

In the House of Representatives, U. S.,

October 19, 2000.

Resolved, That the bill from the Senate (S. 2796) entitled “An Act 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”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

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.*—

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorization.

Sec. 102. Small projects for flood damage reduction.

Sec. 103. Small project for bank stabilization.

Sec. 104. Small projects for navigation.

Sec. 105. Small project for improvement of the quality of the environment.

Sec. 106. Small projects for aquatic ecosystem restoration.

Sec. 107. Small project for shoreline protection.

Sec. 108. Small project for snagging and sediment removal.

Sec. 109. Petaluma River, Petaluma, California.

TITLE II—GENERAL PROVISIONS

Sec. 201. Cost sharing of certain flood damage reduction projects.

Sec. 202. Harbor cost sharing.

- Sec. 203. Nonprofit entities.*
- Sec. 204. Rehabilitation of Federal flood control levees.*
- Sec. 205. Flood mitigation and riverine restoration program.*
- Sec. 206. Tribal partnership program.*
- Sec. 207. Native American reburial and transfer authority.*
- Sec. 208. Ability to pay.*
- Sec. 209. Interagency and international support authority.*
- Sec. 210. Property protection program.*
- Sec. 211. Engineering consulting services.*
- Sec. 212. Beach recreation.*
- Sec. 213. Performance of specialized or technical services.*
- Sec. 214. Design-build contracting.*
- Sec. 215. Independent review pilot program.*
- Sec. 216. Enhanced public participation.*
- Sec. 217. Monitoring.*
- Sec. 218. Reconnaissance studies.*
- Sec. 219. Fish and wildlife mitigation.*
- Sec. 220. Wetlands mitigation.*
- Sec. 221. Credit toward non-Federal share of navigation projects.*
- Sec. 222. Maximum program expenditures for small flood control projects.*
- Sec. 223. Feasibility studies and planning, engineering, and design.*
- Sec. 224. Administrative costs of land conveyances.*
- Sec. 225. Dam safety.*

TITLE III—PROJECT-RELATED PROVISIONS

- Sec. 301. Nogales Wash and Tributaries, Nogales, Arizona.*
- Sec. 302. John Paul Hammerschmidt Visitor Center, Fort Smith, Arkansas.*
- Sec. 303. Greers Ferry Lake, Arkansas.*
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- Sec. 306. Larkspur Ferry Channel, Larkspur, California.*
- Sec. 307. Norco Bluffs, Riverside County, California.*
- Sec. 308. Sacramento deep water ship channel, California.*
- Sec. 309. Sacramento River, Glenn-Colusa, California.*
- Sec. 310. Upper Guadalupe River, California.*
- Sec. 311. Brevard County, Florida.*
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- Sec. 314. East Saint Louis and vicinity, Illinois.*
- Sec. 315. Kaskaskia River, Kaskaskia, Illinois.*
- Sec. 316. Waukegan Harbor, Illinois.*
- Sec. 317. Cumberland, Kentucky.*
- Sec. 318. Lock and Dam 10, Kentucky River, Kentucky.*
- Sec. 319. Saint Joseph River, South Bend, Indiana.*
- Sec. 320. Mayfield Creek and tributaries, Kentucky.*
- Sec. 321. Amite River and tributaries, East Baton Rouge Parish, Louisiana.*
- Sec. 322. Atchafalaya Basin Floodway System, Louisiana.*
- Sec. 323. Atchafalaya River, Bayous Chene, Boeuf, and Black Louisiana.*
- Sec. 324. Red River Waterway, Louisiana.*
- Sec. 325. Thomaston Harbor, Georges River, Maine.*
- Sec. 326. Breckenridge, Minnesota.*
- Sec. 327. Duluth Harbor, Minnesota.*
- Sec. 328. Little Falls, Minnesota.*
- Sec. 329. Poplar Island, Maryland.*

- Sec. 330. *New York Harbor and adjacent channels, Port Jersey, New Jersey.*
 Sec. 331. *Passaic River basin flood management, New Jersey.*
 Sec. 332. *Times Beach nature preserve, Buffalo, New York.*
 Sec. 333. *Garrison Dam, North Dakota.*
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 Sec. 340. *Buchanan, Dickenson, and Russell Counties, Virginia.*
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- Sec. 555. *Chickamauga Lock, Chattanooga, Tennessee.*
- Sec. 556. *Joe Pool Lake, Texas.*
- Sec. 557. *Benson Beach, Fort Canby State Park, Washington.*
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- Sec. 565. *Virginia Point Riverfront Park, West Virginia.*
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- Sec. 575. *Maintenance of navigation channels.*
- Sec. 576. *Support of Army civil works program.*
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- Sec. 587. *Waurika Lake, Oklahoma.*
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Sec. 602. Sense of Congress concerning Homestead Air Force Base.

TITLE VIII—MISSOURI RIVER RESTORATION

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Sec. 702. Missouri River Trust.

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Sec. 704. Administration.

Sec. 705. Authorization of appropriations.

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 AUTHORIZATION.***

7 *(a) PROJECTS WITH CHIEF’S REPORTS.—The fol-*
 8 *lowing projects for water resources development and con-*
 9 *servation and other purposes are authorized to be carried*
 10 *out by the Secretary substantially in accordance with the*
 11 *plans, and subject to the conditions, described in the respec-*
 12 *tive reports designated in this subsection:*

13 *(1) BARNEGAT INLET TO LITTLE EGG INLET,*
 14 *NEW JERSEY.—The project for hurricane and storm*
 15 *damage reduction, Barnegat Inlet to Little Egg Inlet,*
 16 *New Jersey: Report of the Chief of Engineers dated*
 17 *July 26, 2000, at a total cost of \$51,203,000, with an*
 18 *estimated Federal cost of \$33,282,000 and an esti-*
 19 *mated non-Federal cost of \$17,921,000.*

1 (2) *PORT OF NEW YORK AND NEW JERSEY, NEW*
2 *YORK AND NEW JERSEY.—*

3 (A) *IN GENERAL.—The project for naviga-*
4 *tion, Port of New York and New Jersey, New*
5 *York and New Jersey: Report of the Chief of En-*
6 *gineers dated May 2, 2000, at a total cost of*
7 *\$1,781,235,000, with an estimated Federal cost*
8 *of \$738,631,000 and an estimated non-Federal*
9 *cost of \$1,042,604,000.*

10 (B) *CREDIT.—The Secretary may provide*
11 *the non-Federal interests credit toward cash con-*
12 *tributions required—*

13 (i) *before, during, and after construc-*
14 *tion for planning, engineering and design,*
15 *and construction management work that is*
16 *performed by the non-Federal interests and*
17 *that the Secretary determines is necessary*
18 *to implement the project; and*

19 (ii) *during and after construction for*
20 *the costs of the construction that the non-*
21 *Federal interests carry out on behalf of the*
22 *Secretary and that the Secretary determines*
23 *is necessary to implement the project.*

24 (b) *PROJECTS SUBJECT TO FINAL REPORT.—The fol-*
25 *lowing projects for water resources development and con-*

1 *ervation and other purposes are authorized to be carried*
2 *out by the Secretary substantially in accordance with the*
3 *plans, and subject the conditions, recommended in a final*
4 *report of the Chief of Engineers if a favorable report of the*
5 *Chief is completed not later than December 31, 2000:*

6 (1) *FALSE PASS HARBOR, ALASKA.—The project*
7 *for navigation, False Pass Harbor, Alaska, at a total*
8 *cost of \$15,164,000, with an estimated Federal cost of*
9 *\$8,238,000 and an estimated non-Federal cost of*
10 *\$6,926,000.*

11 (2) *UNALASKA HARBOR, ALASKA.—The project*
12 *for navigation, Unalska Harbor, Alaska, at a total*
13 *cost of \$20,000,000, with an estimated Federal cost of*
14 *\$12,000,000 and an estimated non-Federal cost of*
15 *\$8,000,000.*

16 (3) *RIO DE FLAG, FLAGSTAFF, ARIZONA.—The*
17 *project for flood damage reduction, Rio de Flag, Flag-*
18 *staff, Arizona, at a total cost of \$24,072,000, with an*
19 *estimated Federal cost of \$15,576,000 and an esti-*
20 *mated non-Federal cost of \$8,496,000.*

21 (4) *TRES RIOS, ARIZONA.—The project ecosystem*
22 *restoration, Tres Rios, Arizona, at a total cost of*
23 *\$99,320,000, with an estimated Federal cost of*
24 *\$62,755,000 and an estimated non-Federal cost of*
25 *\$36,565,000.*

1 (5) *LOS ANGELES HARBOR, CALIFORNIA.—The*
2 *project for navigation, Los Angeles Harbor, Cali-*
3 *fornia, at a total cost of \$153,313,000, with an esti-*
4 *mated Federal cost of \$43,735,000 and an estimated*
5 *non-Federal cost of \$109,578,000.*

6 (6) *MURRIETTA CREEK, CALIFORNIA.—The*
7 *project for flood damage reduction and ecosystem res-*
8 *toration, Murrietta Creek, California, described as al-*
9 *ternative 6, based on the District Engineer's*
10 *Murrietta Creek feasibility report and environmental*
11 *impact statement dated October 2000, at a total cost*
12 *of \$89,850,000, with an estimated Federal cost of*
13 *\$57,735,000 and an estimated non-Federal cost of*
14 *\$32,115,000. The locally preferred plan described as*
15 *alternative 6 shall be treated as a final favorable re-*
16 *port of the Chief Engineer's for purposes of this sub-*
17 *section.*

18 (7) *SANTA BARBARA STREAMS, LOWER MISSION*
19 *CREEK, CALIFORNIA.—The project for flood damage*
20 *reduction, Santa Barbara streams, Lower Mission*
21 *Creek, California, at a total cost of \$18,300,000, with*
22 *an estimated Federal cost of \$9,200,000 and an esti-*
23 *mated non-Federal cost of \$9,100,000.*

24 (8) *UPPER NEWPORT BAY, CALIFORNIA.—The*
25 *project for ecosystem restoration, Upper Newport Bay,*

1 *California, at a total cost of \$32,475,000, with an es-*
2 *timated Federal cost of \$21,109,000 and an estimated*
3 *non-Federal cost of \$11,366,000.*

4 (9) *WHITEWATER RIVER BASIN, CALIFORNIA.—*
5 *The project for flood damage reduction, Whitewater*
6 *River basin, California, at a total cost of \$27,570,000,*
7 *with an estimated Federal cost of \$17,920,000 and an*
8 *estimated non-Federal cost of \$9,650,000.*

9 (10) *DELAWARE COAST FROM CAPE HENLOPEN*
10 *TO FENWICK ISLAND.—The project for hurricane and*
11 *storm damage reduction, Delaware Coast from Cape*
12 *Henlopen to Fenwick Island, at a total cost of*
13 *\$5,633,000, with an estimated Federal cost of*
14 *\$3,661,000 and an estimated non-Federal cost of*
15 *\$1,972,000.*

16 (11) *PORT SUTTON, FLORIDA.—The project for*
17 *navigation, Port Sutton, Florida, at a total cost of*
18 *\$6,000,000, with an estimated Federal cost of*
19 *\$4,000,000 and an estimated non-Federal cost of*
20 *\$2,000,000.*

21 (12) *BARBERS POINT HARBOR, HAWAII.—The*
22 *project for navigation, Barbers Point Harbor, Ha-*
23 *waii, at a total cost of \$30,003,000, with an esti-*
24 *mated Federal cost of \$18,524,000 and an estimated*
25 *non-Federal cost of \$11,479,000.*

1 (13) *JOHN MYERS LOCK AND DAM, INDIANA AND*
2 *KENTUCKY.—The project for navigation, John Myers*
3 *Lock and Dam, Indiana and Kentucky, at a total*
4 *cost of \$182,000,000. The costs of construction of the*
5 *project shall be paid 1/2 from amounts appropriated*
6 *from the general fund of the Treasury and 1/2 from*
7 *amounts appropriated from the Inland Waterways*
8 *Trust Fund.*

9 (14) *GREENUP LOCK AND DAM, KENTUCKY AND*
10 *OHIO.—The project for navigation, Greenup Lock and*
11 *Dam, Kentucky and Ohio, at a total cost of*
12 *\$175,000,000. The costs of construction of the project*
13 *shall be paid 1/2 from amounts appropriated from the*
14 *general fund of the Treasury and 1/2 from amounts*
15 *appropriated from the Inland Waterways Trust*
16 *Fund.*

17 (15) *OHIO RIVER MAINSTEM, KENTUCKY, ILLI-*
18 *NOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIR-*
19 *GINIA.—Projects for ecosystem restoration, Ohio River*
20 *Mainstem, Kentucky, Illinois, Indiana, Ohio, Penn-*
21 *sylvania, and West Virginia, at a total cost of*
22 *\$307,700,000, with an estimated Federal cost of*
23 *\$200,000,000 and an estimated non-Federal cost of*
24 *\$107,700,000.*

1 (16) *MONARCH-CHESTERFIELD, MISSOURI.—The*
2 *project for flood damage reduction, Monarch-Chester-*
3 *field, Missouri, at a total cost of \$67,700,000, with an*
4 *estimated Federal cost of \$44,000,000 and an esti-*
5 *mated non-Federal cost of \$23,700,000.*

6 (17) *ANTELOPE CREEK, LINCOLN, NEBRASKA.—*
7 *The project for flood damage reduction, Antelope*
8 *Creek, Lincoln, Nebraska, at a total cost of*
9 *\$49,788,000, with an estimated Federal cost of*
10 *\$24,894,000 and an estimated non-Federal cost of*
11 *\$24,894,000.*

12 (18) *SAND CREEK WATERSHED, WAHOO, NE-*
13 *BRASKA.—The project for ecosystem restoration and*
14 *flood damage reduction, Sand Creek watershed,*
15 *Wahoo, Nebraska, at a total cost of \$29,212,000, with*
16 *an estimated Federal cost of \$17,586,000 and an esti-*
17 *mated non-Federal cost of \$11,626,000.*

18 (19) *WESTERN SARPY AND CLEAR CREEK, NE-*
19 *BRASKA.—The project for flood damage reduction,*
20 *Western Sarpy and Clear Creek, Nebraska, at a total*
21 *cost of \$20,600,000, with an estimated Federal cost of*
22 *\$13,390,000 and an estimated non-Federal cost of*
23 *\$7,210,000.*

24 (20) *RARITAN BAY AND SANDY HOOK BAY,*
25 *CLIFFWOOD BEACH, NEW JERSEY.—The project for*

1 *hurricane and storm damage reduction, Raritan Bay*
2 *and Sandy Hook Bay, Cliffwood Beach, New Jersey,*
3 *at a total cost of \$5,219,000, with an estimated Fed-*
4 *eral cost of \$3,392,000 and an estimated non-Federal*
5 *cost of \$1,827,000.*

6 (21) *RARITAN BAY AND SANDY HOOK BAY, PORT*
7 *MONMOUTH, NEW JERSEY.—The project for hurricane*
8 *and storm damage reduction, Raritan Bay and*
9 *Sandy Hook Bay, Port Monmouth, New Jersey, at a*
10 *total cost of \$32,064,000, with an estimated Federal*
11 *cost of \$20,842,000 and an estimated non-Federal cost*
12 *of \$11,222,000.*

13 (22) *DARE COUNTY BEACHES, NORTH CARO-*
14 *LINA.—The project for hurricane and storm damage*
15 *reduction, Dare County beaches, North Carolina, at a*
16 *total cost of \$69,518,000, with an estimated Federal*
17 *cost of \$49,846,000 and an estimated non-Federal cost*
18 *of \$19,672,000.*

19 (23) *WOLF RIVER, TENNESSEE.—The project for*
20 *ecosystem restoration, Wolf River, Tennessee, at a*
21 *total cost of \$10,933,000, with an estimated Federal*
22 *cost of \$7,106,000 and an estimated non-Federal cost*
23 *of \$3,827,000.*

24 (24) *DUWAMISH/GREEN, WASHINGTON.—The*
25 *project for ecosystem restoration, Duwamish/Green,*

1 (2) *ANAVERDE CREEK, PALMDALE, CALI-*
2 *FORNIA.—Project for flood damage reduction,*
3 *Anaverde Creek, Palmdale, California.*

4 (3) *CASTAIC CREEK, OLD ROAD BRIDGE, SANTA*
5 *CLARITA, CALIFORNIA.—Project for flood damage re-*
6 *duction, Castaic Creek, Old Road bridge, Santa*
7 *Clarita, California.*

8 (4) *SANTA CLARA RIVER, OLD ROAD BRIDGE,*
9 *SANTA CLARITA, CALIFORNIA.—Project for flood dam-*
10 *age reduction, Santa Clara River, Old Road bridge,*
11 *Santa Clarita, California.*

12 (5) *COLUMBIA LEVEE, COLUMBIA, ILLINOIS.—*
13 *Project for flood damage reduction, Columbia Levee,*
14 *Columbia, Illinois.*

15 (6) *EAST-WEST CREEK, RIVERTON, ILLINOIS.—*
16 *Project for flood damage reduction, East-West Creek,*
17 *Riverton, Illinois.*

18 (7) *PRAIRIE DU PONT, ILLINOIS.—Project for*
19 *flood damage reduction, Prairie Du Pont, Illinois.*

20 (8) *MONROE COUNTY, ILLINOIS.—Project for*
21 *flood damage reduction, Monroe County, Illinois.*

22 (9) *WILLOW CREEK, MEREDOSIA, ILLINOIS.—*
23 *Project for flood damage reduction, Willow Creek,*
24 *Meredosia, Illinois.*

1 (10) *DYKES BRANCH CHANNEL, LEAWOOD, KAN-*
2 *SAS.—Project for flood damage reduction, Dykes*
3 *Branch channel improvements, Leawood, Kansas.*

4 (11) *DYKES BRANCH TRIBUTARIES, LEAWOOD,*
5 *KANSAS.—Project for flood damage reduction, Dykes*
6 *Branch tributary improvements, Leawood, Kansas.*

7 (12) *KENTUCKY RIVER, FRANKFORT, KEN-*
8 *TUCKY.—Project for flood damage reduction, Ken-*
9 *tucky River, Frankfort, Kentucky.*

10 (13) *LAKES MAUREPAS AND PONTCHARTRAIN CA-*
11 *NALS, ST. JOHN THE BAPTIST PARISH, LOUISIANA.—*
12 *Project for flood damage reduction, Lakes Maurepas*
13 *and Pontchartrain Canals, St. John the Baptist Par-*
14 *ish, Louisiana.*

15 (14) *PENNSVILLE TOWNSHIP, SALEM COUNTY,*
16 *NEW JERSEY.—The project for flood damage reduc-*
17 *tion, Pennsville Township, Salem County, New Jer-*
18 *sey.*

19 (15) *HEMPSTEAD, NEW YORK.—Project for flood*
20 *damage reduction, Hempstead, New York.*

21 (16) *HIGHLAND BROOK, HIGHLAND FALLS, NEW*
22 *YORK.—Project for flood damage reduction, Highland*
23 *Brook, Highland Falls, New York.*

24 (17) *LAFAYETTE TOWNSHIP, OHIO.—Project for*
25 *flood damage reduction, Lafayette Township, Ohio.*

1 (18) *WEST LAFAYETTE, OHIO.—Project for flood*
2 *damage reduction, West LaFayette, Ohio.*

3 (19) *BEAR CREEK AND TRIBUTARIES, MEDFORD,*
4 *OREGON.—Project for flood damage reduction, Bear*
5 *Creek and tributaries, Medford, Oregon.*

6 (20) *DELAWARE CANAL AND BROCK CREEK,*
7 *YARDLEY BOROUGH, PENNSYLVANIA.—Project for flood*
8 *damage reduction, Delaware Canal and Brock Creek,*
9 *Yardley Borough, Pennsylvania.*

10 (21) *FIRST CREEK, FOUNTAIN CITY, KNOXVILLE,*
11 *TENNESSEE.—Project for flood damage reduction,*
12 *First Creek, Fountain City, Knoxville, Tennessee.*

13 (22) *MISSISSIPPI RIVER, RIDGELY, TEN-*
14 *NESSEE.—Project for flood damage reduction, Mis-*
15 *sissippi River, Ridgely, Tennessee.*

16 (b) *MAGPIE CREEK, SACRAMENTO COUNTY, CALI-*
17 *FORNIA.—In formulating the project for Magpie Creek,*
18 *California, authorized by section 102(a)(4) of the Water Re-*
19 *sources Development Act of 1999 (113 Stat. 281) to be car-*
20 *ried out under section 205 of the Flood Control Act of 1948*
21 *(33 U.S.C. 701s), the Secretary shall consider benefits from*
22 *the full utilization of existing improvements at McClellan*
23 *Air Force Base that would result from the project after con-*
24 *version of the base to civilian use.*

1 **SEC. 103. SMALL PROJECTS FOR BANK STABILIZATION.**

2 *The Secretary shall conduct a study for each of the*
 3 *following projects and, if the Secretary determines that a*
 4 *project is feasible, may carry out the project under section*
 5 *14 of the Flood Control Act of 1946 (33 U.S.C. 701r):*

6 (1) *MAUMEE RIVER, FORT WAYNE, INDIANA.—*
 7 *Project for bank stabilization, Maumee River, Fort*
 8 *Wayne, Indiana.*

9 (2) *BAYOU SORRELL, IBERVILLE PARISH, LOU-*
 10 *ISIANA.—Project for bank stabilization, Bayou*
 11 *Sorrell, Iberville Parish, Louisiana.*

12 **SEC. 104. SMALL PROJECTS FOR NAVIGATION.**

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

17 (1) *WHITTIER, ALASKA.—Project for navigation,*
 18 *Whittier, Alaska.*

19 (2) *CAPE CORAL, FLORIDA.—Project for naviga-*
 20 *tion, Cape Coral, Florida.*

21 (3) *EAST TWO LAKES, TOWER, MINNESOTA.—*
 22 *Project for navigation, East Two Lakes, Tower, Min-*
 23 *nesota.*

24 (4) *ERIE BASIN MARINA, BUFFALO, NEW YORK.—*
 25 *Project for navigation, Erie Basin marina, Buffalo,*
 26 *New York.*

1 (5) LAKE MICHIGAN, LAKESHORE STATE PARK,
2 MILWAUKEE, WISCONSIN.—*Project for navigation,*
3 *Lake Michigan, Lakeshore State Park, Milwaukee,*
4 *Wisconsin.*

5 (6) SAXON HARBOR, FRANCIS, WISCONSIN.—
6 *Project for navigation, Saxon Harbor, Francis, Wis-*
7 *consin.*

8 **SEC. 105. SMALL PROJECT FOR IMPROVEMENT OF THE**
9 **QUALITY OF THE ENVIRONMENT.**

10 *The Secretary shall conduct a study for a project for*
11 *improvement of the quality of the environment, Nahant*
12 *Marsh, Davenport, Iowa, and, if the Secretary determines*
13 *that the project is appropriate, may carry out the project*
14 *under section 1135(a) of the Water Resources Development*
15 *Act of 1986 (33 U.S.C. 2309a(a)).*

16 **SEC. 106. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RES-**
17 **TORATION.**

18 *The Secretary shall conduct a study for each of the*
19 *following projects and, if the Secretary determines that a*
20 *project is appropriate, may carry out the project under sec-*
21 *tion 206 of the Water Resources Development Act of 1996*
22 *(33 U.S.C. 2330):*

23 (1) ARKANSAS RIVER, PUEBLO, COLORADO.—
24 *Project for aquatic ecosystem restoration, Arkansas*
25 *River, Pueblo, Colorado.*

1 (2) *HAYDEN DIVERSION PROJECT, YAMPA RIVER,*
2 *COLORADO.—Project for aquatic ecosystem restora-*
3 *tion, Hayden Diversion Project, Yampa River, Colo-*
4 *rado.*

5 (3) *LITTLE ECONLOCKHATCHEE RIVER BASIN,*
6 *FLORIDA.—Project for aquatic ecosystem restoration,*
7 *Little Econlockhatchee River basin, Florida.*

8 (4) *LOXAHATCHEE SLOUGH, PALM BEACH COUN-*
9 *TY, FLORIDA.—Project for aquatic ecosystem restora-*
10 *tion, Loxahatchee Slough, Palm Beach County, Flor-*
11 *ida.*

12 (5) *STEVENSON CREEK ESTUARY, FLORIDA.—*
13 *Project for aquatic ecosystem restoration, Stevenson*
14 *Creek estuary, Florida.*

15 (6) *CHOUTEAU ISLAND, MADISON COUNTY, ILLI-*
16 *NOIS.—Project for aquatic ecosystem restoration,*
17 *Chouteau Island, Madison County, Illinois.*

18 (7) *SAGINAW BAY, BAY CITY, MICHIGAN.—Project*
19 *for aquatic ecosystem restoration, Saginaw Bay, Bay*
20 *City, Michigan.*

21 (8) *RAINWATER BASIN, NEBRASKA.—Project for*
22 *aquatic ecosystem restoration, Rainwater Basin, Ne-*
23 *braska.*

24 (9) *CAZENOVIA LAKE, MADISON COUNTY, NEW*
25 *YORK.—Project for aquatic ecosystem restoration,*

1 *Cazenovia Lake, Madison County, New York, includ-*
2 *ing efforts to address aquatic invasive plant species.*

3 (10) *CHENANGO LAKE, CHENANGO COUNTY, NEW*
4 *YORK.—Project for aquatic ecosystem restoration,*
5 *Chenango Lake, Chenango County, New York, includ-*
6 *ing efforts to address aquatic invasive plant species.*

7 (11) *EAGLE LAKE, NEW YORK.—Project for*
8 *aquatic ecosystem restoration, Eagle Lake, New York.*

9 (12) *OSSINING, NEW YORK.—Project for aquatic*
10 *ecosystem restoration, Ossining, New York.*

11 (13) *SARATOGA LAKE, NEW YORK.—Project for*
12 *aquatic ecosystem restoration, Saratoga Lake, New*
13 *York.*

14 (14) *SCHROON LAKE, NEW YORK.—Project for*
15 *aquatic ecosystem restoration, Schroon Lake, New*
16 *York.*

17 (15) *MIDDLE CUYAHOGA RIVER.—Project for*
18 *aquatic ecosystem restoration, Middle Cuyahoga*
19 *River, Kent, Ohio.*

20 (16) *CENTRAL AMAZON CREEK, EUGENE, OR-*
21 *EGON.—Project for aquatic ecosystem restoration,*
22 *Central Amazon Creek, Eugene, Oregon.*

23 (17) *EUGENE MILLRACE, EUGENE, OREGON.—*
24 *Project for aquatic ecosystem restoration, Eugene*
25 *Millrace, Eugene, Oregon.*

1 (18) *LONE PINE AND LAZY CREEKS, MEDFORD,*
 2 *OREGON.—Project for aquatic ecosystem restoration,*
 3 *Lone Pine and Lazy Creeks, Medford, Oregon.*

4 (19) *TULLYTOWN BOROUGH, PENNSYLVANIA.—*
 5 *Project for aquatic ecosystem restoration, Tullytown*
 6 *Borough, Pennsylvania.*

7 **SEC. 107. SMALL PROJECT FOR SHORELINE PROTECTION.**

8 *The Secretary shall conduct a study for a project for*
 9 *shoreline protection, Hudson River, Dutchess County, New*
 10 *York, and, if the Secretary determines that the project is*
 11 *feasible, may carry out the project under section 3 of the*
 12 *Act entitled “An Act authorizing Federal participation in*
 13 *the cost of protecting the shores of publicly owned property”,*
 14 *approved August 13, 1946 (33 U.S.C. 426g; 60 Stat. 1056).*

15 **SEC. 108. SMALL PROJECT FOR SNAGGING AND SEDIMENT**
 16 **REMOVAL.**

17 *The Secretary shall conduct a study for a project for*
 18 *clearing, snagging, and sediment removal, Sangamon River*
 19 *and tributaries, Riverton, Illinois. If the Secretary deter-*
 20 *mines that the project is feasible, the Secretary may carry*
 21 *out the project under section 2 of the Flood Control Act of*
 22 *August 28, 1937 (50 Stat. 177).*

23 **SEC. 109. PETALUMA RIVER, PETALUMA, CALIFORNIA.**

24 (a) *IN GENERAL.—The Secretary shall carry out the*
 25 *Petaluma River project, at the city of Petaluma, Sonoma*

1 County, California, to provide a 100-year level of flood pro-
 2 tection to the city in accordance with the detailed project
 3 report of the San Francisco District Engineer, dated March
 4 1995, at a total cost of \$32,227,000.

5 (b) *COST SHARING.*—Cost sharing for the project shall
 6 be determined in accordance with section 103(a) of the
 7 Water Resources Development Act of 1986 (33 U.S.C.
 8 2213(a)), as in effect on October 11, 1996.

9 (c) *REIMBURSEMENT.*—The Secretary shall reimburse
 10 the non-Federal sponsor for any project costs that the non-
 11 Federal sponsor has incurred in excess of the non-Federal
 12 share of project costs, regardless of the date such costs were
 13 incurred.

14 **TITLE II—GENERAL PROVISIONS**

15 **SEC. 201. COST SHARING OF CERTAIN FLOOD DAMAGE RE-** 16 **DUCTION PROJECTS.**

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

20 “(n) *LEVEL OF FLOOD PROTECTION.*—If the Secretary
 21 determines that it is technically sound, environmentally ac-
 22 ceptable, and economically justified, to construct a flood
 23 control project for an area using an alternative that will
 24 afford a level of flood protection sufficient for the area not
 25 to qualify as an area having special flood hazards for the

1 *purposes of the national flood insurance program under the*
 2 *National Flood Insurance Act of 1968 (42 U.S.C. 4001 et*
 3 *seq.), the Secretary, at the request of the non-Federal inter-*
 4 *est, shall recommend the project using the alternative. The*
 5 *non-Federal share of the cost of the project assigned to pro-*
 6 *viding the minimum amount of flood protection required*
 7 *for the area not to qualify as an area having special flood*
 8 *hazards shall be determined under subsections (a) and (b).”.*

9 **SEC. 202. HARBOR COST SHARING.**

10 (a) *IN GENERAL.*—*Sections 101 and 214 of the Water*
 11 *Resources Development Act of 1986 (33 U.S.C. 2211 and*
 12 *2241; 100 Stat. 4082–4084 and 4108–4109) are each*
 13 *amended by striking “45 feet” each place it appears and*
 14 *inserting “53 feet”.*

15 (b) *APPLICABILITY.*—*The amendments made by sub-*
 16 *section (a) shall apply only to a project, or separable ele-*
 17 *ment of a project, on which a contract for physical construc-*
 18 *tion has not been awarded before the date of enactment of*
 19 *this Act.*

20 **SEC. 203. NONPROFIT ENTITIES.**

21 (a) *ENVIRONMENTAL DREDGING.*—*Section 312 of the*
 22 *Water Resources Development Act of 1990 (33 U.S.C. 1272)*
 23 *is amended by adding at the end the following:*

24 “(g) *NONPROFIT ENTITIES.*—*Notwithstanding section*
 25 *221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–*

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

4 (b) *PROJECT MODIFICATIONS FOR IMPROVEMENT OF*
5 *ENVIRONMENT.*—Section 1135 of the Water Resources De-
6 velopment Act of 1986 (33 U.S.C. 2309a) is amended by
7 redesignating subsection (e) as subsection (f) and by insert-
8 ing after subsection (d) the following:

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

14 (c) *LAKES PROGRAM.*—Section 602 of the Water Re-
15 sources Development Act of 1986 (100 Stat. 4148–4149) is
16 amended by redesignating subsection (d) as subsection (e)
17 and by inserting after subsection (c) the following:

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

1 **SEC. 204. REHABILITATION OF FEDERAL FLOOD CONTROL**
 2 **LEVEES.**

3 *Section 110(e) of the Water Resources Development Act*
 4 *of 1990 (104 Stat. 4622) is amended by striking “1992,”*
 5 *and all that follows through “1996” and inserting “2001*
 6 *through 2005”.*

7 **SEC. 205. FLOOD MITIGATION AND RIVERINE RESTORATION**
 8 **PROGRAM.**

9 *Section 212(e) of the Water Resources Development Act*
 10 *of 1999 (33 U.S.C. 2332(e)) is amended—*

11 *(1) by striking “and” at the end of paragraph*
 12 *(22);*

13 *(2) by striking the period at end of paragraph*
 14 *(23) and inserting a semicolon;*

15 *(3) by adding at the end the following:*

16 *“(24) Lester, St. Louis, East Savanna, and*
 17 *Floodwood Rivers, Duluth, Minnesota;*

18 *“(25) Lower Hudson River and tributaries, New*
 19 *York;*

20 *“(26) Susquehanna River watershed, Bradford*
 21 *County, Pennsylvania; and*

22 *“(27) Clear Creek, Harris, Galveston, and*
 23 *Brazoria Counties, Texas.”.*

24 **SEC. 206. TRIBAL PARTNERSHIP PROGRAM.**

25 *(a) IN GENERAL.—The Secretary is authorized, in co-*
 26 *operation with Indian tribes and other Federal agencies,*

1 *to study and determine the feasibility of implementing*
2 *water resources development projects that will substantially*
3 *benefit Indian tribes, and are located primarily within In-*
4 *dian country (as defined in section 1151 of title 18, United*
5 *States Code), or in proximity to an Alaska Native village*
6 *(as defined in, or established pursuant to, the Alaska Native*
7 *Claims Settlement Act (43 U.S.C. 1601 et seq.)).*

8 **(b) CONSULTATION AND COORDINATION.**—*The Sec-*
9 *retary shall consult with the Secretary of the Interior on*
10 *studies conducted under this section.*

11 **(c) CREDITS.**—*For any study conducted under this*
12 *section, the Secretary may provide credit to the Indian tribe*
13 *for services, studies, supplies, and other in-kind consider-*
14 *ation where the Secretary determines that such services,*
15 *studies, supplies, and other in-kind consideration will fa-*
16 *cilitate completion of the study. In no event shall such credit*
17 *exceed the Indian tribe's required share of the cost of the*
18 *study.*

19 **(d) AUTHORIZATION OF APPROPRIATIONS.**—*There is*
20 *authorized to be appropriated to carry out this section*
21 *\$5,000,000 for each of fiscal years 2002 through 2006. Not*
22 *more than \$1,000,000 appropriated to carry out this section*
23 *for a fiscal year may be used to substantially benefit any*
24 *one Indian tribe.*

1 (e) *INDIAN TRIBE DEFINED.*—*In this section, the term*
2 *“Indian tribe” means any tribe, band, nation, or other or-*
3 *ganized group or community of Indians, including any*
4 *Alaska Native village, which is recognized as eligible for the*
5 *special programs and services provided by the United States*
6 *to Indians because of their status as Indians.*

7 **SEC. 207. NATIVE AMERICAN REBURIAL AND TRANSFER AU-**
8 **THORITY.**

9 (a) *IN GENERAL.*—*The Secretary, in consultation with*
10 *appropriate Indian tribes, may identify and set aside land*
11 *at civil works projects managed by the Secretary for use*
12 *as a cemetery for the remains of Native Americans that*
13 *have been discovered on project lands and that have been*
14 *rightfully claimed by a lineal descendant or Indian tribe*
15 *in accordance with applicable Federal law. The Secretary,*
16 *in consultation with and with the consent of the lineal de-*
17 *scendant or Indian tribe, may recover and rebury the re-*
18 *maines at such cemetery at Federal expense.*

19 (b) *TRANSFER AUTHORITY.*—*Notwithstanding any*
20 *other provision of law, the Secretary may transfer to an*
21 *Indian tribe land identified and set aside by the Secretary*
22 *under subsection (a) for use as a cemetery. The Secretary*
23 *shall retain any necessary rights-of-way, easements, or*
24 *other property interests that the Secretary determines nec-*
25 *essary to carry out the purpose of the project.*

1 (c) *DEFINITIONS.*—*In this section, the terms “Indian*
 2 *tribe” and “Native American” have the meaning such terms*
 3 *have under section 2 of the Native American Graves Protec-*
 4 *tion and Repatriation Act (25 U.S.C. 3001).*

5 **SEC. 208. ABILITY TO PAY.**

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

8 (1) *by striking paragraphs (1) and (2) and in-*
 9 *serting the following:*

10 “*(1) IN GENERAL.*—*Any cost-sharing agreement*
 11 *under this section for construction of an environ-*
 12 *mental protection and restoration, flood control, or*
 13 *agricultural water supply project shall be subject to*
 14 *the ability of a non-Federal interest to pay.*”

15 “*(2) CRITERIA AND PROCEDURES.*—*The ability*
 16 *of a non-Federal interest to pay shall be determined*
 17 *by the Secretary in accordance with criteria and pro-*
 18 *cedures in effect under paragraph (3) on the day be-*
 19 *fore the date of enactment of the Water Resources De-*
 20 *velopment Act of 2000; except that such criteria and*
 21 *procedures shall be revised, and new criteria and pro-*
 22 *cedures shall be developed, within 180 days after such*
 23 *date of enactment to reflect the requirements of such*
 24 *paragraph (3).”;* and

25 (2) *in paragraph (3)—*

1 (A) by inserting “and” after the semicolon
2 at the end of subparagraph (A)(ii);
3 (B) by striking subparagraph (B); and
4 (C) by redesignating subparagraph (C) as
5 subparagraph (B).

6 **SEC. 209. INTERAGENCY AND INTERNATIONAL SUPPORT**
7 **AUTHORITY.**

8 *The first sentence of section 234(d) of the Water Re-*
9 *sources Development Act of 1996 (33 U.S.C. 2323a(d)) is*
10 *amended to read as follows: “There is authorized to be ap-*
11 *propriated to carry out this section \$250,000 per fiscal year*
12 *for fiscal years beginning after September 30, 2000.”.*

13 **SEC. 210. PROPERTY PROTECTION PROGRAM.**

14 (a) *IN GENERAL.*—*The Secretary is authorized to im-*
15 *plement a program to reduce vandalism and destruction of*
16 *property at water resources development projects under the*
17 *jurisdiction of the Department of the Army. In carrying*
18 *out the program, the Secretary may provide rewards to in-*
19 *dividuals who provide information or evidence leading to*
20 *the arrest and prosecution of individuals causing damage*
21 *to Federal property, including the payment of cash rewards.*

22 (b) *REPORT.*—*Not later than 4 years after the date*
23 *of enactment of this Act, the Secretary shall transmit to*
24 *Congress a report on the results of the program.*

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated to carry out this section*
3 *\$500,000 per fiscal year for fiscal years beginning after*
4 *September 30, 2000.*

5 **SEC. 211. ENGINEERING CONSULTING SERVICES.**

6 *In conducting a feasibility study for a water resources*
7 *project, the Secretary, to the maximum extent practicable,*
8 *should not employ a person for engineering and consulting*
9 *services if the same person is also employed by the non-*
10 *Federal interest for such services unless there is only 1*
11 *qualified and responsive bidder for such services.*

12 **SEC. 212. BEACH RECREATION.**

13 (a) *IN GENERAL.*—*In studying the feasibility of and*
14 *making recommendations concerning potential beach res-*
15 *toration projects, the Secretary may not implement any*
16 *policy that has the effect of disadvantaging any such project*
17 *solely because 50 percent or more of its benefits are rec-*
18 *reational in nature.*

19 (b) *PROCEDURES FOR CONSIDERATION AND REPORT-*
20 *ING OF BENEFITS.*—*Not later than 1 year after the date*
21 *of enactment of this Act, the Secretary shall develop and*
22 *implement procedures to ensure that all of the benefits of*
23 *a beach restoration project, including those benefits attrib-*
24 *utable to recreation, hurricane and storm damage reduc-*
25 *tion, and environmental protection and restoration, are*

1 *adequately considered and displayed in reports for such*
2 *projects.*

3 **SEC. 213. PERFORMANCE OF SPECIALIZED OR TECHNICAL**
4 **SERVICES.**

5 (a) *IN GENERAL.*—*Before entering into an agreement*
6 *to perform specialized or technical services for a State (in-*
7 *cluding the District of Columbia), a territory, or a local*
8 *government of a State or territory under section 6505 of*
9 *title 31, United States Code, the Secretary shall certify*
10 *that—*

11 (1) *the services requested are not reasonably and*
12 *expeditiously available through ordinary business*
13 *channels; and*

14 (2) *the Corps of Engineers is especially equipped*
15 *to perform such services.*

16 (b) *SUPPORTING MATERIALS.*—*The Secretary shall de-*
17 *velop materials supporting such certification under sub-*
18 *section (a).*

19 (c) *ANNUAL REPORT TO CONGRESS.*—

20 (1) *IN GENERAL.*—*Not later than December 31 of*
21 *each calendar year, the Secretary shall transmit to*
22 *the Committee on Transportation and Infrastructure*
23 *of the House of Representatives and the Committee on*
24 *Environment and Public Works of the Senate a report*

1 on the requests described in subsection (a) that the
2 Secretary received during such calendar year.

3 (2) *CONTENTS.*—With respect to each request, the
4 report transmitted under paragraph (1) shall include
5 a copy of the certification and supporting materials
6 developed under this section and information on each
7 of the following:

8 (A) *The scope of services requested.*

9 (B) *The status of the request.*

10 (C) *The estimated and final cost of the re-*
11 *quested services.*

12 (D) *Each district and division office of the*
13 *Corps of Engineers that has supplied or will*
14 *supply the requested services.*

15 (E) *The number of personnel of the Corps of*
16 *Engineers that have performed or will perform*
17 *any of the requested services.*

18 (F) *The status of any reimbursement.*

19 **SEC. 214. DESIGN-BUILD CONTRACTING.**

20 (a) *PILOT PROGRAM.*—The Secretary may conduct a
21 pilot program consisting of not more than 5 projects to test
22 the design-build method of project delivery on various civil
23 engineering projects of the Corps of Engineers, including
24 levees, pumping plants, revetments, dikes, dredging, weirs,
25 dams, retaining walls, generation facilities, mattress lay-

1 *ing, recreation facilities, and other water resources facili-*
 2 *ties.*

3 (b) *DESIGN-BUILD DEFINED.*—*In this section, the*
 4 *term “design-build” means an agreement between the Fed-*
 5 *eral Government and a contractor that provides for both*
 6 *the design and construction of a project by a single contract.*

7 (c) *REPORT.*—*Not later than 2 years after the date of*
 8 *enactment of this section, the Secretary shall report on the*
 9 *results of the pilot program.*

10 **SEC. 215. INDEPENDENT REVIEW PILOT PROGRAM.**

11 *Title IX of the Water Resources Development Act of*
 12 *1986 (100 Stat. 4183 et seq.) is amended by adding at the*
 13 *end the following:*

14 **“SEC. 952. INDEPENDENT REVIEW PILOT PROGRAM.**

15 *“(a) PROJECTS SUBJECT TO INDEPENDENT RE-*
 16 *VIEW.—The Secretary shall undertake a pilot program in*
 17 *fiscal years 2001 through 2003 to determine the practicality*
 18 *and efficacy of having feasibility reports of the Corps of*
 19 *Engineers for eligible projects reviewed by an independent*
 20 *panel of experts. The pilot program shall be limited to the*
 21 *establishment of panels for not to exceed 5 eligible projects.*

22 *“(b) ESTABLISHMENT OF PANELS.—*

23 *“(1) IN GENERAL.—The Secretary shall establish*
 24 *a panel of experts for an eligible project under this*

1 *section upon identification of a preferred alternative*
2 *in the development of the feasibility report.*

3 “(2) *MEMBERSHIP.*—*A panel established under*
4 *this section shall be composed of not less than 5 and*
5 *not more than 9 independent experts who represent a*
6 *balance of areas of expertise, including biologists, en-*
7 *gineers, and economists.*

8 “(3) *LIMITATION ON APPOINTMENTS.*—*The Sec-*
9 *retary shall not appoint an individual to serve on a*
10 *panel of experts for a project under this section if the*
11 *individual has a financial interest in the project or*
12 *has with any organization a professional relationship*
13 *that the Secretary determines may constitute a con-*
14 *flict of interest or the appearance of impropriety.*

15 “(4) *CONSULTATION.*—*The Secretary shall con-*
16 *sult the National Academy of Sciences in developing*
17 *lists of individuals to serve on panels of experts under*
18 *this section.*

19 “(5) *COMPENSATION.*—*An individual serving on*
20 *a panel of experts under this section may not be com-*
21 *pensated but may receive travel expenses, including*
22 *per diem in lieu of subsistence, in accordance with*
23 *sections 5702 and 5703 of title 5, United States Code.*

24 “(c) *DUTIES OF PANELS.*—*A panel of experts estab-*
25 *lished for a project under this section shall—*

1 “(1) review feasibility reports prepared for the
2 project after the identification of a preferred alter-
3 native;

4 “(2) receive written and oral comments of a tech-
5 nical nature concerning the project from the public;
6 and

7 “(3) transmit to the Secretary an evaluation
8 containing the panel’s economic, engineering, and en-
9 vironmental analyses of the project, including the
10 panel’s conclusions on the feasibility report, with par-
11 ticular emphasis on areas of public controversy.

12 “(d) *DURATION OF PROJECT REVIEWS.*—A panel of
13 experts shall complete its review of a feasibility report for
14 an eligible project and transmit a report containing its
15 evaluation of the project to the Secretary not later than 180
16 days after the date of establishment of the panel.

17 “(e) *RECOMMENDATIONS OF PANEL.*—After receiving
18 a timely report on a project from a panel of experts under
19 this section, the Secretary shall—

20 “(1) consider any recommendations contained in
21 the evaluation;

22 “(2) make the evaluation available for public re-
23 view; and

24 “(3) include a copy of the evaluation in any re-
25 port transmitted to Congress concerning the project.

1 “(f) *COSTS.*—The cost of conducting a review of a
2 project under this section shall not exceed \$250,000 and
3 shall be a Federal expense.

4 “(g) *REPORT.*—Not later than December 31, 2003, the
5 Secretary shall transmit to Congress a report on the results
6 of the pilot program together with the recommendations of
7 the Secretary regarding continuation, expansion, and
8 modification of the pilot program, including an assessment
9 of the impact that a peer review program would have on
10 the overall cost and length of project analyses and reviews
11 associated with feasibility reports and an assessment of the
12 benefits of peer review.

13 “(h) *ELIGIBLE PROJECT DEFINED.*—In this section,
14 the term ‘eligible project’ means—

15 “(1) a water resources project that has an esti-
16 mated total cost of more than \$25,000,000, including
17 mitigation costs; and

18 “(2) a water resources project—

19 “(A) that has an estimated total cost of
20 \$25,000,000 or less, including mitigation costs;
21 and

22 “(B)(i) that the Secretary determines is
23 subject to a substantial degree of public con-
24 troversy; or

25 “(ii) to which an affected State objects.”.

1 **SEC. 216. ENHANCED PUBLIC PARTICIPATION.**

2 (a) *IN GENERAL.*—Section 905 of the Water Resources
3 *Development Act of 1986 (33 U.S.C. 2282) is amended by*
4 *adding at the end the following:*

5 “(e) *ENHANCED PUBLIC PARTICIPATION.*—

6 “(1) *IN GENERAL.*—The Secretary shall establish
7 *procedures to enhance public participation in the de-*
8 *velopment of each feasibility study under subsection*
9 *(a), including, if appropriate, establishment of a*
10 *stakeholder advisory group to assist the Secretary*
11 *with the development of the study.*

12 “(2) *MEMBERSHIP.*—If the Secretary provides
13 *for the establishment of a stakeholder advisory group*
14 *under this subsection, the membership of the advisory*
15 *group shall include balanced representation of social,*
16 *economic, and environmental interest groups, and*
17 *such members shall serve on a voluntary, uncompen-*
18 *sated basis.*

19 “(3) *LIMITATION.*—Procedures established under
20 *this subsection shall not delay development of any fea-*
21 *sibility study under subsection (a).”.*

22 **SEC. 217. MONITORING.**

23 (a) *IN GENERAL.*—The Secretary shall conduct a mon-
24 *itoring program of the economic and environmental results*
25 *of up to 5 eligible projects selected by the Secretary.*

1 (b) *DURATION.*—*The monitoring of a project selected*
2 *by the Secretary under this section shall be for a period*
3 *of not less than 12 years beginning on the date of its selec-*
4 *tion.*

5 (c) *REPORTS.*—*The Secretary shall transmit to Con-*
6 *gress every 3 years a report on the performance of each*
7 *project selected under this section.*

8 (d) *ELIGIBLE WATER RESOURCES PROJECT DE-*
9 *FINED.*—*In this section, the term “eligible project” means*
10 *a water resources project, or separable element thereof—*

11 (1) *for which a contract for physical construc-*
12 *tion has not been awarded before the date of enact-*
13 *ment of this Act;*

14 (2) *that has a total cost of more than*
15 *\$25,000,000; and*

16 (3)(A) *that has as a benefit-to-cost ratio of less*
17 *than 1.5 to 1; or*

18 (B) *that has significant environmental benefits*
19 *or significant environmental mitigation components.*

20 (e) *COSTS.*—*The cost of conducting monitoring under*
21 *this section shall be a Federal expense.*

22 **SEC. 218. RECONNAISSANCE STUDIES.**

23 *Section 905(b) of the Water Resources Development Act*
24 *of 1986 (33 U.S.C. 2282(b)) is amended—*

1 (1) *in the second sentence by inserting after “en-*
 2 *vironmental impacts” the following: “(including*
 3 *whether a proposed project is likely to have environ-*
 4 *mental impacts that cannot be successfully or cost-ef-*
 5 *fectively mitigated)”*; and

6 (2) *by inserting after the second sentence the fol-*
 7 *lowing: “The Secretary shall not recommend that a*
 8 *feasibility study be conducted for a project based on*
 9 *a reconnaissance study if the Secretary determines*
 10 *that the project is likely to have environmental im-*
 11 *pacts that cannot be successfully or cost-effectively*
 12 *mitigated.”*.

13 **SEC. 219. FISH AND WILDLIFE MITIGATION.**

14 (a) *DESIGN OF MITIGATION PROJECTS.—Section*
 15 *906(d) of the Water Resources Development Act of 1986 (33*
 16 *U.S.C. 2283(a)) is amended—*

17 (1) *by striking “(1)” and inserting “(A)”*; and

18 (2) *by striking “(2)” and inserting “(B)”*;

19 (3) *by striking “(d) After the date” and inserting*
 20 *the following:*

21 “(d) *MITIGATION PLANS AS PART OF PROJECT PRO-*
 22 *POSALS.—*

23 “(1) *IN GENERAL.—After the date*”;

24 (4) *by adding at the end the following:*

1 “(2) *DESIGN OF MITIGATION PROJECTS.*—*The*
2 *Secretary shall design mitigation projects to reflect*
3 *contemporary understanding of the science of miti-*
4 *gating the adverse environmental impacts of water re-*
5 *sources projects.*

6 “(3) *RECOMMENDATION OF PROJECTS.*—*The Sec-*
7 *retary shall not recommend a water resources project*
8 *unless the Secretary determines that the adverse im-*
9 *pacts of the project on aquatic resources and fish and*
10 *wildlife can be cost-effectively and successfully miti-*
11 *gated.”; and*

12 (5) *by aligning the remainder of the text of*
13 *paragraph (1) (as designated by paragraph (3) of this*
14 *subsection) with paragraph (2) (as added by para-*
15 *graph (4) of this subsection).*

16 (b) *CONCURRENT MITIGATION.*—

17 (1) *INVESTIGATION.*—*The Comptroller General*
18 *shall conduct an investigation of the effectiveness of*
19 *the concurrent mitigation requirements of section 906*
20 *of the Water Resources Development Act of 1986 (33*
21 *U.S.C. 2283). In conducting the investigation, the*
22 *Comptroller General shall determine whether or not*
23 *there are instances in which less than 50 percent of*
24 *required mitigation is completed before initiation of*
25 *project construction and the number of such instances.*

1 (2) *REPORT.*—Not later than 1 year after the
2 date of enactment of this Act, the Comptroller General
3 shall transmit to Congress a report on the results of
4 the investigation.

5 **SEC. 220. WETLANDS MITIGATION.**

6 *In carrying out a water resources project that involves*
7 *wetlands mitigation and that has an impact that occurs*
8 *within the service area of a mitigation bank, the Secretary,*
9 *to the maximum extent practicable and where appropriate,*
10 *shall give preference to the use of the mitigation bank if*
11 *the bank contains sufficient available credits to offset the*
12 *impact and the bank is approved in accordance with the*
13 *Federal Guidance for the Establishment, Use and Operation*
14 *of Mitigation Banks (60 Fed. Reg. 58605 (November 28,*
15 *1995)) or other applicable Federal law (including regula-*
16 *tions).*

17 **SEC. 221. CREDIT TOWARD NON-FEDERAL SHARE OF NAVI-**
18 **GATION PROJECTS.**

19 *The second sentence of section 101(a)(2) of the Water*
20 *Resources Development Act of 1986 (33 U.S.C. 2211(a)(2))*
21 *is amended—*

22 (1) *by striking “paragraph (3) and” and insert-*
23 *ing “paragraph (3),”; and*

24 (2) *by striking “paragraph (4)” and inserting*
25 *“paragraph (4), and the costs borne by the non-Fed-*

1 *eral interests in providing additional capacity at*
 2 *dredged material disposal areas, providing commu-*
 3 *nity access to the project (including such disposal*
 4 *areas), and meeting applicable beautification require-*
 5 *ments”.*

6 **SEC. 222. MAXIMUM PROGRAM EXPENDITURES FOR SMALL**
 7 **FLOOD CONTROL PROJECTS.**

8 *Section 205 of the Flood Control Act of 1948 (33*
 9 *U.S.C. 701s) is amended by striking “\$40,000,000” and in-*
 10 *serting “\$50,000,000”.*

11 **SEC. 223. FEASIBILITY STUDIES AND PLANNING, ENGINEER-**
 12 **ING, AND DESIGN.**

13 *Section 105(a)(1)(E) of the Water Resources Develop-*
 14 *ment Act of 1986 (33 U.S.C. 2215(a)(1)(E)) is amended*
 15 *by striking “Not more than 1/2 of the” and inserting “The”.*

16 **SEC. 224. ADMINISTRATIVE COSTS OF LAND CONVEYANCES.**

17 *(a) IN GENERAL.—Notwithstanding any other provi-*
 18 *sion of law, the administrative costs associated with the*
 19 *conveyance of property to a non-Federal governmental or*
 20 *nonprofit entity shall be limited to not more than 5 percent*
 21 *of the value of the property to be conveyed to such entity*
 22 *if the Secretary determines, based on the entity’s ability to*
 23 *pay, that such limitation is necessary to complete the con-*
 24 *veyance. The Federal cost associated with such limitation*
 25 *shall not exceed \$70,000 for any one conveyance.*

1 (b) *SPECIFIC CONVEYANCE.*—*In carrying out sub-*
2 *section (a), the Secretary shall give priority consideration*
3 *to the conveyance of 10 acres of Wister Lake project land*
4 *to the Summerfield Cemetery Association, Wister, Okla-*
5 *homa, authorized by section 563(f) of the Water Resources*
6 *Development Act of 1999 (113 Stat. 359–360).*

7 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
8 *authorized to be appropriated to carry out this section*
9 *\$150,000 for fiscal years 2001 through 2003.*

10 **SEC. 225. DAM SAFETY.**

11 (a) *INVENTORY AND ASSESSMENT OF OTHER DAMS.*—

12 (1) *INVENTORY.*—*The Secretary shall establish*
13 *an inventory of dams constructed by and using funds*
14 *made available through the Works Progress Adminis-*
15 *tration, the Works Projects Administration, and the*
16 *Civilian Conservation Corps.*

17 (2) *ASSESSMENT OF REHABILITATION NEEDS.*—

18 *In establishing the inventory required under para-*
19 *graph (1), the Secretary shall also assess the condition*
20 *of the dams on such inventory and the need for reha-*
21 *bilitation or modification of the dams.*

22 (b) *REPORT TO CONGRESS.*—*Not later than 2 years*
23 *after the date of enactment of this Act, the Secretary shall*
24 *transmit to Congress a report containing the inventory and*
25 *assessment required by this section.*

1 (c) *INTERIM ACTIONS.*—

2 (1) *IN GENERAL.*—*If the Secretary determines*
3 *that a dam referred to in subsection (a) presents an*
4 *imminent and substantial risk to public safety, the*
5 *Secretary is authorized to carry out measures to pre-*
6 *vent or mitigate against such risk.*

7 (2) *EXCLUSION.*—*The assistance authorized*
8 *under paragraph (1) shall not be available to dams*
9 *under the jurisdiction of the Department of the Inte-*
10 *rior.*

11 (3) *FEDERAL SHARE.*—*The Federal share of the*
12 *cost of assistance provided under this subsection shall*
13 *be 65 percent of such cost.*

14 (d) *COORDINATION.*—*In carrying out this section, the*
15 *Secretary shall coordinate with the appropriate State dam*
16 *safety officials and the Director of the Federal Emergency*
17 *Management Agency.*

18 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
19 *authorized to be appropriated to carry out this section a*
20 *total of \$25,000,000 for fiscal years beginning after Sep-*
21 *tember 30, 1999, of which not more than \$5,000,000 may*
22 *be expended on any one dam.*

1 **TITLE III—PROJECT-RELATED**
2 **PROVISIONS**

3 **SEC. 301. NOGALES WASH AND TRIBUTARIES, NOGALES, AR-**
4 **IZONA.**

5 *The project for flood control, Nogales Wash and Tribu-*
6 *taries, Nogales, Arizona, authorized by section 101(a)(4) of*
7 *the Water Resources Development Act of 1990 (104 Stat.*
8 *4606), and modified by section 303 of the Water Resources*
9 *Development Act of 1996 (110 Stat. 3711), is further modi-*
10 *fied to provide that the Federal share of the costs associated*
11 *with addressing flood control problems in Nogales, Arizona,*
12 *arising from floodwater flows originating in Mexico shall*
13 *be 100 percent.*

14 **SEC. 302. JOHN PAUL HAMMERSCHMIDT VISITOR CENTER,**
15 **FORT SMITH, ARKANSAS.**

16 *Section 103(e) of the Water Resources Development Act*
17 *of 1992 (106 Stat. 4813) is amended—*

18 (1) *in the subsection heading by striking “LAKE”*
19 *and inserting “VISITOR CENTER”; and*

20 (2) *in paragraph (1) by striking “at the John*
21 *Paul Hammerschmidt Lake, Arkansas River, Arkan-*
22 *sas” and inserting “on property provided by the city*
23 *of Fort Smith, Arkansas, in such city”.*

1 **SEC. 303. GREERS FERRY LAKE, ARKANSAS.**

2 *The project for flood control, Greers Ferry Lake, Ar-*
3 *kansas, authorized by the Act entitled “An Act authorizing*
4 *the construction of certain public works on rivers and har-*
5 *bors for flood control, and other purposes”, approved June*
6 *28, 1938 (52 Stat. 1218), is modified to authorize the Sec-*
7 *retary to construct water intake facilities for the benefit of*
8 *Lonoke and White Counties, Arkansas.*

9 **SEC. 304. TEN- AND FIFTEEN-MILE BAYOUS, ARKANSAS.**

10 *The project for flood control, Saint Francis River*
11 *Basin, Missouri and Arkansas, authorized by section 204*
12 *of the Flood Control Act of 1950 (64 Stat. 172), is modified*
13 *to expand the boundaries of the project to include Ten- and*
14 *Fifteen-Mile Bayous near West Memphis, Arkansas. Not-*
15 *withstanding section 103(f) of the Water Resources Develop-*
16 *ment Act of 1986 (100 Stat. 4086), the flood control work*
17 *at Ten- and Fifteen-Mile Bayous shall not be considered*
18 *separable elements of the project.*

19 **SEC. 305. CACHE CREEK BASIN, CALIFORNIA.**

20 *The project for flood control, Cache Creek Basin, Cali-*
21 *fornia, authorized by section 401(a) of the Water Resources*
22 *Development Act of 1986 (100 Stat. 4112), is modified to*
23 *direct the Secretary to evaluate the impacts of the new south*
24 *levee of the Cache Creek settling basin on the city of Wood-*
25 *land’s storm drainage system and to mitigate such impacts*
26 *at Federal expense and a total cost of \$2,800,000.*

1 **SEC. 306. LARKSPUR FERRY CHANNEL, LARKSPUR, CALI-**
2 **FORNIA.**

3 *The project for navigation, Larkspur Ferry Channel,*
4 *Larkspur, California, authorized by section 601(d) of the*
5 *Water Resources Development Act of 1986 (100 Stat. 4148),*
6 *is modified to direct the Secretary to prepare a limited re-*
7 *evaluation report to determine whether maintenance of the*
8 *project is technically sound, environmentally acceptable,*
9 *and economically justified. If the Secretary determines that*
10 *maintenance of the project is technically sound, environ-*
11 *mentally acceptable, and economically justified, the Sec-*
12 *retary shall carry out the maintenance.*

13 **SEC. 307. NORCO BLUFFS, RIVERSIDE COUNTY, CALI-**
14 **FORNIA.**

15 *Section 101(b)(4) of the Water Resources Development*
16 *Act of 1996 (110 Stat. 3667) is amended by striking*
17 *“\$8,600,000” and all that follows through “\$2,150,000” and*
18 *inserting “\$15,000,000, with an estimated Federal cost of*
19 *\$11,250,000 and an estimated non-Federal cost of*
20 *\$3,750,000”.*

21 **SEC. 308. SACRAMENTO DEEP WATER SHIP CHANNEL, CALI-**
22 **FORNIA.**

23 *The project for navigation, Sacramento Deep Water*
24 *Ship Channel, California, authorized by section 202(a) of*
25 *the Water Resources Development Act of 1986 (100 Stat.*
26 *4092), is modified to authorize the Secretary to provide*

1 *credit to the non-Federal interest toward the non-Federal*
2 *share of the cost of the project for the value of dredged mate-*
3 *rial from the project that is purchased by public agencies*
4 *or nonprofit entities for environmental restoration or other*
5 *beneficial uses.*

6 **SEC. 309. SACRAMENTO RIVER, GLENN-COLUSA, CALI-**
7 **FORNIA.**

8 *The project for flood control, Sacramento River, Cali-*
9 *ornia, authorized by section 2 of the Act entitled “An Act*
10 *to provide for the control of the floods of the Mississippi*
11 *River and of the Sacramento River, California, and for*
12 *other purposes”, approved March 1, 1917 (39 Stat. 949),*
13 *and modified by section 102 of the Energy and Water De-*
14 *velopment Appropriations Act, 1990 (103 Stat. 649), sec-*
15 *tion 301(b)(3) of the Water Resources Development Act of*
16 *1996 (110 Stat. 3110), title I of the Energy and Water De-*
17 *velopment Appropriations Act, 1999 (112 Stat. 1841), and*
18 *section 305 of the Water Resources Development Act of 1999*
19 *(113 Stat. 299), is further modified to direct the Secretary*
20 *to provide the non-Federal interest a credit of up to*
21 *\$4,000,000 toward the non-Federal share of the cost of the*
22 *project for direct and indirect costs incurred by the non-*
23 *Federal interest in carrying out activities (including the*
24 *provision of lands, easements, rights-of-way, relocations,*
25 *and dredged material disposal areas) associated with envi-*

1 *ronmental compliance for the project if the Secretary deter-*
2 *mines that the activities are integral to the project. If any*
3 *of such costs were incurred by the non-Federal interests be-*
4 *fore execution of the project cooperation agreement, the Sec-*
5 *retary may reimburse the non-Federal interest for such pre-*
6 *agreement costs instead of providing a credit for such pre-*
7 *agreement costs to the extent that the amount of the credit*
8 *exceeds the remaining non-Federal share of the cost of the*
9 *project.*

10 **SEC. 310. UPPER GUADALUPE RIVER, CALIFORNIA.**

11 *The project for flood damage reduction and recreation,*
12 *Upper Guadalupe River, California, authorized by section*
13 *101(a)(9) of the Water Resources Development Act of 1999*
14 *(113 Stat. 275), is modified to provide that the non-Federal*
15 *share of the cost of the project shall be 50 percent, with an*
16 *estimated Federal cost and non-Federal cost of \$70,164,000*
17 *each.*

18 **SEC. 311. BREVARD COUNTY, FLORIDA.**

19 *(a) INCLUSION OF REACH.—The project for shoreline*
20 *protection, Brevard County, Florida, authorized by section*
21 *101(b)(7) of the Water Resources Development Act of 1996*
22 *(110 Stat. 3667), is modified to provide that, notwith-*
23 *standing section 902 of the Water Resources Development*
24 *Act of 1986, the Secretary may incorporate in the project*
25 *any or all of the 7.1-mile reach of the project that was de-*

1 *leted from the south reach of the project, as described in*
2 *paragraph (5) of the Report of the Chief of Engineers, dated*
3 *December 23, 1996, if the Secretary determines, in coordi-*
4 *nation with appropriate local, State, and Federal agencies,*
5 *that the project as modified is technically sound, environ-*
6 *mentally acceptable, and economically justified.*

7 **(b) CLARIFICATION.**—*Section 310(a) of the Water Re-*
8 *sources Development Act of 1999 (113 Stat. 301) is amend-*
9 *ed by inserting “shoreline associated with the” after “dam-*
10 *age to the”.*

11 **SEC. 312. FERNANDINA HARBOR, FLORIDA.**

12 *The project for navigation, Fernandina Harbor, Flor-*
13 *ida, authorized by the first section of the Act entitled “An*
14 *Act making appropriations for the construction, repair,*
15 *completion, and preservation of certain works on rivers and*
16 *harbors, and for other purposes”, approved June 14, 1880*
17 *(21 Stat. 186), is modified to authorize the Secretary to*
18 *realign the access channel in the vicinity of the Fernandina*
19 *Beach Municipal Marina 100 feet to the west. The cost of*
20 *the realignment, including acquisition of lands, easements,*
21 *rights-of-way, and dredged material disposal areas and re-*
22 *locations, shall be a non-Federal expense.*

23 **SEC. 313. TAMPA HARBOR, FLORIDA.**

24 *The project for navigation, Tampa Harbor, Florida,*
25 *authorized by section 4 of the Rivers and Harbors Act of*

1 *September 22, 1922 (42 Stat. 1042), is modified to author-*
2 *ize the Secretary to deepen and widen the Alafia Channel*
3 *in accordance with the plans described in the Draft Feasi-*
4 *bility Report, Alafia River, Tampa Harbor, Florida, dated*
5 *May 2000, at a total cost of \$61,592,000, with an estimated*
6 *Federal cost of \$39,621,000 and an estimated non-Federal*
7 *cost of \$21,971,000.*

8 **SEC. 314. EAST SAINT LOUIS AND VICINITY, ILLINOIS.**

9 *The project for flood protection, East Saint Louis and*
10 *vicinity, Illinois (East Side levee and sanitary district),*
11 *authorized by section 204 of the Flood Control Act of 1965*
12 *(79 Stat. 1082), is modified to include ecosystem restoration*
13 *as a project purpose.*

14 **SEC. 315. KASKASKIA RIVER, KASKASKIA, ILLINOIS.**

15 *The project for navigation, Kaskaskia River,*
16 *Kaskaskia, Illinois, authorized by section 101 of the River*
17 *and Harbor Act of 1962 (76 Stat. 1175), is modified to*
18 *include recreation as a project purpose.*

19 **SEC. 316. WAUKEGAN HARBOR, ILLINOIS.**

20 *The project for navigation, Waukegan Harbor, Illinois,*
21 *authorized by the first section of the Act entitled “An Act*
22 *making appropriations for the construction, repair, comple-*
23 *tion, and preservation of certain works on rivers and har-*
24 *bors, and for other purposes”, approved June 14, 1880 (21*
25 *Stat. 192), is modified to authorize the Secretary to extend*

1 *the upstream limit of the project 275 feet to the north at*
2 *a width of 375 feet if the Secretary determines that the ex-*
3 *tension is feasible.*

4 **SEC. 317. CUMBERLAND, KENTUCKY.**

5 *Using continuing contracts, the Secretary shall ini-*
6 *tiate construction of the flood control project, Cumberland,*
7 *Kentucky, authorized by section 202(a) of the Energy and*
8 *Water Development Appropriations Act, 1981 (94 Stat.*
9 *1339), in accordance with option 4 contained in the draft*
10 *detailed project report of the Nashville District, dated Sep-*
11 *tember 1998, to provide flood protection from the 100-year*
12 *frequency flood event and to share all costs in accordance*
13 *with section 103 of the Water Resources Development Act*
14 *of 1986 (33 U.S.C. 2213).*

15 **SEC. 318. LOCK AND DAM 10, KENTUCKY RIVER, KENTUCKY.**

16 *(a) IN GENERAL.—The Secretary may take all nec-*
17 *essary measures to further stabilize and renovate Lock and*
18 *Dam 10 at Boonesborough, Kentucky, with the purpose of*
19 *extending the design life of the structure by an additional*
20 *50 years, at a total cost of \$24,000,000, with an estimated*
21 *Federal cost of \$12,000,000 and an estimated non-Federal*
22 *cost of \$12,000,000.*

23 *(b) DEFINITIONS.—For purposes of this section, the*
24 *term “stabilize and renovate” includes the following activi-*
25 *ties: stabilization of the main dam, auxiliary dam and lock;*

1 *renovation of all operational aspects of the lock; and ele-*
 2 *vation of the main and auxiliary dams.*

3 **SEC. 319. SAINT JOSEPH RIVER, SOUTH BEND, INDIANA.**

4 *Section 321(a) of the Water Resources Development*
 5 *Act of 1999 (113 Stat. 303) is amended—*

6 *(1) in the subsection heading by striking*
 7 *“TOTAL” and inserting “FEDERAL”; and*

8 *(2) by striking “total” and inserting “Federal”.*

9 **SEC. 320. MAYFIELD CREEK AND TRIBUTARIES, KENTUCKY.**

10 *The project for flood control, Mayfield Creek and tribu-*
 11 *taries, Kentucky, carried out under section 205 of the Flood*
 12 *Control Act of 1948 (33 U.S.C. 701s), is modified to provide*
 13 *that the non-Federal interest shall not be required to pay*
 14 *the unpaid balance, including interest, of the non-Federal*
 15 *share of the cost of the project.*

16 **SEC. 321. AMITE RIVER AND TRIBUTARIES, EAST BATON**
 17 **ROUGE PARISH, LOUISIANA.**

18 *The project for flood damage reduction and recreation,*
 19 *Amite River and Tributaries, East Baton Rouge Parish,*
 20 *Louisiana, authorized by section 101(a)(21) of the Water*
 21 *Resources Development Act of 1999 (113 Stat. 277), is*
 22 *modified to provide that cost sharing for the project shall*
 23 *be determined in accordance with section 103(a) of the*
 24 *Water Resources Development Act of 1986 (33 U.S.C. 2213),*
 25 *as in effect on October 11, 1996.*

1 **SEC. 322. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOU-**
2 **ISIANA.**

3 *The Atchafalaya Basin Floodway System project, au-*
4 *thorized by section 601 of the Water Resources Development*
5 *Act of 1986 (100 Stat. 4142), is modified to authorize the*
6 *Secretary to construct the visitor center and other rec-*
7 *reational features identified in the 1982 project feasibility*
8 *report of the Corps of Engineers at or near the Lake End*
9 *Park in Morgan City, Louisiana.*

10 **SEC. 323. ATCHAFALAYA RIVER, BAYOUS CHENE, BOEUF,**
11 **AND BLACK, LOUISIANA.**

12 *The project for navigation Atchafalaya River and*
13 *Bayous Chene, Boeuf, and Black, Louisiana, authorized by*
14 *section 101 of the River and Harbor Act of 1968 (82 Stat.*
15 *731), is modified to direct the Secretary to investigate the*
16 *problems associated with the mixture of freshwater, salt-*
17 *water, and fine river silt in the channel and to develop and*
18 *carry out a solution to the problem if the Secretary deter-*
19 *mines that the work is technically sound, environmentally*
20 *acceptable, and economically justified.*

21 **SEC. 324. RED RIVER WATERWAY, LOUISIANA.**

22 *The project for mitigation of fish and wildlife loses,*
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 Water*
26 *Resources Development Act of 1988 (102 Stat. 4016), sec-*

1 *tion 102(p) of the Water Resources Development Act of 1990*
 2 *(104 Stat. 4613), and section 301(b)(7) of the Water Re-*
 3 *sources Development Act of 1996 (110 Stat. 3710), is fur-*
 4 *ther modified to authorize the Secretary to purchase mitiga-*
 5 *tion lands in any of the 7 parishes that make up the Red*
 6 *River Waterway District, including the parishes of Caddo,*
 7 *Bossier, Red River, Natchitoches, Grant, Rapides, and*
 8 *Avoyelles.*

9 **SEC. 325. THOMASTON HARBOR, GEORGES RIVER, MAINE.**

10 *The project for navigation, Georges River, Maine*
 11 *(Thomaston Harbor), authorized by the first section of the*
 12 *Act entitled “An Act making appropriations for the con-*
 13 *struction, repair, and preservation of certain public works*
 14 *on rivers and harbors, and for other purposes”, approved*
 15 *June 3, 1896 (29 Stat. 215), is modified to redesignate the*
 16 *following portion of the project as an anchorage area: The*
 17 *portion lying northwesterly of a line commencing at point*
 18 *N86,946.770, E321,303.830 thence running northeasterly*
 19 *about 203.67 feet to a point N86,994.750, E321,501.770.*

20 **SEC. 326. BRECKENRIDGE, MINNESOTA.**

21 *(a) MAXIMUM FEDERAL EXPENDITURE.—The max-*
 22 *imum amount of Federal funds that may be expended for*
 23 *the project for flood control, Breckenridge, Minnesota, car-*
 24 *ried out under section 205 of the Flood Control Act of 1948*
 25 *(33 U.S.C. 701s), shall be \$10,500,000.*

1 (b) *REVISION OF PROJECT COOPERATION AGREE-*
2 *MENT.—The Secretary shall revise the project cooperation*
3 *agreement for the project described in subsection (a) to take*
4 *into account the change in the Federal participation in the*
5 *project in accordance with this section.*

6 **SEC. 327. DULUTH HARBOR, MINNESOTA.**

7 *The project for navigation, Duluth Harbor, Minnesota,*
8 *carried out under section 107 of the River and Harbor Act*
9 *of 1960 (33 U.S.C. 577), is modified to include the reloca-*
10 *tion of Scenic Highway 61, including any required bridge*
11 *construction.*

12 **SEC. 328. LITTLE FALLS, MINNESOTA.**

13 *The project for clearing, snagging, and sediment re-*
14 *moval, East Bank of the Mississippi River, Little Falls,*
15 *Minnesota, authorized under section 3 of the Act entitled*
16 *“An Act authorizing the construction, repair, and preserva-*
17 *tion of certain public works on rivers and harbors, and for*
18 *other purposes”, approved March 2, 1945 (33 U.S.C. 603a),*
19 *is modified to direct the Secretary to construct the project*
20 *substantially in accordance with the plans contained in the*
21 *feasibility report of the District Engineer, dated June 2000.*

22 **SEC. 329. POPLAR ISLAND, MARYLAND.**

23 (a) *IN GENERAL.—The project for beneficial use of*
24 *dredged material at Poplar Island, Maryland, authorized*
25 *by section 537 of the Water Resources Development Act of*

1 1996 (110 Stat. 3776), is modified to authorize the Sec-
 2 retary to provide the non-Federal interest credit toward
 3 cash contributions required—

4 (1) before and during construction of the project,
 5 for the costs of planning, engineering, and design and
 6 for construction management work that is performed
 7 by the non-Federal interest and that the Secretary de-
 8 termines is necessary to implement the project; and

9 (2) during construction of the project, for the
 10 costs of the construction that the non-Federal interest
 11 carries out on behalf of the Secretary and that the
 12 Secretary determines is necessary to carry out the
 13 project.

14 (b) *REDUCTION.*—The private sector performance goals
 15 for engineering work of the Baltimore District of the Corps
 16 of Engineers shall be reduced by the amount of the credit
 17 under paragraph (1).

18 **SEC. 330. NEW YORK HARBOR AND ADJACENT CHANNELS,**

19 **PORT JERSEY, NEW JERSEY.**

20 The project for navigation, New York Harbor and ad-
 21 jacent channels, Port Jersey, New Jersey, authorized by sec-
 22 tion 202(b) of the Water Resources Development Act of 1986
 23 (100 Stat. 4098) and modified by section 337 of the Water
 24 Resources Development Act of 1999 (113 Stat. 306–307),
 25 is further modified to authorize the Secretary to provide

1 *the non-Federal interests credit toward cash contributions*
 2 *required—*

3 (1) *before, during, and after construction for*
 4 *planning, engineering and design, and construction*
 5 *management work that is performed by the non-Fed-*
 6 *eral interests and that the Secretary determines is*
 7 *necessary to implement the project; and*

8 (2) *during and after construction for the costs of*
 9 *construction that the non-Federal interests carry out*
 10 *on behalf of the Secretary and that the Secretary de-*
 11 *termines is necessary to implement the project.*

12 **SEC. 331. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW**
 13 **JERSEY.**

14 (a) *REEVALUATION OF FLOODWAY STUDY.—The Sec-*
 15 *retary shall review the Passaic River Floodway Buyout*
 16 *Study, dated October 1995, conducted as part of the project*
 17 *for flood control, Passaic River Main Stem, New Jersey and*
 18 *New York, authorized by section 101(a)(18) of the Water*
 19 *Resources Development Act of 1990 (104 Stat. 4607–4610),*
 20 *to calculate the benefits of a buyout and environmental res-*
 21 *toration using the method used to calculate the benefits of*
 22 *structural projects under section 308(b) of the Water Re-*
 23 *sources Development Act of 1990 (33 U.S.C. 2318(b)).*

24 (b) *REEVALUATION OF 10-YEAR FLOODPLAIN*
 25 *STUDY.—The Secretary shall review the Passaic River*

1 *Buyout Study of the 10-year floodplain beyond the floodway*
2 *of the Central Passaic River Basin, dated September 1995,*
3 *conducted as part of the Passaic River Main Stem project*
4 *to calculate the benefits of a buyout and environmental res-*
5 *toration using the method used to calculate the benefits of*
6 *structural projects under section 308(b) of the Water Re-*
7 *sources Development Act of 1990 (33 U.S.C. 2318(b)).*

8 (c) *PRESERVATION OF NATURAL STORAGE AREAS.—*

9 (1) *IN GENERAL.—The Secretary shall reevaluate*
10 *the acquisition of wetlands in the Central Passaic*
11 *River Basin for flood protection purposes to supple-*
12 *ment the wetland acquisition authorized by section*
13 *101(a)(18)(C)(vi) of the Water Resources Development*
14 *Act of 1990 (104 Stat. 4609).*

15 (2) *PURCHASE.—If the Secretary determines*
16 *that the acquisition of wetlands evaluated under*
17 *paragraph (1) is cost-effective, the Secretary shall*
18 *purchase the wetlands, with the goal of purchasing*
19 *not more than 8,200 acres.*

20 (d) *STREAMBANK EROSION CONTROL STUDY.—The*
21 *Secretary shall review relevant reports and conduct a study*
22 *to determine the feasibility of carrying out a project for en-*
23 *vironmental restoration, erosion control, and streambank*
24 *restoration along the Passaic River, from Dundee Dam to*
25 *Kearny Point, New Jersey.*

1 (e) *PASSAIC RIVER FLOOD MANAGEMENT TASK*
2 *FORCE.*—

3 (1) *ESTABLISHMENT.*—*The Secretary, in co-*
4 *operation with the non-Federal interest, shall estab-*
5 *lish a task force, to be known as the “Passaic River*
6 *Flood Management Task Force”, to provide advice to*
7 *the Secretary concerning reevaluation of the Passaic*
8 *River Main Stem project.*

9 (2) *MEMBERSHIP.*—*The task force shall be com-*
10 *posed of 22 members, appointed as follows:*

11 (A) *APPOINTMENT BY SECRETARY.*—*The*
12 *Secretary shall appoint 1 member to represent*
13 *the Corps of Engineers and to provide technical*
14 *advice to the task force.*

15 (B) *APPOINTMENTS BY GOVERNOR OF NEW*
16 *JERSEY.*—*The Governor of New Jersey shall ap-*
17 *point 20 members to the task force, as follows:*

18 (i) *2 representatives of the New Jersey*
19 *legislature who are members of different po-*
20 *litical parties.*

21 (ii) *3 representatives of the State of*
22 *New Jersey.*

23 (iii) *1 representative of each of Bergen,*
24 *Essex, Morris, and Passaic Counties, New*
25 *Jersey.*

1 (iv) 6 representatives of governments of
2 municipalities affected by flooding within
3 the Passaic River Basin.

4 (v) 1 representative of the Palisades
5 Interstate Park Commission.

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

8 (vii) 1 representative of each of—

9 (I) the Association of New Jersey
10 Environmental Commissions;

11 (II) the Passaic River Coalition;

12 and

13 (III) the Sierra Club.

14 (C) APPOINTMENT BY GOVERNOR OF NEW
15 YORK.—The Governor of New York shall appoint
16 1 representative of the State of New York to the
17 task force.

18 (3) MEETINGS.—

19 (A) REGULAR MEETINGS.—The task force
20 shall hold regular meetings.

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

23 (4) ANNUAL REPORT.—The task force shall sub-
24 mit annually to the Secretary and to the non-Federal
25 interest a report describing the achievements of the

1 *Passaic River flood management project in preventing*
2 *flooding and any impediments to completion of the*
3 *project.*

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

8 (6) *TERMINATION.—The task force shall termi-*
9 *nate on the date on which the Passaic River flood*
10 *management project is completed.*

11 (f) *ACQUISITION OF LANDS IN THE FLOODWAY.—Sec-*
12 *tion 1148 of the Water Resources Development Act of 1986*
13 *(100 Stat. 4254; 110 Stat. 3718–3719), is amended by add-*
14 *ing at the end the following:*

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

19 (g) *STUDY OF HIGHLANDS LAND CONSERVATION.—*
20 *The Secretary, in cooperation with the Secretary of Agri-*
21 *culture and the State of New Jersey, may study the feasi-*
22 *bility of conserving land in the Highlands region of New*
23 *Jersey and New York to provide additional flood protection*
24 *for residents of the Passaic River Basin in accordance with*

1 *section 212 of the Water Resources Development Act of 1999*
2 *(33 U.S.C. 2332).*

3 *(h) RESTRICTION ON USE OF FUNDS.—The Secretary*
4 *shall not obligate any funds to carry out design or construc-*
5 *tion of the tunnel element of the Passaic River Main Stem*
6 *project.*

7 **SEC. 332. TIMES BEACH NATURE PRESERVE, BUFFALO, NEW**
8 **YORK.**

9 *The project for improving the quality of the environ-*
10 *ment, Times Beach Nature Preserve, Buffalo, New York,*
11 *carried out under section 1135 of the Water Resources De-*
12 *velopment Act of 1986 (33 U.S.C. 2309a), is modified to*
13 *include recreation as a project purpose.*

14 **SEC. 333. GARRISON DAM, NORTH DAKOTA.**

15 *The Garrison Dam, North Dakota, feature of the*
16 *project for flood control, Missouri River Basin, authorized*
17 *by section 9(a) of the Flood Control Act of December 22,*
18 *1944 (58 Stat. 891), is modified to direct the Secretary to*
19 *mitigate damage to the water transmission line for*
20 *Williston, North Dakota, at Federal expense and a total cost*
21 *of \$3,900,000.*

22 **SEC. 334. DUCK CREEK, OHIO.**

23 *The project for flood control, Duck Creek, Ohio, author-*
24 *ized by section 101(a)(24) of the Water Resources Develop-*
25 *ment Act of 1996 (110 Stat. 3665), is modified to authorize*

1 *the Secretary carry out the project at a total cost of*
 2 *\$36,323,000, with an estimated Federal cost of \$27,242,000*
 3 *and an estimated non-Federal cost of \$9,081,000.*

4 **SEC. 335. ASTORIA, OREGON.**

5 *The project for navigation, Columbia River, Astoria,*
 6 *Oregon, authorized by the first section of the Act entitled*
 7 *“An Act authorizing the construction, repair, and preserva-*
 8 *tion of certain public works on rivers and harbors, and for*
 9 *other purposes”, approved July 24, 1946 (60 Stat. 637),*
 10 *is modified to provide that the Federal share of the cost*
 11 *of relocating causeway and mooring facilities located at the*
 12 *Astoria East Boat Basin shall be 100 percent but shall not*
 13 *exceed \$500,000.*

14 **SEC. 336. NONCONNAH CREEK, TENNESSEE AND MIS-**
 15 **SISSIPPI.**

16 *The project for flood control, Nonconnah Creek, Ten-*
 17 *nessee and Mississippi, authorized by section 401(a) of the*
 18 *Water Resources Development Act of 1986 (100 Stat. 4124),*
 19 *is modified to authorize the Secretary, if the Secretary de-*
 20 *termines that it is feasible—*

21 *(1) to extend the area protected by the flood con-*
 22 *trol element of the project upstream approximately 5*
 23 *miles to Reynolds Road; and*

1 (2) to extend the hiking and biking trails of the
2 recreational element of the project from 8.8 to 27
3 miles.

4 **SEC. 337. BOWIE COUNTY LEVEE, TEXAS.**

5 The project for flood control, Red River below Denison
6 Dam, Texas and Oklahoma, authorized by section 10 of the
7 Flood Control Act of 1946 (60 Stat. 647), is modified to
8 direct the Secretary to implement the Bowie County levee
9 feature of the project in accordance with the plan described
10 as Alternative B in the draft document entitled “Bowie
11 County Local Flood Protection, Red River, Texas Project
12 Design Memorandum No. 1, Bowie County Levee”, dated
13 April 1997. In evaluating and implementing the modifica-
14 tion, the Secretary shall allow the non-Federal interest to
15 participate in the financing of the project in accordance
16 with section 903(c) of the Water Resources Development Act
17 of 1986 (100 Stat. 4184) to the extent that the Secretary’s
18 evaluation of the modification indicates that applying such
19 section is necessary to implement the modification.

20 **SEC. 338. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

21 The project for flood control, San Antonio channel,
22 Texas, authorized by section 203 of the Flood Control Act
23 of 1954 (68 Stat. 1259) as part of the comprehensive plan
24 for flood protection on the Guadalupe and San Antonio
25 Rivers in Texas, and modified by section 103 of the Water

1 *Resources Development Act of 1976 (90 Stat. 2921), is fur-*
2 *ther modified to include environmental restoration and*
3 *recreation as project purposes.*

4 **SEC. 339. BUCHANAN AND DICKENSON COUNTIES, VIR-**
5 **GINIA.**

6 *The project for flood control, Levisa and Tug Forks*
7 *of the Big Sandy River and Upper Cumberland River, au-*
8 *thorized by section 202 of the Energy and Water Develop-*
9 *ment Appropriations Act, 1981 (94 Stat. 1339), and modi-*
10 *fied by section 352 of the Water Resources Development Act*
11 *of 1996 (110 Stat. 3724–3725), is further modified to direct*
12 *the Secretary to determine the ability of Buchanan and*
13 *Dickenson Counties, Virginia, to pay the non-Federal share*
14 *of the cost of the project based solely on the criteria specified*
15 *in section 103(m)(3)(A)(i) of the Water Resources Develop-*
16 *ment Act of 1986 (33 U.S.C. 2213(m)(3)(A)(i)).*

17 **SEC. 340. BUCHANAN, DICKENSON, AND RUSSELL COUN-**
18 **TIES, VIRGINIA.**

19 *At the request of the John Flannagan Water Authority,*
20 *Dickenson County, Virginia, the Secretary may reallocate,*
21 *under section 322 of the Water Resources Development Act*
22 *of 1990 (104 Stat. 4643–4644), water supply storage space*
23 *in the John Flannagan Reservoir, Dickenson County, Vir-*
24 *ginia, sufficient to yield water withdrawals in amounts not*
25 *to exceed 3,000,000 gallons per day in order to provide*

1 *water for the communities in Buchanan, Dickenson, and*
2 *Russell Counties, Virginia, notwithstanding the limitation*
3 *in section 322(b) of such Act.*

4 **SEC. 341. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.**

5 *The project for beach erosion control and hurricane*
6 *protection, Sandbridge Beach, Virginia Beach, Virginia,*
7 *authorized by section 101(22) of the Water Resources Devel-*
8 *opment Act of 1992 (106 Stat. 4804), is modified to direct*
9 *the Secretary to provide 50 years of periodic beach nourish-*
10 *ment beginning on the date on which construction of the*
11 *project was initiated in 1998.*

12 **SEC. 342. WALLOPS ISLAND, VIRGINIA.**

13 *Section 567(c) of the Water Resources Development Act*
14 *of 1999 (113 Stat. 367) is amended by striking*
15 *“\$8,000,000” and inserting “\$20,000,000”.*

16 **SEC. 343. COLUMBIA RIVER, WASHINGTON.**

17 *(a) IN GENERAL.—The project for navigation, Colum-*
18 *bia River, Washington, authorized by the first section of*
19 *the Act entitled “An Act making appropriations for the con-*
20 *struction, repair, and preservation of certain public works*
21 *on rivers and harbors, and for other purposes”, approved*
22 *June 13, 1902 (32 Stat. 369), is modified to direct the Sec-*
23 *retary, in the operation and maintenance of the project, to*
24 *mitigate damages to the shoreline of Puget Island, at a total*
25 *cost of \$1,000,000.*

1 (b) *ALLOCATION.*—*The cost of the mitigation shall be*
2 *allocated as an operation and maintenance cost of the Fed-*
3 *eral navigation project.*

4 **SEC. 344. MOUNT ST. HELENS, WASHINGTON.**

5 *The project for sediment control, Mount St. Helens,*
6 *Washington, authorized by chapter IV of title I of the Sup-*
7 *plemental Appropriations Act, 1985 (99 Stat. 318–319), is*
8 *modified to authorize the Secretary to provide such cost-*
9 *effective, environmentally acceptable measures as are nec-*
10 *essary to maintain the flood protection levels for Longview,*
11 *Kelso, Lexington, and Castle Rock on the Cowlitz River,*
12 *Washington, identified in the October 1985 report of the*
13 *Chief of Engineers entitled “Mount St. Helens, Washington,*
14 *Decision Document (Toutle, Cowlitz, and Columbia Riv-*
15 *ers)”*, printed as House Document number 99–135.

16 **SEC. 345. RENTON, WASHINGTON.**

17 (a) *MAXIMUM FEDERAL EXPENDITURE.*—*The max-*
18 *imum amount of Federal funds that may be expended for*
19 *the project for flood control, Renton, Washington, carried*
20 *out under section 205 of the Flood Control Act of 1948, shall*
21 *be \$5,300,000.*

22 (b) *REVISION OF PROJECT COOPERATION AGREE-*
23 *MENT.*—*The Secretary shall revise the project cooperation*
24 *agreement for the project described in subsection (a) to take*

1 *into account the change in the Federal participation in the*
2 *project in accordance with this section.*

3 (c) *REIMBURSEMENT.*—*The Secretary may reimburse*
4 *the non-Federal interest for the project described in sub-*
5 *section (a) for costs incurred to mitigate overdredging.*

6 **SEC. 346. GREENBRIER BASIN, WEST VIRGINIA.**

7 *Section 579(c) of the Water Resources Development Act*
8 *of 1996 (110 Stat. 3790) is amended by striking*
9 *“\$12,000,000” and inserting “\$73,000,000”.*

10 **SEC. 347. LOWER MUD RIVER, MILTON, WEST VIRGINIA.**

11 *The project for flood damage reduction, Lower Mud*
12 *River, Milton, West Virginia, authorized by section 580 of*
13 *the Water Resources Development Act of 1996 (110 Stat.*
14 *3790), is modified to direct the Secretary to carry out the*
15 *project.*

16 **SEC. 348. WATER QUALITY PROJECTS.**

17 *Section 307(a) of the Water Resources Development*
18 *Act of 1992 (106 Stat. 4841) is amended by striking “Jeffer-*
19 *son and Orleans Parishes” and inserting “Jefferson, Orle-*
20 *ans, and St. Tammany Parishes”.*

21 **SEC. 349. PROJECT REAUTHORIZATIONS.**

22 (a) *IN GENERAL.*—*Each of the following projects may*
23 *be carried out by the Secretary, and no construction on any*
24 *such project may be initiated until the Secretary determines*

1 *that the project is technically sound, environmentally ac-*
 2 *ceptable, and economically justified, as appropriate:*

3 (1) *NARRAGUAGUS RIVER, MILBRIDGE, MAINE.—*

4 *Only for the purpose of maintenance as anchorage,*
 5 *those portions of the project for navigation,*
 6 *Narraguagus River, Milbridge, Maine, authorized by*
 7 *section 2 of the Act entitled “An Act making appro-*
 8 *priations for the construction, repair, completion, and*
 9 *preservation of certain works on rivers and harbors,*
 10 *and for other purposes”, approved June 14, 1880 (21*
 11 *Stat. 195), and deauthorized under section 101 of the*
 12 *River and Harbor Act of 1962 (75 Stat. 1173), lying*
 13 *adjacent to and outside the limits of the 11-foot and*
 14 *9-foot channel authorized as part of the project for*
 15 *navigation, authorized by such section 101, as follows:*

16 (A) *An area located east of the 11-foot chan-*
 17 *nel starting at a point with coordinates*
 18 *N248,060.52, E668,236.56, thence running south*
 19 *36 degrees 20 minutes 52.3 seconds east 1567.242*
 20 *feet to a point N246,798.21, E669,165.44, thence*
 21 *running north 51 degrees 30 minutes 06.2 sec-*
 22 *onds west 839.855 feet to a point N247,321.01,*
 23 *E668,508.15, thence running north 20 degrees 09*
 24 *minutes 58.1 seconds west 787.801 feet to the*
 25 *point of origin.*

1 (B) An area located west of the 9-foot chan-
2 nel starting at a point with coordinates
3 N249,673.29, E667,537.73, thence running south
4 20 degrees 09 minutes 57.8 seconds east 1341.616
5 feet to a point N248,413.92, E668,000.24, thence
6 running south 01 degrees 04 minutes 26.8 sec-
7 onds east 371.688 feet to a point N248,042.30,
8 E668,007.21, thence running north 22 degrees 21
9 minutes 20.8 seconds west 474.096 feet to a point
10 N248,480.76, E667,826.88, thence running north
11 79 degrees 09 minutes 31.6 seconds east 100.872
12 feet to a point N248,499.73, E667,925.95, thence
13 running north 13 degrees 47 minutes 27.6 sec-
14 onds west 95.126 feet to a point N248,592.12,
15 E667,903.28, thence running south 79 degrees 09
16 minutes 31.6 seconds west 115.330 feet to a point
17 N248,570.42, E667,790.01, thence running north
18 22 degrees 21 minutes 20.8 seconds west 816.885
19 feet to a point N249,325.91, E667,479.30, thence
20 running north 07 degrees 03 minutes 00.3 sec-
21 onds west 305.680 feet to a point N249,629.28,
22 E667,441.78, thence running north 65 degrees 21
23 minutes 33.8 seconds east 105.561 feet to the
24 point of origin.

1 (2) CEDAR BAYOU, TEXAS.—*The project for navigation,*
2 *Cedar Bayou, Texas, authorized by the first*
3 *section of the Act entitled “An Act making appropriations*
4 *for the construction, repair, and preservation of*
5 *certain public works on rivers and harbors, and for*
6 *other purposes”, approved September 19, 1890 (26*
7 *Stat. 444), and modified by the first section of the Act*
8 *entitled “An Act authorizing the construction, repair,*
9 *and preservation of certain public works on rivers*
10 *and harbors, and for other purposes”, approved July*
11 *3, 1930 (46 Stat. 926), and deauthorized by section*
12 *1002 of the Water Resources Development Act of 1986*
13 *(100 Stat. 4219), except that the project is authorized*
14 *only for construction of a navigation channel 12 feet*
15 *deep by 125 feet wide from mile –2.5 (at the junction*
16 *with the Houston Ship Channel) to mile 11.0 on*
17 *Cedar Bayou.*

18 (b) REDESIGNATION.—*The following portion of the 11-*
19 *foot channel of the project for navigation, Narraguagus*
20 *River, Milbridge, Maine, referred to in subsection (a)(1) is*
21 *redesignated as anchorage: starting at a point with coordi-*
22 *nates N248,413.92, E668,000.24, thence running south 20*
23 *degrees 09 minutes 57.8 seconds east 1325.205 feet to a*
24 *point N247,169.95, E668,457.09, thence running north 51*
25 *degrees 30 minutes 05.7 seconds west 562.33 feet to a point*

1 N247,520.00, E668,017.00, thence running north 01 degrees
2 04 minutes 26.8 seconds west 894.077 feet to the point of
3 origin.

4 **SEC. 350. CONTINUATION OF PROJECT AUTHORIZATIONS.**

5 (a) *IN GENERAL.*—Notwithstanding section 1001(b)(2)
6 of the Water Resources Development Act of 1986 (33 U.S.C.
7 579a(b)(2)), the following projects shall remain authorized
8 to be carried out by the Secretary:

9 (1) *The projects for flood control, Sacramento*
10 *River, California, modified by section 10 of the Flood*
11 *Control Act of December 22, 1944 (58 Stat. 900–901).*

12 (2) *The project for flood protection, Sacramento*
13 *River from Chico Landing to Red Bluff, California,*
14 *authorized by section 203 of the Flood Control Act of*
15 *1958 (72 Stat. 314).*

16 (b) *LIMITATION.*—A project described in subsection (a)
17 shall not be authorized for construction after the last day
18 of the 7-year period beginning on the date of enactment of
19 this Act, unless, during such period, funds have been obli-
20 gated for the construction (including planning and design)
21 of the project.

22 **SEC. 351. DECLARATION OF NONNAVIGABILITY FOR LAKE**
23 **ERIE, NEW YORK.**

24 (a) *AREA TO BE DECLARED NONNAVIGABLE; PUBLIC*
25 *INTEREST.*—Unless the Secretary finds, after consultation

1 *with local and regional public officials (including local and*
2 *regional public planning organizations), that the proposed*
3 *projects to be undertaken within the boundaries in the por-*
4 *tions of Erie County, New York, described in subsection (b),*
5 *are not in the public interest then, subject to subsection (c),*
6 *those portions of such county that were once part of Lake*
7 *Erie and are now filled are declared to be nonnavigable*
8 *waters of the United States.*

9 **(b) BOUNDARIES.**—*The portion of Erie County, New*
10 *York, referred to in subsection (a) are all that tract or par-*
11 *cel of land, situate in the Town of Hamburg and the City*
12 *of Lackawanna, County of Erie, State of New York, being*
13 *part of Lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23,*
14 *24, and 25 of the Ogden Gore Tract and part of Lots 23,*
15 *24, and 36 of the Buffalo Creek Reservation, Township 10,*
16 *Range 8 of the Holland Land Company's Survey and more*
17 *particularly bounded and described as follows:*

18 *Beginning at a point on the westerly highway*
19 *boundary of Hamburg Turnpike (66.0 feet wide), said*
20 *point being 547.89 feet South 19°36'46'' East from*
21 *the intersection of the westerly highway boundary of*
22 *Hamburg Turnpike (66.0 feet wide) and the northerly*
23 *line of the City of Lackawanna (also being the south-*
24 *erly line of the City of Buffalo); thence South*
25 *19°36'46'' East along the westerly highway boundary*

1 *of Hamburg Turnpike (66.0 feet wide) a distance of*
2 *628.41 feet; thence along the westerly highway bound-*
3 *ary of Hamburg Turnpike as appropriated by the*
4 *New York State Department of Public Works as*
5 *shown on Map No. 40-R2, Parcel No. 44 the fol-*
6 *lowing 20 courses and distances:*

7 *(1) South 10°00'07" East a distance of*
8 *164.30 feet;*

9 *(2) South 18°40'45" East a distance of*
10 *355.00 feet;*

11 *(3) South 71°23'35" West a distance of 2.00*
12 *feet;*

13 *(4) South 18°40'45" East a distance of*
14 *223.00 feet;*

15 *(5) South 22°29'36" East a distance of*
16 *150.35 feet;*

17 *(6) South 18°40'45" East a distance of*
18 *512.00 feet;*

19 *(7) South 16°49'53" East a distance of*
20 *260.12 feet;*

21 *(8) South 18°34'20" East a distance of*
22 *793.00 feet;*

23 *(9) South 71°23'35" West a distance of 4.00*
24 *feet;*

1 (10) *South 18°13'24" East a distance of*
2 *132.00 feet;*

3 (11) *North 71°23'35" East a distance of*
4 *4.67 feet;*

5 (12) *South 18°30'00" East a distance of*
6 *38.00 feet;*

7 (13) *South 71°23'35" West a distance of*
8 *4.86 feet;*

9 (14) *South 18°13'24" East a distance of*
10 *160.00 feet;*

11 (15) *South 71°23'35" East a distance of*
12 *9.80 feet;*

13 (16) *South 18°36'25" East a distance of*
14 *159.00 feet;*

15 (17) *South 71°23'35" West a distance of*
16 *3.89 feet;*

17 (18) *South 18°34'20" East a distance of*
18 *180.00 feet;*

19 (19) *South 20°56'05" East a distance of*
20 *138.11 feet;*

21 (20) *South 22°53'55" East a distance of*
22 *272.45 feet to a point on the westerly highway*
23 *boundary of Hamburg Turnpike.*

24 *Thence southerly along the westerly highway bound-*
25 *ary of Hamburg Turnpike, South 18°36'25" East, a*

1 distance of 2228.31 feet; thence along the westerly
 2 highway boundary of Hamburg Turnpike as appro-
 3 priated by the New York State Department of Public
 4 Works as shown on Map No. 27 Parcel No. 31 the fol-
 5 lowing 2 courses and distances:

6 (1) South $16^{\circ}17'25''$ East a distance of
 7 74.93 feet;

8 (2) along a curve to the right having a ra-
 9 dius of 1004.74 feet; a chord distance of 228.48
 10 feet along a chord bearing of South $08^{\circ}12'16''$
 11 East, a distance of 228.97 feet to a point on the
 12 westerly highway boundary of Hamburg Turn-
 13 pike.

14 Thence southerly along the westerly highway bound-
 15 ary of Hamburg Turnpike, South $4^{\circ}35'35''$ West a
 16 distance of 940.87 feet; thence along the westerly high-
 17 way boundary of Hamburg Turnpike as appropriated
 18 by the New York State Department of Public Works
 19 as shown on Map No. 1 Parcel No. 1 and Map No.
 20 5 Parcel No. 7 the following 18 courses and distances:

21 (1) North $85^{\circ}24'25''$ West a distance of 1.00
 22 feet;

23 (2) South $7^{\circ}01'17''$ West a distance of
 24 170.15 feet;

- 1 (3) *South 5°02'54" West a distance of*
2 180.00 feet;
- 3 (4) *North 85°24'25" West a distance of 3.00*
4 feet;
- 5 (5) *South 5°02'54" West a distance of*
6 260.00 feet;
- 7 (6) *South 5°09'11" West a distance of*
8 110.00 feet;
- 9 (7) *South 0°34'35" West a distance of*
10 110.27 feet;
- 11 (8) *South 4°50'37" West a distance of*
12 220.00 feet;
- 13 (9) *South 4°50'37" West a distance of*
14 365.00 feet;
- 15 (10) *South 85°24'25" East a distance of*
16 5.00 feet;
- 17 (11) *South 4°06'20" West a distance of*
18 67.00 feet;
- 19 (12) *South 6°04'35" West a distance of*
20 248.08 feet;
- 21 (13) *South 3°18'27" West a distance of*
22 52.01 feet;
- 23 (14) *South 4°55'58" West a distance of*
24 133.00 feet;

1 (15) North $85^{\circ}24'25''$ West a distance of
2 1.00 feet;

3 (16) South $4^{\circ}55'58''$ West a distance of
4 45.00 feet;

5 (17) North $85^{\circ}24'25''$ West a distance of
6 7.00 feet;

7 (18) South $4^{\circ}56'12''$ West a distance of
8 90.00 feet.

9 *Thence continuing along the westerly highway bound-*
10 *ary of Lake Shore Road as appropriated by the New*
11 *York State Department of Public Works as shown on*
12 *Map No. 7, Parcel No. 7 the following 2 courses and*
13 *distances:*

14 (1) South $4^{\circ}55'58''$ West a distance of
15 127.00 feet;

16 (2) South $2^{\circ}29'25''$ East a distance of
17 151.15 feet to a point on the westerly former
18 highway boundary of Lake Shore Road.

19 *Thence southerly along the westerly formerly highway*
20 *boundary of Lake Shore Road, South $4^{\circ}35'35''$ West*
21 *a distance of 148.90 feet; thence along the westerly*
22 *highway boundary of Lake Shore Road as appro-*
23 *priated by the New York State Department of Public*
24 *Works as shown on Map No. 7, Parcel No. 8 the fol-*
25 *lowing 3 courses and distances:*

1 (1) *South 55°34'35" West a distance of*
2 *12.55 feet;*

3 (2) *South 4°35'35" West a distance of*
4 *118.50 feet;*

5 (3) *South 3°04'00" West a distance of 62.95*
6 *feet to a point on the south line of the lands of*
7 *South Buffalo Railway Company.*

8 *Thence southerly and easterly along the lands of*
9 *South Buffalo Railway Company the following 5*
10 *courses and distances:*

11 (1) *North 89°25'14" West a distance of*
12 *697.64 feet;*

13 (2) *along a curve to the left having a radius*
14 *of 645.0 feet; a chord distance of 214.38 feet*
15 *along a chord bearing of South 40°16'48" West,*
16 *a distance of 215.38 feet;*

17 (3) *South 30°42'49" West a distance of*
18 *76.96 feet;*

19 (4) *South 22°06'03" West a distance of*
20 *689.43 feet;*

21 (5) *South 36°09'23" West a distance of*
22 *30.93 feet to the northerly line of the lands of*
23 *Buffalo Crushed Stone, Inc.*

24 *Thence North 87°13'38" West a distance of 2452.08*
25 *feet to the shore line of Lake Erie; thence northerly*

1 along the shore of Lake Erie the following 43 courses
2 and distances:

3 (1) North $16^{\circ}29'53''$ West a distance of
4 267.84 feet;

5 (2) North $24^{\circ}25'00''$ West a distance of
6 195.01 feet;

7 (3) North $26^{\circ}45'00''$ West a distance of
8 250.00 feet;

9 (4) North $31^{\circ}15'00''$ West a distance of
10 205.00 feet;

11 (5) North $21^{\circ}35'00''$ West a distance of
12 110.00 feet;

13 (6) North $44^{\circ}00'53''$ West a distance of
14 26.38 feet;

15 (7) North $33^{\circ}49'18''$ West a distance of
16 74.86 feet;

17 (8) North $34^{\circ}26'26''$ West a distance of
18 12.00 feet;

19 (9) North $31^{\circ}06'16''$ West a distance of
20 72.06 feet;

21 (10) North $22^{\circ}35'00''$ West a distance of
22 150.00 feet;

23 (11) North $16^{\circ}35'00''$ West a distance of
24 420.00 feet;

1 (12) North $21^{\circ}10'00''$ West a distance of
2 440.00 feet;

3 (13) North $17^{\circ}55'00''$ West a distance of
4 340.00 feet;

5 (14) North $28^{\circ}05'00''$ West a distance of
6 375.00 feet;

7 (15) North $16^{\circ}25'00''$ West a distance of
8 585.00 feet;

9 (16) North $22^{\circ}10'00''$ West a distance of
10 160.00 feet;

11 (17) North $2^{\circ}46'36''$ West a distance of
12 65.54 feet;

13 (18) North $16^{\circ}01'08''$ West a distance of
14 70.04 feet;

15 (19) North $49^{\circ}07'00''$ West a distance of
16 79.00 feet;

17 (20) North $19^{\circ}16'00''$ West a distance of
18 425.00 feet;

19 (21) North $16^{\circ}37'00''$ West a distance of
20 285.00 feet;

21 (22) North $25^{\circ}20'00''$ West a distance of
22 360.00 feet;

23 (23) North $33^{\circ}00'00''$ West a distance of
24 230.00 feet;

- 1 (24) North $32^{\circ}40'00''$ West a distance of
2 310.00 feet;
- 3 (25) North $27^{\circ}10'00''$ West a distance of
4 130.00 feet;
- 5 (26) North $23^{\circ}20'00''$ West a distance of
6 315.00 feet;
- 7 (27) North $18^{\circ}20'04''$ West a distance of
8 302.92 feet;
- 9 (28) North $20^{\circ}15'48''$ West a distance of
10 387.18 feet;
- 11 (29) North $14^{\circ}20'00''$ West a distance of
12 530.00 feet;
- 13 (30) North $16^{\circ}40'00''$ West a distance of
14 260.00 feet;
- 15 (31) North $28^{\circ}35'00''$ West a distance of
16 195.00 feet;
- 17 (32) North $18^{\circ}30'00''$ West a distance of
18 170.00 feet;
- 19 (33) North $26^{\circ}30'00''$ West a distance of
20 340.00 feet;
- 21 (34) North $32^{\circ}07'52''$ West a distance of
22 232.38 feet;
- 23 (35) North $30^{\circ}04'26''$ West a distance of
24 17.96 feet;

1 (36) North $23^{\circ}19'13''$ West a distance of
2 111.23 feet;

3 (37) North $7^{\circ}07'58''$ West a distance of
4 63.90 feet;

5 (38) North $8^{\circ}11'02''$ West a distance of
6 378.90 feet;

7 (39) North $15^{\circ}01'02''$ West a distance of
8 190.64 feet;

9 (40) North $2^{\circ}55'00''$ West a distance of
10 170.00 feet;

11 (41) North $6^{\circ}45'00''$ West a distance of
12 240.00 feet;

13 (42) North $0^{\circ}10'00''$ East a distance of
14 465.00 feet;

15 (43) North $2^{\circ}00'38''$ West a distance of
16 378.58 feet to the northerly line of Letters Patent
17 dated February 21, 1968 and recorded in the
18 Erie County Clerk's Office under Liber 7453 of
19 Deeds at Page 45.

20 Thence North $71^{\circ}23'35''$ East along the north line of
21 the aforementioned Letters Patent a distance of
22 154.95 feet to the shore line; thence along the shore
23 line the following 6 courses and distances:

24 (1) South $80^{\circ}14'01''$ East a distance of
25 119.30 feet;

1 (2) North $46^{\circ}15'13''$ East a distance of
2 47.83 feet;

3 (3) North $59^{\circ}53'02''$ East a distance of
4 53.32 feet;

5 (4) North $38^{\circ}20'43''$ East a distance of
6 27.31 feet;

7 (5) North $68^{\circ}12'46''$ East a distance of
8 48.67 feet;

9 (6) North $26^{\circ}11'47''$ East a distance of
10 11.48 feet to the northerly line of the aforemen-
11 tioned Letters Patent.

12 Thence along the northerly line of said Letters Patent,
13 North $71^{\circ}23'35''$ East a distance of 1755.19 feet;
14 thence South $35^{\circ}27'25''$ East a distance of 35.83 feet
15 to a point on the U.S. Harbor Line; thence, North
16 $54^{\circ}02'35''$ East along the U.S. Harbor Line a dis-
17 tance of 200.00 feet; thence continuing along the U.S.
18 Harbor Line, North $50^{\circ}01'45''$ East a distance of
19 379.54 feet to the westerly line of the lands of Gate-
20 way Trade Center, Inc.; thence along the lands of
21 Gateway Trade Center, Inc. the following 27 courses
22 and distances:

23 (1) South $18^{\circ}44'53''$ East a distance of
24 623.56 feet;

- 1 (2) *South 34°33'00" East a distance of*
2 200.00 feet;
- 3 (3) *South 26°18'55" East a distance of*
4 500.00 feet;
- 5 (4) *South 19°06'40" East a distance of*
6 1074.29 feet;
- 7 (5) *South 28°03'18" East a distance of*
8 242.44 feet;
- 9 (6) *South 18°38'50" East a distance of*
10 1010.95 feet;
- 11 (7) *North 71°20'51" East a distance of*
12 90.42 feet;
- 13 (8) *South 18°49'20" East a distance of*
14 158.61 feet;
- 15 (9) *South 80°55'10" East a distance of*
16 45.14 feet;
- 17 (10) *South 18°04'45" East a distance of*
18 52.13 feet;
- 19 (11) *North 71°07'23" East a distance of*
20 102.59 feet;
- 21 (12) *South 18°41'40" East a distance of*
22 63.00 feet;
- 23 (13) *South 71°07'23" West a distance of*
24 240.62 feet;

- 1 (14) *South 18°38'50" East a distance of*
2 668.13 feet;
- 3 (15) *North 71°28'46" East a distance of*
4 958.68 feet;
- 5 (16) *North 18°42'31" West a distance of*
6 1001.28 feet;
- 7 (17) *South 71°17'29" West a distance of*
8 168.48 feet;
- 9 (18) *North 18°42'31" West a distance of*
10 642.00 feet;
- 11 (19) *North 71°17'37" East a distance of*
12 17.30 feet;
- 13 (20) *North 18°42'31" West a distance of*
14 574.67 feet;
- 15 (21) *North 71°17'29" East a distance of*
16 151.18 feet;
- 17 (22) *North 18°42'31" West a distance of*
18 1156.43 feet;
- 19 (23) *North 71°29'21" East a distance of*
20 569.24 feet;
- 21 (24) *North 18°30'39" West a distance of*
22 314.71 feet;
- 23 (25) *North 70°59'36" East a distance of*
24 386.47 feet;

1 (26) North $18^{\circ}30'39''$ West a distance of
2 70.00 feet;

3 (27) North $70^{\circ}59'36''$ East a distance of
4 400.00 feet to the place or point of beginning.

5 Containing 1,142.958 acres.

6 (c) *LIMITS ON APPLICABILITY; REGULATORY RE-*
7 *QUIREMENTS.*—The declaration under subsection (a) shall
8 *apply to those parts of the areas described in subsection (b)*
9 *which are filled portions of Lake Erie. Any work on these*
10 *filled portions is subject to all applicable Federal statutes*
11 *and regulations, including sections 9 and 10 of the Act of*
12 *March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401 and 403),*
13 *commonly known as the River and Harbors Appropriation*
14 *Act of 1899, section 404 of the Federal Water Pollution Con-*
15 *trol Act (33 U.S.C. 1344), and the National Environmental*
16 *Policy Act of 1969.*

17 (d) *EXPIRATION DATE.*—If, 20 years from the date of
18 *enactment of this Act, any area or part thereof described*
19 *in subsection (a) of this section is not occupied by perma-*
20 *nent structures in accordance with the requirements set out*
21 *in subsection (c) of this section, or if work in connection*
22 *with any activity permitted in subsection (c) is not com-*
23 *menced within 5 years after issuance of such permits, then*
24 *the declaration of nonnavigability for such area or part*
25 *thereof shall expire.*

1 **SEC. 352. PROJECT DEAUTHORIZATIONS.**

2 (a) *IN GENERAL.*—*The following projects or portions*
3 *of projects are not authorized after the date of enactment*
4 *of this Act:*

5 (1) *BLACK WARRIOR AND TOMBIGBEE RIVERS,*
6 *JACKSON, ALABAMA.*—*The project for navigation,*
7 *Black Warrior and Tombigbee Rivers, vicinity of*
8 *Jackson, Alabama, authorized by section 106 of the*
9 *Energy and Water Development Appropriations Act,*
10 *1987 (100 Stat. 3341–199).*

11 (2) *SACRAMENTO DEEP WATER SHIP CHANNEL,*
12 *CALIFORNIA.*—*The portion of the project for naviga-*
13 *tion, Sacramento Deep Water Ship Channel, Cali-*
14 *fornia, authorized by section 202(a) of the Water Re-*
15 *sources Development Act of 1986 (100 Stat. 4092), be-*
16 *ginning from the confluence of the Sacramento River*
17 *and the Barge Canal to a point 3,300 feet west of the*
18 *William G. Stone Lock western gate (including the*
19 *William G. Stone Lock and the Bascule Bridge and*
20 *Barge Canal). All waters within such portion of the*
21 *project are declared to be nonnavigable waters of the*
22 *United States solely for purposes of the General*
23 *Bridge Act of 1946 (33 U.S.C. 525 et seq.) and sec-*
24 *tion 9 of the Act of March 3, 1899 (33 U.S.C. 401),*
25 *commonly known as the Rivers and Harbors Appro-*
26 *priation Act of 1899.*

1 (3) *BAY ISLAND CHANNEL, QUINCY, ILLINOIS.*—
 2 *The access channel across Bay Island into Quincy*
 3 *Bay at Quincy, Illinois, constructed under section*
 4 *107 of the River and Harbor Act of 1960 (33 U.S.C.*
 5 *577).*

6 (4) *WARSAW BOAT HARBOR, ILLINOIS.*—*The por-*
 7 *tion of the project for navigation, Illinois Waterway,*
 8 *Illinois and Indiana, authorized by section 101 of the*
 9 *River and Harbor Act of 1962 (76 Stat. 1175), known*
 10 *as the Warsaw Boat Harbor, Illinois.*

11 (5) *ROCKPORT HARBOR, ROCKPORT, MASSACHU-*
 12 *SETTS.*—*The following portions of the project for*
 13 *navigation, Rockport Harbor, Massachusetts, carried*
 14 *out under section 107 of the River and Harbor Act*
 15 *of 1960 (33 U.S.C. 577):*

16 (A) *The portion of the 10-foot harbor chan-*
 17 *nel the boundaries of which begin at a point*
 18 *with coordinates N605,741.948, E838,031.378,*
 19 *thence running north 36 degrees 04 minutes 40.9*
 20 *seconds east 123.386 feet to a point*
 21 *N605,642.226, E838,104.039, thence running*
 22 *south 05 degrees 08 minutes 35.1 seconds east*
 23 *24.223 feet to a point N605,618.100,*
 24 *E838,106.210, thence running north 41 degrees*
 25 *05 minutes 10.9 seconds west 141.830 feet to a*

1 point N605,725.000, E838,013.000, thence run-
2 ning north 47 degrees 19 minutes 04.1 seconds
3 east 25.000 feet to the point of origin.

4 (B) The portion of the 8-foot north basin
5 entrance channel the boundaries of which begin
6 at a point with coordinates N605,742.699,
7 E837,977.129, thence running south 89 degrees
8 12 minutes 27.1 seconds east 54.255 feet to a
9 point N605,741.948, E838,031.378, thence run-
10 ning south 47 degrees 19 minutes 04.1 seconds
11 west 25.000 feet to a point N605,725.000,
12 E838,013.000, thence running north 63 degrees
13 44 minutes 19.0 seconds west 40.000 feet to the
14 point of origin.

15 (C) The portion of the 8-foot south basin
16 anchorage the boundaries of which begin at a
17 point with coordinates N605,563.770,
18 E838,111.100, thence running south 05 degrees
19 08 minutes 35.1 seconds east 53.460 feet to a
20 point N605,510.525, E838,115.892, thence run-
21 ning south 52 degrees 10 minutes 55.5 seconds
22 west 145.000 feet to a point N605,421.618,
23 E838,001.348, thence running north 37 degrees
24 49 minutes 04.5 seconds west feet to a point
25 N605,480.960, E837,955.287, thence running

1 *south 64 degrees 52 minutes 33.9 seconds east*
 2 *33.823 feet to a point N605,466.600,*
 3 *E837,985.910, thence running north 52 degrees*
 4 *10 minutes 55.5 seconds east 158.476 feet to the*
 5 *point of origin.*

6 (6) *SCITUATE HARBOR, MASSACHUSETTS.—The*
 7 *portion of the project for navigation, Scituate Harbor,*
 8 *Massachusetts, authorized by section 101 of the River*
 9 *and Harbor Act of 1954 (68 Stat. 1249), consisting*
 10 *of an 8-foot anchorage basin and described as follows:*
 11 *Beginning at a point with coordinates N438,739.53,*
 12 *E810,354.75, thence running northwesterly about*
 13 *200.00 feet to coordinates N438,874.02, E810,206.72,*
 14 *thence running northeasterly about 400.00 feet to co-*
 15 *ordinates N439,170.07, E810,475.70, thence running*
 16 *southwesterly about 447.21 feet to the point of origin.*

17 (7) *DULUTH-SUPERIOR HARBOR, MINNESOTA*
 18 *AND WISCONSIN.—The portion of the project for navi-*
 19 *gation, Duluth-Superior Harbor, Minnesota and Wis-*
 20 *consin, authorized by the first section of the Act enti-*
 21 *tled “An Act making appropriations for the construc-*
 22 *tion, repair, and preservation of certain public works*
 23 *on rivers and harbors, and for other purposes”, ap-*
 24 *proved June 3, 1896 (29 Stat. 212), known as the*
 25 *21st Avenue West Channel, beginning at the most*

1 southeasterly point of the channel N423074.09,
2 E2871635.43 thence running north-northwest about
3 1854.83 feet along the easterly limit of the project to
4 a point N424706.69, E2870755.48, thence running
5 northwesterly about 111.07 feet to a point on the
6 northerly limit of the project N424777.27,
7 E2870669.46, thence west-southwest 157.88 feet along
8 the north limit of the project to a point N424703.04,
9 E2870530.38, thence south-southeast 1978.27 feet to
10 the most southwesterly point N422961.45,
11 E2871469.07, thence northeasterly 201.00 feet along
12 the southern limit of the project to the point of origin.

13 (8) TREMLEY POINT, NEW JERSEY.—The portion
14 of the Federal navigation channel, New York and New
15 Jersey Channels, New York and New Jersey, author-
16 ized by the first section of the Act entitled “An Act
17 authorizing the construction, repair, and preservation
18 of certain public works on rivers and harbors, and for
19 other purposes”, approved August 30, 1935 (49 Stat.
20 1028), and modified by section 101 of the River and
21 Harbor Act of 1950 (64 Stat. 164), that consists of a
22 35-foot deep channel beginning at a point along the
23 western limit of the authorized project, N644100.411,
24 E129256.91, thence running southeasterly about 38.25
25 feet to a point N644068.885, E129278.565, thence

1 *running southerly about 1,163.86 feet to a point*
 2 *N642912.127, E129150.209, thence running south-*
 3 *westerly about 56.89 feet to a point N642864.09,*
 4 *E2129119.725, thence running northerly along the ex-*
 5 *isting western limit of the existing project to the point*
 6 *of origin.*

7 (9) *ANGOLA, NEW YORK.—The project for erosion*
 8 *protection, Angola Water Treatment Plant, Angola,*
 9 *New York, constructed under section 14 of the Flood*
 10 *Control Act of 1946 (33 U.S.C. 701r).*

11 (10) *WALLABOUT CHANNEL, BROOKLYN, NEW*
 12 *YORK.—The portion of the project for navigation,*
 13 *Wallabout Channel, Brooklyn, New York, authorized*
 14 *by the first section of the Act entitled “An Act making*
 15 *appropriations for the construction, repair, and pres-*
 16 *ervation of certain public works on rivers and har-*
 17 *bors, and for other purposes”, approved March 3,*
 18 *1899 (30 Stat. 1124), that is located at the northeast*
 19 *corner of the project and is described as follows:*

20 *Beginning at a point forming the northeast*
 21 *corner of the project and designated with the co-*
 22 *ordinate of North N 682,307.40; East 638,918.10;*
 23 *thence along the following 6 courses and dis-*
 24 *tances:*

1 (A) South 85 degrees, 44 minutes, 13
2 seconds East 87.94 feet (coordinate: N
3 682,300.86 E 639,005.80).

4 (B) North 74 degrees, 41 minutes, 30
5 seconds East 271.54 feet (coordinate: N
6 682,372.55 E 639,267.71).

7 (C) South 4 degrees, 46 minutes, 02
8 seconds West 170.95 feet (coordinate: N
9 682,202.20 E 639,253.50).

10 (D) South 4 degrees, 46 minutes, 02
11 seconds West 239.97 feet (coordinate: N
12 681,963.06 E 639,233.56).

13 (E) North 50 degrees, 48 minutes, 26
14 seconds West 305.48 feet (coordinate: N
15 682,156.10 E 638,996.80).

16 (F) North 3 degrees, 33 minutes, 25
17 seconds East 145.04 feet (coordinate: N
18 682,300.86 E 639,005.80).

19 (b) *ROCKPORT HARBOR, MASSACHUSETTS.—The*
20 *project for navigation, Rockport Harbor, Massachusetts,*
21 *carried out under section 107 of the River and Harbor Act*
22 *of 1960 (33 U.S.C. 577), is modified—*

23 (1) *to redesignate a portion of the 8-foot north*
24 *outer anchorage as part of the 8-foot approach chan-*
25 *nel to the north inner basin described as follows: the*

1 *perimeter of the area starts at a point with coordi-*
 2 *ates N605,792.110, E838,020.009, thence running*
 3 *south 89 degrees 12 minutes 27.1 seconds east 64.794*
 4 *feet to a point N605,791.214, E838,084.797, thence*
 5 *running south 47 degrees 18 minutes 54.0 seconds*
 6 *west 40.495 feet to a point N605,763.760,*
 7 *E838,055.030, thence running north 68 degrees 26*
 8 *minutes 49.0 seconds west 43.533 feet to a point*
 9 *N605,779.750, E838,014.540, thence running north 23*
 10 *degrees 52 minutes 08.4 seconds east 13.514 feet to the*
 11 *point of origin; and*

12 *(2) to realign a portion of the 8-foot north inner*
 13 *basin approach channel by adding an area described*
 14 *as follows: the perimeter of the area starts at a point*
 15 *with coordinates N605,792.637, E837,981.920, thence*
 16 *running south 89 degrees 12 minutes 27.1 seconds*
 17 *east 38.093 feet to a point N605,792.110,*
 18 *E838,020.009, thence running south 23 degrees 52*
 19 *minutes 08.4 seconds west 13.514 feet to a point*
 20 *N605,779.752, E838,014.541, thence running north 68*
 21 *degrees 26 minutes 49.0 seconds west 35.074 feet to*
 22 *the point of origin.*

23 **SEC. 353. WYOMING VALLEY, PENNSYLVANIA.**

24 *(a) IN GENERAL.—The project for flood control, Wyo-*
 25 *ming Valley, Pennsylvania, authorized by section 401(a) of*

1 *the Water Resources Development Act of 1986 (100 Stat.*
2 *4124) is modified as provided in this section.*

3 (b) *ADDITIONAL PROJECT ELEMENTS.—The Secretary*
4 *shall construct each of the following additional elements of*
5 *the project to the extent that the Secretary determines that*
6 *the element is technically feasible, environmentally accept-*
7 *able, and economically justified:*

8 (1) *The River Commons plan developed by the*
9 *non-Federal sponsor for both sides of the Susquehanna*
10 *River beside historic downtown Wilkes-Barre.*

11 (2) *Necessary portal modifications to the project*
12 *to allow at grade access from Wilkes-Barre to the Sus-*
13 *quehanna River to facilitate operation, maintenance,*
14 *replacement, repair, and rehabilitation of the project*
15 *and to restore access to the Susquehanna River for the*
16 *public.*

17 (3) *A concrete capped sheet pile wall in lieu of*
18 *raising an earthen embankment to reduce the disturb-*
19 *ance to the Historic River Commons area.*

20 (4) *All necessary modifications to the*
21 *Stormwater Pump Stations in Wyoming Valley.*

22 (5) *All necessary evaluations and modifications*
23 *to all elements of the existing flood control projects to*
24 *include Coal Creek, Toby Creek, Abrahams Creek, and*

1 *various relief culverts and penetrations through the*
2 *levee.*

3 *(c) CREDIT.—The Secretary shall credit the Luzerne*
4 *County Flood Protection Authority toward the non-Federal*
5 *share of the cost of the project for the value of the Forty-*
6 *Fort ponding basin area purchased after June 1, 1972, by*
7 *Luzerne County, Pennsylvania, for an estimated cost of*
8 *\$500,000 under section 102(w) of the Water Resources De-*
9 *velopment Act of 1992 (102 Stat. 508) to the extent that*
10 *the Secretary determines that the area purchased is integral*
11 *to the project.*

12 *(d) MODIFICATION OF MITIGATION PLAN AND*
13 *PROJECT COOPERATION AGREEMENT.—*

14 *(1) MODIFICATION OF MITIGATION PLAN.—The*
15 *Secretary shall provide for the deletion, from the*
16 *Mitigation Plan for the Wyoming Valley Levees, ap-*
17 *proved by the Secretary on February 15, 1996, the*
18 *proposal to remove the abandoned Bloomsburg Rail-*
19 *road Bridge.*

20 *(2) MODIFICATION OF PROJECT COOPERATION*
21 *AGREEMENT.—The Secretary shall modify the project*
22 *cooperation agreement, executed in October 1996, to*
23 *reflect removal of the railroad bridge and its*
24 *\$1,800,000 total cost from the mitigation plan under*
25 *paragraph (1).*

1 (e) *MAXIMUM PROJECT COST.*—*The total cost of the*
 2 *project, as modified by this section, shall not exceed the*
 3 *amount authorized in section 401(a) of the Water Resources*
 4 *Development Act of 1986 (100 Stat. 4124), with increases*
 5 *authorized by section 902 of the Water Resources Develop-*
 6 *ment Act of 1986 (100 Stat. 4183).*

7 **SEC. 354. REHOBOTH BEACH AND DEWEY BEACH, DELA-**
 8 **WARE.**

9 *The project for storm damage reduction and shoreline*
 10 *protection, Rehoboth Beach and Dewey Beach, Delaware,*
 11 *authorized by section 101(b)(6) of the Water Resources de-*
 12 *velopment Act of 1996, is modified to authorize the project*
 13 *at a total cost of \$13,997,000, with an estimated Federal*
 14 *cost of \$9,098,000 and an estimated non-Federal cost of*
 15 *\$4,899,000, and an estimated average annual cost of*
 16 *\$1,320,000 for periodic nourishment over the 50-year life*
 17 *of the project, with an estimated annual Federal cost of*
 18 *\$858,000 and an estimated annual non-Federal cost of*
 19 *\$462,000.*

20 **TITLE IV—STUDIES**

21 **SEC. 401. STUDIES OF COMPLETED PROJECTS.**

22 *The Secretary shall conduct a study under section 216*
 23 *of the Flood Control Act of 1970 (84 Stat. 1830) of each*
 24 *of the following completed projects:*

1 (1) *ESCAMBIA BAY AND RIVER, FLORIDA.—*
 2 *Project for navigation, Escambia Bay and River,*
 3 *Florida.*

4 (2) *ILLINOIS RIVER, HAVANA, ILLINOIS.—Project*
 5 *for flood control, Illinois River, Havana, Illinois, au-*
 6 *thorized by section 5 of the Flood Control Act of June*
 7 *22, 1936 (49 Stat. 1583).*

8 (3) *SPRING LAKE, ILLINOIS.—Project for flood*
 9 *control, Spring Lake, Illinois, authorized by section 5*
 10 *of the Flood Control Act of June 22, 1936 (49 Stat.*
 11 *1584).*

12 (4) *PORT ORFORD, OREGON.—Project for flood*
 13 *control, Port Orford, Oregon, authorized by section*
 14 *301 of River and Harbor Act of 1965 (79 Stat. 1092).*

15 **SEC. 402. WATERSHED AND RIVER BASIN ASSESSMENTS.**

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

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

19 “(a) *IN GENERAL.—The Secretary may assess the*
 20 *water resources needs of interstate river basins and water-*
 21 *sheds of the United States. The assessments shall be under-*
 22 *taken in cooperation and coordination with the Depart-*
 23 *ments of the Interior, Agriculture, and Commerce, the Envi-*
 24 *ronmental Protection Agency, and other appropriate agen-*
 25 *cies, and may include an evaluation of ecosystem protection*

1 *and restoration, flood damage reduction, navigation and*
2 *port needs, watershed protection, water supply, and drought*
3 *preparedness.*

4 “(b) *CONSULTATION.*—*The Secretary shall consult*
5 *with Federal, tribal, State, interstate, and local govern-*
6 *mental entities in carrying out the assessments authorized*
7 *by this section. In conducting the assessments, the Secretary*
8 *may accept contributions of services, materials, supplies*
9 *and cash from Federal, tribal, State, interstate, and local*
10 *governmental entities where the Secretary determines that*
11 *such contributions will facilitate completion of the assess-*
12 *ments.*

13 “(c) *PRIORITY CONSIDERATION.*—*The Secretary shall*
14 *give priority consideration to the following interstate river*
15 *basins and watersheds:*

16 “(1) *Delaware River.*

17 “(2) *Potomac River.*

18 “(3) *Susquehanna River.*

19 “(4) *Kentucky River.*

20 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
21 *authorized to be appropriated to carry out this section*
22 *\$15,000,000.”.*

1 **SEC. 403. LOWER MISSISSIPPI RIVER RESOURCE ASSESS-**
2 **MENT.**

3 (a) *ASSESSMENTS.*—*The Secretary, in cooperation*
4 *with the Secretary of the Interior and the States of Arkan-*
5 *sas, Illinois, Kentucky, Louisiana, Mississippi, Missouri,*
6 *and Tennessee, shall undertake, at Federal expense, for the*
7 *Lower Mississippi River system—*

8 (1) *an assessment of information needed for*
9 *river-related management;*

10 (2) *an assessment of natural resource habitat*
11 *needs; and*

12 (3) *an assessment of the need for river-related*
13 *recreation and access.*

14 (b) *PERIOD.*—*Each assessment referred to in sub-*
15 *section (a) shall be carried out for 2 years.*

16 (c) *REPORTS.*—*Before the last day of the second year*
17 *of an assessment under subsection (a), the Secretary, in co-*
18 *operation with the Secretary of the Interior and the States*
19 *of Arkansas, Illinois, Kentucky, Louisiana, Mississippi,*
20 *Missouri, and Tennessee, shall transmit to Congress a re-*
21 *port on the results of the assessment to Congress. The report*
22 *shall contain recommendations for—*

23 (1) *the collection, availability, and use of infor-*
24 *mation needed for river-related management;*

1 *in water, from their sources to the Upper Mississippi*
2 *River and its tributaries.*

3 (b) *CONSULTATION.*—*In conducting the study, the Sec-*
4 *retary shall consult the Departments of Agriculture and the*
5 *Interior.*

6 (c) *COMPONENTS OF THE STUDY.*—

7 (1) *COMPUTER MODELING.*—*As part of the*
8 *study, the Secretary shall develop computer models at*
9 *the subwatershed and basin level to identify and*
10 *quantify the sources of sediment and nutrients and to*
11 *examine the effectiveness of alternative management*
12 *measures.*

13 (2) *RESEARCH.*—*As part of the study, the Sec-*
14 *retary shall conduct research to improve under-*
15 *standing of—*

16 (A) *the processes affecting sediment and nu-*
17 *trient (with emphasis on nitrogen and phos-*
18 *phorus) movement;*

19 (B) *the influences of soil type, slope, cli-*
20 *mate, vegetation cover, and modifications to the*
21 *stream drainage network on sediment and nutri-*
22 *ent losses; and*

23 (C) *river hydrodynamics in relation to sedi-*
24 *ment and nutrient transformations, retention,*
25 *and movement.*

1 (d) *USE OF INFORMATION.*—Upon request of a Federal
2 agency, the Secretary may provide information to the agen-
3 cy for use in sediment and nutrient reduction programs as-
4 sociated with land use and land management practices.

5 (e) *REPORT TO CONGRESS.*—Not later than 3 years
6 after the date of enactment of this Act, the Secretary shall
7 transmit to Congress a report on the results of the study,
8 including findings and recommendations.

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

12 **SEC. 405. UPPER MISSISSIPPI RIVER COMPREHENSIVE**
13 **PLAN.**

14 Section 459(e) of the Water Resources Development Act
15 of 1999 (113 Stat. 333) is amended by striking “date of
16 enactment of this Act” and inserting “first date on which
17 funds are appropriated to carry out this section.”.

18 **SEC. 406. OHIO RIVER SYSTEM.**

19 The Secretary may conduct a study of commodity
20 flows on the Ohio River system at Federal expense. The
21 study shall include an analysis of the commodities trans-
22 ported on the Ohio River system, including information on
23 the origins and destinations of these commodities and mar-
24 ket trends, both national and international.

1 **SEC. 407. EASTERN ARKANSAS.**

2 (a) *IN GENERAL.*—*The Secretary shall reevaluate the*
3 *recommendations in the Eastern Arkansas Region Com-*
4 *prehensive Study of the Memphis District Engineer, dated*
5 *August 1990, to determine whether the plans outlined in*
6 *the study for agricultural water supply from the Little Red*
7 *River, Arkansas, are feasible and in the Federal interest.*

8 (b) *REPORT.*—*Not later than September 30, 2001, the*
9 *Secretary shall transmit to Congress a report on the results*
10 *of the reevaluation.*

11 **SEC. 408. RUSSELL, ARKANSAS.**

12 (a) *IN GENERAL.*—*The Secretary shall evaluate the*
13 *preliminary investigation report for agricultural water*
14 *supply, Russell, Arkansas, entitled “Preliminary Investiga-*
15 *tion: Lone Star Management Project”, prepared for the*
16 *Lone Star Water Irrigation District, to determine whether*
17 *the plans contained in the report are feasible and in the*
18 *Federal interest.*

19 (b) *REPORT.*—*Not later than September 30, 2001, the*
20 *Secretary shall transmit to Congress a report on the results*
21 *of the evaluation.*

22 **SEC. 409. ESTUDILLO CANAL, SAN LEANDRO, CALIFORNIA.**

23 *The Secretary shall conduct a study to determine the*
24 *feasibility of carrying out a project for flood damage reduc-*
25 *tion along the Estudillo Canal, San Leandro, California.*

1 **SEC. 410. LAGUNA CREEK, FREMONT, CALIFORNIA.**

2 *The Secretary shall conduct a study to determine the*
3 *feasibility of carrying out a project for flood damage reduc-*
4 *tion in the Laguna Creek watershed, Fremont, California.*

5 **SEC. 411. LAKE MERRITT, OAKLAND, CALIFORNIA.**

6 *The Secretary shall conduct a study to determine the*
7 *feasibility of carrying out a project for ecosystem restora-*
8 *tion, flood damage reduction, and recreation at Lake Mer-*
9 *ritt, Oakland, California.*

10 **SEC. 412. LANCASTER, CALIFORNIA.**

11 *(a) IN GENERAL.—The Secretary shall evaluate the re-*
12 *port of the city of Lancaster, California, entitled “Master*
13 *Plan of Drainage”, to determine whether the plans con-*
14 *tained in the report are feasible and in the Federal interest,*
15 *including plans relating to drainage corridors located at*
16 *52nd Street West, 35th Street West, North Armargosa, and*
17 *20th Street East.*

18 *(b) REPORT.—Not later than September 30, 2001, the*
19 *Secretary shall transmit to Congress a report on the results*
20 *of the evaluation.*

21 **SEC. 413. NAPA COUNTY, CALIFORNIA.**

22 *(a) STUDY.—The Secretary shall conduct a study to*
23 *determine the feasibility of carrying out a project to address*
24 *water supply, water quality, and groundwater problems at*
25 *Miliken, Sarco, and Tulocay Creeks in Napa County, Cali-*
26 *fornia.*

1 (b) *USE OF EXISTING DATA.*—*In conducting the*
2 *study, the Secretary shall use data and information devel-*
3 *oped by the United States Geological Survey in the report*
4 *entitled “Geohydrologic Framework and Hydrologic Budget*
5 *of the Lower Miliken-Sarco-Tulocay Creeks Area of Napa,*
6 *California”.*

7 **SEC. 414. OCEANSIDE, CALIFORNIA.**

8 *The Secretary shall conduct a study, at Federal ex-*
9 *pense, to determine the feasibility of carrying out a project*
10 *for shoreline protection at Oceanside, California. In con-*
11 *ducting the study, the Secretary shall determine the portion*
12 *of beach erosion that is the result of a Navy navigation*
13 *project at Camp Pendleton Harbor, California.*

14 **SEC. 415. SUISUN MARSH, CALIFORNIA.**

15 *The investigation for Suisun Marsh, California, au-*
16 *thorized under the Energy and Water Development Appro-*
17 *priations Act, 2000 (Public Law 106–60), shall be limited*
18 *to evaluating the feasibility of the levee enhancement and*
19 *managed wetlands protection program for Suisun Marsh,*
20 *California.*

21 **SEC. 416. LAKE ALLATOONA WATERSHED, GEORGIA.**

22 *Section 413 of the Water Resources Development Act*
23 *of 1999 (113 Stat. 324) is amended to read as follows:*

1 **“SEC. 413. LAKE ALLATOONA WATERSHED, GEORGIA.**

2 “(a) *IN GENERAL.*—*The Secretary shall conduct a*
3 *comprehensive study of the Lake Allatoona watershed, Geor-*
4 *gia, to determine the feasibility of undertaking ecosystem*
5 *restoration and resource protection measures.*

6 “(b) *MATTERS TO BE ADDRESSED.*—*The study shall*
7 *address streambank and shoreline erosion, sedimentation,*
8 *water quality, fish and wildlife habitat degradation and*
9 *other problems relating to ecosystem restoration and re-*
10 *source protection in the Lake Allatoona watershed.”.*

11 **SEC. 417. CHICAGO RIVER, CHICAGO, ILLINOIS.**

12 (a) *IN GENERAL.*—*The Secretary shall conduct a*
13 *study to determine the feasibility of carrying out a project*
14 *for shoreline protection along the Chicago River, Chicago,*
15 *Illinois.*

16 (b) *CONSULTATION.*—*In conducting the study, the Sec-*
17 *retary shall consult, and incorporate information available*
18 *from, appropriate Federal, State, and local government*
19 *agencies.*

20 **SEC. 418. CHICAGO SANITARY AND SHIP CANAL SYSTEM,**
21 **CHICAGO, ILLINOIS.**

22 *The Secretary shall conduct a study to determine the*
23 *advisability of reducing the use of the waters of Lake Michi-*
24 *gan to support navigation in the Chicago sanitary and ship*
25 *canal system, Chicago, Illinois.*

1 **SEC. 419. LONG LAKE, INDIANA.**

2 *The Secretary shall conduct a study to determine the*
3 *feasibility of carrying out a project for environmental res-*
4 *toration and protection, Long Lake, Indiana.*

5 **SEC. 420. BRUSH AND ROCK CREEKS, MISSION HILLS AND**
6 **FAIRWAY, KANSAS.**

7 *(a) IN GENERAL.—The Secretary shall evaluate the*
8 *preliminary engineering report for the project for flood con-*
9 *trol, Mission Hills and Fairway, Kansas, entitled “Prelimi-*
10 *nary Engineering Report: Brush Creek/Rock Creek Drain-*
11 *age Improvements, 66th Street to State Line Road”, to de-*
12 *termine whether the plans contained in the report are fea-*
13 *sible and in the Federal interest.*

14 *(b) REPORT.—Not later than September 30, 2001, the*
15 *Secretary shall transmit to Congress a report on the results*
16 *of the evaluation.*

17 **SEC. 421. COASTAL AREAS OF LOUISIANA.**

18 *The Secretary shall conduct a study to determine the*
19 *feasibility of developing measures to floodproof major hurri-*
20 *cane evacuation routes in the coastal areas of Louisiana.*

21 **SEC. 422. IBERIA PORT, LOUISIANA.**

22 *The Secretary shall conduct a study to determine the*
23 *feasibility of carrying out a project for navigation, Iberia*
24 *Port, Louisiana.*

1 **SEC. 423. LAKE PONTCHARTRAIN SEAWALL, LOUISIANA.**

2 *Not later than 180 days after the date of enactment*
3 *of this Act, the Secretary shall complete a post-authorized*
4 *change report on the project for hurricane-flood protection,*
5 *Lake Pontchartrain, Louisiana, authorized by section*
6 *204 of the Flood Control Act of 1965 (79 Stat. 1077), to*
7 *incorporate and accomplish structural modifications to the*
8 *seawall providing protection along the south shore of Lake*
9 *Pontchartrain from the New Basin Canal on the west to*
10 *the Inner Harbor Navigation Canal on the east.*

11 **SEC. 424. LOWER ATCHAFALAYA BASIN, LOUISIANA.**

12 *As part of the Lower Atchafalaya basin reevaluation*
13 *study, the Secretary shall determine the feasibility of carrying*
14 *out a project for flood damage reduction, Stephensville,*
15 *Louisiana.*

16 **SEC. 425. ST. JOHN THE BAPTIST PARISH, LOUISIANA.**

17 *The Secretary shall conduct a study to determine the*
18 *feasibility of carrying out a project for flood damage reduction*
19 *on the east bank of the Mississippi River in St. John the Baptist*
20 *Parish, Louisiana.*

21 **SEC. 426. LAS VEGAS VALLEY, NEVADA.**

22 *Section 432(b) of the Water Resources Development Act*
23 *of 1999 (113 Stat. 327) is amended by inserting “recreation,”*
24 *after “runoff),”.*

1 **SEC. 427. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEX-**
 2 **ICO.**

3 *Section 433 of the Water Resources Development Act*
 4 *of 1999 (113 Stat. 327) is amended—*

5 *(1) by inserting “(a) IN GENERAL.—” before*
 6 *“The”; and*

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

8 *“(b) EVALUATION OF FLOOD DAMAGE REDUCTION*
 9 *MEASURES.—In conducting the study, the Secretary shall*
 10 *evaluate flood damage reduction measures that would other-*
 11 *wise be excluded from the feasibility analysis based on poli-*
 12 *cies of the Corps of Engineers concerning the frequency of*
 13 *flooding, the drainage area, and the amount of runoff.”.*

14 **SEC. 428. BUFFALO HARBOR, BUFFALO, NEW YORK.**

15 *(a) IN GENERAL.—The Secretary shall conduct a*
 16 *study to determine the advisability and potential impacts*
 17 *of declaring as nonnavigable a portion of the channel at*
 18 *Control Point Draw, Buffalo Harbor, Buffalo New York.*

19 *(b) CONTENTS.—The study conducted under this sec-*
 20 *tion shall include an examination of other options to meet*
 21 *intermodal transportation needs in the area.*

22 **SEC. 429. HUDSON RIVER, MANHATTAN, NEW YORK.**

23 *(a) IN GENERAL.—The Secretary shall conduct a*
 24 *study to determine the feasibility of establishing a Hudson*
 25 *River Park in Manhattan, New York City, New York. The*
 26 *study shall address the issues of shoreline protection, envi-*

1 *ronmental protection and restoration, recreation, water-*
 2 *front access, and open space for the area between Battery*
 3 *Place and West 59th Street.*

4 (b) *CONSULTATION.*—*In conducting the study under*
 5 *subsection (a), the Secretary shall consult the Hudson River*
 6 *Park Trust.*

7 (c) *REPORT.*—*Not later than 1 year after the date of*
 8 *enactment of this section, the Secretary shall transmit to*
 9 *Congress a report on the result of the study, including a*
 10 *master plan for the park.*

11 **SEC. 430. JAMESVILLE RESERVOIR, ONONDAGA COUNTY,**
 12 **NEW YORK.**

13 *The Secretary shall conduct a study to determine the*
 14 *feasibility of carrying out a project for aquatic ecosystem*
 15 *restoration, flood damage reduction, and water quality,*
 16 *Jamesville Reservoir, Onondaga County, New York.*

17 **SEC. 431. STEUBENVILLE, OHIO.**

18 *The Secretary shall conduct a study to determine the*
 19 *feasibility of developing a public port along the Ohio River*
 20 *in the vicinity of Steubenville, Ohio.*

21 **SEC. 432. GRAND LAKE, OKLAHOMA.**

22 *Section 560(a) of the Water Resources Development*
 23 *Act of 1996 (110 Stat. 3783) is amended—*

1 (1) *by striking “date of enactment of this Act”*
2 *and inserting “date of enactment of the Water Re-*
3 *sources Development Act of 2000”; and*

4 (2) *by inserting “and Miami” after “Pensacola*
5 *Dam”.*

6 **SEC. 433. COLUMBIA SLOUGH, OREGON.**

7 *Not later than 180 days after the date of enactment*
8 *of this Act, the Secretary shall complete under section 1135*
9 *of the Water Resource Development Act of 1986 (33 U.S.C.*
10 *2309a) a feasibility study for the ecosystem restoration*
11 *project at Columbia Slough, Oregon. If the Secretary deter-*
12 *mines that the project is feasible, the Secretary may carry*
13 *out the project on an expedited basis under such section.*

14 **SEC. 434. REEDY RIVER, GREENVILLE, SOUTH CAROLINA.**

15 *The Secretary shall conduct a study to determine the*
16 *feasibility of carrying out a project for aquatic ecosystem*
17 *restoration, flood damage reduction, and streambank sta-*
18 *bilization on the Reedy River, Cleveland Park West, Green-*
19 *ville, South Carolina.*

20 **SEC. 435. GERMANTOWN, TENNESSEE.**

21 (a) *IN GENERAL.*—*The Secretary shall conduct a*
22 *study to determine the feasibility of carrying out a project*
23 *for flood control and related purposes along Miller Farms*
24 *Ditch, Howard Road Drainage, and Wolf River Lateral D,*
25 *Germantown, Tennessee.*

1 **(b) COST SHARING.**—*The Secretary—*

2 *(1) shall credit toward the non-Federal share of*
 3 *the costs of the feasibility study the value of the in-*
 4 *kind services provided by the non-Federal interests re-*
 5 *lating to the planning, engineering, and design of the*
 6 *project, whether carried out before or after execution*
 7 *of the feasibility study cost-sharing agreement if the*
 8 *Secretary determines the work is necessary for com-*
 9 *pletion of the study; and*

10 *(2) for the purposes of paragraph (1), shall con-*
 11 *sider the feasibility study to be conducted as part of*
 12 *the Memphis Metro Tennessee and Mississippi study*
 13 *authorized by resolution of the Committee on Trans-*
 14 *portation and Infrastructure, dated March 7, 1996.*

15 **(c) LIMITATION.**—*The Secretary may not reject the*
 16 *project under the feasibility study based solely on a min-*
 17 *imum amount of stream runoff.*

18 **SEC. 436. PARK CITY, UTAH.**

19 *The Secretary shall conduct a study to determine the*
 20 *feasibility of carrying out a project for water supply, Park*
 21 *City, Utah.*

22 **SEC. 437. MILWAUKEE, WISCONSIN.**

23 **(a) IN GENERAL.**—*The Secretary shall evaluate the re-*
 24 *port for the project for flood damage reduction and environ-*
 25 *mental restoration, Milwaukee, Wisconsin, entitled “In-*

1 *terim Executive Summary: Menominee River Flood Man-*
 2 *agement Plan*”, dated September 1999, to determine wheth-
 3 *er the plans contained in the report are cost-effective, tech-*
 4 *nically sound, environmentally acceptable, and in the Fed-*
 5 *eral interest.*

6 (b) *REPORT.*—Not later than September 30, 2001, the
 7 Secretary shall transmit to Congress a report on the results
 8 of the evaluation.

9 **SEC. 438. UPPER DES PLAINES RIVER AND TRIBUTARIES, IL-**
 10 **LINOIS AND WISCONSIN.**

11 *Section 419 of the Water Resources Development Act*
 12 *of 1999 (113 Stat. 324–325) is amended by adding at the*
 13 *end the following:*

14 “(d) *CREDIT.*—The Secretary shall provide the non-
 15 Federal interest credit toward the non-Federal share of the
 16 cost of the study for work performed by the non-Federal in-
 17 terest before the date of the study’s feasibility cost-share
 18 agreement if the Secretary determines that the work is inte-
 19 gral to the study.”.

20 **SEC. 439. DELAWARE RIVER WATERSHED.**

21 (a) *STUDY.*—The Secretary shall conduct studies and
 22 assessments to analyze the sources and impacts of sediment
 23 contamination in the Delaware River watershed.

1 **(b) ACTIVITIES.**—*Activities authorized under this sec-*
 2 *tion shall be conducted by a university with expertise in*
 3 *research in contaminated sediment sciences.*

4 **(c) AUTHORIZATION OF APPROPRIATIONS.**—

5 **(1) AUTHORIZATION OF APPROPRIATIONS.**—
 6 *There is authorized to be appropriated to the Sec-*
 7 *retary to carry out this section \$5,000,000. Such*
 8 *sums shall remain available until expended.*

9 **(2) CORPS OF ENGINEERS EXPENSES.**—*10 per-*
 10 *cent of the amounts appropriated to carry out this*
 11 *section may be used by the Corps of Engineers district*
 12 *offices to administer and implement studies and as-*
 13 *sessments under this section.*

14 **TITLE V—MISCELLANEOUS**
 15 **PROVISIONS**

16 **SEC. 501. BRIDGEPORT, ALABAMA.**

17 **(a) DETERMINATION.**—*The Secretary shall review the*
 18 *construction of a channel performed by the non-Federal in-*
 19 *terest at the project for navigation, Tennessee River, Bridge-*
 20 *port, Alabama, to determine the Federal navigation interest*
 21 *in such work.*

22 **(b) REIMBURSEMENT.**—*If the Secretary determines*
 23 *under subsection (a) that the work performed by the non-*
 24 *Federal interest is consistent with the Federal navigation*
 25 *interest, the Secretary shall reimburse the non-Federal in-*

1 *terest an amount equal to the Federal share of the cost of*
 2 *construction of the channel.*

3 **SEC. 502. DUCK RIVER, CULLMAN, ALABAMA.**

4 *The Secretary shall provide technical assistance to the*
 5 *city of Cullman, Alabama, in the management of construc-*
 6 *tion contracts for the reservoir project on the Duck River.*

7 **SEC. 503. SEWARD, ALASKA.**

8 *The Secretary shall carry out, on an emergency one-*
 9 *time basis, necessary repairs of the Lowell Creek Tunnel*
 10 *in Seward, Alaska, at Federal expense and a total cost of*
 11 *\$3,000,000.*

12 **SEC. 504. AUGUSTA AND DEVALLS BLUFF, ARKANSAS.**

13 *(a) IN GENERAL.—The Secretary may operate, main-*
 14 *tain, and rehabilitate 37 miles of levees in and around Au-*
 15 *gusta and Devalls Bluff, Arkansas.*

16 *(b) REIMBURSEMENT.—After incurring any cost for*
 17 *operation, maintenance, or rehabilitation under subsection*
 18 *(a), the Secretary may seek reimbursement from the Sec-*
 19 *retary of the Interior of an amount equal to the portion*
 20 *of such cost that the Secretary determines is a benefit to*
 21 *a Federal wildlife refuge.*

22 **SEC. 505. BEAVER LAKE, ARKANSAS.**

23 *The contract price for additional storage for the Car-*
 24 *roll-Boone Water District beyond that which is provided for*
 25 *in section 521 of the Water Resources Development Act of*

1 1999 (113 Stat. 345) shall be based on the original construc-
 2 tion cost of Beaver Lake and adjusted to the 2000 price
 3 level net of inflation between the date of initiation of con-
 4 struction and the date of enactment of this Act.

5 **SEC. 506. McCLELLAN-KERR ARKANSAS RIVER NAVIGATION**
 6 **SYSTEM, ARKANSAS AND OKLAHOMA.**

7 *Taking into account the need to realize the total eco-*
 8 *nomie potential of the McClellan-Kerr Arkansas River*
 9 *navigation system, the Secretary shall expedite completion*
 10 *of the Arkansas River navigation study, including the feasi-*
 11 *bility of increasing the authorized channel from 9 feet to*
 12 *12 feet and, if justified, proceed directly to project*
 13 *preconstruction engineering and design.*

14 **SEC. 507. CALFED BAY DELTA PROGRAM ASSISTANCE, CALI-**
 15 **FORNIA.**

16 (a) *IN GENERAL.*—*The Secretary may participate*
 17 *with appropriate Federal and State agencies in planning*
 18 *and management activities associated with the CALFED*
 19 *Bay Delta Program (in this section referred to as the “Pro-*
 20 *gram”)* and shall, to the maximum extent practicable and
 21 in accordance with all applicable laws, integrate the activi-
 22 ties of the Corps of Engineers in the San Joaquin and Sac-
 23 ramento River basins with the long-term goals of the Pro-
 24 gram.

1 (b) *COOPERATIVE ACTIVITIES.*—*In carrying out this*
2 *section, the Secretary—*

3 (1) *may accept and expend funds from other*
4 *Federal agencies and from public, private, and non-*
5 *profit entities to carry out ecosystem restoration*
6 *projects and activities associated with the Program;*
7 *and*

8 (2) *may enter into contracts, cooperative re-*
9 *search and development agreements, and cooperative*
10 *agreements, with Federal and public, private, and*
11 *non-profit entities to carry out such projects and ac-*
12 *tivities.*

13 (c) *GEOGRAPHIC SCOPE.*—*For the purposes of the par-*
14 *ticipation of the Secretary under this section, the geo-*
15 *graphic scope of the Program shall be the San Francisco*
16 *Bay and the Sacramento-San Joaquin Delta Estuary and*
17 *their watershed (also known as the “Bay-Delta Estuary”),*
18 *as identified in the agreement entitled the “Framework*
19 *Agreement Between the Governor’s Water Policy Council of*
20 *the State of California and the Federal Ecosystem Direc-*
21 *torate”.*

22 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
23 *authorized to be appropriated to carry out this section*
24 *\$5,000,000 for fiscal years 2002 through 2005.*

1 **SEC. 508. CLEAR LAKE BASIN, CALIFORNIA.**

2 *Amounts made available to the Secretary by the En-*
3 *ergy and Water Appropriations Act, 2000 (113 Stat. 483*
4 *et seq.) for the project for aquatic ecosystem restoration,*
5 *Clear Lake basin, California, to be carried out under sec-*
6 *tion 206 of the Water Resources Development Act of 1996*
7 *(33 U.S.C. 2330), may only be used for the wetlands res-*
8 *toration and creation elements of the project.*

9 **SEC. 509. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN,**
10 **CALIFORNIA.**

11 *The Secretary shall carry out a project for flood dam-*
12 *age reduction under section 205 of the Flood Control Act*
13 *of 1948 (33 U.S.C. 701s) at the Contra Costa Canal, Oakley*
14 *and Knightsen, California, if the Secretary determines that*
15 *the project is technically sound, environmentally acceptable,*
16 *and economically justified.*

17 **SEC. 510. HUNTINGTON BEACH, CALIFORNIA.**

18 *The Secretary shall carry out under section 205 of the*
19 *Flood Control Act of 1948 (33 U.S.C. 701s) a project for*
20 *flood damage reduction in Huntington Beach, California,*
21 *if the Secretary determines that the project is technically*
22 *sound, environmentally acceptable, and economically justi-*
23 *fied.*

24 **SEC. 511. MALLARD SLOUGH, PITTSBURG, CALIFORNIA.**

25 *The Secretary shall carry out under section 205 of the*
26 *Flood Control Act of 1948 (33 U.S.C. 701s) a project for*

1 *flood damage reduction in Mallard Slough, Pittsburg, Cali-*
2 *ornia, if the Secretary determines that the project is tech-*
3 *nically sound, environmentally acceptable, and economi-*
4 *cally justified.*

5 **SEC. 512. PENN MINE, CALAVERAS COUNTY, CALIFORNIA.**

6 (a) *IN GENERAL.*—*The Secretary shall reimburse the*
7 *non-Federal interest for the project for aquatic ecosystem*
8 *restoration, Penn Mine, Calaveras County, California, car-*
9 *ried out under section 206 of the Water Resources Develop-*
10 *ment Act of 1996 (33 U.S.C. 2330), \$4,100,000 for the Fed-*
11 *eral share of costs incurred by the non-Federal interest for*
12 *work carried out by the non-Federal interest for the project.*

13 (b) *SOURCE OF FUNDING.*—*Reimbursement under sub-*
14 *section (a) shall be from amounts appropriated before the*
15 *date of enactment of this Act for the project described in*
16 *subsection (a).*

17 **SEC. 513. PORT OF SAN FRANCISCO, CALIFORNIA.**

18 (a) *EMERGENCY MEASURES.*—*The Secretary shall*
19 *carry out, on an emergency basis, measures to address*
20 *health, safety, and environmental risks posed by floatables*
21 *and floating debris originating from Piers 24 and 64 in*
22 *the Port of San Francisco, California, by removing such*
23 *floatables and debris.*

24 (b) *STUDY.*—*The Secretary shall conduct a study to*
25 *determine the risk to navigation posed by floatables and*

1 *floating debris originating from Piers 24 and 64 in the Port*
 2 *of San Francisco, California, and the cost of removing such*
 3 *floatables and debris.*

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

6 **SEC. 514. SAN GABRIEL BASIN, CALIFORNIA.**

7 *(a) SAN GABRIEL BASIN RESTORATION.—*

8 *(1) ESTABLISHMENT OF FUND.—There shall be*
 9 *established within the Treasury of the United States*
 10 *an interest bearing account to be known as the San*
 11 *Gabriel Basin Restoration Fund (in this section re-*
 12 *ferred to as the “Restoration Fund”).*

13 *(2) ADMINISTRATION OF FUND.—The Restoration*
 14 *Fund shall be administered by the Secretary, in co-*
 15 *operation with the San Gabriel Basin Water Quality*
 16 *Authority or its successor agency.*

17 *(3) PURPOSES OF FUND.—*

18 *(A) IN GENERAL.—Subject to subparagraph*
 19 *(B), the amounts in the Restoration Fund, in-*
 20 *cluding interest accrued, shall be utilized by the*
 21 *Secretary—*

22 *(i) to design and construct water qual-*
 23 *ity projects to be administered by the San*
 24 *Gabriel Basin Water Quality Authority and*
 25 *the Central Basin Water Quality Project to*

1 *be administered by the Central Basin Mu-*
2 *nicipal Water District; and*

3 *(ii) to operate and maintain any*
4 *project constructed under this section for*
5 *such period as the Secretary determines, but*
6 *not to exceed 10 years, following the initial*
7 *date of operation of the project.*

8 *(B) COST-SHARING LIMITATION.—The Sec-*
9 *retary may not obligate any funds appropriated*
10 *to the Restoration Fund in a fiscal year until*
11 *the Secretary has deposited in the Fund an*
12 *amount provided by non-Federal interests suffi-*
13 *cient to ensure that at least 35 percent of any*
14 *funds obligated by the Secretary are from funds*
15 *provided to the Secretary by the non-Federal in-*
16 *terests. The San Gabriel Basin Water Quality*
17 *Authority shall be responsible for providing the*
18 *non-Federal amount required by the preceding*
19 *sentence. The State of California, local govern-*
20 *ment agencies, and private entities may provide*
21 *all or any portion of such amount.*

22 *(b) COMPLIANCE WITH APPLICABLE LAW.—In car-*
23 *rying out the activities described in this section, the Sec-*
24 *retary shall comply with any applicable Federal and State*
25 *laws.*

1 (c) *RELATIONSHIP TO OTHER ACTIVITIES.*—*Nothing*
2 *in this section shall be construed to affect other Federal or*
3 *State authorities that are being used or may be used to fa-*
4 *cilitate the cleanup and protection of the San Gabriel and*
5 *Central groundwater basins. In carrying out the activities*
6 *described in this section, the Secretary shall integrate such*
7 *activities with ongoing Federal and State projects and ac-*
8 *tivities. None of the funds made available for such activities*
9 *pursuant to this section shall be counted against any Fed-*
10 *eral authorization ceiling established for any previously au-*
11 *thorized Federal projects or activities.*

12 (d) *AUTHORIZATION OF APPROPRIATIONS.*—

13 (1) *IN GENERAL.*—*There is authorized to be ap-*
14 *propriated to the Restoration Fund established under*
15 *subsection (a) \$85,000,000. Such funds shall remain*
16 *available until expended.*

17 (2) *SET-ASIDE.*—*Of the amounts appropriated*
18 *under paragraph (1), no more than \$10,000,000 shall*
19 *be available to carry out the Central Basin Water*
20 *Quality Project.*

21 (e) *ADJUSTMENT.*—*Of the \$25,000,000 made available*
22 *for San Gabriel Basin Groundwater Restoration, Cali-*
23 *fornia, under the heading “Construction, General” in title*
24 *I of the Energy and Water Development Appropriations*
25 *Act, 2001—*

1 (1) \$2,000,000 shall be available only for studies
2 and other investigative activities and planning and
3 design of projects determined by the Secretary to offer
4 a long-term solution to the problem of groundwater
5 contamination caused by perchlorates at sites located
6 in the city of Santa Clarita, California; and

7 (2) \$23,000,000 shall be deposited in the Res-
8 toration Fund, of which \$4,000,000 shall be used for
9 remediation in the Central Basin, California.

10 **SEC. 515. STOCKTON, CALIFORNIA.**

11 The Secretary shall evaluate the feasibility of the
12 Lower Mosher Slough element and the levee extensions on
13 the Upper Calaveras River element of the project for flood
14 control, Stockton Metropolitan Area, California, carried out
15 under section 211(f)(3) of the Water Resources Development
16 Act of 1996 (110 Stat. 3683), to determine the eligibility
17 of such elements for reimbursement under section 211 of
18 such Act (33 U.S.C. 701b-13). If the Secretary determines
19 that such elements are technically sound, environmentally
20 acceptable, and economically justified, the Secretary shall
21 reimburse under section 211 of such Act the non-Federal
22 interest for the Federal share of the cost of such elements.

23 **SEC. 516. PORT EVERGLADES, FLORIDA.**

24 Notwithstanding the absence of a project cooperation
25 agreement, the Secretary shall reimburse the non-Federal

1 *interest for the project for navigation, Port Everglades Har-*
 2 *bor, Florida, \$15,003,000 for the Federal share of costs in-*
 3 *curred by the non-Federal interest in carrying out the*
 4 *project and determined by the Secretary to be eligible for*
 5 *reimbursement under the limited reevaluation report of the*
 6 *Corps of Engineers, dated April 1998.*

7 **SEC. 517. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.**

8 (a) *IN GENERAL.*—*In coordination with the Florida*
 9 *Keys Aqueduct Authority, appropriate agencies of munici-*
 10 *palties of Monroe County, Florida, and other appropriate*
 11 *public agencies of the State of Florida or Monroe County,*
 12 *the Secretary may provide technical and financial assist-*
 13 *ance to carry out projects for the planning, design, and con-*
 14 *struction of treatment works to improve water quality in*
 15 *the Florida Keys National Marine Sanctuary.*

16 (b) *CRITERIA FOR PROJECTS.*—*Before entering into a*
 17 *cooperation agreement to provide assistance with respect to*
 18 *a project under this section, the Secretary shall ensure*
 19 *that—*

20 (1) *the non-Federal sponsor has completed ade-*
 21 *quate planning and design activities, as applicable;*

22 (2) *the non-Federal sponsor has completed a fi-*
 23 *nancial plan identifying sources of non-Federal fund-*
 24 *ing for the project;*

25 (3) *the project complies with—*

1 (A) applicable growth management ordi-
2 nances of Monroe County, Florida;

3 (B) applicable agreements between Monroe
4 County, Florida, and the State of Florida to
5 manage growth in Monroe County, Florida; and

6 (C) applicable water quality standards; and

7 (4) the project is consistent with the master
8 wastewater and stormwater plans for Monroe County,
9 Florida.

10 (c) CONSIDERATION.—In selecting projects under sub-
11 section (a), the Secretary shall consider whether a project
12 will have substantial water quality benefits relative to other
13 projects under consideration.

14 (d) CONSULTATION.—In carrying out this section, the
15 Secretary shall consult with—

16 (1) the Water Quality Steering Committee estab-
17 lished under section 8(d)(2)(A) of the Florida Keys
18 National Marine Sanctuary and Protection Act (106
19 Stat. 5054);

20 (2) the South Florida Ecosystem Restoration
21 Task Force established by section 528(f) of the Water
22 Resources Development Act of 1996 (110 Stat. 3771–
23 3773);

1 (3) *the Commission on the Everglades established*
2 *by executive order of the Governor of the State of*
3 *Florida; and*

4 (4) *other appropriate State and local government*
5 *officials.*

6 (e) *NON-FEDERAL SHARE.—*

7 (1) *IN GENERAL.—The non-Federal share of the*
8 *cost of a project carried out under this section shall*
9 *be 35 percent.*

10 (2) *CREDIT.—*

11 (A) *IN GENERAL.—The Secretary may pro-*
12 *vide the non-Federal interest credit toward cash*
13 *contributions required—*

14 (i) *before and during the construction*
15 *of the project, for the costs of planning, en-*
16 *gineering, and design, and for the construc-*
17 *tion management work that is performed by*
18 *the non-Federal interest and that the Sec-*
19 *retary determines is necessary to implement*
20 *the project; and*

21 (ii) *during the construction of the*
22 *project, for the construction that the non-*
23 *Federal interest carries out on behalf of the*
24 *Secretary and that the Secretary determines*
25 *is necessary to carry out the project.*

1 (B) *TREATMENT OF CREDIT BETWEEN*
2 *PROJECTS.—Any credit provided under this*
3 *paragraph may be carried over between author-*
4 *ized projects.*

5 (f) *AUTHORIZATION OF APPROPRIATIONS.—There is*
6 *authorized to be appropriated to carry out this section*
7 *\$100,000,000. Such sums shall remain available until ex-*
8 *pendent.*

9 **SEC. 518. BALLARD’S ISLAND, LASALLE COUNTY, ILLINOIS.**

10 *The Secretary may provide the non-Federal interest*
11 *for the project for the improvement of the quality of the*
12 *environment, Ballard’s Island, LaSalle County, Illinois,*
13 *carried out under section 1135 of the Water Resources De-*
14 *velopment Act of 1986 (33 U.S.C 2309a), credit toward the*
15 *non-Federal share of the cost of the project for work per-*
16 *formed by the non-Federal interest after July 1, 1999, if*
17 *the Secretary determines that the work is integral to the*
18 *project.*

19 **SEC. 519. LAKE MICHIGAN DIVERSION, ILLINOIS.**

20 *Section 1142(b) of the Water Resources Development*
21 *Act of 1986 (110 Stat. 4253; 113 Stat. 339) is amended*
22 *by inserting after “2003” the following: “and \$800,000 for*
23 *each fiscal year beginning after September 30, 2003,”.*

1 **SEC. 520. KOONTZ LAKE, INDIANA.**

2 *The Secretary shall provide the non-Federal interest*
3 *for the project for aquatic ecosystem restoration, Koontz*
4 *Lake, Indiana, carried out under section 206 of the Water*
5 *Resources Development Act of 1996 (22 U.S.C. 2330), credit*
6 *toward the non-Federal share of the cost of the project for*
7 *work performed by the non-Federal interest before the date*
8 *of execution of the project cooperation agreement if the Sec-*
9 *retary determines that the work is integral to the project.*

10 **SEC. 521. CAMPBELLSVILLE LAKE, KENTUCKY.**

11 *The Secretary shall repair the retaining wall and dam*
12 *at Campbellsville Lake, Kentucky, to protect the public road*
13 *on top of the dam at Federal expense and a total cost of*
14 *\$200,000.*

15 **SEC. 522. WEST VIEW SHORES, CECIL COUNTY, MARYLAND.**

16 *Not later than 1 year after the date of enactment of*
17 *this Act, the Secretary shall carry out an investigation of*
18 *the contamination of the well system in West View Shores,*
19 *Cecil County, Maryland. If the Secretary determines that*
20 *a disposal site for a Federal navigation project has contrib-*
21 *uted to the contamination of the well system, the Secretary*
22 *may provide alternative water supplies, including replace-*
23 *ment of wells, at Federal expense.*

1 **SEC. 523. CONSERVATION OF FISH AND WILDLIFE, CHESA-**
2 **PEAKE BAY, MARYLAND AND VIRGINIA.**

3 *Section 704(b) of the Water Resources Development Act*
4 *of 1986 (33 U.S.C. 2263(b)) is amended by adding at the*
5 *end the following: “In addition, there is authorized to be*
6 *appropriated \$20,000,000 to carry out paragraph (4).”.*

7 **SEC. 524. MUDDY RIVER, BROOKLINE AND BOSTON, MASSA-**
8 **CHUSETTS.**

9 *The Secretary shall carry out the project for flood dam-*
10 *age reduction and environmental restoration, Muddy River,*
11 *Brookline and Boston, Massachusetts, substantially in ac-*
12 *cordance with the plans, and subject to the conditions, de-*
13 *scribed in the draft evaluation report of the New England*
14 *District Engineer entitled “Phase I Muddy River Master*
15 *Plan”, dated June 2000.*

16 **SEC. 525. SOO LOCKS, SAULT STE. MARIE, MICHIGAN.**

17 *The Secretary may not require a cargo vessel equipped*
18 *with bow thrusters and friction winches that is transiting*
19 *the Soo Locks in Sault Ste. Marie, Michigan, to provide*
20 *more than 2 crew members to serve as line handlers on the*
21 *pier of a lock, except in adverse weather conditions or if*
22 *there is a mechanical failure on the vessel.*

1 **SEC. 526. DULUTH, MINNESOTA, ALTERNATIVE TECH-**
2 **NOLOGY PROJECT.**

3 (a) *PROJECT AUTHORIZATION.*—Section 541(a) of the
4 *Water Resources Development Act of 1996 (110 Stat. 3777)*
5 *is amended—*

6 (1) *by striking “implement” and inserting “con-*
7 *duct full scale demonstrations of”;* and

8 (2) *by inserting before the period the following:*

9 “, including technologies evaluated for the New York/
10 New Jersey Harbor under section 405 of the *Water*
11 *Resources Development Act of 1992 (33 U.S.C. 2239*
12 *note; 106 Stat. 4863)”.*

13 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section
14 541(b) of such Act is amended by striking “\$1,000,000” and
15 inserting “\$3,000,000”.

16 **SEC. 527. MINNEAPOLIS, MINNESOTA.**

17 (a) *IN GENERAL.*—The Secretary, in cooperation with
18 the State of Minnesota, shall design and construct the
19 project for environmental restoration and recreation, Min-
20 neapolis, Minnesota, substantially in accordance with the
21 plans described in the report entitled “Feasibility Study for
22 Mississippi Whitewater Park, Minneapolis, Minnesota”,
23 prepared for the Minnesota department of natural re-
24 sources, dated June 30, 1999.

25 (b) *COST SHARING.*—

1 (1) *IN GENERAL.*—*The non-Federal share of the*
2 *cost of the project shall be determined in accordance*
3 *with title I of the Water Resources Development Act*
4 *of 1986 (33 U.S.C. 2211 et seq.).*

5 (2) *LANDS, EASEMENTS, AND RIGHTS-OF-WAY.*—
6 *The non-Federal interest shall provide all lands, ease-*
7 *ments, rights-of-way, relocations, and dredged mate-*
8 *rial disposal areas necessary for construction of the*
9 *project and shall receive credit for the cost of pro-*
10 *viding such lands, easements, rights-of-way, reloca-*
11 *tions, and dredged material disposal areas toward the*
12 *non-Federal share of the cost of the project.*

13 (3) *OPERATION, MAINTENANCE, REPAIR, REHA-*
14 *BILITATION, AND REPLACEMENT.*—*The operation,*
15 *maintenance, repair, rehabilitation, and replacement*
16 *of the project shall be a non-Federal responsibility.*

17 (4) *CREDIT FOR NON-FEDERAL WORK.*—*The non-*
18 *Federal interest shall receive credit toward the non-*
19 *Federal share of the cost of the project for work per-*
20 *formed by the non-Federal interest before the date of*
21 *execution of the project cooperation agreement if the*
22 *Secretary determines that the work is integral to the*
23 *project.*

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated \$10,000,000 to carry out this*
3 *section.*

4 **SEC. 528. ST. LOUIS COUNTY, MINNESOTA.**

5 *The Secretary shall carry out under section 204 of the*
6 *Water Resources Development Act of 1992 (33 U.S.C. 2326)*
7 *a project in St. Louis County, Minnesota, by making bene-*
8 *ficial use of dredged material from a Federal navigation*
9 *project.*

10 **SEC. 529. WILD RICE RIVER, MINNESOTA.**

11 *The Secretary shall prepare a general reevaluation re-*
12 *port on the project for flood control, Wild Rice River, Min-*
13 *nesota, authorized by section 201 of the Flood Control Act*
14 *of 1970 (84 Stat. 1825), and, if the Secretary determines*
15 *that the project is technically sound, environmentally ac-*
16 *ceptable, and economically justified, shall carry out the*
17 *project. In carrying out the reevaluation, the Secretary*
18 *shall include river dredging as a component of the study.*

19 **SEC. 530. COASTAL MISSISSIPPI WETLANDS RESTORATION**
20 **PROJECTS.**

21 (a) *IN GENERAL.*—*In order to further the purposes of*
22 *section 204 of the Water Resources Development Act of 1992*
23 *(33 U.S.C. 2326) and section 206 of the Water Resources*
24 *Development Act of 1996 (33 U.S.C. 2330), the Secretary*
25 *shall participate in restoration projects for critical coastal*

1 *wetlands and coastal barrier islands in the State of Mis-*
2 *issippi that will produce, consistent with existing Federal*
3 *programs, projects, and activities, immediate and substan-*
4 *tial restoration, preservation, and ecosystem protection ben-*
5 *efits, including the beneficial use of dredged material if such*
6 *use is a cost-effective means of disposal of such material.*

7 **(b) PROJECT SELECTION.**—*The Secretary, in coordi-*
8 *nation with other Federal, tribal, State, and local agencies,*
9 *may identify and implement projects described in sub-*
10 *section (a) after entering into an agreement with an appro-*
11 *priate non-Federal interest in accordance with this section.*

12 **(c) COST SHARING.**—*Before implementing any project*
13 *under this section, the Secretary shall enter into a binding*
14 *agreement with the non-Federal interests. The agreement*
15 *shall provide that the non-Federal responsibility for the*
16 *project shall be as follows:*

17 **(1)** *To acquire any lands, easements, rights-of-*
18 *way, relocations, and dredged material disposal areas*
19 *necessary for implementation of the project.*

20 **(2)** *To hold and save harmless the United States*
21 *free from claims or damages due to implementation*
22 *of the project, except for the negligence of the Federal*
23 *Government or its contractors.*

24 **(3)** *To pay 35 percent of project costs.*

1 (d) *NONPROFIT ENTITY.*—*For any project undertaken*
2 *under this section, a non-Federal interest may include a*
3 *nonprofit entity with the consent of the affected local gov-*
4 *ernment.*

5 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
6 *authorized to be appropriated to carry out this section*
7 *\$10,000,000.*

8 **SEC. 531. MISSOURI RIVER VALLEY IMPROVEMENTS.**

9 (a) *MISSOURI RIVER MITIGATION PROJECT.*—*The*
10 *project for mitigation of fish and wildlife losses, Missouri*
11 *River Bank Stabilization and Navigation Project, Missouri,*
12 *Kansas, Iowa, and Nebraska authorized by section 601(a)*
13 *of the Water Resources Development Act of 1986 (100 Stat.*
14 *4143) and modified by section 334 of the Water Resources*
15 *Development Act of 1999 (113 Stat. 306), is further modi-*
16 *fied to authorize \$200,000,000 for fiscal years 2001 through*
17 *2010 to be appropriated to the Secretary for acquisition of*
18 *118,650 acres of land and interests in land for the project.*

19 (b) *UPPER MISSOURI RIVER AQUATIC AND RIPARIAN*
20 *HABITAT MITIGATION PROGRAM.*—

21 (1) *IN GENERAL.*—

22 (A) *STUDY.*—*The Secretary shall complete a*
23 *study that analyzes the need for additional*
24 *measures for mitigation of losses of aquatic and*
25 *terrestrial habitat from Fort Peck Dam to Sioux*

1 *City, Iowa, resulting from the operation of the*
2 *Missouri River Mainstem Reservoir project in*
3 *the States of Nebraska, South Dakota, North Da-*
4 *kota, and Montana.*

5 *(B) REPORT.—Not later than 2 years after*
6 *the date of enactment of this Act, the Secretary*
7 *shall transmit to Congress a report describing*
8 *the results of the study.*

9 *(2) PILOT PROGRAM.—The Secretary, in con-*
10 *sultation with the Director of the United States Fish*
11 *and Wildlife Service and the affected State fish and*
12 *wildlife agencies, shall develop and administer a pilot*
13 *mitigation program that—*

14 *(A) involves the experimental releases of*
15 *warm water from the spillways at Fort Peck*
16 *Dam during the appropriate spawning periods*
17 *for native fish;*

18 *(B) involves the monitoring of the response*
19 *of fish to, and the effectiveness toward the preser-*
20 *vation of native fish and wildlife habitat as a re-*
21 *sult of, such releases; and*

22 *(C) requires the Secretary to provide com-*
23 *pensation for any loss of hydropower at Fort*
24 *Peck Dam resulting from implementation of the*
25 *pilot program; and*

1 (D) does not effect a change in the Missouri
2 River Master Water Control Manual.

3 (3) *RESERVOIR FISH LOSS STUDY.*—

4 (A) *IN GENERAL.*—*The Secretary, in con-*
5 *sultation with the North Dakota Game and Fish*
6 *Department and the South Dakota Department*
7 *of Game, Fish and Parks, shall complete a study*
8 *to analyze and recommend measures to avoid or*
9 *reduce the loss of fish, including rainbow smelt,*
10 *through Garrison Dam in North Dakota and*
11 *Oahe Dam in South Dakota.*

12 (B) *REPORT.*—*Not later than 2 years after*
13 *the date of enactment of this Act, the Secretary*
14 *shall transmit to Congress a report describing*
15 *the results of the study.*

16 (4) *AUTHORIZATION OF APPROPRIATIONS.*—
17 *There is authorized to be appropriated—*

18 (A) *to complete the study under paragraph*
19 *(3) \$200,000; and*

20 (B) *to carry out the other provisions of this*
21 *subsection \$1,000,000 for each of fiscal years*
22 *2001 through 2010.*

23 (c) *MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-*
24 *HANCEMENT PROJECT.*—*Section 514(g) of the Water Re-*

1 *sources Development Act of 1999 (113 Stat. 342) is amend-*
2 *ed to read as follows:*

3 “(g) *AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated to pay the Federal share of*
5 *the cost of carrying out activities under this section*
6 *\$5,000,000 for each of fiscal years 2001 through 2010.”.*

7 **SEC. 532. NEW MADRID COUNTY, MISSOURI.**

8 *For purposes of determining the non-Federal share for*
9 *the project for navigation, New Madrid County Harbor,*
10 *Missouri, carried out under section 107 of the River and*
11 *Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall*
12 *consider Phases 1 and 2 as described in the report of the*
13 *District Engineer, dated February 2000, as one project and*
14 *provide credit to the non-Federal interest toward the non-*
15 *Federal share of the combined project for work performed*
16 *by the non-Federal interest on Phase 1 of the project.*

17 **SEC. 533. PEMISCOT COUNTY, MISSOURI.**

18 *The Secretary shall provide the non-Federal interest*
19 *for the project for navigation, Caruthersville Harbor,*
20 *Pemiscot County, Missouri, carried out under section 107*
21 *of the River and Harbor Act of 1960 (33 U.S.C. 577), credit*
22 *toward the non-Federal share of the cost of the project for*
23 *in-kind work performed by the non-Federal interest after*
24 *December 1, 1997, if the Secretary determines that the work*
25 *is integral to the project.*

1 **SEC. 534. LAS VEGAS, NEVADA.**

2 (a) *DEFINITIONS.*—*In this section, the following defi-*
3 *nitions apply:*

4 (1) *COMMITTEE.*—*The term “Committee” means*
5 *the Las Vegas Wash Coordinating Committee.*

6 (2) *PLAN.*—*The term “Plan” means the Las*
7 *Vegas Wash comprehensive adaptive management*
8 *plan, developed by the Committee and dated January*
9 *20, 2000.*

10 (3) *PROJECT.*—*The term “Project” means the*
11 *Las Vegas Wash wetlands restoration and Lake Mead*
12 *water quality improvement project and includes the*
13 *programs, features, components, projects, and activi-*
14 *ties identified in the Plan.*

15 (b) *PARTICIPATION IN PROJECT.*—

16 (1) *IN GENERAL.*—*The Secretary, in conjunction*
17 *with the Administrator of the Environmental Protec-*
18 *tion Agency, the Secretary of Agriculture, and the*
19 *Secretary of the Interior and in partnership with the*
20 *Committee, shall participate in the implementation of*
21 *the Project to restore wetlands at Las Vegas Wash and*
22 *to improve water quality in Lake Mead in accordance*
23 *with the Plan.*

24 (2) *COST SHARING REQUIREMENTS.*—

1 (A) *IN GENERAL.*—*The non-Federal inter-*
 2 *ests shall pay 35 percent of the cost of any*
 3 *project carried out under this section.*

4 (B) *OPERATION AND MAINTENANCE.*—*The*
 5 *non-Federal interests shall be responsible for all*
 6 *costs associated with operating, maintaining, re-*
 7 *placing, repairing, and rehabilitating all*
 8 *projects carried out under this section.*

9 (C) *FEDERAL LANDS.*—*Notwithstanding*
 10 *any other provision of this subsection, the Fed-*
 11 *eral share of the cost of a project carried out*
 12 *under this section on Federal lands shall be 100*
 13 *percent, including the costs of operation and*
 14 *maintenance.*

15 (3) *AUTHORIZATION OF APPROPRIATIONS.*—
 16 *There is authorized to be appropriated \$10,000,000 to*
 17 *carry out this section.*

18 **SEC. 535. NEWARK, NEW JERSEY.**

19 (a) *IN GENERAL.*—*Using authorities under law in ef-*
 20 *fect on the date of enactment of this Act, the Secretary, the*
 21 *Director of the Federal Emergency Management Agency, the*
 22 *Administrator of the Environmental Protection Agency,*
 23 *and the heads of other appropriate Federal agencies shall*
 24 *assist the State of New Jersey in developing and imple-*
 25 *menting a comprehensive basinwide strategy in the Passaic,*

1 *Hackensack, Raritan, and Atlantic Coast floodplain areas*
 2 *for coordinated and integrated management of land and*
 3 *water resources to improve water quality, reduce flood haz-*
 4 *ards, and ensure sustainable economic activity.*

5 (b) *TECHNICAL ASSISTANCE, STAFF, AND FINANCIAL*
 6 *SUPPORT.—The heads of the Federal agencies referred to*
 7 *in subsection (a) may provide technical assistance, staff,*
 8 *and financial support for the development of the floodplain*
 9 *management strategy.*

10 (c) *FLEXIBILITY.—The heads of the Federal agencies*
 11 *referred to in subsection (a) shall exercise flexibility to re-*
 12 *duce barriers to efficient and effective implementation of*
 13 *the floodplain management strategy.*

14 (d) *RESEARCH.—In coordination with academic and*
 15 *research institutions for support, the Secretary may con-*
 16 *duct a study to carry out this section.*

17 **SEC. 536. URBANIZED PEAK FLOOD MANAGEMENT RE-**
 18 **SEARCH, NEW JERSEY.**

19 (a) *IN GENERAL.—The Secretary shall develop and*
 20 *implement a research program to evaluate opportunities to*
 21 *manage peak flood flows in urbanized watersheds located*
 22 *in the State of New Jersey.*

23 (b) *SCOPE OF RESEARCH.—The research program au-*
 24 *thorized by subsection (a) shall be accomplished through the*

1 *New York District of Corps of Engineers. The research shall*
2 *include the following:*

3 (1) *Identification of key factors in the develop-*
4 *ment of an urbanized watershed that affect peak flows*
5 *in the watershed and downstream.*

6 (2) *Development of peak flow management mod-*
7 *els for 4 to 6 watersheds in urbanized areas with*
8 *widely differing geology, shapes, and soil types that*
9 *can be used to determine optimal flow reduction fac-*
10 *tors for individual watersheds.*

11 (c) *LOCATION.*—*The activities authorized by this sec-*
12 *tion shall be carried out at the facility authorized by section*
13 *103(d) of the Water Resources Development Act of 1992* 106
14 *Stat. 4812–4813, which may be located on the campus of*
15 *the New Jersey Institute of Technology.*

16 (d) *REPORT TO CONGRESS.*—*The Secretary shall*
17 *evaluate policy changes in the planning process for flood*
18 *damage reduction projects based on the results of the re-*
19 *search under this section and transmit to Congress a report*
20 *on such results not later than 3 years after the date of enact-*
21 *ment of this Act.*

22 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
23 *authorized to be appropriated to carry out this section*
24 *\$11,000,000 for fiscal years beginning after September 30,*
25 *2000.*

1 **SEC. 537. BLACK ROCK CANAL, BUFFALO, NEW YORK.**

2 *The Secretary shall provide technical assistance in*
3 *support of activities of non-Federal interests related to the*
4 *dredging of Black Rock Canal in the area between the Ferry*
5 *Street Overpass and the Peace Bridge Overpass in Buffalo,*
6 *New York.*

7 **SEC. 538. HAMBURG, NEW YORK.**

8 *The Secretary shall complete the study of a project for*
9 *shoreline erosion, Old Lake Shore Road, Hamburg, New*
10 *York, and, if the Secretary determines that the project is*
11 *feasible, the Secretary shall carry out the project.*

12 **SEC. 539. NEPPERHAN RIVER, YONKERS, NEW YORK.**

13 *The Secretary shall provide technical assistance to the*
14 *city of Yonkers, New York, in support of activities relating*
15 *to the dredging of the Nepperhan River outlet, New York.*

16 **SEC. 540. ROCHESTER, NEW YORK.**

17 *The Secretary shall complete the study of a project for*
18 *navigation, Rochester Harbor, Rochester, New York, and,*
19 *if the Secretary determines that the project is feasible, the*
20 *Secretary shall carry out the project.*

21 **SEC. 541. UPPER MOHAWK RIVER BASIN, NEW YORK.**

22 *(a) IN GENERAL.—The Secretary, in cooperation with*
23 *the Secretary of Agriculture and the State of New York,*
24 *shall conduct a study, develop a strategy, and implement*
25 *a project to reduce flood damages, improve water quality,*
26 *and create wildlife habitat through wetlands restoration,*

1 *soil and water conservation practices, nonstructural meas-*
2 *ures, and other appropriate means in the Upper Mohawk*
3 *River Basin, at an estimated Federal cost of \$10,000,000.*

4 **(b) IMPLEMENTATION OF STRATEGY.**—*The Secretary*
5 *shall implement the strategy under this section in coopera-*
6 *tion with local landowners and local government. Projects*
7 *to implement the strategy shall be designed to take advan-*
8 *tage of ongoing or planned actions by other agencies, local*
9 *municipalities, or nonprofit, nongovernmental organiza-*
10 *tions with expertise in wetlands restoration that would in-*
11 *crease the effectiveness or decrease the overall cost of imple-*
12 *menting recommended projects and may include the acqui-*
13 *sition of wetlands, from willing sellers, that contribute to*
14 *the Upper Mohawk River basin ecosystem.*

15 **(c) COOPERATION AGREEMENTS.**—*In carrying out ac-*
16 *tivities under this section, the Secretary shall enter into co-*
17 *operation agreements to provide financial assistance to ap-*
18 *propriate Federal, State, and local government agencies as*
19 *well as appropriate nonprofit, nongovernmental organiza-*
20 *tions with expertise in wetlands restoration, with the con-*
21 *sent of the affected local government. Financial assistance*
22 *provided may include activities for the implementation of*
23 *wetlands restoration projects and soil and water conserva-*
24 *tion measures.*

1 (d) *NON-FEDERAL SHARE.*—*The non-Federal share of*
 2 *the cost of activities carried out under this section shall be*
 3 *25 percent and may be provided through in-kind services*
 4 *and materials.*

5 (e) *UPPER MOHAWK RIVER BASIN DEFINED.*—*In this*
 6 *section, the term “Upper Mohawk River basin” means the*
 7 *Mohawk River, its tributaries, and associated lands up-*
 8 *stream of the confluence of the Mohawk River and*
 9 *Canajoharie Creek, and including Canajoharie Creek, New*
 10 *York.*

11 **SEC. 542. EASTERN NORTH CAROLINA FLOOD PROTECTION.**

12 (a) *IN GENERAL.*—*In order to assist the State of North*
 13 *Carolina and local governments in mitigating damages re-*
 14 *sulting from a major disaster, the Secretary shall carry out*
 15 *flood damage reduction projects in eastern North Carolina*
 16 *by protecting, clearing, and restoring channel dimensions*
 17 *(including removing accumulated snags and other debris)*
 18 *in the following rivers and tributaries:*

19 (1) *New River and tributaries.*

20 (2) *White Oak River and tributaries.*

21 (3) *Neuse River and tributaries.*

22 (4) *Pamlico River and tributaries.*

23 (b) *COST SHARE.*—*The non-Federal interest for a*
 24 *project under this section shall—*

25 (1) *pay 35 percent of the cost of the project; and*

1 (2) *provide any lands, easements, rights-of-way,*
2 *relocations, and material disposal areas necessary for*
3 *implementation of the project.*

4 (c) *CONDITIONS.—The Secretary may not reject a*
5 *project based solely on a minimum amount of stream run-*
6 *off.*

7 (d) *MAJOR DISASTER DEFINED.—In this section, the*
8 *term “major disaster” means a major disaster declared*
9 *under title IV of the Robert T. Stafford Disaster Relief and*
10 *Emergency Assistance Act (42 U.S.C. 5170 et seq.) and in-*
11 *cludes any major disaster declared before the date of enact-*
12 *ment of this Act.*

13 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
14 *authorized to be appropriated to carry out this section*
15 *\$3,000,000 for fiscal years 2001 through 2003.*

16 **SEC. 543. CUYAHOGA RIVER, OHIO.**

17 (a) *IN GENERAL.—The Secretary shall provide tech-*
18 *nical assistance to non-Federal interests for an evaluation*
19 *of the structural integrity of the bulkhead system located*
20 *along the Cuyahoga River in the vicinity of Cleveland,*
21 *Ohio, at a total cost of \$500,000.*

22 (b) *EVALUATION.—The evaluation described in sub-*
23 *section (a) shall include design analysis, plans and speci-*
24 *fications, and cost estimates for repair or replacement of*
25 *the bulkhead system.*

1 **SEC. 544. CROWDER POINT, CROWDER, OKLAHOMA.**

2 *At the request of the city of Crowder, Oklahoma, the*
3 *Secretary shall enter into a long-term lease, not to exceed*
4 *99 years, with the city under which the city may develop,*
5 *operate, and maintain as a public park all or a portion*
6 *of approximately 260 acres of land known as Crowder Point*
7 *on Lake Eufaula, Oklahoma. The lease shall include such*
8 *terms and conditions as the Secretary determines are nec-*
9 *essary to protect the interest of the United States and*
10 *project purposes and shall be made without consideration*
11 *to the United States.*

12 **SEC. 545. OKLAHOMA-TRIBAL COMMISSION.**

13 *(a) FINDINGS.—The House of Representatives makes*
14 *the following findings:*

15 *(1) The unemployment rate in southeastern*
16 *Oklahoma is 23 percent greater than the national av-*
17 *erage.*

18 *(2) The per capita income in southeastern Okla-*
19 *homa is 62 percent of the national average.*

20 *(3) Reflecting the inadequate job opportunities*
21 *and dwindling resources in poor rural communities,*
22 *southeastern Oklahoma is experiencing an out-migra-*
23 *tion of people.*

24 *(4) Water represents a vitally important resource*
25 *in southeastern Oklahoma. Its abundance offers an*

1 *opportunity for the residents to benefit from their*
2 *natural resources.*

3 (5) *Trends as described in paragraphs (1), (2),*
4 *and (3) are not conducive to local economic develop-*
5 *ment, and efforts to improve the management of*
6 *water in the region would have a positive outside in-*
7 *fluence on the local economy, help reverse these trends,*
8 *and improve the lives of local residents.*

9 (b) *SENSE OF HOUSE OF REPRESENTATIVES.—In*
10 *view of the findings described in subsection (a), and in*
11 *order to assist communities in southeastern Oklahoma in*
12 *benefiting from their local resources, it is the sense of the*
13 *House of Representatives that—*

14 (1) *the State of Oklahoma and the Choctaw Na-*
15 *tion of Oklahoma and the Chickasaw Nation, Okla-*
16 *homa, should establish a State-tribal commission*
17 *composed equally of representatives of such Nations*
18 *and residents of the water basins within the bound-*
19 *aries of such Nations for the purpose of administering*
20 *and distributing from the sale of water any benefits*
21 *and net revenues to the tribes and local entities with-*
22 *in the respective basins;*

23 (2) *any sale of water to entities outside the ba-*
24 *sins should be consistent with the procedures and re-*
25 *quirements established by the commission; and*

1 (3) *if requested, the Secretary should provide*
 2 *technical assistance, as appropriate, to facilitate the*
 3 *efforts of the commission.*

4 **SEC. 546. COLUMBIA RIVER, OREGON AND WASHINGTON.**

5 (a) *MODELING AND FORECASTING SYSTEM.—The Sec-*
 6 *retary shall develop and implement a modeling and fore-*
 7 *casting system for the Columbia River estuary, Oregon and*
 8 *Washington, to provide real-time information on existing*
 9 *and future wave, current, tide, and wind conditions.*

10 (b) *USE OF CONTRACTS AND GRANTS.—In carrying*
 11 *out this section, the Secretary is encouraged to use con-*
 12 *tracts, cooperative agreements, and grants with colleges and*
 13 *universities and other non-Federal entities.*

14 **SEC. 547. JOHN DAY POOL, OREGON AND WASHINGTON.**

15 (a) *EXTINGUISHMENT OF REVERSIONARY INTERESTS*
 16 *AND USE RESTRICTIONS.—With respect to the lands de-*
 17 *scribed in each deed listed in subsection (b)—*

18 (1) *the reversionary interests and the use restric-*
 19 *tions relating to port or industrial purposes are ex-*
 20 *tinguished;*

21 (2) *the human habitation or other building*
 22 *structure use restriction is extinguished in each area*
 23 *where the elevation is above the standard project flood*
 24 *elevation; and*

1 (3) *the use of fill material to raise areas above*
2 *the standard project flood elevation, without increas-*
3 *ing the risk of flooding in or outside of the floodplain,*
4 *is authorized, except in any area constituting wetland*
5 *for which a permit under section 404 of the Federal*
6 *Water Pollution Control Act (33 U.S.C. 1344) would*
7 *be required.*

8 (b) *AFFECTED DEEDS.—The following deeds are re-*
9 *ferred to in subsection (a):*

10 (1) *The deeds executed by the United States and*
11 *bearing Morrow County, Oregon, Auditor's Microfilm*
12 *Numbers 229 and 16226.*

13 (2) *The deed executed by the United States and*
14 *bearing Benton County, Washington, Auditor's File*
15 *Number 601766, but only as that deed applies to the*
16 *following portion of lands conveyed by that deed:*

17 *A tract of land lying in Section 7, Town-*
18 *ship 5 north, Range 28 east of the Willamette*
19 *meridian, Benton County, Washington, said*
20 *tract being more particularly described as fol-*
21 *lows:*

22 *Commencing at the point of intersec-*
23 *tion of the centerlines of Plymouth Street*
24 *and Third Avenue in the First Addition to*

1 *the Town of Plymouth (according to the*
2 *duly recorded Plat thereof);*

3 *thence westerly along the said center-*
4 *line of Third Avenue, a distance of 565 feet;*

5 *thence south 54° 10' west, to a point*
6 *on the west line of Tract 18 of said Addi-*
7 *tion and the true point of beginning;*

8 *thence north, parallel with the west*
9 *line of said Section 7, to a point on the*
10 *north line of said Section 7;*

11 *thence west along the north line thereof*
12 *to the northwest corner of said Section 7;*

13 *thence south along the west line of said*
14 *Section 7 to a point on the ordinary high*
15 *water line of the Columbia River;*

16 *thence northeasterly along said high*
17 *water line to a point on the north and south*
18 *coordinate line of the Oregon Coordinate*
19 *System, North Zone, said coordinate line*
20 *being east 2,291,000 feet;*

21 *thence north along said line to a point*
22 *on the south line of First Avenue of said*
23 *Addition;*

1 *thence westerly along First Avenue to a*
 2 *point on southerly extension of the west line*
 3 *of Tract 18;*

4 *thence northerly along said west line of*
 5 *Tract 18 to the point of beginning.*

6 *(3) The deed recorded October 17, 1967, in book*
 7 *291, page 148, Deed of Records of Umatilla County,*
 8 *Oregon, executed by the United States.*

9 *(c) NO EFFECT ON OTHER NEEDS.—Nothing in this*
 10 *section affects the remaining rights and interests of the*
 11 *Corps of Engineers for authorized project purposes.*

12 **SEC. 548. LOWER COLUMBIA RIVER AND TILLAMOOK BAY**
 13 **ESTUARY PROGRAM, OREGON AND WASH-**
 14 **INGTON.**

15 *(a) IN GENERAL.—The Secretary shall conduct studies*
 16 *and ecosystem restoration projects for the lower Columbia*
 17 *River and Tillamook Bay estuaries, Oregon and Wash-*
 18 *ington.*

19 *(b) USE OF MANAGEMENT PLANS.—*

20 *(1) LOWER COLUMBIA RIVER ESTUARY.—*

21 *(A) IN GENERAL.—In carrying out eco-*
 22 *system restoration projects under this section, the*
 23 *Secretary shall use as a guide the Lower Colum-*
 24 *bia River estuary program's comprehensive con-*
 25 *servation and management plan developed under*

1 *section 320 of the Federal Water Pollution Con-*
2 *trol Act (33 U.S.C. 1330).*

3 *(B) CONSULTATION.—The Secretary shall*
4 *carry out ecosystem restoration projects under*
5 *this section for the lower Columbia River estuary*
6 *in consultation with the States of Oregon and*
7 *Washington, the Environmental Protection Agen-*
8 *cy, the United States Fish and Wildlife Service,*
9 *the National Marine Fisheries Service, and the*
10 *Forest Service.*

11 *(2) TILLAMOOK BAY ESTUARY.—*

12 *(A) IN GENERAL.—In carrying out eco-*
13 *system restoration projects under this section, the*
14 *Secretary shall use as a guide the Tillamook Bay*
15 *national estuary project’s comprehensive con-*
16 *servation and management plan developed under*
17 *section 320 of the Federal Water Pollution Con-*
18 *trol Act (33 U.S.C. 1330).*

19 *(B) CONSULTATION.—The Secretary shall*
20 *carry out ecosystem restoration projects under*
21 *this section for the Tillamook Bay estuary in*
22 *consultation with the State of Oregon, the Envi-*
23 *ronmental Protection Agency, the United States*
24 *Fish and Wildlife Service, the National Marine*
25 *Fisheries Service, and the Forest Service.*

1 (c) *AUTHORIZED ACTIVITIES.*—

2 (1) *IN GENERAL.*—*In carrying out ecosystem res-*
3 *toration projects under this section, the Secretary*
4 *shall undertake activities necessary to protect, mon-*
5 *itor, and restore fish and wildlife habitat.*

6 (2) *LIMITATIONS.*—*The Secretary may not carry*
7 *out any activity under this section that adversely*
8 *affects—*

9 (A) *the water-related needs of the lower Co-*
10 *lumbia River estuary or the Tillamook Bay estu-*
11 *ary, including navigation, recreation, and water*
12 *supply needs; or*

13 (B) *private property rights.*

14 (d) *PRIORITY.*—*In determining the priority of projects*
15 *to be carried out under this section, the Secretary shall con-*
16 *sult with the Implementation Committee of the Lower Co-*
17 *lumbia River Estuary Program and the Performance Part-*
18 *nership Council of the Tillamook Bay National Estuary*
19 *Project, and shall consider the recommendations of such en-*
20 *tities.*

21 (e) *COST-SHARING REQUIREMENTS.*—

22 (1) *STUDIES.*—*Studies conducted under this sec-*
23 *tion shall be subject to cost sharing in accordance*
24 *with section 105 of the Water Resources Development*
25 *Act of 1986 (33 U.S.C. 2215).*

1 (2) *ECOSYSTEM RESTORATION PROJECTS.*—

2 (A) *IN GENERAL.*—*Non-Federal interests*
3 *shall pay 35 percent of the cost of any ecosystem*
4 *restoration project carried out under this section.*

5 (B) *ITEMS PROVIDED BY NON-FEDERAL IN-*
6 *TERESTS.*—*Non-Federal interests shall provide*
7 *all land, easements, rights-of-way, dredged mate-*
8 *rial disposal areas, and relocations necessary for*
9 *ecosystem restoration projects to be carried out*
10 *under this section. The value of such land, ease-*
11 *ments, rights-of-way, dredged material disposal*
12 *areas, and relocations shall be credited toward*
13 *the payment required under this paragraph.*

14 (C) *IN-KIND CONTRIBUTIONS.*—*Not more*
15 *than 50 percent of the non-Federal share re-*
16 *quired under this subsection may be satisfied by*
17 *the provision of in-kind services.*

18 (3) *OPERATION AND MAINTENANCE.*—*Non-Fed-*
19 *eral interests shall be responsible for all costs associ-*
20 *ated with operating, maintaining, replacing, repair-*
21 *ing, and rehabilitating all projects carried out under*
22 *this section.*

23 (4) *FEDERAL LANDS.*—*Notwithstanding any*
24 *other provision of this subsection, the Federal share of*
25 *the cost of a project carried out under this section on*

1 *Federal lands shall be 100 percent, including costs of*
2 *operation and maintenance.*

3 *(f) DEFINITIONS.—In this section, the following defini-*
4 *tions apply:*

5 *(1) LOWER COLUMBIA RIVER ESTUARY.—The*
6 *term “lower Columbia River estuary” means those*
7 *river reaches having navigation channels on the*
8 *mainstem of the Columbia River in Oregon and*
9 *Washington west of Bonneville Dam, and the tribu-*
10 *taries of such reaches to the extent such tributaries*
11 *are tidally influenced.*

12 *(2) TILLAMOOK BAY ESTUARY.—The term*
13 *“Tillamook Bay estuary” means those waters of*
14 *Tillamook Bay in Oregon and its tributaries that are*
15 *tidally influenced.*

16 *(g) AUTHORIZATION OF APPROPRIATIONS.—There is*
17 *authorized to be appropriated to carry out this section*
18 *\$40,000,000.*

19 **SEC. 549. SKINNER BUTTE PARK, EUGENE, OREGON.**

20 *Section 546(b) of the Water Resources Development Act*
21 *of 1999 (113 Stat. 351) is amended by adding at the end*
22 *the following: “If the Secretary participates in the project,*
23 *the Secretary shall carry out a monitoring program for 3*
24 *years after construction to evaluate the ecological and engi-*

1 *neering effectiveness of the project and its applicability to*
 2 *other sites in the Willamette Valley.”.*

3 **SEC. 550. WILLAMETTE RIVER BASIN, OREGON.**

4 *Section 547 of the Water Resources Development Act*
 5 *of 1999 (113 Stat. 351–352) is amended by adding at the*
 6 *end the following:*

7 *“(d) RESEARCH.—In coordination with academic and*
 8 *research institutions for support, the Secretary may con-*
 9 *duct a study to carry out this section.”.*

10 **SEC. 551. LACKAWANNA RIVER, PENNSYLVANIA.**

11 *(a) IN GENERAL.—Section 539(a) of the Water Re-*
 12 *sources Development Act of 1996 (110 Stat. 3776) is*
 13 *amended—*

14 *(1) by striking “and” at the end of paragraph*

15 *(1)(A);*

16 *(2) by striking the period at the end of para-*
 17 *graph (1)(B) and inserting “; and”; and*

18 *(3) by adding at the end the following:*

19 *“(C) the Lackawanna River, Pennsyl-*
 20 *vania.”.*

21 *(b) AUTHORIZATION OF APPROPRIATIONS.—Section*
 22 *539(d) of such Act (110 Stat. 3776–3777) is amended—*

23 *(1) by striking “(a)(1)(A) and” and inserting*

24 *“(a)(1)(A),”; and*

1 (2) by inserting “, and \$5,000,000 for projects
2 undertaken under subsection (a)(1)(C)” before the pe-
3 riod at the end.

4 **SEC. 552. PHILADELPHIA, PENNSYLVANIA.**

5 (a) *IN GENERAL.*—*The Secretary shall provide assist-*
6 *ance to the Delaware River Port Authority to deepen the*
7 *Delaware River at Pier 122 in Philadelphia, Pennsylvania.*

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

11 **SEC. 553. ACCESS IMPROVEMENTS, RAYSTOWN LAKE, PENN-**
12 **SYLVANIA.**

13 *The Commonwealth of Pennsylvania may transfer any*
14 *unobligated funds made available to the Commonwealth for*
15 *item number 1278 of the table contained in section 1602*
16 *of Public Law 105–178, to the Secretary for access improve-*
17 *ments at the Raystown Lake project, Pennsylvania.*

18 **SEC. 554. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**
19 **VANIA AND NEW YORK.**

20 *Section 567 of the Water Resources Development Act*
21 *of 1996 (110 Stat. 3787–3788) is amended—*

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

1 “(2) *The Susquehanna River watershed up-*
2 *stream of the Chemung River, New York, at an esti-*
3 *mated Federal cost of \$10,000,000.”; and*

4 (2) *by striking subsections (c) and (d) and in-*
5 *serting the following:*

6 “(c) *COOPERATION AGREEMENTS.—In conducting the*
7 *study and developing the strategy under this section, the*
8 *Secretary shall enter into cooperation agreements to provide*
9 *financial assistance to appropriate Federal, State, and*
10 *local government agencies as well as appropriate nonprofit,*
11 *nongovernmental organizations with expertise in wetlands*
12 *restoration, with the consent of the affected local govern-*
13 *ment. Financial assistance provided may include activities*
14 *for the implementation of wetlands restoration projects and*
15 *soil and water conservation measures.*

16 “(d) *IMPLEMENTATION OF STRATEGY.—The Secretary*
17 *shall undertake development and implementation of the*
18 *strategy under this section in cooperation with local land-*
19 *owners and local government officials. Projects to imple-*
20 *ment the strategy shall be designed to take advantage of on-*
21 *going or planned actions by other agencies, local municipi-*
22 *palities, or nonprofit, nongovernmental organizations with*
23 *expertise in wetlands restoration that would increase the*
24 *effectiveness or decrease the overall cost of implementing rec-*
25 *ommended projects and may include the acquisition of wet-*

1 *lands, from willing sellers, that contribute to the Upper*
 2 *Susquehanna River basin ecosystem.”.*

3 **SEC. 555. CHICKAMAUGA LOCK, CHATTANOOGA, TEN-**
 4 **NESSEE.**

5 (a) *TRANSFER FROM TVA.—The Tennessee Valley Au-*
 6 *thority shall transfer \$200,000 to the Secretary for the prep-*
 7 *aration of a report of the Chief of Engineers for a replace-*
 8 *ment lock at Chickamauga Lock and Dam, Chattanooga,*
 9 *Tennessee.*

10 (b) *REPORT.—The Secretary shall accept and use the*
 11 *funds transferred under subsection (a) to prepare the report*
 12 *referred to in subsection (a).*

13 **SEC. 556. JOE POOL LAKE, TEXAS.**

14 *If the city of Grand Prairie, Texas, enters into a bind-*
 15 *ing agreement with the Secretary under which—*

16 (1) *the city agrees to assume all of the respon-*
 17 *sibilities (other than financial responsibilities) of the*
 18 *Trinity River Authority of Texas under Corps of En-*
 19 *gineers contract #DACW63-76-C-0166, including*
 20 *operation and maintenance of the recreation facilities*
 21 *included in the contract; and*

22 (2) *to pay the Federal Government a total of*
 23 *\$4,290,000 in 2 installments, 1 in the amount of*
 24 *\$2,150,000, which shall be due and payable no later*
 25 *than December 1, 2000, and 1 in the amount of*

1 *projects and may implement those projects after entering*
2 *into an agreement with an appropriate non-Federal inter-*
3 *est in accordance with the requirements of section 221 of*
4 *the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and*
5 *this section.*

6 (c) *PROJECT COST LIMITATION.*—*Of amounts appro-*
7 *priated to carry out this section, not more than \$2,500,000*
8 *may be allocated to carry out any project.*

9 (d) *COST SHARING.*—

10 (1) *IN GENERAL.*—*The non-Federal interest for a*
11 *critical restoration project under this section shall—*

12 (A) *pay 35 percent of the cost of the project;*

13 (B) *provide any lands, easements, rights-of-*
14 *way, relocations, and dredged material disposal*
15 *areas necessary for implementation of the*
16 *project;*

17 (C) *pay 100 percent of the operation, main-*
18 *tenance, repair, replacement, and rehabilitation*
19 *costs associated with the project; and*

20 (D) *hold the United States harmless from*
21 *liability due to implementation of the project, ex-*
22 *cept for the negligence of the Federal Government*
23 *or its contractors.*

24 (2) *CREDIT.*—*The Secretary shall provide credit*
25 *to the non-Federal interest for a critical restoration*

1 *shore of the tribal reservation of the Shoalwater Bay Indian*
 2 *Tribe, Willapa Bay, Washington, at Federal expense.*

3 (b) *PLACEMENT OF DREDGED MATERIAL ON PROTEC-*
 4 *TIVE DUNES.—The Secretary shall place dredged material*
 5 *from Willapa Bay on the remaining protective dunes on*
 6 *the tribal reservation of the Shoalwater Bay Indian Tribe,*
 7 *at Federal expense.*

8 (c) *STUDY OF COASTAL EROSION.—The Secretary*
 9 *shall conduct a study to develop long-term solutions to*
 10 *coastal erosion problems at the tribal reservation of the*
 11 *Shoalwater Bay Indian Tribe at Federal expense.*

12 **SEC. 560. WYNOOCHEE LAKE, WYNOOCHEE RIVER, WASH-**
 13 **INGTON.**

14 (a) *IN GENERAL.—The city of Aberdeen, Washington,*
 15 *may transfer its rights, interests, and title in the land*
 16 *transferred to the city under section 203 of the Water Re-*
 17 *sources Development Act of 1990 (104 Stat. 4632) to the*
 18 *city of Tacoma, Washington.*

19 (b) *CONDITIONS.—The transfer under this section shall*
 20 *be subject to the conditions set forth in section 203(b) of*
 21 *the Water Resources Development Act of 1990 (104 Stat.*
 22 *4632); except that the condition set forth in paragraph (1)*
 23 *of such section shall apply to the city of Tacoma only for*
 24 *so long as the city of Tacoma has a valid license with the*

1 *Federal Energy Regulatory Commission relating to oper-*
 2 *ation of the Wynoochee Dam, Washington.*

3 (c) *LIMITATION.*—*The transfer under subsection (a)*
 4 *may be made only after the Secretary determines that the*
 5 *city of Tacoma will be able to operate, maintain, repair,*
 6 *replace, and rehabilitate the project for Wynoochee Lake,*
 7 *Wynoochee River, Washington, authorized by section 203*
 8 *of the Flood Control Act of 1962 (76 Stat. 1193), in accord-*
 9 *ance with such regulations as the Secretary may issue to*
 10 *ensure that such operation, maintenance, repair, replace-*
 11 *ment, and rehabilitation is consistent with project purposes.*

12 (d) *WATER SUPPLY CONTRACT.*—*The water supply*
 13 *contract designated as DACWD 67–68–C–0024 shall be null*
 14 *and void if the Secretary exercises the reversionary right*
 15 *set forth in section 203(b)(3) of the Water Resources Devel-*
 16 *opment Act of 1990 (104 Stat. 4632).*

17 **SEC. 561. SNOHOMISH RIVER, WASHINGTON.**

18 *In coordination with appropriate Federal, tribal, and*
 19 *State agencies, the Secretary may carry out a project to*
 20 *address data needs regarding the outmigration of juvenile*
 21 *chinook salmon in the Snohomish River, Washington.*

22 **SEC. 562. BLUESTONE, WEST VIRGINIA.**

23 (a) *IN GENERAL.*—*Notwithstanding any other provi-*
 24 *sion of law, the Tri-Cities Power Authority of West Virginia*
 25 *is authorized to design and construct hydroelectric gener-*

1 *ating facilities at the Bluestone Lake facility, West Vir-*
2 *ginia, under the terms and conditions of the agreement re-*
3 *ferred to in subsection (b).*

4 *(b) AGREEMENT.—*

5 *(1) AGREEMENT TERMS.—Conditioned upon the*
6 *parties agreeing to mutually acceptable terms and*
7 *conditions, the Secretary and the Secretary of En-*
8 *ergy, acting through the Southeastern Power Admin-*
9 *istration, may enter into a binding agreement with*
10 *the Tri-Cities Power Authority under which the Tri-*
11 *Cities Power Authority agrees to each of the following:*

12 *(A) To design and construct the generating*
13 *facilities referred to in subsection (a) within 4*
14 *years after the date of such agreement.*

15 *(B) To reimburse the Secretary for—*

16 *(i) the cost of approving such design*
17 *and inspecting such construction;*

18 *(ii) the cost of providing any assist-*
19 *ance authorized under subsection (c)(2); and*

20 *(iii) the redistributed costs associated*
21 *with the original construction of the dam*
22 *and dam safety if all parties agree with the*
23 *method of the development of the chargeable*
24 *amounts associated with hydropower at the*
25 *facility.*

1 (C) *To release and indemnify the United*
2 *States from any claims, causes of action, or li-*
3 *abilities which may arise from such design and*
4 *construction of the facilities referred to in sub-*
5 *section (a), including any liability that may*
6 *arise out of the removal of the facility if directed*
7 *by the Secretary.*

8 (2) *ADDITIONAL TERMS.—The agreement shall*
9 *also specify each of the following:*

10 (A) *The procedures and requirements for*
11 *approval and acceptance of design, construction,*
12 *and operation and maintenance of the facilities*
13 *referred in subsection (a).*

14 (B) *The rights, responsibilities, and liabil-*
15 *ities of each party to the agreement.*

16 (C) *The amount of the payments under sub-*
17 *section (f) of this section and the procedures*
18 *under which such payments are to be made.*

19 (c) *OTHER REQUIREMENTS.—*

20 (1) *PROHIBITION.—No Federal funds may be ex-*
21 *pended for the design, construction, and operation*
22 *and maintenance of the facilities referred to in sub-*
23 *section (a) prior to the date on which such facilities*
24 *are accepted by the Secretary under subsection (d).*

1 (2) *REIMBURSEMENT.*—*Notwithstanding any*
2 *other provision of law, if requested by the Tri-Cities*
3 *Power Authority, the Secretary may provide, on a re-*
4 *imbursable basis, assistance in connection with the*
5 *design and construction of the generating facilities re-*
6 *ferred to in subsection (a).*

7 (d) *COMPLETION OF CONSTRUCTION.*—

8 (1) *TRANSFER OF FACILITIES.*—*Notwithstanding*
9 *any other provision of law, upon completion of the*
10 *construction of the facilities referred to in subsection*
11 *(a) and final approval of such facility by the Sec-*
12 *retary, the Tri-Cities Power Authority shall transfer*
13 *without consideration title to such facilities to the*
14 *United States, and the Secretary shall—*

15 (A) *accept the transfer of title to such facili-*
16 *ties on behalf of the United States; and*

17 (B) *operate and maintain the facilities re-*
18 *ferred to in subsection (a).*

19 (2) *CERTIFICATION.*—*The Secretary is author-*
20 *ized to accept title to the facilities pursuant to para-*
21 *graph (1) only after certifying that the quality of the*
22 *construction meets all standards established for simi-*
23 *lar facilities constructed by the Secretary.*

24 (3) *AUTHORIZED PROJECT PURPOSES.*—*The op-*
25 *eration and maintenance of the facilities shall be con-*

1 *ducted in a manner that is consistent with other au-*
2 *thorized project purposes of the Bluestone Lake facil-*
3 *ity.*

4 *(e) EXCESS POWER.—Pursuant to any agreement*
5 *under subsection (b), the Southeastern Power Administra-*
6 *tion shall market the excess power produced by the facilities*
7 *referred to in subsection (a) in accordance with section 5*
8 *of the Rivers and Harbors Act of December 22, 1944 (16*
9 *U.S.C. 825s; 58 Stat. 890).*

10 *(f) PAYMENTS.—Notwithstanding any other provision*
11 *of law, the Secretary of Energy, acting through the South-*
12 *eastern Power Administration, is authorized to pay in ac-*
13 *cordance with the terms of the agreement entered into under*
14 *subsection (b) out of the revenues from the sale of power*
15 *produced by the generating facility of the interconnected*
16 *systems of reservoirs operated by the Secretary and mar-*
17 *keted by the Southeastern Power Administration—*

18 *(1) to the Tri-Cities Power Authority all reason-*
19 *able costs incurred by the Tri-Cities Power Authority*
20 *in the design and construction of the facilities referred*
21 *to in subsection (a), including the capital investment*
22 *in such facilities and a reasonable rate of return on*
23 *such capital investment; and*

24 *(2) to the Secretary, in accordance with the*
25 *terms of the agreement entered into under subsection*

1 **(b)** *out of the revenues from the sale of power pro-*
2 *duced by the generating facility of the interconnected*
3 *systems of reservoirs operated by the Secretary and*
4 *marketed by the Southeastern Power Administration,*
5 *all reasonable costs incurred by the Secretary in the*
6 *operation and maintenance of facilities referred to in*
7 *subsection (a).*

8 **(g) AUTHORITY OF SECRETARY OF ENERGY.**—*Not-*
9 *withstanding any other provision of law, the Secretary of*
10 *Energy, acting through the Southeastern Power Adminis-*
11 *tration, is authorized—*

12 **(1)** *to construct such transmission facilities as*
13 *necessary to market the power produced at the facili-*
14 *ties referred to in subsection (a) with funds contrib-*
15 *uted by the Tri-Cities Power Authority; and*

16 **(2)** *to repay those funds, including interest and*
17 *any administrative expenses, directly from the reve-*
18 *nuces from the sale of power produced by such facili-*
19 *ties of the interconnected systems of reservoirs oper-*
20 *ated by the Secretary and marketed by the South-*
21 *eastern Power Administration.*

22 **(h) SAVINGS CLAUSE.**—*Nothing in this section affects*
23 *any requirement under Federal or State environmental law*
24 *relating to the licensing or operation of such facilities.*

1 **SEC. 563. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.**

2 *Section 30 of the Water Resources Development Act of*
3 *1988 (102 Stat. 4030) is amended by adding at the end*
4 *the following:*

5 “(d) *HISTORIC STRUCTURE.*—*The Secretary shall en-*
6 *sure the preservation and restoration of the structure known*
7 *as the Jenkins House located within the Lesage/*
8 *Greenbottom Swamp in accordance with standards for sites*
9 *listed on the National Register of Historic Places.”.*

10 **SEC. 564. TUG FORK RIVER, WEST VIRGINIA.**

11 (a) *IN GENERAL.*—*The Secretary may provide plan-*
12 *ning, design, and construction assistance to non-Federal in-*
13 *terests for projects located along the Tug Fork River in West*
14 *Virginia and identified by the master plan developed pursu-*
15 *ant to section 114(t) of the Water Resources Development*
16 *Act of 1992 (106 Stat. 4820).*

17 (b) *PRIORITIES.*—*In providing assistance under this*
18 *section, the Secretary shall give priority to the primary de-*
19 *velopment demonstration sites in West Virginia identified*
20 *by the master plan referred to in subsection (a).*

21 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
22 *authorized to be appropriated to carry out this section*
23 *\$1,000,000.*

1 **SEC. 565. VIRGINIA POINT RIVERFRONT PARK, WEST VIR-**
2 **GINIA.**

3 (a) *IN GENERAL.*—*The Secretary may provide plan-*
4 *ning, design, and construction assistance to non-Federal in-*
5 *terests for the project at Virginia Point, located at the con-*
6 *fluence of the Ohio and Big Sandy Rivers in West Virginia,*
7 *identified by the preferred plan set forth in the feasibility*
8 *study dated September 1999, and carried out under the*
9 *West Virginia-Ohio River Comprehensive Study authorized*
10 *by a resolution dated September 8, 1988, by the Committee*
11 *on Public Works and Transportation of the House of Rep-*
12 *resentatives.*

13 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
14 *authorized to be appropriated to carry out this section*
15 *\$3,100,000.*

16 **SEC. 566. SOUTHERN WEST VIRGINIA.**

17 *Section 340(a) of the Water Resources Development*
18 *Act of 1992 (106 Stat. 4856) is amended by inserting “envi-*
19 *ronmental restoration,” after “distribution facilities.”*

20 **SEC. 567. FOX RIVER SYSTEM, WISCONSIN.**

21 *Section 332(a) of the Water Resources Development*
22 *Act of 1992 (106 Stat. 4852) is amended by adding at the*
23 *end the following: “Such terms and conditions may include*
24 *a payment or payments to the State of Wisconsin to be used*
25 *toward the repair and rehabilitation of the locks and ap-*
26 *purtenant features to be transferred.”*

1 **SEC. 568. SURFSIDE/SUNSET AND NEWPORT BEACH, CALI-**
 2 **FORNIA.**

3 *The Secretary shall treat the Surfside/Sunset Newport*
 4 *Beach element of the project for beach erosion, Orange*
 5 *County, California, authorized by section 101 of the River*
 6 *and Harbor Act of 1962 (76 Stat. 1177), as continuing con-*
 7 *struction.*

8 **SEC. 569. ILLINOIS RIVER BASIN RESTORATION.**

9 (a) *ILLINOIS RIVER BASIN DEFINED.*—*In this section,*
 10 *the term “Illinois River basin” means the Illinois River,*
 11 *Illinois, its backwaters, side channels, and all tributaries,*
 12 *including their watersheds, draining into the Illinois River.*

13 (b) *COMPREHENSIVE PLAN.*—

14 (1) *DEVELOPMENT.*—*The Secretary shall de-*
 15 *velop, as expeditiously as practicable, a proposed*
 16 *comprehensive plan for the purpose of restoring, pre-*
 17 *servicing, and protecting the Illinois River basin.*

18 (2) *TECHNOLOGIES AND INNOVATIVE AP-*
 19 *PROACHES.*—*The comprehensive plan shall provide*
 20 *for the development of new technologies and innova-*
 21 *tive approaches—*

22 (A) *to enhance the Illinois River as a vital*
 23 *transportation corridor;*

24 (B) *to improve water quality within the en-*
 25 *tire Illinois River basin;*

1 (C) to restore, enhance, and preserve habitat
2 for plants and wildlife; and

3 (D) to increase economic opportunity for
4 agriculture and business communities.

5 (3) *SPECIFIC COMPONENTS.*—*The comprehensive*
6 *plan shall include such features as are necessary to*
7 *provide for—*

8 (A) *the development and implementation of*
9 *a program for sediment removal technology, sedi-*
10 *ment characterization, sediment transport, and*
11 *beneficial uses of sediment;*

12 (B) *the development and implementation of*
13 *a program for the planning, conservation, eval-*
14 *uation, and construction of measures for fish and*
15 *wildlife habitat conservation and rehabilitation,*
16 *and stabilization and enhancement of land and*
17 *water resources in the basin;*

18 (C) *the development and implementation of*
19 *a long-term resource monitoring program; and*

20 (D) *the development and implementation of*
21 *a computerized inventory and analysis system.*

22 (4) *CONSULTATION.*—*The comprehensive plan*
23 *shall be developed by the Secretary in consultation*
24 *with appropriate Federal agencies, the State of Illi-*
25 *nois, and the Illinois River Coordinating Council.*

1 (5) *REPORT TO CONGRESS.*—Not later than 2
2 years after the date of enactment of this Act, the Sec-
3 retary shall transmit to Congress a report containing
4 the comprehensive plan.

5 (6) *ADDITIONAL STUDIES AND ANALYSES.*—After
6 transmission of a report under paragraph (5), the
7 Secretary shall continue to conduct such studies and
8 analyses related to the comprehensive plan as are nec-
9 essary, consistent with this subsection.

10 (c) *CRITICAL RESTORATION PROJECTS.*—

11 (1) *IN GENERAL.*—If the Secretary, in coopera-
12 tion with appropriate Federal agencies and the State
13 of Illinois, determines that a restoration project for
14 the Illinois River basin will produce independent, im-
15 mediate, and substantial restoration, preservation,
16 and protection benefits, the Secretary shall proceed
17 expeditiously with the implementation of the project.

18 (2) *AUTHORIZATION OF APPROPRIATIONS.*—
19 There is authorized to be appropriated to carry out
20 projects under this subsection \$100,000,000 for fiscal
21 years 2001 through 2004.

22 (3) *FEDERAL SHARE.*—The Federal share of the
23 cost of carrying out any project under this subsection
24 shall not exceed \$5,000,000.

25 (d) *GENERAL PROVISIONS.*—

1 (1) *WATER QUALITY.*—*In carrying out projects*
2 *and activities under this section, the Secretary shall*
3 *take into account the protection of water quality by*
4 *considering applicable State water quality standards.*

5 (2) *PUBLIC PARTICIPATION.*—*In developing the*
6 *comprehensive plan under subsection (b) and car-*
7 *rying out projects under subsection (c), the Secretary*
8 *shall implement procedures to facilitate public par-*
9 *ticipation, including providing advance notice of*
10 *meetings, providing adequate opportunity for public*
11 *input and comment, maintaining appropriate*
12 *records, and making a record of the proceedings of*
13 *meetings available for public inspection.*

14 (e) *COORDINATION.*—*The Secretary shall integrate and*
15 *coordinate projects and activities carried out under this sec-*
16 *tion with ongoing Federal and State programs, projects,*
17 *and activities, including the following:*

18 (1) *Upper Mississippi River System-Environ-*
19 *mental Management Program authorized under sec-*
20 *tion 1103 of the Water Resources Development Act of*
21 *1986 (33 U.S.C. 652).*

22 (2) *Upper Mississippi River Illinois Waterway*
23 *System Study.*

24 (3) *Kankakee River Basin General Investigation.*

1 (4) *Peoria Riverfront Development General In-*
2 *vestigation.*

3 (5) *Illinois River Ecosystem Restoration General*
4 *Investigation.*

5 (6) *Conservation Reserve Program and other*
6 *farm programs of the Department of Agriculture.*

7 (7) *Conservation Reserve Enhancement Program*
8 *(State) and Conservation 2000, Ecosystem Program*
9 *of the Illinois Department of Natural Resources.*

10 (8) *Conservation 2000 Conservation Practices*
11 *Program and the Livestock Management Facilities*
12 *Act administered by the Illinois Department of Agri-*
13 *culture.*

14 (9) *National Buffer Initiative of the Natural Re-*
15 *sources Conservation Service.*

16 (10) *Nonpoint source grant program adminis-*
17 *tered by the Illinois Environmental Protection Agen-*
18 *cy.*

19 (f) *JUSTIFICATION.—*

20 (1) *IN GENERAL.—Notwithstanding section 209*
21 *of the Flood Control Act of 1970 (42 U.S.C. 1962–2)*
22 *or any other provision of law, in carrying out activi-*
23 *ties to restore, preserve, and protect the Illinois River*
24 *basin under this section, the Secretary may determine*
25 *that the activities—*

1 (A) are justified by the environmental bene-
2 fits derived by the Illinois River basin; and

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

6 (2) *APPLICABILITY.*—Paragraph (1) shall not
7 apply to any separable element intended to produce
8 benefits that are predominantly unrelated to the res-
9 toration, preservation, and protection of the Illinois
10 River basin.

11 (g) *COST SHARING.*—

12 (1) *IN GENERAL.*—The non-Federal share of the
13 cost of projects and activities carried out under this
14 section shall be 35 percent.

15 (2) *OPERATION, MAINTENANCE, REHABILITATION,*
16 *AND REPLACEMENT.*—The operation, maintenance, re-
17 habilitation, and replacement of projects carried out
18 under this section shall be a non-Federal responsi-
19 bility.

20 (3) *IN-KIND SERVICES.*—The value of in-kind
21 services provided by the non-Federal interest for a
22 project or activity carried out under this section may
23 be credited toward not more than 80 percent of the
24 non-Federal share of the cost of the project or activity.
25 In-kind services shall include all State funds ex-

1 *pended on programs and projects which accomplish*
2 *the goals of this section, as determined by the Sec-*
3 *retary. Such programs and projects may include the*
4 *Illinois River Conservation Reserve Program, the Illi-*
5 *nois Conservation 2000 Program, the Open Lands*
6 *Trust Fund, and other appropriate programs carried*
7 *out in the Illinois River basin.*

8 (4) CREDIT.—

9 (A) VALUE OF LANDS.—*If the Secretary de-*
10 *termines that lands or interests in land acquired*
11 *by a non-Federal interest, regardless of the date*
12 *of acquisition, are integral to a project or activ-*
13 *ity carried out under this section, the Secretary*
14 *may credit the value of the lands or interests in*
15 *land toward the non-Federal share of the cost of*
16 *the project or activity. Such value shall be deter-*
17 *mined by the Secretary.*

18 (B) WORK.—*If the Secretary determines*
19 *that any work completed by a non-Federal inter-*
20 *est, regardless of the date of completion, is inte-*
21 *gral to a project or activity carried out under*
22 *this section, the Secretary may credit the value*
23 *of the work toward the non-Federal share of the*
24 *cost of the project or activity. Such value shall*
25 *be determined by the Secretary.*

1 **SEC. 570. GREAT LAKES.**

2 (a) *GREAT LAKES TRIBUTARY MODEL.*—Section 516
3 of the Water Resources Development Act of 1996 (33 U.S.C.
4 2326b) is amended—

5 (1) by adding at the end of subsection (e) the fol-
6 lowing:

7 “(3) *REPORT.*—Not later than December 31,
8 2003, the Secretary shall transmit to Congress a re-
9 port on the Secretary’s activities under this sub-
10 section.”; and

11 (2) in subsection (g)—

12 (A) by striking “There is authorized” and
13 inserting the following:

14 “(1) *IN GENERAL.*—There is authorized”;

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

16 “(2) *GREAT LAKES TRIBUTARY MODEL.*—In ad-
17 dition to amounts made available under paragraph
18 (1), there is authorized to be appropriated to carry
19 out subsection (e) \$5,000,000 for each of fiscal years
20 2002 through 2006.”; and

21 (C) by aligning the remainder of the text of
22 paragraph (1) (as designated by subparagraph
23 (A) of this paragraph) with paragraph (2) (as
24 added by subparagraph (B) of this paragraph).

25 (b) *ALTERNATIVE ENGINEERING TECHNOLOGIES.*—

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

3 (2) in subsection (b)—

4 (A) by striking paragraph (3);

5 (B) in the first sentence of paragraph (4) by
6 striking “50 percent” and inserting “35 per-
7 cent”; and

8 (C) by redesignating paragraph (4) as
9 paragraph (3); and

10 (3) in subsection (c) by striking “\$5,000,000 for
11 each of fiscal years 1998 through 2000.” and insert-
12 ing “\$10,000,000 for each of fiscal years 2001 through
13 2005.”.

14 **SEC. 572. GREAT LAKES DREDGING LEVELS ADJUSTMENT.**

15 (a) *DEFINITION OF GREAT LAKE.*—In this section, the
16 term “Great Lake” means Lake Superior, Lake Michigan,
17 Lake Huron (including Lake St. Clair), Lake Erie, and
18 Lake Ontario (including the St. Lawrence River to the 45th
19 parallel of latitude).

20 (b) *DREDGING LEVELS.*—In operating and maintain-
21 ing Federal channels and harbors of, and the connecting
22 channels between, the Great Lakes, the Secretary shall con-
23 duct such dredging as is necessary to ensure minimal oper-
24 ation depths consistent with the original authorized depths
25 of the channels and harbors when water levels in the Great

1 *Lakes are, or are forecast to be, below the International*
 2 *Great Lakes Datum of 1985.*

3 **SEC. 573. DREDGED MATERIAL RECYCLING.**

4 (a) *PILOT PROGRAM.*—*The Secretary shall conduct a*
 5 *pilot program to provide incentives for the removal of*
 6 *dredged material from a confined disposal facility associ-*
 7 *ated with a harbor on the Great Lakes or the Saint Law-*
 8 *rence River and a harbor on the Delaware River in Penn-*
 9 *sylvania for the purpose of recycling the dredged material*
 10 *and extending the life of the confined disposal facility.*

11 (b) *REPORT.*—*Not later than 90 days after the date*
 12 *of completion of the pilot program, the Secretary shall*
 13 *transmit to Congress a report on the results of the program.*

14 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 15 *authorized to be appropriated to carry out this section*
 16 *\$2,000,000.*

17 **SEC. 574. WATERSHED MANAGEMENT, RESTORATION, AND**
 18 **DEVELOPMENT.**

19 *Section 503(d) of the Water Resources Development*
 20 *Act of 1996 (110 Stat. 3756–3757; 113 Stat. 288) is amend-*
 21 *ed by adding at the end the following:*

22 “(28) *Tomales Bay watershed, California.*

23 “(29) *Kaskaskia River watershed, Illinois.*

24 “(30) *Sangamon River watershed, Illinois.*

1 “(31) *Lackawanna River watershed, Pennsyl-*
2 *vania.*”

3 “(32) *Upper Charles River watershed, Massachu-*
4 *setts.*”

5 “(33) *Brazos River watershed, Texas.*”

6 **SEC. 575. MAINTENANCE OF NAVIGATION CHANNELS.**

7 *Section 509(a) of the Water Resources Development*
8 *Act of 1996 (110 Stat. 3759; 113 Stat. 339) is amended*
9 *by adding at the end the following:*

10 “(16) *Cameron Loop, Louisiana, as part of the*
11 *Calcasieu River and Pass Ship Channel.*”

12 “(17) *Morehead City Harbor, North Carolina.*”

13 **SEC. 576. SUPPORT OF ARMY CIVIL WORKS PROGRAM.**

14 *The requirements of section 2361 of title 10, United*
15 *States Code, shall not apply to any contract, cooperative*
16 *research and development agreement, cooperative agree-*
17 *ment, or grant entered into under section 229 of the Water*
18 *Resources Development Act of 1996 (110 Stat. 3703) be-*
19 *tween the Secretary and Marshall University or entered*
20 *into under section 350 of the Water Resources Development*
21 *Act of 1999 (113 Stat. 310) between the Secretary and Ju-*
22 *niata College.*

23 **SEC. 577. NATIONAL RECREATION RESERVATION SERVICE.**

24 *Notwithstanding section 611 of the Treasury and Gen-*
25 *eral Government Appropriations Act, 1999 (112 Stat.*

1 2861–515), the Secretary may participate in the National
2 Recreation Reservation Service on an interagency basis and
3 fund the Department of the Army's share of the cost of ac-
4 tivities required for implementing, operating, and main-
5 taining the Service.

6 **SEC. 578. HYDROGRAPHIC SURVEY.**

7 The Secretary shall enter into an agreement with the
8 Administrator of the National Oceanographic and Atmos-
9 pheric Administration to require the Secretary, not later
10 than 60 days after the Corps of Engineers completes a
11 project involving dredging of a channel, to provide data to
12 the Administration in a standard digital format on the re-
13 sults of a hydrographic survey of the channel conducted by
14 the Corps of Engineers.

15 **SEC. 579. PERCHLORATE.**

16 (a) *IN GENERAL.*—The Secretary, in cooperation with
17 Federal, State, and local government agencies, may partici-
18 pate in studies and other investigative activities and in the
19 planning and design of projects determined by the Secretary
20 to offer a long-term solution to the problem of groundwater
21 contamination caused by perchlorates.

22 (b) *INVESTIGATIONS AND PROJECTS.*—

23 (1) *BOSQUE AND LEON RIVERS.*—The Secretary,
24 in coordination with other Federal agencies and the
25 Brazos River Authority, shall participate under sub-

1 *section (a) in investigations and projects in the*
2 *Bosque and Leon River watersheds in Texas to assess*
3 *the impact of the perchlorate associated with the*
4 *former Naval “Weapons Industrial Reserve Plant” at*
5 *McGregor, Texas.*

6 (2) *CADDO LAKE.—The Secretary, in coordina-*
7 *tion with other Federal agencies and the Northeast*
8 *Texas Municipal Water District, shall participate*
9 *under subsection (a) in investigations and projects re-*
10 *lating to perchlorate contamination in Caddo Lake,*
11 *Texas.*

12 (3) *EASTERN SANTA CLARA BASIN.—The Sec-*
13 *retary, in coordination with other Federal, State, and*
14 *local government agencies, shall participate under*
15 *subsection (a) in investigations and projects related to*
16 *sites that are sources of perchlorates and that are lo-*
17 *cated in the city of Santa Clarita, California.*

18 (c) *AUTHORIZATION OF APPROPRIATIONS.—For the*
19 *purposes of carrying out this section, there is authorized*
20 *to be appropriated to the Secretary \$25,000,000, of which*
21 *not to exceed \$8,000,000 shall be available to carry out sub-*
22 *section (b)(1), not to exceed \$3,000,000 shall be available*
23 *to carry out subsection (b)(2), and not to exceed \$7,000,000*
24 *shall be available to carry out subsection (b)(3).*

1 **SEC. 580. ABANDONED AND INACTIVE NONCOAL MINE RES-**
 2 **TORATION.**

3 *Section 560 of the Water Resources Development Act*
 4 *of 1999 (33 USC 2336; 113 Stat. 354–355) is amended—*

5 *(1) in subsection (a) by striking “and design”*
 6 *and inserting “design, and construction”;*

7 *(2) in subsection (c) by striking “50” and insert-*
 8 *ing “35”;*

9 *(3) in subsection (e) by inserting “and colleges*
 10 *and universities, including the members of the West-*
 11 *ern Universities Mine-Land Reclamation and Res-*
 12 *toration Consortium, for the purposes of assisting in*
 13 *the reclamation of abandoned noncoal mines and”*
 14 *after “entities”; and*

15 *(4) by striking subsection (f) and inserting the*
 16 *following:*

17 *“(f) NON-FEDERAL INTERESTS.—In this section, the*
 18 *term ‘non-Federal interests’ includes, with the consent of*
 19 *the affected local government, nonprofit entities, notwith-*
 20 *standing section 221 of the Flood Control Act of 1970 (42*
 21 *U.S.C. 1962d-5b).*

22 *“(g) OPERATION AND MAINTENANCE.—The non-Fed-*
 23 *eral share of the costs of operation and maintenance for*
 24 *a project carried out under this section shall be 100 percent.*

25 *“(h) CREDIT.—A non-Federal interest shall receive*
 26 *credit toward the non-Federal share of the cost of a project*

1 *under this section for design and construction services and*
2 *other in-kind consideration provided by the non-Federal in-*
3 *terest if the Secretary determines that such design and con-*
4 *struction services and other in-kind consideration are inte-*
5 *gral to the project.*

6 “(i) *COST LIMITATION.*—Not more than \$10,000,000
7 of the amounts appropriated to carry out this section may
8 be allotted for projects in a single locality, but the Secretary
9 may accept funds voluntarily contributed by a non-Federal
10 or Federal entity for the purpose of expanding the scope
11 of the services requested by the non-Federal or Federal enti-
12 ty.

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

18 “(k) *AUTHORIZATION OF APPROPRIATIONS.*—There is
19 authorized to be appropriated to carry out this section
20 \$45,000,000. Such sums shall remain available until ex-
21 pended.”.

22 **SEC. 581. LAKES PROGRAM.**

23 Section 602 of the Water Resources Development Act
24 of 1986 (100 Stat. 4148–4149) is further amended—

1 (1) *in subsection (b) by inserting “and activity”*
2 *after “project”;*

3 (2) *in subsection (c) by inserting “and activities*
4 *under subsection (f)” before the comma; and*

5 (3) *by adding at the end the following:*

6 “(f) *CENTER FOR LAKE EDUCATION AND RESEARCH,*
7 *OTSEGO LAKE, NEW YORK.—*

8 “(1) *IN GENERAL.—The Secretary shall construct*
9 *an environmental education and research facility at*
10 *Otsego Lake, New York. The purpose of the Center*
11 *shall be to—*

12 “(A) *conduct nationwide research on the*
13 *impacts of water quality and water quantity on*
14 *lake hydrology and the hydrologic cycle;*

15 “(B) *develop technologies and strategies for*
16 *monitoring and improving water quality in the*
17 *Nation’s lakes; and*

18 “(C) *provide public education regarding the*
19 *biological, economic, recreational, and aesthetic*
20 *value of the Nation’s lakes.*

21 “(2) *USE OF RESEARCH.—The results of research*
22 *and education activities carried out at the Center*
23 *shall be applied to the program under subsection (a)*
24 *and to other Federal programs, projects, and activi-*

1 *ties that are intended to improve or otherwise affect*
2 *lakes.*

3 “(3) *BIOLOGICAL MONITORING STATION.*—*A cen-*
4 *tral function of the Center shall be to research, de-*
5 *velop, test, and evaluate biological monitoring tech-*
6 *nologies and techniques for potential use at lakes list-*
7 *ed in subsection (a) and throughout the Nation.*

8 “(4) *CREDIT.*—*The non-Federal sponsor shall re-*
9 *ceive credit for lands, easements, rights-of-way, and*
10 *relocations toward its share of project costs.*

11 “(5) *AUTHORIZATION OF APPROPRIATIONS.*—*In*
12 *addition to sums authorized by subsection (d), there*
13 *is authorized to be appropriated to carry out this sub-*
14 *section \$6,000,000. Such sums shall remain available*
15 *until expended.”.*

16 **SEC. 582. RELEASE OF USE RESTRICTION.**

17 (a) *RELEASE.*—*Notwithstanding any other provision*
18 *of law, the Tennessee Valley Authority shall grant a release*
19 *or releases, without monetary consideration, from the re-*
20 *striction covenant which requires that property described*
21 *in subsection (b) shall at all times be used solely for the*
22 *purpose of erecting docks and buildings for shipbuilding*
23 *purposes or for the manufacture or storage of products for*
24 *the purpose of trading or shipping in transportation.*

1 **(b) DESCRIPTION OF PROPERTY.**—*This section shall*
 2 *apply only to those lands situated in the city of Decatur,*
 3 *Morgan County, Alabama, and running along the easterly*
 4 *boundary of a tract of land described in an indenture con-*
 5 *veying such lands to the Ingalls Shipbuilding Corporation*
 6 *dated July 29, 1954, and recorded in deed book 535 at page*
 7 *6 in the office of the Probate Judge of Morgan County, Ala-*
 8 *bama, which are owned or may hereafter be acquired by*
 9 *the Alabama Farmers Cooperative, Inc.*

10 **SEC. 583. COMPREHENSIVE ENVIRONMENTAL RESOURCES**
 11 **PROTECTION.**

12 **(a) IN GENERAL.**—*Under section 219(a) of the Water*
 13 *Resources Development Act of 1992 (106 Stat. 4835), the*
 14 *Secretary may provide technical, planning, and design as-*
 15 *sistance to non-Federal interests to carry out water-related*
 16 *projects described in this section.*

17 **(b) NON-FEDERAL SHARE.**—*Notwithstanding section*
 18 *219(b) of the Water Resources Development Act of 1992*
 19 *(106 Stat. 4835), the non-Federal share of the cost of each*
 20 *project assisted in accordance with this section shall be 25*
 21 *percent.*

22 **(c) PROJECT DESCRIPTIONS.**—*The Secretary may pro-*
 23 *vide assistance in accordance with subsection (a) to each*
 24 *of the following projects:*

1 (1) *MARANA, ARIZONA.—Wastewater treatment*
2 *and distribution infrastructure, Marana, Arizona.*

3 (2) *EASTERN ARKANSAS ENTERPRISE COMMU-*
4 *NITY, ARKANSAS.—Water-related infrastructure, East-*
5 *ern Arkansas Enterprise Community, Cross, Lee,*
6 *Monroe, and St. Francis Counties, Arkansas.*

7 (3) *CHINO HILLS, CALIFORNIA.—Storm water*
8 *and sewage collection infrastructure, Chino Hills,*
9 *California.*

10 (4) *CLEAR LAKE BASIN, CALIFORNIA.—Water-re-*
11 *lated infrastructure and resource protection, Clear*
12 *Lake Basin, California.*

13 (5) *DESERT HOT SPRINGS, CALIFORNIA.—Re-*
14 *source protection and wastewater infrastructure,*
15 *Desert Hot Springs, California.*

16 (6) *EASTERN MUNICIPAL WATER DISTRICT, CALI-*
17 *FORNIA.—Regional water-related infrastructure, East-*
18 *ern Municipal Water District, California.*

19 (7) *HUNTINGTON BEACH, CALIFORNIA.—Water*
20 *supply and wastewater infrastructure, Huntington*
21 *Beach, California.*

22 (8) *INGLEWOOD, CALIFORNIA.—Water infrastruc-*
23 *ture, Inglewood, California.*

1 (9) *LOS OSOS COMMUNITY SERVICE DISTRICT,*
2 *CALIFORNIA.—Wastewater infrastructure, Los Osos*
3 *Community Service District, California.*

4 (10) *NORWALK, CALIFORNIA.—Water-related in-*
5 *frastructure, Norwalk, California.*

6 (11) *KEY BISCAZYNE, FLORIDA.—Sanitary sewer*
7 *infrastructure, Key Biscayne, Florida.*

8 (12) *SOUTH TAMPA, FLORIDA.—Water supply*
9 *and aquifer storage and recovery infrastructure,*
10 *South Tampa, Florida.*

11 (13) *FORT WAYNE, INDIANA.—Combined sewer*
12 *overflow infrastructure and wetlands protection, Fort*
13 *Wayne, Indiana.*

14 (14) *INDIANAPOLIS, INDIANA.—Combined sewer*
15 *overflow infrastructure, Indianapolis, Indiana.*

16 (15) *ST. CHARLES, ST. BERNARD, AND*
17 *PLAQUEMINES PARISHES, LOUISIANA.—Water and*
18 *wastewater infrastructure, St. Charles, St. Bernard,*
19 *and Plaquemines Parishes, Louisiana.*

20 (16) *ST. JOHN THE BAPTIST AND ST. JAMES PAR-*
21 *ISHES, LOUISIANA.—Water and sewer improvements,*
22 *St. John the Baptist and St. James Parishes, Lou-*
23 *isiana.*

24 (17) *UNION COUNTY, NORTH CAROLINA.—Water*
25 *infrastructure, Union County, North Carolina.*

1 (18) *HOOD RIVER, OREGON.—Water trans-*
2 *mission infrastructure, Hood River, Oregon.*

3 (19) *MEDFORD, OREGON.—Sewer collection in-*
4 *frastructure, Medford, Oregon.*

5 (20) *PORTLAND, OREGON.—Water infrastructure*
6 *and resource protection, Portland, Oregon.*

7 (21) *COUDERSPORT, PENNSYLVANIA.—Sewer sys-*
8 *tem extensions and improvements, Coudersport, Penn-*
9 *sylvania.*

10 (22) *PARK CITY, UTAH.—Water supply infra-*
11 *structure, Park City, Utah.*

12 (d) *AUTHORIZATION OF APPROPRIATIONS.—*

13 (1) *IN GENERAL.—There is authorized to be ap-*
14 *propriated \$25,000,000 for providing assistance in*
15 *accordance with subsection (a) to the projects de-*
16 *scribed in subsection (c).*

17 (2) *AVAILABILITY.—Sums authorized to be ap-*
18 *propriated under this subsection shall remain avail-*
19 *able until expended.*

20 (e) *ADDITIONAL ASSISTANCE FOR CRITICAL RE-*
21 *SOURCE PROJECTS.—The Secretary may provide assistance*
22 *in accordance with subsection (a) and assistance for con-*
23 *struction for each the following projects:*

1 (1) *DUCK RIVER, CULLMAN, ALABAMA.—*
2 *\$5,000,000 for water supply infrastructure, Duck*
3 *River, Cullman, Alabama.*

4 (2) *UNION COUNTY, ARKANSAS.—\$52,000,000 for*
5 *water supply infrastructure, including facilities for*
6 *withdrawal, treatment, and distribution, Union*
7 *County, Arkansas.*

8 (3) *CAMBRIA, CALIFORNIA.—\$10,300,000 for de-*
9 *salination infrastructure, Cambria, California.*

10 (4) *LOS ANGELES HARBOR/TERMINAL ISLAND,*
11 *CALIFORNIA.—\$6,500,000 for wastewater recycling in-*
12 *frastructure, Los Angeles Harbor/Terminal Island,*
13 *California.*

14 (5) *NORTH VALLEY REGION, LANCASTER, CALI-*
15 *FORNIA.—\$14,500,000 for water infrastructure, North*
16 *Valley Region, Lancaster, California.*

17 (6) *SAN DIEGO COUNTY, CALIFORNIA.—*
18 *\$10,000,000 for water-related infrastructure, San*
19 *Diego County, California.*

20 (7) *SOUTH PERRIS, CALIFORNIA.—\$25,000,000*
21 *for water supply desalination infrastructure, South*
22 *Perris, California.*

23 (8) *AURORA, ILLINOIS.—\$8,000,000 for waste-*
24 *water infrastructure to reduce or eliminate combined*
25 *sewer overflows, Aurora, Illinois.*

1 (9) *COOK COUNTY, ILLINOIS.*—\$35,000,000 for
2 *water-related infrastructure and resource protection*
3 *and development, Cook County, Illinois.*

4 (10) *MADISON AND ST. CLAIR COUNTIES, ILLI-*
5 *NOIS.*—\$10,000,000 for *water and wastewater assist-*
6 *ance, Madison and St. Clair Counties, Illinois.*

7 (11) *IBERIA PARISH, LOUISIANA.*—\$5,000,000 for
8 *water and wastewater infrastructure, Iberia Parish,*
9 *Louisiana.*

10 (12) *KENNER, LOUISIANA.*—\$5,000,000 for
11 *wastewater infrastructure, Kenner, Louisiana.*

12 (13) *GARRISON AND KATHIO TOWNSHIP, MIN-*
13 *NESOTA.*—\$11,000,000 for *a wastewater infrastruc-*
14 *ture project for the city of Garrison and Kathio*
15 *Township, Minnesota.*

16 (14) *NEWTON, NEW JERSEY.*—\$7,000,000 for
17 *water filtration infrastructure, Newton, New Jersey.*

18 (15) *LIVERPOOL, NEW YORK.*—\$2,000,000 for
19 *water infrastructure, including a pump station,*
20 *Liverpool, New York.*

21 (16) *STANLY COUNTY, NORTH CAROLINA.*—
22 \$8,900,000 for *wastewater infrastructure, Stanly*
23 *County, North Carolina.*

24 (17) *YUKON, OKLAHOMA.*—\$5,500,000 for *water-*
25 *related infrastructure, including wells, booster sta-*

1 *tions, storage tanks, and transmission lines, Yukon,*
 2 *Oklahoma.*

3 (18) *ALLEGHENY COUNTY, PENNSYLVANIA.—*
 4 *\$20,000,000 for water-related environmental infra-*
 5 *structure, Allegheny County, Pennsylvania.*

6 (19) *MOUNT JOY TOWNSHIP AND CONEWAGO*
 7 *TOWNSHIP, PENNSYLVANIA.—\$8,300,000 for water*
 8 *and wastewater infrastructure, Mount Joy Township*
 9 *and Conewago Township, Pennsylvania.*

10 (20) *PHOENIXVILLE BOROUGH, CHESTER COUN-*
 11 *TY, PENNSYLVANIA.—\$2,400,000 for water and sewer*
 12 *infrastructure, Phoenixville Borough, Chester County,*
 13 *Pennsylvania.*

14 (21) *TITUSVILLE, PENNSYLVANIA.—\$7,300,000*
 15 *for storm water separation and treatment plant up-*
 16 *grades, Titusville, Pennsylvania.*

17 (22) *WASHINGTON, GREENE, WESTMORELAND,*
 18 *AND FAYETTE COUNTIES, PENNSYLVANIA.—\$8,000,000*
 19 *for water and wastewater infrastructure, Washington,*
 20 *Greene, Westmoreland, and Fayette Counties, Penn-*
 21 *sylvania.*

22 **SEC. 584. MODIFICATION OF AUTHORIZATIONS FOR ENVI-**
 23 **RONMENTAL PROJECTS.**

24 *Section 219 of the Water Resources Development Act*
 25 *of 1992 (106 Stat. 4835, 4836) is amended—*

1 (1) in subsection (e)(6) by striking
2 “\$20,000,000” and inserting “\$30,000,000”;

3 (2) in subsection (f)(4) by striking
4 “\$15,000,000” and inserting “\$35,000,000”;

5 (3) in subsection (f)(21) by striking
6 “\$10,000,000” and inserting “\$20,000,000”;

7 (4) in subsection (f)(25) by striking
8 “\$5,000,000” and inserting “\$15,000,000”;

9 (5) in subsection (f)(30) by striking
10 “\$10,000,000” and inserting “\$20,000,000”;

11 (6) in subsection (f)(43) by striking
12 “\$15,000,000” and inserting “\$35,000,000”; and

13 (7) in subsection (f) by adding at the end the fol-
14 lowing new paragraph:

15 “(44) WASHINGTON, D.C., AND MARYLAND.—
16 \$15,000,000 for the project described in subsection
17 (c)(1), modified to include measures to eliminate or
18 control combined sewer overflows in the Anacostia
19 River watershed.”.

20 **SEC. 585. LAND CONVEYANCES.**

21 (a) THOMPSON, CONNECTICUT.—

22 (1) IN GENERAL.—The Secretary shall convey by
23 quitclaim deed without consideration to the town of
24 Thompson, Connecticut, all right, title, and interest of
25 the United States in and to the approximately 1.36-

1 *acre parcel of land described in paragraph (2) for*
2 *public ownership and use by the town for fire fighting*
3 *and related emergency services purposes.*

4 (2) *LAND DESCRIPTION.—The parcel of land re-*
5 *ferred to in paragraph (1) is in the town of Thomp-*
6 *son, county of Windham, State of Connecticut, on the*
7 *northerly side of West Thompson Road owned by the*
8 *United States and shown as Parcel A on a plan by*
9 *Provost, Rovero, Fitzback entitled “Property Survey*
10 *Prepared for West Thompson Independent Firemen*
11 *Association #1” dated August 24, 1998, bounded and*
12 *described as follows:*

13 *Beginning at a bound labeled WT-276 on*
14 *the northerly side line of West Thompson Road,*
15 *so called, at the most south corner of the Parcel*
16 *herein described and at land now or formerly of*
17 *West Thompson Independent Firemen Associa-*
18 *tion No. 1;*

19 *Thence in a generally westerly direction by*
20 *said northerly side line of West Thompson Road,*
21 *by a curve to the left, having a radius of 640.00*
22 *feet a distance of 169.30 feet to a point;*

23 *Thence North 13 degrees, 08 minutes, 37*
24 *seconds East by the side line of said West*

1 *Thompson Road a distance of 10.00 feet to a*
2 *point;*

3 *Thence in a generally westerly direction by*
4 *the northerly side line of said West Thompson*
5 *Road, by a curve to the left having a radius of*
6 *650.00 feet a distance of 109.88 feet to a bound*
7 *labeled WT-123, at land now or formerly of the*
8 *United States of America;*

9 *Thence North 44 degrees, 43 minutes, 07*
10 *seconds East by said land now or formerly of the*
11 *United States of America a distance of 185.00*
12 *feet to a point;*

13 *Thence North 67 degrees, 34 minutes, 13*
14 *seconds East by said land now or formerly of the*
15 *United States of America a distance of 200.19*
16 *feet to a point in a stonewall;*

17 *Thence South 20 degrees, 49 minutes, 17*
18 *seconds East by a stonewall and by said land*
19 *now or formerly of the United States of America*
20 *a distance of 253.10 feet to a point at land now*
21 *or formerly of West Thompson Independent Fire-*
22 *men Association No. 1;*

23 *Thence North 57 degrees, 45 minutes, 25*
24 *seconds West by land now or formerly of said*
25 *West Thompson Independent Firemen Associa-*

1 *tion No. 1 a distance of 89.04 feet to a bound la-*
2 *beled WT-277;*

3 *Thence South 32 degrees, 14 minutes, 35*
4 *seconds West by land now or formerly of said*
5 *West Thompson Independent Firemen Associa-*
6 *tion No. 1 a distance of 123.06 feet to the point*
7 *of beginning.*

8 (3) *REVERSION.—If the Secretary determines*
9 *that the parcel described in paragraph (2) ceases to*
10 *be held in public ownership or used for fire fighting*
11 *and related emergency services, all right, title, and*
12 *interest in and to the parcel shall revert to the United*
13 *States.*

14 (b) *SIBLEY MEMORIAL HOSPITAL, WASHINGTON, DIS-*
15 *TRICT OF COLUMBIA.—*

16 (1) *IN GENERAL.—The Secretary shall convey to*
17 *the Lucy Webb Hayes National Training School for*
18 *Deaconesses and Missionaries Conducting Sibley Me-*
19 *morial Hospital (in this subsection referred to as the*
20 *“Hospital”) by quitclaim deed under the terms of a*
21 *negotiated sale, all right, title, and interest of the*
22 *United States in and to the 8.864-acre parcel of land*
23 *described in paragraph (2) for medical care and*
24 *parking purposes. The consideration paid under such*
25 *negotiated sale shall reflect the value of the parcel,*

1 *taking into consideration the terms and conditions of*
2 *the conveyance imposed under this subsection.*

3 (2) *LAND DESCRIPTION.—The parcel of land re-*
4 *ferred to in paragraph (1) is the parcel described as*
5 *follows: Beginning at a point on the westerly right-*
6 *of-way line of Dalecarlia Parkway, said point also*
7 *being on the southerly division line of part of Square*
8 *N1448, A&T Lot 801 as recorded in A&T 2387 and*
9 *part of the property of the United States Government,*
10 *thence with said southerly division line now de-*
11 *scribed:*

12 (A) *North 35° 05' 40'' West—436.31 feet to*
13 *a point, thence*

14 (B) *South 89° 59' 30'' West—550 feet to a*
15 *point, thence*

16 (C) *South 53° 48' 00'' West—361.08 feet to*
17 *a point, thence*

18 (D) *South 89° 59' 30'' West—466.76 feet to*
19 *a point at the southwesterly corner of the afore-*
20 *said A&T Lot 801, said point also being on the*
21 *easterly right-of-way line of MacArthur Boule-*
22 *vard, thence with a portion of the westerly divi-*
23 *sion line of said A&T Lot 801 and the easterly*
24 *right-of-way line of MacArthur Boulevard, as*
25 *now described.*

1 (E) 78.62 feet along the arc of a curve to the
 2 right having a radius of 650.98 feet, chord bear-
 3 ing and distance of North $06^{\circ} 17' 20''$ West—
 4 78.57 feet to a point, thence crossing to include
 5 a portion of aforesaid A&T Lot 801 and a por-
 6 tion of the aforesaid Dalecarlia Reservoir
 7 Grounds, as now described

8 (F) North $87^{\circ} 18' 21''$ East—258.85 feet to
 9 a point, thence

10 (G) North $02^{\circ} 49' 16''$ West—214.18 feet to
 11 a point, thence

12 (H) South $87^{\circ} 09' 00''$ West—238.95 feet to
 13 a point on the aforesaid easterly right-of-way
 14 line of MacArthur Boulevard, thence with said
 15 easterly right-of-way line, as now described

16 (I) North $08^{\circ} 41' 30''$ East—30.62 feet to a
 17 point, thence crossing to include a portion of
 18 aforesaid A&T Lot 801 and a portion of the
 19 aforesaid Dalecarlia Reservoir Grounds, as now
 20 described

21 (J) North $87^{\circ} 09' 00''$ East—373.96 feet to
 22 a point, thence

23 (K) North $88^{\circ} 42' 48''$ East—374.92 feet to
 24 a point, thence

1 (L) North $56^{\circ} 53' 40''$ East—53.16 feet to
2 a point, thence

3 (M) North $86^{\circ} 00' 15''$ East—26.17 feet to
4 a point, thence

5 (N) South $87^{\circ} 24' 50''$ East—464.01 feet to
6 a point, thence

7 (O) North $83^{\circ} 34' 31''$ East—212.62 feet to
8 a point, thence

9 (P) South $30^{\circ} 16' 12''$ East—108.97 feet to
10 a point, thence

11 (Q) South $38^{\circ} 30' 23''$ East—287.46 feet to
12 a point, thence

13 (R) South $09^{\circ} 03' 38''$ West—92.74 feet to
14 the point on the aforesaid westerly right-of-way
15 line of Dalecarlia Parkway, thence with said
16 westerly right-of-way line, as now described

17 (S) 197.74 feet along the arc of a curve to
18 the right having a radius of 916.00 feet, chord
19 bearing and distance of South $53^{\circ} 54' 43''$
20 West—197.35 feet to the place of beginning.

21 (3) *TERMS AND CONDITIONS.*—The conveyance
22 under this subsection shall be subject to the following
23 terms and conditions:

24 (A) *LIMITATION ON THE USE OF CERTAIN*
25 *PORTIONS OF THE PARCEL.*—The Secretary shall

1 *include in any deed conveying the parcel under*
2 *this section a restriction to prevent the Hospital,*
3 *and its successors and assigns, from constructing*
4 *any structure, other than a structure used exclu-*
5 *sively for the parking of motor vehicles, on the*
6 *portion of the parcel that lies between the Wash-*
7 *ington Aqueduct and Little Falls Road.*

8 (B) *LIMITATION ON CERTAIN LEGAL CHAL-*
9 *LENGES.—The Secretary shall require the Hos-*
10 *pital, and its successors and assigns, to refrain*
11 *from raising any legal challenge to the oper-*
12 *ations of the Washington Aqueduct arising from*
13 *any impact such operations may have on the ac-*
14 *tivities conducted by the Hospital on the parcel.*

15 (C) *EASEMENT.—The Secretary shall re-*
16 *quire that the conveyance be subject to the reten-*
17 *tion of an easement permitting the United*
18 *States, and its successors and assigns, to use and*
19 *maintain the portion of the parcel described as*
20 *follows: Beginning at a point on the easterly or*
21 *South 35° 05' 40" East—436.31 foot plat line of*
22 *Lot 25 as shown on a subdivision plat recorded*
23 *in book 175 page 102 among the records of the*
24 *Office of the Surveyor of the District of Colum-*
25 *bia, said point also being on the northerly right-*

1 *of-way line of Dalecarlia Parkway, thence run-*
 2 *ning with said easterly line of Lot 25 and cross-*
 3 *ing to include a portion of the aforesaid*
 4 *Dalecarlia Reservoir Grounds as now described:*

5 *(i) North 35° 05' 40" West—495.13*
 6 *feet to a point, thence*

7 *(ii) North 87° 24' 50" West—414.43*
 8 *feet to a point, thence*

9 *(iii) South 81° 08' 00" West—69.56*
 10 *feet to a point, thence*

11 *(iv) South 88° 42' 48" West—367.50*
 12 *feet to a point, thence*

13 *(v) South 87° 09' 00" West—379.68*
 14 *feet to a point on the easterly right-of-way*
 15 *line of MacArthur Boulevard, thence with*
 16 *said easterly right-of-way line, as now de-*
 17 *scribed*

18 *(vi) North 08° 41' 30" East—30.62*
 19 *feet to a point, thence crossing to include a*
 20 *portion of the aforesaid Dalecarlia Res-*
 21 *ervoir Grounds, as now described*

22 *(vii) North 87° 09' 00" East—373.96*
 23 *feet to a point, thence*

24 *(viii) North 88° 42' 48" East—374.92*
 25 *feet to a point, thence*

- 1 (ix) North $56^{\circ} 53' 40''$ East—53.16
 2 *feet to a point, thence*
- 3 (x) North $86^{\circ} 00' 15''$ East—26.17 *feet*
 4 *to a point, thence*
- 5 (xi) South $87^{\circ} 24' 50''$ East—464.01
 6 *feet to a point, thence*
- 7 (xii) North $83^{\circ} 34' 31''$ East—50.62
 8 *feet to a point, thence*
- 9 (xiii) South $02^{\circ} 35' 10''$ West—46.46
 10 *feet to a point, thence*
- 11 (xiv) South $13^{\circ} 38' 12''$ East—107.83
 12 *feet to a point, thence*
- 13 (xv) South $35^{\circ} 05' 40''$ East—347.97
 14 *feet to a point on the aforesaid northerly*
 15 *right-of-way line of Dalecarlia Parkway,*
 16 *thence with said right-of-way line, as now*
 17 *described*
- 18 (xvi) 44.12 *feet along the arc of a curve*
 19 *to the right having a radius of 855.00 feet,*
 20 *chord bearing and distance of South $58^{\circ} 59'$*
 21 *$22''$ West—44.11 feet to the place of begin-*
 22 *ning containing 1.7157 acres of land more*
 23 *or less as now described by Maddox Engi-*
 24 *neers and Surveyors, Inc., June 2000, Job*
 25 *#00015.*

1 (4) *APPRAISAL.*—*Before conveying any right,*
2 *title, or interest under this subsection, the Secretary*
3 *shall obtain an appraisal of the fair market value of*
4 *the parcel.*

5 (c) *ONTONAGON, MICHIGAN.*—

6 (1) *IN GENERAL.*—*The Secretary shall convey by*
7 *quitclaim deed without consideration to the*
8 *Ontonagon County Historical Society all right, title,*
9 *and interest of the United States in and to the parcel*
10 *of land underlying and immediately surrounding the*
11 *lighthouse at Ontonagon, Michigan, consisting of ap-*
12 *proximately 1.8 acres, together with any improve-*
13 *ments thereon, for public ownership and for public*
14 *purposes.*

15 (2) *SURVEY TO OBTAIN LEGAL DESCRIPTION.*—

16 *The exact acreage and the legal description of the real*
17 *property described in paragraph (1) shall be deter-*
18 *mined by a survey that is satisfactory to the Sec-*
19 *retary.*

20 (3) *REVERSION.*—*If the Secretary determines*
21 *that the real property described in paragraph (1)*
22 *ceases to be held in public ownership or used for pub-*
23 *lic purposes, all right, title, and interest in and to the*
24 *property shall revert to the United States.*

25 (d) *PIKE COUNTY, MISSOURI.*—

1 (1) *LAND EXCHANGE.*—Subject to paragraphs
2 (3) and (4), at such time as S.S.S., Inc. conveys all
3 right, title, and interest in and to the parcel of land
4 described in paragraph (2)(A) to the United States,
5 the Secretary shall convey by quitclaim deed all right,
6 title, and interest in the parcel of land described in
7 paragraph (2)(B) to S.S.S., Inc.

8 (2) *LAND DESCRIPTION.*—The parcels of land re-
9 ferred to in paragraph (1) are the following:

10 (A) *NON-FEDERAL LAND.*—8.99 acres with
11 existing flowage easements situated in Pike
12 County, Missouri, adjacent to land being ac-
13 quired from Holnam, Inc. by the Corps of Engi-
14 neers.

15 (B) *FEDERAL LAND.*—8.99 acres situated in
16 Pike County, Missouri, known as Government
17 Tract Numbers FM-46 and FM-47, adminis-
18 tered by the Corps of Engineers.

19 (3) *CONDITIONS.*—The exchange of land under
20 paragraph (1) shall be subject to the following condi-
21 tions:

22 (A) *DEEDS.*—

23 (i) *NON-FEDERAL LAND.*—The convey-
24 ance of the land described in paragraph

1 (2)(A) to the Secretary shall be by a quit-
2 claim deed acceptable to the Secretary.

3 (ii) *FEDERAL LAND.*—The instrument
4 of conveyance used to convey the land de-
5 scribed in paragraph (2)(B) to S.S.S., Inc.
6 shall contain such reservations, terms, and
7 conditions as the Secretary considers nec-
8 essary to allow the United States to operate
9 and maintain the Mississippi River 9-Foot
10 Navigation Project.

11 (B) *REMOVAL OF IMPROVEMENTS.*—S.S.S.,
12 Inc. may remove any improvements on the land
13 described in paragraph (2)(A). The Secretary
14 may require S.S.S., Inc. to remove any improve-
15 ments on the land described in paragraph
16 (2)(A). In either case, S.S.S., Inc. shall hold the
17 United States harmless from liability, and the
18 United States shall not incur costs associated
19 with the removal or relocation of any of the im-
20 provements.

21 (C) *TIME LIMIT FOR EXCHANGE.*—The land
22 exchange under paragraph (1) shall be completed
23 not later than 2 years after the date of enact-
24 ment of this Act.

1 (D) *LEGAL DESCRIPTION.*—*The Secretary*
2 *shall provide the legal description of the lands*
3 *described in paragraph (2). The legal description*
4 *shall be used in the instruments of conveyance of*
5 *the lands.*

6 (4) *VALUE OF PROPERTIES.*—*If the appraised*
7 *fair market value, as determined by the Secretary, of*
8 *the land conveyed to S.S.S., Inc. by the Secretary*
9 *under paragraph (1) exceeds the appraised fair mar-*
10 *ket value, as determined by the Secretary, of the land*
11 *conveyed to the United States by S.S.S., Inc. under*
12 *paragraph (1), S.S.S., Inc. shall make a payment*
13 *equal to the excess in cash or a cash equivalent to the*
14 *United States.*

15 (e) *CANDY LAKE PROJECT, OSAGE COUNTY, OKLA-*
16 *HOMA.*—*Section 563(c)(1)(B) of the Water Resources Devel-*
17 *opment Act of 1999 (113 Stat. 357) is amended by striking*
18 *“a deceased individual” and inserting “an individual”.*

19 (f) *MANOR TOWNSHIP, PENNSYLVANIA.*—

20 (1) *IN GENERAL.*—*In accordance with this sub-*
21 *section, the Secretary shall convey by quitclaim deed*
22 *to the township of Manor, Pennsylvania, all right,*
23 *title, and interest of the United States in and to the*
24 *approximately 113 acres of real property located at*

1 *Crooked Creek Lake, together with any improvements*
2 *on the land.*

3 (2) *SURVEY TO OBTAIN LEGAL DESCRIPTION.—*
4 *The exact acreage and the legal description of the real*
5 *property described in paragraph (1) shall be deter-*
6 *mined by a survey that is satisfactory to the Sec-*
7 *retary.*

8 (3) *CONSIDERATION.—The Secretary may convey*
9 *under this subsection without consideration any por-*
10 *tion of the real property described in paragraph (1)*
11 *if the portion is to be retained in public ownership*
12 *and be used for public park and recreation or other*
13 *public purposes.*

14 (4) *REVERSION.—If the Secretary determines*
15 *that any portion of the property conveyed under*
16 *paragraph (3) ceases to be held in public ownership*
17 *or to be used for public park and recreation or other*
18 *public purposes, all right, title, and interest in and*
19 *to such portion of property shall revert to the Sec-*
20 *retary.*

21 (5) *PAYMENT OF COSTS.—The township of*
22 *Manor, Pennsylvania shall be responsible for all costs*
23 *associated with a conveyance under this subsection,*
24 *including the cost of conducting the survey referred to*
25 *in paragraph (2).*

1 (g) *NEW SAVANNAH BLUFF LOCK AND DAM, SAVAN-*
2 *NAH RIVER, SOUTH CAROLINA, BELOW AUGUSTA.*—

3 (1) *IN GENERAL.*—*The Secretary shall convey by*
4 *quitclaim deed to the city of North Augusta and*
5 *Aiken County, South Carolina, the lock, dam, and*
6 *appurtenant features at New Savannah Bluff, includ-*
7 *ing the adjacent approximately 50-acre park and*
8 *recreation area with improvements of the navigation*
9 *project, Savannah River Below Augusta, Georgia, au-*
10 *thorized by the first section of the River and Harbor*
11 *Act of July 3, 1930 (46 Stat. 924), subject to the exe-*
12 *cution of an agreement by the Secretary and the city*
13 *of North Augusta and Aiken County, South Carolina,*
14 *that specifies the terms and conditions for such con-*
15 *veyance.*

16 (2) *TREATMENT OF LOCK, DAM, APPURTENANT*
17 *FEATURES, AND PARK AND RECREATION AREA.*—*The*
18 *lock, dam, appurtenant features, adjacent park and*
19 *recreation area, and other project lands, to be con-*
20 *veyed under paragraph (1) shall not be treated as*
21 *part of any Federal water resources project after the*
22 *effective date of the transfer.*

23 (3) *OPERATION AND MAINTENANCE.*—*Operation*
24 *and maintenance of all features of the navigation*
25 *project, other than the lock, dam, appurtenant fea-*

1 *tures, adjacent park and recreation area, and other*
 2 *project lands to be conveyed under paragraph (1),*
 3 *shall continue to be a Federal responsibility after the*
 4 *effective date of the transfer under paragraph (1).*

5 *(h) TRI-CITIES AREA, WASHINGTON.—Section 501(i)*
 6 *of the Water Resources Development Act of 1996 (110 Stat.*
 7 *3752–3753) is amended—*

8 *(1) by inserting before the period at the end of*
 9 *paragraph (1) the following: “; except that any of*
 10 *such local governments, with the agreement of the ap-*
 11 *propriate district engineer, may exempt from the con-*
 12 *veyance to the local government all or any part of the*
 13 *lands to be conveyed to the local government”;* and

14 *(2) by inserting before the period at the end of*
 15 *paragraph (2)(C) the following: “; except that ap-*
 16 *proximately 7.4 acres in Columbia Park, Kennewick,*
 17 *Washington, consisting of the historic site located in*
 18 *the Park and known and referred to as the Kennewick*
 19 *Man Site and such adjacent wooded areas as the Sec-*
 20 *retary determines are necessary to protect the historic*
 21 *site, shall remain in Federal ownership”.*

22 *(i) BAYOU TECHE, LOUISIANA.—*

23 *(1) IN GENERAL.—After renovations of the Key-*
 24 *stone Lock facility have been completed, the Secretary*
 25 *may convey by quitclaim deed without consideration*

1 to St. Martin Parish, Louisiana, all rights, interests,
2 and title of the United States in the approximately
3 12.03 acres of land under the administrative jurisdic-
4 tion of the Secretary in Bayou Teche, Louisiana, to-
5 gether with improvements thereon. The dam and the
6 authority to retain upstream pool elevations shall re-
7 main under the jurisdiction of the Secretary. The Sec-
8 retary shall relinquish all operations and mainte-
9 nance of the lock to St. Martin Parish.

10 (2) *CONDITIONS.*—The following conditions
11 apply to the transfer under paragraph (1):

12 (A) St. Martin Parish shall operate, main-
13 tain, repair, replace, and rehabilitate the lock in
14 accordance with regulations prescribed by the
15 Secretary which are consistent with the project's
16 authorized purposes.

17 (B) The Parish shall provide the Secretary
18 access to the dam whenever the Secretary notifies
19 the Parish of a need for access to the dam.

20 (C) If the Parish fails to comply with sub-
21 paragraph (A), the Secretary shall notify the
22 Parish of such failure. If the parish does not cor-
23 rect such failure during the 1-year period begin-
24 ning on the date of such notification, the Sec-
25 retary shall have a right of reverter to reclaim

1 *possession and title to the land and improve-*
2 *ments conveyed under this section or, in the case*
3 *of a failure to make necessary repairs, the Sec-*
4 *retary may effect the repairs and require pay-*
5 *ment from the Parish for the repairs made by*
6 *the Secretary.*

7 *(j) JOLIET, ILLINOIS.—*

8 *(1) IN GENERAL.—The Secretary shall convey by*
9 *quitclaim deed without consideration to the Joliet*
10 *Park District in Joliet, Illinois, all right, title, and*
11 *interest of the United States in and to the parcel of*
12 *real property located at 622 Railroad Street in the*
13 *city of Joliet, consisting of approximately 2 acres, to-*
14 *gether with any improvements thereon, for public*
15 *ownership and use as the site of the headquarters of*
16 *the park district.*

17 *(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—*

18 *The exact acreage and the legal description of the real*
19 *property described in paragraph (1) shall be deter-*
20 *mined by a survey that is satisfactory to the Sec-*
21 *retary.*

22 *(3) REVERSION.—If the Secretary determines*

23 *that the property conveyed under paragraph (1)*
24 *ceases to be held in public ownership or to be used as*
25 *headquarters of the park district or for other pur-*

1 *poses, all right, title, and interest in and to such*
2 *property shall revert to the United States.*

3 *(k) OTTAWA, ILLINOIS.—*

4 *(1) CONVEYANCE OF PROPERTY.—Subject to the*
5 *terms, conditions, and reservations of paragraph (2),*
6 *the Secretary shall convey by quitclaim deed to the*
7 *Young Men’s Christian Association of Ottawa, Illinois*
8 *(in this subsection referred to as the “YMCA”), all*
9 *right, title, and interest of the United States in and*
10 *to a portion of the easements acquired for the im-*
11 *provement of the Illinois Waterway project over a*
12 *parcel of real property owned by the YMCA, known*
13 *as the “Ottawa, Illinois YMCA Site”, and located at*
14 *201 E. Jackson Street, Ottawa, La Salle County, Illi-*
15 *nois (portion of NE ¼, S11, T33N, R3E 3PM), ex-*
16 *cept that portion lying below the elevation of 461 feet*
17 *National Geodetic Vertical Datum.*

18 *(2) CONDITIONS.—The following conditions*
19 *apply to the conveyance under paragraph (1):*

20 *(A) The exact acreage and the legal descrip-*
21 *tion of the real property described in paragraph*
22 *(1) shall be determined by a survey that is satis-*
23 *factory to the Secretary.*

24 *(B) The YMCA shall agree to hold and save*
25 *the United States harmless from liability associ-*

1 *ated with the operation and maintenance of the*
2 *Illinois Waterway project on the property*
3 *described in paragraph (1).*

4 *(C) If the Secretary determines that any*
5 *portion of the property that is the subject of the*
6 *easement conveyed under paragraph (1) ceases to*
7 *be used as the YMCA, all right, title, and interest*
8 *in and to such easement shall revert to the Sec-*
9 *retary.*

10 *(l) ST. CLAIR AND BENTON COUNTIES, MISSOURI.—*

11 *(1) IN GENERAL.—The Secretary shall convey to*
12 *the Iconium Fire Protection District, St. Clair and*
13 *Benton counties, Missouri, by quitclaim deed and*
14 *without consideration, all right, title, and interest of*
15 *the United States in and to the parcel of land de-*
16 *scribed in paragraph (2).*

17 *(2) LAND DESCRIPTION.—The parcel of land to*
18 *be conveyed under paragraph (1) is the tract of land*
19 *located in the Southeast $\frac{1}{4}$ of Section 13, Township*
20 *39 North, Range 25 West, of the Fifth Principal Me-*
21 *ridian, St. Clair County, Missouri, more particularly*
22 *described as follows: Commencing at the Southwest*
23 *corner of Section 18, as designated by Corps survey*
24 *marker AP 18–1, thence northerly 11.22 feet to the*
25 *southeast corner of Section 13, thence 657.22 feet*

1 north along the east line of Section 13 to Corps
2 monument 18 1-C lying within the right-of-way of
3 State Highway C, being the point of beginning of the
4 tract of land herein described; thence westerly ap-
5 proximately 210 feet, thence northerly 150 feet, thence
6 easterly approximately 210 feet to the east line of Sec-
7 tion 13, thence southerly along said east line, 150 feet
8 to the point of beginning, containing 0.723 acres,
9 more or less.

10 (3) REVERSION.—If the Secretary determines
11 that the property conveyed under paragraph (1)
12 ceases to be held in public ownership or to be used as
13 a site for a fire station, all right, title, and interest
14 in and to such property shall revert to the United
15 States.

16 (m) GENERALLY APPLICABLE PROVISIONS.—

17 (1) APPLICABILITY OF PROPERTY SCREENING
18 PROVISIONS.—Section 2696 of title 10, United States
19 Code, shall not apply to any conveyance under this
20 section.

21 (2) ADDITIONAL TERMS AND CONDITIONS.—The
22 Secretary may require that any conveyance under
23 this section be subject to such additional terms and
24 conditions as the Secretary considers appropriate and
25 necessary to protect the interests of the United States.

1 (3) *COSTS OF CONVEYANCE.*—An entity to which
 2 a conveyance is made under this section shall be re-
 3 sponsible for all reasonable and necessary costs, in-
 4 cluding real estate transaction and environmental
 5 compliance costs, associated with the conveyance.

6 (4) *LIABILITY.*—An entity to which a conveyance
 7 is made under this section shall hold the United
 8 States harmless from any liability with respect to ac-
 9 tivities carried out, on or after the date of the convey-
 10 ance, on the real property conveyed. The United
 11 States shall remain responsible for any liability with
 12 respect to activities carried out, before such date, on
 13 the real property conveyed.

14 **SEC. 586. BRUCE F. VENTO UNIT OF THE BOUNDARY WA-**
 15 **TERS CANOE AREA WILDERNESS, MIN-**
 16 **NESOTA.**

17 (a) *DESIGNATION.*—The portion of the Boundary Wa-
 18 ters Canoe Area Wilderness, Minnesota, situated north and
 19 cast of the Gunflint Corridor and that is bounded by the
 20 United States border with Canada to the north shall be
 21 known and designated as the “Bruce F. Vento Unit of the
 22 Boundary Waters Canoe Area Wilderness”.

23 (b) *LEGAL REFERENCE.*—Any reference in a law,
 24 map, regulation, document, paper, or other record of the
 25 United States to the area referred to in paragraph (1) shall

1 *be deemed to be a reference to the “Bruce F. Vento Unit*
2 *of the Boundary Waters Canoe Area Wilderness”.*

3 **SEC. 587. WAURIKA LAKE, OKLAHOMA.**

4 *The remaining obligation of the Waurika Project Mas-*
5 *ter Conservancy District payable to the United States Gov-*
6 *ernment in the amounts, rates of interest, and payment*
7 *schedules is set at the amounts, rates of interest, and pay-*
8 *ment schedules that existed, and that both parties agreed*
9 *to, on June 3, 1986, and may not be adjusted, altered, or*
10 *changed without a specific, separate, and written agreement*
11 *between the District and the United States Government.*

12 **SEC. 588. COLUMBIA RIVER TREATY FISHING ACCESS.**

13 *Section 401(d) of the Act entitled “An Act to establish*
14 *procedures for review of tribal constitutions and bylaws or*
15 *amendments thereto pursuant to the Act of June 18, 1934*
16 *(48 Stat. 987)”, approved November 1, 1988 (102 Stat.*
17 *2944), is amended by striking “\$2,000,000” and inserting*
18 *“\$4,000,000”.*

19 **SEC. 589. DEVILS LAKE, NORTH DAKOTA.**

20 *No appropriation shall be made to construct an emer-*
21 *gency outlet from Devils Lake, North Dakota, to the*
22 *Sheyenne River if the final plans for the emergency outlet*
23 *have not been approved by resolutions adopted by the Com-*
24 *mittee on Transportation and Infrastructure of the House*

1 *of Representatives and the Committee on Environment and*
 2 *Public Works of the Senate.*

3 **TITLE VI—COMPREHENSIVE**
 4 **EVERGLADES RESTORATION**

5 **SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION**
 6 **PLAN.**

7 (a) *DEFINITIONS.—In this section, the following defi-*
 8 *nitions apply:*

9 (1) *CENTRAL AND SOUTHERN FLORIDA*
 10 *PROJECT.—*

11 (A) *IN GENERAL.—The term “Central and*
 12 *Southern Florida Project” means the project for*
 13 *Central and Southern Florida authorized under*
 14 *the heading “CENTRAL AND SOUTHERN FLORIDA”*
 15 *in section 203 of the Flood Control Act of 1948*
 16 *(62 Stat. 1176).*

17 (B) *INCLUSION.—The term “Central and*
 18 *Southern Florida Project” includes any modi-*
 19 *fication to the project authorized by this section*
 20 *or any other provision of law.*

21 (2) *GOVERNOR.—The term “Governor” means*
 22 *the Governor of the State of Florida.*

23 (3) *NATURAL SYSTEM.—*

24 (A) *IN GENERAL.—The term “natural sys-*
 25 *tem” means all land and water managed by the*

1 *Federal Government or the State within the*
 2 *South Florida ecosystem.*

3 (B) *INCLUSIONS.*—*The term “natural sys-*
 4 *tem” includes—*

5 (i) *water conservation areas;*

6 (ii) *sovereign submerged land;*

7 (iii) *Everglades National Park;*

8 (iv) *Biscayne National Park;*

9 (v) *Big Cypress National Preserve;*

10 (vi) *other Federal or State (including*
 11 *a political subdivision of a State) land that*
 12 *is designated and managed for conservation*
 13 *purposes; and*

14 (vii) *any tribal land that is designated*
 15 *and managed for conservation purposes, as*
 16 *approved by the tribe.*

17 (4) *PLAN.*—*The term “Plan” means the Com-*
 18 *prehensive Everglades Restoration Plan contained in*
 19 *the “Final Integrated Feasibility Report and Pro-*
 20 *grammatic Environmental Impact Statement”, dated*
 21 *April 1, 1999, as modified by this section.*

22 (5) *SOUTH FLORIDA ECOSYSTEM.*—

23 (A) *IN GENERAL.*—*The term “South Flor-*
 24 *ida ecosystem” means the area consisting of the*
 25 *land and water within the boundary of the*

1 *South Florida Water Management District in ef-*
 2 *fect on July 1, 1999.*

3 (B) *INCLUSIONS.*—*The term “South Florida*
 4 *ecosystem” includes—*

5 (i) *the Everglades;*

6 (ii) *the Florida Keys; and*

7 (iii) *the contiguous near-shore coastal*
 8 *water of South Florida.*

9 (6) *STATE.*—*The term “State” means the State*
 10 *of Florida.*

11 (b) *COMPREHENSIVE EVERGLADES RESTORATION*
 12 *PLAN.*—

13 (1) *APPROVAL.*—

14 (A) *IN GENERAL.*—*Except as modified by*
 15 *this section, the Plan is approved as a frame-*
 16 *work for modifications and operational changes*
 17 *to the Central and Southern Florida Project that*
 18 *are needed to restore, preserve, and protect the*
 19 *South Florida ecosystem while providing for*
 20 *other water-related needs of the region, including*
 21 *water supply and flood protection. The Plan*
 22 *shall be implemented to ensure the protection of*
 23 *water quality in, the reduction of the loss of fresh*
 24 *water from, and the improvement of the environ-*
 25 *ment of the South Florida ecosystem and to*

1 *achieve and maintain the benefits to the natural*
2 *system and human environment described in the*
3 *Plan, and required pursuant to this section, for*
4 *as long as the project is authorized.*

5 *(B) INTEGRATION.—In carrying out the*
6 *Plan, the Secretary shall integrate the activities*
7 *described in subparagraph (A) with ongoing*
8 *Federal and State projects and activities in ac-*
9 *cordance with section 528(c) of the Water Re-*
10 *sources Development Act of 1996 (110 Stat.*
11 *3769). Unless specifically provided herein, noth-*
12 *ing in this section shall be construed to modify*
13 *any existing cost share or responsibility for*
14 *projects as listed in subsection (c) or (e) of sec-*
15 *tion 528 of the Water Resources Development Act*
16 *of 1996 (110 Stat. 3769).*

17 *(2) SPECIFIC AUTHORIZATIONS.—*

18 *(A) IN GENERAL.—*

19 *(i) PROJECTS.—The Secretary shall*
20 *carry out the projects included in the Plan*
21 *in accordance with subparagraphs (B), (C),*
22 *(D), and (E).*

23 *(ii) CONSIDERATIONS.—In carrying*
24 *out activities described in the Plan, the Sec-*
25 *retary shall—*

1 (I) take into account the protec-
2 tion of water quality by considering
3 applicable State water quality stand-
4 ards; and

5 (II) include such features as the
6 Secretary determines are necessary to
7 ensure that all ground water and sur-
8 face water discharges from any project
9 feature authorized by this subsection
10 will meet all applicable water quality
11 standards and applicable water qual-
12 ity permitting requirements.

13 (iii) REVIEW AND COMMENT.—In de-
14 veloping the projects authorized under sub-
15 paragraph (B), the Secretary shall provide
16 for public review and comment in accord-
17 ance with applicable Federal law.

18 (B) PILOT PROJECTS.—The following pilot
19 projects are authorized for implementation, after
20 review and approval by the Secretary, at a total
21 cost of \$69,000,000, with an estimated Federal
22 cost of \$34,500,000 and an estimated non-Fed-
23 eral cost of \$34,500,000:

24 (i) Caloosahatchee River (C-43) Basin
25 ASR, at a total cost of \$6,000,000, with an

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

3 *(ii) Lake Belt In-Ground Reservoir*
4 *Technology, at a total cost of \$23,000,000,*
5 *with an estimated Federal cost of*
6 *\$11,500,000 and an estimated non-Federal*
7 *cost of \$11,500,000.*

8 *(iii) L-31N Seepage Management, at a*
9 *total cost of \$10,000,000, with an estimated*
10 *Federal cost of \$5,000,000 and an estimated*
11 *non-Federal cost of \$5,000,000.*

12 *(iv) Wastewater Reuse Technology, at*
13 *a total cost of \$30,000,000, with an esti-*
14 *mated Federal cost of \$15,000,000 and an*
15 *estimated non-Federal cost of \$15,000,000.*

16 *(C) INITIAL PROJECTS.—The following*
17 *projects are authorized for implementation, after*
18 *review and approval by the Secretary, subject to*
19 *the conditions stated in subparagraph (D), at a*
20 *total cost of \$1,100,918,000, with an estimated*
21 *Federal cost of \$550,459,000 and an estimated*
22 *non-Federal cost of \$550,459,000:*

23 *(i) C-44 Basin Storage Reservoir, at a*
24 *total cost of \$112,562,000, with an esti-*

1 *mated Federal cost of \$56,281,000 and an*
2 *estimated non-Federal cost of \$56,281,000.*

3 *(ii) Everglades Agricultural Area Stor-*
4 *age Reservoirs—Phase I, at a total cost of*
5 *\$233,408,000, with an estimated Federal*
6 *cost of \$116,704,000 and an estimated non-*
7 *Federal cost of \$116,704,000.*

8 *(iii) Site 1 Impoundment, at a total*
9 *cost of \$38,535,000, with an estimated Fed-*
10 *eral cost of \$19,267,500 and an estimated*
11 *non-Federal cost of \$19,267,500.*

12 *(iv) Water Conservation Areas 3A/3B*
13 *Levee Seepage Management, at a total cost*
14 *of \$100,335,000, with an estimated Federal*
15 *cost of \$50,167,500 and an estimated non-*
16 *Federal cost of \$50,167,500.*

17 *(v) C-11 Impoundment and*
18 *Stormwater Treatment Area, at a total cost*
19 *of \$124,837,000, with an estimated Federal*
20 *cost of \$62,418,500 and an estimated non-*
21 *Federal cost of \$62,418,500.*

22 *(vi) C-9 Impoundment and*
23 *Stormwater Treatment Area, at a total cost*
24 *of \$89,146,000, with an estimated Federal*

1 *cost of \$44,573,000 and an estimated non-*
2 *Federal cost of \$44,573,000.*

3 *(vii) Taylor Creek/Nubbin Slough Stor-*
4 *age and Treatment Area, at a total cost of*
5 *\$104,027,000, with an estimated Federal*
6 *cost of \$52,013,500 and an estimated non-*
7 *Federal cost of \$52,013,500.*

8 *(viii) Raise and Bridge East Portion*
9 *of Tamiami Trail and Fill Miami Canal*
10 *within Water Conservation Area 3, at a*
11 *total cost of \$26,946,000, with an estimated*
12 *Federal cost of \$13,473,000 and an esti-*
13 *mated non-Federal cost of \$13,473,000.*

14 *(ix) North New River Improvements,*
15 *at a total cost of \$77,087,000, with an esti-*
16 *mated Federal cost of \$38,543,500 and an*
17 *estimated non-Federal cost of \$38,543,500.*

18 *(x) C-111 Spreader Canal, at a total*
19 *cost of \$94,035,000, with an estimated Fed-*
20 *eral cost of \$47,017,500 and an estimated*
21 *non-Federal cost of \$47,017,500.*

22 *(xi) Adaptive Assessment and Moni-*
23 *toring Program, at a total cost of*
24 *\$100,000,000, with an estimated Federal*

1 *cost of \$50,000,000 and an estimated non-*
2 *Federal cost of \$50,000,000.*

3 *(D) CONDITIONS.—*

4 *(i) PROJECT IMPLEMENTATION RE-*
5 *PORTS.—Before implementation of a project*
6 *described in any of clauses (i) through (x)*
7 *of subparagraph (C), the Secretary shall re-*
8 *view and approve for the project a project*
9 *implementation report prepared in accord-*
10 *ance with subsections (f) and (h).*

11 *(ii) SUBMISSION OF REPORT.—The*
12 *Secretary shall submit to the Committee on*
13 *Transportation and Infrastructure of the*
14 *House of Representatives and the Committee*
15 *on Environment and Public Works of the*
16 *Senate the project implementation report*
17 *required by subsections (f) and (h) for each*
18 *project under this paragraph (including all*
19 *relevant data and information on all costs).*

20 *(iii) FUNDING CONTINGENT ON AP-*
21 *PROVAL.—No appropriation shall be made*
22 *to construct any project under this para-*
23 *graph if the project implementation report*
24 *for the project has not been approved by res-*
25 *olutions adopted by 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.*

5 *(iv) MODIFIED WATER DELIVERY.—No*
6 *appropriation shall be made to construct*
7 *the Water Conservation Area 3*
8 *Decomartmentalization and Sheetflow En-*
9 *hancement Project (including component*
10 *AA, Additional S-345 Structures; compo-*
11 *nent QQ Phase 1, Raise and Bridge East*
12 *Portion of Tamiami Trail and Fill Miami*
13 *Canal within WCA 3; component QQ Phase*
14 *2, WCA 3 Decompartmentalization and*
15 *Sheetflow Enhancement; and component*
16 *SS, North New River Improvements) or the*
17 *Central Lakebelt Storage Project (including*
18 *components S and EEE, Central Lake Belt*
19 *Storage Area) until the completion of the*
20 *project to improve water deliveries to Ever-*
21 *glades National Park authorized by section*
22 *104 of the Everglades National Park Protec-*
23 *tion and Expansion Act of 1989 (16 U.S.C.*
24 *410r-8).*

1 (E) *MAXIMUM COST OF PROJECTS.*—Section
2 902 of the *Water Resources Development Act of*
3 1986 (33 U.S.C. 2280) shall apply to each
4 project feature authorized under this subsection.

5 (c) *ADDITIONAL PROGRAM AUTHORITY.*—

6 (1) *IN GENERAL.*—To expedite implementation
7 of the Plan, the Secretary may implement modifica-
8 tions to the Central and Southern Florida Project
9 that—

10 (A) are described in the Plan; and

11 (B) will produce a substantial benefit to the
12 restoration, preservation and protection of the
13 South Florida ecosystem.

14 (2) *PROJECT IMPLEMENTATION REPORTS.*—Be-
15 fore implementation of any project feature authorized
16 under this subsection, the Secretary shall review and
17 approve for the project feature a project implementa-
18 tion report prepared in accordance with subsections
19 (f) and (h).

20 (3) *FUNDING.*—

21 (A) *INDIVIDUAL PROJECT FUNDING.*—

22 (i) *FEDERAL COST.*—The total Federal
23 cost of each project carried out under this
24 subsection shall not exceed \$12,500,000.

1 (ii) *OVERALL COST.*—*The total cost of*
2 *each project carried out under this sub-*
3 *section shall not exceed \$25,000,000.*

4 (B) *AGGREGATE COST.*—*The total cost of all*
5 *projects carried out under this subsection shall*
6 *not exceed \$206,000,000, with an estimated Fed-*
7 *eral cost of \$103,000,000 and an estimated non-*
8 *Federal cost of \$103,000,000.*

9 (d) *AUTHORIZATION OF FUTURE PROJECTS.*—

10 (1) *IN GENERAL.*—*Except for a project author-*
11 *ized by subsection (b) or (c), any project included in*
12 *the Plan shall require a specific authorization by*
13 *Congress.*

14 (2) *SUBMISSION OF REPORT.*—*Before seeking*
15 *congressional authorization for a project under para-*
16 *graph (1), the Secretary shall submit to Congress—*

17 (A) *a description of the project; and*

18 (B) *a project implementation report for the*
19 *project prepared in accordance with subsections*
20 *(f) and (h).*

21 (e) *COST SHARING.*—

22 (1) *FEDERAL SHARE.*—*The Federal share of the*
23 *cost of carrying out a project authorized by subsection*
24 *(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 the Conserva-*
20 *tion Restoration and Enhancement Program*
21 *(CREP) and the Wetlands Reserve Program*
22 *(WRP) for projects in the Plan shall be credited*
23 *toward the non-Federal share of the cost of the*
24 *Plan if the Secretary of Agriculture certifies that*
25 *the funds provided may be used for that purpose.*

1 *Funds to be credited do not include funds pro-*
2 *vided under section 390 of the Federal Agri-*
3 *culture Improvement and Reform Act of 1996*
4 *(110 Stat. 1022).*

5 (4) *OPERATION AND MAINTENANCE.*—*Notwith-*
6 *standing section 528(e)(3) of the Water Resources De-*
7 *velopment Act of 1996 (110 Stat. 3770), the non-Fed-*
8 *eral sponsor shall be responsible for 50 percent of the*
9 *cost of operation, maintenance, repair, replacement,*
10 *and rehabilitation activities authorized under this*
11 *section. Furthermore, the Seminole Tribe of Florida*
12 *shall be responsible for 50 percent of the cost of oper-*
13 *ation, maintenance, repair, replacement, and reha-*
14 *bilitation activities for the Big Cypress Seminole Res-*
15 *ervation Water Conservation Plan Project.*

16 (5) *CREDIT.*—

17 (A) *IN GENERAL.*—*Notwithstanding section*
18 *528(e)(4) of the Water Resources Development*
19 *Act of 1996 (110 Stat. 3770) and regardless of*
20 *the date of acquisition, the value of lands or in-*
21 *terests in lands and incidental costs for land ac-*
22 *quired by a non-Federal sponsor in accordance*
23 *with a project implementation report for any*
24 *project included in the Plan and authorized by*
25 *Congress shall be—*

1 (i) included in the total cost of the
2 project; and

3 (ii) credited toward the non-Federal
4 share of the cost of the project.

5 (B) WORK.—The Secretary may provide
6 credit, including in-kind credit, toward the non-
7 Federal share for the reasonable cost of any work
8 performed in connection with a study,
9 preconstruction engineering and design, or con-
10 struction that is necessary for the implementa-
11 tion of the Plan if—

12 (i)(I) the credit is provided for work
13 completed during the period of design, as
14 defined in a design agreement between the
15 Secretary and the non-Federal sponsor; or

16 (II) the credit is provided for work
17 completed during the period of construction,
18 as defined in a project cooperation agree-
19 ment for an authorized project between the
20 Secretary and the non-Federal sponsor;

21 (ii) the design agreement or the project
22 cooperation agreement prescribes the terms
23 and conditions of the credit; and

1 (iii) the Secretary determines that the
2 work performed by the non-Federal sponsor
3 is integral to the project.

4 (C) TREATMENT OF CREDIT BETWEEN
5 PROJECTS.—Any credit provided under this
6 paragraph may be carried over between author-
7 ized projects in accordance with subparagraph
8 (D).

9 (D) PERIODIC MONITORING.—

10 (i) IN GENERAL.—To ensure that the
11 contributions of the non-Federal sponsor
12 equal 50 percent proportionate share for
13 projects in the Plan, during each 5-year pe-
14 riod, beginning with commencement of de-
15 sign of the Plan, the Secretary shall, for
16 each project—

17 (I) monitor the non-Federal pro-
18 vision of cash, in-kind services, and
19 land; and

20 (II) manage, to the maximum ex-
21 tent practicable, the requirement of the
22 non-Federal sponsor to provide cash,
23 in-kind services, and land.

24 (ii) OTHER MONITORING.—The Sec-
25 retary shall conduct monitoring under

1 *clause (i) separately for the preconstruction*
2 *engineering and design phase and the con-*
3 *struction phase.*

4 *(E) AUDITS.—Credit for land (including*
5 *land value and incidental costs) or work pro-*
6 *vided under this subsection shall be subject to*
7 *audit by the Secretary.*

8 *(f) EVALUATION OF PROJECTS.—*

9 *(1) IN GENERAL.—Before implementation of a*
10 *project authorized by subsection (c) or (d) or any of*
11 *clauses (i) through (x) of subsection (b)(2)(C), the Sec-*
12 *retary, in cooperation with the non-Federal sponsor,*
13 *shall complete, after notice and opportunity for public*
14 *comment and in accordance with subsection (h), a*
15 *project implementation report for the project.*

16 *(2) PROJECT JUSTIFICATION.—*

17 *(A) IN GENERAL.—Notwithstanding section*
18 *209 of the Flood Control Act of 1970 (42 U.S.C.*
19 *1962–2) or any other provision of law, in car-*
20 *rying out any activity authorized under this sec-*
21 *tion or any other provision of law to restore,*
22 *preserve, or protect the South Florida ecosystem,*
23 *the Secretary may determine that—*

1 (i) *the activity is justified by the envi-*
2 *ronmental benefits derived by the South*
3 *Florida ecosystem; and*

4 (ii) *no further economic justification*
5 *for the activity is required, if the Secretary*
6 *determines that the activity is cost-effective.*

7 (B) *APPLICABILITY.*—Subparagraph (A)
8 *shall not apply to any separable element in-*
9 *tended to produce benefits that are predomi-*
10 *nantly unrelated to the restoration, preservation,*
11 *and protection of the natural system.*

12 (g) *EXCLUSIONS AND LIMITATIONS.*—*The following*
13 *Plan components are not approved for implementation:*

14 (1) *WATER INCLUDED IN THE PLAN.*—

15 (A) *IN GENERAL.*—*Any project that is de-*
16 *signed to implement the capture and use of the*
17 *approximately 245,000 acre-feet of water de-*
18 *scribed in section 7.7.2 of the Plan shall not be*
19 *implemented until such time as—*

20 (i) *the project-specific feasibility study*
21 *described in subparagraph (B) on the need*
22 *for and physical delivery of the approxi-*
23 *mately 245,000 acre-feet of water, conducted*
24 *by the Secretary, in cooperation with the*
25 *non-Federal sponsor, is completed;*

1 (ii) the project is favorably rec-
2 ommended in a final report of the Chief of
3 Engineers; and

4 (iii) the project is authorized by Act of
5 Congress.

6 (B) PROJECT-SPECIFIC FEASIBILITY
7 STUDY.—The project-specific feasibility study re-
8 ferred to in subparagraph (A) shall include—

9 (i) a comprehensive analysis of the
10 structural facilities proposed to deliver the
11 approximately 245,000 acre-feet of water to
12 the natural system;

13 (ii) an assessment of the requirements
14 to divert and treat the water;

15 (iii) an assessment of delivery alter-
16 natives;

17 (iv) an assessment of the feasibility of
18 delivering the water downstream while
19 maintaining current levels of flood protec-
20 tion to affected property; and

21 (v) any other assessments that are de-
22 termined by the Secretary to be necessary to
23 complete the study.

24 (2) WASTEWATER REUSE.—

1 (A) *IN GENERAL.*—On completion and eval-
2 uation of the wastewater reuse pilot project de-
3 scribed in subsection (b)(2)(B)(iv), the Secretary,
4 in an appropriately timed 5-year report, shall
5 describe the results of the evaluation of advanced
6 wastewater reuse in meeting, in a cost-effective
7 manner, the requirements of restoration of the
8 natural system.

9 (B) *SUBMISSION.*—The Secretary shall sub-
10 mit to Congress the report described in subpara-
11 graph (A) before congressional authorization for
12 advanced wastewater reuse is sought.

13 (3) *PROJECTS APPROVED WITH LIMITATIONS.*—
14 The following projects in the Plan are approved for
15 implementation with limitations:

16 (A) *LOXAHATCHEE NATIONAL WILDLIFE*
17 *REFUGE.*—The Federal share for land acquisi-
18 tion in the project to enhance existing wetland
19 systems along the Loxahatchee National Wildlife
20 Refuge, including the Stazzulla tract, should be
21 funded through the budget of the Department of
22 the Interior.

23 (B) *SOUTHERN CORKSCREW REGIONAL ECO-*
24 *SYSTEM.*—The Southern Corkscrew regional eco-

1 *system watershed addition should be accom-*
2 *plished outside the scope of the Plan.*

3 *(h) ASSURANCE OF PROJECT BENEFITS.—*

4 *(1) IN GENERAL.—The overarching objective of*
5 *the Plan is the restoration, preservation, and protec-*
6 *tion of the South Florida Ecosystem while providing*
7 *for other water-related needs of the region, including*
8 *water supply and flood protection. The Plan shall be*
9 *implemented to ensure the protection of water quality*
10 *in, the reduction of the loss of fresh water from, the*
11 *improvement of the environment of the South Florida*
12 *Ecosystem and to achieve and maintain the benefits*
13 *to the natural system and human environment de-*
14 *scribed in the Plan, and required pursuant to this*
15 *section, for as long as the project is authorized.*

16 *(2) AGREEMENT.—*

17 *(A) IN GENERAL.—In order to ensure that*
18 *water generated by the Plan will be made avail-*
19 *able for the restoration of the natural system, no*
20 *appropriations, except for any pilot project de-*
21 *scribed in subsection (b)(2)(B), shall be made for*
22 *the construction of a project contained in the*
23 *Plan until the President and the Governor enter*
24 *into a binding agreement under which the State*
25 *shall ensure, by regulation or other appropriate*

1 *means, that water made available by each project*
2 *in the Plan shall not be permitted for a con-*
3 *sumptive use or otherwise made unavailable by*
4 *the State until such time as sufficient reserva-*
5 *tions of water for the restoration of the natural*
6 *system are made under State law in accordance*
7 *with the project implementation report for that*
8 *project and consistent with the Plan.*

9 *(B) ENFORCEMENT.—*

10 *(i) IN GENERAL.—Any person or entity*
11 *that is aggrieved by a failure of the United*
12 *States or any other Federal Government in-*
13 *strumentality or agency, or the Governor or*
14 *any other officer of a State instrumentality*
15 *or agency, to comply with any provision of*
16 *the agreement entered into under subpara-*
17 *graph (A) may bring a civil action in*
18 *United States district court for an injunc-*
19 *tion directing the United States or any*
20 *other Federal Government instrumentality*
21 *or agency or the Governor or any other offi-*
22 *cer of a State instrumentality or agency, as*
23 *the case may be, to comply with the agree-*
24 *ment.*

1 (ii) *LIMITATIONS ON COMMENCEMENT*
2 *OF CIVIL ACTION.*—*No civil action may be*
3 *commenced under clause (i)—*

4 (I) *before the date that is 60 days*
5 *after the Secretary and the Governor*
6 *receive written notice of a failure to*
7 *comply with the agreement; or*

8 (II) *if the United States has com-*
9 *menced and is diligently prosecuting*
10 *an action in a court of the United*
11 *States or a State to redress a failure to*
12 *comply with the agreement.*

13 (C) *TRUST RESPONSIBILITIES.*—*In car-*
14 *rying out his responsibilities under this sub-*
15 *section with respect to the restoration of the*
16 *South Florida ecosystem, the Secretary of the In-*
17 *terior shall fulfill his obligations to the Indian*
18 *tribes in South Florida under the Indian trust*
19 *doctrine as well as other applicable legal obliga-*
20 *tions.*

21 (3) *PROGRAMMATIC REGULATIONS.*—

22 (A) *ISSUANCE.*—*Not later than 2 years*
23 *after the date of enactment of this Act, the Sec-*
24 *retary shall, after notice and opportunity for*
25 *public comment, with the concurrence of the Gov-*

1 *ernor and the Secretary of the Interior, and in*
2 *consultation with the Seminole Tribe of Florida,*
3 *the Miccosukee Tribe of Indians of Florida, the*
4 *Administrator of the Environmental Protection*
5 *Agency, the Secretary of Commerce, and other*
6 *Federal, State, and local agencies, promulgate*
7 *programmatic regulations to ensure that the*
8 *goals and purposes of the Plan are achieved.*

9 *(B) CONCURRENCY STATEMENT.—The Sec-*
10 *retary of the Interior and the Governor shall, not*
11 *later than 180 days from the end of the public*
12 *comment period on proposed programmatic regu-*
13 *lations, provide the Secretary with a written*
14 *statement of concurrence or nonconcurrence. A*
15 *failure to provide a written statement of concur-*
16 *rence or nonconcurrence within such time frame*
17 *will be deemed as meeting the concurrency re-*
18 *quirements of subparagraph (A)(i). A copy of*
19 *any concurrency or nonconcurrence statements*
20 *shall be made a part of the administrative record*
21 *and referenced in the final programmatic regula-*
22 *tions. Any nonconcurrence statement shall spe-*
23 *cifically detail the reason or reasons for the non-*
24 *concurrence.*

25 *(C) CONTENT OF REGULATIONS.—*

1 (i) *IN GENERAL.*—*Programmatic regu-*
2 *lations promulgated under this paragraph*
3 *shall establish a process—*

4 (I) *for the development of project*
5 *implementation reports, project co-*
6 *operation agreements, and operating*
7 *manuals that ensure that the goals and*
8 *objectives of the Plan are achieved;*

9 (II) *to ensure that new informa-*
10 *tion resulting from changed or unfore-*
11 *seen circumstances, new scientific or*
12 *technical information or information*
13 *that is developed through the principles*
14 *of adaptive management contained in*
15 *the Plan, or future authorized changes*
16 *to the Plan are integrated into the im-*
17 *plementation of the Plan; and*

18 (III) *to ensure the protection of*
19 *the natural system consistent with the*
20 *goals and purposes of the Plan, includ-*
21 *ing the establishment of interim goals*
22 *to provide a means by which the res-*
23 *toration success of the Plan may be*
24 *evaluated throughout the implementa-*
25 *tion process.*

1 (ii) *LIMITATION ON APPLICABILITY OF*
2 *PROGRAMMATIC REGULATIONS.—Pro-*
3 *grammatic regulations promulgated under*
4 *this paragraph shall expressly prohibit the*
5 *requirement for concurrence by the Sec-*
6 *retary of the Interior or the Governor on*
7 *project implementation reports, project co-*
8 *operation agreements, operating manuals*
9 *for individual projects undertaken in the*
10 *Plan, and any other documents relating to*
11 *the development, implementation, and man-*
12 *agement of individual features of the Plan,*
13 *unless such concurrence is provided for in*
14 *other Federal or State laws.*

15 (D) *SCHEDULE AND TRANSITION RULE.—*

16 (i) *IN GENERAL.—All project imple-*
17 *mentation reports approved before the date*
18 *of promulgation of the programmatic regu-*
19 *lations shall be consistent with the Plan.*

20 (ii) *PREAMBLE.—The preamble of the*
21 *programmatic regulations shall include a*
22 *statement concerning the consistency with*
23 *the programmatic regulations of any project*
24 *implementation reports that were approved*

1 before the date of promulgation of the regu-
2 lations.

3 (E) *REVIEW OF PROGRAMMATIC REGULA-*
4 *TIONS.—Whenever necessary to attain Plan goals*
5 *and purposes, but not less often than every 5*
6 *years, the Secretary, in accordance with sub-*
7 *paragraph (A), shall review the programmatic*
8 *regulations promulgated under this paragraph.*

9 (4) *PROJECT-SPECIFIC ASSURANCES.—*

10 (A) *PROJECT IMPLEMENTATION REPORTS.—*

11 (i) *IN GENERAL.—The Secretary and*
12 *the non-Federal sponsor shall develop*
13 *project implementation reports in accord-*
14 *ance with section 10.3.1 of the Plan.*

15 (ii) *COORDINATION.—In developing a*
16 *project implementation report, the Secretary*
17 *and the non-Federal sponsor shall coordi-*
18 *nate with appropriate Federal, State, trib-*
19 *al, and local governments.*

20 (iii) *REQUIREMENTS.—A project im-*
21 *plementation report shall—*

22 (I) *be consistent with the Plan*
23 *and the programmatic regulations pro-*
24 *mulgated under paragraph (3);*

1 (II) describe how each of the re-
2 quirements stated in paragraph (3)(B)
3 is satisfied;

4 (III) comply with the National
5 Environmental Policy Act of 1969 (42
6 U.S.C. 4321 et seq.);

7 (IV) identify the appropriate
8 quantity, timing, and distribution of
9 water dedicated and managed for the
10 natural system;

11 (V) identify the amount of water
12 to be reserved or allocated for the nat-
13 ural system necessary to implement,
14 under State law, subclauses (IV) and
15 (VI);

16 (VI) comply with applicable water
17 quality standards and applicable
18 water quality permitting requirements
19 under subsection (b)(2)(A)(ii);

20 (VII) be based on the best avail-
21 able science; and

22 (VIII) include an analysis con-
23 cerning the cost-effectiveness and engi-
24 neering feasibility of the project.

1 (B) *PROJECT COOPERATION AGREE-*
2 MENTS.—

3 (i) *IN GENERAL.*—*The Secretary and*
4 *the non-Federal sponsor shall execute project*
5 *cooperation agreements in accordance with*
6 *section 10 of the Plan.*

7 (ii) *CONDITION.*—*The Secretary shall*
8 *not execute a project cooperation agreement*
9 *until any reservation or allocation of water*
10 *for the natural system identified in the*
11 *project implementation report is executed*
12 *under State law.*

13 (C) *OPERATING MANUALS.*—

14 (i) *IN GENERAL.*—*The Secretary and*
15 *the non-Federal sponsor shall develop and*
16 *issue, for each project or group of projects,*
17 *an operating manual that is consistent with*
18 *the water reservation or allocation for the*
19 *natural system described in the project im-*
20 *plementation report and the project co-*
21 *operation agreement for the project or group*
22 *of projects.*

23 (ii) *MODIFICATIONS.*—*Any significant*
24 *modification by the Secretary and the non-*
25 *Federal sponsor to an operating manual*

1 *after the operating manual is issued shall*
2 *only be carried out subject to notice and op-*
3 *portunity for public comment.*

4 (5) *SAVINGS CLAUSE.—*

5 (A) *NO ELIMINATION OR TRANSFER.—Until*
6 *a new source of water supply of comparable*
7 *quantity and quality as that available on the*
8 *date of enactment of this Act is available to re-*
9 *place the water to be lost as a result of imple-*
10 *mentation of the Plan, the Secretary and the*
11 *non-Federal sponsor shall not eliminate or trans-*
12 *fer existing legal sources of water, including*
13 *those for—*

14 (i) *an agricultural or urban water*
15 *supply;*

16 (ii) *allocation or entitlement to the*
17 *Seminole Indian Tribe of Florida under*
18 *section 7 of the Seminole Indian Land*
19 *Claims Settlement Act of 1987 (25 U.S.C.*
20 *1772e);*

21 (iii) *the Miccosukee Tribe of Indians of*
22 *Florida;*

23 (iv) *water supply for Everglades Na-*
24 *tional Park; or*

25 (v) *water supply for fish and wildlife.*

1 (B) *MAINTENANCE OF FLOOD PROTEC-*
2 *TION.—Implementation of the Plan shall not re-*
3 *duce levels of service for flood protection that*
4 *are—*

5 (i) *in existence on the date of enact-*
6 *ment of this Act; and*

7 (ii) *in accordance with applicable law.*

8 (C) *NO EFFECT ON TRIBAL COMPACT.—*
9 *Nothing in this section amends, alters, prevents,*
10 *or otherwise abrogates rights of the Seminole In-*
11 *Indian Tribe of Florida under the compact among*
12 *the Seminole Tribe of Florida, the State, and the*
13 *South Florida Water Management District, de-*
14 *fining the scope and use of water rights of the*
15 *Seminole Tribe of Florida, as codified by section*
16 *7 of the Seminole Indian Land Claims Settle-*
17 *ment Act of 1987 (25 U.S.C. 1772e).*

18 (i) *DISPUTE RESOLUTION.—*

19 (1) *IN GENERAL.—The Secretary and the Gov-*
20 *ernor shall within 180 days from the date of enact-*
21 *ment of this Act develop an agreement for resolving*
22 *disputes between the Corps of Engineers and the State*
23 *associated with the implementation of the Plan. Such*
24 *agreement shall establish a mechanism for the timely*
25 *and efficient resolution of disputes, including—*

1 (A) a preference for the resolution of dis-
2 putes between the Jacksonville District of the
3 Corps of Engineers and the South Florida Water
4 Management District;

5 (B) a mechanism for the Jacksonville Dis-
6 trict of the Corps of Engineers or the South Flor-
7 ida Water Management District to initiate the
8 dispute resolution process for unresolved issues;

9 (C) the establishment of appropriate time-
10 frames and intermediate steps for the elevation of
11 disputes to the Governor and the Secretary; and

12 (D) a mechanism for the final resolution of
13 disputes, within 180 days from the date that the
14 dispute resolution process is initiated under sub-
15 paragraph (B).

16 (2) *CONDITION FOR REPORT APPROVAL.*—The
17 Secretary shall not approve a project implementation
18 report under this section until the agreement estab-
19 lished under this subsection has been executed.

20 (3) *NO EFFECT ON LAW.*—Nothing in the agree-
21 ment established under this subsection shall alter or
22 amend any existing Federal or State law, or the re-
23 sponsibility of any party to the agreement to comply
24 with any Federal or State law.

25 (j) *INDEPENDENT SCIENTIFIC REVIEW.*—

1 (1) *IN GENERAL.*—*The Secretary, the Secretary*
2 *of the Interior, and the Governor, in consultation*
3 *with the South Florida Ecosystem Restoration Task*
4 *Force, shall establish an independent scientific review*
5 *panel convened by a body, such as the National Acad-*
6 *emy of Sciences, to review the Plan’s progress toward*
7 *achieving the natural system restoration goals of the*
8 *Plan.*

9 (2) *REPORT.*—*The panel described in paragraph*
10 *(1) shall produce a biennial report to Congress, the*
11 *Secretary, the Secretary of the Interior, and the Gov-*
12 *ernor that includes an assessment of ecological indica-*
13 *tors and other measures of progress in restoring the*
14 *ecology of the natural system, based on the Plan.*

15 (k) *OUTREACH AND ASSISTANCE.*—

16 (1) *SMALL BUSINESS CONCERNS OWNED AND OP-*
17 *ERATED BY SOCIALLY AND ECONOMICALLY DISADVAN-*
18 *TAGED INDIVIDUALS.*—*In executing the Plan, the Sec-*
19 *retary shall ensure that small business concerns*
20 *owned and controlled by socially and economically*
21 *disadvantaged individuals are provided opportunities*
22 *to participate under section 15(g) of the Small Busi-*
23 *ness Act (15 U.S.C. 644(g)).*

24 (2) *COMMUNITY OUTREACH AND EDUCATION.*—

1 (A) *IN GENERAL.*—*The Secretary shall en-*
2 *sure that impacts on socially and economically*
3 *disadvantaged individuals, including individuals*
4 *with limited English proficiency, and commu-*
5 *nities are considered during implementation of*
6 *the Plan, and that such individuals have oppor-*
7 *tunities to review and comment on its implemen-*
8 *tation.*

9 (B) *PROVISION OF OPPORTUNITIES.*—*The*
10 *Secretary shall ensure, to the maximum extent*
11 *practicable, that public outreach and educational*
12 *opportunities are provided, during implementa-*
13 *tion of the Plan, to the individuals of South*
14 *Florida, including individuals with limited*
15 *English proficiency, and in particular for so-*
16 *cially and economically disadvantaged commu-*
17 *nities.*

18 (i) *REPORT TO CONGRESS.*—*Beginning on October 1,*
19 *2005, and periodically thereafter until October 1, 2036, the*
20 *Secretary and the Secretary of the Interior, in consultation*
21 *with the Environmental Protection Agency, the Department*
22 *of Commerce, and the State of Florida, shall jointly submit*
23 *to Congress a report on the implementation of the Plan.*
24 *Such reports shall be completed not less often than every*
25 *5 years. Such reports shall include a description of plan-*

1 *ning, design, and construction work completed, the amount*
2 *of funds expended during the period covered by the report*
3 *(including a detailed analysis of the funds expended for*
4 *adaptive assessment under subsection (b)(2)(C)(xi)), and*
5 *the work anticipated over the next 5-year period. In addi-*
6 *tion, each report shall include—*

7 (1) *the determination of each Secretary, and the*
8 *Administrator of the Environmental Protection Agen-*
9 *cy, concerning the benefits to the natural system and*
10 *the human environment achieved as of the date of the*
11 *report and whether the completed projects of the Plan*
12 *are being operated in a manner that is consistent*
13 *with the requirements of subsection (h);*

14 (2) *progress toward interim goals established in*
15 *accordance with subsection (h)(3)(B); and*

16 (3) *a review of the activities performed by the*
17 *Secretary under subsection (k) as they relate to so-*
18 *cially and economically disadvantaged individuals*
19 *and individuals with limited English proficiency.*

20 (m) *REPORT ON AQUIFER STORAGE AND RECOVERY*
21 *PROJECT.—Not later than 180 after the date of enactment*
22 *of this Act, the Secretary shall transmit to Congress a report*
23 *containing a determination as to whether the ongoing Bis-*
24 *cayne Aquifer Storage and Recovery Program located in*
25 *Miami-Dade County has a substantial benefit to the res-*

1 *toration, preservation, and protection of the South Florida*
 2 *ecosystem.*

3 *(n) FULL DISCLOSURE OF PROPOSED FUNDING.—*

4 *(1) FUNDING FROM ALL SOURCES.—The Presi-*
 5 *dent, as part of the annual budget of the United*
 6 *States Government, shall display under the heading*
 7 *“Everglades Restoration” all proposed funding for the*
 8 *Plan for all agency programs.*

9 *(2) FUNDING FROM CORPS OF ENGINEERS CIVIL*
 10 *WORKS PROGRAM.—The President, as part of the an-*
 11 *ual budget of the United States Government, shall*
 12 *display under the accounts “Construction, General”*
 13 *and “Operation and Maintenance, General” of the*
 14 *title “Department of Defense—Civil, Department of*
 15 *the Army, Corps of Engineers—Civil”, the total pro-*
 16 *posed funding level for each account for the Plan and*
 17 *the percentage such level represents of the overall lev-*
 18 *els in such accounts. The President shall also include*
 19 *an assessment of the impact such funding levels for*
 20 *the Plan would have on the budget year and long-*
 21 *term funding levels for the overall Corps of Engineers*
 22 *civil works program.*

23 *(o) SURPLUS FEDERAL LANDS.—Section*
 24 *390(f)(2)(A)(i) of the Federal Agriculture Improvement and*
 25 *Reform Act of 1996 (110 Stat. 1023) is amended by insert-*

1 *ing after “on or after the date of enactment of this Act”*
2 *the following: “and before the date of enactment of the Water*
3 *Resource Development Act of 2000”.*

4 (p) *SEVERABILITY.—If any provision or remedy pro-*
5 *vided by this section is found to be unconstitutional or un-*
6 *enforceable by any court of competent jurisdiction, any re-*
7 *maining provisions in this section shall remain valid and*
8 *enforceable.*

9 **SEC. 602. SENSE OF CONGRESS CONCERNING HOMESTEAD**

10 **AIR FORCE BASE.**

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

12 (1) *the Everglades is an American treasure and*
13 *includes uniquely-important and diverse wildlife re-*
14 *sources and recreational opportunities;*

15 (2) *the preservation of the pristine and natural*
16 *character of the South Florida ecosystem is critical to*
17 *the regional economy;*

18 (3) *as this legislation demonstrates, Congress be-*
19 *lieves it to be a vital national mission to restore and*
20 *preserve this ecosystem and accordingly is authorizing*
21 *a significant Federal investment to do so;*

22 (4) *Congress seeks to have the remaining prop-*
23 *erty at the former Homestead Air Base conveyed and*
24 *reused as expeditiously as possible, and several op-*

1 *tions for base reuse are being considered, including as*
2 *a commercial airport; and*

3 *(5) Congress is aware that the Homestead site is*
4 *located in a sensitive environmental location, and*
5 *that Biscayne National Park is only approximately*
6 *1.5 miles to the east, Everglades National Park ap-*
7 *proximately 8 miles to the west, and the Florida Keys*
8 *National Marine Sanctuary approximately 10 miles*
9 *to the south.*

10 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
11 *that—*

12 *(1) development at the Homestead site could po-*
13 *tentially cause significant air, water, and noise pollu-*
14 *tion and result in the degradation of adjacent na-*
15 *tional parks and other protected Federal resources;*

16 *(2) in their decisionmaking, the Federal agencies*
17 *charged with determining the reuse of the remaining*
18 *property at the Homestead base should carefully con-*
19 *sider and weigh all available information concerning*
20 *potential environmental impacts of various reuse op-*
21 *tions;*

22 *(3) the redevelopment of the former base should*
23 *be consistent with restoration goals, provide desirable*
24 *numbers of jobs and economic redevelopment for the*

1 *community, and be consistent with other applicable*
 2 *laws;*

3 *(4) consistent with applicable laws, the Secretary*
 4 *of the Air Force should proceed as quickly as prac-*
 5 *ticable to issue a final SEIS and Record of Decision*
 6 *so that reuse of the former air base can proceed expe-*
 7 *ditiously;*

8 *(5) following conveyance of the remaining sur-*
 9 *plus property, the Secretary, as part of his oversight*
 10 *for Everglades restoration, should cooperate with the*
 11 *entities to which the various parcels of surplus prop-*
 12 *erty were conveyed so that the planned use of those*
 13 *properties is implemented in such a manner as to re-*
 14 *main consistent with the goals of the Everglades res-*
 15 *toration plan; and*

16 *(6) by August 1, 2002, the Secretary should sub-*
 17 *mit a report to the appropriate committees of Con-*
 18 *gress on actions taken and make any recommenda-*
 19 *tions for consideration by Congress.*

20 **TITLE VII—MISSOURI RIVER**
 21 **RESTORATION**

22 **SEC. 701. DEFINITIONS.**

23 *In this title, the following definitions apply:*

24 *(1) PICK-SLOAN PROGRAM.—The term “Pick-*
 25 *Sloan program” means the Pick-Sloan Missouri*

1 *River Basin Program authorized by section 9 of the*
 2 *Act of December 22, 1944 (58 Stat. 891).*

3 (2) *PLAN.*—*The term “plan” means the plan for*
 4 *the use of funds made available by this title that is*
 5 *required to be prepared under section 705(e).*

6 (3) *STATE.*—*The term “State” means the State*
 7 *of South Dakota.*

8 (4) *TASK FORCE.*—*The term “Task Force”*
 9 *means the Missouri River Task Force established by*
 10 *section 705(a).*

11 (6) *TRUST.*—*The term “Trust” means the Mis-*
 12 *souri River Trust established by section 704(a).*

13 **SEC. 702. MISSOURI RIVER TRUST.**

14 (a) *ESTABLISHMENT.*—*There is established a com-*
 15 *mittee to be known as the Missouri River Trust.*

16 (b) *MEMBERSHIP.*—*The Trust shall be composed of 25*
 17 *members to be appointed by the Secretary, including—*

18 (1) *15 members recommended by the Governor of*
 19 *South Dakota that—*

20 (A) *represent equally the various interests of*
 21 *the public; and*

22 (B) *include representatives of—*

23 (i) *the South Dakota Department of*
 24 *Environment and Natural Resources;*

- 1 (ii) the South Dakota Department of
2 *Game, Fish, and Parks;*
3 (iii) environmental groups;
4 (iv) the hydroelectric power industry;
5 (v) local governments;
6 (vi) recreation user groups;
7 (vii) agricultural groups; and
8 (viii) other appropriate interests;

9 (2) 9 members, 1 of each of whom shall be rec-
10 ommended by each of the 9 Indian tribes in the State
11 of South Dakota; and

12 (3) 1 member recommended by the organization
13 known as the “Three Affiliated Tribes of North Da-
14 kota” (composed of the Mandan, Hidatsa, and
15 Arikara tribes).

16 **SEC. 703. MISSOURI RIVER TASK FORCE.**

17 (a) *ESTABLISHMENT.*—There is established the Mis-
18 souri River Task Force.

19 (b) *MEMBERSHIP.*—The Task Force shall be composed
20 of—

21 (1) the Secretary (or a designee), who shall serve
22 as Chairperson;

23 (2) the Secretary of Agriculture (or a designee);

24 (3) the Secretary of Energy (or a designee);

1 (4) *the Secretary of the Interior (or a designee);*

2 *and*

3 (5) *the Trust.*

4 (c) *DUTIES.—The Task Force shall—*

5 (1) *meet at least twice each year;*

6 (2) *vote on approval of the plan, with approval*
7 *requiring votes in favor of the plan by a majority of*
8 *the members;*

9 (3) *review projects to meet the goals of the plan;*

10 *and*

11 (4) *recommend to the Secretary critical projects*
12 *for implementation.*

13 (d) *ASSESSMENT.—*

14 (1) *IN GENERAL.—Not later than 1 year after*
15 *the date on which funding authorized under this title*
16 *becomes available, the Secretary shall submit to the*
17 *other members of the Task Force a report on—*

18 (A) *the impact of the siltation of the Mis-*
19 *souri River in the State, including the impact*
20 *on the Federal, State, and regional economies,*
21 *recreation, hydropower generation, fish and*
22 *wildlife, and flood control;*

23 (B) *the status of Indian and non-Indian*
24 *historical and cultural sites along the Missouri*
25 *River;*

1 (C) *the extent of erosion along the Missouri*
2 *River (including tributaries of the Missouri*
3 *River) in the State; and*

4 (D) *other issues, as requested by the Task*
5 *Force.*

6 (2) *CONSULTATION.—In preparing the report*
7 *under paragraph (1), the Secretary shall consult with*
8 *the Secretary of Energy, the Secretary of the Interior,*
9 *the Secretary of Agriculture, the State, and Indian*
10 *tribes in the State.*

11 (e) *PLAN FOR USE OF FUNDS MADE AVAILABLE BY*
12 *THIS TITLE.—*

13 (1) *IN GENERAL.—Not later than 2 years after*
14 *the date on which funding authorized under this title*
15 *becomes available, the Task Force shall prepare a*
16 *plan for the use of funds made available under this*
17 *title.*

18 (2) *CONTENTS OF PLAN.—The plan shall provide*
19 *for the manner in which the Task Force shall develop*
20 *and recommend critical restoration projects to*
21 *promote—*

22 (A) *conservation practices in the Missouri*
23 *River watershed;*

24 (B) *the general control and removal of sedi-*
25 *ment from the Missouri River;*

1 (C) the protection of recreation on the Mis-
2 souri River from sedimentation;

3 (D) the protection of Indian and non-In-
4 dian historical and cultural sites along the Mis-
5 souri River from erosion;

6 (E) erosion control along the Missouri
7 River; or

8 (F) any combination of the activities de-
9 scribed in subparagraphs (A) through (E).

10 (3) *PLAN REVIEW AND REVISION.*—

11 (A) *IN GENERAL.*—*The Task Force shall*
12 *make a copy of the plan available for public re-*
13 *view and comment before the plan becomes final,*
14 *in accordance with procedures established by the*
15 *Task Force.*

16 (B) *REVISION OF PLAN.*—

17 (i) *IN GENERAL.*—*The Task Force*
18 *may, on an annual basis, revise the plan.*

19 (ii) *PUBLIC REVIEW AND COMMENT.*—
20 *In revising the plan, the Task Force shall*
21 *provide the public the opportunity to review*
22 *and comment on any proposed revision to*
23 *the plan.*

24 (f) *CRITICAL RESTORATION PROJECTS.*—

1 (1) *IN GENERAL.*—After the plan is approved by
2 the Task Force under subsection (c)(2), the Secretary,
3 in coordination with the Task Force, shall identify
4 critical restoration projects to carry out the plan.

5 (2) *AGREEMENT.*—The Secretary may carry out
6 a critical restoration project after entering into an
7 agreement with an appropriate non-Federal interest
8 in accordance with section 221 of the Flood Control
9 Act of 1970 (42 U.S.C. 1962d–5b).

10 (3) *INDIAN PROJECTS.*—To the maximum extent
11 practicable, the Secretary shall ensure that not less
12 than 30 percent of the funds made available for crit-
13 ical restoration projects under this title shall be used
14 exclusively for projects that are—

15 (A) within the boundary of an Indian res-
16 ervation; or

17 (B) administered by an Indian tribe.

18 (g) *COST SHARING.*—

19 (1) *ASSESSMENT.*—

20 (A) *FEDERAL SHARE.*—The Federal share
21 of the cost of carrying out the assessment under
22 subsection (d) shall be 50 percent.

23 (B) *NON-FEDERAL SHARE.*—The non-Fed-
24 eral share of the cost of carrying out the assess-
25 ment under subsection (d) may be provided in

1 *the form of services, materials, or other in-kind*
2 *contributions.*

3 (2) *PLAN.—*

4 (A) *FEDERAL SHARE.—The Federal share*
5 *of the cost of preparing the plan under sub-*
6 *section (e) shall be 50 percent.*

7 (B) *NON-FEDERAL SHARE.—Not more than*
8 *50 percent of the non-Federal share of the cost of*
9 *preparing the plan under subsection (e) may be*
10 *provided in the form of services, materials, or*
11 *other in-kind contributions.*

12 (3) *CRITICAL RESTORATION PROJECTS.—*

13 (A) *IN GENERAL.—A non-Federal cost share*
14 *shall be required to carry out any critical res-*
15 *toration project under subsection (f) that does*
16 *not primarily benefit the Federal Government, as*
17 *determined by the Task Force.*

18 (B) *FEDERAL SHARE.—The Federal share*
19 *of the cost of carrying out a critical restoration*
20 *project under subsection (f) for which the Task*
21 *Force requires a non-Federal cost share under*
22 *subparagraph (A) shall be 65 percent, not to ex-*
23 *ceed \$5,000,000 for any critical restoration*
24 *project.*

25 (C) *NON-FEDERAL SHARE.—*

1 (i) *IN GENERAL.*—Not more than 50
2 percent of the non-Federal share of the cost
3 of carrying out a critical restoration project
4 described in subparagraph (B) may be pro-
5 vided in the form of services, materials, or
6 other in-kind contributions.

7 (ii) *REQUIRED NON-FEDERAL CON-*
8 *TRIBUTIONS.*—For any critical restoration
9 project described in subparagraph (B), the
10 non-Federal interest shall—

11 (I) provide all land, easements,
12 rights-of-way, dredged material dis-
13 posal areas, and relocations;

14 (II) pay all operation, mainte-
15 nance, replacement, repair, and reha-
16 bilitation costs; and

17 (III) hold the United States
18 harmless from all claims arising from
19 the construction, operation, and main-
20 tenance of the project.

21 (iii) *CREDIT.*—The non-Federal inter-
22 est shall receive credit for all contributions
23 provided under clause (ii)(I).

1 **SEC. 704. ADMINISTRATION.**

2 (a) *IN GENERAL.*—*Nothing in this title diminishes or*
3 *affects—*

4 (1) *any water right of an Indian tribe;*

5 (2) *any other right of an Indian tribe, except as*
6 *specifically provided in another provision of this title;*

7 (3) *any treaty right that is in effect on the date*
8 *of enactment of this Act;*

9 (4) *any external boundary of an Indian reserva-*
10 *tion of an Indian tribe;*

11 (5) *any authority of the State that relates to the*
12 *protection, regulation, or management of fish, terres-*
13 *trial wildlife, and cultural and archaeological re-*
14 *sources, except as specifically provided in this title; or*

15 (6) *any authority of the Secretary, the Secretary*
16 *of the Interior, or the head of any other Federal agen-*
17 *cy under a law in effect on the date of enactment of*
18 *this Act, including—*

19 (A) *the National Historic Preservation Act*
20 *(16 U.S.C. 470 et seq.);*

21 (B) *the Archaeological Resources Protection*
22 *Act of 1979 (16 U.S.C. 470aa et seq.);*

23 (C) *the Fish and Wildlife Coordination Act*
24 *(16 U.S.C. 661 et seq.);*

1 (D) the Act entitled “An Act for the protec-
2 tion of the bald eagle”, approved June 8, 1940
3 (16 U.S.C. 668 et seq.);

4 (E) the Migratory Bird Treaty Act (16
5 U.S.C. 703 et seq.);

6 (F) the Endangered Species Act of 1973 (16
7 U.S.C. 1531 et seq.);

8 (G) the Native American Graves Protection
9 and Repatriation Act (25 U.S.C. 3001 et seq.);

10 (H) the Federal Water Pollution Control
11 Act (33 U.S.C. 1251 et seq.);

12 (I) the Safe Drinking Water Act (42 U.S.C.
13 300f et seq.); and

14 (J) the National Environmental Policy Act
15 of 1969 (42 U.S.C. 4321 et seq.).

16 (b) *FEDERAL LIABILITY FOR DAMAGE.*—Nothing in
17 this title relieves the Federal Government of liability for
18 damage to private property caused by the operation of the
19 Pick-Sloan program.

20 (c) *FLOOD CONTROL.*—Notwithstanding any other
21 provision of this title, the Secretary shall retain the author-
22 ity to operate the Pick-Sloan program for the purposes of
23 meeting the requirements of the Act of December 22, 1944
24 (58 Stat. 887, 33 U.S.C. 701–1 et seq.).

1 **SEC. 705. AUTHORIZATION OF APPROPRIATIONS.**

2 *There is authorized to be appropriated to the Secretary*
3 *to carry out this title \$4,000,000 for each of fiscal years*
4 *2001 through 2005, \$5,000,000 for each of fiscal years 2006*
5 *through 2009, and \$10,000,000 in fiscal year 2010. Such*
6 *funds shall remain available until expended.*

Attest:

Clerk.

106TH CONGRESS
2D SESSION

S. 2796

AMENDMENT