

106TH CONGRESS
2^D SESSION

S. 2796

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.

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

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

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

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

- Sec. 101. Project authorizations.
 Sec. 102. Small shore protection projects.
 Sec. 103. Small navigation projects.
 Sec. 104. Removal of snags and clearing and straightening of channels in navigable waters.
 Sec. 105. Small bank stabilization projects.
 Sec. 106. Small flood control projects.
 Sec. 107. Small projects for improvement of the quality of the environment.
 Sec. 108. Beneficial uses of dredged material.
 Sec. 109. Small aquatic ecosystem restoration projects.
 Sec. 110. Flood mitigation and riverine restoration.
 Sec. 111. Disposal of dredged material on beaches.

TITLE II—GENERAL PROVISIONS

- Sec. 201. Cooperation agreements with counties.
 Sec. 202. Watershed and river basin assessments.
 Sec. 203. Tribal partnership program.
 Sec. 204. Ability to pay.
 Sec. 205. Property protection program.
 Sec. 206. National Recreation Reservation Service.
 Sec. 207. Operation and maintenance of hydroelectric facilities.
 Sec. 208. Interagency and international support.
 Sec. 209. Reburial and conveyance authority.
 Sec. 210. Approval of construction of dams and dikes.
 Sec. 211. Project deauthorization authority.
 Sec. 212. Floodplain management requirements.
 Sec. 213. Environmental dredging.
 Sec. 214. Regulatory analysis and management systems data.
 Sec. 215. Performance of specialized or technical services.
 Sec. 216. Hydroelectric power project funding.
 Sec. 217. Assistance programs.
 Sec. 218. Funding to process permits.
 Sec. 219. Program to market dredged material.
 Sec. 220. National Academy of Sciences studies.

TITLE III—PROJECT-RELATED PROVISIONS

- Sec. 301. Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi.
 Sec. 302. Boydsville, Arkansas.
 Sec. 303. White River Basin, Arkansas and Missouri.
 Sec. 304. Petaluma, California.
 Sec. 305. Gasparilla and Estero Islands, Florida.
 Sec. 306. Illinois River basin restoration, Illinois.
 Sec. 307. Upper Des Plaines River and tributaries, Illinois.
 Sec. 308. Atchafalaya Basin, Louisiana.

- Sec. 309. Red River Waterway, Louisiana.
- Sec. 310. Narraguagus River, Milbridge, Maine.
- Sec. 311. William Jennings Randolph Lake, Maryland.
- Sec. 312. Breckenridge, Minnesota.
- Sec. 313. Missouri River Valley, Missouri.
- Sec. 314. New Madrid County, Missouri.
- Sec. 315. Pemiscot County Harbor, Missouri.
- Sec. 316. Pike County, Missouri.
- Sec. 317. Fort Peek fish hatchery, Montana.
- Sec. 318. Sagamore Creek, New Hampshire.
- Sec. 319. Passaic River Basin flood management, New Jersey.
- Sec. 320. Rockaway Inlet to Norton Point, New York.
- Sec. 321. John Day Pool, Oregon and Washington.
- Sec. 322. Fox Point hurricane barrier, Providence, Rhode Island.
- Sec. 323. Charleston Harbor, South Carolina.
- Sec. 324. Savannah River, South Carolina.
- Sec. 325. Houston-Galveston Navigation Channels, Texas.
- Sec. 326. Joe Pool Lake, Trinity River basin, Texas.
- Sec. 327. Lake Champlain watershed, Vermont and New York.
- Sec. 328. Mount St. Helens, Washington.
- Sec. 329. Puget Sound and adjacent waters restoration, Washington.
- Sec. 330. Fox River System, Wisconsin.
- Sec. 331. Chesapeake Bay oyster restoration.
- Sec. 332. Great Lakes dredging levels adjustment.
- Sec. 333. Great Lakes fishery and ecosystem restoration.
- Sec. 334. Great Lakes remedial action plans and sediment remediation.
- Sec. 335. Great Lakes tributary model.
- Sec. 336. Treatment of dredged material from Long Island Sound.
- Sec. 337. New England water resources and ecosystem restoration.
- Sec. 338. Project deauthorizations.
- Sec. 339. Bogue Banks, Carteret County, North Carolina.

TITLE IV—STUDIES

- Sec. 401. Baldwin County, Alabama.
- Sec. 402. Bono, Arkansas.
- Sec. 403. Cache Creek Basin, California.
- Sec. 404. Estudillo Canal watershed, California.
- Sec. 405. Laguna Creek watershed, California.
- Sec. 406. Oceanside, California.
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- Sec. 408. Choctawhatchee River, Florida.
- Sec. 409. Egmont Key, Florida.
- Sec. 410. Fernandina Harbor, Florida.
- Sec. 411. Upper Oeklawaha River and Apopka/Palatlakaha River basins, Florida.
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- Sec. 420. Portsmouth Harbor and Piscataqua River, Maine and New Hampshire.
- Sec. 421. Searsport Harbor, Maine.
- Sec. 422. Merrimack River basin, Massachusetts and New Hampshire.
- Sec. 423. Port of Gulfport, Mississippi.
- Sec. 424. Upland disposal sites in New Hampshire.
- Sec. 425. Southwest Valley, Albuquerque, New Mexico.
- Sec. 426. Cuyahoga River, Ohio.
- Sec. 427. Duck Creek Watershed, Ohio.
- Sec. 428. Fremont, Ohio.
- Sec. 429. Grand Lake, Oklahoma.
- Sec. 430. Dredged material disposal site, Rhode Island.
- Sec. 431. Chickamauga Lock and Dam, Tennessee.
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- Sec. 433. Horn Lake Creek and Tributaries, Tennessee and Mississippi.
- Sec. 434. Cedar Bayou, Texas.
- Sec. 435. Houston Ship Channel, Texas.
- Sec. 436. San Antonio Channel, Texas.
- Sec. 437. Vermont dams remediation.
- Sec. 438. White River watershed below Mud Mountain Dam, Washington.
- Sec. 439. Willapa Bay, Washington.
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- Sec. 441. Cliff Walk in Newport, Rhode Island.
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TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Visitors centers.
- Sec. 502. CALFED Bay-Delta Program assistance, California.
- Sec. 503. Lake Sidney Lanier, Georgia, home preservation.
- Sec. 504. Conveyance of lighthouse, Ontonagon, Michigan.
- Sec. 505. Land conveyance, Candy Lake, Oklahoma.
- Sec. 506. Land conveyance, Richard B. Russell Dam and Lake, South Carolina.
- Sec. 507. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota terrestrial wildlife habitat restoration.
- Sec. 508. Export of water from Great Lakes.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION PLAN

- Sec. 601. Comprehensive Everglades Restoration Plan.
- Sec. 602. Sense of the Senate concerning Homestead Air Force Base.

TITLE VII—MISSOURI RIVER PROTECTION AND IMPROVEMENT

- Sec. 701. Short title.
- Sec. 702. Findings and purposes.
- Sec. 703. Definitions.
- Sec. 704. Missouri River Trust.
- Sec. 705. Missouri River Task Force.
- Sec. 706. Administration.
- Sec. 707. Authorization of appropriations.

TITLE VIII—WILDLIFE REFUGE ENHANCEMENT

- Sec. 801. Short title.
- Sec. 802. Purpose.
- Sec. 803. Definitions.

1 eral cost of \$17,921,000, and at an estimated aver-
2 age annual cost of \$1,751,000 for periodic nourish-
3 ment over the 50-year life of the project, with an es-
4 timated annual Federal cost of \$1,138,000 and an
5 estimated annual non-Federal cost of \$613,000.

6 (2) NEW YORK-NEW JERSEY HARBOR.—The
7 project for navigation, New York-New Jersey Har-
8 bor: Report of the Chief of Engineers dated May 2,
9 2000, at a total cost of \$1,781,234,000, with an es-
10 timated Federal cost of \$743,954,000 and an esti-
11 mated non-Federal cost of \$1,037,280,000.

12 (b) PROJECTS SUBJECT TO A FINAL REPORT.—The
13 following projects for water resources development and
14 conservation and other purposes are authorized to be car-
15 ried out by the Secretary substantially in accordance with
16 the plans, and subject to the conditions, recommended in
17 a final report of the Chief of Engineers if a favorable re-
18 port of the Chief is completed not later than December
19 31, 2000:

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

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

6 (3) RIO DE FLAG, ARIZONA.—The project for
7 flood damage reduction, Rio de Flag, Arizona, at a
8 total cost of \$24,072,000, with an estimated Federal
9 cost of \$15,576,000 and an estimated non-Federal
10 cost of \$8,496,000.

11 (4) TRES RIOS, ARIZONA.—The project for envi-
12 ronmental restoration, Tres Rios, Arizona, at a total
13 cost of \$99,320,000, with an estimated Federal cost
14 of \$62,755,000 and an estimated non-Federal cost
15 of \$36,565,000.

16 (5) LOS ANGELES HARBOR, CALIFORNIA.—The
17 project for navigation, Los Angeles Harbor, Cali-
18 fornia, at a total cost of \$153,313,000, with an esti-
19 mated Federal cost of \$43,735,000 and an esti-
20 mated non-Federal cost of \$109,578,000.

21 (6) MURRIETA CREEK, CALIFORNIA.—The
22 project for flood control, Murrieta Creek, California,
23 at a total cost of \$90,865,000, with an estimated
24 Federal cost of \$25,555,000 and an estimated non-
25 Federal cost of \$65,310,000.

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

6 (8) RANCHOS PALOS VERDES, CALIFORNIA.—
7 The project for environmental restoration, Ranchos
8 Palos Verdes, California, at a total cost of
9 \$18,100,000, with an estimated Federal cost of
10 \$11,800,000 and an estimated non-Federal cost of
11 \$6,300,000.

12 (9) SANTA BARBARA STREAMS, CALIFORNIA.—
13 The project for flood damage reduction, Santa Bar-
14 bara Streams, Lower Mission Creek, California, at a
15 total cost of \$18,300,000, with an estimated Federal
16 cost of \$9,200,000 and an estimated non-Federal
17 cost of \$9,100,000.

18 (10) UPPER NEWPORT BAY HARBOR, CALI-
19 FORNIA.—The project for environmental restoration,
20 Upper Newport Bay Harbor, California, at a total
21 cost of \$32,475,000, with an estimated Federal cost
22 of \$21,109,000 and an estimated non-Federal cost
23 of \$11,366,000.

24 (11) WHITEWATER RIVER BASIN, CALI-
25 FORNIA.—The project for flood damage reduction,

1 Whitewater River basin, California, at a total cost of
2 \$27,570,000, with an estimated Federal cost of
3 \$17,920,000 and an estimated non-Federal cost of
4 \$9,650,000.

5 (12) DELAWARE COAST FROM CAPE HENLOPEN
6 TO FENWICK ISLAND, DELAWARE.—The project for
7 shore protection, Delaware Coast from Cape Hen-
8 lopen to Fenwick Island, Delaware, at a total cost
9 of \$5,633,000, with an estimated Federal cost of
10 \$3,661,000 and an estimated non-Federal cost of
11 \$1,972,000, and at an estimated average annual
12 cost of \$920,000 for periodic nourishment over the
13 50-year life of the project, with an estimated annual
14 Federal cost of \$460,000 and an estimated annual
15 non-Federal cost of \$460,000.

16 (13) TAMPA HARBOR, FLORIDA.—Modification
17 of the project for navigation, Tampa Harbor, Flor-
18 ida, authorized by section 4 of the Act of September
19 22, 1922 (42 Stat. 1042, chapter 427), to deepen
20 the Port Sutton Channel, at a total cost of
21 \$6,000,000, with an estimated Federal cost of
22 \$4,000,000 and an estimated non-Federal cost of
23 \$2,000,000.

24 (14) JOHN T. MYERS LOCK AND DAM, INDIANA
25 AND KENTUCKY.—The project for navigation, John

1 T. Myers Lock and Dam, Ohio River, Indiana and
2 Kentucky, at a total cost of \$182,000,000. The costs
3 of construction of the project shall be paid $\frac{1}{2}$ from
4 amounts appropriated from the general fund of the
5 Treasury and $\frac{1}{2}$ from amounts appropriated from
6 the Inland Waterways Trust Fund.

7 (15) GREENUP LOCK AND DAM, KENTUCKY.—
8 The project for navigation, Greenup Lock and Dam,
9 Ohio River, Kentucky, at a total cost of
10 \$175,500,000. The costs of construction of the
11 project shall be paid $\frac{1}{2}$ from amounts appropriated
12 from the general fund of the Treasury and $\frac{1}{2}$ from
13 amounts appropriated from the Inland Waterways
14 Trust Fund.

15 (16) MORGANZA, LOUISIANA, TO GULF OF MEX-
16 ICO.—

17 (A) IN GENERAL.—The project for hurri-
18 cane protection, Morganza, Louisiana, to the
19 Gulf of Mexico, at a total cost of \$550,000,000,
20 with an estimated Federal cost of \$358,000,000
21 and an estimated non-Federal cost of
22 \$192,000,000.

23 (B) CREDIT.—The non-Federal interests
24 shall receive credit toward the non-Federal
25 share of project costs for the costs of any work

1 carried out by the non-Federal interests for in-
2 terim flood protection after March 31, 1989, if
3 the Secretary finds that the work is compatible
4 with, and integral to, the project.

5 (17) CHESTERFIELD, MISSOURI.—The project
6 to implement structural and nonstructural measures
7 to prevent flood damage to Chesterfield, Missouri,
8 and the surrounding area, at a total cost of
9 \$67,700,000, with an estimated Federal cost of
10 \$44,000,000 and an estimated non-Federal cost of
11 \$23,700,000.

12 (18) RARITAN BAY AND SANDY HOOK BAY,
13 PORT MONMOUTH, NEW JERSEY.—The project for
14 shore protection, Raritan Bay and Sandy Hook Bay,
15 Port Monmouth, New Jersey, at a total cost of
16 \$32,064,000, with an estimated Federal cost of
17 \$20,842,000 and an estimated non-Federal cost of
18 \$11,222,000, and at an estimated average annual
19 cost of \$2,468,000 for periodic nourishment over the
20 50-year life of the project, with an estimated annual
21 Federal cost of \$1,234,000 and an estimated annual
22 non-Federal cost of \$1,234,000.

23 (19) MEMPHIS, TENNESSEE.—The project for
24 ecosystem restoration, Wolf River, Memphis, Ten-
25 nessee, at a total cost of \$10,933,000, with an esti-

1 mated Federal cost of \$7,106,000 and an estimated
2 non-Federal cost of \$3,827,000.

3 (20) JACKSON HOLE, WYOMING.—

4 (A) IN GENERAL.—The project for envi-
5 ronmental restoration, Jackson Hole, Wyoming,
6 at a total cost of \$52,242,000, with an esti-
7 mated Federal cost of \$33,957,000 and an esti-
8 mated non-Federal cost of \$18,285,000.

9 (B) NON-FEDERAL SHARE.—

10 (i) IN GENERAL.—The non-Federal
11 share of the costs of the project may be
12 provided in cash or in the form of in-kind
13 services or materials.

14 (ii) CREDIT.—The non-Federal inter-
15 est shall receive credit toward the non-Fed-
16 eral share of project costs for design and
17 construction work carried out by the non-
18 Federal interest before the date of execu-
19 tion of a project cooperation agreement for
20 the project, if the Secretary finds that the
21 work is integral to the project.

22 (21) OHIO RIVER.—

23 (A) IN GENERAL.—The program for pro-
24 tection and restoration of fish and wildlife habi-
25 tat in and along the main stem of the Ohio

1 River, consisting of projects described in a com-
2 prehensive plan, at a total cost of
3 \$307,700,000, with an estimated Federal cost
4 of \$200,000,000 and an estimated non-Federal
5 cost of \$107,700,000.

6 (B) NON-FEDERAL SHARE.—

7 (i) IN GENERAL.—The non-Federal
8 share of the costs of any project under the
9 program may be provided in cash or in the
10 form of in-kind services or materials.

11 (ii) CREDIT.—The non-Federal inter-
12 est shall receive credit toward the non-Fed-
13 eral share of project costs for design and
14 construction work carried out by the non-
15 Federal interest before the date of execu-
16 tion of a project cooperation agreement for
17 the project, if the Secretary finds that the
18 work is integral to the project.

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

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

24 (1) LAKE PALOURDE, LOUISIANA.—Project for
25 beach restoration and protection, Highway 70, Lake

1 Palourde, St. Mary and St. Martin Parishes, Lou-
2 isiana.

3 (2) ST. BERNARD, LOUISIANA.—Project for
4 beach restoration and protection, Bayou Road, St.
5 Bernard, Louisiana.

6 **SEC. 103. SMALL NAVIGATION PROJECTS.**

7 The Secretary shall conduct a study for each of the
8 following projects and, if the Secretary determines that
9 a project is feasible, may carry out the project under sec-
10 tion 107 of the River and Harbor Act of 1960 (33 U.S.C.
11 577):

12 (1) CAPE CORAL SOUTH SPREADER WATERWAY,
13 FLORIDA.—Project for navigation, Cape Coral South
14 Spreader Waterway, Lee County, Florida.

15 (2) HOUMA NAVIGATION CANAL, LOUISIANA.—
16 Project for navigation, Houma Navigation Canal,
17 Terrebonne Parish, Louisiana.

18 (3) VIDALIA PORT, LOUISIANA.—Project for
19 navigation, Vidalia Port, Louisiana.

20 **SEC. 104. REMOVAL OF SNAGS AND CLEARING AND**
21 **STRAIGHTENING OF CHANNELS IN NAVI-**
22 **GABLE WATERS.**

23 The Secretary shall conduct a study for each of the
24 following projects and, if the Secretary determines that

1 a project is appropriate, may carry out the project under
2 section 3 of the Act of March 2, 1945 (33 U.S.C. 604):

3 (1) BAYOU MANCHAC, LOUISIANA.—Project for
4 removal of snags and clearing and straightening of
5 channels for flood control, Bayou Manchac, Ascen-
6 sion Parish, Louisiana.

7 (2) BLACK BAYOU AND HIPPOLYTE COULEE,
8 LOUISIANA.—Project for removal of snags and clear-
9 ing and straightening of channels for flood control,
10 Black Bayou and Hippolyte Coulee, Calcasieu Par-
11 ish, Louisiana.

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

13 The Secretary shall conduct a study for each of the
14 following projects and, if the Secretary determines that
15 a project is feasible, may carry out the project under sec-
16 tion 14 of the Flood Control Act of 1946 (33 U.S.C.
17 701r):

18 (1) BAYOU DES GLAISES, LOUISIANA.—Project
19 for emergency streambank protection, Bayou des
20 Glaises (Lee Chatelain Road), Avoyelles Parish,
21 Louisiana.

22 (2) BAYOU PLAQUEMINE, LOUISIANA.—Project
23 for emergency streambank protection, Highway 77,
24 Bayou Plaquemine, Iberville Parish, Louisiana.

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

4 (4) IBERVILLE PARISH, LOUISIANA.—Project
5 for emergency streambank protection, Iberville Par-
6 ish, Louisiana.

7 (5) LAKE ARTHUR, LOUISIANA.—Project for
8 emergency streambank protection, Parish Road 120
9 at Lake Arthur, Louisiana.

10 (6) LAKE CHARLES, LOUISIANA.—Project for
11 emergency streambank protection, Pithon Coulee,
12 Lake Charles, Calcasieu Parish, Louisiana.

13 (7) LOGGY BAYOU, LOUISIANA.—Project for
14 emergency streambank protection, Loggy Bayou,
15 Bienville Parish, Louisiana.

16 (8) SCOTLANDVILLE BLUFF, LOUISIANA.—
17 Project for emergency streambank protection,
18 Scotlandville Bluff, East Baton Rouge Parish, Lou-
19 isiana.

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

21 The Secretary shall conduct a study for each of the
22 following projects and, if the Secretary determines that
23 a project is feasible, may carry out the project under sec-
24 tion 205 of the Flood Control Act of 1948 (33 U.S.C.
25 701s):

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

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

5 (3) BOSSIER CITY, LOUISIANA.—Project for
6 flood control, Red Chute Bayou levee, Bossier City,
7 Louisiana.

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

10 (5) CANE BEND SUBDIVISION, LOUISIANA.—
11 Project for flood control, Cane Bend Subdivision,
12 Bossier Parish, Louisiana.

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

15 (7) DONALDSONVILLE CANALS, LOUISIANA.—
16 Project for flood control, Donaldsonville Canals,
17 Louisiana.

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

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

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

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

1 (12) LOCKPORT TO LAROSE, LOUISIANA.—
2 Project for flood control, Lockport to Larose, Lou-
3 isiana.

4 (13) LOWER LAFITTE BASIN, LOUISIANA.—
5 Project for flood control, Lower Lafitte Basin, Lou-
6 isiana.

7 (14) OAKVILLE TO LAREUSSITE, LOUISIANA.—
8 Project for flood control, Oakville to LaReussite,
9 Louisiana.

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

12 (16) POCHITOLAWA CREEK, LOUISIANA.—
13 Project for flood control, Pochitolawa Creek, Lou-
14 isiana.

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

17 (18) SHREVEPORT, LOUISIANA.—Project for
18 flood control, Twelve Mile Bayou, Shreveport, Lou-
19 isiana.

20 (19) STEPHENSVILLE, LOUISIANA.—Project for
21 flood control, Stephenville, Louisiana.

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

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

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

6 **SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE**
7 **QUALITY OF THE ENVIRONMENT.**

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

13 (1) BAYOU SAUVAGE NATIONAL WILDLIFE REF-
14 UGE, LOUISIANA.—Project for improvement of the
15 quality of the environment, Bayou Sauvage National
16 Wildlife Refuge, Orleans Parish, Louisiana.

17 (2) GULF INTRACOASTAL WATERWAY, BAYOU
18 PLAQUEMINE, LOUISIANA.—Project for improvement
19 of the quality of the environment, Gulf Intracoastal
20 Waterway, Bayou Plaquemine, Iberville Parish, Lou-
21 isiana.

22 (3) GULF INTRACOASTAL WATERWAY, MILES
23 220 TO 222.5, LOUISIANA.—Project for improvement
24 of the quality of the environment, Gulf Intracoastal

1 Waterway, miles 220 to 222.5, Vermilion Parish,
2 Louisiana.

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

7 (5) LAKE FAUSSE POINT, LOUISIANA.—Project
8 for improvement of the quality of the environment,
9 Lake Fausse Point, Louisiana.

10 (6) LAKE PROVIDENCE, LOUISIANA.—Project
11 for improvement of the quality of the environment,
12 Old River, Lake Providence, Louisiana.

13 (7) NEW RIVER, LOUISIANA.—Project for im-
14 provement of the quality of the environment, New
15 River, Ascension Parish, Louisiana.

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

19 (9) MUSHINGUM COUNTY, OHIO.—Project for
20 improvement of the quality of the environment, Dil-
21 lon Reservoir watershed, Licking River, Mushingum
22 County, Ohio.

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

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

5 (1) HOUMA NAVIGATION CANAL, LOUISIANA.—
6 Project to make beneficial use of dredged material
7 from a Federal navigation project that includes bar-
8 rier island restoration at the Houma Navigation
9 Canal, Terrebonne Parish, Louisiana.

10 (2) MISSISSIPPI RIVER GULF OUTLET, MILE -3
11 TO MILE -9, LOUISIANA.—Project to make beneficial
12 use of dredged material from a Federal navigation
13 project that includes dredging of the Mississippi
14 River Gulf Outlet, mile -3 to mile -9, St. Bernard
15 Parish, Louisiana.

16 (3) MISSISSIPPI RIVER GULF OUTLET, MILE 11
17 TO MILE 4, LOUISIANA.—Project to make beneficial
18 use of dredged material from a Federal navigation
19 project that includes dredging of the Mississippi
20 River Gulf Outlet, mile 11 to mile 4, St. Bernard
21 Parish, Louisiana.

22 (4) PLAQUEMINES PARISH, LOUISIANA.—
23 Project to make beneficial use of dredged material
24 from a Federal navigation project that includes
25 marsh creation at the contained submarine mainte-

1 nance dredge sediment trap, Plaquemines Parish,
2 Louisiana.

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

7 **SEC. 109. SMALL AQUATIC ECOSYSTEM RESTORATION**
8 **PROJECTS.**

9 (a) IN GENERAL.—The Secretary may carry out the
10 following projects under section 206 of the Water Re-
11 sources Development Act of 1996 (33 U.S.C. 2330):

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

15 (2) BURAS MARINA, LOUISIANA.—Project for
16 aquatic ecosystem restoration, Buras Marina, Buras,
17 Plaquemines Parish, Louisiana.

18 (3) COMITE RIVER, LOUISIANA.—Project for
19 aquatic ecosystem restoration, Comite River at Hoo-
20 per Road, Louisiana.

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

1 (5) LAKE BORGNE, LOUISIANA.—Project for
2 aquatic ecosystem restoration, southern shores of
3 Lake Borgne, Louisiana.

4 (6) LAKE MARTIN, LOUISIANA.—Project for
5 aquatic ecosystem restoration, Lake Martin, Lou-
6 isiana.

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

10 (8) MANDEVILLE, LOUISIANA.—Project for
11 aquatic ecosystem restoration, Mandeville, St. Tam-
12 many Parish, Louisiana.

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

15 (10) MINES FALLS PARK, NEW HAMPSHIRE.—
16 Project for aquatic ecosystem restoration, Mines
17 Falls Park, New Hampshire.

18 (11) NORTH HAMPTON, NEW HAMPSHIRE.—
19 Project for aquatic ecosystem restoration, Little
20 River Salt Marsh, North Hampton, New Hampshire.

21 (12) HIGHLAND COUNTY, OHIO.—Project for
22 aquatic ecosystem restoration, Rocky Fork Lake,
23 Clear Creek floodplain, Highland County, Ohio.

1 (13) HOCKING COUNTY, OHIO.—Project for
2 aquatic ecosystem restoration, Long Hollow Mine,
3 Hocking County, Ohio.

4 (14) TUSCARAWAS COUNTY, OHIO.—Project for
5 aquatic ecosystem restoration, Huff Run,
6 Tuscarawas County, Ohio.

7 (15) CENTRAL AMAZON CREEK, OREGON.—
8 Project for aquatic ecosystem restoration, Central
9 Amazon Creek, Oregon.

10 (16) DELTA PONDS, OREGON.—Project for
11 aquatic ecosystem restoration, Delta Ponds, Oregon.

12 (17) EUGENE MILLRACE, OREGON.—Project for
13 aquatic ecosystem restoration, Eugene Millrace, Or-
14 egon.

15 (18) MEDFORD, OREGON.—Project for aquatic
16 ecosystem restoration, Bear Creek watershed, Med-
17 ford, Oregon.

18 (19) ROSLYN LAKE, OREGON.—Project for
19 aquatic ecosystem restoration, Roslyn Lake, Oregon.

20 (b) SALMON RIVER, IDAHO.—

21 (1) CREDIT.—The non-Federal interests with
22 respect to the proposed project for aquatic ecosystem
23 restoration, Salmon River, Idaho, may receive credit
24 toward the non-Federal share of project costs for
25 work, consisting of surveys, studies, and develop-

1 ment of technical data, that is carried out by the
2 non-Federal interests in connection with the project,
3 if the Secretary finds that the work is integral to the
4 project.

5 (2) MAXIMUM AMOUNT OF CREDIT.—The
6 amount of the credit under paragraph (1), together
7 with other credit afforded, shall not exceed the non-
8 Federal share of the cost of the project under sec-
9 tion 206 of the Water Resources Development Act
10 of 1996 (33 U.S.C. 2330).

11 **SEC. 110. FLOOD MITIGATION AND RIVERINE RESTORA-**
12 **TION.**

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

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

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

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

20 “(24) Perry Creek, Iowa.”.

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

22 Section 217 of the Water Resources Development Act
23 of 1999 (113 Stat. 294) is amended by adding at the end
24 the following:

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

8 **TITLE II—GENERAL PROVISIONS**

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

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

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

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

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

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

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

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

23 “(1) ecosystem protection and restoration;

24 “(2) flood damage reduction;

25 “(3) navigation and ports;

1 “(4) watershed protection;

2 “(5) water supply; and

3 “(6) drought preparedness.

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

7 “(1) the Secretary of the Interior;

8 “(2) the Secretary of Agriculture;

9 “(3) the Secretary of Commerce;

10 “(4) the Administrator of the Environmental
11 Protection Agency; and

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

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

17 “(d) PRIORITY RIVER BASINS AND WATERSHEDS.—
18 In selecting river basins and watersheds for assessment
19 under this section, the Secretary shall give priority to—

20 “(1) the Delaware River basin; and

21 “(2) the Willamette River basin, Oregon.

22 “(e) ACCEPTANCE OF CONTRIBUTIONS.—In carrying
23 out an assessment under subsection (a), the Secretary
24 may accept contributions, in cash or in kind, from Fed-
25 eral, tribal, State, interstate, and local governmental enti-

1 ties to the extent that the Secretary determines that the
2 contributions will facilitate completion of the assessment.

3 “(f) COST-SHARING REQUIREMENTS.—

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

7 “(2) CREDIT.—

8 “(A) IN GENERAL.—Subject to subpara-
9 graph (B), the non-Federal interests may re-
10 ceive credit toward the non-Federal share re-
11 quired under paragraph (1) for the provision of
12 services, materials, supplies, or other in-kind
13 contributions.

14 “(B) MAXIMUM AMOUNT OF CREDIT.—
15 Credit under subparagraph (A) shall not exceed
16 an amount equal to 25 percent of the costs of
17 the assessment.

18 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
19 is authorized to be appropriated to carry out this section
20 \$15,000,000.”.

21 **SEC. 203. TRIBAL PARTNERSHIP PROGRAM.**

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

1 (b) PROGRAM.—

2 (1) IN GENERAL.—In cooperation with Indian
3 tribes and the heads of other Federal agencies, the
4 Secretary may study and determine the feasibility of
5 carrying out water resources development projects
6 that—

7 (A) will substantially benefit Indian tribes;
8 and

9 (B) are located primarily within Indian
10 country (as defined in section 1151 of title 18,
11 United States Code) or in proximity to Alaska
12 Native villages.

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

15 (A) projects for flood damage reduction,
16 environmental restoration and protection, and
17 preservation of cultural and natural resources;
18 and

19 (B) such other projects as the Secretary,
20 in cooperation with Indian tribes and the heads
21 of other Federal agencies, determines to be ap-
22 propriate.

23 (c) CONSULTATION AND COORDINATION WITH SEC-
24 RETARY OF THE INTERIOR.—

1 (1) IN GENERAL.—In recognition of the unique
2 role of the Secretary of the Interior concerning trust
3 responsibilities with Indian tribes, and in recognition
4 of mutual trust responsibilities, the Secretary shall
5 consult with the Secretary of the Interior concerning
6 studies conducted under subsection (b).

7 (2) INTEGRATION OF ACTIVITIES.—The Sec-
8 retary shall—

9 (A) integrate civil works activities of the
10 Department of the Army with activities of the
11 Department of the Interior to avoid conflicts,
12 duplications of effort, or unanticipated adverse
13 effects on Indian tribes; and

14 (B) consider the authorities and programs
15 of the Department of the Interior and other
16 Federal agencies in any recommendations con-
17 cerning carrying out projects studied under
18 subsection (b).

19 (d) PRIORITY PROJECTS.—In selecting water re-
20 sources development projects for study under this section,
21 the Secretary shall give priority to the project for the Trib-
22 al Reservation of the Shoalwater Bay Indian Tribe on
23 Willapa Bay, Washington, authorized by section 439(b).

24 (e) COST SHARING.—

25 (1) ABILITY TO PAY.—

1 (A) IN GENERAL.—Any cost-sharing agree-
2 ment for a study under subsection (b) shall be
3 subject to the ability of the non-Federal interest
4 to pay.

5 (B) USE OF PROCEDURES.—The ability of
6 a non-Federal interest to pay shall be deter-
7 mined by the Secretary in accordance with pro-
8 cedures established by the Secretary.

9 (2) CREDIT.—

10 (A) IN GENERAL.—Subject to subpara-
11 graph (B), in conducting studies of projects
12 under subsection (b), the Secretary may provide
13 credit to the non-Federal interest for the provi-
14 sion of services, studies, supplies, or other in-
15 kind contributions to the extent that the Sec-
16 retary determines that the services, studies,
17 supplies, and other in-kind contributions will fa-
18 cilitate completion of the project.

19 (B) MAXIMUM AMOUNT OF CREDIT.—
20 Credit under subparagraph (A) shall not exceed
21 an amount equal to the non-Federal share of
22 the costs of the study.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out subsection (b)
25 \$5,000,000 for each of fiscal years 2002 through 2006,

1 of which not more than \$1,000,000 may be used with re-
2 spect to any 1 Indian tribe.

3 **SEC. 204. ABILITY TO PAY.**

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

6 (1) by striking paragraphs (1) and (2) and in-
7 serting the following:

8 “(1) IN GENERAL.—Any cost-sharing agree-
9 ment under this section for a feasibility study, or for
10 construction of an environmental protection and res-
11 toration project, a flood control project, a project for
12 navigation, storm damage protection, shoreline ero-
13 sion, hurricane protection, or recreation, or an agri-
14 cultural water supply project, shall be subject to the
15 ability of the non-Federal interest to pay.

16 “(2) CRITERIA AND PROCEDURES.—

17 “(A) IN GENERAL.—The ability of a non-
18 Federal interest to pay shall be determined by
19 the Secretary in accordance with—

20 “(i) during the period ending on the
21 date on which revised criteria and proce-
22 dures are promulgated under subpara-
23 graph (B), criteria and procedures in effect
24 on the day before the date of enactment of
25 this subparagraph; and

1 “(ii) after the date on which revised
2 criteria and procedures are promulgated
3 under subparagraph (B), the revised cri-
4 teria and procedures promulgated under
5 subparagraph (B).

6 “(B) REVISED CRITERIA AND PROCE-
7 DURES.—Not later than 18 months after the
8 date of enactment of this subparagraph, in ac-
9 cordance with paragraph (3), the Secretary
10 shall promulgate revised criteria and procedures
11 governing the ability of a non-Federal interest
12 to pay.”; and

13 (2) in paragraph (3)—

14 (A) in subparagraph (A)(ii), by adding
15 “and” at the end; and

16 (B) by striking subparagraphs (B) and (C)
17 and inserting the following:

18 “(B) may consider additional criteria relat-
19 ing to—

20 “(i) the financial ability of the non-
21 Federal interest to carry out its cost-shar-
22 ing responsibilities; or

23 “(ii) additional assistance that may be
24 available from other Federal or State
25 sources.”.

1 **SEC. 205. PROPERTY PROTECTION PROGRAM.**

2 (a) IN GENERAL.—The Secretary may carry out a
3 program to reduce vandalism and destruction of property
4 at water resources development projects under the juris-
5 diction of the Department of the Army.

6 (b) PROVISION OF REWARDS.—In carrying out the
7 program, the Secretary may provide rewards (including
8 cash rewards) to individuals who provide information or
9 evidence leading to the arrest and prosecution of individ-
10 uals causing damage to Federal property.

11 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$500,000 for each fiscal year.

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

15 Notwithstanding section 611 of the Treasury and
16 General Government Appropriations Act, 1999 (Public
17 Law 105–277; 112 Stat. 2681–515), the Secretary may—

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

20 (2) pay the Department of the Army’s share of
21 the activities required to implement, operate, and
22 maintain the Service.

23 **SEC. 207. OPERATION AND MAINTENANCE OF HYDRO-**
24 **ELECTRIC FACILITIES.**

25 Section 314 of the Water Resources Development Act
26 of 1990 (33 U.S.C. 2321) is amended in the first sentence

1 by inserting before the period at the end the following:
2 “in cases in which the activities require specialized train-
3 ing relating to hydroelectric power generation”.

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

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

7 (1) in the first sentence, by striking
8 “\$1,000,000” and inserting “\$2,000,000”; and

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

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

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

16 (b) REBURIAL.—

17 (1) REBURIAL AREAS.—In consultation with af-
18 fected Indian tribes, the Secretary may identify and
19 set aside areas at civil works projects of the Depart-
20 ment of the Army that may be used to rebury Na-
21 tive American remains that—

22 (A) have been discovered on project land;

23 and

1 (B) have been rightfully claimed by a lineal
2 descendant or Indian tribe in accordance with
3 applicable Federal law.

4 (2) REBURIAL.—In consultation with and with
5 the consent of the lineal descendant or the affected
6 Indian tribe, the Secretary may recover and rebury,
7 at full Federal expense, the remains at the areas
8 identified and set aside under subsection (b)(1).

9 (c) CONVEYANCE AUTHORITY.—

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

16 (2) RETENTION OF NECESSARY PROPERTY IN-
17 TERESTS.—In carrying out paragraph (1), the Sec-
18 retary shall retain any necessary right-of-way, ease-
19 ment, or other property interest that the Secretary
20 determines to be necessary to carry out the author-
21 ized purposes of the project.

22 **SEC. 210. APPROVAL OF CONSTRUCTION OF DAMS AND**
23 **DIKES.**

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

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

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

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

8 (3) by striking “When plans” and inserting the
9 following:

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

11 (4) by striking “The approval” and inserting
12 the following:

13 “(d) APPLICABILITY.—

14 “(1) BRIDGES AND CAUSEWAYS.—The ap-
15 proval”; and

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

18 “(2) DAMS AND DIKES.—

19 “(A) IN GENERAL.—The approval required
20 by this section of the location and plans, or any
21 modification of plans, of any dam or dike, ap-
22 plies only to a dam or dike that, if constructed,
23 would completely span a waterway used to
24 transport interstate or foreign commerce, in
25 such a manner that actual, existing interstate

1 or foreign commerce could be adversely af-
2 fected.

3 “(B) OTHER DAMS AND DIKES.—Any dam
4 or dike (other than a dam or dike described in
5 subparagraph (A)) that is proposed to be built
6 in any other navigable water of the United
7 States—

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

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

11 **SEC. 211. PROJECT DEAUTHORIZATION AUTHORITY.**

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

15 **“SEC. 1001. PROJECT DEAUTHORIZATIONS.**

16 “(a) DEFINITIONS.—In this section:

17 “(1) CONSTRUCTION.—The term ‘construction’,
18 with respect to a project or separable element,
19 means—

20 “(A) in the case of—

21 “(i) a nonstructural flood control
22 project, the acquisition of land, an ease-
23 ment, or a right-of-way primarily to relo-
24 cate a structure; and

1 “(ii) in the case of any other non-
2 structural measure, the performance of
3 physical work under a construction con-
4 tract;

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

7 “(i) the acquisition of land, an ease-
8 ment, or a right-of-way primarily to facili-
9 tate the restoration of wetland or a similar
10 habitat; or

11 “(ii) the performance of physical work
12 under a construction contract to modify an
13 existing project facility or to construct a
14 new environmental protection and restora-
15 tion measure; and

16 “(C) in the case of any other water re-
17 sources project, the performance of physical
18 work under a construction contract.

19 “(2) PHYSICAL WORK UNDER A CONSTRUCTION
20 CONTRACT.—The term ‘physical work under a con-
21 struction contract’ does not include any activity re-
22 lated to project planning, engineering and design, re-
23 location, or the acquisition of land, an easement, or
24 a right-of-way.

25 “(b) PROJECTS NEVER UNDER CONSTRUCTION.—

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

4 “(A) are authorized for construction; and

5 “(B) for which no Federal funds were obli-
6 gated for construction during the 4 full fiscal
7 years preceding the date of submission of the
8 list.

9 “(2) DEAUTHORIZATION.—Any water resources
10 project, or separable element of a water resources
11 project, authorized for construction shall be de-
12 authorized effective at the end of the 7-year period
13 beginning on the date of the most recent authoriza-
14 tion or reauthorization of the project or separable
15 element unless Federal funds have been obligated for
16 preconstruction engineering and design or for con-
17 struction of the project or separable element by the
18 end of that period.

19 “(c) PROJECTS FOR WHICH CONSTRUCTION HAS
20 BEEN SUSPENDED.—

21 “(1) LIST OF PROJECTS.—

22 “(A) IN GENERAL.—The Secretary shall
23 annually submit to Congress a list of projects
24 and separable elements of projects—

1 “(i) that are authorized for construc-
2 tion;

3 “(ii) for which Federal funds have
4 been obligated for construction of the
5 project or separable element; and

6 “(iii) for which no Federal funds have
7 been obligated for construction of the
8 project or separable element during the 2
9 full fiscal years preceding the date of sub-
10 mission of the list.

11 “(B) PROJECTS WITH INITIAL PLACEMENT
12 OF FILL.—The Secretary shall not include on a
13 list submitted under subparagraph (A) any
14 shore protection project with respect to which
15 there has been, before the date of submission of
16 the list, any placement of fill unless the Sec-
17 retary determines that the project no longer has
18 a willing and financially capable non-Federal in-
19 terest.

20 “(2) DEAUTHORIZATION.—Any water resources
21 project, or separable element of a water resources
22 project, for which Federal funds have been obligated
23 for construction shall be deauthorized effective at
24 the end of any 5-fiscal year period during which
25 Federal funds specifically identified for construction

1 of the project or separable element (in an Act of
2 Congress or in the accompanying legislative report
3 language) have not been obligated for construction.

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

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

14 “(f) EFFECTIVE DATE.—Subsections (b)(2) and
15 (c)(2) take effect 1 year after the date of enactment of
16 this subsection.”.

17 **SEC. 212. FLOODPLAIN MANAGEMENT REQUIREMENTS.**

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

21 (1) in the first sentence of paragraph (1), by
22 striking “Within 6 months after the date of the en-
23 actment of this subsection, the” and inserting
24 “The”;

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

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

5 “(2) REQUIRED ELEMENTS.—The guidelines
6 developed under paragraph (1) shall—

7 “(A) address”; and

8 (4) in paragraph (2) (as designated by para-
9 graph (3))—

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

12 (B) by striking the period at the end and
13 inserting “; and”; and

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

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

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

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

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

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

8 **SEC. 213. ENVIRONMENTAL DREDGING.**

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

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

17 **SEC. 214. REGULATORY ANALYSIS AND MANAGEMENT SYS-**
18 **TEMS DATA.**

19 (a) IN GENERAL.—Beginning October 1, 2000, the
20 Secretary, acting through the Chief of Engineers, shall
21 publish, on the Army Corps of Engineers’ Regulatory Pro-
22 gram website, quarterly reports that include all Regu-
23 latory Analysis and Management Systems (RAMS) data.

24 (b) DATA.—Such RAMS data shall include—

1 (1) the date on which an individual or nation-
2 wide permit application under section 404 of the
3 Federal Water Pollution Control Act (33 U.S.C.
4 1344) is first received by the Corps;

5 (2) the date on which the application is consid-
6 ered complete;

7 (3) the date on which the Corps either grants
8 (with or without conditions) or denies the permit;
9 and

10 (4) if the application is not considered complete
11 when first received by the Corps, a description of the
12 reason the application was not considered complete.

13 **SEC. 215. PERFORMANCE OF SPECIALIZED OR TECHNICAL**
14 **SERVICES.**

15 (a) DEFINITION OF STATE.—In this section, the term
16 “State” has the meaning given the term in section 6501
17 of title 31, United States Code.

18 (b) AUTHORITY.—The Corps of Engineers may pro-
19 vide specialized or technical services to a Federal agency
20 (other than a Department of Defense agency), State, or
21 local government of the United States under section 6505
22 of title 31, United States Code, only if the chief executive
23 of the requesting entity submits to the Secretary—

24 (1) a written request describing the scope of the
25 services to be performed and agreeing to reimburse

1 the Corps for all costs associated with the perform-
2 ance of the services; and

3 (2) a certification that includes adequate facts
4 to establish that the services requested are not rea-
5 sonably and quickly available through ordinary busi-
6 ness channels.

7 (c) CORPS AGREEMENT TO PERFORM SERVICES.—

8 The Secretary, after receiving a request described in sub-
9 section (b) to provide specialized or technical services,
10 shall, before entering into an agreement to perform the
11 services—

12 (1) ensure that the requirements of subsection
13 (b) are met with regard to the request for services;
14 and

15 (2) execute a certification that includes ade-
16 quate facts to establish that the Corps is uniquely
17 equipped to perform such services.

18 (d) ANNUAL REPORT TO CONGRESS.—

19 (1) IN GENERAL.—Not later than the end of
20 each calendar year, the Secretary shall provide to
21 the Committee on Transportation and Infrastructure
22 of the House of Representatives and the Committee
23 on Environment and Public Works of the Senate a
24 report identifying any request submitted by a Fed-
25 eral agency (other than a Department of Defense

1 agency), State, or local government of the United
2 States to the Corps to provide specialized or tech-
3 nical services.

4 (2) CONTENTS OF REPORT.—The report shall
5 include, with respect to each request described in
6 paragraph (1)—

7 (A) a description of the scope of services
8 requested;

9 (B) the certifications required under sub-
10 section (b) and (c);

11 (C) the status of the request;

12 (D) the estimated and final cost of the
13 services;

14 (E) the status of reimbursement;

15 (F) a description of the scope of services
16 performed; and

17 (G) copies of all certifications in support of
18 the request.

19 **SEC. 216. HYDROELECTRIC POWER PROJECT FUNDING.**

20 Section 216 of the Water Resources Development Act
21 of 1996 (33 U.S.C. 2321a) is amended—

22 (1) in subsection (a), by striking “In carrying
23 out” and all that follows through “(1) is” and in-
24 serting the following: “In carrying out the operation,
25 maintenance, rehabilitation, and modernization of a

1 hydroelectric power generating facility at a water re-
2 sources project under the jurisdiction of the Depart-
3 ment of the Army, the Secretary may, to the extent
4 funds are made available in appropriations Acts or
5 in accordance with subsection (c), take such actions
6 as are necessary to optimize the efficiency of energy
7 production or increase the capacity of the facility, or
8 both, if, after consulting with the heads of other ap-
9 propriate Federal and State agencies, the Secretary
10 determines that such actions—

11 “(1) are”;

12 (2) in the first sentence of subsection (b), by
13 striking “the proposed uprating” and inserting “any
14 proposed uprating”;

15 (3) by redesignating subsection (c) as sub-
16 section (e); and

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

19 “(c) USE OF FUNDS PROVIDED BY PREFERENCE
20 CUSTOMERS.—In carrying out this section, the Secretary
21 may accept and expend funds provided by preference cus-
22 tomers under Federal law relating to the marketing of
23 power.

24 “(d) APPLICATION.—This section does not apply to
25 any facility of the Department of the Army that is author-

1 ized to be funded under section 2406 of the Energy Policy
2 Act of 1992 (16 U.S.C. 839d-1).”.

3 **SEC. 217. ASSISTANCE PROGRAMS.**

4 (a) CONSERVATION AND RECREATION MANAGE-
5 MENT.—To further training and educational opportunities
6 at water resources development projects under the juris-
7 diction of the Secretary, the Secretary may enter into co-
8 operative agreements with non-Federal public and non-
9 profit entities for services relating to natural resources
10 conservation or recreation management.

11 (b) RURAL COMMUNITY ASSISTANCE.—In carrying
12 out studies and projects under the jurisdiction of the Sec-
13 retary, the Secretary may enter into cooperative agree-
14 ments with multistate regional private nonprofit rural
15 community assistance entities for services, including water
16 resource assessment, community participation, planning,
17 development, and management activities.

18 (c) COOPERATIVE AGREEMENTS.—A cooperative
19 agreement entered into under this section shall not be con-
20 sidered to be, or treated as being, a cooperative agreement
21 to which chapter 63 of title 31, United States Code, ap-
22 plies.

23 **SEC. 218. FUNDING TO PROCESS PERMITS.**

24 (a) The Secretary, after public notice, may accept
25 and expend funds contributed by non-Federal public enti-

1 ties to expedite the evaluation of permits under the juris-
2 diction of the Department of the Army.

3 (b) In carrying out this section, the Secretary shall
4 ensure that the use of such funds as authorized in sub-
5 section (a) will result in improved efficiencies in permit
6 evaluation and will not impact impartial decisionmaking
7 in the permitting process.

8 **SEC. 219. PROGRAM TO MARKET DREDGED MATERIAL.**

9 (a) **SHORT TITLE.**—This section may be cited as the
10 “Dredged Material Reuse Act”.

11 (b) **FINDING.**—Congress finds that the Secretary of
12 the Army should establish a program to reuse dredged
13 material—

14 (1) to ensure the long-term viability of disposal
15 capacity for dredged material; and

16 (2) to encourage the reuse of dredged material
17 for environmental and economic purposes.

18 (c) **DEFINITION.**—In this Act, the term “Secretary”
19 means the Secretary of the Army, acting through the
20 Chief of Engineers.

21 (d) **PROGRAM FOR REUSE OF DREDGED MATE-**
22 **RIAL.**—

23 (1) **IN GENERAL.**—Not later than 180 days
24 after the date of enactment of this Act, the Sec-
25 retary shall establish a program to allow the direct

1 marketing of dredged material to public agencies
2 and private entities.

3 (2) LIMITATIONS.—The Secretary shall not es-
4 tablish the program under subsection (a) unless a
5 determination is made that such program is in the
6 interest of the United States and is economically
7 justified, equitable, and environmentally acceptable.

8 (3) REGIONAL RESPONSIBILITY.—The program
9 described in subsection (a) may authorize each of
10 the 8 division offices of the Corps of Engineers to
11 market to public agencies and private entities any
12 dredged material from projects under the jurisdic-
13 tion of the regional office. Any revenues generated
14 from any sale of dredged material to such entities
15 shall be deposited in the United States Treasury.

16 (4) REPORTS.—Not later than 180 days after
17 the date of enactment of this Act, and annually
18 thereafter for a period of 4 years, the Secretary shall
19 submit to Congress a report on the program estab-
20 lished under subsection (a).

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

24 **SEC. 220. NATIONAL ACADEMY OF SCIENCES STUDIES.**

25 (a) DEFINITIONS.—In this section:

1 (1) ACADEMY.—The term “Academy” means
2 the National Academy of Sciences.

3 (2) METHOD.—The term “method” means a
4 method, model, assumption, or other pertinent plan-
5 ning tool used in conducting an economic or environ-
6 mental analysis of a water resources project, includ-
7 ing the formulation of a feasibility report.

8 (3) FEASIBILITY REPORT.—The term “feasi-
9 bility report” means each feasibility report, and each
10 associated environmental impact statement and miti-
11 gation plan, prepared by the Corps of Engineers for
12 a water resources project.

13 (4) WATER RESOURCES PROJECT.—The term
14 “water resources project” means a project for navi-
15 gation, a project for flood control, a project for hur-
16 ricane and storm damage reduction, a project for
17 emergency streambank and shore protection, a
18 project for ecosystem restoration and protection, and
19 a water resources project of any other type carried
20 out by the Corps of Engineers.

21 (b) INDEPENDENT PEER REVIEW OF PROJECTS.—

22 (1) IN GENERAL.—Not later than 90 days after
23 the date of enactment of this Act, the Secretary
24 shall contract with the Academy to study, and make

1 recommendations relating to, the independent peer
2 review of feasibility reports.

3 (2) STUDY ELEMENTS.—In carrying out a con-
4 tract under paragraph (1), the Academy shall study
5 the practicality and efficacy of the independent peer
6 review of the feasibility reports, including—

7 (A) the cost, time requirements, and other
8 considerations relating to the implementation of
9 independent peer review; and

10 (B) objective criteria that may be used to
11 determine the most effective application of inde-
12 pendent peer review to feasibility reports for
13 each type of water resources project.

14 (3) ACADEMY REPORT.—Not later than 1 year
15 after the date of a contract under paragraph (1), the
16 Academy shall submit to the Secretary, the Com-
17 mittee on Transportation and Infrastructure of the
18 House of Representatives, and the Committee on
19 Environment and Public Works of the Senate a re-
20 port that includes—

21 (A) the results of the study conducted
22 under paragraphs (1) and (2); and

23 (B) in light of the results of the study,
24 specific recommendations, if any, on a program

1 for implementing independent peer review of
2 feasibility reports.

3 (4) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to carry out
5 this subsection \$1,000,000, to remain available until
6 expended.

7 (c) INDEPENDENT PEER REVIEW OF METHODS FOR
8 PROJECT ANALYSIS.—

9 (1) IN GENERAL.—Not later than 90 days after
10 the date of enactment of this Act, the Secretary
11 shall contract with the Academy to conduct a study
12 that includes—

13 (A) a review of state-of-the-art methods;

14 (B) a review of the methods currently used
15 by the Secretary;

16 (C) a review of a sample of instances in
17 which the Secretary has applied the methods
18 identified under subparagraph (B) in the anal-
19 ysis of each type of water resources project; and

20 (D) a comparative evaluation of the basis
21 and validity of state-of-the-art methods identi-
22 fied under subparagraph (A) and the methods
23 identified under subparagraphs (B) and (C).

24 (2) ACADEMY REPORT.—Not later than 1 year
25 after the date of a contract under paragraph (1), the

1 Academy shall submit to the Secretary, the Com-
 2 mittee on Transportation and Infrastructure of the
 3 House of Representatives, and the Committee on
 4 Environment and Public Works of the Senate a re-
 5 port that includes—

6 (A) the results of the study conducted
 7 under paragraph (1); and

8 (B) in light of the results of the study,
 9 specific recommendations for modifying any of
 10 the methods currently used by the Secretary for
 11 conducting economic and environmental anal-
 12 yses of water resources projects.

13 (3) AUTHORIZATION OF APPROPRIATIONS.—
 14 There is authorized to be appropriated to carry out
 15 this subsection \$2,000,000, to remain available until
 16 expended.

17 **TITLE III—PROJECT-RELATED**
 18 **PROVISIONS**

19 **SEC. 301. TENNESSEE-TOMBIGBEE WATERWAY WILDLIFE**
 20 **MITIGATION PROJECT, ALABAMA AND MIS-**
 21 **SISSIPPI.**

22 (a) GENERAL.—The Tennessee-Tombigbee Waterway
 23 Wildlife Mitigation Project, Alabama and Mississippi, au-
 24 thorized by section 601(a) of Public Law 99–662 (100
 25 Stat. 4138) is modified to authorize the Secretary to—

1 (1) remove the wildlife mitigation purpose des-
2 ignation from up to 3,000 acres of land as necessary
3 over the life of the project from lands originally ac-
4 quired for water resource development projects in-
5 cluded in the Mitigation Project in accordance with
6 the Report of the Chief of Engineers dated August
7 31, 1985;

8 (2) sell or exchange such lands in accordance
9 with subsection (c)(1) and under such conditions as
10 the Secretary determines to be necessary to protect
11 the interests of the United States, utilize such lands
12 as the Secretary determines to be appropriate in
13 connection with development, operation, mainte-
14 nance, or modification of the water resource develop-
15 ment projects, or grant such other interests as the
16 Secretary may determine to be reasonable in the
17 public interest; and

18 (3) acquire, in accordance with subsections (c)
19 and (d), lands from willing sellers to offset the re-
20 moval of any lands from the Mitigation Project for
21 the purposes listed in subsection (a)(2) of this sec-
22 tion.

23 (b) REMOVAL PROCESS.—From the date of enact-
24 ment of this Act, the locations of these lands to be re-
25 moved will be determined at appropriate time intervals at

1 the discretion of the Secretary, in consultation with appro-
2 priate Federal and State fish and wildlife agencies, to fa-
3 cilitate the operation of the water resource development
4 projects and to respond to regional needs related to the
5 project. Removals under this subsection shall be restricted
6 to Project Lands designated for mitigation and shall not
7 include lands purchased exclusively for mitigation pur-
8 poses (known as Separable Mitigation Lands). Parcel
9 identification, removal, and sale may occur assuming acre-
10 age acquisitions pursuant to subsection (d) are at least
11 equal to the total acreage of the lands removed.

12 (c) LANDS TO BE SOLD.—

13 (1) Lands to be sold or exchanged pursuant to
14 subsection (a)(2) shall be made available for related
15 uses consistent with other uses of the water resource
16 development project lands (including port, industry,
17 transportation, recreation, and other regional needs
18 for the project).

19 (2) Any valuation of land sold or exchanged
20 pursuant to this section shall be at fair market value
21 as determined by the Secretary.

22 (3) The Secretary is authorized to accept mone-
23 tary consideration and to use such funds without
24 further appropriation to carry out subsection (a)(3).

25 All monetary considerations made available to the

1 Secretary under subsection (a)(2) from the sale of
2 lands shall be used for and in support of acquisitions
3 pursuant to subsection (d). The Secretary is further
4 authorized for purposes of this section to purchase
5 up to 1,000 acres from funds otherwise available.

6 (d) CRITERIA FOR LAND TO BE ACQUIRED.—The
7 Secretary shall consult with the appropriate Federal and
8 State fish and wildlife agencies in selecting the lands to
9 be acquired pursuant to subsection (a)(3). In selecting the
10 lands to be acquired, bottomland hardwood and associated
11 habitats will receive primary consideration. The lands
12 shall be adjacent to lands already in the Mitigation Project
13 unless otherwise agreed to by the Secretary and the fish
14 and wildlife agencies.

15 (e) DREDGED MATERIAL DISPOSAL SITES.—The
16 Secretary shall utilize dredge material disposal areas in
17 such a manner as to maximize their reuse by disposal and
18 removal of dredged materials, in order to conserve undis-
19 turbed disposal areas for wildlife habitat to the maximum
20 extent practicable. Where the habitat value loss due to
21 reuse of disposal areas cannot be offset by the reduced
22 need for other unused disposal sites, the Secretary shall
23 determine, in consultation with Federal and State fish and
24 wildlife agencies, and ensure full mitigation for any habi-
25 tat value lost as a result of such reuse.

1 (f) OTHER MITIGATION LANDS.—The Secretary is
2 also authorized to outgrant by lease, easement, license, or
3 permit lands acquired for the Wildlife Mitigation Project
4 pursuant to section 601(a) of Public Law 99–662, in con-
5 sultation with Federal and State fish and wildlife agencies,
6 when such outgrants are necessary to address transpor-
7 tation, utility, and related activities. The Secretary shall
8 insure full mitigation for any wildlife habitat value lost
9 as a result of such sale or outgrant. Habitat value replace-
10 ment requirements shall be determined by the Secretary
11 in consultation with the appropriate fish and wildlife agen-
12 cies.

13 (g) REPEAL.—Section 102 of the Water Resources
14 Development Act of 1992 (106 Stat. 4804) is amended
15 by striking subsection (a).

16 **SEC. 302. BOYDSVILLE, ARKANSAS.**

17 The Secretary shall credit toward the non-Federal
18 share of the costs of the study to determine the feasibility
19 of the reservoir and associated improvements in the vicin-
20 ity of Boydsville, Arkansas, authorized by section 402 of
21 the Water Resources Development Act of 1999 (113 Stat.
22 322), not more than \$250,000 of the costs of the relevant
23 planning and engineering investigations carried out by
24 State and local agencies, if the Secretary finds that the

1 investigations are integral to the scope of the feasibility
2 study.

3 **SEC. 303. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.**

4 (a) IN GENERAL.—Subject to subsection (b), the
5 project for flood control, power generation, and other pur-
6 poses at the White River Basin, Arkansas and Missouri,
7 authorized by section 4 of the Act of June 28, 1938 (52
8 Stat. 1218, chapter 795), and modified by House Docu-
9 ment 917, 76th Congress, 3d Session, and House Docu-
10 ment 290, 77th Congress, 1st Session, approved August
11 18, 1941, and House Document 499, 83d Congress, 2d
12 Session, approved September 3, 1954, and by section 304
13 of the Water Resources Development Act of 1996 (110
14 Stat. 3711), is further modified to authorize the Secretary
15 to provide minimum flows necessary to sustain tail water
16 trout fisheries by reallocating the following recommended
17 amounts of project storage:

- 18 (1) Beaver Lake, 1.5 feet.
19 (2) Table Rock, 2 feet.
20 (3) Bull Shoals Lake, 5 feet.
21 (4) Norfolk Lake, 3.5 feet.
22 (5) Greers Ferry Lake, 3 feet.

23 (b) REPORT.—

24 (1) IN GENERAL.—No funds may be obligated
25 to carry out work on the modification under sub-

1 section (a) until the Chief of Engineers, through
2 completion of a final report, determines that the
3 work is technically sound, environmentally accept-
4 able, and economically justified.

5 (2) TIMING.—Not later than January 1, 2002,
6 the Secretary shall submit to Congress the final re-
7 port referred to in paragraph (1).

8 (3) CONTENTS.—The report shall include deter-
9 minations concerning whether—

10 (A) the modification under subsection (a)
11 adversely affects other authorized project pur-
12 poses; and

13 (B) Federal costs will be incurred in con-
14 nection with the modification.

15 **SEC. 304. PETALUMA, CALIFORNIA.**

16 (a) IN GENERAL.—The Secretary may complete the
17 project for flood damage reduction, Petaluma River,
18 Petaluma, California, substantially in accordance with the
19 Detailed Project Report approved March 1995, at a total
20 cost of \$32,226,000, with an estimated Federal cost of
21 \$20,647,000 and an estimated non-Federal cost of
22 \$11,579,000.

23 (b) IN-KIND SERVICES.—The non-Federal interest
24 may provide its share of project costs in cash or in the
25 form of in-kind services or materials.

1 (c) CREDIT.—The non-Federal interest shall receive
2 credit toward the non-Federal share of project costs for
3 design and construction work carried out by the non-Fed-
4 eral interest before the date of modification of the existing
5 project cooperation agreement or execution of a new
6 project cooperation agreement, if the Secretary determines
7 that the work is integral to the project.

8 **SEC. 305. GASPARILLA AND ESTERO ISLANDS, FLORIDA.**

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

21 **SEC. 306. ILLINOIS RIVER BASIN RESTORATION, ILLINOIS.**

22 (a) DEFINITION OF ILLINOIS RIVER BASIN.—In this
23 section, the term “Illinois River basin” means the Illinois
24 River, Illinois, its backwaters, side channels, and all tribu-

1 taries, including their watersheds, draining into the Illi-
2 nois River.

3 (b) COMPREHENSIVE PLAN.—

4 (1) DEVELOPMENT.—As expeditiously as prac-
5 ticable, the Secretary shall develop a proposed com-
6 prehensive plan for the purpose of restoring, pre-
7 serving, and protecting the Illinois River basin.

8 (2) TECHNOLOGIES AND INNOVATIVE AP-
9 PROACHES.—The comprehensive plan shall provide
10 for the development of new technologies and innova-
11 tive approaches—

12 (A) to enhance the Illinois River as a vital
13 transportation corridor;

14 (B) to improve water quality within the en-
15 tire Illinois River basin;

16 (C) to restore, enhance, and preserve habi-
17 tat for plants and wildlife; and

18 (D) to increase economic opportunity for
19 agriculture and business communities.

20 (3) SPECIFIC COMPONENTS.—The comprehen-
21 sive plan shall include such features as are necessary
22 to provide for—

23 (A) the development and implementation of
24 a program for sediment removal technology,

1 sediment characterization, sediment transport,
2 and beneficial uses of sediment;

3 (B) the development and implementation
4 of a program for the planning, conservation,
5 evaluation, and construction of measures for
6 fish and wildlife habitat conservation and reha-
7 bilitation, and stabilization and enhancement of
8 land and water resources in the Illinois River
9 basin;

10 (C) the development and implementation of
11 a long-term resource monitoring program; and

12 (D) the development and implementation
13 of a computerized inventory and analysis sys-
14 tem.

15 (4) CONSULTATION.—The comprehensive plan
16 shall be developed by the Secretary in consultation
17 with appropriate Federal agencies and the State of
18 Illinois.

19 (5) REPORT TO CONGRESS.—Not later than 2
20 years after the date of enactment of this Act, the
21 Secretary shall submit to Congress a report con-
22 taining the comprehensive plan.

23 (6) ADDITIONAL STUDIES AND ANALYSES.—
24 After submission of the report under paragraph (5),
25 the Secretary shall continue to conduct such studies

1 and analyses related to the comprehensive plan as
2 are necessary, consistent with this subsection.

3 (c) CRITICAL RESTORATION PROJECTS.—

4 (1) IN GENERAL.—If the Secretary, in coopera-
5 tion with appropriate Federal agencies and the State
6 of Illinois, determines that a restoration project for
7 the Illinois River basin will produce independent, im-
8 mediate, and substantial restoration, preservation,
9 and protection benefits, the Secretary shall proceed
10 expeditiously with the implementation of the project.

11 (2) AUTHORIZATION OF APPROPRIATIONS.—

12 There is authorized to be appropriated to carry out
13 projects under this subsection \$20,000,000.

14 (3) FEDERAL SHARE.—The Federal share of
15 the cost of carrying out any project under this sub-
16 section shall not exceed \$5,000,000.

17 (d) GENERAL PROVISIONS.—

18 (1) WATER QUALITY.—In carrying out projects
19 and activities under this section, the Secretary shall
20 take into account the protection of water quality by
21 considering applicable State water quality standards.

22 (2) PUBLIC PARTICIPATION.—In developing the
23 comprehensive plan under subsection (b) and car-
24 rying out projects under subsection (c), the Sec-

1 retary shall implement procedures to facilitate public
2 participation, including—

3 (A) providing advance notice of meetings;

4 (B) providing adequate opportunity for
5 public input and comment;

6 (C) maintaining appropriate records; and

7 (D) making a record of the proceedings of
8 meetings available for public inspection.

9 (e) COORDINATION.—The Secretary shall integrate
10 and coordinate projects and activities carried out under
11 this section with ongoing Federal and State programs,
12 projects, and activities, including the following:

13 (1) Upper Mississippi River System-Environ-
14 mental Management Program authorized under sec-
15 tion 1103 of the Water Resources Development Act
16 of 1986 (33 U.S.C. 652).

17 (2) Upper Mississippi River Illinois Waterway
18 System Study.

19 (3) Kankakee River Basin General Investiga-
20 tion.

21 (4) Peoria Riverfront Development General In-
22 vestigation.

23 (5) Illinois River Ecosystem Restoration Gen-
24 eral Investigation.

1 (6) Conservation reserve program and other
2 farm programs of the Department of Agriculture.

3 (7) Conservation Reserve Enhancement Pro-
4 gram (State) and Conservation 2000, Ecosystem
5 Program of the Illinois Department of Natural Re-
6 sources.

7 (8) Conservation 2000 Conservation Practices
8 Program and the Livestock Management Facilities
9 Act administered by the Department of Agriculture
10 of the State of Illinois.

11 (9) National Buffer Initiative of the Natural
12 Resources Conservation Service.

13 (10) Nonpoint source grant program adminis-
14 tered by the Environmental Protection Agency of the
15 State of Illinois.

16 (f) JUSTIFICATION.—

17 (1) IN GENERAL.—Notwithstanding section 209
18 of the Flood Control Act of 1970 (42 U.S.C. 1962–
19 2) or any other provision of law, in carrying out ac-
20 tivities to restore, preserve, and protect the Illinois
21 River basin under this section, the Secretary may
22 determine that the activities—

23 (A) are justified by the environmental ben-
24 efits derived by the Illinois River basin; and

1 (B) shall not need further economic jus-
2 tification if the Secretary determines that the
3 activities are cost-effective.

4 (2) APPLICABILITY.—Paragraph (1) shall not
5 apply to any separable element intended to produce
6 benefits that are predominantly unrelated to the res-
7 toration, preservation, and protection of the Illinois
8 River basin.

9 (g) COST SHARING.—

10 (1) IN GENERAL.—The non-Federal share of
11 the cost of projects and activities carried out under
12 this section shall be 35 percent.

13 (2) OPERATION, MAINTENANCE, REHABILITA-
14 TION, AND REPLACEMENT.—The operation, mainte-
15 nance, rehabilitation, and replacement of projects
16 carried out under this section shall be a non-Federal
17 responsibility.

18 (3) IN-KIND SERVICES.—

19 (A) IN GENERAL.—The value of in-kind
20 services provided by the non-Federal interest
21 for a project or activity carried out under this
22 section may be credited toward not more than
23 80 percent of the non-Federal share of the cost
24 of the project or activity.

1 (B) ITEMS INCLUDED.—In-kind services
2 shall include all State funds expended on pro-
3 grams and projects that accomplish the goals of
4 this section, as determined by the Secretary, in-
5 cluding the Illinois River Conservation Reserve
6 Program, the Illinois Conservation 2000 Pro-
7 gram, the Open Lands Trust Fund, and other
8 appropriate programs carried out in the Illinois
9 River basin.

10 (4) CREDIT.—

11 (A) VALUE OF LAND.—If the Secretary de-
12 termines that land or an interest in land ac-
13 quired by a non-Federal interest, regardless of
14 the date of acquisition, is integral to a project
15 or activity carried out under this section, the
16 Secretary may credit the value of the land or
17 interest in land toward the non-Federal share
18 of the cost of the project or activity, as deter-
19 mined by the Secretary.

20 (B) WORK.—If the Secretary determines
21 that any work completed by a non-Federal in-
22 terest, regardless of the date of completion, is
23 integral to a project or activity carried out
24 under this section, the Secretary may credit the
25 value of the work toward the non-Federal share

1 of the cost of the project or activity, as deter-
2 mined by the Secretary.

3 **SEC. 307. UPPER DES PLAINES RIVER AND TRIBUTARIES,**
4 **ILLINOIS.**

5 The Secretary shall credit toward the non-Federal
6 share of the costs of the study to determine the feasibility
7 of improvements to the upper Des Plaines River and tribu-
8 taries, phase 2, Illinois and Wisconsin, authorized by sec-
9 tion 419 of the Water Resources Development Act of 1999
10 (113 Stat. 324), the costs of work carried out by the non-
11 Federal interests in Lake County, Illinois, before the date
12 of execution of the feasibility study cost-sharing agree-
13 ment, if—

14 (1) the Secretary and the non-Federal interests
15 enter into a feasibility study cost-sharing agreement;
16 and

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

19 **SEC. 308. ATCHAFALAYA BASIN, LOUISIANA.**

20 (a) IN GENERAL.—Notwithstanding the Report of
21 the Chief of Engineers, dated February 28, 1983, for the
22 project for flood control, Atchafalaya Basin Floodway Sys-
23 tem, Louisiana, authorized by section 601(a) of the Water
24 Resources Development Act of 1986 (100 Stat. 4142),

1 which report refers to recreational development in the
2 Lower Atchafalaya Basin Floodway, the Secretary—

3 (1) shall, in collaboration with the State of
4 Louisiana, initiate construction of the visitors cen-
5 ter, authorized as part of the project, at or near
6 Lake End Park in Morgan City, Louisiana; and

7 (2) shall construct other recreational features,
8 authorized as part of the project, within, and in the
9 vicinity of, the Lower Atchafalaya Basin protection
10 levees.

11 (b) AUTHORITIES.—The Secretary shall carry out
12 subsection (a) in accordance with—

13 (1) the feasibility study for the Atchafalaya
14 Basin Floodway System, Louisiana, dated January
15 1982; and

16 (2) the recreation cost-sharing requirements
17 under section 103(c) of the Water Resources Devel-
18 opment Act of 1986 (33 U.S.C. 2213(c)).

19 **SEC. 309. RED RIVER WATERWAY, LOUISIANA.**

20 The project for mitigation of fish and wildlife losses,
21 Red River Waterway, Louisiana, authorized by section
22 601(a) of the Water Resources Development Act of 1986
23 (100 Stat. 4142) and modified by section 4(h) of the
24 Water Resources Development Act of 1988 (102 Stat.
25 4016), section 102(p) of the Water Resources Develop-

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

8 **SEC. 310. NARRAGUAGUS RIVER, MILBRIDGE, MAINE.**

9 (a) REDESIGNATION.—The project for navigation,
10 Narraguagus River, Milbridge, Maine, authorized by sec-
11 tion 101 of the River and Harbor Act of 1962 (76 Stat.
12 1173), is modified to redesignate as anchorage the portion
13 of the 11-foot channel described as follows: beginning at
14 a point with coordinates N248,413.92, E668,000.24,
15 thence running south 20 degrees 09 minutes 57.8 seconds
16 east 1325.205 feet to a point N247,169.95, E668,457.09,
17 thence running north 51 degrees 30 minutes 05.7 seconds
18 west 562.33 feet to a point N247,520.00, E668,017.00,
19 thence running north 01 degrees 04 minutes 26.8 seconds
20 west 894.077 feet to the point of origin.

21 (b) REAUTHORIZATION.—The Secretary shall main-
22 tain as anchorage the portions of the project for naviga-
23 tion, Narraguagus River, Milbridge, Maine, authorized by
24 section 2 of the Act of June 14, 1880 (21 Stat. 195, chap-
25 ter 211), that lie adjacent to and outside the limits of the

1 11-foot and 9-foot channels and that are described as fol-
2 lows:

3 (1) The area located east of the 11-foot channel
4 beginning at a point with coordinates N248,060.52,
5 E668,236.56, thence running south 36 degrees 20
6 minutes 52.3 seconds east 1567.242 feet to a point
7 N246,798.21, E669,165.44, thence running north
8 51 degrees 30 minutes 06.2 seconds west 839.855
9 feet to a point N247,321.01, E668,508.15, thence
10 running north 20 degrees 09 minutes 58.1 seconds
11 west 787.801 feet to the point of origin.

12 (2) The area located west of the 9-foot channel
13 beginning at a point with coordinates N249,673.29,
14 E667,537.73, thence running south 20 degrees 09
15 minutes 57.8 seconds east 1341.616 feet to a point
16 N248,413.92, E668,000.24, thence running south
17 01 degrees 04 minutes 26.8 seconds east 371.688
18 feet to a point N248,042.30, E668,007.21, thence
19 running north 22 degrees 21 minutes 20.8 seconds
20 west 474.096 feet to a point N248,480.76,
21 E667,826.88, thence running north 79 degrees 09
22 minutes 31.6 seconds east 100.872 feet to a point
23 N248,499.73, E667,925.95, thence running north
24 13 degrees 47 minutes 27.6 seconds west 95.126
25 feet to a point N248,592.12, E667,903.28, thence

1 running south 79 degrees 09 minutes 31.6 seconds
2 west 115.330 feet to a point N248,570.42,
3 E667,790.01, thence running north 22 degrees 21
4 minutes 20.8 seconds west 816.885 feet to a point
5 N249,325.91, E667,479.30, thence running north
6 07 degrees 03 minutes 00.3 seconds west 305.680
7 feet to a point N249,629.28, E667,441.78, thence
8 running north 65 degrees 21 minutes 33.8 seconds
9 east 105.561 feet to the point of origin.

10 **SEC. 311. WILLIAM JENNINGS RANDOLPH LAKE, MARY-**
11 **LAND.**

12 The Secretary—

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

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

22 **SEC. 312. BRECKENRIDGE, MINNESOTA.**

23 (a) IN GENERAL.—The Secretary may complete the
24 project for flood damage reduction, Breckenridge, Min-
25 nesota, substantially in accordance with the Detailed

1 Project Report dated September 2000, at a total cost of
2 \$21,000,000, with an estimated Federal cost of
3 \$13,650,000 and an estimated non-Federal cost of
4 \$7,350,000.

5 (b) IN-KIND SERVICES.—The non-Federal interest
6 may provide its share of project costs in cash or in the
7 form of in-kind services or materials.

8 (c) CREDIT.—The non-Federal interest shall receive
9 credit toward the non-Federal share of project costs for
10 design and construction work carried out by the non-Fed-
11 eral interest before the date of modification of the existing
12 project cooperation agreement or execution of a new
13 project cooperation agreement, if the Secretary determines
14 that the work is integral to the project.

15 **SEC. 313. MISSOURI RIVER VALLEY, MISSOURI.**

16 (a) SHORT TITLE.—This section may be cited as the
17 “Missouri River Valley Improvement Act”.

18 (b) FINDINGS AND PURPOSES.—

19 (1) FINDINGS.—Congress finds that—

20 (A) Lewis and Clark were pioneering natu-
21 ralists that recorded dozens of species pre-
22 viously unknown to science while ascending the
23 Missouri River in 1804;

24 (B) the Missouri River, which is 2,321
25 miles long, drains $\frac{1}{6}$ of the United States, is

1 home to approximately 10,000,000 people in 10
2 States and 28 Native American tribes, and is a
3 resource of incalculable value to the United
4 States;

5 (C) the construction of dams, levees, and
6 river training structures in the past 150 years
7 has aided navigation, flood control, and water
8 supply along the Missouri River, but has re-
9 duced habitat for native river fish and wildlife;

10 (D) river organizations, including the Mis-
11 souri River Basin Association, support habitat
12 restoration, riverfront revitalization, and im-
13 proved operational flexibility so long as those
14 efforts do not significantly interfere with uses
15 of the Missouri River; and

16 (E) restoring a string of natural places by
17 the year 2004 would aid native river fish and
18 wildlife, reduce flood losses, enhance recreation
19 and tourism, and celebrate the bicentennial of
20 Lewis and Clark's voyage.

21 (2) PURPOSES.—The purposes of this section
22 are—

23 (A) to protect, restore, and enhance the
24 fish, wildlife, and plants, and the associated

1 habitats on which they depend, of the Missouri
2 River;

3 (B) to restore a string of natural places
4 that aid native river fish and wildlife, reduce
5 flood losses, and enhance recreation and tour-
6 ism;

7 (C) to revitalize historic riverfronts to im-
8 prove quality of life in riverside communities
9 and attract recreation and tourism;

10 (D) to monitor the health of the Missouri
11 River and measure biological, chemical, geologi-
12 cal, and hydrological responses to changes in
13 Missouri River management;

14 (E) to allow the Corps of Engineers in-
15 creased authority to restore and protect fish
16 and wildlife habitat on the Missouri River;

17 (F) to protect and replenish cottonwoods,
18 and their associated riparian woodland commu-
19 nities, along the upper Missouri River; and

20 (G) to educate the public about the eco-
21 nomic, environmental, and cultural importance
22 of the Missouri River and the scientific and cul-
23 tural discoveries of Lewis and Clark.

24 (c) DEFINITION OF MISSOURI RIVER.—In this sec-
25 tion, the term “Missouri River” means the Missouri River

1 and the adjacent floodplain that extends from the mouth
2 of the Missouri River (RM 0) to the confluence of the Jef-
3 ferson, Madison, and Gallatin Rivers (RM 2341) in the
4 State of Montana.

5 (d) AUTHORITY TO PROTECT, ENHANCE, AND RE-
6 STORE FISH AND WILDLIFE HABITAT.—Section 9(b) of
7 the Act of December 22, 1944 (58 Stat. 891, chapter
8 665), is amended—

9 (1) by striking “(b) The general” and inserting
10 the following:

11 “(b) COMPREHENSIVE PLAN.—

12 “(1) IN GENERAL.—The general”;

13 (2) by striking “paragraph” and inserting “sub-
14 section”; and

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

16 “(2) FISH AND WILDLIFE HABITAT.—In addi-
17 tion to carrying out the duties under the comprehen-
18 sive plan described in paragraph (1), the Chief of
19 Engineers shall protect, enhance, and restore fish
20 and wildlife habitat on the Missouri River to the ex-
21 tent consistent with other authorized project pur-
22 poses.”.

23 (e) INTEGRATION OF ACTIVITIES.—

24 (1) IN GENERAL.—In carrying out this section
25 and in accordance with paragraph (2), the Secretary

1 shall provide for such activities as are necessary to
2 protect and enhance fish and wildlife habitat without
3 adversely affecting—

4 (A) the water-related needs of the Missouri
5 River basin, including flood control, navigation,
6 hydropower, water supply, and recreation; and

7 (B) private property rights.

8 (2) NEW AUTHORITY.—Nothing in this section
9 confers any new regulatory authority on any Federal
10 or non-Federal entity that carries out any activity
11 under this section.

12 (f) MISSOURI RIVER MITIGATION PROJECT.—The
13 matter under the heading “MISSOURI RIVER MITIGATION,
14 MISSOURI, KANSAS, IOWA, AND NEBRASKA” of section
15 601(a) of the Water Resources Development Act of 1986
16 (100 Stat. 4143) is amended by adding at the end the
17 following: “There is authorized to be appropriated to carry
18 out this paragraph \$20,000,000 for each of fiscal years
19 2001 through 2010, contingent on the completion by De-
20 cember 31, 2000, of the study under this heading.”.

21 (g) UPPER MISSOURI RIVER AQUATIC AND RIPARIAN
22 HABITAT MITIGATION PROGRAM.—

23 (1) IN GENERAL.—

24 (A) STUDY.—Not later than 2 years after
25 the date of enactment of this Act, the Sec-

1 retary, through an interagency agreement with
2 the Director of the United States Fish and
3 Wildlife Service and in accordance with the
4 Fish and Wildlife Conservation Act of 1980 (16
5 U.S.C. 2901 et seq.), shall complete a study
6 that—

7 (i) analyzes any adverse effects on
8 aquatic and riparian-dependent fish and
9 wildlife resulting from the operation of the
10 Missouri River Mainstem Reservoir Project
11 in the States of Nebraska, South Dakota,
12 North Dakota, and Montana;

13 (ii) recommends measures appropriate
14 to mitigate the adverse effects described in
15 clause (i); and

16 (iii) develops baseline geologic and hy-
17 drologic data relating to aquatic and ripar-
18 ian habitat.

19 (B) REPORT.—Not later than 2 years after
20 the date of enactment of this Act, the Secretary
21 shall submit to Congress a report describing the
22 results of the study under subparagraph (A).

23 (2) PILOT PROGRAM.—The Secretary, in con-
24 sultation with the Director of the United States Fish
25 and Wildlife Service and the affected State fish and

1 wildlife agencies, shall develop and administer a pilot
2 mitigation program that—

3 (A) involves the experimental releases of
4 warm water from the spillways at Fort Peck
5 Dam during the appropriate spawning periods
6 for native fish;

7 (B) involves the monitoring of the response
8 of fish to and the effectiveness of the preserva-
9 tion of native fish and wildlife habitat of the re-
10 leases described in subparagraph (A); and

11 (C) shall not adversely impact a use of the
12 reservoir existing on the date on which the pilot
13 program is implemented.

14 (3) RESERVOIR FISH LOSS STUDY.—

15 (A) IN GENERAL.—Not later than 2 years
16 after the date of enactment of this Act, the Sec-
17 retary, in consultation with the North Dakota
18 Game and Fish Department and the South Da-
19 kota Department of Game, Fish and Parks,
20 shall complete a study to analyze and rec-
21 ommend measures to avoid or reduce the loss of
22 fish, including rainbow smelt, through Garrison
23 Dam in North Dakota and Oahe Dam in South
24 Dakota.

1 (B) REPORT.—Not later than 2 years after
2 the date of enactment of this Act, the Secretary
3 shall submit to Congress a report describing the
4 results of the study under subparagraph (A).

5 (4) AUTHORIZATION OF APPROPRIATIONS.—
6 There are authorized to be appropriated to the
7 Secretary—

8 (A) to complete the study required under
9 paragraph (3), \$200,000; and

10 (B) to carry out the other provisions of
11 this subsection, \$1,000,000 for each of fiscal
12 years 2001 through 2010.

13 (h) MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-
14 HANCEMENT PROJECT.—Section 514 of the Water Re-
15 sources Development Act of 1999 (113 Stat. 342) is
16 amended by striking subsection (g) and inserting the fol-
17 lowing:

18 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
19 is authorized to be appropriated to pay the Federal share
20 of the cost of carrying out activities under this section
21 \$5,000,000 for each of fiscal years 2001 through 2004.”.

22 **SEC. 314. NEW MADRID COUNTY, MISSOURI.**

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

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

4 (b) CREDIT.—

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

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

15 **SEC. 315. PEMISCOT COUNTY HARBOR, MISSOURI.**

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

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

5 **SEC. 316. PIKE COUNTY, MISSOURI.**

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

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

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

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

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

25 (1) DEEDS.—

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

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

13 (2) REMOVAL OF IMPROVEMENTS.—

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

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

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

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

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

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

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

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

1 **SEC. 317. FORT PECK FISH HATCHERY, MONTANA.**

2 (a) FINDINGS.—Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (c) DEFINITIONS.—In this section:

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

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

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

8 (e) COST SHARING.—

9 (1) DESIGN AND CONSTRUCTION.—

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

13 (B) FORM OF NON-FEDERAL SHARE.—

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

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

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

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

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

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

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

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

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

23 (f) AUTHORIZATION OF APPROPRIATIONS.—

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

1 (A) \$20,000,000; and

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

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

7 **SEC. 318. SAGAMORE CREEK, NEW HAMPSHIRE.**

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

10 **SEC. 319. PASSAIC RIVER BASIN FLOOD MANAGEMENT,**
11 **NEW JERSEY.**

12 (a) IN GENERAL.—The project for flood control, Pas-
13 saic River, New Jersey and New York, authorized by sec-
14 tion 101(a)(18) of the Water Resources Development Act
15 of 1990 (104 Stat. 4607), is modified to emphasize non-
16 structural approaches for flood control as alternatives to
17 the construction of the Passaic River tunnel element, while
18 maintaining the integrity of other separable mainstream
19 project elements, wetland banks, and other independent
20 projects that were authorized to be carried out in the Pas-
21 saic River Basin before the date of enactment of this Act.

22 (b) REEVALUATION OF FLOODWAY STUDY.—The
23 Secretary shall review the Passaic River Floodway Buyout
24 Study, dated October 1995, to calculate the benefits of
25 a buyout and environmental restoration using the method

1 used to calculate the benefits of structural projects under
2 section 308(b) of the Water Resources Development Act
3 of 1990 (33 U.S.C. 2318(b)).

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

13 (d) PRESERVATION OF NATURAL STORAGE AREAS.—

14 (1) IN GENERAL.—The Secretary shall reevalu-
15 ate the acquisition, from willing sellers, for flood
16 protection purposes, of wetlands in the Central Pas-
17 saic River Basin to supplement the wetland acquisi-
18 tion authorized by section 101(a)(18)(C)(vi) of the
19 Water Resources Development Act of 1990 (104
20 Stat. 4609).

21 (2) PURCHASE.—If the Secretary determines
22 that the acquisition of wetlands evaluated under
23 paragraph (1) is economically justified, the Sec-
24 retary shall purchase the wetlands, with the goal of
25 purchasing not more than 8,200 acres.

1 (e) STREAMBANK EROSION CONTROL STUDY.—The
2 Secretary shall review relevant reports and conduct a
3 study to determine the feasibility of carrying out a project
4 for environmental restoration, erosion control, and
5 streambank restoration along the Passaic River, from
6 Dundee Dam to Kearny Point, New Jersey.

7 (f) PASSAIC RIVER FLOOD MANAGEMENT TASK
8 FORCE.—

9 (1) ESTABLISHMENT.—The Secretary, in co-
10 operation with the non-Federal interest, shall estab-
11 lish a task force, to be known as the “Passaic River
12 Flood Management Task Force”, to provide advice
13 to the Secretary concerning all aspects of the Pas-
14 saic River flood management project.

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

17 (A) APPOINTMENT BY SECRETARY.—The
18 Secretary shall appoint 1 member to represent
19 the Corps of Engineers and to provide technical
20 advice to the task force.

21 (B) APPOINTMENTS BY GOVERNOR OF
22 NEW JERSEY.—The Governor of New Jersey
23 shall appoint 18 members to the task force, as
24 follows:

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

4 (ii) 1 representative of the State of
5 New Jersey.

6 (iii) 1 representative of each of Ber-
7 gen, Essex, Morris, and Passaic Counties,
8 New Jersey.

9 (iv) 6 representatives of governments
10 of municipalities affected by flooding with-
11 in the Passaic River Basin.

12 (v) 1 representative of the Palisades
13 Interstate Park Commission.

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

16 (vii) 1 representative of each of—

17 (I) the Association of New Jersey
18 Environmental Commissions;

19 (II) the Passaic River Coalition;

20 and

21 (III) the Sierra Club.

22 (C) APPOINTMENT BY GOVERNOR OF NEW
23 YORK.—The Governor of New York shall ap-
24 point 1 representative of the State of New York
25 to the task force.

1 (3) MEETINGS.—

2 (A) REGULAR MEETINGS.—The task force
3 shall hold regular meetings.

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

6 (4) ANNUAL REPORT.—The task force shall
7 submit annually to the Secretary and to the non-
8 Federal interest a report describing the achieve-
9 ments of the Passaic River flood management
10 project in preventing flooding and any impediments
11 to completion of the project.

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

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

19 (g) ACQUISITION OF LANDS IN THE FLOODWAY.—
20 Section 1148 of the Water Resources Development Act of
21 1986 (100 Stat. 4254; 110 Stat. 3718), is amended by
22 adding at the end the following:

23 “(e) CONSISTENCY WITH NEW JERSEY BLUE ACRES
24 PROGRAM.—The Secretary shall carry out this section in

1 a manner that is consistent with the Blue Acres Program
2 of the State of New Jersey.”.

3 (h) STUDY OF HIGHLANDS LAND CONSERVATION.—

4 The Secretary, in cooperation with the Secretary of Agri-
5 culture and the State of New Jersey, may study the feasi-
6 bility of conserving land in the Highlands region of New
7 Jersey and New York to provide additional flood protec-
8 tion for residents of the Passaic River Basin in accordance
9 with section 212 of the Water Resources Development Act
10 of 1999 (33 U.S.C. 2332).

11 (i) RESTRICTION ON USE OF FUNDS.—The Secretary

12 shall not obligate any funds to carry out design or con-
13 struction of the tunnel element of the Passaic River flood
14 control project, as authorized by section 101(a)(18)(A) of
15 the Water Resources Development Act of 1990 (104 Stat.
16 4607).

17 (j) CONFORMING AMENDMENT.—Section 101(a)(18)

18 of the Water Resources Development Act of 1990 (104
19 Stat. 4607) is amended in the paragraph heading by strik-
20 ing “MAIN STEM,” and inserting “FLOOD MANAGEMENT
21 PROJECT,”.

22 **SEC. 320. ROCKAWAY INLET TO NORTON POINT, NEW YORK.**

23 (a) IN GENERAL.—The project for shoreline protec-

24 tion, Atlantic Coast of New York City from Rockaway
25 Inlet to Norton Point (Coney Island Area), New York, au-

1 thORIZED by section 501(a) of the Water Resources Devel-
 2 opment Act of 1986 (100 Stat. 4135) is modified to au-
 3 thorize the Secretary to construct T-groins to improve
 4 sand retention down drift of the West 37th Street groin,
 5 in the Sea Gate area of Coney Island, New York, as identi-
 6 fied in the March 1998 report prepared for the Corps of
 7 Engineers, entitled “Field Data Gathering Project Per-
 8 formance Analysis and Design Alternative Solutions to
 9 Improve Sandfill Retention”, at a total cost of \$9,000,000,
 10 with an estimated Federal cost of \$5,850,000 and an esti-
 11 mated non-Federal cost of \$3,150,000.

12 (b) COST SHARING.—The non-Federal share of the
 13 costs of constructing the T-groins under subsection (a)
 14 shall be 35 percent.

15 **SEC. 321. JOHN DAY POOL, OREGON AND WASHINGTON.**

16 (a) EXTINGUISHMENT OF REVERSIONARY INTER-
 17 ESTS AND USE RESTRICTIONS.—With respect to the land
 18 described in each deed specified in subsection (b)—

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

22 (2) the human habitation or other building
 23 structure use restriction is extinguished in each area
 24 where the elevation is above the standard project
 25 flood elevation; and

1 (3) the use of fill material to raise low areas
2 above the standard project flood elevation is author-
3 ized, except in any low area constituting wetland for
4 which a permit under section 404 of the Federal
5 Water Pollution Control Act (33 U.S.C. 1344) would
6 be required.

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

9 (1) Auditor's Microfilm Numbers 229 and
10 16226 of Morrow County, Oregon, executed by the
11 United States.

12 (2) The portion of the land conveyed in a deed
13 executed by the United States and bearing Benton
14 County, Washington, Auditor's File Number
15 601766, described as a tract of land lying in sec. 7,
16 T. 5 N., R. 28 E., Willamette meridian, Benton
17 County, Washington, being more particularly de-
18 scribed by the following boundaries:

19 (A) Commencing at the point of intersec-
20 tion of the centerlines of Plymouth Street and
21 Third Avenue in the First Addition to the Town
22 of Plymouth (according to the duly recorded
23 plat thereof).

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

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

4 (D) Thence north, parallel with the west
5 line of that sec. 7, to a point on the north line
6 of that sec. 7.

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

9 (F) Thence south along the west line of
10 that sec. 7 to a point on the ordinary high
11 water line of the Columbia River.

12 (G) Thence northeast along that high
13 water line to a point on the north and south co-
14 ordinate line of the Oregon Coordinate System,
15 North Zone, that coordinate line being east
16 2,291,000 feet.

17 (H) Thence north along that line to a
18 point on the south line of First Avenue of that
19 Addition.

20 (I) Thence west along First Avenue to a
21 point on the southerly extension of the west line
22 of T. 18.

23 (J) Thence north along that west line of T.
24 18 to the point of beginning.

1 **SEC. 322. FOX POINT HURRICANE BARRIER, PROVIDENCE,**
 2 **RHODE ISLAND.**

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

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

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

8 “(b) CREDIT TOWARD NON-FEDERAL SHARE.—The
 9 non-Federal interest shall receive credit toward the non-
 10 Federal share of project costs, or reimbursement, for the
 11 Federal share of the costs of repairs authorized under sub-
 12 section (a) that are incurred by the non-Federal interest
 13 before the date of execution of the project cooperation
 14 agreement.”.

15 **SEC. 323. CHARLESTON HARBOR, SOUTH CAROLINA.**

16 (a) ESTUARY RESTORATION.—

17 (1) SUPPORT PLAN.—

18 (A) IN GENERAL.—Not later than 1 year
 19 after the date of enactment of this Act, the Sec-
 20 retary shall develop a plan for activities of the
 21 Corps of Engineers to support the restoration
 22 of the ecosystem of the Charleston Harbor estu-
 23 ary, South Carolina.

24 (B) COOPERATION.—The Secretary shall
 25 develop the plan in cooperation with—

26 (i) the State of South Carolina; and

1 (ii) other affected Federal and non-
2 Federal interests.

3 (2) PROJECTS.—The Secretary shall plan, de-
4 sign, and construct projects to support the restora-
5 tion of the ecosystem of the Charleston Harbor estu-
6 ary.

7 (3) EVALUATION PROGRAM.—

8 (A) IN GENERAL.—The Secretary shall de-
9 velop a program to evaluate the success of the
10 projects carried out under paragraph (2) in
11 meeting ecosystem restoration goals.

12 (B) STUDIES.—Evaluations under sub-
13 paragraph (A) shall be conducted in consulta-
14 tion with the appropriate Federal, State, and
15 local agencies.

16 (b) COST SHARING.—

17 (1) DEVELOPMENT OF PLAN.—The Federal
18 share of the cost of development of the plan under
19 subsection (a)(1) shall be 65 percent.

20 (2) PROJECT PLANNING, DESIGN, CONSTRU-
21 TION, AND EVALUATION.—The Federal share of the
22 cost of planning, design, construction, and evalua-
23 tion of a project under paragraphs (2) and (3) of
24 subsection (a) shall be 65 percent.

25 (3) NON-FEDERAL SHARE.—

1 (A) CREDIT FOR LAND, EASEMENTS, AND
2 RIGHTS-OF-WAY.—The non-Federal interest
3 shall receive credit for the value of any land,
4 easement, right-of-way, relocation, or dredged
5 material disposal area provided for carrying out
6 a project under subsection (a)(2).

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

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

15 (5) NON-FEDERAL INTERESTS.—Notwith-
16 standing section 221 of the Flood Control Act of
17 1970 (42 U.S.C. 1962d–5b), for any project carried
18 out under this section, a non-Federal interest may
19 include a private interest and a nonprofit entity.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) DEVELOPMENT OF PLAN.—There is author-
22 ized to be appropriated to carry out subsection
23 (a)(1) \$300,000.

24 (2) OTHER ACTIVITIES.—There is authorized to
25 be appropriated to carry out paragraphs (2) and (3)

1 of subsection (a) \$5,000,000 for each of fiscal years
2 2001 through 2004.

3 **SEC. 324. SAVANNAH RIVER, SOUTH CAROLINA.**

4 (a) DEFINITION OF NEW SAVANNAH BLUFF LOCK
5 AND DAM.—In this section, the term “New Savannah
6 Bluff Lock and Dam” means—

7 (1) the lock and dam at New Savannah Bluff,
8 Savannah River, Georgia and South Carolina; and

9 (2) the appurtenant features to the lock and
10 dam, including—

11 (A) the adjacent approximately 50-acre
12 park and recreation area with improvements
13 made under the project for navigation, Savan-
14 nah River below Augusta, Georgia, authorized
15 by the first section of the Act of July 3, 1930
16 (46 Stat. 924, chapter 847) and the first sec-
17 tion of the Act of August 30, 1935 (49 Stat.
18 1032, chapter 831); and

19 (B) other land that is part of the project
20 and that the Secretary determines to be appro-
21 priate for conveyance under this section.

22 (b) REPAIR AND CONVEYANCE.—After execution of
23 an agreement between the Secretary and the city of North
24 Augusta and Aiken County, South Carolina, the
25 Secretary—

1 (1) shall repair and rehabilitate the New Savan-
2 nah Bluff Lock and Dam, at full Federal expense
3 estimated at \$5,300,000; and

4 (2) after repair and rehabilitation, may convey
5 the New Savannah Bluff Lock and Dam, without
6 consideration, to the city of North Augusta and
7 Aiken County, South Carolina.

8 (c) TREATMENT OF NEW SAVANNAH BLUFF LOCK
9 AND DAM.—The New Savannah Bluff Lock and Dam
10 shall not be considered to be part of any Federal project
11 after the conveyance under subsection (b).

12 (d) OPERATION AND MAINTENANCE.—

13 (1) BEFORE CONVEYANCE.—Before the convey-
14 ance under subsection (b), the Secretary shall con-
15 tinue to operate and maintain the New Savannah
16 Bluff Lock and Dam.

17 (2) AFTER CONVEYANCE.—After the convey-
18 ance under subsection (b), operation and mainte-
19 nance of all features of the project for navigation,
20 Savannah River below Augusta, Georgia, described
21 in subsection (a)(2)(A), other than the New Savan-
22 nah Bluff Lock and Dam, shall continue to be a
23 Federal responsibility.

1 **SEC. 325. HOUSTON-GALVESTON NAVIGATION CHANNELS,**
2 **TEXAS.**

3 (a) **IN GENERAL.**—Subject to the completion, not
4 later than December 31, 2000, of a favorable report by
5 the Chief of Engineers, the project for navigation and en-
6 vironmental restoration, Houston-Galveston Navigation
7 Channels, Texas, authorized by section 101(a)(30) of the
8 Water Resources Development Act of 1996 (110 Stat.
9 3666), is modified to authorize the Secretary to design
10 and construct barge lanes adjacent to both sides of the
11 Houston Ship Channel from Redfish Reef to Morgan
12 Point, a distance of approximately 15 miles, to a depth
13 of 12 feet, at a total cost of \$34,000,000, with an esti-
14 mated Federal cost of \$30,600,000 and an estimated non-
15 Federal cost of \$3,400,000.

16 (b) **COST SHARING.**—The non-Federal interest shall
17 pay a portion of the costs of construction of the barge
18 lanes under subsection (a) in accordance with section 101
19 of the Water Resources Development Act of 1986 (33
20 U.S.C. 2211).

21 (c) **FEDERAL INTEREST.**—If the modification under
22 subsection (a) is in compliance with all applicable environ-
23 mental requirements, the modification shall be considered
24 to be in the Federal interest.

1 (d) NO AUTHORIZATION OF MAINTENANCE.—No
2 maintenance is authorized to be carried out for the modi-
3 fication under subsection (a).

4 **SEC. 326. JOE POOL LAKE, TRINITY RIVER BASIN, TEXAS.**

5 (a) IN GENERAL.—The Secretary shall enter into an
6 agreement with the city of Grand Prairie, Texas, under
7 which the city agrees to assume all responsibilities of the
8 Trinity River Authority of the State of Texas under Con-
9 tract No. DACW63–76–C–0166, other than financial re-
10 sponsibilities, except the responsibility described in sub-
11 section (d).

12 (b) RESPONSIBILITIES OF TRINITY RIVER AUTHOR-
13 ITY.—The Trinity River Authority shall be relieved of all
14 financial responsibilities under the contract described in
15 subsection (a) as of the date on which the Secretary enters
16 into the agreement with the city under that subsection.

17 (c) PAYMENTS BY CITY.—In consideration of the
18 agreement entered into under subsection (a), the city shall
19 pay the Federal Government \$4,290,000 in 2
20 installments—

21 (1) 1 installment in the amount of \$2,150,000,
22 which shall be due and payable not later than De-
23 cember 1, 2000; and

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

4 (d) OPERATION AND MAINTENANCE COSTS.—The
5 agreement entered into under subsection (a) shall include
6 a provision requiring the city to assume responsibility for
7 all costs associated with operation and maintenance of the
8 recreation facilities included in the contract described in
9 that subsection.

10 **SEC. 327. LAKE CHAMPLAIN WATERSHED, VERMONT AND**
11 **NEW YORK.**

12 (a) DEFINITIONS.—In this section:

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

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

21 (A) the land areas within Addison,
22 Bennington, Caledonia, Chittenden, Franklin,
23 Grand Isle, Lamoille, Orange, Orleans, Rut-
24 land, and Washington Counties in the State of
25 Vermont; and

1 (B)(i) the land areas that drain into Lake
2 Champlain and that are located within Essex,
3 Clinton, Franklin, Warren, and Washington
4 Counties in the State of New York; and

5 (ii) the near-shore areas of Lake Cham-
6 plain within the counties referred to in clause
7 (i).

8 (b) CRITICAL RESTORATION PROJECTS.—

9 (1) IN GENERAL.—The Secretary may partici-
10 pate in critical restoration projects in the Lake
11 Champlain watershed.

12 (2) TYPES OF PROJECTS.—A critical restora-
13 tion project shall be eligible for assistance under this
14 section if the critical restoration project consists
15 of—

16 (A) implementation of an intergovern-
17 mental agreement for coordinating regulatory
18 and management responsibilities with respect to
19 the Lake Champlain watershed;

20 (B) acceleration of whole farm planning to
21 implement best management practices to main-
22 tain or enhance water quality and to promote
23 agricultural land use in the Lake Champlain
24 watershed;

1 (C) acceleration of whole community plan-
2 ning to promote intergovernmental cooperation
3 in the regulation and management of activities
4 consistent with the goal of maintaining or en-
5 hancing water quality in the Lake Champlain
6 watershed;

7 (D) natural resource stewardship activities
8 on public or private land to promote land uses
9 that—

10 (i) preserve and enhance the economic
11 and social character of the communities in
12 the Lake Champlain watershed; and

13 (ii) protect and enhance water quality;

14 or

15 (E) any other activity determined by the
16 Secretary to be appropriate.

17 (c) PUBLIC OWNERSHIP REQUIREMENT.—The Sec-
18 retary may provide assistance for a critical restoration
19 project under this section only if—

20 (1) the critical restoration project is publicly
21 owned; or

22 (2) the non-Federal interest with respect to the
23 critical restoration project demonstrates that the
24 critical restoration project will provide a substantial

1 public benefit in the form of water quality improve-
2 ment.

3 (d) PROJECT SELECTION.—

4 (1) IN GENERAL.—In consultation with the
5 Lake Champlain Basin Program and the heads of
6 other appropriate Federal, State, tribal, and local
7 agencies, the Secretary may—

8 (A) identify critical restoration projects in
9 the Lake Champlain watershed; and

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

15 (2) CERTIFICATION.—

16 (A) IN GENERAL.—A critical restoration
17 project shall be eligible for financial assistance
18 under this section only if the State director for
19 the critical restoration project certifies to the
20 Secretary that the critical restoration project
21 will contribute to the protection and enhance-
22 ment of the quality or quantity of the water re-
23 sources of the Lake Champlain watershed.

24 (B) SPECIAL CONSIDERATION.—In certi-
25 fying critical restoration projects to the Sec-

1 retary, State directors shall give special consid-
2 eration to projects that implement plans, agree-
3 ments, and measures that preserve and enhance
4 the economic and social character of the com-
5 munities in the Lake Champlain watershed.

6 (e) COST SHARING.—

7 (1) IN GENERAL.—Before providing assistance
8 under this section with respect to a critical restora-
9 tion project, the Secretary shall enter into a project
10 cooperation agreement that shall require the non-
11 Federal interest—

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

14 (B) to acquire any land, easements, rights-
15 of-way, relocations, and dredged material dis-
16 posal areas necessary to carry out the critical
17 restoration project;

18 (C) to pay 100 percent of the operation,
19 maintenance, repair, replacement, and rehabili-
20 tation costs associated with the critical restora-
21 tion project; and

22 (D) to hold the United States harmless
23 from any claim or damage that may arise from
24 carrying out the critical restoration project, ex-
25 cept any claim or damage that may arise from

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

3 (2) NON-FEDERAL SHARE.—

4 (A) CREDIT FOR DESIGN WORK.—The
5 non-Federal interest shall receive credit for the
6 reasonable costs of design work carried out by
7 the non-Federal interest before the date of exe-
8 cution of a project cooperation agreement for
9 the critical restoration project, if the Secretary
10 finds that the design work is integral to the
11 critical restoration project.

12 (B) CREDIT FOR LAND, EASEMENTS, AND
13 RIGHTS-OF-WAY.—The non-Federal interest
14 shall receive credit for the value of any land,
15 easement, right-of-way, relocation, or dredged
16 material disposal area provided for carrying out
17 the critical restoration project.

18 (C) FORM.—The non-Federal interest may
19 provide up to 50 percent of the non-Federal
20 share in the form of services, materials, sup-
21 plies, or other in-kind contributions.

22 (f) APPLICABILITY OF OTHER FEDERAL AND STATE
23 LAWS.—Nothing in this section waives, limits, or other-
24 wise affects the applicability of Federal or State law with

1 respect to a critical restoration project carried out with
2 assistance provided under this section.

3 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$20,000,000, to remain available until expended.

6 **SEC. 328. MOUNT ST. HELENS, WASHINGTON.**

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

20 **SEC. 329. PUGET SOUND AND ADJACENT WATERS RES-**
21 **TORATION, WASHINGTON.**

22 (a) DEFINITION OF CRITICAL RESTORATION
23 PROJECT.—In this section, the term “critical restoration
24 project” means a project that will produce, consistent with
25 Federal programs, projects, and activities, immediate and

1 substantial ecosystem restoration, preservation, and pro-
2 tection benefits.

3 (b) CRITICAL RESTORATION PROJECTS.—The Sec-
4 retary may participate in critical restoration projects in
5 the area of Puget Sound, Washington, and adjacent wa-
6 ters, including—

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

9 (2) Admiralty Inlet;

10 (3) Hood Canal;

11 (4) Rosario Strait; and

12 (5) the Strait of Juan de Fuca to Cape Flat-
13 tery.

14 (c) PROJECT SELECTION.—

15 (1) IN GENERAL.—The Secretary may identify
16 critical restoration projects in the area described in
17 subsection (b) based on—

18 (A) studies to determine the feasibility of
19 carrying out the critical restoration projects;
20 and

21 (B) analyses conducted before the date of
22 enactment of this Act by non-Federal interests.

23 (2) CRITERIA AND PROCEDURES FOR REVIEW
24 AND APPROVAL.—

1 (A) IN GENERAL.—In consultation with
2 the Secretary of Commerce, the Secretary of
3 the Interior, the Governor of the State of
4 Washington, tribal governments, and the heads
5 of other appropriate Federal, State, and local
6 agencies, the Secretary may develop criteria and
7 procedures for prioritizing critical restoration
8 projects identified under paragraph (1).

9 (B) CONSISTENCY WITH FISH RESTORA-
10 TION GOALS.—The criteria and procedures de-
11 veloped under subparagraph (A) shall be con-
12 sistent with fish restoration goals of the Na-
13 tional Marine Fisheries Service and the State of
14 Washington.

15 (C) USE OF EXISTING STUDIES AND
16 PLANS.—In carrying out subparagraph (A), the
17 Secretary shall use, to the maximum extent
18 practicable, studies and plans in existence on
19 the date of enactment of this Act to identify
20 project needs and priorities.

21 (3) LOCAL PARTICIPATION.—In prioritizing
22 critical restoration projects for implementation
23 under this section, the Secretary shall consult with,
24 and give full consideration to the priorities of, public
25 and private entities that are active in watershed

1 planning and ecosystem restoration in Puget Sound
2 watersheds, including—

3 (A) the Salmon Recovery Funding Board;

4 (B) the Northwest Straits Commission;

5 (C) the Hood Canal Coordinating Council;

6 (D) county watershed planning councils;

7 and

8 (E) salmon enhancement groups.

9 (d) IMPLEMENTATION.—The Secretary may carry
10 out critical restoration projects identified under subsection
11 (c) after entering into an agreement with an appropriate
12 non-Federal interest in accordance with section 221 of the
13 Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this
14 section.

15 (e) COST SHARING.—

16 (1) IN GENERAL.—Before carrying out any crit-
17 ical restoration project under this section, the Sec-
18 retary shall enter into a binding agreement with the
19 non-Federal interest that shall require the non-Fed-
20 eral interest—

21 (A) to pay 35 percent of the total costs of
22 the critical restoration project;

23 (B) to acquire any land, easements, rights-
24 of-way, relocations, and dredged material dis-

1 positional areas necessary to carry out the critical
2 restoration project;

3 (C) to pay 100 percent of the operation,
4 maintenance, repair, replacement, and rehabili-
5 tation costs associated with the critical restora-
6 tion project; and

7 (D) to hold the United States harmless
8 from any claim or damage that may arise from
9 carrying out the critical restoration project, ex-
10 cept any claim or damage that may arise from
11 the negligence of the Federal Government or a
12 contractor of the Federal Government.

13 (2) CREDIT.—

14 (A) IN GENERAL.—The non-Federal inter-
15 est shall receive credit for the value of any land,
16 easement, right-of-way, relocation, or dredged
17 material disposal area provided for carrying out
18 the critical restoration project.

19 (B) FORM.—The non-Federal interest may
20 provide up to 50 percent of the non-Federal
21 share in the form of services, materials, sup-
22 plies, or other in-kind contributions.

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

1 \$20,000,000, of which not more than \$5,000,000 may be
2 used to carry out any 1 critical restoration project.

3 **SEC. 330. FOX RIVER SYSTEM, WISCONSIN.**

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

6 (1) by striking “The Secretary” and inserting
7 the following:

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

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

10 “(2) PAYMENTS TO STATE.—The terms and
11 conditions may include 1 or more payments to the
12 State of Wisconsin to assist the State in paying the
13 costs of repair and rehabilitation of the transferred
14 locks and appurtenant features.”.

15 **SEC. 331. CHESAPEAKE BAY OYSTER RESTORATION.**

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

18 (1) in the second sentence, by striking
19 “\$7,000,000” and inserting “\$20,000,000”; and

20 (2) by striking paragraph (4) and inserting the
21 following:

22 “(4) the construction of reefs and related clean
23 shell substrate for fish habitat, including manmade
24 3-dimensional oyster reefs, in the Chesapeake Bay
25 and its tributaries in Maryland and Virginia—

1 “(A) which reefs shall be preserved as per-
2 manent sanctuaries by the non-Federal inter-
3 ests, consistent with the recommendations of
4 the scientific consensus document on Chesa-
5 peake Bay oyster restoration dated June 1999;
6 and

7 “(B) for assistance in the construction of
8 which reefs the Chief of Engineers shall solicit
9 participation by and the services of commercial
10 watermen.”.

11 **SEC. 332. GREAT LAKES DREDGING LEVELS ADJUSTMENT.**

12 (a) DEFINITION OF GREAT LAKE.—In this section,
13 the term “Great Lake” means Lake Superior, Lake Michi-
14 gan, Lake Huron (including Lake St. Clair), Lake Erie,
15 and Lake Ontario (including the St. Lawrence River to
16 the 45th parallel of latitude).

17 (b) DREDGING LEVELS.—In operating and maintain-
18 ing Federal channels and harbors of, and the connecting
19 channels between, the Great Lakes, the Secretary shall
20 conduct such dredging as is necessary to ensure minimal
21 operation depths consistent with the original authorized
22 depths of the channels and harbors when water levels in
23 the Great Lakes are, or are forecast to be, below the Inter-
24 national Great Lakes Datum of 1985.

1 **SEC. 333. GREAT LAKES FISHERY AND ECOSYSTEM RES-**
2 **TORATION.**

3 (a) FINDINGS.—Congress finds that—

4 (1) the Great Lakes comprise a nationally and
5 internationally significant fishery and ecosystem;

6 (2) the Great Lakes fishery and ecosystem
7 should be developed and enhanced in a coordinated
8 manner; and

9 (3) the Great Lakes fishery and ecosystem pro-
10 vides a diversity of opportunities, experiences, and
11 beneficial uses.

12 (b) DEFINITIONS.—In this section:

13 (1) GREAT LAKE.—

14 (A) IN GENERAL.—The term “Great
15 Lake” means Lake Superior, Lake Michigan,
16 Lake Huron (including Lake St. Clair), Lake
17 Erie, and Lake Ontario (including the St. Law-
18 rence River to the 45th parallel of latitude).

19 (B) INCLUSIONS.—The term “Great Lake”
20 includes any connecting channel, historically
21 connected tributary, and basin of a lake speci-
22 fied in subparagraph (A).

23 (2) GREAT LAKES COMMISSION.—The term
24 “Great Lakes Commission” means The Great Lakes
25 Commission established by the Great Lakes Basin
26 Compact (82 Stat. 414).

1 (3) GREAT LAKES FISHERY COMMISSION.—The
2 term “Great Lakes Fishery Commission” has the
3 meaning given the term “Commission” in section 2
4 of the Great Lakes Fishery Act of 1956 (16 U.S.C.
5 931).

6 (4) GREAT LAKES STATE.—The term “Great
7 Lakes State” means each of the States of Illinois,
8 Indiana, Michigan, Minnesota, Ohio, Pennsylvania,
9 New York, and Wisconsin.

10 (c) GREAT LAKES FISHERY AND ECOSYSTEM RES-
11 TORATION.—

12 (1) SUPPORT PLAN.—

13 (A) IN GENERAL.—Not later than 1 year
14 after the date of enactment of this Act, the Sec-
15 retary shall develop a plan for activities of the
16 Corps of Engineers that support the manage-
17 ment of Great Lakes fisheries.

18 (B) USE OF EXISTING DOCUMENTS.—To
19 the maximum extent practicable, the plan shall
20 make use of and incorporate documents that re-
21 late to the Great Lakes and are in existence on
22 the date of enactment of this Act, such as
23 lakewide management plans and remedial ac-
24 tion plans.

1 (C) COOPERATION.—The Secretary shall
2 develop the plan in cooperation with—

3 (i) the signatories to the Joint Stra-
4 tegic Plan for Management of the Great
5 Lakes Fisheries; and

6 (ii) other affected interests.

7 (2) PROJECTS.—The Secretary shall plan, de-
8 sign, and construct projects to support the restora-
9 tion of the fishery, ecosystem, and beneficial uses of
10 the Great Lakes.

11 (3) EVALUATION PROGRAM.—

12 (A) IN GENERAL.—The Secretary shall de-
13 velop a program to evaluate the success of the
14 projects carried out under paragraph (2) in
15 meeting fishery and ecosystem restoration
16 goals.

17 (B) STUDIES.—Evaluations under sub-
18 paragraph (A) shall be conducted in consulta-
19 tion with the Great Lakes Fishery Commission
20 and appropriate Federal, State, and local agen-
21 cies.

22 (d) COOPERATIVE AGREEMENTS.—In carrying out
23 this section, the Secretary may enter into a cooperative
24 agreement with the Great Lakes Commission or any other

1 agency established to facilitate active State participation
2 in management of the Great Lakes.

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

7 (f) COST SHARING.—

8 (1) DEVELOPMENT OF PLAN.—The Federal
9 share of the cost of development of the plan under
10 subsection (c)(1) shall be 65 percent.

11 (2) PROJECT PLANNING, DESIGN, CONSTRUCC-
12 TION, AND EVALUATION.—The Federal share of the
13 cost of planning, design, construction, and evalua-
14 tion of a project under paragraph (2) or (3) of sub-
15 section (c) shall be 65 percent.

16 (3) NON-FEDERAL SHARE.—

17 (A) CREDIT FOR LAND, EASEMENTS, AND
18 RIGHTS-OF-WAY.—The non-Federal interest
19 shall receive credit for the value of any land,
20 easement, right-of-way, relocation, or dredged
21 material disposal area provided for carrying out
22 a project under subsection (c)(2).

23 (B) FORM.—The non-Federal interest may
24 provide up to 50 percent of the non-Federal
25 share required under paragraphs (1) and (2) in

1 the form of services, materials, supplies, or
2 other in-kind contributions.

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

7 (5) NON-FEDERAL INTERESTS.—Notwith-
8 standing section 221 of the Flood Control Act of
9 1970 (42 U.S.C. 1962d–5b), for any project carried
10 out under this section, a non-Federal interest may
11 include a private interest and a nonprofit entity.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—

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

16 (2) OTHER ACTIVITIES.—There is authorized to
17 be appropriated to carry out paragraphs (2) and (3)
18 of subsection (c) \$8,000,000 for each of fiscal years
19 2002 through 2006.

20 **SEC. 334. GREAT LAKES REMEDIAL ACTION PLANS AND**
21 **SEDIMENT REMEDIATION.**

22 Section 401 of the Water Resources Development Act
23 of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644; 110 Stat.
24 3763; 113 Stat. 338) is amended—

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),
6 by 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
11 for each of fiscal years 1998 through 2000.” and in-
12 serting “\$10,000,000 for each of fiscal years 2001
13 through 2010.”.

14 **SEC. 335. GREAT LAKES TRIBUTARY MODEL.**

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

17 (1) in subsection (e), by adding at the end the
18 following:

19 “(3) COST SHARING.—The non-Federal share
20 of the costs of developing a tributary sediment
21 transport model under this subsection shall be 50
22 percent.”; and

23 (2) in subsection (g)—

24 (A) by striking “There is authorized” and
25 inserting the following:

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

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

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

8 **SEC. 336. TREATMENT OF DREDGED MATERIAL FROM**
9 **LONG ISLAND SOUND.**

10 (a) IN GENERAL.—Not later than December 31,
11 2002, the Secretary shall carry out a demonstration
12 project for the use of innovative sediment treatment tech-
13 nologies for the treatment of dredged material from Long
14 Island Sound.

15 (b) PROJECT CONSIDERATIONS.—In carrying out
16 subsection (a), the Secretary shall, to the maximum extent
17 practicable—

18 (1) encourage partnerships between the public
19 and private sectors;

20 (2) build on treatment technologies that have
21 been used successfully in demonstration or full-scale
22 projects (such as projects carried out in the State of
23 New York, New Jersey, or Illinois), such as tech-
24 nologies described in—

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

4 (B) section 503 of the Water Resources
5 Development Act of 1999 (33 U.S.C. 2314
6 note; 113 Stat. 337);

7 (3) ensure that dredged material from Long Is-
8 land Sound that is treated under the demonstration
9 project is disposed of by beneficial reuse, by open
10 water disposal, or at a licensed waste facility, as ap-
11 propriate; and

12 (4) ensure that the demonstration project is
13 consistent with the findings and requirements of any
14 draft environmental impact statement on the des-
15 ignation of 1 or more dredged material disposal sites
16 in Long Island Sound that is scheduled for comple-
17 tion in 2001.

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

21 **SEC. 337. NEW ENGLAND WATER RESOURCES AND ECO-**
22 **SYSTEM RESTORATION.**

23 (a) DEFINITIONS.—In this section:

24 (1) CRITICAL RESTORATION PROJECT.—The
25 term “critical restoration project” means a project

1 that will produce, consistent with Federal programs,
2 projects, and activities, immediate and substantial
3 ecosystem restoration, preservation, and protection
4 benefits.

5 (2) NEW ENGLAND.—The term “New England”
6 means all watersheds, estuaries, and related coastal
7 areas in the States of Connecticut, Maine, Massa-
8 chusetts, New Hampshire, Rhode Island, and
9 Vermont.

10 (b) ASSESSMENT.—

11 (1) IN GENERAL.—The Secretary, in coordina-
12 tion with appropriate Federal, State, tribal, regional,
13 and local agencies, shall perform an assessment of
14 the condition of water resources and related eco-
15 systems in New England to identify problems and
16 needs for restoring, preserving, and protecting water
17 resources, ecosystems, wildlife, and fisheries.

18 (2) MATTERS TO BE ADDRESSED.—The assess-
19 ment shall include—

20 (A) development of criteria for identifying
21 and prioritizing the most critical problems and
22 needs; and

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

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

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

6 (B) ongoing efforts of all participating
7 agencies.

8 (4) CRITERIA; FRAMEWORK.—

9 (A) IN GENERAL.—Not later than 1 year
10 after the date of enactment of this Act, the Sec-
11 retary shall develop and make available for pub-
12 lic review and comment—

13 (i) criteria for identifying and
14 prioritizing critical problems and needs;
15 and

16 (ii) a framework for development of
17 watershed or regional restoration plans.

18 (B) USE OF RESOURCES.—In developing
19 the criteria and framework, the Secretary shall
20 make full use of all available Federal, State,
21 tribal, regional, and local resources.

22 (5) REPORT.—Not later than October 1, 2002,
23 the Secretary shall submit to Congress a report on
24 the assessment.

25 (c) RESTORATION PLANS.—

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

5 (A) develop a comprehensive plan for re-
6 storing, preserving, and protecting the water re-
7 sources and ecosystem in each watershed and
8 region in New England; and

9 (B) submit the plan to Congress.

10 (2) CONTENTS.—Each restoration plan shall
11 include—

12 (A) a feasibility report; and

13 (B) a programmatic environmental impact
14 statement covering the proposed Federal action.

15 (d) CRITICAL RESTORATION PROJECTS.—

16 (1) IN GENERAL.—After the restoration plans
17 are submitted under subsection (c)(1)(B), the Sec-
18 retary, in coordination with appropriate Federal,
19 State, tribal, regional, and local agencies, shall iden-
20 tify critical restoration projects that will produce
21 independent, immediate, and substantial restoration,
22 preservation, and protection benefits.

23 (2) AGREEMENTS.—The Secretary may carry
24 out a critical restoration project after entering into
25 an agreement with an appropriate non-Federal inter-

1 est in accordance with section 221 of the Flood Control
2 Act of 1970 (42 U.S.C. 1962d–5b) and this section.
3

4 (3) PROJECT JUSTIFICATION.—Notwithstanding
5 section 209 of the Flood Control Act of
6 1970 (42 U.S.C. 1962–2) or any other provision of
7 law, in carrying out a critical restoration project
8 under this subsection, the Secretary may determine
9 that the project—

10 (A) is justified by the environmental benefits
11 derived from the ecosystem; and

12 (B) shall not need further economic justification
13 if the Secretary determines that the
14 project is cost effective.

15 (4) TIME LIMITATION.—No critical restoration
16 project may be initiated under this subsection after
17 September 30, 2005.

18 (5) COST LIMITATION.—Not more than
19 \$5,000,000 in Federal funds may be used to carry
20 out a critical restoration project under this subsection.
21

22 (e) COST SHARING.—

23 (1) ASSESSMENT.—

1 (A) IN GENERAL.—The non-Federal share
2 of the cost of the assessment under subsection
3 (b) shall be 25 percent.

4 (B) IN-KIND CONTRIBUTIONS.—The non-
5 Federal share may be provided in the form of
6 services, materials, or other in-kind contribu-
7 tions.

8 (2) RESTORATION PLANS.—

9 (A) IN GENERAL.—The non-Federal share
10 of the cost of developing the restoration plans
11 under subsection (c) shall be 35 percent.

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

16 (3) CRITICAL RESTORATION PROJECTS.—

17 (A) IN GENERAL.—The non-Federal share
18 of the cost of carrying out a critical restoration
19 project under subsection (d) shall be 35 per-
20 cent.

21 (B) IN-KIND CONTRIBUTIONS.—Up to 50
22 percent of the non-Federal share may be pro-
23 vided in the form of services, materials, or other
24 in-kind contributions.

1 (C) REQUIRED NON-FEDERAL CONTRIBU-
2 TION.—For any critical restoration project, the
3 non-Federal interest shall—

4 (i) provide all land, easements, rights-
5 of-way, dredged material disposal areas,
6 and relocations;

7 (ii) pay all operation, maintenance, re-
8 placement, repair, and rehabilitation costs;
9 and

10 (iii) hold the United States harmless
11 from all claims arising from the construc-
12 tion, operation, and maintenance of the
13 project.

14 (D) CREDIT.—The non-Federal interest
15 shall receive credit for the value of the land,
16 easements, rights-of-way, dredged material dis-
17 posal areas, and relocations provided under sub-
18 paragraph (C).

19 (f) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) ASSESSMENT AND RESTORATION PLANS.—

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

1 (2) CRITICAL RESTORATION PROJECTS.—There
2 is authorized to be appropriated to carry out sub-
3 section (d) \$30,000,000.

4 **SEC. 338. PROJECT DEAUTHORIZATIONS.**

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

7 (1) KENNEBUNK RIVER, KENNEBUNK AND
8 KENNEBUNKPORT, MAINE.—The following portion of
9 the project for navigation, Kennebunk River, Maine,
10 authorized by section 101 of the River and Harbor
11 Act of 1962 (76 Stat. 1173), is not authorized after
12 the date of enactment of this Act: the portion of the
13 northernmost 6-foot deep anchorage the boundaries
14 of which begin at a point with coordinates
15 N1904693.6500, E418084.2700, thence running
16 south 01 degree 04 minutes 50.3 seconds 35 feet to
17 a point with coordinates N190434.6562,
18 E418084.9301, thence running south 15 degrees 53
19 minutes 45.5 seconds 416.962 feet to a point with
20 coordinates N190033.6386, E418199.1325, thence
21 running north 03 degrees 11 minutes 30.4 seconds
22 70 feet to a point with coordinates N190103.5300,
23 E418203.0300, thence running north 17 degrees 58
24 minutes 18.3 seconds west 384.900 feet to the point
25 of origin.

1 (2) WALLABOUT CHANNEL, BROOKLYN, NEW
2 YORK.—

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

10 (B) COURSES AND DISTANCES.—The
11 courses and distances referred to in subpara-
12 graph (A) are the following:

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

16 (ii) North 74 degrees, 41 minutes, 30
17 seconds East 271.54 feet (coordinate:
18 N682,372.55, E639,267.71).

19 (iii) South 4 degrees, 46 minutes, 02
20 seconds West 170.95 feet (coordinate:
21 N682,202.20, E639,253.50).

22 (iv) South 4 degrees, 46 minutes, 02
23 seconds West 239.97 feet (coordinate:
24 N681,963.06, E639,233.56).

1 (v) North 50 degrees, 48 minutes, 26
 2 seconds West 305.48 feet (coordinate:
 3 N682,156.10, E638,996.80).

4 (vi) North 3 degrees, 33 minutes, 25
 5 seconds East 145.04 feet (coordinate:
 6 N682,300.86, E639,005.80).

7 (3) NEW YORK AND NEW JERSEY CHANNELS,
 8 NEW YORK AND NEW JERSEY.—The portion of the
 9 project for navigation, New York and New Jersey
 10 Channels, New York and New Jersey, authorized by
 11 the first section of the Act of August 30, 1935 (49
 12 Stat. 1030, chapter 831), and modified by section
 13 101 of the River and Harbor Act of 1950 (64 Stat.
 14 164), consisting of a 35-foot-deep channel beginning
 15 at a point along the western limit of the authorized
 16 project, N644100.411, E2129256.91, thence run-
 17 ning southeast about 38.25 feet to a point
 18 N644068.885, E2129278.565, thence running south
 19 about 1163.86 feet to a point N642912.127,
 20 E2129150.209, thence running southwest about
 21 56.9 feet to a point N642864.09, E2129119.725,
 22 thence running north along the western limit of the
 23 project to the point of origin.

24 (4) WARWICK COVE, RHODE ISLAND.—The por-
 25 tion of the project for navigation, Warwick Cove,

1 Rhode Island, authorized under section 107 of the
2 River and Harbor Act of 1960 (33 U.S.C. 577),
3 which is located within the 5-acre, 6-foot anchorage
4 area west of the channel: beginning at a point with
5 coordinates N221,150.027, E528,960.028, thence
6 running southerly about 257.39 feet to a point with
7 coordinates N220,892.638, E528,960.028, thence
8 running northwesterly about 346.41 feet to a point
9 with coordinates N221,025.270, E528,885.780,
10 thence running northeasterly about 145.18 feet to
11 the point of origin.

12 **SEC. 339. BOGUE BANKS, CARTERET COUNTY, NORTH**
13 **CAROLINA.**

14 (a) DEFINITION OF BEACHES.—In this section, the
15 term “beaches” means the following beaches located in
16 Carteret County, North Carolina:

- 17 (1) Atlantic Beach.
- 18 (2) Pine Knoll Shores Beach.
- 19 (3) Salter Path Beach.
- 20 (4) Indian Beach.
- 21 (5) Emerald Isle Beach.

22 (b) RENOURISHMENT STUDY.—The Secretary shall
23 expedite completion of a study under section 145 of the
24 Water Resources Development Act of 1976 (33 U.S.C.
25 426j) on the expedited renourishment, through sharing of

1 the costs of deposition of sand and other material used
2 for beach renourishment, of the beaches of Bogue Banks
3 in Carteret County, North Carolina.

4 **TITLE IV—STUDIES**

5 **SEC. 401. BALDWIN COUNTY, ALABAMA.**

6 The Secretary shall conduct a study to determine the
7 feasibility of carrying out beach erosion control, storm
8 damage reduction, and other measures along the shores
9 of Baldwin County, Alabama.

10 **SEC. 402. BONO, ARKANSAS.**

11 The Secretary shall conduct a study to determine the
12 feasibility of, and need for, a reservoir and associated im-
13 provements to provide for flood control, recreation, water
14 quality, and fish and wildlife in the vicinity of Bono, Ar-
15 kansas.

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

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

1 (b) REQUIRED ELEMENTS.—The study shall include
2 consideration of—

3 (1) an outlet works through the Yolo Bypass
4 capable of receiving up to 1,600 cubic feet per sec-
5 ond of storm drainage from the city of Woodland
6 and Yolo County;

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

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

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

16 The Secretary shall conduct a study to determine the
17 feasibility of constructing flood control measures in the
18 Estudillo Canal watershed, San Leandro, California.

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

20 The Secretary shall conduct a study to determine the
21 feasibility of constructing flood control measures in the
22 Laguna Creek watershed, Fremont, California, to provide
23 a 100-year level of flood protection.

1 **SEC. 406. OCEANSIDE, CALIFORNIA.**

2 Not later than 32 months after the date of enactment
3 of this Act, the Secretary shall conduct a special study,
4 at full Federal expense, of plans—

5 (1) to mitigate for the erosion and other im-
6 pacts resulting from the construction of Camp Pen-
7 dleton Harbor, Oceanside, California, as a wartime
8 measure; and

9 (2) to restore beach conditions along the af-
10 fected public and private shores to the conditions
11 that existed before the construction of Camp Pen-
12 dleton Harbor.

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

14 (a) IN GENERAL.—The Secretary shall conduct a wa-
15 tershed study for the San Jacinto watershed, California.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to carry out this section
18 \$250,000.

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

20 The Secretary shall conduct a reconnaissance study
21 to determine the Federal interest in dredging the mouth
22 of the Choctawhatchee River, Florida, to remove the sand
23 plug.

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

25 The Secretary shall conduct a study to determine the
26 feasibility of stabilizing the historic fortifications and

1 beach areas of Egmont Key, Florida, that are threatened
2 by erosion.

3 **SEC. 410. FERNANDINA HARBOR, FLORIDA.**

4 The Secretary shall conduct a study to determine the
5 feasibility of realigning the access channel in the vicinity
6 of the Fernandina Beach Municipal Marina as part of
7 project for navigation, Fernandina, Florida, authorized by
8 the first section of the Act of June 14, 1880 (21 Stat.
9 186, chapter 211).

10 **SEC. 411. UPPER OCKLAWAHA RIVER AND APOPKA/
11 PALATLAKAHA RIVER BASINS, FLORIDA.**

12 (a) IN GENERAL.—The Secretary shall conduct a re-
13 study of flooding and water quality issues in—

14 (1) the upper Ocklawaha River basin, south of
15 the Silver River; and

16 (2) the Apopka River and Palatlakaha River
17 basins.

18 (b) REQUIRED ELEMENTS.—In carrying out sub-
19 section (a), the Secretary shall review the report of the
20 Chief of Engineers on the Four River Basins, Florida,
21 project, published as House Document No. 585, 87th Con-
22 gress, and other pertinent reports to determine the feasi-
23 bility of measures relating to comprehensive watershed
24 planning for water conservation, flood control, environ-
25 mental restoration and protection, and other issues relat-

1 ing to water resources in the river basins described in sub-
2 section (a).

3 **SEC. 412. BOISE RIVER, IDAHO.**

4 The Secretary shall conduct a study to determine the
5 feasibility of carrying out multi-objective flood control ac-
6 tivities along the Boise River, Idaho.

7 **SEC. 413. WOOD RIVER, IDAHO.**

8 The Secretary shall conduct a study to determine the
9 feasibility of carrying out multi-objective flood control and
10 flood mitigation planning projects along the Wood River
11 in Blaine County, Idaho.

12 **SEC. 414. CHICAGO, ILLINOIS.**

13 (a) IN GENERAL.—The Secretary shall conduct a
14 study to determine the feasibility of carrying out projects
15 for water-related urban improvements, including infra-
16 structure development and improvements, in Chicago, Illi-
17 nois.

18 (b) SITES.—Under subsection (a), the Secretary shall
19 study—

- 20 (1) the USX/Southworks site;
- 21 (2) Calumet Lake and River;
- 22 (3) the Canal Origins Heritage Corridor; and
- 23 (4) Ping Tom Park.

24 (c) USE OF INFORMATION; CONSULTATION.—In car-
25 rying out this section, the Secretary shall use available in-

1 formation from, and consult with, appropriate Federal,
2 State, and local agencies.

3 **SEC. 415. BOEUF AND BLACK, LOUISIANA.**

4 The Secretary shall conduct a study to determine the
5 feasibility of deepening the navigation channel of the
6 Atchafalaya River and Bayous Chene, Boeuf and Black,
7 Louisiana, from 20 feet to 35 feet.

8 **SEC. 416. PORT OF IBERIA, LOUISIANA.**

9 The Secretary shall conduct a study to determine the
10 feasibility of constructing navigation improvements for in-
11 gress and egress between the Port of Iberia, Louisiana,
12 and the Gulf of Mexico, including channel widening and
13 deepening.

14 **SEC. 417. SOUTH LOUISIANA.**

15 The Secretary shall conduct a study to determine the
16 feasibility of constructing projects for hurricane protection
17 in the coastal area of the State of Louisiana between Mor-
18 gan City and the Pearl River.

19 **SEC. 418. ST. JOHN THE BAPTIST PARISH, LOUISIANA.**

20 The Secretary shall conduct a study to determine the
21 feasibility of constructing urban flood control measures on
22 the east bank of the Mississippi River in St. John the Bap-
23 tist Parish, Louisiana.

1 **SEC. 419. PORTLAND HARBOR, MAINE.**

2 The Secretary shall conduct a study to determine the
3 adequacy of the channel depth at Portland Harbor, Maine.

4 **SEC. 420. PORTSMOUTH HARBOR AND PISCATAQUA RIVER,**
5 **MAINE AND NEW HAMPSHIRE.**

6 The Secretary shall conduct a study to determine the
7 feasibility of modifying the project for navigation, Ports-
8 mouth Harbor and Piscataqua River, Maine and New
9 Hampshire, authorized by section 101 of the River and
10 Harbor Act of 1962 (76 Stat. 1173) and modified by sec-
11 tion 202(a) of the Water Resources Development Act of
12 1986 (100 Stat. 4095), to increase the authorized width
13 of turning basins in the Piscataqua River to 1,000 feet.

14 **SEC. 421. SEARSPORT HARBOR, MAINE.**

15 The Secretary shall conduct a study to determine the
16 adequacy of the channel depth at Searsport Harbor,
17 Maine.

18 **SEC. 422. MERRIMACK RIVER BASIN, MASSACHUSETTS AND**
19 **NEW HAMPSHIRE.**

20 (a) IN GENERAL.—The Secretary shall conduct a
21 comprehensive study of the water resources needs of the
22 Merrimack River basin, Massachusetts and New Hamp-
23 shire, in the manner described in section 729 of the Water
24 Resources Development Act of 1986 (100 Stat. 4164).

25 (b) CONSIDERATION OF OTHER STUDIES.—In car-
26 rying out this section, the Secretary may take into consid-

1 eration any studies conducted by the University of New
2 Hampshire on environmental restoration of the Merrimack
3 River System.

4 **SEC. 423. PORT OF GULFPORT, MISSISSIPPI.**

5 The Secretary shall conduct a study to determine the
6 feasibility of modifying the project for navigation, Gulfport
7 Harbor, Mississippi, authorized by section 202(a) of the
8 Water Resources Development Act of 1986 (100 Stat.
9 4094) and modified by section 4(n) of the Water Re-
10 sources Development Act of 1988 (102 Stat. 4017)—

11 (1) to widen the channel from 300 feet to 450
12 feet; and

13 (2) to deepen the South Harbor channel from
14 36 feet to 42 feet and the North Harbor channel
15 from 32 feet to 36 feet.

16 **SEC. 424. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE.**

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

21 **SEC. 425. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEX-**

22 **ICO.**

23 Section 433 of the Water Resources Development Act
24 of 1999 (113 Stat. 327) is amended—

1 (1) by inserting “(a) IN GENERAL.—” before
2 “the”; and

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

4 “(b) EVALUATION OF FLOOD DAMAGE REDUCTION
5 MEASURES.—In conducting the study, the Secretary shall
6 evaluate flood damage reduction measures that would oth-
7 erwise be excluded from the feasibility analysis based on
8 policies of the Corps of Engineers concerning the fre-
9 quency of flooding, the drainage area, and the amount of
10 runoff.”.

11 **SEC. 426. CUYAHOGA RIVER, OHIO.**

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

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

15 “(a) IN GENERAL.—The Secretary shall—

16 “(1) conduct a study to evaluate the structural
17 integrity of the bulkhead system located on the Fed-
18 eral navigation channel along the Cuyahoga River
19 near Cleveland, Ohio; and

20 “(2) provide to the non-Federal interest design
21 analysis, plans and specifications, and cost estimates
22 for repair or replacement of the bulkhead system.

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

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$500,000.”.

4 **SEC. 427. DUCK CREEK WATERSHED, OHIO.**

5 The Secretary shall conduct a study to determine the
6 feasibility of carrying out flood control, environmental res-
7 toration, and aquatic ecosystem restoration measures in
8 the Duck Creek watershed, Ohio.

9 **SEC. 428. FREMONT, OHIO.**

10 In consultation with appropriate Federal, State, and
11 local agencies, the Secretary shall conduct a study to de-
12 termine the feasibility of carrying out projects for water
13 supply and environmental restoration at the Ballville
14 Dam, on the Sandusky River at Fremont, Ohio.

15 **SEC. 429. GRAND LAKE, OKLAHOMA.**

16 (a) EVALUATION.—The Secretary shall—

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

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

24 (b) FEASIBILITY STUDY.—

1 (1) IN GENERAL.—The Secretary shall conduct
2 a study to determine the feasibility of—

3 (A) addressing the backwater effects of the
4 operation of the Pensacola Dam, Grand/Neosho
5 River basin; and

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

9 (2) COST SHARING.—If the Secretary deter-
10 mines under subsection (a)(2) that Federal actions
11 have been a significant cause of the backwater ef-
12 fects, the Federal share of the costs of the feasibility
13 study under paragraph (1) shall be 100 percent.

14 **SEC. 430. DREDGED MATERIAL DISPOSAL SITE, RHODE IS-**
15 **LAND.**

16 In consultation with the Administrator of the Envi-
17 ronmental Protection Agency, the Secretary shall conduct
18 a study to determine the feasibility of designating a per-
19 manent site in the State of Rhode Island for the disposal
20 of dredged material.

21 **SEC. 431. CHICKAMAUGA LOCK AND DAM, TENNESSEE.**

22 (a) IN GENERAL.—The Secretary shall use \$200,000,
23 from funds transferred from the Tennessee Valley Author-
24 ity, to prepare a report of the Chief of Engineers for a

1 replacement lock at Chickamauga Lock and Dam, Ten-
2 nessee.

3 (b) FUNDING.—As soon as practicable after the date
4 of enactment of this Act, the Tennessee Valley Authority
5 shall transfer the funds described in subsection (a) to the
6 Secretary.

7 **SEC. 432. GERMANTOWN, TENNESSEE.**

8 (a) IN GENERAL.—The Secretary shall conduct a
9 study to determine the feasibility of carrying out a project
10 for flood control and related purposes along Miller Farms
11 Ditch, Howard Road Drainage, and Wolf River Lateral
12 D, Germantown, Tennessee.

13 (b) JUSTIFICATION ANALYSIS.—The Secretary shall
14 include environmental and water quality benefits in the
15 justification analysis for the project.

16 (c) COST SHARING.—

17 (1) FEDERAL SHARE.—The Federal share of
18 the costs of the feasibility study under subsection (a)
19 shall not exceed 25 percent.

20 (2) NON-FEDERAL SHARE.—The Secretary—

21 (A) shall credit toward the non-Federal
22 share of the costs of the feasibility study the
23 value of the in-kind services provided by the
24 non-Federal interests relating to the planning,
25 engineering, and design of the project, whether

1 carried out before or after execution of the fea-
2 sibility study cost-sharing agreement; and

3 (B) for the purposes of subparagraph (A),
4 shall consider the feasibility study to be con-
5 ducted as part of the Memphis Metro Ten-
6 nessee and Mississippi study authorized by res-
7 olution of the Committee on Transportation
8 and Infrastructure, dated March 7, 1996.

9 **SEC. 433. HORN LAKE CREEK AND TRIBUTARIES, TEN-**
10 **NESSEE AND MISSISSIPPI.**

11 (a) IN GENERAL.—The Secretary shall conduct a
12 study to determine the feasibility of modifying the project
13 for flood control, Horn Lake Creek and Tributaries, Ten-
14 nessee and Mississippi, authorized by section 401(a) of the
15 Water Resources Development Act of 1986 (100 Stat.
16 4124), to provide a high level of urban flood protection
17 to development along Horn Lake Creek.

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

21 **SEC. 434. CEDAR BAYOU, TEXAS.**

22 The Secretary shall conduct a study to determine the
23 feasibility of constructing a 12-foot-deep and 125-foot-
24 wide channel from the Houston Ship Channel to Cedar
25 Bayou, mile marker 11, Texas.

1 **SEC. 435. HOUSTON SHIP CHANNEL, TEXAS.**

2 The Secretary shall conduct a study to determine the
3 feasibility of constructing barge lanes adjacent to both
4 sides of the Houston Ship Channel from Bolivar Roads
5 to Morgan Point, Texas, to a depth of 12 feet.

6 **SEC. 436. SAN ANTONIO CHANNEL, TEXAS.**

7 The Secretary shall conduct a study to determine the
8 feasibility of modifying the project for San Antonio Chan-
9 nel improvement, Texas, authorized by section 203 of the
10 Flood Control Act of 1954 (68 Stat. 1259), and modified
11 by section 103 of the Water Resources Development Act
12 of 1976 (90 Stat. 2921), to add environmental restoration
13 and recreation as project purposes.

14 **SEC. 437. VERMONT DAMS REMEDIATION.**

15 (a) IN GENERAL.—The Secretary shall—

16 (1) conduct a study to evaluate the structural
17 integrity and need for modification or removal of
18 each dam located in the State of Vermont and de-
19 scribed in subsection (b); and

20 (2) provide to the non-Federal interest design
21 analysis, plans and specifications, and cost estimates
22 for repair, restoration, modification, and removal of
23 each dam described in subsection (b).

24 (b) DAMS TO BE EVALUATED.—The dams referred
25 to in subsection (a) are the following:

26 (1) East Barre Dam, Barre Town.

1 (2) Wrightsville Dam, Middlesex-Montpelier.

2 (3) Lake Sadawga Dam, Whitingham.

3 (4) Dufresne Pond Dam, Manchester.

4 (5) Knapp Brook Site 1 Dam, Cavendish.

5 (6) Lake Bomoseen Dam, Castleton.

6 (7) Little Hosmer Dam, Craftsbury.

7 (8) Colby Pond Dam, Plymouth.

8 (9) Silver Lake Dam, Barnard.

9 (10) Gale Meadows Dam, Londonderry.

10 (c) COST SHARING.—The non-Federal share of the
11 cost of the study under subsection (a) shall be 35 percent.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to carry out this section
14 \$500,000.

15 **SEC. 438. WHITE RIVER WATERSHED BELOW MUD MOUN-**
16 **TAIN DAM, WASHINGTON.**

17 (a) REVIEW.—The Secretary shall review the report
18 of the Chief of Engineers on the Upper Puyallup River,
19 Washington, dated 1936, authorized by section 5 of the
20 Act of June 22, 1936 (49 Stat. 1591, chapter 688), the
21 Puget Sound and adjacent waters report authorized by
22 section 209 of the Flood Control Act of 1962 (76 Stat.
23 1197), and other pertinent reports, to determine whether
24 modifications to the recommendations contained in the re-
25 ports are advisable to provide improvements to the water

1 resources and watershed of the White River watershed
2 downstream of Mud Mountain Dam, Washington.

3 (b) ISSUES.—In conducting the review under sub-
4 section (a), the Secretary shall review, with respect to the
5 Lake Tapps community and other parts of the
6 watershed—

7 (1) constructed and natural environs;

8 (2) capital improvements;

9 (3) water resource infrastructure;

10 (4) ecosystem restoration;

11 (5) flood control;

12 (6) fish passage;

13 (7) collaboration by, and the interests of, re-
14 gional stakeholders;

15 (8) recreational and socioeconomic interests;

16 and

17 (9) other issues determined by the Secretary.

18 **SEC. 439. WILLAPA BAY, WASHINGTON.**

19 (a) STUDY.—The Secretary shall conduct a study to
20 determine the feasibility of providing coastal erosion pro-
21 tection for the Tribal Reservation of the Shoalwater Bay
22 Indian Tribe on Willapa Bay, Washington.

23 (b) PROJECT.—

24 (1) IN GENERAL.—Notwithstanding any other
25 provision of law (including any requirement for eco-

1 nomic justification), the Secretary may construct
 2 and maintain a project to provide coastal erosion
 3 protection for the Tribal Reservation of the
 4 Shoalwater Bay Indian Tribe on Willapa Bay,
 5 Washington, at full Federal expense, if the Secretary
 6 determines that the project—

7 (A) is a cost-effective means of providing
 8 erosion protection;

9 (B) is environmentally acceptable and tech-
 10 nically feasible; and

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

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

14 As a condition of the project described in paragraph
 15 (1), the Shoalwater Bay Indian Tribe shall provide
 16 land, easements, rights-of-way, and dredged material
 17 disposal areas necessary for the implementation of
 18 the project.

19 **SEC. 440. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND**
 20 **NUTRIENT STUDY.**

21 (a) IN GENERAL.—The Secretary, in conjunction
 22 with the Secretary of Agriculture and the Secretary of the
 23 Interior, shall conduct a study to—

1 (1) identify and evaluate significant sources of
2 sediment and nutrients in the upper Mississippi
3 River basin;

4 (2) quantify the processes affecting mobiliza-
5 tion, transport, and fate of those sediments and nu-
6 trients on land and in water; and

7 (3) quantify the transport of those sediments
8 and nutrients to the upper Mississippi River and the
9 tributaries of the upper Mississippi River.

10 (b) STUDY COMPONENTS.—

11 (1) COMPUTER MODELING.—In carrying out
12 the study under this section, the Secretary shall de-
13 velop computer models of the upper Mississippi
14 River basin, at the subwatershed and basin scales,
15 to—

16 (A) identify and quantify sources of sedi-
17 ment and nutrients; and

18 (B) examine the effectiveness of alternative
19 management measures.

20 (2) RESEARCH.—In carrying out the study
21 under this section, the Secretary shall conduct re-
22 search to improve the understanding of—

23 (A) fate processes and processes affecting
24 sediment and nutrient transport, with emphasis

1 on nitrogen and phosphorus cycling and dynam-
2 ics;

3 (B) the influences on sediment and nutri-
4 ent losses of soil type, slope, climate, vegetation
5 cover, and modifications to the stream drainage
6 network; and

7 (C) river hydrodynamics, in relation to
8 sediment and nutrient transformations, reten-
9 tion, and transport.

10 (c) USE OF INFORMATION.—On request of a relevant
11 Federal agency, the Secretary may provide information for
12 use in applying sediment and nutrient reduction programs
13 associated with land-use improvements and land manage-
14 ment practices.

15 (d) REPORTS.—

16 (1) PRELIMINARY REPORT.—Not later than 2
17 years after the date of enactment of this Act, the
18 Secretary shall submit to Congress a preliminary re-
19 port that outlines work being conducted on the study
20 components described in subsection (b).

21 (2) FINAL REPORT.—Not later than 5 years
22 after the date of enactment of this Act, the Sec-
23 retary shall submit to Congress a report describing
24 the results of the study under this section, including
25 any findings and recommendations of the study.

1 (e) FUNDING.—

2 (1) AUTHORIZATION OF APPROPRIATIONS.—

3 There is authorized to be appropriated to carry out
4 this section \$5,000,000 for each of fiscal years 2001
5 through 2005.

6 (2) FEDERAL SHARE.—The Federal share of
7 the cost of carrying out this section shall be 50 per-
8 cent.

9 **SEC. 441. CLIFF WALK IN NEWPORT, RHODE ISLAND.**

10 The Secretary shall conduct a study to determine the
11 project deficiencies and identify the necessary measures
12 to restore the project for Cliff Walk in Newport, Rhode
13 Island to meet its authorized purpose.

14 **SEC. 442. QUONSET POINT CHANNEL RECONNAISSANCE**
15 **STUDY.**

16 The Secretary shall conduct a reconnaissance study
17 to determine the Federal interest in dredging the Quonset
18 Point navigation channel in Narragansett Bay, Rhode Is-
19 land.

20 **TITLE V—MISCELLANEOUS**
21 **PROVISIONS**

22 **SEC. 501. VISITORS CENTERS.**

23 (a) JOHN PAUL HAMMERSCHMIDT VISITORS CEN-
24 TER, ARKANSAS.—Section 103(e) of the Water Resources
25 Development Act of 1992 (106 Stat. 4813) is amended

1 by striking “Arkansas River, Arkansas.” and inserting “at
 2 Fort Smith, Arkansas, on land provided by the city of
 3 Fort Smith.”.

4 (b) LOWER MISSISSIPPI RIVER MUSEUM AND RIVER-
 5 FRONT INTERPRETIVE SITE, MISSISSIPPI.—Section
 6 103(c)(2) of the Water Resources Development Act of
 7 1992 (106 Stat. 4811) is amended in the first sentence
 8 by striking “in the vicinity of the Mississippi River Bridge
 9 in Vicksburg, Mississippi.” and inserting “between the
 10 Mississippi River Bridge and the waterfront in downtown
 11 Vicksburg, Mississippi.”.

12 **SEC. 502. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALI-**
 13 **FORNIA.**

14 (a) IN GENERAL.—The Secretary—

15 (1) may participate with the appropriate Fed-
 16 eral and State agencies in the planning and manage-
 17 ment activities associated with the CALFED Bay-
 18 Delta Program referred to in the California Bay-
 19 Delta Environmental Enhancement and Water Secu-
 20 rity Act (division E of Public Law 104–208; 110
 21 Stat. 3009–748); and

22 (2) shall, to the maximum extent practicable
 23 and in accordance with applicable law, integrate the
 24 activities of the Corps of Engineers in the San Joa-

1 quin and Sacramento River basins with the long-
2 term goals of the CALFED Bay-Delta Program.

3 (b) COOPERATIVE ACTIVITIES.—In participating in
4 the CALFED Bay-Delta Program under subsection (a),
5 the Secretary may—

6 (1) accept and expend funds from other Federal
7 agencies and from non-Federal public, private, and
8 nonprofit entities to carry out ecosystem restoration
9 projects and activities associated with the CALFED
10 Bay-Delta Program; and

11 (2) in carrying out the projects and activities,
12 enter into contracts, cooperative research and devel-
13 opment agreements, and cooperative agreements
14 with Federal and non-Federal private, public, and
15 nonprofit entities.

16 (c) AREA COVERED BY PROGRAM.—For the purposes
17 of this section, the area covered by the CALFED Bay-
18 Delta Program shall be the San Francisco Bay/Sac-
19 ramento-San Joaquin Delta Estuary and its watershed
20 (known as the “Bay-Delta Estuary”), as identified in the
21 Framework Agreement Between the Governor’s Water
22 Policy Council of the State of California and the Federal
23 Ecosystem Directorate.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$5,000,000 for each of fiscal years 2002 through 2005.

4 **SEC. 503. LAKE SIDNEY LANIER, GEORGIA, HOME PRESER-**
5 **VATION.**

6 (a) DEFINITIONS.—In this section:

7 (1) EASEMENT PROHIBITION.—The term “ease-
8 ment prohibition” means the rights acquired by the
9 United States in the flowage easements to prohibit
10 structures for human habitation.

11 (2) ELIGIBLE PROPERTY OWNER.—The term
12 “eligible property owner” means a person that owns
13 a structure for human habitation that was con-
14 structed before January 1, 2000, and is located on
15 fee land or in violation of the flowage easement.

16 (3) FEE LAND.—The term “fee land” means
17 the land acquired in fee title by the United States
18 for the Lake.

19 (4) FLOWAGE EASEMENT.—The term “flowage
20 easement” means an interest in land that the United
21 States acquired that provides the right to flood, to
22 the elevation of 1,085 feet above mean sea level
23 (among other rights), land surrounding the Lake.

24 (5) LAKE.—The term “Lake” means the Lake
25 Sidney Lanier, Georgia, project of the Corps of En-

1 gineers authorized by the first section of the Act of
2 July 24, 1946 (60 Stat. 635, chapter 595).

3 (b) ESTABLISHMENT OF PROGRAM.—Not later than
4 120 days after the date of enactment of this Act, the Sec-
5 retary shall establish, and provide public notice of, a
6 program—

7 (1) to convey to eligible property owners the
8 right to maintain existing structures for human hab-
9 itation on fee land; or

10 (2) to release eligible property owners from the
11 easement prohibition as it applies to existing struc-
12 tures for human habitation on the flowage ease-
13 ments (if the floor elevation of the human habitation
14 area is above the elevation of 1,085 feet above mean
15 sea level).

16 (c) REGULATIONS.—To carry out subsection (b), the
17 Secretary shall promulgate regulations that—

18 (1) require the Corps of Engineers to suspend
19 any activities to require eligible property owners to
20 remove structures for human habitation that en-
21 croach on fee land or flowage easements;

22 (2) provide that a person that owns a structure
23 for human habitation on land adjacent to the Lake
24 shall have a period of 1 year after the date of enact-
25 ment of this Act—

1 (A) to request that the Corps of Engineers
2 resurvey the property of the person to deter-
3 mine if the person is an eligible property owner
4 under this section; and

5 (B) to pay the costs of the resurvey to the
6 Secretary for deposit in the Corps of Engineers
7 account in accordance with section 2695 of title
8 10, United States Code;

9 (3) provide that when a determination is made,
10 through a private survey or through a boundary line
11 maintenance survey conducted by the Federal Gov-
12 ernment, that a structure for human habitation is
13 located on the fee land or a flowage easement—

14 (A) the Corps of Engineers shall imme-
15 diately notify the property owner by certified
16 mail; and

17 (B) the property owner shall have a period
18 of 90 days from receipt of the notice in which
19 to establish that the structure was constructed
20 prior to January 1, 2000, and that the property
21 owner is an eligible property owner under this
22 section;

23 (4) provide that any private survey shall be sub-
24 ject to review and approval by the Corps of Engi-
25 neers to ensure that the private survey conforms to

1 the boundary line established by the Federal Govern-
2 ment;

3 (5) require the Corps of Engineers to offer to
4 an eligible property owner a conveyance or release
5 that—

6 (A) on fee land, conveys by quitclaim deed
7 the minimum land required to maintain the
8 human habitation structure, reserving the right
9 to flood to the elevation of 1,085 feet above
10 mean sea level, if applicable;

11 (B) in a flowage easement, releases by
12 quitclaim deed the easement prohibition;

13 (C) provides that—

14 (i) the existing structure shall not be
15 extended further onto fee land or into the
16 flowage easement; and

17 (ii) additional structures for human
18 habitation shall not be placed on fee land
19 or in a flowage easement; and

20 (D) provides that—

21 (i)(I) the United States shall not be
22 liable or responsible for damage to prop-
23 erty or injury to persons caused by oper-
24 ation of the Lake; and

1 (II) no claim to compensation shall
2 accrue from the exercise of the flowage
3 easement rights; and

4 (ii) the waiver described in clause (i)
5 of any and all claims against the United
6 States shall be a covenant running with
7 the land and shall be fully binding on
8 heirs, successors, assigns, and purchasers
9 of the property subject to the waiver; and

10 (6) provide that the eligible property owner
11 shall—

12 (A) agree to an offer under paragraph (5)
13 not later than 90 days after the offer is made
14 by the Corps of Engineers; or

15 (B) comply with the real property rights of
16 the United States and remove the structure for
17 human habitation and any other unauthorized
18 real or personal property.

19 (d) OPTION TO PURCHASE INSURANCE.—Nothing in
20 this section precludes a property owner from purchasing
21 flood insurance to which the property owner may be eligi-
22 ble.

23 (e) PRIOR ENCROACHMENT RESOLUTIONS.—Nothing
24 in this section affects any resolution, before the date of
25 enactment of this Act, of an encroachment at the Lake,

1 whether the resolution was effected through sale, ex-
2 change, voluntary removal, or alteration or removal
3 through litigation.

4 (f) PRIOR REAL PROPERTY RIGHTS.—Nothing in
5 this section—

6 (1) takes away, diminishes, or eliminates any
7 other real property rights acquired by the United
8 States at the Lake; or

9 (2) affects the ability of the United States to
10 require the removal of any and all encroachments
11 that are constructed or placed on United States real
12 property or flowage easements at the Lake after De-
13 cember 31, 1999.

14 **SEC. 504. CONVEYANCE OF LIGHTHOUSE, ONTONAGON,**
15 **MICHIGAN.**

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

19 (1) the lighthouse at Ontonagon, Michigan; and

20 (2) the land underlying and adjacent to the
21 lighthouse (including any improvements on the land)
22 that is under the jurisdiction of the Secretary.

23 (b) MAP.—The Secretary shall—

24 (1) determine—

1 (A) the extent of the land conveyance
2 under this section; and

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

6 (2) prepare a map that clearly identifies any
7 land to be conveyed.

8 (c) CONDITIONS.—The Secretary may—

9 (1) obtain all necessary easements and rights-
10 of-way; and

11 (2) impose such terms, conditions, reservations,
12 and restrictions on the conveyance;

13 as the Secretary determines to be necessary to protect the
14 public interest.

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

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

25 (1) the lighthouse; or

1 (2) the conveyed land and improvements.

2 (f) APPLICABILITY OF ENVIRONMENTAL LAW.—

3 Nothing in this section affects the potential liability of any
4 person under any applicable environmental law.

5 **SEC. 505. LAND CONVEYANCE, CANDY LAKE, OKLAHOMA.**

6 Section 563(c) of the Water Resources Development
7 Act of 1999 (113 Stat. 357) is amended—

8 (1) in paragraph (1)(B), by striking “a de-
9 ceased” and inserting “an”; and

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

11 “(4) COSTS OF NEPA COMPLIANCE.—The Fed-
12 eral Government shall assume the costs of any Fed-
13 eral action under this subsection that is carried out
14 for the purpose of section 102 of the National Envi-
15 ronmental Policy Act of 1969 (42 U.S.C. 4332).

16 “(5) AUTHORIZATION OF APPROPRIATIONS.—
17 There are authorized to be appropriated such sums
18 as are necessary to carry out this subsection.”.

19 **SEC. 506. LAND CONVEYANCE, RICHARD B. RUSSELL DAM
20 AND LAKE, SOUTH CAROLINA.**

21 Section 563 of the Water Resources Development Act
22 of 1999 (113 Stat. 355) is amended by striking subsection
23 (i) and inserting the following:

24 “(i) RICHARD B. RUSSELL DAM AND LAKE, SOUTH
25 CAROLINA.—

1 “(1) IN GENERAL.—The Secretary shall convey
2 to the State of South Carolina all right, title, and
3 interest of the United States in and to the parcels
4 of land described in paragraph (2)(A) that are being
5 managed, as of August 17, 1999, by the South
6 Carolina Department of Natural Resources for fish
7 and wildlife mitigation purposes for the Richard B.
8 Russell Dam and Lake, South Carolina, project au-
9 thorized by section 203 of the Flood Control Act of
10 1966 (80 Stat. 1420).

11 “(2) LAND DESCRIPTION.—

12 “(A) IN GENERAL.—The parcels of land to
13 be conveyed are described in Exhibits A, F, and
14 H of Army Lease No. DACW21-1-93-0910
15 and associated supplemental agreements.

16 “(B) SURVEY.—The exact acreage and
17 legal description of the land shall be determined
18 by a survey satisfactory to the Secretary, with
19 the cost of the survey borne by the State.

20 “(3) COSTS OF CONVEYANCE.—The State shall
21 be responsible for all costs, including real estate
22 transaction and environmental compliance costs, as-
23 sociated with the conveyance.

24 “(4) PERPETUAL STATUS.—

1 “(A) IN GENERAL.—All land conveyed
2 under this subsection shall be retained in public
3 ownership and shall be managed in perpetuity
4 for fish and wildlife mitigation purposes in ac-
5 cordance with a plan approved by the Secretary.

6 “(B) REVERSION.—If any parcel of land is
7 not managed for fish and wildlife mitigation
8 purposes in accordance with the plan, title to
9 the parcel shall revert to the United States.

10 “(5) ADDITIONAL TERMS AND CONDITIONS.—
11 The Secretary may require such additional terms
12 and conditions in connection with the conveyance
13 under this subsection as the Secretary considers ap-
14 propriate to protect the interests of the United
15 States.

16 “(6) FISH AND WILDLIFE MITIGATION AGREE-
17 MENT.—

18 “(A) IN GENERAL.—The Secretary shall
19 pay the State of South Carolina \$4,850,000,
20 subject to the Secretary and the State entering
21 into a binding agreement for the State to man-
22 age for fish and wildlife mitigation purposes in
23 perpetuity the parcels of land conveyed under
24 this subsection.

1 “(B) FAILURE OF PERFORMANCE.—The
 2 agreement shall specify the terms and condi-
 3 tions under which payment will be made and
 4 the rights of, and remedies available to, the
 5 Federal Government to recover all or a portion
 6 of the payment if the State fails to manage any
 7 parcel in a manner satisfactory to the Sec-
 8 retary.”.

9 **SEC. 507. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE**
 10 **SIOUX TRIBE, AND STATE OF SOUTH DAKOTA**
 11 **TERRESTRIAL WILDLIFE HABITAT RESTORA-**
 12 **TION.**

13 (a) TERRESTRIAL WILDLIFE HABITAT RESTORA-
 14 TION.—Section 602 of the Water Resources Development
 15 Act of 1999 (113 Stat. 385) is amended—

16 (1) in subsection (a)(4)(C)(i), by striking sub-
 17 clause (I) and inserting the following:

18 “(I) fund, from funds made
 19 available for operation and mainte-
 20 nance under the Pick-Sloan Missouri
 21 River Basin program and through
 22 grants to the State of South Dakota,
 23 the Cheyenne River Sioux Tribe, and
 24 the Lower Brule Sioux Tribe—

1 “(aa) the terrestrial wildlife
2 habitat restoration programs
3 being carried out as of August
4 17, 1999, on Oahe and Big Bend
5 project land at a level that does
6 not exceed the greatest amount
7 of funding that was provided for
8 the programs during a previous
9 fiscal year; and

10 “(bb) the carrying out of
11 plans developed under this sec-
12 tion; and”; and

13 (2) in subsection (b)(4)(B), by striking “section
14 604(d)(3)(A)(iii)” and inserting “section
15 604(d)(3)(A)”.

16 (b) SOUTH DAKOTA TERRESTRIAL WILDLIFE HABI-
17 TAT RESTORATION TRUST FUND.—Section 603 of the
18 Water Resources Development Act of 1999 (113 Stat.
19 388) is amended—

20 (1) in subsection (c)(2), by striking “The” and
21 inserting “In consultation with the State of South
22 Dakota, the”; and

23 (2) in subsection (d)—

1 (A) in paragraph (2), by inserting “De-
2 partment of Game, Fish and Parks of the” be-
3 fore “State of”; and

4 (B) in paragraph (3)(A)(ii)—

5 (i) in subclause (I), by striking
6 “transferred” and inserting “transferred,
7 or to be transferred,”; and

8 (ii) by striking subclause (II) and in-
9 serting the following:

10 “(II) fund all costs associated
11 with the lease, ownership, manage-
12 ment, operation, administration,
13 maintenance, or development of recre-
14 ation areas and other land that are
15 transferred, or to be transferred, to
16 the State of South Dakota by the Sec-
17 retary;”.

18 (c) CHEYENNE RIVER SIOUX TRIBE AND LOWER
19 BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT
20 RESTORATION TRUST FUNDS.—Section 604 of the Water
21 Resources Development Act of 1999 (113 Stat. 389) is
22 amended—

23 (1) in subsection (c)(2), by striking “The” and
24 inserting “In consultation with the Cheyenne River
25 Sioux Tribe and Lower Brule Sioux Tribe, the”; and

1 (2) in subsection (d)—

2 (A) in paragraph (2), by inserting “as trib-
3 al funds” after “for use”; and

4 (B) in paragraph (3)(A)(ii)—

5 (i) in subclause (I), by striking
6 “transferred” and inserting “transferred,
7 or to be transferred,”; and

8 (ii) by striking subclause (II) and in-
9 serting the following:

10 “(II) fund all costs associated
11 with the lease, ownership, manage-
12 ment, operation, administration,
13 maintenance, or development of recre-
14 ation areas and other land that are
15 transferred, or to be transferred, to
16 the respective affected Indian Tribe
17 by the Secretary;”.

18 (d) TRANSFER OF FEDERAL LAND TO STATE OF
19 SOUTH DAKOTA.—Section 605 of the Water Resources
20 Development Act of 1999 (113 Stat. 390) is amended—

21 (1) in subsection (a)(1)—

22 (A) in subparagraph (B), by striking “in
23 perpetuity” and inserting “for the life of the
24 Mni Wiconi project”;

1 (B) by redesignating subparagraph (B) as
2 subparagraph (C); and

3 (C) by inserting after subparagraph (A)
4 the following:

5 “(B) DEADLINE FOR TRANSFER OF
6 RECREATION AREAS.—Under subparagraph (A),
7 the Secretary shall transfer recreation areas not
8 later than January 1, 2002.”;

9 (2) in subsection (c)—

10 (A) by redesignating paragraph (1) as
11 paragraph (1)(A);

12 (B) by redesignating paragraphs (2)
13 through (4) as subparagraphs (B) through (D),
14 respectively, of paragraph (1);

15 (C) in paragraph (1)—

16 (i) in subparagraph (C), (as redesign-
17 ated by subparagraph (B)), by inserting
18 “and” after the semicolon; and

19 (ii) in subparagraph (D) (as redesign-
20 ated by subparagraph (B)), by striking
21 “and” and inserting “or”; and

22 (D) by redesignating paragraph (5) as
23 paragraph (2);

24 (3) in subsection (d), by striking paragraph (2)
25 and inserting the following:

1 “(2) STRUCTURES.—

2 “(A) IN GENERAL.—The map shall iden-
3 tify all land and structures to be retained as
4 necessary for continuation of the operation,
5 maintenance, repair, replacement, rehabilita-
6 tion, and structural integrity of the dams and
7 related flood control and hydropower structures.

8 “(B) LEASE OF RECREATION AREAS.—

9 “(i) IN GENERAL.—The Secretary
10 shall lease to the State of South Dakota in
11 perpetuity all or part of the following
12 recreation areas, within the boundaries de-
13 termined under clause (ii), that are adja-
14 cent to land received by the State of South
15 Dakota under this title:

16 “(I) OAHÉ DAM AND LAKE.—

17 “(aa) Downstream Recre-
18 ation Area.

19 “(bb) West Shore Recre-
20 ation Area.

21 “(cc) East Shore Recreation
22 Area.

23 “(dd) Tailrace Recreation
24 Area.

1 “(II) FORT RANDALL DAM AND
2 LAKE FRANCIS CASE.—

3 “(aa) Randall Creek Recre-
4 ation Area.

5 “(bb) South Shore Recre-
6 ation Area.

7 “(cc) Spillway Recreation
8 Area.

9 “(III) GAVINS POINT DAM AND
10 LEWIS AND CLARK LAKE.—Pierson
11 Ranch Recreation Area.

12 “(ii) LEASE BOUNDARIES.—The Sec-
13 retary shall determine the boundaries of
14 the recreation areas in consultation with
15 the State of South Dakota.”;

16 (4) in subsection (f)(1), by striking “Federal
17 law” and inserting “a Federal law specified in sec-
18 tion 607(a)(6) or any other Federal law”;

19 (5) in subsection (g), by striking paragraph (3)
20 and inserting the following:

21 “(3) EASEMENTS AND ACCESS.—

22 “(A) IN GENERAL.—Not later than 180
23 days after a request by the State of South Da-
24 kota, the Secretary shall provide to the State of
25 South Dakota easements and access on land

1 and water below the level of the exclusive flood
2 pool outside Indian reservations in the State of
3 South Dakota for recreational and other pur-
4 poses (including for boat docks, boat ramps,
5 and related structures).

6 “(B) NO EFFECT ON MISSION.—The ease-
7 ments and access referred to in subparagraph
8 (A) shall not prevent the Corps from carrying
9 out its mission under the Act entitled ‘An Act
10 authorizing the construction of certain public
11 works on rivers and harbors for flood control,
12 and for other purposes’, approved December 22,
13 1944 (commonly known as the ‘Flood Control
14 Act of 1944’) (58 Stat. 887).”;

15 (6) in subsection (h), by striking “of this Act”
16 and inserting “of law”; and

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

18 “(j) CLEANUP OF LAND AND RECREATION AREAS.—

19 “(1) IN GENERAL.—Not later than 10 years
20 after the date of enactment of this subsection, the
21 Secretary shall clean up each open dump and haz-
22 ardous waste site identified by the Secretary and lo-
23 cated on the land and recreation areas described in
24 subsections (b) and (c).

1 “(2) FUNDING.—Cleanup activities under para-
2 graph (1) shall be funded solely from funds made
3 available for operation and maintenance under the
4 Pick-Sloan Missouri River Basin program.

5 “(k) CULTURAL RESOURCES ADVISORY COMMIS-
6 SION.—

7 “(1) IN GENERAL.—The State of South Da-
8 kota, the Cheyenne River Sioux Tribe, and the
9 Lower Brule Sioux Tribe may establish an advisory
10 commission to be known as the ‘Cultural Resources
11 Advisory Commission’ (referred to in this subsection
12 as the ‘Commission’).

13 “(2) MEMBERSHIP.—The Commission shall be
14 composed of—

15 “(A) 1 member representing the State of
16 South Dakota;

17 “(B) 1 member representing the Cheyenne
18 River Sioux Tribe;

19 “(C) 1 member representing the Lower
20 Brule Sioux Tribe; and

21 “(D) upon unanimous vote of the members
22 of the Commission described in subparagraphs
23 (A) through (C), a member representing a fed-
24 erally recognized Indian Tribe located in the
25 State of North Dakota or South Dakota that is

1 historically or traditionally affiliated with the
2 Missouri River Basin in South Dakota.

3 “(3) DUTY.—The duty of the Commission shall
4 be to provide advice on the identification, protection,
5 and preservation of cultural resources on the land
6 and recreation areas described in subsections (b)
7 and (c) of this section and subsections (b) and (c)
8 of section 606.

9 “(4) RESPONSIBILITIES, POWERS, AND ADMIN-
10 ISTRATION.—The Governor of the State of South
11 Dakota, the Chairman of the Cheyenne River Sioux
12 Tribe, and the Chairman of the Lower Brule Sioux
13 Tribe are encouraged to unanimously enter into a
14 formal written agreement, not later than 1 year
15 after the date of enactment of this subsection, to es-
16 tablish the role, responsibilities, powers, and admin-
17 istration of the Commission.

18 “(1) INVENTORY AND STABILIZATION OF CULTURAL
19 AND HISTORIC SITES.—

20 “(1) IN GENERAL.—Not later than 10 years
21 after the date of enactment of this subsection, the
22 Secretary, through contracts entered into with the
23 State of South Dakota, the affected Indian Tribes,
24 and other Indian Tribes in the States of North Da-
25 kota and South Dakota, shall inventory and stabilize

1 each cultural site and historic site located on the
2 land and recreation areas described in subsections
3 (b) and (c).

4 “(2) FUNDING.—Inventory and stabilization ac-
5 tivities under paragraph (1) shall be funded solely
6 from funds made available for operation and mainte-
7 nance under the Pick-Sloan Missouri River Basin
8 program.”.

9 (e) TRANSFER OF CORPS OF ENGINEERS LAND FOR
10 AFFECTED INDIAN TRIBES.—Section 606 of the Water
11 Resources Development Act of 1999 (113 Stat. 393) is
12 amended—

13 (1) in subsection (a)(1), by striking “The Sec-
14 retary” and inserting “Not later than January 1,
15 2002, the Secretary”;

16 (2) in subsection (b)(1), by striking “Big Bend
17 and Oahe” and inserting “Oahe, Big Bend, and
18 Fort Randall”;

19 (3) in subsection (d), by striking paragraph (2)
20 and inserting the following:

21 “(2) STRUCTURES.—

22 “(A) IN GENERAL.—The map shall iden-
23 tify all land and structures to be retained as
24 necessary for continuation of the operation,
25 maintenance, repair, replacement, rehabilita-

1 tion, and structural integrity of the dams and
2 related flood control and hydropower structures.

3 “(B) LEASE OF RECREATION AREAS.—

4 “(i) IN GENERAL.—The Secretary
5 shall lease to the Lower Brule Sioux Tribe
6 in perpetuity all or part of the following
7 recreation areas at Big Bend Dam and
8 Lake Sharpe:

9 “(I) Left Tailrace Recreation
10 Area.

11 “(II) Right Tailrace Recreation
12 Area.

13 “(III) Good Soldier Creek Recre-
14 ation Area.

15 “(ii) LEASE BOUNDARIES.—The Sec-
16 retary shall determine the boundaries of
17 the recreation areas in consultation with
18 the Lower Brule Sioux Tribe.”;

19 (4) in subsection (f)—

20 (A) in paragraph (1), by striking “Federal
21 law” and inserting “a Federal law specified in
22 section 607(a)(6) or any other Federal law”;

23 (B) in paragraph (2), by striking subpara-
24 graph (C) and inserting the following:

25 “(C) EASEMENTS AND ACCESS.—

1 “(i) IN GENERAL.—Not later than
2 180 days after a request by an affected In-
3 dian Tribe, the Secretary shall provide to
4 the affected Indian Tribe easements and
5 access on land and water below the level of
6 the exclusive flood pool inside the Indian
7 reservation of the affected Indian Tribe for
8 recreational and other purposes (including
9 for boat docks, boat ramps, and related
10 structures).

11 “(ii) NO EFFECT ON MISSION.—The
12 easements and access referred to in clause
13 (i) shall not prevent the Corps from car-
14 rying out its mission under the Act entitled
15 ‘An Act authorizing the construction of
16 certain public works on rivers and harbors
17 for flood control, and for other purposes’,
18 approved December 22, 1944 (commonly
19 known as the ‘Flood Control Act of 1944’)
20 (58 Stat. 887)).”; and

21 (C) in paragraph (3)(B), by inserting be-
22 fore the period at the end the following: “that
23 were administered by the Corps of Engineers as
24 of the date of the land transfer.”; and

25 (5) by adding at the end the following:

1 “(h) CLEANUP OF LAND AND RECREATION AREAS.—

2 “(1) IN GENERAL.—Not later than 10 years
3 after the date of enactment of this subsection, the
4 Secretary shall clean up each open dump and haz-
5 ardous waste site identified by the Secretary and lo-
6 cated on the land and recreation areas described in
7 subsections (b) and (c).

8 “(2) FUNDING.—Cleanup activities under para-
9 graph (1) shall be funded solely from funds made
10 available for operation and maintenance under the
11 Pick-Sloan Missouri River Basin program.

12 “(i) INVENTORY AND STABILIZATION OF CULTURAL
13 AND HISTORIC SITES.—

14 “(1) IN GENERAL.—Not later than 10 years
15 after the date of enactment of this subsection, the
16 Secretary, in consultation with the Cultural Re-
17 sources Advisory Commission established under sec-
18 tion 605(k) and through contracts entered into with
19 the State of South Dakota, the affected Indian
20 Tribes, and other Indian Tribes in the States of
21 North Dakota and South Dakota, shall inventory
22 and stabilize each cultural site and historic site lo-
23 cated on the land and recreation areas described in
24 subsections (b) and (c).

1 “(2) FUNDING.—Inventory and stabilization ac-
2 tivities under paragraph (1) shall be funded solely
3 from funds made available for operation and mainte-
4 nance under the Pick-Sloan Missouri River Basin
5 program.

6 “(j) SEDIMENT CONTAMINATION.—

7 “(1) IN GENERAL.—Not later than 10 years
8 after the date of enactment of this subsection, the
9 Secretary shall—

10 “(A) complete a study of sediment con-
11 tamination in the Cheyenne River; and

12 “(B) take appropriate remedial action to
13 eliminate any public health and environmental
14 risk posed by the contaminated sediment.

15 “(2) AUTHORIZATION OF APPROPRIATIONS.—

16 There are authorized to be appropriated such sums
17 as are necessary to carry out paragraph (1).”.

18 (f) BUDGET CONSIDERATIONS.—Section 607 of the
19 Water Resources Development Act of 1999 (113 Stat.
20 395) is amended by adding at the end the following:

21 “(d) BUDGET CONSIDERATIONS.—

22 “(1) IN GENERAL.—In developing an annual
23 budget to carry out this title, the Corps of Engineers
24 shall consult with the State of South Dakota and the
25 affected Indian Tribes.

1 “(2) INCLUSIONS; AVAILABILITY.—The budget
2 referred to in paragraph (1) shall—

3 “(A) be detailed;

4 “(B) include all necessary tasks and asso-
5 ciated costs; and

6 “(C) be made available to the State of
7 South Dakota and the affected Indian Tribes at
8 the time at which the Corps of Engineers sub-
9 mits the budget to Congress.”.

10 (g) AUTHORIZATION OF APPROPRIATIONS.—Section
11 609 of the Water Resources Development Act of 1999
12 (113 Stat. 396) is amended by striking subsection (a) and
13 inserting the following:

14 “(a) SECRETARY.—

15 “(1) IN GENERAL.—There are authorized to be
16 appropriated to the Secretary for each fiscal year
17 such sums as are necessary—

18 “(A) to pay the administrative expenses in-
19 curred by the Secretary in carrying out this
20 title;

21 “(B) to fund the implementation of terres-
22 trial wildlife habitat restoration plans under
23 section 602(a);

24 “(C) to fund activities described in sections
25 603(d)(3) and 604(d)(3) with respect to land

1 and recreation areas transferred, or to be trans-
2 ferred, to an affected Indian Tribe or the State
3 of South Dakota under section 605 or 606; and

4 “(D) to fund the annual expenses (not to
5 exceed the Federal cost as of August 17, 1999)
6 of operating recreation areas transferred, or to
7 be transferred, under sections 605(c) and
8 606(c) to, or leased by, the State of South Da-
9 kota or an affected Indian Tribe, until such
10 time as the trust funds under sections 603 and
11 604 are fully capitalized.

12 “(2) ALLOCATIONS.—

13 “(A) IN GENERAL.—For each fiscal year,
14 the Secretary shall allocate the amounts made
15 available under subparagraphs (B), (C), and
16 (D) of paragraph (1) as follows:

17 “(i) \$1,000,000 (or, if a lesser
18 amount is so made available for the fiscal
19 year, the lesser amount) shall be allocated
20 equally among the State of South Dakota,
21 the Cheyenne River Sioux Tribe, and the
22 Lower Brule Sioux Tribe, for use in ac-
23 cordance with paragraph (1).

1 “(ii) Any amounts remaining after the
2 allocation under clause (i) shall be allo-
3 cated as follows:

4 “(I) 65 percent to the State of
5 South Dakota.

6 “(II) 26 percent to the Cheyenne
7 River Sioux Tribe.

8 “(III) 9 percent to the Lower
9 Brule Sioux Tribe.

10 “(B) USE OF ALLOCATIONS.—Amounts al-
11 located under subparagraph (A) may be used at
12 the option of the recipient for any purpose de-
13 scribed in subparagraph (B), (C), or (D) of
14 paragraph (1).”.

15 (h) CLARIFICATION OF REFERENCES TO INDIAN
16 TRIBES.—

17 (1) DEFINITIONS.—Section 601 of the Water
18 Resources Development Act of 1999 (113 Stat. 385)
19 is amended by striking paragraph (1) and inserting
20 the following:

21 “(1) AFFECTED INDIAN TRIBE.—The term ‘af-
22 fected Indian Tribe’ means each of the Cheyenne
23 River Sioux Tribe and the Lower Brule Sioux
24 Tribe.”.

1 (2) TERRESTRIAL WILDLIFE HABITAT RES-
2 TORATION.—Section 602(b)(4)(B) of the Water Re-
3 sources Development Act of 1999 (113 Stat. 388) is
4 amended by striking “the Tribe” and inserting “the
5 affected Indian Tribe”.

6 (3) CHEYENNE RIVER SIOUX TRIBE AND LOWER
7 BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABI-
8 TAT RESTORATION TRUST FUNDS.—Section
9 604(d)(3)(A) of the Water Resources Development
10 Act of 1999 (113 Stat. 390) is amended by striking
11 “the respective Tribe” each place it appears and in-
12 serting “the respective affected Indian Tribe”.

13 (4) TRANSFER OF FEDERAL LAND TO STATE OF
14 SOUTH DAKOTA.—Section 605 of the Water Re-
15 sources Development Act of 1999 (113 Stat. 390) is
16 amended—

17 (A) in subsection (b)(3), by striking “an
18 Indian Tribe” and inserting “any Indian
19 Tribe”; and

20 (B) in subsection (c)(1)(B) (as redesign-
21 ated by subsection (d)(2)(B)), by striking “an
22 Indian Tribe” and inserting “any Indian
23 Tribe”.

24 (5) TRANSFER OF CORPS OF ENGINEERS LAND
25 FOR AFFECTED INDIAN TRIBES.—Section 606 of the

1 Water Resources Development Act of 1999 (113
2 Stat. 393) is amended—

3 (A) in the section heading, by striking
4 “**INDIAN TRIBES**” and inserting “**AFFECTED**
5 **INDIAN TRIBES**”;

6 (B) in paragraphs (1) and (4) of sub-
7 section (a), by striking “the Indian Tribes”
8 each place it appears and inserting “the af-
9 fected Indian Tribes”;

10 (C) in subsection (c)(2), by striking “an
11 Indian Tribe” and inserting “any Indian
12 Tribe”;

13 (D) in subsection (f)(2)(B)(i)—

14 (i) by striking “the respective tribes”
15 and inserting “the respective affected In-
16 dian Tribes”; and

17 (ii) by striking “the respective
18 Tribe’s” and inserting “the respective af-
19 fected Indian Tribe’s”; and

20 (E) in subsection (g), by striking “an In-
21 dian Tribe” and inserting “any Indian Tribe”.

22 (6) ADMINISTRATION.—Section 607(a) of the
23 Water Resources Development Act of 1999 (113
24 Stat. 395) is amended by striking “an Indian Tribe”

1 each place it appears and inserting “any Indian
2 Tribe”.

3 **SEC. 508. EXPORT OF WATER FROM GREAT LAKES.**

4 (a) **ADDITIONAL FINDING.**—Section 1109(b) of the
5 Water Resources Development Act of 1986 (42 U.S.C.
6 1962d–20(b)) is amended by redesignating paragraphs (2)
7 and (3) as paragraphs (3) and (4), and by inserting after
8 paragraph (1) the following:

9 “(2) to encourage the Great Lakes States, in
10 consultation with the Provinces of Ontario and Que-
11 bec, to develop and implement a mechanism that
12 provides a common conservation standard embodying
13 the principles of water conservation and resource im-
14 provement for making decisions concerning the with-
15 drawal and use of water from the Great Lakes
16 Basin;”.

17 (b) **APPROVAL OF GOVERNORS FOR EXPORT OF**
18 **WATER.**—Section 1109(d) of the Water Resources Devel-
19 opment Act of 1986 (42 U.S.C. 1962d–20(d)) is amended
20 by—

21 (1) inserting “or exported” after “diverted”;

22 and

23 (2) inserting “or export” after “diversion”.

24 (c) **SENSE OF THE CONGRESS.**—It is the Sense of
25 the Congress that the Secretary of State should work with

1 the Canadian Government to encourage and support the
 2 Provinces in the development and implementation of a
 3 mechanism and standard concerning the withdrawal and
 4 use of water from the Great Lakes Basin consistent with
 5 those mechanisms and standards developed by the Great
 6 Lakes States.

7 **TITLE VI—COMPREHENSIVE EV-**
 8 **ERGLADES RESTORATION**
 9 **PLAN**

10 **SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION**
 11 **PLAN.**

12 (a) DEFINITIONS.—In this section:

13 (1) CENTRAL AND SOUTHERN FLORIDA
 14 PROJECT.—

15 (A) IN GENERAL.—The term “Central and
 16 Southern Florida Project” means the project
 17 for Central and Southern Florida authorized
 18 under the heading “CENTRAL AND SOUTHERN
 19 FLORIDA” in section 203 of the Flood Control
 20 Act of 1948 (62 Stat. 1176).

21 (B) INCLUSION.—The term “Central and
 22 Southern Florida Project” includes any modi-
 23 fication to the project authorized by this section
 24 or any other provision of law.

1 (2) GOVERNOR.—The term “Governor” means
2 the Governor of the State of Florida.

3 (3) NATURAL SYSTEM.—

4 (A) IN GENERAL.—The term “natural sys-
5 tem” means all land and water managed by the
6 Federal Government or the State within the
7 South Florida ecosystem.

8 (B) INCLUSIONS.—The term “natural sys-
9 tem” includes—

- 10 (i) water conservation areas;
11 (ii) sovereign submerged land;
12 (iii) Everglades National Park;
13 (iv) Biscayne National Park;
14 (v) Big Cypress National Preserve;
15 (vi) other Federal or State (including
16 a political subdivision of a State) land that
17 is designated and managed for conserva-
18 tion purposes; and
19 (vii) any tribal land that is designated
20 and managed for conservation purposes, as
21 approved by the tribe.

22 (4) PLAN.—The term “Plan” means the Com-
23 prehensive Everglades Restoration Plan contained in
24 the “Final Integrated Feasibility Report and Pro-

1 grammatic Environmental Impact Statement”, dated
2 April 1, 1999, as modified by this section.

3 (5) SOUTH FLORIDA ECOSYSTEM.—

4 (A) IN GENERAL.—The term “South Flor-
5 ida ecosystem” means the area consisting of the
6 land and water within the boundary of the
7 South Florida Water Management District in
8 effect on July 1, 1999.

9 (B) INCLUSIONS.—The term “South Flor-
10 ida ecosystem” includes—

11 (i) the Everglades;

12 (ii) the Florida Keys; and

13 (iii) the contiguous near-shore coastal
14 water of South Florida.

15 (6) STATE.—The term “State” means the State
16 of Florida.

17 (b) COMPREHENSIVE EVERGLADES RESTORATION
18 PLAN.—

19 (1) APPROVAL.—

20 (A) IN GENERAL.—Except as modified by
21 this section, the Plan is approved as a frame-
22 work for modifications and operational changes
23 to the Central and Southern Florida Project
24 that are needed to restore, preserve, and protect
25 the South Florida ecosystem while providing for

1 other water-related needs of the region, includ-
2 ing water supply and flood protection. The Plan
3 shall be implemented to ensure the protection of
4 water quality in, the reduction of the loss of
5 fresh water from, and the improvement of the
6 environment of the South Florida ecosystem
7 and to achieve and maintain the benefits to the
8 natural system and human environment de-
9 scribed in the Plan, and required pursuant to
10 this section, for as long as the project is author-
11 ized.

12 (B) INTEGRATION.—In carrying out the
13 Plan, the Secretary shall integrate the activities
14 described in subparagraph (A) with ongoing
15 Federal and State projects and activities in ac-
16 cordance with section 528(c) of the Water Re-
17 sources Development Act of 1996 (110 Stat.
18 3769). Unless specifically provided herein, noth-
19 ing in this section shall be construed to modify
20 any existing cost share or responsibility for
21 projects as listed in subsection (c) or (e) of sec-
22 tion 528 of the Water Resources Development
23 Act of 1996 (110 Stat. 3769).

24 (2) SPECIFIC AUTHORIZATIONS.—

25 (A) IN GENERAL.—

1 (i) PROJECTS.—The Secretary shall
2 carry out the projects included in the Plan
3 in accordance with subparagraphs (B),
4 (C), (D) and (E).

5 (ii) CONSIDERATIONS.—In carrying
6 out activities described in the Plan, the
7 Secretary shall—

8 (I) take into account the protec-
9 tion of water quality by considering
10 applicable State water quality stand-
11 ards; and

12 (II) include such features as the
13 Secretary determines are necessary to
14 ensure that all ground water and sur-
15 face water discharges from any
16 project feature authorized by this sub-
17 section will meet all applicable water
18 quality standards and applicable water
19 quality permitting requirements.

20 (iii) REVIEW AND COMMENT.—In de-
21 veloping the projects authorized under sub-
22 paragraph (B), the Secretary shall provide
23 for public review and comment in accord-
24 ance with applicable Federal law.

1 (B) PILOT PROJECTS.—The following pilot
2 projects are authorized for implementation,
3 after review and approval by the Secretary, at
4 a total cost of \$69,000,000, with an estimated
5 Federal cost of \$34,500,000 and an estimated
6 non-Federal cost of \$34,500,000:

7 (i) Caloosahatchee River (C-43)
8 Basin ASR, at a total cost of \$6,000,000,
9 with an estimated Federal cost of
10 \$3,000,000 and an estimated non-Federal
11 cost of \$3,000,000.

12 (ii) Lake Belt In-Ground Reservoir
13 Technology, at a total cost of \$23,000,000,
14 with an estimated Federal cost of
15 \$11,500,000 and an estimated non-Federal
16 cost of \$11,500,000.

17 (iii) L-31N Seepage Management, at
18 a total cost of \$10,000,000, with an esti-
19 mated Federal cost of \$5,000,000 and an
20 estimated non-Federal cost of \$5,000,000.

21 (iv) Wastewater Reuse Technology, at
22 a total cost of \$30,000,000, with an esti-
23 mated Federal cost of \$15,000,000 and an
24 estimated non-Federal cost of
25 \$15,000,000.

1 (C) INITIAL PROJECTS.—The following
2 projects are authorized for implementation,
3 after review and approval by the Secretary, sub-
4 ject to the conditions stated in subparagraph
5 (D), at a total cost of \$1,100,918,000, with an
6 estimated Federal cost of \$550,459,000 and an
7 estimated non-Federal cost of \$550,459,000:

8 (i) C-44 Basin Storage Reservoir, at
9 a total cost of \$112,562,000, with an esti-
10 mated Federal cost of \$56,281,000 and an
11 estimated non-Federal cost of
12 \$56,281,000.

13 (ii) Everglades Agricultural Area
14 Storage Reservoirs—Phase I, at a total
15 cost of \$233,408,000, with an estimated
16 Federal cost of \$116,704,000 and an esti-
17 mated non-Federal cost of \$116,704,000.

18 (iii) Site 1 Impoundment, at a total
19 cost of \$38,535,000, with an estimated
20 Federal cost of \$19,267,500 and an esti-
21 mated non-Federal cost of \$19,267,500.

22 (iv) Water Conservation Areas 3A/3B
23 Levee Seepage Management, at a total cost
24 of \$100,335,000, with an estimated Fed-

1 eral cost of \$50,167,500 and an estimated
2 non-Federal cost of \$50,167,500.

3 (v) C-11 Impoundment and
4 Stormwater Treatment Area, at a total
5 cost of \$124,837,000, with an estimated
6 Federal cost of \$62,418,500 and an esti-
7 mated non-Federal cost of \$62,418,500.

8 (vi) C-9 Impoundment and
9 Stormwater Treatment Area, at a total
10 cost of \$89,146,000, with an estimated
11 Federal cost of \$44,573,000 and an esti-
12 mated non-Federal cost of \$44,573,000.

13 (vii) Taylor Creek/Nubbin Slough
14 Storage and Treatment Area, at a total
15 cost of \$104,027,000, with an estimated
16 Federal cost of \$52,013,500 and an esti-
17 mated non-Federal cost of \$52,013,500.

18 (viii) Raise and Bridge East Portion
19 of Tamiami Trail and Fill Miami Canal
20 within Water Conservation Area 3, at a
21 total cost of \$26,946,000, with an esti-
22 mated Federal cost of \$13,473,000 and an
23 estimated non-Federal cost of
24 \$13,473,000.

1 (ix) North New River Improvements,
2 at a total cost of \$77,087,000, with an es-
3 timated Federal cost of \$38,543,500 and
4 an estimated non-Federal cost of
5 \$38,543,500.

6 (x) C-111 Spreader Canal, at a total
7 cost of \$94,035,000, with an estimated
8 Federal cost of \$47,017,500 and an esti-
9 mated non-Federal cost of \$47,017,500.

10 (xi) Adaptive Assessment and Moni-
11 toring Program, at a total cost of
12 \$100,000,000, with an estimated Federal
13 cost of \$50,000,000 and an estimated non-
14 Federal cost of \$50,000,000.

15 (D) CONDITIONS.—

16 (i) PROJECT IMPLEMENTATION RE-
17 PORTS.—Before implementation of a
18 project described in any of clauses (i)
19 through (x) of subparagraph (C), the Sec-
20 retary shall review and approve for the
21 project a project implementation report
22 prepared in accordance with subsections (f)
23 and (h).

24 (ii) SUBMISSION OF REPORT.—The
25 Secretary shall submit to the Committee

1 on Transportation and Infrastructure of
2 the House of Representatives and the
3 Committee on Environment and Public
4 Works of the Senate the project implemen-
5 tation report required by subsections (f)
6 and (h) for each project under this para-
7 graph (including all relevant data and in-
8 formation on all costs).

9 (iii) FUNDING CONTINGENT ON AP-
10 PROVAL.—No appropriation shall be made
11 to construct any project under this para-
12 graph if the project implementation report
13 for the project has not been approved by
14 resolutions adopted by the Committee on
15 Transportation and Infrastructure of the
16 House of Representatives and the Com-
17 mittee on Environment and Public Works
18 of the Senate.

19 (iv) MODIFIED WATER DELIVERY.—
20 No appropriation shall be made to con-
21 struct the Water Conservation Area 3
22 Decentralization and Sheetflow
23 Enhancement Project (including compo-
24 nent AA, Additional S-345 Structures;
25 component QQ Phase 1, Raise and Bridge

1 East Portion of Tamiami Trail and Fill
2 Miami Canal within WCA 3; component
3 QQ Phase 2, WCA 3
4 Decpartmentalization and Sheetflow
5 Enhancement; and component SS, North
6 New River Improvements) or the Central
7 Lakebelt Storage Project (including com-
8 ponents S and EEE, Central Lake Belt
9 Storage Area) until the completion of the
10 project to improve water deliveries to Ever-
11 glades National Park authorized by section
12 104 of the Everglades National Park Pro-
13 tection and Expansion Act of 1989 (16
14 U.S.C. 410r-8).

15 (E) MAXIMUM COST OF PROJECTS.—Sec-
16 tion 902 of the Water Resources Development
17 Act of 1986 (33 U.S.C. 2280) shall apply to
18 each project feature authorized under this sub-
19 section.

20 (c) ADDITIONAL PROGRAM AUTHORITY.—

21 (1) IN GENERAL.—To expedite implementation
22 of the Plan, the Secretary may implement modifica-
23 tions to the Central and Southern Florida Project
24 that—

25 (A) are described in the Plan; and

1 (B) will produce a substantial benefit to
2 the restoration, preservation and protection of
3 the South Florida ecosystem.

4 (2) PROJECT IMPLEMENTATION REPORTS.—Be-
5 fore implementation of any project feature author-
6 ized under this subsection, the Secretary shall review
7 and approve for the project feature a project imple-
8 mentation report prepared in accordance with sub-
9 sections (f) and (h).

10 (3) FUNDING.—

11 (A) INDIVIDUAL PROJECT FUNDING.—

12 (i) FEDERAL COST.—The total Fed-
13 eral cost of each project carried out under
14 this subsection shall not exceed
15 \$12,500,000.

16 (ii) OVERALL COST.—The total cost of
17 each project carried out under this sub-
18 section shall not exceed \$25,000,000.

19 (B) AGGREGATE COST.—The total cost of
20 all projects carried out under this subsection
21 shall not exceed \$206,000,000, with an esti-
22 mated Federal cost of \$103,000,000 and an es-
23 timated non-Federal cost of \$103,000,000.

24 (d) AUTHORIZATION OF FUTURE PROJECTS.—

1 (1) IN GENERAL.—Except for a project author-
2 ized by subsection (b) or (c), any project included in
3 the Plan shall require a specific authorization by
4 Congress.

5 (2) SUBMISSION OF REPORT.—Before seeking
6 congressional authorization for a project under para-
7 graph (1), the Secretary shall submit to Congress—

8 (A) a description of the project; and

9 (B) a project implementation report for
10 the project prepared in accordance with sub-
11 sections (f) and (h).

12 (e) COST SHARING.—

13 (1) FEDERAL SHARE.—The Federal share of
14 the cost of carrying out a project authorized by sub-
15 section (b), (c), or (d) shall be 50 percent.

16 (2) NON-FEDERAL RESPONSIBILITIES.—The
17 non-Federal sponsor with respect to a project de-
18 scribed in subsection (b), (c), or (d), shall be—

19 (A) responsible for all land, easements,
20 rights-of-way, and relocations necessary to im-
21 plement the Plan; and

22 (B) afforded credit toward the non-Federal
23 share of the cost of carrying out the project in
24 accordance with paragraph (5)(A).

25 (3) FEDERAL ASSISTANCE.—

1 (A) IN GENERAL.—The non-Federal spon-
2 sor with respect to a project authorized by sub-
3 section (b), (c), or (d) may use Federal funds
4 for the purchase of any land, easement, rights-
5 of-way, or relocation that is necessary to carry
6 out the project if any funds so used are credited
7 toward the Federal share of the cost of the
8 project.

9 (B) AGRICULTURE FUNDS.—Funds pro-
10 vided to the non-Federal sponsor under the
11 Conservation Restoration and Enhancement
12 Program (CREP) and the Wetlands Reserve
13 Program (WRP) for projects in the Plan shall
14 be credited toward the non-Federal share of the
15 cost of the Plan if the Secretary of Agriculture
16 certifies that the funds provided may be used
17 for that purpose. Funds to be credited do not
18 include funds provided under section 390 of the
19 Federal Agriculture Improvement and Reform
20 Act of 1996 (110 Stat. 1022).

21 (4) OPERATION AND MAINTENANCE.—Notwith-
22 standing section 528(e)(3) of the Water Resources
23 Development Act of 1996 (110 Stat. 3770), the non-
24 Federal sponsor shall be responsible for 50 percent
25 of the cost of operation, maintenance, repair, re-

1 placement, and rehabilitation activities authorized
2 under this section.

3 (5) CREDIT.—

4 (A) IN GENERAL.—Notwithstanding sec-
5 tion 528(e)(4) of the Water Resources Develop-
6 ment Act of 1996 (110 Stat. 3770), and re-
7 gardless of the date of acquisition, the value of
8 lands or interests in lands and incidental costs
9 for land acquired by a non-Federal sponsor in
10 accordance with a project implementation re-
11 port for any project included in the Plan and
12 authorized by Congress shall be—

13 (i) included in the total cost of the
14 project; and

15 (ii) credited toward the non-Federal
16 share of the cost of the project.

17 (B) WORK.—The Secretary may provide
18 credit, including in-kind credit, toward the non-
19 Federal share for the reasonable cost of any
20 work performed in connection with a study,
21 preconstruction engineering and design, or con-
22 struction that is necessary for the implementa-
23 tion of the Plan, if—

24 (i)(I) the credit is provided for work
25 completed during the period of design, as

1 defined in a design agreement between the
2 Secretary and the non-Federal sponsor; or

3 (II) the credit is provided for work
4 completed during the period of construc-
5 tion, as defined in a project cooperation
6 agreement for an authorized project be-
7 tween the Secretary and the non-Federal
8 sponsor;

9 (ii) the design agreement or the
10 project cooperation agreement prescribes
11 the terms and conditions of the credit; and

12 (iii) the Secretary determines that the
13 work performed by the non-Federal spon-
14 sor is integral to the project.

15 (C) TREATMENT OF CREDIT BETWEEN
16 PROJECTS.—Any credit provided under this
17 paragraph may be carried over between author-
18 ized projects in accordance with subparagraph
19 (D).

20 (D) PERIODIC MONITORING.—

21 (i) IN GENERAL.—To ensure that the
22 contributions of the non-Federal sponsor
23 equal 50 percent proportionate share for
24 projects in the Plan, during each 5-year
25 period, beginning with commencement of

1 design of the Plan, the Secretary shall, for
2 each project—

3 (I) monitor the non-Federal pro-
4 vision of cash, in-kind services, and
5 land; and

6 (II) manage, to the maximum ex-
7 tent practicable, the requirement of
8 the non-Federal sponsor to provide
9 cash, in-kind services, and land.

10 (ii) OTHER MONITORING.—The Sec-
11 retary shall conduct monitoring under
12 clause (i) separately for—

13 (I) the preconstruction engineer-
14 ing and design phase; and

15 (II) the construction phase.

16 (E) AUDITS.—Credit for land (including
17 land value and incidental costs) or work pro-
18 vided under this subsection shall be subject to
19 audit by the Secretary.

20 (f) EVALUATION OF PROJECTS.—

21 (1) IN GENERAL.—Before implementation of a
22 project authorized by subsection (c) or (d) or any of
23 clauses (i) through (x) of subsection (b)(2)(C), the
24 Secretary, in cooperation with the non-Federal spon-
25 sor, shall, after notice and opportunity for public

1 comment and in accordance with subsection (h),
2 complete a project implementation report for the
3 project.

4 (2) PROJECT JUSTIFICATION.—

5 (A) IN GENERAL.—Notwithstanding sec-
6 tion 209 of the Flood Control Act of 1970 (42
7 U.S.C. 1962–2) or any other provision of law,
8 in carrying out any activity authorized under
9 this section or any other provision of law to re-
10 store, preserve, or protect the South Florida
11 ecosystem, the Secretary may determine that—

12 (i) the activity is justified by the envi-
13 ronmental benefits derived by the South
14 Florida ecosystem; and

15 (ii) no further economic justification
16 for the activity is required, if the Secretary
17 determines that the activity is cost-effec-
18 tive.

19 (B) APPLICABILITY.—Subparagraph (A)
20 shall not apply to any separable element in-
21 tended to produce benefits that are predomi-
22 nantly unrelated to the restoration, preserva-
23 tion, and protection of the natural system.

24 (g) EXCLUSIONS AND LIMITATIONS.—The following
25 Plan components are not approved for implementation:

1 (1) WATER INCLUDED IN THE PLAN.—

2 (A) IN GENERAL.—Any project that is de-
3 signed to implement the capture and use of the
4 approximately 245,000 acre-feet of water de-
5 scribed in section 7.7.2 of the Plan shall not be
6 implemented until such time as—

7 (i) the project-specific feasibility study
8 described in subparagraph (B) on the need
9 for and physical delivery of the approxi-
10 mately 245,000 acre-feet of water, con-
11 ducted by the Secretary, in cooperation
12 with the non-Federal sponsor, is com-
13 pleted;

14 (ii) the project is favorably rec-
15 ommended in a final report of the Chief of
16 Engineers; and

17 (iii) the project is authorized by Act
18 of Congress.

19 (B) PROJECT-SPECIFIC FEASIBILITY
20 STUDY.—The project-specific feasibility study
21 referred to in subparagraph (A) shall include—

22 (i) a comprehensive analysis of the
23 structural facilities proposed to deliver the
24 approximately 245,000 acre-feet of water
25 to the natural system;

- 1 (ii) an assessment of the requirements
2 to divert and treat the water;
- 3 (iii) an assessment of delivery alter-
4 natives;
- 5 (iv) an assessment of the feasibility of
6 delivering the water downstream while
7 maintaining current levels of flood protec-
8 tion to affected property; and
- 9 (v) any other assessments that are de-
10 termined by the Secretary to be necessary
11 to complete the study.

12 (2) WASTEWATER REUSE.—

13 (A) IN GENERAL.—On completion and
14 evaluation of the wastewater reuse pilot project
15 described in subsection (b)(2)(B)(iv), the Sec-
16 retary, in an appropriately timed 5-year report,
17 shall describe the results of the evaluation of
18 advanced wastewater reuse in meeting, in a
19 cost-effective manner, the requirements of res-
20 toration of the natural system.

21 (B) SUBMISSION.—The Secretary shall
22 submit to Congress the report described in sub-
23 paragraph (A) before congressional authoriza-
24 tion for advanced wastewater reuse is sought.

1 (3) PROJECTS APPROVED WITH LIMITATIONS.—

2 The following projects in the Plan are approved for
3 implementation with limitations:

4 (A) LOXAHATCHEE NATIONAL WILDLIFE
5 REFUGE.—The Federal share for land acqui-
6 sition in the project to enhance existing wetland
7 systems along the Loxahatchee National Wild-
8 life Refuge, including the Stazzulla tract,
9 should be funded through the budget of the De-
10 partment of the Interior.

11 (B) SOUTHERN CORKSCREW REGIONAL
12 ECOSYSTEM.—The Southern Corkscrew regional
13 ecosystem watershed addition should be accom-
14 plished outside the scope of the Plan.

15 (h) ASSURANCE OF PROJECT BENEFITS.—

16 (1) IN GENERAL.—The overarching objective of
17 the Plan is the restoration, preservation, and protec-
18 tion of the South Florida Ecosystem while providing
19 for other water-related needs of the region, including
20 water supply and flood protection. The Plan shall be
21 implemented to ensure the protection of water qual-
22 ity in, the reduction of the loss of fresh water from,
23 the improvement of the environment of the South
24 Florida Ecosystem and to achieve and maintain the
25 benefits to the natural system and human environ-

1 ment described in the Plan, and required pursuant
2 to this section, for as long as the project is author-
3 ized.

4 (2) AGREEMENT.—

5 (A) IN GENERAL.—In order to ensure that
6 water generated by the Plan will be made avail-
7 able for the restoration of the natural system,
8 no appropriations, except for any pilot project
9 described in subsection (b)(2)(B), shall be made
10 for the construction of a project contained in
11 the Plan until the President and the Governor
12 enter into a binding agreement under which the
13 State shall ensure, by regulation or other ap-
14 propriate means, that water made available by
15 each project in the Plan shall not be permitted
16 for a consumptive use or otherwise made un-
17 available by the State until such time as suffi-
18 cient reservations of water for the restoration of
19 the natural system are made under State law in
20 accordance with the project implementation re-
21 port for that project and consistent with the
22 Plan.

23 (B) ENFORCEMENT.—

24 (i) IN GENERAL.—Any person or enti-
25 ty that is aggrieved by a failure of the

1 United States or any other Federal Gov-
2 ernment instrumentality or agency, or the
3 Governor or any other officer of a State in-
4 strumentality or agency, to comply with
5 any provision of the agreement entered
6 into under subparagraph (A) may bring a
7 civil action in United States district court
8 for an injunction directing the United
9 States or any other Federal Government
10 instrumentality or agency or the Governor
11 or any other officer of a State instrumen-
12 tality or agency, as the case may be, to
13 comply with the agreement.

14 (ii) LIMITATIONS ON COMMENCEMENT
15 OF CIVIL ACTION.—No civil action may be
16 commenced under clause (i)—

17 (I) before the date that is 60
18 days after the Secretary receives writ-
19 ten notice of a failure to comply with
20 the agreement; or

21 (II) if the United States has
22 commenced and is diligently pros-
23 ecuting an action in a court of the
24 United States or a State to redress a
25 failure to comply with the agreement.

1 (C) TRUST RESPONSIBILITIES.—In car-
2 rying out his responsibilities under this sub-
3 section with respect to the restoration of the
4 South Florida ecosystem, the Secretary of the
5 Interior shall fulfill his obligations to the Indian
6 tribes in South Florida under the Indian Trust
7 Doctrine as well as other applicable legal obliga-
8 tions.

9 (3) PROGRAMMATIC REGULATIONS.—

10 (A) ISSUANCE.—Not later than 2 years
11 after the date of enactment of this Act, the Sec-
12 retary shall, after notice and opportunity for
13 public comment—

14 (i) with the concurrence of—

15 (I) the Governor; and

16 (II) the Secretary of the Interior;

17 and

18 (ii) in consultation with—

19 (I) the Seminole Tribe of Flor-
20 ida;

21 (II) the Miccosukee Tribe of In-
22 dians of Florida;

23 (III) the Administrator of the
24 Environmental Protection Agency;

1 (IV) the Secretary of Commerce;

2 and

3 (V) other Federal, State, and

4 local agencies;

5 promulgate programmatic regulations to ensure
6 that the goals and purposes of the Plan are
7 achieved.

8 (B) CONCURRENCY STATEMENT.—The
9 Secretary of the Interior and the Governor
10 shall, not later than 180 days from the end of
11 the public comment period on proposed pro-
12 grammatic regulations, provide the Secretary
13 with a written statement of concurrence or non-
14 concurrence. A failure to provide a written
15 statement of concurrence or nonconcurrence
16 within such time frame will be deemed as meet-
17 ing the concurrency requirements of subpara-
18 graph (A)(i). A copy of any concurrency or non-
19 concurrency statements shall be made a part of
20 the administrative record and referenced in the
21 final programmatic regulations. Any noncon-
22 currence statement shall specifically detail the
23 reason or reasons for the nonconcurrence.

1 (C) CONTENT OF REGULATIONS.—Pro-
2 grammatic regulations promulgated under this
3 paragraph shall establish a process—

4 (i) for the development of project im-
5 plementation reports, project cooperation
6 agreements, and operating manuals that
7 ensure that the goals and objectives of the
8 Plan are achieved;

9 (ii) to ensure that new information re-
10 sulting from changed or unforeseen cir-
11 cumstances, new scientific or technical in-
12 formation or information that is developed
13 through the principles of adaptive manage-
14 ment contained in the Plan, or future au-
15 thorized changes to the Plan are integrated
16 into the implementation of the Plan; and

17 (iii) to ensure the protection of the
18 natural system consistent with the goals
19 and purposes of the Plan, including the es-
20 tablishment of interim goals to provide a
21 means by which the restoration success of
22 the Plan may be evaluated throughout the
23 implementation process.

24 (D) SCHEDULE AND TRANSITION RULE.—

1 (i) IN GENERAL.—All project imple-
2 mentation reports approved before the date
3 of promulgation of the programmatic regu-
4 lations shall be consistent with the Plan.

5 (ii) PREAMBLE.—The preamble of the
6 programmatic regulations shall include a
7 statement concerning the consistency with
8 the programmatic regulations of any
9 project implementation reports that were
10 approved before the date of promulgation
11 of the regulations.

12 (E) REVIEW OF PROGRAMMATIC REGULA-
13 TIONS.—Whenever necessary to attain Plan
14 goals and purposes, but not less often than
15 every 5 years, the Secretary, in accordance with
16 subparagraph (A), shall review the pro-
17 grammatic regulations promulgated under this
18 paragraph.

19 (4) PROJECT-SPECIFIC ASSURANCES.—

20 (A) PROJECT IMPLEMENTATION RE-
21 PORTS.—

22 (i) IN GENERAL.—The Secretary and
23 the non-Federal sponsor shall develop
24 project implementation reports in accord-
25 ance with section 10.3.1 of the Plan.

1 (ii) COORDINATION.—In developing a
2 project implementation report, the Sec-
3 retary and the non-Federal sponsor shall
4 coordinate with appropriate Federal, State,
5 tribal, and local governments.

6 (iii) REQUIREMENTS.—A project im-
7 plementation report shall—

8 (I) be consistent with the Plan
9 and the programmatic regulations
10 promulgated under paragraph (3);

11 (II) describe how each of the re-
12 quirements stated in paragraph
13 (3)(B) is satisfied;

14 (III) comply with the National
15 Environmental Policy Act of 1969 (42
16 U.S.C. 4321 et seq.);

17 (IV) identify the appropriate
18 quantity, timing, and distribution of
19 water dedicated and managed for the
20 natural system;

21 (V) identify the amount of water
22 to be reserved or allocated for the nat-
23 ural system necessary to implement,
24 under State law, subclauses (IV) and
25 (VI);

1 (VI) comply with applicable
2 water quality standards and applicable
3 water quality permitting requirements
4 under subsection (b)(2)(A)(ii);

5 (VII) be based on the best avail-
6 able science; and

7 (VIII) include an analysis con-
8 cerning the cost-effectiveness and en-
9 gineering feasibility of the project.

10 (B) PROJECT COOPERATION AGREE-
11 MENTS.—

12 (i) IN GENERAL.—The Secretary and
13 the non-Federal sponsor shall execute
14 project cooperation agreements in accord-
15 ance with section 10 of the Plan.

16 (ii) CONDITION.—The Secretary shall
17 not execute a project cooperation agree-
18 ment until any reservation or allocation of
19 water for the natural system identified in
20 the project implementation report is exe-
21 cuted under State law.

22 (C) OPERATING MANUALS.—

23 (i) IN GENERAL.—The Secretary and
24 the non-Federal sponsor shall develop and
25 issue, for each project or group of projects,

1 an operating manual that is consistent
2 with the water reservation or allocation for
3 the natural system described in the project
4 implementation report and the project co-
5 operation agreement for the project or
6 group of projects.

7 (ii) MODIFICATIONS.—Any significant
8 modification by the Secretary and the non-
9 Federal sponsor to an operating manual
10 after the operating manual is issued shall
11 only be carried out subject to notice and
12 opportunity for public comment.

13 (5) SAVINGS CLAUSE.—

14 (A) NO ELIMINATION OR TRANSFER.—
15 Until a new source of water supply of com-
16 parable quantity and quality as that available
17 on the date of enactment of this Act is available
18 to replace the water to be lost as a result of im-
19 plementation of the Plan, the Secretary and the
20 non-Federal sponsor shall not eliminate or
21 transfer existing legal sources of water, includ-
22 ing those for—

23 (i) an agricultural or urban water
24 supply;

1 (ii) allocation or entitlement to the
2 Seminole Indian Tribe of Florida under
3 section 7 of the Seminole Indian Land
4 Claims Settlement Act of 1987 (25 U.S.C.
5 1772e);

6 (iii) the Miccosukee Tribe of Indians
7 of Florida;

8 (iv) water supply for Everglades Na-
9 tional Park; or

10 (v) water supply for fish and wildlife.

11 (B) MAINTENANCE OF FLOOD PROTEC-
12 TION.—Implementation of the Plan shall not re-
13 duce levels of service for flood protection that
14 are—

15 (i) in existence on the date of enact-
16 ment of this Act; and

17 (ii) in accordance with applicable law.

18 (C) NO EFFECT ON TRIBAL COMPACT.—
19 Nothing in this section amends, alters, pre-
20 vents, or otherwise abrogates rights of the Sem-
21 inole Indian Tribe of Florida under the compact
22 among the Seminole Tribe of Florida, the State,
23 and the South Florida Water Management Dis-
24 trict, defining the scope and use of water rights
25 of the Seminole Tribe of Florida, as codified by

1 section 7 of the Seminole Indian Land Claims
2 Settlement Act of 1987 (25 U.S.C. 1772e).

3 (i) DISPUTE RESOLUTION.—

4 (1) IN GENERAL.—The Secretary and the Gov-
5 ernor shall within 180 days from the date of enact-
6 ment of this Act develop an agreement for resolving
7 disputes between the Corps of Engineers and the
8 State associated with the implementation of the
9 Plan. Such agreement shall establish a mechanism
10 for the timely and efficient resolution of disputes,
11 including—

12 (A) a preference for the resolution of dis-
13 putes between the Jacksonville District of the
14 Corps of Engineers and the South Florida
15 Water Management District;

16 (B) a mechanism for the Jacksonville Dis-
17 trict of the Corps of Engineers or the South
18 Florida Water Management District to initiate
19 the dispute resolution process for unresolved
20 issues;

21 (C) the establishment of appropriate time-
22 frames and intermediate steps for the elevation
23 of disputes to the Governor and the Secretary;
24 and

1 (D) a mechanism for the final resolution of
2 disputes, within 180 days from the date that
3 the dispute resolution process is initiated under
4 subparagraph (B).

5 (2) CONDITION FOR REPORT APPROVAL.—The
6 Secretary shall not approve a project implementation
7 report under this section until the agreement estab-
8 lished under this subsection has been executed.

9 (3) NO EFFECT ON LAW.—Nothing in the
10 agreement established under this subsection shall
11 alter or amend any existing Federal or State law, or
12 the responsibility of any party to the agreement to
13 comply with any Federal or State law.

14 (j) INDEPENDENT SCIENTIFIC REVIEW.—

15 (1) IN GENERAL.—The Secretary, the Secretary
16 of the Interior, and the Governor, in consultation
17 with the South Florida Ecosystem Restoration Task
18 Force, shall establish an independent scientific re-
19 view panel convened by a body, such as the National
20 Academy of Sciences, to review the Plan’s progress
21 toward achieving the natural system restoration
22 goals of the Plan.

23 (2) REPORT.—The panel described in para-
24 graph (1) shall produce a biennial report to Con-
25 gress, the Secretary, the Secretary of the Interior,

1 and the Governor that includes an assessment of ec-
2 ological indicators and other measures of progress in
3 restoring the ecology of the natural system, based on
4 the Plan.

5 (k) OUTREACH AND ASSISTANCE.—

6 (1) SMALL BUSINESS CONCERNS OWNED AND
7 OPERATED BY SOCIALLY AND ECONOMICALLY DIS-
8 ADVANTAGED INDIVIDUALS.—In executing the Plan,
9 the Secretary shall ensure that small business con-
10 cerns owned and controlled by socially and economi-
11 cally disadvantaged individuals are provided oppor-
12 tunities to participate under section 15(g) of the
13 Small Business Act (15 U.S.C. 644(g)).

14 (2) COMMUNITY OUTREACH AND EDUCATION.—

15 (A) IN GENERAL.—The Secretary shall en-
16 sure that impacts on socially and economically
17 disadvantaged individuals, including individuals
18 with limited English proficiency, and commu-
19 nities are considered during implementation of
20 the Plan, and that such individuals have oppor-
21 tunities to review and comment on its imple-
22 mentation.

23 (B) PROVISION OF OPPORTUNITIES.—The
24 Secretary shall ensure, to the maximum extent
25 practicable, that public outreach and edu-

1 cational opportunities are provided, during im-
2 plementation of the Plan, to the individuals of
3 South Florida, including individuals with lim-
4 ited English proficiency, and in particular for
5 socially and economically disadvantaged com-
6 munities.

7 (1) REPORT TO CONGRESS.—Beginning on October 1,
8 2005, and periodically thereafter until October 1, 2036,
9 the Secretary and the Secretary of the Interior, in con-
10 sultation with the Environmental Protection Agency, the
11 Department of Commerce, and the State of Florida, shall
12 jointly submit to Congress a report on the implementation
13 of the Plan. Such reports shall be completed not less often
14 than every 5 years. Such reports shall include a descrip-
15 tion of planning, design, and construction work completed,
16 the amount of funds expended during the period covered
17 by the report (including a detailed analysis of the funds
18 expended for adaptive assessment under subsection
19 (b)(2)(C)(xi)), and the work anticipated over the next 5-
20 year period. In addition, each report shall include—

21 (1) the determination of each Secretary, and
22 the Administrator of the Environmental Protection
23 Agency, concerning the benefits to the natural sys-
24 tem and the human environment achieved as of the
25 date of the report and whether the completed

1 projects of the Plan are being operated in a manner
2 that is consistent with the requirements of sub-
3 section (h);

4 (2) progress toward interim goals established in
5 accordance with subsection (h)(3)(B); and

6 (3) a review of the activities performed by the
7 Secretary under subsection (k) as they relate to so-
8 cially and economically disadvantaged individuals
9 and individuals with limited English proficiency.

10 (m) SEVERABILITY.—If any provision or remedy pro-
11 vided by this section is found to be unconstitutional or
12 unenforceable by any court of competent jurisdiction, any
13 remaining provisions in this section shall remain valid and
14 enforceable.

15 **SEC. 602. SENSE OF THE SENATE CONCERNING HOME-**
16 **STEAD AIR FORCE BASE.**

17 (a) IN GENERAL.—(1) The Everglades is an Amer-
18 ican treasure and includes uniquely-important and diverse
19 wildlife resources and recreational opportunities;

20 (2) the preservation of the pristine and natural char-
21 acter of the South Florida ecosystem is critical to the re-
22 gional economy;

23 (3) as this legislation demonstrates, the Senate be-
24 lieves it to be a vital national mission to restore and pre-

1 serve this ecosystem and accordingly is authorizing a sig-
2 nificant Federal investment to do so;

3 (4) the Senate seeks to have the remaining property
4 at the former Homestead Air Base conveyed and reused
5 as expeditiously as possible, and several options for base
6 reuse are being considered, including as a commercial air-
7 port; and

8 (5) the Senate is aware that the Homestead site is
9 located in a sensitive environmental location, and that Bis-
10 cayne National Park is only approximately 1.5 miles to
11 the east, Everglades National Park approximately 8 miles
12 to the west, and the Florida Keys National Marine Sanc-
13 tuary approximately 10 miles to the south.

14 (b) SENSE OF THE SENATE.—It is the sense of the
15 Senate that—

16 (1) development at the Homestead site could
17 potentially cause significant air, water, and noise
18 pollution and result in the degradation of adjacent
19 national parks and other protected Federal re-
20 sources;

21 (2) in their decisionmaking, the Federal agen-
22 cies charged with determining the reuse of the re-
23 maining property at the Homestead base should
24 carefully consider and weigh all available informa-

1 tion concerning potential environmental impacts of
2 various reuse options;

3 (3) the redevelopment of the former base should
4 be consistent with restoration goals, provide desir-
5 able numbers of jobs and economic redevelopment
6 for the community, and be consistent with other ap-
7 plicable laws;

8 (4) consistent with applicable laws, the Sec-
9 retary of the Air Force should proceed as quickly as
10 practicable to issue a final SEIS and Record of De-
11 cision so that reuse of the former air base can pro-
12 ceed expeditiously;

13 (5) following conveyance of the remaining sur-
14 plus property, the Secretary, as part of his oversight
15 for Everglades restoration, should cooperate with the
16 entities to which the various parcels of surplus prop-
17 erty were conveyed so that the planned use of those
18 properties is implemented in such a manner as to re-
19 main consistent with the goals of the Everglades res-
20 toration plan; and

21 (6) by August 1, 2002, the Secretary should
22 submit a report to the appropriate committees of
23 Congress on actions taken and make any rec-
24 ommendations for consideration by Congress.

1 **TITLE VII—MISSOURI RIVER**
2 **PROTECTION AND IMPROVE-**
3 **MENT**

4 **SEC. 701. SHORT TITLE.**

5 This title shall be known as the “Missouri River Pro-
6 tection and Improvement Act of 2000”.

7 **SEC. 702. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—Congress finds that—

9 (1) the Missouri River is—

10 (A) an invaluable economic, environmental,
11 recreational, and cultural resource to the people
12 of the United States; and

13 (B) a critical source of water for drinking
14 and irrigation;

15 (2) millions of people fish, hunt, and camp
16 along the Missouri River each year;

17 (3) thousands of sites of spiritual importance to
18 Native Americans line the shores of the Missouri
19 River;

20 (4) the Missouri River provides critical wildlife
21 habitat for threatened and endangered species;

22 (5) in 1944, Congress approved the Pick-Sloan
23 program—

24 (A) to promote the general economic devel-
25 opment of the United States;

1 (B) to provide for irrigation above Sioux
2 City, Iowa;

3 (C) to protect urban and rural areas from
4 devastating floods of the Missouri River; and

5 (D) for other purposes;

6 (6) the Garrison Dam was constructed on the
7 Missouri River in North Dakota and the Oahe Dam
8 was constructed in South Dakota under the Pick-
9 Sloan program;

10 (7) the dams referred to in paragraph (6)—

11 (A) generate low-cost electricity for mil-
12 lions of people in the United States;

13 (B) provide revenue to the Treasury; and

14 (C) provide flood control that has pre-
15 vented billions of dollars of damage;

16 (8) the Garrison and Oahe Dams have reduced
17 the ability of the Missouri River to carry sediment
18 downstream, resulting in the accumulation of sedi-
19 ment in the reservoirs known as Lake Sakakawea
20 and Lake Oahe;

21 (9) the sediment depositions—

22 (A) cause shoreline flooding;

23 (B) destroy wildlife habitat;

24 (C) limit recreational opportunities;

1 (D) threaten the long-term ability of dams
2 to provide hydropower and flood control under
3 the Pick-Sloan program;

4 (E) reduce water quality; and

5 (F) threaten intakes for drinking water
6 and irrigation; and

7 (10) to meet the objectives established by Con-
8 gress for the Pick-Sloan program, it is necessary to
9 establish a Missouri River Restoration Program—

10 (A) to improve conservation;

11 (B) to reduce the deposition of sediment;

12 and

13 (C) to take other steps necessary for prop-
14 er management of the Missouri River.

15 (b) PURPOSES.—The purposes of this title are—

16 (1) to reduce the siltation of the Missouri River
17 in the State of North Dakota;

18 (2) to meet the objectives of the Pick-Sloan pro-
19 gram by developing and implementing a long-term
20 strategy—

21 (A) to improve conservation in the Mis-
22 souri River watershed;

23 (B) to protect recreation on the Missouri
24 River from sedimentation;

1 (C) to improve water quality in the Mis-
2 souri River;

3 (D) to improve erosion control along the
4 Missouri River; and

5 (E) to protect Indian and non-Indian his-
6 torical and cultural sites along the Missouri
7 River from erosion; and

8 (3) to meet the objectives described in para-
9 graphs (1) and (2) by developing and financing new
10 programs in accordance with the plan.

11 **SEC. 703. DEFINITIONS.**

12 In this title:

13 (1) PICK-SLOAN PROGRAM.—The term “Pick-
14 Sloan program” means the Pick-Sloan Missouri
15 River Basin Program authorized by section 9 of the
16 Act of December 22, 1944 (58 Stat. 891, chapter
17 665).

18 (2) PLAN.—The term “plan” means the plan
19 for the use of funds made available by this title that
20 is required to be prepared under section 705(e).

21 (3) STATE.—The term “State” means the State
22 of North Dakota.

23 (4) TASK FORCE.—The term “Task Force”
24 means the North Dakota Missouri River Task Force
25 established by section 705(a).

1 (5) TRUST.—The term “Trust” means the
2 North Dakota Missouri River Trust established by
3 section 704(a).

4 **SEC. 704. MISSOURI RIVER TRUST.**

5 (a) ESTABLISHMENT.—There is established a com-
6 mittee to be known as the North Dakota Missouri River
7 Trust.

8 (b) MEMBERSHIP.—The Trust shall be composed of
9 16 members to be appointed by the Secretary, including—
10 (1) 12 members recommended by the Governor
11 of North Dakota that—

12 (A) represent equally the various interests
13 of the public; and

14 (B) include representatives of—

15 (i) the North Dakota Department of
16 Health;

17 (ii) the North Dakota Department of
18 Parks and Recreation;

19 (iii) the North Dakota Department of
20 Game and Fish;

21 (iv) the North Dakota State Water
22 Commission;

23 (v) the North Dakota Indian Affairs
24 Commission;

25 (vi) agriculture groups;

- 1 (vii) environmental or conservation or-
- 2 ganizations;
- 3 (viii) the hydroelectric power industry;
- 4 (ix) recreation user groups;
- 5 (x) local governments; and
- 6 (xi) other appropriate interests;

7 (2) 4 members representing each of the 4 In-

8 dian tribes in the State of North Dakota.

9 **SEC. 705. MISSOURI RIVER TASK FORCE.**

10 (a) ESTABLISHMENT.—There is established the Mis-

11 souri River Task Force.

12 (b) MEMBERSHIP.—The Task Force shall be com-

13 posed of—

14 (1) the Secretary (or a designee), who shall

15 serve as Chairperson;

16 (2) the Secretary of Agriculture (or a designee);

17 (3) the Secretary of Energy (or a designee);

18 (4) the Secretary of the Interior (or a des-

19 igned); and

20 (5) the Trust.

21 (c) DUTIES.—The Task Force shall—

22 (1) meet at least twice each year;

23 (2) vote on approval of the plan, with approval

24 requiring votes in favor of the plan by a majority of

25 the members;

1 (3) review projects to meet the goals of the
2 plan; and

3 (4) recommend to the Secretary critical projects
4 for implementation.

5 (d) ASSESSMENT.—

6 (1) IN GENERAL.—Not later than 18 months
7 after the date on which funding authorized under
8 this title becomes available, the Secretary shall sub-
9 mit to the other members of the Task Force a report
10 on—

11 (A) the impact of the siltation of the Mis-
12 souri River in the State, including the impact
13 on—

14 (i) the Federal, State, and regional
15 economies;

16 (ii) recreation;

17 (iii) hydropower generation;

18 (iv) fish and wildlife; and

19 (v) flood control;

20 (B) the status of Indian and non-Indian
21 historical and cultural sites along the Missouri
22 River;

23 (C) the extent of erosion along the Mis-
24 souri River (including tributaries of the Mis-
25 souri River) in the State; and

1 (D) other issues, as requested by the Task
2 Force.

3 (2) CONSULTATION.—In preparing the report
4 under paragraph (1), the Secretary shall consult
5 with—

6 (A) the Secretary of Energy;

7 (B) the Secretary of the Interior;

8 (C) the Secretary of Agriculture;

9 (D) the State; and

10 (E) Indian tribes in the State.

11 (e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY
12 THIS TITLE.—

13 (1) IN GENERAL.—Not later than 3 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 pro-
19 vide for the manner in which the Task Force shall
20 develop and recommend critical restoration projects
21 to promote—

22 (A) conservation practices in the Missouri
23 River watershed;

24 (B) the general control and removal of
25 sediment from the Missouri River;

1 (C) the protection of recreation on the
2 Missouri 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
14 final, in accordance with procedures established
15 by the 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 re-
22 view and comment on any proposed revi-
23 sion to the plan.

24 (f) CRITICAL RESTORATION PROJECTS.—

1 (1) IN GENERAL.—After the plan is approved
2 by the Task Force under subsection (c)(2), the Sec-
3 retary, in coordination with the Task Force, shall
4 identify critical restoration projects to carry out the
5 plan.

6 (2) AGREEMENT.—The Secretary may carry
7 out a critical restoration project after entering into
8 an agreement with an appropriate non-Federal inter-
9 est in accordance with—

10 (A) section 221 of the Flood Control Act
11 of 1970 (42 U.S.C. 1962d–5b); and

12 (B) this section.

13 (3) INDIAN PROJECTS.—To the maximum ex-
14 tent practicable, the Secretary shall ensure that not
15 less than 30 percent of the funds made available for
16 critical restoration projects under this title shall be
17 used exclusively for projects that are—

18 (A) within the boundary of an Indian res-
19 ervation; or

20 (B) administered by an Indian tribe.

21 (g) COST SHARING.—

22 (1) ASSESSMENT.—

23 (A) FEDERAL SHARE.—The Federal share
24 of the cost of carrying out the assessment
25 under subsection (d) shall be 75 percent.

1 (B) NON-FEDERAL SHARE.—The non-Fed-
2 eral share of the cost of carrying out the assess-
3 ment under subsection (d) may be provided in
4 the form of services, materials, or other in-kind
5 contributions.

6 (2) PLAN.—

7 (A) FEDERAL SHARE.—The Federal share
8 of the cost of preparing the plan under sub-
9 section (e) shall be 75 percent.

10 (B) NON-FEDERAL SHARE.—Not more
11 than 50 percent of the non-Federal share of the
12 cost of preparing the plan under subsection (e)
13 may be provided in the form of services, mate-
14 rials, or other in-kind contributions.

15 (3) CRITICAL RESTORATION PROJECTS.—

16 (A) IN GENERAL.—A non-Federal cost
17 share shall be required to carry out any critical
18 restoration project under subsection (f) that
19 does not primarily benefit the Federal Govern-
20 ment, as determined by the Task Force.

21 (B) FEDERAL SHARE.—The Federal share
22 of the cost of carrying out a critical restoration
23 project under subsection (f) for which the Task
24 Force requires a non-Federal cost share under
25 subparagraph (A) shall be 65 percent, not to

1 exceed \$5,000,000 for any critical restoration
2 project.

3 (C) NON-FEDERAL SHARE.—

4 (i) IN GENERAL.—Not more than 50
5 percent of the non-Federal share of the
6 cost of carrying out a critical restoration
7 project described in subparagraph (B) may
8 be provided in the form of services, mate-
9 rials, or other in-kind contributions.

10 (ii) REQUIRED NON-FEDERAL CON-
11 TRIBUTIONS.—For any critical restoration
12 project described in subparagraph (B), the
13 non-Federal interest shall—

14 (I) provide all land, easements,
15 rights-of-way, dredged material dis-
16 posal areas, and relocations;

17 (II) pay all operation, mainte-
18 nance, replacement, repair, and reha-
19 bilitation costs; and

20 (III) hold the United States
21 harmless from all claims arising from
22 the construction, operation, and main-
23 tenance of the project.

1 (iii) CREDIT.—The non-Federal inter-
2 est shall receive credit for all contributions
3 provided under clause (ii)(I).

4 **SEC. 706. ADMINISTRATION.**

5 (a) IN GENERAL.—Nothing in this title diminishes
6 or affects—

7 (1) any water right of an Indian tribe;

8 (2) any other right of an Indian tribe, except as
9 specifically provided in another provision of this
10 title;

11 (3) any treaty right that is in effect on the date
12 of enactment of this Act;

13 (4) any external boundary of an Indian reserva-
14 tion of an Indian tribe;

15 (5) any authority of the State that relates to
16 the protection, regulation, or management of fish,
17 terrestrial wildlife, and cultural and archaeological
18 resources, except as specifically provided in this title;
19 or

20 (6) any authority of the Secretary, the Sec-
21 retary of the Interior, or the head of any other Fed-
22 eral agency under a law in effect on the date of en-
23 actment of this Act, including—

24 (A) the National Historic Preservation Act
25 (16 U.S.C. 470 et seq.);

1 (B) the Archaeological Resources Protec-
2 tion Act of 1979 (16 U.S.C. 470aa et seq.);

3 (C) the Fish and Wildlife Coordination Act
4 (16 U.S.C. 661 et seq.);

5 (D) the Act entitled “An Act for the pro-
6 tection of the bald eagle”, approved June 8,
7 1940 (16 U.S.C. 668 et seq.);

8 (E) the Migratory Bird Treaty Act (16
9 U.S.C. 703 et seq.);

10 (F) the Endangered Species Act of 1973
11 (16 U.S.C. 1531 et seq.);

12 (G) the Native American Graves Protec-
13 tion and Repatriation Act (25 U.S.C. 3001 et
14 seq.);

15 (H) the Federal Water Pollution Control
16 Act (33 U.S.C. 1251 et seq.);

17 (I) the Safe Drinking Water Act (42
18 U.S.C. 300f et seq.); and

19 (J) the National Environmental Policy Act
20 of 1969 (42 U.S.C. 4321 et seq.).

21 (b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in
22 this title relieves the Federal Government of liability for
23 damage to private property caused by the operation of the
24 Pick-Sloan program.

1 (c) FLOOD CONTROL.—Notwithstanding any other
2 provision of this title, the Secretary shall retain the au-
3 thority to operate the Pick-Sloan program for the pur-
4 poses of meeting the requirements of the Act of December
5 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1
6 et seq.).

7 (d) USE OF FUNDS.—Funds transferred to the Trust
8 may be used to pay the non-Federal share required under
9 Federal programs.

10 **SEC. 707. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) INITIAL FUNDING.—There is authorized to be ap-
12 propriated to the Secretary to carry out this title
13 \$4,000,000 for each of fiscal years 2001 through 2004,
14 to remain available until expended.

15 (b) EXISTING PROGRAMS.—The Secretary shall fund
16 programs authorized under the Pick-Sloan program in ex-
17 istence on the date of enactment of this Act at levels that
18 are not less than funding levels for those programs as of
19 that date.

20 **TITLE VIII—WILDLIFE REFUGE**
21 **ENHANCEMENT**

22 **SEC. 801. SHORT TITLE.**

23 This title may be cited as the “Charles M. Russell
24 National Wildlife Refuge Enhancement Act of 2000”.

1 **SEC. 802. PURPOSE.**

2 The purpose of this title is to direct the Secretary,
3 in consultation with the Secretary of the Interior, to con-
4 vey cabin sites at Fort Peck Lake, Montana, and to ac-
5 quire land with greater wildlife and other public value for
6 the Charles M. Russell National Wildlife Refuge, to—

7 (1) better achieve the wildlife conservation pur-
8 poses for which the Refuge was established;

9 (2) protect additional fish and wildlife habitat
10 in and adjacent to the Refuge;

11 (3) enhance public opportunities for hunting,
12 fishing, and other wildlife-dependent activities;

13 (4) improve management of the Refuge; and

14 (5) reduce Federal expenditures associated with
15 the administration of cabin site leases.

16 **SEC. 803. DEFINITIONS.**

17 In this title:

18 (1) ASSOCIATION.—The term “Association”
19 means the Fort Peck Lake Association.

20 (2) CABIN SITE.—

21 (A) IN GENERAL.—The term “cabin site”
22 means a parcel of property within the Fort
23 Peck, Hell Creek, Pines, or Rock Creek Cabin
24 areas that is—

25 (i) managed by the Army Corps of
26 Engineers;

1 (ii) located in or near the eastern por-
2 tion of Fort Peck Lake, Montana; and

3 (iii) leased for individual use or occu-
4 pancy.

5 (B) INCLUSIONS.—The term “cabin site”
6 includes all right, title and interest of the
7 United States in and to the property,
8 including—

9 (i) any permanent easement that is
10 necessary to provide vehicular access to the
11 cabin site; and

12 (ii) the right to reconstruct, operate,
13 and maintain an easement described in
14 clause (i).

15 (3) CABIN SITE AREA.—

16 (A) IN GENERAL.—The term “cabin site
17 area” means a portion of the Fort Peck, Hell
18 Creek, Pines, or Rock Creek Cabin Areas re-
19 ferred to in paragraph (2) that is occupied by
20 1 or more cabin sites.

21 (B) INCLUSION.—The term “cabin site
22 area” includes such immediately adjacent land,
23 if any, as is needed for the cabin site area to
24 exist as a generally contiguous parcel of land,

1 as determined by the Secretary with the concur-
2 rence of the Secretary of the Interior.

3 (4) LESSEE.—The term “lessee” means a per-
4 son that is leasing a cabin site.

5 (5) REFUGE.—The term “Refuge” means the
6 Charles M. Russell National Wildlife Refuge in Mon-
7 tana.

8 **SEC. 804. CONVEYANCE OF CABIN SITES.**

9 (a) IN GENERAL.—

10 (1) PROHIBITION.—As soon as practicable after
11 the date of enactment of this Act, the Secretary
12 shall prohibit the issuance of new cabin site leases
13 within the Refuge, except as is necessary to consoli-
14 date with, or substitute for, an existing cabin lease
15 site under paragraph (2).

16 (2) DETERMINATION; NOTICE.—Not later than
17 1 year after the date of enactment of this Act, and
18 before proceeding with any exchange under this title,
19 the Secretary shall—

20 (A) with the concurrence of the Secretary
21 of the Interior, determine individual cabin sites
22 that are not suitable for conveyance to a
23 lessee—

24 (i) because the sites are isolated so
25 that conveyance of 1 or more of the sites

1 would create an inholding that would im-
2 pair management of the Refuge; or

3 (ii) for any other reason that ad-
4 versely impacts the future habitability of
5 the sites; and

6 (B) provide written notice to each lessee
7 that specifies any requirements concerning the
8 form of a notice of interest in acquiring a cabin
9 site that the lessee may submit under sub-
10 section (b)(1)(A) and the portion of administra-
11 tive costs that would be paid to the Secretary
12 under section 808(b), to—

13 (i) determine whether the lessee is in-
14 terested in acquiring the cabin site area of
15 the lessee; and

16 (ii) inform each lessee of the rights of
17 the lessee under this title.

18 (3) OFFER OF COMPARABLE CABIN SITE.—If
19 the Secretary determines that a cabin site is not
20 suitable for conveyance to a lessee under paragraph
21 (2)(A), the Secretary, in consultation with the Sec-
22 retary of the Interior, shall offer to the lessee the
23 opportunity to acquire a comparable cabin site with-
24 in another cabin site area.

25 (b) RESPONSE.—

1 (1) NOTICE OF INTEREST.—

2 (A) IN GENERAL.—Not later than July 1,
3 2003, a lessee shall notify the Secretary in writ-
4 ing of an interest in acquiring the cabin site of
5 the lessee.

6 (B) FORM.—The notice under this para-
7 graph shall be submitted in such form as is re-
8 quired by the Secretary under subsection
9 (a)(2)(B).

10 (2) UNPURCHASED CABIN SITES.—If the Sec-
11 retary receives no notice of interest or offer to pur-
12 chase a cabin site from the lessee under paragraph
13 (1) or the lessee declines an opportunity to purchase
14 a comparable cabin site under subsection (a)(3), the
15 cabin site shall be subject to sections 805 and 806.

16 (c) PROCESS.—After providing notice to a lessee
17 under subsection (a)(2)(B), the Secretary shall—

18 (1) determine whether any small parcel of land
19 contiguous to any cabin site (not including shoreline
20 or land needed to provide public access to the shore-
21 line of Fort Peck Lake) should be conveyed as part
22 of the cabin site to—

23 (A) protect water quality;

24 (B) eliminate an inholding; or

1 (C) facilitate administration of the land re-
2 maining in Federal ownership;

3 (2) if the Secretary determines that a convey-
4 ance should be completed under paragraph (1), pro-
5 vide notice of the intent of the Secretary to complete
6 the conveyance to the lessee of each affected cabin
7 site;

8 (3) survey each cabin site to determine the
9 acreage and legal description of the cabin site area,
10 including land identified under paragraph (1);

11 (4) take such actions as are necessary to ensure
12 compliance with all applicable environmental laws;

13 (5) with the concurrence of the Secretary of the
14 Interior, determine which covenants or deed restric-
15 tions, if any, should be placed on a cabin site before
16 conveyance out of Federal ownership, including any
17 covenant or deed restriction that is required to com-
18 ply with—

19 (A) the Act of May 18, 1938 (16 U.S.C.
20 833 et seq.);

21 (B) laws (including regulations) applicable
22 to management of the Refuge; and

23 (C) any other laws (including regulations)
24 for which compliance is necessary to—

1 (i) ensure the maintenance of existing
2 and adequate public access to and along
3 Fort Peck Lake; and

4 (ii) limit future uses of a cabin site
5 to—

6 (I) noncommercial, single-family
7 use; and

8 (II) the type and intensity of use
9 of the cabin site made on the date of
10 enactment of this Act, as limited by
11 terms of any lease applicable to the
12 cabin site in effect on that date; and

13 (6) conduct an appraisal of each cabin site (in-
14 cluding any expansion of the cabin site under para-
15 graph (1)) that—

16 (A) is carried out in accordance with the
17 Uniform Appraisal Standards for Federal Land
18 Acquisition;

19 (B) excludes the value of any private im-
20 provement to the cabin sites; and

21 (C) takes into consideration any covenant
22 or other restriction determined to be necessary
23 under paragraph (5) and subsection (h).

24 (d) CONSULTATION AND PUBLIC INVOLVEMENT.—

25 The Secretary shall—

1 (1) carry out subsections (b) and (c) in con-
2 sultation with—

3 (A) the Secretary of the Interior;

4 (B) affected lessees;

5 (C) affected counties in the State of Mon-
6 tana; and

7 (D) the Association; and

8 (2) hold public hearings, and provide all inter-
9 ested parties with notice and an opportunity to com-
10 ment, on the activities carried out under this section.

11 (e) CONVEYANCE.—Subject to subsections (h) and (i)
12 and section 808(b), the Secretary shall convey a cabin site
13 by individual patent or deed to the lessee under this title—

14 (1) if each cabin site complies with Federal,
15 State, and county septic and water quality laws (in-
16 cluding regulations);

17 (2) if the lessee complies with other require-
18 ments of this section; and

19 (3) after receipt of the payment for the cabin
20 site from the lessee in an amount equal to the ap-
21 praised fair market value of the cabin site as deter-
22 mined in accordance with subsection (c)(6).

23 (f) VEHICULAR ACCESS.—

1 (1) IN GENERAL.—Nothing in this title author-
2 izes any addition to or improvement of vehicular ac-
3 cess to a cabin site.

4 (2) CONSTRUCTION.—The Secretary—

5 (A) shall not construct any road for the
6 sole purpose of providing access to land sold
7 under this section; and

8 (B) shall be under no obligation to service
9 or maintain any existing road used primarily
10 for access to that land (or to a cabin site).

11 (3) OFFER TO CONVEY.—The Secretary may
12 offer to convey to the State of Montana, any polit-
13 ical subdivision of the State of Montana, or the As-
14 sociation, any road determined by the Secretary to
15 primarily service the land sold under this section.

16 (g) UTILITIES AND INFRASTRUCTURE.—

17 (1) IN GENERAL.—The purchaser of a cabin
18 site shall be responsible for the acquisition of all
19 utilities and infrastructure necessary to support the
20 cabin site.

21 (2) NO FEDERAL ASSISTANCE.—The Secretary
22 shall not provide any utilities or infrastructure to
23 the cabin site.

24 (h) COVENANTS AND DEED RESTRICTIONS.—

1 (1) IN GENERAL.—Before conveying any cabin
2 site under subsection (e), the Secretary, in consulta-
3 tion with the Secretary of the Interior, shall ensure
4 that the title to the cabin site includes such cov-
5 enants and deed restrictions as are determined,
6 under subsection (c), to be necessary to make bind-
7 ing on all subsequent purchasers of the cabin site
8 any other covenants or deed restrictions in the title
9 to the cabin site.

10 (2) RESERVATION OF RIGHTS.—The Secretary
11 may reserve the perpetual right, power, privilege,
12 and easement to permanently overflow, flood, sub-
13 merge, saturate, percolate, or erode a cabin site (or
14 any portion of a cabin site) that the Secretary deter-
15 mines is necessary in the operation of the Fort Peck
16 Dam.

17 (i) NO CONVEYANCE OF UNSUITABLE CABIN
18 SITES.—A cabin site that is determined to be unsuitable
19 for conveyance under subsection (a)(2) shall not be con-
20 veyed by the Secretary under this section.

21 (j) IDENTIFICATION OF LAND FOR EXCHANGE.—

22 (1) IN GENERAL.—As soon as practicable after
23 the date of enactment of this Act, the Secretary of
24 the Interior shall identify land that may be acquired
25 that meets the purposes of paragraphs (1) through

1 (4) of section 802 and for which a willing seller ex-
2 ists.

3 (2) APPRAISAL.—On a request by a willing sell-
4 er, the Secretary of the Interior shall appraise the
5 land identified under paragraph (1).

6 (3) ACQUISITION.—If the Secretary of the Inte-
7 rior determines that the acquisition of the land
8 would meet the purposes of paragraphs (1) through
9 (4) of section 802, the Secretary of the Interior shall
10 cooperate with the willing seller to facilitate the ac-
11 quisition of the property in accordance with section
12 807.

13 (4) PUBLIC PARTICIPATION.—The Secretary of
14 the Interior shall hold public hearings, and provide
15 all interested parties with notice and an opportunity
16 to comment, on the activities carried out under this
17 section.

18 **SEC. 805. RIGHTS OF NONPARTICIPATING LESSEES.**

19 (a) CONTINUATION OF LEASE.—

20 (1) IN GENERAL.—A lessee that does not pro-
21 vide the Secretary with an offer to acquire the cabin
22 site of the lessee under section 804 (including a les-
23 see who declines an offer of a comparable cabin site
24 under section 804(a)(3)) may elect to continue to
25 lease the cabin site for the remainder of the current

1 term of the lease, which, except as provided in para-
2 graph (2), shall not be renewed or otherwise ex-
3 tended.

4 (2) EXPIRATION BEFORE 2010.—If the current
5 term of a lessee described in paragraph (1) expires
6 or is scheduled to expire before 2010, the Secretary
7 shall offer to extend or renew the lease through
8 2010.

9 (b) IMPROVEMENTS.—Any improvements and per-
10 sonal property of the lessee that are not removed from
11 the cabin site before the termination of the lease shall be
12 considered property of the United States in accordance
13 with the provisions of the lease.

14 (c) OPTION TO PURCHASE.—Subject to subsections
15 (d) and (e) and section 808(b), if at any time before termi-
16 nation of the lease, a lessee described in subsection
17 (a)(1)—

18 (1) notifies the Secretary of the intent of the
19 lessee to purchase the cabin site of the lessee; and

20 (2) pays for an updated appraisal of the site in
21 accordance with section 804(c)(6);

22 the Secretary shall convey the cabin site to the lessee, by
23 individual patent or deed, on receipt of payment for the
24 site from the lessee in an amount equal to the appraised

1 fair market value of the cabin site as determined by the
2 updated appraisal.

3 (d) COVENANTS AND DEED RESTRICTIONS.—Before
4 conveying any cabin site under subsection (c), the Sec-
5 retary, in consultation with the Secretary of the Interior,
6 shall ensure that the title to the cabin site includes such
7 covenants and deed restrictions as are determined, under
8 section 804(c), to be necessary to make binding on all sub-
9 sequent purchasers of the cabin site any other covenants
10 or deed restrictions in the title to the cabin site.

11 (e) NO CONVEYANCE OF UNSUITABLE CABIN
12 SITES.—A cabin site that is determined to be unsuitable
13 for conveyance under subsection 804(a)(2) shall not be
14 conveyed by the Secretary under this section.

15 (f) REPORT.—Not later than July 1, 2003, the Sec-
16 retary shall submit to Congress a report that—

17 (1) describes progress made in implementing
18 this Act; and

19 (2) identifies cabin owners that have filed a no-
20 tice of interest under section 804(b) and have de-
21 clined an opportunity to acquire a comparable cabin
22 site under section 804(a)(3).

23 **SEC. 806. CONVEYANCE TO THIRD PARTIES.**

24 (a) CONVEYANCES TO THIRD PARTIES.—As soon as
25 practicable after the expiration or surrender of a lease,

1 the Secretary, in consultation with the Secretary of the
2 Interior, may offer for sale, by public auction, written invi-
3 tation, or other competitive sales procedure, and at the
4 fair market value of the cabin site determined under sec-
5 tion 804(c)(6), any cabin site that—

6 (1) is not conveyed to a lessee under this title;

7 and

8 (2) has not been determined to be unsuitable
9 for conveyance under section 804(a)(2).

10 (b) COVENANTS AND DEED RESTRICTIONS.—Before
11 conveying any cabin site under subsection (a), the Sec-
12 retary shall ensure that the title to the cabin site includes
13 such covenants and deed restrictions as are determined,
14 under section 804(c), to be necessary to make binding on
15 all subsequent purchasers of the cabin site any other cov-
16 enants or deed restrictions contained in the title to the
17 cabin site.

18 (c) CONVEYANCE TO ASSOCIATION.—On the comple-
19 tion of all individual conveyances of cabin sites under this
20 title (or at such prior time as the Secretary determines
21 would be practicable based on the location of property to
22 be conveyed), the Secretary shall convey to the Association
23 all land within the outer boundaries of cabin site areas
24 that are not conveyed to lessees under this title at fair
25 market value based on an appraisal carried out in accord-

1 ance with the Uniform Appraisal Standards for Federal
2 Land Acquisition.

3 **SEC. 807. USE OF PROCEEDS.**

4 (a) PROCEEDS.—All payments for the conveyance of
5 cabin sites under this title, except costs collected by the
6 Secretary under section 808(b), shall be deposited in a
7 special fund in the Treasury for use by the Secretary of
8 the Interior, acting through the Director of the United
9 States Fish and Wildlife Service and without further Act
10 of appropriation, solely for the acquisition from willing
11 sellers of property that—

12 (1) is within or adjacent to the Refuge;

13 (2) would be suitable to carry out the purposes
14 of this Act described in paragraphs (1) through (4)
15 of section 802; and

16 (3) on acquisition by the Secretary of the Inte-
17 rior, would be accessible to the general public for use
18 in conducting activities consistent with approved
19 uses of the Refuge.

20 (b) LIMITATION.—To the maximum extent prac-
21 ticable, acquisitions under this title shall be of land within
22 the Refuge boundary.

1 **SEC. 808. ADMINISTRATIVE COSTS.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (b), the Secretary shall pay all administrative costs in-
4 curred in carrying out this title.

5 (b) REIMBURSEMENT.—As a condition of the convey-
6 ance of any cabin site area under this title, the
7 Secretary—

8 (1) may require the party to whom the property
9 is conveyed to reimburse the Secretary for a reason-
10 able portion, as determined by the Secretary, of the
11 administrative costs (including survey costs), in-
12 curred in carrying out this title, with such portion
13 to be described in the notice provided to the Associa-
14 tion and lessees under section 804(a)(2); and

15 (2) shall require the party to whom the prop-
16 erty is conveyed to reimburse the Association for a
17 proportionate share of the costs (including interest)
18 incurred by the Association in carrying out trans-
19 actions under this Act.

20 **SEC. 809. TERMINATION OF WILDLIFE DESIGNATION.**

21 None of the land conveyed under this title shall be
22 designated, or shall remain designated as, part of the Na-
23 tional Wildlife Refuge System.

24 **SEC. 810. AUTHORIZATION OF APPROPRIATIONS.**

25 There are authorized to be appropriated such sums
26 as are necessary to carry out this title.

1 **TITLE IX—MISSOURI RIVER**
2 **RESTORATION**

3 **SEC. 901. SHORT TITLE.**

4 This title shall be known as the “Missouri River Res-
5 toration Act of 2000”.

6 **SEC. 902. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the Missouri River is—

9 (A) an invaluable economic, environmental,
10 recreational, and cultural resource to the people
11 of the United States; and

12 (B) a critical source of water for drinking
13 and irrigation;

14 (2) millions of people fish, hunt, and camp
15 along the Missouri River each year;

16 (3) thousands of sites of spiritual importance to
17 Native Americans line the shores of the Missouri
18 River;

19 (4) the Missouri River provides critical wildlife
20 habitat for threatened and endangered species;

21 (5) in 1944, Congress approved the Pick-Sloan
22 program—

23 (A) to promote the general economic devel-
24 opment of the United States;

1 (B) to provide for irrigation above Sioux
2 City, Iowa;

3 (C) to protect urban and rural areas from
4 devastating floods of the Missouri River; and

5 (D) for other purposes;

6 (6) the Oahe, Big Bend, Fort Randall, and
7 Gavins Point Dams were constructed on the Mis-
8 souri River in South Dakota under the Pick-Sloan
9 program;

10 (7) the dams referred to in paragraph (6)—

11 (A) generate low-cost electricity for mil-
12 lions of people in the United States;

13 (B) provide revenue to the Treasury; and

14 (C) provide flood control that has pre-
15 vented billions of dollars of damage;

16 (8) the Oahe, Big Bend, Fort Randall, and
17 Gavins Point Dams have reduced the ability of the
18 Missouri River to carry sediment downstream, re-
19 sulting in the accumulation of sediment in the res-
20 ervoirs known as Lake Oahe, Lake Sharpe, Lake
21 Francis Case, and Lewis and Clark Lake;

22 (9) the sediment depositions—

23 (A) cause shoreline flooding;

24 (B) destroy wildlife habitat;

25 (C) limit recreational opportunities;

1 (D) threaten the long-term ability of dams
2 to provide hydropower and flood control under
3 the Pick-Sloan program;

4 (E) reduce water quality; and

5 (F) threaten intakes for drinking water
6 and irrigation; and

7 (10) to meet the objectives established by Con-
8 gress for the Pick-Sloan program, it is necessary to
9 establish a Missouri River Restoration Program—

10 (A) to improve conservation;

11 (B) to reduce the deposition of sediment;

12 and

13 (C) to take other steps necessary for prop-
14 er management of the Missouri River.

15 (b) PURPOSES.—The purposes of this title are—

16 (1) to reduce the siltation of the Missouri River
17 in the State of South Dakota;

18 (2) to meet the objectives of the Pick-Sloan pro-
19 gram by developing and implementing a long-term
20 strategy—

21 (A) to improve conservation in the Mis-
22 souri River watershed;

23 (B) to protect recreation on the Missouri
24 River from sedimentation;

1 (C) to improve water quality in the Mis-
2 souri River;

3 (D) to improve erosion control along the
4 Missouri River; and

5 (E) to protect Indian and non-Indian his-
6 torical and cultural sites along the Missouri
7 River from erosion; and

8 (3) to meet the objectives described in para-
9 graphs (1) and (2) by developing and financing new
10 programs in accordance with the plan.

11 **SEC. 903. DEFINITIONS.**

12 In this title:

13 (1) COMMITTEE.—The term “Committee”
14 means the Executive Committee appointed under
15 section 904(d).

16 (2) PICK-SLOAN PROGRAM.—The term “Pick-
17 Sloan program” means the Pick-Sloan Missouri
18 River Basin Program authorized by section 9 of the
19 Act of December 22, 1944 (58 Stat. 891, chapter
20 665).

21 (3) PLAN.—The term “plan” means the plan
22 for the use of funds made available by this title that
23 is required to be prepared under section 905(e).

24 (4) STATE.—The term “State” means the State
25 of South Dakota.

1 (5) TASK FORCE.—The term “Task Force”
2 means the Missouri River Task Force established by
3 section 905(a).

4 (6) TRUST.—The term “Trust” means the Mis-
5 souri River Trust established by section 904(a).

6 **SEC. 904. MISSOURI RIVER TRUST.**

7 (a) ESTABLISHMENT.—There is established a com-
8 mittee to be known as the Missouri River Trust.

9 (b) MEMBERSHIP.—The Trust shall be composed of
10 25 members to be appointed by the Secretary, including—

11 (1) 15 members recommended by the Governor
12 of South Dakota that—

13 (A) represent equally the various interests
14 of the public; and

15 (B) include representatives of—

16 (i) the South Dakota Department of
17 Environment and Natural Resources;

18 (ii) the South Dakota Department of
19 Game, Fish, and Parks;

20 (iii) environmental groups;

21 (iv) the hydroelectric power industry;

22 (v) local governments;

23 (vi) recreation user groups;

24 (vii) agricultural groups; and

25 (viii) other appropriate interests;

1 (2) 9 members, 1 of each of whom shall be rec-
2 ommended by each of the 9 Indian tribes in the
3 State of South Dakota; and

4 (3) 1 member recommended by the organization
5 known as the “Three Affiliated Tribes of North Da-
6 kota” (composed of the Mandan, Hidatsa, and
7 Arikara tribes).

8 **SEC. 905. MISSOURI RIVER TASK FORCE.**

9 (a) ESTABLISHMENT.—There is established the Mis-
10 souri River Task Force.

11 (b) MEMBERSHIP.—The Task Force shall be com-
12 posed of—

13 (1) the Secretary (or a designee), who shall
14 serve as Chairperson;

15 (2) the Secretary of Agriculture (or a designee);

16 (3) the Secretary of Energy (or a designee);

17 (4) the Secretary of the Interior (or a des-
18 ignee); and

19 (5) the Trust.

20 (c) DUTIES.—The Task Force shall—

21 (1) meet at least twice each year;

22 (2) vote on approval of the plan, with approval
23 requiring votes in favor of the plan by a majority of
24 the members;

1 (3) review projects to meet the goals of the
2 plan; and

3 (4) recommend to the Secretary critical projects
4 for implementation.

5 (d) ASSESSMENT.—

6 (1) IN GENERAL.—Not later than 18 months
7 after the date on which funding authorized under
8 this title becomes available, the Secretary shall sub-
9 mit to the other members of the Task Force a report
10 on—

11 (A) the impact of the siltation of the Mis-
12 souri River in the State, including the impact
13 on—

14 (i) the Federal, State, and regional
15 economies;

16 (ii) recreation;

17 (iii) hydropower generation;

18 (iv) fish and wildlife; and

19 (v) flood control;

20 (B) the status of Indian and non-Indian
21 historical and cultural sites along the Missouri
22 River;

23 (C) the extent of erosion along the Mis-
24 souri River (including tributaries of the Mis-
25 souri River) in the State; and

1 (D) other issues, as requested by the Task
2 Force.

3 (2) CONSULTATION.—In preparing the report
4 under paragraph (1), the Secretary shall consult
5 with—

6 (A) the Secretary of Energy;

7 (B) the Secretary of the Interior;

8 (C) the Secretary of Agriculture;

9 (D) the State; and

10 (E) Indian tribes in the State.

11 (e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY
12 THIS TITLE.—

13 (1) IN GENERAL.—Not later than 3 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 pro-
19 vide for the manner in which the Task Force shall
20 develop and recommend critical restoration projects
21 to promote—

22 (A) conservation practices in the Missouri
23 River watershed;

24 (B) the general control and removal of
25 sediment from the Missouri River;

1 (C) the protection of recreation on the
2 Missouri 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
14 final, in accordance with procedures established
15 by the 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 re-
22 view and comment on any proposed revi-
23 sion to the plan.

24 (f) CRITICAL RESTORATION PROJECTS.—

1 (1) IN GENERAL.—After the plan is approved
2 by the Task Force under subsection (c)(2), the Sec-
3 retary, in coordination with the Task Force, shall
4 identify critical restoration projects to carry out the
5 plan.

6 (2) AGREEMENT.—The Secretary may carry
7 out a critical restoration project after entering into
8 an agreement with an appropriate non-Federal inter-
9 est in accordance with—

10 (A) section 221 of the Flood Control Act
11 of 1970 (42 U.S.C. 1962d–5b); and

12 (B) this section.

13 (3) INDIAN PROJECTS.—To the maximum ex-
14 tent practicable, the Secretary shall ensure that not
15 less than 30 percent of the funds made available for
16 critical restoration projects under this title shall be
17 used exclusively for projects that are—

18 (A) within the boundary of an Indian res-
19 ervation; or

20 (B) administered by an Indian tribe.

21 (g) COST SHARING.—

22 (1) ASSESSMENT.—

23 (A) FEDERAL SHARE.—The Federal share
24 of the cost of carrying out the assessment
25 under subsection (d) shall be 75 percent.

1 (B) NON-FEDERAL SHARE.—The non-Fed-
2 eral share of the cost of carrying out the assess-
3 ment under subsection (d) may be provided in
4 the form of services, materials, or other in-kind
5 contributions.

6 (2) PLAN.—

7 (A) FEDERAL SHARE.—The Federal share
8 of the cost of preparing the plan under sub-
9 section (e) shall be 75 percent.

10 (B) NON-FEDERAL SHARE.—Not more
11 than 50 percent of the non-Federal share of the
12 cost of preparing the plan under subsection (e)
13 may be provided in the form of services, mate-
14 rials, or other in-kind contributions.

15 (3) CRITICAL RESTORATION PROJECTS.—

16 (A) IN GENERAL.—A non-Federal cost
17 share shall be required to carry out any critical
18 restoration project under subsection (f) that
19 does not primarily benefit the Federal Govern-
20 ment, as determined by the Task Force.

21 (B) FEDERAL SHARE.—The Federal share
22 of the cost of carrying out a critical restoration
23 project under subsection (f) for which the Task
24 Force requires a non-Federal cost share under
25 subparagraph (A) shall be 65 percent, not to

1 exceed \$5,000,000 for any critical restoration
2 project.

3 (C) NON-FEDERAL SHARE.—

4 (i) IN GENERAL.—Not more than 50
5 percent of the non-Federal share of the
6 cost of carrying out a critical restoration
7 project described in subparagraph (B) may
8 be provided in the form of services, mate-
9 rials, or other in-kind contributions.

10 (ii) REQUIRED NON-FEDERAL CON-
11 TRIBUTIONS.—For any critical restoration
12 project described in subparagraph (B), the
13 non-Federal interest shall—

14 (I) provide all land, easements,
15 rights-of-way, dredged material dis-
16 posal areas, and relocations;

17 (II) pay all operation, mainte-
18 nance, replacement, repair, and reha-
19 bilitation costs; and

20 (III) hold the United States
21 harmless from all claims arising from
22 the construction, operation, and main-
23 tenance of the project.

1 (iii) CREDIT.—The non-Federal inter-
2 est shall receive credit for all contributions
3 provided under clause (ii)(I).

4 **SEC. 906. ADMINISTRATION.**

5 (a) IN GENERAL.—Nothing in this title diminishes
6 or affects—

7 (1) any water right of an Indian tribe;

8 (2) any other right of an Indian tribe, except as
9 specifically provided in another provision of this
10 title;

11 (3) any treaty right that is in effect on the date
12 of enactment of this Act;

13 (4) any external boundary of an Indian reserva-
14 tion of an Indian tribe;

15 (5) any authority of the State that relates to
16 the protection, regulation, or management of fish,
17 terrestrial wildlife, and cultural and archaeological
18 resources, except as specifically provided in this title;

19 or

20 (6) any authority of the Secretary, the Sec-
21 retary of the Interior, or the head of any other Fed-
22 eral agency under a law in effect on the date of en-
23 actment of this Act, including—

24 (A) the National Historic Preservation Act

25 (16 U.S.C. 470 et seq.);

1 (B) the Archaeological Resources Protec-
2 tion Act of 1979 (16 U.S.C. 470aa et seq.);

3 (C) the Fish and Wildlife Coordination Act
4 (16 U.S.C. 661 et seq.);

5 (D) the Act entitled “An Act for the pro-
6 tection of the bald eagle”, approved June 8,
7 1940 (16 U.S.C. 668 et seq.);

8 (E) the Migratory Bird Treaty Act (16
9 U.S.C. 703 et seq.);

10 (F) the Endangered Species Act of 1973
11 (16 U.S.C. 1531 et seq.);

12 (G) the Native American Graves Protec-
13 tion and Repatriation Act (25 U.S.C. 3001 et
14 seq.);

15 (H) the Federal Water Pollution Control
16 Act (33 U.S.C. 1251 et seq.);

17 (I) the Safe Drinking Water Act (42
18 U.S.C. 300f et seq.); and

19 (J) the National Environmental Policy Act
20 of 1969 (42 U.S.C. 4321 et seq.).

21 (b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in
22 this title relieves the Federal Government of liability for
23 damage to private property caused by the operation of the
24 Pick-Sloan program.

1 (c) FLOOD CONTROL.—Notwithstanding any other
2 provision of this title, the Secretary shall retain the au-
3 thority to operate the Pick-Sloan program for the pur-
4 poses of meeting the requirements of the Act of December
5 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1
6 et seq.).

7 (d) USE OF FUNDS.—Funds transferred to the Trust
8 may be used to pay the non-Federal share required under
9 Federal programs.

10 **SEC. 907. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) INITIAL FUNDING.—There is authorized to be ap-
12 propriated to the Secretary to carry out this title
13 \$4,000,000 for each of fiscal years 2001 through 2010,
14 to remain available until expended.

15 (b) EXISTING PROGRAMS.—The Secretary shall fund
16 programs authorized under the Pick-Sloan program in ex-
17 istence on the date of enactment of this Act at levels that
18 are not less than funding levels for those programs as of
19 that date.

Passed the Senate September 25 (legislative day,
September 22), 2000.

Attest:

Secretary.

106TH CONGRESS
2D SESSION

S. 2796

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.