

In the Senate of the United States,

May 16, 2007.

Resolved, That the bill from the House of Representatives (H.R. 1495) entitled “An Act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.

Sec. 1002. Enhanced navigation capacity improvements and ecosystem restoration plan for Upper Mississippi River and Illinois Waterway System.

Sec. 1003. Louisiana Coastal Area ecosystem restoration, Louisiana.

- Sec. 1004. Small projects for flood damage reduction.*
- Sec. 1005. Small projects for navigation.*
- Sec. 1006. Small projects for aquatic ecosystem restoration.*
- Sec. 1007. Small projects to prevent or mitigate damage caused by navigation projects.*
- Sec. 1008. Small projects for aquatic plant control.*

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

- Sec. 2001. Credit for in-kind contributions.*
- Sec. 2002. Interagency and international support authority.*
- Sec. 2003. Training funds.*
- Sec. 2004. Fiscal transparency report.*
- Sec. 2005. Planning.*
- Sec. 2006. Water Resources Planning Coordinating Committee.*
- Sec. 2007. Independent peer review.*
- Sec. 2008. Mitigation for fish and wildlife losses.*
- Sec. 2009. State technical assistance.*
- Sec. 2010. Access to water resource data.*
- Sec. 2011. Construction of flood control projects by non-Federal interests.*
- Sec. 2012. Regional sediment management.*
- Sec. 2013. National shoreline erosion control development program.*
- Sec. 2014. Shore protection projects.*
- Sec. 2015. Cost sharing for monitoring.*
- Sec. 2016. Ecosystem restoration benefits.*
- Sec. 2017. Funding to expedite the evaluation and processing of permits.*
- Sec. 2018. Electronic submission of permit applications.*
- Sec. 2019. Improvement of water management at Corps of Engineers reservoirs.*
- Sec. 2020. Federal hopper dredges.*
- Sec. 2021. Extraordinary rainfall events.*
- Sec. 2022. Wildfire firefighting.*
- Sec. 2023. Nonprofit organizations as sponsors.*
- Sec. 2024. Project administration.*
- Sec. 2025. Program administration.*
- Sec. 2026. Extension of shore protection projects.*
- Sec. 2027. Tribal partnership program.*
- Sec. 2028. Project deauthorization.*

Subtitle B—Continuing Authorities Projects

- Sec. 2031. Navigation enhancements for waterborne transportation.*
- Sec. 2032. Protection and restoration due to emergencies at shores and streambanks.*
- Sec. 2033. Restoration of the environment for protection of aquatic and riparian ecosystems program.*
- Sec. 2034. Environmental modification of projects for improvement and restoration of ecosystems program.*
- Sec. 2035. Projects to enhance estuaries and coastal habitats.*
- Sec. 2036. Remediation of abandoned mine sites.*
- Sec. 2037. Small projects for the rehabilitation and removal of dams.*
- Sec. 2038. Remote, maritime-dependent communities.*
- Sec. 2039. Agreements for water resource projects.*
- Sec. 2040. Program names.*

Subtitle C—National Levee Safety Program

- Sec. 2051. Short title.*
- Sec. 2052. Definitions.*
- Sec. 2053. National Levee Safety Committee.*
- Sec. 2054. National Levee Safety Program.*
- Sec. 2055. Authorization of appropriations.*

TITLE III—PROJECT-RELATED PROVISIONS

- Sec. 3001. St. Herman and St. Paul Harbors, Kodiak, Alaska.*
- Sec. 3002. Sitka, Alaska.*
- Sec. 3003. Black Warrior-Tombigbee Rivers, Alabama.*
- Sec. 3004. Nogales Wash and tributaries flood control project, Arizona.*
- Sec. 3005. Rio de Flag, Flagstaff, Arizona.*
- Sec. 3006. Tucson drainage area (Tucson Arroyo), Arizona.*
- Sec. 3007. Augusta and Clarendon, Arkansas.*
- Sec. 3008. Eastern Arkansas Enterprise Community, Arkansas.*
- Sec. 3009. Red-Ouachita River Basin levees, Arkansas and Louisiana.*
- Sec. 3010. St. Francis Basin, Arkansas and Missouri.*
- Sec. 3011. St. Francis Basin land transfer, Arkansas and Missouri.*
- Sec. 3012. McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma.*
- Sec. 3013. Cache Creek Basin, California.*
- Sec. 3014. CALFED levee stability program, California.*
- Sec. 3015. Hamilton Airfield, California.*
- Sec. 3016. LA-3 dredged material ocean disposal site designation, California.*
- Sec. 3017. Larkspur Ferry Channel, California.*
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- Sec. 3029. Yuba River Basin project, California.*
- Sec. 3030. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.*
- Sec. 3031. Anchorage area, New London Harbor, Connecticut.*
- Sec. 3032. Norwalk Harbor, Connecticut.*
- Sec. 3033. St. George's Bridge, Delaware.*
- Sec. 3034. Additional program authority, comprehensive Everglades restoration, Florida.*
- Sec. 3035. Brevard County, Florida.*
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- Sec. 3037. Lake Okeechobee and Hillsboro Aquifer pilot projects, comprehensive Everglades restoration, Florida.*
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- Sec. 3042. *Dworshak Reservoir improvements, Idaho.*
- Sec. 3043. *Little Wood River, Gooding, Idaho.*
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- Sec. 3045. *Cache River Levee, Illinois.*
- Sec. 3046. *Chicago, Illinois.*
- Sec. 3047. *Chicago River, Illinois.*
- Sec. 3048. *Illinois River Basin restoration.*
- Sec. 3049. *Missouri and Illinois flood protection projects reconstruction pilot program.*
- Sec. 3050. *Spunky Bottom, Illinois.*
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- Sec. 3052. *Milford Lake, Milford, Kansas.*
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- Sec. 3060. *Mississippi River Gulf Outlet relocation assistance, Louisiana.*
- Sec. 3061. *Red River (J. Bennett Johnston) Waterway, Louisiana.*
- Sec. 3062. *Camp Ellis, Saco, Maine.*
- Sec. 3063. *Rockland Harbor, Maine.*
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- Sec. 3068. *Chesapeake Bay environmental restoration and protection program, Maryland, Pennsylvania, and Virginia.*
- Sec. 3069. *Flood protection project, Cumberland, Maryland.*
- Sec. 3070. *Aunt Lydia's Cove, Massachusetts.*
- Sec. 3071. *Fall River Harbor, Massachusetts and Rhode Island.*
- Sec. 3072. *North River, Peabody, Massachusetts.*
- Sec. 3073. *Ecorse Creek, Michigan.*
- Sec. 3074. *St. Clair River and Lake St. Clair, Michigan.*
- Sec. 3075. *Duluth Harbor, Minnesota.*
- Sec. 3076. *Project for environmental enhancement, Mississippi and Louisiana estuarine areas, Mississippi and Louisiana.*
- Sec. 3077. *Land exchange, Pike County, Missouri.*
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- Sec. 3088. *Orchard Beach, Bronx, New York.*
- Sec. 3089. *New York Harbor, New York, New York.*
- Sec. 3090. *New York State Canal System.*

- Sec. 3091. Susquehanna River and Upper Delaware River watershed management, New York.*
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- Sec. 3107. South Carolina Department of Commerce development proposal at Richard B. Russell Lake, South Carolina.*
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- Sec. 3122. Upper Connecticut River Basin ecosystem restoration, Vermont and New Hampshire.*
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- Sec. 3135. Manitowoc Harbor, Wisconsin.*
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 Sec. 4020. *Wild Rice River, Minnesota.*
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 Sec. 4024. *Ohio River, Ohio.*
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 Sec. 4026. *Toledo Harbor, Maumee River, and Lake Channel Project, Toledo, Ohio.*
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 Sec. 4030. *Ecosystem and hydropower generation dams, Vermont.*
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 Sec. 4033. *Baker Bay and Ilwaco Harbor, Washington.*
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 Sec. 4035. *Johnsonville Dam, Johnsonville, Wisconsin.*
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Sec. 5010. Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia.
Sec. 5011. Anacostia River, District of Columbia and Maryland.
Sec. 5012. Big Creek, Georgia, watershed management and restoration program.
Sec. 5013. Metropolitan North Georgia Water Planning District.
Sec. 5014. Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming.
Sec. 5015. Chicago Sanitary and Ship Canal Dispersal Barriers project, Illinois.
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Sec. 5017. Southeast Louisiana region, Louisiana.
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Sec. 5019. St. Mary Project, Blackfeet Reservation, Montana.
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Sec. 6009. Lake George, Hobart, Indiana.
Sec. 6010. Green Bay Levee and Drainage District No. 2, Iowa.

- Sec. 6011. Muscatine Harbor, Iowa.*
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- Sec. 6021. Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas.*
- Sec. 6022. Casco Bay, Portland, Maine.*
- Sec. 6023. Northeast Harbor, Maine.*
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- Sec. 6025. Saint John River Basin, Maine.*
- Sec. 6026. Tenants Harbor, Maine.*
- Sec. 6027. Falmouth Harbor, Massachusetts.*
- Sec. 6028. Island End River, Massachusetts.*
- Sec. 6029. Mystic River, Massachusetts.*
- Sec. 6030. Grand Haven Harbor, Michigan.*
- Sec. 6031. Greenville Harbor, Mississippi.*
- Sec. 6032. Platte River flood and related streambank erosion control, Nebraska.*
- Sec. 6033. Epping, New Hampshire.*
- Sec. 6034. New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey.*
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- Sec. 6037. Outer Harbor, Buffalo, New York.*
- Sec. 6038. Sugar Creek Basin, North Carolina and South Carolina.*
- Sec. 6039. Cleveland Harbor 1958 Act, Ohio.*
- Sec. 6040. Cleveland Harbor 1960 Act, Ohio.*
- Sec. 6041. Cleveland Harbor, uncompleted portion of Cut #4, Ohio.*
- Sec. 6042. Columbia River, Seafarers Memorial, Hammond, Oregon.*
- Sec. 6043. Tioga-Hammond Lakes, Pennsylvania.*
- Sec. 6044. Tamaqua, Pennsylvania.*
- Sec. 6045. Narragansett Town Beach, Narragansett, Rhode Island.*
- Sec. 6046. Quonset Point-Davisville, Rhode Island.*
- Sec. 6047. Arroyo Colorado, Texas.*
- Sec. 6048. Cypress Creek-Structural, Texas.*
- Sec. 6049. East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas.*
- Sec. 6050. Falfurrias, Texas.*
- Sec. 6051. Pecan Bayou Lake, Texas.*
- Sec. 6052. Lake of the Pines, Texas.*
- Sec. 6053. Tennessee Colony Lake, Texas.*
- Sec. 6054. City Waterway, Tacoma, Washington.*
- Sec. 6055. Kanawha River, Charleston, West Virginia.*

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

2 *In this Act, the term “Secretary” means the Secretary*
3 *of the Army.*

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

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

7 *Except as otherwise provided in this section, the fol-*
8 *lowing projects for water resources development and con-*
9 *servation and other purposes are authorized to be carried*
10 *out by the Secretary substantially in accordance with the*
11 *plans, and subject to the conditions, described in the respec-*
12 *tive reports designated in this section:*

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

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

25 (3) *SALT RIVER (VA SHLYAY AKIMEL), MARICOPA*
26 *COUNTY, ARIZONA.—*

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

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

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

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

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

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

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

23 (8) *MIDDLE CREEK, LAKE COUNTY, CALI-*
24 *FORNIA.—The project for flood damage reduction and*
25 *ecosystem restoration, Middle Creek, Lake County,*

1 *California: Report of the Chief of Engineers dated No-*
2 *vember 29, 2004, at a total cost of \$45,200,000, with*
3 *an estimated Federal cost of \$29,500,000 and an esti-*
4 *mated non-Federal cost of \$15,700,000.*

5 (9) *NAPA RIVER SALT MARSH, CALIFORNIA.—*

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

12 (B) *ADMINISTRATION.—In carrying out the*
13 *project authorized by this paragraph, the Sec-*
14 *retary shall—*

15 (i) *construct a recycled water pipeline*
16 *extending from the Sonoma Valley County*
17 *Sanitation District Waste Water Treatment*
18 *Plant and the Napa Sanitation District*
19 *Waste Water Treatment Plant to the*
20 *project; and*

21 (ii) *restore or enhance Salt Ponds 1,*
22 *1A, 2, and 3.*

23 (10) *SOUTH PLATTE RIVER, DENVER, COLO-*
24 *RADO.—The project for ecosystem restoration, Denver*
25 *County Reach, South Platte River, Denver, Colorado:*

1 *Report of the Chief of Engineers dated May 16, 2003,*
2 *at a total cost of \$20,100,000, with an estimated Fed-*
3 *eral cost of \$13,065,000 and an estimated non-Fed-*
4 *eral cost of \$7,035,000.*

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

15 (12) *INDIAN RIVER LAGOON, SOUTH FLORIDA.—*

16 (A) *IN GENERAL.—The Secretary may*
17 *carry out the project for ecosystem restoration,*
18 *water supply, flood control, and protection of*
19 *water quality, Indian River Lagoon, south Flor-*
20 *ida, at a total cost of \$1,365,000,000, with an es-*
21 *timated first Federal cost of \$682,500,000 and*
22 *an estimated first non-Federal cost of*
23 *\$682,500,000, in accordance with section 601 of*
24 *the Water Resources Development Act of 2000*
25 *(114 Stat. 2680) and the recommendations of the*

1 *report of the Chief of Engineers dated August 6,*
2 *2004.*

3 *(B) DEAUTHORIZATIONS.—As of the date of*
4 *enactment of this Act, the following projects are*
5 *not authorized:*

6 *(i) The uncompleted portions of the*
7 *project authorized by section 601(b)(2)(C)(i)*
8 *of the Water Resources Development Act of*
9 *2000 (114 Stat. 2682), C-44 Basin Storage*
10 *Reservoir of the Comprehensive Everglades*
11 *Restoration Plan, at a total cost of*
12 *\$147,800,000, with an estimated Federal*
13 *cost of \$73,900,000 and an estimated non-*
14 *Federal cost of \$73,900,000.*

15 *(ii) The uncompleted portions of the*
16 *project authorized by section 203 of the*
17 *Flood Control Act of 1968 (Public Law 90-*
18 *483; 82 Stat. 740), Martin County, Florida,*
19 *modifications to Central and South Florida*
20 *Project, as contained in Senate Document*
21 *101, 90th Congress, 2d Session, at a total*
22 *cost of \$15,471,000, with an estimated Fed-*
23 *eral cost of \$8,073,000 and an estimated*
24 *non-Federal cost of \$7,398,000.*

1 (iii) *The uncompleted portions of the*
2 *project authorized by section 203 of the*
3 *Flood Control Act of 1968 (Public Law 90–*
4 *483; 82 Stat. 740), East Coast*
5 *Backpumping, St. Lucie–Martin County,*
6 *Spillway Structure S–311 of the Central*
7 *and South Florida Project, as contained in*
8 *House Document 369, 90th Congress, 2d*
9 *Session, at a total cost of \$77,118,000, with*
10 *an estimated Federal cost of \$55,124,000*
11 *and an estimated non-Federal cost of*
12 *\$21,994,000.*

13 (13) *MIAMI HARBOR, MIAMI, FLORIDA.—The*
14 *project for navigation, Miami Harbor, Miami, Flor-*
15 *ida: Report of the Chief of Engineers dated April 25,*
16 *2005, at a total cost of \$125,270,000, with an esti-*
17 *mated Federal cost of \$75,140,000 and an estimated*
18 *non-Federal cost of \$50,130,000.*

19 (14) *PICAYUNE STRAND, FLORIDA.—The project*
20 *for ecosystem restoration, Picayune Strand, Florida:*
21 *Report of the Chief of Engineers dated September 15,*
22 *2005, at a total cost of \$375,330,000 with an esti-*
23 *mated Federal cost of \$187,665,000 and an estimated*
24 *non-Federal cost of \$187,665,000.*

1 (15) *EAST ST. LOUIS AND VICINITY, ILLINOIS.—*
2 *The project for ecosystem restoration and recreation,*
3 *East St. Louis and Vicinity, Illinois: Report of the*
4 *Chief of Engineers dated December 22, 2004, at a*
5 *total cost of \$208,260,000, with an estimated Federal*
6 *cost of \$134,910,000 and an estimated non-Federal*
7 *cost of \$73,350,000.*

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

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

20 (18) *DES MOINES AND RACCOON RIVERS, DES*
21 *MOINES, IOWA.—The project for flood damage reduc-*
22 *tion, Des Moines and Raccoon Rivers, Des Moines,*
23 *Iowa: Report of the Chief of Engineers dated March*
24 *28, 2006, at a total cost of \$10,780,000, with an esti-*

1 *mated Federal cost of \$6,967,000 and an estimated*
2 *non-Federal cost of \$3,813,000.*

3 (19) *BAYOU SORREL LOCK, LOUISIANA.—The*
4 *project for navigation, Bayou Sorrel Lock, Louisiana:*
5 *Report of the Chief of Engineers dated January 3,*
6 *2005, at a total cost of \$9,680,000. The costs of con-*
7 *struction of the project are to be paid 1/2 from*
8 *amounts appropriated from the general fund of the*
9 *Treasury and 1/2 from amounts appropriated from*
10 *the Inland Waterways Trust Fund.*

11 (20) *MORGANZA TO THE GULF OF MEXICO, LOU-*
12 *ISIANA.—*

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

20 (B) *OPERATION AND MAINTENANCE.—The*
21 *operation, maintenance, repair, rehabilitation,*
22 *and replacement of the Houma Navigation*
23 *Canal lock complex and the Gulf Intracoastal*
24 *Waterway floodgate features that provide for in-*
25 *land waterway transportation shall be a Federal*

1 *responsibility, in accordance with section 102 of*
2 *the Water Resources Development Act of 1986*
3 *(33 U.S.C. 2212; Public Law 99–662).*

4 (21) *PORT OF IBERIA, LOUISIANA.—The project*
5 *for navigation, Port of Iberia, Louisiana: Report of*
6 *the Chief of Engineers dated December 31, 2006, at*
7 *a total cost of \$131,250,000, with an estimated Fed-*
8 *eral cost of \$105,315,000 and an estimated non-Fed-*
9 *eral cost of \$25,935,000, except that the Secretary, in*
10 *consultation with Vermillion and Iberia Parishes,*
11 *Louisiana, is directed to use available dredged mate-*
12 *rial and rock placement on the south bank of the Gulf*
13 *Intracoastal Waterway and the west bank of the*
14 *Freshwater Bayou Channel to provide incidental*
15 *storm surge protection.*

16 (22) *POPLAR ISLAND EXPANSION, MARYLAND.—*
17 *The project for the beneficial use of dredged material*
18 *at Poplar Island, Maryland, authorized by section*
19 *537 of the Water Resources Development Act of 1996*
20 *(110 Stat. 3776), and modified by section 318 of the*
21 *Water Resources Development Act of 2000 (114 Stat.*
22 *2678), is further modified to authorize the Secretary*
23 *to construct the expansion of the project in accordance*
24 *with the Report of the Chief of Engineers dated March*
25 *31, 2006, at an additional total cost of \$260,000,000,*

1 *with an estimated Federal cost of \$195,000,000 and*
2 *an estimated non-Federal cost of \$65,000,000.*

3 (23) *SMITH ISLAND, MARYLAND.—The project for*
4 *ecosystem restoration, Smith Island, Maryland: Re-*
5 *port of the Chief of Engineers dated October 29, 2001,*
6 *at a total cost of \$15,580,000, with an estimated Fed-*
7 *eral cost of \$10,127,000 and an estimated non-Fed-*
8 *eral cost of \$5,453,000.*

9 (24) *ROSEAU RIVER, ROSEAU, MINNESOTA.—The*
10 *project for flood damage reduction, Roseau River,*
11 *Roseau, Minnesota: Report of the Chief of Engineers*
12 *dated December 19, 2006, at a total cost of*
13 *\$25,100,000, with an estimated Federal cost of*
14 *\$13,820,000 and an estimated non-Federal cost of*
15 *\$11,280,000.*

16 (25) *MISSISSIPPI COASTAL IMPROVEMENT*
17 *PROJECT, HANCOCK, HARRISON, AND JACKSON COUN-*
18 *TIES, MISSISSIPPI.—The project for hurricane and*
19 *storm damage reduction and ecosystem restoration,*
20 *Mississippi coastal improvement project, Hancock,*
21 *Harrison, and Jackson Counties, Mississippi: Report*
22 *of the Chief of Engineers dated December 31, 2006, at*
23 *a total cost of \$107,690,000, with an estimated Fed-*
24 *eral cost of \$70,000,000 and an estimated non-Fed-*
25 *eral cost of \$37,690,000.*

1 (26) *ARGENTINE, EAST BOTTOMS, FAIRFAX-JER-*
2 *SEY CREEK, AND NORTH KANSAS LEVEES UNITS, MIS-*
3 *SOURI RIVER AND TRIBUTARIES AT KANSAS CITIES,*
4 *MISSOURI AND KANSAS.*—*The project for flood damage*
5 *reduction, Argentine, East Bottoms, Fairfax-Jersey*
6 *Creek, and North Kansas Levees units, Missouri River*
7 *and tributaries at Kansas Cities, Missouri and Kan-*
8 *sas: Report of the Chief of Engineers dated December*
9 *19, 2006, at a total cost of \$65,430,000, with an esti-*
10 *mated Federal cost of \$42,530,000 and an estimated*
11 *non-Federal cost of \$22,900,000.*

12 (27) *SWOPE PARK INDUSTRIAL AREA, MIS-*
13 *SOURI.*—*The project for flood damage reduction,*
14 *Swope Park Industrial Area, Missouri: Report of the*
15 *Chief of Engineers dated December 30, 2003, at a*
16 *total cost of \$16,980,000, with an estimated Federal*
17 *cost of \$11,037,000 and an estimated non-Federal cost*
18 *of \$5,943,000.*

19 (28) *GREAT EGG HARBOR INLET TO TOWNSENDS*
20 *INLET, NEW JERSEY.*—*The project for hurricane and*
21 *storm damage reduction, Great Egg Harbor Inlet to*
22 *Townsend's Inlet, New Jersey: Report of the Chief of*
23 *Engineers dated October 24, 2006, at a total cost of*
24 *\$54,360,000, with an estimated Federal cost of*
25 *\$35,069,000 and an estimated non-Federal cost of*

1 \$19,291,000, and at an estimated total cost of
2 \$202,500,000 for periodic nourishment over the 50-
3 year life of the project, with an estimated Federal cost
4 of \$101,250,000 and an estimated non-Federal cost of
5 \$101,250,000.

6 (29) HUDSON-RARITAN ESTUARY, LIBERTY STATE
7 PARK, NEW JERSEY.—The project for environmental
8 restoration, Hudson Raritan Estuary, Liberty State
9 Park, New Jersey: Report of the Chief of Engineers
10 dated August 25, 2006, at a total cost of \$34,100,000,
11 with an estimated Federal cost of \$22,200,000 and an
12 estimated non-Federal cost of \$11,900,000.

13 (30) MANASQUAN TO BARNEGAT INLETS, NEW
14 JERSEY.—The project for hurricane and storm dam-
15 age reduction, Manasquan to Barnegat Inlets, New
16 Jersey: Report of the Chief of Engineers dated Decem-
17 ber 30, 2003, at a total cost of \$71,900,000, with an
18 estimated Federal cost of \$46,735,000 and an esti-
19 mated non-Federal cost of \$25,165,000, and at an es-
20 timated total cost of \$119,680,000 for periodic beach
21 nourishment over the 50-year life of the project, with
22 an estimated Federal cost of \$59,840,000 and an esti-
23 mated non-Federal cost of \$59,840,000.

24 (31) RARITAN BAY AND SANDY HOOK BAY, UNION
25 BEACH, NEW JERSEY.—The project for hurricane and

1 *storm damage reduction, Raritan Bay and Sandy*
2 *Hook Bay, Union Beach, New Jersey: Report of the*
3 *Chief of Engineers dated January 4, 2006, at a total*
4 *cost of \$115,000,000, with an estimated Federal cost*
5 *of \$74,800,000 and an estimated non-Federal cost of*
6 *\$40,200,000, and at an estimated total cost of*
7 *\$6,500,000 for periodic nourishment over the 50-year*
8 *life of the project, with an estimated Federal cost of*
9 *\$3,250,000 and an estimated non-Federal cost of*
10 *\$3,250,000.*

11 (32) *SOUTH RIVER, NEW JERSEY.—The project*
12 *for hurricane and storm damage reduction and eco-*
13 *system restoration, South River, New Jersey: Report*
14 *of the Chief of Engineers dated July 22, 2003, at a*
15 *total cost of \$122,300,000, with an estimated Federal*
16 *cost of \$79,500,000 and an estimated non-Federal cost*
17 *of \$42,800,000.*

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

1 (34) *MONTAUK POINT, NEW YORK.*—*The project*
2 *for hurricane and storm damage reduction, Montauk*
3 *Point, New York: Report of the Chief of Engineers*
4 *dated March 31, 2006, at a total cost of \$14,600,000,*
5 *with an estimated Federal cost of \$7,300,000 and an*
6 *estimated non-Federal cost of \$7,300,000.*

7 (35) *HOCKING RIVER BASIN, MONDAY CREEK,*
8 *OHIO.*—

9 (A) *IN GENERAL.*—*The project for ecosystem*
10 *restoration, Hocking River Basin, Monday*
11 *Creek, Ohio: Report of the Chief of Engineers*
12 *dated August 24, 2006, at a total cost of*
13 *\$20,980,000, with an estimated Federal cost of*
14 *\$13,440,000 and an estimated non-Federal cost*
15 *of \$7,540,000.*

16 (B) *WAYNE NATIONAL FOREST.*—

17 (i) *IN GENERAL.*—*The Secretary, in*
18 *cooperation with the Secretary of Agri-*
19 *culture, may construct other project features*
20 *on property that is located in the Wayne*
21 *National Forest, Ohio, owned by the United*
22 *States and managed by the Forest Service*
23 *as described in the report of the Corps of*
24 *Engineers entitled “Hocking River Basin,*
25 *Ohio, Monday Creek Sub-Basin Ecosystem*

1 *Restoration Project Feasibility Report and*
2 *Environmental Assessment”.*

3 (ii) *COST.—Each project feature car-*
4 *ried out on Federal land shall be designed,*
5 *constructed, operated, and maintained at*
6 *full Federal expense.*

7 (iii) *AUTHORIZATION OF APPROPRIA-*
8 *TIONS.—There is authorized to be appro-*
9 *priated to carry out this subparagraph*
10 *\$1,270,000.*

11 (36) *BLOOMSBURG, PENNSYLVANIA.—The project*
12 *for flood damage reduction, Bloomsburg, Pennsyl-*
13 *vania: Report of the Chief of Engineers dated Janu-*
14 *ary 25, 2006, at a total cost of \$44,500,000, with an*
15 *estimated Federal cost of \$28,925,000 and an esti-*
16 *mated non-Federal cost of \$15,575,000*

17 (37) *PAWLEYS ISLAND, SOUTH CAROLINA.—The*
18 *project for hurricane and storm damage reduction,*
19 *Pawleys Island, South Carolina: Report of the Chief*
20 *of Engineers dated December 19, 2006, at a total cost*
21 *of \$8,980,000, with an estimated Federal cost of*
22 *\$5,840,000 and an estimated non-Federal cost of*
23 *\$3,140,000, and at an estimated total cost of*
24 *\$21,200,000 for periodic nourishment over the 50-year*
25 *life of the project, with an estimated Federal cost of*

1 \$10,600,000 and an estimated non-Federal cost of
2 \$10,600,000.

3 (38) *CORPUS CHRISTI SHIP CHANNEL, CORPUS*
4 *CHRISTI, TEXAS.—*

5 (A) *IN GENERAL.—The project for naviga-*
6 *tion and ecosystem restoration, Corpus Christi*
7 *Ship Channel, Texas, Channel Improvement*
8 *Project: Report of the Chief of Engineers dated*
9 *June 2, 2003, at a total cost of \$188,110,000,*
10 *with an estimated Federal cost of \$87,810,000*
11 *and an estimated non-Federal cost of*
12 *\$100,300,000.*

13 (B) *NAVIGATIONAL SERVITUDE.—In car-*
14 *rying out the project under subparagraph (A),*
15 *the Secretary shall enforce navigational servitude*
16 *in the Corpus Christi Ship Channel, including,*
17 *at the sole expense of the owner of the facility,*
18 *the removal or relocation of any facility obstruct-*
19 *ing the project.*

20 (39) *GULF INTRACOASTAL WATERWAY, BRAZOS*
21 *RIVER TO PORT O’CONNOR, MATAGORDA BAY RE-*
22 *ROUTE, TEXAS.—The project for navigation, Gulf In-*
23 *tracoastal Waterway, Brazos River to Port O’Connor,*
24 *Matagorda Bay Re-Route, Texas: Report of the Chief*
25 *of Engineers dated December 24, 2002, at a total cost*

1 of \$17,280,000. The costs of construction of the project
2 are to be paid $\frac{1}{2}$ from amounts appropriated from
3 the general fund of the Treasury and $\frac{1}{2}$ from
4 amounts appropriated from the Inland Waterways
5 Trust Fund.

6 (40) GULF INTRACOASTAL WATERWAY, HIGH IS-
7 LAND TO BRAZOS RIVER, TEXAS.—The project for
8 navigation, Gulf Intracoastal Waterway, Sabine
9 River to Corpus Christi, Texas: Report of the Chief of
10 Engineers dated April 16, 2004, at a total cost of
11 \$14,450,000. The costs of construction of the project
12 are to be paid $\frac{1}{2}$ from amounts appropriated from
13 the general fund of the Treasury and $\frac{1}{2}$ from
14 amounts appropriated from the Inland Waterways
15 Trust Fund.

16 (41) LOWER COLORADO RIVER BASIN PHASE I,
17 TEXAS.—The project for flood damage reduction and
18 ecosystem restoration, Lower Colorado River Basin
19 Phase I, Texas: Report of the Chief of Engineers dated
20 December 31, 2006, at a total cost of \$110,730,000,
21 with an estimated Federal cost of \$69,640,000 and an
22 estimated non-Federal cost of \$41,090,000.

23 (42) CRANEY ISLAND EASTWARD EXPANSION,
24 VIRGINIA.—The project for navigation, Craney Island
25 Eastward Expansion, Virginia: Report of the Chief of

1 *Engineers dated October 24, 2006, at a total cost of*
2 *\$712,103,000, with an estimated Federal cost of*
3 *\$31,229,000 and an estimated non-Federal cost of*
4 *\$680,874,000.*

5 (43) *DEEP CREEK, CHESAPEAKE, VIRGINIA.—The*
6 *project for the Atlantic Intracoastal Waterway Bridge*
7 *Replacement, Deep Creek, Chesapeake, Virginia: Re-*
8 *port of the Chief of Engineers dated March 3, 2003,*
9 *at a total cost of \$37,200,000.*

10 (44) *CHEHALIS RIVER, CENTRALIA, WASH-*
11 *INGTON.—The project for flood damage reduction,*
12 *Centralia, Washington, authorized by section 401(a)*
13 *of the Water Resources Development Act of 1986*
14 *(Public Law 99–662; 100 Stat. 4126)—*

15 (A) *is modified to be carried out at a total*
16 *cost of \$123,770,000, with a Federal cost of*
17 *\$74,740,000, and a non-Federal cost of*
18 *\$49,030,000; and*

19 (B) *shall be carried out by the Secretary*
20 *substantially in accordance with the plans, and*
21 *subject to the conditions, recommended in the*
22 *final report of the Chief of Engineers dated Sep-*
23 *tember 27, 2004.*

1 **SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVE-**
2 **MENTS AND ECOSYSTEM RESTORATION PLAN**
3 **FOR UPPER MISSISSIPPI RIVER AND ILLINOIS**
4 **WATERWAY SYSTEM.**

5 (a) *DEFINITIONS.—In this section:*

6 (1) *PLAN.—The term “Plan” means the project*
7 *for navigation and ecosystem improvements for the*
8 *Upper Mississippi River and Illinois Waterway Sys-*
9 *tem: Report of the Chief of Engineers dated December*
10 *15, 2004.*

11 (2) *UPPER MISSISSIPPI RIVER AND ILLINOIS WA-*
12 *TERWAY SYSTEM.—The term “Upper Mississippi*
13 *River and Illinois Waterway System” means the*
14 *projects for navigation and ecosystem restoration au-*
15 *thorized by Congress for—*

16 (A) *the segment of the Mississippi River*
17 *from the confluence with the Ohio River, River*
18 *Mile 0.0, to Upper St. Anthony Falls Lock in*
19 *Minneapolis-St. Paul, Minnesota, River Mile*
20 *854.0; and*

21 (B) *the Illinois Waterway from its con-*
22 *fluence with the Mississippi River at Grafton, Il-*
23 *linois, River Mile 0.0, to T.J. O’Brien Lock in*
24 *Chicago, Illinois, River Mile 327.0.*

25 (b) *AUTHORIZATION OF CONSTRUCTION OF NAVIGA-*
26 *TION IMPROVEMENTS.—*

1 (1) *SMALL SCALE AND NONSTRUCTURAL MEAS-*
2 *URES.—*

3 (A) *IN GENERAL.—The Secretary shall, in*
4 *general conformance with the Plan—*

5 (i) *construct mooring facilities at*
6 *Locks 12, 14, 18, 20, 22, 24, and LaGrange*
7 *Lock;*

8 (ii) *provide switchboats at Locks 20*
9 *through 25; and*

10 (iii) *conduct development and testing*
11 *of an appointment scheduling system.*

12 (B) *AUTHORIZATION OF APPROPRIA-*
13 *TIONS.—The total cost of the projects authorized*
14 *under this paragraph shall be \$256,000,000. The*
15 *costs of construction of the projects shall be paid*
16 *1/2 from amounts appropriated from the general*
17 *fund of the Treasury and 1/2 from amounts ap-*
18 *propriated from the Inland Waterways Trust*
19 *Fund. Such sums shall remain available until*
20 *expended.*

21 (2) *NEW LOCKS.—*

22 (A) *IN GENERAL.—The Secretary shall, in*
23 *general conformance with the Plan, construct*
24 *new 1,200-foot locks at Locks 20, 21, 22, 24, and*
25 *25 on the Upper Mississippi River and at La-*

1 *Grange Lock and Peoria Lock on the Illinois*
2 *Waterway.*

3 (B) *MITIGATION.*—*The Secretary shall con-*
4 *duct mitigation for the new locks and small scale*
5 *and nonstructural measures authorized under*
6 *paragraphs (1) and (2).*

7 (C) *CONCURRENCE.*—*The mitigation re-*
8 *quired under subparagraph (B) for the projects*
9 *authorized under paragraphs (1) and (2), in-*
10 *cluding any acquisition of lands or interests in*
11 *lands, shall be undertaken or acquired concur-*
12 *rently with lands and interests for the projects*
13 *authorized under paragraphs (1) and (2), and*
14 *physical construction required for the purposes of*
15 *mitigation shall be undertaken concurrently with*
16 *the physical construction of such projects.*

17 (D) *AUTHORIZATION OF APPROPRIA-*
18 *TIONS.*—*The total cost of the projects authorized*
19 *under this paragraph shall be \$1,948,000,000.*
20 *The costs of construction on the projects shall be*
21 *paid 1/2 from amounts appropriated from the*
22 *general fund of the Treasury and 1/2 from*
23 *amounts appropriated from the Inland Water-*
24 *ways Trust Fund. Such sums shall remain*
25 *available until expended.*

1 (c) *ECOSYSTEM RESTORATION AUTHORIZATION.*—

2 (1) *OPERATION.*—*To ensure the environmental*
3 *sustainability of the existing Upper Mississippi River*
4 *and Illinois Waterway System, the Secretary shall*
5 *modify, consistent with requirements to avoid adverse*
6 *effects on navigation, the operation of the Upper Mis-*
7 *issippi River and Illinois Waterway System to ad-*
8 *dress the cumulative environmental impacts of oper-*
9 *ation of the system and improve the ecological integ-*
10 *riety of the Upper Mississippi River and Illinois*
11 *River.*

12 (2) *ECOSYSTEM RESTORATION PROJECTS.*—

13 (A) *IN GENERAL.*—*The Secretary shall*
14 *carry out, consistent with requirements to avoid*
15 *adverse effects on navigation, ecosystem restora-*
16 *tion projects to attain and maintain the sustain-*
17 *ability of the ecosystem of the Upper Mississippi*
18 *River and Illinois River in accordance with the*
19 *general framework outlined in the Plan.*

20 (B) *PROJECTS INCLUDED.*—*Ecosystem res-*
21 *toration projects may include, but are not lim-*
22 *ited to—*

23 (i) *island building;*

24 (ii) *construction of fish passages;*

25 (iii) *floodplain restoration;*

- 1 (iv) water level management (includ-
2 ing water drawdown);
3 (v) backwater restoration;
4 (vi) side channel restoration;
5 (vii) wing dam and dike restoration
6 and modification;
7 (viii) island and shoreline protection;
8 (ix) topographical diversity;
9 (x) dam point control;
10 (xi) use of dredged material for envi-
11 ronmental purposes;
12 (xii) tributary confluence restoration;
13 (xiii) spillway, dam, and levee modi-
14 fication to benefit the environment;
15 (xiv) land easement authority; and
16 (xv) land acquisition.

17 (C) COST SHARING.—

18 (i) IN GENERAL.—Except as provided
19 in clauses (ii) and (iii), the Federal share
20 of the cost of carrying out an ecosystem res-
21 toration project under this paragraph shall
22 be 65 percent.

23 (ii) EXCEPTION FOR CERTAIN RES-
24 Toration PROJECTS.—In the case of a
25 project under this subparagraph for eco-

1 *system restoration, the Federal share of the*
2 *cost of carrying out the project shall be 100*
3 *percent if the project—*

4 *(I) is located below the ordinary*
5 *high water mark or in a connected*
6 *backwater;*

7 *(II) modifies the operation or*
8 *structures for navigation; or*

9 *(III) is located on federally owned*
10 *land.*

11 *(iii) SAVINGS CLAUSE.—Nothing in*
12 *this paragraph affects the applicability of*
13 *section 906(e) of the Water Resources Devel-*
14 *opment Act of 1986 (33 U.S.C. 2283).*

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

22 *(D) LAND ACQUISITION.—The Secretary*
23 *may acquire land or an interest in land for an*
24 *ecosystem restoration project from a willing*
25 *owner through conveyance of—*

- 1 (i) *fee title to the land; or*
 2 (ii) *a flood plain conservation ease-*
 3 *ment.*

4 (3) *ECOSYSTEM RESTORATION*
 5 *PRECONSTRUCTION ENGINEERING AND DESIGN.—*

6 (A) *RESTORATION DESIGN.—Before initi-*
 7 *ating the construction of any individual eco-*
 8 *system restoration project, the Secretary shall—*

9 (i) *establish ecosystem restoration goals*
 10 *and identify specific performance measures*
 11 *designed to demonstrate ecosystem restora-*
 12 *tion;*

13 (ii) *establish the without-project condi-*
 14 *tion or baseline for each performance indi-*
 15 *cator; and*

16 (iii) *for each separable element of the*
 17 *ecosystem restoration, identify specific tar-*
 18 *get goals for each performance indicator.*

19 (B) *OUTCOMES.—Performance measures*
 20 *identified under subparagraph (A)(i) should*
 21 *comprise specific measurable environmental out-*
 22 *comes, such as changes in water quality, hydrolog-*
 23 *ogy, or the well-being of indicator species the*
 24 *population and distribution of which are rep-*

1 *representative of the abundance and diversity of eco-*
2 *system-dependent aquatic and terrestrial species.*

3 *(C) RESTORATION DESIGN.—Restoration de-*
4 *sign carried out as part of ecosystem restoration*
5 *shall include a monitoring plan for the perform-*
6 *ance measures identified under subparagraph*
7 *(A)(i), including—*

8 *(i) a timeline to achieve the identified*
9 *target goals; and*

10 *(ii) a timeline for the demonstration of*
11 *project completion.*

12 *(4) SPECIFIC PROJECTS AUTHORIZATION.—*

13 *(A) IN GENERAL.—There is authorized to be*
14 *appropriated to carry out this subsection*
15 *\$1,717,000,000, of which not more than*
16 *\$245,000,000 shall be available for projects de-*
17 *scribed in paragraph (2)(B)(ii) and not more*
18 *than \$48,000,000 shall be available for projects*
19 *described in paragraph (2)(B)(x). Such sums*
20 *shall remain available until expended.*

21 *(B) LIMITATION ON AVAILABLE FUNDS.—Of*
22 *the amounts made available under subparagraph*
23 *(A), not more than \$35,000,000 for each fiscal*
24 *year shall be available for land acquisition*
25 *under paragraph (2)(D).*

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

6 (5) *IMPLEMENTATION REPORTS.*—

7 (A) *IN GENERAL.*—Not later than June 30,
8 2008, and every 5 years thereafter, the Secretary
9 shall submit to the Committee on Environment
10 and Public Works of the Senate and the Com-
11 mittee on Transportation and Infrastructure of
12 the House of Representatives an implementation
13 report that—

14 (i) includes baselines, milestones, goals,
15 and priorities for ecosystem restoration
16 projects; and

17 (ii) measures the progress in meeting
18 the goals.

19 (B) *ADVISORY PANEL.*—

20 (i) *IN GENERAL.*—The Secretary shall
21 appoint and convene an advisory panel to
22 provide independent guidance in the devel-
23 opment of each implementation report
24 under subparagraph (A).

1 (ii) *PANEL MEMBERS.*—*Panel members*
2 *shall include—*

3 (I) *1 representative of each of the*
4 *State resource agencies (or a designee*
5 *of the Governor of the State) from each*
6 *of the States of Illinois, Iowa, Min-*
7 *nesota, Missouri, and Wisconsin;*

8 (II) *1 representative of the De-*
9 *partment of Agriculture;*

10 (III) *1 representative of the De-*
11 *partment of Transportation;*

12 (IV) *1 representative of the*
13 *United States Geological Survey;*

14 (V) *1 representative of the United*
15 *States Fish and Wildlife Service;*

16 (VI) *1 representative of the Envi-*
17 *ronmental Protection Agency;*

18 (VII) *1 representative of affected*
19 *landowners;*

20 (VIII) *2 representatives of con-*
21 *servation and environmental advocacy*
22 *groups; and*

23 (IX) *2 representatives of agri-*
24 *culture and industry advocacy groups.*

1 (iii) *CHAIRPERSON.*—*The Secretary*
2 *shall serve as chairperson of the advisory*
3 *panel.*

4 (iv) *NONAPPLICABILITY OF FACA.*—*The*
5 *Federal Advisory Committee Act (5 U.S.C.*
6 *App.) shall not apply to the Advisory Panel*
7 *or any working group established by the*
8 *Advisory Panel.*

9 (6) *RANKING SYSTEM.*—

10 (A) *IN GENERAL.*—*The Secretary, in con-*
11 *sultation with the Advisory Panel, shall develop*
12 *a system to rank proposed projects.*

13 (B) *PRIORITY.*—*The ranking system shall*
14 *give greater weight to projects that restore nat-*
15 *ural river processes, including those projects list-*
16 *ed in paragraph (2)(B).*

17 (d) *COMPARABLE PROGRESS.*—

18 (1) *IN GENERAL.*—*As the Secretary conducts*
19 *pre-engineering, design, and construction for projects*
20 *authorized under this section, the Secretary shall—*

21 (A) *select appropriate milestones; and*

22 (B) *determine, at the time of such selection,*
23 *whether the projects are being carried out at*
24 *comparable rates.*

1 (2) *NO COMPARABLE RATE.*—*If the Secretary de-*
2 *termines under paragraph (1)(B) that projects au-*
3 *thorized under this subsection are not moving toward*
4 *completion at a comparable rate, annual funding re-*
5 *quests for the projects will be adjusted to ensure that*
6 *the projects move toward completion at a comparable*
7 *rate in the future.*

8 **SEC. 1003. LOUISIANA COASTAL AREA ECOSYSTEM RES-**
9 **TORATION, LOUISIANA.**

10 (a) *IN GENERAL.*—*The Secretary may carry out a*
11 *program for ecosystem restoration, Louisiana Coastal Area,*
12 *Louisiana, substantially in accordance with the report of*
13 *the Chief of Engineers, dated January 31, 2005.*

14 (b) *PRIORITIES.*—

15 (1) *IN GENERAL.*—*In carrying out the program*
16 *under subsection (a), the Secretary shall give priority*
17 *to—*

18 (A) *any portion of the program identified*
19 *in the report described in subsection (a) as a*
20 *critical restoration feature;*

21 (B) *any Mississippi River diversion project*
22 *that—*

23 (i) *protects a major population area of*
24 *the Pontchartrain, Pearl, Breton Sound,*
25 *Barataria, or Terrebonne Basin; and*

1 (ii) produces an environmental benefit
2 to the coastal area of the State of Lou-
3 isiana; and

4 (C) any barrier island, or barrier shoreline,
5 project that—

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

8 (ii) protects a major population area.

9 (c) MODIFICATIONS.—

10 (1) IN GENERAL.—In carrying out the program
11 under subsection (a), the Secretary is authorized to
12 make modifications as necessary to the 5 near-term
13 critical ecosystem restoration features identified in
14 the report referred to in subsection (a), due to the im-
15 pact of Hurricanes Katrina and Rita on the project
16 areas.

17 (2) INTEGRATION.—The Secretary shall ensure
18 that the modifications under paragraph (1) are fully
19 integrated with the analysis and design of comprehen-
20 sive hurricane protection authorized by title I of the
21 Energy and Water Development Appropriations Act,
22 2006 (Public Law 109–103; 119 Stat. 2247).

23 (3) CONSTRUCTION.—

24 (A) IN GENERAL.—The Secretary is author-
25 ized to construct the 5 near-term critical eco-

1 *system restoration features, as modified under*
2 *this subsection.*

3 (B) *REPORTS.*—*Before beginning construc-*
4 *tion of the projects, the Secretary shall submit a*
5 *report documenting any modifications to the 5*
6 *near-term critical projects, including cost*
7 *changes, to the Committee on Environment and*
8 *Public Works of the Senate and the Committee*
9 *on Transportation and Infrastructure of the*
10 *House of Representatives.*

11 (4) *APPLICABILITY OF OTHER PROVISIONS.*—*Sec-*
12 *tion 902 of the Water Resources Development Act of*
13 *1986 (33 U.S.C. 2280) shall not apply to the 5 near-*
14 *term critical projects authorized by this subsection.*

15 (d) *DEMONSTRATION PROGRAM.*—

16 (1) *IN GENERAL.*—*In carrying out the program*
17 *under subsection (a), the Secretary is authorized to*
18 *conduct a demonstration program within the applica-*
19 *ble project area to evaluate new technologies and the*
20 *applicability of the technologies to the program.*

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

24 (e) *BENEFICIAL USE OF DREDGED MATERIAL.*—

1 (1) *IN GENERAL.*—*In carrying out the program*
2 *under subsection (a), the Secretary is authorized to*
3 *use such sums as are necessary to conduct a program*
4 *for the beneficial use of dredged material.*

5 (2) *CONSIDERATION.*—*In carrying out the pro-*
6 *gram under subsection (a), the Secretary shall con-*
7 *sider the beneficial use of sediment from the Illinois*
8 *River System for wetlands restoration in wetlands-de-*
9 *pleted watersheds.*

10 (f) *REPORTS.*—

11 (1) *IN GENERAL.*—*Not later than December 31,*
12 *2008, the Secretary shall submit to Congress feasi-*
13 *bility reports—*

14 (A) *on the features included in table 3 of*
15 *the report referred to in subsection (a); and*

16 (B) *that are consistent with the estimates in*
17 *the table, subject to section 902 of the Water Re-*
18 *sources Development Act of 1986 (100 Stat.*
19 *4183).*

20 (2) *PROJECTS IDENTIFIED IN REPORTS.*—

21 (A) *CONSTRUCTION.*—*The Secretary is au-*
22 *thorized to construct the projects identified in the*
23 *reports substantially in accordance with the*
24 *plans, and subject to the conditions, rec-*
25 *ommended in a final report of the Chief of Engi-*

1 *neers, if a favorable report of the Chief is com-*
2 *pleted by not later than December 31, 2010.*

3 *(B) REQUIREMENT.—No appropriations*
4 *shall be made to construct any project under this*
5 *subsection if the report under paragraph (1) has*
6 *not been approved by resolutions adopted by the*
7 *Committee on Environment and Public Works of*
8 *the Senate and the Committee on Transportation*
9 *and Infrastructure of the House of Representa-*
10 *tives.*

11 *(g) NONGOVERNMENTAL ORGANIZATIONS.—*

12 *(1) IN GENERAL.—A nongovernmental organiza-*
13 *tion shall be eligible to contribute all or a portion of*
14 *the non-Federal share of the cost of a project under*
15 *this section.*

16 *(2) USE OF FUNDS FROM OTHER PROGRAMS.—*
17 *The non-Federal interest for a study or project con-*
18 *ducted under this section may use, and the Secretary*
19 *shall accept, funds provided by a Federal agency*
20 *under any other Federal program, to satisfy, in whole*
21 *or in part, the non-Federal share of the study or*
22 *project, if the head of the Federal agency certifies that*
23 *the funds may be used for that purpose.*

24 *(h) COMPREHENSIVE PLAN.—*

1 (1) *IN GENERAL.*—*The Secretary, in coordina-*
2 *tion with the Governor of the State of Louisiana,*
3 *shall—*

4 (A) *develop a plan for protecting, pre-*
5 *servicing, and restoring the coastal Louisiana eco-*
6 *system;*

7 (B) *not later than 1 year after the date of*
8 *enactment of this Act, and every 5 years there-*
9 *after, submit to Congress the plan, or an update*
10 *of the plan; and*

11 (C) *ensure that the plan is fully integrated*
12 *with the analysis and design of comprehensive*
13 *hurricane protection authorized by title I of the*
14 *Energy and Water Development Appropriations*
15 *Act, 2006 (Public Law 109–103; 119 Stat.*
16 *2247).*

17 (2) *INCLUSIONS.*—*The comprehensive plan shall*
18 *include a description of—*

19 (A) *the framework of a long-term program*
20 *that provides for the comprehensive protection,*
21 *conservation, and restoration of the wetlands, es-*
22 *tuaries (including the Barataria-Terrebonne es-*
23 *tuary), barrier islands, shorelines, and related*
24 *land and features of the coastal Louisiana eco-*
25 *system, including protection of a critical re-*

1 *source, habitat, or infrastructure from the effects*
2 *of a coastal storm, a hurricane, erosion, or sub-*
3 *sidence;*

4 *(B) the means by which a new technology,*
5 *or an improved technique, can be integrated into*
6 *the program under subsection (a);*

7 *(C) the role of other Federal agencies and*
8 *programs in carrying out the program under*
9 *subsection (a); and*

10 *(D) specific, measurable ecological success*
11 *criteria by which success of the comprehensive*
12 *plan shall be measured.*

13 (3) *CONSIDERATION.*—*In developing the com-*
14 *prehensive plan, the Secretary shall consider the ad-*
15 *visability of integrating into the program under sub-*
16 *section (a)—*

17 *(A) a related Federal or State project car-*
18 *ried out on the date on which the plan is devel-*
19 *oped;*

20 *(B) an activity in the Louisiana Coastal*
21 *Area; or*

22 *(C) any other project or activity identified*
23 *in—*

24 *(i) the Mississippi River and Tribu-*
25 *taries program;*

1 (ii) the Louisiana Coastal Wetlands
2 Conservation Plan;

3 (iii) the Louisiana Coastal Zone Man-
4 agement Plan;

5 (iv) the plan of the State of Louisiana
6 entitled “Coast 2050: Toward a Sustainable
7 Coastal Louisiana”; or

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

12 (i) *TASK FORCE*.—

13 (1) *ESTABLISHMENT*.—There is established a
14 task force to be known as the “Coastal Louisiana Eco-
15 system Protection and Restoration Task Force” (re-
16 ferred to in this subsection as the “Task Force”).

17 (2) *MEMBERSHIP*.—The Task Force shall consist
18 of the following members (or, in the case of the head
19 of a Federal agency, a designee at the level of Assist-
20 ant Secretary or an equivalent level):

21 (A) The Secretary.

22 (B) The Secretary of the Interior.

23 (C) The Secretary of Commerce.

24 (D) The Administrator of the Environ-
25 mental Protection Agency.

1 (E) *The Secretary of Agriculture.*

2 (F) *The Secretary of Transportation.*

3 (G) *The Secretary of Energy.*

4 (H) *The Secretary of Homeland Security.*

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

7 (3) *DUTIES.—The Task Force shall make rec-*
8 *ommendations to the Secretary regarding—*

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

13 (B) *financial participation by each agency*
14 *represented on the Task Force in conserving, pro-*
15 *tecting, restoring, and maintaining the coastal*
16 *Louisiana ecosystem, including*
17 *recommendations—*

18 (i) *that identify funds from current*
19 *agency missions and budgets; and*

20 (ii) *for coordinating individual agency*
21 *budget requests; and*

22 (C) *the comprehensive plan under sub-*
23 *section (h).*

24 (4) *WORKING GROUPS.—*

1 (A) *IN GENERAL.*—*The Task Force may es-*
2 *tablish such working groups as the Task Force*
3 *determines to be necessary to assist the Task*
4 *Force in carrying out this subsection.*

5 (B) *INTEGRATION TEAM.*—

6 (i) *IN GENERAL.*—*The Task Force shall*
7 *establish, for the purposes described in*
8 *clause (ii), an integration team comprised*
9 *of—*

10 (I) *independent experts with expe-*
11 *rience relating to—*

12 (aa) *coastal estuaries;*

13 (bb) *diversions;*

14 (cc) *coastal restoration;*

15 (dd) *wetlands protection;*

16 (ee) *ecosystem restoration;*

17 (ff) *hurricane protection;*

18 (gg) *storm damage reduction*

19 *systems; and*

20 (hh) *navigation and ports;*

21 *and*

22 (II) *representatives of—*

23 (aa) *the State of Louisiana;*

24 *and*

1 (bb) local governments in
2 southern Louisiana.

3 (ii) PURPOSES.—The purposes referred
4 to in clause (i) are—

5 (I) to advise the Task Force and
6 the Secretary regarding opportunities
7 to integrate the planning, engineering,
8 design, implementation, and perform-
9 ance of Corps of Engineers projects for
10 hurricane and storm damage reduc-
11 tion, flood damage reduction, ecosystem
12 restoration, and navigation in areas of
13 Louisiana declared to be a major dis-
14 aster as a result of Hurricane Katrina
15 or Rita;

16 (II) to review reports relating to
17 the performance of, and recommenda-
18 tions relating to the future perform-
19 ance of, the hurricane, coastal, and
20 flood protection systems in southern
21 Louisiana, including the reports issued
22 by the Interagency Performance Eval-
23 uation Team, the National Science
24 Foundation, the American Society of
25 Civil Engineers, and Team Louisiana

1 to advise the Task Force and the Sec-
2 retary on opportunities to improve the
3 performance of the protection systems;
4 and

5 (III) to carry out such other du-
6 ties as the Task Force or the Secretary
7 determine to be appropriate.

8 (5) *NONAPPLICABILITY OF FACA.*—*The Federal*
9 *Advisory Committee Act (5 U.S.C. App.) shall not*
10 *apply to the Task Force or any working group of the*
11 *Task Force.*

12 (j) *SCIENCE AND TECHNOLOGY.*—

13 (1) *IN GENERAL.*—*The Secretary shall establish*
14 *a coastal Louisiana ecosystem science and technology*
15 *program.*

16 (2) *PURPOSES.*—*The purposes of the program es-*
17 *tablished by paragraph (1) shall be—*

18 (A) *to identify any uncertainty relating to*
19 *the physical, chemical, geological, biological, and*
20 *cultural baseline conditions in coastal Lou-*
21 *isiana;*

22 (B) *to improve knowledge of the physical,*
23 *chemical, geological, biological, and cultural*
24 *baseline conditions in coastal Louisiana; and*

1 (C) to identify and develop technologies,
2 models, and methods to carry out this subsection.

3 (3) *WORKING GROUPS.*—The Secretary may es-
4 tablish such working groups as the Secretary deter-
5 mines to be necessary to assist the Secretary in car-
6 rying out this subsection.

7 (4) *CONTRACTS AND COOPERATIVE AGREE-*
8 *MENTS.*—In carrying out this subsection, the Sec-
9 retary may enter into a contract or cooperative agree-
10 ment with an individual or entity (including a con-
11 sortium of academic institutions in Louisiana) with
12 scientific or engineering expertise in the restoration of
13 aquatic and marine ecosystems for coastal restoration
14 and enhancement through science and technology.

15 (k) *ANALYSIS OF BENEFITS.*—

16 (1) *IN GENERAL.*—Notwithstanding section 209
17 of the Flood Control Act of 1970 (42 U.S.C. 1962–2)
18 or any other provision of law, in carrying out an ac-
19 tivity to conserve, protect, restore, or maintain the
20 coastal Louisiana ecosystem, the Secretary may deter-
21 mine that the environmental benefits provided by the
22 program under this section outweigh the disadvantage
23 of an activity under this section.

24 (2) *DETERMINATION OF COST-EFFECTIVENESS.*—
25 If the Secretary determines that an activity under

1 *this section is cost-effective, no further economic jus-*
2 *tification for the activity shall be required.*

3 *(l) STUDIES.—*

4 *(1) DEGRADATION.—Not later than 180 days*
5 *after the date of enactment of this Act, the Secretary,*
6 *in consultation with the non-Federal interest, shall*
7 *enter into a contract with the National Academy of*
8 *Sciences under which the National Academy of*
9 *Sciences shall carry out a study to identify—*

10 *(A) the cause of any degradation of the*
11 *Louisiana Coastal Area ecosystem that occurred*
12 *as a result of an activity approved by the Sec-*
13 *retary; and*

14 *(B) the sources of the degradation.*

15 *(2) FINANCING.—On completion, and taking into*
16 *account the results, of the study conducted under*
17 *paragraph (1), the Secretary, in consultation with the*
18 *non-Federal interest, shall study—*

19 *(A) financing alternatives for the program*
20 *under subsection (a); and*

21 *(B) potential reductions in the expenditure*
22 *of Federal funds in emergency responses that*
23 *would occur as a result of ecosystem restoration*
24 *in the Louisiana Coastal Area.*

25 *(m) PROJECT MODIFICATIONS.—*

1 (1) *REVIEW.*—*The Secretary, in cooperation*
2 *with any non-Federal interest, shall review each fed-*
3 *erally-authorized water resources project in the coast-*
4 *al Louisiana area in existence on the date of enact-*
5 *ment of this Act to determine whether—*

6 (A) *each project is in accordance with the*
7 *program under subsection (a); and*

8 (B) *the project could contribute to ecosystem*
9 *restoration under subsection (a) through modi-*
10 *fication of the operations or features of the*
11 *project.*

12 (2) *MODIFICATIONS.*—*Subject to paragraphs (3)*
13 *and (4), the Secretary may carry out the modifica-*
14 *tions described in paragraph (1)(B).*

15 (3) *PUBLIC NOTICE AND COMMENT.*—*Before com-*
16 *pleting the report required under paragraph (4), the*
17 *Secretary shall provide an opportunity for public no-*
18 *tice and comment.*

19 (4) *REPORT.*—

20 (A) *IN GENERAL.*—*Before modifying an op-*
21 *eration or feature of a project under paragraph*
22 *(1)(B), the Secretary shall submit to the Com-*
23 *mittee on Environment and Public Works of the*
24 *Senate and the Committee on Transportation*

1 *and Infrastructure of the House of Representa-*
2 *tives a report describing the modification.*

3 *(B) INCLUSION.—A report under subpara-*
4 *graph (A) shall include such information relat-*
5 *ing to the timeline and cost of a modification as*
6 *the Secretary determines to be relevant.*

7 *(5) AUTHORIZATION OF APPROPRIATIONS.—*
8 *There is authorized to be appropriated to carry out*
9 *this subsection \$10,000,000.*

10 *(n) LOUISIANA WATER RESOURCES COUNCIL.—The*
11 *Secretary shall establish a council, to be known as the “Lou-*
12 *isiana Water Resources Council”, which shall serve as the*
13 *exclusive peer review panel for activities conducted by the*
14 *Corps of Engineers in the areas in the State of Louisiana*
15 *declared as major disaster areas in accordance with section*
16 *401 of the Robert T. Stafford Disaster Relief and Emer-*
17 *gency Assistance Act (42 U.S.C. 5170) in response to Hur-*
18 *ricane Katrina or Rita of 2005, in accordance with the re-*
19 *quirements of section 2007.*

20 *(o) EXTERNAL REVIEW.—The Secretary shall enter*
21 *into a contract with the National Academy of Science to*
22 *perform an external review of the demonstration program*
23 *under subsection (d), and the results of the review shall be*
24 *submitted to the Committee on Environment and Public*

1 *Works of the Senate and the Committee on Transportation*
2 *and Infrastructure of the House of Representatives.*

3 (p) *NEW ORLEANS AND VICINITY.*—

4 (1) *IN GENERAL.*—*The Secretary is authorized—*

5 (A) *to raise levee heights as necessary, and*
6 *to otherwise enhance the Lake Pontchartrain and*
7 *Vicinity Project and the West Bank and Vicinity*
8 *Project to provide the levels of protection nec-*
9 *essary to achieve the certification required for the*
10 *100-year level of flood protection, in accordance*
11 *with the National Flood Insurance Program*
12 *under the base flood elevations current at the*
13 *time of the construction;*

14 (B) *to modify the 17th Street, Orleans Ave-*
15 *nue, and London Avenue drainage canals, in-*
16 *cluding installing pumps and closure structures*
17 *at or near the lakefront at Lake Pontchartrain;*

18 (C) *to armor critical elements of the New*
19 *Orleans hurricane and storm damage reduction*
20 *system;*

21 (D) *to improve and otherwise modify the*
22 *Inner Harbor Navigation Canal to increase the*
23 *reliability of the flood protection system for the*
24 *city of New Orleans;*

1 (E) to replace or modify certain non-Fed-
2 eral levees in Plaquemines Parish to incorporate
3 the levees into the New Orleans to Venice Hurri-
4 cane Protection Project;

5 (F) to reinforce or replace flood walls in the
6 existing Lake Pontchartrain and Vicinity
7 Project and the existing West Bank and Vicinity
8 Project to improve performance of the flood pro-
9 tection systems;

10 (G) to perform onetime storm-proofing of
11 interior pump stations to ensure the operability
12 of the stations during hurricanes, storms, and
13 high-water events;

14 (H) to repair, replace, modify, and improve
15 non-Federal levees and associated protection
16 measures in Terrebonne Parish; and

17 (I) to reduce the risk of storm damage to the
18 greater New Orleans metropolitan area by restor-
19 ing the surrounding wetlands through—

20 (i) measures to begin to reverse wet-
21 land losses in areas affected by navigation,
22 oil and gas exploration and extraction, and
23 other channels; and

1 (ii) *modification of the Caernarvon*
2 *Freshwater Diversion structure or its oper-*
3 *ations.*

4 (2) *FUNDING AUTHORITY.—An activity under*
5 *paragraph (1) shall be carried out in accordance with*
6 *the cost-sharing requirements of the Emergency Sup-*
7 *plemental Appropriations Act for Defense, the Global*
8 *War on Terror, and Hurricane Recovery, 2006 (Pub-*
9 *lic Law 109–234; 120 Stat. 418).*

10 (3) *CONDITIONS.—*

11 (A) *IN GENERAL.—The Secretary shall sub-*
12 *mit to the Committee on Environment and Pub-*
13 *lic Works of the Senate and the Committee on*
14 *Transportation and Infrastructure of the House*
15 *of Representatives a notice in any case in which*
16 *an estimate for the expenditure of funds on any*
17 *project or activity described in paragraph (1) ex-*
18 *ceeds the amount specified for that project or ac-*
19 *tivity in the Emergency Supplemental Appro-*
20 *priations Act for Defense, the Global War on*
21 *Terror, and Hurricane Recovery, 2006 (Public*
22 *Law 109–234; 120 Stat. 418).*

23 (B) *APPROPRIATIONS LIMITATION.—No ap-*
24 *propriation in excess of an amount equal to 25*
25 *percent more than the amount specified for a*

1 *project or activity in that Act shall be made*
2 *until an increase in the level of expenditure has*
3 *been approved by resolutions adopted by the*
4 *Committees referred to in subparagraph (A).*

5 *(q) LAROSE TO GOLDEN MEADOW.—*

6 *(1) REPORT.—Not later than 120 days after the*
7 *date of enactment of this Act, the Secretary shall sub-*
8 *mit to the Committee on Environment and Public*
9 *Works of the Senate and the Committee on Transpor-*
10 *tation and Infrastructure of the House of Representa-*
11 *tives a report describing any modification required to*
12 *the project for flood damage reduction, Larose to*
13 *Golden Meadow, Louisiana, to achieve the certifi-*
14 *cation necessary for participation in the National*
15 *Flood Insurance Program.*

16 *(2) MODIFICATIONS.—The Secretary is author-*
17 *ized to carry out a modification described in para-*
18 *graph (1) if—*

19 *(A) the Secretary submits a recommenda-*
20 *tion for authorization of the modification in the*
21 *report under paragraph (1); and*

22 *(B) the total cost of the modification does*
23 *not exceed \$90,000,000.*

24 *(3) REQUIREMENT.—No appropriation shall be*
25 *made to construct any modification under this sub-*

1 *section if the report under paragraph (1) has not been*
2 *approved by resolutions adopted by the Committee on*
3 *Environment and Public Works of the Senate and the*
4 *Committee on Transportation and Infrastructure of*
5 *the House of Representatives.*

6 (4) *CREDIT.—The Secretary shall credit to the*
7 *non-Federal share of the cost of the project under this*
8 *subsection any amount otherwise eligible to be cred-*
9 *ited under section 221 of the Flood Control Act of*
10 *1970 (42 U.S.C. 1962d–5b) (as amended by section*
11 *2001).*

12 (r) *CONSOLIDATION.—*

13 (1) *IN GENERAL.—The Secretary may consoli-*
14 *date the flood damage reduction projects in Lower*
15 *Jefferson Parish, Louisiana, that have been identified*
16 *for implementation under section 205 of the Flood*
17 *Control Act of 1948 (33 U.S.C. 701s) as of the date*
18 *of enactment of this Act.*

19 (2) *TOTAL COST.—The Secretary may implement*
20 *the consolidated project referred to in paragraph (1)*
21 *if the total cost of the consolidated project does not ex-*
22 *ceed \$100,000,000.*

23 (s) *MISSISSIPPI RIVER GULF OUTLET.—*

24 (1) *DEAUTHORIZATION.—*

1 (A) *IN GENERAL.*—*Effective beginning on*
2 *the date of submission of the plan required under*
3 *subparagraph (C), the navigation channel por-*
4 *tion of the project for navigation, Mississippi*
5 *River Gulf outlet, authorized by the Act of March*
6 *29, 1956 (70 Stat. 65, chapter 112;100 Stat.*
7 *4177; 110 Stat. 3717), which extends from the*
8 *Gulf of Mexico to Mile 60 at the southern bank*
9 *of the Gulf Intracoastal Waterway, is not au-*
10 *thorized.*

11 (B) *SCOPE.*—*Nothing in this paragraph*
12 *modifies or deauthorizes the Inner Harbor navi-*
13 *gation canal replacement project authorized by*
14 *that Act.*

15 (C) *CLOSURE AND RESTORATION PLAN.*—

16 (i) *IN GENERAL.*—*Not later than 180*
17 *days after the date of enactment of this Act,*
18 *the Secretary shall submit to the Committee*
19 *on Environment and Public Works of the*
20 *Senate and the Committee on Transpor-*
21 *tation and Infrastructure of the House of*
22 *Representatives a final report on the de-*
23 *authorization of the Mississippi River Gulf*
24 *outlet, as described under the heading “IN-*
25 *VESTIGATIONS” under chapter 3 of title II*

1 *of the Emergency Supplemental Appropria-*
2 *tions Act for Defense, the Global War on*
3 *Terror, and Hurricane Recovery, 2006*
4 *(Public Law 109–234; 120 Stat. 453).*

5 (ii) *INCLUSIONS.—At a minimum, the*
6 *report under clause (i) shall include—*

7 (I) *a comprehensive plan to de-*
8 *authorize navigation on the Mis-*
9 *issippi River Gulf outlet;*

10 (II) *a plan to physically modify*
11 *the Mississippi River Gulf outlet and*
12 *restore the areas affected by the navi-*
13 *gation channel;*

14 (III) *a plan to restore natural*
15 *features of the ecosystem that will re-*
16 *duce or prevent damage from storm*
17 *surge;*

18 (IV) *a plan to prevent the intru-*
19 *sion of saltwater into the waterway;*

20 (V) *efforts to integrate the rec-*
21 *ommendations of this report with the*
22 *program authorized under subsection*
23 *(a) and the analysis and design au-*
24 *thorized by title I of the Energy and*
25 *Water Develop Appropriations Act,*

1 2006 (Public Law 109–103; 119 Stat.
2 2247); and

3 (VI) consideration of—

4 (aa) use of native vegetation;

5 and

6 (bb) diversions of fresh water
7 to restore the Lake Borgne eco-
8 system.

9 (D) CONSTRUCTION.—The Secretary shall
10 carry out a plan to close the Mississippi River
11 Gulf outlet and restore and protect the ecosystem
12 substantially in accordance with the plan re-
13 quired under subparagraph (C), if the Secretary
14 determines that the project is cost-effective, envi-
15 ronmentally acceptable, and technically feasible.

16 (t) HURRICANE AND STORM DAMAGE REDUCTION.—
17 With respect to the projects identified in the analysis and
18 design of comprehensive hurricane protection authorized by
19 title I of the Energy and Water Development Appropria-
20 tions Act, 2006 (Public Law 109–103; 119 Stat. 2247), the
21 Secretary shall—

22 (1) to the maximum extent practicable, submit
23 specific project recommendations in any report devel-
24 oped under that Act; and

1 (2) *submit the reports to the Committee on Envi-*
2 *ronment and Public Works of the Senate and the*
3 *Committee on Transportation and Infrastructure of*
4 *the House of Representatives.*

5 (u) EMERGENCY PROCEDURES.—

6 (1) *IN GENERAL.—If the President determines*
7 *that a feature recommended in the analysis and de-*
8 *sign of comprehensive hurricane protection under title*
9 *I of the Energy and Water Development Appropria-*
10 *tions Act, 2006 (Public Law 109–103; 119 Stat.*
11 *2447), could—*

12 (A) *address an imminent threat to life and*
13 *property;*

14 (B) *prevent a dangerous storm surge from*
15 *reaching a populated area;*

16 (C) *prevent the loss of coastal areas that re-*
17 *duce the impact of storm surge;*

18 (D) *benefit national energy security;*

19 (E) *protect emergency hurricane evacuation*
20 *routes or shelters; or*

21 (F) *address inconsistencies in hurricane*
22 *protection standards;*

23 *the President may submit to the Speaker of the House*
24 *of Representatives and the President pro tempore of*
25 *the Senate for authorization a legislative proposal re-*

1 *lating to the feature, as the President determines to*
2 *be appropriate.*

3 (2) *PRIORITIZATION.—In submitting legislative*
4 *proposals under paragraph (1), the President shall*
5 *give highest priority to any project that, as deter-*
6 *mined by the President, would—*

7 (A) *to the maximum extent practicable, re-*
8 *duce the risk—*

9 (i) *of loss of human life;*

10 (ii) *to public safety; and*

11 (iii) *of damage to property; and*

12 (B) *minimize costs and environmental im-*
13 *pacts.*

14 (3) *EXPEDITED CONSIDERATION.—*

15 (A) *IN GENERAL.—Beginning after Decem-*
16 *ber 31, 2008, any legislative proposal submitted*
17 *by the President under paragraph (1) shall be el-*
18 *igible for expedited consideration in accordance*
19 *with this paragraph.*

20 (B) *INTRODUCTION.—As soon as practicable*
21 *after the date of receipt of a legislative proposal*
22 *under paragraph (1), the Chairman of the Com-*
23 *mittee on Environment and Public Works of the*
24 *Senate and the Chairman of the Committee on*
25 *Transportation and Infrastructure of the House*

1 *of Representatives shall introduce the proposal as*
2 *a bill, by request, in the Senate or the House of*
3 *Representatives, as applicable.*

4 (C) *REFERRAL.*—*A bill introduced under*
5 *subparagraph (B) shall be referred to the Com-*
6 *mittee on Environment and Public Works of the*
7 *Senate and as applicable the Committee on*
8 *Transportation and Infrastructure of the House*
9 *of Representatives.*

10 (D) *COMMITTEE CONSIDERATION.*—

11 (i) *IN GENERAL.*—*Not later than 45*
12 *legislative days after a bill under subpara-*
13 *graph (B) is referred to a Committee in ac-*
14 *cordance with subparagraph (C), the Com-*
15 *mittee shall act on the bill.*

16 (ii) *FAILURE TO ACT.*—*If a Committee*
17 *fails to act on a bill by the date specified*
18 *in clause (i), the bill shall be discharged*
19 *from the Committee and placed on the cal-*
20 *endar of the Senate or the House of Rep-*
21 *resentatives, as applicable.*

22 (E) *SENATE FLOOR CONSIDERATION.*—

23 (i) *IN GENERAL.*—*Floor consideration*
24 *in the Senate regarding a bill introduced*
25 *under subparagraph (B) shall be limited to*

1 *20 hours, to be equally divided between the*
2 *Majority Leader and the Minority Leader of*
3 *the Senate (or a designee).*

4 (ii) *NONGERMANE AMENDMENTS.—An*
5 *amendment that is nongermane to a bill in-*
6 *troduced under subparagraph (B) shall not*
7 *be in order.*

8 (4) *EFFECTIVE DATE.—This requirements of,*
9 *and authorities under, this subsection shall expire on*
10 *December 31, 2010.*

11 **SEC. 1004. SMALL PROJECTS FOR FLOOD DAMAGE REDUC-**
12 **TION.**

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

17 (1) *CACHE RIVER BASIN, GRUBBS, ARKANSAS.—*
18 *Project for flood damage reduction, Cache River*
19 *Basin, Grubbs, Arkansas.*

20 (2) *BIBB COUNTY AND THE CITY OF MACON*
21 *LEVEE, GEORGIA.—Project for flood damage reduc-*
22 *tion, Bibb County and the City of Macon Levee, Geor-*
23 *gia.*

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

4 (4) *SALEM, MASSACHUSETTS.—Project for flood*
 5 *damage reduction, Salem, Massachusetts.*

6 (5) *CROW RIVER, ROCKFORD, MINNESOTA.—*
 7 *Project for flood damage reduction, Crow River, Rock-*
 8 *ford, Minnesota.*

9 (6) *SOUTH BRANCH OF THE WILD RICE RIVER,*
 10 *BORUP, MINNESOTA.—Project for flood damage reduc-*
 11 *tion, South Branch of the Wild Rice River, Borup,*
 12 *Minnesota.*

13 (7) *CHEYENNE, WYOMING.—Project for flood con-*
 14 *trol, Capitol Basin, Cheyenne, Wyoming.*

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

16 *The Secretary shall conduct a study for each of the*
 17 *following projects and, if the Secretary determines that a*
 18 *project is feasible, may carry out the project under section*
 19 *107 of the River and Harbor Act of 1960 (33 U.S.C. 577):*

20 (1) *BARROW HARBOR, ALASKA.—Project for*
 21 *navigation, Barrow Harbor, Alaska.*

22 (2) *NOME HARBOR, ALASKA.—Project for naviga-*
 23 *tion, Nome Harbor, Alaska.*

24 (3) *OLD HARBOR, ALASKA.—Project for naviga-*
 25 *tion, Old Harbor, Alaska.*

1 (4) *LITTLE ROCK PORT, ARKANSAS.—Project for*
2 *navigation, Little Rock Port, Arkansas River, Arkan-*
3 *sas.*

4 (5) *EAST BASIN, MASSACHUSETTS.—Project for*
5 *navigation, East Basin, Cape Cod Canal, Sandwich,*
6 *Massachusetts.*

7 (6) *LYNN HARBOR, MASSACHUSETTS.—Project*
8 *for navigation, Lynn Harbor, Lynn, Massachusetts.*

9 (7) *MERRIMACK RIVER, MASSACHUSETTS.—*
10 *Project for navigation, Merrimack River, Haverhill,*
11 *Massachusetts.*

12 (8) *OAK BLUFFS HARBOR, MASSACHUSETTS.—*
13 *Project for navigation, Oak Bluffs Harbor, Oak*
14 *Bluffs, Massachusetts.*

15 (9) *WOODS HOLE GREAT HARBOR, MASSACHU-*
16 *SETTS.—Project for navigation, Woods Hole Great*
17 *Harbor, Falmouth, Massachusetts.*

18 (10) *AU SABLE RIVER, MICHIGAN.—Project for*
19 *navigation, Au Sable River in the vicinity of Oscoda,*
20 *Michigan.*

21 (11) *CLINTON RIVER, MICHIGAN.—Project for*
22 *navigation, Clinton River, Michigan.*

23 (12) *ONTONAGON RIVER, MICHIGAN.—Project for*
24 *navigation, Ontonagon River, Ontonagon, Michigan.*

1 (13) *TRAVERSE CITY, MICHIGAN.—Project for*
2 *navigation, Traverse City, Michigan.*

3 (14) *SEBEWAING RIVER, MICHIGAN.—Project for*
4 *navigation, Sebewaing River, Michigan.*

5 (15) *TOWER HARBOR, MINNESOTA.—Project for*
6 *navigation, Tower Harbor, Tower, Minnesota.*

7 (16) *OUTER CHANNEL AND INNER HARBOR, ME-*
8 *NOMINEE HARBOR, MICHIGAN AND WISCONSIN.—*
9 *Project for navigation, Outer Channel and Inner*
10 *Harbor, Menominee Harbor, Michigan and Wis-*
11 *consin.*

12 (17) *MIDDLE BASS ISLAND STATE PARK, MIDDLE*
13 *BASS ISLAND, OHIO.—Project for navigation, Middle*
14 *Bass Island State Park, Middle Bass Island, Ohio.*

15 (18) *MILWAUKEE HARBOR, WISCONSIN.—Project*
16 *for navigation, Milwaukee Harbor, Milwaukee, Wis-*
17 *consin.*

18 **SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM**
19 **RESTORATION.**

20 *The Secretary shall conduct a study for each of the*
21 *following projects and, if the Secretary determines that a*
22 *project is appropriate, may carry out the project under sec-*
23 *tion 206 of the Water Resources Development Act of 1996*
24 *(33 U.S.C. 2330):*

1 (1) *BLACK LAKE, ALASKA.—Project for aquatic*
2 *ecosystem restoration, Black Lake, Alaska, at the head*
3 *of the Chignik Watershed.*

4 (2) *SAN DIEGO RIVER, CALIFORNIA.—Project for*
5 *aquatic ecosystem restoration, San Diego River, Cali-*
6 *fornia, including efforts to address invasive aquatic*
7 *plant species.*

8 (3) *SUISON MARSH, SAN PABLO BAY, CALI-*
9 *FORNIA.—Project for aquatic ecosystem restoration,*
10 *San Pablo Bay, California.*

11 (4) *CHATTAHOOCHEE FALL-LINE, GEORGIA.—*
12 *Project for aquatic ecosystem restoration, Chattahoo-*
13 *chee Fall-Line, Georgia.*

14 (5) *LAWRENCE GATEWAY, MASSACHUSETTS.—*
15 *Project for aquatic ecosystem restoration at the Law-*
16 *rence Gateway quadrant project along the Merrimack*
17 *and Spicket Rivers in Lawrence, Massachusetts, in*
18 *accordance with the general conditions established by*
19 *the project approval of the Environmental Protection*
20 *Agency, Region I, including filling abandoned drain-*
21 *age facilities and making improvements to the drain-*
22 *age system on the Lawrence Gateway to prevent con-*
23 *tinued migration of contaminated sediments into the*
24 *river systems.*

1 (6) *MILL POND, LITTLETON, MASSACHUSETTS.—*
2 *Project for aquatic ecosystem restoration, Mill Pond,*
3 *Littleton, Massachusetts.*

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

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

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

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

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

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

22 (13) *BLACKSTONE RIVER, RHODE ISLAND.—*
23 *Project for aquatic ecosystem restoration, Blackstone*
24 *River, Rhode Island.*

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

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

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

10 (1) *Tybee Island, Georgia.*

11 (2) *Burns Waterway Harbor, Indiana.*

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

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

18 **TITLE II—GENERAL PROVISIONS**

19 **Subtitle A—Provisions**

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

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

23 (1) *by striking “SEC. 221” and inserting the fol-*
24 *lowing:*

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

3 *and*

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

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

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

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

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

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

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

23 “(i) the costs of planning (including
24 data collection), design, management, miti-
25 gation, construction, and construction serv-

1 ices that are provided by the non-Federal
2 interest for implementation of the project;

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

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

10 “(B) *CONDITION.*—The Secretary shall cred-
11 it an in-kind contribution under subparagraph
12 (A) if the Secretary determines that the property
13 or service provided as an in-kind contribution is
14 integral to the project.

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

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

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

24 “(iii) shall not exceed the actual and
25 reasonable costs of the materials, services, or

1 *other things provided by the non-Federal in-*
2 *terest, as determined by the Secretary.”.*

3 **SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT**
4 **AUTHORITY.**

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

7 (1) *by striking subsection (a) and inserting the*
8 *following:*

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

14 (2) *in subsection (b), by striking “Secretary of*
15 *State” and inserting “Department of State”; and*

16 (3) *in subsection (d)—*

17 (A) *by striking “\$250,000 for fiscal year*
18 *2001” and inserting “\$1,000,000 for fiscal year*
19 *2007 and each fiscal year thereafter”; and*

20 (B) *by striking “or international organiza-*
21 *tions” and inserting “, international organiza-*
22 *tions, or foreign governments”.*

23 **SEC. 2003. TRAINING FUNDS.**

24 (a) *IN GENERAL.—The Secretary may include indi-*
25 *viduals from the non-Federal interest, including the private*

1 sector, in training classes and courses offered by the Corps
2 of Engineers in any case in which the Secretary determines
3 that it is in the best interest of the Federal Government
4 to include those individuals as participants.

5 (b) *EXPENSES.*—

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

10 (2) *PAYMENTS.*—Payments made by an indi-
11 vidual for training received under subsection (a), up
12 to the actual cost of the training—

13 (A) may be retained by the Secretary;

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

16 (C) shall be available for use by the Sec-
17 retary, without further appropriation, for train-
18 ing purposes.

19 (3) *EXCESS AMOUNTS.*—Any payments received
20 under paragraph (2) that are in excess of the actual
21 cost of training provided shall be credited as miscella-
22 neous receipts to the Treasury of the United States.

23 **SEC. 2004. FISCAL TRANSPARENCY REPORT.**

24 (a) *IN GENERAL.*—On the third Tuesday of January
25 of each year beginning January 2008, the Chief of Engi-

1 *neers shall submit to the Committee on Environment and*
2 *Public Works of the Senate and the Committee on Transpor-*
3 *tation and Infrastructure of the House of Representatives*
4 *a report on the expenditures for the preceding fiscal year*
5 *and estimated expenditures for the current fiscal year.*

6 (b) *CONTENTS.—In addition to the information de-*
7 *scribed in subsection (a), the report shall contain a detailed*
8 *accounting of the following information:*

9 (1) *With respect to general construction, infor-*
10 *mation on—*

11 (A) *projects currently under construction,*
12 *including—*

13 (i) *allocations to date;*

14 (ii) *the number of years remaining to*
15 *complete construction;*

16 (iii) *the estimated annual Federal cost*
17 *to maintain that construction schedule; and*

18 (iv) *a list of projects the Corps of En-*
19 *gineers expects to complete during the cur-*
20 *rent fiscal year; and*

21 (B) *projects for which there is a signed cost-*
22 *sharing agreement and completed planning, en-*
23 *gineering, and design, including—*

24 (i) *the number of years the project is*
25 *expected to require for completion; and*

1 (ii) *estimated annual Federal cost to*
2 *maintain that construction schedule.*

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

6 (A) *the estimated annual cost to maintain*
7 *each waterway for the authorized reach and at*
8 *the authorized depth; and*

9 (B) *the estimated annual cost of operation*
10 *and maintenance of locks and dams to ensure*
11 *navigation without interruption.*

12 (3) *With respect to general investigations and re-*
13 *connaissance and feasibility studies—*

14 (A) *the number of active studies;*

15 (B) *the number of completed studies not yet*
16 *authorized for construction;*

17 (C) *the number of initiated studies; and*

18 (D) *the number of studies expected to be*
19 *completed during the fiscal year.*

20 (4) *Funding received and estimates of funds to*
21 *be received for interagency and international support*
22 *activities under section 318(a) of the Water Resources*
23 *Development Act of 1990 (33 U.S.C. 2323(a)).*

24 (5) *Recreation fees and lease payments.*

25 (6) *Hydropower and water storage fees.*

1 (7) *Deposits into the Inland Waterway Trust*
2 *Fund and the Harbor Maintenance Trust Fund.*

3 (8) *Other revenues and fees collected.*

4 (9) *With respect to permit applications and no-*
5 *tifications, a list of individual permit applications*
6 *and nationwide permit notifications, including—*

7 (A) *the date on which each permit applica-*
8 *tion is filed;*

9 (B) *the date on which each permit applica-*
10 *tion is determined to be complete; and*

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

13 (10) *With respect to the project backlog, a list of*
14 *authorized projects for which no funds have been allo-*
15 *cated for the 5 preceding fiscal years, including, for*
16 *each project—*

17 (A) *the authorization date;*

18 (B) *the last allocation date;*

19 (C) *the percentage of construction com-*
20 *pleted;*

21 (D) *the estimated cost remaining until com-*
22 *pletion of the project; and*

23 (E) *a brief explanation of the reasons for*
24 *the delay.*

1 **SEC. 2005. PLANNING.**

2 (a) *MATTERS TO BE ADDRESSED IN PLANNING.*—*Sec-*
3 *tion 904 of the Water Resources Development Act of 1986*
4 *(33 U.S.C. 2281) is amended—*

5 (1) *by striking “Enhancing” and inserting the*
6 *following:*

7 “(a) *IN GENERAL.—Enhancing*”; and

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

9 “(b) *ASSESSMENTS.—For all feasibility reports com-*
10 *pleted after December 31, 2005, the Secretary shall assess*
11 *whether—*

12 “(1) *the water resource project and each sepa-*
13 *rate element is cost-effective; and*

14 “(2) *the water resource project complies with*
15 *Federal, State, and local laws (including regulations)*
16 *and public policies.”.*

17 (b) *PLANNING PROCESS IMPROVEMENTS.—The Chief*
18 *of Engineers—*

19 (1) *shall, not later than 2 years after the date on*
20 *which the feasibility study cost sharing agreement is*
21 *signed for a project, subject to the availability of*
22 *appropriations—*

23 (A) *complete the feasibility study for the*
24 *project; and*

25 (B) *sign the report of the Chief of Engineers*
26 *for the project;*

1 (2) *may, with the approval of the Secretary, ex-*
2 *tend the deadline established under paragraph (1) for*
3 *not to exceed 4 years, for a complex or controversial*
4 *study; and*

5 (3)(A) *shall adopt a risk analysis approach to*
6 *project cost estimates; and*

7 (B) *not later than 1 year after the date of enact-*
8 *ment of this Act, shall—*

9 (i) *issue procedures for risk analysis for cost*
10 *estimation; and*

11 (ii) *submit to Congress a report that in-*
12 *cludes suggested amendments to section 902 of*
13 *the Water Resources Development Act of 1986*
14 *(33 U.S.C. 2280).*

15 (c) *CALCULATION OF BENEFITS AND COSTS FOR*
16 *FLOOD DAMAGE REDUCTION PROJECTS.—A feasibility*
17 *study for a project for flood damage reduction shall include,*
18 *as part of the calculation of benefits and costs—*

19 (1) *a calculation of the residual risk of flooding*
20 *following completion of the proposed project;*

21 (2) *a calculation of the residual risk of loss of*
22 *human life and residual risk to human safety fol-*
23 *lowing completion of the proposed project; and*

24 (3) *a calculation of any upstream or down-*
25 *stream impacts of the proposed project.*

1 (d) *CENTERS OF SPECIALIZED PLANNING EXPER-*
2 *TISE.—*

3 (1) *ESTABLISHMENT.—The Secretary may estab-*
4 *lish centers of expertise to provide specialized plan-*
5 *ning expertise for water resource projects to be carried*
6 *out by the Secretary in order to enhance and supple-*
7 *ment the capabilities of the districts of the Corps of*
8 *Engineers.*

9 (2) *DUTIES.—A center of expertise established*
10 *under this subsection shall—*

11 (A) *provide technical and managerial as-*
12 *sistance to district commanders of the Corps of*
13 *Engineers for project planning, development, and*
14 *implementation;*

15 (B) *provide peer reviews of new major sci-*
16 *entific, engineering, or economic methods, mod-*
17 *els, or analyses that will be used to support deci-*
18 *sions of the Secretary with respect to feasibility*
19 *studies;*

20 (C) *provide support for external peer review*
21 *panels convened by the Secretary; and*

22 (D) *carry out such other duties as are pre-*
23 *scribed by the Secretary.*

24 (e) *COMPLETION OF CORPS OF ENGINEERS RE-*
25 *PORTS.—*

1 (1) *ALTERNATIVES.*—

2 (A) *IN GENERAL.*—*Feasibility and other*
3 *studies and assessments of water resource prob-*
4 *lems and projects shall include recommendations*
5 *for alternatives—*

6 (i) *that, as determined by the non-Fed-*
7 *eral interests for the projects, promote inte-*
8 *grated water resources management; and*

9 (ii) *for which the non-Federal interests*
10 *are willing to provide the non-Federal share*
11 *for the studies or assessments.*

12 (B) *SCOPE AND PURPOSES.*—*The scope and*
13 *purposes of studies and assessments described in*
14 *subparagraph (A) shall not be constrained by*
15 *budgetary or other policy as a result of the inclu-*
16 *sion of alternatives described in that subpara-*
17 *graph.*

18 (C) *REPORTS OF CHIEF OF ENGINEERS.*—
19 *The reports of the Chief of Engineers shall be*
20 *based solely on the best technical solutions to*
21 *water resource needs and problems.*

22 (2) *REPORT COMPLETION.*—*The completion of a*
23 *report of the Chief of Engineers for a project—*

1 (A) shall not be delayed while consideration
2 is being given to potential changes in policy or
3 priority for project consideration; and

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

5 (i) the Committee on Environment and
6 Public Works of the Senate; and

7 (ii) the Committee on Transportation
8 and Infrastructure of the House of Rep-
9 resentatives.

10 (f) COMPLETION REVIEW.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (2), not later than 90 days after the date of
13 completion of a report of the Chief of Engineers that
14 recommends to Congress a water resource project, the
15 Secretary shall—

16 (A) review the report; and

17 (B) provide any recommendations of the
18 Secretary regarding the water resource project to
19 Congress.

20 (2) PRIOR REPORTS.—Not later than 90 days
21 after the date of enactment of this Act, with respect
22 to any report of the Chief of Engineers recommending
23 a water resource project that is complete prior to the
24 date of enactment of this Act, the Secretary shall com-
25 plete review of, and provide recommendations to Con-

1 *gress for, the report in accordance with paragraph*
2 *(1).*

3 **SEC. 2006. WATER RESOURCES PLANNING COORDINATING**
4 **COMMITTEE.**

5 *(a) ESTABLISHMENT.—The President shall establish a*
6 *Water Resources Planning Coordinating Committee (re-*
7 *ferred to in this subsection as the “Coordinating Com-*
8 *mittee”).*

9 *(b) MEMBERSHIP.—*

10 *(1) IN GENERAL.—The Coordinating Committee*
11 *shall be composed of the following members (or a des-*
12 *ignee of the member):*

13 *(A) The Secretary of the Interior.*

14 *(B) The Secretary of Agriculture.*

15 *(C) The Secretary of Health and Human*
16 *Services.*

17 *(D) The Secretary of Housing and Urban*
18 *Development.*

19 *(E) The Secretary of Transportation.*

20 *(F) The Secretary of Energy.*

21 *(G) The Secretary of Homeland Security.*

22 *(H) The Secretary of Commerce.*

23 *(I) The Administrator of the Environmental*
24 *Protection Agency.*

1 *(J) The Chairperson of the Council on En-*
2 *vironmental Quality.*

3 *(2) CHAIRPERSON AND EXECUTIVE DIRECTOR.—*
4 *The President shall appoint—*

5 *(A) 1 member of the Coordinating Com-*
6 *mittee to serve as Chairperson of the Coordi-*
7 *nating Committee for a term of 2 years; and*

8 *(B) an Executive Director to supervise the*
9 *activities of the Coordinating Committee.*

10 *(3) FUNCTION.—The function of the Coordi-*
11 *nating Committee shall be to carry out the duties and*
12 *responsibilities set forth under this section.*

13 *(c) NATIONAL WATER RESOURCES PLANNING AND*
14 *MODERNIZATION POLICY.—It is the policy of the United*
15 *States that all water resources projects carried out by the*
16 *Corps of Engineers shall—*

17 *(1) reflect national priorities;*

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

19 *(3) minimize vulnerabilities in any case in*
20 *which a floodplain must be used;*

21 *(4) protect and restore the functions of natural*
22 *systems; and*

23 *(5) mitigate any unavoidable damage to natural*
24 *systems.*

25 *(d) WATER RESOURCE PRIORITIES REPORT.—*

1 (1) *IN GENERAL.*—Not later than 2 years after
2 the date of enactment of this Act, the Coordinating
3 Committee, in collaboration with the Secretary, shall
4 submit to the President and Congress a report de-
5 scribing the vulnerability of the United States to
6 damage from flooding and related storm damage,
7 including—

8 (A) *the risk to human life;*

9 (B) *the risk to property; and*

10 (C) *the comparative risks faced by different*
11 *regions of the United States.*

12 (2) *INCLUSIONS.*—The report under paragraph
13 (1) shall include—

14 (A) *an assessment of the extent to which*
15 *programs in the United States relating to flood-*
16 *ing address flood risk reduction priorities;*

17 (B) *the extent to which those programs may*
18 *be unintentionally encouraging development and*
19 *economic activity in floodprone areas;*

20 (C) *recommendations for improving those*
21 *programs with respect to reducing and respond-*
22 *ing to flood risks; and*

23 (D) *proposals for implementing the rec-*
24 *ommendations.*

1 (e) *MODERNIZING WATER RESOURCES PLANNING*
2 *GUIDELINES.*—

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

15 (2) *PROPOSED REVISIONS.*—In conducting a re-
16 view under paragraph (1), the Coordinating Com-
17 mittee and the Secretary shall consider revisions to
18 improve water resources project planning through,
19 among other things—

20 (A) requiring the use of modern economic
21 principles and analytical techniques, credible
22 schedules for project construction, and current
23 discount rates as used by other Federal agencies;

24 (B) eliminating biases and disincentives to
25 providing projects to low-income communities,

1 *including fully accounting for the prevention of*
2 *loss of life under section 904 of the Water Re-*
3 *sources Development Act of 1986 (33 U.S.C.*
4 *2281);*

5 *(C) eliminating biases and disincentives*
6 *that discourage the use of nonstructural ap-*
7 *proaches to water resources development and*
8 *management, and fully accounting for the flood*
9 *protection and other values of healthy natural*
10 *systems;*

11 *(D) promoting environmental restoration*
12 *projects that reestablish natural processes;*

13 *(E) assessing and evaluating the impacts of*
14 *a project in the context of other projects within*
15 *a region or watershed;*

16 *(F) analyzing and incorporating lessons*
17 *learned from recent studies of Corps of Engineers*
18 *programs and recent disasters such as Hurricane*
19 *Katrina and the Great Midwest Flood of 1993;*

20 *(G) encouraging wetlands conservation; and*

21 *(H) ensuring the effective implementation of*
22 *the policies of this Act.*

23 (3) *PUBLIC PARTICIPATION.*—*The Coordinating*
24 *Committee and the Secretary shall solicit public and*

1 *expert comments regarding any revision proposed*
2 *under paragraph (2).*

3 (4) *REVISION OF PLANNING GUIDANCE.—*

4 (A) *IN GENERAL.—Not later than 180 days*
5 *after the date on which a review under para-*
6 *graph (1) is completed, the Secretary, after pro-*
7 *viding notice and an opportunity for public*
8 *comment in accordance with subchapter II of*
9 *chapter 5, and chapter 7, of title 5, United*
10 *States Code (commonly known as the “Adminis-*
11 *trative Procedure Act”), shall implement such*
12 *proposed updates and revisions to the planning*
13 *principles and guidelines, regulations, and circu-*
14 *lar of the Corps of Engineers under paragraph*
15 *(2) as the Secretary determines to be appro-*
16 *priate.*

17 (B) *EFFECT.—Effective beginning on the*
18 *date on which the Secretary implements the first*
19 *update or revision under paragraph (1), sub-*
20 *sections (a) and (b) of section 80 of the Water*
21 *Resources Development Act of 1974 (42 U.S.C.*
22 *1962d–17) shall not apply to the Corps of Engi-*
23 *neers.*

24 (5) *REPORT.—*

1 (A) *IN GENERAL.*—*The Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate, and to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives, a report describing any revision of planning guidance under paragraph (4).*

8 (B) *PUBLICATION.*—*The Secretary shall publish the report under subparagraph (A) in the Federal Register.*

11 **SEC. 2007. INDEPENDENT PEER REVIEW.**

12 (a) *DEFINITIONS.*—*In this section:*

13 (1) *CONSTRUCTION ACTIVITIES.*—*The term “construction activities” means development of detailed engineering and design specifications during the preconstruction engineering and design phase and the engineering and design phase of a water resources project carried out by the Corps of Engineers, and other activities carried out on a water resources project prior to completion of the construction and to turning the project over to the local cost-share partner.*

23 (2) *PROJECT STUDY.*—*The term “project study” means a feasibility report, reevaluation report, or en-*

1 *vironmental impact statement prepared by the Corps*
2 *of Engineers.*

3 *(b) DIRECTOR OF INDEPENDENT REVIEW.—The Sec-*
4 *retary shall appoint in the Office of the Secretary a Direc-*
5 *tor of Independent Review. The Director shall be selected*
6 *from among individuals who are distinguished experts in*
7 *engineering, hydrology, biology, economics, or another dis-*
8 *cipline related to water resources management. The Sec-*
9 *retary shall ensure, to the maximum extent practicable, that*
10 *the Director does not have a financial, professional, or other*
11 *conflict of interest with projects subject to review. The Di-*
12 *rector of Independent Review shall carry out the duties set*
13 *forth in this section and such other duties as the Secretary*
14 *deems appropriate.*

15 *(c) SOUND PROJECT PLANNING.—*

16 *(1) PROJECTS SUBJECT TO PLANNING REVIEW.—*
17 *The Secretary shall ensure that each project study for*
18 *a water resources project shall be reviewed by an*
19 *independent panel of experts established under this*
20 *subsection if—*

21 *(A) the project has an estimated total cost*
22 *of more than \$40,000,000, including mitigation*
23 *costs;*

24 *(B) the Governor of a State in which the*
25 *water resources project is located in whole or in*

1 *part, or the Governor of a State within the*
2 *drainage basin in which a water resources*
3 *project is located and that would be directly af-*
4 *ected economically or environmentally as a re-*
5 *sult of the project, requests in writing to the Sec-*
6 *retary the establishment of an independent panel*
7 *of experts for the project;*

8 (C) *the head of a Federal agency with au-*
9 *thority to review the project determines that the*
10 *project is likely to have a significant adverse im-*
11 *port on public safety, or on environmental, fish*
12 *and wildlife, historical, cultural, or other re-*
13 *sources under the jurisdiction of the agency, and*
14 *requests in writing to the Secretary the establish-*
15 *ment of an independent panel of experts for the*
16 *project; or*

17 (D) *the Secretary determines on his or her*
18 *own initiative, or shall determine within 30*
19 *days of receipt of a written request for a con-*
20 *troversy determination by any party, that the*
21 *project is controversial because—*

22 (i) *there is a significant dispute re-*
23 *garding the size, nature, potential safety*
24 *risks, or effects of the project; or*

1 (ii) *there is a significant dispute re-*
2 *garding the economic, or environmental*
3 *costs or benefits of the project.*

4 (2) *PROJECT PLANNING REVIEW PANELS.—*

5 (A) *PROJECT PLANNING REVIEW PANEL*
6 *MEMBERSHIP.—For each water resources project*
7 *subject to review under this subsection, the Direc-*
8 *tor of Independent Review shall establish a panel*
9 *of independent experts that shall be composed of*
10 *not less than 5 nor more than 9 independent ex-*
11 *pertis (including at least 1 engineer, 1 hydrolo-*
12 *gist, 1 biologist, and 1 economist) who represent*
13 *a range of areas of expertise. The Director of*
14 *Independent Review shall apply the National*
15 *Academy of Science’s policy for selecting com-*
16 *mittee members to ensure that members have no*
17 *conflict with the project being reviewed, and*
18 *shall consult with the National Academy of*
19 *Sciences in developing lists of individuals to*
20 *serve on panels of experts under this subsection.*
21 *An individual serving on a panel under this sub-*
22 *section shall be compensated at a rate of pay to*
23 *be determined by the Secretary, and shall be al-*
24 *lowed travel expenses.*

1 (B) *DUTIES OF PROJECT PLANNING REVIEW*

2 *PANELS.*—*An independent panel of experts estab-*
3 *lished under this subsection shall review the*
4 *project study, receive from the public written*
5 *and oral comments concerning the project study,*
6 *and submit a written report to the Secretary*
7 *that shall contain the panel’s conclusions and*
8 *recommendations regarding project study issues*
9 *identified as significant by the panel, including*
10 *issues such as—*

11 (i) *economic and environmental as-*
12 *sumptions and projections;*

13 (ii) *project evaluation data;*

14 (iii) *economic or environmental anal-*
15 *yses;*

16 (iv) *engineering analyses;*

17 (v) *formulation of alternative plans;*

18 (vi) *methods for integrating risk and*
19 *uncertainty;*

20 (vii) *models used in evaluation of eco-*
21 *nomical or environmental impacts of pro-*
22 *posed projects; and*

23 (viii) *any related biological opinions.*

24 (C) *PROJECT PLANNING REVIEW RECORD.*—

1 (i) *IN GENERAL.*—After receiving a re-
2 port from an independent panel of experts
3 established under this subsection, the Sec-
4 retary shall take into consideration any rec-
5 ommendations contained in the report and
6 shall immediately make the report available
7 to the public on the internet.

8 (ii) *RECOMMENDATIONS.*—The Sec-
9 retary shall prepare a written explanation
10 of any recommendations of the independent
11 panel of experts established under this sub-
12 section not adopted by the Secretary. Rec-
13 ommendations and findings of the inde-
14 pendent panel of experts rejected without
15 good cause shown, as determined by judicial
16 review, shall be given equal deference as the
17 recommendations and findings of the Sec-
18 retary during a judicial proceeding relating
19 to the water resources project.

20 (iii) *SUBMISSION TO CONGRESS AND*
21 *PUBLIC AVAILABILITY.*—The report of the
22 independent panel of experts established
23 under this subsection and the written expla-
24 nation of the Secretary required by clause
25 (ii) shall be included with the report of the

1 *Chief of Engineers to Congress, shall be*
2 *published in the Federal Register, and shall*
3 *be made available to the public on the*
4 *Internet.*

5 (D) *DEADLINES FOR PROJECT PLANNING*
6 *REVIEWS.—*

7 (i) *IN GENERAL.—Independent review*
8 *of a project study shall be completed prior*
9 *to the completion of any Chief of Engineers*
10 *report for a specific water resources project.*

11 (ii) *DEADLINE FOR PROJECT PLANNING*
12 *REVIEW PANEL STUDIES.—An independent*
13 *panel of experts established under this sub-*
14 *section shall complete its review of the*
15 *project study and submit to the Secretary a*
16 *report not later than 180 days after the*
17 *date of establishment of the panel, or not*
18 *later than 90 days after the close of the pub-*
19 *lic comment period on a draft project study*
20 *that includes a preferred alternative, which-*
21 *ever is later. The Secretary may extend*
22 *these deadlines for good cause.*

23 (iii) *FAILURE TO COMPLETE REVIEW*
24 *AND REPORT.—If an independent panel of*
25 *experts established under this subsection*

1 *does not submit to the Secretary a report by*
2 *the deadline established by clause (ii), the*
3 *Chief of Engineers may continue project*
4 *planning without delay.*

5 *(iv) DURATION OF PANELS.—An inde-*
6 *pendent panel of experts established under*
7 *this subsection shall terminate on the date*
8 *of submission of the report by the panel.*
9 *Panels may be established as early in the*
10 *planning process as deemed appropriate by*
11 *the Director of Independent Review, but*
12 *shall be appointed no later than 90 days be-*
13 *fore the release for public comment of a*
14 *draft study subject to review under sub-*
15 *section (c)(1)(A), and not later than 30*
16 *days after a determination that review is*
17 *necessary under subsection (c)(1)(B),*
18 *(c)(1)(C), or (c)(1)(D).*

19 *(E) EFFECT ON EXISTING GUIDANCE.—The*
20 *project planning review required by this sub-*
21 *section shall be deemed to satisfy any external*
22 *review required by Engineering Circular 1105–*
23 *2–408 (31 May 2005) on Peer Review of Deci-*
24 *sion Documents.*

25 *(d) SAFETY ASSURANCE.—*

1 (1) *PROJECTS SUBJECT TO SAFETY ASSURANCE*
2 *REVIEW.*—*The Secretary shall ensure that the con-*
3 *struction activities for any flood damage reduction*
4 *project shall be reviewed by an independent panel of*
5 *experts established under this subsection if the Direc-*
6 *tor of Independent Review makes a determination*
7 *that an independent review is necessary to ensure*
8 *public health, safety, and welfare on any project—*

9 (A) *for which the reliability of performance*
10 *under emergency conditions is critical;*

11 (B) *that uses innovative materials or tech-*
12 *niques;*

13 (C) *for which the project design is lacking*
14 *in redundancy, or that has a unique construc-*
15 *tion sequencing or a short or overlapping design*
16 *construction schedule; or*

17 (D) *other than a project described in sub-*
18 *paragraphs (A) through (C), as the Director of*
19 *Independent Review determines to be appro-*
20 *priate.*

21 (2) *SAFETY ASSURANCE REVIEW PANELS.*—*At*
22 *the appropriate point in the development of detailed*
23 *engineering and design specifications for each water*
24 *resources project subject to review under this sub-*
25 *section, the Director of Independent Review shall es-*

1 *tablish an independent panel of experts to review and*
2 *report to the Secretary on the adequacy of construc-*
3 *tion activities for the project. An independent panel*
4 *of experts under this subsection shall be composed of*
5 *not less than 5 nor more than 9 independent experts*
6 *selected from among individuals who are distin-*
7 *guished experts in engineering, hydrology, or other*
8 *pertinent disciplines. The Director of Independent Re-*
9 *view shall apply the National Academy of Science's*
10 *policy for selecting committee members to ensure that*
11 *panel members have no conflict with the project being*
12 *reviewed. An individual serving on a panel of experts*
13 *under this subsection shall be compensated at a rate*
14 *of pay to be determined by the Secretary, and shall*
15 *be allowed travel expenses.*

16 *(3) DEADLINES FOR SAFETY ASSURANCE RE-*
17 *VIEWS.—An independent panel of experts established*
18 *under this subsection shall submit a written report to*
19 *the Secretary on the adequacy of the construction ac-*
20 *tivities prior to the initiation of physical construction*
21 *and periodically thereafter until construction activi-*
22 *ties are completed on a publicly available schedule de-*
23 *termined by the Director of Independent Review for*
24 *the purposes of assuring the public safety. The Direc-*
25 *tor of Independent Review shall ensure that these re-*

1 *views be carried out in a way to protect the public*
2 *health, safety, and welfare, while not causing unneces-*
3 *sary delays in construction activities.*

4 (4) *SAFETY ASSURANCE REVIEW RECORD.*—*After*
5 *receiving a written report from an independent panel*
6 *of experts established under this subsection, the Sec-*
7 *retary shall—*

8 (A) *take into consideration recommenda-*
9 *tions contained in the report, provide a written*
10 *explanation of recommendations not adopted,*
11 *and immediately make the report and expla-*
12 *nation available to the public on the Internet;*
13 *and*

14 (B) *submit the report to the Committee on*
15 *Environment and Public Works of the Senate*
16 *and the Committee on Transportation and Infra-*
17 *structure of the House of Representatives.*

18 (e) *EXPENSES.*—

19 (1) *IN GENERAL.*—*The costs of an independent*
20 *panel of experts established under subsection (c) or (d)*
21 *shall be a Federal expense and shall not exceed—*

22 (A) *\$250,000, if the total cost of the project*
23 *in current year dollars is less than \$50,000,000;*
24 *and*

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

4 (2) *WAIVER.*—The Secretary, at the written re-
5 quest of the Director of Independent Review, may
6 waive the cost limitations under paragraph (1) if the
7 Secretary determines appropriate.

8 (f) *REPORT.*—Not later than 5 years after the date of
9 enactment of this Act, the Secretary shall submit to Con-
10 gress a report describing the implementation of this section.

11 (g) *SAVINGS CLAUSE.*—Nothing in this section shall
12 be construed to affect any authority of the Secretary to
13 cause or conduct a peer review of the engineering, scientific,
14 or technical basis of any water resources project in existence
15 on the date of enactment of this Act.

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

17 (a) *COMPLETION OF MITIGATION.*—Section 906(a) of
18 the Water Resources Development Act of 1986 (33 U.S.C.
19 2283(a)) is amended by adding at the following:

20 “(3) *COMPLETION OF MITIGATION.*—In any case
21 in which it is not technically practicable to complete
22 mitigation by the last day of construction of the
23 project or separable element of the project because of
24 the nature of the mitigation to be undertaken, the
25 Secretary shall complete the required mitigation as

1 *expeditiously as practicable, but in no case later than*
2 *the last day of the first fiscal year beginning after the*
3 *last day of construction of the project or separable ele-*
4 *ment of the project.”.*

5 (b) *USE OF CONSOLIDATED MITIGATION.*—Section
6 *906(b) of the Water Resources Development Act of 1986 (33*
7 *U.S.C. 2283(b)) is amended by adding at the end the fol-*
8 *lowing:*

9 “(3) *USE OF CONSOLIDATED MITIGATION.*—

10 “(A) *IN GENERAL.*—*If the Secretary deter-*
11 *mines that other forms of compensatory mitiga-*
12 *tion are not practicable or are less environ-*
13 *mentally desirable, the Secretary may purchase*
14 *available credits from a mitigation bank or con-*
15 *servation bank that is approved in accordance*
16 *with the Federal Guidance for the Establishment,*
17 *Use and Operation of Mitigations Banks (60*
18 *Fed. Reg. 58605) or other applicable Federal*
19 *laws (including regulations).*

20 “(B) *SERVICE AREA.*—*To the maximum ex-*
21 *tent practicable, the service area of the mitiga-*
22 *tion bank or conservation bank shall be in the*
23 *same watershed as the affected habitat.*

24 “(C) *RESPONSIBILITY RELIEVED.*—*Pur-*
25 *chase of credits from a mitigation bank or con-*

1 *reservation bank for a water resources project re-*
2 *lieves the Secretary and the non-Federal interest*
3 *from responsibility for monitoring or dem-*
4 *onstrating mitigation success.”.*

5 (c) *MITIGATION REQUIREMENTS.*—Section 906(d) of
6 *the Water Resources Development Act of 1986 (33 U.S.C.*
7 *2283(d)) is amended—*

8 (1) *in paragraph (1)—*

9 (A) *in the first sentence, by striking “to the*
10 *Congress unless such report contains” and in-*
11 *serting “to Congress, and shall not select a*
12 *project alternative in any final record of deci-*
13 *sion, environmental impact statement, or envi-*
14 *ronmental assessment, unless the proposal, record*
15 *of decision, environmental impact statement, or*
16 *environmental assessment contains”; and*

17 (B) *in the second sentence, by inserting “,*
18 *and other habitat types are mitigated to not less*
19 *than in-kind conditions” after “mitigated in-*
20 *kind”; and*

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

22 “(3) *MITIGATION REQUIREMENTS.*—

23 “(A) *IN GENERAL.*—*To mitigate losses to*
24 *flood damage reduction capabilities and fish and*
25 *wildlife resulting from a water resources project,*

1 *the Secretary shall ensure that the mitigation*
2 *plan for each water resources project complies*
3 *fully with the mitigation standards and policies*
4 *established pursuant to section 404 of the Fed-*
5 *eral Water Pollution Control Act (33 U.S.C.*
6 *1344).*

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

10 *“(i) a plan for monitoring the imple-*
11 *mentation and ecological success of each*
12 *mitigation measure, including a designa-*
13 *tion of the entities that will be responsible*
14 *for the monitoring;*

15 *“(ii) the criteria for ecological success*
16 *by which the mitigation will be evaluated*
17 *and determined to be successful;*

18 *“(iii) land and interests in land to be*
19 *acquired for the mitigation plan and the*
20 *basis for a determination that the land and*
21 *interests are available for acquisition;*

22 *“(iv) a description of—*

23 *“(I) the types and amount of res-*
24 *toration activities to be conducted; and*

1 “(II) the resource functions and
2 values that will result from the mitiga-
3 tion plan; and

4 “(v) a contingency plan for taking cor-
5 rective actions in cases in which monitoring
6 demonstrates that mitigation measures are
7 not achieving ecological success in accord-
8 ance with criteria under clause (ii).

9 “(4) DETERMINATION OF SUCCESS.—

10 “(A) IN GENERAL.—A mitigation plan
11 under this subsection shall be considered to be
12 successful at the time at which the criteria under
13 paragraph (3)(B)(ii) are achieved under the
14 plan, as determined by monitoring under para-
15 graph (3)(B)(i).

16 “(B) CONSULTATION.—In determining
17 whether a mitigation plan is successful under
18 subparagraph (A), the Secretary shall consult
19 annually with appropriate Federal agencies and
20 each State in which the applicable project is lo-
21 cated on at least the following:

22 “(i) The ecological success of the miti-
23 gation as of the date on which the report is
24 submitted.

1 “(ii) *The likelihood that the mitigation*
2 *will achieve ecological success, as defined in*
3 *the mitigation plan.*

4 “(iii) *The projected timeline for achiev-*
5 *ing that success.*

6 “(iv) *Any recommendations for im-*
7 *proving the likelihood of success.*

8 “(C) *REPORTING.*—*Not later than 60 days*
9 *after the date of completion of the annual con-*
10 *sultation, the Federal agencies consulted shall,*
11 *and each State in which the project is located*
12 *may, submit to the Secretary a report that de-*
13 *scribes the results of the consultation described in*
14 *(B).*

15 “(D) *ACTION BY SECRETARY.*—*The Sec-*
16 *retary shall respond in writing to the substance*
17 *and recommendations contained in each report*
18 *under subparagraph (C) by not later than 30*
19 *days after the date of receipt of the report.*

20 “(5) *MONITORING.*—*Mitigation monitoring shall*
21 *continue until it has been demonstrated that the miti-*
22 *gation has met the ecological success criteria.”.*

23 “(d) *STATUS REPORT.*—

24 “(1) *IN GENERAL.*—*Concurrent with the submis-*
25 *sion of the President to Congress of the request of the*

1 *President for appropriations for the Civil Works Pro-*
2 *gram for a fiscal year, the Secretary shall submit to*
3 *the Committee on the Environment and Public Works*
4 *of the Senate and the Committee on Transportation*
5 *and Infrastructure of the House of Representatives a*
6 *report describing the status of construction of projects*
7 *that require mitigation under section 906 of Water*
8 *Resources Development Act 1986 (33 U.S.C. 2283)*
9 *and the status of that mitigation.*

10 (2) *PROJECTS INCLUDED.—The status report*
11 *shall include the status of—*

12 (A) *all projects that are under construction*
13 *as of the date of the report;*

14 (B) *all projects for which the President re-*
15 *quests funding for the next fiscal year; and*

16 (C) *all projects that have completed con-*
17 *struction, but have not completed the mitigation*
18 *required under section 906 of the Water Re-*
19 *sources Development Act of 1986 (33 U.S.C.*
20 *2283).*

21 (e) *MITIGATION TRACKING SYSTEM.—*

22 (1) *IN GENERAL.—Not later than 1 year after*
23 *the date of enactment of this Act, the Secretary shall*
24 *establish a recordkeeping system to track, for each*
25 *water resources project undertaken by the Secretary*

1 *and for each permit issued under section 404 of the*
2 *Federal Water Pollution Control Act (33 U.S.C.*
3 *1344)—*

4 *(A) the quantity and type of wetland and*
5 *any other habitat type affected by the project,*
6 *project operation, or permitted activity;*

7 *(B) the quantity and type of mitigation*
8 *measures required with respect to the project,*
9 *project operation, or permitted activity;*

10 *(C) the quantity and type of mitigation*
11 *measures that have been completed with respect*
12 *to the project, project operation, or permitted ac-*
13 *tivity; and*

14 *(D) the status of monitoring of the mitiga-*
15 *tion measures carried out with respect to the*
16 *project, project operation, or permitted activity.*

17 *(2) REQUIREMENTS.—The recordkeeping system*
18 *under paragraph (1) shall—*

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

23 *(B) be organized by watershed, project, per-*
24 *mit application, and zip code.*

1 (3) *AVAILABILITY OF INFORMATION.*—*The Sec-*
 2 *retary shall make information contained in the rec-*
 3 *ordkeeping system available to the public on the*
 4 *Internet.*

5 **SEC. 2009. STATE TECHNICAL ASSISTANCE.**

6 *Section 22 of the Water Resources Development Act of*
 7 *1974 (42 U.S.C. 1962d–16) is amended—*

8 (1) *by striking “SEC. 22. (a) The Secretary” and*
 9 *inserting the following:*

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

11 “(a) *FEDERAL-STATE COOPERATION.*—

12 “(1) *COMPREHENSIVE PLANS.*—*The Secretary*”;

13 (2) *in subsection (a), by adding at the end the*
 14 *following:*

15 “(2) *TECHNICAL ASSISTANCE.*—

16 “(A) *IN GENERAL.*—*At the request of a gov-*
 17 *ernmental agency or non-Federal interest, the*
 18 *Secretary may provide, at Federal expense, tech-*
 19 *nical assistance to the agency or non-Federal in-*
 20 *terest in managing water resources.*

21 “(B) *TYPES OF ASSISTANCE.*—*Technical as-*
 22 *istance under this paragraph may include pro-*
 23 *vision and integration of hydrologic, economic,*
 24 *and environmental data and analyses.”;*

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

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

6 (5) in subsection (c)—

7 (A) by striking “(c) There is” and inserting
8 the following:

9 “(c) AUTHORIZATION OF APPROPRIATIONS.—

10 “(1) FEDERAL AND STATE COOPERATION.—There
11 is”;

12 (B) in paragraph (1) (as designated by sub-
13 paragraph (A)), by striking “the provisions of
14 this section except that not more than \$500,000
15 shall be expended in any one year in any one
16 State.” and inserting “subsection (a)(1).”; and

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

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

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

2 “(e) *ANNUAL SUBMISSION.*—For each fiscal year,
3 based on performance criteria developed by the Secretary,
4 the Secretary shall list in the annual civil works budget
5 submitted to Congress the individual activities proposed for
6 funding under subsection (a)(1) for the fiscal year.”.

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

8 (a) *IN GENERAL.*—The Secretary, acting through the
9 Chief of Engineers, shall carry out a program to provide
10 public access to water resource and related water quality
11 data in the custody of the Corps of Engineers.

12 (b) *DATA.*—Public access under subsection (a) shall—

13 (1) include, at a minimum, access to data gen-
14 erated in water resource project development and reg-
15 ulation under section 404 of the Federal Water Pollu-
16 tion Control Act (33 U.S.C. 1344); and

17 (2) appropriately employ geographic informa-
18 tion system technology and linkages to water resource
19 models and analytical techniques.

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

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

4 **SEC. 2011. CONSTRUCTION OF FLOOD CONTROL PROJECTS**
 5 **BY NON-FEDERAL INTERESTS.**

6 (a) *IN GENERAL.*—*Section 211(e)(6) of the Water Re-*
 7 *sources Development Act of 1996 (33 U.S.C. 701b–13(e)(6))*
 8 *is amended by adding at the end following:*

9 “(E) *BUDGET PRIORITY.*—

10 “(i) *IN GENERAL.*—*Budget priority for*
 11 *projects under this section shall be propor-*
 12 *tionate to the percentage of project comple-*
 13 *tion.*”

14 “(ii) *COMPLETED PROJECT.*—*A com-*
 15 *pleted project shall have the same priority*
 16 *as a project with a contractor on site.”*

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

21 “(9) *THORNTON RESERVOIR, COOK COUNTY, ILLI-*
 22 *NOIS.*—*An element of the project for flood control,*
 23 *Chicagoland Underflow Plan, Illinois.*

24 “(10) *BUFFALO BAYOU, TEXAS.*—*The project for*
 25 *flood control, Buffalo Bayou, Texas, authorized by the*

1 *first section of the Act of June 20, 1938 (52 Stat. 804,*
2 *chapter 535) (commonly known as the ‘River and*
3 *Harbor Act of 1938’) and modified by section 3a of*
4 *the Act of August 11, 1939 (53 Stat. 1414, chapter*
5 *699) (commonly known as the ‘Flood Control Act of*
6 *1939’), except that, subject to the approval of the Sec-*
7 *retary as provided by this section, the non-Federal in-*
8 *terest may design and construct an alternative to*
9 *such project.*

10 “(11) *HALLS BAYOU, TEXAS.—The Halls Bayou*
11 *element of the project for flood control, Buffalo Bayou*
12 *and tributaries, Texas, authorized by section*
13 *101(a)(21) of the Water Resources Development Act of*
14 *1990 (33 U.S.C. 2201 note), except that, subject to the*
15 *approval of the Secretary as provided by this section,*
16 *the non-Federal interest may design and construct an*
17 *alternative to such project.*

18 “(12) *MENOMONEE RIVER WATERSHED, WIS-*
19 *CONSIN.—The project for the Menomonee River Wa-*
20 *tershed, Wisconsin, including—*

21 “(A) *the Underwood Creek diversion facility*
22 *project (Milwaukee County Grounds); and*

23 “(B) *the Greater Milwaukee Rivers water-*
24 *shed project.”.*

1 **SEC. 2012. REGIONAL SEDIMENT MANAGEMENT.**

2 (a) *IN GENERAL.*—Section 204 of the Water Resources
3 *Development Act of 1992 (33 U.S.C. 2326)* is amended to
4 *read as follows:*

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

6 “(a) *IN GENERAL.*—In connection with sediment ob-
7 *tained through the construction, operation, or maintenance*
8 *of an authorized Federal water resources project, the Sec-*
9 *retary, acting through the Chief of Engineers, shall develop*
10 *Regional Sediment Management plans and carry out*
11 *projects at locations identified in the plan prepared under*
12 *subsection (e), or identified jointly by the non-Federal inter-*
13 *est and the Secretary, for use in the construction, repair,*
14 *modification, or rehabilitation of projects associated with*
15 *Federal water resources projects, for—*

16 “(1) *the protection of property;*

17 “(2) *the protection, restoration, and creation of*
18 *aquatic and ecologically related habitats, including*
19 *wetlands; and*

20 “(3) *the transport and placement of suitable*
21 *sediment*

22 “(b) *SECRETARIAL FINDINGS.*—Subject to subsection
23 (c), projects carried out under subsection (a) may be carried
24 out in any case in which the Secretary finds that—

1 “(1) *the environmental, economic, and social*
2 *benefits of the project, both monetary and nonmone-*
3 *tary, justify the cost of the project; and*

4 “(2) *the project would not result in environ-*
5 *mental degradation.*

6 “(c) *DETERMINATION OF PLANNING AND PROJECT*
7 *COSTS.—*

8 “(1) *IN GENERAL.—In consultation and coopera-*
9 *tion with the appropriate Federal, State, regional,*
10 *and local agencies, the Secretary, acting through the*
11 *Chief of Engineers, shall develop at Federal expense*
12 *plans and projects for regional management of sedi-*
13 *ment obtained in conjunction with construction, oper-*
14 *ation, and maintenance of Federal water resources*
15 *projects.*

16 “(2) *COSTS OF CONSTRUCTION.—*

17 “(A) *IN GENERAL.—Costs associated with*
18 *construction of a project under this section or*
19 *identified in a Regional Sediment Management*
20 *plan shall be limited solely to construction costs*
21 *that are in excess of those costs necessary to*
22 *carry out the dredging for construction, oper-*
23 *ation, or maintenance of an authorized Federal*
24 *water resources project in the most cost-effective*

1 way, consistent with economic, engineering, and
2 environmental criteria.

3 “(B) *COST SHARING.*—The determination of
4 any non-Federal share of the construction cost
5 shall be based on the cost sharing as specified in
6 subsections (a) through (d) of section 103 of the
7 Water Resources Development Act of 1986 (33
8 U.S.C. 2213), for the type of Federal water re-
9 source project using the dredged resource.

10 “(C) *TOTAL COST.*—Total Federal costs as-
11 sociated with construction of a project under this
12 section shall not exceed \$5,000,000 without Con-
13 gressional approval.

14 “(3) *OPERATION, MAINTENANCE, REPLACEMENT,*
15 *AND REHABILITATION COSTS.*—Operation, mainte-
16 nance, replacement, and rehabilitation costs associ-
17 ated with a project are a non-Federal sponsor respon-
18 sibility.

19 “(d) *SELECTION OF SEDIMENT DISPOSAL METHOD*
20 *FOR ENVIRONMENTAL PURPOSES.*—

21 “(1) *IN GENERAL.*—In developing and carrying
22 out a Federal water resources project involving the
23 disposal of material, the Secretary may select, with
24 the consent of the non-Federal interest, a disposal
25 method that is not the least-cost option if the Sec-

1 *retary determines that the incremental costs of the*
2 *disposal method are reasonable in relation to the en-*
3 *vironmental benefits, including the benefits to the*
4 *aquatic environment to be derived from the creation*
5 *of wetlands and control of shoreline erosion.*

6 “(2) *FEDERAL SHARE.*—*The Federal share of*
7 *such incremental costs shall be determined in accord-*
8 *ance with subsection (c).*

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

11 “(1) *cooperate with any State in the preparation*
12 *of a comprehensive State or regional coastal sediment*
13 *management plan within the boundaries of the State;*

14 “(2) *encourage State participation in the imple-*
15 *mentation of the plan; and*

16 “(3) *submit to Congress reports and rec-*
17 *ommendations with respect to appropriate Federal*
18 *participation in carrying out the plan.*

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

22 “(1) *Fire Island Inlet, Suffolk County, New*
23 *York;*

24 “(2) *Fletcher Cove, California;*

1 “(3) *Delaware River Estuary, New Jersey and*
2 *Pennsylvania; and*

3 “(4) *Toledo Harbor, Lucas County, Ohio.*

4 “(g) *AUTHORIZATION OF APPROPRIATIONS.—There is*
5 *authorized to be appropriated to carry out this section*
6 *\$15,000,000 during each fiscal year, to remain available*
7 *until expended, for the Federal costs identified under sub-*
8 *section (c), of which up to \$5,000,000 shall be used for the*
9 *development of regional sediment management plans as*
10 *provided in subsection (e).*

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

16 “(b) *REPEAL.—*

17 “(1) *IN GENERAL.—Section 145 of the Water Re-*
18 *sources Development Act of 1976 (33 U.S.C. 426j) is*
19 *repealed.*

20 “(2) *EXISTING PROJECTS.—The Secretary, acting*
21 *through the Chief of Engineers, may complete any*
22 *project being carried out under section 145 on the day*
23 *before the date of enactment of this Act.*

1 **SEC. 2013. NATIONAL SHORELINE EROSION CONTROL DE-**
2 **VELOPMENT PROGRAM.**

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

8 **“SEC. 3. STORM AND HURRICANE RESTORATION AND IM-**
9 **PACT MINIMIZATION PROGRAM.**

10 “(a) *CONSTRUCTION OF SMALL SHORE AND BEACH*
11 *RESTORATION AND PROTECTION PROJECTS.*—

12 “(1) *IN GENERAL.*—The Secretary may carry out
13 construction of small shore and beach restoration and
14 protection projects not specifically authorized by Con-
15 gress that otherwise comply with the first section of
16 this Act if the Secretary determines that such con-
17 struction is advisable.

18 “(2) *LOCAL COOPERATION.*—The local coopera-
19 tion requirement under the first section of this Act
20 shall apply to a project under this section.

21 “(3) *COMPLETENESS.*—A project under this
22 section—

23 “(A) shall be complete; and

24 “(B) shall not commit the United States to
25 any additional improvement to ensure the suc-
26 cessful operation of the project, except for par-

1 *participation in periodic beach nourishment in ac-*
2 *cordance with—*

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

4 *“(ii) the procedure for projects author-*
5 *ized after submission of a survey report.*

6 *“(b) NATIONAL SHORELINE EROSION CONTROL DE-*
7 *VELOPMENT AND DEMONSTRATION PROGRAM.—*

8 *“(1) IN GENERAL.—The Secretary, acting*
9 *through the Chief of Engineers, shall conduct a na-*
10 *tional shoreline erosion control development and dem-*
11 *onstration program (referred to in this section as the*
12 *‘program’).*

13 *“(2) REQUIREMENTS.—*

14 *“(A) IN GENERAL.—The program shall in-*
15 *clude provisions for—*

16 *“(i) projects consisting of planning, de-*
17 *sign, construction, and adequate monitoring*
18 *of prototype engineered and native and nat-*
19 *uralized vegetative shoreline erosion control*
20 *devices and methods;*

21 *“(ii) detailed engineering and environ-*
22 *mental reports on the results of each project*
23 *carried out under the program; and*

24 *“(iii) technology transfers, as appro-*
25 *priate, to private property owners, State*

1 *and local entities, nonprofit educational in-*
2 *stitutions, and nongovernmental organiza-*
3 *tions.*

4 “(B) *DETERMINATION OF FEASIBILITY.*—A
5 *project under this section shall not be carried out*
6 *until the Secretary, acting through the Chief of*
7 *Engineers, determines that the project is feasible.*

8 “(C) *EMPHASIS.*—A project carried out
9 *under the program shall emphasize, to the max-*
10 *imum extent practicable—*

11 “(i) *the development and demonstra-*
12 *tion of innovative technologies;*

13 “(ii) *efficient designs to prevent ero-*
14 *sion at a shoreline site, taking into account*
15 *the lifecycle cost of the design, including*
16 *cleanup, maintenance, and amortization;*

17 “(iii) *new and enhanced shore protec-*
18 *tion project design and project formulation*
19 *tools the purposes of which are to improve*
20 *the physical performance, and lower the*
21 *lifecycle costs, of the projects;*

22 “(iv) *natural designs, including the use*
23 *of native and naturalized vegetation or tem-*
24 *porary structures that minimize permanent*
25 *structural alterations to the shoreline;*

1 “(v) the avoidance of negative impacts
2 to adjacent shorefront communities;

3 “(vi) the potential for long-term protec-
4 tion afforded by the technology; and

5 “(vii) recommendations developed from
6 evaluations of the program established
7 under the Shoreline Erosion Control Dem-
8 onstration Act of 1974 (42 U.S.C. 1962–5
9 note; 88 Stat. 26), including—

10 “(I) adequate consideration of the
11 subgrade;

12 “(II) proper filtration;

13 “(III) durable components;

14 “(IV) adequate connection between
15 units; and

16 “(V) consideration of additional
17 relevant information.

18 “(D) SITES.—

19 “(i) IN GENERAL.—Each project under
20 the program shall be carried out at—

21 “(I) a privately owned site with
22 substantial public access; or

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

1 “(ii) *SELECTION.*—*The Secretary, act-*
2 *ing through the Chief of Engineers, shall de-*
3 *velop criteria for the selection of sites for*
4 *projects under the program, including cri-*
5 *teria based on—*

6 “(I) *a variety of geographic and*
7 *climatic conditions;*

8 “(II) *the size of the population*
9 *that is dependent on the beaches for*
10 *recreation or the protection of private*
11 *property or public infrastructure;*

12 “(III) *the rate of erosion;*

13 “(IV) *significant natural re-*
14 *sources or habitats and environ-*
15 *mentally sensitive areas; and*

16 “(V) *significant threatened his-*
17 *toric structures or landmarks.*

18 “(3) *CONSULTATION.*—*The Secretary, acting*
19 *through the Chief of Engineers, shall carry out the*
20 *program in consultation with—*

21 “(A) *the Secretary of Agriculture, particu-*
22 *larly with respect to native and naturalized veg-*
23 *etative means of preventing and controlling*
24 *shoreline erosion;*

25 “(B) *Federal, State, and local agencies;*

1 “(C) *private organizations;*

2 “(D) *the Coastal Engineering Research Cen-*
3 *ter established by the first section of Public Law*
4 *88–172 (33 U.S.C. 426–1); and*

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

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

12 “(A) *at the request of a non-Federal interest*
13 *of the project, amend the agreement for a feder-*
14 *ally-authorized shore protection project in exist-*
15 *ence on the date on which initial construction of*
16 *the demonstration project is complete to incor-*
17 *porate the demonstration project as a feature of*
18 *the shore protection project, with the future cost*
19 *of the demonstration project to be determined by*
20 *the cost-sharing ratio of the shore protection*
21 *project; or*

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

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

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

8 “(B) *to share the costs of removing a project*
9 *or project element constructed under the pro-*
10 *gram, if the Secretary determines that the project*
11 *or project element is detrimental to private prop-*
12 *erty, public infrastructure, or public safety; or*

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

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

23 “(A) *the activities carried out and accom-*
24 *plishments made under the program during the*
25 *preceding year; and*

1 “(B) any recommendations of the Secretary
2 relating to the program.

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

14 “(A) be sufficient to pay the cost of Federal
15 participation in the project (including periodic
16 nourishment as provided for under the first sec-
17 tion of this Act), as determined by the Secretary;
18 and

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

20 (b) REPEAL.—Section 5 the Act entitled “An Act au-
21 thorizing Federal participation in the cost of protecting the
22 shores of publicly owned property”, approved August 13,
23 1946 (33 U.S.C. 426e et seq.; 110 Stat. 3700) is repealed.

1 **SEC. 2014. SHORE PROTECTION PROJECTS.**

2 (a) *IN GENERAL.*—*In accordance with the Act of July*
3 *3, 1930 (33 U.S.C. 426), and notwithstanding administra-*
4 *tive actions, it is the policy of the United States to promote*
5 *shore protection projects and related research that encour-*
6 *age the protection, restoration, and enhancement of sandy*
7 *beaches, including beach restoration and periodic beach re-*
8 *nourishment for a period of 50 years, on a comprehensive*
9 *and coordinated basis by the Federal Government, States,*
10 *localities, and private enterprises.*

11 (b) *PREFERENCE.*—*In carrying out the policy, pref-*
12 *erence shall be given to—*

13 (1) *areas in which there has been a Federal in-*
14 *vestment of funds; and*

15 (2) *areas with respect to which the need for pre-*
16 *vention or mitigation of damage to shores and beaches*
17 *is attributable to Federal navigation projects or other*
18 *Federal activities.*

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

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

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

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

3 (2) *for a maximum period of 10 years.*

4 (b) *AGGREGATE LIMITATION.—Monitoring costs for an*
5 *ecosystem restoration project—*

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

9 (2) *after the 10-year period, shall be 100 percent*
10 *non-Federal.*

11 **SEC. 2016. ECOSYSTEM RESTORATION BENEFITS.**

12 *For each of the following projects, the Corps of Engi-*
13 *neers shall include ecosystem restoration benefits in the cal-*
14 *culatation of benefits for the project:*

15 (1) *Grayson’s Creek, California.*

16 (2) *Seven Oaks, California.*

17 (3) *Oxford, California.*

18 (4) *Walnut Creek, California.*

19 (5) *Wildcat Phase II, California.*

20 **SEC. 2017. FUNDING TO EXPEDITE THE EVALUATION AND**
21 **PROCESSING OF PERMITS.**

22 *Section 214 of the Water Resources Development Act*
23 *of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594, 117 Stat.*
24 *1836, 119 Stat. 2169, 120 Stat. 318, 120 Stat. 3197) is*
25 *amended by striking subsection (c).*

1 **SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICA-**
2 **TIONS.**

3 (a) *IN GENERAL.*—Not later than 2 years after the
4 date of enactment of this Act, the Secretary shall implement
5 a program to allow electronic submission of permit applica-
6 tions for permits under the jurisdiction of the Corps of En-
7 gineers.

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

10 (c) *AUTHORIZATION OF APPROPRIATIONS.*—There is
11 authorized to be appropriated to carry out this section
12 \$3,000,000.

13 **SEC. 2019. IMPROVEMENT OF WATER MANAGEMENT AT**
14 **CORPS OF ENGINEERS RESERVOIRS.**

15 (a) *IN GENERAL.*—As part of the operation and main-
16 tenance, by the Corps of Engineers, of reservoirs in oper-
17 ation as of the date of enactment of this Act, the Secretary
18 shall carry out the measures described in subsection (c) to
19 support the water resource needs of project sponsors and
20 any affected State, local, or tribal government for author-
21 ized project purposes.

22 (b) *COOPERATION.*—The Secretary shall carry out the
23 measures described in subsection (c) in cooperation and co-
24 ordination with project sponsors and any affected State,
25 local, or tribal government.

1 (c) *MEASURES.*—*In carrying out this section, the Sec-*
2 *retary may—*

3 (1) *conduct a study to identify unused,*
4 *underused, or additional water storage capacity at*
5 *reservoirs;*

6 (2) *review an operational plan and identify any*
7 *change to maximize an authorized project purpose to*
8 *improve water storage capacity and enhance effi-*
9 *ciency of releases and withdrawal of water;*

10 (3) *improve and update data, data collection,*
11 *and forecasting models to maximize an authorized*
12 *project purpose and improve water storage capacity*
13 *and delivery to water users; and*

14 (4) *conduct a sediment study and implement*
15 *any sediment management or removal measure.*

16 (d) *REVENUES FOR SPECIAL CASES.*—

17 (1) *COSTS OF WATER SUPPLY STORAGE.*—*In the*
18 *case of a reservoir operated or maintained by the*
19 *Corps of Engineers on the date of enactment of this*
20 *Act, the storage charge for a future contract or con-*
21 *tract renewal for the first cost of water supply storage*
22 *at the reservoir shall be the lesser of the estimated cost*
23 *of purposes foregone, replacement costs, or the up-*
24 *dated cost of storage.*

1 (2) *REALLOCATION.*—*In the case of a water sup-*
2 *ply that is reallocated from another project purpose*
3 *to municipal or industrial water supply, the joint use*
4 *costs for the reservoir shall be adjusted to reflect the*
5 *reallocation of project purposes.*

6 (3) *CREDIT FOR AFFECTED PROJECT PUR-*
7 *POSES.*—*In the case of a reallocation that adversely*
8 *affects hydropower generation, the Secretary shall*
9 *defer to the Administrator of the respective Power*
10 *Marketing Administration to calculate the impact of*
11 *such a reallocation on the rates for hydroelectric*
12 *power.*

13 (e) *SAVINGS CLAUSE.*—*Nothing in this section affects*
14 *any authority in existence on the date of enactment of this*
15 *Act under—*

16 (1) *the Water Supply Act of 1958 (72 Stat 319);*

17 (2) *the Act of December 22, 1944 (commonly*
18 *known as the “Flood Control Act of 1944”) (58 Stat.*
19 *887, chapter 665);*

20 (3) *the Water Resources Development Act of 1986*
21 *(100 Stat. 4082); or*

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

1 **SEC. 2020. FEDERAL HOPPER DREDGES.**

2 *Section 3(c)(7)(B) of the Act of August 11, 1888 (33*
3 *U.S.C. 622; 25 Stat. 423), is amended by adding at the*
4 *end the following: “This subparagraph shall not apply to*
5 *the Federal hopper dredges Essayons and Yaquina of the*
6 *Corps of Engineers.”.*

7 **SEC. 2021. EXTRAORDINARY RAINFALL EVENTS.**

8 *In the State of Louisiana, extraordinary rainfall*
9 *events such as Hurricanes Katrina and Rita, which oc-*
10 *curred during calendar year 2005, and Hurricane Andrew,*
11 *which occurred during calendar year 1992, shall not be con-*
12 *sidered in making a determination with respect to the ordi-*
13 *nary high water mark for purposes of carrying out section*
14 *10 of the Act of March 3, 1899 (33 U.S.C. 403) (commonly*
15 *known as the “Rivers and Harbors Act”).*

16 **SEC. 2022. WILDFIRE FIREFIGHTING.**

17 *Section 309 of Public Law 102–154 (42 U.S.C. 1856a–*
18 *1; 105 Stat. 1034) is amended by inserting “the Secretary*
19 *of the Army,” after “the Secretary of Energy,”.*

20 **SEC. 2023. NONPROFIT ORGANIZATIONS AS SPONSORS.**

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

23 *(1) by striking “A non-Federal interest shall be”*
24 *and inserting the following:*

25 *“(1) IN GENERAL.—In this section, the term*
26 *‘non-Federal interest’ means”; and*

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

2 “(2) *INCLUSIONS.—The term ‘non-Federal inter-*
3 *est’ includes a nonprofit organization acting with the*
4 *consent of the affected unit of government.’”.*

5 **SEC. 2024. PROJECT ADMINISTRATION.**

6 (a) *PROJECT TRACKING.—The Secretary shall assign*
7 *a unique tracking number to each water resources project*
8 *under the jurisdiction of the Secretary, to be used by each*
9 *Federal agency throughout the life of the project.*

10 (b) *REPORT REPOSITORY.—*

11 (1) *IN GENERAL.—The Secretary shall maintain*
12 *at the Library of Congress a copy of each final feasi-*
13 *bility study, final environmental impact statement,*
14 *final reevaluation report, record of decision, and re-*
15 *port to Congress prepared by the Corps of Engineers.*

16 (2) *AVAILABILITY TO PUBLIC.—*

17 (A) *IN GENERAL.—Each document described*
18 *in paragraph (1) shall be made available to the*
19 *public for review, and an electronic copy of each*
20 *document shall be made permanently available*
21 *to the public through the Internet website of the*
22 *Corps of Engineers.*

23 (B) *COST.—The Secretary shall charge the*
24 *requestor for the cost of duplication of the re-*
25 *quested document.*

1 **SEC. 2025. PROGRAM ADMINISTRATION.**

2 *Sections 101, 106, and 108 of the Energy and Water*
3 *Development Appropriations Act, 2006 (Public Law 109–*
4 *103; 119 Stat. 2252–2254), are repealed.*

5 **SEC. 2026. EXTENSION OF SHORE PROTECTION PROJECTS.**

6 *(a) IN GENERAL.—Before the date on which the appli-*
7 *cable period for Federal financial participation in a shore*
8 *protection project terminates, the Secretary, acting through*
9 *the Chief of Engineers, is authorized to review the shore pro-*
10 *tection project to determine whether it would be feasible to*
11 *extend the period of Federal financial participation relat-*
12 *ing to the project.*

13 *(b) REPORT.—The Secretary shall submit to Congress*
14 *a report describing the results of each review conducted*
15 *under subsection (a).*

16 **SEC. 2027. TRIBAL PARTNERSHIP PROGRAM.**

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

19 *(1) in subsection (b)—*

20 *(A) in paragraph (1), by inserting “carry*
21 *out water-related planning activities and” after*
22 *“the Secretary may”; and*

23 *(B) in paragraph (2)—*

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

1 (ii) by redesignating subparagraph (B)
2 as subparagraph (C); and

3 (iii) by inserting after subparagraph
4 (A) the following:

5 “(B) watershed assessments and planning
6 activities.”; and

7 (2) in subsection (e), by striking “2006” and in-
8 serting “2012”.

9 **SEC. 2028. PROJECT DEAUTHORIZATION.**

10 Section 1001(b)(2) of the Water Resources Develop-
11 ment Act of 1986 (33 U.S.C. 579a) is amended as follows:

12 (1) In the first sentence by striking “two years”
13 and inserting “year”;

14 (2) In the last sentence by striking “30 months
15 after the date” and inserting “the last date of the fis-
16 cal year following the fiscal year in which”; and

17 (3) In the last sentence by striking “such 30
18 month period” and inserting “such period”.

19 **Subtitle B—Continuing Authorities**
20 **Projects**

21 **SEC. 2031. NAVIGATION ENHANCEMENTS FOR WATER-**
22 **BORNE TRANSPORTATION.**

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

1 (1) by striking “SEC. 107. (a) That the Secretary
2 of the Army is hereby authorized to” and inserting
3 the following:

4 **“SEC. 107. NAVIGATION ENHANCEMENTS FOR WATERBORNE**
5 **TRANSPORTATION.**

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

7 (2) in subsection (b)—

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

10 “(b) *ALLOTMENT.*—Not more”; and

11 (B) by striking “\$4,000,000” and inserting
12 “\$7,000,000”;

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

15 “(c) *LOCAL CONTRIBUTIONS.*—Local”;

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

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

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

21 “(e) *COMPLETION.*—Each”; and

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

24 “(f) *APPLICABILITY.*—This”.

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

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

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

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

11 *(1) by striking the section heading and inserting*
 12 *the following:*

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

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

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

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

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

25 *(1) by striking the section heading and inserting*
 26 *the following:*

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

4 *and*

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

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

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

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

15 *(2) is in the public interest; and*

16 *(3) is cost-effective.*

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

19 *(1) shall be 35 percent; and*

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

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

1 (1) *the non-Federal share of the costs of construc-*
2 *tion required under subsection (b); and*

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

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

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

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

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

16 (1) *by striking subsection (f);*

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

19 (3) *by inserting before subsection (b) (as redesign-*
20 *ated by paragraph (2)) the following:*

21 “(a) *DEFINITION OF NON-FEDERAL INTEREST.—In*
22 *this section, the term ‘non-Federal interest’ includes, with*
23 *the consent of the affected local government, nonprofit enti-*
24 *ties, notwithstanding section 221 of the Flood Control Act*
25 *of 1970 (42 U.S.C. 1962d–5b).”;*

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

3 (A) *by inserting “, and construction” before*
4 *“assistance”; and*

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

8 (5) *in paragraph (3) of subsection (c) (as red-*
9 *esignated by paragraph (2))—*

10 (A) *by inserting “physical hazards and”*
11 *after “adverse”; and*

12 (B) *by striking “drainage from”;*

13 (6) *in subsection (d) (as redesignated by para-*
14 *graph (2)), by striking “50” and inserting “25”; and*

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

16 “(g) *OPERATION AND MAINTENANCE.—The non-Fed-*
17 *eral share of the costs of operation and maintenance for*
18 *a project carried out under this section shall be 100 percent.*

19 “(h) *NO EFFECT ON LIABILITY.—The provision of as-*
20 *sistance under this section shall not relieve from liability*
21 *any person that would otherwise be liable under Federal*
22 *or State law for damages, response costs, natural resource*
23 *damages, restitution, equitable relief, or any other relief.*

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

1 *each of fiscal years 2008 through 2011, \$20,000,000, to re-*
2 *main available until expended.”.*

3 **SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION**
4 **AND REMOVAL OF DAMS.**

5 (a) *AUTHORIZATION.—*

6 (1) *IN GENERAL.—The Secretary may carry out*
7 *a small dam removal or rehabilitation project if the*
8 *Secretary determines that the project will improve the*
9 *quality of the environment or is in the public interest.*

10 (2) *PRIORITY PROJECTS.—In carrying out this*
11 *section, the Secretary shall give priority to carrying*
12 *out the following small dam removal or rehabilitation*
13 *projects:*

14 (A) *Mountain Park, Georgia.*

15 (B) *Keith Creek, Rockford, Illinois.*

16 (C) *Mount Zion Mill Pond Dam, Fulton*
17 *County, Indiana.*

18 (D) *Hamilton Dam, Flint River, Michigan.*

19 (E) *Ingham Spring Dam, Solebury Town-*
20 *ship, Pennsylvania.*

21 (F) *Stillwater Lake Dam, Monroe County,*
22 *Pennsylvania.*

23 (b) *COST SHARING.—A non-Federal interest shall pro-*
24 *vide 35 percent of the cost of the removal or remediation*
25 *of any project carried out under this section, including pro-*

1 *vision of all land, easements, rights-of-way, and necessary*
2 *relocations.*

3 (c) *AGREEMENTS.*—*Construction of a project under*
4 *this section shall be commenced only after a non-Federal*
5 *interest has entered into a binding agreement with the Sec-*
6 *retary to pay—*

7 (1) *the non-Federal share of the costs of construc-*
8 *tion required by this section; and*

9 (2) *100 percent of any operation and mainte-*
10 *nance cost.*

11 (d) *COST LIMITATION.*—*Not more than \$5,000,000 in*
12 *Federal funds may be allotted under this section for a*
13 *project at any single location.*

14 (e) *FUNDING.*—*There is authorized to be appropriated*
15 *to carry out this section \$10,000,000 for each of fiscal years*
16 *2008 through 2011.*

17 **SEC. 2038. REMOTE, MARITIME-DEPENDENT COMMUNITIES.**

18 (a) *IN GENERAL.*—*The Secretary shall develop eligi-*
19 *bility criteria for Federal participation in navigation*
20 *projects located in economically disadvantaged commu-*
21 *nities that are—*

22 (1) *dependent on water transportation for sub-*
23 *sistence; and*

24 (2) *located in—*

25 (A) *remote areas of the United States;*

- 1 (B) *American Samoa;*
2 (C) *Guam;*
3 (D) *the Commonwealth of the Northern*
4 *Mariana Islands;*
5 (E) *the Commonwealth of Puerto Rico; or*
6 (F) *the United States Virgin Islands.*

7 (b) *ADMINISTRATION.—The criteria developed under*
8 *this section—*

9 (1) *shall—*

- 10 (A) *provide for economic expansion; and*
11 (B) *identify opportunities for promoting*
12 *economic growth; and*

13 (2) *shall not require project justification solely*
14 *on the basis of National Economic Development bene-*
15 *fits received.*

16 **SEC. 2039. AGREEMENTS FOR WATER RESOURCE PROJECTS.**

17 (a) *PARTNERSHIP AGREEMENTS.—Section 221 of the*
18 *Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is*
19 *amended—*

20 (1) *by redesignating subsection (e) as subsection*
21 *(g); and*

22 (2) *by inserting after subsection (d) the fol-*
23 *lowing:*

1 “(e) *PUBLIC HEALTH AND SAFETY.*—*If the Secretary*
2 *determines that a project needs to be continued for the pur-*
3 *pose of public health and safety—*

4 “(1) *the non-Federal interest shall pay the in-*
5 *creased projects costs, up to an amount equal to 20*
6 *percent of the original estimated project costs and in*
7 *accordance with the statutorily-determined cost share;*
8 *and*

9 “(2) *notwithstanding the statutorily-determined*
10 *Federal share, the Secretary shall pay all increased*
11 *costs remaining after payment of 20 percent of the in-*
12 *creased costs by the non-Federal interest under para-*
13 *graph (1).*

14 “(f) *LIMITATION.*—*Nothing in subsection (a) limits the*
15 *authority of the Secretary to ensure that a partnership*
16 *agreement meets the requirements of law and policies of the*
17 *Secretary in effect on the date of execution of the partner-*
18 *ship agreement.”.*

19 “(b) *LOCAL COOPERATION.*—*Section 912(b) of the*
20 *Water Resources Development Act of 1986 (100 Stat. 4190)*
21 *is amended—*

22 “(1) *in paragraph (2)—*

23 “(A) *in the first sentence, by striking “shall”*
24 *and inserting “may”; and*

25 “(B) *by striking the second sentence; and*

1 (2) *in paragraph (4)—*

2 (A) *in the first sentence—*

3 (i) *by striking “injunction, for” and*
4 *inserting “injunction and payment of liq-*
5 *uidated damages, for”; and*

6 (ii) *by striking “to collect a civil pen-*
7 *alty imposed under this section,”; and*

8 (B) *in the second sentence, by striking “any*
9 *civil penalty imposed under this section,” and*
10 *inserting “any liquidated damages,”.*

11 (c) *APPLICABILITY.—*

12 (1) *IN GENERAL.—Except as provided in para-*
13 *graph (2), the amendments made by subsections (a)*
14 *and (b) shall apply only to partnership agreements*
15 *entered into after the date of enactment of this Act.*

16 (2) *EXCEPTION.—Notwithstanding paragraph*
17 *(1), the district engineer for the district in which a*
18 *project is located may amend the partnership agree-*
19 *ment for the project entered into on or before the date*
20 *of enactment of this Act—*

21 (A) *at the request of a non-Federal interest*
22 *for a project; and*

23 (B) *if construction on the project has not*
24 *been initiated as of the date of enactment of this*
25 *Act.*

1 (d) *REFERENCES.*—

2 (1) *COOPERATION AGREEMENTS.*—Any reference
3 in a law, regulation, document, or other paper of the
4 United States to a cooperation agreement or project
5 cooperation agreement shall be considered to be a ref-
6 erence to a partnership agreement or a project part-
7 nership agreement, respectively.

8 (2) *PARTNERSHIP AGREEMENTS.*—Any reference
9 to a partnership agreement or project partnership
10 agreement in this Act (other than in this section)
11 shall be considered to be a reference to a cooperation
12 agreement or a project cooperation agreement, respec-
13 tively.

14 **SEC. 2040. PROGRAM NAMES.**

15 Section 205 of the Flood Control Act of 1948 (33
16 U.S.C. 701s) is amended by striking “SEC. 205. That the”
17 and inserting the following:

18 **“SEC. 205. PROJECTS TO ENHANCE REDUCTION OF FLOOD-**
19 **ING AND OBTAIN RISK MINIMIZATION.**

20 “The”.

21 ***Subtitle C—National Levee Safety***
22 ***Program***

23 **SEC. 2051. SHORT TITLE.**

24 This subtitle may be cited as the “National Levee Safe-
25 ty Program Act of 2007”.

1 **SEC. 2052. DEFINITIONS.**

2 *In this subtitle:*

3 (1) *ASSESSMENT.*—*The term “assessment”*
4 *means the periodic engineering evaluation of a levee*
5 *by a registered professional engineer to—*

6 (A) *review the engineering features of the*
7 *levee; and*

8 (B) *develop a risk-based performance eval-*
9 *uation of the levee, taking into consideration po-*
10 *tential consequences of failure or overtopping of*
11 *the levee.*

12 (2) *COMMITTEE.*—*The term “Committee” means*
13 *the National Levee Safety Committee established by*
14 *section 2053(a).*

15 (3) *INSPECTION.*—*The term “inspection” means*
16 *an annual review of a levee to verify whether the*
17 *owner or operator of the levee is conducting required*
18 *operation and maintenance in accordance with estab-*
19 *lished levee maintenance standards.*

20 (4) *LEVEE.*—*The term “levee” means an em-*
21 *bankment (including a floodwall) that—*

22 (A) *is designed, constructed, or operated for*
23 *the purpose of flood or storm damage reduction;*

24 (B) *reduces the risk of loss of human life or*
25 *risk to the public safety; and*

1 (C) is not otherwise defined as a dam by the
2 *Federal Guidelines for Dam Safety.*

3 (5) *SECRETARY.*—The term “Secretary” means
4 *the Secretary of the Army, acting through the Chief*
5 *of Engineers.*

6 (6) *STATE.*—The term “State” means—

7 (A) *a State;*

8 (B) *the District of Columbia;*

9 (C) *the Commonwealth of Puerto Rico; and*

10 (D) *any other territory or possession of the*
11 *United States.*

12 (7) *STATE LEVEE SAFETY AGENCY.*—The term
13 “*State levee safety agency*” means *the State agency*
14 *that has regulatory authority over the safety of any*
15 *non-Federal levee in a State.*

16 (8) *UNITED STATES.*—The term “*United States*”,
17 *when used in a geographical sense, means all of the*
18 *States.*

19 **SEC. 2053. NATIONAL LEVEE SAFETY COMMITTEE.**

20 (a) *ESTABLISHMENT.*—

21 (1) *IN GENERAL.*—The Secretary shall establish
22 *a National Levee Safety Committee, consisting of rep-*
23 *resentatives of Federal agencies and State, tribal, and*
24 *local governments, in accordance with this subsection.*

25 (2) *FEDERAL AGENCIES.*—

1 (A) *IN GENERAL.*—*The head of each Federal*
2 *agency and the head of the International Bound-*
3 *ary Waters Commission may designate a rep-*
4 *resentative to serve on the Committee.*

5 (B) *ACTION BY SECRETARY.*—*The Secretary*
6 *shall ensure, to the maximum extent practicable,*
7 *that—*

8 (i) *each Federal agency that designs,*
9 *owns, operates, or maintains a levee is rep-*
10 *resented on the Committee; and*

11 (ii) *each Federal agency that has re-*
12 *sponsibility for emergency preparedness or*
13 *response activities is represented on the*
14 *Committee.*

15 (3) *TRIBAL, STATE, AND LOCAL GOVERN-*
16 *MENTS.*—

17 (A) *IN GENERAL.*—*The Secretary shall ap-*
18 *point 8 members to the Committee—*

19 (i) *3 of whom shall represent tribal*
20 *governments affected by levees, based on rec-*
21 *ommendations of tribal governments;*

22 (ii) *3 of whom shall represent State*
23 *levee safety agencies, based on recommenda-*
24 *tions of Governors of the States; and*

1 (iii) 2 of whom shall represent local
2 governments, based on recommendations of
3 Governors of the States.

4 (B) *REQUIREMENT.*—In appointing mem-
5 bers under subparagraph (A), the Secretary shall
6 ensure broad geographic representation, to the
7 maximum extent practicable.

8 (4) *CHAIRPERSON.*—The Secretary shall serve as
9 Chairperson of the Committee.

10 (5) *OTHER MEMBERS.*—The Secretary, in con-
11 sultation with the Committee, may invite to partici-
12 pate in meetings of the Committee, as appropriate, 1
13 or more of the following:

14 (A) *Representatives of the National Labora-*
15 *tories.*

16 (B) *Levee safety experts.*

17 (C) *Environmental organizations.*

18 (D) *Members of private industry.*

19 (E) *Any other individual or entity, as the*
20 *Committee determines to be appropriate.*

21 (b) *DUTIES.*—

22 (1) *IN GENERAL.*—The Committee shall—

23 (A) *advise the Secretary in implementing*
24 *the national levee safety program under section*
25 *2054;*

1 (B) support the establishment and mainte-
2 nance of effective programs, policies, and guide-
3 lines to enhance levee safety for the protection of
4 human life and property throughout the United
5 States; and

6 (C) support coordination and information
7 exchange between Federal agencies and State
8 levee safety agencies that share common problems
9 and responsibilities relating to levee safety, in-
10 cluding planning, design, construction, oper-
11 ation, emergency action planning, inspections,
12 maintenance, regulation or licensing, technical
13 or financial assistance, research, and data man-
14 agement.

15 (c) *POWERS.*—

16 (1) *INFORMATION FROM FEDERAL AGENCIES.*—

17 (A) *IN GENERAL.*—The Committee may se-
18 cure directly from a Federal agency such infor-
19 mation as the Committee considers to be nec-
20 essary to carry out this section.

21 (B) *PROVISION OF INFORMATION.*—On re-
22 quest of the Committee, the head of a Federal
23 agency shall provide the information to the Com-
24 mittee.

1 (2) *CONTRACTS.*—*The Committee may enter into*
2 *any contract the Committee determines to be nec-*
3 *essary to carry out a duty of the Committee.*

4 (d) *WORKING GROUPS.*—

5 (1) *IN GENERAL.*—*The Secretary may establish*
6 *working groups to assist the Committee in carrying*
7 *out this section.*

8 (2) *MEMBERSHIP.*—*A working group under*
9 *paragraph (1) shall be composed of—*

10 (A) *members of the Committee; and*

11 (B) *any other individual, as the Secretary*
12 *determines to be appropriate.*

13 (e) *COMPENSATION OF MEMBERS.*—

14 (1) *FEDERAL EMPLOYEES.*—*A member of the*
15 *Committee who is an officer or employee of the*
16 *United States shall serve without compensation in ad-*
17 *dition to compensation received for the services of the*
18 *member as an officer or employee of the United*
19 *States.*

20 (2) *OTHER MEMBERS.*—*A member of the Com-*
21 *mittee who is not an officer or employee of the United*
22 *States shall serve without compensation.*

23 (f) *TRAVEL EXPENSES.*—

24 (1) *REPRESENTATIVES OF FEDERAL AGEN-*
25 *CIES.*—*To the extent amounts are made available in*

1 *advance in appropriations Acts, a member of the*
2 *Committee who represents a Federal agency shall be*
3 *reimbursed with appropriations for travel expenses by*
4 *the agency of the member, including per diem in lieu*
5 *of subsistence, at rates authorized for an employee of*
6 *an agency under subchapter I of chapter 57 of title*
7 *5, United States Code, while away from home or reg-*
8 *ular place of business of the member in the perform-*
9 *ance of services for the Committee.*

10 (2) *OTHER INDIVIDUALS.—To the extent*
11 *amounts are made available in advance in appro-*
12 *priations Acts, a member of the Committee who rep-*
13 *resents a State levee safety agency, a member of the*
14 *Committee who represents the private sector, and a*
15 *member of a working group created under subsection*
16 *(d) shall be reimbursed for travel expenses by the Sec-*
17 *retary, including per diem in lieu of subsistence, at*
18 *rates authorized for an employee of an agency under*
19 *subchapter 1 of chapter 57 of title 5, United States*
20 *Code, while away from home or regular place of busi-*
21 *ness of the member in performance of services for the*
22 *Committee.*

23 (g) *NONAPPLICABILITY OF FACA.—The Federal Advi-*
24 *sory Committee Act (5 U.S.C. App.) shall not apply to the*
25 *Committee.*

1 **SEC. 2054. NATIONAL LEVEE SAFETY PROGRAM.**

2 (a) *IN GENERAL.*—*The Secretary, in consultation with*
3 *the Committee and State levee safety agencies, shall estab-*
4 *lish and maintain a national levee safety program.*

5 (b) *PURPOSES.*—*The purposes of the program under*
6 *this section are—*

7 (1) *to ensure that new and existing levees are*
8 *safe through the development of technologically and*
9 *economically feasible programs and procedures for*
10 *hazard reduction relating to levees;*

11 (2) *to encourage appropriate engineering policies*
12 *and procedures to be used for levee site investigation,*
13 *design, construction, operation and maintenance, and*
14 *emergency preparedness;*

15 (3) *to encourage the establishment and imple-*
16 *mentation of effective levee safety programs in each*
17 *State;*

18 (4) *to develop and support public education and*
19 *awareness projects to increase public acceptance and*
20 *support of State levee safety programs;*

21 (5) *to develop technical assistance materials for*
22 *Federal and State levee safety programs;*

23 (6) *to develop methods of providing technical as-*
24 *sistance relating to levee safety to non-Federal enti-*
25 *ties; and*

1 (7) *to develop technical assistance materials,*
2 *seminars, and guidelines to improve the security of*
3 *levees in the United States.*

4 (c) *STRATEGIC PLAN.—In carrying out the program*
5 *under this section, the Secretary, in coordination with the*
6 *Committee, shall prepare a strategic plan—*

7 (1) *to establish goals, priorities, and target dates*
8 *to improve the safety of levees in the United States;*

9 (2) *to cooperate and coordinate with, and pro-*
10 *vide assistance to, State levee safety agencies, to the*
11 *maximum extent practicable;*

12 (3) *to share information among Federal agencies,*
13 *State and local governments, and private entities re-*
14 *lating to levee safety; and*

15 (4) *to provide information to the public relating*
16 *to risks associated with levee failure or overtopping.*

17 (d) *FEDERAL GUIDELINES.—*

18 (1) *IN GENERAL.—In carrying out the program*
19 *under this section, the Secretary, in coordination*
20 *with the Committee, shall establish Federal guidelines*
21 *relating to levee safety.*

22 (2) *INCORPORATION OF FEDERAL ACTIVITIES.—*
23 *The Federal guidelines under paragraph (1) shall in-*
24 *corporate, to the maximum extent practicable, any*

1 *activity carried out by a Federal agency as of the*
2 *date on which the guidelines are established.*

3 *(e) INCORPORATION OF EXISTING ACTIVITIES.—The*
4 *program under this section shall incorporate, to the max-*
5 *imum extent practicable—*

6 *(1) any activity carried out by a State or local*
7 *government, or a private entity, relating to the con-*
8 *struction, operation, or maintenance of a levee; and*

9 *(2) any activity carried out by a Federal agency*
10 *to support an effort by a State levee safety agency to*
11 *develop and implement an effective levee safety pro-*
12 *gram.*

13 *(f) INVENTORY OF LEVEES.—The Secretary shall de-*
14 *velop, maintain, and periodically publish an inventory of*
15 *levees in the United States, including the results of any*
16 *levee assessment conducted under this section and inspec-*
17 *tion.*

18 *(g) ASSESSMENTS OF LEVEES.—*

19 *(1) IN GENERAL.—Except as provided in para-*
20 *graph (2), as soon as practicable after the date of en-*
21 *actment of this Act, the Secretary shall conduct an as-*
22 *essment of each levee in the United States that pro-*
23 *TECTS human life or the public safety to determine the*
24 *POTENTIAL for a failure or overtopping of the levee that*

1 *would pose a risk of loss of human life or a risk to*
2 *the public safety.*

3 (2) *EXCEPTION.—The Secretary may exclude*
4 *from assessment under paragraph (1) any non-Fed-*
5 *eral levee the failure or overtopping of which would*
6 *not pose a risk of loss of human life or a risk to the*
7 *public safety.*

8 (3) *PRIORITIZATION.—In determining the order*
9 *in which to assess levees under paragraph (1), the*
10 *Secretary shall give priority to levees the failure or*
11 *overtopping of which would constitute the highest risk*
12 *of loss of human life or a risk to the public safety,*
13 *as determined by the Secretary.*

14 (4) *DETERMINATION.—In assessing levees under*
15 *paragraph (1), the Secretary shall take into consider-*
16 *ation the potential of a levee to fail or overtop because*
17 *of—*

18 (A) *hydrologic or hydraulic conditions;*

19 (B) *storm surges;*

20 (C) *geotechnical conditions;*

21 (D) *inadequate operating procedures;*

22 (E) *structural, mechanical, or design defi-*
23 *ciencies; or*

24 (F) *other conditions that exist or may occur*
25 *in the vicinity of the levee.*

1 (5) *STATE PARTICIPATION.*—On request of a
2 State levee safety agency, with respect to any levee the
3 failure of which would affect the State, the Secretary
4 shall—

5 (A) provide information to the State levee
6 safety agency relating to the construction, oper-
7 ation, and maintenance of the levee; and

8 (B) allow an official of the State levee safe-
9 ty agency to participate in the assessment of the
10 levee.

11 (6) *REPORT.*—As soon as practicable after the
12 date on which a levee is assessed under this section,
13 the Secretary shall provide to the Governor of the
14 State in which the levee is located a notice describing
15 the results of the assessment, including—

16 (A) a description of the results of the assess-
17 ment under this subsection;

18 (B) a description of any hazardous condi-
19 tion discovered during the assessment; and

20 (C) on request of the Governor, information
21 relating to any remedial measure necessary to
22 mitigate or avoid any hazardous condition dis-
23 covered during the assessment.

24 (7) *SUBSEQUENT ASSESSMENTS.*—

1 (A) *IN GENERAL.*—*After the date on which*
2 *a levee is initially assessed under this subsection,*
3 *the Secretary shall conduct a subsequent assess-*
4 *ment of the levee not less frequently than once*
5 *every 5 years.*

6 (B) *STATE ASSESSMENT OF NON-FEDERAL*
7 *LEVEES.*—

8 (i) *IN GENERAL.*—*Each State shall*
9 *conduct assessments of non-Federal levees*
10 *located within the State in accordance with*
11 *the applicable State levee safety program.*

12 (ii) *AVAILABILITY OF INFORMATION.*—
13 *Each State shall make the results of the as-*
14 *sessments under clause (i) available for in-*
15 *clusion in the national inventory under*
16 *subsection (f).*

17 (iii) *NON-FEDERAL LEVEES.*—

18 (I) *IN GENERAL.*—*On request of*
19 *the Governor of a State, the Secretary*
20 *may assess a non-Federal levee in the*
21 *State.*

22 (II) *COST.*—*The State shall pay*
23 *100 percent of the cost of an assessment*
24 *under subclause (I).*

1 (III) *FUNDING.*—*The Secretary*
2 *may accept funds from any levee*
3 *owner for the purposes of conducting*
4 *engineering assessments to determine*
5 *the performance and structural integ-*
6 *riety of a levee.*

7 (h) *STATE LEVEE SAFETY PROGRAMS.*—

8 (1) *ASSISTANCE TO STATES.*—*In carrying out*
9 *the program under this section, the Secretary shall*
10 *provide funds to State levee safety agencies (or an-*
11 *other appropriate State agency, as designated by the*
12 *Governor of the State) to assist States in establishing,*
13 *maintaining, and improving levee safety programs.*

14 (2) *APPLICATION.*—

15 (A) *IN GENERAL.*—*To receive funds under*
16 *this subsection, a State levee safety agency shall*
17 *submit to the Secretary an application in such*
18 *time, in such manner, and containing such in-*
19 *formation as the Secretary may require.*

20 (B) *INCLUSION.*—*An application under sub-*
21 *paragraph (A) shall include an agreement be-*
22 *tween the State levee safety agency and the Sec-*
23 *retary under which the State levee safety agency*
24 *shall, in accordance with State law—*

1 (i) review and approve plans and spec-
2 ifications to construct, enlarge, modify, re-
3 move, or abandon a levee in the State;

4 (ii) perform periodic evaluations dur-
5 ing levee construction to ensure compliance
6 with the approved plans and specifications;

7 (iii) approve the construction of a levee
8 in the State before the date on which the
9 levee becomes operational;

10 (iv) assess, at least once every 5 years,
11 all levees and reservoirs in the State the
12 failure of which would cause a significant
13 risk of loss of human life or risk to the pub-
14 lic safety to determine whether the levees
15 and reservoirs are safe;

16 (v) establish a procedure for more de-
17 tailed and frequent safety evaluations;

18 (vi) ensure that assessments are led by
19 a State-registered professional engineer with
20 related experience in levee design and con-
21 struction;

22 (vii) issue notices, if necessary, to re-
23 quire owners of levees to perform necessary
24 maintenance or remedial work, improve se-

1 *curity, revise operating procedures, or take*
2 *other actions, including breaching levees;*

3 *(viii) contribute funds to—*

4 *(I) ensure timely repairs or other*
5 *changes to, or removal of, a levee in*
6 *order to reduce the risk of loss of*
7 *human life and the risk to public safe-*
8 *ty; and*

9 *(II) if the owner of a levee does*
10 *not take an action described in sub-*
11 *clause (I), take appropriate action as*
12 *expeditiously as practicable;*

13 *(ix) establish a system of emergency*
14 *procedures and emergency response plans to*
15 *be used if a levee fails or if the failure of*
16 *a levee is imminent;*

17 *(x) identify—*

18 *(I) each levee the failure of which*
19 *could be reasonably expected to endan-*
20 *ger human life;*

21 *(II) the maximum area that could*
22 *be flooded if a levee failed; and*

23 *(III) necessary public facilities*
24 *that would be affected by the flooding;*
25 *and*

1 *(xi) for the period during which the*
2 *funds are provided, maintain or exceed the*
3 *aggregate expenditures of the State during*
4 *the 2 fiscal years preceding the fiscal year*
5 *during which the funds are provided to en-*
6 *sure levee safety.*

7 (3) *DETERMINATION OF SECRETARY.—*

8 (A) *IN GENERAL.—Not later than 120 days*
9 *after the date on which the Secretary receives an*
10 *application under paragraph (2), the Secretary*
11 *shall approve or disapprove the application.*

12 (B) *NOTICE OF DISAPPROVAL.—If the Sec-*
13 *retary disapproves an application under sub-*
14 *paragraph (A), the Secretary shall immediately*
15 *provide to the State levee safety agency a written*
16 *notice of the disapproval, including a description*
17 *of—*

18 (i) *the reasons for the disapproval; and*

19 (ii) *changes necessary for approval of*
20 *the application, if any.*

21 (C) *FAILURE TO DETERMINE.—If the Sec-*
22 *retary fails to make a determination by the*
23 *deadline under subparagraph (A), the applica-*
24 *tion shall be considered to be approved.*

1 (4) *REVIEW OF STATE LEVEE SAFETY PRO-*
2 *GRAMS.—*

3 (A) *IN GENERAL.—The Secretary, in con-*
4 *junction with the Committee, may periodically*
5 *review any program carried out using funds*
6 *under this subsection.*

7 (B) *INADEQUATE PROGRAMS.—If the Sec-*
8 *retary determines under a review under subpara-*
9 *graph (A) that a program is inadequate to rea-*
10 *sonably protect human life and property, the*
11 *Secretary shall, until the Secretary determines*
12 *the program to be adequate—*

13 (i) *revoke the approval of the program;*

14 *and*

15 (ii) *withhold assistance under this sub-*
16 *section.*

17 (i) *REPORTING.—Not later than 90 days after the end*
18 *of each odd-numbered fiscal year, the Secretary, in con-*
19 *sultation with the Committee, shall submit to Congress a*
20 *report describing—*

21 (1) *the status of the program under this section;*

22 (2) *the progress made by Federal agencies during*
23 *the 2 preceding fiscal years in implementing Federal*
24 *guidelines for levee safety;*

1 (3) *the progress made by State levee safety agen-*
2 *cies participating in the program; and*

3 (4) *recommendations for legislative or other ac-*
4 *tion that the Secretary considers to be necessary, if*
5 *any.*

6 (j) *RESEARCH.—The Secretary, in coordination with*
7 *the Committee, shall carry out a program of technical and*
8 *archival research to develop and support—*

9 (1) *improved techniques, historical experience,*
10 *and equipment for rapid and effective levee construc-*
11 *tion, rehabilitation, and assessment or inspection;*

12 (2) *the development of devices for the continued*
13 *monitoring of levee safety;*

14 (3) *the development and maintenance of infor-*
15 *mation resources systems required to manage levee*
16 *safety projects; and*

17 (4) *public policy initiatives and other improve-*
18 *ments relating to levee safety engineering, security,*
19 *and management.*

20 (k) *PARTICIPATION BY STATE LEVEE SAFETY AGEN-*
21 *CIES.—In carrying out the levee safety program under this*
22 *section, the Secretary shall—*

23 (1) *solicit participation from State levee safety*
24 *agencies; and*

1 (2) *periodically update State levee safety agen-*
2 *cies and Congress on the status of the program.*

3 (1) *LEVEE SAFETY TRAINING.*—*The Secretary, in con-*
4 *sultation with the Committee, shall establish a program*
5 *under which the Secretary shall provide training for State*
6 *levee safety agency staff and inspectors to a State that has,*
7 *or intends to develop, a State levee safety program, on re-*
8 *quest of the State.*

9 (m) *EFFECT OF SUBTITLE.*—*Nothing in this*
10 *subtitle—*

11 (1) *creates any Federal liability relating to the*
12 *recovery of a levee caused by an action or failure to*
13 *act;*

14 (2) *relieves an owner or operator of a levee of*
15 *any legal duty, obligation, or liability relating to the*
16 *ownership or operation of the levee; or*

17 (3) *except as provided in subsection*
18 *(g)(7)(B)(iii)(III), preempts any applicable Federal*
19 *or State law.*

20 **SEC. 2055. AUTHORIZATION OF APPROPRIATIONS.**

21 *There are authorized to be appropriated to the*
22 *Secretary—*

23 (1) *\$20,000,000 to establish and maintain the*
24 *inventory under section 2054(f);*

1 (2) \$42,000,000 to carry out levee safety assess-
2 ments under section 2054(g);

3 (3) to provide funds for State levee safety pro-
4 grams under section 2054(h)—

5 (A) \$15,000,000 for fiscal year 2007; and

6 (B) \$5,000,000 for each of fiscal years 2008
7 through 2011;

8 (4) \$2,000,000 to carry out research under sec-
9 tion 2054(j);

10 (5) \$1,000,000 to carry out levee safety training
11 under section 2054(l); and

12 (6) \$150,000 to provide travel expenses to mem-
13 bers of the Committee under section 2053(f).

14 **TITLE III—PROJECT-RELATED**
15 **PROVISIONS**

16 **SEC. 3001. ST. HERMAN AND ST. PAUL HARBORS, KODIAK,**
17 **ALASKA.**

18 *The Secretary shall carry out, on an emergency basis,*
19 *necessary removal of rubble, sediment, and rock impeding*
20 *the entrance to the St. Herman and St. Paul Harbors, Ko-*
21 *diak, Alaska, at a Federal cost of \$2,000,000.*

22 **SEC. 3002. SITKA, ALASKA.**

23 *The Sitka, Alaska, element of the project for naviga-*
24 *tion, Southeast Alaska Harbors of Refuge, Alaska, author-*
25 *ized by section 101 of the Water Resources Development Act*

1 of 1992 (106 Stat. 4801), is modified to direct the Secretary
2 to take such action as is necessary to correct design defi-
3 ciencies in the Sitka Harbor Breakwater, at full Federal
4 expense. The estimated cost is \$6,300,000.

5 **SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.**

6 Section 111 of title I of division C of the Consolidated
7 Appropriations Act, 2005 (118 Stat. 2944), is amended by
8 striking subsections (a) and (b) and inserting the following:

9 “(a) **CONSTRUCTION OF NEW FACILITIES.**—

10 “(1) **DEFINITIONS.**—In this subsection:

11 “(A) **EXISTING FACILITY.**—The term ‘exist-
12 ing facility’ means the administrative and
13 maintenance facility for the project for Black
14 Warrior-Tombigbee Rivers, Alabama, in exist-
15 ence on the date of enactment of the Water Re-
16 sources Development Act of 2007.

17 “(B) **PARCEL.**—The term ‘Parcel’ means the
18 land owned by the Federal Government in the
19 City of Tuscaloosa, Alabama, as in existence on
20 the date of enactment of the Water Resources De-
21 velopment Act of 2007.

22 “(2) **AUTHORIZATION.**—In carrying out the
23 project for Black Warrior-Tombigbee Rivers, Ala-
24 bama, the Secretary is authorized—

1 “(A) to purchase land on which the Sec-
2 retary may construct a new maintenance facil-
3 ity, to be located—

4 “(i) at a different location from the ex-
5 isting facility; and

6 “(ii) in the vicinity of the City of Tus-
7 caloosa, Alabama;

8 “(B) at any time during or after the com-
9 pletion of, and relocation to, the new mainte-
10 nance facility—

11 “(i) to demolish the existing facility;
12 and

13 “(ii) to carry out any necessary envi-
14 ronmental clean-up of the Parcel, all at full
15 Federal expense; and

16 “(C) to construct on the Parcel a new ad-
17 ministrative facility.

18 “(b) ACQUISITION AND DISPOSITION OF PROPERTY.—

19 *The Secretary—*

20 “(1) may acquire any real property necessary
21 for the construction of the new maintenance facility
22 under subsection (a)(2)(A); and

23 “(2) shall convey to the City of Tuscaloosa fee
24 simple title in and to any portion of the Parcel not

1 *required for construction of the new administrative*
2 *facility under subsection (a)(2)(C) through—*

3 “(A) *sale at fair market value;*

4 “(B) *exchange of other Federal land on an*
5 *acre-for-acre basis; or*

6 “(C) *another form of transfer.*”.

7 **SEC. 3004. NOGALES WASH AND TRIBUTARIES FLOOD CON-**
8 **TROL PROJECT, ARIZONA.**

9 *The project for flood control, Nogales Wash and tribu-*
10 *taries, Arizona, authorized by section 101(a)(4) of the*
11 *Water Resources Development Act of 1990 (104 Stat. 4606;*
12 *110 Stat. 3711; 114 Stat. 2600), is modified to authorize*
13 *the Secretary to construct the project at a total cost of*
14 *\$25,410,000, with an estimated Federal cost of \$22,930,000*
15 *and an estimated non-Federal cost of \$2,480,000.*

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

17 *The project for flood damage reduction, Rio De Flag,*
18 *Flagstaff, Arizona, authorized by section 101(b)(3) of the*
19 *Water Resources Development Act of 2000 (114 Stat. 2576),*
20 *is modified to authorize the Secretary to construct the*
21 *project at a total cost of \$54,100,000, with an estimated*
22 *Federal cost of \$35,000,000 and a non-Federal cost of*
23 *\$19,100,000.*

1 **SEC. 3006. TUCSON DRAINAGE AREA (TUCSON ARROYO), AR-**
2 **IZONA.**

3 *The project for flood damage reduction, environmental*
4 *restoration, and recreation, Tucson Drainage Area (Tucson*
5 *Arroyo), Arizona, authorized by section 101(a)(5) of the*
6 *Water Resources Development Act of 1999 (113 Stat. 274),*
7 *is modified to authorize the Secretary to construct the*
8 *project at a total cost of \$66,700,000, with an estimated*
9 *Federal cost of \$43,350,000 and an estimated non-Federal*
10 *cost of \$23,350,000.*

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

12 *The Secretary may carry out rehabilitation of author-*
13 *ized and completed levees on the White River between Au-*
14 *gusta and Clarendon, Arkansas, at a total estimated cost*
15 *of \$8,000,000, with an estimated Federal cost of \$5,200,000*
16 *and an estimated non-Federal cost of \$2,800,000.*

17 **SEC. 3008. EASTERN ARKANSAS ENTERPRISE COMMUNITY,**
18 **ARKANSAS.**

19 *Federal assistance made available under the rural en-*
20 *terprise zone program of the Department of Agriculture*
21 *may be used toward payment of the non-Federal share of*
22 *the costs of the project described in section 219(c)(20) of*
23 *the Water Resources Development Act of 1992 (106 Stat.*
24 *4835; 114 Stat. 2763A–219), if the funds are authorized*
25 *to be used for the purpose of that project.*

1 **SEC. 3009. RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS**
2 **AND LOUISIANA.**

3 (a) *IN GENERAL.*—Section 204 of the Flood Control
4 Act of 1950 (64 Stat. 170) is amended in the matter under
5 the heading “RED-OUACHITA RIVER BASIN” by strik-
6 ing “at Calion, Arkansas” and inserting “improvements at
7 Calion, Arkansas (including authorization for the com-
8 prehensive flood-control project for Ouachita River and
9 tributaries, incorporating in the project all flood control,
10 drainage, and power improvements in the basin above the
11 lower end of the left bank Ouachita River levee)”.

12 (b) *MODIFICATION.*—Section 3 of the Act of August 18,
13 1941 (55 Stat. 642, chapter 377), is amended in the second
14 sentence of subsection (a) in the matter under the heading
15 “LOWER MISSISSIPPI RIVER” by inserting before the
16 period at the end the following: “Provided, That the
17 Ouachita River Levees, Louisiana, authorized by the first
18 section of the Act of May 15, 1928 (45 Stat. 534, chapter
19 569), shall remain as a component of the Mississippi River
20 and Tributaries Project and afforded operation and mainte-
21 nance responsibilities as directed in section 3 of that Act
22 (45 Stat. 535)”.

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

24 (a) *IN GENERAL.*—The project for flood control, St.
25 Francis River Basin, Arkansas, and Missouri, authorized
26 the Act of June 15, 1936 (49 Stat. 1508, chapter 548), as

1 *modified, is further modified to authorize the Secretary to*
2 *undertake channel stabilization and sediment removal*
3 *measures on the St. Francis River and tributaries as an*
4 *integral part of the original project.*

5 (b) *NO SEPARABLE ELEMENT.—The measures under-*
6 *taken under subsection (a) shall not be considered to be a*
7 *separable element of the project.*

8 **SEC. 3011. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS**
9 **AND MISSOURI.**

10 (a) *IN GENERAL.—The Secretary shall convey to the*
11 *State of Arkansas, without monetary consideration and*
12 *subject to subsection (b), all right, title, and interest to land*
13 *within the State acquired by the Federal Government as*
14 *mitigation land for the project for flood control, St. Francis*
15 *Basin, Arkansas and Missouri Project, authorized by the*
16 *Act of May 15, 1928 (33 U.S.C. 702a et seq.) (commonly*
17 *known as the “Flood Control Act of 1928”).*

18 (b) *TERMS AND CONDITIONS.—*

19 (1) *IN GENERAL.—The conveyance by the United*
20 *States under this section shall be subject to—*

21 (A) *the condition that the State of Arkansas*
22 *(including the successors and assigns of the*
23 *State) agree to operate, maintain, and manage*
24 *the land at no cost or expense to the United*

1 *States and for fish and wildlife, recreation, and*
2 *environmental purposes; and*

3 *(B) such other terms and conditions as the*
4 *Secretary determines to be in the interest of the*
5 *United States.*

6 (2) *REVERSION.*—*If the State (or a successor or*
7 *assign of the State) ceases to operate, maintain, and*
8 *manage the land in accordance with this subsection,*
9 *all right, title, and interest in and to the property*
10 *shall revert to the United States, at the option of the*
11 *Secretary.*

12 **SEC. 3012. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA-**
13 **TION SYSTEM, ARKANSAS AND OKLAHOMA.**

14 (a) *NAVIGATION CHANNEL.*—*The Secretary shall con-*
15 *tinue construction of the McClellan-Kerr Arkansas River*
16 *Navigation System, Arkansas and Oklahoma, to operate*
17 *and maintain the navigation channel to the authorized*
18 *depth of the channel, in accordance with section 136 of the*
19 *Energy and Water Development Appropriations Act, 2004*
20 *(Public Law 108–137; 117 Stat. 1842).*

21 (b) *MITIGATION.*—

22 (1) *IN GENERAL.*—*As mitigation for any inci-*
23 *dental taking relating to the McClellan-Kerr Naviga-*
24 *tion System, the Secretary shall determine the need*
25 *for, and construct modifications in, the structures and*

1 *operations of the Arkansas River in the area of Tulsa*
2 *County, Oklahoma, including the construction of low*
3 *water dams and islands to provide nesting and for-*
4 *aging habitat for the interior least tern, in accordance*
5 *with the study entitled “Arkansas River Corridor*
6 *Master Plan Planning Assistance to States”.*

7 (2) *COST SHARING.—The non-Federal share of*
8 *the cost of a project under this subsection shall be 35*
9 *percent.*

10 (3) *AUTHORIZATION OF APPROPRIATIONS.—*
11 *There is authorized to be appropriated to carry out*
12 *this subsection \$12,000,000.*

13 **SEC. 3013. CACHE CREEK BASIN, CALIFORNIA.**

14 (a) *IN GENERAL.—The project for flood control, Cache*
15 *Creek Basin, California, authorized by section 401(a) of the*
16 *Water Resources Development Act of 1986 (100 Stat. 4112),*
17 *is modified to direct the Secretary to mitigate the impacts*
18 *of the new south levee of the Cache Creek settling basin on*
19 *the storm drainage system of the city of Woodland, includ-*
20 *ing all appurtenant features, erosion control measures, and*
21 *environmental protection features.*

22 (b) *OBJECTIVES.—Mitigation under subsection (a)*
23 *shall restore the pre-project capacity of the city (1,360 cubic*
24 *feet per second) to release water to the Yolo Bypass,*
25 *including—*

- 1 (1) *channel improvements;*
- 2 (2) *an outlet work through the west levee of the*
- 3 *Yolo Bypass; and*
- 4 (3) *a new low flow cross channel to handle city*
- 5 *and county storm drainage and settling basin flows*
- 6 *(1,760 cubic feet per second) when the Yolo Bypass is*
- 7 *in a low flow condition.*

8 **SEC. 3014. CALFED LEVEE STABILITY PROGRAM, CALI-**
9 **FORNIA.**

10 *In addition to funds made available pursuant to the*
11 *Water Supply, Reliability, and Environmental Improve-*
12 *ment Act (Public Law 108–361) to carry out section*
13 *103(f)(3)(D) of that Act (118 Stat. 1696), there is author-*
14 *ized to be appropriated to carry out projects described in*
15 *that section \$106,000,000, to remain available until ex-*
16 *pendent.*

17 **SEC. 3015. HAMILTON AIRFIELD, CALIFORNIA.**

18 *The project for environmental restoration, Hamilton*
19 *Airfield, California, authorized by section 101(b)(3) of the*
20 *Water Resources Development Act of 1999 (113 Stat. 279),*
21 *is modified to include the diked bayland parcel known as*
22 *“Bel Marin Keys Unit V” at an estimated total cost of*
23 *\$221,700,000, with an estimated Federal cost of*
24 *\$166,200,000 and an estimated non-Federal cost of*
25 *\$55,500,000, as part of the project to be carried out by the*

1 *Secretary substantially in accordance with the plans, and*
2 *subject to the conditions, recommended in the final report*
3 *of the Chief of Engineers dated July 19, 2004.*

4 **SEC. 3016. LA-3 DREDGED MATERIAL OCEAN DISPOSAL SITE**
5 **DESIGNATION, CALIFORNIA.**

6 *Section 102(c)(4) of the Marine Protection, Research,*
7 *and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is*
8 *amended in the third sentence by striking “January 1,*
9 *2003” and inserting “January 1, 2011”.*

10 **SEC. 3017. LARKSPUR FERRY CHANNEL, CALIFORNIA.**

11 *(a) REPORT.—The project for navigation, Larkspur*
12 *Ferry Channel, Larkspur, California, authorized by section*
13 *601(d) of the Water Resources Development Act of 1986*
14 *(100 Stat. 4148), is modified to direct the Secretary to pre-*
15 *pare a limited reevaluation report to determine whether*
16 *maintenance of the project is feasible.*

17 *(b) AUTHORIZATION OF PROJECT.—If the Secretary*
18 *determines that maintenance of the project is feasible, the*
19 *Secretary shall carry out the maintenance.*

20 **SEC. 3018. LLAGAS CREEK, CALIFORNIA.**

21 *The project for flood damage reduction, Llagas Creek,*
22 *California, authorized by section 501(a) of the Water Re-*
23 *sources Development Act of 1999 (113 Stat. 333), is modi-*
24 *fied to authorize the Secretary to complete the project, in*
25 *accordance with the requirements of local cooperation as*

1 *specified in section 5 of the Watershed Protection and Flood*
2 *Prevention Act (16 U.S.C. 1005), at a total remaining cost*
3 *of \$105,000,000, with an estimated remaining Federal cost*
4 *of \$65,000,000 and an estimated remaining non-Federal*
5 *cost of \$40,000,000.*

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

7 *The project for Magpie Creek, California, authorized*
8 *by section 205 of the Flood Control Act of 1948 (33 U.S.C.*
9 *701s), is modified to direct the Secretary to apply the cost-*
10 *sharing requirements of section 103(b) of the Water Re-*
11 *sources Development Act of 1986 (100 Stat. 4085) for the*
12 *portion of the project consisting of land acquisition to pre-*
13 *serve and enhance existing floodwater storage.*

14 **SEC. 3020. PETALUMA RIVER, PETALUMA, CALIFORNIA.**

15 *The project for flood damage reduction, Petaluma*
16 *River, Petaluma, California, authorized by section 112 of*
17 *the Water Resources Development Act of 2000 (114 Stat.*
18 *2587), is modified to authorize the Secretary to construct*
19 *the project at a total cost of \$41,500,000, with an estimated*
20 *Federal cost of \$26,975,000 and an estimated non-Federal*
21 *cost of \$14,525,000.*

22 **SEC. 3021. PINE FLAT DAM FISH AND WILDLIFE HABITAT,**
23 **CALIFORNIA.**

24 *(a) COOPERATIVE PROGRAM.—*

1 (1) *IN GENERAL.*—*The Secretary shall partici-*
2 *pate with appropriate State and local agencies in the*
3 *implementation of a cooperative program to improve*
4 *and manage fisheries and aquatic habitat conditions*
5 *in Pine Flat Reservoir and in the 14-mile reach of*
6 *the Kings River immediately below Pine Flat Dam,*
7 *California, in a manner that—*

8 (A) *provides for long-term aquatic resource*
9 *enhancement; and*

10 (B) *avoids adverse effects on water storage*
11 *and water rights holders.*

12 (2) *GOALS AND PRINCIPLES.*—*The cooperative*
13 *program described in paragraph (1) shall be carried*
14 *out—*

15 (A) *substantially in accordance with the*
16 *goals and principles of the document entitled*
17 *“Kings River Fisheries Management Program*
18 *Framework Agreement” and dated May 29,*
19 *1999, between the California Department of Fish*
20 *and Game and the Kings River Water Associa-*
21 *tion and the Kings River Conservation District;*
22 *and*

23 (B) *in cooperation with the parties to that*
24 *agreement.*

25 (b) *PARTICIPATION BY SECRETARY.*—

1 (1) *IN GENERAL.*—*In furtherance of the goals of*
2 *the agreement described in subsection (a)(2), the Sec-*
3 *retary shall participate in the planning, design, and*
4 *construction of projects and pilot projects on the*
5 *Kings River and its tributaries to enhance aquatic*
6 *habitat and water availability for fisheries purposes*
7 *(including maintenance of a trout fishery) in accord-*
8 *ance with flood control operations, water rights, and*
9 *beneficial uses in existence as of the date of enactment*
10 *of this Act.*

11 (2) *PROJECTS.*—*Projects referred to in para-*
12 *graph (1) may include—*

13 (A) *projects to construct or improve pump-*
14 *ing, conveyance, and storage facilities to enhance*
15 *water transfers; and*

16 (B) *projects to carry out water exchanges*
17 *and create opportunities to use floodwater within*
18 *and downstream of Pine Flat Reservoir.*

19 (c) *NO AUTHORIZATION OF CERTAIN DAM-RELATED*
20 *PROJECTS.*—*Nothing in this section authorizes any project*
21 *for the raising of Pine Flat Dam or the construction of a*
22 *multilevel intake structure at Pine Flat Dam.*

23 (d) *USE OF EXISTING STUDIES.*—*In carrying out this*
24 *section, the Secretary shall use, to the maximum extent*
25 *practicable, studies in existence on the date of enactment*

1 *of this Act, including data and environmental documenta-*
2 *tion in the document entitled “Final Feasibility Report and*
3 *Report of the Chief of Engineers for Pine Flat Dam Fish*
4 *and Wildlife Habitat Restoration” and dated July 19,*
5 *2002.*

6 *(e) COST SHARING.—*

7 *(1) PROJECT PLANNING, DESIGN, AND CONSTRU-*
8 *CTION.—The Federal share of the cost of planning, de-*
9 *sign, and construction of a project under subsection*
10 *(b) shall be 65 percent.*

11 *(2) NON-FEDERAL SHARE.—*

12 *(A) CREDIT FOR LAND, EASEMENTS, AND*
13 *RIGHTS-OF-WAY.—The Secretary shall credit to-*
14 *ward the non-Federal share of the cost of con-*
15 *struction of any project under subsection (b) the*
16 *value, regardless of the date of acquisition, of*
17 *any land, easements, rights-of-way, dredged ma-*
18 *terial disposal areas, or relocations provided by*
19 *the non-Federal interest for use in carrying out*
20 *the project.*

21 *(B) FORM.—The non-Federal interest may*
22 *provide not more than 50 percent of the non-*
23 *Federal share required under this clause in the*
24 *form of services, materials, supplies, or other in-*
25 *kind contributions.*

1 (f) *OPERATION AND MAINTENANCE.*—*The operation,*
2 *maintenance, repair, rehabilitation, and replacement of*
3 *projects carried out under this section shall be a non-Fed-*
4 *eral responsibility.*

5 (g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
6 *authorized to be appropriated to carry out this section*
7 *\$20,000,000, to remain available until expended.*

8 **SEC. 3022. REDWOOD CITY NAVIGATION PROJECT, CALI-**
9 **FORNIA.**

10 *The Secretary may dredge the Redwood City Naviga-*
11 *tion Channel, California, on an annual basis, to maintain*
12 *the authorized depth of –30 mean lower low water.*

13 **SEC. 3023. SACRAMENTO AND AMERICAN RIVERS FLOOD**
14 **CONTROL, CALIFORNIA.**

15 (a) *CREDIT FOR NON-FEDERAL WORK.*—

16 (1) *IN GENERAL.*—*The Secretary shall provide*
17 *credit to the Sacramento Area Flood Control Agency,*
18 *in the amount of \$20,503,000, for the nonreimbursed*
19 *Federal share of costs incurred by the Agency in con-*
20 *nection with the project for flood control and recre-*
21 *ation, Sacramento and American Rivers, California*
22 *(Natomas Levee features), authorized by section 9159*
23 *of the Department of Defense Appropriations Act,*
24 *1993 (106 Stat. 1944).*

1 (2) *ALLOCATION OF CREDIT.*—*The Secretary*
2 *shall allocate the amount to be credited under para-*
3 *graph (1) toward the non-Federal share of such*
4 *projects as are requested by the Sacramento Area*
5 *Flood Control Agency.*

6 (3) *NO REIMBURSEMENT.*—*An amount credited*
7 *under this subsection shall not be available for reim-*
8 *bursement.*

9 (b) *PROJECT FOR FLOOD CONTROL.*—

10 (1) *IN GENERAL.*—*The project for flood control,*
11 *American and Sacramento Rivers, California, au-*
12 *thorized by section 101(a)(6)(A) of the Water Re-*
13 *sources Development Act of 1999 (113 Stat. 274), as*
14 *modified by section 128 of the Energy and Water De-*
15 *velopment Appropriations Act, 2006 (119 Stat. 2259),*
16 *is further modified to authorize the Secretary to con-*
17 *struct the auxiliary spillway generally in accordance*
18 *with the Post Authorization Change Report, Amer-*
19 *ican River Watershed Project (Folsom Dam Modifica-*
20 *tion and Folsom Dam Raise Projects), dated March*
21 *2007, at a total cost of \$683,000,000, with an esti-*
22 *mated Federal cost of \$444,000,000 and an estimated*
23 *non-Federal cost of \$239,000,000.*

24 (2) *DAM SAFETY.*—*Nothing in this section limits*
25 *the authority of the Secretary of the Interior to carry*

1 *out dam safety activities in connection with the aux-*
2 *iliary spillway in accordance with the Bureau of Rec-*
3 *lamation Safety of Dams Program.*

4 (3) *TRANSFER OF FUNDS.—*

5 (A) *IN GENERAL.—The Secretary and the*
6 *Secretary of the Interior are authorized to trans-*
7 *fer between the Department of the Army and the*
8 *Department of the Interior appropriated*
9 *amounts and other available funds (including*
10 *funds contributed by non-Federal interests) for*
11 *the purpose of planning, design, and construc-*
12 *tion of the auxiliary spillway.*

13 (B) *TERMS AND CONDITIONS.—Any transfer*
14 *made pursuant to this subsection shall be subject*
15 *to such terms and conditions as may be agreed*
16 *on by the Secretary and the Secretary of the In-*
17 *terior.*

18 **SEC. 3024. SACRAMENTO RIVER BANK PROTECTION**
19 **PROJECT, CALIFORNIA.**

20 *Section 202 of the River Basin Monetary Authoriza-*
21 *tion Act of 1974 (88 Stat. 49) is amended by striking “and*
22 *the monetary authorization” and all that follows through*
23 *the end of the section and inserting “except that the lineal*
24 *feet in the second phase shall be increased from 405,000 lin-*
25 *eal feet to 485,000 lineal feet.”.*

1 **SEC. 3025. CONDITIONAL DECLARATION OF NONNAVIGA-**
2 **BILITY, PORT OF SAN FRANCISCO, CALI-**
3 **FORNIA.**

4 (a) *CONDITIONAL DECLARATION OF NONNAVIGA-*
5 *BILITY.*—*If the Secretary determines, in consultation with*
6 *appropriate Federal and non-Federal entities, that projects*
7 *proposed to be carried out by non-Federal entities within*
8 *the portions of the San Francisco, California, waterfront*
9 *described in subsection (b) are in the public interest, the*
10 *portions shall be declared not to be navigable water of the*
11 *United States for the purposes of section 9 of the Act of*
12 *March 3, 1899 (33 U.S.C. 401), and the General Bridge*
13 *Act of 1946 (33 U.S.C. 525 et seq.).*

14 (b) *PORTIONS OF WATERFRONT.*—*The portions of the*
15 *San Francisco, California, waterfront referred to in sub-*
16 *section (a) are those that are, or will be, bulkheaded, filled,*
17 *or otherwise occupied by permanent structures and that are*
18 *located as follows: beginning at the intersection of the north-*
19 *easterly prolongation of the portion of the northwesterly line*
20 *of Bryant Street lying between Beale Street and Main*
21 *Street with the southwesterly line of Spear Street, which*
22 *intersection lies on the line of jurisdiction of the San Fran-*
23 *cisco Port Commission; following thence southerly along*
24 *said line of jurisdiction as described in the State of Cali-*
25 *fornia Harbor and Navigation Code Section 1770, as*
26 *amended in 1961, to its intersection with the easterly line*

1 of Townsend Street along a line that is parallel and distant
2 10 feet from the existing southern boundary of Pier 40 to
3 its point of intersection with the United States Government
4 pier-head line; thence northerly along said pier-head line
5 to its intersection with a line parallel with, and distant
6 10 feet easterly from, the existing easterly boundary line
7 of Pier 30–32; thence northerly along said parallel line and
8 its northerly prolongation, to a point of intersection with
9 a line parallel with, and distant 10 feet northerly from,
10 the existing northerly boundary of Pier 30–32, thence west-
11 erly along last said parallel line to its intersection with
12 the United States Government pier-head line; to the north-
13 westerly line of Bryan Street northwesterly; thence south-
14 westerly along said northwesterly line of Bryant Street to
15 the point of beginning.

16 (c) *REQUIREMENT THAT AREA BE IMPROVED.*—If, by
17 the date that is 20 years after the date of enactment of this
18 Act, any portion of the San Francisco, California, water-
19 front described in subsection (b) has not been bulkheaded,
20 filled, or otherwise occupied by 1 or more permanent struc-
21 tures, or if work in connection with any activity carried
22 out pursuant to applicable Federal law requiring a permit,
23 including sections 9 and 10 of the Act of March 3, 1899
24 (33 U.S.C. 401), is not commenced by the date that is 5
25 years after the date of issuance of such a permit, the dec-

1 *laration of nonnavigability for the portion under this sec-*
2 *tion shall cease to be effective.*

3 **SEC. 3026. SALTON SEA RESTORATION, CALIFORNIA.**

4 (a) *DEFINITIONS.—In this section:*

5 (1) *SALTON SEA AUTHORITY.—The term “Salton*
6 *Sea Authority” means the Joint Powers Authority es-*
7 *tablished under the laws of the State of California by*
8 *a joint power agreement signed on June 2, 1993.*

9 (2) *SALTON SEA SCIENCE OFFICE.—The term*
10 *“Salton Sea Science Office” means the Office estab-*
11 *lished by the United States Geological Survey and*
12 *currently located in La Quinta, California.*

13 (b) *PILOT PROJECTS.—*

14 (1) *IN GENERAL.—*

15 (A) *REVIEW.—The Secretary shall review*
16 *the preferred restoration concept plan approved*
17 *by the Salton Sea Authority to determine wheth-*
18 *er the pilot projects are economically justified,*
19 *technically sound, environmentally acceptable,*
20 *and meet the objectives of the Salton Sea Rec-*
21 *lamation Act (Public Law 105–372).*

22 (B) *IMPLEMENTATION.—If the Secretary de-*
23 *termines that the pilot projects meet the require-*
24 *ments of subparagraph (A), the Secretary may*
25 *enter into an agreement with the Salton Sea Au-*

1 *thority and, in consultation with the Salton Sea*
2 *Science Office, carry out pilot projects for im-*
3 *provement of the environment in the area of the*
4 *Salton Sea, except that the Secretary shall be a*
5 *party to each contract for construction under*
6 *this subsection.*

7 (2) *LOCAL PARTICIPATION.*—*In prioritizing pilot*
8 *projects under this section, the Secretary shall—*

9 (A) *consult with the Salton Sea Authority*
10 *and the Salton Sea Science Office; and*

11 (B) *consider the priorities of the Salton Sea*
12 *Authority.*

13 (3) *COST SHARING.*—*Before carrying out a pilot*
14 *project under this section, the Secretary shall enter*
15 *into a written agreement with the Salton Sea Author-*
16 *ity that requires the non-Federal interest to—*

17 (A) *pay 35 percent of the total costs of the*
18 *pilot project;*

19 (B) *provide any land, easements, rights-of-*
20 *way, relocations, and dredged material disposal*
21 *areas necessary to carry out the pilot project;*
22 *and*

23 (C) *hold the United States harmless from*
24 *any claim or damage that may arise from car-*
25 *rying out the pilot project, except any claim or*

1 *damage that may arise from the negligence of the*
2 *Federal Government or a contractor of the Fed-*
3 *eral Government.*

4 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
5 *authorized to be appropriated to carry out subsection (b)*
6 *\$30,000,000, of which not more than \$5,000,000 may be*
7 *used for any 1 pilot project under this section.*

8 **SEC. 3027. SANTA BARBARA STREAMS, LOWER MISSION**
9 **CREEK, CALIFORNIA.**

10 *The project for flood damage reduction, Santa Barbara*
11 *Streams, Lower Mission Creek, California, authorized by*
12 *section 101(b)(8) of the Water Resources Development Act*
13 *of 2000 (114 Stat. 2577), is modified to authorize the Sec-*
14 *retary to construct the project at a total cost of \$30,000,000,*
15 *with an estimated Federal cost of \$15,000,000 and an esti-*
16 *mated non-Federal cost of \$15,000,000.*

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

18 *The project for flood damage reduction and recreation,*
19 *Upper Guadalupe River, California, authorized by section*
20 *101(a)(9) of the Water Resources Development Act of 1999*
21 *(113 Stat. 275), is modified to authorize the Secretary to*
22 *construct the project generally in accordance with the*
23 *Upper Guadalupe River Flood Damage Reduction, San*
24 *Jose, California, Limited Reevaluation Report, dated*
25 *March, 2004, at a total cost of \$244,500,000, with an esti-*

1 *mated Federal cost of \$130,600,000 and an estimated non-*
2 *Federal cost of \$113,900,000.*

3 **SEC. 3029. YUBA RIVER BASIN PROJECT, CALIFORNIA.**

4 *The project for flood damage reduction, Yuba River*
5 *Basin, California, authorized by section 101(a)(10) of the*
6 *Water Resources Development Act of 1999 (113 Stat. 275),*
7 *is modified to authorize the Secretary to construct the*
8 *project at a total cost of \$107,700,000, with an estimated*
9 *Federal cost of \$70,000,000 and an estimated non-Federal*
10 *cost of \$37,700,000.*

11 **SEC. 3030. CHARLES HERVEY TOWNSHEND BREAKWATER,**
12 **NEW HAVEN HARBOR, CONNECTICUT.**

13 *The western breakwater for the project for navigation,*
14 *New Haven Harbor, Connecticut, authorized by the first*
15 *section of the Act of September 19, 1890 (26 Stat. 426),*
16 *shall be known and designated as the “Charles Hervey*
17 *Townshend Breakwater”.*

18 **SEC. 3031. ANCHORAGE AREA, NEW LONDON HARBOR, CON-**
19 **NECTICUT.**

20 *(a) IN GENERAL.—The portion of the project for navi-*
21 *gation, New London Harbor, Connecticut, authorized by the*
22 *Act of June 13, 1902 (32 Stat. 333), that consists of a 23-*
23 *foot waterfront channel described in subsection (b), is de-*
24 *authorized.*

1 (b) *DESCRIPTION OF CHANNEL.*—*The channel referred*
 2 *to in subsection (a) may be described as beginning at a*
 3 *point along the western limit of the existing project, N. 188,*
 4 *802.75, E. 779, 462.81, thence running northeasterly about*
 5 *1,373.88 feet to a point N. 189, 554.87, E. 780, 612.53,*
 6 *thence running southeasterly about 439.54 feet to a point*
 7 *N. 189, 319.88, E. 780, 983.98, thence running southwest-*
 8 *erly about 831.58 feet to a point N. 188, 864.63, E. 780,*
 9 *288.08, thence running southeasterly about 567.39 feet to*
 10 *a point N. 188, 301.88, E. 780, 360.49, thence running*
 11 *northwesterly about 1,027.96 feet to the point of origin.*

12 **SEC. 3032. NORWALK HARBOR, CONNECTICUT.**

13 (a) *IN GENERAL.*—*The portions of a 10-foot channel*
 14 *of the project for navigation, Norwalk Harbor, Connecticut,*
 15 *authorized by the first section of the Act of March 2, 1919*
 16 *(40 Stat. 1276) and described in subsection (b), are not au-*
 17 *thorized.*

18 (b) *DESCRIPTION OF PORTIONS.*—*The portions of the*
 19 *channel referred to in subsection (a) are as follows:*

20 (1) *RECTANGULAR PORTION.*—*An approximately*
 21 *rectangular-shaped section along the northwesterly*
 22 *terminus of the channel. The section is 35-feet wide*
 23 *and about 460-feet long and is further described as*
 24 *commencing at a point N. 104,165.85, E. 417,662.71,*
 25 *thence running south 24°06'55" E. 395.00 feet to a*

1 point N. 103,805.32, E. 417,824.10, thence running
 2 south $00^{\circ}38'06''$ E. 87.84 feet to a point N.
 3 103,717.49, E. 417,825.07, thence running north
 4 $24^{\circ}06'55''$ W. 480.00 feet, to a point N. 104,155.59,
 5 E. 417,628.96, thence running north $73^{\circ}05'25''$ E.
 6 35.28 feet to the point of origin.

7 (2) PARALLELOGRAM-SHAPED PORTION.—An
 8 area having the approximate shape of a parallelo-
 9 gram along the northeasterly portion of the channel,
 10 southeast of the area described in paragraph (1), ap-
 11 proximately 20 feet wide and 260 feet long, and fur-
 12 ther described as commencing at a point N.
 13 103,855.48, E. 417,849.99, thence running south
 14 $33^{\circ}07'30''$ E. 133.40 feet to a point N. 103,743.76, E.
 15 417,922.89, thence running south $24^{\circ}07'04''$ E. 127.75
 16 feet to a point N. 103,627.16, E. 417,975.09, thence
 17 running north $33^{\circ}07'30''$ W. 190.00 feet to a point N.
 18 103,786.28, E. 417,871.26, thence running north
 19 $17^{\circ}05'15''$ W. 72.39 feet to the point of origin.

20 (c) MODIFICATION.—The 10-foot channel portion of the
 21 Norwalk Harbor, Connecticut navigation project described
 22 in subsection (a) is modified to authorize the Secretary to
 23 realign the channel to include, immediately north of the
 24 area described in subsection (b)(2), a triangular section de-
 25 scribed as commencing at a point N. 103,968.35, E.

1 417,815.29, thence running S. 17°05'15" east 118.09 feet
 2 to a point N. 103,855.48, E. 417,849.99, thence running
 3 N. 33°07'30" west 36.76 feet to a point N. 103,886.27, E.
 4 417,829.90, thence running N. 10°05'26" west 83.37 feet to
 5 the point of origin.

6 **SEC. 3033. ST. GEORGE'S BRIDGE, DELAWARE.**

7 Section 102(g) of the Water Resources Development Act
 8 of 1990 (104 Stat. 4612) is amended by adding at the end
 9 the following: "The Secretary shall assume ownership re-
 10 sponsibility for the replacement bridge not later than the
 11 date on which the construction of the bridge is completed
 12 and the contractors are released of their responsibility by
 13 the State. In addition, the Secretary may not carry out any
 14 action to close or remove the St. George's Bridge, Delaware,
 15 without specific congressional authorization."

16 **SEC. 3034. ADDITIONAL PROGRAM AUTHORITY, COM-**
 17 **PREHENSIVE EVERGLADES RESTORATION,**
 18 **FLORIDA.**

19 Section 601(c)(3) of the Water Resources Development
 20 Act of 2000 (114 Stat. 2684) is amended by adding at the
 21 end the following:

22 “(C) *MAXIMUM COST OF PROGRAM AUTHORITY.*—Section 902 of the Water Resources Devel-
 23 *opment Act of 1986 (33 U.S.C. 2280) shall apply*
 24 *to the individual project funding limits in sub-*
 25

1 *paragraph (A) and the aggregate cost limits in*
 2 *subparagraph (B).”.*

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

4 *(a) IN GENERAL.—The project for shoreline protection,*
 5 *Brevard County, Florida, authorized by section 418 of the*
 6 *Water Resources Development Act of 2000 (114 Stat. 2637),*
 7 *is amended by striking “7.1-mile reach” and inserting “7.6-*
 8 *mile reach”.*

9 *(b) REFERENCES.—Any reference to a 7.1-mile reach*
 10 *with respect to the project described in subsection (a) shall*
 11 *be considered to be a reference to a 7.6-mile reach with re-*
 12 *spect to that project.*

13 **SEC. 3036. CRITICAL RESTORATION PROJECTS, EVER-**
 14 **GLADES AND SOUTH FLORIDA ECOSYSTEM**
 15 **RESTORATION, FLORIDA.**

16 *Section 528(b)(3)(C) of the Water Resources Develop-*
 17 *ment Act of 1996 (110 Stat. 3769) is amended—*

18 *(1) in clause (i), by striking “\$75,000,000” and*
 19 *all that follows and inserting “\$95,000,000.”; and*

20 *(2) by striking clause (ii) and inserting the fol-*
 21 *lowing:*

22 *“(i) FEDERAL SHARE.—*

23 *“(I) IN GENERAL.—Except as pro-*
 24 *vided in subclause (II), the Federal*
 25 *share of the cost of carrying out a*

1 *project under subparagraph (A) shall*
 2 *not exceed \$25,000,000.*

3 “(II) *SEMINOLE WATER CON-*
 4 *SERVATION PLAN.—The Federal share*
 5 *of the cost of carrying out the Seminole*
 6 *Water Conservation Plan shall not ex-*
 7 *ceed \$30,000,000.”.*

8 **SEC. 3037. LAKE OKEECHOBEE AND HILLSBORO AQUIFER**
 9 **PILOT PROJECTS, COMPREHENSIVE EVER-**
 10 **GLADES RESTORATION, FLORIDA.**

11 *Section 601(b)(2)(B) of the Water Resources Develop-*
 12 *ment Act of 2000 (114 Stat. 2681) is amended by adding*
 13 *at the end the following:*

14 “(v) *HILLSBORO AND OKEECHOBEE*
 15 *AQUIFER, FLORIDA.—The pilot projects for*
 16 *aquifer storage and recovery, Hillsboro and*
 17 *Okeechobee Aquifer, Florida, authorized by*
 18 *section 101(a)(16) of the Water Resources*
 19 *Development Act of 1999 (113 Stat. 276),*
 20 *shall be treated for the purposes of this sec-*
 21 *tion as being in the Plan and carried out*
 22 *in accordance with this section, except that*
 23 *costs of operation and maintenance of those*
 24 *projects shall remain 100 percent non-Fed-*
 25 *eral.”.*

1 **SEC. 3038. LIDO KEY, SARASOTA COUNTY, FLORIDA.**

2 *The Secretary shall carry out the project for hurricane*
3 *and storm damage reduction in Lido Key, Sarasota Coun-*
4 *ty, Florida, based on the report of the Chief of Engineers*
5 *dated December 22, 2004, at a total cost of \$14,809,000,*
6 *with an estimated Federal cost of \$9,088,000 and an esti-*
7 *mated non-Federal cost of \$5,721,000, and at an estimated*
8 *total cost \$63,606,000 for periodic beach nourishment over*
9 *the 50-year life of the project, with an estimated Federal*
10 *cost of \$31,803,000 and an estimated non-Federal cost of*
11 *\$31,803,000.*

12 **SEC. 3039. PORT SUTTON CHANNEL, TAMPA HARBOR, FLOR-**

13 **IDA.**

14 *The project for navigation, Port Sutton Channel,*
15 *Tampa Harbor, Florida, authorized by section 101(b)(12)*
16 *of the Water Resources Development Act of 2000 (114 Stat.*
17 *2577), is modified to authorize the Secretary to carry out*
18 *the project at a total cost of \$12,900,000.*

19 **SEC. 3040. TAMPA HARBOR, CUT B, TAMPA, FLORIDA.**

20 *The project for navigation, Tampa Harbor, Florida,*
21 *authorized by section 101 of the River and Harbor Act of*
22 *1970 (84 Stat. 1818), is modified to authorize the Secretary*
23 *to construct passing lanes in an area approximately 3.5*
24 *miles long and centered on Tampa Bay Cut B, if the Sec-*
25 *retary determines that the improvements are necessary for*
26 *navigation safety.*

1 **SEC. 3041. ALLATOONA LAKE, GEORGIA.**

2 (a) *LAND EXCHANGE.*—

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

11 (2) *TERMS AND CONDITIONS.*—*The basis for all*
12 *land exchanges under this subsection shall be a fair*
13 *market appraisal to ensure that land exchanged is of*
14 *equal value.*

15 (b) *DISPOSAL AND ACQUISITION OF LAND, ALLATOONA*
16 *LAKE, GEORGIA.*—

17 (1) *IN GENERAL.*—*The Secretary may—*

18 (A) *sell land above 863 feet in elevation at*
19 *Allatoona Lake, Georgia, identified in the memo-*
20 *randum referred to in subsection (a)(1); and*

21 (B) *use the proceeds of the sale, without fur-*
22 *ther appropriation, to pay costs associated with*
23 *the purchase of land required for wildlife man-*
24 *agement and protection of the water quality and*
25 *overall environment of Allatoona Lake.*

26 (2) *TERMS AND CONDITIONS.*—

1 (A) *WILLING SELLERS.*—*Land acquired*
2 *under this subsection shall be by negotiated pur-*
3 *chase from willing sellers only.*

4 (B) *BASIS.*—*The basis for all transactions*
5 *under this subsection shall be a fair market*
6 *value appraisal acceptable to the Secretary.*

7 (C) *SHARING OF COSTS.*—*Each purchaser*
8 *of land under this subsection shall share in the*
9 *associated environmental and real estate costs of*
10 *the purchase, including surveys and associated*
11 *fees in accordance with the memorandum re-*
12 *ferred to in subsection (a)(1).*

13 (D) *OTHER CONDITIONS.*—*The Secretary*
14 *may impose on the sale and purchase of land*
15 *under this subsection such other conditions as the*
16 *Secretary determines to be appropriate.*

17 (c) *REPEAL.*—*Section 325 of the Water Resources De-*
18 *velopment Act of 1992 (106 Stat. 4849) is repealed.*

19 **SEC. 3042. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.**

20 (a) *IN GENERAL.*—*The Secretary shall carry out addi-*
21 *tional general construction measures to allow for operation*
22 *at lower pool levels to satisfy the recreation mission at*
23 *Dworshak Dam, Idaho.*

1 **(b) IMPROVEMENTS.**—*In carrying out subsection (a),*
2 *the Secretary shall provide for appropriate improvements*
3 *to—*

4 (1) *facilities that are operated by the Corps of*
5 *Engineers; and*

6 (2) *facilities that, as of the date of enactment of*
7 *this Act, are leased, permitted, or licensed for use by*
8 *others.*

9 **(c) COST SHARING.**—*The Secretary shall carry out*
10 *this section through a cost-sharing program with Idaho*
11 *State Parks and Recreation Department, with a total esti-*
12 *mated project cost of \$5,300,000, with an estimated Federal*
13 *cost of \$3,900,000 and an estimated non-Federal cost of*
14 *\$1,400,000.*

15 **SEC. 3043. LITTLE WOOD RIVER, GOODING, IDAHO.**

16 *The project for flood control, Gooding, Idaho, as con-*
17 *structed under the emergency conservation work program*
18 *established under the Act of March 31, 1933 (16 U.S.C. 585*
19 *et seq.), is modified—*

20 (1) *to direct the Secretary to rehabilitate the*
21 *Gooding Channel Project for the purposes of flood*
22 *control and ecosystem restoration, if the Secretary de-*
23 *termines that the rehabilitation and ecosystem res-*
24 *toration is feasible;*

1 (2) to authorize and direct the Secretary to plan,
2 design, and construct the project at a total cost of
3 \$9,000,000;

4 (3) to authorize the non-Federal interest to pro-
5 vide any portion of the non-Federal share of the cost
6 of the project in the form of services, materials, sup-
7 plies, or other in-kind contributions;

8 (4) to authorize the non-Federal interest to use
9 funds made available under any other Federal pro-
10 gram toward the non-Federal share of the cost of the
11 project if the use of the funds is permitted under the
12 other Federal program; and

13 (5) to direct the Secretary, in calculating the
14 non-Federal share of the cost of the project, to make
15 a determination under section 103(m) of the Water
16 Resources Development Act of 1986 (33 U.S.C.
17 2213(m)) on the ability to pay of the non-Federal in-
18 terest.

19 **SEC. 3044. PORT OF LEWISTON, IDAHO.**

20 (a) *EXTINGUISHMENT OF REVERSIONARY INTERESTS*
21 *AND USE RESTRICTIONS.*—With respect to property covered
22 by each deed described in subsection (b)—

23 (1) the reversionary interests and use restrictions
24 relating to port and industrial use purposes are ex-
25 tinguished;

1 (2) *the restriction that no activity shall be per-*
2 *mitted that will compete with services and facilities*
3 *offered by public marinas is extinguished;*

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

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

14 (b) *DEEDS.—The deeds referred to in subsection (a)*
15 *are as follows:*

16 (1) *Auditor’s Instrument No. 399218 of Nez*
17 *Perce County, Idaho, 2.07 acres.*

18 (2) *Auditor’s Instrument No. 487437 of Nez*
19 *Perce County, Idaho, 7.32 acres.*

20 (c) *NO EFFECT ON OTHER RIGHTS.—Nothing in this*
21 *section affects the remaining rights and interests of the*
22 *Corps of Engineers for authorized project purposes with re-*
23 *spect to property covered by deeds described in subsection*
24 *(b).*

1 **SEC. 3045. CACHE RIVER LEVEE, ILLINOIS.**

2 *The Cache River Levee created for flood control at the*
 3 *Cache River, Illinois, and authorized by the Act of June*
 4 *28, 1938 (52 Stat. 1215, chapter 795), is modified to add*
 5 *environmental restoration as a project purpose.*

6 **SEC. 3046. CHICAGO, ILLINOIS.**

7 *Section 425(a) of the Water Resources Development*
 8 *Act of 2000 (114 Stat. 2638) is amended by inserting “Lake*
 9 *Michigan and” before “the Chicago River”.*

10 **SEC. 3047. CHICAGO RIVER, ILLINOIS.**

11 *The Federal navigation channel for the North Branch*
 12 *Channel portion of the Chicago River authorized by section*
 13 *22 of the Act of March 3, 1899 (30 Stat. 1156, chapter 425),*
 14 *extending from 100 feet downstream of the Halsted Street*
 15 *Bridge to 100 feet upstream of the Division Street Bridge,*
 16 *Chicago, Illinois, is redefined to be no wider than 66 feet.*

17 **SEC. 3048. ILLINOIS RIVER BASIN RESTORATION.**

18 *Section 519 of the Water Resources Development Act*
 19 *of 2000 (114 Stat. 2654) is amended—*

20 *(1) in subsection (c)(3), by striking “\$5,000,000”*
 21 *and inserting “\$20,000,000”; and*

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

23 *“(h) COOPERATION.—In carrying out this section, the*
 24 *Secretary may enter into cooperative agreements, including*
 25 *with the State of Illinois, academic institutions, units of*
 26 *local governments, and soil and water conservation dis-*

1 *tricts, to facilitate more efficient partnerships in developing*
2 *and implementing the Illinois River Basin Restoration*
3 *Program.”.*

4 **SEC. 3049. MISSOURI AND ILLINOIS FLOOD PROTECTION**
5 **PROJECTS RECONSTRUCTION PILOT PRO-**
6 **GRAM.**

7 *(a) DEFINITION OF RECONSTRUCTION.—In this sec-*
8 *tion:*

9 *(1) IN GENERAL.—The term “reconstruction”*
10 *means any action taken to address 1 or more major*
11 *deficiencies of a project caused by long-term degrada-*
12 *tion of the foundation, construction materials, or en-*
13 *gineering systems or components of the project, the re-*
14 *sults of which render the project at risk of not per-*
15 *forming in compliance with the authorized purposes*
16 *of the project.*

17 *(2) INCLUSIONS.—The term “reconstruction” in-*
18 *cludes the incorporation by the Secretary of current*
19 *design standards and efficiency improvements in a*
20 *project if the incorporation does not significantly*
21 *change the authorized scope, function, or purpose of*
22 *the project.*

23 *(b) PARTICIPATION BY SECRETARY.—The Secretary*
24 *may participate in the reconstruction of flood control*
25 *projects within Missouri and Illinois as a pilot program*

1 *if the Secretary determines that such reconstruction is not*
2 *required as a result of improper operation and maintenance*
3 *by the non-Federal interest.*

4 (c) *COST SHARING.—*

5 (1) *IN GENERAL.—Costs for reconstruction of a*
6 *project under this section shall be shared by the Sec-*
7 *retary and the non-Federal interest in the same per-*
8 *centages as the costs of construction of the original*
9 *project were shared.*

10 (2) *OPERATION, MAINTENANCE, AND REPAIR*
11 *COSTS.—The costs of operation, maintenance, repair,*
12 *and rehabilitation of a project carried out under this*
13 *section shall be a non-Federal responsibility.*

14 (d) *CRITICAL PROJECTS.—In carrying out this sec-*
15 *tion, the Secretary shall give priority to the following*
16 *projects:*

17 (1) *Clear Creek Drainage and Levee District, Il-*
18 *linois.*

19 (2) *Fort Chartres and Ivy Landing Drainage*
20 *District, Illinois.*

21 (3) *Wood River Drainage and Levee District, Il-*
22 *linois.*

23 (4) *City of St. Louis, Missouri.*

24 (5) *Missouri River Levee Drainage District, Mis-*
25 *souri.*

1 (e) *ECONOMIC JUSTIFICATION.*—*Reconstruction efforts*
2 *and activities carried out under this section shall not re-*
3 *quire economic justification.*

4 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
5 *authorized to be appropriated to carry out this section*
6 *\$50,000,000, to remain available until expended.*

7 **SEC. 3050. SPUNKY BOTTOM, ILLINOIS.**

8 (a) *IN GENERAL.*—*The project for flood control, Illi-*
9 *nois and Des Plaines River Basin, between Beardstown, Il-*
10 *linois, and the mouth of the Illinois River, authorized by*
11 *section 5 of the Act of June 22, 1936 (49 Stat. 1583, chapter*
12 *688), is modified to authorize ecosystem restoration as a*
13 *project purpose.*

14 (b) *MODIFICATIONS.*—

15 (1) *IN GENERAL.*—*Subject to paragraph (2), not-*
16 *withstanding the limitation on the expenditure of*
17 *Federal funds to carry out project modifications in*
18 *accordance with section 1135 of the Water Resources*
19 *Development Act of 1986 (33 U.S.C. 2309a), modi-*
20 *fications to the project referred to in subsection (a)*
21 *shall be carried out at Spunky Bottoms, Illinois, in*
22 *accordance with subsection (a).*

23 (2) *FEDERAL SHARE.*—*Not more than*
24 *\$7,500,000 in Federal funds may be expended under*

1 *this section to carry out modifications to the project*
2 *referred to in subsection (a).*

3 (3) *POST-CONSTRUCTION MONITORING AND MAN-*
4 *AGEMENT.—Of the Federal funds expended under*
5 *paragraph (2), not less than \$500,000 shall remain*
6 *available for a period of 5 years after the date of com-*
7 *pletion of construction of the modifications for use in*
8 *carrying out post-construction monitoring and adapt-*
9 *ive management.*

10 (c) *EMERGENCY REPAIR ASSISTANCE.—Notwith-*
11 *standing any modifications carried out under subsection*
12 *(b), the project described in subsection (a) shall remain eli-*
13 *gible for emergency repair assistance under section 5 of the*
14 *Act of August 18, 1941 (33 U.S.C. 701n), without consider-*
15 *ation of economic justification.*

16 **SEC. 3051. STRAWN CEMETERY, JOHN REDMOND LAKE, KAN-**
17 **SAS.**

18 (a) *IN GENERAL.—As soon as practicable after the*
19 *date of enactment of this Act, the Secretary, acting through*
20 *the Tulsa District of the Corps of Engineers, shall transfer*
21 *to Pleasant Township, Coffey County, Kansas, for use as*
22 *the New Strawn Cemetery, all right, title, and interest of*
23 *the United States in and to the land described in subsection*
24 *(c).*

1 (b) *REVERSION.*—*If the land transferred under this*
2 *section ceases at any time to be used as a nonprofit ceme-*
3 *tery or for another public purpose, the land shall revert to*
4 *the United States.*

5 (c) *DESCRIPTION.*—*The land to be conveyed under this*
6 *section is a tract of land near John Redmond Lake, Kansas,*
7 *containing approximately 3 acres and lying adjacent to the*
8 *west line of the Strawn Cemetery located in the SE corner*
9 *of the NE¹/₄ of sec. 32, T. 20 S., R. 14 E., Coffey County,*
10 *Kansas.*

11 (d) *CONSIDERATION.*—

12 (1) *IN GENERAL.*—*The conveyance under this*
13 *section shall be at fair market value.*

14 (2) *COSTS.*—*All costs associated with the convey-*
15 *ance shall be paid by Pleasant Township, Coffey*
16 *County, Kansas.*

17 (e) *OTHER TERMS AND CONDITIONS.*—*The conveyance*
18 *under this section shall be subject to such other terms and*
19 *conditions as the Secretary considers necessary to protect*
20 *the interests of the United States.*

21 **SEC. 3052. MILFORD LAKE, MILFORD, KANSAS.**

22 (a) *IN GENERAL.*—*Subject to subsections (b) and (c),*
23 *the Secretary shall convey at fair market value by quitclaim*
24 *deed to the Geary County Fire Department, Milford, Kan-*
25 *sas, all right, title, and interest of the United States in and*

1 *to a parcel of land consisting of approximately 7.4 acres*
2 *located in Geary County, Kansas, for construction, oper-*
3 *ation, and maintenance of a fire station.*

4 (b) *SURVEY TO OBTAIN LEGAL DESCRIPTION.—The*
5 *exact acreage and the description of the real property re-*
6 *ferred to in subsection (a) shall be determined by a survey*
7 *that is satisfactory to the Secretary.*

8 (c) *REVERSION.—If the Secretary determines that the*
9 *property conveyed under subsection (a) ceases to be held in*
10 *public ownership or to be used for any purpose other than*
11 *a fire station, all right, title, and interest in and to the*
12 *property shall revert to the United States, at the option of*
13 *the United States.*

14 **SEC. 3053. OHIO RIVER BASIN COMPREHENSIVE PLAN.**

15 *The Secretary is authorized to conduct a comprehen-*
16 *sive, basin-wide plan of the Ohio River Basin to identify*
17 *the investments and reinvestments in system components*
18 *that would be necessary and advisable—*

19 (1) *to ensure protection of lives and property in*
20 *the area of the Basin; and*

21 (2) *to sustain the purposes (including flood dam-*
22 *age reduction, ecosystem restoration and protection,*
23 *water supply, recreation, and related purposes) for*
24 *which the Basin system was developed.*

1 **SEC. 3054. HICKMAN BLUFF STABILIZATION, KENTUCKY.**

2 *The project for Hickman Bluff, Kentucky, authorized*
3 *by chapter II of title II of the Emergency Supplemental*
4 *Appropriations and Rescissions for the Department of De-*
5 *fense to Preserve and Enhance Military Readiness Act of*
6 *1995 (109 Stat. 85), is modified to authorize the Secretary*
7 *to repair and restore the project, at full Federal expense,*
8 *with no further economic studies or analyses, at a total cost*
9 *of not more than \$250,000.*

10 **SEC. 3055. MCALPINE LOCK AND DAM, KENTUCKY AND INDI-**
11 **ANA.**

12 *Section 101(a)(10) of the Water Resources Develop-*
13 *ment Act of 1990 (104 Stat. 4606) is amended by striking*
14 *“\$219,600,000” each place it appears and inserting*
15 *“\$430,000,000”.*

16 **SEC. 3056. PUBLIC ACCESS, ATCHAFALAYA BASIN**
17 **FLOODWAY SYSTEM, LOUISIANA.**

18 *(a) IN GENERAL.—The public access feature of the*
19 *Atchafalaya Basin Floodway System, Louisiana project,*
20 *authorized by section 601(a) of the Water Resources Devel-*
21 *opment Act of 1986 (100 Stat. 4142), is modified to author-*
22 *ize the Secretary to acquire from willing sellers the fee inter-*
23 *est (exclusive of oil, gas, and minerals) of an additional*
24 *20,000 acres of land in the Lower Atchafalaya Basin*
25 *Floodway for the public access feature of the Atchafalaya*
26 *Basin Floodway System, Louisiana project.*

1 **(b) MODIFICATION.**—

2 **(1) IN GENERAL.**—*Subject to paragraph (2), effective beginning November 17, 1986, the public access feature of the Atchafalaya Basin Floodway System, Louisiana project, is modified to remove the \$32,000,000 limitation on the maximum Federal expenditure for the first costs of the public access feature.*

9 **(2) FIRST COST.**—*The authorized first cost of \$250,000,000 for the total project (as defined in section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142)) shall not be exceeded, except as authorized by section 902 of that Act (100 Stat. 4183).*

15 **(c) TECHNICAL AMENDMENT.**—*Section 315(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2603) is amended by inserting before the period at the end the following: “and may include Eagle Point Park, Jeanerette, Louisiana, as 1 of the alternative sites”.*

20 **SEC. 3057. REGIONAL VISITOR CENTER, ATCHAFALAYA**
21 **BASIN FLOODWAY SYSTEM, LOUISIANA.**

22 **(a) PROJECT FOR FLOOD CONTROL.**—*Notwithstanding paragraph (3) of the report of the Chief of Engineers dated February 28, 1983 (relating to recreational development in the Lower Atchafalaya Basin Floodway), the Secretary*

1 *shall carry out the project for flood control, Atchafalaya*
2 *Basin Floodway System, Louisiana, authorized by chapter*
3 *IV of title I of the Act of August 15, 1985 (Public Law*
4 *99–88; 99 Stat. 313; 100 Stat. 4142).*

5 (b) *VISITORS CENTER.*—

6 (1) *IN GENERAL.*—*The Secretary, acting through*
7 *the Chief of Engineers and in consultation with the*
8 *State of Louisiana, shall study, design, and construct*
9 *a type A regional visitors center in the vicinity of*
10 *Morgan City, Louisiana.*

11 (2) *COST SHARING.*—

12 (A) *IN GENERAL.*—*The cost of construction*
13 *of the visitors center shall be shared in accord-*
14 *ance with the recreation cost-share requirement*
15 *under section 103(c) of the Water Resources De-*
16 *velopment Act of 1986 (33 U.S.C. 2213(c)).*

17 (B) *COST OF UPGRADING.*—*The non-Federal*
18 *share of the cost of upgrading the visitors center*
19 *from a type B to type A regional visitors center*
20 *shall be 100 percent.*

21 (3) *AGREEMENT.*—*The project under this sub-*
22 *section shall be initiated only after the Secretary and*
23 *the non-Federal interests enter into a binding agree-*
24 *ment under which the non-Federal interests shall—*

1 (A) provide any land, easement, right-of-
2 way, or dredged material disposal area required
3 for the project that is owned, claimed, or con-
4 trolled by—

5 (i) the State of Louisiana (including
6 agencies and political subdivisions of the
7 State); or

8 (ii) any other non-Federal government
9 entity authorized under the laws of the
10 State of Louisiana;

11 (B) pay 100 percent of the cost of the oper-
12 ation, maintenance, repair, replacement, and re-
13 habilitation of the project; and

14 (C) hold the United States free from liabil-
15 ity for the construction, operation, maintenance,
16 repair, replacement, and rehabilitation of the
17 project, except for damages due to the fault or
18 negligence of the United States or a contractor of
19 the United States.

20 (4) DONATIONS.—In carrying out the project
21 under this subsection, the Mississippi River Commis-
22 sion may accept the donation of cash or other funds,
23 land, materials, and services from any non-Federal
24 government entity or nonprofit corporation, as the
25 Commission determines to be appropriate.

1 **SEC. 3058. CALCASIEU RIVER AND PASS, LOUISIANA.**

2 *The project for the Calcasieu River and Pass, Lou-*
3 *isiana, authorized by section 101 of the River and Harbor*
4 *Act of 1960 (74 Stat. 481), is modified to authorize the Sec-*
5 *retary to provide \$3,000,000 for each fiscal year, in a total*
6 *amount of \$15,000,000, for such rock bank protection of the*
7 *Calcasieu River from mile 5 to mile 16 as the Chief of Engi-*
8 *neers determines to be advisable to reduce maintenance*
9 *dredging needs and facilitate protection of valuable disposal*
10 *areas for the Calcasieu River and Pass, Louisiana.*

11 **SEC. 3059. EAST BATON ROUGE PARISH, LOUISIANA.**

12 *The project for flood damage reduction and recreation,*
13 *East Baton Rouge Parish, Louisiana, authorized by section*
14 *101(a)(21) of the Water Resources Development Act of 1999*
15 *(113 Stat. 277), as amended by section 116 of the Consoli-*
16 *dated Appropriations Resolution, 2003 (117 Stat. 140), is*
17 *modified to authorize the Secretary to carry out the project*
18 *substantially in accordance with the Report of the Chief of*
19 *Engineers dated December 23, 1996, and the subsequent*
20 *Post Authorization Change Report dated December 2004,*
21 *at a total cost of \$178,000,000.*

22 **SEC. 3060. MISSISSIPPI RIVER GULF OUTLET RELOCATION**
23 **ASSISTANCE, LOUISIANA.**

24 *(a) PORT FACILITIES RELOCATION.—*

25 *(1) AUTHORIZATION OF APPROPRIATIONS.—*

26 *There is authorized to be appropriated \$75,000,000,*

1 *to remain available until expended, to support the re-*
2 *location of Port of New Orleans deep draft facilities*
3 *from the Mississippi River Gulf Outlet (referred to in*
4 *this section as the “Outlet”), the Gulf Intercoastal*
5 *Waterway, and the Inner Harbor Navigation Canal*
6 *to the Mississippi River.*

7 (2) *ADMINISTRATION.—*

8 (A) *IN GENERAL.—*Amounts appropriated
9 *pursuant to paragraph (1) shall be administered*
10 *by the Assistant Secretary for Economic Devel-*
11 *opment (referred to in this section as the “Assist-*
12 *ant Secretary”) pursuant to sections 209(c)(2)*
13 *and 703 of the Public Works and Economic De-*
14 *velopment Act of 1965 (42 U.S.C. 3149(c)(2),*
15 *3233).*

16 (B) *REQUIREMENT.—*The Assistant Sec-
17 *retary shall make amounts appropriated pursu-*
18 *ant to paragraph (1) available to the Port of*
19 *New Orleans to relocate to the Mississippi River*
20 *within the State of Louisiana the port-owned fa-*
21 *cilities that are occupied by businesses in the vi-*
22 *cinity that may be impacted due to the treat-*
23 *ment of the Outlet under the analysis and design*
24 *of comprehensive hurricane protection authorized*
25 *by title I of the Energy and Water Development*

1 *Appropriations Act, 2006 (Public Law 109–103;*
2 *119 Stat. 2247).*

3 **(b) REVOLVING LOAN FUND GRANTS.**—*There is au-*
4 *thorized to be appropriated to the Assistant Secretary*
5 *\$85,000,000, to remain available until expended, to provide*
6 *assistance pursuant to sections 209(c)(2) and 703 of the*
7 *Public Works and Economic Development Act of 1965 (42*
8 *U.S.C. 3149(c)(2), 3233) to 1 or more eligible recipients to*
9 *establish revolving loan funds to make loans for terms up*
10 *to 20 years at or below market interest rates (including in-*
11 *terest-free loans) to private businesses within the Port of*
12 *New Orleans that may need to relocate to the Mississippi*
13 *River within the State of Louisiana due to the treatment*
14 *of the Outlet under the analysis and design of comprehen-*
15 *sive hurricane protection authorized by title I of the Energy*
16 *and Water Development Appropriations Act, 2006 (Public*
17 *Law 109–103; 119 Stat. 2247).*

18 **(c) COORDINATION WITH SECRETARY.**—*The Assistant*
19 *Secretary shall ensure that the programs described in sub-*
20 *sections (a) and (b) are fully coordinated with the Secretary*
21 *to ensure that facilities are relocated in a manner that is*
22 *consistent with the analysis and design of comprehensive*
23 *hurricane protection authorized by title I of the Energy and*
24 *Water Development Appropriations Act, 2006 (Public Law*
25 *109–103; 119 Stat. 2247).*

1 (d) *ADMINISTRATIVE EXPENSES.*—*The Assistant Sec-*
2 *retary may use up to 2 percent of the amounts made avail-*
3 *able under subsections (a) and (b) for administrative ex-*
4 *penses.*

5 **SEC. 3061. RED RIVER (J. BENNETT JOHNSTON) WATERWAY,**
6 **LOUISIANA.**

7 *The project for mitigation of fish and wildlife losses,*
8 *Red River Waterway, Louisiana, authorized by section*
9 *601(a) of the Water Resources Development Act of 1986*
10 *(100 Stat. 4142) and modified by section 4(h) of the Water*
11 *Resources Development Act of 1988 (102 Stat. 4016), sec-*
12 *tion 102(p) of the Water Resources Development Act of 1990*
13 *(104 Stat. 4613), section 301(b)(7) of the Water Resources*
14 *Development Act of 1996 (110 Stat. 3710), and section 316*
15 *of the Water Resources Development Act of 2000 (114 Stat.*
16 *2604), is further modified—*

17 (1) *to authorize the Secretary to carry out the*
18 *project at a total cost of \$33,200,000;*

19 (2) *to permit the purchase of marginal farmland*
20 *for reforestation (in addition to the purchase of bot-*
21 *tomland hardwood); and*

22 (3) *to incorporate wildlife and forestry manage-*
23 *ment practices to improve species diversity on mitiga-*
24 *tion land that meets habitat goals and objectives of*
25 *the Corps of Engineers and the State of Louisiana.*

1 **SEC. 3062. CAMP ELLIS, SACO, MAINE.**

2 *The maximum amount of Federal funds that may be*
3 *expended for the project being carried out under section 111*
4 *of the River and Harbor Act of 1968 (33 U.S.C. 426i) for*
5 *the mitigation of shore damages attributable to the project*
6 *for navigation, Camp Ellis, Saco, Maine, shall be*
7 *\$25,000,000.*

8 **SEC. 3063. ROCKLAND HARBOR, MAINE.**

9 *As of the date of enactment of this Act, the portion*
10 *of the project for navigation, Rockland Harbor, Maine, au-*
11 *thorized by the Act of June 3, 1896 (29 Stat. 202, chapter*
12 *314), consisting of a 14-foot channel located in Lermond*
13 *Cove and beginning at a point with coordinates N.*
14 *99977.37, E. 340290.02, thence running easterly about*
15 *200.00 feet to a point with coordinates N. 99978.49, E.*
16 *340490.02, thence running northerly about 138.00 feet to*
17 *a point with coordinates N. 100116.49, E. 340289.25,*
18 *thence running westerly about 200.00 feet to a point with*
19 *coordinates N. 100115.37, E. 340289.25, thence running*
20 *southerly about 138.00 feet to the point of origin, is not*
21 *authorized.*

22 **SEC. 3064. ROCKPORT HARBOR, MAINE.**

23 *(a) IN GENERAL.—The portion of the project for navi-*
24 *gation, Rockport Harbor, Maine, authorized by the first sec-*
25 *tion of the Act of August 11, 1888 (25 Stat. 400), located*

1 *within the 12-foot anchorage described in subsection (b) is*
2 *not authorized.*

3 **(b) DESCRIPTION OF ANCHORAGE.**—*The anchorage re-*
4 *ferred to in subsection (a) is more particularly described*
5 *as—*

6 (1) *beginning at the westernmost point of the an-*
7 *chorage at N. 128800.00, E. 349311.00;*

8 (2) *thence running north 12 degrees, 52 minutes,*
9 *37.2 seconds, east 127.08 feet to a point at N.*
10 *128923.88, E349339.32;*

11 (3) *thence running north 17 degrees, 40 minutes,*
12 *13.0 seconds, east 338.61 feet to a point at N.*
13 *129246.51, E/ 349442.10;*

14 (4) *thence running south 89 degrees, 21 minutes,*
15 *21.0 seconds, east 45.36 feet to a point at N.*
16 *129246.00, E. 349487.46;*

17 (5) *thence running south 44 degrees, 13 minutes,*
18 *32.6 seconds, east 18.85 feet to a point at N.*
19 *129232.49, E. 349500.61;*

20 (6) *thence running south 17 degrees, 40 minutes*
21 *13.0 seconds, west 340.50 feet to a point at N.*
22 *128908.06, E. 349397.25;*

23 (7) *thence running south 12 degrees, 52 minutes,*
24 *37.2 seconds, west 235.41 feet to a point at N.*
25 *128678.57, E. 349344.79; and*

1 (8) thence running north 15 degrees, 32 minutes,
2 59.3 seconds, west 126.04 feet to the point of origin.

3 **SEC. 3065. SACO RIVER, MAINE.**

4 *The portion of the project for navigation, Saco River,*
5 *Maine, authorized under section 107 of the River and Har-*
6 *bor Act of 1960 (74 Stat. 486), and described as a 6-foot*
7 *deep, 10-acre maneuvering basin located at the head of*
8 *navigation, is redesignated as an anchorage area.*

9 **SEC. 3066. UNION RIVER, MAINE.**

10 *The project for navigation, Union River, Maine, au-*
11 *thorized by the first section of the Act of June 3, 1896 (29*
12 *Stat. 215, chapter 314), is modified by redesignating as an*
13 *anchorage area that portion of the project consisting of a*
14 *6-foot turning basin and lying northerly of a line com-*
15 *mencing at a point N. 315,975.13, E. 1,004,424.86, thence*
16 *running N. 61°27'20.71" W. about 132.34 feet to a point*
17 *N. 316,038.37, E. 1,004,308.61.*

18 **SEC. 3067. BALTIMORE HARBOR AND CHANNELS, MARY-**
19 **LAND AND VIRGINIA.**

20 *(a) IN GENERAL.—Notwithstanding section 1001(b)(2)*
21 *of the Water Resources Development Act of 1986 (33 U.S.C.*
22 *579a(b)(2)), the project for navigation, Baltimore Harbor*
23 *and Channels, Maryland and Virginia, authorized by sec-*
24 *tion 101 of the River and Harbor Act of 1970 (84 Stat.*

1 1818), shall remain authorized to be carried out by the Sec-
2 retary.

3 (b) *LIMITATION.*—The project described in subsection
4 (a) shall not be authorized for construction after the last
5 day of the 5-year period beginning on the date of enactment
6 of this Act, unless, during that period, funds have been obli-
7 gated for the construction (including planning and design)
8 of the project.

9 **SEC. 3068. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**
10 **TION AND PROTECTION PROGRAM, MARY-**
11 **LAND, PENNSYLVANIA, AND VIRGINIA.**

12 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Section
13 510 of the Water Resources Development Act of 1996 (110
14 Stat. 3759) is amended—

15 (1) in subsection (a)(1), by striking “pilot”;

16 (2) in subsection (d)(2), by adding at the end the
17 following:

18 “(C) *IN-KIND SERVICES.*—The non-Federal
19 share of the project costs of a partnership agree-
20 ment entered into under this section may include
21 in-kind services.”;

22 (3) by striking subsection (f) and inserting the
23 following:

24 “(f) *PROJECTS.*—The Secretary may carry out projects
25 under this section in the States of Delaware, New York,

1 *Maryland, Pennsylvania, Virginia, and West Virginia, and*
 2 *the District of Columbia.”; and*

3 (4) *in subsection (i), by striking “\$10,000,000”*
 4 *and inserting “\$30,000,000”.*

5 (b) *NONNATIVE OYSTER SPECIES.—The matter under*
 6 *the heading “CONSTRUCTION, GENERAL” under the heading*
 7 *“CORPS OF ENGINEERS—CIVIL” under the heading “DE-*
 8 *PARTMENT OF THE ARMY” of title I of the Energy and*
 9 *Water Development Appropriations Act, 2004 (Public Law*
 10 *108–137; 117 Stat. 1828) is amended in the twenty-first*
 11 *proviso by striking “\$2,000,000” and inserting*
 12 *“\$3,500,000”.*

13 **SEC. 3069. FLOOD PROTECTION PROJECT, CUMBERLAND,**
 14 **MARYLAND.**

15 Section 580(a) of the *Water Resources Development*
 16 *Act of 1999 (113 Stat. 375) is amended—*

17 (1) *by striking “\$15,000,000” and inserting*
 18 *“\$25,750,000”;*

19 (2) *by striking “\$9,750,000” and inserting*
 20 *“\$16,378,000”; and*

21 (3) *by striking “\$5,250,000” and inserting*
 22 *“\$9,012,000”.*

23 **SEC. 3070. AUNT LYDIA’S COVE, MASSACHUSETTS.**

24 (a) *DEAUTHORIZATION.—The portion of the project for*
 25 *navigation, Aunt Lydia’s Cove, Massachusetts, authorized*

1 *August 31, 1994, pursuant to section 107 of the Act of July*
2 *14, 1960 (33 U.S.C. 577) (commonly known as the “River*
3 *and Harbor Act of 1960”), consisting of the 8-foot deep an-*
4 *chorage in the cove described in subsection (b) is deauthor-*
5 *ized.*

6 (b) *DESCRIPTION.—The portion of the project de-*
7 *scribed in subsection (a) is more particularly described as*
8 *the portion beginning at a point along the southern limit*
9 *of the existing project, N. 254332.00, E. 1023103.96, thence*
10 *running northwesterly about 761.60 feet to a point along*
11 *the western limit of the existing project N. 255076.84, E.*
12 *1022945.07, thence running southwesterly about 38.11 feet*
13 *to a point N. 255038.99, E. 1022940.60, thence running*
14 *southeasterly about 267.07 feet to a point N. 254772.00, E.*
15 *1022947.00, thence running southeasterly about 462.41 feet*
16 *to a point N. 254320.06, E. 1023044.84, thence running*
17 *northeasterly about 60.31 feet to the point of origin.*

18 **SEC. 3071. FALL RIVER HARBOR, MASSACHUSETTS AND**
19 **RHODE ISLAND.**

20 (a) *IN GENERAL.—Notwithstanding section 1001(b)(2)*
21 *of the Water Resources Development Act of 1986 (33 U.S.C.*
22 *579a(b)(2)), the project for navigation, Fall River Harbor,*
23 *Massachusetts and Rhode Island, authorized by section 101*
24 *of the River and Harbor Act of 1968 (82 Stat. 731), shall*
25 *remain authorized to be carried out by the Secretary, except*

1 *that the authorized depth of that portion of the project ex-*
2 *tending riverward of the Charles M. Braga, Jr. Memorial*
3 *Bridge, Fall River and Somerset, Massachusetts, shall not*
4 *exceed 35 feet.*

5 (b) *FEASIBILITY.*—*The Secretary shall conduct a study*
6 *to determine the feasibility of deepening that portion of the*
7 *navigation channel of the navigation project for Fall River*
8 *Harbor, Massachusetts and Rhode Island, authorized by sec-*
9 *tion 101 of the River and Harbor Act of 1968 (82 Stat.*
10 *731), seaward of the Charles M. Braga, Jr. Memorial*
11 *Bridge Fall River and Somerset, Massachusetts.*

12 (c) *LIMITATION.*—*The project described in subsection*
13 *(a) shall not be authorized for construction after the last*
14 *day of the 5-year period beginning on the date of enactment*
15 *of this Act unless, during that period, funds have been obli-*
16 *gated for construction (including planning and design) of*
17 *the project.*

18 **SEC. 3072. NORTH RIVER, PEABODY, MASSACHUSETTS.**

19 *The Secretary shall expedite completion of the report*
20 *for the project North River, Peabody, Massachusetts, being*
21 *carried out under section 205 of the Flood Control Act of*
22 *1948 (33 U.S.C. 701s).*

23 **SEC. 3073. ECORSE CREEK, MICHIGAN.**

24 (a) *IN GENERAL.*—*Notwithstanding section 1001(b)(2)*
25 *of the Water Resources Development Act of 1986 (33 U.S.C.*

1 579a(b)(2)), the project for flood control, Ecorse Creek,
 2 Wayne County, Michigan, authorized by section 101(a)(14)
 3 of the Water Resources Development Act of 1990 (104 Stat.
 4 4607) shall remain authorized to be carried out by the Sec-
 5 retary.

6 (b) *LIMITATION.*—A project described in subsection (a)
 7 shall not be authorized for construction after the last day
 8 of the 5-year period beginning on the date of enactment of
 9 this Act, unless, during that period, funds have been obli-
 10 gated for the construction (including planning and design)
 11 of the project.

12 **SEC. 3074. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**
 13 **GAN.**

14 Section 426 of the Water Resources Development Act
 15 of 1999 (113 Stat. 326) is amended to read as follows:

16 **“SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**

17 **“(a) DEFINITIONS.**—In this section:

18 **“(1) MANAGEMENT PLAN.**—The term ‘manage-
 19 ment plan’ means the management plan for the St.
 20 Clair River and Lake St. Clair, Michigan, that is in
 21 effect as of the date of enactment of this section.

22 **“(2) PARTNERSHIP.**—The term ‘Partnership’
 23 means the partnership established by the Secretary
 24 under subsection (b)(1).

25 **“(b) PARTNERSHIP.**—

1 “(1) *IN GENERAL.*—*The Secretary shall establish*
2 *and lead a partnership of appropriate Federal agen-*
3 *cies (including the Environmental Protection Agency)*
4 *and the State of Michigan (including political sub-*
5 *divisions of the State)*—

6 “(A) *to promote cooperation among the Fed-*
7 *eral Government, State and local governments,*
8 *and other involved parties in the management of*
9 *the St. Clair River and Lake St. Clair water-*
10 *sheds; and*

11 “(B) *develop and implement projects con-*
12 *sistent with the management plan.*

13 “(2) *COORDINATION WITH ACTIONS UNDER*
14 *OTHER LAW.*—

15 “(A) *IN GENERAL.*—*Actions taken under*
16 *this section by the Partnership shall be coordi-*
17 *nated with actions to restore and conserve the St.*
18 *Clair River and Lake St. Clair and watersheds*
19 *taken under other provisions of Federal and*
20 *State law.*

21 “(B) *NO EFFECT ON OTHER LAW.*—*Nothing*
22 *in this section alters, modifies, or affects any*
23 *other provision of Federal or State law.*

24 “(c) *IMPLEMENTATION OF ST. CLAIR RIVER AND LAKE*
25 *ST. CLAIR MANAGEMENT PLAN.*—

1 “(1) *IN GENERAL.*—*The Secretary shall—*

2 “(A) *develop a St. Clair River and Lake St.*
3 *Clair strategic implementation plan in accord-*
4 *ance with the management plan;*

5 “(B) *provide technical, planning, and engi-*
6 *neering assistance to non-Federal interests for*
7 *developing and implementing activities con-*
8 *sistent with the management plan;*

9 “(C) *plan, design, and implement projects*
10 *consistent with the management plan; and*

11 “(D) *provide, in coordination with the Ad-*
12 *ministrator of the Environmental Protection*
13 *Agency, financial and technical assistance, in-*
14 *cluding grants, to the State of Michigan (includ-*
15 *ing political subdivisions of the State) and inter-*
16 *ested nonprofit entities for the planning, design,*
17 *and implementation of projects to restore, con-*
18 *serve, manage, and sustain the St. Clair River,*
19 *Lake St. Clair, and associated watersheds.*

20 “(2) *SPECIFIC MEASURES.*—*Financial and tech-*
21 *nical assistance provided under subparagraphs (B)*
22 *and (C) of paragraph (1) may be used in support of*
23 *non-Federal activities consistent with the manage-*
24 *ment plan.*

1 “(d) *SUPPLEMENTS TO MANAGEMENT PLAN AND*
 2 *STRATEGIC IMPLEMENTATION PLAN.*—*In consultation with*
 3 *the Partnership and after providing an opportunity for*
 4 *public review and comment, the Secretary shall develop in-*
 5 *formation to supplement—*

6 “(1) *the management plan; and*

7 “(2) *the strategic implementation plan developed*
 8 *under subsection (c)(1)(A).*

9 “(e) *COST SHARING.*—

10 “(1) *NON-FEDERAL SHARE.*—*The non-Federal*
 11 *share of the cost of technical assistance, or the cost of*
 12 *planning, design, construction, and evaluation of a*
 13 *project under subsection (c), and the cost of develop-*
 14 *ment of supplementary information under subsection*
 15 *(d)—*

16 “(A) *shall be 25 percent of the total cost of*
 17 *the project or development; and*

18 “(B) *may be provided through the provision*
 19 *of in-kind services.*

20 “(2) *CREDIT FOR LAND, EASEMENTS, AND*
 21 *RIGHTS-OF-WAY.*—*The Secretary shall credit the non-*
 22 *Federal sponsor for the value of any land, easements,*
 23 *rights-of-way, dredged material disposal areas, or re-*
 24 *locations provided for use in carrying out a project*
 25 *under subsection (c).*

1 “(3) *NONPROFIT ENTITIES.*—Notwithstanding
2 *section 221 of the Flood Control Act of 1970 (42*
3 *U.S.C. 1962d–5b), a non-Federal sponsor for any*
4 *project carried out under this section may include a*
5 *nonprofit entity.*

6 “(4) *OPERATION AND MAINTENANCE.*—The oper-
7 *ation, maintenance, repair, rehabilitation, and re-*
8 *placement of projects carried out under this section*
9 *shall be non-Federal responsibilities.*

10 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—There is
11 *authorized to be appropriated to carry out this section*
12 *\$20,000,000.”.*

13 **SEC. 3075. DULUTH HARBOR, MINNESOTA.**

14 (a) *IN GENERAL.*—Notwithstanding the cost limita-
15 *tion described in section 107(b) of the River and Harbor*
16 *Act of 1960 (33 U.S.C. 577(b)), the Secretary shall carry*
17 *out the project for navigation, Duluth Harbor, Minnesota,*
18 *pursuant to the authority provided under that section at*
19 *a total Federal cost of \$9,000,000.*

20 (b) *PUBLIC ACCESS AND RECREATIONAL FACILI-*
21 *TIES.*—Section 321 of the Water Resources Development Act
22 *of 2000 (114 Stat. 2605) is amended by inserting “, and*
23 *to provide public access and recreational facilities” after*
24 *“including any required bridge construction”.*

1 **SEC. 3076. PROJECT FOR ENVIRONMENTAL ENHANCEMENT,**
2 **MISSISSIPPI AND LOUISIANA ESTUARINE**
3 **AREAS, MISSISSIPPI AND LOUISIANA.**

4 (a) *VIOLET DIVERSION PROJECT.*—*The Secretary*
5 *shall redesign and implement the project for environmental*
6 *enhancement, Mississippi and Louisiana Estuarine Areas,*
7 *Mississippi and Louisiana, authorized by section 3(a)(8)*
8 *of the Water Resources Development Act of 1988 (102 Stat.*
9 *4014), in lieu of diversion of freshwater at the Bonnet Carre*
10 *Spillway using a diversion of water at or near Violet, Lou-*
11 *isiana, if the following criteria can be met by the redesign:*

12 (1) *Achieve the salinity targets to at least the*
13 *same extent as the diversion of freshwater at the Bon-*
14 *net Carre Spillway for the Mississippi Sound identi-*
15 *fied in the feasibility study entitled “Mississippi and*
16 *Louisiana Estuarine areas: Freshwater Diversion to*
17 *Lake Pontchartrain Basin and Mississippi Sound”*
18 *and dated 1984.*

19 (2) *Not delay the completion of the design and*
20 *construction of the project beyond the dates identified*
21 *in subsections (e) and (f).*

22 (3) *Not change the cost-share attributable to the*
23 *Bonnet Carre Freshwater Diversion Project.*

24 (b) *DEFINITION.*—*For the purposes of this section, the*
25 *term “Bonnet Carre Freshwater Diversion Project” is de-*
26 *finied as the recommended alternative as described in the*

1 *report of the Chief of Engineers for the project for environ-*
2 *mental enhancement, Mississippi and Louisiana Estuarine*
3 *Areas, Mississippi and Louisiana, May, 1986, and ref-*
4 *erenced in Public Law 104–303 and described in the Report*
5 *to Congress on the Bonnet Carre Freshwater Diversion*
6 *Project Status and Potential Options and Enhancement of*
7 *December 1996.*

8 (c) *BONNET CARRE FRESHWATER DIVERSION*
9 *PROJECT.—If the redesign in subsection (a) does not meet*
10 *the criteria therein, the Secretary shall implement the Bon-*
11 *net Carre Freshwater Diversion Project.*

12 (d) *NON-FEDERAL FINANCING REQUIREMENTS.—*

13 (1) *The States of Mississippi and Louisiana*
14 *shall provide the funds needed during any fiscal year*
15 *for meeting each State’s respective non-Federal cost*
16 *sharing requirements for the project for environ-*
17 *mental enhancement, Mississippi and Louisiana Es-*
18 *tuarine Areas, Mississippi and Louisiana, that fiscal*
19 *year by making deposits of the necessary funds into*
20 *an escrow account or into such other account as the*
21 *Secretary determines to be acceptable. Any deposits*
22 *required pursuant to this paragraph shall be made by*
23 *the affected State within 30 days after receipt of noti-*
24 *fication from the Secretary that such funds are due.*

1 (2) *In the case of deposits required to be made*
2 *by the State of Louisiana, the Secretary may not*
3 *award any new contract or proceed to the next phase*
4 *of any feature being carried out in the State of Lou-*
5 *isiana pursuant to section 1003 if the State of Lou-*
6 *isiana is not in compliance with paragraph (1).*

7 (3) *In the case of deposits required to be made*
8 *by the State of Mississippi, the Secretary may not*
9 *award any new contract or proceed to the next phase*
10 *of any feature being carried out as a part of the*
11 *project for environmental enhancement, Mississippi*
12 *and Louisiana Estuarine Areas, Mississippi and*
13 *Louisiana if the State of Mississippi is not in compli-*
14 *ance with paragraph (1).*

15 (4) *The non-Federal share of project costs shall*
16 *be allocated between the States of Mississippi and*
17 *Louisiana as described in the Report to Congress on*
18 *the Bonnet Carre Freshwater Diversion Project Status*
19 *and Potential Options and Enhancement of December*
20 *1996.*

21 (5) *The modification of the project for environ-*
22 *mental enhancement, Mississippi and Louisiana Es-*
23 *tuarine Areas, Mississippi and Louisiana, by this sec-*
24 *tion shall not reduce the percentage of the cost of the*
25 *project that shall be paid by the Federal government*

1 *as it was determined upon enactment of section*
2 *3(a)(8) of the Water Resources Development Act of*
3 *1988 (102 Stat. 4014).*

4 *(e) DESIGN SCHEDULE.—*

5 *(1) IN GENERAL.—Subject to the availability of*
6 *appropriations, the Secretary shall complete the de-*
7 *sign of the project for environmental enhancement,*
8 *Mississippi and Louisiana Estuarine Areas, Mis-*
9 *issippi and Louisiana, not later than 2 years after*
10 *the date of enactment of this Act.*

11 *(2) MISSED DEADLINE.—If the Secretary does*
12 *not complete the design described in paragraph (1) by*
13 *such date, the Secretary shall assign such resources as*
14 *available and necessary to complete the design and*
15 *the Secretary's authority to expend funds for travel,*
16 *official receptions, and official representations is sus-*
17 *pending until such design is complete.*

18 *(f) CONSTRUCTION SCHEDULE.—*

19 *(1) IN GENERAL.—Subject to the availability of*
20 *appropriations, the Secretary shall complete construc-*
21 *tion of the project for environmental enhancement,*
22 *Mississippi and Louisiana Estuarine Areas, Mis-*
23 *issippi and Louisiana, not later than September 30,*
24 *2012.*

1 (2) *MISSED DEADLINE.*—*If the Secretary does*
2 *not complete the construction described in paragraph*
3 *(1) by such date, the Secretary shall assign such re-*
4 *sources as available and necessary to complete the*
5 *construction and the Secretary’s authority to expend*
6 *funds for travel, official receptions, and official rep-*
7 *resentations is suspended until such construction is*
8 *complete.*

9 **SEC. 3077. LAND EXCHANGE, PIKE COUNTY, MISSOURI.**

10 (a) *DEFINITIONS.*—*In this section:*

11 (1) *FEDERAL LAND.*—*The term “Federal land”*
12 *means the 2 parcels of Corps of Engineers land total-*
13 *ing approximately 42 acres, located on Buffalo Island*
14 *in Pike County, Missouri, and consisting of Govern-*
15 *ment Tract Numbers MIS–7 and a portion of FM–*
16 *46.*

17 (2) *NON-FEDERAL LAND.*—*The term “non-Fed-*
18 *eral land” means the approximately 42 acres of land,*
19 *subject to any existing flowage easements situated in*
20 *Pike County, Missouri, upstream and northwest,*
21 *about 200 feet from Drake Island (also known as*
22 *Grimes Island).*

23 (b) *LAND EXCHANGE.*—*Subject to subsection (c), on*
24 *conveyance by S.S.S., Inc., to the United States of all right,*
25 *title, and interest in and to the non-Federal land, the Sec-*

1 *retary shall convey to S.S.S., Inc., all right, title, and inter-*
2 *est of the United States in and to the Federal land.*

3 (c) *CONDITIONS.—*

4 (1) *DEEDS.—*

5 (A) *NON-FEDERAL LAND.—The conveyance*
6 *of the non-Federal land to the Secretary shall be*
7 *by a warranty deed acceptable to the Secretary.*

8 (B) *FEDERAL LAND.—The conveyance of the*
9 *Federal land to S.S.S., Inc., shall be—*

10 (i) *by quitclaim deed; and*

11 (ii) *subject to any reservations, terms,*
12 *and conditions that the Secretary deter-*
13 *mines to be necessary to allow the United*
14 *States to operate and maintain the Mis-*
15 *issippi River 9-Foot Navigation Project.*

16 (C) *LEGAL DESCRIPTIONS.—The Secretary*
17 *shall, subject to approval of S.S.S., Inc., provide*
18 *a legal description of the Federal land and non-*
19 *Federal land for inclusion in the deeds referred*
20 *to in subparagraphs (A) and (B).*

21 (2) *REMOVAL OF IMPROVEMENTS.—*

22 (A) *IN GENERAL.—The Secretary may re-*
23 *quire the removal of, or S.S.S., Inc., may volun-*
24 *tarily remove, any improvements to the non-Fed-*

1 *eral land before the completion of the exchange or*
2 *as a condition of the exchange.*

3 (B) *NO LIABILITY.*—*If S.S.S., Inc., removes*
4 *any improvements to the non-Federal land under*
5 *subparagraph (A)—*

6 (i) *S.S.S., Inc., shall have no claim*
7 *against the United States relating to the re-*
8 *moval; and*

9 (ii) *the United States shall not incur*
10 *or be liable for any cost associated with the*
11 *removal or relocation of the improvements.*

12 (3) *ADMINISTRATIVE COSTS.*—*The Secretary*
13 *shall require S.S.S., Inc. to pay reasonable adminis-*
14 *trative costs associated with the exchange.*

15 (4) *CASH EQUALIZATION PAYMENT.*—*If the ap-*
16 *praised fair market value, as determined by the Sec-*
17 *retary, of the Federal land exceeds the appraised fair*
18 *market value, as determined by the Secretary, of the*
19 *non-Federal land, S.S.S., Inc., shall make a cash*
20 *equalization payment to the United States.*

21 (5) *DEADLINE.*—*The land exchange under sub-*
22 *section (b) shall be completed not later than 2 years*
23 *after the date of enactment of this Act.*

1 **SEC. 3078. L-15 LEVEE, MISSOURI.**

2 *The portion of the L-15 levee system that is under the*
3 *jurisdiction of the Consolidated North County Levee Dis-*
4 *trict and situated along the right descending bank of the*
5 *Mississippi River from the confluence of that river with the*
6 *Missouri River and running upstream approximately 14*
7 *miles shall be considered to be a Federal levee for purposes*
8 *of cost sharing under section 5 of the Act of August 18,*
9 *1941 (33 U.S.C. 701n).*

10 **SEC. 3079. UNION LAKE, MISSOURI.**

11 *(a) IN GENERAL.—The Secretary shall offer to convey*
12 *to the State of Missouri all right, title, and interest in and*
13 *to approximately 205.50 acres of land described in sub-*
14 *section (b) purchased for the Union Lake Project that was*
15 *deauthorized as of January 1, 1990 (55 Fed. Reg. 40906),*
16 *in accordance with section 1001 of the Water Resources De-*
17 *velopment Act of 1986 (33 U.S.C. 579a(a)).*

18 *(b) LAND DESCRIPTION.—The land referred to in sub-*
19 *section (a) is described as follows:*

20 *(1) TRACT 500.—A tract of land situated in*
21 *Franklin County, Missouri, being part of the SW¹/₄*
22 *of sec. 7, and the NW¹/₄ of the SW¹/₄ of sec. 8, T. 42*
23 *N., R. 2 W. of the fifth principal meridian, consisting*
24 *of approximately 112.50 acres.*

25 *(2) TRACT 605.—A tract of land situated in*
26 *Franklin County, Missouri, being part of the N¹/₂ of*

1 *the NE, and part of the SE of the NE of sec. 18, T.*
2 *42 N., R. 2 W. of the fifth principal meridian, con-*
3 *sisting of approximately 93.00 acres.*

4 *(c) CONVEYANCE.—On acceptance by the State of Mis-*
5 *souri of the offer by the Secretary under subsection (a), the*
6 *land described in subsection (b) shall immediately be con-*
7 *veyed, in its current condition, by Secretary to the State*
8 *of Missouri.*

9 **SEC. 3080. LOWER YELLOWSTONE PROJECT, MONTANA.**

10 *The Secretary may use funds appropriated to carry*
11 *out the Missouri River recovery and mitigation program*
12 *to assist the Bureau of Reclamation in the design and con-*
13 *struction of the Lower Yellowstone project of the Bureau,*
14 *Intake, Montana, for the purpose of ecosystem restoration.*

15 **SEC. 3081. YELLOWSTONE RIVER AND TRIBUTARIES, MON-**
16 **TANA AND NORTH DAKOTA.**

17 *(a) DEFINITION OF RESTORATION PROJECT.—In this*
18 *section, the term “restoration project” means a project that*
19 *will produce, in accordance with other Federal programs,*
20 *projects, and activities, substantial ecosystem restoration*
21 *and related benefits, as determined by the Secretary.*

22 *(b) PROJECTS.—The Secretary shall carry out, in ac-*
23 *cordance with other Federal programs, projects, and activi-*
24 *ties, restoration projects in the watershed of the Yellowstone*
25 *River and tributaries in Montana, and in North Dakota,*

1 *to produce immediate and substantial ecosystem restoration*
2 *and recreation benefits.*

3 (c) *LOCAL PARTICIPATION.*—*In carrying out sub-*
4 *section (b), the Secretary shall—*

5 (1) *consult with, and consider the activities*
6 *being carried out by—*

7 (A) *other Federal agencies;*

8 (B) *Indian tribes;*

9 (C) *conservation districts; and*

10 (D) *the Yellowstone River Conservation Dis-*
11 *trict Council; and*

12 (2) *seek the full participation of the State of*
13 *Montana.*

14 (d) *COST SHARING.*—*Before carrying out any restora-*
15 *tion project under this section, the Secretary shall enter into*
16 *an agreement with the non-Federal interest for the restora-*
17 *tion project under which the non-Federal interest shall*
18 *agree—*

19 (1) *to provide 35 percent of the total cost of the*
20 *restoration project, including necessary land, ease-*
21 *ments, rights-of-way, relocations, and disposal sites;*

22 (2) *to pay the non-Federal share of the cost of*
23 *feasibility studies and design during construction fol-*
24 *lowing execution of a project cooperation agreement;*

1 (3) to pay 100 percent of the operation, mainte-
2 nance, repair, replacement, and rehabilitation costs
3 incurred after the date of enactment of this Act that
4 are associated with the restoration project; and

5 (4) to hold the United States harmless for any
6 claim of damage that arises from the negligence of the
7 Federal Government or a contractor of the Federal
8 Government in carrying out the restoration project.

9 (e) *FORM OF NON-FEDERAL SHARE.*—Not more than
10 50 percent of the non-Federal share of the cost of a restora-
11 tion project carried out under this section may be provided
12 in the form of in-kind credit for work performed during
13 construction of the restoration project.

14 (f) *NON-FEDERAL INTERESTS.*—Notwithstanding sec-
15 tion 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-
16 5b), with the consent of the applicable local government, a
17 nonprofit entity may be a non-Federal interest for a res-
18 toration project carried out under this section.

19 (g) *AUTHORIZATION OF APPROPRIATIONS.*—There is
20 authorized to be appropriated to carry out this section
21 \$30,000,000.

22 **SEC. 3082. WESTERN SARPY AND CLEAR CREEK, NEBRASKA.**

23 *The project for ecosystem restoration and flood damage*
24 *reduction, Western Sarpy and Clear Creek, Nebraska, au-*
25 *thorized by section 101(b)(21) of the Water Resources Devel-*

1 *opment Act of 2000 (114 Stat. 2578), is modified to author-*
2 *ize the Secretary to construct the project at a total cost of*
3 *\$21,664,000, with an estimated Federal cost of \$14,082,000*
4 *and an estimated non-Federal cost of \$7,582,000.*

5 **SEC. 3083. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NE-**
6 **VADA.**

7 *The maximum amount of Federal funds that may be*
8 *expended for the project being carried out, as of the date*
9 *of enactment of this Act, under section 1135 of the Water*
10 *Resources Development Act of 1986 (33 U.S.C. 2309a) for*
11 *environmental restoration of McCarran Ranch, Nevada,*
12 *shall be \$5,775,000.*

13 **SEC. 3084. COOPERATIVE AGREEMENTS, NEW MEXICO.**

14 *The Secretary may enter into cooperative agreements*
15 *with any Indian tribe any land of which is located in the*
16 *State of New Mexico and occupied by a flood control project*
17 *that is owned and operated by the Corps of Engineers to*
18 *assist in carrying out any operation or maintenance activ-*
19 *ity associated with the flood control project.*

20 **SEC. 3085. MIDDLE RIO GRANDE RESTORATION, NEW MEX-**
21 **ICO.**

22 *(a) RESTORATION PROJECTS.—*

23 *(1) DEFINITION.—The term “restoration project”*
24 *means a project that will produce, consistent with*
25 *other Federal programs, projects, and activities, im-*

1 *mediate and substantial ecosystem restoration and*
2 *recreation benefits.*

3 (2) *PROJECTS.*—*The Secretary shall carry out*
4 *restoration projects in the Middle Rio Grande from*
5 *Cochiti Dam to the headwaters of Elephant Butte*
6 *Reservoir, in the State of New Mexico.*

7 (b) *PROJECT SELECTION.*—*The Secretary shall select*
8 *restoration projects in the Middle Rio Grande.*

9 (c) *LOCAL PARTICIPATION.*—*In carrying out sub-*
10 *section (b), the Secretary shall consult with, and consider*
11 *the activities being carried out by—*

12 (1) *the Middle Rio Grande Endangered Species*
13 *Act Collaborative Program; and*

14 (2) *the Bosque Improvement Group of the Middle*
15 *Rio Grande Bosque Initiative.*

16 (d) *COST SHARING.*—

17 (1) *PROJECTS ON FEDERAL LAND.*—*Each res-*
18 *toration project under this section located on Federal*
19 *land shall be carried out at full Federal expense.*

20 (2) *OTHER PROJECTS.*—*For any restoration*
21 *project located on non-Federal land, before carrying*
22 *out the restoration project under this section, the Sec-*
23 *retary shall enter into an agreement with non-Federal*
24 *interests that requires the non-Federal interests to—*

1 (A) provide 35 percent of the total cost of
2 the restoration projects including provisions for
3 necessary lands, easements, rights-of-way, reloca-
4 tions, and disposal sites;

5 (B) pay 100 percent of the operation, main-
6 tenance, repair, replacement, and rehabilitation
7 costs incurred after the date of the enactment of
8 this Act that are associated with the restoration
9 projects; and

10 (C) hold the United States harmless for any
11 claim of damage that arises from the negligence
12 of the Federal Government or a contractor of the
13 Federal Government.

14 (e) *NON-FEDERAL INTERESTS.*—Notwithstanding sec-
15 tion 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-
16 5b), a non-Federal interest for any project carried out
17 under this section may include a nonprofit entity, with the
18 consent of the local government.

19 (f) *RECREATIONAL FEATURES.*—

20 (1) *IN GENERAL.*—Subject to paragraph (2), any
21 recreational feature included as part of a restoration
22 project shall comprise not more than 30 percent of the
23 cost of the restoration project.

24 (2) *REQUIREMENT.*—The cost of any recreational
25 feature included as part of a restoration project in ex-

1 *develop watershed management plans for the Ma-*
2 *maronneck and Sheldrake River watershed for the pur-*
3 *poses of evaluating existing and new flood damage re-*
4 *duction and ecosystem restoration.*

5 (2) *EXISTING PLANS.*—*In developing the water-*
6 *shed management plans, the Secretary shall use exist-*
7 *ing studies and plans, as appropriate.*

8 (b) *CRITICAL RESTORATION PROJECTS.*—

9 (1) *IN GENERAL.*—*The Secretary may partici-*
10 *part in any eligible critical restoration project in the*
11 *Mamaroneck and Sheldrake Rivers watershed in ac-*
12 *cordance with the watershed management plan devel-*
13 *oped under subsection (a).*

14 (2) *ELIGIBLE PROJECTS.*—*A critical restoration*
15 *project shall be eligible for assistance under this sec-*
16 *tion if the project—*

17 (A) *meets the purposes described in the wa-*
18 *tershed management plan developed under sub-*
19 *section (a); and*

20 (B) *with respect to the Mamaroneck and*
21 *Sheldrake Rivers watershed in New York, con-*
22 *sists of flood damage reduction or ecosystem*
23 *restoration—*

24 (i) *bank stabilization of the mainstem,*
25 *tributaries, and streams;*

- 1 (ii) wetland restoration;
- 2 (iii) soil and water conservation;
- 3 (iv) restoration of natural flows;
- 4 (v) restoration of stream stability;
- 5 (vi) structural and nonstructural flood
- 6 damage reduction measures; or
- 7 (vii) any other project or activity the
- 8 Secretary determines to be appropriate.

9 (c) *COST SHARING.*—*The Federal share of the cost of*

10 *implementing any project carried out under this section*

11 *shall be 65 percent.*

12 (d) *NON-FEDERAL INTEREST.*—*A nonprofit organiza-*

13 *tion may serve as the non-Federal interest for a project car-*

14 *ried out under this section.*

15 (e) *COOPERATIVE AGREEMENTS.*—*In carrying out this*

16 *section, the Secretary may enter into 1 or more cooperative*

17 *agreements to provide financial assistance to appropriate*

18 *Federal, State, or local governments or nonprofit agencies,*

19 *including assistance for the implementation of projects to*

20 *be carried out under subsection (b).*

21 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*

22 *authorized to be appropriated to carry out this section*

23 *\$30,000,000, to remain available until expended.*

1 **SEC. 3088. ORCHARD BEACH, BRONX, NEW YORK.**

2 *Section 554 of the Water Resources Development Act*
3 *of 1996 (110 Stat. 3781) is amended by striking*
4 *“\$5,200,000” and inserting “\$18,200,000”.*

5 **SEC. 3089. NEW YORK HARBOR, NEW YORK, NEW YORK.**

6 *Section 217 of the Water Resources Development Act*
7 *of 1996 (33 U.S.C. 2326a) is amended—*

8 *(1) by redesignating subsection (c) as subsection*
9 *(d);*

10 *(2) by inserting after subsection (b) the fol-*
11 *lowing:*

12 *“(c) DREDGED MATERIAL FACILITY.—*

13 *“(1) IN GENERAL.—The Secretary may enter*
14 *into cost-sharing agreements with 1 or more non-Fed-*
15 *eral public interests with respect to a project, or*
16 *group of projects within a geographic region, if ap-*
17 *propriate, for the acquisition, design, construction,*
18 *management, or operation of a dredged material*
19 *processing, treatment, contaminant reduction, or dis-*
20 *posal facility (including any facility used to dem-*
21 *onstrate potential beneficial uses of dredged material,*
22 *which may include effective sediment contaminant re-*
23 *duction technologies) using funds provided in whole*
24 *or in part by the Federal Government.*

25 *“(2) PERFORMANCE.—One or more of the parties*
26 *to the agreement may perform the acquisition, design,*

1 *construction, management, or operation of a dredged*
2 *material processing, treatment, contaminant reduc-*
3 *tion, or disposal facility.*

4 “(3) *MULTIPLE FEDERAL PROJECTS.—If appro-*
5 *prate, the Secretary may combine portions of sepa-*
6 *rate Federal projects with appropriate combined cost-*
7 *sharing between the various projects, if the facility*
8 *serves to manage dredged material from multiple Fed-*
9 *eral projects located in the geographic region of the*
10 *facility.*

11 “(4) *PUBLIC FINANCING.—*

12 “(A) *AGREEMENTS.—*

13 “(i) *SPECIFIED FEDERAL FUNDING*
14 *SOURCES AND COST SHARING.—The cost-*
15 *sharing agreement used shall clearly*
16 *specify—*

17 “(I) *the Federal funding sources*
18 *and combined cost-sharing when appli-*
19 *cable to multiple Federal navigation*
20 *projects; and*

21 “(II) *the responsibilities and risks*
22 *of each of the parties related to present*
23 *and future dredged material managed*
24 *by the facility.*

25 “(ii) *MANAGEMENT OF SEDIMENTS.—*

1 “(I) *IN GENERAL.*—*The cost-sharing*
2 *agreement may include the man-*
3 *agement of sediments from the mainte-*
4 *nance dredging of Federal navigation*
5 *projects that do not have partnerships*
6 *agreements.*

7 “(II) *PAYMENTS.*—*The cost-sharing*
8 *agreement may allow the non-Fed-*
9 *eral interest to receive reimbursable*
10 *payments from the Federal Govern-*
11 *ment for commitments made by the*
12 *non-Federal interest for disposal or*
13 *placement capacity at dredged mate-*
14 *rial treatment, processing, contami-*
15 *nant reduction, or disposal facilities.*

16 “(iii) *CREDIT.*—*The cost-sharing*
17 *agreement may allow costs incurred prior to*
18 *execution of a partnership agreement for*
19 *construction or the purchase of equipment*
20 *or capacity for the project to be credited ac-*
21 *ording to existing cost-sharing rules.*

22 “(B) *CREDIT.*—

23 “(i) *EFFECT ON EXISTING AGREE-*
24 *MENTS.*—*Nothing in this subsection super-*
25 *sedes or modifies an agreement in effect on*

1 *the date of enactment of this paragraph be-*
2 *tween the Federal Government and any*
3 *other non-Federal interest for the cost-shar-*
4 *ing, construction, and operation and main-*
5 *tenance of a Federal navigation project.*

6 “(ii) *CREDIT FOR FUNDS.—Subject to*
7 *the approval of the Secretary and in ac-*
8 *cordance with law (including regulations*
9 *and policies) in effect on the date of enact-*
10 *ment of this paragraph, a non-Federal pub-*
11 *lic interest of a Federal navigation project*
12 *may seek credit for funds provided for the*
13 *acquisition, design, construction, manage-*
14 *ment, or operation of a dredged material*
15 *processing, treatment, or disposal facility to*
16 *the extent the facility is used to manage*
17 *dredged material from the Federal naviga-*
18 *tion project.*

19 “(iii) *NON-FEDERAL INTEREST RE-*
20 *SPONSIBILITIES.—The non-Federal interest*
21 *shall—*

22 *“(I) be responsible for providing*
23 *all necessary land, easement rights-of-*
24 *way, or relocations associated with the*
25 *facility; and*

1 “(II) receive credit for those
2 items.”; and

3 (3) in paragraphs (1) and (2)(A) of subsection
4 (d) (as redesignated by paragraph (1))—

5 (A) by inserting “and maintenance” after
6 “operation” each place it appears; and

7 (B) by inserting “processing, treatment, or”
8 after “dredged material” the first place it ap-
9 pears in each of those paragraphs.

10 **SEC. 3090. NEW YORK STATE CANAL SYSTEM.**

11 Section 553 of the Water Resources Development Act
12 of 1996 (110 Stat. 3781) is amended by striking subsection
13 (c) and inserting the following:

14 “(c) **DEFINITION OF NEW YORK STATE CANAL SYS-**
15 **TEM.**—In this section, the term ‘New York State Canal Sys-
16 **tem’** means the 524 miles of navigable canal that comprise
17 the New York State Canal System, including the Erie, Ca-
18 yuga-Seneca, Oswego, and Champlain Canals and the his-
19 toric alignments of these canals, including the cities of Al-
20 bany, Rochester, and Buffalo.”.

21 **SEC. 3091. SUSQUEHANNA RIVER AND UPPER DELAWARE**
22 **RIVER WATERSHED MANAGEMENT, NEW**
23 **YORK.**

24 (a) **WATERSHED MANAGEMENT PLAN DEVELOP-**
25 **MENT.**—

1 (1) *IN GENERAL.*—*The Secretary, in consultation*
2 *with the State of New York, the Delaware or Susque-*
3 *hanna River Basin Commission, as appropriate, and*
4 *local entities, shall develop watershed management*
5 *plans for the Susquehanna River watershed in New*
6 *York State and the Upper Delaware River watershed*
7 *for the purposes of evaluating existing and new flood*
8 *damage reduction and ecosystem restoration.*

9 (2) *EXISTING PLANS.*—*In developing the water-*
10 *shed management plans, the Secretary shall use exist-*
11 *ing studies and plans, as appropriate.*

12 **(b) CRITICAL RESTORATION PROJECTS.**—

13 (1) *IN GENERAL.*—*The Secretary may partici-*
14 *pate in any eligible critical restoration project in the*
15 *Susquehanna River or Upper Delaware Rivers in ac-*
16 *cordance with the watershed management plan devel-*
17 *oped under subsection (a).*

18 (2) *ELIGIBLE PROJECTS.*—*A critical restoration*
19 *project shall be eligible for assistance under this sec-*
20 *tion if the project—*

21 (A) *meets the purposes described in the wa-*
22 *tershed management plan developed under sub-*
23 *section (a); and*

24 (B) *with respect to the Susquehanna River*
25 *or Upper Delaware River watershed in New*

1 *York, consists of flood damage reduction or eco-*
2 *system restoration through—*

3 *(i) bank stabilization of the mainstem,*
4 *tributaries, and streams;*

5 *(ii) wetland restoration;*

6 *(iii) soil and water conservation;*

7 *(iv) restoration of natural flows;*

8 *(v) restoration of stream stability;*

9 *(vi) structural and nonstructural flood*
10 *damage reduction measures; or*

11 *(vii) any other project or activity the*
12 *Secretary determines to be appropriate.*

13 *(c) COST SHARING.—The Federal share of the cost of*
14 *implementing any project carried out under this section*
15 *shall be 65 percent.*

16 *(d) NON-FEDERAL INTEREST.—A nonprofit organiza-*
17 *tion may serve as the non-Federal interest for a project car-*
18 *ried out under this section.*

19 *(e) COOPERATIVE AGREEMENTS.—In carrying out this*
20 *section, the Secretary may enter into 1 or more cooperative*
21 *agreements to provide financial assistance to appropriate*
22 *Federal, State, or local governments or nonprofit agencies,*
23 *including assistance for the implementation of projects to*
24 *be carried out under subsection (b).*

1 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated to carry out this section*
3 *\$30,000,000, to remain available until expended.*

4 **SEC. 3092. MISSOURI RIVER RESTORATION, NORTH DA-**
5 **KOTA.**

6 *Section 707(a) of the Water Resources Act of 2000 (114*
7 *Stat. 2699) is amended in the first sentence by striking*
8 *“\$5,000,000” and all that follows through “2005” and in-*
9 *serting “\$25,000,000”.*

10 **SEC. 3093. OHIO.**

11 *Section 594 of the Water Resources Development Act*
12 *of 1999 (113 Stat. 381) is amended by adding at the end*
13 *the following:*

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

19 **SEC. 3094. LOWER GIRARD LAKE DAM, GIRARD, OHIO.**

20 *Section 507(1) of the Water Resources Development*
21 *Act of 1996 (110 Stat. 3758) is amended—*

22 (1) *by striking “\$2,500,000” and inserting*
23 *“\$16,000,000”; and*

24 (2) *by striking “Repair and rehabilitation” and*
25 *inserting “Correct structural deficiencies”.*

1 **SEC. 3095. TOUSSAINT RIVER NAVIGATION PROJECT, CAR-**
2 **ROLL TOWNSHIP, OHIO.**

3 *Increased operation and maintenance activities for the*
4 *Toussaint River Federal Navigation Project, Carroll Town-*
5 *ship, Ohio, that are carried out in accordance with section*
6 *107 of the River and Harbor Act of 1960 (33 U.S.C. 577)*
7 *and relate directly to the presence of unexploded ordnance,*
8 *shall be carried out at full Federal expense.*

9 **SEC. 3096. ARCADIA LAKE, OKLAHOMA.**

10 *Payments made by the city of Edmond, Oklahoma, to*
11 *the Secretary in October 1999 of all costs associated with*
12 *present and future water storage costs at Arcadia Lake,*
13 *Oklahoma, under Arcadia Lake Water Storage Contract*
14 *Number DACW56-79-C-0072 shall satisfy the obligations*
15 *of the city under that contract.*

16 **SEC. 3097. LAKE EUFAULA, OKLAHOMA.**

17 *(a) PROJECT GOAL.—*

18 *(1) IN GENERAL.—The goal for operation of Lake*
19 *Eufaula shall be to maximize the use of available*
20 *storage in a balanced approach that incorporates ad-*
21 *vice from representatives from all the project purposes*
22 *to ensure that the full value of the reservoir is realized*
23 *by the United States.*

24 *(2) RECOGNITION OF PURPOSE.—To achieve the*
25 *goal described in paragraph (1), recreation is recog-*
26 *nized as a project purpose at Lake Eufaula, pursuant*

1 *to the Act of December 22, 1944 (commonly known as*
2 *the “Flood Control Act of 1944”)* (58 Stat. 887, chap-
3 *ter 665).*

4 *(b) LAKE EUFAULA ADVISORY COMMITTEE.—*

5 *(1) IN GENERAL.—In accordance with the Fed-*
6 *eral Advisory Committee Act (5 U.S.C. App.), the*
7 *Secretary shall establish an advisory committee for*
8 *the Lake Eufaula, Canadian River, Oklahoma project*
9 *authorized by the Act of July 24, 1946 (commonly*
10 *known as the “River and Harbor Act of 1946”)* (Pub-
11 *lic Law 79–525; 60 Stat. 634).*

12 *(2) PURPOSE.—The purpose of the committee*
13 *shall be advisory only.*

14 *(3) DUTIES.—The committee shall provide infor-*
15 *mation and recommendations to the Corps of Engi-*
16 *neers regarding the operations of Lake Eufaula for*
17 *the project purposes for Lake Eufaula.*

18 *(4) COMPOSITION.—The Committee shall be com-*
19 *posed of members that equally represent the project*
20 *purposes for Lake Eufaula.*

21 *(c) REALLOCATION STUDY.—*

22 *(1) IN GENERAL.—Subject to the appropriation*
23 *of funds, the Secretary, acting through the Chief of*
24 *Engineers, shall perform a reallocation study, at full*
25 *Federal expense, to develop and present recommenda-*

1 *tions concerning the best value, while minimizing eco-*
2 *logical damages, for current and future use of the*
3 *Lake Eufaula storage capacity for the authorized*
4 *project purposes of flood control, water supply, hydro-*
5 *electric power, navigation, fish and wildlife, and*
6 *recreation.*

7 (2) *FACTORS FOR CONSIDERATION.*—*The re-*
8 *allocation study shall take into consideration the rec-*
9 *ommendations of the Lake Eufaula Advisory Com-*
10 *mittee.*

11 (i) *POOL MANAGEMENT PLAN.*—

12 (1) *IN GENERAL.*—*Not later than 360 days after*
13 *the date of enactment of this Act, to the extent feasible*
14 *within available project funds and subject to the com-*
15 *pletion and approval of the reallocation study under*
16 *subsection (c), the Tulsa District Engineer, taking*
17 *into consideration recommendations of the Lake*
18 *Eufaula Advisory Committee, shall develop an in-*
19 *terim management plan that accommodates all*
20 *project purposes for Lake Eufaula.*

21 (2) *MODIFICATIONS.*—*A modification of the plan*
22 *under paragraph (1) shall not cause significant ad-*
23 *verse impacts on any existing permit, lease, license,*
24 *contract, public law, or project purpose, including*
25 *flood control operation, relating to Lake Eufaula.*

1 **SEC. 3098. RELEASE OF REVERSIONARY INTEREST, OKLA-**
2 **HOMA.**

3 (a) *RELEASE.*—Any reversionary interest relating to
4 public parks and recreation on the land conveyed by the
5 Secretary to the State of Oklahoma at Lake Texoma pursu-
6 ant to the Act entitled “An Act to authorize the sale of cer-
7 tain lands to the State of Oklahoma” (67 Stat. 63, chapter
8 118), shall terminate on the date of enactment of this Act.

9 (b) *INSTRUMENT OF RELEASE.*—As soon as prac-
10 ticable after the date of enactment of this Act, the Secretary
11 shall execute and file in the appropriate office a deed of
12 release, an amended deed, or another appropriate instru-
13 ment to release each reversionary interest described in sub-
14 section (a).

15 (c) *PRESERVATION OF RESERVED RIGHTS.*—A release
16 of a reversionary interest under this section shall not affect
17 any other right of the United States in any deed of convey-
18 ance pursuant to the Act entitled “An Act to authorize the
19 sale of certain lands to the State of Oklahoma” (67 Stat.
20 63, chapter 118).

21 **SEC. 3099. OKLAHOMA LAKES DEMONSTRATION PROGRAM,**
22 **OKLAHOMA.**

23 (a) *IMPLEMENTATION OF PROGRAM.*—Not later than
24 1 year after the date of enactment of this Act, the Secretary
25 shall implement an innovative program at the lakes located
26 primarily in the State of Oklahoma that are a part of an

1 *authorized civil works project under the administrative ju-*
2 *isdiction of the Corps of Engineers for the purpose of dem-*
3 *onstrating the benefits of enhanced recreation facilities and*
4 *activities at those lakes.*

5 (b) *REQUIREMENTS.—In implementing the program*
6 *under subsection (a), the Secretary shall, consistent with*
7 *authorized project purposes—*

8 (1) *pursue strategies that will enhance, to the*
9 *maximum extent practicable, recreation experiences*
10 *at the lakes included in the program;*

11 (2) *use creative management strategies that opti-*
12 *mize recreational activities; and*

13 (3) *ensure continued public access to recreation*
14 *areas located on or associated with the civil works*
15 *project.*

16 (c) *GUIDELINES.—Not later than 180 days after the*
17 *date of enactment of this Act, the Secretary shall issue*
18 *guidelines for the implementation of this section, to be de-*
19 *veloped in coordination with the State of Oklahoma.*

20 (d) *REPORT.—*

21 (1) *IN GENERAL.—Not later than 2 years after*
22 *the date of enactment of this Act, the Secretary shall*
23 *submit to the Committee on Environment and Public*
24 *Works of the Senate and the Committee on Transpor-*
25 *tation and Infrastructure of the House of Representa-*

1 *tives a report describing the results of the program*
2 *under subsection (a).*

3 (2) *INCLUSIONS.—The report under paragraph*
4 *(1) shall include a description of the projects under-*
5 *taken under the program, including—*

6 (A) *an estimate of the change in any related*
7 *recreational opportunities;*

8 (B) *a description of any leases entered into,*
9 *including the parties involved; and*

10 (C) *the financial conditions that the Corps*
11 *of Engineers used to justify those leases.*

12 (3) *AVAILABILITY TO PUBLIC.—The Secretary*
13 *shall make the report available to the public in elec-*
14 *tronic and written formats.*

15 (e) *TERMINATION.—The authority provided by this*
16 *section shall terminate on the date that is 10 years after*
17 *the date of enactment of this Act.*

18 **SEC. 3100. OTTAWA COUNTY, OKLAHOMA.**

19 (a) *IN GENERAL.—There is authorized to be appro-*
20 *priated \$30,000,000 for the purposes set forth in subsection*
21 *(b).*

22 (b) *PURPOSES.—Notwithstanding any other provision*
23 *of law, funds appropriated under subsection (a) may be*
24 *used for the purpose of—*

1 (1) *the buy-out of properties and permanently*
2 *relocating residents and businesses in or near Picher,*
3 *Cardin, and Hockerville, Oklahoma, from areas deter-*
4 *mined by the State of Oklahoma to be at risk of dam-*
5 *age caused by land subsidence and remaining prop-*
6 *erties; and*

7 (2) *providing funding to the State of Oklahoma*
8 *to buyout properties and permanently relocate resi-*
9 *dents and businesses of Picher, Cardin, and*
10 *Hockerville, Oklahoma, from areas determined by the*
11 *State of Oklahoma to be at risk of damage caused by*
12 *land subsidence and remaining properties.*

13 (c) *LIMITATION.*—*The use of funds in accordance with*
14 *subsection (b) shall not be considered to be part of a Feder-*
15 *ally assisted program or project for purposes of Public Law*
16 *91–646 (42 U.S.C. 4601 et seq.), consistent with section*
17 *2301 of Public Law 109–234 (120 Stat. 455–456).*

18 (d) *CONSISTENCY WITH STATE PROGRAM.*—*Any ac-*
19 *tions taken under subsection (b) shall be consistent with the*
20 *relocation program in the State of Oklahoma under 27A*
21 *O.S. Supp. 2006, sections 2201 et seq.*

22 (e) *AMENDMENT.*—*Section 111 of Public Law 108–137*
23 *(117 Stat. 1835) is amended—*

24 (1) *by adding the following language at the end*
25 *of subsection (a): “Such activities also may include*

1 *the provision of financial assistance to facilitate the*
2 *buy out of properties located in areas identified by*
3 *the State as areas that are or will be at risk of dam-*
4 *age caused by land subsidence and associated prop-*
5 *erties otherwise identified by the State; however, any*
6 *buyout of such properties shall not be considered to be*
7 *part of a Federally assisted program or project for*
8 *purposes of Public Law 91–646 (42 U.S.C. 4601 et*
9 *seq.), consistent with section 2301 of Public Law 109–*
10 *234 (120 Stat. 455–456).”; and*

11 *(2) by striking the first sentence of subsection (d)*
12 *and inserting the following: “Non-Federal interests*
13 *shall be responsible for operating and maintaining*
14 *any restoration alternatives constructed or carried out*
15 *pursuant to this section.”.*

16 **SEC. 3101. RED RIVER CHLORIDE CONTROL, OKLAHOMA**
17 **AND TEXAS.**

18 *Section 203 of the Flood Control Act of 1966 (80 Stat.*
19 *1420; 100 Stat. 4229) is further modified to direct the Sec-*
20 *retary to provide operation and maintenance for the Red*
21 *River Chloride Control project, Oklahoma and Texas, at full*
22 *Federal expense.*

23 **SEC. 3102. WAURIKA LAKE, OKLAHOMA.**

24 *The remaining obligation of the Waurika Project Mas-*
25 *ter Conservancy District payable to the United States Gov-*

1 *ernment in the amounts, rates of interest, and payment*
2 *schedules—*

3 *(1) is set at the amounts, rates of interest, and*
4 *payment schedules that existed on June 3, 1986; and*

5 *(2) may not be adjusted, altered, or changed*
6 *without a specific, separate, and written agreement*
7 *between the District and the United States.*

8 **SEC. 3103. LOOKOUT POINT PROJECT, LOWELL, OREGON.**

9 *(a) IN GENERAL.—Subject to subsection (c), the Sec-*
10 *retary shall convey at fair market value to the Lowell*
11 *School District No. 71, all right, title, and interest of the*
12 *United States in and to a parcel consisting of approxi-*
13 *mately 0.98 acres of land, including 3 abandoned buildings*
14 *on the land, located in Lowell, Oregon, as described in sub-*
15 *section (b).*

16 *(b) DESCRIPTION OF PROPERTY.—The parcel of land*
17 *to be conveyed under subsection (a) is more particularly*
18 *described as follows: Commencing at the point of intersec-*
19 *tion of the west line of Pioneer Street with the westerly ex-*
20 *tension of the north line of Summit Street, in Meadows Ad-*
21 *dition to Lowell, as platted and recorded on page 56 of vol-*
22 *ume 4, Lane County Oregon Plat Records; thence north on*
23 *the west line of Pioneer Street a distance of 176.0 feet to*
24 *the true point of beginning of this description; thence north*
25 *on the west line of Pioneer Street a distance of 170.0 feet;*

1 *thence west at right angles to the west line of Pioneer Street*
2 *a distance of 250.0 feet; thence south and parallel to the*
3 *west line of Pioneer Street a distance of 170.0 feet; and*
4 *thence east 250.0 feet to the true point of beginning of this*
5 *description in sec. 14, T. 19 S., R. 1 W. of the Willamette*
6 *Meridian, Lane County, Oregon.*

7 (c) *CONDITION.—The Secretary shall not complete the*
8 *conveyance under subsection (a) until such time as the For-*
9 *est Service—*

10 (1) *completes and certifies that necessary envi-*
11 *ronmental remediation associated with the structures*
12 *located on the property is complete; and*

13 (2) *transfers the structures to the Corps of Engi-*
14 *neers.*

15 (d) *EFFECT OF OTHER LAW.—*

16 (1) *APPLICABILITY OF PROPERTY SCREENING*
17 *PROVISIONS.—Section 2696 of title 10, United States*
18 *Code, shall not apply to any conveyance under this*
19 *section.*

20 (2) *LIABILITY.—*

21 (A) *IN GENERAL.—Lowell School District*
22 *No. 71 shall hold the United States harmless*
23 *from any liability with respect to activities car-*
24 *ried out on the property described in subsection*

1 **(b)** *on or after the date of the conveyance under*
2 *subsection (a).*

3 **(B) CERTAIN ACTIVITIES.**—*The United*
4 *States shall be liable with respect to any activity*
5 *carried out on the property described in sub-*
6 *section (b) before the date of conveyance under*
7 *subsection (a).*

8 **SEC. 3104. UPPER WILLAMETTE RIVER WATERSHED ECO-**
9 **SYSTEM RESTORATION.**

10 **(a) IN GENERAL.**—*The Secretary shall conduct studies*
11 *and ecosystem restoration projects for the upper Willamette*
12 *River watershed from Albany, Oregon, to the headwaters*
13 *of the Willamette River and tributaries.*

14 **(b) CONSULTATION.**—*The Secretary shall carry out*
15 *ecosystem restoration projects under this section for the*
16 *Upper Willamette River watershed in consultation with the*
17 *Governor of the State of Oregon, the heads of appropriate*
18 *Indian tribes, the Environmental Protection Agency, the*
19 *United States Fish and Wildlife Service, the National Ma-*
20 *rine Fisheries Service, the Bureau of Land Management,*
21 *the Forest Service, and local entities.*

22 **(c) AUTHORIZED ACTIVITIES.**—*In carrying out eco-*
23 *system restoration projects under this section, the Secretary*
24 *shall undertake activities necessary to protect, monitor, and*
25 *restore fish and wildlife habitat.*

1 (d) *COST SHARING REQUIREMENTS.*—

2 (1) *STUDIES.*—*Studies conducted under this sec-*
3 *tion shall be subject to cost sharing in accordance*
4 *with section 206 of the Water Resources Development*
5 *Act of 1996 (33 U.S.C. 2330).*

6 (2) *ECOSYSTEM RESTORATION PROJECTS.*—

7 (A) *IN GENERAL.*—*Non-Federal interests*
8 *shall pay 35 percent of the cost of any ecosystem*
9 *restoration project carried out under this section.*

10 (B) *ITEMS PROVIDED BY NON-FEDERAL IN-*
11 *TERESTS.*—

12 (i) *IN GENERAL.*—*Non-Federal inter-*
13 *ests shall provide all land, easements,*
14 *rights-of-way, dredged material disposal*
15 *areas, and relocations necessary for eco-*
16 *system restoration projects to be carried out*
17 *under this section.*

18 (ii) *CREDIT TOWARD PAYMENT.*—*The*
19 *value of the land, easements, rights-of-way,*
20 *dredged material disposal areas, and reloca-*
21 *tions provided under paragraph (1) shall be*
22 *credited toward the payment required under*
23 *subsection (a).*

24 (C) *IN-KIND CONTRIBUTIONS.*—*100 percent*
25 *of the non-Federal share required under sub-*

1 *section (a) may be satisfied by the provision of*
 2 *in-kind contributions.*

3 (3) *OPERATIONS AND MAINTENANCE.—Non-Fed-*
 4 *eral interests shall be responsible for all costs associ-*
 5 *ated with operating, maintaining, replacing, repair-*
 6 *ing, and rehabilitating all projects carried out under*
 7 *this section.*

8 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 9 *authorized to be appropriated to carry out this section*
 10 *\$15,000,000.*

11 **SEC. 3105. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**
 12 **VANIA AND NEW YORK.**

13 *Section 567 of the Water Resources Development Act*
 14 *of 1996 (110 Stat. 3787) is amended—*

15 (1) *by striking subsection (c) and inserting the*
 16 *following:*

17 “(c) *COOPERATION AGREEMENTS.—*

18 “(1) *IN GENERAL.—In conducting the study and*
 19 *implementing the strategy under this section, the Sec-*
 20 *retary shall enter into cost-sharing and project co-*
 21 *operation agreements with the Federal Government,*
 22 *State and local governments (with the consent of the*
 23 *State and local governments), land trusts, or non-*
 24 *profit, nongovernmental organizations with expertise*
 25 *in wetland restoration.*

1 “(2) *FINANCIAL ASSISTANCE.*—*Under the co-*
2 *operation agreement, the Secretary may provide as-*
3 *istance for implementation of wetland restoration*
4 *projects and soil and water conservation measures.*”;
5 *and*

6 (2) *by striking subsection (d) and inserting the*
7 *following:*

8 “(d) *IMPLEMENTATION OF STRATEGY.*—

9 “(1) *IN GENERAL.*—*The Secretary shall carry*
10 *out the development, demonstration, and implementa-*
11 *tion of the strategy under this section in cooperation*
12 *with local landowners, local government officials, and*
13 *land trusts.*

14 “(2) *GOALS OF PROJECTS.*—*Projects to imple-*
15 *ment the strategy under this subsection shall be de-*
16 *signed to take advantage of ongoing or planned ac-*
17 *tions by other agencies, local municipalities, or non-*
18 *profit, nongovernmental organizations with expertise*
19 *in wetland restoration that would increase the effec-*
20 *tiveness or decrease the overall cost of implementing*
21 *recommended projects.*”.

22 **SEC. 3106. NARRAGANSETT BAY, RHODE ISLAND.**

23 *The Secretary may use amounts in the Environmental*
24 *Restoration Account, Formerly Used Defense Sites, under*
25 *section 2703(a)(5) of title 10, United States Code, for the*

1 *removal of abandoned marine camels at any Formerly Used*
2 *Defense Site under the jurisdiction of the Department of*
3 *Defense that is undergoing (or is scheduled to undergo) en-*
4 *vironmental remediation under chapter 160 of title 10,*
5 *United States Code (and other provisions of law), in Narra-*
6 *gansett Bay, Rhode Island, in accordance with the Corps*
7 *of Engineers prioritization process under the Formerly*
8 *Used Defense Sites program.*

9 **SEC. 3107. SOUTH CAROLINA DEPARTMENT OF COMMERCE**
10 **DEVELOPMENT PROPOSAL AT RICHARD B.**
11 **RUSSELL LAKE, SOUTH CAROLINA.**

12 (a) *IN GENERAL.*—*The Secretary shall convey to the*
13 *State of South Carolina, by quitclaim deed, all right, title,*
14 *and interest of the United States in and to the parcels of*
15 *land described in subsection (b)(1) that are managed, as*
16 *of the date of enactment of this Act, by the South Carolina*
17 *Department of Commerce for public recreation purposes for*
18 *the Richard B. Russell Dam and Lake, South Carolina,*
19 *project authorized by section 203 of the Flood Control Act*
20 *of 1966 (80 Stat. 1420).*

21 (b) *LAND DESCRIPTION.*—

22 (1) *IN GENERAL.*—*Subject to paragraphs (2) and*
23 *(3), the parcels of land referred to in subsection (a)*
24 *are the parcels contained in the portion of land de-*
25 *scribed in Army Lease Number DACW21-1-92-0500.*

1 (2) *RETENTION OF INTERESTS.*—*The United*
2 *States shall retain—*

3 (A) *ownership of all land included in the*
4 *lease referred to in paragraph (1) that would*
5 *have been acquired for operational purposes in*
6 *accordance with the 1971 implementation of the*
7 *1962 Army/Interior Joint Acquisition Policy;*
8 *and*

9 (B) *such other land as is determined by the*
10 *Secretary to be required for authorized project*
11 *purposes, including easement rights-of-way to re-*
12 *maining Federal land.*

13 (3) *SURVEY.*—*The exact acreage and legal de-*
14 *scription of the land described in paragraph (1) shall*
15 *be determined by a survey satisfactory to the Sec-*
16 *retary, with the cost of the survey to be paid by the*
17 *State.*

18 (c) *GENERAL PROVISIONS.*—

19 (1) *APPLICABILITY OF PROPERTY SCREENING*
20 *PROVISIONS.*—*Section 2696 of title 10, United States*
21 *Code, shall not apply to the conveyance under this*
22 *section.*

23 (2) *ADDITIONAL TERMS AND CONDITIONS.*—*The*
24 *Secretary may require that the conveyance under this*
25 *section be subject to such additional terms and condi-*

1 *tions as the Secretary considers appropriate to protect*
2 *the interests of the United States.*

3 (3) *COSTS OF CONVEYANCE.—*

4 (A) *IN GENERAL.—The State shall be re-*
5 *sponsible for all costs, including real estate*
6 *transaction and environmental compliance costs,*
7 *associated with the conveyance under this sec-*
8 *tion.*

9 (B) *FORM OF CONTRIBUTION.—As deter-*
10 *mined appropriate by the Secretary, in lieu of*
11 *payment of compensation to the United States*
12 *under subparagraph (A), the State may perform*
13 *certain environmental or real estate actions asso-*
14 *ciated with the conveyance under this section if*
15 *those actions are performed in close coordination*
16 *with, and to the satisfaction of, the United*
17 *States.*

18 (4) *LIABILITY.—The State shall hold the United*
19 *States harmless from any liability with respect to ac-*
20 *tivities carried out, on or after the date of the convey-*
21 *ance, on the real property conveyed under this sec-*
22 *tion.*

23 (d) *ADDITIONAL TERMS AND CONDITIONS.—*

24 (1) *IN GENERAL.—The State shall pay fair mar-*
25 *ket value consideration, as determined by the United*

1 *States, for any land included in the conveyance under*
2 *this section.*

3 (2) *NO EFFECT ON SHORE MANAGEMENT POL-*
4 *ICY.—The Shoreline Management Policy (ER-1130-*
5 *2-406) of the Corps of Engineers shall not be changed*
6 *or altered for any proposed development of land con-*
7 *veyed under this section.*

8 (3) *FEDERAL STATUTES.—The conveyance under*
9 *this section shall be subject to the National Environ-*
10 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)*
11 *(including public review under that Act) and other*
12 *Federal statutes.*

13 (4) *COST SHARING.—In carrying out the convey-*
14 *ance under this section, the Secretary and the State*
15 *shall comply with all obligations of any cost sharing*
16 *agreement between the Secretary and the State in ef-*
17 *fect as of the date of the conveyance.*

18 (5) *LAND NOT CONVEYED.—The State shall con-*
19 *tinue to manage the land not conveyed under this sec-*
20 *tion in accordance with the terms and conditions of*
21 *Army Lease Number DACW21-1-92-0500.*

22 **SEC. 3108. MISSOURI RIVER RESTORATION, SOUTH DAKOTA.**

23 (a) *MEMBERSHIP.—Section 904(b)(1)(B) of the Water*
24 *Resources Development Act of 2000 (114 Stat. 2708) is*
25 *amended—*

1 (1) *in clause (vii), by striking “and” at the end;*

2 (2) *by redesignating clause (viii) as clause (ix);*

3 *and*

4 (3) *by inserting after clause (vii) the following:*

5 *“(viii) rural water systems; and”.*

6 (b) *REAUTHORIZATION.—Section 907(a) of the Water*
 7 *Resources Development Act of 2000 (114 Stat. 2712) is*
 8 *amended in the first sentence by striking “2005” and in-*
 9 *serting “2010”.*

10 **SEC. 3109. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**
 11 **HANCEMENT PROJECT.**

12 *Section 514 of the Water Resources Development Act*
 13 *of 1999 (113 Stat. 343; 117 Stat. 142) is amended—*

14 (1) *by redesignating subsections (f) and (g) as*
 15 *subsections (h) and (i), respectively;*

16 (2) *in subsection (h) (as redesignated by para-*
 17 *graph (1)), by striking paragraph (1) and inserting*
 18 *the following:*

19 “(1) *NON-FEDERAL SHARE.—*

20 “(A) *IN GENERAL.—The non-Federal share*
 21 *of the cost of projects may be provided—*

22 “(i) *in cash;*

23 “(ii) *by the provision of land, ease-*
 24 *ments, rights-of-way, relocations, or dis-*
 25 *posal areas;*

1 “(iii) by in-kind services to implement
2 the project; or

3 “(iv) by any combination of the fore-
4 going.

5 “(B) *PRIVATE OWNERSHIP.*—Land needed
6 for a project under this authority may remain in
7 private ownership subject to easements that
8 are—

9 “(i) satisfactory to the Secretary; and

10 “(ii) necessary to assure achievement of
11 the project purposes.”;

12 (3) in subsection (i) (as redesignated by para-
13 graph (1)), by striking “for the period of fiscal years
14 2000 and 2001.” and inserting “per year, and that
15 authority shall extend until Federal fiscal year
16 2011.”; and

17 (4) by inserting after subsection (e) the following:

18 “(f) *NONPROFIT ENTITIES.*—Notwithstanding section
19 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–
20 5b(b)), for any project undertaken under this section, a non-
21 Federal interest may include a regional or national non-
22 profit entity with the consent of the affected local govern-
23 ment.

1 “(g) *COST LIMITATION*.—Not more than \$5,000,000 in
2 *Federal funds may be allotted under this section for a*
3 *project at any single locality.*”

4 **SEC. 3110. NONCONNAH WEIR, MEMPHIS, TENNESSEE.**

5 *The project for flood control, Nonconnah Creek, Ten-*
6 *nessee and Mississippi, authorized by section 401 of the*
7 *Water Resources Development Act of 1986 (100 Stat. 4124)*
8 *and modified by the section 334 of the Water Resources De-*
9 *velopment Act of 2000 (114 Stat. 2611), is modified to au-*
10 *thorize the Secretary—*

11 (1) *to reconstruct, at full Federal expense, the*
12 *weir originally constructed in the vicinity of the*
13 *mouth of Nonconnah Creek; and*

14 (2) *to make repairs and maintain the weir in*
15 *the future so that the weir functions properly.*

16 **SEC. 3111. OLD HICKORY LOCK AND DAM, CUMBERLAND**
17 **RIVER, TENNESSEE.**

18 (a) *RELEASE OF RETAINED RIGHTS, INTERESTS, RES-*
19 *ERVATIONS*.—*With respect to land conveyed by the Sec-*
20 *retary to the Tennessee Society of Crippled Children and*
21 *Adults, Incorporated (commonly known as “Easter Seals*
22 *Tennessee”)* *at Old Hickory Lock and Dam, Cumberland*
23 *River, Tennessee, under section 211 of the Flood Control*
24 *Act of 1965 (79 Stat. 1087), the reversionary interests and*

1 *the use restrictions relating to recreation and camping pur-*
2 *poses are extinguished.*

3 (b) *INSTRUMENT OF RELEASE.*—*As soon as prac-*
4 *ticable after the date of enactment of this Act, the Secretary*
5 *shall execute and file in the appropriate office a deed of*
6 *release, amended deed, or other appropriate instrument ef-*
7 *fectuating the release of interests required by subsection (a).*

8 (c) *NO EFFECT ON OTHER RIGHTS.*—*Nothing in this*
9 *section affects any remaining right or interest of the Corps*
10 *of Engineers with respect to an authorized purpose of any*
11 *project.*

12 **SEC. 3112. SANDY CREEK, JACKSON COUNTY, TENNESSEE.**

13 (a) *IN GENERAL.*—*The Secretary may carry out a*
14 *project for flood damage reduction under section 205 of the*
15 *Flood Control Act of 1948 (33 U.S.C. 701s) at Sandy Creek,*
16 *Jackson County, Tennessee, if the Secretary determines that*
17 *the project is technically sound, environmentally acceptable,*
18 *and economically justified.*

19 (b) *RELATIONSHIP TO WEST TENNESSEE TRIBU-*
20 *TARIES PROJECT, TENNESSEE.*—*Consistent with the report*
21 *of the Chief of Engineers dated March 24, 1948, on the West*
22 *Tennessee Tributaries project—*

23 (1) *Sandy Creek shall not be considered to be an*
24 *authorized channel of the West Tennessee Tributaries*
25 *Project; and*

1 (2) *the Sandy Creek flood damage reduction*
2 *project shall not be considered to be part of the West*
3 *Tennessee Tributaries Project.*

4 **SEC. 3113. CEDAR BAYOU, TEXAS.**

5 *Section 349(a)(2) of the Water Resources Development*
6 *Act of 2000 (114 Stat. 2632) is amended by striking “except*
7 *that the project is authorized only for construction of a*
8 *navigation channel 12 feet deep by 125 feet wide” and in-*
9 *serting “except that the project is authorized for construc-*
10 *tion of a navigation channel that is 10 feet deep by 100*
11 *feet wide”.*

12 **SEC. 3114. DENISON, TEXAS.**

13 (a) *IN GENERAL.—The Secretary shall offer to convey*
14 *at fair market value to the city of Denison, Texas (or a*
15 *designee of the city), all right, title, and interest of the*
16 *United States in and to the approximately 900 acres of*
17 *land located in Grayson County, Texas, which is currently*
18 *subject to an Application for Lease for Public Park and*
19 *Recreational Purposes made by the city of Denison, dated*
20 *August 17, 2005.*

21 (b) *SURVEY TO OBTAIN LEGAL DESCRIPTION.—The*
22 *exact acreage and description of the real property referred*
23 *to in subsection (a) shall be determined by a survey paid*
24 *for by the city of Denison, Texas (or a designee of the city),*
25 *that is satisfactory to the Secretary.*

1 (c) *CONVEYANCE.*—*On acceptance by the city of*
2 *Denison, Texas (or a designee of the city), of an offer under*
3 *subsection (a), the Secretary may immediately convey the*
4 *land surveyed under subsection (b) by quitclaim deed to the*
5 *city of Denison, Texas (or a designee of the city).*

6 **SEC. 3115. CENTRAL CITY, FORT WORTH, TEXAS.**

7 *For the purposes of achieving efficiencies, enhanced*
8 *benefits, and complementary implementation, as compared*
9 *with construction of the projects separately, the project for*
10 *flood control and other purposes authorized by section 116*
11 *of division C of title I of the Consolidated Appropriations*
12 *Act, 2005 (Public Law 108–447; 118 Stat. 2944), is modi-*
13 *fied to include the project for ecosystem restoration, as gen-*
14 *erally defined in the report of the report of the Chief of En-*
15 *gineers entitled “Riverside Oxbow, Fort Worth, Texas” and*
16 *dated May 29, 2003, at a total cost of \$247,110,000, with*
17 *an estimated Federal cost of \$121,210,000 and a non-Fed-*
18 *eral cost of \$125,900,000.*

19 **SEC. 3116. FREEPORT HARBOR, TEXAS.**

20 (a) *IN GENERAL.*—*The project for navigation, Free-*
21 *port Harbor, Texas, authorized by section 101 of the River*
22 *and Harbor Act of 1970 (84 Stat. 1818), is modified to*
23 *provide that—*

1 (1) *all project costs incurred as a result of the*
2 *discovery of the sunken vessel COMSTOCK of the*
3 *Corps of Engineers are a Federal responsibility; and*

4 (2) *the Secretary shall not seek further obligation*
5 *or responsibility for removal of the vessel COM-*
6 *STOCK, or costs associated with a delay due to the*
7 *discovery of the sunken vessel COMSTOCK, from the*
8 *Port of Freeport.*

9 (b) *COST SHARING.—This section does not affect the*
10 *authorized cost sharing for the balance of the project de-*
11 *scribed in subsection (a).*

12 **SEC. 3117. HARRIS COUNTY, TEXAS.**

13 *Section 575(b) of the Water Resources Development Act*
14 *of 1996 (110 Stat. 3789; 113 Stat. 311) is amended—*

15 (1) *in paragraph (3), by striking “and” at the*
16 *end;*

17 (2) *in paragraph (4), by striking the period at*
18 *the end and inserting “; and”; and*

19 (3) *by adding the following:*

20 “(5) *the project for flood control, Upper White*
21 *Oak Bayou, Texas, authorized by section 401(a) of the*
22 *Water Resources Development Act of 1986 (100 Stat.*
23 *4125).”.*

1 **SEC. 3118. CONNECTICUT RIVER RESTORATION, VERMONT.**

2 *Notwithstanding section 221 of the Flood Control Act*
3 *of 1970 (42 U.S.C. 1962d–5b), with respect to the study*
4 *entitled “Connecticut River Restoration Authority”, dated*
5 *May 23, 2001, a nonprofit entity may act as the non-Fed-*
6 *eral interest for purposes of carrying out the activities de-*
7 *scribed in the agreement executed between The Nature Con-*
8 *servancy and the Department of the Army on August 5,*
9 *2005.*

10 **SEC. 3119. DAM REMEDIATION, VERMONT.**

11 *Section 543 of the Water Resources Development Act*
12 *of 2000 (114 Stat. 2673) is amended—*

13 *(1) in subsection (a)—*

14 *(A) in paragraph (2), by striking “and” at*
15 *the end;*

16 *(B) in paragraph (3), by striking the period*
17 *at the end and inserting “; and”; and*

18 *(C) by adding at the end the following:*

19 *“(4) may carry out measures to restore, protect,*
20 *and preserve an ecosystem affected by a dam de-*
21 *scribed in subsection (b).”;* and

22 *(2) in subsection (b), by adding at the end the*
23 *following:*

24 *“(11) Camp Wapanacki, Hardwick.*

25 *“(12) Star Lake Dam, Mt. Holly.*

26 *“(13) Curtis Pond, Calais.*

1 “(14) Weathersfield Reservoir, Springfield.

2 “(15) Burr Pond, Sudbury.

3 “(16) Maidstone Lake, Guildhall.

4 “(17) Upper and Lower Hurricane Dam.

5 “(18) Lake Fairlee.

6 “(19) West Charleston Dam.”.

7 **SEC. 3120. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER**
 8 **CHESTNUT, AND OTHER NONNATIVE PLANT**
 9 **CONTROL, VERMONT.**

10 *Under authority of section 104 of the River and Har-*
 11 *bor Act of 1958 (33 U.S.C. 610), the Secretary shall revise*
 12 *the existing General Design Memorandum to permit the use*
 13 *of chemical means of control, when appropriate, of Eur-*
 14 *asian milfoil, water chestnuts, and other nonnative plants*
 15 *in the Lake Champlain basin, Vermont.*

16 **SEC. 3121. UPPER CONNECTICUT RIVER BASIN WETLAND**
 17 **RESTORATION, VERMONT AND NEW HAMP-**
 18 **SHIRE.**

19 *(a) IN GENERAL.—The Secretary, in cooperation with*
 20 *the States of Vermont and New Hampshire, shall carry out*
 21 *a study and develop a strategy for the use of wetland res-*
 22 *toration, soil and water conservation practices, and non-*
 23 *structural measures to reduce flood damage, improve water*
 24 *quality, and create wildlife habitat in the Upper Con-*
 25 *necticut River watershed.*

1 **(b) COST SHARING.**—

2 **(1) FEDERAL SHARE.**—*The Federal share of the*
3 *cost of the study and development of the strategy*
4 *under subsection (a) shall be 65 percent.*

5 **(2) NON-FEDERAL SHARE.**—*The non-Federal*
6 *share of the cost of the study and development of the*
7 *strategy may be provided through the contribution of*
8 *in-kind services and materials.*

9 **(c) NON-FEDERAL INTEREST.**—*A nonprofit organiza-*
10 *tion with wetland restoration experience may serve as the*
11 *non-Federal interest for the study and development of the*
12 *strategy under this section.*

13 **(d) COOPERATIVE AGREEMENTS.**—*In conducting the*
14 *study and developing the strategy under this section, the*
15 *Secretary may enter into 1 or more cooperative agreements*
16 *to provide technical assistance to appropriate Federal,*
17 *State, and local agencies and nonprofit organizations with*
18 *wetland restoration experience, including assistance for the*
19 *implementation of wetland restoration projects and soil and*
20 *water conservation measures.*

21 **(e) IMPLEMENTATION.**—*The Secretary shall carry out*
22 *development and implementation of the strategy under this*
23 *section in cooperation with local landowners and local gov-*
24 *ernment officials.*

1 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated to carry out this section*
3 *\$5,000,000, to remain available until expended.*

4 **SEC. 3122. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM**
5 **RESTORATION, VERMONT AND NEW HAMP-**
6 **SHIRE.**

7 (a) *GENERAL MANAGEMENT PLAN DEVELOPMENT.*—

8 (1) *IN GENERAL.*—*The Secretary, in cooperation*
9 *with the Secretary of Agriculture and in consultation*
10 *with the States of Vermont and New Hampshire and*
11 *the Connecticut River Joint Commission, shall con-*
12 *duct a study and develop a general management plan*
13 *for ecosystem restoration of the Upper Connecticut*
14 *River ecosystem for the purposes of—*

15 (A) *habitat protection and restoration;*

16 (B) *streambank stabilization;*

17 (C) *restoration of stream stability;*

18 (D) *water quality improvement;*

19 (E) *invasive species control;*

20 (F) *wetland restoration;*

21 (G) *fish passage; and*

22 (H) *natural flow restoration.*

23 (2) *EXISTING PLANS.*—*In developing the general*
24 *management plan, the Secretary shall depend heavily*

1 *on existing plans for the restoration of the Upper*
2 *Connecticut River.*

3 ***(b) CRITICAL RESTORATION PROJECTS.—***

4 ***(1) IN GENERAL.—****The Secretary may partici-*
5 *pate in any critical restoration project in the Upper*
6 *Connecticut River Basin in accordance with the gen-*
7 *eral management plan developed under subsection (a).*

8 ***(2) ELIGIBLE PROJECTS.—****A critical restoration*
9 *project shall be eligible for assistance under this sec-*
10 *tion if the project—*

11 ***(A)*** *meets the purposes described in the gen-*
12 *eral management plan developed under sub-*
13 *section (a); and*

14 ***(B)*** *with respect to the Upper Connecticut*
15 *River and Upper Connecticut River watershed,*
16 *consists of—*

17 ***(i)*** *bank stabilization of the main stem,*
18 *tributaries, and streams;*

19 ***(ii)*** *wetland restoration and migratory*
20 *bird habitat restoration;*

21 ***(iii)*** *soil and water conservation;*

22 ***(iv)*** *restoration of natural flows;*

23 ***(v)*** *restoration of stream stability;*

24 ***(vi)*** *implementation of an intergovern-*
25 *mental agreement for coordinating eco-*

1 *system restoration, fish passage installation,*
2 *streambank stabilization, wetland restora-*
3 *tion, habitat protection and restoration, or*
4 *natural flow restoration;*

5 *(vii) water quality improvement;*

6 *(viii) invasive species control;*

7 *(ix) wetland restoration and migratory*
8 *bird habitat restoration;*

9 *(x) improvements in fish migration;*

10 *and*

11 *(xi) conduct of any other project or ac-*
12 *tivity determined to be appropriate by the*
13 *Secretary.*

14 *(c) COST SHARING.—The Federal share of the cost of*
15 *any project carried out under this section shall not be less*
16 *than 65 percent.*

17 *(d) NON-FEDERAL INTEREST.—A nonprofit organiza-*
18 *tion may serve as the non-Federal interest for a project car-*
19 *ried out under this section.*

20 *(e) CREDITING.—*

21 *(1) FOR WORK.—The Secretary shall provide*
22 *credit, including credit for in-kind contributions of*
23 *up to 100 percent of the non-Federal share, for work*
24 *(including design work and materials) if the Sec-*

1 *retary determines that the work performed by the*
2 *non-Federal interest is integral to the product.*

3 (2) *FOR OTHER CONTRIBUTIONS.—The non-Fed-*
4 *eral interest shall receive credit for land, easements,*
5 *rights-of-way, dredged material disposal areas, and*
6 *relocations necessary to implement the projects.*

7 (f) *COOPERATIVE AGREEMENTS.—In carrying out this*
8 *section, the Secretary may enter into 1 or more cooperative*
9 *agreements to provide financial assistance to appropriate*
10 *Federal, State, or local governments or nonprofit agencies,*
11 *including assistance for the implementation of projects to*
12 *be carried out under subsection (b).*

13 (g) *AUTHORIZATION OF APPROPRIATIONS.—There is*
14 *authorized to be appropriated to carry out this section*
15 *\$20,000,000, to remain available until expended.*

16 **SEC. 3123. LAKE CHAMPLAIN WATERSHED, VERMONT AND**
17 **NEW YORK.**

18 *Section 542 of the Water Resources Development Act*
19 *of 2000 (114 Stat. 2671) is amended—*

20 (1) *in subsection (b)(2)—*

21 (A) *in subparagraph (D), by striking “or”*
22 *at the end;*

23 (B) *by redesignating subparagraph (E) as*
24 *subparagraph (G); and*

1 (C) by inserting after subparagraph (D) the
2 following:

3 “(E) river corridor assessment, protection,
4 management, and restoration for the purposes of
5 ecosystem restoration;

6 “(F) geographic mapping conducted by the
7 Secretary using existing technical capacity to
8 produce a high-resolution, multispectral satellite
9 imagery-based land use and cover data set; or”;

10 (2) in subsection (e)(2)—

11 (A) in subparagraph (A)—

12 (i) by striking “The non-Federal” and
13 inserting the following:

14 “(i) IN GENERAL.—The non-Federal”;

15 and

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

17 “(ii) APPROVAL OF DISTRICT ENGI-
18 NEER.—Approval of credit for design work
19 of less than \$100,000 shall be determined by
20 the appropriate district engineer.”; and

21 (B) in subparagraph (C), by striking “up to
22 50 percent of”; and

23 (3) in subsection (g), by striking “\$20,000,000”
24 and inserting “\$32,000,000”.

1 **SEC. 3124. CHESAPEAKE BAY OYSTER RESTORATION, VIR-**
2 **GINIA AND MARYLAND.**

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

5 *(1) by redesignating paragraph (2) as para-*
6 *graph (4);*

7 *(2) in paragraph (1)—*

8 *(A) in the second sentence, by striking*
9 *“\$30,000,000” and inserting “\$50,000,000”; and*

10 *(B) in the third sentence, by striking “Such*
11 *projects” and inserting the following:*

12 *“(2) INCLUSIONS.—Such projects”;*

13 *(3) by striking paragraph (2)(D) (as redesi-*
14 *gnated by paragraph (2)(B)) and inserting the fol-*
15 *lowing:*

16 *“(D) the restoration and rehabilitation of*
17 *habitat for fish, including native oysters, in the*
18 *Chesapeake Bay and its tributaries in Virginia*
19 *and Maryland, including—*

20 *“(i) the construction of oyster bars and*
21 *reefs;*

22 *“(ii) the rehabilitation of existing mar-*
23 *ginal habitat;*

24 *“(iii) the use of appropriate alter-*
25 *native substrate material in oyster bar and*
26 *reef construction;*

1 “(iv) the construction and upgrading
2 of oyster hatcheries; and

3 “(v) activities relating to increasing
4 the output of native oyster broodstock for
5 seeding and monitoring of restored sites to
6 ensure ecological success.

7 “(3) *RESTORATION AND REHABILITATION ACTIVITIES.*—*The restoration and rehabilitation activities*
8 *described in paragraph (2)(D) shall be—*

10 “(A) for the purpose of establishing perma-
11 nent sanctuaries and harvest management areas;
12 and

13 “(B) consistent with plans and strategies
14 for guiding the restoration of the Chesapeake
15 Bay oyster resource and fishery.”; and

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

17 “(5) *DEFINITION OF ECOLOGICAL SUCCESS.*—*In*
18 *this subsection, the term ‘ecological success’ means—*

19 “(A) achieving a tenfold increase in native
20 oyster biomass by the year 2010, from a 1994
21 baseline; and

22 “(B) the establishment of a sustainable fish-
23 ery as determined by a broad scientific and eco-
24 nomic consensus.”.

1 **SEC. 3125. JAMES RIVER, VIRGINIA.**

2 *The Secretary shall accept funds from the National*
3 *Park Service to provide technical and project management*
4 *assistance for the James River, Virginia, with a particular*
5 *emphasis on locations along the shoreline adversely im-*
6 *pacted by Hurricane Isabel.*

7 **SEC. 3126. TANGIER ISLAND SEAWALL, VIRGINIA.**

8 *Section 577(a) of the Water Resources Development*
9 *Act of 1996 (110 Stat. 3789) is amended by striking “at*
10 *a total cost of \$1,200,000, with an estimated Federal cost*
11 *of \$900,000 and an estimated non-Federal cost of*
12 *\$300,000.” and inserting “at a total cost of \$3,000,000,*
13 *with an estimated Federal cost of \$2,400,000 and an esti-*
14 *mated non-Federal cost of \$600,000.”.*

15 **SEC. 3127. EROSION CONTROL, PUGET ISLAND, WAHKIAKUM**
16 **COUNTY, WASHINGTON.**

17 *(a) IN GENERAL.—The Lower Columbia River levees*
18 *and bank protection works authorized by section 204 of the*
19 *Flood Control Act of 1950 (64 Stat. 178) is modified with*
20 *regard to the Wahkiakum County diking districts No. 1 and*
21 *3, but without regard to any cost ceiling authorized before*
22 *the date of enactment of this Act, to direct the Secretary*
23 *to provide a 1-time placement of dredged material along*
24 *portions of the Columbia River shoreline of Puget Island,*
25 *Washington, between river miles 38 to 47, and the shoreline*
26 *of Westport Beach, Clatsop County, Oregon, between river*

1 *miles 43 to 45, to protect economic and environmental re-*
2 *sources in the area from further erosion.*

3 *(b) COORDINATION AND COST SHARING REQUIRE-*
4 *MENTS.—The Secretary shall carry out subsection (a)—*

5 *(1) in coordination with appropriate resource*
6 *agencies;*

7 *(2) in accordance with all applicable Federal*
8 *law (including regulations); and*

9 *(3) at full Federal expense.*

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

13 **SEC. 3128. LOWER GRANITE POOL, WASHINGTON.**

14 *(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS*
15 *AND USE RESTRICTIONS.—With respect to property covered*
16 *by each deed described in subsection (b)—*

17 *(1) the reversionary interests and use restrictions*
18 *relating to port or industrial purposes are extin-*
19 *guished;*

20 *(2) the human habitation or other building*
21 *structure use restriction is extinguished in each area*
22 *in which the elevation is above the standard project*
23 *flood elevation; and*

24 *(3) the use of fill material to raise low areas*
25 *above the standard project flood elevation is author-*

1 *ized, except in any low area constituting wetland for*
2 *which a permit under section 404 of the Federal*
3 *Water Pollution Control Act (33 U.S.C. 1344) would*
4 *be required for the use of fill material.*

5 *(b) DEEDS.—The deeds referred to in subsection (a)*
6 *are as follows:*

7 *(1) Auditor's File Numbers 432576, 443411,*
8 *499988, and 579771 of Whitman County, Wash-*
9 *ington.*

10 *(2) Auditor's File Numbers 125806, 138801,*
11 *147888, 154511, 156928, and 176360 of Asotin Coun-*
12 *ty, Washington.*

13 *(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this*
14 *section affects any remaining rights and interests of the*
15 *Corps of Engineers for authorized project purposes in or*
16 *to property covered by a deed described in subsection (b).*

17 **SEC. 3129. MCNARY LOCK AND DAM, MCNARY NATIONAL**
18 **WILDLIFE REFUGE, WASHINGTON AND IDAHO.**

19 *(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—*
20 *Administrative jurisdiction over the land acquired for the*
21 *McNary Lock and Dam Project and managed by the United*
22 *States Fish and Wildlife Service under Cooperative Agree-*
23 *ment Number DACW68-4-00-13 with the Corps of Engi-*
24 *neers, Walla Walla District, is transferred from the Sec-*
25 *retary to the Secretary of the Interior.*

1 (b) *EASEMENTS.*—*The transfer of administrative ju-*
2 *risdiction under subsection (a) shall be subject to easements*
3 *in existence as of the date of enactment of this Act on land*
4 *subject to the transfer.*

5 (c) *RIGHTS OF SECRETARY.*—

6 (1) *IN GENERAL.*—*Except as provided in para-*
7 *graph (3), the Secretary shall retain rights described*
8 *in paragraph (2) with respect to the land for which*
9 *administrative jurisdiction is transferred under sub-*
10 *section (a).*

11 (2) *RIGHTS.*—*The rights of the Secretary re-*
12 *ferred to in paragraph (1) are the rights—*

13 (A) *to flood land described in subsection (a)*
14 *to the standard project flood elevation;*

15 (B) *to manipulate the level of the McNary*
16 *Project Pool;*

17 (C) *to access such land described in sub-*
18 *section (a) as may be required to install, main-*
19 *tain, and inspect sediment ranges and carry out*
20 *similar activities;*

21 (D) *to construct and develop wetland, ri-*
22 *parian habitat, or other environmental restora-*
23 *tion features authorized by section 1135 of the*
24 *Water Resources Development Act of 1986 (33*
25 *U.S.C. 2309a) and section 206 of the Water Re-*

1 *sources Development Act of 1996 (33 U.S.C.*
2 *2330);*

3 *(E) to dredge and deposit fill materials;*
4 *and*

5 *(F) to carry out management actions for the*
6 *purpose of reducing the take of juvenile*
7 *salmonids by avian colonies that inhabit, before,*
8 *on, or after the date of enactment of this Act,*
9 *any island included in the land described in sub-*
10 *section (a).*

11 (3) *COORDINATION.*—*Before exercising a right*
12 *described in any of subparagraphs (C) through (F) of*
13 *paragraph (2), the Secretary shall coordinate the ex-*
14 *ercise with the United States Fish and Wildlife Serv-*
15 *ice.*

16 (d) *MANAGEMENT.*—

17 (1) *IN GENERAL.*—*The land described in sub-*
18 *section (a) shall be managed by the Secretary of the*
19 *Interior as part of the McNary National Wildlife Ref-*
20 *uge.*

21 (2) *CUMMINS PROPERTY.*—

22 (A) *RETENTION OF CREDITS.*—*Habitat unit*
23 *credits described in the memorandum entitled*
24 *“Design Memorandum No. 6, LOWER SNAKE*
25 *RIVER FISH AND WILDLIFE COMPENSA-*

1 *TION PLAN, Wildlife Compensation and Fish-*
2 *ing Access Site Selection, Letter Supplement No.*
3 *15, SITE DEVELOPMENT PLAN FOR THE*
4 *WALLULA HMU” provided for the Lower*
5 *Snake River Fish and Wildlife Compensation*
6 *Plan through development of the parcel of land*
7 *formerly known as the “Cummins property”*
8 *shall be retained by the Secretary despite any*
9 *changes in management of the parcel on or after*
10 *the date of enactment of this Act.*

11 *(B) SITE DEVELOPMENT PLAN.—The United*
12 *States Fish and Wildlife Service shall obtain*
13 *prior approval of the Washington State Depart-*
14 *ment of Fish and Wildlife for any change to the*
15 *previously approved site development plan for*
16 *the parcel of land formerly known as the*
17 *“Cummins property”.*

18 *(3) MADAME DORIAN RECREATION AREA.—The*
19 *United States Fish and Wildlife Service shall con-*
20 *tinue operation of the Madame Dorian Recreation*
21 *Area for public use and boater access.*

22 *(e) ADMINISTRATIVE COSTS.—The United States Fish*
23 *and Wildlife Service shall be responsible for all survey, envi-*
24 *ronmental compliance, and other administrative costs re-*

1 *quired to implement the transfer of administrative jurisdic-*
2 *tion under subsection (a).*

3 **SEC. 3130. SNAKE RIVER PROJECT, WASHINGTON AND**
4 **IDAHO.**

5 *The Fish and Wildlife Compensation Plan for the*
6 *Lower Snake River, Washington and Idaho, as authorized*
7 *by section 101 of the Water Resources Development Act of*
8 *1976 (90 Stat. 2921), is modified to authorize the Secretary*
9 *to conduct studies and implement aquatic and riparian eco-*
10 *system restorations and improvements specifically for fish-*
11 *eries and wildlife.*

12 **SEC. 3131. WHATCOM CREEK WATERWAY, BELLINGHAM,**
13 **WASHINGTON.**

14 *That portion of the project for navigation, Whatcom*
15 *Creek Waterway, Bellingham, Washington, authorized by*
16 *the Act of June 25, 1910 (36 Stat. 664, chapter 382) (com-*
17 *monly known as the "River and Harbor Act of 1910") and*
18 *the River and Harbor Act of 1958 (72 Stat. 299), consisting*
19 *of the last 2,900 linear feet of the inner portion of the water-*
20 *way, and beginning at station 29+00 to station 0+00,*
21 *shall not be authorized as of the date of enactment of this*
22 *Act.*

23 **SEC. 3132. LOWER MUD RIVER, MILTON, WEST VIRGINIA.**

24 *The project for flood damage reduction at Lower Mud*
25 *River, Milton, West Virginia, authorized by section 580 of*

1 *the Water Resources Development Act of 1996 (110 Stat.*
2 *3790; 114 Stat. 2612), is modified to authorize the Sec-*
3 *retary to carry out the project in accordance with the rec-*
4 *ommended plan described in the Draft Limited Reevalua-*
5 *tion Report of the Corps of Engineers dated May 2004, at*
6 *a total cost of \$57,100,000, with an estimated Federal cost*
7 *of \$42,825,000 and an estimated non-Federal cost of*
8 *\$14,275,000.*

9 **SEC. 3133. MCDOWELL COUNTY, WEST VIRGINIA.**

10 (a) *IN GENERAL.*—*The McDowell County non-*
11 *structural component of the project for flood control, Levisa*
12 *and Tug Fork of the Big Sandy and Cumberland Rivers,*
13 *West Virginia, Virginia, and Kentucky, authorized by sec-*
14 *tion 202(a) of the Energy and Water Development Appro-*
15 *priation Act, 1981 (94 Stat. 1339), is modified to direct*
16 *the Secretary to take measures to provide protection,*
17 *throughout McDowell County, West Virginia, from the reoc-*
18 *currence of the greater of—*

- 19 (1) *the April 1977 flood;*
20 (2) *the July 2001 flood;*
21 (3) *the May 2002 flood; or*
22 (4) *the 100-year frequency event.*

23 (b) *UPDATES AND REVISIONS.*—*The measures under*
24 *subsection (a) shall be carried out in accordance with, and*

1 *during the development of, the updates and revisions under*
2 *section 2006(e)(2).*

3 **SEC. 3134. GREEN BAY HARBOR PROJECT, GREEN BAY, WIS-**
4 **CONSIN.**

5 *The portion of the inner harbor of the Federal naviga-*
6 *tion channel of the Green Bay Harbor project, authorized*
7 *by the first section of the Act entitled “An Act making ap-*
8 *propriations for the construction, repair, and preservation*
9 *of certain public works on rivers and harbors, and for other*
10 *purposes”, approved July 5, 1884 (commonly known as the*
11 *“River and Harbor Act of 1884”) (23 Stat. 136, chapter*
12 *229), from Station 190+00 to Station 378+00 is author-*
13 *ized to a width of 75 feet and a depth of 6 feet.*

14 **SEC. 3135. MANITOWOC HARBOR, WISCONSIN.**

15 *(a) IN GENERAL.—The portion of the project for navi-*
16 *gation, Manitowoc Harbor, Wisconsin, authorized by the*
17 *first section of the River and Harbor Act of August 30, 1852*
18 *(10 Stat. 58), consisting of the channel in the south part*
19 *of the outer harbor, deauthorized by section 101 of the River*
20 *and Harbor Act of 1962 (76 Stat. 1176), may be carried*
21 *out by the Secretary.*

22 *(b) LIMITATION.—No construction on the project may*
23 *be initiated until the Secretary determines that the project*
24 *is feasible.*

1 **SEC. 3136. OCONTO HARBOR, WISCONSIN.**

2 (a) *IN GENERAL.*—*The portion of the project for navi-*
 3 *gation, Oconto Harbor, Wisconsin, authorized by the Act*
 4 *of August 2, 1882 (22 Stat. 196, chapter 375), and the Act*
 5 *of June 25, 1910 (36 Stat. 664, chapter 382) (commonly*
 6 *known as the “River and Harbor Act of 1910”), consisting*
 7 *of a 15-foot-deep turning basin in the Oconto River, as de-*
 8 *scribed in subsection (b), is no longer authorized.*

9 (b) *PROJECT DESCRIPTION.*—*The project referred to in*
 10 *subsection (a) is more particularly described as—*

11 (1) *beginning at a point along the western limit*
 12 *of the existing project, N. 394,086.71, E. 2,530,202.71;*

13 (2) *thence northeasterly about 619.93 feet to a*
 14 *point N. 394,459.10, E. 2,530,698.33;*

15 (3) *thence southeasterly about 186.06 feet to a*
 16 *point N. 394,299.20, E. 2,530,793.47;*

17 (4) *thence southwesterly about 355.07 feet to a*
 18 *point N. 393,967.13, E. 2,530,667.76;*

19 (5) *thence southwesterly about 304.10 feet to a*
 20 *point N. 393,826.90, E. 2,530,397.92; and*

21 (6) *thence northwesterly about 324.97 feet to the*
 22 *point of origin.*

23 **SEC. 3137. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

24 *Section 21 of the Water Resources Development Act of*
 25 *1988 (102 Stat. 4027) is amended—*

26 (1) *in subsection (a)—*

1 (A) *by striking “1276.42” and inserting*
2 *“1278.42”;*

3 (B) *by striking “1218.31” and inserting*
4 *“1221.31”;* and

5 (C) *by striking “1234.82” and inserting*
6 *“1235.30”;* and

7 (2) *by striking subsection (b) and inserting the*
8 *following:*

9 “(b) *EXCEPTION.—*

10 “(1) *IN GENERAL.—The Secretary may operate*
11 *the headwaters reservoirs below the minimum or*
12 *above the maximum water levels established under*
13 *subsection (a) in accordance with water control regu-*
14 *lation manuals (or revisions to those manuals) devel-*
15 *oped by the Secretary, after consultation with the*
16 *Governor of Minnesota and affected tribal govern-*
17 *ments, landowners, and commercial and recreational*
18 *users.*

19 “(2) *EFFECTIVE DATE OF MANUALS.—The water*
20 *control regulation manuals referred to in paragraph*
21 *(1) (and any revisions to those manuals) shall be ef-*
22 *fective as of the date on which the Secretary submits*
23 *the manuals (or revisions) to Congress.*

24 “(3) *NOTIFICATION.—*

1 “(A) *IN GENERAL.*—*Except as provided in*
2 *subparagraph (B), not less than 14 days before*
3 *operating any headwaters reservoir below the*
4 *minimum or above the maximum water level*
5 *limits specified in subsection (a), the Secretary*
6 *shall submit to Congress a notice of intent to op-*
7 *erate the headwaters reservoir.*

8 “(B) *EXCEPTION.*—*Notice under subpara-*
9 *graph (A) shall not be required in any case in*
10 *which—*

11 “(i) *the operation of a headwaters res-*
12 *ervoir is necessary to prevent the loss of life*
13 *or to ensure the safety of a dam; or*

14 “(ii) *the drawdown of the water level*
15 *of the reservoir is in anticipation of a flood*
16 *control operation.”.*

17 **SEC. 3138. LOWER MISSISSIPPI RIVER MUSEUM AND RIVER-**
18 **FRONT INTERPRETIVE SITE.**

19 *Section 103(c)(2) of the Water Resources Development*
20 *Act of 1992 (106 Stat. 4811) is amended by striking “prop-*
21 *erty currently held by the Resolution Trust Corporation in*
22 *the vicinity of the Mississippi River Bridge” and inserting*
23 *“riverfront property”.*

1 **SEC. 3139. UPPER MISSISSIPPI RIVER SYSTEM ENVIRON-**
2 **MENTAL MANAGEMENT PROGRAM.**

3 (a) *IN GENERAL.*—Notwithstanding section 221 of the
4 *Flood Control Act of 1970 (42 U.S.C. 1962d–5b)*, for any
5 *Upper Mississippi River fish and wildlife habitat rehabili-*
6 *tation and enhancement project carried out under section*
7 *1103(e) of the Water Resources Development Act of 1986*
8 *(33 U.S.C. 652(e))*, with the consent of the affected local
9 government, a nongovernmental organization may be con-
10 sidered to be a non-Federal interest.

11 (b) *CONFORMING AMENDMENT.*—Section
12 *1103(e)(1)(A)(ii) of the Water Resources Development Act*
13 *of 1986 (33 U.S.C. 652(e)(1)(A)(ii))* is amended by insert-
14 ing before the period at the end the following: “, including
15 *research on water quality issues affecting the Mississippi*
16 *River, including elevated nutrient levels, and the develop-*
17 *ment of remediation strategies”.*

18 **SEC. 3140. UPPER BASIN OF MISSOURI RIVER.**

19 (a) *USE OF FUNDS.*—Notwithstanding the *Energy and*
20 *Water Development Appropriations Act, 2006 (Public Law*
21 *109–103; 119 Stat. 2247)*, funds made available for recov-
22 ery or mitigation activities in the lower basin of the *Mis-*
23 *souri River* may be used for recovery or mitigation activi-
24 ties in the upper basin of the *Missouri River*, including the
25 *States of Montana, Nebraska, North Dakota, and South Da-*
26 *kota.*

1 (b) *CONFORMING AMENDMENT.*—*The matter under the*
 2 *heading “MISSOURI RIVER MITIGATION, MISSOURI,*
 3 *KANSAS, IOWA, AND NEBRASKA” of section 601(a) of*
 4 *the Water Resources Development Act of 1986 (100 Stat.*
 5 *4143), as modified by section 334 of the Water Resources*
 6 *Development Act of 1999 (113 Stat. 306), is amended by*
 7 *adding at the end the following: “The Secretary may carry*
 8 *out any recovery or mitigation activities in the upper basin*
 9 *of the Missouri River, including the States of Montana, Ne-*
 10 *braska, North Dakota, and South Dakota, using funds made*
 11 *available under this heading in accordance with the Endan-*
 12 *gered Species Act of 1973 (16 U.S.C. 1531 et seq.) and con-*
 13 *sistent with the project purposes of the Missouri River*
 14 *Mainstem System as authorized by section 10 of the Act*
 15 *of December 22, 1944 (commonly known as the ‘Flood Con-*
 16 *trol Act of 1944’) (58 Stat. 897).”.*

17 **SEC. 3141. GREAT LAKES FISHERY AND ECOSYSTEM RES-**
 18 **TORATION PROGRAM.**

19 (a) *GREAT LAKES FISHERY AND ECOSYSTEM RES-*
 20 *TORATION.*—*Section 506(c) of the Water Resources Develop-*
 21 *ment Act of 2000 (42 U.S.C. 1962d–22(c)) is amended—*

22 (1) *by redesignating paragraphs (2) and (3) as*
 23 *paragraphs (3) and (4), respectively;*

24 (2) *by inserting after paragraph (1) the fol-*
 25 *lowing:*

1 “(2) *RECONNAISSANCE STUDIES.*—*Before plan-*
2 *ning, designing, or constructing a project under para-*
3 *graph (3), the Secretary shall carry out a reconnais-*
4 *sance study—*

5 “(A) *to identify methods of restoring the*
6 *fishery, ecosystem, and beneficial uses of the*
7 *Great Lakes; and*

8 “(B) *to determine whether planning of a*
9 *project under paragraph (3) should proceed.”;*
10 *and*

11 (3) *in paragraph (4)(A) (as redesignated by*
12 *paragraph (1)), by striking “paragraph (2)” and in-*
13 *serting “paragraph (3)”.*

14 (b) *COST SHARING.*—*Section 506(f) of the Water Re-*
15 *sources Development Act of 2000 (42 U.S.C. 1962d–22(f))*
16 *is amended—*

17 (1) *by redesignating paragraphs (2) through (5)*
18 *as paragraphs (3) through (6), respectively;*

19 (2) *by inserting after paragraph (1) the fol-*
20 *lowing:*

21 “(2) *RECONNAISSANCE STUDIES.*—*Any recon-*
22 *naissance study under subsection (c)(2) shall be car-*
23 *ried out at full Federal expense.”;*

1 (3) in paragraph (3) (as redesignated by para-
2 graph (1)), by striking “(2) or (3)” and inserting
3 “(3) or (4)”; and

4 (4) in paragraph (4)(A) (as redesignated by
5 paragraph (1)), by striking “subsection (c)(2)” and
6 inserting “subsection (c)(3)”.

7 **SEC. 3142. GREAT LAKES REMEDIAL ACTION PLANS AND**
8 **SEDIMENT REMEDIATION.**

9 Section 401(c) of the Water Resources Development Act
10 of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is amended
11 by striking “through 2006” and inserting “through 2011”.

12 **SEC. 3143. GREAT LAKES TRIBUTARY MODELS.**

13 Section 516(g)(2) of the Water Resources Development
14 Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking
15 “through 2006” and inserting “through 2011”.

16 **SEC. 3144. UPPER OHIO RIVER AND TRIBUTARIES NAVIGA-**
17 **TION SYSTEM NEW TECHNOLOGY PILOT PRO-**
18 **GRAM.**

19 (a) *DEFINITION OF UPPER OHIO RIVER AND TRIBU-*
20 *TARIES NAVIGATION SYSTEM.*—*In this section, the term*
21 *“Upper Ohio River and Tributaries Navigation System”*
22 *means the Allegheny, Kanawha, Monongahela, and Ohio*
23 *Rivers.*

24 (b) *ESTABLISHMENT.*—

1 (1) *IN GENERAL.*—*The Secretary shall establish*
2 *a pilot program to evaluate new technologies applica-*
3 *ble to the Upper Ohio River and Tributaries Naviga-*
4 *tion System.*

5 (2) *INCLUSIONS.*—*The program may include the*
6 *design, construction, or implementation of innovative*
7 *technologies and solutions for the Upper Ohio River*
8 *and Tributaries Navigation System, including*
9 *projects for—*

10 (A) *improved navigation;*

11 (B) *environmental stewardship;*

12 (C) *increased navigation reliability; and*

13 (D) *reduced navigation costs.*

14 (3) *PURPOSES.*—*The purposes of the program*
15 *shall be, with respect to the Upper Ohio River and*
16 *Tributaries Navigation System—*

17 (A) *to increase the reliability and avail-*
18 *ability of federally-owned and federally-operated*
19 *navigation facilities;*

20 (B) *to decrease system operational risks;*
21 *and*

22 (C) *to improve—*

23 (i) *vessel traffic management;*

24 (ii) *access; and*

25 (iii) *Federal asset management.*

1 (c) *FEDERAL OWNERSHIP REQUIREMENT.*—*The Sec-*
2 *retary may provide assistance for a project under this sec-*
3 *tion only if the project is federally owned.*

4 (d) *LOCAL COOPERATION AGREEMENTS.*—

5 (1) *IN GENERAL.*—*The Secretary shall enter into*
6 *local cooperation agreements with non-Federal inter-*
7 *ests to provide for the design, construction, installa-*
8 *tion, and operation of the projects to be carried out*
9 *under the program.*

10 (2) *REQUIREMENTS.*—*Each local cooperation*
11 *agreement entered into under this subsection shall in-*
12 *clude the following:*

13 (A) *PLAN.*—*Development by the Secretary,*
14 *in consultation with appropriate Federal and*
15 *State officials, of a navigation improvement*
16 *project, including appropriate engineering plans*
17 *and specifications.*

18 (B) *LEGAL AND INSTITUTIONAL STRUC-*
19 *TURES.*—*Establishment of such legal and insti-*
20 *tutional structures as are necessary to ensure the*
21 *effective long-term operation of the project.*

22 (3) *COST SHARING.*—*Total project costs under*
23 *each local cooperation agreement shall be cost-shared*
24 *in accordance with the formula relating to the appli-*
25 *cable original construction project.*

1 (4) *EXPENDITURES.*—

2 (A) *IN GENERAL.*—*Expenditures under the*
3 *program may include, for establishment at feder-*
4 *ally-owned property, such as locks, dams, and*
5 *bridges—*

6 (i) *transmitters;*

7 (ii) *responders;*

8 (iii) *hardware;*

9 (iv) *software; and*

10 (v) *wireless networks.*

11 (B) *EXCLUSIONS.*—*Transmitters, respond-*
12 *ers, hardware, software, and wireless networks or*
13 *other equipment installed on privately-owned*
14 *vessels or equipment shall not be eligible under*
15 *the program.*

16 (e) *REPORT.*—*Not later than December 31, 2008, the*
17 *Secretary shall submit to Congress a report on the results*
18 *of the pilot program carried out under this section, together*
19 *with recommendations concerning whether the program or*
20 *any component of the program should be implemented on*
21 *a national basis.*

22 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
23 *authorized to be appropriated to carry out this section*
24 *\$3,100,000, to remain available until expended.*

1 **SEC. 3145. PERRY CREEK, IOWA.**

2 (a) *IN GENERAL.*—On making a determination de-
3 scribed in subsection (b), the Secretary shall increase the
4 Federal contribution for the project for flood control, Perry
5 Creek, Iowa, authorized under section 401(a) of the Water
6 Resources Development Act of 1986 (100 Stat. 4116; 117
7 Stat. 1844).

8 (b) *DETERMINATION.*—A determination referred to in
9 subsection (a) is a determination that a modification to the
10 project described in that subsection is necessary for the Fed-
11 eral Emergency Management Agency to certify that the
12 project provides flood damage reduction benefits to at least
13 a 100-year level.

14 (c) *AUTHORIZATION OF APPROPRIATIONS.*—There is
15 authorized to be appropriated to carry out this section
16 \$4,000,000.

17 **SEC. 3146. RATHBUN LAKE, IOWA.**

18 (a) *RIGHT OF FIRST REFUSAL.*—The Secretary shall
19 provide, in accordance with the recommendations in the
20 Rathbun Lake Reallocation Report approved by the Chief
21 of Engineers on July 22, 1985, the Rathbun Regional Water
22 Association with the right of first refusal to contract for
23 or purchase any increment of the remaining allocation
24 (8,320 acre-feet) of water supply storage in Rathbun Lake,
25 Iowa.

1 **(b) PAYMENT OF COST.**—*The Rathbun Regional Water*
2 *Association shall pay the cost of any water supply storage*
3 *allocation provided under subsection (a).*

4 **SEC. 3147. JACKSON COUNTY, MISSISSIPPI.**

5 **(a) MODIFICATION.**—*Section 331 of the Water Re-*
6 *sources Development Act of 1999 (113 Stat. 305) is amend-*
7 *ed by striking “\$5,000,000” and inserting “\$9,000,000”.*

8 **(b) APPLICABILITY OF CREDIT.**—*The credit provided*
9 *by section 331 of the Water Resources Development Act of*
10 *1999 (113 Stat. 305) (as modified by subsection (a)) shall*
11 *apply to costs incurred by the Jackson County Board of*
12 *Supervisors during the period beginning on February 8,*
13 *1994, and ending on the date of enactment of this Act for*
14 *projects authorized by section 219(c)(5) of the Water Re-*
15 *sources Development Act of 1992 (106 Stat. 4835; 110 Stat.*
16 *3757; 113 Stat. 334; 113 Stat. 1494; 114 Stat. 2763A–219).*

17 **SEC. 3148. SANDBRIDGE BEACH, VIRGINIA BEACH, VIR-**
18 **GINIA.**

19 *The project for beach erosion control and hurricane*
20 *protection, Sandbridge Beach, Virginia Beach, Virginia,*
21 *authorized by section 101(22) of the Water Resources Devel-*
22 *opment Act of 1992 (106 Stat. 4804; 114 Stat. 2612), is*
23 *modified to authorize the Secretary to review the project*
24 *to determine whether any additional Federal interest exists*
25 *with respect to the project, taking into consideration condi-*

1 *tions and development levels relating to the project in exist-*
 2 *ence on the date of enactment of this Act.*

3 **TITLE IV—STUDIES**

4 **SEC. 4001. SEWARD BREAKWATER, ALASKA.**

5 *The Secretary shall review the Seward Boat Harbor*
 6 *element of the project for navigation, Seward Harbor, Alas-*
 7 *ka, authorized by section 101(a)(3) of the Water Resources*
 8 *Development Act of 1999 (113 Stat. 274), to determine*
 9 *whether the failure of the outer breakwater to protect the*
 10 *harbor from heavy wave damage resulted from a design de-*
 11 *ficiency.*

12 **SEC. 4002. NOME HARBOR IMPROVEMENTS, ALASKA.**

13 *The Secretary shall review the project for navigation,*
 14 *Nome Harbor improvements, Alaska, authorized by section*
 15 *101(a)(1) of the Water Resources Development Act of 1999*
 16 *(113 Stat. 273), to determine whether the project cost in-*
 17 *creases, including the cost of rebuilding the entrance chan-*
 18 *nel damaged in a September 2005 storm, resulted from a*
 19 *design deficiency.*

20 **SEC. 4003. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA-**
 21 **TION CHANNEL.**

22 *(a) IN GENERAL.—To determine with improved accu-*
 23 *racy the environmental impacts of the project on the*
 24 *McClellan-Kerr Arkansas River Navigation Channel (re-*
 25 *ferred to in this section as the “MKARN”), the Secretary*

1 *shall carry out the measures described in subsection (b) in*
2 *a timely manner.*

3 *(b) SPECIES STUDY.—*

4 *(1) IN GENERAL.—The Secretary, in conjunction*
5 *with Oklahoma State University, shall convene a*
6 *panel of experts with acknowledged expertise in wild-*
7 *life biology and genetics to review the available sci-*
8 *entific information regarding the genetic variation of*
9 *various sturgeon species and possible hybrids of those*
10 *species that, as determined by the United States Fish*
11 *and Wildlife Service, may exist in any portion of the*
12 *MKARN.*

13 *(2) REPORT.—The Secretary shall direct the*
14 *panel to report to the Secretary, not later than 1 year*
15 *after the date of enactment of this Act and in the best*
16 *scientific judgment of the panel—*

17 *(A) the level of genetic variation between*
18 *populations of sturgeon sufficient to determine or*
19 *establish that a population is a measurably dis-*
20 *tinct species, subspecies, or population segment;*
21 *and*

22 *(B) whether any pallid sturgeons that may*
23 *be found in the MKARN (including any tribu-*
24 *itary of the MKARN) would qualify as such a*

1 *distinct species, subspecies, or population seg-*
2 *ment.*

3 **SEC. 4004. FRUITVALE AVENUE RAILROAD BRIDGE, ALA-**
4 **MEDA, CALIFORNIA.**

5 (a) *IN GENERAL.*—*The Secretary shall prepare a com-*
6 *prehensive report that examines the condition of the existing*
7 *Fruitvale Avenue Railroad Bridge, Alameda County, Cali-*
8 *fornia (referred to in this section as the “Railroad Bridge”),*
9 *and determines the most economic means to maintain that*
10 *rail link by either repairing or replacing the Railroad*
11 *Bridge.*

12 (b) *REQUIREMENTS.*—*The report under this section*
13 *shall include—*

14 (1) *a determination of whether the Railroad*
15 *Bridge is in immediate danger of failing or col-*
16 *lapsing;*

17 (2) *the annual costs to maintain the Railroad*
18 *Bridge;*

19 (3) *the costs to place the Railroad Bridge in a*
20 *safe, “no-collapse” condition, such that the Railroad*
21 *Bridge will not endanger maritime traffic;*

22 (4) *the costs to retrofit the Railroad Bridge such*
23 *that the Railroad Bridge may continue to serve as a*
24 *rail link between the Island of Alameda and the*
25 *Mainland; and*

1 (5) *the costs to construct a replacement for the*
2 *Railroad Bridge capable of serving the current and*
3 *future rail, light rail, and homeland security needs of*
4 *the region.*

5 (c) *SUBMISSION OF REPORT.—The Secretary shall—*

6 (1) *complete the Railroad Bridge report under*
7 *subsection (a) not later than 180 days after the date*
8 *of enactment of this Act; and*

9 (2) *submit the report to the Committee on Envi-*
10 *ronment and Public Works of the Senate and Com-*
11 *mittee on Transportation and Infrastructure of the*
12 *House of Representatives.*

13 (d) *LIMITATIONS.—The Secretary shall not—*

14 (1) *demolish the Railroad Bridge or otherwise*
15 *render the Railroad Bridge unavailable or unusable*
16 *for rail traffic; or*

17 (2) *reduce maintenance of the Railroad Bridge.*

18 (e) *EASEMENT.—*

19 (1) *IN GENERAL.—The Secretary shall provide to*
20 *the city of Alameda, California, a nonexclusive access*
21 *easement over the Oakland Estuary that comprises*
22 *the subsurface land and surface approaches for the*
23 *Railroad Bridge that—*

24 (A) *is consistent with the Bay Trail Pro-*
25 *posal of the City of Oakland; and*

1 (B) is otherwise suitable for the improve-
2 ment, operation, and maintenance of the Rail-
3 road Bridge or construction, operation, and
4 maintenance of a suitable replacement bridge.

5 (2) *COST.*—The easement under paragraph (1)
6 shall be provided to the city of Alameda without con-
7 sideration and at no cost to the United States.

8 **SEC. 4005. LOS ANGELES RIVER REVITALIZATION STUDY,**
9 **CALIFORNIA.**

10 (a) *IN GENERAL.*—The Secretary, in coordination
11 with the city of Los Angeles, shall—

12 (1) prepare a feasibility study for environmental
13 ecosystem restoration, flood control, recreation, and
14 other aspects of Los Angeles River revitalization that
15 is consistent with the goals of the Los Angeles River
16 Revitalization Master Plan published by the city of
17 Los Angeles; and

18 (2) consider any locally-preferred project alter-
19 natives developed through a full and open evaluation
20 process for inclusion in the study.

21 (b) *USE OF EXISTING INFORMATION AND MEAS-*
22 *URES.*—In preparing the study under subsection (a), the
23 Secretary shall use, to the maximum extent practicable—

24 (1) information obtained from the Los Angeles
25 River Revitalization Master Plan; and

1 (2) *the development process of that plan.*

2 (c) *DEMONSTRATION PROJECTS.—*

3 (1) *IN GENERAL.—The Secretary is authorized to*
4 *construct demonstration projects in order to provide*
5 *information to develop the study under subsection*
6 *(a)(1).*

7 (2) *FEDERAL SHARE.—The Federal share of the*
8 *cost of any project under this subsection shall be not*
9 *more than 65 percent.*

10 (3) *AUTHORIZATION OF APPROPRIATIONS.—*
11 *There is authorized to be appropriated to carry out*
12 *this subsection \$25,000,000.*

13 **SEC. 4006. NICHOLAS CANYON, LOS ANGELES, CALIFORNIA.**

14 *The Secretary shall carry out a study for bank sta-*
15 *bilization and shore protection for Nicholas Canyon, Los*
16 *Angeles, California, under section 3 of the Act of August*
17 *13, 1946 (33 U.S.C. 426g).*

18 **SEC. 4007. OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL**
19 **STUDY.**

20 *Section 414 of the Water Resources Development Act*
21 *of 2000 (114 Stat. 2636) is amended by striking “32*
22 *months” and inserting “44 months”.*

23 **SEC. 4008. COMPREHENSIVE FLOOD PROTECTION PROJECT,**
24 **ST. HELENA, CALIFORNIA.**

25 (i) *FLOOD PROTECTION PROJECT.—*

1 (1) *REVIEW.*—*The Secretary shall review the*
2 *project for flood control and environmental restora-*
3 *tion at St. Helena, California, generally in accord-*
4 *ance with Enhanced Minimum Plan A, as described*
5 *in the final environmental impact report prepared by*
6 *the city of St. Helena, California, and certified by the*
7 *city to be in compliance with the California Environ-*
8 *mental Quality Act on February 24, 2004.*

9 (2) *ACTION ON DETERMINATION.*—*If the Sec-*
10 *retary determines under paragraph (1) that the*
11 *project is economically justified, technically sound,*
12 *and environmentally acceptable, the Secretary is au-*
13 *thorized to carry out the project at a total cost of*
14 *\$30,000,000, with an estimated Federal cost of*
15 *\$19,500,000 and an estimated non-Federal cost of*
16 *\$10,500,000.*

17 (b) *COST SHARING.*—*Cost sharing for the project de-*
18 *scribed in subsection (a) shall be in accordance with section*
19 *103 of the Water Resources Development Act of 1986 (33*
20 *U.S.C. 2213).*

21 **SEC. 4009. SAN FRANCISCO BAY, SACRAMENTO-SAN JOA-**
22 **QUIN DELTA, SHERMAN ISLAND, CALIFORNIA.**

23 *The Secretary shall carry out a study of the feasibility*
24 *of a project to use Sherman Island, California, as a dredged*
25 *material rehandling facility for the beneficial use of dredged*

1 *material to enhance the environment and meet other water*
2 *resource needs on the Sacramento-San Joaquin Delta, Cali-*
3 *fornia, under section 204 of the Water Resources Develop-*
4 *ment Act of 1992 (33 U.S.C. 2326).*

5 **SEC. 4010. SOUTH SAN FRANCISCO BAY SHORELINE STUDY,**
6 **CALIFORNIA.**

7 (a) *IN GENERAL.*—*The Secretary, in cooperation with*
8 *non-Federal interests, shall conduct a study of the feasi-*
9 *bility of carrying out a project for—*

10 (1) *flood protection of South San Francisco Bay*
11 *shoreline;*

12 (2) *restoration of the South San Francisco Bay*
13 *salt ponds (including on land owned by other Federal*
14 *agencies); and*

15 (3) *other related purposes, as the Secretary deter-*
16 *mines to be appropriate.*

17 (b) *INDEPENDENT REVIEW.*—*To the extent required by*
18 *applicable Federal law, a national science panel shall con-*
19 *duct an independent review of the study under subsection*
20 *(a).*

21 (c) *REPORT.*—

22 (1) *IN GENERAL.*—*Not later than 3 years after*
23 *the date of enactment of this Act, the Secretary shall*
24 *submit to Congress a report describing the results of*
25 *the study under subsection (a).*

1 (2) *INCLUSIONS.*—*The report under paragraph*
2 (1) *shall include recommendations of the Secretary*
3 *with respect to the project described in subsection (a)*
4 *based on planning, design, and land acquisition docu-*
5 *ments prepared by—*

6 (A) *the California State Coastal Conser-*
7 *vancy;*

8 (B) *the Santa Clara Valley Water District;*
9 *and*

10 (C) *other local interests.*

11 **SEC. 4011. SAN PABLO BAY WATERSHED RESTORATION,**

12 **CALIFORNIA.**

13 (a) *IN GENERAL.*—*The Secretary shall complete work*
14 *as expeditiously as practicable on the study for the San*
15 *Pablo watershed, California, authorized by section 209 of*
16 *the Flood Control Act of 1962 (76 Stat. 1196) to determine*
17 *the feasibility of opportunities for restoring, preserving, and*
18 *protecting the San Pablo Bay Watershed.*

19 (b) *REPORT.*—*Not later than March 31, 2008, the Sec-*
20 *retary shall submit to Congress a report that describes the*
21 *results of the study.*

22 **SEC. 4012. FOUNTAIN CREEK, NORTH OF PUEBLO, COLO-**

23 **RADO.**

24 *Subject to the availability of appropriations, the Sec-*
25 *retary shall expedite the completion of the Fountain Creek,*

1 *North of Pueblo, Colorado, watershed study authorized by*
2 *a resolution adopted by the Committee on Public Works and*
3 *Transportation of the House of Representatives on Sep-*
4 *tember 23, 1976.*

5 **SEC. 4013. SELENIUM STUDY, COLORADO.**

6 (a) *IN GENERAL.*—*The Secretary, in consultation with*
7 *State water quality and resource and conservation agencies,*
8 *shall conduct regional and watershed-wide studies to ad-*
9 *dress selenium concentrations in the State of Colorado, in-*
10 *cluding studies—*

11 (1) *to measure selenium on specific sites; and*

12 (2) *to determine whether specific selenium meas-*
13 *ures studied should be recommended for use in dem-*
14 *onstration projects.*

15 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
16 *authorized to be appropriated to carry out this section*
17 *\$5,000,000.*

18 **SEC. 4014. DELAWARE INLAND BAYS AND TRIBUTARIES AND**
19 **ATLANTIC COAST, DELAWARE.**

20 (a) *IN GENERAL.*—*The Secretary shall conduct a*
21 *study to determine the feasibility of modifying the project*
22 *for navigation, Indian River Inlet and Bay, Delaware.*

23 (b) *FACTORS FOR CONSIDERATION AND PRIORITY.*—
24 *In carrying out the study under subsection (a), the Sec-*
25 *retary shall—*

1 (1) *take into consideration all necessary activi-*
2 *ties to stabilize the scour holes threatening the Inlet*
3 *and Bay shorelines; and*

4 (2) *give priority to stabilizing and restoring the*
5 *Inlet channel and scour holes adjacent to the United*
6 *States Coast Guard pier and helipad and the adja-*
7 *cent State-owned properties.*

8 **SEC. 4015. HERBERT HOOVER DIKE SUPPLEMENTAL MAJOR**
9 **REHABILITATION REPORT, FLORIDA.**

10 (a) *IN GENERAL.*—*Not later than 120 days after the*
11 *date of enactment of this Act, the Secretary shall publish*
12 *a supplemental report to the major rehabilitation report for*
13 *the Herbert Hoover Dike system approved by the Chief of*
14 *Engineers in November 2000.*

15 (b) *INCLUSIONS.*—*The supplemental report under sub-*
16 *section (a) shall include—*

17 (1) *an evaluation of existing conditions at the*
18 *Herbert Hoover Dike system;*

19 (2) *an identification of additional risks associ-*
20 *ated with flood events at the system that are equal to*
21 *or greater than the standard projected flood risks;*

22 (3) *an evaluation of the potential to integrate*
23 *projects of the Corps of Engineers into an enhanced*
24 *flood protection system for Lake Okeechobee,*
25 *including—*

1 (A) *the potential for additional water stor-*
 2 *age north of Lake Okeechobee; and*

3 (B) *an analysis of other project features in-*
 4 *cluded in the Comprehensive Everglades Restora-*
 5 *tion Plan; and*

6 (4) *a review of the report prepared for the South*
 7 *Florida Water Management District dated April*
 8 *2006.*

9 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 10 *authorized to be appropriated to carry out this section*
 11 *\$1,500,000.*

12 **SEC. 4016. BOISE RIVER, IDAHO.**

13 *The study for flood control, Boise River, Idaho, author-*
 14 *ized by section 414 of the Water Resources Development Act*
 15 *of 1999 (113 Stat. 324), is modified to include ecosystem*
 16 *restoration and water supply as project purposes to be stud-*
 17 *ied.*

18 **SEC. 4017. PROMONTORY POINT THIRD-PARTY REVIEW, CHI-**
 19 **CAGO SHORELINE, CHICAGO, ILLINOIS.**

20 (a) *REVIEW.—*

21 (1) *IN GENERAL.—The Secretary is authorized to*
 22 *conduct a third-party review of the Promontory Point*
 23 *project along the Chicago Shoreline, Chicago, Illinois,*
 24 *at a cost not to exceed \$450,000.*

1 (2) *JOINT REVIEW.*—*The Buffalo and Seattle*
2 *Districts of the Corps of Engineers shall jointly con-*
3 *duct the review under paragraph (1).*

4 (3) *STANDARDS.*—*The review shall be based on*
5 *the standards under part 68 of title 36, Code of Fed-*
6 *eral Regulations (or successor regulation), for imple-*
7 *mentation by the non-Federal sponsor for the Chicago*
8 *Shoreline Chicago, Illinois, project.*

9 (b) *CONTRIBUTIONS.*—*The Secretary shall accept from*
10 *a State or political subdivision of a State voluntarily con-*
11 *tributed funds to initiate the third-party review.*

12 (c) *TREATMENT.*—*While the third-party review is of*
13 *the Promontory Point portion of the Chicago Shoreline,*
14 *Chicago, Illinois, project, the third-party review shall be*
15 *separate and distinct from the Chicago Shoreline, Chicago,*
16 *Illinois, project.*

17 (d) *EFFECT OF SECTION.*—*Nothing in this section af-*
18 *fects the authorization for the Chicago Shoreline, Chicago,*
19 *Illinois, project.*

20 **SEC. 4018. VIDALIA PORT, LOUISIANA.**

21 *The Secretary shall conduct a study to determine the*
22 *feasibility of carrying out a project for navigation improve-*
23 *ment at Vidalia, Louisiana.*

1 **SEC. 4019. LAKE ERIE AT LUNA PIER, MICHIGAN.**

2 *The Secretary shall study the feasibility of storm dam-*
3 *age reduction and beach erosion protection and other re-*
4 *lated purposes along Lake Erie at Luna Pier, Michigan.*

5 **SEC. 4020. WILD RICE RIVER, MINNESOTA.**

6 *The Secretary shall expedite the completion of the gen-*
7 *eral reevaluation report authorized by section 438 of the*
8 *Water Resources Development Act of 2000 (114 Stat. 2640)*
9 *for the project for flood protection, Wild Rice River, Min-*
10 *nesota, authorized by section 201 of the Flood Control Act*
11 *of 1970 (84 Stat. 1825), to develop alternatives to the Twin*
12 *Valley Lake feature of that project.*

13 **SEC. 4021. ASIAN CARP DISPERSAL BARRIER DEMONSTRATION PROJECT, UPPER MISSISSIPPI RIVER.**

14
15 (a) *IN GENERAL.*—*The Secretary is authorized to*
16 *carry out a study to determine the feasibility of con-*
17 *structing a fish barrier demonstration project to delay,*
18 *deter, impede, or restrict the invasion of Asian carp into*
19 *the northern reaches of the Upper Mississippi River.*

20 (b) *REQUIREMENT.*—*In conducting the study under*
21 *subsection (a), the Secretary shall take into consideration*
22 *the feasibility of locating the fish barrier at the lock portion*
23 *of the project at Lock and Dam 11 in the Upper Mississippi*
24 *River Basin.*

1 **SEC. 4022. FLOOD DAMAGE REDUCTION, OHIO.**

2 *The Secretary shall conduct a study to determine the*
3 *feasibility of carrying out projects for flood damage reduc-*
4 *tion in Cuyahoga, Lake, Ashtabula, Geauga, Erie, Lucas,*
5 *Sandusky, Huron, and Stark Counties, Ohio.*

6 **SEC. 4023. MIDDLE BASS ISLAND STATE PARK, MIDDLE**
7 **BASS ISLAND, OHIO.**

8 *The Secretary shall carry out a study of the feasibility*
9 *of a project for navigation improvements, shoreline protec-*
10 *tion, and other related purposes, including the rehabilita-*
11 *tion the harbor basin (including entrance breakwaters), in-*
12 *terior shoreline protection, dredging, and the development*
13 *of a public launch ramp facility, for Middle Bass Island*
14 *State Park, Middle Bass Island, Ohio.*

15 **SEC. 4024. OHIO RIVER, OHIO.**

16 *The Secretary shall conduct a study to determine the*
17 *feasibility of carrying out projects for flood damage reduc-*
18 *tion on the Ohio River in Mahoning, Columbiana, Jeffer-*
19 *son, Belmont, Noble, Monroe, Washington, Athens, Meigs,*
20 *Gallia, Lawrence, and Scioto Counties, Ohio.*

21 **SEC. 4025. TOLEDO HARBOR DREDGED MATERIAL PLACE-**
22 **MENT, TOLEDO, OHIO.**

23 *The Secretary shall study the feasibility of removing*
24 *previously dredged and placed materials from the Toledo*
25 *Harbor confined disposal facility, transporting the mate-*

1 *rials, and disposing of the materials in or at abandoned*
2 *mine sites in southeastern Ohio.*

3 **SEC. 4026. TOLEDO HARBOR, MAUMEE RIVER, AND LAKE**
4 **CHANNEL PROJECT, TOLEDO, OHIO.**

5 (a) *IN GENERAL.*—*The Secretary shall conduct a*
6 *study to determine the feasibility of constructing a project*
7 *for navigation, Toledo, Ohio.*

8 (b) *FACTORS FOR CONSIDERATION.*—*In conducting the*
9 *study under subsection (a), the Secretary shall take into*
10 *consideration—*

11 (1) *realigning the existing Toledo Harbor chan-*
12 *nel widening occurring where the River Channel*
13 *meets the Lake Channel from the northwest to the*
14 *southeast side of the Channel;*

15 (2) *realigning the entire 200-foot wide channel*
16 *located at the upper river terminus of the River*
17 *Channel southern river embankment towards the*
18 *northern river embankment; and*

19 (3) *adjusting the existing turning basin to ac-*
20 *commodate those changes.*

21 **SEC. 4027. WOONSOCKET LOCAL PROTECTION PROJECT,**
22 **BLACKSTONE RIVER BASIN, RHODE ISLAND.**

23 *The Secretary shall conduct a study, and, not later*
24 *than June 30, 2008, submit to Congress a report that de-*
25 *scribes the results of the study, on the flood damage reduc-*

1 *tion project, Woonsocket, Blackstone River Basin, Rhode Is-*
2 *land, authorized by the Act of December 22, 1944 (com-*
3 *monly known as the “Flood Control Act of 1944”) (58 Stat.*
4 *887, chapter 665), to determine the measures necessary to*
5 *restore the level of protection of the project as originally*
6 *designed and constructed.*

7 **SEC. 4028. PROJECTS FOR IMPROVEMENT, SAVANNAH**
8 **RIVER, SOUTH CAROLINA AND GEORGIA.**

9 (a) *IN GENERAL.*—*The Secretary shall determine the*
10 *feasibility of carrying out projects—*

11 (1) *to improve the Savannah River for naviga-*
12 *tion and related purposes that may be necessary to*
13 *support the location of container cargo and other port*
14 *facilities to be located in Jasper County, South Caro-*
15 *lina, in the vicinity of Mile 6 of the Savannah Har-*
16 *bor entrance channel; and*

17 (2) *to remove from the proposed Jasper County*
18 *port site the easements used by the Corps of Engineers*
19 *for placement of dredged fill materials for the Savan-*
20 *nah Harbor Federal navigation project.*

21 (b) *FACTORS FOR CONSIDERATION.*—*In making a de-*
22 *termination under subsection (a), the Secretary shall take*
23 *into consideration—*

24 (1) *landside infrastructure;*

1 (2) *the provision of any additional dredged ma-*
2 *terial disposal area as a consequence of removing*
3 *from the proposed Jasper County port site the ease-*
4 *ments used by the Corps of Engineers for placement*
5 *of dredged fill materials for the Savannah Harbor*
6 *Federal navigation project; and*

7 (3) *the results of the proposed bistate compact be-*
8 *tween the State of Georgia and the State of South*
9 *Carolina to own, develop, and operate port facilities*
10 *at the proposed Jasper County port site, as described*
11 *in the term sheet executed by the Governor of the*
12 *State of Georgia and the Governor of the State of*
13 *South Carolina on March 12, 2007.*

14 **SEC. 4029. JOHNSON CREEK, ARLINGTON, TEXAS.**

15 *The Secretary shall conduct a feasibility study to de-*
16 *termine the technical soundness, economic feasibility, and*
17 *environmental acceptability of the plan prepared by the*
18 *city of Arlington, Texas, as generally described in the report*
19 *entitled “Johnson Creek: A Vision of Conservation, Arling-*
20 *ton, Texas”, dated March 2006.*

21 **SEC. 4030. ECOSYSTEM AND HYDROPOWER GENERATION**
22 **DAMS, VERMONT.**

23 (a) *IN GENERAL.*—*The Secretary shall conduct a*
24 *study of the potential to carry out ecosystem restoration and*
25 *hydropower generation at dams in the State of Vermont,*

1 *including a review of the report of the Secretary on the land*
2 *and water resources of the New England–New York region*
3 *submitted to the President on April 27, 1956 (published as*
4 *Senate Document Number 14, 85th Congress), and other rel-*
5 *evant reports.*

6 (b) *PURPOSE.*—*The purpose of the study under sub-*
7 *section (a) shall be to determine the feasibility of providing*
8 *water resource improvements and small-scale hydropower*
9 *generation in the State of Vermont, including, as appro-*
10 *priate, options for dam restoration, hydropower, dam re-*
11 *moval, and fish passage enhancement.*

12 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
13 *authorized to carry out this section \$500,000, to remain*
14 *available until expended.*

15 **SEC. 4031. EURASIAN MILFOIL.**

16 *Under the authority of section 104 of the River and*
17 *Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall*
18 *carry out a study, at full Federal expense, to develop na-*
19 *tional protocols for the use of the *Euhrychiopsis lecontei**
20 *weevil for biological control of Eurasian milfoil in the lakes*
21 *of Vermont and other northern tier States.*

1 **SEC. 4032. LAKE CHAMPLAIN CANAL STUDY, VERMONT AND**
2 **NEW YORK.**

3 (a) *DISPERSAL BARRIER PROJECT.*—*The Secretary*
4 *shall determine, at full Federal expense, the feasibility of*
5 *a dispersal barrier project at the Lake Champlain Canal.*

6 (b) *CONSTRUCTION, MAINTENANCE, AND OPER-*
7 *ATION.*—*If the Secretary determines that the project de-*
8 *scribed in subsection (a) is feasible, the Secretary shall con-*
9 *struct, maintain, and operate a dispersal barrier at the*
10 *Lake Champlain Canal at full Federal expense.*

11 **SEC. 4033. BAKER BAY AND ILWACO HARBOR, WASHINGTON.**

12 *The Secretary shall conduct a study of increased silta-*
13 *tion in Baker Bay and Ilwaco Harbor, Washington, to de-*
14 *termine whether the siltation is the result of a Federal navi-*
15 *gation project.*

16 **SEC. 4034. ELLIOT BAY SEAWALL REHABILITATION STUDY,**
17 **WASHINGTON.**

18 *The study for the rehabilitation of the Elliot Bay Sea-*
19 *wall, Seattle, Washington, is modified to direct the Sec-*
20 *retary to determine the feasibility of reducing future dam-*
21 *age to the seawall from seismic activity.*

22 **SEC. 4035. JOHNSONVILLE DAM, JOHNSONVILLE, WIS-**
23 **CONSIN.**

24 *The Secretary shall conduct a study of the Johnsonville*
25 *Dam, Johnsonville, Wisconsin, to determine whether the*
26 *structure prevents ice jams on the Sheboygan River.*

1 **SEC. 4036. DEBRIS REMOVAL.**

2 (a) *REEVALUATION.*—

3 (1) *IN GENERAL.*—Not later than 90 days after
4 the date of enactment of this Act, the Secretary, in co-
5 ordination with the Administrator of the Environ-
6 mental Protection Agency and in consultation with
7 affected communities, shall conduct a complete re-
8 evaluation of Federal and non-Federal demolition, de-
9 bris removal, segregation, transportation, and dis-
10 posal practices relating to disaster areas designated
11 in response to Hurricanes Katrina and Rita (includ-
12 ing regulated and nonregulated materials and debris).

13 (2) *INCLUSIONS.*—The reevaluation under para-
14 graph (1) shall include a review of—

15 (A) compliance with all applicable environ-
16 mental laws;

17 (B) permits issued or required to be issued
18 with respect to debris handling, transportation,
19 storage, or disposal; and

20 (C) administrative actions relating to de-
21 bris removal and disposal in the disaster areas
22 described in paragraph (1).

23 (b) *REPORT.*—Not later than 120 days after the date
24 of enactment of this Act, the Secretary shall submit to the
25 Committee on the Environment and Public Works of the

1 *Senate and the Committee on Transportation and Infra-*
2 *structure of the House of Representatives a report that—*

3 (1) *describes the findings of the Secretary with*
4 *respect to the reevaluation under subsection (a);*

5 (2)(A) *certifies compliance with all applicable*
6 *environmental laws; and*

7 (B) *identifies any area in which a violation of*
8 *such a law has occurred or is occurring;*

9 (3) *includes recommendations to ensure—*

10 (A) *the protection of the environment;*

11 (B) *sustainable practices; and*

12 (C) *the integrity of hurricane and flood pro-*
13 *tection infrastructure relating to debris disposal*
14 *practices;*

15 (4) *contains an enforcement plan that is de-*
16 *signed to prevent illegal dumping of hurricane debris*
17 *in a disaster area; and*

18 (5) *contains plans of the Secretary and the Ad-*
19 *ministrator to involve the public and non-Federal in-*
20 *terests, including through the formation of a Federal*
21 *advisory committee, as necessary, to seek public com-*
22 *ment relating to the removal, disposal, and planning*
23 *for the handling of post-hurricane debris.*

1 **SEC. 4037. MOHAWK RIVER, ONEIDA COUNTY, NEW YORK.**

2 (a) *IN GENERAL.*—*The Secretary shall conduct a wa-*
3 *tershed study of the Mohawk River watershed, Oneida*
4 *County, New York, with a particular emphasis on improv-*
5 *ing water quality and the environment.*

6 (b) *RECOMMENDATIONS.*—*In conducting the study*
7 *under subsection (a), the Secretary shall take into consider-*
8 *ation impacts on the Sauquoit Creek Watershed and the*
9 *economy.*

10 **SEC. 4038. WALLA WALLA RIVER BASIN, OREGON AND WASH-**
11 **INGTON.**

12 *In conducting the study to determine the feasibility of*
13 *carrying out a project for ecosystem restoration, Walla*
14 *Walla River Basin, Oregon and Washington, the Secretary*
15 *shall—*

16 (1) *provide a credit toward the non-Federal*
17 *share of the cost of the project for the cost of any ac-*
18 *tivity carried out by the non-Federal interest before*
19 *the date of the partnership agreement for the project,*
20 *if the Secretary determines that the activity is inte-*
21 *gral to the project; and*

22 (2) *allow the non-Federal interest to provide the*
23 *non-Federal share of the cost of the study in the form*
24 *of in-kind services and materials.*

1 **TITLE V—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 5001. LAKES PROGRAM.**

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

7 (1) *in paragraph (18), by striking “and” at the*
8 *end;*

9 (2) *in paragraph (19), by striking the period at*
10 *the end and inserting a semicolon; and*

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

12 “(20) *Lake Sakakawea, North Dakota, removal*
13 *of silt and aquatic growth and measures to address*
14 *excessive sedimentation;*

15 “(21) *Lake Morley, Vermont, removal of silt and*
16 *aquatic growth and measures to address excessive*
17 *sedimentation;*

18 “(22) *Lake Fairlee, Vermont, removal of silt and*
19 *aquatic growth and measures to address excessive*
20 *sedimentation; and*

21 “(23) *Lake Rodgers, Creedmoor, North Carolina,*
22 *removal of silt and excessive nutrients and restoration*
23 *of structural integrity.”.*

1 **SEC. 5002. ESTUARY RESTORATION.**

2 (a) *PURPOSES.*—Section 102 of the *Estuary Restora-*
3 *tion Act of 2000 (33 U.S.C. 2901)* is amended—

4 (1) in paragraph (1), by inserting before the
5 semicolon the following: “by implementing a coordi-
6 nated Federal approach to estuary habitat restoration
7 activities, including the use of common monitoring
8 standards and a common system for tracking restora-
9 tion acreage”;

10 (2) in paragraph (2), by inserting “and imple-
11 ment” after “to develop”; and

12 (3) in paragraph (3), by inserting “through co-
13 operative agreements” after “restoration projects”.

14 (b) *DEFINITION OF ESTUARY HABITAT RESTORATION*
15 *PLAN.*—Section 103(6)(A) of the *Estuary Restoration Act*
16 *of 2000 (33 U.S.C. 2902(6)(A))* is amended by striking
17 “Federal or State” and inserting “Federal, State, or re-
18 gional”.

19 (c) *ESTUARY HABITAT RESTORATION PROGRAM.*—
20 Section 104 of the *Estuary Restoration Act of 2000 (33*
21 *U.S.C. 2903)* is amended—

22 (1) in subsection (a), by inserting “through the
23 award of contracts and cooperative agreements” after
24 “assistance”;

25 (2) in subsection (c)—

1 (A) in paragraph (3)(A), by inserting “or
2 State” after “Federal”; and

3 (B) in paragraph (4)(B), by inserting “or
4 approach” after “technology”;

5 (3) in subsection (d)—

6 (A) in paragraph (1)—

7 (i) by striking “Except” and inserting
8 the following:

9 “(i) *IN GENERAL.*—Except”; and

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

11 “(ii) *MONITORING.*—

12 “(I) *COSTS.*—The costs of moni-
13 toring an estuary habitat restoration
14 project funded under this title may be
15 included in the total cost of the estuary
16 habitat restoration project.

17 “(II) *GOALS.*—The goals of the
18 monitoring shall be—

19 “(aa) to measure the effec-
20 tiveness of the restoration project;
21 and

22 “(bb) to allow adaptive man-
23 agement to ensure project suc-
24 cess.”;

1 (B) in paragraph (2), by inserting “or ap-
2 proach” after “technology”; and

3 (C) in paragraph (3), by inserting “(in-
4 cluding monitoring)” after “services”;

5 (4) in subsection (f)(1)(B), by inserting “long-
6 term” before “maintenance”; and

7 (5) in subsection (g)—

8 (A) by striking “In carrying” and inserting
9 the following:

10 “(1) *IN GENERAL.*—In carrying”; and

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

12 “(2) *SMALL PROJECTS.*—

13 “(A) *DEFINITION OF SMALL PROJECT.*—In
14 this paragraph, the term ‘small project’ means a
15 project carried out under this title at a Federal
16 cost of less than \$1,000,000.

17 “(B) *SMALL PROJECT DELEGATION.*—In
18 carrying out this title, the Secretary, upon the
19 recommendation of the Council, may delegate
20 implementation of a small project to—

21 “(i) the Secretary of the Interior (act-
22 ing through the Director of the United
23 States Fish and Wildlife Service);

1 “(ii) *the Under Secretary for Oceans*
2 *and Atmosphere of the Department of Com-*
3 *merce;*

4 “(iii) *the Administrator of the Envi-*
5 *ronmental Protection Agency; or*

6 “(iv) *the Secretary of Agriculture.*

7 “(C) *FUNDING.—The implementation of a*
8 *small project delegated to the head of a Federal*
9 *department or agency under this paragraph may*
10 *be carried out using—*

11 “(i) *funds appropriated to the depart-*
12 *ment or agency under section 109(a)(1); or*

13 “(ii) *any other funds available to the*
14 *department or agency.*

15 “(D) *AGREEMENTS.—The Federal depart-*
16 *ment or agency to which implementation of a*
17 *small project is delegated shall enter into an*
18 *agreement with the non-Federal interest gen-*
19 *erally in conformance with the criteria in sub-*
20 *sections (d) and (e). Cooperative agreements may*
21 *be used for any delegated project.”.*

22 “(d) *ESTABLISHMENT OF ESTUARY HABITAT RESTORA-*
23 *TION COUNCIL.—Section 105(b) of the Estuary Restoration*
24 *Act of 2000 (33 U.S.C. 2904(b)) is amended—*

1 (1) *in paragraph (4), by striking “and” after the*
2 *semicolon;*

3 (2) *in paragraph (5), by striking the period at*
4 *the end and inserting a semicolon; and*

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

6 “*(6) cooperating in the implementation of the*
7 *strategy developed under section 106;*

8 “*(7) recommending standards for monitoring for*
9 *restoration projects and contribution of project infor-*
10 *mation to the database developed under section 107;*
11 *and*

12 “*(8) otherwise using the respective agency au-*
13 *thorities of the Council members to carry out this*
14 *title.”.*

15 (e) *MONITORING OF ESTUARY HABITAT RESTORATION*
16 *PROJECTS.—Section 107(d) of the Estuary Restoration Act*
17 *of 2000 (33 U.S.C. 2906(d)) is amended by striking “com-*
18 *pile” and inserting “have general data compilation, coordi-*
19 *nation, and analysis responsibilities to carry out this title*
20 *and in support of the strategy developed under this section,*
21 *including compilation of”.*

22 (f) *REPORTING.—Section 108(a) of the Estuary Res-*
23 *toration Act of 2000 (33 U.S.C. 2907(a)) is amended by*
24 *striking “third and fifth” and inserting “sixth, eighth, and*
25 *tenth”.*

1 (g) *FUNDING.*—Section 109(a) of the *Estuary Restora-*
2 *tion Act of 2000 (33 U.S.C. 2908(a)) is amended—*

3 (1) *in paragraph (1)—*

4 (A) *in the matter preceding subparagraph*
5 *(A), by striking “to the Secretary”; and*

6 (B) *by striking subparagraphs (A) through*
7 *(D) and inserting the following:*

8 “(A) *to the Secretary, \$25,000,000 for each*
9 *of fiscal years 2007 through 2011;*

10 “(B) *to the Secretary of the Interior (acting*
11 *through the Director of the United States Fish*
12 *and Wildlife Service), \$2,500,000 for each of fis-*
13 *cal years 2007 through 2011;*

14 “(C) *to the Under Secretary for Oceans and*
15 *Atmosphere of the Department of Commerce,*
16 *\$2,500,000 for each of fiscal years 2007 through*
17 *2011;*

18 “(D) *to the Administrator of the Environ-*
19 *mental Protection Agency, \$2,500,000 for each of*
20 *fiscal years 2007 through 2011; and*

21 “(E) *to the Secretary of Agriculture,*
22 *\$2,500,000 for each of fiscal years 2007 through*
23 *2011.”; and*

24 (2) *in the first sentence of paragraph (2)—*

1 (A) by inserting “and other information
2 compiled under section 107” after “this title”;
3 and

4 (B) by striking “2005” and inserting
5 “2011”.

6 (h) *GENERAL PROVISIONS.*—Section 110 of the Estu-
7 ary Restoration Act of 2000 (33 U.S.C. 2909) is amended—

8 (1) in subsection (b)(1)—

9 (A) by inserting “or contracts” after “agree-
10 ments”; and

11 (B) by inserting “, nongovernmental orga-
12 nizations,” after “agencies”; and

13 (2) by striking subsections (d) and (e).

14 **SEC. 5003. ENVIRONMENTAL INFRASTRUCTURE.**

15 Section 219 of the Water Resources Development Act
16 of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334;
17 113 Stat. 1494; 114 Stat. 2763A–219) is amended—

18 (1) in subsection (c)(5), by striking “a project
19 for the elimination or control of combined sewer over-
20 flows” and inserting “projects for the design, installa-
21 tion, enhancement or repair of sewer systems”;

22 (2) in subsection (e)(1), by striking
23 “\$20,000,000” and inserting “\$32,500,000”; and

24 (3) in subsection (f)—

1 (A) *in paragraph (30), by striking*
2 “\$55,000,000” *and inserting “\$75,000,000”;* *and*

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

4 “(77) *CHATTOOGA COUNTY, GEORGIA.—*
5 *\$8,000,000 for waste and drinking water infrastruc-*
6 *ture improvement, Chattooga County, Georgia.*

7 “(78) *ALBANY, GEORGIA.—\$4,000,000 storm*
8 *drainage system, Albany, Georgia.*

9 “(79) *MOULTRIE, GEORGIA.—\$5,000,000 for*
10 *water supply infrastructure, Moultrie, Georgia.*

11 “(80) *STEPHENS COUNTY/CITY OF TOCCOA,*
12 *GEORGIA.—\$8,000,000 water infrastructure improve-*
13 *ments, Stephens County/City of Toccoa, Georgia.*

14 “(81) *DAHLONEGA, GEORGIA.—\$5,000,000 for*
15 *water infrastructure improvements, Dahlonega, Geor-*
16 *gia.*

17 “(82) *BANKS COUNTY, GEORGIA.—\$5,000,000 for*
18 *water infrastructure improvements, Banks County,*
19 *Georgia.*

20 “(83) *BERRIEN COUNTY, GEORGIA.—\$5,000,000*
21 *for water infrastructure improvements, Berrien Coun-*
22 *ty, Georgia.*

23 “(84) *CITY OF EAST POINT, GEORGIA.—*
24 *\$5,000,000 for water infrastructure improvements,*
25 *City of East Point, Georgia.*

1 “(85) *ARMUCHEE VALLEY: CHATTOOGA, FLOYD,*
2 *GORDON, WALKER, AND WHITIFIELD COUNTIES, GEOR-*
3 *GIA.—\$10,000,000 for water infrastructure improve-*
4 *ments, Armuchee Valley: Chattooga, Floyd, Gordon,*
5 *Walker, and Whitifield Counties, Georgia.*

6 “(86) *ATCHISON, KANSAS.—\$20,000,000 for com-*
7 *bined sewer overflows, Atchison, Kansas.*

8 “(87) *LAFOURCHE PARISH, LOUISIANA.—*
9 *\$2,300,000 for measures to prevent the intrusion of*
10 *saltwater into the freshwater system, Lafourche Par-*
11 *ish, Louisiana.*

12 “(88) *SOUTH CENTRAL PLANNING AND DEVELOP-*
13 *MENT COMMISSION, LOUISIANA.—\$2,500,000 for water*
14 *and wastewater improvements, South Central Plan-*
15 *ning and Development Commission, Louisiana.*

16 “(89) *RAPIDES AREA PLANNING COMMISSION,*
17 *LOUISIANA.—\$1,000,000 for water and wastewater*
18 *improvements, Rapides, Louisiana.*

19 “(90) *NORTHWEST LOUISIANA COUNCIL OF GOV-*
20 *ERNMENTS, LOUISIANA.—\$2,000,000 for water and*
21 *wastewater improvements, Northwest Louisiana*
22 *Council of Governments, Louisiana.*

23 “(91) *LAFAYETTE, LOUISIANA.—\$1,200,000 for*
24 *water and wastewater improvements, Lafayette, Lou-*
25 *isiana.*

1 “(92) LAKE CHARLES, LOUISIANA.—\$1,000,000
2 *for water and wastewater improvements, Lake*
3 *Charles, Louisiana.*

4 “(93) OUACHITA PARISH, LOUISIANA.—
5 \$1,000,000 *water and wastewater improvements,*
6 *Ouachita Parish, Louisiana.*

7 “(94) UNION-LINCOLN REGIONAL WATER SUPPLY
8 PROJECT, LOUISIANA.—\$2,000,000 *for the Union-Lin-*
9 *coln Regional Water Supply project, Louisiana.*

10 “(95) CENTRAL LAKE REGION SANITARY DIS-
11 TRICT, MINNESOTA.—\$2,000,000 *for sanitary sewer*
12 *and wastewater infrastructure for the Central Lake*
13 *Region Sanitary District, Minnesota to serve Le*
14 *Grande and Moe Townships, Minnesota.*

15 “(96) GOODVIEW, MINNESOTA.—\$3,000,000 *for*
16 *water quality infrastructure, Goodview, Minnesota.*

17 “(97) GRAND RAPIDS, MINNESOTA.—\$5,000,000
18 *for wastewater infrastructure, Grand Rapids, Min-*
19 *nesota.*

20 “(98) WILLMAR, MINNESOTA.—\$15,000,000 *for*
21 *wastewater infrastructure, Willmar, Minnesota.*

22 “(99) CITY OF CORINTH, MISSISSIPPI.—
23 \$7,500,000 *for a surface water program, Corinth,*
24 *Mississippi.*

1 “(100) *CLEAN WATER COALITION, NEVADA.—*
2 *\$20,000,000 for the Systems Conveyance and Oper-*
3 *ations Program, Clark County, Henderson, Las*
4 *Vegas, and North Las Vegas, Nevada.*

5 “(101) *TOWN OF MOORESVILLE, NORTH CARO-*
6 *LINA.—\$4,000,000 for water and wastewater infra-*
7 *structure improvements, Mooresville, North Carolina.*

8 “(102) *CITY OF WINSTON-SALEM, NORTH CARO-*
9 *LINA.—\$3,000,000 for storm water upgrades, Win-*
10 *ston-Salem, North Carolina.*

11 “(103) *NEUSE REGIONAL WATER AND SEWER AU-*
12 *THORITY, NORTH CAROLINA.—\$4,000,000 for the*
13 *Neuse regional drinking water facility, Neuse, North*
14 *Carolina.*

15 “(104) *TOWN OF CARY/WAKE COUNTY, NORTH*
16 *CAROLINA.—\$4,000,000 for a water reclamation facil-*
17 *ity, Cary, North Carolina.*

18 “(105) *CITY OF FAYETTEVILLE, NORTH CARO-*
19 *LINA.—\$6,000,000 for water and sewer upgrades,*
20 *Fayetteville, North Carolina.*

21 “(106) *WASHINGTON COUNTY, NORTH CARO-*
22 *LINA.—\$1,000,000 for water and wastewater infra-*
23 *structure, Washington County, North Carolina.*

1 “(107) CITY OF CHARLOTTE, NORTH CARO-
2 LINA.—\$3,000,000 for the Briar Creek Relief Sewer
3 project, Charlotte, North Carolina.

4 “(108) CITY OF ADA, OKLAHOMA.—\$1,700,000
5 for sewer improvements and other water infrastruc-
6 ture, City Of Ada, Oklahoma.

7 “(109) NORMAN, OKLAHOMA.—\$10,000,000 for
8 carrying out the Waste Water Master Plan and water
9 related infrastructure, Norman, Oklahoma.

10 “(110) EASTERN OKLAHOMA STATE UNIVERSITY,
11 WILBERTON, OKLAHOMA.—\$1,000,000 for sewer and
12 utility upgrades and water related infrastructure,
13 Eastern Oklahoma State University, Wilberton, Okla-
14 homa.

15 “(111) CITY OF WEATHERFORD, OKLAHOMA.—
16 \$500,000 for arsenic program and water related in-
17 frastructure, City of Weatherford, Oklahoma.

18 “(112) CITY OF BETHANY, OKLAHOMA.—
19 \$1,500,000 for water improvements and water related
20 infrastructure, City of Bethany, Oklahoma.

21 “(113) WOODWARD, OKLAHOMA.—\$1,500,000 for
22 water improvements and water related infrastructure,
23 Woodward, Oklahoma.

24 “(114) CITY OF DISNEY AND LANGLEY, OKLA-
25 HOMA.—\$2,500,000 for water and sewer improve-

1 *ments and water related infrastructure, City of Dis-*
2 *ney and Langley, Oklahoma.*

3 “(115) CITY OF DURANT, OKLAHOMA.—
4 \$3,300,000 for bayou restoration and water related
5 infrastructure, City of Durant, Oklahoma.

6 “(116) CITY OF MIDWEST CITY, OKLAHOMA.—
7 \$2,000,000 for improvements to water related infra-
8 structure, City of Midwest City, Oklahoma.

9 “(117) CITY OF ARDMORE, OKLAHOMA.—
10 \$1,900,000 for water and sewer infrastructure im-
11 provements, City of Ardmore, Oklahoma.

12 “(118) CITY OF GUYMON, OKLAHOMA.—
13 \$16,000,000 for water related waste water treatment
14 related infrastructure projects.

15 “(119) LUGERT-ALTUS IRRIGATION DISTRICT,
16 ALTUS, OKLAHOMA.—\$5,000,000 for water related in-
17 frastructure improvement project.

18 “(120) CITY OF CHICKASHA, OKLAHOMA.—
19 \$650,000 for industrial park sewer infrastructure
20 project.

21 “(121) OKLAHOMA PANHANDLE STATE UNIVER-
22 SITY, GUYMON, OKLAHOMA.—\$275,000 for water test-
23 ing facility and water related infrastructure develop-
24 ment.

1 “(122) *CITY OF BARTLESVILLE, OKLAHOMA.—*
2 *\$2,500,000 for waterline transport infrastructure*
3 *project.*

4 “(123) *CITY OF KONAWA, OKLAHOMA.—\$500,000*
5 *for water treatment infrastructure improvements.*

6 “(124) *CITY OF MUSTANG, OKLAHOMA.—*
7 *\$3,325,000 for water improvements and water related*
8 *infrastructure.*

9 “(125) *CITY OF ALVA, OKLAHOMA.—\$250,000 for*
10 *waste water improvement infrastructure.*

11 “(126) *VINTON COUNTY, OHIO.—\$1,000,000 to*
12 *construct water lines in Vinton and Brown Town-*
13 *ships, Ohio.*

14 “(127) *BURR OAK REGIONAL WATER DISTRICT,*
15 *OHIO.—\$4,000,000 for construction of a water line to*
16 *extend from a well field near Chauncey, Ohio, to a*
17 *water treatment plant near Millfield, Ohio.*

18 “(128) *FREMONT, OHIO.—\$2,000,000 for con-*
19 *struction of off-stream water supply reservoir, Fre-*
20 *mont, Ohio.*

21 “(129) *FOSTORIA, OHIO.—\$2,000,000 for waste-*
22 *water infrastructure, Fostoria, Ohio.*

23 “(130) *DEFIANCE COUNTY, OHIO.—\$1,000,000*
24 *for wastewater infrastructure, Defiance County, Ohio.*

1 “(131) AKRON, OHIO.—\$5,000,000 for waste-
2 water infrastructure, Akron, Ohio

3 “(132) MEIGS COUNTY, OHIO.—\$1,000,000 to ex-
4 tend the Tupper Plains Regional Water District
5 water line to Lebanon Township, Ohio.

6 “(133) CITY OF CLEVELAND, OHIO.—\$2,500,000
7 for Flats East Bank water and wastewater infrastruc-
8 ture, Cleveland, Ohio.

9 “(134) CINCINNATI, OHIO.—\$1,000,000 for
10 wastewater infrastructure, Cincinnati, Ohio.

11 “(135) DAYTON, OHIO.—\$1,000,000 for water
12 and wastewater infrastructure, Dayton, Ohio.

13 “(136) LAWRENCE COUNTY, OHIO.—\$5,000,000
14 for Union Rome wastewater infrastructure, Lawrence
15 County, Ohio.

16 “(137) CITY OF COLUMBUS, OHIO.—\$4,500,000
17 for wastewater infrastructure, Columbus, Ohio.

18 “(138) BEAVER CREEK RESERVOIR, PENNSYLV-
19 VANIA.—\$3,000,000 for projects for water supply and
20 related activities, Beaver Creek Reservoir, Clarion
21 County, Beaver and Salem Townships, Pennsylvania.

22 “(139) MYRTLE BEACH, SOUTH CAROLINA.—
23 \$10,000,000 for environmental infrastructure, includ-
24 ing ocean outfalls, Myrtle Beach, South Carolina.

1 “(140) CHARLESTON AND WEST ASHLEY, SOUTH
2 CAROLINA.—\$6,000,000 for wastewater tunnel re-
3 placement, Charleston and West Ashley, South Caro-
4 lina.

5 “(141) CHARLESTON, SOUTH CAROLINA.—
6 \$3,000,000 for stormwater control measures and
7 storm sewer improvements, Spring Street/Fishburne
8 Street drainage project, Charleston, South Carolina.

9 “(142) NORTH MYRTLE BEACH, SOUTH CARO-
10 LINA.—\$3,000,000 for environmental infrastructure,
11 including ocean outfalls, North Myrtle Beach, South
12 Carolina.

13 “(143) SURFSIDE, SOUTH CAROLINA.—
14 \$3,000,000 for environmental infrastructure, includ-
15 ing stormwater system improvements and ocean out-
16 falls, Surfside, South Carolina.

17 “(144) CHEYENNE RIVER SIOUX RESERVATION
18 (DEWEY AND ZIEBACH COUNTIES) AND PERKINS AND
19 MEADE COUNTIES, SOUTH DAKOTA.—\$40,000,000 for
20 water related infrastructure, Cheyenne River Sioux
21 Reservation (Dewey and Ziebach counties) and Per-
22 kins and Meade Counties, South Dakota.

23 “(145) CITY OF OAK RIDGE, TENNESSEE.—
24 \$4,000,000 for water supply and wastewater infra-
25 structure, City of Oak Ridge, Tennessee.

1 “(146) *NASHVILLE, TENNESSEE.—\$5,000,000 for*
2 *water supply and wastewater infrastructure, Nash-*
3 *ville, Tennessee.*

4 “(147) *COUNTIES OF LEWIS, LAWRENCE, AND*
5 *WAYNE, TENNESSEE.—\$2,000,000 for water supply*
6 *and wastewater infrastructure projects in the Coun-*
7 *ties of Lewis, Lawrence and Wayne, Tennessee.*

8 “(148) *COUNTY OF GILES, TENNESSEE.—*
9 *\$2,000,000 for water supply and wastewater infra-*
10 *structure projects in the County of Giles, Tennessee.*

11 “(149) *CITY OF KNOXVILLE, TENNESSEE.—*
12 *\$5,000,000 for water supply and wastewater infra-*
13 *structure projects in the City of Knoxville, Tennessee.*

14 “(150) *SHELBY COUNTY, TENNESSEE.—*
15 *\$4,000,000 for water-related environmental infra-*
16 *structure projects in County of Shelby, Tennessee.*

17 “(151) *JOHNSON COUNTY, TENNESSEE.—*
18 *\$600,000 for water supply and wastewater infrastruc-*
19 *ture projects in Johnson County, Tennessee.*

20 “(152) *PLATEAU UTILITY DISTRICT, MORGAN*
21 *COUNTY, TENNESSEE.—\$1,000,000 for water supply*
22 *and wastewater infrastructure projects in Morgan*
23 *County, Tennessee.*

1 “(153) *CITY OF HARROGATE, TENNESSEE.—*
2 *\$2,000,000 for water supply and wastewater infra-*
3 *structure projects in City of Harrogate, Tennessee.*

4 “(154) *HAMILTON COUNTY, TENNESSEE.—*
5 *\$500,000 for water supply and wastewater infrastruc-*
6 *ture projects in Hamilton County, Tennessee.*

7 “(155) *GRAINGER COUNTY, TENNESSEE.—*
8 *\$1,250,000 for water supply and wastewater infra-*
9 *structure projects in Grainger County, Tennessee.*

10 “(156) *CLAIBORNE COUNTY, TENNESSEE.—*
11 *\$1,250,000 for water supply and wastewater infra-*
12 *structure projects in Claiborne County, Tennessee.*

13 “(157) *BLAINE, TENNESSEE.—\$500,000 for*
14 *water supply and wastewater infrastructure projects*
15 *in Blaine, Tennessee.*

16 “(158) *CHESAPEAKE BAY.—\$30,000,000 for envi-*
17 *ronmental infrastructure projects to benefit the Ches-*
18 *apeake Bay, including the nutrient removal project at*
19 *the Blue Plains Wastewater Treatment facility in*
20 *Washington, DC.*

21 “(159) *ARKANSAS VALLEY CONDUIT, COLO-*
22 *RADO.—\$10,000,000 for the Arkansas Valley Conduit,*
23 *Colorado.*

1 “(160) *BOULDER COUNTY, COLORADO.—*
2 *\$10,000,000 for water supply infrastructure, Boulder*
3 *County, Colorado.*

4 “(161) *PLAINVILLE, CONNECTICUT.—\$6,280,000*
5 *for wastewater treatment, Plainville, Connecticut.*

6 “(162) *SOUTHINGTON, CONNECTICUT.—*
7 *\$9,420,000 for water supply infrastructure, South-*
8 *ington, Connecticut.*

9 “(163) *NORWALK, CONNECTICUT.—\$3,000,000 for*
10 *the Keeler Brook Storm Water Improvement Project,*
11 *Norwalk, Connecticut.*

12 “(164) *ENFIELD, CONNECTICUT.—\$1,000,000 for*
13 *infiltration and inflow correction, Enfield, Con-*
14 *necticut.*

15 “(165) *NEW HAVEN, CONNECTICUT.—\$300,000*
16 *for storm water system improvements, New Haven,*
17 *Connecticut.*

18 “(166) *MIAMI-DADE COUNTY, FLORIDA.—*
19 *\$6,250,000 for water reuse supply and a water trans-*
20 *mission pipeline, Miami-Dade County, Florida.*

21 “(167) *HILLSBOROUGH COUNTY, FLORIDA.—*
22 *\$6,250,000 for water infrastructure and supply en-*
23 *hancement, Hillsborough County, Florida.*

1 “(168) *PALM BEACH COUNTY, FLORIDA.—*
2 *\$7,500,000 for water infrastructure, Palm Beach*
3 *County, Florida.*

4 “(169) *CHESAPEAKE BAY REGION, MARYLAND*
5 *AND VIRGINIA.—\$40,000,000 for water pollution con-*
6 *trol projects, Chesapeake Bay Region, Maryland and*
7 *Virginia.*

8 “(170) *MICHIGAN COMBINED SEWER OVER-*
9 *FLOWS.—\$35,000,000 for correction of combined sewer*
10 *overflows, Michigan.*

11 “(171) *MIDDLETOWN TOWNSHIP, NEW JERSEY.—*
12 *\$1,100,000 for storm sewer improvements, Middle-*
13 *town Township, New Jersey.*

14 “(172) *RAHWAY VALLEY, NEW JERSEY.—*
15 *\$25,000,000 for sanitary sewer and storm sewer im-*
16 *provements in the service area of the Rahway Valley*
17 *Sewerage Authority, New Jersey.*

18 “(173) *CRANFORD TOWNSHIP, NEW JERSEY.—*
19 *\$6,000,000 for storm sewer improvements in Cranford*
20 *Township, New Jersey.*

21 “(174) *YATES COUNTY, NEW YORK.—\$5,000,000*
22 *for drinking water infrastructure, Yates County, New*
23 *York.*

1 “(175) *VILLAGE OF PATCHOGUE, NEW YORK.*—
2 \$5,000,000 for wastewater infrastructure, Village of
3 *Patchogue, New York.*

4 “(176) *ELMIRA, NEW YORK.*—\$5,000,000 for
5 wastewater infrastructure, *Elmira, New York.*

6 “(177) *ESSEX HAMLET, NEW YORK.*—\$5,000,000
7 for wastewater infrastructure, *Essex Hamlet, New*
8 *York.*

9 “(178) *NIAGARA FALLS, NEW YORK.*—\$5,000,000
10 for wastewater infrastructure, *Niagara Falls, New*
11 *York.*

12 “(179) *VILLAGE OF BABYLON, NEW YORK.*—
13 \$5,000,000 for wastewater infrastructure, *Village of*
14 *Babylon, New York.*

15 “(180) *FLEMING, NEW YORK.*—\$5,000,000 for
16 drinking water infrastructure, *Fleming, New York.*

17 “(181) *VILLAGE OF KYRIAS-JOEL, NEW YORK.*—
18 \$5,000,000 for drinking water infrastructure, *Village*
19 of *Kyrias-Joel, New York.*

20 “(182) *DEVILS LAKE, NORTH DAKOTA.*—
21 \$15,000,000 for water supply infrastructure, *Devils*
22 *Lake, North Dakota.*

23 “(183) *NORTH DAKOTA.*—\$15,000,000 for water-
24 related infrastructure, *North Dakota.*

1 “(184) *CLARK COUNTY, NEVADA.—\$50,000,000*
2 *for wastewater infrastructure, Clark County, Nevada.*

3 “(185) *WASHOE COUNTY, NEVADA.—\$14,000,000*
4 *for construction of water infrastructure improvements*
5 *to the Huffaker Hills Reservoir Conservation Project,*
6 *Washoe County, Nevada.*

7 “(186) *GLENDALE DAM DIVERSION STRUCTURE,*
8 *NEVADA.—\$10,000,000 for water system improve-*
9 *ments to the Glendale Dam Diversion Structure for*
10 *the Truckee Meadows Water Authority, Nevada.*

11 “(187) *RENO, NEVADA.—\$13,000,000 for con-*
12 *struction of a water conservation project for the High-*
13 *land Canal, Mogul Bypass in Reno, Nevada.*

14 “(188) *LOS ANGELES COUNTY, CALIFORNIA.—*
15 *\$12,000,000 for the planning, design and construction*
16 *of water-related environmental infrastructure for*
17 *Santa Monica Bay and the coastal zone of Los Ange-*
18 *les County, California.*

19 “(189) *MONTEBELLO, CALIFORNIA.—\$4,000,000*
20 *for water infrastructure improvements in south*
21 *Montebello, California.*

22 “(190) *LA MIRADA, CALIFORNIA.—\$4,000,000 for*
23 *the planning, design, and construction of a*
24 *stormwater program in La Mirada, California.*

1 “(191) *EAST PALO ALTO, CALIFORNIA.*—
2 \$4,000,000 for a new pump station and stormwater
3 management and drainage system, East Palo Alto,
4 California.

5 “(192) *PORT OF STOCKTON, STOCKTON, CALI-*
6 *FORNIA.*—\$3,000,000 for water and wastewater infra-
7 structure projects for Rough and Ready Island and
8 vicinity, Stockton, California.

9 “(193) *PERRIS, CALIFORNIA.*—\$3,000,000 project
10 for recycled water transmission infrastructure, East-
11 ern Municipal Water District, Perris, California.

12 “(194) *AMADOR COUNTY, CALIFORNIA.*—
13 \$3,000,000 for wastewater collection and treatment,
14 Amador County, California.

15 “(195) *CALAVERAS COUNTY, CALIFORNIA.*—
16 \$3,000,000 for water supply and wastewater improve-
17 ment projects in Calaveras County, California, in-
18 cluding wastewater reclamation, recycling, and con-
19 junctive use projects.

20 “(196) *SANTA MONICA, CALIFORNIA.*—\$3,000,000
21 for improving water system reliability, Santa
22 Monica, California.

23 “(197) *MALIBU, CALIFORNIA.*—\$3,000,000 for
24 municipal waste water and recycled water, Malibu

1 *Creek Watershed Protection Project, Malibu, Cali-*
2 *fornia.*

3 “(198) *EASTERN UNITED STATES*.—\$29,450,000
4 *for water supply and wastewater infrastructure in the*
5 *Eastern United States.*

6 “(199) *WESTERN UNITED STATES*.—\$29,450,000
7 *for water supply and wastewater infrastructure in the*
8 *Western United States.”.*

9 **SEC. 5004. ALASKA.**

10 *Section 570(h) of the Water Resources Development*
11 *Act of 1999 (113 Stat. 369) is amended by striking*
12 *“25,000,000” and inserting “40,000,000”.*

13 **SEC. 5005. CALIFORNIA.**

14 (a) *ESTABLISHMENT OF PROGRAM*.—*The Secretary*
15 *may establish a program to provide environmental assist-*
16 *ance to non-Federal interests in California.*

17 (b) *FORM OF ASSISTANCE*.—*Assistance under this sec-*
18 *tion may be in the form of design and construction assist-*
19 *ance for water-related environmental infrastructure and re-*
20 *source protection and development projects in California,*
21 *including projects for wastewater treatment and related fa-*
22 *cilities, water supply and related facilities, environmental*
23 *restoration, and surface water resource protection and de-*
24 *velopment.*

1 (c) *OWNERSHIP REQUIREMENT.*—*The Secretary may*
2 *provide assistance for a project under this section only if*
3 *the project is publicly owned.*

4 (d) *PARTNERSHIP AGREEMENTS.*—

5 (1) *IN GENERAL.*—*Before providing assistance*
6 *under this section, the Secretary shall enter into a*
7 *partnership agreement with a non-Federal interest to*
8 *provide for design and construction of the project to*
9 *be carried out with the assistance.*

10 (2) *REQUIREMENTS.*—*Each partnership agree-*
11 *ment entered into under this subsection shall provide*
12 *for the following:*

13 (A) *PLAN.*—*Development by the Secretary,*
14 *in consultation with appropriate Federal and*
15 *State officials, of a facilities or resource protec-*
16 *tion and development plan, including appro-*
17 *priate engineering plans and specifications.*

18 (B) *LEGAL AND INSTITUTIONAL STRUC-*
19 *TURES.*—*Establishment of such legal and insti-*
20 *tutional structures as are necessary to ensure the*
21 *effective long-term operation of the project by the*
22 *non-Federal interest.*

23 (3) *COST SHARING.*—

24 (A) *IN GENERAL.*—*The Federal share of the*
25 *cost of the project under this section—*

1 (i) shall be 75 percent; and

2 (ii) may be provided in the form of
3 grants or reimbursements of project costs.

4 (B) CREDIT FOR DESIGN WORK.—The non-
5 Federal interest shall receive credit for the rea-
6 sonable costs of design work on a project com-
7 pleted by the non-Federal interest before entering
8 into a local cooperation agreement with the Sec-
9 retary for a project.

10 (C) CREDIT FOR INTEREST.—In case of a
11 delay in the funding of the non-Federal share of
12 the costs of a project that is the subject of an
13 agreement under this section, the non-Federal in-
14 terest shall receive credit for reasonable interest
15 incurred in providing the non-Federal share of
16 the project costs.

17 (D) CREDIT FOR LAND, EASEMENTS, AND
18 RIGHTS-OF-WAY.—The non-Federal interest shall
19 receive credit for land, easements, rights-of-way,
20 and relocations toward the non-Federal share of
21 project costs (including all reasonable costs asso-
22 ciated with obtaining permits necessary for the
23 construction, operation, and maintenance of the
24 project on publicly-owned or -controlled land),

1 *but the credit may not exceed 25 percent of total*
2 *project costs.*

3 (E) *OPERATION AND MAINTENANCE.—The*
4 *non-Federal share of operation and maintenance*
5 *costs for projects constructed with assistance pro-*
6 *vided under this section shall be 100 percent.*

7 (e) *APPLICABILITY OF OTHER FEDERAL AND STATE*
8 *LAWS.—Nothing in this section waives, limits, or otherwise*
9 *affects the applicability of any provision of Federal or State*
10 *law that would otherwise apply to a project to be carried*
11 *out with assistance provided under this section.*

12 (f) *NONPROFIT ENTITY.—Notwithstanding section 221*
13 *of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for*
14 *any project carried out under this section, a non-Federal*
15 *interest may include a nonprofit entity.*

16 (g) *EXPENSES OF CORPS OF ENGINEERS.—Not more*
17 *than 10 percent of amounts made available to carry out*
18 *this section may be used by the Corps of Engineers district*
19 *offices to administer projects under this section at Federal*
20 *expense.*

21 (h) *AUTHORIZATION OF APPROPRIATIONS.—There is*
22 *authorized to be appropriated to carry out this section*
23 *\$5,000,000.*

1 **SEC. 5006. CONVEYANCE OF OAKLAND INNER HARBOR**
2 **TIDAL CANAL PROPERTY.**

3 *Section 205 of the Water Resources Development Act*
4 *of 1990 (104 Stat. 4633; 110 Stat. 3748) is amended to*
5 *read as follows:*

6 **“SEC. 205. CONVEYANCE OF OAKLAND INNER HARBOR**
7 **TIDAL CANAL PROPERTY.**

8 *“(a) IN GENERAL.—The Secretary may convey, with-*
9 *out consideration, by separate quitclaim deeds, as soon as*
10 *the conveyance of each individual portion is practicable, the*
11 *title of the United States in and to all or portions of the*
12 *approximately 86 acres of upland, tideland, and submerged*
13 *land, commonly referred to as the ‘Oakland Inner Harbor*
14 *Tidal Canal,’ California (referred to in this section as the*
15 *‘Canal Property’), as follows:*

16 *“(1) To the City of Oakland, the title of the*
17 *United States in and to all or portions of that part*
18 *of the Canal Property that are located within the*
19 *boundaries of the City of Oakland.*

20 *“(2) To the City of Alameda, or to an entity cre-*
21 *ated by or designated by the City of Alameda that is*
22 *eligible to hold title to real property, the title of the*
23 *United States in and to all or portions of that part*
24 *of the Canal Property that are located within the*
25 *boundaries of the City of Alameda.*

1 “(3) *To the adjacent land owners, or to an entity*
2 *created by or designated by 1 or more of the adjacent*
3 *landowners that is eligible to hold title to real prop-*
4 *erty, the title of the United States in and to all or*
5 *portions of that part of the Canal Property that are*
6 *located within the boundaries of the city in which the*
7 *adjacent land owners reside.*

8 “(b) *REQUIREMENTS.—*

9 “(1) *RESERVATIONS.—The Secretary may re-*
10 *serve and retain from any conveyance under this sec-*
11 *tion a right-of-way or other rights as the Secretary*
12 *determines to be necessary for the operation and*
13 *maintenance of the authorized Federal channel in the*
14 *Canal Property.*

15 “(2) *COST.—The conveyances under this section,*
16 *and the processes involved in the conveyances, shall be*
17 *at no cost to the United States, except for administra-*
18 *tive costs.*

19 “(c) *ANNUAL REPORTS.—Until the date on which each*
20 *conveyance described in subsection (a) is complete, the Sec-*
21 *retary shall submit, by not later than 60 days after the end*
22 *of each fiscal year, to the Committee on Environment and*
23 *Public Works of the Senate and Committee on Transpor-*
24 *tation and Infrastructure of the House of Representatives*
25 *an annual report that describes the efforts of the Secretary*

1 *to complete the conveyances during the preceding fiscal*
2 *year.”.*

3 **SEC. 5007. STOCKTON, CALIFORNIA.**

4 (a) *IN GENERAL.*—*Unless the Secretary determines, by*
5 *not later than 30 days after the date of enactment of this*
6 *Act, that the relocation of the project described in subsection*
7 *(b) would be injurious to the public interest, a non-Federal*
8 *interest may reconstruct and relocate that project approxi-*
9 *mately 300 feet in a westerly direction.*

10 (b) *PROJECT DESCRIPTION.*—

11 (1) *IN GENERAL.*—*The project referred to in sub-*
12 *section (a) is the project for flood control, Calaveras*
13 *River and Littlejohn Creek and tributaries, Cali-*
14 *ifornia, authorized by section 10 of the Act of Decem-*
15 *ber 22, 1944 (commonly known as the “Flood Control*
16 *Act of 1944”) (58 Stat. 902).*

17 (2) *SPECIFIC DESCRIPTION.*—*The portion of the*
18 *project to be reconstructed and relocated is that por-*
19 *tion consisting of approximately 5.34 acres of dry*
20 *land levee beginning at a point N. 2203542.3167, E.*
21 *6310930.1385, thence running west about 59.99 feet to*
22 *a point N. 2203544.6562, E. 6310870.1468, thence*
23 *running south about 3,874.99 feet to a point N.*
24 *2199669.8760, E. 6310861.7956, thence running east*
25 *about 60.00 feet to a point N. 2199668.8026, E.*

1 6310921.7900, thence running north about 3,873.73
2 feet to the point of origin.

3 (c) *COST SHARING.*—The non-Federal share of the cost
4 of reconstructing and relocating the project described in
5 subsection (b) shall be 100 percent.

6 **SEC. 5008. RIO GRANDE ENVIRONMENTAL MANAGEMENT**
7 **PROGRAM, COLORADO, NEW MEXICO, AND**
8 **TEXAS.**

9 (a) *SHORT TITLE.*—This section may be cited as the
10 “Rio Grande Environmental Management Act of 2007”.

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

12 (1) *RIO GRANDE COMPACT.*—The term “Rio
13 Grande Compact” means the compact approved by
14 Congress under the Act of May 31, 1939 (53 Stat.
15 785, chapter 155), and ratified by the States.

16 (2) *RIO GRANDE BASIN.*—The term “Rio Grande
17 Basin” means the Rio Grande (including all tribu-
18 taries and their headwaters) located—

19 (A) in the State of Colorado, from the Rio
20 Grande Reservoir, near Creede, Colorado, to the
21 New Mexico State border;

22 (B) in the State of New Mexico, from the
23 Colorado State border downstream to the Texas
24 State border; and

1 (C) *in the State of Texas, from the New*
2 *Mexico State border to the southern terminus of*
3 *the Rio Grande at the Gulf of Mexico.*

4 (3) *STATES.—The term “States” means the*
5 *States of Colorado, New Mexico, and Texas.*

6 (c) *PROGRAM AUTHORITY.—The Secretary shall carry*
7 *out, in the Rio Grande Basin—*

8 (1) *a program for the planning, construction,*
9 *and evaluation of measures for fish and wildlife habi-*
10 *tat rehabilitation and enhancement; and*

11 (2) *implementation of a long-term monitoring,*
12 *computerized data inventory and analysis, applied*
13 *research, and adaptive management program.*

14 (d) *STATE AND LOCAL CONSULTATION AND COOPERA-*
15 *TIVE EFFORT.—For the purpose of ensuring the coordinated*
16 *planning and implementation of the programs described in*
17 *subsection (c), the Secretary shall consult with the States*
18 *and other appropriate entities in the States the rights and*
19 *interests of which might be affected by specific program ac-*
20 *tivities.*

21 (e) *COST SHARING.—*

22 (1) *IN GENERAL.—*

23 (A) *PROJECTS ON FEDERAL LAND.—Each*
24 *project under this section located on Federal*
25 *land shall be carried out at full Federal expense.*

1 (B) *OTHER PROJECTS.*—For each project
2 under subsection (c)(1) located on non-Federal
3 land, the non-Federal share of the cost of the
4 project—

5 (i) shall be 35 percent;

6 (ii) may be provided through in-kind
7 services or direct cash contributions; and

8 (iii) shall include the provision of nec-
9 essary land, easements, relocations, and dis-
10 posal sites.

11 (f) *NONPROFIT ENTITIES.*—Notwithstanding section
12 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-
13 5b), with the consent of the affected local government, a non-
14 profit entity may be included as a non-Federal interest for
15 any project carried out under subsection (c)(1).

16 (g) *EFFECT ON OTHER LAW.*—

17 (1) *WATER LAW.*—Nothing in this section pre-
18 empts any State water law.

19 (2) *COMPACTS AND DECREES.*—In carrying out
20 this section, the Secretary shall comply with the Rio
21 Grande Compact, and any applicable court decrees or
22 Federal and State laws, affecting water or water
23 rights in the Rio Grande Basin.

24 (h) *AUTHORIZATION OF APPROPRIATIONS.*—There is
25 authorized to be appropriated to the Secretary to carry out

1 *this section \$15,000,000 for each of fiscal years 2008*
2 *through 2011.*

3 **SEC. 5009. DELMARVA CONSERVATION CORRIDOR, DELA-**
4 **WARE AND MARYLAND.**

5 (a) *ASSISTANCE.*—*The Secretary may provide tech-*
6 *nical assistance to the Secretary of Agriculture for use in*
7 *carrying out the Conservation Corridor Demonstration Pro-*
8 *gram established under subtitle G of title II of the Farm*
9 *Security and Rural Investment Act of 2002 (16 U.S.C. 3801*
10 *note; 116 Stat. 275).*

11 (b) *COORDINATION AND INTEGRATION.*—*In carrying*
12 *out water resources projects in the States on the Delmarva*
13 *Peninsula, the Secretary shall coordinate and integrate*
14 *those projects, to the maximum extent practicable, with any*
15 *activities carried out to implement a conservation corridor*
16 *plan approved by the Secretary of Agriculture under section*
17 *2602 of the Farm Security and Rural Investment Act of*
18 *2002 (16 U.S.C. 3801 note; 116 Stat. 275).*

19 **SEC. 5010. SUSQUEHANNA, DELAWARE, AND POTOMAC**
20 **RIVER BASINS, DELAWARE, MARYLAND, PENN-**
21 **SYLVANIA, AND VIRGINIA.**

22 (a) *EX OFFICIO MEMBER.*—*Notwithstanding section*
23 *3001(a) of the 1997 Emergency Supplemental Appropria-*
24 *tions Act for Recovery From Natural Disasters, and for*
25 *Overseas Peacekeeping Efforts, Including Those in Bosnia*

1 *(111 Stat. 176) and sections 2.2 of the Susquehanna River*
2 *Basin Compact (Public Law 91–575) and the Delaware*
3 *River Basin Compact (Public Law 87–328), beginning in*
4 *fiscal year 2002, and each fiscal year thereafter, the Divi-*
5 *sion Engineer, North Atlantic Division, Corps of*
6 *Engineers—*

7 *(1) shall be—*

8 *(A) the ex officio United States member*
9 *under the Susquehanna River Basin Compact*
10 *and the Delaware River Basin Compact; and*

11 *(B) 1 of the 3 members appointed by the*
12 *President under the Potomac River Basin Com-*
13 *pact;*

14 *(2) shall serve without additional compensation;*
15 *and*

16 *(3) may designate an alternate member in ac-*
17 *cordance with the terms of those compacts.*

18 *(b) AUTHORIZATION TO ALLOCATE.—The Secretary*
19 *shall allocate funds to the Susquehanna River Basin Com-*
20 *mission, Delaware River Basin Commission, and the Inter-*
21 *state Commission on the Potomac River Basin (Potomac*
22 *River Basin Compact (Public Law 91–407)) to fulfill the*
23 *equitable funding requirements of the respective interstate*
24 *compacts.*

1 (c) *WATER SUPPLY AND CONSERVATION STORAGE,*
2 *DELAWARE RIVER BASIN.*—

3 (1) *IN GENERAL.*—*The Secretary shall enter into*
4 *an agreement with the Delaware River Basin Com-*
5 *mission to provide temporary water supply and con-*
6 *servaion storage at the Francis E. Walter Dam,*
7 *Pennsylvania, for any period during which the Com-*
8 *mission has determined that a drought warning or*
9 *drought emergency exists.*

10 (2) *LIMITATION.*—*The agreement shall provide*
11 *that the cost for water supply and conservaion stor-*
12 *age under paragraph (1) shall not exceed the incre-*
13 *mental operating costs associated with providing the*
14 *storage.*

15 (d) *WATER SUPPLY AND CONSERVATION STORAGE,*
16 *SUSQUEHANNA RIVER BASIN.*—

17 (1) *IN GENERAL.*—*The Secretary shall enter into*
18 *an agreement with the Susquehanna River Basin*
19 *Commission to provide temporary water supply and*
20 *conservation storage at Federal facilities operated by*
21 *the Corps of Engineers in the Susquehanna River*
22 *Basin, during any period in which the Commission*
23 *has determined that a drought warning or drought*
24 *emergency exists.*

1 (2) *LIMITATION.*—*The agreement shall provide*
2 *that the cost for water supply and conservation stor-*
3 *age under paragraph (1) shall not exceed the incre-*
4 *mental operating costs associated with providing the*
5 *storage.*

6 (e) *WATER SUPPLY AND CONSERVATION STORAGE, PO-*
7 *TOMAC RIVER BASIN.*—

8 (1) *IN GENERAL.*—*The Secretary shall enter into*
9 *an agreement with the Interstate Commission on the*
10 *Potomac River Basin to provide temporary water*
11 *supply and conservation storage at Federal facilities*
12 *operated by the Corps of Engineers in the Potomac*
13 *River Basin for any period during which the Com-*
14 *mission has determined that a drought warning or*
15 *drought emergency exists.*

16 (2) *LIMITATION.*—*The agreement shall provide*
17 *that the cost for water supply and conservation stor-*
18 *age under paragraph (1) shall not exceed the incre-*
19 *mental operating costs associated with providing the*
20 *storage.*

21 **SEC. 5011. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND**
22 **MARYLAND.**

23 (a) *COMPREHENSIVE ACTION PLAN.*—*Not later than*
24 *2 years after the date of enactment of this Act, the Sec-*
25 *retary, in coordination with the Mayor of the District of*

1 *Columbia, the Governor of Maryland, the county executives*
2 *of Montgomery County and Prince George's County, Mary-*
3 *land, and other stakeholders, shall develop and make avail-*
4 *able to the public a 10-year comprehensive action plan to*
5 *provide for the restoration and protection of the ecological*
6 *integrity of the Anacostia River and its tributaries.*

7 **(b) PUBLIC AVAILABILITY.**—*On completion of the com-*
8 *prehensive action plan under subsection (a), the Secretary*
9 *shall make the plan available to the public.*

10 **SEC. 5012. BIG CREEK, GEORGIA, WATERSHED MANAGE-**
11 **MENT AND RESTORATION PROGRAM.**

12 **(a) IN GENERAL.**—*The Secretary, acting through the*
13 *Chief of Engineers, is authorized to cooperate with, by pro-*
14 *viding technical, planning, and construction assistance to,*
15 *the city of Roswell, Georgia, as local sponsor and coordi-*
16 *nator with other local governments in the Big Creek water-*
17 *shed, Georgia, to assess the quality and quantity of water*
18 *resources, conduct comprehensive watershed management*
19 *planning, develop and implement water efficiency tech-*
20 *nologies and programs, and plan, design, and construct*
21 *water resource facilities to restore the watershed.*

22 **(b) FEDERAL SHARE.**—*The Federal share of the cost*
23 *of the project under this section—*

24 **(1)** *shall be 65 percent; and*

1 (2) *may be provided in any combination of cash*
2 *and in-kind services.*

3 (c) *AUTHORIZATION OF APPROPRIATIONS.—here is au-*
4 *thorized to be appropriated to the Secretary \$5,000,000 to*
5 *carry out this section.*

6 **SEC. 5013. METROPOLITAN NORTH GEORGIA WATER PLAN-**
7 **NING DISTRICT.**

8 (a) *ESTABLISHMENT OF PROGRAM.—The Secretary*
9 *shall establish a program to provide environmental assist-*
10 *ance to non-Federal interests in the Metropolitan North*
11 *Georgia Water Planning District.*

12 (b) *FORM OF ASSISTANCE.—Assistance under this sec-*
13 *tion may be in the form of design and construction assist-*
14 *ance for water-related environmental infrastructure and re-*
15 *source protection and development projects in north Geor-*
16 *gia, including projects for wastewater treatment and related*
17 *facilities, elimination or control of combined sewer over-*
18 *flows, water supply and related facilities, environmental*
19 *restoration, and surface water resource protection and de-*
20 *velopment.*

21 (c) *PUBLIC OWNERSHIP REQUIREMENT.—The Sec-*
22 *retary may provide assistance for a project under this sec-*
23 *tion only if the project is publicly owned.*

24 (d) *LOCAL COOPERATION AGREEMENT.—*

1 (1) *IN GENERAL.*—*Before providing assistance*
2 *under this section, the Secretary shall enter into a*
3 *local cooperation agreement with a non-Federal inter-*
4 *est to provide for design and construction of the*
5 *project to be carried out with the assistance.*

6 (2) *REQUIREMENTS.*—*Each local cooperation*
7 *agreement entered into under this subsection shall*
8 *provide for the following:*

9 (A) *PLAN.*—*Development by the Secretary,*
10 *in consultation with appropriate Federal and*
11 *State officials, of a facilities or resource protec-*
12 *tion and development plan, including appro-*
13 *priate engineering plans and specifications.*

14 (B) *LEGAL AND INSTITUTIONAL STRUC-*
15 *TURES.*—*Establishment of such legal and insti-*
16 *tutional structures as are necessary to ensure the*
17 *effective long-term operation of the project by the*
18 *non-Federal interest.*

19 (3) *COST SHARING.*—

20 (A) *IN GENERAL.*—*The Federal share of*
21 *project costs under each local cooperation agree-*
22 *ment entered into under this subsection—*

23 (i) *shall be 75 percent; and*

24 (ii) *may be in the form of grants or re-*
25 *imbursements of project costs.*

1 (B) *CREDIT FOR DESIGN WORK.*—*The non-*
2 *Federal interest shall receive credit, not to exceed*
3 *6 percent of the total construction costs of the*
4 *project, for the reasonable costs of design work*
5 *completed by the non-Federal interest before en-*
6 *tering into a local cooperation agreement with*
7 *the Secretary for a project.*

8 (C) *CREDIT FOR INTEREST.*—*In case of a*
9 *delay in the funding of the non-Federal share of*
10 *the costs of a project that is the subject of an*
11 *agreement under this section, the non-Federal in-*
12 *terest shall receive credit for reasonable interest*
13 *incurred in providing the non-Federal share of*
14 *the project costs.*

15 (D) *CREDIT FOR LAND, EASEMENTS, AND*
16 *RIGHTS-OF-WAY.*—*The non-Federal interest shall*
17 *receive credit for land, easements, rights-of-way,*
18 *and relocations toward the non-Federal share of*
19 *project costs (including all reasonable costs asso-*
20 *ciated with obtaining permits necessary for the*
21 *construction, operation, and maintenance of the*
22 *project on publicly-owned or -controlled land),*
23 *but not to exceed 25 percent of total project costs.*

24 (E) *OPERATION AND MAINTENANCE.*—*The*
25 *non-Federal share of operation and maintenance*

1 costs for projects constructed with assistance pro-
2 vided under this section shall be 100 percent.

3 (e) *APPLICABILITY OF OTHER FEDERAL AND STATE*
4 *LAWS.*—Nothing in this section waives, limits, or otherwise
5 affects the applicability of any provision of Federal or State
6 law that would otherwise apply to a project to be carried
7 out with assistance provided under this section.

8 (f) *AUTHORIZATION OF APPROPRIATIONS.*—There is
9 authorized to be appropriated to carry out this section
10 \$20,000,000, to remain available until expended.

11 **SEC. 5014. IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO,**
12 **RURAL UTAH, AND WYOMING.**

13 Section 595 of the Water Resources Development Act
14 of 1999 (113 Stat. 383; 117 Stat. 139; 117 Stat. 142; 117
15 Stat. 1836; 118 Stat. 440) is amended—

16 (1) in the section heading, by striking “**AND**
17 **RURAL UTAH**” and inserting “**RURAL UTAH, AND**
18 **WYOMING**”;

19 (2) in subsections (b) and (c), by striking “and
20 rural Utah” each place it appears and inserting
21 “rural Utah, and Wyoming”; and

22 (3) by amending subsection (h) to read as fol-
23 lows:

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

1 *the period beginning with fiscal year 2001 \$150,000,000 for*
 2 *rural Nevada, and \$25,000,000 for each of Montana and*
 3 *New Mexico, \$55,000,000 for Idaho, \$50,000,000 for rural*
 4 *Utah, and \$30,000,000 for Wyoming, to remain available*
 5 *until expended.”.*

6 **SEC. 5015. CHICAGO SANITARY AND SHIP CANAL DISPERSAL**
 7 **BARRIERS PROJECT, ILLINOIS.**

8 (a) *TREATMENT AS SINGLE PROJECT.—The Chicago*
 9 *Sanitary and Ship Canal Dispersal Barrier Project (Bar-*
 10 *rier I) (as in existence on the date of enactment of this Act),*
 11 *constructed as a demonstration project under section*
 12 *1202(i)(3) of the Nonindigenous Aquatic Nuisance Preven-*
 13 *tion and Control Act of 1990 (16 U.S.C. 4722(i)(3)), and*
 14 *Barrier II, as authorized by section 345 of the District of*
 15 *Columbia Appropriations Act, 2005 (Public Law 108–335;*
 16 *118 Stat. 1352), shall be considered to constitute a single*
 17 *project.*

18 (b) *AUTHORIZATION.—*

19 (1) *IN GENERAL.—The Secretary, acting through*
 20 *the Chief of Engineers, is authorized and directed, at*
 21 *full Federal expense—*

22 (A) *to upgrade and make permanent Bar-*
 23 *rier I;*

1 (B) to construct Barrier II, notwith-
2 standing the project cooperation agreement with
3 the State of Illinois dated June 14, 2005;

4 (C) to operate and maintain Barrier I and
5 Barrier II as a system to optimize effectiveness;

6 (D) to conduct, in consultation with appro-
7 priate Federal, State, local, and nongovern-
8 mental entities, a study of a full range of options
9 and technologies for reducing impacts of hazards
10 that may reduce the efficacy of the Barriers; and

11 (E) to provide to each State a credit in an
12 amount equal to the amount of funds contributed
13 by the State toward Barrier II.

14 (2) *USE OF CREDIT.*—A State may apply a
15 credit received under paragraph (1)(E) to any cost
16 sharing responsibility for an existing or future Fed-
17 eral project with the Corps of Engineers in the State.

18 (c) *FEASIBILITY STUDY.*—The Secretary, in consulta-
19 tion with appropriate Federal, State, local, and nongovern-
20 mental entities, shall conduct a feasibility study, at full
21 Federal expense, of the range of options and technologies
22 available to prevent the spread of aquatic nuisance species
23 between the Great Lakes and Mississippi River Basins and
24 through the Chicago Sanitary and Ship Canal and other
25 aquatic pathways.

1 (d) *CONFORMING AMENDMENTS.*—

2 (1) *NONINDIGENOUS AQUATIC NUISANCE PRE-*
3 *VENTION AND CONTROL.*—*Section 1202(i)(3)(C) of the*
4 *Nonindigenous Aquatic Nuisance Prevention and*
5 *Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is*
6 *amended by striking “, to carry out this paragraph,*
7 *\$750,000” and inserting “such sums as are necessary*
8 *to carry out the dispersal barrier demonstration*
9 *project under this paragraph”.*

10 (2) *BARRIER II AUTHORIZATION.*—*Section 345 of*
11 *the District of Columbia Appropriations Act, 2005*
12 *(Public Law 108–335; 118 Stat. 1352), is amended to*
13 *read as follows:*

14 **“SEC. 345. CHICAGO SANITARY AND SHIP CANAL DISPERSAL**
15 **BARRIER, ILLINOIS.**

16 *“There are authorized to be appropriated such sums*
17 *as are necessary to carry out the Barrier II project of the*
18 *project for the Chicago Sanitary and Ship Canal Dispersal*
19 *Barrier, Illinois, initiated pursuant to section 1135 of the*
20 *Water Resources Development Act of 1986 (33 U.S.C. 2294*
21 *note; 100 Stat. 4251).”.*

1 **SEC. 5016. MISSOURI RIVER AND TRIBUTARIES, MITIGA-**
2 **TION, RECOVERY AND RESTORATION, IOWA,**
3 **KANSAS, MISSOURI, MONTANA, NEBRASKA,**
4 **NORTH DAKOTA, SOUTH DAKOTA, AND WYO-**
5 **MING.**

6 (a) *STUDY.*—

7 (1) *IN GENERAL.*—*The Secretary, in consultation*
8 *with the Missouri River Recovery and Implementa-*
9 *tion Committee established by subsection (b)(1), shall*
10 *conduct a study of the Missouri River and its tribu-*
11 *taries to determine actions required—*

12 (A) *to mitigate losses of aquatic and terres-*
13 *trial habitat;*

14 (B) *to recover federally listed species under*
15 *the Endangered Species Act (16 U.S.C. 1531 et*
16 *seq.); and*

17 (C) *to restore the ecosystem to prevent fur-*
18 *ther declines among other native species.*

19 (2) *FUNDING.*—*The study under paragraph (1)*
20 *shall be funded under the Missouri River Fish and*
21 *Wildlife Mitigation Program.*

22 (b) **MISSOURI RIVER RECOVERY IMPLEMENTATION**
23 **COMMITTEE.**—

24 (1) *ESTABLISHMENT.*—*Not later than June 31,*
25 *2006, the Secretary shall establish a committee to be*
26 *known as the “Missouri River Recovery Implementa-*

1 *tion Committee” (referred to in this section as the*
2 *“Committee”).*

3 (2) *MEMBERSHIP.—The Committee shall include*
4 *representatives from—*

5 (A) *Federal agencies;*

6 (B) *States located near the Missouri River*
7 *Basin; and*

8 (C) *other appropriate entities, as deter-*
9 *mined by the Secretary, including—*

10 (i) *water management and fish and*
11 *wildlife agencies;*

12 (ii) *Indian tribes located near the Mis-*
13 *souri River Basin; and*

14 (iii) *nongovernmental stakeholders.*

15 (3) *DUTIES.—The Commission shall—*

16 (A) *with respect to the study under sub-*
17 *section (a), provide guidance to the Secretary*
18 *and any other affected Federal agency, State*
19 *agency, or Indian tribe;*

20 (B) *provide guidance to the Secretary with*
21 *respect to the Missouri River recovery and miti-*
22 *gation program in existence on the date of enact-*
23 *ment of this Act, including recommendations re-*
24 *lating to—*

1 (i) changes to the implementation
2 strategy from the use of adaptive manage-
3 ment; and

4 (ii) the coordination of the development
5 of consistent policies, strategies, plans, pro-
6 grams, projects, activities, and priorities for
7 the program;

8 (C) exchange information regarding pro-
9 grams, projects, and activities of the agencies
10 and entities represented on the Committee to
11 promote the goals of the Missouri River recovery
12 and mitigation program;

13 (D) establish such working groups as the
14 Committee determines to be necessary to assist in
15 carrying out the duties of the Committee, includ-
16 ing duties relating to public policy and scientific
17 issues;

18 (E) facilitate the resolution of interagency
19 and intergovernmental conflicts between entities
20 represented on the Committee associated with the
21 Missouri River recovery and mitigation pro-
22 gram;

23 (F) coordinate scientific and other research
24 associated with the Missouri River recovery and
25 mitigation program; and

1 (G) *annually prepare a work plan and as-*
2 *sociated budget requests.*

3 (4) *COMPENSATION; TRAVEL EXPENSES.—*

4 (A) *COMPENSATION.—Members of the Com-*
5 *mittee shall not receive compensation from the*
6 *Secretary in carrying out the duties of the Com-*
7 *mittee under this section.*

8 (B) *TRAVEL EXPENSES.—Travel expenses*
9 *incurred by a member of the Committee in car-*
10 *rying out the duties of the Committee under this*
11 *section shall be paid by the agency, Indian tribe,*
12 *or unit of government represented by the mem-*
13 *ber.*

14 (c) *NONAPPLICABILITY OF FACA.—The Federal Advi-*
15 *sory Committee Act (5 U.S.C. App.) shall not apply to the*
16 *Committee.*

17 **SEC. 5017. SOUTHEAST LOUISIANA REGION, LOUISIANA.**

18 (a) *DEFINITION OF SOUTHEAST LOUISIANA RE-*
19 *GION.—In this section, the term “Southeast Louisiana Re-*
20 *gion” means any of the following parishes and municipali-*
21 *ties in the State of Louisiana:*

22 (1) *Orleans.*

23 (2) *Jefferson.*

24 (3) *St. Tammany.*

25 (4) *Tangipahoa.*

1 (5) *St. Bernard.*

2 (6) *St. Charles.*

3 (7) *St. John.*

4 (8) *Plaquemines.*

5 (b) *ESTABLISHMENT OF PROGRAM.—The Secretary*
6 *may establish a program to provide environmental assist-*
7 *ance to non-Federal interests in the Southeast Louisiana*
8 *Region.*

9 (c) *FORM OF ASSISTANCE.—Assistance provided under*
10 *this section may be in the form of design and construction*
11 *assistance for water-related environmental infrastructure*
12 *and resource protection and development projects in the*
13 *Southeast Louisiana Region, including projects for waste-*
14 *water treatment and related facilities, water supply and re-*
15 *lated facilities, environmental restoration, and surface*
16 *water resource protection and development (including*
17 *projects to improve water quality in the Lake Pont-*
18 *chartrain Basin).*

19 (d) *OWNERSHIP REQUIREMENT.—The Secretary may*
20 *provide assistance for a project under this section only if*
21 *the project is publicly owned.*

22 (e) *PARTNERSHIP AGREEMENTS.—*

23 (1) *IN GENERAL.—Before providing assistance*
24 *under this section, the Secretary shall enter into a*
25 *partnership agreement with a non-Federal interest to*

1 *provide for design and construction of the project to*
2 *be carried out with the assistance.*

3 (2) *REQUIREMENTS.—Each partnership agree-*
4 *ment of a project entered into under this subsection*
5 *shall provide for the following:*

6 (A) *PLAN.—Development by the Secretary,*
7 *in consultation with appropriate Federal and*
8 *State officials, of a facilities or resource protec-*
9 *tion and development plan, including appro-*
10 *priate engineering plans and specifications.*

11 (B) *LEGAL AND INSTITUTIONAL STRUC-*
12 *TURES.—Establishment of such legal and insti-*
13 *tutional structures as are necessary to ensure the*
14 *effective long-term operation of the project by the*
15 *non-Federal interest.*

16 (3) *COST SHARING.—The Federal share of the*
17 *cost of the project under this section—*

18 (A) *shall be 75 percent; and*

19 (B) *may be provided in the form of grants*
20 *or reimbursements of project costs.*

21 (C) *CREDIT FOR DESIGN WORK.—The non-*
22 *Federal interest shall receive credit, not to exceed*
23 *6 percent of the total construction costs of the*
24 *project, for the reasonable costs of design work*
25 *completed by the non-Federal interest before en-*

1 *tering into a local cooperation agreement with*
2 *the Secretary for a project.*

3 *(D) CREDIT FOR INTEREST.—In case of a*
4 *delay in the funding of the non-Federal share of*
5 *the costs of a project that is the subject of an*
6 *agreement under this section, the non-Federal in-*
7 *terest shall receive credit for reasonable interest*
8 *incurred in providing the non-Federal share of*
9 *the project costs.*

10 *(E) CREDIT FOR LAND, EASEMENTS, AND*
11 *RIGHTS-OF-WAY.—The non-Federal interest shall*
12 *receive credit for land, easements, rights-of-way,*
13 *and relocations toward the non-Federal share of*
14 *project costs (including all reasonable costs asso-*
15 *ciated with obtaining permits necessary for the*
16 *construction, operation, and maintenance of the*
17 *project on publicly-owned or -controlled land),*
18 *but not to exceed 25 percent of total project costs.*

19 *(F) OPERATION AND MAINTENANCE.—The*
20 *non-Federal share of operation and maintenance*
21 *costs for projects constructed with assistance pro-*
22 *vided under this section shall be 100 percent.*

23 *(f) APPLICABILITY OF OTHER FEDERAL AND STATE*
24 *LAWS.—Nothing in this section waives, limits, or otherwise*
25 *affects the applicability of any provision of Federal or State*

1 *law that would otherwise apply to a project to be carried*
2 *out with assistance provided under this section.*

3 (g) *NONPROFIT ENTITY.*—*Notwithstanding section 221*
4 *of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for*
5 *any project carried out under this section, a non-Federal*
6 *interest may include a nonprofit entity.*

7 (h) *EXPENSES OF CORPS OF ENGINEERS.*—*Not more*
8 *than 10 percent of amounts made available to carry out*
9 *this section may be used by the Corps of Engineers district*
10 *offices to administer projects under this section at Federal*
11 *expense.*

12 (i) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
13 *authorized to be appropriated to carry out this section*
14 *\$17,000,000, to remain available until expended.*

15 **SEC. 5018. MISSISSIPPI.**

16 *Section 592(g) of the Water Resources Development Act*
17 *of 1999 (113 Stat. 380; 117 Stat. 1837) is amended by*
18 *striking “\$100,000,000” and inserting “\$110,000,000”.*

19 **SEC. 5019. ST. MARY PROJECT, BLACKFEET RESERVATION,**
20 **MONTANA.**

21 (a) *IN GENERAL.*—*The Secretary, in consultation with*
22 *the Bureau of Reclamation, shall conduct all necessary*
23 *studies, develop an emergency response plan, provide tech-*
24 *nical and planning and design assistance, and rehabilitate*
25 *and construct the St. Mary Diversion and Conveyance*

1 *Works project located within the exterior boundaries of the*
2 *Blackfeet Reservation in the State of Montana, at a total*
3 *cost of \$140,000,000.*

4 (b) *FEDERAL SHARE.—The Federal share of the total*
5 *cost of the project under this section shall be 75 percent.*

6 (c) *PARTICIPATION BY BLACKFEET TRIBE AND FORT*
7 *BELKNAP INDIAN COMMUNITY.—*

8 (1) *IN GENERAL.—Except as provided in para-*
9 *graph (2), no construction shall be carried out under*
10 *this section until the earlier of—*

11 (A) *the date on which Congress approves the*
12 *reserved water rights settlements of the Blackfeet*
13 *Tribe and the Fort Belknap Indian Community;*
14 *and*

15 (B) *January 1, 2011.*

16 (2) *EXCEPTION.—Paragraph (1) shall not apply*
17 *with respect to construction relating to—*

18 (A) *standard operation and maintenance;*
19 *or*

20 (B) *emergency repairs to ensure water*
21 *transportation or the protection of life and prop-*
22 *erty.*

23 (3) *REQUIREMENT.—The Blackfeet Tribe shall be*
24 *a participant in all phases of the project authorized*
25 *by this section.*

1 **SEC. 5020. LOWER PLATTE RIVER WATERSHED RESTORA-**
2 **TION, NEBRASKA.**

3 (a) *IN GENERAL.*—*The Secretary, acting through the*
4 *Chief of Engineers, may cooperate with and provide assist-*
5 *ance to the Lower Platte River natural resources districts*
6 *in the State of Nebraska to serve as local sponsors with re-*
7 *spect to—*

8 (1) *conducting comprehensive watershed plan-*
9 *ning in the natural resource districts;*

10 (2) *assessing water resources in the natural re-*
11 *source districts; and*

12 (3) *providing project feasibility planning, de-*
13 *sign, and construction assistance for water resource*
14 *and watershed management in the natural resource*
15 *districts, including projects for environmental restora-*
16 *tion and flood damage reduction.*

17 (b) *FUNDING.*—

18 (1) *FEDERAL SHARE.*—*The Federal share of the*
19 *cost of carrying out an activity described in sub-*
20 *section (a) shall be 65 percent.*

21 (2) *NON-FEDERAL SHARE.*—*The non-Federal*
22 *share of the cost of carrying out an activity described*
23 *in subsection (a)—*

24 (A) *shall be 35 percent; and*

25 (B) *may be provided in cash or in-kind.*

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated to the Secretary to carry out*
3 *this section \$12,000,000.*

4 **SEC. 5021. NORTH CAROLINA.**

5 (a) *ESTABLISHMENT OF PROGRAM.*—*The Secretary*
6 *shall establish a program to provide environmental assist-*
7 *ance to non-Federal interests in the State of North Caro-*
8 *lina.*

9 (b) *FORM OF ASSISTANCE.*—*Assistance under this sec-*
10 *tion may be in the form of design and construction assist-*
11 *ance for environmental infrastructure and resource protec-*
12 *tion and development projects in North Carolina, including*
13 *projects for—*

14 (1) *wastewater treatment and related facilities;*

15 (2) *combined sewer overflow, water supply, stor-*
16 *age, treatment, and related facilities;*

17 (3) *drinking water infrastructure including*
18 *treatment and related facilities;*

19 (4) *environmental restoration;*

20 (5) *storm water infrastructure; and*

21 (6) *surface water resource protection and devel-*
22 *opment.*

23 (c) *PUBLIC OWNERSHIP REQUIREMENT.*—*The Sec-*
24 *retary may provide assistance for a project under this sec-*
25 *tion only if the project is publicly owned.*

1 (d) *PROJECT COOPERATION AGREEMENTS.*—

2 (1) *IN GENERAL.*—*Before providing assistance*
3 *under this section, the Secretary shall enter into a*
4 *project cooperation agreement with a non-Federal in-*
5 *terest to provide for design and construction of the*
6 *project to be carried out with the assistance.*

7 (2) *REQUIREMENTS.*—*Each project cooperation*
8 *agreement entered into under this subsection shall*
9 *provide for the following:*

10 (A) *PLAN.*—*Development by the Secretary,*
11 *in consultation with appropriate Federal and*
12 *State officials, of a facilities development plan or*
13 *resource protection plan, including appropriate*
14 *plans and specifications.*

15 (B) *LEGAL AND INSTITUTIONAL STRUC-*
16 *TURES.*—*Establishment of such legal and insti-*
17 *tutional structures as are necessary to ensure the*
18 *effective long-term operation of the project by the*
19 *non-Federal interest.*

20 (3) *COST SHARING.*—

21 (A) *IN GENERAL.*—*The Federal share of the*
22 *cost of the project under this section—*

23 (i) *shall be 75 percent; and*

24 (ii) *may be provided in the form of*
25 *grants or reimbursements of project costs.*

1 (B) *CREDIT FOR DESIGN WORK.*—*The non-*
2 *Federal interest shall receive credit, not to exceed*
3 *6 percent of the total construction costs of the*
4 *project, for the reasonable costs of design work*
5 *completed by the non-Federal interest before en-*
6 *tering into a local cooperation agreement with*
7 *the Secretary for a project.*

8 (C) *CREDIT FOR INTEREST.*—*In case of a*
9 *delay in the funding of the non-Federal share of*
10 *the costs of a project that is the subject of an*
11 *agreement under this section, the non-Federal in-*
12 *terest shall receive credit for reasonable interest*
13 *incurred in providing the non-Federal share of*
14 *the project costs.*

15 (D) *CREDIT FOR LAND, EASEMENTS, AND*
16 *RIGHTS-OF-WAY.*—*The non-Federal interest shall*
17 *receive credit for land, easements, rights-of-way,*
18 *and relocations toward the non-Federal share of*
19 *project costs (including all reasonable costs asso-*
20 *ciated with obtaining permits necessary for the*
21 *construction, operation, and maintenance of the*
22 *project on publicly-owned or -controlled land).*

23 (E) *OPERATION AND MAINTENANCE.*—*The*
24 *non-Federal share of operation and maintenance*

1 *Congress in 1936 pursuant to the first section of the*
2 *Act of June 8, 1936 (33 U.S.C. 567a), and chartered*
3 *in 1948.*

4 *(b) ASSISTANCE.—The Secretary may provide plan-*
5 *ning, design, and construction assistance to the Compact*
6 *for the improvement of the quality of the environment in*
7 *and along the Ohio River Basin.*

8 *(c) PRIORITIES.—In providing assistance under this*
9 *section, the Secretary shall give priority to reducing or*
10 *eliminating the presence of organic pollutants in the Ohio*
11 *River Basin through the renovation and technological im-*
12 *provement of the organic detection system monitoring sta-*
13 *tions along the Ohio River in the States of Indiana, Ohio,*
14 *West Virginia, Kentucky, and Pennsylvania.*

15 *(d) AUTHORIZATION OF APPROPRIATIONS.—There is*
16 *authorized to be appropriated to carry out this section*
17 *\$2,500,000.*

18 **SEC. 5023. STATEWIDE COMPREHENSIVE WATER PLANNING,**

19 **OKLAHOMA.**

20 *(a) IN GENERAL.—The Secretary shall provide tech-*
21 *nical assistance for the development of updates of the Okla-*
22 *homa Comprehensive Water Plan.*

23 *(b) TECHNICAL ASSISTANCE.—Technical assistance*
24 *provided under subsection (a) may include—*

1 (1) *acquisition of hydrologic data, groundwater*
2 *characterization, database development, and data dis-*
3 *tribution;*

4 (2) *expansion of surface water and groundwater*
5 *monitoring networks;*

6 (3) *assessment of existing water resources, sur-*
7 *face water storage, and groundwater storage potential;*

8 (4) *numerical analysis and modeling necessary*
9 *to provide an integrated understanding of water re-*
10 *sources and water management options;*

11 (5) *participation in State planning forums and*
12 *planning groups;*

13 (6) *coordination of Federal water management*
14 *planning efforts; and*

15 (7) *technical review of data, models, planning*
16 *scenarios, and water plans developed by the State.*

17 (c) *ALLOCATION.—The Secretary shall allocate, subject*
18 *to the availability of appropriations, \$6,500,000 to provide*
19 *technical assistance and for the development of updates of*
20 *the Oklahoma Comprehensive water plan.*

21 (d) *COST SHARING REQUIREMENT.—The non-Federal*
22 *share of the total cost of any activity carried out under this*
23 *section—*

24 (1) *shall be 25 percent; and*

1 (2) *may be in the form of cash or any in-kind*
 2 *services that the Secretary determines would con-*
 3 *tribute substantially toward the conduct and comple-*
 4 *tion of the activity assisted.*

5 **SEC. 5024. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE**
 6 **SIOUX TRIBE, AND TERRESTRIAL WILDLIFE**
 7 **HABITAT RESTORATION, SOUTH DAKOTA.**

8 (a) *DISBURSEMENT PROVISIONS OF STATE OF SOUTH*
 9 *DAKOTA AND CHEYENNE RIVER SIOUX TRIBE AND LOWER*
 10 *BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT*
 11 *RESTORATION TRUST FUNDS.—Section 602(a)(4) of the*
 12 *Water Resources Development Act of 1999 (113 Stat. 386)*
 13 *is amended—*

14 (1) *in subparagraph (A)—*

15 (A) *in clause (i), by inserting “and the Sec-*
 16 *retary of the Treasury” after “Secretary”; and*

17 (B) *by striking clause (ii) and inserting the*
 18 *following:*

19 “(ii) *AVAILABILITY OF FUNDS.—On*
 20 *notification in accordance with clause (i),*
 21 *the Secretary of the Treasury shall make*
 22 *available to the State of South Dakota*
 23 *funds from the State of South Dakota Ter-*
 24 *restrial Wildlife Habitat Restoration Trust*
 25 *Fund established under section 603, to be*

1 *used to carry out the plan for terrestrial*
2 *wildlife habitat restoration submitted by the*
3 *State of South Dakota after the State cer-*
4 *tifies to the Secretary of the Treasury that*
5 *the funds to be disbursed will be used in ac-*
6 *cordance with section 603(d)(3) and only*
7 *after the Trust Fund is fully capitalized.”;*
8 *and*

9 (2) *in subparagraph (B), by striking clause (ii)*
10 *and inserting the following:*

11 “(ii) *AVAILABILITY OF FUNDS.—On*
12 *notification in accordance with clause (i),*
13 *the Secretary of the Treasury shall make*
14 *available to the Cheyenne River Sioux Tribe*
15 *and the Lower Brule Sioux Tribe funds*
16 *from the Cheyenne River Sioux Terrestrial*
17 *Wildlife Habitat Restoration Trust Fund*
18 *and the Lower Brule Sioux Terrestrial*
19 *Wildlife Habitat Restoration Trust Fund,*
20 *respectively, established under section 604,*
21 *to be used to carry out the plans for terres-*
22 *trial wildlife habitat restoration submitted*
23 *by the Cheyenne River Sioux Tribe and the*
24 *Lower Brule Sioux Tribe, respectively, after*
25 *the respective tribe certifies to the Secretary*

1 *of the Treasury that the funds to be dis-*
 2 *bursed will be used in accordance with sec-*
 3 *tion 604(d)(3) and only after the Trust*
 4 *Fund is fully capitalized.”.*

5 ***(b) INVESTMENT PROVISIONS OF STATE OF SOUTH***
 6 ***DAKOTA TERRESTRIAL WILDLIFE RESTORATION TRUST***
 7 ***FUND.—Section 603 of the Water Resources Development***
 8 ***Act of 1999 (113 Stat. 388) is amended—***

9 ***(1) by striking subsection (c) and inserting the***
 10 ***following:***

11 ***“(c) INVESTMENTS.—***

12 ***“(1) ELIGIBLE OBLIGATIONS.—Notwithstanding***
 13 ***any other provision of law, the Secretary of the Treas-***
 14 ***ury shall invest the amounts deposited under sub-***
 15 ***section (b) and the interest earned on those amounts***
 16 ***only in interest-bearing obligations of the United***
 17 ***States issued directly to the Fund.***

18 ***“(2) INVESTMENT REQUIREMENTS.—***

19 ***“(A) IN GENERAL.—The Secretary of the***
 20 ***Treasury shall invest the Fund in accordance***
 21 ***with all of the requirements of this paragraph.***

22 ***“(B) SEPARATE INVESTMENTS OF PRIN-***
 23 ***CIPAL AND INTEREST.—***

24 ***“(i) PRINCIPAL ACCOUNT.—The***
 25 ***amounts deposited in the Fund under sub-***

1 *section (b) shall be credited to an account*
2 *within the Fund (referred to in this para-*
3 *graph as the ‘principal account’) and in-*
4 *vested as provided in subparagraph (C).*

5 “(ii) *INTEREST ACCOUNT.—The inter-*
6 *est earned from investing amounts in the*
7 *principal account of the Fund shall be*
8 *transferred to a separate account within the*
9 *Fund (referred to in this paragraph as the*
10 *‘interest account’) and invested as provided*
11 *in subparagraph (D).*

12 “(iii) *CREDITING.—The interest earned*
13 *from investing amounts in the interest ac-*
14 *count of the Fund shall be credited to the*
15 *interest account.*

16 “(C) *INVESTMENT OF PRINCIPAL AC-*
17 *COUNT.—*

18 “(i) *INITIAL INVESTMENT.—Each*
19 *amount deposited in the principal account*
20 *of the Fund shall be invested initially in el-*
21 *igible obligations having the shortest matu-*
22 *rity then available until the date on which*
23 *the amount is divided into 3 substantially*
24 *equal portions and those portions are in-*
25 *vested in eligible obligations that are iden-*

1 *tical (except for transferability) to the next-*
2 *issued publicly issued Treasury obligations*
3 *having a 2-year maturity, a 5-year matu-*
4 *rity, and a 10-year maturity, respectively.*

5 “(ii) *SUBSEQUENT INVESTMENT.*—As
6 *each 2-year, 5-year, and 10-year eligible ob-*
7 *ligation matures, the principal of the ma-*
8 *turing eligible obligation shall also be in-*
9 *vested initially in the shortest-maturity eli-*
10 *gible obligation then available until the*
11 *principal is reinvested substantially equally*
12 *in the eligible obligations that are identical*
13 *(except for transferability) to the next-issued*
14 *publicly issued Treasury obligations having*
15 *2-year, 5-year, and 10-year maturities.*

16 “(iii) *DISCONTINUANCE OF ISSUANCE*
17 *OF OBLIGATIONS.*—If the Department of the
18 *Treasury discontinues issuing to the public*
19 *obligations having 2-year, 5-year, or 10-*
20 *year maturities, the principal of any ma-*
21 *turing eligible obligation shall be reinvested*
22 *substantially equally in eligible obligations*
23 *that are identical (except for transfer-*
24 *ability) to the next-issued publicly issued*

1 *Treasury obligations of the maturities*
2 *longer than 1 year then available.*

3 “(D) *INVESTMENT OF INTEREST AC-*
4 *COUNT.—*

5 “(i) *BEFORE FULL CAPITALIZATION.—*
6 *Until the date on which the Fund is fully*
7 *capitalized, amounts in the interest account*
8 *of the Fund shall be invested in eligible obli-*
9 *gations that are identical (except for trans-*
10 *ferability) to publicly issued Treasury obli-*
11 *gations that have maturities that coincide,*
12 *to the maximum extent practicable, with the*
13 *date on which the Fund is expected to be*
14 *fully capitalized.*

15 “(ii) *AFTER FULL CAPITALIZATION.—*
16 *On and after the date on which the Fund*
17 *is fully capitalized, amounts in the interest*
18 *account of the Fund shall be invested and*
19 *reinvested in eligible obligations having the*
20 *shortest maturity then available until the*
21 *amounts are withdrawn and transferred to*
22 *fund the activities authorized under sub-*
23 *section (d)(3).*

24 “(E) *PAR PURCHASE PRICE.—The price to*
25 *be paid for eligible obligations purchased as in-*

1 *vestments of the principal account shall not ex-*
2 *ceed the par value of the obligations so that the*
3 *amount of the principal account shall be pre-*
4 *served in perpetuity.*

5 *“(F) HIGHEST YIELD.—Among eligible obli-*
6 *gations having the same maturity and purchase*
7 *price, the obligation to be purchased shall be the*
8 *obligation having the highest yield.*

9 *“(G) HOLDING TO MATURITY.—Eligible ob-*
10 *ligations purchased shall generally be held to*
11 *their maturities.*

12 *“(3) ANNUAL REVIEW OF INVESTMENT ACTIVI-*
13 *TIES.—Not less frequently than once each calendar*
14 *year, the Secretary of the Treasury shall review with*
15 *the State of South Dakota the results of the invest-*
16 *ment activities and financial status of the Fund dur-*
17 *ing the preceding 12-month period.*

18 *“(4) AUDITS.—*

19 *“(A) IN GENERAL.—The activities of the*
20 *State of South Dakota (referred to in this sub-*
21 *section as the ‘State’) in carrying out the plan*
22 *of the State for terrestrial wildlife habitat res-*
23 *toration under section 602(a) shall be audited as*
24 *part of the annual audit that the State is re-*
25 *quired to prepare under the Office of Manage-*

1 *ment and Budget Circular A-133 (or a successor*
2 *circulation).*

3 “(B) *DETERMINATION BY AUDITORS.—An*
4 *auditor that conducts an audit under subpara-*
5 *graph (A) shall—*

6 “(i) *determine whether funds received*
7 *by the State under this section during the*
8 *period covered by the audit were used to*
9 *carry out the plan of the State in accord-*
10 *ance with this section; and*

11 “(ii) *include the determination under*
12 *clause (i) in the written findings of the*
13 *audit.*

14 “(5) *MODIFICATION OF INVESTMENT REQUIRE-*
15 *MENTS.—*

16 “(A) *IN GENERAL.—If the Secretary of the*
17 *Treasury determines that meeting the require-*
18 *ments under paragraph (2) with respect to the*
19 *investment of a Fund is not practicable, or*
20 *would result in adverse consequences for the*
21 *Fund, the Secretary shall modify the require-*
22 *ments, as the Secretary determines to be nec-*
23 *essary.*

24 “(B) *CONSULTATION.—Before modifying a*
25 *requirement under subparagraph (A), the Sec-*

1 *retary of the Treasury shall consult with the*
2 *State regarding the proposed modification.”;*

3 *(2) in subsection (d)(2), by inserting “of the*
4 *Treasury” after Secretary”; and*

5 *(3) by striking subsection (f) and inserting the*
6 *following:*

7 *“(f) ADMINISTRATIVE EXPENSES.—There are author-*
8 *ized to be appropriated, out of any money in the Treasury*
9 *not otherwise appropriated, to the Secretary of the Treas-*
10 *ury, to pay expenses associated with investing the Fund*
11 *and auditing the uses of amounts withdrawn from the*
12 *Fund—*

13 *“(1) up to \$500,000 for each of fiscal years 2006*
14 *and 2007; and*

15 *“(2) such sums as are necessary for each subse-*
16 *quent fiscal year.”.*

17 *(c) INVESTMENT PROVISIONS FOR CHEYENNE RIVER*
18 *SIoux TRIBE AND LOWER BRULE SIOUX TRIBE TRUST*
19 *FUNDS.—Section 604 of the Water Resources Development*
20 *Act of 1999 (113 Stat. 389) is amended—*

21 *(1) by striking subsection (c) and inserting the*
22 *following:*

23 *“(c) INVESTMENTS.—*

24 *“(1) ELIGIBLE OBLIGATIONS.—Notwithstanding*
25 *any other provision of law, the Secretary of the Treas-*

1 *ury shall invest the amounts deposited under sub-*
2 *section (b) and the interest earned on those amounts*
3 *only in interest-bearing obligations of the United*
4 *States issued directly to the Funds.*

5 “(2) *INVESTMENT REQUIREMENTS.*—

6 “(A) *IN GENERAL.*—*The Secretary of the*
7 *Treasury shall invest each of the Funds in ac-*
8 *cordance with all of the requirements of this*
9 *paragraph.*

10 “(B) *SEPARATE INVESTMENTS OF PRIN-*
11 *CIPAL AND INTEREST.*—

12 “(i) *PRINCIPAL ACCOUNT.*—*The*
13 *amounts deposited in each Fund under sub-*
14 *section (b) shall be credited to an account*
15 *within the Fund (referred to in this para-*
16 *graph as the ‘principal account’) and in-*
17 *vested as provided in subparagraph (C).*

18 “(ii) *INTEREST ACCOUNT.*—*The inter-*
19 *est earned from investing amounts in the*
20 *principal account of each Fund shall be*
21 *transferred to a separate account within the*
22 *Fund (referred to in this paragraph as the*
23 *‘interest account’) and invested as provided*
24 *in subparagraph (D).*

1 “(iii) *CREDITING.*—*The interest earned*
2 *from investing amounts in the interest ac-*
3 *count of each Fund shall be credited to the*
4 *interest account.*

5 “(C) *INVESTMENT OF PRINCIPAL AC-*
6 *COUNT.*—

7 “(i) *INITIAL INVESTMENT.*—*Each*
8 *amount deposited in the principal account*
9 *of each Fund shall be invested initially in*
10 *eligible obligations having the shortest ma-*
11 *turity then available until the date on*
12 *which the amount is divided into 3 substan-*
13 *tially equal portions and those portions are*
14 *invested in eligible obligations that are*
15 *identical (except for transferability) to the*
16 *next-issued publicly issued Treasury obliga-*
17 *tions having a 2-year maturity, a 5-year*
18 *maturity, and a 10-year maturity, respec-*
19 *tively.*

20 “(ii) *SUBSEQUENT INVESTMENT.*—*As*
21 *each 2-year, 5-year, and 10-year eligible ob-*
22 *ligation matures, the principal of the ma-*
23 *turing eligible obligation shall also be in-*
24 *vested initially in the shortest-maturity eli-*
25 *gible obligation then available until the*

1 *principal is reinvested substantially equally*
2 *in the eligible obligations that are identical*
3 *(except for transferability) to the next-issued*
4 *publicly issued Treasury obligations having*
5 *2-year, 5-year, and 10-year maturities.*

6 “(iii) *DISCONTINUATION OF ISSUANCE*
7 *OF OBLIGATIONS.—If the Department of the*
8 *Treasury discontinues issuing to the public*
9 *obligations having 2-year, 5-year, or 10-*
10 *year maturities, the principal of any ma-*
11 *turing eligible obligation shall be reinvested*
12 *substantially equally in eligible obligations*
13 *that are identical (except for transfer-*
14 *ability) to the next-issued publicly issued*
15 *Treasury obligations of the maturities*
16 *longer than 1 year then available.*

17 “(D) *INVESTMENT OF THE INTEREST AC-*
18 *COUNT.—*

19 “(i) *BEFORE FULL CAPITALIZATION.—*
20 *Until the date on which each Fund is fully*
21 *capitalized, amounts in the interest account*
22 *of the Fund shall be invested in eligible obli-*
23 *gations that are identical (except for trans-*
24 *ferability) to publicly issued Treasury obli-*
25 *gations that have maturities that coincide,*

1 *to the maximum extent practicable, with the*
2 *date on which the Fund is expected to be*
3 *fully capitalized.*

4 “(i) *AFTER FULL CAPITALIZATION.—*

5 *On and after the date on which each Fund*
6 *is fully capitalized, amounts in the interest*
7 *account of the Fund shall be invested and*
8 *reinvested in eligible obligations having the*
9 *shortest maturity then available until the*
10 *amounts are withdrawn and transferred to*
11 *fund the activities authorized under sub-*
12 *section (d)(3).*

13 “(E) *PAR PURCHASE PRICE.—The price to*
14 *be paid for eligible obligations purchased as in-*
15 *vestments of the principal account shall not ex-*
16 *ceed the par value of the obligations so that the*
17 *amount of the principal account shall be pre-*
18 *served in perpetuity.*

19 “(F) *HIGHEST YIELD.—Among eligible obli-*
20 *gations having the same maturity and purchase*
21 *price, the obligation to be purchased shall be the*
22 *obligation having the highest yield.*

23 “(G) *HOLDING TO MATURITY.—Eligible ob-*
24 *ligations purchased shall generally be held to*
25 *their maturities.*

1 “(3) *ANNUAL REVIEW OF INVESTMENT ACTIVITIES.*—Not less frequently than once each calendar
2 year, the Secretary of the Treasury shall review with
3 the Cheyenne River Sioux Tribe and the Lower Brule
4 Sioux Tribe (referred to in this subsection as the
5 ‘Tribes’) the results of the investment activities and fi-
6 nancial status of the Funds during the preceding 12-
7 month period.
8

9 “(4) *AUDITS.*—

10 “(A) *IN GENERAL.*—The activities of the
11 Tribes in carrying out the plans of the Tribes for
12 terrestrial wildlife habitat restoration under sec-
13 tion 602(a) shall be audited as part of the an-
14 nual audit that the Tribes are required to pre-
15 pare under the Office of Management and Budg-
16 et Circular A-133 (or a successor circulation).

17 “(B) *DETERMINATION BY AUDITORS.*—An
18 auditor that conducts an audit under subpara-
19 graph (A) shall—

20 “(i) determine whether funds received
21 by the Tribes under this section during the
22 period covered by the audit were used to
23 carry out the plan of the appropriate Tribe
24 in accordance with this section; and

1 “(ii) include the determination under
2 clause (i) in the written findings of the
3 audit.

4 “(5) *MODIFICATION OF INVESTMENT REQUIRE-*
5 *MENTS.—*

6 “(A) *IN GENERAL.—If the Secretary of the*
7 *Treasury determines that meeting the require-*
8 *ments under paragraph (2) with respect to the*
9 *investment of a Fund is not practicable, or*
10 *would result in adverse consequences for the*
11 *Fund, the Secretary shall modify the require-*
12 *ments, as the Secretary determines to be nec-*
13 *essary.*

14 “(B) *CONSULTATION.—Before modifying a*
15 *requirement under subparagraph (A), the Sec-*
16 *retary of the Treasury shall consult with the*
17 *Tribes regarding the proposed modification.”;*
18 *and*

19 *(2) by striking subsection (f) and inserting the*
20 *following:*

21 “(f) *ADMINISTRATIVE EXPENSES.—There are author-*
22 *ized to be appropriated, out of any money in the Treasury*
23 *not otherwise appropriated, to the Secretary of the Treasury*
24 *to pay expenses associated with investing the Funds and*
25 *auditing the uses of amounts withdrawn from the Funds—*

1 “(1) up to \$500,000 for each of fiscal years 2006
2 and 2007; and

3 “(2) such sums as are necessary for each subse-
4 quent fiscal year.”.

5 **SEC. 5025. TEXAS.**

6 (a) *ESTABLISHMENT OF PROGRAM.*—The Secretary
7 shall establish a program to provide environmental assist-
8 ance to non-Federal interests in the State of Texas.

9 (b) *FORM OF ASSISTANCE.*—Assistance under this sec-
10 tion may be in the form of planning, design, and construc-
11 tion assistance for water-related environmental infrastruc-
12 ture and resource protection and development projects in
13 Texas, including projects for water supply, storage, treat-
14 ment, and related facilities, water quality protection, waste-
15 water treatment, and related facilities, environmental res-
16 toration, and surface water resource protection, and devel-
17 opment, as identified by the Texas Water Development
18 Board.

19 (c) *PUBLIC OWNERSHIP REQUIREMENT.*—The Sec-
20 retary may provide assistance for a project under this sec-
21 tion only if the project is publicly owned.

22 (d) *PARTNERSHIP AGREEMENTS.*—Before providing
23 assistance under this section, the Secretary shall enter into
24 a partnership agreement with a non-Federal interest.

25 (e) *COST SHARING.*—

1 (1) *IN GENERAL.*—*The Federal share of the cost*
2 *of the project under this section—*

3 (A) *shall be 75 percent; and*

4 (B) *may be provided in the form of grants*
5 *or reimbursements of project costs.*

6 (2) *IN-KIND SERVICES.*—*The non-Federal share*
7 *may be provided in the form of materials and in-kind*
8 *services, including planning, design, construction,*
9 *and management services, as the Secretary determines*
10 *to be compatible with, and necessary for, the project.*

11 (3) *CREDIT FOR DESIGN WORK.*—*The non-Fed-*
12 *eral interest shall receive credit for the reasonable*
13 *costs of design work completed by the non-Federal in-*
14 *terest before entering into a local cooperation agree-*
15 *ment with the Secretary for a project.*

16 (4) *CREDIT FOR LAND, EASEMENTS, AND*
17 *RIGHTS-OF-WAY.*—*The non-Federal interest shall re-*
18 *ceive credit for land, easements, rights-of-way, and re-*
19 *locations toward the non-Federal share of project*
20 *costs.*

21 (5) *OPERATION AND MAINTENANCE.*—*The non-*
22 *Federal share of operation and maintenance costs for*
23 *projects constructed with assistance provided under*
24 *this section shall be 100 percent.*

1 (f) *APPLICABILITY OF OTHER FEDERAL AND STATE*
2 *LAWS.*—*Nothing in this section waives, limits, or otherwise*
3 *affects the applicability of any provision of Federal or State*
4 *law that would otherwise apply to a project to be carried*
5 *out with assistance provided under this section.*

6 (g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
7 *authorized to be appropriated to carry out this section*
8 *\$40,000,000.*

9 **SEC. 5026. CONNECTICUT RIVER DAMS, VERMONT.**

10 (a) *IN GENERAL.*—*The Secretary shall evaluate, de-*
11 *sign, and construct structural modifications at full Federal*
12 *cost to the Union Village Dam (Ompompanoosuc River),*
13 *North Hartland Dam (Ottauquechee River), North Spring-*
14 *field Dam (Black River), Ball Mountain Dam (West River),*
15 *and Townshend Dam (West River), Vermont, to regulate*
16 *flow and temperature to mitigate downstream impacts on*
17 *aquatic habitat and fisheries.*

18 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
19 *authorized to be appropriated to carry out this section*
20 *\$30,000,000.*

21 **SEC. 5027. COST SHARING PROVISIONS FOR THE TERRI-**
22 **TORIES.**

23 *Section 1156 of the Water Resources Development Act*
24 *of 1986 (33 U.S.C. 2310) is amended—*

1 (1) *by striking “The Secretary” and inserting*
2 *the following:*

3 “*(a) IN GENERAL.—The Secretary*”; and

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

5 “*(b) USE OF FEDERAL FUNDS BY NON-FEDERAL IN-*
6 *TERESTS.—A non-Federal interest may use Federal funds*
7 *to provide the non-Federal share of the costs of a study or*
8 *project carried out at a location referred to in subsection*
9 *(a), if the agency or department that provides the Federal*
10 *funds determines that the funds are eligible to be used for*
11 *that purpose.*”.

12 **SEC. 5028. INNER HARBOR NAVIGATION CANAL LOCK**
13 **PROJECT.**

14 *Not later than July 1, 2008, the Secretary shall—*

15 (1) *issue a final environmental impact statement*
16 *relating to the Inner Harbor Navigation Canal Lock*
17 *project; and*

18 (2) *develop and maintain a transportation miti-*
19 *gation program relating to that project in coordina-*
20 *tion with—*

21 (A) *St. Bernard Parish;*

22 (B) *Orleans Parish;*

23 (C) *the Old Arabi Neighborhood Associa-*
24 *tion; and*

25 (D) *other interested parties.*

1 **SEC. 5029. GREAT LAKES NAVIGATION.**

2 (a) *DEFINITION OF GREAT LAKES AND CONNECTING*
3 *CHANNELS.*—*In this section, the term “Great Lakes and*
4 *connecting channels” includes—*

5 (1) *Lakes Superior, Huron, Michigan, Erie, and*
6 *Ontario;*

7 (2) *any connecting water between or among*
8 *those lakes that is used for navigation;*

9 (3) *any navigation feature in those lakes or*
10 *water the operation or maintenance of which is a*
11 *Federal responsibility; and*

12 (4) *any area of the Saint Lawrence River that*
13 *is operated or maintained by the Federal Government*
14 *for navigation.*

15 (b) *NAVIGATION.*—*Using available funds, the Secretary*
16 *shall expedite the operation and maintenance, including*
17 *dredging to authorized project depths, of the navigation fea-*
18 *tures of the Great Lakes and connecting channels for the*
19 *purpose of supporting navigation.*

20 **TITLE VI—PROJECT**
21 **DEAUTHORIZATIONS**

22 **SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.**

23 *The project for flood damage reduction, Little Cove*
24 *Creek, Glencoe, Alabama, authorized by the Supplemental*
25 *Appropriations Act, 1985 (99 Stat. 312), is not authorized.*

1 **SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.**

2 *The project for flood control, Goleta and Vicinity, Cali-*
 3 *fornia, authorized by section 201 of the Flood Control Act*
 4 *of 1970 (84 Stat. 1826), is not authorized.*

5 **SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.**

6 (a) *IN GENERAL.*—*The portion of the project for navi-*
 7 *gation, Bridgeport Harbor, Connecticut, authorized by the*
 8 *Act of July 3, 1930 (46 Stat. 919), consisting of an 18-*
 9 *foot channel in Yellow Mill River and described in sub-*
 10 *section (b), is not authorized.*

11 (b) *DESCRIPTION OF PROJECT.*—*The project referred*
 12 *to in subsection (a) is described as beginning at a point*
 13 *along the eastern limit of the existing project, N.*
 14 *123,649.75, E. 481,920.54, thence running northwesterly*
 15 *about 52.64 feet to a point N. 123,683.03, E. 481,879.75,*
 16 *thence running northeasterly about 1,442.21 feet to a point*
 17 *N. 125,030.08, E. 482,394.96, thence running northeasterly*
 18 *about 139.52 feet to a point along the east limit of the exist-*
 19 *ing channel, N. 125,133.87, E. 482,488.19, thence running*
 20 *southwesterly about 1,588.98 feet to the point of origin.*

21 **SEC. 6004. INLAND WATERWAY FROM DELAWARE RIVER TO**
 22 **CHESAPEAKE BAY, PART II, INSTALLATION OF**
 23 **FENDER PROTECTION FOR BRIDGES, DELA-**
 24 **WARE AND MARYLAND.**

25 *The project for the construction of bridge fenders for*
 26 *the Summit and St. Georges Bridge for the Inland Water-*

1 *way of the Delaware River to the C & D Canal of the Ches-*
 2 *apeake Bay, authorized by the River and Harbor Act of 1954*
 3 *(68 Stat. 1249), is not authorized.*

4 **SEC. 6005. SHINGLE CREEK BASIN, FLORIDA.**

5 *The project for flood control, Central and Southern*
 6 *Florida Project, Shingle Creek Basin, Florida, authorized*
 7 *by section 203 of the Flood Control Act of 1962 (76 Stat.*
 8 *1182), is not authorized.*

9 **SEC. 6006. ILLINOIS WATERWAY, SOUTH FORK OF THE**
 10 **SOUTH BRANCH OF THE CHICAGO RIVER, IL-**
 11 **LINOIS.**

12 (a) *IN GENERAL.*—*The portion of the Illinois Water-*
 13 *way project authorized by the Act of January 21, 1927*
 14 *(commonly known as the “River and Harbor Act of 1927”)*
 15 *(44 Stat. 1013), in the South Fork of the South Branch*
 16 *of the Chicago River, as identified in subsection (b) is not*
 17 *authorized.*

18 (b) *DESCRIPTION OF PROJECT PORTION.*—*The portion*
 19 *of the project referred to in subsection (a) is the portion*
 20 *of the SW $\frac{1}{4}$ of sec. 29, T. 39 N., R. 14 E., Third Principal*
 21 *Meridian, Cook County, Illinois, and more particularly de-*
 22 *scribed as follows:*

- 23 (1) *Commencing at the SW corner of the SW $\frac{1}{4}$.*
 24 (2) *Thence north 1 degree, 32 minutes, 31 sec-*
 25 *onds west, bearing based on the Illinois State Plane*

1 *Coordinate System, NAD 83 east zone, along the west*
2 *line of that quarter, 1810.16 feet to the southerly line*
3 *of the Illinois and Michigan Canal.*

4 *(3) Thence north 50 degrees, 41 minutes, 55 sec-*
5 *onds east along that southerly line 62.91 feet to the*
6 *easterly line of South Ashland Avenue, as widened by*
7 *the ordinance dated November 24, 1920, which is also*
8 *the east line of an easement to the State of Illinois*
9 *for highway purposes numbered 12340342 and re-*
10 *corded July 13, 1939, for a point of beginnings.*

11 *(4) Thence continuing north 50 degrees, 41 min-*
12 *utes, 55 seconds east along that southerly line 70.13*
13 *feet to the southerly line of the South Branch Turning*
14 *Basin per for the plat numbered 3645392 and re-*
15 *corded January 19, 1905.*

16 *(5) Thence south 67 degrees, 18 minutes, 31 sec-*
17 *onds east along that southerly line 245.50 feet.*

18 *(6) Thence north 14 degrees, 35 minutes, 13 sec-*
19 *onds east 145.38 feet.*

20 *(7) Thence north 10 degrees, 57 minutes, 15 sec-*
21 *onds east 326.87 feet.*

22 *(8) Thence north 17 degrees, 52 minutes, 44 sec-*
23 *onds west 56.20 feet.*

24 *(9) Thence north 52 degrees, 7 minutes, 32 sec-*
25 *onds west 78.69 feet.*

1 (10) *Thence north 69 degrees, 26 minutes, 35 sec-*
2 *onds west 58.97 feet.*

3 (11) *Thence north 90 degrees, 00 minutes, 00 sec-*
4 *onds west 259.02 feet to the east line of South Ash-*
5 *land Avenue.*

6 (12) *Thence south 1 degree, 32 minutes, 31 sec-*
7 *onds east along that east line 322.46 feet.*

8 (13) *Thence south 00 degrees, 14 minutes, 35 sec-*
9 *onds east along that east line 11.56 feet to the point*
10 *of beginnings.*

11 **SEC. 6007. BREVOORT, INDIANA.**

12 *The project for flood control, Brevoort, Indiana, au-*
13 *thorized by section 5 of the Flood Control Act of 1936 (49*
14 *Stat. 1587), is not authorized.*

15 **SEC. 6008. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.**

16 *The project for flood control, Middle Wabash, Green-*
17 *field Bayou, Indiana, authorized by section 10 of the Flood*
18 *Control Act of 1946 (60 Stat. 649), is not authorized.*

19 **SEC. 6009. LAKE GEORGE, HOBART, INDIANA.**

20 *The project for flood damage reduction, Lake George,*
21 *Hobart, Indiana, authorized by section 602 of the Water*
22 *Resources Development Act of 1986 (100 Stat. 4148), is not*
23 *authorized.*

1 **SEC. 6010. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO.**

2 **2, IOWA.**

3 *The project for flood damage reduction, Green Bay*
4 *Levee and Drainage District No. 2, Iowa, authorized by sec-*
5 *tion 401(a) of the Water Resources Development Act of 1986*
6 *(100 Stat. 4115), deauthorized in fiscal year 1991, and re-*
7 *authorized by section 115(a)(1) of the Water Resources De-*
8 *velopment Act of 1992 (106 Stat. 4821), is not authorized.*

9 **SEC. 6011. MUSCATINE HARBOR, IOWA.**

10 *The project for navigation at the Muscatine Harbor*
11 *on the Mississippi River at Muscatine, Iowa, authorized by*
12 *section 101 of the River and Harbor Act of 1950 (64 Stat.*
13 *166), is not authorized.*

14 **SEC. 6012. BIG SOUTH FORK NATIONAL RIVER AND REC-**

15 **REATIONAL AREA, KENTUCKY AND TEN-**

16 **NESSEE.**

17 *The project for recreation facilities at Big South Fork*
18 *National River and Recreational Area, Kentucky and Ten-*
19 *nessee, authorized by section 108 of the Water Resources De-*
20 *velopment Act of 1974 (88 Stat. 43), is not authorized.*

21 **SEC. 6013. EAGLE CREEK LAKE, KENTUCKY.**

22 *The project for flood control and water supply, Eagle*
23 *Creek Lake, Kentucky, authorized by section 203 of the*
24 *Flood Control Act of 1962 (76 Stat. 1188), is not author-*
25 *ized.*

1 **SEC. 6014. HAZARD, KENTUCKY.**

2 *The project for flood damage reduction, Hazard, Ken-*
3 *tucky, authorized by section 3 of the Water Resources Devel-*
4 *opment Act of 1988 (102 Stat. 4014) and section 108 of*
5 *the Water Resources Development Act of 1990 (104 Stat.*
6 *4621), is not authorized.*

7 **SEC. 6015. WEST KENTUCKY TRIBUTARIES, KENTUCKY.**

8 *The project for flood control, West Kentucky Tribu-*
9 *taries, Kentucky, authorized by section 204 of the Flood*
10 *Control Act of 1965 (79 Stat. 1081), section 201 of the Flood*
11 *Control Act of 1970 (84 Stat. 1825), and section 401(b) of*
12 *the Water Resources Development Act of 1986 (100 Stat.*
13 *4129), is not authorized.*

14 **SEC. 6016. BAYOU COCODRIE AND TRIBUTARIES, LOU-**
15 **ISIANA.**

16 *The project for flood damage reduction, Bayou*
17 *Cocodrie and Tributaries, Louisiana, authorized by section*
18 *3 of the of the Act of August 18, 1941 (55 Stat. 644, chapter*
19 *377), and section 1(a) of the Water Resources Development*
20 *Act of 1974 (88 Stat. 12), is not authorized.*

21 **SEC. 6017. BAYOU LAFOURCHE AND LAFOURCHE JUMP,**
22 **LOUISIANA.**

23 *The uncompleted portions of the project for navigation*
24 *improvement for Bayou LaFourche and LaFourche Jump,*
25 *Louisiana, authorized by the Act of August 30, 1935 (49*

1 *Stat. 1033, chapter 831), and the River and Harbor Act*
2 *of 1960 (74 Stat. 481), are not authorized.*

3 **SEC. 6018. EASTERN RAPIDES AND SOUTH-CENTRAL**
4 **AVOYELLES PARISHES, LOUISIANA.**

5 *The project for flood control, Eastern Rapides and*
6 *South-Central Avoyelles Parishes, Louisiana, authorized by*
7 *section 201 of the Flood Control Act of 1970 (84 Stat. 1825),*
8 *is not authorized.*

9 **SEC. 6019. FORT LIVINGSTON, GRAND TERRE ISLAND, LOU-**
10 **ISIANA.**

11 *The project for erosion protection and recreation, Fort*
12 *Livingston, Grande Terre Island, Louisiana, authorized by*
13 *the Act of August 13, 1946 (commonly known as the “Flood*
14 *Control Act of 1946”) (33 U.S.C. 426e et seq.), is not au-*
15 *thorized.*

16 **SEC. 6020. GULF INTERCOASTAL WATERWAY, LAKE BORGNE**
17 **AND CHEF MENTEUR, LOUISIANA.**

18 *The project for the construction of bulkheads and jetties*
19 *at Lake Borgne and Chef Menteur, Louisiana, as part of*
20 *the Gulf Intercoastal Waterway authorized by the first sec-*
21 *tion of the River and Harbor Act of 1946 (60 Stat. 635),*
22 *is not authorized.*

1 **SEC. 6021. RED RIVER WATERWAY, SHREVEPORT, LOU-**
2 **ISIANA TO DAINGERFIELD, TEXAS.**

3 *The project for the Red River Waterway, Shreveport,*
4 *Louisiana to Daingerfield, Texas, authorized by section 101*
5 *of the River and Harbor Act of 1968 (82 Stat. 731), is not*
6 *authorized.*

7 **SEC. 6022. CASCO BAY, PORTLAND, MAINE.**

8 *The project for environmental infrastructure, Casco*
9 *Bay in the Vicinity of Portland, Maine, authorized by sec-*
10 *tion 307 of the Water Resources Development Act of 1992*
11 *(106 Stat. 4841), is not authorized.*

12 **SEC. 6023. NORTHEAST HARBOR, MAINE.**

13 *The project for navigation, Northeast Harbor, Maine,*
14 *authorized by section 2 of the Act of March 2, 1945 (59*
15 *Stat. 12, chapter 19), is not authorized.*

16 **SEC. 6024. PENOBSCOT RIVER, BANGOR, MAINE.**

17 *The project for environmental infrastructure, Penob-*
18 *scot River in the Vicinity of Bangor, Maine, authorized by*
19 *section 307 of the Water Resources Development Act of 1992*
20 *(106 Stat. 4841), is not authorized.*

21 **SEC. 6025. SAINT JOHN RIVER BASIN, MAINE.**

22 *The project for research and demonstration program*
23 *of cropland irrigation and soil conservation techniques,*
24 *Saint John River Basin, Maine, authorized by section 1108*
25 *of the Water Resources Development Act of 1986 (106 Stat.*
26 *4230), is not authorized.*

1 **SEC. 6026. TENANTS HARBOR, MAINE.**

2 *The project for navigation, Tenants Harbor, Maine,*
3 *authorized by the first section of the Act of March 2, 1919*
4 *(40 Stat. 1275, chapter 95), is not authorized.*

5 **SEC. 6027. FALMOUTH HARBOR, MASSACHUSETTS.**

6 *The portion of the project for navigation, Falmouth*
7 *Harbor, Massachusetts, authorized by section 101 of the*
8 *River and Harbor Act of 1948 (62 Stat. 1172), beginning*
9 *at a point along the eastern side of the inner harbor*
10 *N200,415.05, E845,307.98, thence running north 25 degrees*
11 *48 minutes 54.3 seconds east 160.24 feet to a point*
12 *N200,559.20, E845,377.76, thence running north 22 degrees*
13 *7 minutes 52.4 seconds east 596.82 feet to a point*
14 *N201,112.15, E845,602.60, thence running north 60 degrees*
15 *1 minute 0.3 seconds east 83.18 feet to a point N201,153.72,*
16 *E845,674.65, thence running south 24 degrees 56 minutes*
17 *43.4 seconds west 665.01 feet to a point N200,550.75,*
18 *E845,394.18, thence running south 32 degrees 25 minutes*
19 *29.0 seconds west 160.76 feet to the point of origin, is not*
20 *authorized.*

21 **SEC. 6028. ISLAND END RIVER, MASSACHUSETTS.**

22 *The portion of the project for navigation, Island End*
23 *River, Massachusetts, carried out under section 107 of the*
24 *River and Harbor Act of 1960 (33 U.S.C. 577), described*
25 *as follows: Beginning at a point along the eastern limit of*
26 *the existing project, N507,348.98, E721,180.01, thence run-*

1 ning northeast about 35 feet to a point N507,384.17,
 2 E721,183.36, thence running northeast about 324 feet to a
 3 point N507,590.51, E721,433.17, thence running northeast
 4 about 345 feet to a point along the northern limit of the
 5 existing project, N507,927.29, E721,510.29, thence running
 6 southeast about 25 feet to a point N507,921.71,
 7 E721,534.66, thence running southwest about 354 feet to a
 8 point N507,576.65, E721,455.64, thence running southwest
 9 about 357 feet to the point of origin, is not authorized.

10 **SEC. 6029. MYSTIC RIVER, MASSACHUSETTS.**

11 *The portion of the project for navigation, Mystic River,*
 12 *Massachusetts, authorized by the first section of the River*
 13 *and Harbor Appropriations Act of July 13, 1892 (27 Stat.*
 14 *96), between a line starting at a point N515,683.77,*
 15 *E707,035.45 and ending at a point N515,721.28,*
 16 *E707,069.85 and a line starting at a point N514,595.15,*
 17 *E707,746.15 and ending at a point N514,732.94,*
 18 *E707,658.38 shall be relocated and reduced from a 100-foot*
 19 *wide channel to a 50-foot wide channel after the date of*
 20 *enactment of this Act described as follows: Beginning at a*
 21 *point N515,721.28, E707,069.85, thence running southeast-*
 22 *erly about 840.50 feet to a point N515,070.16, E707,601.27,*
 23 *thence running southeasterly about 177.54 feet to a point*
 24 *N514,904.84, E707,665.98, thence running southeasterly*
 25 *about 319.90 feet to a point with coordinates N514,595.15,*

1 E707,746.15, thence running northwesterly about 163.37
2 feet to a point N514,732.94, E707,658.38, thence running
3 northwesterly about 161.58 feet to a point N514.889.47,
4 E707,618.30, thence running northwesterly about 166.61
5 feet to a point N515.044.62, E707,557.58, thence running
6 northwesterly about 825.31 feet to a point N515,683.77,
7 E707,035.45, thence running northeasterly about 50.90 feet
8 returning to a point N515,721.28, E707,069.85.

9 **SEC. 6030. GRAND HAVEN HARBOR, MICHIGAN.**

10 *The project for navigation, Grand Haven Harbor,*
11 *Michigan, authorized by section 202(a) of the Water Re-*
12 *sources Development Act of 1986 (100 Stat. 4093), is not*
13 *authorized.*

14 **SEC. 6031. GREENVILLE HARBOR, MISSISSIPPI.**

15 *The project for navigation, Greenville Harbor, Mis-*
16 *sissippi, authorized by section 601(a) of the Water Re-*
17 *sources Development Act of 1986 (100 Stat. 4142), is not*
18 *authorized.*

19 **SEC. 6032. PLATTE RIVER FLOOD AND RELATED**
20 **STREAMBANK EROSION CONTROL, NE-**
21 **BRASKA.**

22 *The project for flood damage reduction, Platte River*
23 *Flood and Related Streambank Erosion Control, Nebraska,*
24 *authorized by section 603 of the Water Resources Develop-*
25 *ment Act of 1986 (100 Stat. 4149), is not authorized.*

1 **SEC. 6033. EPPING, NEW HAMPSHIRE.**

2 *The project for environmental infrastructure, Epping,*
3 *New Hampshire, authorized by section 219(c)(6) of the*
4 *Water Resources Development Act of 1992 (106 Stat. 4835),*
5 *is not authorized.*

6 **SEC. 6034. NEW YORK HARBOR AND ADJACENT CHANNELS,**
7 **CLAREMONT TERMINAL, JERSEY CITY, NEW**
8 **JERSEY.**

9 *The project for navigation, New York Harbor and ad-*
10 *jacent channels, Claremont Terminal, Jersey City, New Jer-*
11 *sey, authorized by section 202(b) of the Water Resources De-*
12 *velopment Act of 1986 (100 Stat. 4098), is not authorized.*

13 **SEC. 6035. EISENHOWER AND SNELL LOCKS, NEW YORK.**

14 *The project for navigation, Eisenhower and Snell*
15 *Locks, New York, authorized by section 1163 of the Water*
16 *Resources Development Act of 1986 (100 Stat. 4258), is not*
17 *authorized.*

18 **SEC. 6036. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.**

19 *The project for navigation, Olcott Harbor, Lake On-*
20 *tario, New York, authorized by section 601(a) of the Water*
21 *Resources Development Act of 1986 (100 Stat. 4143), is not*
22 *authorized.*

23 **SEC. 6037. OUTER HARBOR, BUFFALO, NEW YORK.**

24 *The project for navigation, Outer Harbor, Buffalo,*
25 *New York, authorized by section 110 of the Water Resources*

1 *Development Act of 1992 (106 Stat. 4817), is not author-*
2 *ized.*

3 **SEC. 6038. SUGAR CREEK BASIN, NORTH CAROLINA AND**
4 **SOUTH CAROLINA.**

5 *The project for flood damage reduction, Sugar Creek*
6 *Basin, North Carolina and South Carolina, authorized by*
7 *section 401(a) of the Water Resources Development Act of*
8 *1986 (100 Stat. 4121), is not authorized.*

9 **SEC. 6039. CLEVELAND HARBOR 1958 ACT, OHIO.**

10 *The project for navigation, Cleveland Harbor*
11 *(uncompleted portion), Ohio, authorized by section 101 of*
12 *the River and Harbor Act of 1958 (72 Stat. 299), is not*
13 *authorized.*

14 **SEC. 6040. CLEVELAND HARBOR 1960 ACT, OHIO.**

15 *The project for navigation, Cleveland Harbor*
16 *(uncompleted portion), Ohio, authorized by section 101 of*
17 *the River and Harbor Act of 1960 (74 Stat. 482), is not*
18 *authorized.*

19 **SEC. 6041. CLEVELAND HARBOR, UNCOMPLETED PORTION**
20 **OF CUT #4, OHIO.**

21 *The project for navigation, Cleveland Harbor*
22 *(uncompleted portion of Cut #4), Ohio, authorized by the*
23 *first section of the Act of July 24, 1946 (60 Stat. 636, chap-*
24 *ter 595), is not authorized.*

1 **SEC. 6042. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAM-**
2 **MOND, OREGON.**

3 *The project for the Columbia River, Seafarers Memo-*
4 *rial, Hammond, Oregon, authorized by title I of the Energy*
5 *and Water Development Appropriations Act, 1991 (104*
6 *Stat. 2078), is not authorized.*

7 **SEC. 6043. TIOGA-HAMMOND LAKES, PENNSYLVANIA.**

8 *The project for flood control and recreation, Tioga-*
9 *Hammond Lakes, Mill Creek Recreation, Pennsylvania, au-*
10 *thorized by section 203 of the Flood Control Act of 1958*
11 *(72 Stat. 313), is not authorized.*

12 **SEC. 6044. TAMAQUA, PENNSYLVANIA.**

13 *The project for flood control, Tamaqua, Pennsylvania,*
14 *authorized by section 1(a) of the Water Resources Develop-*
15 *ment Act of 1974 (88 Stat. 14), is not authorized.*

16 **SEC. 6045. NARRAGANSETT TOWN BEACH, NARRAGANSETT,**
17 **RHODE ISLAND.**

18 *The project for navigation, Narragansett Town Beach,*
19 *Narragansett, Rhode Island, authorized by section 361 of*
20 *the Water Resources Development Act of 1992 (106 Stat.*
21 *4861), is not authorized.*

22 **SEC. 6046. QUONSET POINT-DAVISVILLE, RHODE ISLAND.**

23 *The project for bulkhead repairs, Quonset Point-*
24 *Davisville, Rhode Island, authorized by section 571 of the*
25 *Water Resources Development Act of 1996 (110 Stat. 3788),*
26 *is not authorized.*

1 **SEC. 6047. ARROYO COLORADO, TEXAS.**

2 *The project for flood damage reduction, Arroyo Colo-*
3 *rado, Texas, authorized by section 401(a) of the Water Re-*
4 *sources Development Act of 1986 (100 Stat. 4125), is not*
5 *authorized.*

6 **SEC. 6048. CYPRESS CREEK-STRUCTURAL, TEXAS.**

7 *The project for flood damage reduction, Cypress Creek-*
8 *Structural, Texas, authorized by section 3(a)(13) of the*
9 *Water Resources Development Act of 1988 (102 Stat. 4014),*
10 *is not authorized.*

11 **SEC. 6049. EAST FORK CHANNEL IMPROVEMENT, INCRE-**
12 **MENT 2, EAST FORK OF THE TRINITY RIVER,**
13 **TEXAS.**

14 *The project for flood damage reduction, East Fork*
15 *Channel Improvement, Increment 2, East Fork of the Trin-*
16 *ity River, Texas, authorized by section 203 of the Flood*
17 *Control Act of 1962 (76 Stat. 1185), is not authorized.*

18 **SEC. 6050. FALFURRIAS, TEXAS.**

19 *The project for flood damage reduction, Falfurrias,*
20 *Texas, authorized by section 3(a)(14) of the Water Re-*
21 *sources Development Act of 1988 (102 Stat. 4014), is not*
22 *authorized.*

23 **SEC. 6051. PECAN BAYOU LAKE, TEXAS.**

24 *The project for flood control, Pecan Bayou Lake,*
25 *Texas, authorized by section 203 of the Flood Control Act*
26 *of 1968 (82 Stat. 742), is not authorized.*

1 **SEC. 6052. LAKE OF THE PINES, TEXAS.**

2 *The project for navigation improvements affecting*
3 *Lake of the Pines, Texas, for the portion of the Red River*
4 *below Fulton, Arkansas, authorized by the Act of July 13,*
5 *1892 (27 Stat. 88, chapter 158), as amended by the Act*
6 *of July 24, 1946 (60 Stat. 635, chapter 595), the Act of*
7 *May 17, 1950 (64 Stat. 163, chapter 188), and the River*
8 *and Harbor Act of 1968 (82 Stat. 731), is not authorized.*

9 **SEC. 6053. TENNESSEE COLONY LAKE, TEXAS.**

10 *The project for navigation, Tennessee Colony Lake,*
11 *Trinity River, Texas, authorized by section 204 of the River*
12 *and Harbor Act of 1965 (79 Stat. 1091), is not authorized.*

13 **SEC. 6054. CITY WATERWAY, TACOMA, WASHINGTON.**

14 *The portion of the project for navigation, City Water-*
15 *way, Tacoma, Washington, authorized by the first section*
16 *of the Act of June 13, 1902 (32 Stat. 347), consisting of*
17 *the last 1,000 linear feet of the inner portion of the Water-*
18 *way beginning at Station 70+00 and ending at Station*
19 *80+00, is not authorized.*

20 **SEC. 6055. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.**

21 *The project for bank erosion, Kanawha River, Charles-*
22 *ton, West Virginia, authorized by section 603(f)(13) of the*

- 1 *Water Resources Development Act of 1986 (100 Stat. 4153),*
- 2 *is not authorized.*

Attest:

Secretary.

110TH CONGRESS
1ST SESSION

H. R. 1495

AMENDMENT