

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide a complete substitute.

IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.

H. R. 1495

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mrs. BOXER (for herself, Mr. INHOFE,
Mr. BAUCUS, and Mr. ISAKSON)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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

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

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 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.
- Sec. 1007. Small projects to prevent or mitigate damage caused by navigation projects.
- Sec. 1008. Small projects for aquatic plant control.

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.
- Sec. 2027. Tribal partnership program.

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.

3

- 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. Nogales Wash and tributaries flood control project, Arizona.
- Sec. 3005. Rio de Flag, Flagstaff, Arizona.
- Sec. 3006. Tucson drainage area (Tucson Arroyo), Arizona.
- Sec. 3007. Augusta and Clarendon, Arkansas.
- Sec. 3008. Eastern Arkansas Enterprise Community, Arkansas.
- Sec. 3009. Red-Ouachita River Basin levees, Arkansas and Louisiana.
- Sec. 3010. St. Francis Basin, Arkansas and Missouri.
- Sec. 3011. St. Francis Basin land transfer, Arkansas and Missouri.
- Sec. 3012. McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma.
- Sec. 3013. Cache Creek Basin, California.
- Sec. 3014. CALFED levee stability program, California.
- Sec. 3015. Hamilton Airfield, California.
- Sec. 3016. LA-3 dredged material ocean disposal site designation, California.
- Sec. 3017. Larkspur Ferry Channel, California.
- Sec. 3018. Llagas Creek, California.
- Sec. 3019. Magpie Creek, California.
- Sec. 3020. Petaluma River, Petaluma, California.
- Sec. 3021. Pine Flat Dam fish and wildlife habitat, California.
- Sec. 3022. Redwood City Navigation Project, California.
- Sec. 3023. Sacramento and American Rivers flood control, California.
- Sec. 3024. Sacramento River bank protection project, California.
- Sec. 3025. Conditional declaration of nonnavigability, Port of San Francisco, California.
- Sec. 3026. Salton Sea restoration, California.
- Sec. 3027. Santa Barbara Streams, Lower Mission Creek, California.
- Sec. 3028. Upper Guadalupe River, California.
- Sec. 3029. Yuba River Basin project, California.
- Sec. 3030. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.
- Sec. 3031. Anchorage area, New London Harbor, Connecticut.
- Sec. 3032. Norwalk Harbor, Connecticut.
- Sec. 3033. St. George's Bridge, Delaware.

- Sec. 3034. Additional program authority, comprehensive Everglades restoration, Florida.
- Sec. 3035. Brevard County, Florida.
- Sec. 3036. Critical restoration projects, Everglades and south Florida ecosystem restoration, Florida.
- Sec. 3037. Lake Okeechobee and Hillsboro Aquifer pilot projects, comprehensive Everglades restoration, Florida.
- Sec. 3038. Lido Key, Sarasota County, Florida.
- Sec. 3039. Port Sutton Channel, Tampa Harbor, Florida.
- Sec. 3040. Tampa Harbor, Cut B, Tampa, Florida.
- Sec. 3041. Allatoona Lake, Georgia.
- Sec. 3042. Dworshak Reservoir improvements, Idaho.
- Sec. 3043. Little Wood River, Gooding, Idaho.
- Sec. 3044. Port of Lewiston, Idaho.
- Sec. 3045. Cache River Levee, Illinois.
- Sec. 3046. Chicago, Illinois.
- Sec. 3047. Chicago River, Illinois.
- Sec. 3048. Illinois River Basin restoration.
- Sec. 3049. Missouri and Illinois flood protection projects reconstruction pilot program.
- Sec. 3050. Spunky Bottom, Illinois.
- Sec. 3051. Strawn Cemetery, John Redmond Lake, Kansas.
- Sec. 3052. Milford Lake, Milford, Kansas.
- Sec. 3053. Ohio River Basin comprehensive plan.
- Sec. 3054. Hickman Bluff stabilization, Kentucky.
- Sec. 3055. McAlpine Lock and Dam, Kentucky and Indiana.
- Sec. 3056. Public access, Atchafalaya Basin Floodway System, Louisiana.
- Sec. 3057. Regional visitor center, Atchafalaya Basin Floodway System, Louisiana.
- Sec. 3058. Calcasieu River and Pass, Louisiana.
- Sec. 3059. East Baton Rouge Parish, Louisiana.
- Sec. 3060. Mississippi River Gulf Outlet relocation assistance, Louisiana.
- Sec. 3061. Red River (J. Bennett Johnston) Waterway, Louisiana.
- Sec. 3062. Camp Ellis, Saco, Maine.
- Sec. 3063. Rockland Harbor, Maine.
- Sec. 3064. Rockport Harbor, Maine.
- Sec. 3065. Saco River, Maine.
- Sec. 3066. Union River, Maine.
- Sec. 3067. Baltimore Harbor and Channels, Maryland and Virginia.
- Sec. 3068. Chesapeake Bay environmental restoration and protection program, Maryland, Pennsylvania, and Virginia.
- Sec. 3069. Flood protection project, Cumberland, Maryland.
- Sec. 3070. Aunt Lydia's Cove, Massachusetts.
- Sec. 3071. Fall River Harbor, Massachusetts and Rhode Island.
- Sec. 3072. North River, Peabody, Massachusetts.
- Sec. 3073. Ecorse Creek, Michigan.
- Sec. 3074. St. Clair River and Lake St. Clair, Michigan.
- Sec. 3075. Duluth Harbor, Minnesota.
- Sec. 3076. Project for environmental enhancement, Mississippi and Louisiana estuarine areas, Mississippi and Louisiana.
- Sec. 3077. Land exchange, Pike County, Missouri.
- Sec. 3078. L-15 levee, Missouri.
- Sec. 3079. Union Lake, Missouri.
- Sec. 3080. Lower Yellowstone project, Montana.
- Sec. 3081. Yellowstone River and tributaries, Montana and North Dakota.

- Sec. 3082. Western Sarpy and Clear Creek, Nebraska.
- Sec. 3083. Lower Truckee River, McCarran Ranch, Nevada.
- Sec. 3084. Cooperative agreements, New Mexico.
- Sec. 3085. Middle Rio Grande restoration, New Mexico.
- Sec. 3086. Long Island Sound oyster restoration, New York and Connecticut.
- Sec. 3087. Mamaroneck and Sheldrake Rivers watershed management, New York.
- Sec. 3088. Orchard Beach, Bronx, New York.
- Sec. 3089. New York Harbor, New York, New York.
- Sec. 3090. New York State Canal System.
- Sec. 3091. Susquehanna River and Upper Delaware River watershed management, New York.
- Sec. 3092. Missouri River restoration, North Dakota.
- Sec. 3093. Ohio.
- Sec. 3094. Lower Girard Lake Dam, Girard, Ohio.
- Sec. 3095. Toussaint River Navigation Project, Carroll Township, Ohio.
- Sec. 3096. Arcadia Lake, Oklahoma.
- Sec. 3097. Lake Eufaula, Oklahoma.
- Sec. 3098. Release of reversionary interest, Oklahoma.
- Sec. 3099. Oklahoma lakes demonstration program, Oklahoma.
- Sec. 3100. Ottawa County, Oklahoma.
- Sec. 3101. Red River chloride control, Oklahoma and Texas.
- Sec. 3102. Waurika Lake, Oklahoma.
- Sec. 3103. Lookout Point project, Lowell, Oregon.
- Sec. 3104. Upper Willamette River Watershed ecosystem restoration.
- Sec. 3105. Upper Susquehanna River Basin, Pennsylvania and New York.
- Sec. 3106. Narragansett Bay, Rhode Island.
- Sec. 3107. South Carolina Department of Commerce development proposal at Richard B. Russell Lake, South Carolina.
- Sec. 3108. Missouri River restoration, South Dakota.
- Sec. 3109. Missouri and Middle Mississippi Rivers enhancement project.
- Sec. 3110. Nonconnah Weir, Memphis, Tennessee.
- Sec. 3111. Old Hickory Lock and Dam, Cumberland River, Tennessee.
- Sec. 3112. Sandy Creek, Jackson County, Tennessee.
- Sec. 3113. Cedar Bayou, Texas.
- Sec. 3114. Denison, Texas.
- Sec. 3115. Central City, Fort Worth, Texas.
- Sec. 3116. Freeport Harbor, Texas.
- Sec. 3117. Harris County, Texas.
- Sec. 3118. Connecticut River restoration, Vermont.
- Sec. 3119. Dam remediation, Vermont.
- Sec. 3120. Lake Champlain Eurasian milfoil, water chestnut, and other non-native plant control, Vermont.
- Sec. 3121. Upper Connecticut River Basin wetland restoration, Vermont and New Hampshire.
- Sec. 3122. Upper Connecticut River Basin ecosystem restoration, Vermont and New Hampshire.
- Sec. 3123. Lake Champlain watershed, Vermont and New York.
- Sec. 3124. Chesapeake Bay oyster restoration, Virginia and Maryland.
- Sec. 3125. James River, Virginia.
- Sec. 3126. Tangier Island Seawall, Virginia.
- Sec. 3127. Erosion control, Puget Island, Wahkiakum County, Washington.
- Sec. 3128. Lower granite pool, Washington.
- Sec. 3129. McNary Lock and Dam, McNary National Wildlife Refuge, Washington and Idaho.

6

- Sec. 3130. Snake River project, Washington and Idaho.
- Sec. 3131. Whatcom Creek Waterway, Bellingham, Washington.
- Sec. 3132. Lower Mud River, Milton, West Virginia.
- Sec. 3133. McDowell County, West Virginia.
- Sec. 3134. Green Bay Harbor project, Green Bay, Wisconsin.
- Sec. 3135. Manitowoc Harbor, Wisconsin.
- Sec. 3136. Oconto Harbor, Wisconsin.
- Sec. 3137. Mississippi River headwaters reservoirs.
- Sec. 3138. Lower Mississippi River Museum and Riverfront Interpretive Site.
- Sec. 3139. Upper Mississippi River system environmental management program.
- Sec. 3140. Upper basin of Missouri River.
- Sec. 3141. Great Lakes fishery and ecosystem restoration program.
- Sec. 3142. Great Lakes remedial action plans and sediment remediation.
- Sec. 3143. Great Lakes tributary models.
- Sec. 3144. Upper Ohio River and tributaries navigation system new technology pilot program.

TITLE IV—STUDIES

- Sec. 4001. Seward Breakwater, Alaska.
- Sec. 4002. Nome Harbor improvements, Alaska.
- Sec. 4003. McClellan-Kerr Arkansas River Navigation Channel.
- Sec. 4004. Fruitvale Avenue Railroad Bridge, Alameda, California.
- Sec. 4005. Los Angeles River revitalization study, California.
- Sec. 4006. Nicholas Canyon, Los Angeles, California.
- Sec. 4007. Oceanside, California, shoreline special study.
- Sec. 4008. Comprehensive flood protection project, St. Helena, California.
- Sec. 4009. San Francisco Bay, Sacramento-San Joaquin Delta, Sherman Island, California.
- Sec. 4010. South San Francisco Bay shoreline study, California.
- Sec. 4011. San Pablo Bay Watershed restoration, California.
- Sec. 4012. Fountain Creek, North of Pueblo, Colorado.
- Sec. 4013. Selenium study, Colorado.
- Sec. 4014. Delaware inland bays and tributaries and Atlantic Coast, Delaware.
- Sec. 4015. Herbert Hoover Dike supplemental major rehabilitation report, Florida.
- Sec. 4016. Boise River, Idaho.
- Sec. 4017. Promontory Point third-party review, Chicago shoreline, Chicago, Illinois.
- Sec. 4018. Vidalia Port, Louisiana.
- Sec. 4019. Lake Erie at Luna Pier, Michigan.
- Sec. 4020. Wild Rice River, Minnesota.
- Sec. 4021. Asian carp dispersal barrier demonstration project, Upper Mississippi River.
- Sec. 4022. Flood damage reduction, Ohio.
- Sec. 4023. Middle Bass Island State Park, Middle Bass Island, Ohio.
- Sec. 4024. Ohio River, Ohio.
- Sec. 4025. Toledo Harbor dredged material placement, Toledo, Ohio.
- Sec. 4026. Toledo Harbor, Maumee River, and Lake Channel Project, Toledo, Ohio.
- Sec. 4027. Woonsocket local protection project, Blackstone River Basin, Rhode Island.
- Sec. 4028. Jasper County port facility study, South Carolina.
- Sec. 4029. Johnson Creek, Arlington, Texas.

- Sec. 4030. Ecosystem and hydropower generation dams, Vermont.
- Sec. 4031. Eurasian milfoil.
- Sec. 4032. Lake Champlain Canal study, Vermont and New York.
- Sec. 4033. Baker Bay and Ilwaco Harbor, Washington.
- Sec. 4034. Elliot Bay seawall rehabilitation study, Washington.
- Sec. 4035. Johnsonville Dam, Johnsonville, Wisconsin.
- Sec. 4036. Debris removal.

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 5001. Lakes program.
- Sec. 5002. Estuary restoration.
- Sec. 5003. Environmental infrastructure.
- Sec. 5004. Alaska.
- Sec. 5005. California.
- Sec. 5006. Conveyance of Oakland Inner Harbor Tidal Canal property.
- Sec. 5007. Stockton, California.
- Sec. 5008. Rio Grande environmental management program, Colorado, New Mexico, and Texas.
- Sec. 5009. Delmarva conservation corridor, Delaware and Maryland.
- Sec. 5010. Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia.
- Sec. 5011. Anacostia River, District of Columbia and Maryland.
- Sec. 5012. Big Creek, Georgia, watershed management and restoration program.
- Sec. 5013. Metropolitan North Georgia Water Planning District.
- Sec. 5014. Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming.
- Sec. 5015. Chicago Sanitary and Ship Canal Dispersal Barriers project, Illinois.
- Sec. 5016. Missouri River and tributaries, mitigation, recovery and restoration, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.
- Sec. 5017. Southeast Louisiana region, Louisiana.
- Sec. 5018. Mississippi.
- Sec. 5019. St. Mary Project, Blackfeet Reservation, Montana.
- Sec. 5020. Lower Platte River watershed restoration, Nebraska.
- Sec. 5021. North Carolina.
- Sec. 5022. Ohio River Basin environmental management.
- Sec. 5023. Statewide comprehensive water planning, Oklahoma.
- Sec. 5024. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and terrestrial wildlife habitat restoration, South Dakota.
- Sec. 5025. Texas.
- Sec. 5026. 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. Inland Waterway from Delaware River to Chesapeake Bay, Part II, installation of fender protection for bridges, Delaware and Maryland.
- Sec. 6005. Shingle Creek Basin, Florida.
- Sec. 6006. Illinois Waterway, South Fork of the South Branch of the Chicago River, Illinois.

- 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. Falmouth Harbor, Massachusetts.
- Sec. 6028. Island End River, Massachusetts.
- Sec. 6029. Mystic River, Massachusetts.
- Sec. 6030. Grand Haven Harbor, Michigan.
- Sec. 6031. Greenville Harbor, Mississippi.
- Sec. 6032. Platte River flood and related streambank erosion control, Nebraska.
- Sec. 6033. Epping, New Hampshire.
- Sec. 6034. New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey.
- Sec. 6035. Eisenhower and Snell Locks, New York.
- Sec. 6036. Olcott Harbor, Lake Ontario, New York.
- Sec. 6037. Outer Harbor, Buffalo, New York.
- Sec. 6038. Sugar Creek Basin, North Carolina and South Carolina.
- Sec. 6039. Cleveland Harbor 1958 Act, Ohio.
- Sec. 6040. Cleveland Harbor 1960 Act, Ohio.
- Sec. 6041. Cleveland Harbor, uncompleted portion of Cut #4, Ohio.
- Sec. 6042. Columbia River, Seafarers Memorial, Hammond, Oregon.
- Sec. 6043. Tioga-Hammond Lakes, Pennsylvania.
- Sec. 6044. Tamaqua, Pennsylvania.
- Sec. 6045. Narragansett Town Beach, Narragansett, Rhode Island.
- Sec. 6046. Quonset Point-Davisville, Rhode Island.
- Sec. 6047. Arroyo Colorado, Texas.
- Sec. 6048. Cypress Creek-Structural, Texas.
- Sec. 6049. East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas.
- Sec. 6050. Falfurrias, Texas.
- Sec. 6051. Pecan Bayou Lake, Texas.
- Sec. 6052. Lake of the Pines, Texas.
- Sec. 6053. Tennessee Colony Lake, Texas.
- Sec. 6054. City Waterway, Tacoma, Washington.
- Sec. 6055. 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 Except as otherwise provided in this section, the fol-
8 lowing projects for water resources development and con-
9 servation and other purposes are authorized to be carried
10 out by the Secretary substantially in accordance with the
11 plans, and subject to the conditions, described in the re-
12 spective reports designated in this section:

13 (1) HAINES HARBOR, ALASKA.—The project for
14 navigation, Haines Harbor, Alaska: Report of the
15 Chief of Engineers dated December 20, 2004, at a
16 total cost of \$14,040,000, with an estimated Federal
17 cost of \$11,232,000 and an estimated non-Federal
18 cost of \$2,808,000.

19 (2) TANQUE VERDE CREEK, ARIZONA.—The
20 project for ecosystem restoration, Tanque Verde
21 Creek, Arizona: Report of the Chief of Engineers
22 dated July 22, 2003, at a total cost of \$5,906,000,
23 with an estimated Federal cost of \$3,836,000 and
24 an estimated non-Federal cost of \$2,070,000.

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

1 (A) IN GENERAL.—The project for eco-
2 system restoration, Salt River (Va Shlyay
3 Akimel), Arizona: Report of the Chief of Engi-
4 neers dated January 3, 2005, at a total cost of
5 \$162,100,000, with an estimated Federal cost
6 of \$105,200,000 and an estimated non-Federal
7 cost of \$56,900,000.

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

16 (4) MAY BRANCH, FORT SMITH, ARKANSAS.—
17 The project for flood damage reduction, May
18 Branch, Fort Smith, Arkansas: Report of the Chief
19 of Engineers dated December 19, 2006, at a total
20 cost of \$30,850,000, with an estimated Federal cost
21 of \$15,010,000 and an estimated non-Federal cost
22 of \$15,840,000.

23 (5) HAMILTON CITY, CALIFORNIA.—The project
24 for flood damage reduction and ecosystem restora-
25 tion, Hamilton City, California: Report of the Chief

1 of Engineers dated December 22, 2004, at a total
2 cost of \$52,400,000, with an estimated Federal cost
3 of \$34,100,000 and estimated non-Federal cost of
4 \$18,300,000.

5 (6) IMPERIAL BEACH, CALIFORNIA.—The
6 project for storm damage reduction, Imperial Beach,
7 California: Report of the Chief of Engineers dated
8 December 30, 2003, at a total cost of \$13,700,000,
9 with an estimated Federal cost of \$8,521,000 and
10 an estimated non-Federal cost of \$5,179,000, and at
11 an estimated total cost of \$42,500,000 for periodic
12 beach nourishment over the 50-year life of the
13 project, with an estimated Federal cost of
14 \$21,250,000 and an estimated non-Federal cost of
15 \$21,250,000.

16 (7) MATILIJA DAM, VENTURA COUNTY, CALI-
17 FORNIA.—The project for ecosystem restoration,
18 Matilija Dam and Ventura River Watershed, Ven-
19 tura County, California: Report of the Chief of En-
20 gineers dated December 20, 2004, at a total cost of
21 \$144,500,000, with an estimated Federal cost of
22 \$89,700,000 and an estimated non-Federal cost of
23 \$54,800,000.

24 (8) MIDDLE CREEK, LAKE COUNTY, CALI-
25 FORNIA.—The project for flood damage reduction

1 and ecosystem restoration, Middle Creek, Lake
2 County, California: Report of the Chief of Engineers
3 dated November 29, 2004, at a total cost of
4 \$45,200,000, with an estimated Federal cost of
5 \$29,500,000 and an estimated non-Federal cost of
6 \$15,700,000.

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

8 (A) IN GENERAL.—The project for eco-
9 system restoration, Napa River Salt Marsh,
10 California: Report of the Chief of Engineers
11 dated December 22, 2004, at a total cost of
12 \$134,500,000, with an estimated Federal cost
13 of \$87,500,000 and an estimated non-Federal
14 cost of \$47,000,000.

15 (B) ADMINISTRATION.—In carrying out
16 the project authorized by this paragraph, the
17 Secretary shall—

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

24 (ii) restore or enhance Salt Ponds 1,
25 1A, 2, and 3.

1 (10) SOUTH PLATTE RIVER, DENVER, COLO-
2 RADO.—The project for ecosystem restoration, Den-
3 ver County Reach, South Platte River, Denver, Colo-
4 rado: Report of the Chief of Engineers dated May
5 16, 2003, at a total cost of \$20,100,000, with an es-
6 timated Federal cost of \$13,065,000 and an esti-
7 mated non-Federal cost of \$7,035,000.

8 (11) COMPREHENSIVE EVERGLADES RESTORA-
9 TION PLAN, CENTRAL AND SOUTHERN FLORIDA,
10 SITE 1.—The project for ecosystem restoration,
11 Comprehensive Everglades restoration plan, central
12 and southern Florida, Site 1 impoundment project,
13 Palm Beach County, Florida: Report of the Chief of
14 Engineers dated December 19, 2006, at a total cost
15 of \$80,840,000, with an estimated Federal cost of
16 \$40,420,000 and an estimated non-Federal cost of
17 \$40,420,000.

18 (12) INDIAN RIVER LAGOON, SOUTH FLOR-
19 IDA.—

20 (A) IN GENERAL.—The Secretary may
21 carry out the project for ecosystem restoration,
22 water supply, flood control, and protection of
23 water quality, Indian River Lagoon, south Flor-
24 ida, at a total cost of \$1,365,000,000, with an
25 estimated first Federal cost of \$682,500,000

1 and an estimated first non-Federal cost of
2 \$682,500,000, in accordance with section 601
3 of the Water Resources Development Act of
4 2000 (114 Stat. 2680) and the recommenda-
5 tions of the report of the Chief of Engineers
6 dated August 6, 2004.

7 (B) DEAUTHORIZATIONS.—As of the date
8 of enactment of this Act, the following projects
9 are not authorized:

10 (i) The uncompleted portions of the
11 project authorized by section
12 601(b)(2)(C)(i) of the Water Resources
13 Development Act of 2000 (114 Stat.
14 2682), C-44 Basin Storage Reservoir of
15 the Comprehensive Everglades Restoration
16 Plan, at a total cost of \$147,800,000, with
17 an estimated Federal cost of \$73,900,000
18 and an estimated non-Federal cost of
19 \$73,900,000.

20 (ii) The uncompleted portions of the
21 project authorized by section 203 of the
22 Flood Control Act of 1968 (Public Law
23 90-483; 82 Stat. 740), Martin County,
24 Florida, modifications to Central and
25 South Florida Project, as contained in

1 Senate Document 101, 90th Congress, 2d
2 Session, at a total cost of \$15,471,000,
3 with an estimated Federal cost of
4 \$8,073,000 and an estimated non-Federal
5 cost of \$7,398,000.

6 (iii) 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), East Coast
10 Backpumping, St. Lucie–Martin County,
11 Spillway Structure S–311 of the Central
12 and South Florida Project, as contained in
13 House Document 369, 90th Congress, 2d
14 Session, at a total cost of \$77,118,000,
15 with an estimated Federal cost of
16 \$55,124,000 and an estimated non-Federal
17 cost of \$21,994,000.

18 (13) MIAMI HARBOR, MIAMI, FLORIDA.—The
19 project for navigation, Miami Harbor, Miami, Flor-
20 ida: Report of the Chief of Engineers dated April
21 25, 2005, at a total cost of \$125,270,000, with an
22 estimated Federal cost of \$75,140,000 and an esti-
23 mated non-Federal cost of \$50,130,000.

24 (14) PICAYUNE STRAND, FLORIDA.—The
25 project for ecosystem restoration, Picayune Strand,

1 Florida: Report of the Chief of Engineers dated Sep-
2 tember 15, 2005, at a total cost of \$375,330,000
3 with an estimated Federal cost of \$187,665,000 and
4 an estimated non-Federal cost of \$187,665,000.

5 (15) EAST ST. LOUIS AND VICINITY, ILLI-
6 NOIS.—The project for ecosystem restoration and
7 recreation, East St. Louis and Vicinity, Illinois: Re-
8 port of the Chief of Engineers dated December 22,
9 2004, at a total cost of \$208,260,000, with an esti-
10 mated Federal cost of \$134,910,000 and an esti-
11 mated non-Federal cost of \$73,350,000.

12 (16) PEORIA RIVERFRONT, ILLINOIS.—The
13 project for ecosystem restoration, Peoria Riverfront,
14 Illinois: Report of the Chief of Engineers dated July
15 28, 2003, at a total cost of \$18,220,000, with an es-
16 timated Federal cost of \$11,840,000 and an esti-
17 mated non-Federal cost of \$6,380,000.

18 (17) WOOD RIVER LEVEE SYSTEM, ILLINOIS.—
19 The project for flood damage reduction, Wood River,
20 Illinois: Report of the Chief of Engineers dated July
21 18, 2006, at a total cost of \$17,220,000, with an es-
22 timated Federal cost of \$11,193,000 and an esti-
23 mated non-Federal cost of \$6,027,000.

24 (18) DES MOINES AND RACCOON RIVERS, DES
25 MOINES, IOWA.—The project for flood damage re-

1 duction, Des Moines and Raccoon Rivers, Des
2 Moines, Iowa: Report of the Chief of Engineers
3 dated March 28, 2006, at a total cost of
4 \$10,780,000, with an estimated Federal cost of
5 \$6,967,000 and an estimated non-Federal cost of
6 \$3,813,000.

7 (19) BAYOU SORREL LOCK, LOUISIANA.—The
8 project for navigation, Bayou Sorrel Lock, Lou-
9 isiana: Report of the Chief of Engineers dated Janu-
10 ary 3, 2005, at a total cost of \$9,680,000. The costs
11 of construction of the project are to be paid $\frac{1}{2}$ from
12 amounts appropriated from the general fund of the
13 Treasury and $\frac{1}{2}$ from amounts appropriated from
14 the Inland Waterways Trust Fund.

15 (20) MORGANZA TO THE GULF OF MEXICO,
16 LOUISIANA.—

17 (A) IN GENERAL.—The project for hurri-
18 cane and storm damage reduction, Morganza to
19 the Gulf of Mexico, Louisiana: Reports of the
20 Chief of Engineers dated August 23, 2002, and
21 July 22, 2003, at a total cost of \$886,700,000
22 with an estimated Federal cost of \$576,355,000
23 and an estimated non-Federal cost of
24 \$310,345,000.

1 (B) OPERATION AND MAINTENANCE.—The
2 operation, maintenance, repair, rehabilitation,
3 and replacement of the Houma Navigation
4 Canal lock complex and the Gulf Intracoastal
5 Waterway floodgate features that provide for
6 inland waterway transportation shall be a Fed-
7 eral responsibility, in accordance with section
8 102 of the Water Resources Development Act
9 of 1986 (33 U.S.C. 2212; Public Law 99–662).

10 (21) PORT OF IBERIA, LOUISIANA.—The project
11 for navigation, Port of Iberia, Louisiana: Report of
12 the Chief of Engineers dated December 31, 2006, at
13 a total cost of \$131,250,000, with an estimated Fed-
14 eral cost of \$105,315,000 and an estimated non-
15 Federal cost of \$25,935,000, except that the Sec-
16 retary, in consultation with Vermillion and Iberia
17 Parishes, Louisiana, is directed to use available
18 dredged material and rock placement on the south
19 bank of the Gulf Intracoastal Waterway and the
20 west bank of the Freshwater Bayou Channel to pro-
21 vide incidental storm surge protection.

22 (22) POPLAR ISLAND EXPANSION, MARY-
23 LAND.—The project for the beneficial use of dredged
24 material at Poplar Island, Maryland, authorized by
25 section 537 of the Water Resources Development

1 Act of 1996 (110 Stat. 3776), and modified by sec-
2 tion 318 of the Water Resources Development Act
3 of 2000 (114 Stat. 2678), is further modified to au-
4 thorize the Secretary to construct the expansion of
5 the project in accordance with the Report of the
6 Chief of Engineers dated March 31, 2006, at an ad-
7 ditional total cost of \$260,000,000, with an esti-
8 mated Federal cost of \$195,000,000 and an esti-
9 mated non-Federal cost of \$65,000,000.

10 (23) SMITH ISLAND, MARYLAND.—The project
11 for ecosystem restoration, Smith Island, Maryland:
12 Report of the Chief of Engineers dated October 29,
13 2001, at a total cost of \$15,580,000, with an esti-
14 mated Federal cost of \$10,127,000 and an esti-
15 mated non-Federal cost of \$5,453,000.

16 (24) ROSEAU RIVER, ROSEAU, MINNESOTA.—
17 The project for flood damage reduction, Roseau
18 River, Roseau, Minnesota: Report of the Chief of
19 Engineers dated December 19, 2006, at a total cost
20 of \$25,100,000, with an estimated Federal cost of
21 \$13,820,000 and an estimated non-Federal cost of
22 \$11,280,000.

23 (25) MISSISSIPPI COASTAL IMPROVEMENT
24 PROJECT, HANCOCK, HARRISON, AND JACKSON
25 COUNTIES, MISSISSIPPI.—The project for hurricane

1 and storm damage reduction and ecosystem restora-
2 tion, Mississippi coastal improvement project, Han-
3 cock, Harrison, and Jackson Counties, Mississippi:
4 Report of the Chief of Engineers dated December
5 31, 2006, at a total cost of \$107,690,000, with an
6 estimated Federal cost of \$70,000,000 and an esti-
7 mated non-Federal cost of \$37,690,000.

8 (26) ARGENTINE, EAST BOTTOMS, FAIRFAX-
9 JERSEY CREEK, AND NORTH KANSAS LEVEES UNITS,
10 MISSOURI RIVER AND TRIBUTARIES AT KANSAS CIT-
11 IES, MISSOURI AND KANSAS.—The project for flood
12 damage reduction, Argentine, East Bottoms, Fair-
13 fax-Jersey Creek, and North Kansas Levees units,
14 Missouri River and tributaries at Kansas Cities,
15 Missouri and Kansas: Report of the Chief of Engi-
16 neers dated December 19, 2006, at a total cost of
17 \$65,430,000, with an estimated Federal cost of
18 \$42,530,000 and an estimated non-Federal cost of
19 \$22,900,000.

20 (27) SWOPE PARK INDUSTRIAL AREA, MIS-
21 SOURI.—The project for flood damage reduction,
22 Swope Park Industrial Area, Missouri: Report of the
23 Chief of Engineers dated December 30, 2003, at a
24 total cost of \$16,980,000, with an estimated Federal

1 cost of \$11,037,000 and an estimated non-Federal
2 cost of \$5,943,000.

3 (28) GREAT EGG HARBOR INLET TO TOWN-
4 SENDS INLET, NEW JERSEY.—The project for hurri-
5 cane and storm damage reduction, Great Egg Har-
6 bor Inlet to Townsends Inlet, New Jersey: Report of
7 the Chief of Engineers dated October 24, 2006, at
8 a total cost of \$54,360,000, with an estimated Fed-
9 eral cost of \$35,069,000 and an estimated non-Fed-
10 eral cost of \$19,291,000, and at an estimated total
11 cost of \$202,500,000 for periodic nourishment over
12 the 50-year life of the project, with an estimated
13 Federal cost of \$101,250,000 and an estimated non-
14 Federal cost of \$101,250,000.

15 (29) HUDSON-RARITAN ESTUARY, LIBERTY
16 STATE PARK, NEW JERSEY.—The project for envi-
17 ronmental restoration, Hudson Raritan Estuary,
18 Liberty State Park, New Jersey: Report of the Chief
19 of Engineers dated August 25, 2006, at a total cost
20 of \$34,100,000, with an estimated Federal cost of
21 \$22,200,000 and an estimated non-Federal cost of
22 \$11,900,000.

23 (30) MANASQUAN TO BARNEGAT INLETS, NEW
24 JERSEY.—The project for hurricane and storm dam-
25 age reduction, Manasquan to Barnegat Inlets, New

1 Jersey: Report of the Chief of Engineers dated De-
2 cember 30, 2003, at a total cost of \$71,900,000,
3 with an estimated Federal cost of \$46,735,000 and
4 an estimated non-Federal cost of \$25,165,000, and
5 at an estimated total cost of \$119,680,000 for peri-
6 odic beach nourishment over the 50-year life of the
7 project, with an estimated Federal cost of
8 \$59,840,000 and an estimated non-Federal cost of
9 \$59,840,000.

10 (31) RARITAN BAY AND SANDY HOOK BAY,
11 UNION BEACH, NEW JERSEY.—The project for hurri-
12 cane and storm damage reduction, Raritan Bay and
13 Sandy Hook Bay, Union Beach, New Jersey: Report
14 of the Chief of Engineers dated January 4, 2006, at
15 a total cost of \$115,000,000, with an estimated Fed-
16 eral cost of \$74,800,000 and an estimated non-Fed-
17 eral cost of \$40,200,000, and at an estimated total
18 cost of \$6,500,000 for periodic nourishment over the
19 50-year life of the project, with an estimated Federal
20 cost of \$3,250,000 and an estimated non-Federal
21 cost of \$3,250,000.

22 (32) SOUTH RIVER, NEW JERSEY.—The project
23 for hurricane and storm damage reduction and eco-
24 system restoration, South River, New Jersey: Report
25 of the Chief of Engineers dated July 22, 2003, at

1 a total cost of \$122,300,000, with an estimated Fed-
2 eral cost of \$79,500,000 and an estimated non-Fed-
3 eral cost of \$42,800,000.

4 (33) SOUTHWEST VALLEY, ALBUQUERQUE, NEW
5 MEXICO.—The project for flood damage reduction,
6 Southwest Valley, Albuquerque, New Mexico: Report
7 of the Chief of Engineers dated November 29, 2004,
8 at a total cost of \$24,840,000, with an estimated
9 Federal cost of \$16,150,000 and an estimated non-
10 Federal cost of \$8,690,000.

11 (34) MONTAUK POINT, NEW YORK.—The
12 project for hurricane and storm damage reduction,
13 Montauk Point, New York: Report of the Chief of
14 Engineers dated March 31, 2006, at a total cost of
15 \$14,600,000, with an estimated Federal cost of
16 \$7,300,000 and an estimated non-Federal cost of
17 \$7,300,000.

18 (35) HOCKING RIVER BASIN, MONDAY CREEK,
19 OHIO.—

20 (A) IN GENERAL.—The project for eco-
21 system restoration, Hocking River Basin, Mon-
22 day Creek, Ohio: Report of the Chief of Engi-
23 neers dated August 24, 2006, at a total cost of
24 \$20,980,000, with an estimated Federal cost of

1 \$13,440,000 and an estimated non-Federal cost
2 of \$7,540,000.

3 (B) WAYNE NATIONAL FOREST.—

4 (i) IN GENERAL.—The Secretary, in
5 cooperation with the Secretary of Agri-
6 culture, may construct other project fea-
7 tures on property that is located in the
8 Wayne National Forest, Ohio, owned by
9 the United States and managed by the
10 Forest Service as described in the report of
11 the Corps of Engineers entitled “Hocking
12 River Basin, Ohio, Monday Creek Sub-
13 Basin Ecosystem Restoration Project Fea-
14 sibility Report and Environmental Assess-
15 ment”.

16 (ii) COST.—Each project feature car-
17 ried out on Federal land shall be designed,
18 constructed, operated, and maintained at
19 full Federal expense.

20 (iii) AUTHORIZATION OF APPROPRIA-
21 TIONS.—There is authorized to be appro-
22 priated to carry out this subparagraph
23 \$1,270,000.

24 (36) BLOOMSBURG, PENNSYLVANIA.—The
25 project for flood damage reduction, Bloomsburg,

1 Pennsylvania: Report of the Chief of Engineers
2 dated January 25, 2006, at a total cost of
3 \$44,500,000, with an estimated Federal cost of
4 \$28,925,000 and an estimated non-Federal cost of
5 \$15,575,000

6 (37) PAWLEYS ISLAND, SOUTH CAROLINA.—
7 The project for hurricane and storm damage reduc-
8 tion, Pawleys Island, South Carolina: Report of the
9 Chief of Engineers dated December 19, 2006, at a
10 total cost of \$8,980,000, with an estimated Federal
11 cost of \$5,840,000 and an estimated non-Federal
12 cost of \$3,140,000, and at an estimated total cost
13 of \$21,200,000 for periodic nourishment over the
14 50-year life of the project, with an estimated Federal
15 cost of \$10,600,000 and an estimated non-Federal
16 cost of \$10,600,000.

17 (38) CORPUS CHRISTI SHIP CHANNEL, CORPUS
18 CHRISTI, TEXAS.—

19 (A) IN GENERAL.—The project for naviga-
20 tion and ecosystem restoration, Corpus Christi
21 Ship Channel, Texas, Channel Improvement
22 Project: Report of the Chief of Engineers dated
23 June 2, 2003, at a total cost of \$188,110,000,
24 with an estimated Federal cost of \$87,810,000

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

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

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

21 (40) GULF INTRACOASTAL WATERWAY, HIGH
22 ISLAND TO BRAZOS RIVER, TEXAS.—The project for
23 navigation, Gulf Intracoastal Waterway, Sabine
24 River to Corpus Christi, Texas: Report of the Chief
25 of Engineers dated April 16, 2004, at a total cost

1 of \$14,450,000. The costs of construction of the
2 project are to be paid $\frac{1}{2}$ from amounts appropriated
3 from the general fund of the Treasury and $\frac{1}{2}$ from
4 amounts appropriated from the Inland Waterways
5 Trust Fund.

6 (41) LOWER COLORADO RIVER BASIN PHASE I,
7 TEXAS.—The project for flood damage reduction and
8 ecosystem restoration, Lower Colorado River Basin
9 Phase I, Texas: Report of the Chief of Engineers
10 dated December 31, 2006, at a total cost of
11 \$110,730,000, with an estimated Federal cost of
12 \$69,640,000 and an estimated non-Federal cost of
13 \$41,090,000.

14 (42) 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 \$712,103,000, with an estimated Fed-
19 eral cost of \$31,229,000 and an estimated non-Fed-
20 eral cost of \$680,874,000.

21 (43) 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 (44) 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 \$123,770,000, with a Federal cost of
8 \$74,740,000, and a non-Federal cost of
9 \$49,030,000; 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 **SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVE-**
16 **MENTS AND ECOSYSTEM RESTORATION PLAN**
17 **FOR UPPER MISSISSIPPI RIVER AND ILLI-**
18 **NOIS WATERWAY SYSTEM.**

19 (a) DEFINITIONS.—In this section:

20 (1) PLAN.—The term “Plan” means the project
21 for navigation and ecosystem improvements for the
22 Upper Mississippi River and Illinois Waterway Sys-
23 tem: Report of the Chief of Engineers dated Decem-
24 ber 15, 2004.

1 (2) UPPER MISSISSIPPI RIVER AND ILLINOIS
2 WATERWAY SYSTEM.—The term “Upper Mississippi
3 River and Illinois Waterway System” means the
4 projects for navigation and ecosystem restoration au-
5 thORIZED by Congress for—

6 (A) the segment of the Mississippi River
7 from the confluence with the Ohio River, River
8 Mile 0.0, to Upper St. Anthony Falls Lock in
9 Minneapolis-St. Paul, Minnesota, River Mile
10 854.0; and

11 (B) the Illinois Waterway from its con-
12 fluence with the Mississippi River at Grafton,
13 Illinois, River Mile 0.0, to T.J. O’Brien Lock in
14 Chicago, Illinois, River Mile 327.0.

15 (b) AUTHORIZATION OF CONSTRUCTION OF NAVIGA-
16 TION IMPROVEMENTS.—

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

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

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

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

1 (iii) conduct development and testing
2 of an appointment scheduling system.

3 (B) AUTHORIZATION OF APPROPRIA-
4 TIONS.—The total cost of the projects author-
5 ized under this paragraph shall be
6 \$256,000,000. The costs of construction of the
7 projects shall be paid $\frac{1}{2}$ from amounts appro-
8 priated from the general fund of the Treasury
9 and $\frac{1}{2}$ from amounts appropriated from the In-
10 land Waterways Trust Fund. Such sums shall
11 remain available until expended.

12 (2) NEW LOCKS.—

13 (A) IN GENERAL.—The Secretary shall, in
14 general conformance with the Plan, construct
15 new 1,200-foot locks at Locks 20, 21, 22, 24,
16 and 25 on the Upper Mississippi River and at
17 LaGrange Lock and Peoria Lock on the Illinois
18 Waterway.

19 (B) MITIGATION.—The Secretary shall
20 conduct mitigation for the new locks and small
21 scale and nonstructural measures authorized
22 under paragraphs (1) and (2).

23 (C) CONCURRENCE.—The mitigation re-
24 quired under subparagraph (B) for the projects
25 authorized under paragraphs (1) and (2), in-

1 including any acquisition of lands or interests in
2 lands, shall be undertaken or acquired concu-
3 rrently with lands and interests for the projects
4 authorized under paragraphs (1) and (2), and
5 physical construction required for the purposes
6 of mitigation shall be undertaken concurrently
7 with the physical construction of such projects.

8 (D) AUTHORIZATION OF APPROPRIA-
9 TIONS.—The total cost of the projects author-
10 ized under this paragraph shall be
11 \$1,948,000,000. The costs of construction on
12 the projects shall be paid $\frac{1}{2}$ from amounts ap-
13 propriated from the general fund of the Treas-
14 ury and $\frac{1}{2}$ from amounts appropriated from
15 the Inland Waterways Trust Fund. Such sums
16 shall remain available until expended.

17 (c) ECOSYSTEM RESTORATION AUTHORIZATION.—

18 (1) OPERATION.—To ensure the environmental
19 sustainability of the existing Upper Mississippi River
20 and Illinois Waterway System, the Secretary shall
21 modify, consistent with requirements to avoid ad-
22 verse effects on navigation, the operation of the
23 Upper Mississippi River and Illinois Waterway Sys-
24 tem to address the cumulative environmental im-
25 pacts of operation of the system and improve the ec-

1 ological integrity of the Upper Mississippi River and
2 Illinois River.

3 (2) ECOSYSTEM RESTORATION PROJECTS.—

4 (A) IN GENERAL.—The Secretary shall
5 carry out, consistent with requirements to avoid
6 adverse effects on navigation, ecosystem res-
7 toration projects to attain and maintain the
8 sustainability of the ecosystem of the Upper
9 Mississippi River and Illinois River in accord-
10 ance with the general framework outlined in the
11 Plan.

12 (B) PROJECTS INCLUDED.—Ecosystem
13 restoration projects may include, but are not
14 limited to—

- 15 (i) island building;
- 16 (ii) construction of fish passages;
- 17 (iii) floodplain restoration;
- 18 (iv) water level management (includ-
19 ing water drawdown);
- 20 (v) backwater restoration;
- 21 (vi) side channel restoration;
- 22 (vii) wing dam and dike restoration
23 and modification;
- 24 (viii) island and shoreline protection;
- 25 (ix) topographical diversity;

- 1 (x) dam point control;
- 2 (xi) use of dredged material for envi-
- 3 ronmental purposes;
- 4 (xii) tributary confluence restoration;
- 5 (xiii) spillway, dam, and levee modi-
- 6 fication to benefit the environment;
- 7 (xiv) land easement authority; and
- 8 (xv) land acquisition.

9 (C) COST SHARING.—

10 (i) IN GENERAL.—Except as provided

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

12 of the cost of carrying out an ecosystem

13 restoration project under this paragraph

14 shall be 65 percent.

15 (ii) EXCEPTION FOR CERTAIN RES-

16 TORATION PROJECTS.—In the case of a

17 project under this subparagraph for eco-

18 system restoration, the Federal share of

19 the cost of carrying out the project shall be

20 100 percent if the project—

21 (I) is located below the ordinary

22 high water mark or in a connected

23 backwater;

24 (II) modifies the operation or

25 structures for navigation; or

1 (III) is located on federally
2 owned land.

3 (iii) SAVINGS CLAUSE.—Nothing in
4 this paragraph affects the applicability of
5 section 906(e) of the Water Resources De-
6 velopment Act of 1986 (33 U.S.C. 2283).

7 (iv) NONGOVERNMENTAL ORGANIZA-
8 TIONS.—Notwithstanding section 221(b) of
9 the Flood Control Act of 1970 (42 U.S.C.
10 1962d–5(b)), for any project carried out
11 under this section, a non-Federal sponsor
12 may include a nonprofit entity, with the
13 consent of the affected local government.

14 (D) LAND ACQUISITION.—The Secretary
15 may acquire land or an interest in land for an
16 ecosystem restoration project from a willing
17 owner through conveyance of—

18 (i) fee title to the land; or

19 (ii) a flood plain conservation ease-
20 ment.

21 (3) ECOSYSTEM RESTORATION
22 PRECONSTRUCTION ENGINEERING AND DESIGN.—

23 (A) RESTORATION DESIGN.—Before initi-
24 ating the construction of any individual eco-

1 system restoration project, the Secretary
2 shall—

3 (i) establish ecosystem restoration
4 goals and identify specific performance
5 measures designed to demonstrate eco-
6 system restoration;

7 (ii) establish the without-project con-
8 dition or baseline for each performance in-
9 dicator; and

10 (iii) for each separable element of the
11 ecosystem restoration, identify specific tar-
12 get goals for each performance indicator.

13 (B) OUTCOMES.—Performance measures
14 identified under subparagraph (A)(i) should
15 comprise specific measurable environmental out-
16 comes, such as changes in water quality, hy-
17 drology, or the well-being of indicator species
18 the population and distribution of which are
19 representative of the abundance and diversity of
20 ecosystem-dependent aquatic and terrestrial
21 species.

22 (C) RESTORATION DESIGN.—Restoration
23 design carried out as part of ecosystem restora-
24 tion shall include a monitoring plan for the per-

1 formance measures identified under subpara-
2 graph (A)(i), including—

3 (i) a timeline to achieve the identified
4 target goals; and

5 (ii) a timeline for the demonstration
6 of project completion.

7 (4) SPECIFIC PROJECTS AUTHORIZATION.—

8 (A) IN GENERAL.—There is authorized to
9 be appropriated to carry out this subsection
10 \$1,717,000,000, of which not more than
11 \$245,000,000 shall be available for projects de-
12 scribed in paragraph (2)(B)(ii) and not more
13 than \$48,000,000 shall be available for projects
14 described in paragraph (2)(B)(x). Such sums
15 shall remain available until expended.

16 (B) LIMITATION ON AVAILABLE FUNDS.—
17 Of the amounts made available under subpara-
18 graph (A), not more than \$35,000,000 for each
19 fiscal year shall be available for land acquisition
20 under paragraph (2)(D).

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

1 (5) IMPLEMENTATION REPORTS.—

2 (A) IN GENERAL.—Not later than June
3 30, 2008, and every 5 years thereafter, the Sec-
4 retary shall submit to the Committee on Envi-
5 ronment and Public Works of the Senate and
6 the Committee on Transportation and Infra-
7 structure of the House of Representatives an
8 implementation report that—

9 (i) includes baselines, milestones,
10 goals, and priorities for ecosystem restora-
11 tion projects; and

12 (ii) measures the progress in meeting
13 the goals.

14 (B) ADVISORY PANEL.—

15 (i) IN GENERAL.—The Secretary shall
16 appoint and convene an advisory panel to
17 provide independent guidance in the devel-
18 opment of each implementation report
19 under subparagraph (A).

20 (ii) PANEL MEMBERS.—Panel mem-
21 bers shall include—

22 (I) 1 representative of each of
23 the State resource agencies (or a des-
24 ignee of the Governor of the State)
25 from each of the States of Illinois,

1 Iowa, Minnesota, Missouri, and Wis-
2 consin;

3 (II) 1 representative of the De-
4 partment of Agriculture;

5 (III) 1 representative of the De-
6 partment of Transportation;

7 (IV) 1 representative of the
8 United States Geological Survey;

9 (V) 1 representative of the
10 United States Fish and Wildlife Serv-
11 ice;

12 (VI) 1 representative of the Envi-
13 ronmental Protection Agency;

14 (VII) 1 representative of affected
15 landowners;

16 (VIII) 2 representatives of con-
17 servation and environmental advocacy
18 groups; and

19 (IX) 2 representatives of agri-
20 culture and industry advocacy groups.

21 (iii) CHAIRPERSON.—The Secretary
22 shall serve as chairperson of the advisory
23 panel.

24 (iv) NONAPPLICABILITY OF FACA.—
25 The Federal Advisory Committee Act (5

1 U.S.C. App.) shall not apply to the Advi-
2 sory Panel or any working group estab-
3 lished by the Advisory Panel.

4 (6) RANKING SYSTEM.—

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

8 (B) PRIORITY.—The ranking system shall
9 give greater weight to projects that restore nat-
10 ural river processes, including those projects
11 listed in paragraph (2)(B).

12 (d) COMPARABLE PROGRESS.—

13 (1) IN GENERAL.—As the Secretary conducts
14 pre-engineering, design, and construction for
15 projects authorized under this section, the Secretary
16 shall—

17 (A) select appropriate milestones; and

18 (B) determine, at the time of such selec-
19 tion, whether the projects are being carried out
20 at comparable rates.

21 (2) NO COMPARABLE RATE.—If the Secretary
22 determines under paragraph (1)(B) that projects au-
23 thorized under this subsection are not moving to-
24 ward completion at a comparable rate, annual fund-
25 ing requests for the projects will be adjusted to en-

1 sure that the projects move toward completion at a
2 comparable rate in the future.

3 **SEC. 1003. LOUISIANA COASTAL AREA ECOSYSTEM RES-**
4 **TORATION, LOUISIANA.**

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

9 (b) PRIORITIES.—

10 (1) IN GENERAL.—In carrying out the program
11 under subsection (a), the Secretary shall give pri-
12 ority to—

13 (A) any portion of the program identified
14 in the report described in subsection (a) as a
15 critical restoration feature;

16 (B) any Mississippi River diversion project
17 that—

18 (i) protects a major population area of
19 the Pontchartrain, Pearl, Breton Sound,
20 Barataria, or Terrebonne Basin; and

21 (ii) produces an environmental benefit
22 to the coastal area of the State of Lou-
23 isiana; and

24 (C) any barrier island, or barrier shoreline,
25 project that—

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

3 (ii) protects a major population area.

4 (c) MODIFICATIONS.—

5 (1) IN GENERAL.—In carrying out the program
6 under subsection (a), the Secretary is authorized to
7 make modifications as necessary to the 5 near-term
8 critical ecosystem restoration features identified in
9 the report referred to in subsection (a), due to the
10 impact of Hurricanes Katrina and Rita on the
11 project areas.

12 (2) INTEGRATION.—The Secretary shall ensure
13 that the modifications under paragraph (1) are fully
14 integrated with the analysis and design of com-
15 prehensive hurricane protection authorized by title I
16 of the Energy and Water Development Appropria-
17 tions Act, 2006 (Public Law 109–103; 119 Stat.
18 2247).

19 (3) CONSTRUCTION.—

20 (A) IN GENERAL.—The Secretary is au-
21 thorized to construct the 5 near-term critical
22 ecosystem restoration features, as modified
23 under this subsection.

24 (B) REPORTS.—Before beginning con-
25 struction of the projects, the Secretary shall

1 submit a report documenting any modifications
2 to the 5 near-term critical projects, including
3 cost changes, to the Committee on Environment
4 and Public Works of the Senate and the Com-
5 mittee on Transportation and Infrastructure of
6 the House of Representatives.

7 (4) APPLICABILITY OF OTHER PROVISIONS.—
8 Section 902 of the Water Resources Development
9 Act of 1986 (33 U.S.C. 2280) shall not apply to the
10 5 near-term critical projects authorized by this sub-
11 section.

12 (d) DEMONSTRATION PROGRAM.—

13 (1) IN GENERAL.—In carrying out the program
14 under subsection (a), the Secretary is authorized to
15 conduct a demonstration program within the appli-
16 cable project area to evaluate new technologies and
17 the applicability of the technologies to the program.

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

21 (e) BENEFICIAL USE OF DREDGED MATERIAL.—

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

1 (2) CONSIDERATION.—In carrying out the pro-
2 gram under subsection (a), the Secretary shall con-
3 sider the beneficial use of sediment from the Illinois
4 River System for wetlands restoration in wetlands-
5 depleted watersheds.

6 (f) REPORTS.—

7 (1) IN GENERAL.—Not later than December 31,
8 2008, the Secretary shall submit to Congress feasi-
9 bility reports—

10 (A) on the features included in table 3 of
11 the report referred to in subsection (a); and

12 (B) that are consistent with the estimates
13 in the table.

14 (2) PROJECTS IDENTIFIED IN REPORTS.—

15 (A) CONSTRUCTION.—The Secretary is au-
16 thorized to construct the projects identified in
17 the reports substantially in accordance with the
18 plans, and subject to the conditions, rec-
19 ommended in a final report of the Chief of En-
20 gineers, if a favorable report of the Chief is
21 completed by not later than December 31,
22 2010.

23 (B) REQUIREMENT.—No appropriations
24 shall be made to construct any project under
25 this subsection if the report under paragraph

1 (1) has not been approved by resolutions adopt-
2 ed by the Committee on Environment and Pub-
3 lic Works of the Senate and the Committee on
4 Transportation and Infrastructure of the House
5 of Representatives.

6 (g) NONGOVERNMENTAL ORGANIZATIONS.—

7 (1) IN GENERAL.—A nongovernmental organi-
8 zation shall be eligible to contribute all or a portion
9 of the non-Federal share of the cost of a project
10 under this section.

11 (2) USE OF FUNDS FROM OTHER PROGRAMS.—

12 The non-Federal interest for a study or project con-
13 ducted under this section may use, and the Sec-
14 retary shall accept, funds provided by a Federal
15 agency under any other Federal program, to satisfy,
16 in whole or in part, the non-Federal share of the
17 study or project, if the head of the Federal agency
18 certifies that the funds may be used for that pur-
19 pose.

20 (h) COMPREHENSIVE PLAN.—

21 (1) IN GENERAL.—The Secretary, in coordina-
22 tion with the Governor of the State of Louisiana,
23 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;

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

6 (v) the Comprehensive Master Coastal
7 Protection Plan authorized and defined by
8 Act 8 of the First Extraordinary Session
9 of the Louisiana State Legislature, 2005.

10 (i) TASK FORCE.—

11 (1) ESTABLISHMENT.—There is established a
12 task force to be known as the “Coastal Louisiana
13 Ecosystem Protection and Restoration Task Force”
14 (referred to in this subsection as the “Task Force”).

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

19 (A) The Secretary.

20 (B) The Secretary of the Interior.

21 (C) The Secretary of Commerce.

22 (D) The Administrator of the Environ-
23 mental Protection Agency.

24 (E) The Secretary of Agriculture.

25 (F) The Secretary of Transportation.

1 (G) The Secretary of Energy.

2 (H) The Secretary of Homeland Security.

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

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

7 (A) policies, strategies, plans, programs,
8 projects, and activities for addressing conserva-
9 tion, protection, restoration, and maintenance
10 of the coastal Louisiana ecosystem;

11 (B) financial participation by each agency
12 represented on the Task Force in conserving,
13 protecting, restoring, and maintaining the
14 coastal Louisiana ecosystem, including rec-
15 ommendations—

16 (i) that identify funds from current
17 agency missions and budgets; and

18 (ii) for coordinating individual agency
19 budget requests; and

20 (C) the comprehensive plan under sub-
21 section (h).

22 (4) WORKING GROUPS.—The Task Force may
23 establish such working groups as the Task Force de-
24 termines to be necessary to assist the Task Force in
25 carrying out this subsection.

1 (5) NONAPPLICABILITY OF FACA.—The Federal
2 Advisory Committee Act (5 U.S.C. App.) shall not
3 apply to the Task Force or any working group of the
4 Task Force.

5 (j) SCIENCE AND TECHNOLOGY.—

6 (1) IN GENERAL.—The Secretary shall establish
7 a coastal Louisiana ecosystem science and tech-
8 nology program.

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

11 (A) to identify any uncertainty relating to
12 the physical, chemical, geological, biological,
13 and cultural baseline conditions in coastal Lou-
14 isiana;

15 (B) to improve knowledge of the physical,
16 chemical, geological, biological, and cultural
17 baseline conditions in coastal Louisiana; and

18 (C) to identify and develop technologies,
19 models, and methods to carry out this sub-
20 section.

21 (3) WORKING GROUPS.—The Secretary may es-
22 tablish such working groups as the Secretary deter-
23 mines to be necessary to assist the Secretary in car-
24 rying out this subsection.

1 (4) CONTRACTS AND COOPERATIVE AGREE-
2 MENTS.—In carrying out this subsection, the Sec-
3 retary may enter into a contract or cooperative
4 agreement with an individual or entity (including a
5 consortium of academic institutions in Louisiana)
6 with scientific or engineering expertise in the res-
7 toration of aquatic and marine ecosystems for coast-
8 al restoration and enhancement through science and
9 technology.

10 (k) ANALYSIS OF BENEFITS.—

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

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

23 (l) STUDIES.—

24 (1) DEGRADATION.—Not later than 180 days
25 after the date of enactment of this Act, the Sec-

1 retary, in consultation with the non-Federal interest,
2 shall enter into a contract with the National Acad-
3 emy of Sciences under which the National Academy
4 of Sciences shall carry out a study to identify—

5 (A) the cause of any degradation of the
6 Louisiana Coastal Area ecosystem that occurred
7 as a result of an activity approved by the Sec-
8 retary; and

9 (B) the sources of the degradation.

10 (2) FINANCING.—On completion, and taking
11 into account the results, of the study conducted
12 under paragraph (1), the Secretary, in consultation
13 with the non-Federal interest, shall study—

14 (A) financing alternatives for the program
15 under subsection (a); and

16 (B) potential reductions in the expenditure
17 of Federal funds in emergency responses that
18 would occur as a result of ecosystem restoration
19 in the Louisiana Coastal Area.

20 (m) PROJECT MODIFICATIONS.—

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

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

3 (B) the project could contribute to eco-
4 system restoration under subsection (a) through
5 modification of the operations or features of the
6 project.

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

10 (3) PUBLIC NOTICE AND COMMENT.—Before
11 completing the report required under paragraph (4),
12 the Secretary shall provide an opportunity for public
13 notice and comment.

14 (4) REPORT.—

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

23 (B) INCLUSION.—A report under subpara-
24 graph (A) shall include such information relat-

1 ing to the timeline and cost of a modification
2 as the Secretary determines to be relevant.

3 (5) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to carry out
5 this subsection \$10,000,000.

6 (n) LOUISIANA WATER RESOURCES COUNCIL.—The
7 Secretary shall establish a council, to be known as the
8 “Louisiana Water Resources Council”, which shall serve
9 as the exclusive peer review panel for activities conducted
10 by the Corps of Engineers in the areas in the State of
11 Louisiana declared as major disaster areas in accordance
12 with section 401 of the Robert T. Stafford Disaster Relief
13 and Emergency Assistance Act (42 U.S.C. 5170) in re-
14 sponse to Hurricane Katrina or Rita of 2005, in accord-
15 ance with the requirements of section 2007.

16 (o) EXTERNAL REVIEW.—The Secretary shall enter
17 into a contract with the National Academy of Science to
18 perform an external review of the demonstration program
19 under subsection (d), and the results of the review shall
20 be submitted to the Committee on Environment and Pub-
21 lic Works of the Senate and the Committee on Transpor-
22 tation and Infrastructure of the House of Representatives.

23 (p) NEW ORLEANS AND VICINITY.—

24 (1) IN GENERAL.—The Secretary is author-
25 ized—

1 (A) to raise levee heights as necessary, and
2 to otherwise enhance the Lake Pontchartrain
3 and Vicinity Project and the West Bank and
4 Vicinity Project to provide the levels of protec-
5 tion necessary to achieve the certification re-
6 quired for participation in the National Flood
7 Insurance Program under the base flood ele-
8 vations current at the time of the construction;

9 (B) to modify the 17th Street, Orleans Av-
10 enue, and London Avenue drainage canals, in-
11 cluding installing pumps and closure structures
12 at or near the lakefront at Lake Pontchartrain;

13 (C) to armor critical elements of the New
14 Orleans hurricane and storm damage reduction
15 system;

16 (D) to improve and otherwise modify the
17 Inner Harbor Navigation Canal to increase the
18 reliability of the flood protection system for the
19 city of New Orleans;

20 (E) to replace or modify certain non-Fed-
21 eral levees in Plaquemines Parish to incorporate
22 the levees into the New Orleans to Venice Hur-
23 ricane Protection Project;

24 (F) to reinforce or replace flood walls in
25 the existing Lake Pontchartrain and Vicinity

1 Project and the existing West Bank and Vicin-
2 ity Project to improve performance of the flood
3 protection systems;

4 (G) to perform onetime storm-proofing of
5 interior pump stations to ensure the operability
6 of the stations during hurricanes, storms, and
7 high-water events;

8 (H) to repair, replace, modify, and improve
9 non-Federal levees and associated protection
10 measures in Terrebonne Parish; and

11 (I) to reduce the risk of storm damage to
12 the greater New Orleans metropolitan area by
13 restoring the surrounding wetlands through—

14 (i) measures to begin to reverse wet-
15 land losses in areas affected by navigation,
16 oil and gas exploration and extraction, and
17 other channels; and

18 (ii) modification of the Caernarvon
19 Freshwater Diversion structure or its oper-
20 ations.

21 (2) FUNDING AUTHORITY.—An activity under
22 paragraph (1) shall be carried out in accordance
23 with the cost-sharing requirements of the Emer-
24 gency Supplemental Appropriations Act for Defense,

1 the Global War on Terror, and Hurricane Recovery,
2 2006 (Public Law 109–234; 120 Stat. 418).

3 (3) CONDITIONS.—

4 (A) IN GENERAL.—The Secretary shall
5 submit to the Committee on Environment and
6 Public Works of the Senate and the Committee
7 on Transportation and Infrastructure of the
8 House of Representatives a notice in any case
9 in which an estimate for the expenditure of
10 funds on any project or activity described in
11 paragraph (1) exceeds the amount specified for
12 that project or activity in the Emergency Sup-
13 plemental Appropriations Act for Defense, the
14 Global War on Terror, and Hurricane Recovery,
15 2006 (Public Law 109–234; 120 Stat. 418).

16 (B) APPROPRIATIONS LIMITATION.—No
17 appropriation in excess of an amount equal to
18 25 percent more than the amount specified for
19 a project or activity in that Act shall be made
20 until an increase in the level of expenditure has
21 been approved by resolutions adopted by the
22 Committees referred to in subparagraph (A).

23 (q) LAROSE TO GOLDEN MEADOW.—

24 (1) REPORT.—Not later than 120 days after
25 the date of enactment of this Act, the Secretary

1 shall submit to the Committee on Environment and
2 Public Works of the Senate and the Committee on
3 Transportation and Infrastructure of the House of
4 Representatives a report describing any modification
5 required to the project for flood damage reduction,
6 Larose to Golden Meadow, Louisiana, to achieve the
7 certification necessary for participation in the Na-
8 tional Flood Insurance Program.

9 (2) MODIFICATIONS.—The Secretary is author-
10 ized to carry out a modification described in para-
11 graph (1) if—

12 (A) the Secretary submits a recommenda-
13 tion for authorization of the modification in the
14 report under paragraph (1); and

15 (B) the total cost of the modification does
16 not exceed \$90,000,000.

17 (3) REQUIREMENT.—No appropriation shall be
18 made to construct any modification under this sub-
19 section if the report under paragraph (1) has not
20 been approved by resolutions adopted by the Com-
21 mittee on Environment and Public Works of the
22 Senate and the Committee on Transportation and
23 Infrastructure of the House of Representatives.

24 (F) CONSOLIDATION.—

1 (1) IN GENERAL.—The Secretary may consoli-
2 date the flood damage reduction projects in Lower
3 Jefferson Parish, Louisiana, that have been identi-
4 fied for implementation under section 205 of the
5 Flood Control Act of 1948 (33 U.S.C. 701s) as of
6 the date of enactment of this Act.

7 (2) TOTAL COST.—The Secretary may imple-
8 ment the consolidated project referred to in para-
9 graph (1) if the total cost of the consolidated project
10 does not exceed \$100,000,000.

11 (s) MISSISSIPPI RIVER GULF OUTLET.—

12 (1) DEAUTHORIZATION.—

13 (A) IN GENERAL.—The navigation channel
14 portion of the project for navigation, Mississippi
15 River Gulf outlet, authorized by the Act of
16 March 29, 1956 (70 Stat. 65, chapter 112; 100
17 Stat. 4177; 110 Stat. 3717), which extends
18 from the Gulf of Mexico to Mile 60 at the
19 southern bank of the Gulf Intracoastal Water-
20 way, is not authorized.

21 (B) SCOPE.—Subparagraph (A) does not
22 modify or deauthorize the Inner Harbor Navi-
23 gation Canal Replacement Project authorized
24 by the Act referred to in that subparagraph.

25 (2) PLAN FOR CLOSURE AND RESTORATION.—

1 (A) IN GENERAL.—The Secretary shall
2 carry out a study and implement a project to
3 physically modify the Mississippi River Gulf
4 outlet and to restore the areas affected by the
5 Mississippi River Gulf outlet, subject to the
6 conditions and recommendations in a final re-
7 port of the Chief of Engineers, if a favorable re-
8 port of the Chief is completed by not later than
9 180 days after the date of enactment of this
10 Act.

11 (B) INCORPORATION OF RECOMMENDA-
12 TIONS.—The plan shall incorporate the rec-
13 ommendations of the Interim Mississippi River
14 Gulf Outlet Deep-Draft De-Authorization Re-
15 port submitted to Congress in December 2006.

16 (3) REPORT TO CONGRESS.—Not later than
17 180 days after the date of enactment of this Act, the
18 Secretary shall submit to the Committee on Environ-
19 ment and Public Works of the Senate and the Com-
20 mittee on Transportation and Infrastructure of the
21 House of Representatives a report on the project de-
22 scribed in paragraph (2).

23 (4) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated \$5,000,000
25 for the costs of carrying out the study and devel-

1 (1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—
2 Project for flood damage reduction, Cache River
3 Basin, Grubbs, Arkansas.

4 (2) BIBB COUNTY AND THE CITY OF MACON
5 LEVEE, GEORGIA.—Project for flood damage reduc-
6 tion, Bibb County and the City of Macon Levee,
7 Georgia.

8 (3) FORT WAYNE AND VICINITY, INDIANA.—
9 Project for flood control, St. Mary's River, Fort
10 Wayne and Vicinity, Indiana.

11 (4) SALEM, MASSACHUSETTS.—Project for flood
12 damage reduction, Salem, Massachusetts.

13 (5) CROW RIVER, ROCKFORD, MINNESOTA.—
14 Project for flood damage reduction, Crow River,
15 Rockford, Minnesota.

16 (6) SOUTH BRANCH OF THE WILD RICE RIVER,
17 BORUP, MINNESOTA.—Project for flood damage re-
18 duction, South Branch of the Wild Rice River,
19 Borup, Minnesota.

20 (7) CHEYENNE, WYOMING.—Project for flood
21 control, Capitol Basin, Cheyenne, Wyoming.

22 **SEC. 1005. SMALL PROJECTS FOR NAVIGATION.**

23 The Secretary shall conduct a study for each of the
24 following projects and, if the Secretary determines that
25 a project is feasible, may carry out the project under sec-

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

3 (1) BARROW HARBOR, ALASKA.—Project for
4 navigation, Barrow Harbor, Alaska.

5 (2) NOME HARBOR, ALASKA.—Project for navi-
6 gation, Nome Harbor, Alaska.

7 (3) OLD HARBOR, ALASKA.—Project for naviga-
8 tion, Old Harbor, Alaska.

9 (4) LITTLE ROCK PORT, ARKANSAS.—Project
10 for navigation, Little Rock Port, Arkansas River,
11 Arkansas.

12 (5) EAST BASIN, MASSACHUSETTS.—Project for
13 navigation, East Basin, Cape Cod Canal, Sandwich,
14 Massachusetts.

15 (6) LYNN HARBOR, MASSACHUSETTS.—Project
16 for navigation, Lynn Harbor, Lynn, Massachusetts.

17 (7) MERRIMACK RIVER, MASSACHUSETTS.—
18 Project for navigation, Merrimack River, Haverhill,
19 Massachusetts.

20 (8) OAK BLUFFS HARBOR, MASSACHUSETTS.—
21 Project for navigation, Oak Bluffs Harbor, Oak
22 Bluffs, Massachusetts.

23 (9) WOODS HOLE GREAT HARBOR, MASSACHU-
24 SETTS.—Project for navigation, Woods Hole Great
25 Harbor, Falmouth, Massachusetts.

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

4 (11) CLINTON RIVER, MICHIGAN.—Project for
5 navigation, Clinton River, Michigan.

6 (12) ONTONAGON RIVER, MICHIGAN.—Project
7 for navigation, Ontonagon River, Ontonagon, Michi-
8 gan.

9 (13) TRAVERSE CITY, MICHIGAN.—Project for
10 navigation, Traverse City, Michigan.

11 (14) SEBEWAING RIVER, MICHIGAN.—Project
12 for navigation, Sebewaing River, Michigan.

13 (15) TOWER HARBOR, MINNESOTA.—Project for
14 navigation, Tower Harbor, Tower, Minnesota.

15 (16) OUTER CHANNEL AND INNER HARBOR,
16 MENOMINEE HARBOR, MICHIGAN AND WISCONSIN.—
17 Project for navigation, Outer Channel and Inner
18 Harbor, Menominee Harbor, Michigan and Wis-
19 consin.

20 (17) MIDDLE BASS ISLAND STATE PARK, MID-
21 DLE BASS ISLAND, OHIO.—Project for navigation,
22 Middle Bass Island State Park, Middle Bass Island,
23 Ohio.

1 (18) MILWAUKEE HARBOR, WISCONSIN.—
2 Project for navigation, Milwaukee Harbor, Mil-
3 waukee, Wisconsin.

4 **SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM**
5 **RESTORATION.**

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

11 (1) BLACK LAKE, ALASKA.—Project for aquatic
12 ecosystem restoration, Black Lake, Alaska, at the
13 head of the Chignik Watershed.

14 (2) SAN DIEGO RIVER, CALIFORNIA.—Project
15 for aquatic ecosystem restoration, San Diego River,
16 California, including efforts to address invasive
17 aquatic plant species.

18 (3) SUISON MARSH, SAN PABLO BAY, CALI-
19 FORNIA.—Project for aquatic ecosystem restoration,
20 San Pablo Bay, California.

21 (4) CHATTAHOOCHEE FALL-LINE, GEORGIA.—
22 Project for aquatic ecosystem restoration, Chat-
23 tahoochee Fall-Line, Georgia.

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

4 (6) MILFORD POND, MILFORD, MASSACHU-
5 SETTS.—Project for aquatic ecosystem restoration,
6 Milford Pond, Milford, Massachusetts.

7 (7) PINE TREE BROOK, MILTON, MASSACHU-
8 SETTS.—Project for aquatic ecosystem restoration,
9 Pine Tree Brook, Milton, Massachusetts.

10 (8) CLINTON RIVER, MICHIGAN.—Project for
11 aquatic ecosystem restoration, Clinton River, Michi-
12 gan.

13 (9) CALDWELL COUNTY, NORTH CAROLINA.—
14 Project for aquatic ecosystem restoration, Caldwell
15 County, North Carolina.

16 (10) MECKLENBERG COUNTY, NORTH CARO-
17 LINA.—Project for aquatic ecosystem restoration,
18 Mecklenberg County, North Carolina.

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

22 (12) BLACKSTONE RIVER, RHODE ISLAND.—
23 Project for aquatic ecosystem restoration, Black-
24 stone River, Rhode Island.

1 (13) COLLEGE LAKE, LYNCHBURG, VIRGINIA.—
2 Project for aquatic ecosystem restoration, College
3 Lake, Lynchburg, Virginia.

4 **SEC. 1007. SMALL PROJECTS TO PREVENT OR MITIGATE**
5 **DAMAGE CAUSED BY NAVIGATION PROJECTS.**

6 The Secretary shall conduct a study for each of the
7 following projects and, if the Secretary determines that
8 a project is feasible, may carry out the project under sec-
9 tion 111 of the River and Harbor Act of 1968 (33 U.S.C.
10 426i):

11 (1) Tybee Island, Georgia.

12 (2) Burns Waterway Harbor, Indiana.

13 **SEC. 1008. SMALL PROJECTS FOR AQUATIC PLANT CON-**
14 **TROL.**

15 The Secretary is authorized to carry out a project for
16 aquatic nuisance plant control in the Republican River
17 Basin, Nebraska, under section 104 of the River and Har-
18 bor Act of 1958 (33 U.S.C. 610).

19 **TITLE II—GENERAL PROVISIONS**
20 **Subtitle A—Provisions**

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

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

24 (1) by striking “SEC. 221” and inserting the
25 following:

1 **“SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR**
2 **WATER RESOURCES PROJECTS.”;**

3 and

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

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

7 “(1) IN GENERAL.—After December 31, 1970,
8 the construction of any water resources project, or
9 an acceptable separable element thereof, by the Sec-
10 retary of the Army, acting through the Chief of En-
11 gineers, or by a non-Federal interest where such in-
12 terest will be reimbursed for such construction under
13 any provision of law, shall not be commenced until
14 each non-Federal interest has entered into a written
15 partnership agreement with the district engineer for
16 the district in which the project will be carried out
17 under which each party agrees to carry out its re-
18 sponsibilities and requirements for implementation
19 or construction of the project or the appropriate ele-
20 ment of the project, as the case may be; except that
21 no such agreement shall be required if the Secretary
22 determines that the administrative costs associated
23 with negotiating, executing, or administering the
24 agreement would exceed the amount of the contribu-
25 tion required from the non-Federal interest and are
26 less than \$25,000.

1 “(2) LIQUIDATED DAMAGES.—An agreement
2 described in paragraph (1) may include a provision
3 for liquidated damages in the event of a failure of
4 1 or more parties to perform.

5 “(3) OBLIGATION OF FUTURE APPROPRIA-
6 TIONS.—In any such agreement entered into by a
7 State, or a body politic of the State which derives
8 its powers from the State constitution, or a govern-
9 mental entity created by the State legislature, the
10 agreement may reflect that it does not obligate fu-
11 ture appropriations for such performance and pay-
12 ment when obligating future appropriations would be
13 inconsistent with constitutional or statutory limita-
14 tions of the State or a political subdivision of the
15 State.

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

17 “(A) IN GENERAL.—An agreement under
18 paragraph (1) shall provide that the Secretary
19 shall credit toward the non-Federal share of the
20 cost of the project, including a project imple-
21 mented under general continuing authority, the
22 value of in-kind contributions made by the non-
23 Federal interest, including—

24 “(i) the costs of planning (including
25 data collection), design, management, miti-

1 gation, construction, and construction serv-
2 ices that are provided by the non-Federal
3 interest for implementation of the project;

4 “(ii) the value of materials or services
5 provided before execution of an agreement
6 for the project, including efforts on con-
7 structed elements incorporated into the
8 project; and

9 “(iii) materials and services provided
10 after an agreement is executed.

11 “(B) CONDITION.—The Secretary shall
12 credit an in-kind contribution under subpara-
13 graph (A) if the Secretary determines that the
14 property or service provided as an in-kind con-
15 tribution is integral to the project.

16 “(C) LIMITATIONS.—Credit authorized for
17 a project—

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

20 “(ii) shall not alter any other require-
21 ment that a non-Federal interest provide
22 land, an easement or right-of-way, or an
23 area for disposal of dredged material for
24 the project; and

1 “(iii) shall not exceed the actual and
2 reasonable costs of the materials, services,
3 or other things provided by the non-Fed-
4 eral interest, as determined by the Sec-
5 retary.”.

6 **SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT**
7 **AUTHORITY.**

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

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

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

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

19 (3) in subsection (d)—

20 (A) by striking “\$250,000 for fiscal year
21 2001” and inserting “\$1,000,000 for fiscal year
22 2007 and each fiscal year thereafter”; and

23 (B) by striking “or international organiza-
24 tions” and inserting “, international organiza-
25 tions, or foreign governments”.

1 **SEC. 2003. TRAINING FUNDS.**

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

8 (b) EXPENSES.—

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

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

16 (A) may be retained by the Secretary;

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

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

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

1 **SEC. 2004. FISCAL TRANSPARENCY REPORT.**

2 (a) IN GENERAL.—On the third Tuesday of January
3 of each year beginning January 2008, the Chief of Engi-
4 neers shall submit to the Committee on Environment and
5 Public Works of the Senate and the Committee on Trans-
6 portation and Infrastructure of the House of Representa-
7 tives a report on the expenditures for the preceding fiscal
8 year and estimated expenditures for the current fiscal
9 year.

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

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

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

17 (i) allocations to date;

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

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

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

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

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

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

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

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

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

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

19 (A) the number of active studies;

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

22 (C) the number of initiated studies; and

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

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

6 (5) Recreation fees and lease payments.

7 (6) Hydropower and water storage fees.

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

10 (8) Other revenues and fees collected.

11 (9) With respect to permit applications and no-
12 tifications, a list of individual permit applications
13 and nationwide permit notifications, including—

14 (A) the date on which each permit applica-
15 tion is filed;

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

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

20 (10) With respect to the project backlog, a list
21 of authorized projects for which no funds have been
22 allocated for the 5 preceding fiscal years, including,
23 for each project—

24 (A) the authorization date;

25 (B) the last allocation date;

1 (C) the percentage of construction com-
2 pleted;

3 (D) the estimated cost remaining until
4 completion of the project; and

5 (E) a brief explanation of the reasons for
6 the delay.

7 **SEC. 2005. PLANNING.**

8 (a) MATTERS TO BE ADDRESSED IN PLANNING.—
9 Section 904 of the Water Resources Development Act of
10 1986 (33 U.S.C. 2281) is amended—

11 (1) by striking “Enhancing” and inserting the
12 following:

13 “(a) IN GENERAL.—Enhancing”; and

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

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

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

20 “(2) the water resource project complies with
21 Federal, State, and local laws (including regulations)
22 and public policies.”.

23 (b) PLANNING PROCESS IMPROVEMENTS.—The Chief
24 of Engineers—

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

5 (A) complete the feasibility study for the
6 project; and

7 (B) sign the report of the Chief of Engi-
8 neers for the project;

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

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

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

17 (i) issue procedures for risk analysis for
18 cost estimation; and

19 (ii) submit to Congress a report that in-
20 cludes suggested amendments to section 902 of
21 the Water Resources Development Act of 1986
22 (33 U.S.C. 2280).

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

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

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

5 (2) a calculation of the residual risk of loss of
6 human life and residual risk to human safety fol-
7 lowing completion of the proposed project; and

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

10 (d) CENTERS OF SPECIALIZED PLANNING EXPER-
11 TISE.—

12 (1) ESTABLISHMENT.—The Secretary may es-
13 tablish centers of expertise to provide specialized
14 planning expertise for water resource projects to be
15 carried out by the Secretary in order to enhance and
16 supplement the capabilities of the districts of the
17 Corps of Engineers.

18 (2) DUTIES.—A center of expertise established
19 under this subsection shall—

20 (A) provide technical and managerial as-
21 sistance to district commanders of the Corps of
22 Engineers for project planning, development,
23 and implementation;

24 (B) provide peer reviews of new major sci-
25 entific, engineering, or economic methods, mod-

1 els, or analyses that will be used to support de-
2 cisions of the Secretary with respect to feasi-
3 bility studies;

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

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

8 (e) COMPLETION OF CORPS OF ENGINEERS RE-
9 PORTS.—

10 (1) ALTERNATIVES.—

11 (A) IN GENERAL.—Feasibility and other
12 studies and assessments of water resource prob-
13 lems and projects shall include recommenda-
14 tions for alternatives—

15 (i) that, as determined by the non-
16 Federal interests for the projects, promote
17 integrated water resources management;
18 and

19 (ii) for which the non-Federal inter-
20 ests are willing to provide the non-Federal
21 share for the studies or assessments.

22 (B) SCOPE AND PURPOSES.—The scope
23 and purposes of studies and assessments de-
24 scribed in subparagraph (A) shall not be con-
25 strained by budgetary or other policy as a re-

1 sult of the inclusion of alternatives described in
2 that subparagraph.

3 (C) REPORTS OF CHIEF OF ENGINEERS.—

4 The reports of the Chief of Engineers shall be
5 based solely on the best technical solutions to
6 water resource needs and problems.

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

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

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

13 (i) the Committee on Environment
14 and Public Works of the Senate; and

15 (ii) the Committee on Transportation
16 and Infrastructure of the House of Rep-
17 resentatives.

18 (f) COMPLETION REVIEW.—

19 (1) IN GENERAL.—Except as provided in para-
20 graph (2), not later than 90 days after the date of
21 completion of a report of the Chief of Engineers that
22 recommends to Congress a water resource project,
23 the Secretary shall—

24 (A) review the report; and

1 (B) provide any recommendations of the
2 Secretary regarding the water resource project
3 to Congress.

4 (2) PRIOR REPORTS.—Not later than 90 days
5 after the date of enactment of this Act, with respect
6 to any report of the Chief of Engineers recom-
7 mending a water resource project that is complete
8 prior to the date of enactment of this Act, the Sec-
9 retary shall complete review of, and provide rec-
10 ommendations to Congress for, the report in accord-
11 ance with paragraph (1).

12 **SEC. 2006. WATER RESOURCES PLANNING COORDINATING**
13 **COMMITTEE.**

14 (a) ESTABLISHMENT.—The President shall establish
15 a Water Resources Planning Coordinating Committee (re-
16 ferred to in this subsection as the “Coordinating Com-
17 mittee”).

18 (b) MEMBERSHIP.—

19 (1) IN GENERAL.—The Coordinating Com-
20 mittee shall be composed of the following members
21 (or a designee of the member):

22 (A) The Secretary of the Interior.

23 (B) The Secretary of Agriculture.

24 (C) The Secretary of Health and Human
25 Services.

1 (D) The Secretary of Housing and Urban
2 Development.

3 (E) The Secretary of Transportation.

4 (F) The Secretary of Energy.

5 (G) The Secretary of Homeland Security.

6 (H) The Secretary of Commerce.

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

9 (J) The Chairperson of the Council on En-
10 vironmental Quality.

11 (2) CHAIRPERSON AND EXECUTIVE DIREC-
12 TOR.—The President shall appoint—

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

16 (B) an Executive Director to supervise the
17 activities of the Coordinating Committee.

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

21 (c) NATIONAL WATER RESOURCES PLANNING AND
22 MODERNIZATION POLICY.—It is the policy of the United
23 States that all water resources projects carried out by the
24 Corps of Engineers shall—

25 (1) reflect national priorities;

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

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

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

6 (5) mitigate any unavoidable damage to natural
7 systems.

8 (d) WATER RESOURCE PRIORITIES REPORT.—

9 (1) IN GENERAL.—Not later than 2 years after
10 the date of enactment of this Act, the Coordinating
11 Committee, in collaboration with the Secretary, shall
12 submit to the President and Congress a report de-
13 scribing the vulnerability of the United States to
14 damage from flooding and related storm damage, in-
15 cluding—

16 (A) the risk to human life;

17 (B) the risk to property; and

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

20 (2) INCLUSIONS.—The report under paragraph
21 (1) shall include—

22 (A) an assessment of the extent to which
23 programs in the United States relating to flood-
24 ing address flood risk reduction priorities;

1 (B) the extent to which those programs
2 may be unintentionally encouraging develop-
3 ment and economic activity in floodprone areas;

4 (C) recommendations for improving those
5 programs with respect to reducing and respond-
6 ing to flood risks; and

7 (D) proposals for implementing the rec-
8 ommendations.

9 (e) MODERNIZING WATER RESOURCES PLANNING
10 GUIDELINES.—

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

23 (2) PROPOSED REVISIONS.—In conducting a re-
24 view under paragraph (1), the Coordinating Com-
25 mittee and the Secretary shall consider revisions to

1 improve water resources project planning through,
2 among other things—

3 (A) requiring the use of modern economic
4 principles and analytical techniques, credible
5 schedules for project construction, and current
6 discount rates as used by other Federal agen-
7 cies;

8 (B) eliminating biases and disincentives to
9 providing projects to low-income communities,
10 including fully accounting for the prevention of
11 loss of life under section 904 of the Water Re-
12 sources Development Act of 1986 (33 U.S.C.
13 2281);

14 (C) eliminating biases and disincentives
15 that discourage the use of nonstructural ap-
16 proaches to water resources development and
17 management, and fully accounting for the flood
18 protection and other values of healthy natural
19 systems;

20 (D) promoting environmental restoration
21 projects that reestablish natural processes;

22 (E) assessing and evaluating the impacts
23 of a project in the context of other projects
24 within a region or watershed;

1 (F) analyzing and incorporating lessons
2 learned from recent studies of Corps of Engi-
3 neers programs and recent disasters such as
4 Hurricane Katrina and the Great Midwest
5 Flood of 1993;

6 (G) encouraging wetlands conservation;
7 and

8 (H) ensuring the effective implementation
9 of the policies of this Act.

10 (3) PUBLIC PARTICIPATION.—The Coordinating
11 Committee and the Secretary shall solicit public and
12 expert comments regarding any revision proposed
13 under paragraph (2).

14 (4) REVISION OF PLANNING GUIDANCE.—

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

1 graph (2) as the Secretary determines to be ap-
2 propriate.

3 (B) EFFECT.—Effective beginning on the
4 date on which the Secretary implements the
5 first update or revision under paragraph (1),
6 subsections (a) and (b) of section 80 of the
7 Water Resources Development Act of 1974 (42
8 U.S.C. 1962d–17) shall not apply to the Corps
9 of Engineers.

10 (5) REPORT.—

11 (A) IN GENERAL.—The Secretary shall
12 submit to the Committees on Environment and
13 Public Works and Appropriations of the Senate,
14 and to the Committees on Transportation and
15 Infrastructure and Appropriations of the House
16 of Representatives, a report describing any revi-
17 sion of planning guidance under paragraph (4).

18 (B) PUBLICATION.—The Secretary shall
19 publish the report under subparagraph (A) in
20 the Federal Register.

21 **SEC. 2007. INDEPENDENT PEER REVIEW.**

22 (a) DEFINITIONS.—In this section:

23 (1) CONSTRUCTION ACTIVITIES.—The term
24 “construction activities” means development of de-
25 tailed engineering and design specifications during

1 the preconstruction engineering and design phase
2 and the engineering and design phase of a water re-
3 sources project carried out by the Corps of Engi-
4 neers, and other activities carried out on a water re-
5 sources project prior to completion of the construc-
6 tion and to turning the project over to the local cost-
7 share partner.

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

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

24 (c) SOUND PROJECT PLANNING.—

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

6 (A) the project has an estimated total cost
7 of more than \$40,000,000, including mitigation
8 costs;

9 (B) the Governor of a State in which the
10 water resources project is located in whole or in
11 part, or the Governor of a State within the
12 drainage basin in which a water resources
13 project is located and that would be directly af-
14 fected economically or environmentally as a re-
15 sult of the project, requests in writing to the
16 Secretary the establishment of an independent
17 panel of experts for the project;

18 (C) the head of a Federal agency with au-
19 thority to review the project determines that the
20 project is likely to have a significant adverse
21 impact on public safety, or on environmental,
22 fish and wildlife, historical, cultural, or other
23 resources under the jurisdiction of the agency,
24 and requests in writing to the Secretary the es-

1 tablishment of an independent panel of experts
2 for the project; or

3 (D) the Secretary determines on his or her
4 own initiative, or shall determine within 30
5 days of receipt of a written request for a con-
6 troversy determination by any party, that the
7 project is controversial because—

8 (i) there is a significant dispute re-
9 garding the size, nature, potential safety
10 risks, or effects of the project; or

11 (ii) there is a significant dispute re-
12 garding the economic, or environmental
13 costs or benefits of the project.

14 (2) PROJECT PLANNING REVIEW PANELS.—

15 (A) PROJECT PLANNING REVIEW PANEL
16 MEMBERSHIP.—For each water resources
17 project subject to review under this subsection,
18 the Director of Independent Review shall estab-
19 lish a panel of independent experts that shall be
20 composed of not less than 5 nor more than 9
21 independent experts (including at least 1 engi-
22 neer, 1 hydrologist, 1 biologist, and 1 econo-
23 mist) who represent a range of areas of exper-
24 tise. The Director of Independent Review shall
25 apply the National Academy of Science’s policy

1 for selecting committee members to ensure that
2 members have no conflict with the project being
3 reviewed, and shall consult with the National
4 Academy of Sciences in developing lists of indi-
5 viduals to serve on panels of experts under this
6 subsection. An individual serving on a panel
7 under this subsection shall be compensated at a
8 rate of pay to be determined by the Secretary,
9 and shall be allowed travel expenses.

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

20 (i) economic and environmental as-
21 sumptions and projections;

22 (ii) project evaluation data;

23 (iii) economic or environmental anal-
24 yses;

25 (iv) engineering analyses;

- 1 (v) formulation of alternative plans;
2 (vi) methods for integrating risk and
3 uncertainty;
4 (vii) models used in evaluation of eco-
5 nomic or environmental impacts of pro-
6 posed projects; and
7 (viii) any related biological opinions.

8 (C) PROJECT PLANNING REVIEW
9 RECORD.—

10 (i) IN GENERAL.—After receiving a
11 report from an independent panel of ex-
12 perts established under this subsection, the
13 Secretary shall take into consideration any
14 recommendations contained in the report
15 and shall immediately make the report
16 available to the public on the internet.

17 (ii) RECOMMENDATIONS.—The Sec-
18 retary shall prepare a written explanation
19 of any recommendations of the inde-
20 pendent panel of experts established under
21 this subsection not adopted by the Sec-
22 retary. Recommendations and findings of
23 the independent panel of experts rejected
24 without good cause shown, as determined
25 by judicial review, shall be given equal def-

1 erence as the recommendations and find-
2 ings of the Secretary during a judicial pro-
3 ceeding relating to the water resources
4 project.

5 (iii) SUBMISSION TO CONGRESS AND
6 PUBLIC AVAILABILITY.—The report of the
7 independent panel of experts established
8 under this subsection and the written ex-
9 planation of the Secretary required by
10 clause (ii) shall be included with the report
11 of the Chief of Engineers to Congress,
12 shall be published in the Federal Register,
13 and shall be made available to the public
14 on the Internet.

15 (D) DEADLINES FOR PROJECT PLANNING
16 REVIEWS.—

17 (i) IN GENERAL.—Independent review
18 of a project study shall be completed prior
19 to the completion of any Chief of Engi-
20 neers report for a specific water resources
21 project.

22 (ii) DEADLINE FOR PROJECT PLAN-
23 NING REVIEW PANEL STUDIES.—An inde-
24 pendent panel of experts established under
25 this subsection shall complete its review of

1 the project study and submit to the Sec-
2 retary a report not later than 180 days
3 after the date of establishment of the
4 panel, or not later than 90 days after the
5 close of the public comment period on a
6 draft project study that includes a pre-
7 ferred alternative, whichever is later. The
8 Secretary may extend these deadlines for
9 good cause.

10 (iii) FAILURE TO COMPLETE REVIEW
11 AND REPORT.—If an independent panel of
12 experts established under this subsection
13 does not submit to the Secretary a report
14 by the deadline established by clause (ii),
15 the Chief of Engineers may continue
16 project planning without delay.

17 (iv) DURATION OF PANELS.—An inde-
18 pendent panel of experts established under
19 this subsection shall terminate on the date
20 of submission of the report by the panel.
21 Panels may be established as early in the
22 planning process as deemed appropriate by
23 the Director of Independent Review, but
24 shall be appointed no later than 90 days
25 before the release for public comment of a

1 draft study subject to review under sub-
2 section (c)(1)(A), and not later than 30
3 days after a determination that review is
4 necessary under subsection (c)(1)(B),
5 (c)(1)(C), or (c)(1)(D).

6 (E) EFFECT ON EXISTING GUIDANCE.—
7 The project planning review required by this
8 subsection shall be deemed to satisfy any exter-
9 nal review required by Engineering Circular
10 1105–2–408 (31 May 2005) on Peer Review of
11 Decision Documents.

12 (d) SAFETY ASSURANCE.—

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

21 (A) for which the reliability of performance
22 under emergency conditions is critical;

23 (B) that uses innovative materials or tech-
24 niques;

1 (C) for which the project design is lacking
2 in redundancy, or that has a unique construc-
3 tion sequencing or a short or overlapping design
4 construction schedule; or

5 (D) other than a project described in sub-
6 paragraphs (A) through (C), as the Director of
7 Independent Review determines to be appro-
8 priate.

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

1 ing on a panel of experts under this subsection shall
2 be compensated at a rate of pay to be determined
3 by the Secretary, and shall be allowed travel ex-
4 penses.

5 (3) DEADLINES FOR SAFETY ASSURANCE RE-
6 VIEWS.—An independent panel of experts established
7 under this subsection shall submit a written report
8 to the Secretary on the adequacy of the construction
9 activities prior to the initiation of physical construc-
10 tion and periodically thereafter until construction ac-
11 tivities are completed on a publicly available sched-
12 ule determined by the Director of Independent Re-
13 view for the purposes of assuring the public safety.
14 The Director of Independent Review shall ensure
15 that these reviews be carried out in a way to protect
16 the public health, safety, and welfare, while not
17 causing unnecessary delays in construction activities.

18 (4) SAFETY ASSURANCE REVIEW RECORD.—
19 After receiving a written report from an independent
20 panel of experts established under this subsection,
21 the Secretary shall—

22 (A) take into consideration recommenda-
23 tions contained in the report, provide a written
24 explanation of recommendations not adopted,
25 and immediately make the report and expla-

1 nation available to the public on the Internet;
2 and

3 (B) submit the report to the Committee on
4 Environment and Public Works of the Senate
5 and the Committee on Transportation and In-
6 frastructure of the House of Representatives.

7 (e) EXPENSES.—

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

12 (A) \$250,000, if the total cost of the
13 project in current year dollars is less than
14 \$50,000,000; and

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

18 (2) WAIVER.—The Secretary, at the written re-
19 quest of the Director of Independent Review, may
20 waive the cost limitations under paragraph (1) if the
21 Secretary determines appropriate.

22 (f) REPORT.—Not later than 5 years after the date
23 of enactment of this Act, the Secretary shall submit to
24 Congress a report describing the implementation of this
25 section.

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

6 **SEC. 2008. MITIGATION FOR FISH AND WILDLIFE LOSSES.**

7 (a) COMPLETION OF MITIGATION.—Section 906(a) of
8 the Water Resources Development Act of 1986 (33 U.S.C.
9 2283(a)) is amended by adding at the following:

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

20 (b) USE OF CONSOLIDATED MITIGATION.—Section
21 906(b) of the Water Resources Development Act of 1986
22 (33 U.S.C. 2283(b)) is amended by adding at the end the
23 following:

24 “(3) USE OF CONSOLIDATED MITIGATION.—

1 “(A) IN GENERAL.—If the Secretary deter-
2 mines that other forms of compensatory mitiga-
3 tion are not practicable or are less environ-
4 mentally desirable, the Secretary may purchase
5 available credits from a mitigation bank or con-
6 servation bank that is approved in accordance
7 with the Federal Guidance for the Establish-
8 ment, Use and Operation of Mitigations Banks
9 (60 Fed. Reg. 58605) or other applicable Fed-
10 eral laws (including regulations).

11 “(B) SERVICE AREA.—To the maximum
12 extent practicable, the service area of the miti-
13 gation bank or conservation bank shall be in
14 the same watershed as the affected habitat.

15 “(C) RESPONSIBILITY RELIEVED.—Pur-
16 chase of credits from a mitigation bank or con-
17 servation bank for a water resources project re-
18 lieves the Secretary and the non-Federal inter-
19 est from responsibility for monitoring or dem-
20 onstrating mitigation success.”.

21 (c) MITIGATION REQUIREMENTS.—Section 906(d) of
22 the Water Resources Development Act of 1986 (33 U.S.C.
23 2283(d)) is amended—

24 (1) in paragraph (1)—

1 (A) in the first sentence, by striking “to
2 the Congress unless such report contains” and
3 inserting “to Congress, and shall not select a
4 project alternative in any final record of deci-
5 sion, environmental impact statement, or envi-
6 ronmental assessment, unless the proposal,
7 record of decision, environmental impact state-
8 ment, or environmental assessment contains”;
9 and

10 (B) in the second sentence, by inserting “,
11 and other habitat types are mitigated to not
12 less than in-kind conditions” after “mitigated
13 in-kind”; and

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

15 “(3) MITIGATION REQUIREMENTS.—

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

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

4 “(i) a plan for monitoring the imple-
5 mentation and ecological success of each
6 mitigation measure, including a designa-
7 tion of the entities that will be responsible
8 for the monitoring;

9 “(ii) the criteria for ecological success
10 by which the mitigation will be evaluated
11 and determined to be successful;

12 “(iii) land and interests in land to be
13 acquired for the mitigation plan and the
14 basis for a determination that the land and
15 interests are available for acquisition;

16 “(iv) a description of—

17 “(I) the types and amount of res-
18 toration activities to be conducted;
19 and

20 “(II) the resource functions and
21 values that will result from the miti-
22 gation plan; and

23 “(v) a contingency plan for taking
24 corrective actions in cases in which moni-
25 toring demonstrates that mitigation meas-

1 ures are not achieving ecological success in
2 accordance with criteria under clause (ii).

3 “(4) DETERMINATION OF SUCCESS.—

4 “(A) IN GENERAL.—A mitigation plan
5 under this subsection shall be considered to be
6 successful at the time at which the criteria
7 under paragraph (3)(B)(ii) are achieved under
8 the plan, as determined by monitoring under
9 paragraph (3)(B)(i).

10 “(B) CONSULTATION.—In determining
11 whether a mitigation plan is successful under
12 subparagraph (A), the Secretary shall consult
13 annually with appropriate Federal agencies and
14 each State in which the applicable project is lo-
15 cated on at least the following:

16 “(i) The ecological success of the miti-
17 gation as of the date on which the report
18 is submitted.

19 “(ii) The likelihood that the mitiga-
20 tion will achieve ecological success, as de-
21 fined in the mitigation plan.

22 “(iii) The projected timeline for
23 achieving that success.

24 “(iv) Any recommendations for im-
25 proving the likelihood of success.

1 “(C) REPORTING.—Not later than 60 days
2 after the date of completion of the annual con-
3 sultation, the Federal agencies consulted shall,
4 and each State in which the project is located
5 may, submit to the Secretary a report that de-
6 scribes the results of the consultation described
7 in (B).

8 “(D) ACTION BY SECRETARY.—The Sec-
9 retary shall respond in writing to the substance
10 and recommendations contained in each report
11 under subparagraph (C) by not later than 30
12 days after the date of receipt of the report.

13 “(5) MONITORING.—Mitigation monitoring
14 shall continue until it has been demonstrated that
15 the mitigation has met the ecological success cri-
16 teria.”.

17 (d) STATUS REPORT.—

18 (1) IN GENERAL.—Concurrent with the submis-
19 sion of the President to Congress of the request of
20 the President for appropriations for the Civil Works
21 Program for a fiscal year, the Secretary shall submit
22 to the Committee on the Environment and Public
23 Works of the Senate and the Committee on Trans-
24 portation and Infrastructure of the House of Rep-
25 resentatives a report describing the status of con-

1 construction of projects that require mitigation under
2 section 906 of Water Resources Development Act
3 1986 (33 U.S.C. 2283) and the status of that miti-
4 gation.

5 (2) PROJECTS INCLUDED.—The status report
6 shall include the status of—

7 (A) all projects that are under construction
8 as of the date of the report;

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

11 (C) all projects that have completed con-
12 struction, but have not completed the mitigation
13 required under section 906 of the Water Re-
14 sources Development Act of 1986 (33 U.S.C.
15 2283).

16 (e) MITIGATION TRACKING SYSTEM.—

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

1 (A) the quantity and type of wetland and
2 any other habitat type affected by the project,
3 project operation, or permitted activity;

4 (B) the quantity and type of mitigation
5 measures required with respect to the project,
6 project operation, or permitted activity;

7 (C) the quantity and type of mitigation
8 measures that have been completed with respect
9 to the project, project operation, or permitted
10 activity; and

11 (D) the status of monitoring of the mitiga-
12 tion measures carried out with respect to the
13 project, project operation, or permitted activity.

14 (2) REQUIREMENTS.—The recordkeeping sys-
15 tem under paragraph (1) shall—

16 (A) include information relating to the im-
17 pacts and mitigation measures relating to
18 projects described in paragraph (1) that occur
19 after November 17, 1986; and

20 (B) be organized by watershed, project,
21 permit application, and zip code.

22 (3) AVAILABILITY OF INFORMATION.—The Sec-
23 retary shall make information contained in the re-
24 cordkeeping system available to the public on the
25 Internet.

1 **SEC. 2009. STATE TECHNICAL ASSISTANCE.**

2 Section 22 of the Water Resources Development Act
3 of 1974 (42 U.S.C. 1962d-16) is amended—

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

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

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

8 **“(1) COMPREHENSIVE PLANS.—**The Sec-
9 retary”;

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

12 **“(2) TECHNICAL ASSISTANCE.—**

13 **“(A) IN GENERAL.—**At the request of a
14 governmental agency or non-Federal interest,
15 the Secretary may provide, at Federal expense,
16 technical assistance to the agency or non-Fed-
17 eral interest in managing water resources.

18 **“(B) TYPES OF ASSISTANCE.—**Technical
19 assistance under this paragraph may include
20 provision and integration of hydrologic, eco-
21 nomic, and environmental data and analyses.”;

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

25 (4) in subsection (b)(2), by striking “up to 1/2
26 of the” and inserting “the”;

1 (5) in subsection (c)—

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

4 “(c) AUTHORIZATION OF APPROPRIATIONS.—

5 “(1) FEDERAL AND STATE COOPERATION.—
6 There is”;

7 (B) in paragraph (1) (as designated by
8 subparagraph (A)), by striking “the provisions
9 of this section except that not more than
10 \$500,000 shall be expended in any one year in
11 any one State.” and inserting “subsection
12 (a)(1).”; and

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

14 “(2) TECHNICAL ASSISTANCE.—There is au-
15 thorized to be appropriated to carry out subsection
16 (a)(2) \$5,000,000 for each fiscal year, of which not
17 more than \$2,000,000 for each fiscal year may be
18 used by the Secretary to enter into cooperative
19 agreements with nonprofit organizations and State
20 agencies to provide assistance to rural and small
21 communities.”; and

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

23 “(e) ANNUAL SUBMISSION.—For each fiscal year,
24 based on performance criteria developed by the Secretary,
25 the Secretary shall list in the annual civil works budget

1 submitted to Congress the individual activities proposed
2 for funding under subsection (a)(1) for the fiscal year.”.

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

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

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

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

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

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

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section
24 \$2,000,000 for each fiscal year.

1 **SEC. 2011. CONSTRUCTION OF FLOOD CONTROL PROJECTS**
2 **BY NON-FEDERAL INTERESTS.**

3 (a) IN GENERAL.—Section 211(e)(6) of the Water
4 Resources Development Act of 1996 (33 U.S.C. 701b–
5 13(e)(6)) is amended by adding at the end following:

6 “(E) BUDGET PRIORITY.—

7 “(i) IN GENERAL.—Budget priority
8 for projects under this section shall be pro-
9 portionate to the percentage of project
10 completion.

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

14 (b) CONSTRUCTION OF FLOOD CONTROL PROJECTS
15 BY NON-FEDERAL INTERESTS.—Section 211(f) of the
16 Water Resources Development Act of 1996 (33 U.S.C.
17 701b–13) is amended by adding at the end the following:

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

21 “(10) BUFFALO BAYOU, TEXAS.—The project
22 for flood control, Buffalo Bayou, Texas, authorized
23 by the first section of the Act of June 20, 1938 (52
24 Stat. 804, chapter 535) (commonly known as the
25 ‘River and Harbor Act of 1938’) and modified by
26 section 3a of the Act of August 11, 1939 (53 Stat.

1 1414, chapter 699) (commonly known as the ‘Flood
2 Control Act of 1939’), except that, subject to the ap-
3 proval of the Secretary as provided by this section,
4 the non-Federal interest may design and construct
5 an alternative to such project.

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

14 “(12) MENOMONEE RIVER WATERSHED, WIS-
15 CONSIN.—The project for the Menomonee River Wa-
16 tershed, Wisconsin, including—

17 “(A) the Underwood Creek diversion facil-
18 ity project (Milwaukee County Grounds); and

19 “(B) the Greater Milwaukee Rivers water-
20 shed project.”.

21 **SEC. 2012. REGIONAL SEDIMENT MANAGEMENT.**

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

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

2 “(a) IN GENERAL.—In connection with sediment ob-
3 tained through the construction, operation, or mainte-
4 nance of an authorized Federal water resources project,
5 the Secretary, acting through the Chief of Engineers, shall
6 develop Regional Sediment Management plans and carry
7 out projects at locations identified in the plan prepared
8 under subsection (e), or identified jointly by the non-Fed-
9 eral interest and the Secretary, for use in the construction,
10 repair, modification, or rehabilitation of projects associ-
11 ated with Federal water resources projects, for—

12 “(1) the protection of property;

13 “(2) the protection, restoration, and creation of
14 aquatic and ecologically related habitats, including
15 wetlands; and

16 “(3) the transport and placement of suitable
17 sediment

18 “(b) SECRETARIAL FINDINGS.—Subject to sub-
19 section (c), projects carried out under subsection (a) may
20 be carried out in any case in which the Secretary finds
21 that—

22 “(1) the environmental, economic, and social
23 benefits of the project, both monetary and nonmone-
24 tary, justify the cost of the project; and

25 “(2) the project would not result in environ-
26 mental degradation.

1 “(c) DETERMINATION OF PLANNING AND PROJECT
2 COSTS.—

3 “(1) IN GENERAL.—In consultation and co-
4 operation with the appropriate Federal, State, re-
5 gional, and local agencies, the Secretary, acting
6 through the Chief of Engineers, shall develop at
7 Federal expense plans and projects for regional
8 management of sediment obtained in conjunction
9 with construction, operation, and maintenance of
10 Federal water resources projects.

11 “(2) COSTS OF CONSTRUCTION.—

12 “(A) IN GENERAL.—Costs associated with
13 construction of a project under this section or
14 identified in a Regional Sediment Management
15 plan shall be limited solely to construction costs
16 that are in excess of those costs necessary to
17 carry out the dredging for construction, oper-
18 ation, or maintenance of an authorized Federal
19 water resources project in the most cost-effec-
20 tive way, consistent with economic, engineering,
21 and environmental criteria.

22 “(B) COST SHARING.—The determination
23 of any non-Federal share of the construction
24 cost shall be based on the cost sharing as speci-
25 fied in subsections (a) through (d) of section

1 103 of the Water Resources Development Act
2 of 1986 (33 U.S.C. 2213), for the type of Fed-
3 eral water resource project using the dredged
4 resource.

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

9 “(3) OPERATION, MAINTENANCE, REPLACE-
10 MENT, AND REHABILITATION COSTS.—Operation,
11 maintenance, replacement, and rehabilitation costs
12 associated with a project are a non-Federal sponsor
13 responsibility.

14 “(d) SELECTION OF SEDIMENT DISPOSAL METHOD
15 FOR ENVIRONMENTAL PURPOSES.—

16 “(1) IN GENERAL.—In developing and carrying
17 out a Federal water resources project involving the
18 disposal of material, the Secretary may select, with
19 the consent of the non-Federal interest, a disposal
20 method that is not the least-cost option if the Sec-
21 retary determines that the incremental costs of the
22 disposal method are reasonable in relation to the en-
23 vironmental benefits, including the benefits to the
24 aquatic environment to be derived from the creation
25 of wetlands and control of shoreline erosion.

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

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

6 “(1) cooperate with any State in the prepara-
7 tion of a comprehensive State or regional coastal
8 sediment management plan within the boundaries of
9 the State;

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

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

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

18 “(1) Fire Island Inlet, Suffolk County, New
19 York;

20 “(2) Fletcher Cove, California;

21 “(3) Delaware River Estuary, New Jersey and
22 Pennsylvania; and

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

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

1 \$15,000,000 during each fiscal year, to remain available
2 until expended, for the Federal costs identified under sub-
3 section (c), of which up to \$5,000,000 shall be used for
4 the development of regional sediment management plans
5 as provided in subsection (e).

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

11 (b) REPEAL.—

12 (1) IN GENERAL.—Section 145 of the Water
13 Resources Development Act of 1976 (33 U.S.C.
14 426j) is repealed.

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

19 **SEC. 2013. NATIONAL SHORELINE EROSION CONTROL DE-**
20 **VELOPMENT PROGRAM.**

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

1 **“SEC. 3. STORM AND HURRICANE RESTORATION AND IM-**
2 **PACT MINIMIZATION PROGRAM.**

3 “(a) CONSTRUCTION OF SMALL SHORE AND BEACH
4 RESTORATION AND PROTECTION PROJECTS.—

5 “(1) IN GENERAL.—The Secretary may carry
6 out construction of small shore and beach restora-
7 tion and protection projects not specifically author-
8 ized by Congress that otherwise comply with the
9 first section of this Act if the Secretary determines
10 that such construction is advisable.

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

14 “(3) COMPLETENESS.—A project under this
15 section—

16 “(A) shall be complete; and

17 “(B) shall not commit the United States to
18 any additional improvement to ensure the suc-
19 cessful operation of the project, except for par-
20 ticipation in periodic beach nourishment in ac-
21 cordance with—

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

23 “(ii) the procedure for projects au-
24 thorized after submission of a survey re-
25 port.

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

3 “(1) IN GENERAL.—The Secretary, acting
4 through the Chief of Engineers, shall conduct a na-
5 tional shoreline erosion control development and
6 demonstration program (referred to in this section
7 as the ‘program’).

8 “(2) REQUIREMENTS.—

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

11 “(i) projects consisting of planning,
12 design, construction, and adequate moni-
13 toring of prototype engineered and native
14 and naturalized vegetative shoreline ero-
15 sion control devices and methods;

16 “(ii) detailed engineering and environ-
17 mental reports on the results of each
18 project carried out under the program; and

19 “(iii) technology transfers, as appro-
20 priate, to private property owners, State
21 and local entities, nonprofit educational in-
22 stitutions, and nongovernmental organiza-
23 tions.

24 “(B) DETERMINATION OF FEASIBILITY.—

25 A project under this section shall not be carried

1 out until the Secretary, acting through the
2 Chief of Engineers, determines that the project
3 is feasible.

4 “(C) EMPHASIS.—A project carried out
5 under the program shall emphasize, to the max-
6 imum extent practicable—

7 “(i) the development and demonstra-
8 tion of innovative technologies;

9 “(ii) efficient designs to prevent ero-
10 sion at a shoreline site, taking into account
11 the lifecycle cost of the design, including
12 cleanup, maintenance, and amortization;

13 “(iii) new and enhanced shore protec-
14 tion project design and project formulation
15 tools the purposes of which are to improve
16 the physical performance, and lower the
17 lifecycle costs, of the projects;

18 “(iv) natural designs, including the
19 use of native and naturalized vegetation or
20 temporary structures that minimize perma-
21 nent structural alterations to the shoreline;

22 “(v) the avoidance of negative impacts
23 to adjacent shorefront communities;

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

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

6 “(I) adequate consideration of
7 the subgrade;

8 “(II) proper filtration;

9 “(III) durable components;

10 “(IV) adequate connection be-
11 tween units; and

12 “(V) consideration of additional
13 relevant information.

14 “(D) SITES.—

15 “(i) IN GENERAL.—Each project
16 under the program shall be carried out
17 at—

18 “(I) a privately owned site with
19 substantial public access; or

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

22 “(ii) SELECTION.—The Secretary,
23 acting through the Chief of Engineers,
24 shall develop criteria for the selection of

1 sites for projects under the program, in-
2 cluding criteria based on—

3 “(I) a variety of geographic and
4 climatic conditions;

5 “(II) the size of the population
6 that is dependent on the beaches for
7 recreation or the protection of private
8 property or public infrastructure;

9 “(III) the rate of erosion;

10 “(IV) significant natural re-
11 sources or habitats and environ-
12 mentally sensitive areas; and

13 “(V) significant threatened his-
14 toric structures or landmarks.

15 “(3) CONSULTATION.—The Secretary, acting
16 through the Chief of Engineers, shall carry out the
17 program in consultation with—

18 “(A) the Secretary of Agriculture, particu-
19 larly with respect to native and naturalized veg-
20 etative means of preventing and controlling
21 shoreline erosion;

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

23 “(C) private organizations;

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

4 “(E) applicable university research facili-
5 ties.

6 “(4) COMPLETION OF DEMONSTRATION.—After
7 carrying out the initial construction and evaluation
8 of the performance and lifecycle cost of a demonstra-
9 tion project under this section, the Secretary, acting
10 through the Chief of Engineers, may—

11 “(A) at the request of a non-Federal inter-
12 est of the project, amend the agreement for a
13 federally-authorized shore protection project in
14 existence on the date on which initial construc-
15 tion of the demonstration project is complete to
16 incorporate the demonstration project as a fea-
17 ture of the shore protection project, with the fu-
18 ture cost of the demonstration project to be de-
19 termined by the cost-sharing ratio of the shore
20 protection project; or

21 “(B) transfer all interest in and responsi-
22 bility for the completed demonstration project
23 to the non-Federal or other Federal agency in-
24 terest of the project.

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

5 “(A) to share the costs of construction, op-
6 eration, maintenance, and monitoring of a
7 project under the program;

8 “(B) to share the costs of removing a
9 project or project element constructed under
10 the program, if the Secretary determines that
11 the project or project element is detrimental to
12 private property, public infrastructure, or public
13 safety; or

14 “(C) to specify ownership of a completed
15 project that the Chief of Engineers determines
16 will not be part of a Corps of Engineers project.

17 “(6) REPORT.—Not later than December 31 of
18 each year beginning after the date of enactment of
19 this paragraph, the Secretary shall prepare and sub-
20 mit to the Committee on Environment and Public
21 works of the Senate and the Committee on Trans-
22 portation and Infrastructure of the House of Rep-
23 resentatives a report describing—

1 “(A) the activities carried out and accom-
2 plishments made under the program during the
3 preceding year; and

4 “(B) any recommendations of the Sec-
5 retary relating to the program.

6 “(c) AUTHORIZATION OF APPROPRIATIONS.—

7 “(1) IN GENERAL.—Subject to paragraph (2),
8 the Secretary may expend, from any appropriations
9 made available to the Secretary for the purpose of
10 carrying out civil works, not more than \$30,000,000
11 during any fiscal year to pay the Federal share of
12 the costs of construction of small shore and beach
13 restoration and protection projects or small projects
14 under the program.

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

17 “(A) be sufficient to pay the cost of Fed-
18 eral participation in the project (including peri-
19 odic nourishment as provided for under the first
20 section of this Act), as determined by the Sec-
21 retary; and

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

23 (b) REPEAL.—Section 5 the Act entitled “An Act au-
24 thorizing Federal participation in the cost of protecting
25 the shores of publicly owned property”, approved August

1 13, 1946 (33 U.S.C. 426e et seq.; 110 Stat. 3700) is re-
2 pealed.

3 **SEC. 2014. SHORE PROTECTION PROJECTS.**

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

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

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

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

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

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

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

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

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

7 (b) AGGREGATE LIMITATION.—Monitoring costs for
8 an ecosystem restoration project—

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

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

15 **SEC. 2016. ECOSYSTEM RESTORATION BENEFITS.**

16 For each of the following projects, the Corps of Engi-
17 neers shall include ecosystem restoration benefits in the
18 calculation of benefits for the project:

19 (1) Grayson's Creek, California.

20 (2) Seven Oaks, California.

21 (3) Oxford, California.

22 (4) Walnut Creek, California.

23 (5) Wildeat Phase II, California.

1 **SEC. 2017. FUNDING TO EXPEDITE THE EVALUATION AND**
2 **PROCESSING OF PERMITS.**

3 Section 214 of the Water Resources Development Act
4 of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594, 117 Stat.
5 1836, 119 Stat. 2169, 120 Stat. 318, 120 Stat. 3197)
6 is amended by striking subsection (c).

7 **SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICA-**
8 **TIONS.**

9 (a) IN GENERAL.—Not later than 2 years after the
10 date of enactment of this Act, the Secretary shall imple-
11 ment a program to allow electronic submission of permit
12 applications for permits under the jurisdiction of the
13 Corps of Engineers.

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

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to carry out this section
18 \$3,000,000.

19 **SEC. 2019. IMPROVEMENT OF WATER MANAGEMENT AT**
20 **CORPS OF ENGINEERS RESERVOIRS.**

21 (a) IN GENERAL.—As part of the operation and
22 maintenance, by the Corps of Engineers, of reservoirs in
23 operation as of the date of enactment of this Act, the Sec-
24 retary shall carry out the measures described in subsection
25 (c) to support the water resource needs of project sponsors

1 and any affected State, local, or tribal government for au-
2 thorized project purposes.

3 (b) COOPERATION.—The Secretary shall carry out
4 the measures described in subsection (c) in cooperation
5 and coordination with project sponsors and any affected
6 State, local, or tribal government.

7 (c) MEASURES.—In carrying out this section, the
8 Secretary may—

9 (1) conduct a study to identify unused,
10 underused, or additional water storage capacity at
11 reservoirs;

12 (2) review an operational plan and identify any
13 change to maximize an authorized project purpose to
14 improve water storage capacity and enhance effi-
15 ciency of releases and withdrawal of water;

16 (3) improve and update data, data collection,
17 and forecasting models to maximize an authorized
18 project purpose and improve water storage capacity
19 and delivery to water users; and

20 (4) conduct a sediment study and implement
21 any sediment management or removal measure.

22 (d) REVENUES FOR SPECIAL CASES.—

23 (1) COSTS OF WATER SUPPLY STORAGE.—In
24 the case of a reservoir operated or maintained by the
25 Corps of Engineers on the date of enactment of this

1 Act, the storage charge for a future contract or con-
2 tract renewal for the first cost of water supply stor-
3 age at the reservoir shall be the lesser of the esti-
4 mated cost of purposes foregone, replacement costs,
5 or the updated cost of storage.

6 (2) REALLOCATION.—In the case of a water
7 supply that is reallocated from another project pur-
8 pose to municipal or industrial water supply, the
9 joint use costs for the reservoir shall be adjusted to
10 reflect the reallocation of project purposes.

11 (3) CREDIT FOR AFFECTED PROJECT PUR-
12 POSES.—In the case of a reallocation that adversely
13 affects hydropower generation, the Secretary shall
14 defer to the Administrator of the respective Power
15 Marketing Administration to calculate the impact of
16 such a reallocation on the rates for hydroelectric
17 power.

18 (e) SAVINGS CLAUSE.—Nothing in this section af-
19 fects any authority in existence on the date of enactment
20 of this Act under—

21 (1) the Water Supply Act of 1958 (72 Stat
22 319);

23 (2) the Act of December 22, 1944 (commonly
24 known as the “Flood Control Act of 1944”) (58
25 Stat. 887, chapter 665);

1 (3) the Water Resources Development Act of
2 1986 (100 Stat. 4082); or

3 (4) section 322 of the Water Resource Develop-
4 ment Act of 1990 (33 U.S.C. 2324).

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).

23 **SEC. 2027. TRIBAL PARTNERSHIP PROGRAM.**

24 Section 203 of the Water Resources Development Act
25 of 2000 (33 U.S.C. 2269) is amended—

1 (1) in subsection (b)—

2 (A) in paragraph (1), by inserting “carry
3 out water-related planning activities and” after
4 “the Secretary may”; and

5 (B) in paragraph (2)—

6 (i) in subparagraph (A), by striking
7 “and” at the end;

8 (ii) by redesignating subparagraph
9 (B) as subparagraph (C); and

10 (iii) by inserting after subparagraph
11 (A) the following:

12 “(B) watershed assessments and planning
13 activities.”; and

14 (2) in subsection (e), by striking “2006” and
15 inserting “2012”.

16 **Subtitle B—Continuing Authorities**
17 **Projects**

18 **SEC. 2031. NAVIGATION ENHANCEMENTS FOR WATER-**
19 **BORNE TRANSPORTATION.**

20 Section 107 of the River and Harbor Act of 1960
21 (33 U.S.C. 577) is amended—

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

1 **“SEC. 107. NAVIGATION ENHANCEMENTS FOR WATER-**
2 **BORNE TRANSPORTATION.**

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

5 (2) in subsection (b)—

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

8 “(b) ALLOTMENT.—Not more”; and

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

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

13 “(c) LOCAL CONTRIBUTIONS.—Local”;

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

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

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

19 “(e) COMPLETION.—Each”; and

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

22 “(f) APPLICABILITY.—This”.

1 **SEC. 2032. PROTECTION AND RESTORATION DUE TO EMER-**
2 **GENCIES AT SHORES AND STREAMBANKS.**

3 Section 14 of the Flood Control Act of 1946 (33
4 U.S.C. 701r) is amended by striking “\$1,000,000” and
5 inserting “\$1,500,000”.

6 **SEC. 2033. RESTORATION OF THE ENVIRONMENT FOR PRO-**
7 **TECTION OF AQUATIC AND RIPARIAN ECO-**
8 **SYSTEMS PROGRAM.**

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

11 (1) by striking the section heading and insert-
12 ing the following:

13 **“SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PRO-**
14 **TECTION OF AQUATIC AND RIPARIAN ECO-**
15 **SYSTEMS PROGRAM.”;**

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

18 (3) in subsection (e), by striking “\$25,000,000”
19 and inserting “\$30,000,000”.

20 **SEC. 2034. ENVIRONMENTAL MODIFICATION OF PROJECTS**
21 **FOR IMPROVEMENT AND RESTORATION OF**
22 **ECOSYSTEMS PROGRAM.**

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

25 (1) by striking the section heading and insert-
26 ing the following:

1 **“SEC. 1135. ENVIRONMENTAL MODIFICATION OF PROJECTS**
2 **FOR IMPROVEMENT AND RESTORATION OF**
3 **ECOSYSTEMS PROGRAM.”;**

4 and

5 (2) in subsection (h), by striking
6 “\$25,000,000” and inserting “\$30,000,000”.

7 **SEC. 2035. PROJECTS TO ENHANCE ESTUARIES AND COAST-**
8 **AL HABITATS.**

9 (a) IN GENERAL.—The Secretary may carry out an
10 estuary habitat restoration project if the Secretary deter-
11 mines that the project—

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

15 (2) is in the public interest; and

16 (3) is cost-effective.

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

19 (1) shall be 35 percent; and

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

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

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

3 (2) in accordance with regulations promulgated
4 by the Secretary, 100 percent of the costs of any op-
5 eration, maintenance, replacement, or rehabilitation
6 of the project.

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

10 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to carry out this section
12 \$10,000,000 for each of fiscal years 2008 through 2011.

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

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

17 (1) by striking subsection (f);

18 (2) by redesignating subsections (a) through (e)
19 as subsections (b) through (f), respectively;

20 (3) by inserting before subsection (b) (as redес-
21 ignated by paragraph (2)) the following:

22 “(a) DEFINITION OF NON-FEDERAL INTEREST.—In
23 this section, the term ‘non-Federal interest’ includes, with
24 the consent of the affected local government, nonprofit en-

1 titles, notwithstanding section 221 of the Flood Control
2 Act of 1970 (42 U.S.C. 1962d–5b).”;

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

5 (A) by inserting “, and construction” be-
6 fore “assistance”; and

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

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

12 (A) by inserting “physical hazards and”
13 after “adverse”; and

14 (B) by striking “drainage from”;

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

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

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

23 “(h) NO EFFECT ON LIABILITY.—The provision of
24 assistance under this section shall not relieve from liability
25 any person that would otherwise be liable under Federal

1 or State law for damages, response costs, natural resource
2 damages, restitution, equitable relief, or any other relief.

3 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section,
5 for each of fiscal years 2008 through 2011, \$20,000,000,
6 to remain available until expended.”.

7 **SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION**
8 **AND REMOVAL OF DAMS.**

9 (a) AUTHORIZATION.—

10 (1) IN GENERAL.—The Secretary may carry out
11 a small dam removal or rehabilitation project if the
12 Secretary determines that the project will improve
13 the quality of the environment or is in the public in-
14 terest.

15 (2) PRIORITY PROJECTS.—In carrying out this
16 section, the Secretary shall give priority to carrying
17 out the following small dam removal or rehabilita-
18 tion projects:

19 (A) Mountain Park, Georgia.

20 (B) Keith Creek, Rockford, Illinois.

21 (C) Mount Zion Mill Pond Dam, Fulton
22 County, Indiana.

23 (D) Hamilton Dam, Flint River, Michigan.

24 (E) Ingham Spring Dam, Solebury Town-
25 ship, Pennsylvania.

1 (F) Stillwater Lake Dam, Monroe County,
2 Pennsylvania.

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 \$10,000,000 for each of
21 fiscal years 2008 through 2011.

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) \$20,000,000 to establish and maintain the
22 inventory under section 2054(f);

23 (2) \$42,000,000 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. NOGALES WASH AND TRIBUTARIES FLOOD CON-**
19 **TROL PROJECT, ARIZONA.**

20 The project for flood control, Nogales Wash and trib-
21 utaries, Arizona, authorized by section 101(a)(4) of the
22 Water Resources Development Act of 1990 (104 Stat.
23 4606; 110 Stat. 3711; 114 Stat. 2600), is modified to au-
24 thorize the Secretary to construct the project at a total
25 cost of \$25,410,000, with an estimated Federal cost of

1 \$22,930,000 and an estimated non-Federal cost of
2 \$2,480,000.

3 **SEC. 3005. RIO DE FLAG, FLAGSTAFF, ARIZONA.**

4 The project for flood damage reduction, Rio De Flag,
5 Flagstaff, Arizona, authorized by section 101(b)(3) of the
6 Water Resources Development Act of 2000 (114 Stat.
7 2576), is modified to authorize the Secretary to construct
8 the project at a total cost of \$54,100,000, with an esti-
9 mated Federal cost of \$35,000,000 and a non-Federal cost
10 of \$19,100,000.

11 **SEC. 3006. TUCSON DRAINAGE AREA (TUCSON ARROYO), AR-**
12 **IZONA.**

13 The project for flood damage reduction, environ-
14 mental restoration, and recreation, Tucson Drainage Area
15 (Tucson Arroyo), Arizona, authorized by section 101(a)(5)
16 of the Water Resources Development Act of 1999 (113
17 Stat. 274), is modified to authorize the Secretary to con-
18 struct the project at a total cost of \$66,700,000, with an
19 estimated Federal cost of \$43,350,000 and an estimated
20 non-Federal cost of \$23,350,000.

21 **SEC. 3007. AUGUSTA AND CLARENDON, ARKANSAS.**

22 The Secretary may carry out rehabilitation of author-
23 ized and completed levees on the White River between Au-
24 gusta and Clarendon, Arkansas, at a total estimated cost
25 of \$8,000,000, with an estimated Federal cost of

1 \$5,200,000 and an estimated non-Federal cost of
2 \$2,800,000.

3 **SEC. 3008. EASTERN ARKANSAS ENTERPRISE COMMUNITY,**
4 **ARKANSAS.**

5 Federal assistance made available under the rural en-
6 terprise zone program of the Department of Agriculture
7 may be used toward payment of the non-Federal share of
8 the costs of the project described in section 219(c)(20) of
9 the Water Resources Development Act of 1992 (106 Stat.
10 4835; 114 Stat. 2763A–219), if the funds are authorized
11 to be used for the purpose of that project.

12 **SEC. 3009. RED-OUACHITA RIVER BASIN LEVEES, ARKAN-**
13 **SAS AND LOUISIANA.**

14 (a) IN GENERAL.—Section 204 of the Flood Control
15 Act of 1950 (64 Stat. 170) is amended in the matter
16 under the heading “RED-OUACHITA RIVER BASIN”
17 by striking “at Calion, Arkansas” and inserting “improve-
18 ments at Calion, Arkansas (including authorization for the
19 comprehensive flood-control project for Ouachita River
20 and tributaries, incorporating in the project all flood con-
21 trol, drainage, and power improvements in the basin above
22 the lower end of the left bank Ouachita River levee)”.

23 (b) MODIFICATION.—Section 3 of the Act of August
24 18, 1941 (55 Stat. 642, chapter 377), is amended in the
25 second sentence of subsection (a) in the matter under the

1 heading “LOWER MISSISSIPPI RIVER” by inserting
2 before the period at the end the following: “*Provided*, That
3 the Ouachita River Levees, Louisiana, authorized by the
4 first section of the Act of May 15, 1928 (45 Stat. 534,
5 chapter 569), shall remain as a component of the Mis-
6 sissippi River and Tributaries Project and afforded oper-
7 ation and maintenance responsibilities as directed in sec-
8 tion 3 of that Act (45 Stat. 535)”.

9 **SEC. 3010. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.**

10 (a) IN GENERAL.—The project for flood control, St.
11 Francis River Basin, Arkansas, and Missouri, authorized
12 the Act of June 15, 1936 (49 Stat. 1508, chapter 548),
13 as modified, is further modified to authorize the Secretary
14 to undertake channel stabilization and sediment removal
15 measures on the St. Francis River and tributaries as an
16 integral part of the original project.

17 (b) NO SEPARABLE ELEMENT.—The measures un-
18 dertaken under subsection (a) shall not be considered to
19 be a separable element of the project.

20 **SEC. 3011. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS**
21 **AND MISSOURI.**

22 (a) IN GENERAL.—The Secretary shall convey to the
23 State of Arkansas, without monetary consideration and
24 subject to subsection (b), all right, title, and interest to
25 land within the State acquired by the Federal Government

1 as mitigation land for the project for flood control, St.
2 Francis Basin, Arkansas and Missouri Project, authorized
3 by the Act of May 15, 1928 (33 U.S.C. 702a et seq.)
4 (commonly known as the “Flood Control Act of 1928”).

5 (b) TERMS AND CONDITIONS.—

6 (1) IN GENERAL.—The conveyance by the
7 United States under this section shall be subject
8 to—

9 (A) the condition that the State of Arkan-
10 sas (including the successors and assigns of the
11 State) agree to operate, maintain, and manage
12 the land at no cost or expense to the United
13 States and for fish and wildlife, recreation, and
14 environmental purposes; and

15 (B) such other terms and conditions as the
16 Secretary determines to be in the interest of the
17 United States.

18 (2) REVERSION.—If the State (or a successor
19 or assign of the State) ceases to operate, maintain,
20 and manage the land in accordance with this sub-
21 section, all right, title, and interest in and to the
22 property shall revert to the United States, at the op-
23 tion of the Secretary.

1 **SEC. 3012. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA-**
2 **TION SYSTEM, ARKANSAS AND OKLAHOMA.**

3 (a) NAVIGATION CHANNEL.—The Secretary shall
4 continue construction of the McClellan-Kerr Arkansas
5 River Navigation System, Arkansas and Oklahoma, to op-
6 erate and maintain the navigation channel to the author-
7 ized depth of the channel, in accordance with section 136
8 of the Energy and Water Development Appropriations
9 Act, 2004 (Public Law 108–137; 117 Stat. 1842).

10 (b) MITIGATION.—

11 (1) IN GENERAL.—As mitigation for any inci-
12 dental taking relating to the McClellan-Kerr Naviga-
13 tion System, the Secretary shall determine the need
14 for, and construct modifications in, the structures
15 and operations of the Arkansas River in the area of
16 Tulsa County, Oklahoma, including the construction
17 of low water dams and islands to provide nesting
18 and foraging habitat for the interior least tern, in
19 accordance with the study entitled “Arkansas River
20 Corridor Master Plan Planning Assistance to
21 States”.

22 (2) COST SHARING.—The non-Federal share of
23 the cost of a project under this subsection shall be
24 35 percent.

1 (3) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to carry out
3 this subsection \$12,000,000.

4 **SEC. 3013. CACHE CREEK BASIN, CALIFORNIA.**

5 (a) IN GENERAL.—The project for flood control,
6 Cache Creek Basin, California, authorized by section
7 401(a) of the Water Resources Development Act of 1986
8 (100 Stat. 4112), is modified to direct the Secretary to
9 mitigate the impacts of the new south levee of the Cache
10 Creek settling basin on the storm drainage system of the
11 city of Woodland, including all appurtenant features, ero-
12 sion control measures, and environmental protection fea-
13 tures.

14 (b) OBJECTIVES.—Mitigation under subsection (a)
15 shall restore the pre-project capacity of the city (1,360
16 cubic feet per second) to release water to the Yolo Bypass,
17 including—

18 (1) channel improvements;

19 (2) an outlet work through the west levee of the
20 Yolo Bypass; and

21 (3) a new low flow cross channel to handle city
22 and county storm drainage and settling basin flows
23 (1,760 cubic feet per second) when the Yolo Bypass
24 is in a low flow condition.

1 **SEC. 3014. CALFED LEVEE STABILITY PROGRAM, CALI-**
2 **FORNIA.**

3 In addition to funds made available pursuant to the
4 Water Supply, Reliability, and Environmental Improve-
5 ment Act (Public Law 108–361) to carry out section
6 103(f)(3)(D) of that Act (118 Stat. 1696), there is au-
7 thorized to be appropriated to carry out projects described
8 in that section \$106,000,000, to remain available until ex-
9 pended.

10 **SEC. 3015. HAMILTON AIRFIELD, CALIFORNIA.**

11 The project for environmental restoration, Hamilton
12 Airfield, California, authorized by section 101(b)(3) of the
13 Water Resources Development Act of 1999 (113 Stat.
14 279), is modified to include the diked bayland parcel
15 known as “Bel Marin Keys Unit V” at an estimated total
16 cost of \$221,700,000, with an estimated Federal cost of
17 \$166,200,000 and an estimated non-Federal cost of
18 \$55,500,000, as part of the project to be carried out by
19 the Secretary substantially in accordance with the plans,
20 and subject to the conditions, recommended in the final
21 report of the Chief of Engineers dated July 19, 2004.

22 **SEC. 3016. LA-3 DREDGED MATERIAL OCEAN DISPOSAL**
23 **SITE DESIGNATION, CALIFORNIA.**

24 Section 102(c)(4) of the Marine Protection, Re-
25 search, and Sanctuaries Act of 1972 (33 U.S.C.

1 1412(c)(4)) is amended in the third sentence by striking
2 “January 1, 2003” and inserting “January 1, 2011”.

3 **SEC. 3017. LARKSPUR FERRY CHANNEL, CALIFORNIA.**

4 (a) REPORT.—The project for navigation, Larkspur
5 Ferry Channel, Larkspur, California, authorized by sec-
6 tion 601(d) of the Water Resources Development Act of
7 1986 (100 Stat. 4148), is modified to direct the Secretary
8 to prepare a limited reevaluation report to determine
9 whether maintenance of the project is feasible.

10 (b) AUTHORIZATION OF PROJECT.—If the Secretary
11 determines that maintenance of the project is feasible, the
12 Secretary shall carry out the maintenance.

13 **SEC. 3018. LLAGAS CREEK, CALIFORNIA.**

14 The project for flood damage reduction, Llagas
15 Creek, California, authorized by section 501(a) of the
16 Water Resources Development Act of 1999 (113 Stat.
17 333), is modified to authorize the Secretary to complete
18 the project, in accordance with the requirements of local
19 cooperation as specified in section 5 of the Watershed Pro-
20 tection and Flood Prevention Act (16 U.S.C. 1005), at
21 a total remaining cost of \$105,000,000, with an estimated
22 remaining Federal cost of \$65,000,000 and an estimated
23 remaining non-Federal cost of \$40,000,000.

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

2 The project for Magpie Creek, California, authorized
3 by section 205 of the Flood Control Act of 1948 (33
4 U.S.C. 701s), is modified to direct the Secretary to apply
5 the cost-sharing requirements of section 103(b) of the
6 Water Resources Development Act of 1986 (100 Stat.
7 4085) for the portion of the project consisting of land ac-
8 quisition to preserve and enhance existing floodwater stor-
9 age.

10 **SEC. 3020. PETALUMA RIVER, PETALUMA, CALIFORNIA.**

11 The project for flood damage reduction, Petaluma
12 River, Petaluma, California, authorized by section 112 of
13 the Water Resources Development Act of 2000 (114 Stat.
14 2587), is modified to authorize the Secretary to construct
15 the project at a total cost of \$41,500,000, with an esti-
16 mated Federal cost of \$26,975,000 and an estimated non-
17 Federal cost of \$14,525,000.

18 **SEC. 3021. PINE FLAT DAM FISH AND WILDLIFE HABITAT,**
19 **CALIFORNIA.**

20 (a) COOPERATIVE PROGRAM.—

21 (1) IN GENERAL.—The Secretary shall partici-
22 pate with appropriate State and local agencies in the
23 implementation of a cooperative program to improve
24 and manage fisheries and aquatic habitat conditions
25 in Pine Flat Reservoir and in the 14-mile reach of

1 the Kings River immediately below Pine Flat Dam,
2 California, in a manner that—

3 (A) provides for long-term aquatic resource
4 enhancement; and

5 (B) avoids adverse effects on water storage
6 and water rights holders.

7 (2) GOALS AND PRINCIPLES.—The cooperative
8 program described in paragraph (1) shall be carried
9 out—

10 (A) substantially in accordance with the
11 goals and principles of the document entitled
12 “Kings River Fisheries Management Program
13 Framework Agreement” and dated May 29,
14 1999, between the California Department of
15 Fish and Game and the Kings River Water As-
16 sociation and the Kings River Conservation
17 District; and

18 (B) in cooperation with the parties to that
19 agreement.

20 (b) PARTICIPATION BY SECRETARY.—

21 (1) IN GENERAL.—In furtherance of the goals
22 of the agreement described in subsection (a)(2), the
23 Secretary shall participate in the planning, design,
24 and construction of projects and pilot projects on
25 the Kings River and its tributaries to enhance

1 aquatic habitat and water availability for fisheries
2 purposes (including maintenance of a trout fishery)
3 in accordance with flood control operations, water
4 rights, and beneficial uses in existence as of the date
5 of enactment of this Act.

6 (2) PROJECTS.—Projects referred to in para-
7 graph (1) may include—

8 (A) projects to construct or improve pump-
9 ing, conveyance, and storage facilities to en-
10 hance water transfers; and

11 (B) projects to carry out water exchanges
12 and create opportunities to use floodwater with-
13 in and downstream of Pine Flat Reservoir.

14 (c) NO AUTHORIZATION OF CERTAIN DAM-RELATED
15 PROJECTS.—Nothing in this section authorizes any
16 project for the raising of Pine Flat Dam or the construc-
17 tion of a multilevel intake structure at Pine Flat Dam.

18 (d) USE OF EXISTING STUDIES.—In carrying out
19 this section, the Secretary shall use, to the maximum ex-
20 tent practicable, studies in existence on the date of enact-
21 ment of this Act, including data and environmental docu-
22 mentation in the document entitled “Final Feasibility Re-
23 port and Report of the Chief of Engineers for Pine Flat
24 Dam Fish and Wildlife Habitat Restoration” and dated
25 July 19, 2002.

1 (e) COST SHARING.—

2 (1) PROJECT PLANNING, DESIGN, AND CON-
3 STRUCTION.—The Federal share of the cost of plan-
4 ning, design, and construction of a project under
5 subsection (b) shall be 65 percent.

6 (2) NON-FEDERAL SHARE.—

7 (A) CREDIT FOR LAND, EASEMENTS, AND
8 RIGHTS-OF-WAY.—The Secretary shall credit to-
9 ward the non-Federal share of the cost of con-
10 struction of any project under subsection (b)
11 the value, regardless of the date of acquisition,
12 of any land, easements, rights-of-way, dredged
13 material disposal areas, or relocations provided
14 by the non-Federal interest for use in carrying
15 out the project.

16 (B) FORM.—The non-Federal interest may
17 provide not more than 50 percent of the non-
18 Federal share required under this clause in the
19 form of services, materials, supplies, or other
20 in-kind contributions.

21 (f) OPERATION AND MAINTENANCE.—The operation,
22 maintenance, repair, rehabilitation, and replacement of
23 projects carried out under this section shall be a non-Fed-
24 eral responsibility.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$20,000,000, to remain available until expended.

4 **SEC. 3022. REDWOOD CITY NAVIGATION PROJECT, CALI-**
5 **FORNIA.**

6 The Secretary may dredge the Redwood City Naviga-
7 tion Channel, California, on an annual basis, to maintain
8 the authorized depth of -30 mean lower low water.

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

11 (a) CREDIT FOR NON-FEDERAL WORK.—

12 (1) IN GENERAL.—The Secretary shall provide
13 credit to the Sacramento Area Flood Control Agen-
14 cy, in the amount of \$20,503,000, for the non-
15 reimbursed Federal share of costs incurred by the
16 Agency in connection with the project for flood con-
17 trol and recreation, Sacramento and American Riv-
18 ers, California (Natomas Levee features), authorized
19 by section 9159 of the Department of Defense Ap-
20 propriations Act, 1993 (106 Stat. 1944).

21 (2) ALLOCATION OF CREDIT.—The Secretary
22 shall allocate the amount to be credited under para-
23 graph (1) toward the non-Federal share of such
24 projects as are requested by the Sacramento Area
25 Flood Control Agency.

1 (3) NO REIMBURSEMENT.—An amount credited
2 under this subsection shall not be available for reim-
3 bursement.

4 (b) PROJECT FOR FLOOD CONTROL.—

5 (1) IN GENERAL.—The project for flood con-
6 trol, American and Sacramento Rivers, California,
7 authorized by section 101(a)(6)(A) of the Water Re-
8 sources Development Act of 1999 (113 Stat. 274),
9 as modified by section 128 of the Energy and Water
10 Development Appropriations Act, 2006 (119 Stat.
11 2259), is further modified to authorize the Secretary
12 to construct the auxiliary spillway generally in ac-
13 cordance with the Post Authorization Change Re-
14 port, American River Watershed Project (Folsom
15 Dam Modification and Folsom Dam Raise Projects),
16 dated March 2007, at a total cost of \$683,000,000,
17 with an estimated Federal cost of \$444,000,000 and
18 an estimated non-Federal cost of \$239,000,000.

19 (2) DAM SAFETY.—Nothing in this section lim-
20 its the authority of the Secretary of the Interior to
21 carry out dam safety activities in connection with
22 the auxiliary spillway in accordance with the Bureau
23 of Reclamation Safety of Dams Program.

24 (3) TRANSFER OF FUNDS.—

1 (A) IN GENERAL.—The Secretary and the
2 Secretary of the Interior are authorized to
3 transfer between the Department of the Army
4 and the Department of the Interior appro-
5 priated amounts and other available funds (in-
6 cluding funds contributed by non-Federal inter-
7 ests) for the purpose of planning, design, and
8 construction of the auxiliary spillway.

9 (B) TERMS AND CONDITIONS.—Any trans-
10 fer made pursuant to this subsection shall be
11 subject to such terms and conditions as may be
12 agreed on by the Secretary and the Secretary of
13 the Interior.

14 **SEC. 3024. SACRAMENTO RIVER BANK PROTECTION**
15 **PROJECT, CALIFORNIA.**

16 Section 202 of the River Basin Monetary Authoriza-
17 tion Act of 1974 (88 Stat. 49) is amended by striking
18 “and the monetary authorization” and all that follows
19 through the end of the section and inserting “except that
20 the lineal feet in the second phase shall be increased from
21 405,000 lineal feet to 485,000 lineal feet.”.

1 **SEC. 3025. CONDITIONAL DECLARATION OF NONNAVIGA-**
2 **BILITY, PORT OF SAN FRANCISCO, CALI-**
3 **FORNIA.**

4 (a) **CONDITIONAL DECLARATION OF NONNAVIGA-**
5 **BILITY.**—If the Secretary determines, in consultation with
6 appropriate Federal and non-Federal entities, that
7 projects proposed to be carried out by non-Federal entities
8 within the portions of the San Francisco, California, wa-
9 terfront described in subsection (b) are in the public inter-
10 est, the portions shall be declared not to be navigable
11 water of the United States for the purposes of section 9
12 of the Act of March 3, 1899 (33 U.S.C. 401), and the
13 General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

14 (b) **PORTIONS OF WATERFRONT.**—The portions of
15 the San Francisco, California, waterfront referred to in
16 subsection (a) are those that are, or will be, bulkheaded,
17 filled, or otherwise occupied by permanent structures and
18 that are located as follows: beginning at the intersection
19 of the northeasterly prolongation of the portion of the
20 northwesterly line of Bryant Street lying between Beale
21 Street and Main Street with the southwesterly line of
22 Spear Street, which intersection lies on the line of jurisdic-
23 tion of the San Francisco Port Commission; following
24 thence southerly along said line of jurisdiction as described
25 in the State of California Harbor and Navigation Code
26 Section 1770, as amended in 1961, to its intersection with

1 the easterly line of Townsend Street along a line that is
2 parallel and distant 10 feet from the existing southern
3 boundary of Pier 40 to its point of intersection with the
4 United States Government pier-head line; thence northerly
5 along said pier-head line to its intersection with a line par-
6 allel with, and distant 10 feet easterly from, the existing
7 easterly boundary line of Pier 30–32; thence northerly
8 along said parallel line and its northerly prolongation, to
9 a point of intersection with a line parallel with, and distant
10 10 feet northerly from, the existing northerly boundary of
11 Pier 30–32, thence westerly along last said parallel line
12 to its intersection with the United States Government
13 pier-head line; to the northwesterly line of Bryan Street
14 northwesterly; thence southwesterly along said northwest-
15 erly line of Bryant Street to the point of beginning.

16 (c) REQUIREMENT THAT AREA BE IMPROVED.—If,
17 by the date that is 20 years after the date of enactment
18 of this Act, any portion of the San Francisco, California,
19 waterfront described in subsection (b) has not been bulk-
20 headed, filled, or otherwise occupied by 1 or more perma-
21 nent structures, or if work in connection with any activity
22 carried out pursuant to applicable Federal law requiring
23 a permit, including sections 9 and 10 of the Act of March
24 3, 1899 (33 U.S.C. 401), is not commenced by the date
25 that is 5 years after the date of issuance of such a permit,

1 the declaration of nonnavigability for the portion under
2 this section shall cease to be effective.

3 **SEC. 3026. SALTON SEA RESTORATION, CALIFORNIA.**

4 (a) DEFINITIONS.—In this section:

5 (1) SALTON SEA AUTHORITY.—The term
6 “Salton Sea Authority” means the Joint Powers Au-
7 thority established under the laws of the State of
8 California by a joint power agreement signed on
9 June 2, 1993.

10 (2) SALTON SEA SCIENCE OFFICE.—The term
11 “Salton Sea Science Office” means the Office estab-
12 lished by the United States Geological Survey and
13 currently located in La Quinta, California.

14 (b) PILOT PROJECTS.—

15 (1) IN GENERAL.—

16 (A) REVIEW.—The Secretary shall review
17 the preferred restoration concept plan approved
18 by the Salton Sea Authority to determine
19 whether the pilot projects are economically jus-
20 tified, technically sound, environmentally ac-
21 ceptable, and meet the objectives of the Salton
22 Sea Reclamation Act (Public Law 105–372).

23 (B) IMPLEMENTATION.—If the Secretary
24 determines that the pilot projects meet the re-
25 quirements of subparagraph (A), the Secretary

1 may enter into an agreement with the Salton
2 Sea Authority and, in consultation with the
3 Salton Sea Science Office, carry out pilot
4 projects for improvement of the environment in
5 the area of the Salton Sea, except that the Sec-
6 retary shall be a party to each contract for con-
7 struction under this subsection.

8 (2) LOCAL PARTICIPATION.—In prioritizing
9 pilot projects under this section, the Secretary
10 shall—

11 (A) consult with the Salton Sea Authority
12 and the Salton Sea Science Office; and

13 (B) consider the priorities of the Salton
14 Sea Authority.

15 (3) COST SHARING.—Before carrying out a
16 pilot project under this section, the Secretary shall
17 enter into a written agreement with the Salton Sea
18 Authority that requires the non-Federal interest
19 to—

20 (A) pay 35 percent of the total costs of the
21 pilot project;

22 (B) provide any land, easements, rights-of-
23 way, relocations, and dredged material disposal
24 areas necessary to carry out the pilot project;
25 and

1 (C) hold the United States harmless from
2 any claim or damage that may arise from car-
3 rying out the pilot project, except any claim or
4 damage that may arise from the negligence of
5 the Federal Government or a contractor of the
6 Federal Government.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to carry out subsection (b)
9 \$30,000,000, of which not more than \$5,000,000 may be
10 used for any 1 pilot project under this section.

11 **SEC. 3027. SANTA BARBARA STREAMS, LOWER MISSION**
12 **CREEK, CALIFORNIA.**

13 The project for flood damage reduction, Santa Bar-
14 bara Streams, Lower Mission Creek, California, author-
15 ized by section 101(b)(8) of the Water Resources Develop-
16 ment Act of 2000 (114 Stat. 2577), is modified to author-
17 ize the Secretary to construct the project at a total cost
18 of \$30,000,000, with an estimated Federal cost of
19 \$15,000,000 and an estimated non-Federal cost of
20 \$15,000,000.

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

22 The project for flood damage reduction and recre-
23 ation, Upper Guadalupe River, California, authorized by
24 section 101(a)(9) of the Water Resources Development
25 Act of 1999 (113 Stat. 275), is modified to authorize the

1 Secretary to construct the project generally in accordance
2 with the Upper Guadalupe River Flood Damage Reduc-
3 tion, San Jose, California, Limited Reevaluation Report,
4 dated March, 2004, at a total cost of \$244,500,000, with
5 an estimated Federal cost of \$130,600,000 and an esti-
6 mated non-Federal cost of \$113,900,000.

7 **SEC. 3029. YUBA RIVER BASIN PROJECT, CALIFORNIA.**

8 The project for flood damage reduction, Yuba River
9 Basin, California, authorized by section 101(a)(10) of the
10 Water Resources Development Act of 1999 (113 Stat.
11 275), is modified to authorize the Secretary to construct
12 the project at a total cost of \$107,700,000, with an esti-
13 mated Federal cost of \$70,000,000 and an estimated non-
14 Federal cost of \$37,700,000.

15 **SEC. 3030. CHARLES HERVEY TOWNSHEND BREAKWATER,**

16 **NEW HAVEN HARBOR, CONNECTICUT.**

17 The western breakwater for the project for naviga-
18 tion, New Haven Harbor, Connecticut, authorized by the
19 first section of the Act of September 19, 1890 (26 Stat.
20 426), shall be known and designated as the “Charles
21 Hervey Townshend Breakwater”.

22 **SEC. 3031. ANCHORAGE AREA, NEW LONDON HARBOR, CON-**

23 **NECTICUT.**

24 (a) IN GENERAL.—The portion of the project for
25 navigation, New London Harbor, Connecticut, authorized

1 by the Act of June 13, 1902 (32 Stat. 333), that consists
2 of a 23-foot waterfront channel described in subsection
3 (b), is deauthorized.

4 (b) DESCRIPTION OF CHANNEL.—The channel re-
5 ferred to in subsection (a) may be described as beginning
6 at a point along the western limit of the existing project,
7 N. 188, 802.75, E. 779, 462.81, thence running north-
8 easterly about 1,373.88 feet to a point N. 189, 554.87,
9 E. 780, 612.53, thence running southeasterly about
10 439.54 feet to a point N. 189, 319.88, E. 780, 983.98,
11 thence running southwesterly about 831.58 feet to a point
12 N. 188, 864.63, E. 780, 288.08, thence running south-
13 easterly about 567.39 feet to a point N. 188, 301.88, E.
14 780, 360.49, thence running northwesterly about 1,027.96
15 feet to the point of origin.

16 **SEC. 3032. NORWALK HARBOR, CONNECTICUT.**

17 (a) IN GENERAL.—The portions of a 10-foot channel
18 of the project for navigation, Norwalk Harbor, Con-
19 necticut, authorized by the first section of the Act of
20 March 2, 1919 (40 Stat. 1276) and described in sub-
21 section (b), are not authorized.

22 (b) DESCRIPTION OF PORTIONS.—The portions of
23 the channel referred to in subsection (a) are as follows:

24 (1) RECTANGULAR PORTION.—An approxi-
25 mately rectangular-shaped section along the north-

1 westerly terminus of the channel. The section is 35-
2 feet wide and about 460-feet long and is further de-
3 scribed as commencing at a point N. 104,165.85, E.
4 417,662.71, thence running south $24^{\circ}06'55''$ E.
5 395.00 feet to a point N. 103,805.32, E.
6 417,824.10, thence running south $00^{\circ}38'06''$ E.
7 87.84 feet to a point N. 103,717.49, E. 417,825.07,
8 thence running north $24^{\circ}06'55''$ W. 480.00 feet, to
9 a point N. 104,155.59, E. 417.628.96, thence run-
10 ning north $73^{\circ}05'25''$ E. 35.28 feet to the point of
11 origin.

12 (2) PARALLELOGRAM-SHAPED PORTION.—An
13 area having the approximate shape of a parallelo-
14 gram along the northeasterly portion of the channel,
15 southeast of the area described in paragraph (1), ap-
16 proximately 20 feet wide and 260 feet long, and fur-
17 ther described as commencing at a point N.
18 103,855.48, E. 417,849.99, thence running south
19 $33^{\circ}07'30''$ E. 133.40 feet to a point N. 103,743.76,
20 E. 417,922.89, thence running south $24^{\circ}07'04''$ E.
21 127.75 feet to a point N. 103,627.16, E.
22 417,975.09, thence running north $33^{\circ}07'30''$ W.
23 190.00 feet to a point N. 103,786.28, E.
24 417,871.26, thence running north $17^{\circ}05'15''$ W.
25 72.39 feet to the point of origin.

1 (c) MODIFICATION.—The 10-foot channel portion of
2 the Norwalk Harbor, Connecticut navigation project de-
3 scribed in subsection (a) is modified to authorize the Sec-
4 retary to realign the channel to include, immediately north
5 of the area described in subsection (b)(2), a triangular sec-
6 tion described as commencing at a point N. 103,968.35,
7 E. 417,815.29, thence running S. $17^{\circ}05'15''$ east 118.09
8 feet to a point N. 103,855.48, E. 417,849.99, thence run-
9 ning N. $33^{\circ}07'30''$ west 36.76 feet to a point N.
10 103,886.27, E. 417,829.90, thence running N. $10^{\circ}05'26''$
11 west 83.37 feet to the point of origin.

12 **SEC. 3033. ST. GEORGE'S BRIDGE, DELAWARE.**

13 Section 102(g) of the Water Resources Development
14 Act of 1990 (104 Stat. 4612) is amended by adding at
15 the end the following: “The Secretary shall assume owner-
16 ship responsibility for the replacement bridge not later
17 than the date on which the construction of the bridge is
18 completed and the contractors are released of their respon-
19 sibility by the State. In addition, the Secretary may not
20 carry out any action to close or remove the St. George’s
21 Bridge, Delaware, without specific congressional author-
22 ization.”.

1 **SEC. 3034. ADDITIONAL PROGRAM AUTHORITY, COM-**
2 **PREHENSIVE EVERGLADES RESTORATION,**
3 **FLORIDA.**

4 Section 601(c)(3) of the Water Resources Develop-
5 ment Act of 2000 (114 Stat. 2684) is amended by adding
6 at the end the following:

7 “(C) MAXIMUM COST OF PROGRAM AU-
8 THORITY.—Section 902 of the Water Resources
9 Development Act of 1986 (33 U.S.C. 2280)
10 shall apply to the individual project funding
11 limits in subparagraph (A) and the aggregate
12 cost limits in subparagraph (B).”.

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

14 (a) IN GENERAL.—The project for shoreline protec-
15 tion, Brevard County, Florida, authorized by section 418
16 of the Water Resources Development Act of 2000 (114
17 Stat. 2637), is amended by striking “7.1-mile reach” and
18 inserting “7.6-mile reach”.

19 (b) REFERENCES.—Any reference to a 7.1-mile reach
20 with respect to the project described in subsection (a) shall
21 be considered to be a reference to a 7.6-mile reach with
22 respect to that project.

1 **SEC. 3036. CRITICAL RESTORATION PROJECTS, EVER-**
2 **GLADES AND SOUTH FLORIDA ECOSYSTEM**
3 **RESTORATION, FLORIDA.**

4 Section 528(b)(3)(C) of the Water Resources Devel-
5 opment Act of 1996 (110 Stat. 3769) is amended—

6 (1) in clause (i), by striking “\$75,000,000” and
7 all that follows and inserting “\$95,000,000.”; and

8 (2) by striking clause (ii) and inserting the fol-
9 lowing:

10 “(ii) FEDERAL SHARE.—

11 “(I) IN GENERAL.—Except as
12 provided in subclause (II), the Federal
13 share of the cost of carrying out a
14 project under subparagraph (A) shall
15 not exceed \$25,000,000.

16 “(II) SEMINOLE WATER CON-
17 SERVATION PLAN.—The Federal share
18 of the cost of carrying out the Semi-
19 nole Water Conservation Plan shall
20 not exceed \$30,000,000.”.

21 **SEC. 3037. LAKE OKEECHOBEE AND HILLSBORO AQUIFER**
22 **PILOT PROJECTS, COMPREHENSIVE EVER-**
23 **GLADES RESTORATION, FLORIDA.**

24 Section 601(b)(2)(B) of the Water Resources Devel-
25 opment Act of 2000 (114 Stat. 2681) is amended by add-
26 ing at the end the following:

1 “(v) HILLSBORO AND OKEECHOBEE
2 AQUIFER, FLORIDA.—The pilot projects for
3 aquifer storage and recovery, Hillsboro and
4 Okeechobee Aquifer, Florida, authorized by
5 section 101(a)(16) of the Water Resources
6 Development Act of 1999 (113 Stat. 276),
7 shall be treated for the purposes of this
8 section as being in the Plan and carried
9 out in accordance with this section, except
10 that costs of operation and maintenance of
11 those projects shall remain 100 percent
12 non-Federal.”.

13 **SEC. 3038. LIDO KEY, SARASOTA COUNTY, FLORIDA.**

14 The Secretary shall carry out the project for hurri-
15 cane and storm damage reduction in Lido Key, Sarasota
16 County, Florida, based on the report of the Chief of Engi-
17 neers dated December 22, 2004, at a total cost of
18 \$14,809,000, with an estimated Federal cost of
19 \$9,088,000 and an estimated non-Federal cost of
20 \$5,721,000, and at an estimated total cost \$63,606,000
21 for periodic beach nourishment over the 50-year life of the
22 project, with an estimated Federal cost of \$31,803,000
23 and an estimated non-Federal cost of \$31,803,000.

1 **SEC. 3039. PORT SUTTON CHANNEL, TAMPA HARBOR, FLOR-**
2 **IDA.**

3 The project for navigation, Port Sutton Channel,
4 Tampa Harbor, Florida, authorized by section 101(b)(12)
5 of the Water Resources Development Act of 2000 (114
6 Stat. 2577), is modified to authorize the Secretary to
7 carry out the project at a total cost of \$12,900,000.

8 **SEC. 3040. TAMPA HARBOR, CUT B, TAMPA, FLORIDA.**

9 The project for navigation, Tampa Harbor, Florida,
10 authorized by section 101 of the River and Harbor Act
11 of 1970 (84 Stat. 1818), is modified to authorize the Sec-
12 retary to construct passing lanes in an area approximately
13 3.5 miles long and centered on Tampa Bay Cut B, if the
14 Secretary determines that the improvements are necessary
15 for navigation safety.

16 **SEC. 3041. ALLATOONA LAKE, GEORGIA.**

17 (a) LAND EXCHANGE.—

18 (1) IN GENERAL.—The Secretary may exchange
19 land above 863 feet in elevation at Allatoona Lake,
20 Georgia, identified in the Real Estate Design Memo-
21 randum prepared by the Mobile district engineer,
22 April 5, 1996, and approved October 8, 1996, for
23 land on the north side of Allatoona Lake that is re-
24 quired for wildlife management and protection of the
25 water quality and overall environment of Allatoona
26 Lake.

1 (2) TERMS AND CONDITIONS.—The basis for all
2 land exchanges under this subsection shall be a fair
3 market appraisal to ensure that land exchanged is of
4 equal value.

5 (b) DISPOSAL AND ACQUISITION OF LAND,
6 ALLATOONA LAKE, GEORGIA.—

7 (1) IN GENERAL.—The Secretary may—

8 (A) sell land above 863 feet in elevation at
9 Allatoona Lake, Georgia, identified in the
10 memorandum referred to in subsection (a)(1);
11 and

12 (B) use the proceeds of the sale, without
13 further appropriation, to pay costs associated
14 with the purchase of land required for wildlife
15 management and protection of the water quality
16 and overall environment of Allatoona Lake.

17 (2) TERMS AND CONDITIONS.—

18 (A) WILLING SELLERS.—Land acquired
19 under this subsection shall be by negotiated
20 purchase from willing sellers only.

21 (B) BASIS.—The basis for all transactions
22 under this subsection shall be a fair market
23 value appraisal acceptable to the Secretary.

24 (C) SHARING OF COSTS.—Each purchaser
25 of land under this subsection shall share in the

1 associated environmental and real estate costs
2 of the purchase, including surveys and associ-
3 ated fees in accordance with the memorandum
4 referred to in subsection (a)(1).

5 (D) OTHER CONDITIONS.—The Secretary
6 may impose on the sale and purchase of land
7 under this subsection such other conditions as
8 the Secretary determines to be appropriate.

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

11 **SEC. 3042. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.**

12 (a) IN GENERAL.—The Secretary shall carry out ad-
13 ditional general construction measures to allow for oper-
14 ation at lower pool levels to satisfy the recreation mission
15 at Dworshak Dam, Idaho.

16 (b) IMPROVEMENTS.—In carrying out subsection (a),
17 the Secretary shall provide for appropriate improvements
18 to—

19 (1) facilities that are operated by the Corps of
20 Engineers; and

21 (2) facilities that, as of the date of enactment
22 of this Act, are leased, permitted, or licensed for use
23 by others.

24 (c) COST SHARING.—The Secretary shall carry out
25 this section through a cost-sharing program with Idaho

1 State Parks and Recreation Department, with a total esti-
2 mated project cost of \$5,300,000, with an estimated Fed-
3 eral cost of \$3,900,000 and an estimated non-Federal cost
4 of \$1,400,000.

5 **SEC. 3043. LITTLE WOOD RIVER, GOODING, IDAHO.**

6 The project for flood control, Gooding, Idaho, as con-
7 structed under the emergency conservation work program
8 established under the Act of March 31, 1933 (16 U.S.C.
9 585 et seq.), is modified—

10 (1) to direct the Secretary to rehabilitate the
11 Gooding Channel Project for the purposes of flood
12 control and ecosystem restoration, if the Secretary
13 determines that the rehabilitation and ecosystem res-
14 toration is feasible;

15 (2) to authorize and direct the Secretary to
16 plan, design, and construct the project at a total
17 cost of \$9,000,000;

18 (3) to authorize the non-Federal interest to pro-
19 vide any portion of the non-Federal share of the cost
20 of the project in the form of services, materials, sup-
21 plies, or other in-kind contributions;

22 (4) to authorize the non-Federal interest to use
23 funds made available under any other Federal pro-
24 gram toward the non-Federal share of the cost of

1 the project if the use of the funds is permitted under
2 the other Federal program; and

3 (5) to direct the Secretary, in calculating the
4 non-Federal share of the cost of the project, to make
5 a determination under section 103(m) of the Water
6 Resources Development Act of 1986 (33 U.S.C.
7 2213(m)) on the ability to pay of the non-Federal
8 interest.

9 **SEC. 3044. PORT OF LEWISTON, IDAHO.**

10 (a) **EXTINGUISHMENT OF REVERSIONARY INTER-**
11 **ESTS AND USE RESTRICTIONS.**—With respect to property
12 covered by each deed described in subsection (b)—

13 (1) the reversionary interests and use restric-
14 tions relating to port and industrial use purposes are
15 extinguished;

16 (2) the restriction that no activity shall be per-
17 mitted that will compete with services and facilities
18 offered by public marinas is extinguished;

19 (3) the human habitation or other building
20 structure use restriction is extinguished in each area
21 in which the elevation is above the standard project
22 flood elevation; and

23 (4) the use of fill material to raise low areas
24 above the standard project flood elevation is author-
25 ized, except in any low area constituting wetland for

1 which a permit under section 404 of the Federal
2 Water Pollution Control Act (33 U.S.C. 1344) is re-
3 quired.

4 (b) DEEDS.—The deeds referred to in subsection (a)
5 are as follows:

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

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

10 (c) NO EFFECT ON OTHER RIGHTS.—Nothing in this
11 section affects the remaining rights and interests of the
12 Corps of Engineers for authorized project purposes with
13 respect to property covered by deeds described in sub-
14 section (b).

15 **SEC. 3045. CACHE RIVER LEVEE, ILLINOIS.**

16 The Cache River Levee created for flood control at
17 the Cache River, Illinois, and authorized by the Act of
18 June 28, 1938 (52 Stat. 1215, chapter 795), is modified
19 to add environmental restoration as a project purpose.

20 **SEC. 3046. CHICAGO, ILLINOIS.**

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

1 **SEC. 3047. CHICAGO RIVER, ILLINOIS.**

2 The Federal navigation channel for the North Branch
3 Channel portion of the Chicago River authorized by sec-
4 tion 22 of the Act of March 3, 1899 (30 Stat. 1156, chap-
5 ter 425), extending from 100 feet downstream of the Hal-
6 sted Street Bridge to 100 feet upstream of the Division
7 Street Bridge, Chicago, Illinois, is redefined to be no wider
8 than 66 feet.

9 **SEC. 3048. ILLINOIS RIVER BASIN RESTORATION.**

10 Section 519 of the Water Resources Development Act
11 of 2000 (114 Stat. 2654) is amended—

12 (1) in subsection (c)(3), by striking
13 “\$5,000,000” and inserting “\$20,000,000”; and

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

15 “(h) COOPERATION.—In carrying out this section,
16 the Secretary may enter into cooperative agreements, in-
17 cluding with the State of Illinois, academic institutions,
18 units of local governments, and soil and water conserva-
19 tion districts, to facilitate more efficient partnerships in
20 developing and implementing the Illinois River Basin Res-
21 toration Program.”.

22 **SEC. 3049. MISSOURI AND ILLINOIS FLOOD PROTECTION**
23 **PROJECTS RECONSTRUCTION PILOT PRO-**
24 **GRAM.**

25 (a) DEFINITION OF RECONSTRUCTION.—In this sec-
26 tion:

1 (1) IN GENERAL.—The term “reconstruction”
2 means any action taken to address 1 or more major
3 deficiencies of a project caused by long-term deg-
4 radation of the foundation, construction materials,
5 or engineering systems or components of the project,
6 the results of which render the project at risk of not
7 performing in compliance with the authorized pur-
8 poses of the project.

9 (2) INCLUSIONS.—The term “reconstruction”
10 includes the incorporation by the Secretary of cur-
11 rent design standards and efficiency improvements
12 in a project if the incorporation does not signifi-
13 cantly change the authorized scope, function, or pur-
14 pose of the project.

15 (b) PARTICIPATION BY SECRETARY.—The Secretary
16 may participate in the reconstruction of flood control
17 projects within Missouri and Illinois as a pilot program
18 if the Secretary determines that such reconstruction is not
19 required as a result of improper operation and mainte-
20 nance by the non-Federal interest.

21 (c) COST SHARING.—

22 (1) IN GENERAL.—Costs for reconstruction of a
23 project under this section shall be shared by the Sec-
24 retary and the non-Federal interest in the same per-

1 centages as the costs of construction of the original
2 project were shared.

3 (2) OPERATION, MAINTENANCE, AND REPAIR
4 COSTS.—The costs of operation, maintenance, re-
5 pair, and rehabilitation of a project carried out
6 under this section shall be a non-Federal responsi-
7 bility.

8 (d) CRITICAL PROJECTS.—In carrying out this sec-
9 tion, the Secretary shall give priority to the following
10 projects:

11 (1) Clear Creek Drainage and Levee District,
12 Illinois.

13 (2) Fort Chartres and Ivy Landing Drainage
14 District, Illinois.

15 (3) Wood River Drainage and Levee District,
16 Illinois.

17 (4) City of St. Louis, Missouri.

18 (5) Missouri River Levee Drainage District,
19 Missouri.

20 (e) ECONOMIC JUSTIFICATION.—Reconstruction ef-
21 forts and activities carried out under this section shall not
22 require economic justification.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section
25 \$50,000,000, to remain available until expended.

1 **SEC. 3050. SPUNKY BOTTOM, ILLINOIS.**

2 (a) IN GENERAL.—The project for flood control, Illi-
3 nois and Des Plaines River Basin, between Beardstown,
4 Illinois, and the mouth of the Illinois River, authorized
5 by section 5 of the Act of June 22, 1936 (49 Stat. 1583,
6 chapter 688), is modified to authorize ecosystem restora-
7 tion as a project purpose.

8 (b) MODIFICATIONS.—

9 (1) IN GENERAL.—Subject to paragraph (2),
10 notwithstanding the limitation on the expenditure of
11 Federal funds to carry out project modifications in
12 accordance with section 1135 of the Water Re-
13 sources Development Act of 1986 (33 U.S.C.
14 2309a), modifications to the project referred to in
15 subsection (a) shall be carried out at Spunky Bot-
16 toms, Illinois, in accordance with subsection (a).

17 (2) FEDERAL SHARE.—Not more than
18 \$7,500,000 in Federal funds may be expended under
19 this section to carry out modifications to the project
20 referred to in subsection (a).

21 (3) POST-CONSTRUCTION MONITORING AND
22 MANAGEMENT.—Of the Federal funds expended
23 under paragraph (2), not less than \$500,000 shall
24 remain available for a period of 5 years after the
25 date of completion of construction of the modifica-

1 the SE corner of the NE¹/₄ of sec. 32, T. 20 S., R. 14
2 E., Coffey County, Kansas.

3 (d) CONSIDERATION.—

4 (1) IN GENERAL.—The conveyance under this
5 section shall be at fair market value.

6 (2) COSTS.—All costs associated with the con-
7 veyance shall be paid by Pleasant Township, Coffey
8 County, Kansas.

9 (e) OTHER TERMS AND CONDITIONS.—The convey-
10 ance under this section shall be subject to such other
11 terms and conditions as the Secretary considers necessary
12 to protect the interests of the United States.

13 **SEC. 3052. MILFORD LAKE, MILFORD, KANSAS.**

14 (a) IN GENERAL.—Subject to subsections (b) and (c),
15 the Secretary shall convey at fair market value by quit-
16 claim deed to the Geary County Fire Department, Milford,
17 Kansas, all right, title, and interest of the United States
18 in and to a parcel of land consisting of approximately 7.4
19 acres located in Geary County, Kansas, for construction,
20 operation, and maintenance of a fire station.

21 (b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The
22 exact acreage and the description of the real property re-
23 ferred to in subsection (a) shall be determined by a survey
24 that is satisfactory to the Secretary.

1 (c) REVERSION.—If the Secretary determines that
2 the property conveyed under subsection (a) ceases to be
3 held in public ownership or to be used for any purpose
4 other than a fire station, all right, title, and interest in
5 and to the property shall revert to the United States, at
6 the option of the United States.

7 **SEC. 3053. OHIO RIVER BASIN COMPREHENSIVE PLAN.**

8 The Secretary is authorized to conduct a comprehen-
9 sive, basin-wide plan of the Ohio River Basin to identify
10 the investments and reinvestments in system components
11 that would be necessary and advisable—

12 (1) to ensure protection of lives and property in
13 the area of the Basin; and

14 (2) to sustain the purposes (including flood
15 damage reduction, ecosystem restoration and protec-
16 tion, water supply, recreation, and related purposes)
17 for which the Basin system was developed.

18 **SEC. 3054. HICKMAN BLUFF STABILIZATION, KENTUCKY.**

19 The project for Hickman Bluff, Kentucky, authorized
20 by chapter II of title II of the Emergency Supplemental
21 Appropriations and Rescissions for the Department of De-
22 fense to Preserve and Enhance Military Readiness Act of
23 1995 (109 Stat. 85), is modified to authorize the Sec-
24 retary to repair and restore the project, at full Federal

1 expense, with no further economic studies or analyses, at
2 a total cost of not more than \$250,000.

3 **SEC. 3055. MCALPINE LOCK AND DAM, KENTUCKY AND IN-**
4 **DIANA.**

5 Section 101(a)(10) of the Water Resources Develop-
6 ment Act of 1990 (104 Stat. 4606) is amended by striking
7 “\$219,600,000” each place it appears and inserting
8 “\$430,000,000”.

9 **SEC. 3056. PUBLIC ACCESS, ATCHAFALAYA BASIN**
10 **FLOODWAY SYSTEM, LOUISIANA.**

11 (a) IN GENERAL.—The public access feature of the
12 Atchafalaya Basin Floodway System, Louisiana project,
13 authorized by section 601(a) of the Water Resources De-
14 velopment Act of 1986 (100 Stat. 4142), is modified to
15 authorize the Secretary to acquire from willing sellers the
16 fee interest (exclusive of oil, gas, and minerals) of an addi-
17 tional 20,000 acres of land in the Lower Atchafalaya
18 Basin Floodway for the public access feature of the
19 Atchafalaya Basin Floodway System, Louisiana project.

20 (b) MODIFICATION.—

21 (1) IN GENERAL.—Subject to paragraph (2), ef-
22 fective beginning November 17, 1986, the public ac-
23 cess feature of the Atchafalaya Basin Floodway Sys-
24 tem, Louisiana project, is modified to remove the
25 \$32,000,000 limitation on the maximum Federal ex-

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. 3058. 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. 3059. 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. 3060. 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 \$75,000,000,
24 to remain available until expended, to support the
25 relocation of Port of New Orleans deep draft facili-

1 ties from the Mississippi River Gulf Outlet (referred
2 to in this section as the “Outlet”), the Gulf Inter-
3 coastal Waterway, and the Inner Harbor Navigation
4 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 \$85,000,000, 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. 3061. 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. 3062. 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 \$25,000,000.

8 **SEC. 3063. ROCKLAND HARBOR, MAINE.**

9 As of the date of enactment of this Act, the portion
10 of the project for navigation, Rockland Harbor, Maine, au-
11 thorized by the Act of June 3, 1896 (29 Stat. 202, chapter
12 314), consisting of a 14-foot channel located in Lermond
13 Cove and beginning at a point with coordinates N.
14 99977.37, E. 340290.02, thence running easterly about
15 200.00 feet to a point with coordinates N. 99978.49, E.
16 340490.02, thence running northerly about 138.00 feet to
17 a point with coordinates N. 100116.49, E. 340289.25,
18 thence running westerly about 200.00 feet to a point with
19 coordinates N. 100115.37, E. 340289.25, thence running
20 southerly about 138.00 feet to the point of origin, is not
21 authorized.

22 **SEC. 3064. ROCKPORT HARBOR, MAINE.**

23 (a) IN GENERAL.—The portion of the project for
24 navigation, Rockport Harbor, Maine, authorized by the
25 first section of the Act of August 11, 1888 (25 Stat. 400),

1 located within the 12-foot anchorage described in sub-
2 section (b) is not authorized.

3 (b) DESCRIPTION OF ANCHORAGE.—The anchorage
4 referred to in subsection (a) is more particularly described
5 as—

6 (1) beginning at the westernmost point of the
7 anchorage at N. 128800.00, E. 349311.00;

8 (2) thence running north 12 degrees, 52 min-
9 utes, 37.2 seconds, east 127.08 feet to a point at N.
10 128923.88, E349339.32;

11 (3) thence running north 17 degrees, 40 min-
12 utes, 13.0 seconds, east 338.61 feet to a point at N.
13 129246.51, E/ 349442.10;

14 (4) thence running south 89 degrees, 21 min-
15 utes, 21.0 seconds, east 45.36 feet to a point at N.
16 129246.00, E. 349487.46;

17 (5) thence running south 44 degrees, 13 min-
18 utes, 32.6 seconds, east 18.85 feet to a point at N.
19 129232.49, E. 349500.61;

20 (6) thence running south 17 degrees, 40 min-
21 utes 13.0 seconds, west 340.50 feet to a point at N.
22 128908.06, E. 349397.25;

23 (7) thence running south 12 degrees, 52 min-
24 utes, 37.2 seconds, west 235.41 feet to a point at N.
25 128678.57, E. 349344.79; and

1 (8) thence running north 15 degrees, 32 min-
2 utes, 59.3 seconds, west 126.04 feet to the point of
3 origin.

4 **SEC. 3065. SACO RIVER, MAINE.**

5 The portion of the project for navigation, Saco River,
6 Maine, authorized under section 107 of the River and
7 Harbor Act of 1960 (74 Stat. 486), and described as a
8 6-foot deep, 10-acre maneuvering basin located at the
9 head of navigation, is redesignated as an anchorage area.

10 **SEC. 3066. UNION RIVER, MAINE.**

11 The project for navigation, Union River, Maine, au-
12 thorized by the first section of the Act of June 3, 1896
13 (29 Stat. 215, chapter 314), is modified by redesignating
14 as an anchorage area that portion of the project consisting
15 of a 6-foot turning basin and lying northerly of a line com-
16 mencing at a point N. 315,975.13, E. 1,004,424.86,
17 thence running N. 61° 27' 20.71" W. about 132.34 feet
18 to a point N. 316,038.37, E. 1,004,308.61.

19 **SEC. 3067. BALTIMORE HARBOR AND CHANNELS, MARY-**
20 **LAND AND VIRGINIA.**

21 (a) IN GENERAL.—Notwithstanding section
22 1001(b)(2) of the Water Resources Development Act of
23 1986 (33 U.S.C. 579a(b)(2)), the project for navigation,
24 Baltimore Harbor and Channels, Maryland and Virginia,
25 authorized by section 101 of the River and Harbor Act

1 of 1970 (84 Stat. 1818), shall remain authorized to be
2 carried out by the Secretary.

3 (b) LIMITATION.—The project described in sub-
4 section (a) shall not be authorized for construction after
5 the last day of the 5-year period beginning on the date
6 of enactment of this Act, unless, during that period, funds
7 have been obligated for the construction (including plan-
8 ning and design) of the project.

9 **SEC. 3068. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**
10 **TION AND PROTECTION PROGRAM, MARY-**
11 **LAND, PENNSYLVANIA, AND VIRGINIA.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
13 510 of the Water Resources Development Act of 1996
14 (110 Stat. 3759) is amended—

15 (1) in subsection (a)(1), by striking “pilot”;

16 (2) in subsection (d)(2), by adding at the end
17 the following:

18 “(C) IN-KIND SERVICES.—The non-Federal
19 share of the project costs of a partnership
20 agreement entered into under this section may
21 include in-kind services.”;

22 (3) by striking subsection (f) and inserting the
23 following:

24 “(f) PROJECTS.—The Secretary may carry out
25 projects under this section in the States of Delaware, New

1 York, Maryland, Pennsylvania, Virginia, and West Vir-
2 ginia, and the District of Columbia.”; and

3 (4) in subsection (i), by striking “\$10,000,000”
4 and inserting “\$30,000,000”.

5 (b) **NONNATIVE OYSTER SPECIES.**—The matter
6 under the heading “CONSTRUCTION, GENERAL” under the
7 heading “CORPS OF ENGINEERS—CIVIL” under the head-
8 ing “DEPARTMENT OF THE ARMY” of title I of the Energy
9 and Water Development Appropriations Act, 2004 (Public
10 Law 108–137; 117 Stat. 1828) is amended in the twenty-
11 first proviso by striking “\$2,000,000” and inserting
12 “\$3,500,000”.

13 **SEC. 3069. FLOOD PROTECTION PROJECT, CUMBERLAND,**
14 **MARYLAND.**

15 Section 580(a) of the Water Resources Development
16 Act of 1999 (113 Stat. 375) is amended—

17 (1) by striking “\$15,000,000” and inserting
18 “\$25,750,000”;

19 (2) by striking “\$9,750,000” and inserting
20 “\$16,378,000”; and

21 (3) by striking “\$5,250,000” and inserting
22 “\$9,012,000”.

23 **SEC. 3070. AUNT LYDIA’S COVE, MASSACHUSETTS.**

24 (a) **DEAUTHORIZATION.**—The portion of the project
25 for navigation, Aunt Lydia’s Cove, Massachusetts, author-

1 ized August 31, 1994, pursuant to section 107 of the Act
2 of July 14, 1960 (33 U.S.C. 577) (commonly known as
3 the “River and Harbor Act of 1960”), consisting of the
4 8-foot deep anchorage in the cove described in subsection
5 (b) is deauthorized.

6 (b) DESCRIPTION.—The portion of the project de-
7 scribed in subsection (a) is more particularly described as
8 the portion beginning at a point along the southern limit
9 of the existing project, N. 254332.00, E. 1023103.96,
10 thence running northwesterly about 761.60 feet to a point
11 along the western limit of the existing project N.
12 255076.84, E. 1022945.07, thence running southwesterly
13 about 38.11 feet to a point N. 255038.99, E. 1022940.60,
14 thence running southeasterly about 267.07 feet to a point
15 N. 254772.00, E. 1022947.00, thence running southeast-
16 erly about 462.41 feet to a point N. 254320.06, E.
17 1023044.84, thence running northeasterly about 60.31
18 feet to the point of origin.

19 **SEC. 3071. FALL RIVER HARBOR, MASSACHUSETTS AND**
20 **RHODE ISLAND.**

21 (a) IN GENERAL.—Notwithstanding section
22 1001(b)(2) of the Water Resources Development Act of
23 1986 (33 U.S.C. 579a(b)(2)), the project for navigation,
24 Fall River Harbor, Massachusetts and Rhode Island, au-
25 thorized by section 101 of the River and Harbor Act of

1 1968 (82 Stat. 731), shall remain authorized to be carried
2 out by the Secretary, except that the authorized depth of
3 that portion of the project extending riverward of the
4 Charles M. Braga, Jr. Memorial Bridge, Fall River and
5 Somerset, Massachusetts, shall not exceed 35 feet.

6 (b) FEASIBILITY.—The Secretary shall conduct a
7 study to determine the feasibility of deepening that por-
8 tion of the navigation channel of the navigation project
9 for Fall River Harbor, Massachusetts and Rhode Island,
10 authorized by section 101 of the River and Harbor Act
11 of 1968 (82 Stat. 731), seaward of the Charles M. Braga,
12 Jr. Memorial Bridge Fall River and Somerset, Massachu-
13 setts.

14 (c) LIMITATION.—The project described in subsection
15 (a) shall not be authorized for construction after the last
16 day of the 5-year period beginning on the date of enact-
17 ment of this Act unless, during that period, funds have
18 been obligated for construction (including planning and
19 design) of the project.

20 **SEC. 3072. NORTH RIVER, PEABODY, MASSACHUSETTS.**

21 The Secretary shall expedite completion of the report
22 for the project North River, Peabody, Massachusetts,
23 being carried out under section 205 of the Flood Control
24 Act of 1948 (33 U.S.C. 701s).

1 **SEC. 3073. ECORSE CREEK, MICHIGAN.**

2 (a) IN GENERAL.—Notwithstanding section
3 1001(b)(2) of the Water Resources Development Act of
4 1986 (33 U.S.C. 579a(b)(2)), the project for flood control,
5 Ecorse Creek, Wayne County, Michigan, authorized by
6 section 101(a)(14) of the Water Resources Development
7 Act of 1990 (104 Stat. 4607) shall remain authorized to
8 be carried out by the Secretary.

9 (b) LIMITATION.—A project described in subsection
10 (a) shall not be authorized for construction after the last
11 day of the 5-year period beginning on the date of enact-
12 ment of this Act, unless, during that period, funds have
13 been obligated for the construction (including planning
14 and design) of the project.

15 **SEC. 3074. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**
16 **GAN.**

17 Section 426 of the Water Resources Development Act
18 of 1999 (113 Stat. 326) is amended to read as follows:

19 **“SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**
20 **GAN.**

21 “(a) DEFINITIONS.—In this section:

22 “(1) MANAGEMENT PLAN.—The term ‘manage-
23 ment plan’ means the management plan for the St.
24 Clair River and Lake St. Clair, Michigan, that is in
25 effect as of the date of enactment of this section.

1 “(2) PARTNERSHIP.—The term ‘Partnership’
2 means the partnership established by the Secretary
3 under subsection (b)(1).

4 “(b) PARTNERSHIP.—

5 “(1) IN GENERAL.—The Secretary shall estab-
6 lish and lead a partnership of appropriate Federal
7 agencies (including the Environmental Protection
8 Agency) and the State of Michigan (including polit-
9 ical subdivisions of the State)—

10 “(A) to promote cooperation among the
11 Federal Government, State and local govern-
12 ments, and other involved parties in the man-
13 agement of the St. Clair River and Lake St.
14 Clair watersheds; and

15 “(B) develop and implement projects con-
16 sistent with the management plan.

17 “(2) COORDINATION WITH ACTIONS UNDER
18 OTHER LAW.—

19 “(A) IN GENERAL.—Actions taken under
20 this section by the Partnership shall be coordi-
21 nated with actions to restore and conserve the
22 St. Clair River and Lake St. Clair and water-
23 sheds taken under other provisions of Federal
24 and State law.

1 “(B) NO EFFECT ON OTHER LAW.—Noth-
2 ing in this section alters, modifies, or affects
3 any other provision of Federal or State law.

4 “(c) IMPLEMENTATION OF ST. CLAIR RIVER AND
5 LAKE ST. CLAIR MANAGEMENT PLAN.—

6 “(1) IN GENERAL.—The Secretary shall—

7 “(A) develop a St. Clair River and Lake
8 St. Clair strategic implementation plan in ac-
9 cordance with the management plan;

10 “(B) provide technical, planning, and engi-
11 neering assistance to non-Federal interests for
12 developing and implementing activities con-
13 sistent with the management plan;

14 “(C) plan, design, and implement projects
15 consistent with the management plan; and

16 “(D) provide, in coordination with the Ad-
17 ministrator of the Environmental Protection
18 Agency, financial and technical assistance, in-
19 cluding grants, to the State of Michigan (in-
20 cluding political subdivisions of the State) and
21 interested nonprofit entities for the planning,
22 design, and implementation of projects to re-
23 store, conserve, manage, and sustain the St.
24 Clair River, Lake St. Clair, and associated wa-
25 tersheds.

1 “(2) SPECIFIC MEASURES.—Financial and tech-
2 nical assistance provided under subparagraphs (B)
3 and (C) of paragraph (1) may be used in support of
4 non-Federal activities consistent with the manage-
5 ment plan.

6 “(d) SUPPLEMENTS TO MANAGEMENT PLAN AND
7 STRATEGIC IMPLEMENTATION PLAN.—In consultation
8 with the Partnership and after providing an opportunity
9 for public review and comment, the Secretary shall develop
10 information to supplement—

11 “(1) the management plan; and

12 “(2) the strategic implementation plan devel-
13 oped under subsection (c)(1)(A).

14 “(e) COST SHARING.—

15 “(1) NON-FEDERAL SHARE.—The non-Federal
16 share of the cost of technical assistance, or the cost
17 of planning, design, construction, and evaluation of
18 a project under subsection (c), and the cost of devel-
19 opment of supplementary information under sub-
20 section (d)—

21 “(A) shall be 25 percent of the total cost
22 of the project or development; and

23 “(B) may be provided through the provi-
24 sion of in-kind services.

1 “(2) CREDIT FOR LAND, EASEMENTS, AND
2 RIGHTS-OF-WAY.—The Secretary shall credit the
3 non-Federal sponsor for the value of any land, ease-
4 ments, rights-of-way, dredged material disposal
5 areas, or relocations provided for use in carrying out
6 a project under subsection (c).

7 “(3) NONPROFIT ENTITIES.—Notwithstanding
8 section 221 of the Flood Control Act of 1970 (42
9 U.S.C. 1962d–5b), a non-Federal sponsor for any
10 project carried out under this section may include a
11 nonprofit entity.

12 “(4) OPERATION AND MAINTENANCE.—The op-
13 eration, maintenance, repair, rehabilitation, and re-
14 placement of projects carried out under this section
15 shall be non-Federal responsibilities.

16 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to carry out this section
18 \$20,000,000.”.

19 **SEC. 3075. DULUTH HARBOR, MINNESOTA.**

20 (a) IN GENERAL.—Notwithstanding the cost limita-
21 tion described in section 107(b) of the River and Harbor
22 Act of 1960 (33 U.S.C. 577(b)), the Secretary shall carry
23 out the project for navigation, Duluth Harbor, Minnesota,
24 pursuant to the authority provided under that section at
25 a total Federal cost of \$9,000,000.

1 (b) PUBLIC ACCESS AND RECREATIONAL FACILI-
2 TIES.—Section 321 of the Water Resources Development
3 Act of 2000 (114 Stat. 2605) is amended by inserting “,
4 and to provide public access and recreational facilities”
5 after “including any required bridge construction”.

6 **SEC. 3076. PROJECT FOR ENVIRONMENTAL ENHANCE-**
7 **MENT, MISSISSIPPI AND LOUISIANA ESTUA-**
8 **RINE AREAS, MISSISSIPPI AND LOUISIANA.**

9 (a) VIOLET DIVERSION PROJECT.—The Secretary
10 shall redesign and implement the project for environ-
11 mental enhancement, Mississippi and Louisiana Estuarine
12 Areas, Mississippi and Louisiana, authorized by section
13 3(a)(8) of the Water Resources Development Act of 1988
14 (102 Stat. 4014), in lieu of diversion of freshwater at the
15 Bonnet Carre Spillway using a diversion of water at or
16 near Violet, Louisiana, if the following criteria can be met
17 by the redesign:

18 (1) Achieve the salinity targets to at least the
19 same extent as the diversion of freshwater at the
20 Bonnet Carre Spillway for the Mississippi Sound
21 identified in the feasibility study entitled “Mis-
22 sissippi and Louisiana Estuarine areas: Freshwater
23 Diversion to Lake Pontchartrain Basin and Mis-
24 sissippi Sound” and dated 1984.

1 (2) Not delay the completion of the design and
2 construction of the project beyond the dates identi-
3 fied in subsections (e) and (f).

4 (3) Not change the cost-share attributable to
5 the Bonnet Carre Freshwater Diversion Project.

6 (b) DEFINITION.—For the purposes of this section,
7 the term “Bonnet Carre Freshwater Diversion Project”
8 is defined as the recommended alternative as described in
9 the report of the Chief of Engineers for the project for
10 environmental enhancement, Mississippi and Louisiana
11 Estuarine Areas, Mississippi and Louisiana, May, 1986,
12 and referenced in Public Law 104–303 and described in
13 the Report to Congress on the Bonnet Carre Freshwater
14 Diversion Project Status and Potential Options and En-
15 hancement of December 1996.

16 (c) BONNET CARRE FRESHWATER DIVERSION
17 PROJECT.—If the redesign in subsection (a) does not meet
18 the criteria therein, the Secretary shall implement the
19 Bonnet Carre Freshwater Diversion Project.

20 (d) NON-FEDERAL FINANCING REQUIREMENTS.—

21 (1) The States of Mississippi and Louisiana
22 shall provide the funds needed during any fiscal year
23 for meeting each State’s respective non-Federal cost
24 sharing requirements for the project for environ-
25 mental enhancement, Mississippi and Louisiana Es-

1 tuarine Areas, Mississippi and Louisiana, that fiscal
2 year by making deposits of the necessary funds into
3 an escrow account or into such other account as the
4 Secretary determines to be acceptable. Any deposits
5 required pursuant to this paragraph shall be made
6 by the affected State within 30 days after receipt of
7 notification from the Secretary that such funds are
8 due.

9 (2) In the case of deposits required to be made
10 by the State of Louisiana, the Secretary may not
11 award any new contract or proceed to the next phase
12 of any feature being carried out in the State of Lou-
13 isiana pursuant to section 1003 if the State of Lou-
14 isiana is not in compliance with paragraph (1).

15 (3) In the case of deposits required to be made
16 by the State of Mississippi, the Secretary may not
17 award any new contract or proceed to the next phase
18 of any feature being carried out as a part of the
19 project for environmental enhancement, Mississippi
20 and Louisiana Estuarine Areas, Mississippi and
21 Louisiana if the State of Mississippi is not in com-
22 pliance with paragraph (1).

23 (4) The non-Federal share of project costs shall
24 be allocated between the States of Mississippi and
25 Louisiana as described in the Report to Congress on

1 the Bonnet Carre Freshwater Diversion Project Sta-
2 tus and Potential Options and Enhancement of De-
3 cember 1996.

4 (5) The modification of the project for environ-
5 mental enhancement, Mississippi and Louisiana Es-
6 tuarine Areas, Mississippi and Louisiana, by this
7 section shall not reduce the percentage of the cost
8 of the project that shall be paid by the Federal gov-
9 ernment as it was determined upon enactment of
10 section 3(a)(8) of the Water Resources Development
11 Act of 1988 (102 Stat. 4014).

12 (e) DESIGN SCHEDULE.—

13 (1) IN GENERAL.—Subject to the availability of
14 appropriations, the Secretary shall complete the de-
15 sign of the project for environmental enhancement,
16 Mississippi and Louisiana Estuarine Areas, Mis-
17 sissippi and Louisiana, not later than 2 years after
18 the date of enactment of this Act.

19 (2) MISSED DEADLINE.—If the Secretary does
20 not complete the design described in paragraph (1)
21 by such date, the Secretary shall assign such re-
22 sources as available and necessary to complete the
23 design and the Secretary's authority to expend funds
24 for travel, official receptions, and official representa-
25 tions is suspended until such design is complete.

1 (f) CONSTRUCTION SCHEDULE.—

2 (1) IN GENERAL.—Subject to the availability of
3 appropriations, the Secretary shall complete con-
4 struction of the project for environmental enhance-
5 ment, Mississippi and Louisiana Estuarine Areas,
6 Mississippi and Louisiana, not later than September
7 30, 2012.

8 (2) MISSED DEADLINE.—If the Secretary does
9 not complete the construction described in para-
10 graph (1) by such date, the Secretary shall assign
11 such resources as available and necessary to com-
12 plete the construction and the Secretary’s authority
13 to expend funds for travel, official receptions, and
14 official representations is suspended until such con-
15 struction is complete.

16 **SEC. 3077. LAND EXCHANGE, PIKE COUNTY, MISSOURI.**

17 (a) DEFINITIONS.—In this section:

18 (1) FEDERAL LAND.—The term “Federal land”
19 means the 2 parcels of Corps of Engineers land to-
20 taling approximately 42 acres, located on Buffalo Is-
21 land in Pike County, Missouri, and consisting of
22 Government Tract Numbers MIS–7 and a portion of
23 FM–46.

24 (2) NON-FEDERAL LAND.—The term “non-Fed-
25 eral land” means the approximately 42 acres of

1 land, subject to any existing flowage easements situ-
2 ated in Pike County, Missouri, upstream and north-
3 west, about 200 feet from Drake Island (also known
4 as Grimes Island).

5 (b) LAND EXCHANGE.—Subject to subsection (c), on
6 conveyance by S.S.S., Inc., to the United States of all
7 right, title, and interest in and to the non-Federal land,
8 the Secretary shall convey to S.S.S., Inc., all right, title,
9 and interest of the United States in and to the Federal
10 land.

11 (c) CONDITIONS.—

12 (1) DEEDS.—

13 (A) NON-FEDERAL LAND.—The convey-
14 ance of the non-Federal land to the Secretary
15 shall be by a warranty deed acceptable to the
16 Secretary.

17 (B) FEDERAL LAND.—The conveyance of
18 the Federal land to S.S.S., Inc., shall be—

19 (i) by quitclaim deed; and

20 (ii) subject to any reservations, terms,
21 and conditions that the Secretary deter-
22 mines to be necessary to allow the United
23 States to operate and maintain the Mis-
24 sissippi River 9-Foot Navigation Project.

1 (C) LEGAL DESCRIPTIONS.—The Secretary
2 shall, subject to approval of S.S.S., Inc., pro-
3 vide a legal description of the Federal land and
4 non-Federal land for inclusion in the deeds re-
5 ferred to in subparagraphs (A) and (B).

6 (2) REMOVAL OF IMPROVEMENTS.—

7 (A) IN GENERAL.—The Secretary may re-
8 quire the removal of, or S.S.S., Inc., may volun-
9 tarily remove, any improvements to the non-
10 Federal land before the completion of the ex-
11 change or as a condition of the exchange.

12 (B) NO LIABILITY.—If S.S.S., Inc., re-
13 moves any improvements to the non-Federal
14 land under subparagraph (A)—

15 (i) S.S.S., Inc., shall have no claim
16 against the United States relating to the
17 removal; and

18 (ii) the United States shall not incur
19 or be liable for any cost associated with the
20 removal or relocation of the improvements.

21 (3) ADMINISTRATIVE COSTS.—The Secretary
22 shall require S.S.S., Inc. to pay reasonable adminis-
23 trative costs associated with the exchange.

24 (4) CASH EQUALIZATION PAYMENT.—If the ap-
25 praised fair market value, as determined by the Sec-

1 retary, of the Federal land exceeds the appraised
2 fair market value, as determined by the Secretary,
3 of the non-Federal land, S.S.S., Inc., shall make a
4 cash equalization payment to the United States.

5 (5) DEADLINE.—The land exchange under sub-
6 section (b) shall be completed not later than 2 years
7 after the date of enactment of this Act.

8 **SEC. 3078. L-15 LEVEE, MISSOURI.**

9 The portion of the L-15 levee system that is under
10 the jurisdiction of the Consolidated North County Levee
11 District and situated along the right descending bank of
12 the Mississippi River from the confluence of that river
13 with the Missouri River and running upstream approxi-
14 mately 14 miles shall be considered to be a Federal levee
15 for purposes of cost sharing under section 5 of the Act
16 of August 18, 1941 (33 U.S.C. 701n).

17 **SEC. 3079. UNION LAKE, MISSOURI.**

18 (a) IN GENERAL.—The Secretary shall offer to con-
19 vey to the State of Missouri all right, title, and interest
20 in and to approximately 205.50 acres of land described
21 in subsection (b) purchased for the Union Lake Project
22 that was deauthorized as of January 1, 1990 (55 Fed.
23 Reg. 40906), in accordance with section 1001 of the
24 Water Resources Development Act of 1986 (33 U.S.C.
25 579a(a)).

1 (b) LAND DESCRIPTION.—The land referred to in
2 subsection (a) is described as follows:

3 (1) TRACT 500.—A tract of land situated in
4 Franklin County, Missouri, being part of the SW¹/₄
5 of sec. 7, and the NW¹/₄ of the SW¹/₄ of sec. 8, T.
6 42 N., R. 2 W. of the fifth principal meridian, con-
7 sisting of approximately 112.50 acres.

8 (2) TRACT 605.—A tract of land situated in
9 Franklin County, Missouri, being part of the N¹/₂ of
10 the NE, and part of the SE of the NE of sec. 18,
11 T. 42 N., R. 2 W. of the fifth principal meridian,
12 consisting of approximately 93.00 acres.

13 (c) CONVEYANCE.—On acceptance by the State of
14 Missouri of the offer by the Secretary under subsection
15 (a), the land described in subsection (b) shall immediately
16 be conveyed, in its current condition, by Secretary to the
17 State of Missouri.

18 **SEC. 3080. LOWER YELLOWSTONE PROJECT, MONTANA.**

19 The Secretary may use funds appropriated to carry
20 out the Missouri River recovery and mitigation program
21 to assist the Bureau of Reclamation in the design and con-
22 struction of the Lower Yellowstone project of the Bureau,
23 Intake, Montana, for the purpose of ecosystem restoration.

1 **SEC. 3081. YELLOWSTONE RIVER AND TRIBUTARIES, MON-**
2 **TANA AND NORTH DAKOTA.**

3 (a) DEFINITION OF RESTORATION PROJECT.—In
4 this section, the term “restoration project” means a
5 project that will produce, in accordance with other Federal
6 programs, projects, and activities, substantial ecosystem
7 restoration and related benefits, as determined by the Sec-
8 retary.

9 (b) PROJECTS.—The Secretary shall carry out, in ac-
10 cordance with other Federal programs, projects, and ac-
11 tivities, restoration projects in the watershed of the Yel-
12 lowstone River and tributaries in Montana, and in North
13 Dakota, to produce immediate and substantial ecosystem
14 restoration and recreation benefits.

15 (c) LOCAL PARTICIPATION.—In carrying out sub-
16 section (b), the Secretary shall—

17 (1) consult with, and consider the activities
18 being carried out by—

19 (A) other Federal agencies;

20 (B) Indian tribes;

21 (C) conservation districts; and

22 (D) the Yellowstone River Conservation
23 District Council; and

24 (2) seek the full participation of the State of
25 Montana.

1 (d) COST SHARING.—Before carrying out any res-
2 toration project under this section, the Secretary shall
3 enter into an agreement with the non-Federal interest for
4 the restoration project under which the non-Federal inter-
5 est shall agree—

6 (1) to provide 35 percent of the total cost of the
7 restoration project, including necessary land, ease-
8 ments, rights-of-way, relocations, and disposal sites;

9 (2) to pay the non-Federal share of the cost of
10 feasibility studies and design during construction fol-
11 lowing execution of a project cooperation agreement;

12 (3) to pay 100 percent of the operation, mainte-
13 nance, repair, replacement, and rehabilitation costs
14 incurred after the date of enactment of this Act that
15 are associated with the restoration project; and

16 (4) to hold the United States harmless for any
17 claim of damage that arises from the negligence of
18 the Federal Government or a contractor of the Fed-
19 eral Government in carrying out the restoration
20 project.

21 (e) FORM OF NON-FEDERAL SHARE.—Not more
22 than 50 percent of the non-Federal share of the cost of
23 a restoration project carried out under this section may
24 be provided in the form of in-kind credit for work per-
25 formed during construction of the restoration project.

1 (f) NON-FEDERAL INTERESTS.—Notwithstanding
2 section 221 of the Flood Control Act of 1970 (42 U.S.C.
3 1962d–5b), with the consent of the applicable local gov-
4 ernment, a nonprofit entity may be a non-Federal interest
5 for a restoration project carried out under this section.

6 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to carry out this section
8 \$30,000,000.

9 **SEC. 3082. WESTERN SARPY AND CLEAR CREEK, NEBRASKA.**

10 The project for ecosystem restoration and flood dam-
11 age reduction, Western Sarpy and Clear Creek, Nebraska,
12 authorized by section 101(b)(21) of the Water Resources
13 Development Act of 2000 (114 Stat. 2578), is modified
14 to authorize the Secretary to construct the project at a
15 total cost of \$21,664,000, with an estimated Federal cost
16 of \$14,082,000 and an estimated non-Federal cost of
17 \$7,582,000.

18 **SEC. 3083. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NE-**

19 **VADA.**

20 The maximum amount of Federal funds that may be
21 expended for the project being carried out, as of the date
22 of enactment of this Act, under section 1135 of the Water
23 Resources Development Act of 1986 (33 U.S.C. 2309a)
24 for environmental restoration of McCarran Ranch, Ne-
25 vada, shall be \$5,775,000.

1 **SEC. 3084. COOPERATIVE AGREEMENTS, NEW MEXICO.**

2 The Secretary may enter into cooperative agreements
3 with any Indian tribe any land of which is located in the
4 State of New Mexico and occupied by a flood control
5 project that is owned and operated by the Corps of Engi-
6 neers to assist in carrying out any operation or mainte-
7 nance activity associated with the flood control project.

8 **SEC. 3085. MIDDLE RIO GRANDE RESTORATION, NEW MEX-**
9 **ICO.**

10 (a) RESTORATION PROJECTS.—

11 (1) DEFINITION.—The term “restoration
12 project” means a project that will produce, con-
13 sistent with other Federal programs, projects, and
14 activities, immediate and substantial ecosystem res-
15 toration and recreation benefits.

16 (2) PROJECTS.—The Secretary shall carry out
17 restoration projects in the Middle Rio Grande from
18 Cochiti Dam to the headwaters of Elephant Butte
19 Reservoir, in the State of New Mexico.

20 (b) PROJECT SELECTION.—The Secretary shall select
21 restoration projects in the Middle Rio Grande.

22 (c) LOCAL PARTICIPATION.—In carrying out sub-
23 section (b), the Secretary shall consult with, and consider
24 the activities being carried out by—

25 (1) the Middle Rio Grande Endangered Species
26 Act Collaborative Program; and

1 (2) the Bosque Improvement Group of the Mid-
2 dle Rio Grande Bosque Initiative.

3 (d) COST SHARING.—

4 (1) PROJECTS ON FEDERAL LAND.—Each res-
5 toration project under this section located on Fed-
6 eral land shall be carried out at full Federal expense.

7 (2) OTHER PROJECTS.—For any restoration
8 project located on non-Federal land, before carrying
9 out the restoration project under this section, the
10 Secretary shall enter into an agreement with non-
11 Federal interests that requires the non-Federal in-
12 terests to—

13 (A) provide 35 percent of the total cost of
14 the restoration projects including provisions for
15 necessary lands, easements, rights-of-way, relo-
16 cations, and disposal sites;

17 (B) pay 100 percent of the operation,
18 maintenance, repair, replacement, and rehabili-
19 tation costs incurred after the date of the en-
20 actment of this Act that are associated with the
21 restoration projects; and

22 (C) hold the United States harmless for
23 any claim of damage that arises from the neg-
24 ligence of the Federal Government or a con-
25 tractor of the Federal Government.

1 (e) NON-FEDERAL INTERESTS.—Not withstanding
2 section 221 of the Flood Control Act of 1970 (42 U.S.C.
3 1962d–5b), a non-Federal interest for any project carried
4 out under this section may include a nonprofit entity, with
5 the consent of the local government.

6 (f) RECREATIONAL FEATURES.—

7 (1) IN GENERAL.—Subject to paragraph (2),
8 any recreational feature included as part of a res-
9 toration project shall comprise not more than 30
10 percent of the cost of the restoration project.

11 (2) REQUIREMENT.—The cost of any rec-
12 reational feature included as part of a restoration
13 project in excess of the amount described in para-
14 graph (1) shall be paid by the non-Federal interest.

15 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated \$25,000,000 to carry out
17 this section.

18 **SEC. 3086. LONG ISLAND SOUND OYSTER RESTORATION,**

19 **NEW YORK AND CONNECTICUT.**

20 (a) IN GENERAL.—The Secretary shall plan, design,
21 and construct projects to increase aquatic habitats within
22 Long Island Sound and adjacent waters, including the
23 construction and restoration of oyster beds and related
24 shellfish habitat.

1 (b) COST SHARING.—The non-Federal share of the
2 cost of activities carried out under this section shall be
3 25 percent and may be provided through in-kind services
4 and materials.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated \$25,000,000 to carry out
7 this section.

8 **SEC. 3087. MAMARONECK AND SHELDRAKE RIVERS WATER-**
9 **SHED MANAGEMENT, NEW YORK.**

10 (a) WATERSHED MANAGEMENT PLAN DEVELOP-
11 MENT.—

12 (1) IN GENERAL.—The Secretary, in consulta-
13 tion with the State of New York and local entities,
14 shall develop watershed management plans for the
15 Mamaroneck and Sheldrake River watershed for the
16 purposes of evaluating existing and new flood dam-
17 age reduction and ecosystem restoration.

18 (2) EXISTING PLANS.—In developing the water-
19 shed management plans, the Secretary shall use ex-
20 isting studies and plans, as appropriate.

21 (b) CRITICAL RESTORATION PROJECTS.—

22 (1) IN GENERAL.—The Secretary may partici-
23 pate in any eligible critical restoration project in the
24 Mamaroneck and Sheldrake Rivers watershed in ac-

1 cordance with the watershed management plan de-
2 veloped under subsection (a).

3 (2) ELIGIBLE PROJECTS.—A critical restoration
4 project shall be eligible for assistance under this sec-
5 tion if the project—

6 (A) meets the purposes described in the
7 watershed management plan developed under
8 subsection (a); and

9 (B) with respect to the Mamaroneck and
10 Sheldrake Rivers watershed in New York, con-
11 sists of flood damage reduction or ecosystem
12 restoration—

13 (i) bank stabilization of the mainstem,
14 tributaries, and streams;

15 (ii) wetland restoration;

16 (iii) soil and water conservation;

17 (iv) restoration of natural flows;

18 (v) restoration of stream stability;

19 (vi) structural and nonstructural flood
20 damage reduction measures; or

21 (vii) any other project or activity the
22 Secretary determines to be appropriate.

23 (c) COST SHARING.—The Federal share of the cost
24 of implementing any project carried out under this section
25 shall be 65 percent.

1 (d) NON-FEDERAL INTEREST.—A nonprofit organi-
2 zation may serve as the non-Federal interest for a project
3 carried out under this section.

4 (e) COOPERATIVE AGREEMENTS.—In carrying out
5 this section, the Secretary may enter into 1 or more coop-
6 erative agreements to provide financial assistance to ap-
7 propriate Federal, State, or local governments or non-
8 profit agencies, including assistance for the implementa-
9 tion of projects to be carried out under subsection (b).

10 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to carry out this section
12 \$30,000,000, to remain available until expended.

13 **SEC. 3088. ORCHARD BEACH, BRONX, NEW YORK.**

14 Section 554 of the Water Resources Development Act
15 of 1996 (110 Stat. 3781) is amended by striking
16 “\$5,200,000” and inserting “\$18,200,000”.

17 **SEC. 3089. NEW YORK HARBOR, NEW YORK, NEW YORK.**

18 Section 217 of the Water Resources Development Act
19 of 1996 (33 U.S.C. 2326a) is amended—

20 (1) by redesignating subsection (c) as sub-
21 section (d);

22 (2) by inserting after subsection (b) the fol-
23 lowing:

24 “(c) DREDGED MATERIAL FACILITY.—

1 “(1) IN GENERAL.—The Secretary may enter
2 into cost-sharing agreements with 1 or more non-
3 Federal public interests with respect to a project, or
4 group of projects within a geographic region, if ap-
5 propriate, for the acquisition, design, construction,
6 management, or operation of a dredged material
7 processing, treatment, contaminant reduction, or
8 disposal facility (including any facility used to dem-
9 onstrate potential beneficial uses of dredged mate-
10 rial, which may include effective sediment contami-
11 nant reduction technologies) using funds provided in
12 whole or in part by the Federal Government.

13 “(2) PERFORMANCE.—One or more of the par-
14 ties to the agreement may perform the acquisition,
15 design, construction, management, or operation of a
16 dredged material processing, treatment, contaminant
17 reduction, or disposal facility.

18 “(3) MULTIPLE FEDERAL PROJECTS.—If ap-
19 propriate, the Secretary may combine portions of
20 separate Federal projects with appropriate combined
21 cost-sharing between the various projects, if the fa-
22 cility serves to manage dredged material from mul-
23 tiple Federal projects located in the geographic re-
24 gion of the facility.

25 “(4) PUBLIC FINANCING.—

1 “(A) AGREEMENTS.—

2 “(i) SPECIFIED FEDERAL FUNDING
3 SOURCES AND COST SHARING.—The cost-
4 sharing agreement used shall clearly speci-
5 fy—

6 “(I) the Federal funding sources
7 and combined cost-sharing when ap-
8 plicable to multiple Federal navigation
9 projects; and

10 “(II) the responsibilities and
11 risks of each of the parties related to
12 present and future dredged material
13 managed by the facility.

14 “(ii) MANAGEMENT OF SEDIMENTS.—

15 “(I) IN GENERAL.—The cost-
16 sharing agreement may include the
17 management of sediments from the
18 maintenance dredging of Federal
19 navigation projects that do not have
20 partnerships agreements.

21 “(II) PAYMENTS.—The cost-
22 sharing agreement may allow the non-
23 Federal interest to receive reimburs-
24 able payments from the Federal Gov-
25 ernment for commitments made by

1 the non-Federal interest for disposal
2 or placement capacity at dredged ma-
3 terial treatment, processing, contami-
4 nant reduction, or disposal facilities.

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

12 “(B) CREDIT.—

13 “(i) EFFECT ON EXISTING AGREE-
14 MENTS.—Nothing in this subsection super-
15 sedes or modifies an agreement in effect on
16 the date of enactment of this paragraph
17 between the Federal Government and any
18 other non-Federal interest for the cost-
19 sharing, construction, and operation and
20 maintenance of a Federal navigation
21 project.

22 “(ii) CREDIT FOR FUNDS.—Subject to
23 the approval of the Secretary and in ac-
24 cordance with law (including regulations
25 and policies) in effect on the date of enact-

1 ment of this paragraph, a non-Federal
2 public interest of a Federal navigation
3 project may seek credit for funds provided
4 for the acquisition, design, construction,
5 management, or operation of a dredged
6 material processing, treatment, or disposal
7 facility to the extent the facility is used to
8 manage dredged material from the Federal
9 navigation project.

10 “(iii) NON-FEDERAL INTEREST RE-
11 SPONSIBILITIES.—The non-Federal inter-
12 est shall—

13 “(I) be responsible for providing
14 all necessary land, easement rights-of-
15 way, or relocations associated with the
16 facility; and

17 “(II) receive credit for those
18 items.”; and

19 (3) in paragraphs (1) and (2)(A) of subsection
20 (d) (as redesignated by paragraph (1))—

21 (A) by inserting “and maintenance” after
22 “operation” each place it appears; and

23 (B) by inserting “processing, treatment,
24 or” after “dredged material” the first place it
25 appears in each of those paragraphs.

1 **SEC. 3090. NEW YORK STATE CANAL SYSTEM.**

2 Section 553 of the Water Resources Development Act
3 of 1996 (110 Stat. 3781) is amended by striking sub-
4 section (c) and inserting the following:

5 “(c) DEFINITION OF NEW YORK STATE CANAL SYS-
6 TEM.—In this section, the term ‘New York State Canal
7 System’ means the 524 miles of navigable canal that com-
8 prise the New York State Canal System, including the
9 Erie, Cayuga-Seneca, Oswego, and Champlain Canals and
10 the historic alignments of these canals, including the cities
11 of Albany, Rochester, and Buffalo.”.

12 **SEC. 3091. SUSQUEHANNA RIVER AND UPPER DELAWARE**
13 **RIVER WATERSHED MANAGEMENT, NEW**
14 **YORK.**

15 (a) WATERSHED MANAGEMENT PLAN DEVELOP-
16 MENT.—

17 (1) IN GENERAL.—The Secretary, in consulta-
18 tion with the State of New York, the Delaware or
19 Susquehanna River Basin Commission, as appro-
20 priate, and local entities, shall develop watershed
21 management plans for the Susquehanna River wa-
22 tershed in New York State and the Upper Delaware
23 River watershed for the purposes of evaluating exist-
24 ing and new flood damage reduction and ecosystem
25 restoration.

1 (vi) structural and nonstructural flood
2 damage reduction measures; or

3 (vii) any other project or activity the
4 Secretary determines to be appropriate.

5 (c) COST SHARING.—The Federal share of the cost
6 of implementing any project carried out under this section
7 shall be 65 percent.

8 (d) NON-FEDERAL INTEREST.—A nonprofit organi-
9 zation may serve as the non-Federal interest for a project
10 carried out under this section.

11 (e) COOPERATIVE AGREEMENTS.—In carrying out
12 this section, the Secretary may enter into 1 or more coop-
13 erative agreements to provide financial assistance to ap-
14 propriate Federal, State, or local governments or non-
15 profit agencies, including assistance for the implementa-
16 tion of projects to be carried out under subsection (b).

17 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$30,000,000, to remain available until expended.

20 **SEC. 3092. MISSOURI RIVER RESTORATION, NORTH DA-**
21 **KOTA.**

22 Section 707(a) of the Water Resources Act of 2000
23 (114 Stat. 2699) is amended in the first sentence by strik-
24 ing “\$5,000,000” and all that follows through “2005” and
25 inserting “\$25,000,000”.

1 **SEC. 3093. OHIO.**

2 Section 594 of the Water Resources Development Act
3 of 1999 (113 Stat. 381) is amended by adding at the end
4 the following:

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

10 **SEC. 3094. LOWER GIRARD LAKE DAM, GIRARD, OHIO.**

11 Section 507(1) of the Water Resources Development
12 Act of 1996 (110 Stat. 3758) is amended—

13 (1) by striking “\$2,500,000” and inserting
14 “\$16,000,000”; and

15 (2) by striking “Repair and rehabilitation” and
16 inserting “Correct structural deficiencies”.

17 **SEC. 3095. TOUSSAINT RIVER NAVIGATION PROJECT, CAR-**
18 **ROLL TOWNSHIP, OHIO.**

19 Increased operation and maintenance activities for
20 the Toussaint River Federal Navigation Project, Carroll
21 Township, Ohio, that are carried out in accordance with
22 section 107 of the River and Harbor Act of 1960 (33
23 U.S.C. 577) and relate directly to the presence of
24 unexploded ordnance, shall be carried out at full Federal
25 expense.

1 **SEC. 3096. ARCADIA LAKE, OKLAHOMA.**

2 Payments made by the city of Edmond, Oklahoma,
3 to the Secretary in October 1999 of all costs associated
4 with present and future water storage costs at Arcadia
5 Lake, Oklahoma, under Arcadia Lake Water Storage Con-
6 tract Number DACW56-79-C-0072 shall satisfy the obli-
7 gations of the city under that contract.

8 **SEC. 3097. LAKE EUFAULA, OKLAHOMA.**

9 (a) PROJECT GOAL.—

10 (1) IN GENERAL.—The goal for operation of
11 Lake Eufaula shall be to maximize the use of avail-
12 able storage in a balanced approach that incor-
13 porates advice from representatives from all the
14 project purposes to ensure that the full value of the
15 reservoir is realized by the United States.

16 (2) RECOGNITION OF PURPOSE.—To achieve
17 the goal described in paragraph (1), recreation is
18 recognized as a project purpose at Lake Eufaula,
19 pursuant to the Act of December 22, 1944 (com-
20 monly known as the “Flood Control Act of 1944”)
21 (58 Stat. 887, chapter 665).

22 (b) LAKE EUFAULA ADVISORY COMMITTEE.—

23 (1) IN GENERAL.—In accordance with the Fed-
24 eral Advisory Committee Act (5 U.S.C. App.), the
25 Secretary shall establish an advisory committee for
26 the Lake Eufaula, Canadian River, Oklahoma

1 project authorized by the Act of July 24, 1946 (com-
2 monly known as the “River and Harbor Act of
3 1946”) (Public Law 79–525; 60 Stat. 634).

4 (2) PURPOSE.—The purpose of the committee
5 shall be advisory only.

6 (3) DUTIES.—The committee shall provide in-
7 formation and recommendations to the Corps of En-
8 gineers regarding the operations of Lake Eufaula for
9 the project purposes for Lake Eufaula.

10 (4) COMPOSITION.—The Committee shall be
11 composed of members that equally represent the
12 project purposes for Lake Eufaula.

13 (c) REALLOCATION STUDY.—

14 (1) IN GENERAL.—Subject to the appropriation
15 of funds, the Secretary, acting through the Chief of
16 Engineers, shall perform a reallocation study, at full
17 Federal expense, to develop and present rec-
18 ommendations concerning the best value, while mini-
19 mizing ecological damages, for current and future
20 use of the Lake Eufaula storage capacity for the au-
21 thorized project purposes of flood control, water sup-
22 ply, hydroelectric power, navigation, fish and wild-
23 life, and recreation.

24 (2) FACTORS FOR CONSIDERATION.—The re-
25 allocation study shall take into consideration the rec-

1 ommendations of the Lake Eufaula Advisory Com-
2 mittee.

3 (d) **POOL MANAGEMENT PLAN.**—

4 (1) **IN GENERAL.**—Not later than 360 days
5 after the date of enactment of this Act, to the extent
6 feasible within available project funds and subject to
7 the completion and approval of the reallocation
8 study under subsection (c), the Tulsa District Engi-
9 neer, taking into consideration recommendations of
10 the Lake Eufaula Advisory Committee, shall develop
11 an interim management plan that accommodates all
12 project purposes for Lake Eufaula.

13 (2) **MODIFICATIONS.**—A modification of the
14 plan under paragraph (1) shall not cause significant
15 adverse impacts on any existing permit, lease, li-
16 cense, contract, public law, or project purpose, in-
17 cluding flood control operation, relating to Lake
18 Eufaula.

19 **SEC. 3098. RELEASE OF REVERSIONARY INTEREST, OKLA-**
20 **HOMA.**

21 (a) **RELEASE.**—Any reversionary interest relating to
22 public parks and recreation on the land conveyed by the
23 Secretary to the State of Oklahoma at Lake Texoma pur-
24 suant to the Act entitled “An Act to authorize the sale
25 of certain lands to the State of Oklahoma” (67 Stat. 63,

1 chapter 118), shall terminate on the date of enactment
2 of this Act.

3 (b) INSTRUMENT OF RELEASE.—As soon as prac-
4 ticable after the date of enactment of this Act, the Sec-
5 retary shall execute and file in the appropriate office a
6 deed of release, an amended deed, or another appropriate
7 instrument to release each reversionary interest described
8 in subsection (a).

9 (c) PRESERVATION OF RESERVED RIGHTS.—A re-
10 lease of a reversionary interest under this section shall not
11 affect any other right of the United States in any deed
12 of conveyance pursuant to the Act entitled “An Act to au-
13 thorize the sale of certain lands to the State of Oklahoma”
14 (67 Stat. 63, chapter 118).

15 **SEC. 3099. OKLAHOMA LAKES DEMONSTRATION PROGRAM,**
16 **OKLAHOMA.**

17 (a) IMPLEMENTATION OF PROGRAM.—Not later than
18 1 year after the date of enactment of this Act, the Sec-
19 retary shall implement an innovative program at the lakes
20 located primarily in the State of Oklahoma that are a part
21 of an authorized civil works project under the administra-
22 tive jurisdiction of the Corps of Engineers for the purpose
23 of demonstrating the benefits of enhanced recreation fa-
24 cilities and activities at those lakes.

1 (b) REQUIREMENTS.—In implementing the program
2 under subsection (a), the Secretary shall, consistent with
3 authorized project purposes—

4 (1) pursue strategies that will enhance, to the
5 maximum extent practicable, recreation experiences
6 at the lakes included in the program;

7 (2) use creative management strategies that op-
8 timize recreational activities; and

9 (3) ensure continued public access to recreation
10 areas located on or associated with the civil works
11 project.

12 (c) GUIDELINES.—Not later than 180 days after the
13 date of enactment of this Act, the Secretary shall issue
14 guidelines for the implementation of this section, to be de-
15 veloped in coordination with the State of Oklahoma.

16 (d) REPORT.—

17 (1) IN GENERAL.—Not later than 2 years after
18 the date of enactment of this Act, the Secretary
19 shall submit to the Committee on Environment and
20 Public Works of the Senate and the Committee on
21 Transportation and Infrastructure of the House of
22 Representatives a report describing the results of the
23 program under subsection (a).

1 (2) INCLUSIONS.—The report under paragraph
2 (1) shall include a description of the projects under-
3 taken under the program, including—

4 (A) an estimate of the change in any re-
5 lated recreational opportunities;

6 (B) a description of any leases entered
7 into, including the parties involved; and

8 (C) the financial conditions that the Corps
9 of Engineers used to justify those leases.

10 (3) AVAILABILITY TO PUBLIC.—The Secretary
11 shall make the report available to the public in elec-
12 tronic and written formats.

13 (e) TERMINATION.—The authority provided by this
14 section shall terminate on the date that is 10 years after
15 the date of enactment of this Act.

16 **SEC. 3100. OTTAWA COUNTY, OKLAHOMA.**

17 (a) IN GENERAL.—There is authorized to be appro-
18 priated \$30,000,000 for the purposes set forth in sub-
19 section (b).

20 (b) PURPOSES.—Notwithstanding any other provi-
21 sion of law, funds appropriated under subsection (a) may
22 be used for the purpose of—

23 (1) the buy-out of properties and permanently
24 relocating residents and businesses in or near
25 Picher, Cardin, and Hockerville, Oklahoma, from

1 areas determined by the State of Oklahoma to be at
2 risk of damage caused by land subsidence and re-
3 maining properties; and

4 (2) providing funding to the State of Oklahoma
5 to buyout properties and permanently relocate resi-
6 dents and businesses of Picher, Cardin, and
7 Hockerville, Oklahoma, from areas determined by
8 the State of Oklahoma to be at risk of damage
9 caused by land subsidence and remaining properties.

10 (c) LIMITATION.—The use of funds in accordance
11 with subsection (b) shall not be considered to be part of
12 a Federally assisted program or project for purposes of
13 Public Law 91–646 (42 U.S.C. 4601 et seq.), consistent
14 with section 2301 of Public Law 109–234 (120 Stat. 455–
15 456).

16 (d) CONSISTENCY WITH STATE PROGRAM.—Any ac-
17 tions taken under subsection (b) shall be consistent with
18 the relocation program in the State of Oklahoma under
19 27A O.S. Supp. 2006, sections 2201 et seq.

20 (e) AMENDMENT.—Section 111 of Public Law 108–
21 137 (117 Stat. 1835) is amended—

22 (1) by adding the following language at the end
23 of subsection (a): “Such activities also may include
24 the provision of financial assistance to facilitate the
25 buy out of properties located in areas identified by

1 the State as areas that are or will be at risk of dam-
2 age caused by land subsidence and associated prop-
3 erties otherwise identified by the State; however, any
4 buyout of such properties shall not be considered to
5 be part of a Federally assisted program or project
6 for purposes of Public Law 91–646 (42 U.S.C. 4601
7 et seq.), consistent with section 2301 of Public Law
8 109–234 (120 Stat. 455–456).”; and

9 (2) by striking the first sentence of subsection
10 (d) and inserting the following: “Non-Federal inter-
11 ests shall be responsible for operating and maintain-
12 ing any restoration alternatives constructed or car-
13 ried out pursuant to this section.”.

14 **SEC. 3101. RED RIVER CHLORIDE CONTROL, OKLAHOMA**
15 **AND TEXAS.**

16 Section 203 of the Flood Control Act of 1966 (80
17 Stat. 1420; 100 Stat. 4229) is further modified to direct
18 the Secretary to provide operation and maintenance for
19 the Red River Chloride Control project, Oklahoma and
20 Texas, at full Federal expense.

21 **SEC. 3102. WAURIKA LAKE, OKLAHOMA.**

22 The remaining obligation of the Waurika Project
23 Master Conservancy District payable to the United States
24 Government in the amounts, rates of interest, and pay-
25 ment schedules—

1 (1) is set at the amounts, rates of interest, and
2 payment schedules that existed on June 3, 1986;
3 and

4 (2) may not be adjusted, altered, or changed
5 without a specific, separate, and written agreement
6 between the District and the United States.

7 **SEC. 3103. LOOKOUT POINT PROJECT, LOWELL, OREGON.**

8 (a) IN GENERAL.—Subject to subsection (c), the Sec-
9 retary shall convey at fair market value to the Lowell
10 School District No. 71, all right, title, and interest of the
11 United States in and to a parcel consisting of approxi-
12 mately 0.98 acres of land, including 3 abandoned buildings
13 on the land, located in Lowell, Oregon, as described in
14 subsection (b).

15 (b) DESCRIPTION OF PROPERTY.—The parcel of land
16 to be conveyed under subsection (a) is more particularly
17 described as follows: Commencing at the point of intersec-
18 tion of the west line of Pioneer Street with the westerly
19 extension of the north line of Summit Street, in Meadows
20 Addition to Lowell, as platted and recorded on page 56
21 of volume 4, Lane County Oregon Plat Records; thence
22 north on the west line of Pioneer Street a distance of
23 176.0 feet to the true point of beginning of this descrip-
24 tion; thence north on the west line of Pioneer Street a
25 distance of 170.0 feet; thence west at right angles to the

1 west line of Pioneer Street a distance of 250.0 feet; thence
2 south and parallel to the west line of Pioneer Street a dis-
3 tance of 170.0 feet; and thence east 250.0 feet to the true
4 point of beginning of this description in sec. 14, T. 19
5 S., R. 1 W. of the Willamette Meridian, Lane County, Or-
6 egon.

7 (c) CONDITION.—The Secretary shall not complete
8 the conveyance under subsection (a) until such time as the
9 Forest Service—

10 (1) completes and certifies that necessary envi-
11 ronmental remediation associated with the structures
12 located on the property is complete; and

13 (2) transfers the structures to the Corps of En-
14 gineers.

15 (d) EFFECT OF OTHER LAW.—

16 (1) APPLICABILITY OF PROPERTY SCREENING
17 PROVISIONS.—Section 2696 of title 10, United
18 States Code, shall not apply to any conveyance
19 under this section.

20 (2) LIABILITY.—

21 (A) IN GENERAL.—Lowell School District
22 No, 71 shall hold the United States harmless
23 from any liability with respect to activities car-
24 ried out on the property described in subsection

1 (b) on or after the date of the conveyance under
2 subsection (a).

3 (B) CERTAIN ACTIVITIES.—The United
4 States shall be liable with respect to any activ-
5 ity carried out on the property described in sub-
6 section (b) before the date of conveyance under
7 subsection (a).

8 **SEC. 3104. UPPER WILLAMETTE RIVER WATERSHED ECO-**
9 **SYSTEM RESTORATION.**

10 (a) IN GENERAL.—The Secretary shall conduct stud-
11 ies and ecosystem restoration projects for the upper Wil-
12 lamette River watershed from Albany, Oregon, to the
13 headwaters of the Willamette River and tributaries.

14 (b) CONSULTATION.—The Secretary shall carry out
15 ecosystem restoration projects under this section for the
16 Upper Willamette River watershed in consultation with
17 the Governor of the State of Oregon, the heads of appro-
18 priate Indian tribes, the Environmental Protection Agen-
19 cy, the United States Fish and Wildlife Service, the Na-
20 tional Marine Fisheries Service, the Bureau of Land Man-
21 agement, the Forest Service, and local entities.

22 (c) AUTHORIZED ACTIVITIES.—In carrying out eco-
23 system restoration projects under this section, the Sec-
24 retary shall undertake activities necessary to protect, mon-
25 itor, and restore fish and wildlife habitat.

1 (d) COST SHARING REQUIREMENTS.—

2 (1) STUDIES.—Studies conducted under this
3 section shall be subject to cost sharing in accordance
4 with section 206 of the Water Resources Develop-
5 ment Act of 1996 (33 U.S.C. 2330).

6 (2) ECOSYSTEM RESTORATION PROJECTS.—

7 (A) IN GENERAL.—Non-Federal interests
8 shall pay 35 percent of the cost of any eco-
9 system restoration project carried out under
10 this section.

11 (B) ITEMS PROVIDED BY NON-FEDERAL
12 INTERESTS.—

13 (i) IN GENERAL.—Non-Federal inter-
14 ests shall provide all land, easements,
15 rights-of-way, dredged material disposal
16 areas, and relocations necessary for eco-
17 system restoration projects to be carried
18 out under this section.

19 (ii) CREDIT TOWARD PAYMENT.—The
20 value of the land, easements, rights-of-way,
21 dredged material disposal areas, and relo-
22 cations provided under paragraph (1) shall
23 be credited toward the payment required
24 under subsection (a).

1 (C) IN-KIND CONTRIBUTIONS.—100 per-
2 cent of the non-Federal share required under
3 subsection (a) may be satisfied by the provision
4 of in-kind contributions.

5 (3) OPERATIONS AND MAINTENANCE.—Non-
6 Federal interests shall be responsible for all costs as-
7 sociated with operating, maintaining, replacing, re-
8 pairing, and rehabilitating all projects carried out
9 under this section.

10 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to carry out this section
12 \$15,000,000.

13 **SEC. 3105. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**
14 **VANIA AND NEW YORK.**

15 Section 567 of the Water Resources Development Act
16 of 1996 (110 Stat. 3787) is amended—

17 (1) by striking subsection (c) and inserting the
18 following:

19 “(c) COOPERATION AGREEMENTS.—

20 “(1) IN GENERAL.—In conducting the study
21 and implementing the strategy under this section,
22 the Secretary shall enter into cost-sharing and
23 project cooperation agreements with the Federal
24 Government, State and local governments (with the
25 consent of the State and local governments), land

1 trusts, or nonprofit, nongovernmental organizations
2 with expertise in wetland restoration.

3 “(2) FINANCIAL ASSISTANCE.—Under the co-
4 operation agreement, the Secretary may provide as-
5 sistance for implementation of wetland restoration
6 projects and soil and water conservation measures.”;
7 and

8 (2) by striking subsection (d) and inserting the
9 following:

10 “(d) IMPLEMENTATION OF STRATEGY.—

11 “(1) IN GENERAL.—The Secretary shall carry
12 out the development, demonstration, and implemen-
13 tation of the strategy under this section in coopera-
14 tion with local landowners, local government offi-
15 cials, and land trusts.

16 “(2) GOALS OF PROJECTS.—Projects to imple-
17 ment the strategy under this subsection shall be de-
18 signed to take advantage of ongoing or planned ac-
19 tions by other agencies, local municipalities, or non-
20 profit, nongovernmental organizations with expertise
21 in wetland restoration that would increase the effec-
22 tiveness or decrease the overall cost of implementing
23 recommended projects.”.

1 **SEC. 3106. 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 camels 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. 3107. 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. 3108. 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. 3109. 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 2011.”; 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. 3110. 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. 3111. 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. 3112. 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. 3113. 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. 3114. DENISON, TEXAS.**

20 (a) IN GENERAL.—The Secretary shall offer to con-
21 vey at fair market value to the city of Denison, Texas (or
22 a 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. 3115. CENTRAL CITY, FORT WORTH, TEXAS.**

15 For the purposes of achieving efficiencies, enhanced
16 benefits, and complementary implementation, as compared
17 with construction of the projects separately, the project
18 for flood control and other purposes authorized by section
19 116 of division C of title I of the Consolidated Appropria-
20 tions Act, 2005 (Public Law 108–447; 118 Stat. 2944),
21 is modified to include the project for ecosystem restora-
22 tion, as generally defined in the report of the report of
23 the Chief of Engineers entitled “Riverside Oxbow, Fort
24 Worth, Texas” and dated May 29, 2003, at a total cost

1 of \$247,110,000, with an estimated Federal cost of
2 \$121,210,000 and a non-Federal cost of \$125,900,000.

3 **SEC. 3116. FREEPORT HARBOR, TEXAS.**

4 (a) IN GENERAL.—The project for navigation, Free-
5 port Harbor, Texas, authorized by section 101 of the River
6 and Harbor Act of 1970 (84 Stat. 1818), is modified to
7 provide that—

8 (1) all project costs incurred as a result of the
9 discovery of the sunken vessel COMSTOCK of the
10 Corps of Engineers are a Federal responsibility; and

11 (2) the Secretary shall not seek further obliga-
12 tion or responsibility for removal of the vessel COM-
13 STOCK, or costs associated with a delay due to the
14 discovery of the sunken vessel COMSTOCK, from
15 the Port of Freeport.

16 (b) COST SHARING.—This section does not affect the
17 authorized cost sharing for the balance of the project de-
18 scribed in subsection (a).

19 **SEC. 3117. HARRIS COUNTY, TEXAS.**

20 Section 575(b) of the Water Resources Development
21 Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amend-
22 ed—

23 (1) in paragraph (3), by striking “and” at the
24 end;

1 “(4) may carry out measures to restore, pro-
2 tect, and preserve an ecosystem affected by a dam
3 described in subsection (b).”; and

4 (2) in subsection (b), by adding at the end the
5 following:

6 “(11) Camp Wapanacki, Hardwick.

7 “(12) Star Lake Dam, Mt. Holly.

8 “(13) Curtis Pond, Calais.

9 “(14) Weathersfield Reservoir, Springfield.

10 “(15) Burr Pond, Sudbury.

11 “(16) Maidstone Lake, Guildhall.

12 “(17) Upper and Lower Hurricane Dam.

13 “(18) Lake Fairlee.

14 “(19) West Charleston Dam.”.

15 **SEC. 3120. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER**
16 **CHESTNUT, AND OTHER NONNATIVE PLANT**
17 **CONTROL, VERMONT.**

18 Under authority of section 104 of the River and Har-
19 bor Act of 1958 (33 U.S.C. 610), the Secretary shall re-
20 vise the existing General Design Memorandum to permit
21 the use of chemical means of control, when appropriate,
22 of Eurasian milfoil, water chestnuts, and other nonnative
23 plants in the Lake Champlain basin, Vermont.

1 **SEC. 3121. UPPER CONNECTICUT RIVER BASIN WETLAND**
2 **RESTORATION, VERMONT AND NEW HAMP-**
3 **SHIRE.**

4 (a) IN GENERAL.—The Secretary, in cooperation
5 with the States of Vermont and New Hampshire, shall
6 carry out a study and develop a strategy for the use of
7 wetland restoration, soil and water conservation practices,
8 and nonstructural measures to reduce flood damage, im-
9 prove water quality, and create wildlife habitat in the
10 Upper Connecticut River watershed.

11 (b) COST SHARING.—

12 (1) FEDERAL SHARE.—The Federal share of
13 the cost of the study and development of the strat-
14 egy under subsection (a) shall be 65 percent.

15 (2) NON-FEDERAL SHARE.—The non-Federal
16 share of the cost of the study and development of
17 the strategy may be provided through the contribu-
18 tion of in-kind services and materials.

19 (c) NON-FEDERAL INTEREST.—A nonprofit organi-
20 zation with wetland restoration experience may serve as
21 the non-Federal interest for the study and development
22 of the strategy under this section.

23 (d) COOPERATIVE AGREEMENTS.—In conducting the
24 study and developing the strategy under this section, the
25 Secretary may enter into 1 or more cooperative agree-
26 ments to provide technical assistance to appropriate Fed-

1 eral, State, and local agencies and nonprofit organizations
2 with wetland restoration experience, including assistance
3 for the implementation of wetland restoration projects and
4 soil and water conservation measures.

5 (e) IMPLEMENTATION.—The Secretary shall carry
6 out development and implementation of the strategy under
7 this section in cooperation with local landowners and local
8 government officials.

9 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$5,000,000, to remain available until expended.

12 **SEC. 3122. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM**
13 **RESTORATION, VERMONT AND NEW HAMP-**
14 **SHIRE.**

15 (a) GENERAL MANAGEMENT PLAN DEVELOP-
16 MENT.—

17 (1) IN GENERAL.—The Secretary, in coopera-
18 tion with the Secretary of Agriculture and in con-
19 sultation with the States of Vermont and New
20 Hampshire and the Connecticut River Joint Com-
21 mission, shall conduct a study and develop a general
22 management plan for ecosystem restoration of the
23 Upper Connecticut River ecosystem for the purposes
24 of—

25 (A) habitat protection and restoration;

- 1 (B) streambank stabilization;
- 2 (C) restoration of stream stability;
- 3 (D) water quality improvement;
- 4 (E) invasive species control;
- 5 (F) wetland restoration;
- 6 (G) fish passage; and
- 7 (H) natural flow restoration.

8 (2) EXISTING PLANS.—In developing the gen-
9 eral management plan, the Secretary shall depend
10 heavily on existing plans for the restoration of the
11 Upper Connecticut River.

12 (b) CRITICAL RESTORATION PROJECTS.—

13 (1) IN GENERAL.—The Secretary may partici-
14 pate in any critical restoration project in the Upper
15 Connecticut River Basin in accordance with the gen-
16 eral management plan developed under subsection
17 (a).

18 (2) ELIGIBLE PROJECTS.—A critical restoration
19 project shall be eligible for assistance under this sec-
20 tion if the project—

- 21 (A) meets the purposes described in the
22 general management plan developed under sub-
23 section (a); and

1 (B) with respect to the Upper Connecticut
2 River and Upper Connecticut River watershed,
3 consists of—

4 (i) bank stabilization of the main
5 stem, tributaries, and streams;

6 (ii) wetland restoration and migratory
7 bird habitat restoration;

8 (iii) soil and water conservation;

9 (iv) restoration of natural flows;

10 (v) restoration of stream stability;

11 (vi) implementation of an intergovern-
12 mental agreement for coordinating eco-
13 system restoration, fish passage installa-
14 tion, streambank stabilization, wetland res-
15 toration, habitat protection and restora-
16 tion, or natural flow restoration;

17 (vii) water quality improvement;

18 (viii) invasive species control;

19 (ix) wetland restoration and migratory
20 bird habitat restoration;

21 (x) improvements in fish migration;

22 and

23 (xi) conduct of any other project or
24 activity determined to be appropriate by
25 the Secretary.

1 (c) COST SHARING.—The Federal share of the cost
2 of any project carried out under this section shall not be
3 less than 65 percent.

4 (d) NON-FEDERAL INTEREST.—A nonprofit organi-
5 zation may serve as the non-Federal interest for a project
6 carried out under this section.

7 (e) CREDITING.—

8 (1) FOR WORK.—The Secretary shall provide
9 credit, including credit for in-kind contributions of
10 up to 100 percent of the non-Federal share, for
11 work (including design work and materials) if the
12 Secretary determines that the work performed by
13 the non-Federal interest is integral to the product.

14 (2) FOR OTHER CONTRIBUTIONS.—The non-
15 Federal interest shall receive credit for land, ease-
16 ments, rights-of-way, dredged material disposal
17 areas, and relocations necessary to implement the
18 projects.

19 (f) COOPERATIVE AGREEMENTS.—In carrying out
20 this section, the Secretary may enter into 1 or more coop-
21 erative agreements to provide financial assistance to ap-
22 propriate Federal, State, or local governments or non-
23 profit agencies, including assistance for the implementa-
24 tion of projects to be carried out under subsection (b).

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$20,000,000, to remain available until expended.

4 **SEC. 3123. LAKE CHAMPLAIN WATERSHED, VERMONT AND**
5 **NEW YORK.**

6 Section 542 of the Water Resources Development Act
7 of 2000 (114 Stat. 2671) is amended—

8 (1) in subsection (b)(2)—

9 (A) in subparagraph (D), by striking “or”
10 at the end;

11 (B) by redesignating subparagraph (E) as
12 subparagraph (G); and

13 (C) by inserting after subparagraph (D)
14 the following:

15 “(E) river corridor assessment, protection,
16 management, and restoration for the purposes
17 of ecosystem restoration;

18 “(F) geographic mapping conducted by the
19 Secretary using existing technical capacity to
20 produce a high-resolution, multispectral satellite
21 imagery-based land use and cover data set; or”;

22 (2) in subsection (e)(2)—

23 (A) in subparagraph (A)—

24 (i) by striking “The non-Federal” and
25 inserting the following:

1 “(i) IN GENERAL.—The non-Federal”;

2 and

3 (ii) by adding at the end the fol-
4 lowing:

5 “(ii) APPROVAL OF DISTRICT ENGI-
6 NEER.—Approval of credit for design work
7 of less than \$100,000 shall be determined
8 by the appropriate district engineer.”; and

9 (B) in subparagraph (C), by striking “up
10 to 50 percent of”; and

11 (3) in subsection (g), by striking
12 “\$20,000,000” and inserting “\$32,000,000”.

13 **SEC. 3124. CHESAPEAKE BAY OYSTER RESTORATION, VIR-**
14 **GINIA AND MARYLAND.**

15 Section 704(b) of the Water Resources Development
16 Act of 1986 (33 U.S.C. 2263(b)) is amended—

17 (1) by redesignating paragraph (2) as para-
18 graph (4);

19 (2) in paragraph (1)—

20 (A) in the second sentence, by striking
21 “\$30,000,000” and inserting “\$50,000,000”;

22 and

23 (B) in the third sentence, by striking
24 “Such projects” and inserting the following:

25 “(2) INCLUSIONS.—Such projects”;

1 (3) by striking paragraph (2)(D) (as redesignig-
2 nated by paragraph (2)(B)) and inserting the fol-
3 lowing:

4 “(D) the restoration and rehabilitation of
5 habitat for fish, including native oysters, in the
6 Chesapeake Bay and its tributaries in Virginia
7 and Maryland, including—

8 “(i) the construction of oyster bars
9 and reefs;

10 “(ii) the rehabilitation of existing
11 marginal habitat;

12 “(iii) the use of appropriate alter-
13 native substrate material in oyster bar and
14 reef construction;

15 “(iv) the construction and upgrading
16 of oyster hatcheries; and

17 “(v) activities relating to increasing
18 the output of native oyster broodstock for
19 seeding and monitoring of restored sites to
20 ensure ecological success.

21 “(3) RESTORATION AND REHABILITATION AC-
22 TIVITIES.—The restoration and rehabilitation activi-
23 ties described in paragraph (2)(D) shall be—

1 “(A) for the purpose of establishing per-
2 manent sanctuaries and harvest management
3 areas; and

4 “(B) consistent with plans and strategies
5 for guiding the restoration of the Chesapeake
6 Bay oyster resource and fishery.”; and

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

8 “(5) DEFINITION OF ECOLOGICAL SUCCESS.—

9 In this subsection, the term ‘ecological success’
10 means—

11 “(A) achieving a tenfold increase in native
12 oyster biomass by the year 2010, from a 1994
13 baseline; and

14 “(B) the establishment of a sustainable
15 fishery as determined by a broad scientific and
16 economic consensus.”.

17 **SEC. 3125. JAMES RIVER, VIRGINIA.**

18 The Secretary shall accept funds from the National
19 Park Service to provide technical and project management
20 assistance for the James River, Virginia, with a particular
21 emphasis on locations along the shoreline adversely im-
22 pacted by Hurricane Isabel.

23 **SEC. 3126. TANGIER ISLAND SEAWALL, VIRGINIA.**

24 Section 577(a) of the Water Resources Development
25 Act of 1996 (110 Stat. 3789) is amended by striking “at

1 a total cost of \$1,200,000, with an estimated Federal cost
2 of \$900,000 and an estimated non-Federal cost of
3 \$300,000.” and inserting “at a total cost of \$3,000,000,
4 with an estimated Federal cost of \$2,400,000 and an esti-
5 mated non-Federal cost of \$600,000.”.

6 **SEC. 3127. EROSION CONTROL, PUGET ISLAND,**
7 **WAHKIAKUM COUNTY, WASHINGTON.**

8 (a) IN GENERAL.—The Lower Columbia River levees
9 and bank protection works authorized by section 204 of
10 the Flood Control Act of 1950 (64 Stat. 178) is modified
11 with regard to the Wahkiakum County diking districts No.
12 1 and 3, but without regard to any cost ceiling authorized
13 before the date of enactment of this Act, to direct the Sec-
14 retary to provide a 1-time placement of dredged material
15 along portions of the Columbia River shoreline of Puget
16 Island, Washington, between river miles 38 to 47, and the
17 shoreline of Westport Beach, Clatsop County, Oregon, be-
18 tween river miles 43 to 45, to protect economic and envi-
19 ronmental resources in the area from further erosion.

20 (b) COORDINATION AND COST SHARING REQUIRE-
21 MENTS.—The Secretary shall carry out subsection (a)—

22 (1) in coordination with appropriate resource
23 agencies;

24 (2) in accordance with all applicable Federal
25 law (including regulations); and

1 (3) at full Federal expense.

2 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
3 authorized to be appropriated to carry out this section
4 \$1,000,000.

5 **SEC. 3128. LOWER GRANITE POOL, WASHINGTON.**

6 (a) EXTINGUISHMENT OF REVERSIONARY INTER-
7 ESTS AND USE RESTRICTIONS.—With respect to property
8 covered by each deed described in subsection (b)—

9 (1) the reversionary interests and use restric-
10 tions relating to port or industrial purposes are ex-
11 tinguished;

12 (2) the human habitation or other building
13 structure use restriction is extinguished in each area
14 in which the elevation is above the standard project
15 flood elevation; and

16 (3) the use of fill material to raise low areas
17 above the standard project flood elevation is author-
18 ized, except in any low area constituting wetland for
19 which a permit under section 404 of the Federal
20 Water Pollution Control Act (33 U.S.C. 1344) would
21 be required for the use of fill material.

22 (b) DEEDS.—The deeds referred to in subsection (a)
23 are as follows:

1 (1) Auditor's File Numbers 432576, 443411,
2 499988, and 579771 of Whitman County, Wash-
3 ington.

4 (2) Auditor's File Numbers 125806, 138801,
5 147888, 154511, 156928, and 176360 of Asotin
6 County, Washington.

7 (c) NO EFFECT ON OTHER RIGHTS.—Nothing in this
8 section affects any remaining rights and interests of the
9 Corps of Engineers for authorized project purposes in or
10 to property covered by a deed described in subsection (b).

11 **SEC. 3129. MCNARY LOCK AND DAM, MCNARY NATIONAL**
12 **WILDLIFE REFUGE, WASHINGTON AND**
13 **IDAHO.**

14 (a) TRANSFER OF ADMINISTRATIVE JURISDIC-
15 TION.—Administrative jurisdiction over the land acquired
16 for the McNary Lock and Dam Project and managed by
17 the United States Fish and Wildlife Service under Cooper-
18 ative Agreement Number DACW68-4-00-13 with the
19 Corps of Engineers, Walla Walla District, is transferred
20 from the Secretary to the Secretary of the Interior.

21 (b) EASEMENTS.—The transfer of administrative ju-
22 risdiction under subsection (a) shall be subject to ease-
23 ments in existence as of the date of enactment of this Act
24 on land subject to the transfer.

25 (c) RIGHTS OF SECRETARY.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (3), the Secretary shall retain rights described
3 in paragraph (2) with respect to the land for which
4 administrative jurisdiction is transferred under sub-
5 section (a).

6 (2) RIGHTS.—The rights of the Secretary re-
7 ferred to in paragraph (1) are the rights—

8 (A) to flood land described in subsection
9 (a) to the standard project flood elevation;

10 (B) to manipulate the level of the McNary
11 Project Pool;

12 (C) to access such land described in sub-
13 section (a) as may be required to install, main-
14 tain, and inspect sediment ranges and carry out
15 similar activities;

16 (D) to construct and develop wetland, ri-
17 parian habitat, or other environmental restora-
18 tion features authorized by section 1135 of the
19 Water Resources Development Act of 1986 (33
20 U.S.C. 2309a) and section 206 of the Water
21 Resources Development Act of 1996 (33 U.S.C.
22 2330);

23 (E) to dredge and deposit fill materials;
24 and

1 (F) to carry out management actions for
2 the purpose of reducing the take of juvenile
3 salmonids by avian colonies that inhabit, before,
4 on, or after the date of enactment of this Act,
5 any island included in the land described in
6 subsection (a).

7 (3) COORDINATION.—Before exercising a right
8 described in any of subparagraphs (C) through (F)
9 of paragraph (2), the Secretary shall coordinate the
10 exercise with the United States Fish and Wildlife
11 Service.

12 (d) MANAGEMENT.—

13 (1) IN GENERAL.—The land described in sub-
14 section (a) shall be managed by the Secretary of the
15 Interior as part of the McNary National Wildlife
16 Refuge.

17 (2) CUMMINS PROPERTY.—

18 (A) RETENTION OF CREDITS.—Habitat
19 unit credits described in the memorandum enti-
20 tled “Design Memorandum No. 6, LOWER
21 SNAKE RIVER FISH AND WILDLIFE
22 COMPENSATION PLAN, Wildlife Compensa-
23 tion and Fishing Access Site Selection, Letter
24 Supplement No. 15, SITE DEVELOPMENT
25 PLAN FOR THE WALLULA HMU” provided

1 for the Lower Snake River Fish and Wildlife
2 Compensation Plan through development of the
3 parcel of land formerly known as the “Cummins
4 property” shall be retained by the Secretary de-
5 spite any changes in management of the parcel
6 on or after the date of enactment of this Act.

7 (B) SITE DEVELOPMENT PLAN.—The
8 United States Fish and Wildlife Service shall
9 obtain prior approval of the Washington State
10 Department of Fish and Wildlife for any
11 change to the previously approved site develop-
12 ment plan for the parcel of land formerly
13 known as the “Cummins property”.

14 (3) MADAME DORIAN RECREATION AREA.—The
15 United States Fish and Wildlife Service shall con-
16 tinue operation of the Madame Dorian Recreation
17 Area for public use and boater access.

18 (e) ADMINISTRATIVE COSTS.—The United States
19 Fish and Wildlife Service shall be responsible for all sur-
20 vey, environmental compliance, and other administrative
21 costs required to implement the transfer of administrative
22 jurisdiction under subsection (a).

1 **SEC. 3130. SNAKE RIVER PROJECT, WASHINGTON AND**
2 **IDAHO.**

3 The Fish and Wildlife Compensation Plan for the
4 Lower Snake River, Washington and Idaho, as authorized
5 by section 101 of the Water Resources Development Act
6 of 1976 (90 Stat. 2921), is modified to authorize the Sec-
7 retary to conduct studies and implement aquatic and ri-
8 parian ecosystem restorations and improvements specifi-
9 cally for fisheries and wildlife.

10 **SEC. 3131. WHATCOM CREEK WATERWAY, BELLINGHAM,**
11 **WASHINGTON.**

12 That portion of the project for navigation, Whatcom
13 Creek Waterway, Bellingham, Washington, authorized by
14 the Act of June 25, 1910 (36 Stat. 664, chapter 382)
15 (commonly known as the “River and Harbor Act of
16 1910”) and the River and Harbor Act of 1958 (72 Stat.
17 299), consisting of the last 2,900 linear feet of the inner
18 portion of the waterway, and beginning at station 29+00
19 to station 0+00, shall not be authorized as of the date
20 of enactment of this Act.

21 **SEC. 3132. LOWER MUD RIVER, MILTON, WEST VIRGINIA.**

22 The project for flood damage reduction at Lower
23 Mud River, Milton, West Virginia, authorized by section
24 580 of the Water Resources Development Act of 1996
25 (110 Stat. 3790; 114 Stat. 2612), is modified to authorize
26 the Secretary to carry out the project in accordance with

1 the recommended plan described in the Draft Limited Re-
2 evaluation Report of the Corps of Engineers dated May
3 2004, at a total cost of \$57,100,000, with an estimated
4 Federal cost of \$42,825,000 and an estimated non-Fed-
5 eral cost of \$14,275,000.

6 **SEC. 3133. MCDOWELL COUNTY, WEST VIRGINIA.**

7 (a) IN GENERAL.—The McDowell County non-
8 structural component of the project for flood control,
9 Levisa and Tug Fork of the Big Sandy and Cumberland
10 Rivers, West Virginia, Virginia, and Kentucky, authorized
11 by section 202(a) of the Energy and Water Development
12 Appropriation Act, 1981 (94 Stat. 1339), is modified to
13 direct the Secretary to take measures to provide protec-
14 tion, throughout McDowell County, West Virginia, from
15 the reoccurrence of the greater of—

- 16 (1) the April 1977 flood;
17 (2) the July 2001 flood;
18 (3) the May 2002 flood; or
19 (4) the 100-year frequency event.

20 (b) UPDATES AND REVISIONS.—The measures under
21 subsection (a) shall be carried out in accordance with, and
22 during the development of, the updates and revisions
23 under section 2006(e)(2).

1 **SEC. 3134. GREEN BAY HARBOR PROJECT, GREEN BAY, WIS-**
2 **CONSIN.**

3 The portion of the inner harbor of the Federal navi-
4 gation channel of the Green Bay Harbor project, author-
5 ized by the first section of the Act entitled “An Act mak-
6 ing appropriations for the construction, repair, and preser-
7 vation of certain public works on rivers and harbors, and
8 for other purposes”, approved July 5, 1884 (commonly
9 known as the “River and Harbor Act of 1884”) (23 Stat.
10 136, chapter 229), from Station 190+00 to Station
11 378+00 is authorized to a width of 75 feet and a depth
12 of 6 feet.

13 **SEC. 3135. MANITOWOC HARBOR, WISCONSIN.**

14 (a) IN GENERAL.—The portion of the project for
15 navigation, Manitowoc Harbor, Wisconsin, authorized by
16 the first section of the River and Harbor Act of August
17 30, 1852 (10 Stat. 58), consisting of the channel in the
18 south part of the outer harbor, deauthorized by section
19 101 of the River and Harbor Act of 1962 (76 Stat. 1176),
20 may be carried out by the Secretary.

21 (b) LIMITATION.—No construction on the project
22 may be initiated until the Secretary determines that the
23 project is feasible.

24 **SEC. 3136. OCONTO HARBOR, WISCONSIN.**

25 (a) IN GENERAL.—The portion of the project for
26 navigation, Oconto Harbor, Wisconsin, authorized by the

1 Act of August 2, 1882 (22 Stat. 196, chapter 375), and
2 the Act of June 25, 1910 (36 Stat. 664, chapter 382)
3 (commonly known as the “River and Harbor Act of
4 1910”), consisting of a 15-foot-deep turning basin in the
5 Oconto River, as described in subsection (b), is no longer
6 authorized.

7 (b) **PROJECT DESCRIPTION.**—The project referred to
8 in subsection (a) is more particularly described as—

9 (1) beginning at a point along the western limit
10 of the existing project, N. 394,086.71, E.
11 2,530,202.71;

12 (2) thence northeasterly about 619.93 feet to a
13 point N. 394,459.10, E. 2,530,698.33;

14 (3) thence southeasterly about 186.06 feet to a
15 point N. 394,299.20, E. 2,530,793.47;

16 (4) thence southwesterly about 355.07 feet to a
17 point N. 393,967.13, E. 2,530,667.76;

18 (5) thence southwesterly about 304.10 feet to a
19 point N. 393,826.90, E. 2,530,397.92; and

20 (6) thence northwesterly about 324.97 feet to
21 the point of origin.

22 **SEC. 3137. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

23 Section 21 of the Water Resources Development Act
24 of 1988 (102 Stat. 4027) is amended—

25 (1) in subsection (a)—

1 (A) by striking “1276.42” and inserting
2 “1278.42”;

3 (B) by striking “1218.31” and inserting
4 “1221.31”; and

5 (C) by striking “1234.82” and inserting
6 “1235.30”; and

7 (2) by striking subsection (b) and inserting the
8 following:

9 “(b) EXCEPTION.—

10 “(1) IN GENERAL.—The Secretary may operate
11 the headwaters reservoirs below the minimum or
12 above the maximum water levels established under
13 subsection (a) in accordance with water control reg-
14 ulation manuals (or revisions to those manuals) de-
15 veloped by the Secretary, after consultation with the
16 Governor of Minnesota and affected tribal govern-
17 ments, landowners, and commercial and recreational
18 users.

19 “(2) EFFECTIVE DATE OF MANUALS.—The
20 water control regulation manuals referred to in
21 paragraph (1) (and any revisions to those manuals)
22 shall be effective as of the date on which the Sec-
23 retary submits the manuals (or revisions) to Con-
24 gress.

25 “(3) NOTIFICATION.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), not less than 14 days before
3 operating any headwaters reservoir below the
4 minimum or above the maximum water level
5 limits specified in subsection (a), the Secretary
6 shall submit to Congress a notice of intent to
7 operate the headwaters reservoir.

8 “(B) EXCEPTION.—Notice under subpara-
9 graph (A) shall not be required in any case in
10 which—

11 “(i) the operation of a headwaters res-
12 ervoir is necessary to prevent the loss of
13 life or to ensure the safety of a dam; or

14 “(ii) the drawdown of the water level
15 of the reservoir is in anticipation of a flood
16 control operation.”.

17 **SEC. 3138. LOWER MISSISSIPPI RIVER MUSEUM AND RIVER-**
18 **FRONT INTERPRETIVE SITE.**

19 Section 103(c)(2) of the Water Resources Develop-
20 ment Act of 1992 (106 Stat. 4811) is amended by striking
21 “property currently held by the Resolution Trust Corpora-
22 tion in the vicinity of the Mississippi River Bridge” and
23 inserting “riverfront property”.

1 **SEC. 3139. UPPER MISSISSIPPI RIVER SYSTEM ENVIRON-**
2 **MENTAL MANAGEMENT PROGRAM.**

3 (a) **IN GENERAL.**—Notwithstanding section 221 of
4 the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for
5 any Upper Mississippi River fish and wildlife habitat reha-
6 bilitation and enhancement project carried out under sec-
7 tion 1103(e) of the Water Resources Development Act of
8 1986 (33 U.S.C. 652(e)), with the consent of the affected
9 local government, a nongovernmental organization may be
10 considered to be a non-Federal interest.

11 (b) **CONFORMING AMENDMENT.**—Section
12 1103(e)(1)(A)(ii) of the Water Resources Development
13 Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)) is amended by
14 inserting before the period at the end the following: “, in-
15 cluding research on water quality issues affecting the Mis-
16 sissippi River, including elevated nutrient levels, and the
17 development of remediation strategies”.

18 **SEC. 3140. UPPER BASIN OF MISSOURI RIVER.**

19 (a) **USE OF FUNDS.**—Notwithstanding the Energy
20 and Water Development Appropriations Act, 2006 (Public
21 Law 109–103; 119 Stat. 2247), funds made available for
22 recovery or mitigation activities in the lower basin of the
23 Missouri River may be used for recovery or mitigation ac-
24 tivities in the upper basin of the Missouri River, including
25 the States of Montana, Nebraska, North Dakota, and
26 South Dakota.

1 (b) CONFORMING AMENDMENT.—The matter under
2 the heading “**MISSOURI RIVER MITIGATION, MIS-**
3 **SOURI, KANSAS, IOWA, AND NEBRASKA**” of section
4 601(a) of the Water Resources Development Act of 1986
5 (100 Stat. 4143), as modified by section 334 of the Water
6 Resources Development Act of 1999 (113 Stat. 306), is
7 amended by adding at the end the following: “The Sec-
8 retary may carry out any recovery or mitigation activities
9 in the upper basin of the Missouri River, including the
10 States of Montana, Nebraska, North Dakota, and South
11 Dakota, using funds made available under this heading
12 in accordance with the Endangered Species Act of 1973
13 (16 U.S.C. 1531 et seq.) and consistent with the project
14 purposes of the Missouri River Mainstem System as au-
15 thorized by section 10 of the Act of December 22, 1944
16 (commonly known as the ‘Flood Control Act of 1944’) (58
17 Stat. 897).”

18 **SEC. 3141. GREAT LAKES FISHERY AND ECOSYSTEM RES-**
19 **TORATION PROGRAM.**

20 (a) GREAT LAKES FISHERY AND ECOSYSTEM RES-
21 TORATION.—Section 506(c) of the Water Resources De-
22 velopment Act of 2000 (42 U.S.C. 1962d–22(c)) is
23 amended—

24 (1) by redesignating paragraphs (2) and (3) as
25 paragraphs (3) and (4), respectively;

1 (2) by inserting after paragraph (1) the fol-
2 lowing:

3 “(2) RECONNAISSANCE STUDIES.—Before plan-
4 ning, designing, or constructing a project under
5 paragraph (3), the Secretary shall carry out a recon-
6 naissance study—

7 “(A) to identify methods of restoring the
8 fishery, ecosystem, and beneficial uses of the
9 Great Lakes; and

10 “(B) to determine whether planning of a
11 project under paragraph (3) should proceed.”;
12 and

13 (3) in paragraph (4)(A) (as redesignated by
14 paragraph (1)), by striking “paragraph (2)” and in-
15 serting “paragraph (3)”.

16 (b) COST SHARING.—Section 506(f) of the Water Re-
17 sources Development Act of 2000 (42 U.S.C. 1962d-
18 22(f)) is amended—

19 (1) by redesignating paragraphs (2) through
20 (5) as paragraphs (3) through (6), respectively;

21 (2) by inserting after paragraph (1) the fol-
22 lowing:

23 “(2) RECONNAISSANCE STUDIES.—Any recon-
24 naissance study under subsection (c)(2) shall be car-
25 ried out at full Federal expense.”;

1 (3) in paragraph (3) (as redesignated by para-
2 graph (1)), by striking “(2) or (3)” and inserting
3 “(3) or (4)”; and

4 (4) in paragraph (4)(A) (as redesignated by
5 paragraph (1)), by striking “subsection (c)(2)” and
6 inserting “subsection (c)(3)”.

7 **SEC. 3142. GREAT LAKES REMEDIAL ACTION PLANS AND**
8 **SEDIMENT REMEDIATION.**

9 Section 401(c) of the Water Resources Development
10 Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is
11 amended by striking “through 2006” and inserting
12 “through 2011”.

13 **SEC. 3143. GREAT LAKES TRIBUTARY MODELS.**

14 Section 516(g)(2) of the Water Resources Develop-
15 ment Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended
16 by striking “through 2006” and inserting “through
17 2011”.

18 **SEC. 3144. UPPER OHIO RIVER AND TRIBUTARIES NAVIGA-**
19 **TION SYSTEM NEW TECHNOLOGY PILOT PRO-**
20 **GRAM.**

21 (a) DEFINITION OF UPPER OHIO RIVER AND TRIBU-
22 TARIES NAVIGATION SYSTEM.—In this section, the term
23 “Upper Ohio River and Tributaries Navigation System”
24 means the Allegheny, Kanawha, Monongahela, and Ohio
25 Rivers.

1 (b) ESTABLISHMENT.—

2 (1) IN GENERAL.—The Secretary shall establish
3 a pilot program to evaluate new technologies applica-
4 ble to the Upper Ohio River and Tributaries Naviga-
5 tion System.

6 (2) INCLUSIONS.—The program may include
7 the design, construction, or implementation of inno-
8 vative technologies and solutions for the Upper Ohio
9 River and Tributaries Navigation System, including
10 projects for—

11 (A) improved navigation;

12 (B) environmental stewardship;

13 (C) increased navigation reliability; and

14 (D) reduced navigation costs.

15 (3) PURPOSES.—The purposes of the program
16 shall be, with respect to the Upper Ohio River and
17 Tributaries Navigation System—

18 (A) to increase the reliability and avail-
19 ability of federally-owned and federally-operated
20 navigation facilities;

21 (B) to decrease system operational risks;

22 and

23 (C) to improve—

24 (i) vessel traffic management;

25 (ii) access; and

1 (iii) Federal asset management.

2 (c) FEDERAL OWNERSHIP REQUIREMENT.—The Sec-
3 retary may provide assistance for a project under this sec-
4 tion only if the project is federally owned.

5 (d) LOCAL COOPERATION AGREEMENTS.—

6 (1) IN GENERAL.—The Secretary shall enter
7 into local cooperation agreements with non-Federal
8 interests to provide for the design, construction, in-
9 stallation, and operation of the projects to be carried
10 out under the program.

11 (2) REQUIREMENTS.—Each local cooperation
12 agreement entered into under this subsection shall
13 include the following:

14 (A) PLAN.—Development by the Secretary,
15 in consultation with appropriate Federal and
16 State officials, of a navigation improvement
17 project, including appropriate engineering plans
18 and specifications.

19 (B) LEGAL AND INSTITUTIONAL STRUC-
20 TURES.—Establishment of such legal and insti-
21 tutional structures as are necessary to ensure
22 the effective long-term operation of the project.

23 (3) COST SHARING.—Total project costs under
24 each local cooperation agreement shall be cost-

1 shared in accordance with the formula relating to
2 the applicable original construction project.

3 (4) EXPENDITURES.—

4 (A) IN GENERAL.—Expenditures under the
5 program may include, for establishment at fed-
6 erally-owned property, such as locks, dams, and
7 bridges—

8 (i) transmitters;

9 (ii) responders;

10 (iii) hardware;

11 (iv) software; and

12 (v) wireless networks.

13 (B) EXCLUSIONS.—Transmitters, respond-
14 ers, hardware, software, and wireless networks
15 or other equipment installed on privately-owned
16 vessels or equipment shall not be eligible under
17 the program.

18 (e) REPORT.—Not later than December 31, 2008, the
19 Secretary shall submit to Congress a report on the results
20 of the pilot program carried out under this section, to-
21 gether with recommendations concerning whether the pro-
22 gram or any component of the program should be imple-
23 mented on a national basis.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$3,100,000, to remain available until expended.

4 **TITLE IV—STUDIES**

5 **SEC. 4001. SEWARD BREAKWATER, ALASKA.**

6 The Secretary shall review the Seward Boat Harbor
7 element of the project for navigation, Seward Harbor,
8 Alaska, authorized by section 101(a)(3) of the Water Re-
9 sources Development Act of 1999 (113 Stat. 274), to de-
10 termine whether the failure of the outer breakwater to
11 protect the harbor from heavy wave damage resulted from
12 a design deficiency.

13 **SEC. 4002. NOME HARBOR IMPROVEMENTS, ALASKA.**

14 The Secretary shall review the project for navigation,
15 Nome Harbor improvements, Alaska, authorized by sec-
16 tion 101(a)(1) of the Water Resources Development Act
17 of 1999 (113 Stat. 273), to determine whether the project
18 cost increases, including the cost of rebuilding the en-
19 trance channel damaged in a September 2005 storm, re-
20 sulted from a design deficiency.

21 **SEC. 4003. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA- 22 TION CHANNEL.**

23 (a) IN GENERAL.—To determine with improved accu-
24 racy the environmental impacts of the project on the
25 McClellan-Kerr Arkansas River Navigation Channel (re-

1 ferred to in this section as the “MKARN”), the Secretary
2 shall carry out the measures described in subsection (b)
3 in a timely manner.

4 (b) SPECIES STUDY.—

5 (1) IN GENERAL.—The Secretary, in conjunc-
6 tion with Oklahoma State University, shall convene
7 a panel of experts with acknowledged expertise in
8 wildlife biology and genetics to review the available
9 scientific information regarding the genetic variation
10 of various sturgeon species and possible hybrids of
11 those species that, as determined by the United
12 States Fish and Wildlife Service, may exist in any
13 portion of the MKARN.

14 (2) REPORT.—The Secretary shall direct the
15 panel to report to the Secretary, not later than 1
16 year after the date of enactment of this Act and in
17 the best scientific judgment of the panel—

18 (A) the level of genetic variation between
19 populations of sturgeon sufficient to determine
20 or establish that a population is a measurably
21 distinct species, subspecies, or population seg-
22 ment; and

23 (B) whether any pallid sturgeons that may
24 be found in the MKARN (including any tribu-
25 tary of the MKARN) would qualify as such a

1 distinct species, subspecies, or population seg-
2 ment.

3 **SEC. 4004. FRUITVALE AVENUE RAILROAD BRIDGE, ALA-**
4 **MEDA, CALIFORNIA.**

5 (a) IN GENERAL.—The Secretary shall prepare a
6 comprehensive report that examines the condition of the
7 existing Fruitvale Avenue Railroad Bridge, Alameda
8 County, California (referred to in this section as the “Rail-
9 road Bridge”), and determines the most economic means
10 to maintain that rail link by either repairing or replacing
11 the Railroad Bridge.

12 (b) REQUIREMENTS.—The report under this section
13 shall include—

14 (1) a determination of whether the Railroad
15 Bridge is in immediate danger of failing or col-
16 lapsing;

17 (2) the annual costs to maintain the Railroad
18 Bridge;

19 (3) the costs to place the Railroad Bridge in a
20 safe, “no-collapse” condition, such that the Railroad
21 Bridge will not endanger maritime traffic;

22 (4) the costs to retrofit the Railroad Bridge
23 such that the Railroad Bridge may continue to serve
24 as a rail link between the Island of Alameda and the
25 Mainland; and

1 (5) the costs to construct a replacement for the
2 Railroad Bridge capable of serving the current and
3 future rail, light rail, and homeland security needs
4 of the region.

5 (c) SUBMISSION OF REPORT.—The Secretary shall—

6 (1) complete the Railroad Bridge report under
7 subsection (a) not later than 180 days after the date
8 of enactment of this Act; and

9 (2) submit the report to the Committee on En-
10 vironment and Public Works of the Senate and
11 Committee on Transportation and Infrastructure of
12 the House of Representatives.

13 (d) LIMITATIONS.—The Secretary shall not—

14 (1) demolish the Railroad Bridge or otherwise
15 render the Railroad Bridge unavailable or unusable
16 for rail traffic; or

17 (2) reduce maintenance of the Railroad Bridge.

18 (e) EASEMENT.—

19 (1) IN GENERAL.—The Secretary shall provide
20 to the city of Alameda, California, a nonexclusive ac-
21 cess easement over the Oakland Estuary that com-
22 prises the subsurface land and surface approaches
23 for the Railroad Bridge that—

24 (A) is consistent with the Bay Trail Pro-
25 posal of the City of Oakland; and

1 (B) is otherwise suitable for the improve-
2 ment, operation, and maintenance of the Rail-
3 road Bridge or construction, operation, and
4 maintenance of a suitable replacement bridge.

5 (2) COST.—The easement under paragraph (1)
6 shall be provided to the city of Alameda without con-
7 sideration and at no cost to the United States.

8 **SEC. 4005. LOS ANGELES RIVER REVITALIZATION STUDY,**
9 **CALIFORNIA.**

10 (a) IN GENERAL.—The Secretary, in coordination
11 with the city of Los Angeles, shall—

12 (1) prepare a feasibility study for environmental
13 ecosystem restoration, flood control, recreation, and
14 other aspects of Los Angeles River revitalization
15 that is consistent with the goals of the Los Angeles
16 River Revitalization Master Plan published by the
17 city of Los Angeles; and

18 (2) consider any locally-preferred project alter-
19 natives developed through a full and open evaluation
20 process for inclusion in the study.

21 (b) USE OF EXISTING INFORMATION AND MEAS-
22 URES.—In preparing the study under subsection (a), the
23 Secretary shall use, to the maximum extent practicable—

24 (1) information obtained from the Los Angeles
25 River Revitalization Master Plan; and

1 (2) the development process of that plan.

2 (c) DEMONSTRATION PROJECTS.—

3 (1) IN GENERAL.—The Secretary is authorized
4 to construct demonstration projects in order to pro-
5 vide information to develop the study under sub-
6 section (a)(1).

7 (2) FEDERAL SHARE.—The Federal share of
8 the cost of any project under this subsection shall be
9 not more than 65 percent.

10 (3) AUTHORIZATION OF APPROPRIATIONS.—
11 There is authorized to be appropriated to carry out
12 this subsection \$25,000,000.

13 **SEC. 4006. NICHOLAS CANYON, LOS ANGELES, CALIFORNIA.**

14 The Secretary shall carry out a study for bank sta-
15 bilization and shore protection for Nicholas Canyon, Los
16 Angeles, California, under section 3 of the Act of August
17 13, 1946 (33 U.S.C. 426g).

18 **SEC. 4007. OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL**
19 **STUDY.**

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

23 **SEC. 4008. COMPREHENSIVE FLOOD PROTECTION**
24 **PROJECT, ST. HELENA, CALIFORNIA.**

25 (a) FLOOD PROTECTION PROJECT.—

1 (1) REVIEW.—The Secretary shall review the
2 project for flood control and environmental restora-
3 tion at St. Helena, California, generally in accord-
4 ance with Enhanced Minimum Plan A, as described
5 in the final environmental impact report prepared by
6 the city of St. Helena, California, and certified by
7 the city to be in compliance with the California En-
8 vironmental Quality Act on February 24, 2004.

9 (2) ACTION ON DETERMINATION.—If the Sec-
10 retary determines under paragraph (1) that the
11 project is economically justified, technically sound,
12 and environmentally acceptable, the Secretary is au-
13 thorized to carry out the project at a total cost of
14 \$30,000,000, with an estimated Federal cost of
15 \$19,500,000 and an estimated non-Federal cost of
16 \$10,500,000.

17 (b) COST SHARING.—Cost sharing for the project de-
18 scribed in subsection (a) shall be in accordance with sec-
19 tion 103 of the Water Resources Development Act of 1986
20 (33 U.S.C. 2213).

21 **SEC. 4009. SAN FRANCISCO BAY, SACRAMENTO-SAN JOA-**
22 **QUIN DELTA, SHERMAN ISLAND, CALIFORNIA.**

23 The Secretary shall carry out a study of the feasi-
24 bility of a project to use Sherman Island, California, as
25 a dredged material rehandling facility for the beneficial

1 use of dredged material to enhance the environment and
2 meet other water resource needs on the Sacramento-San
3 Joaquin Delta, California, under section 204 of the Water
4 Resources Development Act of 1992 (33 U.S.C. 2326).

5 **SEC. 4010. SOUTH SAN FRANCISCO BAY SHORELINE STUDY,**
6 **CALIFORNIA.**

7 (a) IN GENERAL.—The Secretary, in cooperation
8 with non-Federal interests, shall conduct a study of the
9 feasibility of carrying out a project for—

10 (1) flood protection of South San Francisco
11 Bay shoreline;

12 (2) restoration of the South San Francisco Bay
13 salt ponds (including on land owned by other Fed-
14 eral agencies); and

15 (3) other related purposes, as the Secretary de-
16 termines to be appropriate.

17 (b) INDEPENDENT REVIEW.—To the extent required
18 by applicable Federal law, a national science panel shall
19 conduct an independent review of the study under sub-
20 section (a).

21 (c) REPORT.—

22 (1) IN GENERAL.—Not later than 3 years after
23 the date of enactment of this Act, the Secretary
24 shall submit to Congress a report describing the re-
25 sults of the study under subsection (a).

1 (2) INCLUSIONS.—The report under paragraph
2 (1) shall include recommendations of the Secretary
3 with respect to the project described in subsection
4 (a) based on planning, design, and land acquisition
5 documents prepared by—

6 (A) the California State Coastal Conser-
7 vancy;

8 (B) the Santa Clara Valley Water District;
9 and

10 (C) other local interests.

11 **SEC. 4011. SAN PABLO BAY WATERSHED RESTORATION,**
12 **CALIFORNIA.**

13 (a) IN GENERAL.—The Secretary shall complete
14 work as expeditiously as practicable on the study for the
15 San Pablo watershed, California, authorized by section
16 209 of the Flood Control Act of 1962 (76 Stat. 1196)
17 to determine the feasibility of opportunities for restoring,
18 preserving, and protecting the San Pablo Bay Watershed.

19 (b) REPORT.—Not later than March 31, 2008, the
20 Secretary shall submit to Congress a report that describes
21 the results of the study.

22 **SEC. 4012. FOUNTAIN CREEK, NORTH OF PUEBLO, COLO-**
23 **RADO.**

24 Subject to the availability of appropriations, the Sec-
25 retary shall expedite the completion of the Fountain

1 Creek, North of Pueblo, Colorado, watershed study au-
2 thorized by a resolution adopted by the Committee on
3 Public Works and Transportation of the House of Rep-
4 resentatives on September 23, 1976.

5 **SEC. 4013. SELENIUM STUDY, COLORADO.**

6 (a) IN GENERAL.—The Secretary, in consultation
7 with State water quality and resource and conservation
8 agencies, shall conduct regional and watershed-wide stud-
9 ies to address selenium concentrations in the State of Col-
10 orado, including studies—

11 (1) to measure selenium on specific sites; and

12 (2) to determine whether specific selenium
13 measures studied should be recommended for use in
14 demonstration projects.

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

18 **SEC. 4014. DELAWARE INLAND BAYS AND TRIBUTARIES**

19 **AND ATLANTIC COAST, DELAWARE.**

20 (a) IN GENERAL.—The Secretary shall conduct a
21 study to determine the feasibility of modifying the project
22 for navigation, Indian River Inlet and Bay, Delaware.

23 (b) FACTORS FOR CONSIDERATION AND PRIORITY.—

24 In carrying out the study under subsection (a), the Sec-
25 retary shall—

1 (1) take into consideration all necessary activi-
2 ties to stabilize the scour holes threatening the Inlet
3 and Bay shorelines; and

4 (2) give priority to stabilizing and restoring the
5 Inlet channel and scour holes adjacent to the United
6 States Coast Guard pier and helipad and the adja-
7 cent State-owned properties.

8 **SEC. 4015. HERBERT HOOVER DIKE SUPPLEMENTAL MAJOR**
9 **REHABILITATION REPORT, FLORIDA.**

10 (a) IN GENERAL.—Not later than 120 days after the
11 date of enactment of this Act, the Secretary shall publish
12 a supplemental report to the major rehabilitation report
13 for the Herbert Hoover Dike system approved by the Chief
14 of Engineers in November 2000.

15 (b) INCLUSIONS.—The supplemental report under
16 subsection (a) shall include—

17 (1) an evaluation of existing conditions at the
18 Herbert Hoover Dike system;

19 (2) an identification of additional risks associ-
20 ated with flood events at the system that are equal
21 to or greater than the standard projected flood risks;

22 (3) an evaluation of the potential to integrate
23 projects of the Corps of Engineers into an enhanced
24 flood protection system for Lake Okeechobee, includ-
25 ing—

1 (A) the potential for additional water stor-
2 age north of Lake Okeechobee; and

3 (B) an analysis of other project features
4 included in the Comprehensive Everglades Res-
5 toration Plan; and

6 (4) a review of the report prepared for the
7 South Florida Water Management District dated
8 April 2006.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$1,500,000.

12 **SEC. 4016. BOISE RIVER, IDAHO.**

13 The study for flood control, Boise River, Idaho, au-
14 thorized by section 414 of the Water Resources Develop-
15 ment Act of 1999 (113 Stat. 324), is modified to include
16 ecosystem restoration and water supply as project pur-
17 poses to be studied.

18 **SEC. 4017. PROMONTORY POINT THIRD-PARTY REVIEW,**
19 **CHICAGO SHORELINE, CHICAGO, ILLINOIS.**

20 (a) REVIEW.—

21 (1) IN GENERAL.—The Secretary is authorized
22 to conduct a third-party review of the Promontory
23 Point project along the Chicago Shoreline, Chicago,
24 Illinois, at a cost not to exceed \$450,000.

1 (2) JOINT REVIEW.—The Buffalo and Seattle
2 Districts of the Corps of Engineers shall jointly con-
3 duct the review under paragraph (1).

4 (3) STANDARDS.—The review shall be based on
5 the standards under part 68 of title 36, Code of
6 Federal Regulations (or successor regulation), for
7 implementation by the non-Federal sponsor for the
8 Chicago Shoreline Chicago, Illinois, project.

9 (b) CONTRIBUTIONS.—The Secretary shall accept
10 from a State or political subdivision of a State voluntarily
11 contributed funds to initiate the third-party review.

12 (c) TREATMENT.—While the third-party review is of
13 the Promontory Point portion of the Chicago Shoreline,
14 Chicago, Illinois, project, the third-party review shall be
15 separate and distinct from the Chicago Shoreline, Chicago,
16 Illinois, project.

17 (d) EFFECT OF SECTION.—Nothing in this section
18 affects the authorization for the Chicago Shoreline, Chi-
19 cago, Illinois, project.

20 **SEC. 4018. VIDALIA PORT, LOUISIANA.**

21 The Secretary shall conduct a study to determine the
22 feasibility of carrying out a project for navigation improve-
23 ment at Vidalia, Louisiana.

1 **SEC. 4019. LAKE ERIE AT LUNA PIER, MICHIGAN.**

2 The Secretary shall study the feasibility of storm
3 damage reduction and beach erosion protection and other
4 related purposes along Lake Erie at Luna Pier, Michigan.

5 **SEC. 4020. WILD RICE RIVER, MINNESOTA.**

6 The Secretary shall expedite the completion of the
7 general reevaluation report authorized by section 438 of
8 the Water Resources Development Act of 2000 (114 Stat.
9 2640) for the project for flood protection, Wild Rice River,
10 Minnesota, authorized by section 201 of the Flood Control
11 Act of 1970 (84 Stat. 1825), to develop alternatives to
12 the Twin Valley Lake feature of that project.

13 **SEC. 4021. ASIAN CARP DISPERSAL BARRIER DEMONSTRATION PROJECT, UPPER MISSISSIPPI RIVER.**

14
15 (a) IN GENERAL.—The Secretary is authorized to
16 carry out a study to determine the feasibility of con-
17 structing a fish barrier demonstration project to delay,
18 deter, impede, or restrict the invasion of Asian carp into
19 the northern reaches of the Upper Mississippi River.

20 (b) REQUIREMENT.—In conducting the study under
21 subsection (a), the Secretary shall take into consideration
22 the feasibility of locating the fish barrier at the lock por-
23 tion of the project at Lock and Dam 11 in the Upper Mis-
24 sissippi River Basin.

1 **SEC. 4022. FLOOD DAMAGE REDUCTION, OHIO.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out projects for flood damage reduc-
4 tion in Cuyahoga, Lake, Ashtabula, Geauga, Erie, Lucas,
5 Sandusky, Huron, and Stark Counties, Ohio.

6 **SEC. 4023. MIDDLE BASS ISLAND STATE PARK, MIDDLE**
7 **BASS ISLAND, OHIO.**

8 The Secretary shall carry out a study of the feasi-
9 bility of a project for navigation improvements, shoreline
10 protection, and other related purposes, including the reha-
11 bilitation the harbor basin (including entrance break-
12 waters), interior shoreline protection, dredging, and the
13 development of a public launch ramp facility, for Middle
14 Bass Island State Park, Middle Bass Island, Ohio.

15 **SEC. 4024. OHIO RIVER, OHIO.**

16 The Secretary shall conduct a study to determine the
17 feasibility of carrying out projects for flood damage reduc-
18 tion on the Ohio River in Mahoning, Columbiana, Jeffer-
19 son, Belmont, Noble, Monroe, Washington, Athens, Meigs,
20 Gallia, Lawrence, and Scioto Counties, Ohio.

21 **SEC. 4025. TOLEDO HARBOR DREDGED MATERIAL PLACE-**
22 **MENT, TOLEDO, OHIO.**

23 The Secretary shall study the feasibility of removing
24 previously dredged and placed materials from the Toledo
25 Harbor confined disposal facility, transporting the mate-

1 rials, and disposing of the materials in or at abandoned
2 mine sites in southeastern Ohio.

3 **SEC. 4026. TOLEDO HARBOR, MAUMEE RIVER, AND LAKE**
4 **CHANNEL PROJECT, TOLEDO, OHIO.**

5 (a) IN GENERAL.—The Secretary shall conduct a
6 study to determine the feasibility of constructing a project
7 for navigation, Toledo, Ohio.

8 (b) FACTORS FOR CONSIDERATION.—In conducting
9 the study under subsection (a), the Secretary shall take
10 into consideration—

11 (1) realigning the existing Toledo Harbor chan-
12 nel widening occurring where the River Channel
13 meets the Lake Channel from the northwest to the
14 southeast side of the Channel;

15 (2) realigning the entire 200-foot wide channel
16 located at the upper river terminus of the River
17 Channel southern river embankment towards the
18 northern river embankment; and

19 (3) adjusting the existing turning basin to ac-
20 commodate those changes.

21 **SEC. 4027. WOONSOCKET LOCAL PROTECTION PROJECT,**
22 **BLACKSTONE RIVER BASIN, RHODE ISLAND.**

23 The Secretary shall conduct a study, and, not later
24 than June 30, 2008, submit to Congress a report that de-
25 scribes the results of the study, on the flood damage re-

1 duction project, Woonsocket, Blackstone River Basin,
2 Rhode Island, authorized by the Act of December 22,
3 1944 (commonly known as the “Flood Control Act of
4 1944”) (58 Stat. 887, chapter 665), to determine the
5 measures necessary to restore the level of protection of
6 the project as originally designed and constructed.

7 **SEC. 4028. JASPER COUNTY PORT FACILITY STUDY, SOUTH**
8 **CAROLINA.**

9 (a) IN GENERAL.—The Secretary may determine the
10 feasibility of providing improvements to the Savannah
11 River for navigation and related purposes that may be nec-
12 essary to support the location of container cargo and other
13 port facilities to be located in Jasper County, South Caro-
14 lina, near the vicinity of mile 6 of the Savannah Harbor
15 Entrance Channel.

16 (b) CONSIDERATION.—In making a determination
17 under subsection (a), the Secretary shall take into consid-
18 eration—

19 (1) landside infrastructure;

20 (2) the provision of any additional dredged ma-
21 terial disposal area for maintenance of the ongoing
22 Savannah Harbor Navigation project; and

23 (3) the results of a consultation with the Gov-
24 ernor of the State of Georgia and the Governor of
25 the State of South Carolina.

1 **SEC. 4029. 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. 4030. ECOSYSTEM AND HYDROPOWER GENERATION**
9 **DAMS, VERMONT.**

10 (a) **IN GENERAL.**—The Secretary shall conduct a
11 study of the potential to carry out ecosystem restoration
12 and hydropower generation at dams in the State of
13 Vermont, including a review of the report of the Secretary
14 on the land and water resources of the New England–New
15 York region submitted to the President on April 27, 1956
16 (published as Senate Document Number 14, 85th Con-
17 gress), and other relevant reports.

18 (b) **PURPOSE.**—The purpose of the study under sub-
19 section (a) shall be to determine the feasibility of providing
20 water resource improvements and small-scale hydropower
21 generation in the State of Vermont, including, as appro-
22 priate, options for dam restoration, hydropower, dam re-
23 moval, and fish passage enhancement.

24 (c) **AUTHORIZATION OF APPROPRIATIONS.**—There is
25 authorized to carry out this section \$500,000, to remain
26 available until expended.

1 **SEC. 4031. EURASIAN MILFOIL.**

2 Under the authority of section 104 of the River and
3 Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall
4 carry out a study, at full Federal expense, to develop na-
5 tional protocols for the use of the *Euhrychiopsis lecontei*
6 weevil for biological control of Eurasian milfoil in the lakes
7 of Vermont and other northern tier States.

8 **SEC. 4032. 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 **SEC. 4033. BAKER BAY AND ILWACO HARBOR, WASH-**
19 **INGTON.**

20 The Secretary shall conduct a study of increased sil-
21 tation in Baker Bay and Ilwaco Harbor, Washington, to
22 determine whether the siltation is the result of a Federal
23 navigation project.

1 **SEC. 4034. ELLIOT BAY SEAWALL REHABILITATION STUDY,**
2 **WASHINGTON.**

3 The study for the rehabilitation of the Elliot Bay Sea-
4 wall, Seattle, Washington, is modified to direct the Sec-
5 retary to determine the feasibility of reducing future dam-
6 age to the seawall from seismic activity.

7 **SEC. 4035. JOHNSONVILLE DAM, JOHNSONVILLE, WIS-**
8 **CONSIN.**

9 The Secretary shall conduct a study of the
10 Johnsonville Dam, Johnsonville, Wisconsin, to determine
11 whether the structure prevents ice jams on the Sheboygan
12 River.

13 **SEC. 4036. DEBRIS REMOVAL.**

14 (a) REEVALUATION.—

15 (1) IN GENERAL.—Not later than 90 days after
16 the date of enactment of this Act, the Secretary, in
17 coordination with the Administrator of the Environ-
18 mental Protection Agency and in consultation with
19 affected communities, shall conduct a complete re-
20 evaluation of Federal and non-Federal demolition,
21 debris removal, segregation, transportation, and dis-
22 posal practices relating to disaster areas designated
23 in response to Hurricanes Katrina and Rita (includ-
24 ing regulated and nonregulated materials and de-
25 bris).

1 (2) INCLUSIONS.—The reevaluation under para-
2 graph (1) shall include a review of—

3 (A) compliance with all applicable environ-
4 mental laws;

5 (B) permits issued or required to be issued
6 with respect to debris handling, transportation,
7 storage, or disposal; and

8 (C) administrative actions relating to de-
9bris removal and disposal in the disaster areas
10 described in paragraph (1).

11 (b) REPORT.—Not later than 120 days after the date
12 of enactment of this Act, the Secretary shall submit to
13 the Committee on the Environment and Public Works of
14 the Senate and the Committee on Transportation and In-
15 frastructure of the House of Representatives a report
16 that—

17 (1) describes the findings of the Secretary with
18 respect to the reevaluation under subsection (a);

19 (2)(A) certifies compliance with all applicable
20 environmental laws; and

21 (B) identifies any area in which a violation of
22 such a law has occurred or is occurring;

23 (3) includes recommendations to ensure—

24 (A) the protection of the environment;

25 (B) sustainable practices; and

1 (C) the integrity of hurricane and flood
2 protection infrastructure relating to debris dis-
3 posal practices;

4 (4) contains an enforcement plan that is de-
5 signed to prevent illegal dumping of hurricane debris
6 in a disaster area; and

7 (5) contains plans of the Secretary and the Ad-
8 ministrator to involve the public and non-Federal in-
9 terests, including through the formation of a Federal
10 advisory committee, as necessary, to seek public
11 comment relating to the removal, disposal, and plan-
12 ning for the handling of post-hurricane debris.

13 **TITLE V—MISCELLANEOUS**
14 **PROVISIONS**

15 **SEC. 5001. LAKES PROGRAM.**

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

19 (1) in paragraph (18), by striking “and” at the
20 end;

21 (2) in paragraph (19), by striking the period at
22 the end and inserting a semicolon; and

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

1 “(20) Lake Sakakawea, North Dakota, removal
2 of silt and aquatic growth and measures to address
3 excessive sedimentation;

4 “(21) Lake Morley, Vermont, removal of silt
5 and aquatic growth and measures to address exces-
6 sive sedimentation;

7 “(22) Lake Fairlee, Vermont, removal of silt
8 and aquatic growth and measures to address exces-
9 sive sedimentation; and

10 “(23) Lake Rodgers, Creedmoor, North Caro-
11 lina, removal of silt and excessive nutrients and res-
12 toration of structural integrity.”.

13 **SEC. 5002. ESTUARY RESTORATION.**

14 (a) **PURPOSES.**—Section 102 of the Estuary Restora-
15 tion Act of 2000 (33 U.S.C. 2901) is amended—

16 (1) in paragraph (1), by inserting before the
17 semicolon the following: “by implementing a coordi-
18 nated Federal approach to estuary habitat restora-
19 tion activities, including the use of common moni-
20 toring standards and a common system for tracking
21 restoration acreage”;

22 (2) in paragraph (2), by inserting “and imple-
23 ment” after “to develop”; and

24 (3) in paragraph (3), by inserting “through co-
25 operative agreements” after “restoration projects”.

1 (b) DEFINITION OF ESTUARY HABITAT RESTORA-
2 TION PLAN.—Section 103(6)(A) of the Estuary Restora-
3 tion Act of 2000 (33 U.S.C. 2902(6)(A)) is amended by
4 striking “Federal or State” and inserting “Federal, State,
5 or regional”.

6 (c) ESTUARY HABITAT RESTORATION PROGRAM.—
7 Section 104 of the Estuary Restoration Act of 2000 (33
8 U.S.C. 2903) is amended—

9 (1) in subsection (a), by inserting “through the
10 award of contracts and cooperative agreements”
11 after “assistance”;

12 (2) in subsection (c)—

13 (A) in paragraph (3)(A), by inserting “or
14 State” after “Federal”; and

15 (B) in paragraph (4)(B), by inserting “or
16 approach” after “technology”;

17 (3) in subsection (d)—

18 (A) in paragraph (1)—

19 (i) by striking “Except” and inserting
20 the following:

21 “(i) IN GENERAL.—Except”; and

22 (ii) by adding at the end the fol-
23 lowing:

24 “(ii) MONITORING.—

1 “(I) COSTS.—The costs of moni-
2 toring an estuary habitat restoration
3 project funded under this title may be
4 included in the total cost of the estu-
5 ary habitat restoration project.

6 “(II) GOALS.—The goals of the
7 monitoring shall be—

8 “(aa) to measure the effec-
9 tiveness of the restoration
10 project; and

11 “(bb) to allow adaptive man-
12 agement to ensure project suc-
13 cess.”;

14 (B) in paragraph (2), by inserting “or ap-
15 proach” after “technology”; and

16 (C) in paragraph (3), by inserting “(in-
17 cluding monitoring)” after “services”;

18 (4) in subsection (f)(1)(B), by inserting “long-
19 term” before “maintenance”; and

20 (5) in subsection (g)—

21 (A) by striking “In carrying” and inserting
22 the following:

23 “(1) IN GENERAL.—In carrying”; and

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

25 “(2) SMALL PROJECTS.—

1 “(A) DEFINITION OF SMALL PROJECT.—In
2 this paragraph, the term ‘small project’ means
3 a project carried out under this title at a Fed-
4 eral cost of less than \$1,000,000.

5 “(B) SMALL PROJECT DELEGATION.—In
6 carrying out this title, the Secretary, upon the
7 recommendation of the Council, may delegate
8 implementation of a small project to—

9 “(i) the Secretary of the Interior (act-
10 ing through the Director of the United
11 States Fish and Wildlife Service);

12 “(ii) the Under Secretary for Oceans
13 and Atmosphere of the Department of
14 Commerce;

15 “(iii) the Administrator of the Envi-
16 ronmental Protection Agency; or

17 “(iv) the Secretary of Agriculture.

18 “(C) FUNDING.—The implementation of a
19 small project delegated to the head of a Federal
20 department or agency under this paragraph
21 may be carried out using—

22 “(i) funds appropriated to the depart-
23 ment or agency under section 109(a)(1); or

24 “(ii) any other funds available to the
25 department or agency.

1 “(D) AGREEMENTS.—The Federal depart-
2 ment or agency to which implementation of a
3 small project is delegated shall enter into an
4 agreement with the non-Federal interest gen-
5 erally in conformance with the criteria in sub-
6 sections (d) and (e). Cooperative agreements
7 may be used for any delegated project.”.

8 (d) ESTABLISHMENT OF ESTUARY HABITAT RES-
9 Toration Council.—Section 105(b) of the Estuary Res-
10 toration Act of 2000 (33 U.S.C. 2904(b)) is amended—

11 (1) in paragraph (4), by striking “and” after
12 the semicolon;

13 (2) in paragraph (5), by striking the period at
14 the end and inserting a semicolon; and

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

16 “(6) cooperating in the implementation of the
17 strategy developed under section 106;

18 “(7) recommending standards for monitoring
19 for restoration projects and contribution of project
20 information to the database developed under section
21 107; and

22 “(8) otherwise using the respective agency au-
23 thorities of the Council members to carry out this
24 title.”.

1 “(C) to the Under Secretary for Oceans
2 and Atmosphere of the Department of Com-
3 merce, \$2,500,000 for each of fiscal years 2007
4 through 2011;

5 “(D) to the Administrator of the Environ-
6 mental Protection Agency, \$2,500,000 for each
7 of fiscal years 2007 through 2011; and

8 “(E) to the Secretary of Agriculture,
9 \$2,500,000 for each of fiscal years 2007
10 through 2011.”; and

11 (2) in the first sentence of paragraph (2)—

12 (A) by inserting “and other information
13 compiled under section 107” after “this title”;
14 and

15 (B) by striking “2005” and inserting
16 “2011”.

17 (h) GENERAL PROVISIONS.—Section 110 of the Es-
18 tuary Restoration Act of 2000 (33 U.S.C. 2909) is amend-
19 ed—

20 (1) in subsection (b)(1)—

21 (A) by inserting “or contracts” after
22 “agreements”; and

23 (B) by inserting “, nongovernmental orga-
24 nizations,” after “agencies”; and

25 (2) by striking subsections (d) and (e).

1 **SEC. 5003. ENVIRONMENTAL INFRASTRUCTURE.**

2 Section 219 of the Water Resources Development Act
3 of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334;
4 113 Stat. 1494; 114 Stat. 2763A–219) is amended—

5 (1) in subsection (c)(5), by striking “a project
6 for the elimination or control of combined sewer
7 overflows” and inserting “projects for the design, in-
8 stallation, enhancement or repair of sewer systems”;

9 (2) in subsection (e)(1), by striking
10 “\$20,000,000” and inserting “\$32,500,000”; and

11 (3) in subsection (f)—

12 (A) in paragraph (30), by striking
13 “\$55,000,000” and inserting “\$75,000,000”;
14 and

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

16 “(77) CHATTOOGA COUNTY, GEORGIA.—
17 \$8,000,000 for waste and drinking water infrastruc-
18 ture improvement, Chattooga County, Georgia.

19 “(78) ALBANY, GEORGIA.—\$4,000,000 storm
20 drainage system, Albany, Georgia.

21 “(79) MOULTRIE, GEORGIA.—\$5,000,000 for
22 water supply infrastructure, Moultrie, Georgia.

23 “(80) STEPHENS COUNTY/CITY OF TOCCOA,
24 GEORGIA.—\$8,000,000 water infrastructure im-
25 provements, Stephens County/City of Toccoa, Geor-
26 gia.

1 “(81) DAHLONEGA, GEORGIA.—\$5,000,000 for
2 water infrastructure improvements, Dahlonega,
3 Georgia.

4 “(82) BANKS COUNTY, GEORGIA.—\$5,000,000
5 for water infrastructure improvements, Banks Coun-
6 ty, Georgia.

7 “(83) BERRIEN COUNTY, GEORGIA.—
8 \$5,000,000 for water infrastructure improvements,
9 Berrien County, Georgia.

10 “(84) CITY OF EAST POINT, GEORGIA.—
11 \$5,000,000 for water infrastructure improvements,
12 City of East Point, Georgia.

13 “(85) ARMUCHEE VALLEY: CHATTOOGA, FLOYD,
14 GORDON, WALKER, AND WHITIFIELD COUNTIES,
15 GEORGIA.—\$10,000,000 for water infrastructure im-
16 provements, Armuchee Valley: Chattooga, Floyd,
17 Gordon, Walker, and Whitifield Counties, Georgia.

18 “(86) ATCHISON, KANSAS.—\$20,000,000 for
19 combined sewer overflows, Atchison, Kansas.

20 “(87) LAFOURCHE PARISH, LOUISIANA.—
21 \$2,300,000 for measures to prevent the intrusion of
22 saltwater into the freshwater system, Lafourche Par-
23 ish, Louisiana.

24 “(88) SOUTH CENTRAL PLANNING AND DEVEL-
25 OPMENT COMMISSION, LOUISIANA.—\$2,500,000 for

1 water and wastewater improvements, South Central
2 Planning and Development Commission, Louisiana.

3 “(89) RAPIDES AREA PLANNING COMMISSION,
4 LOUISIANA.—\$1,000,000 for water and wastewater
5 improvements, Rapides, Louisiana.

6 “(90) NORTHWEST LOUISIANA COUNCIL OF
7 GOVERNMENTS, LOUISIANA.—\$2,000,000 for water
8 and wastewater improvements, Northwest Louisiana
9 Council of Governments, Louisiana.

10 “(91) LAFAYETTE, LOUISIANA.—\$1,200,000 for
11 water and wastewater improvements, Lafayette,
12 Louisiana.

13 “(92) LAKE CHARLES, LOUISIANA.—\$1,000,000
14 for water and wastewater improvements, Lake
15 Charles, Louisiana.

16 “(93) OUACHITA PARISH, LOUISIANA.—
17 \$1,000,000 water and wastewater improvements,
18 Ouachita Parish, Louisiana.

19 “(94) UNION-LINCOLN REGIONAL WATER SUP-
20 PLY PROJECT, LOUISIANA.—\$2,000,000 for the
21 Union-Lincoln Regional Water Supply project, Lou-
22 isiana.

23 “(95) CENTRAL LAKE REGION SANITARY DIS-
24 TRICT, MINNESOTA.—\$2,000,000 for sanitary sewer
25 and wastewater infrastructure for the Central Lake

1 Region Sanitary District, Minnesota to serve Le
2 Grande and Moe Townships, Minnesota.

3 “(96) GOODVIEW, MINNESOTA.—\$3,000,000 for
4 water quality infrastructure, Goodview, Minnesota.

5 “(97) GRAND RAPIDS, MINNESOTA.—
6 \$5,000,000 for wastewater infrastructure, Grand
7 Rapids, Minnesota.

8 “(98) WILLMAR, MINNESOTA.—\$15,000,000 for
9 wastewater infrastructure, Willmar, Minnesota.

10 “(99) CITY OF CORINTH, MISSISSIPPI.—
11 \$7,500,000 for a surface water program, Corinth,
12 Mississippi.

13 “(100) CLEAN WATER COALITION, NEVADA.—
14 \$20,000,000 for the Systems Conveyance and Oper-
15 ations Program, Clark County, Henderson, Las
16 Vegas, and North Las Vegas, Nevada.

17 “(101) TOWN OF MOORESVILLE, NORTH CARO-
18 LINA.—\$4,000,000 for water and wastewater infra-
19 structure improvements, Mooresville, North Caro-
20 lina.

21 “(102) CITY OF WINSTON-SALEM, NORTH CARO-
22 LINA.—\$3,000,000 for storm water upgrades, Win-
23 ston-Salem, North Carolina.

24 “(103) NEUSE REGIONAL WATER AND SEWER
25 AUTHORITY, NORTH CAROLINA.—\$4,000,000 for the

1 Neuse regional drinking water facility, Neuse, North
2 Carolina.

3 “(104) TOWN OF CARY/WAKE COUNTY, NORTH
4 CAROLINA.—\$4,000,000 for a water reclamation fa-
5 cility, Cary, North Carolina.

6 “(105) CITY OF FAYETTEVILLE, NORTH CARO-
7 LINA.—\$6,000,000 for water and sewer upgrades,
8 Fayetteville, North Carolina.

9 “(106) WASHINGTON COUNTY, NORTH CARO-
10 LINA.—\$1,000,000 for water and wastewater infra-
11 structure, Washington County, North Carolina.

12 “(107) CITY OF CHARLOTTE, NORTH CARO-
13 LINA.—\$3,000,000 for the Briar Creek Relief Sewer
14 project, Charlotte, North Carolina.

15 “(108) CITY OF ADA, OKLAHOMA.—\$1,700,000
16 for sewer improvements and other water infrastruc-
17 ture, City Of Ada, Oklahoma.

18 “(109) NORMAN, OKLAHOMA.—\$10,000,000 for
19 carrying out the Waste Water Master Plan and
20 water related infrastructure, Norman, Oklahoma.

21 “(110) EASTERN OKLAHOMA STATE UNIVER-
22 SITY, WILBERTON, OKLAHOMA.—\$1,000,000 for
23 sewer and utility upgrades and water related infra-
24 structure, Eastern Oklahoma State University,
25 Wilberton, Oklahoma.

1 “(111) CITY OF WEATHERFORD, OKLAHOMA.—
2 \$500,000 for arsenic program and water related in-
3 frastructure, City of Weatherford, Oklahoma.

4 “(112) CITY OF BETHANY, OKLAHOMA.—
5 \$1,500,000 for water improvements and water re-
6 lated infrastructure, City of Bethany, Oklahoma.

7 “(113) WOODWARD, OKLAHOMA.—\$1,500,000
8 for water improvements and water related infra-
9 structure, Woodward, Oklahoma.

10 “(114) CITY OF DISNEY AND LANGLEY, OKLA-
11 HOMA.—\$2,500,000 for water and sewer improve-
12 ments and water related infrastructure, City of Dis-
13 ney and Langley, Oklahoma.

14 “(115) CITY OF DURANT, OKLAHOMA.—
15 \$3,300,000 for bayou restoration and water related
16 infrastructure, City of Durant, Oklahoma.

17 “(116) CITY OF MIDWEST CITY, OKLAHOMA.—
18 \$2,000,000 for improvements to water related infra-
19 structure, City of Midwest City, Oklahoma.

20 “(117) CITY OF ARDMORE, OKLAHOMA.—
21 \$1,900,000 for water and sewer infrastructure im-
22 provements, City of Ardmore, Oklahoma.

23 “(118) CITY OF GUYMON, OKLAHOMA.—
24 \$16,000,000 for water related waste water treat-
25 ment related infrastructure projects.

1 “(119) LUGERT-ALTUS IRRIGATION DISTRICT,
2 ALTUS, OKLAHOMA.—\$5,000,000 for water related
3 infrastructure improvement project.

4 “(120) CITY OF CHICKASHA, OKLAHOMA.—
5 \$650,000 for industrial park sewer infrastructure
6 project.

7 “(121) OKLAHOMA PANHANDLE STATE UNIVER-
8 SITY, GUYMON, OKLAHOMA.—\$275,000 for water
9 testing facility and water related infrastructure de-
10 velopment.

11 “(122) CITY OF BARTLESVILLE, OKLAHOMA.—
12 \$2,500,000 for waterline transport infrastructure
13 project.

14 “(123) CITY OF KONAWA, OKLAHOMA.—
15 \$500,000 for water treatment infrastructure im-
16 provements.

17 “(124) CITY OF MUSTANG, OKLAHOMA.—
18 \$3,325,000 for water improvements and water re-
19 lated infrastructure.

20 “(125) CITY OF ALVA, OKLAHOMA.—\$250,000
21 for waste water improvement infrastructure.

22 “(126) VINTON COUNTY, OHIO.—\$1,000,000 to
23 construct water lines in Vinton and Brown Town-
24 ships, Ohio.

1 “(127) BURR OAK REGIONAL WATER DISTRICT,
2 OHIO.—\$4,000,000 for construction of a water line
3 to extend from a well field near Chauncey, Ohio, to
4 a water treatment plant near Millfield, Ohio.

5 “(128) FREMONT, OHIO.—\$2,000,000 for con-
6 struction of off-stream water supply reservoir, Fre-
7 mont, Ohio.

8 “(129) FOSTORIA, OHIO.—\$2,000,000 for
9 wastewater infrastructure, Fostoria, Ohio.

10 “(130) DEFIANCE COUNTY, OHIO.—\$1,000,000
11 for wastewater infrastructure, Defiance County,
12 Ohio.

13 “(131) AKRON, OHIO.—\$5,000,000 for waste-
14 water infrastructure, Akron, Ohio

15 “(132) MEIGS COUNTY, OHIO.—\$1,000,000 to
16 extend the Tupper Plains Regional Water District
17 water line to Lebanon Township, Ohio.

18 “(133) CITY OF CLEVELAND, OHIO.—
19 \$2,500,000 for Flats East Bank water and waste-
20 water infrastructure, Cleveland, Ohio.

21 “(134) CINCINNATI, OHIO.—\$1,000,000 for
22 wastewater infrastructure, Cincinnati, Ohio.

23 “(135) DAYTON, OHIO.—\$1,000,000 for water
24 and wastewater infrastructure, Dayton, Ohio.

1 “(136) LAWRENCE COUNTY, OHIO.—
2 \$5,000,000 for Union Rome wastewater infrastruc-
3 ture, Lawrence County, Ohio.

4 “(137) CITY OF COLUMBUS, OHIO.—\$4,500,000
5 for wastewater infrastructure, Columbus, Ohio.

6 “(138) BEAVER CREEK RESERVOIR, PENNSYLV-
7 VANIA.—\$3,000,000 for projects for water supply
8 and related activities, Beaver Creek Reservoir, Clar-
9 ion County, Beaver and Salem Townships, Pennsyl-
10 vania.

11 “(139) MYRTLE BEACH, SOUTH CAROLINA.—
12 \$10,000,000 for environmental infrastructure, in-
13 cluding ocean outfalls, Myrtle Beach, South Caro-
14 lina.

15 “(140) CHARLESTON AND WEST ASHLEY,
16 SOUTH CAROLINA.—\$6,000,000 for wastewater tun-
17 nel replacement, Charleston and West Ashley, South
18 Carolina.

19 “(141) CHARLESTON, SOUTH CAROLINA.—
20 \$3,000,000 for stormwater control measures and
21 storm sewer improvements, Spring Street/Fishburne
22 Street drainage project, Charleston, South Carolina.

23 “(142) NORTH MYRTLE BEACH, SOUTH CARO-
24 LINA.—\$3,000,000 for environmental infrastructure,

1 including ocean outfalls, North Myrtle Beach, South
2 Carolina.

3 “(143) SURFSIDE, SOUTH CAROLINA.—
4 \$3,000,000 for environmental infrastructure, includ-
5 ing stormwater system improvements and ocean out-
6 falls, Surfside, South Carolina.

7 “(144) CHEYENNE RIVER SIOUX RESERVATION
8 (DEWEY AND ZIEBACH COUNTIES) AND PERKINS AND
9 MEADE COUNTIES, SOUTH DAKOTA.—\$40,000,000
10 for water related infrastructure, Cheyenne River
11 Sioux Reservation (Dewey and Ziebach counties)
12 and Perkins and Meade Counties, South Dakota.

13 “(145) CITY OF OAK RIDGE, TENNESSEE.—
14 \$4,000,000 for water supply and wastewater infra-
15 structure, City of Oak Ridge, Tennessee.

16 “(146) NASHVILLE, TENNESSEE.—\$5,000,000
17 for water supply and wastewater infrastructure,
18 Nashville, Tennessee.

19 “(147) COUNTIES OF LEWIS, LAWRENCE, AND
20 WAYNE, TENNESSEE.—\$2,000,000 for water supply
21 and wastewater infrastructure projects in the Coun-
22 ties of Lewis, Lawrence and Wayne, Tennessee.

23 “(148) COUNTY OF GILES, TENNESSEE.—
24 \$2,000,000 for water supply and wastewater infra-
25 structure projects in the County of Giles, Tennessee.

1 “(149) CITY OF KNOXVILLE, TENNESSEE.—
2 \$5,000,000 for water supply and wastewater infra-
3 structure projects in the City of Knoxville, Ten-
4 nessee.

5 “(150) SHELBY COUNTY, TENNESSEE.—
6 \$4,000,000 for water-related environmental infra-
7 structure projects in County of Shelby, Tennessee.

8 “(151) JOHNSON COUNTY, TENNESSEE.—
9 \$600,000 for water supply and wastewater infra-
10 structure projects in Johnson County, Tennessee.

11 “(152) PLATEAU UTILITY DISTRICT, MORGAN
12 COUNTY, TENNESSEE.—\$1,000,000 for water supply
13 and wastewater infrastructure projects in Morgan
14 County, Tennessee.

15 “(153) CITY OF HARROGATE, TENNESSEE.—
16 \$2,000,000 for water supply and wastewater infra-
17 structure projects in City of Harrogate, Tennessee.

18 “(154) HAMILTON COUNTY, TENNESSEE.—
19 \$500,000 for water supply and wastewater infra-
20 structure projects in Hamilton County, Tennessee.

21 “(155) GRAINGER COUNTY, TENNESSEE.—
22 \$1,250,000 for water supply and wastewater infra-
23 structure projects in Grainger County, Tennessee.

1 “(156) CLAIBORNE COUNTY, TENNESSEE.—
2 \$1,250,000 for water supply and wastewater infra-
3 structure projects in Claiborne County, Tennessee.

4 “(157) BLAINE, TENNESSEE.—\$500,000 for
5 water supply and wastewater infrastructure projects
6 in Blaine, Tennessee.

7 “(158) CHESAPEAKE BAY.—\$30,000,000 for
8 environmental infrastructure projects to benefit the
9 Chesapeake Bay, including the nutrient removal
10 project at the Blue Plains Wastewater Treatment fa-
11 cility in Washington, DC.

12 “(159) ARKANSAS VALLEY CONDUIT, COLO-
13 RADO.—\$10,000,000 for the Arkansas Valley Con-
14 duit, Colorado.

15 “(160) BOULDER COUNTY, COLORADO.—
16 \$10,000,000 for water supply infrastructure, Boul-
17 der County, Colorado.

18 “(161) PLAINVILLE, CONNECTICUT.—
19 \$6,280,000 for wastewater treatment, Plainville,
20 Connecticut.

21 “(162) SOUTHLINGTON, CONNECTICUT.—
22 \$9,420,000 for water supply infrastructure, South-
23 ington, Connecticut.

1 “(163) NORWALK, CONNECTICUT.—\$3,000,000
2 for the Keeler Brook Storm Water Improvement
3 Project, Norwalk, Connecticut.

4 “(164) ENFIELD, CONNECTICUT.—\$1,000,000
5 for infiltration and inflow correction, Enfield, Con-
6 necticut.

7 “(165) NEW HAVEN, CONNECTICUT.—\$300,000
8 for storm water system improvements, New Haven,
9 Connecticut.

10 “(166) MIAMI-DADE COUNTY, FLORIDA.—
11 \$6,250,000 for water reuse supply and a water
12 transmission pipeline, Miami-Dade County, Florida.

13 “(167) HILLSBOROUGH COUNTY, FLORIDA.—
14 \$6,250,000 for water infrastructure and supply en-
15 hancement, Hillsborough County, Florida.

16 “(168) PALM BEACH COUNTY, FLORIDA.—
17 \$7,500,000 for water infrastructure, Palm Beach
18 County, Florida.

19 “(169) CHESAPEAKE BAY REGION, MARYLAND
20 AND VIRGINIA.—\$40,000,000 for water pollution
21 control projects, Chesapeake Bay Region, Maryland
22 and Virginia.

23 “(170) MICHIGAN COMBINED SEWER OVER-
24 FLOWS.—\$35,000,000 for correction of combined
25 sewer overflows, Michigan.

1 “(171) MIDDLETOWN TOWNSHIP, NEW JER-
2 SEY.—\$1,100,000 for storm sewer improvements,
3 Middletown Township, New Jersey.

4 “(172) RAHWAY VALLEY, NEW JERSEY.—
5 \$25,000,000 for sanitary sewer and storm sewer im-
6 provements in the service area of the Rahway Valley
7 Sewerage Authority, New Jersey.

8 “(173) CRANFORD TOWNSHIP, NEW JERSEY.—
9 \$6,000,000 for storm sewer improvements in
10 Cranford Township, New Jersey.

11 “(174) YATES COUNTY, NEW YORK.—
12 \$5,000,000 for drinking water infrastructure, Yates
13 County, New York.

14 “(175) VILLAGE OF PATCHOGUE, NEW YORK.—
15 \$5,000,000 for wastewater infrastructure, Village of
16 Patchogue, New York.

17 “(176) ELMIRA, NEW YORK.—\$5,000,000 for
18 wastewater infrastructure, Elmira, New York.

19 “(177) ESSEX HAMLET, NEW YORK.—
20 \$5,000,000 for wastewater infrastructure, Essex
21 Hamlet, New York.

22 “(178) NIAGARA FALLS, NEW YORK.—
23 \$5,000,000 for wastewater infrastructure, Niagara
24 Falls, New York.

1 “(179) VILLAGE OF BABYLON, NEW YORK.—
2 \$5,000,000 for wastewater infrastructure, Village of
3 Babylon, New York.

4 “(180) FLEMING, NEW YORK.—\$5,000,000 for
5 drinking water infrastructure, Fleming, New York.

6 “(181) VILLAGE OF KYRIAS-JOEL, NEW
7 YORK.—\$5,000,000 for drinking water infrastruc-
8 ture, Village of Kyrias-Joel, New York.

9 “(182) DEVILS LAKE, NORTH DAKOTA.—
10 \$15,000,000 for water supply infrastructure, Devils
11 Lake, North Dakota.

12 “(183) NORTH DAKOTA.—\$15,000,000 for
13 water-related infrastructure, North Dakota.

14 “(184) CLARK COUNTY, NEVADA.—\$50,000,000
15 for wastewater infrastructure, Clark County, Ne-
16 vada.

17 “(185) WASHOE COUNTY, NEVADA.—
18 \$14,000,000 for construction of water infrastructure
19 improvements to the Huffaker Hills Reservoir Con-
20 servation Project, Washoe County, Nevada.

21 “(186) GLENDALE DAM DIVERSION STRUC-
22 TURE, NEVADA.—\$10,000,000 for water system im-
23 provements to the Glendale Dam Diversion Struc-
24 ture for the Truckee Meadows Water Authority, Ne-
25 vada.

1 “(187) RENO, NEVADA.—\$13,000,000 for con-
2 struction of a water conservation project for the
3 Highland Canal, Mogul Bypass in Reno, Nevada.

4 “(188) LOS ANGELES COUNTY, CALIFORNIA.—
5 \$12,000,000 for the planning, design and construc-
6 tion of water-related environmental infrastructure
7 for Santa Monica Bay and the coastal zone of Los
8 Angeles County, California.

9 “(189) MONTEBELLO, CALIFORNIA.—
10 \$4,000,000 for water infrastructure improvements in
11 south Montebello, California.

12 “(190) LA MIRADA, CALIFORNIA.—\$4,000,000
13 for the planning, design, and construction of a
14 stormwater program in La Mirada, California.

15 “(191) EAST PALO ALTO, CALIFORNIA.—
16 \$4,000,000 for a new pump station and stormwater
17 management and drainage system, East Palo Alto,
18 California.

19 “(192) PORT OF STOCKTON, STOCKTON, CALI-
20 FORNIA.—\$3,000,000 for water and wastewater in-
21 frastructure projects for Rough and Ready Island
22 and vicinity, Stockton, California.

23 “(193) PERRIS, CALIFORNIA.—\$3,000,000
24 project for recycled water transmission infrastruc-

1 ture, Eastern Municipal Water District, Perris, Cali-
2 fornia.

3 “(194) AMADOR COUNTY, CALIFORNIA.—
4 \$3,000,000 for wastewater collection and treatment,
5 Amador County, California.

6 “(195) CALAVERAS COUNTY, CALIFORNIA.—
7 \$3,000,000 for water supply and wastewater im-
8 provement projects in Calaveras County, California,
9 including wastewater reclamation, recycling, and
10 conjunctive use projects.

11 “(196) SANTA MONICA, CALIFORNIA.—
12 \$3,000,000 for improving water system reliability,
13 Santa Monica, California.

14 “(197) MALIBU, CALIFORNIA.—\$3,000,000 for
15 municipal waste water and recycled water, Malibu
16 Creek Watershed Protection Project, Malibu, Cali-
17 fornia.

18 “(198) EASTERN UNITED STATES.—
19 \$29,450,000 for water supply and wastewater infra-
20 structure in the Eastern United States.

21 “(199) WESTERN UNITED STATES.—
22 \$29,450,000 for water supply and wastewater infra-
23 structure in the Western United States.”.

1 **SEC. 5004. ALASKA.**

2 Section 570(h) of the Water Resources Development
3 Act of 1999 (113 Stat.369) is amended by striking
4 “25,000,000” and inserting “40,000,000”.

5 **SEC. 5005. CALIFORNIA.**

6 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
7 may establish a program to provide environmental assist-
8 ance to non-Federal interests in California.

9 (b) FORM OF ASSISTANCE.—Assistance under this
10 section may be in the form of design and construction as-
11 sistance for water-related environmental infrastructure
12 and resource protection and development projects in Cali-
13 fornia, including projects for wastewater treatment and re-
14 lated facilities, water supply and related facilities, environ-
15 mental restoration, and surface water resource protection
16 and development.

17 (c) OWNERSHIP REQUIREMENT.—The Secretary may
18 provide assistance for a project under this section only if
19 the project is publicly owned.

20 (d) PARTNERSHIP AGREEMENTS.—

21 (1) IN GENERAL.—Before providing assistance
22 under this section, the Secretary shall enter into a
23 partnership agreement with a non-Federal interest
24 to provide for design and construction of the project
25 to be carried out with the assistance.

1 (2) REQUIREMENTS.—Each partnership agree-
2 ment entered into under this subsection shall provide
3 for the following:

4 (A) PLAN.—Development by the Secretary,
5 in consultation with appropriate Federal and
6 State officials, of a facilities or resource protec-
7 tion and development plan, including appro-
8 priate engineering plans and specifications.

9 (B) LEGAL AND INSTITUTIONAL STRUC-
10 TURES.—Establishment of such legal and insti-
11 tutional structures as are necessary to ensure
12 the effective long-term operation of the project
13 by the non-Federal interest.

14 (3) COST SHARING.—

15 (A) IN GENERAL.—The Federal share of
16 the cost of the project under this section—

17 (i) shall be 75 percent; and

18 (ii) may be provided in the form of
19 grants or reimbursements of project costs.

20 (B) CREDIT FOR DESIGN WORK.—The
21 non-Federal interest shall receive credit for the
22 reasonable costs of design work on a project
23 completed by the non-Federal interest before
24 entering into a local cooperation agreement with
25 the Secretary for a project.

1 (C) CREDIT FOR INTEREST.—In case of a
2 delay in the funding of the non-Federal share
3 of the costs of a project that is the subject of
4 an agreement under this section, the non-Fed-
5 eral interest shall receive credit for reasonable
6 interest incurred in providing the non-Federal
7 share of the project costs.

8 (D) CREDIT FOR LAND, EASEMENTS, AND
9 RIGHTS-OF-WAY.—The non-Federal interest
10 shall receive credit for land, easements, rights-
11 of-way, and relocations toward the non-Federal
12 share of project costs (including all reasonable
13 costs associated with obtaining permits nec-
14 essary for the construction, operation, and
15 maintenance of the project on publicly-owned or
16 -controlled land), but the credit may not exceed
17 25 percent of total project costs.

18 (E) OPERATION AND MAINTENANCE.—The
19 non-Federal share of operation and mainte-
20 nance costs for projects constructed with assist-
21 ance provided under this section shall be 100
22 percent.

23 (e) APPLICABILITY OF OTHER FEDERAL AND STATE
24 LAWS.—Nothing in this section waives, limits, or other-
25 wise affects the applicability of any provision of Federal

1 or State law that would otherwise apply to a project to
2 be carried out with assistance provided under this section.

3 (f) **NONPROFIT ENTITY.**—Notwithstanding section
4 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–
5 5b), for any project carried out under this section, a non-
6 Federal interest may include a nonprofit entity.

7 (g) **EXPENSES OF CORPS OF ENGINEERS.**—Not more
8 than 10 percent of amounts made available to carry out
9 this section may be used by the Corps of Engineers district
10 offices to administer projects under this section at Federal
11 expense.

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

15 **SEC. 5006. CONVEYANCE OF OAKLAND INNER HARBOR**
16 **TIDAL CANAL PROPERTY.**

17 Section 205 of the Water Resources Development Act
18 of 1990 (104 Stat. 4633; 110 Stat. 3748) is amended to
19 read as follows:

20 **“SEC. 205. CONVEYANCE OF OAKLAND INNER HARBOR**
21 **TIDAL CANAL PROPERTY.**

22 “(a) **IN GENERAL.**—The Secretary may convey, with-
23 out consideration, by separate quitclaim deeds, as soon as
24 the conveyance of each individual portion is practicable,
25 the title of the United States in and to all or portions

1 of the approximately 86 acres of upland, tideland, and
2 submerged land, commonly referred to as the ‘Oakland
3 Inner Harbor Tidal Canal,’ California (referred to in this
4 section as the ‘Canal Property’), as follows:

5 “(1) To the City of Oakland, the title of the
6 United States in and to all or portions of that part
7 of the Canal Property that are located within the
8 boundaries of the City of Oakland.

9 “(2) To the City of Alameda, or to an entity
10 created by or designated by the City of Alameda
11 that is eligible to hold title to real property, the title
12 of the United States in and to all or portions of that
13 part of the Canal Property that are located within
14 the boundaries of the City of Alameda.

15 “(3) To the adjacent land owners, or to an enti-
16 ty created by or designated by 1 or more of the ad-
17 jacent landowners that is eligible to hold title to real
18 property, the title of the United States in and to all
19 or portions of that part of the Canal Property that
20 are located within the boundaries of the city in
21 which the adjacent land owners reside.

22 “(b) REQUIREMENTS.—

23 “(1) RESERVATIONS.—The Secretary may re-
24 serve and retain from any conveyance under this
25 section a right-of-way or other rights as the Sec-

1 retary determines to be necessary for the operation
2 and maintenance of the authorized Federal channel
3 in the Canal Property.

4 “(2) COST.—The conveyances under this sec-
5 tion, and the processes involved in the conveyances,
6 shall be at no cost to the United States, except for
7 administrative costs.

8 “(c) ANNUAL REPORTS.—Until the date on which
9 each conveyance described in subsection (a) is complete,
10 the Secretary shall submit, by not later than 60 days after
11 the end of each fiscal year, to the Committee on Environ-
12 ment and Public Works of the Senate and Committee on
13 Transportation and Infrastructure of the House of Rep-
14 resentatives an annual report that describes the efforts of
15 the Secretary to complete the conveyances during the pre-
16 ceding fiscal year.”.

17 **SEC. 5007. STOCKTON, CALIFORNIA.**

18 (a) IN GENERAL.—Unless the Secretary determines,
19 by not later than 30 days after the date of enactment of
20 this Act, that the relocation of the project described in
21 subsection (b) would be injurious to the public interest,
22 a non-Federal interest may reconstruct and relocate that
23 project approximately 300 feet in a westerly direction.

24 (b) PROJECT DESCRIPTION.—

1 (1) IN GENERAL.—The project referred to in
2 subsection (a) is the project for flood control,
3 Calaveras River and Littlejohn Creek and tribu-
4 taries, California, authorized by section 10 of the
5 Act of December 22, 1944 (commonly known as the
6 “Flood Control Act of 1944”) (58 Stat. 902).

7 (2) SPECIFIC DESCRIPTION.—The portion of
8 the project to be reconstructed and relocated is that
9 portion consisting of approximately 5.34 acres of dry
10 land levee beginning at a point N. 2203542.3167, E.
11 6310930.1385, thence running west about 59.99
12 feet to a point N. 2203544.6562, E. 6310870.1468,
13 thence running south about 3,874.99 feet to a point
14 N. 2199669.8760, E. 6310861.7956, thence running
15 east about 60.00 feet to a point N. 2199668.8026,
16 E. 6310921.7900, thence running north about
17 3,873.73 feet to the point of origin.

18 (c) COST SHARING.—The non-Federal share of the
19 cost of reconstructing and relocating the project described
20 in subsection (b) shall be 100 percent.

21 **SEC. 5008. RIO GRANDE ENVIRONMENTAL MANAGEMENT**
22 **PROGRAM, COLORADO, NEW MEXICO, AND**
23 **TEXAS.**

24 (a) SHORT TITLE.—This section may be cited as the
25 “Rio Grande Environmental Management Act of 2007”.

1 (b) DEFINITIONS.—In this section:

2 (1) RIO GRANDE COMPACT.—The term “Rio
3 Grande Compact” means the compact approved by
4 Congress under the Act of May 31, 1939 (53 Stat.
5 785, chapter 155), and ratified by the States.

6 (2) RIO GRANDE BASIN.—The term “Rio
7 Grande Basin” means the Rio Grande (including all
8 tributaries and their headwaters) located—

9 (A) in the State of Colorado, from the Rio
10 Grande Reservoir, near Creede, Colorado, to the
11 New Mexico State border;

12 (B) in the State of New Mexico, from the
13 Colorado State border downstream to the Texas
14 State border; and

15 (C) in the State of Texas, from the New
16 Mexico State border to the southern terminus
17 of the Rio Grande at the Gulf of Mexico.

18 (3) STATES.—The term “States” means the
19 States of Colorado, New Mexico, and Texas.

20 (c) PROGRAM AUTHORITY.—The Secretary shall
21 carry out, in the Rio Grande Basin—

22 (1) a program for the planning, construction,
23 and evaluation of measures for fish and wildlife
24 habitat rehabilitation and enhancement; and

1 (2) implementation of a long-term monitoring,
2 computerized data inventory and analysis, applied
3 research, and adaptive management program.

4 (d) STATE AND LOCAL CONSULTATION AND COOPER-
5 ATIVE EFFORT.—For the purpose of ensuring the coordi-
6 nated planning and implementation of the programs de-
7 scribed in subsection (c), the Secretary shall consult with
8 the States and other appropriate entities in the States the
9 rights and interests of which might be affected by specific
10 program activities.

11 (e) COST SHARING.—

12 (1) IN GENERAL.—

13 (A) PROJECTS ON FEDERAL LAND.—Each
14 project under this section located on Federal
15 land shall be carried out at full Federal ex-
16 pense.

17 (B) OTHER PROJECTS.—For each project
18 under subsection (c)(1) located on non-Federal
19 land, the non-Federal share of the cost of the
20 project—

21 (i) shall be 35 percent;

22 (ii) may be provided through in-kind
23 services or direct cash contributions; and

1 (iii) shall include the provision of nec-
2 essary land, easements, relocations, and
3 disposal sites.

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).

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 \$15,000,000 for each of fiscal years 2008
20 through 2011.

21 **SEC. 5009. DELMARVA CONSERVATION CORRIDOR, DELA-**
22 **WARE AND MARYLAND.**

23 (a) ASSISTANCE.—The Secretary may provide tech-
24 nical assistance to the Secretary of Agriculture for use in
25 carrying out the Conservation Corridor Demonstration

1 Program established under subtitle G of title II of the
2 Farm Security and Rural Investment Act of 2002 (16
3 U.S.C. 3801 note; 116 Stat. 275).

4 (b) COORDINATION AND INTEGRATION.—In carrying
5 out water resources projects in the States on the Delmarva
6 Peninsula, the Secretary shall coordinate and integrate
7 those projects, to the maximum extent practicable, with
8 any activities carried out to implement a conservation cor-
9 ridor plan approved by the Secretary of Agriculture under
10 section 2602 of the Farm Security and Rural Investment
11 Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

12 **SEC. 5010. SUSQUEHANNA, DELAWARE, AND POTOMAC**
13 **RIVER BASINS, DELAWARE, MARYLAND,**
14 **PENNSYLVANIA, AND VIRGINIA.**

15 (a) EX OFFICIO MEMBER.—Notwithstanding section
16 3001(a) of the 1997 Emergency Supplemental Appropria-
17 tions Act for Recovery From Natural Disasters, and for
18 Overseas Peacekeeping Efforts, Including Those in Bosnia
19 (111 Stat. 176) and sections 2.2 of the Susquehanna
20 River Basin Compact (Public Law 91–575) and the Dela-
21 ware River Basin Compact (Public Law 87–328), begin-
22 ning in fiscal year 2002, and each fiscal year thereafter,
23 the Division Engineer, North Atlantic Division, Corps of
24 Engineers—

1 (1) shall be the ex officio United States member
2 under the Susquehanna River Basin Compact, the
3 Delaware River Basin Compact, and the Potomac
4 River Basin Compact;

5 (2) shall serve without additional compensation;
6 and

7 (3) may designate an alternate member in ac-
8 cordance with the terms of those compacts.

9 (b) AUTHORIZATION TO ALLOCATE.—The Secretary
10 shall allocate funds to the Susquehanna River Basin Com-
11 mission, Delaware River Basin Commission, and the
12 Interstate Commission on the Potomac River Basin (Poto-
13 mac River Basin Compact (Public Law 91–407)) to fulfill
14 the equitable funding requirements of the respective inter-
15 state compacts.

16 (c) WATER SUPPLY AND CONSERVATION STORAGE,
17 DELAWARE RIVER BASIN.—

18 (1) IN GENERAL.—The Secretary shall enter
19 into an agreement with the Delaware River Basin
20 Commission to provide temporary water supply and
21 conservation storage at the Francis E. Walter Dam,
22 Pennsylvania, for any period during which the Com-
23 mission has determined that a drought warning or
24 drought emergency exists.

1 (2) LIMITATION.—The agreement shall provide
2 that the cost for water supply and conservation stor-
3 age under paragraph (1) shall not exceed the incre-
4 mental operating costs associated with providing the
5 storage.

6 (d) WATER SUPPLY AND CONSERVATION STORAGE,
7 SUSQUEHANNA RIVER BASIN.—

8 (1) IN GENERAL.—The Secretary shall enter
9 into an agreement with the Susquehanna River
10 Basin Commission to provide temporary water sup-
11 ply and conservation storage at Federal facilities op-
12 erated by the Corps of Engineers in the Susque-
13 hanna River Basin, during any period in which the
14 Commission has determined that a drought warning
15 or drought emergency exists.

16 (2) LIMITATION.—The agreement shall provide
17 that the cost for water supply and conservation stor-
18 age under paragraph (1) shall not exceed the incre-
19 mental operating costs associated with providing the
20 storage.

21 (e) WATER SUPPLY AND CONSERVATION STORAGE,
22 POTOMAC RIVER BASIN.—

23 (1) IN GENERAL.—The Secretary shall enter
24 into an agreement with the Potomac River Basin
25 Commission to provide temporary water supply and

1 conservation storage at Federal facilities operated by
2 the Corps of Engineers in the Potomac River Basin
3 for any period during which the Commission has de-
4 termined that a drought warning or drought emer-
5 gency exists.

6 (2) LIMITATION.—The agreement shall provide
7 that the cost for water supply and conservation stor-
8 age under paragraph (1) shall not exceed the incre-
9 mental operating costs associated with providing the
10 storage.

11 **SEC. 5011. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND**
12 **MARYLAND.**

13 (a) COMPREHENSIVE ACTION PLAN.—Not later than
14 1 year after the date of enactment of this Act, the Sec-
15 retary, in coordination with the Mayor of the District of
16 Columbia, the Governor of Maryland, the county execu-
17 tives of Montgomery County and Prince George’s County,
18 Maryland, and other stakeholders, shall develop and make
19 available to the public a 10-year comprehensive action
20 plan to provide for the restoration and protection of the
21 ecological integrity of the Anacostia River and its tribu-
22 taries.

23 (b) PUBLIC AVAILABILITY.—On completion of the
24 comprehensive action plan under subsection (a), the Sec-
25 retary shall make the plan available to the public.

1 **SEC. 5012. BIG CREEK, GEORGIA, WATERSHED MANAGE-**
2 **MENT AND RESTORATION PROGRAM.**

3 (a) IN GENERAL.—The Secretary, acting through the
4 Chief of Engineers, is authorized to cooperate with, by
5 providing technical, planning, and construction assistance
6 to, the city of Roswell, Georgia, as local sponsor and coor-
7 dinator with other local governments in the Big Creek wa-
8 tershed, Georgia, to assess the quality and quantity of
9 water resources, conduct comprehensive watershed man-
10 agement planning, develop and implement water efficiency
11 technologies and programs, and plan, design, and con-
12 struct water resource facilities to restore the watershed.

13 (b) FEDERAL SHARE.—The Federal share of the cost
14 of the project under this section—

15 (1) shall be 65 percent; and

16 (2) may be provided in any combination of cash
17 and in-kind services.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—here is
19 authorized to be appropriated to the Secretary \$5,000,000
20 to carry out this section.

21 **SEC. 5013. METROPOLITAN NORTH GEORGIA WATER PLAN-**
22 **NING DISTRICT.**

23 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
24 shall establish a program to provide environmental assist-
25 ance to non-Federal interests in the Metropolitan North
26 Georgia Water Planning District.

1 (b) FORM OF ASSISTANCE.—Assistance under this
2 section may be in the form of design and construction as-
3 sistance for water-related environmental infrastructure
4 and resource protection and development projects in north
5 Georgia, including projects for wastewater treatment and
6 related facilities, elimination or control of combined sewer
7 overflows, water supply and related facilities, environ-
8 mental restoration, and surface water resource protection
9 and development.

10 (c) PUBLIC OWNERSHIP REQUIREMENT.—The Sec-
11 retary may provide assistance for a project under this sec-
12 tion only if the project is publicly owned.

13 (d) LOCAL COOPERATION AGREEMENT.—

14 (1) IN GENERAL.—Before providing assistance
15 under this section, the Secretary shall enter into a
16 local cooperation agreement with a non-Federal in-
17 terest to provide for design and construction of the
18 project to be carried out with the assistance.

19 (2) REQUIREMENTS.—Each local cooperation
20 agreement entered into under this subsection shall
21 provide for the following:

22 (A) PLAN.—Development by the Secretary,
23 in consultation with appropriate Federal and
24 State officials, of a facilities or resource protec-

1 tion and development plan, including appro-
2 priate engineering plans 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 by the non-Federal interest.

8 (3) COST SHARING.—

9 (A) IN GENERAL.—The Federal share of
10 project costs under each local cooperation
11 agreement entered into under this subsection—

12 (i) shall be 75 percent; and

13 (ii) may be in the form of grants or
14 reimbursements of project costs.

15 (B) CREDIT FOR DESIGN WORK.—The
16 non-Federal interest shall receive credit, not to
17 exceed 6 percent of the total construction costs
18 of the project, for the reasonable costs of design
19 work completed by the non-Federal interest be-
20 fore entering into a local cooperation agreement
21 with the Secretary for a project.

22 (C) CREDIT FOR INTEREST.—In case of a
23 delay in the funding of the non-Federal share
24 of the costs of a project that is the subject of
25 an agreement under this section, the non-Fed-

1 eral interest shall receive credit for reasonable
2 interest incurred in providing the non-Federal
3 share of the project costs.

4 (D) CREDIT FOR LAND, EASEMENTS, AND
5 RIGHTS-OF-WAY.—The non-Federal interest
6 shall receive credit for land, easements, rights-
7 of-way, and relocations toward the non-Federal
8 share of project costs (including all reasonable
9 costs associated with obtaining permits nec-
10 essary for the construction, operation, and
11 maintenance of the project on publicly-owned or
12 -controlled land), but not to exceed 25 percent
13 of total project costs.

14 (E) OPERATION AND MAINTENANCE.—The
15 non-Federal share of operation and mainte-
16 nance costs for projects constructed with assist-
17 ance provided under this section shall be 100
18 percent.

19 (e) APPLICABILITY OF OTHER FEDERAL AND STATE
20 LAWS.—Nothing in this section waives, limits, or other-
21 wise affects the applicability of any provision of Federal
22 or State law that would otherwise apply to a project to
23 be carried out with assistance provided under this section.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$20,000,000, to remain available until expended.

4 **SEC. 5014. IDAHO, MONTANA, RURAL NEVADA, NEW MEX-**
5 **ICO, RURAL UTAH, AND WYOMING.**

6 Section 595 of the Water Resources Development Act
7 of 1999 (113 Stat. 383; 117 Stat. 139; 117 Stat. 142;
8 117 Stat. 1836; 118 Stat. 440) is amended—

9 (1) in the section heading, by striking “**AND**
10 **RURAL UTAH**” and inserting “**RURAL UTAH, AND**
11 **WYOMING**”;

12 (2) in subsections (b) and (c), by striking “and
13 rural Utah” each place it appears and inserting
14 “rural Utah, and Wyoming”; and

15 (3) by amending subsection (h) to read as fol-
16 lows:

17 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
18 is authorized to be appropriated to carry out this section
19 for the period beginning with fiscal year 2001
20 \$150,000,000 for rural Nevada, and \$25,000,000 for each
21 of Montana and New Mexico, \$55,000,000 for Idaho,
22 \$50,000,000 for rural Utah, and \$30,000,000 for Wyo-
23 ming, to remain available until expended.”.

1 **SEC. 5015. CHICAGO SANITARY AND SHIP CANAL DIS-**
2 **PERSAL BARRIERS PROJECT, ILLINOIS.**

3 (a) TREATMENT AS SINGLE PROJECT.—The Chicago
4 Sanitary and Ship Canal Dispersal Barrier Project (Bar-
5 rier I) (as in existence on the date of enactment of this
6 Act), constructed as a demonstration project under section
7 1202(i)(3) of the Nonindigenous Aquatic Nuisance Pre-
8 vention and Control Act of 1990 (16 U.S.C. 4722(i)(3)),
9 and Barrier II, as authorized by section 345 of the Dis-
10 trict of Columbia Appropriations Act, 2005 (Public Law
11 108–335; 118 Stat. 1352), shall be considered to con-
12 stitute a single project.

13 (b) AUTHORIZATION.—

14 (1) IN GENERAL.—The Secretary, acting
15 through the Chief of Engineers, is authorized and
16 directed, at full Federal expense—

17 (A) to upgrade and make permanent Bar-
18 rier I;

19 (B) to construct Barrier II, notwith-
20 standing the project cooperation agreement
21 with the State of Illinois dated June 14, 2005;

22 (C) to operate and maintain Barrier I and
23 Barrier II as a system to optimize effectiveness;

24 (D) to conduct, in consultation with appro-
25 priate Federal, State, local, and nongovern-
26 mental entities, a study of a full range of op-

1 tions and technologies for reducing impacts of
2 hazards that may reduce the efficacy of the
3 Barriers; and

4 (E) to provide to each State a credit in an
5 amount equal to the amount of funds contrib-
6 uted by the State toward Barrier II.

7 (2) USE OF CREDIT.—A State may apply a
8 credit received under paragraph (1)(E) to any cost
9 sharing responsibility for an existing or future Fed-
10 eral project with the Corps of Engineers in the
11 State.

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

20 (d) CONFORMING AMENDMENTS.—

21 (1) NONINDIGENOUS AQUATIC NUISANCE PRE-
22 VENTION AND CONTROL.—Section 1202(i)(3)(C) of
23 the Nonindigenous Aquatic Nuisance Prevention and
24 Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is
25 amended by striking “, to carry out this paragraph,

1 \$750,000” and inserting “such sums as are nec-
2 essary to carry out the dispersal barrier demonstra-
3 tion project under this paragraph”.

4 (2) BARRIER II AUTHORIZATION.—Section 345
5 of the District of Columbia Appropriations Act,
6 2005 (Public Law 108–335; 118 Stat. 1352), is
7 amended to read as follows:

8 **“SEC. 345. CHICAGO SANITARY AND SHIP CANAL DIS-**
9 **PERSAL BARRIER, ILLINOIS.**

10 “There are authorized to be appropriated such sums
11 as are necessary to carry out the Barrier II project of the
12 project for the Chicago Sanitary and Ship Canal Dispersal
13 Barrier, Illinois, initiated pursuant to section 1135 of the
14 Water Resources Development Act of 1986 (33 U.S.C.
15 2294 note; 100 Stat. 4251).”.

16 **SEC. 5016. MISSOURI RIVER AND TRIBUTARIES, MITIGA-**
17 **TION, RECOVERY AND RESTORATION, IOWA,**
18 **KANSAS, MISSOURI, MONTANA, NEBRASKA,**
19 **NORTH DAKOTA, SOUTH DAKOTA, AND WYO-**
20 **MING.**

21 (a) STUDY.—

22 (1) IN GENERAL.—The Secretary, in consulta-
23 tion with the Missouri River Recovery and Imple-
24 mentation Committee established by subsection

1 (b)(1), shall conduct a study of the Missouri River
2 and its tributaries to determine actions required—

3 (A) to mitigate losses of aquatic and ter-
4 restrial habitat;

5 (B) to recover federally listed species under
6 the Endangered Species Act (16 U.S.C. 1531 et
7 seq.); and

8 (C) to restore the ecosystem to prevent
9 further declines among other native species.

10 (2) FUNDING.—The study under paragraph (1)
11 shall be funded under the Missouri River Fish and
12 Wildlife Mitigation Program.

13 (b) MISSOURI RIVER RECOVERY IMPLEMENTATION
14 COMMITTEE.—

15 (1) ESTABLISHMENT.—Not later than June 31,
16 2006, the Secretary shall establish a committee to be
17 known as the “Missouri River Recovery Implementa-
18 tion Committee” (referred to in this section as the
19 “Committee”).

20 (2) MEMBERSHIP.—The Committee shall in-
21 clude representatives from—

22 (A) Federal agencies;

23 (B) States located near the Missouri River
24 Basin; and

1 (C) other appropriate entities, as deter-
2 mined by the Secretary, including—

3 (i) water management and fish and
4 wildlife agencies;

5 (ii) Indian tribes located near the Mis-
6 souri River Basin; and

7 (iii) nongovernmental stakeholders.

8 (3) DUTIES.—The Commission shall—

9 (A) with respect to the study under sub-
10 section (a), provide guidance to the Secretary
11 and any other affected Federal agency, State
12 agency, or Indian tribe;

13 (B) provide guidance to the Secretary with
14 respect to the Missouri River recovery and miti-
15 gation program in existence on the date of en-
16 actment of this Act, including recommendations
17 relating to—

18 (i) changes to the implementation
19 strategy from the use of adaptive manage-
20 ment; and

21 (ii) the coordination of the develop-
22 ment of consistent policies, strategies,
23 plans, programs, projects, activities, and
24 priorities for the program;

1 (C) exchange information regarding pro-
2 grams, projects, and activities of the agencies
3 and entities represented on the Committee to
4 promote the goals of the Missouri River recov-
5 ery and mitigation program;

6 (D) establish such working groups as the
7 Committee determines to be necessary to assist
8 in carrying out the duties of the Committee, in-
9 cluding duties relating to public policy and sci-
10 entific issues;

11 (E) facilitate the resolution of interagency
12 and intergovernmental conflicts between entities
13 represented on the Committee associated with
14 the Missouri River recovery and mitigation pro-
15 gram;

16 (F) coordinate scientific and other research
17 associated with the Missouri River recovery and
18 mitigation program; and

19 (G) annually prepare a work plan and as-
20 sociated budget requests.

21 (4) COMPENSATION; TRAVEL EXPENSES.—

22 (A) COMPENSATION.—Members of the
23 Committee shall not receive compensation from
24 the Secretary in carrying out the duties of the
25 Committee under this section.

1 (B) TRAVEL EXPENSES.—Travel expenses
2 incurred by a member of the Committee in car-
3 rying out the duties of the Committee under
4 this section shall be paid by the agency, Indian
5 tribe, or unit of government represented by the
6 member.

7 (c) NONAPPLICABILITY OF FACA.—The Federal Ad-
8 visory Committee Act (5 U.S.C. App.) shall not apply to
9 the Committee.

10 **SEC. 5017. SOUTHEAST LOUISIANA REGION, LOUISIANA.**

11 (a) DEFINITION OF SOUTHEAST LOUISIANA RE-
12 GION.—In this section, the term “Southeast Louisiana Re-
13 gion” means any of the following parishes and municipali-
14 ties in the State of Louisiana:

- 15 (1) Orleans.
- 16 (2) Jefferson.
- 17 (3) St. Tammany.
- 18 (4) Tangipahoa.
- 19 (5) St. Bernard.
- 20 (6) St. Charles.
- 21 (7) St. John.
- 22 (8) Plaquemines.

23 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
24 may establish a program to provide environmental assist-

1 ance to non-Federal interests in the Southeast Louisiana
2 Region.

3 (c) FORM OF ASSISTANCE.—Assistance provided
4 under this section may be in the form of design and con-
5 struction assistance for water-related environmental infra-
6 structure and resource protection and development
7 projects in the Southeast Louisiana Region, including
8 projects for wastewater treatment and related facilities,
9 water supply and related facilities, environmental restora-
10 tion, and surface water resource protection and develop-
11 ment (including projects to improve water quality in the
12 Lake Pontchartrain Basin).

13 (d) OWNERSHIP REQUIREMENT.—The Secretary may
14 provide assistance for a project under this section only if
15 the project is publicly owned.

16 (e) PARTNERSHIP AGREEMENTS.—

17 (1) IN GENERAL.—Before providing assistance
18 under this section, the Secretary shall enter into a
19 partnership agreement with a non-Federal interest
20 to provide for design and construction of the project
21 to be carried out with the assistance.

22 (2) REQUIREMENTS.—Each partnership agree-
23 ment of a project entered into under this subsection
24 shall provide for the following:

1 (A) PLAN.—Development by the Secretary,
2 in consultation with appropriate Federal and
3 State officials, of a facilities or resource protec-
4 tion and development plan, including appro-
5 priate engineering plans and specifications.

6 (B) LEGAL AND INSTITUTIONAL STRUC-
7 TURES.—Establishment of such legal and insti-
8 tutional structures as are necessary to ensure
9 the effective long-term operation of the project
10 by the non-Federal interest.

11 (3) COST SHARING.—The Federal share of the
12 cost of the project under this section—

13 (A) shall be 75 percent; and

14 (B) may be provided in the form of grants
15 or reimbursements of project costs.

16 (C) CREDIT FOR DESIGN WORK.—The non-
17 Federal interest shall receive credit, not to ex-
18 ceed 6 percent of the total construction costs of
19 the project, for the reasonable costs of design
20 work completed by the non-Federal interest be-
21 fore entering into a local cooperation agreement
22 with the Secretary for a project.

23 (D) CREDIT FOR INTEREST.—In case of a
24 delay in the funding of the non-Federal share
25 of the costs of a project that is the subject of

1 an agreement under this section, the non-Fed-
2 eral interest shall receive credit for reasonable
3 interest incurred in providing the non-Federal
4 share of the project costs.

5 (E) CREDIT FOR LAND, EASEMENTS, AND
6 RIGHTS-OF-WAY.—The non-Federal interest
7 shall receive credit for land, easements, rights-
8 of-way, and relocations toward the non-Federal
9 share of project costs (including all reasonable
10 costs associated with obtaining permits nec-
11 essary for the construction, operation, and
12 maintenance of the project on publicly-owned or
13 -controlled land), but not to exceed 25 percent
14 of total project costs.

15 (F) OPERATION AND MAINTENANCE.—The
16 non-Federal share of operation and mainte-
17 nance costs for projects constructed with assist-
18 ance provided under this section shall be 100
19 percent.

20 (f) APPLICABILITY OF OTHER FEDERAL AND STATE
21 LAWS.—Nothing in this section waives, limits, or other-
22 wise affects the applicability of any provision of Federal
23 or State law that would otherwise apply to a project to
24 be carried out with assistance provided under this section.

1 (g) NONPROFIT ENTITY.—Notwithstanding section
2 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–
3 5b), for any project carried out under this section, a non-
4 Federal interest may include a nonprofit entity.

5 (h) EXPENSES OF CORPS OF ENGINEERS.—Not more
6 than 10 percent of amounts made available to carry out
7 this section may be used by the Corps of Engineers district
8 offices to administer projects under this section at Federal
9 expense.

10 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to carry out this section
12 \$17,000,000, to remain available until expended.

13 **SEC. 5018. MISSISSIPPI.**

14 Section 592(g) of the Water Resources Development
15 Act of 1999 (113 Stat. 380; 117 Stat. 1837) is amended
16 by striking “\$100,000,000” and inserting
17 “\$110,000,000”.

18 **SEC. 5019. ST. MARY PROJECT, BLACKFEET RESERVATION,**

19 **MONTANA.**

20 (a) IN GENERAL.—The Secretary, in consultation
21 with the Bureau of Reclamation, shall conduct all nec-
22 essary studies, develop an emergency response plan, pro-
23 vide technical and planning and design assistance, and re-
24 habilitate and construct the St. Mary Diversion and Con-
25 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 (c) PARTICIPATION BY BLACKFEET TRIBE AND FORT
7 BELKNAP INDIAN COMMUNITY.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), no construction shall be carried out under
10 this section until the earlier of—

11 (A) the date on which Congress approves
12 the reserved water rights settlements of the
13 Blackfeet Tribe and the Fort Belknap Indian
14 Community; and

15 (B) January 1, 2011.

16 (2) EXCEPTION.—Paragraph (1) shall not
17 apply with respect to construction relating to—

18 (A) standard operation and maintenance;

19 or

20 (B) emergency repairs to ensure water
21 transportation or the protection of life and
22 property.

23 (3) REQUIREMENT.—The Blackfeet Tribe shall
24 be a participant in all phases of the project author-
25 ized by this section.

1 **SEC. 5020. LOWER PLATTE RIVER WATERSHED RESTORA-**
2 **TION, NEBRASKA.**

3 (a) IN GENERAL.—The Secretary, acting through the
4 Chief of Engineers, may cooperate with and provide assist-
5 ance to the Lower Platte River natural resources districts
6 in the State of Nebraska to serve as local sponsors with
7 respect to—

8 (1) conducting comprehensive watershed plan-
9 ning in the natural resource districts;

10 (2) assessing water resources in the natural re-
11 source districts; and

12 (3) providing project feasibility planning, de-
13 sign, and construction assistance for water resource
14 and watershed management in the natural resource
15 districts, including projects for environmental res-
16 toration and flood damage reduction.

17 (b) FUNDING.—

18 (1) FEDERAL SHARE.—The Federal share of
19 the cost of carrying out an activity described in sub-
20 section (a) shall be 65 percent.

21 (2) NON-FEDERAL SHARE.—The non-Federal
22 share of the cost of carrying out an activity de-
23 scribed in subsection (a)—

24 (A) shall be 35 percent; and

25 (B) may be provided in cash or in-kind.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary to carry
3 out this section \$12,000,000.

4 **SEC. 5021. NORTH CAROLINA.**

5 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
6 shall establish a program to provide environmental assist-
7 ance to non-Federal interests in the State of North Caro-
8 lina.

9 (b) FORM OF ASSISTANCE.—Assistance under this
10 section may be in the form of design and construction as-
11 sistance for environmental infrastructure and resource
12 protection and development projects in North Carolina, in-
13 cluding projects for—

14 (1) wastewater treatment and related facilities;

15 (2) combined sewer overflow, water supply,
16 storage, treatment, and related facilities;

17 (3) drinking water infrastructure including
18 treatment and related facilities;

19 (4) environmental restoration;

20 (5) storm water infrastructure; and

21 (6) surface water resource protection and devel-
22 opment.

23 (c) PUBLIC OWNERSHIP REQUIREMENT.—The Sec-
24 retary may provide assistance for a project under this sec-
25 tion only if the project is publicly owned.

1 (d) PROJECT COOPERATION AGREEMENTS.—

2 (1) IN GENERAL.—Before providing assistance
3 under this section, the Secretary shall enter into a
4 project cooperation agreement with a non-Federal
5 interest to provide for design and construction of the
6 project to be carried out with the assistance.

7 (2) REQUIREMENTS.—Each project cooperation
8 agreement entered into under this subsection shall
9 provide for the following:

10 (A) PLAN.—Development by the Secretary,
11 in consultation with appropriate Federal and
12 State officials, of a facilities development plan
13 or resource protection plan, including appro-
14 priate plans and specifications.

15 (B) LEGAL AND INSTITUTIONAL STRUC-
16 TURES.—Establishment of such legal and insti-
17 tutional structures as are necessary to ensure
18 the effective long-term operation of the project
19 by the non-Federal interest.

20 (3) COST SHARING.—

21 (A) IN GENERAL.—The Federal share of
22 the cost of the project under this section—

23 (i) shall be 75 percent; and

24 (ii) may be provided in the form of
25 grants or reimbursements of project costs.

1 (B) CREDIT FOR DESIGN WORK.—The
2 non-Federal interest shall receive credit, not to
3 exceed 6 percent of the total construction costs
4 of the project, for the reasonable costs of design
5 work completed by the non-Federal interest be-
6 fore entering into a local cooperation agreement
7 with the Secretary for a project.

8 (C) CREDIT FOR INTEREST.—In case of a
9 delay in the funding of the non-Federal share
10 of the costs of a project that is the subject of
11 an agreement under this section, the non-Fed-
12 eral interest shall receive credit for reasonable
13 interest incurred in providing the non-Federal
14 share of the project costs.

15 (D) CREDIT FOR LAND, EASEMENTS, AND
16 RIGHTS-OF-WAY.—The non-Federal interest
17 shall receive credit for land, easements, rights-
18 of-way, and relocations toward the non-Federal
19 share of project costs (including all reasonable
20 costs associated with obtaining permits nec-
21 essary for the construction, operation, and
22 maintenance of the project on publicly-owned or
23 -controlled land).

24 (E) OPERATION AND MAINTENANCE.—The
25 non-Federal share of operation and mainte-

1 nance costs for projects constructed with assist-
2 ance provided under this section shall be 100
3 percent.

4 (e) **APPLICABILITY OF OTHER FEDERAL AND STATE**
5 **LAWS.**—Nothing in this section waives, limits, or other-
6 wise affects the applicability of any provision of Federal
7 or State law that would otherwise apply to a project to
8 be carried out with assistance provided under this section.

9 (f) **AUTHORIZATION OF APPROPRIATIONS.**—There is
10 authorized to be appropriated to carry out this section
11 \$13,000,000.

12 **SEC. 5022. OHIO RIVER BASIN ENVIRONMENTAL MANAGE-**
13 **MENT.**

14 (a) **DEFINITIONS.**—In this section:

15 (1) **OHIO RIVER BASIN.**—The term “Ohio River
16 Basin” means the Ohio River, its backwaters, its
17 side channels, and all tributaries (including their wa-
18 tersheds) that drain into the Ohio River and encom-
19 passing areas of any of the States of Indiana, Ohio,
20 Kentucky, Pennsylvania, West Virginia, Illinois, New
21 York, and Virginia.

22 (2) **COMPACT.**—The term “Compact” means
23 the Ohio River Watershed Sanitation Commission
24 flood and pollution control compact between the
25 States of Indiana, West Virginia, Ohio, Kentucky,

1 Pennsylvania, New York, Illinois, and Virginia, ap-
2 proved by Congress in 1936 pursuant to the first
3 section of the Act of June 8, 1936 (33 U.S.C.
4 567a), and chartered in 1948.

5 (b) ASSISTANCE.—The Secretary may provide plan-
6 ning, design, and construction assistance to the Compact
7 for the improvement of the quality of the environment in
8 and along the Ohio River Basin.

9 (c) PRIORITIES.—In providing assistance under this
10 section, the Secretary shall give priority to reducing or
11 eliminating the presence of organic pollutants in the Ohio
12 River Basin through the renovation and technological im-
13 provement of the organic detection system monitoring sta-
14 tions along the Ohio River in the States of Indiana, Ohio,
15 West Virginia, Kentucky, and Pennsylvania.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to carry out this section
18 \$2,500,000.

19 **SEC. 5023. STATEWIDE COMPREHENSIVE WATER PLAN-**
20 **NING, OKLAHOMA.**

21 (a) IN GENERAL.—The Secretary shall provide tech-
22 nical assistance for the development of updates of the
23 Oklahoma Comprehensive Water Plan.

24 (b) TECHNICAL ASSISTANCE.—Technical assistance
25 provided under subsection (a) may include—

1 (1) acquisition of hydrologic data, groundwater
2 characterization, database development, and data
3 distribution;

4 (2) expansion of surface water and groundwater
5 monitoring networks;

6 (3) assessment of existing water resources, sur-
7 face water storage, and groundwater storage poten-
8 tial;

9 (4) numerical analysis and modeling necessary
10 to provide an integrated understanding of water re-
11 sources and water management options;

12 (5) participation in State planning forums and
13 planning groups;

14 (6) coordination of Federal water management
15 planning efforts; and

16 (7) technical review of data, models, planning
17 scenarios, and water plans developed by the State.

18 (c) ALLOCATION.—The Secretary shall allocate, sub-
19 ject to the availability of appropriations, \$6,500,000 to
20 provide technical assistance and for the development of
21 updates of the Oklahoma Comprehensive water plan.

22 (d) COST SHARING REQUIREMENT.—The non-Fed-
23 eral share of the total cost of any activity carried out
24 under this section—

25 (1) shall be 25 percent; and

1 (2) may be in the form of cash or any in-kind
2 services that the Secretary determines would con-
3 tribute substantially toward the conduct and comple-
4 tion of the activity assisted.

5 **SEC. 5024. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE**
6 **SIOUX TRIBE, AND TERRESTRIAL WILDLIFE**
7 **HABITAT RESTORATION, SOUTH DAKOTA.**

8 (a) DISBURSEMENT PROVISIONS OF STATE OF
9 SOUTH DAKOTA AND CHEYENNE RIVER SIOUX TRIBE
10 AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILD-
11 LIFE HABITAT RESTORATION TRUST FUNDS.—Section
12 602(a)(4) of the Water Resources Development Act of
13 1999 (113 Stat. 386) is amended—

14 (1) in subparagraph (A)—

15 (A) in clause (i), by inserting “and the
16 Secretary of the Treasury” after “Secretary”;
17 and

18 (B) by striking clause (ii) and inserting the
19 following:

20 “(ii) AVAILABILITY OF FUNDS.—On
21 notification in accordance with clause (i),
22 the Secretary of the Treasury shall make
23 available to the State of South Dakota
24 funds from the State of South Dakota Ter-
25 restrial Wildlife Habitat Restoration Trust

1 Fund established under section 603, to be
2 used to carry out the plan for terrestrial
3 wildlife habitat restoration submitted by
4 the State of South Dakota after the State
5 certifies to the Secretary of the Treasury
6 that the funds to be disbursed will be used
7 in accordance with section 603(d)(3) and
8 only after the Trust Fund is fully capital-
9 ized.”; and

10 (2) in subparagraph (B), by striking clause (ii)
11 and inserting the following:

12 “(ii) AVAILABILITY OF FUNDS.—On
13 notification in accordance with clause (i),
14 the Secretary of the Treasury shall make
15 available to the Cheyenne River Sioux
16 Tribe and the Lower Brule Sioux Tribe
17 funds from the Cheyenne River Sioux Ter-
18 restrial Wildlife Habitat Restoration Trust
19 Fund and the Lower Brule Sioux Terres-
20 trial Wildlife Habitat Restoration Trust
21 Fund, respectively, established under sec-
22 tion 604, to be used to carry out the plans
23 for terrestrial wildlife habitat restoration
24 submitted by the Cheyenne River Sioux
25 Tribe and the Lower Brule Sioux Tribe,

1 respectively, after the respective tribe cer-
2 tifies to the Secretary of the Treasury that
3 the funds to be disbursed will be used in
4 accordance with section 604(d)(3) and only
5 after the Trust Fund is fully capitalized.”.

6 (b) INVESTMENT PROVISIONS OF STATE OF SOUTH
7 DAKOTA TERRESTRIAL WILDLIFE RESTORATION TRUST
8 FUND.—Section 603 of the Water Resources Development
9 Act of 1999 (113 Stat. 388) is amended—

10 (1) by striking subsection (c) and inserting the
11 following:

12 “(c) INVESTMENTS.—

13 “(1) ELIGIBLE OBLIGATIONS.—Notwith-
14 standing any other provision of law, the Secretary of
15 the Treasury shall invest the amounts deposited
16 under subsection (b) and the interest earned on
17 those amounts only in interest-bearing obligations of
18 the United States issued directly to the Fund.

19 “(2) INVESTMENT REQUIREMENTS.—

20 “(A) IN GENERAL.—The Secretary of the
21 Treasury shall invest the Fund in accordance
22 with all of the requirements of this paragraph.

23 “(B) SEPARATE INVESTMENTS OF PRIN-
24 CIPAL AND INTEREST.—

1 “(i) PRINCIPAL ACCOUNT.—The
2 amounts deposited in the Fund under sub-
3 section (b) shall be credited to an account
4 within the Fund (referred to in this para-
5 graph as the ‘principal account’) and in-
6 vested as provided in subparagraph (C).

7 “(ii) INTEREST ACCOUNT.—The inter-
8 est earned from investing amounts in the
9 principal account of the Fund shall be
10 transferred to a separate account within
11 the Fund (referred to in this paragraph as
12 the ‘interest account’) and invested as pro-
13 vided in subparagraph (D).

14 “(iii) CREDITING.—The interest
15 earned from investing amounts in the in-
16 terest account of the Fund shall be cred-
17 ited to the interest account.

18 “(C) INVESTMENT OF PRINCIPAL AC-
19 COUNT.—

20 “(i) INITIAL INVESTMENT.—Each
21 amount deposited in the principal account
22 of the Fund shall be invested initially in el-
23 igible obligations having the shortest matu-
24 rity then available until the date on which
25 the amount is divided into 3 substantially

1 equal portions and those portions are in-
2 vested in eligible obligations that are iden-
3 tical (except for transferability) to the
4 next-issued publicly issued Treasury obli-
5 gations having a 2-year maturity, a 5-year
6 maturity, and a 10-year maturity, respec-
7 tively.

8 “(ii) SUBSEQUENT INVESTMENT.—As
9 each 2-year, 5-year, and 10-year eligible
10 obligation matures, the principal of the
11 maturing eligible obligation shall also be
12 invested initially in the shortest-maturity
13 eligible obligation then available until the
14 principal is reinvested substantially equally
15 in the eligible obligations that are identical
16 (except for transferability) to the next-
17 issued publicly issued Treasury obligations
18 having 2-year, 5-year, and 10-year matu-
19 rities.

20 “(iii) DISCONTINUANCE OF ISSUANCE
21 OF OBLIGATIONS.—If the Department of
22 the Treasury discontinues issuing to the
23 public obligations having 2-year, 5-year, or
24 10-year maturities, the principal of any
25 maturing eligible obligation shall be rein-

1 fund the activities authorized under sub-
2 section (d)(3).

3 “(E) PAR PURCHASE PRICE.—The price to
4 be paid for eligible obligations purchased as in-
5 vestments of the principal account shall not ex-
6 ceed the par value of the obligations so that the
7 amount of the principal account shall be pre-
8 served in perpetuity.

9 “(F) HIGHEST YIELD.—Among eligible ob-
10 ligations having the same maturity and pur-
11 chase price, the obligation to be purchased shall
12 be the obligation having the highest yield.

13 “(G) HOLDING TO MATURITY.—Eligible
14 obligations purchased shall generally be held to
15 their maturities.

16 “(3) ANNUAL REVIEW OF INVESTMENT ACTIVI-
17 TIES.—Not less frequently than once each calendar
18 year, the Secretary of the Treasury shall review with
19 the State of South Dakota the results of the invest-
20 ment activities and financial status of the Fund dur-
21 ing the preceding 12-month period.

22 “(4) AUDITS.—

23 “(A) IN GENERAL.—The activities of the
24 State of South Dakota (referred to in this sub-
25 section as the ‘State’) in carrying out the plan

1 of the State for terrestrial wildlife habitat res-
2 toration under section 602(a) shall be audited
3 as part of the annual audit that the State is re-
4 quired to prepare under the Office of Manage-
5 ment and Budget Circular A-133 (or a suc-
6 cessor circulation).

7 “(B) DETERMINATION BY AUDITORS.—An
8 auditor that conducts an audit under subpara-
9 graph (A) shall—

10 “(i) determine whether funds received
11 by the State under this section during the
12 period covered by the audit were used to
13 carry out the plan of the State in accord-
14 ance with this section; and

15 “(ii) include the determination under
16 clause (i) in the written findings of the
17 audit.

18 “(5) MODIFICATION OF INVESTMENT REQUIRE-
19 MENTS.—

20 “(A) IN GENERAL.—If the Secretary of the
21 Treasury determines that meeting the require-
22 ments under paragraph (2) with respect to the
23 investment of a Fund is not practicable, or
24 would result in adverse consequences for the
25 Fund, the Secretary shall modify the require-

1 ments, as the Secretary determines to be nec-
2 essary.

3 “(B) CONSULTATION.—Before modifying a
4 requirement under subparagraph (A), the Sec-
5 retary of the Treasury shall consult with the
6 State regarding the proposed modification.”;

7 (2) in subsection (d)(2), by inserting “of the
8 Treasury” after Secretary”; and

9 (3) by striking subsection (f) and inserting the
10 following:

11 “(f) ADMINISTRATIVE EXPENSES.—There are au-
12 thorized to be appropriated, out of any money in the
13 Treasury not otherwise appropriated, to the Secretary of
14 the Treasury, to pay expenses associated with investing
15 the Fund and auditing the uses of amounts withdrawn
16 from the Fund—

17 “(1) up to \$500,000 for each of fiscal years
18 2006 and 2007; and

19 “(2) such sums as are necessary for each subse-
20 quent fiscal year.”.

21 (c) INVESTMENT PROVISIONS FOR CHEYENNE RIVER
22 SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TRUST
23 FUNDS.—Section 604 of the Water Resources Develop-
24 ment Act of 1999 (113 Stat. 389) is amended—

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

3 “(c) INVESTMENTS.—

4 “(1) ELIGIBLE OBLIGATIONS.—Notwith-
5 standing any other provision of law, the Secretary of
6 the Treasury shall invest the amounts deposited
7 under subsection (b) and the interest earned on
8 those amounts only in interest-bearing obligations of
9 the United States issued directly to the Funds.

10 “(2) INVESTMENT REQUIREMENTS.—

11 “(A) IN GENERAL.—The Secretary of the
12 Treasury shall invest each of the Funds in ac-
13 cordance with all of the requirements of this
14 paragraph.

15 “(B) SEPARATE INVESTMENTS OF PRIN-
16 CIPAL AND INTEREST.—

17 “(i) PRINCIPAL ACCOUNT.—The
18 amounts deposited in each Fund under
19 subsection (b) shall be credited to an ac-
20 count within the Fund (referred to in this
21 paragraph as the ‘principal account’) and
22 invested as provided in subparagraph (C).

23 “(ii) INTEREST ACCOUNT.—The inter-
24 est earned from investing amounts in the
25 principal account of each Fund shall be

1 transferred to a separate account within
2 the Fund (referred to in this paragraph as
3 the ‘interest account’) and invested as pro-
4 vided in subparagraph (D).

5 “(iii) CREDITING.—The interest
6 earned from investing amounts in the in-
7 terest account of each Fund shall be cred-
8 ited to the interest account.

9 “(C) INVESTMENT OF PRINCIPAL AC-
10 COUNT.—

11 “(i) INITIAL INVESTMENT.—Each
12 amount deposited in the principal account
13 of each Fund shall be invested initially in
14 eligible obligations having the shortest ma-
15 turity then available until the date on
16 which the amount is divided into 3 sub-
17 stantially equal portions and those portions
18 are invested in eligible obligations that are
19 identical (except for transferability) to the
20 next-issued publicly issued Treasury obli-
21 gations having a 2-year maturity, a 5-year
22 maturity, and a 10-year maturity, respec-
23 tively.

24 “(ii) SUBSEQUENT INVESTMENT.—As
25 each 2-year, 5-year, and 10-year eligible

1 obligation matures, the principal of the
2 maturing eligible obligation shall also be
3 invested initially in the shortest-maturity
4 eligible obligation then available until the
5 principal is reinvested substantially equally
6 in the eligible obligations that are identical
7 (except for transferability) to the next-
8 issued publicly issued Treasury obligations
9 having 2-year, 5-year, and 10-year matu-
10 rities.

11 “(iii) DISCONTINUATION OF ISSUANCE
12 OF OBLIGATIONS.—If the Department of
13 the Treasury discontinues issuing to the
14 public obligations having 2-year, 5-year, or
15 10-year maturities, the principal of any
16 maturing eligible obligation shall be rein-
17 vested substantially equally in eligible obli-
18 gations that are identical (except for trans-
19 ferability) to the next-issued publicly
20 issued Treasury obligations of the matu-
21 rities longer than 1 year then available.

22 “(D) INVESTMENT OF THE INTEREST AC-
23 COUNT.—

24 “(i) BEFORE FULL CAPITALIZA-
25 TION.—Until the date on which each Fund

1 is fully capitalized, amounts in the interest
2 account of the Fund shall be invested in el-
3 igible obligations that are identical (except
4 for transferability) to publicly issued
5 Treasury obligations that have maturities
6 that coincide, to the maximum extent prac-
7 ticable, with the date on which the Fund
8 is expected to be fully capitalized.

9 “(ii) AFTER FULL CAPITALIZATION.—
10 On and after the date on which each Fund
11 is fully capitalized, amounts in the interest
12 account of the Fund shall be invested and
13 reinvested in eligible obligations having the
14 shortest maturity then available until the
15 amounts are withdrawn and transferred to
16 fund the activities authorized under sub-
17 section (d)(3).

18 “(E) PAR PURCHASE PRICE.—The price to
19 be paid for eligible obligations purchased as in-
20 vestments of the principal account shall not ex-
21 ceed the par value of the obligations so that the
22 amount of the principal account shall be pre-
23 served in perpetuity.

24 “(F) HIGHEST YIELD.—Among eligible ob-
25 ligations having the same maturity and pur-

1 chase price, the obligation to be purchased shall
2 be the obligation having the highest yield.

3 “(G) HOLDING TO MATURITY.—Eligible
4 obligations purchased shall generally be held to
5 their maturities.

6 “(3) ANNUAL REVIEW OF INVESTMENT ACTIVI-
7 TIES.—Not less frequently than once each calendar
8 year, the Secretary of the Treasury shall review with
9 the Cheyenne River Sioux Tribe and the Lower
10 Brule Sioux Tribe (referred to in this subsection as
11 the ‘Tribes’) the results of the investment activities
12 and financial status of the Funds during the pre-
13 ceding 12-month period.

14 “(4) AUDITS.—

15 “(A) IN GENERAL.—The activities of the
16 Tribes in carrying out the plans of the Tribes
17 for terrestrial wildlife habitat restoration under
18 section 602(a) shall be audited as part of the
19 annual audit that the Tribes are required to
20 prepare under the Office of Management and
21 Budget Circular A-133 (or a successor circula-
22 tion).

23 “(B) DETERMINATION BY AUDITORS.—An
24 auditor that conducts an audit under subpara-
25 graph (A) shall—

1 “(i) determine whether funds received
2 by the Tribes under this section during the
3 period covered by the audit were used to
4 carry out the plan of the appropriate Tribe
5 in accordance with this section; and

6 “(ii) include the determination under
7 clause (i) in the written findings of the
8 audit.

9 “(5) MODIFICATION OF INVESTMENT REQUIRE-
10 MENTS.—

11 “(A) IN GENERAL.—If the Secretary of the
12 Treasury determines that meeting the require-
13 ments under paragraph (2) with respect to the
14 investment of a Fund is not practicable, or
15 would result in adverse consequences for the
16 Fund, the Secretary shall modify the require-
17 ments, as the Secretary determines to be nec-
18 essary.

19 “(B) CONSULTATION.—Before modifying a
20 requirement under subparagraph (A), the Sec-
21 retary of the Treasury shall consult with the
22 Tribes regarding the proposed modification.”;
23 and

24 (2) by striking subsection (f) and inserting the
25 following:

1 “(f) ADMINISTRATIVE EXPENSES.—There are au-
2 thorized to be appropriated, out of any money in the
3 Treasury not otherwise appropriated, to the Secretary of
4 the Treasury to pay expenses associated with investing the
5 Funds and auditing the uses of amounts withdrawn from
6 the Funds—

7 “(1) up to \$500,000 for each of fiscal years
8 2006 and 2007; and

9 “(2) such sums as are necessary for each subse-
10 quent fiscal year.”.

11 **SEC. 5025. TEXAS.**

12 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
13 shall establish a program to provide environmental assist-
14 ance to non-Federal interests in the State of Texas.

15 (b) FORM OF ASSISTANCE.—Assistance under this
16 section may be in the form of planning, design, and con-
17 struction assistance for water-related environmental infra-
18 structure and resource protection and development
19 projects in Texas, including projects for water supply,
20 storage, treatment, and related facilities, water quality
21 protection, wastewater treatment, and related facilities,
22 environmental restoration, and surface water resource pro-
23 tection, and development, as identified by the Texas Water
24 Development Board.

1 (c) PUBLIC OWNERSHIP REQUIREMENT.—The Sec-
2 retary may provide assistance for a project under this sec-
3 tion only if the project is publicly owned.

4 (d) PARTNERSHIP AGREEMENTS.—Before providing
5 assistance under this section, the Secretary shall enter
6 into a partnership agreement with a non-Federal interest.

7 (e) COST SHARING.—

8 (1) IN GENERAL.—The Federal share of the
9 cost of the project under this section—

10 (A) shall be 75 percent; and

11 (B) may be provided in the form of grants
12 or reimbursements of project costs.

13 (2) IN-KIND SERVICES.—The non-Federal share
14 may be provided in the form of materials and in-
15 kind services, including planning, design, construc-
16 tion, and management services, as the Secretary de-
17 termines to be compatible with, and necessary for,
18 the project.

19 (3) CREDIT FOR DESIGN WORK.—The non-Fed-
20 eral interest shall receive credit for the reasonable
21 costs of design work completed by the non-Federal
22 interest before entering into a local cooperation
23 agreement with the Secretary for a project.

24 (4) CREDIT FOR LAND, EASEMENTS, AND
25 RIGHTS-OF-WAY.—The non-Federal interest shall re-

1 ceive credit for land, easements, rights-of-way, and
2 relocations toward the non-Federal share of project
3 costs.

4 (5) OPERATION AND MAINTENANCE.—The non-
5 Federal share of operation and maintenance costs
6 for projects constructed with assistance provided
7 under this section shall be 100 percent.

8 (f) APPLICABILITY OF OTHER FEDERAL AND STATE
9 LAWS.—Nothing in this section waives, limits, or other-
10 wise affects the applicability of any provision of Federal
11 or State law that would otherwise apply to a project to
12 be carried out with assistance provided under this section.

13 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out this section
15 \$40,000,000.

16 **SEC. 5026. CONNECTICUT RIVER DAMS, VERMONT.**

17 (a) IN GENERAL.—The Secretary shall evaluate, de-
18 sign, and construct structural modifications at full Fed-
19 eral cost to the Union Village Dam (Ompompanoosuc
20 River), North Hartland Dam (Ottauquechee River), North
21 Springfield Dam (Black River), Ball Mountain Dam (West
22 River), and Townshend Dam (West River), Vermont, to
23 regulate flow and temperature to mitigate downstream im-
24 pacts on aquatic habitat and fisheries.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$30,000,000.

4 **TITLE VI—PROJECT** 5 **DEAUTHORIZATIONS**

6 **SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.**

7 The project for flood damage reduction, Little Cove
8 Creek, Glencoe, Alabama, authorized by the Supplemental
9 Appropriations Act, 1985 (99 Stat. 312), is not author-
10 ized.

11 **SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.**

12 The project for flood control, Goleta and Vicinity,
13 California, authorized by section 201 of the Flood Control
14 Act of 1970 (84 Stat. 1826), is not authorized.

15 **SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.**

16 (a) IN GENERAL.—The portion of the project for
17 navigation, Bridgeport Harbor, Connecticut, authorized
18 by the Act of July 3, 1930 (46 Stat. 919), consisting of
19 an 18-foot channel in Yellow Mill River and described in
20 subsection (b), is not authorized.

21 (b) DESCRIPTION OF PROJECT.—The project re-
22 ferred to in subsection (a) is described as beginning at
23 a point along the eastern limit of the existing project, N.
24 123,649.75, E. 481,920.54, thence running northwesterly
25 about 52.64 feet to a point N. 123,683.03, E. 481,879.75,

1 thence running northeasterly about 1,442.21 feet to a
2 point N. 125,030.08, E. 482,394.96, thence running
3 northeasterly about 139.52 feet to a point along the east
4 limit of the existing channel, N. 125,133.87, E.
5 482,488.19, thence running southwesterly about 1,588.98
6 feet to the point of origin.

7 **SEC. 6004. INLAND WATERWAY FROM DELAWARE RIVER TO**
8 **CHESAPEAKE BAY, PART II, INSTALLATION**
9 **OF FENDER PROTECTION FOR BRIDGES,**
10 **DELAWARE AND MARYLAND.**

11 The project for the construction of bridge fenders for
12 the Summit and St. Georges Bridge for the Inland Water-
13 way of the Delaware River to the C & D Canal of the
14 Chesapeake Bay, authorized by the River and Harbor Act
15 of 1954 (68 Stat. 1249), is not authorized.

16 **SEC. 6005. SHINGLE CREEK BASIN, FLORIDA.**

17 The project for flood control, Central and Southern
18 Florida Project, Shingle Creek Basin, Florida, authorized
19 by section 203 of the Flood Control Act of 1962 (76 Stat.
20 1182), is not authorized.

21 **SEC. 6006. ILLINOIS WATERWAY, SOUTH FORK OF THE**
22 **SOUTH BRANCH OF THE CHICAGO RIVER, IL-**
23 **LINOIS.**

24 (a) IN GENERAL.—The portion of the Illinois Water-
25 way project authorized by the Act of January 21, 1927

1 (commonly known as the “River and Harbor Act of
2 1927”) (44 Stat. 1013), in the South Fork of the South
3 Branch of the Chicago River, as identified in subsection
4 (b) is not authorized.

5 (b) DESCRIPTION OF PROJECT PORTION.—The por-
6 tion of the project referred to in subsection (a) is the por-
7 tion of the SW $\frac{1}{4}$ of sec. 29, T. 39 N., R. 14 E., Third
8 Principal Meridian, Cook County, Illinois, and more par-
9 ticularly described as follows:

10 (1) Commencing at the SW corner of the SW
11 $\frac{1}{4}$.

12 (2) Thence north 1 degree, 32 minutes, 31 sec-
13 onds west, bearing based on the Illinois State Plane
14 Coordinate System, NAD 83 east zone, along the
15 west line of that quarter, 1810.16 feet to the south-
16 erly line of the Illinois and Michigan Canal.

17 (3) Thence north 50 degrees, 41 minutes, 55
18 seconds east along that southerly line 62.91 feet to
19 the easterly line of South Ashland Avenue, as wid-
20 ened by the ordinance dated November 24, 1920,
21 which is also the east line of an easement to the
22 State of Illinois for highway purposes numbered
23 12340342 and recorded July 13, 1939, for a point
24 of beginnings.

1 (4) Thence continuing north 50 degrees, 41
2 minutes, 55 seconds east along that southerly line
3 70.13 feet to the southerly line of the South Branch
4 Turning Basin per for the plat numbered 3645392
5 and recorded January 19, 1905.

6 (5) Thence south 67 degrees, 18 minutes, 31
7 seconds east along that southerly line 245.50 feet.

8 (6) Thence north 14 degrees, 35 minutes, 13
9 seconds east 145.38 feet.

10 (7) Thence north 10 degrees, 57 minutes, 15
11 seconds east 326.87 feet.

12 (8) Thence north 17 degrees, 52 minutes, 44
13 seconds west 56.20 feet.

14 (9) Thence north 52 degrees, 7 minutes, 32
15 seconds west 78.69 feet.

16 (10) Thence north 69 degrees, 26 minutes, 35
17 seconds west 58.97 feet.

18 (11) Thence north 90 degrees, 00 minutes, 00
19 seconds west 259.02 feet to the east line of South
20 Ashland Avenue.

21 (12) Thence south 1 degree, 32 minutes, 31
22 seconds east along that east line 322.46 feet.

23 (13) Thence south 00 degrees, 14 minutes, 35
24 seconds east along that east line 11.56 feet to the
25 point of beginnings.

1 **SEC. 6007. BREVOORT, INDIANA.**

2 The project for flood control, Brevoort, Indiana, au-
3 thorized by section 5 of the Flood Control Act of 1936
4 (49 Stat. 1587), is not authorized.

5 **SEC. 6008. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.**

6 The project for flood control, Middle Wabash, Green-
7 field Bayou, Indiana, authorized by section 10 of the
8 Flood Control Act of 1946 (60 Stat. 649), is not author-
9 ized.

10 **SEC. 6009. LAKE GEORGE, HOBART, INDIANA.**

11 The project for flood damage reduction, Lake George,
12 Hobart, Indiana, authorized by section 602 of the Water
13 Resources Development Act of 1986 (100 Stat. 4148), is
14 not authorized.

15 **SEC. 6010. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO.**

16 **2, IOWA.**

17 The project for flood damage reduction, Green Bay
18 Levee and Drainage District No. 2, Iowa, authorized by
19 section 401(a) of the Water Resources Development Act
20 of 1986 (100 Stat. 4115), deauthorized in fiscal year
21 1991, and reauthorized by section 115(a)(1) of the Water
22 Resources Development Act of 1992 (106 Stat. 4821), is
23 not authorized.

24 **SEC. 6011. MUSCATINE HARBOR, IOWA.**

25 The project for navigation at the Muscatine Harbor
26 on the Mississippi River at Muscatine, Iowa, authorized

1 by section 101 of the River and Harbor Act of 1950 (64
2 Stat. 166), is not authorized.

3 **SEC. 6012. BIG SOUTH FORK NATIONAL RIVER AND REC-**
4 **REATIONAL AREA, KENTUCKY AND TEN-**
5 **NESSEE.**

6 The project for recreation facilities at Big South
7 Fork National River and Recreational Area, Kentucky and
8 Tennessee, authorized by section 108 of the Water Re-
9 sources Development Act of 1974 (88 Stat. 43), is not
10 authorized.

11 **SEC. 6013. EAGLE CREEK LAKE, KENTUCKY.**

12 The project for flood control and water supply, Eagle
13 Creek Lake, Kentucky, authorized by section 203 of the
14 Flood Control Act of 1962 (76 Stat. 1188), is not author-
15 ized.

16 **SEC. 6014. HAZARD, KENTUCKY.**

17 The project for flood damage reduction, Hazard,
18 Kentucky, authorized by section 3 of the Water Resources
19 Development Act of 1988 (102 Stat. 4014) and section
20 108 of the Water Resources Development Act of 1990
21 (104 Stat. 4621), is not authorized.

22 **SEC. 6015. WEST KENTUCKY TRIBUTARIES, KENTUCKY.**

23 The project for flood control, West Kentucky Tribu-
24 taries, Kentucky, authorized by section 204 of the Flood
25 Control Act of 1965 (79 Stat. 1081), section 201 of the

1 Flood Control Act of 1970 (84 Stat. 1825), and section
2 401(b) of the Water Resources Development Act of 1986
3 (100 Stat. 4129), is not authorized.

4 **SEC. 6016. BAYOU COCODRIE AND TRIBUTARIES, LOU-**
5 **ISIANA.**

6 The project for flood damage reduction, Bayou
7 Cocodrie and Tributaries, Louisiana, authorized by section
8 3 of the of the Act of August 18, 1941 (55 Stat. 644,
9 chapter 377), and section 1(a) of the Water Resources De-
10 velopment Act of 1974 (88 Stat. 12), is not authorized.

11 **SEC. 6017. BAYOU LAFOURCHE AND LAFOURCHE JUMP,**
12 **LOUISIANA.**

13 The uncompleted portions of the project for naviga-
14 tion improvement for Bayou LaFourche and LaFourche
15 Jump, Louisiana, authorized by the Act of August 30,
16 1935 (49 Stat. 1033, chapter 831), and the River and
17 Harbor Act of 1960 (74 Stat. 481), are not authorized.

18 **SEC. 6018. EASTERN RAPIDES AND SOUTH-CENTRAL**
19 **AVOYELLES PARISHES, LOUISIANA.**

20 The project for flood control, Eastern Rapides and
21 South-Central Avoyelles Parishes, Louisiana, authorized
22 by section 201 of the Flood Control Act of 1970 (84 Stat.
23 1825), is not authorized.

1 **SEC. 6019. FORT LIVINGSTON, GRAND TERRE ISLAND, LOU-**
2 **ISIANA.**

3 The project for erosion protection and recreation,
4 Fort Livingston, Grande Terre Island, Louisiana, author-
5 ized by the Act of August 13, 1946 (commonly known as
6 the “Flood Control Act of 1946”) (33 U.S.C. 426e et
7 seq.), is not authorized.

8 **SEC. 6020. GULF INTERCOASTAL WATERWAY, LAKE**
9 **BORGNE AND CHEF MENTEUR, LOUISIANA.**

10 The project for the construction of bulkheads and jet-
11 ties at Lake Borgne and Chef Menteur, Louisiana, as part
12 of the Gulf Intercoastal Waterway authorized by the first
13 section of the River and Harbor Act of 1946 (60 Stat.
14 635), is not authorized.

15 **SEC. 6021. RED RIVER WATERWAY, SHREVEPORT, LOU-**
16 **ISIANA TO DAINGERFIELD, TEXAS.**

17 The project for the Red River Waterway, Shreveport,
18 Louisiana to Daingerfield, Texas, authorized by section
19 101 of the River and Harbor Act of 1968 (82 Stat. 731),
20 is not authorized.

21 **SEC. 6022. CASCO BAY, PORTLAND, MAINE.**

22 The project for environmental infrastructure, Casco
23 Bay in the Vicinity of Portland, Maine, authorized by sec-
24 tion 307 of the Water Resources Development Act of 1992
25 (106 Stat. 4841), is not authorized.

1 **SEC. 6023. NORTHEAST HARBOR, MAINE.**

2 The project for navigation, Northeast Harbor, Maine,
3 authorized by section 2 of the Act of March 2, 1945 (59
4 Stat. 12, chapter 19), is not authorized.

5 **SEC. 6024. PENOBSCOT RIVER, BANGOR, MAINE.**

6 The project for environmental infrastructure, Penob-
7 scot River in the Vicinity of Bangor, Maine, authorized
8 by section 307 of the Water Resources Development Act
9 of 1992 (106 Stat. 4841), is not authorized.

10 **SEC. 6025. SAINT JOHN RIVER BASIN, MAINE.**

11 The project for research and demonstration program
12 of cropland irrigation and soil conservation techniques,
13 Saint John River Basin, Maine, authorized by section
14 1108 of the Water Resources Development Act of 1986
15 (106 Stat. 4230), is not authorized.

16 **SEC. 6026. TENANTS HARBOR, MAINE.**

17 The project for navigation, Tenants Harbor, Maine,
18 authorized by the first section of the Act of March 2, 1919
19 (40 Stat. 1275, chapter 95), is not authorized.

20 **SEC. 6027. FALMOUTH HARBOR, MASSACHUSETTS.**

21 The portion of the project for navigation, Falmouth
22 Harbor, Massachusetts, authorized by section 101 of the
23 River and Harbor Act of 1948 (62 Stat. 1172), beginning
24 at a point along the eastern side of the inner harbor
25 N200,415.05, E845,307.98, thence running north 25 de-
26 grees 48 minutes 54.3 seconds east 160.24 feet to a point

1 N200,559.20, E845,377.76, thence running north 22 de-
2 grees 7 minutes 52.4 seconds east 596.82 feet to a point
3 N201,112.15, E845,602.60, thence running north 60 de-
4 grees 1 minute 0.3 seconds east 83.18 feet to a point
5 N201,153.72, E845,674.65, thence running south 24 de-
6 grees 56 minutes 43.4 seconds west 665.01 feet to a point
7 N200,550.75, E845,394.18, thence running south 32 de-
8 grees 25 minutes 29.0 seconds west 160.76 feet to the
9 point of origin, is not authorized.

10 **SEC. 6028. ISLAND END RIVER, MASSACHUSETTS.**

11 The portion of the project for navigation, Island End
12 River, Massachusetts, carried out under section 107 of the
13 River and Harbor Act of 1960 (33 U.S.C. 577), described
14 as follows: Beginning at a point along the eastern limit
15 of the existing project, N507,348.98, E721,180.01, thence
16 running northeast about 35 feet to a point N507,384.17,
17 E721,183.36, thence running northeast about 324 feet to
18 a point N507,590.51, E721,433.17, thence running north-
19 east about 345 feet to a point along the northern limit
20 of the existing project, N507,927.29, E721,510.29, thence
21 running southeast about 25 feet to a point N507,921.71,
22 E721,534.66, thence running southwest about 354 feet to
23 a point N507,576.65, E721,455.64, thence running south-
24 west about 357 feet to the point of origin, is not author-
25 ized.

1 **SEC. 6029. MYSTIC RIVER, MASSACHUSETTS.**

2 The portion of the project for navigation, Mystic
3 River, Massachusetts, authorized by the first section of the
4 River and Harbor Appropriations Act of July 13, 1892
5 (27 Stat. 96), between a line starting at a point
6 N515,683.77, E707,035.45 and ending at a point
7 N515,721.28, E707,069.85 and a line starting at a point
8 N514,595.15, E707,746.15 and ending at a point
9 N514,732.94, E707,658.38 shall be relocated and reduced
10 from a 100-foot wide channel to a 50-foot wide channel
11 after the date of enactment of this Act described as fol-
12 lows: Beginning at a point N515,721.28, E707,069.85,
13 thence running southeasterly about 840.50 feet to a point
14 N515,070.16, E707,601.27, thence running southeasterly
15 about 177.54 feet to a point N514,904.84, E707,665.98,
16 thence running southeasterly about 319.90 feet to a point
17 with coordinates N514,595.15, E707,746.15, thence run-
18 ning northwesterly about 163.37 feet to a point
19 N514,732.94, E707,658.38, thence running northwesterly
20 about 161.58 feet to a point N514.889.47, E707,618.30,
21 thence running northwesterly about 166.61 feet to a point
22 N515.044.62, E707,557.58, thence running northwesterly
23 about 825.31 feet to a point N515,683.77, E707,035.45,
24 thence running northeasterly about 50.90 feet returning
25 to a point N515,721.28, E707,069.85.

1 **SEC. 6030. GRAND HAVEN HARBOR, MICHIGAN.**

2 The project for navigation, Grand Haven Harbor,
3 Michigan, authorized by section 202(a) of the Water Re-
4 sources Development Act of 1986 (100 Stat. 4093), is not
5 authorized.

6 **SEC. 6031. GREENVILLE HARBOR, MISSISSIPPI.**

7 The project for navigation, Greenville Harbor, Mis-
8 sissippi, authorized by section 601(a) of the Water Re-
9 sources Development Act of 1986 (100 Stat. 4142), is not
10 authorized.

11 **SEC. 6032. PLATTE RIVER FLOOD AND RELATED**
12 **STREAMBANK EROSION CONTROL, NE-**
13 **BRASKA.**

14 The project for flood damage reduction, Platte River
15 Flood and Related Streambank Erosion Control, Ne-
16 braska, authorized by section 603 of the Water Resources
17 Development Act of 1986 (100 Stat. 4149), is not author-
18 ized.

19 **SEC. 6033. EPPING, NEW HAMPSHIRE.**

20 The project for environmental infrastructure, Ep-
21 ping, New Hampshire, authorized by section 219(c)(6) of
22 the Water Resources Development Act of 1992 (106 Stat.
23 4835), is not authorized.

1 **SEC. 6034. NEW YORK HARBOR AND ADJACENT CHANNELS,**
2 **CLAREMONT TERMINAL, JERSEY CITY, NEW**
3 **JERSEY.**

4 The project for navigation, New York Harbor and ad-
5 jacent channels, Claremont Terminal, Jersey City, New
6 Jersey, authorized by section 202(b) of the Water Re-
7 sources Development Act of 1986 (100 Stat. 4098), is not
8 authorized.

9 **SEC. 6035. EISENHOWER AND SNELL LOCKS, NEW YORK.**

10 The project for navigation, Eisenhower and Snell
11 Locks, New York, authorized by section 1163 of the Water
12 Resources Development Act of 1986 (100 Stat. 4258), is
13 not authorized.

14 **SEC. 6036. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.**

15 The project for navigation, Olcott Harbor, Lake On-
16 tario, New York, authorized by section 601(a) of the
17 Water Resources Development Act of 1986 (100 Stat.
18 4143), is not authorized.

19 **SEC. 6037. OUTER HARBOR, BUFFALO, NEW YORK.**

20 The project for navigation, Outer Harbor, Buffalo,
21 New York, authorized by section 110 of the Water Re-
22 sources Development Act of 1992 (106 Stat. 4817), is not
23 authorized.

1 **SEC. 6038. SUGAR CREEK BASIN, NORTH CAROLINA AND**
2 **SOUTH CAROLINA.**

3 The project for flood damage reduction, Sugar Creek
4 Basin, North Carolina and South Carolina, authorized by
5 section 401(a) of the Water Resources Development Act
6 of 1986 (100 Stat. 4121), is not authorized.

7 **SEC. 6039. CLEVELAND HARBOR 1958 ACT, OHIO.**

8 The project for navigation, Cleveland Harbor
9 (uncompleted portion), Ohio, authorized by section 101 of
10 the River and Harbor Act of 1958 (72 Stat. 299), is not
11 authorized.

12 **SEC. 6040. CLEVELAND HARBOR 1960 ACT, OHIO.**

13 The project for navigation, Cleveland Harbor
14 (uncompleted portion), Ohio, authorized by section 101 of
15 the River and Harbor Act of 1960 (74 Stat. 482), is not
16 authorized.

17 **SEC. 6041. CLEVELAND HARBOR, UNCOMPLETED PORTION**
18 **OF CUT #4, OHIO.**

19 The project for navigation, Cleveland Harbor
20 (uncompleted portion of Cut #4), Ohio, authorized by the
21 first section of the Act of July 24, 1946 (60 Stat. 636,
22 chapter 595), is not authorized.

23 **SEC. 6042. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAM-**
24 **MOND, OREGON.**

25 The project for the Columbia River, Seafarers Memo-
26 rial, Hammond, Oregon, authorized by title I of the En-

1 ergy and Water Development Appropriations Act, 1991
2 (104 Stat. 2078), is not authorized.

3 **SEC. 6043. TIOGA-HAMMOND LAKES, PENNSYLVANIA.**

4 The project for flood control and recreation, Tioga-
5 Hammond Lakes, Mill Creek Recreation, Pennsylvania,
6 authorized by section 203 of the Flood Control Act of
7 1958 (72 Stat. 313), is not authorized.

8 **SEC. 6044. TAMAQUA, PENNSYLVANIA.**

9 The project for flood control, Tamaqua, Pennsyl-
10 vania, authorized by section 1(a) of the Water Resources
11 Development Act of 1974 (88 Stat. 14), is not authorized.

12 **SEC. 6045. NARRAGANSETT TOWN BEACH, NARRAGANSETT,**

13 **RHODE ISLAND.**

14 The project for navigation, Narragansett Town
15 Beach, Narragansett, Rhode Island, authorized by section
16 361 of the Water Resources Development Act of 1992
17 (106 Stat. 4861), is not authorized.

18 **SEC. 6046. QUONSET POINT-DAVISVILLE, RHODE ISLAND.**

19 The project for bulkhead repairs, Quonset Point-
20 Davisville, Rhode Island, authorized by section 571 of the
21 Water Resources Development Act of 1996 (110 Stat.
22 3788), is not authorized.

23 **SEC. 6047. ARROYO COLORADO, TEXAS.**

24 The project for flood damage reduction, Arroyo Colo-
25 rado, Texas, authorized by section 401(a) of the Water

1 Resources Development Act of 1986 (100 Stat. 4125), is
2 not authorized.

3 **SEC. 6048. CYPRESS CREEK-STRUCTURAL, TEXAS.**

4 The project for flood damage reduction, Cypress
5 Creek-Structural, Texas, authorized by section 3(a)(13) of
6 the Water Resources Development Act of 1988 (102 Stat.
7 4014), is not authorized.

8 **SEC. 6049. EAST FORK CHANNEL IMPROVEMENT, INCRE-**
9 **MENT 2, EAST FORK OF THE TRINITY RIVER,**
10 **TEXAS.**

11 The project for flood damage reduction, East Fork
12 Channel Improvement, Increment 2, East Fork of the
13 Trinity River, Texas, authorized by section 203 of the
14 Flood Control Act of 1962 (76 Stat. 1185), is not author-
15 ized.

16 **SEC. 6050. FALFURRIAS, TEXAS.**

17 The project for flood damage reduction, Falfurrias,
18 Texas, authorized by section 3(a)(14) of the Water Re-
19 sources Development Act of 1988 (102 Stat. 4014), is not
20 authorized.

21 **SEC. 6051. PECAN BAYOU LAKE, TEXAS.**

22 The project for flood control, Pecan Bayou Lake,
23 Texas, authorized by section 203 of the Flood Control Act
24 of 1968 (82 Stat. 742), is not authorized.

1 **SEC. 6052. LAKE OF THE PINES, TEXAS.**

2 The project for navigation improvements affecting
3 Lake of the Pines, Texas, for the portion of the Red River
4 below Fulton, Arkansas, authorized by the Act of July 13,
5 1892 (27 Stat. 88, chapter 158), as amended by the Act
6 of July 24, 1946 (60 Stat. 635, chapter 595), the Act
7 of May 17, 1950 (64 Stat. 163, chapter 188), and the
8 River and Harbor Act of 1968 (82 Stat. 731), is not au-
9 thorized.

10 **SEC. 6053. TENNESSEE COLONY LAKE, TEXAS.**

11 The project for navigation, Tennessee Colony Lake,
12 Trinity River, Texas, authorized by section 204 of the
13 River and Harbor Act of 1965 (79 Stat. 1091), is not au-
14 thorized.

15 **SEC. 6054. CITY WATERWAY, TACOMA, WASHINGTON.**

16 The portion of the project for navigation, City Water-
17 way, Tacoma, Washington, authorized by the first section
18 of the Act of June 13, 1902 (32 Stat. 347), consisting
19 of the last 1,000 linear feet of the inner portion of the
20 Waterway beginning at Station 70+00 and ending at Sta-
21 tion 80+00, is not authorized.

22 **SEC. 6055. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.**

23 The project for bank erosion, Kanawha River,
24 Charleston, West Virginia, authorized by section
25 603(f)(13) of the Water Resources Development Act of
26 1986 (100 Stat. 4153), is not authorized.