

# Calendar No. 729

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2796

[Report No. 106-362]

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.

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## IN THE SENATE OF THE UNITED STATES

JUNE 27, 2000

Mr. VOINOVICH (for himself, Mr. SMITH of New Hampshire, and Mr. BAUCUS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

JULY 27, 2000

Reported by Mr. SMITH of New Hampshire, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

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

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

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

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “Water Resources Development Act of 2000”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

**TITLE I—WATER RESOURCES PROJECTS**

Sec. 101. Project authorizations.

Sec. 102. Small shore protection projects.

Sec. 103. Small navigation projects.

Sec. 104. Removal of snags and clearing and straightening of channels in navigable waters.

Sec. 105. Small bank stabilization projects.

Sec. 106. Small flood control projects.

Sec. 107. Small projects for improvement of the quality of the environment.

Sec. 108. Beneficial uses of dredged material.

Sec. 109. Small aquatic ecosystem restoration projects.

Sec. 110. Flood mitigation and riverine restoration.

Sec. 111. Disposal of dredged material on beaches.

**TITLE II—GENERAL PROVISIONS**

Sec. 201. Cooperation agreements with counties.

Sec. 202. Watershed and river basin assessments.

Sec. 203. Tribal partnership program.

Sec. 204. Ability to pay.

Sec. 205. Property protection program.

Sec. 206. National Recreation Reservation Service.

Sec. 207. Operation and maintenance of hydroelectric facilities.

Sec. 208. Interagency and international support.

Sec. 209. Reburial and conveyance authority.

Sec. 210. Approval of construction of dams and dikes.

Sec. 211. Project deauthorization authority.

Sec. 212. Floodplain management requirements.

Sec. 213. Environmental dredging.

**TITLE III—PROJECT-RELATED PROVISIONS**

Sec. 301. Boydsville, Arkansas.

Sec. 302. White River Basin, Arkansas and Missouri.

Sec. 303. Gasparilla and Estero Islands, Florida.

Sec. 304. Fort Hall Indian Reservation, Idaho.

Sec. 305. Upper Des Plaines River and tributaries, Illinois.

Sec. 306. Morganza, Louisiana.

Sec. 307. Red River Waterway, Louisiana.

Sec. 308. William Jennings Randolph Lake, Maryland.

Sec. 309. New Madrid County, Missouri.

Sec. 310. Pemiscot County Harbor, Missouri.

- See: 311. Pike County, Missouri.
- See: 312. Fort Peck fish hatchery, Montana.
- See: 313. Mines Falls Park, New Hampshire.
- See: 314. Sagamore Creek, New Hampshire.
- See: 315. Passaic River Basin flood management, New Jersey.
- See: 316. Rockaway Inlet to Norton Point, New York.
- See: 317. John Day Pool, Oregon and Washington.
- See: 318. Fox Point hurricane barrier, Providence, Rhode Island.
- See: 319. Joe Pool Lake, Trinity River Basin, Texas.
- See: 320. Lake Champlain watershed, Vermont and New York.
- See: 321. Mount St. Helens, Washington.
- See: 322. Puget Sound and adjacent waters restoration, Washington.
- See: 323. Fox River System, Wisconsin.
- See: 324. Chesapeake Bay oyster restoration.
- See: 325. Great Lakes dredging levels adjustment.
- See: 326. Great Lakes fishery and ecosystem restoration.
- See: 327. Great Lakes remedial action plans and sediment remediation.
- See: 328. Great Lakes tributary model.
- See: 329. Treatment of dredged material from Long Island Sound.
- See: 330. New England water resources and ecosystem restoration.
- See: 331. Project deauthorizations.

#### TITLE IV—STUDIES

- See: 401. Baldwin County, Alabama.
- See: 402. Bono, Arkansas.
- See: 403. Cache Creek Basin, California.
- See: 404. Estudillo Canal watershed, California.
- See: 405. Laguna Creek watershed, California.
- See: 406. Oceanside, California.
- See: 407. San Jacinto watershed, California.
- See: 408. Choctawhatchee River, Florida.
- See: 409. Egmont Key, Florida.
- See: 410. Upper Ocklawaha River and Apopka/Palatlakaha River basins, Florida.
- See: 411. Boise River, Idaho.
- See: 412. Wood River, Idaho.
- See: 413. Chicago, Illinois.
- See: 414. Boeuf and Black, Louisiana.
- See: 415. Port of Iberia, Louisiana.
- See: 416. South Louisiana.
- See: 417. St. John the Baptist Parish, Louisiana.
- See: 418. Narraguagus River, Milbridge, Maine.
- See: 419. Portsmouth Harbor and Piscataqua River, Maine and New Hampshire.
- See: 420. Merrimack River Basin, Massachusetts and New Hampshire.
- See: 421. Port of Gulfport, Mississippi.
- See: 422. Upland disposal sites in New Hampshire.
- See: 423. Missouri River basin, North Dakota, South Dakota, and Nebraska.
- See: 424. Cuyahoga River, Ohio.
- See: 425. Fremont, Ohio.
- See: 426. Grand Lake, Oklahoma.
- See: 427. Dredged material disposal site, Rhode Island.
- See: 428. Chickamauga Lock and Dam, Tennessee.
- See: 429. Germantown, Tennessee.

Sec. 430. Horn Lake Creek and Tributaries, Tennessee and Mississippi.  
 Sec. 431. Cedar Bayou, Texas.  
 Sec. 432. Houston Ship Channel, Texas.  
 Sec. 433. San Antonio Channel, Texas.  
 Sec. 434. White River watershed below Mud Mountain Dam, Washington.  
 Sec. 435. Willapa Bay, Washington.

#### TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Visitors centers.  
 Sec. 502. CALFED Bay-Delta Program assistance, California.  
 Sec. 503. Conveyance of lighthouse, Ontonagon, Michigan.

#### 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. 101. PROJECT AUTHORIZATIONS.**

7 (a) **PROJECTS WITH CHIEF’S REPORTS.**—The fol-  
 8 lowing project for water resources development and con-  
 9 servation and other purposes is authorized to be carried  
 10 out by the Secretary substantially in accordance with the  
 11 plans, and subject to the conditions, described in the des-  
 12 ignated report: The project for navigation, New York-New  
 13 Jersey Harbor: Report of the Chief of Engineers dated  
 14 May 2, 2000, at a total cost of \$1,781,235,000, with an  
 15 estimated Federal cost of \$738,631,000 and an estimated  
 16 non-Federal cost of \$1,042,604,000.

17 (b) **PROJECTS SUBJECT TO A FINAL REPORT.**—The  
 18 following projects for water resources development and  
 19 conservation and other purposes are authorized to be ear-  
 20 ried out by the Secretary substantially in accordance with

1 the plans, and subject to the conditions, recommended in  
2 a final report of the Chief of Engineers if a favorable re-  
3 port of the Chief is completed not later than December  
4 31, 2000.

5 (1) FALSE PASS HARBOR, ALASKA.—The  
6 project for navigation, False Pass Harbor, Alaska,  
7 at a total cost of \$15,000,000, with an estimated  
8 Federal cost of \$10,000,000 and an estimated non-  
9 Federal cost of \$5,000,000.

10 (2) UNALASKA HARBOR, ALASKA.—The project  
11 for navigation, Unalaska Harbor, Alaska, at a total  
12 cost of \$20,000,000, with an estimated Federal cost  
13 of \$12,000,000 and an estimated non-Federal cost  
14 of \$8,000,000.

15 (3) RIO DE FLAG, ARIZONA.—The project for  
16 flood damage reduction, Rio de Flag, Arizona, at a  
17 total cost of \$26,400,000, with an estimated Federal  
18 cost of \$17,100,000 and an estimated non-Federal  
19 cost of \$9,300,000.

20 (4) TRES RIOS, ARIZONA.—The project for envi-  
21 ronmental restoration, Tres Rios, Arizona, at a total  
22 cost of \$90,000,000, with an estimated Federal cost  
23 of \$58,000,000 and an estimated non-Federal cost  
24 of \$32,000,000.

1           (5) LOS ANGELES HARBOR, CALIFORNIA.—The  
2 project for navigation, Los Angeles Harbor, Cali-  
3 fornia, at a total cost of \$168,900,000, with an esti-  
4 mated Federal cost of \$44,000,000 and an esti-  
5 mated non-Federal cost of \$124,900,000.

6           (6) MURRIETA CREEK, CALIFORNIA.—The  
7 project for flood control, Murrieta Creek, California,  
8 at a total cost of \$43,100,000, with an estimated  
9 Federal cost of \$27,800,000 and an estimated non-  
10 Federal cost of \$15,300,000.

11          (7) PINE FLAT DAM, CALIFORNIA.—The project  
12 for fish and wildlife restoration, Pine Flat Dam,  
13 California, at a total cost of \$34,000,000, with an  
14 estimated Federal cost of \$22,000,000 and an esti-  
15 mated non-Federal cost of \$12,000,000.

16          (8) RANCHOS PALOS VERDES, CALIFORNIA.—  
17 The project for environmental restoration, Ranchos  
18 Palos Verdes, California, at a total cost of  
19 \$18,100,000, with an estimated Federal cost of  
20 \$11,800,000 and an estimated non-Federal cost of  
21 \$6,300,000.

22          (9) SANTA BARBARA STREAMS, CALIFORNIA.—  
23 The project for flood damage reduction, Santa Bar-  
24 bara Streams, Lower Mission Creek, California, at a  
25 total cost of \$17,100,000, with an estimated Federal

1 cost of \$8,600,000 and an estimated non-Federal  
2 cost of \$8,500,000.

3 (10) UPPER NEWPORT BAY HARBOR, CALI-  
4 FORNIA.—The project for environmental restoration,  
5 Upper Newport Bay Harbor, California, at a total  
6 cost of \$28,280,000, with an estimated Federal cost  
7 of \$18,390,000 and an estimated non-Federal cost  
8 of \$9,890,000.

9 (11) WHITEWATER RIVER BASIN, CALI-  
10 FORNIA.—The project for flood damage reduction,  
11 Whitewater River basin, California, at a total cost of  
12 \$26,000,000, with an estimated Federal cost of  
13 \$16,900,000 and an estimated non-Federal cost of  
14 \$9,100,000.

15 (12) TAMPA HARBOR, FLORIDA.—Modification  
16 of the project for navigation, Tampa Harbor, Flor-  
17 ida, authorized by section 4 of the Act of September  
18 22, 1922 (42 Stat. 1042, chapter 427), to deepen  
19 the Port Sutton Channel, at a total cost of  
20 \$7,245,000, with an estimated Federal cost of  
21 \$4,709,000 and an estimated non-Federal cost of  
22 \$2,536,000.

23 (13) BARBERS POINT HARBOR, OAHU, HA-  
24 WAH.—The project for navigation, Barbers Point  
25 Harbor, Oahu, Hawaii, at a total cost of

1       \$51,000,000, with an estimated Federal cost of  
2       \$21,000,000 and an estimated non-Federal cost of  
3       \$30,000,000.

4           (14) JOHN T. MYERS LOCK AND DAM, INDIANA  
5       AND KENTUCKY.—The project for navigation, John  
6       T. Myers Lock and Dam, Ohio River, Indiana and  
7       Kentucky, at a total cost of \$182,000,000. The costs  
8       of construction of the project shall be paid  $\frac{1}{2}$  from  
9       amounts appropriated from the general fund of the  
10      Treasury and  $\frac{1}{2}$  from amounts appropriated from  
11      the Inland Waterways Trust Fund.

12          (15) GREENUP LOCK AND DAM, KENTUCKY.—  
13      The project for navigation, Greenup Lock and Dam,  
14      Ohio River, Kentucky, at a total cost of  
15      \$183,000,000. The costs of construction of the  
16      project shall be paid  $\frac{1}{2}$  from amounts appropriated  
17      from the general fund of the Treasury and  $\frac{1}{2}$  from  
18      amounts appropriated from the Inland Waterways  
19      Trust Fund.

20          (16) MORGANZA, LOUISIANA, TO GULF OF MEX-  
21      ICO.—The project for hurricane protection,  
22      Morganza, Louisiana, to the Gulf of Mexico, at a  
23      total cost of \$550,000,000, with an estimated Fed-  
24      eral cost of \$358,000,000 and an estimated non-  
25      Federal cost of \$192,000,000.

1           (17) BARNEGAT INLET TO LITTLE EGG INLET,  
2           NEW JERSEY.—The project for shore protection,  
3           Barnegat Inlet to Little Egg Inlet, New Jersey, at  
4           a total cost of \$51,203,000, with an estimated Fed-  
5           eral cost of \$33,282,000 and an estimated non-Fed-  
6           eral cost of \$17,921,000, and at an estimated aver-  
7           age annual cost of \$1,751,000 for periodic nourish-  
8           ment over the 50-year life of the project, with an es-  
9           timated annual Federal cost of \$1,138,000 and an  
10          estimated annual non-Federal cost of \$613,000.

11          (18) RARITAN BAY AND SANDY HOOK BAY,  
12          CLIFFWOOD BEACH, NEW JERSEY.—The project for  
13          shore protection, Raritan Bay and Sandy Hook Bay,  
14          Cliffwood Beach, New Jersey, at a total cost of  
15          \$5,219,000, with an estimated Federal cost of  
16          \$3,392,000 and an estimated non-Federal cost of  
17          \$1,827,000, and at an estimated average annual  
18          cost of \$110,000 for periodic nourishment over the  
19          50-year life of the project, with an estimated annual  
20          Federal cost of \$55,000 and an estimated annual  
21          non-Federal cost of \$55,000.

22          (19) RARITAN BAY AND SANDY HOOK BAY,  
23          PORT MONMOUTH, NEW JERSEY.—The project for  
24          shore protection, Raritan Bay and Sandy Hook Bay,  
25          Port Monmouth, New Jersey, at a total cost of

1       ~~\$30,081,000~~, with an estimated Federal cost of  
2       ~~\$19,553,000~~ and an estimated non-Federal cost of  
3       ~~\$10,528,000~~, and at an estimated average annual  
4       cost of ~~\$2,468,000~~ for periodic nourishment over the  
5       50-year life of the project, with an estimated annual  
6       Federal cost of ~~\$1,234,000~~ and an estimated annual  
7       non-Federal cost of ~~\$1,234,000~~.

8           (20) MEMPHIS, TENNESSEE.—The project for  
9       ecosystem restoration, Wolf River, Memphis, Ten-  
10      nessee, at a total cost of ~~\$10,933,000~~, with an esti-  
11      mated Federal cost of ~~\$7,106,000~~ and an estimated  
12      non-Federal cost of ~~\$3,827,000~~.

13           (21) JACKSON HOLE, WYOMING.—

14           (A) IN GENERAL.—The project for envi-  
15      ronmental restoration, Jackson Hole, Wyoming,  
16      at a total cost of ~~\$100,000,000~~, with an esti-  
17      mated Federal cost of ~~\$65,000,000~~ and an esti-  
18      mated non-Federal cost of ~~\$35,000,000~~.

19           (B) NON-FEDERAL SHARE.—

20           (i) IN GENERAL.—The non-Federal  
21      share of the costs of the project may be  
22      provided in cash or in the form of in-kind  
23      services or materials.

24           (ii) CREDIT.—The non-Federal inter-  
25      est shall receive credit toward the non-Fed-

1 eral share of project costs for design and  
2 construction work carried out by the non-  
3 Federal interest before the date of execu-  
4 tion of a project cooperation agreement for  
5 the project, if the Secretary finds that the  
6 work is integral to the project.

7 ~~(22) OHIO RIVER.—~~The program for protection  
8 and restoration of fish and wildlife habitat in and  
9 along the main stem of the Ohio River, consisting of  
10 projects described in a comprehensive plan, at a  
11 total cost of \$200,000,000, with an estimated Fed-  
12 eral cost of \$160,000,000 and an estimated non-  
13 Federal cost of \$40,000,000.

14 **SEC. 102. SMALL SHORE PROTECTION PROJECTS.**

15 The Secretary shall conduct a study for each of the  
16 following projects, and if the Secretary determines that  
17 a project is feasible, may carry out the project under sec-  
18 tion 3 of the Act of August 13, 1946 (33 U.S.C. 426g):

19 ~~(1) LAKE PALOURDE, LOUISIANA.—~~Project for  
20 beach restoration and protection, Highway 70, Lake  
21 Palourde, St. Mary and St. Martin Parishes, Lou-  
22 isiana.

23 ~~(2) ST. BERNARD, LOUISIANA.—~~Project for  
24 beach restoration and protection, Bayou Road, St.  
25 Bernard, Louisiana.

1 **SEC. 103. SMALL NAVIGATION PROJECTS.**

2 The Secretary shall conduct a study for each of the  
3 following projects and, if the Secretary determines that  
4 a project is feasible, may carry out the project under sec-  
5 tion 107 of the River and Harbor Act of 1960 (33 U.S.C.  
6 577):

7 (1) HOUMA NAVIGATION CANAL, LOUISIANA.—  
8 Project for navigation, Houma Navigation Canal,  
9 Terrebonne Parish, Louisiana.

10 (2) VIDALIA PORT, LOUISIANA.—Project for  
11 navigation, Vidalia Port, Louisiana.

12 **SEC. 104. REMOVAL OF SNAGS AND CLEARING AND**  
13 **STRAIGHTENING OF CHANNELS IN NAVI-**  
14 **GABLE WATERS.**

15 The Secretary shall conduct a study for each of the  
16 following projects and, if the Secretary determines that  
17 a project is appropriate, may carry out the project under  
18 section 3 of the Act of March 2, 1945 (33 U.S.C. 604):

19 (1) BAYOU MANCHAC, LOUISIANA.—Project for  
20 removal of snags and clearing and straightening of  
21 channels for flood control, Bayou Manchac, Ascen-  
22 sion Parish, Louisiana.

23 (2) BLACK BAYOU AND HIPPOLYTE COULEE,  
24 LOUISIANA.—Project for removal of snags and clear-  
25 ing and straightening of channels for flood control,

1 Black Bayou and Hippolyte Coulee, Calcasieu Par-  
 2 ish, Louisiana.

3 **SEC. 105. SMALL BANK STABILIZATION PROJECTS.**

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

9 (1) BAYOU DES GLAISES, LOUISIANA.—Project  
 10 for emergency streambank protection, Bayou des  
 11 Glaises (Lee Chatelain Road), Avoyelles Parish,  
 12 Louisiana.

13 (2) BAYOU PLAQUEMINE, LOUISIANA.—Project  
 14 for emergency streambank protection, Highway 77,  
 15 Bayou Plaquemine, Iberville Parish, Louisiana.

16 (3) HAMMOND, LOUISIANA.—Project for emer-  
 17 gency streambank protection, Fagan Drive Bridge,  
 18 Hammond, Louisiana.

19 (4) IBERVILLE PARISH, LOUISIANA.—Project  
 20 for emergency streambank protection, Iberville Par-  
 21 ish, Louisiana.

22 (5) LAKE ARTHUR, LOUISIANA.—Project for  
 23 emergency streambank protection, Parish Road 120  
 24 at Lake Arthur, Louisiana.

1           (6) LAKE CHARLES, LOUISIANA.—Project for  
2 emergency streambank protection, Pithon Coulee,  
3 Lake Charles, Calcasieu Parish, Louisiana.

4           (7) LOGGY BAYOU, LOUISIANA.—Project for  
5 emergency streambank protection, Loggy Bayou,  
6 Bienville Parish, Louisiana.

7           (8) SCOTLANDVILLE BLUFF, LOUISIANA.—  
8 Project for emergency streambank protection,  
9 Scotlandville Bluff, East Baton Rouge Parish, Lou-  
10 isiana.

11 **SEC. 106. SMALL FLOOD CONTROL PROJECTS.**

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

17           (1) WEISER RIVER, IDAHO.—Project for flood  
18 damage reduction, Weiser River, Idaho.

19           (2) BAYOU TETE L'OURS, LOUISIANA.—Project  
20 for flood control, Bayou Tete L'Ours, Louisiana.

21           (3) BOSSIER CITY, LOUISIANA.—Project for  
22 flood control, Red Chute Bayou levee, Bossier City,  
23 Louisiana.

24           (4) BRAITHWAITE PARK, LOUISIANA.—Project  
25 for flood control, Braithwaite Park, Louisiana.

1           (5) CANE BEND SUBDIVISION, LOUISIANA.—  
2       Project for flood control, Cane Bend Subdivision,  
3       Bossier Parish, Louisiana.

4           (6) CROWN POINT, LOUISIANA.—Project for  
5       flood control, Crown Point, Louisiana.

6           (7) DONALDSONVILLE CANALS, LOUISIANA.—  
7       Project for flood control, Donaldsonville Canals,  
8       Louisiana.

9           (8) GOOSE BAYOU, LOUISIANA.—Project for  
10      flood control, Goose Bayou, Louisiana.

11          (9) GUMBY DAM, LOUISIANA.—Project for flood  
12      control, Gumby Dam, Richland Parish, Louisiana.

13          (10) HOPE CANAL, LOUISIANA.—Project for  
14      flood control, Hope Canal, Louisiana.

15          (11) JEAN LAFITTE, LOUISIANA.—Project for  
16      flood control, Jean Lafitte, Louisiana.

17          (12) LOCKPORT TO LAROSE, LOUISIANA.—  
18      Project for flood control, Lockport to Larose, Lou-  
19      isiana.

20          (13) LOWER LAFITTE BASIN, LOUISIANA.—  
21      Project for flood control, Lower Lafitte Basin, Lou-  
22      isiana.

23          (14) OAKVILLE TO LAREUSSITE, LOUISIANA.—  
24      Project for flood control, Oakville to LaReussite,  
25      Louisiana.

1           (15) PAILET BASIN, LOUISIANA.—Project for  
2 flood control, Pailet Basin, Louisiana.

3           (16) POCHITOLAWA CREEK, LOUISIANA.—  
4 Project for flood control, Pochitolawa Creek, Lou-  
5 isiana.

6           (17) ROSETHORN BASIN, LOUISIANA.—Project  
7 for flood control, Rosethorn Basin, Louisiana.

8           (18) SHREVEPORT, LOUISIANA.—Project for  
9 flood control, Twelve Mile Bayou, Shreveport, Lou-  
10 isiana.

11          (19) STEPHENSVILLE, LOUISIANA.—Project for  
12 flood control, Stephenville, Louisiana.

13          (20) ST. JOHN THE BAPTIST PARISH, LOU-  
14 ISIANA.—Project for flood control, St. John the  
15 Baptist Parish, Louisiana.

16          (21) MAGBY CREEK AND VERNON BRANCH, MIS-  
17 SISSIPPI.—Project for flood control, Magby Creek  
18 and Vernon Branch, Lowndes County, Mississippi.

19          (22) FRITZ LANDING, TENNESSEE.—Project for  
20 flood control, Fritz Landing, Tennessee.

21 **SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE**  
22 **QUALITY OF THE ENVIRONMENT.**

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

1 section 1135(a) of the Water Resources Development Act  
2 of 1986 (33 U.S.C. 2309a(a)):

3 (1) BAYOU SAUVAGE NATIONAL WILDLIFE REF-  
4 UGE, LOUISIANA.—Project for improvement of the  
5 quality of the environment, Bayou Sauvage National  
6 Wildlife Refuge, Orleans Parish, Louisiana.

7 (2) GULF INTRACOASTAL WATERWAY, BAYOU  
8 PLAQUEMINE, LOUISIANA.—Project for improvement  
9 of the quality of the environment, Gulf Intracoastal  
10 Waterway, Bayou Plaquemine, Iberville Parish, Lou-  
11 isiana.

12 (3) GULF INTRACOASTAL WATERWAY, MILES  
13 220 TO 222.5, LOUISIANA.—Project for improvement  
14 of the quality of the environment, Gulf Intracoastal  
15 Waterway, miles 220 to 222.5, Vermilion Parish,  
16 Louisiana.

17 (4) GULF INTRACOASTAL WATERWAY, WEEKS  
18 BAY, LOUISIANA.—Project for improvement of the  
19 quality of the environment, Gulf Intracoastal Water-  
20 way, Weeks Bay, Iberia Parish, Louisiana.

21 (5) LAKE FAUSSE POINT, LOUISIANA.—Project  
22 for improvement of the quality of the environment,  
23 Lake Fausse Point, Louisiana.

1           (6) LAKE PROVIDENCE, LOUISIANA.—Project  
2 for improvement of the quality of the environment,  
3 Old River, Lake Providence, Louisiana.

4           (7) NEW RIVER, LOUISIANA.—Project for im-  
5 provement of the quality of the environment, New  
6 River, Ascension Parish, Louisiana.

7           (8) ERIE COUNTY, OHIO.—Project for improve-  
8 ment of the quality of the environment, Sheldon's  
9 Marsh State Nature Preserve, Erie County, Ohio.

10           (9) MUSHINGUM COUNTY, OHIO.—Project for  
11 improvement of the quality of the environment, Dil-  
12 lon Reservoir watershed, Licking River, Mushingum  
13 County, Ohio.

14 **SEC. 108. BENEFICIAL USES OF DREDGED MATERIAL.**

15           The Secretary may carry out the following projects  
16 under section 204 of the Water Resources Development  
17 Act of 1992 (33 U.S.C. 2326):

18           (1) HOUMA NAVIGATION CANAL, LOUISIANA.—  
19 Project to make beneficial use of dredged material  
20 from a Federal navigation project that includes bar-  
21 rier island restoration at the Houma Navigation  
22 Canal, Terrebonne Parish, Louisiana.

23           (2) MISSISSIPPI RIVER GULF OUTLET, MILE -3  
24 TO MILE -9, LOUISIANA.—Project to make beneficial  
25 use of dredged material from a Federal navigation

1 project that includes dredging of the Mississippi  
 2 River Gulf Outlet, mile -3 to mile -9, St. Bernard  
 3 Parish, Louisiana.

4 (3) MISSISSIPPI RIVER GULF OUTLET, MILE 11  
 5 TO MILE 4, LOUISIANA.—Project to make beneficial  
 6 use of dredged material from a Federal navigation  
 7 project that includes dredging of the Mississippi  
 8 River Gulf Outlet, mile 11 to mile 4, St. Bernard  
 9 Parish, Louisiana.

10 (4) PLAQUEMINES PARISH, LOUISIANA.—  
 11 Project to make beneficial use of dredged material  
 12 from a Federal navigation project that includes  
 13 marsh creation at the contained submarine mainte-  
 14 nance dredge sediment trap, Plaquemines Parish,  
 15 Louisiana.

16 (5) OTTAWA COUNTY, OHIO.—Project to pro-  
 17 tect, restore, and create aquatic and related habitat  
 18 using dredged material, East Harbor State Park,  
 19 Ottawa County, Ohio.

20 **SEC. 109. SMALL AQUATIC ECOSYSTEM RESTORATION**  
 21 **PROJECTS.**

22 The Secretary may carry out the following projects  
 23 under section 206 of the Water Resources Development  
 24 Act of 1996 (33 U.S.C. 2230):

1           (1) BRAUD BAYOU, LOUISIANA.—Project for  
2     aquatic ecosystem restoration, Braud Bayou, Span-  
3     ish Lake, Ascension Parish, Louisiana.

4           (2) BURAS MARINA, LOUISIANA.—Project for  
5     aquatic ecosystem restoration, Buras Marina, Buras,  
6     Plaquemines Parish, Louisiana.

7           (3) COMITE RIVER, LOUISIANA.—Project for  
8     aquatic ecosystem restoration, Comite River at Hoo-  
9     per Road, Louisiana.

10          (4) DEPARTMENT OF ENERGY 21-INCH PIPE-  
11     LINE CANAL, LOUISIANA.—Project for aquatic eco-  
12     system restoration, Department of Energy 21-inch  
13     Pipeline Canal, St. Martin Parish, Louisiana.

14          (5) LAKE BORGNE, LOUISIANA.—Project for  
15     aquatic ecosystem restoration, southern shores of  
16     Lake Borgne, Louisiana.

17          (6) LAKE MARTIN, LOUISIANA.—Project for  
18     aquatic ecosystem restoration, Lake Martin, Lou-  
19     isiana.

20          (7) LULING, LOUISIANA.—Project for aquatic  
21     ecosystem restoration, Luling Oxidation Pond, St.  
22     Charles Parish, Louisiana.

23          (8) MANDEVILLE, LOUISIANA.—Project for  
24     aquatic ecosystem restoration, Mandeville, St. Tam-  
25     many Parish, Louisiana.

1           (9) ST. JAMES, LOUISIANA.—Project for aquatic  
2 ecosystem restoration, St. James, Louisiana.

3           (10) NORTH HAMPTON, NEW HAMPSHIRE.—  
4 Project for aquatic ecosystem restoration, Little  
5 River Salt Marsh, North Hampton, New Hampshire.

6           (11) HIGHLAND COUNTY, OHIO.—Project for  
7 aquatic ecosystem restoration, Rocky Fork Lake,  
8 Clear Creek floodplain, Highland County, Ohio.

9           (12) HOCKING COUNTY, OHIO.—Project for  
10 aquatic ecosystem restoration, Long Hollow Mine,  
11 Hocking County, Ohio.

12           (13) TUSCARAWAS COUNTY, OHIO.—Project for  
13 aquatic ecosystem restoration, Huff Run,  
14 Tuscarawas County, Ohio.

15           (14) CENTRAL AMAZON CREEK, OREGON.—  
16 Project for aquatic ecosystem restoration, Central  
17 Amazon Creek, Oregon.

18           (15) DELTA PONDS, OREGON.—Project for  
19 aquatic ecosystem restoration, Delta Ponds, Oregon.

20           (16) EUGENE MILLRACE, OREGON.—Project for  
21 aquatic ecosystem restoration, Eugene Millrace, Or-  
22 egon.

23           (17) ROSLYN LAKE, OREGON.—Project for  
24 aquatic ecosystem restoration, Roslyn Lake, Oregon.

1 **SEC. 110. FLOOD MITIGATION AND RIVERINE RESTORA-**  
 2 **TION.**

3 Section 212(e) of the Water Resources Development  
 4 Act of 1999 (~~33 U.S.C. 2332(e)~~) is amended—

5 (1) in paragraph (22), by striking “and” at the  
 6 end;

7 (2) in paragraph (23), by striking the period at  
 8 the end and inserting “; and”; and

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

10 “(24) Perry Creek, Iowa.”

11 **SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES.**

12 Section 217 of the Water Resources Development Act  
 13 of 1999 (113 Stat. 294) is amended by adding at the end  
 14 the following:

15 “(f) FORT CANBY STATE PARK, BENSON BEACH,  
 16 WASHINGTON.—The Secretary may design and construct  
 17 a shore protection project at Fort Canby State Park, Ben-  
 18 son Beach, Washington, including beneficial use of  
 19 dredged material from Federal navigation projects as pro-  
 20 vided under section 145 of the Water Resources Develop-  
 21 ment Act of 1976 (~~33 U.S.C. 426j~~).”

22 **TITLE II—GENERAL PROVISIONS**

23 **SEC. 201. COOPERATION AGREEMENTS WITH COUNTIES.**

24 Section 221(a) of the Flood Control Act of 1970 (~~42~~  
 25 ~~U.S.C. 1962d–5b(a)~~) is amended in the second sentence—

26 (1) by striking “State legislative”; and

1           (2) by inserting before the period at the end the  
2 following: “of the State or a body politic of the  
3 State”.

4 **SEC. 202. WATERSHED AND RIVER BASIN ASSESSMENTS.**

5           Section 729 of the Water Resources Development Act  
6 of 1986 (100 Stat. 4164) is amended to read as follows:

7 **“SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.**

8           “(a) IN GENERAL.—The Secretary may assess the  
9 water resources needs of river basins and watersheds of  
10 the United States, including needs relating to—

11                   “(1) ecosystem protection and restoration;

12                   “(2) flood damage reduction;

13                   “(3) navigation and ports;

14                   “(4) watershed protection;

15                   “(5) water supply; and

16                   “(6) drought preparedness.

17           “(b) COOPERATION.—An assessment under sub-  
18 section (a) shall be carried out in cooperation and coordi-  
19 nation with—

20                   “(1) the Secretary of the Interior;

21                   “(2) the Secretary of Agriculture;

22                   “(3) the Secretary of Commerce;

23                   “(4) the Administrator of the Environmental  
24 Protection Agency; and

25                   “(5) the heads of other appropriate agencies.

1       “(c) CONSULTATION.—In carrying out an assessment  
2 under subsection (a), the Secretary shall consult with Fed-  
3 eral, tribal, State, interstate, and local governmental enti-  
4 ties.

5       “(d) PRIORITY RIVER BASINS AND WATERSHEDS.—  
6 In selecting river basins and watersheds for assessment  
7 under this section, the Secretary shall give priority to the  
8 Delaware River basin.

9       “(e) ACCEPTANCE OF CONTRIBUTIONS.—In carrying  
10 out an assessment under subsection (a), the Secretary  
11 may accept contributions, in cash or in kind, from Fed-  
12 eral, tribal, State, interstate, and local governmental enti-  
13 ties to the extent that the Secretary determines that the  
14 contributions will facilitate completion of the assessment.

15       “(f) COST-SHARING REQUIREMENTS.—

16               “(1) NON-FEDERAL SHARE.—The non-Federal  
17 share of the costs of an assessment carried out  
18 under this section shall be 50 percent.

19               “(2) CREDIT.—

20                       “(A) IN GENERAL.—Subject to subpara-  
21 graph (B), the non-Federal interests may re-  
22 ceive credit toward the non-Federal share re-  
23 quired under paragraph (1) for the provision of  
24 services, materials, supplies, or other in-kind  
25 contributions.

1                   “(B) MAXIMUM AMOUNT OF CREDIT.—  
2                   Credit under subparagraph (A) shall not exceed  
3                   an amount equal to 25 percent of the costs of  
4                   the assessment.

5                   “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
6 is authorized to be appropriated to carry out this section  
7 \$15,000,000.”.

8 **SEC. 203. TRIBAL PARTNERSHIP PROGRAM.**

9                   (a) DEFINITION OF INDIAN TRIBE.—In this section,  
10 the term “Indian tribe” has the meaning given the term  
11 in section 4 of the Indian Self-Determination and Edu-  
12 cation Assistance Act (25 U.S.C. 450b).

13                   (b) PROGRAM.—

14                   (1) IN GENERAL.—In cooperation with Indian  
15 tribes and the heads of other Federal agencies, the  
16 Secretary may study and determine the feasibility of  
17 carrying out water resources development projects  
18 that—

19                   (A) will substantially benefit Indian tribes;  
20                   and

21                   (B) are located primarily within Indian  
22 country (as defined in section 1151 of title 18,  
23 United States Code) or in proximity to Alaska  
24 Native villages.

1           (2) MATTERS TO BE STUDIED.—A study con-  
2           ducted under paragraph (1) may address—

3                   (A) projects for flood damage reduction,  
4                   environmental restoration and protection, and  
5                   preservation of cultural and natural resources;  
6                   and

7                   (B) such other projects as the Secretary,  
8                   in cooperation with Indian tribes and the heads  
9                   of other Federal agencies, determines to be ap-  
10                  propriate.

11          (c) CONSULTATION AND COORDINATION WITH SEC-  
12          RETARY OF THE INTERIOR.—

13                  (1) IN GENERAL.—In recognition of the unique  
14                  role of the Secretary of the Interior concerning trust  
15                  responsibilities with Indian tribes, and in recognition  
16                  of mutual trust responsibilities, the Secretary shall  
17                  consult with the Secretary of the Interior concerning  
18                  studies conducted under subsection (b).

19                  (2) INTEGRATION OF ACTIVITIES.—The Sec-  
20                  retary shall—

21                   (A) integrate civil works activities of the  
22                   Department of the Army with activities of the  
23                   Department of the Interior to avoid conflicts,  
24                   duplications of effort, or unanticipated adverse  
25                   effects on Indian tribes; and

1           ~~(B)~~ consider the authorities and programs  
 2           of the Department of the Interior and other  
 3           Federal agencies in any recommendations con-  
 4           cerning carrying out projects studied under  
 5           subsection (b).

6           ~~(d)~~ PRIORITY PROJECTS.—In selecting water re-  
 7           sources development projects for study under this section,  
 8           the Secretary shall give priority to—

9           ~~(1)~~ the project along the upper Snake River  
 10          within and adjacent to the Fort Hall Indian Res-  
 11          ervation, Idaho, authorized by section 304; and

12          ~~(2)~~ the project for the Tribal Reservation of the  
 13          Shoalwater Bay Indian Tribe on Willapa Bay,  
 14          Washington, authorized by section 435(b).

15          ~~(c)~~ COST SHARING.—

16          ~~(1)~~ ABILITY TO PAY.—

17                 ~~(A)~~ IN GENERAL.—Any cost-sharing agree-  
 18                 ment for a study under subsection (b) shall be  
 19                 subject to the ability of the non-Federal interest  
 20                 to pay.

21                 ~~(B)~~ USE OF PROCEDURES.—The ability of  
 22                 a non-Federal interest to pay shall be deter-  
 23                 mined by the Secretary in accordance with pro-  
 24                 cedures established by the Secretary.

25          ~~(2)~~ CREDIT.—

1           (A) IN GENERAL.—Subject to subpara-  
 2 graph (B), in conducting studies of projects  
 3 under subsection (b), the Secretary may provide  
 4 credit to the non-Federal interest for the provi-  
 5 sion of services, studies, supplies, or other in-  
 6 kind contributions to the extent that the Sec-  
 7 retary determines that the services, studies,  
 8 supplies, and other in-kind contributions will fa-  
 9 cilitate completion of the project.

10           (B) MAXIMUM AMOUNT OF CREDIT.—  
 11 Credit under subparagraph (A) shall not exceed  
 12 an amount equal to the non-Federal share of  
 13 the costs of the study.

14           (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
 15 authorized to be appropriated to carry out subsection (b)  
 16 \$5,000,000 for each of fiscal years 2002 through 2006,  
 17 of which not more than \$1,000,000 may be used with re-  
 18 spect to any 1 Indian tribe.

19 **SEC. 204. ABILITY TO PAY.**

20           Section 103(m) of the Water Resources Development  
 21 Act of 1986 (33 U.S.C. 2213(m)) is amended—

22           (1) by striking paragraphs (1) and (2) and in-  
 23 serting the following:

24           “(1) IN GENERAL.—Any cost-sharing agree-  
 25 ment under this section for a feasibility study, or for

1 construction of an environmental protection and res-  
2 toration project, a flood control project, or an agri-  
3 cultural water supply project, shall be subject to the  
4 ability of the non-Federal interest to pay.

5 ~~“(2) CRITERIA AND PROCEDURES.—~~

6 ~~“(A) IN GENERAL.—The ability of a non-~~  
7 ~~Federal interest to pay shall be determined by~~  
8 ~~the Secretary in accordance with—~~

9 ~~“(i) during the period ending on the~~  
10 ~~date on which revised criteria and proce-~~  
11 ~~dures are promulgated under subpara-~~  
12 ~~graph (B); criteria and procedures in effect~~  
13 ~~on the day before the date of enactment of~~  
14 ~~this subparagraph; and~~

15 ~~“(ii) after the date on which revised~~  
16 ~~criteria and procedures are promulgated~~  
17 ~~under subparagraph (B); the revised cri-~~  
18 ~~teria and procedures promulgated under~~  
19 ~~subparagraph (B).~~

20 ~~“(B) REVISED CRITERIA AND PROCE-~~  
21 ~~DURES.—Not later than 18 months after the~~  
22 ~~date of enactment of this subparagraph, in ac-~~  
23 ~~cordance with paragraph (3), the Secretary~~  
24 ~~shall promulgate revised criteria and procedures~~

1 governing the ability of a non-Federal interest  
2 to pay.”; and

3 ~~(2) in paragraph (3)—~~

4 ~~(A) in subparagraph (A)(ii), by adding~~  
5 ~~“and” at the end; and~~

6 ~~(B) by striking subparagraphs (B) and (C)~~  
7 ~~and inserting the following:~~

8 ~~“(B) may consider additional criteria relat-~~  
9 ~~ing to—~~

10 ~~“(i) the financial ability of the non-~~  
11 ~~Federal interest to carry out its cost-shar-~~  
12 ~~ing responsibilities; or~~

13 ~~“(ii) additional assistance that may be~~  
14 ~~available from other Federal or State~~  
15 ~~sources.”.~~

16 **SEC. 205. PROPERTY PROTECTION PROGRAM.**

17 (a) **IN GENERAL.**—The Secretary may carry out a  
18 program to reduce vandalism and destruction of property  
19 at water resources development projects under the juris-  
20 diction of the Department of the Army.

21 (b) **PROVISION OF REWARDS.**—In carrying out the  
22 program, the Secretary may provide rewards (including  
23 cash rewards) to individuals who provide information or  
24 evidence leading to the arrest and prosecution of individ-  
25 uals causing damage to Federal property.

1       (c) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There is  
 2 authorized to be appropriated to carry out this section  
 3 \$500,000 for each fiscal year.

4 **SEC. 206. NATIONAL RECREATION RESERVATION SERVICE.**

5       Notwithstanding section 611 of the Treasury and  
 6 General Government Appropriations Act, 1999 (Public  
 7 Law 105-277; 112 Stat. 2681-515), the Secretary may—

8           (1) participate in the National Recreation Res-  
 9 ervation Service on an interagency basis; and

10          (2) pay the Department of the Army's share of  
 11 the activities required to implement, operate, and  
 12 maintain the Service.

13 **SEC. 207. OPERATION AND MAINTENANCE OF HYDRO-**  
 14 **ELECTRIC FACILITIES.**

15       Section 314 of the Water Resources Development Act  
 16 of 1990 (33 U.S.C. 2321) is amended in the first sentence  
 17 by inserting before the period at the end the following:  
 18 “in cases in which the activities require specialized train-  
 19 ing relating to hydroelectric power generation”.

20 **SEC. 208. INTERAGENCY AND INTERNATIONAL SUPPORT.**

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

23           (1) in the first sentence, by striking  
 24 “\$1,000,000” and inserting “\$2,000,000”; and

1           (2) in the second sentence, by inserting “out”  
2           after “carry”.

3 **SEC. 209. REBURIAL AND CONVEYANCE AUTHORITY.**

4           (a) **DEFINITION OF INDIAN TRIBE.**—In this section,  
5 the term “Indian tribe” has the meaning given the term  
6 in section 4 of the Indian Self-Determination and Edu-  
7 cation Assistance Act (25 U.S.C. 450b).

8           (b) **REBURIAL.**—

9           (1) **REBURIAL AREAS.**—In consultation with af-  
10 fected Indian tribes, the Secretary may identify and  
11 set aside areas at civil works projects of the Depart-  
12 ment of the Army that may be used to rebury Na-  
13 tive American remains that—

14                   (A) have been discovered on project land;  
15                   and

16                   (B) have been rightfully claimed by a lineal  
17 descendant of Indian tribe in accordance with  
18 applicable Federal law.

19           (2) **REBURIAL.**—In consultation with and with  
20 the consent of the lineal descendant or the affected  
21 Indian tribe, the Secretary may recover and rebury,  
22 at full Federal expense, the remains at the areas  
23 identified and set aside under subsection (b)(1).

24           (c) **CONVEYANCE AUTHORITY.**—

1           (1) IN GENERAL.—Subject to paragraph (2),  
 2           notwithstanding any other provision of law, the Sec-  
 3           retary may convey to an Indian tribe for use as a  
 4           cemetery an area at a civil works project that is  
 5           identified and set aside by the Secretary under sub-  
 6           section (b)(1).

7           (2) RETENTION OF NECESSARY PROPERTY IN-  
 8           TERESTS.—In carrying out paragraph (1), the Sec-  
 9           retary shall retain any necessary right-of-way, ease-  
 10          ment, or other property interest that the Secretary  
 11          determines to be necessary to carry out the author-  
 12          ized purposes of the project.

13 **SEC. 210. APPROVAL OF CONSTRUCTION OF DAMS AND**  
 14                                   **DIKES.**

15          Section 9 of the Act of March 3, 1899 (33 U.S.C.  
 16 401), is amended—

17           (1) by inserting “(a) IN GENERAL.—” before  
 18           “it shall”;

19           (2) by striking “However, such structures” and  
 20           inserting the following:

21           “(b) WATERWAYS WITHIN A SINGLE STATE.—Not-  
 22           withstanding subsection (a), structures described in sub-  
 23           section (a)”;

24           (3) by striking “When plans” and inserting the  
 25           following:

1 “(c) MODIFICATION OF PLANS.—When plans”;

2 (4) by striking “The approval” and inserting  
3 the following:

4 “(d) APPLICABILITY.—

5 “(1) BRIDGES AND CAUSEWAYS.—The ap-  
6 proval”;

7 (5) in subsection (d) (as designated by para-  
8 graph (4)), by adding at the end the following:

9 “(2) DAMS AND DIKES.—

10 “(A) IN GENERAL.—The approval required  
11 by this section of the location and plans, or any  
12 modification of plans, of any dam or dike, ap-  
13 plies only to a dam or dike that, if constructed,  
14 would completely span a waterway used to  
15 transport interstate or foreign commerce, in  
16 such a manner that actual, existing interstate  
17 or foreign commerce could be adversely af-  
18 fected.

19 “(B) OTHER DAMS AND DIKES.—Any dam  
20 or dike (other than a dam or dike described in  
21 subparagraph (A)) that is proposed to be built  
22 in any other navigable water of the United  
23 States—

24 “(i) shall be subject to section 10; and

1                   “(ii) shall not be subject to the ap-  
2                   proval requirements of this section.”.

3 **SEC. 211. PROJECT DEAUTHORIZATION AUTHORITY.**

4       Section 1001 of the Water Resources Development  
5 Act of 1986 (33 U.S.C. 579a) is amended to read as fol-  
6 lows:

7 **“SEC. 1001. PROJECT DEAUTHORIZATIONS.**

8       “(a) DEFINITIONS.—In this section:

9                   “(1) CONSTRUCTION.—The term ‘construction’,  
10 with respect to a project or separable element,  
11 means—

12                   “(A) in the case of—

13                   “(i) a nonstructural flood control  
14 project, the acquisition of land, an ease-  
15 ment, or a right-of-way primarily to relo-  
16 cate a structure; and

17                   “(ii) in the case of any other non-  
18 structural measure, the performance of  
19 physical work under a construction con-  
20 tract;

21                   “(B) in the case of an environmental pro-  
22 tection and restoration project—

23                   “(i) the acquisition of land, an ease-  
24 ment, or a right-of-way primarily to facili-

1           tate the restoration of wetland or a similar  
2           habitat; or

3           “~~(ii)~~ the performance of physical work  
4           under a construction contract to modify an  
5           existing project facility or to construct a  
6           new environmental protection and restora-  
7           tion measure; and

8           “~~(C)~~ in the case of any other water re-  
9           sources project, the performance of physical  
10          work under a construction contract.

11          “~~(2)~~ PHYSICAL WORK UNDER A CONSTRUCTION  
12          CONTRACT.—The term ‘physical work under a con-  
13          struction contract’ does not include any activity re-  
14          lated to project planning; engineering and design; re-  
15          location; or the acquisition of land, an easement, or  
16          a right-of-way.

17          “~~(b)~~ PROJECTS NEVER UNDER CONSTRUCTION.—

18                 “~~(1)~~ LIST OF PROJECTS.—The Secretary shall  
19                 annually submit to Congress a list of projects and  
20                 separable elements of projects that—

21                         “~~(A)~~ are authorized for construction; and

22                         “~~(B)~~ for which no Federal funds were obli-  
23                         gated for construction during the 4 full fiscal  
24                         years preceding the date of submission of the  
25                         list.

1           “(2) DEAUTHORIZATION.—Any water resources  
 2 project, or separable element of a water resources  
 3 project, authorized for construction shall be de-  
 4 authorized effective at the end of the 7-year period  
 5 beginning on the date of the most recent authoriza-  
 6 tion or reauthorization of the project or separable  
 7 element unless Federal funds have been obligated for  
 8 construction of the project or separable element by  
 9 the end of that period.

10          “(c) PROJECTS FOR WHICH CONSTRUCTION HAS  
 11 BEEN SUSPENDED.—

12           “(1) LIST OF PROJECTS.—The Secretary shall  
 13 annually submit to Congress a list of projects and  
 14 separable elements of projects—

15                   “(A) that are authorized for construction;

16                   “(B) for which Federal funds have been  
 17 obligated for construction of the project or sep-  
 18 arable element; and

19                   “(C) for which no Federal funds have been  
 20 obligated for construction of the project or sep-  
 21 arable element during the 2 full fiscal years  
 22 preceding the date of submission of the list.

23           “(2) DEAUTHORIZATION.—Any water resources  
 24 project, or separable element of a water resources  
 25 project, for which Federal funds have been obligated

1 for construction shall be deauthorized effective at  
 2 the end of any 5-fiscal year period during which  
 3 Federal funds specifically identified for construction  
 4 of the project or separable element (in an Act of  
 5 Congress or in the accompanying legislative report  
 6 language) have not been obligated for construction.

7 “(d) CONGRESSIONAL NOTIFICATIONS.—Upon sub-  
 8 mission of the lists under subsections (b)(1) and (c)(1),  
 9 the Secretary shall notify each Senator in whose State,  
 10 and each Member of the House of Representatives in  
 11 whose district, the affected project or separable element  
 12 is or would be located.

13 “(e) FINAL DEAUTHORIZATION LIST.—The Sec-  
 14 retary shall publish annually in the Federal Register a list  
 15 of all projects and separable elements deauthorized under  
 16 subsection (b)(2) or (c)(2).

17 “(f) EFFECTIVE DATE.—Subsections (b)(2) and  
 18 (c)(2) take effect 3 years after the date of enactment of  
 19 this subsection.”

20 **SEC. 212. FLOODPLAIN MANAGEMENT REQUIREMENTS.**

21 (a) IN GENERAL.—Section 402(c) of the Water Re-  
 22 sources Development Act of 1986 (33 U.S.C. 701b-12(c))  
 23 is amended—

24 (1) in the first sentence of paragraph (1), by  
 25 striking “Within 6 months after the date of the en-

1 actment of this subsection, the<sup>2</sup> and inserting  
2 “The”;

3 (2) by redesignating paragraph (2) as para-  
4 graph (3);

5 (3) by striking “Such guidelines shall address”  
6 and inserting the following:

7 “(2) REQUIRED ELEMENTS.—The guidelines  
8 developed under paragraph (1) shall—

9 “(A) address”; and

10 (4) in paragraph (2) (as designated by para-  
11 graph (3))—

12 (A) by inserting “that non-Federal inter-  
13 ests shall adopt and enforce” after “policies”;

14 (B) by striking the period at the end and  
15 inserting “; and”; and

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

17 “(B) require non-Federal interests to take  
18 measures to preserve the level of flood protec-  
19 tion provided by a project to which subsection  
20 (a) applies.”.

21 (b) APPLICABILITY.—The amendments made by sub-  
22 section (a) shall apply to any project or separable element  
23 of a project with respect to which the Secretary and the  
24 non-Federal interest have not entered a project coopera-

1 tion agreement on or before the date of enactment of this  
2 Act.

3 (c) ~~TECHNICAL AMENDMENTS.~~—Section 402(b) of  
4 the Water Resources Development Act of 1986 (33 U.S.C.  
5 701b–12(b)) is amended—

6 (1) in the subsection heading, by striking  
7 “FLOOD PLAIN” and inserting “FLOODPLAIN”; and

8 (2) in the first sentence, by striking “flood  
9 plain” and inserting “floodplain”.

10 **SEC. 213. ENVIRONMENTAL DREDGING.**

11 Section 312 of the Water Resources Development Act  
12 of 1990 (33 U.S.C. 1272) is amended by adding at the  
13 end the following:

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

19 **TITLE III—PROJECT-RELATED**  
20 **PROVISIONS**

21 **SEC. 301. BOYDSVILLE, ARKANSAS.**

22 The Secretary shall credit toward the non-Federal  
23 share of the costs of the study to determine the feasibility  
24 of the reservoir and associated improvements in the vicin-  
25 ity of Boydsville, Arkansas, authorized by section 402 of

1 the Water Resources Development Act of 1999 (113 Stat.  
 2 322), not more than \$250,000 of the costs of the relevant  
 3 planning and engineering investigations carried out by  
 4 State and local agencies, if the Secretary finds that the  
 5 investigations are integral to the scope of the feasibility  
 6 study.

7 **SEC. 302. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.**

8 Section 374 of the Water Resources Development Act  
 9 of 1999 (113 Stat. 321) is amended—

10 (1) in subsection (a), by striking “the fol-  
 11 lowing” and all that follows and inserting “the  
 12 amounts of project storage that are recommended by  
 13 the report required under subsection (b).”; and

14 (2) in subsection (b)—

15 (A) in paragraph (1), by inserting before  
 16 the period at the end the following: “and does  
 17 not significantly impact other authorized  
 18 project purposes”;

19 (B) in paragraph (2), by striking “2000”  
 20 and inserting “2002”; and

21 (C) in paragraph (3)—

22 (i) by inserting “and to what extent”  
 23 after “whether”;

24 (ii) in subparagraph (A), by striking  
 25 “and” at the end;

1 (iii) in subparagraph (B), by striking  
 2 the period at the end and inserting “;  
 3 and”; and

4 (iv) by adding at the end the fol-  
 5 lowing:

6 “(C) project storage should be reallocated  
 7 to sustain the tail water trout fisheries.”.

8 **SEC. 303. GASPARILLA AND ESTERO ISLANDS, FLORIDA.**

9 The project for shore protection, Gasparilla and  
 10 Estero Island segments, Lee County, Florida, authorized  
 11 under section 201 of the Flood Control Act of 1965 (79  
 12 Stat. 1073), by Senate Resolution dated December 17,  
 13 1970, and by House Resolution dated December 15, 1970,  
 14 is modified to authorize the Secretary to enter into an  
 15 agreement with the non-Federal interest to carry out the  
 16 project in accordance with section 206 of the Water Re-  
 17 sources Development Act of 1992 (33 U.S.C. 426i-1), if  
 18 the Secretary determines that the project is technically  
 19 sound, environmentally acceptable, and economically justi-  
 20 fied.

21 **SEC. 304. FORT HALL INDIAN RESERVATION, IDAHO.**

22 (a) IN GENERAL.—The Secretary shall carry out  
 23 planning, engineering, and design of an adaptive eco-  
 24 system restoration, flood damage reduction, and erosion

1 protection project along the upper Snake River within and  
 2 adjacent to the Fort Hall Indian Reservation, Idaho.

3 (b) **PROJECT JUSTIFICATION.**—Notwithstanding any  
 4 other provision of law or requirement for economic jus-  
 5 tification, the Secretary may construct and adaptively  
 6 manage for 10 years, at full Federal expense, a project  
 7 under this section if the Secretary determines that the  
 8 project—

9 (1) is a cost-effective means of providing eco-  
 10 system restoration, flood damage reduction, and ero-  
 11 sion protection;

12 (2) is environmentally acceptable and tech-  
 13 nically feasible; and

14 (3) will improve the economic and social condi-  
 15 tions of the Shoshone-Bannock Indian Tribe.

16 (c) **LAND, EASEMENTS, AND RIGHTS-OF-WAY.**—As a  
 17 condition of the project described in subsection (a), the  
 18 Shoshone-Bannock Indian Tribe shall provide land, ease-  
 19 ments, and rights-of-way necessary for implementation of  
 20 the project.

21 **SEC. 305. UPPER DES PLAINES RIVER AND TRIBUTARIES,**  
 22 **ILLINOIS.**

23 The Secretary shall credit toward the non-Federal  
 24 share of the costs of the study to determine the feasibility  
 25 of improvements to the upper Des Plaines River and tribu-

1 taries, phase 2, Illinois and Wisconsin, authorized by sec-  
 2 tion 419 of the Water Resources Development Act of 1999  
 3 (113 Stat. 324), the costs of work carried out by the non-  
 4 Federal interests in Lake County, Illinois, before the date  
 5 of execution of the feasibility study cost-sharing agree-  
 6 ment, if—

7           (1) the Secretary and the non-Federal interests  
 8           enter into a feasibility study cost-sharing agreement;  
 9           and

10           (2) the Secretary finds that the work is integral  
 11           to the scope of the feasibility study.

12 **SEC. 306. MORGANZA, LOUISIANA.**

13           The Secretary shall credit toward the non-Federal  
 14 share of the project costs of the Mississippi River and trib-  
 15 utaries, Morganza, Louisiana, to the Gulf of Mexico,  
 16 project, authorized under section 101(b)(16), the costs of  
 17 any work carried out by the non-Federal interests for in-  
 18 term flood protection after March 31, 1989, if the Sec-  
 19 retary finds that the work is compatible with, and integral  
 20 to, the project.

21 **SEC. 307. RED RIVER WATERWAY, LOUISIANA.**

22           The project for mitigation of fish and wildlife losses,  
 23 Red River Waterway, Louisiana, authorized by section  
 24 601(a) of the Water Resources Development Act of 1986  
 25 (100 Stat. 4142) and modified by section 4(h) of the

1 Water Resources Development Act of 1988 (102 Stat.  
 2 4016), section 102(p) of the Water Resources Develop-  
 3 ment Act of 1990 (104 Stat. 4613), and section 301(b)(7)  
 4 of the Water Resources Development Act of 1996 (110  
 5 Stat. 3710), is further modified to authorize the purchase  
 6 of mitigation land from willing sellers in any of the par-  
 7 ishes that comprise the Red River Waterway District, con-  
 8 sisting of Avoyelles, Bossier, Caddo, Grant, Natchitoches,  
 9 Rapides, and Red River Parishes.

10 **SEC. 308. WILLIAM JENNINGS RANDOLPH LAKE, MARY-**  
 11 **LAND.**

12 The Secretary—

13 (1) may provide design and construction assist-  
 14 ance for recreational facilities in the State of Mary-  
 15 land at the William Jennings Randolph Lake  
 16 (Bloomington Dam), Maryland and West Virginia,  
 17 project authorized by section 203 of the Flood Con-  
 18 trol Act of 1962 (76 Stat. 1182); and

19 (2) shall require the non-Federal interest to  
 20 provide 50 percent of the costs of designing and con-  
 21 structing the recreational facilities.

22 **SEC. 309. NEW MADRID COUNTY, MISSOURI.**

23 (a) IN GENERAL.—The project for navigation, New  
 24 Madrid County Harbor, New Madrid County, Missouri,  
 25 authorized under section 107 of the River and Harbor Act

1 of 1960 (~~33~~ U.S.C. 577), is authorized as described in  
2 the feasibility report for the project, including both phase  
3 ~~1~~ and phase 2 of the project.

4 (b) CREDIT.—

5 (1) IN GENERAL.—The Secretary shall provide  
6 credit to the non-Federal interests for the costs in-  
7 curred by the non-Federal interests in carrying out  
8 construction work for phase ~~1~~ of the project, if the  
9 Secretary finds that the construction work is inte-  
10 gral to phase 2 of the project.

11 (2) MAXIMUM AMOUNT OF CREDIT.—The  
12 amount of the credit under paragraph (1) shall not  
13 exceed the required non-Federal share for the  
14 project.

15 **SEC. 310. PEMISCOT COUNTY HARBOR, MISSOURI.**

16 (a) CREDIT.—With respect to the project for naviga-  
17 tion, Pemiscot County Harbor, Missouri, authorized under  
18 section 107 of the River and Harbor Act of 1960 (~~33~~  
19 U.S.C. 577), the Secretary shall provide credit to the  
20 Pemiscot County Port Authority, or an agent of the au-  
21 thority, for the costs incurred by the Authority or agent  
22 in carrying out construction work for the project after De-  
23 cember 31, 1997, if the Secretary finds that the construc-  
24 tion work is integral to the project.

1       (b) ~~MAXIMUM AMOUNT OF CREDIT.~~—The amount of  
 2 the credit under subsection (a) shall not exceed the re-  
 3 quired ~~non-Federal~~ share for the project, estimated as of  
 4 the date of enactment of this Act to be \$222,000.

5 **SEC. 311. PIKE COUNTY, MISSOURI.**

6       (a) ~~IN GENERAL.~~—Subject to subsections (c) and (d),  
 7 at such time as S.S.S., Inc. conveys all right, title, and  
 8 interest in and to the parcel of land described in sub-  
 9 section (b)(1) to the United States, the Secretary shall  
 10 convey all right, title, and interest of the United States  
 11 in and to the parcel of land described in subsection (b)(2)  
 12 to S.S.S., Inc.

13       (b) ~~LAND DESCRIPTION.~~—The parcels of land re-  
 14 ferred to in subsection (a) are the following:

15           (1) ~~NON-FEDERAL LAND.~~—8.99 acres with ex-  
 16 isting flowage easements, located in Pike County,  
 17 Missouri, adjacent to land being acquired from  
 18 Holman, Inc. by the Corps of Engineers.

19           (2) ~~FEDERAL LAND.~~—8.99 acres located in  
 20 Pike County, Missouri, known as “Government  
 21 Tract Numbers FM-46 and FM-47”, administered  
 22 by the Corps of Engineers.

23       (c) ~~CONDITIONS.~~—The land exchange under sub-  
 24 section (a) shall be subject to the following conditions:

25           (1) ~~DEEDS.~~—

1           (A) NON-FEDERAL LAND.—The convey-  
2           ance of the parcel of land described in sub-  
3           section (b)(1) to the Secretary shall be by a  
4           warranty deed acceptable to the Secretary.

5           (B) FEDERAL LAND.—The instrument of  
6           conveyance used to convey the parcel of land  
7           described in subsection (b)(2) to S.S.S., Inc.  
8           shall contain such reservations, terms, and con-  
9           ditions as the Secretary considers necessary to  
10          allow the United States to operate and main-  
11          tain the Mississippi River 9-Foot Navigation  
12          Project.

13          (2) REMOVAL OF IMPROVEMENTS.—

14          (A) IN GENERAL.—S.S.S., Inc. may re-  
15          move, and the Secretary may require S.S.S.,  
16          Inc. to remove, any improvements on the parcel  
17          of land described in subsection (b)(1).

18          (B) NO LIABILITY.—If S.S.S., Inc., volun-  
19          tarily or under direction from the Secretary, re-  
20          moves an improvement on the parcel of land de-  
21          scribed in subsection (b)(1)—

22                  (i) S.S.S., Inc. shall have no claim  
23                  against the United States for liability, and

1 (ii) the United States shall not incur  
2 or be liable for any cost associated with the  
3 removal or relocation of the improvement.

4 (3) TIME LIMIT FOR LAND EXCHANGE.—Not  
5 later than 2 years after the date of enactment of  
6 this Act, the land exchange under subsection (a)  
7 shall be completed.

8 (4) LEGAL DESCRIPTION.—The Secretary shall  
9 provide legal descriptions of the parcels of land de-  
10 scribed in subsection (b), which shall be used in the  
11 instruments of conveyance of the parcels.

12 (5) ADMINISTRATIVE COSTS.—The Secretary  
13 shall require S.S.S., Inc. to pay reasonable adminis-  
14 trative costs associated with the land exchange  
15 under subsection (a).

16 (d) VALUE OF PROPERTIES.—If the appraised fair  
17 market value, as determined by the Secretary, of the par-  
18 cel of land conveyed to S.S.S., Inc. by the Secretary under  
19 subsection (a) exceeds the appraised fair market value, as  
20 determined by the Secretary, of the parcel of land con-  
21 veyed to the United States by S.S.S., Inc. under that sub-  
22 section, S.S.S., Inc. shall pay to the United States, in cash  
23 or a cash equivalent, an amount equal to the difference  
24 between the 2 values.

1 **SEC. 312. FORT PECK FISH HATCHERY, MONTANA.**

2 (a) FINDINGS.—Congress finds that—

3 (1) Fort Peck Lake, Montana, is in need of a  
4 multispecies fish hatchery;

5 (2) the burden of carrying out efforts to raise  
6 and stock fish species in Fort Peck Lake has been  
7 disproportionately borne by the State of Montana  
8 despite the existence of a Federal project at Fort  
9 Peck Lake;

10 (3)(A) as of the date of enactment of this Act,  
11 eastern Montana has only 1 warm water fish hatch-  
12 ery, which is inadequate to meet the demands of the  
13 region; and

14 (B) a disease or infrastructure failure at that  
15 hatchery could imperil fish populations throughout  
16 the region;

17 (4) although the multipurpose project at Fort  
18 Peck, Montana, authorized by the first section of the  
19 Act of August 30, 1935 (49 Stat. 1034, chapter  
20 831), was intended to include irrigation projects and  
21 other activities designed to promote economic  
22 growth, many of those projects were never com-  
23 pleted, to the detriment of the local communities  
24 flooded by the Fort Peck Dam;

25 (5) the process of developing an environmental  
26 impact statement for the update of the Corps of En-

1       gineers Master Manual for the operation of the Mis-  
2       souri River recognized the need for greater support  
3       of recreation activities and other authorized pur-  
4       poses of the Fort Peck project;

5           (6)(A) although fish stocking is included among  
6       the authorized purposes of the Fort Peck project,  
7       the State of Montana has funded the stocking of  
8       Fort Peck Lake since 1947; and

9           (B) the obligation to fund the stocking con-  
10      stitutes an undue burden on the State; and

11          (7) a viable multispecies fishery would spur eco-  
12      nomic development in the region.

13      (b) PURPOSES.—The purposes of this section are—

14          (1) to authorize and provide funding for the de-  
15      sign and construction of a multispecies fish hatchery  
16      at Fort Peck Lake, Montana; and

17          (2) to ensure stable operation and maintenance  
18      of the fish hatchery.

19      (c) DEFINITIONS.—In this section:

20          (1) FORT PECK LAKE.—The term “Fort Peck  
21      Lake” means the reservoir created by the damming  
22      of the upper Missouri River in northeastern Mon-  
23      tana.

1           (2) HATCHERY PROJECT.—The term “hatchery  
2       project” means the project authorized by subsection  
3       (d).

4           (d) AUTHORIZATION.—The Secretary shall carry out  
5       a project at Fort Peck Lake, Montana, for the design and  
6       construction of a fish hatchery and such associated facili-  
7       ties as are necessary to sustain a multispecies fishery.

8           (e) COST SHARING.—

9           (1) DESIGN AND CONSTRUCTION.—

10           (A) FEDERAL SHARE.—The Federal share  
11       of the costs of design and construction of the  
12       hatchery project shall be 75 percent.

13           (B) FORM OF NON-FEDERAL SHARE.—

14           (i) IN GENERAL.—The non-Federal  
15       share of the costs of the hatchery project  
16       may be provided in the form of cash or in  
17       the form of land, easements, rights-of-way,  
18       services, roads, or any other form of in-  
19       kind contribution determined by the Sec-  
20       retary to be appropriate.

21           (ii) REQUIRED CREDITING.—The Sec-  
22       retary shall credit toward the non-Federal  
23       share of the costs of the hatchery project—

24           (I) the costs to the State of Mon-  
25       tana of stocking Fort Peck Lake dur-

1                   ing the period beginning January 1,  
2                   1947; and

3                   (H) the costs to the State of  
4                   Montana and the counties having ju-  
5                   risdiction over land surrounding Fort  
6                   Peck Lake of construction of local ac-  
7                   cess roads to the lake.

8                   (2) OPERATION, MAINTENANCE, REPAIR, AND  
9                   REPLACEMENT.—

10                   (A) IN GENERAL.—Except as provided in  
11                   subparagraphs (B) and (C), the operation,  
12                   maintenance, repair, and replacement of the  
13                   hatchery project shall be a non-Federal respon-  
14                   sibility.

15                   (B) COSTS ASSOCIATED WITH THREAT-  
16                   ENED AND ENDANGERED SPECIES.—The costs  
17                   of operation and maintenance associated with  
18                   raising threatened or endangered species shall  
19                   be a Federal responsibility.

20                   (C) POWER.—The Secretary shall offer to  
21                   the hatchery project low-cost project power for  
22                   all hatchery operations.

23                   (f) AUTHORIZATION OF APPROPRIATIONS.—

24                   (1) IN GENERAL.—There are authorized to be  
25                   appropriated to carry out this section—

1           (A) \$20,000,000; and

2           (B) such sums as are necessary to carry  
3 out subsection (c)(2)(B).

4           (2) AVAILABILITY OF FUNDS.—Sums made  
5 available under paragraph (1) shall remain available  
6 until expended.

7 **SEC. 313. MINES FALLS PARK, NEW HAMPSHIRE.**

8           (a) IN GENERAL.—The Secretary may carry out  
9 dredging of Mines Falls Park, New Hampshire.

10          (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
11 authorized to be appropriated to carry out this section  
12 \$1,000,000.

13 **SEC. 314. SAGAMORE CREEK, NEW HAMPSHIRE.**

14          The Secretary shall carry out maintenance dredging  
15 of the Sagamore Creek Channel, New Hampshire.

16 **SEC. 315. PASSAIC RIVER BASIN FLOOD MANAGEMENT,**  
17 **NEW JERSEY.**

18           (a) IN GENERAL.—The project for flood control, Pas-  
19 saic River, New Jersey and New York, authorized by sec-  
20 tion 101(a)(18) of the Water Resources Development Act  
21 of 1990 (104 Stat. 4607), is modified to emphasize non-  
22 structural approaches for flood control as alternatives to  
23 the construction of the Passaic River tunnel element, while  
24 maintaining the integrity of other separable mainstream  
25 project elements, wetland banks, and other independent

1 projects that were authorized to be carried out in the Pas-  
2 saie River Basin before the date of enactment of this Act.

3 (b) REEVALUATION OF FLOODWAY STUDY.—The  
4 Secretary shall review the Passaic River Floodway Buyout  
5 Study, dated October 1995, to calculate the benefits of  
6 a buyout and environmental restoration using the method  
7 used to calculate the benefits of structural projects under  
8 section 308(b) of the Water Resources Development Act  
9 of 1990 (33 U.S.C. 2318(b)).

10 (c) REEVALUATION OF 10-YEAR FLOODPLAIN  
11 STUDY.—The Secretary shall review the Passaic River  
12 Buyout Study of the 10-year floodplain beyond the  
13 floodway of the Central Passaic River Basin, dated Sep-  
14 tember 1995, to calculate the benefits of a buyout and  
15 environmental restoration using the method used to cal-  
16 culate the benefits of structural projects under section  
17 308(b) of the Water Resources Development Act of 1990  
18 (33 U.S.C. 2318(b)).

19 (d) PRESERVATION OF NATURAL STORAGE AREAS.—

20 (1) IN GENERAL.—The Secretary shall reevalu-  
21 ate the acquisition, from willing sellers, for flood  
22 protection purposes, of wetlands in the Central Pas-  
23 saie River Basin to supplement the wetland acquisi-  
24 tion authorized by section 101(a)(18)(C)(vi) of the

1 Water Resources Development Act of 1990 (104  
2 Stat. 4609).

3 (2) PURCHASE.—If the Secretary determines  
4 that the acquisition of wetlands evaluated under  
5 paragraph (1) is cost-effective, the Secretary shall  
6 purchase the wetlands, with the goal of purchasing  
7 not more than 8,200 acres.

8 (c) STREAMBANK EROSION CONTROL STUDY.—The  
9 Secretary shall review relevant reports and conduct a  
10 study to determine the feasibility of carrying out a project  
11 for environmental restoration, erosion control, and  
12 streambank restoration along the Passaic River, from  
13 Dundee Dam to Kearny Point, New Jersey.

14 (f) PASSAIC RIVER FLOOD MANAGEMENT TASK  
15 FORCE.—

16 (1) ESTABLISHMENT.—The Secretary, in co-  
17 operation with the non-Federal interest, shall estab-  
18 lish a task force, to be known as the “Passaic River  
19 Flood Management Task Force”, to provide advice  
20 to the Secretary concerning all aspects of the Pas-  
21 saic River flood management project.

22 (2) MEMBERSHIP.—The task force shall be  
23 composed of 20 members, appointed as follows:

24 (A) APPOINTMENT BY SECRETARY.—The  
25 Secretary shall appoint 1 member to represent

1 the Corps of Engineers and to provide technical  
2 advice to the task force.

3 ~~(B)~~ APPOINTMENTS BY GOVERNOR OF  
4 NEW JERSEY.—The Governor of New Jersey  
5 shall appoint 18 members to the task force, as  
6 follows:

7 (i) 2 representatives of the New Jer-  
8 sey legislature who are members of dif-  
9 ferent political parties.

10 (ii) 1 representative of the State of  
11 New Jersey.

12 (iii) 1 representative of each of Ber-  
13 gen, Essex, Morris, and Passaic Counties,  
14 New Jersey.

15 (iv) 6 representatives of governments  
16 of municipalities affected by flooding with-  
17 in the Passaic River Basin.

18 (v) 1 representative of the Palisades  
19 Interstate Park Commission.

20 (vi) 1 representative of the North Jer-  
21 sey District Water Supply Commission.

22 (vii) 1 representative of each of—

23 (I) the Association of New Jersey  
24 Environmental Commissions;

- 1                   (II) the Passaic River Coalition;  
2                   and  
3                   (III) the Sierra Club.

4                   (C) APPOINTMENT BY GOVERNOR OF NEW  
5                   YORK.—The Governor of New York shall ap-  
6                   point 1 representative of the State of New York  
7                   to the task force.

8                   (3) MEETINGS.—

9                   (A) REGULAR MEETINGS.—The task force  
10                  shall hold regular meetings.

11                  (B) OPEN MEETINGS.—The meetings of  
12                  the task force shall be open to the public.

13                  (4) ANNUAL REPORT.—The task force shall  
14                  submit annually to the Secretary and to the non-  
15                  Federal interest a report describing the achieve-  
16                  ments of the Passaic River flood management  
17                  project in preventing flooding and any impediments  
18                  to completion of the project.

19                  (5) EXPENDITURE OF FUNDS.—The Secretary  
20                  may use funds made available to carry out the Pas-  
21                  saic River Basin flood management project to pay  
22                  the administrative expenses of the task force.

23                  (6) TERMINATION.—The task force shall termi-  
24                  nate on the date on which the Passaic River flood  
25                  management project is completed.

1       (g) ACQUISITION OF LANDS IN THE FLOODWAY.—  
 2 Section 1148 of the Water Resources Development Act of  
 3 1986 (100 Stat. 4254; 110 Stat. 3718), is amended by  
 4 adding at the end the following:

5       “(e) CONSISTENCY WITH NEW JERSEY BLUE ACRES  
 6 PROGRAM.—The Secretary shall carry out this section in  
 7 a manner that is consistent with the Blue Acres Program  
 8 of the State of New Jersey.”.

9       (h) STUDY OF HIGHLANDS LAND CONSERVATION.—  
 10 The Secretary, in cooperation with the Secretary of Agri-  
 11 culture and the State of New Jersey, may study the feasi-  
 12 bility of conserving land in the Highlands region of New  
 13 Jersey and New York to provide additional flood protec-  
 14 tion for residents of the Passaic River Basin in accordance  
 15 with section 212 of the Water Resources Development Act  
 16 of 1999 (33 U.S.C. 2332).

17       (i) RESTRICTION ON USE OF FUNDS.—The Secretary  
 18 shall not obligate any funds to carry out design or con-  
 19 struction of the tunnel element of the Passaic River flood  
 20 control project, as authorized by section 101(a)(18)(A) of  
 21 the Water Resources Development Act of 1990 (104 Stat.  
 22 4607).

23       (j) CONFORMING AMENDMENT.—Section 101(a)(18)  
 24 of the Water Resources Development Act of 1990 (104  
 25 Stat. 4607) is amended in the paragraph heading by strik-

1 ing “MAIN STEM,” and inserting “FLOOD MANAGEMENT  
2 PROJECT,”.

3 **SEC. 316. ROCKAWAY INLET TO NORTON POINT, NEW YORK.**

4 (a) **IN GENERAL.**—The project for shoreline protec-  
5 tion, Atlantic Coast of New York City from Rockaway  
6 Inlet to Norton Point (Coney Island Area), New York, au-  
7 thorized by section 501(a) of the Water Resources Devel-  
8 opment Act of 1986 (100 Stat. 4135) is modified to au-  
9 thorize the Secretary to construct T-groins to improve  
10 sand retention down drift of the West 37th Street groin,  
11 in the Sea Gate area of Coney Island, New York, as identi-  
12 fied in the March 1998 report prepared for the Corps of  
13 Engineers, entitled “Field Data Gathering Project Per-  
14 formance Analysis and Design Alternative Solutions to  
15 Improve Sandfill Retention”, at a total cost of \$9,000,000,  
16 with an estimated Federal cost of \$5,850,000 and an esti-  
17 mated non-Federal cost of \$3,150,000.

18 (b) **COST SHARING.**—The non-Federal share of the  
19 costs of constructing the T-groins under subsection (a)  
20 shall be 35 percent.

21 **SEC. 317. JOHN DAY POOL, OREGON AND WASHINGTON.**

22 (a) **EXTINGUISHMENT OF REVERSIONARY INTER-**  
23 **ESTS AND USE RESTRICTIONS.**—With respect to the land  
24 described in each deed specified in subsection (b)—

1           (1) the reversionary interests and the use re-  
2           strictions relating to port or industrial purposes are  
3           extinguished;

4           (2) the human habitation or other building  
5           structure use restriction is extinguished in each area  
6           where the elevation is above the standard project  
7           flood elevation; and

8           (3) the use of fill material to raise low areas  
9           above the standard project flood elevation is author-  
10          ized; except in any low area constituting wetland for  
11          which a permit under section 404 of the Federal  
12          Water Pollution Control Act (33 U.S.C. 1344) would  
13          be required.

14          (b) AFFECTED DEEDS.—Subsection (a) applies to  
15          deeds with the following county auditors' file numbers:

16               (1) Auditor's File Numbers 101244 and  
17               1234170 of Morrow County, Oregon, executed by  
18               the United States.

19               (2) The portion of the land conveyed in a deed  
20               executed by the United States and bearing Benton  
21               County, Washington, Auditor's File Number  
22               601766, described as a tract of land lying in sec. 7,  
23               T. 5 N., R. 28 E., Willamette meridian, Benton  
24               County, Washington, being more particularly de-  
25               scribed by the following boundaries:

1           (A) Commencing at the point of intersec-  
2           tion of the centerlines of Plymouth Street and  
3           Third Avenue in the First Addition to the Town  
4           of Plymouth (according to the duly recorded  
5           plat thereof).

6           (B) Thence west along the centerline of  
7           Third Avenue, a distance of 565 feet.

8           (C) Thence south  $54^{\circ} 10'$  west, to a point  
9           on the west line of Tract 18 of that Addition  
10          and the true point of beginning.

11          (D) Thence north, parallel with the west  
12          line of that sec. 7, to a point on the north line  
13          of that sec. 7.

14          (E) Thence west along the north line  
15          thereof to the northwest corner of that sec. 7.

16          (F) Thence south along the west line of  
17          that sec. 7 to a point on the ordinary high  
18          water line of the Columbia River.

19          (G) Thence northeast along that high  
20          water line to a point on the north and south co-  
21          ordinate line of the Oregon Coordinate System,  
22          North Zone, that coordinate line being east  
23          2,291,000 feet.

1           (H) Thence north along that line to a  
2           point on the south line of First Avenue of that  
3           Addition.

4           (I) Thence west along First Avenue to a  
5           point on the southerly extension of the west line  
6           of T. 18.

7           (J) Thence north along that west line of T.  
8           18 to the point of beginning.

9   **SEC. 318. FOX POINT HURRICANE BARRIER, PROVIDENCE,**  
10                           **RHODE ISLAND.**

11           Section 352 of the Water Resources Development Act  
12   of 1999 (113 Stat. 310) is amended—

13           (1) by inserting “(a) ~~IN GENERAL.—~~” before  
14           “~~The~~”; and

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

16           “~~(b) CREDIT TOWARD NON-FEDERAL SHARE.—The~~  
17   ~~non-Federal interest shall receive credit toward the non-~~  
18   ~~Federal share of project costs, or reimbursement, for the~~  
19   ~~Federal share of the costs of repairs authorized under sub-~~  
20   ~~section (a) that are incurred by the non-Federal interest~~  
21   ~~before the date of execution of the project cooperation~~  
22   ~~agreement.”.~~

23   **SEC. 319. JOE POOL LAKE, TRINITY RIVER BASIN, TEXAS.**

24           (a) ~~IN GENERAL.—~~The Secretary shall enter into an  
25   agreement with the city of Grand Prairie, Texas, under

1 which the city agrees to assume all responsibilities of the  
 2 Trinity River Authority of the State of Texas under Con-  
 3 tract No. ~~DACW63-76-C-0166~~, other than financial re-  
 4 sponsibilities, except the responsibility described in sub-  
 5 section (d).

6       (b) ~~RESPONSIBILITIES OF TRINITY RIVER AUTHOR-~~  
 7 ~~ITY.~~—The Trinity River Authority shall be relieved of all  
 8 financial responsibilities under the contract described in  
 9 subsection (a) as of the date on which the Secretary enters  
 10 into the agreement with the city under that subsection.

11       (c) ~~PAYMENTS BY CITY.~~—In consideration of the  
 12 agreement entered into under subsection (a), the city shall  
 13 pay the Federal Government \$4,290,000 in 2  
 14 installments—

15             (1) ~~1~~ installment in the amount of \$2,150,000,  
 16 which shall be due and payable not later than De-  
 17 cember 1, 2000; and

18             (2) ~~1~~ installment in the amount of \$2,140,000,  
 19 which shall be due and payable not later than De-  
 20 cember 1, 2003.

21       (d) ~~OPERATION AND MAINTENANCE COSTS.~~—The  
 22 agreement entered into under subsection (a) shall include  
 23 a provision requiring the city to assume responsibility for  
 24 all costs associated with operation and maintenance of the

1 recreation facilities included in the contract described in  
2 that subsection.

3 **SEC. 320. LAKE CHAMPLAIN WATERSHED, VERMONT AND**  
4 **NEW YORK.**

5 (a) DEFINITIONS.—In this section:

6 (1) CRITICAL RESTORATION PROJECT.—The  
7 term “critical restoration project” means a project  
8 that will produce, consistent with Federal programs,  
9 projects, and activities, immediate and substantial  
10 ecosystem restoration, preservation, and protection  
11 benefits.

12 (2) LAKE CHAMPLAIN WATERSHED.—The term  
13 “Lake Champlain watershed” means—

14 (A) the land areas within Addison,  
15 Bennington, Caledonia, Chittenden, Franklin,  
16 Grand Isle, Lamoille, Orange, Orleans, Rut-  
17 land, and Washington Counties in the State of  
18 Vermont; and

19 (B)(i) the land areas that drain into Lake  
20 Champlain and that are located within Essex,  
21 Clinton, Franklin, Warren, and Washington  
22 Counties in the State of New York; and

23 (ii) the near-shore areas of Lake Cham-  
24 plain within the counties referred to in clause  
25 (i).

1 (b) CRITICAL RESTORATION PROJECTS.—

2 (1) IN GENERAL.—The Secretary may partici-  
3 pate in critical restoration projects in the Lake  
4 Champlain watershed.

5 (2) TYPES OF PROJECTS.—A critical restora-  
6 tion project shall be eligible for assistance under this  
7 section if the critical restoration project consists  
8 of—

9 (A) implementation of an intergovern-  
10 mental agreement for coordinating regulatory  
11 and management responsibilities with respect to  
12 the Lake Champlain watershed;

13 (B) acceleration of whole farm planning to  
14 implement best management practices to main-  
15 tain or enhance water quality and to promote  
16 agricultural land use in the Lake Champlain  
17 watershed;

18 (C) acceleration of whole community plan-  
19 ning to promote intergovernmental cooperation  
20 in the regulation and management of activities  
21 consistent with the goal of maintaining or en-  
22 hancing water quality in the Lake Champlain  
23 watershed;

1           ~~(D)~~ natural resource stewardship activities  
 2           on public or private land to promote land uses  
 3           that—

4                   (i) preserve and enhance the economic  
 5                   and social character of the communities in  
 6                   the Lake Champlain watershed; and

7                   (ii) protect and enhance water quality;  
 8           or

9           ~~(E)~~ any other activity determined by the  
 10          Secretary to be appropriate.

11       ~~(c)~~ PUBLIC OWNERSHIP REQUIREMENT.—The Sec-  
 12       retary may provide assistance for a critical restoration  
 13       project under this section only if—

14               (1) the critical restoration project is publicly  
 15       owned; or

16               (2) the non-Federal interest with respect to the  
 17       critical restoration project demonstrates that the  
 18       critical restoration project will provide a substantial  
 19       public benefit in the form of water quality improve-  
 20       ment.

21       ~~(d)~~ PROJECT SELECTION.—

22               (1) IN GENERAL.—In consultation with the  
 23       heads of other appropriate Federal, State, tribal,  
 24       and local agencies, the Secretary may—

1           (A) identify critical restoration projects in  
2 the Lake Champlain watershed; and

3           (B) carry out the critical restoration  
4 projects after entering into an agreement with  
5 an appropriate non-Federal interest in accord-  
6 ance with section 221 of the Flood Control Act  
7 of 1970 (42 U.S.C. 1962d-5b) and this section.

8           (2) CERTIFICATION.—

9           (A) IN GENERAL.—A critical restoration  
10 project shall be eligible for financial assistance  
11 under this section only if the State director for  
12 the critical restoration project certifies to the  
13 Secretary that the critical restoration project  
14 will contribute to the protection and enhance-  
15 ment of the quality or quantity of the water re-  
16 sources of the Lake Champlain watershed.

17           (B) SPECIAL CONSIDERATION.—In certi-  
18 fying critical restoration projects to the Sec-  
19 retary, State directors shall give special consid-  
20 eration to projects that implement plans, agree-  
21 ments, and measures that preserve and enhance  
22 the economic and social character of the com-  
23 munities in the Lake Champlain watershed.

24           (c) COST SHARING.—

1           (1) ~~IN GENERAL.~~—Before providing assistance  
2 under this section with respect to a critical restora-  
3 tion project, the Secretary shall enter into a project  
4 cooperation agreement that shall require the non-  
5 Federal interest—

6           (A) to pay ~~35~~ percent of the total costs of  
7 the critical restoration project;

8           (B) to acquire any land, easements, rights-  
9 of-way, relocations, and dredged material dis-  
10 posal areas necessary to carry out the critical  
11 restoration project;

12           (C) to pay ~~100~~ percent of the operation,  
13 maintenance, repair, replacement, and rehabili-  
14 tation costs associated with the critical restora-  
15 tion project; and

16           (D) to hold the United States harmless  
17 from any claim or damage that may arise from  
18 carrying out the critical restoration project, ex-  
19 cept any claim or damage that may arise from  
20 the negligence of the Federal Government or a  
21 contractor of the Federal Government.

22           (2) ~~NON-FEDERAL SHARE.~~—

23           (A) ~~CREDIT FOR DESIGN WORK.~~—The  
24 non-Federal interest shall receive credit for the  
25 reasonable costs of design work carried out by

1 the non-Federal interest before the date of exe-  
2 cution of a project cooperation agreement for  
3 the critical restoration project, if the Secretary  
4 finds that the design work is integral to the  
5 critical restoration project.

6 (B) CREDIT FOR LAND, EASEMENTS, AND  
7 RIGHTS-OF-WAY.—The non-Federal interest  
8 shall receive credit for the value of any land,  
9 easement, right-of-way, relocation, or dredged  
10 material disposal area provided for carrying out  
11 the critical restoration project.

12 (C) FORM.—The non-Federal interest may  
13 provide up to 50 percent of the non-Federal  
14 share in the form of services, materials, sup-  
15 plies, or other in-kind contributions.

16 (f) APPLICABILITY OF OTHER FEDERAL AND STATE  
17 LAWS.—Nothing in this section waives, limits, or other-  
18 wise affects the applicability of Federal or State law with  
19 respect to a critical restoration project carried out with  
20 assistance provided under this section.

21 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated to carry out this section  
23 \$20,000,000, to remain available until expended.

1 **SEC. 321. MOUNT ST. HELENS, WASHINGTON.**

2       The project for sediment control, Mount St. Helens,  
 3 Washington, authorized by the matter under the heading  
 4 “TRANSFER OF FEDERAL TOWNSITES” in chapter IV of  
 5 title I of the Supplemental Appropriations Act, 1985 (99  
 6 Stat. 318), is modified to authorize the Secretary to main-  
 7 tain, for Longview, Kelso, Lexington, and Castle Rock on  
 8 the Cowlitz River, Washington, the flood protection levels  
 9 specified in the October 1985 report entitled “Mount St.  
 10 Helens, Washington, Decision Document (Toultle, Cowlitz,  
 11 and Columbia Rivers)”; published as House Document  
 12 No. 135, 99th Congress, signed by the Chief of Engineers,  
 13 and endorsed and submitted to Congress by the Acting  
 14 Assistant Secretary of the Army.

15 **SEC. 322. PUGET SOUND AND ADJACENT WATERS RES-**  
 16 **TORATION, WASHINGTON.**

17       (a) **DEFINITION OF CRITICAL RESTORATION**  
 18 **PROJECT.**—In this section, the term “critical restoration  
 19 project” means a project that will produce, consistent with  
 20 Federal programs, projects, and activities, immediate and  
 21 substantial ecosystem restoration, preservation, and pro-  
 22 tection benefits.

23       (b) **CRITICAL RESTORATION PROJECTS.**—The Sec-  
 24 retary may participate in critical restoration projects in  
 25 the area of Puget Sound, Washington, and adjacent wa-  
 26 ters, including—

1           (1) the watersheds that drain directly into  
2 Puget Sound;

3           (2) Admiralty Inlet;

4           (3) Hood Canal;

5           (4) Rosario Strait; and

6           (5) the eastern portion of the Strait of Juan de  
7 Fuca.

8           (e) PROJECT SELECTION.—In consultation with the  
9 Secretary of the Interior, the Secretary of Commerce, and  
10 the heads of other appropriate Federal, tribal, State, and  
11 local agencies, the Secretary may—

12           (1) identify critical restoration projects in the  
13 area described in subsection (b); and

14           (2) carry out the critical restoration projects  
15 after entering into an agreement with an appro-  
16 priate non-Federal interest in accordance with sec-  
17 tion 221 of the Flood Control Act of 1970 (42  
18 U.S.C. 1962d–5b) and this section.

19           (d) PRIORITIZATION OF PROJECTS.—In prioritizing  
20 projects for implementation under this section, the Sec-  
21 retary shall consult with, and give full consideration to the  
22 priorities of, public and private entities that are active in  
23 watershed planning and ecosystem restoration in Puget  
24 Sound watersheds, including—

25           (1) the Salmon Recovery Funding Board;

- 1           (2) the Northwest Straits Commission;
- 2           (3) the Hood Canal Coordinating Council;
- 3           (4) county watershed planning councils; and
- 4           (5) salmon enhancement groups.

5       (e) COST SHARING.—

6           (1) IN GENERAL.—Before carrying out any critical  
7       restoration project under this section, the Secretary shall enter into a binding agreement with the  
8       non-Federal interest that shall require the non-Federal  
9       interest—  
10      eral interest—

11           (A) to pay 35 percent of the total costs of  
12      the critical restoration project;

13           (B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical  
14      restoration project;

15           (C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration  
16      project; and

17           (D) to hold the United States harmless  
18      from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from  
19      carrying out the critical restoration project, except any claim or damage that may arise from  
20      carrying out the critical restoration project, except any claim or damage that may arise from  
21      carrying out the critical restoration project, except any claim or damage that may arise from  
22      carrying out the critical restoration project, except any claim or damage that may arise from  
23      carrying out the critical restoration project, except any claim or damage that may arise from  
24      carrying out the critical restoration project, except any claim or damage that may arise from

1 the negligence of the Federal Government or a  
2 contractor of the Federal Government.

3 (2) CREDIT.—

4 (A) IN GENERAL.—The non-Federal inter-  
5 est shall receive credit for the value of any land,  
6 easement, right-of-way, relocation, or dredged  
7 material disposal area provided for carrying out  
8 the critical restoration project.

9 (B) FORM.—The non-Federal interest may  
10 provide up to 50 percent of the non-Federal  
11 share in the form of services, materials, sup-  
12 plies, or other in-kind contributions.

13 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 authorized to be appropriated to carry out this section  
15 \$20,000,000, of which not more than \$5,000,000 may be  
16 used to carry out any 1 critical restoration project.

17 **SEC. 323. FOX RIVER SYSTEM, WISCONSIN.**

18 Section 332(a) of the Water Resources Development  
19 Act of 1992 (106 Stat. 4852) is amended—

20 (1) by striking “The Secretary” and inserting  
21 the following:

22 “(1) IN GENERAL.—The Secretary”; and

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

24 “(2) PAYMENTS TO STATE.—The terms and  
25 conditions may include 1 or more payments to the

1 State of Wisconsin to assist the State in paying the  
2 costs of repair and rehabilitation of the transferred  
3 locks and appurtenant features.”.

4 **SEC. 324. CHESAPEAKE BAY OYSTER RESTORATION.**

5 Section 704(b) of the Water Resources Development  
6 Act of 1986 (33 U.S.C. 2263(b)) is amended—

7 (1) in the second sentence, by striking  
8 “\$7,000,000” and inserting “\$20,000,000”; and

9 (2) by striking paragraph (4) and inserting the  
10 following:

11 “(4) the construction of reefs and related clean  
12 shell substrate for fish habitat, including manmade  
13 3-dimensional oyster reefs, in the Chesapeake Bay  
14 and its tributaries in Maryland and Virginia—

15 “(A) which reefs shall be preserved as per-  
16 manent sanctuaries by the non-Federal inter-  
17 ests, consistent with the recommendations of  
18 the scientific consensus document on Ches-  
19 apeake Bay oyster restoration dated June 1999;  
20 and

21 “(B) for assistance in the construction of  
22 which reefs the Chief of Engineers shall solicit  
23 participation by and the services of commercial  
24 watermen.”.

1 **SEC. 325. GREAT LAKES DREDGING LEVELS ADJUSTMENT.**

2 (a) **DEFINITION OF GREAT LAKE.**—In this section,  
3 the term “Great Lake” means Lake Superior, Lake Michi-  
4 gan, Lake Huron (including Lake St. Clair), Lake Erie,  
5 and Lake Ontario (including the St. Lawrence River to  
6 the 45th parallel of latitude).

7 (b) **DREDGING LEVELS.**—In operating and maintain-  
8 ing Federal channels and harbors of, and the connecting  
9 channels between, the Great Lakes, the Secretary shall  
10 conduct such dredging as is necessary to ensure minimal  
11 operation depths consistent with the original authorized  
12 depths of the channels and harbors when water levels in  
13 the Great Lakes are, or are forecast to be, below the Inter-  
14 national Great Lakes Datum of 1985.

15 **SEC. 326. GREAT LAKES FISHERY AND ECOSYSTEM RES-**  
16 **TORATION.**

17 (a) **FINDINGS.**—Congress finds that—

18 (1) the Great Lakes comprise a nationally and  
19 internationally significant fishery and ecosystem;

20 (2) the Great Lakes fishery and ecosystem  
21 should be developed and enhanced in a coordinated  
22 manner; and

23 (3) the Great Lakes fishery and ecosystem pro-  
24 vides a diversity of opportunities, experiences, and  
25 beneficial uses.

26 (b) **DEFINITIONS.**—In this section:

1           (1) GREAT LAKE.—

2                   (A) IN GENERAL.—The term “Great  
3 Lake” means Lake Superior, Lake Michigan,  
4 Lake Huron (including Lake St. Clair), Lake  
5 Erie, and Lake Ontario (including the St. Law-  
6 rence River to the 45th parallel of latitude).

7                   (B) INCLUSIONS.—The term “Great Lake”  
8 includes any connecting channel, historically  
9 connected tributary, and basin of a lake speci-  
10 fied in subparagraph (A).

11           (2) GREAT LAKES COMMISSION.—The term  
12 “Great Lakes Commission” means The Great Lakes  
13 Commission established by the Great Lakes Basin  
14 Compact (82 Stat. 414).

15           (3) GREAT LAKES FISHERY COMMISSION.—The  
16 term “Great Lakes Fishery Commission” has the  
17 meaning given the term “Commission” in section 2  
18 of the Great Lakes Fishery Act of 1956 (16 U.S.C.  
19 931).

20           (4) GREAT LAKES STATE.—The term “Great  
21 Lakes State” means each of the States of Illinois,  
22 Indiana, Michigan, Minnesota, Ohio, Pennsylvania,  
23 New York, and Wisconsin.

24           (5) SECRETARY.—The term “Secretary” means  
25 the Secretary of the Army.

1           (c) GREAT LAKES FISHERY AND ECOSYSTEM RES-  
2 TORATION.—

3           (1) SUPPORT PLAN.—

4                   (A) IN GENERAL.—Not later than 1 year  
5 after the date of enactment of this Act, the Sec-  
6 retary shall develop a plan for activities of the  
7 Corps of Engineers that support the manage-  
8 ment of Great Lakes fisheries.

9                   (B) USE OF EXISTING DOCUMENTS.—To  
10 the maximum extent practicable, the plan shall  
11 make use of and incorporate documents that re-  
12 late to the Great Lakes and are in existence on  
13 the date of enactment of this Act, such as  
14 lakewide management plans and remedial ac-  
15 tion plans.

16                   (C) COOPERATION.—The Secretary shall  
17 develop the plan in cooperation with—

18                           (i) the signatories to the Joint Stra-  
19 tegic Plan for Management of the Great  
20 Lakes Fisheries; and

21                           (ii) other affected interests.

22           (2) PROJECTS.—The Secretary shall plan, de-  
23 sign, and construct projects to support the restora-  
24 tion of the fishery, ecosystem, and beneficial uses of  
25 the Great Lakes.

1           (3) EVALUATION PROGRAM.—

2           (A) IN GENERAL.—The Secretary shall de-  
3           velop a program to evaluate the success of the  
4           projects carried out under paragraph (2) in  
5           meeting fishery and ecosystem restoration  
6           goals.

7           (B) STUDIES.—Evaluations under sub-  
8           paragraph (A) shall be conducted in consulta-  
9           tion with the Great Lakes Fishery Commission  
10          and appropriate Federal, State, and local agen-  
11          cies.

12          (d) COOPERATIVE AGREEMENTS.—In carrying out  
13          this section, the Secretary may enter into a cooperative  
14          agreement with the Great Lakes Commission or any other  
15          agency established to facilitate active State participation  
16          in management of the Great Lakes.

17          (e) RELATIONSHIP TO OTHER GREAT LAKES ACTIVI-  
18          TIES.—No activity under this section shall affect the date  
19          of completion of any other activity relating to the Great  
20          Lakes that is authorized under other law.

21          (f) COST SHARING.—

22                 (1) DEVELOPMENT OF PLAN.—The Federal  
23                 share of the cost of development of the plan under  
24                 subsection (e)(1) shall be 65 percent.

1           (2) PROJECT PLANNING, DESIGN, CONSTRUCTION,  
2           AND EVALUATION.—The Federal share of the  
3           cost of planning, design, construction, and evaluation  
4           of a project under paragraph (2) or (3) of sub-  
5           section (c) shall be 65 percent.

6           (3) NON-FEDERAL SHARE.—

7           (A) CREDIT FOR LAND, EASEMENTS, AND  
8           RIGHTS-OF-WAY.—The non-Federal interest  
9           shall receive credit for the value of any land,  
10          easement, right-of-way, relocation, or dredged  
11          material disposal area provided for carrying out  
12          a project under subsection (c)(2).

13          (B) FORM.—The non-Federal interest may  
14          provide up to 50 percent of the non-Federal  
15          share required under paragraphs (1) and (2) in  
16          the form of services, materials, supplies, or  
17          other in-kind contributions.

18          (4) OPERATION AND MAINTENANCE.—The op-  
19          eration, maintenance, repair, rehabilitation, and re-  
20          placement of projects carried out under this section  
21          shall be a non-Federal responsibility.

22          (5) NON-FEDERAL INTERESTS.—Notwith-  
23          standing section 221 of the Flood Control Act of  
24          1970 (42 U.S.C. 1962d-5b), for any project carried

1 out under this section, a non-Federal interest may  
 2 include a private interest and a nonprofit entity.

3 ~~(g) AUTHORIZATION OF APPROPRIATIONS.—~~

4 (1) ~~DEVELOPMENT OF PLAN.—~~There is author-  
 5 ized to be appropriated for development of the plan  
 6 under subsection ~~(c)(1)~~ \$300,000.

7 (2) ~~OTHER ACTIVITIES.—~~There is authorized to  
 8 be appropriated to carry out paragraphs ~~(2)~~ and ~~(3)~~  
 9 of subsection ~~(c)~~ \$8,000,000 for each of fiscal years  
 10 2002 through 2006.

11 **SEC. 327. GREAT LAKES REMEDIAL ACTION PLANS AND**  
 12 **SEDIMENT REMEDIATION.**

13 Section 401 of the Water Resources Development Act  
 14 of 1990 (~~33~~ U.S.C. 1268 note; 104 Stat. 4644; 110 Stat.  
 15 ~~3763~~; 113 Stat. 338) is amended—

16 (1) in subsection ~~(a)(2)(A)~~, by striking “50 per-  
 17 cent” and inserting “35 percent”;

18 (2) in subsection ~~(b)~~—

19 (A) by striking paragraph ~~(3)~~;

20 (B) in the first sentence of paragraph ~~(4)~~,  
 21 by striking “50 percent” and inserting “35 per-  
 22 cent”; and

23 (C) by redesignating paragraph ~~(4)~~ as  
 24 paragraph ~~(3)~~; and

1           (3) in subsection (e), by striking “\$5,000,000  
2           for each of fiscal years 1998 through 2000.” and in-  
3           serting “\$10,000,000 for each of fiscal years 2001  
4           through 2010.”.

5 **SEC. 328. GREAT LAKES TRIBUTARY MODEL.**

6           Section 516 of the Water Resources Development Act  
7 of 1996 (33 U.S.C. 2326b) is amended—

8           (1) in subsection (e), by adding at the end the  
9           following:

10           “~~(3) COST SHARING.~~—The non-Federal share  
11           of the costs of developing a tributary sediment  
12           transport model under this subsection shall be 50  
13           percent.”; and

14           (2) in subsection (g)—

15           (A) by striking “There is authorized” and  
16           inserting the following:

17           “~~(1) IN GENERAL.~~—There is authorized”; and

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

19           “~~(2) GREAT LAKES TRIBUTARY MODEL.~~—In ad-  
20           dition to amounts made available under paragraph  
21           (1), there is authorized to be appropriated to carry  
22           out subsection (e) \$5,000,000 for each of fiscal  
23           years 2001 through 2008.”.

1 **SEC. 329. TREATMENT OF DREDGED MATERIAL FROM**  
2 **LONG ISLAND SOUND.**

3 (a) **IN GENERAL.**—Not later than December 31,  
4 2002, the Secretary shall carry out a demonstration  
5 project for the use of innovative sediment treatment tech-  
6 nologies for the treatment of dredged material from Long  
7 Island Sound.

8 (b) **PROJECT CONSIDERATIONS.**—In carrying out  
9 subsection (a), the Secretary shall, to the maximum extent  
10 practicable—

11 (1) encourage partnerships between the public  
12 and private sectors;

13 (2) build on treatment technologies that have  
14 been used successfully in demonstration or full-scale  
15 projects (such as projects carried out in the State of  
16 New York, New Jersey, or Illinois), such as tech-  
17 nologies described in—

18 (A) section 405 of the Water Resources  
19 Development Act of 1992 (33 U.S.C. 2239  
20 note; 106 Stat. 4863); or

21 (B) section 503 of the Water Resources  
22 Development Act of 1999 (33 U.S.C. 2314  
23 note; 113 Stat. 337);

24 (3) ensure that dredged material from Long Is-  
25 land Sound that is treated under the demonstration

1 project is rendered acceptable for unrestricted open  
2 water disposal or beneficial reuse; and

3 (4) ensure that the demonstration project is  
4 consistent with the findings and requirements of any  
5 draft environmental impact statement on the des-  
6 ignation of 1 or more dredged material disposal sites  
7 in Long Island Sound that is scheduled for comple-  
8 tion in 2001.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
10 authorized to be appropriated to carry out this section  
11 \$20,000,000.

12 **SEC. 330. NEW ENGLAND WATER RESOURCES AND ECO-**  
13 **SYSTEM RESTORATION.**

14 (a) DEFINITIONS.—In this section:

15 (1) CRITICAL RESTORATION PROJECT.—The  
16 term “critical restoration project” means a project  
17 that will produce, consistent with Federal programs,  
18 projects, and activities, immediate and substantial  
19 ecosystem restoration, preservation, and protection  
20 benefits.

21 (2) NEW ENGLAND.—The term “New England”  
22 means all watersheds, estuaries, and related coastal  
23 areas in the States of Connecticut, Maine, Massa-  
24 chusetts, New Hampshire, Rhode Island, and  
25 Vermont.

1 (b) ASSESSMENT.—

2 (1) IN GENERAL.—The Secretary, in coordina-  
3 tion with appropriate Federal, State, tribal, regional,  
4 and local agencies, shall perform an assessment of  
5 the condition of water resources and related eco-  
6 systems in New England to identify problems and  
7 needs for restoring, preserving, and protecting water  
8 resources, ecosystems, wildlife, and fisheries.

9 (2) MATTERS TO BE ADDRESSED.—The assess-  
10 ment shall include—

11 (A) development of criteria for identifying  
12 and prioritizing the most critical problems and  
13 needs; and

14 (B) a framework for development of water-  
15 shed or regional restoration plans.

16 (3) USE OF EXISTING INFORMATION.—In per-  
17 forming the assessment, the Secretary shall, to the  
18 maximum extent practicable, use—

19 (A) information that is available on the  
20 date of enactment of this Act; and

21 (B) ongoing efforts of all participating  
22 agencies.

23 (4) CRITERIA; FRAMEWORK.—

24 (A) IN GENERAL.—Not later than 1 year  
25 after the date of enactment of this Act, the Sec-

1           retary shall develop and make available for pub-  
2           lic review and comment—

3                   (i) criteria for identifying and  
4                   prioritizing critical problems and needs;  
5                   and

6                   (ii) a framework for development of  
7                   watershed or regional restoration plans.

8           (B) USE OF RESOURCES.—In developing  
9           the criteria and framework, the Secretary shall  
10          make full use of all available Federal, State,  
11          tribal, regional, and local resources.

12          (5) REPORT.—Not later than October 1, 2002,  
13          the Secretary shall submit to Congress a report on  
14          the assessment.

15          (c) RESTORATION PLANS.—

16                  (1) IN GENERAL.—After the report is submitted  
17          under subsection (b)(5), the Secretary, in coordina-  
18          tion with appropriate Federal, State, tribal, regional,  
19          and local agencies, shall—

20                          (A) develop a comprehensive plan for re-  
21                          storing, preserving, and protecting the water re-  
22                          sources and ecosystem in each watershed and  
23                          region in New England; and

24                          (B) submit the plan to Congress.

1           (2) CONTENTS.—Each restoration plan shall  
2 include—

3                   (A) a feasibility report; and

4                   (B) a programmatic environmental impact  
5 statement covering the proposed Federal action.

6 (d) CRITICAL RESTORATION PROJECTS.—

7           (1) IN GENERAL.—After the restoration plans  
8 are submitted under subsection (c)(1)(B), the Sec-  
9 retary, in coordination with appropriate Federal,  
10 State, tribal, regional, and local agencies, shall iden-  
11 tify critical restoration projects that will produce  
12 independent, immediate, and substantial restoration,  
13 preservation, and protection benefits.

14           (2) AGREEMENTS.—The Secretary may carry  
15 out a critical restoration project after entering into  
16 an agreement with an appropriate non-Federal inter-  
17 est in accordance with section 221 of the Flood Con-  
18 trol Act of 1970 (42 U.S.C. 1962d–5b) and this sec-  
19 tion.

20           (3) PROJECT JUSTIFICATION.—Notwith-  
21 standing section 209 of the Flood Control Act of  
22 1970 (42 U.S.C. 1962–2) or any other provision of  
23 law, in carrying out a critical restoration project  
24 under this subsection, the Secretary may determine  
25 that the project—

1           (A) is justified by the environmental bene-  
2           fits derived from the ecosystem; and

3           (B) shall not need further economic jus-  
4           tification if the Secretary determines that the  
5           project is cost effective.

6           (4) TIME LIMITATION.—No critical restoration  
7           project may be initiated under this subsection after  
8           September 30, 2005.

9           (5) COST LIMITATION.—Not more than  
10          \$5,000,000 in Federal funds may be used to carry  
11          out a critical restoration project under this sub-  
12          section.

13         (e) COST SHARING.—

14           (1) ASSESSMENT.—

15           (A) IN GENERAL.—The non-Federal share  
16           of the cost of the assessment under subsection  
17           (b) shall be 25 percent.

18           (B) IN-KIND CONTRIBUTIONS.—The non-  
19           Federal share may be provided in the form of  
20           services, materials, or other in-kind contribu-  
21           tions.

22           (2) RESTORATION PLANS.—

23           (A) IN GENERAL.—The non-Federal share  
24           of the cost of developing the restoration plans  
25           under subsection (c) shall be determined in ac-

1 cordance with section 105 of the Water Re-  
 2 sources Development Act of 1986 (33 U.S.C.  
 3 2215).

4 (B) IN-KIND CONTRIBUTIONS.—Up to 50  
 5 percent of the non-Federal share may be pro-  
 6 vided in the form of services, materials, or other  
 7 in-kind contributions.

8 (3) CRITICAL RESTORATION PROJECTS.—

9 (A) IN GENERAL.—The non-Federal share  
 10 of the cost of carrying out a critical restoration  
 11 project under subsection (d) shall be 35 per-  
 12 cent.

13 (B) IN-KIND CONTRIBUTIONS.—Up to 50  
 14 percent of the non-Federal share may be pro-  
 15 vided in the form of services, materials, or other  
 16 in-kind contributions.

17 (C) REQUIRED NON-FEDERAL CONTRIBU-  
 18 TION.—For any critical restoration project, the  
 19 non-Federal interest shall—

20 (i) provide all land, easements, rights-  
 21 of-way, dredged material disposal areas,  
 22 and relocations;

23 (ii) pay all operation, maintenance, re-  
 24 placement, repair, and rehabilitation costs;  
 25 and

1                   (iii) hold the United States harmless  
 2                   from all claims arising from the construc-  
 3                   tion, operation, and maintenance of the  
 4                   project.

5                   (D) CREDIT.—The non-Federal interest  
 6                   shall receive credit for the value of the land,  
 7                   easements, rights-of-way, dredged material dis-  
 8                   posal areas, and relocations provided under sub-  
 9                   paragraph (C).

10                  (f) AUTHORIZATION OF APPROPRIATIONS.—

11                   (1) ASSESSMENT AND RESTORATION PLANS.—

12                   There is authorized to be appropriated to carry out  
 13                   subsections (b) and (c) \$2,000,000 for each of fiscal  
 14                   years 2001 through 2005.

15                   (2) CRITICAL RESTORATION PROJECTS.—There

16                   is authorized to be appropriated to carry out sub-  
 17                   section (d) \$30,000,000.

18                  **SEC. 331. PROJECT DEAUTHORIZATIONS.**

19                   The following projects or portions of projects are not  
 20                   authorized after the date of enactment of this Act:

21                   (1) KENNEBUNK RIVER, KENNEBUNK AND

22                   KENNEBUNKPORT, MAINE.—The following portion of

23                   the project for navigation, Kennebunk River, Maine,

24                   authorized by section 101 of the River and Harbor

25                   Act of 1962 (76 Stat. 1173), is not authorized after

1 the date of enactment of this Act: the portion of the  
 2 northernmost 6-foot deep anchorage the boundaries  
 3 of which begin at a point with coordinates  
 4 N1904693.6500, E418084.2700, thence running  
 5 south 01 degree 04 minutes 50.3 seconds 35 feet to  
 6 a point with coordinates N190434.6562,  
 7 E418084.9301, thence running south 15 degrees 53  
 8 minutes 45.5 seconds 416.962 feet to a point with  
 9 coordinates N190033.6386, E418199.1325, thence  
 10 running north 03 degrees 11 minutes 30.4 seconds  
 11 70 feet to a point with coordinates N190103.5300,  
 12 E418203.0300, thence running north 17 degrees 58  
 13 minutes 18.3 seconds west 384.900 feet to the point  
 14 of origin.

15 (2) WALLABOUT CHANNEL, BROOKLYN, NEW  
 16 YORK.—

17 (A) IN GENERAL.—The northeastern por-  
 18 tion of the project for navigation, Wallabout  
 19 Channel, Brooklyn, New York, authorized by  
 20 the Act of March 3, 1899 (30 Stat. 1124, chap-  
 21 ter 425), beginning at a point N682,307.40,  
 22 E638,918.10, thence running along the courses  
 23 and distances described in subparagraph (B).

1                   (B) COURSES AND DISTANCES.—The  
 2 courses and distances referred to in subpara-  
 3 graph (A) are the following:

4                   (i) South 85 degrees, 44 minutes, 13  
 5 seconds East 87.94 feet (coordinate:  
 6 N682,300.86, E639,005.80).

7                   (ii) North 74 degrees, 41 minutes, 30  
 8 seconds East 271.54 feet (coordinate:  
 9 N682,372.55, E639,267.71).

10                  (iii) South 4 degrees, 46 minutes, 02  
 11 seconds West 170.95 feet (coordinate:  
 12 N682,202.20, E639,253.50).

13                  (iv) South 4 degrees, 46 minutes, 02  
 14 seconds West 239.97 feet (coordinate:  
 15 N681,963.06, E639,233.56).

16                  (v) North 50 degrees, 48 minutes, 26  
 17 seconds West 305.48 feet (coordinate:  
 18 N682,156.10, E638,996.80).

19                  (vi) North 3 degrees, 33 minutes, 25  
 20 seconds East 145.04 feet (coordinate:  
 21 N682,300.86, E639,005.80).

## 22                   **TITLE IV—STUDIES**

### 23                   **SEC. 401. BALDWIN COUNTY, ALABAMA.**

24                   The Secretary may conduct a study to determine the  
 25 feasibility of carrying out beach erosion control, storm

1 damage reduction, and other measures along the shores  
2 of Baldwin County, Alabama.

3 **SEC. 402. BONO, ARKANSAS.**

4 The Secretary may conduct a study to determine the  
5 feasibility of, and need for, a reservoir and associated im-  
6 provements to provide for flood control, recreation, water  
7 quality, and fish and wildlife in the vicinity of Bono, Ar-  
8 kansas.

9 **SEC. 403. CACHE CREEK BASIN, CALIFORNIA.**

10 (a) IN GENERAL.—The Secretary may conduct a  
11 study to determine the feasibility of modifying the project  
12 for flood control, Cache Creek Basin, California, author-  
13 ized by section 401(a) of the Water Resources Develop-  
14 ment Act of 1986 (100 Stat. 4112), to authorize construc-  
15 tion of features to mitigate impacts of the project on the  
16 storm drainage system of the city of Woodland, California,  
17 that have been caused by construction of a new south levee  
18 of the Cache Creek Settling Basin.

19 (b) REQUIRED ELEMENTS.—The study shall include  
20 consideration of—

21 (1) an outlet works through the Yolo Bypass  
22 capable of receiving up to 1,600 cubic feet per sec-  
23 ond of storm drainage from the city of Woodland  
24 and Yolo County;

1           (2) a low-flow cross-channel across the Yolo By-  
 2           pass, including all appurtenant features, that is suf-  
 3           ficient to route storm flows of 1,600 cubic feet per  
 4           second between the old and new south levees of the  
 5           Cache Creek Settling Basin, across the Yolo Bypass,  
 6           and into the Tule Canal; and

7           (3) such other features as the Secretary deter-  
 8           mines to be appropriate.

9 **SEC. 404. ESTUDILLO CANAL WATERSHED, CALIFORNIA.**

10          The Secretary may conduct a study to determine the  
 11          feasibility of constructing flood control measures in the  
 12          Estudillo Canal watershed, San Leandro, California.

13 **SEC. 405. LAGUNA CREEK WATERSHED, CALIFORNIA.**

14          The Secretary may conduct a study to determine the  
 15          feasibility of constructing flood control measures in the  
 16          Laguna Creek watershed, Fremont, California, to provide  
 17          a 100-year level of flood protection.

18 **SEC. 406. OCEANSIDE, CALIFORNIA.**

19          Not later than 32 months after the date of enactment  
 20          of this Act, the Secretary may conduct a special study,  
 21          at full Federal expense, of plans—

22               (1) to mitigate for the erosion and other im-  
 23               pacts resulting from the construction of Camp Pen-  
 24               dleton Harbor, Oceanside, California, as a wartime  
 25               measure; and

1           (2) to restore beach conditions along the af-  
2       fecteD public and private shores to the conditions  
3       that existed before the construction of Camp Pen-  
4       dleton Harbor.

5 **SEC. 407. SAN JACINTO WATERSHED, CALIFORNIA.**

6       (a) IN GENERAL.—The Secretary may conduct a wa-  
7       tershed study for the San Jacinto watershed, California.

8       (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
9       authorized to be appropriated to carry out this section  
10       \$250,000.

11 **SEC. 408. CHOCTAWHATCHEE RIVER, FLORIDA.**

12       The Secretary may conduct a reconnaissance study  
13       to determine the Federal interest in dredging the mouth  
14       of the Choctawhatchee River, Florida, to remove the sand  
15       plug.

16 **SEC. 409. EGMONT KEY, FLORIDA.**

17       The Secretary may conduct a study to determine the  
18       feasibility of stabilizing the historic fortifications and  
19       beach areas of Egmont Key, Florida, that are threatened  
20       by erosion.

21 **SEC. 410. UPPER OCKLAWAHA RIVER AND AOPKA/  
22                                    PALATLAKAHA RIVER BASINS, FLORIDA.**

23       (a) IN GENERAL.—The Secretary may conduct a re-  
24       study of flooding and water quality issues in—

1           (1) the upper Ocklawaha River basin, south of  
2           the Silver River, and

3           (2) the Apopka River and Palatka River  
4           basins.

5           (b) **REQUIRED ELEMENTS.**—In carrying out sub-  
6 section (a), the Secretary shall review the report of the  
7 Chief of Engineers on the Four River Basins, Florida,  
8 project, published as House Document No. 585, 87th Con-  
9 gress, and other pertinent reports to determine the feasi-  
10 bility of measures relating to comprehensive watershed  
11 planning for water conservation, flood control, environ-  
12 mental restoration and protection, and other issues relat-  
13 ing to water resources in the river basins described in sub-  
14 section (a).

15 **SEC. 411. BOISE RIVER, IDAHO.**

16           The Secretary may conduct a study to determine the  
17 feasibility of carrying out multi-objective flood control ac-  
18 tivities along the Boise River, Idaho.

19 **SEC. 412. WOOD RIVER, IDAHO.**

20           The Secretary may conduct a reconnaissance study  
21 to determine the Federal interest in carrying out multi-  
22 objective flood control and flood mitigation planning  
23 projects along the Wood River in Blaine County, Idaho.

1 **SEC. 413. CHICAGO, ILLINOIS.**

2 (a) IN GENERAL.—The Secretary may conduct a  
3 study to determine the feasibility of carrying out projects  
4 for water-related urban improvements, including infra-  
5 structure development and improvements, in Chicago, Illi-  
6 nois.

7 (b) SITES.—Under subsection (a), the Secretary may  
8 study—

9 (1) the USX/Southworks site;

10 (2) Calumet Lake and River;

11 (3) the Canal Origins Heritage Corridor; and

12 (4) Ping Tom Park.

13 (c) USE OF INFORMATION; CONSULTATION.—In ear-  
14 rying out this section, the Secretary shall use available in-  
15 formation from, and consult with, appropriate Federal,  
16 State, and local agencies.

17 **SEC. 414. BOEUF AND BLACK, LOUISIANA.**

18 The Secretary may conduct a study to determine the  
19 feasibility of deepening the navigation channel of the  
20 Atchafalaya River and Bayous Chene, Boeuf and Black,  
21 Louisiana, from 20 feet to 35 feet.

22 **SEC. 415. PORT OF IBERIA, LOUISIANA.**

23 The Secretary may conduct a study to determine the  
24 feasibility of constructing navigation improvements for in-  
25 gress and egress between the Port of Iberia, Louisiana,

1 and the Gulf of Mexico, including channel widening and  
2 deepening.

3 **SEC. 416. SOUTH LOUISIANA.**

4 The Secretary may conduct a study to determine the  
5 feasibility of constructing projects for hurricane protection  
6 in the coastal area of the State of Louisiana between Mor-  
7 gan City and the Pearl River.

8 **SEC. 417. ST. JOHN THE BAPTIST PARISH, LOUISIANA.**

9 The Secretary may conduct a study to determine the  
10 feasibility of constructing urban flood control measures on  
11 the east bank of the Mississippi River in St. John the Bap-  
12 tist Parish, Louisiana.

13 **SEC. 418. NARRAGUAGUS RIVER, MILBRIDGE, MAINE.**

14 (a) **STUDY OF REDESIGNATION AS ANCHORAGE.—**

15 The Secretary may conduct a study to determine the feasi-  
16 bility of redesignating as anchorage a portion of the 11-  
17 foot channel of the project for navigation, Narraguagus  
18 River, Milbridge, Maine, authorized by section 101 of the  
19 River and Harbor Act of 1962 (76 Stat. 1173).

20 (b) **STUDY OF REAUTHORIZATION.—**The Secretary

21 may conduct a study to determine the feasibility of reau-  
22 thorizing for the purpose of maintenance as anchorage a  
23 portion of the project for navigation, Narraguagus River,  
24 Milbridge, Maine, authorized by section 2 of the Act of  
25 June 14, 1880 (21 Stat. 195, chapter 211), lying adjacent

1 to and outside the limits of the 11-foot channel and the  
2 9-foot channel.

3 **SEC. 419. PORTSMOUTH HARBOR AND PISCATAQUA RIVER,**  
4 **MAINE AND NEW HAMPSHIRE.**

5 The Secretary may conduct a study to determine the  
6 feasibility of modifying the project for navigation, Ports-  
7 mouth Harbor and Piscataqua River, Maine and New  
8 Hampshire, authorized by section 101 of the River and  
9 Harbor Act of 1962 (76 Stat. 1173) and modified by sec-  
10 tion 202(a) of the Water Resources Development Act of  
11 1986 (100 Stat. 4095), to increase the authorized width  
12 of turning basins in the Piscataqua River to 1000 feet.

13 **SEC. 420. MERRIMACK RIVER BASIN, MASSACHUSETTS AND**  
14 **NEW HAMPSHIRE.**

15 (a) **IN GENERAL.**—The Secretary may conduct a  
16 comprehensive study of the water resources needs of the  
17 Merrimack River basin, Massachusetts and New Hamp-  
18 shire, in the manner described in section 729 of the Water  
19 Resources Development Act of 1986 (100 Stat. 4164).

20 (b) **CONSIDERATION OF OTHER STUDIES.**—In ear-  
21 rying out this section, the Secretary may take into consid-  
22 eration any studies conducted by the University of New  
23 Hampshire on environmental restoration of the Merrimack  
24 River System.

1 **SEC. 421. PORT OF GULFPORT, MISSISSIPPI.**

2 The Secretary may conduct a study to determine the  
3 feasibility of modifying the project for navigation, Gulfport  
4 Harbor, Mississippi, authorized by section 202(a) of the  
5 Water Resources Development Act of 1986 (100 Stat.  
6 4094) and modified by section 4(n) of the Water Re-  
7 sources Development Act of 1988 (102 Stat. 4017)—

8 (1) to widen the channel from 300 feet to 450  
9 feet; and

10 (2) to deepen the South Harbor channel from  
11 36 feet to 42 feet and the North Harbor channel  
12 from 32 feet to 36 feet.

13 **SEC. 422. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE.**

14 In conjunction with the State of New Hampshire, the  
15 Secretary may conduct a study to identify and evaluate  
16 potential upland disposal sites for dredged material origi-  
17 nating from harbor areas located within the State.

18 **SEC. 423. MISSOURI RIVER BASIN, NORTH DAKOTA, SOUTH**  
19 **DAKOTA, AND NEBRASKA.**

20 (a) DEFINITION OF INDIAN TRIBE.—In this section,  
21 the term “Indian tribe” has the meaning given the term  
22 in section 4 of the Indian Self-Determination and Edu-  
23 cation Assistance Act (25 U.S.C. 450b).

24 (b) STUDY.—In cooperation with the Secretary of the  
25 Interior, the State of South Dakota, the State of North  
26 Dakota, the State of Nebraska, county officials, ranchers,

1 sportsmen, other affected parties, and the Indian tribes  
2 referred to in subsection (e)(2), the Secretary may conduct  
3 a study to determine the feasibility of the conveyance to  
4 the Secretary of the Interior of the land described in sub-  
5 section (e), to be held in trust for the benefit of the Indian  
6 tribes referred to in subsection (e)(2).

7 (e) LAND TO BE STUDIED.—The land authorized to  
8 be studied for conveyance is the land that—

9 (1) was acquired by the Secretary to carry out  
10 the Pick-Sloan Missouri River Basin Program, au-  
11 thorized by section 9 of the Act of December 22,  
12 1944 (58 Stat. 891, chapter 665); and

13 (2) is located within the external boundaries of  
14 the reservations of—

15 (A) the Three Affiliated Tribes of the Fort  
16 Berthold Reservation, North Dakota;

17 (B) the Standing Rock Sioux Tribe of  
18 North Dakota and South Dakota;

19 (C) the Crow Creek Sioux Tribe of the  
20 Crow Creek Reservation, South Dakota;

21 (D) the Yankton Sioux Tribe of South Da-  
22 kota; and

23 (E) the Santee Sioux Tribe of Nebraska.

1 **SEC. 424. CUYAHOGA RIVER, OHIO.**

2 Section 438 of the Water Resources Development Act  
3 of 1996 (110 Stat. 3746) is amended to read as follows:

4 **“SEC. 438. CUYAHOGA RIVER, OHIO.**

5 **“(a) IN GENERAL.—**The Secretary may—

6 **“(1)** conduct a study to evaluate the structural  
7 integrity of the bulkhead system located on the Fed-  
8 eral navigation channel along the Cuyahoga River  
9 near Cleveland, Ohio; and

10 **“(2)** provide to the non-Federal interest design  
11 analysis, plans and specifications, and cost estimates  
12 for repair or replacement of the bulkhead system.

13 **“(b) COST SHARING.—**The non-Federal share of the  
14 cost of the study shall be 35 percent.

15 **“(c) AUTHORIZATION OF APPROPRIATIONS.—**There  
16 is authorized to be appropriated to carry out this section  
17 \$500,000.”.

18 **SEC. 425. FREMONT, OHIO.**

19 In consultation with appropriate Federal, State, and  
20 local agencies, the Secretary may conduct a study to deter-  
21 mine the feasibility of carrying out projects for water sup-  
22 ply and environmental restoration at the Ballville Dam,  
23 on the Sandusky River at Fremont, Ohio.

24 **SEC. 426. GRAND LAKE, OKLAHOMA.**

25 **(a) EVALUATION.—**The Secretary may—

1           (1) evaluate the backwater effects specifically  
2 due to flood control operations on land around  
3 Grand Lake, Oklahoma; and

4           (2) not later than 180 days after the date of  
5 enactment of this Act, submit to Congress a report  
6 on whether Federal actions have been a significant  
7 cause of the backwater effects.

8 (b) FEASIBILITY STUDY.—

9           (1) IN GENERAL.—The Secretary may conduct  
10 a study to determine the feasibility of—

11           (A) addressing the backwater effects of the  
12 operation of the Pensacola Dam, Grand/Neosho  
13 River basin; and

14           (B) purchasing easements for any land  
15 that has been adversely affected by backwater  
16 flooding in the Grand/Neosho River basin.

17           (2) COST SHARING.—If the Secretary deter-  
18 mines under subsection (a)(2) that Federal actions  
19 have been a significant cause of the backwater ef-  
20 fects, the Federal share of the costs of the feasibility  
21 study under paragraph (1) shall be 100 percent.

22 **SEC. 427. DREDGED MATERIAL DISPOSAL SITE, RHODE IS-**  
23 **LAND.**

24           In consultation with the Administrator of the Envi-  
25 ronmental Protection Agency, the Secretary may conduct

1 a study to determine the feasibility of designating a per-  
2 manent site in the State of Rhode Island for the disposal  
3 of dredged material.

4 **SEC. 428. CHICKAMAUGA LOCK AND DAM, TENNESSEE.**

5 (a) **IN GENERAL.**—The Secretary shall use \$200,000,  
6 from funds transferred from the Tennessee Valley Author-  
7 ity, to prepare a report of the Chief of Engineers for a  
8 replacement lock at Chickamauga Lock and Dam, Ten-  
9 nessee.

10 (b) **FUNDING.**—As soon as practicable after the date  
11 of enactment of this Act, the Tennessee Valley Authority  
12 shall transfer the funds described in subsection (a) to the  
13 Secretary.

14 **SEC. 429. GERMANTOWN, TENNESSEE.**

15 (a) **IN GENERAL.**—The Secretary may conduct a  
16 study to determine the feasibility of carrying out a project  
17 for flood control and related purposes along Miller Farms  
18 Ditch, Howard Road Drainage, and Wolf River Lateral  
19 D, Germantown, Tennessee.

20 (b) **JUSTIFICATION ANALYSIS.**—The Secretary shall  
21 include environmental and water quality benefits in the  
22 justification analysis for the project.

23 (c) **COST SHARING.**—

1           (1) ~~FEDERAL SHARE.~~—The Federal share of  
 2 the costs of the feasibility study under subsection  
 3 (a)—

4                   (A) shall not exceed 25 percent; and

5                   (B) shall be provided in the form of in-  
 6 kind contributions.

7           (2) ~~NON-FEDERAL SHARE.~~—The Secretary—

8                   (A) shall credit toward the non-Federal  
 9 share of the costs of the feasibility study the  
 10 value of the in-kind services provided by the  
 11 non-Federal interests relating to the planning,  
 12 engineering, and design of the project, whether  
 13 carried out before or after execution of the fea-  
 14 sibility study cost-sharing agreement; and

15                   (B) for the purposes of subparagraph (A),  
 16 shall consider the feasibility study to be con-  
 17 ducted as part of the Memphis Metro Ten-  
 18 nessee and Mississippi study authorized by res-  
 19 olution of the Committee on Transportation  
 20 and Infrastructure, dated March 7, 1996.

21 **SEC. 430. HORN LAKE CREEK AND TRIBUTARIES, TEN-**  
 22 **NESSEE AND MISSISSIPPI.**

23           (a) ~~IN GENERAL.~~—The Secretary may conduct a  
 24 study to determine the feasibility of modifying the project  
 25 for flood control, Horn Lake Creek and Tributaries, Ten-

1 nessee and Mississippi, authorized by section 401(a) of the  
2 Water Resources Development Act of 1986 (100 Stat.  
3 4124), to provide a high level of urban flood protection  
4 to development along Horn Lake Creek.

5 (b) **REQUIRED ELEMENT.**—The study shall include  
6 a limited reevaluation of the project to determine the ap-  
7 propriate design, as desired by the non-Federal interests.

8 **SEC. 431. CEDAR BAYOU, TEXAS.**

9 The Secretary may conduct a study to determine the  
10 feasibility of constructing a 12-foot-deep and 125-foot-  
11 wide channel from the Houston Ship Channel to Cedar  
12 Bayou, mile marker 11, Texas.

13 **SEC. 432. HOUSTON SHIP CHANNEL, TEXAS.**

14 The Secretary may conduct a study to determine the  
15 feasibility of constructing barge lanes adjacent to both  
16 sides of the Houston Ship Channel from Bolivar Roads  
17 to Morgan Point, Texas, to a depth of 12 feet.

18 **SEC. 433. SAN ANTONIO CHANNEL, TEXAS.**

19 The Secretary may conduct a study to determine the  
20 feasibility of modifying the project for San Antonio Chan-  
21 nel improvement, Texas, authorized by section 203 of the  
22 Flood Control Act of 1954 (68 Stat. 1259), and modified  
23 by section 103 of the Water Resources Development Act  
24 of 1976 (90 Stat. 2921), to add environmental restoration  
25 and recreation as project purposes.

1 **SEC. 434. WHITE RIVER WATERSHED BELOW MUD MOUN-**  
2 **TAIN DAM, WASHINGTON.**

3 (a) REVIEW.—The Secretary may review the report  
4 of the Chief of Engineers on the Upper Puyallup River,  
5 Washington, dated 1936, authorized by section 5 of the  
6 Act of June 22, 1936 (49 Stat. 1591, chapter 688), the  
7 Puget Sound and adjacent waters report authorized by  
8 section 209 of the Flood Control Act of 1962 (76 Stat.  
9 1197), and other pertinent reports, to determine whether  
10 modifications to the recommendations contained in the re-  
11 ports are advisable to provide improvements to the water  
12 resources and watershed of the White River watershed  
13 downstream of Mud Mountain Dam, Washington.

14 (b) ISSUES.—In conducting the review under sub-  
15 section (a), the Secretary shall review, with respect to the  
16 Lake Tapps community and other parts of the  
17 watershed—

- 18 (1) constructed and natural environs;
- 19 (2) capital improvements;
- 20 (3) water resource infrastructure;
- 21 (4) ecosystem restoration;
- 22 (5) flood control;
- 23 (6) fish passage;
- 24 (7) collaboration by, and the interests of, re-
- 25 gional stakeholders;

- 1           (8) recreational and socioeconomic interests;  
 2           and  
 3           (9) other issues determined by the Secretary.

4 **SEC. 435. WILLAPA BAY, WASHINGTON.**

5           (a) **STUDY.**—The Secretary may conduct a study to  
 6 determine the feasibility of providing coastal erosion pro-  
 7 tection for the Tribal Reservation of the Shoalwater Bay  
 8 Indian Tribe on Willapa Bay, Washington.

9           (b) **PROJECT.**—

10           (1) **IN GENERAL.**—Notwithstanding any other  
 11 provision of law (including any requirement for eco-  
 12 nomic justification), the Secretary may construct  
 13 and maintain a project to provide coastal erosion  
 14 protection for the Tribal Reservation of the  
 15 Shoalwater Bay Indian Tribe on Willapa Bay,  
 16 Washington, at full Federal expense, if the Secretary  
 17 determines that the project—

18                   (A) is a cost-effective means of providing  
 19 erosion protection;

20                   (B) is environmentally acceptable and tech-  
 21 nically feasible; and

22                   (C) will improve the economic and social  
 23 conditions of the Shoalwater Bay Indian Tribe.

24           (2) **LAND, EASEMENTS, AND RIGHTS-OF-WAY.**—

25           As a condition of the project described in paragraph

1 (1), the Shoalwater Bay Indian Tribe shall provide  
 2 land, easements, rights-of-way, and dredged material  
 3 disposal areas necessary for the implementation of  
 4 the project.

5 **TITLE V—MISCELLANEOUS**  
 6 **PROVISIONS**

7 **SEC. 501. VISITORS CENTERS.**

8 (a) JOHN PAUL HAMMERSCHMIDT VISITORS CEN-  
 9 TER, ARKANSAS.—Section 103(e) of the Water Resources  
 10 Development Act of 1992 (106 Stat. 4813) is amended  
 11 by striking “Arkansas River, Arkansas.” and inserting “at  
 12 Fort Smith, Arkansas, on land provided by the city of  
 13 Fort Smith.”.

14 (b) LOWER MISSISSIPPI RIVER MUSEUM AND RIVER-  
 15 FRONT INTERPRETIVE SITE, MISSISSIPPI.—Section  
 16 103(e)(2) of the Water Resources Development Act of  
 17 1992 (106 Stat. 4811) is amended in the first sentence  
 18 by striking “in the vicinity of the Mississippi River Bridge  
 19 in Vicksburg, Mississippi.” and inserting “between the  
 20 Mississippi River Bridge and the waterfront in downtown  
 21 Vicksburg, Mississippi.”.

22 **SEC. 502. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALI-**  
 23 **FORNIA.**

24 (a) IN GENERAL.—The Secretary—

1           (1) may participate with the appropriate Fed-  
2           eral and State agencies in the planning and manage-  
3           ment activities associated with the CALFED Bay-  
4           Delta Program referred to in the California Bay-  
5           Delta Environmental Enhancement and Water Secu-  
6           rity Act (division E of Public Law 104-208; 110  
7           Stat. 3009-748); and

8           (2) shall, to the maximum extent practicable  
9           and in accordance with applicable law, integrate the  
10          activities of the Corps of Engineers in the San Joa-  
11          quin and Sacramento River basins with the long-  
12          term goals of the CALFED Bay-Delta Program.

13          (b) COOPERATIVE ACTIVITIES.—In participating in  
14          the CALFED Bay-Delta Program under subsection (a),  
15          the Secretary may—

16               (1) accept and expend funds from other Federal  
17               agencies and from non-Federal public, private, and  
18               nonprofit entities to carry out ecosystem restoration  
19               projects and activities associated with the CALFED  
20               Bay-Delta Program; and

21               (2) in carrying out the projects and activities,  
22               enter into contracts, cooperative research and devel-  
23               opment agreements, and cooperative agreements  
24               with Federal and non-Federal private, public, and  
25               nonprofit entities.

1       (c) ~~AREA COVERED BY PROGRAM.~~—For the purposes  
 2 of this section, the area covered by the ~~CALFED~~ Bay-  
 3 Delta Program shall be the San Francisco Bay/Sac-  
 4 ramento-San Joaquin Delta Estuary and its watershed  
 5 (known as the “Bay-Delta Estuary”), as identified in the  
 6 Framework Agreement Between the Governor’s Water  
 7 Policy Council of the State of California and the Federal  
 8 Ecosystem Directorate.

9       (d) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There is  
 10 authorized to be appropriated to carry out this section  
 11 \$5,000,000 for each of fiscal years 2002 through 2005.

12 **SEC. 503. CONVEYANCE OF LIGHTHOUSE, ONTONAGON,**  
 13 **MICHIGAN.**

14       (a) ~~IN GENERAL.~~—The Secretary may convey to the  
 15 Ontonagon County Historical Society, at full Federal  
 16 expense—

- 17           (1) the lighthouse at Ontonagon, Michigan; and  
 18           (2) the land underlying and adjacent to the  
 19 lighthouse (including any improvements on the land)  
 20 that is under the jurisdiction of the Secretary.

21       (b) ~~MAP.~~—The Secretary shall—

- 22           (1) determine—  
 23               (A) the extent of the land conveyance  
 24               under this section; and

1           (B) the exact acreage and legal description  
2           of the land to be conveyed under this section;  
3           and

4           (2) prepare a map that clearly identifies any  
5           land to be conveyed.

6           (c) CONDITIONS.—The Secretary may—

7           (1) obtain all necessary easements and rights-  
8           of-way; and

9           (2) impose such terms, conditions, reservations,  
10          and restrictions on the conveyance;

11          as the Secretary determines to be necessary to protect the  
12          public interest.

13          (d) ENVIRONMENTAL RESPONSE.—To the extent re-  
14          quired under any applicable law, the Secretary shall be  
15          responsible for any necessary environmental response re-  
16          quired as a result of the prior Federal use or ownership  
17          of the land and improvements conveyed under this section.

18          (e) RESPONSIBILITIES AFTER CONVEYANCE.—After  
19          the conveyance of land under this section, the Ontonagon  
20          County Historical Society shall be responsible for any ad-  
21          ditional operation, maintenance, repair, rehabilitation, or  
22          replacement costs associated with—

23                  (1) the lighthouse; or

24                  (2) the conveyed land and improvements.

1       (f) ~~APPLICABILITY OF ENVIRONMENTAL LAW.—~~

2 ~~Nothing in this section affects the potential liability of any~~

3 ~~person under any applicable environmental law.~~

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

5       (a) *SHORT TITLE.*—*This Act may be cited as the*  
6 *“Water Resources Development Act of 2000”.*

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

*Sec. 1. Short title; table of contents.*

*Sec. 2. Definition of Secretary.*

#### *TITLE I—WATER RESOURCES PROJECTS*

*Sec. 101. Project authorizations.*

*Sec. 102. Small shore protection projects.*

*Sec. 103. Small navigation projects.*

*Sec. 104. Removal of snags and clearing and straightening of channels in navigable waters.*

*Sec. 105. Small bank stabilization projects.*

*Sec. 106. Small flood control projects.*

*Sec. 107. Small projects for improvement of the quality of the environment.*

*Sec. 108. Beneficial uses of dredged material.*

*Sec. 109. Small aquatic ecosystem restoration projects.*

*Sec. 110. Flood mitigation and riverine restoration.*

*Sec. 111. Disposal of dredged material on beaches.*

#### *TITLE II—GENERAL PROVISIONS*

*Sec. 201. Cooperation agreements with counties.*

*Sec. 202. Watershed and river basin assessments.*

*Sec. 203. Tribal partnership program.*

*Sec. 204. Ability to pay.*

*Sec. 205. Property protection program.*

*Sec. 206. National Recreation Reservation Service.*

*Sec. 207. Operation and maintenance of hydroelectric facilities.*

*Sec. 208. Interagency and international support.*

*Sec. 209. Reburial and conveyance authority.*

*Sec. 210. Approval of construction of dams and dikes.*

*Sec. 211. Project deauthorization authority.*

*Sec. 212. Floodplain management requirements.*

*Sec. 213. Environmental dredging.*

*Sec. 214. Regulatory analysis and management systems data.*

*Sec. 215. Performance of specialized or technical services.*

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

*Sec. 301. Boydsville, Arkansas.*

- Sec. 302. *White River Basin, Arkansas and Missouri.*  
 Sec. 303. *Gasparilla and Estero Islands, Florida.*  
 Sec. 304. *Fort Hall Indian Reservation, Idaho.*  
 Sec. 305. *Upper Des Plaines River and tributaries, Illinois.*  
 Sec. 306. *Red River Waterway, Louisiana.*  
 Sec. 307. *William Jennings Randolph Lake, Maryland.*  
 Sec. 308. *Missouri River Valley, Missouri.*  
 Sec. 309. *New Madrid County, Missouri.*  
 Sec. 310. *Pemiscot County Harbor, Missouri.*  
 Sec. 311. *Pike County, Missouri.*  
 Sec. 312. *Fort Peck fish hatchery, Montana.*  
 Sec. 313. *Sagamore Creek, New Hampshire.*  
 Sec. 314. *Passaic River Basin flood management, New Jersey.*  
 Sec. 315. *Rockaway Inlet to Norton Point, New York.*  
 Sec. 316. *John Day Pool, Oregon and Washington.*  
 Sec. 317. *Fox Point hurricane barrier, Providence, Rhode Island.*  
 Sec. 318. *Houston-Galveston Navigation Channels, Texas.*  
 Sec. 319. *Joe Pool Lake, Trinity River Basin, Texas.*  
 Sec. 320. *Lake Champlain watershed, Vermont and New York.*  
 Sec. 321. *Mount St. Helens, Washington.*  
 Sec. 322. *Puget Sound and adjacent waters restoration, Washington.*  
 Sec. 323. *Fox River System, Wisconsin.*  
 Sec. 324. *Chesapeake Bay oyster restoration.*  
 Sec. 325. *Great Lakes dredging levels adjustment.*  
 Sec. 326. *Great Lakes fishery and ecosystem restoration.*  
 Sec. 327. *Great Lakes remedial action plans and sediment remediation.*  
 Sec. 328. *Great Lakes tributary model.*  
 Sec. 329. *Treatment of dredged material from Long Island Sound.*  
 Sec. 330. *New England water resources and ecosystem restoration.*  
 Sec. 331. *Project deauthorizations.*

#### TITLE IV—STUDIES

- Sec. 401. *Baldwin County, Alabama.*  
 Sec. 402. *Bono, Arkansas.*  
 Sec. 403. *Cache Creek Basin, California.*  
 Sec. 404. *Estudillo Canal watershed, California.*  
 Sec. 405. *Laguna Creek watershed, California.*  
 Sec. 406. *Oceanside, California.*  
 Sec. 407. *San Jacinto watershed, California.*  
 Sec. 408. *Choctawhatchee River, Florida.*  
 Sec. 409. *Egmont Key, Florida.*  
 Sec. 410. *Upper Ocklawaha River and Apopka/Palatlakaha River basins, Florida.*  
 Sec. 411. *Boise River, Idaho.*  
 Sec. 412. *Wood River, Idaho.*  
 Sec. 413. *Chicago, Illinois.*  
 Sec. 414. *Boeuf and Black, Louisiana.*  
 Sec. 415. *Port of Iberia, Louisiana.*  
 Sec. 416. *South Louisiana.*  
 Sec. 417. *St. John the Baptist Parish, Louisiana.*  
 Sec. 418. *Narraguagus River, Milbridge, Maine.*  
 Sec. 419. *Portsmouth Harbor and Piscataqua River, Maine and New Hampshire.*  
 Sec. 420. *Merrimack River Basin, Massachusetts and New Hampshire.*  
 Sec. 421. *Port of Gulfport, Mississippi.*

- Sec. 422. *Upland disposal sites in New Hampshire.*  
 Sec. 423. *Missouri River basin, North Dakota, South Dakota, and Nebraska.*  
 Sec. 424. *Cuyahoga River, Ohio.*  
 Sec. 425. *Fremont, Ohio.*  
 Sec. 426. *Grand Lake, Oklahoma.*  
 Sec. 427. *Dredged material disposal site, Rhode Island.*  
 Sec. 428. *Chickamauga Lock and Dam, Tennessee.*  
 Sec. 429. *Germantown, Tennessee.*  
 Sec. 430. *Horn Lake Creek and Tributaries, Tennessee and Mississippi.*  
 Sec. 431. *Cedar Bayou, Texas.*  
 Sec. 432. *Houston Ship Channel, Texas.*  
 Sec. 433. *San Antonio Channel, Texas.*  
 Sec. 434. *White River watershed below Mud Mountain Dam, Washington.*  
 Sec. 435. *Willapa Bay, Washington.*  
 Sec. 436. *Upper Mississippi River basin sediment and nutrient study.*

*TITLE V—MISCELLANEOUS PROVISIONS*

- Sec. 501. *Visitors centers.*  
 Sec. 502. *CALFED Bay-Delta Program assistance, California.*  
 Sec. 503. *Conveyance of lighthouse, Ontonagon, Michigan.*  
 Sec. 504. *Land conveyance, Candy Lake, Oklahoma.*

*TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION PLAN*

- Sec. 601. *Comprehensive Everglades Restoration Plan.*

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

2       *In this Act, the term “Secretary” means the Secretary*  
 3 *of the Army.*

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

**6 SEC. 101. PROJECT AUTHORIZATIONS.**

7       *(a) PROJECTS WITH CHIEF’S REPORTS.—The fol-*  
 8 *lowing project for water resources development and con-*  
 9 *servation and other purposes is authorized to be carried out*  
 10 *by the Secretary substantially in accordance with the plans,*  
 11 *and subject to the conditions, described in the designated*  
 12 *report: The project for navigation, New York-New Jersey*  
 13 *Harbor: Report of the Chief of Engineers dated May 2,*  
 14 *2000, at a total cost of \$1,781,235,000, with an estimated*

1 *Federal cost of \$738,631,000 and an estimated non-Federal*  
2 *cost of \$1,042,604,000.*

3 *(b) PROJECTS SUBJECT TO A FINAL REPORT.—The*  
4 *following projects for water resources development and con-*  
5 *servaion and other purposes are authorized to be carried*  
6 *out by the Secretary substantially in accordance with the*  
7 *plans, and subject to the conditions, recommended in a final*  
8 *report of the Chief of Engineers if a favorable report of the*  
9 *Chief is completed not later than December 31, 2000:*

10 *(1) FALSE PASS HARBOR, ALASKA.—The project*  
11 *for navigation, False Pass Harbor, Alaska, at a total*  
12 *cost of \$15,000,000, with an estimated Federal cost of*  
13 *\$10,000,000 and an estimated non-Federal cost of*  
14 *\$5,000,000.*

15 *(2) UNALASKA HARBOR, ALASKA.—The project*  
16 *for navigation, Unalaska Harbor, Alaska, at a total*  
17 *cost of \$20,000,000, with an estimated Federal cost of*  
18 *\$12,000,000 and an estimated non-Federal cost of*  
19 *\$8,000,000.*

20 *(3) RIO DE FLAG, ARIZONA.—The project for*  
21 *flood damage reduction, Rio de Flag, Arizona, at a*  
22 *total cost of \$26,400,000, with an estimated Federal*  
23 *cost of \$17,100,000 and an estimated non-Federal cost*  
24 *of \$9,300,000.*

1           (4) *TRES RIOS, ARIZONA.*—*The project for envi-*  
2           *ronmental restoration, Tres Rios, Arizona, at a total*  
3           *cost of \$90,000,000, with an estimated Federal cost of*  
4           *\$58,000,000 and an estimated non-Federal cost of*  
5           *\$32,000,000.*

6           (5) *LOS ANGELES HARBOR, CALIFORNIA.*—*The*  
7           *project for navigation, Los Angeles Harbor, Cali-*  
8           *formia, at a total cost of \$168,900,000, with an esti-*  
9           *mated Federal cost of \$44,000,000 and an estimated*  
10          *non-Federal cost of \$124,900,000.*

11          (6) *MURRIETA CREEK, CALIFORNIA.*—*The project*  
12          *for flood control, Murrieta Creek, California, at a*  
13          *total cost of \$43,100,000, with an estimated Federal*  
14          *cost of \$27,800,000 and an estimated non-Federal cost*  
15          *of \$15,300,000.*

16          (7) *PINE FLAT DAM, CALIFORNIA.*—*The project*  
17          *for fish and wildlife restoration, Pine Flat Dam,*  
18          *California, at a total cost of \$34,000,000, with an es-*  
19          *timated Federal cost of \$22,000,000 and an estimated*  
20          *non-Federal cost of \$12,000,000.*

21          (8) *RANCHOS PALOS VERDES, CALIFORNIA.*—*The*  
22          *project for environmental restoration, Ranchos Palos*  
23          *Verdes, California, at a total cost of \$18,100,000, with*  
24          *an estimated Federal cost of \$11,800,000 and an esti-*  
25          *mated non-Federal cost of \$6,300,000.*

1           (9) *SANTA BARBARA STREAMS, CALIFORNIA.—*  
2           *The project for flood damage reduction, Santa Bar-*  
3           *bara Streams, Lower Mission Creek, California, at a*  
4           *total cost of \$17,100,000, with an estimated Federal*  
5           *cost of \$8,600,000 and an estimated non-Federal cost*  
6           *of \$8,500,000.*

7           (10) *UPPER NEWPORT BAY HARBOR, CALI-*  
8           *FORNIA.—The project for environmental restoration,*  
9           *Upper Newport Bay Harbor, California, at a total*  
10          *cost of \$28,280,000, with an estimated Federal cost of*  
11          *\$18,390,000 and an estimated non-Federal cost of*  
12          *\$9,890,000.*

13          (11) *WHITEWATER RIVER BASIN, CALIFORNIA.—*  
14          *The project for flood damage reduction, Whitewater*  
15          *River basin, California, at a total cost of \$26,000,000,*  
16          *with an estimated Federal cost of \$16,900,000 and an*  
17          *estimated non-Federal cost of \$9,100,000.*

18          (12) *TAMPA HARBOR, FLORIDA.—Modification of*  
19          *the project for navigation, Tampa Harbor, Florida,*  
20          *authorized by section 4 of the Act of September 22,*  
21          *1922 (42 Stat. 1042, chapter 427), to deepen the Port*  
22          *Sutton Channel, at a total cost of \$7,245,000, with an*  
23          *estimated Federal cost of \$4,709,000 and an estimated*  
24          *non-Federal cost of \$2,536,000.*

1           (13) *BARBERS POINT HARBOR, OAHU, HAWAII.—*  
2           *The project for navigation, Barbers Point Harbor,*  
3           *Oahu, Hawaii, at a total cost of \$51,000,000, with an*  
4           *estimated Federal cost of \$21,000,000 and an esti-*  
5           *mated non-Federal cost of \$30,000,000.*

6           (14) *JOHN T. MYERS LOCK AND DAM, INDIANA*  
7           *AND KENTUCKY.—The project for navigation, John T.*  
8           *Myers Lock and Dam, Ohio River, Indiana and Ken-*  
9           *tucky, at a total cost of \$182,000,000. The costs of*  
10          *construction of the project shall be paid 1/2 from*  
11          *amounts appropriated from the general fund of the*  
12          *Treasury and 1/2 from amounts appropriated from*  
13          *the Inland Waterways Trust Fund.*

14          (15) *GREENUP LOCK AND DAM, KENTUCKY.—The*  
15          *project for navigation, Greenup Lock and Dam, Ohio*  
16          *River, Kentucky, at a total cost of \$183,000,000. The*  
17          *costs of construction of the project shall be paid 1/2*  
18          *from amounts appropriated from the general fund of*  
19          *the Treasury and 1/2 from amounts appropriated*  
20          *from the Inland Waterways Trust Fund.*

21          (16) *MORGANZA, LOUISIANA, TO GULF OF MEX-*  
22          *ICO.—*

23                 (A) *IN GENERAL.—The project for hurricane*  
24                 *protection, Morganza, Louisiana, to the Gulf of*  
25                 *Mexico, at a total cost of \$550,000,000, with an*

1           *estimated Federal cost of \$358,000,000 and an*  
2           *estimated non-Federal cost of \$192,000,000.*

3           *(B) CREDIT.—The non-Federal interests*  
4           *shall receive credit toward the non-Federal share*  
5           *of project costs for the costs of any work carried*  
6           *out by the non-Federal interests for interim flood*  
7           *protection after March 31, 1989, if the Secretary*  
8           *finds that the work is compatible with, and inte-*  
9           *gral to, the project.*

10          *(17) CHESTERFIELD, MISSOURI.—The project to*  
11          *implement structural and nonstructural measures to*  
12          *prevent flood damage to Chesterfield, Missouri, and*  
13          *the surrounding area, at a total cost of \$63,000,000,*  
14          *with an estimated Federal cost of \$40,950,000 and an*  
15          *estimated non-Federal cost of \$22,050,000.*

16          *(18) BARNEGAT INLET TO LITTLE EGG INLET,*  
17          *NEW JERSEY.—The project for shore protection, Bar-*  
18          *negat Inlet to Little Egg Inlet, New Jersey, at a total*  
19          *cost of \$51,203,000, with an estimated Federal cost of*  
20          *\$33,282,000 and an estimated non-Federal cost of*  
21          *\$17,921,000, and at an estimated average annual cost*  
22          *of \$1,751,000 for periodic nourishment over the 50-*  
23          *year life of the project, with an estimated annual*  
24          *Federal cost of \$1,138,000 and an estimated annual*  
25          *non-Federal cost of \$613,000.*

1           (19) *RARITAN BAY AND SANDY HOOK BAY,*  
2           *CLIFFWOOD BEACH, NEW JERSEY.*—*The project for*  
3           *shore protection, Raritan Bay and Sandy Hook Bay,*  
4           *Cliffwood Beach, New Jersey, at a total cost of*  
5           *\$5,219,000, with an estimated Federal cost of*  
6           *\$3,392,000 and an estimated non-Federal cost of*  
7           *\$1,827,000, and at an estimated average annual cost*  
8           *of \$110,000 for periodic nourishment over the 50-year*  
9           *life of the project, with an estimated annual Federal*  
10           *cost of \$55,000 and an estimated annual non-Federal*  
11           *cost of \$55,000.*

12           (20) *RARITAN BAY AND SANDY HOOK BAY, PORT*  
13           *MONMOUTH, NEW JERSEY.*—*The project for shore pro-*  
14           *tection, Raritan Bay and Sandy Hook Bay, Port*  
15           *Monmouth, New Jersey, at a total cost of \$30,081,000,*  
16           *with an estimated Federal cost of \$19,553,000 and an*  
17           *estimated non-Federal cost of \$10,528,000, and at an*  
18           *estimated average annual cost of \$2,468,000 for peri-*  
19           *odic nourishment over the 50-year life of the project,*  
20           *with an estimated annual Federal cost of \$1,234,000*  
21           *and an estimated annual non-Federal cost of*  
22           *\$1,234,000.*

23           (21) *MEMPHIS, TENNESSEE.*—*The project for*  
24           *ecosystem restoration, Wolf River, Memphis, Ten-*  
25           *nessee, at a total cost of \$10,933,000, with an esti-*

1 *mated Federal cost of \$7,106,000 and an estimated*  
2 *non-Federal cost of \$3,827,000.*

3 (22) *JACKSON HOLE, WYOMING.—*

4 (A) *IN GENERAL.—The project for environ-*  
5 *mental restoration, Jackson Hole, Wyoming, at a*  
6 *total cost of \$66,500,000, with an estimated Fed-*  
7 *eral cost of \$43,225,000 and an estimated non-*  
8 *Federal cost of \$23,275,000.*

9 (B) *NON-FEDERAL SHARE.—*

10 (i) *IN GENERAL.—The non-Federal*  
11 *share of the costs of the project may be pro-*  
12 *vided in cash or in the form of in-kind serv-*  
13 *ices or materials.*

14 (ii) *CREDIT.—The non-Federal interest*  
15 *shall receive credit toward the non-Federal*  
16 *share of project costs for design and con-*  
17 *struction work carried out by the non-Fed-*  
18 *eral interest before the date of execution of*  
19 *a project cooperation agreement for the*  
20 *project, if the Secretary finds that the work*  
21 *is integral to the project.*

22 (23) *OHIO RIVER.—*

23 (A) *IN GENERAL.—The program for protec-*  
24 *tion and restoration of fish and wildlife habitat*  
25 *in and along the main stem of the Ohio River,*

1           *consisting of projects described in a comprehen-*  
2           *sive plan, at a total cost of \$200,000,000, with*  
3           *an estimated Federal cost of \$130,000,000 and*  
4           *an estimated non-Federal cost of \$70,000,000.*

5           *(B) NON-FEDERAL SHARE.—*

6                   *(i) IN GENERAL.—The non-Federal*  
7                   *share of the costs of any project under the*  
8                   *program may be provided in cash or in the*  
9                   *form of in-kind services or materials.*

10                   *(ii) CREDIT.—The non-Federal interest*  
11                   *shall receive credit toward the non-Federal*  
12                   *share of project costs for design and con-*  
13                   *struction work carried out by the non-Fed-*  
14                   *eral interest before the date of execution of*  
15                   *a project cooperation agreement for the*  
16                   *project, if the Secretary finds that the work*  
17                   *is integral to the project.*

18   **SEC. 102. SMALL SHORE PROTECTION PROJECTS.**

19           *The Secretary shall conduct a study for each of the*  
20           *following projects, and if the Secretary determines that a*  
21           *project is feasible, may carry out the project under section*  
22           *3 of the Act of August 13, 1946 (33 U.S.C. 426g):*

23                   *(1) LAKE PALOURDE, LOUISIANA.—Project for*  
24                   *beach restoration and protection, Highway 70, Lake*

1 *Palourde, St. Mary and St. Martin Parishes, Lou-*  
 2 *isiana.*

3 (2) *ST. BERNARD, LOUISIANA.—Project for beach*  
 4 *restoration and protection, Bayou Road, St. Bernard,*  
 5 *Louisiana.*

6 **SEC. 103. SMALL NAVIGATION PROJECTS.**

7 *The Secretary shall conduct a study for each of the*  
 8 *following projects and, if the Secretary determines that a*  
 9 *project is feasible, may carry out the project under section*  
 10 *107 of the River and Harbor Act of 1960 (33 U.S.C. 577):*

11 (1) *HOUMA NAVIGATION CANAL, LOUISIANA.—*  
 12 *Project for navigation, Houma Navigation Canal,*  
 13 *Terrebonne Parish, Louisiana.*

14 (2) *VIDALIA PORT, LOUISIANA.—Project for navi-*  
 15 *gation, Vidalia Port, Louisiana.*

16 **SEC. 104. REMOVAL OF SNAGS AND CLEARING AND**  
 17 **STRAIGHTENING OF CHANNELS IN NAVI-**  
 18 **GABLE WATERS.**

19 *The Secretary shall conduct a study for each of the*  
 20 *following projects and, if the Secretary determines that a*  
 21 *project is appropriate, may carry out the project under sec-*  
 22 *tion 3 of the Act of March 2, 1945 (33 U.S.C. 604):*

23 (1) *BAYOU MANCHAC, LOUISIANA.—Project for*  
 24 *removal of snags and clearing and straightening of*

1 *channels for flood control, Bayou Manchac, Ascension*  
 2 *Parish, Louisiana.*

3 (2) *BLACK BAYOU AND HIPPOLYTE COULEE, LOU-*  
 4 *ISIANA.—Project for removal of snags and clearing*  
 5 *and straightening of channels for flood control, Black*  
 6 *Bayou and Hippolyte Coulee, Calcasieu Parish, Lou-*  
 7 *isiana.*

8 **SEC. 105. SMALL BANK STABILIZATION PROJECTS.**

9 *The Secretary shall conduct a study for each of the*  
 10 *following projects and, if the Secretary determines that a*  
 11 *project is feasible, may carry out the project under section*  
 12 *14 of the Flood Control Act of 1946 (33 U.S.C. 701r):*

13 (1) *BAYOU DES GLAISES, LOUISIANA.—Project*  
 14 *for emergency streambank protection, Bayou des*  
 15 *Glaises (Lee Chatelain Road), Avoyelles Parish, Lou-*  
 16 *isiana.*

17 (2) *BAYOU PLAQUEMINE, LOUISIANA.—Project*  
 18 *for emergency streambank protection, Highway 77,*  
 19 *Bayou Plaquemine, Iberville Parish, Louisiana.*

20 (3) *HAMMOND, LOUISIANA.—Project for emer-*  
 21 *gency streambank protection, Fagan Drive Bridge,*  
 22 *Hammond, Louisiana.*

23 (4) *IBERVILLE PARISH, LOUISIANA.—Project for*  
 24 *emergency streambank protection, Iberville Parish,*  
 25 *Louisiana.*

1           (5) *LAKE ARTHUR, LOUISIANA.—Project for*  
2           *emergency streambank protection, Parish Road 120*  
3           *at Lake Arthur, Louisiana.*

4           (6) *LAKE CHARLES, LOUISIANA.—Project for*  
5           *emergency streambank protection, Pithon Coulee,*  
6           *Lake Charles, Calcasieu Parish, Louisiana.*

7           (7) *LOGGY BAYOU, LOUISIANA.—Project for emer-*  
8           *gency streambank protection, Loggy Bayou, Bienville*  
9           *Parish, Louisiana.*

10          (8) *SCOTLANDVILLE BLUFF, LOUISIANA.—Project*  
11          *for emergency streambank protection, Scotlandville*  
12          *Bluff, East Baton Rouge Parish, Louisiana.*

13 **SEC. 106. SMALL FLOOD CONTROL PROJECTS.**

14          *The Secretary shall conduct a study for each of the*  
15          *following projects and, if the Secretary determines that a*  
16          *project is feasible, may carry out the project under section*  
17          *205 of the Flood Control Act of 1948 (33 U.S.C. 701s):*

18               (1) *WEISER RIVER, IDAHO.—Project for flood*  
19               *damage reduction, Weiser River, Idaho.*

20               (2) *BAYOU TETE L'OURS, LOUISIANA.—Project*  
21               *for flood control, Bayou Tete L'Ours, Louisiana.*

22               (3) *BOSSIER CITY, LOUISIANA.—Project for flood*  
23               *control, Red Chute Bayou levee, Bossier City, Lou-*  
24               *isiana.*

1           (4) *BRAITHWAITE PARK, LOUISIANA.—Project for*  
2 *flood control, Braithwaite Park, Louisiana.*

3           (5) *CANE BEND SUBDIVISION, LOUISIANA.—*  
4 *Project for flood control, Cane Bend Subdivision, Bos-*  
5 *sier Parish, Louisiana.*

6           (6) *CROWN POINT, LOUISIANA.—Project for flood*  
7 *control, Crown Point, Louisiana.*

8           (7) *DONALDSONVILLE CANALS, LOUISIANA.—*  
9 *Project for flood control, Donaldsonville Canals, Lou-*  
10 *isiana.*

11          (8) *GOOSE BAYOU, LOUISIANA.—Project for flood*  
12 *control, Goose Bayou, Louisiana.*

13          (9) *GUMBY DAM, LOUISIANA.—Project for flood*  
14 *control, Gumby Dam, Richland Parish, Louisiana.*

15          (10) *HOPE CANAL, LOUISIANA.—Project for flood*  
16 *control, Hope Canal, Louisiana.*

17          (11) *JEAN LAFITTE, LOUISIANA.—Project for*  
18 *flood control, Jean Lafitte, Louisiana.*

19          (12) *LOCKPORT TO LAROSE, LOUISIANA.—Project*  
20 *for flood control, Lockport to Larose, Louisiana.*

21          (13) *LOWER LAFITTE BASIN, LOUISIANA.—*  
22 *Project for flood control, Lower Lafitte Basin, Lou-*  
23 *isiana.*

1           (14) *OAKVILLE TO LAREUSSITE, LOUISIANA.—*  
 2           *Project for flood control, Oakville to LaReussite, Lou-*  
 3           *isiana.*

4           (15) *PAILET BASIN, LOUISIANA.—Project for*  
 5           *flood control, Pailet Basin, Louisiana.*

6           (16) *POCHITOLAWA CREEK, LOUISIANA.—Project*  
 7           *for flood control, Pochitolawa Creek, Louisiana.*

8           (17) *ROSETHORN BASIN, LOUISIANA.—Project for*  
 9           *flood control, Rosethorn Basin, Louisiana.*

10          (18) *SHREVEPORT, LOUISIANA.—Project for flood*  
 11          *control, Twelve Mile Bayou, Shreveport, Louisiana.*

12          (19) *STEPHENSVILLE, LOUISIANA.—Project for*  
 13          *flood control, Stephenville, Louisiana.*

14          (20) *ST. JOHN THE BAPTIST PARISH, LOU-*  
 15          *ISIANA.—Project for flood control, St. John the Bap-*  
 16          *tist Parish, Louisiana.*

17          (21) *MAGBY CREEK AND VERNON BRANCH, MIS-*  
 18          *SISSIPPI.—Project for flood control, Magby Creek and*  
 19          *Vernon Branch, Lowndes County, Mississippi.*

20          (22) *FRITZ LANDING, TENNESSEE.—Project for*  
 21          *flood control, Fritz Landing, Tennessee.*

22   **SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE**  
 23                           **QUALITY OF THE ENVIRONMENT.**

24           *The Secretary shall conduct a study for each of the*  
 25           *following projects and, if the Secretary determines that a*

1 *project is appropriate, may carry out the project under sec-*  
2 *tion 1135(a) of the Water Resources Development Act of*  
3 *1986 (33 U.S.C. 2309a(a)):*

4 (1) *BAYOU SAUVAGE NATIONAL WILDLIFE REF-*  
5 *UGE, LOUISIANA.—Project for improvement of the*  
6 *quality of the environment, Bayou Sauvage National*  
7 *Wildlife Refuge, Orleans Parish, Louisiana.*

8 (2) *GULF INTRACOASTAL WATERWAY, BAYOU*  
9 *PLAQUEMINE, LOUISIANA.—Project for improvement*  
10 *of the quality of the environment, Gulf Intracoastal*  
11 *Waterway, Bayou Plaquemine, Iberville Parish, Lou-*  
12 *isiana.*

13 (3) *GULF INTRACOASTAL WATERWAY, MILES 220*  
14 *TO 222.5, LOUISIANA.—Project for improvement of the*  
15 *quality of the environment, Gulf Intracoastal Water-*  
16 *way, miles 220 to 222.5, Vermilion Parish, Lou-*  
17 *isiana.*

18 (4) *GULF INTRACOASTAL WATERWAY, WEEKS*  
19 *BAY, LOUISIANA.—Project for improvement of the*  
20 *quality of the environment, Gulf Intracoastal Water-*  
21 *way, Weeks Bay, Iberia Parish, Louisiana.*

22 (5) *LAKE FAUSSE POINT, LOUISIANA.—Project*  
23 *for improvement of the quality of the environment,*  
24 *Lake Fausse Point, Louisiana.*

1           (6) *LAKE PROVIDENCE, LOUISIANA.—Project for*  
 2 *improvement of the quality of the environment, Old*  
 3 *River, Lake Providence, Louisiana.*

4           (7) *NEW RIVER, LOUISIANA.—Project for im-*  
 5 *provement of the quality of the environment, New*  
 6 *River, Ascension Parish, Louisiana.*

7           (8) *ERIE COUNTY, OHIO.—Project for improve-*  
 8 *ment of the quality of the environment, Sheldon's*  
 9 *Marsh State Nature Preserve, Erie County, Ohio.*

10          (9) *MUSHINGUM COUNTY, OHIO.—Project for im-*  
 11 *provement of the quality of the environment, Dillon*  
 12 *Reservoir watershed, Licking River, Mushingum*  
 13 *County, Ohio.*

14 **SEC. 108. BENEFICIAL USES OF DREDGED MATERIAL.**

15          *The Secretary may carry out the following projects*  
 16 *under section 204 of the Water Resources Development Act*  
 17 *of 1992 (33 U.S.C. 2326):*

18          (1) *HOUMA NAVIGATION CANAL, LOUISIANA.—*  
 19 *Project to make beneficial use of dredged material*  
 20 *from a Federal navigation project that includes bar-*  
 21 *rier island restoration at the Houma Navigation*  
 22 *Canal, Terrebonne Parish, Louisiana.*

23          (2) *MISSISSIPPI RIVER GULF OUTLET, MILE -3*  
 24 *TO MILE -9, LOUISIANA.—Project to make beneficial*  
 25 *use of dredged material from a Federal navigation*

1 *project that includes dredging of the Mississippi River*  
 2 *Gulf Outlet, mile -3 to mile -9, St. Bernard Parish,*  
 3 *Louisiana.*

4 (3) *MISSISSIPPI RIVER GULF OUTLET, MILE 11*  
 5 *TO MILE 4, LOUISIANA.—Project to make beneficial*  
 6 *use of dredged material from a Federal navigation*  
 7 *project that includes dredging of the Mississippi River*  
 8 *Gulf Outlet, mile 11 to mile 4, St. Bernard Parish,*  
 9 *Louisiana.*

10 (4) *PLAQUEMINES PARISH, LOUISIANA.—Project*  
 11 *to make beneficial use of dredged material from a*  
 12 *Federal navigation project that includes marsh cre-*  
 13 *ation at the contained submarine maintenance dredge*  
 14 *sediment trap, Plaquemines Parish, Louisiana.*

15 (5) *OTTAWA COUNTY, OHIO.—Project to protect,*  
 16 *restore, and create aquatic and related habitat using*  
 17 *dredged material, East Harbor State Park, Ottawa*  
 18 *County, Ohio.*

19 **SEC. 109. SMALL AQUATIC ECOSYSTEM RESTORATION**  
 20 **PROJECTS.**

21 *The Secretary may carry out the following projects*  
 22 *under section 206 of the Water Resources Development Act*  
 23 *of 1996 (33 U.S.C. 2330):*

1           (1) *BRAUD BAYOU, LOUISIANA.—Project for*  
2 *aquatic ecosystem restoration, Braud Bayou, Spanish*  
3 *Lake, Ascension Parish, Louisiana.*

4           (2) *BURAS MARINA, LOUISIANA.—Project for*  
5 *aquatic ecosystem restoration, Buras Marina, Buras,*  
6 *Plaquemines Parish, Louisiana.*

7           (3) *COMITE RIVER, LOUISIANA.—Project for*  
8 *aquatic ecosystem restoration, Comite River at Hoo-*  
9 *per Road, Louisiana.*

10           (4) *DEPARTMENT OF ENERGY 21-INCH PIPELINE*  
11 *CANAL, LOUISIANA.—Project for aquatic ecosystem*  
12 *restoration, Department of Energy 21-inch Pipeline*  
13 *Canal, St. Martin Parish, Louisiana.*

14           (5) *LAKE BORGNE, LOUISIANA.—Project for*  
15 *aquatic ecosystem restoration, southern shores of Lake*  
16 *Borgne, Louisiana.*

17           (6) *LAKE MARTIN, LOUISIANA.—Project for*  
18 *aquatic ecosystem restoration, Lake Martin, Lou-*  
19 *isiana.*

20           (7) *LULING, LOUISIANA.—Project for aquatic eco-*  
21 *system restoration, Luling Oxidation Pond, St.*  
22 *Charles Parish, Louisiana.*

23           (8) *MANDEVILLE, LOUISIANA.—Project for aquat-*  
24 *ic ecosystem restoration, Mandeville, St. Tammany*  
25 *Parish, Louisiana.*

1           (9) *ST. JAMES, LOUISIANA.—Project for aquatic*  
2 *ecosystem restoration, St. James, Louisiana.*

3           (10) *MINES FALLS PARK, NEW HAMPSHIRE.—*  
4 *Project for aquatic ecosystem restoration, Mines Falls*  
5 *Park, New Hampshire.*

6           (11) *NORTH HAMPTON, NEW HAMPSHIRE.—*  
7 *Project for aquatic ecosystem restoration, Little River*  
8 *Salt Marsh, North Hampton, New Hampshire.*

9           (12) *HIGHLAND COUNTY, OHIO.—Project for*  
10 *aquatic ecosystem restoration, Rocky Fork Lake,*  
11 *Clear Creek floodplain, Highland County, Ohio.*

12           (13) *HOCKING COUNTY, OHIO.—Project for*  
13 *aquatic ecosystem restoration, Long Hollow Mine,*  
14 *Hocking County, Ohio.*

15           (14) *TUSCARAWAS COUNTY, OHIO.—Project for*  
16 *aquatic ecosystem restoration, Huff Run, Tuscarawas*  
17 *County, Ohio.*

18           (15) *CENTRAL AMAZON CREEK, OREGON.—*  
19 *Project for aquatic ecosystem restoration, Central*  
20 *Amazon Creek, Oregon.*

21           (16) *DELTA PONDS, OREGON.—Project for aquat-*  
22 *ic ecosystem restoration, Delta Ponds, Oregon.*

23           (17) *EUGENE MILLRACE, OREGON.—Project for*  
24 *aquatic ecosystem restoration, Eugene Millrace, Or-*  
25 *egon.*

1           (18) *MEDFORD, OREGON.—Project for aquatic*  
 2           *ecosystem restoration, Bear Creek watershed, Medford,*  
 3           *Oregon.*

4           (19) *ROSLYN LAKE, OREGON.—Project for aquatic*  
 5           *ecosystem restoration, Roslyn Lake, Oregon.*

6 **SEC. 110. FLOOD MITIGATION AND RIVERINE RESTORA-**  
 7                                   **TION.**

8           *Section 212(e) of the Water Resources Development Act*  
 9           *of 1999 (33 U.S.C. 2332(e)) is amended—*

10           (1) *in paragraph (22), by striking “and” at the*  
 11           *end;*

12           (2) *in paragraph (23), by striking the period at*  
 13           *the end and inserting “; and”; and*

14           (3) *by adding at the end the following:*

15           “(24) *Perry Creek, Iowa.*”.

16 **SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES.**

17           *Section 217 of the Water Resources Development Act*  
 18           *of 1999 (113 Stat. 294) is amended by adding at the end*  
 19           *the following:*

20           “(f) *FORT CANBY STATE PARK, BENSON BEACH,*  
 21           *WASHINGTON.—The Secretary may design and construct a*  
 22           *shore protection project at Fort Canby State Park, Benson*  
 23           *Beach, Washington, including beneficial use of dredged ma-*  
 24           *terial from Federal navigation projects as provided under*

1 *section 145 of the Water Resources Development Act of 1976*  
 2 *(33 U.S.C. 426j).”.*

### 3 **TITLE II—GENERAL PROVISIONS**

#### 4 **SEC. 201. COOPERATION AGREEMENTS WITH COUNTIES.**

5 *Section 221(a) of the Flood Control Act of 1970 (42*  
 6 *U.S.C. 1962d–5b(a)) is amended in the second sentence—*

7 *(1) by striking “State legislative”; and*

8 *(2) by inserting before the period at the end the*  
 9 *following: “of the State or a body politic of the*  
 10 *State”.*

#### 11 **SEC. 202. WATERSHED AND RIVER BASIN ASSESSMENTS.**

12 *Section 729 of the Water Resources Development Act*  
 13 *of 1986 (100 Stat. 4164) is amended to read as follows:*

#### 14 **“SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.**

15 *“(a) IN GENERAL.—The Secretary may assess the*  
 16 *water resources needs of river basins and watersheds of the*  
 17 *United States, including needs relating to—*

18 *“(1) ecosystem protection and restoration;*

19 *“(2) flood damage reduction;*

20 *“(3) navigation and ports;*

21 *“(4) watershed protection;*

22 *“(5) water supply; and*

23 *“(6) drought preparedness.*

1       “(b) *COOPERATION.*—An assessment under subsection  
2 (a) shall be carried out in cooperation and coordination  
3 with—

4               “(1) *the Secretary of the Interior;*

5               “(2) *the Secretary of Agriculture;*

6               “(3) *the Secretary of Commerce;*

7               “(4) *the Administrator of the Environmental*  
8 *Protection Agency; and*

9               “(5) *the heads of other appropriate agencies.*

10       “(c) *CONSULTATION.*—In carrying out an assessment  
11 under subsection (a), the Secretary shall consult with Fed-  
12 eral, tribal, State, interstate, and local governmental enti-  
13 ties.

14       “(d) *PRIORITY RIVER BASINS AND WATERSHEDS.*—In  
15 selecting river basins and watersheds for assessment under  
16 this section, the Secretary shall give priority to—

17               “(1) *the Delaware River basin; and*

18               “(2) *the Willamette River basin, Oregon.*

19       “(e) *ACCEPTANCE OF CONTRIBUTIONS.*—In carrying  
20 out an assessment under subsection (a), the Secretary may  
21 accept contributions, in cash or in kind, from Federal, trib-  
22 al, State, interstate, and local governmental entities to the  
23 extent that the Secretary determines that the contributions  
24 will facilitate completion of the assessment.

25       “(f) *COST-SHARING REQUIREMENTS.*—

1           “(1) *NON-FEDERAL SHARE.*—*The non-Federal*  
 2           *share of the costs of an assessment carried out under*  
 3           *this section shall be 50 percent.*

4           “(2) *CREDIT.*—

5                   “(A) *IN GENERAL.*—*Subject to subpara-*  
 6                   *graph (B), the non-Federal interests may receive*  
 7                   *credit toward the non-Federal share required*  
 8                   *under paragraph (1) for the provision of services,*  
 9                   *materials, supplies, or other in-kind contribu-*  
 10                   *tions.*

11                   “(B) *MAXIMUM AMOUNT OF CREDIT.*—*Cred-*  
 12                   *it under subparagraph (A) shall not exceed an*  
 13                   *amount equal to 25 percent of the costs of the as-*  
 14                   *essment.*

15           “(g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
 16           *authorized to be appropriated to carry out this section*  
 17           *\$15,000,000.”.*

18   **SEC. 203. TRIBAL PARTNERSHIP PROGRAM.**

19           (a) *DEFINITION OF INDIAN TRIBE.*—*In this section,*  
 20           *the term “Indian tribe” has the meaning given the term*  
 21           *in section 4 of the Indian Self-Determination and Edu-*  
 22           *cation Assistance Act (25 U.S.C. 450b).*

23           (b) *PROGRAM.*—

24                   (1) *IN GENERAL.*—*In cooperation with Indian*  
 25                   *tribes and the heads of other Federal agencies, the*

1        *Secretary may study and determine the feasibility of*  
2        *carrying out water resources development projects*  
3        *that—*

4                *(A) will substantially benefit Indian tribes;*

5                *and*

6                *(B) are located primarily within Indian*  
7                *country (as defined in section 1151 of title 18,*  
8                *United States Code) or in proximity to Alaska*  
9                *Native villages.*

10              *(2) MATTERS TO BE STUDIED.—A study con-*  
11              *ducted under paragraph (1) may address—*

12                *(A) projects for flood damage reduction, en-*  
13                *vironmental restoration and protection, and*  
14                *preservation of cultural and natural resources;*  
15                *and*

16                *(B) such other projects as the Secretary, in*  
17                *cooperation with Indian tribes and the heads of*  
18                *other Federal agencies, determines to be appro-*  
19                *priate.*

20              *(c) CONSULTATION AND COORDINATION WITH SEC-*  
21              *RETARY OF THE INTERIOR.—*

22                *(1) IN GENERAL.—In recognition of the unique*  
23                *role of the Secretary of the Interior concerning trust*  
24                *responsibilities with Indian tribes, and in recognition*  
25                *of mutual trust responsibilities, the Secretary shall*

1       *consult with the Secretary of the Interior concerning*  
2       *studies conducted under subsection (b).*

3               (2) *INTEGRATION OF ACTIVITIES.*—*The Secretary*  
4       *shall—*

5                       (A) *integrate civil works activities of the*  
6                       *Department of the Army with activities of the*  
7                       *Department of the Interior to avoid conflicts, du-*  
8                       *plications of effort, or unanticipated adverse ef-*  
9                       *fects on Indian tribes; and*

10                      (B) *consider the authorities and programs*  
11                      *of the Department of the Interior and other Fed-*  
12                      *eral agencies in any recommendations con-*  
13                      *cerning carrying out projects studied under sub-*  
14                      *section (b).*

15               (d) *PRIORITY PROJECTS.*—*In selecting water resources*  
16       *development projects for study under this section, the Sec-*  
17       *retary shall give priority to—*

18                      (1) *the project along the upper Snake River*  
19                      *within and adjacent to the Fort Hall Indian Reserva-*  
20                      *tion, Idaho, authorized by section 304; and*

21                      (2) *the project for the Tribal Reservation of the*  
22                      *Shoalwater Bay Indian Tribe on Willapa Bay, Wash-*  
23                      *ington, authorized by section 435(b).*

24               (e) *COST SHARING.*—

25                      (1) *ABILITY TO PAY.*—

1           (A) *IN GENERAL.*—*Any cost-sharing agree-*  
2           *ment for a study under subsection (b) shall be*  
3           *subject to the ability of the non-Federal interest*  
4           *to pay.*

5           (B) *USE OF PROCEDURES.*—*The ability of a*  
6           *non-Federal interest to pay shall be determined*  
7           *by the Secretary in accordance with procedures*  
8           *established by the Secretary.*

9           (2) *CREDIT.*—

10           (A) *IN GENERAL.*—*Subject to subparagraph*  
11           *(B), in conducting studies of projects under sub-*  
12           *section (b), the Secretary may provide credit to*  
13           *the non-Federal interest for the provision of serv-*  
14           *ices, studies, supplies, or other in-kind contribu-*  
15           *tions to the extent that the Secretary determines*  
16           *that the services, studies, supplies, and other in-*  
17           *kind contributions will facilitate completion of*  
18           *the project.*

19           (B) *MAXIMUM AMOUNT OF CREDIT.*—*Credit*  
20           *under subparagraph (A) shall not exceed an*  
21           *amount equal to the non-Federal share of the*  
22           *costs of the study.*

23           (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
24           *authorized to be appropriated to carry out subsection (b)*  
25           *\$5,000,000 for each of fiscal years 2002 through 2006, of*

1 *which not more than \$1,000,000 may be used with respect*  
2 *to any 1 Indian tribe.*

3 **SEC. 204. ABILITY TO PAY.**

4 *Section 103(m) of the Water Resources Development*  
5 *Act of 1986 (33 U.S.C. 2213(m)) is amended—*

6 *(1) by striking paragraphs (1) and (2) and in-*  
7 *serting the following:*

8 *“(1) IN GENERAL.—Any cost-sharing agreement*  
9 *under this section for a feasibility study, or for con-*  
10 *struction of an environmental protection and restora-*  
11 *tion project, a flood control project, a project for navi-*  
12 *gation, storm damage protection, shoreline erosion,*  
13 *hurricane protection, or recreation, or an agricultural*  
14 *water supply project, shall be subject to the ability of*  
15 *the non-Federal interest to pay.*

16 *“(2) CRITERIA AND PROCEDURES.—*

17 *“(A) IN GENERAL.—The ability of a non-*  
18 *Federal interest to pay shall be determined by*  
19 *the Secretary in accordance with—*

20 *“(i) during the period ending on the*  
21 *date on which revised criteria and proce-*  
22 *dures are promulgated under subparagraph*  
23 *(B), criteria and procedures in effect on the*  
24 *day before the date of enactment of this sub-*  
25 *paragraph; and*

1           “(ii) after the date on which revised  
2           criteria and procedures are promulgated  
3           under subparagraph (B), the revised cri-  
4           teria and procedures promulgated under  
5           subparagraph (B).

6           “(B) REVISED CRITERIA AND PROCE-  
7           DURES.—Not later than 18 months after the date  
8           of enactment of this subparagraph, in accordance  
9           with paragraph (3), the Secretary shall promul-  
10          gate revised criteria and procedures governing  
11          the ability of a non-Federal interest to pay.”;  
12          and

13          (2) in paragraph (3)—

14                (A) in subparagraph (A)(ii), by adding  
15                “and” at the end; and

16                (B) by striking subparagraphs (B) and (C)  
17                and inserting the following:

18                “(B) may consider additional criteria relat-  
19                ing to—

20                      “(i) the financial ability of the non-  
21                      Federal interest to carry out its cost-sharing  
22                      responsibilities; or

23                      “(ii) additional assistance that may be  
24                      available from other Federal or State  
25                      sources.”.

1 **SEC. 205. PROPERTY PROTECTION PROGRAM.**

2 (a) *IN GENERAL.*—*The Secretary may carry out a*  
3 *program to reduce vandalism and destruction of property*  
4 *at water resources development projects under the jurisdic-*  
5 *tion of the Department of the Army.*

6 (b) *PROVISION OF REWARDS.*—*In carrying out the*  
7 *program, the Secretary may provide rewards (including*  
8 *cash rewards) to individuals who provide information or*  
9 *evidence leading to the arrest and prosecution of individ-*  
10 *uals causing damage to Federal property.*

11 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
12 *authorized to be appropriated to carry out this section*  
13 *\$500,000 for each fiscal year.*

14 **SEC. 206. NATIONAL RECREATION RESERVATION SERVICE.**

15 *Notwithstanding section 611 of the Treasury and Gen-*  
16 *eral Government Appropriations Act, 1999 (Public Law*  
17 *105–277; 112 Stat. 2681–515), the Secretary may—*

18 (1) *participate in the National Recreation Res-*  
19 *ervation Service on an interagency basis; and*

20 (2) *pay the Department of the Army’s share of*  
21 *the activities required to implement, operate, and*  
22 *maintain the Service.*

23 **SEC. 207. OPERATION AND MAINTENANCE OF HYDRO-**  
24 **ELECTRIC FACILITIES.**

25 *Section 314 of the Water Resources Development Act*  
26 *of 1990 (33 U.S.C. 2321) is amended in the first sentence*

1 *by inserting before the period at the end the following: “in*  
 2 *cases in which the activities require specialized training re-*  
 3 *lating to hydroelectric power generation”.*

4 **SEC. 208. INTERAGENCY AND INTERNATIONAL SUPPORT.**

5 *Section 234(d) of the Water Resources Development*  
 6 *Act of 1996 (33 U.S.C. 2323a(d)) is amended—*

7 *(1) in the first sentence, by striking*  
 8 *“\$1,000,000” and inserting “\$2,000,000”; and*

9 *(2) in the second sentence, by inserting “out”*  
 10 *after “carry”.*

11 **SEC. 209. REBURIAL AND CONVEYANCE AUTHORITY.**

12 *(a) DEFINITION OF INDIAN TRIBE.—In this section,*  
 13 *the term “Indian tribe” has the meaning given the term*  
 14 *in section 4 of the Indian Self-Determination and Edu-*  
 15 *cation Assistance Act (25 U.S.C. 450b).*

16 *(b) REBURIAL.—*

17 *(1) REBURIAL AREAS.—In consultation with af-*  
 18 *ected Indian tribes, the Secretary may identify and*  
 19 *set aside areas at civil works projects of the Depart-*  
 20 *ment of the Army that may be used to rebury Native*  
 21 *American remains that—*

22 *(A) have been discovered on project land;*

23 *and*

1                   (B) have been rightfully claimed by a lineal  
2                   descendant or Indian tribe in accordance with  
3                   applicable Federal law.

4                   (2) *REBURIAL.*—In consultation with and with  
5                   the consent of the lineal descendant or the affected In-  
6                   dian tribe, the Secretary may recover and rebury, at  
7                   full Federal expense, the remains at the areas identi-  
8                   fied and set aside under subsection (b)(1).

9                   (c) *CONVEYANCE AUTHORITY.*—

10                   (1) *IN GENERAL.*—Subject to paragraph (2), not-  
11                   withstanding any other provision of law, the Sec-  
12                   retary may convey to an Indian tribe for use as a  
13                   cemetery an area at a civil works project that is iden-  
14                   tified and set aside by the Secretary under subsection  
15                   (b)(1).

16                   (2) *RETENTION OF NECESSARY PROPERTY INTER-*  
17                   *ESTS.*—In carrying out paragraph (1), the Secretary  
18                   shall retain any necessary right-of-way, easement, or  
19                   other property interest that the Secretary determines  
20                   to be necessary to carry out the authorized purposes  
21                   of the project.

22 **SEC. 210. APPROVAL OF CONSTRUCTION OF DAMS AND**  
23 **DIKES.**

24                   Section 9 of the Act of March 3, 1899 (33 U.S.C. 401),  
25 is amended—

1           (1) *by inserting “(a) IN GENERAL.—” before “It*  
2     *shall”;*

3           (2) *by striking “However, such structures” and*  
4     *inserting the following:*

5           “(b) *WATERWAYS WITHIN A SINGLE STATE.—Not-*  
6     *withstanding subsection (a), structures described in sub-*  
7     *section (a)”;*

8           (3) *by striking “When plans” and inserting the*  
9     *following:*

10          “(c) *MODIFICATION OF PLANS.—When plans”;*

11          (4) *by striking “The approval” and inserting the*  
12     *following:*

13          “(d) *APPLICABILITY.—*

14                 “(1) *BRIDGES AND CAUSEWAYS.—The approval”;*  
15     *and*

16          (5) *in subsection (d) (as designated by para-*  
17     *graph (4)), by adding at the end the following:*

18                 “(2) *DAMS AND DIKES.—*

19                         “(A) *IN GENERAL.—The approval required*  
20     *by this section of the location and plans, or any*  
21     *modification of plans, of any dam or dike, ap-*  
22     *plies only to a dam or dike that, if constructed,*  
23     *would completely span a waterway used to*  
24     *transport interstate or foreign commerce, in such*

1           *a manner that actual, existing interstate or for-*  
 2           *foreign commerce could be adversely affected.*

3           “(B) *OTHER DAMS AND DIKES.*—*Any dam*  
 4           *or dike (other than a dam or dike described in*  
 5           *subparagraph (A)) that is proposed to be built in*  
 6           *any other navigable water of the United States—*

7                     *“(i) shall be subject to section 10; and*

8                     *“(ii) shall not be subject to the ap-*  
 9                     *proval requirements of this section.”.*

10 **SEC. 211. PROJECT DEAUTHORIZATION AUTHORITY.**

11           *Section 1001 of the Water Resources Development Act*  
 12           *of 1986 (33 U.S.C. 579a) is amended to read as follows:*

13 **“SEC. 1001. PROJECT DEAUTHORIZATIONS.**

14           “(a) *DEFINITIONS.*—*In this section:*

15                     “(1) *CONSTRUCTION.*—*The term ‘construction’,*  
 16           *with respect to a project or separable element,*  
 17           *means—*

18                             “(A) *in the case of—*

19                                     “(i) *a nonstructural flood control*  
 20                                     *project, the acquisition of land, an ease-*  
 21                                     *ment, or a right-of-way primarily to relo-*  
 22                                     *cate a structure; and*

23                                     “(ii) *in the case of any other non-*  
 24                                     *structural measure, the performance of*

1           *physical work under a construction con-*  
2           *tract;*

3           “(B) *in the case of an environmental pro-*  
4           *tection and restoration project—*

5                 “(i) *the acquisition of land, an ease-*  
6                 *ment, or a right-of-way primarily to facili-*  
7                 *tate the restoration of wetland or a similar*  
8                 *habitat; or*

9                 “(ii) *the performance of physical work*  
10                *under a construction contract to modify an*  
11                *existing project facility or to construct a*  
12                *new environmental protection and restora-*  
13                *tion measure; and*

14               “(C) *in the case of any other water re-*  
15                *sources project, the performance of physical work*  
16                *under a construction contract.*

17               “(2) *PHYSICAL WORK UNDER A CONSTRUCTION*  
18                *CONTRACT.—The term ‘physical work under a con-*  
19                *struction contract’ does not include any activity re-*  
20                *lated to project planning, engineering and design, re-*  
21                *location, or the acquisition of land, an easement, or*  
22                *a right-of-way.*

23               “(b) *PROJECTS NEVER UNDER CONSTRUCTION.—*

1           “(1) *LIST OF PROJECTS.*—*The Secretary shall*  
2 *annually submit to Congress a list of projects and*  
3 *separable elements of projects that—*

4                   “(A) *are authorized for construction; and*

5                   “(B) *for which no Federal funds were obli-*  
6 *gated for construction during the 4 full fiscal*  
7 *years preceding the date of submission of the list.*

8           “(2) *DEAUTHORIZATION.*—*Any water resources*  
9 *project, or separable element of a water resources*  
10 *project, authorized for construction shall be deauthor-*  
11 *ized effective at the end of the 7-year period beginning*  
12 *on the date of the most recent authorization or reau-*  
13 *thorization of the project or separable element unless*  
14 *Federal funds have been obligated for construction of*  
15 *the project or separable element by the end of that pe-*  
16 *riod.*

17           “(c) *PROJECTS FOR WHICH CONSTRUCTION HAS*  
18 *BEEN SUSPENDED.*—

19           “(1) *LIST OF PROJECTS.*—*The Secretary shall*  
20 *annually submit to Congress a list of projects and*  
21 *separable elements of projects—*

22                   “(A) *that are authorized for construction;*

23                   “(B) *for which Federal funds have been ob-*  
24 *ligated for construction of the project or sepa-*  
25 *rable element; and*

1           “(C) for which no Federal funds have been  
2           obligated for construction of the project or sepa-  
3           rable element during the 2 full fiscal years pre-  
4           ceding the date of submission of the list.

5           “(2) *DEAUTHORIZATION.*—Any water resources  
6           project, or separable element of a water resources  
7           project, for which Federal funds have been obligated  
8           for construction shall be deauthorized effective at the  
9           end of any 5-fiscal year period during which Federal  
10          funds specifically identified for construction of the  
11          project or separable element (in an Act of Congress or  
12          in the accompanying legislative report language) have  
13          not been obligated for construction.

14          “(d) *CONGRESSIONAL NOTIFICATIONS.*—Upon submis-  
15          sion of the lists under subsections (b)(1) and (c)(1), the Sec-  
16          retary shall notify each Senator in whose State, and each  
17          Member of the House of Representatives in whose district,  
18          the affected project or separable element is or would be lo-  
19          cated.

20          “(e) *FINAL DEAUTHORIZATION LIST.*—The Secretary  
21          shall publish annually in the Federal Register a list of all  
22          projects and separable elements deauthorized under sub-  
23          section (b)(2) or (c)(2).

1       “(f) *EFFECTIVE DATE.*—Subsections (b)(2) and (c)(2)  
 2 *take effect 3 years after the date of enactment of this sub-*  
 3 *section.*”.

4 **SEC. 212. FLOODPLAIN MANAGEMENT REQUIREMENTS.**

5       (a) *IN GENERAL.*—Section 402(c) of the Water Re-  
 6 *sources Development Act of 1986 (33 U.S.C. 701b–12(c))*  
 7 *is amended—*

8           (1) *in the first sentence of paragraph (1), by*  
 9 *striking “Within 6 months after the date of the enact-*  
 10 *ment of this subsection, the” and inserting “The”;*

11           (2) *by redesignating paragraph (2) as para-*  
 12 *graph (3);*

13           (3) *by striking “Such guidelines shall address”*  
 14 *and inserting the following:*

15           “(2) *REQUIRED ELEMENTS.*—*The guidelines de-*  
 16 *veloped under paragraph (1) shall—*

17                   “(A) *address*”; *and*

18           (4) *in paragraph (2) (as designated by para-*  
 19 *graph (3))—*

20                   (A) *by inserting “that non-Federal interests*  
 21 *shall adopt and enforce” after “policies”;*

22                   (B) *by striking the period at the end and*  
 23 *inserting “; and”;* *and*

24                   (C) *by adding at the end the following:*

1           “(B) require non-Federal interests to take  
2           measures to preserve the level of flood protection  
3           provided by a project to which subsection (a) ap-  
4           plies.”.

5           (b) *APPLICABILITY.*—The amendments made by sub-  
6           section (a) shall apply to any project or separable element  
7           of a project with respect to which the Secretary and the  
8           non-Federal interest have not entered a project cooperation  
9           agreement on or before the date of enactment of this Act.

10          (c) *TECHNICAL AMENDMENTS.*—Section 402(b) of the  
11           Water Resources Development Act of 1986 (33 U.S.C. 701b–  
12           12(b)) is amended—

13           (1) in the subsection heading, by striking  
14           “FLOOD PLAIN” and inserting “FLOODPLAIN”; and

15           (2) in the first sentence, by striking “flood  
16           plain” and inserting “floodplain”.

17           **SEC. 213. ENVIRONMENTAL DREDGING.**

18           Section 312 of the Water Resources Development Act  
19           of 1990 (33 U.S.C. 1272) is amended by adding at the end  
20           the following:

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

1 **SEC. 214. REGULATORY ANALYSIS AND MANAGEMENT SYS-**  
2 **TEMS DATA.**

3 (a) *IN GENERAL.*—Beginning October 1, 2000, the Sec-  
4 retary, acting through the Chief of Engineers, shall publish,  
5 on the Army Corps of Engineers’ Regulatory Program  
6 website, quarterly reports that include all Regulatory Anal-  
7 ysis and Management Systems (RAMS) data.

8 (b) *DATA.*—Such RAMS data shall include—

9 (1) the date on which an individual or nation-  
10 wide permit application under section 404 of the Fed-  
11 eral Water Pollution Control Act (33 U.S.C. 1344) is  
12 first received by the Corps;

13 (2) the date on which the application is consid-  
14 ered complete;

15 (3) the date on which the Corps either grants  
16 (with or without conditions) or denies the permit;  
17 and

18 (4) if the application is not considered complete  
19 when first received by the Corps, a description of the  
20 reason the application was not considered complete.

21 **SEC. 215. PERFORMANCE OF SPECIALIZED OR TECHNICAL**  
22 **SERVICES.**

23 (a) *DEFINITION OF STATE.*—In this section, the term  
24 “State” has the meaning given the term in section 6501  
25 of title 31, United States Code.

1       **(b) AUTHORITY.**—*The Corps of Engineers may provide*  
2 *specialized or technical services to a Federal agency (other*  
3 *than a Department of Defense agency), State, or local gov-*  
4 *ernment of the United States under section 6505 of title*  
5 *31, United States Code, only if the chief executive of the*  
6 *requesting entity submits to the Secretary—*

7           (1) *a written request describing the scope of the*  
8 *services to be performed and agreeing to reimburse the*  
9 *Corps for all costs associated with the performance of*  
10 *the services; and*

11           (2) *a certification that includes adequate facts to*  
12 *establish that the services requested are not reasonably*  
13 *and quickly available through ordinary business*  
14 *channels.*

15       **(c) CORPS AGREEMENT TO PERFORM SERVICES.**—*The*  
16 *Secretary, after receiving a request described in subsection*  
17 *(b) to provide specialized or technical services, shall, before*  
18 *entering into an agreement to perform the services—*

19           (1) *ensure that the requirements of subsection (b)*  
20 *are met with regard to the request for services; and*

21           (2) *execute a certification that includes adequate*  
22 *facts to establish that the Corps is uniquely equipped*  
23 *to perform such services.*

24       **(d) ANNUAL REPORT TO CONGRESS.**—

1           (1) *IN GENERAL.*—Not later than the end of each  
2           calendar year, the Secretary shall provide to the Com-  
3           mittee on Transportation and Infrastructure of the  
4           House of Representatives and the Committee on Envi-  
5           ronment and Public Works of the Senate a report  
6           identifying any request submitted by a Federal agen-  
7           cy (other than a Department of Defense agency),  
8           State, or local government of the United States to the  
9           Corps to provide specialized or technical services.

10           (2) *CONTENTS OF REPORT.*—The report shall in-  
11           clude, with respect to each request described in para-  
12           graph (1)—

13                   (A) a description of the scope of services re-  
14                   quested;

15                   (B) the certifications required under sub-  
16                   section (b) and (c);

17                   (C) the status of the request;

18                   (D) the estimated and final cost of the serv-  
19                   ices;

20                   (E) the status of reimbursement;

21                   (F) a description of the scope of services  
22                   performed; and

23                   (G) copies of all certifications in support of  
24                   the request.

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

3     **SEC. 301. BOYDSVILLE, ARKANSAS.**

4             *The Secretary shall credit toward the non-Federal*  
5 *share of the costs of the study to determine the feasibility*  
6 *of the reservoir and associated improvements in the vicinity*  
7 *of Boydsville, Arkansas, authorized by section 402 of the*  
8 *Water Resources Development Act of 1999 (113 Stat. 322),*  
9 *not more than \$250,000 of the costs of the relevant planning*  
10 *and engineering investigations carried out by State and*  
11 *local agencies, if the Secretary finds that the investigations*  
12 *are integral to the scope of the feasibility study.*

13     **SEC. 302. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.**

14             *Section 374 of the Water Resources Development Act*  
15 *of 1999 (113 Stat. 321) is amended—*

16                     (1) *in subsection (a), by striking “the following”*  
17 *and all that follows and inserting “the amounts of*  
18 *project storage that are recommended by the report re-*  
19 *quired under subsection (b).”;* and

20                     (2) *in subsection (b)—*

21                             (A) *in paragraph (1), by inserting before*  
22 *the period at the end the following: “and does*  
23 *not significantly impact other authorized project*  
24 *purposes”;*

- 1           (B) in paragraph (2), by striking “2000”  
 2           and inserting “2002”; and  
 3           (C) in paragraph (3)—  
 4               (i) by inserting “and to what extent”  
 5               after “whether”;  
 6               (ii) in subparagraph (A), by striking  
 7               “and” at the end;  
 8               (iii) in subparagraph (B), by striking  
 9               the period at the end and inserting “; and”;  
 10              and  
 11              (iv) by adding at the end the following:  
 12              “(C) project storage should be reallocated to  
 13              sustain the tail water trout fisheries.”.

14 **SEC. 303. GASPARILLA AND ESTERO ISLANDS, FLORIDA.**

15           *The project for shore protection, Gasparilla and Estero*  
 16 *Island segments, Lee County, Florida, authorized under sec-*  
 17 *tion 201 of the Flood Control Act of 1965 (79 Stat. 1073),*  
 18 *by Senate Resolution dated December 17, 1970, and by*  
 19 *House Resolution dated December 15, 1970, is modified to*  
 20 *authorize the Secretary to enter into an agreement with the*  
 21 *non-Federal interest to carry out the project in accordance*  
 22 *with section 206 of the Water Resources Development Act*  
 23 *of 1992 (33 U.S.C. 426i–1), if the Secretary determines that*  
 24 *the project is technically sound, environmentally acceptable,*  
 25 *and economically justified.*

1 **SEC. 304. FORT HALL INDIAN RESERVATION, IDAHO.**

2       (a) *IN GENERAL.*—*The Secretary shall carry out plan-*  
3 *ning, engineering, and design of an adaptive ecosystem res-*  
4 *toration, flood damage reduction, and erosion protection*  
5 *project along the upper Snake River within and adjacent*  
6 *to the Fort Hall Indian Reservation, Idaho.*

7       (b) *PROJECT JUSTIFICATION.*—*Notwithstanding any*  
8 *other provision of law or requirement for economic justifica-*  
9 *tion, the Secretary may construct and adaptively manage*  
10 *for 10 years a project under this section if the Secretary*  
11 *determines that the project—*

12           (1) *is a cost-effective means of providing eco-*  
13 *system restoration, flood damage reduction, and ero-*  
14 *sion protection;*

15           (2) *is environmentally acceptable and technically*  
16 *feasible; and*

17           (3) *will improve the economic and social condi-*  
18 *tions of the Shoshone-Bannok Indian Tribe.*

19       (c) *LAND, EASEMENTS, AND RIGHTS-OF-WAY.*—*As a*  
20 *condition of the project described in subsection (a), the Sho-*  
21 *shone-Bannock Indian Tribe shall provide land, easements,*  
22 *and rights-of-way necessary for implementation of the*  
23 *project.*

1 **SEC. 305. UPPER DES PLAINES RIVER AND TRIBUTARIES, IL-**  
 2 **LINOIS.**

3 *The Secretary shall credit toward the non-Federal*  
 4 *share of the costs of the study to determine the feasibility*  
 5 *of improvements to the upper Des Plaines River and tribu-*  
 6 *taries, phase 2, Illinois and Wisconsin, authorized by sec-*  
 7 *tion 419 of the Water Resources Development Act of 1999*  
 8 *(113 Stat. 324), the costs of work carried out by the non-*  
 9 *Federal interests in Lake County, Illinois, before the date*  
 10 *of execution of the feasibility study cost-sharing agreement,*  
 11 *if—*

- 12 *(1) the Secretary and the non-Federal interests*  
 13 *enter into a feasibility study cost-sharing agreement;*  
 14 *and*  
 15 *(2) the Secretary finds that the work is integral*  
 16 *to the scope of the feasibility study.*

17 **SEC. 306. RED RIVER WATERWAY, LOUISIANA.**

18 *The project for mitigation of fish and wildlife losses,*  
 19 *Red River Waterway, Louisiana, authorized by section*  
 20 *601(a) of the Water Resources Development Act of 1986*  
 21 *(100 Stat. 4142) and modified by section 4(h) of the Water*  
 22 *Resources Development Act of 1988 (102 Stat. 4016), sec-*  
 23 *tion 102(p) of the Water Resources Development Act of 1990*  
 24 *(104 Stat. 4613), and section 301(b)(7) of the Water Re-*  
 25 *sources Development Act of 1996 (110 Stat. 3710), is fur-*  
 26 *ther modified to authorize the purchase of mitigation land*

1 *from willing sellers in any of the parishes that comprise*  
2 *the Red River Waterway District, consisting of Avoyelles,*  
3 *Bossier, Caddo, Grant, Natchitoches, Rapides, and Red*  
4 *River Parishes.*

5 **SEC. 307. WILLIAM JENNINGS RANDOLPH LAKE, MARYLAND.**

6 *The Secretary—*

7 *(1) may provide design and construction assist-*  
8 *ance for recreational facilities in the State of Mary-*  
9 *land at the William Jennings Randolph Lake*  
10 *(Bloomington Dam), Maryland and West Virginia,*  
11 *project authorized by section 203 of the Flood Control*  
12 *Act of 1962 (76 Stat. 1182); and*

13 *(2) shall require the non-Federal interest to pro-*  
14 *vide 50 percent of the costs of designing and con-*  
15 *structing the recreational facilities.*

16 **SEC. 308. MISSOURI RIVER VALLEY, MISSOURI.**

17 *(a) SHORT TITLE.—This section may be cited as the*  
18 *“Missouri River Valley Improvement Act”.*

19 *(b) FINDINGS AND PURPOSES.—*

20 *(1) FINDINGS.—Congress finds that—*

21 *(A) Lewis and Clark were pioneering natu-*  
22 *ralists that recorded dozens of species previously*  
23 *unknown to science while ascending the Missouri*  
24 *River in 1804;*

1           (B) *the Missouri River, which is 2,321*  
2 *miles long, drains  $\frac{1}{6}$  of the United States, is*  
3 *home to approximately 10,000,000 people in 10*  
4 *States and 28 Native American tribes, and is a*  
5 *resource of incalculable value to the United*  
6 *States;*

7           (C) *the construction of dams, levees, and*  
8 *river training structures in the past 150 years*  
9 *has aided navigation, flood control, and water*  
10 *supply along the Missouri River, but has reduced*  
11 *habitat for native river fish and wildlife;*

12           (D) *river organizations, including the Mis-*  
13 *souri River Basin Association, support habitat*  
14 *restoration, riverfront revitalization, and im-*  
15 *proved operational flexibility so long as those ef-*  
16 *forts do not significantly interfere with uses of*  
17 *the Missouri River; and*

18           (E) *restoring a string of natural places by*  
19 *the year 2004 would aid native river fish and*  
20 *wildlife, reduce flood losses, enhance recreation*  
21 *and tourism, and celebrate the bicentennial of*  
22 *Lewis and Clark's voyage.*

23           (2) *PURPOSES.—The purposes of this section*  
24 *are—*

1           (A) to protect, restore, and enhance the fish,  
2           wildlife, and plants, and the associated habitats  
3           on which they depend, of the Missouri River;

4           (B) to restore a string of natural places that  
5           aid native river fish and wildlife, reduce flood  
6           losses, and enhance recreation and tourism;

7           (C) to revitalize historic riverfronts to im-  
8           prove quality of life in riverside communities  
9           and attract recreation and tourism;

10          (D) to monitor the health of the Missouri  
11          River and measure biological, chemical, geologi-  
12          cal, and hydrological responses to changes in  
13          Missouri River management;

14          (E) to allow the Corps of Engineers in-  
15          creased authority to restore and protect fish and  
16          wildlife habitat on the Missouri River;

17          (F) to protect and replenish cottonwoods,  
18          and their associated riparian woodland commu-  
19          nities, along the upper Missouri River; and

20          (G) to educate the public about the eco-  
21          nomic, environmental, and cultural importance  
22          of the Missouri River and the scientific and cul-  
23          tural discoveries of Lewis and Clark.

24          (c) *DEFINITION OF MISSOURI RIVER.*—In this section,  
25          the term “Missouri River” means the Missouri River and

1 *the adjacent floodplain that extends from the mouth of the*  
 2 *Missouri River (RM 0) to the confluence of the Jefferson,*  
 3 *Madison, and Gallatin Rivers (RM 2341) in the State of*  
 4 *Montana.*

5 (d) *AUTHORITY TO PROTECT, ENHANCE, AND RE-*  
 6 *STORE FISH AND WILDLIFE HABITAT.*—Section 9(b) of the  
 7 *Act of December 22, 1944 (58 Stat. 891, chapter 665), is*  
 8 *amended—*

9 (1) *by striking “(b) The general” and inserting*  
 10 *the following:*

11 “(b) *COMPREHENSIVE PLAN.*—

12 “(1) *IN GENERAL.*—*The general*”;

13 (2) *by striking “paragraph” and inserting “sub-*  
 14 *section”;* and

15 (3) *by adding at the end the following:*

16 “(2) *FISH AND WILDLIFE HABITAT.*—*In addition*  
 17 *to carrying out the duties under the comprehensive*  
 18 *plan described in paragraph (1), the Chief of Engi-*  
 19 *neers shall protect, enhance, and restore fish and*  
 20 *wildlife habitat on the Missouri River to the extent*  
 21 *consistent with other authorized project purposes.”.*

22 (e) *INTEGRATION OF ACTIVITIES.*—

23 (1) *IN GENERAL.*—*In carrying out this section*  
 24 *and in accordance with paragraph (2), the Secretary*  
 25 *shall provide for such activities as are necessary to*

1       *protect and enhance fish and wildlife habitat without*  
2       *adversely affecting—*

3               *(A) the water-related needs of the Missouri*  
4               *River basin, including flood control, navigation,*  
5               *hydropower, water supply, and recreation; and*

6               *(B) private property rights.*

7               (2) *NEW AUTHORITY.—Nothing in this section*  
8       *confers any new regulatory authority on any Federal*  
9       *or non-Federal entity that carries out any activity*  
10       *under this section.*

11       (f) *MISSOURI RIVER MITIGATION PROJECT.—The*  
12       *matter under the heading “MISSOURI RIVER MITIGATION,*  
13       *MISSOURI, KANSAS, IOWA, AND NEBRASKA” of section 601(a)*  
14       *of the Water Resources Development Act of 1986 (100 Stat.*  
15       *4143) is amended by adding at the end the following:*  
16       *“There is authorized to be appropriated to carry out this*  
17       *paragraph \$20,000,000 for each of fiscal years 2001 through*  
18       *2010, contingent on the completion by December 31, 2000,*  
19       *of the study under this heading.”.*

20       (g) *UPPER MISSOURI RIVER AQUATIC AND RIPARIAN*  
21       *HABITAT MITIGATION PROGRAM.—*

22               (1) *IN GENERAL.—*

23               (A) *STUDY.—Not later than 2 years after*  
24               *the date of enactment of this Act, the Secretary,*  
25               *through an interagency agreement with the Di-*

1            *rector of the United States Fish and Wildlife*  
2            *Service and in accordance with the Fish and*  
3            *Wildlife Conservation Act of 1980 (16 U.S.C.*  
4            *2901 et seq.), shall complete a study that—*

5                    *(i) analyzes any adverse effects on*  
6                    *aquatic and riparian-dependent fish and*  
7                    *wildlife resulting from the operation of the*  
8                    *Missouri River Mainstem Reservoir Project*  
9                    *in the States of Nebraska, South Dakota,*  
10                   *North Dakota, and Montana;*

11                   *(ii) recommends measures appropriate*  
12                   *to mitigate the adverse effects described in*  
13                   *clause (i); and*

14                   *(iii) develops baseline geologic and hy-*  
15                   *drologic data relating to aquatic and ripar-*  
16                   *ian habitat.*

17                   *(B) REPORT.—Not later than 2 years after*  
18                   *the date of enactment of this Act, the Secretary*  
19                   *shall submit to Congress a report describing the*  
20                   *results of the study under subparagraph (A).*

21                   *(2) PILOT PROGRAM.—The Secretary, in con-*  
22                   *sultation with the Director of the United States Fish*  
23                   *and Wildlife Service and the affected State fish and*  
24                   *wildlife agencies, shall develop and administer a pilot*  
25                   *mitigation program that—*

1           (A) involves the experimental releases of  
2 warm water from the spillways at Fort Peck  
3 Dam during the appropriate spawning periods  
4 for native fish;

5           (B) involves the monitoring of the response  
6 of fish to and the effectiveness of the preservation  
7 of native fish and wildlife habitat of the releases  
8 described in subparagraph (A); and

9           (C) shall not adversely impact a use of the  
10 reservoir existing on the date on which the pilot  
11 program is implemented.

12           (3) *RESERVOIR FISH LOSS STUDY.*—

13           (A) *IN GENERAL.*—Not later than 2 years  
14 after the date of enactment of this Act, the Sec-  
15 retary, in consultation with the North Dakota  
16 Game and Fish Department and the South Da-  
17 kota Department of Game, Fish and Parks, shall  
18 complete a study to analyze and recommend  
19 measures to avoid or reduce the loss of fish, in-  
20 cluding rainbow smelt, through Garrison Dam  
21 in North Dakota and Oahe Dam in South Da-  
22 kota.

23           (B) *REPORT.*—Not later than 2 years after  
24 the date of enactment of this Act, the Secretary

1           *shall submit to Congress a report describing the*  
 2           *results of the study under subparagraph (A).*

3           (4) *AUTHORIZATION OF APPROPRIATIONS.—*

4           *There are authorized to be appropriated to the*  
 5           *Secretary—*

6                   *(A) to complete the study required under*  
 7                   *paragraph (3), \$200,000; and*

8                   *(B) to carry out the other provisions of this*  
 9                   *subsection, \$1,000,000 for each of fiscal years*  
 10                  *2001 through 2010.*

11          (i) *MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-*  
 12          *HANCEMENT PROJECT.—Section 514 of the Water Resources*  
 13          *Development Act of 1999 (113 Stat. 342) is amended by*  
 14          *striking subsection (g) and inserting the following:*

15                “(g) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
 16                *authorized to be appropriated to pay the Federal share of*  
 17                *the cost of carrying out activities under this section*  
 18                *\$5,000,000 for each of fiscal years 2001 through 2004.”.*

19          **SEC. 309. NEW MADRID COUNTY, MISSOURI.**

20                (a) *IN GENERAL.—The project for navigation, New*  
 21                *Madrid County Harbor, New Madrid County, Missouri, au-*  
 22                *thorized under section 107 of the River and Harbor Act of*  
 23                *1960 (33 U.S.C. 577), is authorized as described in the fea-*  
 24                *sibility report for the project, including both phase 1 and*  
 25                *phase 2 of the project.*

1       (b) *CREDIT.*—

2           (1) *IN GENERAL.*—*The Secretary shall provide*  
3       *credit to the non-Federal interests for the costs in-*  
4       *curring by the non-Federal interests in carrying out*  
5       *construction work for phase 1 of the project, if the*  
6       *Secretary finds that the construction work is integral*  
7       *to phase 2 of the project.*

8           (2) *MAXIMUM AMOUNT OF CREDIT.*—*The amount*  
9       *of the credit under paragraph (1) shall not exceed the*  
10      *required non-Federal share for the project.*

11 **SEC. 310. PEMISCOT COUNTY HARBOR, MISSOURI.**

12       (a) *CREDIT.*—*With respect to the project for naviga-*  
13      *tion, Pemiscot County Harbor, Missouri, authorized under*  
14      *section 107 of the River and Harbor Act of 1960 (33 U.S.C.*  
15      *577), the Secretary shall provide credit to the Pemiscot*  
16      *County Port Authority, or an agent of the authority, for*  
17      *the costs incurred by the Authority or agent in carrying*  
18      *out construction work for the project after December 31,*  
19      *1997, if the Secretary finds that the construction work is*  
20      *integral to the project.*

21       (b) *MAXIMUM AMOUNT OF CREDIT.*—*The amount of*  
22      *the credit under subsection (a) shall not exceed the required*  
23      *non-Federal share for the project, estimated as of the date*  
24      *of enactment of this Act to be \$222,000.*

1 **SEC. 311. PIKE COUNTY, MISSOURI.**

2 (a) *IN GENERAL.*—Subject to subsections (c) and (d),  
 3 at such time as S.S.S., Inc. conveys all right, title, and  
 4 interest in and to the parcel of land described in subsection  
 5 (b)(1) to the United States, the Secretary shall convey all  
 6 right, title, and interest of the United States in and to the  
 7 parcel of land described in subsection (b)(2) to S.S.S., Inc.

8 (b) *LAND DESCRIPTION.*—The parcels of land referred  
 9 to in subsection (a) are the following:

10 (1) *NON-FEDERAL LAND.*—8.99 acres with exist-  
 11 ing flowage easements, located in Pike County, Mis-  
 12 souri, adjacent to land being acquired from Holnam,  
 13 Inc. by the Corps of Engineers.

14 (2) *FEDERAL LAND.*—8.99 acres located in Pike  
 15 County, Missouri, known as “Government Tract  
 16 Numbers FM-46 and FM-47”, administered by the  
 17 Corps of Engineers.

18 (c) *CONDITIONS.*—The land exchange under subsection  
 19 (a) shall be subject to the following conditions:

20 (1) *DEEDS.*—

21 (A) *NON-FEDERAL LAND.*—The conveyance  
 22 of the parcel of land described in subsection  
 23 (b)(1) to the Secretary shall be by a warranty  
 24 deed acceptable to the Secretary.

25 (B) *FEDERAL LAND.*—The instrument of  
 26 conveyance used to convey the parcel of land de-

1           *scribed in subsection (b)(2) to S.S.S., Inc. shall*  
2           *contain such reservations, terms, and conditions*  
3           *as the Secretary considers necessary to allow the*  
4           *United States to operate and maintain the Mis-*  
5           *issippi River 9-Foot Navigation Project.*

6           (2) *REMOVAL OF IMPROVEMENTS.—*

7                   (A) *IN GENERAL.—S.S.S., Inc. may remove,*  
8                   *and the Secretary may require S.S.S., Inc. to re-*  
9                   *move, any improvements on the parcel of land*  
10                   *described in subsection (b)(1).*

11                   (B) *NO LIABILITY.—If S.S.S., Inc., volun-*  
12                   *tarily or under direction from the Secretary, re-*  
13                   *moves an improvement on the parcel of land de-*  
14                   *scribed in subsection (b)(1)—*

15                           (i) *S.S.S., Inc. shall have no claim*  
16                           *against the United States for liability; and*

17                           (ii) *the United States shall not incur*  
18                           *or be liable for any cost associated with the*  
19                           *removal or relocation of the improvement.*

20           (3) *TIME LIMIT FOR LAND EXCHANGE.—Not*  
21           *later than 2 years after the date of enactment of this*  
22           *Act, the land exchange under subsection (a) shall be*  
23           *completed.*

24           (4) *LEGAL DESCRIPTION.—The Secretary shall*  
25           *provide legal descriptions of the parcels of land de-*

1       scribed in subsection (b), which shall be used in the  
2       instruments of conveyance of the parcels.

3               (5) *ADMINISTRATIVE COSTS.*—The Secretary  
4       shall require S.S.S., Inc. to pay reasonable adminis-  
5       trative costs associated with the land exchange under  
6       subsection (a).

7       (d) *VALUE OF PROPERTIES.*—If the appraised fair  
8       market value, as determined by the Secretary, of the parcel  
9       of land conveyed to S.S.S., Inc. by the Secretary under sub-  
10      section (a) exceeds the appraised fair market value, as de-  
11      termined by the Secretary, of the parcel of land conveyed  
12      to the United States by S.S.S., Inc. under that subsection,  
13      S.S.S., Inc. shall pay to the United States, in cash or a  
14      cash equivalent, an amount equal to the difference between  
15      the 2 values.

16   **SEC. 312. FORT PECK FISH HATCHERY, MONTANA.**

17       (a) *FINDINGS.*—Congress finds that—

18               (1) *Fort Peck Lake, Montana, is in need of a*  
19               *multispecies fish hatchery;*

20               (2) *the burden of carrying out efforts to raise*  
21               *and stock fish species in Fort Peck Lake has been dis-*  
22               *proportionately borne by the State of Montana despite*  
23               *the existence of a Federal project at Fort Peck Lake;*

24               (3)(A) *as of the date of enactment of this Act,*  
25               *eastern Montana has only 1 warm water fish hatch-*

1        *ery, which is inadequate to meet the demands of the*  
2        *region; and*

3            *(B) a disease or infrastructure failure at that*  
4        *hatchery could imperil fish populations throughout*  
5        *the region;*

6            *(4) although the multipurpose project at Fort*  
7        *Peck, Montana, authorized by the first section of the*  
8        *Act of August 30, 1935 (49 Stat. 1034, chapter 831),*  
9        *was intended to include irrigation projects and other*  
10       *activities designed to promote economic growth, many*  
11       *of those projects were never completed, to the det-*  
12       *rimment of the local communities flooded by the Fort*  
13       *Peck Dam;*

14           *(5) the process of developing an environmental*  
15       *impact statement for the update of the Corps of Engi-*  
16       *neers Master Manual for the operation of the Missouri*  
17       *River recognized the need for greater support of recre-*  
18       *ation activities and other authorized purposes of the*  
19       *Fort Peck project;*

20           *(6)(A) although fish stocking is included among*  
21       *the authorized purposes of the Fort Peck project, the*  
22       *State of Montana has funded the stocking of Fort*  
23       *Peck Lake since 1947; and*

24           *(B) the obligation to fund the stocking con-*  
25       *stitutes an undue burden on the State; and*

1           (7) *a viable multispecies fishery would spur eco-*  
2           *nom ic development in the region.*

3           (b) *PURPOSES.—The purposes of this section are—*

4           (1) *to authorize and provide funding for the de-*  
5           *sign and construction of a multispecies fish hatchery*  
6           *at Fort Peck Lake, Montana; and*

7           (2) *to ensure stable operation and maintenance*  
8           *of the fish hatchery.*

9           (c) *DEFINITIONS.—In this section:*

10          (1) *FORT PECK LAKE.—The term “Fort Peck*  
11          *Lake” means the reservoir created by the damming of*  
12          *the upper Missouri River in northeastern Montana.*

13          (2) *HATCHERY PROJECT.—The term “hatchery*  
14          *project” means the project authorized by subsection*  
15          *(d).*

16          (d) *AUTHORIZATION.—The Secretary shall carry out*  
17          *a project at Fort Peck Lake, Montana, for the design and*  
18          *construction of a fish hatchery and such associated facilities*  
19          *as are necessary to sustain a multispecies fishery.*

20          (e) *COST SHARING.—*

21               (1) *DESIGN AND CONSTRUCTION.—*

22                   (A) *FEDERAL SHARE.—The Federal share*  
23                   *of the costs of design and construction of the*  
24                   *hatchery project shall be 75 percent.*

25                   (B) *FORM OF NON-FEDERAL SHARE.—*

1                   (i) *IN GENERAL.*—*The non-Federal*  
 2                   *share of the costs of the hatchery project*  
 3                   *may be provided in the form of cash or in*  
 4                   *the form of land, easements, rights-of-way,*  
 5                   *services, roads, or any other form of in-kind*  
 6                   *contribution determined by the Secretary to*  
 7                   *be appropriate.*

8                   (ii) *REQUIRED CREDITING.*—*The Sec-*  
 9                   *retary shall credit toward the non-Federal*  
 10                   *share of the costs of the hatchery project—*

11                               (I) *the costs to the State of Mon-*  
 12                               *tana of stocking Fort Peck Lake during*  
 13                               *the period beginning January 1, 1947;*  
 14                               *and*

15                               (II) *the costs to the State of Mon-*  
 16                               *tana and the counties having jurisdic-*  
 17                               *tion over land surrounding Fort Peck*  
 18                               *Lake of construction of local access*  
 19                               *roads to the lake.*

20                   (2) *OPERATION, MAINTENANCE, REPAIR, AND RE-*  
 21                   *PLACEMENT.*—

22                               (A) *IN GENERAL.*—*Except as provided in*  
 23                               *subparagraphs (B) and (C), the operation, main-*  
 24                               *tenance, repair, and replacement of the hatchery*  
 25                               *project shall be a non-Federal responsibility.*

1                   (B) *COSTS ASSOCIATED WITH THREATENED*  
 2                   *AND ENDANGERED SPECIES.*—*The costs of oper-*  
 3                   *ation and maintenance associated with raising*  
 4                   *threatened or endangered species shall be a Fed-*  
 5                   *eral responsibility.*

6                   (C) *POWER.*—*The Secretary shall offer to*  
 7                   *the hatchery project low-cost project power for all*  
 8                   *hatchery operations.*

9                   (f) *AUTHORIZATION OF APPROPRIATIONS.*—

10                   (1) *IN GENERAL.*—*There are authorized to be ap-*  
 11                   *propriated to carry out this section—*

12                                 (A) *\$20,000,000; and*

13                                 (B) *such sums as are necessary to carry out*  
 14                   *subsection (e)(2)(B).*

15                   (2) *AVAILABILITY OF FUNDS.*—*Sums made avail-*  
 16                   *able under paragraph (1) shall remain available until*  
 17                   *expended.*

18 **SEC. 313. SAGAMORE CREEK, NEW HAMPSHIRE.**

19                   *The Secretary shall carry out maintenance dredging*  
 20                   *of the Sagamore Creek Channel, New Hampshire.*

21 **SEC. 314. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW**  
 22                   **JERSEY.**

23                   (a) *IN GENERAL.*—*The project for flood control, Pas-*  
 24                   *saic River, New Jersey and New York, authorized by section*  
 25                   *101(a)(18) of the Water Resources Development Act of 1990*

1 (104 Stat. 4607), is modified to emphasize nonstructural  
2 approaches for flood control as alternatives to the construc-  
3 tion of the Passaic River tunnel element, while maintaining  
4 the integrity of other separable mainstream project ele-  
5 ments, wetland banks, and other independent projects that  
6 were authorized to be carried out in the Passaic River  
7 Basin before the date of enactment of this Act.

8 (b) *REEVALUATION OF FLOODWAY STUDY.*—The Sec-  
9 retary shall review the Passaic River Floodway Buyout  
10 Study, dated October 1995, to calculate the benefits of a  
11 buyout and environmental restoration using the method  
12 used to calculate the benefits of structural projects under  
13 section 308(b) of the Water Resources Development Act of  
14 1990 (33 U.S.C. 2318(b)).

15 (c) *REEVALUATION OF 10-YEAR FLOODPLAIN*  
16 *STUDY.*—The Secretary shall review the Passaic River  
17 Buyout Study of the 10-year floodplain beyond the floodway  
18 of the Central Passaic River Basin, dated September 1995,  
19 to calculate the benefits of a buyout and environmental res-  
20 toration using the method used to calculate the benefits of  
21 structural projects under section 308(b) of the Water Re-  
22 sources Development Act of 1990 (33 U.S.C. 2318(b)).

23 (d) *PRESERVATION OF NATURAL STORAGE AREAS.*—

24 (1) *IN GENERAL.*—The Secretary shall reevaluate  
25 the acquisition, from willing sellers, for flood protec-

1        *tion purposes, of wetlands in the Central Passaic*  
2        *River Basin to supplement the wetland acquisition*  
3        *authorized by section 101(a)(18)(C)(vi) of the Water*  
4        *Resources Development Act of 1990 (104 Stat. 4609).*

5            (2) *PURCHASE.—If the Secretary determines*  
6        *that the acquisition of wetlands evaluated under*  
7        *paragraph (1) is economically justified, the Secretary*  
8        *shall purchase the wetlands, with the goal of pur-*  
9        *chasing not more than 8,200 acres.*

10          (e) *STREAMBANK EROSION CONTROL STUDY.—The*  
11        *Secretary shall review relevant reports and conduct a study*  
12        *to determine the feasibility of carrying out a project for en-*  
13        *vironmental restoration, erosion control, and streambank*  
14        *restoration along the Passaic River, from Dundee Dam to*  
15        *Kearny Point, New Jersey.*

16          (f) *PASSAIC RIVER FLOOD MANAGEMENT TASK*  
17        *FORCE.—*

18            (1) *ESTABLISHMENT.—The Secretary, in co-*  
19        *operation with the non-Federal interest, shall estab-*  
20        *lish a task force, to be known as the “Passaic River*  
21        *Flood Management Task Force”, to provide advice to*  
22        *the Secretary concerning all aspects of the Passaic*  
23        *River flood management project.*

24            (2) *MEMBERSHIP.—The task force shall be com-*  
25        *posed of 20 members, appointed as follows:*

1           (A) *APPOINTMENT BY SECRETARY.*—*The*  
2           *Secretary shall appoint 1 member to represent*  
3           *the Corps of Engineers and to provide technical*  
4           *advice to the task force.*

5           (B) *APPOINTMENTS BY GOVERNOR OF NEW*  
6           *JERSEY.*—*The Governor of New Jersey shall ap-*  
7           *point 18 members to the task force, as follows:*

8                   (i) *2 representatives of the New Jersey*  
9                   *legislature who are members of different po-*  
10                  *litical parties.*

11                  (ii) *1 representative of the State of*  
12                  *New Jersey.*

13                  (iii) *1 representative of each of Bergen,*  
14                  *Essex, Morris, and Passaic Counties, New*  
15                  *Jersey.*

16                  (iv) *6 representatives of governments of*  
17                  *municipalities affected by flooding within*  
18                  *the Passaic River Basin.*

19                  (v) *1 representative of the Palisades*  
20                  *Interstate Park Commission.*

21                  (vi) *1 representative of the North Jer-*  
22                  *sey District Water Supply Commission.*

23                  (vii) *1 representative of each of—*

24                                (I) *the Association of New Jersey*  
25                                *Environmental Commissions;*

1                   (II) *the Passaic River Coalition;*  
2                   *and*  
3                   (III) *the Sierra Club.*

4                   (C) *APPOINTMENT BY GOVERNOR OF NEW*  
5                   *YORK.—The Governor of New York shall appoint*  
6                   *1 representative of the State of New York to the*  
7                   *task force.*

8                   (3) *MEETINGS.—*

9                   (A) *REGULAR MEETINGS.—The task force*  
10                   *shall hold regular meetings.*

11                   (B) *OPEN MEETINGS.—The meetings of the*  
12                   *task force shall be open to the public.*

13                   (4) *ANNUAL REPORT.—The task force shall sub-*  
14                   *mit annually to the Secretary and to the non-Federal*  
15                   *interest a report describing the achievements of the*  
16                   *Passaic River flood management project in preventing*  
17                   *flooding and any impediments to completion of the*  
18                   *project.*

19                   (5) *EXPENDITURE OF FUNDS.—The Secretary*  
20                   *may use funds made available to carry out the Pas-*  
21                   *saic River Basin flood management project to pay the*  
22                   *administrative expenses of the task force.*

23                   (6) *TERMINATION.—The task force shall termi-*  
24                   *nate on the date on which the Passaic River flood*  
25                   *management project is completed.*

1           (g) *ACQUISITION OF LANDS IN THE FLOODWAY.*—Sec-  
2   tion 1148 of the Water Resources Development Act of 1986  
3   (100 Stat. 4254; 110 Stat. 3718), is amended by adding  
4   at the end the following:

5           “(e) *CONSISTENCY WITH NEW JERSEY BLUE ACRES*  
6   *PROGRAM.*—The Secretary shall carry out this section in  
7   a manner that is consistent with the Blue Acres Program  
8   of the State of New Jersey.”

9           (h) *STUDY OF HIGHLANDS LAND CONSERVATION.*—  
10   The Secretary, in cooperation with the Secretary of Agri-  
11   culture and the State of New Jersey, may study the feasi-  
12   bility of conserving land in the Highlands region of New  
13   Jersey and New York to provide additional flood protection  
14   for residents of the Passaic River Basin in accordance with  
15   section 212 of the Water Resources Development Act of 1999  
16   (33 U.S.C. 2332).

17          (i) *RESTRICTION ON USE OF FUNDS.*—The Secretary  
18   shall not obligate any funds to carry out design or construc-  
19   tion of the tunnel element of the Passaic River flood control  
20   project, as authorized by section 101(a)(18)(A) of the Water  
21   Resources Development Act of 1990 (104 Stat. 4607).

22          (j) *CONFORMING AMENDMENT.*—Section 101(a)(18) of  
23   the Water Resources Development Act of 1990 (104 Stat.  
24   4607) is amended in the paragraph heading by striking

1 “MAIN STEM,” and inserting “FLOOD MANAGEMENT  
2 PROJECT,”.

3 **SEC. 315. ROCKAWAY INLET TO NORTON POINT, NEW YORK.**

4 (a) *IN GENERAL.*—The project for shoreline protection,  
5 Atlantic Coast of New York City from Rockaway Inlet to  
6 Norton Point (Coney Island Area), New York, authorized  
7 by section 501(a) of the Water Resources Development Act  
8 of 1986 (100 Stat. 4135) is modified to authorize the Sec-  
9 retary to construct T-groins to improve sand retention  
10 down drift of the West 37th Street groin, in the Sea Gate  
11 area of Coney Island, New York, as identified in the March  
12 1998 report prepared for the Corps of Engineers, entitled  
13 “Field Data Gathering Project Performance Analysis and  
14 Design Alternative Solutions to Improve Sandfill Reten-  
15 tion”, at a total cost of \$9,000,000, with an estimated Fed-  
16 eral cost of \$5,850,000 and an estimated non-Federal cost  
17 of \$3,150,000.

18 (b) *COST SHARING.*—The non-Federal share of the  
19 costs of constructing the T-groins under subsection (a) shall  
20 be 35 percent.

21 **SEC. 316. JOHN DAY POOL, OREGON AND WASHINGTON.**

22 (a) *EXTINGUISHMENT OF REVERSIONARY INTERESTS*  
23 *AND USE RESTRICTIONS.*—With respect to the land de-  
24 scribed in each deed specified in subsection (b)—

1           (1) *the reversionary interests and the use restric-*  
2           *tions relating to port or industrial purposes are ex-*  
3           *tinguished;*

4           (2) *the human habitation or other building*  
5           *structure use restriction is extinguished in each area*  
6           *where the elevation is above the standard project flood*  
7           *elevation; and*

8           (3) *the use of fill material to raise low areas*  
9           *above the standard project flood elevation is author-*  
10          *ized, except in any low area constituting wetland for*  
11          *which a permit under section 404 of the Federal*  
12          *Water Pollution Control Act (33 U.S.C. 1344) would*  
13          *be required.*

14          (b) *AFFECTED DEEDS.*—*Subsection (a) applies to*  
15          *deeds with the following county auditors' numbers:*

16               (1) *Auditor's Microfilm Numbers 229 and 16226*  
17               *of Morrow County, Oregon, executed by the United*  
18               *States.*

19               (2) *The portion of the land conveyed in a deed*  
20               *executed by the United States and bearing Benton*  
21               *County, Washington, Auditor's File Number 601766,*  
22               *described as a tract of land lying in sec. 7, T. 5 N.,*  
23               *R. 28 E., Willamette meridian, Benton County,*  
24               *Washington, being more particularly described by the*  
25               *following boundaries:*

1           (A) Commencing at the point of intersection  
2 of the centerlines of Plymouth Street and Third  
3 Avenue in the First Addition to the Town of  
4 Plymouth (according to the duly recorded plat  
5 thereof).

6           (B) Thence west along the centerline of  
7 Third Avenue, a distance of 565 feet.

8           (C) Thence south  $54^{\circ} 10'$  west, to a point on  
9 the west line of Tract 18 of that Addition and  
10 the true point of beginning.

11           (D) Thence north, parallel with the west  
12 line of that sec. 7, to a point on the north line  
13 of that sec. 7.

14           (E) Thence west along the north line thereof  
15 to the northwest corner of that sec. 7.

16           (F) Thence south along the west line of that  
17 sec. 7 to a point on the ordinary high water line  
18 of the Columbia River.

19           (G) Thence northeast along that high water  
20 line to a point on the north and south coordinate  
21 line of the Oregon Coordinate System, North  
22 Zone, that coordinate line being east 2,291,000  
23 feet.

1           (H) Thence north along that line to a point  
2           on the south line of First Avenue of that Addi-  
3           tion.

4           (I) Thence west along First Avenue to a  
5           point on the southerly extension of the west line  
6           of T. 18.

7           (J) Thence north along that west line of T.  
8           18 to the point of beginning.

9   **SEC. 317. FOX POINT HURRICANE BARRIER, PROVIDENCE,**  
10           **RHODE ISLAND.**

11        Section 352 of the Water Resources Development Act  
12        of 1999 (113 Stat. 310) is amended—

13           (1) by inserting “(a) *IN GENERAL.*—” before  
14        “*The*”; and

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

16        “(b) *CREDIT TOWARD NON-FEDERAL SHARE.*—*The*  
17        *non-Federal interest shall receive credit toward the non-*  
18        *Federal share of project costs, or reimbursement, for the*  
19        *Federal share of the costs of repairs authorized under sub-*  
20        *section (a) that are incurred by the non-Federal interest*  
21        *before the date of execution of the project cooperation agree-*  
22        *ment.*”.

1 **SEC. 318. HOUSTON-GALVESTON NAVIGATION CHANNELS,**  
2 **TEXAS.**

3 (a) *IN GENERAL.*—Subject to the completion, not later  
4 than December 31, 2000, of a favorable report by the Chief  
5 of Engineers, the project for navigation and environmental  
6 restoration, *Houston-Galveston Navigation Channels,*  
7 *Texas, authorized by section 101(a)(30) of the Water Re-*  
8 *sources Development Act of 1996 (110 Stat. 3666), is modi-*  
9 *fied to authorize the Secretary to design and construct barge*  
10 *lanes adjacent to both sides of the Houston Ship Channel*  
11 *from Redfish Reef to Morgan Point, a distance of approxi-*  
12 *mately 15 miles, to a depth of 12 feet, at a total cost of*  
13 *\$34,000,000, with an estimated Federal cost of \$30,600,000*  
14 *and an estimated non-Federal cost of \$3,400,000.*

15 (b) *COST SHARING.*—The non-Federal interest shall  
16 pay a portion of the costs of construction of the barge lanes  
17 under subsection (a) in accordance with section 101 of the  
18 *Water Resources Development Act of 1986 (33 U.S.C. 2211).*

19 (c) *FEDERAL INTEREST.*—If the modification under  
20 subsection (a) is in compliance with all applicable environ-  
21 mental requirements, the modification shall be considered  
22 to be in the Federal interest.

23 (d) *NO AUTHORIZATION OF MAINTENANCE.*—No main-  
24 tenance is authorized to be carried out for the modification  
25 under subsection (a).

1 **SEC. 319. JOE POOL LAKE, TRINITY RIVER BASIN, TEXAS.**

2       (a) *IN GENERAL.*—*The Secretary shall enter into an*  
3 *agreement with the city of Grand Prairie, Texas, under*  
4 *which the city agrees to assume all responsibilities of the*  
5 *Trinity River Authority of the State of Texas under Con-*  
6 *tract No. DACW63-76-C-0166, other than financial re-*  
7 *sponsibilities, except the responsibility described in sub-*  
8 *section (d).*

9       (b) *RESPONSIBILITIES OF TRINITY RIVER AUTHOR-*  
10 *ITY.*—*The Trinity River Authority shall be relieved of all*  
11 *financial responsibilities under the contract described in*  
12 *subsection (a) as of the date on which the Secretary enters*  
13 *into the agreement with the city under that subsection.*

14       (c) *PAYMENTS BY CITY.*—*In consideration of the agree-*  
15 *ment entered into under subsection (a), the city shall pay*  
16 *the Federal Government \$4,290,000 in 2 installments—*

17             (1) *1 installment in the amount of \$2,150,000,*  
18             *which shall be due and payable not later than Decem-*  
19             *ber 1, 2000; and*

20             (2) *1 installment in the amount of \$2,140,000,*  
21             *which shall be due and payable not later than Decem-*  
22             *ber 1, 2003.*

23       (d) *OPERATION AND MAINTENANCE COSTS.*—*The*  
24 *agreement entered into under subsection (a) shall include*  
25 *a provision requiring the city to assume responsibility for*  
26 *all costs associated with operation and maintenance of the*

1 *recreation facilities included in the contract described in*  
2 *that subsection.*

3 **SEC. 320. LAKE CHAMPLAIN WATERSHED, VERMONT AND**  
4 **NEW YORK.**

5 *(a) DEFINITIONS.—In this section:*

6 *(1) CRITICAL RESTORATION PROJECT.—The term*  
7 *“critical restoration project” means a project that*  
8 *will produce, consistent with Federal programs,*  
9 *projects, and activities, immediate and substantial*  
10 *ecosystem restoration, preservation, and protection*  
11 *benefits.*

12 *(2) LAKE CHAMPLAIN WATERSHED.—The term*  
13 *“Lake Champlain watershed” means—*

14 *(A) the land areas within Addison,*  
15 *Bennington, Caledonia, Chittenden, Franklin,*  
16 *Grand Isle, Lamoille, Orange, Orleans, Rutland,*  
17 *and Washington Counties in the State of*  
18 *Vermont; and*

19 *(B)(i) the land areas that drain into Lake*  
20 *Champlain and that are located within Essex,*  
21 *Clinton, Franklin, Warren, and Washington*  
22 *Counties in the State of New York; and*

23 *(ii) the near-shore areas of Lake Champlain*  
24 *within the counties referred to in clause (i).*

25 *(b) CRITICAL RESTORATION PROJECTS.—*

1           (1) *IN GENERAL.*—*The Secretary may partici-*  
2           *cate in critical restoration projects in the Lake*  
3           *Champlain watershed.*

4           (2) *TYPES OF PROJECTS.*—*A critical restoration*  
5           *project shall be eligible for assistance under this sec-*  
6           *tion if the critical restoration project consists of—*

7                   (A) *implementation of an intergovern-*  
8                   *mental agreement for coordinating regulatory*  
9                   *and management responsibilities with respect to*  
10                  *the Lake Champlain watershed;*

11                  (B) *acceleration of whole farm planning to*  
12                  *implement best management practices to main-*  
13                  *tain or enhance water quality and to promote*  
14                  *agricultural land use in the Lake Champlain*  
15                  *watershed;*

16                  (C) *acceleration of whole community plan-*  
17                  *ning to promote intergovernmental cooperation*  
18                  *in the regulation and management of activities*  
19                  *consistent with the goal of maintaining or en-*  
20                  *hancing water quality in the Lake Champlain*  
21                  *watershed;*

22                  (D) *natural resource stewardship activities*  
23                  *on public or private land to promote land uses*  
24                  *that—*

1                   (i) *preserve and enhance the economic*  
2                   *and social character of the communities in*  
3                   *the Lake Champlain watershed; and*

4                   (ii) *protect and enhance water quality;*  
5                   *or*

6                   (E) *any other activity determined by the*  
7                   *Secretary to be appropriate.*

8           (c) *PUBLIC OWNERSHIP REQUIREMENT.—The Sec-*  
9           *retary may provide assistance for a critical restoration*  
10           *project under this section only if—*

11                   (1) *the critical restoration project is publicly*  
12                   *owned; or*

13                   (2) *the non-Federal interest with respect to the*  
14                   *critical restoration project demonstrates that the crit-*  
15                   *ical restoration project will provide a substantial*  
16                   *public benefit in the form of water quality improve-*  
17                   *ment.*

18           (d) *PROJECT SELECTION.—*

19                   (1) *IN GENERAL.—In consultation with the*  
20                   *heads of other appropriate Federal, State, tribal, and*  
21                   *local agencies, the Secretary may—*

22                           (A) *identify critical restoration projects in*  
23                           *the Lake Champlain watershed; and*

24                           (B) *carry out the critical restoration*  
25                           *projects after entering into an agreement with an*

1           *appropriate non-Federal interest in accordance*  
2           *with section 221 of the Flood Control Act of 1970*  
3           *(42 U.S.C. 1962d-5b) and this section.*

4           (2) *CERTIFICATION.—*

5                 (A) *IN GENERAL.—A critical restoration*  
6                 *project shall be eligible for financial assistance*  
7                 *under this section only if the State director for*  
8                 *the critical restoration project certifies to the*  
9                 *Secretary that the critical restoration project*  
10                *will contribute to the protection and enhance-*  
11                *ment of the quality or quantity of the water re-*  
12                *sources of the Lake Champlain watershed.*

13                (B) *SPECIAL CONSIDERATION.—In certi-*  
14                *fying critical restoration projects to the Sec-*  
15                *retary, State directors shall give special consider-*  
16                *ation to projects that implement plans, agree-*  
17                *ments, and measures that preserve and enhance*  
18                *the economic and social character of the commu-*  
19                *nities in the Lake Champlain watershed.*

20           (e) *COST SHARING.—*

21                 (1) *IN GENERAL.—Before providing assistance*  
22                 *under this section with respect to a critical restora-*  
23                 *tion project, the Secretary shall enter into a project*  
24                 *cooperation agreement that shall require the non-Fed-*  
25                 *eral interest—*

1           (A) to pay 35 percent of the total costs of  
2           the critical restoration project;

3           (B) to acquire any land, easements, rights-  
4           of-way, relocations, and dredged material dis-  
5           posal areas necessary to carry out the critical  
6           restoration project;

7           (C) to pay 100 percent of the operation,  
8           maintenance, repair, replacement, and rehabili-  
9           tation costs associated with the critical restora-  
10          tion project; and

11          (D) to hold the United States harmless from  
12          any claim or damage that may arise from car-  
13          rying out the critical restoration project, except  
14          any claim or damage that may arise from the  
15          negligence of the Federal Government or a con-  
16          tractor of the Federal Government.

17          (2) *NON-FEDERAL SHARE.*—

18                 (A) *CREDIT FOR DESIGN WORK.*—*The non-*  
19                 *Federal interest shall receive credit for the rea-*  
20                 *sonable costs of design work carried out by the*  
21                 *non-Federal interest before the date of execution*  
22                 *of a project cooperation agreement for the crit-*  
23                 *ical restoration project, if the Secretary finds*  
24                 *that the design work is integral to the critical*  
25                 *restoration project.*

1           (B) *CREDIT FOR LAND, EASEMENTS, AND*  
2           *RIGHTS-OF-WAY.*—*The non-Federal interest shall*  
3           *receive credit for the value of any land, ease-*  
4           *ment, right-of-way, relocation, or dredged mate-*  
5           *rial disposal area provided for carrying out the*  
6           *critical restoration project.*

7           (C) *FORM.*—*The non-Federal interest may*  
8           *provide up to 50 percent of the non-Federal*  
9           *share in the form of services, materials, supplies,*  
10          *or other in-kind contributions.*

11          (f) *APPLICABILITY OF OTHER FEDERAL AND STATE*  
12          *LAWS.*—*Nothing in this section waives, limits, or otherwise*  
13          *affects the applicability of Federal or State law with respect*  
14          *to a critical restoration project carried out with assistance*  
15          *provided under this section.*

16          (g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
17          *authorized to be appropriated to carry out this section*  
18          *\$20,000,000, to remain available until expended.*

19          **SEC. 321. MOUNT ST. HELENS, WASHINGTON.**

20          *The project for sediment control, Mount St. Helens,*  
21          *Washington, authorized by the matter under the heading*  
22          *“TRANSFER OF FEDERAL TOWNSITES” in chapter IV of title*  
23          *I of the Supplemental Appropriations Act, 1985 (99 Stat.*  
24          *318), is modified to authorize the Secretary to maintain,*  
25          *for Longview, Kelso, Lexington, and Castle Rock on the*

1 *Cowlitz River, Washington, the flood protection levels speci-*  
 2 *fied in the October 1985 report entitled “Mount St. Helens,*  
 3 *Washington, Decision Document (Toutle, Cowlitz, and Co-*  
 4 *lumbia Rivers)”*, published as House Document No. 135,  
 5 *99th Congress, signed by the Chief of Engineers, and en-*  
 6 *dorsed and submitted to Congress by the Acting Assistant*  
 7 *Secretary of the Army.*

8 **SEC. 322. PUGET SOUND AND ADJACENT WATERS RESTORA-**  
 9 **TION, WASHINGTON.**

10 (a) *DEFINITION OF CRITICAL RESTORATION*  
 11 *PROJECT.—In this section, the term “critical restoration*  
 12 *project” means a project that will produce, consistent with*  
 13 *Federal programs, projects, and activities, immediate and*  
 14 *substantial ecosystem restoration, preservation, and protec-*  
 15 *tion benefits.*

16 (b) *CRITICAL RESTORATION PROJECTS.—The Sec-*  
 17 *retary may participate in critical restoration projects in*  
 18 *the area of Puget Sound, Washington, and adjacent waters,*  
 19 *including—*

- 20 (1) *the watersheds that drain directly into Puget*  
 21 *Sound;*  
 22 (2) *Admiralty Inlet;*  
 23 (3) *Hood Canal;*  
 24 (4) *Rosario Strait; and*

1           (5) *the eastern portion of the Strait of Juan de*  
2       *Fuca.*

3       (c) *PROJECT SELECTION.*—*In consultation with the*  
4 *Secretary of the Interior, the Secretary of Commerce, and*  
5 *the heads of other appropriate Federal, tribal, State, and*  
6 *local agencies, the Secretary may—*

7           (1) *identify critical restoration projects in the*  
8 *area described in subsection (b); and*

9           (2) *carry out the critical restoration projects*  
10 *after entering into an agreement with an appropriate*  
11 *non-Federal interest in accordance with section 221 of*  
12 *the Flood Control Act of 1970 (42 U.S.C. 1962d–5b)*  
13 *and this section.*

14       (d) *PRIORITIZATION OF PROJECTS.*—*In prioritizing*  
15 *projects for implementation under this section, the Sec-*  
16 *retary shall consult with, and give full consideration to the*  
17 *priorities of, public and private entities that are active in*  
18 *watershed planning and ecosystem restoration in Puget*  
19 *Sound watersheds, including—*

20           (1) *the Salmon Recovery Funding Board;*

21           (2) *the Northwest Straits Commission;*

22           (3) *the Hood Canal Coordinating Council;*

23           (4) *county watershed planning councils; and*

24           (5) *salmon enhancement groups.*

25       (e) *COST SHARING.*—

1           (1) *IN GENERAL.*—*Before carrying out any crit-*  
2           *ical restoration project under this section, the Sec-*  
3           *retary shall enter into a binding agreement with the*  
4           *non-Federal interest that shall require the non-Fed-*  
5           *eral interest—*

6                     (A) *to pay 35 percent of the total costs of*  
7                     *the critical restoration project;*

8                     (B) *to acquire any land, easements, rights-*  
9                     *of-way, relocations, and dredged material dis-*  
10                    *posal areas necessary to carry out the critical*  
11                    *restoration project;*

12                    (C) *to pay 100 percent of the operation,*  
13                    *maintenance, repair, replacement, and rehabili-*  
14                    *tation costs associated with the critical restora-*  
15                    *tion project; and*

16                    (D) *to hold the United States harmless from*  
17                    *any claim or damage that may arise from car-*  
18                    *rying out the critical restoration project, except*  
19                    *any claim or damage that may arise from the*  
20                    *negligence of the Federal Government or a con-*  
21                    *tractor of the Federal Government.*

22           (2) *CREDIT.*—

23                     (A) *IN GENERAL.*—*The non-Federal interest*  
24                     *shall receive credit for the value of any land,*  
25                     *easement, right-of-way, relocation, or dredged*

1           *material disposal area provided for carrying out*  
 2           *the critical restoration project.*

3                   (B) *FORM.—The non-Federal interest may*  
 4                   *provide up to 50 percent of the non-Federal*  
 5                   *share in the form of services, materials, supplies,*  
 6                   *or other in-kind contributions.*

7           (f) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
 8           *authorized to be appropriated to carry out this section*  
 9           *\$20,000,000, of which not more than \$5,000,000 may be*  
 10           *used to carry out any 1 critical restoration project.*

11   **SEC. 323. FOX RIVER SYSTEM, WISCONSIN.**

12           *Section 332(a) of the Water Resources Development*  
 13           *Act of 1992 (106 Stat. 4852) is amended—*

14                   (1) *by striking “The Secretary” and inserting*  
 15                   *the following:*

16                           “(1) *IN GENERAL.—The Secretary*”; and

17                           (2) *by adding at the end the following:*

18                           “(2) *PAYMENTS TO STATE.—The terms and con-*  
 19                   *ditions may include 1 or more payments to the State*  
 20                   *of Wisconsin to assist the State in paying the costs*  
 21                   *of repair and rehabilitation of the transferred locks*  
 22                   *and appurtenant features.”.*

23   **SEC. 324. CHESAPEAKE BAY OYSTER RESTORATION.**

24           *Section 704(b) of the Water Resources Development Act*  
 25           *of 1986 (33 U.S.C. 2263(b)) is amended—*

1           (1) *in the second sentence, by striking*  
 2           “\$7,000,000” *and inserting “\$20,000,000”; and*

3           (2) *by striking paragraph (4) and inserting the*  
 4           *following:*

5           “(4) *the construction of reefs and related clean*  
 6           *shell substrate for fish habitat, including manmade 3-*  
 7           *dimensional oyster reefs, in the Chesapeake Bay and*  
 8           *its tributaries in Maryland and Virginia—*

9           “(A) *which reefs shall be preserved as per-*  
 10           *manent sanctuaries by the non-Federal interests,*  
 11           *consistent with the recommendations of the sci-*  
 12           *entific consensus document on Chesapeake Bay*  
 13           *oyster restoration dated June 1999; and*

14           “(B) *for assistance in the construction of*  
 15           *which reefs the Chief of Engineers shall solicit*  
 16           *participation by and the services of commercial*  
 17           *watermen.”.*

18 **SEC. 325. GREAT LAKES DREDGING LEVELS ADJUSTMENT.**

19           (a) *DEFINITION OF GREAT LAKE.—In this section, the*  
 20           *term “Great Lake” means Lake Superior, Lake Michigan,*  
 21           *Lake Huron (including Lake St. Clair), Lake Erie, and*  
 22           *Lake Ontario (including the St. Lawrence River to the 45th*  
 23           *parallel of latitude).*

24           (b) *DREDGING LEVELS.—In operating and maintain-*  
 25           *ing Federal channels and harbors of, and the connecting*

1 *channels between, the Great Lakes, the Secretary shall con-*  
2 *duct such dredging as is necessary to ensure minimal oper-*  
3 *ation depths consistent with the original authorized depths*  
4 *of the channels and harbors when water levels in the Great*  
5 *Lakes are, or are forecast to be, below the International*  
6 *Great Lakes Datum of 1985.*

7 **SEC. 326. GREAT LAKES FISHERY AND ECOSYSTEM RES-**  
8 **TORATION.**

9 (a) *FINDINGS.*—*Congress finds that—*

10 (1) *the Great Lakes comprise a nationally and*  
11 *internationally significant fishery and ecosystem;*

12 (2) *the Great Lakes fishery and ecosystem should*  
13 *be developed and enhanced in a coordinated manner;*  
14 *and*

15 (3) *the Great Lakes fishery and ecosystem pro-*  
16 *vides a diversity of opportunities, experiences, and*  
17 *beneficial uses.*

18 (b) *DEFINITIONS.*—*In this section:*

19 (1) *GREAT LAKE.*—

20 (A) *IN GENERAL.*—*The term “Great Lake”*  
21 *means Lake Superior, Lake Michigan, Lake*  
22 *Huron (including Lake St. Clair), Lake Erie,*  
23 *and Lake Ontario (including the St. Lawrence*  
24 *River to the 45th parallel of latitude).*

1           (B) *INCLUSIONS.*—*The term “Great Lake”*  
2           *includes any connecting channel, historically*  
3           *connected tributary, and basin of a lake specified*  
4           *in subparagraph (A).*

5           (2) *GREAT LAKES COMMISSION.*—*The term*  
6           *“Great Lakes Commission” means The Great Lakes*  
7           *Commission established by the Great Lakes Basin*  
8           *Compact (82 Stat. 414).*

9           (3) *GREAT LAKES FISHERY COMMISSION.*—*The*  
10          *term “Great Lakes Fishery Commission” has the*  
11          *meaning given the term “Commission” in section 2 of*  
12          *the Great Lakes Fishery Act of 1956 (16 U.S.C. 931).*

13          (4) *GREAT LAKES STATE.*—*The term “Great*  
14          *Lakes State” means each of the States of Illinois, In-*  
15          *diana, Michigan, Minnesota, Ohio, Pennsylvania,*  
16          *New York, and Wisconsin.*

17          (5) *SECRETARY.*—*The term “Secretary” means*  
18          *the Secretary of the Army.*

19          (c) *GREAT LAKES FISHERY AND ECOSYSTEM RES-*  
20          *TORATION.*—

21                 (1) *SUPPORT PLAN.*—

22                         (A) *IN GENERAL.*—*Not later than 1 year*  
23                         *after the date of enactment of this Act, the Sec-*  
24                         *retary shall develop a plan for activities of the*

1           *Corps of Engineers that support the management*  
2           *of Great Lakes fisheries.*

3                   *(B) USE OF EXISTING DOCUMENTS.—To the*  
4                   *maximum extent practicable, the plan shall*  
5                   *make use of and incorporate documents that re-*  
6                   *late to the Great Lakes and are in existence on*  
7                   *the date of enactment of this Act, such as*  
8                   *lakewide management plans and remedial action*  
9                   *plans.*

10                   *(C) COOPERATION.—The Secretary shall de-*  
11                   *velop the plan in cooperation with—*

12                           *(i) the signatories to the Joint Stra-*  
13                           *tegic Plan for Management of the Great*  
14                           *Lakes Fisheries; and*

15                           *(ii) other affected interests.*

16                   *(2) PROJECTS.—The Secretary shall plan, de-*  
17                   *sign, and construct projects to support the restoration*  
18                   *of the fishery, ecosystem, and beneficial uses of the*  
19                   *Great Lakes.*

20                   *(3) EVALUATION PROGRAM.—*

21                           *(A) IN GENERAL.—The Secretary shall de-*  
22                           *velop a program to evaluate the success of the*  
23                           *projects carried out under paragraph (2) in*  
24                           *meeting fishery and ecosystem restoration goals.*

1                   (B) *STUDIES.*—*Evaluations under subpara-*  
2                   *graph (A) shall be conducted in consultation*  
3                   *with the Great Lakes Fishery Commission and*  
4                   *appropriate Federal, State, and local agencies.*

5           (d) *COOPERATIVE AGREEMENTS.*—*In carrying out*  
6           *this section, the Secretary may enter into a cooperative*  
7           *agreement with the Great Lakes Commission or any other*  
8           *agency established to facilitate active State participation*  
9           *in management of the Great Lakes.*

10          (e) *RELATIONSHIP TO OTHER GREAT LAKES ACTIVI-*  
11          *TIES.*—*No activity under this section shall affect the date*  
12          *of completion of any other activity relating to the Great*  
13          *Lakes that is authorized under other law.*

14          (f) *COST SHARING.*—

15               (1) *DEVELOPMENT OF PLAN.*—*The Federal share*  
16               *of the cost of development of the plan under subsection*  
17               *(c)(1) shall be 65 percent.*

18               (2) *PROJECT PLANNING, DESIGN, CONSTRUCTION,*  
19               *AND EVALUATION.*—*The Federal share of the cost of*  
20               *planning, design, construction, and evaluation of a*  
21               *project under paragraph (2) or (3) of subsection (c)*  
22               *shall be 65 percent.*

23               (3) *NON-FEDERAL SHARE.*—

24                       (A) *CREDIT FOR LAND, EASEMENTS, AND*  
25                       *RIGHTS-OF-WAY.*—*The non-Federal interest shall*

1           *receive credit for the value of any land, ease-*  
2           *ment, right-of-way, relocation, or dredged mate-*  
3           *rial disposal area provided for carrying out a*  
4           *project under subsection (c)(2).*

5           *(B) FORM.—The non-Federal interest may*  
6           *provide up to 50 percent of the non-Federal*  
7           *share required under paragraphs (1) and (2) in*  
8           *the form of services, materials, supplies, or other*  
9           *in-kind contributions.*

10          *(4) OPERATION AND MAINTENANCE.—The oper-*  
11          *ation, maintenance, repair, rehabilitation, and re-*  
12          *placement of projects carried out under this section*  
13          *shall be a non-Federal responsibility.*

14          *(5) NON-FEDERAL INTERESTS.—Notwithstanding*  
15          *section 221 of the Flood Control Act of 1970 (42*  
16          *U.S.C. 1962d–5b), for any project carried out under*  
17          *this section, a non-Federal interest may include a*  
18          *private interest and a nonprofit entity.*

19          *(g) AUTHORIZATION OF APPROPRIATIONS.—*

20            *(1) DEVELOPMENT OF PLAN.—There is author-*  
21            *ized to be appropriated for development of the plan*  
22            *under subsection (c)(1) \$300,000.*

23            *(2) OTHER ACTIVITIES.—There is authorized to*  
24            *be appropriated to carry out paragraphs (2) and (3)*

1       of subsection (c) \$8,000,000 for each of fiscal years  
2       2002 through 2006.

3 **SEC. 327. GREAT LAKES REMEDIAL ACTION PLANS AND**  
4                                   **SEDIMENT REMEDIATION.**

5       Section 401 of the Water Resources Development Act  
6 of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644; 110 Stat.  
7 3763; 113 Stat. 338) is amended—

8               (1) in subsection (a)(2)(A), by striking “50 per-  
9 cent” and inserting “35 percent”;

10              (2) in subsection (b)—

11                           (A) by striking paragraph (3);

12                           (B) in the first sentence of paragraph (4),  
13 by striking “50 percent” and inserting “35 per-  
14 cent”; and

15                           (C) by redesignating paragraph (4) as  
16 paragraph (3); and

17               (3) in subsection (c), by striking “\$5,000,000 for  
18 each of fiscal years 1998 through 2000.” and insert-  
19 ing “\$10,000,000 for each of fiscal years 2001 through  
20 2010.”.

21 **SEC. 328. GREAT LAKES TRIBUTARY MODEL.**

22       Section 516 of the Water Resources Development Act  
23 of 1996 (33 U.S.C. 2326b) is amended—

24               (1) in subsection (e), by adding at the end the  
25 following:

1           “(3) *COST SHARING.*—*The non-Federal share of*  
 2           *the costs of developing a tributary sediment transport*  
 3           *model under this subsection shall be 50 percent.*”; and

4           (2) *in subsection (g)*—

5                   (A) *by striking “There is authorized” and*  
 6                   *inserting the following:*

7                   “(1) *IN GENERAL.*—*There is authorized*”; and

8                   (B) *by adding at the end the following:*

9                   “(2) *GREAT LAKES TRIBUTARY MODEL.*—*In ad-*  
 10                   *dition to amounts made available under paragraph*  
 11                   *(1), there is authorized to be appropriated to carry*  
 12                   *out subsection (e) \$5,000,000 for each of fiscal years*  
 13                   *2001 through 2008.*”.

14   **SEC. 329. TREATMENT OF DREDGED MATERIAL FROM LONG**  
 15                   **ISLAND SOUND.**

16           (a) *IN GENERAL.*—*Not later than December 31, 2002,*  
 17           *the Secretary shall carry out a demonstration project for*  
 18           *the use of innovative sediment treatment technologies for the*  
 19           *treatment of dredged material from Long Island Sound.*

20           (b) *PROJECT CONSIDERATIONS.*—*In carrying out sub-*  
 21           *section (a), the Secretary shall, to the maximum extent*  
 22           *practicable—*

23                   (1) *encourage partnerships between the public*  
 24                   *and private sectors;*

1           (2) *build on treatment technologies that have*  
2           *been used successfully in demonstration or full-scale*  
3           *projects (such as projects carried out in the State of*  
4           *New York, New Jersey, or Illinois), such as tech-*  
5           *nologies described in—*

6                   (A) *section 405 of the Water Resources De-*  
7                   *velopment Act of 1992 (33 U.S.C. 2239 note; 106*  
8                   *Stat. 4863); or*

9                   (B) *section 503 of the Water Resources De-*  
10                   *velopment Act of 1999 (33 U.S.C. 2314 note; 113*  
11                   *Stat. 337);*

12           (3) *ensure that dredged material from Long Is-*  
13           *land Sound that is treated under the demonstration*  
14           *project is disposed of by beneficial reuse, by open*  
15           *water disposal, or at a licensed waste facility, as ap-*  
16           *propriate; and*

17           (4) *ensure that the demonstration project is con-*  
18           *sistent with the findings and requirements of any*  
19           *draft environmental impact statement on the designa-*  
20           *tion of 1 or more dredged material disposal sites in*  
21           *Long Island Sound that is scheduled for completion*  
22           *in 2001.*

23           (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
24           *authorized to be appropriated to carry out this section*  
25           *\$20,000,000.*

1 **SEC. 330. NEW ENGLAND WATER RESOURCES AND ECO-**  
2 **SYSTEM RESTORATION.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *CRITICAL RESTORATION PROJECT.—The term*  
5 *“critical restoration project” means a project that*  
6 *will produce, consistent with Federal programs,*  
7 *projects, and activities, immediate and substantial*  
8 *ecosystem restoration, preservation, and protection*  
9 *benefits.*

10 (2) *NEW ENGLAND.—The term “New England”*  
11 *means all watersheds, estuaries, and related coastal*  
12 *areas in the States of Connecticut, Maine, Massachu-*  
13 *setts, New Hampshire, Rhode Island, and Vermont.*

14 (b) *ASSESSMENT.—*

15 (1) *IN GENERAL.—The Secretary, in coordina-*  
16 *tion with appropriate Federal, State, tribal, regional,*  
17 *and local agencies, shall perform an assessment of the*  
18 *condition of water resources and related ecosystems in*  
19 *New England to identify problems and needs for re-*  
20 *storing, preserving, and protecting water resources,*  
21 *ecosystems, wildlife, and fisheries.*

22 (2) *MATTERS TO BE ADDRESSED.—The assess-*  
23 *ment shall include—*

24 (A) *development of criteria for identifying*  
25 *and prioritizing the most critical problems and*  
26 *needs; and*

1           (B) a framework for development of water-  
2           shed or regional restoration plans.

3           (3) *USE OF EXISTING INFORMATION.*—*In per-*  
4           *forming the assessment, the Secretary shall, to the*  
5           *maximum extent practicable, use—*

6           (A) *information that is available on the*  
7           *date of enactment of this Act; and*

8           (B) *ongoing efforts of all participating*  
9           *agencies.*

10          (4) *CRITERIA; FRAMEWORK.*—

11          (A) *IN GENERAL.*—*Not later than 1 year*  
12          *after the date of enactment of this Act, the Sec-*  
13          *retary shall develop and make available for pub-*  
14          *lic review and comment—*

15               (i) *criteria for identifying and*  
16               *prioritizing critical problems and needs;*  
17               *and*

18               (ii) *a framework for development of*  
19               *watershed or regional restoration plans.*

20          (B) *USE OF RESOURCES.*—*In developing*  
21          *the criteria and framework, the Secretary shall*  
22          *make full use of all available Federal, State,*  
23          *tribal, regional, and local resources.*

1           (5) *REPORT.*—Not later than October 1, 2002, the  
2           Secretary shall submit to Congress a report on the as-  
3           sessment.

4           (c) *RESTORATION PLANS.*—

5           (1) *IN GENERAL.*—After the report is submitted  
6           under subsection (b)(5), the Secretary, in coordina-  
7           tion with appropriate Federal, State, tribal, regional,  
8           and local agencies, shall—

9           (A) develop a comprehensive plan for restor-  
10          ing, preserving, and protecting the water re-  
11          sources and ecosystem in each watershed and re-  
12          gion in New England; and

13          (B) submit the plan to Congress.

14          (2) *CONTENTS.*—Each restoration plan shall  
15          include—

16          (A) a feasibility report; and

17          (B) a programmatic environmental impact  
18          statement covering the proposed Federal action.

19          (d) *CRITICAL RESTORATION PROJECTS.*—

20          (1) *IN GENERAL.*—After the restoration plans are  
21          submitted under subsection (c)(1)(B), the Secretary,  
22          in coordination with appropriate Federal, State, trib-  
23          al, regional, and local agencies, shall identify critical  
24          restoration projects that will produce independent,

1       *immediate, and substantial restoration, preservation,*  
2       *and protection benefits.*

3           (2) *AGREEMENTS.*—*The Secretary may carry*  
4       *out a critical restoration project after entering into*  
5       *an agreement with an appropriate non-Federal inter-*  
6       *est in accordance with section 221 of the Flood Con-*  
7       *trol Act of 1970 (42 U.S.C. 1962d–5b) and this sec-*  
8       *tion.*

9           (3) *PROJECT JUSTIFICATION.*—*Notwithstanding*  
10       *section 209 of the Flood Control Act of 1970 (42*  
11       *U.S.C. 1962–2) or any other provision of law, in car-*  
12       *rying out a critical restoration project under this sub-*  
13       *section, the Secretary may determine that the*  
14       *project—*

15           (A) *is justified by the environmental bene-*  
16       *fits derived from the ecosystem; and*

17           (B) *shall not need further economic jus-*  
18       *tification if the Secretary determines that the*  
19       *project is cost effective.*

20           (4) *TIME LIMITATION.*—*No critical restoration*  
21       *project may be initiated under this subsection after*  
22       *September 30, 2005.*

23           (5) *COST LIMITATION.*—*Not more than*  
24       *\$5,000,000 in Federal funds may be used to carry out*  
25       *a critical restoration project under this subsection.*

1       (e) *COST SHARING.*—

2           (1) *ASSESSMENT.*—

3               (A) *IN GENERAL.*—*The non-Federal share of*  
4               *the cost of the assessment under subsection (b)*  
5               *shall be 25 percent.*

6               (B) *IN-KIND CONTRIBUTIONS.*—*The non-*  
7               *Federal share may be provided in the form of*  
8               *services, materials, or other in-kind contribu-*  
9               *tions.*

10          (2) *RESTORATION PLANS.*—

11              (A) *IN GENERAL.*—*The non-Federal share of*  
12              *the cost of developing the restoration plans under*  
13              *subsection (c) shall be determined in accordance*  
14              *with section 105 of the Water Resources Develop-*  
15              *ment Act of 1986 (33 U.S.C. 2215).*

16              (B) *IN-KIND CONTRIBUTIONS.*—*Up to 50*  
17              *percent of the non-Federal share may be pro-*  
18              *vided in the form of services, materials, or other*  
19              *in-kind contributions.*

20          (3) *CRITICAL RESTORATION PROJECTS.*—

21              (A) *IN GENERAL.*—*The non-Federal share of*  
22              *the cost of carrying out a critical restoration*  
23              *project under subsection (d) shall be 35 percent.*

24              (B) *IN-KIND CONTRIBUTIONS.*—*Up to 50*  
25              *percent of the non-Federal share may be pro-*

1            *vided in the form of services, materials, or other*  
2            *in-kind contributions.*

3            (C) *REQUIRED NON-FEDERAL CONTRIBU-*  
4            *TION.—For any critical restoration project, the*  
5            *non-Federal interest shall—*

6                    (i) *provide all land, easements, rights-*  
7                    *of-way, dredged material disposal areas,*  
8                    *and relocations;*

9                    (ii) *pay all operation, maintenance,*  
10                   *replacement, repair, and rehabilitation*  
11                   *costs; and*

12                   (iii) *hold the United States harmless*  
13                   *from all claims arising from the construc-*  
14                   *tion, operation, and maintenance of the*  
15                   *project.*

16            (D) *CREDIT.—The non-Federal interest*  
17            *shall receive credit for the value of the land, ease-*  
18            *ments, rights-of-way, dredged material disposal*  
19            *areas, and relocations provided under subpara-*  
20            *graph (C).*

21            (f) *AUTHORIZATION OF APPROPRIATIONS.—*

22                    (1) *ASSESSMENT AND RESTORATION PLANS.—*  
23            *There is authorized to be appropriated to carry out*  
24            *subsections (b) and (c) \$2,000,000 for each of fiscal*  
25            *years 2001 through 2005.*

1           (2) *CRITICAL RESTORATION PROJECTS.*—*There is*  
 2           *authorized to be appropriated to carry out subsection*  
 3           *(d) \$30,000,000.*

4 **SEC. 331. PROJECT DEAUTHORIZATIONS.**

5           *The following projects or portions of projects are not*  
 6           *authorized after the date of enactment of this Act:*

7           (1) *KENNEBUNK RIVER, KENNEBUNK AND*  
 8           *KENNEBUNKPORT, MAINE.*—*The following portion of*  
 9           *the project for navigation, Kennebunk River, Maine,*  
 10           *authorized by section 101 of the River and Harbor*  
 11           *Act of 1962 (76 Stat. 1173), is not authorized after*  
 12           *the date of enactment of this Act: the portion of the*  
 13           *northernmost 6-foot deep anchorage the boundaries of*  
 14           *which begin at a point with coordinates*  
 15           *N1904693.6500, E418084.2700, thence running south*  
 16           *01 degree 04 minutes 50.3 seconds 35 feet to a point*  
 17           *with coordinates N190434.6562, E418084.9301,*  
 18           *thence running south 15 degrees 53 minutes 45.5 sec-*  
 19           *onds 416.962 feet to a point with coordinates*  
 20           *N190033.6386, E418199.1325, thence running north*  
 21           *03 degrees 11 minutes 30.4 seconds 70 feet to a point*  
 22           *with coordinates N190103.5300, E418203.0300,*  
 23           *thence running north 17 degrees 58 minutes 18.3 sec-*  
 24           *onds west 384.900 feet to the point of origin.*

1           (2) WALLABOUT CHANNEL, BROOKLYN, NEW  
2 YORK.—

3           (A) IN GENERAL.—*The northeastern portion*  
4 *of the project for navigation, Wallabout Channel,*  
5 *Brooklyn, New York, authorized by the Act of*  
6 *March 3, 1899 (30 Stat. 1124, chapter 425), be-*  
7 *ginning at a point N682,307.40, E638,918.10,*  
8 *thence running along the courses and distances*  
9 *described in subparagraph (B).*

10           (B) COURSES AND DISTANCES.—*The courses*  
11 *and distances referred to in subparagraph (A)*  
12 *are the following:*

13           (i) *South 85 degrees, 44 minutes, 13*  
14 *seconds East 87.94 feet (coordinate:*  
15 *N682,300.86, E639,005.80).*

16           (ii) *North 74 degrees, 41 minutes, 30*  
17 *seconds East 271.54 feet (coordinate:*  
18 *N682,372.55, E639,267.71).*

19           (iii) *South 4 degrees, 46 minutes, 02*  
20 *seconds West 170.95 feet (coordinate:*  
21 *N682,202.20, E639,253.50).*

22           (iv) *South 4 degrees, 46 minutes, 02*  
23 *seconds West 239.97 feet (coordinate:*  
24 *N681,963.06, E639,233.56).*

1                   (v) North 50 degrees, 48 minutes, 26  
2                   seconds West 305.48 feet (coordinate:  
3                   N682,156.10, E638,996.80).

4                   (vi) North 3 degrees, 33 minutes, 25  
5                   seconds East 145.04 feet (coordinate:  
6                   N682,300.86, E639,005.80).

7                   (3) NEW YORK AND NEW JERSEY CHANNELS,  
8                   NEW YORK AND NEW JERSEY.—The portion of the  
9                   project for navigation, New York and New Jersey  
10                  Channels, New York and New Jersey, authorized by  
11                  the first section of the Act of August 30, 1935 (49  
12                  Stat. 1030, chapter 831), and modified by section 101  
13                  of the River and Harbor Act of 1950 (64 Stat. 164),  
14                  consisting of a 35-foot-deep channel beginning at a  
15                  point along the western limit of the authorized  
16                  project, N644100.411, E2129256.91, thence running  
17                  southeast about 38.25 feet to a point N644068.885,  
18                  E2129278.565, thence running south about 1163.86  
19                  feet to a point N642912.127, E2129150.209, thence  
20                  running southwest about 56.9 feet to a point  
21                  N642864.09, E2129119.725, thence running north  
22                  along the western limit of the project to the point of  
23                  origin.

1                                   **TITLE IV—STUDIES**

2   **SEC. 401. BALDWIN COUNTY, ALABAMA.**

3           *The Secretary shall conduct a study to determine the*  
 4 *feasibility of carrying out beach erosion control, storm dam-*  
 5 *age reduction, and other measures along the shores of Bald-*  
 6 *win County, Alabama.*

7   **SEC. 402. BONO, ARKANSAS.**

8           *The Secretary shall conduct a study to determine the*  
 9 *feasibility of, and need for, a reservoir and associated im-*  
 10 *provements to provide for flood control, recreation, water*  
 11 *quality, and fish and wildlife in the vicinity of Bono, Ar-*  
 12 *kansas.*

13   **SEC. 403. CACHE CREEK BASIN, CALIFORNIA.**

14           *(a) IN GENERAL.—The Secretary shall conduct a*  
 15 *study to determine the feasibility of modifying the project*  
 16 *for flood control, Cache Creek Basin, California, authorized*  
 17 *by section 401(a) of the Water Resources Development Act*  
 18 *of 1986 (100 Stat. 4112), to authorize construction of fea-*  
 19 *tures to mitigate impacts of the project on the storm drain-*  
 20 *age system of the city of Woodland, California, that have*  
 21 *been caused by construction of a new south levee of the*  
 22 *Cache Creek Settling Basin.*

23           *(b) REQUIRED ELEMENTS.—The study shall include*  
 24 *consideration of—*

1           (1) *an outlet works through the Yolo Bypass ca-*  
 2           *pable of receiving up to 1,600 cubic feet per second*  
 3           *of storm drainage from the city of Woodland and Yolo*  
 4           *County;*

5           (2) *a low-flow cross-channel across the Yolo By-*  
 6           *pass, including all appurtenant features, that is suffi-*  
 7           *cient to route storm flows of 1,600 cubic feet per sec-*  
 8           *ond between the old and new south levees of the Cache*  
 9           *Creek Settling Basin, across the Yolo Bypass, and*  
 10          *into the Tule Canal; and*

11          (3) *such other features as the Secretary deter-*  
 12          *mines to be appropriate.*

13 **SEC. 404. ESTUDILLO CANAL WATERSHED, CALIFORNIA.**

14          *The Secretary shall conduct a study to determine the*  
 15          *feasibility of constructing flood control measures in the*  
 16          *Estudillo Canal watershed, San Leandro, California.*

17 **SEC. 405. LAGUNA CREEK WATERSHED, CALIFORNIA.**

18          *The Secretary shall conduct a study to determine the*  
 19          *feasibility of constructing flood control measures in the La-*  
 20          *guna Creek watershed, Fremont, California, to provide a*  
 21          *100-year level of flood protection.*

22 **SEC. 406. OCEANSIDE, CALIFORNIA.**

23          *Not later than 32 months after the date of enactment*  
 24          *of this Act, the Secretary shall conduct a special study, at*  
 25          *full Federal expense, of plans—*

1           (1) *to mitigate for the erosion and other impacts*  
2           *resulting from the construction of Camp Pendleton*  
3           *Harbor, Oceanside, California, as a wartime measure;*  
4           *and*

5           (2) *to restore beach conditions along the affected*  
6           *public and private shores to the conditions that ex-*  
7           *isted before the construction of Camp Pendleton Har-*  
8           *bor.*

9   **SEC. 407. SAN JACINTO WATERSHED, CALIFORNIA.**

10          (a) *IN GENERAL.*—*The Secretary shall conduct a wa-*  
11          *tershed study for the San Jacinto watershed, California.*

12          (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
13          *authorized to be appropriated to carry out this section*  
14          *\$250,000.*

15   **SEC. 408. CHOCTAWHATCHEE RIVER, FLORIDA.**

16          *The Secretary shall conduct a reconnaissance study to*  
17          *determine the Federal interest in dredging the mouth of the*  
18          *Choctawhatchee River, Florida, to remove the sand plug.*

19   **SEC. 409. EGMONT KEY, FLORIDA.**

20          *The Secretary shall conduct a study to determine the*  
21          *feasibility of stabilizing the historic fortifications and beach*  
22          *areas of Egmont Key, Florida, that are threatened by ero-*  
23          *sion.*

1 **SEC. 410. UPPER OCKLAWAHA RIVER AND APOPKA/  
2 PALATLAKAHA RIVER BASINS, FLORIDA.**

3 (a) *IN GENERAL.*—*The Secretary shall conduct a re-  
4 study of flooding and water quality issues in—*

5 (1) *the upper Ocklawaha River basin, south of  
6 the Silver River; and*

7 (2) *the Apopka River and Palatlahaha River ba-  
8 sins.*

9 (b) *REQUIRED ELEMENTS.*—*In carrying out sub-  
10 section (a), the Secretary shall review the report of the Chief  
11 of Engineers on the Four River Basins, Florida, project,  
12 published as House Document No. 585, 87th Congress, and  
13 other pertinent reports to determine the feasibility of meas-  
14 ures relating to comprehensive watershed planning for  
15 water conservation, flood control, environmental restoration  
16 and protection, and other issues relating to water resources  
17 in the river basins described in subsection (a).*

18 **SEC. 411. BOISE RIVER, IDAHO.**

19 *The Secretary shall conduct a study to determine the  
20 feasibility of carrying out multi-objective flood control ac-  
21 tivities along the Boise River, Idaho.*

22 **SEC. 412. WOOD RIVER, IDAHO.**

23 *The Secretary shall conduct a study to determine the  
24 feasibility of carrying out multi-objective flood control and  
25 flood mitigation planning projects along the Wood River  
26 in Blaine County, Idaho.*

1 **SEC. 413. CHICAGO, ILLINOIS.**

2 (a) *IN GENERAL.*—*The Secretary shall conduct a*  
3 *study to determine the feasibility of carrying out projects*  
4 *for water-related urban improvements, including infra-*  
5 *structure development and improvements, in Chicago, Illi-*  
6 *nois.*

7 (b) *SITES.*—*Under subsection (a), the Secretary shall*  
8 *study—*

9 (1) *the USX/Southworks site;*

10 (2) *Calumet Lake and River;*

11 (3) *the Canal Origins Heritage Corridor; and*

12 (4) *Ping Tom Park.*

13 (c) *USE OF INFORMATION; CONSULTATION.*—*In car-*  
14 *rying out this section, the Secretary shall use available in-*  
15 *formation from, and consult with, appropriate Federal,*  
16 *State, and local agencies.*

17 **SEC. 414. BOEUF AND BLACK, LOUISIANA.**

18 *The Secretary shall conduct a study to determine the*  
19 *feasibility of deepening the navigation channel of the*  
20 *Atchafalaya River and Bayous Chene, Boeuf and Black,*  
21 *Louisiana, from 20 feet to 35 feet.*

22 **SEC. 415. PORT OF IBERIA, LOUISIANA.**

23 *The Secretary shall conduct a study to determine the*  
24 *feasibility of constructing navigation improvements for in-*  
25 *gress and egress between the Port of Iberia, Louisiana, and*

1 *the Gulf of Mexico, including channel widening and deep-*  
2 *ening.*

3 **SEC. 416. SOUTH LOUISIANA.**

4 *The Secretary shall conduct a study to determine the*  
5 *feasibility of constructing projects for hurricane protection*  
6 *in the coastal area of the State of Louisiana between Mor-*  
7 *gan City and the Pearl River.*

8 **SEC. 417. ST. JOHN THE BAPTIST PARISH, LOUISIANA.**

9 *The Secretary shall conduct a study to determine the*  
10 *feasibility of constructing urban flood control measures on*  
11 *the east bank of the Mississippi River in St. John the Bap-*  
12 *tist Parish, Louisiana.*

13 **SEC. 418. NARRAGUAGUS RIVER, MILBRIDGE, MAINE.**

14 *(a) STUDY OF REDESIGNATION AS ANCHORAGE.—The*  
15 *Secretary shall conduct a study to determine the feasibility*  
16 *of redesignating as anchorage a portion of the 11-foot chan-*  
17 *nel of the project for navigation, Narraguagus River,*  
18 *Milbridge, Maine, authorized by section 101 of the River*  
19 *and Harbor Act of 1962 (76 Stat. 1173).*

20 *(b) STUDY OF REAUTHORIZATION.—The Secretary*  
21 *shall conduct a study to determine the feasibility of reau-*  
22 *thorizing for the purpose of maintenance as anchorage a*  
23 *portion of the project for navigation, Narraguagus River,*  
24 *Milbridge, Maine, authorized by section 2 of the Act of June*  
25 *14, 1880 (21 Stat. 195, chapter 211), lying adjacent to and*

1 *outside the limits of the 11-foot channel and the 9-foot chan-*  
2 *nel.*

3 **SEC. 419. PORTSMOUTH HARBOR AND PISCATAQUA RIVER,**  
4 **MAINE AND NEW HAMPSHIRE.**

5 *The Secretary shall conduct a study to determine the*  
6 *feasibility of modifying the project for navigation, Ports-*  
7 *mouth Harbor and Piscataqua River, Maine and New*  
8 *Hampshire, authorized by section 101 of the River and*  
9 *Harbor Act of 1962 (76 Stat. 1173) and modified by section*  
10 *202(a) of the Water Resources Development Act of 1986*  
11 *(100 Stat. 4095), to increase the authorized width of turn-*  
12 *ing basins in the Piscataqua River to 1000 feet.*

13 **SEC. 420. MERRIMACK RIVER BASIN, MASSACHUSETTS AND**  
14 **NEW HAMPSHIRE.**

15 *(a) IN GENERAL.—The Secretary shall conduct a com-*  
16 *prehensive study of the water resources needs of the*  
17 *Merrimack River basin, Massachusetts and New Hamp-*  
18 *shire, in the manner described in section 729 of the Water*  
19 *Resources Development Act of 1986 (100 Stat. 4164).*

20 *(b) CONSIDERATION OF OTHER STUDIES.—In car-*  
21 *rying out this section, the Secretary may take into consider-*  
22 *ation any studies conducted by the University of New*  
23 *Hampshire on environmental restoration of the Merrimack*  
24 *River System.*

1 **SEC. 421. PORT OF GULFPORT, MISSISSIPPI.**

2       *The Secretary shall conduct a study to determine the*  
3 *feasibility of modifying the project for navigation, Gulfport*  
4 *Harbor, Mississippi, authorized by section 202(a) of the*  
5 *Water Resources Development Act of 1986 (100 Stat. 4094)*  
6 *and modified by section 4(n) of the Water Resources Devel-*  
7 *opment Act of 1988 (102 Stat. 4017)—*

8           (1) *to widen the channel from 300 feet to 450*  
9       *feet; and*

10          (2) *to deepen the South Harbor channel from 36*  
11       *feet to 42 feet and the North Harbor channel from 32*  
12       *feet to 36 feet.*

13 **SEC. 422. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE.**

14       *In conjunction with the State of New Hampshire, the*  
15 *Secretary shall conduct a study to identify and evaluate*  
16 *potential upland disposal sites for dredged material origi-*  
17 *nating from harbor areas located within the State.*

18 **SEC. 423. MISSOURI RIVER BASIN, NORTH DAKOTA, SOUTH**  
19                                   **DAKOTA, AND NEBRASKA.**

20       (a) *DEFINITION OF INDIAN TRIBE.—In this section,*  
21 *the term “Indian tribe” has the meaning given the term*  
22 *in section 4 of the Indian Self-Determination and Edu-*  
23 *cation Assistance Act (25 U.S.C. 450b).*

24       (b) *STUDY.—In cooperation with the Secretary of the*  
25 *Interior, the State of South Dakota, the State of North Da-*  
26 *kota, the State of Nebraska, county officials, ranchers,*

1 *sportsmen, other affected parties, and the Indian tribes re-*  
2 *ferred to in subsection (c)(2), the Secretary shall conduct*  
3 *a study to determine the feasibility of the conveyance to*  
4 *the Secretary of the Interior of the land described in sub-*  
5 *section (c), to be held in trust for the benefit of the Indian*  
6 *tribes referred to in subsection (c)(2).*

7       *(c) LAND TO BE STUDIED.—The land authorized to*  
8 *be studied for conveyance is the land that—*

9           *(1) was acquired by the Secretary to carry out*  
10 *the Pick-Sloan Missouri River Basin Program, au-*  
11 *thorized by section 9 of the Act of December 22, 1944*  
12 *(58 Stat. 891, chapter 665); and*

13           *(2) is located within the external boundaries of*  
14 *the reservations of—*

15           *(A) the Three Affiliated Tribes of the Fort*  
16 *Berthold Reservation, North Dakota;*

17           *(B) the Standing Rock Sioux Tribe of North*  
18 *Dakota and South Dakota;*

19           *(C) the Crow Creek Sioux Tribe of the Crow*  
20 *Creek Reservation, South Dakota;*

21           *(D) the Yankton Sioux Tribe of South Da-*  
22 *kota; and*

23           *(E) the Santee Sioux Tribe of Nebraska.*

1 **SEC. 424. CUYAHOGA RIVER, OHIO.**

2 *Section 438 of the Water Resources Development Act*  
3 *of 1996 (110 Stat. 3746) is amended to read as follows:*

4 **“SEC. 438. CUYAHOGA RIVER, OHIO.**

5 *“(a) IN GENERAL.—The Secretary shall—*

6 *“(1) conduct a study to evaluate the structural*  
7 *integrity of the bulkhead system located on the Fed-*  
8 *eral navigation channel along the Cuyahoga River*  
9 *near Cleveland, Ohio; and*

10 *“(2) provide to the non-Federal interest design*  
11 *analysis, plans and specifications, and cost estimates*  
12 *for repair or replacement of the bulkhead system.*

13 *“(b) COST SHARING.—The non-Federal share of the*  
14 *cost of the study shall be 35 percent.*

15 *“(c) AUTHORIZATION OF APPROPRIATIONS.—There is*  
16 *authorized to be appropriated to carry out this section*  
17 *\$500,000.”.*

18 **SEC. 425. FREMONT, OHIO.**

19 *In consultation with appropriate Federal, State, and*  
20 *local agencies, the Secretary shall conduct a study to deter-*  
21 *mine the feasibility of carrying out projects for water sup-*  
22 *ply and environmental restoration at the Ballville Dam,*  
23 *on the Sandusky River at Fremont, Ohio.*

24 **SEC. 426. GRAND LAKE, OKLAHOMA.**

25 *(a) EVALUATION.—The Secretary shall—*

1           (1) *evaluate the backwater effects specifically due*  
2 *to flood control operations on land around Grand*  
3 *Lake, Oklahoma; and*

4           (2) *not later than 180 days after the date of en-*  
5 *actment of this Act, submit to Congress a report on*  
6 *whether Federal actions have been a significant cause*  
7 *of the backwater effects.*

8           (b) *FEASIBILITY STUDY.—*

9           (1) *IN GENERAL.—The Secretary shall conduct a*  
10 *study to determine the feasibility of—*

11                   (A) *addressing the backwater effects of the*  
12 *operation of the Pensacola Dam, Grand/Neosho*  
13 *River basin; and*

14                   (B) *purchasing easements for any land that*  
15 *has been adversely affected by backwater flooding*  
16 *in the Grand/Neosho River basin.*

17           (2) *COST SHARING.—If the Secretary determines*  
18 *under subsection (a)(2) that Federal actions have been*  
19 *a significant cause of the backwater effects, the Fed-*  
20 *eral share of the costs of the feasibility study under*  
21 *paragraph (1) shall be 100 percent.*

22 **SEC. 427. DREDGED MATERIAL DISPOSAL SITE, RHODE IS-**  
23 **LAND.**

24           *In consultation with the Administrator of the Envi-*  
25 *ronmental Protection Agency, the Secretary shall conduct*

1 *a study to determine the feasibility of designating a perma-*  
2 *nent site in the State of Rhode Island for the disposal of*  
3 *dredged material.*

4 **SEC. 428. CHICKAMAUGA LOCK AND DAM, TENNESSEE.**

5 (a) *IN GENERAL.*—*The Secretary shall use \$200,000,*  
6 *from funds transferred from the Tennessee Valley Authority,*  
7 *to prepare a report of the Chief of Engineers for a replace-*  
8 *ment lock at Chickamauga Lock and Dam, Tennessee.*

9 (b) *FUNDING.*—*As soon as practicable after the date*  
10 *of enactment of this Act, the Tennessee Valley Authority*  
11 *shall transfer the funds described in subsection (a) to the*  
12 *Secretary.*

13 **SEC. 429. GERMANTOWN, TENNESSEE.**

14 (a) *IN GENERAL.*—*The Secretary shall conduct a*  
15 *study to determine the feasibility of carrying out a project*  
16 *for flood control and related purposes along Miller Farms*  
17 *Ditch, Howard Road Drainage, and Wolf River Lateral D,*  
18 *Germantown, Tennessee.*

19 (b) *JUSTIFICATION ANALYSIS.*—*The Secretary shall*  
20 *include environmental and water quality benefits in the jus-*  
21 *tification analysis for the project.*

22 (c) *COST SHARING.*—

23 (1) *FEDERAL SHARE.*—*The Federal share of the*  
24 *costs of the feasibility study under subsection (a) shall*  
25 *not exceed 25 percent.*

1           (2) *NON-FEDERAL SHARE.—The Secretary—*

2                   (A) *shall credit toward the non-Federal*  
 3 *share of the costs of the feasibility study the*  
 4 *value of the in-kind services provided by the non-*  
 5 *Federal interests relating to the planning, engi-*  
 6 *neering, and design of the project, whether car-*  
 7 *ried out before or after execution of the feasibility*  
 8 *study cost-sharing agreement; and*

9                   (B) *for the purposes of subparagraph (A),*  
 10 *shall consider the feasibility study to be con-*  
 11 *ducted as part of the Memphis Metro Tennessee*  
 12 *and Mississippi study authorized by resolution*  
 13 *of the Committee on Transportation and Infra-*  
 14 *structure, dated March 7, 1996.*

15 **SEC. 430. HORN LAKE CREEK AND TRIBUTARIES, TEN-**  
 16 **NESSEE AND MISSISSIPPI.**

17           (a) *IN GENERAL.—The Secretary shall conduct a*  
 18 *study to determine the feasibility of modifying the project*  
 19 *for flood control, Horn Lake Creek and Tributaries, Ten-*  
 20 *nessee and Mississippi, authorized by section 401(a) of the*  
 21 *Water Resources Development Act of 1986 (100 Stat. 4124),*  
 22 *to provide a high level of urban flood protection to develop-*  
 23 *ment along Horn Lake Creek.*

1           **(b) REQUIRED ELEMENT.**—*The study shall include a*  
2 *limited reevaluation of the project to determine the appro-*  
3 *priate design, as desired by the non-Federal interests.*

4 **SEC. 431. CEDAR BAYOU, TEXAS.**

5           *The Secretary shall conduct a study to determine the*  
6 *feasibility of constructing a 12-foot-deep and 125-foot-wide*  
7 *channel from the Houston Ship Channel to Cedar Bayou,*  
8 *mile marker 11, Texas.*

9 **SEC. 432. HOUSTON SHIP CHANNEL, TEXAS.**

10           *The Secretary shall conduct a study to determine the*  
11 *feasibility of constructing barge lanes adjacent to both sides*  
12 *of the Houston Ship Channel from Bolivar Roads to Mor-*  
13 *gan Point, Texas, to a depth of 12 feet.*

14 **SEC. 433. SAN ANTONIO CHANNEL, TEXAS.**

15           *The Secretary shall conduct a study to determine the*  
16 *feasibility of modifying the project for San Antonio Chan-*  
17 *nel improvement, Texas, authorized by section 203 of the*  
18 *Flood Control Act of 1954 (68 Stat. 1259), and modified*  
19 *by section 103 of the Water Resources Development Act of*  
20 *1976 (90 Stat. 2921), to add environmental restoration and*  
21 *recreation as project purposes.*

22 **SEC. 434. WHITE RIVER WATERSHED BELOW MUD MOUN-**  
23 **TAIN DAM, WASHINGTON.**

24           **(a) REVIEW.**—*The Secretary shall review the report of*  
25 *the Chief of Engineers on the Upper Puyallup River, Wash-*

1 *ington, dated 1936, authorized by section 5 of the Act of*  
 2 *June 22, 1936 (49 Stat. 1591, chapter 688), the Puget*  
 3 *Sound and adjacent waters report authorized by section 209*  
 4 *of the Flood Control Act of 1962 (76 Stat. 1197), and other*  
 5 *pertinent reports, to determine whether modifications to the*  
 6 *recommendations contained in the reports are advisable to*  
 7 *provide improvements to the water resources and watershed*  
 8 *of the White River watershed downstream of Mud Mountain*  
 9 *Dam, Washington.*

10 (b) *ISSUES.—In conducting the review under sub-*  
 11 *section (a), the Secretary shall review, with respect to the*  
 12 *Lake Tapps community and other parts of the watershed—*

13 (1) *constructed and natural environs;*

14 (2) *capital improvements;*

15 (3) *water resource infrastructure;*

16 (4) *ecosystem restoration;*

17 (5) *flood control;*

18 (6) *fish passage;*

19 (7) *collaboration by, and the interests of, re-*  
 20 *gional stakeholders;*

21 (8) *recreational and socioeconomic interests; and*

22 (9) *other issues determined by the Secretary.*

23 **SEC. 435. WILLAPA BAY, WASHINGTON.**

24 (a) *STUDY.—The Secretary shall conduct a study to*  
 25 *determine the feasibility of providing coastal erosion protec-*

1 *tion for the Tribal Reservation of the Shoalwater Bay In-*  
2 *dian Tribe on Willapa Bay, Washington.*

3 *(b) PROJECT.—*

4 *(1) IN GENERAL.—Notwithstanding any other*  
5 *provision of law (including any requirement for eco-*  
6 *nomics justification), the Secretary may construct and*  
7 *maintain a project to provide coastal erosion protec-*  
8 *tion for the Tribal Reservation of the Shoalwater Bay*  
9 *Indian Tribe on Willapa Bay, Washington, at full*  
10 *Federal expense, if the Secretary determines that the*  
11 *project—*

12 *(A) is a cost-effective means of providing*  
13 *erosion protection;*

14 *(B) is environmentally acceptable and tech-*  
15 *nically feasible; and*

16 *(C) will improve the economic and social*  
17 *conditions of the Shoalwater Bay Indian Tribe.*

18 *(2) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—*

19 *As a condition of the project described in paragraph*  
20 *(1), the Shoalwater Bay Indian Tribe shall provide*  
21 *land, easements, rights-of-way, and dredged material*  
22 *disposal areas necessary for the implementation of the*  
23 *project.*

1 **SEC. 436. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND**  
2 **NUTRIENT STUDY.**

3 (a) *IN GENERAL.*—*The Secretary, in conjunction with*  
4 *the Secretary of Agriculture and the Secretary of the Inte-*  
5 *rior, shall conduct a study to—*

6 (1) *identify and evaluate significant sources of*  
7 *sediment and nutrients in the upper Mississippi*  
8 *River basin;*

9 (2) *quantify the processes affecting mobilization,*  
10 *transport, and fate of those sediments and nutrients*  
11 *on land and in water; and*

12 (3) *quantify the transport of those sediments and*  
13 *nutrients to the upper Mississippi River and the trib-*  
14 *utaries of the upper Mississippi River.*

15 (b) *STUDY COMPONENTS.*—

16 (1) *COMPUTER MODELING.*—*In carrying out the*  
17 *study under this section, the Secretary shall develop*  
18 *computer models of the upper Mississippi River*  
19 *basin, at the subwatershed and basin scales, to—*

20 (A) *identify and quantify sources of sedi-*  
21 *ment and nutrients; and*

22 (B) *examine the effectiveness of alternative*  
23 *management measures.*

24 (2) *RESEARCH.*—*In carrying out the study*  
25 *under this section, the Secretary shall conduct re-*  
26 *search to improve the understanding of—*

1           (A) *fate processes and processes affecting*  
2           *sediment and nutrient transport, with emphasis*  
3           *on nitrogen and phosphorus cycling and dynam-*  
4           *ics;*

5           (B) *the influences on sediment and nutrient*  
6           *losses of soil type, slope, climate, vegetation*  
7           *cover, and modifications to the stream drainage*  
8           *network; and*

9           (C) *river hydrodynamics, in relation to*  
10          *sediment and nutrient transformations, reten-*  
11          *tion, and transport.*

12          (c) *USE OF INFORMATION.—On request of a relevant*  
13          *Federal agency, the Secretary may provide information for*  
14          *use in applying sediment and nutrient reduction programs*  
15          *associated with land-use improvements and land manage-*  
16          *ment practices.*

17          (d) *REPORTS.—*

18           (1) *PRELIMINARY REPORT.—Not later than 2*  
19           *years after the date of enactment of this Act, the Sec-*  
20           *retary shall submit to Congress a preliminary report*  
21           *that outlines work being conducted on the study com-*  
22           *ponents described in subsection (b).*

23           (2) *FINAL REPORT.—Not later than 5 years after*  
24           *the date of enactment of this Act, the Secretary shall*  
25           *submit to Congress a report describing the results of*

1        *the study under this section, including any findings*  
 2        *and recommendations of the study.*

3        *(e) FUNDING.—*

4            *(1) AUTHORIZATION OF APPROPRIATIONS.—*

5        *There is authorized to be appropriated to carry out*  
 6        *this section \$5,000,000 for each of fiscal years 2001*  
 7        *through 2005.*

8            *(2) FEDERAL SHARE.—The Federal share of the*  
 9        *cost of carrying out this section shall be 50 percent.*

10        **TITLE V—MISCELLANEOUS**  
 11        **PROVISIONS**

12        **SEC. 501. VISITORS CENTERS.**

13        *(a) JOHN PAUL HAMMERSCHMIDT VISITORS CENTER,*  
 14        *ARKANSAS.—Section 103(e) of the Water Resources Devel-*  
 15        *opment Act of 1992 (106 Stat. 4813) is amended by striking*  
 16        *“Arkansas River, Arkansas.” and inserting “at Fort Smith,*  
 17        *Arkansas, on land provided by the city of Fort Smith.”.*

18        *(b) LOWER MISSISSIPPI RIVER MUSEUM AND RIVER-*  
 19        *FRONT INTERPRETIVE SITE, MISSISSIPPI.—Section*  
 20        *103(c)(2) of the Water Resources Development Act of 1992*  
 21        *(106 Stat. 4811) is amended in the first sentence by striking*  
 22        *“in the vicinity of the Mississippi River Bridge in Vicks-*  
 23        *burg, Mississippi.” and inserting “between the Mississippi*  
 24        *River Bridge and the waterfront in downtown Vicksburg,*  
 25        *Mississippi.”.*

1 **SEC. 502. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALI-**  
2 **FORNIA.**

3 (a) *IN GENERAL.*—*The Secretary—*

4 (1) *may participate with the appropriate Fed-*  
5 *eral and State agencies in the planning and manage-*  
6 *ment activities associated with the CALFED Bay-*  
7 *Delta Program referred to in the California Bay-*  
8 *Delta Environmental Enhancement and Water Secu-*  
9 *rity Act (division E of Public Law 104–208; 110*  
10 *Stat. 3009–748); and*

11 (2) *shall, to the maximum extent practicable and*  
12 *in accordance with applicable law, integrate the ac-*  
13 *tivities of the Corps of Engineers in the San Joaquin*  
14 *and Sacramento River basins with the long-term*  
15 *goals of the CALFED Bay-Delta Program.*

16 (b) *COOPERATIVE ACTIVITIES.*—*In participating in*  
17 *the CALFED Bay-Delta Program under subsection (a), the*  
18 *Secretary may—*

19 (1) *accept and expend funds from other Federal*  
20 *agencies and from non-Federal public, private, and*  
21 *nonprofit entities to carry out ecosystem restoration*  
22 *projects and activities associated with the CALFED*  
23 *Bay-Delta Program; and*

24 (2) *in carrying out the projects and activities,*  
25 *enter into contracts, cooperative research and develop-*  
26 *ment agreements, and cooperative agreements with*

1       *Federal and non-Federal private, public, and non-*  
2       *profit entities.*

3       (c) *AREA COVERED BY PROGRAM.*—*For the purposes*  
4 *of this section, the area covered by the CALFED Bay-Delta*  
5 *Program shall be the San Francisco Bay/Sacramento-San*  
6 *Joaquin Delta Estuary and its watershed (known as the*  
7 *“Bay-Delta Estuary”), as identified in the Framework*  
8 *Agreement Between the Governor’s Water Policy Council of*  
9 *the State of California and the Federal Ecosystem Direc-*  
10 *torate.*

11       (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
12 *authorized to be appropriated to carry out this section*  
13 *\$5,000,000 for each of fiscal years 2002 through 2005.*

14 **SEC. 503. CONVEYANCE OF LIGHTHOUSE, ONTONAGON,**  
15 **MICHIGAN.**

16       (a) *IN GENERAL.*—*The Secretary may convey to the*  
17 *Ontonagon County Historical Society, at full Federal*  
18 *expense—*

19               (1) *the lighthouse at Ontonagon, Michigan; and*

20               (2) *the land underlying and adjacent to the*

21 *lighthouse (including any improvements on the land)*

22 *that is under the jurisdiction of the Secretary.*

23       (b) *MAP.*—*The Secretary shall—*

24               (1) *determine—*

1           (A) *the extent of the land conveyance under*  
2           *this section; and*

3           (B) *the exact acreage and legal description*  
4           *of the land to be conveyed under this section; and*

5           (2) *prepare a map that clearly identifies any*  
6           *land to be conveyed.*

7           (c) *CONDITIONS.—The Secretary may—*

8           (1) *obtain all necessary easements and rights-of-*  
9           *way; and*

10          (2) *impose such terms, conditions, reservations,*  
11          *and restrictions on the conveyance;*

12          *as the Secretary determines to be necessary to protect the*  
13          *public interest.*

14          (d) *ENVIRONMENTAL RESPONSE.—To the extent re-*  
15          *quired under any applicable law, the Secretary shall be re-*  
16          *sponsible for any necessary environmental response re-*  
17          *quired as a result of the prior Federal use or ownership*  
18          *of the land and improvements conveyed under this section.*

19          (e) *RESPONSIBILITIES AFTER CONVEYANCE.—After*  
20          *the conveyance of land under this section, the Ontonagon*  
21          *County Historical Society shall be responsible for any addi-*  
22          *tional operation, maintenance, repair, rehabilitation, or re-*  
23          *placement costs associated with—*

24               (1) *the lighthouse; or*

25               (2) *the conveyed land and improvements.*

1       (f) *APPLICABILITY OF ENVIRONMENTAL LAW.*—*Noth-*  
 2 *ing in this section affects the potential liability of any per-*  
 3 *son under any applicable environmental law.*

4 **SEC. 504. LAND CONVEYANCE, CANDY LAKE, OKLAHOMA.**

5       *Section 563(c) of the Water Resources Development Act*  
 6 *of 1999 (113 Stat. 357) is amended—*

7           (1) *in paragraph (1)(B), by striking “a de-*  
 8 *ceased” and inserting “an”; and*

9           (2) *by adding at the end the following:*

10           “(4) *COSTS OF NEPA COMPLIANCE.*—*The Federal*  
 11 *Government shall assume the costs of any Federal ac-*  
 12 *tion under this subsection that is carried out for the*  
 13 *purpose of section 102 of the National Environmental*  
 14 *Policy Act of 1969 (42 U.S.C. 4332).*

15           “(5) *AUTHORIZATION OF APPROPRIATIONS.*—  
 16 *There are authorized to be appropriated such sums as*  
 17 *are necessary to carry out this subsection.”.*

18 **TITLE VI—COMPREHENSIVE EV-**  
 19 **ERGLADES RESTORATION**  
 20 **PLAN**

21 **SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION**  
 22 **PLAN.**

23       (a) *DEFINITIONS.*—*In this section:*

24           (1) *CENTRAL AND SOUTHERN FLORIDA*  
 25 *PROJECT.*—

1           (A) *IN GENERAL.*—The term “Central and  
 2           Southern Florida Project” means the project for  
 3           Central and Southern Florida authorized under  
 4           the heading “CENTRAL AND SOUTHERN FLORIDA”  
 5           in section 203 of the Flood Control Act of 1948  
 6           (62 Stat. 1176).

7           (B) *INCLUSION.*—The term “Central and  
 8           Southern Florida Project” includes any modi-  
 9           fication to the project authorized by this Act or  
 10          any other provision of law.

11          (2) *GOVERNOR.*—The term “Governor” means  
 12          the Governor of the State.

13          (3) *NATURAL SYSTEM.*—

14           (A) *IN GENERAL.*—The term “natural sys-  
 15           tem” means all land and water managed by the  
 16           Federal Government or the State within the  
 17           South Florida ecosystem.

18           (B) *INCLUSIONS.*—The term “natural sys-  
 19           tem” includes—

- 20                   (i) water conservation areas;
- 21                   (ii) sovereign submerged land;
- 22                   (iii) Everglades National Park;
- 23                   (iv) Biscayne National Park;
- 24                   (v) Big Cypress National Preserve;

1                   (vi) other Federal or State (including  
2                   a political subdivision of a State) land that  
3                   is designated and managed for conservation  
4                   purposes; and

5                   (vii) any tribal land that is designated  
6                   and managed for conservation purposes, as  
7                   approved by the tribe.

8                   (4) *PLAN.*—The term “Plan” means the Com-  
9                   prehensive Everglades Restoration Plan contained in  
10                  the “Final Integrated Feasibility Report and Pro-  
11                  grammatic Environmental Impact Statement”, dated  
12                  April 1, 1999, as modified by this Act.

13                  (5) *SOUTH FLORIDA ECOSYSTEM.*—

14                  (A) *IN GENERAL.*—The term “South Flor-  
15                  ida ecosystem” means the area consisting of the  
16                  land and water within the boundary of the  
17                  South Florida Water Management District in ef-  
18                  fect on July 1, 1999.

19                  (B) *INCLUSIONS.*—The term “South Florida  
20                  ecosystem” includes—

21                         (i) the Everglades;

22                         (ii) the Florida Keys; and

23                         (iii) the contiguous near-shore coastal  
24                         water of South Florida.

1           (6) *STATE*.—*The term “State” means the State*  
2           *of Florida.*

3           (b) *COMPREHENSIVE EVERGLADES RESTORATION*  
4           *PLAN*.—

5           (1) *APPROVAL*.—

6                   (A) *IN GENERAL*.—*Except as modified by*  
7                   *this Act, the Plan is approved as a framework*  
8                   *for modifications and operational changes to the*  
9                   *Central and Southern Florida Project that are*  
10                  *needed to—*

11                           (i) *restore, preserve and protect the*  
12                           *South Florida ecosystem;*

13                           (ii) *provide for the protection of water*  
14                           *quality in, and the reduction of the loss of*  
15                           *fresh water from, the Everglades; and*

16                           (iii) *provide for the water-related needs*  
17                           *of the region, including—*

18                                   (I) *flood control;*

19                                   (II) *the enhancement of water*  
20                                   *supplies; and*

21                                   (III) *other objectives served by the*  
22                                   *Central and Southern Florida Project.*

23                   (B) *INTEGRATION*.—*In carrying out the*  
24                   *Plan, the Secretary shall integrate the activities*  
25                   *described in subparagraph (A) with ongoing*

1           *Federal and State projects and activities in ac-*  
2           *cordance with section 528(c) of the Water Re-*  
3           *sources Development Act of 1996 (110 Stat.*  
4           *3769).*

5           (2) *SPECIFIC AUTHORIZATIONS.—*

6                   (A) *IN GENERAL.—*

7                           (i) *PROJECTS.—The Secretary shall*  
8                           *carry out the projects included in the Plan*  
9                           *in accordance with subparagraphs (B), (C),*  
10                           *(D) and (E).*

11                           (ii) *CONSIDERATIONS.—In carrying*  
12                           *out activities described in the Plan, the Sec-*  
13                           *retary shall—*

14                                   (I) *take into account the protec-*  
15                                   *tion of water quality by considering*  
16                                   *applicable State water quality stand-*  
17                                   *ards; and*

18                                   (II) *include such features as the*  
19                                   *Secretary determines are necessary to*  
20                                   *ensure that all ground water and sur-*  
21                                   *face water discharges from any project*  
22                                   *feature authorized by this subsection*  
23                                   *will meet all applicable water quality*  
24                                   *standards and applicable water qual-*  
25                                   *ity permitting requirements.*

1                   (iii) *REVIEW AND COMMENT.*—*In de-*  
2                   *veloping the projects authorized under sub-*  
3                   *paragraph (B), the Secretary shall provide*  
4                   *for public review and comment in accord-*  
5                   *ance with applicable Federal law.*

6                   (B) *PILOT PROJECTS.*—*The following pilot*  
7                   *projects are authorized for implementation, after*  
8                   *review and approval by the Secretary, subject to*  
9                   *the conditions in subparagraph (D), at a total*  
10                  *cost of \$69,000,000, with an estimated Federal*  
11                  *cost of \$34,500,000 and an estimated non-Fed-*  
12                  *eral cost of \$34,500,000:*

13                  (i) *Caloosahatchee River (C-43) Basin*  
14                  *ASR, at a total cost of \$6,000,000, with an*  
15                  *estimated Federal cost of \$3,000,000 and an*  
16                  *estimated non-Federal cost of \$3,000,000.*

17                  (ii) *Lake Belt In-Ground Reservoir*  
18                  *Technology, at a total cost of \$23,000,000,*  
19                  *with an estimated Federal cost of*  
20                  *\$11,500,000 and an estimated non-Federal*  
21                  *cost of \$11,500,000.*

22                  (iii) *L-31N Seepage Management, at a*  
23                  *total cost of \$10,000,000, with an estimated*  
24                  *Federal cost of \$5,000,000 and an estimated*  
25                  *non-Federal cost of \$5,000,000.*

1                   (iv) *Wastewater Reuse Technology, at*  
2                   *a total cost of \$30,000,000, with an esti-*  
3                   *mated Federal cost of \$15,000,000 and an*  
4                   *estimated non-Federal cost of \$15,000,000.*

5                   (C) *INITIAL PROJECTS.—The following*  
6                   *projects are authorized for implementation, after*  
7                   *review and approval by the Secretary, subject to*  
8                   *the conditions stated in subparagraph (D), at a*  
9                   *total cost of \$1,100,918,000, with an estimated*  
10                   *Federal cost of \$550,459,000 and an estimated*  
11                   *non-Federal cost of \$550,459,000:*

12                   (i) *C-44 Basin Storage Reservoir, at a*  
13                   *total cost of \$112,562,000, with an esti-*  
14                   *mated Federal cost of \$56,281,000 and an*  
15                   *estimated non-Federal cost of \$56,281,000.*

16                   (ii) *Everglades Agricultural Area Stor-*  
17                   *age Reservoirs—Phase I, at a total cost of*  
18                   *\$233,408,000, with an estimated Federal*  
19                   *cost of \$116,704,000 and an estimated non-*  
20                   *Federal cost of \$116,704,000.*

21                   (iii) *Site 1 Impoundment, at a total*  
22                   *cost of \$38,535,000, with an estimated Fed-*  
23                   *eral cost of \$19,267,500 and an estimated*  
24                   *non-Federal cost of \$19,267,500.*

1                   (iv) *Water Conservation Areas 3A/3B*  
2                   *Levee Seepage Management, at a total cost*  
3                   *of \$100,335,000, with an estimated Federal*  
4                   *cost of \$50,167,500 and an estimated non-*  
5                   *Federal cost of \$50,167,500.*

6                   (v)     *C-11     Impoundment     and*  
7                   *Stormwater Treatment Area, at a total cost*  
8                   *of \$124,837,000, with an estimated Federal*  
9                   *cost of \$62,418,500 and an estimated non-*  
10                  *Federal cost of \$62,418,500.*

11                  (vi)     *C-9     Impoundment     and*  
12                  *Stormwater Treatment Area, at a total cost*  
13                  *of \$89,146,000, with an estimated Federal*  
14                  *cost of \$44,573,000 and an estimated non-*  
15                  *Federal cost of \$44,573,000.*

16                  (vii) *Taylor Creek/Nubbin Slough Stor-*  
17                  *age and Treatment Area, at a total cost of*  
18                  *\$104,027,000, with an estimated Federal*  
19                  *cost of \$52,013,500 and an estimated non-*  
20                  *Federal cost of \$52,013,500.*

21                  (viii) *Raise and Bridge East Portion*  
22                  *of Tamiami Trail and Fill Miami Canal*  
23                  *within Water Conservation Area 3, at a*  
24                  *total cost of \$26,946,000, with an estimated*

1 *Federal cost of \$13,473,000 and an esti-*  
2 *mated non-Federal cost of \$13,473,000.*

3 *(ix) North New River Improvements,*  
4 *at a total cost of \$77,087,000, with an esti-*  
5 *mated Federal cost of \$38,543,500 and an*  
6 *estimated non-Federal cost of \$38,543,500.*

7 *(x) C-111 Spreader Canal, at a total*  
8 *cost of \$94,035,000, with an estimated Fed-*  
9 *eral cost of \$47,017,500 and an estimated*  
10 *non-Federal cost of \$47,017,500.*

11 *(xi) Adaptive Assessment and Moni-*  
12 *toring Program, at a total cost of*  
13 *\$100,000,000, with an estimated Federal*  
14 *cost of \$50,000,000 and an estimated non-*  
15 *Federal cost of \$50,000,000.*

16 *(D) CONDITIONS.—*

17 *(i) PROJECT IMPLEMENTATION RE-*  
18 *PORTS.—Before implementation of a project*  
19 *described in any of clauses (i) through (x)*  
20 *of subparagraph (C), the Secretary shall re-*  
21 *view and approve for the project a project*  
22 *implementation report prepared in accord-*  
23 *ance with subsections (f) and (h).*

24 *(ii) SUBMISSION OF REPORT.—The*  
25 *Secretary shall submit to the Committee on*

1            *Transportation and Infrastructure of the*  
2            *House of Representatives and the Committee*  
3            *on Environment and Public Works of the*  
4            *Senate the project implementation report*  
5            *required by subsections (f) and (h) for each*  
6            *project under this paragraph (including all*  
7            *relevant data and information on all costs).*

8            *(iii) FUNDING CONTINGENT ON AP-*  
9            *PROVAL.—No appropriation shall be made*  
10           *to construct any project under this para-*  
11           *graph if the project implementation report*  
12           *for the project has not been approved by res-*  
13           *olutions adopted by the Committee on*  
14           *Transportation and Infrastructure of the*  
15           *House of Representatives and the Committee*  
16           *on Environment and Public Works of the*  
17           *Senate.*

18           *(iv) MODIFIED WATER DELIVERY.—No*  
19           *appropriation shall be made to construct*  
20           *the Water Conservation Area 3*  
21           *Decomartmentalization and Sheetflow En-*  
22           *hancement Project or the Central Lakebelt*  
23           *Storage Project until the completion of the*  
24           *project to improve water deliveries to Ever-*  
25           *glades National Park authorized by section*

1                    *104 of the Everglades National Park Protec-*  
2                    *tion and Expansion Act of 1989 (16 U.S.C.*  
3                    *410r-8).*

4                    *(E) MAXIMUM COST OF PROJECTS.—Section*  
5                    *902 of the Water Resources Development Act of*  
6                    *1986 (33 U.S.C. 2280) shall apply to each*  
7                    *project feature authorized under this subsection.*

8                    *(c) ADDITIONAL PROGRAM AUTHORITY.—*

9                    *(1) IN GENERAL.—To expedite implementation*  
10                  *of the Plan, the Secretary may implement modifica-*  
11                  *tions to the Central and Southern Florida Project*  
12                  *that—*

13                    *(A) are described in the Plan; and*

14                    *(B) will produce a substantial benefit to the*  
15                    *restoration, preservation and protection of the*  
16                    *South Florida ecosystem.*

17                    *(2) PROJECT IMPLEMENTATION REPORTS.—Be-*  
18                    *fore implementation of any project feature authorized*  
19                    *under this subsection, the Secretary shall review and*  
20                    *approve for the project feature a project implementa-*  
21                    *tion report prepared in accordance with subsections*  
22                    *(f) and (h).*

23                    *(3) FUNDING.—*

24                    *(A) INDIVIDUAL PROJECT FUNDING.—*

1                   (i) *FEDERAL COST.*—*The total Federal*  
2                   *cost of each project carried out under this*  
3                   *subsection shall not exceed \$12,500,000.*

4                   (ii) *OVERALL COST.*—*The total cost of*  
5                   *each project carried out under this sub-*  
6                   *section shall not exceed \$25,000,000.*

7                   (B) *AGGREGATE FEDERAL COST.*—*The total*  
8                   *Federal cost of all projects carried out under this*  
9                   *subsection shall not exceed \$206,000,000*

10                  (d) *AUTHORIZATION OF FUTURE PROJECTS.*—

11                   (1) *IN GENERAL.*—*Except for a project author-*  
12                   *ized by subsection (b) or (c), any project included in*  
13                   *the Plan shall require a specific authorization by*  
14                   *Congress.*

15                   (2) *SUBMISSION OF REPORT.*—*Before seeking*  
16                   *congressional authorization for a project under para-*  
17                   *graph (1), the Secretary shall submit to Congress—*

18                               (A) *a description of the project; and*

19                               (B) *a project implementation report for the*  
20                   *project prepared in accordance with subsections*  
21                   *(f) and (h).*

22                  (e) *COST SHARING.*—

23                   (1) *FEDERAL SHARE.*—*The Federal share of the*  
24                   *cost of carrying out a project authorized by subsection*  
25                   *(b), (c), or (d) shall be 50 percent.*

1           (2) *NON-FEDERAL RESPONSIBILITIES.*—*The non-*  
2 *Federal sponsor with respect to a project described in*  
3 *subsection (b), (c), or (d), shall be—*

4           (A) *responsible for all land, easements,*  
5 *rights-of-way, and relocations necessary to im-*  
6 *plement the Plan; and*

7           (B) *afforded credit toward the non-Federal*  
8 *share of the cost of carrying out the project in*  
9 *accordance with paragraph (5)(A).*

10          (3) *FEDERAL ASSISTANCE.*—

11           (A) *IN GENERAL.*—*The non-Federal sponsor*  
12 *with respect to a project authorized by subsection*  
13 *(b), (c), or (d) may use Federal funds for the*  
14 *purchase of any land, easement, rights-of-way, or*  
15 *relocation that is necessary to carry out the*  
16 *project if any funds so used are credited toward*  
17 *the Federal share of the cost of the project.*

18           (B) *AGRICULTURE FUNDS.*—*Funds provided*  
19 *to the non-Federal sponsor under any programs*  
20 *such as the Conservation Restoration and En-*  
21 *hancement Program (CREP) and the Wetlands*  
22 *Reserve Program (WRP) for projects in the Plan*  
23 *shall be credited toward the non-Federal share of*  
24 *the cost of the Plan if the Secretary of Agri-*

1           *culture certifies that the funds provided may be*  
2           *used for that purpose.*

3           (4) *OPERATION AND MAINTENANCE.*—*Notwith-*  
4           *standing section 528(e)(3) of the Water Resources De-*  
5           *velopment Act of 1996 (110 Stat. 3770), the non-Fed-*  
6           *eral sponsor shall be responsible for 50 percent of the*  
7           *cost of operation, maintenance, repair, replacement,*  
8           *and rehabilitation activities authorized under this*  
9           *section.*

10          (5) *CREDIT.*—

11                (A) *IN GENERAL.*—*Notwithstanding section*  
12                *528(e)(4) of the Water Resources Development*  
13                *Act of 1996 (110 Stat. 3770), and regardless of*  
14                *the date of acquisition, the value of lands or in-*  
15                *terests in lands and incidental costs for land ac-*  
16                *quired by a non-Federal sponsor in accordance*  
17                *with a project implementation report for any*  
18                *project included in the Plan and authorized by*  
19                *Congress shall be—*

20                        (i) *included in the total cost of the*  
21                        *project; and*

22                        (ii) *credited toward the non-Federal*  
23                        *share of the cost of the project.*

24                (B) *WORK.*—*The Secretary may provide*  
25                *credit, including in-kind credit, toward the non-*

1           *Federal share for the reasonable cost of any work*  
2           *performed in connection with a study,*  
3           *preconstruction engineering and design, or con-*  
4           *struction that is necessary for the implementa-*  
5           *tion of the Plan, if—*

6                     *(i)(I) the credit is provided for work*  
7                     *completed during the period of design, as*  
8                     *defined in a design agreement between the*  
9                     *Secretary and the non-Federal sponsor; or*

10                    *(II) the credit is provided for work*  
11                    *completed during the period of construction,*  
12                    *as defined in a project cooperation agree-*  
13                    *ment for an authorized project between the*  
14                    *Secretary and the non-Federal sponsor;*

15                    *(ii) the design agreement or the project*  
16                    *cooperation agreement prescribes the terms*  
17                    *and conditions of the credit; and*

18                    *(iii) the Secretary determines that the*  
19                    *work performed by the non-Federal sponsor*  
20                    *is integral to the project.*

21                    *(C) TREATMENT OF CREDIT BETWEEN*  
22                    *PROJECTS.—Any credit provided under this*  
23                    *paragraph may be carried over between author-*  
24                    *ized projects in accordance with subparagraph*  
25                    *(D).*

1 (D) *PERIODIC MONITORING.*—

2 (i) *IN GENERAL.*—*To ensure that the*  
3 *contributions of the non-Federal sponsor*  
4 *equal 50 percent proportionate share for*  
5 *projects in the Plan, during each 5-year pe-*  
6 *riod, beginning with commencement of de-*  
7 *sign of the Plan, the Secretary shall, for*  
8 *each project—*

9 (I) *monitor the non-Federal pro-*  
10 *vision of cash, in-kind services, and*  
11 *land; and*

12 (II) *manage, to the maximum ex-*  
13 *tent practicable, the requirement of the*  
14 *non-Federal sponsor to provide cash,*  
15 *in-kind services, and land.*

16 (ii) *OTHER MONITORING.*—*The Sec-*  
17 *retary shall conduct monitoring under*  
18 *clause (i) separately for—*

19 (I) *the preconstruction engineer-*  
20 *ing and design phase; and*

21 (II) *the construction phase.*

22 (E) *AUDITS.*—*Credit for land (including*  
23 *land value and incidental costs) or work pro-*  
24 *vided under this subsection shall be subject to*  
25 *audit by the Secretary.*

1 (f) *EVALUATION OF PROJECTS.*—

2 (1) *IN GENERAL.*—*Before implementation of a*  
3 *project authorized by subsection (c) or (d) or any of*  
4 *clauses (i) through (x) of subsection (b)(2)(C), the Sec-*  
5 *retary, in cooperation with the non-Federal sponsor,*  
6 *shall, after notice and opportunity for public com-*  
7 *ment and in accordance with subsection (h), complete*  
8 *a project implementation report for the project.*

9 (2) *PROJECT JUSTIFICATION.*—

10 (A) *IN GENERAL.*—*Notwithstanding section*  
11 *209 of the Flood Control Act of 1970 (42 U.S.C.*  
12 *1962–2) or any other provision of law, in car-*  
13 *rying out any activity authorized under this sec-*  
14 *tion or any other provision of law to restore,*  
15 *preserve, or protect the South Florida ecosystem,*  
16 *the Secretary may determine that—*

17 (i) *the activity is justified by the envi-*  
18 *ronmental benefits derived by the South*  
19 *Florida ecosystem; and*

20 (ii) *no further economic justification*  
21 *for the activity is required, if the Secretary*  
22 *determines that the activity is cost-effective.*

23 (B) *APPLICABILITY.*—*Subparagraph (A)*  
24 *shall not apply to any separable element in-*  
25 *tended to produce benefits that are predomi-*

1           nantly unrelated to the restoration, preservation,  
2           and protection of the natural system.

3           (g) *EXCLUSIONS AND LIMITATIONS.*—The following  
4 *Plan components are not approved for implementation:*

5           (1) *WATER INCLUDED IN THE PLAN.*—

6           (A) *IN GENERAL.*—Any project that is de-  
7           signed to implement the capture and use of the  
8           approximately 245,000 acre-feet of water de-  
9           scribed in section 7.7.2 of the Plan shall not be  
10          implemented until such time as—

11                   (i) the project-specific feasibility study  
12                   described in subparagraph (B) on the need  
13                   for and physical delivery of the approxi-  
14                   mately 245,000 acre-feet of water, conducted  
15                   by the Secretary, in cooperation with the  
16                   non-Federal sponsor, is completed;

17                   (ii) the project is favorably rec-  
18                   ommended in a final report of the Chief of  
19                   Engineers; and

20                   (iii) the project is authorized by Act of  
21                   Congress.

22           (B)     *PROJECT-SPECIFIC FEASIBILITY*  
23           *STUDY.*—The project-specific feasibility study re-  
24           ferred to in subparagraph (A) shall include—

1                   (i) a comprehensive analysis of the  
2                   structural facilities proposed to deliver the  
3                   approximately 245,000 acre-feet of water to  
4                   the natural system;

5                   (ii) an assessment of the requirements  
6                   to divert and treat the water;

7                   (iii) an assessment of delivery alter-  
8                   natives;

9                   (iv) an assessment of the feasibility of  
10                  delivering the water downstream while  
11                  maintaining current levels of flood protec-  
12                  tion to affected property; and

13                  (v) any other assessments that are de-  
14                  termined by the Secretary to be necessary to  
15                  complete the study.

16                  (2) WASTEWATER REUSE.—

17                   (A) IN GENERAL.—On completion and eval-  
18                   uation of the wastewater reuse pilot project de-  
19                   scribed in subsection (b)(2)(B)(iv), the Secretary,  
20                   in an appropriately timed 5-year report, shall  
21                   describe the results of the evaluation of advanced  
22                   wastewater reuse in meeting, in a cost-effective  
23                   manner, the requirements of restoration of the  
24                   natural system.

1           (B) *SUBMISSION.*—*The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater reuse is sought.*

5           (3) *PROJECTS APPROVED WITH LIMITATIONS.*—  
6           *The following projects in the Plan are approved for*  
7           *implementation with limitations:*

8           (A) *LOXAHATCHEE NATIONAL WILDLIFE*  
9           *REFUGE.*—*The Federal share for land acquisition in the project to enhance existing wetland*  
10           *systems along the Loxahatchee National Wildlife*  
11           *Refuge, including the Stazzulla tract, should be*  
12           *funded through the budget of the Department of*  
13           *the Interior.*

15           (B) *SOUTHERN CORKSCREW REGIONAL ECO-*  
16           *SYSTEM.*—*The Southern Corkscrew regional eco-*  
17           *system watershed addition should be accom-*  
18           *plished outside the scope of the Plan.*

19           (h) *ASSURANCE OF PROJECT BENEFITS.*—

20           (1) *IN GENERAL.*—*The overarching objective of*  
21           *the Plan is the restoration, preservation, and protec-*  
22           *tion of the South Florida Ecosystem while providing*  
23           *for other water-related needs of the region, including*  
24           *water supply and flood protection. The Plan shall be*  
25           *implemented to ensure the protection of water quality*

1        *in, the reduction of the loss of fresh water from, the*  
2        *improvement of the environment of the South Florida*  
3        *Ecosystem and to achieve and maintain the benefits*  
4        *to the natural system and human environment de-*  
5        *scribed in the Plan, and required pursuant to this*  
6        *Act, for as long as the project is authorized.*

7            (2) *AGREEMENT.—*

8            (A) *IN GENERAL.—No appropriation shall*  
9            *be made for the construction of a project con-*  
10           *tained in the Plan until the President and the*  
11           *Governor enter into a binding agreement under*  
12           *which the State, shall ensure, by regulation or*  
13           *other appropriate means, that water made avail-*  
14           *able under the Plan for the restoration of the*  
15           *natural system is available as specified in the*  
16           *Plan.*

17           (B) *ENFORCEMENT.—*

18           (i) *IN GENERAL.—Any person or entity*  
19           *that is aggrieved by a failure of the Presi-*  
20           *dent or the Governor to comply with any*  
21           *provision of the agreement entered into*  
22           *under subparagraph (A) may bring a civil*  
23           *action in United States district court for an*  
24           *injunction directing the President or the*  
25           *Governor, as the case may be, to comply*

1                   with the agreement, or for other appropriate  
2                   relief.

3                   (ii) *LIMITATIONS ON COMMENCEMENT*  
4                   *OF CIVIL ACTION.*—No civil action may be  
5                   commenced under clause (i)—

6                   (I) before the date that is 60 days  
7                   after the Secretary receives written no-  
8                   tice of a failure to comply with the  
9                   agreement; or

10                  (II) if the United States has com-  
11                  menced and is diligently prosecuting  
12                  an action in a court of the United  
13                  States or a State to redress a failure to  
14                  comply with the agreement.

15                  (3) *PROGRAMMATIC REGULATIONS.*—

16                  (A) *ISSUANCE.*—Not later than 2 years  
17                  after the date of enactment of this Act, the Sec-  
18                  retary shall, after notice and opportunity for  
19                  public comment—

20                   (i) with the concurrence of—

21                   (I) the Governor; and

22                   (II) the Secretary of the Interior;

23                   and

24                   (ii) in consultation with—

25                   (I) the Seminole Tribe of Florida;

1                   (II) *the Miccosukee Tribe of Indi-*  
2                   *ans of Florida;*

3                   (III) *the Administrator of the En-*  
4                   *vironmental Protection Agency;*

5                   (IV) *the Secretary of Commerce;*  
6                   *and*

7                   (V) *other Federal, State, and local*  
8                   *agencies;*

9                   *promulgate programmatic regulations to ensure*  
10                  *that the goals and purposes of the Plan are*  
11                  *achieved.*

12                  (B) *CONTENT OF REGULATIONS.—Pro-*  
13                  *grammatic regulations promulgated under this*  
14                  *paragraph shall establish a process to—*

15                   (i) *provide guidance for the develop-*  
16                   *ment of project implementation reports,*  
17                   *project cooperation agreements, and oper-*  
18                   *ating manuals that ensure that the goals*  
19                   *and objectives of the Plan are achieved;*

20                   (ii) *ensure that new information re-*  
21                   *sulting from changed or unforeseen cir-*  
22                   *cumstances, new scientific or technical in-*  
23                   *formation or information that is developed*  
24                   *through the principles of adaptive manage-*  
25                   *ment contained in the Plan, or future au-*

1            *thorized changes to the Plan are integrated*  
2            *into the implementation of the Plan; and*

3            *(iii) ensure the protection of the nat-*  
4            *ural system consistent with the goals and*  
5            *purposes of the Plan.*

6            *(C) SCHEDULE AND TRANSITION RULE.—*

7            *(i) IN GENERAL.—All project imple-*  
8            *mentation reports approved before the date*  
9            *of promulgation of the programmatic regu-*  
10           *lations shall be consistent with the Plan.*

11           *(ii) PREAMBLE.—The preamble of the*  
12           *programmatic regulations shall include a*  
13           *statement concerning the consistency with*  
14           *the programmatic regulations of any project*  
15           *implementation reports that were approved*  
16           *before the date of promulgation of the regu-*  
17           *lations.*

18           *(D) REVIEW OF PROGRAMMATIC REGULA-*  
19           *TIONS.—Whenever necessary to attain Plan goals*  
20           *and purposes, but not less often than every 5*  
21           *years, the Secretary, in accordance with sub-*  
22           *paragraph (A), shall review the programmatic*  
23           *regulations promulgated under this paragraph.*

24           *(4) PROJECT-SPECIFIC ASSURANCES.—*

25           *(A) PROJECT IMPLEMENTATION REPORTS.—*

1           (i) *IN GENERAL.*—*The Secretary and*  
2           *the non-Federal sponsor shall develop*  
3           *project implementation reports in accord-*  
4           *ance with section 10.3.1 of the Plan.*

5           (ii) *COORDINATION.*—*In developing a*  
6           *project implementation report, the Secretary*  
7           *and the non-Federal sponsor shall coordi-*  
8           *nate with appropriate Federal, State, trib-*  
9           *al, and local governments.*

10          (iii) *REQUIREMENTS.*—*A project im-*  
11          *plementation report shall—*

12                   (I) *be consistent with the Plan*  
13                   *and the programmatic regulations pro-*  
14                   *mulgated under paragraph (3);*

15                   (II) *describe how each of the re-*  
16                   *quirements stated in paragraph (3)(B)*  
17                   *is satisfied;*

18                   (III) *comply with the National*  
19                   *Environmental Policy Act of 1969 (42*  
20                   *U.S.C. 4321 et seq.);*

21                   (IV) *identify the appropriate*  
22                   *quantity, timing, and distribution of*  
23                   *water dedicated and managed for the*  
24                   *natural system;*

1           (V) identify the amount of water  
2           to be reserved or allocated for the nat-  
3           ural system necessary to implement,  
4           under State law, subclauses (IV) and  
5           (VI);

6           (VI) comply with applicable water  
7           quality standards and applicable  
8           water quality permitting requirements  
9           under subsection (b)(2)(A)(ii);

10          (VII) be based on the best avail-  
11          able science; and

12          (VIII) include an analysis con-  
13          cerning the cost-effectiveness and engi-  
14          neering feasibility of the project.

15           (B) PROJECT COOPERATION AGREE-  
16           MENTS.—

17           (i) IN GENERAL.—The Secretary and  
18           the non-Federal sponsor shall execute project  
19           cooperation agreements in accordance with  
20           section 10 of the Plan.

21           (ii) CONDITION.—The Secretary shall  
22           not execute a project cooperation agreement  
23           until any reservation or allocation of water  
24           for the natural system identified in the

1           *project implementation report is executed*  
2           *under State law.*

3           (C) *OPERATING MANUALS.—*

4                 (i) *IN GENERAL.—The Secretary and*  
5                 *the non-Federal sponsor shall develop and*  
6                 *issue, for each project or group of projects,*  
7                 *an operating manual that is consistent with*  
8                 *the water reservation or allocation for the*  
9                 *natural system described in the project im-*  
10                *plementation report and the project co-*  
11                *operation agreement for the project or group*  
12                *of projects.*

13               (ii) *MODIFICATIONS.—Any significant*  
14                *modification by the Secretary and the non-*  
15                *Federal sponsor to an operating manual*  
16                *after the operating manual is issued shall*  
17                *only be carried out subject to notice and op-*  
18                *portunity for public comment.*

19           (5) *SAVINGS CLAUSE.—*

20               (A) *EXISTING WATER USERS.—The Sec-*  
21                *retary shall ensure that the implementation of*  
22                *the Plan, including physical or operational*  
23                *modifications to the Central and Southern Flor-*  
24                *ida Project, does not cause significant adverse*

1           *impact on existing legal water users,*  
2           *including—*

3                   *(i) water legally allocated or provided*  
4                   *through entitlements to the Seminole Tribe*  
5                   *of Florida under section 7 of the Seminole*  
6                   *Indian Land Claims Settlement Act of 1987*  
7                   *(25 U.S.C. 1772e);*

8                   *(ii) the Miccosukee Tribe of Indians of*  
9                   *Florida;*

10                  *(iii) annual water deliveries to Ever-*  
11                  *glades National Park;*

12                  *(iv) water for the preservation of fish*  
13                  *and wildlife in the natural system; and*

14                  *(v) any other legal user, as provided*  
15                  *under Federal or State law in existence on*  
16                  *the date of enactment of this Act.*

17           *(B) NO ELIMINATION.—Until a new source*  
18           *of water supply of comparable quantity and*  
19           *quality is available to replace the water to be lost*  
20           *as a result of implementation of the Plan, the*  
21           *Secretary shall not eliminate existing legal*  
22           *sources of water, including those for—*

23                   *(i) an agricultural or urban water*  
24                   *supply;*

1                   (ii) allocation or entitlement to the  
2                   *Seminole Indian Tribe of Florida under*  
3                   *section 7 of the Seminole Indian Land*  
4                   *Claims Settlement Act of 1987 (25 U.S.C.*  
5                   *1772e);*

6                   (iii) the *Miccosukee Tribe of Indians of*  
7                   *Florida;*

8                   (iv) *Everglades National Park; or*

9                   (v) *the preservation of fish and wild-*  
10                  *life.*

11                  (C) *MAINTENANCE OF FLOOD PROTEC-*  
12                  *TION.—The Secretary shall maintain authorized*  
13                  *levels of flood protection in existence on the date*  
14                  *of enactment of this Act, in accordance with ap-*  
15                  *plicable law.*

16                  (D) *NO EFFECT ON STATE LAW.—Nothing*  
17                  *in this Act prevents the State from allocating or*  
18                  *reserving water, as provided under State law, to*  
19                  *the extent consistent with this Act.*

20                  (E) *NO EFFECT ON TRIBAL COMPACT.—*  
21                  *Nothing in this Act amends, alters, prevents, or*  
22                  *otherwise abrogates rights of the Seminole In-*  
23                  *dian Tribe of Florida under the compact among*  
24                  *the Seminole Tribe of Florida, the State, and the*  
25                  *South Florida Water Management District, de-*

1           *fining the scope and use of water rights of the*  
 2           *Seminole Tribe of Florida, as codified by section*  
 3           *7 of the Seminole Indian Land Claims Settle-*  
 4           *ment Act of 1987 (25 U.S.C. 1772e).*

5           *(i) DISPUTE RESOLUTION.—*

6           (1) *IN GENERAL.—The Secretary and the Gov-*  
 7           *ernor shall within 180 days from the date of enact-*  
 8           *ment of this Act develop an agreement for resolving*  
 9           *disputes between the Corps of Engineers and the State*  
 10          *associated with the implementation of the Plan. Such*  
 11          *agreement shall establish a mechanism for the timely*  
 12          *and efficient resolution of disputes, including—*

13                   (A) *a preference for the resolution of dis-*  
 14                   *putes between the Jacksonville District of the*  
 15                   *Corps of Engineers and the South Florida Water*  
 16                   *Management District;*

17                   (B) *a mechanism for the Jacksonville Dis-*  
 18                   *trict of the Corps of Engineers or the South Flor-*  
 19                   *ida Water Management District to initiate the*  
 20                   *dispute resolution process for unresolved issues;*

21                   (C) *the establishment of appropriate time-*  
 22                   *frames and intermediate steps for the elevation of*  
 23                   *disputes to the Governor and the Secretary; and*

24                   (D) *a mechanism for the final resolution of*  
 25                   *disputes, within 180 days from the date that the*

1           *dispute resolution process is initiated under sub-*  
2           *paragraph (B).*

3           (2) *CONDITION FOR REPORT APPROVAL.—The*  
4           *Secretary shall not approve a project implementation*  
5           *report under this Act until the agreement established*  
6           *under this subsection has been executed.*

7           (3) *NO EFFECT ON LAW.—Nothing in the agree-*  
8           *ment established under this subsection shall alter or*  
9           *amend any existing Federal or State law.*

10          (j) *INDEPENDENT SCIENTIFIC REVIEW.—*

11           (1) *IN GENERAL.—The Secretary, the Secretary*  
12           *of the Interior, and the State, in consultation with the*  
13           *South Florida Ecosystem Restoration Task Force,*  
14           *shall establish an independent scientific review panel*  
15           *convened by a body, such as the National Academy of*  
16           *Sciences, to review the Plan’s progress toward achiev-*  
17           *ing the natural system restoration goals of the Plan.*

18           (2) *REPORT.—The panel described in paragraph*  
19           (1) *shall produce a biennial report to Congress, the*  
20           *Secretary, the Secretary of the Interior, and the State*  
21           *of Florida that includes an assessment of ecological*  
22           *indicators and other measures of progress in restoring*  
23           *the ecology of the natural system, based on the Plan.*

24          (k) *OUTREACH AND ASSISTANCE.—*

1           (1) *SMALL BUSINESS CONCERNS OWNED AND OP-*  
2           *ERATED BY SOCIALLY AND ECONOMICALLY DISADVAN-*  
3           *TAGED INDIVIDUALS.—In executing the Plan, the Sec-*  
4           *retary shall ensure that small business concerns*  
5           *owned and controlled by socially and economically*  
6           *disadvantaged individuals are provided opportunities*  
7           *to participate under section 15(g) of the Small Busi-*  
8           *ness Act (15 U.S.C. 644(g)).*

9           (2) *COMMUNITY OUTREACH AND EDUCATION.—*

10           (A) *IN GENERAL.—The Secretary shall en-*  
11           *sure that impacts on socially and economically*  
12           *disadvantaged individuals, including individuals*  
13           *with limited English proficiency, and commu-*  
14           *nities are considered during implementation of*  
15           *the Plan, and that such individuals have oppor-*  
16           *tunities to review and comment on its implemen-*  
17           *tation.*

18           (B) *PROVISION OF OPPORTUNITIES.—The*  
19           *Secretary shall ensure, to the maximum extent*  
20           *practicable, that public outreach and educational*  
21           *opportunities are provided to the individuals of*  
22           *South Florida, including individuals with lim-*  
23           *ited English proficiency, and in particular for*  
24           *socially and economically disadvantaged commu-*  
25           *nities.*

1           *(l) REPORT TO CONGRESS.—Beginning on October 1,*  
2 *2005, and periodically thereafter until October 1, 2036, the*  
3 *Secretary and the Secretary of the Interior, in consultation*  
4 *with the Environmental Protection Agency, the Department*  
5 *of Commerce, and the State of Florida, shall jointly submit*  
6 *to Congress a report on the implementation of the Plan.*  
7 *Such reports shall be completed not less often than every*  
8 *5 years. Such reports shall include a description of plan-*  
9 *ning, design, and construction work completed, the amount*  
10 *of funds expended during the period covered by the report*  
11 *(including a detailed analysis of the funds expended for*  
12 *adaptive assessment under subsection (b)(2)(C)(xi)), and*  
13 *the work anticipated over the next 5-year period. In addi-*  
14 *tion, each report shall include—*

15                   *(1) the determination of each Secretary, and the*  
16                   *Administrator of the Environmental Protection Agen-*  
17                   *cy, concerning the benefits to the natural system and*  
18                   *the human environment achieved as of the date of the*  
19                   *report and whether the completed projects of the Plan*  
20                   *are being operated in a manner that is consistent*  
21                   *with the requirements of subsection (h); and*

22                   *(2) a review of the activities performed by the*  
23                   *Secretary under subsection (k) as they relate to so-*  
24                   *cially and economically disadvantaged individuals*  
25                   *and individuals with limited English proficiency.*

Calendar No. 729

106TH CONGRESS  
2D SESSION

**S. 2796**

[Report No. 106-362]

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**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.

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JULY 27, 2000

Reported with an amendment