

109TH CONGRESS
1ST SESSION

H. R. 2864

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2005

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

A BILL

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

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

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

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

6 (b) TABLE OF CONTENTS.—

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Sec. 2. Definition of Secretary.

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

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

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

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

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

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

4 (1) AKUTAN, ALASKA.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (B) GENERAL REEVALUATION REPORT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 amounts appropriated from the Inland Waterways
2 Trust Fund.

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

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

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

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

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

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

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

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

18 (B) CREDIT.—The Secretary shall—

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

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

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

16 **SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUC-**
17 **TION.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (b) SPECIAL RULES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (b) SPECIAL RULES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 **TITLE II—GENERAL PROVISIONS**

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

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

16 “(n) NON-FEDERAL CONTRIBUTIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (1) in subsection (a)—

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

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

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

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

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

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

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

9 (1) in paragraph (2)—

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

12 (B) by striking the last sentence; and

13 (2) in paragraph (4)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 “(c) GOVERNMENTAL PARTNERSHIPS.—

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

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

18 “(2) PUBLIC FINANCING.—

19 “(A) AGREEMENTS.—

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

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

4 “(ii) MANAGEMENT OF SEDIMENTS.—

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

17 “(iii) CREDIT.—The cost-sharing

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

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

25 supersedes or modifies existing agreements be-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (3) local and regional economic opportunities;

18 (4) welfare of the local population; and

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(k) USE OF FUNDS.—

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

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

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

17 (b) REPEAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (1) in subsection (d)—

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

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

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

4 “(6) Tuscarawas River Basin, Ohio.

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

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

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

13 (3) by striking subsection (g).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 “(a) FEDERAL STATE COOPERATION.—

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

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

20 “(2) TECHNICAL ASSISTANCE.—

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

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

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

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

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

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

15 “(c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (g) REIMBURSEMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

14 (d) COORDINATED REVIEWS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (1) any practice of seeking public comment;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (c) STATUS REPORT.—

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

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

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

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

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

5 (b) LIMITATIONS.—

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

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

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

16 (a) OBJECTIVES.—

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

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

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

13 (4) SELECTION OF PROJECT ALTERNATIVES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (i) is not controversial;

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

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

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

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

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

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

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

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

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

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

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

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

21 (c) ESTABLISHMENT OF PANELS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (f) RECOMMENDATIONS OF PANEL.—

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

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

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

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

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

19 (g) COSTS.—

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

23 (A) shall be a Federal expense; and

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (B) is independent;

19 (C) is free from conflicts of interest;

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

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

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

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

8 (b) EXPENSES.—

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

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

17 (A) may be retained by the Secretary;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 **PROJECTS.**

5 (a) STUDIES.—

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

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

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

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

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

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

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

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

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

1 (b) REPORTS.—

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

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

7 “(a) PREPARATION OF REPORTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (i) allocations to date;

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

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

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

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

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

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

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

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

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

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

19 (A) the number of active studies;

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

22 (C) the number of initiated studies; and

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

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

6 (5) Recreation fees and lease payments.

7 (6) Hydropower and water storage fees.

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

10 (8) Other revenues and fees collected.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (a) LAND EXCHANGE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 The project for flood control, Indianapolis on West
19 Fork of White River, Indiana, authorized by section 5 of
20 the Act entitled “An Act authorizing the construction of
21 certain public works on rivers and harbors for flood con-
22 trol, and for other purposes”, approved June 22, 1936 (49
23 Stat. 1586), and modified by section 323 of the Water
24 Resources Development Act of 1996 (110 Stat. 3716) and

1 section 322 of the Water Resources Development Act of
2 1999 (113 Stat. 303–304), is further modified—

3 (1) to authorize the Secretary to undertake the
4 riverfront alterations described in the Central Indi-
5 anapolis Waterfront Concept Plan, dated February
6 1994, for the Fall Creek Reach feature at a total
7 cost of \$28,545,000; and

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

15 **SEC. 3059. DES MOINES RIVER AND GREENBELT, IOWA.**

16 The project for the Des Moines Recreational River
17 and Greenbelt, Iowa, authorized by Public Law 99–88 and
18 modified by section 604 of the Water Resources Develop-
19 ment Act of 1986 (100 Stat. 4153), is modified to include
20 enhanced public access and recreational enhancements, at
21 a Federal cost of \$3,000,000.

22 **SEC. 3060. PRESTONSBURG, KENTUCKY.**

23 The Prestonsburg, Kentucky, element of the project
24 for flood control, Levisa and Tug Fork of the Big Sandy
25 and Cumberland Rivers, West Virginia, Virginia, and Ken-

1 tucky, authorized by section 202(a) of the Energy and
2 Water Development Appropriations Act, 1981 (94 Stat.
3 1339), is modified to direct the Secretary to take measures
4 to provide a 100-year level of flood protection for the city
5 of Prestonsburg.

6 **SEC. 3061. AMITE RIVER AND TRIBUTARIES, LOUISIANA,**
7 **EAST BATON ROUGE PARISH WATERSHED.**

8 The project for flood damage reduction and recre-
9 ation, Amite River and Tributaries, Louisiana, East
10 Baton Rouge Parish Watershed, authorized by section
11 101(a)(21) of the Water Resources Development Act of
12 1999 (113 Stat. 277) and modified by section 116 of divi-
13 sion D of Public Law 108–7 (117 Stat. 140), is further
14 modified—

15 (1) to direct the Secretary to carry out the
16 project with the cost sharing for the project deter-
17 mined in accordance with section 103(a) of the
18 Water Resources Development Act of 1986 (33
19 U.S.C. 2213(a)), as in effect on October 11, 1996;

20 (2) to authorize the Secretary to construct the
21 project at a total cost of \$178,000,000; and

22 (3) to direct the Secretary to credit toward the
23 non-Federal share of the cost of the project the cost
24 of work carried out by the non-Federal interest be-
25 fore the date of the partnership agreement for the

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

3 **SEC. 3062. ATCHAFALAYA BASIN, LOUISIANA.**

4 (a) IN GENERAL.—Section 315(a)(1) of the Water
5 Resources Development Act of 2000 (114 Stat. 2603–
6 2604) is amended to read as follows:

7 “(1) is authorized to study, design, construct,
8 operate, and maintain, at Federal expense, a Type
9 A Regional Visitor Center in the vicinity of Morgan
10 City, Louisiana, in consultation with the State of
11 Louisiana, to provide information to the public on
12 the Atchafalaya River system and other associated
13 waterways that have influenced surrounding commu-
14 nities, and national and local water resources devel-
15 opment of the Army Corps of Engineers in South
16 Central Louisiana; and”.

17 (b) TECHNICAL CORRECTION.—Section 315(b) of
18 such Act is amended by striking “(a)” and inserting
19 “(a)(2)”.

20 (c) DONATIONS.—Section 315 of such Act is amend-
21 ed by adding at the end the following:

22 “(c) DONATIONS.—In carrying out subsection (a)(1),
23 the Mississippi River Commission is authorized to accept
24 the donation of cash, funds, lands, materials, and services

1 from non-Federal governmental entities and nonprofit cor-
2 porations.”.

3 **SEC. 3063. BAYOU PLAQUEMINE, LOUISIANA.**

4 The project for the improvement of the quality of the
5 environment, Bayou Plaquemine, Louisiana, being carried
6 out under section 1135 of the Water Resources Develop-
7 ment Act of 1986 (33 U.S.C. 2309(a)), is modified to di-
8 rect the Secretary to credit toward the non-Federal share
9 of the cost of the project the cost of work carried out by
10 the non-Federal interest before the date of the partnership
11 agreement for the project if the Secretary determines that
12 the work is integral to the project.

13 **SEC. 3064. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOU-**
14 **ISIANA.**

15 The public access feature of the Atchafalaya Basin
16 Floodway System project, Louisiana, authorized by sec-
17 tion 601(a) of the Water Resources Development Act
18 1986 (100 Stat. 4142), is modified to authorize the Sec-
19 retary to acquire from willing sellers the fee interest, ex-
20 clusive of oil, gas, and minerals, of an additional 20,000
21 acres of land within the Lower Atchafalaya Basin
22 Floodway for the public access feature of the Atchafalaya
23 Basin Floodway System, to enhance fish and wildlife re-
24 sources, at a total cost of \$4,000,000.

1 **SEC. 3065. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI**
2 **RIVER TO SHREVEPORT, LOUISIANA.**

3 The project for mitigation of fish and wildlife losses,
4 J. Bennett Johnston Waterway, Mississippi River to
5 Shreveport, Louisiana, authorized by section 601(a) of the
6 Water Resources Development Act of 1986 (100 Stat.
7 4142) and modified by section 4(h) of the Water Re-
8 sources Development Act of 1988 (102 Stat. 4016), sec-
9 tion 102(p) of the Water Resources Development Act of
10 1990 (104 Stat. 4613), section 301(b)(7) of the Water
11 Resources Development Act of 1996 (110 Stat. 3710), and
12 section 316 of the Water Resources Development Act of
13 2000 (114 Stat. 2572), is further modified—

14 (1) to authorize the purchase and reforestation
15 lands that have been cleared or converted to agricul-
16 tural uses; and

17 (2) to incorporate current wildlife and forestry
18 management practices for the purpose of improving
19 species diversity on mitigation lands that meet Fed-
20 eral and State of Louisiana habitat goals and objec-
21 tives.

22 **SEC. 3066. MISSISSIPPI DELTA REGION, LOUISIANA.**

23 The Mississippi Delta Region project, Louisiana, au-
24 thorized as part of the project for hurricane-flood protec-
25 tion on Lake Pontchartrain, Louisiana, by section 204 of
26 the Flood Control Act of 1965 (79 Stat. 1077) and modi-

1 fied by section 365 of the Water Resources Development
2 Act of 1996 (110 Stat. 3739), is further modified to direct
3 the Secretary to credit toward the non-Federal share of
4 the cost of the project the costs of relocating oyster beds
5 in the Davis Pond project area if the Secretary determines
6 that the work is integral to the Mississippi Delta Region
7 project.

8 **SEC. 3067. NEW ORLEANS TO VENICE, LOUISIANA.**

9 The New Orleans to Venice, Louisiana, project for
10 hurricane protection, authorized by section 203 of the
11 Flood Control Act of 1962 (76 Stat. 1184), is modified
12 to authorize the Secretary to carry out the work on the
13 St. Jude to City Price, Upper Reach A back levee. The
14 Federal share of the cost of such work shall be 70 percent.

15 **SEC. 3068. WEST BANK OF THE MISSISSIPPI RIVER (EAST**
16 **OF HARVEY CANAL), LOUISIANA.**

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

19 (1) in subsection (a)—

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

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

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

1 “(c) COST SHARING.—The non-Federal share of the
2 cost of the project shall be 35 percent.”.

3 **SEC. 3069. CAMP ELLIS, SACO, MAINE.**

4 The maximum amount of Federal funds that may be
5 expended for the project being carried out under section
6 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i)
7 for the mitigation of shore damages attributable to the
8 project for navigation, Camp Ellis, Saco, Maine, shall be
9 \$25,000,000.

10 **SEC. 3070. UNION RIVER, MAINE.**

11 The project for navigation, Union River, Maine, au-
12 thorized by the first section of the Act entitled “An Act
13 making appropriations for the construction, repair, and
14 preservation of certain public works on rivers and harbors,
15 and for other purposes”, approved June 3, 1896 (29 Stat.
16 215), is modified by redesignating as an anchorage area
17 that portion of the project consisting of a 6-foot turning
18 basin and lying northerly of a line commencing at a point
19 N315,975.13, E1,004,424.86, thence running north 61
20 degrees 27 minutes 20.71 seconds west about 132.34 feet
21 to a point N316,038.37, E1,004,308.61.

22 **SEC. 3071. GWYNNS FALLS WATERSHED, BALTIMORE,**
23 **MARYLAND.**

24 (a) IN GENERAL.—The Secretary shall carry out the
25 project for ecosystem restoration, Gwynns Falls, Mary-

1 land, in accordance with the Baltimore Metropolitan
2 Water Resources Gwynns Falls Watershed Study-Draft
3 Feasibility Report and Integrated Environmental Assess-
4 ment prepared by the Corps of Engineers and the city of
5 Baltimore, Maryland, dated April 2004.

6 (b) SPECIAL RULE FOR GWYNNNS FALLS, MARY-
7 LAND.—The report on the project for environmental res-
8 toration at Gwynns Falls, Maryland, shall be treated as
9 being consistent and in compliance with the consent decree
10 entered into between the United States and the Mayor and
11 City Council of Baltimore, Maryland, filed with the United
12 States District Court for the District of Maryland on April
13 26, 2002.

14 (c) REPEAL.—Section 123 of Public Law 108–137
15 (117 Stat. 1837) is repealed.

16 **SEC. 3072. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.**
17 **GAN.**

18 (a) IN GENERAL.—The project for emergency
19 streambank and shoreline protection, Detroit River Shore-
20 line, Detroit, Michigan, being carried out under section 14
21 of the Flood Control Act of 1946 (33 U.S.C. 701r), is
22 modified to include measures to enhance public access.

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

1 **SEC. 3073. ST. JOSEPH HARBOR, MICHIGAN.**

2 The Secretary shall expedite development of the
3 dredged material management plan for the project for
4 navigation St. Joseph Harbor, Michigan, authorized by
5 section 101 of the River and Harbor Act of 1958 (72 Stat.
6 299).

7 **SEC. 3074. SAULT SAINTE MARIE, MICHIGAN.**

8 (a) IN GENERAL.—The text of section 1149 of the
9 Water Resources Development Act of 1986 (100 Stat.
10 4254) is amended to read as follows:

11 “The Secretary shall construct at Federal expense a
12 second lock, of the same dimensions as the existing Poe
13 Lock, adjacent to the existing lock at Sault Sainte Marie,
14 Michigan, generally in accordance with the report of the
15 Board of Engineers for Rivers and Harbors, dated May
16 19, 1986, and the limited reevaluation report dated Feb-
17 ruary 2004 at a total cost of \$341,714,000.”.

18 (b) CONFORMING REPEALS.—The following
19 provisions are repealed:

20 (1) Section 107(a)(8) of the Water Resources
21 Development Act of 1990 (104 Stat. 4620).

22 (2) Section 330 of the Water Resources Devel-
23 opment Act of 1996 (110 Stat. 3717–3718).

24 (3) Section 330 of the Water Resources Devel-
25 opment Act of 1999 (113 Stat. 305).

1 **SEC. 3075. ADA, MINNESOTA.**

2 (a) IN GENERAL.—The project for flood damage re-
3 duction, Wild Rice River, Ada, Minnesota, being carried
4 out under section 205 of the Flood Control Act of 1948
5 (33 U.S.C. 701s), is modified to authorize the Secretary
6 to consider national ecosystem restoration benefits in de-
7 termining the Federal interest in the project.

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

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

20 **SEC. 3076. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.**

21 (a) IN GENERAL.—The project for navigation, Du-
22 luth Harbor, McQuade Road, Minnesota, being carried out
23 under section 107 of the River and Harbor Act of 1960
24 (33 U.S.C. 577) and modified by section 321 of the Water
25 Resources Development Act of 2000 (114 Stat. 2605), is
26 further modified to authorize the Secretary to provide

1 public access and recreational facilities as generally de-
2 scribed in the Detailed Project Report and Environmental
3 Assessment, McQuade Road Harbor of Refuge, Duluth,
4 Minnesota, dated August 1999.

5 (b) CREDIT.—The Secretary shall provide credit to-
6 ward the non-Federal share of the cost of the project for
7 the costs of design work carried out before the date of
8 the partnership agreement for the project if the Secretary
9 determines that the work is integral to the project.

10 (c) MAXIMUM FEDERAL EXPENDITURE.—The max-
11 imum amount of Federal funds that may be expended for
12 the project shall be \$5,000,000.

13 **SEC. 3077. GRAND PORTAGE HARBOR, MINNESOTA.**

14 The Secretary shall provide credit toward the non-
15 Federal share of the cost of the navigation project for
16 Grand Portage Harbor, Minnesota, carried out under sec-
17 tion 107 of the River and Harbor Act of 1960 (33 U.S.C.
18 577) and modified by section 312 of the Water Resources
19 Development Act of 2000 (114 Stat. 2605), for the costs
20 of design work carried out before the date of the partner-
21 ship agreement for the project if the Secretary determines
22 that the work is integral to the project.

23 **SEC. 3078. GRANITE FALLS, MINNESOTA.**

24 (a) IN GENERAL.—The Secretary is directed to im-
25 plement under section 205 of the Flood Control Act of

1 1948 (33 U.S.C. 701s) the locally preferred plan for flood
2 damage reduction, Granite Falls, Minnesota, substantially
3 in accordance with the detailed project report dated 2002,
4 at a total cost of \$12,000,000, with an estimated Federal
5 cost of \$8,000,000 and an estimated non-Federal cost of
6 \$4,000,000.

7 (b) PROJECT FINANCING.—In evaluating and imple-
8 menting the project under this section, the Secretary shall
9 allow the non-Federal interests to participate in the fi-
10 nancing of the project in accordance with section 903(c)
11 of the Water Resources Development Act of 1986 (100
12 Stat. 4184), to the extent that the detailed project report
13 evaluation indicates that applying such section is nec-
14 essary to implement the project.

15 (c) CREDIT.—The Secretary shall credit toward the
16 non-Federal share of the project the cost of design and
17 construction work carried out by the non-Federal interest
18 before date of execution of a partnership agreement for
19 the project if the Secretary determines that the work is
20 integral to the project.

21 (d) MAXIMUM FUNDING.—The maximum amount of
22 Federal funds that may be expended for the flood damage
23 reduction shall be \$8,000,000.

1 **SEC. 3079. KNIFE RIVER HARBOR, MINNESOTA.**

2 The project for navigation, Knife River Harbor, Min-
3 nesota, constructed under section 107 of the River and
4 Harbor Act of 1960 (33 U.S.C. 577), is modified to direct
5 the Secretary to develop a final design and preparation
6 of plans and specifications to correct the harbor entrance
7 and mooring conditions at the project.

8 **SEC. 3080. RED LAKE RIVER, MINNESOTA.**

9 The project for flood control, Red Lake River,
10 Crookston, Minnesota, authorized by section 101(a)(23) of
11 the Water Resources Development Act of 1999 (113 Stat.
12 278), is modified to include flood protection for the adja-
13 cent and interconnected areas generally known as the
14 Sampson and Chase/Loring neighborhoods, in accordance
15 with the Feasibility Report Supplement, Local Flood Pro-
16 tection, Crookston, Minnesota, at a total cost of
17 \$17,000,000, with an estimated Federal cost of
18 \$11,000,000 and an estimated non-Federal cost of
19 \$6,000,000.

20 **SEC. 3081. SILVER BAY, MINNESOTA.**

21 The project for navigation, Silver Bay, Minnesota,
22 authorized by section 2 of the Rivers and Harbors Act
23 of March 2, 1945 (59 Stat. 19), is modified to include
24 operation and maintenance of the general navigation fa-
25 cilities as a Federal responsibility.

1 **SEC. 3082. TACONITE HARBOR, MINNESOTA.**

2 The project for navigation, Taconite Harbor, Min-
3 nesota, carried out under section 107 of the River and
4 Harbor Act of 1960 (33 U.S.C. 577), is modified to in-
5 clude operation and maintenance of the general navigation
6 facilities as a Federal responsibility.

7 **SEC. 3083. TWO HARBORS, MINNESOTA.**

8 (a) IN GENERAL.—The project for navigation, Two
9 Harbors, Minnesota, being carried out under section 107
10 of the River and Harbor Act of 1960 (33 U.S.C. 577),
11 is modified to include construction of a dredged material
12 disposal facility, including actions required to clear the
13 site.

14 (b) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—
15 Non-Federal interests shall be responsible for providing all
16 lands, easements, rights-of-way, and relocations necessary
17 for the construction of the dredged material disposal facil-
18 ity.

19 (c) MAXIMUM FEDERAL EXPENDITURE.—The max-
20 imum amount of Federal funds that may be expended for
21 the project shall be \$5,000,000.

22 **SEC. 3084. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.**

23 The project for ecosystem restoration, Deer Island,
24 Harrison County, Mississippi, being carried out under sec-
25 tion 204 of the Water Resources Development Act of 1992
26 (33 U.S.C. 2326), is modified to authorize the non-Fed-

1 eral interest to provide any portion of the non-Federal
2 share of the cost of the project in the form of in-kind serv-
3 ices and materials.

4 **SEC. 3085. PEARL RIVER BASIN, MISSISSIPPI.**

5 (a) IN GENERAL.—The Secretary shall complete a
6 feasibility study for the project for flood damage reduc-
7 tion, Pearl River Watershed, Mississippi.

8 (b) COMPARISON OF ALTERNATIVES.—The feasibility
9 study shall identify both the plan that maximizes national
10 economic development benefits and the locally preferred
11 plan and shall compare the level of flood damage reduction
12 provided by each plan to that portion of Jackson, Mis-
13 sissippi, located below the Ross Barnett Reservoir Dam.

14 (c) RECOMMENDED PLAN.—If the Secretary deter-
15 mines that the locally preferred plan provides a level of
16 flood damage reduction that is equal to or greater than
17 the level of flood damage reduction provided by the na-
18 tional economic development plan, and the locally pre-
19 ferred plan is technically feasible and environmentally pro-
20 tective, the Secretary shall recommend construction of the
21 locally preferred plan.

22 (d) EVALUATION OF PROJECT COST.—For the pur-
23 poses of determining compliance with the first section of
24 the Flood Control Act of June 22, 1936 (33 U.S.C. 701a),
25 the Secretary shall consider only the costs of the national

1 economic development plan, and shall exclude incremental
2 costs associated with the locally preferred plan that are
3 in excess of such costs, if the non-Federal interest agrees
4 to pay 100 percent of such incremental costs.

5 (e) NON-FEDERAL COST SHARE.—If the locally pre-
6 ferred plan is authorized for construction, the non-Federal
7 share of the cost of the project shall be the same percent-
8 age as the non-Federal share of the cost of the national
9 economic development plan plus all additional costs of con-
10 struction associated with the locally preferred plan.

11 **SEC. 3086. FESTUS AND CRYSTAL CITY, MISSOURI.**

12 Section 102(b)(1) of the Water Resources Develop-
13 ment Act of 1999 (113 Stat. 282) is amended by striking
14 “\$10,000,000” and inserting “\$12,000,000”.

15 **SEC. 3087. MONARCH-CHESTERFIELD, MISSOURI.**

16 The project for flood damage reduction, Monarch-
17 Chesterfield, Missouri, authorized by section 101(b)(18)
18 of the Water Resources Development Act of 2000 (114
19 Stat. 2578), is modified to direct the Secretary to credit
20 toward the non-Federal share of the cost of the project
21 the cost of the planning, design, and construction work
22 carried out by the non-Federal interest before the date of
23 the partnership agreement for the project if the Secretary
24 determines that the work is integral to the project.

1 **SEC. 3088. RIVER DES PERES, MISSOURI.**

2 The projects for flood control, River Des Peres, Mis-
3 souri, authorized by section 101(a)(17) of the Water Re-
4 sources Development Act of 1990 (104 Stat. 4607) and
5 section 102(13) of the Water Resources Development Act
6 of 1996 (110 Stat. 3668), are each modified to direct the
7 Secretary to credit toward the non-Federal share of the
8 cost of the project the cost of work carried out by the
9 non-Federal interest before the date of the partnership
10 agreement for the project if the Secretary determines that
11 the work is integral to the project.

12 **SEC. 3089. ANTELOPE CREEK, LINCOLN, NEBRASKA.**

13 The project for flood damage reduction, Antelope
14 Creek, Lincoln, Nebraska, authorized by section
15 101(b)(19) of the Water Resources Development Act of
16 2000 (114 Stat. 2578), is modified—

17 (1) to direct the Secretary to credit toward the
18 non-Federal share of the cost of the project the cost
19 of design, and construction work carried out by the
20 non-Federal interest before the date of the partner-
21 ship agreement for the project if the Secretary de-
22 termines that the work is integral to the project; and

23 (2) to allow the non-Federal sponsor for the
24 project to use, and to direct the Secretary to accept,
25 funds provided under any other Federal program, to
26 satisfy, in whole or in part, the non-Federal share

1 of the project if such funds are authorized to be
2 used to carry out the project.

3 **SEC. 3090. SAND CREEK WATERSHED, WAHOO, NEBRASKA.**

4 The project for ecosystem restoration and flood dam-
5 age reduction, Sand Creek watershed, Wahoo, Nebraska,
6 authorized by section 101(b)(20) of the Water Resources
7 Development Act of 2000 (114 Stat. 2578), is modified—

8 (1) to direct the Secretary to provide credit to-
9 ward the non-Federal share of the cost of the project
10 or reimbursement for the costs of any work that has
11 been or will be performed by the non-Federal inter-
12 est before, on, or after the approval of the project
13 partnership agreement, including work performed by
14 the non-Federal interest in connection with the de-
15 sign and construction of 7 upstream detention stor-
16 age structures, if the Secretary determines that the
17 work is integral to the project;

18 (2) to require that in-kind work to be credited
19 under paragraph (1) be subject to audit; and

20 (3) to direct the Secretary to accept advance
21 funds from the non-Federal interest as needed to
22 maintain the project schedule.

1 **SEC. 3091. PASSAIC RIVER BASIN FLOOD MANAGEMENT,**
2 **NEW JERSEY.**

3 The project for flood control, Passaic River, New Jer-
4 sey and New York, authorized by section 101(a)(18) of
5 the Water Resources Development Act of 1990 (104 Stat.
6 4607) and modified by section 327 of the Water Resources
7 Development Act of 2000 (114 Stat. 2607), is further
8 modified to direct the Secretary to include the benefits and
9 costs of preserving natural flood storage in any future eco-
10 nomic analysis of the project.

11 **SEC. 3092. BUFFALO HARBOR, NEW YORK.**

12 The project for navigation, Buffalo Harbor, New
13 York, authorized by section 101 of the River and Harbor
14 Act of 1962 (76 Stat. 1176), is modified to include meas-
15 ures to enhance public access, at Federal cost of
16 \$500,000.

17 **SEC. 3093. ORCHARD BEACH, BRONX, NEW YORK.**

18 The project for shoreline protection, Orchard Beach,
19 Bronx, New York, authorized by section 554 of the Water
20 Resources Development Act of 1996 (110 Stat. 3781), is
21 modified to authorize the Secretary to construct the
22 project, at a total cost of \$20,000,000.

23 **SEC. 3094. PORT OF NEW YORK AND NEW JERSEY, NEW**
24 **YORK AND NEW JERSEY.**

25 The navigation project, Port of New York and New
26 Jersey, New York and New Jersey, authorized by section

1 101(a)(2) of the Water Resources Development Act of
2 2000 (114 Stat. 2576), is modified—

3 (1) to authorize the Secretary to allow the non-
4 Federal interest to construct a temporary dredged
5 material storage facility to receive dredged material
6 from the project if—

7 (A) the non-Federal interest submits, in
8 writing, a list of potential sites for the tem-
9 porary storage facility to the Committee on
10 Transportation and Infrastructure of the House
11 of Representatives, the Committee on Environ-
12 ment and Public Works of the Senate, and the
13 Secretary at least 180 days before the selection
14 of the final site; and

15 (B) at least 70 percent of the dredged ma-
16 terial generated in connection with the project
17 suitable for beneficial reuse will be used at sites
18 in the State of New Jersey to the extent that
19 there are sufficient sites available; and

20 (2) to direct the Secretary to credit toward the
21 non-Federal share of the cost of the project the cost
22 of construction of the temporary storage facility if
23 the Secretary determines that the work is integral to
24 the project.

1 **SEC. 3095. NEW YORK STATE CANAL SYSTEM.**

2 Section 553(c) of the Water Resources Development
3 Act of 1996 (110 Stat. 3781) is amended to read as fol-
4 lows:

5 “(c) NEW YORK STATE CANAL SYSTEM DEFINED.—
6 In this section, the term ‘New York State Canal System’
7 means the 524 miles of navigable canal that comprise the
8 New York State Canal System, including the Erie, Ca-
9 yuga-Seneca, Oswego, and Champlain Canals and the his-
10 toric alignments of these canals, including the cities of Al-
11 bany and Buffalo.”.

12 **SEC. 3096. LOWER GIRARD LAKE DAM, OHIO.**

13 Section 507(1) of the Water Resources Development
14 Act of 1996 (110 Stat. 3758) is amended by striking
15 “\$2,500,000” and inserting “\$6,000,000”.

16 **SEC. 3097. MAHONING RIVER, OHIO.**

17 In carrying out the project for environmental dredg-
18 ing, authorized by section 312(f)(4) of the Water Re-
19 sources Development Act of 1990 (33 U.S.C. 1272(f)(4)),
20 the Secretary is directed to credit toward the non-Federal
21 share of the cost of the project the cost of work carried
22 out by the non-Federal interest before the date of the part-
23 nership agreement for the project if the Secretary deter-
24 mines that the work is integral to the project.

1 **SEC. 3098. ARCADIA LAKE, OKLAHOMA.**

2 Payments made by the city of Edmond, Oklahoma,
3 to the Secretary in October 1999 of costs associated with
4 present and future water storage at Arcadia Lake, Okla-
5 homa, under Arcadia Lake Water Storage Contract Num-
6 ber DACW56–79–C–0072 shall satisfy the obligations of
7 the city under that contract for such costs, including ac-
8 crued interest.

9 **SEC. 3099. WILLAMETTE RIVER TEMPERATURE CONTROL,**
10 **MCKENZIE SUBBASIN, OREGON.**

11 (a) IN GENERAL.—The project for environmental
12 restoration, Willamette River Temperature Control,
13 McKenzie Subbasin, Oregon, authorized by section
14 101(a)(25) of the Water Resources Development Act of
15 1996 (110 Stat. 3665) and modified by section 344 of
16 the Water Resources Development Act of 1999 (113 Stat.
17 308), is further modified to direct the Secretary to pay,
18 subject to the availability of appropriations, compensation
19 for losses to small business attributable to the implemen-
20 tation of the drawdown conducted as a part of project im-
21 plementation in 2002.

22 (b) ESTABLISHMENT OF PROGRAM.—Not later than
23 120 days after the date of enactment of this Act, the Sec-
24 retary shall establish, and provide public notice of, a pro-
25 gram—

1 (1) to receive claims for compensation for losses
2 to small business attributable to the implementation
3 of the drawdown conducted as a part of project im-
4 plementation in 2002;

5 (2) to evaluate claims for such losses; and

6 (3) to pay claims for such losses.

7 (c) IMPLEMENTATION OF PROGRAM.—In carrying
8 out the program established under subsection (b), the Sec-
9 retary shall provide—

10 (1) public notice of the existence of the pro-
11 gram sufficient to reach those in the area that may
12 have suffered losses to small businesses;

13 (2) a period for the submission of claims of not
14 fewer than 45 days and not greater than 75 days
15 from the date of the first public notice of the exist-
16 ence of the program;

17 (3) for the evaluation of each claim submitted
18 to the Secretary under the program and a deter-
19 mination of whether the claim constitutes a loss to
20 a small business on or before the last day of the 30-
21 day period beginning on the date of submission of
22 the claim; and

23 (4) for the payment of each claim that the Sec-
24 retary determines constitutes a loss to a small busi-
25 ness on or before the last day of the 30-day period

1 beginning on the date of the Secretary's determina-
2 tion.

3 (d) **LOSS TO A SMALL BUSINESS DEFINED.**—In this
4 section, the term “loss to a small business” means docu-
5 mented financial losses associated with commercial activ-
6 ity of a small business that can be attributed to the tur-
7 bidity levels in the McKenzie River being higher than
8 those anticipated in the original planning documents and
9 public announcements existing before the initiation of the
10 drawdown in 2002. Commercial losses include decline in
11 sales, loss of revenue (including loss of revenue from can-
12 celed or delayed reservations at lodging establishments),
13 and any other financial losses that can be shown to be
14 associated with the elevated turbidity levels in the
15 McKenzie River in 2002.

16 (e) **PAYMENT OF CLAIMS.**—The payment of claims
17 for losses to small businesses shall be a Federal responsi-
18 bility.

19 **SEC. 3100. DELAWARE RIVER, PENNSYLVANIA, NEW JER-**
20 **SEY, AND DELAWARE.**

21 The Secretary may remove debris from the project
22 for navigation, Delaware River, Pennsylvania, New Jersey,
23 and Delaware, Philadelphia to the Sea.

1 **SEC. 3101. RAYSTOWN LAKE, PENNSYLVANIA.**

2 The Secretary may take such action as may be nec-
3 essary, including construction of a breakwater, to prevent
4 shoreline erosion between .07 and 2.7 miles south of Penn-
5 sylvania State route 994 on the east shore of Raystown
6 Lake, Pennsylvania.

7 **SEC. 3102. SHERADEN PARK STREAM AND CHARTIERS**
8 **CREEK, ALLEGHENY COUNTY, PENNSYLVANIA.**
9

10 The project for aquatic ecosystem restoration,
11 Sheraden Park Stream and Chartiers Creek, Allegheny
12 County, Pennsylvania, being carried out under section 206
13 of the Water Resources Development Act of 1996 (33
14 U.S.C. 2330), is modified to direct the Secretary to credit
15 up to \$400,000 toward the non-Federal share of the cost
16 of the project for planning and design work carried out
17 by the non-Federal interest before the date of the partner-
18 ship agreement for the project if the Secretary determines
19 that the work is integral to the project.

20 **SEC. 3103. SOLOMON'S CREEK, WILKES-BARRE, PENNSYLVANIA.**
21

22 The project for flood control, Wyoming Valley, Penn-
23 sylvania, authorized by section 401(a) of the Water Re-
24 sources Development Act of 1986 (100 Stat. 4124), is
25 modified to include as a project element the project for

1 flood control for Solomon’s Creek, Wilkes-Barre, Pennsyl-
2 vania.

3 **SEC. 3104. SOUTH CENTRAL PENNSYLVANIA.**

4 Section 313 of the Water Resources Development Act
5 of 1992 (106 Stat. 4845; 109 Stat. 407; 110 Stat. 3723;
6 113 Stat. 310; 117 Stat. 142) is amended—

7 (1) in subsection (g)(1) by striking
8 “\$180,000,000” and inserting “\$200,000,000”; and

9 (2) in subsection (h)(2) by striking “Allegheny,
10 Armstrong, Beford, Blair, Cambria, Clearfield, Fay-
11 ette, Franklin, Fulton, Greene, Huntingdon, Indi-
12 ana, Juniata, Mifflin, Somerset, Snyder, Wash-
13 ington, and Westmoreland Counties” and inserting
14 “Allegheny, Armstrong, Bedford, Blair, Cambria,
15 Fayette, Franklin, Fulton, Greene, Huntingdon, In-
16 diana, Juniata, Somerset, Washington, and West-
17 moreland Counties”.

18 **SEC. 3105. WYOMING VALLEY, PENNSYLVANIA.**

19 In carrying out the project for flood control, Wyo-
20 ming Valley, Pennsylvania, authorized by section 401(a)
21 of the Water Resources Development Act of 1986 (100
22 Stat. 4124), the Secretary shall coordinate with non-Fed-
23 eral interests to review opportunities for increased public
24 access.

1 **SEC. 3106. CEDAR BAYOU, TEXAS.**

2 (a) IN GENERAL.—The project for navigation, Cedar
3 Bayou, Texas, reauthorized by section 349(a)(2) of the
4 Water Resources Development Act of 2000 (114 Stat.
5 2632), is modified to direct the Secretary to credit toward
6 the non-Federal share of the cost of the project the cost
7 of planning and design work carried out by the non-Fed-
8 eral interest for the project if the Secretary determines
9 that such work is integral to the project.

10 (b) COST SHARING.—Cost sharing for construction
11 and operation and maintenance of the project shall be de-
12 termined in accordance with section 101 of the Water Re-
13 sources Development Act of 1986 (33 U.S.C. 2211).

14 **SEC. 3107. FREEPORT HARBOR, TEXAS.**

15 The project for navigation, Freeport Harbor, Texas,
16 authorized by section 101 of the Rivers and Harbors Act
17 of 1970 (84 Stat. 1818), is modified.—

18 (1) to direct the Secretary to credit toward the
19 non-Federal share of the cost of the project the cost
20 of the planning, design, and construction work car-
21 ried out by the non-Federal interest before the date
22 of the partnership agreement for the project if the
23 Secretary determines that the work is integral to the
24 project; and

25 (2) to direct the Secretary to remove the sunk-
26 en vessel “COMSTOCK” at Federal expense.

1 **SEC. 3108. JOHNSON CREEK, ARLINGTON, TEXAS.**

2 The project for flood damage reduction, environ-
3 mental restoration, and recreation, authorized by section
4 101(b)(14) of the Water Resources Development Act of
5 1999 (113 Stat. 280), is modified to authorize the Sec-
6 retary to carry out the project at a total cost of
7 \$29,717,000, with an estimated Federal cost of
8 \$20,670,000 and an estimated non-Federal cost
9 \$9,047,000.

10 **SEC. 3109. LAKE KEMP, TEXAS.**

11 (a) IN GENERAL.—The Secretary may not take any
12 legal or administrative action seeking to remove a Lake
13 Kemp improvement before the earlier of January 1, 2020,
14 or the date of any transfer of ownership of the improve-
15 ment occurring after the date of enactment of this Act.

16 (b) LIMITATION ON LIABILITY.—The United States,
17 or any of its officers, agents, or assignees, shall not be
18 liable for any injury, loss, or damage accruing to the own-
19 ers of a Lake Kemp improvement, their lessees, or occu-
20 pants as a result of any flooding or inundation of such
21 improvements by the waters of the Lake Kemp reservoir,
22 or for such injury, loss, or damage as may occur through
23 the operation and maintenance of the Lake Kemp dam
24 and reservoir in any manner.

25 (c) LAKE KEMP IMPROVEMENT DEFINED.—In this
26 section, the term “Lake Kemp improvement” means an

1 improvement (including dwellings) located within the flow-
2 age easement of Lake Kemp, Texas, below elevation 1159
3 feet mean sea level.

4 **SEC. 3110. LOWER RIO GRANDE BASIN, TEXAS.**

5 The project for flood control, Lower Rio Grande
6 Basin, Texas, authorized by section 401(a) of the Water
7 Resources Development Act of 1986 (100 Stat. 4125), is
8 modified—

9 (1) to include as part of the project flood pro-
10 tection works to reroute drainage to Raymondville
11 Drain constructed by the non-Federal interests in
12 Hidalgo County in the vicinity of Edinburg, Texas,
13 if the Secretary determines that such work meets
14 feasibility requirements;

15 (2) to direct the Secretary to credit toward the
16 non-Federal share of the cost of the project the cost
17 of planning, design, and construction work carried
18 out by the non-Federal interest before the date of
19 the partnership agreement for the project if the Sec-
20 retary determines that the work is integral to the
21 project; and

22 (3) to direct the Secretary, in calculating the
23 non-Federal share of the cost of the project, to make
24 a determination within 180 days after the date of
25 enactment of this Act under section 103(m) of the

1 Water Resources Development Act of 1986 (33
2 U.S.C. 2213(m)) on the non-Federal interest's abil-
3 ity to pay.

4 **SEC. 3111. NORTH PADRE ISLAND, CORPUS CHRISTI BAY,**
5 **TEXAS.**

6 The project for ecosystem restoration and storm dam-
7 age reduction, North Padre Island, Corpus Christi Bay,
8 Texas, authorized by section 556 of the Water Resources
9 Development Act of 1999 (113 Stat. 353), is modified to
10 include recreation as a project purpose.

11 **SEC. 3112. PAT MAYSE LAKE, TEXAS.**

12 The Secretary is directed to accept from the city of
13 Paris, Texas, \$3,461,432 as payment in full of monies
14 owed to the United States for water supply storage space
15 in Pat Mayse Lake, Texas, under contract number DA-
16 34-066-CIVENG-65-1272, including accrued interest.

17 **SEC. 3113. PROCTOR LAKE, TEXAS.**

18 The Secretary is authorized to purchase fee simple
19 title to all properties located within the boundaries, and
20 necessary for the operation, of the Proctor Lake project,
21 Texas, authorized by section 203 of the Flood Control Act
22 of 1954 (68 Stat. 1259).

23 **SEC. 3114. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

24 The project for flood control, San Antonio Channel,
25 Texas, authorized by section 203 of the Flood Control Act

1 of 1954 (68 Stat. 1259) as part of the comprehensive plan
2 for flood protection on the Guadalupe and San Antonio
3 Rivers in Texas and modified by section 103 of the Water
4 Resources Development Act of 1976 (90 Stat. 2921) and
5 section 335 of the Water Resources Development Act of
6 2000 (114 Stat. 2611), is further modified to authorize
7 the Secretary to credit toward the non-Federal share of
8 the cost of the project the cost of design and construction
9 work carried out by the non-Federal interest for the
10 project if the Secretary determines that the work is inte-
11 gral to the project.

12 **SEC. 3115. JAMES RIVER, VIRGINIA.**

13 The project for navigation, James River, Virginia, au-
14 thorized by the first section of the River and Harbor Ap-
15 propriations Act of July 5, 1884 (23 Stat. 138), is further
16 modified to authorize the Secretary to enlarge the turning
17 basin adjacent to the Richmond Deepwater Terminal at
18 a total cost of \$1,511,000 if the Secretary determines that
19 the such enlargement is necessary for navigation safety.

20 **SEC. 3116. LEE, RUSSELL, SCOTT, SMYTH, TAZEWELL, AND**
21 **WISE COUNTIES, VIRGINIA.**

22 The project for flood control, Levisa and Tug Forks
23 of the Big Sandy River and Upper Cumberland River, au-
24 thorized by section 202 of the Energy and Water Develop-
25 ment Appropriation Act, 1981 (94 Stat. 1339) and modi-

1 fied by section 352 of the Water Resources Development
2 Act of 1996 (110 Stat. 3724–3725) and section 336 of
3 the Water Resources Development Act of 2000 (114 Stat.
4 2611), is further modified to direct the Secretary to deter-
5 mine the ability of Lee, Russell, Scott, Smyth, Tazewell,
6 and Wise Counties, Virginia, to pay the non-Federal share
7 of the cost of the project based solely on the criterion spec-
8 ified in section 103(m)(3)(A)(i) of the Water Resources
9 Development Act of 1986 (33 U.S.C. 2213(m)(3)(A)(i)).

10 **SEC. 3117. TANGIER ISLAND SEAWALL, VIRGINIA.**

11 Section 577(a) of the Water Resources Development
12 Act of 1996 (110 Stat. 3789) is amended by striking “at
13 a total cost of \$1,200,000, with an estimated Federal cost
14 of \$900,000 and an estimated non-Federal cost of
15 \$300,000.” and inserting “at a total cost of \$3,000,000,
16 with an estimated Federal cost of \$2,250,000 and an esti-
17 mated non-Federal cost of \$750,000.”.

18 **SEC. 3118. DUWAMISH/GREEN, WASHINGTON.**

19 The project for ecosystem restoration, Duwamish/
20 Green, Washington, authorized by section 101(b)(26) of
21 the Water Resources Development Act of 2000 (114 Stat.
22 2579), is modified—

23 (1) to direct the Secretary to credit toward the
24 non-Federal share of the cost of the project the cost
25 of work carried out by the non-Federal interest be-

1 fore the date of the partnership agreement for the
2 project if the Secretary determines that the work is
3 integral to the project; and

4 (2) to authorize the non-Federal interest to pro-
5 vide any portion of the non-Federal share of the cost
6 of the project in the form of in-kind services and
7 materials.

8 **SEC. 3119. YAKIMA RIVER, PORT OF SUNNYSIDE, WASH-**
9 **INGTON.**

10 The project for aquatic ecosystem restoration,
11 Yakima River, Port of Sunnyside, Washington, being car-
12 ried out under section 206 of the Water Resources Devel-
13 opment Act of 1996 (33 U.S.C. 2330), is modified to di-
14 rect the Secretary to credit toward the non-Federal share
15 of the cost of the project the cost of work carried out by
16 the non-Federal interest before the date of the partnership
17 agreement for the project if the Secretary determines that
18 the work is integral to the project.

19 **SEC. 3120. GREENBRIER RIVER BASIN, WEST VIRGINIA.**

20 Section 579(c) of the Water Resources Development
21 Act of 1996 (110 Stat. 3790; 113 Stat. 312) is amended
22 by striking “\$47,000,000” and inserting “\$99,000,000”.

1 **SEC. 3121. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.**

2 Section 30(d) of the Water Resources Development
3 Act of 1988 (102 Stat. 4030; 114 Stat. 2678) is amended
4 to read as follows:

5 “(d) HISTORIC STRUCTURE.—The Secretary shall
6 ensure the preservation and restoration of the structure
7 known as the ‘Jenkins House’, and the reconstruction of
8 associated buildings and landscape features of such struc-
9 ture located within the Lesage/Greenbottom Swamp in ac-
10 cordance with the Secretary of the Interior’s standards for
11 the treatment of historic properties. Amounts made avail-
12 able for expenditure for the project authorized by section
13 301(a) of the Water Resources Development Act of 1986
14 (100 Stat. 4110) shall be available for the purposes of this
15 subsection.”.

16 **SEC. 3122. NORTHERN WEST VIRGINIA.**

17 Section 557 of the Water Resources Development Act
18 of 1999 (113 Stat. 353) is amended in the first sentence
19 by striking “favorable”.

20 **SEC. 3123. MANITOWOC HARBOR, WISCONSIN.**

21 The project for navigation, Manitowoc Harbor, Wis-
22 consin, authorized by the River and Harbor Act of August
23 30, 1852, is modified to direct the Secretary to deepen
24 the upstream reach of the navigation channel from 12 feet
25 to 18 feet, at a total cost of \$300,000.

1 **SEC. 3124. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

2 Section 21 of the Water Resources Development Act
3 of 1988 (102 Stat. 4027) is amended—

4 (1) in subsection (a)—

5 (A) by striking “1276.42” and inserting
6 “1278.42”;

7 (B) by striking “1218.31” and inserting
8 “1221.31”; and

9 (C) by striking “1234.82” and inserting
10 “1235.30”; and

11 (2) by striking subsection (b) and inserting the
12 following:

13 “(b) EXCEPTION.—The Secretary may operate the
14 headwaters reservoirs below the minimum or above the
15 maximum water levels established in subsection (a) in ac-
16 cordance with water control regulation manuals (or revi-
17 sions thereto) developed by the Secretary, after consulta-
18 tion with the Governor of Minnesota and affected tribal
19 governments, landowners, and commercial and rec-
20 reational users. The water control regulation manuals
21 (and any revisions thereto) shall be effective when the Sec-
22 retary transmits them to Congress. The Secretary shall
23 report to Congress at least 14 days before operating any
24 such headwaters reservoir below the minimum or above
25 the maximum water level limits specified in subsection (a);
26 except that notification is not required for operations nec-

1 essary to prevent the loss of life or to ensure the safety
2 of the dam or where the drawdown of lake levels is in an-
3 ticipation of flood control operations.”.

4 **SEC. 3125. CONTINUATION OF PROJECT AUTHORIZATIONS.**

5 (a) IN GENERAL.—Notwithstanding section
6 1001(b)(2) of the Water Resources Development Act of
7 1986 (33 U.S.C. 579a(b)(2)), the following projects shall
8 remain authorized to be carried out by the Secretary:

9 (1) The project for flood control, Agana River,
10 Guam, authorized by section 401(a) of the Water
11 Resources Development Act of 1986 (100 Stat.
12 4127).

13 (2) The project for navigation, Fall River Har-
14 bor, Massachusetts, authorized by section 101 of the
15 River and Harbor Act of 1968 (82 Stat. 731); ex-
16 cept that the authorized depth of that portion of the
17 project extending riverward of the Charles M.
18 Braga, Jr. Memorial Bridge, Fall River and Som-
19 erset, Massachusetts, shall not exceed 35 feet.

20 (b) LIMITATION.—A project described in subsection
21 (a) shall not be authorized for construction after the last
22 day of the 5-year period beginning on the date of enact-
23 ment of this Act, unless, during such period, funds have
24 been obligated for the construction (including planning
25 and design) of the project.

1 **SEC. 3126. PROJECT REAUTHORIZATIONS.**

2 Each of the following projects may be carried out by
3 the Secretary and no construction on any such project may
4 be initiated until the Secretary determines that the project
5 is feasible:

6 (1) MENOMINEE HARBOR AND RIVER, MICHIGAN AND WISCONSIN.—The project for navigation,
7 Menominee Harbor and River, Michigan and Wisconsin, authorized by section 101 of the River and
8 Harbor Act of 1960 (74 Stat. 482) and deauthorized
9 on April 15, 2002, in accordance with section
10 1001(b)(2) of the Water Resources Development Act
11 of 1986 (33 U.S.C. 579a(b)(2)).

12 (2) MANITOWOC HARBOR, WISCONSIN.—That
13 portion of the project for navigation, Manitowoc
14 Harbor, Wisconsin, consisting of the channel in the
15 south part of the outer harbor, deauthorized by section
16 101 of the River and Harbor Act of 1962 (76
17 Stat. 1176).

18 **SEC. 3127. PROJECT DEAUTHORIZATIONS.**

19 (a) IN GENERAL.—The following projects are not au-
20 thorized after the date of enactment of this Act:

21 (1) BRIDGEPORT HARBOR, CONNECTICUT.—The
22 portion of the project for navigation, Bridgeport
23 Harbor, Connecticut, authorized by the first section
24 of the River and Harbor Act of July 3, 1930 (46
25 Stat. 1176).

1 Stat. 919), consisting of an 18-foot channel in Yel-
2 low Mill River and described as follows: Beginning
3 at a point along the eastern limit of the existing
4 project, N123,649.75, E481,920.54, thence running
5 northwesterly about 52.64 feet to a point
6 N123,683.03, E481,879.75, thence running north-
7 easterly about 1,442.21 feet to a point N125,030.08,
8 E482,394.96, thence running northeasterly about
9 139.52 feet to a point along the eastern limit of the
10 existing channel, N125,133.87, E482,488.19, thence
11 running southwesterly about 1,588.98 feet to the
12 point of origin.

13 (2) MYSTIC RIVER, CONNECTICUT.—The por-
14 tion of the project for navigation, Mystic River, Con-
15 necticut, authorized by the first section of the River
16 and Harbor Appropriations Act of September 19,
17 1890 (26 Stat. 436) consisting of a 12-foot-deep
18 channel, approximately 7,554 square feet in area,
19 starting at a point N193,086.51, E815,092.78,
20 thence running north 59 degrees 21 minutes 46.63
21 seconds west about 138.05 feet to a point
22 N193,156.86, E814,974.00, thence running north
23 51 degrees 04 minutes 39.00 seconds west about
24 166.57 feet to a point N193,261.51, E814,844.41,
25 thence running north 43 degrees 01 minutes 34.90

1 seconds west about 86.23 feet to a point
2 N193,324.55, E814,785.57, thence running north
3 06 degrees 42 minutes 03.86 seconds west about
4 156.57 feet to a point N193,480.05, E814,767.30,
5 thence running south 21 degrees 21 minutes 17.94
6 seconds east about 231.42 feet to a point
7 N193,264.52, E814,851.57, thence running south
8 53 degrees 34 minutes 23.28 seconds east about
9 299.78 feet to the point of origin.

10 (3) FALMOUTH HARBOR, MASSACHUSETTS.—

11 The portion of the project for navigation, Falmouth
12 Harbor, Massachusetts, authorized by section 101 of
13 the River and Harbor Act of 1948 (62 Stat. 1172),
14 beginning at a point along the eastern side of the
15 inner harbor N200,415.05, E845,307.98, thence
16 running north 25 degrees 48 minutes 54.3 seconds
17 east 160.24 feet to a point N200,559.20,
18 E845,377.76, thence running north 22 degrees 7
19 minutes 52.4 seconds east 596.82 feet to a point
20 N201,112.15, E845,602.60, thence running north
21 60 degrees 1 minute 0.3 seconds east 83.18 feet to
22 a point N201,153.72, E845,674.65, thence running
23 south 24 degrees 56 minutes 43.4 seconds west
24 665.01 feet to a point N200,550.75, E845,394.18,

1 thence running south 32 degrees 25 minutes 29.0
2 seconds west 160.76 feet to the point of origin.

3 (4) ISLAND END RIVER, MASSACHUSETTS.—The
4 portion of the project for navigation, Island End
5 River, Massachusetts, carried out under section 107
6 of the River and Harbor Act of 1960 (33 U.S.C.
7 577), described as follows: Beginning at a point
8 along the eastern limit of the existing project,
9 N507,348.98, E721,180.01, thence running north-
10 east about 35 feet to a point N507,384.17,
11 E721,183.36, thence running northeast about 324
12 feet to a point N507,590.51, E721,433.17, thence
13 running northeast about 345 feet to a point along
14 the northern limit of the existing project,
15 N507,927.29, E721,510.29, thence running south-
16 east about 25 feet to a point N507,921.71,
17 E721,534.66, thence running southwest about 354
18 feet to a point N507,576.65, E721,455.64, thence
19 running southwest about 357 feet to the point of ori-
20 gin.

21 (5) CITY WATERWAY, TACOMA, WASHINGTON.—
22 The portion of the project for navigation, City Wa-
23 terway, Tacoma, Washington, authorized by the first
24 section of the River and Harbor Appropriations Act
25 of June 13, 1902 (32 Stat. 347), consisting of the

1 last 1,000 linear feet of the inner portion of the wa-
2 terway beginning at station 70+00 and ending at
3 station 80+00.

4 (b) ANCHORAGE AREA, NEW LONDON HARBOR,
5 CONNECTICUT.—The portion of the project for navigation,
6 New London Harbor, Connecticut, authorized by the River
7 and Harbor Appropriations Act of June 13, 1902 (32
8 Stat. 333), that consists of a 23-foot waterfront channel
9 and that is further described as beginning at a point along
10 the western limit of the existing project, N188, 802.75,
11 E779, 462.81, thence running northeasterly about
12 1,373.88 feet to a point N189, 554.87, E780, 612.53,
13 thence running southeasterly about 439.54 feet to a point
14 N189, 319.88, E780, 983.98, thence running southwest-
15 erly about 831.58 feet to a point N188, 864.63, E780,
16 288.08, thence running southeasterly about 567.39 feet
17 to a point N188, 301.88, E780, 360.49, thence running
18 northwesterly about 1,027.96 feet to the point of origin,
19 shall be redesignated as an anchorage area.

20 (c) SOUTHPORT HARBOR, FAIRFIELD, CON-
21 NECTICUT.—The project for navigation, Southport Har-
22 bor, Fairfield, Connecticut, authorized by section 2 of the
23 River and Harbor Act of March 2, 1829, and by the first
24 section of the River and Harbor Act of August 30, 1935
25 (49 Stat. 1029), and section 364 of the Water Resources

1 Development Act of 1996 (110 Stat. 3733–3734), is fur-
2 ther modified to redesignate a portion of the 9-foot-deep
3 channel to an anchorage area, approximately 900 feet in
4 length and 90,000 square feet in area, and lying generally
5 north of a line with points at coordinates N108,043.45,
6 E452,252.04 and N107938.74, E452265.74.

7 (d) MYSTIC RIVER, MASSACHUSETTS.—The portion
8 of the project for navigation, Mystic River, Massachusetts,
9 authorized by the first section of the River and Harbor
10 Appropriations Act of July 13, 1892 (27 Stat. 96), be-
11 tween a line starting at a point N515,683.77,
12 E707,035.45 and ending at a point N515,721.28,
13 E707,069.85 and a line starting at a point N514,595.15,
14 E707,746.15 and ending at a point N514,732.94,
15 E707,658.38 shall be relocated and reduced from 100 foot
16 to a 50-foot wide channel after the date of enactment of
17 this Act described as follows: Beginning at a point
18 N515,721.28, E707,069.85, thence running southeasterly
19 about 840.50 feet to a point N515,070.16, E707,601.27,
20 thence running southeasterly about 177.54 feet to a point
21 N514,904.84, E707,665.98, thence running southeasterly
22 about 319.90 feet to a point with coordinates
23 N514,595.15, E707,746.15, thence running northwesterly
24 about 163.37 feet to a point N514,732.94, E707,658.38,
25 thence running northwesterly about 161.58 feet to a point

1 N514.889.47, E707,618.30, thence running northwesterly
2 about 166.61 feet to a point N515.044.62, E707,557.58,
3 thence running northwesterly about 825.31 feet to a point
4 N515,683.77, E707,035.45, thence running northeasterly
5 about 50.90 feet returning to a point N515,721.28,
6 E707,069.85.

7 (e) GREEN BAY HARBOR, GREEN BAY, WIS-
8 CONSIN.—The portion of the inner harbor of the Federal
9 navigation channel, Green Bay Harbor, Green Bay, Wis-
10 consin, authorized by the first section of the River and
11 Harbor Act of June 23, 1866, beginning at station
12 190+00 to station 378+00 is authorized to a width of
13 75 feet and a depth of 6 feet.

14 (f) ADDITIONAL DEAUTHORIZATIONS.—The fol-
15 lowing projects are not authorized after the date of enact-
16 ment of this Act, except with respect to any portion of
17 such a project which portion has been completed before
18 such date or is under construction on such date:

19 (1) The project for flood control, Cache Creek
20 Basin, Clear Lake Outlet Channel, California, au-
21 thorized by section 401(a) of the Water Resources
22 Development Act of 1986 (100 Stat. 4112).

23 (2) The project for flood protection on
24 Atascadero Creek and its tributaries of Goleta, Cali-

1 fornia, authorized by section 201 of the Flood Con-
2 trol Act of 1970 (84 Stat. 1826).

3 (3) The project for flood control, central and
4 southern Florida, Shingle Creek basin, Florida, au-
5 thorized by section 203 of the Flood Control Act of
6 1962 (76 Stat. 1182).

7 (4) The project for flood control, Middle Wa-
8 bash, Greenfield Bayou, Indiana, authorized by sec-
9 tion 10 of the Flood Control Act of July 24, 1946
10 (60 Stat. 649).

11 (5) The project for flood damage reduction,
12 Lake George, Hobart, Indiana, authorized by section
13 602(a)(2) of the Water Resources Development Act
14 of 1986 (100 Stat. 4148).

15 (6) The project for flood control, Green Bay
16 Levee and Drainage District No. 2, Iowa, authorized
17 by section 401(a) of the Water Resources Develop-
18 ment Act of 1986 (100 Stat. 4115), deauthorized in
19 fiscal year 1991, and reauthorized by section 115(a)
20 of the Water Resources Development Act of 1992
21 (106 Stat. 4821).

22 (7) The project for flood control, Hazard, Ken-
23 tucky, authorized by section 3(a)(7) of the Water
24 Resources Development Act of 1988 (100 Stat.

1 4014) and section 108 of the Water Resources De-
2 velopment Act of 1990 (104 Stat. 4621).

3 (8) The recreation portion of the project for
4 flood control, Taylorsville Lake, Kentucky, author-
5 ized by section 203 of the Flood Control Act of 1966
6 (80 Stat. 1421).

7 (9) The project for flood control, western Ken-
8 tucky tributaries, Kentucky, authorized by section
9 204 of the Flood Control Act of 1965 (79 Stat.
10 1076) and modified by section 210 of the Flood
11 Control Act of 1970 (84 Stat. 1829).

12 (10) The project for flood damage reduction,
13 Tensas-Cocodrie area, Louisiana, authorized by sec-
14 tion 3 of the Flood Control Act of August 18, 1941
15 (55 Stat. 643).

16 (11) The project for flood control, Eastern
17 Rapides and South-Central Avoyelles Parishes, Lou-
18 isiana, authorized by section 201 of the Flood Con-
19 trol Act of 1970 (84 Stat. 1825).

20 (12) The project for navigation, Mississippi
21 River, Baton Rouge to the Gulf of Mexico, barge
22 channel through Devils Swamp, Louisiana, author-
23 ized by the first section of the River and Harbor Act
24 of July 24, 1946 (60 Stat. 635).

1 (13) The project for navigation Red River Wa-
2 terway, Shreveport, Louisiana to Daingerfield,
3 Texas, authorized by the River and Harbor Act of
4 1968 (82 Stat. 731).

5 (14) The project for flood damage reduction
6 Brockton, Massachusetts, authorized by section
7 401(c) of the Water Resources Development Act of
8 1986 (100 Stat. 4129).

9 (15) The project for navigation, Grand Haven
10 Harbor, Michigan, authorized by section 202 of the
11 Water Resources Development Act of 1986 (100
12 Stat. 4093).

13 (16) The project for hydropower, Libby Dam,
14 Montana, (Units 6–8), authorized by section 549 of
15 the Water Resources Development Act of 1996 (110
16 Stat. 3779).

17 (17) The project for flood damage reduction,
18 Platte River Flood and Related Streambank Erosion
19 Control, Nebraska, authorized by section 603(f)(6)
20 of the Water Resources Development Act of 1986
21 (100 Stat. 4150).

22 (18) The project for navigation, Outer Harbor,
23 Buffalo, New York, authorized by section 110 of the
24 Water Resources Development Act of 1992 (106
25 Stat. 4817).

1 (19) The project for flood control, Sugar Creek
2 Basin, North Carolina and South Carolina, author-
3 ized by section 401(a) of the Water Resources De-
4 velopment Act of 1986 (100 Stat. 4121).

5 (20) The project for flood control, Miami River,
6 Fairfield, Ohio, authorized by section 401(a) of the
7 Water Resources Development Act of 1986 (100
8 Stat. 4122).

9 (21) The project for shoreline protection,
10 Maumee Bay, Lake Erie, Ohio, authorized by sec-
11 tion 501(a) of the Water Resources Development
12 Act of 1986 (100 Stat. 4135).

13 (22) The project for flood control and water
14 supply, Parker Lake, Muddy Boggy Creek, Okla-
15 homa, authorized by section 601 of the Water Re-
16 sources Development Act of 1986 (100 Stat. 4144).

17 (23) The project for the Columbia River, Sea-
18 farers Memorial, Hammond, Oregon, authorized by
19 title I of the Energy and Water Development Appro-
20 priations Act, 1991 (104 Stat. 2078).

21 (24) The project for bulkhead repairs, Quonset
22 Point-Davisville, Rhode Island, authorized by section
23 571 of the Water Resources Development Act of
24 1996 (110 Stat. 3788).

1 (25) The project for flood damage reduction,
2 Harris Fork Creek, Tennessee and Kentucky, au-
3 thorized by section 102 of the Water Resources De-
4 velopment Act of 1976 (90 Stat. 2921).

5 (26) The Arroyo Colorado, Texas, feature of
6 the project for flood control Lower Rio Grande,
7 Texas, authorized by section 401(a) of the Water
8 Resources Development Act of 1986 (100 Stat.
9 4125).

10 (27) The structural portion of the project for
11 flood control, Cypress Creek, Texas, authorized by
12 section 3(a)(13) of the Water Resources Develop-
13 ment Act of 1988 (102 Stat. 4014).

14 (28) The project for flood protection, East Fork
15 Channel Improvement, Increment 2, East Fork of
16 the Trinity River, Texas, authorized by section 202
17 of the Flood Control Act of 1962 (76 Stat. 1185).

18 (29) The project for flood control, Falfurrias,
19 Texas, authorized by section 3(a)(14) of the Water
20 Resources Development Act of 1988 (102 Stat.
21 4014).

22 (30) The project for streambank erosion,
23 Kanawha River, Charleston, West Virginia, author-
24 ized by section 603(f)(13) of the Water Resources
25 Development Act of 1986 (100 Stat. 4153).

1 (g) CONDITIONS.—The first sentence of section
2 1001(b)(2) of the Water Resources Development Act of
3 1986 (33 U.S.C. 579a(b)(2)) is amended—

4 (1) by striking “two years” and inserting
5 “year”; and

6 (2) by striking “7” and inserting “5”.

7 **SEC. 3128. LAND CONVEYANCES.**

8 (a) ST. FRANCIS BASIN, ARKANSAS AND MIS-
9 SOURI.—

10 (1) IN GENERAL.—The Secretary shall convey
11 to the State of Arkansas, without monetary consid-
12 eration and subject to paragraph (2), all right, title,
13 and interest to real property within the State ac-
14 quired by the Federal Government as mitigation
15 land for the project for flood control, St. Francis
16 Basin, Arkansas and Missouri Project, authorized by
17 the Flood Control Act of May 15, 1928 (33 U.S.C.
18 702a et seq.)

19 (2) TERMS AND CONDITIONS.—

20 (A) IN GENERAL.—The conveyance by the
21 United States under this subsection shall be
22 subject to—

23 (i) the condition that the State of Ar-
24 kansas agree to operate, maintain, and
25 manage the real property for fish and wild-

1 life, recreation, and environmental pur-
2 poses at no cost or expense to the United
3 States; and

4 (ii) such other terms and conditions
5 as the Secretary determines to be in the
6 interest of the United States.

7 (B) REVERSION.—If the Secretary deter-
8 mines that the real property conveyed under
9 paragraph (1) ceases to be held in public own-
10 ership or the State ceases to operate, maintain,
11 and manage the real property in accordance
12 with this subsection, all right, title, and interest
13 in and to the property shall revert to the United
14 States, at the option of the Secretary.

15 (3) MITIGATION.—Nothing in this subsection
16 extinguishes the responsibility of the Federal Gov-
17 ernment or the non-Federal interest for the project
18 referred to in paragraph (1) from the obligation to
19 implement mitigation for such project that existed
20 on the day prior to the transfer authorized by this
21 subsection.

22 (b) MILFORD, KANSAS.—

23 (1) IN GENERAL.—The Secretary shall convey
24 by quitclaim deed without consideration to the Geary
25 County Fire Department, Milford, Kansas, all right,

1 title, and interest of the United States in and to real
2 property consisting of approximately 7.4 acres lo-
3 cated in Geary County, Kansas, for construction, op-
4 eration, and maintenance of a fire station.

5 (2) REVERSION.—If the Secretary determines
6 that the real property conveyed under paragraph (1)
7 ceases to be held in public ownership or to be used
8 for any purpose other than a fire station, all right,
9 title, and interest in and to the property shall revert
10 to the United States, at the option of the United
11 States.

12 (c) PIKE COUNTY, MISSOURI.—

13 (1) IN GENERAL.—At such time as S.S.S., Inc.,
14 conveys all right, title and interest in and to the real
15 property described in paragraph (2)(A) to the
16 United States, the Secretary shall convey all right,
17 title, and interest of the United States in and to the
18 real property described in paragraph (2)(B) to
19 S.S.S., Inc.

20 (2) LAND DESCRIPTION.—The parcels of land
21 referred to in paragraph (1) are the following:

22 (A) NON-FEDERAL LAND.—Approximately
23 42 acres, the exact legal description to be deter-
24 mined by mutual agreement of S.S.S., Inc., and
25 the Secretary, subject to any existing flowage

1 easements situated in Pike County, Missouri,
2 upstream and northwest, about a 200-foot dis-
3 tance from Drake Island (also known as Grimes
4 Island).

5 (B) FEDERAL LAND.—Approximately 42
6 acres, the exact legal description to be deter-
7 mined by mutual agreement of S.S.S. Inc., and
8 the Secretary, situated in Pike County, Mis-
9 souri, known as Government Tract Numbers
10 MIs-7 and a portion of FM-46 (both tracts on
11 Buffalo Island), administered by the Corps of
12 Engineers.

13 (3) CONDITIONS.—The exchange of real prop-
14 erty under paragraph (1) shall be subject to the fol-
15 lowing conditions:

16 (A) DEEDS.—

17 (i) NON-FEDERAL LAND.—The con-
18 veyance of the real property described in
19 paragraph (2)(A) to the Secretary shall be
20 by a warranty deed acceptable to the Sec-
21 retary.

22 (ii) FEDERAL LAND.—The instrument
23 of conveyance used to convey the real prop-
24 erty described in paragraph (2)(B) to
25 S.S.S., Inc., shall be by quitclaim deed and

1 contain such reservations, terms, and con-
2 ditions as the Secretary considers nec-
3 essary to allow the United States to oper-
4 ate and maintain the Mississippi River 9-
5 Foot Navigation Project.

6 (B) REMOVAL OF IMPROVEMENTS.—
7 S.S.S., Inc., may remove, and the Secretary
8 may require S.S.S., Inc., to remove, any im-
9 provements on the land described in paragraph
10 (2)(A).

11 (C) TIME LIMIT FOR EXCHANGE.—The
12 land exchange under paragraph (1) shall be
13 completed not later than 2 years after the date
14 of enactment of this Act.

15 (4) VALUE OF PROPERTIES.—If the appraised
16 fair market value, as determined by the Secretary,
17 of the real property conveyed to S.S.S., Inc., by the
18 Secretary under paragraph (1) exceeds the appraised
19 fair market value, as determined by the Secretary,
20 of the real property conveyed to the United States
21 by S.S.S., Inc., under paragraph (1), S.S.S., Inc.,
22 shall make a payment to the United States equal to
23 the excess in cash or a cash equivalent that is satis-
24 factory to the Secretary.

1 (d) BOARDMAN, OREGON.—Section 501(g)(1) of the
2 Water Resources Development Act of 1996 (110 Stat.
3 3751) is amended—

4 (1) by striking “city of Boardman,” and insert-
5 ing “the Boardman Park and Recreation District,
6 Boardman,”; and

7 (2) by striking “such city” and inserting “the
8 city of Boardman”.

9 (e) PORT OF MORROW, BOARDMAN, OREGON.—

10 (1) IN GENERAL.—The Secretary shall convey
11 by quitclaim deed without consideration to the Port
12 of Morrow, Boardman, Oregon, all right, title, and
13 interest of the United States in and to real property
14 consisting of approximately 25.7 acres located in
15 Morrow County, Oregon, for the purposes of port ex-
16 pansion.

17 (2) REVERSION.—If the Secretary determines
18 that the real property conveyed under paragraph (1)
19 ceases to be held in public ownership or to be used
20 for any purpose that does not promote public access,
21 all right, title, and interest in and to the property
22 shall revert to the United States, at the option of
23 the United States.

24 (3) LIMITATION ON STATUTORY CONSTRUC-
25 TION.—Nothing in this subsection shall be construed

1 to affect any authority under section 401(e) of Pub-
2 lic Law 100–581.

3 (f) TIOGA TOWNSHIP, PENNSYLVANIA.—

4 (1) IN GENERAL.—The Secretary shall convey
5 by quitclaim deed to the Tioga Township, Pennsyl-
6 vania, without consideration, all right, title, and in-
7 terest of the United States in and to the parcel of
8 real property located on the northeast end of Tract
9 No. 226, a portion of the Tioga-Hammond Lakes
10 flood control project, Tioga County, Pennsylvania,
11 consisting of approximately 8 acres, together with
12 any improvements on that property, for public own-
13 ership and use as the site of the administrative of-
14 fices and road maintenance complex for the Town-
15 ship.

16 (2) RESERVATION OF INTERESTS.—The Sec-
17 retary shall reserve such rights and interests in and
18 to the property to be conveyed as the Secretary con-
19 siders necessary to preserve the operational integrity
20 and security of the Tioga-Hammond Lakes flood
21 control project.

22 (3) REVERSION.—If the Secretary determines
23 that the property conveyed under paragraph (1)
24 ceases to be held in public ownership, or to be used
25 as a site for the Tioga Township administrative of-

1 fices and road maintenance complex or for related
2 public purposes, all right, title, and interest in and
3 to the property shall revert to the United States, at
4 the option of the United States.

5 (g) RICHARD B. RUSSELL LAKE, SOUTH CARO-
6 LINA.—

7 (1) IN GENERAL.—The Secretary shall convey
8 to the State of South Carolina, by quitclaim deed,
9 at fair market value, all right, title, and interest of
10 the United States in and to the real property de-
11 scribed in paragraph (2) that is managed, as of the
12 date of enactment of this Act, by the South Carolina
13 department of commerce for public recreation pur-
14 poses for the Richard B. Russell Dam and Lake,
15 South Carolina, project authorized by section 203 of
16 the Flood Control Act of 1966 (80 Stat. 1420).

17 (2) LAND DESCRIPTION.—Subject to paragraph
18 (3), the real property referred to in paragraph (1)
19 is the parcel contained in the portion of real prop-
20 erty described in Army Lease Number DACW21-1-
21 92-0500.

22 (3) RESERVATION OF INTERESTS.—The United
23 States shall reserve—

24 (A) ownership of all real property included
25 in the lease referred to in paragraph (2) that

1 would have been acquired for operational pur-
2 poses in accordance with the 1971 implementa-
3 tion of the 1962 Army/Interior Joint Acquisi-
4 tion Policy; and

5 (B) such other rights and interests in and
6 to the real property to be conveyed as the Sec-
7 retary considers necessary for authorized
8 project purposes, including easement rights-of-
9 way to remaining Federal land.

10 (4) NO EFFECT ON SHORE MANAGEMENT POL-
11 ICY.—The Shoreline Management Policy (ER-1130-
12 2-406) of the Corps of Engineer shall not be
13 changed or altered for any proposed development of
14 land conveyed under this subsection.

15 (5) COST SHARING.—In carrying out the con-
16 veyance under this subsection, the Secretary and the
17 State shall comply with all obligations of any cost-
18 sharing agreement between the Secretary and the
19 State with respect to the real property described in
20 paragraph (2) in effect as of the date of the convey-
21 ance.

22 (6) LAND NOT CONVEYED.—The State shall
23 continue to manage the real property described in
24 paragraph (3) not conveyed under this subsection in

1 accordance with the terms and conditions of Army
2 Lease Number DACW21-1-92-0500.

3 (h) GENERALLY APPLICABLE PROVISIONS.—

4 (1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—

5 The exact acreage and the legal description of any
6 real property to be conveyed under this section shall
7 be determined by a survey that is satisfactory to the
8 Secretary.

9 (2) APPLICABILITY OF PROPERTY SCREENING
10 PROVISIONS.—Section 2696 of title 10, United
11 States Code, shall not apply to any conveyance
12 under this section.

13 (3) ADDITIONAL TERMS AND CONDITIONS.—

14 The Secretary may require that any conveyance
15 under this section be subject to such additional
16 terms and conditions as the Secretary considers ap-
17 propriate and necessary to protect the interests of
18 the United States.

19 (4) COSTS OF CONVEYANCE.—An entity to
20 which a conveyance is made under this section shall
21 be responsible for all reasonable and necessary costs,
22 including real estate transaction and environmental
23 documentation costs, associated with the conveyance.

24 (5) LIABILITY.—An entity to which a convey-
25 ance is made under this section shall hold the

1 United States harmless from any liability with re-
2 spect to activities carried out, on or after the date
3 of the conveyance, on the real property conveyed.
4 The United States shall remain responsible for any
5 liability with respect to activities carried out, before
6 such date, on the real property conveyed.

7 **SEC. 3129. EXTINGUISHMENT OF REVERSIONARY INTER-**
8 **ESTS AND USE RESTRICTIONS.**

9 (a) IDAHO.—

10 (1) IN GENERAL.—With respect to each deed
11 listed in paragraph (2), the reversionary interests
12 and use restrictions relating to port and industrial
13 use purposes are extinguished.

14 (2) AFFECTED DEEDS.—The deeds with the fol-
15 lowing county auditor's file numbers are referred to
16 in paragraph (1):

17 (A) Auditor's Instruments No. 399218 and
18 No. 399341 of Nez Perce County, Idaho—2.07
19 acres.

20 (B) Auditor's Instruments No. 487437 and
21 No. 339341 of Nez Perce County, Idaho—7.32
22 acres.

23 (b) OLD HICKORY LOCK AND DAM, CUMBERLAND
24 RIVER, TENNESSEE.—

1 (1) RELEASE OF RETAINED RIGHTS, INTER-
2 ESTS, RESERVATIONS.—With respect to land con-
3 veyed by the Secretary to the Tennessee Society of
4 Crippled Children and Adults, Incorporated (now
5 known as “Easter Seals Tennessee”), at Old Hick-
6 ory Lock and Dam, Cumberland River, Tennessee,
7 under section 211 of the Flood Control Act of 1965
8 (79 Stat. 1087), the reversionary interests and the
9 use restrictions relating to recreation and camping
10 purposes are extinguished.

11 (2) INSTRUMENT OF RELEASE.—As soon as
12 possible after the date of enactment of this Act, the
13 Secretary shall execute and file in the appropriate
14 office a deed of release, amended deed, or other ap-
15 propriate instrument effectuating the release of in-
16 terests required by paragraph (1).

17 (c) PORT OF PASCO, WASHINGTON.—

18 (1) IN GENERAL.—With respect to property
19 covered by each deed described in paragraph (2)—

20 (A) the reversionary interests and use re-
21 strictions relating to port and industrial pur-
22 poses are extinguished; and

23 (B) the human habitation or other building
24 structure use restriction is extinguished in

1 property in which the elevation is above stand-
2 ard project flood elevation.

3 (2) AFFECTED DEEDS.—The deeds referred to
4 in paragraph (1) are Auditor’s File Numbers
5 208693, 212041, 219453, and 375866 of Franklin
6 County, Washington.

7 (d) NO EFFECT OF OTHER RIGHTS.—Nothing in this
8 section affects the remaining rights and interests of the
9 Corps of Engineers for authorized project purposes.

10 **TITLE IV—STUDIES**

11 **SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.**

12 Section 455 of the Water Resources Development Act
13 of 1999 (42 U.S.C. 1962d–21) is amended by adding at
14 the end the following:

15 “(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The
16 non-Federal interest may provide up to 100 percent of the
17 non-Federal share required under subsection (f) in the
18 form of in-kind services and materials.”.

19 **SEC. 4002. LAKE ERIE DREDGED MATERIAL DISPOSAL** 20 **SITES.**

21 The Secretary shall conduct a study to determine the
22 nature and frequency of avian botulism problems in the
23 vicinity of Lake Erie associated with dredged material dis-
24 posal sites and shall make recommendations to eliminate
25 the conditions that result in such problems.

1 **SEC. 4003. SOUTHWESTERN UNITED STATES DROUGHT**
2 **STUDY.**

3 (a) IN GENERAL.—The Secretary, in coordination
4 with the Secretary of the Interior, the Secretary of Agri-
5 culture, the Secretary of Commerce, and other appropriate
6 agencies, shall conduct, at Federal expense, a comprehen-
7 sive study of drought conditions in the southwestern
8 United States, with a particular emphasis on the Colorado
9 River basin, the Rio Grande River basin, and the Great
10 Basin.

11 (b) INVENTORY OF ACTIONS.—In conducting the
12 study, the Secretary shall assemble an inventory of actions
13 taken or planned to be taken to address drought-related
14 situations in the southwestern United States.

15 (c) PURPOSE.—The purpose of the study shall be to
16 develop recommendations to more effectively address cur-
17 rent and future drought conditions in the southwestern
18 United States.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to the Secretary to carry
21 out this section \$7,000,000. Such funds shall remain
22 available until expended.

23 **SEC. 4004. UPPER MISSISSIPPI RIVER COMPREHENSIVE**
24 **PLAN.**

25 Section 459(e) of the Water Resources Development
26 Act of 1999 (113 Stat. 333; 114 Stat. 2635) is amended

1 by striking “3 years after the first date on which funds
2 are appropriated to carry out this section” and inserting
3 “December 30, 2006”.

4 **SEC. 4005. ST. GEORGE HARBOR, ALASKA.**

5 The Secretary shall conduct, at Federal expense, a
6 study to determine the feasibility of providing navigation
7 improvements at St. George Harbor, Alaska.

8 **SEC. 4006. SUSITNA RIVER, ALASKA.**

9 The Secretary shall conduct a study to determine the
10 feasibility of carrying out a project for hydropower, recre-
11 ation, and related purposes on the Susitna River, Alaska.

12 **SEC. 4007. GILA BEND, MARICOPA, ARIZONA.**

13 The Secretary shall conduct a study to determine the
14 feasibility of carrying out a project for flood damage re-
15 duction, Gila Bend, Maricopa, Arizona. In conducting the
16 study, the Secretary shall review plans and designs devel-
17 oped by non-Federal interests and shall incorporate such
18 plans and designs into the Federal study if the Secretary
19 determines that such plans and designs are consistent with
20 Federal standards.

21 **SEC. 4008. SEARCY COUNTY, ARKANSAS.**

22 The Secretary shall conduct a study to determine the
23 feasibility of using Greers Ferry Lake as a water supply
24 source for Searcy County, Arkansas.

1 **SEC. 4009. DRY CREEK VALLEY, CALIFORNIA.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project to provide recycled
4 water for agricultural water supply, Dry Creek Valley,
5 California, including a review of the feasibility of expand-
6 ing the Geysers recharge project north of Healdsburg,
7 California.

8 **SEC. 4010. ELKHORN SLOUGH ESTUARY, CALIFORNIA.**

9 The Secretary shall conduct a study of the Elkhorn
10 Slough estuary, California, to determine the feasibility of
11 conserving, enhancing, and restoring estuarine habitats by
12 developing strategies to address hydrological management
13 issues.

14 **SEC. 4011. LOS ANGELES RIVER, CALIFORNIA.**

15 (a) IN GENERAL.—The Secretary shall conduct a
16 study to determine the feasibility of carrying out a project
17 for flood damage reduction and ecosystem restoration, Los
18 Angeles River, California.

19 (b) REVITALIZATION PLAN.—In conducting the
20 study, the Secretary shall review the Los Angeles River
21 revitalization plan developed by non-Federal interests and
22 shall incorporate such plan into the Federal study if the
23 Secretary determines that such plan is consistent with
24 Federal standards.

1 **SEC. 4012. LYTLE CREEK, RIALTO, CALIFORNIA.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for flood damage re-
4 duction and groundwater recharge, Lytle Creek, Rialto,
5 California.

6 **SEC. 4013. MOKELUMNE RIVER, SAN JOAQUIN COUNTY,**
7 **CALIFORNIA.**

8 The Secretary shall conduct a study to determine the
9 feasibility of carrying out a project for water supply along
10 the Mokelumne River, San Joaquin County, California.

11 **SEC. 4014. NAPA RIVER, ST. HELENA, CALIFORNIA.**

12 (a) IN GENERAL.—The Secretary shall conduct a
13 comprehensive study of the Napa River in the vicinity of
14 St. Helena, California, for the purposes of improving flood
15 management through reconnecting the river to its flood-
16 plain; restoring habitat, including riparian and aquatic
17 habitat; improving fish passage and water quality; and re-
18 storing native plant communities.

19 (b) PLANS AND DESIGNS.—In conducting the study,
20 the Secretary shall review plans and designs developed by
21 non-Federal interests and shall incorporate such plans and
22 designs into the Federal study if the Secretary determines
23 that such plans and designs are consistent with Federal
24 standards.

1 **SEC. 4015. ORICK, CALIFORNIA.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for flood damage re-
4 duction and ecosystem restoration, Orick, California. In
5 conducting the study, the Secretary shall determine the
6 feasibility of restoring or rehabilitating the Redwood
7 Creek Levees, Humboldt County, California.

8 **SEC. 4016. SACRAMENTO RIVER, CALIFORNIA.**

9 The Secretary shall conduct a comprehensive study
10 to determine the feasibility of, and alternatives for, meas-
11 ures to protect water diversion facilities and fish protective
12 screen facilities in the vicinity of river mile 178 on the
13 Sacramento River, California.

14 **SEC. 4017. SAN DIEGO COUNTY, CALIFORNIA.**

15 The Secretary shall conduct a study to determine the
16 feasibility of carrying out a project for water supply, San
17 Diego County, California, including a review of the feasi-
18 bility of connecting 4 existing reservoirs to increase usable
19 storage capacity.

20 **SEC. 4018. SAN FRANCISCO BAY, SACRAMENTO-SAN JOA-**
21 **QUIN DELTA, CALIFORNIA.**

22 (a) IN GENERAL.—The Secretary shall conduct a
23 study to determine the feasibility of the beneficial use of
24 dredged material from the San Francisco Bay in the Sac-
25 ramento-San Joaquin Delta, California, including the ben-
26 efits and impacts of salinity in the Delta and the benefits

1 to navigation, flood damage reduction, ecosystem restora-
2 tion, water quality, salinity control, water supply reli-
3 ability, and recreation.

4 (b) COOPERATION.—In conducting the study, the
5 Secretary shall cooperate with the California Department
6 of Water Resources and appropriate Federal and State en-
7 tities in developing options for the beneficial use of
8 dredged material from San Francisco Bay for the Sac-
9 ramento-San Joaquin Delta area.

10 (c) REVIEW.—The study shall include a review of the
11 feasibility of using Sherman Island as a rehandling site
12 for levee maintenance material, as well as for ecosystem
13 restoration. The review may include monitoring a pilot
14 project using up to 150,000 cubic yards of dredged mate-
15 rial and being carried out at the Sherman Island site, ex-
16 amining larger scale use of dredged materials from the
17 San Francisco Bay and Suisun Bay Channel, and ana-
18 lyzing the feasibility of the potential use of saline mate-
19 rials from the San Francisco Bay for both rehandling and
20 ecosystem restoration purposes.

21 **SEC. 4019. SOUTH SAN FRANCISCO BAY SHORELINE STUDY,**
22 **CALIFORNIA.**

23 (a) IN GENERAL.—In conducting the South San
24 Francisco Bay shoreline study, the Secretary shall—

1 (1) review the planning, design, and land acqui-
2 sition documents prepared by the California State
3 Coastal Conservancy, the Santa Clara Valley Water
4 District, and other local interests in developing rec-
5 ommendations for measures to provide flood protec-
6 tion of the South San Francisco Bay shoreline, res-
7 toration of the South San Francisco Bay salt ponds
8 (including lands owned by the Department of the In-
9 terior), and other related purposes; and

10 (2) incorporate such planning, design, and land
11 acquisition documents into the Federal study if the
12 Secretary determines that such documents are con-
13 sistent with Federal standards.

14 (b) REPORT.—Not later than December 31, 2008,
15 the Secretary shall transmit a feasibility report for the
16 South San Francisco Bay shoreline study to the Com-
17 mittee on Transportation and Infrastructure of the House
18 of Representatives and the Committee on Environment
19 and Public Works of the Senate.

20 (c) CREDIT.—

21 (1) IN GENERAL.—The Secretary shall credit
22 toward the non-Federal share of the cost of any
23 project authorized by law as a result of the South
24 San Francisco Bay shoreline study the cost of work
25 carried out by the non-Federal interest before the

1 date of the partnership agreement for the project if
2 the Secretary determines that the work is integral to
3 the project.

4 (2) LIMITATION.—In no case may work that
5 was carried out more than 5 years before the date
6 of enactment of this Act be eligible for credit under
7 this subsection.

8 **SEC. 4020. TWENTYNINE PALMS, CALIFORNIA.**

9 The Secretary shall conduct a study to determine the
10 feasibility of carrying out a project for flood damage re-
11 duction, Pinto Cove Wash, in the vicinity of Twentynine
12 Palms, California.

13 **SEC. 4021. YUCCA VALLEY, CALIFORNIA.**

14 The Secretary shall conduct a study to determine the
15 feasibility of carrying out a project for flood damage re-
16 duction, West Burnt Mountain basin, in the vicinity of
17 Yucca Valley, California.

18 **SEC. 4022. BOULDER CREEK, BOULDER, COLORADO.**

19 The Secretary shall conduct a study to determine the
20 feasibility of carrying out a project for flood damage re-
21 duction in the Boulder Creek floodplain, Colorado.

22 **SEC. 4023. ROARING FORK RIVER, BASALT, COLORADO.**

23 The Secretary shall conduct a study to determine the
24 feasibility of carrying out a project for flood damage re-

1 duction and other purposes for the Roaring Fork River,
2 Basalt, Colorado.

3 **SEC. 4024. DELAWARE AND CHRISTINA RIVERS AND**
4 **SHELLPOT CREEK, WILMINGTON, DELAWARE.**

5 The Secretary shall conduct a study to determine the
6 feasibility of carrying out a project for flood damage re-
7 duction and related purposes along the Delaware and
8 Christina Rivers and Shellpot Creek, Wilmington, Dela-
9 ware.

10 **SEC. 4025. COLLIER COUNTY BEACHES, FLORIDA.**

11 The Secretary shall conduct a study to determine the
12 feasibility of carrying out a project for hurricane and
13 storm damage reduction and flood damage reduction in
14 the vicinity of Vanderbilt, Park Shore, and Naples beach-
15 es, Collier County, Florida.

16 **SEC. 4026. VANDERBILT BEACH LAGOON, FLORIDA.**

17 The Secretary shall conduct a study to determine the
18 feasibility of carrying out a project for environmental res-
19 toration, water supply, and improvement of water quality
20 at Vanderbilt Beach Lagoon, Florida.

21 **SEC. 4027. MERIWETHER COUNTY, GEORGIA.**

22 The Secretary shall conduct a study to determine the
23 feasibility of carrying out a project for water supply,
24 Meriwether County, Georgia.

1 **SEC. 4028. TYBEE ISLAND, GEORGIA.**

2 The Secretary shall conduct a study to determine the
3 feasibility of including the northern end of Tybee Island
4 extending from the north terminal groin to the mouth of
5 Lazaretto Creek as a part of the project for beach erosion
6 control, Tybee Island, Georgia, carried out under section
7 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–
8 5).

9 **SEC. 4029. KAUKONAHUA-HELEMANO WATERSHED, OAHU,**
10 **HAWAII.**

11 The Secretary shall conduct a study to determine the
12 feasibility of carrying out a project for flood damage re-
13 duction, Kaukonahua-Helemano watershed, Oahu, Ha-
14 waii.

15 **SEC. 4030. WEST MAUI, MAUI, HAWAII.**

16 The Secretary shall conduct a study to determine the
17 feasibility of carrying out projects for water resources de-
18 velopment, environmental restoration, and natural re-
19 sources protection, West Maui, Maui, Hawaii.

20 **SEC. 4031. BOISE RIVER, IDAHO.**

21 The study for flood control, Boise River, Idaho, au-
22 thorized by section 414 of the Water Resources Develop-
23 ment Act of 1999 (113 Stat. 324), is modified—

24 (1) to add ecosystem restoration and water sup-
25 ply as project purposes to be studied; and

1 (2) to require the Secretary to credit toward the
2 non-Federal share of the cost of the study the cost,
3 not to exceed \$500,000, of work carried out by the
4 non-Federal interest before the date of the partner-
5 ship agreement for the project if the Secretary de-
6 termines that the work is integral to the project.

7 **SEC. 4032. BALLARD'S ISLAND SIDE CHANNEL, ILLINOIS.**

8 The Secretary shall conduct a study to determine the
9 feasibility of carrying out a project for ecosystem restora-
10 tion, Ballard's Island, Illinois.

11 **SEC. 4033. CHICAGO, ILLINOIS.**

12 Section 425(a) of the Water Resources Development
13 Act of 2000 (114 Stat. 2638) is amended by inserting
14 "Lake Michigan and" before "the Chicago River".

15 **SEC. 4034. SOUTH BRANCH, CHICAGO RIVER, CHICAGO, IL-**
16 **LINOIS.**

17 The Secretary shall conduct a study to determine the
18 feasibility of carrying out a project for ecosystem restora-
19 tion at the South Fork of the South Branch of the Chicago
20 River, Chicago, Illinois.

21 **SEC. 4035. UTICA, ILLINOIS.**

22 The Secretary shall conduct a study to determine the
23 feasibility of carrying out a project for flood damage re-
24 duction in the vicinity of Utica, Illinois.

1 **SEC. 4036. LAKE AND PORTER COUNTIES, INDIANA.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for riverfront develop-
4 ment, including enhanced public access, recreation, and
5 environmental restoration along Lake Michigan, Ham-
6 mond, Whiting, East Chicago, Gary, and Portage, Indi-
7 ana.

8 **SEC. 4037. SALEM, INDIANA.**

9 The Secretary shall conduct a study to determine the
10 feasibility of carrying out a project to provide an addi-
11 tional water supply source for Salem, Indiana.

12 **SEC. 4038. BUCKHORN LAKE, KENTUCKY.**

13 (a) IN GENERAL.—The Secretary shall conduct a
14 study to determine the feasibility of modifying the project
15 for flood damage reduction, Buckhorn Lake, Kentucky,
16 authorized by section 2 of the Flood Control Act of June
17 28, 1938 (52 Stat. 1217), to add ecosystem restoration
18 and recreation as project purposes, including permanently
19 raising the winter pool elevation of the project.

20 (b) IN-KIND CONTRIBUTIONS.—The non-Federal in-
21 terest may provide the non-Federal share of the cost of
22 the study in the form of services, materials, supplies, or
23 other in-kind contributions.

1 **SEC. 4039. DEWEY LAKE, KENTUCKY.**

2 The Secretary shall conduct a study to determine the
3 feasibility of modifying the project for Dewey Lake, Ken-
4 tucky, to add water supply as a project purpose.

5 **SEC. 4040. LOUISVILLE, KENTUCKY.**

6 The Secretary shall conduct a study of the project
7 for flood control, Louisville, Kentucky, authorized by sec-
8 tion 4 of the Flood Control Act of June 28, 1938 (52 Stat.
9 1217), to investigate measures to address the rehabilita-
10 tion of the project.

11 **SEC. 4041. BASTROP-MOREHOUSE PARISH, LOUISIANA.**

12 The Secretary shall conduct a study to determine the
13 feasibility of carrying out a project for water supply,
14 Bastrop-Morehouse Parish, Louisiana.

15 **SEC. 4042. OFFSHORE OIL AND GAS FABRICATION PORTS,**
16 **LOUISIANA.**

17 (a) BENEFITS.—In conducting a feasibility study for
18 each of the following projects for navigation, the Secretary
19 shall include in the calculation of national economic devel-
20 opment benefits all economic benefits associated with con-
21 tracts for new energy exploration and contracts for the
22 fabrication of energy infrastructure if the non-Federal in-
23 terest demonstrates to the satisfaction of the Secretary
24 that the construction of the project will result in new
25 United States investment in energy exploration and energy
26 infrastructure fabrication, and that such investment, with-

1 out construction of the project, would occur outside of the
2 United States:

3 (1) Atchafalaya River, Bayous Chene, Boeuf,
4 and Black, Louisiana, being conducted under section
5 430 of the Water Resources Development Act of
6 2000 (114 Stat. 2639).

7 (2) Iberia Port, Louisiana, being conducted
8 under section 431 of the Water Resources Develop-
9 ment Act of 2000 (114 Stat. 2639).

10 (b) REPEAL.—Section 6009 of the Emergency Sup-
11 plemental Appropriations Act for Defense, the Global War
12 on Terror, and Tsunami Relief, 2005 (Public Law 109–
13 13; 119 Stat. 282) is repealed.

14 **SEC. 4043. VERMILION RIVER, LOUISIANA.**

15 The Secretary shall conduct a study to determine the
16 feasibility of carrying out a project for navigation on the
17 Vermilion River, Louisiana, from the intersection of the
18 Vermilion River and the Gulf Intracoastal Waterway to
19 the industrial area north of the Vermilion River.

20 **SEC. 4044. WEST FELICIANA PARISH, LOUISIANA.**

21 The Secretary shall conduct a study to determine the
22 feasibility of carrying out a project for riverfront develop-
23 ment, including enhanced public access, recreation, and
24 environmental restoration, on the Mississippi River in
25 West Feliciana Parish, Louisiana.

1 **SEC. 4045. PATAPSCO RIVER, MARYLAND.**

2 The Secretary shall conduct a study to determine and
3 assess the impact of debris in the Patapsco River basin,
4 Maryland, on wetlands, water quality, and public health
5 and to identify management measures to reduce the inflow
6 of debris into the Patapsco River.

7 **SEC. 4046. FALL RIVER HARBOR, MASSACHUSETTS AND**
8 **RHODE ISLAND.**

9 The Secretary shall conduct a study to determine the
10 feasibility of deepening that portion of the navigation
11 channel of the navigation project for Fall River Harbor,
12 Massachusetts and Rhode Island, authorized by section
13 101 of the River and Harbor Act of 1968 (82 Stat. 731),
14 seaward of the Charles M. Braga, Jr. Memorial Bridge,
15 Fall River and Somerset, Massachusetts.

16 **SEC. 4047. HAMBURG AND GREEN OAK TOWNSHIPS, MICHIGAN.**
17 **GAN.**

18 The Secretary shall conduct a study to determine the
19 feasibility of carrying out a project for flood damage re-
20 duction on Ore Lake and the Huron River for Hamburg
21 and Green Oak Townships, Michigan.

22 **SEC. 4048. ST. CLAIR RIVER, MICHIGAN.**

23 (a) IN GENERAL.—The Secretary shall carry out a
24 study of the relationships among dredging of the St. Clair
25 River for navigation, erosion in the river, and declining

1 water levels in the river and in Lake Michigan and Lake
2 Huron.

3 (b) RECOMMENDATIONS.—The report on the results
4 of the study may include recommendations to address
5 water level declines in Lake Michigan and Lake Huron.

6 **SEC. 4049. DULUTH-SUPERIOR HARBOR, MINNESOTA AND**
7 **WISCONSIN.**

8 (a) IN GENERAL.—The Secretary shall conduct a
9 study and prepare a report to evaluate the integrity of
10 the bulkhead system located on and in the vicinity of Du-
11 luth-Superior Harbor, Duluth, Minnesota, and Superior,
12 Wisconsin.

13 (b) CONTENTS.—The report shall include—

14 (1) a determination of causes of corrosion of
15 the bulkhead system;

16 (2) recommendations to reduce corrosion of the
17 bulkhead system;

18 (3) a description of the necessary repairs to the
19 bulkhead system; and

20 (4) an estimate of the cost of addressing the
21 causes of the corrosion and carrying out necessary
22 repairs.

23 **SEC. 4050. WILD RICE RIVER, MINNESOTA.**

24 The Secretary shall review the project for flood pro-
25 tection and other purposes on Wild Rice River, Minnesota,

1 authorized by section 201 of the Flood Control Act of
2 1970 (84 Stat. 1825), to develop alternatives to the Twin
3 Valley Lake feature.

4 **SEC. 4051. MISSISSIPPI COASTAL AREA, MISSISSIPPI.**

5 The Secretary shall conduct a study to determine the
6 feasibility of making improvements or modifications to ex-
7 isting improvements in the coastal area of Mississippi in
8 the interest of hurricane and storm damage reduction,
9 prevention of saltwater intrusion, preservation of fish and
10 wildlife, prevention of erosion, and other related water re-
11 source purposes.

12 **SEC. 4052. NORTHEAST MISSISSIPPI.**

13 The Secretary shall conduct a study to determine the
14 feasibility of modifying the project for navigation, Ten-
15 nessee-Tombigbee Waterway, Alabama and Mississippi, to
16 provide water supply for northeast Mississippi.

17 **SEC. 4053. ST. LOUIS, MISSOURI.**

18 The Secretary shall conduct a study to determine the
19 feasibility of carrying out a project for flood damage re-
20 duction, St. Louis, Missouri, to restore or rehabilitate the
21 levee system feature of the project for flood protection,
22 St. Louis, Missouri, authorized by the first section of the
23 Act entitled “An Act authorizing construction of certain
24 public works on the Mississippi River for the protection

1 of Saint Louis, Missouri”, approved August 9, 1955 (69
2 Stat. 540).

3 **SEC. 4054. DREDGED MATERIAL DISPOSAL, NEW JERSEY.**

4 The Secretary shall conduct a study to determine the
5 feasibility of carrying out a project in the vicinity of the
6 Atlantic Intracoastal Waterway, New Jersey, for the con-
7 struction of a dredged material disposal transfer facility
8 to make dredged material available for beneficial reuse.

9 **SEC. 4055. BAYONNE, NEW JERSEY.**

10 The Secretary shall conduct a study to determine the
11 feasibility of carrying out a project for environmental res-
12 toration, including improved water quality, enhanced pub-
13 lic access, and recreation, on the Kill Van Kull, Bayonne,
14 New Jersey.

15 **SEC. 4056. CARTERET, NEW JERSEY.**

16 The Secretary shall conduct a study to determine the
17 feasibility of carrying out a project for environmental res-
18 toration, including improved water quality, enhanced pub-
19 lic access, and recreation, on the Raritan River, Carteret,
20 New Jersey.

21 **SEC. 4057. ELIZABETH RIVER, ELIZABETH, NEW JERSEY.**

22 The Secretary shall conduct a study to determine the
23 feasibility of carrying out ecosystem restoration improve-
24 ments in the Elizabeth River watershed, Elizabeth, New
25 Jersey.

1 **SEC. 4058. GLOUCESTER COUNTY, NEW JERSEY.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for flood damage re-
4 duction, Gloucester, New Jersey, including the feasibility
5 of restoring the flood protection dikes in Gibbstown, New
6 Jersey, and the associated tidegates in Gloucester, New
7 Jersey.

8 **SEC. 4059. PERTH AMBOY, NEW JERSEY.**

9 The Secretary shall conduct a study to determine the
10 feasibility of carrying out a project for riverfront develop-
11 ment, including enhanced public access, recreation, and
12 environmental restoration, on the Arthur Kill, Perth
13 Amboy, New Jersey.

14 **SEC. 4060. WRECK POND, MONMOUTH COUNTY, NEW JER-**
15 **SEY.**

16 The Secretary shall conduct a study to determine the
17 feasibility of carrying out a project for environmental res-
18 toration at Wreck Pond, New Jersey, including Black
19 Creek and associated waters.

20 **SEC. 4061. BATAVIA, NEW YORK.**

21 The Secretary shall conduct a study to determine the
22 feasibility of carrying out a project for hydropower and
23 related purposes in the vicinity of Batavia, New York.

24 **SEC. 4062. BIG SISTER CREEK, EVANS, NEW YORK.**

25 (a) IN GENERAL.—The Secretary shall conduct a
26 study to determine the feasibility of carrying out a project

1 for flood damage reduction, Big Sister Creek, Evans, New
2 York.

3 (b) **EVALUATION OF POTENTIAL SOLUTIONS.**—In
4 conducting the study, the Secretary shall evaluate poten-
5 tial solutions to flooding from all sources, including flood-
6 ing that results from ice jams.

7 **SEC. 4063. EAST CHESTER BAY, TURTLE COVE, NEW YORK.**

8 The Secretary shall conduct a study to determine the
9 feasibility of carrying out a project for navigation, East
10 Chester Creek, Chester Bay, Turtle Cove, New York.

11 **SEC. 4064. HUDSON-RARITAN ESTUARY, NEW YORK AND**
12 **NEW JERSEY.**

13 In conducting the study for environmental restora-
14 tion, Hudson-Raritan Estuary, New York and New Jer-
15 sey, the Secretary shall establish and utilize watershed res-
16 toration teams composed of estuary restoration experts
17 from the Corps of Engineers, the New Jersey Department
18 of Environmental Protection, and the Port Authority of
19 New York and New Jersey and other experts designated
20 by the Secretary for the purpose of developing habitat res-
21 toration and water quality enhancement.

22 **SEC. 4065. LAKE ERIE SHORELINE, BUFFALO, NEW YORK.**

23 The Secretary shall conduct a study to determine the
24 feasibility of carrying out a project for storm damage re-

1 duction and shoreline protection in the vicinity of Galla-
2 gher Beach, Lake Erie Shoreline, Buffalo, New York.

3 **SEC. 4066. NEWTOWN CREEK, NEW YORK.**

4 The Secretary shall conduct a study to determine the
5 feasibility of carrying out ecosystem restoration improve-
6 ments on Newtown Creek, Brooklyn and Queens, New
7 York.

8 **SEC. 4067. NIAGARA RIVER, NEW YORK.**

9 The Secretary shall conduct a study to determine the
10 feasibility of carrying out a project for a low-head hydro-
11 electric generating facility in the Niagara River, New
12 York.

13 **SEC. 4068. UPPER DELAWARE RIVER WATERSHED, NEW**
14 **YORK.**

15 Notwithstanding section 221(b) of the Flood Control
16 Act of 1970 (42 U.S.C. 1962d–5b(b)) and with the con-
17 sent of the affected local government, a nonprofit organi-
18 zation may serve as the non-Federal interest for a study
19 for the Upper Delaware watershed, New York, being car-
20 ried out under Committee Resolution 2495 of the Com-
21 mittee on Transportation and Infrastructure of the House
22 of Representatives, adopted May 9, 1996.

23 **SEC. 4069. LINCOLN COUNTY, NORTH CAROLINA.**

24 The Secretary shall conduct a study of existing water
25 and water quality-related infrastructure in Lincoln Coun-

1 ty, North Carolina, to assist local interests in determining
2 the most efficient and effective way to connect county in-
3 frastructure.

4 **SEC. 4070. WILKES COUNTY, NORTH CAROLINA.**

5 The Secretary shall conduct a study to determine the
6 feasibility of carrying out a project for water supply,
7 Wilkes County, North Carolina.

8 **SEC. 4071. YADKINVILLE, NORTH CAROLINA.**

9 The Secretary shall conduct a study to determine the
10 feasibility of carrying out a project for water supply,
11 Yadkinville, North Carolina.

12 **SEC. 4072. CINCINNATI, OHIO.**

13 (a) IN GENERAL.—The Secretary shall conduct a
14 study to determine the feasibility of carrying out a project
15 for ecosystem restoration and recreation on the Ohio
16 River, Cincinnati, Ohio.

17 (b) DESIGN.—While conducting the study, the Sec-
18 retary may continue to carry out design work for the
19 project as authorized by section 118 of division H of the
20 Consolidated Appropriations Act, 2004 (118 Stat. 439).

21 (c) EXISTING PLANS.—In conducting the study, the
22 Secretary shall review the Central Riverfront Park Master
23 Plan, dated December 1999, and incorporate any compo-
24 nents of the plan that the Secretary determines are con-
25 sistent with Federal standards.

1 (d) CREDIT.—

2 (1) IN GENERAL.—The Secretary shall credit
3 toward the non-Federal share of the cost of any
4 project authorized by law as a result of the study
5 the cost of work carried out by the non-Federal in-
6 terest before the date of the partnership agreement
7 for the project if the Secretary determines that the
8 work is integral to the project.

9 (2) LIMITATION.—In no case may work that
10 was carried out more than 5 years before the date
11 of enactment of this Act be eligible for credit under
12 this subsection.

13 **SEC. 4073. EUCLID, OHIO.**

14 The Secretary shall conduct a study to determine the
15 feasibility of carrying out a project for navigation, eco-
16 system restoration, and recreation on Lake Erie, in the
17 vicinity of the Euclid Lakefront, Euclid, Ohio.

18 **SEC. 4074. LAKE ERIE, OHIO.**

19 The Secretary shall conduct a study to determine the
20 feasibility of carrying out projects for power generation
21 at confined disposal facilities along Lake Erie, Ohio.

22 **SEC. 4075. OHIO RIVER, OHIO.**

23 The Secretary shall conduct a study to determine the
24 feasibility of carrying out projects for flood damage reduc-
25 tion on the Ohio River in Mahoning, Columbiana, Jeffer-

1 son, Belmont, Noble, Monroe, Washington, Athens, Meigs,
2 Gallia, Lawrence, and Scioto Counties, Ohio.

3 **SEC. 4076. SUTHERLIN, OREGON.**

4 (a) STUDY.—The Secretary shall conduct a study of
5 water resources along Sutherlin Creek in the vicinity of
6 Sutherlin, Oregon, to determine the feasibility of carrying
7 out a project to restore and enhance aquatic resources
8 using a combination of structural and bioengineering tech-
9 niques and, if the Secretary determines that the project
10 is feasible, the Secretary may carry out the project.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$2,500,000.

14 **SEC. 4077. TILLAMOOK BAY AND BAR, OREGON.**

15 The Secretary shall conduct a study of the project
16 for navigation, Tillamook Bay and Bar, Oregon, author-
17 ized by the first section of the River and Harbor Appro-
18 priations Act of July 25, 1912 (37 Stat. 220), to inves-
19 tigate measures to address dangerous and hazardous wave
20 and ocean conditions.

21 **SEC. 4078. ECOSYSTEM RESTORATION AND FISH PASSAGE**
22 **IMPROVEMENTS, OREGON.**

23 (a) STUDY.—The Secretary shall conduct a study to
24 determine the feasibility of undertaking ecosystem restora-

1 tion and fish passage improvements on rivers throughout
2 the State of Oregon.

3 (b) REQUIREMENTS.—In carrying out the study, the
4 Secretary shall—

5 (1) work in coordination with the State of Or-
6 egon, local governments, and other Federal agencies;
7 and

8 (2) place emphasis on—

9 (A) fish passage and conservation and res-
10 toration strategies to benefit species that are
11 listed or proposed for listing as threatened or
12 endangered species under the Endangered Spe-
13 cies Act of 1973 (16 U.S.C. 1531 et seq.); and

14 (B) other watershed restoration objectives.

15 (c) PILOT PROGRAM.—

16 (1) IN GENERAL.—In conjunction with con-
17 ducting the study under subsection (a), the Sec-
18 retary may carry out pilot projects to demonstrate
19 the effectiveness of ecosystem restoration and fish
20 passages.

21 (2) AUTHORIZATION OF APPROPRIATIONS.—

22 There is authorized to be appropriated \$5,000,000
23 to carry out this subsection.

1 **SEC. 4079. WALLA WALLA RIVER BASIN, OREGON.**

2 In conducting the study of determine the feasibility
3 of carrying out a project for ecosystem restoration, Walla
4 Walla River basin, Oregon, the Secretary shall—

5 (1) credit toward the non-Federal share of the
6 cost of the study the cost of work carried out by the
7 non-Federal interest before the date of the partner-
8 ship agreement for the project if the Secretary de-
9 termines that the work is integral to the project; and

10 (2) allow the non-Federal interest to provide
11 the non-Federal share of the cost of the study in the
12 form of services, materials, supplies, or other in-kind
13 contributions.

14 **SEC. 4080. CHARTIERS CREEK WATERSHED, PENNSYL-**
15 **VANIA.**

16 The Secretary shall conduct a study to determine the
17 feasibility of carrying out a project for flood damage re-
18 duction, Chartiers Creek watershed, Pennsylvania.

19 **SEC. 4081. KINZUA DAM AND ALLEGHENY RESERVOIR,**
20 **PENNSYLVANIA.**

21 The Secretary shall conduct a study of the project
22 for flood control, Kinzua Dam and Allegheny Reservoir,
23 Warren, Pennsylvania, authorized by section 5 of the
24 Flood Control Act of June 22, 1936 (49 Stat. 1570), and
25 modified by section 2 of the Flood Control Act of June
26 28, 1938 (52 Stat. 1215), section 2 of the Flood Control

1 Act of August 18, 1941 (55 Stat. 646), and section 4 of
2 the Flood Control Act of December 22, 1944 (58 Stat.
3 887), to review operations of and identify modifications
4 to the project to expand recreational opportunities.

5 **SEC. 4082. NORTH CENTRAL PENNSYLVANIA.**

6 The Secretary shall conduct a study to determine the
7 feasibility of carrying out project for aquatic ecosystem
8 restoration and protection in Warren, McKean, Potter,
9 Tioga, Lycoming, Centre, Cameron, Elk, Clearfield, Jef-
10 ferson, Clarion, Venango, Forest, Clinton, Crawford, and
11 Mifflin Counties, Pennsylvania, particularly as related to
12 abandoned mine drainage abatement and reestablishment
13 of stream and river channels.

14 **SEC. 4083. NORTHAMPTON AND LEHIGH COUNTIES**
15 **STREAMS, PENNSYLVANIA.**

16 The Secretary shall conduct a study to determine the
17 feasibility of carrying out a project for ecosystem restora-
18 tion, floodplain management, flood damage reduction,
19 water quality control, and watershed management, for the
20 streams of Northampton and Lehigh Counties, Pennsyl-
21 vania.

22 **SEC. 4084. WESTERN PENNSYLVANIA FLOOD DAMAGE RE-**
23 **DUCTION.**

24 (a) IN GENERAL.—The Secretary shall conduct a
25 study of structural and nonstructural flood damage reduc-

1 tion, stream bank protection, storm water management,
2 channel clearing and modification, and watershed coordi-
3 nation measures in the Mahoning River basin, Pennsyl-
4 vania, the Allegheny River basin, Pennsylvania, and the
5 Upper Ohio River basin, Pennsylvania, to provide a level
6 of flood protection sufficient to prevent future losses to
7 communities located in such basins from flooding such as
8 occurred in September 2004, but not less than a 100-year
9 level of flood protection.

10 (b) **PRIORITY COMMUNITIES.**—In carrying out this
11 section, the Secretary shall give priority to the following
12 Pennsylvania communities: Marshall Township, Ross
13 Township, Shaler Township, Jackson Township, Har-
14 mony, Zelienople, Darlington Township, Houston Bor-
15 ough, Chartiers Township, Washington, Canton Town-
16 ship, Tarentum Borough, and East Deer Township.

17 **SEC. 4085. WILLIAMSPORT, PENNSYLVANIA.**

18 The Secretary shall conduct a study of the project
19 for flood control, Williamsport, Pennsylvania, authorized
20 by section 5 of the Flood Control Act of June 22, 1936
21 (49 Stat. 1570), to investigate measures to rehabilitate
22 the project.

23 **SEC. 4086. YARDLEY BOROUGH, PENNSYLVANIA.**

24 The Secretary shall conduct a study to determine the
25 feasibility of carrying out a project for flood damage re-

1 duction, at Yardley Borough, Pennsylvania, including the
2 alternative of raising River Road.

3 **SEC. 4087. CROOKED CREEK, BENNETTSVILLE, SOUTH**
4 **CAROLINA.**

5 The Secretary shall conduct a study to determine the
6 feasibility of carrying out a project for water supply,
7 Crooked Creek, Bennettsville, South Carolina.

8 **SEC. 4088. BROAD RIVER, YORK COUNTY, SOUTH CAROLINA.**

9 The Secretary shall conduct a study to determine the
10 feasibility of carrying out a project for water supply,
11 Broad River, York County, South Carolina.

12 **SEC. 4089. GEORGETOWN AND WILLIAMSBURG COUNTIES,**
13 **SOUTH CAROLINA.**

14 The Secretary shall conduct a study to determine the
15 feasibility of carrying out a project for water supply for
16 Georgetown and Williamsburg Counties, South Carolina,
17 including the viability and practicality of constructing a
18 desalinization water treatment facility to meet such water
19 supply needs.

20 **SEC. 4090. CHATTANOOGA, TENNESSEE.**

21 The Secretary shall conduct a study to determine the
22 feasibility of carrying out a project for flood damage re-
23 duction, Chattanooga Creek, Dobbs Branch, Chattanooga,
24 Tennessee.

1 **SEC. 4091. CLEVELAND, TENNESSEE.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for flood damage re-
4 duction, Cleveland, Tennessee.

5 **SEC. 4092. CUMBERLAND RIVER, NASHVILLE, TENNESSEE.**

6 The Secretary shall conduct a study to determine the
7 feasibility of carrying out a project for recreation on, river-
8 bank protection for, and environmental protection of, the
9 Cumberland River and riparian habitats in the city of
10 Nashville and Davidson County, Tennessee.

11 **SEC. 4093. LEWIS, LAWRENCE, AND WAYNE COUNTIES, TEN-**
12 **NESSEE.**

13 The Secretary shall conduct a study to determine the
14 feasibility of carrying out a project for water supply for
15 Lewis, Lawrence, and Wayne Counties, Tennessee.

16 **SEC. 4094. WOLF RIVER AND NONCONNAH CREEK, MEM-**
17 **PHIS TENNESSEE.**

18 The Secretary shall conduct a study to determine the
19 feasibility of carrying out a project for flood damage re-
20 duction along Wolf River and Nonconnah Creek, in the
21 vicinity of Memphis, Tennessee, to include the repair, re-
22 placement, rehabilitation, and restoration of the following
23 pumping stations: Cypress Creek, Nonconnah Creek,
24 Ensley, Marble Bayou, and Bayou Gayoso.

1 **SEC. 4095. ABILENE, TEXAS.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for water supply, Abi-
4 lene, Texas.

5 **SEC. 4096. COASTAL TEXAS ECOSYSTEM PROTECTION AND**
6 **RESTORATION, TEXAS.**

7 (a) **IN GENERAL.**—The Secretary shall develop a
8 comprehensive plan to determine the feasibility of carrying
9 out projects for flood damage reduction, hurricane and
10 storm damage reduction, and ecosystem restoration in the
11 coastal areas of the State of Texas.

12 (b) **SCOPE.**—The comprehensive plan shall provide
13 for the protection, conservation, and restoration of wet-
14 lands, barrier islands, shorelines, and related lands and
15 features that protect critical resources, habitat, and infra-
16 structure from the impacts of coastal storms, hurricanes,
17 erosion, and subsidence.

18 (c) **DEFINITION.**—For purposes of this section, the
19 term “coastal areas in the State of Texas” means the
20 coastal areas of the State of Texas from the Sabine River
21 on the east to the Rio Grande River on the west and in-
22 cludes tidal waters, barrier islands, marches, coastal wet-
23 lands, rivers and streams, and adjacent areas.

1 **SEC. 4097. FORT BEND COUNTY, TEXAS.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for flood damage re-
4 duction, Fort Bend County, Texas.

5 **SEC. 4098. HARRIS COUNTY, TEXAS.**

6 The Secretary shall conduct a study to determine the
7 feasibility of carrying out a project for flood damage re-
8 duction, Harris County, Texas.

9 **SEC. 4099. PORT OF GALVESTON, TEXAS.**

10 The Secretary shall conduct a study of the feasibility
11 of carrying out a project for dredged material disposal in
12 the vicinity of the project for navigation and environ-
13 mental restoration, Houston-Galveston Navigation Chan-
14 nels, Texas, authorized by section 101(a)(30) of the Water
15 Resources Development Act of 1996 (110 Stat. 3666).

16 **SEC. 4100. ROMA CREEK, TEXAS.**

17 The Secretary shall conduct a study to determine the
18 feasibility of carrying out a project for flood damage re-
19 duction, Roma Creek, Texas.

20 **SEC. 4101. WALNUT CREEK, TEXAS.**

21 The Secretary shall conduct a study to determine the
22 feasibility of carrying out a project for flood damage re-
23 duction, environmental restoration, and erosion control,
24 Walnut Creek, Texas.

1 **SEC. 4102. GRAND COUNTY AND MOAB, UTAH.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for water supply for
4 Grand County and the city of Moab, Utah, including a
5 review of the impact of current and future demands on
6 the Spanish Valley Aquifer.

7 **SEC. 4103. SOUTHWESTERN UTAH.**

8 The Secretary shall conduct a study to determine the
9 feasibility of carrying out a project for flood damage re-
10 duction, Santa Clara River, Washington, Iron, and Kane
11 Counties, Utah.

12 **SEC. 4104. CHOWAN RIVER BASIN, VIRGINIA AND NORTH**
13 **CAROLINA.**

14 The Secretary shall conduct a study to determine the
15 feasibility of carrying out a project for flood damage re-
16 duction, environmental restoration, navigation, and ero-
17 sion control, Chowan River basin, Virginia and North
18 Carolina.

19 **SEC. 4105. JAMES RIVER, RICHMOND, VIRGINIA.**

20 The Secretary shall conduct a study to determine the
21 feasibility of carrying out a project for flood damage re-
22 duction for the James River in the vicinity of Richmond,
23 Virginia, including the Shockey Bottom area .

24 **SEC. 4106. ELLIOTT BAY SEAWALL, SEATTLE, WASHINGTON.**

25 (a) IN GENERAL.—The study for rehabilitation of the
26 Elliott Bay Seawall, Seattle, Washington, being carried

1 out under Committee Resolution 2704 of the Committee
2 on Transportation and Infrastructure of the House of
3 Representatives adopted September 25, 2002, is modified
4 to include a determination of the feasibility of reducing
5 future damage to the seawall from seismic activity.

6 (b) ACCEPTANCE OF CONTRIBUTIONS.—In carrying
7 out the study, the Secretary may accept contributions in
8 excess of the non-Federal share of the cost of the study
9 from the non-Federal sponsor to the extent that the Sec-
10 retary determines that the contributions will facilitate
11 completion of the study.

12 (c) CREDIT.—The Secretary shall credit toward the
13 non-Federal share of the cost of any project authorized
14 by law as a result of the study the value of contributions
15 accepted by the Secretary under subsection (b).

16 **SEC. 4107. MONONGAHELA RIVER BASIN, NORTHERN WEST**
17 **VIRGINIA.**

18 The Secretary shall conduct a study to determine the
19 feasibility of carrying out aquatic ecosystem restoration
20 and protection projects in the watersheds of the
21 Monongahela River basin lying within the counties of
22 Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood,
23 Doddridge, Monongalia, Marion, Harrison, Taylor,
24 Barbour, Preston, Tucker, Mineral, Grant, Gilmer,

1 Brooke, and Ritchie, West Virginia, particularly as re-
2 lated to abandoned mine drainage abatement.

3 **SEC. 4108. KENOSHA HARBOR, WISCONSIN.**

4 The Secretary shall conduct a study to determine the
5 feasibility of carrying out a project for navigation, Ken-
6 sha Harbor, Wisconsin, including the extension of existing
7 piers.

8 **SEC. 4109. WAUWATOSA, WISCONSIN.**

9 The Secretary shall conduct a study to determine the
10 feasibility of carrying out a project for flood damage re-
11 duction and environmental restoration, Menomonee River
12 and Underwood Creek, Wauwatosa, Wisconsin.

13 **TITLE V—MISCELLANEOUS**
14 **PROVISIONS**

15 **SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS.**

16 (a) IN GENERAL.—Upon request of a non-Federal in-
17 terest, the Secretary shall be responsible for maintenance
18 of the following navigation channels and breakwaters con-
19 structed or improved by the non-Federal interest if the
20 Secretary determines that such maintenance is economi-
21 cally justified and environmentally acceptable and that the
22 channel or breakwater was constructed in accordance with
23 applicable permits and appropriate engineering and design
24 standards:

25 (1) Manatee Harbor basin, Florida.

1 (2) Bayou LaFourche Channel, Port Fourchon,
2 Louisiana.

3 (3) Calcasieu River at Devil's Elbow, Louisiana.

4 (4) Pidgeon Industrial Harbor, Pidgeon Indus-
5 trial Park, Memphis Harbor, Tennessee.

6 (5) Pix Bayou Navigation Channel, Chambers
7 County, Texas.

8 (6) Racine Harbor, Wisconsin.

9 (b) COMPLETION OF ASSESSMENT.—Not later than
10 6 months after the date of receipt of a request from a
11 non-Federal interest for Federal assumption of mainte-
12 nance of a channel listed in subsection (a), the Secretary
13 shall make a determination as provided in subsection (a)
14 and advise the non-Federal interest of the Secretary's de-
15 termination.

16 **SEC. 5002. WATERSHED MANAGEMENT.**

17 (a) IN GENERAL.—The Secretary may provide tech-
18 nical, planning, and design assistance to non-Federal in-
19 terests for carrying out watershed management, restora-
20 tion, and development projects at the locations described
21 in subsection (d).

22 (b) SPECIFIC MEASURES.—Assistance provided
23 under subsection (a) may be in support of non-Federal
24 projects for the following purposes:

1 (1) Management and restoration of water qual-
2 ity.

3 (2) Control and remediation of toxic sediments.

4 (3) Restoration of degraded streams, rivers,
5 wetlands, and other waterbodies to their natural
6 condition as a means to control flooding, excessive
7 erosion, and sedimentation.

8 (4) Protection and restoration of watersheds,
9 including urban watersheds.

10 (5) Demonstration of technologies for non-
11 structural measures to reduce destructive impacts of
12 flooding.

13 (c) NON-FEDERAL SHARE.—The non-Federal share
14 of the cost of assistance provided under subsection (a)
15 shall be 50 percent.

16 (d) PROJECT LOCATIONS.—The locations referred to
17 in subsection (a) are the following:

18 (1) Cucamonga basin, Upland, California.

19 (2) Big Creek watershed, Roswell, Georgia.

20 (3) Those portions of the watersheds of the
21 Chattahoochee, Etowah, Flint, Ocmulgee, and
22 Oconee Rivers lying within the counties of Bartow,
23 Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas,
24 Fayette, Fulton, Forsyth, Gwinnett, Hall, Henry,
25 Paulding, Rockdale, and Walton, Georgia.

- 1 (4) Kinkaid Lake, Jackson County, Illinois.
- 2 (5) Amite River basin, Louisiana.
- 3 (6) East Atchafalaya River basin, Iberville Par-
- 4 ish and Pointe Coupee Parish, Louisiana.
- 5 (7) Red River watershed, Louisiana.
- 6 (8) Taunton River basin, Massachusetts.
- 7 (9) Lower Platte River watershed, Nebraska.
- 8 (10) Rio Grande watershed, New Mexico.
- 9 (11) Marlboro Township, New Jersey.
- 10 (12) Buffalo River watershed, New York.
- 11 (13) Cattaragus Creek watershed, New York.
- 12 (14) Eighteenmile Creek watershed, Niagara
- 13 County, New York.
- 14 (15) Esopus, Plattekill, and Rondout Creeks,
- 15 Greene, Sullivan, and Ulster Counties, New York.
- 16 (16) Genesee River watershed, New York.
- 17 (17) Greenwood Lake watershed, New York
- 18 and New Jersey.
- 19 (18) Long Island Sound watershed, New York.
- 20 (19) Niagara River watershed, New York.
- 21 (20) Oswego River basin, New York.
- 22 (21) Ramapo River watershed, New York.
- 23 (22) Tonawanda Creek watershed, New York.
- 24 (23) Tuscarawas River basin, Ohio.
- 25 (24) Western Lake Erie basin, Ohio.

1 (25) Those portions of the watersheds of the
2 Beaver, Upper Ohio, Connoquenessing, Lower Alle-
3 gheny, Kiskiminetas, Lower Monongahela,
4 Youghiogheny, Shenango, and Mahoning Rivers
5 lying within the counties of Beaver, Butler, Law-
6 rence, and Mercer, Pennsylvania.

7 (26) Otter Creek watershed, Pennsylvania.

8 (27) Unami Creek watershed, Milford Town-
9 ship, Pennsylvania.

10 (28) Bosque River, Texas.

11 (29) Sauk River basin, Washington.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to carry out this section
14 \$15,000,000.

15 **SEC. 5003. DAM SAFETY.**

16 (a) ASSISTANCE.—The Secretary may provide assist-
17 ance to enhance dam safety at the following locations:

18 (1) Fish Creek Dam, Blaine County, Idaho.

19 (2) Hamilton Dam, Saginaw River, Flint,
20 Michigan.

21 (3) Candor Dam, Candor, New York.

22 (4) State Dam, Auburn, New York.

23 (5) Whaley Lake Dam, Pawling, New York.

24 (6) Ingham Spring Dam, Solebury Township,
25 Pennsylvania.

1 (7) Leaser Lake Dam, Lehigh County, Pennsyl-
2 vania.

3 (8) Stillwater Dam, Monroe County, Pennsyl-
4 vania.

5 (9) Wissahickon Creek Dam, Montgomery
6 County, Pennsylvania.

7 (b) SPECIAL RULE.—The assistance provided under
8 subsection (a) for State Dam, Auburn, New York, shall
9 be for a project for rehabilitation in accordance with the
10 report on State Dam Rehabilitation, Owasco Lake Outlet,
11 New York, dated March 1999, if the Secretary determines
12 that the project is feasible.

13 (c) FERN RIDGE DAM, OREGON.—It is the sense of
14 Congress that the Secretary should immediately carry out
15 a project to remedy the situation at Fern Ridge Dam, Or-
16 egon, due to the rapid deterioration of the dam. Cost shar-
17 ing for the project shall be as provided by section 1203
18 of the Water Resources Development Act of 1986 (33
19 U.S.C. 467n).

20 (d) KEHLY RUN DAMS, PENNSYLVANIA.—Section
21 504(a)(2) of the Water Resources Development Act of
22 1999 (113 Stat. 338; 117 Stat. 1842) is amended by
23 striking “Dams” and inserting “Dams No. 1–5”.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out subsection (a)
3 \$6,000,000.

4 **SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS.**

5 (a) IN GENERAL.—Upon request of a non-Federal in-
6 terest, the Secretary shall evaluate the structural integrity
7 and effectiveness of a project for flood damage reduction
8 and, if the Secretary determines that the project does not
9 meet such minimum standards as the Secretary may es-
10 tablish and, absent action by the Secretary, the project
11 will fail, the Secretary may take such action as may be
12 necessary to restore the integrity and effectiveness of the
13 project.

14 (b) PRIORITY.—The Secretary shall evaluate under
15 subsection (a) the following projects:

16 (1) Project for flood damage reduction, Arkan-
17 sas River Levees, river mile 205 to river mile 308.4,
18 Arkansas.

19 (2) Project for flood damage reduction,
20 Nonconnah Creek, Tennessee.

21 **SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.**

22 (a) IN GENERAL.—Section 212(e) of the Water Re-
23 sources Development Act of 1999 (33 U.S.C. 2332(e); 114
24 Stat. 2599) is amended—

1 (1) by striking “and” at the end of paragraphs
2 (23) and (27);

3 (2) by striking the period at the end of para-
4 graph (28) and inserting a semicolon; and

5 (3) by adding at the end the following:

6 “(29) Ascension Parish, Louisiana;

7 “(30) East Baton Rouge Parish, Louisiana;

8 “(31) Iberville Parish, Louisiana;

9 “(32) Livingston Parish, Louisiana; and

10 “(33) Pointe Coupee, Louisiana.”.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
12 212(i)(1) of such Act (33 U.S.C. 2332(i)(1)) is amended
13 by striking “section—” and all that follows before the pe-
14 riod at the end and inserting “section \$20,000,000”.

15 **SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED**
16 **PROJECTS.**

17 (a) IN GENERAL.—Section 219(e) of the Water Re-
18 sources Development Act of 1992 (106 Stat. 4835; 110
19 Stat. 3757; 113 Stat. 334) is amended—

20 (1) by striking “and” at the end of paragraph
21 (7);

22 (2) by striking the period at the end of para-
23 graph (8) and inserting a semicolon; and

24 (3) by adding at the end the following:

1 “(9) \$35,000,000 for the project described in
2 subsection (c)(18);

3 “(10) \$20,000,000 for the project described in
4 subsection (c)(20);

5 “(11) \$35,000,000 for the project described in
6 subsection (c)(23);

7 “(12) \$20,000,000 for the project described in
8 subsection (c)(25);

9 “(13) \$20,000,000 for the project described in
10 subsection (c)(26);

11 “(14) \$35,000,000 for the project described in
12 subsection (c)(27);

13 “(15) \$20,000,000 for the project described in
14 subsection (c)(28); and

15 “(16) \$30,000,000 for the project described in
16 subsection (c)(40).”.

17 (b) EAST ARKANSAS ENTERPRISE COMMUNITY, AR-
18 KANSAS.—Federal assistance made available under the
19 rural enterprise zone program of the Department of Agri-
20 culture may be used toward payment of the non-Federal
21 share of the costs of the project described in section
22 219(c)(20) of the Water Resources Development Act of
23 1992 (114 Stat. 2763A–219) if such assistance is author-
24 ized to be used for such purposes.

1 **SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND**
2 **CONSTRUCTION FOR CERTAIN PROJECTS.**

3 The Secretary shall expedite completion of the re-
4 ports and, if the Secretary determines the project is fea-
5 sible, shall expedite completion of construction for the fol-
6 lowing projects:

7 (1) Fulmer Creek, Village of Mohawk, New
8 York, being carried out under section 205 of the
9 Flood Control Act of 1948 (33 U.S.C. 701s).

10 (2) Moyer Creek, Village of Frankfort, New
11 York, being carried out under section 205 of the
12 Flood Control Act of 1948 (33 U.S.C. 701s).

13 (3) Steele Creek, Village of Ilion, New York,
14 being carried out under section 205 of the Flood
15 Control Act of 1948 (33 U.S.C. 701s).

16 (4) Oriskany Wildlife Management Area, Rome,
17 New York, being carried out under section 206 of
18 the Water Resources Development Act of 1996 (33
19 U.S.C. 2330).

20 (5) Whitney Point Lake, Otselic River, Whitney
21 Point, New York, being carried out under section
22 1135 of the Water Resources Development Act of
23 1986 (33 U.S.C. 2309a).

1 **SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CER-**
2 **TAIN PROJECTS.**

3 (a) IN GENERAL.—The Secretary shall expedite com-
4 pletion of the reports for the following projects and, if the
5 Secretary determines that a project is justified in the com-
6 pleted report, proceed directly to project preconstruction,
7 engineering, and design:

8 (1) Project for water supply, Little Red River,
9 Arkansas.

10 (2) Project for shoreline stabilization at
11 Egmont Key, Florida.

12 (3) Project for ecosystem restoration, Univer-
13 sity Lake, Baton Rouge, Louisiana.

14 (b) SPECIAL RULE FOR EGMONT KEY, FLORIDA.—
15 In carrying out the project for shoreline stabilization at
16 Egmont Key, Florida, referred to in subsection (a)(2), the
17 Secretary shall waive any cost share to be provided by non-
18 Federal interests for any portion of the project that bene-
19 fits federally owned property.

20 **SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESS-**
21 **MENT.**

22 (a) IN GENERAL.—The Secretary shall conduct, at
23 Federal expense, an assessment of the water resources
24 needs of the river basins and watersheds of the south-
25 eastern United States.

1 (b) COOPERATIVE AGREEMENTS.—In carrying out
2 the assessment, the Secretary may enter into cooperative
3 agreements with State and local agencies, non-Federal
4 and nonprofit entities, and regional researchers.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated \$7,000,000 to carry out this
7 section.

8 **SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL**
9 **MANAGEMENT PROGRAM.**

10 Section 1103(e)(7) of the Water Resources Develop-
11 ment Act of 1986 (33 U.S.C. 652(e)(7)) is amended—

12 (1) by adding at the end of subparagraph (A)
13 the following: “The non-Federal interest may pro-
14 vide the non-Federal share of the cost of the project
15 in the form of in-kind services and materials.”; and

16 (2) by inserting after subparagraph (B) the fol-
17 lowing:

18 “(C) Notwithstanding section 221(b) of the Flood
19 Control Act of 1970 (42 U.S.C. 1962d–5(b)), for any
20 project undertaken under this section, a non-Federal in-
21 terest may include a nonprofit entity, with the consent of
22 the affected local government.”.

1 **SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**
2 **HANCEMENT PROJECT.**

3 Section 514(g) of the Water Resources Development
4 Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended
5 by striking “and 2004” and inserting “through 2015”.

6 **SEC. 5012. GREAT LAKES FISHERY AND ECOSYSTEM RES-**
7 **TORATION.**

8 Section 506(f)(3)(B) of the Water Resources Devel-
9 opment Act of 2000 (42 U.S.C. 1962d–22; 114 Stat.
10 2646) is amended by striking “50 percent” and inserting
11 “100 percent”.

12 **SEC. 5013. GREAT LAKES REMEDIAL ACTION PLANS AND**
13 **SEDIMENT REMEDIATION.**

14 Section 401(c) of the Water Resources Development
15 Act of 1990 (33 U.S.C. 1268 note; 114 Stat. 2613) is
16 amended by striking “2006” and inserting “2011”.

17 **SEC. 5014. GREAT LAKES TRIBUTARY MODEL.**

18 Section 516(g)(2) of the Water Resources Develop-
19 ment Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended
20 by striking “2006” and inserting “2011”.

21 **SEC. 5015. SUSQUEHANNA, DELAWARE, AND POTOMAC**
22 **RIVER BASINS.**

23 (a) EX OFFICIO MEMBER.—Notwithstanding section
24 3001(a) of the 1997 Emergency Supplemental Appropria-
25 tions Act for Recovery From Natural Disasters, and for
26 Overseas Peacekeeping Efforts, Including Those in Bosnia

1 (111 Stat. 176) and section 2.2 of both the Susquehanna
2 River Basin Compact (Public Law 91–575) and the Dela-
3 ware River Basin Compact (Public Law 87–328), begin-
4 ning in fiscal year 2005 and thereafter, the Division Engi-
5 neer, North Atlantic Division, Corps of Engineers, shall
6 be the ex officio United States member under the Susque-
7 hanna River Basin Compact and the Delaware River
8 Basin Compact, who shall serve without additional com-
9 pensation and who may designate an alternate member or
10 members in accordance with the terms of those respective
11 compacts.

12 (b) AUTHORIZATION TO ALLOCATE.—The Secretary
13 may allocate funds to the Susquehanna River Basin Com-
14 mission, Delaware River Basin Commission, and the
15 Interstate Commission on the Potomac River Basin (Poto-
16 mac River Basin Compact (Public Law 91–407)) to fulfill
17 the equitable funding requirements of their respective
18 interstate compacts.

19 (c) WATER SUPPLY AND CONSERVATION STOR-
20 AGE.—The Secretary shall enter into an agreement with
21 the Delaware River Basin Commission to provide tem-
22 porary water supply and conservation storage at the
23 Francis E. Walter Dam, Pennsylvania, during any period
24 in which the Commission has determined that a drought
25 warning or drought emergency exists. The agreement shall

1 provide that the cost for any such water supply and con-
2 servation storage shall not exceed the incremental oper-
3 ating costs associated with providing the storage.

4 **SEC. 5016. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**
5 **TION AND PROTECTION PROGRAM.**

6 (a) FORM OF ASSISTANCE.—Section 510(a)(2) of the
7 Water Resources Development Act of 1996 (110 Stat.
8 3759) is amended by striking “, and beneficial uses of
9 dredged material” and inserting “, beneficial uses of
10 dredged material, and restoration of submerged aquatic
11 vegetation”.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
13 510(i) of such Act (110 Stat. 3761) is amended by strik-
14 ing “\$10,000,000” and inserting “\$50,000,000”.

15 **SEC. 5017. CHESAPEAKE BAY OYSTER RESTORATION.**

16 The second sentence of section 704(b) of the Water
17 Resources Development Act of 1986 (33 U.S.C. 2263(b))
18 is amended by striking “\$20,000,000” and inserting
19 “\$30,000,000”.

20 **SEC. 5018. HYPOXIA ASSESSMENT.**

21 The Secretary may participate with Federal, State,
22 and local agencies, non-Federal and nonprofit entities, re-
23 gional researchers, and other interested parties to assess
24 hypoxia in the Gulf of Mexico.

1 **SEC. 5019. POTOMAC RIVER WATERSHED ASSESSMENT AND**
2 **TRIBUTARY STRATEGY EVALUATION AND**
3 **MONITORING PROGRAM.**

4 The Secretary may participate in the Potomac River
5 Watershed Assessment and Tributary Strategy Evaluation
6 and Monitoring Program to identify a series of resource
7 management indicators to accurately monitor the effec-
8 tiveness of the implementation of the agreed upon tribu-
9 tary strategies and other public policies that pertain to
10 natural resource protection of the Potomac River water-
11 shed.

12 **SEC. 5020. LOCK AND DAM SECURITY.**

13 (a) **STANDARDS.**—The Secretary, in consultation
14 with the Federal Emergency Management Agency, the
15 Tennessee Valley Authority, and the Coast Guard, shall
16 develop standards for the security of locks and dams, in-
17 cluding the testing and certification of vessel exclusion
18 barriers.

19 (b) **SITE SURVEYS.**—At the request of a lock or dam
20 owner, the Secretary shall provide technical assistance, on
21 a reimbursible basis, to improve lock or dam security.

22 (c) **COOPERATIVE AGREEMENT.**—The Secretary may
23 enter into a cooperative agreement with a nonprofit alli-
24 ance of public and private organizations that has the mis-
25 sion of promoting safe waterways and seaports to carry

1 out testing and certification activities, and to perform site
2 surveys, under this section.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated \$3,000,000 to carry out this
5 section.

6 **SEC. 5021. TALLAPOOSA, ALABAMA.**

7 The Secretary may provide technical assistance relat-
8 ing to water supply to the Middle Tallapoosa Water Sup-
9 ply District, Alabama. There is authorized to be appro-
10 priated \$5,000,000 to carry out this section.

11 **SEC. 5022. ALASKA.**

12 Section 570 of the Water Resources Development Act
13 of 1999 (113 Stat. 369) is amended—

14 (1) in subsection (c) by inserting “environ-
15 mental restoration,” after “water supply and related
16 facilities,”;

17 (2) in subsection (e)(3)(B) by striking the last
18 sentence;

19 (3) in subsection (h) by striking “\$25,000,000”
20 and inserting “\$45,000,000”; and

21 (4) by adding at the end the following:

22 “(i) NONPROFIT ENTITIES.—Notwithstanding sec-
23 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
24 1962d–5b(b)), for any project undertaken under this sec-

1 tion, a non-Federal interest may include a nonprofit enti-
2 ty, with the consent of the affected local government.

3 “(j) CORPS OF ENGINEERS EXPENSES.—Ten percent
4 of the amounts appropriated to carry out this section may
5 be used by the Corps of Engineers district offices to ad-
6 minister projects under this section at 100 percent Fed-
7 eral expense.”.

8 **SEC. 5023. FORT YUKON, ALASKA.**

9 The Secretary shall make repairs to the dike at Fort
10 Yukon, Alaska, so that the dike meets Corps of Engineers
11 standards.

12 **SEC. 5024. LOWELL CREEK TUNNEL, SEWARD, ALASKA.**

13 (a) LONG-TERM MAINTENANCE AND REPAIR.—The
14 Secretary shall assume responsibility for the long-term
15 maintenance and repair of the Lowell Creek Tunnel.

16 (b) STUDY.—The Secretary shall conduct a study to
17 determine whether alternative methods of flood diversion
18 in Lowell Canyon are feasible.

19 **SEC. 5025. ST. HERMAN AND ST. PAUL HARBORS, KODIAK,**
20 **ALASKA.**

21 The Secretary shall carry out, on an emergency basis,
22 necessary removal of rubble, sediment, and rock impeding
23 the entrance to the St. Herman and St. Paul Harbors,
24 Kodiak, Alaska, at a Federal cost of \$2,000,000.

1 **SEC. 5026. VALDEZ, ALASKA.**

2 The Secretary is authorized to construct a small boat
3 harbor in Valdez, Alaska, at a total cost of \$20,000,000,
4 with an estimated Federal cost of \$10,500,000 and an es-
5 timated non-Federal cost of \$9,500,000.

6 **SEC. 5027. WRANGELL HARBOR, ALASKA.**

7 (a) GENERAL NAVIGATION FEATURES.—In carrying
8 out the project for navigation, Wrangell Harbor, Alaska,
9 authorized by section 101(b)(1) of the Water Resources
10 Development Act of 1999 (113 Stat. 279), the Secretary
11 shall consider the dredging of the mooring basin and con-
12 struction of the inner harbor facilities to be general navi-
13 gation features for purposes of estimating the non-Federal
14 share of project costs.

15 (b) REVISION OF PARTNERSHIP AGREEMENT.—The
16 Secretary shall revise the partnership agreement for the
17 project to reflect the change required by subsection (a).

18 **SEC. 5028. AUGUSTA AND CLARENDON, ARKANSAS.**

19 (a) IN GENERAL.—The Secretary is authorized to
20 perform operation, maintenance, and rehabilitation of au-
21 thorized and completed levees on the White River between
22 Augusta and Clarendon, Arkansas.

23 (b) REIMBURSEMENT.—After performing the oper-
24 ation, maintenance, and rehabilitation under subsection
25 (a), the Secretary shall seek reimbursement from the Sec-
26 retary of the Interior of an amount equal to the costs allo-

1 cated to benefits to a Federal wildlife refuge of such oper-
2 ation, maintenance, and rehabilitation.

3 **SEC. 5029. DES ARC LEVEE PROTECTION, ARKANSAS.**

4 The Secretary shall review the project for flood con-
5 trol, Des Arc, Arkansas, to determine whether bank and
6 channel scour along the White River threaten the existing
7 project and whether the scour is as a result of a design
8 deficiency. If the Secretary determines that such condi-
9 tions exist as a result of a deficiency, the Secretary shall
10 carry out measures to eliminate the deficiency.

11 **SEC. 5030. HELENA AND VICINITY, ARKANSAS.**

12 The Secretary shall accept as fulfilling the non-Fed-
13 eral cost-sharing responsibilities for the project for flood
14 control, Helena and Vicinity, Arkansas, authorized by sec-
15 tion 401 of the Water Resources Development Act of 1986
16 (100 Stat. 4112), the non-Federal cash contribution of
17 \$568,000 and the lands, easements, rights-of-way, reloca-
18 tions, and dredged material disposal areas provided by the
19 non-Federal sponsor as of September 1, 2003, and the
20 Secretary shall not seek to recover any reimbursement
21 from the non-Federal sponsor related to advanced pay-
22 ments to, or work performed for, the non-Federal sponsor
23 under the authority of sections 103 and 104 of the Water
24 Resources Development Act of 1986 (33 U.S.C. 2213,
25 2214).

1 **SEC. 5031. LOOMIS LANDING, ARKANSAS.**

2 The Secretary shall conduct a study of shore damage
3 in the vicinity of Loomis Landing, Arkansas, to determine
4 if the damage is the result of a Federal navigation project,
5 and, if the Secretary determines that the damage is the
6 result of a Federal navigation project, the Secretary shall
7 carry out a project to mitigate the damage under section
8 111 of the River and Harbor Act of 1968 (33 U.S.C.
9 426i).

10 **SEC. 5032. ST. FRANCIS RIVER BASIN, ARKANSAS AND MIS-**
11 **SOURI.**

12 The Secretary shall conduct a study of increased sil-
13 tation and streambank erosion in the St. Francis River
14 basin, Arkansas and Missouri, to determine if the siltation
15 or erosion, or both, are the result of a Federal flood con-
16 trol project and, if the Secretary determines that the silta-
17 tion or erosion, or both, are the result of a Federal flood
18 control project, the Secretary shall carry out a project to
19 mitigate the siltation or erosion, or both.

20 **SEC. 5033. WHITE RIVER BASIN, ARKANSAS.**

21 (a) **MINIMUM FLOWS.**—

22 (1) **IN GENERAL.**—In carrying out section 304
23 of the Water Resources Development Act of 2000
24 (114 Stat. 2601), the Secretary shall implement al-
25 ternatives BS-3 and NF-7, as described in the

1 White River Minimum Flows Reallocation Study Re-
2 port, Arkansas and Missouri, dated July 2004.

3 (2) COST SHARING.—Reallocation of storage
4 and installation of facilities under this subsection
5 shall be considered fish and wildlife enhancement
6 that provides national benefits and shall be a Fed-
7 eral expense in accordance with section 906(e)(1) of
8 the Water Resources Development Act of 1986 (33
9 U.S.C. 2283(e)(1)).

10 (3) OFFSET.—In carrying out this subsection,
11 losses to hydropower shall be offset by a reduction,
12 not to exceed \$17,000,000, in the costs allocated to
13 hydropower, as determined by the present value of
14 the estimated replacement cost of the electrical en-
15 ergy and capacity at the time of the implementation.

16 (b) FISH HATCHERY.—In operating the fish hatchery
17 at Beaver Lake, Arkansas, authorized by section 105 of
18 the Water Resources Development Act of 1976 (90 Stat.
19 2921), losses to hydropower shall be offset by a reduction,
20 not to exceed \$2,200,000, in the costs allocated to hydro-
21 power, as determined by the present value of the estimated
22 replacement cost of the electrical energy and capacity at
23 the time of the implementation.

24 (c) REPEAL.—Section 374 of the Water Resources
25 Development Act of 1999 (113 Stat. 321) is repealed.

1 **SEC. 5034. CAMBRIA, CALIFORNIA.**

2 Section 219(f)(48) of the Water Resources Develop-
3 ment Act of 1992 (114 Stat. 2763A–220) is amended—

4 (1) by striking “\$10,300,000” and inserting the
5 following:

6 “(A) IN GENERAL.—\$10,300,000”;

7 (2) by adding at the end the following:

8 “(B) CREDIT.—The Secretary shall credit
9 toward the non-Federal share of the cost of the
10 project not to exceed \$3,000,000 for the cost of
11 planning and design work carried out by the
12 non-Federal interest before the date of the
13 partnership agreement for the project if the
14 Secretary determines that the work is integral
15 to the project.”; and

16 (3) by aligning the remainder of the text of
17 subparagraph (A) (as designated by paragraph (1)
18 of this section) with subparagraph (B) (as added by
19 paragraph (2) of this section).

20 **SEC. 5035. CONTRA COSTA CANAL, OAKLEY AND**
21 **KNIGHTSEN, CALIFORNIA; MALLARD**
22 **SLOUGH, PITTSBURG, CALIFORNIA.**

23 Sections 512 and 514 of the Water Resources Devel-
24 opment Act of 2000 (114 Stat. 2650) are each amended
25 by adding at the end the following: “All planning, study,
26 design, and construction on the project shall be carried

1 out by the office of the district engineer, San Francisco,
2 California.”.

3 **SEC. 5036. DANA POINT HARBOR, CALIFORNIA.**

4 The Secretary shall conduct a study of the causes of
5 water quality degradation within Dana Point Harbor,
6 California, to determine if the degradation is the result
7 of a Federal navigation project, and, if the Secretary de-
8 termines that the degradation is the result of a Federal
9 navigation project, the Secretary shall carry out a project
10 to mitigate the degradation at Federal expense.

11 **SEC. 5037. EAST SAN JOAQUIN COUNTY, CALIFORNIA.**

12 Section 219(f)(22) of the Water Resources Develop-
13 ment Act of 1992 (113 Stat. 336) is amended—

14 (1) by striking “\$25,000,000” and inserting the
15 following:

16 “(A) IN GENERAL.—\$25,000,000”;

17 (2) by adding at the end the following:

18 “(B) CREDIT.—The Secretary shall credit
19 toward the non-Federal share of the cost of the
20 project (i) the cost of design and construction
21 work carried out by the non-Federal interest
22 before the date of the partnership agreement
23 for the project if the Secretary determines that
24 the work is integral to the project; and (ii) the

1 cost of provided for the project by the non-Fed-
2 eral interest.

3 “(C) IN-KIND CONTRIBUTIONS.—The non-
4 Federal interest may provide any portion of the
5 non-Federal share of the cost of the project in
6 the form of in-kind services and materials.”;
7 and

8 (3) by aligning the remainder of the text of
9 subparagraph (A) (as designated by paragraph (1)
10 of this section) with subparagraph (B) (as added by
11 paragraph (2) of this section).

12 **SEC. 5038. PINE FLAT DAM AND RESERVOIR, CALIFORNIA.**

13 (a) IN GENERAL.—The Secretary shall review the
14 Kings River Fisheries Management Program Framework
15 Agreement, dated May 29, 1999, among the California
16 Department of Fish and Game, the Kings River Water
17 Association, and the Kings River Conservation District
18 and, if the Secretary determines that the management
19 program is feasible, the Secretary may participate in the
20 management program.

21 (b) PROHIBITION.—Nothing in this section author-
22 izes any project for the raising of, or the construction of,
23 a multilevel intake structure at Pine Flat Dam, California.

24 (c) USE OF EXISTING STUDIES.—In carrying out this
25 section, the Secretary shall use, to the maximum extent

1 practicable, studies in existence on the date of enactment
2 of this Act, including data and environmental documenta-
3 tion in the Report of the Chief of Engineers, Pine Flat
4 Dam and Reservoir, Fresno County, California, dated July
5 19, 2002.

6 (d) CREDIT.—The Secretary shall credit toward the
7 non-Federal share of the cost of the project the cost of
8 planning, design, and construction work carried out by the
9 non-Federal interest before the date of the partnership
10 agreement for the project if the Secretary determines that
11 the work is integral to the project.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to \$20,000,000 to carry out
14 this section.

15 **SEC. 5039. SACRAMENTO DEEP WATER SHIP CHANNEL,**
16 **CALIFORNIA.**

17 (a) IN GENERAL.—The Secretary is authorized to
18 transfer title to the Bascule Bridge, deauthorized by sec-
19 tion 347(a)(2) of the Water Resources Development Act
20 of 2000 (114. Stat. 2618), to the city of West Sacramento,
21 California, subject to the execution of an agreement by
22 the Secretary and the city which specifies the terms and
23 conditions for such transfer. The terms and conditions of
24 the transfer shall include a provision authorizing the Sec-

1 retary to participate in the construction of a replacement
2 bridge following the removal of the Bascule Bridge.

3 (b) AUTHORIZATION OF APPROPRIATION.—There is
4 authorized to be appropriated \$5,000,000 for the Sec-
5 retary to participate in the construction of a replacement
6 bridge under this section.

7 **SEC. 5040. SAN FRANCISCO, CALIFORNIA.**

8 (a) IN GENERAL.—The Secretary, in cooperation
9 with the Port of San Francisco, California, may carry out
10 the project for repair and removal, as appropriate, of Piers
11 35, 36, and 80 in San Francisco, California, substantially
12 in accordance with the Port's redevelopment plan.

13 (b) AUTHORIZATION OF APPROPRIATION.—There is
14 authorized to be appropriated \$20,000,000 to carry out
15 this subsection.

16 **SEC. 5041. SAN FRANCISCO, CALIFORNIA, WATERFRONT**
17 **AREA.**

18 (a) AREA TO BE DECLARED NONNAVIGABLE; PUB-
19 LIC INTEREST.—Unless the Secretary finds, after con-
20 sultation with local and regional public officials (including
21 local and regional public planning organizations), that the
22 proposed projects to be undertaken within the boundaries
23 of the portion of the San Francisco, California, waterfront
24 area described in subsection (b) are not in the public inter-

1 est, such portion is declared to be nonnavigable waters of
2 the United States.

3 (b) NORTHERN EMBARCADERO SOUTH OF BRYANT
4 STREET.—The portion of the San Francisco, California,
5 waterfront area referred to in subsection (a) is as follows:
6 Beginning at the intersection of the northeasterly prolon-
7 gation of that portion of the northwesterly line of Bryant
8 Street lying between Beale Street and Main Street with
9 the southwesterly line of Spear Street, which intersection
10 lies on the line of jurisdiction of the San Francisco Port
11 Commission; following thence southerly along said line of
12 jurisdiction as described in the State of California Harbor
13 and Navigation Code Section 1770, as amended in 1961,
14 to its intersection with the easterly line of Townsend
15 Street along a line that is parallel and distant 10 feet dis-
16 tant from the existing southern boundary of Pier 40 pro-
17 duced to its point of intersection with the United States
18 Government pier-head line; thence northerly along said
19 pier-head line to its intersection with a line parallel with,
20 and distant 10 feet easterly from, the existing easterly
21 boundary line of Pier 30–32; thence northerly along said
22 parallel line and its northerly prolongation, to a point of
23 intersection with a line parallel with, and distant 10 feet
24 northerly from, the existing northerly boundary of Pier
25 30–32, thence westerly along last said parallel line to its

1 intersection with the United States Government pier-head
2 line; to the northwesterly line of Bryant Street produced
3 northwesterly; thence southwesterly along said northwest-
4 erly line of Bryant Street produced to the point of begin-
5 ning.

6 (c) REQUIREMENT THAT AREA BE IMPROVED.—The
7 declaration of nonnavigability under subsection (a) applies
8 only to those parts of the area described in subsection (b)
9 that are or will be bulkheaded, filled, or otherwise occupied
10 by permanent structures and does not affect the applica-
11 bility of any Federal statute or regulation applicable to
12 such parts the day before the date of enactment of this
13 Act, including sections 9 and 10 of the Act of March 3,
14 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly
15 known as the Rivers and Harbors Appropriation Act of
16 1899, section 404 of the Federal Water Pollution Control
17 Act (33 U.S.C. 1344), and the National Environmental
18 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

19 (d) EXPIRATION DATE.—If, 20 years from the date
20 of enactment of this Act, any area or part thereof de-
21 scribed in subsection (b) is not bulkheaded or filled or oc-
22 cupied by permanent structures, including marina facili-
23 ties, in accordance with the requirements set out in sub-
24 section (c), or if work in connection with any activity per-
25 mitted in subsection (c) is not commenced within 5 years

1 after issuance of such permits, then the declaration of
2 nonnavigability for such area or part thereof shall expire.

3 **SEC. 5042. SANTA VENETIA, CALIFORNIA.**

4 (a) IN GENERAL.—The Secretary shall carry out a
5 project for flood damage reduction under section 205 of
6 the Flood Control Act of 1958 (33 U.S.C. 701s), Santa
7 Venetia, California, if the Secretary determines that the
8 project is feasible.

9 (b) PROJECT FINANCING.—In carrying out the
10 project under this section, the Secretary shall allow the
11 non-Federal interests to participate in the financing of the
12 project in accordance with section 903(c) of the Water Re-
13 sources Development Act of 1986 (100 Stat. 4184), to the
14 extent that the Secretary's evaluation indicates that apply-
15 ing such section is necessary to implement the project.

16 **SEC. 5043. STOCKTON, CALIFORNIA.**

17 (a) REEVALUATION.—The Secretary shall reevaluate
18 the feasibility of the Lower Mosher Slough element and
19 the levee extensions on the Upper Calaveras River element
20 of the project for flood control, Stockton Metropolitan
21 Area, California, carried out under section 211(f)(3) of the
22 Water Resources Development Act of 1996 (110 Stat.
23 3683), to determine the eligibility of such elements for re-
24 imbursement under section 211 of such Act (33 U.S.C.
25 701b-13).

1 (b) SPECIAL RULES FOR REEVALUATION.—In con-
2 ducting the reevaluation under subsection (a), the Sec-
3 retary shall not reject a feasibility determination based on
4 one or more of the policies of the Corps of Engineers con-
5 cerning the frequency of flooding, the drainage area, and
6 the amount of runoff.

7 (c) REIMBURSEMENT.—If the Secretary determines
8 that the elements referred to subsection (a) are feasible,
9 the Secretary shall reimburse, subject to appropriations,
10 the non-Federal interest under section 211 of the Water
11 Resources Development Act of 1996 for the Federal share
12 of the cost of such elements.

13 **SEC. 5044. VICTOR V. VEYSEY DAM, CALIFORNIA.**

14 (a) DESIGNATION.—The Prado Dam, authorized by
15 the Flood Control Act of 1936 (49 Stat. 1570), shall be
16 known and designated as the “Victor V. Veysey Dam”.

17 (b) REFERENCES.—Any reference in a law, map, reg-
18 ulation, document, paper, or other record of the United
19 States to the dam referred to in subsection (a) shall be
20 deemed to be a reference to the “Victor V. Veysey Dam”.

21 **SEC. 5045. CHARLES HERVEY TOWNSHEND BREAKWATER,**
22 **NEW HAVEN HARBOR, CONNECTICUT.**

23 (a) DESIGNATION.—The western breakwater for the
24 project for navigation, New Haven Harbor, Connecticut,
25 authorized by the first section of the Act of September

1 19, 1890 (26 Stat. 426), shall be known and designated
2 as the “Charles Hervey Townshend Breakwater”.

3 (b) REFERENCES.—Any reference in a law, map, reg-
4 ulation, document, paper, or other record of the United
5 States to the breakwater referred to in subsection (a) shall
6 be deemed to be a reference to the “Charles Hervey
7 Townshend Breakwater”.

8 **SEC. 5046. CHRISTINA RIVER SHIPWRECK, DELAWARE.**

9 The Secretary may carry out the removal of the de-
10bris associated with the steamship “STATE OF PENN-
11 SYLVANIA” and other derelict vessels from the Christina
12 River, Delaware, under section 202 of the Water Re-
13 sources Development Act of 1976 (90 Stat. 2945).

14 **SEC. 5047. FLORIDA KEYS WATER QUALITY IMPROVE-**
15 **MENTS.**

16 Section 109(e)(2) of division B of the Miscellaneous
17 Appropriations Act, 2001 (enacted into law by Public Law
18 106–554) (114 Stat. 2763A–222) is amended by adding
19 at the end the following:

20 “(C) CREDIT FOR WORK PRIOR TO EXECU-
21 TION OF THE PARTNERSHIP AGREEMENT.—The
22 Secretary shall credit toward the non-Federal
23 share of the cost of the project (i) the cost of
24 construction work carried out by the non-Fed-
25 eral interest before the date of the partnership

1 agreement for the project if the Secretary de-
2 termines that the work is integral to the
3 project; and (ii) the cost of land acquisition car-
4 ried out by the non-Federal interest for projects
5 to be carried out under this section.”.

6 **SEC. 5048. LAKE WORTH, FLORIDA.**

7 The Secretary may carry out necessary repairs for
8 the Lake Worth bulkhead replacement project, West Palm
9 Beach, Florida, at an estimated total cost of \$9,000,000.

10 **SEC. 5049. LAKE LANIER, GEORGIA.**

11 The Secretary may assist local interests with plan-
12 ning, design, and construction of facilities at the Lake La-
13 nier Olympic Center, Georgia, at a total cost of
14 \$5,300,000.

15 **SEC. 5050. RILEY CREEK RECREATION AREA, IDAHO.**

16 The Secretary is authorized to carry out the Riley
17 Creek Recreation Area Operation Plan of the Albeni Falls
18 Management Plan, dated October 2001, for the Riley
19 Creek Recreation Area, Albeni Falls Dam, Bonner Coun-
20 ty, Idaho.

21 **SEC. 5051. RECONSTRUCTION OF ILLINOIS FLOOD PROTEC-**
22 **TION PROJECTS.**

23 (a) IN GENERAL.—The Secretary may participate in
24 the reconstruction of an eligible flood control project if the
25 Secretary determines that such reconstruction is not re-

1 quired as a result of improper operation and maintenance
2 of the project by the non-Federal interest.

3 (b) COST SHARING.—The non-Federal share of the
4 costs for the reconstruction of a flood control project au-
5 thorized by this section shall be the same non-Federal
6 share that was applicable to construction of the project.
7 The non-Federal interest shall be responsible for operation
8 and maintenance and repair of a project for which recon-
9 struction is undertaken under this section.

10 (c) RECONSTRUCTION DEFINED.—In this section,
11 the term “reconstruction”, as used with respect to a
12 project, means addressing major project deficiencies
13 caused by long-term degradation of the foundation, con-
14 struction materials, or engineering systems or components
15 of the project, the results of which render the project at
16 risk of not performing in compliance with its authorized
17 project purposes. In addressing such deficiencies, the Sec-
18 retary may incorporate current design standards and effi-
19 ciency improvements, including the replacement of obso-
20 lete mechanical and electrical components at pumping sta-
21 tions, if such incorporation does not significantly change
22 the scope, function, and purpose of the project as author-
23 ized.

1 (d) ELIGIBLE PROJECTS.—The following flood con-
2 trol projects are eligible for reconstruction under this sec-
3 tion:

4 (1) Clear Creek Drainage and Levee District,
5 Illinois.

6 (2) Fort Chartres and Ivy Landing Drainage
7 District, Illinois.

8 (3) Wood River Drainage and Levee District,
9 Illinois.

10 (4) Cairo, Illinois Mainline Levee, Cairo, Illi-
11 nois.

12 (5) Goose Pond Pump Station, Cairo, Illinois.

13 (6) Cottonwood Slough Pump Station, Alex-
14 ander County, Illinois.

15 (7) 10th and 28th Street Pump Stations, Cairo,
16 Illinois.

17 (8) Flood control levee projects in Brookport,
18 Shawneetown, Old Shawneetown, Golconda,
19 Rosiclare, Harrisburg, and Reevesville, Illinois.

20 (e) JUSTIFICATION.—The reconstruction of a project
21 authorized by this section shall not be considered a sepa-
22 rable element of the project.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated—

1 (1) \$15,000,000 to carry out the projects de-
2 scribed in paragraphs (1) through (7) of subsection
3 (d); and

4 (2) \$15,000,000 to carry out the projects de-
5 scribed in subsection (d)(8).

6 Such sums shall remain available until expended.

7 **SEC. 5052. KASKASKIA RIVER BASIN, ILLINOIS, RESTORA-**
8 **TION.**

9 (a) **KASKASKIA RIVER BASIN DEFINED.**—In this sec-
10 tion, the term “Kaskaskia River basin” means the
11 Kaskaskia River, Illinois, its backwaters, its side channels,
12 and all tributaries, including their watersheds, draining
13 into the Kaskaskia River.

14 (b) **COMPREHENSIVE PLAN.**—

15 (1) **DEVELOPMENT.**—The Secretary shall de-
16 velop, as expeditiously as practicable, a comprehen-
17 sive plan for the purpose of restoring, preserving,
18 and protecting the Kaskaskia River basin.

19 (2) **TECHNOLOGIES AND INNOVATIVE AP-**
20 **PROACHES.**—The comprehensive plan shall provide
21 for the development of new technologies and innova-
22 tive approaches—

23 (A) to enhance the Kaskaskia River as a
24 transportation corridor;

1 (B) to improve water quality within the en-
2 tire Kaskaskia River basin;

3 (C) to restore, enhance, and preserve habi-
4 tat for plants and wildlife;

5 (D) to increase economic opportunity for
6 agriculture and business communities; and

7 (E) to reduce the impacts of flooding to
8 communities and landowners.

9 (3) SPECIFIC COMPONENTS.—The comprehen-
10 sive plan shall include such features as are necessary
11 to provide for—

12 (A) the development and implementation of
13 a program for sediment removal technology,
14 sediment characterization, sediment transport,
15 and beneficial uses of sediment;

16 (B) the development and implementation
17 of a program for the planning, conservation,
18 evaluation, and construction of measures for
19 fish and wildlife habitat conservation and reha-
20 bilitation, and stabilization and enhancement of
21 land and water resources in the basin;

22 (C) the development and implementation of
23 a long-term resource monitoring program;

1 (D) the development and implementation
2 of a computerized inventory and analysis sys-
3 tem; and

4 (E) the development and implementation
5 of a systemic plan to reduce flood impacts by
6 means of ecosystem restoration projects.

7 (4) CONSULTATION.—The comprehensive plan
8 shall be developed by the Secretary in consultation
9 with appropriate Federal agencies, the State of Illi-
10 nois, and the Kaskaskia River Coordinating Council.

11 (5) REPORT TO CONGRESS.—Not later than 2
12 years after the date of enactment of this Act, the
13 Secretary shall transmit to Congress a report con-
14 taining the comprehensive plan.

15 (6) ADDITIONAL STUDIES AND ANALYSES.—
16 After transmission of a report under paragraph (5),
17 the Secretary shall conduct studies and analyses of
18 projects related to the comprehensive plan that are
19 appropriate and consistent with this subsection.

20 (c) GENERAL PROVISIONS.—

21 (1) WATER QUALITY.—In carrying out activi-
22 ties under this section, the Secretary's recommenda-
23 tions shall be consistent with applicable State water
24 quality standards.

1 (2) PUBLIC PARTICIPATION.—In developing the
2 comprehensive plan under subsection (b), the Sec-
3 retary shall implement procedures to facilitate public
4 participation, including providing advance notice of
5 meetings, providing adequate opportunity for public
6 input and comment, maintaining appropriate
7 records, and making a record of the proceedings of
8 meetings available for public inspection.

9 (d) COORDINATION.—The Secretary shall integrate
10 activities carried out under this section with ongoing Fed-
11 eral and State programs, projects, and activities, including
12 the following:

13 (1) Farm programs of the Department of Agri-
14 culture.

15 (2) Conservation Reserve Enhancement Pro-
16 gram (State of Illinois) and Conservation 2000 Eco-
17 system Program of the Illinois Department of Nat-
18 ural Resources.

19 (3) Conservation 2000 Conservation Practices
20 Program and the Livestock Management Facilities
21 Act administered by the Illinois Department of Agri-
22 culture.

23 (4) National Buffer Initiative of the Natural
24 Resources Conservation Service.

1 (5) Nonpoint source grant program adminis-
2 tered by the Illinois Environmental Protection Agen-
3 cy.

4 (e) COST SHARING.—

5 (1) IN GENERAL.—The non-Federal share of
6 the cost of activities carried out under this section
7 shall be 35 percent.

8 (2) IN-KIND SERVICES.—The Secretary may
9 credit the cost of in-kind services provided by the
10 non-Federal interest for an activity carried out
11 under this section toward not more than 80 percent
12 of the non-Federal share of the cost of the activity.
13 In-kind services shall include all State funds ex-
14 pended on programs that accomplish the goals of
15 this section, as determined by the Secretary. The
16 programs may include the Kaskaskia River Con-
17 servation Reserve Program, the Illinois Conservation
18 2000 Program, the Open Lands Trust Fund, and
19 other appropriate programs carried out in the
20 Kaskaskia River basin.

21 **SEC. 5053. FLOODPLAIN MAPPING, LITTLE CALUMET**
22 **RIVER, CHICAGO, ILLINOIS.**

23 (a) IN GENERAL.—The Secretary shall provide as-
24 sistance for a project to develop maps identifying 100- and

1 500-year flood inundation areas along the Little Calumet
2 River, Chicago, Illinois.

3 (b) REQUIREMENTS.—Maps developed under the
4 project shall include hydrologic and hydraulic information
5 and shall accurately show the flood inundation of each
6 property by flood risk in the floodplain. The maps shall
7 be produced in a high resolution format and shall be made
8 available to all flood prone areas along the Little Calumet
9 River, Chicago, Illinois, in an electronic format.

10 (c) PARTICIPATION OF FEMA.—The Secretary and
11 the non-Federal interests for the project shall work with
12 the Director of the Federal Emergency Management
13 Agency to ensure the validity of the maps developed under
14 the project for flood insurance purposes.

15 (d) FORMS OF ASSISTANCE.—In carrying out the
16 project, the Secretary may enter into contracts or coopera-
17 tive agreements with the non-Federal interests or provide
18 reimbursements of project costs.

19 (e) FEDERAL SHARE.—The Federal share of the cost
20 of the project shall be 50 percent.

21 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out this section
23 \$2,000,000.

1 **SEC. 5054. NATALIE CREEK, MIDLOTHIAN AND OAK FOR-**
2 **EST, ILLINOIS.**

3 The Secretary shall carry out a project for flood dam-
4 age reduction under section 205 of the Flood Control Act
5 of 1948 (33 U.S.C. 701s), Natalie Creek, Midlothian and
6 Oak Forest, Illinois, if the Secretary determines that the
7 project is feasible.

8 **SEC. 5055. ILLINOIS RIVER BASIN RESTORATION.**

9 (a) **EXTENSION OF AUTHORIZATION.**—Section
10 519(c)(2) of the Water Resources Development Act of
11 2000 (114 Stat. 2654) is amended by striking “2004” and
12 inserting “2010”.

13 (b) **IN-KIND SERVICES.**—Section 519(g)(3) of such
14 Act (114 Stat. 2655) is amended by inserting before the
15 period at the end of the first sentence “if such services
16 are provided not more than 5 years before the date of initi-
17 ation of the project or activity”.

18 (c) **NONPROFIT ENTITIES AND MONITORING.**—Sec-
19 tion 519 of such Act (114 Stat. 2654) is amended by add-
20 ing at the end the following:

21 “(h) **NONPROFIT ENTITIES.**—Notwithstanding sec-
22 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
23 1962d–5b(b)), a non-Federal interest may include a non-
24 profit entity with the consent of the affected local govern-
25 ment.

1 “(i) MONITORING.—The Secretary shall develop an
2 Illinois river basin monitoring program to support the plan
3 referred to in subsection (b). Data collected under the
4 monitoring program shall incorporate data provided by the
5 State of Illinois and shall be publicly accessible through
6 electronic means.”.

7 **SEC. 5056. PROMONTORY POINT, LAKE MICHIGAN, ILLI-**
8 **NOIS.**

9 In carrying out the project for storm damage reduc-
10 tion and shoreline erosion protection, Lake Michigan, au-
11 thorized by section 101(a)(12) of the Water Resources De-
12 velopment Act of 1996 (110 Stat. 3664), the Secretary
13 shall reevaluate the feasibility of reconstructing the Prom-
14 ontory Point section consistent with the original limestone
15 step design.

16 **SEC. 5057. BURNS WATERWAY HARBOR, INDIANA.**

17 The Secretary shall conduct a study of shoaling in
18 the vicinity of Burns Waterway Harbor, Indiana, to deter-
19 mine if the shoaling is the result of a Federal navigation
20 project, and, if the Secretary determines that the shoaling
21 is the result of a Federal navigation project, the Secretary
22 shall carry out a project to mitigate the shoaling under
23 section 111 of the River and Harbor Act of 1968 (33
24 U.S.C. 426).

1 **SEC. 5058. CALUMET REGION, INDIANA.**

2 Section 219(f)(12) of the Water Resources Develop-
3 ment Act of 1992 (113 Stat. 335) is amended—

4 (1) by striking “\$10,000,000” and inserting the
5 following:

6 “(A) IN GENERAL.—\$10,000,000”;

7 (2) by adding at the end the following:

8 “(B) CREDIT.—The Secretary shall credit
9 toward the non-Federal share of the cost of the
10 project the cost of planning and design work
11 carried out by the non-Federal interest before,
12 on, or after the date of the partnership agree-
13 ment for the project if the Secretary determines
14 that the work is integral to the project.”; and

15 (3) by aligning the remainder of the text of
16 subparagraph (A) (as designated by paragraph (1)
17 of this section) with subparagraph (B) (as added by
18 paragraph (2) of this section).

19 **SEC. 5059. FLOODPLAIN MAPPING, MISSOURI RIVER, IOWA.**

20 (a) IN GENERAL.—The Secretary shall provide as-
21 sistance for a project to develop maps identifying 100- and
22 500-year flood inundation areas in the State of Iowa,
23 along the Missouri River.

24 (b) REQUIREMENTS.—Maps developed under the
25 project shall include hydrologic and hydraulic information
26 and shall accurately portray the flood hazard areas in the

1 floodplain. The maps shall be produced in a high resolu-
2 tion format and shall be made available to the State of
3 Iowa in an electronic format.

4 (c) PARTICIPATION OF FEMA.—The Secretary and
5 the non-Federal interests for the project shall work with
6 the Director of the Federal Emergency Management
7 Agency to ensure the validity of the maps developed under
8 the project for flood insurance purposes.

9 (d) FORMS OF ASSISTANCE.—In carrying out the
10 project, the Secretary may enter into contracts or coopera-
11 tive agreements with the non-Federal interests or provide
12 reimbursements of project costs.

13 (e) FEDERAL SHARE.—The Federal share of the cost
14 of the project shall be 50 percent.

15 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$3,000,000.

18 **SEC. 5060. RATHBUN LAKE, IOWA.**

19 (a) CONVEYANCE.—The Secretary shall convey the
20 remaining water supply storage allocation in Rathbun
21 Lake, Iowa, to the Rathbun Regional Water Association
22 (in this section referred to as the “Water Association”).

23 (b) COST SHARING.—Notwithstanding the Water
24 Supply Act of 1958 (43 U.S.C. 390b), the Water Associa-
25 tion shall pay 100 percent of the cost of the water supply

1 storage allocation to be conveyed under subsection (a).
2 The Secretary shall credit toward such non-Federal share
3 the cost of any structures and facilities constructed by the
4 Water Association at the project.

5 (c) TERMS AND CONDITIONS.—Before conveying the
6 water supply storage allocation under subsection (a), the
7 Secretary shall enter into an agreement with the Water
8 Association, under which the Water Association shall
9 agree to—

10 (1) in accordance with designs approved by the
11 Chief of Engineers, construct structures and facili-
12 ties referred to in subsection (b) that have a value
13 equal to or greater than the amount that otherwise
14 would be paid to the Federal Government for the
15 costs of the water supply storage under the Water
16 Supply Act of 1958 (43 U.S.C. 390b);

17 (2) be responsible for operating and maintain-
18 ing the structures and facilities;

19 (3) pay all operation and maintenance costs al-
20 located to the water supply storage space;

21 (4) use any revenues generated at the struc-
22 tures and facilities that are above those required to
23 operate and maintain or improve the complex to un-
24 dertake, subject to the approval of the Chief of En-
25 gineers, activities that will improve the quality of the

1 environment in the Rathbun Lake watershed area;
2 and

3 (5) such other terms and conditions as the Sec-
4 retary considers necessary to protect the interests of
5 the United States.

6 **SEC. 5061. CUMBERLAND RIVER BASIN, KENTUCKY.**

7 At reservoirs managed by the Secretary above Cum-
8 berland River mile 385.5 within the Cumberland River
9 basin, Kentucky, the Secretary shall charge fees associ-
10 ated with storage and maintenance of water supply that
11 do not exceed the fees in effect on October 1, 2002.

12 **SEC. 5062. LOUISVILLE, KENTUCKY.**

13 (a) IN GENERAL.—Section 557 of the Water Re-
14 sources Development Act of 1999 (113 Stat. 353) is
15 amended—

16 (1) in the section heading by inserting “**KEN-**
17 **TUCKY AND**” before “**NORTHERN WEST VIR-**
18 **GINIA**”; and

19 (2) by adding at the end the following:

20 “(4) LOUISVILLE, KENTUCKY.—Report of the
21 Corps of Engineers entitled ‘Louisville Waterfront
22 Park, Phase II, Kentucky, Master Plan’, dated July
23 22, 2002, at a total cost of \$32,000,000, with an es-
24 timated Federal cost of \$16,000,000 and an esti-
25 mated non-Federal cost of \$16,000,000.”.

1 (b) CONFORMING AMENDMENT.—In the table of con-
2 tents contained in section 1(b) of such Act strike the item
3 relating to section 557 and insert the following:

“Sec. 557. Kentucky and Northern West Virginia.”.

4 **SEC. 5063. MAYFIELD CREEK AND TRIBUTARIES, KEN-**
5 **TUCKY.**

6 The Secretary shall conduct a study of flood damage
7 along Mayfield Creek and tributaries between Wickliffe
8 and Mayfield, Kentucky, to determine if the damage is the
9 result of a Federal flood damage reduction project, and,
10 if the Secretary determines that the damage is the result
11 of a Federal flood damage reduction project, the Secretary
12 shall carry out a project to mitigate the damage at Federal
13 expense.

14 **SEC. 5064. NORTH FORK, KENTUCKY RIVER, BREATHITT**
15 **COUNTY, KENTUCKY.**

16 The Secretary shall rebuild the structure that is im-
17 peding high water flows on the North Fork of the Ken-
18 tucky River in Breathitt County, Kentucky, in a manner
19 that will reduce flood damages at an estimated total cost
20 of \$1,800,000. The non-Federal interest shall provide
21 lands, easements, rights-of-way, relocations, and disposal
22 areas required for the project. Operation and maintenance
23 of the rebuilt structure shall be a non-Federal expense.

1 **SEC. 5065. PADUCAH, KENTUCKY.**

2 The Secretary shall complete a feasibility report for
3 rehabilitation of the project for flood damage reduction,
4 Paducah, Kentucky, and, if the Secretary determines that
5 the project is feasible, the Secretary shall carry out the
6 project at a total cost of \$3,000,000.

7 **SEC. 5066. SOUTHERN AND EASTERN KENTUCKY.**

8 Section 531 of the Water Resources Development Act
9 of 1996 (110 Stat. 3773; 113 Stat. 348; 117 Stat. 142)
10 is amended by adding the following:

11 “(i) CORPS OF ENGINEERS EXPENSES.—Ten percent
12 of the amounts appropriated to carry out this section may
13 be used by the Corps of Engineers district offices to ad-
14 minister projects under this section at 100 percent Fed-
15 eral expense.”.

16 **SEC. 5067. WINCHESTER, KENTUCKY.**

17 Section 219(c) of the Water Resources Development
18 Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219) is
19 amended by adding at the end the following:

20 “(41) WINCHESTER, KENTUCKY.—Wastewater
21 infrastructure, Winchester, Kentucky.”.

22 **SEC. 5068. BATON ROUGE, LOUISIANA.**

23 Section 219(f)(21) of the Water Resources Develop-
24 ment Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220)
25 is amended by striking “\$20,000,000” and inserting
26 “\$35,000,000”.

1 **SEC. 5069. CALCASIEU SHIP CHANNEL, LOUISIANA.**

2 The Secretary shall expedite completion of a dredged
3 material management plan for the Calcasieu Ship Chan-
4 nel, Louisiana, and may take interim measures to increase
5 the capacity of existing disposal areas, or to construct new
6 confined or beneficial use disposal areas, for the channel.

7 **SEC. 5070. CROSS LAKE, SHREVEPORT, LOUISIANA.**

8 The Secretary may accept from the Department of
9 the Air Force, and may use, not to exceed \$4,500,000 to
10 assist the city of Shreveport, Louisiana, with its plan to
11 construct a water intake facility.

12 **SEC. 5071. WEST BATON ROUGE PARISH, LOUISIANA.**

13 Section 517(5) of the Water Resources Development
14 Act of 1999 (113 Stat. 345) is amended to read as follows:

15 “(5) Mississippi River, West Baton Rouge Par-
16 ish, Louisiana, project for waterfront and riverine
17 preservation, restoration, enhancement modifica-
18 tions, and interpretive center development.”.

19 **SEC. 5072. CHARLESTOWN, MARYLAND.**

20 (a) IN GENERAL.—The Secretary may carry out a
21 project for nonstructural flood damage reduction and eco-
22 system restoration at Charlestown, Maryland.

23 (b) LAND ACQUISITION.—The flood damage reduc-
24 tion component of the project may include the acquisition
25 of private property from willing sellers.

1 (c) JUSTIFICATION.—Any nonstructural flood dam-
2 age reduction project to be carried out under this section
3 that will result in the conversion of property to use for
4 ecosystem restoration and wildlife habitat shall be justified
5 based on national ecosystem restoration benefits.

6 (d) USE OF ACQUIRED PROPERTY.—Property ac-
7 quired under this section shall be maintained in public
8 ownership for ecosystem restoration and wildlife habitat.

9 (e) ABILITY TO PAY.—In determining the appro-
10 priate non-Federal cost share for the project, the Sec-
11 retary shall determine the ability of Cecil County, Mary-
12 land, to participate as a cost-sharing non-Federal interest
13 in accordance with section 103(m) of the Water Resources
14 Development Act of 1986 (33 U.S.C. 2213(m)).

15 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated \$2,000,000 to carry out this
17 section.

18 **SEC. 5073. DELMARVA CONSERVATION CORRIDOR, MARY-**
19 **LAND AND DELAWARE.**

20 (a) ASSISTANCE.—The Secretary may provide tech-
21 nical assistance to the Secretary of Agriculture for use in
22 carrying out the Conservation Corridor Demonstration
23 Program established under subtitle G of title II of the
24 Farm Security and Rural Investment Act of 2002 (16
25 U.S.C. 3801 note; 116 Stat. 275).

1 (b) COORDINATION AND INTEGRATION.—In carrying
2 out water resources projects in Maryland and Delaware
3 on the Delmarva Peninsula, the Secretary shall coordinate
4 and integrate those projects, to the maximum extent prac-
5 ticable, with any activities carried out to implement a con-
6 servation corridor plan approved by the Secretary of Agri-
7 culture under section 2602 of the Farm Security and
8 Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116
9 Stat. 275).

10 **SEC. 5074. MASSACHUSETTS DREDGED MATERIAL DIS-**
11 **POSAL SITES.**

12 The Secretary may cooperate with Massachusetts in
13 the management and long-term monitoring of aquatic
14 dredged material disposal sites within the State, and is
15 authorized to accept funds from the State to carry out
16 such activities.

17 **SEC. 5075. ONTONAGON HARBOR, MICHIGAN.**

18 The Secretary shall conduct a study of shore damage
19 in the vicinity of the project for navigation, Ontonagon
20 Harbor, Ontonagon County, Michigan, authorized by sec-
21 tion 101 of the Rivers and Harbors Act of 1962 (76 Stat.
22 1176, 100 Stat. 4213, 110 Stat. 3730), to determine if
23 the damage is the result of a Federal navigation project,
24 and, if the Secretary determines that the damage is the
25 result of a Federal navigation project, the Secretary shall

1 carry out a project to mitigate the damage under section
2 111 of the River and Harbor Act of 1968 (33 U.S.C.
3 426i).

4 **SEC. 5076. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**
5 **GAN.**

6 (a) ECOSYSTEM RESTORATION.—The Secretary shall
7 carry out feasible aquatic ecosystem restoration projects
8 identified in the comprehensive management plan for St.
9 Clair River and Lake St. Clair, Michigan, developed under
10 section 426 of the Water Resources Development Act of
11 1999 (113 Stat. 326), at a total Federal cost of not to
12 exceed \$5,000,000.

13 (b) PLAN.—Section 426(d) of the Water Resources
14 Development Act of 1999 (113 Stat. 326) is amended by
15 striking “\$400,000” and inserting “\$475,000”.

16 **SEC. 5077. CROOKSTON, MINNESOTA.**

17 The Secretary shall conduct a study for a project for
18 emergency streambank protection along the Red Lake
19 River in Crookston, Minnesota, and, if the Secretary de-
20 termines that the project is feasible, the Secretary may
21 carry out the project under section 14 of the Flood Control
22 Act of 1946 (33 U.S.C. 701r); except that the maximum
23 amount of Federal funds that may be expended for the
24 project shall be \$6,500,000.

1 **SEC. 5078. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.**

2 (a) PROJECT DESCRIPTION.—Section 219(f)(61) of
3 the Water Resources Development Act of 1992 (114 Stat.
4 2763A–221) is amended—

5 (1) in the paragraph heading by striking
6 “TOWNSHIP” and inserting “AND CROW WING AND
7 MILLE LACS COUNTIES”;

8 (2) by inserting “, Crow Wing County, Mille
9 Lacs County,” after “Garrison”; and

10 (3) by adding at the end the following: “Such
11 assistance shall be provided directly to the Garrison-
12 Kathio-West Mille Lacs Lake Sanitary District,
13 Minnesota.”.

14 (b) PROCEDURES.—In carrying out the project au-
15 thorized by such section 219(f)(61), the Secretary may use
16 the cost sharing and contracting procedures available to
17 the Secretary under section 569 of the Water Resources
18 Development Act of 1999 (113 Stat. 368).

19 **SEC. 5079. MINNEAPOLIS, MINNESOTA.**

20 (a) CONVEYANCE.—The Secretary shall convey to the
21 city of Minneapolis by quitclaim deed and without consid-
22 eration all right, title, and interest of the United States
23 to the property known as the War Department (Fort
24 Snelling Interceptor) Tunnel in Minneapolis, Minnesota.

1 (b) APPLICABILITY OF PROPERTY SCREENING PRO-
2 VISIONS.—Section 2696 of title 10, United States Code,
3 shall not apply to the conveyance under this section.

4 **SEC. 5080. NORTHEASTERN MINNESOTA.**

5 (a) IN GENERAL.—Section 569 of the Water Re-
6 sources Development Act of 1999 (113 Stat. 368) is
7 amended—

8 (1) in subsection (a) by striking “Benton,
9 Sherburne,” and inserting “Beltrami, Hubbard,
10 Wadena,”;

11 (2) by striking the last sentence of subsection
12 (e)(3)(B);

13 (3) by striking subsection (g) and inserting the
14 following:

15 “(g) NONPROFIT ENTITIES.—Notwithstanding sec-
16 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
17 1962d–5b(b)), for any project undertaken under this sec-
18 tion, a non-Federal interest may include a nonprofit enti-
19 ty.”; and

20 (4) by adding at the end the following:

21 “(i) CORPS OF ENGINEERS EXPENSES.—Ten percent
22 of the amounts appropriated to carry out this section may
23 be used by the Corps of Engineers district offices to ad-
24 minister projects under this section at 100 percent Fed-
25 eral expense.”.

1 (b) BIWABIK, MINNESOTA.—The Secretary shall re-
2 imburse the non-Federal interest for the project for envi-
3 ronmental infrastructure, Biwabik, Minnesota, carried out
4 under section 569 of the Water Resources Development
5 Act of 1999 (113 Stat. 368), for planning, design, and
6 construction costs that were incurred by the non-Federal
7 interest with respect to the project before the date of the
8 partnership agreement for the project and that were in
9 excess of the non-Federal share of the cost of the project
10 if the Secretary determines that the costs are appropriate.

11 **SEC. 5081. HARRISON, HANCOCK, AND JACKSON COUNTIES,**
12 **MISSISSIPPI.**

13 In carrying out projects for the protection, restora-
14 tion, and creation of aquatic and ecologically related habi-
15 tats located in Harrison, Hancock, and Jackson Counties,
16 Mississippi, under section 204 of the Water Resources De-
17 velopment Act of 1992 (33 U.S.C. 2326), the Secretary
18 shall accept any portion of the non-Federal share of the
19 cost of the project in the form of in-kind services and ma-
20 terials.

21 **SEC. 5082. MISSISSIPPI RIVER, MISSOURI, AND ILLINOIS.**

22 As a part of the operation and maintenance of the
23 project for the Mississippi River (Regulating Works), be-
24 tween the Ohio and Missouri Rivers, Missouri and Illinois,
25 authorized by the first section of an Act entitled “Making

1 appropriations for the construction, repair, and preserva-
2 tion of certain public works on rivers and harbors, and
3 for other purposes”, approved June 25, 1910, the Sec-
4 retary may carry out activities necessary to restore and
5 protect fish and wildlife habitat in the middle Mississippi
6 River system. Such activities may include modification of
7 navigation training structures, modification and creation
8 of side channels, modification and creation of islands, and
9 studies and analysis necessary to apply adaptive manage-
10 ment principles in design of future work.

11 **SEC. 5083. ST. LOUIS, MISSOURI.**

12 Section 219(f)(32) of the Water Resources Develop-
13 ment Act of 1992 (113 Stat. 337) is amended by striking
14 “\$15,000,000” and inserting “\$35,000,000”.

15 **SEC. 5084. ACID BROOK, POMPTON LAKES, NEW JERSEY.**

16 The Secretary shall carry out a project for flood dam-
17 age reduction under section 205 of the Flood Control Act
18 of 1948 (33 U.S.C. 701s), Acid Brook, Pompton Lakes,
19 New Jersey, if the Secretary determines that the project
20 is feasible.

21 **SEC. 5085. HACKENSACK MEADOWLANDS AREA, NEW JER-**

22 **SEY.**

23 Section 324 of the Water Resources Development Act
24 of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—

25 (1) in subsection (a)—

1 (A) by striking “design” and inserting
2 “planning, design,”; and

3 (B) by striking “Hackensack Meadowlands
4 Development” and all that follows through
5 “Plan for” and inserting “New Jersey
6 Meadowlands Commission for the development
7 of an environmental improvement program for”;
8 (2) in subsection (b)—

9 (A) in the subsection heading by striking
10 “REQUIRED”;

11 (B) by striking “shall” and inserting
12 “may”;

13 (C) by striking paragraph (1) and insert-
14 ing the following:

15 “(1) Restoration and acquisitions of significant
16 wetlands and aquatic habitat that contribute to the
17 Meadowlands ecosystem.”;

18 (D) in paragraph (2) by inserting “and
19 aquatic habitat” before the period at the end;
20 and

21 (E) by striking paragraph (7) and insert-
22 ing the following:

23 “(7) Research, development, and implementa-
24 tion for a water quality improvement program, in-
25 cluding restoration of hydrology and tidal flows and

1 remediation of hot spots and other sources of con-
2 taminants that degrade existing or planned sites.”;

3 (3) in subsection (c) by inserting before the last
4 sentence the following: “The non-Federal sponsor
5 may also provide in-kind services, not to exceed the
6 non-Federal share of the total project cost, and may
7 also receive credit for reasonable cost of design work
8 completed prior to entering into the partnership
9 agreement with the Secretary for a project to be car-
10 ried out under the program developed under sub-
11 section (a).”; and

12 (4) in subsection (d) by striking “\$5,000,000”
13 and inserting “\$35,000,000”.

14 **SEC. 5086. CENTRAL NEW MEXICO, NEW MEXICO.**

15 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section
16 593(h) of the Water Resources Development Act of 1999
17 (113 Stat. 381) is amended by striking “\$25,000,000”
18 and inserting “\$40,000,000”.

19 (b) **CORPS OF ENGINEERS EXPENSES.**—Section 593
20 of such Act (113 Stat. 381) is amended by adding at the
21 end the following:

22 “(i) **CORPS OF ENGINEERS EXPENSES.**—Ten percent
23 of the amounts appropriated to carry out this section may
24 be used by the Corps of Engineers district offices to ad-

1 minister projects under this section at 100 percent Fed-
2 eral expense.”.

3 **SEC. 5087. ATLANTIC COAST OF NEW YORK.**

4 (a) DEVELOPMENT OF PROGRAM.—Section 404(a) of
5 the Water Resources Development Act of 1992 (106 Stat.
6 4863) is amended—

7 (1) by striking “processes” and inserting “and
8 related environmental processes”;

9 (2) by inserting after “Atlantic Coast” the fol-
10 lowing: “(and associated back bays)”;

11 (3) by inserting after “actions” the following: “,
12 environmental restoration or conservation measures
13 for coastal and back bays,”; and

14 (4) by adding at the end the following: “The
15 plan for collecting data and monitoring information
16 included in such annual report shall be fully coordi-
17 nated with and agreed to by appropriate agencies of
18 the State of New York.”.

19 (b) ANNUAL REPORTS.—Section 404(b) of such Act
20 is amended—

21 (1) by striking “INITIAL PLAN.—Not later than
22 12 months after the date of the enactment of this
23 Act, the” and inserting “ANNUAL REPORTS.—The”;

1 (2) by striking “initial plan for data collection
2 and monitoring” and inserting “annual report of
3 data collection and monitoring activities”; and

4 (3) by striking the last sentence.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
6 404(c) of such Act (113 Stat. 341) is amended by striking
7 “and an additional total of \$2,500,000 for fiscal years
8 thereafter” and inserting “\$2,500,000 for fiscal years
9 2000 through 2004, and \$7,500,000 for fiscal years begin-
10 ning after September 30, 2004.”.

11 (d) TSUNAMI WARNING SYSTEM.—Section 404 of the
12 Water Resource Development Act of 1992 (106 Stat.
13 4863) is amended by adding at the end the following:

14 “(d) TSUNAMI WARNING SYSTEM.—There is author-
15 ized to be appropriated \$800,000 for the Secretary to
16 carry out a project for a tsunami warning system, Atlantic
17 Coast of New York.”.

18 **SEC. 5088. COLLEGE POINT, NEW YORK CITY, NEW YORK.**

19 In carrying out section 312 of the Water Resources
20 Development Act of 1990 (104 Stat. 4639), the Secretary
21 shall give priority to work in College Point, New York
22 City, New York.

1 **SEC. 5089. FLUSHING BAY AND CREEK, NEW YORK CITY,**
2 **NEW YORK.**

3 The Secretary shall credit toward the non-Federal
4 share of the cost of the project for ecosystem restoration,
5 Flushing Bay and Creek, New York City, New York, the
6 cost of design and construction work carried out by the
7 non-Federal interest before the date of the partnership
8 agreement for the project if the Secretary determines that
9 the work is integral to the project.

10 **SEC. 5090. HUDSON RIVER, NEW YORK.**

11 The Secretary may participate with the State of New
12 York, New York City, and the Hudson River Park Trust
13 in carrying out activities to restore critical marine habitat,
14 improve safety, and protect and rehabilitate critical infra-
15 structure. There is authorized to be appropriated
16 \$5,000,000 to carry out this section.

17 **SEC. 5091. MOUNT MORRIS DAM, NEW YORK.**

18 As part of the operation and maintenance of the
19 Mount Morris Dam, New York, the Secretary may make
20 improvements to the access road for the dam to provide
21 safe access to a Federal visitor's center.

22 **SEC. 5092. ONONDAGA LAKE, NEW YORK.**

23 Section 573 of the Water Resources Development Act
24 of 1999 (113 Stat. 372) is amended—

25 (1) in subsection (f) by striking “\$10,000,000”
26 and inserting “\$30,000,000”;

1 (2) by redesignating subsections (f) and (g) as
2 subsections (g) and (h), respectively; and

3 (3) by inserting after subsection (e) the fol-
4 lowing:

5 “(f) NONPROFIT ENTITIES.—Notwithstanding sec-
6 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
7 1962d–5b(b)), for any project carried out under this sec-
8 tion, a non-Federal interest may include a nonprofit enti-
9 ty, with the consent of the affected local government.”.

10 **SEC. 5093. JOHN H. KERR DAM AND RESERVOIR, NORTH**
11 **CAROLINA.**

12 The Secretary shall expedite the completion of the
13 calculations necessary to negotiate and execute a revised,
14 permanent contract for water supply storage at John H.
15 Kerr Dam and Reservoir, North Carolina, among the Sec-
16 retary and the Kerr Lake Regional Water System and the
17 city of Henderson, North Carolina.

18 **SEC. 5094. STANLY COUNTY, NORTH CAROLINA.**

19 Section 219(f)(64) of the Water Resources Develop-
20 ment Act of 1992 (114 Stat. 2763A–221) is amended by
21 inserting “water and” before “wastewater”.

1 **SEC. 5095. W. KERR SCOTT DAM AND RESERVOIR, NORTH**
2 **CAROLINA.**

3 The Secretary shall remove debris from the joint in-
4 take at the W. Kerr Scott Dam and Reservoir, North
5 Carolina.

6 **SEC. 5096. OHIO.**

7 Section 594 of the Water Resources Development Act
8 of 1999 (113 Stat. 381) is amended—

9 (1) in subsection (b) by striking “design and
10 construction” and inserting “planning, design, and
11 construction”;

12 (2) in subsection (g) by striking “\$60,000,000”
13 and inserting “\$100,000,000”; and

14 (3) by adding at the end the following:

15 “(h) NONPROFIT ENTITIES.—Notwithstanding sec-
16 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
17 1962d–5(b)), for any project undertaken under this sec-
18 tion, a non-Federal interest may include a nonprofit enti-
19 ty, with the consent of the affected local government.”.

20 **SEC. 5097. TOUSSAINT RIVER, OHIO.**

21 (a) IN GENERAL.—The project for navigation, Tous-
22 saint River, Carroll Township, Ohio, authorized by section
23 107 of the River and Harbor Act of 1960 (33 U.S.C. 577),
24 is modified to authorize the Secretary to enter into an
25 agreement with the non-Federal interest under which the
26 Secretary may—

1 (1) acquire, and transfer to the non-Federal in-
2 terest, a dredge and associated equipment with the
3 capacity to perform operation and maintenance of
4 the project; and

5 (2) provide the non-Federal interest with a
6 lump-sum payment to cover all future costs of oper-
7 ation and maintenance of the project.

8 (b) AGREEMENT.—The Secretary may carry out sub-
9 section (a)(1) by entering into an agreement with the non-
10 Federal interest under which the non-Federal interest may
11 acquire the dredge and associated equipment directly and
12 be reimbursed by the Secretary.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated \$1,800,000 to carry out this
15 section. Of such funds, \$500,000 may be used to carry
16 out subsection (a)(1).

17 (d) RELEASE.—Upon the acquisition and transfer of
18 a dredge and associated equipment under subsection
19 (a)(1), and the payment of funds under subsection (a)(2),
20 all future Federal responsibility for operation and mainte-
21 nance of the project is extinguished.

22 **SEC. 5098. EUGENE, OREGON.**

23 (a) IN GENERAL.—The Secretary shall conduct a
24 study to determine the feasibility of restoring the millrace
25 in Eugene, Oregon, and, if the Secretary determines that

1 the restoration is feasible, the Secretary shall carry out
2 the restoration.

3 (b) CONSIDERATION OF NONECONOMIC BENEFITS.—

4 In determining the feasibility of restoring the millrace, the
5 Secretary shall include noneconomic benefits associated
6 with the historical significance of the millrace and associ-
7 ated with preservation and enhancement of resources.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section
10 \$20,000,000.

11 **SEC. 5099. JOHN DAY LOCK AND DAM, LAKE UMATILLA, OR-**
12 **EGON AND WASHINGTON.**

13 (a) IN GENERAL.—The Secretary shall pay not more
14 than \$2,500,000 to the provider of research and curation
15 support previously provided to the Federal Government as
16 a result of—

17 (1) the multipurpose project at John Day Lock
18 and Dam, Lake Umatilla, Oregon and Washington,
19 authorized by section 101 of the River and Harbor
20 Act of 1950 (64 Stat. 167); and

21 (2) the several navigation and flood damage re-
22 duction projects constructed on the Columbia River
23 and Lower Willamette River, Oregon and Wash-
24 ington.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$2,500,000.

4 **SEC. 5100. LOWELL, OREGON.**

5 (a) IN GENERAL.—The Secretary may convey with-
6 out consideration to Lowell School District, by quitclaim
7 deed, all right, title, and interest of the United States in
8 and to land and buildings thereon, known as Tract A-
9 82, located in Lowell, Oregon, and described in subsection
10 (b).

11 (b) DESCRIPTION OF PROPERTY.—The parcel of land
12 authorized to be conveyed under subsection (a) is as fol-
13 lows: Commencing at the point of intersection of the west
14 line of Pioneer Street with the westerly extension of the
15 north line of Summit Street, in Meadows Addition to Low-
16 ell, as platted and recorded at page 56 of Volume 4, Lane
17 County Oregon Plat Records; thence north on the west
18 line of Pioneer Street a distance of 176.0 feet to the true
19 point of beginning of this description; thence north on the
20 west line of Pioneer Street a distance of 170.0 feet; thence
21 west at right angles to the west line of Pioneer Street a
22 distance of 250.0 feet; thence south and parallel to the
23 west line of Pioneer Street a distance of 170.0 feet; thence
24 east 250.0 feet to the true point of beginning of this de-

1 scription in Section 14, Township 19 South, Range 1 West
2 of the Willamette Meridian, Lane County, Oregon.

3 (c) TERMS AND CONDITIONS.—Before conveying the
4 parcel to the school district, the Secretary shall ensure
5 that the conditions of buildings and facilities meet the re-
6 quirements of applicable Federal law.

7 (d) REVERSION.—If the Secretary determines that
8 the property conveyed under subsection (a) ceases to be
9 held in public ownership, all right, title, and interest in
10 and to the property shall revert to the United States, at
11 the option of the United States.

12 (e) GENERALLY APPLICABLE PROVISIONS.—

13 (1) APPLICABILITY OF PROPERTY SCREENING
14 PROVISIONS.—Section 2696 of title 10, United
15 States Code, shall not apply to any conveyance
16 under this section.

17 (2) LIABILITY.—An entity to which a convey-
18 ance is made under this section shall hold the
19 United States harmless from any liability with re-
20 spect to activities carried out, on or after the date
21 of the conveyance, on the real property conveyed.
22 The United States shall remain responsible for any
23 liability with respect to activities carried out, before
24 such date, on the real property conveyed.

1 **SEC. 5101. ALLEGHENY COUNTY, PENNSYLVANIA.**

2 Section 219(f)(66) of the Water Resources Develop-
3 ment Act of 1992 (114 Stat. 2763A–221) is amended—

4 (1) by striking “\$20,000,000” and inserting the
5 following:

6 “(A) IN GENERAL.—\$20,000,000”;

7 (2) by adding at the end the following:

8 “(B) CREDIT.—The Secretary shall credit
9 toward the non-Federal share of the cost of the
10 project the cost of work carried out by the non-
11 Federal interest before the date of the partner-
12 ship agreement for the project if the Secretary
13 determines that the work is integral to the
14 project.”; and

15 (3) by aligning the remainder of the text of
16 subparagraph (A) (as designated by paragraph (1)
17 of this section) with subparagraph (B) (as added by
18 paragraph (2) of this section).

19 **SEC. 5102. LEHIGH RIVER, LEHIGH COUNTY, PENNSYL-**
20 **VANIA.**

21 The Secretary shall use existing water quality data
22 to model the effects of the Francis E. Walter Dam, at
23 different water levels, to determine its impact on water
24 and related resources in and along the Lehigh River in
25 Lehigh County, Pennsylvania. There is authorized to be
26 appropriated \$500,000 to carry out this section.

1 **SEC. 5103. NORTHEAST PENNSYLVANIA.**

2 Section 219(f)(11) of the Water Resources Develop-
3 ment Act of 1992 (113 Stat. 335) is amended by striking
4 “and Monroe” and inserting “Northumberland, Union,
5 Snyder, and Montour”.

6 **SEC. 5104. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-
7 VANIA AND NEW YORK.**

8 (a) **STUDY AND STRATEGY DEVELOPMENT.**—Section
9 567(a) of the Water Resources Development Act of 1996
10 (110 Stat. 3787; 114 Stat. 2662) is amended—

11 (1) in the matter preceding paragraph (1) by
12 inserting “and carry out” after “develop”; and

13 (2) in paragraph (2) by striking
14 “\$10,000,000.” and inserting “\$20,000,000, of
15 which the Secretary may utilize not more than
16 \$5,000,000 to design and construct feasible pilot
17 projects during the development of the strategy to
18 demonstrate alternative approaches for the strategy.
19 The total cost for any single pilot project may not
20 exceed \$500,000. The Secretary shall evaluate the
21 results of the pilot projects and consider the results
22 in the development of the strategy.”.

23 (b) **COOPERATIVE AGREEMENTS.**—Section 567(c) of
24 such Act (114 Stat. 2662) is amended—

25 (1) in the subsection heading by striking “Co-
26 OPERATION” and inserting “COOPERATIVE”; and

1 (2) in the first sentence—

2 (A) by inserting “and carrying out” after
3 “developing”; and

4 (B) by striking “cooperation” and insert-
5 ing “cost-sharing and cooperative”.

6 (c) IMPLEMENTATION OF STRATEGY.—Section
7 567(d) of such Act (114 Stat. 2663) is amended—

8 (1) by striking “The Secretary” and inserting
9 the following:

10 “(1) IN GENERAL.—The Secretary”;

11 (2) in the second sentence of paragraph (1) (as
12 so designated)—

13 (A) by striking “implement” and inserting
14 “carry out”; and

15 (B) by striking “implementing” and insert-
16 ing “carrying out”;

17 (3) by adding at the end the following:

18 “(2) PRIORITY PROJECT.—In carrying out
19 projects to implement the strategy, the Secretary
20 shall give priority to the project for ecosystem res-
21 toration, Cooperstown, New York, described in the
22 Upper Susquehanna River Basin—Cooperstown
23 Area Ecosystem Restoration Feasibility Study, dated
24 December 2004, prepared by the Corps of Engineers

1 and the New York State Department of Environ-
2 mental Conservation.”; and

3 (4) by aligning the remainder of the text of
4 paragraph (1) (as designated by paragraph (1) of
5 this subsection) with paragraph (2) (as added by
6 paragraph (3) of this subsection).

7 (d) CREDIT.—Section 567 of such Act (110 Stat.
8 3787; 114 Stat. 2662) is amended by adding at the end
9 the following:

10 “(e) CREDIT.—The Secretary shall credit toward the
11 non-Federal share of the cost of a project under this sec-
12 tion—

13 “(1) the cost of design and construction work
14 carried out by the non-Federal interest before the
15 date of the partnership agreement for the project if
16 the Secretary determines that the work is integral to
17 the project; and

18 “(2) the cost of in-kind services and materials
19 provided for the project by the non-Federal inter-
20 est.”.

21 **SEC. 5105. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.**

22 The Secretary shall review a report prepared by the
23 non-Federal interest concerning flood protection and envi-
24 ronmental restoration for Cano Martin Pena, San Juan,
25 Puerto Rico, and, if the Secretary determines that the re-

1 port meets the evaluation and design standards of the
2 Corps of Engineers and that the project is feasible, the
3 Secretary may carry out the project at a total cost of
4 \$130,000,000, with an estimated Federal cost of
5 \$85,000,000 and an estimated non-Federal cost of
6 \$45,000,000.

7 **SEC. 5106. BEAUFORT AND JASPER COUNTIES, SOUTH**
8 **CAROLINA.**

9 The Secretary may accept from the Department of
10 the Navy, and may use, not to exceed \$23,000,000 to as-
11 sist the Beaufort Jasper Water and Sewage Authority,
12 South Carolina, with its plan to consolidate civilian and
13 military wastewater treatment facilities.

14 **SEC. 5107. FRITZ LANDING, TENNESSEE.**

15 The Secretary shall—

16 (1) conduct a study of the Fritz Landing Agri-
17 cultural Spur Levee, Tennessee, to determine the ex-
18 tent of levee modifications that would be required to
19 make the levee and associated drainage structures
20 consistent with Federal standards;

21 (2) design and construct such modifications;
22 and

23 (3) after completion of such modifications, in-
24 corporate the levee into the project for flood control,
25 Mississippi River and Tributaries, authorized by the

1 Act entitled “An Act for the control of floods on the
2 Mississippi River and its tributaries, and for other
3 purposes”, approved May 15, 1928 (45 Stat. 534–
4 539), commonly known as the “Flood Control Act of
5 1928”.

6 **SEC. 5108. J. PERCY PRIEST DAM AND RESERVOIR, TEN-**
7 **NESSEE.**

8 The Secretary shall plan, design, and construct a trail
9 system at the J. Percy Priest Dam and Reservoir, Ten-
10 nessee, authorized by section 4 of the Act entitled “An
11 Act authorizing the construction of certain public works
12 on rivers and harbors for flood control, and for other pur-
13 poses”, approved June 28, 1938 (52 Stat. 1217), includ-
14 ing design and construction of support facilities for public
15 health and safety associated with trail development. In
16 carrying out such improvements, the Secretary is author-
17 ized to use funds made available by the State of Tennessee
18 from any Federal or State source, or both.

19 **SEC. 5109. TOWN CREEK, LENOIR CITY, TENNESSEE.**

20 The Secretary shall design and construct the project
21 for flood damage reduction designated as Alternative 4 in
22 the Town Creek, Lenoir City, Loudon City, Tennessee,
23 feasibility report of the Nashville district engineer, dated
24 November 2000, under the authority of section 205 of the
25 Flood Control Act of 1948 (33 U.S.C. 701s), notwith-

1 standing section 1 of the Flood Control Act of June 22,
2 1936 (33 U.S.C. 701a; 49 Stat. 1570). The non-Federal
3 share of the cost of the project shall be subject to section
4 103(a) of the Water Resources Development Act of 1986
5 (33 U.S.C. 2213(a)).

6 **SEC. 5110. TENNESSEE RIVER PARTNERSHIP.**

7 (a) IN GENERAL.—As part of the operation and
8 maintenance of the project for navigation, Tennessee
9 River, Tennessee, Alabama, Mississippi, and Kentucky,
10 authorized by the first section of the River and Harbor
11 Act of July 3, 1930 (46 Stat. 927), the Secretary may
12 enter into a partnership with a nonprofit entity to remove
13 debris from the Tennessee River in the vicinity of Knox-
14 ville, Tennessee, by providing a vessel to such entity, at
15 Federal expense, for such debris removal purposes.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to carry out this section
18 \$500,000.

19 **SEC. 5111. UPPER MISSISSIPPI EMBAYMENT, TENNESSEE,**
20 **ARKANSAS, AND MISSISSIPPI.**

21 The Secretary may participate with non-Federal and
22 nonprofit entities to address issues concerning managing
23 groundwater as a sustainable resource through the Upper
24 Mississippi Embayment, Tennessee, Arkansas, and Mis-
25 sissippi, and coordinating the protection of groundwater

1 supply and groundwater quality with local surface water
2 protection programs. There is authorized to be appro-
3 priated \$5,000,000 to carry out this section.

4 **SEC. 5112. DALLAS FLOODWAY, DALLAS, TEXAS.**

5 (a) IN GENERAL.—The Secretary shall review the
6 Balanced Vision Plan for the Trinity River Corridor, Dal-
7 las, Texas, dated December 2003 and amended in March
8 2004, prepared by the non-Federal interest for the project
9 for flood damage reduction and other purposes, Dallas
10 Floodway, Dallas, Texas, and, if the Secretary determines
11 that the project is technically sound and environmentally
12 acceptable, shall carry out the project at a total cost of
13 \$194,000,000, with an estimated Federal cost of
14 \$126,100,000 and an estimated non-Federal cost of
15 \$67,900,000.

16 (b) CREDIT.—

17 (1) IN-KIND CONTRIBUTIONS.—The Secretary
18 shall credit toward the non-Federal share of the cost
19 of the project the cost of planning, design, and con-
20 struction work carried out by the non-Federal inter-
21 est before the date of the partnership agreement for
22 the project if the Secretary determines that the work
23 is integral to the project.

24 (2) CASH CONTRIBUTIONS.—The Secretary
25 shall accept funds provided by the non-Federal inter-

1 ests for use in carrying out planning, engineering,
2 and design for the project. The Federal share of
3 such planning, engineering, and design carried out
4 with non-Federal contributions shall be credited
5 against the non-Federal share of project costs.

6 **SEC. 5113. HARRIS COUNTY, TEXAS.**

7 (a) IN GENERAL.—Section 575(a) of the Water Re-
8 sources Development Act of 1996 (110 Stat. 3789; 113
9 Stat. 311) is amended by inserting before the period at
10 the end the following: “, whether or not such works or
11 actions are partially funded under the hazard mitigation
12 grant program of the Federal Emergency Management
13 Agency”.

14 (b) SPECIFIC PROJECTS.—Section 575(b) of such
15 Act (110 Stat. 3789; 113 Stat. 311) is amended—

16 (1) in paragraph (3) by striking “and” at the
17 end;

18 (2) in paragraph (4) by striking the period at
19 the end and inserting “; and”; and

20 (3) by adding the following:

21 “(5) the project for flood control, Upper White
22 Oak Bayou, Texas, authorized by section 401(a) of
23 the Water Resources Development Act of 1986 (100
24 Stat. 4125).”.

1 **SEC. 5114. ONION CREEK, TEXAS.**

2 In carrying out the study for the project for flood
3 damage reduction, recreation, and ecosystem restoration,
4 Onion Creek, Texas, the Secretary shall include the costs
5 and benefits associated with the relocation of flood-prone
6 residences in the study area for the project in the period
7 beginning 2 years before the date of initiation of the study
8 and ending on the date of execution of the partnership
9 agreement for construction of the project to the extent the
10 Secretary determines such relocations are compatible with
11 the project. The Secretary shall credit toward the non-
12 Federal share of the cost of the project the cost of reloca-
13 tion of such flood-prone residences incurred by the non-
14 Federal interest before the date of the partnership agree-
15 ment for the project if the Secretary determines that the
16 relocation of such residences is integral to the project.

17 **SEC. 5115. DYKE MARSH, FAIRFAX COUNTY, VIRGINIA.**

18 The Secretary shall accept funds from the National
19 Park Service to restore Dyke Marsh, Fairfax County, Vir-
20 ginia.

21 **SEC. 5116. EASTERN SHORE AND SOUTHWEST VIRGINIA.**

22 Section 219(f)(10) of the Water Resources Develop-
23 ment Act of 1992 (106 Stat. 4835; 113 Stat. 335) is
24 amended—

1 (1) by striking “\$20,000,000 for water supply
2 and wastewater infrastructure” and inserting the
3 following:

4 “(A) IN GENERAL.—\$20,000,000 for water
5 supply, wastewater infrastructure, and environ-
6 mental restoration”;

7 (2) by adding at the end the following:

8 “(B) CREDIT.—The Secretary shall credit
9 toward the non-Federal share of the cost of the
10 project the cost of work carried out by the non-
11 Federal interest before the date of the partner-
12 ship agreement for the project if the Secretary
13 determines that the work is integral to the
14 project.”; and

15 (3) by aligning the remainder of the text of
16 subparagraph (A) (as designated by paragraph (1)
17 of this section) with subparagraph (B) (as added by
18 paragraph (2) of this section).

19 **SEC. 5117. JAMES RIVER, VIRGINIA.**

20 The Secretary shall accept funds from the National
21 Park Service to provide technical and project management
22 assistance for the James River, Virginia, with a particular
23 emphasis on locations along the shoreline adversely im-
24 pacted by Hurricane Isabel.

1 **SEC. 5118. BAKER BAY AND ILWACO HARBOR, WASH-**
2 **INGTON.**

3 The Secretary shall conduct a study of increased sil-
4 tation in Baker Bay and Ilwaco Harbor, Washington, to
5 determine if the siltation is the result of a Federal naviga-
6 tion project (including diverted flows from the Columbia
7 River) and, if the Secretary determines that the siltation
8 is the result of a Federal navigation project, the Secretary
9 shall carry out a project to mitigate the siltation as part
10 of maintenance of the Federal navigation project.

11 **SEC. 5119. HAMILTON ISLAND CAMPGROUND, WASH-**
12 **INGTON.**

13 The Secretary is authorized to plan, design, and con-
14 struct a campground for Bonneville Lock and Dam at
15 Hamilton Island (also know as “Strawberry Island”) in
16 Skamania County, Washington.

17 **SEC. 5120. PUGET ISLAND, WASHINGTON.**

18 The Secretary is directed to place dredged and other
19 suitable material along portions of the Columbia River
20 shoreline of Puget Island, Washington, between river miles
21 38 to 47 in order to protect economic and environmental
22 resources in the area from further erosion, at a Federal
23 cost of \$1,000,000. This action shall be coordinated with
24 appropriate resource agencies and comply with applicable
25 Federal laws.

1 **SEC. 5121. WILLAPA BAY, WASHINGTON.**

2 Section 545 of the Water Resources Development Act
3 of 2000 (114 Stat. 2675) is amended—

4 (1) in subsection (b)(1) by striking “may con-
5 struct” and inserting “shall construct”; and

6 (2) by inserting “and ecosystem restoration”
7 after “erosion protection” each place it appears.

8 **SEC. 5122. BLUESTONE, WEST VIRGINIA.**

9 Section 547 of the Water Resources Development Act
10 of 2000 (114 Stat. 2676–2678) is amended—

11 (1) in subsection (b)(1)(A) by striking “4
12 years” and inserting “5 years”;

13 (2) in subsection (b)(1)(B)(iii) by striking “if
14 all” and all that follows through “facility” and in-
15 serting “assurance project”;

16 (3) in subsection (b)(1)(C) by striking “and
17 construction” and inserting “, construction, and op-
18 eration and maintenance”;

19 (4) by adding at the end of subsection (b) the
20 following:

21 “(3) OPERATION AND OWNERSHIP.—The Tri-
22 Cities Power Authority shall be the owner and oper-
23 ator of the hydropower facilities referred to in sub-
24 section (a).”;

25 (5) in subsection (c)(1)—

1 (A) by striking “No” and inserting “Un-
2 less otherwise provided, no”;

3 (B) by inserting “planning,” before “de-
4 sign”; and

5 (C) by striking “prior to” and all that fol-
6 lows through “subsection (d)”;

7 (6) in subsection (c)(2) by striking “design”
8 and inserting “planning, design,”;

9 (7) in subsection (d)—

10 (A) by striking paragraphs (1) and (2) and
11 inserting the following:

12 “(1) APPROVAL.—The Secretary shall review
13 the design and construction activities for all features
14 of the hydroelectric project that pertain to and affect
15 stability of the dam and control the release of water
16 from Bluestone Dam to ensure that the quality of
17 construction of those features meets all standards
18 established for similar facilities constructed by the
19 Secretary.”;

20 (B) by redesignating paragraph (3) as
21 paragraph (2);

22 (C) by striking the period at the end of
23 paragraph (2) (as so redesignated) and insert-
24 ing “, except that hydroelectric power is no
25 longer a project purpose of the facility. Water

1 flow releases from the hydropower facilities
2 shall be determined and directed by the Corps
3 of Engineers.”; and

4 (D) by adding at the end the following:

5 “(3) COORDINATION.—Construction of the hy-
6 droelectric generating facilities shall be coordinated
7 with the dam safety assurance project currently in
8 the design and construction phases.”;

9 (8) in subsection (e) by striking “in accord-
10 ance” and all that follows through “58 Stat. 890”;

11 (9) in subsection (f)—

12 (A) by striking “facility of the inter-
13 connected systems of reservoirs operated by the
14 Secretary” each place it appears and inserting
15 “facilities under construction under such agree-
16 ments”; and

17 (B) by striking “design” and inserting
18 “planning, design”;

19 (10) in subsection (f)(2)—

20 (A) by “Secretary” each place it appears
21 and inserting “Tri-Cities Power Authority”;
22 and

23 (B) by striking “facilities referred to in
24 subsection (a)” and inserting “such facilities”;

1 (11) by striking paragraph (1) of subsection (g)
2 and inserting the following:

3 “(1) to arrange for the transmission of power
4 to the market or to construct such transmission fa-
5 cilities as necessary to market the power produced at
6 the facilities referred to in subsection (a) with funds
7 contributed by the Tri-Cities Power Authority; and”;

8 (12) in subsection (g)(2) by striking “such fa-
9 cilities” and all that follows through “the Secretary”
10 and inserting “the generating facility”; and

11 (13) by adding at the end the following:

12 “(i) TRI-CITIES POWER AUTHORITY DEFINED.—In
13 this section, the ‘Tri-Cities Power Authority’ refers to the
14 entity established by the City of Hinton, West Virginia,
15 the City of White Sulphur Springs, West Virginia, and the
16 City of Philippi, West Virginia, pursuant to a document
17 entitled ‘Second Amended and Restated Intergovern-
18 mental Agreement’ approved by the Attorney General of
19 West Virginia on February 14, 2002.”.

20 **SEC. 5123. WEST VIRGINIA AND PENNSYLVANIA FLOOD**
21 **CONTROL.**

22 (a) CHEAT AND TYGART RIVER BASINS, WEST VIR-
23 GINIA.—Section 581(a)(1) of the Water Resources Devel-
24 opment Act of 1996 (110 Stat. 3790; 113 Stat. 313) is
25 amended—

1 (1) by striking “flood control measures” and in-
2 serting “structural and nonstructural flood control,
3 streambank protection, stormwater management,
4 and channel clearing and modification measures”;
5 and

6 (2) by inserting “with respect to measures that
7 incorporate levees or floodwalls” before the semi-
8 colon.

9 (b) PRIORITY COMMUNITIES.—Section 581(b) of the
10 Water Resources Development Act of 1996 (110 Stat.
11 3791) is amended—

12 (1) by striking “and” at the end of paragraph
13 (5);

14 (2) by striking the period at the end of para-
15 graph (6) and inserting a semicolon; and

16 (3) by adding at the end the following:

17 “(7) Etna, Pennsylvania, in the Pine Creek wa-
18 tershed; and

19 “(8) Millvale, Pennsylvania, in the Girty’s Run
20 River basin.”.

21 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
22 581(c) of the Water Resources Development Act of 1996
23 (110 Stat. 3791) is amended by striking “\$12,000,000”
24 and inserting “\$90,000,000”.

1 **SEC. 5124. LOWER KANAWHA RIVER BASIN, WEST VIRGINIA.**

2 The Secretary shall conduct a watershed and river
3 basin assessment under section 729 of the Water Re-
4 sources Development Act of 1986 (33 U.S.C. 2267a) for
5 the Lower Kanawha River basin, in the counties of Mason,
6 Putnam, Kanawha, Jackson, and Roane, West Virginia.

7 **SEC. 5125. CENTRAL WEST VIRGINIA.**

8 Section 571 of the Water Resources Development Act
9 of 1999 (113 Stat. 371) is amended—

10 (1) in subsection (a)—

11 (A) by striking “Nicholas,”; and

12 (B) by striking “Gilmer,”; and

13 (2) by adding at the end the following:

14 “(i) NONPROFIT ENTITIES.—Notwithstanding sec-
15 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
16 1962d–5b(b)), for any project undertaken under this sec-
17 tion, a non-Federal interest may include a nonprofit entity
18 with the consent of the affected local government.

19 “(j) CORPS OF ENGINEERS EXPENSES.—Ten percent
20 of the amounts appropriated to carry out this section may
21 be used by the Corps of Engineers district offices to ad-
22 minister projects under this section at 100 percent Fed-
23 eral expense.”.

24 **SEC. 5126. SOUTHERN WEST VIRGINIA.**

25 (a) CORPS OF ENGINEERS.—Section 340 of the
26 Water Resources Development Act of 1992 (106 Stat.

1 4856; 113 Stat. 320) is amended by adding at the end
2 the following:

3 “(h) CORPS OF ENGINEERS.—Ten percent of the
4 amounts appropriated to carry out this section may be
5 used by the Corps of Engineers district offices to admin-
6 ister projects under this section at 100 percent Federal
7 expense.”.

8 (b) SOUTHERN WEST VIRGINIA DEFINED.—Section
9 340(f) of such Act is amended by inserting “Nicholas,”
10 after “Greenbrier,”.

11 (c) NONPROFIT ENTITIES.—Section 340 of the
12 Water Resources Development Act of 1992 (106 Stat.
13 4856) is further amended by adding at the end the fol-
14 lowing:

15 “(i) NONPROFIT ENTITIES.—Notwithstanding sec-
16 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
17 1962d–5b(b)), for any project undertaken under this sec-
18 tion, a non-Federal interest may include a nonprofit entity
19 with the consent of the affected local government.”.

20 **SEC. 5127. JOHNSONVILLE DAM, JOHNSONVILLE, WIS-**
21 **CONSIN.**

22 The Secretary shall conduct a study of the
23 Johnsonville Dam, Johnsonville, Wisconsin, to determine
24 if the structure prevents ice jams on the Sheboygan River.

1 **SEC. 5128. CONSTRUCTION OF FLOOD CONTROL PROJECTS**
2 **BY NON-FEDERAL INTERESTS.**

3 Section 211(f) of the Water Resources Development
4 Act of 1996 (33 U.S.C. 701b–13) is amended by adding
5 at the end the following:

6 “(9) BUFFALO BAYOU, TEXAS.—The project for
7 flood control, Buffalo Bayou, Texas.

8 “(10) HALLS BAYOU, TEXAS.—The project for
9 flood control, Halls Bayou, Texas.

10 “(11) ST. PAUL DOWNTOWN AIRPORT (HOLMAN
11 FIELD), ST. PAUL, MINNESOTA.—The project for
12 flood damage reduction, St. Paul Downtown Airport
13 (Holman Field), St. Paul, Minnesota.

14 “(12) THORNTON RESERVOIR, COOK COUNTY,
15 ILLINOIS.—The project for flood control, Chicago
16 Underflow Plan, Thornton Reservoir, Cook County,
17 Illinois.

18 “(13) LAROSE TO GOLDEN MEADOW, LOU-
19 ISIANA.—The project for flood control, Larose to
20 Golden Meadow, Louisiana.

21 “(14) PERRIS, CALIFORNIA.—The project for
22 flood control, Perris, California.”.

23 **SEC. 5129. USE OF FEDERAL HOPPER DREDGE FLEET.**

24 (a) STUDY.—The Secretary shall conduct a study on
25 the appropriate use of the Federal hopper dredge fleet.

1 (b) CONTENTS.—In conducting the study, the Sec-
2 retary shall—

3 (1) obtain and analyze baseline data to deter-
4 mine the appropriate use of the Federal hopper
5 dredge fleet;

6 (2) prepare a comprehensive analysis of the
7 costs and benefits of existing and proposed restric-
8 tions on the use of the Federal hopper dredge fleet;
9 and

10 (3) assess the data and procedure used by the
11 Secretary to prepare the Government cost estimate
12 for worked performed by the Federal hopper dredge
13 fleet.

14 (c) CONSULTATION.—The Secretary shall conduct
15 the study in consultation with ports, pilots, and represent-
16 atives of the private dredge industry.

17 (d) REPORT.—Not later than 180 days after the date
18 of enactment of this Act, the Secretary shall transmit to
19 Congress a report on the results of the study.

20 **TITLE VI—FLORIDA**
21 **EVERGLADES**

22 **SEC. 6001. HILLSBORO AND OKEECHOBEE AQUIFER, FLOR-**
23 **IDA.**

24 Section 601(b)(2)(A) of the Water Resources Devel-
25 opment Act of 2000 (114 Stat. 2681) is amended—

1 (1) in clause (i) by adding at the end the fol-
2 lowing: “The project for aquifer storage and recov-
3 ery, Hillsboro and Okeechobee Aquifer, Florida, au-
4 thorized by section 101(a)(16) of the Water Re-
5 sources Development Act of 1999 (113 Stat. 276),
6 shall be treated for purposes of this section as being
7 in the Plan, except that operation and maintenance
8 costs of the project shall remain a non-Federal re-
9 sponsibility.”; and

10 (2) in clause (iii) by inserting after “subpara-
11 graph (B)” the following: “and the project for aquifer
12 storage and recovery, Hillsboro and Okeechobee
13 Aquifer”.

14 **SEC. 6002. PILOT PROJECTS.**

15 Section 601(b)(2)(B) of the Water Resources Devel-
16 opment Act of 2000 (114 Stat. 2681) is amended—

17 (1) in the matter preceding clause (i)—

18 (A) by striking “\$69,000,000” and insert-
19 ing “\$71,200,000”; and

20 (B) by striking “\$34,500,000” each place
21 it appears and inserting “\$35,600,000”; and

22 (2) in clause (i)—

23 (A) by striking “\$6,000,000” and inserting
24 “\$8,200,000”; and

1 (B) by striking “\$3,000,000” each place it
2 appears and inserting “\$4,100,000”.

3 **SEC. 6003. MAXIMUM COST OF PROJECTS.**

4 Section 601(b)(2)(E) of the Water Resources Devel-
5 opment Act of 2000 (114 Stat. 2683) is amended by in-
6 serting “and section (d)” before the period at the end.

7 **SEC. 6004. PROJECT AUTHORIZATION.**

8 Section 601(d) of the Water Resources Development
9 Act of 2000 (114 Stat. 2684) is amended by adding at
10 the end the following:

11 “(3) PROJECT AUTHORIZATION.—The following
12 project for water resources development and con-
13 servation and other purposes is authorized to be car-
14 ried out by the Secretary substantially in accordance
15 with the plans, and subject to the conditions, de-
16 scribed in the report designated in this paragraph:

17 “(A) INDIAN RIVER LAGOON SOUTH, FLOR-
18 IDA.—The project for ecosystem restoration,
19 water supply, flood damage reduction, and pro-
20 tection of water quality, Indian River Lagoon
21 South, Florida: Report of the Chief of Engi-
22 neers dated August 6, 2004, at a total cost of
23 \$1,210,608,000, with an estimated Federal cost
24 of \$605,304,000 and an estimated non-Federal
25 cost of \$605,304,000.”.

1 **SEC. 6005. CREDIT.**

2 Section 601(e)(5)(B) of the Water Resources Devel-
3 opment Act of 2000 (114 Stat. 2685) is amended—

4 (1) in clause (i)—

5 (A) by striking “or” at the end of sub-
6 clause (I);

7 (B) by adding “or” at the end of subclause
8 (II); and

9 (C) by adding at the end the following:

10 “(III) the credit is provided for work
11 carried out before the date of the partner-
12 ship agreement between the Secretary and
13 the non-Federal sponsor, as defined in an
14 agreement between the Secretary and the
15 non-Federal sponsor providing for such
16 credit;” and

17 (2) in clause (ii)—

18 (A) by striking “design agreement or the
19 project cooperation”; and

20 (B) by inserting before the semicolon the
21 following: “, including in the case of credit pro-
22 vided under clause (i)(III) conditions relating to
23 design and construction”.

1 **SEC. 6006. OUTREACH AND ASSISTANCE.**

2 Section 601(k) of the Water Resources Development
3 Act of 2000 (114 Stat. 2691) is amended by adding at
4 the end the following:

5 “(3) **MAXIMUM EXPENDITURES.**—The Sec-
6 retary may expend up to \$3,000,000 per fiscal year
7 for fiscal years beginning after September 30, 2004,
8 to carry out this subsection.”.

9 **SEC. 6007. CRITICAL RESTORATION PROJECTS.**

10 Section 528(b)(3)(C) of the Water Resources Devel-
11 opment Act of 1996 (110 Stat. 3769; 113 Stat. 286) is
12 amended—

13 (1) in clause (i) by striking “\$75,000,000” and
14 all that follows through “2003” and inserting
15 “\$95,000,000”; and

16 (2) in clause (ii) by striking “\$25,000,000” and
17 inserting “\$30,000,000”.

18 **SEC. 6008. HILLSBORO AND OKEECHOBEE AQUIFER, FLOR-**
19 **IDA.**

20 The project for Hillsboro and Okeechobee Aquifer,
21 Florida, authorized by section 101(a)(16) of the Water
22 Resources Development Act of 1999 (113 Stat. 276) is
23 modified to authorize the Secretary to carry out the
24 project at a total cost of \$39,200,000.

1 **SEC. 6009. DEAUTHORIZATIONS.**

2 As of the date of enactment of this Act, the following
3 projects are not authorized:

4 (1) The uncompleted portions of the project au-
5 thORIZED by section 601(b)(2)(C)(i) of the Water Re-
6 sources Development Act of 2000 (114 Stat. 2682),
7 C-44 Basin Storage Reservoir of the Comprehensive
8 Everglades Restoration Plan.

9 (2) The uncompleted portions of the project au-
10 THORIZED by section 203 of the Flood Control Act of
11 1968 (82 Stat. 740), Martin County, Florida modi-
12 fications to the Central and South Florida Project,
13 as contained in Senate Document 101, 90th Con-
14 gress, 2d Session.

15 (3) The uncompleted portions of the project au-
16 THORIZED by section 203 of the Flood Control Act of
17 1968 (82 Stat. 740), East Coast Backpumping, St.
18 Lucie—Martin County, Spillway Structure S-311 of
19 the Central and South Florida Project, as contained
20 in House Document 369, 90th Congress, 2d Session.

21 **SEC. 6010. MODIFIED WATER DELIVERY.**

22 (a) TAMIAMI TRAIL.—The Secretary shall not carry
23 out a project for raising Tamiami Trail, Florida, until
24 such date as the project is specifically authorized by law.

1 (b) REPORTS.—Not later than August 31, 2005, the
2 Secretary shall submit to Congress reports recommending
3 specific authorizations in law for—

4 (1) changes to the project to improve water de-
5 liveries to Everglades National Park, authorized by
6 section 104 of the Everglades National Park Protec-
7 tion and Expansion Act of 1989 (16 U.S.C. 410r-
8 8), if necessary;

9 (2) a project to raise Tamiami Trail, Florida,
10 if necessary; and

11 (3) a combined structural and operational plan
12 for the C-111 Canal Project, authorized by section
13 203 of the Flood Control Act of 1948 (62 Stat.
14 1176), and modified by section 203 of the Flood
15 Control Act of 1968 (82 Stat. 740), and further
16 modified by section 316 of the Water Resources De-
17 velopment Act of 1996 (110 Stat. 3715), and the
18 project to improve water deliveries to Everglades
19 National Park.

20 **TITLE VII—LOUISIANA COASTAL** 21 **AREA**

22 **SEC. 7001. DEFINITIONS.**

23 In this title, the following definitions apply:

24 (1) COASTAL LOUISIANA ECOSYSTEM.—The
25 term “coastal Louisiana ecosystem” means the

1 coastal area of Louisiana from the Sabine River on
2 the west and the Pearl River on the east, including
3 those parts of the Deltaic Plain and the Chenier
4 Plain included within the study area of the Plan.

5 (2) GOVERNOR.—The term “Governor” means
6 the Governor of the State of Louisiana.

7 (3) PLAN.—The term “Plan” means the report
8 of the Chief of Engineers for ecosystem restoration
9 for the Louisiana Coastal Area dated January 31,
10 2005.

11 (4) TASK FORCE.—The term “Task Force”
12 means the Coastal Louisiana Ecosystem Protection
13 and Restoration Task Force established by section
14 7003.

15 **SEC. 7002. ADDITIONAL REPORTS.**

16 (a) MISSISSIPPI RIVER GULF OUTLET.—Not later
17 than one year after the date of enactment of this Act, the
18 Secretary shall submit to Congress a report recommending
19 modifications to the Mississippi River Gulf Outlet to ad-
20 dress navigation, salt water intrusion, channel bank ero-
21 sion, mitigation, and threats to life and property.

22 (b) BARATARIA-TERREBONE ESTUARY.—Not later
23 than July 1, 2006, the Secretary shall submit to Congress
24 a report recommending a plan to restore the Barataria-
25 Terrebonne Estuary, Louisiana.

1 (c) CHENIER PLAIN.—Not later than July 1, 2006,
2 the Secretary shall submit to Congress a report recom-
3 mending near-term ecosystem restoration measures for the
4 Chenier Plain, Louisiana.

5 (d) LONG-TERM PLAN.—

6 (1) COMPREHENSIVE FRAMEWORK.—Not later
7 than one year after the date of enactment of this
8 section, the Secretary shall submit to Congress a
9 recommended framework for developing a long-term
10 program that provides for the comprehensive protec-
11 tion, conservation, and restoration of the wetlands,
12 estuaries, barrier islands, and related land and fea-
13 tures that protect critical resources, habitat, and in-
14 frastructure in the coastal Louisiana ecosystem from
15 the impacts of coastal storms, hurricanes, erosion,
16 and subsidence.

17 (2) CONSIDERATION.—In developing the rec-
18 ommended framework, the Secretary shall consider
19 integrating other Federal or State projects or activi-
20 ties within the coastal Louisiana ecosystem into the
21 long-term restoration program.

22 (3) COMPREHENSIVE PLAN.—

23 (A) DEADLINE.—Not later than five years
24 after the date of enactment of this Act, the Sec-
25 retary shall submit to Congress a feasibility

1 study recommending a comprehensive, long-
2 term, plan for the protection, conservation, and
3 restoration of the coastal Louisiana ecosystem.

4 (B) INTEGRATION.—The comprehensive,
5 long-term, plan shall include recommendations
6 for the integration of ongoing Federal and
7 State projects and activities, including projects
8 and activities being carried out under the
9 Coastal Wetlands Planning, Protection and
10 Restoration Act (16 U.S.C. 3951 et seq.), the
11 Louisiana coastal wetlands conservation plan,
12 the Louisiana coastal zone management plan,
13 and the plan of the State of Louisiana entitled
14 “Coast 2050: Toward a Sustainable Coastal
15 Louisiana”.

16 **SEC. 7003. COASTAL LOUISIANA ECOSYSTEM PROTECTION**
17 **AND RESTORATION TASK FORCE.**

18 (a) ESTABLISHMENT AND MEMBERSHIP.—There is
19 established the Coastal Louisiana Ecosystem Protection
20 and Restoration Task Force, which shall consist of the fol-
21 lowing members (or, in the case of the head of a Federal
22 agency, a designee at the level of Assistant Secretary or
23 an equivalent level):

24 (1) The Secretary.

25 (2) The Secretary of the Interior.

1 (3) The Secretary of Commerce.

2 (4) The Administrator of the Environmental
3 Protection Agency.

4 (5) The Secretary of Agriculture.

5 (6) The Secretary of Transportation.

6 (7) The Secretary of Energy.

7 (8) The Director of the Federal Emergency
8 Management Agency.

9 (9) The Commandant of the Coast Guard.

10 (10) The Coastal Advisor to the Governor.

11 (11) The Secretary of the Louisiana Depart-
12 ment of Natural Resources.

13 (12) A representative of the Louisiana Gov-
14 ernor's Advisory Commission on Coastal Restoration
15 and Conservation.

16 (b) DUTIES OF TASK FORCE.—The Task Force
17 shall—

18 (1) make recommendations to the Secretary re-
19 garding policies, strategies, plans, programs,
20 projects, and activities for addressing protection,
21 conservation, and restoration of the coastal Lou-
22 isiana ecosystem;

23 (2) prepare financial plans for each of the agen-
24 cies represented on the Task Force for funds pro-
25 posed for the protection, conservation, and restora-

1 tion of the coastal Louisiana ecosystem under au-
2 thorities of each agency, including—

3 (A) recommendations that identify funds
4 from current agency missions and budgets; and

5 (B) recommendations for coordinating in-
6 dividual agency budget requests; and

7 (3) submit to Congress a biennial report that
8 summarizes the activities of the Task Force and
9 progress towards the purposes set forth in section
10 7002(d)(1).

11 (c) PROCEDURES AND ADVICE.—The Task Force
12 shall—

13 (1) implement procedures to facilitate public
14 participation with regard to Task Force activities,
15 including—

16 (A) providing advance notice of meetings;

17 (B) providing adequate opportunity for
18 public input and comment;

19 (C) maintaining appropriate records; and

20 (D) making a record of proceedings avail-
21 able for public inspection; and

22 (2) establish such working groups as are nec-
23 essary to assist the Task Force in carrying out its
24 duties.

1 (d) COMPENSATION.—Members of the Task Force or
2 any associated working group may not receive compensa-
3 tion for their services as members of the Task Force or
4 working group.

5 (e) TRAVEL EXPENSES.—Travel expenses incurred
6 by members of the Task Force, or members of an associ-
7 ated working group, in the performance of their service
8 on the Task Force or working group shall be paid by the
9 agency or entity that the member represents.

10 **SEC. 7004. INVESTIGATIONS.**

11 (a) IN GENERAL.—The Secretary shall conduct feasi-
12 bility studies for future authorization and large-scale stud-
13 ies substantially in accordance with the Plan at a total
14 cost \$130,000,000.

15 (b) EXISTING FEDERALLY AUTHORIZED WATER RE-
16 SOURCES PROJECTS.—

17 (1) IN GENERAL.—The Secretary shall review
18 existing federally authorized water resources projects
19 in the coastal Louisiana ecosystem in order to deter-
20 mine their consistency with the purposes of this sec-
21 tion and whether the projects have the potential to
22 contribute to ecosystem restoration through revised
23 operations or modified project features.

24 (2) FUNDING.—There is authorized to be ap-
25 propriated \$10,000,000 to carry out this subsection.

1 **SEC. 7005. CONSTRUCTION.**

2 (a) COASTAL LOUISIANA ECOSYSTEM PROGRAM.—

3 (1) IN GENERAL.—The Secretary shall carry
4 out a coastal Louisiana ecosystem program substan-
5 tially in accordance with the Plan, at a total cost of
6 \$50,000,000.

7 (2) OBJECTIVES.—The objectives of the pro-
8 gram shall be to—

9 (A) identify uncertainties about the phys-
10 ical, chemical, geological, biological, and cul-
11 tural baseline conditions in the coastal Lou-
12 isiana ecosystem;

13 (B) improve the State of knowledge of the
14 physical, chemical, geological, biological, and
15 cultural baseline conditions in the coastal Lou-
16 isiana ecosystem; and

17 (C) identify and develop technologies, mod-
18 els, and methods that could be useful in car-
19 rying out the purposes of this title.

20 (3) WORKING GROUPS.—The Secretary may es-
21 tablish such working groups as are necessary to as-
22 sist in carrying out this subsection.

23 (4) PROCEDURES AND ADVICE.—In carrying
24 out this subsection, the Secretary is authorized to
25 enter into contracts and cooperative agreements with
26 scientific and engineering experts in the restoration

1 of aquatic and marine ecosystems, including a con-
2 sortium of academic institutions in Louisiana and
3 Mississippi for coastal restoration and enhancement
4 through science and technology.

5 (b) DEMONSTRATION PROJECTS.—

6 (1) IN GENERAL.—Subject to paragraphs (2)
7 and (3), the Secretary may carry out projects sub-
8 stantially in accordance with the Plan for the pur-
9 pose of resolving critical areas of scientific or tech-
10 nological uncertainty related to the implementation
11 of the comprehensive plan to be developed under sec-
12 tion 7002(d)(3).

13 (2) MAXIMUM COST.—

14 (A) TOTAL COST.—The total cost for plan-
15 ning, design, and construction of all demonstra-
16 tion projects under this subsection shall not ex-
17 ceed \$100,000,000.

18 (B) INDIVIDUAL PROJECT.—The total cost
19 of an individual demonstration project under
20 this subsection shall not exceed \$25,000,000.

21 (c) INITIAL PROJECTS.—The Secretary is authorized
22 to carry out the following projects substantially in accord-
23 ance with the Plan:

24 (1) Mississippi River Gulf Outlet Environ-
25 mental Restoration at a total cost of \$105,300,000.

1 (2) Small Diversion at Hope Canal at a total
2 cost of \$68,600,000.

3 (3) Barataria Basin Barrier Shoreline Restora-
4 tion at a total cost of \$242,600,000.

5 (4) Small Bayou Lafourche Reintroduction at a
6 total cost of \$133,500,000.

7 (5) Medium Diversion at Myrtle Grove with
8 Dedicated Dredging at a total cost of \$278,300,000.

9 (d) BENEFICIAL USE OF DREDGED MATERIAL.—The
10 Secretary, substantially in accordance with the Plan, shall
11 implement in the coastal Louisiana ecosystem a program
12 for the beneficial use of material dredged from federally
13 maintained waterways at a total cost of \$100,000,000.

14 **SEC. 7006. NON-FEDERAL COST SHARE.**

15 (a) CREDIT.—The Secretary shall credit toward the
16 non-Federal share of the cost of a project authorized by
17 section 7005(c) the cost of work carried out in the coastal
18 Louisiana ecosystem by the non-Federal interest before
19 the date of the partnership agreement for the project if
20 the Secretary determines that the work is integral to the
21 project.

22 (b) TREATMENT OF CREDIT BETWEEN PROJECTS.—
23 Any credit provided under this section toward the non-
24 Federal share of the cost of a project authorized by section
25 7005(c) may be applied toward the non-Federal share of

1 the cost of any other project authorized by section
2 7005(c).

3 (c) PERIODIC MONITORING.—

4 (1) IN GENERAL.—To ensure that the contribu-
5 tions of the non-Federal interest equal the non-Fed-
6 eral share of the cost of a project authorized by sec-
7 tion 7005(c), during each 5-year period beginning
8 after the date of commencement of construction of
9 the first project under section 7005(c), the Secretary
10 shall—

11 (A) monitor the non-Federal provision for
12 each project authorized by section 7005(c) of
13 cash, in-kind services and materials, and land,
14 easements, rights-of-way, relocations, and dis-
15 posal areas; and

16 (B) manage, to the extent practicable, the
17 requirement of the non-Federal interest to pro-
18 vide for each such project cash, in-kind services
19 and materials, and land, easements, rights-of-
20 way, relocations, and disposal areas.

21 (2) OTHER MONITORING.—The Secretary shall
22 conduct monitoring separately for the construction
23 phase, the preconstruction engineering and design
24 phase, and the planning phase for each project au-
25 thorized on or after date of enactment of this Act

1 for all or any portion of the coastal Louisiana eco-
2 system (including each project authorized by section
3 7005(c)).

4 (d) AUDITS.—Credit for land, easements, rights-of-
5 way, relocations, and disposal areas (including land value
6 and incidental costs) provided under this section, and the
7 cost of work provided under this section, shall be subject
8 to audit by the Secretary.

9 **SEC. 7007. PROJECT JUSTIFICATION.**

10 (a) IN GENERAL.—Notwithstanding section 209 of
11 the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any
12 other provision of law, in carrying out any project or activ-
13 ity authorized by or under this title or any other provision
14 of law to protect, conserve, and restore the coastal Lou-
15 isiana ecosystem, the Secretary may determine that—

16 (1) the project or activity is justified by the en-
17 vironmental benefits derived by the coastal Lou-
18 isiana ecosystem; and

19 (2) no further economic justification for the
20 project or activity is required if the Secretary deter-
21 mines that the project or activity is cost effective.

22 (b) LIMITATION ON APPLICABILITY.—Subsection (a)
23 shall not apply to any separable element intended to
24 produce benefits that are predominantly unrelated to the

1 protection, conservation, and restoration of the coastal
2 Louisiana ecosystem.

3 **SEC. 7008. STATUTORY CONSTRUCTION.**

4 (a) EXISTING AUTHORITY.—Except as otherwise pro-
5 vided in this title, nothing in this title affects any author-
6 ity in effect on the date of enactment of this Act, or any
7 requirement relating to the participation in protection,
8 conservation, and restoration projects and activities in the
9 coastal Louisiana ecosystem, including projects and activi-
10 ties referred to in subsection (a) of—

- 11 (1) the Department of the Army;
- 12 (2) the Department of the Interior;
- 13 (3) the Department of Commerce;
- 14 (4) the Environmental Protection Agency;
- 15 (5) the Department of Agriculture;
- 16 (6) the Department of Transportation;
- 17 (7) the Department of Energy;
- 18 (8) the Federal Emergency Management Agen-
19 cy;
- 20 (9) the Coast Guard; and
- 21 (10) the State of Louisiana.

22 (b) NEW AUTHORITY.—Nothing in this title confers
23 any new regulatory authority on any Federal or non-Fed-
24 eral entity that carries out any project or activity author-
25 ized by or under this title.

1 **TITLE VIII—UPPER MISSISSIPPI**
2 **RIVER AND ILLINOIS WATER-**
3 **WAY SYSTEM**

4 **SEC. 8001. DEFINITIONS.**

5 In this title, the following definitions apply:

6 (1) **PLAN.**—The term “Plan” means the project
7 for navigation and ecosystem improvements for the
8 Upper Mississippi River and Illinois Waterway Sys-
9 tem: Report of the Chief of Engineers, dated Decem-
10 ber 15, 2004.

11 (2) **UPPER MISSISSIPPI RIVER AND ILLINOIS**
12 **WATERWAY SYSTEM.**—The term “Upper Mississippi
13 River and Illinois Waterway System” means the
14 projects for navigation and ecosystem restoration au-
15 thORIZED by Congress for—

16 (A) the segment of the Mississippi River
17 from the confluence with the Ohio River, River
18 Mile 0.0, to Upper St. Anthony Falls Lock in
19 Minneapolis-St. Paul, Minnesota, River Mile
20 854.0; and

21 (B) the Illinois Waterway from its con-
22 fluence with the Mississippi River at Grafton,
23 Illinois, River Mile 0.0, to T.J. O’Brien Lock in
24 Chicago, Illinois, River Mile 327.0.

1 **SEC. 8002. NAVIGATION IMPROVEMENTS AND RESTORA-**
2 **TION.**

3 Except as modified by this title, the Secretary shall
4 undertake navigation improvements and restoration of the
5 ecosystem for the Upper Mississippi River and Illinois
6 Water System substantially in accordance with the Plan
7 and subject to the conditions described therein.

8 **SEC. 8003. AUTHORIZATION OF CONSTRUCTION OF NAVIGA-**
9 **TION IMPROVEMENTS.**

10 (a) SMALL SCALE AND NONSTRUCTURAL MEAS-
11 URES.—

12 (1) IN GENERAL.—The Secretary shall—

13 (A) construct mooring facilities at Locks
14 12, 14, 18, 20, 22, 24, and LaGrange Lock;

15 (B) provide switchboats at Locks 20
16 through 25; and

17 (C) conduct development and testing of an
18 appointment scheduling system.

19 (2) AUTHORIZATION OF APPROPRIATIONS.—

20 The total cost of projects authorized under this sub-
21 section shall be \$235,000,000. Such costs shall be
22 paid $\frac{1}{2}$ from amounts appropriated from the general
23 fund of the Treasury and $\frac{1}{2}$ from amounts appro-
24 priated from the Inland Waterways Trust Fund.

25 (b) NEW LOCKS.—

1 (1) IN GENERAL.—The Secretary shall con-
2 struct new 1,200-foot locks at Locks 20, 21, 22, 24,
3 and 25 on the Upper Mississippi River and at La-
4 Grange Lock and Peoria Lock on the Illinois Water-
5 way.

6 (2) AUTHORIZATION OF APPROPRIATIONS.—
7 The total cost of projects authorized under this sub-
8 section shall be \$1,795,000,000. Such costs shall be
9 paid ½ from amounts appropriated from the general
10 fund of the Treasury and ½ from amounts appro-
11 priated from the Inland Waterways Trust Fund.

12 (c) CONCURRENCE.—The mitigation required for the
13 projects authorized under subsections (a) and (b), includ-
14 ing any acquisition of lands or interests in lands, shall be
15 undertaken or acquired concurrently with lands and inter-
16 ests in lands for the projects authorized under subsections
17 (a) and (b), and physical construction required for the
18 purposes of mitigation shall be undertaken concurrently
19 with the physical construction of such projects.

20 **SEC. 8004. ECOSYSTEM RESTORATION AUTHORIZATION.**

21 (a) OPERATION.—To ensure the environmental sus-
22 tainability of the existing Upper Mississippi River and Illi-
23 nois Waterway System, the Secretary shall modify, con-
24 sistent with requirements to avoid adverse effects on navi-
25 gation, the operation of the Upper Mississippi River and

1 Illinois Waterway System to address the cumulative envi-
2 ronmental impacts of operation of the system and improve
3 the ecological integrity of the Upper Mississippi River and
4 Illinois River.

5 (b) ECOSYSTEM RESTORATION PROJECTS.—

6 (1) IN GENERAL.—The Secretary shall carry
7 out, consistent with requirements to avoid adverse
8 effects on navigation, ecosystem restoration projects
9 to attain and maintain the sustainability of the eco-
10 system of the Upper Mississippi River and Illinois
11 River in accordance with the general framework out-
12 lined in the Plan.

13 (2) PROJECTS INCLUDED.—Ecosystem restora-
14 tion projects may include—

15 (A) island building;

16 (B) construction of fish passages;

17 (C) floodplain restoration;

18 (D) water level management (including
19 water drawdown);

20 (E) backwater restoration;

21 (F) side channel restoration;

22 (G) wing dam and dike restoration and
23 modification;

24 (H) island and shoreline protection;

25 (I) topographical diversity;

- 1 (J) dam point control;
- 2 (K) use of dredged material for environ-
- 3 mental purposes;
- 4 (L) tributary confluence restoration;
- 5 (M) spillway, dam, and levee modification;
- 6 and
- 7 (N) land and easement acquisition.

8 (3) COST SHARING.—

9 (A) IN GENERAL.—Except as provided in

10 subparagraphs (B) and (C), the Federal share

11 of the cost of carrying out an ecosystem res-

12 toration project under this subsection shall be

13 65 percent.

14 (B) EXCEPTION FOR CERTAIN RESTORA-

15 TION PROJECTS.—In the case of a project

16 under this section for ecosystem restoration, the

17 Federal share of the cost of carrying out the

18 project shall be 100 percent if the project—

- 19 (i) is located below the ordinary high
- 20 water mark or in a connected backwater;
- 21 (ii) modifies the operation of struc-
- 22 tures for navigation; or
- 23 (iii) is located on federally owned
- 24 land.

1 (C) SAVINGS CLAUSE.—Nothing in this
2 subsection affects the applicability of section
3 906(e) of the Water Resources Development
4 Act of 1986 (33 U.S.C. 2283(e)).

5 (D) NONGOVERNMENTAL ORGANIZA-
6 TIONS.—Notwithstanding section 221(b) of the
7 Flood Control Act of 1970 (42 U.S.C. 1962d-
8 5(b)), for any project carried out under this
9 title, a non-Federal sponsor may include a non-
10 profit entity, with the consent of the affected
11 local government.

12 (4) LAND ACQUISITION.—The Secretary may
13 acquire land or an interest in land for an ecosystem
14 restoration project from a willing seller through con-
15 veyance of—

16 (A) fee title to the land; or

17 (B) a flood plain conservation easement.

18 (c) ECOSYSTEM RESTORATION PRECONSTRUCTION
19 ENGINEERING AND DESIGN.—

20 (1) RESTORATION DESIGN.—Before initiating
21 the construction of any individual ecosystem restora-
22 tion project, the Secretary shall—

23 (A) establish ecosystem restoration goals
24 and identify specific performance measures de-
25 signed to demonstrate ecosystem restoration;

1 (B) establish the without-project condition
2 or baseline for each performance indicator; and

3 (C) for each separable element of the eco-
4 system restoration, identify specific target goals
5 for each performance indicator.

6 (2) OUTCOMES.—Performance measures identi-
7 fied under paragraph (1)(A) shall include specific
8 measurable environmental outcomes, such as
9 changes in water quality, hydrology, or the well-
10 being of indicator species the population and dis-
11 tribution of which are representative of the abun-
12 dance and diversity of ecosystem-dependent aquatic
13 and terrestrial species.

14 (3) RESTORATION DESIGN.—Restoration design
15 carried out as part of ecosystem restoration shall in-
16 clude a monitoring plan for the performance meas-
17 ures identified under paragraph (1)(A), including—

18 (A) a timeline to achieve the identified tar-
19 get goals; and

20 (B) a timeline for the demonstration of
21 project completion.

22 (d) SPECIFIC PROJECTS AUTHORIZATION.—

23 (1) IN GENERAL.—There is authorized to be
24 appropriated to carry out this subsection
25 \$1,580,000,000, of which not more than

1 \$226,000,000 shall be available for projects de-
2 scribed in subsection (b)(2)(B) and not more than
3 \$43,000,000 shall be available for projects described
4 in subsection (b)(2)(J).

5 (2) LIMITATION ON AVAILABLE FUNDS.—Of the
6 amounts made available under paragraph (1), not
7 more than \$35,000,000 in any fiscal year may be
8 used for land acquisition under subsection (b)(4).

9 (3) INDIVIDUAL PROJECT LIMIT.—Other than
10 for projects described in subparagraphs (B) and (J)
11 of subsection (b)(2), the total cost of any single
12 project carried out under this subsection shall not
13 exceed \$25,000,000.

14 (e) IMPLEMENTATION REPORTS.—

15 (1) IN GENERAL.—Not later than June 30,
16 2007, and every 4 years thereafter, the Secretary
17 shall submit to the Committee on Environment and
18 Public Works of the Senate and the Committee on
19 Transportation and Infrastructure of the House of
20 Representatives an implementation report that—

21 (A) includes baselines, milestones, goals,
22 and priorities for ecosystem restoration
23 projects; and

24 (B) measures the progress in meeting the
25 goals.

1 (2) ADVISORY PANEL.—

2 (A) IN GENERAL.—The Secretary shall ap-
3 point and convene an advisory panel to provide
4 independent guidance in the development of
5 each implementation report under paragraph
6 (1).

7 (B) PANEL MEMBERS.—Panel members
8 shall include—

9 (i) 1 representative of each of the
10 State resource agencies (or a designee of
11 the Governor of the State) from each of
12 the States of Illinois, Iowa, Minnesota,
13 Missouri, and Wisconsin;

14 (ii) 1 representative of the Depart-
15 ment of Agriculture;

16 (iii) 1 representative of the Depart-
17 ment of Transportation;

18 (iv) 1 representative of the United
19 States Geological Survey;

20 (v) 1 representative of the United
21 States Fish and Wildlife Service;

22 (vi) 1 representative of the Environ-
23 mental Protection Agency;

24 (vii) 1 representative of affected land-
25 owners;

1 (viii) 2 representatives of conservation
2 and environmental advocacy groups; and

3 (ix) 2 representatives of agriculture
4 and industry advocacy groups.

5 (C) CHAIRPERSON.—The Secretary shall
6 serve as chairperson of the advisory panel.

7 (D) APPLICATION OF FEDERAL ADVISORY
8 COMMITTEE ACT.—The Advisory Panel and any
9 working group established by the Advisory
10 Panel shall not be considered an advisory com-
11 mittee under the Federal Advisory Committee
12 Act (5 U.S.C. App.).

13 (f) RANKING SYSTEM.—

14 (1) IN GENERAL.—The Secretary, in consulta-
15 tion with the Advisory Panel, shall develop a system
16 to rank proposed projects.

17 (2) PRIORITY.—The ranking system shall give
18 greater weight to projects that restore natural river
19 processes, including those projects listed in sub-
20 section (b)(2).

21 **SEC. 8005. COMPARABLE PROGRESS.**

22 (a) IN GENERAL.—As the Secretary conducts pre-en-
23 gineering, design, and construction for projects authorized
24 under this title, the Secretary shall—

25 (1) select appropriate milestones; and

1 (2) determine, at the time of such selection,
2 whether the projects are being carried out at com-
3 parable rates.

4 (b) NO COMPARABLE RATE.—If the Secretary deter-
5 mines under subsection (a)(2) that projects authorized
6 under this subsection are not moving toward completion
7 at a comparable rate, annual funding requests for the
8 projects shall be adjusted to ensure that the projects move
9 toward completion at a comparable rate in the future.

○