

Calendar No. 126110TH CONGRESS
1ST SESSION**S. 1248****[Report No. 110-58]**

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 SENATE OF THE UNITED STATES

APRIL 30, 2007

Mrs. BOXER, from the Committee on Environment and Public Works, reported the following original bill; which was read twice and placed on the calendar

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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Water Resources Development Act of 2007”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of
 5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.

Sec. 1002. Enhanced navigation capacity improvements and ecosystem restoration plan for Upper Mississippi River and Illinois Waterway System.

Sec. 1003. Louisiana Coastal Area ecosystem restoration, Louisiana.

Sec. 1004. Small projects for flood damage reduction.

Sec. 1005. Small projects for navigation.

Sec. 1006. Small projects for aquatic ecosystem restoration.

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

Sec. 2001. Credit for in-kind contributions.

Sec. 2002. Interagency and international support authority.

Sec. 2003. Training funds.

Sec. 2004. Fiscal transparency report.

Sec. 2005. Planning.

Sec. 2006. Water Resources Planning Coordinating Committee.

Sec. 2007. Independent peer review.

Sec. 2008. Mitigation for fish and wildlife losses.

Sec. 2009. State technical assistance.

Sec. 2010. Access to water resource data.

Sec. 2011. Construction of flood control projects by non-Federal interests.

Sec. 2012. Regional sediment management.

Sec. 2013. National shoreline erosion control development program.

Sec. 2014. Shore protection projects.

Sec. 2015. Cost sharing for monitoring.

Sec. 2016. Ecosystem restoration benefits.

Sec. 2017. Funding to expedite the evaluation and processing of permits.

Sec. 2018. Electronic submission of permit applications.

Sec. 2019. Improvement of water management at Corps of Engineers reservoirs.

Sec. 2020. Federal hopper dredges.

Sec. 2021. Extraordinary rainfall events.

Sec. 2022. Wildfire firefighting.

Sec. 2023. Nonprofit organizations as sponsors.

Sec. 2024. Project administration.

Sec. 2025. Program administration.

Sec. 2026. Extension of shore protection projects.

Subtitle B—Continuing Authorities Projects

- Sec. 2031. Navigation enhancements for waterborne transportation.
- Sec. 2032. Protection and restoration due to emergencies at shores and streambanks.
- Sec. 2033. Restoration of the environment for protection of aquatic and riparian ecosystems program.
- Sec. 2034. Environmental modification of projects for improvement and restoration of ecosystems program.
- Sec. 2035. Projects to enhance estuaries and coastal habitats.
- Sec. 2036. Remediation of abandoned mine sites.
- Sec. 2037. Small projects for the rehabilitation and removal of dams.
- Sec. 2038. Remote, maritime-dependent communities.
- Sec. 2039. Agreements for water resource projects.
- Sec. 2040. Program names.

Subtitle C—National Levee Safety Program

- Sec. 2051. Short title.
- Sec. 2052. Definitions.
- Sec. 2053. National Levee Safety Committee.
- Sec. 2054. National Levee Safety Program.
- Sec. 2055. Authorization of appropriations.

TITLE III—PROJECT-RELATED PROVISIONS

- Sec. 3001. St. Herman and St. Paul Harbors, Kodiak, Alaska.
- Sec. 3002. Sitka, Alaska.
- Sec. 3003. Black Warrior-Tombigbee Rivers, Alabama.
- Sec. 3004. Rio de Flag, Flagstaff, Arizona.
- Sec. 3005. Augusta and Clarendon, Arkansas.
- Sec. 3006. Red-Ouachita River Basin levees, Arkansas and Louisiana.
- Sec. 3007. St. Francis Basin, Arkansas and Missouri.
- Sec. 3008. St. Francis Basin land transfer, Arkansas and Missouri.
- Sec. 3009. McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma.
- Sec. 3010. Cache Creek Basin, California.
- Sec. 3011. CALFED levee stability program, California.
- Sec. 3012. Hamilton Airfield, California.
- Sec. 3013. LA-3 dredged material ocean disposal site designation, California.
- Sec. 3014. Larkspur Ferry Channel, California.
- Sec. 3015. Llagas Creek, California.
- Sec. 3016. Magpie Creek, California.
- Sec. 3017. Pine Flat Dam fish and wildlife habitat, California.
- Sec. 3018. Redwood City Navigation Project, California.
- Sec. 3019. Sacramento and American Rivers flood control, California.
- Sec. 3020. Conditional declaration of nonnavigability, Port of San Francisco, California.
- Sec. 3021. Salton Sea restoration, California.
- Sec. 3022. Santa Barbara Streams, Lower Mission Creek, California.
- Sec. 3023. Upper Guadalupe River, California.
- Sec. 3024. Yuba River Basin project, California.
- Sec. 3025. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.
- Sec. 3026. Anchorage area, New London Harbor, Connecticut.
- Sec. 3027. Norwalk Harbor, Connecticut.

- Sec. 3028. St. George's Bridge, Delaware.
- Sec. 3029. Additional program authority, comprehensive Everglades restoration, Florida.
- Sec. 3030. Brevard County, Florida.
- Sec. 3031. Critical restoration projects, Everglades and south Florida ecosystem restoration, Florida.
- Sec. 3032. Lake Okeechobee and Hillsboro Aquifer pilot projects, comprehensive Everglades restoration, Florida.
- Sec. 3033. Lido Key, Sarasota County, Florida.
- Sec. 3034. Port Sutton Channel, Tampa Harbor, Florida.
- Sec. 3035. Tampa Harbor, Cut B, Tampa, Florida.
- Sec. 3036. Allatoona Lake, Georgia.
- Sec. 3037. Dworshak Reservoir improvements, Idaho.
- Sec. 3038. Little Wood River, Gooding, Idaho.
- Sec. 3039. Port of Lewiston, Idaho.
- Sec. 3040. Cache River Levee, Illinois.
- Sec. 3041. Chicago, Illinois.
- Sec. 3042. Chicago River, Illinois.
- Sec. 3043. Illinois River Basin restoration.
- Sec. 3044. Missouri and Illinois flood protection projects reconstruction pilot program.
- Sec. 3045. Spunky Bottom, Illinois.
- Sec. 3046. Strawn Cemetery, John Redmond Lake, Kansas.
- Sec. 3047. Milford Lake, Milford, Kansas.
- Sec. 3048. Ohio River, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia.
- Sec. 3049. McAlpine Lock and Dam, Kentucky and Indiana.
- Sec. 3050. Public access, Atchafalaya Basin Floodway System, Louisiana.
- Sec. 3051. Regional visitor center, Atchafalaya Basin Floodway System, Louisiana.
- Sec. 3052. Calcasieu River and Pass, Louisiana.
- Sec. 3053. East Baton Rouge Parish, Louisiana.
- Sec. 3054. Mississippi River Gulf Outlet relocation assistance, Louisiana.
- Sec. 3055. Red River (J. Bennett Johnston) Waterway, Louisiana.
- Sec. 3056. Camp Ellis, Saco, Maine.
- Sec. 3057. Union River, Maine.
- Sec. 3058. Chesapeake Bay environmental restoration and protection program, Maryland, Pennsylvania, and Virginia.
- Sec. 3059. Cumberland, Maryland.
- Sec. 3060. Aunt Lydia's Cove, Massachusetts.
- Sec. 3061. Fall River Harbor, Massachusetts and Rhode Island.
- Sec. 3062. St. Clair River and Lake St. Clair, Michigan.
- Sec. 3063. Duluth Harbor, Minnesota.
- Sec. 3064. Bonnet Carre Freshwater Diversion Project, Mississippi and Louisiana.
- Sec. 3065. Land exchange, Pike County, Missouri.
- Sec. 3066. L-15 levee, Missouri.
- Sec. 3067. Union Lake, Missouri.
- Sec. 3068. Lower Yellowstone project, Montana.
- Sec. 3069. Yellowstone River and tributaries, Montana and North Dakota.
- Sec. 3070. Lower Truckee River, McCarran Ranch, Nevada.
- Sec. 3071. Middle Rio Grande restoration, New Mexico.
- Sec. 3072. Long Island Sound oyster restoration, New York and Connecticut.
- Sec. 3073. Orchard Beach, Bronx, New York.
- Sec. 3074. New York Harbor, New York, New York.

- Sec. 3075. Missouri River restoration, North Dakota.
- Sec. 3076. Lower Girard Lake Dam, Girard, Ohio.
- Sec. 3077. Toussaint River Navigation Project, Carroll Township, Ohio.
- Sec. 3078. Arcadia Lake, Oklahoma.
- Sec. 3079. Lake Eufaula, Oklahoma.
- Sec. 3080. Release of reversionary interest, Oklahoma.
- Sec. 3081. Oklahoma lakes demonstration program, Oklahoma.
- Sec. 3082. Waurika Lake, Oklahoma.
- Sec. 3083. Lookout Point project, Lowell, Oregon.
- Sec. 3084. Upper Willamette River Watershed ecosystem restoration.
- Sec. 3085. Upper Susquehanna River Basin, Pennsylvania and New York.
- Sec. 3086. Narragansett Bay, Rhode Island.
- Sec. 3087. South Carolina Department of Commerce development proposal at Richard B. Russell Lake, South Carolina.
- Sec. 3088. Missouri River restoration, South Dakota.
- Sec. 3089. Missouri and Middle Mississippi Rivers enhancement project.
- Sec. 3090. Nonconnah Weir, Memphis, Tennessee.
- Sec. 3091. Old Hickory Lock and Dam, Cumberland River, Tennessee.
- Sec. 3092. Sandy Creek, Jackson County, Tennessee.
- Sec. 3093. Cedar Bayou, Texas.
- Sec. 3094. Denison, Texas.
- Sec. 3095. Freeport Harbor, Texas.
- Sec. 3096. Harris County, Texas.
- Sec. 3097. Connecticut River restoration, Vermont.
- Sec. 3098. Dam remediation, Vermont.
- Sec. 3099. Lake Champlain Eurasian milfoil, water chestnut, and other non-native plant control, Vermont.
- Sec. 3100. Upper Connecticut River Basin wetland restoration, Vermont and New Hampshire.
- Sec. 3101. Upper Connecticut River Basin ecosystem restoration, Vermont and New Hampshire.
- Sec. 3102. Lake Champlain watershed, Vermont and New York.
- Sec. 3103. Chesapeake Bay oyster restoration, Virginia and Maryland.
- Sec. 3104. Tangier Island Seawall, Virginia.
- Sec. 3105. Erosion control, Puget Island, Wahkiakum County, Washington.
- Sec. 3106. Lower granite pool, Washington.
- Sec. 3107. McNary Lock and Dam, McNary National Wildlife Refuge, Washington and Idaho.
- Sec. 3108. Snake River project, Washington and Idaho.
- Sec. 3109. Whatcom Creek Waterway, Bellingham, Washington.
- Sec. 3110. Lower Mud River, Milton, West Virginia.
- Sec. 3111. McDowell County, West Virginia.
- Sec. 3112. Green Bay Harbor project, Green Bay, Wisconsin.
- Sec. 3113. Underwood Creek diversion facility project, Milwaukee County, Wisconsin.
- Sec. 3114. Oconto Harbor, Wisconsin.
- Sec. 3115. Mississippi River headwaters reservoirs.
- Sec. 3116. Lower Mississippi River Museum and Riverfront Interpretive Site.
- Sec. 3117. Upper Mississippi River system environmental management program.
- Sec. 3118. Upper basin of Missouri River.
- Sec. 3119. Great Lakes fishery and ecosystem restoration program.
- Sec. 3120. Great Lakes remedial action plans and sediment remediation.
- Sec. 3121. Great Lakes tributary models.

- Sec. 3122. Upper Ohio River and tributaries navigation system new technology pilot program.

TITLE IV—STUDIES

- Sec. 4001. Eurasian milfoil.
 Sec. 4002. McClellan-Kerr Arkansas River Navigation Channel.
 Sec. 4003. Los Angeles River revitalization study, California.
 Sec. 4004. Nicholas Canyon, Los Angeles, California.
 Sec. 4005. Oceanside, California, shoreline special study.
 Sec. 4006. Comprehensive flood protection project, St. Helena, California.
 Sec. 4007. San Francisco Bay, Sacramento-San Joaquin Delta, Sherman Island, California.
 Sec. 4008. South San Francisco Bay shoreline study, California.
 Sec. 4009. San Pablo Bay Watershed restoration, California.
 Sec. 4010. Fountain Creek, North of Pueblo, Colorado.
 Sec. 4011. Selenium study, Colorado.
 Sec. 4012. Promontory Point third-party review, Chicago shoreline, Chicago, Illinois.
 Sec. 4013. Vidalia Port, Louisiana.
 Sec. 4014. Lake Erie at Luna Pier, Michigan.
 Sec. 4015. Middle Bass Island State Park, Middle Bass Island, Ohio.
 Sec. 4016. Jasper County port facility study, South Carolina.
 Sec. 4017. Johnson Creek, Arlington, Texas.
 Sec. 4018. Lake Champlain Canal study, Vermont and New York.

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 5001. Lakes program.
 Sec. 5002. Estuary restoration.
 Sec. 5003. Delmarva conservation corridor, Delaware and Maryland.
 Sec. 5004. Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia.
 Sec. 5005. Anacostia River, District of Columbia and Maryland.
 Sec. 5006. Chicago Sanitary and Ship Canal Dispersal Barriers project, Illinois.
 Sec. 5007. Rio Grande environmental management program, Colorado, New Mexico, and Texas.
 Sec. 5008. Missouri River and tributaries, mitigation, recovery and restoration, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.
 Sec. 5009. St. Mary Project, Blackfeet Reservation, Montana.
 Sec. 5010. Lower Platte River watershed restoration, Nebraska.
 Sec. 5011. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and terrestrial wildlife habitat restoration, South Dakota.
 Sec. 5012. Connecticut River dams, Vermont.

TITLE VI—PROJECT DEAUTHORIZATIONS

- Sec. 6001. Little Cove Creek, Glencoe, Alabama.
 Sec. 6002. Goleta and Vicinity, California.
 Sec. 6003. Bridgeport Harbor, Connecticut.
 Sec. 6004. Bridgeport, Connecticut.
 Sec. 6005. Inland Waterway from Delaware River to Chesapeake Bay, Part II, installation of fender protection for bridges, Delaware and Maryland.

- Sec. 6006. Shingle Creek Basin, Florida.
- Sec. 6007. Brevoort, Indiana.
- Sec. 6008. Middle Wabash, Greenfield Bayou, Indiana.
- Sec. 6009. Lake George, Hobart, Indiana.
- Sec. 6010. Green Bay Levee and Drainage District No. 2, Iowa.
- Sec. 6011. Muscatine Harbor, Iowa.
- Sec. 6012. Big South Fork National River and recreational area, Kentucky and Tennessee.
- Sec. 6013. Eagle Creek Lake, Kentucky.
- Sec. 6014. Hazard, Kentucky.
- Sec. 6015. West Kentucky Tributaries, Kentucky.
- Sec. 6016. Bayou Cocodrie and Tributaries, Louisiana.
- Sec. 6017. Bayou LaFourche and LaFourche Jump, Louisiana.
- Sec. 6018. Eastern Rapides and South-Central Avoyelles Parishes, Louisiana.
- Sec. 6019. Fort Livingston, Grand Terre Island, Louisiana.
- Sec. 6020. Gulf Interoceanic Waterway, Lake Borgne and Chef Menteur, Louisiana.
- Sec. 6021. Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas.
- Sec. 6022. Casco Bay, Portland, Maine.
- Sec. 6023. Northeast Harbor, Maine.
- Sec. 6024. Penobscot River, Bangor, Maine.
- Sec. 6025. Saint John River Basin, Maine.
- Sec. 6026. Tenants Harbor, Maine.
- Sec. 6027. Grand Haven Harbor, Michigan.
- Sec. 6028. Greenville Harbor, Mississippi.
- Sec. 6029. Platte River flood and related streambank erosion control, Nebraska.
- Sec. 6030. Epping, New Hampshire.
- Sec. 6031. New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey.
- Sec. 6032. Eisenhower and Snell Locks, New York.
- Sec. 6033. Olcott Harbor, Lake Ontario, New York.
- Sec. 6034. Outer Harbor, Buffalo, New York.
- Sec. 6035. Sugar Creek Basin, North Carolina and South Carolina.
- Sec. 6036. Cleveland Harbor 1958 Act, Ohio.
- Sec. 6037. Cleveland Harbor 1960 Act, Ohio.
- Sec. 6038. Cleveland Harbor, uncompleted portion of Cut #4, Ohio.
- Sec. 6039. Columbia River, Seafarers Memorial, Hammond, Oregon.
- Sec. 6040. Tioga-Hammond Lakes, Pennsylvania.
- Sec. 6041. Tamaqua, Pennsylvania.
- Sec. 6042. Narragansett Town Beach, Narragansett, Rhode Island.
- Sec. 6043. Quonset Point-Davisville, Rhode Island.
- Sec. 6044. Arroyo Colorado, Texas.
- Sec. 6045. Cypress Creek-Structural, Texas.
- Sec. 6046. East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas.
- Sec. 6047. Falfurrias, Texas.
- Sec. 6048. Pecan Bayou Lake, Texas.
- Sec. 6049. Lake of the Pines, Texas.
- Sec. 6050. Tennessee Colony Lake, Texas.
- Sec. 6051. City Waterway, Tacoma, Washington.
- Sec. 6052. Kanawha River, Charleston, West Virginia.

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

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

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

6 **SEC. 1001. PROJECT AUTHORIZATIONS.**

7 (a) **PROJECTS WITH CHIEF’S REPORTS.**—Except as
8 otherwise provided in this section, the following projects
9 for water resources development and conservation and
10 other purposes are authorized to be carried out by the Sec-
11 retary substantially in accordance with the plans, and sub-
12 ject to the conditions, described in the respective reports
13 designated in this section:

14 (1) **HAINES HARBOR, ALASKA.**—The project for
15 navigation, Haines Harbor, Alaska: Report of the
16 Chief of Engineers dated December 20, 2004, at a
17 total estimated cost of \$13,700,000, with an esti-
18 mated Federal cost of \$10,960,000 and an esti-
19 mated non-Federal cost of \$2,740,000.

20 (2) **TANQUE VERDE CREEK, ARIZONA.**—The
21 project for ecosystem restoration, Tanque Verde
22 Creek, Arizona: Report of the Chief of Engineers
23 dated July 22, 2003, at a total cost of \$5,706,000,
24 with an estimated Federal cost of \$3,706,000 and
25 an estimated non-Federal cost of \$2,000,000.

1 (3) SALT RIVER (VA SHLYAY AKIMEL), MARI-
2 COPA COUNTY, ARIZONA.—

3 (A) IN GENERAL.—The project for eco-
4 system restoration, Salt River (Va Shlyay
5 Akimel), Arizona: Report of the Chief of Engi-
6 neers dated January 3, 2005, at a total cost of
7 \$156,700,000, with an estimated Federal cost
8 of \$101,600,000 and an estimated non-Federal
9 cost of \$55,100,000.

10 (B) COORDINATION WITH FEDERAL REC-
11 LAMATION PROJECTS.—The Secretary, to the
12 maximum extent practicable, shall coordinate
13 the development and construction of the project
14 described in subparagraph (A) with each Fed-
15 eral reclamation project located in the Salt
16 River Basin to address statutory requirements
17 and the operations of those projects.

18 (4) HAMILTON CITY, CALIFORNIA.—The project
19 for flood damage reduction and ecosystem restora-
20 tion, Hamilton City, California: Report of the Chief
21 of Engineers dated December 22, 2004, at a total
22 cost of \$50,600,000, with an estimated Federal cost
23 of \$33,000,000 and estimated non-Federal cost of
24 \$17,600,000.

1 (5) IMPERIAL BEACH, CALIFORNIA.—The
2 project for storm damage reduction, Imperial Beach,
3 California: Report of the Chief of Engineers dated
4 December 30, 2003, at a total cost of \$13,300,000,
5 with an estimated Federal cost of \$8,500,000 and
6 an estimated non-Federal cost of \$4,800,000, and at
7 an estimated total cost of \$41,100,000 for periodic
8 beach nourishment over the 50-year life of the
9 project, with an estimated Federal cost of
10 \$20,550,000 and an estimated non-Federal cost of
11 \$20,550,000.

12 (6) MATILIJA DAM, VENTURA COUNTY, CALI-
13 FORNIA.—The project for ecosystem restoration,
14 Matilija Dam and Ventura River Watershed, Ven-
15 tura County, California: Report of the Chief of En-
16 gineers dated December 20, 2004, at a total cost of
17 \$139,600,000, with an estimated Federal cost of
18 \$86,700,000 and an estimated non-Federal cost of
19 \$52,900,000.

20 (7) MIDDLE CREEK, LAKE COUNTY, CALI-
21 FORNIA.—The project for flood damage reduction
22 and ecosystem restoration, Middle Creek, Lake
23 County, California: Report of the Chief of Engineers
24 dated November 29, 2004, at a total cost of
25 \$43,630,000, with an estimated Federal cost of

1 \$28,460,000 and an estimated non-Federal cost of
2 \$15,170,000.

3 (8) NAPA RIVER SALT MARSH, CALIFORNIA.—

4 (A) IN GENERAL.—The project for eco-
5 system restoration, Napa River Salt Marsh,
6 California: Report of the Chief of Engineers
7 dated December 22, 2004, at a total cost of
8 \$103,012,000, with an estimated Federal cost
9 of \$65,600,000 and an estimated non-Federal
10 cost of \$37,412,000.

11 (B) ADMINISTRATION.—In carrying out
12 the project authorized by this paragraph, the
13 Secretary shall—

14 (i) construct a recycled water pipeline
15 extending from the Sonoma Valley County
16 Sanitation District Waste Water Treat-
17 ment Plant and the Napa Sanitation Dis-
18 trict Waste Water Treatment Plant to the
19 project; and

20 (ii) restore or enhance Salt Ponds 1,
21 1A, 2, and 3.

22 (9) SOUTH PLATTE RIVER, DENVER, COLO-
23 RADO.—The project for ecosystem restoration, Den-
24 ver County Reach, South Platte River, Denver, Colo-
25 rado: Report of the Chief of Engineers dated May

1 16, 2003, at a total cost of \$21,050,000, with an es-
2 timated Federal cost of \$13,680,000 and an esti-
3 mated non-Federal cost of \$7,370,000.

4 (10) INDIAN RIVER LAGOON, SOUTH FLOR-
5 IDA.—

6 (A) IN GENERAL.—The Secretary may
7 carry out the project for ecosystem restoration,
8 water supply, flood control, and protection of
9 water quality, Indian River Lagoon, south Flor-
10 ida, at a total cost of \$1,365,000,000, with an
11 estimated first Federal cost of \$682,500,000
12 and an estimated first non-Federal cost of
13 \$682,500,000, in accordance with section 601
14 of the Water Resources Development Act of
15 2000 (114 Stat. 2680) and the recommenda-
16 tions of the report of the Chief of Engineers
17 dated August 6, 2004.

18 (B) DEAUTHORIZATIONS.—As of the date
19 of enactment of this Act, the following projects
20 are not authorized:

21 (i) The uncompleted portions of the
22 project authorized by section
23 601(b)(2)(C)(i) of the Water Resources
24 Development Act of 2000 (114 Stat.
25 2682), C-44 Basin Storage Reservoir of

1 the Comprehensive Everglades Restoration
2 Plan, at a total cost of \$147,800,000, with
3 an estimated Federal cost of \$73,900,000
4 and an estimated non-Federal cost of
5 \$73,900,000.

6 (ii) The uncompleted portions of the
7 project authorized by section 203 of the
8 Flood Control Act of 1968 (Public Law
9 90–483; 82 Stat. 740), Martin County,
10 Florida, modifications to Central and
11 South Florida Project, as contained in
12 Senate Document 101, 90th Congress, 2d
13 Session, at a total cost of \$15,471,000,
14 with an estimated Federal cost of
15 \$8,073,000 and an estimated non-Federal
16 cost of \$7,398,000.

17 (iii) The uncompleted portions of the
18 project authorized by section 203 of the
19 Flood Control Act of 1968 (Public Law
20 90–483; 82 Stat. 740), East Coast
21 Backpumping, St. Lucie–Martin County,
22 Spillway Structure S–311 of the Central
23 and South Florida Project, as contained in
24 House Document 369, 90th Congress, 2d
25 Session, at a total cost of \$77,118,000,

1 with an estimated Federal cost of
2 \$55,124,000 and an estimated non-Federal
3 cost of \$21,994,000.

4 (11) MIAMI HARBOR, MIAMI, FLORIDA.—The
5 project for navigation, Miami Harbor, Miami, Flor-
6 ida: Report of the Chief of Engineers dated April
7 25, 2005, at a total cost of \$125,270,000, with an
8 estimated Federal cost of \$75,140,000 and an esti-
9 mated non-Federal cost of \$50,130,000.

10 (12) PICAYUNE STRAND, FLORIDA.—The
11 project for ecosystem restoration, Picayune Strand,
12 Florida: Report of the Chief of Engineers dated Sep-
13 tember 15, 2005, at a total cost of \$362,260,000
14 with an estimated Federal cost of \$181,130,000 and
15 an estimated non-Federal cost of \$181,130,000.

16 (13) EAST ST. LOUIS AND VICINITY, ILLI-
17 NOIS.—The project for ecosystem restoration and
18 recreation, East St. Louis and Vicinity, Illinois: Re-
19 port of the Chief of Engineers dated December 22,
20 2004, at a total cost of \$201,600,000, with an esti-
21 mated Federal cost of \$130,600,000 and an esti-
22 mated non-Federal cost of \$71,000,000.

23 (14) PEORIA RIVERFRONT, ILLINOIS.—The
24 project for ecosystem restoration, Peoria Riverfront,
25 Illinois: Report of the Chief of Engineers dated July

1 28, 2003, at a total cost of \$17,760,000, with an es-
2 timated Federal cost of \$11,540,000 and an esti-
3 mated non-Federal cost of \$6,220,000.

4 (15) WOOD RIVER LEVEE SYSTEM, ILLINOIS.—
5 The project for flood damage reduction, Wood River,
6 Illinois: Report of the Chief of Engineers dated July
7 18, 2006, at a total cost of \$16,730,000, with an es-
8 timated Federal cost of \$10,900,000 and an esti-
9 mated non-Federal cost of \$5,830,000.

10 (16) DES MOINES AND RACCOON RIVERS, DES
11 MOINES, IOWA.—The project for flood damage re-
12 duction, Des Moines and Raccoon Rivers, Des
13 Moines, Iowa: Report of the Chief of Engineers
14 dated March 28, 2006, at a total cost of
15 \$10,500,000, with an estimated Federal cost of
16 \$6,800,000 and an estimated non-Federal cost of
17 \$3,700,000.

18 (17) LICKING RIVER, CYNTHIANA, KEN-
19 TUCKY.—The project for flood damage reduction,
20 Licking River, Cynthiana, Kentucky: Report of the
21 Chief of Engineers dated October 24, 2006, at a
22 total cost of \$17,800,000, with an estimated Federal
23 cost of \$11,570,000 and an estimated non-Federal
24 cost of \$6,230,000.

1 (18) 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 \$9,500,000. The costs
5 of construction of the project are to 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 (19) 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 \$841,100,000
16 with an estimated Federal cost of \$546,300,000
17 and an estimated non-Federal cost of
18 \$294,800,000.

19 (B) OPERATION AND MAINTENANCE.—The
20 operation, maintenance, repair, rehabilitation,
21 and replacement of the Houma Navigation
22 Canal lock complex and the Gulf Intracoastal
23 Waterway floodgate features that provide for
24 inland waterway transportation shall be a Fed-
25 eral responsibility, in accordance with section

1 102 of the Water Resources Development Act
2 of 1986 (33 U.S.C. 2212; Public Law 99–662).

3 (20) PORT OF IBERIA, LOUISIANA.—The project
4 for navigation, Port of Iberia, Louisiana: Report of
5 the Chief of Engineers dated December 31, 2006, at
6 a total cost of \$204,600,000, with an estimated Fed-
7 eral cost of \$129,700,000 and an estimated non-
8 Federal cost of \$74,900,000, except that the Sec-
9 retary, in consultation with Vermillion and Iberia
10 Parishes, Louisiana, is directed to use available
11 dredged material and rock placement on the south
12 bank of the Gulf Intracoastal Waterway and the
13 west bank of the Freshwater Bayou Channel to pro-
14 vide incidental storm surge protection.

15 (21) POPLAR ISLAND EXPANSION, MARY-
16 LAND.—The project for the beneficial use of dredged
17 material at Poplar Island, Maryland, authorized by
18 section 537 of the Water Resources Development
19 Act of 1996 (110 Stat. 3776), and modified by sec-
20 tion 318 of the Water Resources Development Act
21 of 2000 (114 Stat. 2678), is further modified to au-
22 thorize the Secretary to construct the expansion of
23 the project in accordance with the Report of the
24 Chief of Engineers dated March 31, 2006, at an ad-
25 ditional total cost of \$256,100,000, with an esti-

1 mated Federal cost of \$192,100,000 and an esti-
2 mated non-Federal cost of \$64,000,000.

3 (22) SMITH ISLAND, MARYLAND.—The project
4 for ecosystem restoration, Smith Island, Maryland:
5 Report of the Chief of Engineers dated October 29,
6 2001, at a total cost of \$14,500,000, with an esti-
7 mated Federal cost of \$9,425,000 and an estimated
8 non-Federal cost of \$5,075,000.

9 (23) SWOPE PARK INDUSTRIAL AREA, MIS-
10 SOURI.—The project for flood damage reduction,
11 Swope Park Industrial Area, Missouri: Report of the
12 Chief of Engineers dated December 30, 2003, at a
13 total cost of \$16,900,000, with an estimated Federal
14 cost of \$10,990,000 and an estimated non-Federal
15 cost of \$5,910,000.

16 (24) HUDSON-RARITAN ESTUARY, LIBERTY
17 STATE PARK, NEW JERSEY.—The project for eco-
18 system restoration, Hudson-Raritan Estuary, Lib-
19 erty State Park, New Jersey: Report of the Chief of
20 Engineers dated August 25, 2006, at a total cost of
21 \$33,050,000, with an estimated Federal cost of
22 \$21,480,000 and an estimated non-Federal cost of
23 \$11,570,000.

24 (25) MANASQUAN TO BARNEGAT INLETS, NEW
25 JERSEY.—The project for hurricane and storm dam-

1 age reduction, Manasquan to Barnegat Inlets, New
2 Jersey: Report of the Chief of Engineers dated De-
3 cember 30, 2003, at a total cost of \$70,340,000,
4 with an estimated Federal cost of \$45,720,000 and
5 an estimated non-Federal cost of \$24,620,000, and
6 at an estimated total cost of \$117,100,000 for peri-
7 odic beach nourishment over the 50-year life of the
8 project, with an estimated Federal cost of
9 \$58,550,000 and an estimated non-Federal cost of
10 \$58,550,000.

11 (26) RARITAN BAY AND SANDY HOOK BAY,
12 UNION BEACH, NEW JERSEY.—The project for hurri-
13 cane and storm damage reduction, Raritan Bay and
14 Sandy Hook Bay, Union Beach, New Jersey: Report
15 of the Chief of Engineers dated January 4, 2006, at
16 a total cost of \$112,640,000, with an estimated Fed-
17 eral cost of \$73,220,600 and an estimated non-Fed-
18 eral cost of \$39,420,000, and at an estimated total
19 cost of \$6,400,000 for periodic nourishment over the
20 50-year life of the project, with an estimated Federal
21 cost of \$2,300,000 and an estimated non-Federal
22 cost of \$4,100,000.

23 (27) SOUTH RIVER, NEW JERSEY.—The project
24 for hurricane and storm damage reduction and eco-
25 system restoration, South River, New Jersey: Report

1 of the Chief of Engineers dated July 22, 2003, at
2 a total cost of \$120,810,000, with an estimated Fed-
3 eral cost of \$78,530,000 and an estimated non-Fed-
4 eral cost of \$42,280,000.

5 (28) SOUTHWEST VALLEY, ALBUQUERQUE, NEW
6 MEXICO.—The project for flood damage reduction,
7 Southwest Valley, Albuquerque, New Mexico: Report
8 of the Chief of Engineers dated November 29, 2004,
9 at a total cost of \$24,000,000, with an estimated
10 Federal cost of \$15,600,000 and an estimated non-
11 Federal cost of \$8,400,000.

12 (29) MONTAUK POINT, NEW YORK.—The
13 project for hurricane and storm damage reduction,
14 Montauk Point, New York: Report of the Chief of
15 Engineers dated March 31, 2006, at a total cost of
16 \$14,070,000, with an estimated Federal cost of
17 \$7,035,000 and an estimated non-Federal cost of
18 \$7,035,000.

19 (30) HOCKING RIVER BASIN, MONDAY CREEK,
20 OHIO.—The project for ecosystem restoration, Hock-
21 ing River Basin, Monday Creek, Ohio: Report of the
22 Chief of Engineers dated August 24, 2006, at a
23 total cost of \$18,730,000, with an estimated Federal
24 cost of \$12,170,000 and an estimated non-Federal
25 cost of \$6,560,000.

1 (31) BLOOMSBURG, PENNSYLVANIA.—The
2 project for flood damage reduction, Bloomsburg,
3 Pennsylvania: Report of the Chief of Engineers
4 dated January 25, 2006, at a total cost of
5 \$43,300,000, with an estimated Federal cost of
6 \$28,150,000 and an estimated non-Federal cost of
7 \$15,150,000.

8 (32) PAWLEYS ISLAND, SOUTH CAROLINA.—
9 The project for hurricane and storm damage reduc-
10 tion, Pawleys Island, South Carolina: Report of the
11 Chief of Engineers dated December 19, 2006, at a
12 total cost of \$8,980,000, with an estimated Federal
13 cost of \$4,040,000 and an estimated non-Federal
14 cost of \$4,940,000, and at an estimated total cost
15 of \$21,200,000 for periodic nourishment over the
16 50-year life of the project, with an estimated Federal
17 cost of \$7,632,000 and an estimated non-Federal
18 cost of \$13,568,000.

19 (33) CORPUS CHRISTI SHIP CHANNEL, CORPUS
20 CHRISTI, TEXAS.—

21 (A) IN GENERAL.—The project for naviga-
22 tion and ecosystem restoration, Corpus Christi
23 Ship Channel, Texas, Channel Improvement
24 Project: Report of the Chief of Engineers dated
25 June 2, 2003, at a total cost of \$188,110,000,

1 with an estimated Federal cost of \$87,810,000
2 and an estimated non-Federal cost of
3 \$100,300,000.

4 (B) NAVIGATIONAL SERVITUDE.—In car-
5 rying out the project under subparagraph (A),
6 the Secretary shall enforce navigational ser-
7 vitude in the Corpus Christi Ship Channel, in-
8 cluding, at the sole expense of the owner of the
9 facility, the removal or relocation of any facility
10 obstructing the project.

11 (34) GULF INTRACOASTAL WATERWAY, BRAZOS
12 RIVER TO PORT O'CONNOR, MATAGORDA BAY RE-
13 ROUTE, TEXAS.—The project for navigation, Gulf
14 Intracoastal Waterway, Brazos River to Port O'Con-
15 nor, Matagorda Bay Re-Route, Texas: Report of the
16 Chief of Engineers dated December 24, 2002, at a
17 total cost of \$17,280,000. The costs of construction
18 of the project are to be paid $\frac{1}{2}$ from amounts appro-
19 priated from the general fund of the Treasury and
20 $\frac{1}{2}$ from amounts appropriated from the Inland Wa-
21 terways Trust Fund.

22 (35) GULF INTRACOASTAL WATERWAY, HIGH
23 ISLAND TO BRAZOS RIVER, TEXAS.—The project for
24 navigation, Gulf Intracoastal Waterway, Sabine
25 River to Corpus Christi, Texas: Report of the Chief

1 of Engineers dated April 16, 2004, at a total cost
2 of \$14,450,000. The costs of construction of the
3 project are to be paid $\frac{1}{2}$ from amounts appropriated
4 from the general fund of the Treasury and $\frac{1}{2}$ from
5 amounts appropriated from the Inland Waterways
6 Trust Fund.

7 (36) RIVERSIDE OXBOW, FORT WORTH,
8 TEXAS.—The project for ecosystem restoration, Riv-
9 erside Oxbow, Fort Worth, Texas: Report of the
10 Chief of Engineers dated May 29, 2003, at a total
11 cost of \$27,330,000, with an estimated Federal cost
12 of \$11,320,000 and an estimated non-Federal cost
13 of \$16,010,000.

14 (37) CRANEY ISLAND EASTWARD EXPANSION,
15 VIRGINIA.—The project for navigation, Craney Is-
16 land Eastward Expansion, Virginia: Report of the
17 Chief of Engineers dated October 24, 2006, at a
18 total cost of \$671,340,000, with an estimated Fed-
19 eral cost of \$26,220,000 and an estimated non-Fed-
20 eral cost of \$645,120,000.

21 (38) DEEP CREEK, CHESAPEAKE, VIRGINIA.—
22 The project for the Atlantic Intracoastal Waterway
23 Bridge Replacement, Deep Creek, Chesapeake, Vir-
24 ginia: Report of the Chief of Engineers dated March
25 3, 2003, at a total cost of \$37,200,000.

1 (39) CHEHALIS RIVER, CENTRALIA, WASH-
2 INGTON.—The project for flood damage reduction,
3 Centralia, Washington, authorized by section 401(a)
4 of the Water Resources Development Act of 1986
5 (Public Law 99–662; 100 Stat. 4126)—

6 (A) is modified to be carried out at a total
7 cost of \$121,100,000, with a Federal cost of
8 \$73,220,000, and a non-Federal cost of
9 \$47,880,000; and

10 (B) shall be carried out by the Secretary
11 substantially in accordance with the plans, and
12 subject to the conditions, recommended in the
13 final report of the Chief of Engineers dated
14 September 27, 2004.

15 (b) PROJECT SUBJECT TO FINAL REPORT.—The
16 Secretary shall carry out the project for ecosystem restora-
17 tion, Jamaica Bay, Queens and Brooklyn, New York, at
18 a total estimated cost of \$204,159,000, with an estimated
19 Federal cost of \$132,703,000 and an estimated non-Fed-
20 eral cost of \$71,456,000, substantially in accordance with
21 the plans, and subject to the conditions, recommended in
22 a final report of the Chief of Engineers if a favorable re-
23 port of the Chief is completed not later than December
24 31, 2006.

1 **SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVE-**
2 **MENTS AND ECOSYSTEM RESTORATION PLAN**
3 **FOR UPPER MISSISSIPPI RIVER AND ILLI-**
4 **NOIS WATERWAY SYSTEM.**

5 (a) DEFINITIONS.—In this section:

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.

25 (b) AUTHORIZATION OF CONSTRUCTION OF NAVIGA-
26 TION IMPROVEMENTS.—

1 (1) SMALL SCALE AND NONSTRUCTURAL MEAS-
2 URES.—

3 (A) IN GENERAL.—The Secretary shall, in
4 general conformance with the Plan—

5 (i) construct mooring facilities at
6 Locks 12, 14, 18, 20, 22, 24, and La-
7 Grange Lock;

8 (ii) provide switchboats at Locks 20
9 through 25; and

10 (iii) conduct development and testing
11 of an appointment scheduling system.

12 (B) AUTHORIZATION OF APPROPRIA-
13 TIONS.—The total cost of the projects author-
14 ized under this paragraph shall be
15 \$246,000,000. The costs of construction of the
16 projects shall be paid $\frac{1}{2}$ from amounts appro-
17 priated from the general fund of the Treasury
18 and $\frac{1}{2}$ from amounts appropriated from the In-
19 land Waterways Trust Fund. Such sums shall
20 remain available until expended.

21 (2) NEW LOCKS.—

22 (A) IN GENERAL.—The Secretary shall, in
23 general conformance with the Plan, construct
24 new 1,200-foot locks at Locks 20, 21, 22, 24,
25 and 25 on the Upper Mississippi River and at

1 LaGrange Lock and Peoria Lock on the Illinois
2 Waterway.

3 (B) MITIGATION.—The Secretary shall
4 conduct mitigation for the new locks and small
5 scale and nonstructural measures authorized
6 under paragraphs (1) and (2).

7 (C) CONCURRENCE.—The mitigation re-
8 quired under subparagraph (B) for the projects
9 authorized under paragraphs (1) and (2), in-
10 cluding any acquisition of lands or interests in
11 lands, shall be undertaken or acquired concur-
12 rently with lands and interests for the projects
13 authorized under paragraphs (1) and (2), and
14 physical construction required for the purposes
15 of mitigation shall be undertaken concurrently
16 with the physical construction of such projects.

17 (D) AUTHORIZATION OF APPROPRIA-
18 TIONS.—The total cost of the projects author-
19 ized under this paragraph shall be
20 \$1,870,000,000. The costs of construction on
21 the projects shall be paid $\frac{1}{2}$ from amounts ap-
22 propriated from the general fund of the Treas-
23 ury and $\frac{1}{2}$ from amounts appropriated from
24 the Inland Waterways Trust Fund. Such sums
25 shall remain available until expended.

1 (c) ECOSYSTEM RESTORATION AUTHORIZATION.—

2 (1) OPERATION.—To ensure the environmental
3 sustainability of the existing Upper Mississippi River
4 and Illinois Waterway System, the Secretary shall
5 modify, consistent with requirements to avoid ad-
6 verse effects on navigation, the operation of the
7 Upper Mississippi River and Illinois Waterway Sys-
8 tem to address the cumulative environmental im-
9 pacts of operation of the system and improve the ec-
10 ological integrity of the Upper Mississippi River and
11 Illinois River.

12 (2) ECOSYSTEM RESTORATION PROJECTS.—

13 (A) IN GENERAL.—The Secretary shall
14 carry out, consistent with requirements to avoid
15 adverse effects on navigation, ecosystem res-
16 toration projects to attain and maintain the
17 sustainability of the ecosystem of the Upper
18 Mississippi River and Illinois River in accord-
19 ance with the general framework outlined in the
20 Plan.

21 (B) PROJECTS INCLUDED.—Ecosystem
22 restoration projects may include, but are not
23 limited to—

24 (i) island building;

25 (ii) construction of fish passages;

- 1 (iii) floodplain restoration;
- 2 (iv) water level management (includ-
- 3 ing water drawdown);
- 4 (v) backwater restoration;
- 5 (vi) side channel restoration;
- 6 (vii) wing dam and dike restoration
- 7 and modification;
- 8 (viii) island and shoreline protection;
- 9 (ix) topographical diversity;
- 10 (x) dam point control;
- 11 (xi) use of dredged material for envi-
- 12 ronmental purposes;
- 13 (xii) tributary confluence restoration;
- 14 (xiii) spillway, dam, and levee modi-
- 15 fication to benefit the environment;
- 16 (xiv) land easement authority; and
- 17 (xv) land acquisition.

18 (C) COST SHARING.—

19 (i) IN GENERAL.—Except as provided

20 in clauses (ii) and (iii), the Federal share

21 of the cost of carrying out an ecosystem

22 restoration project under this paragraph

23 shall be 65 percent.

24 (ii) EXCEPTION FOR CERTAIN RES-

25 TIGATION PROJECTS.—In the case of a

1 project under this subparagraph for eco-
2 system restoration, the Federal share of
3 the cost of carrying out the project shall be
4 100 percent if the project—

5 (I) is located below the ordinary
6 high water mark or in a connected
7 backwater;

8 (II) modifies the operation or
9 structures for navigation; or

10 (III) is located on federally
11 owned land.

12 (iii) SAVINGS CLAUSE.—Nothing in
13 this paragraph affects the applicability of
14 section 906(e) of the Water Resources De-
15 velopment Act of 1986 (33 U.S.C. 2283).

16 (iv) NONGOVERNMENTAL ORGANIZA-
17 TIONS.—Notwithstanding section 221(b) of
18 the Flood Control Act of 1970 (42 U.S.C.
19 1962d–5(b)), for any project carried out
20 under this section, a non-Federal sponsor
21 may include a nonprofit entity, with the
22 consent of the affected local government.

23 (D) LAND ACQUISITION.—The Secretary
24 may acquire land or an interest in land for an

1 ecosystem restoration project from a willing
2 owner through conveyance of—

3 (i) fee title to the land; or

4 (ii) a flood plain conservation ease-
5 ment.

6 (3) ECOSYSTEM RESTORATION
7 PRECONSTRUCTION ENGINEERING AND DESIGN.—

8 (A) RESTORATION DESIGN.—Before initi-
9 ating the construction of any individual eco-
10 system restoration project, the Secretary
11 shall—

12 (i) establish ecosystem restoration
13 goals and identify specific performance
14 measures designed to demonstrate eco-
15 system restoration;

16 (ii) establish the without-project con-
17 dition or baseline for each performance in-
18 dicator; and

19 (iii) for each separable element of the
20 ecosystem restoration, identify specific tar-
21 get goals for each performance indicator.

22 (B) OUTCOMES.—Performance measures
23 identified under subparagraph (A)(i) should
24 comprise specific measurable environmental out-
25 comes, such as changes in water quality, hy-

1 drology, or the well-being of indicator species
2 the population and distribution of which are
3 representative of the abundance and diversity of
4 ecosystem-dependent aquatic and terrestrial
5 species.

6 (C) RESTORATION DESIGN.—Restoration
7 design carried out as part of ecosystem restora-
8 tion shall include a monitoring plan for the per-
9 formance measures identified under subpara-
10 graph (A)(i), including—

11 (i) a timeline to achieve the identified
12 target goals; and

13 (ii) a timeline for the demonstration
14 of project completion.

15 (4) SPECIFIC PROJECTS AUTHORIZATION.—

16 (A) IN GENERAL.—There is authorized to
17 be appropriated to carry out this subsection
18 \$1,650,000,000, of which not more than
19 \$226,000,000 shall be available for projects de-
20 scribed in paragraph (2)(B)(ii) and not more
21 than \$43,000,000 shall be available for projects
22 described in paragraph (2)(B)(x). Such sums
23 shall remain available until expended.

24 (B) LIMITATION ON AVAILABLE FUNDS.—

25 Of the amounts made available under subpara-

1 graph (A), not more than \$35,000,000 for each
2 fiscal year shall be available for land acquisition
3 under paragraph (2)(D).

4 (C) INDIVIDUAL PROJECT LIMIT.—Other
5 than for projects described in clauses (ii) and
6 (x) of paragraph (2)(B), the total cost of any
7 single project carried out under this subsection
8 shall not exceed \$25,000,000.

9 (5) IMPLEMENTATION REPORTS.—

10 (A) IN GENERAL.—Not later than June
11 30, 2008, and every 5 years thereafter, the Sec-
12 retary shall submit to the Committee on Envi-
13 ronment and Public Works of the Senate and
14 the Committee on Transportation and Infra-
15 structure of the House of Representatives an
16 implementation report that—

17 (i) includes baselines, milestones,
18 goals, and priorities for ecosystem restora-
19 tion projects; and

20 (ii) measures the progress in meeting
21 the goals.

22 (B) ADVISORY PANEL.—

23 (i) IN GENERAL.—The Secretary shall
24 appoint and convene an advisory panel to
25 provide independent guidance in the devel-

1 opment of each implementation report
2 under subparagraph (A).

3 (ii) PANEL MEMBERS.—Panel mem-
4 bers shall include—

5 (I) 1 representative of each of
6 the State resource agencies (or a des-
7 ignee of the Governor of the State)
8 from each of the States of Illinois,
9 Iowa, Minnesota, Missouri, and Wis-
10 consin;

11 (II) 1 representative of the De-
12 partment of Agriculture;

13 (III) 1 representative of the De-
14 partment of Transportation;

15 (IV) 1 representative of the
16 United States Geological Survey;

17 (V) 1 representative of the
18 United States Fish and Wildlife Serv-
19 ice;

20 (VI) 1 representative of the Envi-
21 ronmental Protection Agency;

22 (VII) 1 representative of affected
23 landowners;

1 (VIII) 2 representatives of con-
2 servation and environmental advocacy
3 groups; and

4 (IX) 2 representatives of agri-
5 culture and industry advocacy groups.

6 (iii) CHAIRPERSON.—The Secretary
7 shall serve as chairperson of the advisory
8 panel.

9 (iv) NONAPPLICABILITY OF FACA.—
10 The Federal Advisory Committee Act (5
11 U.S.C. App.) shall not apply to the Advi-
12 sory Panel or any working group estab-
13 lished by the Advisory Panel.

14 (6) RANKING SYSTEM.—

15 (A) IN GENERAL.—The Secretary, in con-
16 sultation with the Advisory Panel, shall develop
17 a system to rank proposed projects.

18 (B) PRIORITY.—The ranking system shall
19 give greater weight to projects that restore nat-
20 ural river processes, including those projects
21 listed in paragraph (2)(B).

22 (d) COMPARABLE PROGRESS.—

23 (1) IN GENERAL.—As the Secretary conducts
24 pre-engineering, design, and construction for

1 projects authorized under this section, the Secretary
2 shall—

3 (A) select appropriate milestones; and

4 (B) determine, at the time of such selec-
5 tion, whether the projects are being carried out
6 at comparable rates.

7 (2) NO COMPARABLE RATE.—If the Secretary
8 determines under paragraph (1)(B) that projects au-
9 thorized under this subsection are not moving to-
10 ward completion at a comparable rate, annual fund-
11 ing requests for the projects will be adjusted to en-
12 sure that the projects move toward completion at a
13 comparable rate in the future.

14 **SEC. 1003. LOUISIANA COASTAL AREA ECOSYSTEM RES-**
15 **TORATION, LOUISIANA.**

16 (a) IN GENERAL.—The Secretary may carry out a
17 program for ecosystem restoration, Louisiana Coastal
18 Area, Louisiana, substantially in accordance with the re-
19 port of the Chief of Engineers, dated January 31, 2005.

20 (b) PRIORITIES.—

21 (1) IN GENERAL.—In carrying out the program
22 under subsection (a), the Secretary shall give pri-
23 ority to—

1 (A) any portion of the program identified
2 in the report described in subsection (a) as a
3 critical restoration feature;

4 (B) any Mississippi River diversion project
5 that—

6 (i) protects a major population area of
7 the Pontchartrain, Pearl, Breton Sound,
8 Barataria, or Terrebonne Basin; and

9 (ii) produces an environmental benefit
10 to the coastal area of the State of Lou-
11 isiana; and

12 (C) any barrier island, or barrier shoreline,
13 project that—

14 (i) is carried out in conjunction with
15 a Mississippi River diversion project; and

16 (ii) protects a major population area.

17 (c) MODIFICATIONS.—

18 (1) IN GENERAL.—In carrying out the program
19 under subsection (a), the Secretary is authorized to
20 make modifications as necessary to the 5 near-term
21 critical ecosystem restoration features identified in
22 the report referred to in subsection (a), due to the
23 impact of Hurricanes Katrina and Rita on the
24 project areas.

1 (2) INTEGRATION.—The Secretary shall ensure
2 that the modifications under paragraph (1) are fully
3 integrated with the analysis and design of com-
4 prehensive hurricane protection authorized by title I
5 of the Energy and Water Development Appropria-
6 tions Act, 2006 (Public Law 109–103; 119 Stat.
7 2247).

8 (3) CONSTRUCTION.—

9 (A) IN GENERAL.—The Secretary is au-
10 thorized to construct the projects modified
11 under this subsection.

12 (B) REPORTS.—

13 (i) IN GENERAL.—Before beginning
14 construction of the projects, the Secretary
15 shall submit a report documenting any
16 modifications to the 5 near-term projects,
17 including cost changes, to the Louisiana
18 Water Resources Council established by
19 subsection (n)(1) (referred to in this sec-
20 tion as the “Council”) for approval.

21 (ii) SUBMISSION TO CONGRESS.—On
22 approval of a report under clause (i), the
23 Council shall submit the report to the
24 Committee on Environment and Public
25 Works of the Senate and the Committee on

1 Transportation and Infrastructure of the
2 House of Representatives.

3 (4) APPLICABILITY OF OTHER PROVISIONS.—
4 Section 902 of the Water Resources Development
5 Act of 1986 (33 U.S.C. 2280) shall not apply to the
6 5 near-term projects authorized by this section.

7 (d) DEMONSTRATION PROGRAM.—

8 (1) IN GENERAL.—In carrying out the program
9 under subsection (a), the Secretary is authorized to
10 conduct a demonstration program within the appli-
11 cable project area to evaluate new technologies and
12 the applicability of the technologies to the program.

13 (2) COST LIMITATION.—The cost of an indi-
14 vidual project under this subsection shall be not
15 more than \$25,000,000.

16 (e) BENEFICIAL USE OF DREDGED MATERIAL.—

17 (1) IN GENERAL.—In carrying out the program
18 under subsection (a), the Secretary is authorized to
19 use such sums as are necessary to conduct a pro-
20 gram for the beneficial use of dredged material.

21 (2) CONSIDERATION.—In carrying out the pro-
22 gram under subsection (a), the Secretary shall con-
23 sider the beneficial use of sediment from the Illinois
24 River System for wetlands restoration in wetlands-
25 depleted watersheds.

1 (f) REPORTS.—

2 (1) IN GENERAL.—Not later than December 31,
3 2008, the Secretary shall submit to Congress feasi-
4 bility reports on the features included in table 3 of
5 the report referred to in subsection (a).

6 (2) PROJECTS IDENTIFIED IN REPORTS.—

7 (A) IN GENERAL.—The Secretary shall
8 submit the reports described in paragraph (1)
9 to the Committee on Environment and Public
10 Works of the Senate and the Committee on
11 Transportation and Infrastructure of the House
12 of Representatives.

13 (B) CONSTRUCTION.—The Secretary shall
14 be authorized to construct the projects identi-
15 fied in the reports at the time the Committees
16 referred to in subparagraph (A) each adopt a
17 resolution approving the project.

18 (g) NONGOVERNMENTAL ORGANIZATIONS.—A non-
19 governmental organization shall be eligible to contribute
20 all or a portion of the non-Federal share of the cost of
21 a project under this section.

22 (h) COMPREHENSIVE PLAN.—

23 (1) IN GENERAL.—The Secretary, in coordina-
24 tion with the Governor of the State of Louisiana,
25 shall—

1 (A) develop a plan for protecting, pre-
2 serving, and restoring the coastal Louisiana
3 ecosystem;

4 (B) not later than 1 year after the date of
5 enactment of this Act, and every 5 years there-
6 after, submit to Congress the plan, or an up-
7 date of the plan; and

8 (C) ensure that the plan is fully integrated
9 with the analysis and design of comprehensive
10 hurricane protection authorized by title I of the
11 Energy and Water Development Appropriations
12 Act, 2006 (Public Law 109–103; 119 Stat.
13 2247).

14 (2) INCLUSIONS.—The comprehensive plan
15 shall include a description of—

16 (A) the framework of a long-term program
17 that provides for the comprehensive protection,
18 conservation, and restoration of the wetlands,
19 estuaries (including the Barataria-Terrebonne
20 estuary), barrier islands, shorelines, and related
21 land and features of the coastal Louisiana eco-
22 system, including protection of a critical re-
23 source, habitat, or infrastructure from the ef-
24 fects of a coastal storm, a hurricane, erosion, or
25 subsidence;

1 (B) the means by which a new technology,
2 or an improved technique, can be integrated
3 into the program under subsection (a);

4 (C) the role of other Federal agencies and
5 programs in carrying out the program under
6 subsection (a); and

7 (D) specific, measurable ecological success
8 criteria by which success of the comprehensive
9 plan shall be measured.

10 (3) CONSIDERATION.—In developing the com-
11 prehensive plan, the Secretary shall consider the ad-
12 visability of integrating into the program under sub-
13 section (a)—

14 (A) a related Federal or State project car-
15 ried out on the date on which the plan is devel-
16 oped;

17 (B) an activity in the Louisiana Coastal
18 Area; or

19 (C) any other project or activity identified
20 in—

21 (i) the Mississippi River and Tribu-
22 taries program;

23 (ii) the Louisiana Coastal Wetlands
24 Conservation Plan;

1 (iii) the Louisiana Coastal Zone Man-
2 agement Plan; or

3 (iv) the plan of the State of Louisiana
4 entitled “Coast 2050: Toward a Sustain-
5 able Coastal Louisiana”.

6 (i) TASK FORCE.—

7 (1) ESTABLISHMENT.—There is established a
8 task force to be known as the “Coastal Louisiana
9 Ecosystem Protection and Restoration Task Force”
10 (referred to in this subsection as the “Task Force”).

11 (2) MEMBERSHIP.—The Task Force shall con-
12 sist of the following members (or, in the case of the
13 head of a Federal agency, a designee at the level of
14 Assistant Secretary or an equivalent level):

15 (A) The Secretary.

16 (B) The Secretary of the Interior.

17 (C) The Secretary of Commerce.

18 (D) The Administrator of the Environ-
19 mental Protection Agency.

20 (E) The Secretary of Agriculture.

21 (F) The Secretary of Transportation.

22 (G) The Secretary of Energy.

23 (H) The Secretary of Homeland Security.

24 (I) 3 representatives of the State of Lou-
25 isiana appointed by the Governor of that State.

1 (3) DUTIES.—The Task Force shall make rec-
2 ommendations to the Secretary regarding—

3 (A) policies, strategies, plans, programs,
4 projects, and activities for addressing conserva-
5 tion, protection, restoration, and maintenance
6 of the coastal Louisiana ecosystem;

7 (B) financial participation by each agency
8 represented on the Task Force in conserving,
9 protecting, restoring, and maintaining the
10 coastal Louisiana ecosystem, including rec-
11 ommendations—

12 (i) that identify funds from current
13 agency missions and budgets; and

14 (ii) for coordinating individual agency
15 budget requests; and

16 (C) the comprehensive plan under sub-
17 section (h).

18 (4) WORKING GROUPS.—The Task Force may
19 establish such working groups as the Task Force de-
20 termines to be necessary to assist the Task Force in
21 carrying out this subsection.

22 (5) NONAPPLICABILITY OF FACA.—The Federal
23 Advisory Committee Act (5 U.S.C. App.) shall not
24 apply to the Task Force or any working group of the
25 Task Force.

1 (j) SCIENCE AND TECHNOLOGY.—

2 (1) IN GENERAL.—The Secretary shall establish
3 a coastal Louisiana ecosystem science and tech-
4 nology program.

5 (2) PURPOSES.—The purposes of the program
6 established by paragraph (1) shall be—

7 (A) to identify any uncertainty relating to
8 the physical, chemical, geological, biological,
9 and cultural baseline conditions in coastal Lou-
10 isiana;

11 (B) to improve knowledge of the physical,
12 chemical, geological, biological, and cultural
13 baseline conditions in coastal Louisiana; and

14 (C) to identify and develop technologies,
15 models, and methods to carry out this sub-
16 section.

17 (3) WORKING GROUPS.—The Secretary may es-
18 tablish such working groups as the Secretary deter-
19 mines to be necessary to assist the Secretary in car-
20 rying out this subsection.

21 (4) CONTRACTS AND COOPERATIVE AGREE-
22 MENTS.—In carrying out this subsection, the Sec-
23 retary may enter into a contract or cooperative
24 agreement with an individual or entity (including a
25 consortium of academic institutions in Louisiana)

1 with scientific or engineering expertise in the res-
2 toration of aquatic and marine ecosystems for coast-
3 al restoration and enhancement through science and
4 technology.

5 (k) ANALYSIS OF BENEFITS.—

6 (1) IN GENERAL.—Notwithstanding section 209
7 of the Flood Control Act of 1970 (42 U.S.C. 1962–
8 2) or any other provision of law, in carrying out an
9 activity to conserve, protect, restore, or maintain the
10 coastal Louisiana ecosystem, the Secretary may de-
11 termine that the environmental benefits provided by
12 the program under this section outweigh the dis-
13 advantage of an activity under this section.

14 (2) DETERMINATION OF COST-EFFECTIVE-
15 NESS.—If the Secretary determines that an activity
16 under this section is cost-effective, no further eco-
17 nomic justification for the activity shall be required.

18 (l) STUDIES.—

19 (1) DEGRADATION.—Not later than 180 days
20 after the date of enactment of this Act, the Sec-
21 retary, in consultation with the non-Federal interest,
22 shall enter into a contract with the National Acad-
23 emy of Sciences under which the National Academy
24 of Sciences shall carry out a study to identify—

1 (A) the cause of any degradation of the
2 Louisiana Coastal Area ecosystem that occurred
3 as a result of an activity approved by the Sec-
4 retary; and

5 (B) the sources of the degradation.

6 (2) FINANCING.—On completion, and taking
7 into account the results, of the study conducted
8 under paragraph (1), the Secretary, in consultation
9 with the non-Federal interest, shall study—

10 (A) financing alternatives for the program
11 under subsection (a); and

12 (B) potential reductions in the expenditure
13 of Federal funds in emergency responses that
14 would occur as a result of ecosystem restoration
15 in the Louisiana Coastal Area.

16 (m) PROJECT MODIFICATIONS.—

17 (1) REVIEW.—The Secretary, in cooperation
18 with any non-Federal interest, shall review each fed-
19 erally-authorized water resources project in the
20 coastal Louisiana area in existence on the date of
21 enactment of this Act to determine whether—

22 (A) each project is in accordance with the
23 program under subsection (a); and

24 (B) the project could contribute to eco-
25 system restoration under subsection (a) through

1 modification of the operations or features of the
2 project.

3 (2) MODIFICATIONS.—Subject to paragraphs
4 (3) and (4), the Secretary may carry out the modi-
5 fications described in paragraph (1)(B).

6 (3) PUBLIC NOTICE AND COMMENT.—Before
7 completing the report required under paragraph (4),
8 the Secretary shall provide an opportunity for public
9 notice and comment.

10 (4) REPORT.—

11 (A) IN GENERAL.—Before modifying an
12 operation or feature of a project under para-
13 graph (1)(B), the Secretary shall submit to the
14 Committee on Environment and Public Works
15 of the Senate and the Committee on Transpor-
16 tation and Infrastructure of the House of Rep-
17 resentatives a report describing the modifica-
18 tion.

19 (B) INCLUSION.—A report under subpara-
20 graph (A) shall include such information relat-
21 ing to the timeline and cost of a modification
22 as the Secretary determines to be relevant.

23 (5) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to carry out
25 this subsection \$10,000,000.

1 (n) LOUISIANA WATER RESOURCES COUNCIL.—

2 (1) ESTABLISHMENT.—There is established
3 within the Mississippi River Commission, a subgroup
4 to be known as the “Louisiana Water Resources
5 Council”.

6 (2) PURPOSES.—The purposes of the Council
7 are—

8 (A) to manage and oversee each aspect of
9 the implementation of a system-wide, com-
10 prehensive plan for projects of the Corps of En-
11 gineers (including the study, planning, engi-
12 neering, design, and construction of the projects
13 or components of projects and the functions or
14 activities of the Corps of Engineers relating to
15 other projects) that addresses hurricane protec-
16 tion, flood control, ecosystem restoration, storm
17 surge damage reduction, or navigation in the
18 Hurricanes Katrina and Rita disaster areas in
19 the State of Louisiana; and

20 (B) to demonstrate and evaluate a stream-
21 lined approach to authorization of water re-
22 sources projects to be studied, designed, and
23 constructed by the Corps of Engineers.

24 (3) MEMBERSHIP.—

1 (A) IN GENERAL.—The president of the
2 Mississippi River Commission shall appoint
3 members of the Council, after considering rec-
4 ommendations of the Governor of Louisiana.

5 (B) REQUIREMENTS.—The Council shall
6 be composed of—

7 (i) 2 individuals with expertise in
8 coastal ecosystem restoration, including the
9 interaction of saltwater and freshwater es-
10 tuaries; and

11 (ii) 2 individual with expertise in geol-
12 ogy or civil engineering relating to hurri-
13 cane and flood damage reduction and navi-
14 gation.

15 (C) CHAIRPERSON.—In addition to the
16 members appointed under subparagraph (B),
17 the Council shall be chaired by 1 of the 3 offi-
18 cers of the Corps of Engineers of the Mis-
19 sissippi River Commission.

20 (4) DUTIES.—With respect to modifications
21 under subsection (c), the Council shall—

22 (A) review and approve or disapprove the
23 reports completed by the Secretary; and

24 (B) on approval, submit the reports to the
25 Committee on Environment and Public Works

1 of the Senate and the Committee on Transpor-
2 tation and Infrastructure of the House of Rep-
3 resentatives.

4 (5) TERMINATION.—

5 (A) IN GENERAL.—The Council shall ter-
6 minate on the date that is 6 years after the
7 date of enactment of this Act.

8 (B) EFFECT.—Any project modification
9 under subsection (c) that has not been approved
10 by the Council and submitted to Congress by
11 the date described in subparagraph (A) shall
12 not proceed to construction before the date on
13 which the modification is statutorily approved
14 by Congress.

15 (o) OTHER PROJECTS.—

16 (1) IN GENERAL.—With respect to the projects
17 identified in the analysis and design of comprehen-
18 sive hurricane protection authorized by title I of the
19 Energy and Water Development Appropriations Act,
20 2006 (Public Law 109–103; 119 Stat. 2247), the
21 Secretary shall submit a report describing the
22 projects to the Committee on Environment and Pub-
23 lic Works of the Senate and the Committee on
24 Transportation and Infrastructure of the House of
25 Representatives.

1 (2) CONSTRUCTION.—The Secretary shall be
2 authorized to construct the projects at the time the
3 Committees referred to in paragraph (1) each adopt
4 a resolution approving the project.

5 (p) REPORT.—

6 (1) IN GENERAL.—Not later than 6 years after
7 the date of enactment of this Act, the Secretary
8 shall submit to the Committee on Environment and
9 Public Works of the Senate and the Committee on
10 Transportation and Infrastructure of the House of
11 Representatives a report evaluating the alternative
12 means of authorizing Corps of Engineers water re-
13 sources projects under subsections (c)(3), (f)(2), and
14 (o)(2).

15 (2) INCLUSIONS.—The report shall include a
16 description of—

17 (A) the projects authorized and undertaken
18 under this section;

19 (B) the construction status of the projects;
20 and

21 (C) the benefits and environmental impacts
22 of the projects.

23 (3) EXTERNAL REVIEW.—The Secretary shall
24 enter into a contract with the National Academy of
25 Science to perform an external review of the dem-

1 (2) AU SABLE RIVER, MICHIGAN.—Project for
2 navigation, Au Sable River in the vicinity of Oscoda,
3 Michigan.

4 (3) OUTER CHANNEL AND INNER HARBOR, ME-
5 NOMINEE HARBOR, MICHIGAN AND WISCONSIN.—
6 Project for navigation, Outer Channel and Inner
7 Harbor, Menominee Harbor, Michigan and Wis-
8 consin.

9 (4) MIDDLE BASS ISLAND STATE PARK, MIDDLE
10 BASS ISLAND, OHIO.—Project for navigation, Middle
11 Bass Island State Park, Middle Bass Island, Ohio.

12 **SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM**
13 **RESTORATION.**

14 The Secretary shall conduct a study for each of the
15 following projects and, if the Secretary determines that
16 a project is appropriate, may carry out the project under
17 section 206 of the Water Resources Development Act of
18 1996 (33 U.S.C. 2330):

19 (1) SAN DIEGO RIVER, CALIFORNIA.—Project
20 for aquatic ecosystem restoration, San Diego River,
21 California, including efforts to address invasive
22 aquatic plant species.

23 (2) SUISON MARSH, SAN PABLO BAY, CALI-
24 FORNIA.—Project for aquatic ecosystem restoration,
25 San Pablo Bay, California.

1 (3) JOHNSON CREEK, GRESHAM, OREGON.—
2 Project for aquatic ecosystem restoration, Johnson
3 Creek, Gresham, Oregon.

4 (4) BLACKSTONE RIVER, RHODE ISLAND.—
5 Project for aquatic ecosystem restoration, Black-
6 stone River, Rhode Island.

7 (5) COLLEGE LAKE, LYNCHBURG, VIRGINIA.—
8 Project for aquatic ecosystem restoration, College
9 Lake, Lynchburg, Virginia.

10 **TITLE II—GENERAL PROVISIONS**

11 **Subtitle A—Provisions**

12 **SEC. 2001. CREDIT FOR IN-KIND CONTRIBUTIONS.**

13 Section 221 of the Flood Control Act of 1970 (42
14 U.S.C. 1962d–5b) is amended—

15 (1) by striking “SEC. 221” and inserting the
16 following:

17 **“SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR**
18 **WATER RESOURCES PROJECTS.”;**

19 and

20 (2) by striking subsection (a) and inserting the
21 following:

22 **“(a) COOPERATION OF NON-FEDERAL INTEREST.—**

23 **“(1) IN GENERAL.—**After December 31, 1970,
24 the construction of any water resources project, or
25 an acceptable separable element thereof, by the Sec-

1 retary of the Army, acting through the Chief of En-
2 gineers, or by a non-Federal interest where such in-
3 terest will be reimbursed for such construction under
4 any provision of law, shall not be commenced until
5 each non-Federal interest has entered into a written
6 partnership agreement with the district engineer for
7 the district in which the project will be carried out
8 under which each party agrees to carry out its re-
9 sponsibilities and requirements for implementation
10 or construction of the project or the appropriate ele-
11 ment of the project, as the case may be; except that
12 no such agreement shall be required if the Secretary
13 determines that the administrative costs associated
14 with negotiating, executing, or administering the
15 agreement would exceed the amount of the contribu-
16 tion required from the non-Federal interest and are
17 less than \$25,000.

18 “(2) LIQUIDATED DAMAGES.—An agreement
19 described in paragraph (1) may include a provision
20 for liquidated damages in the event of a failure of
21 1 or more parties to perform.

22 “(3) OBLIGATION OF FUTURE APPROPRIA-
23 TIONS.—In any such agreement entered into by a
24 State, or a body politic of the State which derives
25 its powers from the State constitution, or a govern-

1 mental entity created by the State legislature, the
2 agreement may reflect that it does not obligate fu-
3 ture appropriations for such performance and pay-
4 ment when obligating future appropriations would be
5 inconsistent with constitutional or statutory limita-
6 tions of the State or a political subdivision of the
7 State.

8 “(4) CREDIT FOR IN-KIND CONTRIBUTIONS.—

9 “(A) IN GENERAL.—An agreement under
10 paragraph (1) shall provide that the Secretary
11 shall credit toward the non-Federal share of the
12 cost of the project, including a project imple-
13 mented under general continuing authority, the
14 value of in-kind contributions made by the non-
15 Federal interest, including—

16 “(i) the costs of planning (including
17 data collection), design, management, miti-
18 gation, construction, and construction serv-
19 ices that are provided by the non-Federal
20 interest for implementation of the project;

21 “(ii) the value of materials or services
22 provided before execution of an agreement
23 for the project, including efforts on con-
24 structed elements incorporated into the
25 project; and

1 “(iii) materials and services provided
2 after an agreement is executed.

3 “(B) CONDITION.—The Secretary shall
4 credit an in-kind contribution under subpara-
5 graph (A) if the Secretary determines that the
6 property or service provided as an in-kind con-
7 tribution is integral to the project.

8 “(C) LIMITATIONS.—Credit authorized for
9 a project—

10 “(i) shall not exceed the non-Federal
11 share of the cost of the project;

12 “(ii) shall not alter any other require-
13 ment that a non-Federal interest provide
14 land, an easement or right-of-way, or an
15 area for disposal of dredged material for
16 the project; and

17 “(iii) shall not exceed the actual and
18 reasonable costs of the materials, services,
19 or other things provided by the non-Fed-
20 eral interest, as determined by the Sec-
21 retary.”.

22 **SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT**
23 **AUTHORITY.**

24 Section 234 of the Water Resources Development Act
25 of 1996 (33 U.S.C. 2323a) is amended—

1 (1) by striking subsection (a) and inserting the
2 following:

3 “(a) IN GENERAL.—The Secretary may engage in ac-
4 tivities (including contracting) in support of other Federal
5 agencies, international organizations, or foreign govern-
6 ments to address problems of national significance to the
7 United States.”;

8 (2) in subsection (b), by striking “Secretary of
9 State” and inserting “Department of State”; and

10 (3) in subsection (d)—

11 (A) by striking “\$250,000 for fiscal year
12 2001” and inserting “\$1,000,000 for fiscal year
13 2007 and each fiscal year thereafter”; and

14 (B) by striking “or international organiza-
15 tions” and inserting “, international organiza-
16 tions, or foreign governments”.

17 **SEC. 2003. TRAINING FUNDS.**

18 (a) IN GENERAL.—The Secretary may include indi-
19 viduals from the non-Federal interest, including the pri-
20 vate sector, in training classes and courses offered by the
21 Corps of Engineers in any case in which the Secretary
22 determines that it is in the best interest of the Federal
23 Government to include those individuals as participants.

24 (b) EXPENSES.—

1 (1) IN GENERAL.—An individual from a non-
2 Federal interest attending a training class or course
3 described in subsection (a) shall pay the full cost of
4 the training provided to the individual.

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

8 (A) may be retained by the Secretary;

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

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

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

19 **SEC. 2004. FISCAL TRANSPARENCY REPORT.**

20 (a) IN GENERAL.—On the third Tuesday of January
21 of each year beginning January 2008, the Chief of Engi-
22 neers shall submit to the Committee on Environment and
23 Public Works of the Senate and the Committee on Trans-
24 portation and Infrastructure of the House of Representa-
25 tives a report on the expenditures for the preceding fiscal

1 year and estimated expenditures for the current fiscal
2 year.

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

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

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

10 (i) allocations to date;

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

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

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

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

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

24 (ii) estimated annual Federal cost to
25 maintain that construction schedule.

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

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

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

10 (3) With respect to general investigations and
11 reconnaissance and feasibility studies—

12 (A) the number of active studies;

13 (B) the number of completed studies not
14 yet authorized for construction;

15 (C) the number of initiated studies; and

16 (D) the number of studies expected to be
17 completed during the fiscal year.

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

23 (5) Recreation fees and lease payments.

24 (6) Hydropower and water storage fees.

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

3 (8) Other revenues and fees collected.

4 (9) With respect to permit applications and no-
5 tifications, a list of individual permit applications
6 and nationwide permit notifications, including—

7 (A) the date on which each permit applica-
8 tion is filed;

9 (B) the date on which each permit applica-
10 tion is determined to be complete; and

11 (C) the date on which the Corps of Engi-
12 neers grants, withdraws, or denies each permit.

13 (10) With respect to the project backlog, a list
14 of authorized projects for which no funds have been
15 allocated for the 5 preceding fiscal years, including,
16 for each project—

17 (A) the authorization date;

18 (B) the last allocation date;

19 (C) the percentage of construction com-
20 pleted;

21 (D) the estimated cost remaining until
22 completion of the project; and

23 (E) a brief explanation of the reasons for
24 the delay.

1 **SEC. 2005. PLANNING.**

2 (a) MATTERS TO BE ADDRESSED IN PLANNING.—

3 Section 904 of the Water Resources Development Act of
4 1986 (33 U.S.C. 2281) is amended—

5 (1) by striking “Enhancing” and inserting the
6 following:

7 “(a) IN GENERAL.—Enhancing”; and

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

9 “(b) ASSESSMENTS.—For all feasibility reports com-
10 pleted after December 31, 2005, the Secretary shall assess
11 whether—

12 “(1) the water resource project and each sepa-
13 rable element is cost-effective; and

14 “(2) the water resource project complies with
15 Federal, State, and local laws (including regulations)
16 and public policies.”.

17 (b) PLANNING PROCESS IMPROVEMENTS.—The Chief
18 of Engineers—

19 (1) shall, not later than 2 years after the date
20 on which the feasibility study cost sharing agree-
21 ment is signed for a project, subject to the avail-
22 ability of appropriations—

23 (A) complete the feasibility study for the
24 project; and

25 (B) sign the report of the Chief of Engi-
26 neers for the project;

1 (2) may, with the approval of the Secretary, ex-
2 tend the deadline established under paragraph (1)
3 for not to exceed 4 years, for a complex or con-
4 troversial study; and

5 (3)(A) shall adopt a risk analysis approach to
6 project cost estimates; and

7 (B) not later than 1 year after the date of en-
8 actment of this Act, shall—

9 (i) issue procedures for risk analysis for
10 cost estimation; and

11 (ii) submit to Congress a report that in-
12 cludes suggested amendments to section 902 of
13 the Water Resources Development Act of 1986
14 (33 U.S.C. 2280).

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

19 (1) a calculation of the residual risk of flooding
20 following completion of the proposed project;

21 (2) a calculation of the residual risk of loss of
22 human life and residual risk to human safety fol-
23 lowing completion of the proposed project; and

24 (3) a calculation of any upstream or down-
25 stream impacts of the proposed project.

1 (d) CENTERS OF SPECIALIZED PLANNING EXPER-
2 TISE.—

3 (1) ESTABLISHMENT.—The Secretary may es-
4 tablish centers of expertise to provide specialized
5 planning expertise for water resource projects to be
6 carried out by the Secretary in order to enhance and
7 supplement the capabilities of the districts of the
8 Corps of Engineers.

9 (2) DUTIES.—A center of expertise established
10 under this subsection shall—

11 (A) provide technical and managerial as-
12 sistance to district commanders of the Corps of
13 Engineers for project planning, development,
14 and implementation;

15 (B) provide peer reviews of new major sci-
16 entific, engineering, or economic methods, mod-
17 els, or analyses that will be used to support de-
18 cisions of the Secretary with respect to feasi-
19 bility studies;

20 (C) provide support for external peer re-
21 view panels convened by the Secretary; and

22 (D) carry out such other duties as are pre-
23 scribed by the Secretary.

24 (e) COMPLETION OF CORPS OF ENGINEERS RE-
25 PORTS.—

1 (1) ALTERNATIVES.—

2 (A) IN GENERAL.—Feasibility and other
3 studies and assessments of water resource prob-
4 lems and projects shall include recommenda-
5 tions for alternatives—

6 (i) that, as determined by the non-
7 Federal interests for the projects, promote
8 integrated water resources management;
9 and

10 (ii) for which the non-Federal inter-
11 ests are willing to provide the non-Federal
12 share for the studies or assessments.

13 (B) SCOPE AND PURPOSES.—The scope
14 and purposes of studies and assessments de-
15 scribed in subparagraph (A) shall not be con-
16 strained by budgetary or other policy as a re-
17 sult of the inclusion of alternatives described in
18 that subparagraph.

19 (C) REPORTS OF CHIEF OF ENGINEERS.—
20 The reports of the Chief of Engineers shall be
21 based solely on the best technical solutions to
22 water resource needs and problems.

23 (2) REPORT COMPLETION.—The completion of
24 a report of the Chief of Engineers for a project—

1 (A) shall not be delayed while consider-
2 ation is being given to potential changes in pol-
3 icy or priority for project consideration; and

4 (B) shall be submitted, on completion, to—

5 (i) the Committee on Environment
6 and Public Works of the Senate; and

7 (ii) the Committee on Transportation
8 and Infrastructure of the House of Rep-
9 resentatives.

10 (f) COMPLETION REVIEW.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (2), not later than 90 days after the date of
13 completion of a report of the Chief of Engineers that
14 recommends to Congress a water resource project,
15 the Secretary shall—

16 (A) review the report; and

17 (B) provide any recommendations of the
18 Secretary regarding the water resource project
19 to Congress.

20 (2) PRIOR REPORTS.—Not later than 90 days
21 after the date of enactment of this Act, with respect
22 to any report of the Chief of Engineers recom-
23 mending a water resource project that is complete
24 prior to the date of enactment of this Act, the Sec-
25 retary shall complete review of, and provide rec-

1 (J) The Chairperson of the Council on En-
2 vironmental Quality.

3 (2) CHAIRPERSON AND EXECUTIVE DIREC-
4 TOR.—The President shall appoint—

5 (A) 1 member of the Coordinating Com-
6 mittee to serve as Chairperson of the Coordi-
7 nating Committee for a term of 2 years; and

8 (B) an Executive Director to supervise the
9 activities of the Coordinating Committee.

10 (3) FUNCTION.—The function of the Coordi-
11 nating Committee shall be to carry out the duties
12 and responsibilities set forth under this section.

13 (c) NATIONAL WATER RESOURCES PLANNING AND
14 MODERNIZATION POLICY.—It is the policy of the United
15 States that all water resources projects carried out by the
16 Corps of Engineers shall—

17 (1) reflect national priorities;

18 (2) seek to avoid the unwise use of floodplains;

19 (3) minimize vulnerabilities in any case in
20 which a floodplain must be used;

21 (4) protect and restore the functions of natural
22 systems; and

23 (5) mitigate any unavoidable damage to natural
24 systems.

25 (d) WATER RESOURCE PRIORITIES REPORT.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, the Coordinating
3 Committee, in collaboration with the Secretary, shall
4 submit to the President and Congress a report de-
5 scribing the vulnerability of the United States to
6 damage from flooding and related storm damage, in-
7 cluding—

8 (A) the risk to human life;

9 (B) the risk to property; and

10 (C) the comparative risks faced by dif-
11 ferent regions of the United States.

12 (2) INCLUSIONS.—The report under paragraph
13 (1) shall include—

14 (A) an assessment of the extent to which
15 programs in the United States relating to flood-
16 ing address flood risk reduction priorities;

17 (B) the extent to which those programs
18 may be unintentionally encouraging develop-
19 ment and economic activity in floodprone areas;

20 (C) recommendations for improving those
21 programs with respect to reducing and respond-
22 ing to flood risks; and

23 (D) proposals for implementing the rec-
24 ommendations.

1 (e) MODERNIZING WATER RESOURCES PLANNING
2 GUIDELINES.—

3 (1) IN GENERAL.—Not later than 2 years after
4 the date of enactment of this Act, and every 5 years
5 thereafter, the Secretary and the Coordinating Com-
6 mittee shall, in collaboration with each other, review
7 and propose updates and revisions to modernize the
8 planning principles and guidelines, regulations, and
9 circulars by which the Corps of Engineers analyzes
10 and evaluates water projects. In carrying out the re-
11 view, the Coordinating Committee and the Secretary
12 shall consult with the National Academy of Sciences
13 for recommendations regarding updating planning
14 documents.

15 (2) PROPOSED REVISIONS.—In conducting a re-
16 view under paragraph (1), the Coordinating Com-
17 mittee and the Secretary shall consider revisions to
18 improve water resources project planning through,
19 among other things—

20 (A) requiring the use of modern economic
21 principles and analytical techniques, credible
22 schedules for project construction, and current
23 discount rates as used by other Federal agen-
24 cies;

1 (B) eliminating biases and disincentives to
2 providing projects to low-income communities,
3 including fully accounting for the prevention of
4 loss of life under section 904 of the Water Re-
5 sources Development Act of 1986 (33 U.S.C.
6 2281);

7 (C) eliminating biases and disincentives
8 that discourage the use of nonstructural ap-
9 proaches to water resources development and
10 management, and fully accounting for the flood
11 protection and other values of healthy natural
12 systems;

13 (D) promoting environmental restoration
14 projects that reestablish natural processes;

15 (E) assessing and evaluating the impacts
16 of a project in the context of other projects
17 within a region or watershed;

18 (F) analyzing and incorporating lessons
19 learned from recent studies of Corps of Engi-
20 neers programs and recent disasters such as
21 Hurricane Katrina and the Great Midwest
22 Flood of 1993;

23 (G) encouraging wetlands conservation;
24 and

1 (H) ensuring the effective implementation
2 of the policies of this Act.

3 (3) PUBLIC PARTICIPATION.—The Coordinating
4 Committee and the Secretary shall solicit public and
5 expert comments regarding any revision proposed
6 under paragraph (2).

7 (4) REVISION OF PLANNING GUIDANCE.—

8 (A) IN GENERAL.—Not later than 180
9 days after the date on which a review under
10 paragraph (1) is completed, the Secretary, after
11 providing notice and an opportunity for public
12 comment in accordance with subchapter II of
13 chapter 5, and chapter 7, of title 5, United
14 States Code (commonly known as the “Admin-
15 istrative Procedure Act”), shall implement such
16 proposed updates and revisions to the planning
17 principles and guidelines, regulations, and cir-
18 culars of the Corps of Engineers under para-
19 graph (2) as the Secretary determines to be ap-
20 propriate.

21 (B) EFFECT.—Effective beginning on the
22 date on which the Secretary implements the
23 first update or revision under paragraph (1),
24 subsections (a) and (b) of section 80 of the
25 Water Resources Development Act of 1974 (42

1 U.S.C. 1962d–17) shall not apply to the Corps
2 of Engineers.

3 (5) REPORT.—

4 (A) IN GENERAL.—The Secretary shall
5 submit to the Committees on Environment and
6 Public Works and Appropriations of the Senate,
7 and to the Committees on Transportation and
8 Infrastructure and Appropriations of the House
9 of Representatives, a report describing any revi-
10 sion of planning guidance under paragraph (4).

11 (B) PUBLICATION.—The Secretary shall
12 publish the report under subparagraph (A) in
13 the Federal Register.

14 **SEC. 2007. INDEPENDENT PEER REVIEW.**

15 (a) DEFINITIONS.—In this section:

16 (1) CONSTRUCTION ACTIVITIES.—The term
17 “construction activities” means development of de-
18 tailed engineering and design specifications during
19 the preconstruction engineering and design phase
20 and the engineering and design phase of a water re-
21 sources project carried out by the Corps of Engi-
22 neers, and other activities carried out on a water re-
23 sources project prior to completion of the construc-
24 tion and to turning the project over to the local cost-
25 share partner.

1 (2) PROJECT STUDY.—The term “project
2 study” means a feasibility report, reevaluation re-
3 port, or environmental impact statement prepared by
4 the Corps of Engineers.

5 (b) DIRECTOR OF INDEPENDENT REVIEW.—The
6 Secretary shall appoint in the Office of the Secretary a
7 Director of Independent Review. The Director shall be se-
8 lected from among individuals who are distinguished ex-
9 perts in engineering, hydrology, biology, economics, or an-
10 other discipline related to water resources management.
11 The Secretary shall ensure, to the maximum extent prac-
12 ticable, that the Director does not have a financial, profes-
13 sional, or other conflict of interest with projects subject
14 to review. The Director of Independent Review shall carry
15 out the duties set forth in this section and such other du-
16 ties as the Secretary deems appropriate.

17 (c) SOUND PROJECT PLANNING.—

18 (1) PROJECTS SUBJECT TO PLANNING RE-
19 VIEW.—The Secretary shall ensure that each project
20 study for a water resources project shall be reviewed
21 by an independent panel of experts established under
22 this subsection if—

23 (A) the project has an estimated total cost
24 of more than \$40,000,000, including mitigation
25 costs;

1 (B) the Governor of a State in which the
2 water resources project is located in whole or in
3 part, or the Governor of a State within the
4 drainage basin in which a water resources
5 project is located and that would be directly af-
6 fected economically or environmentally as a re-
7 sult of the project, requests in writing to the
8 Secretary the establishment of an independent
9 panel of experts for the project;

10 (C) the head of a Federal agency with au-
11 thority to review the project determines that the
12 project is likely to have a significant adverse
13 impact on public safety, or on environmental,
14 fish and wildlife, historical, cultural, or other
15 resources under the jurisdiction of the agency,
16 and requests in writing to the Secretary the es-
17 tablishment of an independent panel of experts
18 for the project; or

19 (D) the Secretary determines on his or her
20 own initiative, or shall determine within 30
21 days of receipt of a written request for a con-
22 troversy determination by any party, that the
23 project is controversial because—

1 (i) there is a significant dispute re-
2 garding the size, nature, potential safety
3 risks, or effects of the project; or

4 (ii) there is a significant dispute re-
5 garding the economic, or environmental
6 costs or benefits of the project.

7 (2) PROJECT PLANNING REVIEW PANELS.—

8 (A) PROJECT PLANNING REVIEW PANEL
9 MEMBERSHIP.—For each water resources
10 project subject to review under this subsection,
11 the Director of Independent Review shall estab-
12 lish a panel of independent experts that shall be
13 composed of not less than 5 nor more than 9
14 independent experts (including at least 1 engi-
15 neer, 1 hydrologist, 1 biologist, and 1 econo-
16 mist) who represent a range of areas of exper-
17 tise. The Director of Independent Review shall
18 apply the National Academy of Science’s policy
19 for selecting committee members to ensure that
20 members have no conflict with the project being
21 reviewed, and shall consult with the National
22 Academy of Sciences in developing lists of indi-
23 viduals to serve on panels of experts under this
24 subsection. An individual serving on a panel
25 under this subsection shall be compensated at a

1 rate of pay to be determined by the Secretary,
2 and shall be allowed travel expenses.

3 (B) DUTIES OF PROJECT PLANNING RE-
4 VIEW PANELS.—An independent panel of ex-
5 perts established under this subsection shall re-
6 view the project study, receive from the public
7 written and oral comments concerning the
8 project study, and submit a written report to
9 the Secretary that shall contain the panel’s con-
10 clusions and recommendations regarding project
11 study issues identified as significant by the
12 panel, including issues such as—

13 (i) economic and environmental as-
14 sumptions and projections;

15 (ii) project evaluation data;

16 (iii) economic or environmental anal-
17 yses;

18 (iv) engineering analyses;

19 (v) formulation of alternative plans;

20 (vi) methods for integrating risk and
21 uncertainty;

22 (vii) models used in evaluation of eco-
23 nomic or environmental impacts of pro-
24 posed projects; and

25 (viii) any related biological opinions.

1 (C) PROJECT PLANNING REVIEW
2 RECORD.—

3 (i) IN GENERAL.—After receiving a
4 report from an independent panel of ex-
5 perts established under this subsection, the
6 Secretary shall take into consideration any
7 recommendations contained in the report
8 and shall immediately make the report
9 available to the public on the internet.

10 (ii) RECOMMENDATIONS.—The Sec-
11 retary shall prepare a written explanation
12 of any recommendations of the inde-
13 pendent panel of experts established under
14 this subsection not adopted by the Sec-
15 retary. Recommendations and findings of
16 the independent panel of experts rejected
17 without good cause shown, as determined
18 by judicial review, shall be given equal def-
19 erence as the recommendations and find-
20 ings of the Secretary during a judicial pro-
21 ceeding relating to the water resources
22 project.

23 (iii) SUBMISSION TO CONGRESS AND
24 PUBLIC AVAILABILITY.—The report of the
25 independent panel of experts established

1 under this subsection and the written ex-
2 planation of the Secretary required by
3 clause (ii) shall be included with the report
4 of the Chief of Engineers to Congress,
5 shall be published in the Federal Register,
6 and shall be made available to the public
7 on the Internet.

8 (D) DEADLINES FOR PROJECT PLANNING
9 REVIEWS.—

10 (i) IN GENERAL.—Independent review
11 of a project study shall be completed prior
12 to the completion of any Chief of Engi-
13 neers report for a specific water resources
14 project.

15 (ii) DEADLINE FOR PROJECT PLAN-
16 NING REVIEW PANEL STUDIES.—An inde-
17 pendent panel of experts established under
18 this subsection shall complete its review of
19 the project study and submit to the Sec-
20 retary a report not later than 180 days
21 after the date of establishment of the
22 panel, or not later than 90 days after the
23 close of the public comment period on a
24 draft project study that includes a pre-
25 ferred alternative, whichever is later. The

1 Secretary may extend these deadlines for
2 good cause.

3 (iii) FAILURE TO COMPLETE REVIEW
4 AND REPORT.—If an independent panel of
5 experts established under this subsection
6 does not submit to the Secretary a report
7 by the deadline established by clause (ii),
8 the Chief of Engineers may continue
9 project planning without delay.

10 (iv) DURATION OF PANELS.—An inde-
11 pendent panel of experts established under
12 this subsection shall terminate on the date
13 of submission of the report by the panel.
14 Panels may be established as early in the
15 planning process as deemed appropriate by
16 the Director of Independent Review, but
17 shall be appointed no later than 90 days
18 before the release for public comment of a
19 draft study subject to review under sub-
20 section (c)(1)(A), and not later than 30
21 days after a determination that review is
22 necessary under subsection (c)(1)(B),
23 (c)(1)(C), or (c)(1)(D).

24 (E) EFFECT ON EXISTING GUIDANCE.—
25 The project planning review required by this

1 subsection shall be deemed to satisfy any exter-
2 nal review required by Engineering Circular
3 1105-2-408 (31 May 2005) on Peer Review of
4 Decision Documents.

5 (d) SAFETY ASSURANCE.—

6 (1) PROJECTS SUBJECT TO SAFETY ASSURANCE
7 REVIEW.—The Secretary shall ensure that the con-
8 struction activities for any flood damage reduction
9 project shall be reviewed by an independent panel of
10 experts established under this subsection if the Di-
11 rector of Independent Review makes a determination
12 that an independent review is necessary to ensure
13 public health, safety, and welfare on any project—

14 (A) for which the reliability of performance
15 under emergency conditions is critical;

16 (B) that uses innovative materials or tech-
17 niques;

18 (C) for which the project design is lacking
19 in redundancy, or that has a unique construc-
20 tion sequencing or a short or overlapping design
21 construction schedule; or

22 (D) other than a project described in sub-
23 paragraphs (A) through (C), as the Director of
24 Independent Review determines to be appro-
25 priate.

1 (2) SAFETY ASSURANCE REVIEW PANELS.—At
2 the appropriate point in the development of detailed
3 engineering and design specifications for each water
4 resources project subject to review under this sub-
5 section, the Director of Independent Review shall es-
6 tablish an independent panel of experts to review
7 and report to the Secretary on the adequacy of con-
8 struction activities for the project. An independent
9 panel of experts under this subsection shall be com-
10 posed of not less than 5 nor more than 9 inde-
11 pendent experts selected from among individuals
12 who are distinguished experts in engineering, hydrol-
13 ogy, or other pertinent disciplines. The Director of
14 Independent Review shall apply the National Acad-
15 emy of Science’s policy for selecting committee mem-
16 bers to ensure that panel members have no conflict
17 with the project being reviewed. An individual serv-
18 ing on a panel of experts under this subsection shall
19 be compensated at a rate of pay to be determined
20 by the Secretary, and shall be allowed travel ex-
21 penses.

22 (3) DEADLINES FOR SAFETY ASSURANCE RE-
23 VIEWS.—An independent panel of experts established
24 under this subsection shall submit a written report
25 to the Secretary on the adequacy of the construction

1 activities prior to the initiation of physical construc-
2 tion and periodically thereafter until construction ac-
3 tivities are completed on a publicly available sched-
4 ule determined by the Director of Independent Re-
5 view for the purposes of assuring the public safety.
6 The Director of Independent Review shall ensure
7 that these reviews be carried out in a way to protect
8 the public health, safety, and welfare, while not
9 causing unnecessary delays in construction activities.

10 (4) SAFETY ASSURANCE REVIEW RECORD.—

11 After receiving a written report from an independent
12 panel of experts established under this subsection,
13 the Secretary shall—

14 (A) take into consideration recommenda-
15 tions contained in the report, provide a written
16 explanation of recommendations not adopted,
17 and immediately make the report and expla-
18 nation available to the public on the Internet;
19 and

20 (B) submit the report to the Committee on
21 Environment and Public Works of the Senate
22 and the Committee on Transportation and In-
23 frastructure of the House of Representatives.

24 (e) EXPENSES.—

1 (1) IN GENERAL.—The costs of an independent
2 panel of experts established under subsection (c) or
3 (d) shall be a Federal expense and shall not ex-
4 ceed—

5 (A) \$250,000, if the total cost of the
6 project in current year dollars is less than
7 \$50,000,000; and

8 (B) 0.5 percent of the total cost of the
9 project in current year dollars, if the total cost
10 is \$50,000,000 or more.

11 (2) WAIVER.—The Secretary, at the written re-
12 quest of the Director of Independent Review, may
13 waive the cost limitations under paragraph (1) if the
14 Secretary determines appropriate.

15 (f) REPORT.—Not later than 5 years after the date
16 of enactment of this Act, the Secretary shall submit to
17 Congress a report describing the implementation of this
18 section.

19 (g) SAVINGS CLAUSE.—Nothing in this section shall
20 be construed to affect any authority of the Secretary to
21 cause or conduct a peer review of the engineering, sci-
22 entific, or technical basis of any water resources project
23 in existence on the date of enactment of this Act.

1 **SEC. 2008. 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 following:

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

15 (b) USE OF CONSOLIDATED MITIGATION.—Section
16 906(b) of the Water Resources Development Act of 1986
17 (33 U.S.C. 2283(b)) is amended by adding at the end the
18 following:

19 “(3) USE OF CONSOLIDATED MITIGATION.—
20 “(A) IN GENERAL.—If the Secretary deter-
21 mines that other forms of compensatory mitiga-
22 tion are not practicable or are less environ-
23 mentally desirable, the Secretary may purchase
24 available credits from a mitigation bank or con-
25 servation bank that is approved in accordance
26 with the Federal Guidance for the Establish-

1 ment, Use and Operation of Mitigations Banks
2 (60 Fed. Reg. 58605) or other applicable Fed-
3 eral laws (including regulations).

4 “(B) SERVICE AREA.—To the maximum
5 extent practicable, the service area of the miti-
6 gation bank or conservation bank shall be in
7 the same watershed as the affected habitat.

8 “(C) RESPONSIBILITY RELIEVED.—Pur-
9 chase of credits from a mitigation bank or con-
10 servation bank for a water resources project re-
11 lieves the Secretary and the non-Federal inter-
12 est from responsibility for monitoring or dem-
13 onstrating mitigation success.”.

14 (c) MITIGATION REQUIREMENTS.—Section 906(d) of
15 the Water Resources Development Act of 1986 (33 U.S.C.
16 2283(d)) is amended—

17 (1) in paragraph (1)—

18 (A) in the first sentence, by striking “to
19 the Congress unless such report contains” and
20 inserting “to Congress, and shall not select a
21 project alternative in any final record of deci-
22 sion, environmental impact statement, or envi-
23 ronmental assessment, unless the proposal,
24 record of decision, environmental impact state-

1 ment, or environmental assessment contains”;
2 and

3 (B) in the second sentence, by inserting “,
4 and other habitat types are mitigated to not
5 less than in-kind conditions” after “mitigated
6 in-kind”; and

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

8 “(3) MITIGATION REQUIREMENTS.—

9 “(A) IN GENERAL.—To mitigate losses to
10 flood damage reduction capabilities and fish
11 and wildlife resulting from a water resources
12 project, the Secretary shall ensure that the
13 mitigation plan for each water resources project
14 complies fully with the mitigation standards
15 and policies established pursuant to section 404
16 of the Federal Water Pollution Control Act (33
17 U.S.C. 1344).

18 “(B) INCLUSIONS.—A specific mitigation
19 plan for a water resources project under para-
20 graph (1) shall include, at a minimum—

21 “(i) a plan for monitoring the imple-
22 mentation and ecological success of each
23 mitigation measure, including a designa-
24 tion of the entities that will be responsible
25 for the monitoring;

1 “(ii) the criteria for ecological success
2 by which the mitigation will be evaluated
3 and determined to be successful;

4 “(iii) land and interests in land to be
5 acquired for the mitigation plan and the
6 basis for a determination that the land and
7 interests are available for acquisition;

8 “(iv) a description of—

9 “(I) the types and amount of res-
10 toration activities to be conducted;
11 and

12 “(II) the resource functions and
13 values that will result from the miti-
14 gation plan; and

15 “(v) a contingency plan for taking
16 corrective actions in cases in which moni-
17 toring demonstrates that mitigation meas-
18 ures are not achieving ecological success in
19 accordance with criteria under clause (ii).

20 “(4) DETERMINATION OF SUCCESS.—

21 “(A) IN GENERAL.—A mitigation plan
22 under this subsection shall be considered to be
23 successful at the time at which the criteria
24 under paragraph (3)(B)(ii) are achieved under

1 the plan, as determined by monitoring under
2 paragraph (3)(B)(i).

3 “(B) CONSULTATION.—In determining
4 whether a mitigation plan is successful under
5 subparagraph (A), the Secretary shall consult
6 annually with appropriate Federal agencies and
7 each State in which the applicable project is lo-
8 cated on at least the following:

9 “(i) The ecological success of the miti-
10 gation as of the date on which the report
11 is submitted.

12 “(ii) The likelihood that the mitiga-
13 tion will achieve ecological success, as de-
14 fined in the mitigation plan.

15 “(iii) The projected timeline for
16 achieving that success.

17 “(iv) Any recommendations for im-
18 proving the likelihood of success.

19 “(C) REPORTING.—Not later than 60 days
20 after the date of completion of the annual con-
21 sultation, the Federal agencies consulted shall,
22 and each State in which the project is located
23 may, submit to the Secretary a report that de-
24 scribes the results of the consultation described
25 in (B).

1 “(D) ACTION BY SECRETARY.—The Sec-
2 retary shall respond in writing to the substance
3 and recommendations contained in each report
4 under subparagraph (C) by not later than 30
5 days after the date of receipt of the report.

6 “(5) MONITORING.—Mitigation monitoring
7 shall continue until it has been demonstrated that
8 the mitigation has met the ecological success cri-
9 teria.”.

10 (d) STATUS REPORT.—

11 (1) IN GENERAL.—Concurrent with the submis-
12 sion of the President to Congress of the request of
13 the President for appropriations for the Civil Works
14 Program for a fiscal year, the Secretary shall submit
15 to the Committee on the Environment and Public
16 Works of the Senate and the Committee on Trans-
17 portation and Infrastructure of the House of Rep-
18 resentatives a report describing the status of con-
19 struction of projects that require mitigation under
20 section 906 of Water Resources Development Act
21 1986 (33 U.S.C. 2283) and the status of that miti-
22 gation.

23 (2) PROJECTS INCLUDED.—The status report
24 shall include the status of—

1 (A) all projects that are under construction
2 as of the date of the report;

3 (B) all projects for which the President re-
4 quests funding for the next fiscal year; and

5 (C) all projects that have completed con-
6 struction, but have not completed the mitigation
7 required under section 906 of the Water Re-
8 sources Development Act of 1986 (33 U.S.C.
9 2283).

10 (e) MITIGATION TRACKING SYSTEM.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, the Secretary
13 shall establish a recordkeeping system to track, for
14 each water resources project undertaken by the Sec-
15 retary and for each permit issued under section 404
16 of the Federal Water Pollution Control Act (33
17 U.S.C. 1344)—

18 (A) the quantity and type of wetland and
19 any other habitat type affected by the project,
20 project operation, or permitted activity;

21 (B) the quantity and type of mitigation
22 measures required with respect to the project,
23 project operation, or permitted activity;

24 (C) the quantity and type of mitigation
25 measures that have been completed with respect

1 to the project, project operation, or permitted
2 activity; and

3 (D) the status of monitoring of the mitiga-
4 tion measures carried out with respect to the
5 project, project operation, or permitted activity.

6 (2) REQUIREMENTS.—The recordkeeping sys-
7 tem under paragraph (1) shall—

8 (A) include information relating to the im-
9 pacts and mitigation measures relating to
10 projects described in paragraph (1) that occur
11 after November 17, 1986; and

12 (B) be organized by watershed, project,
13 permit application, and zip code.

14 (3) AVAILABILITY OF INFORMATION.—The Sec-
15 retary shall make information contained in the rec-
16 ordkeeping system available to the public on the
17 Internet.

18 **SEC. 2009. STATE TECHNICAL ASSISTANCE.**

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

21 (1) by striking “SEC. 22. (a) The Secretary”
22 and inserting the following:

23 **“SEC. 22. PLANNING ASSISTANCE TO STATES.**

24 **“(a) FEDERAL-STATE COOPERATION.—**

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

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

5 “(2) TECHNICAL ASSISTANCE.—

6 “(A) IN GENERAL.—At the request of a
7 governmental agency or non-Federal interest,
8 the Secretary may provide, at Federal expense,
9 technical assistance to the agency or non-Fed-
10 eral interest in managing water resources.

11 “(B) TYPES OF ASSISTANCE.—Technical
12 assistance under this paragraph may include
13 provision and integration of hydrologic, eco-
14 nomic, and environmental data and analyses.”;

15 (3) in subsection (b)(1), by striking “this sec-
16 tion” each place it appears and inserting “subsection
17 (a)(1)”;

18 (4) in subsection (b)(2), by striking “up to ½
19 of the” and inserting “the”;

20 (5) in subsection (c)—

21 (A) by striking “(c) There is” and insert-
22 ing the following:

23 “(c) AUTHORIZATION OF APPROPRIATIONS.—

24 “(1) FEDERAL AND STATE COOPERATION.—
25 There is”;

1 (B) in paragraph (1) (as designated by
2 subparagraph (A)), by striking “the provisions
3 of this section except that not more than
4 \$500,000 shall be expended in any one year in
5 any one State.” and inserting “subsection
6 (a)(1).”; and

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

8 “(2) TECHNICAL ASSISTANCE.—There is au-
9 thorized to be appropriated to carry out subsection
10 (a)(2) \$10,000,000 for each fiscal year, of which not
11 more than \$2,000,000 for each fiscal year may be
12 used by the Secretary to enter into cooperative
13 agreements with nonprofit organizations and State
14 agencies to provide assistance to rural and small
15 communities.”; and

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

17 “(e) ANNUAL SUBMISSION.—For each fiscal year,
18 based on performance criteria developed by the Secretary,
19 the Secretary shall list in the annual civil works budget
20 submitted to Congress the individual activities proposed
21 for funding under subsection (a)(1) for the fiscal year.”.

22 **SEC. 2010. ACCESS TO WATER RESOURCE DATA.**

23 (a) IN GENERAL.—The Secretary, acting through the
24 Chief of Engineers, shall carry out a program to provide

1 public access to water resource and related water quality
2 data in the custody of the Corps of Engineers.

3 (b) DATA.—Public access under subsection (a)
4 shall—

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

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

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

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$5,000,000 for each fiscal year.

20 **SEC. 2011. CONSTRUCTION OF FLOOD CONTROL PROJECTS**
21 **BY NON-FEDERAL INTERESTS.**

22 (a) IN GENERAL.—Section 211(e)(6) of the Water
23 Resources Development Act of 1996 (33 U.S.C. 701b–
24 13(e)(6)) is amended by adding at the end following:

25 “(E) BUDGET PRIORITY.—

1 “(i) IN GENERAL.—Budget priority
2 for projects under this section shall be pro-
3 portionate to the percentage of project
4 completion.

5 “(ii) COMPLETED PROJECT.—A com-
6 pleted project shall have the same priority
7 as a project with a contractor on site.”.

8 (b) CONSTRUCTION OF FLOOD CONTROL PROJECTS
9 BY NON-FEDERAL INTERESTS.—Section 211(f) of the
10 Water Resources Development Act of 1996 (33 U.S.C.
11 701b–13) is amended by adding at the end the following:

12 “(9) THORNTON RESERVOIR, COOK COUNTY, IL-
13 LINOIS.—An element of the project for flood control,
14 Chicagoland Underflow Plan, Illinois.

15 “(10) BUFFALO BAYOU, TEXAS.—The project
16 for flood control, Buffalo Bayou, Texas, authorized
17 by the first section of the Act of June 20, 1938 (52
18 Stat. 804, chapter 535) (commonly known as the
19 ‘River and Harbor Act of 1938’) and modified by
20 section 3a of the Act of August 11, 1939 (53 Stat.
21 1414, chapter 699) (commonly known as the ‘Flood
22 Control Act of 1939’), except that, subject to the ap-
23 proval of the Secretary as provided by this section,
24 the non-Federal interest may design and construct
25 an alternative to such project.

1 “(11) HALLS BAYOU, TEXAS.—The Halls
2 Bayou element of the project for flood control, Buf-
3 falo Bayou and tributaries, Texas, authorized by sec-
4 tion 101(a)(21) of the Water Resources Develop-
5 ment Act of 1990 (33 U.S.C. 2201 note), except
6 that, subject to the approval of the Secretary as pro-
7 vided by this section, the non-Federal interest may
8 design and construct an alternative to such
9 project.”.

10 **SEC. 2012. REGIONAL SEDIMENT MANAGEMENT.**

11 (a) IN GENERAL.—Section 204 of the Water Re-
12 sources Development Act of 1992 (33 U.S.C. 2326) is
13 amended to read as follows:

14 **“SEC. 204. REGIONAL SEDIMENT MANAGEMENT.**

15 “(a) IN GENERAL.—In connection with sediment ob-
16 tained through the construction, operation, or mainte-
17 nance of an authorized Federal water resources project,
18 the Secretary, acting through the Chief of Engineers, shall
19 develop Regional Sediment Management plans and carry
20 out projects at locations identified in the plan prepared
21 under subsection (e), or identified jointly by the non-Fed-
22 eral interest and the Secretary, for use in the construction,
23 repair, modification, or rehabilitation of projects associ-
24 ated with Federal water resources projects, for—

25 “(1) the protection of property;

1 “(2) the protection, restoration, and creation of
2 aquatic and ecologically related habitats, including
3 wetlands; and

4 “(3) the transport and placement of suitable
5 sediment

6 “(b) SECRETARIAL FINDINGS.—Subject to sub-
7 section (c), projects carried out under subsection (a) may
8 be carried out in any case in which the Secretary finds
9 that—

10 “(1) the environmental, economic, and social
11 benefits of the project, both monetary and nonmone-
12 tary, justify the cost of the project; and

13 “(2) the project would not result in environ-
14 mental degradation.

15 “(c) DETERMINATION OF PLANNING AND PROJECT
16 COSTS.—

17 “(1) IN GENERAL.—In consultation and co-
18 operation with the appropriate Federal, State, re-
19 gional, and local agencies, the Secretary, acting
20 through the Chief of Engineers, shall develop at
21 Federal expense plans and projects for regional
22 management of sediment obtained in conjunction
23 with construction, operation, and maintenance of
24 Federal water resources projects.

25 “(2) COSTS OF CONSTRUCTION.—

1 “(A) IN GENERAL.—Costs associated with
2 construction of a project under this section or
3 identified in a Regional Sediment Management
4 plan shall be limited solely to construction costs
5 that are in excess of those costs necessary to
6 carry out the dredging for construction, oper-
7 ation, or maintenance of an authorized Federal
8 water resources project in the most cost-effec-
9 tive way, consistent with economic, engineering,
10 and environmental criteria.

11 “(B) COST SHARING.—The determination
12 of any non-Federal share of the construction
13 cost shall be based on the cost sharing as speci-
14 fied in subsections (a) through (d) of section
15 103 of the Water Resources Development Act
16 of 1986 (33 U.S.C. 2213), for the type of Fed-
17 eral water resource project using the dredged
18 resource.

19 “(C) TOTAL COST.—Total Federal costs
20 associated with construction of a project under
21 this section shall not exceed \$5,000,000 without
22 Congressional approval.

23 “(3) OPERATION, MAINTENANCE, REPLACE-
24 MENT, AND REHABILITATION COSTS.—Operation,
25 maintenance, replacement, and rehabilitation costs

1 associated with a project are a non-Federal sponsor
2 responsibility.

3 “(d) SELECTION OF SEDIMENT DISPOSAL METHOD
4 FOR ENVIRONMENTAL PURPOSES.—

5 “(1) IN GENERAL.—In developing and carrying
6 out a Federal water resources project involving the
7 disposal of material, the Secretary may select, with
8 the consent of the non-Federal interest, a disposal
9 method that is not the least-cost option if the Sec-
10 retary determines that the incremental costs of the
11 disposal method are reasonable in relation to the en-
12 vironmental benefits, including the benefits to the
13 aquatic environment to be derived from the creation
14 of wetlands and control of shoreline erosion.

15 “(2) FEDERAL SHARE.—The Federal share of
16 such incremental costs shall be determined in ac-
17 cordance with subsection (c).

18 “(e) STATE AND REGIONAL PLANS.—The Secretary,
19 acting through the Chief of Engineers, may—

20 “(1) cooperate with any State in the prepara-
21 tion of a comprehensive State or regional coastal
22 sediment management plan within the boundaries of
23 the State;

24 “(2) encourage State participation in the imple-
25 mentation of the plan; and

1 “(3) submit to Congress reports and rec-
2 ommendations with respect to appropriate Federal
3 participation in carrying out the plan.

4 “(f) PRIORITY AREAS.—In carrying out this section,
5 the Secretary shall give priority to regional sediment man-
6 agement projects in the vicinity of—

7 “(1) Fire Island Inlet, Suffolk County, New
8 York;

9 “(2) Fletcher Cove, California;

10 “(3) Delaware River Estuary, New Jersey and
11 Pennsylvania; and

12 “(4) Toledo Harbor, Lucas County, Ohio.

13 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated to carry out this section
15 \$30,000,000 during each fiscal year, to remain available
16 until expended, for the Federal costs identified under sub-
17 section (e), of which up to \$5,000,000 shall be used for
18 the development of regional sediment management plans
19 as provided in subsection (e).

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

25 (b) REPEAL.—

1 (1) IN GENERAL.—Section 145 of the Water
2 Resources Development Act of 1976 (33 U.S.C.
3 426j) is repealed.

4 (2) EXISTING PROJECTS.—The Secretary, act-
5 ing through the Chief of Engineers, may complete
6 any project being carried out under section 145 on
7 the day before the date of enactment of this Act.

8 **SEC. 2013. NATIONAL SHORELINE EROSION CONTROL DE-**
9 **VELOPMENT PROGRAM.**

10 (a) IN GENERAL.—Section 3 of the Act entitled “An
11 Act authorizing Federal participation in the cost of pro-
12 tecting the shores of publicly owned property”, approved
13 August 13, 1946 (33 U.S.C. 426g), is amended to read
14 as follows:

15 **“SEC. 3. STORM AND HURRICANE RESTORATION AND IM-**
16 **PACT MINIMIZATION PROGRAM.**

17 “(a) CONSTRUCTION OF SMALL SHORE AND BEACH
18 RESTORATION AND PROTECTION PROJECTS.—

19 “(1) IN GENERAL.—The Secretary may carry
20 out construction of small shore and beach restora-
21 tion and protection projects not specifically author-
22 ized by Congress that otherwise comply with the
23 first section of this Act if the Secretary determines
24 that such construction is advisable.

1 “(2) LOCAL COOPERATION.—The local coopera-
2 tion requirement under the first section of this Act
3 shall apply to a project under this section.

4 “(3) COMPLETENESS.—A project under this
5 section—

6 “(A) shall be complete; and

7 “(B) shall not commit the United States to
8 any additional improvement to ensure the suc-
9 cessful operation of the project, except for par-
10 ticipation in periodic beach nourishment in ac-
11 cordance with—

12 “(i) the first section of this Act; and

13 “(ii) the procedure for projects au-
14 thorized after submission of a survey re-
15 port.

16 “(b) NATIONAL SHORELINE EROSION CONTROL DE-
17 VELOPMENT AND DEMONSTRATION PROGRAM.—

18 “(1) IN GENERAL.—The Secretary, acting
19 through the Chief of Engineers, shall conduct a na-
20 tional shoreline erosion control development and
21 demonstration program (referred to in this section
22 as the ‘program’).

23 “(2) REQUIREMENTS.—

24 “(A) IN GENERAL.—The program shall in-
25 clude provisions for—

1 “(i) projects consisting of planning,
2 design, construction, and adequate moni-
3 toring of prototype engineered and native
4 and naturalized vegetative shoreline ero-
5 sion control devices and methods;

6 “(ii) detailed engineering and environ-
7 mental reports on the results of each
8 project carried out under the program; and

9 “(iii) technology transfers, as appro-
10 prium, to private property owners, State
11 and local entities, nonprofit educational in-
12 stitutions, and nongovernmental organiza-
13 tions.

14 “(B) DETERMINATION OF FEASIBILITY.—
15 A project under this section shall not be carried
16 out until the Secretary, acting through the
17 Chief of Engineers, determines that the project
18 is feasible.

19 “(C) EMPHASIS.—A project carried out
20 under the program shall emphasize, to the max-
21 imum extent practicable—

22 “(i) the development and demonstra-
23 tion of innovative technologies;

24 “(ii) efficient designs to prevent ero-
25 sion at a shoreline site, taking into account

1 the lifecycle cost of the design, including
2 cleanup, maintenance, and amortization;

3 “(iii) new and enhanced shore protec-
4 tion project design and project formulation
5 tools the purposes of which are to improve
6 the physical performance, and lower the
7 lifecycle costs, of the projects;

8 “(iv) natural designs, including the
9 use of native and naturalized vegetation or
10 temporary structures that minimize perma-
11 nent structural alterations to the shoreline;

12 “(v) the avoidance of negative impacts
13 to adjacent shorefront communities;

14 “(vi) the potential for long-term pro-
15 tection afforded by the technology; and

16 “(vii) recommendations developed
17 from evaluations of the program estab-
18 lished under the Shoreline Erosion Control
19 Demonstration Act of 1974 (42 U.S.C.
20 1962–5 note; 88 Stat. 26), including—

21 “(I) adequate consideration of
22 the subgrade;

23 “(II) proper filtration;

24 “(III) durable components;

1 “(IV) adequate connection be-
2 tween units; and

3 “(V) consideration of additional
4 relevant information.

5 “(D) SITES.—

6 “(i) IN GENERAL.—Each project
7 under the program shall be carried out
8 at—

9 “(I) a privately owned site with
10 substantial public access; or

11 “(II) a publicly owned site on
12 open coast or in tidal waters.

13 “(ii) SELECTION.—The Secretary,
14 acting through the Chief of Engineers,
15 shall develop criteria for the selection of
16 sites for projects under the program, in-
17 cluding criteria based on—

18 “(I) a variety of geographic and
19 climatic conditions;

20 “(II) the size of the population
21 that is dependent on the beaches for
22 recreation or the protection of private
23 property or public infrastructure;

24 “(III) the rate of erosion;

1 “(IV) significant natural re-
2 sources or habitats and environ-
3 mentally sensitive areas; and

4 “(V) significant threatened his-
5 toric structures or landmarks.

6 “(3) CONSULTATION.—The Secretary, acting
7 through the Chief of Engineers, shall carry out the
8 program in consultation with—

9 “(A) the Secretary of Agriculture, particu-
10 larly with respect to native and naturalized veg-
11 etative means of preventing and controlling
12 shoreline erosion;

13 “(B) Federal, State, and local agencies;

14 “(C) private organizations;

15 “(D) the Coastal Engineering Research
16 Center established by the first section of Public
17 Law 88–172 (33 U.S.C. 426–1); and

18 “(E) applicable university research facili-
19 ties.

20 “(4) COMPLETION OF DEMONSTRATION.—After
21 carrying out the initial construction and evaluation
22 of the performance and lifecycle cost of a demonstra-
23 tion project under this section, the Secretary, acting
24 through the Chief of Engineers, may—

1 “(A) at the request of a non-Federal inter-
2 est of the project, amend the agreement for a
3 federally-authorized shore protection project in
4 existence on the date on which initial construc-
5 tion of the demonstration project is complete to
6 incorporate the demonstration project as a fea-
7 ture of the shore protection project, with the fu-
8 ture cost of the demonstration project to be de-
9 termined by the cost-sharing ratio of the shore
10 protection project; or

11 “(B) transfer all interest in and responsi-
12 bility for the completed demonstration project
13 to the non-Federal or other Federal agency in-
14 terest of the project.

15 “(5) AGREEMENTS.—The Secretary, acting
16 through the Chief of Engineers, may enter into an
17 agreement with the non-Federal or other Federal
18 agency interest of a project under this section—

19 “(A) to share the costs of construction, op-
20 eration, maintenance, and monitoring of a
21 project under the program;

22 “(B) to share the costs of removing a
23 project or project element constructed under
24 the program, if the Secretary determines that
25 the project or project element is detrimental to

1 private property, public infrastructure, or public
2 safety; or

3 “(C) to specify ownership of a completed
4 project that the Chief of Engineers determines
5 will not be part of a Corps of Engineers project.

6 “(6) REPORT.—Not later than December 31 of
7 each year beginning after the date of enactment of
8 this paragraph, the Secretary shall prepare and sub-
9 mit to the Committee on Environment and Public
10 works of the Senate and the Committee on Trans-
11 portation and Infrastructure of the House of Rep-
12 resentatives a report describing—

13 “(A) the activities carried out and accom-
14 plishments made under the program during the
15 preceding year; and

16 “(B) any recommendations of the Sec-
17 retary relating to the program.

18 “(c) AUTHORIZATION OF APPROPRIATIONS.—

19 “(1) IN GENERAL.—Subject to paragraph (2),
20 the Secretary may expend, from any appropriations
21 made available to the Secretary for the purpose of
22 carrying out civil works, not more than \$30,000,000
23 during any fiscal year to pay the Federal share of
24 the costs of construction of small shore and beach

1 restoration and protection projects or small projects
2 under the program.

3 “(2) LIMITATION.—The total amount expended
4 for a project under this section shall—

5 “(A) be sufficient to pay the cost of Fed-
6 eral participation in the project (including peri-
7 odic nourishment as provided for under the first
8 section of this Act), as determined by the Sec-
9 retary; and

10 “(B) be not more than \$3,000,000.”.

11 (b) REPEAL.—Section 5 the Act entitled “An Act au-
12 thorizing Federal participation in the cost of protecting
13 the shores of publicly owned property”, approved August
14 13, 1946 (33 U.S.C. 426e et seq.; 110 Stat. 3700) is re-
15 pealed.

16 **SEC. 2014. SHORE PROTECTION PROJECTS.**

17 (a) IN GENERAL.—In accordance with the Act of
18 July 3, 1930 (33 U.S.C. 426), and notwithstanding ad-
19 ministrative actions, it is the policy of the United States
20 to promote shore protection projects and related research
21 that encourage the protection, restoration, and enhance-
22 ment of sandy beaches, including beach restoration and
23 periodic beach renourishment for a period of 50 years, on
24 a comprehensive and coordinated basis by the Federal
25 Government, States, localities, and private enterprises.

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

3 (1) areas in which there has been a Federal in-
4 vestment of funds; and

5 (2) areas with respect to which the need for
6 prevention or mitigation of damage to shores and
7 beaches is attributable to Federal navigation
8 projects or other Federal activities.

9 (c) APPLICABILITY.—The Secretary shall apply the
10 policy to each shore protection and beach renourishment
11 project (including shore protection and beach renourish-
12 ment projects in existence on the date of enactment of this
13 Act).

14 **SEC. 2015. COST SHARING FOR MONITORING.**

15 (a) IN GENERAL.—Costs incurred for monitoring for
16 an ecosystem restoration project shall be cost-shared—

17 (1) in accordance with the formula relating to
18 the applicable original construction project; and

19 (2) for a maximum period of 10 years.

20 (b) AGGREGATE LIMITATION.—Monitoring costs for
21 an ecosystem restoration project—

22 (1) shall not exceed in the aggregate, for a 10-
23 year period, an amount equal to 5 percent of the
24 cost of the applicable original construction project;
25 and

1 (2) after the 10-year period, shall be 100 per-
2 cent non-Federal.

3 **SEC. 2016. ECOSYSTEM RESTORATION BENEFITS.**

4 For each of the following projects, the Corps of Engi-
5 neers shall include ecosystem restoration benefits in the
6 calculation of benefits for the project:

7 (1) Grayson's Creek, California.

8 (2) Seven Oaks, California.

9 (3) Oxford, California.

10 (4) Walnut Creek, California.

11 (5) Wildeat Phase II, California.

12 **SEC. 2017. FUNDING TO EXPEDITE THE EVALUATION AND**
13 **PROCESSING OF PERMITS.**

14 Section 214 of the Water Resources Development Act
15 of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594, 117 Stat.
16 1836, 119 Stat. 2169, 120 Stat. 318, 120 Stat. 3197)
17 is amended by striking subsection (c).

18 **SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICA-**
19 **TIONS.**

20 (a) IN GENERAL.—Not later than 2 years after the
21 date of enactment of this Act, the Secretary shall imple-
22 ment a program to allow electronic submission of permit
23 applications for permits under the jurisdiction of the
24 Corps of Engineers.

1 (b) LIMITATIONS.—This section does not preclude
2 the submission of a hard copy, as required.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$3,000,000.

6 **SEC. 2019. IMPROVEMENT OF WATER MANAGEMENT AT**
7 **CORPS OF ENGINEERS RESERVOIRS.**

8 (a) IN GENERAL.—As part of the operation and
9 maintenance, by the Corps of Engineers, of reservoirs in
10 operation as of the date of enactment of this Act, the Sec-
11 retary shall carry out the measures described in subsection
12 (c) to support the water resource needs of project sponsors
13 and any affected State, local, or tribal government for au-
14 thorized project purposes.

15 (b) COOPERATION.—The Secretary shall carry out
16 the measures described in subsection (c) in cooperation
17 and coordination with project sponsors and any affected
18 State, local, or tribal government.

19 (c) MEASURES.—In carrying out this section, the
20 Secretary may—

21 (1) conduct a study to identify unused,
22 underused, or additional water storage capacity at
23 reservoirs;

24 (2) review an operational plan and identify any
25 change to maximize an authorized project purpose to

1 improve water storage capacity and enhance effi-
2 ciency of releases and withdrawal of water;

3 (3) improve and update data, data collection,
4 and forecasting models to maximize an authorized
5 project purpose and improve water storage capacity
6 and delivery to water users; and

7 (4) conduct a sediment study and implement
8 any sediment management or removal measure.

9 (d) REVENUES FOR SPECIAL CASES.—

10 (1) COSTS OF WATER SUPPLY STORAGE.—In
11 the case of a reservoir operated or maintained by the
12 Corps of Engineers on the date of enactment of this
13 Act, the storage charge for a future contract or con-
14 tract renewal for the first cost of water supply stor-
15 age at the reservoir shall be the lesser of the esti-
16 mated cost of purposes foregone, replacement costs,
17 or the updated cost of storage.

18 (2) REALLOCATION.—In the case of a water
19 supply that is reallocated from another project pur-
20 pose to municipal or industrial water supply, the
21 joint use costs for the reservoir shall be adjusted to
22 reflect the reallocation of project purposes.

23 (3) CREDIT FOR AFFECTED PROJECT PUR-
24 POSES.—In the case of a reallocation that adversely
25 affects hydropower generation, the Secretary shall

1 defer to the Administrator of the respective Power
2 Marketing Administration to calculate the impact of
3 such a reallocation on the rates for hydroelectric
4 power.

5 **SEC. 2020. FEDERAL HOPPER DREDGES.**

6 Section 3(c)(7)(B) of the Act of August 11, 1888 (33
7 U.S.C. 622; 25 Stat. 423), is amended by adding at the
8 end the following: “This subparagraph shall not apply to
9 the Federal hopper dredges Essayons and Yaquina of the
10 Corps of Engineers.”.

11 **SEC. 2021. EXTRAORDINARY RAINFALL EVENTS.**

12 In the State of Louisiana, extraordinary rainfall
13 events such as Hurricanes Katrina and Rita, which oc-
14 curred during calendar year 2005, and Hurricane Andrew,
15 which occurred during calendar year 1992, shall not be
16 considered in making a determination with respect to the
17 ordinary high water mark for purposes of carrying out sec-
18 tion 10 of the Act of March 3, 1899 (33 U.S.C. 403)
19 (commonly known as the “Rivers and Harbors Act”).

20 **SEC. 2022. WILDFIRE FIREFIGHTING.**

21 Section 309 of Public Law 102–154 (42 U.S.C.
22 1856a–1; 105 Stat. 1034) is amended by inserting “the
23 Secretary of the Army,” after “the Secretary of Energy,”.

1 **SEC. 2023. NONPROFIT ORGANIZATIONS AS SPONSORS.**

2 Section 221(b) of the Flood Control Act of 1970 (42
3 U.S.C. 1962d–5b(b)) is amended—

4 (1) by striking “A non-Federal interest shall
5 be” and inserting the following:

6 “(1) IN GENERAL.—In this section, the term
7 ‘non-Federal interest’ means”; and

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

9 “(2) INCLUSIONS.—The term ‘non-Federal in-
10 terest’ includes a nonprofit organization acting with
11 the consent of the affected unit of government.”.

12 **SEC. 2024. PROJECT ADMINISTRATION.**

13 (a) PROJECT TRACKING.—The Secretary shall assign
14 a unique tracking number to each water resources project
15 under the jurisdiction of the Secretary, to be used by each
16 Federal agency throughout the life of the project.

17 (b) REPORT REPOSITORY.—

18 (1) IN GENERAL.—The Secretary shall main-
19 tain at the Library of Congress a copy of each final
20 feasibility study, final environmental impact state-
21 ment, final reevaluation report, record of decision,
22 and report to Congress prepared by the Corps of
23 Engineers.

24 (2) AVAILABILITY TO PUBLIC.—

25 (A) IN GENERAL.—Each document de-
26 scribed in paragraph (1) shall be made available

1 to the public for review, and an electronic copy
2 of each document shall be made permanently
3 available to the public through the Internet
4 website of the Corps of Engineers.

5 (B) COST.—The Secretary shall charge the
6 requestor for the cost of duplication of the re-
7 quested document.

8 **SEC. 2025. PROGRAM ADMINISTRATION.**

9 Sections 101, 106, and 108 of the Energy and Water
10 Development Appropriations Act, 2006 (Public Law 109–
11 103; 119 Stat. 2252–2254), are repealed.

12 **SEC. 2026. EXTENSION OF SHORE PROTECTION PROJECTS.**

13 (a) IN GENERAL.—Before the date on which the ap-
14 plicable period for Federal financial participation in a
15 shore protection project terminates, the Secretary, acting
16 through the Chief of Engineers, is authorized to review
17 the shore protection project to determine whether it would
18 be feasible to extend the period of Federal financial par-
19 ticipation relating to the project.

20 (b) REPORT.—The Secretary shall submit to Con-
21 gress a report describing the results of each review con-
22 ducted under subsection (a).

1 **Subtitle B—Continuing Authorities**
 2 **Projects**

3 **SEC. 2031. NAVIGATION ENHANCEMENTS FOR**
 4 **WATERBOURNE TRANSPORTATION.**

5 Section 107 of the River and Harbor Act of 1960
 6 (33 U.S.C. 577) is amended—

7 (1) by striking “SEC. 107. (a) That the Sec-
 8 retary of the Army is hereby authorized to” and in-
 9 serting the following:

10 **“SEC. 107. NAVIGATION ENHANCEMENTS FOR**
 11 **WATERBOURNE TRANSPORTATION.**

12 “(a) IN GENERAL.—The Secretary of the Army
 13 may”;

14 (2) in subsection (b)—

15 (A) by striking “(b) Not more” and insert-
 16 ing the following:

17 “(b) ALLOTMENT.—Not more”; and

18 (B) by striking “\$4,000,000” and insert-
 19 ing “\$7,000,000”;

20 (3) in subsection (c), by striking “(c) Local”
 21 and inserting the following:

22 “(c) LOCAL CONTRIBUTIONS.—Local”;

23 (4) in subsection (d), by striking “(d) Non-Fed-
 24 eral” and inserting the following:

25 “(d) NON-FEDERAL SHARE.—Non-Federal”;

1 (5) in subsection (e), by striking “(e) Each”
2 and inserting the following:

3 “(e) COMPLETION.—Each”; and

4 (6) in subsection (f), by striking “(f) This” and
5 inserting the following:

6 “(f) APPLICABILITY.—This”.

7 **SEC. 2032. PROTECTION AND RESTORATION DUE TO EMER-**
8 **GENCIES AT SHORES AND STREAMBANKS.**

9 Section 14 of the Flood Control Act of 1946 (33
10 U.S.C. 701r) is amended—

11 (1) by striking “\$15,000,000” and inserting
12 “\$20,000,000”; and

13 (2) by striking “\$1,000,000” and inserting
14 “\$1,500,000”.

15 **SEC. 2033. RESTORATION OF THE ENVIRONMENT FOR PRO-**
16 **TECTION OF AQUATIC AND RIPARIAN ECO-**
17 **SYSTEMS PROGRAM.**

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

20 (1) by striking the section heading and insert-
21 ing the following:

1 **“SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PRO-**
2 **TECTION OF AQUATIC AND RIPARIAN ECO-**
3 **SYSTEMS PROGRAM.”;**

4 (2) in subsection (a), by striking “an aquatic”
5 and inserting “a freshwater aquatic”; and

6 (3) in subsection (e), by striking “\$25,000,000”
7 and inserting “\$75,000,000”.

8 **SEC. 2034. ENVIRONMENTAL MODIFICATION OF PROJECTS**
9 **FOR IMPROVEMENT AND RESTORATION OF**
10 **ECOSYSTEMS PROGRAM.**

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

13 (1) by striking the section heading and insert-
14 ing the following:

15 **“SEC. 1135. ENVIRONMENTAL MODIFICATION OF PROJECTS**
16 **FOR IMPROVEMENT AND RESTORATION OF**
17 **ECOSYSTEMS PROGRAM.”;**

18 and

19 (2) in subsection (h), by striking “25,000,000”
20 and inserting “\$50,000,000”.

21 **SEC. 2035. PROJECTS TO ENHANCE ESTUARIES AND COAST-**
22 **AL HABITATS.**

23 (a) IN GENERAL.—The Secretary may carry out an
24 estuary habitat restoration project if the Secretary deter-
25 mines that the project—

1 (1) will improve the elements and features of an
2 estuary (as defined in section 103 of the Estuaries
3 and Clean Waters Act of 2000 (33 U.S.C. 2902));

4 (2) is in the public interest; and

5 (3) is cost-effective.

6 (b) COST SHARING.—The non-Federal share of the
7 cost of construction of any project under this section—

8 (1) shall be 35 percent; and

9 (2) shall include the costs of all land, ease-
10 ments, rights-of-way, and necessary relocations.

11 (c) AGREEMENTS.—Construction of a project under
12 this section shall commence only after a non-Federal inter-
13 est has entered into a binding agreement with the Sec-
14 retary to pay—

15 (1) the non-Federal share of the costs of con-
16 struction required under subsection (b); and

17 (2) in accordance with regulations promulgated
18 by the Secretary, 100 percent of the costs of any op-
19 eration, maintenance, replacement, or rehabilitation
20 of the project.

21 (d) LIMITATION.—Not more than \$5,000,000 in Fed-
22 eral funds may be allocated under this section for a project
23 at any 1 location.

24 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to carry out this section

1 \$25,000,000 for each fiscal year beginning after the date
2 of enactment of this Act.

3 **SEC. 2036. REMEDIATION OF ABANDONED MINE SITES.**

4 Section 560 of the Water Resources Development Act
5 of 1999 (33 U.S.C. 2336; 113 Stat. 354–355) is amend-
6 ed—

7 (1) by striking subsection (f);

8 (2) by redesignating subsections (a) through (e)
9 as subsections (b) through (f), respectively;

10 (3) by inserting before subsection (b) (as redesi-
11 gnated by paragraph (2)) the following:

12 “(a) DEFINITION OF NON-FEDERAL INTEREST.—In
13 this section, the term ‘non-Federal interest’ includes, with
14 the consent of the affected local government, nonprofit en-
15 tities, notwithstanding section 221 of the Flood Control
16 Act of 1970 (42 U.S.C. 1962d–5b).”;

17 (4) in subsection (b) (as redesignated by para-
18 graph (2))—

19 (A) by inserting “, and construction” be-
20 fore “assistance”; and

21 (B) by inserting “, including, with the con-
22 sent of the affected local government, nonprofit
23 entities,” after “non-Federal interests”;

24 (5) in paragraph (3) of subsection (c) (as redesi-
25 gnated by paragraph (2))—

1 (A) by inserting “physical hazards and”
2 after “adverse”; and

3 (B) by striking “drainage from”;

4 (6) in subsection (d) (as redesignated by para-
5 graph (2)), by striking “50” and inserting “25”;
6 and

7 (7) by adding at the end the following:

8 “(g) OPERATION AND MAINTENANCE.—The non-
9 Federal share of the costs of operation and maintenance
10 for a project carried out under this section shall be 100
11 percent.

12 “(h) NO EFFECT ON LIABILITY.—The provision of
13 assistance under this section shall not relieve from liability
14 any person that would otherwise be liable under Federal
15 or State law for damages, response costs, natural resource
16 damages, restitution, equitable relief, or any other relief.

17 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section for
19 each fiscal year \$45,000,000, to remain available until ex-
20 pended.”.

21 **SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION**
22 **AND REMOVAL OF DAMS.**

23 (a) IN GENERAL.—The Secretary may carry out a
24 small dam removal or rehabilitation project if the Sec-

1 retary determines that the project will improve the quality
2 of the environment or is in the public interest.

3 (b) **COST SHARING.**—A non-Federal interest shall
4 provide 35 percent of the cost of the removal or remedi-
5 ation of any project carried out under this section, includ-
6 ing provision of all land, easements, rights-of-way, and
7 necessary relocations.

8 (c) **AGREEMENTS.**—Construction of a project under
9 this section shall be commenced only after a non-Federal
10 interest has entered into a binding agreement with the
11 Secretary to pay—

12 (1) the non-Federal share of the costs of con-
13 struction required by this section; and

14 (2) 100 percent of any operation and mainte-
15 nance cost.

16 (d) **COST LIMITATION.**—Not more than \$5,000,000
17 in Federal funds may be allotted under this section for
18 a project at any single location.

19 (e) **FUNDING.**—There is authorized to be appro-
20 priated to carry out this section \$25,000,000 for each fis-
21 cal year.

22 **SEC. 2038. REMOTE, MARITIME-DEPENDENT COMMUNITIES.**

23 (a) **IN GENERAL.**—The Secretary shall develop eligi-
24 bility criteria for Federal participation in navigation

1 projects located in economically disadvantaged commu-
2 nities that are—

3 (1) dependent on water transportation for sub-
4 sistence; and

5 (2) located in—

6 (A) remote areas of the United States;

7 (B) American Samoa;

8 (C) Guam;

9 (D) the Commonwealth of the Northern
10 Mariana Islands;

11 (E) the Commonwealth of Puerto Rico; or

12 (F) the United States Virgin Islands.

13 (b) ADMINISTRATION.—The criteria developed under
14 this section—

15 (1) shall—

16 (A) provide for economic expansion; and

17 (B) identify opportunities for promoting
18 economic growth; and

19 (2) shall not require project justification solely
20 on the basis of National Economic Development ben-
21 efits received.

1 **SEC. 2039. AGREEMENTS FOR WATER RESOURCE**
2 **PROJECTS.**

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

6 (1) by redesignating subsection (e) as sub-
7 section (g); and

8 (2) by inserting after subsection (d) the fol-
9 lowing:

10 “(e) **PUBLIC HEALTH AND SAFETY.**—If the Sec-
11 retary determines that a project needs to be continued for
12 the purpose of public health and safety—

13 “(1) the non-Federal interest shall pay the in-
14 creased projects costs, up to an amount equal to 20
15 percent of the original estimated project costs and in
16 accordance with the statutorily-determined cost
17 share; and

18 “(2) notwithstanding the statutorily-determined
19 Federal share, the Secretary shall pay all increased
20 costs remaining after payment of 20 percent of the
21 increased costs by the non-Federal interest under
22 paragraph (1).

23 “(f) **LIMITATION.**—Nothing in subsection (a) limits
24 the authority of the Secretary to ensure that a partnership
25 agreement meets the requirements of law and policies of

1 the Secretary in effect on the date of execution of the part-
2 nership agreement.”.

3 (b) LOCAL COOPERATION.—Section 912(b) of the
4 Water Resources Development Act of 1986 (100 Stat.
5 4190) is amended—

6 (1) in paragraph (2)—

7 (A) in the first sentence, by striking
8 “shall” and inserting “may”; and

9 (B) by striking the second sentence; and

10 (2) in paragraph (4)—

11 (A) in the first sentence—

12 (i) by striking “injunction, for” and
13 inserting “injunction and payment of liq-
14 uidated damages, for”; and

15 (ii) by striking “to collect a civil pen-
16 alty imposed under this section,”; and

17 (B) in the second sentence, by striking
18 “any civil penalty imposed under this section,”
19 and inserting “any liquidated damages,”.

20 (c) APPLICABILITY.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), the amendments made by subsections (a)
23 and (b) shall apply only to partnership agreements
24 entered into after the date of enactment of this Act.

1 (2) EXCEPTION.—Notwithstanding paragraph
2 (1), the district engineer for the district in which a
3 project is located may amend the partnership agree-
4 ment for the project entered into on or before the
5 date of enactment of this Act—

6 (A) at the request of a non-Federal inter-
7 est for a project; and

8 (B) if construction on the project has not
9 been initiated as of the date of enactment of
10 this Act.

11 (d) REFERENCES.—

12 (1) COOPERATION AGREEMENTS.—Any ref-
13 erence in a law, regulation, document, or other
14 paper of the United States to a cooperation agree-
15 ment or project cooperation agreement shall be con-
16 sidered to be a reference to a partnership agreement
17 or a project partnership agreement, respectively.

18 (2) PARTNERSHIP AGREEMENTS.—Any ref-
19 erence to a partnership agreement or project part-
20 nership agreement in this Act (other than in this
21 section) shall be considered to be a reference to a co-
22 operation agreement or a project cooperation agree-
23 ment, respectively.

1 **SEC. 2040. PROGRAM NAMES.**

2 Section 205 of the Flood Control Act of 1948 (33
3 U.S.C. 701s) is amended by striking “SEC. 205. That the”
4 and inserting the following:

5 **“SEC. 205. PROJECTS TO ENHANCE REDUCTION OF FLOOD-**
6 **ING AND OBTAIN RISK MINIMIZATION.**

7 “The”.

8 **Subtitle C—National Levee Safety**
9 **Program**

10 **SEC. 2051. SHORT TITLE.**

11 This subtitle may be cited as the “National Levee
12 Safety Program Act of 2007”.

13 **SEC. 2052. DEFINITIONS.**

14 In this subtitle:

15 (1) **ASSESSMENT.**—The term “assessment”
16 means the periodic engineering evaluation of a levee
17 by a registered professional engineer to—

18 (A) review the engineering features of the
19 levee; and

20 (B) develop a risk-based performance eval-
21 uation of the levee, taking into consideration
22 potential consequences of failure or overtopping
23 of the levee.

24 (2) **COMMITTEE.**—The term “Committee”
25 means the National Levee Safety Committee estab-
26 lished by section 2053(a).

1 (3) INSPECTION.—The term “inspection”
2 means an annual review of a levee to verify whether
3 the owner or operator of the levee is conducting re-
4 quired operation and maintenance in accordance
5 with established levee maintenance standards.

6 (4) LEVEE.—The term “levee” means an em-
7 bankment (including a floodwall) that—

8 (A) is designed, constructed, or operated
9 for the purpose of flood or storm damage reduc-
10 tion;

11 (B) reduces the risk of loss of human life
12 or risk to the public safety; and

13 (C) is not otherwise defined as a dam by
14 the Federal Guidelines for Dam Safety.

15 (5) SECRETARY.—The term “Secretary” means
16 the Secretary of the Army, acting through the Chief
17 of Engineers.

18 (6) STATE.—The term “State” means—

19 (A) a State;

20 (B) the District of Columbia;

21 (C) the Commonwealth of Puerto Rico;

22 and

23 (D) any other territory or possession of the
24 United States.

1 (7) STATE LEVEE SAFETY AGENCY.—The term
2 “State levee safety agency” means the State agency
3 that has regulatory authority over the safety of any
4 non-Federal levee in a State.

5 (8) UNITED STATES.—The term “United
6 States”, when used in a geographical sense, means
7 all of the States.

8 **SEC. 2053. NATIONAL LEVEE SAFETY COMMITTEE.**

9 (a) ESTABLISHMENT.—

10 (1) IN GENERAL.—The Secretary shall establish
11 a National Levee Safety Committee, consisting of
12 representatives of Federal agencies and State, tribal,
13 and local governments, in accordance with this sub-
14 section.

15 (2) FEDERAL AGENCIES.—

16 (A) IN GENERAL.—The head of each Fed-
17 eral agency and the head of the International
18 Boundary Waters Commission may designate a
19 representative to serve on the Committee.

20 (B) ACTION BY SECRETARY.—The Sec-
21 retary shall ensure, to the maximum extent
22 practicable, that—

23 (i) each Federal agency that designs,
24 owns, operates, or maintains a levee is rep-
25 resented on the Committee; and

1 (ii) each Federal agency that has re-
2 sponsibility for emergency preparedness or
3 response activities is represented on the
4 Committee.

5 (3) TRIBAL, STATE, AND LOCAL GOVERN-
6 MENTS.—

7 (A) IN GENERAL.—The Secretary shall ap-
8 point 8 members to the Committee—

9 (i) 3 of whom shall represent tribal
10 governments affected by levees, based on
11 recommendations of tribal governments;

12 (ii) 3 of whom shall represent State
13 levee safety agencies, based on rec-
14 ommendations of Governors of the States;
15 and

16 (iii) 2 of whom shall represent local
17 governments, based on recommendations of
18 Governors of the States.

19 (B) REQUIREMENT.—In appointing mem-
20 bers under subparagraph (A), the Secretary
21 shall ensure broad geographic representation, to
22 the maximum extent practicable.

23 (4) CHAIRPERSON.—The Secretary shall serve
24 as Chairperson of the Committee.

1 (5) OTHER MEMBERS.—The Secretary, in con-
2 sultation with the Committee, may invite to partici-
3 pate in meetings of the Committee, as appropriate,
4 1 or more of the following:

5 (A) Representatives of the National Lab-
6 oratories.

7 (B) Levee safety experts.

8 (C) Environmental organizations.

9 (D) Members of private industry.

10 (E) Any other individual or entity, as the
11 Committee determines to be appropriate.

12 (b) DUTIES.—

13 (1) IN GENERAL.—The Committee shall—

14 (A) advise the Secretary in implementing
15 the national levee safety program under section
16 2054;

17 (B) support the establishment and mainte-
18 nance of effective programs, policies, and guide-
19 lines to enhance levee safety for the protection
20 of human life and property throughout the
21 United States; and

22 (C) support coordination and information
23 exchange between Federal agencies and State
24 levee safety agencies that share common prob-
25 lems and responsibilities relating to levee safety,

1 including planning, design, construction, oper-
2 ation, emergency action planning, inspections,
3 maintenance, regulation or licensing, technical
4 or financial assistance, research, and data man-
5 agement.

6 (c) POWERS.—

7 (1) INFORMATION FROM FEDERAL AGENCIES.—

8 (A) IN GENERAL.—The Committee may
9 secure directly from a Federal agency such in-
10 formation as the Committee considers to be
11 necessary to carry out this section.

12 (B) PROVISION OF INFORMATION.—On re-
13 quest of the Committee, the head of a Federal
14 agency shall provide the information to the
15 Committee.

16 (2) CONTRACTS.—The Committee may enter
17 into any contract the Committee determines to be
18 necessary to carry out a duty of the Committee.

19 (d) WORKING GROUPS.—

20 (1) IN GENERAL.—The Secretary may establish
21 working groups to assist the Committee in carrying
22 out this section.

23 (2) MEMBERSHIP.—A working group under
24 paragraph (1) shall be composed of—

25 (A) members of the Committee; and

1 (B) any other individual, as the Secretary
2 determines to be appropriate.

3 (e) COMPENSATION OF MEMBERS.—

4 (1) FEDERAL EMPLOYEES.—A member of the
5 Committee who is an officer or employee of the
6 United States shall serve without compensation in
7 addition to compensation received for the services of
8 the member as an officer or employee of the United
9 States.

10 (2) OTHER MEMBERS.—A member of the Com-
11 mittee who is not an officer or employee of the
12 United States shall serve without compensation.

13 (f) TRAVEL EXPENSES.—

14 (1) REPRESENTATIVES OF FEDERAL AGEN-
15 CIES.—To the extent amounts are made available in
16 advance in appropriations Acts, a member of the
17 Committee who represents a Federal agency shall be
18 reimbursed with appropriations for travel expenses
19 by the agency of the member, including per diem in
20 lieu of subsistence, at rates authorized for an em-
21 ployee of an agency under subchapter I of chapter
22 57 of title 5, United States Code, while away from
23 home or regular place of business of the member in
24 the performance of services for the Committee.

1 (2) OTHER INDIVIDUALS.—To the extent
2 amounts are made available in advance in appropria-
3 tions Acts, a member of the Committee who rep-
4 represents a State levee safety agency, a member of the
5 Committee who represents the private sector, and a
6 member of a working group created under sub-
7 section (d) shall be reimbursed for travel expenses
8 by the Secretary, including per diem in lieu of sub-
9 sistence, at rates authorized for an employee of an
10 agency under subchapter 1 of chapter 57 of title 5,
11 United States Code, while away from home or reg-
12 ular place of business of the member in performance
13 of services for the Committee.

14 (g) NONAPPLICABILITY OF FACA.—The Federal Ad-
15 visory Committee Act (5 U.S.C. App.) shall not apply to
16 the Committee.

17 **SEC. 2054. NATIONAL LEVEE SAFETY PROGRAM.**

18 (a) IN GENERAL.—The Secretary, in consultation
19 with the Committee and State levee safety agencies, shall
20 establish and maintain a national levee safety program.

21 (b) PURPOSES.—The purposes of the program under
22 this section are—

23 (1) to ensure that new and existing levees are
24 safe through the development of technologically and

1 economically feasible programs and procedures for
2 hazard reduction relating to levees;

3 (2) to encourage appropriate engineering poli-
4 cies and procedures to be used for levee site inves-
5 tigation, design, construction, operation and mainte-
6 nance, and emergency preparedness;

7 (3) to encourage the establishment and imple-
8 mentation of effective levee safety programs in each
9 State;

10 (4) to develop and support public education and
11 awareness projects to increase public acceptance and
12 support of State levee safety programs;

13 (5) to develop technical assistance materials for
14 Federal and State levee safety programs;

15 (6) to develop methods of providing technical
16 assistance relating to levee safety to non-Federal en-
17 tities; and

18 (7) to develop technical assistance materials,
19 seminars, and guidelines to improve the security of
20 levees in the United States.

21 (c) STRATEGIC PLAN.—In carrying out the program
22 under this section, the Secretary, in coordination with the
23 Committee, shall prepare a strategic plan—

1 (1) to establish goals, priorities, and target
2 dates to improve the safety of levees in the United
3 States;

4 (2) to cooperate and coordinate with, and pro-
5 vide assistance to, State levee safety agencies, to the
6 maximum extent practicable;

7 (3) to share information among Federal agen-
8 cies, State and local governments, and private enti-
9 ties relating to levee safety; and

10 (4) to provide information to the public relating
11 to risks associated with levee failure or overtopping.

12 (d) FEDERAL GUIDELINES.—

13 (1) IN GENERAL.—In carrying out the program
14 under this section, the Secretary, in coordination
15 with the Committee, shall establish Federal guide-
16 lines relating to levee safety.

17 (2) INCORPORATION OF FEDERAL ACTIVI-
18 TIES.—The Federal guidelines under paragraph (1)
19 shall incorporate, to the maximum extent prac-
20 ticable, any activity carried out by a Federal agency
21 as of the date on which the guidelines are estab-
22 lished.

23 (e) INCORPORATION OF EXISTING ACTIVITIES.—The
24 program under this section shall incorporate, to the max-
25 imum extent practicable—

1 (1) any activity carried out by a State or local
2 government, or a private entity, relating to the con-
3 struction, operation, or maintenance of a levee; and

4 (2) any activity carried out by a Federal agency
5 to support an effort by a State levee safety agency
6 to develop and implement an effective levee safety
7 program.

8 (f) INVENTORY OF LEVEES.—The Secretary shall de-
9 velop, maintain, and periodically publish an inventory of
10 levees in the United States, including the results of any
11 levee assessment conducted under this section and inspec-
12 tion.

13 (g) ASSESSMENTS OF LEVEES.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), as soon as practicable after the date of
16 enactment of this Act, the Secretary shall conduct
17 an assessment of each levee in the United States
18 that protects human life or the public safety to de-
19 termine the potential for a failure or overtopping of
20 the levee that would pose a risk of loss of human life
21 or a risk to the public safety.

22 (2) EXCEPTION.—The Secretary may exclude
23 from assessment under paragraph (1) any non-Fed-
24 eral levee the failure or overtopping of which would

1 not pose a risk of loss of human life or a risk to the
2 public safety.

3 (3) PRIORITIZATION.—In determining the order
4 in which to assess levees under paragraph (1), the
5 Secretary shall give priority to levees the failure or
6 overtopping of which would constitute the highest
7 risk of loss of human life or a risk to the public safe-
8 ty, as determined by the Secretary.

9 (4) DETERMINATION.—In assessing levees
10 under paragraph (1), the Secretary shall take into
11 consideration the potential of a levee to fail or
12 overtop because of—

- 13 (A) hydrologic or hydraulic conditions;
- 14 (B) storm surges;
- 15 (C) geotechnical conditions;
- 16 (D) inadequate operating procedures;
- 17 (E) structural, mechanical, or design defi-
18 ciencies; or
- 19 (F) other conditions that exist or may
20 occur in the vicinity of the levee.

21 (5) STATE PARTICIPATION.—On request of a
22 State levee safety agency, with respect to any levee
23 the failure of which would affect the State, the Sec-
24 retary shall—

1 (A) provide information to the State levee
2 safety agency relating to the construction, oper-
3 ation, and maintenance of the levee; and

4 (B) allow an official of the State levee
5 safety agency to participate in the assessment
6 of the levee.

7 (6) REPORT.—As soon as practicable after the
8 date on which a levee is assessed under this section,
9 the Secretary shall provide to the Governor of the
10 State in which the levee is located a notice describ-
11 ing the results of the assessment, including—

12 (A) a description of the results of the as-
13 sessment under this subsection;

14 (B) a description of any hazardous condi-
15 tion discovered during the assessment; and

16 (C) on request of the Governor, informa-
17 tion relating to any remedial measure necessary
18 to mitigate or avoid any hazardous condition
19 discovered during the assessment.

20 (7) SUBSEQUENT ASSESSMENTS.—

21 (A) IN GENERAL.—After the date on which
22 a levee is initially assessed under this sub-
23 section, the Secretary shall conduct a subse-
24 quent assessment of the levee not less fre-
25 quently than once every 5 years.

1 (B) STATE ASSESSMENT OF NON-FEDERAL
2 LEVEES.—

3 (i) IN GENERAL.—Each State shall
4 conduct assessments of non-Federal levees
5 located within the State in accordance with
6 the applicable State levee safety program.

7 (ii) AVAILABILITY OF INFORMA-
8 TION.—Each State shall make the results
9 of the assessments under clause (i) avail-
10 able for inclusion in the national inventory
11 under subsection (f).

12 (iii) NON-FEDERAL LEVEES.—

13 (I) IN GENERAL.—On request of
14 the Governor of a State, the Secretary
15 may assess a non-Federal levee in the
16 State.

17 (II) COST.—The State shall pay
18 100 percent of the cost of an assess-
19 ment under subclause (I).

20 (III) FUNDING.—The Secretary
21 may accept funds from any levee
22 owner for the purposes of conducting
23 engineering assessments to determine
24 the performance and structural integ-
25 rity of a levee.

1 (h) STATE LEVEE SAFETY PROGRAMS.—

2 (1) ASSISTANCE TO STATES.—In carrying out
3 the program under this section, the Secretary shall
4 provide funds to State levee safety agencies (or an-
5 other appropriate State agency, as designated by the
6 Governor of the State) to assist States in estab-
7 lishing, maintaining, and improving levee safety pro-
8 grams.

9 (2) APPLICATION.—

10 (A) IN GENERAL.—To receive funds under
11 this subsection, a State levee safety agency
12 shall submit to the Secretary an application in
13 such time, in such manner, and containing such
14 information as the Secretary may require.

15 (B) INCLUSION.—An application under
16 subparagraph (A) shall include an agreement
17 between the State levee safety agency and the
18 Secretary under which the State levee safety
19 agency shall, in accordance with State law—

20 (i) review and approve plans and spec-
21 ifications to construct, enlarge, modify, re-
22 move, or abandon a levee in the State;

23 (ii) perform periodic evaluations dur-
24 ing levee construction to ensure compliance
25 with the approved plans and specifications;

1 (iii) approve the construction of a
2 levee in the State before the date on which
3 the levee becomes operational;

4 (iv) assess, at least once every 5
5 years, all levees and reservoirs in the State
6 the failure of which would cause a signifi-
7 cant risk of loss of human life or risk to
8 the public safety to determine whether the
9 levees and reservoirs are safe;

10 (v) establish a procedure for more de-
11 tailed and frequent safety evaluations;

12 (vi) ensure that assessments are led
13 by a State-registered professional engineer
14 with related experience in levee design and
15 construction;

16 (vii) issue notices, if necessary, to re-
17 quire owners of levees to perform necessary
18 maintenance or remedial work, improve se-
19 curity, revise operating procedures, or take
20 other actions, including breaching levees;

21 (viii) contribute funds to—

22 (I) ensure timely repairs or other
23 changes to, or removal of, a levee in
24 order to reduce the risk of loss of

1 human life and the risk to public safe-
2 ty; and

3 (II) if the owner of a levee does
4 not take an action described in sub-
5 clause (I), take appropriate action as
6 expeditiously as practicable;

7 (ix) establish a system of emergency
8 procedures and emergency response plans
9 to be used if a levee fails or if the failure
10 of a levee is imminent;

11 (x) identify—

12 (I) each levee the failure of which
13 could be reasonably expected to en-
14 danger human life;

15 (II) the maximum area that
16 could be flooded if a levee failed; and

17 (III) necessary public facilities
18 that would be affected by the flooding;

19 and

20 (xi) for the period during which the
21 funds are provided, maintain or exceed the
22 aggregate expenditures of the State during
23 the 2 fiscal years preceding the fiscal year
24 during which the funds are provided to en-
25 sure levee safety.

1 (3) DETERMINATION OF SECRETARY.—

2 (A) IN GENERAL.—Not later than 120
3 days after the date on which the Secretary re-
4 ceives an application under paragraph (2), the
5 Secretary shall approve or disapprove the appli-
6 cation.

7 (B) NOTICE OF DISAPPROVAL.—If the Sec-
8 retary disapproves an application under sub-
9 paragraph (A), the Secretary shall immediately
10 provide to the State levee safety agency a writ-
11 ten notice of the disapproval, including a de-
12 scription of—

13 (i) the reasons for the disapproval;

14 and

15 (ii) changes necessary for approval of
16 the application, if any.

17 (C) FAILURE TO DETERMINE.—If the Sec-
18 retary fails to make a determination by the
19 deadline under subparagraph (A), the applica-
20 tion shall be considered to be approved.

21 (4) REVIEW OF STATE LEVEE SAFETY PRO-
22 GRAMS.—

23 (A) IN GENERAL.—The Secretary, in con-
24 junction with the Committee, may periodically

1 review any program carried out using funds
2 under this subsection.

3 (B) INADEQUATE PROGRAMS.—If the Sec-
4 retary determines under a review under sub-
5 paragraph (A) that a program is inadequate to
6 reasonably protect human life and property, the
7 Secretary shall, until the Secretary determines
8 the program to be adequate—

9 (i) revoke the approval of the pro-
10 gram; and

11 (ii) withhold assistance under this
12 subsection.

13 (i) REPORTING.—Not later than 90 days after the
14 end of each odd-numbered fiscal year, the Secretary, in
15 consultation with the Committee, shall submit to Congress
16 a report describing—

17 (1) the status of the program under this sec-
18 tion;

19 (2) the progress made by Federal agencies dur-
20 ing the 2 preceding fiscal years in implementing
21 Federal guidelines for levee safety;

22 (3) the progress made by State levee safety
23 agencies participating in the program; and

1 (4) recommendations for legislative or other ac-
2 tion that the Secretary considers to be necessary, if
3 any.

4 (j) RESEARCH.—The Secretary, in coordination with
5 the Committee, shall carry out a program of technical and
6 archival research to develop and support—

7 (1) improved techniques, historical experience,
8 and equipment for rapid and effective levee construc-
9 tion, rehabilitation, and assessment or inspection;

10 (2) the development of devices for the continued
11 monitoring of levee safety;

12 (3) the development and maintenance of infor-
13 mation resources systems required to manage levee
14 safety projects; and

15 (4) public policy initiatives and other improve-
16 ments relating to levee safety engineering, security,
17 and management.

18 (k) PARTICIPATION BY STATE LEVEE SAFETY AGEN-
19 CIES.—In carrying out the levee safety program under this
20 section, the Secretary shall—

21 (1) solicit participation from State levee safety
22 agencies; and

23 (2) periodically update State levee safety agen-
24 cies and Congress on the status of the program.

1 (l) LEVEE SAFETY TRAINING.—The Secretary, in
2 consultation with the Committee, shall establish a pro-
3 gram under which the Secretary shall provide training for
4 State levee safety agency staff and inspectors to a State
5 that has, or intends to develop, a State levee safety pro-
6 gram, on request of the State.

7 (m) EFFECT OF SUBTITLE.—Nothing in this sub-
8 title—

9 (1) creates any Federal liability relating to the
10 recovery of a levee caused by an action or failure to
11 act;

12 (2) relieves an owner or operator of a levee of
13 any legal duty, obligation, or liability relating to the
14 ownership or operation of the levee; or

15 (3) except as provided in subsection
16 (g)(7)(B)(iii)(III), preempts any applicable Federal
17 or State law.

18 **SEC. 2055. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated to the Sec-
20 retary—

21 (1) \$50,000,000 to establish and maintain the
22 inventory under section 2054(f);

23 (2) \$424,000,000 to carry out levee safety as-
24 sessments under section 2054(g);

1 (3) to provide funds for State levee safety pro-
 2 grams under section 2054(h)—

3 (A) \$15,000,000 for fiscal year 2007; and

4 (B) \$5,000,000 for each of fiscal years
 5 2008 through 2011;

6 (4) \$2,000,000 to carry out research under sec-
 7 tion 2054(j);

8 (5) \$1,000,000 to carry out levee safety train-
 9 ing under section 2054(l); and

10 (6) \$150,000 to provide travel expenses to
 11 members of the Committee under section 2053(f).

12 **TITLE III—PROJECT-RELATED** 13 **PROVISIONS**

14 **SEC. 3001. ST. HERMAN AND ST. PAUL HARBORS, KODIAK,** 15 **ALASKA.**

16 The Secretary shall carry out, on an emergency basis,
 17 necessary removal of rubble, sediment, and rock impeding
 18 the entrance to the St. Herman and St. Paul Harbors,
 19 Kodiak, Alaska, at a Federal cost of \$2,000,000.

20 **SEC. 3002. SITKA, ALASKA.**

21 The Sitka, Alaska, element of the project for naviga-
 22 tion, Southeast Alaska Harbors of Refuge, Alaska, author-
 23 ized by section 101 of the Water Resources Development
 24 Act of 1992 (106 Stat. 4801), is modified to direct the
 25 Secretary to take such action as is necessary to correct

1 design deficiencies in the Sitka Harbor Breakwater, at full
2 Federal expense. The estimated cost is \$6,300,000.

3 **SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.**

4 (a) IN GENERAL.—The Secretary shall construct a
5 new project management office located in the city of Tus-
6 caloosa, Alabama, at a location within the vicinity of the
7 city, at full Federal expense.

8 (b) TRANSFER OF LAND AND STRUCTURES.—The
9 Secretary shall sell, convey, or otherwise transfer to the
10 city of Tuscaloosa, Alabama, at fair market value, the land
11 and structures associated with the existing project man-
12 agement office, if the city agrees to assume full responsi-
13 bility for demolition of the existing project management
14 office.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out subsection (a)
17 \$32,000,000.

18 **SEC. 3004. RIO DE FLAG, FLAGSTAFF, ARIZONA.**

19 The project for flood damage reduction, Rio De Flag,
20 Flagstaff, Arizona, authorized by section 101(b)(3) of the
21 Water Resources Development Act of 2000 (114 Stat.
22 2576), is modified to authorize the Secretary to construct
23 the project at a total cost of \$54,100,000, with an esti-
24 mated Federal cost of \$35,000,000 and a non-Federal cost
25 of \$19,100,000.

1 **SEC. 3005. AUGUSTA AND CLARENDON, ARKANSAS.**

2 The Secretary may carry out rehabilitation of author-
3 ized and completed levees on the White River between Au-
4 gusta and Clarendon, Arkansas, at a total estimated cost
5 of \$8,000,000, with an estimated Federal cost of
6 \$5,200,000 and an estimated non-Federal cost of
7 \$2,800,000.

8 **SEC. 3006. RED-OUACHITA RIVER BASIN LEVEES, ARKAN-**
9 **SAS AND LOUISIANA.**

10 (a) IN GENERAL.—Section 204 of the Flood Control
11 Act of 1950 (64 Stat. 170) is amended in the matter
12 under the heading “RED-OUACHITA RIVER BASIN”
13 by striking “at Calion, Arkansas” and inserting “improve-
14 ments at Calion, Arkansas (including authorization for the
15 comprehensive flood-control project for Ouachita River
16 and tributaries, incorporating in the project all flood con-
17 trol, drainage, and power improvements in the basin above
18 the lower end of the left bank Ouachita River levee)”.

19 (b) MODIFICATION.—Section 3 of the Act of August
20 18, 1941 (55 Stat. 642, chapter 377), is amended in the
21 second sentence of subsection (a) in the matter under the
22 heading “LOWER MISSISSIPPI RIVER” by inserting
23 before the period at the end the following: “*Provided*, That
24 the Ouachita River Levees, Louisiana, authorized by the
25 first section of the Act of May 15, 1928 (45 Stat. 534,
26 chapter 569), shall remain as a component of the Mis-

1 sissippi River and Tributaries Project and afforded oper-
2 ation and maintenance responsibilities as directed in sec-
3 tion 3 of that Act (45 Stat. 535)”.

4 **SEC. 3007. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.**

5 (a) IN GENERAL.—The project for flood control, St.
6 Francis River Basin, Arkansas, and Missouri, authorized
7 the Act of June 15, 1936 (49 Stat. 1508, chapter 548),
8 as modified, is further modified to authorize the Secretary
9 to undertake channel stabilization and sediment removal
10 measures on the St. Francis River and tributaries as an
11 integral part of the original project.

12 (b) NO SEPARABLE ELEMENT.—The measures un-
13 dertaken under subsection (a) shall not be considered to
14 be a separable element of the project.

15 **SEC. 3008. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS**
16 **AND MISSOURI.**

17 (a) IN GENERAL.—The Secretary shall convey to the
18 State of Arkansas, without monetary consideration and
19 subject to subsection (b), all right, title, and interest to
20 land within the State acquired by the Federal Government
21 as mitigation land for the project for flood control, St.
22 Francis Basin, Arkansas and Missouri Project, authorized
23 by the Act of May 15, 1928 (33 U.S.C. 702a et seq.)
24 (commonly known as the “Flood Control Act of 1928”).

25 (b) TERMS AND CONDITIONS.—

1 (1) IN GENERAL.—The conveyance by the
2 United States under this section shall be subject
3 to—

4 (A) the condition that the State of Arkan-
5 sas (including the successors and assigns of the
6 State) agree to operate, maintain, and manage
7 the land at no cost or expense to the United
8 States and for fish and wildlife, recreation, and
9 environmental purposes; and

10 (B) such other terms and conditions as the
11 Secretary determines to be in the interest of the
12 United States.

13 (2) REVERSION.—If the State (or a successor
14 or assign of the State) ceases to operate, maintain,
15 and manage the land in accordance with this sub-
16 section, all right, title, and interest in and to the
17 property shall revert to the United States, at the op-
18 tion of the Secretary.

19 **SEC. 3009. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA-**
20 **TION SYSTEM, ARKANSAS AND OKLAHOMA.**

21 (a) NAVIGATION CHANNEL.—The Secretary shall
22 continue construction of the McClellan-Kerr Arkansas
23 River Navigation System, Arkansas and Oklahoma, to op-
24 erate and maintain the navigation channel to the author-
25 ized depth of the channel, in accordance with section 136

1 of the Energy and Water Development Appropriations
2 Act, 2004 (Public Law 108–137; 117 Stat. 1842).

3 (b) MITIGATION.—

4 (1) IN GENERAL.—As mitigation for any inci-
5 dental taking relating to the McClellan-Kerr Naviga-
6 tion System, the Secretary shall determine the need
7 for, and construct modifications in, the structures
8 and operations of the Arkansas River in the area of
9 Tulsa County, Oklahoma, including the construction
10 of low water dams and islands to provide nesting
11 and foraging habitat for the interior least tern, in
12 accordance with the study entitled “Arkansas River
13 Corridor Master Plan Planning Assistance to
14 States”.

15 (2) COST SHARING.—The non-Federal share of
16 the cost of a project under this subsection shall be
17 35 percent.

18 (3) AUTHORIZATION OF APPROPRIATIONS.—
19 There is authorized to be appropriated to carry out
20 this subsection \$12,000,000.

21 **SEC. 3010. CACHE CREEK BASIN, CALIFORNIA.**

22 (a) IN GENERAL.—The project for flood control,
23 Cache Creek Basin, California, authorized by section
24 401(a) of the Water Resources Development Act of 1986
25 (100 Stat. 4112), is modified to direct the Secretary to

1 mitigate the impacts of the new south levee of the Cache
2 Creek settling basin on the storm drainage system of the
3 city of Woodland, including all appurtenant features, ero-
4 sion control measures, and environmental protection fea-
5 tures.

6 (b) OBJECTIVES.—Mitigation under subsection (a)
7 shall restore the pre-project capacity of the city (1,360
8 cubic feet per second) to release water to the Yolo Bypass,
9 including—

10 (1) channel improvements;

11 (2) an outlet work through the west levee of the
12 Yolo Bypass; and

13 (3) a new low flow cross channel to handle city
14 and county storm drainage and settling basin flows
15 (1,760 cubic feet per second) when the Yolo Bypass
16 is in a low flow condition.

17 **SEC. 3011. CALFED LEVEE STABILITY PROGRAM, CALI-**
18 **FORNIA.**

19 In addition to funds made available pursuant to the
20 Water Supply, Reliability, and Environmental Improve-
21 ment Act (Public Law 108–361) to carry out section
22 103(f)(3)(D) of that Act (118 Stat. 1696), there is au-
23 thorized to be appropriated to carry out projects described
24 in that section \$106,000,000, to remain available until ex-
25 pended.

1 **SEC. 3012. HAMILTON AIRFIELD, CALIFORNIA.**

2 The project for environmental restoration, Hamilton
3 Airfield, California, authorized by section 101(b)(3) of the
4 Water Resources Development Act of 1999 (113 Stat.
5 279), is modified to include the diked bayland parcel
6 known as “Bel Marin Keys Unit V” at an estimated total
7 cost of \$221,700,000, with an estimated Federal cost of
8 \$166,200,000 and an estimated non-Federal cost of
9 \$55,500,000, as part of the project to be carried out by
10 the Secretary substantially in accordance with the plans,
11 and subject to the conditions, recommended in the final
12 report of the Chief of Engineers dated July 19, 2004.

13 **SEC. 3013. LA-3 DREDGED MATERIAL OCEAN DISPOSAL**
14 **SITE DESIGNATION, CALIFORNIA.**

15 Section 102(c)(4) of the Marine Protection, Re-
16 search, and Sanctuaries Act of 1972 (33 U.S.C.
17 1412(c)(4)) is amended in the third sentence by striking
18 “January 1, 2003” and inserting “January 1, 2007”.

19 **SEC. 3014. LARKSPUR FERRY CHANNEL, CALIFORNIA.**

20 (a) REPORT.—The project for navigation, Larkspur
21 Ferry Channel, Larkspur, California, authorized by sec-
22 tion 601(d) of the Water Resources Development Act of
23 1986 (100 Stat. 4148), is modified to direct the Secretary
24 to prepare a limited reevaluation report to determine
25 whether maintenance of the project is feasible.

1 (b) AUTHORIZATION OF PROJECT.—If the Secretary
2 determines that maintenance of the project is feasible, the
3 Secretary shall carry out the maintenance.

4 **SEC. 3015. LLAGAS CREEK, CALIFORNIA.**

5 The project for flood damage reduction, Llagas
6 Creek, California, authorized by section 501(a) of the
7 Water Resources Development Act of 1999 (113 Stat.
8 333), is modified to authorize the Secretary to complete
9 the project, in accordance with the requirements of local
10 cooperation as specified in section 5 of the Watershed Pro-
11 tection and Flood Prevention Act (16 U.S.C. 1005), at
12 a total remaining cost of \$105,000,000, with an estimated
13 remaining Federal cost of \$65,000,000 and an estimated
14 remaining non-Federal cost of \$40,000,000.

15 **SEC. 3016. MAGPIE CREEK, CALIFORNIA.**

16 (a) IN GENERAL.—Subject to subsection (b), the
17 project for Magpie Creek, California, authorized by section
18 205 of the Flood Control Act of 1948 (33 U.S.C. 701s),
19 is modified to direct the Secretary to apply the cost-shar-
20 ing requirements applicable to nonstructural flood control
21 under section 103(b) of the Water Resources Development
22 Act of 1986 (100 Stat. 4085) for the portion of the project
23 consisting of land acquisition to preserve and enhance ex-
24 isting floodwater storage.

1 (b) CREDITING.—The crediting allowed under sub-
2 section (a) shall not exceed the non-Federal share of the
3 cost of the project.

4 **SEC. 3017. PINE FLAT DAM FISH AND WILDLIFE HABITAT,**
5 **CALIFORNIA.**

6 (a) COOPERATIVE PROGRAM.—

7 (1) IN GENERAL.—The Secretary shall partici-
8 pate with appropriate State and local agencies in the
9 implementation of a cooperative program to improve
10 and manage fisheries and aquatic habitat conditions
11 in Pine Flat Reservoir and in the 14-mile reach of
12 the Kings River immediately below Pine Flat Dam,
13 California, in a manner that—

14 (A) provides for long-term aquatic resource
15 enhancement; and

16 (B) avoids adverse effects on water storage
17 and water rights holders.

18 (2) GOALS AND PRINCIPLES.—The cooperative
19 program described in paragraph (1) shall be carried
20 out—

21 (A) substantially in accordance with the
22 goals and principles of the document entitled
23 “Kings River Fisheries Management Program
24 Framework Agreement” and dated May 29,
25 1999, between the California Department of

1 Fish and Game and the Kings River Water As-
2 sociation and the Kings River Conservation
3 District; and

4 (B) in cooperation with the parties to that
5 agreement.

6 (b) PARTICIPATION BY SECRETARY.—

7 (1) IN GENERAL.—In furtherance of the goals
8 of the agreement described in subsection (a)(2), the
9 Secretary shall participate in the planning, design,
10 and construction of projects and pilot projects on
11 the Kings River and its tributaries to enhance
12 aquatic habitat and water availability for fisheries
13 purposes (including maintenance of a trout fishery)
14 in accordance with flood control operations, water
15 rights, and beneficial uses in existence as of the date
16 of enactment of this Act.

17 (2) PROJECTS.—Projects referred to in para-
18 graph (1) may include—

19 (A) projects to construct or improve pump-
20 ing, conveyance, and storage facilities to en-
21 hance water transfers; and

22 (B) projects to carry out water exchanges
23 and create opportunities to use floodwater with-
24 in and downstream of Pine Flat Reservoir.

1 (c) NO AUTHORIZATION OF CERTAIN DAM-RELATED
2 PROJECTS.—Nothing in this section authorizes any
3 project for the raising of Pine Flat Dam or the construc-
4 tion of a multilevel intake structure at Pine Flat Dam.

5 (d) USE OF EXISTING STUDIES.—In carrying out
6 this section, the Secretary shall use, to the maximum ex-
7 tent practicable, studies in existence on the date of enact-
8 ment of this Act, including data and environmental docu-
9 mentation in the document entitled “Final Feasibility Re-
10 port and Report of the Chief of Engineers for Pine Flat
11 Dam Fish and Wildlife Habitat Restoration” and dated
12 July 19, 2002.

13 (e) COST SHARING.—

14 (1) PROJECT PLANNING, DESIGN, AND CON-
15 STRUCTION.—The Federal share of the cost of plan-
16 ning, design, and construction of a project under
17 subsection (b) shall be 65 percent.

18 (2) NON-FEDERAL SHARE.—

19 (A) CREDIT FOR LAND, EASEMENTS, AND
20 RIGHTS-OF-WAY.—The Secretary shall credit to-
21 ward the non-Federal share of the cost of con-
22 struction of any project under subsection (b)
23 the value, regardless of the date of acquisition,
24 of any land, easements, rights-of-way, dredged
25 material disposal areas, or relocations provided

1 by the non-Federal interest for use in carrying
2 out the project.

3 (B) FORM.—The non-Federal interest may
4 provide not more than 50 percent of the non-
5 Federal share required under this clause in the
6 form of services, materials, supplies, or other
7 in-kind contributions.

8 (f) OPERATION AND MAINTENANCE.—The operation,
9 maintenance, repair, rehabilitation, and replacement of
10 projects carried out under this section shall be a non-Fed-
11 eral responsibility.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to carry out this section
14 \$20,000,000, to remain available until expended.

15 **SEC. 3018. REDWOOD CITY NAVIGATION PROJECT, CALI-**
16 **FORNIA.**

17 The Secretary may dredge the Redwood City Naviga-
18 tion Channel, California, on an annual basis, to maintain
19 the authorized depth of -30 mean lower low water.

20 **SEC. 3019. SACRAMENTO AND AMERICAN RIVERS FLOOD**
21 **CONTROL, CALIFORNIA.**

22 (a) CREDIT FOR NON-FEDERAL WORK.—

23 (1) IN GENERAL.—The Secretary shall credit
24 toward that portion of the non-Federal share of the
25 cost of any flood damage reduction project author-

1 ized before the date of enactment of this Act that
2 is to be paid by the Sacramento Area Flood Control
3 Agency an amount equal to the Federal share of the
4 flood control project authorized by section 9159 of
5 the Department of Defense Appropriations Act,
6 1993 (106 Stat. 1944).

7 (2) FEDERAL SHARE.—In determining the Fed-
8 eral share of the project authorized by section
9 9159(b) of that Act, the Secretary shall include all
10 audit verified costs for planning, engineering, con-
11 struction, acquisition of project land, easements,
12 rights-of-way, relocations, and environmental mitiga-
13 tion for all project elements that the Secretary de-
14 termines to be cost-effective.

15 (3) AMOUNT CREDITED.—The amount credited
16 shall be equal to the Federal share determined under
17 this section, reduced by the total of all reimburse-
18 ments paid to the non-Federal interests for work
19 under section 9159(b) of that Act before the date of
20 enactment of this Act.

21 (b) FOLSOM DAM.—Section 128(a) of the Energy
22 and Water Development Appropriations Act, 2006 (Public
23 Law 109–103; 119 Stat. 2259), is amended—

24 (1) in the first sentence, by striking “The Sec-
25 retary” and inserting the following:

1 “(1) IN GENERAL.—The Secretary”;

2 (2) in the second sentence, by striking “The
3 Secretaries” and inserting the following:

4 “(2) TECHNICAL REVIEWS.—The Secretaries”;

5 (3) in the third sentence, by striking “In devel-
6 oping” and inserting the following:

7 “(3) IMPROVEMENTS.—

8 “(A) IN GENERAL.—In developing”;

9 (4) in the fourth sentence, by striking “In con-
10 ducting” and inserting the following:

11 “(B) USE OF FUNDS.—In conducting”;

12 and

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

14 “(4) PROJECT ALTERNATIVE SOLUTIONS
15 STUDY.—The Secretaries, in cooperation with non-
16 Federal agencies, are directed to expedite their re-
17 spective activities, including the formulation of all
18 necessary studies and decision documents, in fur-
19 therance of the collaborative effort known as the
20 ‘Project Alternative Solutions Study’, as well as
21 planning, engineering, and design, including prepa-
22 ration of plans and specifications, of any features
23 recommended for authorization by the Secretary of
24 the Army under paragraph (6).

1 “(5) CONSOLIDATION OF TECHNICAL REVIEWS
2 AND DESIGN ACTIVITIES.—The Secretary of the
3 Army shall consolidate technical reviews and design
4 activities for—

5 “(A) the project for flood damage reduc-
6 tion authorized by section 101(a)(6) of the
7 Water Resources Development Act of 1999
8 (113 Stat. 274); and

9 “(B) the project for flood damage reduc-
10 tion, dam safety, and environmental restoration
11 authorized by sections 128 and 134 of the En-
12 ergy and Water Development Appropriations
13 Act, 2004 (117 Stat. 1838, 1842).

14 “(6) REPORT.—The recommendations of the
15 Secretary of the Army, along with the views of the
16 Secretary of the Interior and relevant non-Federal
17 agencies resulting from the activities directed in
18 paragraphs (4) and (5), shall be submitted to the
19 Committee on Environment and Public Works of the
20 Senate and the Committee on Transportation and
21 Infrastructure of the House of Representatives by
22 not later than June 30, 2007, and the Secretary of
23 the Army shall provide a status report by not later
24 than April 30, 2007.

1 “(7) EFFECT.—Nothing in this section shall be
2 deemed as deauthorizing the full range of project
3 features and parameters of the projects listed in
4 paragraph (5), nor shall it limit any previous au-
5 thorizations granted by Congress.”.

6 **SEC. 3020. CONDITIONAL DECLARATION OF NONNAVIGA-**
7 **BILITY, PORT OF SAN FRANCISCO, CALI-**
8 **FORNIA.**

9 (a) **CONDITIONAL DECLARATION OF NONNAVIGA-**
10 **BILITY.**—If the Secretary determines, in consultation with
11 appropriate Federal and non-Federal entities, that
12 projects proposed to be carried out by non-Federal entities
13 within the portions of the San Francisco, California, wa-
14 terfront described in subsection (b) are in the public inter-
15 est, the portions shall be declared not to be navigable
16 water of the United States for the purposes of section 9
17 of the Act of March 3, 1899 (33 U.S.C. 401), and the
18 General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

19 (b) **PORTIONS OF WATERFRONT.**—The portions of
20 the San Francisco, California, waterfront referred to in
21 subsection (a) are those that are, or will be, bulkheaded,
22 filled, or otherwise occupied by permanent structures and
23 that are located as follows: beginning at the intersection
24 of the northeasterly prolongation of the portion of the
25 northwesterly line of Bryant Street lying between Beale

1 Street and Main Street with the southwesterly line of
2 Spear Street, which intersection lies on the line of jurisdic-
3 tion of the San Francisco Port Commission; following
4 thence southerly along said line of jurisdiction as described
5 in the State of California Harbor and Navigation Code
6 Section 1770, as amended in 1961, to its intersection with
7 the easterly line of Townsend Street along a line that is
8 parallel and distant 10 feet from the existing southern
9 boundary of Pier 40 to its point of intersection with the
10 United States Government pier-head line; thence northerly
11 along said pier-head line to its intersection with a line par-
12 allel with, and distant 10 feet easterly from, the existing
13 easterly boundary line of Pier 30–32; thence northerly
14 along said parallel line and its northerly prolongation, to
15 a point of intersection with a line parallel with, and distant
16 10 feet northerly from, the existing northerly boundary of
17 Pier 30–32, thence westerly along last said parallel line
18 to its intersection with the United States Government
19 pier-head line; to the northwesterly line of Bryan Street
20 northwesterly; thence southwesterly along said northwest-
21 erly line of Bryant Street to the point of beginning.

22 (c) REQUIREMENT THAT AREA BE IMPROVED.—If,
23 by the date that is 20 years after the date of enactment
24 of this Act, any portion of the San Francisco, California,
25 waterfront described in subsection (b) has not been bulk-

1 headed, filled, or otherwise occupied by 1 or more perma-
2 nent structures, or if work in connection with any activity
3 carried out pursuant to applicable Federal law requiring
4 a permit, including sections 9 and 10 of the Act of March
5 3, 1899 (33 U.S.C. 401), is not commenced by the date
6 that is 5 years after the date of issuance of such a permit,
7 the declaration of nonnavigability for the portion under
8 this section shall cease to be effective.

9 **SEC. 3021. SALTON SEA RESTORATION, CALIFORNIA.**

10 (a) DEFINITIONS.—In this section:

11 (1) SALTON SEA AUTHORITY.—The term
12 “Salton Sea Authority” means the Joint Powers Au-
13 thority established under the laws of the State of
14 California by a joint power agreement signed on
15 June 2, 1993.

16 (2) SALTON SEA SCIENCE OFFICE.—The term
17 “Salton Sea Science Office” means the Office estab-
18 lished by the United States Geological Survey and
19 currently located in La Quinta, California.

20 (b) PILOT PROJECTS.—

21 (1) IN GENERAL.—

22 (A) REVIEW.—The Secretary shall review
23 the preferred restoration concept plan approved
24 by the Salton Sea Authority to determine
25 whether the pilot projects are economically jus-

1 tified, technically sound, environmentally ac-
2 ceptable, and meet the objectives of the Salton
3 Sea Reclamation Act (Public Law 105–372).

4 (B) IMPLEMENTATION.—If the Secretary
5 determines that the pilot projects meet the re-
6 quirements of subparagraph (A), the Secretary
7 may enter into an agreement with the Salton
8 Sea Authority and, in consultation with the
9 Salton Sea Science Office, carry out pilot
10 projects for improvement of the environment in
11 the area of the Salton Sea, except that the Sec-
12 retary shall be a party to each contract for con-
13 struction under this subsection.

14 (2) LOCAL PARTICIPATION.—In prioritizing
15 pilot projects under this section, the Secretary
16 shall—

17 (A) consult with the Salton Sea Authority
18 and the Salton Sea Science Office; and

19 (B) consider the priorities of the Salton
20 Sea Authority.

21 (3) COST SHARING.—Before carrying out a
22 pilot project under this section, the Secretary shall
23 enter into a written agreement with the Salton Sea
24 Authority that requires the non-Federal interest
25 to—

1 (A) pay 35 percent of the total costs of the
2 pilot project;

3 (B) provide any land, easements, rights-of-
4 way, relocations, and dredged material disposal
5 areas necessary to carry out the pilot project;
6 and

7 (C) hold the United States harmless from
8 any claim or damage that may arise from car-
9 rying out the pilot project, except any claim or
10 damage that may arise from the negligence of
11 the Federal Government or a contractor of the
12 Federal Government.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out subsection (b)
15 \$26,000,000, of which not more than \$5,000,000 may be
16 used for any 1 pilot project under this section.

17 **SEC. 3022. SANTA BARBARA STREAMS, LOWER MISSION**
18 **CREEK, CALIFORNIA.**

19 The project for flood damage reduction, Santa Bar-
20 bara Streams, Lower Mission Creek, California, author-
21 ized by section 101(b)(8) of the Water Resources Develop-
22 ment Act of 2000 (114 Stat. 2577), is modified to author-
23 ize the Secretary to construct the project at a total cost
24 of \$30,000,000, with an estimated Federal cost of

1 \$15,000,000 and an estimated non-Federal cost of
2 \$15,000,000.

3 **SEC. 3023. UPPER GUADALUPE RIVER, CALIFORNIA.**

4 The project for flood damage reduction and recre-
5 ation, Upper Guadalupe River, California, authorized by
6 section 101(a)(9) of the Water Resources Development
7 Act of 1999 (113 Stat. 275), is modified to authorize the
8 Secretary to construct the project generally in accordance
9 with the Upper Guadalupe River Flood Damage Reduc-
10 tion, San Jose, California, Limited Reevaluation Report,
11 dated March, 2004, at a total cost of \$244,500,000, with
12 an estimated Federal cost of \$130,600,000 and an esti-
13 mated non-Federal cost of \$113,900,000.

14 **SEC. 3024. YUBA RIVER BASIN PROJECT, CALIFORNIA.**

15 The project for flood damage reduction, Yuba River
16 Basin, California, authorized by section 101(a)(10) of the
17 Water Resources Development Act of 1999 (113 Stat.
18 275), is modified to authorize the Secretary to construct
19 the project at a total cost of \$107,700,000, with an esti-
20 mated Federal cost of \$70,000,000 and an estimated non-
21 Federal cost of \$37,700,000.

22 **SEC. 3025. CHARLES HERVEY TOWNSHEND BREAKWATER,**
23 **NEW HAVEN HARBOR, CONNECTICUT.**

24 The western breakwater for the project for naviga-
25 tion, New Haven Harbor, Connecticut, authorized by the

1 first section of the Act of September 19, 1890 (26 Stat.
2 426), shall be known and designated as the “Charles
3 Hervey Townshend Breakwater”.

4 **SEC. 3026. ANCHORAGE AREA, NEW LONDON HARBOR, CON-**
5 **NECTICUT.**

6 (a) IN GENERAL.—The portion of the project for
7 navigation, New London Harbor, Connecticut, authorized
8 by the Act of June 13, 1902 (32 Stat. 333), that consists
9 of a 23-foot waterfront channel described in subsection
10 (b), is deauthorized.

11 (b) DESCRIPTION OF CHANNEL.—The channel re-
12 ferred to in subsection (a) may be described as beginning
13 at a point along the western limit of the existing project,
14 N. 188, 802.75, E. 779, 462.81, thence running north-
15 easterly about 1,373.88 feet to a point N. 189, 554.87,
16 E. 780, 612.53, thence running southeasterly about
17 439.54 feet to a point N. 189, 319.88, E. 780, 983.98,
18 thence running southwesterly about 831.58 feet to a point
19 N. 188, 864.63, E. 780, 288.08, thence running south-
20 easterly about 567.39 feet to a point N. 188, 301.88, E.
21 780, 360.49, thence running northwesterly about 1,027.96
22 feet to the point of origin.

23 **SEC. 3027. NORWALK HARBOR, CONNECTICUT.**

24 (a) IN GENERAL.—The portions of a 10-foot channel
25 of the project for navigation, Norwalk Harbor, Con-

1 necticut, authorized by the first section of the Act of
2 March 2, 1919 (40 Stat. 1276) and described in sub-
3 section (b), are not authorized.

4 (b) DESCRIPTION OF PORTIONS.—The portions of
5 the channel referred to in subsection (a) are as follows:

6 (1) RECTANGULAR PORTION.—An approxi-
7 mately rectangular-shaped section along the north-
8 westerly terminus of the channel. The section is 35-
9 feet wide and about 460-feet long and is further de-
10 scribed as commencing at a point N. 104,165.85, E.
11 417,662.71, thence running south $24^{\circ}06'55''$ E.
12 395.00 feet to a point N. 103,805.32, E.
13 417,824.10, thence running south $00^{\circ}38'06''$ E.
14 87.84 feet to a point N. 103,717.49, E. 417,825.07,
15 thence running north $24^{\circ}06'55''$ W. 480.00 feet, to
16 a point N. 104,155.59, E. 417.628.96, thence run-
17 ning north $73^{\circ}05'25''$ E. 35.28 feet to the point of
18 origin.

19 (2) PARALLELOGRAM-SHAPED PORTION.—An
20 area having the approximate shape of a parallelo-
21 gram along the northeasterly portion of the channel,
22 southeast of the area described in paragraph (1), ap-
23 proximately 20 feet wide and 260 feet long, and fur-
24 ther described as commencing at a point N.
25 103,855.48, E. 417,849.99, thence running south

1 33°07'30" E. 133.40 feet to a point N. 103,743.76,
 2 E. 417,922.89, thence running south 24°07'04" E.
 3 127.75 feet to a point N. 103,627.16, E.
 4 417,975.09, thence running north 33°07'30" W.
 5 190.00 feet to a point N. 103,786.28, E.
 6 417,871.26, thence running north 17°05'15" W.
 7 72.39 feet to the point of origin.

8 (c) MODIFICATION.—The 10-foot channel portion of
 9 the Norwalk Harbor, Connecticut navigation project de-
 10 scribed in subsection (a) is modified to authorize the Sec-
 11 retary to realign the channel to include, immediately north
 12 of the area described in subsection (b)(2), a triangular sec-
 13 tion described as commencing at a point N. 103,968.35,
 14 E. 417,815.29, thence running S. 17°05'15" east 118.09
 15 feet to a point N. 103,855.48, E. 417,849.99, thence run-
 16 ning N. 33°07'30" west 36.76 feet to a point N.
 17 103,886.27, E. 417,829.90, thence running N. 10°05'26"
 18 west 83.37 feet to the point of origin.

19 **SEC. 3028. ST. GEORGE'S BRIDGE, DELAWARE.**

20 Section 102(g) of the Water Resources Development
 21 Act of 1990 (104 Stat. 4612) is amended by adding at
 22 the end the following: "The Secretary shall assume owner-
 23 ship responsibility for the replacement bridge not later
 24 than the date on which the construction of the bridge is
 25 completed and the contractors are released of their respon-

1 sibility by the State. In addition, the Secretary may not
 2 carry out any action to close or remove the St. George’s
 3 Bridge, Delaware, without specific congressional author-
 4 ization.”.

5 **SEC. 3029. ADDITIONAL PROGRAM AUTHORITY, COM-**
 6 **PREHENSIVE EVERGLADES RESTORATION,**
 7 **FLORIDA.**

8 Section 601(c)(3) of the Water Resources Develop-
 9 ment Act of 2000 (114 Stat. 2684) is amended by adding
 10 at the end the following:

11 “(C) MAXIMUM COST OF PROGRAM AU-
 12 THORITY.—Section 902 of the Water Resources
 13 Development Act of 1986 (33 U.S.C. 2280)
 14 shall apply to the individual project funding
 15 limits in subparagraph (A) and the aggregate
 16 cost limits in subparagraph (B).”.

17 **SEC. 3030. BREVARD COUNTY, FLORIDA.**

18 (a) IN GENERAL.—The project for shoreline protec-
 19 tion, Brevard County, Florida, authorized by section 418
 20 of the Water Resources Development Act of 2000 (114
 21 Stat. 2637), is amended by striking “7.1-mile reach” and
 22 inserting “7.6-mile reach”.

23 (b) REFERENCES.—Any reference to a 7.1-mile reach
 24 with respect to the project described in subsection (a) shall

1 be considered to be a reference to a 7.6-mile reach with
 2 respect to that project.

3 **SEC. 3031. CRITICAL RESTORATION PROJECTS, EVER-**
 4 **GLADES AND SOUTH FLORIDA ECOSYSTEM**
 5 **RESTORATION, FLORIDA.**

6 Section 528(b)(3)(C) of the Water Resources Devel-
 7 opment Act of 1996 (110 Stat. 3769) is amended—

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

10 (2) by striking clause (ii) and inserting the fol-
 11 lowing:

12 “(ii) FEDERAL SHARE.—

13 “(I) IN GENERAL.—Except as
 14 provided in subclause (II), the Federal
 15 share of the cost of carrying out a
 16 project under subparagraph (A) shall
 17 not exceed \$25,000,000.

18 “(II) SEMINOLE WATER CON-
 19 SERVATION PLAN.—The Federal share
 20 of the cost of carrying out the Semi-
 21 nole Water Conservation Plan shall
 22 not exceed \$30,000,000.”.

1 **SEC. 3032. LAKE OKEECHOBEE AND HILLSBORO AQUIFER**
2 **PILOT PROJECTS, COMPREHENSIVE EVER-**
3 **GLADES RESTORATION, FLORIDA.**

4 Section 601(b)(2)(B) of the Water Resources Devel-
5 opment Act of 2000 (114 Stat. 2681) is amended by add-
6 ing at the end the following:

7 “(v) HILLSBORO AND OKEECHOBEE
8 AQUIFER, FLORIDA.—The pilot projects for
9 aquifer storage and recovery, Hillsboro and
10 Okeechobee Aquifer, Florida, authorized by
11 section 101(a)(16) of the Water Resources
12 Development Act of 1999 (113 Stat. 276),
13 shall be treated for the purposes of this
14 section as being in the Plan and carried
15 out in accordance with this section, except
16 that costs of operation and maintenance of
17 those projects shall remain 100 percent
18 non-Federal.”.

19 **SEC. 3033. LIDO KEY, SARASOTA COUNTY, FLORIDA.**

20 The Secretary shall carry out the project for hurri-
21 cane and storm damage reduction in Lido Key, Sarasota
22 County, Florida, based on the report of the Chief of Engi-
23 neers dated December 22, 2004, at a total cost of
24 \$14,809,000, with an estimated Federal cost of
25 \$9,088,000 and an estimated non-Federal cost of
26 \$5,721,000, and at an estimated total cost \$63,606,000

1 for periodic beach nourishment over the 50-year life of the
2 project, with an estimated Federal cost of \$31,803,000
3 and an estimated non-Federal cost of \$31,803,000.

4 **SEC. 3034. PORT SUTTON CHANNEL, TAMPA HARBOR, FLOR-**
5 **IDA.**

6 The project for navigation, Port Sutton Channel,
7 Tampa Harbor, Florida, authorized by section 101(b)(12)
8 of the Water Resources Development Act of 2000 (114
9 Stat. 2577), is modified to authorize the Secretary to
10 carry out the project at a total cost of \$12,900,000.

11 **SEC. 3035. TAMPA HARBOR, CUT B, TAMPA, FLORIDA.**

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

19 **SEC. 3036. ALLATOONA LAKE, GEORGIA.**

20 (a) LAND EXCHANGE.—

21 (1) IN GENERAL.—The Secretary may exchange
22 land above 863 feet in elevation at Allatoona Lake,
23 Georgia, identified in the Real Estate Design Memo-
24 randum prepared by the Mobile district engineer,
25 April 5, 1996, and approved October 8, 1996, for

1 land on the north side of Allatoona Lake that is re-
2 quired for wildlife management and protection of the
3 water quality and overall environment of Allatoona
4 Lake.

5 (2) TERMS AND CONDITIONS.—The basis for all
6 land exchanges under this subsection shall be a fair
7 market appraisal to ensure that land exchanged is of
8 equal value.

9 (b) DISPOSAL AND ACQUISITION OF LAND,
10 ALLATOONA LAKE, GEORGIA.—

11 (1) IN GENERAL.—The Secretary may—

12 (A) sell land above 863 feet in elevation at
13 Allatoona Lake, Georgia, identified in the
14 memorandum referred to in subsection (a)(1);
15 and

16 (B) use the proceeds of the sale, without
17 further appropriation, to pay costs associated
18 with the purchase of land required for wildlife
19 management and protection of the water quality
20 and overall environment of Allatoona Lake.

21 (2) TERMS AND CONDITIONS.—

22 (A) WILLING SELLERS.—Land acquired
23 under this subsection shall be by negotiated
24 purchase from willing sellers only.

1 (B) BASIS.—The basis for all transactions
2 under this subsection shall be a fair market
3 value appraisal acceptable to the Secretary.

4 (C) SHARING OF COSTS.—Each purchaser
5 of land under this subsection shall share in the
6 associated environmental and real estate costs
7 of the purchase, including surveys and associ-
8 ated fees in accordance with the memorandum
9 referred to in subsection (a)(1).

10 (D) OTHER CONDITIONS.—The Secretary
11 may impose on the sale and purchase of land
12 under this subsection such other conditions as
13 the Secretary determines to be appropriate.

14 (e) REPEAL.—Section 325 of the Water Resources
15 Development Act of 1992 (106 Stat. 4849) is repealed.

16 **SEC. 3037. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.**

17 (a) IN GENERAL.—The Secretary shall carry out ad-
18 ditional general construction measures to allow for oper-
19 ation at lower pool levels to satisfy the recreation mission
20 at Dworshak Dam, Idaho.

21 (b) IMPROVEMENTS.—In carrying out subsection (a),
22 the Secretary shall provide for appropriate improvements
23 to—

24 (1) facilities that are operated by the Corps of
25 Engineers; and

1 (2) facilities that, as of the date of enactment
2 of this Act, are leased, permitted, or licensed for use
3 by others.

4 (c) COST SHARING.—The Secretary shall carry out
5 this section through a cost-sharing program with Idaho
6 State Parks and Recreation Department, with a total esti-
7 mated project cost of \$5,300,000, with an estimated Fed-
8 eral cost of \$3,900,000 and an estimated non-Federal cost
9 of \$1,400,000.

10 **SEC. 3038. LITTLE WOOD RIVER, GOODING, IDAHO.**

11 The project for flood control, Gooding, Idaho, as con-
12 structed under the emergency conservation work program
13 established under the Act of March 31, 1933 (16 U.S.C.
14 585 et seq.), is modified—

15 (1) to direct the Secretary to rehabilitate the
16 Gooding Channel Project for the purposes of flood
17 control and ecosystem restoration, if the Secretary
18 determines that the rehabilitation and ecosystem res-
19 toration is feasible;

20 (2) to authorize and direct the Secretary to
21 plan, design, and construct the project at a total
22 cost of \$9,000,000;

23 (3) to authorize the non-Federal interest to pro-
24 vide any portion of the non-Federal share of the cost

1 of the project in the form of services, materials, sup-
2 plies, or other in-kind contributions;

3 (4) to authorize the non-Federal interest to use
4 funds made available under any other Federal pro-
5 gram toward the non-Federal share of the cost of
6 the project if the use of the funds is permitted under
7 the other Federal program; and

8 (5) to direct the Secretary, in calculating the
9 non-Federal share of the cost of the project, to make
10 a determination under section 103(m) of the Water
11 Resources Development Act of 1986 (33 U.S.C.
12 2213(m)) on the ability to pay of the non-Federal
13 interest.

14 **SEC. 3039. PORT OF LEWISTON, IDAHO.**

15 (a) **EXTINGUISHMENT OF REVERSIONARY INTER-**
16 **ESTS AND USE RESTRICTIONS.**—With respect to property
17 covered by each deed described in subsection (b)—

18 (1) the reversionary interests and use restric-
19 tions relating to port and industrial use purposes are
20 extinguished;

21 (2) the restriction that no activity shall be per-
22 mitted that will compete with services and facilities
23 offered by public marinas is extinguished;

24 (3) the human habitation or other building
25 structure use restriction is extinguished in each area

1 in which the elevation is above the standard project
2 flood elevation; and

3 (4) the use of fill material to raise low areas
4 above the standard project flood elevation is author-
5 ized, except in any low area constituting wetland for
6 which a permit under section 404 of the Federal
7 Water Pollution Control Act (33 U.S.C. 1344) is re-
8 quired.

9 (b) DEEDS.—The deeds referred to in subsection (a)
10 are as follows:

11 (1) Auditor's Instrument No. 399218 of Nez
12 Perce County, Idaho, 2.07 acres.

13 (2) Auditor's Instrument No. 487437 of Nez
14 Perce County, Idaho, 7.32 acres.

15 (c) NO EFFECT ON OTHER RIGHTS.—Nothing in this
16 section affects the remaining rights and interests of the
17 Corps of Engineers for authorized project purposes with
18 respect to property covered by deeds described in sub-
19 section (b).

20 **SEC. 3040. CACHE RIVER LEVEE, ILLINOIS.**

21 The Cache River Levee created for flood control at
22 the Cache River, Illinois, and authorized by the Act of
23 June 28, 1938 (52 Stat. 1215, chapter 795), is modified
24 to add environmental restoration as a project purpose.

1 **SEC. 3041. CHICAGO, ILLINOIS.**

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

5 **SEC. 3042. CHICAGO RIVER, ILLINOIS.**

6 The Federal navigation channel for the North Branch
7 Channel portion of the Chicago River authorized by sec-
8 tion 22 of the Act of March 3, 1899 (30 Stat. 1156, chap-
9 ter 425), extending from 100 feet downstream of the Hal-
10 sted Street Bridge to 100 feet upstream of the Division
11 Street Bridge, Chicago, Illinois, is redefined to be no wider
12 than 66 feet.

13 **SEC. 3043. ILLINOIS RIVER BASIN RESTORATION.**

14 Section 519(c)(3) of the Water Resources Develop-
15 ment Act of 2000 (114 Stat. 2654) is amended by striking
16 “\$5,000,000” and inserting “\$20,000,000”.

17 **SEC. 3044. MISSOURI AND ILLINOIS FLOOD PROTECTION**
18 **PROJECTS RECONSTRUCTION PILOT PRO-**
19 **GRAM.**

20 (a) DEFINITION OF RECONSTRUCTION.—In this sec-
21 tion:

22 (1) IN GENERAL.—The term “reconstruction”
23 means any action taken to address 1 or more major
24 deficiencies of a project caused by long-term deg-
25 radation of the foundation, construction materials,
26 or engineering systems or components of the project,

1 the results of which render the project at risk of not
2 performing in compliance with the authorized pur-
3 poses of the project.

4 (2) INCLUSIONS.—The term “reconstruction”
5 includes the incorporation by the Secretary of cur-
6 rent design standards and efficiency improvements
7 in a project if the incorporation does not signifi-
8 cantly change the authorized scope, function, or pur-
9 pose of the project.

10 (b) PARTICIPATION BY SECRETARY.—The Secretary
11 may participate in the reconstruction of flood control
12 projects within Missouri and Illinois as a pilot program
13 if the Secretary determines that such reconstruction is not
14 required as a result of improper operation and mainte-
15 nance by the non-Federal interest.

16 (c) COST SHARING.—

17 (1) IN GENERAL.—Costs for reconstruction of a
18 project under this section shall be shared by the Sec-
19 retary and the non-Federal interest in the same per-
20 centages as the costs of construction of the original
21 project were shared.

22 (2) OPERATION, MAINTENANCE, AND REPAIR
23 COSTS.—The costs of operation, maintenance, re-
24 pair, and rehabilitation of a project carried out

1 under this section shall be a non-Federal responsi-
2 bility.

3 (d) CRITICAL PROJECTS.—In carrying out this sec-
4 tion, the Secretary shall give priority to the following
5 projects:

6 (1) Clear Creek Drainage and Levee District,
7 Illinois.

8 (2) Fort Chartres and Ivy Landing Drainage
9 District, Illinois.

10 (3) Wood River Drainage and Levee District,
11 Illinois.

12 (4) City of St. Louis, Missouri.

13 (5) Missouri River Levee Drainage District,
14 Missouri.

15 (e) ECONOMIC JUSTIFICATION.—Reconstruction ef-
16 forts and activities carried out under this section shall not
17 require economic justification.

18 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section
20 \$50,000,000, to remain available until expended.

21 **SEC. 3045. SPUNKY BOTTOM, ILLINOIS.**

22 (a) IN GENERAL.—The project for flood control, Illi-
23 nois and Des Plaines River Basin, between Beardstown,
24 Illinois, and the mouth of the Illinois River, authorized
25 by section 5 of the Act of June 22, 1936 (49 Stat. 1583,

1 chapter 688), is modified to authorize ecosystem restora-
2 tion as a project purpose.

3 (b) MODIFICATIONS.—

4 (1) IN GENERAL.—Subject to paragraph (2),
5 notwithstanding the limitation on the expenditure of
6 Federal funds to carry out project modifications in
7 accordance with section 1135 of the Water Re-
8 sources Development Act of 1986 (33 U.S.C.
9 2309a), modifications to the project referred to in
10 subsection (a) shall be carried out at Spunky Bot-
11 toms, Illinois, in accordance with subsection (a).

12 (2) FEDERAL SHARE.—Not more than
13 \$7,500,000 in Federal funds may be expended under
14 this section to carry out modifications to the project
15 referred to in subsection (a).

16 (3) POST-CONSTRUCTION MONITORING AND
17 MANAGEMENT.—Of the Federal funds expended
18 under paragraph (2), not less than \$500,000 shall
19 remain available for a period of 5 years after the
20 date of completion of construction of the modifica-
21 tions for use in carrying out post-construction moni-
22 toring and adaptive management.

23 (c) EMERGENCY REPAIR ASSISTANCE.—Notwith-
24 standing any modifications carried out under subsection
25 (b), the project described in subsection (a) shall remain

1 eligible for emergency repair assistance under section 5
2 of the Act of August 18, 1941 (33 U.S.C. 701n), without
3 consideration of economic justification.

4 **SEC. 3046. STRAWN CEMETERY, JOHN REDMOND LAKE,**
5 **KANSAS.**

6 (a) IN GENERAL.—As soon as practicable after the
7 date of enactment of this Act, the Secretary, acting
8 through the Tulsa District of the Corps of Engineers, shall
9 transfer to Pleasant Township, Coffey County, Kansas,
10 for use as the New Strawn Cemetery, all right, title, and
11 interest of the United States in and to the land described
12 in subsection (c).

13 (b) REVERSION.—If the land transferred under this
14 section ceases at any time to be used as a nonprofit ceme-
15 tery or for another public purpose, the land shall revert
16 to the United States.

17 (c) DESCRIPTION.—The land to be conveyed under
18 this section is a tract of land near John Redmond Lake,
19 Kansas, containing approximately 3 acres and lying adja-
20 cent to the west line of the Strawn Cemetery located in
21 the SE corner of the NE¹/₄ of sec. 32, T. 20 S., R. 14
22 E., Coffey County, Kansas.

23 (d) CONSIDERATION.—

24 (1) IN GENERAL.—The conveyance under this
25 section shall be at fair market value.

1 (2) COSTS.—All costs associated with the con-
2 veyance shall be paid by Pleasant Township, Coffey
3 County, Kansas.

4 (e) OTHER TERMS AND CONDITIONS.—The convey-
5 ance under this section shall be subject to such other
6 terms and conditions as the Secretary considers necessary
7 to protect the interests of the United States.

8 **SEC. 3047. MILFORD LAKE, MILFORD, KANSAS.**

9 (a) IN GENERAL.—Subject to subsections (b) and (c),
10 the Secretary shall convey at fair market value by quit-
11 claim deed to the Geary County Fire Department, Milford,
12 Kansas, all right, title, and interest of the United States
13 in and to a parcel of land consisting of approximately 7.4
14 acres located in Geary County, Kansas, for construction,
15 operation, and maintenance of a fire station.

16 (b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The
17 exact acreage and the description of the real property re-
18 ferred to in subsection (a) shall be determined by a survey
19 that is satisfactory to the Secretary.

20 (c) REVERSION.—If the Secretary determines that
21 the property conveyed under subsection (a) ceases to be
22 held in public ownership or to be used for any purpose
23 other than a fire station, all right, title, and interest in
24 and to the property shall revert to the United States, at
25 the option of the United States.

1 **SEC. 3048. OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA,**
 2 **OHIO, PENNSYLVANIA, AND WEST VIRGINIA.**

3 Section 101(b)(16) of the Water Resources Develop-
 4 ment Act of 2000 (114 Stat. 2578) is amended—

5 (1) by striking “(A) IN GENERAL.—Projects for
 6 ecosystem restoration, Ohio River Mainstem” and
 7 inserting the following:

8 “(A) AUTHORIZATION.—

9 “(i) IN GENERAL.—Projects for eco-
 10 system restoration, Ohio River Basin (ex-
 11 cluding the Tennessee and Cumberland
 12 River Basins)”;

13 (2) in subparagraph (A), by adding at the end
 14 the following:

15 “(ii) NONPROFIT ENTITY.—For any
 16 ecosystem restoration project carried out
 17 under this paragraph, with the consent of
 18 the affected local government, a nonprofit
 19 entity may be considered to be a non-Fed-
 20 eral interest.

21 “(iii) PROGRAM IMPLEMENTATION
 22 PLAN.—There is authorized to be devel-
 23 oped a program implementation plan of the
 24 Ohio River Basin (excluding the Tennessee
 25 and Cumberland River Basins) at full Fed-
 26 eral expense.

1 “(iv) PILOT PROGRAM.—There is au-
 2 thorized to be initiated a completed pilot
 3 program in Lower Scioto Basin, Ohio.”.

4 **SEC. 3049. MCALPINE LOCK AND DAM, KENTUCKY AND IN-**
 5 **DIANA.**

6 Section 101(a)(10) of the Water Resources Develop-
 7 ment Act of 1990 (104 Stat. 4606) is amended by striking
 8 “\$219,600,000” each place it appears and inserting
 9 “\$430,000,000”.

10 **SEC. 3050. PUBLIC ACCESS, ATCHAFALAYA BASIN**
 11 **FLOODWAY SYSTEM, LOUISIANA.**

12 (a) IN GENERAL.—The public access feature of the
 13 Atchafalaya Basin Floodway System, Louisiana project,
 14 authorized by section 601(a) of the Water Resources De-
 15 velopment Act of 1986 (100 Stat. 4142), is modified to
 16 authorize the Secretary to acquire from willing sellers the
 17 fee interest (exclusive of oil, gas, and minerals) of an addi-
 18 tional 20,000 acres of land in the Lower Atchafalaya
 19 Basin Floodway for the public access feature of the
 20 Atchafalaya Basin Floodway System, Louisiana project.

21 (b) MODIFICATION.—

22 (1) IN GENERAL.—Subject to paragraph (2), ef-
 23 fective beginning November 17, 1986, the public ac-
 24 cess feature of the Atchafalaya Basin Floodway Sys-
 25 tem, Louisiana project, is modified to remove the

1 (1) IN GENERAL.—The Secretary, acting
2 through the Chief of Engineers and in consultation
3 with the State of Louisiana, shall study, design, and
4 construct a type A regional visitors center in the vi-
5 cinity of Morgan City, Louisiana.

6 (2) COST SHARING.—

7 (A) IN GENERAL.—The cost of construc-
8 tion of the visitors center shall be shared in ac-
9 cordance with the recreation cost-share require-
10 ment under section 103(c) of the Water Re-
11 sources Development Act of 1986 (33 U.S.C.
12 2213(c)).

13 (B) COST OF UPGRADING.—The non-Fed-
14 eral share of the cost of upgrading the visitors
15 center from a type B to type A regional visitors
16 center shall be 100 percent.

17 (3) AGREEMENT.—The project under this sub-
18 section shall be initiated only after the Secretary
19 and the non-Federal interests enter into a binding
20 agreement under which the non-Federal interests
21 shall—

22 (A) provide any land, easement, right-of-
23 way, or dredged material disposal area required
24 for the project that is owned, claimed, or con-
25 trolled by—

1 (i) the State of Louisiana (including
2 agencies and political subdivisions of the
3 State); or

4 (ii) any other non-Federal government
5 entity authorized under the laws of the
6 State of Louisiana;

7 (B) pay 100 percent of the cost of the op-
8 eration, maintenance, repair, replacement, and
9 rehabilitation of the project; and

10 (C) hold the United States free from liabil-
11 ity for the construction, operation, maintenance,
12 repair, replacement, and rehabilitation of the
13 project, except for damages due to the fault or
14 negligence of the United States or a contractor
15 of the United States.

16 (4) DONATIONS.—In carrying out the project
17 under this subsection, the Mississippi River Commis-
18 sion may accept the donation of cash or other funds,
19 land, materials, and services from any non-Federal
20 government entity or nonprofit corporation, as the
21 Commission determines to be appropriate.

22 **SEC. 3052. CALCASIEU RIVER AND PASS, LOUISIANA.**

23 The project for the Calcasieu River and Pass, Lou-
24 isiana, authorized by section 101 of the River and Harbor
25 Act of 1960 (74 Stat. 481), is modified to authorize the

1 Secretary to provide \$3,000,000 for each fiscal year, in
2 a total amount of \$15,000,000, for such rock bank protec-
3 tion of the Calcasieu River from mile 5 to mile 16 as the
4 Chief of Engineers determines to be advisable to reduce
5 maintenance dredging needs and facilitate protection of
6 valuable disposal areas for the Calcasieu River and Pass,
7 Louisiana.

8 **SEC. 3053. EAST BATON ROUGE PARISH, LOUISIANA.**

9 The project for flood damage reduction and recre-
10 ation, East Baton Rouge Parish, Louisiana, authorized by
11 section 101(a)(21) of the Water Resources Development
12 Act of 1999 (113 Stat. 277), as amended by section 116
13 of the Consolidated Appropriations Resolution, 2003 (117
14 Stat. 140), is modified to authorize the Secretary to carry
15 out the project substantially in accordance with the Report
16 of the Chief of Engineers dated December 23, 1996, and
17 the subsequent Post Authorization Change Report dated
18 December 2004, at a total cost of \$178,000,000.

19 **SEC. 3054. MISSISSIPPI RIVER GULF OUTLET RELOCATION**
20 **ASSISTANCE, LOUISIANA.**

21 (a) PORT FACILITIES RELOCATION.—

22 (1) AUTHORIZATION OF APPROPRIATIONS.—

23 There is authorized to be appropriated
24 \$175,000,000, to remain available until expended, to
25 support the relocation of Port of New Orleans deep

1 draft facilities from the Mississippi River Gulf Out-
2 let (referred to in this section as the “Outlet”), the
3 Gulf Intercoastal Waterway, and the Inner Harbor
4 Navigation Canal to the Mississippi River.

5 (2) ADMINISTRATION.—

6 (A) IN GENERAL.—Amounts appropriated
7 pursuant to paragraph (1) shall be adminis-
8 tered by the Assistant Secretary for Economic
9 Development (referred to in this section as the
10 “Assistant Secretary”) pursuant to sections
11 209(c)(2) and 703 of the Public Works and
12 Economic Development Act of 1965 (42 U.S.C.
13 3149(c)(2), 3233).

14 (B) REQUIREMENT.—The Assistant Sec-
15 retary shall make amounts appropriated pursu-
16 ant to paragraph (1) available to the Port of
17 New Orleans to relocate to the Mississippi
18 River within the State of Louisiana the port-
19 owned facilities that are occupied by businesses
20 in the vicinity that may be impacted due to the
21 treatment of the Outlet under the analysis and
22 design of comprehensive hurricane protection
23 authorized by title I of the Energy and Water
24 Development Appropriations Act, 2006 (Public
25 Law 109–103; 119 Stat. 2247).

1 (b) REVOLVING LOAN FUND GRANTS.—There is au-
2 thorized to be appropriated to the Assistant Secretary
3 \$185,000,000, to remain available until expended, to pro-
4 vide assistance pursuant to sections 209(c)(2) and 703 of
5 the Public Works and Economic Development Act of 1965
6 (42 U.S.C. 3149(c)(2), 3233) to 1 or more eligible recipi-
7 ents to establish revolving loan funds to make loans for
8 terms up to 20 years at or below market interest rates
9 (including interest-free loans) to private businesses within
10 the Port of New Orleans that may need to relocate to the
11 Mississippi River within the State of Louisiana due to the
12 treatment of the Outlet under the analysis and design of
13 comprehensive hurricane protection authorized by title I
14 of the Energy and Water Development Appropriations
15 Act, 2006 (Public Law 109–103; 119 Stat. 2247).

16 (c) COORDINATION WITH SECRETARY.—The Assist-
17 ant Secretary shall ensure that the programs described in
18 subsections (a) and (b) are fully coordinated with the Sec-
19 retary to ensure that facilities are relocated in a manner
20 that is consistent with the analysis and design of com-
21 prehensive hurricane protection authorized by title I of the
22 Energy and Water Development Appropriations Act, 2006
23 (Public Law 109–103; 119 Stat. 2247).

24 (d) ADMINISTRATIVE EXPENSES.—The Assistant
25 Secretary may use up to 2 percent of the amounts made

1 available under subsections (a) and (b) for administrative
2 expenses.

3 **SEC. 3055. RED RIVER (J. BENNETT JOHNSTON) WATERWAY,**
4 **LOUISIANA.**

5 The project for mitigation of fish and wildlife losses,
6 Red River Waterway, Louisiana, authorized by section
7 601(a) of the Water Resources Development Act of 1986
8 (100 Stat. 4142) and modified by section 4(h) of the
9 Water Resources Development Act of 1988 (102 Stat.
10 4016), section 102(p) of the Water Resources Develop-
11 ment Act of 1990 (104 Stat. 4613), section 301(b)(7) of
12 the Water Resources Development Act of 1996 (110 Stat.
13 3710), and section 316 of the Water Resources Develop-
14 ment Act of 2000 (114 Stat. 2604), is further modified—

15 (1) to authorize the Secretary to carry out the
16 project at a total cost of \$33,200,000;

17 (2) to permit the purchase of marginal farm-
18 land for reforestation (in addition to the purchase of
19 bottomland hardwood); and

20 (3) to incorporate wildlife and forestry manage-
21 ment practices to improve species diversity on miti-
22 gation land that meets habitat goals and objectives
23 of the Corps of Engineers and the State of Lou-
24 isiana.

1 **SEC. 3056. CAMP ELLIS, SACO, MAINE.**

2 The maximum amount of Federal funds that may be
 3 expended for the project being carried out under section
 4 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i)
 5 for the mitigation of shore damages attributable to the
 6 project for navigation, Camp Ellis, Saco, Maine, shall be
 7 \$20,000,000.

8 **SEC. 3057. UNION RIVER, MAINE.**

9 The project for navigation, Union River, Maine, au-
 10 thorized by the first section of the Act of June 3, 1896
 11 (29 Stat. 215, chapter 314), is modified by redesignating
 12 as an anchorage area that portion of the project consisting
 13 of a 6-foot turning basin and lying northerly of a line com-
 14 mencing at a point N. 315,975.13, E. 1,004,424.86,
 15 thence running N. 61° 27' 20.71" W. about 132.34 feet
 16 to a point N. 316,038.37, E. 1,004,308.61.

17 **SEC. 3058. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**
 18 **TION AND PROTECTION PROGRAM, MARY-**
 19 **LAND, PENNSYLVANIA, AND VIRGINIA.**

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

23 **SEC. 3059. CUMBERLAND, MARYLAND.**

24 Section 580(a) of the Water Resources Development
 25 Act of 1999 (113 Stat. 375) is amended—

1 (1) by striking “\$15,000,000” and inserting
2 “\$25,750,000”;

3 (2) by striking “\$9,750,000” and inserting
4 “\$16,738,000”; and

5 (3) by striking “\$5,250,000” and inserting
6 “\$9,012,000”.

7 **SEC. 3060. AUNT LYDIA’S COVE, MASSACHUSETTS.**

8 (a) DEAUTHORIZATION.—The portion of the project
9 for navigation, Aunt Lydia’s Cove, Massachusetts, author-
10 ized August 31, 1994, pursuant to section 107 of the Act
11 of July 14, 1960 (33 U.S.C. 577) (commonly known as
12 the “River and Harbor Act of 1960”), consisting of the
13 8-foot deep anchorage in the cove described in subsection
14 (b) is deauthorized.

15 (b) DESCRIPTION.—The portion of the project de-
16 scribed in subsection (a) is more particularly described as
17 the portion beginning at a point along the southern limit
18 of the existing project, N. 254332.00, E. 1023103.96,
19 thence running northwesterly about 761.60 feet to a point
20 along the western limit of the existing project N.
21 255076.84, E. 1022945.07, thence running southwesterly
22 about 38.11 feet to a point N. 255038.99, E. 1022940.60,
23 thence running southeasterly about 267.07 feet to a point
24 N. 254772.00, E. 1022947.00, thence running southeast-
25 erly about 462.41 feet to a point N. 254320.06, E.

1 1023044.84, thence running northeasterly about 60.31
2 feet to the point of origin.

3 **SEC. 3061. FALL RIVER HARBOR, MASSACHUSETTS AND**
4 **RHODE ISLAND.**

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 project for navigation,
8 Fall River Harbor, Massachusetts and Rhode Island, au-
9 thorized by section 101 of the River and Harbor Act of
10 1968 (82 Stat. 731), shall remain authorized to be carried
11 out by the Secretary, except that the authorized depth of
12 that portion of the project extending riverward of the
13 Charles M. Braga, Jr. Memorial Bridge, Fall River and
14 Somerset, Massachusetts, shall not exceed 35 feet.

15 (b) FEASIBILITY.—The Secretary shall conduct a
16 study to determine the feasibility of deepening that por-
17 tion of the navigation channel of the navigation project
18 for Fall River Harbor, Massachusetts and Rhode Island,
19 authorized by section 101 of the River and Harbor Act
20 of 1968 (82 Stat. 731), seaward of the Charles M. Braga,
21 Jr. Memorial Bridge Fall River and Somerset, Massachu-
22 setts.

23 (c) LIMITATION.—The project described in subsection
24 (a) shall not be authorized for construction after the last
25 day of the 5-year period beginning on the date of enact-

1 ment of this Act unless, during that period, funds have
 2 been obligated for construction (including planning and
 3 design) of the project.

4 **SEC. 3062. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**
 5 **GAN.**

6 Section 426 of the Water Resources Development Act
 7 of 1999 (113 Stat. 326) is amended to read as follows:

8 **“SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**
 9 **GAN.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) MANAGEMENT PLAN.—The term ‘manage-
 12 ment plan’ means the management plan for the St.
 13 Clair River and Lake St. Clair, Michigan, that is in
 14 effect as of the date of enactment of this section.

15 “(2) PARTNERSHIP.—The term ‘Partnership’
 16 means the partnership established by the Secretary
 17 under subsection (b)(1).

18 “(b) PARTNERSHIP.—

19 “(1) IN GENERAL.—The Secretary shall estab-
 20 lish and lead a partnership of appropriate Federal
 21 agencies (including the Environmental Protection
 22 Agency) and the State of Michigan (including polit-
 23 ical subdivisions of the State)—

24 “(A) to promote cooperation among the
 25 Federal Government, State and local govern-

1 ments, and other involved parties in the man-
2 agement of the St. Clair River and Lake St.
3 Clair watersheds; and

4 “(B) develop and implement projects con-
5 sistent with the management plan.

6 “(2) COORDINATION WITH ACTIONS UNDER
7 OTHER LAW.—

8 “(A) IN GENERAL.—Actions taken under
9 this section by the Partnership shall be coordi-
10 nated with actions to restore and conserve the
11 St. Clair River and Lake St. Clair and water-
12 sheds taken under other provisions of Federal
13 and State law.

14 “(B) NO EFFECT ON OTHER LAW.—Noth-
15 ing in this section alters, modifies, or affects
16 any other provision of Federal or State law.

17 “(c) IMPLEMENTATION OF ST. CLAIR RIVER AND
18 LAKE ST. CLAIR MANAGEMENT PLAN.—

19 “(1) IN GENERAL.—The Secretary shall—

20 “(A) develop a St. Clair River and Lake
21 St. Clair strategic implementation plan in ac-
22 cordance with the management plan;

23 “(B) provide technical, planning, and engi-
24 neering assistance to non-Federal interests for

1 developing and implementing activities con-
2 sistent with the management plan;

3 “(C) plan, design, and implement projects
4 consistent with the management plan; and

5 “(D) provide, in coordination with the Ad-
6 ministrator of the Environmental Protection
7 Agency, financial and technical assistance, in-
8 cluding grants, to the State of Michigan (in-
9 cluding political subdivisions of the State) and
10 interested nonprofit entities for the planning,
11 design, and implementation of projects to re-
12 store, conserve, manage, and sustain the St.
13 Clair River, Lake St. Clair, and associated wa-
14 tersheds.

15 “(2) SPECIFIC MEASURES.—Financial and tech-
16 nical assistance provided under subparagraphs (B)
17 and (C) of paragraph (1) may be used in support of
18 non-Federal activities consistent with the manage-
19 ment plan.

20 “(d) SUPPLEMENTS TO MANAGEMENT PLAN AND
21 STRATEGIC IMPLEMENTATION PLAN.—In consultation
22 with the Partnership and after providing an opportunity
23 for public review and comment, the Secretary shall develop
24 information to supplement—

25 “(1) the management plan; and

1 “(2) the strategic implementation plan devel-
2 oped under subsection (c)(1)(A).

3 “(e) COST SHARING.—

4 “(1) NON-FEDERAL SHARE.—The non-Federal
5 share of the cost of technical assistance, or the cost
6 of planning, design, construction, and evaluation of
7 a project under subsection (c), and the cost of devel-
8 opment of supplementary information under sub-
9 section (d)—

10 “(A) shall be 25 percent of the total cost
11 of the project or development; and

12 “(B) may be provided through the provi-
13 sion of in-kind services.

14 “(2) CREDIT FOR LAND, EASEMENTS, AND
15 RIGHTS-OF-WAY.—The Secretary shall credit the
16 non-Federal sponsor for the value of any land, ease-
17 ments, rights-of-way, dredged material disposal
18 areas, or relocations provided for use in carrying out
19 a project under subsection (c).

20 “(3) NONPROFIT ENTITIES.—Notwithstanding
21 section 221 of the Flood Control Act of 1970 (42
22 U.S.C. 1962d–5b), a non-Federal sponsor for any
23 project carried out under this section may include a
24 nonprofit entity.

1 Stat. 4013) is modified to direct the Secretary to carry
2 out that portion of the project identified as the “Bonnet
3 Carre Freshwater Diversion Project”, in accordance with
4 this section.

5 (b) NON-FEDERAL FINANCING REQUIREMENTS.—

6 (1) MISSISSIPPI AND LOUISIANA.—

7 (A) IN GENERAL.—The States of Mis-
8 sissippi and Louisiana shall provide the funds
9 needed during any fiscal year for meeting the
10 respective non-Federal cost sharing require-
11 ments of each State for the Bonnet Carre
12 Freshwater Diversion Project during that fiscal
13 year by making deposits of the necessary funds
14 into an escrow account or into such other ac-
15 count as the Secretary determines to be accept-
16 able.

17 (B) DEADLINE.—Any deposits required
18 under this paragraph shall be made by the af-
19 fected State by not later than 30 days after re-
20 ceipt of notification from the Secretary that the
21 amounts are due.

22 (2) FAILURE TO PAY.—

23 (A) LOUISIANA.—In the case of deposits
24 required to be made by the State of Louisiana,
25 the Secretary may not award any new contract

1 or proceed to the next phase of any feature
2 being carried out in the State of Louisiana
3 under section 1003 if the State of Louisiana is
4 not in compliance with paragraph (1).

5 (B) MISSISSIPPI.—In the case of deposits
6 required to be made by the State of Mississippi,
7 the Secretary may not award any new contract
8 or proceed to the next phase of any feature
9 being carried out as a part of the Bonnet Carre
10 Freshwater Diversion Project if the State of
11 Mississippi is not in compliance with paragraph
12 (1).

13 (3) ALLOCATION.—The non-Federal share of
14 project costs shall be allocated between the States of
15 Mississippi and Louisiana as described in the report
16 to Congress on the status and potential options and
17 enhancement of the Bonnet Carre Freshwater Diver-
18 sion Project dated December 1996.

19 (4) EFFECT.—The modification of the Bonnet
20 Carre Freshwater Diversion Project by this section
21 shall not reduce the percentage of the cost of the
22 project that is required to be paid by the Federal
23 Government as determined on the date of enactment
24 of section 3(a)(8) of the Water Resources Develop-
25 ment Act of 1988 (102 Stat. 4013).

1 (c) DESIGN SCHEDULE.—

2 (1) IN GENERAL.—Subject to the availability of
3 appropriations, the Secretary shall complete the de-
4 sign of the Bonnet Carre Freshwater Diversion
5 Project by not later than 1 year after the date of en-
6 actment of this Act.

7 (2) MISSED DEADLINE.—If the Secretary does
8 not complete the design of the project by the date
9 described in paragraph (1)—

10 (A) the Secretary shall assign such re-
11 sources as the Secretary determines to be avail-
12 able and necessary to complete the design; and

13 (B) the authority of the Secretary to ex-
14 pend funds for travel, official receptions, and
15 official representations shall be suspended until
16 the design is complete.

17 (d) CONSTRUCTION SCHEDULE.—

18 (1) IN GENERAL.—Subject to the availability of
19 appropriations, the Secretary shall complete con-
20 struction of the Bonnet Carre Freshwater Diversion
21 Project by not later than September 30, 2012.

22 (2) MISSED DEADLINE.—If the Secretary does
23 not complete the construction of the Bonnet Carre
24 Freshwater Diversion Project by the date described
25 in paragraph (1)—

1 (A) the Secretary shall assign such re-
2 sources as the Secretary determines to be avail-
3 able and necessary to complete the construction;
4 and

5 (B) the authority of the Secretary to ex-
6 pend funds for travel, official receptions, and
7 official representations shall be suspended until
8 the construction is complete.

9 **SEC. 3065. LAND EXCHANGE, PIKE COUNTY, MISSOURI.**

10 (a) DEFINITIONS.—In this section:

11 (1) FEDERAL LAND.—The term “Federal land”
12 means the 2 parcels of Corps of Engineers land to-
13 taling approximately 42 acres, located on Buffalo Is-
14 land in Pike County, Missouri, and consisting of
15 Government Tract Numbers MIS–7 and a portion of
16 FM–46.

17 (2) NON-FEDERAL LAND.—The term “non-Fed-
18 eral land” means the approximately 42 acres of
19 land, subject to any existing flowage easements situ-
20 ated in Pike County, Missouri, upstream and north-
21 west, about 200 feet from Drake Island (also known
22 as Grimes Island).

23 (b) LAND EXCHANGE.—Subject to subsection (c), on
24 conveyance by S.S.S., Inc., to the United States of all
25 right, title, and interest in and to the non-Federal land,

1 the Secretary shall convey to S.S.S., Inc., all right, title,
2 and interest of the United States in and to the Federal
3 land.

4 (c) CONDITIONS.—

5 (1) DEEDS.—

6 (A) NON-FEDERAL LAND.—The convey-
7 ance of the non-Federal land to the Secretary
8 shall be by a warranty deed acceptable to the
9 Secretary.

10 (B) FEDERAL LAND.—The conveyance of
11 the Federal land to S.S.S., Inc., shall be—

12 (i) by quitclaim deed; and

13 (ii) subject to any reservations, terms,
14 and conditions that the Secretary deter-
15 mines to be necessary to allow the United
16 States to operate and maintain the Mis-
17 sissippi River 9-Foot Navigation Project.

18 (C) LEGAL DESCRIPTIONS.—The Secretary
19 shall, subject to approval of S.S.S., Inc., pro-
20 vide a legal description of the Federal land and
21 non-Federal land for inclusion in the deeds re-
22 ferred to in subparagraphs (A) and (B).

23 (2) REMOVAL OF IMPROVEMENTS.—

24 (A) IN GENERAL.—The Secretary may re-
25 quire the removal of, or S.S.S., Inc., may volun-

1 tarily remove, any improvements to the non-
2 Federal land before the completion of the ex-
3 change or as a condition of the exchange.

4 (B) NO LIABILITY.—If S.S.S., Inc., re-
5 moves any improvements to the non-Federal
6 land under subparagraph (A)—

7 (i) S.S.S., Inc., shall have no claim
8 against the United States relating to the
9 removal; and

10 (ii) the United States shall not incur
11 or be liable for any cost associated with the
12 removal or relocation of the improvements.

13 (3) ADMINISTRATIVE COSTS.—The Secretary
14 shall require S.S.S., Inc. to pay reasonable adminis-
15 trative costs associated with the exchange.

16 (4) CASH EQUALIZATION PAYMENT.—If the ap-
17 praised fair market value, as determined by the Sec-
18 retary, of the Federal land exceeds the appraised
19 fair market value, as determined by the Secretary,
20 of the non-Federal land, S.S.S., Inc., shall make a
21 cash equalization payment to the United States.

22 (5) DEADLINE.—The land exchange under sub-
23 section (b) shall be completed not later than 2 years
24 after the date of enactment of this Act.

1 **SEC. 3066. L-15 LEVEE, MISSOURI.**

2 The portion of the L-15 levee system that is under
3 the jurisdiction of the Consolidated North County Levee
4 District and situated along the right descending bank of
5 the Mississippi River from the confluence of that river
6 with the Missouri River and running upstream approxi-
7 mately 14 miles shall be considered to be a Federal levee
8 for purposes of cost sharing under section 5 of the Act
9 of August 18, 1941 (33 U.S.C. 701n).

10 **SEC. 3067. UNION LAKE, MISSOURI.**

11 (a) IN GENERAL.—The Secretary shall offer to con-
12 vey to the State of Missouri all right, title, and interest
13 in and to approximately 205.50 acres of land described
14 in subsection (b) purchased for the Union Lake Project
15 that was deauthorized as of January 1, 1990 (55 Fed.
16 Reg. 40906), in accordance with section 1001 of the
17 Water Resources Development Act of 1986 (33 U.S.C.
18 579a(a)).

19 (b) LAND DESCRIPTION.—The land referred to in
20 subsection (a) is described as follows:

21 (1) TRACT 500.—A tract of land situated in
22 Franklin County, Missouri, being part of the SW¹/₄
23 of sec. 7, and the NW¹/₄ of the SW¹/₄ of sec. 8, T.
24 42 N., R. 2 W. of the fifth principal meridian, con-
25 sisting of approximately 112.50 acres.

1 (b) PROJECTS.—The Secretary shall carry out, in ac-
2 cordance with other Federal programs, projects, and ac-
3 tivities, restoration projects in the watershed of the Yel-
4 lowstone River and tributaries in Montana, and in North
5 Dakota, to produce immediate and substantial ecosystem
6 restoration and recreation benefits.

7 (c) LOCAL PARTICIPATION.—In carrying out sub-
8 section (b), the Secretary shall—

9 (1) consult with, and consider the activities
10 being carried out by—

11 (A) other Federal agencies;

12 (B) Indian tribes;

13 (C) conservation districts; and

14 (D) the Yellowstone River Conservation
15 District Council; and

16 (2) seek the full participation of the State of
17 Montana.

18 (d) COST SHARING.—Before carrying out any res-
19 toration project under this section, the Secretary shall
20 enter into an agreement with the non-Federal interest for
21 the restoration project under which the non-Federal inter-
22 est shall agree—

23 (1) to provide 35 percent of the total cost of the
24 restoration project, including necessary land, ease-
25 ments, rights-of-way, relocations, and disposal sites;

1 (2) to pay the non-Federal share of the cost of
2 feasibility studies and design during construction fol-
3 lowing execution of a project cooperation agreement;

4 (3) to pay 100 percent of the operation, mainte-
5 nance, repair, replacement, and rehabilitation costs
6 incurred after the date of enactment of this Act that
7 are associated with the restoration project; and

8 (4) to hold the United States harmless for any
9 claim of damage that arises from the negligence of
10 the Federal Government or a contractor of the Fed-
11 eral Government in carrying out the restoration
12 project.

13 (e) FORM OF NON-FEDERAL SHARE.—Not more
14 than 50 percent of the non-Federal share of the cost of
15 a restoration project carried out under this section may
16 be provided in the form of in-kind credit for work per-
17 formed during construction of the restoration project.

18 (f) NON-FEDERAL INTERESTS.—Notwithstanding
19 section 221 of the Flood Control Act of 1970 (42 U.S.C.
20 1962d–5b), with the consent of the applicable local gov-
21 ernment, a nonprofit entity may be a non-Federal interest
22 for a restoration project carried out under this section.

23 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section
25 \$30,000,000.

1 **SEC. 3070. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NE-**
2 **VADA.**

3 The maximum amount of Federal funds that may be
4 expended for the project being carried out, as of the date
5 of enactment of this Act, under section 1135 of the Water
6 Resources Development Act of 1986 (33 U.S.C. 2309a)
7 for environmental restoration of McCarran Ranch, Ne-
8 vada, shall be \$5,775,000.

9 **SEC. 3071. MIDDLE RIO GRANDE RESTORATION, NEW MEX-**
10 **ICO.**

11 (a) RESTORATION PROJECTS.—

12 (1) DEFINITION.—The term “restoration
13 project” means a project that will produce, con-
14 sistent with other Federal programs, projects, and
15 activities, immediate and substantial ecosystem res-
16 toration and recreation benefits.

17 (2) PROJECTS.—The Secretary shall carry out
18 restoration projects in the Middle Rio Grande from
19 Cochiti Dam to the headwaters of Elephant Butte
20 Reservoir, in the State of New Mexico.

21 (b) PROJECT SELECTION.—The Secretary shall select
22 restoration projects in the Middle Rio Grande.

23 (c) LOCAL PARTICIPATION.—In carrying out sub-
24 section (b), the Secretary shall consult with, and consider
25 the activities being carried out by—

1 (1) the Middle Rio Grande Endangered Species
2 Act Collaborative Program; and

3 (2) the Bosque Improvement Group of the Mid-
4 dle Rio Grande Bosque Initiative.

5 (d) COST SHARING.—Before carrying out any res-
6 toration project under this section, the Secretary shall
7 enter into an agreement with non-Federal interests that
8 requires the non-Federal interests to—

9 (1) provide 35 percent of the total cost of the
10 restoration projects including provisions for nec-
11 essary lands, easements, rights-of-way, relocations,
12 and disposal sites;

13 (2) pay 100 percent of the operation, mainte-
14 nance, repair, replacement, and rehabilitation costs
15 incurred after the date of the enactment of this Act
16 that are associated with the restoration projects; and

17 (3) hold the United States harmless for any
18 claim of damage that arises from the negligence of
19 the Federal Government or a contractor of the Fed-
20 eral Government.

21 (e) NON-FEDERAL INTERESTS.—Not withstanding
22 section 221 of the Flood Control Act of 1970 (42 U.S.C.
23 1962d–5b), a non-Federal interest for any project carried
24 out under this section may include a nonprofit entity, with
25 the consent of the local government.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$25,000,000 to carry out
3 this section.

4 **SEC. 3072. LONG ISLAND SOUND OYSTER RESTORATION,**
5 **NEW YORK AND CONNECTICUT.**

6 (a) IN GENERAL.—The Secretary shall plan, design,
7 and construct projects to increase aquatic habitats within
8 Long Island Sound and adjacent waters, including the
9 construction and restoration of oyster beds and related
10 shellfish habitat.

11 (b) COST SHARING.—The non-Federal share of the
12 cost of activities carried out under this section shall be
13 25 percent and may be provided through in-kind services
14 and materials.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated \$25,000,000 to carry out
17 this section.

18 **SEC. 3073. ORCHARD BEACH, BRONX, NEW YORK.**

19 Section 554 of the Water Resources Development Act
20 of 1996 (110 Stat. 3781) is amended by striking
21 “\$5,200,000” and inserting “\$18,200,000”.

22 **SEC. 3074. NEW YORK HARBOR, NEW YORK, NEW YORK.**

23 Section 217 of the Water Resources Development Act
24 of 1996 (33 U.S.C. 2326a) is amended—

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

3 (2) by inserting after subsection (b) the fol-
4 lowing:

5 “(c) DREDGED MATERIAL FACILITY.—

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

18 “(2) PERFORMANCE.—One or more of the par-
19 ties to the agreement may perform the acquisition,
20 design, construction, management, or operation of a
21 dredged material processing, treatment, contaminant
22 reduction, or disposal facility.

23 “(3) MULTIPLE FEDERAL PROJECTS.—If ap-
24 propriate, the Secretary may combine portions of
25 separate Federal projects with appropriate combined

1 cost-sharing between the various projects, if the fa-
2 cility serves to manage dredged material from mul-
3 tiple Federal projects located in the geographic re-
4 gion of the facility.

5 “(4) PUBLIC FINANCING.—

6 “(A) AGREEMENTS.—

7 “(i) SPECIFIED FEDERAL FUNDING
8 SOURCES AND COST SHARING.—The cost-
9 sharing agreement used shall clearly speci-
10 fy—

11 “(I) the Federal funding sources
12 and combined cost-sharing when ap-
13 plicable to multiple Federal navigation
14 projects; and

15 “(II) the responsibilities and
16 risks of each of the parties related to
17 present and future dredged material
18 managed by the facility.

19 “(ii) MANAGEMENT OF SEDIMENTS.—

20 “(I) IN GENERAL.—The cost-
21 sharing agreement may include the
22 management of sediments from the
23 maintenance dredging of Federal
24 navigation projects that do not have
25 partnerships agreements.

1 “(II) PAYMENTS.—The cost-
2 sharing agreement may allow the non-
3 Federal interest to receive reimburs-
4 able payments from the Federal Gov-
5 ernment for commitments made by
6 the non-Federal interest for disposal
7 or placement capacity at dredged ma-
8 terial treatment, processing, contami-
9 nant reduction, or disposal facilities.

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

17 “(B) CREDIT.—

18 “(i) EFFECT ON EXISTING AGREE-
19 MENTS.—Nothing in this subsection super-
20 sedes or modifies an agreement in effect on
21 the date of enactment of this paragraph
22 between the Federal Government and any
23 other non-Federal interest for the cost-
24 sharing, construction, and operation and

1 maintenance of a Federal navigation
2 project.

3 “(ii) CREDIT FOR FUNDS.—Subject to
4 the approval of the Secretary and in ac-
5 cordance with law (including regulations
6 and policies) in effect on the date of enact-
7 ment of this paragraph, a non-Federal
8 public interest of a Federal navigation
9 project may seek credit for funds provided
10 for the acquisition, design, construction,
11 management, or operation of a dredged
12 material processing, treatment, or disposal
13 facility to the extent the facility is used to
14 manage dredged material from the Federal
15 navigation project.

16 “(iii) NON-FEDERAL INTEREST RE-
17 SPONSIBILITIES.—The non-Federal inter-
18 est shall—

19 “(I) be responsible for providing
20 all necessary land, easement rights-of-
21 way, or relocations associated with the
22 facility; and

23 “(II) receive credit for those
24 items.”; and

1 (3) in paragraphs (1) and (2)(A) of subsection
2 (d) (as redesignated by paragraph (1))—

3 (A) by inserting “and maintenance” after
4 “operation” each place it appears; and

5 (B) by inserting “processing, treatment,
6 or” after “dredged material” the first place it
7 appears in each of those paragraphs.

8 **SEC. 3075. MISSOURI RIVER RESTORATION, NORTH DA-**
9 **KOTA.**

10 Section 707(a) of the Water Resources Act of 2000
11 (114 Stat. 2699) is amended in the first sentence by strik-
12 ing “\$5,000,000” and all that follows through “2005” and
13 inserting “\$25,000,000”.

14 **SEC. 3076. LOWER GIRARD LAKE DAM, GIRARD, OHIO.**

15 Section 507(1) of the Water Resources Development
16 Act of 1996 (110 Stat. 3758) is amended—

17 (1) by striking “\$2,500,000” and inserting
18 “\$5,500,000”; and

19 (2) by adding before the period at the end the
20 following: “(which repair and rehabilitation shall in-
21 clude lowering the crest of the Dam by not more
22 than 12.5 feet)”.

1 **SEC. 3077. TOUSSAINT RIVER NAVIGATION PROJECT, CAR-**
2 **ROLL TOWNSHIP, OHIO.**

3 Increased operation and maintenance activities for
4 the Toussaint River Federal Navigation Project, Carroll
5 Township, Ohio, that are carried out in accordance with
6 section 107 of the River and Harbor Act of 1960 (33
7 U.S.C. 577) and relate directly to the presence of
8 unexploded ordnance, shall be carried out at full Federal
9 expense.

10 **SEC. 3078. ARCADIA LAKE, OKLAHOMA.**

11 Payments made by the city of Edmond, Oklahoma,
12 to the Secretary in October 1999 of all costs associated
13 with present and future water storage costs at Arcadia
14 Lake, Oklahoma, under Arcadia Lake Water Storage Con-
15 tract Number DACW56-79-C-0072 shall satisfy the obli-
16 gations of the city under that contract.

17 **SEC. 3079. LAKE EUFAULA, OKLAHOMA.**

18 (a) PROJECT GOAL.—

19 (1) IN GENERAL.—The goal for operation of
20 Lake Eufaula shall be to maximize the use of avail-
21 able storage in a balanced approach that incor-
22 porates advice from representatives from all the
23 project purposes to ensure that the full value of the
24 reservoir is realized by the United States.

25 (2) RECOGNITION OF PURPOSE.—To achieve
26 the goal described in paragraph (1), recreation is

1 recognized as a project purpose at Lake Eufaula,
2 pursuant to the Act of December 22, 1944 (com-
3 monly known as the “Flood Control Act of 1944”)
4 (58 Stat. 887, chapter 665).

5 (b) LAKE EUFAULA ADVISORY COMMITTEE.—

6 (1) IN GENERAL.—In accordance with the Fed-
7 eral Advisory Committee Act (5 U.S.C. App.), the
8 Secretary shall establish an advisory committee for
9 the Lake Eufaula, Canadian River, Oklahoma
10 project authorized by the Act of July 24, 1946 (com-
11 monly known as the “River and Harbor Act of
12 1946”) (Public Law 79–525; 60 Stat. 634).

13 (2) PURPOSE.—The purpose of the committee
14 shall be advisory only.

15 (3) DUTIES.—The committee shall provide in-
16 formation and recommendations to the Corps of En-
17 gineers regarding the operations of Lake Eufaula for
18 the project purposes for Lake Eufaula.

19 (4) COMPOSITION.—The Committee shall be
20 composed of members that equally represent the
21 project purposes for Lake Eufaula.

22 (c) REALLOCATION STUDY.—

23 (1) IN GENERAL.—Subject to the appropriation
24 of funds, the Secretary, acting through the Chief of
25 Engineers, shall perform a reallocation study, at full

1 Federal expense, to develop and present rec-
2 ommendations concerning the best value, while mini-
3 mizing ecological damages, for current and future
4 use of the Lake Eufaula storage capacity for the au-
5 thorized project purposes of flood control, water sup-
6 ply, hydroelectric power, navigation, fish and wild-
7 life, and recreation.

8 (2) FACTORS FOR CONSIDERATION.—The re-
9 allocation study shall take into consideration the rec-
10 ommendations of the Lake Eufaula Advisory Com-
11 mittee.

12 (d) POOL MANAGEMENT PLAN.—

13 (1) IN GENERAL.—Not later than 360 days
14 after the date of enactment of this Act, to the extent
15 feasible within available project funds and subject to
16 the completion and approval of the reallocation
17 study under subsection (c), the Tulsa District Engi-
18 neer, taking into consideration recommendations of
19 the Lake Eufaula Advisory Committee, shall develop
20 an interim management plan that accommodates all
21 project purposes for Lake Eufaula.

22 (2) MODIFICATIONS.—A modification of the
23 plan under paragraph (1) shall not cause significant
24 adverse impacts on any existing permit, lease, li-
25 cense, contract, public law, or project purpose, in-

1 cluding flood control operation, relating to Lake
2 Eufaula.

3 **SEC. 3080. RELEASE OF REVERSIONARY INTEREST, OKLA-**
4 **HOMA.**

5 (a) **RELEASE.**—Any reversionary interest relating to
6 public parks and recreation on the land conveyed by the
7 Secretary to the State of Oklahoma at Lake Texoma pur-
8 suant to the Act entitled “An Act to authorize the sale
9 of certain lands to the State of Oklahoma” (67 Stat. 63,
10 chapter 118), shall terminate on the date of enactment
11 of this Act.

12 (b) **INSTRUMENT OF RELEASE.**—As soon as prac-
13 ticable after the date of enactment of this Act, the Sec-
14 retary shall execute and file in the appropriate office a
15 deed of release, an amended deed, or another appropriate
16 instrument to release each reversionary interest described
17 in subsection (a).

18 (c) **PRESERVATION OF RESERVED RIGHTS.**—A re-
19 lease of a reversionary interest under this section shall not
20 affect any other right of the United States in any deed
21 of conveyance pursuant to the Act entitled “An Act to au-
22 thorize the sale of certain lands to the State of Oklahoma”
23 (67 Stat. 63, chapter 118).

1 **SEC. 3081. OKLAHOMA LAKES DEMONSTRATION PROGRAM,**
2 **OKLAHOMA.**

3 (a) IMPLEMENTATION OF PROGRAM.—Not later than
4 1 year after the date of enactment of this Act, the Sec-
5 retary shall implement an innovative program at the lakes
6 located primarily in the State of Oklahoma that are a part
7 of an authorized civil works project under the administra-
8 tive jurisdiction of the Corps of Engineers for the purpose
9 of demonstrating the benefits of enhanced recreation fa-
10 cilities and activities at those lakes.

11 (b) REQUIREMENTS.—In implementing the program
12 under subsection (a), the Secretary shall, consistent with
13 authorized project purposes—

14 (1) pursue strategies that will enhance, to the
15 maximum extent practicable, recreation experiences
16 at the lakes included in the program;

17 (2) use creative management strategies that op-
18 timize recreational activities; and

19 (3) ensure continued public access to recreation
20 areas located on or associated with the civil works
21 project.

22 (c) GUIDELINES.—Not later than 180 days after the
23 date of enactment of this Act, the Secretary shall issue
24 guidelines for the implementation of this section, to be de-
25 veloped in coordination with the State of Oklahoma.

26 (d) REPORT.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, the Secretary
3 shall submit to the Committee on Environment and
4 Public Works of the Senate and the Committee on
5 Transportation and Infrastructure of the House of
6 Representatives a report describing the results of the
7 program under subsection (a).

8 (2) INCLUSIONS.—The report under paragraph
9 (1) shall include a description of the projects under-
10 taken under the program, including—

11 (A) an estimate of the change in any re-
12 lated recreational opportunities;

13 (B) a description of any leases entered
14 into, including the parties involved; and

15 (C) the financial conditions that the Corps
16 of Engineers used to justify those leases.

17 (3) AVAILABILITY TO PUBLIC.—The Secretary
18 shall make the report available to the public in elec-
19 tronic and written formats.

20 (e) TERMINATION.—The authority provided by this
21 section shall terminate on the date that is 10 years after
22 the date of enactment of this Act.

23 **SEC. 3082. WAURIKA LAKE, OKLAHOMA.**

24 The remaining obligation of the Waurika Project
25 Master Conservancy District payable to the United States

1 Government in the amounts, rates of interest, and pay-
2 ment schedules—

3 (1) is set at the amounts, rates of interest, and
4 payment schedules that existed on June 3, 1986;
5 and

6 (2) may not be adjusted, altered, or changed
7 without a specific, separate, and written agreement
8 between the District and the United States.

9 **SEC. 3083. LOOKOUT POINT PROJECT, LOWELL, OREGON.**

10 (a) IN GENERAL.—Subject to subsection (c), the Sec-
11 retary shall convey at fair market value to the Lowell
12 School District No. 71, all right, title, and interest of the
13 United States in and to a parcel consisting of approxi-
14 mately 0.98 acres of land, including 3 abandoned buildings
15 on the land, located in Lowell, Oregon, as described in
16 subsection (b).

17 (b) DESCRIPTION OF PROPERTY.—The parcel of land
18 to be conveyed under subsection (a) is more particularly
19 described as follows: Commencing at the point of intersec-
20 tion of the west line of Pioneer Street with the westerly
21 extension of the north line of Summit Street, in Meadows
22 Addition to Lowell, as platted and recorded on page 56
23 of volume 4, Lane County Oregon Plat Records; thence
24 north on the west line of Pioneer Street a distance of
25 176.0 feet to the true point of beginning of this descrip-

1 tion; thence north on the west line of Pioneer Street a
 2 distance of 170.0 feet; thence west at right angles to the
 3 west line of Pioneer Street a distance of 250.0 feet; thence
 4 south and parallel to the west line of Pioneer Street a dis-
 5 tance of 170.0 feet; and thence east 250.0 feet to the true
 6 point of beginning of this description in sec. 14, T. 19
 7 S., R. 1 W. of the Willamette Meridian, Lane County, Or-
 8 egon.

9 (c) CONDITION.—The Secretary shall not complete
 10 the conveyance under subsection (a) until such time as the
 11 Forest Service—

12 (1) completes and certifies that necessary envi-
 13 ronmental remediation associated with the structures
 14 located on the property is complete; and

15 (2) transfers the structures to the Corps of En-
 16 gineers.

17 (d) EFFECT OF OTHER LAW.—

18 (1) APPLICABILITY OF PROPERTY SCREENING
 19 PROVISIONS.—Section 2696 of title 10, United
 20 States Code, shall not apply to any conveyance
 21 under this section.

22 (2) LIABILITY.—

23 (A) IN GENERAL.—Lowell School District
 24 No, 71 shall hold the United States harmless
 25 from any liability with respect to activities car-

1 ried out on the property described in subsection
2 (b) on or after the date of the conveyance under
3 subsection (a).

4 (B) CERTAIN ACTIVITIES.—The United
5 States shall be liable with respect to any activ-
6 ity carried out on the property described in sub-
7 section (b) before the date of conveyance under
8 subsection (a).

9 **SEC. 3084. UPPER WILLAMETTE RIVER WATERSHED ECO-**
10 **SYSTEM RESTORATION.**

11 (a) IN GENERAL.—The Secretary shall conduct stud-
12 ies and ecosystem restoration projects for the upper Wil-
13 lamette River watershed from Albany, Oregon, to the
14 headwaters of the Willamette River and tributaries.

15 (b) CONSULTATION.—The Secretary shall carry out
16 ecosystem restoration projects under this section for the
17 Upper Willamette River watershed in consultation with
18 the Governor of the State of Oregon, the heads of appro-
19 priate Indian tribes, the Environmental Protection Agen-
20 cy, the United States Fish and Wildlife Service, the Na-
21 tional Marine Fisheries Service, the Bureau of Land Man-
22 agement, the Forest Service, and local entities.

23 (c) AUTHORIZED ACTIVITIES.—In carrying out eco-
24 system restoration projects under this section, the Sec-

1 retary shall undertake activities necessary to protect, mon-
2 itor, and restore fish and wildlife habitat.

3 (d) COST SHARING REQUIREMENTS.—

4 (1) STUDIES.—Studies conducted under this
5 section shall be subject to cost sharing in accordance
6 with section 206 of the Water Resources Develop-
7 ment Act of 1996 (33 U.S.C. 2330).

8 (2) ECOSYSTEM RESTORATION PROJECTS.—

9 (A) IN GENERAL.—Non-Federal interests
10 shall pay 35 percent of the cost of any eco-
11 system restoration project carried out under
12 this section.

13 (B) ITEMS PROVIDED BY NON-FEDERAL
14 INTERESTS.—

15 (i) IN GENERAL.—Non-Federal inter-
16 ests shall provide all land, easements,
17 rights-of-way, dredged material disposal
18 areas, and relocations necessary for eco-
19 system restoration projects to be carried
20 out under this section.

21 (ii) CREDIT TOWARD PAYMENT.—The
22 value of the land, easements, rights-of-way,
23 dredged material disposal areas, and relo-
24 cations provided under paragraph (1) shall

1 be credited toward the payment required
2 under subsection (a).

3 (C) IN-KIND CONTRIBUTIONS.—100 per-
4 cent of the non-Federal share required under
5 subsection (a) may be satisfied by the provision
6 of in-kind contributions.

7 (3) OPERATIONS AND MAINTENANCE.—Non-
8 Federal interests shall be responsible for all costs as-
9 sociated with operating, maintaining, replacing, re-
10 pairing, and rehabilitating all projects carried out
11 under this section.

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

15 **SEC. 3085. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**
16 **VANIA AND NEW YORK.**

17 Section 567 of the Water Resources Development Act
18 of 1996 (110 Stat. 3787) is amended—

19 (1) by striking subsection (c) and inserting the
20 following:

21 “(c) COOPERATION AGREEMENTS.—

22 “(1) IN GENERAL.—In conducting the study
23 and implementing the strategy under this section,
24 the Secretary shall enter into cost-sharing and
25 project cooperation agreements with the Federal

1 Government, State and local governments (with the
2 consent of the State and local governments), land
3 trusts, or nonprofit, nongovernmental organizations
4 with expertise in wetland restoration.

5 “(2) FINANCIAL ASSISTANCE.—Under the co-
6 operation agreement, the Secretary may provide as-
7 sistance for implementation of wetland restoration
8 projects and soil and water conservation measures.”;
9 and

10 (2) by striking subsection (d) and inserting the
11 following:

12 “(d) IMPLEMENTATION OF STRATEGY.—

13 “(1) IN GENERAL.—The Secretary shall carry
14 out the development, demonstration, and implemen-
15 tation of the strategy under this section in coopera-
16 tion with local landowners, local government offi-
17 cials, and land trusts.

18 “(2) GOALS OF PROJECTS.—Projects to imple-
19 ment the strategy under this subsection shall be de-
20 signed to take advantage of ongoing or planned ac-
21 tions by other agencies, local municipalities, or non-
22 profit, nongovernmental organizations with expertise
23 in wetland restoration that would increase the effec-
24 tiveness or decrease the overall cost of implementing
25 recommended projects.”.

1 **SEC. 3086. NARRAGANSETT BAY, RHODE ISLAND.**

2 The Secretary may use amounts in the Environ-
3 mental Restoration Account, Formerly Used Defense
4 Sites, under section 2703(a)(5) of title 10, United States
5 Code, for the removal of abandoned marine mammals at any
6 Formerly Used Defense Site under the jurisdiction of the
7 Department of Defense that is undergoing (or is scheduled
8 to undergo) environmental remediation under chapter 160
9 of title 10, United States Code (and other provisions of
10 law), in Narragansett Bay, Rhode Island, in accordance
11 with the Corps of Engineers prioritization process under
12 the Formerly Used Defense Sites program.

13 **SEC. 3087. SOUTH CAROLINA DEPARTMENT OF COMMERCE**
14 **DEVELOPMENT PROPOSAL AT RICHARD B.**
15 **RUSSELL LAKE, SOUTH CAROLINA.**

16 (a) IN GENERAL.—The Secretary shall convey to the
17 State of South Carolina, by quitclaim deed, all right, title,
18 and interest of the United States in and to the parcels
19 of land described in subsection (b)(1) that are managed,
20 as of the date of enactment of this Act, by the South Caro-
21 lina Department of Commerce for public recreation pur-
22 poses for the Richard B. Russell Dam and Lake, South
23 Carolina, project authorized by section 203 of the Flood
24 Control Act of 1966 (80 Stat. 1420).

25 (b) LAND DESCRIPTION.—

1 (1) IN GENERAL.—Subject to paragraphs (2)
2 and (3), the parcels of land referred to in subsection
3 (a) are the parcels contained in the portion of land
4 described in Army Lease Number DACW21-1-92-
5 0500.

6 (2) RETENTION OF INTERESTS.—The United
7 States shall retain—

8 (A) ownership of all land included in the
9 lease referred to in paragraph (1) that would
10 have been acquired for operational purposes in
11 accordance with the 1971 implementation of the
12 1962 Army/Interior Joint Acquisition Policy;
13 and

14 (B) such other land as is determined by
15 the Secretary to be required for authorized
16 project purposes, including easement rights-of-
17 way to remaining Federal land.

18 (3) SURVEY.—The exact acreage and legal de-
19 scription of the land described in paragraph (1) shall
20 be determined by a survey satisfactory to the Sec-
21 retary, with the cost of the survey to be paid by the
22 State.

23 (c) GENERAL PROVISIONS.—

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

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

3 (2) ADDITIONAL TERMS AND CONDITIONS.—

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

9 (3) COSTS OF CONVEYANCE.—

10 (A) IN GENERAL.—The State shall be re-
11 sponsible for all costs, including real estate
12 transaction and environmental compliance
13 costs, associated with the conveyance under this
14 section.

15 (B) FORM OF CONTRIBUTION.—As deter-
16 mined appropriate by the Secretary, in lieu of
17 payment of compensation to the United States
18 under subparagraph (A), the State may per-
19 form certain environmental or real estate ac-
20 tions associated with the conveyance under this
21 section if those actions are performed in close
22 coordination with, and to the satisfaction of, the
23 United States.

24 (4) LIABILITY.—The State shall hold the
25 United States harmless from any liability with re-

1 spect to activities carried out, on or after the date
2 of the conveyance, on the real property conveyed
3 under this section.

4 (d) ADDITIONAL TERMS AND CONDITIONS.—

5 (1) IN GENERAL.—The State shall pay fair
6 market value consideration, as determined by the
7 United States, for any land included in the convey-
8 ance under this section.

9 (2) NO EFFECT ON SHORE MANAGEMENT POL-
10 ICY.—The Shoreline Management Policy (ER-1130-
11 2-406) of the Corps of Engineers shall not be
12 changed or altered for any proposed development of
13 land conveyed under this section.

14 (3) FEDERAL STATUTES.—The conveyance
15 under this section shall be subject to the National
16 Environmental Policy Act of 1969 (42 U.S.C. 4321
17 et seq.) (including public review under that Act) and
18 other Federal statutes.

19 (4) COST SHARING.—In carrying out the con-
20 veyance under this section, the Secretary and the
21 State shall comply with all obligations of any cost
22 sharing agreement between the Secretary and the
23 State in effect as of the date of the conveyance.

24 (5) LAND NOT CONVEYED.—The State shall
25 continue to manage the land not conveyed under this

1 section in accordance with the terms and conditions
2 of Army Lease Number DACW21-1-92-0500.

3 **SEC. 3088. MISSOURI RIVER RESTORATION, SOUTH DA-**
4 **KOTA.**

5 (a) MEMBERSHIP.—Section 904(b)(1)(B) of the
6 Water Resources Development Act of 2000 (114 Stat.
7 2708) is amended—

8 (1) in clause (vii), by striking “and” at the end;

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

10 and

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

12 “(viii) rural water systems; and”.

13 (b) REAUTHORIZATION.—Section 907(a) of the
14 Water Resources Development Act of 2000 (114 Stat.
15 2712) is amended in the first sentence by striking “2005”
16 and inserting “2010”.

17 **SEC. 3089. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**
18 **HANCEMENT PROJECT.**

19 Section 514 of the Water Resources Development Act
20 of 1999 (113 Stat. 343; 117 Stat. 142) is amended—

21 (1) by redesignating subsections (f) and (g) as
22 subsections (h) and (i), respectively;

23 (2) in subsection (h) (as redesignated by para-
24 graph (1)), by striking paragraph (1) and inserting
25 the following:

1 “(1) NON-FEDERAL SHARE.—

2 “(A) IN GENERAL.—The non-Federal
3 share of the cost of projects may be provided—

4 “(i) in cash;

5 “(ii) by the provision of land, ease-
6 ments, rights-of-way, relocations, or dis-
7 posal areas;

8 “(iii) by in-kind services to implement
9 the project; or

10 “(iv) by any combination of the fore-
11 going.

12 “(B) PRIVATE OWNERSHIP.—Land needed
13 for a project under this authority may remain
14 in private ownership subject to easements that
15 are—

16 “(i) satisfactory to the Secretary; and

17 “(ii) necessary to assure achievement
18 of the project purposes.”;

19 (3) in subsection (i) (as redesignated by para-
20 graph (1)), by striking “for the period of fiscal years
21 2000 and 2001.” and inserting “per year, and that
22 authority shall extend until Federal fiscal year
23 2015.”; and

24 (4) by inserting after subsection (e) the fol-
25 lowing:

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

7 “(g) COST LIMITATION.—Not more than \$5,000,000
 8 in Federal funds may be allotted under this section for
 9 a project at any single locality.”.

10 **SEC. 3090. NONCONNAH WEIR, MEMPHIS, TENNESSEE.**

11 The project for flood control, Nonconnah Creek, Ten-
 12 nessee and Mississippi, authorized by section 401 of the
 13 Water Resources Development Act of 1986 (100 Stat.
 14 4124) and modified by the section 334 of the Water Re-
 15 sources Development Act of 2000 (114 Stat. 2611), is
 16 modified to authorize the Secretary—

17 (1) to reconstruct, at full Federal expense, the
 18 weir originally constructed in the vicinity of the
 19 mouth of Nonconnah Creek; and

20 (2) to make repairs and maintain the weir in
 21 the future so that the weir functions properly.

22 **SEC. 3091. OLD HICKORY LOCK AND DAM, CUMBERLAND**
 23 **RIVER, TENNESSEE.**

24 (a) RELEASE OF RETAINED RIGHTS, INTERESTS,
 25 RESERVATIONS.—With respect to land conveyed by the

1 Secretary to the Tennessee Society of Crippled Children
2 and Adults, Incorporated (commonly known as “Easter
3 Seals Tennessee”) at Old Hickory Lock and Dam, Cum-
4 berland River, Tennessee, under section 211 of the Flood
5 Control Act of 1965 (79 Stat. 1087), the reversionary in-
6 terests and the use restrictions relating to recreation and
7 camping purposes are extinguished.

8 (b) INSTRUMENT OF RELEASE.—As soon as prac-
9 ticable after the date of enactment of this Act, the Sec-
10 retary shall execute and file in the appropriate office a
11 deed of release, amended deed, or other appropriate in-
12 strument effectuating the release of interests required by
13 subsection (a).

14 (c) NO EFFECT ON OTHER RIGHTS.—Nothing in this
15 section affects any remaining right or interest of the Corps
16 of Engineers with respect to an authorized purpose of any
17 project.

18 **SEC. 3092. SANDY CREEK, JACKSON COUNTY, TENNESSEE.**

19 (a) IN GENERAL.—The Secretary may carry out a
20 project for flood damage reduction under section 205 of
21 the Flood Control Act of 1948 (33 U.S.C. 701s) at Sandy
22 Creek, Jackson County, Tennessee, if the Secretary deter-
23 mines that the project is technically sound, environ-
24 mentally acceptable, and economically justified.

1 (b) RELATIONSHIP TO WEST TENNESSEE TRIBU-
2 TARIES PROJECT, TENNESSEE.—Consistent with the re-
3 port of the Chief of Engineers dated March 24, 1948, on
4 the West Tennessee Tributaries project—

5 (1) Sandy Creek shall not be considered to be
6 an authorized channel of the West Tennessee Tribu-
7 taries Project; and

8 (2) the Sandy Creek flood damage reduction
9 project shall not be considered to be part of the
10 West Tennessee Tributaries Project.

11 **SEC. 3093. CEDAR BAYOU, TEXAS.**

12 Section 349(a)(2) of the Water Resources Develop-
13 ment Act of 2000 (114 Stat. 2632) is amended by striking
14 “except that the project is authorized only for construction
15 of a navigation channel 12 feet deep by 125 feet wide”
16 and inserting “except that the project is authorized for
17 construction of a navigation channel that is 10 feet deep
18 by 100 feet wide”.

19 **SEC. 3094. DENISON, TEXAS.**

20 (a) IN GENERAL.—The Secretary may offer to convey
21 at fair market value to the city of Denison, Texas (or a
22 designee of the city), all right, title, and interest of the
23 United States in and to the approximately 900 acres of
24 land located in Grayson County, Texas, which is currently
25 subject to an Application for Lease for Public Park and

1 Recreational Purposes made by the city of Denison, dated
2 August 17, 2005.

3 (b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The
4 exact acreage and description of the real property referred
5 to in subsection (a) shall be determined by a survey paid
6 for by the city of Denison, Texas (or a designee of the
7 city), that is satisfactory to the Secretary.

8 (c) CONVEYANCE.—On acceptance by the city of
9 Denison, Texas (or a designee of the city), of an offer
10 under subsection (a), the Secretary may immediately con-
11 vey the land surveyed under subsection (b) by quitclaim
12 deed to the city of Denison, Texas (or a designee of the
13 city).

14 **SEC. 3095. FREEPORT HARBOR, TEXAS.**

15 (a) IN GENERAL.—The project for navigation, Free-
16 port Harbor, Texas, authorized by section 101 of the River
17 and Harbor Act of 1970 (84 Stat. 1818), is modified to
18 provide that—

19 (1) all project costs incurred as a result of the
20 discovery of the sunken vessel COMSTOCK of the
21 Corps of Engineers are a Federal responsibility; and

22 (2) the Secretary shall not seek further obliga-
23 tion or responsibility for removal of the vessel COM-
24 STOCK, or costs associated with a delay due to the

1 discovery of the sunken vessel COMSTOCK, from
2 the Port of Freeport.

3 (b) COST SHARING.—This section does not affect the
4 authorized cost sharing for the balance of the project de-
5 scribed in subsection (a).

6 **SEC. 3096. HARRIS COUNTY, TEXAS.**

7 Section 575(b) of the Water Resources Development
8 Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amend-
9 ed—

10 (1) in paragraph (3), by striking “and” at the
11 end;

12 (2) in paragraph (4), by striking the period at
13 the end and inserting “; and”; and

14 (3) by adding the following:

15 “(5) the project for flood control, Upper White
16 Oak Bayou, Texas, authorized by section 401(a) of
17 the Water Resources Development Act of 1986 (100
18 Stat. 4125).”.

19 **SEC. 3097. CONNECTICUT RIVER RESTORATION, VERMONT.**

20 Notwithstanding section 221 of the Flood Control
21 Act of 1970 (42 U.S.C. 1962d–5b), with respect to the
22 study entitled “Connecticut River Restoration Authority”,
23 dated May 23, 2001, a nonprofit entity may act as the
24 non-Federal interest for purposes of carrying out the ac-
25 tivities described in the agreement executed between The

1 Nature Conservancy and the Department of the Army on
2 August 5, 2005.

3 **SEC. 3098. DAM REMEDIATION, VERMONT.**

4 Section 543 of the Water Resources Development Act
5 of 2000 (114 Stat. 2673) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (2), by striking “and” at
8 the end;

9 (B) in paragraph (3), by striking the pe-
10 riod at the end and inserting “; and”; and

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

12 “(4) may carry out measures to restore, pro-
13 tect, and preserve an ecosystem affected by a dam
14 described in subsection (b).”; and

15 (2) in subsection (b), by adding at the end the
16 following:

17 “(11) Camp Wapanacki, Hardwick.

18 “(12) Star Lake Dam, Mt. Holly.

19 “(13) Curtis Pond, Calais.

20 “(14) Weathersfield Reservoir, Springfield.

21 “(15) Burr Pond, Sudbury.

22 “(16) Maidstone Lake, Guildhall.

23 “(17) Upper and Lower Hurricane Dam.

24 “(18) Lake Fairlee.

25 “(19) West Charleston Dam.”.

1 **SEC. 3099. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER**
2 **CHESTNUT, AND OTHER NONNATIVE PLANT**
3 **CONTROL, VERMONT.**

4 Under authority of section 104 of the River and Har-
5 bor Act of 1958 (33 U.S.C. 610), the Secretary shall re-
6 vise the existing General Design Memorandum to permit
7 the use of chemical means of control, when appropriate,
8 of Eurasian milfoil, water chestnuts, and other nonnative
9 plants in the Lake Champlain basin, Vermont.

10 **SEC. 3100. UPPER CONNECTICUT RIVER BASIN WETLAND**
11 **RESTORATION, VERMONT AND NEW HAMP-**
12 **SHIRE.**

13 (a) IN GENERAL.—The Secretary, in cooperation
14 with the States of Vermont and New Hampshire, shall
15 carry out a study and develop a strategy for the use of
16 wetland restoration, soil and water conservation practices,
17 and nonstructural measures to reduce flood damage, im-
18 prove water quality, and create wildlife habitat in the
19 Upper Connecticut River watershed.

20 (b) COST SHARING.—

21 (1) FEDERAL SHARE.—The Federal share of
22 the cost of the study and development of the strat-
23 egy under subsection (a) shall be 65 percent.

24 (2) NON-FEDERAL SHARE.—The non-Federal
25 share of the cost of the study and development of

1 the strategy may be provided through the contribu-
2 tion of in-kind services and materials.

3 (c) NON-FEDERAL INTEREST.—A nonprofit organi-
4 zation with wetland restoration experience may serve as
5 the non-Federal interest for the study and development
6 of the strategy under this section.

7 (d) COOPERATIVE AGREEMENTS.—In conducting the
8 study and developing the strategy under this section, the
9 Secretary may enter into 1 or more cooperative agree-
10 ments to provide technical assistance to appropriate Fed-
11 eral, State, and local agencies and nonprofit organizations
12 with wetland restoration experience, including assistance
13 for the implementation of wetland restoration projects and
14 soil and water conservation measures.

15 (e) IMPLEMENTATION.—The Secretary shall carry
16 out development and implementation of the strategy under
17 this section in cooperation with local landowners and local
18 government officials.

19 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$5,000,000, to remain available until expended.

1 **SEC. 3101. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM**
2 **RESTORATION, VERMONT AND NEW HAMP-**
3 **SHIRE.**

4 (a) GENERAL MANAGEMENT PLAN DEVELOP-
5 MENT.—

6 (1) IN GENERAL.—The Secretary, in coopera-
7 tion with the Secretary of Agriculture and in con-
8 sultation with the States of Vermont and New
9 Hampshire and the Connecticut River Joint Com-
10 mission, shall conduct a study and develop a general
11 management plan for ecosystem restoration of the
12 Upper Connecticut River ecosystem for the purposes
13 of—

- 14 (A) habitat protection and restoration;
15 (B) streambank stabilization;
16 (C) restoration of stream stability;
17 (D) water quality improvement;
18 (E) invasive species control;
19 (F) wetland restoration;
20 (G) fish passage; and
21 (H) natural flow restoration.

22 (2) EXISTING PLANS.—In developing the gen-
23 eral management plan, the Secretary shall depend
24 heavily on existing plans for the restoration of the
25 Upper Connecticut River.

26 (b) CRITICAL RESTORATION PROJECTS.—

1 (1) IN GENERAL.—The Secretary may partici-
2 pate in any critical restoration project in the Upper
3 Connecticut River Basin in accordance with the gen-
4 eral management plan developed under subsection
5 (a).

6 (2) ELIGIBLE PROJECTS.—A critical restoration
7 project shall be eligible for assistance under this sec-
8 tion if the project—

9 (A) meets the purposes described in the
10 general management plan developed under sub-
11 section (a); and

12 (B) with respect to the Upper Connecticut
13 River and Upper Connecticut River watershed,
14 consists of—

15 (i) bank stabilization of the main
16 stem, tributaries, and streams;

17 (ii) wetland restoration and migratory
18 bird habitat restoration;

19 (iii) soil and water conservation;

20 (iv) restoration of natural flows;

21 (v) restoration of stream stability;

22 (vi) implementation of an intergovern-
23 mental agreement for coordinating eco-
24 system restoration, fish passage installa-
25 tion, streambank stabilization, wetland res-

1 toration, habitat protection and restora-
2 tion, or natural flow restoration;
3 (vii) water quality improvement;
4 (viii) invasive species control;
5 (ix) wetland restoration and migratory
6 bird habitat restoration;
7 (x) improvements in fish migration;
8 and
9 (xi) conduct of any other project or
10 activity determined to be appropriate by
11 the Secretary.

12 (c) COST SHARING.—The Federal share of the cost
13 of any project carried out under this section shall not be
14 less than 65 percent.

15 (d) NON-FEDERAL INTEREST.—A nonprofit organi-
16 zation may serve as the non-Federal interest for a project
17 carried out under this section.

18 (e) CREDITING.—

19 (1) FOR WORK.—The Secretary shall provide
20 credit, including credit for in-kind contributions of
21 up to 100 percent of the non-Federal share, for
22 work (including design work and materials) if the
23 Secretary determines that the work performed by
24 the non-Federal interest is integral to the product.

1 (2) FOR OTHER CONTRIBUTIONS.—The non-
2 Federal interest shall receive credit for land, ease-
3 ments, rights-of-way, dredged material disposal
4 areas, and relocations necessary to implement the
5 projects.

6 (f) COOPERATIVE AGREEMENTS.—In carrying out
7 this section, the Secretary may enter into 1 or more coop-
8 erative agreements to provide financial assistance to ap-
9 propriate Federal, State, or local governments or non-
10 profit agencies, including assistance for the implementa-
11 tion of projects to be carried out under subsection (b).

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to carry out this section
14 \$20,000,000, to remain available until expended.

15 **SEC. 3102. LAKE CHAMPLAIN WATERSHED, VERMONT AND**
16 **NEW YORK.**

17 Section 542 of the Water Resources Development Act
18 of 2000 (114 Stat. 2671) is amended—

19 (1) in subsection (b)(2)—

20 (A) in subparagraph (D), by striking “or”
21 at the end;

22 (B) by redesignating subparagraph (E) as
23 subparagraph (G); and

24 (C) by inserting after subparagraph (D)
25 the following:

1 “(E) river corridor assessment, protection,
2 management, and restoration for the purposes
3 of ecosystem restoration;

4 “(F) geographic mapping conducted by the
5 Secretary using existing technical capacity to
6 produce a high-resolution, multispectral satellite
7 imagery-based land use and cover data set; or”;
8 (2) in subsection (e)(2)—

9 (A) in subparagraph (A)—

10 (i) by striking “The non-Federal” and
11 inserting the following:

12 “(i) IN GENERAL.—The non-Federal”;
13 and

14 (ii) by adding at the end the fol-
15 lowing:

16 “(ii) APPROVAL OF DISTRICT ENGI-
17 NEER.—Approval of credit for design work
18 of less than \$100,000 shall be determined
19 by the appropriate district engineer.”; and

20 (B) in subparagraph (C), by striking “up
21 to 50 percent of”; and

22 (3) in subsection (g), by striking
23 “\$20,000,000” and inserting “\$32,000,000”.

1 **SEC. 3103. CHESAPEAKE BAY OYSTER RESTORATION, VIR-**
2 **GINIA AND MARYLAND.**

3 Section 704(b) of the Water Resources Development
4 Act of 1986 (33 U.S.C. 2263(b)) is amended—

5 (1) by redesignating paragraph (2) as para-
6 graph (4);

7 (2) in paragraph (1)—

8 (A) in the second sentence, by striking
9 “\$30,000,000” and inserting “\$50,000,000”;
10 and

11 (B) in the third sentence, by striking
12 “Such projects” and inserting the following:

13 “(2) INCLUSIONS.—Such projects”;

14 (3) by striking paragraph (2)(D) (as redesign-
15 nated by paragraph (2)(B)) and inserting the fol-
16 lowing:

17 “(D) the restoration and rehabilitation of
18 habitat for fish, including native oysters, in the
19 Chesapeake Bay and its tributaries in Virginia
20 and Maryland, including—

21 “(i) the construction of oyster bars
22 and reefs;

23 “(ii) the rehabilitation of existing
24 marginal habitat;

1 “(iii) the use of appropriate alter-
2 native substrate material in oyster bar and
3 reef construction;

4 “(iv) the construction and upgrading
5 of oyster hatcheries; and

6 “(v) activities relating to increasing
7 the output of native oyster broodstock for
8 seeding and monitoring of restored sites to
9 ensure ecological success.

10 “(3) RESTORATION AND REHABILITATION AC-
11 TIVITIES.—The restoration and rehabilitation activi-
12 ties described in paragraph (2)(D) shall be—

13 “(A) for the purpose of establishing per-
14 manent sanctuaries and harvest management
15 areas; and

16 “(B) consistent with plans and strategies
17 for guiding the restoration of the Chesapeake
18 Bay oyster resource and fishery.”; and

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

20 “(5) DEFINITION OF ECOLOGICAL SUCCESS.—

21 In this subsection, the term ‘ecological success’
22 means—

23 “(A) achieving a tenfold increase in native
24 oyster biomass by the year 2010, from a 1994
25 baseline; and

1 “(B) the establishment of a sustainable
2 fishery as determined by a broad scientific and
3 economic consensus.”.

4 **SEC. 3104. TANGIER ISLAND SEAWALL, VIRGINIA.**

5 Section 577(a) of the Water Resources Development
6 Act of 1996 (110 Stat. 3789) is amended by striking “at
7 a total cost of \$1,200,000, with an estimated Federal cost
8 of \$900,000 and an estimated non-Federal cost of
9 \$300,000.” and inserting “at a total cost of \$3,000,000,
10 with an estimated Federal cost of \$2,400,000 and an esti-
11 mated non-Federal cost of \$600,000.”.

12 **SEC. 3105. EROSION CONTROL, PUGET ISLAND,**
13 **WAHKIAKUM COUNTY, WASHINGTON.**

14 (a) IN GENERAL.—The Lower Columbia River levees
15 and bank protection works authorized by section 204 of
16 the Flood Control Act of 1950 (64 Stat. 178) is modified
17 with regard to the Wahkiakum County diking districts No.
18 1 and 3, but without regard to any cost ceiling authorized
19 before the date of enactment of this Act, to direct the Sec-
20 retary to provide a 1-time placement of dredged material
21 along portions of the Columbia River shoreline of Puget
22 Island, Washington, between river miles 38 to 47, and the
23 shoreline of Westport Beach, Clatsop County, Oregon, be-
24 tween river miles 43 to 45, to protect economic and envi-
25 ronmental resources in the area from further erosion.

1 (b) COORDINATION AND COST SHARING REQUIRE-
2 MENTS.—The Secretary shall carry out subsection (a)—

3 (1) in coordination with appropriate resource
4 agencies;

5 (2) in accordance with all applicable Federal
6 law (including regulations); and

7 (3) at full Federal expense.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section
10 \$1,000,000.

11 **SEC. 3106. LOWER GRANITE POOL, WASHINGTON.**

12 (a) EXTINGUISHMENT OF REVERSIONARY INTER-
13 ESTS AND USE RESTRICTIONS.—With respect to property
14 covered by each deed described in subsection (b)—

15 (1) the reversionary interests and use restric-
16 tions relating to port or industrial purposes are ex-
17 tinguished;

18 (2) the human habitation or other building
19 structure use restriction is extinguished in each area
20 in which the elevation is above the standard project
21 flood elevation; and

22 (3) the use of fill material to raise low areas
23 above the standard project flood elevation is author-
24 ized, except in any low area constituting wetland for
25 which a permit under section 404 of the Federal

1 Water Pollution Control Act (33 U.S.C. 1344) would
2 be required for the use of fill material.

3 (b) DEEDS.—The deeds referred to in subsection (a)
4 are as follows:

5 (1) Auditor's File Numbers 432576, 443411,
6 499988, and 579771 of Whitman County, Wash-
7 ington.

8 (2) Auditor's File Numbers 125806, 138801,
9 147888, 154511, 156928, and 176360 of Asotin
10 County, Washington.

11 (c) NO EFFECT ON OTHER RIGHTS.—Nothing in this
12 section affects any remaining rights and interests of the
13 Corps of Engineers for authorized project purposes in or
14 to property covered by a deed described in subsection (b).

15 **SEC. 3107. MCNARY LOCK AND DAM, MCNARY NATIONAL**
16 **WILDLIFE REFUGE, WASHINGTON AND**
17 **IDAHO.**

18 (a) TRANSFER OF ADMINISTRATIVE JURISDIC-
19 TION.—Administrative jurisdiction over the land acquired
20 for the McNary Lock and Dam Project and managed by
21 the United States Fish and Wildlife Service under Cooper-
22 ative Agreement Number DACW68-4-00-13 with the
23 Corps of Engineers, Walla Walla District, is transferred
24 from the Secretary to the Secretary of the Interior.

1 (b) EASEMENTS.—The transfer of administrative ju-
2 risdiction under subsection (a) shall be subject to ease-
3 ments in existence as of the date of enactment of this Act
4 on land subject to the transfer.

5 (c) RIGHTS OF SECRETARY.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (3), the Secretary shall retain rights described
8 in paragraph (2) with respect to the land for which
9 administrative jurisdiction is transferred under sub-
10 section (a).

11 (2) RIGHTS.—The rights of the Secretary re-
12 ferred to in paragraph (1) are the rights—

13 (A) to flood land described in subsection
14 (a) to the standard project flood elevation;

15 (B) to manipulate the level of the McNary
16 Project Pool;

17 (C) to access such land described in sub-
18 section (a) as may be required to install, main-
19 tain, and inspect sediment ranges and carry out
20 similar activities;

21 (D) to construct and develop wetland, ri-
22 parian habitat, or other environmental restora-
23 tion features authorized by section 1135 of the
24 Water Resources Development Act of 1986 (33
25 U.S.C. 2309a) and section 206 of the Water

1 Resources Development Act of 1996 (33 U.S.C.
2 2330);

3 (E) to dredge and deposit fill materials;
4 and

5 (F) to carry out management actions for
6 the purpose of reducing the take of juvenile
7 salmonids by avian colonies that inhabit, before,
8 on, or after the date of enactment of this Act,
9 any island included in the land described in
10 subsection (a).

11 (3) COORDINATION.—Before exercising a right
12 described in any of subparagraphs (C) through (F)
13 of paragraph (2), the Secretary shall coordinate the
14 exercise with the United States Fish and Wildlife
15 Service.

16 (d) MANAGEMENT.—

17 (1) IN GENERAL.—The land described in sub-
18 section (a) shall be managed by the Secretary of the
19 Interior as part of the McNary National Wildlife
20 Refuge.

21 (2) CUMMINS PROPERTY.—

22 (A) RETENTION OF CREDITS.—Habitat
23 unit credits described in the memorandum enti-
24 tled “Design Memorandum No. 6, LOWER
25 SNAKE RIVER FISH AND WILDLIFE

1 COMPENSATION PLAN, Wildlife Compensa-
2 tion and Fishing Access Site Selection, Letter
3 Supplement No. 15, SITE DEVELOPMENT
4 PLAN FOR THE WALLULA HMU” provided
5 for the Lower Snake River Fish and Wildlife
6 Compensation Plan through development of the
7 parcel of land formerly known as the “Cummins
8 property” shall be retained by the Secretary de-
9 spite any changes in management of the parcel
10 on or after the date of enactment of this Act.

11 (B) SITE DEVELOPMENT PLAN.—The
12 United States Fish and Wildlife Service shall
13 obtain prior approval of the Washington State
14 Department of Fish and Wildlife for any
15 change to the previously approved site develop-
16 ment plan for the parcel of land formerly
17 known as the “Cummins property”.

18 (3) MADAME DORIAN RECREATION AREA.—The
19 United States Fish and Wildlife Service shall con-
20 tinue operation of the Madame Dorian Recreation
21 Area for public use and boater access.

22 (e) ADMINISTRATIVE COSTS.—The United States
23 Fish and Wildlife Service shall be responsible for all sur-
24 vey, environmental compliance, and other administrative

1 costs required to implement the transfer of administrative
2 jurisdiction under subsection (a).

3 **SEC. 3108. SNAKE RIVER PROJECT, WASHINGTON AND**
4 **IDAHO.**

5 The Fish and Wildlife Compensation Plan for the
6 Lower Snake River, Washington and Idaho, as authorized
7 by section 101 of the Water Resources Development Act
8 of 1976 (90 Stat. 2921), is amended to authorize the Sec-
9 retary to conduct studies and implement aquatic and ri-
10 parian ecosystem restorations and improvements specifi-
11 cally for fisheries and wildlife.

12 **SEC. 3109. WHATCOM CREEK WATERWAY, BELLINGHAM,**
13 **WASHINGTON.**

14 That portion of the project for navigation, Whatcom
15 Creek Waterway, Bellingham, Washington, authorized by
16 the Act of June 25, 1910 (36 Stat. 664, chapter 382)
17 (commonly known as the “River and Harbor Act of
18 1910”) and the River and Harbor Act of 1958 (72 Stat.
19 299), consisting of the last 2,900 linear feet of the inner
20 portion of the waterway, and beginning at station 29+00
21 to station 0+00, shall not be authorized as of the date
22 of enactment of this Act.

23 **SEC. 3110. LOWER MUD RIVER, MILTON, WEST VIRGINIA.**

24 The project for flood control at Milton, West Virginia,
25 authorized by section 580 of the Water Resources Devel-

1 opment Act of 1996 (110 Stat. 3790), as modified by sec-
2 tion 340 of the Water Resources Development Act of 2000
3 (114 Stat. 2612), is modified to authorize the Secretary
4 to construct the project substantially in accordance with
5 the draft report of the Corps of Engineers dated May
6 2004, at an estimated total cost of \$45,500,000, with an
7 estimated Federal cost of \$34,125,000 and an estimated
8 non-Federal cost of \$11,375,000.

9 **SEC. 3111. MCDOWELL COUNTY, WEST VIRGINIA.**

10 (a) IN GENERAL.—The McDowell County non-
11 structural component of the project for flood control,
12 Levisa and Tug Fork of the Big Sandy and Cumberland
13 Rivers, West Virginia, Virginia, and Kentucky, authorized
14 by section 202(a) of the Energy and Water Development
15 Appropriation Act, 1981 (94 Stat. 1339), is modified to
16 direct the Secretary to take measures to provide protec-
17 tion, throughout McDowell County, West Virginia, from
18 the reoccurrence of the greater of—

- 19 (1) the April 1977 flood;
20 (2) the July 2001 flood;
21 (3) the May 2002 flood; or
22 (4) the 100-year frequency event.

23 (b) UPDATES AND REVISIONS.—The measures under
24 subsection (a) shall be carried out in accordance with, and

1 during the development of, the updates and revisions
2 under section 2006(e)(2).

3 **SEC. 3112. GREEN BAY HARBOR PROJECT, GREEN BAY, WIS-**
4 **CONSIN.**

5 The portion of the inner harbor of the Federal navi-
6 gation channel of the Green Bay Harbor project, author-
7 ized by the first section of the Act entitled “An Act mak-
8 ing appropriations for the construction, repair, and preser-
9 vation of certain public works on rivers and harbors, and
10 for other purposes”, approved July 5, 1884 (commonly
11 known as the “River and Harbor Act of 1884”) (23 Stat.
12 136, chapter 229), from Station 190+00 to Station
13 378+00 is authorized to a width of 75 feet and a depth
14 of 6 feet.

15 **SEC. 3113. UNDERWOOD CREEK DIVERSION FACILITY**
16 **PROJECT, MILWAUKEE COUNTY, WISCONSIN.**

17 Section 212(e) of the Water Resources Development
18 Act of 1999 (33 U.S.C. 2332(e)) is amended—

19 (1) in paragraph (27), by striking “and” at the
20 end;

21 (2) in paragraph (28), by striking the period at
22 the end and inserting “; and”; and

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

1 “(29) Underwood Creek Diversion Facility
2 Project (County Grounds), Milwaukee County, Wis-
3 consin.”.

4 **SEC. 3114. OCONTO HARBOR, WISCONSIN.**

5 (a) IN GENERAL.—The portion of the project for
6 navigation, Oconto Harbor, Wisconsin, authorized by the
7 Act of August 2, 1882 (22 Stat. 196, chapter 375), and
8 the Act of June 25, 1910 (36 Stat. 664, chapter 382)
9 (commonly known as the “River and Harbor Act of
10 1910”), consisting of a 15-foot-deep turning basin in the
11 Oconto River, as described in subsection (b), is no longer
12 authorized.

13 (b) PROJECT DESCRIPTION.—The project referred to
14 in subsection (a) is more particularly described as—

15 (1) beginning at a point along the western limit
16 of the existing project, N. 394,086.71, E.
17 2,530,202.71;

18 (2) thence northeasterly about 619.93 feet to a
19 point N. 394,459.10, E. 2,530,698.33;

20 (3) thence southeasterly about 186.06 feet to a
21 point N. 394,299.20, E. 2,530,793.47;

22 (4) thence southwesterly about 355.07 feet to a
23 point N. 393,967.13, E. 2,530,667.76;

24 (5) thence southwesterly about 304.10 feet to a
25 point N. 393,826.90, E. 2,530,397.92; and

1 (6) thence northwesterly about 324.97 feet to
2 the point of origin.

3 **SEC. 3115. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

4 Section 21 of the Water Resources Development Act
5 of 1988 (102 Stat. 4027) is amended—

6 (1) in subsection (a)—

7 (A) by striking “1276.42” and inserting
8 “1278.42”;

9 (B) by striking “1218.31” and inserting
10 “1221.31”; and

11 (C) by striking “1234.82” and inserting
12 “1235.30”; and

13 (2) by striking subsection (b) and inserting the
14 following:

15 “(b) EXCEPTION.—

16 “(1) IN GENERAL.—The Secretary may operate
17 the headwaters reservoirs below the minimum or
18 above the maximum water levels established under
19 subsection (a) in accordance with water control reg-
20 ulation manuals (or revisions to those manuals) de-
21 veloped by the Secretary, after consultation with the
22 Governor of Minnesota and affected tribal govern-
23 ments, landowners, and commercial and recreational
24 users.

1 “(2) EFFECTIVE DATE OF MANUALS.—The
2 water control regulation manuals referred to in
3 paragraph (1) (and any revisions to those manuals)
4 shall be effective as of the date on which the Sec-
5 retary submits the manuals (or revisions) to Con-
6 gress.

7 “(3) NOTIFICATION.—

8 “(A) IN GENERAL.—Except as provided in
9 subparagraph (B), not less than 14 days before
10 operating any headwaters reservoir below the
11 minimum or above the maximum water level
12 limits specified in subsection (a), the Secretary
13 shall submit to Congress a notice of intent to
14 operate the headwaters reservoir.

15 “(B) EXCEPTION.—Notice under subpara-
16 graph (A) shall not be required in any case in
17 which—

18 “(i) the operation of a headwaters res-
19 ervoir is necessary to prevent the loss of
20 life or to ensure the safety of a dam; or

21 “(ii) the drawdown of the water level
22 of the reservoir is in anticipation of a flood
23 control operation.”.

1 **SEC. 3116. LOWER MISSISSIPPI RIVER MUSEUM AND RIVER-**
2 **FRONT INTERPRETIVE SITE.**

3 Section 103(c)(2) of the Water Resources Develop-
4 ment Act of 1992 (106 Stat. 4811) is amended by striking
5 “property currently held by the Resolution Trust Corpora-
6 tion in the vicinity of the Mississippi River Bridge” and
7 inserting “riverfront property”.

8 **SEC. 3117. UPPER MISSISSIPPI RIVER SYSTEM ENVIRON-**
9 **MENTAL MANAGEMENT PROGRAM.**

10 (a) **IN GENERAL.**—Notwithstanding section 221 of
11 the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for
12 any Upper Mississippi River fish and wildlife habitat reha-
13 bilitation and enhancement project carried out under sec-
14 tion 1103(e) of the Water Resources Development Act of
15 1986 (33 U.S.C. 652(e)), with the consent of the affected
16 local government, a nongovernmental organization may be
17 considered to be a non-Federal interest.

18 (b) **CONFORMING AMENDMENT.**—Section
19 1103(e)(1)(A)(ii) of the Water Resources Development
20 Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)) is amended by
21 inserting before the period at the end the following: “, in-
22 cluding research on water quality issues affecting the Mis-
23 sissippi River, including elevated nutrient levels, and the
24 development of remediation strategies”.

1 **SEC. 3118. UPPER BASIN OF MISSOURI RIVER.**

2 (a) USE OF FUNDS.—Notwithstanding the Energy
3 and Water Development Appropriations Act, 2006 (Public
4 Law 109–103; 119 Stat. 2247), funds made available for
5 recovery or mitigation activities in the lower basin of the
6 Missouri River may be used for recovery or mitigation ac-
7 tivities in the upper basin of the Missouri River, including
8 the States of Montana, Nebraska, North Dakota, and
9 South Dakota.

10 (b) CONFORMING AMENDMENT.—The matter under
11 the heading “**MISSOURI RIVER MITIGATION, MIS-**
12 **SOURI, KANSAS, IOWA, AND NEBRASKA**” of section
13 601(a) of the Water Resources Development Act of 1986
14 (100 Stat. 4143), as modified by section 334 of the Water
15 Resources Development Act of 1999 (113 Stat. 306), is
16 amended by adding at the end the following: “The Sec-
17 retary may carry out any recovery or mitigation activities
18 in the upper basin of the Missouri River, including the
19 States of Montana, Nebraska, North Dakota, and South
20 Dakota, using funds made available under this heading
21 in accordance with the Endangered Species Act of 1973
22 (16 U.S.C. 1531 et seq.) and consistent with the project
23 purposes of the Missouri River Mainstem System as au-
24 thorized by section 10 of the Act of December 22, 1944
25 (commonly known as the ‘Flood Control Act of 1944’) (58
26 Stat. 897).”.

1 **SEC. 3119. GREAT LAKES FISHERY AND ECOSYSTEM RES-**
2 **TORATION PROGRAM.**

3 (a) GREAT LAKES FISHERY AND ECOSYSTEM RES-
4 TORATION.—Section 506(c) of the Water Resources De-
5 velopment Act of 2000 (42 U.S.C. 1962d–22(c)) is
6 amended—

7 (1) by redesignating paragraphs (2) and (3) as
8 paragraphs (3) and (4), respectively;

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

11 “(2) RECONNAISSANCE STUDIES.—Before plan-
12 ning, designing, or constructing a project under
13 paragraph (3), the Secretary shall carry out a recon-
14 naissance study—

15 “(A) to identify methods of restoring the
16 fishery, ecosystem, and beneficial uses of the
17 Great Lakes; and

18 “(B) to determine whether planning of a
19 project under paragraph (3) should proceed.”;
20 and

21 (3) in paragraph (4)(A) (as redesignated by
22 paragraph (1)), by striking “paragraph (2)” and in-
23 serting “paragraph (3)”.

24 (b) COST SHARING.—Section 506(f) of the Water Re-
25 sources Development Act of 2000 (42 U.S.C. 1962d–
26 22(f)) is amended—

1 (1) by redesignating paragraphs (2) through
2 (5) as paragraphs (3) through (6), respectively;

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

5 “(2) RECONNAISSANCE STUDIES.—Any recon-
6 naissance study under subsection (c)(2) shall be car-
7 ried out at full Federal expense.”;

8 (3) in paragraph (3) (as redesignated by para-
9 graph (1)), by striking “(2) or (3)” and inserting
10 “(3) or (4)”;

11 (4) in paragraph (4)(A) (as redesignated by
12 paragraph (1)), by striking “subsection (c)(2)” and
13 inserting “subsection (c)(3)”.

14 **SEC. 3120. GREAT LAKES REMEDIAL ACTION PLANS AND**
15 **SEDIMENT REMEDIATION.**

16 Section 401(c) of the Water Resources Development
17 Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is
18 amended by striking “through 2006” and inserting
19 “through 2011”.

20 **SEC. 3121. GREAT LAKES TRIBUTARY MODELS.**

21 Section 516(g)(2) of the Water Resources Develop-
22 ment Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended
23 by striking “through 2006” and inserting “through
24 2011”.

1 **SEC. 3122. UPPER OHIO RIVER AND TRIBUTARIES NAVIGA-**
2 **TION SYSTEM NEW TECHNOLOGY PILOT PRO-**
3 **GRAM.**

4 (a) DEFINITION OF UPPER OHIO RIVER AND TRIBU-
5 TARIES NAVIGATION SYSTEM.—In this section, the term
6 “Upper Ohio River and Tributaries Navigation System”
7 means the Allegheny, Kanawha, Monongahela, and Ohio
8 Rivers.

9 (b) ESTABLISHMENT.—

10 (1) IN GENERAL.—The Secretary shall establish
11 a pilot program to evaluate new technologies applica-
12 ble to the Upper Ohio River and Tributaries Naviga-
13 tion System.

14 (2) INCLUSIONS.—The program may include
15 the design, construction, or implementation of inno-
16 vative technologies and solutions for the Upper Ohio
17 River and Tributaries Navigation System, including
18 projects for—

19 (A) improved navigation;

20 (B) environmental stewardship;

21 (C) increased navigation reliability; and

22 (D) reduced navigation costs.

23 (3) PURPOSES.—The purposes of the program
24 shall be, with respect to the Upper Ohio River and
25 Tributaries Navigation System—

1 (A) to increase the reliability and avail-
2 ability of federally-owned and federally-operated
3 navigation facilities;

4 (B) to decrease system operational risks;
5 and

6 (C) to improve—

7 (i) vessel traffic management;

8 (ii) access; and

9 (iii) Federal asset management.

10 (c) FEDERAL OWNERSHIP REQUIREMENT.—The Sec-
11 retary may provide assistance for a project under this sec-
12 tion only if the project is federally owned.

13 (d) LOCAL COOPERATION AGREEMENTS.—

14 (1) IN GENERAL.—The Secretary shall enter
15 into local cooperation agreements with non-Federal
16 interests to provide for the design, construction, in-
17 stallation, and operation of the projects to be carried
18 out under the program.

19 (2) REQUIREMENTS.—Each local cooperation
20 agreement entered into under this subsection shall
21 include the following:

22 (A) PLAN.—Development by the Secretary,
23 in consultation with appropriate Federal and
24 State officials, of a navigation improvement

1 project, including appropriate engineering plans
2 and specifications.

3 (B) LEGAL AND INSTITUTIONAL STRUC-
4 TURES.—Establishment of such legal and insti-
5 tutional structures as are necessary to ensure
6 the effective long-term operation of the project.

7 (3) COST SHARING.—Total project costs under
8 each local cooperation agreement shall be cost-
9 shared in accordance with the formula relating to
10 the applicable original construction project.

11 (4) EXPENDITURES.—

12 (A) IN GENERAL.—Expenditures under the
13 program may include, for establishment at fed-
14 erally-owned property, such as locks, dams, and
15 bridges—

- 16 (i) transmitters;
- 17 (ii) responders;
- 18 (iii) hardware;
- 19 (iv) software; and
- 20 (v) wireless networks.

21 (B) EXCLUSIONS.—Transmitters, respond-
22 ers, hardware, software, and wireless networks
23 or other equipment installed on privately-owned
24 vessels or equipment shall not be eligible under
25 the program.

1 (e) REPORT.—Not later than December 31, 2007, the
2 Secretary shall submit to Congress a report on the results
3 of the pilot program carried out under this section, to-
4 gether with recommendations concerning whether the pro-
5 gram or any component of the program should be imple-
6 mented on a national basis.

7 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to carry out this section
9 \$3,100,000, to remain available until expended.

10 **TITLE IV—STUDIES**

11 **SEC. 4001. EURASIAN MILFOIL.**

12 Under the authority of section 104 of the River and
13 Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall
14 carry out a study, at full Federal expense, to develop na-
15 tional protocols for the use of the *Euhrychiopsis lecontei*
16 weevil for biological control of Eurasian milfoil in the lakes
17 of Vermont and other northern tier States.

18 **SEC. 4002. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA- 19 TION CHANNEL.**

20 (a) IN GENERAL.—To determine with improved accu-
21 racy the environmental impacts of the project on the
22 McClellan-Kerr Arkansas River Navigation Channel (re-
23 ferred to in this section as the “MKARN”), the Secretary
24 shall carry out the measures described in subsection (b)
25 in a timely manner.

1 (b) SPECIES STUDY.—

2 (1) IN GENERAL.—The Secretary, in conjunc-
3 tion with Oklahoma State University, shall convene
4 a panel of experts with acknowledged expertise in
5 wildlife biology and genetics to review the available
6 scientific information regarding the genetic variation
7 of various sturgeon species and possible hybrids of
8 those species that, as determined by the United
9 States Fish and Wildlife Service, may exist in any
10 portion of the MKARN.

11 (2) REPORT.—The Secretary shall direct the
12 panel to report to the Secretary, not later than 1
13 year after the date of enactment of this Act and in
14 the best scientific judgment of the panel—

15 (A) the level of genetic variation between
16 populations of sturgeon sufficient to determine
17 or establish that a population is a measurably
18 distinct species, subspecies, or population seg-
19 ment; and

20 (B) whether any pallid sturgeons that may
21 be found in the MKARN (including any tribu-
22 tary of the MKARN) would qualify as such a
23 distinct species, subspecies, or population seg-
24 ment.

1 **SEC. 4003. LOS ANGELES RIVER REVITALIZATION STUDY,**
2 **CALIFORNIA.**

3 (a) **IN GENERAL.**—The Secretary, in coordination
4 with the city of Los Angeles, shall—

5 (1) prepare a feasibility study for environmental
6 ecosystem restoration, flood control, recreation, and
7 other aspects of Los Angeles River revitalization
8 that is consistent with the goals of the Los Angeles
9 River Revitalization Master Plan published by the
10 city of Los Angeles; and

11 (2) consider any locally-preferred project alter-
12 natives developed through a full and open evaluation
13 process for inclusion in the study.

14 (b) **USE OF EXISTING INFORMATION AND MEAS-**
15 **URES.**—In preparing the study under subsection (a), the
16 Secretary shall use, to the maximum extent practicable—

17 (1) information obtained from the Los Angeles
18 River Revitalization Master Plan; and

19 (2) the development process of that plan.

20 (c) **DEMONSTRATION PROJECTS.**—

21 (1) **IN GENERAL.**—The Secretary is authorized
22 to construct demonstration projects in order to pro-
23 vide information to develop the study under sub-
24 section (a)(1).

1 the city to be in compliance with the California En-
2 vironmental Quality Act on February 24, 2004.

3 (2) ACTION ON DETERMINATION.—If the Sec-
4 retary determines under paragraph (1) that the
5 project is economically justified, technically sound,
6 and environmentally acceptable, the Secretary is au-
7 thorized to carry out the project at a total cost of
8 \$30,000,000, with an estimated Federal cost of
9 \$19,500,000 and an estimated non-Federal cost of
10 \$10,500,000.

11 (b) COST SHARING.—Cost sharing for the project de-
12 scribed in subsection (a) shall be in accordance with sec-
13 tion 103 of the Water Resources Development Act of 1986
14 (33 U.S.C. 2213).

15 **SEC. 4007. SAN FRANCISCO BAY, SACRAMENTO-SAN JOA-**
16 **QUIN DELTA, SHERMAN ISLAND, CALIFORNIA.**

17 The Secretary shall carry out a study of the feasi-
18 bility of a project to use Sherman Island, California, as
19 a dredged material rehandling facility for the beneficial
20 use of dredged material to enhance the environment and
21 meet other water resource needs on the Sacramento-San
22 Joaquin Delta, California, under section 204 of the Water
23 Resources Development Act of 1992 (33 U.S.C. 2326).

1 **SEC. 4008. SOUTH SAN FRANCISCO BAY SHORELINE STUDY,**
2 **CALIFORNIA.**

3 (a) IN GENERAL.—The Secretary, in cooperation
4 with non-Federal interests, shall conduct a study of the
5 feasibility of carrying out a project for—

6 (1) flood protection of South San Francisco
7 Bay shoreline;

8 (2) restoration of the South San Francisco Bay
9 salt ponds (including on land owned by other Fed-
10 eral agencies); and

11 (3) other related purposes, as the Secretary de-
12 termines to be appropriate.

13 (b) INDEPENDENT REVIEW.—To the extent required
14 by applicable Federal law, a national science panel shall
15 conduct an independent review of the study under sub-
16 section (a).

17 (c) REPORT.—

18 (1) IN GENERAL.—Not later than 3 years after
19 the date of enactment of this Act, the Secretary
20 shall submit to Congress a report describing the re-
21 sults of the study under subsection (a).

22 (2) INCLUSIONS.—The report under paragraph
23 (1) shall include recommendations of the Secretary
24 with respect to the project described in subsection
25 (a) based on planning, design, and land acquisition
26 documents prepared by—

1 (A) the California State Coastal Conser-
2 vancy;

3 (B) the Santa Clara Valley Water District;
4 and

5 (C) other local interests.

6 **SEC. 4009. SAN PABLO BAY WATERSHED RESTORATION,**
7 **CALIFORNIA.**

8 (a) IN GENERAL.—The Secretary shall complete
9 work as expeditiously as practicable on the study for the
10 San Pablo watershed, California, authorized by section
11 209 of the Flood Control Act of 1962 (76 Stat. 1196)
12 to determine the feasibility of opportunities for restoring,
13 preserving, and protecting the San Pablo Bay Watershed.

14 (b) REPORT.—Not later than March 31, 2008, the
15 Secretary shall submit to Congress a report that describes
16 the results of the study.

17 **SEC. 4010. FOUNTAIN CREEK, NORTH OF PUEBLO, COLO-**
18 **RADO.**

19 Subject to the availability of appropriations, the Sec-
20 retary shall expedite the completion of the Fountain
21 Creek, North of Pueblo, Colorado, watershed study au-
22 thorized by a resolution adopted by the Committee on
23 Public Works and Transportation of the House of Rep-
24 resentatives on September 23, 1976.

1 **SEC. 4011. SELENIUM STUDY, COLORADO.**

2 (a) IN GENERAL.—The Secretary, in consultation
3 with State water quality and resource and conservation
4 agencies, shall conduct regional and watershed-wide stud-
5 ies to address selenium concentrations in the State of Col-
6 orado, including studies—

7 (1) to measure selenium on specific sites; and

8 (2) to determine whether specific selenium
9 measures studied should be recommended for use in
10 demonstration projects.

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

14 **SEC. 4012. PROMONTORY POINT THIRD-PARTY REVIEW,**
15 **CHICAGO SHORELINE, CHICAGO, ILLINOIS.**

16 (a) REVIEW.—

17 (1) IN GENERAL.—The Secretary is authorized
18 to conduct a third-party review of the Promontory
19 Point project along the Chicago Shoreline, Chicago,
20 Illinois, at a cost not to exceed \$450,000.

21 (2) JOINT REVIEW.—The Buffalo and Seattle
22 Districts of the Corps of Engineers shall jointly con-
23 duct the review under paragraph (1).

24 (3) STANDARDS.—The review shall be based on
25 the standards under part 68 of title 36, Code of
26 Federal Regulations (or successor regulation), for

1 implementation by the non-Federal sponsor for the
2 Chicago Shoreline Chicago, Illinois, project.

3 (b) CONTRIBUTIONS.—The Secretary shall accept
4 from a State or political subdivision of a State voluntarily
5 contributed funds to initiate the third-party review.

6 (c) TREATMENT.—While the third-party review is of
7 the Promontory Point portion of the Chicago Shoreline,
8 Chicago, Illinois, project, the third-party review shall be
9 separate and distinct from the Chicago Shoreline, Chicago,
10 Illinois, project.

11 (d) EFFECT OF SECTION.—Nothing in this section
12 affects the authorization for the Chicago Shoreline, Chi-
13 cago, Illinois, project.

14 **SEC. 4013. VIDALIA PORT, LOUISIANA.**

15 The Secretary shall conduct a study to determine the
16 feasibility of carrying out a project for navigation improve-
17 ment at Vidalia, Louisiana.

18 **SEC. 4014. LAKE ERIE AT LUNA PIER, MICHIGAN.**

19 The Secretary shall study the feasibility of storm
20 damage reduction and beach erosion protection and other
21 related purposes along Lake Erie at Luna Pier, Michigan.

22 **SEC. 4015. MIDDLE BASS ISLAND STATE PARK, MIDDLE**
23 **BASS ISLAND, OHIO.**

24 The Secretary shall carry out a study of the feasi-
25 bility of a project for navigation improvements, shoreline

1 protection, and other related purposes, including the reha-
2 bilitation the harbor basin (including entrance break-
3 waters), interior shoreline protection, dredging, and the
4 development of a public launch ramp facility, for Middle
5 Bass Island State Park, Middle Bass Island, Ohio.

6 **SEC. 4016. JASPER COUNTY PORT FACILITY STUDY, SOUTH**
7 **CAROLINA.**

8 (a) IN GENERAL.—The Secretary may determine the
9 feasibility of providing improvements to the Savannah
10 River for navigation and related purposes that may be nec-
11 essary to support the location of container cargo and other
12 port facilities to be located in Jasper County, South Caro-
13 lina, near the vicinity of mile 6 of the Savannah Harbor
14 Entrance Channel.

15 (b) CONSIDERATION.—In making a determination
16 under subsection (a), the Secretary shall take into consid-
17 eration—

18 (1) landside infrastructure;

19 (2) the provision of any additional dredged ma-
20 terial disposal area for maintenance of the ongoing
21 Savannah Harbor Navigation project; and

22 (3) the results of a consultation with the Gov-
23 ernor of the State of Georgia and the Governor of
24 the State of South Carolina.

1 **SEC. 4017. JOHNSON CREEK, ARLINGTON, TEXAS.**

2 The Secretary shall conduct a feasibility study to de-
3 termine the technical soundness, economic feasibility, and
4 environmental acceptability of the plan prepared by the
5 city of Arlington, Texas, as generally described in the re-
6 port entitled “Johnson Creek: A Vision of Conservation,
7 Arlington, Texas”, dated March 2006.

8 **SEC. 4018. LAKE CHAMPLAIN CANAL STUDY, VERMONT AND**
9 **NEW YORK.**

10 (a) DISPERSAL BARRIER PROJECT.—The Secretary
11 shall determine, at full Federal expense, the feasibility of
12 a dispersal barrier project at the Lake Champlain Canal.

13 (b) CONSTRUCTION, MAINTENANCE, AND OPER-
14 ATION.—If the Secretary determines that the project de-
15 scribed in subsection (a) is feasible, the Secretary shall
16 construct, maintain, and operate a dispersal barrier at the
17 Lake Champlain Canal at full Federal expense.

18 **TITLE V—MISCELLANEOUS**
19 **PROVISIONS**

20 **SEC. 5001. LAKES PROGRAM.**

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

24 (1) in paragraph (18), by striking “and” at the
25 end;

1 (2) in paragraph (19), by striking the period at
2 the end and inserting a semicolon; and

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

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

7 “(21) Lake Sakakawea, North Dakota, removal
8 of silt and aquatic growth and measures to address
9 excessive sedimentation;

10 “(22) Lake Morley, Vermont, removal of silt
11 and aquatic growth and measures to address exces-
12 sive sedimentation;

13 “(23) Lake Fairlee, Vermont, removal of silt
14 and aquatic growth and measures to address exces-
15 sive sedimentation; and

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

19 **SEC. 5002. ESTUARY RESTORATION.**

20 (a) **PURPOSES.**—Section 102 of the Estuary Restora-
21 tion Act of 2000 (33 U.S.C. 2901) is amended—

22 (1) in paragraph (1), by inserting before the
23 semicolon the following: “by implementing a coordi-
24 nated Federal approach to estuary habitat restora-
25 tion activities, including the use of common moni-

1 toring standards and a common system for tracking
2 restoration acreage”;

3 (2) in paragraph (2), by inserting “and imple-
4 ment” after “to develop”; and

5 (3) in paragraph (3), by inserting “through co-
6 operative agreements” after “restoration projects”.

7 (b) DEFINITION OF ESTUARY HABITAT RESTORA-
8 TION PLAN.—Section 103(6)(A) of the Estuary Restora-
9 tion Act of 2000 (33 U.S.C. 2902(6)(A)) is amended by
10 striking “Federal or State” and inserting “Federal, State,
11 or regional”.

12 (c) ESTUARY HABITAT RESTORATION PROGRAM.—
13 Section 104 of the Estuary Restoration Act of 2000 (33
14 U.S.C. 2903) is amended—

15 (1) in subsection (a), by inserting “through the
16 award of contracts and cooperative agreements”
17 after “assistance”;

18 (2) in subsection (c)—

19 (A) in paragraph (3)(A), by inserting “or
20 State” after “Federal”; and

21 (B) in paragraph (4)(B), by inserting “or
22 approach” after “technology”;

23 (3) in subsection (d)—

24 (A) in paragraph (1)—

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

3 “(i) IN GENERAL.—Except”; and

4 (ii) by adding at the end the fol-
5 lowing:

6 “(ii) MONITORING.—

7 “(I) COSTS.—The costs of moni-
8 toring an estuary habitat restoration
9 project funded under this title may be
10 included in the total cost of the estu-
11 ary habitat restoration project.

12 “(II) GOALS.—The goals of the
13 monitoring shall be—

14 “(aa) to measure the effec-
15 tiveness of the restoration
16 project; and

17 “(bb) to allow adaptive man-
18 agement to ensure project suc-
19 cess.”;

20 (B) in paragraph (2), by inserting “or ap-
21 proach” after “technology”; and

22 (C) in paragraph (3), by inserting “(in-
23 cluding monitoring)” after “services”;

24 (4) in subsection (f)(1)(B), by inserting “long-
25 term” before “maintenance”; and

1 (5) in subsection (g)—

2 (A) by striking “In carrying” and inserting
3 the following:

4 “(1) IN GENERAL.—In carrying”; and

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

6 “(2) SMALL PROJECTS.—

7 “(A) DEFINITION OF SMALL PROJECT.—In
8 this paragraph, the term ‘small project’ means
9 a project carried out under this title at a Fed-
10 eral cost of less than \$1,000,000.

11 “(B) SMALL PROJECT DELEGATION.—In
12 carrying out this title, the Secretary, upon the
13 recommendation of the Council, may delegate
14 implementation of a small project to—

15 “(i) the Secretary of the Interior (act-
16 ing through the Director of the United
17 States Fish and Wildlife Service);

18 “(ii) the Under Secretary for Oceans
19 and Atmosphere of the Department of
20 Commerce;

21 “(iii) the Administrator of the Envi-
22 ronmental Protection Agency; or

23 “(iv) the Secretary of Agriculture.

24 “(C) FUNDING.—The implementation of a
25 small project delegated to the head of a Federal

1 department or agency under this paragraph
2 may be carried out using—

3 “(i) funds appropriated to the depart-
4 ment or agency under section 109(a)(1); or

5 “(ii) any other funds available to the
6 department or agency.

7 “(D) AGREEMENTS.—The Federal depart-
8 ment or agency to which implementation of a
9 small project is delegated shall enter into an
10 agreement with the non-Federal interest gen-
11 erally in conformance with the criteria in sub-
12 sections (d) and (e). Cooperative agreements
13 may be used for any delegated project.”.

14 (d) ESTABLISHMENT OF ESTUARY HABITAT RES-
15 Toration COUNCIL.—Section 105(b) of the Estuary Res-
16 toration Act of 2000 (33 U.S.C. 2904(b)) is amended—

17 (1) in paragraph (4), by striking “and” after
18 the semicolon;

19 (2) in paragraph (5), by striking the period at
20 the end and inserting a semicolon; and

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

22 “(6) cooperating in the implementation of the
23 strategy developed under section 106;

24 “(7) recommending standards for monitoring
25 for restoration projects and contribution of project

1 information to the database developed under section
2 107; and

3 “(8) otherwise using the respective agency au-
4 thorities of the Council members to carry out this
5 title.”.

6 (e) MONITORING OF ESTUARY HABITAT RESTORA-
7 TION PROJECTS.—Section 107(d) of the Estuary Restora-
8 tion Act of 2000 (33 U.S.C. 2906(d)) is amended by strik-
9 ing “compile” and inserting “have general data compila-
10 tion, coordination, and analysis responsibilities to carry
11 out this title and in support of the strategy developed
12 under this section, including compilation of”.

13 (f) REPORTING.—Section 108(a) of the Estuary Res-
14 toration Act of 2000 (33 U.S.C. 2907(a)) is amended by
15 striking “third and fifth” and inserting “sixth, eighth, and
16 tenth”.

17 (g) FUNDING.—Section 109(a) of the Estuary Res-
18 toration Act of 2000 (33 U.S.C. 2908(a)) is amended—

19 (1) in paragraph (1)—

20 (A) in the matter preceding subparagraph

21 (A), by striking “to the Secretary”; and

22 (B) by striking subparagraphs (A) through
23 (D) and inserting the following:

24 “(A) to the Secretary, \$25,000,000 for
25 each of fiscal years 2007 through 2011;

1 “(B) to the Secretary of the Interior (act-
2 ing through the Director of the United States
3 Fish and Wildlife Service), \$2,500,000 for each
4 of fiscal years 2007 through 2011;

5 “(C) to the Under Secretary for Oceans
6 and Atmosphere of the Department of Com-
7 merce, \$2,500,000 for each of fiscal years 2007
8 through 2011;

9 “(D) to the Administrator of the Environ-
10 mental Protection Agency, \$2,500,000 for each
11 of fiscal years 2007 through 2011; and

12 “(E) to the Secretary of Agriculture,
13 \$2,500,000 for each of fiscal years 2007
14 through 2011.”; and

15 (2) in the first sentence of paragraph (2)—

16 (A) by inserting “and other information
17 compiled under section 107” after “this title”;
18 and

19 (B) by striking “2005” and inserting
20 “2011”.

21 (h) GENERAL PROVISIONS.—Section 110 of the Es-
22 tuary Restoration Act of 2000 (33 U.S.C. 2909) is amend-
23 ed—

24 (1) in subsection (b)(1)—

1 (A) by inserting “or contracts” after
2 “agreements”; and

3 (B) by inserting “, nongovernmental orga-
4 nizations,” after “agencies”; and

5 (2) by striking subsections (d) and (e).

6 **SEC. 5003. DELMARVA CONSERVATION CORRIDOR, DELA-**
7 **WARE AND MARYLAND.**

8 (a) ASSISTANCE.—The Secretary may provide tech-
9 nical assistance to the Secretary of Agriculture for use in
10 carrying out the Conservation Corridor Demonstration
11 Program established under subtitle G of title II of the
12 Farm Security and Rural Investment Act of 2002 (16
13 U.S.C. 3801 note; 116 Stat. 275).

14 (b) COORDINATION AND INTEGRATION.—In carrying
15 out water resources projects in the States on the Delmarva
16 Peninsula, the Secretary shall coordinate and integrate
17 those projects, to the maximum extent practicable, with
18 any activities carried out to implement a conservation cor-
19 ridor plan approved by the Secretary of Agriculture under
20 section 2602 of the Farm Security and Rural Investment
21 Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

1 **SEC. 5004. SUSQUEHANNA, DELAWARE, AND POTOMAC**
2 **RIVER BASINS, DELAWARE, MARYLAND,**
3 **PENNSYLVANIA, AND VIRGINIA.**

4 (a) EX OFFICIO MEMBER.—Notwithstanding section
5 3001(a) of the 1997 Emergency Supplemental Appropria-
6 tions Act for Recovery From Natural Disasters, and for
7 Overseas Peacekeeping Efforts, Including Those in Bosnia
8 (111 Stat. 176) and sections 2.2 of the Susquehanna
9 River Basin Compact (Public Law 91–575) and the Dela-
10 ware River Basin Compact (Public Law 87–328), begin-
11 ning in fiscal year 2002, and each fiscal year thereafter,
12 the Division Engineer, North Atlantic Division, Corps of
13 Engineers—

14 (1) shall be the ex officio United States member
15 under the Susquehanna River Basin Compact, the
16 Delaware River Basin Compact, and the Potomac
17 River Basin Compact;

18 (2) shall serve without additional compensation;
19 and

20 (3) may designate an alternate member in ac-
21 cordance with the terms of those compacts.

22 (b) AUTHORIZATION TO ALLOCATE.—The Secretary
23 shall allocate funds to the Susquehanna River Basin Com-
24 mission, Delaware River Basin Commission, and the
25 Interstate Commission on the Potomac River Basin (Poto-
26 mac River Basin Compact (Public Law 91–407)) to fulfill

1 the equitable funding requirements of the respective inter-
2 state compacts.

3 (c) WATER SUPPLY AND CONSERVATION STORAGE,
4 DELAWARE RIVER BASIN.—

5 (1) IN GENERAL.—The Secretary shall enter
6 into an agreement with the Delaware River Basin
7 Commission to provide temporary water supply and
8 conservation storage at the Francis E. Walter Dam,
9 Pennsylvania, for any period during which the Com-
10 mission has determined that a drought warning or
11 drought emergency exists.

12 (2) LIMITATION.—The agreement shall provide
13 that the cost for water supply and conservation stor-
14 age under paragraph (1) shall not exceed the incre-
15 mental operating costs associated with providing the
16 storage.

17 (d) WATER SUPPLY AND CONSERVATION STORAGE,
18 SUSQUEHANNA RIVER BASIN.—

19 (1) IN GENERAL.—The Secretary shall enter
20 into an agreement with the Susquehanna River
21 Basin Commission to provide temporary water sup-
22 ply and conservation storage at Federal facilities op-
23 erated by the Corps of Engineers in the Susque-
24 hanna River Basin, during any period in which the

1 Commission has determined that a drought warning
2 or drought emergency exists.

3 (2) LIMITATION.—The agreement shall provide
4 that the cost for water supply and conservation stor-
5 age under paragraph (1) shall not exceed the incre-
6 mental operating costs associated with providing the
7 storage.

8 (e) WATER SUPPLY AND CONSERVATION STORAGE,
9 POTOMAC RIVER BASIN.—

10 (1) IN GENERAL.—The Secretary shall enter
11 into an agreement with the Potomac River Basin
12 Commission to provide temporary water supply and
13 conservation storage at Federal facilities operated by
14 the Corps of Engineers in the Potomac River Basin
15 for any period during which the Commission has de-
16 termined that a drought warning or drought emer-
17 gency exists.

18 (2) LIMITATION.—The agreement shall provide
19 that the cost for water supply and conservation stor-
20 age under paragraph (1) shall not exceed the incre-
21 mental operating costs associated with providing the
22 storage.

1 **SEC. 5005. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND**
2 **MARYLAND.**

3 (a) **COMPREHENSIVE ACTION PLAN.**—Not later than
4 1 year after the date of enactment of this Act, the Sec-
5 retary, in coordination with the Mayor of the District of
6 Columbia, the Governor of Maryland, the county execu-
7 tives of Montgomery County and Prince George’s County,
8 Maryland, and other stakeholders, shall develop and make
9 available to the public a 10-year comprehensive action
10 plan to provide for the restoration and protection of the
11 ecological integrity of the Anacostia River and its tribu-
12 taries.

13 (b) **PUBLIC AVAILABILITY.**—On completion of the
14 comprehensive action plan under subsection (a), the Sec-
15 retary shall make the plan available to the public.

16 **SEC. 5006. CHICAGO SANITARY AND SHIP CANAL DIS-**
17 **PERSAL BARRIERS PROJECT, ILLINOIS.**

18 (a) **TREATMENT AS SINGLE PROJECT.**—The Chicago
19 Sanitary and Ship Canal Dispersal Barrier Project (Bar-
20 rier I) (as in existence on the date of enactment of this
21 Act), constructed as a demonstration project under section
22 1202(i)(3) of the Nonindigenous Aquatic Nuisance Pre-
23 vention and Control Act of 1990 (16 U.S.C. 4722(i)(3)),
24 and Barrier II, as authorized by section 345 of the Dis-
25 trict of Columbia Appropriations Act, 2005 (Public Law

1 108–335; 118 Stat. 1352), shall be considered to con-
2 stitute a single project.

3 (b) AUTHORIZATION.—

4 (1) IN GENERAL.—The Secretary, acting
5 through the Chief of Engineers, is authorized and
6 directed, at full Federal expense—

7 (A) to upgrade and make permanent Bar-
8 rier I;

9 (B) to construct Barrier II, notwith-
10 standing the project cooperation agreement
11 with the State of Illinois dated June 14, 2005;

12 (C) to operate and maintain Barrier I and
13 Barrier II as a system to optimize effectiveness;

14 (D) to conduct, in consultation with appro-
15 priate Federal, State, local, and nongovern-
16 mental entities, a study of a full range of op-
17 tions and technologies for reducing impacts of
18 hazards that may reduce the efficacy of the
19 Barriers; and

20 (E) to provide to each State a credit in an
21 amount equal to the amount of funds contrib-
22 uted by the State toward Barrier II.

23 (2) USE OF CREDIT.—A State may apply a
24 credit received under paragraph (1)(E) to any cost
25 sharing responsibility for an existing or future Fed-

1 eral project with the Corps of Engineers in the
2 State.

3 (c) CONFORMING AMENDMENTS.—

4 (1) NONINDIGENOUS AQUATIC NUISANCE PRE-
5 VENTION AND CONTROL.—Section 1202(i)(3)(C) of
6 the Nonindigenous Aquatic Nuisance Prevention and
7 Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is
8 amended by striking “, to carry out this paragraph,
9 \$750,000” and inserting “such sums as are nec-
10 essary to carry out the dispersal barrier demonstra-
11 tion project under this paragraph”.

12 (2) BARRIER II AUTHORIZATION.—Section 345
13 of the District of Columbia Appropriations Act,
14 2005 (Public Law 108–335; 118 Stat. 1352), is
15 amended to read as follows:

16 **“SEC. 345. CHICAGO SANITARY AND SHIP CANAL DIS-**
17 **PERSAL BARRIER, ILLINOIS.**

18 “There are authorized to be appropriated such sums
19 as are necessary to carry out the Barrier II project of the
20 project for the Chicago Sanitary and Ship Canal Dispersal
21 Barrier, Illinois, initiated pursuant to section 1135 of the
22 Water Resources Development Act of 1986 (33 U.S.C.
23 2294 note; 100 Stat. 4251).”.

1 **SEC. 5007. RIO GRANDE ENVIRONMENTAL MANAGEMENT**
2 **PROGRAM, COLORADO, NEW MEXICO, AND**
3 **TEXAS.**

4 (a) **SHORT TITLE.**—This section may be cited as the
5 “Rio Grande Environmental Management Act of 2007”.

6 (b) **DEFINITIONS.**—In this section:

7 (1) **RIO GRANDE COMPACT.**—The term “Rio
8 Grande Compact” means the compact approved by
9 Congress under the Act of May 31, 1939 (53 Stat.
10 785, chapter 155), and ratified by the States.

11 (2) **RIO GRANDE BASIN.**—The term “Rio
12 Grande Basin” means the Rio Grande (including all
13 tributaries and their headwaters) located—

14 (A) in the State of Colorado, from the Rio
15 Grande Reservoir, near Creede, Colorado, to the
16 New Mexico State border;

17 (B) in the State of New Mexico, from the
18 Colorado State border downstream to the Texas
19 State border; and

20 (C) in the State of Texas, from the New
21 Mexico State border to the southern terminus
22 of the Rio Grande at the Gulf of Mexico.

23 (3) **STATES.**—The term “States” means the
24 States of Colorado, New Mexico, and Texas.

25 (c) **PROGRAM AUTHORITY.**—

1 (1) IN GENERAL.—The Secretary shall carry
2 out, in the Rio Grande Basin—

3 (A) a program for the planning, construc-
4 tion, and evaluation of measures for fish and
5 wildlife habitat rehabilitation and enhancement;
6 and

7 (B) implementation of a long-term moni-
8 toring, computerized data inventory and anal-
9 ysis, applied research, and adaptive manage-
10 ment program.

11 (2) REPORTS.—Not later than December 31,
12 2008, and not later than December 31 of every sixth
13 year thereafter, the Secretary, in consultation with
14 the Secretary of the Interior and the States, shall
15 submit to Congress a report that—

16 (A) contains an evaluation of the programs
17 described in paragraph (1);

18 (B) describes the accomplishments of each
19 program;

20 (C) provides updates of a systemic habitat
21 needs assessment; and

22 (D) identifies any needed adjustments in
23 the authorization of the programs.

24 (d) STATE AND LOCAL CONSULTATION AND COOPER-
25 ATIVE EFFORT.—For the purpose of ensuring the coordi-

1 nated planning and implementation of the programs de-
2 scribed in subsection (c), the Secretary shall—

3 (1) consult with the States and other appro-
4 priate entities in the States the rights and interests
5 of which might be affected by specific program ac-
6 tivities; and

7 (2) enter into an interagency agreement with
8 the Secretary of the Interior to provide for the direct
9 participation of, and transfer of funds to, the United
10 States Fish and Wildlife Service and any other agen-
11 cy or bureau of the Department of the Interior for
12 the planning, design, implementation, and evaluation
13 of those programs.

14 (e) COST SHARING.—

15 (1) IN GENERAL.—The non-Federal share of
16 the cost of a project carried out under subsection
17 (c)(1)(A)—

18 (A) shall be 35 percent;

19 (B) may be provided through in-kind serv-
20 ices or direct cash contributions; and

21 (C) shall include provision of necessary
22 land, easements, relocations, and disposal sites.

23 (2) OPERATION AND MAINTENANCE.—The costs
24 of operation and maintenance of a project located on
25 Federal land, or land owned or operated by a State

1 or local government, shall be borne by the Federal,
2 State, or local agency that has jurisdiction over fish
3 and wildlife activities on the land.

4 (f) NONPROFIT ENTITIES.—Notwithstanding section
5 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–
6 5b), with the consent of the affected local government, a
7 nonprofit entity may be included as a non-Federal interest
8 for any project carried out under subsection (c)(1)(A).

9 (g) EFFECT ON OTHER LAW.—

10 (1) WATER LAW.—Nothing in this section pre-
11 empts any State water law.

12 (2) COMPACTS AND DECREES.—In carrying out
13 this section, the Secretary shall comply with the Rio
14 Grande Compact, and any applicable court decrees
15 or Federal and State laws, affecting water or water
16 rights in the Rio Grande Basin.

17 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to the Secretary to carry
19 out this section \$25,000,000 for fiscal year 2006 and each
20 subsequent fiscal year.

1 **SEC. 5008. MISSOURI RIVER AND TRIBUTARIES, MITIGA-**
2 **TION, RECOVERY AND RESTORATION, IOWA,**
3 **KANSAS, MISSOURI, MONTANA, NEBRASKA,**
4 **NORTH DAKOTA, SOUTH DAKOTA, AND WYO-**
5 **MING.**

6 (a) STUDY.—

7 (1) IN GENERAL.—The Secretary, in consulta-
8 tion with the Missouri River Recovery and Imple-
9 mentation Committee established by subsection
10 (b)(1), shall conduct a study of the Missouri River
11 and its tributaries to determine actions required—

12 (A) to mitigate losses of aquatic and ter-
13 restrial habitat;

14 (B) to recover federally listed species under
15 the Endangered Species Act (16 U.S.C. 1531 et
16 seq.); and

17 (C) to restore the ecosystem to prevent
18 further declines among other native species.

19 (2) FUNDING.—The study under paragraph (1)
20 shall be funded under the Missouri River Fish and
21 Wildlife Mitigation Program.

22 (b) MISSOURI RIVER RECOVERY IMPLEMENTATION
23 COMMITTEE.—

24 (1) ESTABLISHMENT.—Not later than June 31,
25 2006, the Secretary shall establish a committee to be
26 known as the “Missouri River Recovery Implementa-

1 tion Committee” (referred to in this section as the
2 “Committee”).

3 (2) MEMBERSHIP.—The Committee shall in-
4 clude representatives from—

5 (A) Federal agencies;

6 (B) States located near the Missouri River
7 Basin; and

8 (C) other appropriate entities, as deter-
9 mined by the Secretary, including—

10 (i) water management and fish and
11 wildlife agencies;

12 (ii) Indian tribes located near the Mis-
13 souri River Basin; and

14 (iii) nongovernmental stakeholders.

15 (3) DUTIES.—The Commission shall—

16 (A) with respect to the study under sub-
17 section (a), provide guidance to the Secretary
18 and any other affected Federal agency, State
19 agency, or Indian tribe;

20 (B) provide guidance to the Secretary with
21 respect to the Missouri River recovery and miti-
22 gation program in existence on the date of en-
23 actment of this Act, including recommendations
24 relating to—

1 (i) changes to the implementation
2 strategy from the use of adaptive manage-
3 ment; and

4 (ii) the coordination of the develop-
5 ment of consistent policies, strategies,
6 plans, programs, projects, activities, and
7 priorities for the program;

8 (C) exchange information regarding pro-
9 grams, projects, and activities of the agencies
10 and entities represented on the Committee to
11 promote the goals of the Missouri River recov-
12 ery and mitigation program;

13 (D) establish such working groups as the
14 Committee determines to be necessary to assist
15 in carrying out the duties of the Committee, in-
16 cluding duties relating to public policy and sci-
17 entific issues;

18 (E) facilitate the resolution of interagency
19 and intergovernmental conflicts between entities
20 represented on the Committee associated with
21 the Missouri River recovery and mitigation pro-
22 gram;

23 (F) coordinate scientific and other research
24 associated with the Missouri River recovery and
25 mitigation program; and

1 (G) annually prepare a work plan and as-
2 sociated budget requests.

3 (4) COMPENSATION; TRAVEL EXPENSES.—

4 (A) COMPENSATION.—Members of the
5 Committee shall not receive compensation from
6 the Secretary in carrying out the duties of the
7 Committee under this section.

8 (B) TRAVEL EXPENSES.—Travel expenses
9 incurred by a member of the Committee in car-
10 rying out the duties of the Committee under
11 this section shall be paid by the agency, Indian
12 tribe, or unit of government represented by the
13 member.

14 (c) NONAPPLICABILITY OF FACA.—The Federal Ad-
15 visory Committee Act (5 U.S.C. App.) shall not apply to
16 the Committee.

17 **SEC. 5009. ST. MARY PROJECT, BLACKFEET RESERVATION,**
18 **MONTANA.**

19 (a) IN GENERAL.—The Secretary, in consultation
20 with the Bureau of Reclamation, shall conduct all nec-
21 essary studies, develop an emergency response plan, pro-
22 vide technical and planning and design assistance, and re-
23 habilitate and construct the St. Mary Diversion and Con-
24 veyance Works project located within the exterior bound-

1 aries of the Blackfeet Reservation in the State of Mon-
2 tana, at a total cost of \$140,000,000.

3 (b) FEDERAL SHARE.—The Federal share of the
4 total cost of the project under this section shall be 75 per-
5 cent.

6 **SEC. 5010. LOWER PLATTE RIVER WATERSHED RESTORA-**
7 **TION, NEBRASKA.**

8 (a) IN GENERAL.—The Secretary, acting through the
9 Chief of Engineers, may cooperate with and provide assist-
10 ance to the Lower Platte River natural resources districts
11 in the State of Nebraska to serve as local sponsors with
12 respect to—

13 (1) conducting comprehensive watershed plan-
14 ning in the natural resource districts;

15 (2) assessing water resources in the natural re-
16 source districts; and

17 (3) providing project feasibility planning, de-
18 sign, and construction assistance for water resource
19 and watershed management in the natural resource
20 districts, including projects for environmental res-
21 toration and flood damage reduction.

22 (b) FUNDING.—

23 (1) FEDERAL SHARE.—The Federal share of
24 the cost of carrying out an activity described in sub-
25 section (a) shall be 65 percent.

1 (2) NON-FEDERAL SHARE.—The non-Federal
2 share of the cost of carrying out an activity de-
3 scribed in subsection (a)—

4 (A) shall be 35 percent; and

5 (B) may be provided in cash or in-kind.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to the Secretary to carry
8 out this section \$12,000,000.

9 **SEC. 5011. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE**
10 **SIOUX TRIBE, AND TERRESTRIAL WILDLIFE**
11 **HABITAT RESTORATION, SOUTH DAKOTA.**

12 (a) DISBURSEMENT PROVISIONS OF STATE OF
13 SOUTH DAKOTA AND CHEYENNE RIVER SIOUX TRIBE
14 AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILD-
15 LIFE HABITAT RESTORATION TRUST FUNDS.—Section
16 602(a)(4) of the Water Resources Development Act of
17 1999 (113 Stat. 386) is amended—

18 (1) in subparagraph (A)—

19 (A) in clause (i), by inserting “and the
20 Secretary of the Treasury” after “Secretary”;
21 and

22 (B) by striking clause (ii) and inserting the
23 following:

24 “(ii) AVAILABILITY OF FUNDS.—On
25 notification in accordance with clause (i),

1 the Secretary of the Treasury shall make
2 available to the State of South Dakota
3 funds from the State of South Dakota Ter-
4 restrial Wildlife Habitat Restoration Trust
5 Fund established under section 603, to be
6 used to carry out the plan for terrestrial
7 wildlife habitat restoration submitted by
8 the State of South Dakota after the State
9 certifies to the Secretary of the Treasury
10 that the funds to be disbursed will be used
11 in accordance with section 603(d)(3) and
12 only after the Trust Fund is fully capital-
13 ized.”; and

14 (2) in subparagraph (B), by striking clause (ii)
15 and inserting the following:

16 “(ii) AVAILABILITY OF FUNDS.—On
17 notification in accordance with clause (i),
18 the Secretary of the Treasury shall make
19 available to the Cheyenne River Sioux
20 Tribe and the Lower Brule Sioux Tribe
21 funds from the Cheyenne River Sioux Ter-
22 restrial Wildlife Habitat Restoration Trust
23 Fund and the Lower Brule Sioux Terres-
24 trial Wildlife Habitat Restoration Trust
25 Fund, respectively, established under sec-

1 tion 604, to be used to carry out the plans
 2 for terrestrial wildlife habitat restoration
 3 submitted by the Cheyenne River Sioux
 4 Tribe and the Lower Brule Sioux Tribe,
 5 respectively, after the respective tribe cer-
 6 tifies to the Secretary of the Treasury that
 7 the funds to be disbursed will be used in
 8 accordance with section 604(d)(3) and only
 9 after the Trust Fund is fully capitalized.”.

10 (b) INVESTMENT PROVISIONS OF STATE OF SOUTH
 11 DAKOTA TERRESTRIAL WILDLIFE RESTORATION TRUST
 12 FUND.—Section 603 of the Water Resources Development
 13 Act of 1999 (113 Stat. 388) is amended—

14 (1) by striking subsection (c) and inserting the
 15 following:

16 “(c) INVESTMENTS.—

17 “(1) ELIGIBLE OBLIGATIONS.—Notwith-
 18 standing any other provision of law, the Secretary of
 19 the Treasury shall invest the amounts deposited
 20 under subsection (b) and the interest earned on
 21 those amounts only in interest-bearing obligations of
 22 the United States issued directly to the Fund.

23 “(2) INVESTMENT REQUIREMENTS.—

1 “(A) IN GENERAL.—The Secretary of the
2 Treasury shall invest the Fund in accordance
3 with all of the requirements of this paragraph.

4 “(B) SEPARATE INVESTMENTS OF PRIN-
5 CIPAL AND INTEREST.—

6 “(i) PRINCIPAL ACCOUNT.—The
7 amounts deposited in the Fund under sub-
8 section (b) shall be credited to an account
9 within the Fund (referred to in this para-
10 graph as the ‘principal account’) and in-
11 vested as provided in subparagraph (C).

12 “(ii) INTEREST ACCOUNT.—The inter-
13 est earned from investing amounts in the
14 principal account of the Fund shall be
15 transferred to a separate account within
16 the Fund (referred to in this paragraph as
17 the ‘interest account’) and invested as pro-
18 vided in subparagraph (D).

19 “(iii) CREDITING.—The interest
20 earned from investing amounts in the in-
21 terest account of the Fund shall be cred-
22 ited to the interest account.

23 “(C) INVESTMENT OF PRINCIPAL AC-
24 COUNT.—

1 “(i) INITIAL INVESTMENT.—Each
2 amount deposited in the principal account
3 of the Fund shall be invested initially in el-
4 igible obligations having the shortest matu-
5 rity then available until the date on which
6 the amount is divided into 3 substantially
7 equal portions and those portions are in-
8 vested in eligible obligations that are iden-
9 tical (except for transferability) to the
10 next-issued publicly issued Treasury obli-
11 gations having a 2-year maturity, a 5-year
12 maturity, and a 10-year maturity, respec-
13 tively.

14 “(ii) SUBSEQUENT INVESTMENT.—As
15 each 2-year, 5-year, and 10-year eligible
16 obligation matures, the principal of the
17 maturing eligible obligation shall also be
18 invested initially in the shortest-maturity
19 eligible obligation then available until the
20 principal is reinvested substantially equally
21 in the eligible obligations that are identical
22 (except for transferability) to the next-
23 issued publicly issued Treasury obligations
24 having 2-year, 5-year, and 10-year matu-
25 rities.

1 “(iii) DISCONTINUANCE OF ISSUANCE
2 OF OBLIGATIONS.—If the Department of
3 the Treasury discontinues issuing to the
4 public obligations having 2-year, 5-year, or
5 10-year maturities, the principal of any
6 maturing eligible obligation shall be rein-
7 vested substantially equally in eligible obli-
8 gations that are identical (except for trans-
9 ferability) to the next-issued publicly
10 issued Treasury obligations of the matu-
11 rities longer than 1 year then available.

12 “(D) INVESTMENT OF INTEREST AC-
13 COUNT.—

14 “(i) BEFORE FULL CAPITALIZA-
15 TION.—Until the date on which the Fund
16 is fully capitalized, amounts in the interest
17 account of the Fund shall be invested in el-
18 igible obligations that are identical (except
19 for transferability) to publicly issued
20 Treasury obligations that have maturities
21 that coincide, to the maximum extent prac-
22 ticable, with the date on which the Fund
23 is expected to be fully capitalized.

24 “(ii) AFTER FULL CAPITALIZATION.—
25 On and after the date on which the Fund

1 is fully capitalized, amounts in the interest
2 account of the Fund shall be invested and
3 reinvested in eligible obligations having the
4 shortest maturity then available until the
5 amounts are withdrawn and transferred to
6 fund the activities authorized under sub-
7 section (d)(3).

8 “(E) PAR PURCHASE PRICE.—The price to
9 be paid for eligible obligations purchased as in-
10 vestments of the principal account shall not ex-
11 ceed the par value of the obligations so that the
12 amount of the principal account shall be pre-
13 served in perpetuity.

14 “(F) HIGHEST YIELD.—Among eligible ob-
15 ligations having the same maturity and pur-
16 chase price, the obligation to be purchased shall
17 be the obligation having the highest yield.

18 “(G) HOLDING TO MATURITY.—Eligible
19 obligations purchased shall generally be held to
20 their maturities.

21 “(3) ANNUAL REVIEW OF INVESTMENT ACTIVI-
22 TIES.—Not less frequently than once each calendar
23 year, the Secretary of the Treasury shall review with
24 the State of South Dakota the results of the invest-

1 ment activities and financial status of the Fund dur-
2 ing the preceding 12-month period.

3 “(4) AUDITS.—

4 “(A) IN GENERAL.—The activities of the
5 State of South Dakota (referred to in this sub-
6 section as the ‘State’) in carrying out the plan
7 of the State for terrestrial wildlife habitat res-
8 toration under section 602(a) shall be audited
9 as part of the annual audit that the State is re-
10 quired to prepare under the Office of Manage-
11 ment and Budget Circular A–133 (or a suc-
12 cessor circulation).

13 “(B) DETERMINATION BY AUDITORS.—An
14 auditor that conducts an audit under subpara-
15 graph (A) shall—

16 “(i) determine whether funds received
17 by the State under this section during the
18 period covered by the audit were used to
19 carry out the plan of the State in accord-
20 ance with this section; and

21 “(ii) include the determination under
22 clause (i) in the written findings of the
23 audit.

24 “(5) MODIFICATION OF INVESTMENT REQUIRE-
25 MENTS.—

1 “(A) IN GENERAL.—If the Secretary of the
2 Treasury determines that meeting the require-
3 ments under paragraph (2) with respect to the
4 investment of a Fund is not practicable, or
5 would result in adverse consequences for the
6 Fund, the Secretary shall modify the require-
7 ments, as the Secretary determines to be nec-
8 essary.

9 “(B) CONSULTATION.—Before modifying a
10 requirement under subparagraph (A), the Sec-
11 retary of the Treasury shall consult with the
12 State regarding the proposed modification.”;

13 (2) in subsection (d)(2), by inserting “of the
14 Treasury” after Secretary”; and

15 (3) by striking subsection (f) and inserting the
16 following:

17 “(f) ADMINISTRATIVE EXPENSES.—There are au-
18 thorized to be appropriated, out of any money in the
19 Treasury not otherwise appropriated, to the Secretary of
20 the Treasury, to pay expenses associated with investing
21 the Fund and auditing the uses of amounts withdrawn
22 from the Fund—

23 “(1) up to \$500,000 for each of fiscal years
24 2006 and 2007; and

1 “(2) such sums as are necessary for each subse-
2 quent fiscal year.”.

3 (c) INVESTMENT PROVISIONS FOR CHEYENNE RIVER
4 SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TRUST
5 FUNDS.—Section 604 of the Water Resources Develop-
6 ment Act of 1999 (113 Stat. 389) is amended—

7 (1) by striking subsection (c) and inserting the
8 following:

9 “(c) INVESTMENTS.—

10 “(1) ELIGIBLE OBLIGATIONS.—Notwith-
11 standing any other provision of law, the Secretary of
12 the Treasury shall invest the amounts deposited
13 under subsection (b) and the interest earned on
14 those amounts only in interest-bearing obligations of
15 the United States issued directly to the Funds.

16 “(2) INVESTMENT REQUIREMENTS.—

17 “(A) IN GENERAL.—The Secretary of the
18 Treasury shall invest each of the Funds in ac-
19 cordance with all of the requirements of this
20 paragraph.

21 “(B) SEPARATE INVESTMENTS OF PRIN-
22 CIPAL AND INTEREST.—

23 “(i) PRINCIPAL ACCOUNT.—The
24 amounts deposited in each Fund under
25 subsection (b) shall be credited to an ac-

1 count within the Fund (referred to in this
2 paragraph as the ‘principal account’) and
3 invested as provided in subparagraph (C).

4 “(ii) INTEREST ACCOUNT.—The inter-
5 est earned from investing amounts in the
6 principal account of each Fund shall be
7 transferred to a separate account within
8 the Fund (referred to in this paragraph as
9 the ‘interest account’) and invested as pro-
10 vided in subparagraph (D).

11 “(iii) CREDITING.—The interest
12 earned from investing amounts in the in-
13 terest account of each Fund shall be cred-
14 ited to the interest account.

15 “(C) INVESTMENT OF PRINCIPAL AC-
16 COUNT.—

17 “(i) INITIAL INVESTMENT.—Each
18 amount deposited in the principal account
19 of each Fund shall be invested initially in
20 eligible obligations having the shortest ma-
21 turity then available until the date on
22 which the amount is divided into 3 sub-
23 stantially equal portions and those portions
24 are invested in eligible obligations that are
25 identical (except for transferability) to the

1 next-issued publicly issued Treasury obli-
2 gations having a 2-year maturity, a 5-year
3 maturity, and a 10-year maturity, respec-
4 tively.

5 “(ii) SUBSEQUENT INVESTMENT.—As
6 each 2-year, 5-year, and 10-year eligible
7 obligation matures, the principal of the
8 maturing eligible obligation shall also be
9 invested initially in the shortest-maturity
10 eligible obligation then available until the
11 principal is reinvested substantially equally
12 in the eligible obligations that are identical
13 (except for transferability) to the next-
14 issued publicly issued Treasury obligations
15 having 2-year, 5-year, and 10-year matu-
16 rities.

17 “(iii) DISCONTINUATION OF ISSUANCE
18 OF OBLIGATIONS.—If the Department of
19 the Treasury discontinues issuing to the
20 public obligations having 2-year, 5-year, or
21 10-year maturities, the principal of any
22 maturing eligible obligation shall be rein-
23 vested substantially equally in eligible obli-
24 gations that are identical (except for trans-
25 ferability) to the next-issued publicly

1 issued Treasury obligations of the matu-
2 rities longer than 1 year then available.

3 “(D) INVESTMENT OF THE INTEREST AC-
4 COUNT.—

5 “(i) BEFORE FULL CAPITALIZA-
6 TION.—Until the date on which each Fund
7 is fully capitalized, amounts in the interest
8 account of the Fund shall be invested in el-
9 igible obligations that are identical (except
10 for transferability) to publicly issued
11 Treasury obligations that have maturities
12 that coincide, to the maximum extent prac-
13 ticable, with the date on which the Fund
14 is expected to be fully capitalized.

15 “(ii) AFTER FULL CAPITALIZATION.—
16 On and after the date on which each Fund
17 is fully capitalized, amounts in the interest
18 account of the Fund shall be invested and
19 reinvested in eligible obligations having the
20 shortest maturity then available until the
21 amounts are withdrawn and transferred to
22 fund the activities authorized under sub-
23 section (d)(3).

24 “(E) PAR PURCHASE PRICE.—The price to
25 be paid for eligible obligations purchased as in-

1 vestments of the principal account shall not ex-
2 ceed the par value of the obligations so that the
3 amount of the principal account shall be pre-
4 served in perpetuity.

5 “(F) HIGHEST YIELD.—Among eligible ob-
6 ligations having the same maturity and pur-
7 chase price, the obligation to be purchased shall
8 be the obligation having the highest yield.

9 “(G) HOLDING TO MATURITY.—Eligible
10 obligations purchased shall generally be held to
11 their maturities.

12 “(3) ANNUAL REVIEW OF INVESTMENT ACTIVI-
13 TIES.—Not less frequently than once each calendar
14 year, the Secretary of the Treasury shall review with
15 the Cheyenne River Sioux Tribe and the Lower
16 Brule Sioux Tribe (referred to in this subsection as
17 the ‘Tribes’) the results of the investment activities
18 and financial status of the Funds during the pre-
19 ceding 12-month period.

20 “(4) AUDITS.—

21 “(A) IN GENERAL.—The activities of the
22 Tribes in carrying out the plans of the Tribes
23 for terrestrial wildlife habitat restoration under
24 section 602(a) shall be audited as part of the
25 annual audit that the Tribes are required to

1 prepare under the Office of Management and
2 Budget Circular A-133 (or a successor circula-
3 tion).

4 “(B) DETERMINATION BY AUDITORS.—An
5 auditor that conducts an audit under subpara-
6 graph (A) shall—

7 “(i) determine whether funds received
8 by the Tribes under this section during the
9 period covered by the audit were used to
10 carry out the plan of the appropriate Tribe
11 in accordance with this section; and

12 “(ii) include the determination under
13 clause (i) in the written findings of the
14 audit.

15 “(5) MODIFICATION OF INVESTMENT REQUIRE-
16 MENTS.—

17 “(A) IN GENERAL.—If the Secretary of the
18 Treasury determines that meeting the require-
19 ments under paragraph (2) with respect to the
20 investment of a Fund is not practicable, or
21 would result in adverse consequences for the
22 Fund, the Secretary shall modify the require-
23 ments, as the Secretary determines to be nec-
24 essary.

1 “(B) CONSULTATION.—Before modifying a
2 requirement under subparagraph (A), the Sec-
3 retary of the Treasury shall consult with the
4 Tribes regarding the proposed modification.”;
5 and

6 (2) by striking subsection (f) and inserting the
7 following:

8 “(f) ADMINISTRATIVE EXPENSES.—There are au-
9 thorized to be appropriated, out of any money in the
10 Treasury not otherwise appropriated, to the Secretary of
11 the Treasury to pay expenses associated with investing the
12 Funds and auditing the uses of amounts withdrawn from
13 the Funds—

14 “(1) up to \$500,000 for each of fiscal years
15 2006 and 2007; and

16 “(2) such sums as are necessary for each subse-
17 quent fiscal year.”.

18 **SEC. 5012. CONNECTICUT RIVER DAMS, VERMONT.**

19 (a) IN GENERAL.—The Secretary shall evaluate, de-
20 sign, and construct structural modifications at full Fed-
21 eral cost to the Union Village Dam (Ompompanoosuc
22 River), North Hartland Dam (Ottauquechee River), North
23 Springfield Dam (Black River), Ball Mountain Dam (West
24 River), and Townshend Dam (West River), Vermont, to

1 regulate flow and temperature to mitigate downstream im-
 2 pacts on aquatic habitat and fisheries.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
 4 authorized to be appropriated to carry out this section
 5 \$30,000,000.

6 TITLE VI—PROJECT 7 DEAUTHORIZATIONS

8 SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.

9 The project for flood damage reduction, Little Cove
 10 Creek, Glencoe, Alabama, authorized by the Supplemental
 11 Appropriations Act, 1985 (99 Stat. 312), is not author-
 12 ized.

13 SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.

14 The project for flood control, Goleta and Vicinity,
 15 California, authorized by section 201 of the Flood Control
 16 Act of 1970 (84 Stat. 1826), is not authorized.

17 SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.

18 (a) IN GENERAL.—The portion of the project for
 19 navigation, Bridgeport Harbor, Connecticut, authorized
 20 by the Act of July 3, 1930 (46 Stat. 919), consisting of
 21 an 18-foot channel in Yellow Mill River and described in
 22 subsection (b), is not authorized.

23 (b) DESCRIPTION OF PROJECT.—The project re-
 24 ferred to in subsection (a) is described as beginning at
 25 a point along the eastern limit of the existing project, N.

1 123,649.75, E. 481,920.54, thence running northwesterly
2 about 52.64 feet to a point N. 123,683.03, E. 481,879.75,
3 thence running northeasterly about 1,442.21 feet to a
4 point N. 125,030.08, E. 482,394.96, thence running
5 northeasterly about 139.52 feet to a point along the east
6 limit of the existing channel, N. 125,133.87, E.
7 482,488.19, thence running southwesterly about 1,588.98
8 feet to the point of origin.

9 **SEC. 6004. BRIDGEPORT, CONNECTICUT.**

10 The project for environmental infrastructure, Bridge-
11 port, Connecticut, authorized by section 219(f)(26) of the
12 Water Resources Development Act of 1992 (106 Stat.
13 4835; 113 Stat. 336), is not authorized.

14 **SEC. 6005. INLAND WATERWAY FROM DELAWARE RIVER TO**
15 **CHESAPEAKE BAY, PART II, INSTALLATION**
16 **OF FENDER PROTECTION FOR BRIDGES,**
17 **DELAWARE AND MARYLAND.**

18 The project for the construction of bridge fenders for
19 the Summit and St. Georges Bridge for the Inland Water-
20 way of the Delaware River to the C & D Canal of the
21 Chesapeake Bay, authorized by the River and Harbor Act
22 of 1954 (68 Stat. 1249), is not authorized.

23 **SEC. 6006. SHINGLE CREEK BASIN, FLORIDA.**

24 The project for flood control, Central and Southern
25 Florida Project, Shingle Creek Basin, Florida, authorized

1 by section 203 of the Flood Control Act of 1962 (76 Stat.
2 1182), is not authorized.

3 **SEC. 6007. BREVOORT, INDIANA.**

4 The project for flood control, Brevoort, Indiana, au-
5 thorized by section 5 of the Flood Control Act of 1936
6 (49 Stat. 1587), is not authorized.

7 **SEC. 6008. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.**

8 The project for flood control, Middle Wabash, Green-
9 field Bayou, Indiana, authorized by section 10 of the
10 Flood Control Act of 1946 (60 Stat. 649), is not author-
11 ized.

12 **SEC. 6009. LAKE GEORGE, HOBART, INDIANA.**

13 The project for flood damage reduction, Lake George,
14 Hobart, Indiana, authorized by section 602 of the Water
15 Resources Development Act of 1986 (100 Stat. 4148), is
16 not authorized.

17 **SEC. 6010. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO.**

18 **2, IOWA.**

19 The project for flood damage reduction, Green Bay
20 Levee and Drainage District No. 2, Iowa, authorized by
21 section 401(a) of the Water Resources Development Act
22 of 1986 (100 Stat. 4115), deauthorized in fiscal year
23 1991, and reauthorized by section 115(a)(1) of the Water
24 Resources Development Act of 1992 (106 Stat. 4821), is
25 not authorized.

1 **SEC. 6011. MUSCATINE HARBOR, IOWA.**

2 The project for navigation at the Muscatine Harbor
3 on the Mississippi River at Muscatine, Iowa, authorized
4 by section 101 of the River and Harbor Act of 1950 (64
5 Stat. 166), is not authorized.

6 **SEC. 6012. BIG SOUTH FORK NATIONAL RIVER AND REC-**
7 **REATIONAL AREA, KENTUCKY AND TEN-**
8 **NESSEE.**

9 The project for recreation facilities at Big South
10 Fork National River and Recreational Area, Kentucky and
11 Tennessee, authorized by section 108 of the Water Re-
12 sources Development Act of 1974 (88 Stat. 43), is not
13 authorized.

14 **SEC. 6013. EAGLE CREEK LAKE, KENTUCKY.**

15 The project for flood control and water supply, Eagle
16 Creek Lake, Kentucky, authorized by section 203 of the
17 Flood Control Act of 1962 (76 Stat. 1188), is not author-
18 ized.

19 **SEC. 6014. HAZARD, KENTUCKY.**

20 The project for flood damage reduction, Hazard,
21 Kentucky, authorized by section 3 of the Water Resources
22 Development Act of 1988 (102 Stat. 4014) and section
23 108 of the Water Resources Development Act of 1990
24 (104 Stat. 4621), is not authorized.

1 **SEC. 6015. WEST KENTUCKY TRIBUTARIES, KENTUCKY.**

2 The project for flood control, West Kentucky Tribu-
3 taries, Kentucky, authorized by section 204 of the Flood
4 Control Act of 1965 (79 Stat. 1081), section 201 of the
5 Flood Control Act of 1970 (84 Stat. 1825), and section
6 401(b) of the Water Resources Development Act of 1986
7 (100 Stat. 4129), is not authorized.

8 **SEC. 6016. BAYOU COCODRIE AND TRIBUTARIES, LOU-**
9 **ISIANA.**

10 The project for flood damage reduction, Bayou
11 Cocodrie and Tributaries, Louisiana, authorized by section
12 3 of the of the Act of August 18, 1941 (55 Stat. 644,
13 chapter 377), and section 1(a) of the Water Resources De-
14 velopment Act of 1974 (88 Stat. 12), is not authorized.

15 **SEC. 6017. BAYOU LAFOURCHE AND LAFOURCHE JUMP,**
16 **LOUISIANA.**

17 The uncompleted portions of the project for naviga-
18 tion improvement for Bayou LaFourche and LaFourche
19 Jump, Louisiana, authorized by the Act of August 30,
20 1935 (49 Stat. 1033, chapter 831), and the River and
21 Harbor Act of 1960 (74 Stat. 481), are not authorized.

22 **SEC. 6018. EASTERN RAPIDES AND SOUTH-CENTRAL**
23 **AVOYELLES PARISHES, LOUISIANA.**

24 The project for flood control, Eastern Rapides and
25 South-Central Avoyelles Parishes, Louisiana, authorized

1 by section 201 of the Flood Control Act of 1970 (84 Stat.
2 1825), is not authorized.

3 **SEC. 6019. FORT LIVINGSTON, GRAND TERRE ISLAND, LOU-**
4 **ISIANA.**

5 The project for erosion protection and recreation,
6 Fort Livingston, Grande Terre Island, Louisiana, author-
7 ized by the Act of August 13, 1946 (commonly known as
8 the “Flood Control Act of 1946”) (33 U.S.C. 426e et
9 seq.), is not authorized.

10 **SEC. 6020. GULF INTERCOASTAL WATERWAY, LAKE**
11 **BORGNE AND CHEF MENTEUR, LOUISIANA.**

12 The project for the construction of bulkheads and jet-
13 ties at Lake Borgne and Chef Menteur, Louisiana, as part
14 of the Gulf Intercoastal Waterway authorized by the first
15 section of the River and Harbor Act of 1946 (60 Stat.
16 635), is not authorized.

17 **SEC. 6021. RED RIVER WATERWAY, SHREVEPORT, LOU-**
18 **ISIANA TO DAINGERFIELD, TEXAS.**

19 The project for the Red River Waterway, Shreveport,
20 Louisiana to Daingerfield, Texas, authorized by section
21 101 of the River and Harbor Act of 1968 (82 Stat. 731),
22 is not authorized.

23 **SEC. 6022. CASCO BAY, PORTLAND, MAINE.**

24 The project for environmental infrastructure, Casco
25 Bay in the Vicinity of Portland, Maine, authorized by sec-

1 tion 307 of the Water Resources Development Act of 1992
2 (106 Stat. 4841), is not authorized.

3 **SEC. 6023. NORTHEAST HARBOR, MAINE.**

4 The project for navigation, Northeast Harbor, Maine,
5 authorized by section 2 of the Act of March 2, 1945 (59
6 Stat. 12, chapter 19), is not authorized.

7 **SEC. 6024. PENOBSCOT RIVER, BANGOR, MAINE.**

8 The project for environmental infrastructure, Penob-
9 scot River in the Vicinity of Bangor, Maine, authorized
10 by section 307 of the Water Resources Development Act
11 of 1992 (106 Stat. 4841), is not authorized.

12 **SEC. 6025. SAINT JOHN RIVER BASIN, MAINE.**

13 The project for research and demonstration program
14 of cropland irrigation and soil conservation techniques,
15 Saint John River Basin, Maine, authorized by section
16 1108 of the Water Resources Development Act of 1986
17 (106 Stat. 4230), is not authorized.

18 **SEC. 6026. TENANTS HARBOR, MAINE.**

19 The project for navigation, Tenants Harbor, Maine,
20 authorized by the first section of the Act of March 2, 1919
21 (40 Stat. 1275, chapter 95), is not authorized.

22 **SEC. 6027. GRAND HAVEN HARBOR, MICHIGAN.**

23 The project for navigation, Grand Haven Harbor,
24 Michigan, authorized by section 202(a) of the Water Re-

1 sources Development Act of 1986 (100 Stat. 4093), is not
2 authorized.

3 **SEC. 6028. GREENVILLE HARBOR, MISSISSIPPI.**

4 The project for navigation, Greenville Harbor, Mis-
5 sissippi, authorized by section 601(a) of the Water Re-
6 sources Development Act of 1986 (100 Stat. 4142), is not
7 authorized.

8 **SEC. 6029. PLATTE RIVER FLOOD AND RELATED**
9 **STREAMBANK EROSION CONTROL, NE-**
10 **BRASKA.**

11 The project for flood damage reduction, Platte River
12 Flood and Related Streambank Erosion Control, Ne-
13 braska, authorized by section 603 of the Water Resources
14 Development Act of 1986 (100 Stat. 4149), is not author-
15 ized.

16 **SEC. 6030. EPPING, NEW HAMPSHIRE.**

17 The project for environmental infrastructure, Ep-
18 ping, New Hampshire, authorized by section 219(c)(6) of
19 the Water Resources Development Act of 1992 (106 Stat.
20 4835), is not authorized.

21 **SEC. 6031. NEW YORK HARBOR AND ADJACENT CHANNELS,**
22 **CLAREMONT TERMINAL, JERSEY CITY, NEW**
23 **JERSEY.**

24 The project for navigation, New York Harbor and ad-
25 jacent channels, Claremont Terminal, Jersey City, New

1 Jersey, authorized by section 202(b) of the Water Re-
2 sources Development Act of 1986 (100 Stat. 4098), is not
3 authorized.

4 **SEC. 6032. EISENHOWER AND SNELL LOCKS, NEW YORK.**

5 The project for navigation, Eisenhower and Snell
6 Locks, New York, authorized by section 1163 of the Water
7 Resources Development Act of 1986 (100 Stat. 4258), is
8 not authorized.

9 **SEC. 6033. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.**

10 The project for navigation, Olcott Harbor, Lake On-
11 tario, New York, authorized by section 601(a) of the
12 Water Resources Development Act of 1986 (100 Stat.
13 4143), is not authorized.

14 **SEC. 6034. OUTER HARBOR, BUFFALO, NEW YORK.**

15 The project for navigation, Outer Harbor, Buffalo,
16 New York, authorized by section 110 of the Water Re-
17 sources Development Act of 1992 (106 Stat. 4817), is not
18 authorized.

19 **SEC. 6035. SUGAR CREEK BASIN, NORTH CAROLINA AND**
20 **SOUTH CAROLINA.**

21 The project for flood damage reduction, Sugar Creek
22 Basin, North Carolina and South Carolina, authorized by
23 section 401(a) of the Water Resources Development Act
24 of 1986 (100 Stat. 4121), is not authorized.

1 **SEC. 6036. CLEVELAND HARBOR 1958 ACT, OHIO.**

2 The project for navigation, Cleveland Harbor
3 (uncompleted portion), Ohio, authorized by section 101 of
4 the River and Harbor Act of 1958 (72 Stat. 299), is not
5 authorized.

6 **SEC. 6037. CLEVELAND HARBOR 1960 ACT, OHIO.**

7 The project for navigation, Cleveland Harbor
8 (uncompleted portion), Ohio, authorized by section 101 of
9 the River and Harbor Act of 1960 (74 Stat. 482), is not
10 authorized.

11 **SEC. 6038. CLEVELAND HARBOR, UNCOMPLETED PORTION**
12 **OF CUT #4, OHIO.**

13 The project for navigation, Cleveland Harbor
14 (uncompleted portion of Cut #4), Ohio, authorized by the
15 first section of the Act of July 24, 1946 (60 Stat. 636,
16 chapter 595), is not authorized.

17 **SEC. 6039. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAM-**
18 **MOND, OREGON.**

19 The project for the Columbia River, Seafarers Memo-
20 rial, Hammond, Oregon, authorized by title I of the En-
21 ergy and Water Development Appropriations Act, 1991
22 (104 Stat. 2078), is not authorized.

23 **SEC. 6040. TIOGA-HAMMOND LAKES, PENNSYLVANIA.**

24 The project for flood control and recreation, Tioga-
25 Hammond Lakes, Mill Creek Recreation, Pennsylvania,

1 authorized by section 203 of the Flood Control Act of
2 1958 (72 Stat. 313), is not authorized.

3 **SEC. 6041. TAMAQUA, PENNSYLVANIA.**

4 The project for flood control, Tamaqua, Pennsyl-
5 vania, authorized by section 1(a) of the Water Resources
6 Development Act of 1974 (88 Stat. 14), is not authorized.

7 **SEC. 6042. NARRAGANSETT TOWN BEACH, NARRAGANSETT,**
8 **RHODE ISLAND.**

9 The project for navigation, Narragansett Town
10 Beach, Narragansett, Rhode Island, authorized by section
11 361 of the Water Resources Development Act of 1992
12 (106 Stat. 4861), is not authorized.

13 **SEC. 6043. QUONSET POINT-DAVISVILLE, RHODE ISLAND.**

14 The project for bulkhead repairs, Quonset Point-
15 Davisville, Rhode Island, authorized by section 571 of the
16 Water Resources Development Act of 1996 (110 Stat.
17 3788), is not authorized.

18 **SEC. 6044. ARROYO COLORADO, TEXAS.**

19 The project for flood damage reduction, Arroyo Colo-
20 rado, Texas, authorized by section 401(a) of the Water
21 Resources Development Act of 1986 (100 Stat. 4125), is
22 not authorized.

23 **SEC. 6045. CYPRESS CREEK-STRUCTURAL, TEXAS.**

24 The project for flood damage reduction, Cypress
25 Creek-Structural, Texas, authorized by section 3(a)(13) of

1 the Water Resources Development Act of 1988 (102 Stat.
2 4014), is not authorized.

3 **SEC. 6046. EAST FORK CHANNEL IMPROVEMENT, INCRE-**
4 **MENT 2, EAST FORK OF THE TRINITY RIVER,**
5 **TEXAS.**

6 The project for flood damage reduction, East Fork
7 Channel Improvement, Increment 2, East Fork of the
8 Trinity River, Texas, authorized by section 203 of the
9 Flood Control Act of 1962 (76 Stat. 1185), is not author-
10 ized.

11 **SEC. 6047. FALFURRIAS, TEXAS.**

12 The project for flood damage reduction, Falfurrias,
13 Texas, authorized by section 3(a)(14) of the Water Re-
14 sources Development Act of 1988 (102 Stat. 4014), is not
15 authorized.

16 **SEC. 6048. PECAN BAYOU LAKE, TEXAS.**

17 The project for flood control, Pecan Bayou Lake,
18 Texas, authorized by section 203 of the Flood Control Act
19 of 1968 (82 Stat. 742), is not authorized.

20 **SEC. 6049. LAKE OF THE PINES, TEXAS.**

21 The project for navigation improvements affecting
22 Lake of the Pines, Texas, for the portion of the Red River
23 below Fulton, Arkansas, authorized by the Act of July 13,
24 1892 (27 Stat. 88, chapter 158), as amended by the Act
25 of July 24, 1946 (60 Stat. 635, chapter 595), the Act

1 of May 17, 1950 (64 Stat. 163, chapter 188), and the
2 River and Harbor Act of 1968 (82 Stat. 731), is not au-
3 thorized.

4 **SEC. 6050. TENNESSEE COLONY LAKE, TEXAS.**

5 The project for navigation, Tennessee Colony Lake,
6 Trinity River, Texas, authorized by section 204 of the
7 River and Harbor Act of 1965 (79 Stat. 1091), is not au-
8 thorized.

9 **SEC. 6051. CITY WATERWAY, TACOMA, WASHINGTON.**

10 The portion of the project for navigation, City Water-
11 way, Tacoma, Washington, authorized by the first section
12 of the Act of June 13, 1902 (32 Stat. 347), consisting
13 of the last 1,000 linear feet of the inner portion of the
14 Waterway beginning at Station 70+00 and ending at Sta-
15 tion 80+00, is not authorized.

16 **SEC. 6052. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.**

17 The project for bank erosion, Kanawha River,
18 Charleston, West Virginia, authorized by section
19 603(f)(13) of the Water Resources Development Act of
20 1986 (100 Stat. 4153), is not authorized.

Calendar No. 126

110TH CONGRESS
1ST Session

S. 1248

[Report No. 110-58]

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.

APRIL 30, 2007

Read twice and placed on the calendar