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

23               (3) NORTH KOHALA HARBOR, HAWAII.—Project  
24               for navigation, North Kohala Harbor in the vicinity  
25               of Kailua Kona, Hawaii.

1           (4) WAILOA SMALL BOAT HARBOR, HAWAII.—  
2           Project for navigation, Wailoa Small Boat Harbor,  
3           Hawaii.

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

7           (6) PORT TOBACCO RIVER AND GOOSE CREEK,  
8           MARYLAND.—Project for navigation, Port Tobacco  
9           River and Goose Creek, Maryland.

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

13          (8) EAST BASIN, CAPE COD CANAL, SANDWICH,  
14          MASSACHUSETTS.—Project for navigation, East  
15          Basin, Cape Cod Canal, Sandwich, Massachusetts.

16          (9) LYNN HARBOR, LYNN, MASSACHUSETTS.—  
17          Project for navigation, Lynn Harbor, Lynn, Massa-  
18          chusetts.

19          (10) MERRIMACK RIVER, HAVERHILL, MASSA-  
20          CHUSETTS.—Project for navigation, Merrimack  
21          River, Haverhill, Massachusetts.

22          (11) OAK BLUFFS HARBOR, OAK BLUFFS, MAS-  
23          SACHUSETTS.—Project for navigation, Oak Bluffs  
24          Harbor, Oak Bluffs, Massachusetts.

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

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

7           (14) TRAVERSE CITY HARBOR, TRAVERSE CITY,  
8 MICHIGAN.—Project for navigation, Traverse City  
9 Harbor, Traverse City, Michigan.

10 (b) SPECIAL RULES.—

11           (1) BLYTHEVILLE COUNTY HARBOR, ARKAN-  
12 SAS.—The Secretary shall carry out the project for  
13 navigation, Blytheville County Harbor, Arkansas, re-  
14 ferred to in subsection (a)(1) if the Secretary deter-  
15 mines that the project is feasible.

16           (2) TRAVERSE CITY HARBOR, TRAVERSE CITY,  
17 MICHIGAN.—The Secretary shall review the locally  
18 prepared plan for the project for navigation, Tra-  
19 verse City Harbor, Michigan, referred to in sub-  
20 section (a)(14), and, if the Secretary determines  
21 that the plan meets the evaluation and design stand-  
22 ards of the Corps of Engineers and that the plan is  
23 feasible, the Secretary may use the plan to carry out  
24 the project and shall provide credit toward the non-  
25 Federal share of the cost of the project for the cost



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

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

7 The Secretary shall conduct a study for each of the  
8 following projects and, if the Secretary determines that  
9 a project is appropriate, may carry out the project under  
10 section 1135 of the Water Resources Development Act of  
11 1986 (33 U.S.C. 2309a):

12 (1) BALLONA CREEK, LOS ANGELES, COUNTY,  
13 CALIFORNIA.—Project for improvement of the qual-  
14 ity of the environment, Ballona Creek, Los Angeles,  
15 County, California.

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

20 (3) RATHBUN LAKE, IOWA.—Project for im-  
21 provement of the quality of the environment,  
22 Rathbun Lake, Iowa.

23 (4) SMITHVILLE LAKE, MISSOURI.—Project for  
24 improvement of the quality of the environment,  
25 Smithville Lake, Missouri.

1           (5) DELAWARE BAY, NEW JERSEY AND DELA-  
2           WARE.—Project for improvement of the quality of  
3           the environment, Delaware Bay, New Jersey and  
4           Delaware, for the purpose of oyster restoration.

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

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

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

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

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

21               (3) DOCKWEILER BLUFFS, LOS ANGELES COUN-  
22               TY, CALIFORNIA.—Project for aquatic ecosystem res-  
23               toration, Dockweiler Bluffs, Los Angeles County,  
24               California.

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

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

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

12          (7) SWEETWATER RESERVOIR, SAN DIEGO  
13    COUNTY, CALIFORNIA.—Project for aquatic eco-  
14    system restoration, Sweetwater Reservoir, San Diego  
15    County, California, including efforts to address  
16    invasive aquatic plant species.

17          (8) BAYOU TEXAR, PENSACOLA, FLORIDA.—  
18    Project for aquatic ecosystem restoration, Bayou  
19    Texar, Pensacola, Florida.

20          (9) BISCAYNE BAY, FLORIDA.—Project for  
21    aquatic ecosystem restoration, Biscayne Bay, Key  
22    Biscayne, Florida.

23          (10) CLAM BAYOU AND DINKINS BAYOU,  
24    SANIBEL ISLAND, FLORIDA.—Project for aquatic

1 ecosystem restoration, Clam Bayou and Dinkins  
2 Bayou, Sanibel Island, Florida.

3 (11) DESTIN HARBOR, FLORIDA.—Project for  
4 aquatic ecosystem restoration, Destin Harbor, Flor-  
5 ida.

6 (12) CHATTAHOOCHEE FALL LINE, GEORGIA  
7 AND ALABAMA.—Project for aquatic ecosystem res-  
8 toration, Chattahoochee Fall Line, Georgia and Ala-  
9 bama.

10 (13) LONGWOOD COVE, GAINESVILLE, GEOR-  
11 GIA.—Project for aquatic ecosystem restoration,  
12 Longwood Cove, Gainesville, Georgia.

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

16 (15) MILL POND, LITTLETON, MASSACHU-  
17 SETTS.—Project for aquatic ecosystem restoration,  
18 Mill Pond, Littleton, Massachusetts.

19 (16) PINE TREE BROOK, MILTON, MASSACHU-  
20 SETTS.—Project for aquatic ecosystem restoration,  
21 Pine Tree Brook, Milton, Massachusetts.

22 (17) KALAMAZOO RIVER WATERSHED, BATTLE  
23 CREEK, MICHIGAN.—Project for aquatic ecosystem  
24 restoration, Kalamazoo River watershed, Battle  
25 Creek, Michigan.

1           (18) RUSH LAKE, MINNESOTA.—Project for  
2     aquatic ecosystem restoration, Rush Lake, Min-  
3     nesota.

4           (19) SOUTH FORK OF THE CROW RIVER,  
5     HUTCHINSON, MINNESOTA.—Project for aquatic eco-  
6     system restoration, South Fork of the Crow River,  
7     Hutchinson, Minnesota.

8           (20) ST. LOUIS COUNTY, MISSOURI.—Project  
9     for aquatic ecosystem restoration, St. Louis County,  
10    Missouri.

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

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

17          (23) DUGWAY CREEK, BRATEN AHL, OHIO.—  
18    Project for aquatic ecosystem restoration, Dugway  
19    Creek, Bratenahl, Ohio.

20          (24) JOHNSON CREEK, GRESHAM, OREGON.—  
21    Project for aquatic ecosystem restoration, Johnson  
22    Creek, Gresham, Oregon.

23          (25) BEAVER CREEK, BEAVER AND SALEM,  
24    PENNSYLVANIA.—Project for aquatic ecosystem res-

1       toration, Beaver Creek, Beaver and Salem, Pennsyl-  
2       vania.

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

6               (27) DELAWARE RIVER, PHILADELPHIA NAVAL  
7       SHIPYARD, PENNSYLVANIA.—Project for aquatic eco-  
8       system restoration, Delaware River in the vicinity of  
9       the Philadelphia Naval Shipyard, Pennsylvania.

10              (28) SAUCON CREEK, NORTHAMPTON COUNTY,  
11       PENNSYLVANIA.—Project for aquatic ecosystem res-  
12       toration, Saucon Creek, Northampton County, Penn-  
13       sylvania.

14              (29) BLACKSTONE RIVER, RHODE ISLAND.—  
15       Project for aquatic ecosystem restoration, Black-  
16       stone River, Rhode Island.

17              (30) WILSON BRANCH, CHERAW, SOUTH CARO-  
18       LINA.—Project for aquatic ecosystem restoration,  
19       Wilson Branch, Cheraw, South Carolina.

20              (31) WHITE RIVER, BETHEL, VERMONT.—  
21       Project for aquatic ecosystem restoration, White  
22       River, Bethel, Vermont.

1 **SEC. 1007. SMALL PROJECTS FOR SHORELINE PROTEC-**  
2 **TION.**

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 3 of the Act entitled “An Act authorizing Federal  
7 participation in the cost of protecting the shores of pub-  
8 licly owned property”, approved August 13, 1946 (33  
9 U.S.C. 426g):

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

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

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

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

18 (5) JAMAICA BAY, BROOKLYN, NEW YORK.—  
19 Project for shoreline protection, Jamaica Bay, Shore  
20 Parkway Greenway, Brooklyn, New York.

21 (6) DELAWARE RIVER, PHILADELPHIA NAVAL  
22 SHIPYARD, PENNSYLVANIA.—Project for shoreline  
23 protection, Delaware River in the vicinity of the  
24 Philadelphia Naval Shipyard, Pennsylvania.

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

1 **SEC. 1008. SMALL PROJECTS FOR SNAGGING AND SEDI-**  
2 **MENT REMOVAL.**

3 The Secretary shall conduct a study for the following  
4 project and, if the Secretary determines that the project  
5 is feasible, the Secretary may carry out the project under  
6 section 2 of the Flood Control Act of August 28, 1937  
7 (33 U.S.C. 701g): Project for removal of snags and clear-  
8 ing and straightening of channels for flood control,  
9 Kowawese Unique Area and Hudson River, New Windsor,  
10 New York.

11 **TITLE II—GENERAL PROVISIONS**

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

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

16 “(n) NON-FEDERAL CONTRIBUTIONS.—

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



1           “(2) LIMITATION ON STATUTORY CONSTRUC-  
2           TION.—Nothing in this subsection shall be construed  
3           to affect the Secretary’s authority under section  
4           903(c) of this Act.”.

5   **SEC. 2002. HARBOR COST SHARING.**

6           (a) PAYMENTS DURING CONSTRUCTION.—Section  
7   101(a)(1) of the Water Resources Development Act of  
8   1986 (33 U.S.C. 2211(a)(1); 100 Stat. 4082) is amended  
9   in each of subparagraphs (B) and (C) by striking “45  
10   feet” and inserting “53 feet”.

11          (b) OPERATION AND MAINTENANCE.—Section  
12   101(b)(1) of such Act (33 U.S.C. 2211(b)(1)) is amended  
13   by striking “45 feet” and inserting “53 feet”.

14          (c) DEFINITIONS.—Section 214 of such Act (33  
15   U.S.C. 2241; 100 Stat. 4108) is amended in each of para-  
16   graphs (1) and (3) by striking “45 feet” and inserting  
17   “53 feet”.

18          (d) APPLICABILITY.—The amendments made by sub-  
19   sections (a), (b), and (c) shall apply only to a project, or  
20   separable element of a project, on which a contract for  
21   physical construction has not been awarded before October  
22   1, 2003.

23          (e) REVISION OF PARTNERSHIP AGREEMENT.—The  
24   Secretary shall revise any partnership agreement entered  
25   into after October 1, 2003, for any project to which the

1 amendments made by subsections (a), (b), and (c) apply  
2 to take into account the change in non-Federal participa-  
3 tion in the project as a result of such amendments.

4 **SEC. 2003. FUNDING TO PROCESS PERMITS.**

5 Section 214 of the Water Resources Development Act  
6 of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 117 Stat.  
7 1836) is amended—

8 (1) in subsection (a) by striking “In fiscal years  
9 2001 through 2005, the” and inserting “The”; and

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

11 “(c) DURATION OF AUTHORITY.—The authority pro-  
12 vided under this section shall be in effect from October  
13 1, 2000, through December 31, 2007.”.

14 **SEC. 2004. NATIONAL SHORELINE EROSION CONTROL DE-**  
15 **VELOPMENT AND DEMONSTRATION PRO-**  
16 **GRAM.**

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

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

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

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

5 (2) by inserting after paragraph (2) the fol-  
6 lowing:

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

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

19 (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
20 5(e)(2) of such Act (33 U.S.C. 426h(e)(2)) is amended  
21 by striking “\$21,000,000” and inserting “\$31,000,000”.

22 **SEC. 2005. SMALL SHORE AND BEACH RESTORATION AND**  
23 **PROTECTION PROJECTS.**

24 Section 3 of the Act entitled “An Act authorizing  
25 Federal participation in the cost of protecting the shores

1 of publicly owned property”, approved August 13, 1946  
2 (33 U.S.C. 426g), is amended by striking “\$3,000,000”  
3 and inserting “\$5,000,000”.

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

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

9 (1) in subsection (a)—

10 (A) by striking “under the provisions” and  
11 all that follows through “under any other” and  
12 inserting “under any”;

13 (B) by striking “to furnish its required co-  
14 operation for” and inserting “under which each  
15 party agrees to carry out its responsibilities and  
16 requirements for implementation or construc-  
17 tion of”; and

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

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

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

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

6       (b) LOCAL COOPERATION.—Section 912(b) of the  
7 Water Resources Development Act of 1986 (101 Stat.  
8 4190) is amended—

9           (1) in paragraph (2)—

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

12               (B) by striking the last sentence; and

13           (2) in paragraph (4)—

14               (A) by inserting after “injunction, for” the  
15 following: “payment of damages or, for”;

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

18               (C) by striking “any civil penalty imposed  
19 under this section,” and inserting “any dam-  
20 ages,”.

21       (c) APPLICABILITY.—The amendments made by sub-  
22 sections (a) and (b) only apply to partnership agreements  
23 entered into after the date of enactment of this Act; except  
24 that at the request of a non-Federal interest for a project,  
25 the district engineer for the district in which the project

1 is located may amend a project partnership agreement en-  
2 tered into on or before such date and under which con-  
3 struction on the project has not been initiated as of such  
4 date of enactment for the purpose of incorporating such  
5 amendments.

6 (d) PARTNERSHIP AND COOPERATIVE ARRANGE-  
7 MENTS.—

8 (1) IN GENERAL.—A goal of agreements en-  
9 tered into under section 221 of the Flood Control  
10 Act of 1970 (42 U.S.C. 1962d–5(b)) shall be to fur-  
11 ther partnership and cooperative arrangements, and  
12 the agreements shall be referred to as “partnership  
13 agreements”.

14 (2) REFERENCES TO COOPERATION AGREE-  
15 MENTS.—Any reference in a law, regulation, docu-  
16 ment, or other paper of the United States to a co-  
17 operation agreement or project cooperation agree-  
18 ment shall be considered to be a reference to a part-  
19 nership agreement or a project partnership agree-  
20 ment, respectively.

21 (3) REFERENCES TO PARTNERSHIP AGREE-  
22 MENTS.—Any reference to a partnership agreement  
23 or project partnership agreement in this Act (other  
24 than this section) shall be considered as a reference

1 to a cooperation agreement or a project cooperation  
2 agreement, respectively.

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

7 (1) the authority to approve any policy in a  
8 partnership agreement that has appeared in an  
9 agreement previously approved by the Secretary;

10 (2) the authority to approve any policy in a  
11 partnership agreement the specific terms of which  
12 are dictated by law, or by a final feasibility study,  
13 final environmental impact statement, or other final  
14 decision document for a water resources development  
15 project;

16 (3) the authority to approve any partnership  
17 agreement that complies with the policies and guide-  
18 lines issued by the Secretary; and

19 (4) the authority to sign any partnership agree-  
20 ment for any water resources development project  
21 unless, within 30 days of the date of authorization  
22 of the project, the Secretary notifies the district en-  
23 gineer in which the project will be carried out that  
24 the Secretary wishes to retain the prerogative to  
25 sign the partnership agreement for that project.

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

5 (1) the number of partnership agreements  
6 signed by district engineers and the number of part-  
7 nership agreements signed by the Secretary, and

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

11 (g) PUBLIC AVAILABILITY.—Not later than the  
12 120th day following the date of enactment of this Act, the  
13 Chief of Engineers shall ensure that each district engineer  
14 has made available on the Internet all partnership agree-  
15 ments entered into under section 221 of the Flood Control  
16 Act of 1970 (42 U.S.C. 1962d–5(b)) within the preceding  
17 10 years and all partnership agreements for water re-  
18 sources development projects currently being carried out  
19 in that district and shall make any partnership agree-  
20 ments entered into after such date of enactment available  
21 on the Internet within 7 days of the date on which such  
22 agreement is entered into.



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

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

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

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated to carry out this section  
17 \$30,000,000 for each of fiscal years 2006 through 2010.

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

19 Within one year after the date of enactment of this  
20 Act, the laws of the United States relating to the improve-  
21 ment of rivers and harbors, flood control, beach erosion,  
22 and other water resources development enacted after No-  
23 vember 8, 1966, and before January 1, 2006, shall be  
24 compiled under the direction of the Secretary and the  
25 Chief of Engineers and printed for the use of the Depart-  
26 ment of the Army, Congress, and the general public. The

1 Secretary shall reprint the volumes containing such laws  
2 enacted before November 8, 1966. In addition, the Sec-  
3 retary shall include an index in each volume so compiled  
4 or reprinted. Not later than December 1, 2006, the Sec-  
5 retary shall transmit at least 25 copies of each such vol-  
6 ume to the Committee on Transportation and Infrastruc-  
7 ture of the House of Representatives and the Committee  
8 on Environment and Public Works of the Senate. The Sec-  
9 retary shall also ensure that such compilations are avail-  
10 able through electronic means, including the Internet.

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

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

15 (1) by redesignating subsection (c) as sub-  
16 section (d);

17 (2) by inserting after subsection (b) the fol-  
18 lowing:

19 “(c) GOVERNMENTAL PARTNERSHIPS.—

20 “(1) IN GENERAL.—The Secretary may enter  
21 into cost sharing agreements with one or more non-  
22 Federal public interests with respect to a project, or  
23 group of projects within a geographic region if ap-  
24 propriate, for the acquisition, design, construction,  
25 management, or operation of a dredged material

1 processing, treatment, contaminant reduction, or  
2 disposal facility (including any facility used to dem-  
3 onstrate potential beneficial uses of dredged mate-  
4 rial, which may include effective sediment contami-  
5 nant reduction technologies) using funds provided in  
6 whole or in part by the Federal Government. One or  
7 more of the parties of the agreement may perform  
8 the acquisition, design, construction, management,  
9 or operation of a dredged material processing, treat-  
10 ment, or disposal facility. If appropriate, the Sec-  
11 retary may combine portions of separate construc-  
12 tion or maintenance appropriations from separate  
13 Federal projects with the appropriate combined cost  
14 sharing between the various projects when the facil-  
15 ity serves to manage dredged material from multiple  
16 Federal projects located in the geographic region of  
17 the facility.

18 “(2) PUBLIC FINANCING.—

19 “(A) AGREEMENTS.—

20 “(i) SPECIFIED FEDERAL FUNDING  
21 SOURCES AND COST SHARING.—The cost-  
22 sharing agreement used shall clearly speci-  
23 fy the Federal funding sources and com-  
24 bined cost sharing when applicable to mul-  
25 tiple Federal navigation projects and the

1 responsibilities and risks of each of the  
2 parties related to present and future  
3 dredged material managed by the facility.

4 “(ii) MANAGEMENT OF SEDIMENTS.—

5 The cost-sharing agreement may include  
6 the management of sediments from the  
7 maintenance dredging of Federal naviga-  
8 tion projects that do not have partnership  
9 agreements. The cost-sharing agreement  
10 may allow the non-Federal sponsor to re-  
11 ceive reimbursable payments from the Fed-  
12 eral Government for commitments made by  
13 the sponsor for disposal or placement ca-  
14 pacity at dredged material treatment, proc-  
15 essing, contaminant reduction, or disposal  
16 facilities.

17 “(iii) CREDIT.—The cost-sharing

18 agreement may allow costs incurred prior  
19 to execution of a partnership agreement  
20 for construction or the purchase of equip-  
21 ment or capacity for the project to be cred-  
22 ited according to existing cost-sharing  
23 rules.

24 “(B) CREDIT.—Nothing in this subsection

25 supersedes or modifies existing agreements be-

1           tween the Federal Government and any non-  
2           Federal sponsors for the cost sharing, construc-  
3           tion, and operation and maintenance of Federal  
4           navigation projects. Subject to the approval of  
5           the Secretary and in accordance with existing  
6           laws, regulations, and policies, a non-Federal  
7           public sponsor of a Federal navigation project  
8           may seek credit for funds provided in the acqui-  
9           sition, design, construction, management, or op-  
10          eration of a dredged material processing, treat-  
11          ment, or disposal facility to the extent the facil-  
12          ity is used to manage dredged material from  
13          the Federal navigation project. The non-Federal  
14          sponsor shall be responsible for providing all  
15          necessary lands, easements, rights-of-way, or  
16          relocations associated with the facility and shall  
17          receive credit for these items.”; and

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

20                  (A) by inserting “and maintenance” after  
21                  “operation”; and

22                  (B) by inserting “processing, treatment,  
23                  or” after “dredged material” the first place it  
24                  appears.

1 **SEC. 2010. WETLANDS MITIGATION.**

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

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

13 (a) IN GENERAL.—In conducting a study of harbor  
14 and navigation improvements, the Secretary may rec-  
15 ommend a project without the need to demonstrate that  
16 the project is justified solely by national economic develop-  
17 ment benefits if the Secretary determines that—

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

23 (B) the project would be located in the Com-  
24 monwealth of Puerto Rico, Guam, the Common-  
25 wealth of the Northern Mariana Islands, or Amer-  
26 ican Samoa;

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

6           (3) the long-term viability of the community  
7           would be threatened without the harbor and naviga-  
8           tion improvement.

9           (b) **JUSTIFICATION.**—In considering whether to rec-  
10          ommend a project under subsection (a), the Secretary  
11          shall consider the benefits of the project to—

12           (1) public health and safety of the local commu-  
13           nity, including access to facilities designed to protect  
14           public health and safety;

15           (2) access to natural resources for subsistence  
16           purposes;

17           (3) local and regional economic opportunities;

18           (4) welfare of the local population; and

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

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

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

1       “(c) IN GENERAL.—The Secretary may carry out  
2 projects to transport and place sediment obtained in con-  
3 nection with the construction, operation, or maintenance  
4 of an authorized water resources project at locations se-  
5 lected by a non-Federal entity for use in the construction,  
6 repair, or rehabilitation of projects determined by the Sec-  
7 retary to be in the public interest and associated with navi-  
8 gation, flood damage reduction, hydroelectric power, mu-  
9 nicipal and industrial water supply, agricultural water  
10 supply, recreation, hurricane and storm damage reduction,  
11 aquatic plant control, and environmental protection and  
12 restoration.

13       “(d) COOPERATIVE AGREEMENT.—Any project un-  
14 dertaken pursuant to this section shall be initiated only  
15 after non-Federal interests have entered into an agree-  
16 ment with the Secretary in which the non-Federal inter-  
17 ests agree to pay the non-Federal share of the cost of con-  
18 struction of the project and 100 percent of the cost of  
19 operation, maintenance, replacement, and rehabilitation of  
20 the project in accordance with section 103 of the Water  
21 Resources Development Act of 1986 (33 U.S.C. 2213).

22       “(e) SPECIAL RULE.—Construction of a project  
23 under subsection (a) for one or more of the purposes of  
24 protection, restoration, or creation of aquatic and eco-  
25 logically related habitat, the cost of which does not exceed



1 \$750,000 and which will be located in a disadvantaged  
2 community as determined by the Secretary, may be car-  
3 ried out at Federal expense.

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

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

24 “(h) NONPROFIT ENTITIES.—Notwithstanding sec-  
25 tion 221 of the Flood Control Act of 1970 (42 U.S.C.

1 1962d–5b), for any project carried out under this section,  
2 a non-Federal interest may include a nonprofit entity, with  
3 the consent of the affected local government.

4 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 authorized to be appropriated \$30,000,000 annually for  
6 projects under this section of which not more than  
7 \$3,000,000 annually may be used for construction of  
8 projects described in subsection (e). Such sums shall re-  
9 main available until expended.

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

22 “(k) USE OF FUNDS.—

23 “(1) NON-FEDERAL INTEREST.—The non-Fed-  
24 eral interest for a project described in this section  
25 may use, and the Secretary shall accept, funds pro-

1 vided under any other Federal program, to satisfy,  
2 in whole or in part, the non-Federal share of the  
3 cost of such project if such funds are authorized to  
4 be used to carry out such project.

5 “(2) OTHER FEDERAL AGENCIES.—The non-  
6 Federal share of the cost of construction of a project  
7 under this section may be met through contributions  
8 from a Federal agency made directly to the Sec-  
9 retary, with the consent of the affected local govern-  
10 ment, if such funds are authorized to be used to  
11 carry out such project. Before initiating a project to  
12 which this paragraph applies, the Secretary shall  
13 enter into an agreement with a non-Federal interest  
14 in which the non-Federal interest agrees to pay 100  
15 percent of the cost of operation, maintenance, re-  
16 placement, and rehabilitation of the project.”.

17 (b) REPEAL.—

18 (1) IN GENERAL.—Section 145 of the Water  
19 Resources Development Act of 1976 (33 U.S.C.  
20 426j) is repealed.

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

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

5 (1) A project at Little Rock Slackwater Harbor,  
6 Arkansas.

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

8 (3) A project in the vicinity of Calcasieu Ship  
9 Channel, Louisiana.

10 (4) A project in the vicinity of the Smith Point  
11 Park Pavilion and the TWA Flight 800 Memorial,  
12 Brookhaven, New York.

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

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

17 **SEC. 2013. COST-SHARING PROVISIONS FOR CERTAIN**  
18 **AREAS.**

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

22 **“SEC. 1156. COST-SHARING PROVISIONS FOR CERTAIN**  
23 **AREAS.**

24 “(a) IN GENERAL.—The Secretary shall waive local  
25 cost-sharing requirements up to \$500,000 for all studies

1 and projects in the Commonwealth of Puerto Rico, Amer-  
2 ican Samoa, Guam, the Commonwealth of the Northern  
3 Mariana Islands, and the United States Virgin Islands,  
4 in Indian country (as defined in section 1151 of title 18,  
5 United States Code, and including lands that are within  
6 the jurisdictional area of an Oklahoma Indian tribe, as  
7 determined by the Secretary of the Interior, and are recog-  
8 nized by the Secretary of the Interior as eligible for trust  
9 land status under part 151 of title 25, Code of Federal  
10 Regulations) or on land in the State of Alaska owned by  
11 an Alaska Native Regional Corporation or an Alaska Na-  
12 tive Village Corporation (as those terms are defined in the  
13 Alaska Native Claims Settlement Act (43 U.S.C. 1601 et  
14 seq.)) or the Metlakatla Indian community.

15 “(b) USE OF FUNDS.—The non-Federal interest for  
16 a study or project for an area described in subsection (a)  
17 may use, and the Secretary shall accept, funds provided  
18 under any other Federal program, to satisfy, in whole or  
19 in part, the non-Federal share of such study or project  
20 if such funds are authorized to be used to carry out such  
21 study or project.”.

22 **SEC. 2014. REVISION OF PROJECT PARTNERSHIP AGREE-**  
23 **MENT.**

24 Upon authorization by law of an increase in the max-  
25 imum amount of Federal funds that may be allocated for

1 a project or an increase in the total cost of a project au-  
2 thorized to be carried out by the Secretary, the Secretary  
3 shall revise the project partnership agreement for the  
4 project to take into account the change in Federal partici-  
5 pation in the project.

6 **SEC. 2015. COST SHARING.**

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

14 **SEC. 2016. CREDIT FOR WORK PERFORMED BEFORE PART-**  
15 **nership Agreement.**

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

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

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

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

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

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

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

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

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

23 (1) in subsection (d)—

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

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

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

4 “(6) Tuscarawas River Basin, Ohio.

5 “(7) Sauk River Basin, Snohomish and Skagit  
6 Counties, Washington.”;

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

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

13 (3) by striking subsection (g).

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

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

21 (a) SCOPE.—Section 203(b)(1)(B) of the Water Re-  
22 sources Development Act of 2000 (33 U.S.C.  
23 2269(b)(1)(B); 114 Stat. 2589) is amended by inserting  
24 after “Code” the following: “, and including lands that  
25 are within the jurisdictional area of an Oklahoma Indian



1 tribe, as determined by the Secretary of the Interior, and  
2 are recognized by the Secretary of the Interior as eligible  
3 for trust land status under part 151 of title 25, Code of  
4 Federal Regulations”.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
6 203(e) of such Act is amended by striking “2006” and  
7 inserting “2010”.

8 **SEC. 2021. WILDFIRE FIREFIGHTING.**

9 Section 309 of Public Law 102–154 (42 U.S.C.  
10 1856a–1; 105 Stat. 1034) is amended by inserting “the  
11 Secretary of the Army,” after “the Secretary of Energy,”.

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

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

20 (b) LIMITATION.—Credit authorized under sub-  
21 section (a)—

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

24 (2) shall not alter any other requirements that  
25 require a non-Federal interest to provide lands, ease-

1       ments, rights-of-way, and dredged material disposal  
2       areas for the project;

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

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

10 **SEC. 2023. TECHNICAL ASSISTANCE.**

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

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

15       “(a) FEDERAL STATE COOPERATION.—

16           “(1) COMPREHENSIVE PLANS.—The Sec-  
17       retary”;

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

20       “(2) TECHNICAL ASSISTANCE.—

21           “(A) IN GENERAL.—At the request of  
22       a governmental agency or non-Federal in-  
23       terest, the Secretary may provide, at Fed-  
24       eral expense, technical assistance to such

1                   agency or non-Federal interest in man-  
2                   aging water resources.

3                   “(B) TYPES OF ASSISTANCE.—Tech-  
4                   nical assistance under this paragraph may  
5                   include provision and integration of hydro-  
6                   logic, economic, and environmental data  
7                   and analyses.”;

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

11                  (4) in subsection (b)(2) by striking “Up to 1/  
12                  2 of the” and inserting “The”;

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

15                  “(c) AUTHORIZATION OF APPROPRIATIONS.—

16                  “(1) FEDERAL AND STATE COOPERATION.—  
17                  There is”;

18                  (6) in subsection (c)(1) (as designated by para-  
19                  graph (5))—

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

22                         (B) by striking “\$500,000” and inserting  
23                         “\$1,000,000”;

24                  (7) by inserting at the end of subsection (c) the  
25                  following:

1           “(2) TECHNICAL ASSISTANCE.—There is au-  
2           thorized to be appropriated \$5,000,000 annually to  
3           carry out subsection (a)(2), of which not more than  
4           \$2,000,000 annually may be used by the Secretary  
5           to enter into cooperative agreements with nonprofit  
6           organizations to provide assistance to rural and  
7           small communities.”; and

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

10           (9) by inserting after subsection (c) the fol-  
11           lowing:

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

21           **SEC. 2024. COORDINATION AND SCHEDULING OF FEDERAL,**  
22                                    **STATE, AND LOCAL ACTIONS.**

23           (a) NOTICE OF INTENT.—Upon request of the non-  
24           Federal interest in the form of a written notice of intent  
25           to construct or modify a non-Federal water supply, waste-

1 water infrastructure, flood damage reduction, storm dam-  
2 age reduction, ecosystem restoration, or navigation project  
3 that requires the approval of the Secretary, the Secretary  
4 shall initiate, subject to subsection (g)(1), procedures to  
5 establish a schedule for consolidating Federal, State, and  
6 local agency and Indian tribe environmental assessments,  
7 project reviews, and issuance of all permits for the con-  
8 struction or modification of the project. The non-Federal  
9 interest shall submit to the Secretary, with the notice of  
10 intent, studies and documentation, including environ-  
11 mental reviews, that may be required by Federal law for  
12 decisionmaking on the proposed project. All States and In-  
13 dian tribes having jurisdiction over the proposed project  
14 shall be invited by the Secretary, but shall not be required,  
15 to participate in carrying out this section with respect to  
16 the project.

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

1 agreement described in subsection (c) with respect to the  
2 project. Within 30 days after publication of the notice in  
3 the Federal Register, State and local agencies and Indian  
4 tribes that intend to enter into the memorandum of agree-  
5 ment with respect to the project shall notify the Secretary  
6 of their intent in writing.

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

17 (d) CONTENTS OF AGREEMENT.—An agreement en-  
18 tered into under subsection (c) with respect to a project,  
19 to the extent practicable, shall consolidate hearing and  
20 comment periods, procedures for data collection and re-  
21 port preparation, and the environmental review and per-  
22 mitting processes associated with the project and related  
23 activities. The agreement shall detail, to the extent pos-  
24 sible, the non-Federal interest's responsibilities for data  
25 development and information that may be necessary to

1 process each permit required for the project, including a  
2 schedule when the information and data will be provided  
3 to the appropriate Federal, State, or local agency or In-  
4 dian tribe.

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

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

18 (g) REIMBURSEMENT.—

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

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

3                   (A) ACCEPTANCE OF NON-FEDERAL  
4           FUNDS.—The Secretary may accept funds from  
5           the non-Federal interest to hire additional staff  
6           or obtain the services of consultants, or to pro-  
7           vide financial, technical, and administrative  
8           support to agencies that have entered into an  
9           agreement with the Secretary under subsection  
10          (c) with respect to a project in order to facili-  
11          tate the timely processing, review, and comple-  
12          tion of applicable Federal, State, and local  
13          agency and Indian tribe environmental assess-  
14          ments, project reviews, and permits for the  
15          project.

16                   (B) USE OF FUNDS.—Funds accepted  
17          under this paragraph shall be used to supple-  
18          ment existing resources of the Secretary or a  
19          participating agency.

20                   (C) ASSURANCE OF LEVEL OF SERVICE  
21          AND IMPARTIALITY.—The Secretary shall en-  
22          sure that the Department of the Army and any  
23          participating agency that accepts funds under  
24          this paragraph shall continue to provide the  
25          same level of service to other projects and other



1           responsibilities not covered by this section as it  
2           would provide, notwithstanding any activities  
3           carried out under this section, and that accept-  
4           ance of such funds will not impact impartial de-  
5           cisionmaking either substantively or proce-  
6           durally.

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

19 **SEC. 2025. PROJECT STREAMLINING.**

20           (a) **POLICY.**—The benefits of water resources  
21 projects are important to the Nation’s economy and envi-  
22 ronment, and recommendations to Congress regarding  
23 such projects should not be delayed due to uncoordinated  
24 and sequential environmental reviews or the failure to

1 timely resolve disputes during the development of water  
2 resources projects.

3 (b) SCOPE.—This section shall apply to each study  
4 initiated after the date of enactment of this Act to develop  
5 a feasibility report under section 905 of the Water Re-  
6 sources Development Act of 1986 (33 U.S.C. 2282), or  
7 a reevaluation report, for a water resources project if the  
8 Secretary determines that such study requires an environ-  
9 mental impact statement under the National Environ-  
10 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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

14 (d) COORDINATED REVIEWS.—

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

1           (2) AGENCY PARTICIPATION.—Each Federal  
2           agency identified under subsection (e) shall formu-  
3           late and implement administrative, policy, and pro-  
4           cedural mechanisms to enable the agency to ensure  
5           completion of environmental reviews, analyses, opin-  
6           ions, permits, licenses, and approvals described in  
7           paragraph (1) in a timely and environmentally re-  
8           sponsible manner.

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

19          (f) STATE AUTHORITY.—If a coordinated review  
20          process is being implemented under this section by the  
21          Secretary with respect to a water resources project within  
22          the boundaries of a State, the State, consistent with State  
23          law, may choose to participate in such process and provide  
24          that all State agencies that have jurisdiction over environ-  
25          mental-related matters that may be affected by the project

1 or may be required by law to conduct an environmental-  
2 related review or analysis of the project or determine  
3 whether to issue an environmental-related permit, license,  
4 or approval for the project, be subject to the process.

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

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

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

1 the agency, Indian tribe, or non-Federal interest in-  
2 volved about the failure to meet the deadline.

3 (2) AGENCY REPORT.—Not later than 30 days  
4 after the date of receipt of a notice under paragraph  
5 (1), the Federal, State, or local government agency,  
6 Indian tribe, or non-Federal interest involved shall  
7 submit a report to the Secretary, the Committee on  
8 Transportation and Infrastructure of the House of  
9 Representatives, the Committee on Environment and  
10 Public Works of the Senate, and the Council on En-  
11 vironmental Quality explaining why the agency, In-  
12 dian tribe, or non-Federal interest did not meet the  
13 deadline and what actions it intends to take to com-  
14 plete or issue the required review, analysis, opinion,  
15 permit, license, or approval.

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

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

1       retary, in carrying out such study and process,  
2       shall—

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

5               (B) determine which alternatives are rea-  
6               sonable and may be reasonably anticipated to  
7               meet project purposes and needs.

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

16              (j) SOLICITATION AND CONSIDERATION OF COM-  
17              MENTS.—In applying subsection (i), the Secretary shall  
18              solicit, consider, and respond to comments from interested  
19              persons and governmental entities.

20              (k) CATEGORICAL EXCLUSIONS.—Not later than 120  
21              days after the date of enactment of this Act, the Secretary  
22              shall develop and publish a list of categorical exclusions  
23              from the requirement that an environmental assessment  
24              or an environmental impact statement be prepared under

1 the National Environmental Policy Act of 1969 (42 U.S.C.  
2 4321 et seq.) for water resources projects.

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

5 (1) any practice of seeking public comment;

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

10 (3) any obligation to comply with the provisions  
11 of the National Environmental Policy Act of 1969  
12 (42 U.S.C. 4371 et seq.) and the regulations issued  
13 by the Council on Environmental Quality to carry  
14 out such Act.

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

1 process more efficient in all districts of the Army Corps  
2 of Engineers.

3 **SEC. 2026. LAKES PROGRAM.**

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

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

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

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

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

14 “(21) McCarter Pond, Borough of Fairhaven,  
15 New Jersey, removal of silt and measures to address  
16 water quality;

17 “(22) Rogers Pond, Franklin Township, New  
18 Jersey, removal of silt and restoration of structural  
19 integrity;

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

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

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



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

2 (a) COMPLETION OF MITIGATION.—Section 906(a) of  
3 the Water Resources Development Act of 1986 (33 U.S.C.  
4 2283(a)) is amended by adding at the end the following:

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

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

18 “(3) CONTENTS.—A mitigation plan shall in-  
19 clude—

20 “(A) a description of the physical action to  
21 be undertaken to achieve the mitigation objec-  
22 tives within the watershed in which such losses  
23 occur and, in any case in which mitigation must  
24 take place outside the watershed, a justification  
25 detailing the rationale for undertaking the miti-  
26 gation outside of the watershed;

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

5           “(C) the type, amount, and characteristics  
6           of the habitat being restored;

7           “(D) success criteria for mitigation based  
8           on replacement of lost functions and values of  
9           the habitat, including hydrologic and vegetative  
10          characteristics; and

11          “(E) a plan for any necessary monitoring  
12          to determine the success of the mitigation, in-  
13          cluding the cost and duration of any monitoring  
14          and, to the extent practicable, the entities re-  
15          sponsible for any monitoring.

16          “(4) RESPONSIBILITY FOR MONITORING.—In  
17          any case in which it is not practicable to identify in  
18          a mitigation plan for a water resources project, the  
19          entity responsible for monitoring at the time of a  
20          final report of the Chief of Engineers or other final  
21          decision document for the project, such entity shall  
22          be identified in the partnership agreement entered  
23          into with the non-Federal interest.”.

24          (c) STATUS REPORT.—

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

13          (2) PROJECTS INCLUDED.—The status report  
14          shall include the status of all projects that are under  
15          construction, all projects for which the President re-  
16          quests funding for the next fiscal year, and all  
17          projects that have completed construction, but have  
18          not completed the mitigation required under section  
19          906 of the Water Resources Development Act of  
20          1986.

21 **SEC. 2028. COOPERATIVE AGREEMENTS.**

22          (a) IN GENERAL.—For the purpose of expediting the  
23          cost-effective design and construction of wetlands restora-  
24          tion that is part of an authorized water resources project,  
25          the Secretary may enter into cooperative agreements

1 under section 6305 of title 31, United States Code, with  
2 nonprofit organizations with expertise in wetlands restora-  
3 tion to carry out such design and construction on behalf  
4 of the Secretary.

5 (b) LIMITATIONS.—

6 (1) PER PROJECT LIMIT.—A cooperative agree-  
7 ment under this section shall not obligate the Sec-  
8 retary to pay the nonprofit organization more than  
9 \$1,000,000 for any single wetlands restoration  
10 project.

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

15 **SEC. 2029. PROJECT PLANNING.**

16 (a) OBJECTIVES.—

17 (1) FLOOD CONTROL, NAVIGATION, AND HURRI-  
18 CANE AND STORM DAMAGE REDUCTION PROJECTS.—  
19 The Federal objective of any study of the feasibility  
20 of a water resources project carried out by the Sec-  
21 retary for flood damage reduction, navigation, or  
22 hurricane and storm damage reduction shall be to  
23 maximize the net national economic development  
24 benefits associated with the project, consistent with  
25 protecting the Nation's environment.

1           (2) ECOSYSTEM RESTORATION PROJECTS.—The  
2 Federal objective of any study of the feasibility of a  
3 water resources project for ecosystem restoration  
4 carried out by the Secretary shall be to maximize  
5 the net national ecosystem restoration benefits asso-  
6 ciated with the project, consistent with national eco-  
7 nomic development.

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

13           (4) SELECTION OF PROJECT ALTERNATIVES.—

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

20           (B) FLOOD DAMAGE REDUCTION, NAVIGA-  
21 TION, AND HURRICANE STORM DAMAGE REDUC-  
22 TION PROJECTS.—With respect to a water re-  
23 sources project described in paragraph (1), an  
24 overriding reason for selecting a plan other  
25 than the plan that maximizes national economic

1 development benefits may be if the Secretary  
2 determines, and the non-Federal interest con-  
3 curs, that an alternative plan is feasible and  
4 achieves the project purposes while providing  
5 greater ecosystem restoration benefits.

6 (C) ECOSYSTEM RESTORATION  
7 PROJECTS.—With respect to a water resources  
8 project described in paragraph (2), an over-  
9 riding reason for selecting a plan other than the  
10 plan that maximizes national ecosystem restora-  
11 tion benefits may be if the Secretary deter-  
12 mines, and the non-Federal interest concurs,  
13 that an alternative is feasible and achieves the  
14 project purpose while providing greater eco-  
15 nomic development benefits.

16 (b) IDENTIFYING ADDITIONAL BENEFITS AND  
17 PROJECTS.—

18 (1) PRIMARILY ECONOMIC BENEFITS.—In con-  
19 ducting a study of the feasibility of a project where  
20 the primary benefits are expected to be economic,  
21 the Secretary may identify ecosystem restoration  
22 benefits that may be achieved in the study area and,  
23 after obtaining the participation of a non-Federal in-  
24 terest, may study and recommend construction of

1 additional measures, a separate project, or separable  
2 project element to achieve those benefits.

3 (2) PRIMARILY ECOSYSTEM RESTORATION BEN-  
4 EFITS.—In conducting a study of the feasibility of a  
5 project where the primary benefits are expected to  
6 be associated with ecosystem restoration, the Sec-  
7 retary may identify economic benefits that may be  
8 achieved in the study area and, after obtaining the  
9 participation of a non-Federal interest, may study  
10 and recommend construction of additional measures,  
11 a separate project, or separable project element to  
12 achieve those benefits.

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

23 (c) CALCULATION OF BENEFITS AND COSTS FOR  
24 FLOOD DAMAGE REDUCTION PROJECTS.—A feasibility

1 study for a project for flood damage reduction shall in-  
2 clude, as part of the calculation of benefits and costs—

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

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

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

10 **SEC. 2030. INDEPENDENT PEER REVIEW.**

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

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

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



1           (3) PROJECT STUDIES SUBJECT TO PEER RE-  
2           VIEW.—

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

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

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

15                 (ii) the head of a Federal or State  
16                 agency charged with reviewing the project  
17                 study determines that the project is likely  
18                 to have a significant adverse impact on en-  
19                 vironmental, cultural, or other resources  
20                 under the jurisdiction of the agency after  
21                 implementation of proposed mitigation  
22                 plans and requests a peer review by an  
23                 independent panel of experts; or

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

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

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

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

11                   (B) there is a significant public dispute as  
12 to the economic or environmental costs or bene-  
13 fits of the project.

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

17                   (A) a study for a project the Chief of En-  
18 gineers determines—

19                           (i) is not controversial;

20                           (ii) has no more than negligible ad-  
21 verse impacts on scarce or unique cultural,  
22 historic, or tribal resources;

23                           (iii) has no substantial adverse im-  
24 pacts on fish and wildlife species and their

1 habitat prior to the implementation of  
2 mitigation measures; and

3 (iv) has, before implementation of  
4 mitigation measures, no more than a neg-  
5 ligible adverse impact on a species listed as  
6 endangered or threatened species under  
7 the Endangered Species Act of 1973 (16  
8 U.S.C. 1539 et seq.) or the critical habitat  
9 of such species designated under such Act;  
10 and

11 (B) a study for a project pursued under  
12 section 205 of the Flood Control Act of 1948  
13 (33 U.S.C. 701s), section 2 of the Flood Con-  
14 trol Act of August 28, 1937 (33 U.S.C. 701g),  
15 section 14 of the Flood Control Act of 1946 (33  
16 U.S.C. 701r), section 107(a) of the River and  
17 Harbor Act of 1960 (33 U.S.C. 577(a)), section  
18 3 of the Act entitled “An Act authorizing Fed-  
19 eral participation in the cost of protecting the  
20 shores of publicly owned property”, approved  
21 August 13, 1946 (33 U.S.C. 426g), section 111  
22 of the River and Harbor Act of 1968 (33  
23 U.S.C. 426i), section 3 of the Act entitled “An  
24 Act authorizing the construction, repair, and  
25 preservation of certain public works on rivers

1 and harbors, and for other purposes”, approved  
2 March 2, 1945 (33 U.S.C. 603a), section 1135  
3 of the Water Resources Development Act of  
4 1986 (33 U.S.C. 2309a), section 206 of the  
5 Water Resources Development Act of 1996 (33  
6 U.S.C. 2330), or section 204 of the Water Re-  
7 sources Development Act of 1992 (33 U.S.C.  
8 2326).

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

16 (8) DETERMINATION OF PROJECT COST.—For  
17 purposes of determining the estimated total cost of  
18 a project under paragraph (3)(A), the project cost  
19 shall be based upon the reasonable estimates of the  
20 Chief of Engineers at the completion of the recon-  
21 naissance study for the project. If the reasonable es-  
22 timate of project costs is subsequently determined to  
23 be in excess of the amount in paragraph (3)(A), the  
24 Chief of Engineers shall make a determination

1       whether a project study should be reviewed under  
2       this section.

3       (b) TIMING OF PEER REVIEW.—The Chief of Engi-  
4       neers shall determine the timing of a peer review of a  
5       project study under subsection (a). In all cases, the peer  
6       review shall occur during the period beginning on the date  
7       of the completion of the reconnaissance study for the  
8       project and ending on the date the draft report of the  
9       Chief of Engineers for the project is made available for  
10      public comment. Where the Chief of Engineers has not  
11      initiated a peer review of a project study, the Chief of En-  
12      gineers shall consider, at a minimum, whether to initiate  
13      a peer review at the time that—

- 14               (1) the without-project conditions are identified;  
15               (2) the array of alternatives to be considered  
16              are identified; and  
17               (3) the preferred alternative is identified.

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

21      (c) ESTABLISHMENT OF PANELS.—

- 22               (1) IN GENERAL.—For each project study sub-  
23      ject to peer review under subsection (a), as soon as  
24      practicable after the Chief of Engineers determines  
25      that a project study will be subject to peer review,

1 the Chief of Engineers shall contract with the Na-  
2 tional Academy of Sciences (or a similar independent  
3 scientific and technical advisory organization), or an  
4 eligible organization, to establish a panel of experts  
5 to peer review the project study for technical and  
6 scientific sufficiency.

7 (2) MEMBERSHIP.—A panel of experts estab-  
8 lished for a project study under this section shall be  
9 composed of independent experts who represent a  
10 balance of areas of expertise suitable for the review  
11 being conducted.

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

19 (4) CONGRESSIONAL NOTIFICATION.—Upon  
20 identification of a project study for peer review  
21 under this section, but prior to initiation of any re-  
22 view, the Chief of Engineers shall notify the Com-  
23 mittee on Environment and Public Works of the  
24 Senate and the Committee on Transportation and

1 Infrastructure of the House of Representatives of  
2 such review.

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

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

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

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

15 (4) submit to the Chief of Engineers a final re-  
16 port containing the panel's economic, engineering,  
17 and environmental analysis of the project study, in-  
18 cluding the panel's assessment of the adequacy and  
19 acceptability of the economic and environmental  
20 methods, models, and analyses used by the Chief of  
21 Engineers, to accompany the publication of the  
22 project study.

23 (e) DURATION OF PROJECT STUDY PEER RE-  
24 VIEWS.—

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

1           (A) complete its peer review under this sec-  
2           tion for a project study and submit a report to  
3           the Chief of Engineers under subsection (d)(4)  
4           within 180 days after the date of establishment  
5           of the panel, or, if the Chief of Engineers deter-  
6           mines that a longer period of time is necessary,  
7           such period of time established by the Chief of  
8           Engineers, but in no event later than 90 days  
9           after the date a draft project study is made  
10          available for public review; and

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

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

21          (f) RECOMMENDATIONS OF PANEL.—

22           (1) CONSIDERATION BY THE CHIEF OF ENGI-  
23           NEERS.—After receiving a report on a project study  
24           from a panel of experts under this section and be-  
25           fore entering a final record of decision for the



1 project, the Chief of Engineers shall consider any  
2 recommendations contained in the report and pre-  
3 pare a written response for any recommendations  
4 adopted or not adopted.

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

9 (A) make a copy of the report and any  
10 written response of the Chief of Engineers on  
11 recommendations contained in the report avail-  
12 able to the public; and

13 (B) transmit to Congress a copy of the re-  
14 port, together with any such written response,  
15 on the date of a final report of the Chief of En-  
16 gineers or other final decision document for a  
17 project study that is subject to peer review by  
18 the panel.

19 (g) COSTS.—

20 (1) IN GENERAL.—The costs of a panel of ex-  
21 perts established for a peer review under this sec-  
22 tion—

23 (A) shall be a Federal expense; and

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

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

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

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

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

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

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

19           (k) SAVINGS CLAUSE.—Nothing in this section shall  
20 be construed to affect any authority of the Chief of Engi-  
21 neers to cause or conduct a peer review of a water re-  
22 sources project existing on the date of enactment of this  
23 section.

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

1           (1) PROJECT STUDY.—The term “project  
2 study” means a feasibility study or reevaluation  
3 study for a project. The term also includes any other  
4 study associated with a modification or update of a  
5 project that includes an environmental impact state-  
6 ment, including the environmental impact statement.

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

13           (3) ELIGIBLE ORGANIZATION.—The term “eligi-  
14 ble organization” means an organization that—

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

18                   (B) is independent;

19                   (C) is free from conflicts of interest;

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

22                   (E) has experience in establishing and ad-  
23 ministering peer review panels.

1 **SEC. 2031. TRAINING FUNDS.**

2 (a) IN GENERAL.—The Secretary may include indi-  
3 viduals not employed by the Department of the Army in  
4 training classes and courses offered by the Corps of Engi-  
5 neers in any case in which the Secretary determines that  
6 it is in the best interest of the Federal Government to  
7 include those individuals as participants.

8 (b) EXPENSES.—

9 (1) IN GENERAL.—An individual not employed  
10 by the Department of the Army attending a training  
11 class or course described in subsection (a) shall pay  
12 the full cost of the training provided to the indi-  
13 vidual.

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

17 (A) may be retained by the Secretary;

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

20 (C) shall be available for use by the Sec-  
21 retary, without further appropriation, for train-  
22 ing purposes.

23 (3) EXCESS AMOUNTS.—Any payments received  
24 under paragraph (2) that are in excess of the actual  
25 cost of training provided shall be credited as mis-

1 cellaneous receipts to the Treasury of the United  
2 States.

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

4 (a) IN GENERAL.—The Secretary shall carry out a  
5 program to provide public access to water resource and  
6 related water quality data in the custody of the Corps of  
7 Engineers.

8 (b) DATA.—Public access under subsection (a)  
9 shall—

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

14 (2) appropriately employ geographic informa-  
15 tion system technology and linkages to water re-  
16 source models and analytical techniques.

17 (c) PARTNERSHIPS.—To the maximum extent prac-  
18 ticable, in carrying out activities under this section, the  
19 Secretary shall develop partnerships, including cooperative  
20 agreements with State, tribal, and local governments and  
21 other Federal agencies.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated to carry out this section  
24 \$5,000,000 for each fiscal year.

1 **SEC. 2033. SHORE PROTECTION PROJECTS.**

2 (a) IN GENERAL.—In accordance with the Act of  
3 July 3, 1930 (33 U.S.C. 426), and notwithstanding ad-  
4 ministrative actions, it is the policy of the United States  
5 to promote beach nourishment for the purposes of flood  
6 damage reduction and hurricane and storm damage reduc-  
7 tion and related research that encourage the protection,  
8 restoration, and enhancement of sandy beaches, including  
9 beach restoration and periodic beach renourishment for a  
10 period of 50 years, on a comprehensive and coordinated  
11 basis by the Federal Government, States, localities, and  
12 private enterprises.

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

15 (1) areas in which there has been a Federal in-  
16 vestment of funds for the purposes described in sub-  
17 section (a); and

18 (2) areas with respect to which the need for  
19 prevention or mitigation of damage to shores and  
20 beaches is attributable to Federal navigation  
21 projects or other Federal activities.

22 (c) APPLICABILITY.—The Secretary shall apply the  
23 policy to each shore protection and beach renourishment  
24 project (including shore protection and beach renourish-  
25 ment projects constructed before the date of enactment  
26 of this Act).

1 **SEC. 2034. ABILITY TO PAY.**

2 (a) CRITERIA AND PROCEDURES.—Section  
3 103(m)(2) of the Water Resources Development Act of  
4 1986 (33 U.S.C. 2213(m)(2)) is amended by striking  
5 “180 days after such date of enactment” and inserting  
6 “August 31, 2005”.

7 (b) PROJECTS.—The Secretary shall apply the cri-  
8 teria and procedures referred to in section 103(m) of the  
9 Water Resources Development Act of 1986 (33 U.S.C.  
10 2213(m)) to the following projects:

11 (1) ST. JOHNS BAYOU AND NEW MADRID  
12 FLOODWAY, MISSOURI.—The project for flood con-  
13 trol, St. Johns Bayou and New Madrid Floodway,  
14 Missouri, authorized by section 401(a) of the Water  
15 Resources Development Act of 1986 (100 Stat.  
16 4118).

17 (2) LOWER RIO GRANDE BASIN, TEXAS.—The  
18 project for flood control, Lower Rio Grande Basin,  
19 Texas, authorized by section 401(a) of the Water  
20 Resources Development Act of 1986 (100 Stat.  
21 4125).

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

1 **SEC. 2035. AQUATIC ECOSYSTEM RESTORATION.**

2 Section 206(e) of the Water Resources Development  
3 Act of 1996 (33 U.S.C. 2330) is amended by striking  
4 “\$25,000,000” and inserting “\$40,000,000”.

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

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

9 **SEC. 2037. LEASING AUTHORITY.**

10 Section 4 of the Act entitled “An Act authorizing the  
11 construction of certain public works on rivers and harbors  
12 for flood control, and other purposes”, approved December  
13 22, 1944 (16 U.S.C. 460d) is amended—

14 (1) by inserting “federally-recognized Indian  
15 tribes and” before “Federal” the first place it ap-  
16 pears;

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

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

21 **SEC. 2038. COST ESTIMATES.**

22 The estimated Federal and non-Federal costs of  
23 projects authorized to be carried out by the Secretary be-  
24 fore, on, or after the date of enactment of this Act are  
25 for informational purposes only and shall not be inter-



1 preted as affecting the cost sharing responsibilities estab-  
2 lished by law.

3 **SEC. 2039. STUDIES AND REPORTS FOR WATER RESOURCES**

4 **PROJECTS.**

5 (a) STUDIES.—

6 (1) COST-SHARING REQUIREMENTS.—Section  
7 105(a) of the Water Resources Development Act of  
8 1986 (33 U.S.C. 2215(a)) is amended by adding at  
9 the end the following:

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

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

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

19 (2) PLANNING AND ENGINEERING.—Section  
20 105(b) of such Act (33 U.S.C. 2215(b)) is amended  
21 by striking “authorized by this Act”.

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

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

3           “(1) DETAILED PROJECT REPORT.—The term  
4 ‘detailed project report’ means a report for a project  
5 not specifically authorized by Congress in law or  
6 otherwise that determines the feasibility of the  
7 project with a level of detail appropriate to the scope  
8 and complexity of the recommended solution and  
9 sufficient to proceed directly to the preparation of  
10 contract plans and specifications. The term includes  
11 any associated environmental impact statement and  
12 mitigation plan. For a project for which the Federal  
13 cost does not exceed \$1,000,000, the term includes  
14 a planning and design analysis document.

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

1 (b) REPORTS.—

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

5 (A) by striking “(a) In the case of any”  
6 and inserting the following:

7 “(a) PREPARATION OF REPORTS.—

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

9 (B) by striking “the Secretary, the Sec-  
10 retary shall” and inserting “the Secretary that  
11 results in recommendations concerning a  
12 project or the operation of a project and that  
13 requires specific authorization by Congress in  
14 law or otherwise, the Secretary shall perform a  
15 reconnaissance study and”;

16 (C) by striking “Such feasibility report”  
17 and inserting the following:

18 “(2) CONTENTS OF FEASIBILITY REPORTS.—A  
19 feasibility report”;

20 (D) by striking “The feasibility report”  
21 and inserting “A feasibility report”; and

22 (E) by striking the last sentence and in-  
23 serting the following:

24 “(3) APPLICABILITY.—This subsection shall not  
25 apply to—

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

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

7           “(C) any study for a project which does  
8           not require specific authorization by Congress  
9           in law or otherwise; and

10          “(D) general studies not intended to lead  
11          to recommendation of a specific water resources  
12          project.

13          “(4) FEASIBILITY REPORT DEFINED.—In this  
14          subsection, the term ‘feasibility report’ means each  
15          feasibility report, and any associated environmental  
16          impact statement and mitigation plan, prepared by  
17          the Corps of Engineers for a water resources  
18          project. The term includes a project implementation  
19          report prepared under title VI of the Water Re-  
20          sources Development Act of 2000 (114 Stat. 2680–  
21          2694), a general reevaluation report, and a limited  
22          reevaluation report.”.

23          (2) PROJECTS NOT SPECIALLY AUTHORIZED  
24          BY CONGRESS.—Section 905 of such Act is further  
25          amended—

1 (A) in subsection (b) by inserting “RECON-  
2 NAISSANCE STUDIES.—” before “Before initi-  
3 ating”;

4 (B) by redesignating subsections (c), (d),  
5 and (e) as subsections (d), (e), and (f), respec-  
6 tively;

7 (C) by inserting after subsection (b) the  
8 following:

9 “(c) PROJECTS NOT SPECIFICALLY AUTHORIZED BY  
10 CONGRESS.—In the case of any water resources project-  
11 related study authorized to be undertaken by the Sec-  
12 retary without specific authorization by Congress in law  
13 or otherwise, the Secretary shall prepare a detailed project  
14 report. ”;

15 (D) in subsection (d) (as so redesignated)  
16 by inserting “INDIAN TRIBES.—” before “For  
17 purposes of”;

18 (E) in subsection (e) (as so redesignated)  
19 by inserting “STANDARD AND UNIFORM PRO-  
20 CEDURES AND PRACTICES.—”.

21 **SEC. 2040. FISCAL TRANSPARENCY REPORT.**

22 (a) IN GENERAL.—On the third Tuesday of January  
23 of each year beginning January 2006, the Chief of Engi-  
24 neers shall submit to the Committee on Environment and  
25 Public Works of the Senate and the Committee on Trans-

1 portation and Infrastructure of the House of Representa-  
2 tives a report on the expenditures for the preceding fiscal  
3 year and estimated expenditures for the current fiscal year  
4 and, for projects and activities that are not scheduled for  
5 completion in the current fiscal year, the estimated ex-  
6 penditures necessary in the following fiscal year for each  
7 project or activity to maintain the same level of effort  
8 being achieved in the current fiscal year.

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

12 (1) With respect to general construction, infor-  
13 mation on—

14 (A) projects currently under construction,  
15 including—

16 (i) allocations to date;

17 (ii) the number of years remaining to  
18 complete construction;

19 (iii) the estimated annual Federal cost  
20 to maintain that construction schedule;  
21 and

22 (iv) a list of projects the Corps of En-  
23 gineers expects to complete during the cur-  
24 rent fiscal year; and

1 (B) projects for which there is a signed  
2 cost-sharing agreement and completed planning,  
3 engineering, and design, including—

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

6 (ii) estimated annual Federal cost to  
7 maintain that construction schedule.

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

11 (A) the estimated annual cost to maintain  
12 each waterway for the authorized reach and at  
13 the authorized depth; and

14 (B) the estimated annual cost of operation  
15 and maintenance of locks and dams to ensure  
16 navigation without interruption.

17 (3) With respect to general investigations and  
18 reconnaissance and feasibility studies—

19 (A) the number of active studies;

20 (B) the number of completed studies not  
21 yet authorized for construction;

22 (C) the number of initiated studies; and

23 (D) the number of studies expected to be  
24 completed during the fiscal year.

1           (4) Funding received and estimates of funds to  
2           be received for interagency and international support  
3           activities under section 318(a) of the Water Re-  
4           sources Development Act of 1990 (33 U.S.C.  
5           2323(a)).

6           (5) Recreation fees and lease payments.

7           (6) Hydropower and water storage fees.

8           (7) Deposits into the Inland Waterway Trust  
9           Fund and the Harbor Maintenance Trust Fund.

10          (8) Other revenues and fees collected.

## 11           **TITLE III—PROJECT-RELATED** 12           **PROVISIONS**

### 13           **SEC. 3001. KING COVE HARBOR, ALASKA.**

14           The maximum amount of Federal funds that may be  
15           expended for the project for navigation, King Cove Har-  
16           bor, Alaska, being carried out under section 107 of the  
17           River and Harbor Act of 1960 (33 U.S.C. 577), shall be  
18           \$8,000,000.

### 19           **SEC. 3002. ST. PAUL HARBOR, ST. PAUL ISLAND, ALASKA.**

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



1 Energy and Water Development Appropriations Act, 2003  
2 (117 Stat. 139), shall be treated by the Secretary as sepa-  
3 rable.

4 (b) **LIMITATION ON NON-FEDERAL SHARE.**—The  
5 non-Federal share for the project shall not exceed  
6 \$14,400,000.

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

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

15 **SEC. 3004. TATITLEK, ALASKA.**

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

20 **SEC. 3005. WHITTIER, ALASKA.**

21 (a) **NEW BOAT HARBOR (HEAD OF BAY).**—The max-  
22 imum amount of Federal funds that may be expended for  
23 a project for navigation, New Boat Harbor (Head of Bay),  
24 Whittier, Alaska, carried out on or after the date of enact-

1 ment of this Act under section 107 of the River and Har-  
2 bor Act of 1960 (33 U.S.C. 577), shall be \$14,000,000.

3 (b) **EXISTING HARBOR EXPANSION.**— The maximum  
4 amount of Federal funds that may be expended for a  
5 project for navigation, Existing Harbor Expansion, Whit-  
6 tier, Alaska, carried out on or after the date of enactment  
7 of this Act under section 107 of the River and Harbor  
8 Act of 1960 (33 U.S.C. 577), shall be \$9,000,000.

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

11 The Secretary shall review the general reevaluation  
12 report for the Bayou Meto basin element of the project  
13 for Grand Prairie Region and Bayou Meto Basin, Arkan-  
14 sas, reauthorized by section 363(a) of the Water Re-  
15 sources Development Act of 1996 (110 Stat. 3730), and  
16 make a determination of whether the element is feasible,  
17 regardless of mission priorities.

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

19 (a) **IN GENERAL.**—The project for navigation, Osce-  
20 ola Harbor, Arkansas, constructed under section 107 of  
21 the River and Harbor Act of 1960 (33 U.S.C. 577), is  
22 modified to allow non-Federal interests to construct a  
23 mooring facility within the existing authorized harbor  
24 channel, subject to all necessary permits, certifications,  
25 and other requirements.

1 (b) LIMITATION ON STATUTORY CONSTRUCTION.—  
2 Nothing in this section shall be construed as affecting the  
3 responsibility of the Secretary to maintain the general  
4 navigation features of the project at a bottom width of  
5 250 feet.

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

7 The Pine Mountain Dam feature of the project for  
8 flood protection, Lee Creek, Arkansas and Oklahoma, au-  
9 thorized by section 204 of the Flood Control Act of 1965  
10 (79 Stat. 1078), is modified—

11 (1) to add environmental restoration as a  
12 project purpose; and

13 (2) to direct the Secretary to finance the non-  
14 Federal share of the cost of the project over a 30-  
15 year period in accordance with section 103(k) of the  
16 Water Resources Development Act of 1986 (33  
17 U.S.C. 2213(k)).

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

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

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

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

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

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

10 The project for flood control, Los Angeles Drainage  
11 Area, California, authorized by section 101(b) of the  
12 Water Resources Development Act of 1990 (104 Stat.  
13 4611), is modified to add environmental restoration and  
14 recreation as project purposes.

15 **SEC. 3012. GRAYSON CREEK/MURDERER’S CREEK, CALI-  
16 FORNIA.**

17 The project for aquatic ecosystem restoration, Gray-  
18 son Creek/Murderer’s Creek, California, being carried out  
19 under section 206 of the Water Resources Development  
20 Act of 1996 (33 U.S.C. 2330), is modified to direct the  
21 Secretary to credit toward the non-Federal share of the  
22 cost of the project the cost of work carried out by the  
23 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. 3013. HAMILTON AIRFIELD, CALIFORNIA.**

4 The project for environmental restoration, Hamilton  
5 Airfield, California, authorized by section 101(b)(3) of the  
6 Water Resources Development Act of 1999 (113 Stat.  
7 279), is modified to direct the Secretary to construct the  
8 project substantially in accordance with the report of the  
9 Chief of Engineers dated July 19, 2004, at a total cost  
10 of \$205,226,000, with an estimated Federal cost of  
11 \$153,840,000 and an estimated non-Federal cost of  
12 \$51,386,000.

13 **SEC. 3014. JOHN F. BALDWIN SHIP CHANNEL AND STOCK-**  
14 **TON SHIP CHANNEL, CALIFORNIA.**

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

18 (1) to provide that the non-Federal share of the  
19 cost of the John F. Baldwin Ship Channel and  
20 Stockton Ship Channel element of the project may  
21 be provided in the form of in-kind services and ma-  
22 terials; and

23 (2) to direct the Secretary to credit toward the  
24 non-Federal share of the cost of such element the  
25 cost of planning and design work carried out by the

1 non-Federal interest before the date of an agreement  
2 for such planning and design if the Secretary deter-  
3 mines that such work is integral to such element.

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

5 The project for flood control, Terminus Dam,  
6 Kaweah River, California, authorized by section 101(b)(5)  
7 of the Water Resources Development Act of 1996 (110  
8 Stat. 3658), is modified to direct the Secretary to credit  
9 toward the non-Federal share of the cost of the project,  
10 or provide reimbursement not to exceed \$800,000, for the  
11 costs of any work carried out by the non-Federal interest  
12 before, on, or after the date of the project partnership  
13 agreement if the Secretary determines that the work is  
14 integral to the project.

15 **SEC. 3016. LARKSPUR FERRY CHANNEL, LARKSPUR, CALI-  
16 FORNIA.**

17 The project for navigation, Larkspur Ferry Channel,  
18 Larkspur, California, authorized by section 601(d) of the  
19 Water Resources Development Act of 1986 (100 Stat.  
20 4148), is modified to direct the Secretary to determine  
21 whether maintenance of the project is feasible, and if the  
22 Secretary determines that maintenance of the project is  
23 feasible, to carry out such maintenance.

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

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

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

8 The project for navigation, Los Angeles Harbor, Cali-  
9 fornia, authorized by section 101(b)(5) of the Water Re-  
10 sources Development Act of 2000 (114 Stat. 2577), is  
11 modified to authorize the Secretary to carry out the  
12 project at a total cost of \$222,000,000.

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

14 (a) IN GENERAL.—The project for Magpie Creek,  
15 California, authorized under section 205 of the Flood Con-  
16 trol Act of 1948 (33 U.S.C. 701s), is modified to direct  
17 the Secretary to apply the cost-sharing requirements of  
18 section 103(b) of the Water Resources Development Act  
19 of 1986 (100 Stat. 4085) for the portion of the project  
20 consisting of land acquisition to preserve and enhance ex-  
21 isting floodwater storage.

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

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

3 **SEC. 3020. PACIFIC FLYWAY CENTER, SACRAMENTO, CALI-**  
4 **FORNIA.**

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

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

12 The project for improvement of the quality of the en-  
13 vironment, Pinole Creek Phase I, California, being carried  
14 out under section 1135 of the Water Resources Develop-  
15 ment Act of 1986 (33 U.S.C. 2309a), is modified to direct  
16 the Secretary to credit toward the non-Federal share of  
17 the cost of the project the cost of 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. 3022. PRADO DAM, CALIFORNIA.**

22 Upon completion of the modifications to the Prado  
23 Dam element of the project for flood control, Santa Ana  
24 River Mainstem, California, authorized by section 401(a)  
25 of the Water Resources Development Act of 1986 (100



1 Stat. 4113), the Memorandum of Agreement for the Oper-  
2 ation for Prado Dam for Seasonal Additional Water Con-  
3 servation between the Department of the Army and the  
4 Orange County Water District (including all the condi-  
5 tions and stipulations in the memorandum) shall remain  
6 in effect for volumes of water made available prior to such  
7 modifications.

8 **SEC. 3023. SACRAMENTO AND AMERICAN RIVERS FLOOD**  
9 **CONTROL, CALIFORNIA.**

10 (a) IN GENERAL.—The Secretary shall credit toward  
11 that portion of the non-Federal share of the costs of the  
12 flood damage reduction project authorized by section  
13 101(a)(6)(A) of the Water Resources Development Act of  
14 1999 (113 Stat. 274) that is to be paid by the Sacramento  
15 Area Flood Control Agency an amount equal to the Fed-  
16 eral share of the flood control project authorized by sec-  
17 tion 9159(b) of the Department of Defense Appropriations  
18 Act, 1993 (106 Stat. 1944).

19 (b) FEDERAL SHARE.—In determining the Federal  
20 share of the project authorized by section 9159(b) of the  
21 Department of Defense Appropriations Act, 1993, the  
22 Secretary shall include all audit verified costs for plan-  
23 ning, engineering, construction, and acquisition of project  
24 lands, easements, rights-of-way, relocations, and environ-

1 mental mitigation for all project elements that the Sec-  
2 retary determines to be cost effective.

3 (c) AMOUNT CREDITED.—The amount credited shall  
4 be equal to the Federal share determined under this sec-  
5 tion, reduced by the total of all reimbursements paid to  
6 the Sacramento Area Flood Control Agency for work  
7 under section 9159(b) of the Department of Defense Ap-  
8 propriations Act, 1993 before the date of enactment of  
9 this Act.

10 **SEC. 3024. SACRAMENTO DEEP WATER SHIP CHANNEL,**  
11 **CALIFORNIA.**

12 The project for navigation, Sacramento Deep Water  
13 Ship Channel, California, authorized by section 202(a) of  
14 the Water Resources Development Act of 1986 (100 Stat.  
15 4092), 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 and design work carried out by the non-Fed-  
18 eral interest before the date of the partnership agreement  
19 for the project if the Secretary determines that the work  
20 is integral to the project.

21 **SEC. 3025. SACRAMENTO RIVER, GLENN-COLUSA, CALI-**  
22 **FORNIA.**

23 The project for flood control, Sacramento River, Cali-  
24 fornia, authorized by section 2 of the Act entitled “An Act  
25 to provide for the control of the floods of the Mississippi

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

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

19       The project of navigation, Santa Cruz Harbor, Cali-  
20 fornia, authorized by section 101 of the River and Harbor  
21 Act of 1958 (72 Stat. 300) and modified by section 809  
22 of the Water Resources Development Act of 1986 (100  
23 Stat. 4168) and section 526 of the Water Resources De-  
24 velopment Act of 1999 (113 Stat. 346), is modified to di-  
25 rect the Secretary—

1           (1) to renegotiate the memorandum of agree-  
2           ment with the non-Federal interest to increase the  
3           annual payment to reflect the updated cost of oper-  
4           ation and maintenance that is the Federal and non-  
5           Federal share as provided by law based on the  
6           project purpose; and

7           (2) to revise the memorandum of agreement to  
8           include terms that revise such payments for infla-  
9           tion.

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

11           The project for flood control, Santa Ana Mainstem,  
12           authorized by section 401(a) of the Water Resources De-  
13           velopment Act of 1986 (100 Stat. 4113) and modified by  
14           section 104 of the Energy and Water Development Appro-  
15           priations Act, 1988 (101 Stat. 1329–11), section 102(e)  
16           of the Water Resources Development Act of 1990 (104  
17           Stat. 4611), and section 311 of the Water Resources De-  
18           velopment Act of 1996 (110 Stat. 3713), is further modi-  
19           fied to direct the Secretary to conduct a study for the re-  
20           allocation of water storage at the Seven Oaks Dam, Cali-  
21           fornia, for water conservation.

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

23           The project for flood damage reduction and recre-  
24           ation, Upper Guadalupe River, California, described as the  
25           Bypass Channel Plan of the Chief of Engineers dated Au-

1 gust 19, 1998, authorized by section 101(a)(9) of the  
2 Water Resources Development Act of 1999 (113 Stat.  
3 275), is modified to authorize the Secretary to construct  
4 the project, at a total cost of \$212,100,000, with an esti-  
5 mated Federal cost of \$106,050,000, and an estimated  
6 non-Federal cost of \$106,050,000. The non-Federal share  
7 of the cost of the project shall be subject to section  
8 103(a)(3) of the Water Resources Development Act of  
9 1986 (33 U.S.C. 2213(a)(3)).

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

11 The project for aquatic ecosystem restoration, Wal-  
12 nut Creek Channel, California, being carried out under  
13 section 206 of the Water Resources Development Act of  
14 1996 (33 U.S.C. 2330), is modified to direct the Secretary  
15 to credit toward the non-Federal share of the cost of the  
16 project the cost of work carried out by the non-Federal  
17 interest before the date of the partnership agreement for  
18 the project if the Secretary determines that the work is  
19 integral to the project and to authorize the Secretary to  
20 consider national ecosystem restoration benefits in deter-  
21 mining the Federal interest in the project.

22 **SEC. 3030. WILDCAT/SAN PABLO CREEK PHASE I, CALI-**  
23 **FORNIA.**

24 The project for improvement of the quality of the en-  
25 vironment, Wildcat/San Pablo Creek Phase I, California,

1 being carried out under section 1135 of the Water Re-  
2 sources Development Act of 1986 (33 U.S.C. 2309a), is  
3 modified to direct the Secretary to credit toward the non-  
4 Federal share of the cost of the project the cost of work  
5 carried out by the non-Federal interest before the date of  
6 the partnership agreement for the project if the Secretary  
7 determines that the work is integral to the project.

8 **SEC. 3031. WILDCAT/SAN PABLO CREEK PHASE II, CALI-**  
9 **FORNIA.**

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

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

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

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

5           (2) to direct the Secretary to credit toward the  
6 non-Federal share of the cost of the project the cost  
7 of work carried out by the non-Federal interest be-  
8 fore the date of the partnership agreement for the  
9 project if the Secretary determines that the work is  
10 integral to the project.

11 **SEC. 3033. JOHN MARTIN RESERVOIR, BENT COUNTY, COL-**  
12 **ORADO.**

13           The project for flood protection and other purposes,  
14 Arkansas River and tributaries above John Martin Dam,  
15 Colorado, authorized by section 1(a) of the Water Re-  
16 sources Development Act of 1974 (88 Stat. 13), is modi-  
17 fied to authorize the Secretary to acquire fee title to ap-  
18 proximately 623 acres of land on the south shore of the  
19 John Martin Reservoir, Bent County, Colorado, at a total  
20 cost of \$100,000.

21 **SEC. 3034. INTRACOASTAL WATERWAY, DELAWARE RIVER**  
22 **TO CHESAPEAKE BAY, DELAWARE AND MARY-**  
23 **LAND.**

24           The project for navigation, Intracoastal Waterway,  
25 Delaware River to Chesapeake Bay, Delaware and Mary-

1 land, authorized by the first section of the Rivers and Har-  
2 bors Act of August 30, 1935 (49 Stat. 1030), and section  
3 101 of the River and Harbor Act of 1954 (68 Stat. 1249),  
4 is modified to add recreation as a project purpose.

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

6 (a) SHORELINE.—The project for shoreline protec-  
7 tion, Brevard County, Florida, authorized by section  
8 101(b)(7) of the Water Resources Development Act of  
9 1996 (110 Stat. 3667), is modified—

10 (1) to direct the Secretary to establish the  
11 reach of the project as the reach between the Flor-  
12 ida department of environmental protection monu-  
13 ments 75.4 to 118.3, a distance of 7.6 miles; and

14 (2) to direct the Secretary to expedite the gen-  
15 eral reevaluation report required by section 418 of  
16 the Water Resources Development Act of 2000 (114  
17 Stat. 2637).

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

21 “(d) CREDIT.—After completion of the study, the  
22 Secretary shall credit toward the non-Federal share of the  
23 cost of the project the cost of nourishment and renourish-  
24 ment associated with the shore protection project incurred  
25 by the non-Federal interest to respond to damages to



1 Brevard County beaches that are the result of a Federal  
2 navigation project, as determined in the final report for  
3 the study.”.

4 **SEC. 3036. BROWARD COUNTY AND HILLSBORO INLET,**  
5 **FLORIDA.**

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

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

18 In carrying out the project for navigation, Canaveral  
19 Harbor, Florida, authorized by section 101 of the River  
20 and Harbor Act of 1962 (76 Stat. 1174), the Secretary  
21 shall construct a sediment trap.

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

23 The project for shore protection, Gasparilla and  
24 Estero Island segments, Lee County, Florida, authorized  
25 under section 201 of the Flood Control Act of 1965 (79

1 Stat. 1073) by Senate Resolution dated December 17,  
2 1970, and by House Resolution dated December 15, 1970,  
3 and modified by section 309 of the Water Resources De-  
4 velopment Act of 2000 (114 Stat. 2602), is further modi-  
5 fied to direct the Secretary to credit toward the non-Fed-  
6 eral share of the cost of the project the cost of work car-  
7 ried out by the non-Federal interest before the date of the  
8 partnership agreement for the project if the Secretary de-  
9 termines that the work is integral to the project.

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

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

20 (b) GENERAL REEVALUATION REPORTS.—The non-  
21 Federal share of the cost of the general reevaluation re-  
22 port that resulted in the report of the Chief of Engineers  
23 for the project and the non-Federal share of the cost of  
24 the general reevaluation report for Jacksonville Harbor,  
25 Florida, being conducted on June 1, 2005, shall each be

1 the same percentage as the non-Federal share of the cost  
2 of construction of the project.

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

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

7 (a) IN GENERAL.—The project for shore protection,  
8 Lido Key Beach, Sarasota, Florida, authorized by section  
9 101 of the River and Harbor Act of 1970 (84 Stat. 1819),  
10 deauthorized under section 1001(b) of the Water Re-  
11 sources Development Act of 1986 (33 U.S.C. 579a(b)),  
12 and reauthorized by section 364(2)(A) of the Water Re-  
13 sources Development Act of 1999 (113 Stat. 313), is  
14 modified to direct the Secretary to construct the project  
15 substantially in accordance with the report of the Chief  
16 of Engineers dated December 22, 2004, at a total cost  
17 of \$14,809,000, with an estimated Federal cost of  
18 \$9,088,000 and an estimated non-Federal cost of  
19 \$5,721,000, and at an estimated total cost of \$58,635,000  
20 for periodic nourishment over the 50-year life of the  
21 project.

22 (b) CONSTRUCTION OF SHORELINE PROTECTION  
23 PROJECTS BY NON-FEDERAL INTERESTS.—The Sec-  
24 retary shall enter into a partnership agreement with the  
25 non-Federal sponsor in accordance with section 206 of the

1 Water Resources Development Act of 1992 (33 U.S.C.  
2 426i–1) for the modified project.

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

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

9 (1) to include as a project purpose environ-  
10 mental mitigation required before July 18, 2003, by  
11 a Federal, State, or local environmental agency for  
12 unauthorized or unanticipated environmental im-  
13 pacts within, or in the vicinity of, the authorized  
14 project; and

15 (2) to direct the Secretary to reimburse the  
16 non-Federal interest for costs it has incurred in con-  
17 struction of the project in accordance with section  
18 204 of the Water Resources Development Act of  
19 1986 (33 U.S.C. 2232).

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

21 The maximum amount of Federal funds that may be  
22 expended for the project for improvement of the quality  
23 of the environment, Peanut Island, Palm Beach County,  
24 Florida, being carried out under section 1135 of the Water

1 Resources Development Act of 1986 (33 U.S.C. 2309a)  
2 shall be \$9,750,000.

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

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

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

14       (a) IN GENERAL.—The project for navigation,  
15 Tampa Harbor, Florida, authorized by section 101 of the  
16 River and Harbor Act of 1970 (84 Stat. 1818), is modified  
17 to authorize the Secretary to construct passing lanes in  
18 an area approximately 3.5 miles long and centered on  
19 Tampa Harbor Cut B if the Secretary determines that  
20 such improvements are necessary for navigation safety.

21       (b) GENERAL REEVALUATION REPORT.—The non-  
22 Federal share of the cost of the general reevaluation re-  
23 port for Tampa Harbor, Florida, being conducted on June  
24 1, 2005, shall be the same percentage as the non-Federal  
25 share of the cost of construction of the project.

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

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

5 (a) LAND EXCHANGE.—

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

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

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

21 (1) IN GENERAL.—The Secretary may also sell  
22 lands above 863 feet in elevation at Allatoona Lake,  
23 Georgia, identified in the memorandum referred to  
24 in subsection (a)(1) and may use the proceeds to  
25 pay costs associated with the purchase of lands

1 needed for wildlife management and for protection  
2 of the water quality and overall environment of  
3 Allatoona Lake.

4 (2) TERMS AND CONDITIONS.—Land sales and  
5 purchases to be conducted under this subsection  
6 shall be subject to the following terms and condi-  
7 tions:

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

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

14 (C) The purchasers shall share in the asso-  
15 ciated environmental and real estate costs, to  
16 include surveys and associated fees in accord-  
17 ance with the memorandum referred to in sub-  
18 section (a)(1).

19 (D) Any other conditions that the Sec-  
20 retary may impose.

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

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

24 The maximum amount of Federal funds that may be  
25 expended for the project for improvement of the quality

1 of the environment, Latham River, Glynn County, Geor-  
2 gia, being carried out under section 1135 of the Water  
3 Resources Development Act of 1986 (33 U.S.C. 2309a)  
4 shall be \$6,175,000.

5 **SEC. 3047. DWORSHAK DAM AND RESERVOIR IMPROVE-**  
6 **MENTS, IDAHO.**

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

12 **SEC. 3048. BEARDSTOWN COMMUNITY BOAT HARBOR,**  
13 **BEARDSTOWN, ILLINOIS.**

14 (a) PARTNERSHIP AGREEMENT.—The project for  
15 navigation, Muscooten Bay, Illinois River, Beardstown  
16 Community Boat Harbor, Beardstown, Illinois, con-  
17 structed under section 107 of the River and Harbor Act  
18 of 1960 (33 U.S.C. 577), is modified to direct the Sec-  
19 retary to enter into a partnership agreement with the city  
20 of Beardstown to replace the August 18, 1983, local co-  
21 operation agreement with the Beardstown Community  
22 Park District. The partnership agreement shall include  
23 the same rights and responsibilities as the agreement,  
24 changing only the identity of the non-Federal sponsor.



1 (b) MAINTENANCE.—Following execution of the part-  
2 nership agreement referred to in subsection (a), the Sec-  
3 retary may carry out maintenance of the project referred  
4 to in subsection (a) on an annual basis.

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

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

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

11 The navigation channel for the North Branch Canal  
12 portion of the Chicago River, authorized by the first sec-  
13 tion of the Rivers and Harbors Appropriations Act of  
14 March 3, 1899 (30 Stat. 1129), extending from Bridge  
15 10 to the South/North Branch confluence is modified to  
16 be 105 feet wide.

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

18 (a) EXISTING BARRIER.—The Secretary shall up-  
19 grade and make permanent, at Federal expense, the exist-  
20 ing Chicago Sanitary and Ship Canal Dispersal Barrier  
21 Chicago, Illinois, constructed as a demonstration project  
22 under section 1202(i)(3) of the Nonindigenous Aquatic  
23 Nuisance Prevention and Control Act of 1990 (16 U.S.C.  
24 4722(i)(3)).

1 (b) OPERATION AND MAINTENANCE.—The barrier  
2 referred to in subsection (a) and the barrier in the Chicago  
3 Sanitary and Ship Canal being constructed under section  
4 1135 of the Water Resources Development Act of 1986  
5 (33 U.S.C. 2309a) shall be operated and maintained, at  
6 Federal expense, as a system in a manner to optimize ef-  
7 fectiveness. Operation and maintenance includes inves-  
8 tigating and eliminating potential pathways that may  
9 allow aquatic species in the Des Plaines River and Illinois  
10 and Michigan Canal to bypass the barriers in the Chicago  
11 Sanitary and Ship Canal.

12 (c) FEASIBILITY STUDY.—The Secretary, in con-  
13 sultation with appropriate Federal, State, local, and non-  
14 governmental entities, shall conduct a feasibility study, at  
15 Federal expense, of the range of options and technologies  
16 available to prevent the spread of aquatic species between  
17 the Great Lakes and Mississippi River Basins through the  
18 Chicago Sanitary and Ship Canal and other pathways.

19 **SEC. 3052. EMIQUON, ILLINOIS.**

20 (a) MAXIMUM AMOUNT.—The maximum amount of  
21 Federal funds that may be expended for the project for  
22 aquatic ecosystem restoration, Emiquon, Illinois, being  
23 carried out under section 206 of the Water Resources De-  
24 velopment Act of 1996 (33 U.S.C. 2330), shall be  
25 \$7,500,000.

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

7 **SEC. 3053. LASALLE, ILLINOIS.**

8 In carrying out section 312 of the Water Resources  
9 Development Act of 1990 (104 Stat. 4639–4640), the Sec-  
10 retary shall give priority to work in the vicinity of LaSalle,  
11 Illinois, on the Illinois and Michigan Canal.

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

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

18 (b) MAXIMUM AMOUNT.—The maximum amount of  
19 Federal funds that may be expended for the project for  
20 improvement of the quality of the environment, Spunky  
21 Bottoms, Illinois, being carried out under section 1135 of  
22 the Water Resources Development Act of 1986 (33 U.S.C.  
23 2309a), shall be \$7,500,000.

24 (c) LIMITATION.—Nothing in this section shall affect  
25 the eligibility of the project for emergency repair assist-

1    ance under section 5(a) of the Act entitled “An Act au-  
2    thorizing the construction of certain public works on rivers  
3    and harbors for flood control, and for other purposes”,  
4    approved August 18, 1941 (33 U.S.C. 701n).

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

6           The project for flood control Fort Wayne, St. Mary’s  
7    and Maumee Rivers, Indiana, authorized by section  
8    101(a)(11) of the Water Resources Development Act of  
9    1990 (104 Stat. 4604), is modified—

10           (1) to direct the Secretary to provide a 100-  
11          year level of flood protection at the Berry-Thieme,  
12          Park-Thompson, Woodhurst, and Tillman sites  
13          along the St. Mary’s River, Fort Wayne and vicinity,  
14          Indiana, at a total cost of \$5,300,000; and

15           (2) to allow the non-Federal interest to partici-  
16          pate in the financing of the project in accordance  
17          with section 903(c) of the Water Resources Develop-  
18          ment Act of 1986 (100 Stat. 4184) to the extent  
19          that the Secretary’s evaluation indicates that apply-  
20          ing such section is necessary to implement the  
21          project.

22    **SEC. 3056. KOONTZ LAKE, INDIANA.**

23           The project for aquatic ecosystem restoration, Koontz  
24    Lake, Indiana, being carried out under section 206 of the  
25    Water Resources Development Act of 1996 (33 U.S.C.

1 2330) and modified by section 520 of the Water Resources  
2 Development Act of 2000 (114 Stat. 2655), is further  
3 modified to direct the Secretary to seek to reduce the cost  
4 of the project by using innovative technologies and cost  
5 reduction measures determined from a review of non-Fed-  
6 eral lake dredging projects in the vicinity of Koontz Lake.

7 **SEC. 3057. LITTLE CALUMET RIVER, INDIANA.**

8       The project for flood control, Little Calumet River,  
9 Indiana, authorized by section 401(a) of the Water Re-  
10 sources Development Act of 1986 (100 Stat. 4115), is  
11 modified to authorize the Secretary to carry out the  
12 project in accordance with the postauthorization change  
13 report dated August 2000, at a total cost of  
14 \$198,000,000, with an estimated Federal cost of  
15 \$148,500,000 and an estimated non-Federal cost of  
16 \$49,500,000.

17 **SEC. 3058. WHITE RIVER, INDIANA.**

18       The project for flood control, Indianapolis on West  
19 Fork of White River, Indiana, authorized by section 5 of  
20 the Act entitled “An Act authorizing the construction of  
21 certain public works on rivers and harbors for flood con-  
22 trol, and for other purposes”, approved June 22, 1936 (49  
23 Stat. 1586), and modified by section 323 of the Water  
24 Resources Development Act of 1996 (110 Stat. 3716) and

1 section 322 of the Water Resources Development Act of  
2 1999 (113 Stat. 303–304), is further modified—

3 (1) to authorize the Secretary to undertake the  
4 riverfront alterations described in the Central Indi-  
5 anapolis Waterfront Concept Plan, dated February  
6 1994, for the Fall Creek Reach feature at a total  
7 cost of \$28,545,000; and

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

15 **SEC. 3059. DES MOINES RIVER AND GREENBELT, IOWA.**

16 The project for the Des Moines Recreational River  
17 and Greenbelt, Iowa, authorized by Public Law 99–88 and  
18 modified by section 604 of the Water Resources Develop-  
19 ment Act of 1986 (100 Stat. 4153), is modified to include  
20 enhanced public access and recreational enhancements, at  
21 a Federal cost of \$3,000,000.

22 **SEC. 3060. PRESTONSBURG, KENTUCKY.**

23 The Prestonsburg, Kentucky, element of the project  
24 for flood control, Levisa and Tug Fork of the Big Sandy  
25 and Cumberland Rivers, West Virginia, Virginia, and Ken-

1 tucky, authorized by section 202(a) of the Energy and  
2 Water Development Appropriations Act, 1981 (94 Stat.  
3 1339), is modified to direct the Secretary to take measures  
4 to provide a 100-year level of flood protection for the city  
5 of Prestonsburg.

6 **SEC. 3061. AMITE RIVER AND TRIBUTARIES, LOUISIANA,**  
7 **EAST BATON ROUGE PARISH WATERSHED.**

8 The project for flood damage reduction and recre-  
9 ation, Amite River and Tributaries, Louisiana, East  
10 Baton Rouge Parish Watershed, authorized by section  
11 101(a)(21) of the Water Resources Development Act of  
12 1999 (113 Stat. 277) and modified by section 116 of divi-  
13 sion D of Public Law 108–7 (117 Stat. 140), is further  
14 modified—

15 (1) to direct the Secretary to carry out the  
16 project with the cost sharing for the project deter-  
17 mined in accordance with section 103(a) of the  
18 Water Resources Development Act of 1986 (33  
19 U.S.C. 2213(a)), as in effect on October 11, 1996;

20 (2) to authorize the Secretary to construct the  
21 project at a total cost of \$178,000,000; and

22 (3) 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 the date of the partnership agreement for the

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

3 **SEC. 3062. ATCHAFALAYA BASIN, LOUISIANA.**

4 (a) IN GENERAL.—Section 315(a)(1) of the Water  
5 Resources Development Act of 2000 (114 Stat. 2603–  
6 2604) is amended to read as follows:

7 “(1) is authorized to study, design, construct,  
8 operate, and maintain, at Federal expense, a Type  
9 A Regional Visitor Center in the vicinity of Morgan  
10 City, Louisiana, in consultation with the State of  
11 Louisiana, to provide information to the public on  
12 the Atchafalaya River system and other associated  
13 waterways that have influenced surrounding commu-  
14 nities, and national and local water resources devel-  
15 opment of the Army Corps of Engineers in South  
16 Central Louisiana; and”.

17 (b) TECHNICAL CORRECTION.—Section 315(b) of  
18 such Act is amended by striking “(a)” and inserting  
19 “(a)(2)”.

20 (c) DONATIONS.—Section 315 of such Act is amend-  
21 ed by adding at the end the following:

22 “(c) DONATIONS.—In carrying out subsection (a)(1),  
23 the Mississippi River Commission is authorized to accept  
24 the donation of cash, funds, lands, materials, and services



1 from non-Federal governmental entities and nonprofit cor-  
2 porations.”.

3 **SEC. 3063. BAYOU PLAQUEMINE, LOUISIANA.**

4       The project for the improvement of the quality of the  
5 environment, Bayou Plaquemine, Louisiana, being carried  
6 out under section 1135 of the Water Resources Develop-  
7 ment Act of 1986 (33 U.S.C. 2309(a)), is modified to di-  
8 rect the Secretary to credit toward the non-Federal share  
9 of the cost of the project the cost of work carried out by  
10 the non-Federal interest before the date of the partnership  
11 agreement for the project if the Secretary determines that  
12 the work is integral to the project.

13 **SEC. 3064. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOU-**  
14 **ISIANA.**

15       The public access feature of the Atchafalaya Basin  
16 Floodway System project, Louisiana, authorized by sec-  
17 tion 601(a) of the Water Resources Development Act  
18 1986 (100 Stat. 4142), is modified to authorize the Sec-  
19 retary to acquire from willing sellers the fee interest, ex-  
20 clusive of oil, gas, and minerals, of an additional 20,000  
21 acres of land within the Lower Atchafalaya Basin  
22 Floodway for the public access feature of the Atchafalaya  
23 Basin Floodway System, to enhance fish and wildlife re-  
24 sources, at a total cost of \$4,000,000.

1 **SEC. 3065. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI**  
2 **RIVER TO SHREVEPORT, LOUISIANA.**

3 The project for mitigation of fish and wildlife losses,  
4 J. Bennett Johnston Waterway, Mississippi River to  
5 Shreveport, Louisiana, authorized by section 601(a) of the  
6 Water Resources Development Act of 1986 (100 Stat.  
7 4142) and modified by section 4(h) of the Water Re-  
8 sources Development Act of 1988 (102 Stat. 4016), sec-  
9 tion 102(p) of the Water Resources Development Act of  
10 1990 (104 Stat. 4613), section 301(b)(7) of the Water  
11 Resources Development Act of 1996 (110 Stat. 3710), and  
12 section 316 of the Water Resources Development Act of  
13 2000 (114 Stat. 2572), is further modified—

14 (1) to authorize the purchase and reforestation  
15 lands that have been cleared or converted to agricul-  
16 tural uses; and

17 (2) to incorporate current wildlife and forestry  
18 management practices for the purpose of improving  
19 species diversity on mitigation lands that meet Fed-  
20 eral and State of Louisiana habitat goals and objec-  
21 tives.

22 **SEC. 3066. MISSISSIPPI DELTA REGION, LOUISIANA.**

23 The Mississippi Delta Region project, Louisiana, au-  
24 thorized as part of the project for hurricane-flood protec-  
25 tion on Lake Pontchartrain, Louisiana, by section 204 of  
26 the Flood Control Act of 1965 (79 Stat. 1077) and modi-

1 fied by section 365 of the Water Resources Development  
2 Act of 1996 (110 Stat. 3739), is further modified to direct  
3 the Secretary to credit toward the non-Federal share of  
4 the cost of the project the costs of relocating oyster beds  
5 in the Davis Pond project area if the Secretary determines  
6 that the work is integral to the Mississippi Delta Region  
7 project.

8 **SEC. 3067. NEW ORLEANS TO VENICE, LOUISIANA.**

9 The New Orleans to Venice, Louisiana, project for  
10 hurricane protection, authorized by section 203 of the  
11 Flood Control Act of 1962 (76 Stat. 1184), is modified  
12 to authorize the Secretary to carry out the work on the  
13 St. Jude to City Price, Upper Reach A back levee. The  
14 Federal share of the cost of such work shall be 70 percent.

15 **SEC. 3068. WEST BANK OF THE MISSISSIPPI RIVER (EAST**  
16 **OF HARVEY CANAL), LOUISIANA.**

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

19 (1) in subsection (a)—

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

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

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

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

3 **SEC. 3069. CAMP ELLIS, SACO, MAINE.**

4           The maximum amount of Federal funds that may be  
5 expended for the project being carried out under section  
6 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i)  
7 for the mitigation of shore damages attributable to the  
8 project for navigation, Camp Ellis, Saco, Maine, shall be  
9 \$25,000,000.

10 **SEC. 3070. UNION RIVER, MAINE.**

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

22 **SEC. 3071. GWYNNS FALLS WATERSHED, BALTIMORE,**  
23 **MARYLAND.**

24           (a) IN GENERAL.—The Secretary shall carry out the  
25 project for ecosystem restoration, Gwynns Falls, Mary-

1 land, in accordance with the Baltimore Metropolitan  
2 Water Resources Gwynns Falls Watershed Study-Draft  
3 Feasibility Report and Integrated Environmental Assess-  
4 ment prepared by the Corps of Engineers and the city of  
5 Baltimore, Maryland, dated April 2004.

6 (b) SPECIAL RULE FOR GWYNNNS FALLS, MARY-  
7 LAND.—The report on the project for environmental res-  
8 toration at Gwynns Falls, Maryland, shall be treated as  
9 being consistent and in compliance with the consent decree  
10 entered into between the United States and the Mayor and  
11 City Council of Baltimore, Maryland, filed with the United  
12 States District Court for the District of Maryland on April  
13 26, 2002.

14 (c) REPEAL.—Section 123 of Public Law 108–137  
15 (117 Stat. 1837) is repealed.

16 **SEC. 3072. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.**  
17 **GAN.**

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

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

1 **SEC. 3073. 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. 3074. 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. 3075. 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. 3076. 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. 3077. 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. 3078. 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. 3079. KNIFE RIVER HARBOR, MINNESOTA.**

2       The project for navigation, Knife River Harbor, Min-  
3 nesota, constructed under section 107 of the River and  
4 Harbor Act of 1960 (33 U.S.C. 577), is modified to direct  
5 the Secretary to develop a final design and preparation  
6 of plans and specifications to correct the harbor entrance  
7 and mooring conditions at the project.

8 **SEC. 3080. 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. 3081. 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. 3082. 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. 3083. 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. 3084. 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. 3085. 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. 3086. 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. 3087. 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. 3088. 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. 3089. 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. 3090. 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. 3091. PASSAIC RIVER BASIN FLOOD MANAGEMENT,**  
2 **NEW JERSEY.**

3 The project for flood control, Passaic River, New Jer-  
4 sey and New York, authorized by section 101(a)(18) of  
5 the Water Resources Development Act of 1990 (104 Stat.  
6 4607) and modified by section 327 of the Water Resources  
7 Development Act of 2000 (114 Stat. 2607), is further  
8 modified to direct the Secretary to include the benefits and  
9 costs of preserving natural flood storage in any future eco-  
10 nomic analysis of the project.

11 **SEC. 3092. BUFFALO HARBOR, NEW YORK.**

12 The project for navigation, Buffalo Harbor, New  
13 York, authorized by section 101 of the River and Harbor  
14 Act of 1962 (76 Stat. 1176), is modified to include meas-  
15 ures to enhance public access, at Federal cost of  
16 \$500,000.

17 **SEC. 3093. ORCHARD BEACH, BRONX, NEW YORK.**

18 The project for shoreline protection, Orchard Beach,  
19 Bronx, New York, authorized by section 554 of the Water  
20 Resources Development Act of 1996 (110 Stat. 3781), is  
21 modified to authorize the Secretary to construct the  
22 project, at a total cost of \$20,000,000.

23 **SEC. 3094. PORT OF NEW YORK AND NEW JERSEY, NEW**  
24 **YORK AND NEW JERSEY.**

25 The navigation project, Port of New York and New  
26 Jersey, New York and New Jersey, authorized by section



1 101(a)(2) of the Water Resources Development Act of  
2 2000 (114 Stat. 2576), is modified—

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

7 (A) the non-Federal interest submits, in  
8 writing, a list of potential sites for the tem-  
9 porary storage facility to the Committee on  
10 Transportation and Infrastructure of the House  
11 of Representatives, the Committee on Environ-  
12 ment and Public Works of the Senate, and the  
13 Secretary at least 180 days before the selection  
14 of the final site; and

15 (B) at least 70 percent of the dredged ma-  
16 terial generated in connection with the project  
17 suitable for beneficial reuse will be used at sites  
18 in the State of New Jersey to the extent that  
19 there are sufficient sites available; and

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

1 **SEC. 3095. NEW YORK STATE CANAL SYSTEM.**

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

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

12 **SEC. 3096. LOWER GIRARD LAKE DAM, OHIO.**

13 Section 507(1) of the Water Resources Development  
14 Act of 1996 (110 Stat. 3758) is amended by striking  
15 “\$2,500,000” and inserting “\$6,000,000”.

16 **SEC. 3097. MAHONING RIVER, OHIO.**

17 In carrying out the project for environmental dredg-  
18 ing, authorized by section 312(f)(4) of the Water Re-  
19 sources Development Act of 1990 (33 U.S.C. 1272(f)(4)),  
20 the Secretary is directed to credit toward the non-Federal  
21 share of the cost of the project the cost of work carried  
22 out by the non-Federal interest before the date of the part-  
23 nership agreement for the project if the Secretary deter-  
24 mines that the work is integral to the project.

1 **SEC. 3098. ARCADIA LAKE, OKLAHOMA.**

2       Payments made by the city of Edmond, Oklahoma,  
3 to the Secretary in October 1999 of costs associated with  
4 present and future water storage at Arcadia Lake, Okla-  
5 homa, under Arcadia Lake Water Storage Contract Num-  
6 ber DACW56–79–C–0072 shall satisfy the obligations of  
7 the city under that contract for such costs, including ac-  
8 crued interest.

9 **SEC. 3099. WILLAMETTE RIVER TEMPERATURE CONTROL,**  
10 **MCKENZIE SUBBASIN, OREGON.**

11       (a) IN GENERAL.—The project for environmental  
12 restoration, Willamette River Temperature Control,  
13 McKenzie Subbasin, Oregon, authorized by section  
14 101(a)(25) of the Water Resources Development Act of  
15 1996 (110 Stat. 3665) and modified by section 344 of  
16 the Water Resources Development Act of 1999 (113 Stat.  
17 308), is further modified to direct the Secretary to pay,  
18 subject to the availability of appropriations, compensation  
19 for losses to small business attributable to the implemen-  
20 tation of the drawdown conducted as a part of project im-  
21 plementation in 2002.

22       (b) ESTABLISHMENT OF PROGRAM.—Not later than  
23 120 days after the date of enactment of this Act, the Sec-  
24 retary shall establish, and provide public notice of, a pro-  
25 gram—

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

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

6           (3) to pay claims for such losses.

7           (c) IMPLEMENTATION OF PROGRAM.—In carrying  
8           out the program established under subsection (b), the Sec-  
9           retary shall provide—

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

13           (2) a period for the submission of claims of not  
14           fewer than 45 days and not greater than 75 days  
15           from the date of the first public notice of the exist-  
16           ence of the program;

17           (3) for the evaluation of each claim submitted  
18           to the Secretary under the program and a deter-  
19           mination of whether the claim constitutes a loss to  
20           a small business on or before the last day of the 30-  
21           day period beginning on the date of submission of  
22           the claim; and

23           (4) for the payment of each claim that the Sec-  
24           retary determines constitutes a loss to a small busi-  
25           ness on or before the last day of the 30-day period

1 beginning on the date of the Secretary's determina-  
2 tion.

3 (d) LOSS TO A SMALL BUSINESS DEFINED.—In this  
4 section, the term “loss to a small business” means docu-  
5 mented financial losses associated with commercial activ-  
6 ity of a small business that can be attributed to the tur-  
7 bidity levels in the McKenzie River being higher than  
8 those anticipated in the original planning documents and  
9 public announcements existing before the initiation of the  
10 drawdown in 2002. Commercial losses include decline in  
11 sales, loss of revenue (including loss of revenue from can-  
12 celed or delayed reservations at lodging establishments),  
13 and any other financial losses that can be shown to be  
14 associated with the elevated turbidity levels in the  
15 McKenzie River in 2002.

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

19 **SEC. 3100. DELAWARE RIVER, PENNSYLVANIA, NEW JER-**  
20 **SEY, AND DELAWARE.**

21 The Secretary may remove debris from the project  
22 for navigation, Delaware River, Pennsylvania, New Jersey,  
23 and Delaware, Philadelphia to the Sea.

1 **SEC. 3101. RAYSTOWN LAKE, PENNSYLVANIA.**

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

7 **SEC. 3102. SHERADEN PARK STREAM AND CHARTIERS**  
8                   **CREEK, ALLEGHENY COUNTY, PENNSYLVANIA.**  
9

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

20 **SEC. 3103. SOLOMON'S CREEK, WILKES-BARRE, PENNSYLVANIA.**  
21

22       The project for flood control, Wyoming Valley, Penn-  
23 sylvania, authorized by section 401(a) of the Water Re-  
24 sources Development Act of 1986 (100 Stat. 4124), is  
25 modified to include as a project element the project for

1 flood control for Solomon’s Creek, Wilkes-Barre, Pennsyl-  
2 vania.

3 **SEC. 3104. SOUTH CENTRAL PENNSYLVANIA.**

4 Section 313 of the Water Resources Development Act  
5 of 1992 (106 Stat. 4845; 109 Stat. 407; 110 Stat. 3723;  
6 113 Stat. 310; 117 Stat. 142) is amended—

7 (1) in subsection (g)(1) by striking  
8 “\$180,000,000” and inserting “\$200,000,000”; and

9 (2) in subsection (h)(2) by striking “Allegheny,  
10 Armstrong, Beford, Blair, Cambria, Clearfield, Fay-  
11 ette, Franklin, Fulton, Greene, Huntingdon, Indi-  
12 ana, Juniata, Mifflin, Somerset, Snyder, Wash-  
13 ington, and Westmoreland Counties” and inserting  
14 “Allegheny, Armstrong, Bedford, Blair, Cambria,  
15 Fayette, Franklin, Fulton, Greene, Huntingdon, In-  
16 diana, Juniata, Somerset, Washington, and West-  
17 moreland Counties”.

18 **SEC. 3105. WYOMING VALLEY, PENNSYLVANIA.**

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

1 **SEC. 3106. CEDAR BAYOU, TEXAS.**

2 (a) IN GENERAL.—The project for navigation, Cedar  
3 Bayou, Texas, reauthorized by section 349(a)(2) of the  
4 Water Resources Development Act of 2000 (114 Stat.  
5 2632), is modified to direct the Secretary to credit toward  
6 the non-Federal share of the cost of the project the cost  
7 of planning and design work carried out by the non-Fed-  
8 eral interest for the project if the Secretary determines  
9 that such work is integral to the project.

10 (b) COST SHARING.—Cost sharing for construction  
11 and operation and maintenance of the project shall be de-  
12 termined in accordance with section 101 of the Water Re-  
13 sources Development Act of 1986 (33 U.S.C. 2211).

14 **SEC. 3107. FREEPORT HARBOR, TEXAS.**

15 The project for navigation, Freeport Harbor, Texas,  
16 authorized by section 101 of the Rivers and Harbors Act  
17 of 1970 (84 Stat. 1818), is modified.—

18 (1) to direct the Secretary to credit toward the  
19 non-Federal share of the cost of the project the cost  
20 of the planning, design, and construction work car-  
21 ried out by the non-Federal interest before the date  
22 of the partnership agreement for the project if the  
23 Secretary determines that the work is integral to the  
24 project; and

25 (2) to direct the Secretary to remove the sunk-  
26 en vessel “COMSTOCK” at Federal expense.



1 **SEC. 3108. JOHNSON CREEK, ARLINGTON, TEXAS.**

2       The project for flood damage reduction, environ-  
3 mental restoration, and recreation, authorized by section  
4 101(b)(14) of the Water Resources Development Act of  
5 1999 (113 Stat. 280), is modified to authorize the Sec-  
6 retary to carry out the project at a total cost of  
7 \$29,717,000, with an estimated Federal cost of  
8 \$20,670,000 and an estimated non-Federal cost  
9 \$9,047,000.

10 **SEC. 3109. LAKE KEMP, TEXAS.**

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

16       (b) LIMITATION ON LIABILITY.—The United States,  
17 or any of its officers, agents, or assignees, shall not be  
18 liable for any injury, loss, or damage accruing to the own-  
19 ers of a Lake Kemp improvement, their lessees, or occu-  
20 pants as a result of any flooding or inundation of such  
21 improvements by the waters of the Lake Kemp reservoir,  
22 or for such injury, loss, or damage as may occur through  
23 the operation and maintenance of the Lake Kemp dam  
24 and reservoir in any manner.

25       (c) LAKE KEMP IMPROVEMENT DEFINED.—In this  
26 section, the term “Lake Kemp improvement” means an

1 improvement (including dwellings) located within the flow-  
2 age easement of Lake Kemp, Texas, below elevation 1159  
3 feet mean sea level.

4 **SEC. 3110. LOWER RIO GRANDE BASIN, TEXAS.**

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

9 (1) to include as part of the project flood pro-  
10 tection works to reroute drainage to Raymondville  
11 Drain constructed by the non-Federal interests in  
12 Hidalgo County in the vicinity of Edinburg, Texas,  
13 if the Secretary determines that such work meets  
14 feasibility requirements;

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

22 (3) to direct the Secretary, in calculating the  
23 non-Federal share of the cost of the project, to make  
24 a determination within 180 days after the date of  
25 enactment of this Act under section 103(m) of the

1 Water Resources Development Act of 1986 (33  
2 U.S.C. 2213(m)) on the non-Federal interest's abil-  
3 ity to pay.

4 **SEC. 3111. NORTH PADRE ISLAND, CORPUS CHRISTI BAY,**  
5 **TEXAS.**

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

11 **SEC. 3112. PAT MAYSE LAKE, TEXAS.**

12 The Secretary is directed to accept from the city of  
13 Paris, Texas, \$3,461,432 as payment in full of monies  
14 owed to the United States for water supply storage space  
15 in Pat Mayse Lake, Texas, under contract number DA-  
16 34-066-CIVENG-65-1272, including accrued interest.

17 **SEC. 3113. PROCTOR LAKE, TEXAS.**

18 The Secretary is authorized to purchase fee simple  
19 title to all properties located within the boundaries, and  
20 necessary for the operation, of the Proctor Lake project,  
21 Texas, authorized by section 203 of the Flood Control Act  
22 of 1954 (68 Stat. 1259).

23 **SEC. 3114. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

24 The project for flood control, San Antonio Channel,  
25 Texas, authorized by section 203 of the Flood Control Act

1 of 1954 (68 Stat. 1259) as part of the comprehensive plan  
2 for flood protection on the Guadalupe and San Antonio  
3 Rivers in Texas and modified by section 103 of the Water  
4 Resources Development Act of 1976 (90 Stat. 2921) and  
5 section 335 of the Water Resources Development Act of  
6 2000 (114 Stat. 2611), is further modified to authorize  
7 the Secretary to credit toward the non-Federal share of  
8 the cost of the project the cost of design and construction  
9 work carried out by the non-Federal interest for the  
10 project if the Secretary determines that the work is inte-  
11 gral to the project.

12 **SEC. 3115. JAMES RIVER, VIRGINIA.**

13 The project for navigation, James River, Virginia, au-  
14 thorized by the first section of the River and Harbor Ap-  
15 propriations Act of July 5, 1884 (23 Stat. 138), is further  
16 modified to authorize the Secretary to enlarge the turning  
17 basin adjacent to the Richmond Deepwater Terminal at  
18 a total cost of \$1,511,000 if the Secretary determines that  
19 the such enlargement is necessary for navigation safety.

20 **SEC. 3116. LEE, RUSSELL, SCOTT, SMYTH, TAZEWELL, AND**  
21 **WISE COUNTIES, VIRGINIA.**

22 The project for flood control, Levisa and Tug Forks  
23 of the Big Sandy River and Upper Cumberland River, au-  
24 thorized by section 202 of the Energy and Water Develop-  
25 ment Appropriation Act, 1981 (94 Stat. 1339) and modi-

1 fied by section 352 of the Water Resources Development  
2 Act of 1996 (110 Stat. 3724–3725) and section 336 of  
3 the Water Resources Development Act of 2000 (114 Stat.  
4 2611), is further modified to direct the Secretary to deter-  
5 mine the ability of Lee, Russell, Scott, Smyth, Tazewell,  
6 and Wise Counties, Virginia, to pay the non-Federal share  
7 of the cost of the project based solely on the criterion spec-  
8 ified in section 103(m)(3)(A)(i) of the Water Resources  
9 Development Act of 1986 (33 U.S.C. 2213(m)(3)(A)(i)).

10 **SEC. 3117. TANGIER ISLAND SEAWALL, VIRGINIA.**

11 Section 577(a) of the Water Resources Development  
12 Act of 1996 (110 Stat. 3789) is amended by striking “at  
13 a total cost of \$1,200,000, with an estimated Federal cost  
14 of \$900,000 and an estimated non-Federal cost of  
15 \$300,000.” and inserting “at a total cost of \$3,000,000,  
16 with an estimated Federal cost of \$2,250,000 and an esti-  
17 mated non-Federal cost of \$750,000.”.

18 **SEC. 3118. DUWAMISH/GREEN, WASHINGTON.**

19 The project for ecosystem restoration, Duwamish/  
20 Green, Washington, authorized by section 101(b)(26) of  
21 the Water Resources Development Act of 2000 (114 Stat.  
22 2579), is modified—

23 (1) to direct the Secretary to credit toward the  
24 non-Federal share of the cost of the project the cost  
25 of work carried out by the non-Federal interest be-

1 fore the date of the partnership agreement for the  
2 project if the Secretary determines that the work is  
3 integral to the project; and

4 (2) to authorize the non-Federal interest to pro-  
5 vide any portion of the non-Federal share of the cost  
6 of the project in the form of in-kind services and  
7 materials.

8 **SEC. 3119. YAKIMA RIVER, PORT OF SUNNYSIDE, WASH-**  
9 **INGTON.**

10 The project for aquatic ecosystem restoration,  
11 Yakima River, Port of Sunnyside, Washington, being car-  
12 ried out under section 206 of the Water Resources Devel-  
13 opment Act of 1996 (33 U.S.C. 2330), is modified to di-  
14 rect the Secretary to credit toward the non-Federal share  
15 of the cost of the project the cost of work carried out by  
16 the non-Federal interest before the date of the partnership  
17 agreement for the project if the Secretary determines that  
18 the work is integral to the project.

19 **SEC. 3120. GREENBRIER RIVER BASIN, WEST VIRGINIA.**

20 Section 579(c) of the Water Resources Development  
21 Act of 1996 (110 Stat. 3790; 113 Stat. 312) is amended  
22 by striking “\$47,000,000” and inserting “\$99,000,000”.

1 **SEC. 3121. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.**

2 Section 30(d) of the Water Resources Development  
3 Act of 1988 (102 Stat. 4030; 114 Stat. 2678) is amended  
4 to read as follows:

5 “(d) HISTORIC STRUCTURE.—The Secretary shall  
6 ensure the preservation and restoration of the structure  
7 known as the ‘Jenkins House’, and the reconstruction of  
8 associated buildings and landscape features of such struc-  
9 ture located within the Lesage/Greenbottom Swamp in ac-  
10 cordance with the Secretary of the Interior’s standards for  
11 the treatment of historic properties. Amounts made avail-  
12 able for expenditure for the project authorized by section  
13 301(a) of the Water Resources Development Act of 1986  
14 (100 Stat. 4110) shall be available for the purposes of this  
15 subsection.”.

16 **SEC. 3122. NORTHERN WEST VIRGINIA.**

17 Section 557 of the Water Resources Development Act  
18 of 1999 (113 Stat. 353) is amended in the first sentence  
19 by striking “favorable”.

20 **SEC. 3123. MANITOWOC HARBOR, WISCONSIN.**

21 The project for navigation, Manitowoc Harbor, Wis-  
22 consin, authorized by the River and Harbor Act of August  
23 30, 1852, is modified to direct the Secretary to deepen  
24 the upstream reach of the navigation channel from 12 feet  
25 to 18 feet, at a total cost of \$300,000.

1 **SEC. 3124. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

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

4 (1) in subsection (a)—

5 (A) by striking “1276.42” and inserting  
6 “1278.42”;

7 (B) by striking “1218.31” and inserting  
8 “1221.31”; and

9 (C) by striking “1234.82” and inserting  
10 “1235.30”; and

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

13 “(b) EXCEPTION.—The Secretary may operate the  
14 headwaters reservoirs below the minimum or above the  
15 maximum water levels established in subsection (a) in ac-  
16 cordance with water control regulation manuals (or revi-  
17 sions thereto) developed by the Secretary, after consulta-  
18 tion with the Governor of Minnesota and affected tribal  
19 governments, landowners, and commercial and rec-  
20 reational users. The water control regulation manuals  
21 (and any revisions thereto) shall be effective when the Sec-  
22 retary transmits them to Congress. The Secretary shall  
23 report to Congress at least 14 days before operating any  
24 such headwaters reservoir below the minimum or above  
25 the maximum water level limits specified in subsection (a);  
26 except that notification is not required for operations nec-



1 essary to prevent the loss of life or to ensure the safety  
2 of the dam or where the drawdown of lake levels is in an-  
3 ticipation of flood control operations.”.

4 **SEC. 3125. CONTINUATION OF PROJECT AUTHORIZATIONS.**

5 (a) IN GENERAL.—Notwithstanding section  
6 1001(b)(2) of the Water Resources Development Act of  
7 1986 (33 U.S.C. 579a(b)(2)), the following projects shall  
8 remain authorized to be carried out by the Secretary:

9 (1) The project for flood control, Agana River,  
10 Guam, authorized by section 401(a) of the Water  
11 Resources Development Act of 1986 (100 Stat.  
12 4127).

13 (2) The project for navigation, Fall River Har-  
14 bor, Massachusetts, authorized by section 101 of the  
15 River and Harbor Act of 1968 (82 Stat. 731); ex-  
16 cept that the authorized depth of that portion of the  
17 project extending riverward of the Charles M.  
18 Braga, Jr. Memorial Bridge, Fall River and Som-  
19 erset, Massachusetts, shall not exceed 35 feet.

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

1 **SEC. 3126. PROJECT REAUTHORIZATIONS.**

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

6 (1) MENOMINEE HARBOR AND RIVER, MICHIGAN AND WISCONSIN.—The project for navigation,  
7 Menominee Harbor and River, Michigan and Wisconsin, authorized by section 101 of the River and  
8 Harbor Act of 1960 (74 Stat. 482) and deauthorized  
9 on April 15, 2002, in accordance with section  
10 1001(b)(2) of the Water Resources Development Act  
11 of 1986 (33 U.S.C. 579a(b)(2)).

12 (2) MANITOWOC HARBOR, WISCONSIN.—That  
13 portion of the project for navigation, Manitowoc  
14 Harbor, Wisconsin, consisting of the channel in the  
15 south part of the outer harbor, deauthorized by section  
16 101 of the River and Harbor Act of 1962 (76  
17 Stat. 1176).

18 **SEC. 3127. PROJECT DEAUTHORIZATIONS.**

19 (a) IN GENERAL.—The following projects are not au-  
20 thorized after the date of enactment of this Act:

21 (1) BRIDGEPORT HARBOR, CONNECTICUT.—The  
22 portion of the project for navigation, Bridgeport  
23 Harbor, Connecticut, authorized by the first section  
24 of the River and Harbor Act of July 3, 1930 (46  
25 Stat. 1176).

1 Stat. 919), consisting of an 18-foot channel in Yel-  
2 low Mill River and described as follows: Beginning  
3 at a point along the eastern limit of the existing  
4 project, N123,649.75, E481,920.54, thence running  
5 northwesterly about 52.64 feet to a point  
6 N123,683.03, E481,879.75, thence running north-  
7 easterly about 1,442.21 feet to a point N125,030.08,  
8 E482,394.96, thence running northeasterly about  
9 139.52 feet to a point along the eastern limit of the  
10 existing channel, N125,133.87, E482,488.19, thence  
11 running southwesterly about 1,588.98 feet to the  
12 point of origin.

13 (2) MYSTIC RIVER, CONNECTICUT.—The por-  
14 tion of the project for navigation, Mystic River, Con-  
15 necticut, authorized by the first section of the River  
16 and Harbor Appropriations Act of September 19,  
17 1890 (26 Stat. 436) consisting of a 12-foot-deep  
18 channel, approximately 7,554 square feet in area,  
19 starting at a point N193,086.51, E815,092.78,  
20 thence running north 59 degrees 21 minutes 46.63  
21 seconds west about 138.05 feet to a point  
22 N193,156.86, E814,974.00, thence running north  
23 51 degrees 04 minutes 39.00 seconds west about  
24 166.57 feet to a point N193,261.51, E814,844.41,  
25 thence running north 43 degrees 01 minutes 34.90

1 seconds west about 86.23 feet to a point  
2 N193,324.55, E814,785.57, thence running north  
3 06 degrees 42 minutes 03.86 seconds west about  
4 156.57 feet to a point N193,480.05, E814,767.30,  
5 thence running south 21 degrees 21 minutes 17.94  
6 seconds east about 231.42 feet to a point  
7 N193,264.52, E814,851.57, thence running south  
8 53 degrees 34 minutes 23.28 seconds east about  
9 299.78 feet to the point of origin.

10 (3) FALMOUTH HARBOR, MASSACHUSETTS.—

11 The portion of the project for navigation, Falmouth  
12 Harbor, Massachusetts, authorized by section 101 of  
13 the River and Harbor Act of 1948 (62 Stat. 1172),  
14 beginning at a point along the eastern side of the  
15 inner harbor N200,415.05, E845,307.98, thence  
16 running north 25 degrees 48 minutes 54.3 seconds  
17 east 160.24 feet to a point N200,559.20,  
18 E845,377.76, thence running north 22 degrees 7  
19 minutes 52.4 seconds east 596.82 feet to a point  
20 N201,112.15, E845,602.60, thence running north  
21 60 degrees 1 minute 0.3 seconds east 83.18 feet to  
22 a point N201,153.72, E845,674.65, thence running  
23 south 24 degrees 56 minutes 43.4 seconds west  
24 665.01 feet to a point N200,550.75, E845,394.18,

1       thence running south 32 degrees 25 minutes 29.0  
2       seconds west 160.76 feet to the point of origin.

3               (4) ISLAND END RIVER, MASSACHUSETTS.—The  
4       portion of the project for navigation, Island End  
5       River, Massachusetts, carried out under section 107  
6       of the River and Harbor Act of 1960 (33 U.S.C.  
7       577), described as follows: Beginning at a point  
8       along the eastern limit of the existing project,  
9       N507,348.98, E721,180.01, thence running north-  
10      east about 35 feet to a point N507,384.17,  
11      E721,183.36, thence running northeast about 324  
12      feet to a point N507,590.51, E721,433.17, thence  
13      running northeast about 345 feet to a point along  
14      the northern limit of the existing project,  
15      N507,927.29, E721,510.29, thence running south-  
16      east about 25 feet to a point N507,921.71,  
17      E721,534.66, thence running southwest about 354  
18      feet to a point N507,576.65, E721,455.64, thence  
19      running southwest about 357 feet to the point of ori-  
20      gin.

21              (5) CITY WATERWAY, TACOMA, WASHINGTON.—  
22      The portion of the project for navigation, City Wa-  
23      terway, Tacoma, Washington, authorized by the first  
24      section of the River and Harbor Appropriations Act  
25      of June 13, 1902 (32 Stat. 347), consisting of the

1 last 1,000 linear feet of the inner portion of the wa-  
2 terway beginning at station 70+00 and ending at  
3 station 80+00.

4 (b) ANCHORAGE AREA, NEW LONDON HARBOR,  
5 CONNECTICUT.—The portion of the project for navigation,  
6 New London Harbor, Connecticut, authorized by the River  
7 and Harbor Appropriations Act of June 13, 1902 (32  
8 Stat. 333), that consists of a 23-foot waterfront channel  
9 and that is further described as beginning at a point along  
10 the western limit of the existing project, N188, 802.75,  
11 E779, 462.81, thence running northeasterly about  
12 1,373.88 feet to a point N189, 554.87, E780, 612.53,  
13 thence running southeasterly about 439.54 feet to a point  
14 N189, 319.88, E780, 983.98, thence running southwest-  
15 erly about 831.58 feet to a point N188, 864.63, E780,  
16 288.08, thence running southeasterly about 567.39 feet  
17 to a point N188, 301.88, E780, 360.49, thence running  
18 northwesterly about 1,027.96 feet to the point of origin,  
19 shall be redesignated as an anchorage area.

20 (c) SOUTHPORT HARBOR, FAIRFIELD, CON-  
21 NECTICUT.—The project for navigation, Southport Har-  
22 bor, Fairfield, Connecticut, authorized by section 2 of the  
23 River and Harbor Act of March 2, 1829, and by the first  
24 section of the River and Harbor Act of August 30, 1935  
25 (49 Stat. 1029), and section 364 of the Water Resources

1 Development Act of 1996 (110 Stat. 3733–3734), is fur-  
2 ther modified to redesignate a portion of the 9-foot-deep  
3 channel to an anchorage area, approximately 900 feet in  
4 length and 90,000 square feet in area, and lying generally  
5 north of a line with points at coordinates N108,043.45,  
6 E452,252.04 and N107938.74, E452265.74.

7 (d) MYSTIC RIVER, MASSACHUSETTS.—The portion  
8 of the project for navigation, Mystic River, Massachusetts,  
9 authorized by the first section of the River and Harbor  
10 Appropriations Act of July 13, 1892 (27 Stat. 96), be-  
11 tween a line starting at a point N515,683.77,  
12 E707,035.45 and ending at a point N515,721.28,  
13 E707,069.85 and a line starting at a point N514,595.15,  
14 E707,746.15 and ending at a point N514,732.94,  
15 E707,658.38 shall be relocated and reduced from 100 foot  
16 to a 50-foot wide channel after the date of enactment of  
17 this Act described as follows: Beginning at a point  
18 N515,721.28, E707,069.85, thence running southeasterly  
19 about 840.50 feet to a point N515,070.16, E707,601.27,  
20 thence running southeasterly about 177.54 feet to a point  
21 N514,904.84, E707,665.98, thence running southeasterly  
22 about 319.90 feet to a point with coordinates  
23 N514,595.15, E707,746.15, thence running northwesterly  
24 about 163.37 feet to a point N514,732.94, E707,658.38,  
25 thence running northwesterly about 161.58 feet to a point

1 N514.889.47, E707,618.30, thence running northwesterly  
2 about 166.61 feet to a point N515.044.62, E707,557.58,  
3 thence running northwesterly about 825.31 feet to a point  
4 N515,683.77, E707,035.45, thence running northeasterly  
5 about 50.90 feet returning to a point N515,721.28,  
6 E707,069.85.

7 (e) GREEN BAY HARBOR, GREEN BAY, WIS-  
8 CONSIN.—The portion of the inner harbor of the Federal  
9 navigation channel, Green Bay Harbor, Green Bay, Wis-  
10 consin, authorized by the first section of the River and  
11 Harbor Act of June 23, 1866, beginning at station  
12 190+00 to station 378+00 is authorized to a width of  
13 75 feet and a depth of 6 feet.

14 (f) ADDITIONAL DEAUTHORIZATIONS.—The fol-  
15 lowing projects are not authorized after the date of enact-  
16 ment of this Act, except with respect to any portion of  
17 such a project which portion has been completed before  
18 such date or is under construction on such date:

19 (1) The project for flood control, Cache Creek  
20 Basin, Clear Lake Outlet Channel, California, au-  
21 thorized by section 401(a) of the Water Resources  
22 Development Act of 1986 (100 Stat. 4112).

23 (2) The project for flood protection on  
24 Atascadero Creek and its tributaries of Goleta, Cali-



1        fornia, authorized by section 201 of the Flood Con-  
2        trol Act of 1970 (84 Stat. 1826).

3            (3) The project for flood control, central and  
4        southern Florida, Shingle Creek basin, Florida, au-  
5        thorized by section 203 of the Flood Control Act of  
6        1962 (76 Stat. 1182).

7            (4) The project for flood control, Middle Wa-  
8        bash, Greenfield Bayou, Indiana, authorized by sec-  
9        tion 10 of the Flood Control Act of July 24, 1946  
10       (60 Stat. 649).

11           (5) The project for flood damage reduction,  
12        Lake George, Hobart, Indiana, authorized by section  
13        602(a)(2) of the Water Resources Development Act  
14        of 1986 (100 Stat. 4148).

15           (6) The project for flood control, Green Bay  
16        Levee and Drainage District No. 2, Iowa, authorized  
17        by section 401(a) of the Water Resources Develop-  
18        ment Act of 1986 (100 Stat. 4115), deauthorized in  
19        fiscal year 1991, and reauthorized by section 115(a)  
20        of the Water Resources Development Act of 1992  
21        (106 Stat. 4821).

22           (7) The project for flood control, Hazard, Ken-  
23        tucky, authorized by section 3(a)(7) of the Water  
24        Resources Development Act of 1988 (100 Stat.

1 4014) and section 108 of the Water Resources De-  
2 velopment Act of 1990 (104 Stat. 4621).

3 (8) The recreation portion of the project for  
4 flood control, Taylorsville Lake, Kentucky, author-  
5 ized by section 203 of the Flood Control Act of 1966  
6 (80 Stat. 1421).

7 (9) The project for flood control, western Ken-  
8 tucky tributaries, Kentucky, authorized by section  
9 204 of the Flood Control Act of 1965 (79 Stat.  
10 1076) and modified by section 210 of the Flood  
11 Control Act of 1970 (84 Stat. 1829).

12 (10) The project for flood damage reduction,  
13 Tensas-Cocodrie area, Louisiana, authorized by sec-  
14 tion 3 of the Flood Control Act of August 18, 1941  
15 (55 Stat. 643).

16 (11) The project for flood control, Eastern  
17 Rapides and South-Central Avoyelles Parishes, Lou-  
18 isiana, authorized by section 201 of the Flood Con-  
19 trol Act of 1970 (84 Stat. 1825).

20 (12) The project for navigation, Mississippi  
21 River, Baton Rouge to the Gulf of Mexico, barge  
22 channel through Devils Swamp, Louisiana, author-  
23 ized by the first section of the River and Harbor Act  
24 of July 24, 1946 (60 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. 3128. 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) PIKE COUNTY, MISSOURI.—

13 (1) IN GENERAL.—At such time as S.S.S., Inc.,  
14 conveys all right, title and interest in and to the real  
15 property described in paragraph (2)(A) to the  
16 United States, the Secretary shall convey all right,  
17 title, and interest of the United States in and to the  
18 real property described in paragraph (2)(B) to  
19 S.S.S., Inc.

20 (2) LAND DESCRIPTION.—The parcels of land  
21 referred to in paragraph (1) are the following:

22 (A) NON-FEDERAL LAND.—Approximately  
23 42 acres, the exact legal description to be deter-  
24 mined by mutual agreement of S.S.S., Inc., and  
25 the Secretary, subject to any existing flowage



1 easements situated in Pike County, Missouri,  
2 upstream and northwest, about a 200-foot dis-  
3 tance from Drake Island (also known as Grimes  
4 Island).

5 (B) FEDERAL LAND.—Approximately 42  
6 acres, the exact legal description to be deter-  
7 mined by mutual agreement of S.S.S. Inc., and  
8 the Secretary, situated in Pike County, Mis-  
9 souri, known as Government Tract Numbers  
10 MIs-7 and a portion of FM-46 (both tracts on  
11 Buffalo Island), administered by the Corps of  
12 Engineers.

13 (3) CONDITIONS.—The exchange of real prop-  
14 erty under paragraph (1) shall be subject to the fol-  
15 lowing conditions:

16 (A) DEEDS.—

17 (i) NON-FEDERAL LAND.—The con-  
18 veyance of the real property described in  
19 paragraph (2)(A) to the Secretary shall be  
20 by a warranty deed acceptable to the Sec-  
21 retary.

22 (ii) FEDERAL LAND.—The instrument  
23 of conveyance used to convey the real prop-  
24 erty described in paragraph (2)(B) to  
25 S.S.S., Inc., shall be by quitclaim deed and

1           contain such reservations, terms, and con-  
2           ditions as the Secretary considers nec-  
3           essary to allow the United States to oper-  
4           ate and maintain the Mississippi River 9-  
5           Foot Navigation Project.

6           (B) REMOVAL OF IMPROVEMENTS.—  
7           S.S.S., Inc., may remove, and the Secretary  
8           may require S.S.S., Inc., to remove, any im-  
9           provements on the land described in paragraph  
10          (2)(A).

11          (C) TIME LIMIT FOR EXCHANGE.—The  
12          land exchange under paragraph (1) shall be  
13          completed not later than 2 years after the date  
14          of enactment of this Act.

15          (4) VALUE OF PROPERTIES.—If the appraised  
16          fair market value, as determined by the Secretary,  
17          of the real property conveyed to S.S.S., Inc., by the  
18          Secretary under paragraph (1) exceeds the appraised  
19          fair market value, as determined by the Secretary,  
20          of the real property conveyed to the United States  
21          by S.S.S., Inc., under paragraph (1), S.S.S., Inc.,  
22          shall make a payment to the United States equal to  
23          the excess in cash or a cash equivalent that is satis-  
24          factory to the Secretary.

1 (d) BOARDMAN, OREGON.—Section 501(g)(1) of the  
2 Water Resources Development Act of 1996 (110 Stat.  
3 3751) is amended—

4 (1) by striking “city of Boardman,” and insert-  
5 ing “the Boardman Park and Recreation District,  
6 Boardman,”; and

7 (2) by striking “such city” and inserting “the  
8 city of Boardman”.

9 (e) PORT OF MORROW, BOARDMAN, OREGON.—

10 (1) IN GENERAL.—The Secretary shall convey  
11 by quitclaim deed without consideration to the Port  
12 of Morrow, Boardman, Oregon, all right, title, and  
13 interest of the United States in and to real property  
14 consisting of approximately 25.7 acres located in  
15 Morrow County, Oregon, for the purposes of port ex-  
16 pansion.

17 (2) REVERSION.—If the Secretary determines  
18 that the real property conveyed under paragraph (1)  
19 ceases to be held in public ownership or to be used  
20 for any purpose that does not promote public access,  
21 all right, title, and interest in and to the property  
22 shall revert to the United States, at the option of  
23 the United States.

24 (3) LIMITATION ON STATUTORY CONSTRUC-  
25 TION.—Nothing in this subsection shall be construed

1 to affect any authority under section 401(e) of Pub-  
2 lic Law 100–581.

3 (f) TIOGA TOWNSHIP, PENNSYLVANIA.—

4 (1) IN GENERAL.—The Secretary shall convey  
5 by quitclaim deed to the Tioga Township, Pennsyl-  
6 vania, without consideration, all right, title, and in-  
7 terest of the United States in and to the parcel of  
8 real property located on the northeast end of Tract  
9 No. 226, a portion of the Tioga-Hammond Lakes  
10 flood control project, Tioga County, Pennsylvania,  
11 consisting of approximately 8 acres, together with  
12 any improvements on that property, for public own-  
13 ership and use as the site of the administrative of-  
14 fices and road maintenance complex for the Town-  
15 ship.

16 (2) RESERVATION OF INTERESTS.—The Sec-  
17 retary shall reserve such rights and interests in and  
18 to the property to be conveyed as the Secretary con-  
19 siders necessary to preserve the operational integrity  
20 and security of the Tioga-Hammond Lakes flood  
21 control project.

22 (3) REVERSION.—If the Secretary determines  
23 that the property conveyed under paragraph (1)  
24 ceases to be held in public ownership, or to be used  
25 as a site for the Tioga Township administrative of-

1       fices and road maintenance complex or for related  
2       public purposes, all right, title, and interest in and  
3       to the property shall revert to the United States, at  
4       the option of the United States.

5       (g) RICHARD B. RUSSELL LAKE, SOUTH CARO-  
6       LINA.—

7               (1) IN GENERAL.—The Secretary shall convey  
8       to the State of South Carolina, by quitclaim deed,  
9       at fair market value, all right, title, and interest of  
10      the United States in and to the real property de-  
11      scribed in paragraph (2) that is managed, as of the  
12      date of enactment of this Act, by the South Carolina  
13      department of commerce for public recreation pur-  
14      poses for the Richard B. Russell Dam and Lake,  
15      South Carolina, project authorized by section 203 of  
16      the Flood Control Act of 1966 (80 Stat. 1420).

17              (2) LAND DESCRIPTION.—Subject to paragraph  
18      (3), the real property referred to in paragraph (1)  
19      is the parcel contained in the portion of real prop-  
20      erty described in Army Lease Number DACW21-1-  
21      92-0500.

22              (3) RESERVATION OF INTERESTS.—The United  
23      States shall reserve—

24                      (A) ownership of all real property included  
25              in the lease referred to in paragraph (2) that

1 would have been acquired for operational pur-  
2 poses in accordance with the 1971 implementa-  
3 tion of the 1962 Army/Interior Joint Acquisi-  
4 tion Policy; and

5 (B) such other rights and interests in and  
6 to the real property to be conveyed as the Sec-  
7 retary considers necessary for authorized  
8 project purposes, including easement rights-of-  
9 way to remaining Federal land.

10 (4) NO EFFECT ON SHORE MANAGEMENT POL-  
11 ICY.—The Shoreline Management Policy (ER-1130-  
12 2-406) of the Corps of Engineer shall not be  
13 changed or altered for any proposed development of  
14 land conveyed under this subsection.

15 (5) COST SHARING.—In carrying out the con-  
16 veyance under this subsection, the Secretary and the  
17 State shall comply with all obligations of any cost-  
18 sharing agreement between the Secretary and the  
19 State with respect to the real property described in  
20 paragraph (2) in effect as of the date of the convey-  
21 ance.

22 (6) LAND NOT CONVEYED.—The State shall  
23 continue to manage the real property described in  
24 paragraph (3) not conveyed under this subsection in

1 accordance with the terms and conditions of Army  
2 Lease Number DACW21-1-92-0500.

3 (h) GENERALLY APPLICABLE PROVISIONS.—

4 (1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—

5 The exact acreage and the legal description of any  
6 real property to be conveyed under this section shall  
7 be determined by a survey that is satisfactory to the  
8 Secretary.

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

13 (3) ADDITIONAL TERMS AND CONDITIONS.—

14 The Secretary may require that any conveyance  
15 under this section be subject to such additional  
16 terms and conditions as the Secretary considers ap-  
17 propriate and necessary to protect the interests of  
18 the United States.

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

24 (5) LIABILITY.—An entity to which a convey-  
25 ance is made under this section shall hold the

1 United States harmless from any liability with re-  
 2 spect to activities carried out, on or after the date  
 3 of the conveyance, on the real property conveyed.  
 4 The United States shall remain responsible for any  
 5 liability with respect to activities carried out, before  
 6 such date, on the real property conveyed.

7 **SEC. 3129. EXTINGUISHMENT OF REVERSIONARY INTER-**  
 8 **ESTS AND USE RESTRICTIONS.**

9 (a) IDAHO.—

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

14 (2) AFFECTED DEEDS.—The deeds with the fol-  
 15 lowing county auditor’s file numbers are referred to  
 16 in paragraph (1):

17 (A) Auditor’s Instruments No. 399218 and  
 18 No. 399341 of Nez Perce County, Idaho—2.07  
 19 acres.

20 (B) Auditor’s Instruments No. 487437 and  
 21 No. 339341 of Nez Perce County, Idaho—7.32  
 22 acres.

23 (b) OLD HICKORY LOCK AND DAM, CUMBERLAND  
 24 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) IN GENERAL.—With respect to property  
19 covered by each deed described in paragraph (2)—

20                   (A) the reversionary interests and use re-  
21 strictions relating to port and industrial pur-  
22 poses are extinguished; and

23                   (B) the human habitation or other building  
24 structure use restriction is extinguished in

1 property in which the elevation is above stand-  
2 ard project flood elevation.

3 (2) AFFECTED DEEDS.—The deeds referred to  
4 in paragraph (1) are Auditor’s File Numbers  
5 208693, 212041, 219453, and 375866 of Franklin  
6 County, Washington.

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

## 10 **TITLE IV—STUDIES**

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

12 Section 455 of the Water Resources Development Act  
13 of 1999 (42 U.S.C. 1962d–21) is amended by adding at  
14 the end the following:

15 “(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The  
16 non-Federal interest may provide up to 100 percent of the  
17 non-Federal share required under subsection (f) in the  
18 form of in-kind services and materials.”.

### 19 **SEC. 4002. LAKE ERIE DREDGED MATERIAL DISPOSAL** 20 **SITES.**

21 The Secretary shall conduct a study to determine the  
22 nature and frequency of avian botulism problems in the  
23 vicinity of Lake Erie associated with dredged material dis-  
24 posal sites and shall make recommendations to eliminate  
25 the conditions that result in such problems.

1 **SEC. 4003. SOUTHWESTERN UNITED STATES DROUGHT**  
2 **STUDY.**

3 (a) IN GENERAL.—The Secretary, in coordination  
4 with the Secretary of the Interior, the Secretary of Agri-  
5 culture, the Secretary of Commerce, and other appropriate  
6 agencies, shall conduct, at Federal expense, a comprehen-  
7 sive study of drought conditions in the southwestern  
8 United States, with a particular emphasis on the Colorado  
9 River basin, the Rio Grande River basin, and the Great  
10 Basin.

11 (b) INVENTORY OF ACTIONS.—In conducting the  
12 study, the Secretary shall assemble an inventory of actions  
13 taken or planned to be taken to address drought-related  
14 situations in the southwestern United States.

15 (c) PURPOSE.—The purpose of the study shall be to  
16 develop recommendations to more effectively address cur-  
17 rent and future drought conditions in the southwestern  
18 United States.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated to the Secretary to carry  
21 out this section \$7,000,000. Such funds shall remain  
22 available until expended.

23 **SEC. 4004. UPPER MISSISSIPPI RIVER COMPREHENSIVE**  
24 **PLAN.**

25 Section 459(e) of the Water Resources Development  
26 Act of 1999 (113 Stat. 333; 114 Stat. 2635) is amended

1 by striking “3 years after the first date on which funds  
2 are appropriated to carry out this section” and inserting  
3 “December 30, 2006”.

4 **SEC. 4005. ST. GEORGE HARBOR, ALASKA.**

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

8 **SEC. 4006. SUSITNA RIVER, ALASKA.**

9 The Secretary shall conduct a study to determine the  
10 feasibility of carrying out a project for hydropower, recre-  
11 ation, and related purposes on the Susitna River, Alaska.

12 **SEC. 4007. GILA BEND, MARICOPA, ARIZONA.**

13 The Secretary shall conduct a study to determine the  
14 feasibility of carrying out a project for flood damage re-  
15 duction, Gila Bend, Maricopa, Arizona. In conducting the  
16 study, the Secretary shall review plans and designs devel-  
17 oped by non-Federal interests and shall incorporate such  
18 plans and designs into the Federal study if the Secretary  
19 determines that such plans and designs are consistent with  
20 Federal standards.

21 **SEC. 4008. SEARCY COUNTY, ARKANSAS.**

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

1 **SEC. 4009. DRY CREEK VALLEY, CALIFORNIA.**

2       The Secretary shall conduct a study to determine the  
3 feasibility of carrying out a project to provide recycled  
4 water for agricultural water supply, Dry Creek Valley,  
5 California, including a review of the feasibility of expand-  
6 ing the Geysers recharge project north of Healdsburg,  
7 California.

8 **SEC. 4010. ELKHORN SLOUGH ESTUARY, CALIFORNIA.**

9       The Secretary shall conduct a study of the Elkhorn  
10 Slough estuary, California, to determine the feasibility of  
11 conserving, enhancing, and restoring estuarine habitats by  
12 developing strategies to address hydrological management  
13 issues.

14 **SEC. 4011. LOS ANGELES RIVER, CALIFORNIA.**

15       (a) IN GENERAL.—The Secretary shall conduct a  
16 study to determine the feasibility of carrying out a project  
17 for flood damage reduction and ecosystem restoration, Los  
18 Angeles River, California.

19       (b) REVITALIZATION PLAN.—In conducting the  
20 study, the Secretary shall review the Los Angeles River  
21 revitalization plan developed by non-Federal interests and  
22 shall incorporate such plan into the Federal study if the  
23 Secretary determines that such plan is consistent with  
24 Federal standards.

1 **SEC. 4012. LYTLE CREEK, RIALTO, CALIFORNIA.**

2       The Secretary shall conduct a study to determine the  
3 feasibility of carrying out a project for flood damage re-  
4 duction and groundwater recharge, Lytle Creek, Rialto,  
5 California.

6 **SEC. 4013. MOKELUMNE RIVER, SAN JOAQUIN COUNTY,**  
7 **CALIFORNIA.**

8       The Secretary shall conduct a study to determine the  
9 feasibility of carrying out a project for water supply along  
10 the Mokelumne River, San Joaquin County, California.

11 **SEC. 4014. NAPA RIVER, ST. HELENA, CALIFORNIA.**

12       (a) IN GENERAL.—The Secretary shall conduct a  
13 comprehensive study of the Napa River in the vicinity of  
14 St. Helena, California, for the purposes of improving flood  
15 management through reconnecting the river to its flood-  
16 plain; restoring habitat, including riparian and aquatic  
17 habitat; improving fish passage and water quality; and re-  
18 storing native plant communities.

19       (b) PLANS AND DESIGNS.—In conducting the study,  
20 the Secretary shall review plans and designs developed by  
21 non-Federal interests and shall incorporate such plans and  
22 designs into the Federal study if the Secretary determines  
23 that such plans and designs are consistent with Federal  
24 standards.

1 **SEC. 4015. ORICK, CALIFORNIA.**

2 The Secretary shall conduct a study to determine the  
3 feasibility of carrying out a project for flood damage re-  
4 duction and ecosystem restoration, Orick, California. In  
5 conducting the study, the Secretary shall determine the  
6 feasibility of restoring or rehabilitating the Redwood  
7 Creek Levees, Humboldt County, California.

8 **SEC. 4016. 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. 4017. 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. 4018. 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-  
26 efits and impacts of salinity in the Delta and the benefits

1 to navigation, flood damage reduction, ecosystem restora-  
2 tion, water quality, salinity control, water supply reli-  
3 ability, and recreation.

4 (b) COOPERATION.—In conducting the study, the  
5 Secretary shall cooperate with the California Department  
6 of Water Resources and appropriate Federal and State en-  
7 tities in developing options for the beneficial use of  
8 dredged material from San Francisco Bay for the Sac-  
9 ramento-San Joaquin Delta area.

10 (c) REVIEW.—The study shall include a review of the  
11 feasibility of using Sherman Island as a rehandling site  
12 for levee maintenance material, as well as for ecosystem  
13 restoration. The review may include monitoring a pilot  
14 project using up to 150,000 cubic yards of dredged mate-  
15 rial and being carried out at the Sherman Island site, ex-  
16 amining larger scale use of dredged materials from the  
17 San Francisco Bay and Suisun Bay Channel, and ana-  
18 lyzing the feasibility of the potential use of saline mate-  
19 rials from the San Francisco Bay for both rehandling and  
20 ecosystem restoration purposes.

21 **SEC. 4019. SOUTH SAN FRANCISCO BAY SHORELINE STUDY,**  
22 **CALIFORNIA.**

23 (a) IN GENERAL.—In conducting the South San  
24 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. 4020. 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. 4021. 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. 4022. 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. 4023. 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. 4024. 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. 4025. 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. 4026. 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. 4027. 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. 4028. 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. 4029. 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. 4030. 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. 4031. 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. 4032. 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. 4033. 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. 4034. 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. 4035. 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. 4036. 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. 4037. 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. 4038. 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 and recreation as project purposes, including permanently  
19 raising the winter pool elevation of the project.

20 (b) IN-KIND CONTRIBUTIONS.—The non-Federal in-  
21 terest may provide the non-Federal share of the cost of  
22 the study in the form of services, materials, supplies, or  
23 other in-kind contributions.

1 **SEC. 4039. 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. 4040. 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. 4041. 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. 4042. 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 if the non-Federal in-  
23 terest demonstrates to the satisfaction of the Secretary  
24 that the construction of the project will result in new  
25 United States investment in energy exploration and energy  
26 infrastructure fabrication, and that such investment, with-

1 out construction of the project, would occur outside of the  
2 United States:

3 (1) Atchafalaya River, Bayous Chene, Boeuf,  
4 and Black, Louisiana, being conducted under section  
5 430 of the Water Resources Development Act of  
6 2000 (114 Stat. 2639).

7 (2) Iberia Port, Louisiana, being conducted  
8 under section 431 of the Water Resources Develop-  
9 ment Act of 2000 (114 Stat. 2639).

10 (b) REPEAL.—Section 6009 of the Emergency Sup-  
11 plemental Appropriations Act for Defense, the Global War  
12 on Terror, and Tsunami Relief, 2005 (Public Law 109–  
13 13; 119 Stat. 282) is repealed.

14 **SEC. 4043. VERMILION RIVER, LOUISIANA.**

15 The Secretary shall conduct a study to determine the  
16 feasibility of carrying out a project for navigation on the  
17 Vermilion River, Louisiana, from the intersection of the  
18 Vermilion River and the Gulf Intracoastal Waterway to  
19 the industrial area north of the Vermilion River.

20 **SEC. 4044. WEST FELICIANA PARISH, LOUISIANA.**

21 The Secretary shall conduct a study to determine the  
22 feasibility of carrying out a project for riverfront develop-  
23 ment, including enhanced public access, recreation, and  
24 environmental restoration, on the Mississippi River in  
25 West Feliciana Parish, Louisiana.



1 **SEC. 4045. PATAPSCO RIVER, MARYLAND.**

2       The Secretary shall conduct a study to determine and  
3 assess the impact of debris in the Patapsco River basin,  
4 Maryland, on wetlands, water quality, and public health  
5 and to identify management measures to reduce the inflow  
6 of debris into the Patapsco River.

7 **SEC. 4046. FALL RIVER HARBOR, MASSACHUSETTS AND**  
8 **RHODE ISLAND.**

9       The Secretary shall conduct a study to determine the  
10 feasibility of deepening that portion of the navigation  
11 channel of the navigation project for Fall River Harbor,  
12 Massachusetts and Rhode Island, authorized by section  
13 101 of the River and Harbor Act of 1968 (82 Stat. 731),  
14 seaward of the Charles M. Braga, Jr. Memorial Bridge,  
15 Fall River and Somerset, Massachusetts.

16 **SEC. 4047. HAMBURG AND GREEN OAK TOWNSHIPS, MICHIGAN.**  
17 **GAN.**

18       The Secretary shall conduct a study to determine the  
19 feasibility of carrying out a project for flood damage re-  
20 duction on Ore Lake and the Huron River for Hamburg  
21 and Green Oak Townships, Michigan.

22 **SEC. 4048. ST. CLAIR RIVER, MICHIGAN.**

23       (a) IN GENERAL.—The Secretary shall carry out a  
24 study of the relationships among dredging of the St. Clair  
25 River for navigation, erosion in the river, and declining

1 water levels in the river and in Lake Michigan and Lake  
2 Huron.

3 (b) RECOMMENDATIONS.—The report on the results  
4 of the study may include recommendations to address  
5 water level declines in Lake Michigan and Lake Huron.

6 **SEC. 4049. DULUTH-SUPERIOR HARBOR, MINNESOTA AND**  
7 **WISCONSIN.**

8 (a) IN GENERAL.—The Secretary shall conduct a  
9 study and prepare a report to evaluate the integrity of  
10 the bulkhead system located on and in the vicinity of Du-  
11 luth-Superior Harbor, Duluth, Minnesota, and Superior,  
12 Wisconsin.

13 (b) CONTENTS.—The report shall include—

14 (1) a determination of causes of corrosion of  
15 the bulkhead system;

16 (2) recommendations to reduce corrosion of the  
17 bulkhead system;

18 (3) a description of the necessary repairs to the  
19 bulkhead system; and

20 (4) an estimate of the cost of addressing the  
21 causes of the corrosion and carrying out necessary  
22 repairs.

23 **SEC. 4050. WILD RICE RIVER, MINNESOTA.**

24 The Secretary shall review the project for flood pro-  
25 tection and other purposes on Wild Rice River, Minnesota,

1 authorized by section 201 of the Flood Control Act of  
2 1970 (84 Stat. 1825), to develop alternatives to the Twin  
3 Valley Lake feature.

4 **SEC. 4051. MISSISSIPPI COASTAL AREA, MISSISSIPPI.**

5       The Secretary shall conduct a study to determine the  
6 feasibility of making improvements or modifications to ex-  
7 isting improvements in the coastal area of Mississippi in  
8 the interest of hurricane and storm damage reduction,  
9 prevention of saltwater intrusion, preservation of fish and  
10 wildlife, prevention of erosion, and other related water re-  
11 source purposes.

12 **SEC. 4052. NORTHEAST MISSISSIPPI.**

13       The Secretary shall conduct a study to determine the  
14 feasibility of modifying the project for navigation, Ten-  
15 nessee-Tombigbee Waterway, Alabama and Mississippi, to  
16 provide water supply for northeast Mississippi.

17 **SEC. 4053. ST. LOUIS, MISSOURI.**

18       The Secretary shall conduct a study to determine the  
19 feasibility of carrying out a project for flood damage re-  
20 duction, St. Louis, Missouri, to restore or rehabilitate the  
21 levee system feature of the project for flood protection,  
22 St. Louis, Missouri, authorized by the first section of the  
23 Act entitled “An Act authorizing construction of certain  
24 public works on the Mississippi River for the protection

1 of Saint Louis, Missouri”, approved August 9, 1955 (69  
2 Stat. 540).

3 **SEC. 4054. DREDGED MATERIAL DISPOSAL, NEW JERSEY.**

4       The Secretary shall conduct a study to determine the  
5 feasibility of carrying out a project in the vicinity of the  
6 Atlantic Intracoastal Waterway, New Jersey, for the con-  
7 struction of a dredged material disposal transfer facility  
8 to make dredged material available for beneficial reuse.

9 **SEC. 4055. BAYONNE, NEW JERSEY.**

10       The Secretary shall conduct a study to determine the  
11 feasibility of carrying out a project for environmental res-  
12 toration, including improved water quality, enhanced pub-  
13 lic access, and recreation, on the Kill Van Kull, Bayonne,  
14 New Jersey.

15 **SEC. 4056. CARTERET, NEW JERSEY.**

16       The Secretary shall conduct a study to determine the  
17 feasibility of carrying out a project for environmental res-  
18 toration, including improved water quality, enhanced pub-  
19 lic access, and recreation, on the Raritan River, Carteret,  
20 New Jersey.

21 **SEC. 4057. ELIZABETH RIVER, ELIZABETH, NEW JERSEY.**

22       The Secretary shall conduct a study to determine the  
23 feasibility of carrying out ecosystem restoration improve-  
24 ments in the Elizabeth River watershed, Elizabeth, New  
25 Jersey.

1 **SEC. 4058. GLOUCESTER COUNTY, NEW JERSEY.**

2 The Secretary shall conduct a study to determine the  
3 feasibility of carrying out a project for flood damage re-  
4 duction, Gloucester, New Jersey, including the feasibility  
5 of restoring the flood protection dikes in Gibbstown, New  
6 Jersey, and the associated tidegates in Gloucester, New  
7 Jersey.

8 **SEC. 4059. PERTH AMBOY, NEW JERSEY.**

9 The Secretary shall conduct a study to determine the  
10 feasibility of carrying out a project for riverfront develop-  
11 ment, including enhanced public access, recreation, and  
12 environmental restoration, on the Arthur Kill, Perth  
13 Amboy, New Jersey.

14 **SEC. 4060. WRECK POND, MONMOUTH COUNTY, NEW JER-**  
15 **SEY.**

16 The Secretary shall conduct a study to determine the  
17 feasibility of carrying out a project for environmental res-  
18 toration at Wreck Pond, New Jersey, including Black  
19 Creek and associated waters.

20 **SEC. 4061. BATAVIA, NEW YORK.**

21 The Secretary shall conduct a study to determine the  
22 feasibility of carrying out a project for hydropower and  
23 related purposes in the vicinity of Batavia, New York.

24 **SEC. 4062. BIG SISTER CREEK, EVANS, NEW YORK.**

25 (a) IN GENERAL.—The Secretary shall conduct a  
26 study to determine the feasibility of carrying out a project

1 for flood damage reduction, Big Sister Creek, Evans, New  
2 York.

3 (b) **EVALUATION OF POTENTIAL SOLUTIONS.**—In  
4 conducting the study, the Secretary shall evaluate poten-  
5 tial solutions to flooding from all sources, including flood-  
6 ing that results from ice jams.

7 **SEC. 4063. EAST CHESTER BAY, TURTLE COVE, NEW YORK.**

8 The Secretary shall conduct a study to determine the  
9 feasibility of carrying out a project for navigation, East  
10 Chester Creek, Chester Bay, Turtle Cove, New York.

11 **SEC. 4064. HUDSON-RARITAN ESTUARY, NEW YORK AND**  
12 **NEW JERSEY.**

13 In conducting the study for environmental restora-  
14 tion, Hudson-Raritan Estuary, New York and New Jer-  
15 sey, the Secretary shall establish and utilize watershed res-  
16 toration teams composed of estuary restoration experts  
17 from the Corps of Engineers, the New Jersey Department  
18 of Environmental Protection, and the Port Authority of  
19 New York and New Jersey and other experts designated  
20 by the Secretary for the purpose of developing habitat res-  
21 toration and water quality enhancement.

22 **SEC. 4065. LAKE ERIE SHORELINE, BUFFALO, NEW YORK.**

23 The Secretary shall conduct a study to determine the  
24 feasibility of carrying out a project for storm damage re-

1 duction and shoreline protection in the vicinity of Galla-  
2 gher Beach, Lake Erie Shoreline, Buffalo, New York.

3 **SEC. 4066. NEWTOWN CREEK, NEW YORK.**

4 The Secretary shall conduct a study to determine the  
5 feasibility of carrying out ecosystem restoration improve-  
6 ments on Newtown Creek, Brooklyn and Queens, New  
7 York.

8 **SEC. 4067. NIAGARA RIVER, NEW YORK.**

9 The Secretary shall conduct a study to determine the  
10 feasibility of carrying out a project for a low-head hydro-  
11 electric generating facility in the Niagara River, New  
12 York.

13 **SEC. 4068. UPPER DELAWARE RIVER WATERSHED, NEW**  
14 **YORK.**

15 Notwithstanding section 221(b) of the Flood Control  
16 Act of 1970 (42 U.S.C. 1962d–5b(b)) and with the con-  
17 sent of the affected local government, a nonprofit organi-  
18 zation may serve as the non-Federal interest for a study  
19 for the Upper Delaware watershed, New York, being car-  
20 ried out under Committee Resolution 2495 of the Com-  
21 mittee on Transportation and Infrastructure of the House  
22 of Representatives, adopted May 9, 1996.

23 **SEC. 4069. LINCOLN COUNTY, NORTH CAROLINA.**

24 The Secretary shall conduct a study of existing water  
25 and water quality-related infrastructure in Lincoln Coun-

1 ty, North Carolina, to assist local interests in determining  
2 the most efficient and effective way to connect county in-  
3 frastructure.

4 **SEC. 4070. WILKES COUNTY, NORTH CAROLINA.**

5 The Secretary shall conduct a study to determine the  
6 feasibility of carrying out a project for water supply,  
7 Wilkes County, North Carolina.

8 **SEC. 4071. YADKINVILLE, NORTH CAROLINA.**

9 The Secretary shall conduct a study to determine the  
10 feasibility of carrying out a project for water supply,  
11 Yadkinville, North Carolina.

12 **SEC. 4072. CINCINNATI, OHIO.**

13 (a) IN GENERAL.—The Secretary shall conduct a  
14 study to determine the feasibility of carrying out a project  
15 for ecosystem restoration and recreation on the Ohio  
16 River, Cincinnati, Ohio.

17 (b) DESIGN.—While conducting the study, the Sec-  
18 retary may continue to carry out design work for the  
19 project as authorized by section 118 of division H of the  
20 Consolidated Appropriations Act, 2004 (118 Stat. 439).

21 (c) EXISTING PLANS.—In conducting the study, the  
22 Secretary shall review the Central Riverfront Park Master  
23 Plan, dated December 1999, and incorporate any compo-  
24 nents of the plan that the Secretary determines are con-  
25 sistent with Federal standards.



1 (d) CREDIT.—

2 (1) IN GENERAL.—The Secretary shall credit  
3 toward the non-Federal share of the cost of any  
4 project authorized by law as a result of the study  
5 the cost of work carried out by the non-Federal in-  
6 terest before the date of the partnership agreement  
7 for the project if the Secretary determines that the  
8 work is integral to the project.

9 (2) LIMITATION.—In no case may work that  
10 was carried out more than 5 years before the date  
11 of enactment of this Act be eligible for credit under  
12 this subsection.

13 **SEC. 4073. EUCLID, OHIO.**

14 The Secretary shall conduct a study to determine the  
15 feasibility of carrying out a project for navigation, eco-  
16 system restoration, and recreation on Lake Erie, in the  
17 vicinity of the Euclid Lakefront, Euclid, Ohio.

18 **SEC. 4074. LAKE ERIE, OHIO.**

19 The Secretary shall conduct a study to determine the  
20 feasibility of carrying out projects for power generation  
21 at confined disposal facilities along Lake Erie, Ohio.

22 **SEC. 4075. OHIO RIVER, OHIO.**

23 The Secretary shall conduct a study to determine the  
24 feasibility of carrying out projects for flood damage reduc-  
25 tion on the Ohio River in Mahoning, Columbiana, Jeffer-

1 son, Belmont, Noble, Monroe, Washington, Athens, Meigs,  
2 Gallia, Lawrence, and Scioto Counties, Ohio.

3 **SEC. 4076. SUTHERLIN, OREGON.**

4 (a) STUDY.—The Secretary shall conduct a study of  
5 water resources along Sutherlin Creek in the vicinity of  
6 Sutherlin, Oregon, to determine the feasibility of carrying  
7 out a project to restore and enhance aquatic resources  
8 using a combination of structural and bioengineering tech-  
9 niques and, if the Secretary determines that the project  
10 is feasible, the Secretary may carry out the project.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
12 authorized to be appropriated to carry out this section  
13 \$2,500,000.

14 **SEC. 4077. TILLAMOOK BAY AND BAR, OREGON.**

15 The Secretary shall conduct a study of the project  
16 for navigation, Tillamook Bay and Bar, Oregon, author-  
17 ized by the first section of the River and Harbor Appro-  
18 priations Act of July 25, 1912 (37 Stat. 220), to inves-  
19 tigate measures to address dangerous and hazardous wave  
20 and ocean conditions.

21 **SEC. 4078. ECOSYSTEM RESTORATION AND FISH PASSAGE**  
22 **IMPROVEMENTS, OREGON.**

23 (a) STUDY.—The Secretary shall conduct a study to  
24 determine the feasibility of undertaking ecosystem restora-

1 tion and fish passage improvements on rivers throughout  
2 the State of Oregon.

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

5 (1) work in coordination with the State of Or-  
6 egon, local governments, and other Federal agencies;  
7 and

8 (2) place emphasis on—

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

14 (B) other watershed restoration objectives.

15 (c) PILOT PROGRAM.—

16 (1) IN GENERAL.—In conjunction with con-  
17 ducting the study under subsection (a), the Sec-  
18 retary may carry out pilot projects to demonstrate  
19 the effectiveness of ecosystem restoration and fish  
20 passages.

21 (2) AUTHORIZATION OF APPROPRIATIONS.—

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

1 **SEC. 4079. WALLA WALLA RIVER BASIN, OREGON.**

2 In conducting the study of determine the feasibility  
3 of carrying out a project for ecosystem restoration, Walla  
4 Walla River basin, Oregon, the Secretary shall—

5 (1) credit toward the non-Federal share of the  
6 cost of the study the cost of work carried out by the  
7 non-Federal interest before the date of the partner-  
8 ship agreement for the project if the Secretary de-  
9 termines that the work is integral to the project; and

10 (2) allow the non-Federal interest to provide  
11 the non-Federal share of the cost of the study in the  
12 form of services, materials, supplies, or other in-kind  
13 contributions.

14 **SEC. 4080. CHARTIERS CREEK WATERSHED, PENNSYL-**  
15 **VANIA.**

16 The Secretary shall conduct a study to determine the  
17 feasibility of carrying out a project for flood damage re-  
18 duction, Chartiers Creek watershed, Pennsylvania.

19 **SEC. 4081. KINZUA DAM AND ALLEGHENY RESERVOIR,**  
20 **PENNSYLVANIA.**

21 The Secretary shall conduct a study of the project  
22 for flood control, Kinzua Dam and Allegheny Reservoir,  
23 Warren, Pennsylvania, authorized by section 5 of the  
24 Flood Control Act of June 22, 1936 (49 Stat. 1570), and  
25 modified by section 2 of the Flood Control Act of June  
26 28, 1938 (52 Stat. 1215), section 2 of the Flood Control

1 Act of August 18, 1941 (55 Stat. 646), and section 4 of  
2 the Flood Control Act of December 22, 1944 (58 Stat.  
3 887), to review operations of and identify modifications  
4 to the project to expand recreational opportunities.

5 **SEC. 4082. NORTH CENTRAL PENNSYLVANIA.**

6 The Secretary shall conduct a study to determine the  
7 feasibility of carrying out project for aquatic ecosystem  
8 restoration and protection in Warren, McKean, Potter,  
9 Tioga, Lycoming, Centre, Cameron, Elk, Clearfield, Jef-  
10 ferson, Clarion, Venango, Forest, Clinton, Crawford, and  
11 Mifflin Counties, Pennsylvania, particularly as related to  
12 abandoned mine drainage abatement and reestablishment  
13 of stream and river channels.

14 **SEC. 4083. NORTHAMPTON AND LEHIGH COUNTIES**  
15 **STREAMS, PENNSYLVANIA.**

16 The Secretary shall conduct a study to determine the  
17 feasibility of carrying out a project for ecosystem restora-  
18 tion, floodplain management, flood damage reduction,  
19 water quality control, and watershed management, for the  
20 streams of Northampton and Lehigh Counties, Pennsyl-  
21 vania.

22 **SEC. 4084. WESTERN PENNSYLVANIA FLOOD DAMAGE RE-**  
23 **DUCTION.**

24 (a) IN GENERAL.—The Secretary shall conduct a  
25 study of structural and nonstructural flood damage reduc-

1 tion, stream bank protection, storm water management,  
2 channel clearing and modification, and watershed coordi-  
3 nation measures in the Mahoning River basin, Pennsyl-  
4 vania, the Allegheny River basin, Pennsylvania, and the  
5 Upper Ohio River basin, Pennsylvania, to provide a level  
6 of flood protection sufficient to prevent future losses to  
7 communities located in such basins from flooding such as  
8 occurred in September 2004, but not less than a 100-year  
9 level of flood protection.

10 (b) **PRIORITY COMMUNITIES.**—In carrying out this  
11 section, the Secretary shall give priority to the following  
12 Pennsylvania communities: Marshall Township, Ross  
13 Township, Shaler Township, Jackson Township, Har-  
14 mony, Zelienople, Darlington Township, Houston Bor-  
15 ough, Chartiers Township, Washington, Canton Town-  
16 ship, Tarentum Borough, and East Deer Township.

17 **SEC. 4085. WILLIAMSPORT, PENNSYLVANIA.**

18 The Secretary shall conduct a study of the project  
19 for flood control, Williamsport, Pennsylvania, authorized  
20 by section 5 of the Flood Control Act of June 22, 1936  
21 (49 Stat. 1570), to investigate measures to rehabilitate  
22 the project.

23 **SEC. 4086. YARDLEY BOROUGH, PENNSYLVANIA.**

24 The Secretary shall conduct a study to determine the  
25 feasibility of carrying out a project for flood damage re-

1 duction, at Yardley Borough, Pennsylvania, including the  
2 alternative of raising River Road.

3 **SEC. 4087. CROOKED CREEK, BENNETTSVILLE, SOUTH**  
4 **CAROLINA.**

5 The Secretary shall conduct a study to determine the  
6 feasibility of carrying out a project for water supply,  
7 Crooked Creek, Bennettsville, South Carolina.

8 **SEC. 4088. BROAD RIVER, YORK COUNTY, SOUTH CAROLINA.**

9 The Secretary shall conduct a study to determine the  
10 feasibility of carrying out a project for water supply,  
11 Broad River, York County, South Carolina.

12 **SEC. 4089. GEORGETOWN AND WILLIAMSBURG COUNTIES,**  
13 **SOUTH CAROLINA.**

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

20 **SEC. 4090. CHATTANOOGA, TENNESSEE.**

21 The Secretary shall conduct a study to determine the  
22 feasibility of carrying out a project for flood damage re-  
23 duction, Chattanooga Creek, Dobbs Branch, Chattanooga,  
24 Tennessee.

1 **SEC. 4091. CLEVELAND, TENNESSEE.**

2 The Secretary shall conduct a study to determine the  
3 feasibility of carrying out a project for flood damage re-  
4 duction, Cleveland, Tennessee.

5 **SEC. 4092. CUMBERLAND RIVER, NASHVILLE, TENNESSEE.**

6 The Secretary shall conduct a study to determine the  
7 feasibility of carrying out a project for recreation on, river-  
8 bank protection for, and environmental protection of, the  
9 Cumberland River and riparian habitats in the city of  
10 Nashville and Davidson County, Tennessee.

11 **SEC. 4093. LEWIS, LAWRENCE, AND WAYNE COUNTIES, TEN-**  
12 **NESSEE.**

13 The Secretary shall conduct a study to determine the  
14 feasibility of carrying out a project for water supply for  
15 Lewis, Lawrence, and Wayne Counties, Tennessee.

16 **SEC. 4094. WOLF RIVER AND NONCONNAH CREEK, MEM-**  
17 **PHIS TENNESSEE.**

18 The Secretary shall conduct a study to determine the  
19 feasibility of carrying out a project for flood damage re-  
20 duction along Wolf River and Nonconnah Creek, in the  
21 vicinity of Memphis, Tennessee, to include the repair, re-  
22 placement, rehabilitation, and restoration of the following  
23 pumping stations: Cypress Creek, Nonconnah Creek,  
24 Ensley, Marble Bayou, and Bayou Gayoso.



1 **SEC. 4095. ABILENE, TEXAS.**

2 The Secretary shall conduct a study to determine the  
3 feasibility of carrying out a project for water supply, Abi-  
4 lene, Texas.

5 **SEC. 4096. COASTAL TEXAS ECOSYSTEM PROTECTION AND**  
6 **RESTORATION, TEXAS.**

7 (a) IN GENERAL.—The Secretary shall develop a  
8 comprehensive plan to determine the feasibility of carrying  
9 out projects for flood damage reduction, hurricane and  
10 storm damage reduction, and ecosystem restoration in the  
11 coastal areas of the State of Texas.

12 (b) SCOPE.—The comprehensive plan shall provide  
13 for the protection, conservation, and restoration of wet-  
14 lands, barrier islands, shorelines, and related lands and  
15 features that protect critical resources, habitat, and infra-  
16 structure from the impacts of coastal storms, hurricanes,  
17 erosion, and subsidence.

18 (c) DEFINITION.—For purposes of this section, the  
19 term “coastal areas in the State of Texas” means the  
20 coastal areas of the State of Texas from the Sabine River  
21 on the east to the Rio Grande River on the west and in-  
22 cludes tidal waters, barrier islands, marches, coastal wet-  
23 lands, rivers and streams, and adjacent areas.

1 **SEC. 4097. FORT BEND 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, Fort Bend County, Texas.

5 **SEC. 4098. HARRIS COUNTY, TEXAS.**

6 The Secretary shall conduct a study to determine the  
7 feasibility of carrying out a project for flood damage re-  
8 duction, Harris County, Texas.

9 **SEC. 4099. PORT OF GALVESTON, TEXAS.**

10 The Secretary shall conduct a study of the feasibility  
11 of carrying out a project for dredged material disposal in  
12 the vicinity of the project for navigation and environ-  
13 mental restoration, Houston-Galveston Navigation Chan-  
14 nels, Texas, authorized by section 101(a)(30) of the Water  
15 Resources Development Act of 1996 (110 Stat. 3666).

16 **SEC. 4100. ROMA CREEK, TEXAS.**

17 The Secretary shall conduct a study to determine the  
18 feasibility of carrying out a project for flood damage re-  
19 duction, Roma Creek, Texas.

20 **SEC. 4101. WALNUT 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, environmental restoration, and erosion control,  
24 Walnut Creek, Texas.

1 **SEC. 4102. GRAND COUNTY AND MOAB, UTAH.**

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

7 **SEC. 4103. SOUTHWESTERN UTAH.**

8 The Secretary shall conduct a study to determine the  
9 feasibility of carrying out a project for flood damage re-  
10 duction, Santa Clara River, Washington, Iron, and Kane  
11 Counties, Utah.

12 **SEC. 4104. CHOWAN RIVER BASIN, VIRGINIA AND NORTH**  
13 **CAROLINA.**

14 The Secretary shall conduct a study to determine the  
15 feasibility of carrying out a project for flood damage re-  
16 duction, environmental restoration, navigation, and ero-  
17 sion control, Chowan River basin, Virginia and North  
18 Carolina.

19 **SEC. 4105. JAMES RIVER, RICHMOND, VIRGINIA.**

20 The Secretary shall conduct a study to determine the  
21 feasibility of carrying out a project for flood damage re-  
22 duction for the James River in the vicinity of Richmond,  
23 Virginia, including the Shockey Bottom area .

24 **SEC. 4106. ELLIOTT BAY SEAWALL, SEATTLE, WASHINGTON.**

25 (a) IN GENERAL.—The study for rehabilitation of the  
26 Elliott Bay Seawall, Seattle, Washington, being carried

1 out under Committee Resolution 2704 of the Committee  
2 on Transportation and Infrastructure of the House of  
3 Representatives adopted September 25, 2002, is modified  
4 to include a determination of the feasibility of reducing  
5 future damage to the seawall from seismic activity.

6 (b) ACCEPTANCE OF CONTRIBUTIONS.—In carrying  
7 out the study, the Secretary may accept contributions in  
8 excess of the non-Federal share of the cost of the study  
9 from the non-Federal sponsor to the extent that the Sec-  
10 retary determines that the contributions will facilitate  
11 completion of the study.

12 (c) CREDIT.—The Secretary shall credit toward the  
13 non-Federal share of the cost of any project authorized  
14 by law as a result of the study the value of contributions  
15 accepted by the Secretary under subsection (b).

16 **SEC. 4107. MONONGAHELA RIVER BASIN, NORTHERN WEST**  
17 **VIRGINIA.**

18 The Secretary shall conduct a study to determine the  
19 feasibility of carrying out aquatic ecosystem restoration  
20 and protection projects in the watersheds of the  
21 Monongahela River basin lying within the counties of  
22 Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood,  
23 Doddridge, Monongalia, Marion, Harrison, Taylor,  
24 Barbour, Preston, Tucker, Mineral, Grant, Gilmer,

1 Brooke, and Ritchie, West Virginia, particularly as re-  
2 lated to abandoned mine drainage abatement.

3 **SEC. 4108. KENOSHA HARBOR, WISCONSIN.**

4 The Secretary shall conduct a study to determine the  
5 feasibility of carrying out a project for navigation, Ken-  
6 sha Harbor, Wisconsin, including the extension of existing  
7 piers.

8 **SEC. 4109. WAUWATOSA, WISCONSIN.**

9 The Secretary shall conduct a study to determine the  
10 feasibility of carrying out a project for flood damage re-  
11 duction and environmental restoration, Menomonee River  
12 and Underwood Creek, Wauwatosa, Wisconsin.

13 **TITLE V—MISCELLANEOUS**  
14 **PROVISIONS**

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

16 (a) IN GENERAL.—Upon request of a non-Federal in-  
17 terest, the Secretary shall be responsible for maintenance  
18 of the following navigation channels and breakwaters con-  
19 structed or improved by the non-Federal interest if the  
20 Secretary determines that such maintenance is economi-  
21 cally justified and environmentally acceptable and that the  
22 channel or breakwater was constructed in accordance with  
23 applicable permits and appropriate engineering and design  
24 standards:

25 (1) Manatee Harbor basin, Florida.

1           (2) Bayou LaFourche Channel, Port Fourchon,  
2           Louisiana.

3           (3) Calcasieu River at Devil's Elbow, Louisiana.

4           (4) Pidgeon Industrial Harbor, Pidgeon Indus-  
5           trial Park, Memphis Harbor, Tennessee.

6           (5) Pix Bayou Navigation Channel, Chambers  
7           County, Texas.

8           (6) Racine Harbor, Wisconsin.

9           (b) COMPLETION OF ASSESSMENT.—Not later than  
10 6 months after the date of receipt of a request from a  
11 non-Federal interest for Federal assumption of mainte-  
12 nance of a channel listed in subsection (a), the Secretary  
13 shall make a determination as provided in subsection (a)  
14 and advise the non-Federal interest of the Secretary's de-  
15 termination.

16 **SEC. 5002. WATERSHED MANAGEMENT.**

17           (a) IN GENERAL.—The Secretary may provide tech-  
18 nical, planning, and design assistance to non-Federal in-  
19 terests for carrying out watershed management, restora-  
20 tion, and development projects at the locations described  
21 in subsection (d).

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

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

3           (2) Control and remediation of toxic sediments.

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

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

10          (5) Demonstration of technologies for non-  
11          structural measures to reduce destructive impacts of  
12          flooding.

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

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

18           (1) Cucamonga basin, Upland, California.

19           (2) Big Creek watershed, Roswell, Georgia.

20           (3) Those portions of the watersheds of the  
21           Chattahoochee, Etowah, Flint, Ocmulgee, and  
22           Oconee Rivers lying within the counties of Bartow,  
23           Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas,  
24           Fayette, Fulton, Forsyth, Gwinnett, Hall, Henry,  
25           Paulding, Rockdale, and Walton, Georgia.

- 1 (4) Kinkaid Lake, Jackson County, Illinois.
- 2 (5) Amite River basin, Louisiana.
- 3 (6) East Atchafalaya River basin, Iberville Par-
- 4 ish and Pointe Coupee Parish, Louisiana.
- 5 (7) Red River watershed, Louisiana.
- 6 (8) Taunton River basin, Massachusetts.
- 7 (9) Lower Platte River watershed, Nebraska.
- 8 (10) Rio Grande watershed, New Mexico.
- 9 (11) Marlboro Township, New Jersey.
- 10 (12) Buffalo River watershed, New York.
- 11 (13) Cattaragus Creek watershed, New York.
- 12 (14) Eighteenmile Creek watershed, Niagara
- 13 County, New York.
- 14 (15) Esopus, Plattekill, and Rondout Creeks,
- 15 Greene, Sullivan, and Ulster Counties, New York.
- 16 (16) Genesee River watershed, New York.
- 17 (17) Greenwood Lake watershed, New York
- 18 and New Jersey.
- 19 (18) Long Island Sound watershed, New York.
- 20 (19) Niagara River watershed, New York.
- 21 (20) Oswego River basin, New York.
- 22 (21) Ramapo River watershed, New York.
- 23 (22) Tonawanda Creek watershed, New York.
- 24 (23) Tuscarawas River basin, Ohio.
- 25 (24) Western Lake Erie basin, Ohio.



1           (25) Those portions of the watersheds of the  
2 Beaver, Upper Ohio, Connoquenessing, Lower Alle-  
3 gheny, Kiskiminetas, Lower Monongahela,  
4 Youghiogheny, Shenango, and Mahoning Rivers  
5 lying within the counties of Beaver, Butler, Law-  
6 rence, and Mercer, Pennsylvania.

7           (26) Otter Creek watershed, Pennsylvania.

8           (27) Unami Creek watershed, Milford Town-  
9 ship, Pennsylvania.

10          (28) Bosque River, Texas.

11          (29) Sauk River basin, Washington.

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

15 **SEC. 5003. DAM SAFETY.**

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

18           (1) Fish Creek Dam, Blaine County, Idaho.

19           (2) Hamilton Dam, Saginaw River, Flint,  
20 Michigan.

21           (3) Candor Dam, Candor, New York.

22           (4) State Dam, Auburn, New York.

23           (5) Whaley Lake Dam, Pawling, New York.

24           (6) Ingham Spring Dam, Solebury Township,  
25 Pennsylvania.

1           (7) Leaser Lake Dam, Lehigh County, Pennsyl-  
2       vania.

3           (8) Stillwater Dam, Monroe County, Pennsyl-  
4       vania.

5           (9) Wissahickon Creek Dam, Montgomery  
6       County, Pennsylvania.

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

13      (c) FERN RIDGE DAM, OREGON.—It is the sense of  
14      Congress that the Secretary should immediately carry out  
15      a project to remedy the situation at Fern Ridge Dam, Or-  
16      egon, due to the rapid deterioration of the dam. Cost shar-  
17      ing for the project shall be as provided by section 1203  
18      of the Water Resources Development Act of 1986 (33  
19      U.S.C. 467n).

20      (d) KEHLY RUN DAMS, PENNSYLVANIA.—Section  
21      504(a)(2) of the Water Resources Development Act of  
22      1999 (113 Stat. 338; 117 Stat. 1842) is amended by  
23      striking “Dams” and inserting “Dams No. 1–5”.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out subsection (a)  
3 \$6,000,000.

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

5 (a) IN GENERAL.—Upon request of a non-Federal in-  
6 terest, the Secretary shall evaluate the structural integrity  
7 and effectiveness of a project for flood damage reduction  
8 and, if the Secretary determines that the project does not  
9 meet such minimum standards as the Secretary may es-  
10 tablish and, absent action by the Secretary, the project  
11 will fail, the Secretary may take such action as may be  
12 necessary to restore the integrity and effectiveness of the  
13 project.

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

16 (1) Project for flood damage reduction, Arkan-  
17 sas River Levees, river mile 205 to river mile 308.4,  
18 Arkansas.

19 (2) Project for flood damage reduction,  
20 Nonconnah Creek, Tennessee.

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

22 (a) IN GENERAL.—Section 212(e) of the Water Re-  
23 sources Development Act of 1999 (33 U.S.C. 2332(e); 114  
24 Stat. 2599) is amended—

1 (1) by striking “and” at the end of paragraphs  
2 (23) and (27);

3 (2) by striking the period at the end of para-  
4 graph (28) and inserting a semicolon; and

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

6 “(29) Ascension Parish, Louisiana;

7 “(30) East Baton Rouge Parish, Louisiana;

8 “(31) Iberville Parish, Louisiana;

9 “(32) Livingston Parish, Louisiana; and

10 “(33) Pointe Coupee, Louisiana.”.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
12 212(i)(1) of such Act (33 U.S.C. 2332(i)(1)) is amended  
13 by striking “section—” and all that follows before the pe-  
14 riod at the end and inserting “section \$20,000,000”.

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

17 (a) IN GENERAL.—Section 219(e) of the Water Re-  
18 sources Development Act of 1992 (106 Stat. 4835; 110  
19 Stat. 3757; 113 Stat. 334) is amended—

20 (1) by striking “and” at the end of paragraph  
21 (7);

22 (2) by striking the period at the end of para-  
23 graph (8) and inserting a semicolon; and

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

1           “(9) \$35,000,000 for the project described in  
2 subsection (c)(18);

3           “(10) \$20,000,000 for the project described in  
4 subsection (c)(20);

5           “(11) \$35,000,000 for the project described in  
6 subsection (c)(23);

7           “(12) \$20,000,000 for the project described in  
8 subsection (c)(25);

9           “(13) \$20,000,000 for the project described in  
10 subsection (c)(26);

11           “(14) \$35,000,000 for the project described in  
12 subsection (c)(27);

13           “(15) \$20,000,000 for the project described in  
14 subsection (c)(28); and

15           “(16) \$30,000,000 for the project described in  
16 subsection (c)(40).”.

17       (b) EAST ARKANSAS ENTERPRISE COMMUNITY, AR-  
18 KANSAS.—Federal assistance made available under the  
19 rural enterprise zone program of the Department of Agri-  
20 culture may be used toward payment of the non-Federal  
21 share of the costs of the project described in section  
22 219(c)(20) of the Water Resources Development Act of  
23 1992 (114 Stat. 2763A–219) if such assistance is author-  
24 ized to be used for such purposes.

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

3 The Secretary shall expedite completion of the re-  
4 ports and, if the Secretary determines the project is fea-  
5 sible, shall expedite completion of construction for the fol-  
6 lowing projects:

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

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

13 (3) Steele Creek, Village of Ilion, New York,  
14 being carried out under section 205 of the Flood  
15 Control Act of 1948 (33 U.S.C. 701s).

16 (4) Oriskany Wildlife Management Area, Rome,  
17 New York, being carried out under section 206 of  
18 the Water Resources Development Act of 1996 (33  
19 U.S.C. 2330).

20 (5) Whitney Point Lake, Otselic River, Whitney  
21 Point, New York, being carried out under section  
22 1135 of the Water Resources Development Act of  
23 1986 (33 U.S.C. 2309a).

1 **SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CER-**  
2 **TAIN PROJECTS.**

3 (a) IN GENERAL.—The Secretary shall expedite com-  
4 pletion of the reports for the following projects and, if the  
5 Secretary determines that a project is justified in the com-  
6 pleted report, proceed directly to project preconstruction,  
7 engineering, and design:

8 (1) Project for water supply, Little Red River,  
9 Arkansas.

10 (2) Project for shoreline stabilization at  
11 Egmont Key, Florida.

12 (3) Project for ecosystem restoration, Univer-  
13 sity Lake, Baton Rouge, Louisiana.

14 (b) SPECIAL RULE FOR EGMONT KEY, FLORIDA.—  
15 In carrying out the project for shoreline stabilization at  
16 Egmont Key, Florida, referred to in subsection (a)(2), the  
17 Secretary shall waive any cost share to be provided by non-  
18 Federal interests for any portion of the project that bene-  
19 fits federally owned property.

20 **SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESS-**  
21 **MENT.**

22 (a) IN GENERAL.—The Secretary shall conduct, at  
23 Federal expense, an assessment of the water resources  
24 needs of the river basins and watersheds of the south-  
25 eastern United States.

1           (b) COOPERATIVE AGREEMENTS.—In carrying out  
2 the assessment, the Secretary may enter into cooperative  
3 agreements with State and local agencies, non-Federal  
4 and nonprofit entities, and regional researchers.

5           (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
6 authorized to be appropriated \$7,000,000 to carry out this  
7 section.

8 **SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL**  
9 **MANAGEMENT PROGRAM.**

10           Section 1103(e)(7) of the Water Resources Develop-  
11 ment Act of 1986 (33 U.S.C. 652(e)(7)) is amended—

12           (1) by adding at the end of subparagraph (A)  
13 the following: “The non-Federal interest may pro-  
14 vide the non-Federal share of the cost of the project  
15 in the form of in-kind services and materials.”; and

16           (2) by inserting after subparagraph (B) the fol-  
17 lowing:

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



1 **SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**  
2 **HANCEMENT PROJECT.**

3 Section 514(g) of the Water Resources Development  
4 Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended  
5 by striking “and 2004” and inserting “through 2015”.

6 **SEC. 5012. GREAT LAKES FISHERY AND ECOSYSTEM RES-**  
7 **TORATION.**

8 Section 506(f)(3)(B) of the Water Resources Devel-  
9 opment Act of 2000 (42 U.S.C. 1962d–22; 114 Stat.  
10 2646) is amended by striking “50 percent” and inserting  
11 “100 percent”.

12 **SEC. 5013. GREAT LAKES REMEDIAL ACTION PLANS AND**  
13 **SEDIMENT REMEDIATION.**

14 Section 401(c) of the Water Resources Development  
15 Act of 1990 (33 U.S.C. 1268 note; 114 Stat. 2613) is  
16 amended by striking “2006” and inserting “2011”.

17 **SEC. 5014. GREAT LAKES TRIBUTARY MODEL.**

18 Section 516(g)(2) of the Water Resources Develop-  
19 ment Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended  
20 by striking “2006” and inserting “2011”.

21 **SEC. 5015. SUSQUEHANNA, DELAWARE, AND POTOMAC**  
22 **RIVER BASINS.**

23 (a) EX OFFICIO MEMBER.—Notwithstanding section  
24 3001(a) of the 1997 Emergency Supplemental Appropria-  
25 tions Act for Recovery From Natural Disasters, and for  
26 Overseas Peacekeeping Efforts, Including Those in Bosnia

1 (111 Stat. 176) and section 2.2 of both the Susquehanna  
2 River Basin Compact (Public Law 91–575) and the Dela-  
3 ware River Basin Compact (Public Law 87–328), begin-  
4 ning in fiscal year 2005 and thereafter, the Division Engi-  
5 neer, North Atlantic Division, Corps of Engineers, shall  
6 be the ex officio United States member under the Susque-  
7 hanna River Basin Compact and the Delaware River  
8 Basin Compact, who shall serve without additional com-  
9 pensation and who may designate an alternate member or  
10 members in accordance with the terms of those respective  
11 compacts.

12 (b) AUTHORIZATION TO ALLOCATE.—The Secretary  
13 may allocate funds to the Susquehanna River Basin Com-  
14 mission, Delaware River Basin Commission, and the  
15 Interstate Commission on the Potomac River Basin (Poto-  
16 mac River Basin Compact (Public Law 91–407)) to fulfill  
17 the equitable funding requirements of their respective  
18 interstate compacts.

19 (c) WATER SUPPLY AND CONSERVATION STOR-  
20 AGE.—The Secretary shall enter into an agreement with  
21 the Delaware River Basin Commission to provide tem-  
22 porary water supply and conservation storage at the  
23 Francis E. Walter Dam, Pennsylvania, during any period  
24 in which the Commission has determined that a drought  
25 warning or drought emergency exists. The agreement shall

1 provide that the cost for any such water supply and con-  
2 servation storage shall not exceed the incremental oper-  
3 ating costs associated with providing the storage.

4 **SEC. 5016. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**  
5 **TION AND PROTECTION PROGRAM.**

6 (a) FORM OF ASSISTANCE.—Section 510(a)(2) of the  
7 Water Resources Development Act of 1996 (110 Stat.  
8 3759) is amended by striking “, and beneficial uses of  
9 dredged material” and inserting “, beneficial uses of  
10 dredged material, and restoration of submerged aquatic  
11 vegetation”.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
13 510(i) of such Act (110 Stat. 3761) is amended by strik-  
14 ing “\$10,000,000” and inserting “\$50,000,000”.

15 **SEC. 5017. CHESAPEAKE BAY OYSTER RESTORATION.**

16 The second sentence of section 704(b) of the Water  
17 Resources Development Act of 1986 (33 U.S.C. 2263(b))  
18 is amended by striking “\$20,000,000” and inserting  
19 “\$30,000,000”.

20 **SEC. 5018. HYPOXIA ASSESSMENT.**

21 The Secretary may participate with Federal, State,  
22 and local agencies, non-Federal and nonprofit entities, re-  
23 gional researchers, and other interested parties to assess  
24 hypoxia in the Gulf of Mexico.

1 **SEC. 5019. POTOMAC RIVER WATERSHED ASSESSMENT AND**  
2 **TRIBUTARY STRATEGY EVALUATION AND**  
3 **MONITORING PROGRAM.**

4 The Secretary may participate in the Potomac River  
5 Watershed Assessment and Tributary Strategy Evaluation  
6 and Monitoring Program to identify a series of resource  
7 management indicators to accurately monitor the effec-  
8 tiveness of the implementation of the agreed upon tribu-  
9 tary strategies and other public policies that pertain to  
10 natural resource protection of the Potomac River water-  
11 shed.

12 **SEC. 5020. LOCK AND DAM SECURITY.**

13 (a) **STANDARDS.**—The Secretary, in consultation  
14 with the Federal Emergency Management Agency, the  
15 Tennessee Valley Authority, and the Coast Guard, shall  
16 develop standards for the security of locks and dams, in-  
17 cluding the testing and certification of vessel exclusion  
18 barriers.

19 (b) **SITE SURVEYS.**—At the request of a lock or dam  
20 owner, the Secretary shall provide technical assistance, on  
21 a reimbursible basis, to improve lock or dam security.

22 (c) **COOPERATIVE AGREEMENT.**—The Secretary may  
23 enter into a cooperative agreement with a nonprofit alli-  
24 ance of public and private organizations that has the mis-  
25 sion of promoting safe waterways and seaports to carry

1 out testing and certification activities, and to perform site  
2 surveys, under this section.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated \$3,000,000 to carry out this  
5 section.

6 **SEC. 5021. TALLAPOOSA, ALABAMA.**

7 The Secretary may provide technical assistance relat-  
8 ing to water supply to the Middle Tallapoosa Water Sup-  
9 ply District, Alabama. There is authorized to be appro-  
10 priated \$5,000,000 to carry out this section.

11 **SEC. 5022. ALASKA.**

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

14 (1) in subsection (c) by inserting “environ-  
15 mental restoration,” after “water supply and related  
16 facilities,”;

17 (2) in subsection (e)(3)(B) by striking the last  
18 sentence;

19 (3) in subsection (h) by striking “\$25,000,000”  
20 and inserting “\$45,000,000”; and

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

22 “(i) NONPROFIT ENTITIES.—Notwithstanding sec-  
23 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
24 1962d–5b(b)), for any project undertaken under this sec-

1 tion, a non-Federal interest may include a nonprofit enti-  
2 ty, with the consent of the affected local government.

3 “(j) CORPS OF ENGINEERS EXPENSES.—Ten percent  
4 of the amounts appropriated to carry out this section may  
5 be used by the Corps of Engineers district offices to ad-  
6 minister projects under this section at 100 percent Fed-  
7 eral expense.”.

8 **SEC. 5023. FORT YUKON, ALASKA.**

9 The Secretary shall make repairs to the dike at Fort  
10 Yukon, Alaska, so that the dike meets Corps of Engineers  
11 standards.

12 **SEC. 5024. LOWELL CREEK TUNNEL, SEWARD, ALASKA.**

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

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

19 **SEC. 5025. ST. HERMAN AND ST. PAUL HARBORS, KODIAK,**  
20 **ALASKA.**

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

1 **SEC. 5026. VALDEZ, ALASKA.**

2       The Secretary is authorized to construct a small boat  
3 harbor in Valdez, Alaska, at a total cost of \$20,000,000,  
4 with an estimated Federal cost of \$10,500,000 and an es-  
5 timated non-Federal cost of \$9,500,000.

6 **SEC. 5027. WRANGELL HARBOR, ALASKA.**

7       (a) GENERAL NAVIGATION FEATURES.—In carrying  
8 out the project for navigation, Wrangell Harbor, Alaska,  
9 authorized by section 101(b)(1) of the Water Resources  
10 Development Act of 1999 (113 Stat. 279), the Secretary  
11 shall consider the dredging of the mooring basin and con-  
12 struction of the inner harbor facilities to be general navi-  
13 gation features for purposes of estimating the non-Federal  
14 share of project costs.

15       (b) REVISION OF PARTNERSHIP AGREEMENT.—The  
16 Secretary shall revise the partnership agreement for the  
17 project to reflect the change required by subsection (a).

18 **SEC. 5028. AUGUSTA AND CLARENDON, ARKANSAS.**

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

23       (b) REIMBURSEMENT.—After performing the oper-  
24 ation, maintenance, and rehabilitation under subsection  
25 (a), the Secretary shall seek reimbursement from the Sec-  
26 retary of the Interior of an amount equal to the costs allo-

1 cated to benefits to a Federal wildlife refuge of such oper-  
2 ation, maintenance, and rehabilitation.

3 **SEC. 5029. DES ARC LEVEE PROTECTION, ARKANSAS.**

4       The Secretary shall review the project for flood con-  
5 trol, Des Arc, Arkansas, to determine whether bank and  
6 channel scour along the White River threaten the existing  
7 project and whether the scour is as a result of a design  
8 deficiency. If the Secretary determines that such condi-  
9 tions exist as a result of a deficiency, the Secretary shall  
10 carry out measures to eliminate the deficiency.

11 **SEC. 5030. HELENA AND VICINITY, ARKANSAS.**

12       The Secretary shall accept as fulfilling the non-Fed-  
13 eral cost-sharing responsibilities for the project for flood  
14 control, Helena and Vicinity, Arkansas, authorized by sec-  
15 tion 401 of the Water Resources Development Act of 1986  
16 (100 Stat. 4112), the non-Federal cash contribution of  
17 \$568,000 and the lands, easements, rights-of-way, reloca-  
18 tions, and dredged material disposal areas provided by the  
19 non-Federal sponsor as of September 1, 2003, and the  
20 Secretary shall not seek to recover any reimbursement  
21 from the non-Federal sponsor related to advanced pay-  
22 ments to, or work performed for, the non-Federal sponsor  
23 under the authority of sections 103 and 104 of the Water  
24 Resources Development Act of 1986 (33 U.S.C. 2213,  
25 2214).



1 **SEC. 5031. LOOMIS LANDING, ARKANSAS.**

2       The Secretary shall conduct a study of shore damage  
3 in the vicinity of Loomis Landing, Arkansas, to determine  
4 if the damage is the result of a Federal navigation project,  
5 and, if the Secretary determines that the damage is the  
6 result of a Federal navigation project, the Secretary shall  
7 carry out a project to mitigate the damage under section  
8 111 of the River and Harbor Act of 1968 (33 U.S.C.  
9 426i).

10 **SEC. 5032. ST. FRANCIS RIVER BASIN, ARKANSAS AND MIS-**  
11 **SOURI.**

12       The Secretary shall conduct a study of increased sil-  
13 tation and streambank erosion in the St. Francis River  
14 basin, Arkansas and Missouri, to determine if the siltation  
15 or erosion, or both, are the result of a Federal flood con-  
16 trol project and, if the Secretary determines that the silta-  
17 tion or erosion, or both, are the result of a Federal flood  
18 control project, the Secretary shall carry out a project to  
19 mitigate the siltation or erosion, or both.

20 **SEC. 5033. WHITE RIVER BASIN, ARKANSAS.**

21       (a) **MINIMUM FLOWS.**—

22               (1) **IN GENERAL.**—In carrying out section 304  
23 of the Water Resources Development Act of 2000  
24 (114 Stat. 2601), the Secretary shall implement al-  
25 ternatives BS-3 and NF-7, as described in the

1 White River Minimum Flows Reallocation Study Re-  
2 port, Arkansas and Missouri, dated July 2004.

3 (2) COST SHARING.—Reallocation of storage  
4 and installation of facilities under this subsection  
5 shall be considered fish and wildlife enhancement  
6 that provides national benefits and shall be a Fed-  
7 eral expense in accordance with section 906(e)(1) of  
8 the Water Resources Development Act of 1986 (33  
9 U.S.C. 2283(e)(1)).

10 (3) OFFSET.—In carrying out this subsection,  
11 losses to hydropower shall be offset by a reduction,  
12 not to exceed \$17,000,000, in the costs allocated to  
13 hydropower, as determined by the present value of  
14 the estimated replacement cost of the electrical en-  
15 ergy and capacity at the time of the implementation.

16 (b) FISH HATCHERY.—In operating the fish hatchery  
17 at Beaver Lake, Arkansas, authorized by section 105 of  
18 the Water Resources Development Act of 1976 (90 Stat.  
19 2921), losses to hydropower shall be offset by a reduction,  
20 not to exceed \$2,200,000, in the costs allocated to hydro-  
21 power, as determined by the present value of the estimated  
22 replacement cost of the electrical energy and capacity at  
23 the time of the implementation.

24 (c) REPEAL.—Section 374 of the Water Resources  
25 Development Act of 1999 (113 Stat. 321) is repealed.

1 **SEC. 5034. CAMBRIA, CALIFORNIA.**

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

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

6 “(A) IN GENERAL.—\$10,300,000”;

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 not to exceed \$3,000,000 for the cost of  
11 planning and design work carried out by the  
12 non-Federal interest before the date of the  
13 partnership agreement for the project if the  
14 Secretary determines that the work is integral  
15 to the project.”; and

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

20 **SEC. 5035. CONTRA COSTA CANAL, OAKLEY AND**  
21 **KNIGHTSEN, CALIFORNIA; MALLARD**  
22 **SLOUGH, PITTSBURG, CALIFORNIA.**

23 Sections 512 and 514 of the Water Resources Devel-  
24 opment Act of 2000 (114 Stat. 2650) are each amended  
25 by adding at the end the following: “All planning, study,  
26 design, and construction on the project shall be carried

1 out by the office of the district engineer, San Francisco,  
2 California.”.

3 **SEC. 5036. DANA POINT HARBOR, CALIFORNIA.**

4 The Secretary shall conduct a study of the causes of  
5 water quality degradation within Dana Point Harbor,  
6 California, to determine if the degradation is the result  
7 of a Federal navigation project, and, if the Secretary de-  
8 termines that the degradation is the result of a Federal  
9 navigation project, the Secretary shall carry out a project  
10 to mitigate the degradation at Federal expense.

11 **SEC. 5037. EAST SAN JOAQUIN COUNTY, CALIFORNIA.**

12 Section 219(f)(22) of the Water Resources Develop-  
13 ment Act of 1992 (113 Stat. 336) is amended—

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

16 “(A) IN GENERAL.—\$25,000,000”;

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

18 “(B) CREDIT.—The Secretary shall credit  
19 toward the non-Federal share of the cost of the  
20 project (i) the cost of design and construction  
21 work carried out by the non-Federal interest  
22 before the date of the partnership agreement  
23 for the project if the Secretary determines that  
24 the work is integral to the project; and (ii) the

1 cost of provided for the project by the non-Fed-  
2 eral interest.

3 “(C) IN-KIND CONTRIBUTIONS.—The non-  
4 Federal interest may provide any portion of the  
5 non-Federal share of the cost of the project in  
6 the form of in-kind services and materials.”;  
7 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. 5038. PINE FLAT DAM AND RESERVOIR, CALIFORNIA.**

13 (a) IN GENERAL.—The Secretary shall review the  
14 Kings River Fisheries Management Program Framework  
15 Agreement, dated May 29, 1999, among the California  
16 Department of Fish and Game, the Kings River Water  
17 Association, and the Kings River Conservation District  
18 and, if the Secretary determines that the management  
19 program is feasible, the Secretary may participate in the  
20 management program.

21 (b) PROHIBITION.—Nothing in this section author-  
22 izes any project for the raising of, or the construction of,  
23 a multilevel intake structure at Pine Flat Dam, California.

24 (c) USE OF EXISTING STUDIES.—In carrying out this  
25 section, the Secretary shall use, to the maximum extent

1 practicable, studies in existence on the date of enactment  
2 of this Act, including data and environmental documenta-  
3 tion in the Report of the Chief of Engineers, Pine Flat  
4 Dam and Reservoir, Fresno County, California, dated July  
5 19, 2002.

6 (d) CREDIT.—The Secretary shall credit toward the  
7 non-Federal share of the cost of the project the cost of  
8 planning, design, and construction 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 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated to \$20,000,000 to carry out  
14 this section.

15 **SEC. 5039. SACRAMENTO DEEP WATER SHIP CHANNEL,**  
16 **CALIFORNIA.**

17 (a) IN GENERAL.—The Secretary is authorized to  
18 transfer title to the Bascule Bridge, deauthorized by sec-  
19 tion 347(a)(2) of the Water Resources Development Act  
20 of 2000 (114. Stat. 2618), to the city of West Sacramento,  
21 California, subject to the execution of an agreement by  
22 the Secretary and the city which specifies the terms and  
23 conditions for such transfer. The terms and conditions of  
24 the transfer shall include a provision authorizing the Sec-

1 retary to participate in the construction of a replacement  
2 bridge following the removal of the Bascule Bridge.

3 (b) AUTHORIZATION OF APPROPRIATION.—There is  
4 authorized to be appropriated \$5,000,000 for the Sec-  
5 retary to participate in the construction of a replacement  
6 bridge under this section.

7 **SEC. 5040. SAN FRANCISCO, CALIFORNIA.**

8 (a) IN GENERAL.—The Secretary, in cooperation  
9 with the Port of San Francisco, California, may carry out  
10 the project for repair and removal, as appropriate, of Piers  
11 35, 36, and 80 in San Francisco, California, substantially  
12 in accordance with the Port’s redevelopment plan.

13 (b) AUTHORIZATION OF APPROPRIATION.—There is  
14 authorized to be appropriated \$20,000,000 to carry out  
15 this subsection.

16 **SEC. 5041. SAN FRANCISCO, CALIFORNIA, WATERFRONT**  
17 **AREA.**

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

1 est, such portion is declared to be nonnavigable waters of  
2 the United States.

3 (b) NORTHERN EMBARCADERO SOUTH OF BRYANT  
4 STREET.—The portion of the San Francisco, California,  
5 waterfront area referred to in subsection (a) is as follows:  
6 Beginning at the intersection of the northeasterly prolon-  
7 gation of that portion of the northwesterly line of Bryant  
8 Street lying between Beale Street and Main Street with  
9 the southwesterly line of Spear Street, which intersection  
10 lies on the line of jurisdiction of the San Francisco Port  
11 Commission; following thence southerly along said line of  
12 jurisdiction as described in the State of California Harbor  
13 and Navigation Code Section 1770, as amended in 1961,  
14 to its intersection with the easterly line of Townsend  
15 Street along a line that is parallel and distant 10 feet dis-  
16 tant from the existing southern boundary of Pier 40 pro-  
17 duced to its point of intersection with the United States  
18 Government pier-head line; thence northerly along said  
19 pier-head line to its intersection with a line parallel with,  
20 and distant 10 feet easterly from, the existing easterly  
21 boundary line of Pier 30–32; thence northerly along said  
22 parallel line and its northerly prolongation, to a point of  
23 intersection with a line parallel with, and distant 10 feet  
24 northerly from, the existing northerly boundary of Pier  
25 30–32, thence westerly along last said parallel line to its



1 intersection with the United States Government pier-head  
2 line; to the northwesterly line of Bryant Street produced  
3 northwesterly; thence southwesterly along said northwest-  
4 erly line of Bryant Street produced to the point of begin-  
5 ning.

6 (c) REQUIREMENT THAT AREA BE IMPROVED.—The  
7 declaration of nonnavigability under subsection (a) applies  
8 only to those parts of the area described in subsection (b)  
9 that are or will be bulkheaded, filled, or otherwise occupied  
10 by permanent structures and does not affect the applica-  
11 bility of any Federal statute or regulation applicable to  
12 such parts the day before the date of enactment of this  
13 Act, including sections 9 and 10 of the Act of March 3,  
14 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly  
15 known as the Rivers and Harbors Appropriation Act of  
16 1899, section 404 of the Federal Water Pollution Control  
17 Act (33 U.S.C. 1344), and the National Environmental  
18 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

19 (d) EXPIRATION DATE.—If, 20 years from the date  
20 of enactment of this Act, any area or part thereof de-  
21 scribed in subsection (b) is not bulkheaded or filled or oc-  
22 cupied by permanent structures, including marina facili-  
23 ties, in accordance with the requirements set out in sub-  
24 section (c), or if work in connection with any activity per-  
25 mitted in subsection (c) is not commenced within 5 years

1 after issuance of such permits, then the declaration of  
2 nonnavigability for such area or part thereof shall expire.

3 **SEC. 5042. SANTA VENETIA, CALIFORNIA.**

4 (a) IN GENERAL.—The Secretary shall carry out a  
5 project for flood damage reduction under section 205 of  
6 the Flood Control Act of 1958 (33 U.S.C. 701s), Santa  
7 Venetia, California, if the Secretary determines that the  
8 project is feasible.

9 (b) PROJECT FINANCING.—In carrying out the  
10 project under this section, the Secretary shall allow the  
11 non-Federal interests to participate in the financing of the  
12 project in accordance with section 903(c) of the Water Re-  
13 sources Development Act of 1986 (100 Stat. 4184), to the  
14 extent that the Secretary's evaluation indicates that apply-  
15 ing such section is necessary to implement the project.

16 **SEC. 5043. STOCKTON, CALIFORNIA.**

17 (a) REEVALUATION.—The Secretary shall reevaluate  
18 the feasibility of the Lower Mosher Slough element and  
19 the levee extensions on the Upper Calaveras River element  
20 of the project for flood control, Stockton Metropolitan  
21 Area, California, carried out under section 211(f)(3) of the  
22 Water Resources Development Act of 1996 (110 Stat.  
23 3683), to determine the eligibility of such elements for re-  
24 imbursement under section 211 of such Act (33 U.S.C.  
25 701b-13).

1 (b) SPECIAL RULES FOR REEVALUATION.—In con-  
2 ducting the reevaluation under subsection (a), the Sec-  
3 retary shall not reject a feasibility determination based on  
4 one or more of the policies of the Corps of Engineers con-  
5 cerning the frequency of flooding, the drainage area, and  
6 the amount of runoff.

7 (c) REIMBURSEMENT.—If the Secretary determines  
8 that the elements referred to subsection (a) are feasible,  
9 the Secretary shall reimburse, subject to appropriations,  
10 the non-Federal interest under section 211 of the Water  
11 Resources Development Act of 1996 for the Federal share  
12 of the cost of such elements.

13 **SEC. 5044. VICTOR V. VEYSEY DAM, CALIFORNIA.**

14 (a) DESIGNATION.—The Prado Dam, authorized by  
15 the Flood Control Act of 1936 (49 Stat. 1570), shall be  
16 known and designated as the “Victor V. Veysey Dam”.

17 (b) REFERENCES.—Any reference in a law, map, reg-  
18 ulation, document, paper, or other record of the United  
19 States to the dam referred to in subsection (a) shall be  
20 deemed to be a reference to the “Victor V. Veysey Dam”.

21 **SEC. 5045. CHARLES HERVEY TOWNSHEND BREAKWATER,**  
22 **NEW HAVEN HARBOR, CONNECTICUT.**

23 (a) DESIGNATION.—The western breakwater for the  
24 project for navigation, New Haven Harbor, Connecticut,  
25 authorized by the first section of the Act of September

1 19, 1890 (26 Stat. 426), shall be known and designated  
2 as the “Charles Hervey Townshend Breakwater”.

3 (b) REFERENCES.—Any reference in a law, map, reg-  
4 ulation, document, paper, or other record of the United  
5 States to the breakwater referred to in subsection (a) shall  
6 be deemed to be a reference to the “Charles Hervey  
7 Townshend Breakwater”.

8 **SEC. 5046. CHRISTINA RIVER SHIPWRECK, DELAWARE.**

9 The Secretary may carry out the removal of the de-  
10bris associated with the steamship “STATE OF PENN-  
11 SYLVANIA” and other derelict vessels from the Christina  
12 River, Delaware, under section 202 of the Water Re-  
13 sources Development Act of 1976 (90 Stat. 2945).

14 **SEC. 5047. FLORIDA KEYS WATER QUALITY IMPROVE-**  
15 **MENTS.**

16 Section 109(e)(2) of division B of the Miscellaneous  
17 Appropriations Act, 2001 (enacted into law by Public Law  
18 106–554) (114 Stat. 2763A–222) is amended by adding  
19 at the end the following:

20 “(C) CREDIT FOR WORK PRIOR TO EXECU-  
21 TION OF THE PARTNERSHIP AGREEMENT.—The  
22 Secretary shall credit toward the non-Federal  
23 share of the cost of the project (i) the cost of  
24 construction work carried out by the non-Fed-  
25 eral interest before the date of the partnership

1 agreement for the project if the Secretary de-  
2 termines that the work is integral to the  
3 project; and (ii) the cost of land acquisition car-  
4 ried out by the non-Federal interest for projects  
5 to be carried out under this section.”.

6 **SEC. 5048. LAKE WORTH, FLORIDA.**

7 The Secretary may carry out necessary repairs for  
8 the Lake Worth bulkhead replacement project, West Palm  
9 Beach, Florida, at an estimated total cost of \$9,000,000.

10 **SEC. 5049. LAKE LANIER, GEORGIA.**

11 The Secretary may assist local interests with plan-  
12 ning, design, and construction of facilities at the Lake La-  
13 nier Olympic Center, Georgia, at a total cost of  
14 \$5,300,000.

15 **SEC. 5050. RILEY CREEK RECREATION AREA, IDAHO.**

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

21 **SEC. 5051. RECONSTRUCTION OF ILLINOIS FLOOD PROTEC-**  
22 **TION PROJECTS.**

23 (a) IN GENERAL.—The Secretary may participate in  
24 the reconstruction of an eligible flood control project if the  
25 Secretary determines that such reconstruction is not re-

1 quired as a result of improper operation and maintenance  
2 of the project by the non-Federal interest.

3 (b) COST SHARING.—The non-Federal share of the  
4 costs for the reconstruction of a flood control project au-  
5 thorized by this section shall be the same non-Federal  
6 share that was applicable to construction of the project.  
7 The non-Federal interest shall be responsible for operation  
8 and maintenance and repair of a project for which recon-  
9 struction is undertaken under this section.

10 (c) RECONSTRUCTION DEFINED.—In this section,  
11 the term “reconstruction”, as used with respect to a  
12 project, means addressing major project deficiencies  
13 caused by long-term degradation of the foundation, con-  
14 struction materials, or engineering systems or components  
15 of the project, the results of which render the project at  
16 risk of not performing in compliance with its authorized  
17 project purposes. In addressing such deficiencies, the Sec-  
18 retary may incorporate current design standards and effi-  
19 ciency improvements, including the replacement of obso-  
20 lete mechanical and electrical components at pumping sta-  
21 tions, if such incorporation does not significantly change  
22 the scope, function, and purpose of the project as author-  
23 ized.

1 (d) ELIGIBLE PROJECTS.—The following flood con-  
2 trol projects are eligible for reconstruction under this sec-  
3 tion:

4 (1) Clear Creek Drainage and Levee District,  
5 Illinois.

6 (2) Fort Chartres and Ivy Landing Drainage  
7 District, Illinois.

8 (3) Wood River Drainage and Levee District,  
9 Illinois.

10 (4) Cairo, Illinois Mainline Levee, Cairo, Illi-  
11 nois.

12 (5) Goose Pond Pump Station, Cairo, Illinois.

13 (6) Cottonwood Slough Pump Station, Alex-  
14 ander County, Illinois.

15 (7) 10th and 28th Street Pump Stations, Cairo,  
16 Illinois.

17 (8) Flood control levee projects in Brookport,  
18 Shawneetown, Old Shawneetown, Golconda,  
19 Rosiclare, Harrisburg, and Reevesville, Illinois.

20 (e) JUSTIFICATION.—The reconstruction of a project  
21 authorized by this section shall not be considered a sepa-  
22 rable element of the project.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
24 authorized to be appropriated—





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

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

5 (D) to increase economic opportunity for  
6 agriculture and business communities; and

7 (E) to reduce the impacts of flooding to  
8 communities and landowners.

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

12 (A) the development and implementation of  
13 a program for sediment removal technology,  
14 sediment characterization, sediment transport,  
15 and beneficial uses of sediment;

16 (B) the development and implementation  
17 of a program for the planning, conservation,  
18 evaluation, and construction of measures for  
19 fish and wildlife habitat conservation and reha-  
20 bilitation, and stabilization and enhancement of  
21 land and water resources in the basin;

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

1 (D) the development and implementation  
2 of a computerized inventory and analysis sys-  
3 tem; and

4 (E) the development and implementation  
5 of a systemic plan to reduce flood impacts by  
6 means of ecosystem restoration projects.

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

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

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

20 (c) GENERAL PROVISIONS.—

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

1           (2) PUBLIC PARTICIPATION.—In developing the  
2           comprehensive plan under subsection (b), the Sec-  
3           retary shall implement procedures to facilitate public  
4           participation, including providing advance notice of  
5           meetings, providing adequate opportunity for public  
6           input and comment, maintaining appropriate  
7           records, and making a record of the proceedings of  
8           meetings available for public inspection.

9           (d) COORDINATION.—The Secretary shall integrate  
10          activities carried out under this section with ongoing Fed-  
11          eral and State programs, projects, and activities, including  
12          the following:

13               (1) Farm programs of the Department of Agri-  
14               culture.

15               (2) Conservation Reserve Enhancement Pro-  
16               gram (State of Illinois) and Conservation 2000 Eco-  
17               system Program of the Illinois Department of Nat-  
18               ural Resources.

19               (3) Conservation 2000 Conservation Practices  
20               Program and the Livestock Management Facilities  
21               Act administered by the Illinois Department of Agri-  
22               culture.

23               (4) National Buffer Initiative of the Natural  
24               Resources Conservation Service.

1           (5) Nonpoint source grant program adminis-  
2           tered by the Illinois Environmental Protection Agen-  
3           cy.

4           (e) COST SHARING.—

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

8           (2) IN-KIND SERVICES.—The Secretary may  
9           credit the cost of in-kind services provided by the  
10          non-Federal interest for an activity carried out  
11          under this section toward not more than 80 percent  
12          of the non-Federal share of the cost of the activity.  
13          In-kind services shall include all State funds ex-  
14          pended on programs that accomplish the goals of  
15          this section, as determined by the Secretary. The  
16          programs may include the Kaskaskia River Con-  
17          servation Reserve Program, the Illinois Conservation  
18          2000 Program, the Open Lands Trust Fund, and  
19          other appropriate programs carried out in the  
20          Kaskaskia River basin.

21 **SEC. 5053. FLOODPLAIN MAPPING, LITTLE CALUMET**  
22 **RIVER, CHICAGO, ILLINOIS.**

23          (a) IN GENERAL.—The Secretary shall provide as-  
24          sistance for a project to develop maps identifying 100- and

1 500-year flood inundation areas along the Little Calumet  
2 River, Chicago, Illinois.

3 (b) REQUIREMENTS.—Maps developed under the  
4 project shall include hydrologic and hydraulic information  
5 and shall accurately show the flood inundation of each  
6 property by flood risk in the floodplain. The maps shall  
7 be produced in a high resolution format and shall be made  
8 available to all flood prone areas along the Little Calumet  
9 River, Chicago, Illinois, in an electronic format.

10 (c) PARTICIPATION OF FEMA.—The Secretary and  
11 the non-Federal interests for the project shall work with  
12 the Director of the Federal Emergency Management  
13 Agency to ensure the validity of the maps developed under  
14 the project for flood insurance purposes.

15 (d) FORMS OF ASSISTANCE.—In carrying out the  
16 project, the Secretary may enter into contracts or coopera-  
17 tive agreements with the non-Federal interests or provide  
18 reimbursements of project costs.

19 (e) FEDERAL SHARE.—The Federal share of the cost  
20 of the project shall be 50 percent.

21 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated to carry out this section  
23 \$2,000,000.

1 **SEC. 5054. NATALIE CREEK, MIDLOTHIAN AND OAK FOR-**  
2 **EST, ILLINOIS.**

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

8 **SEC. 5055. ILLINOIS RIVER BASIN RESTORATION.**

9 (a) **EXTENSION OF AUTHORIZATION.**—Section  
10 519(c)(2) of the Water Resources Development Act of  
11 2000 (114 Stat. 2654) is amended by striking “2004” and  
12 inserting “2010”.

13 (b) **IN-KIND SERVICES.**—Section 519(g)(3) of such  
14 Act (114 Stat. 2655) is amended by inserting before the  
15 period at the end of the first sentence “if such services  
16 are provided not more than 5 years before the date of initi-  
17 ation of the project or activity”.

18 (c) **NONPROFIT ENTITIES AND MONITORING.**—Sec-  
19 tion 519 of such Act (114 Stat. 2654) is amended by add-  
20 ing at the end the following:

21 “(h) **NONPROFIT ENTITIES.**—Notwithstanding sec-  
22 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
23 1962d–5b(b)), a non-Federal interest may include a non-  
24 profit entity with the consent of the affected local govern-  
25 ment.

1           “(i) MONITORING.—The Secretary shall develop an  
2 Illinois river basin monitoring program to support the plan  
3 referred to in subsection (b). Data collected under the  
4 monitoring program shall incorporate data provided by the  
5 State of Illinois and shall be publicly accessible through  
6 electronic means.”.

7 **SEC. 5056. PROMONTORY POINT, LAKE MICHIGAN, ILLI-**  
8 **NOIS.**

9           In carrying out the project for storm damage reduc-  
10 tion and shoreline erosion protection, Lake Michigan, au-  
11 thorized by section 101(a)(12) of the Water Resources De-  
12 velopment Act of 1996 (110 Stat. 3664), the Secretary  
13 shall reevaluate the feasibility of reconstructing the Prom-  
14 ontory Point section consistent with the original limestone  
15 step design.

16 **SEC. 5057. BURNS WATERWAY HARBOR, INDIANA.**

17           The Secretary shall conduct a study of shoaling in  
18 the vicinity of Burns Waterway Harbor, Indiana, to deter-  
19 mine if the shoaling is the result of a Federal navigation  
20 project, and, if the Secretary determines that the shoaling  
21 is the result of a Federal navigation project, the Secretary  
22 shall carry out a project to mitigate the shoaling under  
23 section 111 of the River and Harbor Act of 1968 (33  
24 U.S.C. 426).

1 **SEC. 5058. CALUMET REGION, INDIANA.**

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

4 (1) by striking “\$10,000,000” and inserting the  
5 following:

6 “(A) IN GENERAL.—\$10,000,000”;

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 the cost of planning and design work  
11 carried out by the non-Federal interest before,  
12 on, or after the date of the partnership agree-  
13 ment for the project if the Secretary determines  
14 that the work is integral to the project.”; and

15 (3) by aligning the remainder of the text of  
16 subparagraph (A) (as designated by paragraph (1)  
17 of this section) with subparagraph (B) (as added by  
18 paragraph (2) of this section).

19 **SEC. 5059. FLOODPLAIN MAPPING, MISSOURI RIVER, IOWA.**

20 (a) IN GENERAL.—The Secretary shall provide as-  
21 sistance for a project to develop maps identifying 100- and  
22 500-year flood inundation areas in the State of Iowa,  
23 along the Missouri River.

24 (b) REQUIREMENTS.—Maps developed under the  
25 project shall include hydrologic and hydraulic information  
26 and shall accurately portray the flood hazard areas in the



1 floodplain. The maps shall be produced in a high resolu-  
2 tion format and shall be made available to the State of  
3 Iowa in an electronic format.

4 (c) PARTICIPATION OF FEMA.—The Secretary and  
5 the non-Federal interests for the project shall work with  
6 the Director of the Federal Emergency Management  
7 Agency to ensure the validity of the maps developed under  
8 the project for flood insurance purposes.

9 (d) FORMS OF ASSISTANCE.—In carrying out the  
10 project, the Secretary may enter into contracts or coopera-  
11 tive agreements with the non-Federal interests or provide  
12 reimbursements of project costs.

13 (e) FEDERAL SHARE.—The Federal share of the cost  
14 of the project shall be 50 percent.

15 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated to carry out this section  
17 \$3,000,000.

18 **SEC. 5060. RATHBUN LAKE, IOWA.**

19 (a) CONVEYANCE.—The Secretary shall convey the  
20 remaining water supply storage allocation in Rathbun  
21 Lake, Iowa, to the Rathbun Regional Water Association  
22 (in this section referred to as the “Water Association”).

23 (b) COST SHARING.—Notwithstanding the Water  
24 Supply Act of 1958 (43 U.S.C. 390b), the Water Associa-  
25 tion shall pay 100 percent of the cost of the water supply

1 storage allocation to be conveyed under subsection (a).  
2 The Secretary shall credit toward such non-Federal share  
3 the cost of any structures and facilities constructed by the  
4 Water Association at the project.

5 (c) TERMS AND CONDITIONS.—Before conveying the  
6 water supply storage allocation under subsection (a), the  
7 Secretary shall enter into an agreement with the Water  
8 Association, under which the Water Association shall  
9 agree to—

10 (1) in accordance with designs approved by the  
11 Chief of Engineers, construct structures and facili-  
12 ties referred to in subsection (b) that have a value  
13 equal to or greater than the amount that otherwise  
14 would be paid to the Federal Government for the  
15 costs of the water supply storage under the Water  
16 Supply Act of 1958 (43 U.S.C. 390b);

17 (2) be responsible for operating and maintain-  
18 ing the structures and facilities;

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

21 (4) use any revenues generated at the struc-  
22 tures and facilities that are above those required to  
23 operate and maintain or improve the complex to un-  
24 dertake, subject to the approval of the Chief of En-  
25 gineers, activities that will improve the quality of the

1 environment in the Rathbun Lake watershed area;  
2 and

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

6 **SEC. 5061. CUMBERLAND RIVER BASIN, KENTUCKY.**

7 At reservoirs managed by the Secretary above Cum-  
8 berland River mile 385.5 within the Cumberland River  
9 basin, Kentucky, the Secretary shall charge fees associ-  
10 ated with storage and maintenance of water supply that  
11 do not exceed the fees in effect on October 1, 2002.

12 **SEC. 5062. LOUISVILLE, KENTUCKY.**

13 (a) IN GENERAL.—Section 557 of the Water Re-  
14 sources Development Act of 1999 (113 Stat. 353) is  
15 amended—

16 (1) in the section heading by inserting “**KEN-**  
17 **TUCKY AND**” before “**NORTHERN WEST VIR-**  
18 **GINIA**”; and

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

20 “(4) LOUISVILLE, KENTUCKY.—Report of the  
21 Corps of Engineers entitled ‘Louisville Waterfront  
22 Park, Phase II, Kentucky, Master Plan’, dated July  
23 22, 2002, at a total cost of \$32,000,000, with an es-  
24 timated Federal cost of \$16,000,000 and an esti-  
25 mated non-Federal cost of \$16,000,000.”.

1 (b) CONFORMING AMENDMENT.—In the table of con-  
2 tents contained in section 1(b) of such Act strike the item  
3 relating to section 557 and insert the following:

“Sec. 557. Kentucky and Northern West Virginia.”.

4 **SEC. 5063. MAYFIELD CREEK AND TRIBUTARIES, KEN-**  
5 **TUCKY.**

6 The Secretary shall conduct a study of flood damage  
7 along Mayfield Creek and tributaries between Wickliffe  
8 and Mayfield, Kentucky, to determine if the damage is the  
9 result of a Federal flood damage reduction project, and,  
10 if the Secretary determines that the damage is the result  
11 of a Federal flood damage reduction project, the Secretary  
12 shall carry out a project to mitigate the damage at Federal  
13 expense.

14 **SEC. 5064. NORTH FORK, KENTUCKY RIVER, BREATHITT**  
15 **COUNTY, KENTUCKY.**

16 The Secretary shall rebuild the structure that is im-  
17 peding high water flows on the North Fork of the Ken-  
18 tucky River in Breathitt County, Kentucky, in a manner  
19 that will reduce flood damages at an estimated total cost  
20 of \$1,800,000. The non-Federal interest shall provide  
21 lands, easements, rights-of-way, relocations, and disposal  
22 areas required for the project. Operation and maintenance  
23 of the rebuilt structure shall be a non-Federal expense.

1 **SEC. 5065. PADUCAH, KENTUCKY.**

2 The Secretary shall complete a feasibility report for  
3 rehabilitation of the project for flood damage reduction,  
4 Paducah, Kentucky, and, if the Secretary determines that  
5 the project is feasible, the Secretary shall carry out the  
6 project at a total cost of \$3,000,000.

7 **SEC. 5066. SOUTHERN AND EASTERN KENTUCKY.**

8 Section 531 of the Water Resources Development Act  
9 of 1996 (110 Stat. 3773; 113 Stat. 348; 117 Stat. 142)  
10 is amended by adding the following:

11 “(i) 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 **SEC. 5067. WINCHESTER, KENTUCKY.**

17 Section 219(c) of the Water Resources Development  
18 Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219) is  
19 amended by adding at the end the following:

20 “(41) WINCHESTER, KENTUCKY.—Wastewater  
21 infrastructure, Winchester, Kentucky.”.

22 **SEC. 5068. BATON ROUGE, LOUISIANA.**

23 Section 219(f)(21) of the Water Resources Develop-  
24 ment Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220)  
25 is amended by striking “\$20,000,000” and inserting  
26 “\$35,000,000”.

1 **SEC. 5069. CALCASIEU SHIP CHANNEL, LOUISIANA.**

2 The Secretary shall expedite completion of a dredged  
3 material management plan for the Calcasieu Ship Chan-  
4 nel, Louisiana, and may take interim measures to increase  
5 the capacity of existing disposal areas, or to construct new  
6 confined or beneficial use disposal areas, for the channel.

7 **SEC. 5070. CROSS LAKE, SHREVEPORT, LOUISIANA.**

8 The Secretary may accept from the Department of  
9 the Air Force, and may use, not to exceed \$4,500,000 to  
10 assist the city of Shreveport, Louisiana, with its plan to  
11 construct a water intake facility.

12 **SEC. 5071. WEST BATON ROUGE PARISH, LOUISIANA.**

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

15 “(5) Mississippi River, West Baton Rouge Par-  
16 ish, Louisiana, project for waterfront and riverine  
17 preservation, restoration, enhancement modifica-  
18 tions, and interpretive center development.”.

19 **SEC. 5072. CHARLESTOWN, MARYLAND.**

20 (a) IN GENERAL.—The Secretary may carry out a  
21 project for nonstructural flood damage reduction and eco-  
22 system restoration at Charlestown, Maryland.

23 (b) LAND ACQUISITION.—The flood damage reduc-  
24 tion component of the project may include the acquisition  
25 of private property from willing sellers.

1 (c) JUSTIFICATION.—Any nonstructural flood dam-  
2 age reduction project to be carried out under this section  
3 that will result in the conversion of property to use for  
4 ecosystem restoration and wildlife habitat shall be justified  
5 based on national ecosystem restoration benefits.

6 (d) USE OF ACQUIRED PROPERTY.—Property ac-  
7 quired under this section shall be maintained in public  
8 ownership for ecosystem restoration and wildlife habitat.

9 (e) ABILITY TO PAY.—In determining the appro-  
10 priate non-Federal cost share for the project, the Sec-  
11 retary shall determine the ability of Cecil County, Mary-  
12 land, to participate as a cost-sharing non-Federal interest  
13 in accordance with section 103(m) of the Water Resources  
14 Development Act of 1986 (33 U.S.C. 2213(m)).

15 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated \$2,000,000 to carry out this  
17 section.

18 **SEC. 5073. DELMARVA CONSERVATION CORRIDOR, MARY-**  
19 **LAND AND DELAWARE.**

20 (a) ASSISTANCE.—The Secretary may provide tech-  
21 nical assistance to the Secretary of Agriculture for use in  
22 carrying out the Conservation Corridor Demonstration  
23 Program established under subtitle G of title II of the  
24 Farm Security and Rural Investment Act of 2002 (16  
25 U.S.C. 3801 note; 116 Stat. 275).

1 (b) COORDINATION AND INTEGRATION.—In carrying  
2 out water resources projects in Maryland and Delaware  
3 on the Delmarva Peninsula, the Secretary shall coordinate  
4 and integrate those projects, to the maximum extent prac-  
5 ticable, with any activities carried out to implement a con-  
6 servation corridor plan approved by the Secretary of Agri-  
7 culture under section 2602 of the Farm Security and  
8 Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116  
9 Stat. 275).

10 **SEC. 5074. MASSACHUSETTS DREDGED MATERIAL DIS-**  
11 **POSAL SITES.**

12 The Secretary may cooperate with Massachusetts in  
13 the management and long-term monitoring of aquatic  
14 dredged material disposal sites within the State, and is  
15 authorized to accept funds from the State to carry out  
16 such activities.

17 **SEC. 5075. ONTONAGON HARBOR, MICHIGAN.**

18 The Secretary shall conduct a study of shore damage  
19 in the vicinity of the project for navigation, Ontonagon  
20 Harbor, Ontonagon County, Michigan, authorized by sec-  
21 tion 101 of the Rivers and Harbors Act of 1962 (76 Stat.  
22 1176, 100 Stat. 4213, 110 Stat. 3730), to determine if  
23 the damage is the result of a Federal navigation project,  
24 and, if the Secretary determines that the damage is the  
25 result of a Federal navigation project, the Secretary shall



1 carry out a project to mitigate the damage under section  
2 111 of the River and Harbor Act of 1968 (33 U.S.C.  
3 426i).

4 **SEC. 5076. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**  
5 **GAN.**

6 (a) ECOSYSTEM RESTORATION.—The Secretary shall  
7 carry out feasible aquatic ecosystem restoration projects  
8 identified in the comprehensive management plan for St.  
9 Clair River and Lake St. Clair, Michigan, developed under  
10 section 426 of the Water Resources Development Act of  
11 1999 (113 Stat. 326), at a total Federal cost of not to  
12 exceed \$5,000,000.

13 (b) PLAN.—Section 426(d) of the Water Resources  
14 Development Act of 1999 (113 Stat. 326) is amended by  
15 striking “\$400,000” and inserting “\$475,000”.

16 **SEC. 5077. CROOKSTON, MINNESOTA.**

17 The Secretary shall conduct a study for a project for  
18 emergency streambank protection along the Red Lake  
19 River in Crookston, Minnesota, and, if the Secretary de-  
20 termines that the project is feasible, the Secretary may  
21 carry out the project under section 14 of the Flood Control  
22 Act of 1946 (33 U.S.C. 701r); except that the maximum  
23 amount of Federal funds that may be expended for the  
24 project shall be \$6,500,000.

1 **SEC. 5078. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.**

2 (a) PROJECT DESCRIPTION.—Section 219(f)(61) of  
3 the Water Resources Development Act of 1992 (114 Stat.  
4 2763A–221) is amended—

5 (1) in the paragraph heading by striking  
6 “TOWNSHIP” and inserting “AND CROW WING AND  
7 MILLE LACS COUNTIES”;

8 (2) by inserting “, Crow Wing County, Mille  
9 Lacs County,” after “Garrison”; and

10 (3) by adding at the end the following: “Such  
11 assistance shall be provided directly to the Garrison-  
12 Kathio-West Mille Lacs Lake Sanitary District,  
13 Minnesota.”.

14 (b) PROCEDURES.—In carrying out the project au-  
15 thorized by such section 219(f)(61), the Secretary may use  
16 the cost sharing and contracting procedures available to  
17 the Secretary under section 569 of the Water Resources  
18 Development Act of 1999 (113 Stat. 368).

19 **SEC. 5079. MINNEAPOLIS, MINNESOTA.**

20 (a) CONVEYANCE.—The Secretary shall convey to the  
21 city of Minneapolis by quitclaim deed and without consid-  
22 eration all right, title, and interest of the United States  
23 to the property known as the War Department (Fort  
24 Snelling Interceptor) Tunnel in Minneapolis, Minnesota.

1 (b) APPLICABILITY OF PROPERTY SCREENING PRO-  
2 VISIONS.—Section 2696 of title 10, United States Code,  
3 shall not apply to the conveyance under this section.

4 **SEC. 5080. NORTHEASTERN MINNESOTA.**

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

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

11 (2) by striking the last sentence of subsection  
12 (e)(3)(B);

13 (3) by striking subsection (g) and inserting the  
14 following:

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

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

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

1 (b) BIWABIK, MINNESOTA.—The Secretary shall re-  
2 imburse the non-Federal interest for the project for envi-  
3 ronmental infrastructure, Biwabik, Minnesota, carried out  
4 under section 569 of the Water Resources Development  
5 Act of 1999 (113 Stat. 368), for planning, design, and  
6 construction costs that were incurred by the non-Federal  
7 interest with respect to the project before the date of the  
8 partnership agreement for the project and that were in  
9 excess of the non-Federal share of the cost of the project  
10 if the Secretary determines that the costs are appropriate.

11 **SEC. 5081. HARRISON, HANCOCK, AND JACKSON COUNTIES,**  
12 **MISSISSIPPI.**

13 In carrying out projects for the protection, restora-  
14 tion, and creation of aquatic and ecologically related habi-  
15 tats located in Harrison, Hancock, and Jackson Counties,  
16 Mississippi, under section 204 of the Water Resources De-  
17 velopment Act of 1992 (33 U.S.C. 2326), the Secretary  
18 shall accept any portion of the non-Federal share of the  
19 cost of the project in the form of in-kind services and ma-  
20 terials.

21 **SEC. 5082. MISSISSIPPI RIVER, MISSOURI, AND ILLINOIS.**

22 As a part of the operation and maintenance of the  
23 project for the Mississippi River (Regulating Works), be-  
24 tween the Ohio and Missouri Rivers, Missouri and Illinois,  
25 authorized by the first section of an Act entitled “Making

1 appropriations for the construction, repair, and preserva-  
2 tion of certain public works on rivers and harbors, and  
3 for other purposes”, approved June 25, 1910, the Sec-  
4 retary may carry out activities necessary to restore and  
5 protect fish and wildlife habitat in the middle Mississippi  
6 River system. Such activities may include modification of  
7 navigation training structures, modification and creation  
8 of side channels, modification and creation of islands, and  
9 studies and analysis necessary to apply adaptive manage-  
10 ment principles in design of future work.

11 **SEC. 5083. ST. LOUIS, MISSOURI.**

12 Section 219(f)(32) of the Water Resources Develop-  
13 ment Act of 1992 (113 Stat. 337) is amended by striking  
14 “\$15,000,000” and inserting “\$35,000,000”.

15 **SEC. 5084. ACID BROOK, POMPTON LAKES, NEW JERSEY.**

16 The Secretary shall carry out a project for flood dam-  
17 age reduction under section 205 of the Flood Control Act  
18 of 1948 (33 U.S.C. 701s), Acid Brook, Pompton Lakes,  
19 New Jersey, if the Secretary determines that the project  
20 is feasible.

21 **SEC. 5085. HACKENSACK MEADOWLANDS AREA, NEW JER-**

22 **SEY.**

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

25 (1) in subsection (a)—

1 (A) by striking “design” and inserting  
2 “planning, design,”; and

3 (B) by striking “Hackensack Meadowlands  
4 Development” and all that follows through  
5 “Plan for” and inserting “New Jersey  
6 Meadowlands Commission for the development  
7 of an environmental improvement program for”;  
8 (2) in subsection (b)—

9 (A) in the subsection heading by striking  
10 “REQUIRED”;

11 (B) by striking “shall” and inserting  
12 “may”;

13 (C) by striking paragraph (1) and insert-  
14 ing the following:

15 “(1) Restoration and acquisitions of significant  
16 wetlands and aquatic habitat that contribute to the  
17 Meadowlands ecosystem.”;

18 (D) in paragraph (2) by inserting “and  
19 aquatic habitat” before the period at the end;  
20 and

21 (E) by striking paragraph (7) and insert-  
22 ing the following:

23 “(7) Research, development, and implementa-  
24 tion for a water quality improvement program, in-  
25 cluding restoration of hydrology and tidal flows and

1 remediation of hot spots and other sources of con-  
2 taminants that degrade existing or planned sites.”;

3 (3) in subsection (c) by inserting before the last  
4 sentence the following: “The non-Federal sponsor  
5 may also provide in-kind services, not to exceed the  
6 non-Federal share of the total project cost, and may  
7 also receive credit for reasonable cost of design work  
8 completed prior to entering into the partnership  
9 agreement with the Secretary for a project to be car-  
10 ried out under the program developed under sub-  
11 section (a).”; and

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

14 **SEC. 5086. CENTRAL NEW MEXICO, NEW MEXICO.**

15 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section  
16 593(h) of the Water Resources Development Act of 1999  
17 (113 Stat. 381) is amended by striking “\$25,000,000”  
18 and inserting “\$40,000,000”.

19 (b) **CORPS OF ENGINEERS EXPENSES.**—Section 593  
20 of such Act (113 Stat. 381) is amended by adding at the  
21 end the following:

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

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

3 **SEC. 5087. ATLANTIC COAST OF NEW YORK.**

4 (a) DEVELOPMENT OF PROGRAM.—Section 404(a) of  
5 the Water Resources Development Act of 1992 (106 Stat.  
6 4863) is amended—

7 (1) by striking “processes” and inserting “and  
8 related environmental processes”;

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

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

14 (4) by adding at the end the following: “The  
15 plan for collecting data and monitoring information  
16 included in such annual report shall be fully coordi-  
17 nated with and agreed to by appropriate agencies of  
18 the State of New York.”.

19 (b) ANNUAL REPORTS.—Section 404(b) of such Act  
20 is amended—

21 (1) by striking “INITIAL PLAN.—Not later than  
22 12 months after the date of the enactment of this  
23 Act, the” and inserting “ANNUAL REPORTS.—The”;



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

4           (3) by striking the last sentence.

5           (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
6 404(c) of such Act (113 Stat. 341) is amended by striking  
7 “and an additional total of \$2,500,000 for fiscal years  
8 thereafter” and inserting “\$2,500,000 for fiscal years  
9 2000 through 2004, and \$7,500,000 for fiscal years begin-  
10 ning after September 30, 2004.”.

11          (d) TSUNAMI WARNING SYSTEM.—Section 404 of the  
12 Water Resource Development Act of 1992 (106 Stat.  
13 4863) is amended by adding at the end the following:

14          “(d) TSUNAMI WARNING SYSTEM.—There is author-  
15 ized to be appropriated \$800,000 for the Secretary to  
16 carry out a project for a tsunami warning system, Atlantic  
17 Coast of New York.”.

18 **SEC. 5088. COLLEGE POINT, NEW YORK CITY, NEW YORK.**

19          In carrying out section 312 of the Water Resources  
20 Development Act of 1990 (104 Stat. 4639), the Secretary  
21 shall give priority to work in College Point, New York  
22 City, New York.

1 **SEC. 5089. FLUSHING BAY AND CREEK, NEW YORK CITY,**  
2 **NEW YORK.**

3 The Secretary shall credit toward the non-Federal  
4 share of the cost of the project for ecosystem restoration,  
5 Flushing Bay and Creek, New York City, New York, the  
6 cost of design and construction work carried out by the  
7 non-Federal interest before the date of the partnership  
8 agreement for the project if the Secretary determines that  
9 the work is integral to the project.

10 **SEC. 5090. HUDSON RIVER, NEW YORK.**

11 The Secretary may participate with the State of New  
12 York, New York City, and the Hudson River Park Trust  
13 in carrying out activities to restore critical marine habitat,  
14 improve safety, and protect and rehabilitate critical infra-  
15 structure. There is authorized to be appropriated  
16 \$5,000,000 to carry out this section.

17 **SEC. 5091. MOUNT MORRIS DAM, NEW YORK.**

18 As part of the operation and maintenance of the  
19 Mount Morris Dam, New York, the Secretary may make  
20 improvements to the access road for the dam to provide  
21 safe access to a Federal visitor's center.

22 **SEC. 5092. ONONDAGA LAKE, NEW YORK.**

23 Section 573 of the Water Resources Development Act  
24 of 1999 (113 Stat. 372) is amended—

25 (1) in subsection (f) by striking “\$10,000,000”  
26 and inserting “\$30,000,000”;

1           (2) by redesignating subsections (f) and (g) as  
2           subsections (g) and (h), respectively; and

3           (3) by inserting after subsection (e) the fol-  
4           lowing:

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

10 **SEC. 5093. JOHN H. KERR DAM AND RESERVOIR, NORTH**  
11 **CAROLINA.**

12           The Secretary shall expedite the completion of the  
13           calculations necessary to negotiate and execute a revised,  
14           permanent contract for water supply storage at John H.  
15           Kerr Dam and Reservoir, North Carolina, among the Sec-  
16           retary and the Kerr Lake Regional Water System and the  
17           city of Henderson, North Carolina.

18 **SEC. 5094. STANLY COUNTY, NORTH CAROLINA.**

19           Section 219(f)(64) of the Water Resources Develop-  
20           ment Act of 1992 (114 Stat. 2763A–221) is amended by  
21           inserting “water and” before “wastewater”.

1 **SEC. 5095. W. KERR SCOTT DAM AND RESERVOIR, NORTH**  
2 **CAROLINA.**

3 The Secretary shall remove debris from the joint in-  
4 take at the W. Kerr Scott Dam and Reservoir, North  
5 Carolina.

6 **SEC. 5096. OHIO.**

7 Section 594 of the Water Resources Development Act  
8 of 1999 (113 Stat. 381) is amended—

9 (1) in subsection (b) by striking “design and  
10 construction” and inserting “planning, design, and  
11 construction”;

12 (2) in subsection (g) by striking “\$60,000,000”  
13 and inserting “\$100,000,000”; and

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

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

20 **SEC. 5097. TOUSSAINT RIVER, OHIO.**

21 (a) IN GENERAL.—The project for navigation, Tous-  
22 saint River, Carroll Township, Ohio, authorized by section  
23 107 of the River and Harbor Act of 1960 (33 U.S.C. 577),  
24 is modified to authorize the Secretary to enter into an  
25 agreement with the non-Federal interest under which the  
26 Secretary may—

1           (1) acquire, and transfer to the non-Federal in-  
2           terest, a dredge and associated equipment with the  
3           capacity to perform operation and maintenance of  
4           the project; and

5           (2) provide the non-Federal interest with a  
6           lump-sum payment to cover all future costs of oper-  
7           ation and maintenance of the project.

8           (b) AGREEMENT.—The Secretary may carry out sub-  
9           section (a)(1) by entering into an agreement with the non-  
10          Federal interest under which the non-Federal interest may  
11          acquire the dredge and associated equipment directly and  
12          be reimbursed by the Secretary.

13          (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
14          authorized to be appropriated \$1,800,000 to carry out this  
15          section. Of such funds, \$500,000 may be used to carry  
16          out subsection (a)(1).

17          (d) RELEASE.—Upon the acquisition and transfer of  
18          a dredge and associated equipment under subsection  
19          (a)(1), and the payment of funds under subsection (a)(2),  
20          all future Federal responsibility for operation and mainte-  
21          nance of the project is extinguished.

22          **SEC. 5098. EUGENE, OREGON.**

23          (a) IN GENERAL.—The Secretary shall conduct a  
24          study to determine the feasibility of restoring the millrace  
25          in Eugene, Oregon, and, if the Secretary determines that

1 the restoration is feasible, the Secretary shall carry out  
2 the restoration.

3 (b) CONSIDERATION OF NONECONOMIC BENEFITS.—

4 In determining the feasibility of restoring the millrace, the  
5 Secretary shall include noneconomic benefits associated  
6 with the historical significance of the millrace and associ-  
7 ated with preservation and enhancement of resources.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated to carry out this section  
10 \$20,000,000.

11 **SEC. 5099. JOHN DAY LOCK AND DAM, LAKE UMATILLA, OR-**  
12 **EGON AND WASHINGTON.**

13 (a) IN GENERAL.—The Secretary shall pay not more  
14 than \$2,500,000 to the provider of research and curation  
15 support previously provided to the Federal Government as  
16 a result of—

17 (1) the multipurpose project at John Day Lock  
18 and Dam, Lake Umatilla, Oregon and Washington,  
19 authorized by section 101 of the River and Harbor  
20 Act of 1950 (64 Stat. 167); and

21 (2) the several navigation and flood damage re-  
22 duction projects constructed on the Columbia River  
23 and Lower Willamette River, Oregon and Wash-  
24 ington.

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

4 **SEC. 5100. LOWELL, OREGON.**

5 (a) IN GENERAL.—The Secretary may convey with-  
6 out consideration to Lowell School District, by quitclaim  
7 deed, all right, title, and interest of the United States in  
8 and to land and buildings thereon, known as Tract A-  
9 82, located in Lowell, Oregon, and described in subsection  
10 (b).

11 (b) DESCRIPTION OF PROPERTY.—The parcel of land  
12 authorized to be conveyed under subsection (a) is as fol-  
13 lows: Commencing at the point of intersection of the west  
14 line of Pioneer Street with the westerly extension of the  
15 north line of Summit Street, in Meadows Addition to Low-  
16 ell, as platted and recorded at page 56 of Volume 4, Lane  
17 County Oregon Plat Records; thence north on the west  
18 line of Pioneer Street a distance of 176.0 feet to the true  
19 point of beginning of this description; thence north on the  
20 west line of Pioneer Street a distance of 170.0 feet; thence  
21 west at right angles to the west line of Pioneer Street a  
22 distance of 250.0 feet; thence south and parallel to the  
23 west line of Pioneer Street a distance of 170.0 feet; thence  
24 east 250.0 feet to the true point of beginning of this de-

1 scription in Section 14, Township 19 South, Range 1 West  
2 of the Willamette Meridian, Lane County, Oregon.

3 (c) TERMS AND CONDITIONS.—Before conveying the  
4 parcel to the school district, the Secretary shall ensure  
5 that the conditions of buildings and facilities meet the re-  
6 quirements of applicable Federal law.

7 (d) REVERSION.—If the Secretary determines that  
8 the property conveyed under subsection (a) ceases to be  
9 held in public ownership, all right, title, and interest in  
10 and to the property shall revert to the United States, at  
11 the option of the United States.

12 (e) GENERALLY APPLICABLE PROVISIONS.—

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

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



1 **SEC. 5101. ALLEGHENY COUNTY, PENNSYLVANIA.**

2 Section 219(f)(66) of the Water Resources Develop-  
3 ment Act of 1992 (114 Stat. 2763A–221) is amended—

4 (1) by striking “\$20,000,000” and inserting the  
5 following:

6 “(A) IN GENERAL.—\$20,000,000”;

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 the cost of work carried out by the non-  
11 Federal interest before the date of the partner-  
12 ship agreement for the project if the Secretary  
13 determines that the work is integral to the  
14 project.”; and

15 (3) by aligning the remainder of the text of  
16 subparagraph (A) (as designated by paragraph (1)  
17 of this section) with subparagraph (B) (as added by  
18 paragraph (2) of this section).

19 **SEC. 5102. LEHIGH RIVER, LEHIGH COUNTY, PENNSYL-**  
20 **VANIA.**

21 The Secretary shall use existing water quality data  
22 to model the effects of the Francis E. Walter Dam, at  
23 different water levels, to determine its impact on water  
24 and related resources in and along the Lehigh River in  
25 Lehigh County, Pennsylvania. There is authorized to be  
26 appropriated \$500,000 to carry out this section.

1 **SEC. 5103. NORTHEAST PENNSYLVANIA.**

2 Section 219(f)(11) of the Water Resources Develop-  
3 ment Act of 1992 (113 Stat. 335) is amended by striking  
4 “and Monroe” and inserting “Northumberland, Union,  
5 Snyder, and Montour”.

6 **SEC. 5104. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**  
7 **VANIA AND NEW YORK.**

8 (a) **STUDY AND STRATEGY DEVELOPMENT.**—Section  
9 567(a) of the Water Resources Development Act of 1996  
10 (110 Stat. 3787; 114 Stat. 2662) is amended—

11 (1) in the matter preceding paragraph (1) by  
12 inserting “and carry out” after “develop”; and

13 (2) in paragraph (2) by striking  
14 “\$10,000,000.” and inserting “\$20,000,000, of  
15 which the Secretary may utilize not more than  
16 \$5,000,000 to design and construct feasible pilot  
17 projects during the development of the strategy to  
18 demonstrate alternative approaches for the strategy.  
19 The total cost for any single pilot project may not  
20 exceed \$500,000. The Secretary shall evaluate the  
21 results of the pilot projects and consider the results  
22 in the development of the strategy.”.

23 (b) **COOPERATIVE AGREEMENTS.**—Section 567(c) of  
24 such Act (114 Stat. 2662) is amended—

25 (1) in the subsection heading by striking “Co-  
26 OPERATION” and inserting “COOPERATIVE”; and

1 (2) in the first sentence—

2 (A) by inserting “and carrying out” after  
3 “developing”; and

4 (B) by striking “cooperation” and insert-  
5 ing “cost-sharing and cooperative”.

6 (c) IMPLEMENTATION OF STRATEGY.—Section  
7 567(d) of such Act (114 Stat. 2663) is amended—

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

10 “(1) IN GENERAL.—The Secretary”;

11 (2) in the second sentence of paragraph (1) (as  
12 so designated)—

13 (A) by striking “implement” and inserting  
14 “carry out”; and

15 (B) by striking “implementing” and insert-  
16 ing “carrying out”;

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

18 “(2) PRIORITY PROJECT.—In carrying out  
19 projects to implement the strategy, the Secretary  
20 shall give priority to the project for ecosystem res-  
21 toration, Cooperstown, New York, described in the  
22 Upper Susquehanna River Basin—Cooperstown  
23 Area Ecosystem Restoration Feasibility Study, dated  
24 December 2004, prepared by the Corps of Engineers

1 and the New York State Department of Environ-  
2 mental Conservation.”; and

3 (4) by aligning the remainder of the text of  
4 paragraph (1) (as designated by paragraph (1) of  
5 this subsection) with paragraph (2) (as added by  
6 paragraph (3) of this subsection).

7 (d) CREDIT.—Section 567 of such Act (110 Stat.  
8 3787; 114 Stat. 2662) is amended by adding at the end  
9 the following:

10 “(e) CREDIT.—The Secretary shall credit toward the  
11 non-Federal share of the cost of a project under this sec-  
12 tion—

13 “(1) the cost of design and construction work  
14 carried out by the non-Federal interest before the  
15 date of the partnership agreement for the project if  
16 the Secretary determines that the work is integral to  
17 the project; and

18 “(2) the cost of in-kind services and materials  
19 provided for the project by the non-Federal inter-  
20 est.”.

21 **SEC. 5105. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.**

22 The Secretary shall review a report prepared by the  
23 non-Federal interest concerning flood protection and envi-  
24 ronmental restoration for Cano Martin Pena, San Juan,  
25 Puerto Rico, and, if the Secretary determines that the re-

1 port meets the evaluation and design standards of the  
2 Corps of Engineers and that the project is feasible, the  
3 Secretary may carry out the project at a total cost of  
4 \$130,000,000, with an estimated Federal cost of  
5 \$85,000,000 and an estimated non-Federal cost of  
6 \$45,000,000.

7 **SEC. 5106. BEAUFORT AND JASPER COUNTIES, SOUTH**  
8 **CAROLINA.**

9 The Secretary may accept from the Department of  
10 the Navy, and may use, not to exceed \$23,000,000 to as-  
11 sist the Beaufort Jasper Water and Sewage Authority,  
12 South Carolina, with its plan to consolidate civilian and  
13 military wastewater treatment facilities.

14 **SEC. 5107. FRITZ LANDING, TENNESSEE.**

15 The Secretary shall—

16 (1) conduct a study of the Fritz Landing Agri-  
17 cultural Spur Levee, Tennessee, to determine the ex-  
18 tent of levee modifications that would be required to  
19 make the levee and associated drainage structures  
20 consistent with Federal standards;

21 (2) design and construct such modifications;  
22 and

23 (3) after completion of such modifications, in-  
24 corporate the levee into the project for flood control,  
25 Mississippi River and Tributaries, authorized by the

1 Act entitled “An Act for the control of floods on the  
2 Mississippi River and its tributaries, and for other  
3 purposes”, approved May 15, 1928 (45 Stat. 534–  
4 539), commonly known as the “Flood Control Act of  
5 1928”.

6 **SEC. 5108. J. PERCY PRIEST DAM AND RESERVOIR, TEN-**  
7 **NESSEE.**

8 The Secretary shall plan, design, and construct a trail  
9 system at the J. Percy Priest Dam and Reservoir, Ten-  
10 nessee, authorized by section 4 of the Act entitled “An  
11 Act authorizing the construction of certain public works  
12 on rivers and harbors for flood control, and for other pur-  
13 poses”, approved June 28, 1938 (52 Stat. 1217), includ-  
14 ing design and construction of support facilities for public  
15 health and safety associated with trail development. In  
16 carrying out such improvements, the Secretary is author-  
17 ized to use funds made available by the State of Tennessee  
18 from any Federal or State source, or both.

19 **SEC. 5109. TOWN CREEK, LENOIR CITY, TENNESSEE.**

20 The Secretary shall design and construct the project  
21 for flood damage reduction designated as Alternative 4 in  
22 the Town Creek, Lenoir City, Loudon City, Tennessee,  
23 feasibility report of the Nashville district engineer, dated  
24 November 2000, under the authority of section 205 of the  
25 Flood Control Act of 1948 (33 U.S.C. 701s), notwith-

1 standing section 1 of the Flood Control Act of June 22,  
2 1936 (33 U.S.C. 701a; 49 Stat. 1570). The non-Federal  
3 share of the cost of the project shall be subject to section  
4 103(a) of the Water Resources Development Act of 1986  
5 (33 U.S.C. 2213(a)).

6 **SEC. 5110. TENNESSEE RIVER PARTNERSHIP.**

7 (a) IN GENERAL.—As part of the operation and  
8 maintenance of the project for navigation, Tennessee  
9 River, Tennessee, Alabama, Mississippi, and Kentucky,  
10 authorized by the first section of the River and Harbor  
11 Act of July 3, 1930 (46 Stat. 927), the Secretary may  
12 enter into a partnership with a nonprofit entity to remove  
13 debris from the Tennessee River in the vicinity of Knox-  
14 ville, Tennessee, by providing a vessel to such entity, at  
15 Federal expense, for such debris removal purposes.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
17 authorized to be appropriated to carry out this section  
18 \$500,000.

19 **SEC. 5111. UPPER MISSISSIPPI EMBAYMENT, TENNESSEE,**  
20 **ARKANSAS, AND MISSISSIPPI.**

21 The Secretary may participate with non-Federal and  
22 nonprofit entities to address issues concerning managing  
23 groundwater as a sustainable resource through the Upper  
24 Mississippi Embayment, Tennessee, Arkansas, and Mis-  
25 sissippi, and coordinating the protection of groundwater

1 supply and groundwater quality with local surface water  
2 protection programs. There is authorized to be appro-  
3 priated \$5,000,000 to carry out this section.

4 **SEC. 5112. DALLAS FLOODWAY, DALLAS, TEXAS.**

5 (a) IN GENERAL.—The Secretary shall review the  
6 Balanced Vision Plan for the Trinity River Corridor, Dal-  
7 las, Texas, dated December 2003 and amended in March  
8 2004, prepared by the non-Federal interest for the project  
9 for flood damage reduction and other purposes, Dallas  
10 Floodway, Dallas, Texas, and, if the Secretary determines  
11 that the project is technically sound and environmentally  
12 acceptable, shall carry out the project at a total cost of  
13 \$194,000,000, with an estimated Federal cost of  
14 \$126,100,000 and an estimated non-Federal cost of  
15 \$67,900,000.

16 (b) CREDIT.—

17 (1) IN-KIND CONTRIBUTIONS.—The Secretary  
18 shall credit toward the non-Federal share of the cost  
19 of the project the cost of planning, design, and con-  
20 struction work carried out by the non-Federal inter-  
21 est before the date of the partnership agreement for  
22 the project if the Secretary determines that the work  
23 is integral to the project.

24 (2) CASH CONTRIBUTIONS.—The Secretary  
25 shall accept funds provided by the non-Federal inter-



1       ests for use in carrying out planning, engineering,  
2       and design for the project. The Federal share of  
3       such planning, engineering, and design carried out  
4       with non-Federal contributions shall be credited  
5       against the non-Federal share of project costs.

6       **SEC. 5113. HARRIS COUNTY, TEXAS.**

7       (a) IN GENERAL.—Section 575(a) of the Water Re-  
8       sources Development Act of 1996 (110 Stat. 3789; 113  
9       Stat. 311) is amended by inserting before the period at  
10      the end the following: “, whether or not such works or  
11      actions are partially funded under the hazard mitigation  
12      grant program of the Federal Emergency Management  
13      Agency”.

14      (b) SPECIFIC PROJECTS.—Section 575(b) of such  
15      Act (110 Stat. 3789; 113 Stat. 311) is amended—

16              (1) in paragraph (3) by striking “and” at the  
17      end;

18              (2) in paragraph (4) by striking the period at  
19      the end and inserting “; and”; and

20              (3) by adding the following:

21                      “(5) the project for flood control, Upper White  
22      Oak Bayou, Texas, authorized by section 401(a) of  
23      the Water Resources Development Act of 1986 (100  
24      Stat. 4125).”.

1 **SEC. 5114. ONION CREEK, TEXAS.**

2 In carrying out the study for the project for flood  
3 damage reduction, recreation, and ecosystem restoration,  
4 Onion Creek, Texas, the Secretary shall include the costs  
5 and benefits associated with the relocation of flood-prone  
6 residences in the study area for the project in the period  
7 beginning 2 years before the date of initiation of the study  
8 and ending on the date of execution of the partnership  
9 agreement for construction of the project to the extent the  
10 Secretary determines such relocations are compatible with  
11 the project. The Secretary shall credit toward the non-  
12 Federal share of the cost of the project the cost of reloca-  
13 tion of such flood-prone residences incurred by the non-  
14 Federal interest before the date of the partnership agree-  
15 ment for the project if the Secretary determines that the  
16 relocation of such residences is integral to the project.

17 **SEC. 5115. DYKE MARSH, FAIRFAX COUNTY, VIRGINIA.**

18 The Secretary shall accept funds from the National  
19 Park Service to restore Dyke Marsh, Fairfax County, Vir-  
20 ginia.

21 **SEC. 5116. EASTERN SHORE AND SOUTHWEST VIRGINIA.**

22 Section 219(f)(10) of the Water Resources Develop-  
23 ment Act of 1992 (106 Stat. 4835; 113 Stat. 335) is  
24 amended—

1           (1) by striking “\$20,000,000 for water supply  
2           and wastewater infrastructure” and inserting the  
3           following:

4                   “(A) IN GENERAL.—\$20,000,000 for water  
5           supply, wastewater infrastructure, and environ-  
6           mental restoration”;

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 the cost of work carried out by the non-  
11          Federal interest before the date of the partner-  
12          ship agreement for the project if the Secretary  
13          determines that the work is integral to the  
14          project.”; and

15          (3) by aligning the remainder of the text of  
16          subparagraph (A) (as designated by paragraph (1)  
17          of this section) with subparagraph (B) (as added by  
18          paragraph (2) of this section).

19 **SEC. 5117. JAMES RIVER, VIRGINIA.**

20          The Secretary shall accept funds from the National  
21          Park Service to provide technical and project management  
22          assistance for the James River, Virginia, with a particular  
23          emphasis on locations along the shoreline adversely im-  
24          pacted by Hurricane Isabel.

1 **SEC. 5118. BAKER BAY AND ILWACO HARBOR, WASH-**  
2 **INGTON.**

3 The Secretary shall conduct a study of increased sil-  
4 tation in Baker Bay and Ilwaco Harbor, Washington, to  
5 determine if the siltation is the result of a Federal naviga-  
6 tion project (including diverted flows from the Columbia  
7 River) and, if the Secretary determines that the siltation  
8 is the result of a Federal navigation project, the Secretary  
9 shall carry out a project to mitigate the siltation as part  
10 of maintenance of the Federal navigation project.

11 **SEC. 5119. HAMILTON ISLAND CAMPGROUND, WASH-**  
12 **INGTON.**

13 The Secretary is authorized to plan, design, and con-  
14 struct a campground for Bonneville Lock and Dam at  
15 Hamilton Island (also know as “Strawberry Island”) in  
16 Skamania County, Washington.

17 **SEC. 5120. PUGET ISLAND, WASHINGTON.**

18 The Secretary is directed to place dredged and other  
19 suitable material along portions of the Columbia River  
20 shoreline of Puget Island, Washington, between river miles  
21 38 to 47 in order to protect economic and environmental  
22 resources in the area from further erosion, at a Federal  
23 cost of \$1,000,000. This action shall be coordinated with  
24 appropriate resource agencies and comply with applicable  
25 Federal laws.

1 **SEC. 5121. WILLAPA BAY, WASHINGTON.**

2 Section 545 of the Water Resources Development Act  
3 of 2000 (114 Stat. 2675) is amended—

4 (1) in subsection (b)(1) by striking “may con-  
5 struct” and inserting “shall construct”; and

6 (2) by inserting “and ecosystem restoration”  
7 after “erosion protection” each place it appears.

8 **SEC. 5122. BLUESTONE, WEST VIRGINIA.**

9 Section 547 of the Water Resources Development Act  
10 of 2000 (114 Stat. 2676–2678) is amended—

11 (1) in subsection (b)(1)(A) by striking “4  
12 years” and inserting “5 years”;

13 (2) in subsection (b)(1)(B)(iii) by striking “if  
14 all” and all that follows through “facility” and in-  
15 serting “assurance project”;

16 (3) in subsection (b)(1)(C) by striking “and  
17 construction” and inserting “, construction, and op-  
18 eration and maintenance”;

19 (4) by adding at the end of subsection (b) the  
20 following:

21 “(3) OPERATION AND OWNERSHIP.—The Tri-  
22 Cities Power Authority shall be the owner and oper-  
23 ator of the hydropower facilities referred to in sub-  
24 section (a).”;

25 (5) in subsection (c)(1)—

1 (A) by striking “No” and inserting “Un-  
2 less otherwise provided, no”;

3 (B) by inserting “planning,” before “de-  
4 sign”; and

5 (C) by striking “prior to” and all that fol-  
6 lows through “subsection (d)”;

7 (6) in subsection (c)(2) by striking “design”  
8 and inserting “planning, design,”;

9 (7) in subsection (d)—

10 (A) by striking paragraphs (1) and (2) and  
11 inserting the following:

12 “(1) APPROVAL.—The Secretary shall review  
13 the design and construction activities for all features  
14 of the hydroelectric project that pertain to and affect  
15 stability of the dam and control the release of water  
16 from Bluestone Dam to ensure that the quality of  
17 construction of those features meets all standards  
18 established for similar facilities constructed by the  
19 Secretary.”;

20 (B) by redesignating paragraph (3) as  
21 paragraph (2);

22 (C) by striking the period at the end of  
23 paragraph (2) (as so redesignated) and insert-  
24 ing “, except that hydroelectric power is no  
25 longer a project purpose of the facility. Water

1 flow releases from the hydropower facilities  
2 shall be determined and directed by the Corps  
3 of Engineers.”; and

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

5 “(3) COORDINATION.—Construction of the hy-  
6 droelectric generating facilities shall be coordinated  
7 with the dam safety assurance project currently in  
8 the design and construction phases.”;

9 (8) in subsection (e) by striking “in accord-  
10 ance” and all that follows through “58 Stat. 890”;

11 (9) in subsection (f)—

12 (A) by striking “facility of the inter-  
13 connected systems of reservoirs operated by the  
14 Secretary” each place it appears and inserting  
15 “facilities under construction under such agree-  
16 ments”; and

17 (B) by striking “design” and inserting  
18 “planning, design”;

19 (10) in subsection (f)(2)—

20 (A) by “Secretary” each place it appears  
21 and inserting “Tri-Cities Power Authority”;  
22 and

23 (B) by striking “facilities referred to in  
24 subsection (a)” and inserting “such facilities”;





1           (1) by striking “flood control measures” and in-  
2           serting “structural and nonstructural flood control,  
3           streambank protection, stormwater management,  
4           and channel clearing and modification measures”;  
5           and

6           (2) by inserting “with respect to measures that  
7           incorporate levees or floodwalls” before the semi-  
8           colon.

9           (b) PRIORITY COMMUNITIES.—Section 581(b) of the  
10          Water Resources Development Act of 1996 (110 Stat.  
11          3791) is amended—

12           (1) by striking “and” at the end of paragraph  
13           (5);

14           (2) by striking the period at the end of para-  
15           graph (6) and inserting a semicolon; and

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

17           “(7) Etna, Pennsylvania, in the Pine Creek wa-  
18           tershed; and

19           “(8) Millvale, Pennsylvania, in the Girty’s Run  
20           River basin.”.

21          (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
22          581(c) of the Water Resources Development Act of 1996  
23          (110 Stat. 3791) is amended by striking “\$12,000,000”  
24          and inserting “\$90,000,000”.

1 **SEC. 5124. LOWER KANAWHA RIVER BASIN, WEST VIRGINIA.**

2 The Secretary shall conduct a watershed and river  
3 basin assessment under section 729 of the Water Re-  
4 sources Development Act of 1986 (33 U.S.C. 2267a) for  
5 the Lower Kanawha River basin, in the counties of Mason,  
6 Putnam, Kanawha, Jackson, and Roane, West Virginia.

7 **SEC. 5125. CENTRAL WEST VIRGINIA.**

8 Section 571 of the Water Resources Development Act  
9 of 1999 (113 Stat. 371) is amended—

10 (1) in subsection (a)—

11 (A) by striking “Nicholas,”; and

12 (B) by striking “Gilmer,”; and

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

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

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

24 **SEC. 5126. SOUTHERN WEST VIRGINIA.**

25 (a) CORPS OF ENGINEERS.—Section 340 of the  
26 Water Resources Development Act of 1992 (106 Stat.

1 4856; 113 Stat. 320) is amended by adding at the end  
2 the following:

3 “(h) CORPS OF ENGINEERS.—Ten percent of the  
4 amounts appropriated to carry out this section may be  
5 used by the Corps of Engineers district offices to admin-  
6 ister projects under this section at 100 percent Federal  
7 expense.”.

8 (b) SOUTHERN WEST VIRGINIA DEFINED.—Section  
9 340(f) of such Act is amended by inserting “Nicholas,”  
10 after “Greenbrier,”.

11 (c) NONPROFIT ENTITIES.—Section 340 of the  
12 Water Resources Development Act of 1992 (106 Stat.  
13 4856) is further amended by adding at the end the fol-  
14 lowing:

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

20 **SEC. 5127. JOHNSONVILLE DAM, JOHNSONVILLE, WIS-**  
21 **CONSIN.**

22 The Secretary shall conduct a study of the  
23 Johnsonville Dam, Johnsonville, Wisconsin, to determine  
24 if the structure prevents ice jams on the Sheboygan River.

1 **SEC. 5128. 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.—The project for  
7 flood control, Buffalo Bayou, Texas.

8 “(10) HALLS BAYOU, TEXAS.—The project for  
9 flood control, Halls Bayou, Texas.

10 “(11) ST. PAUL DOWNTOWN AIRPORT (HOLMAN  
11 FIELD), ST. PAUL, MINNESOTA.—The project for  
12 flood damage reduction, St. Paul Downtown Airport  
13 (Holman Field), St. Paul, Minnesota.

14 “(12) THORNTON RESERVOIR, COOK COUNTY,  
15 ILLINOIS.—The project for flood control, Chicago  
16 Underflow Plan, Thornton Reservoir, Cook County,  
17 Illinois.

18 “(13) LAROSE TO GOLDEN MEADOW, LOU-  
19 ISIANA.—The project for flood control, Larose to  
20 Golden Meadow, Louisiana.

21 “(14) PERRIS, CALIFORNIA.—The project for  
22 flood control, Perris, California.”.

23 **SEC. 5129. USE OF FEDERAL HOPPER DREDGE FLEET.**

24 (a) STUDY.—The Secretary shall conduct a study on  
25 the appropriate use of the Federal hopper dredge fleet.

1 (b) CONTENTS.—In conducting the study, the Sec-  
2 retary shall—

3 (1) obtain and analyze baseline data to deter-  
4 mine the appropriate use of the Federal hopper  
5 dredge fleet;

6 (2) prepare a comprehensive analysis of the  
7 costs and benefits of existing and proposed restric-  
8 tions on the use of the Federal hopper dredge fleet;  
9 and

10 (3) assess the data and procedure used by the  
11 Secretary to prepare the Government cost estimate  
12 for worked performed by the Federal hopper dredge  
13 fleet.

14 (c) CONSULTATION.—The Secretary shall conduct  
15 the study in consultation with ports, pilots, and represent-  
16 atives of the private dredge industry.

17 (d) REPORT.—Not later than 180 days after the date  
18 of enactment of this Act, the Secretary shall transmit to  
19 Congress a report on the results of the study.

20 **TITLE VI—FLORIDA**  
21 **EVERGLADES**

22 **SEC. 6001. HILLSBORO AND OKEECHOBEE AQUIFER, FLOR-**  
23 **IDA.**

24 Section 601(b)(2)(A) of the Water Resources Devel-  
25 opment Act of 2000 (114 Stat. 2681) is amended—

1           (1) in clause (i) by adding at the end the fol-  
2           lowing: “The project for aquifer storage and recov-  
3           ery, Hillsboro and Okeechobee Aquifer, Florida, au-  
4           thorized by section 101(a)(16) of the Water Re-  
5           sources Development Act of 1999 (113 Stat. 276),  
6           shall be treated for purposes of this section as being  
7           in the Plan, except that operation and maintenance  
8           costs of the project shall remain a non-Federal re-  
9           sponsibility.”; and

10           (2) in clause (iii) by inserting after “subpara-  
11           graph (B)” the following: “and the project for aquifer  
12           storage and recovery, Hillsboro and Okeechobee  
13           Aquifer”.

14 **SEC. 6002. PILOT PROJECTS.**

15           Section 601(b)(2)(B) of the Water Resources Devel-  
16           opment Act of 2000 (114 Stat. 2681) is amended—

17           (1) in the matter preceding clause (i)—

18                   (A) by striking “\$69,000,000” and insert-  
19                   ing “\$71,200,000”; and

20                   (B) by striking “\$34,500,000” each place  
21                   it appears and inserting “\$35,600,000”; and

22           (2) in clause (i)—

23                   (A) by striking “\$6,000,000” and inserting  
24                   “\$8,200,000”; and

1 (B) by striking “\$3,000,000” each place it  
2 appears and inserting “\$4,100,000”.

3 **SEC. 6003. MAXIMUM COST OF PROJECTS.**

4 Section 601(b)(2)(E) of the Water Resources Devel-  
5 opment Act of 2000 (114 Stat. 2683) is amended by in-  
6 serting “and section (d)” before the period at the end.

7 **SEC. 6004. PROJECT AUTHORIZATION.**

8 Section 601(d) of the Water Resources Development  
9 Act of 2000 (114 Stat. 2684) is amended by adding at  
10 the end the following:

11 “(3) PROJECT AUTHORIZATION.—The following  
12 project for water resources development and con-  
13 servation and other purposes is authorized to be car-  
14 ried out by the Secretary substantially in accordance  
15 with the plans, and subject to the conditions, de-  
16 scribed in the report designated in this paragraph:

17 “(A) INDIAN RIVER LAGOON SOUTH, FLOR-  
18 IDA.—The project for ecosystem restoration,  
19 water supply, flood damage reduction, and pro-  
20 tection of water quality, Indian River Lagoon  
21 South, Florida: Report of the Chief of Engi-  
22 neers dated August 6, 2004, at a total cost of  
23 \$1,210,608,000, with an estimated Federal cost  
24 of \$605,304,000 and an estimated non-Federal  
25 cost of \$605,304,000.”.

1 **SEC. 6005. CREDIT.**

2 Section 601(e)(5)(B) of the Water Resources Devel-  
3 opment Act of 2000 (114 Stat. 2685) is amended—

4 (1) in clause (i)—

5 (A) by striking “or” at the end of sub-  
6 clause (I);

7 (B) by adding “or” at the end of subclause  
8 (II); and

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

10 “(III) the credit is provided for work  
11 carried out before the date of the partner-  
12 ship agreement between the Secretary and  
13 the non-Federal sponsor, as defined in an  
14 agreement between the Secretary and the  
15 non-Federal sponsor providing for such  
16 credit;” and

17 (2) in clause (ii)—

18 (A) by striking “design agreement or the  
19 project cooperation”; and

20 (B) by inserting before the semicolon the  
21 following: “, including in the case of credit pro-  
22 vided under clause (i)(III) conditions relating to  
23 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. HILLSBORO AND OKEECHOBEE AQUIFER, FLOR-**  
19 **IDA.**

20 The project for Hillsboro and Okeechobee Aquifer,  
21 Florida, authorized by section 101(a)(16) of the Water  
22 Resources Development Act of 1999 (113 Stat. 276) is  
23 modified to authorize the Secretary to carry out the  
24 project at a total cost of \$39,200,000.

1 **SEC. 6009. DEAUTHORIZATIONS.**

2 As of the date of enactment of this Act, the following  
3 projects are not authorized:

4 (1) The uncompleted portions of the project au-  
5 thORIZED by section 601(b)(2)(C)(i) of the Water Re-  
6 sources Development Act of 2000 (114 Stat. 2682),  
7 C-44 Basin Storage Reservoir of the Comprehensive  
8 Everglades Restoration Plan.

9 (2) The uncompleted portions of the project au-  
10 THORIZED by section 203 of the Flood Control Act of  
11 1968 (82 Stat. 740), Martin County, Florida modi-  
12 fications to the Central and South Florida Project,  
13 as contained in Senate Document 101, 90th Con-  
14 gress, 2d Session.

15 (3) The uncompleted portions of the project au-  
16 THORIZED by section 203 of the Flood Control Act of  
17 1968 (82 Stat. 740), East Coast Backpumping, St.  
18 Lucie—Martin County, Spillway Structure S-311 of  
19 the Central and South Florida Project, as contained  
20 in House Document 369, 90th Congress, 2d Session.

21 **SEC. 6010. MODIFIED WATER DELIVERY.**

22 (a) TAMIAMI TRAIL.—The Secretary shall not carry  
23 out a project for raising Tamiami Trail, Florida, until  
24 such date as the project is specifically authorized by law.

1 (b) REPORTS.—Not later than August 31, 2005, the  
2 Secretary shall submit to Congress reports recommending  
3 specific authorizations in law for—

4 (1) changes to the project to improve water de-  
5 liveries to Everglades National Park, authorized by  
6 section 104 of the Everglades National Park Protec-  
7 tion and Expansion Act of 1989 (16 U.S.C. 410r-  
8 8), if necessary;

9 (2) a project to raise Tamiami Trail, Florida,  
10 if necessary; and

11 (3) a combined structural and operational plan  
12 for the C-111 Canal Project, authorized by section  
13 203 of the Flood Control Act of 1948 (62 Stat.  
14 1176), and modified by section 203 of the Flood  
15 Control Act of 1968 (82 Stat. 740), and further  
16 modified by section 316 of the Water Resources De-  
17 velopment Act of 1996 (110 Stat. 3715), and the  
18 project to improve water deliveries to Everglades  
19 National Park.

## 20 **TITLE VII—LOUISIANA COASTAL** 21 **AREA**

### 22 **SEC. 7001. DEFINITIONS.**

23 In this title, the following definitions apply:

24 (1) COASTAL LOUISIANA ECOSYSTEM.—The  
25 term “coastal Louisiana ecosystem” means the

1 coastal area of Louisiana from the Sabine River on  
2 the west and the Pearl River on the east, including  
3 those parts of the Deltaic Plain and the Chenier  
4 Plain included within the study area of the Plan.

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

7 (3) PLAN.—The term “Plan” means the report  
8 of the Chief of Engineers for ecosystem restoration  
9 for the Louisiana Coastal Area dated January 31,  
10 2005.

11 (4) TASK FORCE.—The term “Task Force”  
12 means the Coastal Louisiana Ecosystem Protection  
13 and Restoration Task Force established by section  
14 7003.

15 **SEC. 7002. ADDITIONAL REPORTS.**

16 (a) MISSISSIPPI RIVER GULF OUTLET.—Not later  
17 than one year after the date of enactment of this Act, the  
18 Secretary shall submit to Congress a report recommending  
19 modifications to the Mississippi River Gulf Outlet to ad-  
20 dress navigation, salt water intrusion, channel bank ero-  
21 sion, mitigation, and threats to life and property.

22 (b) BARATARIA-TERREBONE ESTUARY.—Not later  
23 than July 1, 2006, the Secretary shall submit to Congress  
24 a report recommending a plan to restore the Barataria-  
25 Terrebonne Estuary, Louisiana.

1           (c) CHENIER PLAIN.—Not later than July 1, 2006,  
2 the Secretary shall submit to Congress a report recom-  
3 mending near-term ecosystem restoration measures for the  
4 Chenier Plain, Louisiana.

5           (d) LONG-TERM PLAN.—

6               (1) COMPREHENSIVE FRAMEWORK.—Not later  
7 than one year after the date of enactment of this  
8 section, the Secretary shall submit to Congress a  
9 recommended framework for developing a long-term  
10 program that provides for the comprehensive protec-  
11 tion, conservation, and restoration of the wetlands,  
12 estuaries, barrier islands, and related land and fea-  
13 tures that protect critical resources, habitat, and in-  
14 frastructure in the coastal Louisiana ecosystem from  
15 the impacts of coastal storms, hurricanes, erosion,  
16 and subsidence.

17               (2) CONSIDERATION.—In developing the rec-  
18 ommended framework, the Secretary shall consider  
19 integrating other Federal or State projects or activi-  
20 ties within the coastal Louisiana ecosystem into the  
21 long-term restoration program.

22               (3) COMPREHENSIVE PLAN.—

23                   (A) DEADLINE.—Not later than five years  
24 after the date of enactment of this Act, the Sec-  
25 retary shall submit to Congress a feasibility

1 study recommending a comprehensive, long-  
2 term, plan for the protection, conservation, and  
3 restoration of the coastal Louisiana ecosystem.

4 (B) INTEGRATION.—The comprehensive,  
5 long-term, plan shall include recommendations  
6 for the integration of ongoing Federal and  
7 State projects and activities, including projects  
8 and activities being carried out under the  
9 Coastal Wetlands Planning, Protection and  
10 Restoration Act (16 U.S.C. 3951 et seq.), the  
11 Louisiana coastal wetlands conservation plan,  
12 the Louisiana coastal zone management plan,  
13 and the plan of the State of Louisiana entitled  
14 “Coast 2050: Toward a Sustainable Coastal  
15 Louisiana”.

16 **SEC. 7003. COASTAL LOUISIANA ECOSYSTEM PROTECTION**  
17 **AND RESTORATION TASK FORCE.**

18 (a) ESTABLISHMENT AND MEMBERSHIP.—There is  
19 established the Coastal Louisiana Ecosystem Protection  
20 and Restoration Task Force, which shall consist of the fol-  
21 lowing members (or, in the case of the head of a Federal  
22 agency, a designee at the level of Assistant Secretary or  
23 an equivalent level):

- 24 (1) The Secretary.  
25 (2) The Secretary of the Interior.

1           (3) The Secretary of Commerce.

2           (4) The Administrator of the Environmental  
3 Protection Agency.

4           (5) The Secretary of Agriculture.

5           (6) The Secretary of Transportation.

6           (7) The Secretary of Energy.

7           (8) The Director of the Federal Emergency  
8 Management Agency.

9           (9) The Commandant of the Coast Guard.

10          (10) The Coastal Advisor to the Governor.

11          (11) The Secretary of the Louisiana Depart-  
12 ment of Natural Resources.

13          (12) A representative of the Louisiana Gov-  
14 ernor's Advisory Commission on Coastal Restoration  
15 and Conservation.

16          (b) DUTIES OF TASK FORCE.—The Task Force  
17 shall—

18           (1) make recommendations to the Secretary re-  
19 garding policies, strategies, plans, programs,  
20 projects, and activities for addressing protection,  
21 conservation, and restoration of the coastal Lou-  
22 isiana ecosystem;

23           (2) prepare financial plans for each of the agen-  
24 cies represented on the Task Force for funds pro-  
25 posed for the protection, conservation, and restora-

1       tion of the coastal Louisiana ecosystem under au-  
2       thorities of each agency, including—

3               (A) recommendations that identify funds  
4               from current agency missions and budgets; and

5               (B) recommendations for coordinating in-  
6               dividual agency budget requests; and

7               (3) submit to Congress a biennial report that  
8       summarizes the activities of the Task Force and  
9       progress towards the purposes set forth in section  
10      7002(d)(1).

11      (c) PROCEDURES AND ADVICE.—The Task Force  
12      shall—

13              (1) implement procedures to facilitate public  
14      participation with regard to Task Force activities,  
15      including—

16                      (A) providing advance notice of meetings;

17                      (B) providing adequate opportunity for  
18      public input and comment;

19                      (C) maintaining appropriate records; and

20                      (D) making a record of proceedings avail-  
21      able for public inspection; and

22              (2) establish such working groups as are nec-  
23      essary to assist the Task Force in carrying out its  
24      duties.



1 (d) COMPENSATION.—Members of the Task Force or  
2 any associated working group may not receive compensa-  
3 tion for their services as members of the Task Force or  
4 working group.

5 (e) TRAVEL EXPENSES.—Travel expenses incurred  
6 by members of the Task Force, or members of an associ-  
7 ated working group, in the performance of their service  
8 on the Task Force or working group shall be paid by the  
9 agency or entity that the member represents.

10 **SEC. 7004. INVESTIGATIONS.**

11 (a) IN GENERAL.—The Secretary shall conduct feasi-  
12 bility studies for future authorization and large-scale stud-  
13 ies substantially in accordance with the Plan at a total  
14 cost \$130,000,000.

15 (b) EXISTING FEDERALLY AUTHORIZED WATER RE-  
16 SOURCES PROJECTS.—

17 (1) IN GENERAL.—The Secretary shall review  
18 existing federally authorized water resources projects  
19 in the coastal Louisiana ecosystem in order to deter-  
20 mine their consistency with the purposes of this sec-  
21 tion and whether the projects have the potential to  
22 contribute to ecosystem restoration through revised  
23 operations or modified project features.

24 (2) FUNDING.—There is authorized to be ap-  
25 propriated \$10,000,000 to carry out this subsection.

1 **SEC. 7005. CONSTRUCTION.**

2 (a) COASTAL LOUISIANA ECOSYSTEM PROGRAM.—

3 (1) IN GENERAL.—The Secretary shall carry  
4 out a coastal Louisiana ecosystem program substan-  
5 tially in accordance with the Plan, at a total cost of  
6 \$50,000,000.

7 (2) OBJECTIVES.—The objectives of the pro-  
8 gram shall be to—

9 (A) identify uncertainties about the phys-  
10 ical, chemical, geological, biological, and cul-  
11 tural baseline conditions in the coastal Lou-  
12 isiana ecosystem;

13 (B) improve the State of knowledge of the  
14 physical, chemical, geological, biological, and  
15 cultural baseline conditions in the coastal Lou-  
16 isiana ecosystem; and

17 (C) identify and develop technologies, mod-  
18 els, and methods that could be useful in car-  
19 rying out the purposes of this title.

20 (3) WORKING GROUPS.—The Secretary may es-  
21 tablish such working groups as are necessary to as-  
22 sist in carrying out this subsection.

23 (4) PROCEDURES AND ADVICE.—In carrying  
24 out this subsection, the Secretary is authorized to  
25 enter into contracts and cooperative agreements with  
26 scientific and engineering experts in the restoration

1 of aquatic and marine ecosystems, including a con-  
2 sortium of academic institutions in Louisiana and  
3 Mississippi for coastal restoration and enhancement  
4 through science and technology.

5 (b) DEMONSTRATION PROJECTS.—

6 (1) IN GENERAL.—Subject to paragraphs (2)  
7 and (3), the Secretary may carry out projects sub-  
8 stantially in accordance with the Plan for the pur-  
9 pose of resolving critical areas of scientific or tech-  
10 nological uncertainty related to the implementation  
11 of the comprehensive plan to be developed under sec-  
12 tion 7002(d)(3).

13 (2) MAXIMUM COST.—

14 (A) TOTAL COST.—The total cost for plan-  
15 ning, design, and construction of all demonstra-  
16 tion projects under this subsection shall not ex-  
17 ceed \$100,000,000.

18 (B) INDIVIDUAL PROJECT.—The total cost  
19 of an individual demonstration project under  
20 this subsection shall not exceed \$25,000,000.

21 (c) INITIAL PROJECTS.—The Secretary is authorized  
22 to carry out the following projects substantially in accord-  
23 ance with the Plan:

24 (1) Mississippi River Gulf Outlet Environ-  
25 mental Restoration at a total cost of \$105,300,000.

1           (2) Small Diversion at Hope Canal at a total  
2 cost of \$68,600,000.

3           (3) Barataria Basin Barrier Shoreline Restora-  
4 tion at a total cost of \$242,600,000.

5           (4) Small Bayou Lafourche Reintroduction at a  
6 total cost of \$133,500,000.

7           (5) Medium Diversion at Myrtle Grove with  
8 Dedicated Dredging at a total cost of \$278,300,000.

9           (d) BENEFICIAL USE OF DREDGED MATERIAL.—The  
10 Secretary, substantially in accordance with the Plan, shall  
11 implement in the coastal Louisiana ecosystem a program  
12 for the beneficial use of material dredged from federally  
13 maintained waterways at a total cost of \$100,000,000.

14 **SEC. 7006. NON-FEDERAL COST SHARE.**

15           (a) CREDIT.—The Secretary shall credit toward the  
16 non-Federal share of the cost of a project authorized by  
17 section 7005(c) the cost of work carried out in the coastal  
18 Louisiana ecosystem by the non-Federal interest before  
19 the date of the partnership agreement for the project if  
20 the Secretary determines that the work is integral to the  
21 project.

22           (b) TREATMENT OF CREDIT BETWEEN PROJECTS.—  
23 Any credit provided under this section toward the non-  
24 Federal share of the cost of a project authorized by section  
25 7005(c) may be applied toward the non-Federal share of

1 the cost of any other project authorized by section  
2 7005(c).

3 (c) PERIODIC MONITORING.—

4 (1) IN GENERAL.—To ensure that the contribu-  
5 tions of the non-Federal interest equal the non-Fed-  
6 eral share of the cost of a project authorized by sec-  
7 tion 7005(c), during each 5-year period beginning  
8 after the date of commencement of construction of  
9 the first project under section 7005(c), the Secretary  
10 shall—

11 (A) monitor the non-Federal provision for  
12 each project authorized by section 7005(c) of  
13 cash, in-kind services and materials, and land,  
14 easements, rights-of-way, relocations, and dis-  
15 posal areas; and

16 (B) manage, to the extent practicable, the  
17 requirement of the non-Federal interest to pro-  
18 vide for each such project cash, in-kind services  
19 and materials, and land, easements, rights-of-  
20 way, relocations, and disposal areas.

21 (2) OTHER MONITORING.—The Secretary shall  
22 conduct monitoring separately for the construction  
23 phase, the preconstruction engineering and design  
24 phase, and the planning phase for each project au-  
25 thorized on or after date of enactment of this Act

1 for all or any portion of the coastal Louisiana eco-  
2 system (including each project authorized by section  
3 7005(c)).

4 (d) AUDITS.—Credit for land, easements, rights-of-  
5 way, relocations, and disposal areas (including land value  
6 and incidental costs) provided under this section, and the  
7 cost of work provided under this section, shall be subject  
8 to audit by the Secretary.

9 **SEC. 7007. PROJECT JUSTIFICATION.**

10 (a) IN GENERAL.—Notwithstanding section 209 of  
11 the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any  
12 other provision of law, in carrying out any project or activ-  
13 ity authorized by or under this title or any other provision  
14 of law to protect, conserve, and restore the coastal Lou-  
15 isiana ecosystem, the Secretary may determine that—

16 (1) the project or activity is justified by the en-  
17 vironmental benefits derived by the coastal Lou-  
18 isiana ecosystem; and

19 (2) no further economic justification for the  
20 project or activity is required if the Secretary deter-  
21 mines that the project or activity is cost effective.

22 (b) LIMITATION ON APPLICABILITY.—Subsection (a)  
23 shall not apply to any separable element intended to  
24 produce benefits that are predominantly unrelated to the

1 protection, conservation, and restoration of the coastal  
2 Louisiana ecosystem.

3 **SEC. 7008. STATUTORY CONSTRUCTION.**

4 (a) EXISTING AUTHORITY.—Except as otherwise pro-  
5 vided in this title, nothing in this title affects any author-  
6 ity in effect on the date of enactment of this Act, or any  
7 requirement relating to the participation in protection,  
8 conservation, and restoration projects and activities in the  
9 coastal Louisiana ecosystem, including projects and activi-  
10 ties referred to in subsection (a) of—

- 11 (1) the Department of the Army;
- 12 (2) the Department of the Interior;
- 13 (3) the Department of Commerce;
- 14 (4) the Environmental Protection Agency;
- 15 (5) the Department of Agriculture;
- 16 (6) the Department of Transportation;
- 17 (7) the Department of Energy;
- 18 (8) the Federal Emergency Management Agen-  
19 cy;
- 20 (9) the Coast Guard; and
- 21 (10) the State of Louisiana.

22 (b) NEW AUTHORITY.—Nothing in this title confers  
23 any new regulatory authority on any Federal or non-Fed-  
24 eral entity that carries out any project or activity author-  
25 ized by or under this title.

1 **TITLE VIII—UPPER MISSISSIPPI**  
2 **RIVER AND ILLINOIS WATER-**  
3 **WAY SYSTEM**

4 **SEC. 8001. DEFINITIONS.**

5 In this title, the following definitions apply:

6 (1) **PLAN.**—The term “Plan” means the project  
7 for navigation and ecosystem improvements for the  
8 Upper Mississippi River and Illinois Waterway Sys-  
9 tem: Report of the Chief of Engineers, dated Decem-  
10 ber 15, 2004.

11 (2) **UPPER MISSISSIPPI RIVER AND ILLINOIS**  
12 **WATERWAY SYSTEM.**—The term “Upper Mississippi  
13 River and Illinois Waterway System” means the  
14 projects for navigation and ecosystem restoration au-  
15 thORIZED by Congress for—

16 (A) the segment of the Mississippi River  
17 from the confluence with the Ohio River, River  
18 Mile 0.0, to Upper St. Anthony Falls Lock in  
19 Minneapolis-St. Paul, Minnesota, River Mile  
20 854.0; and

21 (B) the Illinois Waterway from its con-  
22 fluence with the Mississippi River at Grafton,  
23 Illinois, River Mile 0.0, to T.J. O’Brien Lock in  
24 Chicago, Illinois, River Mile 327.0.



1 **SEC. 8002. NAVIGATION IMPROVEMENTS AND RESTORA-**  
2 **TION.**

3 Except as modified by this title, the Secretary shall  
4 undertake navigation improvements and restoration of the  
5 ecosystem for the Upper Mississippi River and Illinois  
6 Water System substantially in accordance with the Plan  
7 and subject to the conditions described therein.

8 **SEC. 8003. AUTHORIZATION OF CONSTRUCTION OF NAVIGA-**  
9 **TION IMPROVEMENTS.**

10 (a) SMALL SCALE AND NONSTRUCTURAL MEAS-  
11 URES.—

12 (1) IN GENERAL.—The Secretary shall—

13 (A) construct mooring facilities at Locks  
14 12, 14, 18, 20, 22, 24, and LaGrange Lock;

15 (B) provide switchboats at Locks 20  
16 through 25; and

17 (C) conduct development and testing of an  
18 appointment scheduling system.

19 (2) AUTHORIZATION OF APPROPRIATIONS.—

20 The total cost of projects authorized under this sub-  
21 section shall be \$235,000,000. Such costs shall be  
22 paid  $\frac{1}{2}$  from amounts appropriated from the general  
23 fund of the Treasury and  $\frac{1}{2}$  from amounts appro-  
24 priated from the Inland Waterways Trust Fund.

25 (b) NEW LOCKS.—

1           (1) IN GENERAL.—The Secretary shall con-  
2           struct new 1,200-foot locks at Locks 20, 21, 22, 24,  
3           and 25 on the Upper Mississippi River and at La-  
4           Grange Lock and Peoria Lock on the Illinois Water-  
5           way.

6           (2) AUTHORIZATION OF APPROPRIATIONS.—  
7           The total cost of projects authorized under this sub-  
8           section shall be \$1,795,000,000. Such costs shall be  
9           paid  $\frac{1}{2}$  from amounts appropriated from the general  
10          fund of the Treasury and  $\frac{1}{2}$  from amounts appro-  
11          priated from the Inland Waterways Trust Fund.

12          (c) CONCURRENCE.—The mitigation required for the  
13          projects authorized under subsections (a) and (b), includ-  
14          ing any acquisition of lands or interests in lands, shall be  
15          undertaken or acquired concurrently with lands and inter-  
16          ests in lands for the projects authorized under subsections  
17          (a) and (b), and physical construction required for the  
18          purposes of mitigation shall be undertaken concurrently  
19          with the physical construction of such projects.

20          **SEC. 8004. ECOSYSTEM RESTORATION AUTHORIZATION.**

21          (a) OPERATION.—To ensure the environmental sus-  
22          tainability of the existing Upper Mississippi River and Illi-  
23          nois Waterway System, the Secretary shall modify, con-  
24          sistent with requirements to avoid adverse effects on navi-  
25          gation, the operation of the Upper Mississippi River and

1 Illinois Waterway System to address the cumulative envi-  
2 ronmental impacts of operation of the system and improve  
3 the ecological integrity of the Upper Mississippi River and  
4 Illinois River.

5 (b) ECOSYSTEM RESTORATION PROJECTS.—

6 (1) IN GENERAL.—The Secretary shall carry  
7 out, consistent with requirements to avoid adverse  
8 effects on navigation, ecosystem restoration projects  
9 to attain and maintain the sustainability of the eco-  
10 system of the Upper Mississippi River and Illinois  
11 River in accordance with the general framework out-  
12 lined in the Plan.

13 (2) PROJECTS INCLUDED.—Ecosystem restora-  
14 tion projects may include—

15 (A) island building;

16 (B) construction of fish passages;

17 (C) floodplain restoration;

18 (D) water level management (including  
19 water drawdown);

20 (E) backwater restoration;

21 (F) side channel restoration;

22 (G) wing dam and dike restoration and  
23 modification;

24 (H) island and shoreline protection;

25 (I) topographical diversity;

- 1 (J) dam point control;
- 2 (K) use of dredged material for environ-
- 3 mental purposes;
- 4 (L) tributary confluence restoration;
- 5 (M) spillway, dam, and levee modification;
- 6 and
- 7 (N) land and easement acquisition.

8 (3) COST SHARING.—

9 (A) IN GENERAL.—Except as provided in

10 subparagraphs (B) and (C), the Federal share

11 of the cost of carrying out an ecosystem res-

12 toration project under this subsection shall be

13 65 percent.

14 (B) EXCEPTION FOR CERTAIN RESTORA-

15 TION PROJECTS.—In the case of a project

16 under this section for ecosystem restoration, the

17 Federal share of the cost of carrying out the

18 project shall be 100 percent if the project—

- 19 (i) is located below the ordinary high
- 20 water mark or in a connected backwater;
- 21 (ii) modifies the operation of struc-
- 22 tures for navigation; or
- 23 (iii) is located on federally owned
- 24 land.

1           (C) SAVINGS CLAUSE.—Nothing in this  
2 subsection affects the applicability of section  
3 906(e) of the Water Resources Development  
4 Act of 1986 (33 U.S.C. 2283(e)).

5           (D) NONGOVERNMENTAL ORGANIZA-  
6 TIONS.—Notwithstanding section 221(b) of the  
7 Flood Control Act of 1970 (42 U.S.C. 1962d-  
8 5(b)), for any project carried out under this  
9 title, a non-Federal sponsor may include a non-  
10 profit entity, with the consent of the affected  
11 local government.

12          (4) LAND ACQUISITION.—The Secretary may  
13 acquire land or an interest in land for an ecosystem  
14 restoration project from a willing seller through con-  
15 veyance of—

16                   (A) fee title to the land; or

17                   (B) a flood plain conservation easement.

18          (c) ECOSYSTEM RESTORATION PRECONSTRUCTION  
19 ENGINEERING AND DESIGN.—

20           (1) RESTORATION DESIGN.—Before initiating  
21 the construction of any individual ecosystem restora-  
22 tion project, the Secretary shall—

23                   (A) establish ecosystem restoration goals  
24 and identify specific performance measures de-  
25 signed to demonstrate ecosystem restoration;

1 (B) establish the without-project condition  
2 or baseline for each performance indicator; and

3 (C) for each separable element of the eco-  
4 system restoration, identify specific target goals  
5 for each performance indicator.

6 (2) OUTCOMES.—Performance measures identi-  
7 fied under paragraph (1)(A) shall include specific  
8 measurable environmental outcomes, such as  
9 changes in water quality, hydrology, or the well-  
10 being of indicator species the population and dis-  
11 tribution of which are representative of the abun-  
12 dance and diversity of ecosystem-dependent aquatic  
13 and terrestrial species.

14 (3) RESTORATION DESIGN.—Restoration design  
15 carried out as part of ecosystem restoration shall in-  
16 clude a monitoring plan for the performance meas-  
17 ures identified under paragraph (1)(A), including—

18 (A) a timeline to achieve the identified tar-  
19 get goals; and

20 (B) a timeline for the demonstration of  
21 project completion.

22 (d) SPECIFIC PROJECTS AUTHORIZATION.—

23 (1) IN GENERAL.—There is authorized to be  
24 appropriated to carry out this subsection  
25 \$1,580,000,000, of which not more than

1       \$226,000,000 shall be available for projects de-  
2       scribed in subsection (b)(2)(B) and not more than  
3       \$43,000,000 shall be available for projects described  
4       in subsection (b)(2)(J).

5           (2) LIMITATION ON AVAILABLE FUNDS.—Of the  
6       amounts made available under paragraph (1), not  
7       more than \$35,000,000 in any fiscal year may be  
8       used for land acquisition under subsection (b)(4).

9           (3) INDIVIDUAL PROJECT LIMIT.—Other than  
10      for projects described in subparagraphs (B) and (J)  
11      of subsection (b)(2), the total cost of any single  
12      project carried out under this subsection shall not  
13      exceed \$25,000,000.

14      (e) IMPLEMENTATION REPORTS.—

15           (1) IN GENERAL.—Not later than June 30,  
16      2007, and every 4 years thereafter, the Secretary  
17      shall submit to the Committee on Environment and  
18      Public Works of the Senate and the Committee on  
19      Transportation and Infrastructure of the House of  
20      Representatives an implementation report that—

21           (A) includes baselines, milestones, goals,  
22           and priorities for ecosystem restoration  
23           projects; and

24           (B) measures the progress in meeting the  
25           goals.

1 (2) ADVISORY PANEL.—

2 (A) IN GENERAL.—The Secretary shall ap-  
3 point and convene an advisory panel to provide  
4 independent guidance in the development of  
5 each implementation report under paragraph  
6 (1).

7 (B) PANEL MEMBERS.—Panel members  
8 shall include—

9 (i) 1 representative of each of the  
10 State resource agencies (or a designee of  
11 the Governor of the State) from each of  
12 the States of Illinois, Iowa, Minnesota,  
13 Missouri, and Wisconsin;

14 (ii) 1 representative of the Depart-  
15 ment of Agriculture;

16 (iii) 1 representative of the Depart-  
17 ment of Transportation;

18 (iv) 1 representative of the United  
19 States Geological Survey;

20 (v) 1 representative of the United  
21 States Fish and Wildlife Service;

22 (vi) 1 representative of the Environ-  
23 mental Protection Agency;

24 (vii) 1 representative of affected land-  
25 owners;



1 (viii) 2 representatives of conservation  
2 and environmental advocacy groups; and

3 (ix) 2 representatives of agriculture  
4 and industry advocacy groups.

5 (C) CHAIRPERSON.—The Secretary shall  
6 serve as chairperson of the advisory panel.

7 (D) APPLICATION OF FEDERAL ADVISORY  
8 COMMITTEE ACT.—The Advisory Panel and any  
9 working group established by the Advisory  
10 Panel shall not be considered an advisory com-  
11 mittee under the Federal Advisory Committee  
12 Act (5 U.S.C. App.).

13 (f) RANKING SYSTEM.—

14 (1) IN GENERAL.—The Secretary, in consulta-  
15 tion with the Advisory Panel, shall develop a system  
16 to rank proposed projects.

17 (2) PRIORITY.—The ranking system shall give  
18 greater weight to projects that restore natural river  
19 processes, including those projects listed in sub-  
20 section (b)(2).

21 **SEC. 8005. COMPARABLE PROGRESS.**

22 (a) IN GENERAL.—As the Secretary conducts pre-en-  
23 gineering, design, and construction for projects authorized  
24 under this title, the Secretary shall—

25 (1) select appropriate milestones; and

1           (2) determine, at the time of such selection,  
2           whether the projects are being carried out at com-  
3           parable rates.

4           (b) NO COMPARABLE RATE.—If the Secretary deter-  
5           mines under subsection (a)(2) that projects authorized  
6           under this subsection are not moving toward completion  
7           at a comparable rate, annual funding requests for the  
8           projects shall be adjusted to ensure that the projects move  
9           toward completion at a comparable rate in the future.

○