

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide a complete substitute.

IN THE SENATE OF THE UNITED STATES—109th Cong., 2d Sess.

S. 728

To provide for the consideration 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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

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

4 (a) **SHORT TITLE.**—This Act may be cited as the

5 “Water Resources Development Act of 2006”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of

7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

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TITLE I—WATER RESOURCES PROJECTS

- Sec. 1001. Project authorizations.
- Sec. 1002. Enhanced navigation capacity improvements and ecosystem restoration plan for the 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.

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 reviews.
- 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. National Dam Safety Program reauthorization.

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.
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- Sec. 2036. Remediation of abandoned mine sites.
- Sec. 2037. Small projects for the rehabilitation and removal of dams.
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- 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.

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- Sec. 3002. Sitka, Alaska.
- Sec. 3003. Black Warrior-Tombigbee Rivers, Alabama.
- Sec. 3004. Rio de Flag, Flagstaff, Arizona.
- Sec. 3005. Augusta and Clarendon, Arkansas.
- Sec. 3006. Red-Ouachita River Basin levees, Arkansas and Louisiana.
- Sec. 3007. St. Francis Basin, Arkansas and Missouri.
- Sec. 3008. St. Francis Basin land transfer, Arkansas and Missouri.
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- Sec. 3014. Larkspur Ferry Channel, California.
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- Sec. 3031. Brevard County, Florida.
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- Sec. 3034. Lido Key, Sarasota County, Florida.
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- Sec. 3069. Fort Peck Fish Hatchery, Montana.
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- Sec. 3071. Yellowstone River and tributaries, Montana and North Dakota.
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- Sec. 3088. Upper Susquehanna River Basin, Pennsylvania and New York.
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- Sec. 3094. Anderson Creek, Jackson and Madison Counties, Tennessee.
- Sec. 3095. Harris Fork Creek, Tennessee and Kentucky.
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- Sec. 3097. Old Hickory Lock and Dam, Cumberland River, Tennessee.
- Sec. 3098. Sandy Creek, Jackson County, Tennessee.
- Sec. 3099. Cedar Bayou, Texas.
- Sec. 3100. Denison, Texas.
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- Sec. 3102. Harris County, Texas.
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- Sec. 3105. Lake Champlain Eurasian milfoil, water chestnut, and other non-native plant control, Vermont.
- Sec. 3106. Upper Connecticut River Basin wetland restoration, Vermont and New Hampshire.
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- Sec. 3116. Lower Mud River, Milton, West Virginia.
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- Sec. 3118. Underwood Creek Diversion Facility Project, Milwaukee County, Wisconsin.
- Sec. 3119. Mississippi River headwaters reservoirs.
- Sec. 3120. Lower Mississippi River Museum and Riverfront Interpretive Site.
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- Sec. 3126. Great Lakes tributary models.

TITLE IV—STUDIES

- Sec. 4001. Eurasian milfoil.
- Sec. 4002. National port study.
- Sec. 4003. McClellan-Kerr Arkansas River Navigation Channel.
- Sec. 4004. Selenium study, Colorado.
- Sec. 4005. Los Angeles River revitalization study, California.
- Sec. 4006. Nicholas Canyon, Los Angeles, California.

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- Sec. 4007. Oceanside, California, shoreline special study.
- Sec. 4008. Comprehensive flood protection project, St. Helena, California.
- Sec. 4009. San Francisco Bay, Sacramento-San Joaquin Delta, Sherman Island, California.
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- Sec. 5005. Anacostia River, District of Columbia and Maryland.
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- Sec. 6004. Bridgeport, Connecticut.
- Sec. 6005. Hartford, Connecticut.
- Sec. 6006. New Haven, Connecticut.
- Sec. 6007. Inland waterway from Delaware River to Chesapeake Bay, part II, installation of fender protection for bridges, Delaware and Maryland.
- Sec. 6008. Shingle Creek Basin, Florida.
- Sec. 6009. Brevoort, Indiana.
- Sec. 6010. Middle Wabash, Greenfield Bayou, Indiana.
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- Sec. 6012. Green Bay Levee and Drainage District No. 2, Iowa.
- Sec. 6013. Muscatine Harbor, Iowa.
- Sec. 6014. Big South Fork National River and recreational area, Kentucky and Tennessee.
- Sec. 6015. Eagle Creek Lake, Kentucky.
- Sec. 6016. Hazard, Kentucky.
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- Sec. 6020. Eastern Rapides and South-Central Avoyelles Parishes, Louisiana.
- Sec. 6021. Fort Livingston, Grand Terre Island, Louisiana.
- Sec. 6022. Gulf Interoceanic Waterway, Lake Borgne and Chef Menteur, Louisiana.
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- Sec. 6024. Casco Bay, Portland, Maine.
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- Sec. 6026. Penobscot River, Bangor, Maine.
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- Sec. 6030. Greenville Harbor, Mississippi.
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- Sec. 6032. Epping, New Hampshire.
- Sec. 6033. Manchester, New Hampshire.
- Sec. 6034. New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey.
- Sec. 6035. Eisenhower and Snell Locks, New York.
- Sec. 6036. Olcott Harbor, Lake Ontario, New York.
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- Sec. 6038. Sugar Creek Basin, North Carolina and South Carolina.
- Sec. 6039. Cleveland Harbor 1958 Act, Ohio.
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- Sec. 6041. Cleveland Harbor, uncompleted portion of Cut #4, Ohio.
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- Sec. 6046. Narragansett Town Beach, Narragansett, Rhode Island.
- Sec. 6047. Quonset Point-Davisville, Rhode Island.
- Sec. 6048. Arroyo Colorado, Texas.
- Sec. 6049. Cypress Creek-Structural, Texas.
- Sec. 6050. East Fork channel improvement, Increment 2, east fork of the Trinity river, Texas.
- Sec. 6051. Falfurrias, Texas.
- Sec. 6052. Pecan Bayou Lake, Texas.
- Sec. 6053. Lake of the Pines, Texas.
- Sec. 6054. Tennessee Colony Lake, Texas.
- Sec. 6055. City Waterway, Tacoma, Washington.
- Sec. 6056. Kanawha River, Charleston, West Virginia.

1 SEC. 2. DEFINITION OF SECRETARY.

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

1 **TITLE I—WATER RESOURCES**
2 **PROJECTS**

3 **SEC. 1001. PROJECT AUTHORIZATIONS.**

4 (a) PROJECTS WITH CHIEF'S REPORTS.—Except as
5 otherwise provided in this section, the following projects
6 for water resources development and conservation and
7 other purposes are authorized to be carried out by the Sec-
8 retary substantially in accordance with the plans, and sub-
9 ject to the conditions, described in the respective reports
10 designated in this section:

11 (1) HAINES HARBOR, ALASKA.—The project for
12 navigation, Haines Harbor, Alaska: Report of the
13 Chief of Engineers dated December 20, 2004, at a
14 total estimated cost of \$13,700,000, with an esti-
15 mated Federal cost of \$10,960,000 and an esti-
16 mated non-Federal cost of \$2,740,000.

17 (2) RILLITO RIVER (EL RIO ANTIGUO), PIMA
18 COUNTY, ARIZONA.—The project for ecosystem res-
19 toration, Rillito River (El Rio Antiguo), Pima Coun-
20 ty, Arizona: Report of the Chief of Engineers dated
21 December 22, 2004, at a total cost of \$75,200,000,
22 with an estimated Federal cost of \$48,400,000 and
23 an estimated non-Federal cost of \$26,800,000.

24 (3) SANTA CRUZ RIVER, PASEO DE LAS
25 IGLESIAS, ARIZONA.—The project for ecosystem res-

1 toration, Santa Cruz River, Pima County, Arizona:
2 Report of the Chief of Engineers dated March 28,
3 2006, at a total cost of \$94,400,000, with an esti-
4 mated Federal cost of \$61,200,000 and an esti-
5 mated non-Federal cost of \$33,200,000.

6 (4) TANQUE VERDE CREEK, ARIZONA.—The
7 project for ecosystem restoration, Tanque Verde
8 Creek, Arizona: Report of the Chief of Engineers
9 dated July 22, 2003, at a total cost of \$5,706,000,
10 with an estimated Federal cost of \$3,706,000 and
11 an estimated non-Federal cost of \$2,000,000.

12 (5) SALT RIVER (VA SHLYAY AKIMEL), MARI-
13 COPA COUNTY, ARIZONA.—

14 (A) IN GENERAL.—The project for eco-
15 system restoration, Salt River (Va Shlyay
16 Akimel), Arizona: Report of the Chief of Engi-
17 neers dated January 3, 2005, at a total cost of
18 \$156,700,000, with an estimated Federal cost
19 of \$101,600,000 and an estimated non-Federal
20 cost of \$55,100,000.

21 (B) COORDINATION WITH FEDERAL REC-
22 LAMATION PROJECTS.—The Secretary, to the
23 maximum extent practicable, shall coordinate
24 the development and construction of the project
25 described in subparagraph (A) with each Fed-

1 eral reclamation project located in the Salt
2 River Basin.

3 (6) HAMILTON CITY, CALIFORNIA.—The project
4 for flood damage reduction and ecosystem restora-
5 tion, Hamilton City, California: Report of the Chief
6 of Engineers dated December 22, 2004, at a total
7 cost of \$50,600,000, with an estimated Federal cost
8 of \$33,000,000 and estimated non-Federal cost of
9 \$17,600,000.

10 (7) IMPERIAL BEACH, CALIFORNIA.—The
11 project for storm damage reduction, Imperial Beach,
12 California: Report of the Chief of Engineers dated
13 December 30, 2003, at a total cost of \$13,300,000,
14 with an estimated Federal cost of \$8,500,000 and
15 an estimated non-Federal cost of \$4,800,000, and at
16 an estimated total cost of \$41,100,000 for periodic
17 beach nourishment over the 50-year life of the
18 project, with an estimated Federal cost of
19 \$20,550,000 and an estimated non-Federal cost of
20 \$20,550,000.

21 (8) MATILIJA DAM, VENTURA COUNTY, CALI-
22 FORNIA.—The project for ecosystem restoration,
23 Matilija Dam and Ventura River Watershed, Ven-
24 tura County, California: Report of the Chief of En-
25 gineers dated December 20, 2004, at a total cost of

1 \$139,600,000, with an estimated Federal cost of
2 \$86,700,000 and an estimated non-Federal cost of
3 \$52,900,000.

4 (9) MIDDLE CREEK, LAKE COUNTY, CALI-
5 FORNIA.—The project for flood damage reduction
6 and ecosystem restoration, Middle Creek, Lake
7 County, California: Report of the Chief of Engineers
8 dated November 29, 2004, at a total cost of
9 \$43,630,000, with an estimated Federal cost of
10 \$28,460,000 and an estimated non-Federal cost of
11 \$15,170,000.

12 (10) NAPA RIVER SALT MARSH, CALIFORNIA.—

13 (A) IN GENERAL.—The project for eco-
14 system restoration, Napa River Salt Marsh,
15 California, at a total cost of \$103,012,000, with
16 an estimated Federal cost of \$65,600,000 and
17 an estimated non-Federal cost of \$37,412,000,
18 to be carried out by the Secretary substantially
19 in accordance with the plans and subject to the
20 conditions recommended in the final report
21 signed by the Chief of Engineers on December
22 22, 2004.

23 (B) ADMINISTRATION.—In carrying out
24 the project authorized by this paragraph, the
25 Secretary shall—

1 (i) construct a recycled water pipeline
2 extending from the Sonoma Valley County
3 Sanitation District Waste Water Treat-
4 ment Plant and the Napa Sanitation Dis-
5 trict Waste Water Treatment Plant to the
6 project; and

7 (ii) restore or enhance Salt Ponds 1,
8 1A, 2, and 3.

9 (C) TRANSFER OF OWNERSHIP.—On com-
10 pletion of salinity reduction in the project area,
11 the Secretary shall transfer ownership of the
12 pipeline to the non-Federal interest at the fully
13 depreciated value of the pipeline, less—

14 (i) the non-Federal cost-share contrib-
15 uted under subparagraph (A); and

16 (ii) the estimated value of the water
17 to be provided as needed for maintenance
18 of habitat values in the project area
19 throughout the life of the project.

20 (11) SOUTH PLATTE RIVER, DENVER, COLO-
21 RADO.—The project for ecosystem restoration, Den-
22 ver County Reach, South Platte River, Denver, Colo-
23 rado: Report of the Chief of Engineers dated May
24 16, 2003, at a total cost of \$21,050,000, with an es-

1 timated Federal cost of \$13,680,000 and an esti-
2 mated non-Federal cost of \$7,370,000.

3 (12) INDIAN RIVER LAGOON, SOUTH FLOR-
4 IDA.—

5 (A) IN GENERAL.—The Secretary may
6 carry out the project for ecosystem restoration,
7 water supply, flood control, and protection of
8 water quality, Indian River Lagoon, south Flor-
9 ida, at a total cost of \$1,365,000,000, with an
10 estimated first Federal cost of \$682,500,000
11 and an estimated first non-Federal cost of
12 \$682,500,000, in accordance with section 601
13 of the Water Resources Development Act of
14 2000 (114 Stat. 2680) and the recommenda-
15 tions of the report of the Chief of Engineers
16 dated August 6, 2004.

17 (B) DEAUTHORIZATIONS.—As of the date
18 of enactment of this Act, the following projects
19 are not authorized:

20 (i) The uncompleted portions of the
21 project authorized by section
22 601(b)(2)(C)(i) of the Water Resources
23 Development Act of 2000 (114 Stat.
24 2682), C-44 Basin Storage Reservoir of
25 the Comprehensive Everglades Restoration

1 Plan, at a total cost of \$147,800,000, with
2 an estimated Federal cost of \$73,900,000
3 and an estimated non-Federal cost of
4 \$73,900,000.

5 (ii) The uncompleted portions of the
6 project authorized by section 203 of the
7 Flood Control Act of 1968 (Public Law
8 90–483; 82 Stat. 740), Martin County,
9 Florida, modifications to Central and
10 South Florida Project, as contained in
11 Senate Document 101, 90th Congress, 2d
12 Session, at a total cost of \$15,471,000,
13 with an estimated Federal cost of
14 \$8,073,000 and an estimated non-Federal
15 cost of \$7,398,000.

16 (iii) The uncompleted portions of the
17 project authorized by section 203 of the
18 Flood Control Act of 1968 (Public Law
19 90–483; 82 Stat. 740), East Coast
20 Backpumping, St. Lucie–Martin County,
21 Spillway Structure S–311 of the Central
22 and South Florida Project, as contained in
23 House Document 369, 90th Congress, 2d
24 Session, at a total cost of \$77,118,000,
25 with an estimated Federal cost of

1 \$55,124,000 and an estimated non-Federal
2 cost of \$21,994,000.

3 (13) MIAMI HARBOR, MIAMI, FLORIDA.—The
4 project for navigation, Miami Harbor, Miami, Flor-
5 ida: Report of the Chief of Engineers dated April
6 25, 2005, at a total cost of \$125,270,000, with an
7 estimated Federal cost of \$75,140,000 and an esti-
8 mated non-Federal cost of \$50,130,000.

9 (14) PICAYUNE STRAND, FLORIDA.—The
10 project for ecosystem restoration, Picayune Strand,
11 Florida: Report of the Chief of Engineers dated Sep-
12 tember 15, 2005, at a total cost of \$362,260,000
13 with an estimated Federal cost of \$181,130,000 and
14 an estimated non-Federal cost of \$181,130,000.

15 (15) EAST ST. LOUIS AND VICINITY, ILLI-
16 NOIS.—The project for ecosystem restoration and
17 recreation, East St. Louis and Vicinity, Illinois: Re-
18 port of the Chief of Engineers dated December 22,
19 2004, at a total cost of \$201,600,000, with an esti-
20 mated Federal cost of \$130,600,000 and an esti-
21 mated non-Federal cost of \$71,000,000.

22 (16) PEORIA RIVERFRONT, ILLINOIS.—The
23 project for ecosystem restoration, Peoria Riverfront,
24 Illinois: Report of the Chief of Engineers dated July
25 28, 2003, at a total cost of \$17,760,000, with an es-

1 timated Federal cost of \$11,540,000 and an esti-
2 mated non-Federal cost of \$6,220,000.

3 (17) DES MOINES AND RACCOON RIVERS, DES
4 MOINES, IOWA.—The project for flood damage re-
5 duction, Des Moines and Raccoon Rivers, Des
6 Moines, Iowa: Report of the Chief of Engineers
7 dated March 28, 2006, at a total cost of
8 \$10,500,000, with an estimated Federal cost of
9 \$6,800,000 and an estimated non-Federal cost of
10 \$3,700,000.

11 (18) BAYOU SORREL LOCK, LOUISIANA.—The
12 project for navigation, Bayou Sorrel Lock, Lou-
13 isiana: Report of the Chief of Engineers dated Janu-
14 ary 3, 2005, at a total cost of \$9,500,000. The costs
15 of construction of the project are to be paid $\frac{1}{2}$ from
16 amounts appropriated from the general fund of the
17 Treasury and $\frac{1}{2}$ from amounts appropriated from
18 the Inland Waterways Trust Fund.

19 (19) MORGANZA TO THE GULF OF MEXICO,
20 LOUISIANA.—

21 (A) IN GENERAL.—The project for hurri-
22 cane and storm damage reduction, Morganza to
23 the Gulf of Mexico, Louisiana: Reports of the
24 Chief of Engineers dated August 23, 2002, and
25 July 22, 2003, at a total cost of \$841,100,000

1 with an estimated Federal cost of \$546,300,000
2 and an estimated non-Federal cost of
3 \$294,800,000.

4 (B) OPERATION AND MAINTENANCE.—The
5 operation, maintenance, repair, rehabilitation,
6 and replacement of the Houma Navigation
7 Canal lock complex and the Gulf Intracoastal
8 Waterway floodgate features that provide for
9 inland waterway transportation shall be a Fed-
10 eral responsibility, in accordance with section
11 102 of the Water Resources Development Act
12 of 1986 (33 U.S.C. 2212; Public Law 99–662).

13 (20) POPLAR ISLAND EXPANSION, MARY-
14 LAND.—The project for the beneficial use of dredged
15 material at Poplar Island, Maryland, authorized by
16 section 537 of the Water Resources Development
17 Act of 1996 (110 Stat. 3776), and modified by sec-
18 tion 318 of the Water Resources Development Act
19 of 2000 (114 Stat. 2678), is further modified to au-
20 thorize the Secretary to construct the project in ac-
21 cordance with the Report of the Chief of Engineers
22 dated March 31, 2006, at a total cost of
23 \$256,100,000, with an estimated Federal cost of
24 \$192,100,000 and an estimated non-Federal cost of
25 \$64,000,000.

1 (21) SMITH ISLAND, MARYLAND.—The project
2 for ecosystem restoration, Smith Island, Maryland:
3 Report of the Chief of Engineers dated October 29,
4 2001, at a total cost of \$14,500,000, with an esti-
5 mated Federal cost of \$9,425,000 and an estimated
6 non-Federal cost of \$5,075,000.

7 (22) SWOPE PARK INDUSTRIAL AREA, MIS-
8 SOURI.—The project for flood damage reduction,
9 Swope Park Industrial Area, Missouri: Report of the
10 Chief of Engineers dated December 30, 2003, at a
11 total cost of \$16,900,000, with an estimated Federal
12 cost of \$10,990,000 and an estimated non-Federal
13 cost of \$5,910,000.

14 (23) MANASQUAN TO BARNEGAT INLETS, NEW
15 JERSEY.—The project for hurricane and storm dam-
16 age reduction, Manasquan to Barnegat Inlets, New
17 Jersey: Report of the Chief of Engineers dated De-
18 cember 30, 2003, at a total cost of \$70,340,000,
19 with an estimated Federal cost of \$45,720,000 and
20 an estimated non-Federal cost of \$24,620,000, and
21 at an estimated total cost of \$117,100,000 for peri-
22 odic beach nourishment over the 50-year life of the
23 project, with an estimated Federal cost of
24 \$58,550,000 and an estimated non-Federal cost of
25 \$58,550,000.

1 (24) RARITAN BAY AND SANDY HOOK BAY,
2 UNION BEACH, NEW JERSEY.—The project for hurri-
3 cane and storm damage reduction, Raritan Bay and
4 Sandy Hook Bay, Union Beach, New Jersey: Report
5 of the Chief of Engineers dated January 4, 2006, at
6 a total cost of \$112,640,000, with an estimated Fed-
7 eral cost of \$73,220,600 and an estimated non-Fed-
8 eral cost of \$39,420,000, and at an estimated total
9 cost of \$6,400,000 for periodic nourishment over the
10 50-year life of the project, with an estimated Federal
11 cost of \$2,300,000 and an estimated non-Federal
12 cost of \$4,100,000.

13 (25) SOUTH RIVER, NEW JERSEY.—The project
14 for hurricane and storm damage reduction and eco-
15 system restoration, South River, New Jersey: Report
16 of the Chief of Engineers dated July 22, 2003, at
17 a total cost of \$120,810,000, with an estimated Fed-
18 eral cost of \$78,530,000 and an estimated non-Fed-
19 eral cost of \$42,280,000.

20 (26) SOUTHWEST VALLEY, ALBUQUERQUE, NEW
21 MEXICO.—The project for flood damage reduction,
22 Southwest Valley, Albuquerque, New Mexico: Report
23 of the Chief of Engineers dated November 29, 2004,
24 at a total cost of \$24,000,000, with an estimated

1 Federal cost of \$15,600,000 and an estimated non-
2 Federal cost of \$8,400,000.

3 (27) MONTAUK POINT, NEW YORK.—The
4 project for hurricane and storm damage reduction,
5 Montauk Point, New York: Report of the Chief of
6 Engineers dated March 31, 2006, at a total cost of
7 \$14,070,000, with an estimated Federal cost of
8 \$7,035,000 and an estimated non-Federal cost of
9 \$7,035,000.

10 (28) BLOOMSBURG, PENNSYLVANIA.—The
11 project for flood damage reduction, Bloomsburg,
12 Pennsylvania: Report of the Chief of Engineers
13 dated January 25, 2006, at a total cost of
14 \$43,300,000, with an estimated Federal cost of
15 \$28,150,000 and an estimated non-Federal cost of
16 \$15,150,000.

17 (29) CORPUS CHRISTI SHIP CHANNEL, CORPUS
18 CHRISTI, TEXAS.—

19 (A) IN GENERAL.—The project for naviga-
20 tion and ecosystem restoration, Corpus Christi
21 Ship Channel, Texas, Channel Improvement
22 Project: Report of the Chief of Engineers dated
23 June 2, 2003, at a total cost of \$188,110,000,
24 with an estimated Federal cost of \$87,810,000

1 and an estimated non-Federal cost of
2 \$100,300,000.

3 (B) NAVIGATIONAL SERVITUDE.—In car-
4 rying out the project under subparagraph (A),
5 the Secretary shall enforce navigational ser-
6 vitude in the Corpus Christi Ship Channel, in-
7 cluding, at the sole expense of the owner of the
8 facility, the removal or relocation of any facility
9 obstructing the project.

10 (30) GULF INTRACOASTAL WATERWAY, BRAZOS
11 RIVER TO PORT O'CONNOR, MATAGORDA BAY RE-
12 ROUTE, TEXAS.—The project for navigation, Gulf
13 Intracoastal Waterway, Brazos River to Port O'Con-
14 nor, Matagorda Bay Re-Route, Texas: Report of the
15 Chief of Engineers dated December 24, 2002, at a
16 total cost of \$17,280,000. The costs of construction
17 of the project are to be paid $\frac{1}{2}$ from amounts appro-
18 priated from the general fund of the Treasury and
19 $\frac{1}{2}$ from amounts appropriated from the Inland Wa-
20 terways Trust Fund.

21 (31) GULF INTRACOASTAL WATERWAY, HIGH
22 ISLAND TO BRAZOS RIVER, TEXAS.—The project for
23 navigation, Gulf Intracoastal Waterway, Sabine
24 River to Corpus Christi, Texas: Report of the Chief
25 of Engineers dated April 16, 2004, at a total cost

1 of \$14,450,000. The costs of construction of the
2 project are to be paid $\frac{1}{2}$ from amounts appropriated
3 from the general fund of the Treasury and $\frac{1}{2}$ from
4 amounts appropriated from the Inland Waterways
5 Trust Fund.

6 (32) RIVERSIDE OXBOW, FORT WORTH,
7 TEXAS.—The project for ecosystem restoration, Riv-
8 erside Oxbow, Fort Worth, Texas: Report of the
9 Chief of Engineers dated May 29, 2003, at a total
10 cost of \$27,330,000, with an estimated Federal cost
11 of \$11,320,000 and an estimated non-Federal cost
12 of \$16,010,000.

13 (33) DEEP CREEK, CHESAPEAKE, VIRGINIA.—
14 The project for the Atlantic Intracoastal Waterway
15 Bridge Replacement, Deep Creek, Chesapeake, Vir-
16 ginia: Report of the Chief of Engineers dated March
17 3, 2003, at a total cost of \$37,200,000.

18 (34) CHEHALIS RIVER, CENTRALIA, WASH-
19 INGTON.—The project for flood damage reduction,
20 Centralia, Washington, authorized by section 401(a)
21 of the Water Resources Development Act of 1986
22 (Public Law 99–662; 100 Stat. 4126)—

23 (A) is modified to be carried out at a total
24 cost of \$121,100,000, with a Federal cost of

1 \$73,220,000, and a non-Federal cost of
2 \$47,880,000; and

3 (B) shall be carried out by the Secretary
4 substantially in accordance with the plans, and
5 subject to the conditions, recommended in the
6 final report of the Chief of Engineers dated
7 September 27, 2004.

8 (b) PROJECTS SUBJECT TO FINAL REPORT.—The
9 following projects for water resources development and
10 conservation and other purposes are authorized to be car-
11 ried out by the Secretary substantially in accordance with
12 the plans, and subject to the conditions, recommended in
13 a final report of the Chief of Engineers if a favorable re-
14 port of the Chief is completed not later than December
15 31, 2006:

16 (1) LICKING RIVER, CYNTHIANA, KENTUCKY.—
17 The project for flood damage reduction, Licking
18 River, Cynthiana, Kentucky, at a total cost of
19 \$17,800,000, with an estimated Federal cost of
20 \$11,570,000 and an estimated non-Federal cost of
21 \$6,230,000.

22 (2) PORT OF IBERIA, LOUISIANA.—The project
23 for navigation, Port of Iberia, Louisiana, at a total
24 cost of \$204,600,000, with an estimated Federal

1 cost of \$129,700,000 and an estimated non-Federal
2 cost of \$74,900,000.

3 (3) HUDSON-RARITAN ESTUARY, LIBERTY
4 STATE PARK, NEW JERSEY.—The project for eco-
5 system restoration, Hudson-Raritan Estuary, Lib-
6 erty State Park, New Jersey, at a total cost of
7 \$33,050,000, with an estimated Federal cost of
8 \$21,480,000 and an estimated non-Federal cost of
9 \$11,570,000.

10 (4) JAMAICA BAY, MARINE PARK AND PLUMB
11 BEACH, QUEENS AND BROOKLYN, NEW YORK.—The
12 project for ecosystem restoration, Jamaica Bay,
13 Queens and Brooklyn, New York, at a total esti-
14 mated cost of \$204,159,000, with an estimated Fed-
15 eral cost of \$132,703,000 and an estimated non-
16 Federal cost of \$71,456,000.

17 (5) HOCKING RIVER BASIN, MONDAY CREEK,
18 OHIO.—The project for ecosystem restoration, Hock-
19 ing River Basin, Monday Creek, Ohio, at a total cost
20 of \$18,730,000, with an estimated Federal cost of
21 \$12,170,000 and an estimated non-Federal cost of
22 \$6,560,000.

23 (6) PAWLEY'S ISLAND, SOUTH CAROLINA.—The
24 project for hurricane and storm damage reduction,
25 Pawley's Island, South Carolina, at a total cost of

1 \$8,980,000, with an estimated Federal cost of
2 \$4,040,000 and an estimated non-Federal cost of
3 \$4,940,000, and at an estimated total cost of
4 \$21,200,000 for periodic nourishment over the 50-
5 year life of the project, with an estimated Federal
6 cost of \$7,632,000 and an estimated non-Federal
7 cost of \$13,568,000.

8 (7) CRANEY ISLAND EASTWARD EXPANSION,
9 VIRGINIA.—The project for navigation, Craney Is-
10 land Eastward Expansion, Virginia, at a total cost
11 of \$671,340,000, with an estimated Federal cost of
12 \$26,220,000 and an estimated non-Federal cost of
13 \$645,120,000.

14 **SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVE-**
15 **MENTS AND ECOSYSTEM RESTORATION PLAN**
16 **FOR THE UPPER MISSISSIPPI RIVER AND IL-**
17 **LINOIS WATERWAY SYSTEM.**

18 (a) DEFINITIONS.—In this section:

19 (1) PLAN.—The term “Plan” means the project
20 for navigation and ecosystem improvements for the
21 Upper Mississippi River and Illinois Waterway Sys-
22 tem: Report of the Chief of Engineers dated Decem-
23 ber 15, 2004.

24 (2) UPPER MISSISSIPPI RIVER AND ILLINOIS
25 WATERWAY SYSTEM.—The term “Upper Mississippi

1 River and Illinois Waterway System” means the
2 projects for navigation and ecosystem restoration au-
3 thorized by Congress for—

4 (A) the segment of the Mississippi River
5 from the confluence with the Ohio River, River
6 Mile 0.0, to Upper St. Anthony Falls Lock in
7 Minneapolis-St. Paul, Minnesota, River Mile
8 854.0; and

9 (B) the Illinois Waterway from its con-
10 fluence with the Mississippi River at Grafton,
11 Illinois, River Mile 0.0, to T.J. O’Brien Lock in
12 Chicago, Illinois, River Mile 327.0.

13 (b) AUTHORIZATION OF CONSTRUCTION OF NAVIGA-
14 TION IMPROVEMENTS.—

15 (1) SMALL SCALE AND NONSTRUCTURAL MEAS-
16 URES.—

17 (A) IN GENERAL.—The Secretary shall, in
18 general conformance with the Plan—

19 (i) construct mooring facilities at
20 Locks 12, 14, 18, 20, 22, 24, and La-
21 Grange Lock;

22 (ii) provide switchboats at Locks 20
23 through 25; and

24 (iii) conduct development and testing
25 of an appointment scheduling system.

1 (B) AUTHORIZATION OF APPROPRIA-
2 TIONS.—The total cost of the projects author-
3 ized under this paragraph shall be
4 \$246,000,000. The costs of construction of the
5 projects shall be paid $\frac{1}{2}$ from amounts appro-
6 priated from the general fund of the Treasury
7 and $\frac{1}{2}$ from amounts appropriated from the In-
8 land Waterways Trust Fund. Such sums shall
9 remain available until expended.

10 (2) NEW LOCKS.—

11 (A) IN GENERAL.—The Secretary shall, in
12 general conformance with the Plan, construct
13 new 1,200-foot locks at Locks 20, 21, 22, 24,
14 and 25 on the Upper Mississippi River and at
15 LaGrange Lock and Peoria Lock on the Illinois
16 Waterway.

17 (B) MITIGATION.—The Secretary shall
18 conduct mitigation for the new locks and small
19 scale and nonstructural measures authorized
20 under paragraphs (1) and (2).

21 (C) CONCURRENCE.—The mitigation re-
22 quired under subparagraph (B) for the projects
23 authorized under paragraphs (1) and (2), in-
24 cluding any acquisition of lands or interests in
25 lands, shall be undertaken or acquired concur-

1 rently with lands and interests for the projects
2 authorized under paragraphs (1) and (2), and
3 physical construction required for the purposes
4 of mitigation shall be undertaken concurrently
5 with the physical construction of such projects.

6 (D) AUTHORIZATION OF APPROPRIA-
7 TIONS.—The total cost of the projects author-
8 ized under this paragraph shall be
9 \$1,870,000,000. The costs of construction on
10 the projects shall be paid $\frac{1}{2}$ from amounts ap-
11 propriated from the general fund of the Treas-
12 ury and $\frac{1}{2}$ from amounts appropriated from
13 the Inland Waterways Trust Fund. Such sums
14 shall remain available until expended.

15 (c) ECOSYSTEM RESTORATION AUTHORIZATION.—

16 (1) OPERATION.—To ensure the environmental
17 sustainability of the existing Upper Mississippi River
18 and Illinois Waterway System, the Secretary shall
19 modify, consistent with requirements to avoid ad-
20 verse effects on navigation, the operation of the
21 Upper Mississippi River and Illinois Waterway Sys-
22 tem to address the cumulative environmental im-
23 pacts of operation of the system and improve the ec-
24 ological integrity of the Upper Mississippi River and
25 Illinois River.

1 (2) ECOSYSTEM RESTORATION PROJECTS.—

2 (A) IN GENERAL.—The Secretary shall
3 carry out, consistent with requirements to avoid
4 adverse effects on navigation, ecosystem res-
5 toration projects to attain and maintain the
6 sustainability of the ecosystem of the Upper
7 Mississippi River and Illinois River in accord-
8 ance with the general framework outlined in the
9 Plan.

10 (B) PROJECTS INCLUDED.—Ecosystem
11 restoration projects may include, but are not
12 limited to—

- 13 (i) island building;
14 (ii) construction of fish passages;
15 (iii) floodplain restoration;
16 (iv) water level management (includ-
17 ing water drawdown);
18 (v) backwater restoration;
19 (vi) side channel restoration;
20 (vii) wing dam and dike restoration
21 and modification;
22 (viii) island and shoreline protection;
23 (ix) topographical diversity;
24 (x) dam point control;

1 (xi) use of dredged material for envi-
2 ronmental purposes;

3 (xii) tributary confluence restoration;

4 (xiii) spillway, dam, and levee modi-
5 fication to benefit the environment;

6 (xiv) land easement authority; and

7 (xv) land acquisition.

8 (C) COST SHARING.—

9 (i) IN GENERAL.—Except as provided
10 in clauses (ii) and (iii), the Federal share
11 of the cost of carrying out an ecosystem
12 restoration project under this paragraph
13 shall be 65 percent.

14 (ii) EXCEPTION FOR CERTAIN RES-
15 TORATION PROJECTS.—In the case of a
16 project under this subparagraph for eco-
17 system restoration, the Federal share of
18 the cost of carrying out the project shall be
19 100 percent if the project—

20 (I) is located below the ordinary
21 high water mark or in a connected
22 backwater;

23 (II) modifies the operation or
24 structures for navigation; or

1 (III) is located on federally
2 owned land.

3 (iii) SAVINGS CLAUSE.—Nothing in
4 this paragraph affects the applicability of
5 section 906(e) of the Water Resources De-
6 velopment Act of 1986 (33 U.S.C. 2283).

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

14 (D) LAND ACQUISITION.—The Secretary
15 may acquire land or an interest in land for an
16 ecosystem restoration project from a willing
17 owner through conveyance of—

18 (i) fee title to the land; or

19 (ii) a flood plain conservation ease-
20 ment.

21 (3) ECOSYSTEM RESTORATION
22 PRECONSTRUCTION ENGINEERING AND DESIGN.—

23 (A) RESTORATION DESIGN.—Before initi-
24 ating the construction of any individual eco-

1 system restoration project, the Secretary
2 shall—

3 (i) establish ecosystem restoration
4 goals and identify specific performance
5 measures designed to demonstrate eco-
6 system restoration;

7 (ii) establish the without-project con-
8 dition or baseline for each performance in-
9 dicator; and

10 (iii) for each separable element of the
11 ecosystem restoration, identify specific tar-
12 get goals for each performance indicator.

13 (B) OUTCOMES.—Performance measures
14 identified under subparagraph (A)(i) should
15 comprise specific measurable environmental out-
16 comes, such as changes in water quality, hy-
17 drology, or the well-being of indicator species
18 the population and distribution of which are
19 representative of the abundance and diversity of
20 ecosystem-dependent aquatic and terrestrial
21 species.

22 (C) RESTORATION DESIGN.—Restoration
23 design carried out as part of ecosystem restora-
24 tion shall include a monitoring plan for the per-

1 formance measures identified under subpara-
2 graph (A)(i), including—

3 (i) a timeline to achieve the identified
4 target goals; and

5 (ii) a timeline for the demonstration
6 of project completion.

7 (4) SPECIFIC PROJECTS AUTHORIZATION.—

8 (A) IN GENERAL.—There is authorized to
9 be appropriated to carry out this subsection
10 \$1,650,000,000, of which not more than
11 \$226,000,000 shall be available for projects de-
12 scribed in paragraph (2)(B)(ii) and not more
13 than \$43,000,000 shall be available for projects
14 described in paragraph (2)(B)(x). Such sums
15 shall remain available until expended.

16 (B) LIMITATION ON AVAILABLE FUNDS.—
17 Of the amounts made available under subpara-
18 graph (A), not more than \$35,000,000 for each
19 fiscal year shall be available for land acquisition
20 under paragraph (2)(D).

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

1 (5) IMPLEMENTATION REPORTS.—

2 (A) IN GENERAL.—Not later than June
3 30, 2008, and every 5 years thereafter, the Sec-
4 retary shall submit to the Committee on Envi-
5 ronment and Public Works of the Senate and
6 the Committee on Transportation and Infra-
7 structure of the House of Representatives an
8 implementation report that—

9 (i) includes baselines, milestones,
10 goals, and priorities for ecosystem restora-
11 tion projects; and

12 (ii) measures the progress in meeting
13 the goals.

14 (B) ADVISORY PANEL.—

15 (i) IN GENERAL.—The Secretary shall
16 appoint and convene an advisory panel to
17 provide independent guidance in the devel-
18 opment of each implementation report
19 under subparagraph (A).

20 (ii) PANEL MEMBERS.—Panel mem-
21 bers shall include—

22 (I) 1 representative of each of
23 the State resource agencies (or a des-
24 ignee of the Governor of the State)
25 from each of the States of Illinois,

1 Iowa, Minnesota, Missouri, and Wis-
2 consin;

3 (II) 1 representative of the De-
4 partment of Agriculture;

5 (III) 1 representative of the De-
6 partment of Transportation;

7 (IV) 1 representative of the
8 United States Geological Survey;

9 (V) 1 representative of the
10 United States Fish and Wildlife Serv-
11 ice;

12 (VI) 1 representative of the Envi-
13 ronmental Protection Agency;

14 (VII) 1 representative of affected
15 landowners;

16 (VIII) 2 representatives of con-
17 servation and environmental advocacy
18 groups; and

19 (IX) 2 representatives of agri-
20 culture and industry advocacy groups.

21 (iii) CHAIRPERSON.—The Secretary
22 shall serve as chairperson of the advisory
23 panel.

24 (iv) NONAPPLICABILITY OF FACA.—
25 The Federal Advisory Committee Act (5

1 U.S.C. App.) shall not apply to the Advi-
2 sory Panel or any working group estab-
3 lished by the Advisory Panel.

4 (6) RANKING SYSTEM.—

5 (A) IN GENERAL.—The Secretary, in con-
6 sultation with the Advisory Panel, shall develop
7 a system to rank proposed projects.

8 (B) PRIORITY.—The ranking system shall
9 give greater weight to projects that restore nat-
10 ural river processes, including those projects
11 listed in paragraph (2)(B).

12 (d) COMPARABLE PROGRESS.—

13 (1) IN GENERAL.—As the Secretary conducts
14 pre-engineering, design, and construction for
15 projects authorized under this section, the Secretary
16 shall—

17 (A) select appropriate milestones; and

18 (B) determine, at the time of such selec-
19 tion, whether the projects are being carried out
20 at comparable rates.

21 (2) NO COMPARABLE RATE.—If the Secretary
22 determines under paragraph (1)(B) that projects au-
23 thorized under this subsection are not moving to-
24 ward completion at a comparable rate, annual fund-
25 ing requests for the projects will be adjusted to en-

1 sure that the projects move toward completion at a
2 comparable rate in the future.

3 **SEC. 1003. LOUISIANA COASTAL AREA ECOSYSTEM RES-**
4 **TORATION, LOUISIANA.**

5 (a) IN GENERAL.—The Secretary may carry out a
6 program for ecosystem restoration, Louisiana Coastal
7 Area, Louisiana, substantially in accordance with the re-
8 port of the Chief of Engineers, dated January 31, 2005.

9 (b) PRIORITIES.—

10 (1) IN GENERAL.—In carrying out the program
11 under subsection (a), the Secretary shall give pri-
12 ority to—

13 (A) any portion of the program identified
14 in the report described in subsection (a) as a
15 critical restoration feature;

16 (B) any Mississippi River diversion project
17 that—

18 (i) protects a major population area of
19 the Pontchartrain, Pearl, Breton Sound,
20 Barataria, or Terrebonne Basin; and

21 (ii) produces an environmental benefit
22 to the coastal area of the State of Lou-
23 isiana; and

24 (C) any barrier island, or barrier shoreline,
25 project that—

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

3 (ii) protects a major population area.

4 (c) MODIFICATIONS.—

5 (1) IN GENERAL.—In carrying out the program
6 under subsection (a), the Secretary is authorized to
7 make modifications as necessary to the 5 near-term
8 critical ecosystem restoration features identified in
9 the report referred to in subsection (a), due to the
10 impact of Hurricane Katrina on the project areas.

11 (2) INTEGRATION.—The Secretary shall ensure
12 that the modifications under paragraph (1) are fully
13 integrated with the analysis and design of com-
14 prehensive hurricane protection authorized by title I
15 of the Energy and Water Development Appropria-
16 tions Act, 2006 (Public Law 109–103; 119 Stat.
17 2247).

18 (3) CONSTRUCTION.—

19 (A) IN GENERAL.—The Secretary is au-
20 thorized to construct the projects modified
21 under this subsection.

22 (B) REPORTS.—

23 (i) IN GENERAL.—Before beginning
24 construction of the projects, the Secretary
25 shall submit a report documenting any

1 modifications to the 5 near-term projects,
2 including cost changes, to the Louisiana
3 Water Resources Council established by
4 subsection (n)(1) (referred to in this sec-
5 tion as the “Council”) for approval.

6 (ii) SUBMISSION TO CONGRESS.—On
7 approval of a report under clause (i), the
8 Council shall submit the report to the
9 Committee on Environment and Public
10 Works of the Senate and the Committee on
11 Transportation and Infrastructure of the
12 House of Representatives.

13 (4) APPLICABILITY OF OTHER PROVISIONS.—
14 Section 902 of the Water Resources Development
15 Act of 1986 (33 U.S.C. 2280) shall not apply to the
16 5 near-term projects authorized by this section.

17 (d) DEMONSTRATION PROGRAM.—

18 (1) IN GENERAL.—In carrying out the program
19 under subsection (a), the Secretary is authorized to
20 conduct a demonstration program within the appli-
21 cable project area to evaluate new technologies and
22 the applicability of the technologies to the program.

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

1 (e) BENEFICIAL USE OF DREDGED MATERIAL.—In
2 carrying out the program under subsection (a), the Sec-
3 retary is authorized to use such sums as are necessary
4 to conduct a program for the beneficial use of dredged
5 material.

6 (f) REPORTS.—

7 (1) IN GENERAL.—Not later than December 31,
8 2008, the Secretary shall submit to Congress feasi-
9 bility reports on the features included in table 3 of
10 the report referred to in subsection (a).

11 (2) PROJECTS IDENTIFIED IN REPORTS.—

12 (A) IN GENERAL.—The Secretary shall
13 submit the reports described in paragraph (1)
14 to the Committee on Environment and Public
15 Works of the Senate and the Committee on
16 Transportation and Infrastructure of the House
17 of Representatives.

18 (B) CONSTRUCTION.—The Secretary shall
19 be authorized to construct the projects identi-
20 fied in the reports at the time the Committees
21 referred to in subparagraph (A) each adopt a
22 resolution approving the project.

23 (g) NONGOVERNMENTAL ORGANIZATIONS.—A non-
24 governmental organization shall be eligible to contribute

1 all or a portion of the non-Federal share of the cost of
2 a project under this section.

3 (h) COMPREHENSIVE PLAN.—

4 (1) IN GENERAL.—The Secretary, in coordina-
5 tion with the Governor of the State of Louisiana,
6 shall—

7 (A) develop a plan for protecting, pre-
8 serving, and restoring the coastal Louisiana
9 ecosystem;

10 (B) not later than 1 year after the date of
11 enactment of this Act, and every 5 years there-
12 after, submit to Congress the plan, or an up-
13 date of the plan; and

14 (C) ensure that the plan is fully integrated
15 with the analysis and design of comprehensive
16 hurricane protection authorized by title I of the
17 Energy and Water Development Appropriations
18 Act, 2006 (Public Law 109–103; 119 Stat.
19 2247).

20 (2) INCLUSIONS.—The comprehensive plan
21 shall include a description of—

22 (A) the framework of a long-term program
23 that provides for the comprehensive protection,
24 conservation, and restoration of the wetlands,
25 estuaries (including the Barataria-Terrebonne

1 estuary), barrier islands, shorelines, and related
2 land and features of the coastal Louisiana eco-
3 system, including protection of a critical re-
4 source, habitat, or infrastructure from the ef-
5 fects of a coastal storm, a hurricane, erosion, or
6 subsidence;

7 (B) the means by which a new technology,
8 or an improved technique, can be integrated
9 into the program under subsection (a);

10 (C) the role of other Federal agencies and
11 programs in carrying out the program under
12 subsection (a); and

13 (D) specific, measurable ecological success
14 criteria by which success of the comprehensive
15 plan shall be measured.

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

20 (A) a related Federal or State project car-
21 ried out on the date on which the plan is devel-
22 oped;

23 (B) an activity in the Louisiana Coastal
24 Area; or

- 1 (C) any other project or activity identified
2 in—
- 3 (i) the Mississippi River and Tribu-
4 taries program;
- 5 (ii) the Louisiana Coastal Wetlands
6 Conservation Plan;
- 7 (iii) the Louisiana Coastal Zone Man-
8 agement Plan; or
- 9 (iv) the plan of the State of Louisiana
10 entitled “Coast 2050: Toward a Sustain-
11 able Coastal Louisiana”.

12 (i) TASK FORCE.—

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

17 (2) MEMBERSHIP.—The Task Force shall con-
18 sist of the following members (or, in the case of the
19 head of a Federal agency, a designee at the level of
20 Assistant 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
12 of the coastal Louisiana ecosystem;

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

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.—The Task Force may
25 establish such working groups as the Task Force de-

1 termines to be necessary to assist the Task Force in
2 carrying out this subsection.

3 (5) NONAPPLICABILITY OF FACA.—The Federal
4 Advisory Committee Act (5 U.S.C. App.) shall not
5 apply to the Task Force or any working group of the
6 Task Force.

7 (j) SCIENCE AND TECHNOLOGY.—

8 (1) IN GENERAL.—The Secretary shall establish
9 a coastal Louisiana ecosystem science and tech-
10 nology program.

11 (2) PURPOSES.—The purposes of the program
12 established by paragraph (1) shall be—

13 (A) to identify any uncertainty relating to
14 the physical, chemical, geological, biological,
15 and cultural baseline conditions in coastal Lou-
16 isiana;

17 (B) to improve knowledge of the physical,
18 chemical, geological, biological, and cultural
19 baseline conditions in coastal Louisiana; and

20 (C) to identify and develop technologies,
21 models, and methods to carry out this sub-
22 section.

23 (3) WORKING GROUPS.—The Secretary may es-
24 tablish such working groups as the Secretary deter-

1 mines to be necessary to assist the Secretary in car-
2 rying out this subsection.

3 (4) CONTRACTS AND COOPERATIVE AGREE-
4 MENTS.—In carrying out this subsection, the Sec-
5 retary may enter into a contract or cooperative
6 agreement with an individual or entity (including a
7 consortium of academic institutions in Louisiana)
8 with scientific or engineering expertise in the res-
9 toration of aquatic and marine ecosystems for coast-
10 al restoration and enhancement through science and
11 technology.

12 (k) ANALYSIS OF BENEFITS.—

13 (1) IN GENERAL.—Notwithstanding section 209
14 of the Flood Control Act of 1970 (42 U.S.C. 1962–
15 2) or any other provision of law, in carrying out an
16 activity to conserve, protect, restore, or maintain the
17 coastal Louisiana ecosystem, the Secretary may de-
18 termine that the environmental benefits provided by
19 the program under this section outweigh the dis-
20 advantage of an activity under this section.

21 (2) DETERMINATION OF COST-EFFECTIVE-
22 NESS.—If the Secretary determines that an activity
23 under this section is cost-effective, no further eco-
24 nomic justification for the activity shall be required.

25 (l) STUDIES.—

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

7 (A) the cause of any degradation of the
8 Louisiana Coastal Area ecosystem that occurred
9 as a result of an activity approved by the Sec-
10 retary; and

11 (B) the sources of the degradation.

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

16 (A) financing alternatives for the program
17 under subsection (a); and

18 (B) potential reductions in the expenditure
19 of Federal funds in emergency responses that
20 would occur as a result of ecosystem restoration
21 in the Louisiana Coastal Area.

22 (m) PROJECT MODIFICATIONS.—

23 (1) REVIEW.—The Secretary, in cooperation
24 with any non-Federal interest, shall review each fed-
25 erally-authorized water resources project in the

1 coastal Louisiana area in existence on the date of
2 enactment of this Act to determine whether—

3 (A) each project is in accordance with the
4 program under subsection (a); and

5 (B) the project could contribute to eco-
6 system restoration under subsection (a) through
7 modification of the operations or features of the
8 project.

9 (2) MODIFICATIONS.—Subject to paragraphs
10 (3) and (4), the Secretary may carry out the modi-
11 fications described in paragraph (1)(B).

12 (3) PUBLIC NOTICE AND COMMENT.—Before
13 completing the report required under paragraph (4),
14 the Secretary shall provide an opportunity for public
15 notice and comment.

16 (4) REPORT.—

17 (A) IN GENERAL.—Before modifying an
18 operation or feature of a project under para-
19 graph (1)(B), the Secretary shall submit to the
20 Committee on Environment and Public Works
21 of the Senate and the Committee on Transpor-
22 tation and Infrastructure of the House of Rep-
23 resentatives a report describing the modifica-
24 tion.

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

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

8 (n) LOUISIANA WATER RESOURCES COUNCIL.—

9 (1) ESTABLISHMENT.—There is established
10 within the Mississippi River Commission, a subgroup
11 to be known as the “Louisiana Water Resources
12 Council”.

13 (2) PURPOSES.—The purposes of the Council
14 are—

15 (A) to manage and oversee each aspect of
16 the implementation of a system-wide, com-
17 prehensive plan for projects of the Corps of En-
18 gineers (including the study, planning, engi-
19 neering, design, and construction of the projects
20 or components of projects and the functions or
21 activities of the Corps of Engineers relating to
22 other projects) that addresses hurricane protec-
23 tion, flood control, ecosystem restoration, storm
24 surge damage reduction, or navigation in the

1 Hurricane Katrina disaster area in the State of
2 Louisiana; and

3 (B) to demonstrate and evaluate a stream-
4 lined approach to authorization of water re-
5 sources projects to be studied, designed, and
6 constructed by the Corps of Engineers.

7 (3) MEMBERSHIP.—

8 (A) IN GENERAL.—The president of the
9 Mississippi River Commission shall appoint
10 members of the Council, after considering rec-
11 ommendations of the Governor of Louisiana.

12 (B) REQUIREMENTS.—The Council shall
13 be composed of—

14 (i) 2 individuals with expertise in
15 coastal ecosystem restoration, including the
16 interaction of saltwater and freshwater es-
17 tuaries; and

18 (ii) 2 individual with expertise in geol-
19 ogy or civil engineering relating to hurri-
20 cane and flood damage reduction and navi-
21 gation.

22 (C) CHAIRPERSON.—In addition to the
23 members appointed under subparagraph (B),
24 the Council shall be chaired by 1 of the 3 offi-

1 cers of the Corps of Engineers of the Mis-
2 sissippi River Commission.

3 (4) DUTIES.—With respect to modifications
4 under subsection (c), the Council shall—

5 (A) review and approve or disapprove the
6 reports completed by the Secretary; and

7 (B) on approval, submit the reports to the
8 Committee on Environment and Public Works
9 of the Senate and the Committee on Transpor-
10 tation and Infrastructure of the House of Rep-
11 resentatives.

12 (5) TERMINATION.—

13 (A) IN GENERAL.—The Council shall ter-
14 minate on the date that is 6 years after the
15 date of enactment of this Act.

16 (B) EFFECT.—Any project modification
17 under subsection (c) that has not been approved
18 by the Council and submitted to Congress by
19 the date described in subparagraph (A) shall
20 not proceed to construction before the date on
21 which the modification is statutorily approved
22 by Congress.

23 (o) OTHER PROJECTS.—

24 (1) IN GENERAL.—With respect to the projects
25 identified in the analysis and design of comprehen-

1 sive hurricane protection authorized by title I of the
2 Energy and Water Development Appropriations Act,
3 2006 (Public Law 109–103; 119 Stat. 2247), the
4 Secretary shall submit a report describing the
5 projects to the Committee on Environment and Pub-
6 lic Works of the Senate and the Committee on
7 Transportation and Infrastructure of the House of
8 Representatives.

9 (2) CONSTRUCTION.—The Secretary shall be
10 authorized to construct the projects at the time the
11 Committees referred to in paragraph (1) each adopt
12 a resolution approving the project.

13 (p) REPORT.—

14 (1) IN GENERAL.—Not later than 6 years after
15 the date of enactment of this Act, the Secretary
16 shall submit to the Committee on Environment and
17 Public Works of the Senate and the Committee on
18 Transportation and Infrastructure of the House of
19 Representatives a report evaluating the alternative
20 means of authorizing Corps of Engineers water re-
21 sources projects under subsections (c)(3), (f)(2), and
22 (n)(4).

23 (2) INCLUSIONS.—The report shall include a
24 description of—

1 (A) the projects authorized and undertaken
2 under this section;

3 (B) the construction status of the projects;
4 and

5 (C) the benefits and environmental impacts
6 of the projects.

7 (3) **EXTERNAL REVIEW.**—The Secretary shall
8 enter into a contract with the National Academy of
9 Science to perform an external review of the dem-
10 onstration program under subsection (d), which shall
11 be submitted to the Committee on Environment and
12 Public Works of the Senate and the Committee on
13 Transportation and Infrastructure of the House of
14 Representatives.

15 **SEC. 1004. SMALL PROJECTS FOR FLOOD DAMAGE REDUC-**
16 **TION.**

17 The Secretary—

18 (1) shall conduct a study for flood damage re-
19 duction, Cache River Basin, Grubbs, Arkansas; and

20 (2) if the Secretary determines that the project
21 is feasible, may carry out the project under section
22 205 of the Flood Control Act of 1948 (33 U.S.C.
23 701s).

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

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

7 (1) LITTLE ROCK PORT, ARKANSAS.—Project
8 for navigation, Little Rock Port, Arkansas River,
9 Arkansas.

10 (2) AU SABLE RIVER, MICHIGAN.—Project for
11 navigation, Au Sable River in the vicinity of Oscoda,
12 Michigan.

13 (3) OUTER CHANNEL AND INNER HARBOR, ME-
14 NOMINEE HARBOR, MICHIGAN AND WISCONSIN.—
15 Project for navigation, Outer Channel and Inner
16 Harbor, Menominee Harbor, Michigan and Wis-
17 consin.

18 (4) MIDDLE BASS ISLAND STATE PARK, MIDDLE
19 BASS ISLAND, OHIO.—Project for navigation, Middle
20 Bass Island State Park, Middle Bass Island, Ohio.

21 **SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM**
22 **RESTORATION.**

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

1 section 206 of the Water Resources Development Act of
2 1996 (33 U.S.C. 2330):

3 (1) SAN DIEGO RIVER, CALIFORNIA.—Project
4 for aquatic ecosystem restoration, San Diego River,
5 California, including efforts to address invasive
6 aquatic plant species.

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

10 (3) JOHNSON CREEK, GRESHAM, OREGON.—
11 Project for aquatic ecosystem restoration, Johnson
12 Creek, Gresham, Oregon.

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

16 (5) COLLEGE LAKE, LYNCHBURG, VIRGINIA.—
17 Project for aquatic ecosystem restoration, College
18 Lake, Lynchburg, Virginia.

19 **TITLE II—GENERAL PROVISIONS**

20 **Subtitle A—Provisions**

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

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

24 (1) by striking “SEC. 221” and inserting the
25 following:

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,
8 the construction of any water resources project, or
9 an acceptable separable element thereof, by the Sec-
10 retary of the Army, acting through the Chief of En-
11 gineers, or by a non-Federal interest where such in-
12 terest will be reimbursed for such construction under
13 any provision of law, shall not be commenced until
14 each non-Federal interest has entered into a written
15 partnership agreement with the district engineer for
16 the district in which the project will be carried out
17 under which each party agrees to carry out its re-
18 sponsibilities and requirements for implementation
19 or construction of the project or the appropriate ele-
20 ment of the project, as the case may be; except that
21 no such agreement shall be required if the Secretary
22 determines that the administrative costs associated
23 with negotiating, executing, or administering the
24 agreement would exceed the amount of the contribu-
25 tion required from the non-Federal interest and are
26 less than \$25,000.

1 “(2) LIQUIDATED DAMAGES.—An agreement
2 described in paragraph (1) may include a provision
3 for liquidated damages in the event of a failure of
4 1 or 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
8 its powers from the State constitution, or a govern-
9 mental entity created by the State legislature, the
10 agreement may reflect that it does not obligate fu-
11 ture appropriations for such performance and pay-
12 ment when obligating future appropriations would be
13 inconsistent with constitutional or statutory limita-
14 tions of the State or a political subdivision of the
15 State.

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

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

24 “(i) the costs of planning (including
25 data collection), design, management, miti-

1 gation, construction, and construction serv-
2 ices that are provided by the non-Federal
3 interest for implementation of the project;
4 and

5 “(ii) the value of materials or services
6 provided before execution of an agreement
7 for the project, including—

8 “(I) efforts on constructed ele-
9 ments incorporated into the project;
10 and

11 “(II) materials and services pro-
12 vided after an agreement is executed.

13 “(B) CONDITION.—The Secretary shall
14 credit an in-kind contribution under subpara-
15 graph (A) if the Secretary determines that the
16 property or service provided as an in-kind con-
17 tribution is integral to the project.

18 “(C) LIMITATIONS.—Credit authorized for
19 a project—

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

22 “(ii) shall not alter any other require-
23 ment that a non-Federal interest provide
24 land, an easement or right-of-way, or an

1 area for disposal of dredged material for
2 the project; and

3 “(iii) shall not exceed the actual and
4 reasonable costs of the materials, services,
5 or other things provided by the non-Fed-
6 eral interest, as determined by the Sec-
7 retary.”.

8 **SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT**
9 **AUTHORITY.**

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

12 (1) by striking subsection (a) and inserting the
13 following:

14 “(a) IN GENERAL.—The Secretary may engage in ac-
15 tivities (including contracting) in support of other Federal
16 agencies, international organizations, or foreign govern-
17 ments to address problems of national significance to the
18 United States.”;

19 (2) in subsection (b), by striking “Secretary of
20 State” and inserting “Department of State”; and

21 (3) in subsection (d)—

22 (A) by striking “\$250,000 for fiscal year
23 2001” and inserting “\$1,000,000 for fiscal year
24 2007 and each fiscal year thereafter”; and

1 (B) by striking “or international organiza-
2 tions” and inserting “, international organiza-
3 tions, or foreign governments”.

4 **SEC. 2003. TRAINING FUNDS.**

5 (a) IN GENERAL.—The Secretary may include indi-
6 viduals from the non-Federal interest, including the pri-
7 vate sector, in training classes and courses offered by the
8 Corps of Engineers in any case in which the Secretary
9 determines that it is in the best interest of the Federal
10 Government to include those individuals as participants.

11 (b) EXPENSES.—

12 (1) IN GENERAL.—An individual from a non-
13 Federal interest attending a training class or course
14 described in subsection (a) shall pay the full cost of
15 the training provided to the individual.

16 (2) PAYMENTS.—Payments made by an indi-
17 vidual for training received under subsection (a), up
18 to the actual cost of the training—

19 (A) may be retained by the Secretary;

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

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

1 (3) **EXCESS AMOUNTS.**—Any payments received
2 under paragraph (2) that are in excess of the actual
3 cost of training provided shall be credited as mis-
4 cellaneous receipts to the Treasury of the United
5 States.

6 **SEC. 2004. FISCAL TRANSPARENCY REPORT.**

7 (a) **IN GENERAL.**—On the third Tuesday of January
8 of each year beginning January 2008, the Chief of Engi-
9 neers shall submit to the Committee on Environment and
10 Public Works of the Senate and the Committee on Trans-
11 portation and Infrastructure of the House of Representa-
12 tives a report on the expenditures for the preceding fiscal
13 year and estimated expenditures for the current fiscal
14 year.

15 (b) **CONTENTS.**—In addition to the information de-
16 scribed in subsection (a), the report shall contain a de-
17 tailed accounting of the following information:

18 (1) With respect to general construction, infor-
19 mation on—

20 (A) projects currently under construction,
21 including—

22 (i) allocations to date;

23 (ii) the number of years remaining to
24 complete construction;

1 (iii) the estimated annual Federal cost
2 to maintain that construction schedule;
3 and

4 (iv) a list of projects the Corps of En-
5 gineers expects to complete during the cur-
6 rent fiscal year; and

7 (B) projects for which there is a signed
8 cost-sharing agreement and completed planning,
9 engineering, and design, including—

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

12 (ii) estimated annual Federal cost to
13 maintain that construction schedule.

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

17 (A) the estimated annual cost to maintain
18 each waterway for the authorized reach and at
19 the authorized depth; and

20 (B) the estimated annual cost of operation
21 and maintenance of locks and dams to ensure
22 navigation without interruption.

23 (3) With respect to general investigations and
24 reconnaissance and feasibility studies—

25 (A) the number of active studies;

1 (B) the number of completed studies not
2 yet authorized for construction;

3 (C) the number of initiated studies; and

4 (D) the number of studies expected to be
5 completed during the fiscal year.

6 (4) Funding received and estimates of funds to
7 be received for interagency and international support
8 activities under section 318(a) of the Water Re-
9 sources Development Act of 1990 (33 U.S.C.
10 2323(a)).

11 (5) Recreation fees and lease payments.

12 (6) Hydropower and water storage fees.

13 (7) Deposits into the Inland Waterway Trust
14 Fund and the Harbor Maintenance Trust Fund.

15 (8) Other revenues and fees collected.

16 (9) With respect to permit applications and no-
17 tifications, a list of individual permit applications
18 and nationwide permit notifications, including—

19 (A) the date on which each permit applica-
20 tion is filed;

21 (B) the date on which each permit applica-
22 tion is determined to be complete; and

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

1 (10) With respect to the project backlog, a list
2 of authorized projects for which no funds have been
3 allocated for the 5 preceding fiscal years, including,
4 for each project—

5 (A) the authorization date;

6 (B) the last allocation date;

7 (C) the percentage of construction com-
8 pleted;

9 (D) the estimated cost remaining until
10 completion of the project; and

11 (E) a brief explanation of the reasons for
12 the delay.

13 **SEC. 2005. PLANNING.**

14 (a) MATTERS TO BE ADDRESSED IN PLANNING.—
15 Section 904 of the Water Resources Development Act of
16 1986 (33 U.S.C. 2281) is amended—

17 (1) by striking “Enhancing” and inserting the
18 following:

19 “(a) IN GENERAL.—Enhancing”; and

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

21 “(b) ASSESSMENTS.—For all feasibility reports com-
22 pleted after December 31, 2005, the Secretary shall assess
23 whether—

24 “(1) the water resource project and each sepa-
25 rable element is cost-effective; and

1 “(2) the water resource project complies with
2 Federal, State, and local laws (including regulations)
3 and public policies.”.

4 (b) PLANNING PROCESS IMPROVEMENTS.—The Chief
5 of Engineers—

6 (1) shall, not later than 2 years after the date
7 on which the feasibility study cost sharing agree-
8 ment is signed for a project, subject to the avail-
9 ability of appropriations—

10 (A) complete the feasibility study for the
11 project; and

12 (B) sign the report of the Chief of Engi-
13 neers for the project;

14 (2) may, with the approval of the Secretary, ex-
15 tend the deadline established under paragraph (1)
16 for not to exceed 4 years, for a complex or con-
17 troversial study; and

18 (3)(A) shall adopt a risk analysis approach to
19 project cost estimates; and

20 (B) not later than 1 year after the date of en-
21 actment of this Act, shall—

22 (i) issue procedures for risk analysis for
23 cost estimation; and

24 (ii) submit to Congress a report that in-
25 cludes suggested amendments to section 902 of

1 the Water Resources Development Act of 1986
2 (33 U.S.C. 2280).

3 (c) CALCULATION OF BENEFITS AND COSTS FOR
4 FLOOD DAMAGE REDUCTION PROJECTS.—A feasibility
5 study for a project for flood damage reduction shall in-
6 clude, as part of the calculation of benefits and costs—

7 (1) a calculation of the residual risk of flooding
8 following completion of the proposed project;

9 (2) a calculation of the residual risk of loss of
10 human life and residual risk to human safety fol-
11 lowing completion of the proposed project; and

12 (3) a calculation of any upstream or down-
13 stream impacts of the proposed project.

14 (d) CENTERS OF SPECIALIZED PLANNING EXPER-
15 TISE.—

16 (1) ESTABLISHMENT.—The Secretary may es-
17 tablish centers of expertise to provide specialized
18 planning expertise for water resource projects to be
19 carried out by the Secretary in order to enhance and
20 supplement the capabilities of the districts of the
21 Corps of Engineers.

22 (2) DUTIES.—A center of expertise established
23 under this subsection shall—

24 (A) provide technical and managerial as-
25 sistance to district commanders of the Corps of

1 Engineers for project planning, development,
2 and implementation;

3 (B) provide peer reviews of new major sci-
4 entific, engineering, or economic methods, mod-
5 els, or analyses that will be used to support de-
6 cisions of the Secretary with respect to feasi-
7 bility studies;

8 (C) provide support for external peer re-
9 view panels convened by the Secretary; and

10 (D) carry out such other duties as are pre-
11 scribed by the Secretary.

12 (e) COMPLETION OF CORPS OF ENGINEERS RE-
13 PORTS.—

14 (1) ALTERNATIVES.—

15 (A) IN GENERAL.—Feasibility and other
16 studies and assessments of water resource prob-
17 lems and projects shall include recommenda-
18 tions for alternatives—

19 (i) that, as determined by the non-
20 Federal interests for the projects, promote
21 integrated water resources management;
22 and

23 (ii) for which the non-Federal inter-
24 ests are willing to provide the non-Federal
25 share for the studies or assessments.

1 (B) SCOPE AND PURPOSES.—The scope
2 and purposes of studies and assessments de-
3 scribed in subparagraph (A) shall not be con-
4 strained by budgetary or other policy as a re-
5 sult of the inclusion of alternatives described in
6 that subparagraph.

7 (C) REPORTS OF CHIEF OF ENGINEERS.—
8 The reports of the Chief of Engineers shall be
9 based solely on the best technical solutions to
10 water resource needs and problems.

11 (2) REPORT COMPLETION.—The completion of
12 a report of the Chief of Engineers for a project—

13 (A) shall not be delayed while consider-
14 ation is being given to potential changes in pol-
15 icy or priority for project consideration; and

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

17 (i) the Committee on Environment
18 and Public Works of the Senate; and

19 (ii) the Committee on Transportation
20 and Infrastructure of the House of Rep-
21 resentatives.

22 (f) COMPLETION REVIEW.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), not later than 90 days after the date of
25 completion of a report of the Chief of Engineers that

1 recommends to Congress a water resource project,
2 the Secretary shall—

3 (A) review the report; and

4 (B) provide any recommendations of the
5 Secretary regarding the water resource project
6 to Congress.

7 (2) PRIOR REPORTS.—Not later than 90 days
8 after the date of enactment of this Act, with respect
9 to any report of the Chief of Engineers recom-
10 mending a water resource project that is complete
11 prior to the date of enactment of this Act, the Sec-
12 retary shall complete review of, and provide rec-
13 ommendations to Congress for, the report in accord-
14 ance with paragraph (1).

15 **SEC. 2006. WATER RESOURCES PLANNING COORDINATING**
16 **COMMITTEE.**

17 (a) ESTABLISHMENT.—The President shall establish
18 a Water Resources Planning Coordinating Committee (re-
19 ferred to in this subsection as the “Coordinating Com-
20 mittee”).

21 (b) MEMBERSHIP.—

22 (1) IN GENERAL.—The Coordinating Com-
23 mittee shall be composed of the following members
24 (or a designee of the member):

25 (A) The Secretary of the Interior.

1 (B) The Secretary of Agriculture.

2 (C) The Secretary of Health and Human
3 Services.

4 (D) The Secretary of Housing and Urban
5 Development.

6 (E) The Secretary of Transportation.

7 (F) The Secretary of Energy.

8 (G) The Secretary of Homeland Security.

9 (H) The Secretary of Commerce.

10 (I) The Administrator of the Environ-
11 mental Protection Agency.

12 (J) The Chairperson of the Council on En-
13 vironmental Quality.

14 (2) CHAIRPERSON AND EXECUTIVE DIREC-
15 TOR.—The President shall appoint—

16 (A) 1 member of the Coordinating Com-
17 mittee to serve as Chairperson of the Coordi-
18 nating Committee for a term of 2 years; and

19 (B) an Executive Director to supervise the
20 activities of the Coordinating Committee.

21 (3) FUNCTION.—The function of the Coordi-
22 nating Committee shall be to carry out the duties
23 and responsibilities set forth under this section.

24 (c) NATIONAL WATER RESOURCES PLANNING AND
25 MODERNIZATION POLICY.—It is the policy of the United

1 States that all water resources projects carried out by the
2 Corps of Engineers shall—

3 (1) reflect national priorities;

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

5 (3) minimize vulnerabilities in any case in
6 which a floodplain must be used;

7 (4) protect and restore the functions of natural
8 systems; and

9 (5) mitigate any unavoidable damage to natural
10 systems.

11 (d) WATER RESOURCE PRIORITIES REPORT.—

12 (1) IN GENERAL.—Not later than 2 years after
13 the date of enactment of this Act, the Coordinating
14 Committee, in collaboration with the Secretary, shall
15 submit to the President and Congress a report de-
16 scribing the vulnerability of the United States to
17 damage from flooding and related storm damage, in-
18 cluding—

19 (A) the risk to human life;

20 (B) the risk to property; and

21 (C) the comparative risks faced by dif-
22 ferent regions of the United States.

23 (2) INCLUSIONS.—The report under paragraph

24 (1) shall include—

1 (A) an assessment of the extent to which
2 programs in the United States relating to flood-
3 ing address flood risk reduction priorities;

4 (B) the extent to which those programs
5 may be unintentionally encouraging develop-
6 ment and economic activity in floodprone areas;

7 (C) recommendations for improving those
8 programs with respect to reducing and respond-
9 ing to flood risks; and

10 (D) proposals for implementing the rec-
11 ommendations.

12 (e) MODERNIZING WATER RESOURCES PLANNING
13 GUIDELINES.—

14 (1) IN GENERAL.—Not later than 2 years after
15 the date of enactment of this Act, and every 5 years
16 thereafter, the Secretary and the Coordinating Com-
17 mittee shall, in collaboration with each other, review
18 and propose updates and revisions to modernize the
19 planning principles and guidelines, regulations, and
20 circulars by which the Corps of Engineers analyzes
21 and evaluates water projects. In carrying out the re-
22 view, the Coordinating Committee and the Secretary
23 shall consult with the National Academy of Sciences
24 for recommendations regarding updating planning
25 documents.

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

6 (A) requiring the use of modern economic
7 principles and analytical techniques, credible
8 schedules for project construction, and current
9 discount rates as used by other Federal agen-
10 cies;

11 (B) eliminating biases and disincentives to
12 providing projects to low-income communities,
13 including fully accounting for the prevention of
14 loss of life under section 904 of the Water Re-
15 sources Development Act of 1986 (33 U.S.C.
16 2281);

17 (C) eliminating biases and disincentives
18 that discourage the use of nonstructural ap-
19 proaches to water resources development and
20 management, and fully accounting for the flood
21 protection and other values of healthy natural
22 systems;

23 (D) promoting environmental restoration
24 projects that reestablish natural processes;

1 (E) assessing and evaluating the impacts
2 of a project in the context of other projects
3 within a region or watershed;

4 (F) analyzing and incorporating lessons
5 learned from recent studies of Corps of Engi-
6 neers programs and recent disasters such as
7 Hurricane Katrina and the Great Midwest
8 Flood of 1993;

9 (G) encouraging wetlands conservation;
10 and

11 (H) ensuring the effective implementation
12 of the policies of this Act.

13 (3) PUBLIC PARTICIPATION.—The Coordinating
14 Committee and the Secretary shall solicit public and
15 expert comments regarding any revision proposed
16 under paragraph (2).

17 (4) REVISION OF PLANNING GUIDANCE.—

18 (A) IN GENERAL.—Not later than 180
19 days after the date on which a review under
20 paragraph (1) is completed, the Secretary, after
21 providing notice and an opportunity for public
22 comment in accordance with subchapter II of
23 chapter 5, and chapter 7, of title 5, United
24 States Code (commonly known as the “Admin-
25 istrative Procedure Act”), shall implement such

1 proposed updates and revisions to the planning
2 principles and guidelines, regulations, and cir-
3 culars of the Corps of Engineers under para-
4 graph (2) as the Secretary determines to be ap-
5 propriate.

6 (B) EFFECT.—Effective beginning on the
7 date on which the Secretary implements the
8 first update or revision under paragraph (1),
9 subsections (a) and (b) of section 80 of the
10 Water Resources Development Act of 1974 (42
11 U.S.C. 1962d–17) shall not apply to the Corps
12 of Engineers.

13 (5) REPORT.—

14 (A) IN GENERAL.—The Secretary shall
15 submit to the Committees on Environment and
16 Public Works and Appropriations of the Senate,
17 and to the Committees on Transportation and
18 Infrastructure and Appropriations of the House
19 of Representatives, a report describing any revi-
20 sion of planning guidance under paragraph (4).

21 (B) PUBLICATION.—The Secretary shall
22 publish the report under subparagraph (A) in
23 the Federal Register.

24 **SEC. 2007. INDEPENDENT REVIEWS.**

25 (a) DEFINITIONS.—In this section:

1 (1) ELIGIBLE ORGANIZATION.—The term “eligi-
2 ble organization” means an organization that—

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

6 (B) is independent;

7 (C) is free from conflicts of interest;

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

10 (E) has experience in establishing and ad-
11 ministering peer review panels.

12 (2) PROJECT STUDY.—

13 (A) IN GENERAL.—The term “project
14 study” means a feasibility study or reevaluation
15 study for a project.

16 (B) INCLUSIONS.—The term “project
17 study” includes any other study associated with
18 a modification or update of a project that in-
19 cludes an environmental impact statement or an
20 environmental assessment.

21 (b) PEER REVIEWS.—

22 (1) POLICY.—

23 (A) IN GENERAL.—Major engineering, sci-
24 entific, and technical work products related to

1 Corps of Engineers decisions and recommenda-
2 tions to Congress should be peer reviewed.

3 (B) APPLICATION.—This policy—

4 (i) applies to peer review of the sci-
5 entific, engineering, or technical basis of
6 the decision or recommendation; and

7 (ii) does not apply to the decision or
8 recommendation itself.

9 (2) GUIDELINES.—

10 (A) IN GENERAL.—Not later than 1 year
11 after the date of enactment of this Act, the
12 Chief of Engineers shall publish and implement
13 guidelines to Corps of Engineers Division and
14 District Engineers for the use of peer review
15 (including external peer review) of major sci-
16 entific, engineering, and technical work prod-
17 ucts that support the recommendations of the
18 Chief to Congress for implementation of water
19 resources projects.

20 (B) INFORMATION QUALITY ACT.—The
21 guidelines shall be consistent with section 515
22 of Public Law 106–554 (114 Stat. 2763A153)
23 (commonly known as the “Information Quality
24 Act”), as implemented in Office of Management
25 and Budget, Revised Information Quality Bul-

1 letin for Peer Review, dated December 15,
2 2004.

3 (C) REQUIREMENTS.—The guidelines shall
4 adhere to the following requirements:

5 (i) APPLICATION OF PEER REVIEW.—
6 Peer review shall—

7 (I) be applied only to the engi-
8 neering, scientific, and technical basis
9 for recommendations; and

10 (II) shall not be applied to—

11 (aa) a specific recommenda-
12 tion; or

13 (bb) the application of policy
14 to recommendations.

15 (ii) ANALYSES AND EVALUATIONS IN
16 MULTIPLE PROJECT STUDIES.—Guidelines
17 shall provide for conducting and docu-
18 menting peer review of major scientific,
19 technical, or engineering methods, models,
20 procedures, or data that are used for con-
21 ducting analyses and evaluations in mul-
22 tiple project studies.

23 (iii) INCLUSIONS.—Peer review ap-
24 plied to project studies may include a re-
25 view of—

- 1 (I) the economic and environ-
2 mental assumptions and projections;
3 (II) project evaluation data;
4 (III) economic or environmental
5 analyses;
6 (IV) engineering analyses;
7 (V) methods for integrating risk
8 and uncertainty;
9 (VI) models used in evaluation of
10 economic or environmental impacts of
11 proposed projects; and
12 (VII) any related biological opin-
13 ions.

14 (iv) EXCLUSION.—Peer review applied
15 to project studies shall exclude a review of
16 any methods, models, procedures, or data
17 previously subjected to peer review.

18 (v) TIMING OF REVIEW.—Peer review
19 related to the engineering, scientific, or
20 technical basis of any project study shall
21 be completed prior to the completion of
22 any Chief of Engineers report for a specific
23 water resources project.

1 (vi) DELAYS; INCREASED COSTS.—

2 Peer reviews shall be conducted in a man-
3 ner that does not—

4 (I) cause a delay in study com-
5 pletion; or

6 (II) increase costs.

7 (vii) RECORD OF RECOMMENDA-
8 TIONS.—

9 (I) IN GENERAL.—After receiving
10 a report from any peer review panel,
11 the Chief of Engineers shall prepare a
12 record that documents—

13 (aa) any recommendations
14 contained in the report; and

15 (bb) any written response
16 for any recommendation adopted
17 or not adopted and included in
18 the study documentation.

19 (II) EXTERNAL REVIEW
20 RECORD.—If the panel is an external
21 peer review panel of a project study,
22 the record of the review shall be in-
23 cluded with the report of the Chief of
24 Engineers to Congress.

1 (viii) EXTERNAL PANEL OF EX-
2 PERTS.—

3 (I) IN GENERAL.—Any external
4 panel of experts assembled to review
5 the engineering, science, or technical
6 basis for the recommendations of a
7 specific project study shall—

8 (aa) complete the peer re-
9 view of the project study and
10 submit to the Chief of Engineers
11 a report not later than 180 days
12 after the date of establishment of
13 the panel, or (if the Chief of En-
14 gineers determines that a longer
15 period of time is necessary) at
16 the time established by the Chief,
17 but in no event later than 90
18 days after the date a draft
19 project study of the District En-
20 gineer is made available for pub-
21 lic review; and

22 (bb) terminate on the date
23 of submission of the report by
24 the panel.

1 (II) FAILURE TO COMPLETE RE-
2 VIEW AND REPORT.—If an external
3 panel does not complete the peer re-
4 view of a project study and submit to
5 the Chief of Engineers a report by the
6 deadline established by subclause (I),
7 the Chief of Engineers shall continue
8 the project without delay.

9 (3) COSTS.—

10 (A) IN GENERAL.—The costs of a panel of
11 experts established for a peer review under this
12 section—

13 (i) shall be a Federal expense; and

14 (ii) shall not exceed \$500,000 for re-
15 view of the engineering, scientific, or tech-
16 nical basis for any single water resources
17 project study.

18 (B) WAIVER.—The Chief of Engineers
19 may waive the \$500,000 limitation under sub-
20 paragraph (A) if the Chief of Engineers deter-
21 mines appropriate.

22 (4) REPORT.—Not later than 5 years after the
23 date of enactment of this Act, the Chief of Engi-
24 neers shall submit to Congress a report describing
25 the implementation of this section.

1 (5) NONAPPLICABILITY OF FACA.—The Federal
2 Advisory Committee Act (5 U.S.C. App.) shall not
3 apply to any peer review panel established by the
4 Chief of Engineers.

5 (6) PANEL OF EXPERTS.—The Chief of Engi-
6 neers may contract with the National Academy of
7 Sciences (or a similar independent scientific and
8 technical advisory organization), or an eligible orga-
9 nization, to establish a panel of experts to peer re-
10 view for technical and scientific sufficiency.

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

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

18 (a) COMPLETION OF MITIGATION.—Section 906(a) of
19 the Water Resources Development Act of 1986 (33 U.S.C.
20 2283(a)) is amended by adding at the following:

21 “(3) COMPLETION OF MITIGATION.—In any
22 case in which it is not technically practicable to com-
23 plete mitigation by the last day of construction of
24 the project or separable element of the project be-
25 cause of the nature of the mitigation to be under-

1 taken, the Secretary shall complete the required
2 mitigation as expeditiously as practicable, but in no
3 case later than the last day of the first fiscal year
4 beginning after the last day of construction of the
5 project or separable element of the project.”.

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

10 “(3) USE OF CONSOLIDATED MITIGATION.—

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

21 “(B) SERVICE AREA.—To the maximum
22 extent practicable, the service area of the miti-
23 gation bank or conservation bank shall be in
24 the same watershed as the affected habitat.

1 “(C) RESPONSIBILITY RELIEVED.—Pur-
2 chase of credits from a mitigation bank or con-
3 servation bank for a water resources project re-
4 lieves the Secretary and the non-Federal inter-
5 est from responsibility for monitoring or dem-
6 onstrating mitigation success.”.

7 (c) MITIGATION REQUIREMENTS.—Section 906(d) of
8 the Water Resources Development Act of 1986 (33 U.S.C.
9 2283(d)) is amended—

10 (1) in paragraph (1)—

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

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

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

25 “(3) MITIGATION REQUIREMENTS.—

1 “(A) IN GENERAL.—To mitigate losses to
2 flood damage reduction capabilities and fish
3 and wildlife resulting from a water resources
4 project, the Secretary shall ensure that the
5 mitigation plan for each water resources project
6 complies fully with the mitigation standards
7 and policies established pursuant to section 404
8 of the Federal Water Pollution Control Act (33
9 U.S.C. 1344).

10 “(B) INCLUSIONS.—A specific mitigation
11 plan for a water resources project under para-
12 graph (1) shall include, at a minimum—

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

18 “(ii) the criteria for ecological success
19 by which the mitigation will be evaluated
20 and determined to be successful;

21 “(iii) types of land and interests in
22 land to be acquired for the mitigation plan
23 and the basis for a determination that the
24 land and interests are available for acqui-
25 sition;

1 “(iv) a description of—

2 “(I) the types and amount of res-
3 toration activities to be conducted;
4 and

5 “(II) the resource functions and
6 values that will result from the miti-
7 gation plan; and

8 “(v) a contingency plan for taking
9 corrective actions in cases in which moni-
10 toring demonstrates that mitigation meas-
11 ures are not achieving ecological success in
12 accordance with criteria under clause (ii).

13 “(4) DETERMINATION OF SUCCESS.—

14 “(A) IN GENERAL.—A mitigation plan
15 under this subsection shall be considered to be
16 successful at the time at which the criteria
17 under paragraph (3)(B)(ii) are achieved under
18 the plan, as determined by monitoring under
19 paragraph (3)(B)(i).

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

1 “(i) The ecological success of the miti-
2 gation as of the date on which the report
3 is submitted.

4 “(ii) The likelihood that the mitiga-
5 tion will achieve ecological success, as de-
6 fined in the mitigation plan.

7 “(iii) The projected timeline for
8 achieving that success.

9 “(iv) Any recommendations for im-
10 proving the likelihood of success.

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

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

23 “(5) MONITORING.—Mitigation monitoring
24 shall continue until it has been demonstrated that

1 the mitigation has met the ecological success cri-
2 teria.”.

3 (d) STATUS REPORT.—

4 (1) IN GENERAL.—Concurrent with the submis-
5 sion of the President to Congress of the request of
6 the President for appropriations for the Civil Works
7 Program for a fiscal year, the Secretary shall submit
8 to the Committee on the Environment and Public
9 Works of the Senate and the Committee on Trans-
10 portation and Infrastructure of the House of Rep-
11 resentatives a report describing the status of con-
12 struction of projects that require mitigation under
13 section 906 of Water Resources Development Act
14 1986 (33 U.S.C. 2283) and the status of that miti-
15 gation.

16 (2) PROJECTS INCLUDED.—The status report
17 shall include the status of—

18 (A) all projects that are under construction
19 as of the date of the report;

20 (B) all projects for which the President re-
21 quests funding for the next fiscal year; and

22 (C) all projects that have completed con-
23 struction, but have not completed the mitigation
24 required under section 906 of the Water Re-

1 sources Development Act of 1986 (33 U.S.C.
2 2283).

3 (e) MITIGATION TRACKING SYSTEM.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, the Secretary
6 shall establish a recordkeeping system to track, for
7 each water resources project undertaken by the Sec-
8 retary and for each permit issued under section 404
9 of the Federal Water Pollution Control Act (33
10 U.S.C. 1344)—

11 (A) the quantity and type of wetland and
12 any other habitat type affected by the project,
13 project operation, or permitted activity;

14 (B) the quantity and type of mitigation
15 measures required with respect to the project,
16 project operation, or permitted activity;

17 (C) the quantity and type of mitigation
18 measures that have been completed with respect
19 to the project, project operation, or permitted
20 activity; and

21 (D) the status of monitoring of the mitiga-
22 tion measures carried out with respect to the
23 project, project operation, or permitted activity.

24 (2) REQUIREMENTS.—The recordkeeping sys-
25 tem under paragraph (1) shall—

1 (A) include information relating to the im-
2 pacts and mitigation measures relating to
3 projects described in paragraph (1) that occur
4 after November 17, 1986; and

5 (B) be organized by watershed, project,
6 permit application, and zip code.

7 (3) AVAILABILITY OF INFORMATION.—The Sec-
8 retary shall make information contained in the rec-
9 ordkeeping system available to the public on the
10 Internet.

11 **SEC. 2009. STATE TECHNICAL ASSISTANCE.**

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

14 (1) by striking “SEC. 22. (a) The Secretary”
15 and inserting the following:

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

17 **“(a) FEDERAL-STATE COOPERATION.—**

18 **“(1) COMPREHENSIVE PLANS.—The Sec-**
19 **retary”;**

20 (2) in subsection (a), by adding at the end the
21 following:

22 **“(2) TECHNICAL ASSISTANCE.—**

23 **“(A) IN GENERAL.—At the request of a**
24 **governmental agency or non-Federal interest,**
25 **the Secretary may provide, at Federal expense,**

1 technical assistance to the agency or non-Fed-
2 eral interest in managing water resources.

3 “(B) TYPES OF ASSISTANCE.—Technical
4 assistance under this paragraph may include
5 provision and integration of hydrologic, eco-
6 nomic, and environmental data and analyses.”;

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

10 (4) in subsection (b)(2), by striking “up to ½
11 of the” and inserting “the”;

12 (5) in subsection (c)—

13 (A) by striking “(c) There is” and insert-
14 ing the following:

15 “(c) AUTHORIZATION OF APPROPRIATIONS.—

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

18 (B) in paragraph (1) (as designated by
19 subparagraph (A)), by striking “the provisions
20 of this section except that not more than
21 \$500,000 shall be expended in any one year in
22 any one State.” and inserting “subsection
23 (a)(1).”; and

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

1 “(2) TECHNICAL ASSISTANCE.—There is au-
2 thorized to be appropriated to carry out subsection
3 (a)(2) \$10,000,000 for each fiscal year, of which not
4 more than \$2,000,000 for each fiscal year may be
5 used by the Secretary to enter into cooperative
6 agreements with nonprofit organizations and State
7 agencies to provide assistance to rural and small
8 communities.”; and

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

10 “(e) ANNUAL SUBMISSION.—For each fiscal year,
11 based on performance criteria developed by the Secretary,
12 the Secretary shall list in the annual civil works budget
13 submitted to Congress the individual activities proposed
14 for funding under subsection (a)(1) for the fiscal year.”.

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

16 (a) IN GENERAL.—The Secretary, acting through the
17 Chief of Engineers, shall carry out a program to provide
18 public access to water resource and related water quality
19 data in the custody of the Corps of Engineers.

20 (b) DATA.—Public access under subsection (a)
21 shall—

22 (1) include, at a minimum, access to data gen-
23 erated in water resource project development and
24 regulation under section 404 of the Federal Water
25 Pollution Control Act (33 U.S.C. 1344); and

1 (b) CONSTRUCTION OF FLOOD CONTROL PROJECTS
2 BY NON-FEDERAL INTERESTS.—Section 211(f) of the
3 Water Resources Development Act of 1996 (33 U.S.C.
4 701b–13) is amended by adding at the end the following:

5 “(9) THORNTON RESERVOIR, COOK COUNTY, IL-
6 LINOIS.—An element of the project for flood control,
7 Chicagoland Underflow Plan, Illinois.

8 “(10) ST. PAUL DOWNTOWN AIRPORT (HOLMAN
9 FIELD), ST. PAUL, MINNESOTA.—The project for
10 flood damage reduction, St. Paul Downtown Holman
11 Field), St. Paul, Minnesota.

12 “(11) BUFFALO BAYOU, TEXAS.—The project
13 for flood control, Buffalo Bayou, Texas, authorized
14 by the first section of the Act of June 20, 1938 (52
15 Stat. 804, chapter 535) (commonly known as the
16 ‘River and Harbor Act of 1938’) and modified by
17 section 3a of the Act of August 11, 1939 (53 Stat.
18 1414, chapter 699) (commonly known as the ‘Flood
19 Control Act of 1939’), except that, subject to the ap-
20 proval of the Secretary as provided by this section,
21 the non-Federal interest may design and construct
22 an alternative to such project.

23 “(12) HALLS BAYOU, TEXAS.—The Halls
24 Bayou element of the project for flood control, Buf-
25 falo Bayou and tributaries, Texas, authorized by sec-

1 tion 101(a)(21) of the Water Resources Develop-
2 ment Act of 1990 (33 U.S.C. 2201 note), except
3 that, subject to the approval of the Secretary as pro-
4 vided by this section, the non-Federal interest may
5 design and construct an alternative to such project.

6 “(13) MENOMONEE RIVER WATERSHED, WIS-
7 CONSIN.—The project for the Menominee River Wa-
8 tershed, Wisconsin.”.

9 **SEC. 2012. REGIONAL SEDIMENT MANAGEMENT.**

10 (a) IN GENERAL.—Section 204 of the Water Re-
11 sources Development Act of 1992 (33 U.S.C. 2326) is
12 amended to read as follows:

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

14 “(a) IN GENERAL.—In connection with sediment ob-
15 tained through the construction, operation, or mainte-
16 nance of an authorized Federal water resources project,
17 the Secretary, acting through the Chief of Engineers, shall
18 develop Regional Sediment Management plans and carry
19 out projects at locations identified in the plan prepared
20 under subsection (e), or identified jointly by the non-Fed-
21 eral interest and the Secretary, for use in the construction,
22 repair, modification, or rehabilitation of projects associ-
23 ated with Federal water resources projects, for—

24 “(1) the protection of property;

1 “(2) the protection, restoration, and creation of
2 aquatic and ecologically related habitats, including
3 wetlands; and

4 “(3) the transport and placement of suitable
5 sediment

6 “(b) SECRETARIAL FINDINGS.—Subject to sub-
7 section (c), projects carried out under subsection (a) may
8 be carried out in any case in which the Secretary finds
9 that—

10 “(1) the environmental, economic, and social
11 benefits of the project, both monetary and nonmone-
12 tary, justify the cost of the project; and

13 “(2) the project would not result in environ-
14 mental degradation.

15 “(c) DETERMINATION OF PLANNING AND PROJECT
16 COSTS.—

17 “(1) IN GENERAL.—In consultation and co-
18 operation with the appropriate Federal, State, re-
19 gional, and local agencies, the Secretary, acting
20 through the Chief of Engineers, shall develop at
21 Federal expense plans and projects for regional
22 management of sediment obtained in conjunction
23 with construction, operation, and maintenance of
24 Federal water resources projects.

25 “(2) COSTS OF CONSTRUCTION.—

1 “(A) IN GENERAL.—Costs associated with
2 construction of a project under this section or
3 identified in a Regional Sediment Management
4 plan shall be limited solely to construction costs
5 that are in excess of those costs necessary to
6 carry out the dredging for construction, oper-
7 ation, or maintenance of an authorized Federal
8 water resources project in the most cost-effec-
9 tive way, consistent with economic, engineering,
10 and environmental criteria.

11 “(B) COST SHARING.—The determination
12 of any non-Federal share of the construction
13 cost shall be based on the cost sharing as speci-
14 fied in subsections (a) through (d) of section
15 103 of the Water Resources Development Act
16 of 1986 (33 U.S.C. 2213), for the type of Fed-
17 eral water resource project using the dredged
18 resource.

19 “(C) TOTAL COST.—Total Federal costs
20 associated with construction of a project under
21 this section shall not exceed \$5,000,000 without
22 Congressional approval.

23 “(3) OPERATION, MAINTENANCE, REPLACE-
24 MENT, AND REHABILITATION COSTS.—Operation,
25 maintenance, replacement, and rehabilitation costs

1 associated with a project are a non-Federal sponsor
2 responsibility.

3 “(d) SELECTION OF SEDIMENT DISPOSAL METHOD
4 FOR ENVIRONMENTAL PURPOSES.—

5 “(1) IN GENERAL.—In developing and carrying
6 out a Federal water resources project involving the
7 disposal of material, the Secretary may select, with
8 the consent of the non-Federal interest, a disposal
9 method that is not the least-cost option if the Sec-
10 retary determines that the incremental costs of the
11 disposal method are reasonable in relation to the en-
12 vironmental benefits, including the benefits to the
13 aquatic environment to be derived from the creation
14 of wetlands and control of shoreline erosion.

15 “(2) FEDERAL SHARE.—The Federal share of
16 such incremental costs shall be determined in ac-
17 cordance with subsection (c).

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

20 “(1) cooperate with any State in the prepara-
21 tion of a comprehensive State or regional coastal
22 sediment management plan within the boundaries of
23 the State;

24 “(2) encourage State participation in the imple-
25 mentation of the plan; and

1 “(3) submit to Congress reports and rec-
2 ommendations with respect to appropriate Federal
3 participation in carrying out the plan.

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

7 “(1) Fire Island Inlet, Suffolk County, New
8 York;

9 “(2) Fletcher Cove, California;

10 “(3) Delaware River Estuary, New Jersey and
11 Pennsylvania; and

12 “(4) Toledo Harbor, Lucas County, Ohio.

13 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated to carry out this section
15 \$30,000,000 during each fiscal year, to remain available
16 until expended, for the Federal costs identified under sub-
17 section (e), of which up to \$5,000,000 shall be used for
18 the development of regional sediment management plans
19 as provided in subsection (e).

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

25 (b) REPEAL.—

1 (1) IN GENERAL.—Section 145 of the Water
2 Resources Development Act of 1976 (33 U.S.C.
3 426j) is repealed.

4 (2) EXISTING PROJECTS.—The Secretary, act-
5 ing through the Chief of Engineers, may complete
6 any project being carried out under section 145 on
7 the day before the date of enactment of this Act.

8 **SEC. 2013. NATIONAL SHORELINE EROSION CONTROL DE-**
9 **VELOPMENT PROGRAM.**

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

15 **“SEC. 3. STORM AND HURRICANE RESTORATION AND IM-**
16 **PACT MINIMIZATION PROGRAM.**

17 “(a) CONSTRUCTION OF SMALL SHORE AND BEACH
18 RESTORATION AND PROTECTION PROJECTS.—

19 “(1) IN GENERAL.—The Secretary may carry
20 out construction of small shore and beach restora-
21 tion and protection projects not specifically author-
22 ized by Congress that otherwise comply with the
23 first section of this Act if the Secretary determines
24 that such construction is advisable.

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

4 “(3) COMPLETENESS.—A project under this
5 section—

6 “(A) shall be complete; and

7 “(B) shall not commit the United States to
8 any additional improvement to ensure the suc-
9 cessful operation of the project, except for par-
10 ticipation in periodic beach nourishment in ac-
11 cordance with—

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

13 “(ii) the procedure for projects au-
14 thorized after submission of a survey re-
15 port.

16 “(b) NATIONAL SHORELINE EROSION CONTROL DE-
17 VELOPMENT AND DEMONSTRATION PROGRAM.—

18 “(1) IN GENERAL.—The Secretary, acting
19 through the Chief of Engineers, shall conduct a na-
20 tional shoreline erosion control development and
21 demonstration program (referred to in this section
22 as the ‘program’).

23 “(2) REQUIREMENTS.—

24 “(A) IN GENERAL.—The program shall in-
25 clude provisions for—

1 “(i) projects consisting of planning,
2 design, construction, and adequate moni-
3 toring of prototype engineered and native
4 and naturalized vegetative shoreline ero-
5 sion control devices and methods;

6 “(ii) detailed engineering and environ-
7 mental reports on the results of each
8 project carried out under the program; and

9 “(iii) technology transfers, as appro-
10 priate, to private property owners, State
11 and local entities, nonprofit educational in-
12 stitutions, and nongovernmental organiza-
13 tions.

14 “(B) DETERMINATION OF FEASIBILITY.—
15 A project under this section shall not be carried
16 out until the Secretary, acting through the
17 Chief of Engineers, determines that the project
18 is feasible.

19 “(C) EMPHASIS.—A project carried out
20 under the program shall emphasize, to the max-
21 imum extent practicable—

22 “(i) the development and demonstra-
23 tion of innovative technologies;

24 “(ii) efficient designs to prevent ero-
25 sion at a shoreline site, taking into account

1 the lifecycle cost of the design, including
2 cleanup, maintenance, and amortization;

3 “(iii) new and enhanced shore protec-
4 tion project design and project formulation
5 tools the purposes of which are to improve
6 the physical performance, and lower the
7 lifecycle costs, of the projects;

8 “(iv) natural designs, including the
9 use of native and naturalized vegetation or
10 temporary structures that minimize perma-
11 nent structural alterations to the shoreline;

12 “(v) the avoidance of negative impacts
13 to adjacent shorefront communities;

14 “(vi) the potential for long-term pro-
15 tection afforded by the technology; and

16 “(vii) recommendations developed
17 from evaluations of the program estab-
18 lished under the Shoreline Erosion Control
19 Demonstration Act of 1974 (42 U.S.C.
20 1962–5 note; 88 Stat. 26), including—

21 “(I) adequate consideration of
22 the subgrade;

23 “(II) proper filtration;

24 “(III) durable components;

1 “(IV) adequate connection be-
2 tween units; and

3 “(V) consideration of additional
4 relevant information.

5 “(D) SITES.—

6 “(i) IN GENERAL.—Each project
7 under the program shall be carried out
8 at—

9 “(I) a privately owned site with
10 substantial public access; or

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

13 “(ii) SELECTION.—The Secretary,
14 acting through the Chief of Engineers,
15 shall develop criteria for the selection of
16 sites for projects under the program, in-
17 cluding criteria based on—

18 “(I) a variety of geographic and
19 climatic conditions;

20 “(II) the size of the population
21 that is dependent on the beaches for
22 recreation or the protection of private
23 property or public infrastructure;

24 “(III) the rate of erosion;

1 “(IV) significant natural re-
2 sources or habitats and environ-
3 mentally sensitive areas; and

4 “(V) significant threatened his-
5 toric structures or landmarks.

6 “(3) CONSULTATION.—The Secretary, acting
7 through the Chief of Engineers, shall carry out the
8 program in consultation with—

9 “(A) the Secretary of Agriculture, particu-
10 larly with respect to native and naturalized veg-
11 etative means of preventing and controlling
12 shoreline erosion;

13 “(B) Federal, State, and local agencies;

14 “(C) private organizations;

15 “(D) the Coastal Engineering Research
16 Center established by the first section of Public
17 Law 88–172 (33 U.S.C. 426–1); and

18 “(E) applicable university research facili-
19 ties.

20 “(4) COMPLETION OF DEMONSTRATION.—After
21 carrying out the initial construction and evaluation
22 of the performance and lifecycle cost of a demonstra-
23 tion project under this section, the Secretary, acting
24 through the Chief of Engineers, may—

1 “(A) at the request of a non-Federal inter-
2 est of the project, amend the agreement for a
3 federally-authorized shore protection project in
4 existence on the date on which initial construc-
5 tion of the demonstration project is complete to
6 incorporate the demonstration project as a fea-
7 ture of the shore protection project, with the fu-
8 ture cost of the demonstration project to be de-
9 termined by the cost-sharing ratio of the shore
10 protection project; or

11 “(B) transfer all interest in and responsi-
12 bility for the completed demonstration project
13 to the non-Federal or other Federal agency in-
14 terest of the project.

15 “(5) AGREEMENTS.—The Secretary, acting
16 through the Chief of Engineers, may enter into an
17 agreement with the non-Federal or other Federal
18 agency interest of a project under this section—

19 “(A) to share the costs of construction, op-
20 eration, maintenance, and monitoring of a
21 project under the program;

22 “(B) to share the costs of removing a
23 project or project element constructed under
24 the program, if the Secretary determines that
25 the project or project element is detrimental to

1 private property, public infrastructure, or public
2 safety; or

3 “(C) to specify ownership of a completed
4 project that the Chief of Engineers determines
5 will not be part of a Corps of Engineers project.

6 “(6) REPORT.—Not later than December 31 of
7 each year beginning after the date of enactment of
8 this paragraph, the Secretary shall prepare and sub-
9 mit to the Committee on Environment and Public
10 works of the Senate and the Committee on Trans-
11 portation and Infrastructure of the House of Rep-
12 resentatives a report describing—

13 “(A) the activities carried out and accom-
14 plishments made under the program during the
15 preceding year; and

16 “(B) any recommendations of the Sec-
17 retary relating to the program.

18 “(c) AUTHORIZATION OF APPROPRIATIONS.—

19 “(1) IN GENERAL.—Subject to paragraph (2),
20 the Secretary may expend, from any appropriations
21 made available to the Secretary for the purpose of
22 carrying out civil works, not more than \$30,000,000
23 during any fiscal year to pay the Federal share of
24 the costs of construction of small shore and beach

1 restoration and protection projects or small projects
2 under the program.

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

5 “(A) be sufficient to pay the cost of Fed-
6 eral participation in the project (including peri-
7 odic nourishment as provided for under the first
8 section of this Act), as determined by the Sec-
9 retary; and

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

11 (b) REPEAL.—Section 5 the Act entitled “An Act au-
12 thorizing Federal participation in the cost of protecting
13 the shores of publicly owned property”, approved August
14 13, 1946 (33 U.S.C. 426e et seq.; 110 Stat. 3700) is re-
15 pealed.

16 **SEC. 2014. SHORE PROTECTION PROJECTS.**

17 (a) IN GENERAL.—In accordance with the Act of
18 July 3, 1930 (33 U.S.C. 426), and notwithstanding ad-
19 ministrative actions, it is the policy of the United States
20 to promote shore protection projects and related research
21 that encourage the protection, restoration, and enhance-
22 ment of sandy beaches, including beach restoration and
23 periodic beach renourishment for a period of 50 years, on
24 a comprehensive and coordinated basis by the Federal
25 Government, States, localities, and private enterprises.

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

3 (1) areas in which there has been a Federal in-
4 vestment of funds; and

5 (2) areas with respect to which the need for
6 prevention or mitigation of damage to shores and
7 beaches is attributable to Federal navigation
8 projects or other Federal activities.

9 (c) APPLICABILITY.—The Secretary shall apply the
10 policy to each shore protection and beach renourishment
11 project (including shore protection and beach renourish-
12 ment projects in existence on the date of enactment of this
13 Act).

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

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

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

19 (2) for a maximum period of 10 years.

20 (b) AGGREGATE LIMITATION.—Monitoring costs for
21 an ecosystem restoration project—

22 (1) shall not exceed in the aggregate, for a 10-
23 year period, an amount equal to 5 percent of the
24 cost of the applicable original construction project;
25 and

1 (2) after the 10-year period, shall be 100 per-
2 cent non-Federal.

3 **SEC. 2016. ECOSYSTEM RESTORATION BENEFITS.**

4 For each of the following projects, the Corps of Engi-
5 neers shall include ecosystem restoration benefits in the
6 calculation of benefits for the project:

7 (1) Grayson’s Creek, California.

8 (2) Seven Oaks, California.

9 (3) Oxford, California.

10 (4) Walnut Creek, California.

11 (5) Wildcat Phase II, California.

12 **SEC. 2017. FUNDING TO EXPEDITE THE EVALUATION AND**
13 **PROCESSING OF PERMITS.**

14 Section 214(a) of the Water Resources Development
15 Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is
16 amended by striking “In fiscal years 2001 through 2003,
17 the” and inserting “The”.

18 **SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICA-**
19 **TIONS.**

20 (a) IN GENERAL.—Not later than 2 years after the
21 date of enactment of this Act, the Secretary shall imple-
22 ment a program to allow electronic submission of permit
23 applications for permits under the jurisdiction of the
24 Corps of Engineers.

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

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

6 **SEC. 2019. IMPROVEMENT OF WATER MANAGEMENT AT**
7 **CORPS OF ENGINEERS RESERVOIRS.**

8 (a) IN GENERAL.—As part of the operation and
9 maintenance, by the Corps of Engineers, of reservoirs in
10 operation as of the date of enactment of this Act, the Sec-
11 retary shall carry out the measures described in subsection
12 (c) to support the water resource needs of project sponsors
13 and any affected State, local, or tribal government for au-
14 thorized project purposes.

15 (b) COOPERATION.—The Secretary shall carry out
16 the measures described in subsection (c) in cooperation
17 and coordination with project sponsors and any affected
18 State, local, or tribal government.

19 (c) MEASURES.—In carrying out this section, the
20 Secretary may—

21 (1) conduct a study to identify unused,
22 underused, or additional water storage capacity at
23 reservoirs;

24 (2) review an operational plan and identify any
25 change to maximize an authorized project purpose to

1 improve water storage capacity and enhance effi-
2 ciency of releases and withdrawal of water;

3 (3) improve and update data, data collection,
4 and forecasting models to maximize an authorized
5 project purpose and improve water storage capacity
6 and delivery to water users; and

7 (4) conduct a sediment study and implement
8 any sediment management or removal measure.

9 (d) REVENUES FOR SPECIAL CASES.—

10 (1) COSTS OF WATER SUPPLY STORAGE.—In
11 the case of a reservoir operated or maintained by the
12 Corps of Engineers on the date of enactment of this
13 Act, the storage charge for a future contract or con-
14 tract renewal for the first cost of water supply stor-
15 age at the reservoir shall be the lesser of the esti-
16 mated cost of purposes foregone, replacement costs,
17 or the updated cost of storage.

18 (2) REALLOCATION.—In the case of a water
19 supply that is reallocated from another project pur-
20 pose to municipal or industrial water supply, the
21 joint use costs for the reservoir shall be adjusted to
22 reflect the reallocation of project purposes.

23 (3) CREDIT FOR AFFECTED PROJECT PUR-
24 POSES.—In the case of a reallocation that adversely
25 affects hydropower generation, the Secretary shall

1 defer to the Administrator of the respective Power
2 Marketing Administration to calculate the impact of
3 such a reallocation on the rates for hydroelectric
4 power.

5 **SEC. 2020. FEDERAL HOPPER DREDGES.**

6 (a) **ELIMINATION OF RESTRICTION ON USE.**—Sec-
7 tion 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C.
8 622; 25 Stat. 423) is amended by adding at the end the
9 following: “This subparagraph shall not apply to the Fed-
10 eral hopper dredges Essayons and Yaquina of the Corps
11 of Engineers.”.

12 (b) **DECOMMISSION.**—Section 563 of the Water Re-
13 sources Development Act of 1996 (110 Stat. 3784) is
14 amended to read as follows:

15 **“SEC. 563. HOPPER DREDGE MCFARLAND.**

16 “Not later than 2 years after the date of enactment
17 of the Water Resources Development Act of 2006, the Sec-
18 retary shall promulgate such regulations and take such ac-
19 tions as the Secretary determines to be necessary to de-
20 commission the Federal hopper dredge McFarland.”.

21 **SEC. 2021. EXTRAORDINARY RAINFALL EVENTS.**

22 In the State of Louisiana, extraordinary rainfall
23 events such as Hurricanes Katrina and Rita, which oc-
24 curred during calendar year 2005, and Hurricane Andrew,
25 which occurred during calendar year 1992, shall not be

1 considered in making a determination with respect to the
2 ordinary high water mark for purposes of carrying out sec-
3 tion 10 of the Act of March 3, 1899 (33 U.S.C. 403)
4 (commonly known as the “Rivers and Harbors Act”).

5 **SEC. 2022. WILDFIRE FIREFIGHTING.**

6 Section 309 of Public Law 102–154 (42 U.S.C.
7 1856a–1; 105 Stat. 1034) is amended by inserting “the
8 Secretary of the Army,” after “the Secretary of Energy,”.

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

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

12 (1) by striking “A non-Federal interest shall
13 be” and inserting the following:

14 “(1) IN GENERAL.—In this section, the term
15 ‘non-Federal interest’ means”; and

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

17 “(2) INCLUSIONS.—The term ‘non-Federal in-
18 terest’ includes a nonprofit organization acting with
19 the consent of the affected unit of government.”.

20 **SEC. 2024. PROJECT ADMINISTRATION.**

21 (a) PROJECT TRACKING.—The Secretary shall assign
22 a unique tracking number to each water resources project
23 under the jurisdiction of the Secretary, to be used by each
24 Federal agency throughout the life of the project.

25 (b) REPORT REPOSITORY.—

1 (1) IN GENERAL.—The Secretary shall main-
2 tain at the Library of Congress a copy of each final
3 feasibility study, final environmental impact state-
4 ment, final reevaluation report, record of decision,
5 and report to Congress prepared by the Corps of
6 Engineers.

7 (2) AVAILABILITY TO PUBLIC.—

8 (A) IN GENERAL.—Each document de-
9 scribed in paragraph (1) shall be made available
10 to the public for review, and an electronic copy
11 of each document shall be made permanently
12 available to the public through the Internet
13 website of the Corps of Engineers.

14 (B) COST.—The Secretary shall charge the
15 requestor for the cost of duplication of the re-
16 quested document.

17 **SEC. 2025. PROGRAM ADMINISTRATION.**

18 Sections 101, 106, and 108 of the Energy and Water
19 Development Appropriations Act, 2006 (Public Law 109–
20 103; 119 Stat. 2252–2254), are repealed.

21 **SEC. 2026. NATIONAL DAM SAFETY PROGRAM REAUTHOR-**
22 **IZATION.**

23 (a) SHORT TITLE.—This section may be cited as the
24 “National Dam Safety Program Act of 2006”.

1 (b) REAUTHORIZATION.—Section 13(a)(1) of the Na-
2 tional Dam Safety Program Act (33 U.S.C. 467j(a)(1))
3 is amended by adding “, and \$8,000,000 for each of fiscal
4 years 2007 through 2011, to remain available until ex-
5 pended” after “expended”.

6 **Subtitle B—Continuing Authorities**
7 **Projects**

8 **SEC. 2031. NAVIGATION ENHANCEMENTS FOR**
9 **WATERBOURNE TRANSPORTATION.**

10 Section 107 of the River and Harbor Act of 1960
11 (33 U.S.C. 577) is amended—

12 (1) by striking “SEC. 107. (a) That the Sec-
13 retary of the Army is hereby authorized to” and in-
14 serting the following:

15 **“SEC. 107. NAVIGATION ENHANCEMENTS FOR**
16 **WATERBOURNE TRANSPORTATION.**

17 “(a) IN GENERAL.—The Secretary of the Army
18 may”;

19 (2) in subsection (b)—

20 (A) by striking “(b) Not more” and insert-
21 ing the following:

22 “(b) ALLOTMENT.—Not more”; and

23 (B) by striking “\$4,000,000” and insert-
24 ing “\$7,000,000”;

1 (3) in subsection (c), by striking “(c) Local”
2 and inserting the following:

3 “(c) LOCAL CONTRIBUTIONS.—Local”;

4 (4) in subsection (d), by striking “(d) Non-Fed-
5 eral” and inserting the following:

6 “(d) NON-FEDERAL SHARE.—Non-Federal”;

7 (5) in subsection (e), by striking “(e) Each”
8 and inserting the following:

9 “(e) COMPLETION.—Each”; and

10 (6) in subsection (f), by striking “(f) This” and
11 inserting the following:

12 “(f) APPLICABILITY.—This”.

13 **SEC. 2032. PROTECTION AND RESTORATION DUE TO EMER-**
14 **GENCIES AT SHORES AND STREAMBANKS.**

15 Section 14 of the Flood Control Act of 1946 (33
16 U.S.C. 701r) is amended—

17 (1) by striking “\$15,000,000” and inserting
18 “\$20,000,000”; and

19 (2) by striking “\$1,000,000” and inserting
20 “\$1,500,000”.

21 **SEC. 2033. RESTORATION OF THE ENVIRONMENT FOR PRO-**
22 **TECTION OF AQUATIC AND RIPARIAN ECO-**
23 **SYSTEMS PROGRAM.**

24 Section 206 of the Water Resources Development Act
25 of 1996 (33 U.S.C. 2330) is amended—

1 (1) by striking the section heading and insert-
2 ing the following:

3 **“SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PRO-**
4 **TECTION OF AQUATIC AND RIPARIAN ECO-**
5 **SYSTEMS PROGRAM.”;**

6 (2) in subsection (a), by striking “an aquatic”
7 and inserting “a freshwater aquatic”; and

8 (3) in subsection (e), by striking “\$25,000,000”
9 and inserting “\$75,000,000”.

10 **SEC. 2034. ENVIRONMENTAL MODIFICATION OF PROJECTS**
11 **FOR IMPROVEMENT AND RESTORATION OF**
12 **ECOSYSTEMS PROGRAM.**

13 Section 1135 of the Water Resources Development
14 Act of 1986 (33 U.S.C. 2309a) is amended—

15 (1) by striking the section heading and insert-
16 ing the following:

17 **“SEC. 1135. ENVIRONMENTAL MODIFICATION OF PROJECTS**
18 **FOR IMPROVEMENT AND RESTORATION OF**
19 **ECOSYSTEMS PROGRAM.”;**

20 and

21 (2) in subsection (h), by striking “25,000,000”
22 and inserting “\$50,000,000”.

1 **SEC. 2035. PROJECTS TO ENHANCE ESTUARIES AND COAST-**
2 **AL HABITATS.**

3 (a) IN GENERAL.—The Secretary may carry out an
4 estuary habitat restoration project if the Secretary deter-
5 mines that the project—

6 (1) will improve the elements and features of an
7 estuary (as defined in section 103 of the Estuaries
8 and Clean Waters Act of 2000 (33 U.S.C. 2902));

9 (2) is in the public interest; and

10 (3) is cost-effective.

11 (b) COST SHARING.—The non-Federal share of the
12 cost of construction of any project under this section—

13 (1) shall be 35 percent; and

14 (2) shall include the costs of all land, ease-
15 ments, rights-of-way, and necessary relocations.

16 (c) AGREEMENTS.—Construction of a project under
17 this section shall commence only after a non-Federal inter-
18 est has entered into a binding agreement with the Sec-
19 retary to pay—

20 (1) the non-Federal share of the costs of con-
21 struction required under subsection (b); and

22 (2) in accordance with regulations promulgated
23 by the Secretary, 100 percent of the costs of any op-
24 eration, maintenance, replacement, or rehabilitation
25 of the project.

1 (d) LIMITATION.—Not more than \$5,000,000 in Fed-
2 eral funds may be allocated under this section for a project
3 at any 1 location.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section
6 \$25,000,000 for each fiscal year beginning after the date
7 of enactment of this Act.

8 **SEC. 2036. REMEDIATION OF ABANDONED MINE SITES.**

9 Section 560 of the Water Resources Development Act
10 of 1999 (33 U.S.C. 2336; 113 Stat. 354–355) is amend-
11 ed—

12 (1) by striking subsection (f);

13 (2) by redesignating subsections (a) through (e)
14 as subsections (b) through (f), respectively;

15 (3) by inserting before subsection (b) (as redес-
16 igned by paragraph (2)) the following:

17 “(a) DEFINITION OF NON-FEDERAL INTEREST.—In
18 this section, the term ‘non-Federal interest’ includes, with
19 the consent of the affected local government, nonprofit en-
20 tities, notwithstanding section 221 of the Flood Control
21 Act of 1970 (42 U.S.C. 1962d–5b).”;

22 (4) in subsection (b) (as redesignated by para-
23 graph (2))—

24 (A) by inserting “, and construction” be-
25 fore “assistance”; and

1 (B) by inserting “, including, with the con-
2 sent of the affected local government, nonprofit
3 entities,” after “non-Federal interests”;

4 (5) in paragraph (3) of subsection (c) (as redese-
5 ignated by paragraph (2))—

6 (A) by inserting “physical hazards and”
7 after “adverse”; and

8 (B) by striking “drainage from”;

9 (6) in subsection (d) (as redesignated by para-
10 graph (2)), by striking “50” and inserting “25”;

11 and

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

13 “(g) OPERATION AND MAINTENANCE.—The non-
14 Federal share of the costs of operation and maintenance
15 for a project carried out under this section shall be 100
16 percent.

17 “(h) NO EFFECT ON LIABILITY.—The provision of
18 assistance under this section shall not relieve from liability
19 any person that would otherwise be liable under Federal
20 or State law for damages, response costs, natural resource
21 damages, restitution, equitable relief, or any other relief.

22 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section for
24 each fiscal year \$45,000,000, to remain available until ex-
25 pended.”.

1 **SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION**
2 **AND REMOVAL OF DAMS.**

3 (a) **IN GENERAL.**—The Secretary may carry out a
4 small dam removal or rehabilitation project if the Sec-
5 retary determines that the project will improve the quality
6 of the environment or is in the public interest.

7 (b) **COST SHARING.**—A non-Federal interest shall
8 provide 35 percent of the cost of the removal or remedi-
9 ation of any project carried out under this section, includ-
10 ing provision of all land, easements, rights-of-way, and
11 necessary relocations.

12 (c) **AGREEMENTS.**—Construction of a project under
13 this section shall be commenced only after a non-Federal
14 interest has entered into a binding agreement with the
15 Secretary to pay—

16 (1) the non-Federal share of the costs of con-
17 struction required by this section; and

18 (2) 100 percent of any operation and mainte-
19 nance cost.

20 (d) **COST LIMITATION.**—Not more than \$5,000,000
21 in Federal funds may be allotted under this section for
22 a project at any single location.

23 (e) **FUNDING.**—There is authorized to be appro-
24 priated to carry out this section \$25,000,000 for each fis-
25 cal year.

1 **SEC. 2038. REMOTE, MARITIME-DEPENDENT COMMUNITIES.**

2 (a) IN GENERAL.—The Secretary shall develop eligi-
3 bility criteria for Federal participation in navigation
4 projects located in economically disadvantaged commu-
5 nities that are—

6 (1) dependent on water transportation for sub-
7 sistence; and

8 (2) located in—

9 (A) remote areas of the United States;

10 (B) American Samoa;

11 (C) Guam;

12 (D) the Commonwealth of the Northern
13 Mariana Islands;

14 (E) the Commonwealth of Puerto Rico; or

15 (F) the United States Virgin Islands.

16 (b) ADMINISTRATION.—The criteria developed under
17 this section—

18 (1) shall—

19 (A) provide for economic expansion; and

20 (B) identify opportunities for promoting
21 economic growth; and

22 (2) shall not require project justification solely
23 on the basis of National Economic Development ben-
24 efits received.

1 **SEC. 2039. AGREEMENTS FOR WATER RESOURCE**
2 **PROJECTS.**

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

6 (1) by redesignating subsection (e) as sub-
7 section (g); and

8 (2) by inserting after subsection (d) the fol-
9 lowing:

10 “(e) **PUBLIC HEALTH AND SAFETY.**—If the Sec-
11 retary determines that a project needs to be continued for
12 the purpose of public health and safety—

13 “(1) the non-Federal interest shall pay the in-
14 creased projects costs, up to an amount equal to 20
15 percent of the original estimated project costs and in
16 accordance with the statutorily-determined cost
17 share; and

18 “(2) notwithstanding the statutorily-determined
19 Federal share, the Secretary shall pay all increased
20 costs remaining after payment of 20 percent of the
21 increased costs by the non-Federal interest under
22 paragraph (1).

23 “(f) **LIMITATION.**—Nothing in subsection (a) limits
24 the authority of the Secretary to ensure that a partnership
25 agreement meets the requirements of law and policies of

1 the Secretary in effect on the date of execution of the part-
2 nership agreement.”.

3 (b) LOCAL COOPERATION.—Section 912(b) of the
4 Water Resources Development Act of 1986 (100 Stat.
5 4190) is amended—

6 (1) in paragraph (2)—

7 (A) in the first sentence, by striking
8 “shall” and inserting “may”; and

9 (B) by striking the second sentence; and

10 (2) in paragraph (4)—

11 (A) in the first sentence—

12 (i) by striking “injunction, for” and
13 inserting “injunction and payment of liq-
14 uidated damages, for”; and

15 (ii) by striking “to collect a civil pen-
16 alty imposed under this section,”; and

17 (B) in the second sentence, by striking
18 “any civil penalty imposed under this section,”
19 and inserting “any liquidated damages,”.

20 (c) APPLICABILITY.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), the amendments made by subsections (a)
23 and (b) shall apply only to partnership agreements
24 entered into after the date of enactment of this Act.

1 (2) EXCEPTION.—Notwithstanding paragraph
2 (1), the district engineer for the district in which a
3 project is located may amend the partnership agree-
4 ment for the project entered into on or before the
5 date of enactment of this Act—

6 (A) at the request of a non-Federal inter-
7 est for a project; and

8 (B) if construction on the project has not
9 been initiated as of the date of enactment of
10 this Act.

11 (d) REFERENCES.—

12 (1) COOPERATION AGREEMENTS.—Any ref-
13 erence in a law, regulation, document, or other
14 paper of the United States to a cooperation agree-
15 ment or project cooperation agreement shall be con-
16 sidered to be a reference to a partnership agreement
17 or a project partnership agreement, respectively.

18 (2) PARTNERSHIP AGREEMENTS.—Any ref-
19 erence to a partnership agreement or project part-
20 nership agreement in this Act (other than in this
21 section) shall be considered to be a reference to a co-
22 operation agreement or a project cooperation agree-
23 ment, respectively.

1 **SEC. 2040. PROGRAM NAMES.**

2 Section 205 of the Flood Control Act of 1948 (33
3 U.S.C. 701s) is amended by striking “SEC. 205. That the”
4 and inserting the following:

5 **“SEC. 205. PROJECTS TO ENHANCE REDUCTION OF FLOOD-**
6 **ING AND OBTAIN RISK MINIMIZATION.**

7 “The”.

8 **Subtitle C—National Levee Safety**
9 **Program**

10 **SEC. 2051. SHORT TITLE.**

11 This subtitle may be cited as the “National Levee
12 Safety Program Act of 2006”.

13 **SEC. 2052. DEFINITIONS.**

14 In this subtitle:

15 (1) **ASSESSMENT.**—The term “assessment”
16 means the periodic engineering evaluation of a levee
17 by a registered professional engineer to—

18 (A) review the engineering features of the
19 levee; and

20 (B) develop a risk-based performance eval-
21 uation of the levee, taking into consideration
22 potential consequences of failure or overtopping
23 of the levee.

24 (2) **COMMITTEE.**—The term “Committee”
25 means the National Levee Safety Committee estab-
26 lished by section 2053(a).

1 (3) INSPECTION.—The term “inspection”
2 means an annual review of a levee to verify whether
3 the owner or operator of the levee is conducting re-
4 quired operation and maintenance in accordance
5 with established levee maintenance standards.

6 (4) LEVEE.—The term “levee” means an em-
7 bankment (including a floodwall) that—

8 (A) is designed, constructed, or operated
9 for the purpose of flood or storm damage reduc-
10 tion;

11 (B) reduces the risk of loss of human life
12 or risk to the public safety; and

13 (C) is not otherwise defined as a dam by
14 the Federal Guidelines for Dam Safety.

15 (5) SECRETARY.—The term “Secretary” means
16 the Secretary of the Army, acting through the Chief
17 of Engineers.

18 (6) STATE.—The term “State” means—

19 (A) a State;

20 (B) the District of Columbia;

21 (C) the Commonwealth of Puerto Rico;

22 and

23 (D) any other territory or possession of the
24 United States.

1 (7) STATE LEVEE SAFETY AGENCY.—The term
2 “State levee safety agency” means the State agency
3 that has regulatory authority over the safety of any
4 non-Federal levee in a State.

5 (8) UNITED STATES.—The term “United
6 States”, when used in a geographical sense, means
7 all of the States.

8 **SEC. 2053. NATIONAL LEVEE SAFETY COMMITTEE.**

9 (a) ESTABLISHMENT.—

10 (1) IN GENERAL.—The Secretary shall establish
11 a National Levee Safety Committee, consisting of
12 representatives of Federal agencies and State, tribal,
13 and local governments, in accordance with this sub-
14 section.

15 (2) FEDERAL AGENCIES.—

16 (A) IN GENERAL.—The head of each Fed-
17 eral agency and the head of the International
18 Boundary Waters Commission may designate a
19 representative to serve on the Committee.

20 (B) ACTION BY SECRETARY.—The Sec-
21 retary shall ensure, to the maximum extent
22 practicable, that—

23 (i) each Federal agency that designs,
24 owns, operates, or maintains a levee is rep-
25 resented on the Committee; and

1 (ii) each Federal agency that has re-
2 sponsibility for emergency preparedness or
3 response activities is represented on the
4 Committee.

5 (3) TRIBAL, STATE, AND LOCAL GOVERN-
6 MENTS.—

7 (A) IN GENERAL.—The Secretary shall ap-
8 point 8 members to the Committee—

9 (i) 3 of whom shall represent tribal
10 governments affected by levees, based on
11 recommendations of tribal governments;

12 (ii) 3 of whom shall represent State
13 levee safety agencies, based on rec-
14 ommendations of Governors of the States;
15 and

16 (iii) 2 of whom shall represent local
17 governments, based on recommendations of
18 Governors of the States.

19 (B) REQUIREMENT.—In appointing mem-
20 bers under subparagraph (A), the Secretary
21 shall ensure broad geographic representation, to
22 the maximum extent practicable.

23 (4) CHAIRPERSON.—The Secretary shall serve
24 as Chairperson of the Committee.

1 (5) OTHER MEMBERS.—The Secretary, in con-
2 sultation with the Committee, may invite to partici-
3 pate in meetings of the Committee, as appropriate,
4 1 or more of the following:

5 (A) Representatives of the National Lab-
6 oratories.

7 (B) Levee safety experts.

8 (C) Environmental organizations.

9 (D) Members of private industry.

10 (E) Any other individual or entity, as the
11 Committee determines to be appropriate.

12 (b) DUTIES.—

13 (1) IN GENERAL.—The Committee shall—

14 (A) advise the Secretary in implementing
15 the national levee safety program under section
16 2054;

17 (B) support the establishment and mainte-
18 nance of effective programs, policies, and guide-
19 lines to enhance levee safety for the protection
20 of human life and property throughout the
21 United States; and

22 (C) support coordination and information
23 exchange between Federal agencies and State
24 levee safety agencies that share common prob-
25 lems and responsibilities relating to levee safety,

1 including planning, design, construction, oper-
2 ation, emergency action planning, inspections,
3 maintenance, regulation or licensing, technical
4 or financial assistance, research, and data man-
5 agement.

6 (c) POWERS.—

7 (1) INFORMATION FROM FEDERAL AGENCIES.—

8 (A) IN GENERAL.—The Committee may
9 secure directly from a Federal agency such in-
10 formation as the Committee considers to be
11 necessary to carry out this section.

12 (B) PROVISION OF INFORMATION.—On re-
13 quest of the Committee, the head of a Federal
14 agency shall provide the information to the
15 Committee.

16 (2) CONTRACTS.—The Committee may enter
17 into any contract the Committee determines to be
18 necessary to carry out a duty of the Committee.

19 (d) WORKING GROUPS.—

20 (1) IN GENERAL.—The Secretary may establish
21 working groups to assist the Committee in carrying
22 out this section.

23 (2) MEMBERSHIP.—A working group under
24 paragraph (1) shall be composed of—

25 (A) members of the Committee; and

1 (B) any other individual, as the Secretary
2 determines to be appropriate.

3 (e) COMPENSATION OF MEMBERS.—

4 (1) FEDERAL EMPLOYEES.—A member of the
5 Committee who is an officer or employee of the
6 United States shall serve without compensation in
7 addition to compensation received for the services of
8 the member as an officer or employee of the United
9 States.

10 (2) OTHER MEMBERS.—A member of the Com-
11 mittee who is not an officer or employee of the
12 United States shall serve without compensation.

13 (f) TRAVEL EXPENSES.—

14 (1) REPRESENTATIVES OF FEDERAL AGEN-
15 CIES.—To the extent amounts are made available in
16 advance in appropriations Acts, a member of the
17 Committee who represents a Federal agency shall be
18 reimbursed with appropriations for travel expenses
19 by the agency of the member, including per diem in
20 lieu of subsistence, at rates authorized for an em-
21 ployee of an agency under subchapter I of chapter
22 57 of title 5, United States Code, while away from
23 home or regular place of business of the member in
24 the performance of services for the Committee.

1 (2) OTHER INDIVIDUALS.—To the extent
2 amounts are made available in advance in appropria-
3 tions Acts, a member of the Committee who rep-
4 represents a State levee safety agency, a member of the
5 Committee who represents the private sector, and a
6 member of a working group created under sub-
7 section (d) shall be reimbursed for travel expenses
8 by the Secretary, including per diem in lieu of sub-
9 sistence, at rates authorized for an employee of an
10 agency under subchapter 1 of chapter 57 of title 5,
11 United States Code, while away from home or reg-
12 ular place of business of the member in performance
13 of services for the Committee.

14 (g) NONAPPLICABILITY OF FACA.—The Federal Ad-
15 visory Committee Act (5 U.S.C. App.) shall not apply to
16 the Committee.

17 **SEC. 2054. NATIONAL LEVEE SAFETY PROGRAM.**

18 (a) IN GENERAL.—The Secretary, in consultation
19 with the Committee and State levee safety agencies, shall
20 establish and maintain a national levee safety program.

21 (b) PURPOSES.—The purposes of the program under
22 this section are—

23 (1) to ensure that new and existing levees are
24 safe through the development of technologically and

1 economically feasible programs and procedures for
2 hazard reduction relating to levees;

3 (2) to encourage appropriate engineering poli-
4 cies and procedures to be used for levee site inves-
5 tigation, design, construction, operation and mainte-
6 nance, and emergency preparedness;

7 (3) to encourage the establishment and imple-
8 mentation of effective levee safety programs in each
9 State;

10 (4) to develop and support public education and
11 awareness projects to increase public acceptance and
12 support of State levee safety programs;

13 (5) to develop technical assistance materials for
14 Federal and State levee safety programs;

15 (6) to develop methods of providing technical
16 assistance relating to levee safety to non-Federal en-
17 tities; and

18 (7) to develop technical assistance materials,
19 seminars, and guidelines to improve the security of
20 levees in the United States.

21 (c) STRATEGIC PLAN.—In carrying out the program
22 under this section, the Secretary, in coordination with the
23 Committee, shall prepare a strategic plan—

1 (1) to establish goals, priorities, and target
2 dates to improve the safety of levees in the United
3 States;

4 (2) to cooperate and coordinate with, and pro-
5 vide assistance to, State levee safety agencies, to the
6 maximum extent practicable;

7 (3) to share information among Federal agen-
8 cies, State and local governments, and private enti-
9 ties relating to levee safety; and

10 (4) to provide information to the public relating
11 to risks associated with levee failure or overtopping.

12 (d) FEDERAL GUIDELINES.—

13 (1) IN GENERAL.—In carrying out the program
14 under this section, the Secretary, in coordination
15 with the Committee, shall establish Federal guide-
16 lines relating to levee safety.

17 (2) INCORPORATION OF FEDERAL ACTIVI-
18 TIES.—The Federal guidelines under paragraph (1)
19 shall incorporate, to the maximum extent prac-
20 ticable, any activity carried out by a Federal agency
21 as of the date on which the guidelines are estab-
22 lished.

23 (e) INCORPORATION OF EXISTING ACTIVITIES.—The
24 program under this section shall incorporate, to the max-
25 imum extent practicable—

1 (1) any activity carried out by a State or local
2 government, or a private entity, relating to the con-
3 struction, operation, or maintenance of a levee; and

4 (2) any activity carried out by a Federal agency
5 to support an effort by a State levee safety agency
6 to develop and implement an effective levee safety
7 program.

8 (f) INVENTORY OF LEVEES.—The Secretary shall de-
9 velop, maintain, and periodically publish an inventory of
10 levees in the United States, including the results of any
11 levee assessment conducted under this section and inspec-
12 tion.

13 (g) ASSESSMENTS OF LEVEES.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), as soon as practicable after the date of
16 enactment of this Act, the Secretary shall conduct
17 an assessment of each levee in the United States
18 that protects human life or the public safety to de-
19 termine the potential for a failure or overtopping of
20 the levee that would pose a risk of loss of human life
21 or a risk to the public safety.

22 (2) EXCEPTION.—The Secretary may exclude
23 from assessment under paragraph (1) any non-Fed-
24 eral levee the failure or overtopping of which would

1 not pose a risk of loss of human life or a risk to the
2 public safety.

3 (3) PRIORITIZATION.—In determining the order
4 in which to assess levees under paragraph (1), the
5 Secretary shall give priority to levees the failure or
6 overtopping of which would constitute the highest
7 risk of loss of human life or a risk to the public safe-
8 ty, as determined by the Secretary.

9 (4) DETERMINATION.—In assessing levees
10 under paragraph (1), the Secretary shall take into
11 consideration the potential of a levee to fail or
12 overtop because of—

- 13 (A) hydrologic or hydraulic conditions;
- 14 (B) storm surges;
- 15 (C) geotechnical conditions;
- 16 (D) inadequate operating procedures;
- 17 (E) structural, mechanical, or design defi-
18 ciencies; or
- 19 (F) other conditions that exist or may
20 occur in the vicinity of the levee.

21 (5) STATE PARTICIPATION.—On request of a
22 State levee safety agency, with respect to any levee
23 the failure of which would affect the State, the Sec-
24 retary shall—

1 (A) provide information to the State levee
2 safety agency relating to the construction, oper-
3 ation, and maintenance of the levee; and

4 (B) allow an official of the State levee
5 safety agency to participate in the assessment
6 of the levee.

7 (6) REPORT.—As soon as practicable after the
8 date on which a levee is assessed under this section,
9 the Secretary shall provide to the Governor of the
10 State in which the levee is located a notice describ-
11 ing the results of the assessment, including—

12 (A) a description of the results of the as-
13 sessment under this subsection;

14 (B) a description of any hazardous condi-
15 tion discovered during the assessment; and

16 (C) on request of the Governor, informa-
17 tion relating to any remedial measure necessary
18 to mitigate or avoid any hazardous condition
19 discovered during the assessment.

20 (7) SUBSEQUENT ASSESSMENTS.—

21 (A) IN GENERAL.—After the date on which
22 a levee is initially assessed under this sub-
23 section, the Secretary shall conduct a subse-
24 quent assessment of the levee not less fre-
25 quently than once every 5 years.

1 (B) STATE ASSESSMENT OF NON-FEDERAL
2 LEVEES.—

3 (i) IN GENERAL.—Each State shall
4 conduct assessments of non-Federal levees
5 located within the State in accordance with
6 the applicable State levee safety program.

7 (ii) AVAILABILITY OF INFORMA-
8 TION.—Each State shall make the results
9 of the assessments under clause (i) avail-
10 able for inclusion in the national inventory
11 under subsection (f).

12 (iii) NON-FEDERAL LEVEES.—

13 (I) IN GENERAL.—On request of
14 the Governor of a State, the Secretary
15 may assess a non-Federal levee in the
16 State.

17 (II) COST.—The State shall pay
18 100 percent of the cost of an assess-
19 ment under subclause (I).

20 (III) FUNDING.—The Secretary
21 may accept funds from any levee
22 owner for the purposes of conducting
23 engineering assessments to determine
24 the performance and structural integ-
25 rity of a levee.

1 (h) STATE LEVEE SAFETY PROGRAMS.—

2 (1) ASSISTANCE TO STATES.—In carrying out
3 the program under this section, the Secretary shall
4 provide funds to State levee safety agencies (or an-
5 other appropriate State agency, as designated by the
6 Governor of the State) to assist States in estab-
7 lishing, maintaining, and improving levee safety pro-
8 grams.

9 (2) APPLICATION.—

10 (A) IN GENERAL.—To receive funds under
11 this subsection, a State levee safety agency
12 shall submit to the Secretary an application in
13 such time, in such manner, and containing such
14 information as the Secretary may require.

15 (B) INCLUSION.—An application under
16 subparagraph (A) shall include an agreement
17 between the State levee safety agency and the
18 Secretary under which the State levee safety
19 agency shall, in accordance with State law—

20 (i) review and approve plans and spec-
21 ifications to construct, enlarge, modify, re-
22 move, or abandon a levee in the State;

23 (ii) perform periodic evaluations dur-
24 ing levee construction to ensure compliance
25 with the approved plans and specifications;

1 (iii) approve the construction of a
2 levee in the State before the date on which
3 the levee becomes operational;

4 (iv) assess, at least once every 5
5 years, all levees and reservoirs in the State
6 the failure of which would cause a signifi-
7 cant risk of loss of human life or risk to
8 the public safety to determine whether the
9 levees and reservoirs are safe;

10 (v) establish a procedure for more de-
11 tailed and frequent safety evaluations;

12 (vi) ensure that assessments are led
13 by a State-registered professional engineer
14 with related experience in levee design and
15 construction;

16 (vii) issue notices, if necessary, to re-
17 quire owners of levees to perform necessary
18 maintenance or remedial work, improve se-
19 curity, revise operating procedures, or take
20 other actions, including breaching levees;

21 (viii) contribute funds to—

22 (I) ensure timely repairs or other
23 changes to, or removal of, a levee in
24 order to reduce the risk of loss of

1 human life and the risk to public safe-
2 ty; and

3 (II) if the owner of a levee does
4 not take an action described in sub-
5 clause (I), take appropriate action as
6 expeditiously as practicable;

7 (ix) establish a system of emergency
8 procedures and emergency response plans
9 to be used if a levee fails or if the failure
10 of a levee is imminent;

11 (x) identify—

12 (I) each levee the failure of which
13 could be reasonably expected to en-
14 danger human life;

15 (II) the maximum area that
16 could be flooded if a levee failed; and

17 (III) necessary public facilities
18 that would be affected by the flooding;

19 and

20 (xi) for the period during which the
21 funds are provided, maintain or exceed the
22 aggregate expenditures of the State during
23 the 2 fiscal years preceding the fiscal year
24 during which the funds are provided to en-
25 sure levee safety.

1 (3) DETERMINATION OF SECRETARY.—

2 (A) IN GENERAL.—Not later than 120
3 days after the date on which the Secretary re-
4 ceives an application under paragraph (2), the
5 Secretary shall approve or disapprove the appli-
6 cation.

7 (B) NOTICE OF DISAPPROVAL.—If the Sec-
8 retary disapproves an application under sub-
9 paragraph (A), the Secretary shall immediately
10 provide to the State levee safety agency a writ-
11 ten notice of the disapproval, including a de-
12 scription of—

13 (i) the reasons for the disapproval;

14 and

15 (ii) changes necessary for approval of
16 the application, if any.

17 (C) FAILURE TO DETERMINE.—If the Sec-
18 retary fails to make a determination by the
19 deadline under subparagraph (A), the applica-
20 tion shall be considered to be approved.

21 (4) REVIEW OF STATE LEVEE SAFETY PRO-
22 GRAMS.—

23 (A) IN GENERAL.—The Secretary, in con-
24 junction with the Committee, may periodically

1 review any program carried out using funds
2 under this subsection.

3 (B) INADEQUATE PROGRAMS.—If the Sec-
4 retary determines under a review under sub-
5 paragraph (A) that a program is inadequate to
6 reasonably protect human life and property, the
7 Secretary shall, until the Secretary determines
8 the program to be adequate—

9 (i) revoke the approval of the pro-
10 gram; and

11 (ii) withhold assistance under this
12 subsection.

13 (i) REPORTING.—Not later than 90 days after the
14 end of each odd-numbered fiscal year, the Secretary, in
15 consultation with the Committee, shall submit to Congress
16 a report describing—

17 (1) the status of the program under this sec-
18 tion;

19 (2) the progress made by Federal agencies dur-
20 ing the 2 preceding fiscal years in implementing
21 Federal guidelines for levee safety;

22 (3) the progress made by State levee safety
23 agencies participating in the program; and

1 (4) recommendations for legislative or other ac-
2 tion that the Secretary considers to be necessary, if
3 any.

4 (j) RESEARCH.—The Secretary, in coordination with
5 the Committee, shall carry out a program of technical and
6 archival research to develop and support—

7 (1) improved techniques, historical experience,
8 and equipment for rapid and effective levee construc-
9 tion, rehabilitation, and assessment or inspection;

10 (2) the development of devices for the continued
11 monitoring of levee safety;

12 (3) the development and maintenance of infor-
13 mation resources systems required to manage levee
14 safety projects; and

15 (4) public policy initiatives and other improve-
16 ments relating to levee safety engineering, security,
17 and management.

18 (k) PARTICIPATION BY STATE LEVEE SAFETY AGEN-
19 CIES.—In carrying out the levee safety program under this
20 section, the Secretary shall—

21 (1) solicit participation from State levee safety
22 agencies; and

23 (2) periodically update State levee safety agen-
24 cies and Congress on the status of the program.

1 (l) LEVEE SAFETY TRAINING.—The Secretary, in
2 consultation with the Committee, shall establish a pro-
3 gram under which the Secretary shall provide training for
4 State levee safety agency staff and inspectors to a State
5 that has, or intends to develop, a State levee safety pro-
6 gram, on request of the State.

7 (m) EFFECT OF SUBTITLE.—Nothing in this sub-
8 title—

9 (1) creates any Federal liability relating to the
10 recovery of a levee caused by an action or failure to
11 act;

12 (2) relieves an owner or operator of a levee of
13 any legal duty, obligation, or liability relating to the
14 ownership or operation of the levee; or

15 (3) except as provided in subsection
16 (g)(7)(B)(iii)(III), preempts any applicable Federal
17 or State law.

18 **SEC. 2055. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated to the Sec-
20 retary—

21 (1) \$50,000,000 to establish and maintain the
22 inventory under section 2054(f);

23 (2) \$424,000,000 to carry out levee safety as-
24 sessments under section 2054(g);

1 (3) to provide funds for State levee safety pro-
2 grams under section 2054(h)—

3 (A) \$15,000,000 for fiscal year 2007; and

4 (B) \$5,000,000 for each of fiscal years
5 2008 through 2011;

6 (4) \$2,000,000 to carry out research under sec-
7 tion 2054(j);

8 (5) \$1,000,000 to carry out levee safety train-
9 ing under section 2054(l); and

10 (6) \$150,000 to provide travel expenses to
11 members of the Committee under section 2053(f).

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

14 **SEC. 3001. ST. HERMAN AND ST. PAUL HARBORS, KODIAK,**
15 **ALASKA.**

16 The Secretary shall carry out, on an emergency basis,
17 necessary removal of rubble, sediment, and rock impeding
18 the entrance to the St. Herman and St. Paul Harbors,
19 Kodiak, Alaska, at a Federal cost of \$2,000,000.

20 **SEC. 3002. SITKA, ALASKA.**

21 The Sitka, Alaska, element of the project for naviga-
22 tion, Southeast Alaska Harbors of Refuge, Alaska, author-
23 ized by section 101 of the Water Resources Development
24 Act of 1992 (106 Stat. 4801), is modified to direct the
25 Secretary to take such action as is necessary to correct

1 design deficiencies in the Sitka Harbor Breakwater, at full
2 Federal expense. The estimated cost is \$6,300,000.

3 **SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.**

4 (a) IN GENERAL.—The Secretary shall construct a
5 new project management office located in the city of Tus-
6 caloosa, Alabama, at a location within the vicinity of the
7 city, at full Federal expense.

8 (b) TRANSFER OF LAND AND STRUCTURES.—The
9 Secretary shall sell, convey, or otherwise transfer to the
10 city of Tuscaloosa, Alabama, at fair market value, the land
11 and structures associated with the existing project man-
12 agement office, if the city agrees to assume full responsi-
13 bility for demolition of the existing project management
14 office.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out subsection (a)
17 \$32,000,000.

18 **SEC. 3004. RIO DE FLAG, FLAGSTAFF, ARIZONA.**

19 The project for flood damage reduction, Rio De Flag,
20 Flagstaff, Arizona, authorized by section 101(b)(3) of the
21 Water Resources Development Act of 2000 (114 Stat.
22 2576), is modified to authorize the Secretary to construct
23 the project at a total cost of \$54,100,000, with an esti-
24 mated Federal cost of \$35,000,000 and a non-Federal cost
25 of \$19,100,000.

1 **SEC. 3005. AUGUSTA AND CLARENDON, ARKANSAS.**

2 The Secretary may carry out rehabilitation of author-
3 ized and completed levees on the White River between Au-
4 gusta and Clarendon, Arkansas, at a total estimated cost
5 of \$8,000,000, with an estimated Federal cost of
6 \$5,200,000 and an estimated non-Federal cost of
7 \$2,800,000.

8 **SEC. 3006. RED-OUACHITA RIVER BASIN LEVEES, ARKAN-**
9 **SAS AND LOUISIANA.**

10 (a) IN GENERAL.—Section 204 of the Flood Control
11 Act of 1950 (64 Stat. 170) is amended in the matter
12 under the heading “RED-OUACHITA RIVER BASIN”
13 by striking “at Calion, Arkansas” and inserting “improve-
14 ments at Calion, Arkansas (including authorization for the
15 comprehensive flood-control project for Ouachita River
16 and tributaries, incorporating in the project all flood con-
17 trol, drainage, and power improvements in the basin above
18 the lower end of the left bank Ouachita River levee)”.

19 (b) MODIFICATION.—Section 3 of the Act of August
20 18, 1941 (55 Stat. 642, chapter 377), is amended in the
21 second sentence of subsection (a) in the matter under the
22 heading “LOWER MISSISSIPPI RIVER” by inserting
23 before the period at the end the following: “*Provided*, That
24 the Ouachita River Levees, Louisiana, authorized by the
25 first section of the Act of May 15, 1928 (45 Stat. 534,
26 chapter 569), shall remain as a component of the Mis-

1 Mississippi River and Tributaries Project and afforded oper-
2 ation and maintenance responsibilities as directed in sec-
3 tion 3 of that Act (45 Stat. 535)”.

4 **SEC. 3007. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.**

5 (a) IN GENERAL.—The project for flood control, St.
6 Francis River Basin, Arkansas, and Missouri, authorized
7 the Act of June 15, 1936 (49 Stat. 1508, chapter 548),
8 as modified, is further modified to authorize the Secretary
9 to undertake channel stabilization and sediment removal
10 measures on the St. Francis River and tributaries as an
11 integral part of the original project.

12 (b) NO SEPARABLE ELEMENT.—The measures un-
13 dertaken under subsection (a) shall not be considered to
14 be a separable element of the project.

15 **SEC. 3008. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS**
16 **AND MISSOURI.**

17 (a) IN GENERAL.—The Secretary shall convey to the
18 State of Arkansas, without monetary consideration and
19 subject to subsection (b), all right, title, and interest to
20 land within the State acquired by the Federal Government
21 as mitigation land for the project for flood control, St.
22 Francis Basin, Arkansas and Missouri Project, authorized
23 by the Act of May 15, 1928 (33 U.S.C. 702a et seq.)
24 (commonly known as the “Flood Control Act of 1928”).

25 (b) TERMS AND CONDITIONS.—

1 (1) IN GENERAL.—The conveyance by the
2 United States under this section shall be subject
3 to—

4 (A) the condition that the State of Arkan-
5 sas (including the successors and assigns of the
6 State) agree to operate, maintain, and manage
7 the land at no cost or expense to the United
8 States and for fish and wildlife, recreation, and
9 environmental purposes; and

10 (B) such other terms and conditions as the
11 Secretary determines to be in the interest of the
12 United States.

13 (2) REVERSION.—If the State (or a successor
14 or assign of the State) ceases to operate, maintain,
15 and manage the land in accordance with this sub-
16 section, all right, title, and interest in and to the
17 property shall revert to the United States, at the op-
18 tion of the Secretary.

19 **SEC. 3009. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA-**
20 **TION SYSTEM, ARKANSAS AND OKLAHOMA.**

21 (a) NAVIGATION CHANNEL.—The Secretary shall
22 continue construction of the McClellan-Kerr Arkansas
23 River Navigation System, Arkansas and Oklahoma, to op-
24 erate and maintain the navigation channel to the author-
25 ized depth of the channel, in accordance with section 136

1 of the Energy and Water Development Appropriations
2 Act, 2004 (Public Law 108–137; 117 Stat. 1842).

3 (b) MITIGATION.—

4 (1) IN GENERAL.—As mitigation for any inci-
5 dental taking relating to the McClellan-Kerr Naviga-
6 tion System, the Secretary shall determine the need
7 for, and construct modifications in, the structures
8 and operations of the Arkansas River in the area of
9 Tulsa County, Oklahoma, including the construction
10 of low water dams and islands to provide nesting
11 and foraging habitat for the interior least tern, in
12 accordance with the study entitled “Arkansas River
13 Corridor Master Plan Planning Assistance to
14 States”.

15 (2) COST SHARING.—The non-Federal share of
16 the cost of a project under this subsection shall be
17 35 percent.

18 (3) AUTHORIZATION OF APPROPRIATIONS.—
19 There is authorized to be appropriated to carry out
20 this subsection \$12,000,000.

21 **SEC. 3010. CACHE CREEK BASIN, CALIFORNIA.**

22 (a) IN GENERAL.—The project for flood control,
23 Cache Creek Basin, California, authorized by section
24 401(a) of the Water Resources Development Act of 1986
25 (100 Stat. 4112), is modified to direct the Secretary to

1 mitigate the impacts of the new south levee of the Cache
2 Creek settling basin on the storm drainage system of the
3 city of Woodland, including all appurtenant features, ero-
4 sion control measures, and environmental protection fea-
5 tures.

6 (b) OBJECTIVES.—Mitigation under subsection (a)
7 shall restore the pre-project capacity of the city (1,360
8 cubic feet per second) to release water to the Yolo Bypass,
9 including—

10 (1) channel improvements;

11 (2) an outlet work through the west levee of the
12 Yolo Bypass; and

13 (3) a new low flow cross channel to handle city
14 and county storm drainage and settling basin flows
15 (1,760 cubic feet per second) when the Yolo Bypass
16 is in a low flow condition.

17 **SEC. 3011. CALFED LEVEE STABILITY PROGRAM, CALI-**
18 **FORNIA.**

19 In addition to funds made available pursuant to the
20 Water Supply, Reliability, and Environmental Improve-
21 ment Act (Public Law 108–361) to carry out section
22 103(f)(3)(D) of that Act (118 Stat. 1696), there is au-
23 thorized to be appropriated to carry out projects described
24 in that section \$106,000,000, to remain available until ex-
25 pended.

1 **SEC. 3012. HAMILTON AIRFIELD, CALIFORNIA.**

2 The project for environmental restoration, Hamilton
3 Airfield, California, authorized by section 101(b)(3) of the
4 Water Resources Development Act of 1999 (113 Stat.
5 279), is modified to include the diked bayland parcel
6 known as “Bel Marin Keys Unit V ” at an estimated total
7 cost of \$221,700,000, with an estimated Federal cost of
8 \$166,200,000 and an estimated non-Federal cost of
9 \$55,500,000, as part of the project to be carried out by
10 the Secretary substantially in accordance with the plans,
11 and subject to the conditions, recommended in the final
12 report of the Chief of Engineers dated July 19, 2004.

13 **SEC. 3013. LA-3 DREDGED MATERIAL OCEAN DISPOSAL**
14 **SITE DESIGNATION, CALIFORNIA.**

15 Section 102(c)(4) of the Marine Protection, Re-
16 search, and Sanctuaries Act of 1972 (33 U.S.C.
17 1412(c)(4)) is amended in the third sentence by striking
18 “January 1, 2003” and inserting “January 1, 2007”.

19 **SEC. 3014. LARKSPUR FERRY CHANNEL, CALIFORNIA.**

20 (a) REPORT.—The project for navigation, Larkspur
21 Ferry Channel, Larkspur, California, authorized by sec-
22 tion 601(d) of the Water Resources Development Act of
23 1986 (100 Stat. 4148), is modified to direct the Secretary
24 to prepare a limited reevaluation report to determine
25 whether maintenance of the project is feasible.

1 (b) AUTHORIZATION OF PROJECT.—If the Secretary
2 determines that maintenance of the project is feasible, the
3 Secretary shall carry out the maintenance.

4 **SEC. 3015. LLAGAS CREEK, CALIFORNIA.**

5 The project for flood damage reduction, Llagas
6 Creek, California, authorized by section 501(a) of the
7 Water Resources Development Act of 1999 (113 Stat.
8 333), is modified to authorize the Secretary to complete
9 the project, in accordance with the requirements of local
10 cooperation as specified in section 5 of the Watershed Pro-
11 tection and Flood Prevention Act (16 U.S.C. 1005), at
12 a total remaining cost of \$105,000,000, with an estimated
13 remaining Federal cost of \$65,000,000 and an estimated
14 remaining non-Federal cost of \$40,000,000.

15 **SEC. 3016. MAGPIE CREEK, CALIFORNIA.**

16 (a) IN GENERAL.—Subject to subsection (b), the
17 project for Magpie Creek, California, authorized by section
18 205 of the Flood Control Act of 1948 (33 U.S.C. 701s),
19 is modified to direct the Secretary to apply the cost-shar-
20 ing requirements applicable to nonstructural flood control
21 under section 103(b) of the Water Resources Development
22 Act of 1986 (100 Stat. 4085) for the portion of the project
23 consisting of land acquisition to preserve and enhance ex-
24 isting floodwater storage.

1 (b) CREDITING.—The crediting allowed under sub-
2 section (a) shall not exceed the non-Federal share of the
3 cost of the project.

4 **SEC. 3017. PINE FLAT DAM FISH AND WILDLIFE HABITAT,**
5 **CALIFORNIA.**

6 (a) COOPERATIVE PROGRAM.—

7 (1) IN GENERAL.—The Secretary shall partici-
8 pate with appropriate State and local agencies in the
9 implementation of a cooperative program to improve
10 and manage fisheries and aquatic habitat conditions
11 in Pine Flat Reservoir and in the 14-mile reach of
12 the Kings River immediately below Pine Flat Dam,
13 California, in a manner that—

14 (A) provides for long-term aquatic resource
15 enhancement; and

16 (B) avoids adverse effects on water storage
17 and water rights holders.

18 (2) GOALS AND PRINCIPLES.—The cooperative
19 program described in paragraph (1) shall be carried
20 out—

21 (A) substantially in accordance with the
22 goals and principles of the document entitled
23 “Kings River Fisheries Management Program
24 Framework Agreement” and dated May 29,
25 1999, between the California Department of

1 Fish and Game and the Kings River Water As-
2 sociation and the Kings River Conservation
3 District; and

4 (B) in cooperation with the parties to that
5 agreement.

6 (b) PARTICIPATION BY SECRETARY.—

7 (1) IN GENERAL.—In furtherance of the goals
8 of the agreement described in subsection (a)(2), the
9 Secretary shall participate in the planning, design,
10 and construction of projects and pilot projects on
11 the Kings River and its tributaries to enhance
12 aquatic habitat and water availability for fisheries
13 purposes (including maintenance of a trout fishery)
14 in accordance with flood control operations, water
15 rights, and beneficial uses in existence as of the date
16 of enactment of this Act.

17 (2) PROJECTS.—Projects referred to in para-
18 graph (1) may include—

19 (A) projects to construct or improve pump-
20 ing, conveyance, and storage facilities to en-
21 hance water transfers; and

22 (B) projects to carry out water exchanges
23 and create opportunities to use floodwater with-
24 in and downstream of Pine Flat Reservoir.

1 (c) NO AUTHORIZATION OF CERTAIN DAM-RELATED
2 PROJECTS.—Nothing in this section authorizes any
3 project for the raising of Pine Flat Dam or the construc-
4 tion of a multilevel intake structure at Pine Flat Dam.

5 (d) USE OF EXISTING STUDIES.—In carrying out
6 this section, the Secretary shall use, to the maximum ex-
7 tent practicable, studies in existence on the date of enact-
8 ment of this Act, including data and environmental docu-
9 mentation in the document entitled “Final Feasibility Re-
10 port and Report of the Chief of Engineers for Pine Flat
11 Dam Fish and Wildlife Habitat Restoration” and dated
12 July 19, 2002.

13 (e) COST SHARING.—

14 (1) PROJECT PLANNING, DESIGN, AND CON-
15 STRUCTION.—The Federal share of the cost of plan-
16 ning, design, and construction of a project under
17 subsection (b) shall be 65 percent.

18 (2) NON-FEDERAL SHARE.—

19 (A) CREDIT FOR LAND, EASEMENTS, AND
20 RIGHTS-OF-WAY.—The Secretary shall credit to-
21 ward the non-Federal share of the cost of con-
22 struction of any project under subsection (b)
23 the value, regardless of the date of acquisition,
24 of any land, easements, rights-of-way, dredged
25 material disposal areas, or relocations provided

1 by the non-Federal interest for use in carrying
2 out the project.

3 (B) FORM.—The non-Federal interest may
4 provide not more than 50 percent of the non-
5 Federal share required under this clause in the
6 form of services, materials, supplies, or other
7 in-kind contributions.

8 (f) OPERATION AND MAINTENANCE.—The operation,
9 maintenance, repair, rehabilitation, and replacement of
10 projects carried out under this section shall be a non-Fed-
11 eral responsibility.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to carry out this section
14 \$20,000,000, to remain available until expended.

15 **SEC. 3018. REDWOOD CITY NAVIGATION PROJECT, CALI-
16 FORNIA.**

17 The Secretary may dredge the Redwood City Naviga-
18 tion Channel, California, on an annual basis, to maintain
19 the authorized depth of –30 mean lower low water.

20 **SEC. 3019. SACRAMENTO AND AMERICAN RIVERS FLOOD
21 CONTROL, CALIFORNIA.**

22 (a) CREDIT FOR NON-FEDERAL WORK.—

23 (1) IN GENERAL.—The Secretary shall credit
24 toward that portion of the non-Federal share of the
25 cost of any flood damage reduction project author-

1 ized before the date of enactment of this Act that
2 is to be paid by the Sacramento Area Flood Control
3 Agency an amount equal to the Federal share of the
4 flood control project authorized by section 9159 of
5 the Department of Defense Appropriations Act,
6 1993 (106 Stat. 1944).

7 (2) FEDERAL SHARE.—In determining the Fed-
8 eral share of the project authorized by section
9 9159(b) of that Act, the Secretary shall include all
10 audit verified costs for planning, engineering, con-
11 struction, acquisition of project land, easements,
12 rights-of-way, relocations, and environmental mitiga-
13 tion for all project elements that the Secretary de-
14 termines to be cost-effective.

15 (3) AMOUNT CREDITED.—The amount credited
16 shall be equal to the Federal share determined under
17 this section, reduced by the total of all reimburse-
18 ments paid to the non-Federal interests for work
19 under section 9159(b) of that Act before the date of
20 enactment of this Act.

21 (b) FOLSOM DAM.—Section 128(a) of the Energy
22 and Water Development Appropriations Act, 2006 (Public
23 Law 109–103; 119 Stat. 2259), is amended by adding at
24 the end the following: “The Secretaries, in cooperation
25 with non-Federal agencies, are directed to expedite the

1 Project Alternative Solution Study and to provide to the
2 Committee on Environment and Public Works of the Sen-
3 ate and the Committee on Transportation and Infrastruc-
4 ture of the House of Representatives a report by not later
5 than June 30, 2006.”.

6 **SEC. 3020. CONDITIONAL DECLARATION OF NONNAVIGA-**
7 **BILITY, PORT OF SAN FRANCISCO, CALI-**
8 **FORNIA.**

9 (a) **CONDITIONAL DECLARATION OF NONNAVIGA-**
10 **BILITY.**—If the Secretary determines, in consultation with
11 appropriate Federal and non-Federal entities, that
12 projects proposed to be carried out by non-Federal entities
13 within the portions of the San Francisco, California, wa-
14 terfront described in subsection (b) are not in the public
15 interest, the portions shall be declared not to be navigable
16 water of the United States for the purposes of section 9
17 of the Act of March 3, 1899 (33 U.S.C. 401), and the
18 General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

19 (b) **PORTIONS OF WATERFRONT.**—The portions of
20 the San Francisco, California, waterfront referred to in
21 subsection (a) are those that are, or will be, bulkheaded,
22 filled, or otherwise occupied by permanent structures and
23 that are located as follows: beginning at the intersection
24 of the northeasterly prolongation of the portion of the
25 northwesterly line of Bryant Street lying between Beale

1 Street and Main Street with the southwesterly line of
2 Spear Street, which intersection lies on the line of jurisdic-
3 tion of the San Francisco Port Commission; following
4 thence southerly along said line of jurisdiction as described
5 in the State of California Harbor and Navigation Code
6 Section 1770, as amended in 1961, to its intersection with
7 the easterly line of Townsend Street along a line that is
8 parallel and distant 10 feet from the existing southern
9 boundary of Pier 40 to its point of intersection with the
10 United States Government pier-head line; thence northerly
11 along said pier-head line to its intersection with a line par-
12 allel with, and distant 10 feet easterly from, the existing
13 easterly boundary line of Pier 30–32; thence northerly
14 along said parallel line and its northerly prolongation, to
15 a point of intersection with a line parallel with, and distant
16 10 feet northerly from, the existing northerly boundary of
17 Pier 30–32, thence westerly along last said parallel line
18 to its intersection with the United States Government
19 pier-head line; to the northwesterly line of Bryan Street
20 northwesterly; thence southwesterly along said northwest-
21 erly line of Bryant Street to the point of beginning.

22 (c) REQUIREMENT THAT AREA BE IMPROVED.—If,
23 by the date that is 20 years after the date of enactment
24 of this Act, any portion of the San Francisco, California,
25 waterfront described in subsection (b) has not been bulk-

1 headed, filled, or otherwise occupied by 1 or more perma-
2 nent structures, or if work in connection with any activity
3 carried out pursuant to applicable Federal law requiring
4 a permit, including sections 9 and 10 of the Act of March
5 3, 1899 (33 U.S.C. 401), is not commenced by the date
6 that is 5 years after the date of issuance of such a permit,
7 the declaration of nonnavigability for the portion under
8 this section shall cease to be effective.

9 **SEC. 3021. SALTON SEA RESTORATION, CALIFORNIA.**

10 (a) DEFINITIONS.—In this section:

11 (1) SALTON SEA AUTHORITY.—The term
12 “Salton Sea Authority” means the Joint Powers Au-
13 thority established under the laws of the State of
14 California by a joint power agreement signed on
15 June 2, 1993.

16 (2) SALTON SEA SCIENCE OFFICE.—The term
17 “Salton Sea Science Office” means the Office estab-
18 lished by the United States Geological Survey and
19 currently located in La Quinta, California.

20 (b) PILOT PROJECTS.—

21 (1) IN GENERAL.—The Secretary shall review
22 the preferred restoration concept plan approved by
23 the Salton Sea Authority to determine that the pilot
24 projects are economically justified, technically sound,
25 environmentally acceptable, and meet the objectives

1 of the Salton Sea Reclamation Act (Public Law
2 105–372). If the Secretary makes a positive deter-
3 mination, the Secretary may enter into an agree-
4 ment with the Salton Sea Authority and, in con-
5 sultation with the Salton Sea Science Office, carry
6 out the pilot project for improvement of the environ-
7 ment in the Salton Sea, except that the Secretary
8 shall be a party to each contract for construction
9 under this subsection.

10 (2) LOCAL PARTICIPATION.—In prioritizing
11 pilot projects under this section, the Secretary
12 shall—

13 (A) consult with the Salton Sea Authority
14 and the Salton Sea Science Office; and

15 (B) consider the priorities of the Salton
16 Sea Authority.

17 (3) COST SHARING.—Before carrying out a
18 pilot project under this section, the Secretary shall
19 enter into a written agreement with the Salton Sea
20 Authority that requires the non-Federal interest
21 to—

22 (A) pay 35 percent of the total costs of the
23 pilot project;

24 (B) acquire any land, easements, rights-of-
25 way, relocations, and dredged material disposal

1 areas necessary to carry out the pilot project;
2 and

3 (C) hold the United States harmless from
4 any claim or damage that may arise from car-
5 rying out the pilot project, except any claim or
6 damage that may arise from the negligence of
7 the Federal Government or a contractor of the
8 Federal Government.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out subsection (b)
11 \$26,000,000, of which not more than \$5,000,000 may be
12 used for any 1 pilot project under this section.

13 **SEC. 3022. SANTA BARBARA STREAMS, LOWER MISSION**
14 **CREEK, CALIFORNIA.**

15 The project for flood damage reduction, Santa Bar-
16 bara Streams, Lower Mission Creek, California, author-
17 ized by section 101(b)(8) of the Water Resources Develop-
18 ment Act of 2000 (114 Stat. 2577), is modified to author-
19 ize the Secretary to construct the project at a total cost
20 of \$30,000,000, with an estimated Federal cost of
21 \$15,000,000 and an estimated non-Federal cost of
22 \$15,000,000.

23 **SEC. 3023. UPPER GUADALUPE RIVER, CALIFORNIA.**

24 The project for flood damage reduction and recre-
25 ation, Upper Guadalupe River, California, authorized by

1 section 101(a)(9) of the Water Resources Development
2 Act of 1999 (113 Stat. 275), is modified to authorize the
3 Secretary to construct the project generally in accordance
4 with the Upper Guadalupe River Flood Damage Reduc-
5 tion, San Jose, California, Limited Reevaluation Report,
6 dated March, 2004, at a total cost of \$244,500,000, with
7 an estimated Federal cost of \$130,600,000 and an esti-
8 mated non-Federal cost of \$113,900,000.

9 **SEC. 3024. YUBA RIVER BASIN PROJECT, CALIFORNIA.**

10 The project for flood damage reduction, Yuba River
11 Basin, California, authorized by section 101(a)(10) of the
12 Water Resources Development Act of 1999 (113 Stat.
13 275), is modified to authorize the Secretary to construct
14 the project at a total cost of \$107,700,000, with an esti-
15 mated Federal cost of \$70,000,000 and an estimated non-
16 Federal cost of \$37,700,000.

17 **SEC. 3025. CHARLES HERVEY TOWNSHEND BREAKWATER,**
18 **NEW HAVEN HARBOR, CONNECTICUT.**

19 The western breakwater for the project for naviga-
20 tion, New Haven Harbor, Connecticut, authorized by the
21 first section of the Act of September 19, 1890 (26 Stat.
22 426), shall be known and designated as the “Charles
23 Hervey Townshend Breakwater”.

1 **SEC. 3026. ANCHORAGE AREA, NEW LONDON HARBOR, CON-**
2 **NECTICUT.**

3 (a) IN GENERAL.—The portion of the project for
4 navigation, New London Harbor, Connecticut, authorized
5 by the Act of June 13, 1902 (32 Stat. 333), that consists
6 of a 23-foot waterfront channel described in subsection
7 (b), is redesignated as an anchorage area.

8 (b) DESCRIPTION OF CHANNEL.—The channel re-
9 ferred to in subsection (a) may be described as beginning
10 at a point along the western limit of the existing project,
11 N. 188, 802.75, E. 779, 462.81, thence running north-
12 easterly about 1,373.88 feet to a point N. 189, 554.87,
13 E. 780, 612.53, thence running southeasterly about
14 439.54 feet to a point N. 189, 319.88, E. 780, 983.98,
15 thence running southwesterly about 831.58 feet to a point
16 N. 188, 864.63, E. 780, 288.08, thence running south-
17 easterly about 567.39 feet to a point N. 188, 301.88, E.
18 780, 360.49, thence running northwesterly about 1,027.96
19 feet to the point of origin.

20 **SEC. 3027. NORWALK HARBOR, CONNECTICUT.**

21 (a) IN GENERAL.—The portions of a 10-foot channel
22 of the project for navigation, Norwalk Harbor, Con-
23 necticut, authorized by the first section of the Act of
24 March 2, 1919 (40 Stat. 1276) and described in sub-
25 section (b), are not authorized.

1 (b) DESCRIPTION OF PORTIONS.—The portions of
2 the channel referred to in subsection (a) are as follows:

3 (1) RECTANGULAR PORTION.—An approxi-
4 mately rectangular-shaped section along the north-
5 westerly terminus of the channel. The section is 35-
6 feet wide and about 460-feet long and is further de-
7 scribed as commencing at a point N. 104,165.85, E.
8 417,662.71, thence running south $24^{\circ}06'55''$ E.
9 395.00 feet to a point N. 103,805.32, E.
10 417,824.10, thence running south $00^{\circ}38'06''$ E.
11 87.84 feet to a point N. 103,717.49, E. 417,825.07,
12 thence running north $24^{\circ}06'55''$ W. 480.00 feet, to
13 a point N. 104,155.59, E. 417.628.96, thence run-
14 ning north $73^{\circ}05'25''$ E. 35.28 feet to the point of
15 origin.

16 (2) PARALLELOGRAM-SHAPED PORTION.—An
17 area having the approximate shape of a parallelo-
18 gram along the northeasterly portion of the channel,
19 southeast of the area described in paragraph (1), ap-
20 proximately 20 feet wide and 260 feet long, and fur-
21 ther described as commencing at a point N.
22 103,855.48, E. 417,849.99, thence running south
23 $33^{\circ}07'30''$ E. 133.40 feet to a point N. 103,743.76,
24 E. 417,922.89, thence running south $24^{\circ}07'04''$ E.
25 127.75 feet to a point N. 103,627.16, E.

1 417,975.09, thence running north $33^{\circ}07'30''$ W.
2 190.00 feet to a point N. 103,786.28, E.
3 417,871.26, thence running north $17^{\circ}05'15''$ W.
4 72.39 feet to the point of origin.

5 (c) MODIFICATION.—The 10-foot channel portion of
6 the Norwalk Harbor, Connecticut navigation project de-
7 scribed in subsection (a) is modified to authorize the Sec-
8 retary to realign the channel to include, immediately north
9 of the area described in subsection (b)(2), a triangular sec-
10 tion described as commencing at a point N. 103,968.35,
11 E. 417,815.29, thence running S. $17^{\circ}05'15''$ east 118.09
12 feet to a point N. 103,855.48, E. 417,849.99, thence run-
13 ning N. $33^{\circ}07'30''$ west 36.76 feet to a point N.
14 103,886.27, E. 417,829.90, thence running N. $10^{\circ}05'26''$
15 west 83.37 feet to the point of origin.

16 **SEC. 3028. ST. GEORGE'S BRIDGE, DELAWARE.**

17 Section 102(g) of the Water Resources Development
18 Act of 1990 (104 Stat. 4612) is amended by adding at
19 the end the following: “The Secretary shall assume owner-
20 ship responsibility for the replacement bridge not later
21 than the date on which the construction of the bridge is
22 completed and the contractors are released of their respon-
23 sibility by the State. In addition, the Secretary may not
24 carry out any action to close or remove the St. George's

1 Bridge, Delaware, without specific congressional author-
2 ization.”.

3 **SEC. 3029. CHRISTINA RIVER, WILMINGTON, DELAWARE.**

4 (a) IN GENERAL.—The Secretary shall remove the
5 shipwrecked vessel known as the “State of Pennsylvania”,
6 and any debris associated with that vessel, from the Chris-
7 tina River at Wilmington, Delaware, in accordance with
8 section 202(b) of the Water Resources Development Act
9 of 1976 (33 U.S.C. 426m(b)).

10 (b) NO RECOVERY OF FUNDS.—Notwithstanding any
11 other provision of law, in carrying out this section, the
12 Secretary shall not be required to recover funds from the
13 owner of the vessel described in subsection (a) or any
14 other vessel.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$425,000, to remain available until expended.

18 **SEC. 3030. ADDITIONAL PROGRAM AUTHORITY, COM-**
19 **PREHENSIVE EVERGLADES RESTORATION,**
20 **FLORIDA.**

21 Section 601(c)(3) of the Water Resources Develop-
22 ment Act of 2000 (114 Stat. 2684) is amended by adding
23 at the end the following:

24 “(C) MAXIMUM COST OF PROGRAM AU-
25 THORITY.—Section 902 of the Water Resources

1 “(I) IN GENERAL.—Except as
2 provided in subclause (II), the Federal
3 share of the cost of carrying out a
4 project under subparagraph (A) shall
5 not exceed \$25,000,000.

6 “(II) SEMINOLE WATER CON-
7 SERVATION PLAN.—The Federal share
8 of the cost of carrying out the Semi-
9 nole Water Conservation Plan shall
10 not exceed \$30,000,000.”.

11 **SEC. 3033. LAKE OKEECHOBEE AND HILLSBORO AQUIFER**
12 **PILOT PROJECTS, COMPREHENSIVE EVER-**
13 **GLADES RESTORATION, FLORIDA.**

14 Section 601(b)(2)(B) of the Water Resources Devel-
15 opment Act of 2000 (114 Stat. 2681) is amended by add-
16 ing at the end the following:

17 “(v) HILLSBORO AND OKEECHOBEE
18 AQUIFER, FLORIDA.—The pilot projects for
19 aquifer storage and recovery, Hillsboro and
20 Okeechobee Aquifer, Florida, authorized by
21 section 101(a)(16) of the Water Resources
22 Development Act of 1999 (113 Stat. 276),
23 shall be treated for the purposes of this
24 section as being in the Plan and carried
25 out in accordance with this section, except

1 that costs of operation and maintenance of
2 those projects shall remain 100 percent
3 non-Federal.”.

4 **SEC. 3034. LIDO KEY, SARASOTA COUNTY, FLORIDA.**

5 The Secretary shall carry out the project for hurri-
6 cane and storm damage reduction in Lido Key, Sarasota
7 County, Florida, based on the report of the Chief of Engi-
8 neers dated December 22, 2004, at a total cost of
9 \$14,809,000, with an estimated Federal cost of
10 \$9,088,000 and an estimated non-Federal cost of
11 \$5,721,000, and at an estimated total cost \$63,606,000
12 for periodic beach nourishment over the 50-year life of the
13 project, with an estimated Federal cost of \$31,803,000
14 and an estimated non-Federal cost of \$31,803,000.

15 **SEC. 3035. PORT SUTTON CHANNEL, TAMPA HARBOR, FLOR-**
16 **IDA.**

17 The project for navigation, Port Sutton Channel,
18 Tampa Harbor, Florida, authorized by section 101(b)(12)
19 of the Water Resources Development Act of 2000 (114
20 Stat. 2577), is modified to authorize the Secretary to
21 carry out the project at a total cost of \$12,900,000.

22 **SEC. 3036. TAMPA HARBOR, CUT B, TAMPA, FLORIDA.**

23 The project for navigation, Tampa Harbor, Florida,
24 authorized by section 101 of the River and Harbor Act
25 of 1970 (84 Stat. 1818), is modified to authorize the Sec-

1 retary to construct passing lanes in an area approximately
2 3.5 miles long and centered on Tampa Bay Cut B, if the
3 Secretary determines that the improvements are necessary
4 for navigation safety.

5 **SEC. 3037. ALLATOONA LAKE, GEORGIA.**

6 (a) LAND EXCHANGE.—

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

16 (2) TERMS AND CONDITIONS.—The basis for all
17 land exchanges under this subsection shall be a fair
18 market appraisal to ensure that land exchanged is of
19 equal value.

20 (b) DISPOSAL AND ACQUISITION OF LAND,
21 ALLATOONA LAKE, GEORGIA.—

22 (1) IN GENERAL.—The Secretary may—

23 (A) sell land above 863 feet in elevation at
24 Allatoona Lake, Georgia, identified in the

1 memorandum referred to in subsection (a)(1);
2 and

3 (B) use the proceeds of the sale, without
4 further appropriation, to pay costs associated
5 with the purchase of land required for wildlife
6 management and protection of the water quality
7 and overall environment of Allatoona Lake.

8 (2) TERMS AND CONDITIONS.—

9 (A) WILLING SELLERS.—Land acquired
10 under this subsection shall be by negotiated
11 purchase from willing sellers only.

12 (B) BASIS.—The basis for all transactions
13 under this subsection shall be a fair market
14 value appraisal acceptable to the Secretary.

15 (C) SHARING OF COSTS.—Each purchaser
16 of land under this subsection shall share in the
17 associated environmental and real estate costs
18 of the purchase, including surveys and associ-
19 ated fees in accordance with the memorandum
20 referred to in subsection (a)(1).

21 (D) OTHER CONDITIONS.—The Secretary
22 may impose on the sale and purchase of land
23 under this subsection such other conditions as
24 the Secretary determines to be appropriate.

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

3 **SEC. 3038. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.**

4 (a) IN GENERAL.—The Secretary shall carry out ad-
5 ditional general construction measures to allow for oper-
6 ation at lower pool levels to satisfy the recreation mission
7 at Dworshak Dam, Idaho.

8 (b) IMPROVEMENTS.—In carrying out subsection (a),
9 the Secretary shall provide for appropriate improvements
10 to—

11 (1) facilities that are operated by the Corps of
12 Engineers; and

13 (2) facilities that, as of the date of enactment
14 of this Act, are leased, permitted, or licensed for use
15 by others.

16 (c) COST SHARING.—The Secretary shall carry out
17 this section through a cost-sharing program with Idaho
18 State Parks and Recreation Department, with a total esti-
19 mated project cost of \$5,300,000, with an estimated Fed-
20 eral cost of \$3,900,000 and an estimated non-Federal cost
21 of \$1,400,000.

22 **SEC. 3039. LITTLE WOOD RIVER, GOODING, IDAHO.**

23 The project for flood control, Gooding, Idaho, as con-
24 structed under the emergency conservation work program

1 established under the Act of March 31, 1933 (16 U.S.C.
2 585 et seq.), is modified—

3 (1) to direct the Secretary to rehabilitate the
4 Gooding Channel Project for the purposes of flood
5 control and ecosystem restoration, if the Secretary
6 determines that the rehabilitation and ecosystem res-
7 toration is feasible;

8 (2) to authorize and direct the Secretary to
9 plan, design, and construct the project at a total
10 cost of \$9,000,000;

11 (3) to authorize the non-Federal interest to pro-
12 vide any portion of the non-Federal share of the cost
13 of the project in the form of services, materials, sup-
14 plies, or other in-kind contributions;

15 (4) to authorize the non-Federal interest to use
16 funds made available under any other Federal pro-
17 gram toward the non-Federal share of the cost of
18 the project if the use of the funds is permitted under
19 the other Federal program; and

20 (5) to direct the Secretary, in calculating the
21 non-Federal share of the cost of the project, to make
22 a determination under section 103(m) of the Water
23 Resources Development Act of 1986 (33 U.S.C.
24 2213(m)) on the ability to pay of the non-Federal
25 interest.

1 **SEC. 3040. PORT OF LEWISTON, IDAHO.**

2 (a) **EXTINGUISHMENT OF REVERSIONARY INTER-**
3 **ESTS AND USE RESTRICTIONS.**—With respect to property
4 covered by each deed described in subsection (b)—

5 (1) the reversionary interests and use restric-
6 tions relating to port and industrial use purposes are
7 extinguished;

8 (2) the restriction that no activity shall be per-
9 mitted that will compete with services and facilities
10 offered by public marinas is extinguished;

11 (3) the human habitation or other building
12 structure use restriction is extinguished in each area
13 in which the elevation is above the standard project
14 flood elevation; and

15 (4) the use of fill material to raise low areas
16 above the standard project flood elevation is author-
17 ized, except in any low area constituting wetland for
18 which a permit under section 404 of the Federal
19 Water Pollution Control Act (33 U.S.C. 1344) is re-
20 quired.

21 (b) **DEEDS.**—The deeds referred to in subsection (a)
22 are as follows:

23 (1) Auditor's Instrument No. 399218 of Nez
24 Perce County, Idaho, 2.07 acres.

25 (2) Auditor's Instrument No. 487437 of Nez
26 Perce County, Idaho, 7.32 acres.

1 (c) NO EFFECT ON OTHER RIGHTS.—Nothing in this
2 section affects the remaining rights and interests of the
3 Corps of Engineers for authorized project purposes with
4 respect to property covered by deeds described in sub-
5 section (b).

6 **SEC. 3041. CACHE RIVER LEVEE, ILLINOIS.**

7 The Cache River Levee created for flood control at
8 the Cache River, Illinois, and authorized by the Act of
9 June 28, 1938 (52 Stat. 1215, chapter 795), is modified
10 to add environmental restoration as a project purpose.

11 **SEC. 3042. CHICAGO, ILLINOIS.**

12 Section 425(a) of the Water Resources Development
13 Act of 2000 (114 Stat. 2638) is amended by inserting
14 “Lake Michigan and” before “the Chicago River”.

15 **SEC. 3043. CHICAGO RIVER, ILLINOIS.**

16 The Federal navigation channel for the North Branch
17 Channel portion of the Chicago River authorized by sec-
18 tion 22 of the Act of March 3, 1899 (30 Stat. 1156, chap-
19 ter 425), extending from 100 feet downstream of the Hal-
20 sted Street Bridge to 100 feet upstream of the Division
21 Street Bridge, Chicago, Illinois, is redefined to be no wider
22 than 66 feet.

1 **SEC. 3044. MISSOURI AND ILLINOIS FLOOD PROTECTION**
2 **PROJECTS RECONSTRUCTION PILOT PRO-**
3 **GRAM.**

4 (a) DEFINITION OF RECONSTRUCTION.—In this sec-
5 tion:

6 (1) IN GENERAL.—The term “reconstruction”
7 means any action taken to address 1 or more major
8 deficiencies of a project caused by long-term deg-
9 radation of the foundation, construction materials,
10 or engineering systems or components of the project,
11 the results of which render the project at risk of not
12 performing in compliance with the authorized pur-
13 poses of the project.

14 (2) INCLUSIONS.—The term “reconstruction”
15 includes the incorporation by the Secretary of cur-
16 rent design standards and efficiency improvements
17 in a project if the incorporation does not signifi-
18 cantly change the authorized scope, function, or pur-
19 pose of the project.

20 (b) PARTICIPATION BY SECRETARY.—The Secretary
21 may participate in the reconstruction of flood control
22 projects within Missouri and Illinois as a pilot program
23 if the Secretary determines that such reconstruction is not
24 required as a result of improper operation and mainte-
25 nance by the non-Federal interest.

26 (c) COST SHARING.—

1 (1) IN GENERAL.—Costs for reconstruction of a
2 project under this section shall be shared by the Sec-
3 retary and the non-Federal interest in the same per-
4 centages as the costs of construction of the original
5 project were shared.

6 (2) OPERATION, MAINTENANCE, AND REPAIR
7 COSTS.—The costs of operation, maintenance, re-
8 pair, and rehabilitation of a project carried out
9 under this section shall be a non-Federal responsi-
10 bility.

11 (d) CRITICAL PROJECTS.—In carrying out this sec-
12 tion, the Secretary shall give priority to the following
13 projects:

14 (1) Clear Creek Drainage and Levee District,
15 Illinois.

16 (2) Fort Chartres and Ivy Landing Drainage
17 District, Illinois.

18 (3) Wood River Drainage and Levee District,
19 Illinois.

20 (4) City of St. Louis, Missouri.

21 (5) Missouri River Levee Drainage District,
22 Missouri.

23 (e) ECONOMIC JUSTIFICATION.—Reconstruction ef-
24 forts and activities carried out under this section shall not
25 require economic justification.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$50,000,000, to remain available until expended.

4 **SEC. 3045. SPUNKY BOTTOM, ILLINOIS.**

5 (a) IN GENERAL.—The project for flood control, Illi-
6 nois and Des Plaines River Basin, between Beardstown,
7 Illinois, and the mouth of the Illinois River, authorized
8 by section 5 of the Act of June 22, 1936 (49 Stat. 1583,
9 chapter 688), is modified to authorize ecosystem restora-
10 tion as a project purpose.

11 (b) MODIFICATIONS.—

12 (1) IN GENERAL.—Subject to paragraph (2),
13 notwithstanding the limitation on the expenditure of
14 Federal funds to carry out project modifications in
15 accordance with section 1135 of the Water Re-
16 sources Development Act of 1986 (33 U.S.C.
17 2309a), modifications to the project referred to in
18 subsection (a) shall be carried out at Spunky Bot-
19 toms, Illinois, in accordance with subsection (a).

20 (2) FEDERAL SHARE.—Not more than
21 \$7,500,000 in Federal funds may be expended under
22 this section to carry out modifications to the project
23 referred to in subsection (a).

24 (3) POST-CONSTRUCTION MONITORING AND
25 MANAGEMENT.—Of the Federal funds expended

1 under paragraph (2), not less than \$500,000 shall
2 remain available for a period of 5 years after the
3 date of completion of construction of the modifica-
4 tions for use in carrying out post-construction moni-
5 toring and adaptive management.

6 (c) EMERGENCY REPAIR ASSISTANCE.—Notwith-
7 standing any modifications carried out under subsection
8 (b), the project described in subsection (a) shall remain
9 eligible for emergency repair assistance under section 5
10 of the Act of August 18, 1941 (33 U.S.C. 701n), without
11 consideration of economic justification.

12 **SEC. 3046. STRAWN CEMETERY, JOHN REDMOND LAKE,**
13 **KANSAS.**

14 (a) IN GENERAL.—As soon as practicable after the
15 date of enactment of this Act, the Secretary, acting
16 through the Tulsa District of the Corps of Engineers, shall
17 transfer to Pleasant Township, Coffey County, Kansas,
18 for use as the New Strawn Cemetery, all right, title, and
19 interest of the United States in and to the land described
20 in subsection (c).

21 (b) REVERSION.—If the land transferred under this
22 section ceases at any time to be used as a nonprofit ceme-
23 tery or for another public purpose, the land shall revert
24 to the United States.

1 (c) DESCRIPTION.—The land to be conveyed under
2 this section is a tract of land near John Redmond Lake,
3 Kansas, containing approximately 3 acres and lying adja-
4 cent to the west line of the Strawn Cemetery located in
5 the SE corner of the NE¹/₄ of sec. 32, T. 20 S., R. 14
6 E., Coffey County, Kansas.

7 (d) CONSIDERATION.—

8 (1) IN GENERAL.—The conveyance under this
9 section shall be at fair market value.

10 (2) COSTS.—All costs associated with the con-
11 veyance shall be paid by Pleasant Township, Coffey
12 County, Kansas.

13 (e) OTHER TERMS AND CONDITIONS.—The convey-
14 ance under this section shall be subject to such other
15 terms and conditions as the Secretary considers necessary
16 to protect the interests of the United States.

17 **SEC. 3047. MILFORD LAKE, MILFORD, KANSAS.**

18 (a) IN GENERAL.—Subject to subsections (b) and (c),
19 the Secretary shall convey at fair market value by quit-
20 claim deed to the Geary County Fire Department, Milford,
21 Kansas, all right, title, and interest of the United States
22 in and to a parcel of land consisting of approximately 7.4
23 acres located in Geary County, Kansas, for construction,
24 operation, and maintenance of a fire station.

1 (b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The
2 exact acreage and the description of the real property re-
3 ferred to in subsection (a) shall be determined by a survey
4 that is satisfactory to the Secretary.

5 (c) REVERSION.—If the Secretary determines that
6 the property conveyed under subsection (a) ceases to be
7 held in public ownership or to be used for any purpose
8 other than a fire station, all right, title, and interest in
9 and to the property shall revert to the United States, at
10 the option of the United States.

11 **SEC. 3048. OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA,**
12 **OHIO, PENNSYLVANIA, AND WEST VIRGINIA.**

13 Section 101(16) of the Water Resources Development
14 Act of 2000 (114 Stat. 2578) is amended—

15 (1) by striking “(A) **IN GENERAL.**—Projects
16 for ecosystem restoration, Ohio River Mainstem”
17 and inserting the following:

18 “(A) **AUTHORIZATION.**—

19 “(i) **IN GENERAL.**—Projects for eco-
20 system restoration, Ohio River Basin (ex-
21 cluding the Tennessee and Cumberland
22 River Basins)”;

23 (2) in subparagraph (A), by adding at the end
24 the following:

1 “(ii) NONPROFIT ENTITY.—For any
2 ecosystem restoration project carried out
3 under this paragraph, with the consent of
4 the affected local government, a nonprofit
5 entity may be considered to be a non-Fed-
6 eral interest.

7 “(iii) PROGRAM IMPLEMENTATION
8 PLAN.—There is authorized to be devel-
9 oped a program implementation plan of the
10 Ohio River Basin (excluding the Tennessee
11 and Cumberland River Basins) at full Fed-
12 eral expense.

13 “(iv) PILOT PROGRAM.—There is au-
14 thorized to be initiated a completed pilot
15 program in Lower Scioto Basin, Ohio.”.

16 **SEC. 3049. 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 De-
21 velopment Act of 1986 (100 Stat. 4142), is modified to
22 authorize the Secretary to acquire from willing sellers the
23 fee interest (exclusive of oil, gas, and minerals) of an addi-
24 tional 20,000 acres of land in the Lower Atchafalaya

1 Basin Floodway for the public access feature of the
2 Atchafalaya Basin Floodway System, Louisiana project.

3 (b) MODIFICATION.—

4 (1) IN GENERAL.—Subject to paragraph (2), ef-
5 fective beginning November 17, 1986, the public ac-
6 cess feature of the Atchafalaya Basin Floodway Sys-
7 tem, Louisiana project, is modified to remove the
8 \$32,000,000 limitation on the maximum Federal ex-
9 penditure for the first costs of the public access fea-
10 ture.

11 (2) FIRST COST.—The authorized first cost of
12 \$250,000,000 for the total project (as defined in
13 section 601(a) of the Water Resources Development
14 Act of 1986 (100 Stat. 4142)) shall not be exceeded,
15 except as authorized by section 902 of that Act (100
16 Stat. 4183).

17 **SEC. 3050. REGIONAL VISITOR CENTER, ATCHAFALAYA**
18 **BASIN FLOODWAY SYSTEM, LOUISIANA.**

19 (a) PROJECT FOR FLOOD CONTROL.—Notwith-
20 standing paragraph (3) of the report of the Chief of Engi-
21 neers dated February 28, 1983 (relating to recreational
22 development in the Lower Atchafalaya Basin Floodway),
23 the Secretary shall carry out the project for flood control,
24 Atchafalaya Basin Floodway System, Louisiana, author-

1 ized by chapter IV of title I of the Act of August 15, 1985
2 (Public Law 99–88; 99 Stat. 313; 100 Stat. 4142).

3 (b) VISITORS CENTER.—

4 (1) IN GENERAL.—The Secretary, acting
5 through the Chief of Engineers and in consultation
6 with the State of Louisiana, shall study, design, and
7 construct a type A regional visitors center in the vi-
8 cinity of Morgan City, Louisiana.

9 (2) COST SHARING.—

10 (A) IN GENERAL.—The cost of construc-
11 tion of the visitors center shall be shared in ac-
12 cordance with the recreation cost-share require-
13 ment under section 103(c) of the Water Re-
14 sources Development Act of 1986 (33 U.S.C.
15 2213(c)).

16 (B) COST OF UPGRADING.—The non-Fed-
17 eral share of the cost of upgrading the visitors
18 center from a type B to type A regional visitors
19 center shall be 100 percent.

20 (3) AGREEMENT.—The project under this sub-
21 section shall be initiated only after the Secretary
22 and the non-Federal interests enter into a binding
23 agreement under which the non-Federal interests
24 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 op-
12 eration, maintenance, repair, replacement, and
13 rehabilitation 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
19 of 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. 3051. 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
5 Secretary to provide \$3,000,000 for each fiscal year, in
6 a total amount of \$15,000,000, for such rock bank protec-
7 tion of the Calcasieu River from mile 5 to mile 16 as the
8 Chief of Engineers determines to be advisable to reduce
9 maintenance dredging needs and facilitate protection of
10 valuable disposal areas for the Calcasieu River and Pass,
11 Louisiana.

12 **SEC. 3052. LAROSE TO GOLDEN MEADOW, LOUISIANA.**

13 (a) IN GENERAL.—For the project for hurricane pro-
14 tection, Larose to Golden Meadow, Louisiana, authorized
15 by section 204 of the Flood Control Act of 1965 (79 Stat.
16 1077), not later than 180 days after the date of enactment
17 of this Act, the Secretary shall make the determination
18 described in section 325 of the Water Resources Develop-
19 ment Act of 1999 (113 Stat. 304) regarding the technical
20 feasibility, environmental acceptability, and economical
21 justification of converting the Golden Meadow floodgate
22 into a navigation lock.

23 (b) CONVERSION.—If the Secretary makes a favor-
24 able determination under subsection (a), or fails to make
25 a favorable or unfavorable determination by the date spec-
26 ified in subsection (a), the conversion of the Golden Mead-

1 ow floodgate to a navigation lock shall be considered to
2 be authorized as a feature of the hurricane protection
3 project referred to in subsection (a).

4 **SEC. 3053. EAST BATON ROUGE PARISH, LOUISIANA.**

5 The project for flood damage reduction and recre-
6 ation, East Baton Rouge Parish, Louisiana, authorized by
7 section 101(a)(21) of the Water Resources Development
8 Act of 1999 (113 Stat. 277), as amended by section 116
9 of the Consolidated Appropriations Resolution, 2003 (117
10 Stat. 140), is modified to authorize the Secretary to carry
11 out the project substantially in accordance with the Report
12 of the Chief of Engineers dated December 23, 1996, and
13 the subsequent Post Authorization Change Report dated
14 December 2004, at a total cost of \$178,000,000.

15 **SEC. 3054. MISSISSIPPI RIVER GULF OUTLET RELOCATION**

16 **ASSISTANCE, LOUISIANA.**

17 (a) RELOCATION ASSISTANCE.—

18 (1) AUTHORIZATION OF APPROPRIATIONS.—

19 There is authorized to be appropriated to the Dis-
20 aster Relief Fund \$175,000,000, to remain available
21 until expended, to support the relocation of deep
22 draft facilities from the Mississippi River Gulf Out-
23 let and the Inner Harbor Navigation Canal to the
24 Mississippi River, to be administered by the Eco-
25 nomic Development Administration pursuant to sec-

1 tion 209(c)(2) of the Public Works and Economic
2 Development Act of 1965 (42 U.S.C. 3149(c)(2)).

3 (2) USE OF FUNDS.—Amounts appropriated
4 under paragraph (1) shall be used by the Port of
5 New Orleans to relocate to the Mississippi River
6 within the State of Louisiana the port-owned facili-
7 ties that are occupied by businesses in the vicinity
8 that have suffered economic losses caused by the
9 nonnavigability of the Mississippi River Gulf Outlet
10 due to Hurricane Katrina.

11 (3) COORDINATION WITH SECRETARY.—The
12 Assistant Secretary for Economic Development shall
13 ensure that the program described in paragraph (2)
14 is fully coordinated with the Secretary to ensure that
15 facilities are relocated in a manner that is consistent
16 with the analysis and design of comprehensive hurri-
17 cane protection authorized by title I of the Energy
18 and Water Development Appropriations Act, 2006
19 (Public Law 109–103; 119 Stat. 2247).

20 (4) ADMINISTRATIVE EXPENSES.—The Assist-
21 ant Secretary for Economic Development may use
22 up to 2 percent of amounts made available under
23 paragraph (1) for administrative expenses.

1 **SEC. 3055. RED RIVER (J. BENNETT JOHNSTON) WATERWAY,**
2 **LOUISIANA.**

3 The project for mitigation of fish and wildlife losses,
4 Red River Waterway, Louisiana, authorized by section
5 601(a) of the Water Resources Development Act of 1986
6 (100 Stat. 4142) and modified by section 4(h) of the
7 Water Resources Development Act of 1988 (102 Stat.
8 4016), section 102(p) of the Water Resources Develop-
9 ment Act of 1990 (104 Stat. 4613), section 301(b)(7) of
10 the Water Resources Development Act of 1996 (110 Stat.
11 3710), and section 316 of the Water Resources Develop-
12 ment Act of 2000 (114 Stat. 2604), is further modified—

13 (1) to authorize the Secretary to carry out the
14 project at a total cost of \$33,200,000;

15 (2) to permit the purchase of marginal farm-
16 land for reforestation (in addition to the purchase of
17 bottomland hardwood); and

18 (3) to incorporate wildlife and forestry manage-
19 ment practices to improve species diversity on miti-
20 gation land that meets habitat goals and objectives
21 of the Corps of Engineers and the State of Lou-
22 isiana.

23 **SEC. 3056. CAMP ELLIS, SACO, MAINE.**

24 The maximum amount of Federal funds that may be
25 expended for the project being carried out under section
26 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i)

1 for the mitigation of shore damages attributable to the
2 project for navigation, Camp Ellis, Saco, Maine, shall be
3 \$20,000,000.

4 **SEC. 3057. UNION RIVER, MAINE.**

5 The project for navigation, Union River, Maine, au-
6 thorized by the first section of the Act of June 3, 1896
7 (29 Stat. 215, chapter 314), is modified by redesignating
8 as an anchorage area that portion of the project consisting
9 of a 6-foot turning basin and lying northerly of a line com-
10 mencing at a point N. 315,975.13, E. 1,004,424.86,
11 thence running N. 61° 27' 20.71" W. about 132.34 feet
12 to a point N. 316,038.37, E. 1,004,308.61.

13 **SEC. 3058. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**
14 **TION AND PROTECTION PROGRAM, MARY-**
15 **LAND, PENNSYLVANIA, AND VIRGINIA.**

16 Section 510(i) of the Water Resources Development
17 Act of 1996 (110 Stat. 3761) is amended by striking
18 "\$10,000,000" and inserting "\$30,000,000".

19 **SEC. 3059. CUMBERLAND, MARYLAND.**

20 Section 580(a) of the Water Resources Development
21 Act of 1999 (113 Stat. 375) is amended—

22 (1) by striking "\$15,000,000" and inserting
23 "\$25,750,000";

24 (2) by striking "\$9,750,000" and inserting
25 "\$16,738,000"; and

1 (3) by striking “\$5,250,000” and inserting
2 “\$9,012,000”.

3 **SEC. 3060. AUNT LYDIA’S COVE, MASSACHUSETTS.**

4 (a) DEAUTHORIZATION.—The portion of the project
5 for navigation, Aunt Lydia’s Cove, Massachusetts, author-
6 ized August 31, 1994, pursuant to section 107 of the Act
7 of July 14, 1960 (33 U.S.C. 577) (commonly known as
8 the “River and Harbor Act of 1960”), consisting of the
9 8-foot deep anchorage in the cove described in subsection
10 (b) is deauthorized.

11 (b) DESCRIPTION.—The portion of the project de-
12 scribed in subsection (a) is more particularly described as
13 the portion beginning at a point along the southern limit
14 of the existing project, N. 254332.00, E. 1023103.96,
15 thence running northwesterly about 761.60 feet to a point
16 along the western limit of the existing project N.
17 255076.84, E. 1022945.07, thence running southwesterly
18 about 38.11 feet to a point N. 255038.99, E. 1022940.60,
19 thence running southeasterly about 267.07 feet to a point
20 N. 254772.00, E. 1022947.00, thence running southeast-
21 erly about 462.41 feet to a point N. 254320.06, E.
22 1023044.84, thence running northeasterly about 60.31
23 feet to the point of origin.

1 **SEC. 3061. FALL RIVER HARBOR, MASSACHUSETTS AND**
2 **RHODE ISLAND.**

3 (a) IN GENERAL.—Notwithstanding section
4 1001(b)(2) of the Water Resources Development Act of
5 1986 (33 U.S.C. 579a(b)(2)), the project for navigation,
6 Fall River Harbor, Massachusetts and Rhode Island, au-
7 thorized by section 101 of the River and Harbor Act of
8 1968 (82 Stat. 731), shall remain authorized to be carried
9 out by the Secretary, except that the authorized depth of
10 that portion of the project extending riverward of the
11 Charles M. Braga, Jr. Memorial Bridge, Fall River and
12 Somerset, Massachusetts, shall not exceed 35 feet.

13 (b) FEASIBILITY.—The Secretary shall conduct a
14 study to determine the feasibility of deepening that por-
15 tion of the navigation channel of the navigation project
16 for Fall River Harbor, Massachusetts and Rhode Island,
17 authorized by section 101 of the River and Harbor Act
18 of 1968 (82 Stat. 731), seaward of the Charles M. Braga,
19 Jr. Memorial Bridge Fall River and Somerset, Massachu-
20 setts.

21 (c) LIMITATION.—The project described in subsection
22 (a) shall not be authorized for construction after the last
23 day of the 5-year period beginning on the date of enact-
24 ment of this Act unless, during that period, funds have
25 been obligated for construction (including planning and
26 design) of the project.

1 **SEC. 3062. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**
2 **GAN.**

3 Section 426 of the Water Resources Development Act
4 of 1999 (113 Stat. 326) is amended to read as follows:

5 **“SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**
6 **GAN.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) MANAGEMENT PLAN.—The term ‘manage-
9 ment plan’ means the management plan for the St.
10 Clair River and Lake St. Clair, Michigan, that is in
11 effect as of the date of enactment of this section.

12 “(2) PARTNERSHIP.—The term ‘Partnership’
13 means the partnership established by the Secretary
14 under subsection (b)(1).

15 “(b) PARTNERSHIP.—

16 “(1) IN GENERAL.—The Secretary shall estab-
17 lish and lead a partnership of appropriate Federal
18 agencies (including the Environmental Protection
19 Agency) and the State of Michigan (including polit-
20 ical subdivisions of the State)—

21 “(A) to promote cooperation among the
22 Federal Government, State and local govern-
23 ments, and other involved parties in the man-
24 agement of the St. Clair River and Lake St.
25 Clair watersheds; and

1 “(D) provide, in coordination with the Ad-
2 ministrator of the Environmental Protection
3 Agency, financial and technical assistance, in-
4 cluding grants, to the State of Michigan (in-
5 cluding political subdivisions of the State) and
6 interested nonprofit entities for the planning,
7 design, and implementation of projects to re-
8 store, conserve, manage, and sustain the St.
9 Clair River, Lake St. Clair, and associated wa-
10 tersheds.

11 “(2) SPECIFIC MEASURES.—Financial and tech-
12 nical assistance provided under subparagraphs (B)
13 and (C) of paragraph (1) may be used in support of
14 non-Federal activities consistent with the manage-
15 ment plan.

16 “(d) SUPPLEMENTS TO MANAGEMENT PLAN AND
17 STRATEGIC IMPLEMENTATION PLAN.—In consultation
18 with the Partnership and after providing an opportunity
19 for public review and comment, the Secretary shall develop
20 information to supplement—

21 “(1) the management plan; and

22 “(2) the strategic implementation plan devel-
23 oped under subsection (c)(1)(A).

24 “(e) COST SHARING.—

1 “(1) NON-FEDERAL SHARE.—The non-Federal
2 share of the cost of technical assistance, or the cost
3 of planning, design, construction, and evaluation of
4 a project under subsection (c), and the cost of devel-
5 opment of supplementary information under sub-
6 section (d)—

7 “(A) shall be 25 percent of the total cost
8 of the project or development; and

9 “(B) may be provided through the provi-
10 sion of in-kind services.

11 “(2) CREDIT FOR LAND, EASEMENTS, AND
12 RIGHTS-OF-WAY.—The Secretary shall credit the
13 non-Federal sponsor for the value of any land, ease-
14 ments, rights-of-way, dredged material disposal
15 areas, or relocations provided for use in carrying out
16 a project under subsection (c).

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

22 “(4) OPERATION AND MAINTENANCE.—The op-
23 eration, maintenance, repair, rehabilitation, and re-
24 placement of projects carried out under this section
25 shall be non-Federal responsibilities.

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$10,000,000 for each fiscal year.”.

4 **SEC. 3063. DULUTH HARBOR, MINNESOTA.**

5 (a) IN GENERAL.—Notwithstanding the cost limita-
6 tion described in section 107(b) of the River and Harbor
7 Act of 1960 (33 U.S.C. 577(b)), the Secretary shall carry
8 out the project for navigation, Duluth Harbor, Minnesota,
9 pursuant to the authority provided under that section at
10 a total Federal cost of \$9,000,000.

11 (b) PUBLIC ACCESS AND RECREATIONAL FACILI-
12 TIES.—Section 321 of the Water Resources Development
13 Act of 2000 (114 Stat. 2605) is amended by inserting “,
14 and to provide public access and recreational facilities”
15 after “including any required bridge construction”.

16 **SEC. 3064. RED LAKE RIVER, MINNESOTA.**

17 The project for flood control, Red Lake River,
18 Crookston, Minnesota, authorized by section 101(a)(23) of
19 the Water Resources Development Act of 1999 (113 Stat.
20 278), is modified to include flood protection for the adja-
21 cent and interconnected areas generally known as the
22 Sampson and Chase/Loring neighborhoods, in accordance
23 with the feasibility report supplement, local flood protec-
24 tion, Crookston, Minnesota, at a total cost of \$25,000,000,

1 with an estimated Federal cost of \$16,250,000 and an es-
2 timated non-Federal cost of \$8,750,000.

3 **SEC. 3065. BONNET CARRE FRESHWATER DIVERSION**
4 **PROJECT, MISSISSIPPI AND LOUISIANA.**

5 (a) IN GENERAL.—The project for environmental en-
6 hancement, 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
9 Stat. 4013) is modified to direct the Secretary to carry
10 out that portion of the project identified as the “Bonnet
11 Carre Freshwater Diversion Project”, in accordance with
12 this section.

13 (b) NON-FEDERAL FINANCING REQUIREMENTS.—

14 (1) MISSISSIPPI AND LOUISIANA.—

15 (A) IN GENERAL.—The States of Mis-
16 sissippi and Louisiana shall provide the funds
17 needed during any fiscal year for meeting the
18 respective non-Federal cost sharing require-
19 ments of each State for the Bonnet Carre
20 Freshwater Diversion Project during that fiscal
21 year by making deposits of the necessary funds
22 into an escrow account or into such other ac-
23 count as the Secretary determines to be accept-
24 able.

1 (B) DEADLINE.—Any deposits required
2 under this paragraph shall be made by the af-
3 fected State by not later than 30 days after re-
4 ceipt of notification from the Secretary that the
5 amounts are due.

6 (2) FAILURE TO PAY.—

7 (A) LOUISIANA.—In the case of deposits
8 required to be made by the State of Louisiana,
9 the Secretary may not award any new contract
10 or proceed to the next phase of any feature
11 being carried out in the State of Louisiana
12 under section 1003 if the State of Louisiana is
13 not in compliance with paragraph (1).

14 (B) MISSISSIPPI.—In the case of deposits
15 required to be made by the State of Mississippi,
16 the Secretary may not award any new contract
17 or proceed to the next phase of any feature
18 being carried out as a part of the Bonnet Carre
19 Freshwater Diversion Project if the State of
20 Mississippi is not in compliance with paragraph
21 (1).

22 (3) ALLOCATION.—The non-Federal share of
23 project costs shall be allocated between the States of
24 Mississippi and Louisiana as described in the report
25 to Congress on the status and potential options and

1 enhancement of the Bonnet Carre Freshwater Diver-
2 sion Project dated December 1996.

3 (4) EFFECT.—The modification of the Bonnet
4 Carre Freshwater Diversion Project by this section
5 shall not reduce the percentage of the cost of the
6 project that is required to be paid by the Federal
7 Government as determined on the date of enactment
8 of section 3(a)(8) of the Water Resources Develop-
9 ment Act of 1988 (102 Stat. 4013).

10 (c) DESIGN SCHEDULE.—

11 (1) IN GENERAL.—Subject to the availability of
12 appropriations, the Secretary shall complete the de-
13 sign of the Bonnet Carre Freshwater Diversion
14 Project by not later than 1 year after the date of en-
15 actment of this Act.

16 (2) MISSED DEADLINE.—If the Secretary does
17 not complete the design of the project by the date
18 described in paragraph (1)—

19 (A) the Secretary shall assign such re-
20 sources as the Secretary determines to be avail-
21 able and necessary to complete the design; and

22 (B) the authority of the Secretary to ex-
23 pend funds for travel, official receptions, and
24 official representations shall be suspended until
25 the design is complete.

1 (d) CONSTRUCTION SCHEDULE.—

2 (1) IN GENERAL.—Subject to the availability of
3 appropriations, the Secretary shall complete con-
4 struction of the Bonnet Carre Freshwater Diversion
5 Project by not later than September 30, 2012.

6 (2) MISSED DEADLINE.—If the Secretary does
7 not complete the construction of the Bonnet Carre
8 Freshwater Diversion Project by the date described
9 in paragraph (1)—

10 (A) the Secretary shall assign such re-
11 sources as the Secretary determines to be avail-
12 able and necessary to complete the construction;
13 and

14 (B) the authority of the Secretary to ex-
15 pend funds for travel, official receptions, and
16 official representations shall be suspended until
17 the construction is complete.

18 **SEC. 3066. LAND EXCHANGE, PIKE COUNTY, MISSOURI.**

19 (a) DEFINITIONS.—In this section:

20 (1) FEDERAL LAND.—The term “Federal land”
21 means the 2 parcels of Corps of Engineers land to-
22 taling approximately 42 acres, located on Buffalo Is-
23 land in Pike County, Missouri, and consisting of
24 Government Tract Numbers MIS–7 and a portion of
25 FM–46.

1 (2) NON-FEDERAL LAND.—The term “non-Fed-
2 eral land” means the approximately 42 acres of
3 land, subject to any existing flowage easements situ-
4 ated in Pike County, Missouri, upstream and north-
5 west, about 200 feet from Drake Island (also known
6 as Grimes Island).

7 (b) LAND EXCHANGE.—Subject to subsection (c), on
8 conveyance by S.S.S., Inc., to the United States of all
9 right, title, and interest in and to the non-Federal land,
10 the Secretary shall convey to S.S.S., Inc., all right, title,
11 and interest of the United States in and to the Federal
12 land.

13 (c) CONDITIONS.—

14 (1) DEEDS.—

15 (A) NON-FEDERAL LAND.—The convey-
16 ance of the non-Federal land to the Secretary
17 shall be by a warranty deed acceptable to the
18 Secretary.

19 (B) FEDERAL LAND.—The conveyance of
20 the Federal land to S.S.S., Inc., shall be—

21 (i) by quitclaim deed; and

22 (ii) subject to any reservations, terms,
23 and conditions that the Secretary deter-
24 mines to be necessary to allow the United

1 States to operate and maintain the Mis-
2 sissippi River 9-Foot Navigation Project.

3 (C) LEGAL DESCRIPTIONS.—The Secretary
4 shall, subject to approval of S.S.S., Inc., pro-
5 vide a legal description of the Federal land and
6 non-Federal land for inclusion in the deeds re-
7 ferred to in subparagraphs (A) and (B).

8 (2) REMOVAL OF IMPROVEMENTS.—

9 (A) IN GENERAL.—The Secretary may re-
10 quire the removal of, or S.S.S., Inc., may volun-
11 tarily remove, any improvements to the non-
12 Federal land before the completion of the ex-
13 change or as a condition of the exchange.

14 (B) NO LIABILITY.—If S.S.S., Inc., re-
15 moves any improvements to the non-Federal
16 land under subparagraph (A)—

17 (i) S.S.S., Inc., shall have no claim
18 against the United States relating to the
19 removal; and

20 (ii) the United States shall not incur
21 or be liable for any cost associated with the
22 removal or relocation of the improvements.

23 (3) ADMINISTRATIVE COSTS.—The Secretary
24 shall require S.S.S., Inc. to pay reasonable adminis-
25 trative costs associated with the exchange.

1 (4) CASH EQUALIZATION PAYMENT.—If the ap-
2 praised fair market value, as determined by the Sec-
3 retary, of the Federal land exceeds the appraised
4 fair market value, as determined by the Secretary,
5 of the non-Federal land, S.S.S., Inc., shall make a
6 cash equalization payment to the United States.

7 (5) DEADLINE.—The land exchange under sub-
8 section (b) shall be completed not later than 2 years
9 after the date of enactment of this Act.

10 **SEC. 3067. L-15 LEVEE, MISSOURI.**

11 The portion of the L-15 levee system that is under
12 the jurisdiction of the Consolidated North County Levee
13 District and situated along the right descending bank of
14 the Mississippi River from the confluence of that river
15 with the Missouri River and running upstream approxi-
16 mately 14 miles shall be considered to be a Federal levee
17 for purposes of cost sharing under section 5 of the Act
18 of August 18, 1941 (33 U.S.C. 701n).

19 **SEC. 3068. UNION LAKE, MISSOURI.**

20 (a) IN GENERAL.—The Secretary shall offer to con-
21 vey to the State of Missouri, before January 31, 2006,
22 all right, title, and interest in and to approximately 205.50
23 acres of land described in subsection (b) purchased for the
24 Union Lake Project that was deauthorized as of January
25 1, 1990 (55 Fed. Reg. 40906), in accordance with section

1 1001 of the Water Resources Development Act of 1986
2 (33 U.S.C. 579a(a)).

3 (b) LAND DESCRIPTION.—The land referred to in
4 subsection (a) is described as follows:

5 (1) TRACT 500.—A tract of land situated in
6 Franklin County, Missouri, being part of the SW¹/₄
7 of sec. 7, and the NW¹/₄ of the SW¹/₄ of sec. 8, T.
8 42 N., R. 2 W. of the fifth principal meridian, con-
9 sisting of approximately 112.50 acres.

10 (2) TRACT 605.—A tract of land situated in
11 Franklin County, Missouri, being part of the N¹/₂ of
12 the NE, and part of the SE of the NE of sec. 18,
13 T. 42 N., R. 2 W. of the fifth principal meridian,
14 consisting of approximately 93.00 acres.

15 (c) CONVEYANCE.—On acceptance by the State of
16 Missouri of the offer by the Secretary under subsection
17 (a), the land described in subsection (b) shall immediately
18 be conveyed, in its current condition, by Secretary to the
19 State of Missouri.

20 **SEC. 3069. FORT PECK FISH HATCHERY, MONTANA.**

21 Section 325(f)(1)(A) of the Water Resources Devel-
22 opment Act of 2000 (114 Stat. 2607) is amended by strik-
23 ing “\$20,000,000” and inserting “\$25,000,000”.

1 **SEC. 3070. LOWER YELLOWSTONE PROJECT, MONTANA.**

2 The Secretary may use funds appropriated to carry
3 out the Missouri River recovery and mitigation program
4 to assist the Bureau of Reclamation in the design and con-
5 struction of the Lower Yellowstone project of the Bureau,
6 Intake, Montana, for the purpose of ecosystem restoration.

7 **SEC. 3071. YELLOWSTONE RIVER AND TRIBUTARIES, MON-**
8 **TANA AND NORTH DAKOTA.**

9 (a) DEFINITION OF RESTORATION PROJECT.—In
10 this section, the term “restoration project” means a
11 project that will produce, in accordance with other Federal
12 programs, projects, and activities, substantial ecosystem
13 restoration and related benefits, as determined by the Sec-
14 retary.

15 (b) PROJECTS.—The Secretary shall carry out, in ac-
16 cordance with other Federal programs, projects, and ac-
17 tivities, restoration projects in the watershed of the Yel-
18 lowstone River and tributaries in Montana, and in North
19 Dakota, to produce immediate and substantial ecosystem
20 restoration and recreation benefits.

21 (c) LOCAL PARTICIPATION.—In carrying out sub-
22 section (b), the Secretary shall—

23 (1) consult with, and consider the activities
24 being carried out by—

25 (A) other Federal agencies;

26 (B) Indian tribes;

1 (C) conservation districts; and

2 (D) the Yellowstone River Conservation
3 District Council; and

4 (2) seek the full participation of the State of
5 Montana.

6 (d) COST SHARING.—Before carrying out any res-
7 toration project under this section, the Secretary shall
8 enter into an agreement with the non-Federal interest for
9 the restoration project under which the non-Federal inter-
10 est shall agree—

11 (1) to provide 35 percent of the total cost of the
12 restoration project, including necessary land, ease-
13 ments, rights-of-way, relocations, and disposal sites;

14 (2) to pay the non-Federal share of the cost of
15 feasibility studies and design during construction fol-
16 lowing execution of a project cooperation agreement;

17 (3) to pay 100 percent of the operation, mainte-
18 nance, repair, replacement, and rehabilitation costs
19 incurred after the date of enactment of this Act that
20 are associated with the restoration project; and

21 (4) to hold the United States harmless for any
22 claim of damage that arises from the negligence of
23 the Federal Government or a contractor of the Fed-
24 eral Government in carrying out the restoration
25 project.

1 (e) FORM OF NON-FEDERAL SHARE.—Not more
2 than 50 percent of the non-Federal share of the cost of
3 a restoration project carried out under this section may
4 be provided in the form of in-kind credit for work per-
5 formed during construction of the restoration project.

6 (f) NON-FEDERAL INTERESTS.—Notwithstanding
7 section 221 of the Flood Control Act of 1970 (42 U.S.C.
8 1962d–5b), with the consent of the applicable local gov-
9 ernment, a nonprofit entity may be a non-Federal interest
10 for a restoration project carried out under this section.

11 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$30,000,000.

14 **SEC. 3072. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NE-**
15 **VADA.**

16 The maximum amount of Federal funds that may be
17 expended for the project being carried out, as of the date
18 of enactment of this Act, under section 1135 of the Water
19 Resources Development Act of 1986 (33 U.S.C. 2309a)
20 for environmental restoration of McCarran Ranch, Ne-
21 vada, shall be \$5,775,000.

22 **SEC. 3073. MIDDLE RIO GRANDE RESTORATION, NEW MEX-**
23 **ICO.**

24 (a) RESTORATION PROJECTS.—

1 (1) DEFINITION.—The term “restoration
2 project” means a project that will produce, con-
3 sistent with other Federal programs, projects, and
4 activities, immediate and substantial ecosystem res-
5 toration and recreation benefits.

6 (2) PROJECTS.—The Secretary shall carry out
7 restoration projects in the Middle Rio Grande from
8 Cochiti Dam to the headwaters of Elephant Butte
9 Reservoir, in the State of New Mexico.

10 (b) PROJECT SELECTION.—The Secretary shall select
11 restoration projects in the Middle Rio Grande.

12 (c) LOCAL PARTICIPATION.—In carrying out sub-
13 section (b), the Secretary shall consult with, and consider
14 the activities being carried out by—

15 (1) the Middle Rio Grande Endangered Species
16 Act Collaborative Program; and

17 (2) the Bosque Improvement Group of the Mid-
18 dle Rio Grande Bosque Initiative.

19 (d) COST SHARING.—Before carrying out any res-
20 toration project under this section, the Secretary shall
21 enter into an agreement with non-Federal interests that
22 requires the non-Federal interests to—

23 (1) provide 35 percent of the total cost of the
24 restoration projects including provisions for nec-

1 (b) COST-SHARING.—The non-Federal share of the
2 cost of activities carried out under this section shall be
3 25 percent and may be provided through in-kind services
4 and materials.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated \$25,000,000 to carry out
7 this section.

8 **SEC. 3075. ORCHARD BEACH, BRONX, NEW YORK.**

9 Section 554 of the Water Resources Development Act
10 of 1996 (110 Stat. 3781) is amended by striking
11 “\$5,200,000” and inserting “\$18,200,000”.

12 **SEC. 3076. NEW YORK HARBOR, NEW YORK, NEW YORK.**

13 Section 217 of the Water Resources Development Act
14 of 1996 (33 U.S.C. 2326a) is amended—

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

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

19 “(c) DREDGED MATERIAL FACILITY.—

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

1 processing, treatment, contaminant reduction, or
2 disposal facility (including any facility used to dem-
3 onstrate potential beneficial uses of dredged mate-
4 rial, which may include effective sediment contami-
5 nant reduction technologies) using funds provided in
6 whole or in part by the Federal Government.

7 “(2) PERFORMANCE.—One or more of the par-
8 ties to the agreement may perform the acquisition,
9 design, construction, management, or operation of a
10 dredged material processing, treatment, contaminant
11 reduction, or disposal facility.

12 “(3) MULTIPLE FEDERAL PROJECTS.—If ap-
13 propriate, the Secretary may combine portions of
14 separate Federal projects with appropriate combined
15 cost-sharing between the various projects, if the fa-
16 cility serves to manage dredged material from mul-
17 tiple Federal projects located in the geographic re-
18 gion of the facility.

19 “(4) PUBLIC FINANCING.—

20 “(A) AGREEMENTS.—

21 “(i) SPECIFIED FEDERAL FUNDING
22 SOURCES AND COST SHARING.—The cost-
23 sharing agreement used shall clearly speci-
24 fy—

1 “(iii) CREDIT.—The cost-sharing
2 agreement may allow costs incurred prior
3 to execution of a partnership agreement
4 for construction or the purchase of equip-
5 ment or capacity for the project to be cred-
6 ited according to existing cost-sharing
7 rules.

8 “(B) CREDIT.—

9 “(i) EFFECT ON EXISTING AGREE-
10 MENTS.—Nothing in this subsection super-
11 sedes or modifies an agreement in effect on
12 the date of enactment of this paragraph
13 between the Federal Government and any
14 other non-Federal interest for the cost-
15 sharing, construction, and operation and
16 maintenance of a Federal navigation
17 project.

18 “(ii) CREDIT FOR FUNDS.—Subject to
19 the approval of the Secretary and in ac-
20 cordance with law (including regulations
21 and policies) in effect on the date of enact-
22 ment of this paragraph, a non-Federal
23 public interest of a Federal navigation
24 project may seek credit for funds provided
25 for the acquisition, design, construction,

1 management, or operation of a dredged
2 material processing, treatment, or disposal
3 facility to the extent the facility is used to
4 manage dredged material from the Federal
5 navigation project.

6 “(iii) NON-FEDERAL INTEREST RE-
7 SPONSIBILITIES.—The non-Federal inter-
8 est shall—

9 “(I) be responsible for providing
10 all necessary land, easement rights-of-
11 way, or relocations associated with the
12 facility; and

13 “(II) receive credit for those
14 items.”; and

15 (3) in paragraphs (1) and (2)(A) of subsection
16 (d) (as redesignated by paragraph (1))—

17 (A) by inserting “and maintenance” after
18 “operation” each place it appears; and

19 (B) by inserting “processing, treatment,
20 or” after “dredged material” the first place it
21 appears in each of those paragraphs.

22 **SEC. 3077. MISSOURI RIVER RESTORATION, NORTH DA-**
23 **KOTA.**

24 Section 707(a) of the Water Resources Act of 2000
25 (114 Stat. 2699) is amended in the first sentence by strik-

1 ing “\$5,000,000” and all that follows through “2005” and
2 inserting “\$25,000,000”.

3 **SEC. 3078. LOWER GIRARD LAKE DAM, GIRARD, OHIO.**

4 Section 507(1) of the Water Resources Development
5 Act of 1996 (110 Stat. 3758) is amended—

6 (1) by striking “\$2,500,000” and inserting
7 “\$5,500,000”; and

8 (2) by adding before the period at the end the
9 following: “(which repair and rehabilitation shall in-
10 clude lowering the crest of the Dam by not more
11 than 12.5 feet)”.

12 **SEC. 3079. TOUSSAINT RIVER NAVIGATION PROJECT, CAR-**
13 **ROLL TOWNSHIP, OHIO.**

14 Increased operation and maintenance activities for
15 the Toussaint River Federal Navigation Project, Carroll
16 Township, Ohio, that are carried out in accordance with
17 section 107 of the River and Harbor Act of 1960 (33
18 U.S.C. 577) and relate directly to the presence of
19 unexploded ordnance, shall be carried out at full Federal
20 expense.

21 **SEC. 3080. ARCADIA LAKE, OKLAHOMA.**

22 Payments made by the city of Edmond, Oklahoma,
23 to the Secretary in October 1999 of all costs associated
24 with present and future water storage costs at Arcadia
25 Lake, Oklahoma, under Arcadia Lake Water Storage Con-

1 tract Number DACW56-79-C-0072 shall satisfy the obli-
2 gations of the city under that contract.

3 **SEC. 3081. LAKE EUFAULA, OKLAHOMA.**

4 (a) PROJECT GOAL.—

5 (1) IN GENERAL.—The goal for operation of
6 Lake Eufaula shall be to maximize the use of avail-
7 able storage in a balanced approach that incor-
8 porates advice from representatives from all the
9 project purposes to ensure that the full value of the
10 reservoir is realized by the United States.

11 (2) RECOGNITION OF PURPOSE.—To achieve
12 the goal described in paragraph (1), recreation is
13 recognized as a project purpose at Lake Eufaula,
14 pursuant to the Act of December 22, 1944 (com-
15 monly known as the “Flood Control Act of 1944”)
16 (58 Stat. 887, chapter 665).

17 (b) LAKE EUFUALA ADVISORY COMMITTEE.—

18 (1) IN GENERAL.—In accordance with the Fed-
19 eral Advisory Committee Act (5 U.S.C. App.), the
20 Secretary shall establish an advisory committee for
21 the Lake Eufaula, Canadian River, Oklahoma
22 project authorized by the Act of July 24, 1946 (com-
23 monly known as the “River and Harbor Act of
24 1946”) (Public Law 79-525; 60 Stat. 634).

1 (2) PURPOSE.—The purpose of the committee
2 shall be advisory only.

3 (3) DUTIES.—The committee shall provide in-
4 formation and recommendations to the Corps of En-
5 gineers regarding the operations of Lake Eufaula for
6 the project purposes for Lake Eufaula.

7 (4) COMPOSITION.—The Committee shall be
8 composed of members that equally represent the
9 project purposes for Lake Eufaula.

10 (c) REALLOCATION STUDY.—

11 (1) IN GENERAL.—Subject to the appropriation
12 of funds, the Secretary, acting through the Chief of
13 Engineers, shall perform a reallocation study, at full
14 Federal expense, to develop and present rec-
15 ommendations concerning the best value, while mini-
16 mizing ecological damages, for current and future
17 use of the Lake Eufaula storage capacity for the au-
18 thorized project purposes of flood control, water sup-
19 ply, hydroelectric power, navigation, fish and wild-
20 life, and recreation.

21 (2) FACTORS FOR CONSIDERATION.—The re-
22 allocation study shall take into consideration the rec-
23 ommendations of the Lake Eufaula Advisory Com-
24 mittee.

25 (d) POOL MANAGEMENT PLAN.—

1 (1) IN GENERAL.—Not later than 360 days
2 after the date of enactment of this Act, to the extent
3 feasible within available project funds and subject to
4 the completion and approval of the reallocation
5 study under subsection (c), the Tulsa District Engi-
6 neer, taking into consideration recommendations of
7 the Lake Eufaula Advisory Committee, shall develop
8 an interim management plan that accommodates all
9 project purposes for Lake Eufaula.

10 (2) MODIFICATIONS.—A modification of the
11 plan under paragraph (1) shall not cause significant
12 adverse impacts on any existing permit, lease, li-
13 cense, contract, public law, or project purpose, in-
14 cluding flood control operation, relating to Lake
15 Eufaula.

16 **SEC. 3082. RELEASE OF RETAINED RIGHTS, INTERESTS,**
17 **AND RESERVATIONS, OKLAHOMA.**

18 (a) RELEASE OF RETAINED RIGHTS, INTERESTS,
19 AND RESERVATIONS.—Each reversionary interest and use
20 restriction relating to public parks and recreation on the
21 land conveyed by the Secretary to the State of Oklahoma
22 at Lake Texoma pursuant to the Act entitled “An Act to
23 authorize the sale of certain lands to the State of Okla-
24 homa” (67 Stat. 62, chapter 118) is terminated.

1 (b) INSTRUMENT OF RELEASE.—As soon as prac-
2 ticable after the date of enactment of this Act, the Sec-
3 retary shall execute and file in the appropriate office a
4 deed of release, an amended deed, or another appropriate
5 instrument to release each interest and use restriction de-
6 scribed in subsection (a).

7 **SEC. 3083. OKLAHOMA LAKES DEMONSTRATION PROGRAM,**
8 **OKLAHOMA.**

9 (a) IMPLEMENTATION OF PROGRAM.—Not later than
10 1 year after the date of enactment of this Act, the Sec-
11 retary shall implement an innovative program at the lakes
12 located primarily in the State of Oklahoma that are a part
13 of an authorized civil works project under the administra-
14 tive jurisdiction of the Corps of Engineers for the purpose
15 of demonstrating the benefits of enhanced recreation fa-
16 cilities and activities at those lakes.

17 (b) REQUIREMENTS.—In implementing the program
18 under subsection (a), the Secretary shall, consistent with
19 authorized project purposes—

20 (1) pursue strategies that will enhance, to the
21 maximum extent practicable, recreation experiences
22 at the lakes included in the program;

23 (2) use creative management strategies that op-
24 timize recreational activities; and

1 (3) ensure continued public access to recreation
2 areas located on or associated with the civil works
3 project.

4 (c) GUIDELINES.—Not later than 180 days after the
5 date of enactment of this Act, the Secretary shall issue
6 guidelines for the implementation of this section, to be de-
7 veloped in coordination with the State of Oklahoma.

8 (d) REPORT.—

9 (1) IN GENERAL.—Not later than 2 years after
10 the date of enactment of this Act, the Secretary
11 shall submit to the Committee on Environment and
12 Public Works of the Senate and the Committee on
13 Transportation and Infrastructure of the House of
14 Representatives a report describing the results of the
15 program under subsection (a).

16 (2) INCLUSIONS.—The report under paragraph
17 (1) shall include a description of the projects under-
18 taken under the program, including—

19 (A) an estimate of the change in any re-
20 lated recreational opportunities;

21 (B) a description of any leases entered
22 into, including the parties involved; and

23 (C) the financial conditions that the Corps
24 of Engineers used to justify those leases.

1 (3) AVAILABILITY TO PUBLIC.—The Secretary
2 shall make the report available to the public in elec-
3 tronic and written formats.

4 (e) TERMINATION.—The authority provided by this
5 section shall terminate on the date that is 10 years after
6 the date of enactment of this Act.

7 **SEC. 3084. WAURIKA LAKE, OKLAHOMA.**

8 The remaining obligation of the Waurika Project
9 Master Conservancy District payable to the United States
10 Government in the amounts, rates of interest, and pay-
11 ment schedules—

12 (1) is set at the amounts, rates of interest, and
13 payment schedules that existed on June 3, 1986;
14 and

15 (2) may not be adjusted, altered, or changed
16 without a specific, separate, and written agreement
17 between the District and the United States.

18 **SEC. 3085. LOOKOUT POINT PROJECT, LOWELL, OREGON.**

19 (a) IN GENERAL.—Subject to subsection (c), the Sec-
20 retary shall convey at fair market value to the Lowell
21 School District No. 71, all right, title, and interest of the
22 United States in and to a parcel consisting of approxi-
23 mately 0.98 acres of land, including 3 abandoned buildings
24 on the land, located in Lowell, Oregon, as described in
25 subsection (b).

1 (b) DESCRIPTION OF PROPERTY.—The parcel of land
2 to be conveyed under subsection (a) is more particularly
3 described as follows: Commencing at the point of intersec-
4 tion of the west line of Pioneer Street with the westerly
5 extension of the north line of Summit Street, in Meadows
6 Addition to Lowell, as platted and recorded on page 56
7 of volume 4, Lane County Oregon Plat Records; thence
8 north on the west line of Pioneer Street a distance of
9 176.0 feet to the true point of beginning of this descrip-
10 tion; thence north on the west line of Pioneer Street a
11 distance of 170.0 feet; thence west at right angles to the
12 west line of Pioneer Street a distance of 250.0 feet; thence
13 south and parallel to the west line of Pioneer Street a dis-
14 tance of 170.0 feet; and thence east 250.0 feet to the true
15 point of beginning of this description in sec. 14, T. 19
16 S., R. 1 W. of the Willamette Meridian, Lane County, Or-
17 egon.

18 (c) CONDITION.—The Secretary shall not complete
19 the conveyance under subsection (a) until such time as the
20 Forest Service—

21 (1) completes and certifies that necessary envi-
22 ronmental remediation associated with the structures
23 located on the property is complete; and

24 (2) transfers the structures to the Corps of En-
25 gineers.

1 (d) EFFECT OF OTHER LAW.—

2 (1) APPLICABILITY OF PROPERTY SCREENING
3 PROVISIONS.—Section 2696 of title 10, United
4 States Code, shall not apply to any conveyance
5 under this section.

6 (2) LIABILITY.—

7 (A) IN GENERAL.—Lowell School District
8 No, 71 shall hold the United States harmless
9 from any liability with respect to activities car-
10 ried out on the property described in subsection
11 (b) on or after the date of the conveyance under
12 subsection (a).

13 (B) CERTAIN ACTIVITIES.—The United
14 States shall be liable with respect to any activ-
15 ity carried out on the property described in sub-
16 section (b) before the date of conveyance under
17 subsection (a).

18 **SEC. 3086. UPPER WILLAMETTE RIVER WATERSHED ECO-**
19 **SYSTEM RESTORATION.**

20 (a) IN GENERAL.—The Secretary shall conduct stud-
21 ies and ecosystem restoration projects for the upper Wil-
22 lamette River watershed from Albany, Oregon, to the
23 headwaters of the Willamette River and tributaries.

24 (b) CONSULTATION.—The Secretary shall carry out
25 ecosystem restoration projects under this section for the

1 Upper Willamette River watershed in consultation with
2 the Governor of the State of Oregon, the heads of appro-
3 priate Indian tribes, the Environmental Protection Agen-
4 cy, the United States Fish and Wildlife Service, the Na-
5 tional Marine Fisheries Service, the Bureau of Land Man-
6 agement, the Forest Service, and local entities.

7 (c) AUTHORIZED ACTIVITIES.—In carrying out eco-
8 system restoration projects under this section, the Sec-
9 retary shall undertake activities necessary to protect, mon-
10 itor, and restore fish and wildlife habitat.

11 (d) COST SHARING REQUIREMENTS.—

12 (1) STUDIES.—Studies conducted under this
13 section shall be subject to cost sharing in accordance
14 with section 206 of the Water Resources Develop-
15 ment Act of 1996 (33 U.S.C. 2330).

16 (2) ECOSYSTEM RESTORATION PROJECTS.—

17 (A) IN GENERAL.—Non-Federal interests
18 shall pay 35 percent of the cost of any eco-
19 system restoration project carried out under
20 this section.

21 (B) ITEMS PROVIDED BY NON-FEDERAL
22 INTERESTS.—

23 (i) IN GENERAL.—Non-Federal inter-
24 ests shall provide all land, easements,
25 rights-of-way, dredged material disposal

1 areas, and relocations necessary for eco-
2 system restoration projects to be carried
3 out under this section.

4 (ii) CREDIT TOWARD PAYMENT.—The
5 value of the land, easements, rights-of-way,
6 dredged material disposal areas, and relo-
7 cations provided under paragraph (1) shall
8 be credited toward the payment required
9 under subsection (a).

10 (C) IN-KIND CONTRIBUTIONS.—100 per-
11 cent of the non-Federal share required under
12 subsection (a) may be satisfied by the provision
13 of in-kind contributions.

14 (3) OPERATIONS AND MAINTENANCE.—Non-
15 Federal interests shall be responsible for all costs as-
16 sociated with operating, maintaining, replacing, re-
17 pairing, and rehabilitating all projects carried out
18 under this section.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$15,000,000.

22 **SEC. 3087. TIOGA TOWNSHIP, PENNSYLVANIA.**

23 (a) IN GENERAL.—The Secretary shall convey to the
24 Tioga Township, Pennsylvania, at fair market value, all
25 right, title, and interest in and to the parcel of real prop-

1 erty located on the northeast end of Tract No. 226, a por-
2 tion of the Tioga-Hammond Lakes Floods Control
3 Project, Tioga County, Pennsylvania, consisting of ap-
4 proximately 8 acres, together with any improvements on
5 that property, in as-is condition, for public ownership and
6 use as the site of the administrative offices and road main-
7 tenance complex for the Township.

8 (b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The
9 exact acreage and the legal description of the real property
10 described in subsection (a) shall be determined by a survey
11 that is satisfactory to the Secretary.

12 (c) RESERVATION OF INTERESTS.—The Secretary
13 shall reserve such rights and interests in and to the prop-
14 erty to be conveyed as the Secretary considers necessary
15 to preserve the operational integrity and security of the
16 Tioga-Hammond Lakes Flood Control Project.

17 (d) REVERSION.—If the Secretary determines that
18 the property conveyed under subsection (a) ceases to be
19 held in public ownership, or to be used as a site for the
20 Tioga Township administrative offices and road mainte-
21 nance complex or for related public purposes, all right,
22 title, and interest in and to the property shall revert to
23 the United States, at the option of the United States.

1 **SEC. 3088. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**
2 **VANIA AND NEW YORK.**

3 Section 567 of the Water Resources Development Act
4 of 1996 (110 Stat. 3787) is amended—

5 (1) by striking subsection (c) and inserting the
6 following:

7 “(c) COOPERATION AGREEMENTS.—

8 “(1) IN GENERAL.—In conducting the study
9 and implementing the strategy under this section,
10 the Secretary shall enter into cost-sharing and
11 project cooperation agreements with the Federal
12 Government, State and local governments (with the
13 consent of the State and local governments), land
14 trusts, or nonprofit, nongovernmental organizations
15 with expertise in wetland restoration.

16 “(2) FINANCIAL ASSISTANCE.—Under the co-
17 operation agreement, the Secretary may provide as-
18 sistance for implementation of wetland restoration
19 projects and soil and water conservation measures.”;
20 and

21 (2) by striking subsection (d) and inserting the
22 following:

23 “(d) IMPLEMENTATION OF STRATEGY.—

24 “(1) IN GENERAL.—The Secretary shall carry
25 out the development, demonstration, and implemen-
26 tation of the strategy under this section in coopera-

1 tion with local landowners, local government offi-
2 cials, and land trusts.

3 “(2) GOALS OF PROJECTS.—Projects to imple-
4 ment the strategy under this subsection shall be de-
5 signed to take advantage of ongoing or planned ac-
6 tions by other agencies, local municipalities, or non-
7 profit, nongovernmental organizations with expertise
8 in wetland restoration that would increase the effec-
9 tiveness or decrease the overall cost of implementing
10 recommended projects.”.

11 **SEC. 3089. NARRAGANSETT BAY, RHODE ISLAND.**

12 The Secretary may use amounts in the Environ-
13 mental Restoration Account, Formerly Used Defense
14 Sites, under section 2703(a)(5) of title 10, United States
15 Code, for the removal of abandoned marine camels at any
16 Formerly Used Defense Site under the jurisdiction of the
17 Department of Defense that is undergoing (or is scheduled
18 to undergo) environmental remediation under chapter 160
19 of title 10, United States Code (and other provisions of
20 law), in Narragansett Bay, Rhode Island, in accordance
21 with the Corps of Engineers prioritization process under
22 the Formerly Used Defense Sites program.

1 **SEC. 3090. COOPER RIVER BRIDGE DEMOLITION, CHARLES-**
2 **TON, SOUTH CAROLINA.**

3 (a) IN GENERAL.—The Secretary, at full Federal ex-
4 pense, may carry out all planning, design, and construc-
5 tion for—

6 (1) the demolition and removal of the Grace
7 and Pearman Bridges over the Cooper River, South
8 Carolina; and

9 (2) using the remnants from that demolition
10 and removal, the development of an aquatic reef off
11 the shore of South Carolina.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to carry out this section
14 \$39,000,000.

15 **SEC. 3091. SOUTH CAROLINA DEPARTMENT OF COMMERCE**
16 **DEVELOPMENT PROPOSAL AT RICHARD B.**
17 **RUSSELL LAKE, SOUTH CAROLINA.**

18 (a) IN GENERAL.—The Secretary shall convey to the
19 State of South Carolina, by quitclaim deed, all right, title,
20 and interest of the United States in and to the parcels
21 of land described in subsection (b)(1) that are managed,
22 as of the date of enactment of this Act, by the South Caro-
23 lina Department of Commerce for public recreation pur-
24 poses for the Richard B. Russell Dam and Lake, South
25 Carolina, project authorized by section 203 of the Flood
26 Control Act of 1966 (80 Stat. 1420).

1 (b) LAND DESCRIPTION.—

2 (1) IN GENERAL.—Subject to paragraphs (2)
3 and (3), the parcels of land referred to in subsection
4 (a) are the parcels contained in the portion of land
5 described in Army Lease Number DACW21–1–92–
6 0500.

7 (2) RETENTION OF INTERESTS.—The United
8 States shall retain—

9 (A) ownership of all land included in the
10 lease referred to in paragraph (1) that would
11 have been acquired for operational purposes in
12 accordance with the 1971 implementation of the
13 1962 Army/Interior Joint Acquisition Policy;
14 and

15 (B) such other land as is determined by
16 the Secretary to be required for authorized
17 project purposes, including easement rights-of-
18 way to remaining Federal land.

19 (3) SURVEY.—The exact acreage and legal de-
20 scription of the land described in paragraph (1) shall
21 be determined by a survey satisfactory to the Sec-
22 retary, with the cost of the survey to be paid by the
23 State.

24 (c) GENERAL PROVISIONS.—

1 (1) APPLICABILITY OF PROPERTY SCREENING
2 PROVISIONS.—Section 2696 of title 10, United
3 States Code, shall not apply to the conveyance under
4 this section.

5 (2) ADDITIONAL TERMS AND CONDITIONS.—
6 The Secretary may require that the conveyance
7 under this section be subject to such additional
8 terms and conditions as the Secretary considers ap-
9 propriate to protect the interests of the United
10 States.

11 (3) COSTS OF CONVEYANCE.—

12 (A) IN GENERAL.—The State shall be re-
13 sponsible for all costs, including real estate
14 transaction and environmental compliance
15 costs, associated with the conveyance under this
16 section.

17 (B) FORM OF CONTRIBUTION.—As deter-
18 mined appropriate by the Secretary, in lieu of
19 payment of compensation to the United States
20 under subparagraph (A), the State may per-
21 form certain environmental or real estate ac-
22 tions associated with the conveyance under this
23 section if those actions are performed in close
24 coordination with, and to the satisfaction of, the
25 United States.

1 (4) LIABILITY.—The State shall hold the
2 United States harmless from any liability with re-
3 spect to activities carried out, on or after the date
4 of the conveyance, on the real property conveyed
5 under this section.

6 (d) ADDITIONAL TERMS AND CONDITIONS.—

7 (1) IN GENERAL.—The State shall pay fair
8 market value consideration, as determined by the
9 United States, for any land included in the convey-
10 ance under this section.

11 (2) NO EFFECT ON SHORE MANAGEMENT POL-
12 ICY.—The Shoreline Management Policy (ER-1130-
13 2-406) of the Corps of Engineers shall not be
14 changed or altered for any proposed development of
15 land conveyed under this section.

16 (3) FEDERAL STATUTES.—The conveyance
17 under this section shall be subject to the National
18 Environmental Policy Act of 1969 (42 U.S.C. 4321
19 et seq.) (including public review under that Act) and
20 other Federal statutes.

21 (4) COST SHARING.—In carrying out the con-
22 veyance under this section, the Secretary and the
23 State shall comply with all obligations of any cost
24 sharing agreement between the Secretary and the
25 State in effect as of the date of the conveyance.

1 (2) in subsection (h) (as redesignated by para-
2 graph (1)), by striking paragraph (1) and inserting
3 the following:

4 “(1) NON-FEDERAL SHARE.—

5 “(A) IN GENERAL.—The non-Federal
6 share of the cost of projects may be provided—

7 “(i) in cash;

8 “(ii) by the provision of land, ease-
9 ments, rights-of-way, relocations, or dis-
10 posal areas;

11 “(iii) by in-kind services to implement
12 the project; or

13 “(iv) by any combination of the fore-
14 going.

15 “(B) PRIVATE OWNERSHIP.—Land needed
16 for a project under this authority may remain
17 in private ownership subject to easements that
18 are—

19 “(i) satisfactory to the Secretary; and

20 “(ii) necessary to assure achievement
21 of the project purposes.”;

22 (3) in subsection (i) (as redesignated by para-
23 graph (1)), by striking “for the period of fiscal years
24 2000 and 2001.” and inserting “per year, and that

1 authority shall extend until Federal fiscal year
2 2015.”; and

3 (4) by inserting after subsection (e) the fol-
4 lowing:

5 “(f) NONPROFIT ENTITIES.—Notwithstanding sec-
6 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
7 1962d–5b(b)), for any project undertaken under this sec-
8 tion, a non-Federal interest may include a regional or na-
9 tional nonprofit entity with the consent of the affected
10 local government.

11 “(g) COST LIMITATION.—Not more than \$5,000,000
12 in Federal funds may be allotted under this section for
13 a project at any single locality.”

14 **SEC. 3094. ANDERSON CREEK, JACKSON AND MADISON**
15 **COUNTIES, TENNESSEE.**

16 (a) IN GENERAL.—The Secretary may carry out a
17 project for flood damage reduction under section 205 of
18 the Flood Control Act of 1948 (33 U.S.C. 701s) at Ander-
19 son Creek, Jackson and Madison Counties, Tennessee, if
20 the Secretary determines that the project is technically
21 sound, environmentally acceptable, and economically justi-
22 fied.

23 (b) RELATIONSHIP TO WEST TENNESSEE TRIBU-
24 TARIES PROJECT, TENNESSEE.—Consistent with the re-

1 port of the Chief of Engineers dated March 24, 1948, on
2 the West Tennessee Tributaries project—

3 (1) Anderson Creek shall not be considered to
4 be an authorized channel of the West Tennessee
5 Tributaries Project; and

6 (2) the Anderson Creek flood damage reduction
7 project shall not be considered to be part of the
8 West Tennessee Tributaries Project.

9 **SEC. 3095. HARRIS FORK CREEK, TENNESSEE AND KEN-**
10 **TUCKY.**

11 Notwithstanding section 1001(b)(1) of the Water Re-
12 sources Development Act of 1986 (33 U.S.C. 579a), the
13 project for flood control, Harris Fork Creek, Tennessee
14 and Kentucky, authorized by section 102 of the Water Re-
15 sources Development Act of 1976 (33 U.S.C. 701c note;
16 90 Stat. 2920) shall remain authorized to be carried out
17 by the Secretary for a period of 7 years beginning on the
18 date of enactment of this Act.

19 **SEC. 3096. NONCONNAH WEIR, MEMPHIS, TENNESSEE.**

20 The project for flood control, Nonconnah Creek, Ten-
21 nessee and Mississippi, authorized by section 401 of the
22 Water Resources Development Act of 1986 (100 Stat.
23 4124) and modified by the section 334 of the Water Re-
24 sources Development Act of 2000 (114 Stat. 2611), is
25 modified to authorize the Secretary—

1 of Engineers with respect to an authorized purpose of any
2 project.

3 **SEC. 3098. SANDY CREEK, JACKSON COUNTY, TENNESSEE.**

4 (a) IN GENERAL.—The Secretary may carry out a
5 project for flood damage reduction under section 205 of
6 the Flood Control Act of 1948 (33 U.S.C. 701s) at Sandy
7 Creek, Jackson County, Tennessee, if the Secretary deter-
8 mines that the project is technically sound, environ-
9 mentally acceptable, and economically justified.

10 (b) RELATIONSHIP TO WEST TENNESSEE TRIBU-
11 TARIES PROJECT, TENNESSEE.—Consistent with the re-
12 port of the Chief of Engineers dated March 24, 1948, on
13 the West Tennessee Tributaries project—

14 (1) Sandy Creek shall not be considered to be
15 an authorized channel of the West Tennessee Tribu-
16 taries Project; and

17 (2) the Sandy Creek flood damage reduction
18 project shall not be considered to be part of the
19 West Tennessee Tributaries Project.

20 **SEC. 3099. CEDAR BAYOU, TEXAS.**

21 Section 349(a)(2) of the Water Resources Develop-
22 ment Act of 2000 (114 Stat. 2632) is amended by striking
23 “except that the project is authorized only for construction
24 of a navigation channel 12 feet deep by 125 feet wide”
25 and inserting “except that the project is authorized for

1 construction of a navigation channel that is 10 feet deep
2 by 100 feet wide”.

3 **SEC. 3100. DENISON, TEXAS.**

4 (a) IN GENERAL.—The Secretary may offer to convey
5 at fair market value to the city of Denison, Texas (or a
6 designee of the city), all right, title, and interest of the
7 United States in and to the approximately 900 acres of
8 land located in Grayson County, Texas, which is currently
9 subject to an Application for Lease for Public Park and
10 Recreational Purposes made by the city of Denison, dated
11 August 17, 2005.

12 (b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The
13 exact acreage and description of the real property referred
14 to in subsection (a) shall be determined by a survey paid
15 for by the city of Denison, Texas (or a designee of the
16 city), that is satisfactory to the Secretary.

17 (c) CONVEYANCE.—On acceptance by the city of
18 Denison, Texas (or a designee of the city), of an offer
19 under subsection (a), the Secretary may immediately con-
20 vey the land surveyed under subsection (b) by quitclaim
21 deed to the city of Denison, Texas (or a designee of the
22 city).

23 **SEC. 3101. FREEPORT HARBOR, TEXAS.**

24 (a) IN GENERAL.—The project for navigation, Free-
25 port Harbor, Texas, authorized by section 101 of the River

1 and Harbor Act of 1970 (84 Stat. 1818), is modified to
2 provide that—

3 (1) all project costs incurred as a result of the
4 discovery of the sunken vessel COMSTOCK of the
5 Corps of Engineers are a Federal responsibility; and

6 (2) the Secretary shall not seek further obliga-
7 tion or responsibility for removal of the vessel COM-
8 STOCK, or costs associated with a delay due to the
9 discovery of the sunken vessel COMSTOCK, from
10 the Port of Freeport.

11 (b) COST SHARING.—This section does not affect the
12 authorized cost sharing for the balance of the project de-
13 scribed in subsection (a).

14 **SEC. 3102. HARRIS COUNTY, TEXAS.**

15 Section 575(b) of the Water Resources Development
16 Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amend-
17 ed—

18 (1) in paragraph (3), by striking “and” at the
19 end;

20 (2) in paragraph (4), by striking the period at
21 the end and inserting “; and”; and

22 (3) by adding the following:

23 “(5) the project for flood control, Upper White
24 Oak Bayou, Texas, authorized by section 401(a) of

1 the Water Resources Development Act of 1986 (100
2 Stat. 4125).”.

3 **SEC. 3103. CONNECTICUT RIVER RESTORATION, VERMONT.**

4 Notwithstanding section 221 of the Flood Control
5 Act of 1970 (42 U.S.C. 1962d–5b), with respect to the
6 study entitled “Connecticut River Restoration Authority”,
7 dated May 23, 2001, a nonprofit entity may act as the
8 non-Federal interest for purposes of carrying out the ac-
9 tivities described in the agreement executed between The
10 Nature Conservancy and the Department of the Army on
11 August 5, 2005.

12 **SEC. 3104. DAM REMEDIATION, VERMONT.**

13 Section 543 of the Water Resources Development Act
14 of 2000 (114 Stat. 2673) is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (2), by striking “and” at
17 the end;

18 (B) in paragraph (3), by striking the pe-
19 riod at the end and inserting “; and”; and

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

21 “(4) may carry out measures to restore, pro-
22 tect, and preserve an ecosystem affected by a dam
23 described in subsection (b).”; and

24 (2) in subsection (b), by adding at the end the
25 following:

- 1 “(11) Camp Wapanacki, Hardwick.
2 “(12) Star Lake Dam, Mt. Holly.
3 “(13) Curtis Pond, Calais.
4 “(14) Weathersfield Reservoir, Springfield.
5 “(15) Burr Pond, Sudbury.
6 “(16) Maidstone Lake, Guildhall.
7 “(17) Upper and Lower Hurricane Dam.
8 “(18) Lake Fairlee.
9 “(19) West Charleston Dam.”.

10 **SEC. 3105. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER**
11 **CHESTNUT, AND OTHER NONNATIVE PLANT**
12 **CONTROL, VERMONT.**

13 Under authority of section 104 of the River and Har-
14 bor Act of 1958 (33 U.S.C. 610), the Secretary shall re-
15 vise the existing General Design Memorandum to permit
16 the use of chemical means of control, when appropriate,
17 of Eurasian milfoil, water chestnuts, and other nonnative
18 plants in the Lake Champlain basin, Vermont.

19 **SEC. 3106. UPPER CONNECTICUT RIVER BASIN WETLAND**
20 **RESTORATION, VERMONT AND NEW HAMP-**
21 **SHIRE.**

22 (a) IN GENERAL.—The Secretary, in cooperation
23 with the States of Vermont and New Hampshire, shall
24 carry out a study and develop a strategy for the use of
25 wetland restoration, soil and water conservation practices,

1 and nonstructural measures to reduce flood damage, im-
2 prove water quality, and create wildlife habitat in the
3 Upper Connecticut River watershed.

4 (b) COST SHARING.—

5 (1) FEDERAL SHARE.—The Federal share of
6 the cost of the study and development of the strat-
7 egy under subsection (a) shall be 65 percent.

8 (2) NON-FEDERAL SHARE.—The non-Federal
9 share of the cost of the study and development of
10 the strategy may be provided through the contribu-
11 tion of in-kind services and materials.

12 (c) NON-FEDERAL INTEREST.—A nonprofit organi-
13 zation with wetland restoration experience may serve as
14 the non-Federal interest for the study and development
15 of the strategy under this section.

16 (d) COOPERATIVE AGREEMENTS.—In conducting the
17 study and developing the strategy under this section, the
18 Secretary may enter into 1 or more cooperative agree-
19 ments to provide technical assistance to appropriate Fed-
20 eral, State, and local agencies and nonprofit organizations
21 with wetland restoration experience, including assistance
22 for the implementation of wetland restoration projects and
23 soil and water conservation measures.

24 (e) IMPLEMENTATION.—The Secretary shall carry
25 out development and implementation of the strategy under

1 this section in cooperation with local landowners and local
2 government officials.

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

6 **SEC. 3107. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM**
7 **RESTORATION, VERMONT AND NEW HAMP-**
8 **SHIRE.**

9 (a) GENERAL MANAGEMENT PLAN DEVELOP-
10 MENT.—

11 (1) IN GENERAL.—The Secretary, in coopera-
12 tion with the Secretary of Agriculture and in con-
13 sultation with the States of Vermont and New
14 Hampshire and the Connecticut River Joint Com-
15 mission, shall conduct a study and develop a general
16 management plan for ecosystem restoration of the
17 Upper Connecticut River ecosystem for the purposes
18 of—

19 (A) habitat protection and restoration;

20 (B) streambank stabilization;

21 (C) restoration of stream stability;

22 (D) water quality improvement;

23 (E) invasive species control;

24 (F) wetland restoration;

25 (G) fish passage; and

1 (H) natural flow restoration.

2 (2) EXISTING PLANS.—In developing the gen-
3 eral management plan, the Secretary shall depend
4 heavily on existing plans for the restoration of the
5 Upper Connecticut River.

6 (b) CRITICAL RESTORATION PROJECTS.—

7 (1) IN GENERAL.—The Secretary may partici-
8 pate in any critical restoration project in the Upper
9 Connecticut River Basin in accordance with the gen-
10 eral management plan developed under subsection
11 (a).

12 (2) ELIGIBLE PROJECTS.—A critical restoration
13 project shall be eligible for assistance under this sec-
14 tion if the project—

15 (A) meets the purposes described in the
16 general management plan developed under sub-
17 section (a); and

18 (B) with respect to the Upper Connecticut
19 River and Upper Connecticut River watershed,
20 consists of—

21 (i) bank stabilization of the main
22 stem, tributaries, and streams;

23 (ii) wetland restoration and migratory
24 bird habitat restoration;

25 (iii) soil and water conservation;

- 1 (iv) restoration of natural flows;
- 2 (v) restoration of stream stability;
- 3 (vi) implementation of an intergovern-
- 4 mental agreement for coordinating eco-
- 5 system restoration, fish passage installa-
- 6 tion, streambank stabilization, wetland res-
- 7 toration, habitat protection and restora-
- 8 tion, or natural flow restoration;
- 9 (vii) water quality improvement;
- 10 (viii) invasive species control;
- 11 (ix) wetland restoration and migratory
- 12 bird habitat restoration;
- 13 (x) improvements in fish migration;
- 14 and
- 15 (xi) conduct of any other project or
- 16 activity determined to be appropriate by
- 17 the Secretary.

18 (c) COST SHARING.—The Federal share of the cost

19 of any project carried out under this section shall not be

20 less than 65 percent.

21 (d) NON-FEDERAL INTEREST.—A nonprofit organi-

22 zation may serve as the non-Federal interest for a project

23 carried out under this section.

24 (e) CREDITING.—

1 (A) in subparagraph (D), by striking “or”
2 at the end;

3 (B) by redesignating subparagraph (E) as
4 subparagraph (G); and

5 (C) by inserting after subparagraph (D)
6 the following:

7 “(E) river corridor assessment, protection,
8 management, and restoration for the purposes
9 of ecosystem restoration;

10 “(F) geographic mapping conducted by the
11 Secretary using existing technical capacity to
12 produce a high-resolution, multispectral satellite
13 imagery-based land use and cover data set; or”;
14 (2) in subsection (e)(2)—

15 (A) in subparagraph (A)—

16 (i) by striking “The non-Federal” and
17 inserting the following:

18 “(i) IN GENERAL.—The non-Federal”;

19 and

20 (ii) by adding at the end the fol-
21 lowing:

22 “(ii) APPROVAL OF DISTRICT ENGI-
23 NEER.—Approval of credit for design work
24 of less than \$100,000 shall be determined
25 by the appropriate district engineer.”; and

1 (B) in subparagraph (C), by striking “up
2 to 50 percent of”; and

3 (3) in subsection (g), by striking
4 “\$20,000,000” and inserting “\$32,000,000”.

5 **SEC. 3109. CHESAPEAKE BAY OYSTER RESTORATION, VIR-**
6 **GINIA AND MARYLAND.**

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

9 (1) by redesignating paragraph (2) as para-
10 graph (4);

11 (2) in paragraph (1)—

12 (A) in the second sentence, by striking
13 “\$20,000,000” and inserting “\$50,000,000”;
14 and

15 (B) in the third sentence, by striking
16 “Such projects” and inserting the following:

17 “(2) INCLUSIONS.—Such projects”;

18 (3) by striking paragraph (2)(D) (as redesign-
19 nated by paragraph (2)(B)) and inserting the fol-
20 lowing:

21 “(D) the restoration and rehabilitation of
22 habitat for fish, including native oysters, in the
23 Chesapeake Bay and its tributaries in Virginia
24 and Maryland, including—

1 “(5) DEFINITION OF ECOLOGICAL SUCCESS.—

2 In this subsection, the term ‘ecological success’
3 means—

4 “(A) achieving a tenfold increase in native
5 oyster biomass by the year 2010, from a 1994
6 baseline; and

7 “(B) the establishment of a sustainable
8 fishery as determined by a broad scientific and
9 economic consensus.”.

10 **SEC. 3110. TANGIER ISLAND SEAWALL, VIRGINIA.**

11 Section 577(a) of the Water Resources Development
12 Act of 1996 (110 Stat. 3789) is amended by striking “at
13 a total cost of \$1,200,000, with an estimated Federal cost
14 of \$900,000 and an estimated non-Federal cost of
15 \$300,000.” and inserting “at a total cost of \$3,000,000,
16 with an estimated Federal cost of \$2,400,000 and an esti-
17 mated non-Federal cost of \$600,000.”.

18 **SEC. 3111. EROSION CONTROL, PUGET ISLAND,**
19 **WAHIAKUM COUNTY, WASHINGTON.**

20 (a) IN GENERAL.—The Lower Columbia River levees
21 and bank protection works authorized by section 204 of
22 the Flood Control Act of 1950 (64 Stat. 178) is modified
23 with regard to the Wahkiakum County diking districts No.
24 1 and 3, but without regard to any cost ceiling authorized
25 before the date of enactment of this Act, to direct the Sec-

1 retary to provide a 1-time placement of dredged material
2 along portions of the Columbia River shoreline of Puget
3 Island, Washington, between river miles 38 to 47, and the
4 shoreline of Westport Beach, Clatsop County, Oregon, be-
5 tween river miles 43 to 45, to protect economic and envi-
6 ronmental resources in the area from further erosion.

7 (b) COORDINATION AND COST-SHARING REQUIRE-
8 MENTS.—The Secretary shall carry out subsection (a)—

9 (1) in coordination with appropriate resource
10 agencies;

11 (2) in accordance with all applicable Federal
12 law (including regulations); and

13 (3) at full Federal expense.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$1,000,000.

17 **SEC. 3112. LOWER GRANITE POOL, WASHINGTON.**

18 (a) EXTINGUISHMENT OF REVERSIONARY INTER-
19 ESTS AND USE RESTRICTIONS.—With respect to property
20 covered by each deed described in subsection (b)—

21 (1) the reversionary interests and use restric-
22 tions relating to port or industrial purposes are ex-
23 tinguished;

24 (2) the human habitation or other building
25 structure use restriction is extinguished in each area

1 in which the elevation is above the standard project
2 flood elevation; and

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

9 (b) DEEDS.—The deeds referred to in subsection (a)
10 are as follows:

11 (1) Auditor's File Numbers 432576, 443411,
12 499988, and 579771 of Whitman County, Wash-
13 ington.

14 (2) Auditor's File Numbers 125806, 138801,
15 147888, 154511, 156928, and 176360 of Asotin
16 County, Washington.

17 (c) NO EFFECT ON OTHER RIGHTS.—Nothing in this
18 section affects any remaining rights and interests of the
19 Corps of Engineers for authorized project purposes in or
20 to property covered by a deed described in subsection (b).

21 **SEC. 3113. MCNARY LOCK AND DAM, MCNARY NATIONAL**
22 **WILDLIFE REFUGE, WASHINGTON AND**
23 **IDAHO.**

24 (a) TRANSFER OF ADMINISTRATIVE JURISDIC-
25 TION.—Administrative jurisdiction over the land acquired

1 for the McNary Lock and Dam Project and managed by
2 the United States Fish and Wildlife Service under Cooper-
3 ative Agreement Number DACW68-4-00-13 with the
4 Corps of Engineers, Walla Walla District, is transferred
5 from the Secretary to the Secretary of the Interior.

6 (b) EASEMENTS.—The transfer of administrative ju-
7 risdiction under subsection (a) shall be subject to ease-
8 ments in existence as of the date of enactment of this Act
9 on land subject to the transfer.

10 (c) RIGHTS OF SECRETARY.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (3), the Secretary shall retain rights described
13 in paragraph (2) with respect to the land for which
14 administrative jurisdiction is transferred under sub-
15 section (a).

16 (2) RIGHTS.—The rights of the Secretary re-
17 ferred to in paragraph (1) are the rights—

18 (A) to flood land described in subsection

19 (a) to the standard project flood elevation;

20 (B) to manipulate the level of the McNary
21 Project Pool;

22 (C) to access such land described in sub-
23 section (a) as may be required to install, main-
24 tain, and inspect sediment ranges and carry out
25 similar activities;

1 (D) to construct and develop wetland, ri-
2 parian habitat, or other environmental restora-
3 tion features authorized by section 1135 of the
4 Water Resources Development Act of 1986 (33
5 U.S.C. 2309a) and section 206 of the Water
6 Resources Development Act of 1996 (33 U.S.C.
7 2330);

8 (E) to dredge and deposit fill materials;
9 and

10 (F) to carry out management actions for
11 the purpose of reducing the take of juvenile
12 salmonids by avian colonies that inhabit, before,
13 on, or after the date of enactment of this Act,
14 any island included in the land described in
15 subsection (a).

16 (3) COORDINATION.—Before exercising a right
17 described in any of subparagraphs (C) through (F)
18 of paragraph (2), the Secretary shall coordinate the
19 exercise with the United States Fish and Wildlife
20 Service.

21 (d) MANAGEMENT.—

22 (1) IN GENERAL.—The land described in sub-
23 section (a) shall be managed by the Secretary of the
24 Interior as part of the McNary National Wildlife
25 Refuge.

1 (2) CUMMINS PROPERTY.—

2 (A) RETENTION OF CREDITS.—Habitat
3 unit credits described in the memorandum enti-
4 tled “Design Memorandum No. 6, LOWER
5 SNAKE RIVER FISH AND WILDLIFE
6 COMPENSATION PLAN, Wildlife Compensa-
7 tion and Fishing Access Site Selection, Letter
8 Supplement No. 15, SITE DEVELOPMENT
9 PLAN FOR THE WALLULA HMU” provided
10 for the Lower Snake River Fish and Wildlife
11 Compensation Plan through development of the
12 parcel of land formerly known as the “Cummins
13 property” shall be retained by the Secretary de-
14 spite any changes in management of the parcel
15 on or after the date of enactment of this Act.

16 (B) SITE DEVELOPMENT PLAN.—The
17 United States Fish and Wildlife Service shall
18 obtain prior approval of the Washington State
19 Department of Fish and Wildlife for any
20 change to the previously approved site develop-
21 ment plan for the parcel of land formerly
22 known as the “Cummins property”.

23 (3) MADAME DORIAN RECREATION AREA.—The
24 United States Fish and Wildlife Service shall con-

1 to station 0+00, shall not be authorized as of the date
2 of enactment of this Act.

3 **SEC. 3116. LOWER MUD RIVER, MILTON, WEST VIRGINIA.**

4 The project for flood control at Milton, West Virginia,
5 authorized by section 580 of the Water Resources Devel-
6 opment Act of 1996 (110 Stat. 3790), as modified by sec-
7 tion 340 of the Water Resources Development Act of 2000
8 (114 Stat. 2612), is modified to authorize the Secretary
9 to construct the project substantially in accordance with
10 the draft report of the Corps of Engineers dated May
11 2004, at an estimated total cost of \$45,500,000, with an
12 estimated Federal cost of \$34,125,000 and an estimated
13 non-Federal cost of \$11,375,000.

14 **SEC. 3117. GREEN BAY HARBOR PROJECT, GREEN BAY, WIS-**
15 **CONSIN.**

16 The portion of the inner harbor of the Federal navi-
17 gation channel of the Green Bay Harbor project, author-
18 ized by the first section of the Act entitled “An Act mak-
19 ing appropriations for the construction, repair, and preser-
20 vation of certain public works on rivers and harbors, and
21 for other purposes”, approved July 5, 1884 (commonly
22 known as the “River and Harbor Act of 1884”) (23 Stat.
23 136, chapter 229), from Station 190+00 to Station
24 378+00 is authorized to a width of 75 feet and a depth
25 of 6 feet.

1 **SEC. 3118. UNDERWOOD CREEK DIVERSION FACILITY**
2 **PROJECT, MILWAUKEE COUNTY, WISCONSIN.**

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

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

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

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

10 “(24) Underwood Creek Diversion Facility
11 Project (County Grounds), Milwaukee County, Wis-
12 consin.”.

13 **SEC. 3119. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

14 Section 21 of the Water Resources Development Act
15 of 1988 (102 Stat. 4027) is amended—

16 (1) in subsection (a)—

17 (A) by striking “1276.42” and inserting
18 “1278.42”;

19 (B) by striking “1218.31” and inserting
20 “1221.31”; and

21 (C) by striking “1234.82” and inserting
22 “1235.30”; and

23 (2) by striking subsection (b) and inserting the
24 following:

25 “(b) EXCEPTION.—

1 “(1) IN GENERAL.—The Secretary may operate
2 the headwaters reservoirs below the minimum or
3 above the maximum water levels established under
4 subsection (a) in accordance with water control reg-
5 ulation manuals (or revisions to those manuals) de-
6 veloped by the Secretary, after consultation with the
7 Governor of Minnesota and affected tribal govern-
8 ments, landowners, and commercial and recreational
9 users.

10 “(2) EFFECTIVE DATE OF MANUALS.—The
11 water control regulation manuals referred to in
12 paragraph (1) (and any revisions to those manuals)
13 shall be effective as of the date on which the Sec-
14 retary submits the manuals (or revisions) to Con-
15 gress.

16 “(3) NOTIFICATION.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), not less than 14 days before
19 operating any headwaters reservoir below the
20 minimum or above the maximum water level
21 limits specified in subsection (a), the Secretary
22 shall submit to Congress a notice of intent to
23 operate the headwaters reservoir.

1 “(B) EXCEPTION.—Notice under subpara-
2 graph (A) shall not be required in any case in
3 which—

4 “(i) the operation of a headwaters res-
5 ervoir is necessary to prevent the loss of
6 life or to ensure the safety of a dam; or

7 “(ii) the drawdown of the water level
8 of the reservoir is in anticipation of a flood
9 control operation.”.

10 **SEC. 3120. LOWER MISSISSIPPI RIVER MUSEUM AND RIVER-**
11 **FRONT INTERPRETIVE SITE.**

12 Section 103(c)(2) of the Water Resources Develop-
13 ment Act of 1992 (106 Stat. 4811) is amended by striking
14 “property currently held by the Resolution Trust Corpora-
15 tion in the vicinity of the Mississippi River Bridge” and
16 inserting “riverfront property”.

17 **SEC. 3121. PILOT PROGRAM, MIDDLE MISSISSIPPI RIVER.**

18 (a) IN GENERAL.—In accordance with the project for
19 navigation, Mississippi River between the Ohio and Mis-
20 souri Rivers (Regulating Works), Missouri and Illinois,
21 authorized by the Act of June 25, 1910 (36 Stat. 631,
22 chapter 382) (commonly known as the “River and Harbor
23 Act of 1910”), the Act of January 1, 1927 (44 Stat. 1010,
24 chapter 47) (commonly known as the “River and Harbor
25 Act of 1927”), and the Act of July 3, 1930 (46 Stat. 918),

1 the Secretary shall carry out over at least a 10-year period
2 a pilot program to restore and protect fish and wildlife
3 habitat in the middle Mississippi River.

4 (b) AUTHORIZED ACTIVITIES.—

5 (1) IN GENERAL.—As part of the pilot program
6 carried out under subsection (a), the Secretary shall
7 conduct any activities that are necessary to improve
8 navigation through the project referred to in sub-
9 section (a) while restoring and protecting fish and
10 wildlife habitat in the middle Mississippi River sys-
11 tem.

12 (2) INCLUSIONS.—Activities authorized under
13 paragraph (1) shall include—

14 (A) the modification of navigation training
15 structures;

16 (B) the modification and creation of side
17 channels;

18 (C) the modification and creation of is-
19 lands;

20 (D) any studies and analysis necessary to
21 develop adaptive management principles; and

22 (E) the acquisition from willing sellers of
23 any land associated with a riparian corridor
24 needed to carry out the goals of the pilot pro-
25 gram.

1 (c) COST-SHARING REQUIREMENT.—The cost-shar-
2 ing requirement required under the Act of June 25, 1910
3 (36 Stat. 631, chapter 382) (commonly known as the
4 “River and Harbor Act of 1910”), the Act of January 1,
5 1927 (44 Stat. 1010, chapter 47) (commonly known as
6 the “River and Harbor Act of 1927”), and the Act of July
7 3, 1930 (46 Stat. 918), for the project referred to in sub-
8 section (a) shall apply to any activities carried out under
9 this section.

10 **SEC. 3122. UPPER MISSISSIPPI RIVER SYSTEM ENVIRON-**
11 **MENTAL MANAGEMENT PROGRAM.**

12 Notwithstanding section 221 of the Flood Control
13 Act of 1970 (42 U.S.C. 1962d–5b), for any Upper Mis-
14 sissippi River fish and wildlife habitat rehabilitation and
15 enhancement project carried out under section 1103(e) of
16 the Water Resources Development Act of 1986 (33 U.S.C.
17 652(e)), with the consent of the affected local government,
18 a nongovernmental organization may be considered to be
19 a non-Federal interest.

20 **SEC. 3123. UPPER BASIN OF MISSOURI RIVER.**

21 (a) USE OF FUNDS.—Notwithstanding the Energy
22 and Water Development Appropriations Act, 2006 (Public
23 Law 109–103; 119 Stat. 2247), funds made available for
24 recovery or mitigation activities in the lower basin of the
25 Missouri River may be used for recovery or mitigation ac-

1 tivities in the upper basin of the Missouri River, including
2 the States of Montana, Nebraska, North Dakota, and
3 South Dakota.

4 (b) CONFORMING AMENDMENT.—The matter under
5 the heading “MISSOURI RIVER MITIGATION, MISSOURI,
6 KANSAS, IOWA, AND NEBRASKA” of section 601(a) of the
7 Water Resources Development Act of 1986 (100 Stat.
8 4143), as modified by section 334 of the Water Resources
9 Development Act of 1999 (113 Stat. 306), is amended by
10 adding at the end the following: “The Secretary may carry
11 out any recovery or mitigation activities in the upper basin
12 of the Missouri River, including the States of Montana,
13 Nebraska, North Dakota, and South Dakota, using funds
14 made available under this heading in accordance with the
15 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)
16 and consistent with the project purposes of the Missouri
17 River Mainstem System as authorized by section 10 of the
18 Act of December 22, 1944 (commonly known as the ‘Flood
19 Control Act of 1944’) (58 Stat. 897).”.

20 **SEC. 3124. GREAT LAKES FISHERY AND ECOSYSTEM RES-**
21 **TORATION PROGRAM.**

22 (a) GREAT LAKES FISHERY AND ECOSYSTEM RES-
23 TORATION.—Section 506(c) of the Water Resources De-
24 velopment Act of 2000 (42 U.S.C. 1962d–22(c)) is
25 amended—

1 (1) by redesignating paragraphs (2) and (3) as
2 paragraphs (3) and (4), respectively;

3 (2) by inserting after paragraph (1) the fol-
4 lowing:

5 “(2) RECONNAISSANCE STUDIES.—Before plan-
6 ning, designing, or constructing a project under
7 paragraph (3), the Secretary shall carry out a recon-
8 naissance study—

9 “(A) to identify methods of restoring the
10 fishery, ecosystem, and beneficial uses of the
11 Great Lakes; and

12 “(B) to determine whether planning of a
13 project under paragraph (3) should proceed.”;
14 and

15 (3) in paragraph (4)(A) (as redesignated by
16 paragraph (1)), by striking “paragraph (2)” and in-
17 serting “paragraph (3)”.

18 (b) COST SHARING.—Section 506(f) of the Water Re-
19 sources Development Act of 2000 (42 U.S.C. 1962d-
20 22(f)) is amended—

21 (1) by redesignating paragraphs (2) through
22 (5) as paragraphs (3) through (6), respectively;

23 (2) by inserting after paragraph (1) the fol-
24 lowing:

1 “(2) RECONNAISSANCE STUDIES.—Any recon-
2 naissance study under subsection (c)(2) shall be car-
3 ried out at full Federal expense.”;

4 (3) in paragraph (3) (as redesignated by para-
5 graph (1)), by striking “(2) or (3)” and inserting
6 “(3) or (4)”; and

7 (4) in paragraph (4)(A) (as redesignated by
8 paragraph (1)), by striking “subsection (c)(2)” and
9 inserting “subsection (c)(3)”.

10 **SEC. 3125. GREAT LAKES REMEDIAL ACTION PLANS AND**
11 **SEDIMENT REMEDIATION.**

12 Section 401(c) of the Water Resources Development
13 Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is
14 amended by striking “through 2006” and inserting
15 “through 2011”.

16 **SEC. 3126. GREAT LAKES TRIBUTARY MODELS.**

17 Section 516(g)(2) of the Water Resources Develop-
18 ment Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended
19 by striking “through 2006” and inserting “through
20 2011”.

21 **TITLE IV—STUDIES**

22 **SEC. 4001. EURASIAN MILFOIL.**

23 Under the authority of section 104 of the River and
24 Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall
25 carry out a study, at full Federal expense, to develop na-

1 tional protocols for the use of the *Euhrychiopsis lecontei*
2 weevil for biological control of Eurasian milfoil in the lakes
3 of Vermont and other northern tier States.

4 **SEC. 4002. NATIONAL PORT STUDY.**

5 (a) IN GENERAL.—The Secretary, in consultation
6 with the Secretary of Transportation, shall conduct a
7 study of the ability of coastal or deepwater port infrastruc-
8 ture to meet current and projected national economic
9 needs.

10 (b) COMPONENTS.—In conducting the study, the Sec-
11 retary shall—

12 (1) consider—

13 (A) the availability of alternate transpor-
14 tation destinations and modes;

15 (B) the impact of larger cargo vessels on
16 existing port capacity; and

17 (C) practicable, cost-effective congestion
18 management alternatives; and

19 (2) give particular consideration to the benefits
20 and proximity of proposed and existing port, harbor,
21 waterway, and other transportation infrastructure.

22 (c) REPORT.—Not later than 180 days after the date
23 of enactment of this Act, the Secretary shall submit to
24 the Committee on Environment and Public Works of the
25 Senate and the Committee on Transportation and Infra-

1 structure of the House of Representatives a report that
2 describes the results of the study.

3 **SEC. 4003. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA-**
4 **TION CHANNEL.**

5 (a) IN GENERAL.—To determine with improved accu-
6 racy the environmental impacts of the project on the
7 McClellan-Kerr Arkansas River Navigation Channel (re-
8 ferred to in this section as the “MKARN”), the Secretary
9 shall carry out the measures described in subsection (b)
10 in a timely manner.

11 (b) SPECIES STUDY.—

12 (1) IN GENERAL.—The Secretary, in conjunc-
13 tion with Oklahoma State University, shall convene
14 a panel of experts with acknowledged expertise in
15 wildlife biology and genetics to review the available
16 scientific information regarding the genetic variation
17 of various sturgeon species and possible hybrids of
18 those species that, as determined by the United
19 States Fish and Wildlife Service, may exist in any
20 portion of the MKARN.

21 (2) REPORT.—The Secretary shall direct the
22 panel to report to the Secretary, not later than 1
23 year after the date of enactment of this Act and in
24 the best scientific judgment of the panel—

1 (A) the level of genetic variation between
2 populations of sturgeon sufficient to determine
3 or establish that a population is a measurably
4 distinct species, subspecies, or population seg-
5 ment; and

6 (B) whether any pallid sturgeons that may
7 be found in the MKARN (including any tribu-
8 tary of the MKARN) would qualify as such a
9 distinct species, subspecies, or population seg-
10 ment.

11 **SEC. 4004. SELENIUM STUDY, COLORADO.**

12 (a) IN GENERAL.—The Secretary, in consultation
13 with State water quality and resource and conservation
14 agencies, shall conduct regional and watershed-wide stud-
15 ies to address selenium concentrations in the State of Col-
16 orado, including studies—

17 (1) to measure selenium on specific sites; and

18 (2) to determine whether specific selenium
19 measures studied should be recommended for use in
20 demonstration projects.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out this section
23 \$5,000,000.

1 **SEC. 4005. LOS ANGELES RIVER REVITALIZATION STUDY,**
2 **CALIFORNIA.**

3 (a) IN GENERAL.—The Secretary, in coordination
4 with the city of Los Angeles, shall—

5 (1) prepare a feasibility study for environmental
6 ecosystem restoration, flood control, recreation, and
7 other aspects of Los Angeles River revitalization
8 that is consistent with the goals of the Los Angeles
9 River Revitalization Master Plan published by the
10 city of Los Angeles; and

11 (2) consider any locally-preferred project alter-
12 natives developed through a full and open evaluation
13 process for inclusion in the study.

14 (b) USE OF EXISTING INFORMATION AND MEAS-
15 URES.—In preparing the study under subsection (a), the
16 Secretary shall use, to the maximum extent practicable—

17 (1) information obtained from the Los Angeles
18 River Revitalization Master Plan; and

19 (2) the development process of that plan.

20 (c) DEMONSTRATION PROJECTS.—

21 (1) IN GENERAL.—The Secretary is authorized
22 to construct demonstration projects in order to pro-
23 vide information to develop the study under sub-
24 section (a)(1).

1 the city to be in compliance with the California En-
2 vironmental Quality Act on February 24, 2004.

3 (2) ACTION ON DETERMINATION.—If the Sec-
4 retary determines under paragraph (1) that the
5 project is economically justified, technically sound,
6 and environmentally acceptable, the Secretary is au-
7 thorized to carry out the project at a total cost of
8 \$30,000,000, with an estimated Federal cost of
9 \$19,500,000 and an estimated non-Federal cost of
10 \$10,500,000.

11 (b) COST SHARING.—Cost sharing for the project de-
12 scribed in subsection (a) shall be in accordance with sec-
13 tion 103 of the Water Resources Development Act of 1986
14 (33 U.S.C. 2213).

15 **SEC. 4009. SAN FRANCISCO BAY, SACRAMENTO-SAN JOA-**
16 **QUIN DELTA, SHERMAN ISLAND, CALIFORNIA.**

17 The Secretary shall carry out a study of the feasi-
18 bility of a project to use Sherman Island, California, as
19 a dredged material rehandling facility for the beneficial
20 use of dredged material to enhance the environment and
21 meet other water resource needs on the Sacramento-San
22 Joaquin Delta, California, under section 204 of the Water
23 Resources Development Act of 1992 (33 U.S.C. 2326).

1 **SEC. 4010. SOUTH SAN FRANCISCO BAY SHORELINE STUDY,**
2 **CALIFORNIA.**

3 (a) IN GENERAL.—The Secretary, in cooperation
4 with non-Federal interests, shall conduct a study of the
5 feasibility of carrying out a project for—

6 (1) flood protection of South San Francisco
7 Bay shoreline;

8 (2) restoration of the South San Francisco Bay
9 salt ponds (including on land owned by other Fed-
10 eral agencies); and

11 (3) other related purposes, as the Secretary de-
12 termines to be appropriate.

13 (b) INDEPENDENT REVIEW.—To the extent required
14 by applicable Federal law, a national science panel shall
15 conduct an independent review of the study under sub-
16 section (a).

17 (c) REPORT.—

18 (1) IN GENERAL.—Not later than 3 years after
19 the date of enactment of this Act, the Secretary
20 shall submit to Congress a report describing the re-
21 sults of the study under subsection (a).

22 (2) INCLUSIONS.—The report under paragraph
23 (1) shall include recommendations of the Secretary
24 with respect to the project described in subsection
25 (a) based on planning, design, and land acquisition
26 documents prepared by—

1 (A) the California State Coastal Conser-
2 vancy;

3 (B) the Santa Clara Valley Water District;
4 and

5 (C) other local interests.

6 **SEC. 4011. SAN PABLO BAY WATERSHED RESTORATION,**
7 **CALIFORNIA.**

8 (a) IN GENERAL.—The Secretary shall complete
9 work as expeditiously as practicable on the San Pablo wa-
10 tershed, California, study authorized by section 209 of the
11 Flood Control Act of 1962 (76 Stat. 1196) to determine
12 the feasibility of opportunities for restoring, preserving,
13 and protecting the San Pablo Bay Watershed.

14 (b) REPORT.—Not later than March 31, 2008, the
15 Secretary shall submit to Congress a report that describes
16 the results of the study.

17 **SEC. 4012. LAKE ERIE AT LUNA PIER, MICHIGAN.**

18 The Secretary shall study the feasibility of storm
19 damage reduction and beach erosion protection and other
20 related purposes along Lake Erie at Luna Pier, Michigan.

21 **SEC. 4013. MIDDLE BASS ISLAND STATE PARK, MIDDLE**
22 **BASS ISLAND, OHIO.**

23 The Secretary shall carry out a study of the feasi-
24 bility of a project for navigation improvements, shoreline
25 protection, and other related purposes, including the reha-

1 bilitation the harbor basin (including entrance break-
2 waters), interior shoreline protection, dredging, and the
3 development of a public launch ramp facility, for Middle
4 Bass Island State Park, Middle Bass Island, Ohio.

5 **SEC. 4014. JASPER COUNTY PORT FACILITY STUDY, SOUTH**
6 **CAROLINA.**

7 (a) IN GENERAL.—The Secretary may determine the
8 feasibility of providing improvements to the Savannah
9 River for navigation and related purposes that may be nec-
10 essary to support the location of container cargo and other
11 port facilities to be located in Jasper County, South Caro-
12 lina, near the vicinity of mile 6 of the Savannah Harbor
13 Entrance Channel.

14 (b) CONSIDERATION.—In making a determination
15 under subsection (a), the Secretary shall take into consid-
16 eration—

17 (1) landside infrastructure;

18 (2) the provision of any additional dredged ma-
19 terial disposal area for maintenance of the ongoing
20 Savannah Harbor Navigation project; and

21 (3) the results of a consultation with the Gov-
22 ernor of the State of Georgia and the Governor of
23 the State of South Carolina.

1 **SEC. 4015. JOHNSON CREEK, ARLINGTON, TEXAS.**

2 The Secretary shall conduct a feasibility study to de-
3 termine the technical soundness, economic feasibility, and
4 environmental acceptability of the plan prepared by the
5 city of Arlington, Texas, as generally described in the re-
6 port entitled “Johnson Creek: A Vision of Conservation,
7 Arlington, Texas”, dated March 2006.

8 **SEC. 4016. LAKE CHAMPLAIN CANAL STUDY, VERMONT AND**
9 **NEW YORK.**

10 (a) DISPERSAL BARRIER PROJECT.—The Secretary
11 shall determine, at full Federal expense, the feasibility of
12 a dispersal barrier project at the Lake Champlain Canal.

13 (b) CONSTRUCTION, MAINTENANCE, AND OPER-
14 ATION.—If the Secretary determines that the project de-
15 scribed in subsection (a) is feasible, the Secretary shall
16 construct, maintain, and operate a dispersal barrier at the
17 Lake Champlain Canal at full Federal expense.

18 **TITLE V—MISCELLANEOUS**
19 **PROVISIONS**

20 **SEC. 5001. LAKES PROGRAM.**

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

24 (1) in paragraph (18), by striking “and” at the
25 end;

1 (2) in paragraph (19), by striking the period at
2 the end and inserting a semicolon; and

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

4 “(20) Kinkaid Lake, Jackson County, Illinois,
5 removal of silt and aquatic growth and measures to
6 address excessive sedimentation;

7 “(21) Lake Sakakawea, North Dakota, removal
8 of silt and aquatic growth and measures to address
9 excessive sedimentation;

10 “(22) Lake Morley, Vermont, removal of silt
11 and aquatic growth and measures to address exces-
12 sive sedimentation;

13 “(23) Lake Fairlee, Vermont, removal of silt
14 and aquatic growth and measures to address exces-
15 sive sedimentation; and

16 “(24) Lake Rodgers, Creedmoor, North Caro-
17 lina, removal of silt and excessive nutrients and res-
18 toration of structural integrity.”.

19 **SEC. 5002. ESTUARY RESTORATION.**

20 (a) **PURPOSES.**—Section 102 of the Estuary Restora-
21 tion Act of 2000 (33 U.S.C. 2901) is amended—

22 (1) in paragraph (1), by inserting before the
23 semicolon the following: “by implementing a coordi-
24 nated Federal approach to estuary habitat restora-
25 tion activities, including the use of common moni-

1 toring standards and a common system for tracking
2 restoration acreage”;

3 (2) in paragraph (2), by inserting “and imple-
4 ment” after “to develop”; and

5 (3) in paragraph (3), by inserting “through co-
6 operative agreements” after “restoration projects”.

7 (b) DEFINITION OF ESTUARY HABITAT RESTORA-
8 TION PLAN.—Section 103(6)(A) of the Estuary Restora-
9 tion Act of 2000 (33 U.S.C. 2902(6)(A)) is amended by
10 striking “Federal or State” and inserting “Federal, State,
11 or regional”.

12 (c) ESTUARY HABITAT RESTORATION PROGRAM.—
13 Section 104 of the Estuary Restoration Act of 2000 (33
14 U.S.C. 2903) is amended—

15 (1) in subsection (a), by inserting “through the
16 award of contracts and cooperative agreements”
17 after “assistance”;

18 (2) in subsection (c)—

19 (A) in paragraph (3)(A), by inserting “or
20 State” after “Federal”; and

21 (B) in paragraph (4)(B), by inserting “or
22 approach” after “technology”;

23 (3) in subsection (d)—

24 (A) in paragraph (1)—

1 (i) by striking “Except” and inserting
2 the following:

3 “(i) IN GENERAL.—Except”; and

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

6 “(ii) MONITORING.—

7 “(I) COSTS.—The costs of moni-
8 toring an estuary habitat restoration
9 project funded under this title may be
10 included in the total cost of the estu-
11 ary habitat restoration project.

12 “(II) GOALS.—The goals of the
13 monitoring are—

14 “(aa) to measure the effec-
15 tiveness of the restoration
16 project; and

17 “(bb) to allow adaptive man-
18 agement to ensure project suc-
19 cess.”;

20 (B) in paragraph (2), by inserting “or ap-
21 proach” after “technology”; and

22 (C) in paragraph (3), by inserting “(in-
23 cluding monitoring)” after “services”;

24 (4) in subsection (f)(1)(B), by inserting “long-
25 term” before “maintenance”; and

1 (5) in subsection (g)—

2 (A) by striking “In carrying” and inserting
3 the following:

4 “(1) IN GENERAL.—In carrying”; and

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

6 “(2) SMALL PROJECTS.—

7 “(A) DEFINITION.—Small projects carried
8 out under this Act shall have a Federal share
9 of less than \$1,000,000.

10 “(B) DELEGATION OF PROJECT IMPLE-
11 MENTATION.—In carrying out this section, the
12 Secretary, on recommendation of the Council,
13 shall consider delegating implementation of the
14 small project to—

15 “(i) the Secretary of the Interior (act-
16 ing through the Director of the United
17 States Fish and Wildlife Service);

18 “(ii) the Under Secretary for Oceans
19 and Atmosphere of the Department of
20 Commerce;

21 “(iii) the Administrator of the Envi-
22 ronmental Protection Agency; or

23 “(iv) the Secretary of Agriculture.

24 “(C) FUNDING.—Small projects delegated
25 to another Federal department or agency may

1 be funded from the responsible department or
2 appropriations of the agency authorized by sec-
3 tion 109(a)(1).

4 “(D) AGREEMENTS.—The Federal depart-
5 ment or agency to which a small project is dele-
6 gated shall enter into an agreement with the
7 non-Federal interest generally in conformance
8 with the criteria in subsections (d) and (e). Co-
9 operative agreements may be used for any dele-
10 gated project.”.

11 (d) ESTABLISHMENT OF ESTUARY HABITAT RES-
12 TORATION COUNCIL.—Section 105(b) of the Estuary Res-
13 toration Act of 2000 (33 U.S.C. 2904(b)) is amended—

14 (1) in paragraph (4), by striking “and” after
15 the semicolon;

16 (2) in paragraph (5), by striking the period at
17 the end and inserting a semicolon; and

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

19 “(6) cooperating in the implementation of the
20 strategy developed under section 106;

21 “(7) recommending standards for monitoring
22 for restoration projects and contribution of project
23 information to the database developed under section
24 107; and

1 “(C) to the Under Secretary for Oceans
2 and Atmosphere of the Department of Com-
3 merce, \$2,500,000 for each of fiscal years 2006
4 through 2010;

5 “(D) to the Administrator of the Environ-
6 mental Protection Agency, \$2,500,000 for each
7 of fiscal years 2006 through 2010; and

8 “(E) to the Secretary of Agriculture,
9 \$2,500,000 for each of fiscal years 2006
10 through 2010.”; and

11 (2) in the first sentence of paragraph (2)—

12 (A) by inserting “and other information
13 compiled under section 107” after “this title”;
14 and

15 (B) by striking “2005” and inserting
16 “2010”.

17 (h) GENERAL PROVISIONS.—Section 110 of the Es-
18 tuary Restoration Act of 2000 (33 U.S.C. 2909) is amend-
19 ed—

20 (1) in subsection (b)(1)—

21 (A) by inserting “or contracts” after
22 “agreements”; and

23 (B) by inserting “, nongovernmental orga-
24 nizations,” after “agencies”; and

25 (2) by striking subsections (d) and (e).

1 **SEC. 5003. DELMARVA CONSERVATION CORRIDOR, DELA-**
2 **WARE AND MARYLAND.**

3 (a) ASSISTANCE.—The Secretary may provide tech-
4 nical assistance to the Secretary of Agriculture for use in
5 carrying out the Conservation Corridor Demonstration
6 Program established under subtitle G of title II of the
7 Farm Security and Rural Investment Act of 2002 (16
8 U.S.C. 3801 note; 116 Stat. 275).

9 (b) COORDINATION AND INTEGRATION.—In carrying
10 out water resources projects in the States on the Delmarva
11 Peninsula, the Secretary shall coordinate and integrate
12 those projects, to the maximum extent practicable, with
13 any activities carried out to implement a conservation cor-
14 ridor plan approved by the Secretary of Agriculture under
15 section 2602 of the Farm Security and Rural Investment
16 Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

17 **SEC. 5004. SUSQUEHANNA, DELAWARE, AND POTOMAC**
18 **RIVER BASINS, DELAWARE, MARYLAND,**
19 **PENNSYLVANIA, AND VIRGINIA.**

20 (a) EX OFFICIO MEMBER.—Notwithstanding section
21 3001(a) of the 1997 Emergency Supplemental Appropria-
22 tions Act for Recovery From Natural Disasters, and for
23 Overseas Peacekeeping Efforts, Including Those in Bosnia
24 (111 Stat. 176) and sections 2.2 of the Susquehanna
25 River Basin Compact (Public Law 91–575) and the Dela-
26 ware River Basin Compact (Public Law 87–328), begin-

1 ning in fiscal year 2002, and each fiscal year thereafter,
2 the Division Engineer, North Atlantic Division, Corps of
3 Engineers—

4 (1) shall be the ex officio United States member
5 under the Susquehanna River Basin Compact, the
6 Delaware River Basin Compact, and the Potomac
7 River Basin Compact;

8 (2) shall serve without additional compensation;
9 and

10 (3) may designate an alternate member in ac-
11 cordance with the terms of those compacts.

12 (b) AUTHORIZATION TO ALLOCATE.—The Secretary
13 shall allocate funds to the Susquehanna River Basin Com-
14 mission, Delaware River Basin Commission, and the
15 Interstate Commission on the Potomac River Basin (Poto-
16 mac River Basin Compact (Public Law 91–407)) to fulfill
17 the equitable funding requirements of the respective inter-
18 state compacts.

19 (c) WATER SUPPLY AND CONSERVATION STORAGE,
20 DELAWARE RIVER BASIN.—

21 (1) IN GENERAL.—The Secretary shall enter
22 into an agreement with the Delaware River Basin
23 Commission to provide temporary water supply and
24 conservation storage at the Francis E. Walter Dam,
25 Pennsylvania, for any period during which the Com-

1 mission has determined that a drought warning or
2 drought emergency exists.

3 (2) LIMITATION.—The agreement shall provide
4 that the cost for water supply and conservation stor-
5 age under paragraph (1) shall not exceed the incre-
6 mental operating costs associated with providing the
7 storage.

8 (d) WATER SUPPLY AND CONSERVATION STORAGE,
9 SUSQUEHANNA RIVER BASIN.—

10 (1) IN GENERAL.—The Secretary shall enter
11 into an agreement with the Susquehanna River
12 Basin Commission to provide temporary water sup-
13 ply and conservation storage at Federal facilities op-
14 erated by the Corps of Engineers in the Susque-
15 hanna River Basin, during any period in which the
16 Commission has determined that a drought warning
17 or drought emergency exists.

18 (2) LIMITATION.—The agreement shall provide
19 that the cost for water supply and conservation stor-
20 age under paragraph (1) shall not exceed the incre-
21 mental operating costs associated with providing the
22 storage.

23 (e) WATER SUPPLY AND CONSERVATION STORAGE,
24 POTOMAC RIVER BASIN.—

1 (1) IN GENERAL.—The Secretary shall enter
2 into an agreement with the Potomac River Basin
3 Commission to provide temporary water supply and
4 conservation storage at Federal facilities operated by
5 the Corps of Engineers in the Potomac River Basin
6 for any period during which the Commission has de-
7 termined that a drought warning or drought emer-
8 gency exists.

9 (2) LIMITATION.—The agreement shall provide
10 that the cost for water supply and conservation stor-
11 age under paragraph (1) shall not exceed the incre-
12 mental operating costs associated with providing the
13 storage.

14 **SEC. 5005. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND**
15 **MARYLAND.**

16 (a) COMPREHENSIVE ACTION PLAN.—Not later than
17 1 year after the date of enactment of this Act, the Sec-
18 retary, in coordination with the Mayor of the District of
19 Columbia, the Governor of Maryland, the county execu-
20 tives of Montgomery County and Prince George’s County,
21 Maryland, and other stakeholders, shall develop and make
22 available to the public a 10-year comprehensive action
23 plan to provide for the restoration and protection of the
24 ecological integrity of the Anacostia River and its tribu-
25 taries.

1 (b) PUBLIC AVAILABILITY.—On completion of the
2 comprehensive action plan under subsection (a), the Sec-
3 retary shall make the plan available to the public.

4 **SEC. 5006. CHICAGO SANITARY AND SHIP CANAL DIS-**
5 **PERSAL BARRIERS PROJECT, ILLINOIS.**

6 (a) TREATMENT AS SINGLE PROJECT.—The Chicago
7 Sanitary and Ship Canal Dispersal Barrier Project (Bar-
8 rier I) (as in existence on the date of enactment of this
9 Act), constructed as a demonstration project under section
10 1202(i)(3) of the Nonindigenous Aquatic Nuisance Pre-
11 vention and Control Act of 1990 (16 U.S.C. 4722(i)(3)),
12 and Barrier II, as authorized by section 345 of the Dis-
13 trict of Columbia Appropriations Act, 2005 (Public Law
14 108–335; 118 Stat. 1352), shall be considered to con-
15 stitute a single project.

16 (b) AUTHORIZATION.—

17 (1) IN GENERAL.—The Secretary, acting
18 through the Chief of Engineers, is authorized and
19 directed, at full Federal expense—

20 (A) to upgrade and make permanent Bar-
21 rier I;

22 (B) to construct Barrier II, notwith-
23 standing the project cooperation agreement
24 with the State of Illinois dated June 14, 2005;

1 (C) to operate and maintain Barrier I and
2 Barrier II as a system to optimize effectiveness;

3 (D) to conduct, in consultation with appro-
4 priate Federal, State, local, and nongovern-
5 mental entities, a study of a full range of op-
6 tions and technologies for reducing impacts of
7 hazards that may reduce the efficacy of the
8 Barriers; and

9 (E) to provide to each State a credit in an
10 amount equal to the amount of funds contrib-
11 uted by the State toward Barrier II.

12 (2) USE OF CREDIT.—A State may apply a
13 credit received under paragraph (1)(E) to any cost
14 sharing responsibility for an existing or future Fed-
15 eral project with the Corps of Engineers in the
16 State.

17 (c) CONFORMING AMENDMENTS.—

18 (1) NONINDIGENOUS AQUATIC NUISANCE PRE-
19 VENTION AND CONTROL.—Section 1202(i)(3)(C) of
20 the Nonindigenous Aquatic Nuisance Prevention and
21 Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is
22 amended by striking “, to carry out this paragraph,
23 \$750,000” and inserting “such sums as are nec-
24 essary to carry out the dispersal barrier demonstra-
25 tion project under this paragraph”.

1 (2) BARRIER II AUTHORIZATION.—Section 345
2 of the District of Columbia Appropriations Act,
3 2005 (Public Law 108–335; 118 Stat. 1352), is
4 amended to read as follows:

5 **“SEC. 345. CHICAGO SANITARY AND SHIP CANAL DIS-**
6 **PERSAL BARRIER, ILLINOIS.**

7 “There are authorized to be appropriated such sums
8 as are necessary to carry out the Barrier II project of the
9 project for the Chicago Sanitary and Ship Canal Dispersal
10 Barrier, Illinois, initiated pursuant to section 1135 of the
11 Water Resources Development Act of 1986 (33 U.S.C.
12 2294 note; 100 Stat. 4251).”.

13 **SEC. 5007. RIO GRANDE ENVIRONMENTAL MANAGEMENT**
14 **PROGRAM, COLORADO, NEW MEXICO, AND**
15 **TEXAS.**

16 (a) SHORT TITLE.—This section may be cited as the
17 “Rio Grande Environmental Management Act of 2006”.

18 (b) DEFINITIONS.—In this section:

19 (1) RIO GRANDE COMPACT.—The term “Rio
20 Grande Compact” means the compact approved by
21 Congress under the Act of May 31, 1939 (53 Stat.
22 785, chapter 155), and ratified by the States.

23 (2) RIO GRANDE BASIN.—The term “Rio
24 Grande Basin” means the Rio Grande (including all
25 tributaries and their headwaters) located—

1 (A) in the State of Colorado, from the Rio
2 Grande Reservoir, near Creede, Colorado, to the
3 New Mexico State border;

4 (B) in the State of New Mexico, from the
5 Colorado State border downstream to the Texas
6 State border; and

7 (C) in the State of Texas, from the New
8 Mexico State border to the southern terminus
9 of the Rio Grande at the Gulf of Mexico.

10 (3) STATES.—The term “States” means the
11 States of Colorado, New Mexico, and Texas.

12 (c) PROGRAM AUTHORITY.—

13 (1) IN GENERAL.—The Secretary shall carry
14 out, in the Rio Grande Basin—

15 (A) a program for the planning, construc-
16 tion, and evaluation of measures for fish and
17 wildlife habitat rehabilitation and enhancement;
18 and

19 (B) implementation of a long-term moni-
20 toring, computerized data inventory and anal-
21 ysis, applied research, and adaptive manage-
22 ment program.

23 (2) REPORTS.—Not later than December 31,
24 2008, and not later than December 31 of every sixth
25 year thereafter, the Secretary, in consultation with

1 the Secretary of the Interior and the States, shall
2 submit to Congress a report that—

3 (A) contains an evaluation of the programs
4 described in paragraph (1);

5 (B) describes the accomplishments of each
6 program;

7 (C) provides updates of a systemic habitat
8 needs assessment; and

9 (D) identifies any needed adjustments in
10 the authorization of the programs.

11 (d) STATE AND LOCAL CONSULTATION AND COOPER-
12 ATIVE EFFORT.—For the purpose of ensuring the coordi-
13 nated planning and implementation of the programs de-
14 scribed in subsection (c), the Secretary shall—

15 (1) consult with the States and other appro-
16 priate entities in the States the rights and interests
17 of which might be affected by specific program ac-
18 tivities; and

19 (2) enter into an interagency agreement with
20 the Secretary of the Interior to provide for the direct
21 participation of, and transfer of funds to, the United
22 States Fish and Wildlife Service and any other agen-
23 cy or bureau of the Department of the Interior for
24 the planning, design, implementation, and evaluation
25 of those programs.

1 (e) COST SHARING.—

2 (1) IN GENERAL.—The non-Federal share of
3 the cost of a project carried out under subsection
4 (c)(1)(A)—

5 (A) shall be 35 percent;

6 (B) may be provided through in-kind serv-
7 ices or direct cash contributions; and

8 (C) shall include provision of necessary
9 land, easements, relocations, and disposal sites.

10 (2) OPERATION AND MAINTENANCE.—The costs
11 of operation and maintenance of a project located on
12 Federal land, or land owned or operated by a State
13 or local government, shall be borne by the Federal,
14 State, or local agency that has jurisdiction over fish
15 and wildlife activities on the land.

16 (f) NONPROFIT ENTITIES.—Notwithstanding section
17 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–
18 5b), with the consent of the affected local government, a
19 nonprofit entity may be included as a non-Federal interest
20 for any project carried out under subsection (c)(1)(A).

21 (g) EFFECT ON OTHER LAW.—

22 (1) WATER LAW.—Nothing in this section pre-
23 empts any State water law.

24 (2) COMPACTS AND DECREES.—In carrying out
25 this section, the Secretary shall comply with the Rio

1 Grande Compact, and any applicable court decrees
2 or Federal and State laws, affecting water or water
3 rights in the Rio Grande Basin.

4 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to the Secretary to carry
6 out this section \$25,000,000 for fiscal year 2006 and each
7 subsequent fiscal year.

8 **SEC. 5008. MISSOURI RIVER AND TRIBUTARIES, MITIGA-**
9 **TION, RECOVERY AND RESTORATION, IOWA,**
10 **KANSAS, MISSOURI, MONTANA, NEBRASKA,**
11 **NORTH DAKOTA, SOUTH DAKOTA, AND WYO-**
12 **MING.**

13 (a) STUDY.—The Secretary, in consultation with the
14 Missouri River Recovery and Implementation Committee
15 established by subsection (b)(1), shall conduct a study of
16 the Missouri River and its tributaries to determine actions
17 required—

18 (1) to mitigate losses of aquatic and terrestrial
19 habitat;

20 (2) to recover federally listed species under the
21 Endangered Species Act (16 U.S.C. 1531 et seq.);
22 and

23 (3) to restore the ecosystem to prevent further
24 declines among other native species.

1 (b) MISSOURI RIVER RECOVERY IMPLEMENTATION
2 COMMITTEE.—

3 (1) ESTABLISHMENT.—Not later than June 31,
4 2006, the Secretary shall establish a committee to be
5 known as the “Missouri River Recovery Implementa-
6 tion Committee” (referred to in this section as the
7 “Committee”).

8 (2) MEMBERSHIP.—The Committee shall in-
9 clude representatives from—

10 (A) Federal agencies;

11 (B) States located near the Missouri River
12 Basin; and

13 (C) other appropriate entities, as deter-
14 mined by the Secretary, including—

15 (i) water management and fish and
16 wildlife agencies;

17 (ii) Indian tribes located near the Mis-
18 souri River Basin; and

19 (iii) nongovernmental stakeholders.

20 (3) DUTIES.—The Commission shall—

21 (A) with respect to the study under sub-
22 section (a), provide guidance to the Secretary
23 and any other affected Federal agency, State
24 agency, or Indian tribe;

1 (B) provide guidance to the Secretary with
2 respect to the Missouri River recovery and miti-
3 gation program in existence on the date of en-
4 actment of this Act, including recommendations
5 relating to—

6 (i) changes to the implementation
7 strategy from the use of adaptive manage-
8 ment; and

9 (ii) the coordination of the develop-
10 ment of consistent policies, strategies,
11 plans, programs, projects, activities, and
12 priorities for the program;

13 (C) exchange information regarding pro-
14 grams, projects, and activities of the agencies
15 and entities represented on the Committee to
16 promote the goals of the Missouri River recov-
17 ery and mitigation program;

18 (D) establish such working groups as the
19 Committee determines to be necessary to assist
20 in carrying out the duties of the Committee, in-
21 cluding duties relating to public policy and sci-
22 entific issues;

23 (E) facilitate the resolution of interagency
24 and intergovernmental conflicts between entities
25 represented on the Committee associated with

1 the Missouri River recovery and mitigation pro-
2 gram;

3 (F) coordinate scientific and other research
4 associated with the Missouri River recovery and
5 mitigation program; and

6 (G) annually prepare a work plan and as-
7 sociated budget requests.

8 (4) COMPENSATION; TRAVEL EXPENSES.—

9 (A) COMPENSATION.—Members of the
10 Committee shall not receive compensation from
11 the Secretary in carrying out the duties of the
12 Committee under this section.

13 (B) TRAVEL EXPENSES.—Travel expenses
14 incurred by a member of the Committee in car-
15 rying out the duties of the Committee under
16 this section shall be paid by the agency, Indian
17 tribe, or unit of government represented by the
18 member.

19 (c) NONAPPLICABILITY OF FEDERAL ADVISORY
20 COMMITTEE ACT.—The Federal Advisory Committee Act
21 (5 U.S.C. App.) shall not apply to the Committee.

22 **SEC. 5009. LOWER PLATTE RIVER WATERSHED RESTORA-**
23 **TION, NEBRASKA.**

24 (a) IN GENERAL.—The Secretary, acting through the
25 Chief of Engineers, may cooperate with and provide assist-

1 ance to the Lower Platte River natural resources districts
2 in the State of Nebraska to serve as local sponsors with
3 respect to—

4 (1) conducting comprehensive watershed plan-
5 ning in the natural resource districts;

6 (2) assessing water resources in the natural re-
7 source districts; and

8 (3) providing project feasibility planning, de-
9 sign, and construction assistance for water resource
10 and watershed management in the natural resource
11 districts, including projects for environmental res-
12 toration and flood damage reduction.

13 (b) FUNDING.—

14 (1) FEDERAL SHARE.—The Federal share of
15 the cost of carrying out an activity described in sub-
16 section (a) shall be 65 percent.

17 (2) NON-FEDERAL SHARE.—The non-Federal
18 share of the cost of carrying out an activity de-
19 scribed in subsection (a)—

20 (A) shall be 35 percent; and

21 (B) may be provided in cash or in-kind.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Secretary to carry
24 out this section \$12,000,000.

1 **SEC. 5010. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE**
2 **SIOUX TRIBE, AND TERRESTRIAL WILDLIFE**
3 **HABITAT RESTORATION, SOUTH DAKOTA.**

4 (a) DISBURSEMENT PROVISIONS OF THE STATE OF
5 SOUTH DAKOTA AND THE CHEYENNE RIVER SIOUX
6 TRIBE AND THE LOWER BRULE SIOUX TRIBE TERRES-
7 TRIAL WILDLIFE HABITAT RESTORATION TRUST
8 FUNDS.—Section 602(a)(4) of the Water Resources De-
9 velopment Act of 1999 (113 Stat. 386) is amended—

10 (1) in subparagraph (A)—

11 (A) in clause (i), by inserting “and the
12 Secretary of the Treasury” after “Secretary”;
13 and

14 (B) by striking clause (ii) and inserting the
15 following:

16 “(ii) AVAILABILITY OF FUNDS.—On
17 notification in accordance with clause (i),
18 the Secretary of the Treasury shall make
19 available to the State of South Dakota
20 funds from the State of South Dakota Ter-
21 restrial Wildlife Habitat Restoration Trust
22 Fund established under section 603, to be
23 used to carry out the plan for terrestrial
24 wildlife habitat restoration submitted by
25 the State of South Dakota after the State
26 certifies to the Secretary of the Treasury

1 that the funds to be disbursed will be used
2 in accordance with section 603(d)(3) and
3 only after the Trust Fund is fully capital-
4 ized.”; and

5 (2) in subparagraph (B), by striking clause (ii)
6 and inserting the following:

7 “(ii) AVAILABILITY OF FUNDS.—On
8 notification in accordance with clause (i),
9 the Secretary of the Treasury shall make
10 available to the Cheyenne River Sioux
11 Tribe and the Lower Brule Sioux Tribe
12 funds from the Cheyenne River Sioux Ter-
13 restrial Wildlife Habitat Restoration Trust
14 Fund and the Lower Brule Sioux Terres-
15 trial Wildlife Habitat Restoration Trust
16 Fund, respectively, established under sec-
17 tion 604, to be used to carry out the plans
18 for terrestrial wildlife habitat restoration
19 submitted by the Cheyenne River Sioux
20 Tribe and the Lower Brule Sioux Tribe,
21 respectively, after the respective tribe cer-
22 tifies to the Secretary of the Treasury that
23 the funds to be disbursed will be used in
24 accordance with section 604(d)(3) and only
25 after the Trust Fund is fully capitalized.”.

1 (b) INVESTMENT PROVISIONS OF THE STATE OF
2 SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION
3 TRUST FUND.—Section 603 of the Water Resources De-
4 velopment Act of 1999 (113 Stat. 388) is amended—

5 (1) by striking subsection (c) and inserting the
6 following:

7 “(c) INVESTMENTS.—

8 “(1) ELIGIBLE OBLIGATIONS.—Notwith-
9 standing any other provision of law, the Secretary of
10 the Treasury shall invest the amounts deposited
11 under subsection (b) and the interest earned on
12 those amounts only in interest-bearing obligations of
13 the United States issued directly to the Fund.

14 “(2) INVESTMENT REQUIREMENTS.—

15 “(A) IN GENERAL.—The Secretary of the
16 Treasury shall invest the Fund in accordance
17 with all of the requirements of this paragraph.

18 “(B) SEPARATE INVESTMENTS OF PRIN-
19 CIPAL AND INTEREST.—

20 “(i) PRINCIPAL ACCOUNT.—The
21 amounts deposited in the Fund under sub-
22 section (b) shall be credited to an account
23 within the Fund (referred to in this para-
24 graph as the ‘principal account’) and in-
25 vested as provided in subparagraph (C).

1 “(ii) INTEREST ACCOUNT.—The inter-
2 est earned from investing amounts in the
3 principal account of the Fund shall be
4 transferred to a separate account within
5 the Fund (referred to in this paragraph as
6 the ‘interest account’) and invested as pro-
7 vided in subparagraph (D).

8 “(iii) CREDITING.—The interest
9 earned from investing amounts in the in-
10 terest account of the Fund shall be cred-
11 ited to the interest account.

12 “(C) INVESTMENT OF PRINCIPAL AC-
13 COUNT.—

14 “(i) INITIAL INVESTMENT.—Each
15 amount deposited in the principal account
16 of the Fund shall be invested initially in el-
17 igible obligations having the shortest matu-
18 rity then available until the date on which
19 the amount is divided into 3 substantially
20 equal portions and those portions are in-
21 vested in eligible obligations that are iden-
22 tical (except for transferability) to the
23 next-issued publicly issued Treasury obli-
24 gations having a 2-year maturity, a 5-year

1 maturity, and a 10-year maturity, respec-
2 tively.

3 “(ii) SUBSEQUENT INVESTMENT.—As
4 each 2-year, 5-year, and 10-year eligible
5 obligation matures, the principal of the
6 maturing eligible obligation shall also be
7 invested initially in the shortest-maturity
8 eligible obligation then available until the
9 principal is reinvested substantially equally
10 in the eligible obligations that are identical
11 (except for transferability) to the next-
12 issued publicly issued Treasury obligations
13 having 2-year, 5-year, and 10-year matu-
14 rities.

15 “(iii) DISCONTINUANCE OF ISSUANCE
16 OF OBLIGATIONS.—If the Department of
17 the Treasury discontinues issuing to the
18 public obligations having 2-year, 5-year, or
19 10-year maturities, the principal of any
20 maturing eligible obligation shall be rein-
21 vested substantially equally in eligible obli-
22 gations that are identical (except for trans-
23 ferability) to the next-issued publicly
24 issued Treasury obligations of the matu-
25 rities longer than 1 year then available.

1 “(D) INVESTMENT OF INTEREST AC-
2 COUNT.—

3 “(i) BEFORE FULL CAPITALIZA-
4 TION.—Until the date on which the Fund
5 is fully capitalized, amounts in the interest
6 account of the Fund shall be invested in el-
7 igible obligations that are identical (except
8 for transferability) to publicly issued
9 Treasury obligations that have maturities
10 that coincide, to the maximum extent prac-
11 ticable, with the date on which the Fund
12 is expected to be fully capitalized.

13 “(ii) AFTER FULL CAPITALIZATION.—
14 On and after the date on which the Fund
15 is fully capitalized, amounts in the interest
16 account of the Fund shall be invested and
17 reinvested in eligible obligations having the
18 shortest maturity then available until the
19 amounts are withdrawn and transferred to
20 fund the activities authorized under sub-
21 section (d)(3).

22 “(E) PAR PURCHASE PRICE.—The price to
23 be paid for eligible obligations purchased as in-
24 vestments of the principal account shall not ex-
25 ceed the par value of the obligations so that the

1 amount of the principal account shall be pre-
2 served in perpetuity.

3 “(F) HIGHEST YIELD.—Among eligible ob-
4 ligations having the same maturity and pur-
5 chase price, the obligation to be purchased shall
6 be the obligation having the highest yield.

7 “(G) HOLDING TO MATURITY.—Eligible
8 obligations purchased shall generally be held to
9 their maturities.

10 “(3) ANNUAL REVIEW OF INVESTMENT ACTIVI-
11 TIES.—Not less frequently than once each calendar
12 year, the Secretary of the Treasury shall review with
13 the State of South Dakota the results of the invest-
14 ment activities and financial status of the Fund dur-
15 ing the preceding 12-month period.

16 “(4) AUDITS.—

17 “(A) IN GENERAL.—The activities of the
18 State of South Dakota (referred to in this sub-
19 section as the ‘State’) in carrying out the plan
20 of the State for terrestrial wildlife habitat res-
21 toration under section 602(a) shall be audited
22 as part of the annual audit that the State is re-
23 quired to prepare under the Office of Manage-
24 ment and Budget Circular A-133 (or a suc-
25 cessor circulation).

1 “(B) DETERMINATION BY AUDITORS.—An
2 auditor that conducts an audit under subpara-
3 graph (A) shall—

4 “(i) determine whether funds received
5 by the State under this section during the
6 period covered by the audit were used to
7 carry out the plan of the State in accord-
8 ance with this section; and

9 “(ii) include the determination under
10 clause (i) in the written findings of the
11 audit.

12 “(5) MODIFICATION OF INVESTMENT REQUIRE-
13 MENTS.—

14 “(A) IN GENERAL.—If the Secretary of the
15 Treasury determines that meeting the require-
16 ments under paragraph (2) with respect to the
17 investment of a Fund is not practicable, or
18 would result in adverse consequences for the
19 Fund, the Secretary shall modify the require-
20 ments, as the Secretary determines to be nec-
21 essary.

22 “(B) CONSULTATION.—Before modifying a
23 requirement under subparagraph (A), the Sec-
24 retary of the Treasury shall consult with the
25 State regarding the proposed modification.”;

1 (2) in subsection (d)(2), by inserting “of the
2 Treasury” after Secretary”; and

3 (3) by striking subsection (f) and inserting the
4 following:

5 “(f) ADMINISTRATIVE EXPENSES.—There are au-
6 thorized to be appropriated, out of any money in the
7 Treasury not otherwise appropriated, to the Secretary of
8 the Treasury, to pay expenses associated with investing
9 the Fund and auditing the uses of amounts withdrawn
10 from the Fund—

11 “(1) up to \$500,000 for each of fiscal years
12 2006 and 2007; and

13 “(2) such sums as are necessary for each subse-
14 quent fiscal year.”.

15 (c) INVESTMENT PROVISIONS FOR THE CHEYENNE
16 RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE
17 TRUST FUNDS.—Section 604 of the Water Resources De-
18 velopment Act of 1999 (113 Stat. 389) is amended—

19 (1) by striking subsection (c) and inserting the
20 following:

21 “(c) INVESTMENTS.—

22 “(1) ELIGIBLE OBLIGATIONS.—Notwith-
23 standing any other provision of law, the Secretary of
24 the Treasury shall invest the amounts deposited
25 under subsection (b) and the interest earned on

1 those amounts only in interest-bearing obligations of
2 the United States issued directly to the Funds.

3 “(2) INVESTMENT REQUIREMENTS.—

4 “(A) IN GENERAL.—The Secretary of the
5 Treasury shall invest each of the Funds in ac-
6 cordance with all of the requirements of this
7 paragraph.

8 “(B) SEPARATE INVESTMENTS OF PRIN-
9 CIPAL AND INTEREST.—

10 “(i) PRINCIPAL ACCOUNT.—The
11 amounts deposited in each Fund under
12 subsection (b) shall be credited to an ac-
13 count within the Fund (referred to in this
14 paragraph as the ‘principal account’) and
15 invested as provided in subparagraph (C).

16 “(ii) INTEREST ACCOUNT.—The inter-
17 est earned from investing amounts in the
18 principal account of each Fund shall be
19 transferred to a separate account within
20 the Fund (referred to in this paragraph as
21 the ‘interest account’) and invested as pro-
22 vided in subparagraph (D).

23 “(iii) CREDITING.—The interest
24 earned from investing amounts in the in-

1 terest account of each Fund shall be cred-
2 ited to the interest account.

3 “(C) INVESTMENT OF PRINCIPAL AC-
4 COUNT.—

5 “(i) INITIAL INVESTMENT.—Each
6 amount deposited in the principal account
7 of each Fund shall be invested initially in
8 eligible obligations having the shortest ma-
9 turity then available until the date on
10 which the amount is divided into 3 sub-
11 stantially equal portions and those portions
12 are invested in eligible obligations that are
13 identical (except for transferability) to the
14 next-issued publicly issued Treasury obli-
15 gations having a 2-year maturity, a 5-year
16 maturity, and a 10-year maturity, respec-
17 tively.

18 “(ii) SUBSEQUENT INVESTMENT.—As
19 each 2-year, 5-year, and 10-year eligible
20 obligation matures, the principal of the
21 maturing eligible obligation shall also be
22 invested initially in the shortest-maturity
23 eligible obligation then available until the
24 principal is reinvested substantially equally
25 in the eligible obligations that are identical

1 (except for transferability) to the next-
2 issued publicly issued Treasury obligations
3 having 2-year, 5-year, and 10-year matu-
4 rities.

5 “(iii) DISCONTINUATION OF ISSUANCE
6 OF OBLIGATIONS.—If the Department of
7 the Treasury discontinues issuing to the
8 public obligations having 2-year, 5-year, or
9 10-year maturities, the principal of any
10 maturing eligible obligation shall be rein-
11 vested substantially equally in eligible obli-
12 gations that are identical (except for trans-
13 ferability) to the next-issued publicly
14 issued Treasury obligations of the matu-
15 rities longer than 1 year then available.

16 “(D) INVESTMENT OF THE INTEREST AC-
17 COUNT.—

18 “(i) BEFORE FULL CAPITALIZA-
19 TION.—Until the date on which each Fund
20 is fully capitalized, amounts in the interest
21 account of the Fund shall be invested in el-
22 igible obligations that are identical (except
23 for transferability) to publicly issued
24 Treasury obligations that have maturities
25 that coincide, to the maximum extent prac-

1 ticable, with the date on which the Fund
2 is expected to be fully capitalized.

3 “(ii) AFTER FULL CAPITALIZATION.—
4 On and after the date on which each Fund
5 is fully capitalized, amounts in the interest
6 account of the Fund shall be invested and
7 reinvested in eligible obligations having the
8 shortest maturity then available until the
9 amounts are withdrawn and transferred to
10 fund the activities authorized under sub-
11 section (d)(3).

12 “(E) PAR PURCHASE PRICE.—The price to
13 be paid for eligible obligations purchased as in-
14 vestments of the principal account shall not ex-
15 ceed the par value of the obligations so that the
16 amount of the principal account shall be pre-
17 served in perpetuity.

18 “(F) HIGHEST YIELD.—Among eligible ob-
19 ligations having the same maturity and pur-
20 chase price, the obligation to be purchased shall
21 be the obligation having the highest yield.

22 “(G) HOLDING TO MATURITY.—Eligible
23 obligations purchased shall generally be held to
24 their maturities.

1 “(3) ANNUAL REVIEW OF INVESTMENT ACTIVI-
2 TIES.—Not less frequently than once each calendar
3 year, the Secretary of the Treasury shall review with
4 the Cheyenne River Sioux Tribe and the Lower
5 Brule Sioux Tribe (referred to in this subsection as
6 the ‘Tribes’) the results of the investment activities
7 and financial status of the Funds during the pre-
8 ceding 12-month period.

9 “(4) AUDITS.—

10 “(A) IN GENERAL.—The activities of the
11 Tribes in carrying out the plans of the Tribes
12 for terrestrial wildlife habitat restoration under
13 section 602(a) shall be audited as part of the
14 annual audit that the Tribes are required to
15 prepare under the Office of Management and
16 Budget Circular A-133 (or a successor circula-
17 tion).

18 “(B) DETERMINATION BY AUDITORS.—An
19 auditor that conducts an audit under subpara-
20 graph (A) shall—

21 “(i) determine whether funds received
22 by the Tribes under this section during the
23 period covered by the audit were used to
24 carry out the plan of the appropriate Tribe
25 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 au-
22 thorized to be appropriated, out of any money in the
23 Treasury not otherwise appropriated, to the Secretary of
24 the Treasury to pay expenses associated with investing the

1 Funds and auditing the uses of amounts withdrawn from
2 the Funds—

3 “(1) up to \$500,000 for each of fiscal years
4 2006 and 2007; and

5 “(2) such sums as are necessary for each subse-
6 quent fiscal year.”.

7 **SEC. 5011. CONNECTICUT RIVER DAMS, VERMONT.**

8 (a) IN GENERAL.—The Secretary shall evaluate, de-
9 sign, and construct structural modifications at full Fed-
10 eral cost to the Union Village Dam (Ompompanoosuc
11 River), North Hartland Dam (Ottauquechee River), North
12 Springfield Dam (Black River), Ball Mountain Dam (West
13 River), and Townshend Dam (West River), Vermont, to
14 regulate flow and temperature to mitigate downstream im-
15 pacts on aquatic habitat and fisheries.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to carry out this section
18 \$30,000,000.

19 **TITLE VI—PROJECT**
20 **DEAUTHORIZATIONS**

21 **SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.**

22 The project for flood damage reduction, Little Cove
23 Creek, Glencoe, Alabama, authorized by the Supplemental
24 Appropriations Act, 1985 (99 Stat. 312), is not author-
25 ized.

1 **SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.**

2 The project for flood control, Goleta and Vicinity,
3 California, authorized by section 201 of the Flood Control
4 Act of 1970 (84 Stat. 1826), is not authorized.

5 **SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.**

6 (a) IN GENERAL.—The portion of the project for
7 navigation, Bridgeport Harbor, Connecticut, authorized
8 by the Act of July 3, 1930 (46 Stat. 919), consisting of
9 an 18-foot channel in Yellow Mill River and described in
10 subsection (b), is not authorized.

11 (b) DESCRIPTION OF PROJECT.—The project re-
12 ferred to in subsection (a) is described as beginning at
13 a point 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
17 point N. 125,030.08, E. 482,394.96, thence running
18 northeasterly about 139.52 feet to a point along the east
19 limit of the existing channel, N. 125,133.87, E.
20 482,488.19, thence running southwesterly about 1,588.98
21 feet to the point of origin.

22 **SEC. 6004. BRIDGEPORT, CONNECTICUT.**

23 The project for environmental infrastructure, Bridge-
24 port, Connecticut, authorized by section 219(f)(26) of the
25 Water Resources Development Act of 1992 (106 Stat.
26 4835; 113 Stat. 336), is not authorized.

1 **SEC. 6005. HARTFORD, CONNECTICUT.**

2 The project for environmental infrastructure, Hart-
3 ford, Connecticut, authorized by section 219(f)(27) of the
4 Water Resources Development Act of 1992 (106 Stat.
5 4835; 113 Stat. 336), is not authorized.

6 **SEC. 6006. NEW HAVEN, CONNECTICUT.**

7 The project for environmental infrastructure, New
8 Haven, Connecticut, authorized by section 219(f)(28) of
9 the Water Resources Development Act of 1992 (106 Stat.
10 4835; 113 Stat. 336), is not authorized.

11 **SEC. 6007. INLAND WATERWAY FROM DELAWARE RIVER TO**
12 **CHESAPEAKE BAY, PART II, INSTALLATION**
13 **OF FENDER PROTECTION FOR BRIDGES,**
14 **DELAWARE AND MARYLAND.**

15 The project for the construction of bridge fenders for
16 the Summit and St. Georges Bridge for the Inland Water-
17 way of the Delaware River to the C & D Canal of the
18 Chesapeake Bay, authorized by the River and Harbor Act
19 of 1954 (68 Stat. 1249), is not authorized.

20 **SEC. 6008. SHINGLE CREEK BASIN, FLORIDA.**

21 The project for flood control, Central and Southern
22 Florida Project, Shingle Creek Basin, Florida, authorized
23 by section 203 of the Flood Control Act of 1962 (76 Stat.
24 1182), is not authorized.

1 **SEC. 6009. BREVOORT, INDIANA.**

2 The project for flood control, Brevoort, Indiana, au-
3 thorized by section 5 of the Flood Control Act of 1936
4 (49 Stat. 1587), is not authorized.

5 **SEC. 6010. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.**

6 The project for flood control, Middle Wabash, Green-
7 field Bayou, Indiana, authorized by section 10 of the
8 Flood Control Act of 1946 (60 Stat. 649), is not author-
9 ized.

10 **SEC. 6011. LAKE GEORGE, HOBART, INDIANA.**

11 The project for flood damage reduction, Lake George,
12 Hobart, Indiana, authorized by section 602 of the Water
13 Resources Development Act of 1986 (100 Stat. 4148), is
14 not authorized.

15 **SEC. 6012. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO.**

16 **2, IOWA.**

17 The project for flood damage reduction, Green Bay
18 Levee and Drainage District No. 2, Iowa, authorized by
19 section 401(a) of the Water Resources Development Act
20 of 1986 (100 Stat. 4115), deauthorized in fiscal year
21 1991, and reauthorized by section 115(a)(1) of the Water
22 Resources Development Act of 1992 (106 Stat. 4821), is
23 not authorized.

24 **SEC. 6013. MUSCATINE HARBOR, IOWA.**

25 The project for navigation at the Muscatine Harbor
26 on the Mississippi River at Muscatine, Iowa, authorized

1 by section 101 of the River and Harbor Act of 1950 (64
2 Stat. 166), is not authorized.

3 **SEC. 6014. BIG SOUTH FORK NATIONAL RIVER AND REC-**
4 **REATIONAL AREA, KENTUCKY AND TEN-**
5 **NESSEE.**

6 The project for recreation facilities at Big South
7 Fork National River and Recreational Area, Kentucky and
8 Tennessee, authorized by section 108 of the Water Re-
9 sources Development Act of 1974 (88 Stat. 43), is not
10 authorized.

11 **SEC. 6015. EAGLE CREEK LAKE, KENTUCKY.**

12 The project for flood control and water supply, Eagle
13 Creek Lake, Kentucky, authorized by section 203 of the
14 Flood Control Act of 1962 (76 Stat. 1188), is not author-
15 ized.

16 **SEC. 6016. HAZARD, KENTUCKY.**

17 The project for flood damage reduction, Hazard,
18 Kentucky, authorized by section 3 of the Water Resources
19 Development Act of 1988 (102 Stat. 4014) and section
20 108 of the Water Resources Development Act of 1990
21 (104 Stat. 4621), is not authorized.

22 **SEC. 6017. WEST KENTUCKY TRIBUTARIES, KENTUCKY.**

23 The project for flood control, West Kentucky Tribu-
24 taries, Kentucky, authorized by section 204 of the Flood
25 Control Act of 1965 (79 Stat. 1081), section 201 of the

1 Flood Control Act of 1970 (84 Stat. 1825), and section
2 401(b) of the Water Resources Development Act of 1986
3 (100 Stat. 4129), is not authorized.

4 **SEC. 6018. BAYOU COCODRIE AND TRIBUTARIES, LOU-**
5 **ISIANA.**

6 The project for flood damage reduction, Bayou
7 Cocodrie and Tributaries, Louisiana, authorized by section
8 3 of the of the Act of August 18, 1941 (55 Stat. 644,
9 chapter 377), and section 1(a) of the Water Resources De-
10 velopment Act of 1974 (88 Stat. 12), is not authorized.

11 **SEC. 6019. BAYOU LAFOURCHE AND LAFOURCHE JUMP,**
12 **LOUISIANA.**

13 The uncompleted portions of the project for naviga-
14 tion improvement for Bayou LaFourche and LaFourche
15 Jump, Louisiana, authorized by the Act of August 30,
16 1935 (49 Stat. 1033, chapter 831), and the River and
17 Harbor Act of 1960 (74 Stat. 481), are not authorized.

18 **SEC. 6020. EASTERN RAPIDES AND SOUTH-CENTRAL**
19 **AVOYELLES PARISHES, LOUISIANA.**

20 The project for flood control, Eastern Rapides and
21 South-Central Avoyelles Parishes, Louisiana, authorized
22 by section 201 of the Flood Control Act of 1970 (84 Stat.
23 1825), is not authorized.

1 **SEC. 6021. FORT LIVINGSTON, GRAND TERRE ISLAND, LOU-**
2 **ISIANA.**

3 The project for erosion protection and recreation,
4 Fort Livingston, Grande Terre Island, Louisiana, author-
5 ized by the Act of August 13, 1946 (commonly known as
6 the “Flood Control Act of 1946”) (33 U.S.C. 426e et
7 seq.), is not authorized.

8 **SEC. 6022. GULF INTERCOASTAL WATERWAY, LAKE**
9 **BORGNE AND CHEF MENTEUR, LOUISIANA.**

10 The project for the construction of bulkheads and jet-
11 ties at Lake Borgne and Chef Menteur, Louisiana, as part
12 of the Gulf Intercoastal Waterway authorized by the first
13 section of the River and Harbor Act of 1946 (60 Stat.
14 635), is not authorized.

15 **SEC. 6023. RED RIVER WATERWAY, SHREVEPORT, LOU-**
16 **ISIANA TO DAINGERFIELD, TEXAS.**

17 The project for the Red River Waterway, Shreveport,
18 Louisiana to Daingerfield, Texas, authorized by section
19 101 of the River and Harbor Act of 1968 (82 Stat. 731),
20 is not authorized.

21 **SEC. 6024. CASCO BAY, PORTLAND, MAINE.**

22 The project for environmental infrastructure, Casco
23 Bay in the Vicinity of Portland, Maine, authorized by sec-
24 tion 307 of the Water Resources Development Act of 1992
25 (106 Stat. 4841), is not authorized.

1 **SEC. 6025. NORTHEAST HARBOR, MAINE.**

2 The project for navigation, Northeast Harbor, Maine,
3 authorized by section 2 of the Act of March 2, 1945 (59
4 Stat. 12, chapter 19), is not authorized.

5 **SEC. 6026. PENOBSCOT RIVER, BANGOR, MAINE.**

6 The project for environmental infrastructure, Penob-
7 scot River in the Vicinity of Bangor, Maine, authorized
8 by section 307 of the Water Resources Development Act
9 of 1992 (106 Stat. 4841), is not authorized.

10 **SEC. 6027. SAINT JOHN RIVER BASIN, MAINE.**

11 The project for research and demonstration program
12 of cropland irrigation and soil conservation techniques,
13 Saint John River Basin, Maine, authorized by section
14 1108 of the Water Resources Development Act of 1986
15 (106 Stat. 4230), is not authorized.

16 **SEC. 6028. TENANTS HARBOR, MAINE.**

17 The project for navigation, Tenants Harbor, Maine,
18 authorized by the first section of the Act of March 2, 1919
19 (40 Stat. 1275, chapter 95), is not authorized.

20 **SEC. 6029. GRAND HAVEN HARBOR, MICHIGAN.**

21 The project for navigation, Grand Haven Harbor,
22 Michigan, authorized by section 202(a) of the Water Re-
23 sources Development Act of 1986 (100 Stat. 4093), is not
24 authorized.

1 **SEC. 6030. GREENVILLE HARBOR, MISSISSIPPI.**

2 The project for navigation, Greenville Harbor, Mis-
3 sissippi, authorized by section 601(a) of the Water Re-
4 sources Development Act of 1986 (100 Stat. 4142), is not
5 authorized.

6 **SEC. 6031. PLATTE RIVER FLOOD AND RELATED**
7 **STREAMBANK EROSION CONTROL, NE-**
8 **BRASKA.**

9 The project for flood damage reduction, Platte River
10 Flood and Related Streambank Erosion Control, Ne-
11 braska, authorized by section 603 of the Water Resources
12 Development Act of 1986 (100 Stat. 4149), is not author-
13 ized.

14 **SEC. 6032. EPPING, NEW HAMPSHIRE.**

15 The project for environmental infrastructure, Ep-
16 ping, New Hampshire, authorized by section 219(c)(6) of
17 the Water Resources Development Act of 1992 (106 Stat.
18 4835), is not authorized.

19 **SEC. 6033. MANCHESTER, NEW HAMPSHIRE.**

20 The project for environmental infrastructure, Man-
21 chester, New Hampshire, authorized by section 219(c)(7)
22 of the Water Resources Development Act of 1992 (106
23 Stat. 4836), is not authorized.

1 **SEC. 6034. NEW YORK HARBOR AND ADJACENT CHANNELS,**
2 **CLAREMONT TERMINAL, JERSEY CITY, NEW**
3 **JERSEY.**

4 The project for navigation, New York Harbor and ad-
5 jacent channels, Claremont Terminal, Jersey City, New
6 Jersey, authorized by section 202(b) of the Water Re-
7 sources Development Act of 1986 (100 Stat. 4098), is not
8 authorized.

9 **SEC. 6035. EISENHOWER AND SNELL LOCKS, NEW YORK.**

10 The project for navigation, Eisenhower and Snell
11 Locks, New York, authorized by section 1163 of the Water
12 Resources Development Act of 1986 (100 Stat. 4258), is
13 not authorized.

14 **SEC. 6036. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.**

15 The project for navigation, Olcott Harbor, Lake On-
16 tario, New York, authorized by section 601(a) of the
17 Water Resources Development Act of 1986 (100 Stat.
18 4143), is not authorized.

19 **SEC. 6037. OUTER HARBOR, BUFFALO, NEW YORK.**

20 The project for navigation, Outer Harbor, Buffalo,
21 New York, authorized by section 110 of the Water Re-
22 sources Development Act of 1992 (106 Stat. 4817), is not
23 authorized.

1 **SEC. 6038. SUGAR CREEK BASIN, NORTH CAROLINA AND**
2 **SOUTH CAROLINA.**

3 The project for flood damage reduction, Sugar Creek
4 Basin, North Carolina and South Carolina, authorized by
5 section 401(a) of the Water Resources Development Act
6 of 1986 (100 Stat. 4121), is not authorized.

7 **SEC. 6039. CLEVELAND HARBOR 1958 ACT, OHIO.**

8 The project for navigation, Cleveland Harbor
9 (uncompleted portion), Ohio, authorized by section 101 of
10 the River and Harbor Act of 1958 (72 Stat. 299), is not
11 authorized.

12 **SEC. 6040. CLEVELAND HARBOR 1960 ACT, OHIO.**

13 The project for navigation, Cleveland Harbor
14 (uncompleted portion), Ohio, authorized by section 101 of
15 the River and Harbor Act of 1960 (74 Stat. 482), is not
16 authorized.

17 **SEC. 6041. CLEVELAND HARBOR, UNCOMPLETED PORTION**
18 **OF CUT #4, OHIO.**

19 The project for navigation, Cleveland Harbor
20 (uncompleted portion of Cut #4), Ohio, authorized by the
21 first section of the Act of July 24, 1946 (60 Stat. 636,
22 chapter 595), is not authorized.

23 **SEC. 6042. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAM-**
24 **MOND, OREGON.**

25 The project for the Columbia River, Seafarers Memo-
26 rial, Hammond, Oregon, authorized by title I of the En-

1 ergy and Water Development Appropriations Act, 1991
2 (104 Stat. 2078), is not authorized.

3 **SEC. 6043. SCHUYLKILL RIVER, PENNSYLVANIA.**

4 The project for navigation, Schuylkill River (Mouth
5 to Penrose Avenue), Pennsylvania, authorized by section
6 3(a)(12) of the Water Resources Development Act of 1988
7 (102 Stat. 4013), is not authorized.

8 **SEC. 6044. TIOGA-HAMMOND LAKES, PENNSYLVANIA.**

9 The project for flood control and recreation, Tioga-
10 Hammond Lakes, Mill Creek Recreation, Pennsylvania,
11 authorized by section 203 of the Flood Control Act of
12 1958 (72 Stat. 313), is not authorized.

13 **SEC. 6045. TAMAQUA, PENNSYLVANIA.**

14 The project for flood control, Tamaqua, Pennsyl-
15 vania, authorized by section 1(a) of the Water Resources
16 Development Act of 1974 (88 Stat. 14), is not authorized.

17 **SEC. 6046. NARRAGANSETT TOWN BEACH, NARRAGANSETT,**
18 **RHODE ISLAND.**

19 The project for navigation, Narragansett Town
20 Beach, Narragansett, Rhode Island, authorized by section
21 361 of the Water Resources Development Act of 1992
22 (106 Stat. 4861), is not authorized.

23 **SEC. 6047. QUONSET POINT-DAVISVILLE, RHODE ISLAND.**

24 The project for bulkhead repairs, Quonset Point-
25 Davisville, Rhode Island, authorized by section 571 of the

1 Water Resources Development Act of 1996 (110 Stat.
2 3788), is not authorized.

3 **SEC. 6048. ARROYO COLORADO, TEXAS.**

4 The project for flood damage reduction, Arroyo Colo-
5 rado, Texas, authorized by section 401(a) of the Water
6 Resources Development Act of 1986 (100 Stat. 4125), is
7 not authorized.

8 **SEC. 6049. CYPRESS CREEK-STRUCTURAL, TEXAS.**

9 The project for flood damage reduction, Cypress
10 Creek-Structural, Texas, authorized by section 3(a)(13) of
11 the Water Resources Development Act of 1988 (102 Stat.
12 4014), is not authorized.

13 **SEC. 6050. EAST FORK CHANNEL IMPROVEMENT, INCRE-**
14 **MENT 2, EAST FORK OF THE TRINITY RIVER,**
15 **TEXAS.**

16 The project for flood damage reduction, East Fork
17 Channel Improvement, Increment 2, East Fork of the
18 Trinity River, Texas, authorized by section 203 of the
19 Flood Control Act of 1962 (76 Stat. 1185), is not author-
20 ized.

21 **SEC. 6051. FALFURRIAS, TEXAS.**

22 The project for flood damage reduction, Falfurrias,
23 Texas, authorized by section 3(a)(14) of the Water Re-
24 sources Development Act of 1988 (102 Stat. 4014), is not
25 authorized.

1 **SEC. 6052. PECAN BAYOU LAKE, TEXAS.**

2 The project for flood control, Pecan Bayou Lake,
3 Texas, authorized by section 203 of the Flood Control Act
4 of 1968 (82 Stat. 742), is not authorized.

5 **SEC. 6053. LAKE OF THE PINES, TEXAS.**

6 The project for navigation improvements affecting
7 Lake of the Pines, Texas, for the portion of the Red River
8 below Fulton, Arkansas, authorized by the Act of July 13,
9 1892 (27 Stat. 88, chapter 158), as amended by the Act
10 of July 24, 1946 (60 Stat. 635, chapter 595), the Act
11 of May 17, 1950 (64 Stat. 163, chapter 188), and the
12 River and Harbor Act of 1968 (82 Stat. 731), is not au-
13 thorized.

14 **SEC. 6054. TENNESSEE COLONY LAKE, TEXAS.**

15 The project for navigation, Tennessee Colony Lake,
16 Trinity River, Texas, authorized by section 204 of the
17 River and Harbor Act of 1965 (79 Stat. 1091), is not au-
18 thorized.

19 **SEC. 6055. CITY WATERWAY, TACOMA, WASHINGTON.**

20 The portion of the project for navigation, City Water-
21 way, Tacoma, Washington, authorized by the first section
22 of the Act of June 13, 1902 (32 Stat. 347), consisting
23 of the last 1,000 linear feet of the inner portion of the
24 Waterway beginning at Station 70+00 and ending at Sta-
25 tion 80+00, is not authorized.

1 **SEC. 6056. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.**

2 The project for bank erosion, Kanawha River,
3 Charleston, West Virginia, authorized by section
4 603(f)(13) of the Water Resources Development Act of
5 1986 (100 Stat. 4153), is not authorized.