Calendar No. 672

108TH CONGRESS *2d Session*	SENATE	REPORT 108–314

WATER RESOURCES DEVELOPMENT ACT OF 2004

REPORT

OF THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

TO ACCOMPANY

S. 2773

AUGUST 25, 2004.—Ordered to be printed
Filed under authority of the order of the Senate of July 22, 2004

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Mr. INHOFE, from the Committee on Environment and Public Works, submitted the following

REPORT

[to accompany S. 2773]

The Committee on Environment and Public Works, to which was referred the bill (S. 2554) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, and having considered the same, reports favorably thereon, and recommends that the bill, as amended, be reported as original text and pass.

GENERAL STATEMENT

In 1986, a House-Senate Conference Committee produced a Conference Report (H. Rept. 99–1013), which was passed by the House and Senate and signed into law on November 17, 1986, was the largest and most comprehensive authorization of the Army Corps' Civil Works Program since the Senate Public Works Committee was created in 1947.

The Water Resources Development Act of 1986 marked the end of a 16-year deadlock between the Congress and executive branch regarding authorization of the civil works program. In addition to authorizing numerous projects, the 1986 Act resolved longstanding disputes relating to cost sharing, user fees, and environmental requirements.

Some of the major reforms included the Water Resources Development Act of 1986 and subsequent legislation are listed below:

- Cost-sharing formulas were established for harbor dredging (section 101), flood control (section 103), shoreline protection (section 103), stream bank erosion control (section 603), and other projects. Project Cooperation Agreements were required for all such projects. Projects for mitigation of fish and wildlife resources were allowed to be carried out at up to 100 percent Federal expense under section 906 and modification of Army Corps of Engineers projects in the interest of environmental quality were authorized to be carried out at 75 percent Federal expense under section 1135. The Water Resources Development act of 1996 extended harbor cost sharing formulas to dredged material disposal facilities, increased the non-Federal cost share for flood control, and established cost sharing for environmental protection and restoration.
- The Harbor Maintenance Trust Fund, capitalized by a new Harbor Maintenance Fee, was established to pay 40 percent of the Federal cost of maintaining authorized deep draft navigation channels (sections 210, 1402, and 1403), and was subsequently increased to provide for 100 percent of the cost under the 1990 Water Resources Development Act.
- These policy changes applied to all projects contained in the Water Resources Development Acts of 1988 (Public Law 100–676); 1990 (Public Law 101–640); 1992 (Public Law 102–580); 1996 (Public Law 104–303); 1999 (Public Law 106–53); and 2000 (Public Law 106–541); and will continue to apply to all projects contained in the Water Resources Development Act of 2004.

In reporting the Water Resources Development Act of 2004, the committee is adhering to the policies established in the Water Resources Development Act of 1986 (P.L. 99–662), and continued in the civil works program of the Army Corps of Engineers. This bill includes authorization for 35 new projects for navigation, flood and coastal storm damage reduction, ecosystem restoration and environmental remediation, and water storage and water quality. This bill limits contingent authorization of water resources projects to those projects that will have final reports of the Chief of Engineers in the same calendar year as the Water Resources Development Act under consideration. There were 43 Study Resolutions passed at the June 23, 2004 committee meeting. These resolutions are as follows:

Choctawatchee and Pea River Basins, Alabama and Florida
Kenai River Flood Erosion Control, Alaska
Lowell Creek Tunnel, Seward, Alaska
Nelson Lagoon, Alaska
St. George Island, Alaska
Russian River Basin, California
San Francisquito Creek, California
Santa Monica Bay, California
Connecticut River Basin, Connecticut, Massachusetts, New Hampshire, and Vermont
Mystic Harbor, Connecticut
Battle Bend Cutoff, Apalachicola-Chattahoochee-Flint Rivers, Florida and Georgia
Fort Hall Bottoms, Idaho

Chicago River System Restoration Management Plan, Illinois
Kaskaskia River Basin Restoration, Illinois
Chariton River Basin, Iowa and Missouri
Grand River Basin, Iowa and Missouri
Grand Isle, Louisiana
Third Delta Conveyance, Louisiana
Fall River Harbor, Massachusetts
Lower St. Anthony Falls Rapids, Minneapolis, Minnesota
Red Falls Lake, Minnesota
Tupelo, Mississippi
Cumulative Flooding Impacts Study, Metropolitan St. Louis, Missouri
Little Blue River Basin, Missouri
Yellowstone River at Glendive, Montana
Elizabeth River Watershed, New Jersey
Lake Sakakawea and Oahe, North Dakota
Indian Creek, Massieville, Ohio
Lake Erie Waterfront, Euclid, Ohio
Sac and Fox Nation, Oklahoma
Condit Dam, White Salmon River, Oregon and Washington
Delaware River Watershed, Pennsylvania
Potomac River Watershed, Pennsylvania
Susquehanna River Watershed, Pennsylvania
Little Narragansett Bay, Rhode Island and Connecticut
Central City, Texas
North Padre Island, Texas
Clear Creek and Tributaries, Texas
Coastal Texas Protection and Restoration Study
Harris Gully, Texas
Nueces River and Tributaries, Texas
Land and Water Resources of Vermont
Ilwaco Channel Extension, Baker Bay Study, Washington

Continuing Authorities Programs

The Army Corps of Engineers also has authority to perform small projects of various types under continuing authorities programs. This bill modifies many of the continuing authorities programs to modernize and update the programs, including the development of usable names. Examples of projects that may be performed under continuing authorities programs include, but are not limited to:

Protection and restoration due to emergencies at shores and streambanks (PRESS)—created under section 14 of the Flood Control Act of 1946 (Public Law 79–526).

(1) Eel River Streambank Stabilization, Massachusetts
(2) Bates Street Outfall, Michigan

Navigation enhancements for waterbourne transportion (NEWT)-created under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(1) Little Rock Port, Arkansas
(2) Au Sable River, Michigan
(3) Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin
(4) Sutherlin Creek Enhancement Project, Oregon

Restoration of the environment for protection of aquatic and riparian ecosystem program (REPARE)—created under section 206 of the Water Resources Development Act of 1996 (Public Law 104–303).

(1) San Diego Wetlands, California
(2) Suisun Marsh, San Pablo Bay, California
(3) Chattahoochee Fall Line Ecosystem Restoration Project, Georgia
(4) City Park/University Lakes Master Plan, Louisiana
(5) Blackstone River Anadramous Fish Restoration, Rhode Island

Flood Control—created under section 205 of the Flood Control Act of 1948 (Public Law 80–858).

(1) Cache River Basin, Arkansas
(2) Cass River, Michigan
(3) Marsh Creek, Minnesota

Environmental modification of projects for improvement and restoration of ecosystems program (EMPIRE)—created under section 1135 of the Water Resources Development Act of 1986 (Public Law 99–662).

(1) Seven Oaks Dam Borrow Pit Groundwater Conservation and Habitat Restoration Project, California

Incomplete Projects

The committee also encourages the Army Corps of Engineers to expedite completion of the following projects:

(1) Dillingham Small Boat Harbor, Dillingham, Alaska
(2) Kake Dam, Kake, Alaska

WATER RESOURCES DEVELOPMENT ACT OF 2004

The Water Resources Development Act of 2004, reported by the Committee on Environment and Public Works as original text, resulting from consideration of S. 2554, introduced on June 23, 2004, by Senator Frist, for Senators Inhofe, Jeffords, Bond and Reid, incorporates some of the provisions as outlined below.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title; Table Of Contents.

This section designates the title of the bill as "The Water Resources Development Act of 2004" and lists the table of contents.

Sec. 2. Definition of Secretary.

This section defines the term "Secretary" for the purposes of the Act as the Secretary of the Army.

TITLE I—GENERAL PROVISIONS

Sec. 1001. Credit for in-kind contributions.

This section provides general authority for the Secretary to provide credit for in-kind services made by the non-Federal sponsor toward the non-Federal share of the cost of a project. This authority applies to all authorized projects, including projects implemented under general continuing authority. In-kind services include:

1) the costs of planning (including data collection), design, management, mitigation, construction, and construction services; and

2) the value of materials or services provided before the execution of an agreement for the project, including efforts on constructed elements incorporated into the project and materials and services provided after an agreement is executed.

In all cases, credit is subject to a determination by the Secretary that the property or service provided is integral to the project. Credit may be provided as long as it does not exceed the non-Federal share of the cost of the project, it does not alter any other requirement that the non-Federal interest provide land, easements or rights-of-way, or an area for disposal of dredged material for the project, or it does not exceed the actual and reasonable costs of the materials, services, or other items provided by the non-Federal sponsor.

This section was incorporated in the Water Resources Development Act of 2004 to ensure that a consistent crediting policy is applied throughout the Army Corps of Engineers for all projects undertaken. The committee recognizes that many non-Federal sponsors have significant capability to carry out elements of projects and studies, as described in the testimony offered by Mr. Gregory A. Zlotnik, Director of the Santa Clara Valley Water District in California, on March 31, 2004, at a hearing before the U.S. Senate Committee on Environment and Public Works, Subcommittee on Transportation and Infrastructure regarding the Water Resources Development Act of 2004, which this credit policy is designed to encourage.

It is the intent of the committee to allow credit for in-kind contributions for all on-going, but not completed, projects in accordance with this section. Ongoing projects that this crediting policy applies to include, but are not limited to:

(1) White River Basin Comprehensive Study, Arkansas and Missouri
(2) San Francisco Bay to Port of Stockton Channel Deepening Project, California
(3) Pinole Creek, California
(4) Walnut Creek Channel Aquatic Restoration, California
(5) Garyson's Creek/Murderer's Creek, California
(6) Wildcat Creek, Phase I, California
(7) Wildcat Creek, Phase II, California
(8) South Platte River Urban Watershed, Colorado
(9) Port of Miami, Florida
(10) Port of Tampa, Florida
(11) Ft. Pierce Shoreline Protection Study, Florida
(12) Gasparilla and Estero Islands Shore Protection Project, Florida
(13) Broward County and Hillsboro Inlet Shore Protection Project, Florida
(14) South Branch of the Wild Rice River, Minnesota
(15) Pemiscot County Harbor, Missouri
(16) Monarch Chesterfield, Missouri
(17) Sand Creek Watershed, Nebraska
(18) Watershed Management and Development, Nevada

(19) Great Lakes Fishery and Ecosystem Restoration Program
(20) John Glenn Great Lakes Basin Program
(21) Alsop/Brownwood Wetlands Restoration Project, Oregon
(22) San Antonio Channel, Texas

Sec. 1002. Interagency And International Support Authority.

This section modifies the existing authority to provide support for other Federal agencies and international organizations. Under current law, the Secretary is authorized to receive funds to support Federal agencies or international organizations (after consultation with the Department of State) to address problems of national significance to the United States. This section allows the Secretary to also provide support to foreign governments and it adds contracting as one of the activities the Army Corps of Engineers may undertake under this authority. It authorizes $1,000,000 for this purpose for fiscal year 2005. This section also lists examples of projects that may receive assistance under this section which include but are not limited to:

(1) Lake Wappanoca, Arkansas
(2) Arkansas Valley Conduit, Colorado
(3) Egmont Key, Florida
(4) Wind River Irrigation Project, Wyoming

By changing the consultation requirement to the Department of State, the Secretary is able to streamline the consultation process to more quickly and effectively work directly with the offices within the State Department that oversee the particular support requests

Sec. 1003. Training Funds.

This section authorizes the Secretary to allow private sector individuals to enroll in training classes or courses offered by the Army Corps of Engineers and to recoup expenses incurred by the Corps in providing training for those participants. It also authorizes the Secretary to retain the funds paid by private sector individuals who enroll in these courses. Funds retained by the Secretary must be credited to an appropriation or account used to pay for training costs and shall be available without further appropriations for use by the Secretary for training purposes. Amounts received in excess of costs of training are required to be credited to the U.S. Treasury.

Under the current system, the more successful the Army Corps of Engineers is in training the private sector, the greater the financial burden on the agency. Currently, any reimbursements collected by the Army Corps of Engineers for training provided to private sector individuals are sent to the U.S. Treasury as miscellaneous receipts.

Sec. 1004. Recreation User Fees.

This section amends section 225 of the Water Resources Development Act of 1999 (16 U.S.C. 460l–6a note) to make the demonstration recreation fee program permanent for the Army Corps of Engineers. First, this section modifies existing law to allow the Army Corps of Engineers to retain 100 percent of the recreation fees it collects, not just those above a baseline of $34,000,000. It allows

the fees collected to remain available until expended rather than just through fiscal year 2005. It expands the list of tasks for which fees may be used to include planning. Eighty percent of the fees collected are to be made available for expenditure by the Corps District in which they are collected.

Second, this section establishes the scope of the permanent recreation user fee program. The Secretary is required to charge and collect fees for admission to the recreation area or site or for the use of outdoor recreationsites, facilities, visitor centers, equipment, and services by individuals or groups. Fees are to be based on the fair market value of the admission or use to maximize recreation benefits of the projects.

The Secretary is authorized to use contracts, including reasonable commissions, with public or private entities to provide visitor services for the recreation area or site, including taking reservations and providing information. The Secretary is also authorized to accept volunteer services to collect fees. The Secretary is required to charge and collect rents for any lease with a non-Federal entity relating to project land. Leases must be a minimum of 25 years and may be renewed for an additional 25-year period. If land is unused, the Secretary shall terminate leases. This section applies chapter 69, title 31, U.S.C. (payments in lieu of taxes) to land leased to non-Federal entities. Finally, any recreation fees collected under this section are deemed in lieu of fees charged under any other provision of law.

The committee expects the Secretary to attempt to recover from users the costs of operating and maintaining recreation areas or sites on project land. This section ensures that the majority of the fees stay at the site to reinvest in visitor facilities and services. For this reason, 80 percent of the fees are to be used to benefit the visitors at the site of collection.

The committee recognizes that recreation fees are sometimes spent in ways that may not be apparent, but would be noticed by visitors if the investment did not occur. Recreation fees are spent on such services as maintaining and upgrading toilet facilities, trails, and parking lots. The committee encourages the Secretary to communicate with the public on how recreation fees are spent to enhance the visitor experience.

The committee recognizes that certain recreation activities require additional attention by agency staff or involve additional costs. These extra costs should be borne by those visitors participating in these activities and not by the general public or by the rest of the visiting public.

The committee recommends the Secretary not charge fees for locations where there has not been a significant investment for recreation. The committee recognizes that, under the demonstration authority for dispersed recreation, such as for: areas with little or no facilities or services; for persons who are driving-through, walking-through, or hiking through Federal lands without using the facilities or services; for undesignated parking; and for overlooks or scenic pullouts. The committee expects the Secretary to continue to follow the criteria established in Army Corps of Engineers documents (EP 1130–2–550 and ER 1130–2–550) in determining where fees are applicable under the Recreation Fee authority.

As demand for public recreation grows in scope and form, the committee expects the permanent recreation fee program to help meet these demands. The committee recognizes that sites that attract thousands of visitors each day and tens of thousands of visitors each year, must invest in sanitation facilities, parking, campgrounds, shelters, boat ramps, and other infrastructure that helps ensure access, safety, and resource protection so the very feature that attracts the visitor remains available for the future.

Sec. 1005. Corps of Engineers River Stewardship Commission.

This section establishes a "Corps of Engineers River Stewardship Commission" and directs the Commission to complete an investigation and submit to Congress, within 2-years of the date of enactment of this Act, a report on the management of rivers in the United States by the Army Corps of Engineers, with special emphasis on a number of factors detailed in this section. The Commission terminates on the date on which it submits its report to Congress or within 60 days after the date on which the report is due. This section also establishes membership and operating procedures for the Commission. $5,000,000 is authorized to be appropriated to carry out this section for each of fiscal years 2005 through 2007.

Sec. 1006. Improvement of water management at Corps of Engineers reservoirs.

This section authorizes the Secretary to carry out measures in cooperation and coordination with States, tribal governments, and local governments to more effectively and efficiently meet the water resource needs of areas affected by the reservoirs operated and maintained by the Army Corps of Engineers. It requires that all revenues collected in connection with reservoir operation for navigation, flood control, or multi-purpose projects, except those collected for recreation, be credited to the revolving fund established under section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 701b–10). Eighty percent of those revenues shall be available within the Corps District in which they were generated for the purpose of defraying costs of planning, operation, maintenance, replacements, and upgrades of, and emergency expenditures for, all facilities of Army Corps of Engineers projects within that District. Twenty percent of those revenues shall be available on an agency-wide basis for the same purposes. Water supply storage fees shall not exceed the net change in receipts or outlays to the Treasury due to a reallocation of storage.

In addition, this section establishes a new program for hydroelectric maintenance fees. Power marketing administrators, other than the Bonneville Power Administration (which directly funds operations and maintenance costs), shall pay 0.22 cents per kilowatt-hour as reimbursement for operations and maintenance expenses associated with the project during fiscal years 2005 through 2010. The Secretary is required to report to the Senate Committee on Environment and Public Works and the House of Representatives Committee on Transportation and Infrastructure with the estimated cost of operation and maintenance associated with hydroelectric facilities and recommend an appropriate reimbursement rate calculated on a per-kilowatt basis.

Water supply and management issues are becoming increasingly important as the demand on existing supplies continues to grow. The Army Corps of Engineers currently manages 383 major dams and reservoirs, providing significant benefits to many regions of the Nation. However, some of these reservoirs use operating plans that may no longer reflect the best comparative net economic and environmental returns for the Nation. The intent of this program is to ensure existing Army Corps of Engineers reservoirs contribute to enhance economic and ecosystem values in a cost efficient and environmentally sustainable way as water demands continue to increase.

Sec. 1007. Fiscal Transparency Report.

This section directs the Secretary to prepare and submit to Congress on the third Tuesday of January, beginning in 2005, and each year thereafter, a report on the expenditures for the preceding fiscal year and estimated expenditures for the current fiscal year for:

(1) Construction
(2) Operation and Maintenance of inland and intracoastal waterways
(3) General Investigations, reconnaissance, and feasibility studies
(4) Interagency and International Support Activities
(5) Recreation Fees and Lease Payments
(6) Hydropower and Water Supply Fees
(7) Inland Waterway Trust Fund and Harbor Maintenance Trust Fund
(8) Other revenues and fees
(9) Permit Application and notification processing information
(10) Project backlog

This section provides details on what is required to be reported for each item. This information will allow Congress to evaluate funding priorities to support the projects and programs of the Army Corps of Engineers.

Sec. 1008. Planning.

First, this section requires the Secretary to assess each water resource project's and project increment's cost-effectiveness and compliance with local, State, and national laws, regulations, and public policies. While the committee expects that all Army Corps of Engineers projects will be fully compliant with local, State and national laws, regulations, and public policy, it is aware of instances where a project may come into conflict with particular laws, regulations, or public policies. This section ensures that such conflicts, including the degree and severity, will be identified and assessed by the Army Corps of Engineers and documented in the feasibility report.

Second, the Secretary, in consultation with the Water Resource Planning Council, is required to revise the agency's planning guidelines, regulations, and circulars of the Army Corps of Engineers within 18 months of enactment of this Act and every 5 years thereafter to improve the analysis of water resources projects, including the integration of new and existing analytical techniques that properly reflect the probability of project benefits and costs.

This section provides criteria on what must be included in a cost-benefit analysis. This section also limits the duration of feasibility reports to not more than 2 years, but in no cases to more than 3 years.

This section provides specifics on what must be included in a cost-benefit analysis. All feasibility studies must include an analysis of the benefits and costs, both quantified and unquantified. All cost benefit analyses must:

1) identify areas of risk and uncertainty in the analysis;

2) clearly describe the degree of reliability of the estimated benefits and costs of the effectiveness of alternative plans, including an assessment of the credibility of the project construction schedule as it affects the estimated benefits and costs. Construction delays can impact the realization of expected benefits and costs, and therefore must be included in the cost benefit analysis;

3) identify local, regional, and national economic costs and benefits. The committee heard testimony that local and regional benefits are routinely disregarded when the Army Corps of Engineers chooses between alternative plans. Because local communities are cost-sharing significant portions of project study, design, construction, coupled with the fact that some local and regional input may result in the formation of better project alternatives, the committee believes that the exclusion of local and regional benefits should cease;

4) identify environmental costs and benefits, including the costs and benefits of protecting or degrading natural systems. The committee believes that it is important to identify and measure not just costs of degrading natural systems, but also benefits of protecting natural systems;

5) identify social costs and benefits, including a risk analysis regarding potential loss of life that may result from flooding and storm damage. The committee believes that avoiding loss of life, while not economically quantifiable, should be included in the analysis.

6) identify cultural and historical costs and benefits;

7) exclude from the estimate of benefits and costs any increase in direct Federal payments or subsidies. The committee believes that benefits or costs derived from increased Federal subsidies should not be used to justify Federal water resource projects.

8) exclude as a benefit, any increase in direct Federal payments or subsidies and any project benefit attributable to any change in, or intensification of, land use arising from the draining, reduction, or elimination of wetlands. The committee believes that the Army Corps of Engineers' practice of counting benefits attributable to the draining, reduction, or elimination of wetlands should cease; and

9) apply a discount rate consistent with that used by other Federal agencies for water resource projects. The committee believes that all Federal agencies should be using the same discount rate.

The committee intends that planning guidelines, regulations and circulars shall improve the analysis of water resources projects, including the integration of new and existing analytical techniques that properly reflect the probability of project benefits and costs. The guidelines, regulations, and circulars should also reflect the

standard in this section that feasibility reports shall normally be not more than 2 years, but in no case may be longer than 3 years.

Sec. 1009. Water Resources Planning Council.

This section establishes a Water Resources Planning Council within the Army Corps of Engineers to integrate planning policies that guide the use of economics, environmental, engineering, scientific, and technical information to support the recommendations of the Chief of Engineers for implementation of water resources projects, including peer review of such information. The Council plays an advisory role for the Chief of Engineers in addressing concerns that may arise regarding the integration of policy and science in decisionmaking. The duties of the Council include:

1) providing technical and managerial assistance to district engineers for project planning, development, and implementation;

2) providing independent peer reviews of new major scientific, engineering, or economic methods, models, or analyses that will be used to support decisions of the Secretary with respect to feasibility studies; and

3) performing such other duties as prescribed by the Secretary.

In addition to these general duties, this section identifies eight specific actions that the Council shall take regarding the water resources planning process.

Within 2 years of the date of enactment of this Act, the Council shall submit a report to Congress including the set of approved methods, models, and procedures to be applied to the water resources planning process across the Army Corps of Engineers and the milestones developed to measure the timeliness and effectiveness of the water resources planning process. Every 5 years thereafter, the Council is required to submit a report to Congress describing the effectiveness of water resources planning process in comparison to the established milestones, any independently peer reviewed changes to the methods, models, and procedures used, and a discussion of any planned changes to the established milestones, including reasons why the changes are necessary.

This section establishes membership of the Council to include representatives from non-Federal interests from various water resource project purposes, State resource agencies, the Departments of Interior and Agriculture, and the Council on Environmental Quality. It exempts the Council from the Federal Advisory Committee Act (FACA) and authorizes such sums as necessary to carry out this section. The committee believes that the Secretary, in establishing the Council, should consider regional distribution, size of council, and term of office to ensure maximum effectiveness.

Sec. 1010. Independent Reviews.

Subsection (a) directs the Inspector General of the Army to convene an independent peer review panel prior to the submission of a project study or report required to be submitted to Congress for authorization. The panel shall be sufficiently broad and diverse to fairly represent the relevant scientific perspectives and fields of knowledge. While there are benefits to conducting independent peer reviews, such reviews will place a resource burden on the agency. Therefore, peer review is only being required for those

project studies and reports that must be submitted to Congress for authorization. Because the agency will also be complying with the Information Quality Act, the committee does not envision two duplicative peer review processes to comply with this section and the Information Quality Act.

Subsection (b) describes the panel membership. A panel shall be composed of not less than 3 nor more than 7 independent peer reviewers. They shall be selected on the basis of necessary technical or scientific expertise and have significant experience in the geographic area or in the type of ecologic conditions in the area being studied. A reviewer shall not be employed by the Army Corps of Engineers, have participated in the project development, or have a financial interest or professional association with any entity with a financial interest in the project. The Inspector General of the Army shall consult with the Institute for Water Resources, National Academy of Sciences, American Society of Civil Engineers, and other appropriate organizations in selecting reviewers.

Given the technical aspect of projects and reports, the most important factor in selecting reviewers is expertise. The Inspector General of the Army should ensure that the selected reviewers have the knowledge, experience, and skills necessary to perform the review.

Subsection (c) establishes the duties of the panels. Each panel shall review the project study or report required to be submitted to Congress for authorization, assess the adequacy of the economic, scientific and environmental models used to determine that appropriate and applicable economic and scientific methods of analysis have been used and the best available economic, scientific, and environmental data have been used. The panel shall also address specific technical questions posed by the Inspector General of the Army and submit a report to the Secretary with conclusions 180 days after the panel received the draft project study or report.

Subsection (d) directs the Secretary to provide the panel with sufficient information to conduct the independent peer review and any other information the panel requests.

Subsection (e) directs the Secretary to provide the panel with written or oral comments received from the public on the project study or report.

Subsection (f) describes the contents for a panel report. The report shall describe the nature of the review, including findings and conclusions of the panel and disclose the names, organizational affiliations and a short paragraph on the credentials and relevant experiences of each independent peer reviewer.

Subsection (g) establishes the requirements for the Secretary's response to a panel report. If the Secretary receives a report at least 14 days before submitting a project study or report to Congress, the Secretary shall take into consideration any recommendations in the report and prepare a written response to the report explaining the agreement or disagreement with the report, changes made to the project study or report in response to the panel's report, and the reasons those changes satisfy any key concerns or recommendations in that report. The Secretary shall disseminate the final independent peer review report and the Secretary's response on the Army Corps of Engineers' website and include all

materials relating to the independent peer review report with the submission of the report of the Chief of Engineers to Congress.

Subsection (h) requires that independent peer review reports be completed not later than 180 days after the date on which the panel received the draft project study or report, but the Inspector General of the Army may grant a 30-day extension. If the panel does not complete the independent peer review report on time, the Secretary may submit the project study or report to Congress as scheduled.

Subsection (i) exempts an independent peer review panel from the applicability of the Federal Advisory Committee Act.

Subsection (j) clarifies that the Secretary is not required to conduct an independent peer review of an existing water resources project.

The committee believes that the economics, science and engineering in project studies and reports can benefit from independent peer review. The committee recognizes that there is a fundamental distinction between the engineering, scientific or technical aspects of a study and those aspects that are purely a government function. Uncertainty is inherent in economics, science and engineering. Consequently, it is important that peer reviewers be asked to ensure that scientific uncertainties are clearly identified and characterized. Within this context, peer reviewers can make an important contribution by distinguishing scientific facts from professional judgments. In addition, a review should identify whether more research is likely to decrease key uncertainty and whether changes in those uncertainties would appreciably influence the conclusions of the study.

For the purposes of this section, the committee believes that policy considerations are solely the purview of the Secretary. The Secretary should make the results of the Water Resources Planning Council reviews of major scientific and engineering methods, models, and procedures that will be applied in multiple planning studies available to independent peer review panels to avoid the duplicative peer review of the methods, models, and procedures themselves.

Section 216 of the Water Resources Development Act of 2000 directed the Secretary to contract with the National Academy of Sciences to study and make recommendations relating to the independent peer review of feasibility reports for water resources projects. The July 25, 2002, report by the Panel on Peer Review made numerous recommendations, several of which were considered during the development of this section.

Sec. 1011. Fish and Wildlife Mitigation.

This section amends section 906 (a) of the Water Resources Development Act of 1986.

Subsection (a) amends 906(d) to establish a mitigation standard. The Secretary shall, at a minimum, acquire and restore the same number of acres of habitat that fully replace the hydrologic and ecological functions and characteristics of each acre of habitat adversely affected by the project. It also amends section 902(d) to require completion of all mitigation no later than one fiscal year after completion of the project where such mitigation is not undertaken

in advance or concurrently. This subsection also amends section 906(d) to identify the elements to be included in the specific mitigation plan that already is required under that section 906. The plan shall include specific time-dependent success criteria, prepared in consultation with the U.S. Fish and Wildlife Service, by which the mitigation will be evaluated and determined to be successful; a description of the land and interests in land to be used for mitigation and as the basis for a determination that lands and interest will be available at the time required; a schedule for monitoring mitigation, evaluating the degree to which the attempted mitigation does or does not meet the success criteria until attempted mitigation meets the success criteria; and taking corrective actions in case mitigation efforts are not meeting success criteria. This subsection also requires that monitoring for mitigation shall be cost-shared in accordance with the original construction project for a maximum of 10 years and be 100 percent non-Federal responsibility after 10 years. Requirements for success for mitigation efforts are established in this subsection.

The committee does not intend monitoring for all projects to last for the full 10 years. The Secretary shall consult annually with the U.S. Fish and Wildlife Service on each project requiring mitigation to determine whether mitigation monitoring demonstrates that the projects are or are not achieving success and ensure that implementation of corrective actions after finding that the original mitigation efforts are not or are not likely to meet the success criteria. The plan should also include the type, amount, and characteristics of the habitat to be restored. In addition, the plan should identify success criteria based on the replacement of lost functions and values of the habitat, including hydrologic and ecologic characteristics.

Subsection (b) requires mitigation to be undertaken before any construction of the project begins or concurrently with the acquisition of land and interest in land for the project. In order to ensure concurrent mitigation, the Secretary shall construct 100 percent of required offsite mitigation before 50 percent of construction is completed and complete required onsite mitigation as expeditiously as practicable, but not later than the last day of construction of the project or separable element of the project. If it is physically impracticable to meet these requirements, the Secretary shall reserve or reprogram funds to complete the mitigation, but in no case later than the end of the next fiscal year immediately following the last day of construction of the project.

Subsection (c) requires the Secretary to establish a record keeping system to track the habitat, mitigation, and monitoring status for each water resource project constructed, operated or maintained by the Secretary and for each permit issued under section 404 of the Federal Water Pollution Control Act, and make it available on the Internet.

Sec.1012. Agreements for water resource projects.

Subsection (a) amends section 221 of the Flood Control Act of 1970, to rename project cooperation agreements as partnership agreements, allow district engineers to enter into partnership agreements, and allow partnership agreements to provide for liquidated damages. This subsection also requires that, if the Sec-

retary determines that a project needs to be continued for the purposes of public health and safety, the non-Federal interest shall pay the increased project costs, up to an amount equal to 20 percent of the original estimated project costs and in accordance with the statutorily determined cost share and the Secretary shall pay all increased costs remaining.

Subsection (b) amends 912(b) of the Water Resources Development Act of 1986 to eliminate civil penalties in partnership agreements and allow the use of liquidated damages.

Subsection (c) clarifies that these changes apply only to partnership agreements entered into after the date of enactment, unless the non-Federal interest requests applicability from the district engineer and construction has not been initiated.

Subsection (d) clarifies that cooperation agreements or project cooperation agreements shall be partnerships agreements or project partnership agreements, respectively and vice versa.

The Water Resources Development Act of 1986 significantly increased the roles and responsibilities of project sponsors. As a result of the Water Resources Development Act of 1986, project cooperation agreements (PCAs) required under Section 221 of the Flood Control Act of 1970 and Section 912 of the Water Resources Development Act of 1986 assumed significant importance in defining non-Federal responsibilities for providing items of local cooperation.

In testimony before the committee, non-Federal project partners expressed frustration in the multiple layers of review and approval imposed upon the execution of PCAs within the Department of the Army, which produced needless delays and inefficiencies. The committee expects these changes will address the concerns of non-Federal interests, improve efficiency by streamlining the process for approving partnership agreements, and foster a culture of true partnerships that will improve projects and their implementation.

Sec. 1013. State Technical Assistance.

This section amends section 22 of the Water Resources Development Act of 1974. It authorizes the Secretary, upon request of a governmental agency or non-Federal interests, to provide technical assistance at Federal expense. This assistance may include hydrologic, economic and environmental data and analyses and may not exceed $10,000,000 a year. Of the amount authorized, $2,000,000 may be used for cooperative agreements with nonprofit entities to provide assistance to rural and small communities. This authority will allow the Army Corps of Engineers to participate with State and local governments in watershed planning. The committee does not intend the receipt of funds by non-profit organizations and State agencies under other Federal programs to preclude technical assistance under this section.

In addition, this section eliminates the $500,000 State limitations under section 22 and directs the Secretary to submit, as part of the President's annual budget request, a list of the individual activities proposed for funding under this program.

The committee believes this section will better support State, tribal, and local government for integrated water resources management.

Sec. 1014. Access to Water Resources Data.

Subsection (a) directs the Secretary to carry out a program to provide public access to water resources and related water quality data.

Subsection (b) requires that the program include access to data generated in water resources project development and regulation under section 404 of the Federal Water Pollution Control Act and employ geographic information system technology and linkages to water resources models and analytical techniques.

Subsection (c) requires the Secretary to develop partnerships with States, tribal, and local governments and other Federal agencies in carrying out this program. Subsection (d) authorizes $5,000,000 to carry out the section.

The committee is aware that the Army Corps of Engineers collects significant amounts of water resources and related data in the development of water resources projects and the regulation of wetlands. This data, including models and analytical techniques developed and maintained by Army Corps of Engineers laboratories, are valuable to States, tribal, and local governments and the general public, yet, in this age of modern information technology, are not accessible. The committee believes the program established by this section will improve water management and save money at all levels of government.

TITLE II—NAVIGATION

SUBTITLE A—INLAND WATERWAY

CHAPTER 1—STUDIES

Sec. 2001. McClellan-Kerr Arkansas River Navigation System.

The deepening of the McClellan-Kerr Arkansas River Navigation System (MKARNS) from 9 feet to 12 feet, authorized by Section 136, Energy and Water Development Act, 2004, Public Law 108–137, may allow for more efficient movement of commodities, may be beneficial to the national economy; and may reduce the use of fossil fuels, thereby improving air quality, reducing transportation congestion and improving public safety. Before proceeding with actual deepening of the channel, the Secretary must satisfy the provisions of the National Environmental Policy Act to disclose the impacts associated with deeper dredging of the waterway. Accordingly, the Secretary is directed to document these positive and negative economic and environmental effects of deepening the MKARNS, to facilitate a thorough and complete analysis of the project. In addition, as part of the Endangered Species Act coordination, the committee has seen no evidence that deepening the channel will or will not demonstrably effect endangered sturgeon species. Accordingly, the Secretary is to convene a panel of experts in conjunction with the Oklahoma State University to address this issue.

CHAPTER 2—PROJECTS

SUBCHAPTER A—AUTHORIZATIONS

Sec. 2101. Deep Creek, Chesapeake, Virginia.

Location. Chesapeake, Virginia.
Purpose. Navigation (Bridge Replacement).
Problem. The bridge, constructed in 1934, is a federally owned and operated facility and assists in navigation. The bridge passes over the Dismal Swamp Canal where U.S. Route 17 crosses it. The bridge is a two-lane low level swing bridge with several intersecting side streets, none of which meet today's highway/bridge standards. The bridge is considered obsolete.
Recommended Plan. Low-level, 5-lane, split leaf, pit bascule bridge, with separate 2-lane and 3-lane leafs. The new bridge will relieve heavy traffic congestion, correct poor alignments with connecting roads, and insure the required safety features are brought up to standard. Further, the city of Chesapeake will assume ownership of the bridge.
Project Costs. Total cost $32,048,000. Federal cost $32,048,000.
Benefit/Cost Ratio. 8.3 to 1.

SUBCHAPTER B—PROJECT MODIFICATIONS

Sec. 2111. Black-Warrior Tombigbee Rivers, Alabama.

This section authorizes the Secretary to construct a new project management office for the Black Warrior-Tombigbee Rivers and Alabama River projects to be located in the vicinity of Tuscaloosa, Alabama. To accomplish this section, the Secretary shall acquire necessary real estate interests, prepare required environmental documentation, design and construct office, warehouse, shop and dock facilities, and necessary ancillary buildings for the new project management office (deletion not accepted). The Secretary shall sell, convey, or otherwise transfer to the city of Tuscaloosa, Alabama, at fair market value, the land and structures with the existing project management office, if the city agrees to assume full responsibility and costs associated with the demolition of the existing project management office. There is authorized to carry out this section $32,000,000.

Sec. 2112. Larkspur Ferry Channel, California.

This section authorizes the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is feasible. If the Secretary determines that maintenance of the project is feasible, the Secretary shall maintain the channel.

Sec. 2113. Redwood City navigation project, California.

This section authorizes the Secretary to dredge the Redwood City Navigation Channel on an annual basis, to maintain the authorized depth of −30 feet mean lower low water.

Sec. 2114. St. George's Bridge, Delaware.

This section amends Section 102(g) of the Water Resources Development Act of 1990 (104 Stat. 4612) to direct the Secretary to assume ownership of the State Route 1 replacement bridge and

continue to operate and maintain the existing St. Georges Bridge unless otherwise directed by Congress.

Sec. 2115. Chicago River, Illinois.

This section reduces the width of the authorized navigation channel from between 100 and 120 to no wider than 66 feet from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge, Chicago, Illinois to ensure consistency in Army Corps of Engineers records to actual bridge size.

Sec. 2116. Red River (J. Bennett Johnston) Waterway, Louisiana.

This section will allow the Secretary to purchase and reforest lands, which have been cleared or converted to agricultural uses for mitigation purposes. Current law restricts land purchases to bottomland hardwood lands. There are no additional willing sellers of bottomland hardwood lands available. This change will increase the amount of land available to meet the projects' mitigation requirements.

Sec. 2117. Fall River Harbor, Massachusetts and Rhode Island.

First, this section extends the authorization for the project for navigation, Fall River Harbor, Massachusetts and Rhode Island authorized by section 101 of the River and Harbor Act of 1968(82 Stat. 731) and amends the authorization to restrict the project depth of the existing navigation project riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, to not more than 35 feet in depth. Second, this section also directs the Secretary to conduct a study to determine the feasibility of deepening the portion of the navigation channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, seaward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts. If funds are not obligated for construction (including planning and design) of the Fall River Harbor project within 5 years of the enactment of this act, the original project will no longer be authorized.

Sec. 2118. Cooper River bridge demolition, Charleston, South Carolina.

This section authorizes the Secretary to carry out planning, design, and construction for the demolition and removal of the Grace and Pearman Bridges over the Cooper River, South Carolina and to use the remnants from that demolition and removal to develop an aquatic reef off the shore of South Carolina. There is authorized $39,000,000 to be appropriated to carry out this section.

Sec. 2119. Plant Replacement and Improvement Program, Corps of Engineers Charleston District Equipment and Storage Yard, South Carolina.

This section authorizes the Secretary to convey or transfer the property of the Army Corps of Engineers known as the "Equipment and Storage Yard" (EASY), to the State of South Carolina, in as-is condition for fair market value.

Sec. 2120. Old Hickory Lock and Dam, Cumberland River, Tennessee.

This section extinguishes the reversionary interests and use restrictions relating to recreation and camping purposes with repect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (commonly known as "Easter Seals Tennessee") at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087). The Army Corps of Engineers retains remaining rights or interest of the Army Corps of Engineers with respect to an authorized purpose of any project.

Sec. 2121. McNary Lock and Dam, McNary National Wildlife Refuge, Washington.

This section directs the transfer of administrative jurisdiction over the land acquired for the McNary Lock and Dam Project and managed by the Fish and Wildlife Service under Cooperative Agreement Number DACW68–4–00–13 from the Army Corps of Engineers to the US Fish and Wildlife Service. The land shall continue to be managed as part of the McNary National Wildlife Refuge. This section includes specific provisions regarding retention of habitat unit credits at the Cummins property. It requires the Fish and Wildlife Service to obtain priority approval of the Washington State Department of Fish and Wildlife for any change to the previously approved site development plan for the Cummins property, and it requires that the Fish and Wildlife Service continue operation of the Madame Dorian Recreation Area for public use and boater access.

Sec. 2122. Snake River Project, Washington and Idaho.

This section is a project modification for the Snake River Project, Oregon and Washington, authorized by section 101 of the Water Resources Development Act of 1976 (90 Stat. 2921), to amend the Fish and Wildlife Compensation Plan for the Lower Snake River, Washington, and Idaho. This subsection authorizes the Secretary to conduct studies and implement aquatic and riparian ecosystem restoration and improvements specifically for fisheries and wildlife.

Sec. 2123. Marmet Lock, Kanawha River, West Virginia.

This provision increases the authorized project costs from $229,581,000 to $358,000,000 due to an increase in construction costs for the project authorized by section 101(a) of the Water Resources Development Act of 1996 (110 Stat. 3666).

Sec. 2124. Enhanced Navigation Capacity Improvements and Ecosystem Restoration Plan For The Upper Mississippi River And Illinois Waterway System

This section authorizes navigation improvements and ecosystem restoration for the Upper Mississippi River and Illinois Waterway System. These improvements and ecosystem restoration for the Upper Mississippi River and Illinois Waterway System is in general conformance with the preferred integrated plan contained in the document entitled "Integrated Feasibility Report and Programmatic Environmental Impact Statement for the UMR-IWW

System Navigation Feasibility System" and dated April 29, 2004. The Upper Mississippi River and Illinois Waterway System consists of the projects for navigation and ecosystem restoration authorized by Congress for the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0 and the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O'Brien Lock in Chicago, Illinois, River Mile 327.0.

In section 1103(a)(2) of the Water Resources Development Act of 1986 (100 Stat. 4225), Congress recognized the Upper Mississippi River System as "a nationally significant ecosystem and a nationally significant commercial navigation system" and declared that the system "shall be administered and regulated in recognition of its several Purposes".

The inland waterway transportation system moves 16 percent of the freight in the United States for 2 percent of the cost, including more than 100,000,000 tons on the Upper Mississippi River System. The Upper Mississippi River and Illinois Waterway is a major thoroughfare for goods in the United States. The river provides transportation for 60 percent of the corn exports of the United States and 45 percent of the soybean exports of the United States. It carries approximately 100,000,000 tons of products. The current 600-foot lock system was designed for steamboats, at a time when only 4,000,000 tons moved on the Mississippi River. The Waterway supports 400,000 full-and part-time jobs in the United States, generating over $4,000,000,000 in income and $12,000,000,000 to $15,000,000,000 in economic activity. The Upper Mississippi River System also provides important economic benefits from recreational and tourist uses, resulting in the basin's receiving more visitors annually than most National Parks, with the ecosystems and wildlife being the main attractions.

The current capacity of the Upper Mississippi River System is declining by 10 percent annually and the 600-foot locks at Locks and Dam Nos. 20, 21, 22, 24, and 25 on the Upper Mississippi River and LaGrange and Peoria on the Illinois Waterway are operating at 80 percent utilization. The unplanned closures of a 70-year old infrastructure reduce the potential for sustained growth.

United States farm and trade policies work to open world markets and promote United States exports. Keeping the cost of transportation lower through competition between transportation modes is the United States farmer's competitive advantage in capturing future global growth in agricultural exports. Foreign competitors have worked over the last 10 years to improve foreign transportation infrastructure to compete more effectively with United States production. The movement of 100,000,000 tons on the river system in 4,400 15-barge tows out of harms way would require an equivalent of 4,000,000 trucks or 1,000,000 rail cars moving directly through our communities. The Department of Transportation projects that freight congestion on the roads and rails in the United States will double in the next 25 years.

The Department of Agriculture projects that corn exports will grow 44 percent over the next decade, with a ⅓ increase in growth exported through the Gulf of Mexico. Econometric models are use-

ful analytic tools to provide valuable information, but are unable to account for every market trend, development, and public policy impact. The transportation savings generated by the navigation improvements to the Mississippi River Waterway are expected to provide higher income to farmers and rural communities and to generate Federal and State taxes to support community activities, quality of life, and national benefits. The Army Corps of Engineers has been studying the needs for national investments on the Upper Mississippi River System for the last 15 years and has completed its draft feasibility report dated April 29, 2004. The construction of new 1,200-foot locks and lock extensions will provide more than 48,000,000 man-hours of employment over 10 to 15 years. Based on the current construction schedule of new locks and dams on the inland system, lock modernization will need to take place over 30 years, starting immediately.

The Upper Mississippi and Illinois Rivers ecosystem consists of hundreds of thousands of acres of bottomland forests, islands, backwaters, side channels, and wetlands, including 284,688 acres of National Wildlife Refuge land that provides habitat and recreational opportunities. It is home to 270 species of birds, 57 species of mammals, 45 species of amphibians and reptiles, 113 species of fish, and nearly 50 species of mussels. More than 40 percent of migratory waterfowl and shorebirds in North America depend on the river for food, shelter, and habitat during migration. Development since the 1930's has altered and reduced the biological diversity of the large flood plain river systems of the Upper Mississippi and Illinois Rivers. The annual operation of the Upper Mississippi River Basin needs to take into consideration opportunities for ecosystem restoration, and Congress recognizes the need for significant Federal investment in the restoration of the Upper Mississippi and Illinois River ecosystems.

The navigation improvements authorized for construction by the Secretary of the Army includes small scale and nonstructural measures and new locks.

The small scale and nonstructural measures consists of the construction of mooring facilities at Locks 12, 14, 18, 20, 22, 24, and La Grange Lock, switch boats at Locks 20 through 25 over 5 years for project operations, and the development and testing of an appointment scheduling system. The costs of these measures is $24,000,000 in funds from the general fund of the Treasury, to be matched in an equal amount from the Inland Waterways Trust Fund that is paid by private users.

New 1,200-foot locks are authorized for construction at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway. The cost of the new locks is $730,000,000 in funds from the general fund of the Treasury, with an equal matching amount provided from the Inland Waterways Trust Fund that is paid by private users.

The authorized plan for navigation improvements includes mitigation for the new locks and small scale and nonstructural measures at a cost of $100,000,000 in funds from the general fund of the Treasury, with an equal matching amount provided from the Inland Waterways Trust Fund which is paid by private users.

This section also authorizes ecosystem restoration on the Upper Mississippi River and Illinois Waterway System. First, to ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall, consistent with requirements to avoid any adverse effects on navigation, modify the operation of the Upper Mississippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River. Second, the Secretary shall, consistent with requirements to avoid any adverse effects on navigation, carry out ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Integrated Feasibility Report and Programmatic Environmental Impact Statement for the UMR-IWW System Navigation Feasibility System dated April 29, 2004. This section lists specific types of ecosystem restoration projects that may be conducted under this authority.

The Federal share of the cost of carrying out an ecosystem restoration project under this section shall be 100 percent if the project is located below the ordinary high water mark or in a connected backwater; modifies the operation or structures for navigation; or is located on federally owned land. The Federal share of ecosystem restoration projects not meeting these criteria shall be 65 percent. Nongovernmental organizations shall be eligible to contribute the non-Federal cost-sharing requirements applicable to ecosystem restoration projects. The Secretary of the Army may acquire land or an interest in land for an ecosystem restoration project from a willing owner through conveyance of fee title to the land; or a flood plain conservation easement.

Ecosystem restoration projects shall be carried out at a total construction cost of $1,460,000,000. Of the amounts made available under for construction not more than $35,000,000 for each fiscal year shall be available for land acquisition

Before initiating the construction of any individual ecosystem restoration project, the Secretary of the Army shall: (i) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration; (ii) establish the without-project condition or baseline for each performance indicator; and (iii) for each separable element of the ecosystem restoration identify specific target goals for each performance indicator. Performance measures should comprise specific measurable environmental outcomes, such as changes in water quality, hydrology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species. Restoration design shall include a monitoring plan for the performance measures including a timeline to achieve the identified target goals and a timeline for the demonstration of project completion.

Not later than June 30, 2005, and every 4 years thereafter, the Secretary of the Army shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that includes baselines, benchmarks, goals,

and priorities for ecosystem restoration projects and measures the progress in meeting the goals.

The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report. The panelists shall include 1 representative of each of the State resource agencies or a designee of the Governor of the State from each of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin; 1 representative of the Department of Agriculture; 1 representative of the Department of Transportation; 1 representative of the United States Geological Survey; 1 representative of the United States Fish and Wildlife Service; 1 representative of the Environmental Protection Agency; 1 representative of affected landowners; 2 representatives of conservation and environmental advocacy groups; and 2 representatives of agriculture and industry advocacy groups. The Secretary of the Army and the Secretary of Interior shall serve as co-chairpersons of the advisory panel.

The Secretary, in consultation with the National Academy of Sciences, shall develop a system to rank proposed projects. The ranking system shall give greater weight to projects that restore natural river processes including floodplain restoration and water level management including dam point control. If the Secretary determines that projects for navigation improvement and ecosystem restoration are not moving toward completion at a comparable rate, annual funding for the projects will be adjusted to ensure that projects move toward completion at a comparable rate in the future.

There is authorized to be appropriated such sums as are necessary to carry out the enhanced navigation capacity improvement and ecosystem restoration plan for each of fiscal years 2006 through 2020 and after fiscal year 2020 funds that have been made available under this section, but have not been expended, may be expended and funds that have been authorized to be appropriated under this section, but have not been made available, may be made available.

Sec. 2125. Lower Mississippi River Museum and Riverfront Interpretive Site.

This section amends section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) to allow the purchase of property that is not limited to being held by the Resolution Trust Corporation.

Sec. 2126. Pilot Program, Middle Mississippi River.

This section authorizes the Secretary to carry out a pilot program over at least a 10-year period within the current project for navigation, Mississippi River between the Ohio and Missouri Rivers (Regulating Works), Missouri River and Illinois to restore and protect fish and wildlife habitat in the middle Mississippi River. Activities under this program may include those necessary to improve navigation through the project for navigation, Mississippi River, while restoring and protecting fish and wildlife habitat in the middle Mississippi River system. This section authorizes specific activities

under this program. Cost sharing shall continue to be in accordance with the River and Harbor Acts of 1910, 1927, and 1930.

CHAPTER 3—PROJECT DEAUTHORIZATIONS

Sec. 2141. Inland waterway from Delaware River to Chesapeake Bay, Part II, installation of fender protection for bridges, Delaware and Maryland.

This section deauthorizes the project for construction of bridge fenders for the Summit and St. Georges Bridges over the Chesapeake and Delaware Canal, authorized by the River and Harbor Act of 1954 (68 Stat. 1249). This work has been accomplished as part of the major rhabilitation work on the Summit and St. Georges Bridge.

Sec. 2142. Mayo's Bar Lock and Dam, Coosa River, Rome, Georgia.

This section deauthorizes the project for navigation, Mayo's Bar Lock and Dam, Coosa River, Rome, Georgia, authorized by section 528 of the Water Resources Development Act of 1999 (113 Stat. 347). The lock and dam is currently on the National Register of Historic Places and is currently non-operational.

Sec. 2143. Gulf Intercoastal Waterway, Lake Borgne and Chef Menteur, Louisiana.

This section deauthorizes the project for the construction of bulkheads and jetties at Lake Borgne and Chef Menteur, Louisiana, as part of the Gulf Intracoastal Waterway, authorized by the first section of the River and Harbor Act of 1946 (60 Stat. 635). No funds have been appropriated and no activities have been completed on this feature of the project.

Sec. 2144. Eisenhower and Snell Locks, New York.

This section deauthorizes the project for navigation, Eisenhower and Snell Locks, New York rehabilitation, authorized by section 1163 of the Water Resources Development Act of 1986 (100 Stat. 4258). The St. Lawrence Seaway Development Corporation currently has the responsibility to operate and maintain these facilities.

Sec. 2145. Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas

This section deauthorizes the Red River Waterway, Shreveport, Louisiana to Dangerfield, Texas, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731). Reevaluation of preconstuction and design studies showed the project was not justified and the project has been classified as inactive on August 2, 1994.

Sec. 2146. Schuylkill River, Pennsylvania.

This section deauthorizes the 40-foot project for navigation, Schuylkill River (Mouth to Penrose Avenue), Pennsylvania, authorized by section 344 of the Water Resources Development Act of 1996 (110 Stat. 3722). The project was suspended in 1991 due to

the closure of a grain export facility that both eliminated project benefits and created a single beneficiary situation.

Sec. 2147. Lake of the Pines, Texas.

This section deauthorizes the project for navigation, Lake of the Pines, Texas for the portion of the Red River below Fulton, Arkansas, authorized by the Act of July 13, 1892 (27 Stat. 88, chapter 158), as amended by the Act of July 24, 1946 (60 Stat. 635, chapter 595), the Act of May 17, 1950 (64 Stat. 163, chapter 188), and the River and Harbor Act of 1968 (82 Stat. 731). Recent reevaluation of the transportation economics showed that the project was found to be economically unfeasible.

Sec. 2148. Tennessee Colony Lake, Texas.

This section deauthorizes the project for navigation, Tennessee Colony Lake, Trinity River, Texas, authorized by section 204 of the River and Harbor Act of 1965 (79 Stat. 1091). The project is deemed to be economically unfeasible.

Sec. 2149. City Waterway, Tacoma, Washington.

This section deauthorizes the unused portion of The City Waterway, Tacoma, Washington,consisting of the last 1,000 linear feet of the inner portion of the Waterway beginning at Station 70+00 and ending at Station 80+00, authorized by the Rivers and Harbors Act of 1902 (32 Stat. 347). This deauthorization is supported by the city of Tacoma and U.S. EPA and will allow the City and other partners to complete the cleanup of hazardous wastes within the waterway.

SUBTITLE B—PORTS AND HARBORS

CHAPTER 1—CONTINUING AUTHORITIES PROGRAMS

Sec. 2201. Navigation enhancements for waterbourne transportation.

This section increases the per project limit from $4,000,000 to $7,000,000 for the Navigation Enhancements for Waterbourne Transportation (NEWT) continuing authority program created under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), as amended.

CHAPTER 2—STUDIES

Sec. 2211. National port study.

This section authorizes the Secretary to conduct a study of the ability of coastal and deepwater port infrastructure to meet existing and future marine transportation demands. The committee is concerned that the rapid growth in maritime trade has placed great pressure upon our existing port infrastructure. Vessel sizes are increasing, and rapidly increasing volumes of containers and cargo are creating significant congestion to all modes of transportation serving the coastal and deepwater ports. The committee has determined that there is a need to understand the ability of coastal and deepwater port infrastructure to meet current and projected demands. Therefore, the committee requests the Secretary to perform

this study in consultation with the Secretary of Transportation. The study needs to consider the availability of alternate transportation destinations and modes, the impact of larger vessels on port capacity, and practicable, cost-effective congestion management alternatives. Particular consideration should be given to the benefits and proximity of proposed and existing port, harbor, waterway and other transportation infrastructure. This section requires the Secretary to submit a report that describes the results of the study to the Senate Committee on Environment and Public Works and the Committee on Transportation and Infrastructure of the House of Representatives not later than 180 days after the date of enactment of this Act. The timing is important for consideration with other pertinent studies of vital infrastructure needs.

CHAPTER 3—PROJECTS

SUBCHAPTER A—AUTHORIZATIONS

Sec. 2221. Akutan Harbor, Akutan, Alaska.

This section authorizes the Akutan Small Boat Harbor project for navigation, Akutan, Alaska, substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, if a favorable final report of the Chief for the project is completed not later than December 31, 2004.

Location. Akutan, Aleutians East Borough, Alaska.

Purpose. Navigation.

Problem. There are currently no protected moorage facilities for both large commercial fishing vessels and the local resident fleet.

Recommended Plan. The plan consists of two rubblemound breakwaters totaling 700 feet and dredging the entrance channel and the inner harbor area to create a 12-acre mooring basin.

Project Costs. Total Cost $19,013,000. Federal cost $9,185,000; non-Federal cost $9,828,000.

Benefit/Cost Ratio. 1.4 to 1.

Sec. 2222. Haines Small Boat Harbor, Haines, Alaska.

This section authorizes the Haines Small Boat Harbors, Haines, Alaska project for navigation, Haines, Alaska, substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, if a favorable final report of the Chief for the project is completed not later than December 31, 2004.

Location. Haines, Alaska.

Purpose. Navigation.

Problem. The existing harbor is inadequate in terms of size and design to accommodate the needs of the existing demands of resident and transient users.

Recommended Plan. The plan provides additional protection to the existing 2.25-hectare mooring and maneuvering basin and adds a new adjacent 6.60-hectare basin with an additional entrance channel.

Project Costs. Total Cost $21,410,000. Federal cost $9,590,000; non-Federal cost $11,820,000.

Benefit/Cost Ratio. 1.2 to 1.

Sec. 2223. St. Herman and St. Paul Harbors, Kodiak, Alaska.

This section authorizes the Secretary to carry out, on an emergency basis, the necessary removal of rubble, sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska at a Federal cost of $2,000,000.

Location. Kodiak, Alaska.

Purpose. Navigation.

Problem. Larger vessels cannot safely navigate into the harbors at all tide levels.

Recommended Plan. This section authorizes the Secretary to carry out, on an emergency basis, the necessary removal of rubble, sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska.

Project Costs. Total Cost $2,000,000. Federal cost $2,000,000.

Benefit/Cost Ratio. Not Calculated.

Sec. 2224. Unalaska Small Boat Harbor, Unalaska, Alaska.

This section authorizes the Unalaska Small Boat project for navigation, Unalaska, Alaska, substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, if a favorable final report of the Chief for the project is completed not later than December 31, 2004.

Location. Unalaska, Alaska.

Purpose. Navigation.

Problem. The project will provide much needed small boat harbor facilities and help ease the overcrowded conditions that now occur at Unalaska and other small boat harbors in the vicinity.

Recommended Plan. The project would consist of a 181-meter long rubblemound breakwater, a 145-meter long floating breakwater, and a second 253-meter floating breakwater. The project would also require the dredging of 31,800 cubic meters of sand and gravel and 4,800 cubic meters of rock to complete the local sponsor's moorage basin.

Project Costs. Total Cost $23,200,000. Federal cost $11,500,000; non-Federal cost $11,700,000.

Benefit/Cost Ratio. 1.4 to 1.

Sec. 2225. Miami Harbor, Miami, Florida.

This section authorizes the Miami Harbor, Miami, Florida, project for navigation, Miami, Florida, substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, if a favorable final report of the Chief for the project is completed not later than December 31, 2004.

Location. Miami Harbor, Miami-Dade County, Florida.

Purpose. Navigation.

Problem. Entrance channel and inner harbor widths and depths are not adequate for safe, cost-efficient vessel transit.

Recommended Plan. Component 1C: Widen seaward portion of Cut–1 from 500 to 800 feet and deepen Cut–1 and Cut–2 from a project depth of 44 to 52 feet. Component 2A: Add turn widener at the southern intersection of Cut–3 with Fisherman's Channel and deepen to a project depth of 50 feet. Component 3B: Increase the Fisher Island Turning Basin from 1200 to 1500 feet, truncate the

northeast section of the turning basin, deepen from a project depth of 42 feet to 50 feet. Component 4: Realign the western end of the existing 36-foot main channel about 250 feet to the south—no dredging require for Component 4. Component 5A: Expand the Sponsor's berthing area by 60 feet and widen the southern edge of Fisherman's Channel (Lummus Island Cut) about 40 feet for a 100-foot increase in total width, reduce the Lummus Island (Middle) Turning Basin to a 1500-foot diameter from the currently authorized 1600-foot diameter, and deepen from a project depth of 42 feet to 50 feet. Mitigation including restoration of seagrass beds and construction of artificial reefs.

Project Costs. Total cost $157,310,000. Federal cost $63,728,000; non-Federal cost $93,582,000.

Benefit/Cost Ratio. 1.5 to 1.

Sec. 2226. Port of Iberia, Louisiana.

This section authorizes the project for navigation, Port of Iberia, Louisiana, substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, if a favorable final report of the Chief for the project is completed not later than December 31, 2004.

Location. Iberia and Vermilion Parishes, Louisiana.

Purpose. Navigation.

Problem. The primary problem is the depth restriction of −12 feet of the existing access channels, Freshwater Bayou, Gulf Intracoastal Waterway and Commercial Canal, to the Port of Iberia. The predominant economic engines located in the study area are large offshore rig fabricators and offshore petroleum services firms. The primary purpose of this deepening project is to allow for deeper draft vessels that are needed to meet the burgeoning demands of the deepwater offshore petroleum industry. At present the relative shallow depth does not allow for the size vessels needed to transport the fabricated structures used in the exploration and production in the deep waters in the Gulf of Mexico.

Recommended Plan. The study area consists of the Port of Iberia, Commercial Canal, GIWW (Commercial Canal to Freshwater Bayou), and Freshwater Bayou out to the—20 foot contour in the Gulf of Mexico.

The recommended and locally preferred plan consists of deepening and widening this access channel by dredging the Commercial Canal, the GIWW and Freshwater Bayou to a uniform size channel of 150 feet wide by 20 feet deep, that will better accommodate the industry of the area and the port. The placement of dredged material will depend on the section of channel.

Project Costs. Total Project Cost: $194,000,000. Federal Cost (80 percent): $155,200,000; Non-Federal Cost (20 percent): $38,800,000.

Benefit/Cost Ratio. 1.03 to 1.

Sec. 2227. Corpus Christi Ship Channel, Corpus Christi, Texas.

Location. Corpus Christi Ship Channel, Corpus Christi, Texas.

Purpose. Navigation and Ecosystem Restoration.

Problem. The depth and width of the existing Federal navigation channel system has become restrictive due to the increasing size of vessels in operation in the world fleet. Beam width restrictions also

cause delays for larger ships wishing to enter Corpus Christi's port facilities.

Recommended Plan. The project consists of deepening the navigation channel from Viola Turning Basin to the end of the jetties in the Gulf of Mexico (approximately 34 miles) to—52 feet mean low tide (MLT); deepening of the remainder of the channel into the Gulf of Mexico (approximately 2 miles) to—54 feet MLT; and widening of the Upper Bay and Lower Bay reaches (approximately 20 miles) to 530 feet. Deepening would be performed in all channel reaches, including the Entrance Channel, Upper and Lower Bay reaches, and the Inner Harbor. Construction of 200-foot wide, 12-foot-deep MLT barge shelves on both sides of the CCSC (approximately 10 miles). Construction of an extension to the La Quinta Channel to −39 feet MLT. The channel would be extended approximately 1.4 miles beyond its current limit. The channel would measure 400 feet wide, and a second turning basin with a 1,200-foot radius would be constructed. The existing limits of the La Quinta Channel would remain at their existing 45-foot depth. Construction of two ecosystem restoration features, including construction of rock breakwaters and geo-tubes to protect 1,200 acres of high quality marsh and 40 acres of seagrass. Both components are adjacent to the CCSC in the Lower Bay reach of the channel.

Project Costs. Total cost $153,808,000. Federal cost $73,554,000; non-Federal cost $80,254,000.

Benefit/Cost Ratio. 2.6 to 1.

SUBCHAPTER B—MODIFICATIONS

Sec. 2241. Sitka, Alaska.

This section directs the Secretary to take such action as is necessary to correct design deficiencies in the Thompson Harbor element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106) Stat. 4801) Thompson Harbor at Sitka, Alaska, at a Federal cost $6,300,000.

Sec. 2242. LA—3 dredged material ocean disposal site designation, California.

This section amends Section 102(c)(4) of the Marine Protection, Research, and Sanctuary Act of 1972 (33 U.S.C. 1412(c)(4)) to extend the LA–3 Dredged Material Ocean Disposal Site interim designation from January 1, 2003 to January 1, 2006. The extension is needed to allow for maintenance dredging activities to proceed within Newport Harbor as the formal site designation process continues to completion, which is currently scheduled for May 2005.

Sec. 2243. Conditional declaration of nonnavigability, Port of San Francisco, California.

This section authorizes the Secretary to declare portions of the San Francisco, California, waterfront not to be navigable water of the United States for the purpose of Section 9 of the Act of March 3, 1899 (33 U.S.C. 401) and the General Bridge Act of 1946 (33 U.S.C. 525 et seq.). This determination is based on proposed projects which are to be carried out by non-Federal entities, con-

sisting of bulkheads, fill, or otherwise occupied by permanent structures, that will impact the accessibility of the waterfront. If, after 20 years from the date of the enactment of this Act, any of the portions of the project declared to be non-navigable have not been impacted or if work has not begun within 5 years after the date of issuance of a permit, the declaration of nonnavigability shall cease to be effective.

Sec. 2244. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.

This section designates the western breakwater in New Haven Harbor as the "Charles Hervey Townshend Breakwater".

Sec. 2245. Anchorage area, New London Harbor, Connecticut.

This section modifies the project for navigation, New London Harbor, Connecticut, authorized by the Act of June 13, 1902 (32 Stat. 333), to redesignate a portion of the 23-foot deep waterfront channel as an anchorage area.

Sec. 2246. Norwalk Harbor, Connecticut.

This section deauthorizes two small areas and authorizes the Sectretary to realign a portion of the 10-foot channel at the northern section of the project for navigation, Norwalk Harbor, Connecticut, authorized by the River and Harbor Act of 1919 (40 Stat. 1276).

Sec. 2247. Jacksonville Harbor, Florida.

This section authorizes the Secretary to modify the project for navigation, Jacksonville Harbor, Florida, authorized by section 101(a)(17) of the Water Resources Development Act of 1999 (113 Stat. 276) to extend the navigation features in accordance with the Report of the Chief of Engineers dated July 22, 2003, at an additional total coat of $14,658,000 with an estimated Federal cost of $9,636,000 and an estimated non-Federal cost of $5,022,000.

Sec. 2248. South Carolina Department of Commerce development proposal at Richard B. Russell Lake, South Carolina.

This section directs the Secretary to convey to the State of South Carolina a portion of those lands described in Army Lease No. DACW21–1–92–500 (Abbeville, Hester Marina and Manor Recreation Areas) currently under lease to the South Carolina Department of Commerce (SCDOC) for 99 years for cost-shared recreation development pursuant to P.L. 89–72 (approximately 650 acres). This section includes provisions for the Army to retain ownership of land that would have been acquired for operational purposes in accordance with existing policy and such other land as is determined to be required for project purposes. The section eliminates the applicability of section 2696 of title 10, U.S.C. to this conveyance and allows the Secretary to require additional terms and conditions as appropriate to protect the interests of the United States. The State is responsible for all costs associated with this conveyance, requires the State to pay fair market value for land conveyed, and the State is permitted to perform environmental or real estate actions associated with the conveyance in lieu of payment. This sec-

tion retains the applicability of the Shoreline Management Policy of the Army Corps of Engineers and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et. seq.), including public review under that Act, and other Federal statutes.

Sec. 2249. Port of Lewiston, Idaho.

The section extinguishes reversionary interests and use restrictions related to industrial use purposes, the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas, and the restriction on human habitation or other building structure in which the elevation is above the standard project flood elevation. The use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required. This section also specifies the deeds involved and includes a savings clause regarding other remaining rights and interests of the Army Corps of Engineers for authorized project purposes.

Sec. 2250. Chicago River and Harbor, Chicago, Illinois.

This section deauthorizes the portion of the project for navigation, Chicago River and Chicago Harbor, Chicago, Illinois, authorized by the Act of March 3, 1899 (30 Stat. 1129).

Sec. 2251. Camp Ellis, Saco, Maine.

This section authorizes the Secretary to continue the project initiated under Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), up to a maximum of $20 million to to mitigate erosion on Camp Ellis Beach.

Sec. 2252. Union River, Maine.

This section modifies the project for navigation, Union River, Maine, authorized by the Act of 1896 (29 Stat. 215, Chapter 314), by redesignating the upper 6-foot turning basin as an anchorage area.

Sec. 2253. Duluth Harbor, Minnesota.

This section authorizes the Secretary to include public access and recreational facilities as part of the federally cost-shared facilities for the project, authorized by section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)). These facilities include, but are not limited to, parking facilities, pedestrian walkways, and boating and fishing access facilities. This section also increases the allowable Federal share to $9,000,000 from $6,000,000 to accommodate the increased project scope.

Sec. 2254. New York Harbor, New York, New York.

This section amends section 217 of the Water Resources Development Act of 1996 (33U.S.C. 2326a) authorize the Secretary to enter into cost-sharing agreements with one or more non-Federal public interests for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, decontamination, or disposal facility. This includes any facility used to

demonstrate potential beneficial uses of dredged material. When appropriate, the Secretary may combine portions of separate Federal projects is the facility is used to manage dredged material from multiple Federal projects in the same geographic area. The New York and New Jersey Harbor Deepening Project, New York and New Jersey, is the most likely candidate navigation project to use the facility; however, the cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnership agreements.

Sec. 2255. Toussaint River Navigation Project, Carroll Township, Ohio.

This section authorizes full Federal funding for increased operation and maintenance activities that are carried out in accordance with section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and relate directly to the presence of unexploded ordnance.

Sec. 2256. Essayons and Yaquina Dredges, Oregon.

This section removes the existing operating restrictions on the Army Corps of Engineers' hopper dredges Yaquina and Essayons. It directs the Secretary to use the dredges without restriction as to either days worked or volume of material dredged, to the maximum extent practicable. It directs the Secretary to use the dredges in a manner most beneficial to and cost-effective for the taxpayers of the United States to maintain and improve the ports harbors, and channels of the Pacific coast. This section directs the Secretary to maintain the Yaquina and Essayons to technologically modern and efficient standards (including replacement, as necessary) to keep them fully operations and to meet the dredging needs of the ports, harbors, and channels of the Pacific coast.

The committee recognizes that dredging requirements on the Pacific coast are unpredictable. Previous restrictions on the Army Corps of Engineers hopper dredges Yaquina and Essayons limited the use of these dredges. The committee recognizes that operation of the Yaquina and Essayons under the current hopper dredge restrictions did not meet the needs of the navigation interests on the Pacific coast. The restrictions are lifted by this section to improve the ability of the Army Corps of Engineers to meet the dredging needs on the Pacific coast. In addition, the committee remains concerned that the limited additional dredging capacity created by lifting the restrictions will not, in and of itself, meet all of the dredging needs of the Pacific coast.

Sec. 2257. Cedar Bayou, Texas.

This section modifies the project, authorized by section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632), to authorize construction of a navigation channel that is 10 feet by 100 feet instead of 112 feet by 125 feet.

Sec. 2258. Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Texas.

Location. Gulf Intracoastal Waterway through Matagorda Bay, Texas.

Purpose. Inland Navigation.

Problem. The Gulf Intracoastal Waterway (GIWW) through Matagorda Bay is experiencing strong cross currents from the interplay with the natural bay opening at Pass Cavallo and the deep-draft Matagorda Ship Channel and its jettied entrance channel resulting in significant vessel delays, property damages, and high waterway maintenance costs for the existing Matagorda Bay reach of the GIWW.

Recommended Plan. The project consists of rerouting the existing GIWW from mile markers 460 to 472 approximately 6,000 feet north of and parallel to the existing channel. The channel will have a depth of 12 feet and a bottom width of 125 feet, which is the same as the existing channel. The project will make beneficial use of dredged material to provide for the construction of approximately 135 acres of marsh at Palacios Point and 160 acres of marsh near Port O'Connor, and to nourish beaches at Sundown Island, a National Audubon Society site, and the beach at Port O'Connor.

Project Costs. Total cost $14,515,000. Federal cost $14,515,000.

Benefit/Cost Ratio. 2.1 to 1.

Sec. 2259. Gulf Intracoastal Waterway, High Island to Brazos River, Texas.

Location. The project is located along the Gulf Intracoastal Waterway (GIWW) from mile 318 to 400, between High Island and the Brazos River in Texas.

Purpose. Inland Navigation.

Problem. The Navigation Users have experienced problems along the GIWW at Rollover Pass, Sievers Cove, the Texas City Wye, and Greens Lake due to channel width and alignment restrictions, lack of mooring facilities, high maintenance costs due to frequent dredging requirements and limitation on placement areas for dredged material, and strong tidal current affects.

Recommended Plan. The plan consists of widening and realigning reaches of the existing GIWW channel to allow maneuvering room to alleviate the navigation restrictions

Project Costs. Total cost $12,326,000. Federal cost $12,326,000.

Benefit/Cost Ratio. 2.4 to 1.

Sec. 2260. Tangier Island Seawall, Virginia.

This provision amends section 577(a) of the Water Resources Development Act of 1196 (110 Stat. 3789) to increase the total project cost from $1,200,000 to $3,000,000 with a Federal cost of $2,400,000 and a non-Federal cost of $600,000.

Sec. 2261. Lower Granite Pool, Washington.

The section extinguishes reversionary interests and use restrictions related to industrial use purposes, the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas, and the restriction on human habitation or other building structure in which the elevation is above the standard project flood elevation. The use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit

under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required. This section also specifies the deeds involved and includes a savings clause regarding other remaining rights and interests of the Army Corps of Engineers for authorized project purposes.

SUBCHAPTER C—DEAUTHORIZATIONS

Sec. 2271. Bridgeport Harbor, Connecticut.

This section deauthorizes the Yellow Mill River portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the Act of July 3, 1930 (46 Stat. 919), that consists of an 18-foot channel, 150 to 200 feet wide, extending about a mile upstream from the 35-foot entrance channel. The deauthorization will allow for expansion of commercial facilities along the Yellow Mill River and provide both economic benefits and job opportunities for the city of Bridgeport.

Sec. 2272. Muscatine Harbor, Iowa.

This section deauthorizes the project for navigation at Muscatine Harbor on the Mississippi River at Muscatine, Iowa, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166). The city of Mucatine, Iowa has indicated that dredging conflicts with their plans for riverfront development.

Sec. 2273. Bayou LaFourche and Lafourche Jump, Louisiana.

This section deauthorizes the project for navigation improvement for Bayou LaFourche and LaFourche Jump, Louisiana, authorized by the Act of August 30, 1935 (49 Stat. 1033, chapter 831) and the River and Harbor Act of 1960 (74 Stat. 481). The Auxiliary Channel has been in an inactive status since its authorization due to lack of rights-of-way for the channels and disposal areas.

Sec. 2274. Northeast Harbor, Maine.

This section deauthorizes the project for navigation, Northeast Harbor, Maine authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12, Chapter 19). The deathorization removes the Federal restraints on local control of the harbor.

Sec. 2275. Tenants Harbor, Maine.

This section deauthorizes the project for navigation, Tenants Harbor, Maine authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275, Chapter 95). The deathorization frees a large area of the harbor for mooring thereby increasing public access.

Sec. 2276. Grand Haven Harbor, Michigan.

This section deauthorizes modifications to the project for navigation, Grand Haven Harbor, Michigan, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093). A reevaluation report concluded that further deepening of the harbor for commercial navigation was not economically justified. The local sponsor was notified of study termination in September 1992.

Sec. 2277. Greenville Harbor, Mississippi.

This section deauthorizes the project for navigation, Greenville Harbor, Mississippi, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142). Study indicates that proposed improvements are appropriate for implementation by local interests in response to market conditions.

Sec. 2278. New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey.

This section deauthorizes the project for navigation, New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098). The ongoing New York Harbor deepening project includes this area and makes this authorization unnecessary.

Sec. 2279. Olcott Harbor, Lake Ontario, New York.

This section deauthorizes the project for navigation, Olcott Harbor, New York, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143). The non-Federal sponsor is interested in a smaller scale project, which they are pursuing under Section 107 (NEWT).

Sec. 2280. Outer Harbor, Buffalo, New York.

This section deauthorizes the project for navigation, Buffalo Outer Harbor, New York, authorized by section 110 of the Water Resources Development Act of 1992 (106 Stat. 4817). The project is outside the Army Corps of Engineers' authority because the bulkheads to be constructed are on private property.

Sec. 2281. Manteo Bay, North Carolina.

This section deauthorizes the project for navigation, Manteo (Shallowbag) Bay, North Carolina, authorized by Section 101 of the River and Harbor Act of 1970 (84 Stat. 1818).

Sec. 2282. Cleveland Harbor 1958 Act, Ohio.

This section deauthorizes the project for navigation, Cleveland Harbor, Ohio, project modifications, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482). There is no local sponsor support for this project.

Sec. 2283. Cleveland Harbor 1960 Act, Ohio.

This section deauthorizes the project for navigation, Cleveland Harbor, Ohio project modifications, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482). The uncompleted work is eligible for deauthorization and there is not local sponsor support for this project.

Sec. 2284. Cleveland Harbor, Uncompleted Portion of Cut #4, Ohio.

This section deauthorizes the project for navigation, Cleveland Harbor, Ohio project modifications, authorized by the first section of the Act of July 24, 1946 (60 Stat. 636, chapter 595). The uncompleted work is eligible for deauthorization and there is not local sponsor support for this project.

Sec. 2285. Columbia River, Seafarers Memorial, Hammond, Oregon.

The section deauthorizes the proposed Seafarers Memorial at Hammond, Oregon, authorized by Title I of the Fiscal Year 1991 Energy and Water Development Act (104 Stat. 2078). The local sponsor was unable to raise sufficient funds for the statue or for costs above the authorized limit for the support structure.

Sec. 2286. Delaware River, Philadelphia, Pennsylvania to Trenton, New Jersey.

This section deauthorizes the project for navigation, Delaware River, Philadelphia, Pennsylvania to Trenton, New Jersey(Tioga Marine Terminal), authorized by section 201 of the River and Harbor Act of 1965 and the Flood Control Act of 1965 and the Flood Control Act of 1965 (Public Law 89–298). In 1991, the Army Corps of Engineers, in conjunction with the local sponsor, determined that the present project dimensions are adequate.

Sec. 2287. Narragansett Town Beach, Narragansett, Rhode Island.

This section deauthorizes the project for navigation, Narragansett Town Beach, Rhode Island, authorized by section 361 of the Water Resources Development Act of 1992 (106 Stat. 4861). Coordination efforts with State and local officials failed to identify a sponsor willing to cost share the project.

Sec. 2288. Quonset Point-Davisville, Rhode Island.

This section deauthorizes the project for navigation, Davisville, Quonset Point, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996 (110 Stat. 3788). There is no local sponsor support for the project.

TITLE III—FLOOD AND COASTAL STORM DAMAGE REDUCTION

SUBTITLE A—FLOOD DAMAGE REDUCTION

CHAPTER 1—GENERAL PROVISIONS

Sec. 3001. Construction of flood control projects by non-Federal interests.

This section amends section 211(e)(6) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(6)) for projects that have completed construction under this section to be assigned the budget priority of a project with a contractor onsite.

CHAPTER 2—CONTINUING AUTHORITIES PROGRAMS

Sec. 3101. Protection and restoration due to emergencies at shores and streambanks.

This section increases the annual program limit from $15,000,000 to $20,000,000 and the per project limit from $1,000,000 to $1,500,000 for the Protection and Restoration due to Emergencies at Shores and Streambanks (PRESS) continuing au-

thority program created under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

CHAPTER 3—STUDIES

Sec. 3201. Nicholas Canyon, Los Angeles, California.

This section authorizes the Secretary to conduct a study to determine the feasibility of bank stabilization and shore protection for Nicholas Canyon, Los Angeles, California, under the small project authority of section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

Sec. 3202. Comprehensive flood protection project, St. Helena, California.

This section authorizes the Secretary to review the project for flood control and environmental restoration at St. Helena, California, generally in accordance with the Enhanced Minimum Plan A, as described in the Final Environmental Impact Report prepared by the city of St. Helena, California and certified by the city to be in compliance with the California Environmental Quality Act. Cost sharing for the project shall in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213). The Secretary shall credit toward the non-Federal share of the cost of the project, and costs of engineering, design and construction that are incurred by the non-Federal interest prior to and after the execution of a Project Cooperation Agreement if the Secretary determines that the work performed by the non-Federal interest is integral to the project.

Sec. 3203. San Francisco Bay, Sacramento–San Joaquin Delta, Sherman Island, California.

This section authorizes the Secretary to conduct a study to determine the feasibility of using a portion of Sherman Island, California, as a dredged material rehandling facility. The provision further authorizes the Secretary, if the aforementioned study determines that the project is feasible, to construct the project.

Sec. 3204. South San Francisco Bay shoreline study, California.

This section authorizes the Secretary in carrying out the feasibility phase of the South San Francisco Bay shoreline study to use planning and design documents prepared by the California State Coastal Conservancy, the Santa Clara Valley Water District, and other local interests, in cooperation with the Army Corps of Engineers (who shall provide technical assistance to the local interests), as the basis for recommendations to Congress for authorization of a project to provide for flood protection of the South San Francisco Bay shoreline and restoration of the South San Francisco Bay salt ponds. Costs incurred by the non-Federal interests in the preparation of planning and design documents that would have been the responsibility of the United States had the work been performed by the Secretary shall be credited toward the non-Federal share of the cost of construction of a project providing for flood protection of the South San Francisco Bay shoreline and restoration of the South San Francisco Bay salt ponds if the Secretary determines that the

work performed by the non-Federal interest is integral to the project.

Sec. 3205. Lake Erie at Luna Pier, Michigan.

This section authorizes the Secretary to conduct a study to determine the feasibility of carrying out storm damage reduction, beach erosion protection and other related measures along the shores of Lake Erie at Luna Pier, Michigan. The study shall include consideration of replacement, repair or modification of existing local and Federal storm damage reduction and beach erosion protection measures.

Sec. 3206. Middle Bass Island State Park, Middle Bass Island, Ohio.

This section authorizes the Secretary to conduct a study to determine the feasibility of providing a safe harbor and beach at Middle Bass Island State Park for the navigation, storm damage reduction, recreation and other related purposes.

CHAPTER 4—PROJECTS

SUBCHAPTER A—AUTHORIZATIONS

Sec. 3301. Tanque Verde Creek Project, Pima County, Arizona.

Location. Pima County, Arizona.

Purpose. Flood Control and Habitat Preservation.

Problem. The project addresses erosion along an approximately two-mile reach of Tanque Verde Creek immediately upstream of Rillito River at its confluence with Pantano Wash, east of Tucson, Arizona. This segment of Tanque Verde Creek (a tributary of the Rillito River) has an average annual rate of bank erosion of 13 feet. About 9,500 linear feet, located along four separate channel segments have previously been stabilized with soil cement to prevent streambank erosion. Annual erosion damage caused by floodflows is estimated as $714,100.

Recommended Plan. The Report of the Chief of Engineers dated July 22, 2003, includes:

(1) completing bank erosion control on the southern bank with the construction of two segments of which one is approximately 4,220 linear feet and the other 2,830 linear feet, (2) north bank erosion control (1,550 linear feet) protecting vulnerable public infrastructure and 5,000 feet of modified bank protection along the mitigation preserve area, and (3) the establishment of a 48-acre riparian habitat area for mitigation.

Project Costs. Total cost $4,878,000. Federal cost $3,170,700; non-Federal cost $1,707,300.

Benefit/Cost Ratio. 2.1 to 1.

Sec. 3302. Hamilton City, California.

Location. Hamilton City, Sacramento River, California.

Purpose. Flood Damage Reduction and Ecosystem Restoration.

Problem. Serious flood risk to community from Sacramento River combined with lost significant native habitat and floodplain processes.

Recommended Plan. The multipurpose plan consists of a setback levee and restoration of about 1,500 acres of native habitat.

Project Costs. Total cost $47,820,000. Federal Cost $31,083,000; non-Federal cost $16,737,000.

Benefit/Cost Ratio. 1.8 to 1. for the flood damage reduction project purpose.

Sec. 3303. Middle Creek, Lake County, California.

Location. Middle Creek, Lake County, California.

Purpose. Flood Damage Reduction and Ecosystem Restoration.

Problem. Considerable ecosystem degradation has taken place in the area. Historically, the area was part of Clear Lake and consisted of tule marsh and open water. These wetlands were converted to agricultural fields during the last century. This has caused loss of natural habitat, loss of ecosystem function, and degraded water quality. The area is subject to damages to structures and agricultural lands from overflows from Rodman Slough. Although surrounded by levees, the area remains at risk from flooding from both Clear Lake and Rodman Slough because of levee settlement.

Recommended Plan. The plan is to reconnect the flood plain of Middle Creek to the historic Robinson Lake wetland area by breaching the existing levee system to create inlets that direct flows into the area and providing flood damage reduction by relocating residents from the flood plain. Implementation of this plan would result in 765 acres of wetlands, 230 acres of riparian, 405 acres of open water, and 250 acres of upland habitat. As part of the authorization of this project and upon request of the governing body of the Robinson Rancheria of Pomo Indians, the Secretary of the Interior shall, notwithstanding any other provision of law, accept the transfer from the tribe to the Secretary of the tribe's interest in three parcels of land located adjacent to Clear Lake in Lake County, California, and hold such lands in trust for the benefit of the tribe. Such lands shall be deemed restored lands for the tribe.

Project Costs. Total cost $38,690,000. Federal Cost $25,233,000; non-Federal Cost $13,457,000.

Benefit/Cost Ratio. The cost of the plan is justified by the restoration of valuable habitat.

Sec. 3304. Indian River Lagoon, South Florida.

Location. Martin, St Lucie and Okeechobee Counties, Florida.

Purpose. Flood Damage Reduction and Ecosystem Restoration.

Problem. The southern Indian River Lagoon estuary system has been degraded by large and frequently occurring discharges of freshwater, and by an excessive accumulation of muck in estuary and lagoon bottoms. Together these stressors have reduced water clarity and exceeded the salinity tolerances of submerged vegetation and benthic animals.

Recommended Plan. The recommended plan consists of 12,600 acres of new reservoirs for surface water storage, 8,700 acres of storm-water treatment areas for water quality improvement, 7,900,000 cubic yards of muck removal, 92,000 acres of natural water storage areas and 3,100 acres of floodplain wetlands. This section also deauthorizes the C–44 storage reservoir identified in

the Comprehensive Review Study authorized for construction in section 601 of the Water Resources Development Act of 2000(114 Stat. 2680), the Martin County irrigation, flood control and backflow projects authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 740) and the East Coast Backpumping, St. Lucie—Martin County, Spillway Structure S–311, authorized by Section 203 of the Flood Control Act of 1968 (82 Stat. 740).

Project Costs. Total Cost $1,207,288,000. Federal cost $603,644,000; non-Federal cost $603,644,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

Sec. 3305. Picayune Strand Ecosystem Restoration, Collier County, Florida.

Location. Collier County, Florida.

Purpose. Flood Damage Reduction and Ecosystem Restoration.

Problem. Canals and roads cause excessive drainage and the reduction of many wetland communities and associated plants and wildlife of over 59,000 acres of Picayune Strand. The drainage also creates large discharges of freshwater to some downstream estuaries and greatly reduces discharges to other nearby estuaries, stressing a total of nearly 50,000 acres of estuary habitat.

Recommended Plan. The recommended plan consists of plugging the main canals, degrading roads, filling ditches, and constructing spreader channels and pump stations to restore the flows of water across the landscape and reduce damaging high and low discharges of freshwater to the estuaries.

Project Costs. Total cost $362,612,000. Federal cost $181,306,000; non-Federal cost $181,306,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

Sec. 3306. Swope Park Industrial Area, Missouri.

Location. Blue River at the Swope Park Industrial Area, Kansas City, Missouri.

Purpose. Flood Damage Reduction.

Problem. The Blue River flooded in 1961, 1977, 1984, and 1990. The most severe floods occurred in 1961 and 1990. The May 1990 flood caused an estimated $1,000,000 in damages. If left without protection in the current condition, the Swope Park Industrial Area will be subjected to continuing damaging floods. Eventually, the area will fall into decline as a viable industrial park and source of employment.

Recommended Plan. The plan consists of construction of reinforced concrete floodwall and compacted earthen levee; construction of an interior drainage system consisting of reinforced concrete pipe and an interior storm water retention pond; construction of a rolling-gate closure at the existing 75th Street entrance to the industrial park; construction of a small park and trailhead; planting of hardwood trees along the Blue River Parkway; and excavation for a small wetland riverward of the levee at a location just upstream of the Swope Park Industrial Area.

Project Costs. Total cost $14,987,000. Federal cost $9,742,000; non-Federal cost $5,245,000.

Benefit/Cost Ratio. 1.5 to 1.

Sec. 3307. Southwest Valley, Albuquerque, New Mexico.

Location. Rio Grande Southwest Valley, Bernalillo County, New Mexico.

Purpose. Flood Damage Reduction.

Problem. Portions of the Southwest Valley are subject to flooding from a variety of sources. The runoff from the West Mesa is the largest contributor discharging directly or indirectly into the project area. Flood damages occur when large floods overwhelm the capacity of existing facilities, or the capacity of the irrigation drains.

Recommended Plan. The plan consists of capturing West Mesa flood flow utilizing existing surface drain facilities. The recommended alternative is sized to safely convey the ten (10) year frequency storm. The main features of the proposed work would involve utilizing existing easements, widening existing drains, constructing of a large storm water retention pond, and constructing two new channels with a gravity outfall to the Rio Grande.

Project Costs. Total cost $17,500,000. Federal cost $11,400,000; non-Federal cost $6,100,000.

Benefit/Cost Ratio. 1.4 to 1.

SUBCHAPTER B—MODIFICATIONS

Sec. 3311. St. Francis Basin, Arkansas and Missouri.

This section modifies the St. Francis Basin, Arkansas and Missouri, project, authorized by the Act of June 15, 1936 (49 Stat. 1508, chapter 548), as amended, to authorize the Secretary to undertake channel stabilization and sediment removal measures as integral part of original project and not to be considered a separable element. These measures would be provided at current project cost sharing, which is 100 percent Federal.

Sec. 3312. Augusta and Clarendon, Arkansas.

This section modifies the project for flood control, the Augusta to Clarendon Levee, Lower White River, Arkansas project, authorized by the Flood Control Act of 1941(add cite) and modified by the Flood Control Act of 1946(add cite), to authorize the Secretary to carry out rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas, at a total estimated cost of $8,000,000, with an estimated Federal cost of $5,200,000 and an estimated non-Federal cost of $2,800,000.

Sec. 3313. St. Francis Basin land transfer, Arkansas and Missouri.

This section modifies the St. Francis Basin, Arkansas and Missouri, project, authorized by the Act of June 15, 1936 (49 Stat. 1508, chapter 548), as amended, to authorize the Secretary to transfer acquired project mitigation lands in Arkansas directly to the State of Arkansas or its appropriate designee, provided that certain local requirements are met. Currently, transfer of the land is only authorized for the U.S. Fish and Wildlife Service.

Sec. 3314. Red-Ouchita River Basin, Arkansas.

This section authorizes the Secretary to design, construct, operate and maintain bank stabilization measures, at full Federal expense, along the Ouachita and Black Rivers, Arkansas and Louisiana, between mile 0 on the Black River, Louisiana, to mile 460 on the Ouachita River, Arkansas at the outlet of Remmel Dam.

Sec. 3315. Cache Creek Basin, California.

This section amends section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), and directs the Secretary to mitigate the hydraulic impacts of the new south levee of the Cache Creek Settling Basin on the city of Woodland's storm drainage system capacity, including all appurtenant features, erosion control measures, and environmental mitigation features. This project would be a separable element of the original project.

Sec. 3316. Llagas Creek, California.

This section authorizes the Secretary to complete the project for flood damage reduction, authorized by section 501(a) of the Water Resources Development Act of 1999 (113 Stat. 333), in accordance with the requirements of local cooperation agreements as specified in section 5 of the Watershed Protection and Flood Prevention Act (16 USC 1005) at a total cost of $95,000,000 with a Federal cost of $40,000,000 and a non-Federal cost of $55,000,000.

Sec. 3317. Magpie Creek, California.

This section authorizes the Secretary to apply cost-sharing requirements applicable to non-structural flood control under section 103(b) of the Water Resources Development Act of 1986 (100 Stat. 4085) for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage. The crediting allowed under this provision shall not exceed the non-Federal share of the cost of the project. The Secretary is directed to utilize the in-kind contribution authorization in section 1001 of this Act to provide a credit to the local sponsors for the value of their in-kind contributions made on authorized activities in the project's scope of work if the Secretary determines the work is integral to the project.

Sec. 3318. Sacramento and American Rivers flood control, California.

This section authorizes the Secretary to apply remaining funds eligible for reimbursement on the Natomas Federal Plan as a credit toward the non-Federal share of cost for future work on another project within the American River watershed.

Sec. 3319. Upper Guadalupe River, California.

This section authorizes the Secretary to carry out the project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), as modified, generally in accordance with Upper Guadalupe River Flood Damage Reduction Project, San Jose, California, Limited Reevaluation Report, dated July, 2004, at a total cost of $212,100,000, with an estimated Fed-

eral cost of $98,800,000 and an estimated non-Federal cost of $113,300,000.

Sec. 3320. Yuba River Basin Project, California.

This section modifies the project for flood damage reduction authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275) by increasing the authorized project cost from $26,600,000 to $107,000,000 with a Federal cost of $70,000,000 and a non-Federal cost of $37,700,000. The Secretary is directed to utilize the in-kind contribution authorization in section 1001 of this Act to provide a credit to the local sponsors for the value of their in-kind contributions made on authorized activities related to the levees in the project's scope of work if the Secretary determines the work is integral to the project.

Sec. 3321. Dworshak Reservoir Improvements, Idaho.

This section authorizes the Secretary to construct recreational facilities as well as improve existing Army Corps of Engineers and outgranted improvements to recreation facilities on the existing Dworshak Reservoir to allow for operation at the lower pool elevations that are being experienced to assist in salmon species recovery efforts. The estimated total project cost is $5,300,000, with a Federal cost of $3,900,000 and a non-Federal cost of $1,400,000.

Sec. 3322. Little Wood River, Gooding, Ohio.

This section modifies Public Law 75–5, the Energy Conservation Work Program (16 U.S.C. 585 et seq.), to direct the rehabilitation of the Gooding Idaho Channel Project for the purpose of flood control and ecosystem restoration, if the Secretary determines the rehabilitation and ecosystem restoration to be feasible. The section authorizes and directs the Secretary to plan, design and construct the project at a total cost of $9,000,000, provides that the non-Federal share of the cost of the project can be provided as in-kind contributions, services, supplies and material, and provides that non-Federal funds may come from other Federal programs if permitted under that Federal program. This provision directs the Secretary to consider the ability to pay provisions from the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) when computing the non-Federal cost share.

Sec. 3323. Cache River Levee, Illinois.

This section directs the Secretary to add ecosystem restoration as a project purpose to the Cache River Levee, Illinois, authorized under the Flood Control Act of June 28, 1938 (52 Stat. 1215, Chapter 795).

Sec. 3324. Missouri and Illinois flood protection projects reconstruction pilot program.

This section directs the Secretary to reconstruct existing flood control projects in Missouri and Illinois as needed for proper functioning as originally authorized, so long as the deficiencies identified are not due to lack of proper operation and maintenance by the non-Federal interest. Costs shall be shared in the same percentages as the original projects. Operation, maintenance, repair, and

rehabilitation of reconstructed projects are a non-Federal responsibility. A total of $50,000,000 is authorized for this effort. The following critical projects are to receive priority:

(1) Clear Creek Drainage and Levee District, Illinois.
(2) Fort Chartres and Ivy Landing Drainage District, Illinois.
(3) Wood River Drainage and Levee District, Illinois.
(4) city of St. Louis, Missouri.
(5) Missouri River Levee Drainage District, Missouri.

Sec. 3325. Spunky Bottom, Illinois.

This section directs the Secretary to add ecosystem restoration as a project purpose to the flood control project between Beardstown, Illinois and the mouth of the Illinois River, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1583, Chapter 688). In addition, it directs that the flood control project shall remain eligible for emergency repair assistance under the Flood Control Act of August 18, 1941 (Public Law 77–228), as amended (33 U.S.C. 701n) without consideration of economic justification. It also authorizes $7,500,000 in Federal funding ($500,000 of which will be available for post-construction monitoring and adaptive management for a period of 5 years following completion of construction) for the project modifications carried out under section 1135 of WRDA 1986 for the Spunky Bottoms, Illinois project.

Sec. 3326. Cumberland, Maryland.

This section amends section 580(a) of the Water Resources Development Act of 1999 (113 Stat. 375) to increase the total authorized cost of the project from $15,000,000 to $25,750,000 with a Federal cost of $9,750,000 and a non-Federal cost of $16,738,000.

Sec. 3327. Land exchange, Pike County, Missouri.

This section directs a land exchange of 42 acres between S.S.S., Inc. and the Army Corps of Engineers within 2 years. The Federal land includes 2 parcels of Army Corps of Engineers land located on Buffalo Island in Pike County, Missouri. The S.S.S., Inc. land is situated in Pike County, Missouri, upstream and northwest, about 200 feet from Drake Island (also known as Grimes Island).

Sec. 3328. Lake Girard Lake Dam, Ohio.

This section amends section 507(1) of the Water Resources Development Act of 1996 (110 Stat. 3758) by increasing the authorized project cost from $2,500,000 to $5,500,000 and also by authorizing the lowering of the crest of the dam by not more than 12 ‡ feet as part of repair and rehabilitation.

Sec. 3329. University of Oregon Museum of Natural History, Oregon.

The section authorizes the Secretary to pay not more than $2,500,000 to the Oregon Museum of Natural History for the research and care of artifacts collected during the construction of John Day and The Dalles Dams. These artifacts have been housed at the museum at no cost to the Federal Government.

Sec. 3330. Tioga Township, Pennsylvania.

This section directs the Secretary to convey by quitclaim deed approximately 8 acres of the Tioga-Hammond Lakes Flood Control Project property to the Tioga Township for use as administrative offices and a road maintenance complex.

Sec. 3331. Harris Fork Creek, Tennessee and Kentucky.

This section extends the authorization to be carried out by the Secretary for a period of 7 years beginning on the date of enactment of this Act for the project for flood control, Harris Fork Creek, Tennessee and Kentucky, authorized by section 102 of the Water Resources Development Act of 1976 (33 U.S.C. 701c note; 90 Stat. 2920).

Sec. 3332. Nonconnah Weir, Memphis, Tennessee.

This section modifies the project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4124) and modified by section 334 of the Water Resources Development Act of 2000 (114 Stat. 2611), to authorize the Secretary to reconstruct, at full Federal expense, the weir originally constructed in the vicinity of the mouth of Nonconnah Creek and to make repairs and maintain the weir in the future so that the weir functions properly. The estimated cost of reconstruction of the weir is $2.5 million.

Sec. 3333. Harris County, Texas.

This section modifies section 575(b) of WRDA 1996 to not consider flood control works constructed by non-Federal interests within the drainage area in the determination of conditions existing prior to construction of the Upper White Oak Bayou, Texas project authorized by Section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).

Sec. 3334. Chehalis River, Centralia, Washington.

This section authorizes the project for flood damage reduction, Chehalis River, Centralia Washington, substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, if a favorable final report of the Chief for the project is completed not later than December 31, 2004.

Location. Chehalis River valley at the cities of Centralia and Chehalis in Lewis County, Washington.

Purpose. Flood Damage Reduction.

Problem. The river valley has a broad meandering channel and a mile-wide floodplain. The average annual rainfall is about 42 inches. Major floods occur during the October to March period from heavy rainfall augmented by snowmelt runoff. The cities of Centralia and Chehalis have been subject to repeated flooding for many years. This flooding has caused extensive damage to private and public property and periodic closure of critical transportation routes resulting in significant economic losses.

Recommended Plan. The plan consists of construction of a levee system along the Chehalis River from approximately river mile (RM) 75 to RM 64 and along most of the lower 2 miles of both

Dillenbaugh Creek and Salzer Creek; construction of a levee along the lower approximately 2 miles of Skookumchuck River to the confluence with Coffee Creek; modification to the existing Skookumchuck Dam to add a short gated outlet tunnel to create flood control storage; and raising in elevation approximately eight structures that would incur induced damages from increased inundation as a result of the project. Unavoidable environmental impacts will include wetland and riparian habitat degradation and destruction resulting in the loss of approximately 105 habitat units. Mitigation for these losses will be accomplished through a combination of wetland creation, revegetation of riparian habitat, and reconnection of an isolated oxbow with the mainstem Chehalis River.

Project Costs. Total cost $94,357,000. Federal cost $56,467,000; non-Federal cost $37,890,000.

Benefit/Cost Ratio. 1.3 to 1.

Sec. 3335. Erosion control, Puget Island, Wahkiakum County, Washington.

This section modifies section 204 of the Flood Control Act of 1950 (64 Stat. 178) for a one-time placement of dredge material from the Columbia River channel onto the shoreline of Puget Island, Washington, for temporary protection from erosion of economic and environmental resources. This section authorizes appropriations of $1,000,000 at full Federal expense and instructs the Secretary to perform appropriate agency coordination and ensure environmental compliance.

Sec. 3336. Lower Mud River, Milton, West Virginia.

This section authorizes the modification of the project for flood damage reduction, Lower Mud River, Milton, West Virginia, substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, if a favorable final report of the Chief for the project is completed not later than December 31, 2004.

Location. Lower Mud River, Milton, West Virginia.

Purpose. Flood Damage Reduction.

Problem. The city of Milton, West Virginia has been subjected to frequent and repeated flooding since the early 1900's from the Lower Mud River. Almost the entire city lies in the floodplain and during the 1997 flood of record (30-year flood frequency) was subjected to $23 million dollars in flood damages. The 100-year flood would cause $47 million in damages and inundate 650 structures in the community.

Recommended Plan. The plan recommended in the May 2004 draft report consists of an earthen levee (over 8,300 feet long), two pump stations, and environmental mitigation measures. The project would protect the primary residential and commercial area of the city from a 250-year flood event.

Project Costs. Total project cost $45,500,000. Federal cost $34,125,000; non-Federal cost $11,375,000.

Benefit/Cost Ratio. 1.3 to 1.

SUBCHAPTER C—DEAUTHORIZATIONS

Sec. 3341. Little Cove Creek, Glencoe, Alabama.

This section deauthorizes the project for flood damage reduction, Little Cove Creek, Glencoe, Alabama, authorized in the Supplement Appropriations Act, 1985 (99 Stat. 312). The project is not economically feasible and there is no local sponsor support.

Sec. 3342. Winslow, Arizona.

This section deauthorizes the uncompleted portions of the project for flood control, Winslow, Arizona, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1083). The remaining project was suspended due to lack of financial capacity on the part of the local sponsor.

Sec. 3343. Goleta and Vicinity, California.

This section deauthorizes the project for flood control, Goleta and vicinity, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1826). The local sponsor did not pursue construction of the Carneros Creek Debris Basin due to the high construction cost.

Sec. 3344. Shingle Creek Basin, Florida.

This section deauthorizes the project for flood control, Shingle Creek Basin, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182). A General Reevaluation Report indicated no economic justification for a Federal project.

Sec. 3345. Brevoort, Indiana.

The section deauthorizes the project for flood control, Brevoort, Indiana, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1587). Projects to improve interior drainage have been implemented under section 205 of the continuing authorities program and this project is no longer necessary.

Sec. 3346. Middle Wabash, Greenfield Bayou, Indiana.

The section deauthorizes the project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 649). A 1997 re-study indicated that there was no economically feasible plan that the local sponsor would support.

Sec. 3347. Lake George, Hobart, Indiana.

The section deauthorizes the project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148). There is no local sponsor support for the project.

Sec. 3348. Green Bay Levee and Drainage District No. 2 Iowa.

This section deauthorizes the project for flood damage reduction, Green Bay Levee and Drainage District No. 2, Iowa, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), deauthorized in fiscal year 1991, and reauthorized by section 115(a)(1) of the Water Resources Development Act of

1992 (106 Stat. 4821). A General Reevaluation Report indicates the project is not economically feasible.

Sec. 3349. Eagle Creek Lake, Kentucky.

This section deauthorizes the project for flood control and water supply, Eagle Creek Lake, Kentucky, authorized by section 203 the Flood Control Act 1962 (76 Stat. 1188). A study determined that there was no Federal interest due to limited flood damage reduction provided by the project.

Sec. 3350. Hazard, Kentucky.

This section deauthorizes the project for flood damage reduction, Hazard, Kentucky, authorized by section 3 of the Water Resources Development Act (WRDA) of 1988 (102 Stat. 4014) and section 108 of the Water Resources Development Act of 1990 (104 Stat. 4621). All alternatives studied that would comply with the 1990 authorization exceeded the authorized cost limitation. There has been no local sponsor support for cost sharing a plan providing a lesser degree of protection.

Sec. 3351. Taylorsville Lake, Kentucky.

This section deauthorizes the recreation component of the project for flood control, Taylorsville Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1421). Construction was started in June 1974 and impoundment began in January 1983. The project is complete except for the construction of the majority of the recreation facilities.

Sec. 3352. West Kentucky Tributaries, Kentucky.

This section deauthorizes the project for flood control, West Kentucky Tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4129). The Water Resources Development Act of 1986 modified the project to include the purchase of more than 6,000 acres of mitigation land. The local sponsor does not support acquisition of mitigation lands.

Sec. 3353. Bayou Cocodrie and Tributaries, Louisiana.

This section deauthorizes the project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by section 3 of the Flood Control Act of 1941 (55 Stat. 644) and Section 1(a) of the Water Resources Development of 1974 (88 Stat. 12). The project is not economically justified.

Sec. 3354. Eastern Rapides and South-Central Avoyelles Parishes, Louisiana.

This section deauthorizes the project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825). The project is not economically justified.

Sec. 3355. Platte River Flood and Related Streambank Erosion Control, Nebraska.

This section deauthorizes the project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603 of the Water Resources Development Act of 1986 (100 Stat. 4149). The local sponsor is unable to meet the cost-sharing requirement.

Sec. 3356. Sugar Creek Basin, North Carolina and South Carolina.

This section deauthorizes the project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401(a) of Water Resources Development Act of 1986 (100 Stat. 4121). The local sponsor has withdrawn support of the project.

Sec. 3357. Parker Lake, Muddy Boggy Creek, Oklahoma.

This section deauthorizes the project for flood control and water supply, Parker Lake, Muddy Boggy Creek, project, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4123).

Sec. 3358. Chartiers Creek, Cannonsburg (Houston Reach Unit 2B), Pennsylvania.

This section deauthorizes the project for flood control, Chartiers Creek, Cannonsburg (Houston Reach Unit 2B), Pennsylvania, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081). Local officials in 1998 declined to cost share in the construction of remaining features of the flood damage reduction project in the Houston reach of Chartiers Creek in Washington County, Pennsylvania.

Sec. 3359. Tioga-Hammond Lakes, Pennsylvania.

This section deauthoirizes the project for flood control and recreation, Tioga Hammond Lakes, Mill Creek Recreation, Pennsylvnia, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 313). There is no local sponsor support for recreational facilities.

Sec. 3360. Tamaqua, Pennsylvania.

This section deauthorizes the project for flood control, Tamaqua, Pennsylvania, authorized by section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 14). The non-Federal sponsor has been unable to obtain funding assistance from State of Pennsylvania.

Sec. 3361. Arroyo Colorado, Texas.

This section deauthorizes project for flood damage reduction, Arroyo Colorado, Texas, authorized by section 401(a) of the Water resources Development Act of 1986 (100 Stat. 4125). The local sponsor could not agree on a Project Cooperation Agreement, nor accept operation and maintenance responsibilities.

Sec. 3362. Cypress Creek-Structural, Texas.

This section deauthorizes the project for flood damage reduction, Cypress Creek Structural, Texas, authorized by section 3(a)(13) of

the Water Resources Development Act of 1988 (102 Stat. 4014). A non-structural project is being pursued and there is no local sponsor support of the structural project.

Sec. 3363. East Fork Channel Improvement, East Fork Of The Trinity River, Texas.

This section deauthorizes the Increment II of the project for flood damage reduction, East Fork Channel Improvement, East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185). The project is not economically feasible.

Sec. 3364. Falfurrias, Texas.

This section deauthorizes the project for flood damage reduction, Falfurrias, Texas, authorized by the Section 3(a)(14) of the Water resources Development Act of 1988 (102 Stat. 4014). There is no local sponsor support for the project.

Sec. 3365. Pecan Bayou Lake, Texas.

This section deauthorizes the project for flood contol, Pecan Bayou Lake, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742). The project is not economically justified and there is no local sponsor support.

Sec. 3366. Kanawha River, Charleston, West Virginia.

This section deauthorizes the project for bank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (100 Stat. 4153). The project is not economically justified.

SUBTITLE B—COASTAL STORM DAMAGE REDUCTION

CHAPTER 1—GENERAL PROVISIONS

Sec. 3401. Shore Protection and beach renourishment projects.

Subsection (a) of this section directs the Secretary, in collaboration with the advisory committee established in subsection (c), to revise the planning guidelines, regulations and circulars for beach renourishment projects involving large dredge and fill activities.

Subsection (b) requires that these revisions include: protection of reefs, essential fish habitat, and habitat areas of particular concern; consideration of nonstructural alternatives for large dredge and fill activities; and establishment of minimum environmental standards for beach replenishment projects that utilize dredge material. The committee expects the regulations to include establishment of standards for compatibility of grain size, shell content, and other geologic characteristics; requirements for monitoring; establishment of buffer distances; development of programmatic environmental impact statements; revision of public notice and comment procedures; and establishment of standardized, interagency renourishment information.

Subsection (c) directs the Secretary to create an advisory committee of biologists, engineers, geologists, and other experts to support this effort.

Subsection (d) requires the Secretary to comply with notice and comment provisions.

Subsection (e) directs the Secretary to apply the revised regulations to projects with a draft feasibility study or draft reevaluation report not yet completed.

Sec. 3402. Regional sediment management.

This section amends section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) to expand the beneficial use of dredge material for ecosystem protection and restoration. The committee recognizes the need for regional sediment management plans to address the regional management of sediment dredged in conjunction with construction and operation and maintenance of navigation projects.

Subsection (a) authorizes the Secretary, in connection with dredging for construction or operation and maintenance of a navigation project, to carry out projects of the protection, restoration, and creation of aquatic and ecologically related habitats, and the transport and placement of dredged material. This subsection also authorizes the Secretary to develop these plans in consultation and cooperation with appropriate Federal, State and regional agencies. Priority is established for the development of plans in three locations. The authorization for section 204 if increased to $30,000,000 annually.

Subsection (b) repeals section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j), but does not effect the authority to complete any on-going project under that section.

Sec. 3403. National shoreline erosion control development and demonstration program.

Subsection (a) amends section 5(a) of the Act of August 13, 1946 (33 U.S.C. 426h(a), by extending the program by an additional 4 years.

Subsection (b) amends section 5(b)(1)(A) of the Act of August 13, 1946 (U.S.C. 426(b)(1)(A)) by extending the planning, design and construction phase of the program for an additional 3 years.

Sec. 3404. Shore protection projects.

Subsection (a) states that it is the policy of the United States to promote shore protection projects, including beach restoration and periodic beach renourishment for a period of 50 years.

Subsection (b) states that preference shall be given to areas where Federal funds have been invested and areas where Federal navigation projects or activities have caused the need for prevention or mitigation to shores and beaches.

This section emphasizes the committee's support for the protection, restoration and enhancement of sand beaches through financial support of periodic beach nourishment for a period of 50 years. The committee recognizes that periodic beach nourishment is an effective measure to prevent or mitigate damage to shore from storms and hurricanes. Preference shall be given to areas in which there has been a Federal investment of funds.

The committee emphasizes that through previous Water Resources Development Acts, Congress has established the length and

Federal cost share for period beach nourishment and renourishment. Moreover, the written agreement entered by the Secretary and non-Federal sponsor with respect to such projects is legally binding in compliance with the Water Resources Planning Act (42 U.S.C. 1962(a)-1962(a)(4)(e)).

CHAPTER 2—STUDIES

Sec. 3411. Oceanside, California, shoreline special study.

This section amends Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) to increase by 12-months an extension for completing the Oceanside, California Shoreline Special Study by striking "32 months" and inserting "44 months".

CHAPTER 3—PROJECTS

SUBCHAPTER A—AUTHORIZATIONS

Sec. 3421. Coastal Louisiana ecosystem protection and restoration.

Location. Louisiana Coastal Area, Louisiana.

Purpose. Ecosystem Restoration.

Problem. The Louisiana Coastal Area contains one of the largest expanses of coastal wetlands in the contiguous United States, and accounts for 90 percent of the total coastal marsh loss in the Nation. Coastal Louisiana has lost over 1.2 million acres (1,875 sq. mi.), since 1930, and is estimated to continue to lose land at a rate of approximately 6,600 acres per year (10.0 sq. mi.) over the next 50 years, resulting in an additional 328,000-acre (513 sq. mi.) net loss by the year 2050. Louisiana's coastal wetlands and barrier island system enhances protection of an internationally significant commercial-industrial complex from the destructive forces of storm driven waves and tides, and taken as a whole with migratory bird routes, fish and other species, place the coastal wetlands of Louisiana among the nation's most productive and important natural assets. Louisiana's coastal area is home to over 2 million people, representing 46 percent of Louisiana's population, and when investments in facilities, supporting service activities, and the urban infrastructure are totaled, the capital investment in the Louisiana coastal area adds up to approximately $100 billion.

Recommended Plan. Subsection (a) establishes a Coastal Louisiana Ecosystem Protection and Restoration Task Force ("Task Force"), composed of the: Secretary of the Army ("Secretary"); Secretary of Commerce; Administrator of the Environmental Protection Agency; Secretary of Agriculture; Secretary of Transportation; Secretary of Energy; Secretary of Homeland Security; and Governor of the State of Louisiana (or their designee at the level of Assistant Secretary or equivalent). The Task Force shall make recommendations to the Secretary of the Army regarding policies, strategies, plans, programs, projects, activities, and financial plans for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem.

Subsection (b) directs the Secretary to develop a comprehensive plan for the conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem, which may include such studies, projects, and programs as the Secretary determines to be nec-

essary for the conservation, restoration, and maintenance of the coastal Louisiana ecosystem. The Secretary shall submit the plan to Congress not later than July 1, 2008.

Subsection (c) directs the Secretary to initiate feasibility studies in accordance with the Louisiana Coastal Ecosystem Restoration Study and to develop a plan for the modification for the Mississippi River Gulf Outlet, Louisiana, Project that addresses navigation interests, environmental restoration, and threats to life and property. The Secretary shall re-evaluate existing federally authorized water resource projects in the coastal Louisiana ecosystem in order to determine whether the projects have the potential to contribute to ecosystem restoration through revised operations or modified project features.

Subsection (d) establishes a Coastal Louisiana Ecosystem Science and Technology ("S & T") Program to address coastal ecosystem restoration science and technology needs. The total cost shall not exceed $50,000,000. The S & T Program shall: assess the effects of coastal restoration measures; develop improved modeling capabilities; develop new technologies for ecosystem restoration activities; provide scientific peer review; identify and address socio-economic consequences of coastal land loss and restoration activities; and ensure application of adaptive management principals and practices.

The Secretary shall establish a Science Board for the S & T Program, which shall include nationally, recognized experts. The Science Board shall make recommendations to the Secretary to improve program and project performance by providing periodic review and comment on program and project activities.

The Secretary is further directed to establish an Office of the Director for the S & T Program, which shall provide recommendations to the Secretary regarding the development, direction, and oversight of an annual program to identify and address science and technology needs. The Director is authorized to establish working groups as are necessary to assist in the duties of the S & T Program.

The Secretary shall review and approve the construction of demonstration projects for resolving scientific and technological uncertainties at a total cost, for all demonstration projects, not to exceed $85,000,000, and with a total cost per project not to exceed $15,000,000.

The Secretary is further authorized to construct the Bayou LaFourche River Reintroduction project at a total cost of $140,000,000 (with an estimated Federal cost of $91,000,000 and an estimated non-Federal cost of $49,000,000).

Further, the Secretary shall implement a program for increased beneficial use of material dredged from federally maintained waterways in the Louisiana Coastal Area, with an authorized cost not to exceed a total of $100,000,000.

Subsection (e) establishes the non-Federal share of costs: for implementing projects at 35 percent; for operation, maintenance, repair, replacement, and rehabilitation of the projects at 100 percent; and for program elements at 35 percent. In addition, after the non-Federal sponsor provides all lands, easements, rights-of-way, relocations, and disposal areas necessary for implementation of this section, the non-Federal sponsor may provide the balance of its

share through the provision of services, materials, and other in-kind services that the Secretary determines to be integral to the program. It further provides that credits afforded the non-Federal sponsor may be carried over between authorized program elements.

Subsection (f) authorizes the Secretary to determine that an activity is justified by the derived environmental benefits, and no further economic justification is required if the Secretary determines that the activity is cost-effective. However, this is not applicable to separable elements intended to produce benefits that are predominantly unrelated to the conservation, restoration, or maintenance of the natural system.

Subsection (g) directs the Secretary to ensure that the implementation, maintaining, modifying, or rehabilitation of federally authorized water resources projects in the coastal Louisiana ecosystem are consistent with the purposes of plans, projects, and programs developed and implemented pursuant to this section.

Subsection (h) exempts the Task Force, Science and Technology Program, and any groups associated with them from the Federal Advisory Committee Act.

Project Costs. Total Costs provided in the legislation amount to $375,000,000, and are broken down as follows:

S & T Program	$50,000,000
Demonstration Projects	$85,000,000
Bayou LaFourche River Reintroduction Project	$140,000,000
Beneficial Use of Dredged Material	$100,000,000

Sec. 3422. Morganza, Louisiana to the Gulf of Mexico.

Location. Houma City, Terrebonne and Lafourche Parishes, Louisiana.

Purpose. Hurricane and Storm Damage Reduction.

Problem. The area is significantly affected by tides emanating from the Gulf of Mexico. Deterioration of coastal marshes, as a result of saltwater intrusion, land subsidence, and the lack of interchanges from the Mississippi River and Tributaries (MR&T) systems has increased storm surge inundation.

Recommended Plan. The recommended hurricane protection plan consists of approximately 72-miles of earthen levee with 12 water control structures to allow ebb and flow through the levee, 12 floodgate structures (proposed for the navigable waterways), and a lock complex in the Houma Navigation Canal. The structural features are integrated into the levee alignment to provide flood protection, drainage, environmental benefit, and navigational passage.

Project Costs. Total cost $740,000,000. Federal cost $481,000,000; non-Federal cost $259,000,000.

Benefit/Cost Ratio. 1.7 to 1.

Sec. 3423. New Jersey Shore protection, Manasquan Inlet to Barnegat Inlet, New Jersey.

Location. Atlantic Coast of New Jersey, Island Beach, Ocean County, New Jersey.

Purpose. Hurricane and Storm Damage Reduction.

Problem. Severe storms in recent years have caused a reduction in the overall beach height and width along the study area. The narrowing and lowering of the beaches and dunes along the study area have reduced the storm protection that would have otherwise been available. As a result, public and private property is subject to damage from erosion, wave attack and tidal inundation. Some storms have caused extensive damage and even loss of life, and when evacuation was considered necessary, families have suffered hardships and inconvenience.

Recommended Plan. The recommended plan consists of berm and dune restoration using sand obtained from offshore borrow sources. Periodic nourishment is expected to occur at 4-year intervals subsequent to completion of initial construction.

Project Costs. Total cost $62,377,000. Federal cost $40,546,000; non-Federal cost $21,831,000. Estimated average annual costs $1,911,000 for periodic nourishment over a period of 50 years.

Benefit/Cost Ratio. 2.1 to 1.

Sec. 3424. South River, New Jersey.

Location. South River, Boroughs of South River and Sayreville, New Jersey.

Purpose. Hurricane and Storm Damage Reduction and Ecosystem Restoration.

Problem. The main problem affecting the area is flooding caused by periodic hurricanes and other storms. Damages are primarily due to storm surges and associated basin runoff, which subject these areas to significant flooding. Significant degradation of wetlands and the surrounding ecosystem has occurred due to urbanization resulting in tidal flow restrictions and increased storm surge inputs of excess water and sediments.

Recommended Plan. The recommended plan consists of a storm surge barrier, two combined levees/floodwalls, and interior drainage facilities including pump stations and outlets. In addition, the project will provide for the restoration of the structure and function of 380 acres of degraded ecosystems, including wetlands and forest habitats.

Project Costs. Total cost $105,437,000. Federal cost $68,534,000; non-Federal cost $36,903,000.

Benefit/Cost Ratio. 2.2 to 1.

Sec. 3425. Montauk Point, New York.

Location. Montauk Point, New York.

Purpose. Hurricane and Storm Damage Reduction.

Problem. The Montauk Point study area, including the historic lighthouse, is located on a bluff at the eastern end of the southern fork of Long Island, approximately 125 miles east of New York City. The area surrounding the lighthouse is operated as a State park. The Montauk Point Lighthouse was commissioned by President Washington and completed in 1796. It is included in the National Register of Historic Places (NRHP). Continued shoreline erosion threatens the loss of the lighthouse complex and surrounding State park property.

Recommended Plan. The recommended plan consists of an 840-foot long revetment with a crest width of 40 feet at an elevation of +25 feet NGVD and 2 vertical and 1 horizontal side slopes.

Project Costs. Total cost $12,000,000. Federal cost $7,800.000; non-Federal cost $4,200,000.

Benefit/Cost Ratio. 1.3 to 1.

Sec. 3426. Coastal wetland conservation project funding

This section amends section 306 of the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3955), the Breaux Act, by removing the annual limits on expenditures of revenues generated from sport fishing fees and extending the program by an additional 10 years.

SUBCHAPTER B—MODIFICATIONS

Sec. 3431. Imperial Beach, California.

Location. Imperial Beach, San Diego County, California.

Purpose. Shore Protection.

Problem. There is a lack of adequate protection from winter coastal storms for the Silver Shoreline, Imperial Beach, California. The shoreline is eroding at a rate of 6 feet per year. Many private and commercial properties along the shoreline are susceptible to wave attack, inundation, and failure due to erosion during coastal storm events.

Recommended Plan. This section modifies the project for beach erosion, San Diego County California, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 300) to authorize the Secretary to carry out a shore protection project in accordance with the Report of the Chief of Engineers dated December 30, 2003. The additional project consists of an initial beach fill of approximately 1.6 million cubic yards of sand. The placement will be 7,100 feet long and 105 feet wide along the developed shorefront. Periodic nourishment of approximately 1 million cubic yards of sand will occur on average every 10 years over a 50-year period of Federal participation for a total of four additional nourishments.

Project Costs. Total Cost $48,264,000. Federal cost $25,759,000; non-Federal cost $22,505,000.

Benefit/Cost Ratio. 1.7 to 1.

Sec. 3432. Lido Key Beach, Sarasota, Florida.

Location. Lido Key, Sarasota County, Florida.

Purpose. Shore Protection.

Problem. Additional options need to be considered to determine optimal hurricane and storm damage reduction features for Lido Key under current conditions, and to seek new authority to design and construct the project due to Section 902 limit being exceeded.

Recommended Plan. A 5-foot elevation, 80-foot-wide storm berm that extends 8,300 feet with tapers at each end. Initial construction would require placement of approximately 1,075,000 cubic yards of sand fill, consisting of 460,000 cubic yards of design volume fill and 615,000 cubic yards of sacrificial advance fill. Three borrow areas are located between 7.2 and 9.5 nautical miles offshore. Future nourishment would be provided at about 5-year intervals. Three

groins would be constructed along the southern portion of the fill to reduce post-construction erosion losses.

Project Costs. Total cost $12,632,200. Federal cost $7,882,493; non-Federal cost of $4,749,702.

Benefit/Cost Ratio. 1.5 to 1.

Sec. 3433. Orchard Beach, Bronx, New York.

This provision amends Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) to increase the maximum total Federal cost of the project from $5,200,000 to $18,200,000.

SUBCHAPTER C—DEAUTHORIZATIONS

Sec. 3441. Fort Livingston, Grand Terre Island, Louisiana.

This section deauthorizes the project for erosion protection and recreation, Fort Livingston, Grande Terre Island, Louisiana, authorized by the Flood Control Act of 1946 (33 U.S.C. 426e et seq.). There is no justified Federal interest.

TITLE IV—ECOSYSTEM RESTORATION AND ENVIRONMENTAL REMEDIATION

SUBTITLE A—ECOSYSTEM RESTORATION

CHAPTER 1—GENERAL PROVISIONS

Sec. 4001. Cost sharing for monitoring.

This section authorizes the Secretary to cost share in the monitoring of ecosystem restoration projects identical to the cost sharing for construction, including projects designed and constructed under a continuing authority program for a maximum of 10 years and not to exceed 5 percent of the construction cost of the original project. After 10 years, the costs of monitoring shall be 100 percent non-Federal.

Sec. 4002. Ecosystem restoration benefits.

This section directs the Secretary to use ecosystem restoration benefits as part of developing a recommended plan for the following projects:

(1) Grayson's Creek, California
(2) Seven Oaks, California
(3) Oxford, California
(4) Walnut Creek, California
(5) Wildcat Phase II, California

Sec. 4003. Great Lakes Interagency Task Force.

This section enacts into law Executive Order 13340 entitled "Establishment of Great Lakes Interagency Task Force and Promotion of a Regional Collaboration of National Significance for the Great Lakes." The Task Force shall be chaired by the Administrator of the Environmental Protection Agency. A Great Lakes Regional Working Group shall be formed, which shall include the appropriate regional administrator or director with programmatic responsibility over the Great Lakes system for each agency represented on the Task Force. The Task Force is directed to establish

a process to improve collaboration between the various Federal, tribal, regional, State and local programs concerned with environmental restoration and management activities throughout the Great Lakes System. The Task Force and Working Group shall collaborate with Canada and its provinces and bi-national bodies involved in the Great Lakes region regarding policies, strategies, projects and priorities for the Great Lakes System.

CHAPTER 2—CONTINUING AUTHORITIES PROGRAMS

Sec. 4101. Restoration of the environment for protection of aquatic and riparian ecosystem program.

This section increases the annual program limit from $25,000,000 to $75,000,000 for the Restoration of the Environment for Protection of Aquatic and Riparian Ecosystem (REPARE) continuing authority program created under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

Sec. 4102. Environmental modification of projects for improvement and restoration of ecosystems program.

This section increases the annual program limit from $25,000,000 to $50,000,000 for the Environmental Modification of Projects for Improvement and Restoration of Ecosystems (EMPIRE) continuing authority program created under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

Sec. 4103. Projects to enhance estuaries and coastal habitats.

This section creates a new continuing authority program, Projects to Enhance Estuaries and Coastal Habitats (PEECH), for estuary habitat restoration with an annual program limit of $25,000,000 and a per project cost limit of $5,000,000.

CHAPTER 3—STUDIES

SUBCHAPTER A—STUDY AUTHORIZATIONS

Sec. 4201. Lake Champlain Canal study, Vermont and New York.

This section directs the Secretary to conduct a study, at full Federal expense, to determine the feasibility of a dispersal barrier for control of invasive species at the Lake Champlain Canal, Vermont and New York, and, if such project is found to be feasible, directs the Secretary to construct, maintain, and operate such dispersal barrier as necessary.

Sec. 4202. Eurasian milfoil.

This section directs the Secretary to carry out a study, at full Federal expense, to develop national protocols for the use of the Euhrychiopsis lecontei weevil for biological control of Eurasian milfoil in the lakes of Vermont and other northern tier States.

SUBCHAPTER B—MODIFICATIONS

Sec. 4211. San Pablo Bay watershed restoration, California.

This section directs the Secretary to submit to Congress a report describing the results of the San Pablo Bay watershed study not later than March 31, 2008.

CHAPTER 4—PROJECTS

SUBCHAPTER A—AUTHORIZATIONS

Sec. 4301. Matilija Dam, Ventura County, California.

Location. Ventura River, Ventura County, California.

Purpose. Ecosystem Restoration.

Problem. Matilija Dam was constructed in 1948 as a water supply facility. The resulting reservoir has filled with sediment and provides very little water storage; approximately 500 acre-feet, 7 percent of capacity, and decreasing. The Matilija Dam is an impediment for fish passage, no longer provides adequate water supply, and negatively affects downstream and coastal sediment transport. Arundo Donax, a non-native invasive plant, is prevalent throughout the river system reducing the quality of habitat for a number of endangered, listed and other species.

Recommended Plan. This section authorizes the Secretary to carry out a project for ecosystem restoration at Matilija Dam and the Ventura River Watershed, provided that a favorable report on the project is completed by the Chief of Engineers by December 31, 2004. The recommended plan includes dam removal to restore fish passage and sediment transport processes to the river and beach. It also includes levees and floodwalls, bridge modification, radial gates, a detention basin, land acquisition, sediment slurry lines and sediment placement, channel excavation upstream of current dam site, recreation features and removal of invasive plant species.

Project Costs. Total cost $130,335,000. Federal cost $78,972,750; non-Federal cost $51,362,250.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

Sec. 4302. Napa River Salt Marsh, California.

Location. Napa, Sonoma, and Solano Counties, California.

Purpose. Ecosystem Restoration.

Problem. The San Francisco Bay Region is an extensive, complex and diverse estuary where that has lost approximately 90 percent of its original tidal wetlands due to development over the past 150 years. The degradation of fish and wildlife resources associated with the loss of the Bay's historic wetlands has resulted in several species being listed as threatened or endangered. The project site, historically dominated by tidal salt marsh, was diked and converted to hayfields approximately 150 years ago. In the early 1950's, the diked areas were converted to solar salt evaporation ponds. This project will restore a portion of diked baylands to tidal action to support endangered and special status species recovery, improve water quality, and restore greater ecological balance to the San Francisco Bay.

Recommended Plan. The recommended plan will use a system of water control structures and levee breaches to reduce the salinity of former salt production ponds by using a combination of water sources, including seasonal rainfall and adjacent sloughs, that will flow through the ponds and then be discharged to the Napa River and an adjacent slough. The recommended plan then relies on natural sediment processes and colonization by marsh vegetation to restore over 4,500 acres of tidal ponds and managed ponds.

Project Costs. Total cost $105,500,000. Federal cost $64,000,000; non-Federal cost $36,500,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

Sec. 4303. Pine Flat Dam fish and wildlife habitat, California.

Location. Pine Flat Reservoir and Kings River, Fresno, California.

Purpose. Ecosystem Restoration.

Problem. Improvements are needed to manage fisheries and aquatic habitat conditions in Pine Flat Reservoir and the Lower Kings River immediately below the Pine Flat Reservoir.

Recommended Plan. This section authorizes the Secretary to participate with appropriate State and local agencies in the implementation of a cooperative program to improve and manage fisheries and aquatic habitat conditions in the Pine Flat Reservoir and in the 14-mile reach of Kings River immediately below the dam in accordance with Kings River Fisheries Management Program Framework Agreement, dated May.

Project Costs. Total cost $20,000,000. Federal cost $13,000,000; non-Federal cost $7,000,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

Sec. 4304. Salton Sea Restoration, California.

Location. La Quinta, California.

Purpose. Environmental Restoration.

Problem. The Salton Sea serves as a reservoir for irrigation drainage. To restore it as healthy habitiat for fish and wildlife and to enhance its potential for recreational uses and economic development requires that its overall salinity be reduced and stabilized and that its surface elevation be stabilized. Previous studies by the Bureau of Reclamation and the Salton Sea Authority have identified long-term solutions for its reclamation.

Recommended Plan. This recommended plan consists of a special study of pilot projects identified in the preferred restoration concept plan approved by the Salton Sea Authority to determine if the pilot projects are economically justifiable, technically sound, environmentally acceptable and meeting the objectives of the Salton Sea Reclamation Act (Public Law 105–372). If the Secretary makes a positive determination, the Secretary may enter into an agreement with the Salton Sea Authority, and in consultation with the Salton Sea Science Office, to carry out pilot projects for improvement of the environment in the Salton Sea,

Project Costs. Total cost $26,000,000. Federal cost $16,900,000, of which not more than $5,000,000 may be used for any one pilot project; non-Federal cost $9,100,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

Sec. 4305. South Platte River, Denver, Colorado.

Location. Denver County Reach, South Platte River, Denver, Colorado.

Purpose. Environmental Restoration.

Problem. The City and County of Denver has accomplished much toward restoring the environmental assets of Denver's South Platte River corridor. Only the Zuni to Sun Valley reach, which includes the Zuni Power Plant and the Sun Valley housing development, remains in a severely degraded condition.

Recommended Plan. The recommended plan consists of removal of a low head Fabridam; construction of a 250 cubic-feet-per-second, low-flow channel; stripping vegetation; modification of overall channel banks; construction of a series of pool/riffle structures and diversion jetties; relocation of existing trails; relocation of utilities; and complete revegetation of the project area with native species. To allow continued operation of the existing Zuni Power Plant, construction of an infiltration gallery and purchase of water rights as necessary are included as just compensation for removal of the Fabridam.

Project Costs. Total cost $17,997,000. Federal cost $11,698,000; non-Federal cost $6,299,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

Sec. 4306. Chicago Sanitary and Ship Canal dispersal barriers project, Illinois.

Location. Chicago, Illinois.

Purpose. Environmental Restoration.

Problem. The Chicago Ship and Sanitary Canal forms a unique, man-made link between the Great Lakes and the Mississippi River. The Canal also provides non-indigenous aquatic nuisance species access between the two water basins. As the non-indigenous aquatic nuisance species move toward the Great Lakes from the Mississippi River and vice versa, they prey on native species and compete for food, living space and spawning areas. There is a current demonstration barrier authorized by the Non-Indigenous Aquatic Nuisance Prevention and Control Act of 1990 (amended through 1996) which is nearing the end of its useful life.

Recommended Plan. The plan consists of construction of a permanent barrier to replace the demonstration barrier at full Federal expense, operate and maintain both barriers at full Federal expense, and provide credit to each State in proportion to the amount of funds contributed.

Project Costs. Unknown.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

Sec. 4307. Smith Island, Maryland.

Location. Smith Island, Chesapeake Bay, Maryland.

Purpose. Environmental Restoration.

Problem. Valuable wetland and submerged aquatic vegetation (SAV) habitat is being destroyed and degraded by erosion. As the landmasses that make up Smith Island erode, there is increased wave and current action into shallow-water areas that were previously protected, quiescent, and suitable for SAV growth. The eroded material also adds turbidity and nutrients to the water column that further inhibit SAV colonization and growth. Additionally, the landmasses themselves are extremely high quality emergent wetlands. These wetlands are even more valuable than most since they are part of a remote island with little human disruption. In its entirety, Smith Island has lost over 3,300 acres of wetlands in the last 150 years, and, in the identified project areas alone, it lost almost 2,400 acres of SAV between 1992 and 1998.

Recommended Plan. The recommended plan consists of constructing over 2 miles of off-shore segmented breakwaters to provide protection to over 2100 acres of wetlands and SAV habitats, and reduction of sediment to the Chesapeake Bay.

Project Costs. Total cost $14,500,000. Federal cost $9,425,000; non-Federal cost $5,075,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

Sec. 4308. Upper Connecticut River Basin Ecosystem Restoration, New Hampshire and Vermont.

Location. Upper Connecticut River Basin, New Hampshire and Vermont.

Purpose. Ecosystem Restoration.

Problem. The river basin provides important habitat for Atlantic salmon, dwarf mussels, beaver, otter, mink, bear, and moose. It is a flyway for migratory bird species. Portions of the Connecticut River, such as the Conte Refuge Special Focus Area, are known for its biological diversity and an unusual concentration of species that are disappearing from other places. It is the best dwarf wedge mussel population in the basin and it provides summer forage for migratory bald eagles. In addition, the Connecticut River Rapids Macrosite includes some of the river's last floodplain forests.

Recommended Plan. This section directs the Secretary, in consultation with Federal, State, local or non-profit agencies, to develop a strategy for ecosystem restoration of the Upper Connecticut River ecosystem. It further directs the Secretary to participate in the implementation of critical restoration projects in the Upper Connecticut River Basin consistent with the developed strategy.

Project Costs. Total cost $20,000,000. Federal cost $13,000,000; non-Federal cost $7,000,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

Sec. 4309. Upper Connecticut River Basin wetland restoration, New Hampshire and Vermont.

Location. Upper Connecticut River Basin, New Hampshire and Vermont.

Purpose. Ecosystem Restoration.

Problem. The river basin provides important habitat for Atlantic salmon, dwarf mussels, beaver, otter, mink, bear, and moose. It is a flyway for migratory bird species. Portions of the Connecticut River, such as the Conte Refuge Special Focus Area, are known for its biological diversity and an unusual concentration of species that are disappearing from other places. It is the best dwarf wedge mussel population in the basin and it provides summer forage for migratory bald eagles. In addition, the Connecticut River Rapids Macrosite includes some of the river's last floodplain forests.

Recommended Plan. This section directs the Secretary, in consultation with Federal, State, local or non-profit agencies, to develop a strategy for the use of wetland restoration, soil and water conservation practices, and non-structural measures in the Upper Connecticut River basin to reduce flood damage, improve water quality, and create wildlife habitat. It further directs the Secretary to participate in the implementation of the strategy in cooperation with local landowners and local government officials.

Project Costs. Total cost $5,000,000. Federal cost $3,250,000; non-Federal cost $1,750,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

Sec. 4310. Jamaica Bay, Marine Park and Plumb Beach, Queens and Brooklyn, New York.

Location. Jamaica Bay, New York.

Purpose. Ecosystem Restoration.

Problem. Over the past century, the Bay's fragile ecosystem has been degraded through human encroachment and increased urbanization.

Recommended Plan. The recommended plan includes restoration measures at nine sites, including measures to regrade shorelines, revegetate grasslands, create and/or restore additional estuarine, wetland, and upland habitats, and improve circulation and flushing in the bay.

Project Costs. Total cost $180,000,000. Federal cost $117,000,000; non-Federal cost $63,000,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

Sec. 4311. Long Island Sound oyster restoration, New York and Connecticut.

Location. Long Island Sound, Connecticut and New York.

Purpose. Ecosystem Restoration.

Problem. There is a need to restore existing non-productive oyster grounds and create new oyster beds in historically productive but deteriorated sites to increase aquatic habitats within Long Island Sound and adjacent waters.

Recommended Plan. This section directs the Secretary to plan, design, and construct projects to increase aquatic habitats within Long Island Sound, New York and Connecticut, and adjacent waters, including the construction and restoration of oyster beds and related shellfish habitat.

Project Costs. Total cost $25,000,000. Federal cost $18,750,000; non-Federal cost $6,250,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

Sec. 4312. Upper Willamette River watershed ecosystem restoration, Oregon.

Location. Upper Willamette River watershed, Oregon.

Purpose. Ecosystem Restoration.

Problem. Habitat has been altered or destroyed for a wide variety of plants and animals, including fish species, such as bull trout and Willamette spring Chinook salmon and winter stellhead, listed as threatened under the Endangered Species Act.

Recommended Plan. The recommended plan includes the planning, design, and construction of ecosystem restoration projects in the Upper Willamette River watershed.

Project Costs. Total cost $15,000,000. Federal cost $9,750,000; non-Federal cost $5,250,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

Sec. 4313. Riverside Oxbow, Fort Worth, Texas.

Location. Riverside Oxbow Trinity River, Fort Worth, Texas.

Purpose. Ecosystem Restoration.

Problem. The Riverside Oxbow and surrounding area has experienced both direct and indirect environmental degradation as a result of the construction and implementation of Benbrook Lake, Eagle Mountain Lake, Lake Worth, the Fort Worth Floodway project, and subsequent flood control projects and development activities.

Recommended Plan. The recommended plan consists of restoration of 512.2 acres of floodplain lands, approximately 2 miles of Oxbow river channel, 56.5 acres of wetlands, and 112 acres of uplands. It also provides 25,700 feet of mixed surface linear recreation trails.

Project Costs. Total cost $22,200,000. Federal cost $9,180,000; non-Federal cost $13,020,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

Sec. 4314. Connecticut River Dams, Vermont.

Location. Connecticut River, Vermont.

Purpose. Ecosystem Restoration.

Problem. These dams were constructed without consideration of the ecological impacts. Since their construction, this area has become one of the critical components of the Atlantic salmon restoration program.

Recommended Plan. This section authorizes the Secretary to evaluate, design and complete structural modifications, for the purposes of improving the environment, to the following Army Corps of Engineers operated dams in Vermont: Townshend Lake, Ball Mountain Lake, North Springfield Lake, North Hartland Lake, and Union Village Lake.

Project Costs. Total cost $30,000,000. Federal cost $30,000,000.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

SUBCHAPTER B—MODIFICATIONS

Sec. 4321 Hamilton Army Airfield, California.

This section authorizes the project for ecosystem restoration, Hamilton Army Airfield, California, substantially in accordance with the plan, and subject to the conditions, recommended in a final report of the Chief of Engineers, if a favorable final report of the Chief for the project is completed not later than December 31, 2004.

Location. Novato, California.

Purpose. Ecosystem Restoration.

Problem. The San Francisco Bay Region is an extensive, complex and diverse estuary that has lost approximately 90 percent of its original tidal wetlands due to development over the past 150 years. The degradation of fish and wildlife resources associated with the loss of the Bay's historic wetlands has resulted in several species being listed as threatened or endangered. The project site, historically dominated by tidal salt marsh, was diked and converted to hayfields approximately 150 years ago. This project proposes to beneficially reuse dredged material to restore tidal wetlands to support endangered and special status species recovery, and restore greater ecological balance to the San Francisco Bay.

Recommended Plan. The Hamilton Wetland Restoration Project (HWP) project was authorized in WRDA 1999 as the ecosystem restoration of approximately 990 acres of the former Hamilton Army Airfield parcel including the adjacent State Lands Commission parcel. As authorized, the project would beneficially re-use approximately 10.6 million cubic yards (MCY) of dredge material to restore habitat. Since the project was authorized, the non-Federal sponsor has requested that an additional 1500 acres of adjacent State owned property, known as Bel Marin Keys Unit V (BMK), be included in the HWP project for the purpose of habitat restoration. A General Reevaluation Report (GRR), completed in April 2003, recommended that the additional 1500 acres of adjacent BMK property be included as part of the HWP project and that it be constructed similarly by beneficially re-using approximately 15 MCY of dredge material to restore habitat on the BMK parcel. By expanding the HWP to include the BMK parcel, the expanded project would beneficially reuse nearly 25 MCY of dredged material to restore approximately 2,600 acres of critical wetland habitat.

Project Costs. Total Cost $192,900,000. Federal cost $144,000,000; non-Federal cost $48,300,000. WRDA 99 authorized the HWP at a total cost of $55,200,000; thus, the increment in the total project cost of the expanded project is $137.5 million.

Benefit/Cost Ratio. The cost of the recommended plan is justified by the restoration of valuable habitat.

Sec. 4322. Allatoona Lake, Georgia.

This section revises the authority provided in Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849), to authorize the Secretary to exchange land at Allatoona Lake, Georgia,

by adding an alternative method whereby the Government could sell land above 863 feet in elevation and with the proceeds from the sales, without further appropriations, acquire additional lands, from willing sellers, to protect the water quality and overall environment of Allatoona Lake. The lands available to be sold are in accordance with the Real Estate Design Memorandum prepared by the Mobile district engineer dated April 5, 1996, and approved October 8, 1996.

Sec. 4323. Ohio River, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia.

This section amends the project for ecosystem restoration, Ohio River, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia, authorized by section 101(16) of the Water Resources Development Act of 2000 (114 Stat. 2578), to authorize the Secretary to cost share projects with non-profit organizations with the consent of the affected local government, prepare an implementation plan and initiate a pilot restoration program in the Lower Scioto Basin, Ohio.

Sec. 4324. Public Access, Atchafalaya Basin Floodway System, Louisiana.

This section directs the Secretary to modify the public access features of the project for ecosystem restoration, Atchafalaya Basin Floodway System, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), to acquire from willing sellers the fee interest, exclusive of oil, gas and minerals, of an additional 20,000 acres of land in the Lower Atchafalaya Basin Floodway for the public access feature of the project to enhance fish and wildlife resources at a total cost of $4,000,000.

Sec. 4325. Onondaga Lake, New York.

This section amends the project for ecosystem restoration, Onondaga Lake, New York, authorized by section 573 of the Water Resources Development Act of 1999 (113 Stat. 372), to increase the authorized project cost from $10,000,000 to $30,000,000 and to authorize the Secretary to cost share projects with non-profit organizations with the consent of the affected local government.

Sec. 4326. Missouri River restoration, North Dakota.

This section amends section 707(a) of the Water Resources Development Act of 2000 (114 Stat. 2699) to extend the authorization for appropriations through 2010.

Sec. 4327. Upper Susquehanna River Basin, Pennsylvania and New York.

This section amends the project for ecosystem restoration, Upper Susquehannd River Basin, Pennsylvania and New York, authorized by section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787), to expand the definition of potential non-Federal sponsors; to authorize the Secretary to provide assistance for implementing wetland restoration projects and soil conservation meas-

ures; and defines an implementation strategy for carrying out the goals of the program.

Sec. 4328. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and terrestrial wildlife habitat restoration, South Dakota.

This section amends Section 602(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 386) to direct the Secretary of the Treasury to make funds available to the State of South Dakota from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund. The prior authorization directed the Secretary of the Army to make such funds available to the State and the Secretary of the Treasury to make funds available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe. This provision also amends the investment strategy directed in Sections 603 and 604 of the Water Resources Development Act of 1999 for the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund and the Cheyenne River Sioux Tribe and Lower Brule Sioux Terrestrial Wildlife Habitat Restoration Trust Fund. This provision directs the investment of funds in Treasury obligations with differing maturities to ensure high returns while allowing for the logical availability of funds.

Sec. 4329. Missouri River restoration.

This section amends section 904(b)(1)(B) of the Water Resources Development Act of 2000 (114 Stat. 2708) to require that members of the Missouri River Trust recommended by the Governor of South Dakota include representative(s) from rural water systems and amends Section 907 of the Water Resources Development Act of 2000 (114 Stat. 2712) to extend the authorization of appropriations for an additional 5 years, through fiscal year 2010.

Sec. 4330. Missouri and Middle Mississippi Rivers enhancement project.

This section amends section 514 of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) to extend the authorization of appropriations through fiscal year 2015. For any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

Sec. 4331. Lake Champlain Eurasian Milfoil and Water Chestnut Control, Vermont

This section directs the Secretary to revise the existing General Design Memorandum prepared under the project authorized by section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) to permit the use of chemical means of control, when appropriate, of Eurasian milfoil and water chestnuts in the Lake Champlain basin, Vermont.

Sec. 4332. Lake Champlain Watershed, Vermont and New York.

This section amends section 542 of the Water Resources Development Act of 2000 (42 Stat. 2671) to identify additional activities that may be considered critical restoration projects, including geographic mapping using existing technical capacity to produce a

high-resolution, multi-spectral satellite, imagery-based land use and cover data sets; and river corridor assessments, protection, management, and restoration for purposes of ecosystem restoration. This section increases the authorized project costs from $20,000,000 to $32,000,000.

Sec. 4333. Chesapeake Bay oyster restoration, Virginia and Maryland.

This section amends section 704(b) of the Water Resources Development Act of 1968 (33 U.S.C. 22263(b)) to increase the authorized appropriation limit for the program from $20,000,000 to $50,000,000. The provision also modifies the allowable activities to be conducted in the Chesapeake Bay and expands the purposes for which restoration activities may be undertaken and defines successful restoration activities.

Sec. 4334. Lakes Program.

This section amends section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) to include additional sites in Illinois, North Dakota, and Vermont to the Lakes Program.

Sec. 4335. Estuary Restoration.

Subsection (a) amends section 102 of the Estuary Restoration Act (ERA) of 2000 (the Act) (33 U.S.C. 2901) to expand the purposes of the restoration program by including the implementation of a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage; adding implementation to the strategy; and adding cooperative agreements to the Federal assistance purpose.

Subsection (b) amends section 103(6)(A) of the Act (33 U.S.C. 2902(6)(A)) by adding regional to the estuary habitat restoration plan.

Subsection (c) amends section 104 of the Act (33 U.S.C. 2903) to allow monitoring costs to be included in the total cost of the estuary restoration project and allows the Secretary to delegate the implementation of projects costing less than $1,000,000, on a reimbursable basis to the Secretary of the Interior or the Under Secretary for Oceans and Atmosphere of the Department of Commerce.

Subsection (d) amends section 105(b) of the Act (33 U.S.C. 2903(b)) to direct the Council to cooperate in the implementation of the strategy, recommend standards for monitoring restoration projects and contribution of project information to the data base, and use agency authorities to carry out the Act.

Subsection (e) amends section 107(d) of the Act (33 U.S.C. 2906(d) to give the Secretary general data compilation, coordination, and analysis responsibilities to support the strategy.

Subsection (f) amends section 108 of the Act (33 U.S.C. 2908(a)) by requiring the report every sixth, eighth, and tenth fiscal year after November 7, 2000.

Subsection (g) amends section 109(a) of the Act (33 U.S.C. 2908(a)) to establish project funding for fiscal years 2006 through 2010 as follows: $25,000,000 for the Secretary; $5,000,000 for the

Secretary of the Interior; and $5,000,000 for the Under Secretary for Oceans and Atmosphere of the Department of Commerce. In addition, this subsection extends the monitoring authorization to 2010.

Subsection (h) amends section 110 of the Act (33 U.S.C. 2909) to have the lead agency consult and coordinate, instead of the Secretary, and allow nongovernmental agencies to enter into cooperative agreements or contracts

The Estuary Restoration Act of 2000 (P.L. 106–457; 33 U.S.C. 2901–2909) was enacted to promote the restoration of estuary habitat through the development of a national estuary habitat restoration strategy, creating and maintaining effective estuary restoration partnerships among public agencies and private sectors. In passing the Estuary Restoration Act, Congress recognized the importance of this national, strategic plan and multi-level partnerships for effectively addressing the problems plaguing our nation's estuaries. By setting a goal to restore one million acres of estuary habitat by 2010, the Act encourages coordination among all levels of government, along with engaging the unique strengths of the public, non-profit, and private sectors. In 2002, the Estuary Council, consisting of members from several Federal agencies including the Army Corps of Engineers and the Department of Commerce, completed the national estuary strategy to ensure a comprehensive and integrated approach for implementing the Estuary Restoration Program.

Section 4335 amends sections 102, 103(6)(A), 104, 105(b), 107(d), 108(a), 109(a), and 110 of the Estuary Restoration Act (ERA) to clarify the coordinated Federal approach and cooperative nature of the law; to include monitoring costs as part of the total costs of an estuary restoration project; to provide new authorities to the Secretary for the delegation of small estuary projects; to extend funding authority for the Secretary; and provide new authority for the U.S. Fish and Wildlife Service and Department of Commerce, to develop and implement estuary projects.

The ERA itself is not clear regarding the mechanism by which funding is granted under the law and the Conference Report for P.L. 106–457 increases the uncertainty by stating that the Secretary should not give grants, but rather should use an expedited version of the funding process used under past Water Resources Development Acts. Section 110(b) of the ERA clearly stipulates that cooperative agreements are appropriate vehicles, but the presence of multiple options has led to confusion. This section amends section 104 to clarify that the Secretary may carry out estuary habitat restoration projects and provide technical assistance through the award of contracts and cooperative agreements.

Ongoing uncertainty also exists regarding the inclusion of monitoring costs within the non-Federal cost share. Some are interpreting the law to read that the required monitoring is part of the "operations and maintenance", which may not be included in the sponsor's portion of the cost share agreement. The Council has released monitoring guidelines that stipulate restoration projects should be monitored for at least 5 years, an amount of time that may significantly increase the burden on the project sponsor, particularly if these costs are not included as part of the total cost of

a project. Section 104(d) is amended to clarify that monitoring costs may be included in the total costs of an estuary project.

To date, the ERA has received $2.5 million in annual appropriations for estuary projects. Authorized at $275 million through fiscal year 2005, the ERA has faced a number of hurdles since its enactment in November 2000, including the Army Corps of Engineers' no new starts policy and the tight fiscal situation. The law has no sunset provision, but appropriations are defined only through fiscal year 2005. Section 109(a) of the ERA is amended to authorize $25 million annually through fiscal year 2010 for the Secretary; $1.5 million annually for Department of Commerce estuary monitoring activities; and to grant new funding authority of $5 million annually to the Department of Commerce and the Secretary of the Interior (acting through the Director of the U.S. Fish and Wildlife Service), respectively, for estuary projects. This new funding authority, combined with language encouraging the Secretary to delegate implementation of small projects with a Federal share of less than $1,000,000 to the U.S. Fish and Wildlife Service or Department of Commerce, is essential to maximize the partnership model of the Act and encourage other Federal partners to become engaged in project implementation.

SUBCHAPTER C—DEAUTHORIZATIONS

Sec. 4351. Dog River Pilot Project, Alabama.

This section deauthorizes the project for ecosystem restoration, Dog River Pilot Project, Alabama, authorized by section 518 of the Water Resources Development Act of 1999 (113 Stat. 345). The project is complete and no further activities are required.

Sec. 4352. Central and Southern Florida, Everglades National Park, Florida.

This section deauthorizes the project to improve water supply, Everglades National Park, Florida, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1257) and the Flood Control Act of 1968 (82 Stat. 740).

SUBTITLE B—ENVIRONMENTAL REMEDIATION CHAPTER 1—CONTINUING AUTHORITIES PROGRAMS

Sec. 4401. Remediation of abandoned mine sites.

This section expands the existing Remediation of Abandoned Mine Sites (RAMS) program into a continuing authority program, with an annual program limit of $45,000,000, by amending section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 2336; 113 Stat. 354–355) to authorize the Secretary to perform construction activities associated with remediation of abandoned mines, to cost share program features with non-profit organizations with the consent of the affected local government, adjusting the cost share requirement, and defining the operation and maintenance costs to be 100 percent non-Federal.

CHAPTER 2—MODIFICATIONS

Sec. 4411. Environmental remediation, Front Royal, Virginia.

This section amends Section 591(a)(2) of the Water Resources Development Act of 1999 (113 Stat. 378) increase the total project cost from $12,000,000 to $22,000,000.

TITLE V—WATER STORAGE AND WATER QUALITY

SUBTITLE A—WATER STORAGE PROGRAM

CHAPTER 1—CONTINUING AUTHORITIES PROGRAMS

Sec. 5101. Small projects for the rehabilitation or removal of dams.

This section creates a new continuing authority program, Small Projects for the Rehabilitation or Removal of Dams, for improvement of the quality of the environment, with an annual program limit of $25,000,000 and a per project cost limit of $5,000,000.

CHAPTER 2—STUDIES

Sec. 5201. Selenium study, Colorado.

This section authorizes the Secretary, in consultation with State resource agencies, to conduct regional and watershed wide studies to address selenium concentrations within the State of Colorado. The authorized limit for this section is $5,000,000.

CHAPTER 3—PROJECTS

SUBCHAPTER A—MODIFICATIONS

Sec. 5301. Union Lake, Missouri.

This section directs the Secretary to offer to convey to the State of Missouri two tracts of land totaling approximately 205.5 acres that were originally purchased for the Union Lake Project, which was deauthorized in the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)).

Sec. 5302. Fort Peck Fish Hatchery, Montana.

This section amends Section 325 to of the Water Resources Development Act of 2000 (114 Stat. 2607) to increase the amount authorized for appropriation to carry out the design and construction of a fish hatchery and associated facilities at Fort Peck Lake from $20,000,000 to $25,000,000.

Sec. 5303. Arcadia Lake, Oklahoma.

This section directs the Secretary to eliminate the requirement to pay accrued interest costs for the storage following the end of the 10-year interest free period beginning on November 30, 1996 to September 1999; the date the storage was placed into the active status.

Sec. 5304. Waurika Lake, Oklahoma.

This section directs the Secretary to use the costs for construction of the water conveyance facilities for the projects as defined in

June 1986. Any costs identified by the Army Corps of Engineers after June 1986 are considered a Federal cost.

Sec. 5305. Dam remediation, Vermont.

This section amends Section 543 of the Water Resources Development Act of 2000 (42 Stat. 2671) to add ecosystem restoration, protection, and preservation as a purpose of the dam remediation authority and identifies nine additional dams to be evaluated under the program.

Sec. 5306. Mississippi River headwaters reservoirs.

This section allows the Secretary to operate headwaters reservoirs below the minimum or above the maximum water levels established by this section in accordance with manual developed by the Secretary after consultation with the Governor of Minnesota and affected tribal governments. In addition, this section requires the Secretary to submit a notice of intent to Congress 14 days prior to operating the headwaters reservoir below the minimum or above the maximum water level limits. This notice does not have to be provided in cases where the operation is necessary to prevent the loss of life, to ensure the safety of a dam, or in anticipation of a flood control operation.

SUBCHAPTER B—DEAUTHORIZATIONS

Sec. 5321. Big South Fork National River and Recreational Area, Kentucky and Tennessee.

This section deauthorizes the uninitiated portions of the project for recreation facilities, Big South Fork National River and Recreational Area, Kentucky and Tennessee, authorized by section 108 of the Water Resources Development Act of 1974 (88 Stat. 43). The project is complete and jurisdiction of the area has been transferred to the Department of the Interior.

SUBTITLE B—WATER QUALITY

CHAPTER 1—GENERAL PROVISIONS

Sec. 5401. Funding to expedite the evaluation and processing of permits.

This section amends section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) to eliminate the expiration of the program.

Sec. 5402. Electronic submission of permit applications.

This section directs the Secretary to establish procedures to allow the electronic submission of permit applications for permits under the jurisdiction of the Department of the Army.

CHAPTER 2—DEAUTHORIZATION OF PROJECTS

Sec. 5421. Bridgeport, Connecticut.

This section deauthorizes the project for environmental infrastructure, Bridgeport, Connecticut, authorized by section 219(f)(26) of the Water Resources Development Act of 1992 (106 Stat. 4835;

113 Stat. 336). No funds have been allocated to date and the project is eligible for deauthorization.

Sec. 5422. Hartford, Connecticut.

This section deauthorizes the project for environmental infrastructure project, Hartford, Connecticut, authorized by section 219(f)(27) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336). No funds have been allocated to date and the project is eligible for deauthorization.

Sec. 5423. New Haven, Connecticut.

This section deauthorizes the project for environmental infrastructure project, New Haven, Connecticut, authorized by section 219(f)(28) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336). No funds have been allocated to date and the project is eligible for deauthorization.

Sec. 5424. Casco Bay, Portland, Maine.

This section deauthorizes the project for environmental infrastructure project, Casco Bay, Portland, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841). No funds have been allocated to date and the project is eligible for deauthorization.

Sec. 5425. Penobscot River, Bangor, Maine.

This section deauthorizes the project for environmental infrastructure project, Penobscot River, Bangor, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841). No funds have been allocated to date and the project is eligible for deauthorization.

Sec. 5426. Saint John River Basin, Maine.

This section deauthorizes the project for research and demonstration program of cropland irrigation and soil conservation techniques, Saint John River Basin, Maine, authorized section 1108 of the Water Resources Development Act of 1986 (106 Stat. 4230). There is no local sponsor support for any additional research and demonstration work.

Sec. 5427. Epping, New Hampshire.

This section deauthorizes the project for environmental infrastructure, Epping, New Hampshire, authorized by section 219(c)(6) of the Water Resources Development Act of 1992 (106 Stat. 4835). No funds have been allocated to date and the project is eligible for deauthorization.

Sec. 5428. Manchester, New Hampshire.

This section deauthorizes the project for environmental infrastructure, Manchester, New Hamsphire, authorized by section 219(c)(7) of the Water Resources Development Act of 1992 (106 Stat. 4836). No funds have been allocated to date and the project is eligible for deauthorization.

SUBTITLE C—WATERSHED PLANNING PROGRAMS

Sec. 5451. Delmarva Conservation Corridor, Delaware and Maryland.

This section authorizes the Secretary to provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801; 116 Stat. 275). The Delmarva Conservation Corridor (DCC) is an attempt to integrate and connect restoration efforts throughout the Delmarva Peninsula. The DCC is a multi-faceted effort, designed to preserve farmland and rural character, as well as restore natural ecosystem through the creation of a hub and corridor system.

Sec. 5452. Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia.

This section designates that the Division Engineer, North Atlantic Division, U.S. Army Corps of Engineers, shall serve as the ex officio United States member under the Susquehanna River Basin Compact and the Delaware River Basin Compact, without additional compensation, and with the authority to designate an alternate member(s) in accordance with the terms of the applicable compact. It directs the Secretary to allocate funds to the Susquehanna River Basin Commission, the Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin, to fulfill the equitable funding requirements of the applicable compacts. It directs the Secretary to enter into an agreement with the Delaware River Basin Commission to provide temporary water storage at the Francis E. Walter Dam, Pennsylvania, during drought emergencies.

HEARINGS

On March 31, 2004, the Subcommittee on Transportation and Infrastructure held a hearing to receive testimony on the Water Resources Development Act of 2004. The committee received testimony from the Honorable John Paul Woodley, Assistant Secretary of the Army (Civil Works); Lieutenant General Robert B. Flowers, Chief of Engineers, U.S. Army Corps of Engineers; The Honorable John T. Myers, on behalf of the National Waterways Conference; Mr. Derrick Crandall, President, American Recreation Coalition; Mr. Steve Levy, County Executive, Suffolk County, New York; Mr. Michael Leone, Chairman, American Association of Port Authorities; Dr. William G. Howland, Basin Program Manager, Lake Champlain Basin Program, Vermont; Mr. Michael Cameron, Desert Rivers Program Director, The Nature Conservancy of Nevada; Mr. Dominic Izzo, American Society of Civil Engineers; Mr. Gregory A. Zlotnick, Director, Santa Clara Valley Water District, California; Mr. Ray Poupore, Executive Director, National Heavy & Highway Alliance; Mr. Scott Faber, Environmental Defense; and testimony was submitted for the record by Mr. George C. Grugett, Executive Vice President, Mississippi Valley Flood Association, Tennessee.

LEGISLATIVE HISTORY

On June 21, 2004, Senator Frist, for Senators Inhofe, Jeffords, Bond and Reid, introduced the Water Resources Development Act of 2004 (S. 2554). The Committee on Environment and Public Works met to consider S. 2554 on June 23, 2004, and reported the amended bill as original text by unanimous consent.

On September 26, 2003, H.R. 2557 was received in the Senate and read twice and referred to the Committee on Environment and Public Works.

ROLLCALL VOTES

On June 23, 2004, the Committee on Environment and Public Works met to consider S. 2554, the Water Resources Development Act of 2004. A substitute amendment was agreed to by voice vote. Mr. Inhofe offered a second degree amendment to the substitute amendment that was agreed to by voice vote. An amendment offered by Senator Boxer, relative to fish and wildlife mitigation, was agreed to by a vote of 10 ayes to 9 nays. Voting in favor were Senators Baucus, Boxer, Carper, Chafee, Clinton, Graham, Jeffords, Lieberman, Reid, and Wyden. Voting against were Senators Allard, Bond, Cornyn, Crapo, Inhofe, Murkowski, Thomas, Voinovich, and Warner. An amendment offered by Senator Voinovich, relative to the Great Lakes Interagency Task Force, was agreed to by voice vote. An amendment offered by Senator Wyden, relative to dredges, was agreed to by voice vote. Final passage of S. 2554 was agreed to by voice vote.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the committee finds that this bill would impose no Federal intergovernmental unfounded mandates on State, local, or tribal governments. All of its governmental directives are imposed on Federal agencies. The bill does not directly impose any private sector mandates.

EVALUATION OF REGULATORY IMPACT

Section 11(b) of rule XXVI of the Standing Rules of the Senate require publication in the report the committee's estimate of the regulatory impact made by the bill reported. No regulatory impact is expected by the passage of the bill. The bill will not affect the personal privacy of individuals.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Act requires each report to contain a statement of the cost of a reported bill prepared by the Congressional Budget Office. Senate Rule XXVI paragraph 11(a)(3) allows the report to include a statement of the reasons by compliance is impracticable. The committee has requested this statement from the Congressional Budget Office and will publish it in the Congressional Record when it becomes available.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

* * * * * * *

[16 U.S.C. 777C—NOV. 29, 1990]

DINGELL-JOHNSON SPORT FISH RESTORATION ACT

* * * * * * *

SEC. 777c. Division of annual appropriations

(a) Initial distribution

The Secretary of the Interior shall distribute 18 per centum of each annual appropriation made in accordance with the provisions of section 777b of this title as provided in the Coastal Wetlands Planning, Protection, and Restoration Act (title III, Public Law 101-646) (16 U.S.C. 3951 et seq.). Notwithstanding the provisions of section 777b of this title, such sums shall remain available to carry out such Act through fiscal year [2009] *2019*.

* * * * * * *

[16 U.S.C. 3955—NOV. 29, 1990]

COASTAL WETLANDS PLANNING, PROTECTION, AND RESTORATION ACT

* * * * * * *

SEC. 3955. Distribution of appropriations

(a) Priority project and conservation planning expenditures

Of the total amound appropriated during a given fiscal year to carry out this chapter, 70 percent[, not to exceed $70,000,000,] shall be available, and shall remain available until expended, for the purposes of making expenditures—

* * * * * * *

(b) Coastal wetlands conservation grants

Of the total amount appropriated during a given fiscal year to carry out this chapter, 15 percent[, not to exceed $15,000,000] shall be available, and shall remain available to the Director, for purposes of making grants—

* * * * * * *

(c) North American wetlands conservation

Of the total amount appropriated during a given fiscal year to carry out this chapter, 15 percent[, not to exceed $15,000,000,] shall be available to, and shall remain available until expended by, the Secretary of the Interior for allocation

to carry out wetlands conservation projects in coastal wetlands ecosystems in any coastal State under section 4407 of this title.

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[33 U.S.C. 426H—AUG. 13, 1946]

ACT OF AUGUST 13, 1946

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Sec. 426h. National shoreline erosion control development and demonstration program

(a) Establishment of erosion control program

The Secretary shall establish and conduct a national shoreline erosion control development and demonstration program for a period of [6 years] *10 years* beginning on the date that funds are made available to carry out this section.

(b) Requirements

(1) In general

The erosion control program shall include provisions for—

(A) projects consisting of planning, designing, and constructing prototype engineered and vegetative shoreline erosion control devices and methods during the first [3 years] *6 years* of the erosion control program;

* * * * * * *

[33 U.S.C. 701R—JUL. 24, 1946]

FLOOD CONTROL ACT OF 1946

* * * * * * *

SEC. 14.— The Secretary of the Army is authorized to allot from any appropriations heretofore or hereafter made for flood control, not to exceed [$15,000,000] *$20,000,000* per year, for the construction, repair, restoration, and modification of emergency streambank and shoreline protection works to prevent damage to highways, bridge approaches, and public works, churches, hospitals, schools, and other nonprofit public services, when in the opinion of the Chief of Engineers such work is advisable: Provided, That not more than [$1,000,000] *$1,500,000* shall be allotted for this purpose at any single locality from the appropriations for any one fiscal year.

* * * * * * *

[33 U.S.C. 2901—NOV 7, 2000]

ESTUARY RESTORATION ACT OF 2000

SEC. 101. * * *

* * * * * * *

SEC. 102. Purposes.

The purposes of this title are—

(1) to promote the restoration of estuary habitat *by implementing a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage*;

(2) to develop *and implement* a national estuary habitat restoration strategy for creating and maintaining effective estuary habitat restoration partnerships among public agencies at all levels of government and to establish new partnerships between the public and private sectors;

(3) to provide Federal assistance for estuary habitat restoration projects *through cooperative agreements* and to promote efficient financing of such projects; and

* * * * * * *

SEC. 103. DEFINITIONS.

In this title, the following definitions apply:

(1) * * *

* * * * * * *

(6) ESTUARY HABITAT RESTORATION PLAN.—

(A) IN GENERAL.—The term "estuary habitat restoration plan" means any [Federal or State] *Federal, State, or regional* plan for restoration of degraded estuary habitat that was developed with the substantial participation of appropriate public and private stakeholders.

* * * * * * *

SEC. 104. ESTUARY HABITAT RESTORATION PROGRAM.

(a) ESTABLISHMENT.—There is established an estuary habitat restoration program under which the Secretary may carry out estuary habitat restoration projects and provide technical assistance *through the award of contracts and cooperative agreements* in accordance with the requirements of this title.

(b) * * *

* * * * * * *

(c) SELECTION OF PROJECTS.—

(1) * * *

* * * * * * *

(3) FACTORS FOR SELECTION OF PROJECTS.—In selecting an estuary habitat restoration project, the Secretary shall consider the following factors:

(A) Whether the project is part of an approved Federal *or State* estuary management or habitat restoration plan.

* * * * * * *

(4) PRIORITY.—In selecting estuary habitat restoration projects to be carried out under this title, the Secretary shall give priority consideration to a project if, in addition to meriting selection based on the factors under paragraph (3)—

(A) * * *

(B) the project includes pilot testing of or a demonstration of an innovative technology *or approach* having the

potential for improved cost-effectiveness in estuary habitat restoration.

(d) COST SHARING.—

(1) FEDERAL SHARE.—[Except]

(i) IN GENERAL.—Except as provided in paragraph (2) and subsection (e)(2), the Federal share of the cost of an estuary habitat restoration project (other than the cost of operation and maintenance of the project) carried out under this title shall not exceed 65 percent of such cost.

(ii) MONITORING.—

(I) COSTS.—The costs of performing monitoring of an estuary habitat restoration project funded under this title may be included in the total cost of the estuary habitat restoration project.

(II) GOALS.—The goals of the monitoring are—

(aa) to measure the effectiveness of the restoration project; and

(bb) to allow adaptive management to ensure project success.

(2) INNOVATIVE TECHNOLOGY COSTS.—The Federal share of the incremental additional cost of including in a project pilot testing of or a demonstration of an innovative technology *or approach* described in subsection (c)(4)(B) shall be 85 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of an estuary habitat restoration project carried out under this title shall include lands, easements, rights-of-way, and relocations and may include services *(including monitoring)*, or any other form of in-kind contribution determined by the Secretary to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the activity.

* * * * * * *

(f) COOPERATION OF NON-FEDERAL INTERESTS.—

(1) IN GENERAL.—The Secretary may not carry out an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which the non-Federal interest agrees to—

(A) * * *

(B) provide for *long-term* maintenance and monitoring of the project.

* * * * * * *

(g) DELEGATION OF PROJECT IMPLEMENTATION.—[In carrying]

(1) IN GENERAL.—In carrying out this title, the Secretary may delegate project implementation to another Federal department or agency on a reimbursable basis if the Secretary, upon the recommendation of the Council, determines such delegation is appropriate.

(2) SMALL PROJECTS.—In the case of a project carried out under this Act with a Federal share of less than $1,000,000, the Secretary, on the recommendation of the Council, shall consider delegating implementation of the project, on a reimbursable basis, to—

(A) the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service); or

(B) the Under Secretary for Oceans and Atmosphere of the Department of Commerce.

* * * * * * *

SEC. 105. ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.

(a) * * *

(b) DUTIES.—The Council shall be responsible for—

(1) * * *

* * * * * * *

(4) periodically reviewing the effectiveness of the national strategy in meeting the purposes of this title and, as necessary, updating the national strategy; [and]

(5) providing advice on the development of the database, monitoring standards, and report required under sections 107 and 108[.] *;*

(6) cooperating in the implementation of the strategy developed under section 106;

(7) recommending standards for monitoring for restoration projects and contribution of project information to the database developed under section 107; and

(8) otherwise using the respective agency authorities of the Council members to carry out this title.

* * * * * * *

SEC. 107. MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) * * *

* * * * * * *

(d) COORDINATION OF DATA.—The Under Secretary shall [compile] *have general data compilation, coordination, and analysis responsibilities to carry out this title and in support of the strategy developed under section 107, including compilation of* information that pertains to estuary habitat restoration projects from other Federal, State, and local sources and that meets the quality control requirements and data standards established under this section.

* * * * * * *

SEC. 108. REPORTING.

(a) IN GENERAL.—At the end of the [third and fifth] *sixth, eighth, and tenth* fiscal years following the date of enactment of this Act, the Secretary, after considering the advice and recommendations of the Council, shall transmit to Congress a report on the results of activities carried out under this title.

* * * * * * *

SEC. 109. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) ESTUARY HABITAT RESTORATION PROJECTS.—There is authorized to be appropriated to the Secretary for carrying out and providing technical assistance for estuary habitat restoration projects—

[(A) $40,000,000 for fiscal year 2001;

[(B) $50,000,000 for each of fiscal years 2002 and 2003;

[(C) $60,000,000 for fiscal year 2004; and

[(D) $75,000,000 for fiscal year 2005.]

(A) to the Secretary, $25,000,000 for each of fiscal years 2006 through 2010;

(B) to the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), $5,000,000 for each of fiscal years 2006 through 2010; and

(C) to the Under Secretary for Oceans and Atmosphere of the Department of Commerce, $5,000,000 for each of fiscal years 2006 through 2010.

Such sums shall remain available until expended.

(2) MONITORING.—There is authorized to be appropriated to the Under Secretary for Oceans and Atmosphere of the Department of Commerce for the acquisition, maintenance, and management of monitoring data on restoration projects carried out under this title *and other information compiled under section 107*, $1,500,000, for each of fiscal years 2001 through [2005] *2010*. Such sums shall remain available until expended.

* * * * * * *

SEC. 110. GENERAL PROVISIONS.

(a) AGENCY CONSULTATION AND COORDINATION.—In carrying out this title, the [Secretary] *lead agency* shall, as necessary, consult with, cooperate with, and coordinate its activities with the activities of other Federal departments and agencies.

(b) COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.—In carrying out this title, the [Secretary] *lead agency* may—

(1) enter into cooperative agreements *or contracts* with Federal, State, and local government agencies*, nongovernmental organizations,* and other entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

(c) FEDERAL AGENCY FACILITIES AND PERSONNEL.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this title, and may provide facilities and personnel, for the purpose of assisting the Council in carrying out its duties under this title.

[(d) IDENTIFICATION AND MAPPING OF DREDGED MATERIAL DISPOSAL SITES.—In consultation with appropriate Federal and non-Federal public entities, the Secretary shall undertake, and update as warranted by changed conditions, surveys to identify and map sites appropriate for beneficial uses of dredged material for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in order to further the purposes of this title.

[(e) STUDY OF BIOREMEDIATION TECHNOLOGY.—

[(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, with the participation of the estua-

rine scientific community, shall begin a 2-year study on the efficacy of bioremediation products.

[(2) REQUIREMENTS.—The study shall—

[(A) evaluate and assess bioremediation technology—

[(i) on low-level petroleum hydrocarbon contamination from recreational boat bilges;

[(ii) on low-level petroleum hydrocarbon contamination from stormwater discharges;

[(iii) on nonpoint petroleum hydrocarbon discharges; and

[(iv) as a first response tool for petroleum hydrocarbon spills; and

[(B) recommend management actions to optimize the return of a healthy and balanced ecosystem and make improvements in the quality and character of estuarine waters.]

* * * * * * *

[64 STAT. 170—MAY 17, 1950]

FLOOD CONTROL ACT OF 1950

* * * * * * *

Sec. 204. * * *

* * * * * * *

RED-OUACHITA RIVER BASIN

The project for flood protection at Calion, Arkansas, authorized by the Act of August 18, 1941, in accordance with the recommendations of the Chief of Engineers in House Document Numbered 427, Seventy-sixth Congress, first session, is hereby modified to include additional improvements at Calion, Arkansas *(including authorization for the comprehensive flood-control project for Ouachita River and tributaries, incorporating in the project all flood control, drainage, and power improvements in the basin above the lower end of the left bank Ouachita River levee)*, in accordance with plans on file in the office of the Chief of Engineers, at an estimated cost of $430,000.

* * * * * * *

[PUBLIC LAW 86–645—JUL. 14, 1960]

RIVER AND HARBOR ACT OF 1960

SEC. 101. * * *

* * * * * * *

[SEC. 107. (a) That the Secretary of the Army is hereby authorized to]

SEC. 107. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

(a) IN GENERAL.—The Secretary of the Army may allot from any appropriations hereafter made for rivers and harbors not to exceed $2,000,000 for any one fiscal year for the construction of small river and harbor improvement projects not specifically authorized by Congress which will result in substantial benefits to navigation and which can be operated consistently with appropriate and economic use of the waters of the Nation for other purposes, when in the opinion of the Chief of Engineers such work is advisable, if benefits are in excess of the cost.

[(b) Not more]

(b) ALLOTMENT.—Not more than [$4,000,000] *$7,000,000* shall be allotted for the construction of a project under this section at any single locality and the amount allotted shall be sufficient to complete the Federal participation in the project under this section.

[(c) Local]

(c) LOCAL CONTRIBUTIONS.—Local interests shall provide without cost to the United States all necessary lands, easements and rights-of-way for all projects to be constructed under the authority of this section. In addition, local interests may be required to hold and save the United States free from damages that may result from the construction and maintenance of the project and may be required to provide such additional local cooperation as the Chief of Engineers deems appropriate. A State, county, municipality or other responsible local entity shall give assurance satisfactory to the Chief of Engineers that such conditions of cooperation as are required will be accomplished.

[(d) Non-Federal]

(d) NON-FEDERAL SHARE.—Non-Federal interests may be required to share in the cost of the project to the extent that the Chief of Engineers deems that such cost should not be borne by the Federal government in view of the recreational or otherwise special or local nature of the project benefits.

[(e) Each]

(e) COMPLETION.—Each project for which money is alloted under this section shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, other than routine maintenance, and except as may result from the normal procedure applying to projects authorized after submission of survey reports, and projects constructed under the authority of this section shall be considered as authorized projects.

[(f) This]

(f) APPLICABILITY.—This section shall apply to, but not be limited to, the provision of low water access navigation channels from the existing channel of the Mississippi River to harbor areas heretofore or now established and located along the Mississippi River.

* * * * * * *

[CF. 42 U.S.C. 1962D-5B]

FLOOD CONTROL ACT OF 1970

* * * * * * *

Sec. 221. (a) [After the date of enactment]

(1) IN GENERAL.—After the date of enactment of this Act, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction [under the provisions of section 215 of the Flood Control Act of 1968 or under any other] *under any* provision of law, shall not be commenced until each non-Federal interest has entered into a written *partnership* agreement with the [Secretary of the Army to furnish its required cooperation for] *district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of* the project, as the case may be; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000.

(2) LIQUIDATED DAMAGES.—An agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of 1 or more parties to perform. [In any such agreement]

(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any agreement described in paragraph (1) entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future appropriations for such performance and payment when obligating future appropriations would be inconsistent with constitutional or statutory limitations of the State or a political subdivision of the State.

(b) A non-Federal interest shall be a legally constituted public body with full authority and capability to perform the terms of its agreement and to pay damages, if necessary, in the event of failure to perform.

(c) Every agreement entered into pursuant to this section shall be enforcible in the appropriate district court of the United States.

(d) After commencement of construction of a project, the Chief of Engineers may undertake performance of those items of cooperation necessary to the functioning of the project for its purposes, if he has first notified the non-Federal interest of its failure to perform the terms of its agreement and has given such interest a reasonable time after such notification to so perform.

(e) PUBLIC HEALTH AND SAFETY.—If the Secretary determines that a project needs to be continued for the purpose of public health and safety—

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

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

(f) LIMITATION.—Nothing in subsection (a) limits the authority of the Secretary to ensure that a partnership agreement meets the requirements of law and policies of the Secretary in effect on the date of execution of the partnership agreement.

[(e)**]** *(g)* The Secretary of the Army, acting through the Chief of Engineers, shall maintain a continuing inventory of agreements and the status of their performance, and shall report thereon annually to the Congress.

* * * * * * *

[PUBLIC LAW 92–532—OCT. 23, 1972]

[CF. 33 U.S.C. 1412(C)(4)]

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972

* * * * * * *

SEC. 1412. Dumping permit program

(a) * * *

* * * * * * *

(c) Designation of sites

(1) * * *

* * * * * * *

(4) General site management plan requirement; prohibitions

After January 1, 1995, no site shall receive a final designation unless a management plan has been developed pursuant to this section. Beginning on January 1, 1997, no permit for dumping pursuant to this Act or authorization for dumping under section 1413(e) of this title shall be issued for a site (other than the site located off the coast of Newport Beach, California, which is known as "LA-3") unless such site has received a final designation pursuant to this subsection or an alternative site has been selected pursuant to section 1413(b) of this title. Beginning **[**January 1, 2003**]** *January 1, 2006*, no permit for dumping pursuant to this Act or authorization for dumping under section 1413(e) of this title shall be issued for the site located off the coast of Newport Beach, California, which is known as "LA-3", unless such site has received a final designation pursuant to this subsection or an alternative site has been selected pursuant to section 1413(b) of this title.

* * * * * * *

WATER RESOURCES DEVELOPMENT ACT OF 1974

Sec. 1. (a) * * *

* * * * * * *

[Sec. 22. (a) The Secretary]

SEC. 22. PLANNING ASSISTANCE TO STATES.

(a) FEDERAL STATE COOPERATION.—

(1) COMPREHENSIVE PLANS.—The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins, watersheds, or ecosystems located within the boundaries of such State and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

(2) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to the agency or non-Federal interest in managing water resources.

(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.

(b) Fees

(1) For the purpose of recovering 50 percent of the total cost of providing assistance pursuant to [this section] *subsection (a)(1),* the Secretary of the Army is authorized to establish appropriate fees, as determined by the Secretary, and to collect such fees from States and other non-Federal public bodies to whom assistance is provided under [this section] *subsection (a)(1).*

(2) Up to 1/2 of the non-Federal contribution for preparation of a plan subject to the cost sharing program under this subsection may be made by the provision of services, materials, supplies, or other in-kind services necessary to prepare the plan.

(3) Fees collected under this subsection shall be deposited into the account in the Treasury of the United States entitled, "Contributions and Advances, Rivers and Harbors, Corps of Engineers (8862)" and shall be available until expended to carry out this section.

[(c) There is]

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) FEDERAL AND STATE COOPERATION.—There is authorized to be appropriated not to exceed $10,000,000 annually to carry out [the provisions of this section except that not more than $500,000 shall be expended in any one year in any one State.] *subsection (a)(1);*

(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated to carry out subsection (a)(2) $10,000,000 for each fiscal year, of which not more than $2,000,000 for each fiscal

year may be used by the Secretary to enter into cooperative agreements with nonprofit organizations and State agencies to provide assistance to rural and small communities.

(d) For the purposes of this section, the term "State" means the several States of the United States, Indian Tribes, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands.

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

* * * * * * *

[PUBLIC LAW 99–662—NOV. 17, 1986]

WATER RESOURCES DEVELOPMENT ACT OF 1986

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act many be cited as the "Water Resources Development Act of 1986".

* * * * * * *

SEC. 103. FLOOD CONTROL AND OTHER PURPOSES.

(a) * * *

* * * * * * *

(j) AGREEMENT.—

(1) REQUIREMENT FOR AGREEMENT.—Any project to which this section applies (other than a project for hydroelectric power) shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operations, maintenance, and replacement and rehabilitation costs of the project, to pay the non-Federal share of the costs of construction required by this section, and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors.

(2) ELEMENTS OF AGREEMENT.—The agreement required pursuant to paragraph (1) shall be in accordance with the requirements of section 221 of the Flood Control Act of 1970 (84 Stat. 1818) and shall provide for the rights and duties of the United States and the non-Federal interest with respect to the construction, operation, and maintenance of the project, including, but not limited to, provisions specifying that, in the event the non-Federal interest fails to provide the required non-Federal share of costs for such work, the Secretary—

(A) shall terminate or suspend work on the project unless the Secretary determines that continuation of the work is in the interest of the United States or is necessary in order to satisfy agreements with other non-Federal interests in connection with the project; and

(B) may terminate or adjust the rights and privileges of the non-Federal interest to project outputs under the terms of the agreement.

(3) CREDIT FOR IN-KIND CONTRIBUTIONS.—

(A) IN GENERAL.—An agreement under paragraph (1) shall provide that the Secretary shall credit toward the non-Federal share of the cost of the project, including a project implemented under general continuing authority, the value of in-kind contributions made by the non-Federal interest, including—

(i) the costs of planning (including data collection), design, management, mitigation, construction, and construction services that are provided by the non-Federal interest for implementation of the project; and

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

(I) efforts on constructed elements incorporated into the project; and

(II) materials and services provided after an agreement is executed.

(B) CONDITION.—The Secretary shall credit an in-kind contribution under subparagraph (A) if the Secretary determines that the property or service provided as an in-kind contribution is integral to the project.

(C) LIMITATIONS.—Credit authorized for a project—

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

(ii) shall not alter any other requirement that a non-Federal interest provide land, an easement or right-of-way, or an area for disposal of dredged material for the project; and

(iii) shall not exceed the actual and reasonable costs of the materials, services, or other things provided by the non-Federal interest, as determined by the Secretary.

* * * * * * *

SEC. 602. LAKES PROGRAM.

(a) Subject to section 903(a) of this Act, the Secretary shall carry out programs for the removal of silt, aquatic growth, and other material in the following lakes:

(1) Albert Lea Lake, Freeborn County, Minnesota, removal of silt and aquatic growth;

(2) Lake George, Hobart, Indiana, and in that part of Deep River upstream of such lake through Lake Station, Indiana, removal of silt, aquatic growth, and other material and construction of silt traps or other devices to prevent and abate the deposit of sediment in Lake George and such part of Deep River;

(3) Greenwood Lake and Belcher Creek, New Jersey, removal of silt and stumps;

(4) Sauk Lake and its tributary streams in the vicinity of Sauk Centre, Stearns County, Minnesota, removal of silt and aquatic growth;

(5) Deal Lake, Monmouth County, New Jersey, removal of silt and stumps and the control of pollution from nonpoint sources;

(6) Lake Worth, Tarrant County, Texas, removal of silt and aquatic growth, including construction of silt traps and providing other devices or equipment to prevent and abate the further deposit of sediment in Lake Worth; such project shall also provide for the use of dredged material from Lake Worth for the reclamation of despoiled land;

(7) Hamlet City Lake, Hamlet, North Carolina, removal of accumulated silt and debris including construction of silt traps and providing other devices or equipment to prevent and abate the further deposit of sediment in Hamlet City Lake;

(8) Lake Herman, Lake County, South Dakota, removal of excess silt;

(9) Gorton's Pond, Warwick, Rhode Island, mitigation activities recommended in the 1982 Environmental Protection Agency diagnostic feasibility study, including the installation of retention basins, the dredging of inlets and outlets in recommended areas and the disposal of dredge material, and weed harvesting and nutrient inactivation;

(10) Wappingers Lake, New York, for removal of silt and aquatic growth;

(11) Lake George, New York, for removal of silt and aquatic growth, stump removal, and the control of pollution;

(12) Goodyear Lake, Otsego County, New York, removal of silt and aquatic growth;

(13) Otsego Lake, Otsego County, New York, removal of silt and aquatic growth and measures to address high nutrient concentration;

(14) Oneida Lake, Oneida County, New York, removal of silt and aquatic growth and nutrient monitoring;

(15) Skaneateles and Owasco Lakes, New York, removal of silt and aquatic growth and prevention of sediment deposit;

(16) Twin Lakes, Paris, Illinois, removal of silt and excess aquatic vegetation, including measures to address excessive sedimentation, high nutrient concentration, and shoreline erosion;

(17) Clear Lake, Lake County, California, removal of silt and aquatic growth and measures to address excessive sedimentation and high nutrient concentration;

(18) Flints Pond, Hollis, Hillsborough County, New Hampshire, removal of silt and aquatic growth and measures to address excessive sedimentation; [and]

(19) Osgood Pond, Milford, Hillsborough County, New Hampshire, removal of silt and aquatic growth and measures to address excessive sedimentation[.] *;*

(20) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;

(21) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

(22) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation; and

(23) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation.

* * * * * * *

SEC. 704. STUDY OF CORPS CAPABILITY TO CONSERVE FISH AND WILDLIFE.

(a) * * *

* * * * * * *

(b) PROJECTS

(1) IN GENERAL.—The Secretary is further authorized to conduct projects of alternative or beneficially modified habitats for fish and wildlife, including but not limited to man-made reefs for fish. There is authorized to be appropriated not to exceed **[**$20,000,000**]** *$50,000,000* to carry out such projects. **[**Such projects**]**

(2) INCLUSIONS.—Such projects shall be developed, and their effectiveness evaluated, in consultation with the Director of the Fish and Wildlife Service and the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration. Such projects shall include—

(A) the construction of a reef for fish habitat in Lake Erie in the vicinity of Buffalo, New York;

(B) the construction of a reef for fish habitat in the Atlantic Ocean in the vicinity of Fort Lauderdale, Florida;

(C) the construction of a reef for fish habitat in Lake Ontario in the vicinity of the town of Newfane, New York; and

[(D) the construction of reefs and related clean shell substrate for fish habitat, including manmade 3-dimensional oyster reefs, in the Chesapeake Bay and its tributaries in Maryland and Virginia if the reefs are preserved as permanent sanctuaries by the non-Federal interests, consistent with the recommendations of the scientific consensus document on Chesapeake Bay oyster restoration dated June 1999.**]**

(D) the restoration and rehabilitation of habitat for fish, including native oysters, in the Chesapeake Bay and its tributaries in Virginia and Maryland, including—

(i) the construction of oyster bars and reefs;

(ii) the rehabilitation of existing marginal habitat;

(iii) the use of appropriate alternative substrate material in oyster bar and reef construction;

(iv) the construction and upgrading of oyster hatcheries; and

(v) activities relating to increasing the output of native oyster broodstock for seeding and monitoring of restored sites to ensure ecological success.

(3) RESTORATION AND REHABILITATION ACTIVITIES.—The restoration and rehabilitation activities described in paragraph (2)(D) shall be—

(A) for the purpose of establishing permanent sanctuaries and harvest management areas; and

(B) consistent with plans and strategies for guiding the restoration of the Chesapeake Bay oyster resource and fishery.

[(2)] *(4)* COST CHARING

(A) In general.—The non-Federal share of the cost of any project under this subsection shall be 25 percent.

(B) Form.—The non-Federal share may be provided through in-kind services, including the provision by the non-Federal interest of shell stock material that is determined by the Chief of Engineers to be suitable for use in carrying out the project.

(C) Applicability.—The non-Federal interest shall be credited with the value of in-kind services provided on or after October 1, 2000, for a project described in paragraph (1) completed on or after that date, if the Secretary determines that the work is integral to the project.

(5) DEFINITION OF ECOLOGICAL SUCCESS.—In this subsection, the term 'ecological success' means—

(A) achieving a tenfold increase in native oyster biomass by the year 2010, from a 1994 baseline; and

(B) the establishment of a sustainable fishery as determined by a broad scientific and economic consensus.

* * * * * * *

SEC. 904. MATTERS TO BE ADDRESSED IN PLANNING.

Enhancing national economic development (including benefits to particular regions of the Nation not involving the transfer of economic activity to such regions from other regions), the quality of the total environment (including preservation and enhancement of the environment), the well-being of the people of the United States, the prevention of loss of life, and the preservation of cultural and historical values shall be addressed in the formulation and evaluation of water resources projects to be carried out by the Secretary, and the associated benefits and costs, both quantifiable and unquantifiable, and information regarding potential loss of human life that may be associated with flooding and coastal storm events, shall be displayed in the benefits and costs of such projects. *The Secretary shall also assess whether the water resources project and each project increment is cost-effective and whether the water resource project complies with local, State, and national laws, regulations, and public policies.*

* * * * * * *

SEC. 905. FEASIBILITY REPORTS.

(a) In the case of any water resources project-related study authorized to be undertaken by the Secretary, the Secretary shall prepare a feasibility report, subject to section 105 of this Act. Such feasibility report shall describe, with reasonable certainty, the economic, environmental, and social benefits and detriments of the recommended plan and alternative plans considered by the Secretary and the engineering features (including hydrologic and geologic information), the public acceptability, and the purposes, scope, and scale of the recommended plan. The feasibility report shall also include the views of other Federal agencies and non-Federal agen-

cies with regard to the recommended plan, a description of a nonstructural alternative to the recommended plan when such plan does not have significant nonstructural features, and a description of the Federal and non-Federal participation in such plan, and shall demonstrate that States, other non-Federal interests, and Federal agencies have been consulted in the development of the recommended plan. *The Secretary shall, in collaboration with the Water Resources Planning Council, revise the planning guidelines, regulation, and circulars of the Corps of Engineers not later than 18 months after the date of enactment of the Water Resources Development Act of 2004 and once every 5 years thereafter to improve the analysis of water resources projects, including the integration of new and existing analytical techniques that properly reflect the probability of project benefits and costs.* This subsection shall not apply to (1) any study with respect to which a report has been submitted to Congress before the date of enactment of this Act, (2) any study for a project, which project is authorized for construction by this Act and is not subject to section 903(b), (3) any study for a project which is authorized under any of the following sections: section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1946 (33 U.S.C. 701r), section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), and section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), and (4) general studies not intended to lead to recommendation of a specific water resources project.

(b) Before initiating any feasibility study under subsection (a) of this section after the date of enactment of this Act, the Secretary shall first perform, at Federal expense, a reconnaissance study of the water resources problem in order to identify potential solutions to such problem in sufficient detail to enable the Secretary to determine whether or not planning to develop a project should proceed to the preparation of a feasibility report. Such reconnaissance study shall include a preliminary analysis of the Federal interest, costs, benefits, and environmental impacts of such project, and an estimate of the costs of preparing the feasibility report. The duration of a reconnaissance study shall normally be no more than twelve months, but in all cases is to be limited to eighteen months.

[(c) For purposes of studies undertaken pursuant to this section, the Secretary is authorized to consider benefits which may accrue to Indian tribes as a result of a project resulting from such a study.**]**

(c) COST-BENEFIT ANALYSIS.—A feasibility study shall include an analysis of the benefits and costs, both quantified and unquantified, which analysis shall—

(1) identify areas of risk and uncertainty in the analysis;

(2) clearly describe the degree of reliability of the estimated benefits and costs of the effectiveness of alternative plans, including an assessment of the credibility of the project construction schedule as the schedule affects the estimated benefits and costs;

(3) identify local, regional, and national economic costs and benefits;

(4) identify environmental costs and benefits, including the costs and benefits of protecting or degrading natural systems;

(5) identify social costs and benefits, including a risk analysis regarding potential loss of life that may result from flooding and storm damage;

(6) identify cultural and historical costs and benefits;

(7) exclude from the estimate of benefits and costs any increase in direct Federal payments or subsidies;

(8) exclude as a benefit—

(A) any increase in direct Federal payments or subsidies; and

(B) any project benefit attributable to any change in, or intensification of, land use arising from the draining, reduction, or elimination of wetlands; and

(9) apply a discount rate consistent with that used by other Federal agencies for water resource projects.".

(d) The Secretary shall undertake such measures as are necessary to ensure that standard and uniform procedures and practices are followed by each district office (and each division office for any area in which there is no district office) of the United States Army Corps of Engineers in the preparation of feasibility reports on water resources projects.

(e) ENHANCED PUBLIC PARTICIPATION.—

(1) IN GENERAL.—The Secretary shall establish procedures to enhance public participation in the development of each feasibility study under subsection (a), including, if appropriate, establishment of a stakeholder advisory group to assist the Secretary with the development of the study.

(2) MEMBERSHIP.—If the Secretary provides for the establishment of a stakeholder advisory group under this subsection, the membership of the advisory group shall include balanced representation of social, economic, and environmental interest groups, and such members shall serve on a voluntary, uncompensated basis.

(3) LIMITATION.—Procedures established under this subsection shall not delay development of any feasibility study under subsection (a).

(f) DURATION.—The duration of a feasibility study shall normally be not more than 2 years, but in no case may be longer than 3 years.

* * * * * * *

SEC. 906. FISH AND WILDLIFE MITIGATION.

[(a)(1) In the case**]**

(a) MITIGATION.—

(1) IN GENERAL.—In the case of any water resources project which is authorized to be constructed by the Secretary before, on, or after the date of enactment of this Act, construction of which has not commenced as of the date of enactment of this Act, and which necessitates the mitigation of fish and wildlife losses, including the acquisition of lands or interests in lands to mitigate losses to fish and wildlife, as a result of such

project, such mitigation, including acquisition of the lands or [interests—

[(A) shall be undertaken or acquired before any construction of the project (other than such acquisition) commences, or

[(B) shall be undertaken or acquired concurrently with lands and interests in lands for project purposes (other than mitigation of fish and wildlife losses), whichever the Secretary determines is appropriate,] *interests, whichever the Secretary determines is appropriate, shall be undertaken or acquired—*

(A) before any construction of the project (other than such acquisition) commences; or

(B) concurrently with the acquisition of land and interests in land for project purposes (other than mitigation of fish and wildlife losses); except that any physical construction required for the purposes of mitigation may be undertaken concurrently with the physical construction of such project.

[(2) For the purposes]

(2) COMMENCEMENT OF CONSTRUCTION.—For the purpose of this subsection, any project authorized before the date of enactment of this Act on which more than 50 percent of the land needed for the project, exclusive of mitigation lands, has been acquired shall be deemed to have commenced construction under this subsection.

(3) IMPLEMENTATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), to ensure concurrent mitigation, the Secretary shall—

(i) construct 100 percent of required off-site mitigation before 50 percent of construction of a project is completed; and

(ii) complete required on-site mitigation as expeditiously as practicable, but not later than the last day of construction of the project or separable element of the project.

(B) EXCEPTION FOR PHYSICAL IMPRACTICABILITY.—In a case in which the Secretary determines that it is physically impracticable to meet the requirements of subparagraph (A), the Secretary shall reserve or reprogram sufficient funds to ensure that mitigation implementation is completed as expeditiously as practicable, but in no case later than the end of the next fiscal year immediately following the last day of construction of the project or separable element of the project.

(4) USE OF FUNDS.—Funds made available for preconstruction engineering and design, construction, or operations and maintenance shall be available for use in carrying out this section.

* * * * * * *

(d) MITIGATION PLANS AS PART OF PROJECT PROPOSALS.—

(1) IN GENERAL.—After November 17, 1986, the Secretary shall not *select in any final environmental impact statement, record of decision, or any general reauthorization report or* submit any proposal for the authorization of any water resources project to the Congress unless such report*, environmental im-*

pact statement, record of decision, or general reauthorization report contains (A) a recommendation with a specific plan to mitigate fish and wildlife losses created by such project, or (B) a determination by the Secretary that such project will have negligible adverse impact on fish and wildlife. Specific mitigation plans shall ensure that impacts to bottomland hardwood forests are mitigated in-kind, to the extent possible. In carrying out this subsection, the Secretary shall consult with appropriate Federal and non-Federal agencies.

(2) DESIGN OF MITIGATION PROJECTS.—The Secretary shall design mitigation projects to reflect contemporary understanding of the science of mitigating the adverse environmental impacts of water resources projects.

(3) STANDARDS FOR MITIGATION.—

(A) IN GENERAL.—To mitigate losses to fish and wildlife resulting from a water resource project, the Secretary shall, at a minimum, acquire and restore the same number of acres of habitat that fully replace the hydrologic and ecological functions and characteristics of each acre of habitat adversely affected by the project.

(B) MITIGATION PLAN.—

(i) IN GENERAL.—The specific mitigation plan for a water resources project described in paragraph (1) shall include, at a minimum—

(I) the recommended plan to mitigate the impacts of the project as identified in paragraph (1), including sufficient detail to permit a thorough evaluation of the plan's likelihood of meeting the success criteria established in subclause (II);

(II) specific time-dependent success criteria, prepared in consultation with the United States Fish and Wildlife Service, by which the mitigation will be evaluated and determined to be successful;

(III) a description, in the Real Estate Plan, of the land and interests in land to be used for mitigation and as the basis for a determination that land and interests will be available at the time required;

(IV) a schedule for—

(aa) monitoring attempted mitigation implementation; and

(bb) evaluating the degree to which the attempted mitigation does or does not meet the success criteria established for the mitigation plan under subclause (II) until attempted mitigation meets the success criteria; and

(V) taking corrective actions in a case in which mitigation efforts are not achieving the success criteria.

(ii) COST SHARING.—Monitoring under clause (i)(IV)—

(I) shall be cost-shared in accordance with the original construction project for a maximum of 10 years; and

(II) shall be 100 percent non-Federal after 10 years.

(B) APPLICABLE LAW.—A time period for mitigation monitoring or for the implementation and monitoring of contingency plan actions shall not be subject to the deadlines described in subsection (b).

(4) DETERMINATION OF MITIGATION SUCCESS.—

(A) IN GENERAL.—Mitigation shall be considered to be successful at the time at which monitoring demonstrates that the mitigation has met the success criteria established in the mitigation plan under paragraph (3)(B).

(B) REQUIREMENTS FOR SUCCESS.—To ensure the success of any attempted mitigation, the Secretary shall—

(i) consult annually with the United States Fish and Wildlife Service on each water resource project requiring mitigation to determine whether mitigation monitoring for that project demonstrates that the project is achieving, or has achieved, the success criteria established in the mitigation plan under paragraph (3); and

(ii) ensure that implementation of correction actions is initiated under paragraph (3)(B)(i)(V) beginning not later than 30 days after a finding by the Secretary, either alone or in consultation with the United States Fish and Wildlife Service, that the original mitigation efforts likely will not result in, or have not resulted in, meeting the success criteria established in the mitigation plan under paragraph (3)(B).

* * * * * * *

SECTION 912. SECTION 221 AGREEMENTS.

(a) * * *

* * * * * * *

(b)(42 U.S.C. 1962d-5b note)(1) The Secretary may require compliance with any requirements pertaining to cooperation by non-Federal interests in carrying out any water resources project authorized before, on, or after the date of enactment of this Act.

(2) Whenever on the basis of any information available to the Secretary, the Secretary finds that any non-Federal interest is not providing cooperation required under subsection (a), the Secretary [shall] *may* issue an order requiring such non-Federal interest to provide such cooperation. [After notice and opportunity for a hearing, if the Secretary finds that any person is violating an order issued under this section, such person shall be subject to a civil penalty not to exceed $10,000 per day of such violation, except that the total amount of civil penalties for any violation shall not exceed $50,000.]

(3) Non-Federal interests shall be liable for interest on any payments required pursuant to section 221 of the Flood Control Act of 1970 that may fall delinquent. The interest rate to be charged on any such delinquent payment shall be at a rate, to be determined by the Secretary of the Treasury, equal to 150 percent of the average bond equivalent rate of the thirteen-week Treasury bills auctioned immediately prior to the date on which such payment be-

came delinquent, or auctioned immediately prior to the beginning of each additional three-month period if the period of delinquency exceeds three months.

(4) The Secretary may request the Attorney General to bring a civil action for appropriate relief, including permanent or temporary [injunction, for] *injunction and payment of liquidated damages, for* any violation of an order issued under this section, [to collect a civil penalty imposed under this section,] to recover any cost incurred by the Secretary in undertaking performance of any item of cooperation under section 221(d) of the Flood Control Act of 1970, or to collect interest for which a non-Federal interest is liable under paragraph (3). Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides, or is doing businesss, and such court shall have jurisdiction to restrain such violation, to require compliance, to require payment of [any civil penalty imposed under this section,] *any liquidated damages,* and to require payment of any costs incurred by the Secretary in undertaking performance of any such item.

(5) The Secretary is authorized to determine that no funds appropriated for operation and maintenance, including operation and maintenance of the project for flood control, Mississippi River and Tributaries, are to be used for the particular benefit of projects within the jurisdiction of any non-Federal interest when such non-Federal interest is in arrears for more than twenty-four months in the payment of charges due under an agreement entered into with the United States pursuant to section 221 of the Flood Control Act of 1970 (Public Law 91–611).

* * * * * * *

[SEC. 1135. PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.]

SEC. 1135. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.

(a) * * *

* * * * * * *

(h) Authorization of appropriations

There is authorized to be appropriated not to exceed [$25,000,000] *$50,000,000* annually to carry out this section.

* * * * * * *

[PUBLIC LAW 100–676—NOV. 17, 1988]

WATER RESOURCES DEVELOPMENT ACT OF 1988

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1988".

* * * * * * *

SEC. 21. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

(a) GENERAL RULE.—Notwithstanding any other provision of law, the Secretary is directed to maintain water levels in the Mis-

sissippi River headwaters reservoirs within the following operating limits: Winnibigoshish 1296.94 feet—1303.14 feet; Leech 1293.20 feet—1297.94 feet; Pokegama 1270.42 feet—[1276.42] *1278.42* feet; Sandy 1214.31 feet—[1218.31] *1221.31* feet; Pine 1227.32 feet—[1234.82] *1235.30* feet; and Gull 1192.75 feet—1194.75 feet. Such water levels shall be measured using the National Geodetic Vertical Datum.

[(b) EXCEPTION.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established in subsection (a) in accordance with a contingency plan which the Secretary develops after consulting with the Governor of Minnesota and affected landowners and commercial and recreational users. The Secretary shall transmit such plan to Congress within 6 months after the date of the enactment of this Act. The Secretary shall report to Congress at least 14 days prior to operating any such headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a).]

(b) EXCEPTION.—

(1) IN GENERAL.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established under subsection (a) in accordance with water control regulation manuals (or revisions to those manuals) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users.

(2) EFFECTIVE DATE OF MANUALS.—The water control regulation manuals referred to in paragraph (1) (and any revisions to those manuals) shall be effective as of the date on which the Secretary submits the manuals (or revisions) to Congress.

(3) NOTIFICATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not less than 14 days before operating any headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a), the Secretary shall submit to Congress a notice of intent to operate the headwaters reservoir.

(B) EXCEPTION.—Notice under subparagraph (A) shall not be required in any case in which—

(i) the operation of a headwaters reservoir is necessary to prevent the loss of life or to ensure the safety of a dam; or

(ii) the drawdown of the water level of the reservoir is in anticipation of a flood control operation.

* * * * * * *

[PUBLIC LAW 101–640—NOV. 28, 1990]

WATER RESOURCES DEVELOPMENT ACT OF 1990

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1999".

* * * * * * *

SEC. 102. PROJECT MODIFICATIONS.

(g) DELAWARE RIVER TO CHESAPEAKE BAY, DELAWARE AND MARYLAND.—The project for navigation, inland waterway from the Delaware River to the Chesapeake Bay, Delaware and Maryland, authorizaed by the frist section of the Act of August 30, 1935 (49 Stat. 1030), and modified by the Act entitled "An Act authorizing construction of a highway bridge across the Chesapeake and Delaware Canal at Saint Georges, Delaware", approved August 7, 1939 (53 Stat. 1240-1241), is modified to direct the Secretary to replace the highway bridge on United States Route 13 in the vicinity of St. Georges, Delaware, to meet current and projected traffic needs, at a Federal cost of $115,000,000. The State may carry out the bridge replacement, the Secretary may reimburse the State for costs incurred. *The Secretary shall assume ownership responsibility for the replacement bridge not later than the date on which the construction of the bridge is completed and the contractors are released of their responsibility by the State. In addition, the Secretary may not carry out any action to close or remove the St. George's Bridge, Delaware, without specific congressional authorization.*

* * * * * * *

[PUBLIC LAW 102–580—OCT. 31, 1992]

WATER RESOURCES DEVELOPMENT ACT OF 1992

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1992".

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SEC. 103. VISITOR CENTERS

(a) * * *

* * * * * * *

(c) LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.—

(1) * * *

(2) LOCATION OF MUSEUM.—The museum shall be located on [property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge] *riverfront property* in Vicksburg, Mississippi. Title to the property shall be transferred to the Secretary at no cost.

* * * * * * *

SEC. 204. BENEFICIAL USES OF DREDGED MATERIAL.

[(a) IN GENERAL.—The Secretary is authorized to carry out projects for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in connection with dredging for construction, operation, or maintenance by the Secretary of an authorized navigation project.]

(a) IN GENERAL.—In connection with dredging for construction, operation, or maintenance by the Secretary of an authorized navigation project, the Secretary may carry out projects for—

(1) the protection, restoration, and creation of aquatic and ecologically related habitats, including wetland; and

(2) the transport and placement of suitable dredged material at locations identified in the plan prepared under subsection (e), or identified jointly by the non-Federal interest and the Secretary, for use in the construction, repair, or rehabilitation of projects associated with navigation, flood damage reduction, hydroelectric power, municipal and industrial water supply, agricultural water supply, recreation, hurricane and storm damage reduction, aquatic plant control, and environmental protection and restoration.

(b) SECRETARIAL FINDINGS.—Subject to subsection (c) of this section, projects [for the protection, restoration, or creation of aquatic and ecologically related habitats] *undertaken under subsection (a)* may be undertaken in any case where the Secretary finds that—

(1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost thereof; [and]

(2) the project would not result in environmental degradation[.] *; and*

(3) the project complies with all applicable Federal, State, and local laws.

(c) COOPERATIVE AGREEMENT.—Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into a binding agreement with the Secretary in which the non-Federal interests agree [to—

[(1) provide 25 percent of the cost associated with construction of the project for the protection, restoration, and creation of aquatic and ecologically related habitats, including provision of all lands, easements, rights-of-way, and necessary relocations; and

(2) pay] *to pay* 100 percent of the operation, maintenance, replacement, and rehabilitation costs associated with the project for the protection, restoration, and creation of aquatic and ecologically related habitats.

(d) DETERMINATION OF CONSTRUCTION COSTS.—Costs associated with construction of a project [for the protection, restoration, and creation of aquatic and ecologically related habitats] shall be limited solely to construction costs which are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of the authorized navigation project in the most cost effective way, consistent with economic, engineering, and environmental criteria.

(e) REGIONAL SEDIMENT MANAGEMENT PLANS.—

(1) IN GENERAL.—In consultation and cooperation with the appropriate Federal, State, and regional agencies, the Secretary shall develop plans for regional management of sediment dredged in conjunction with construction, operation, and maintenance of navigation projects, including potential beneficial uses for projects described in subsection (a).

(2) COSTS.—The costs of developing a plan under paragraph (1) shall be paid by the Secretary.

(f) PRIORITY AREAS.—In carrying out this section, the Secretary shall give priority to regional sediment management projects in the vicinity of—

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

(2) Fletcher Cove, California; and

(3) Toledo Harbor, Lucas County, Ohio.

[(e)**]** *(g)* SELECTION OF DREDGED MATERIAL DISPOSAL METHOD.—In developing and carrying out a project for navigation involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of such disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion. The Federal share of such incremental costs shall be determined in accordance with subsection (c).

[(f)**]** *(h)* AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed **[**$15,000,000**]** *$30,000,000* annually to carry out this section. Such sums shall remain available until expended.

[(g)**]** *(i)* NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.

* * * * * * *

[PUBLIC LAW 104–303—OCT. 12, 1996]

WATER RESOURCES DEVELOPMENT ACT OF 1996

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1996".

* * * * * * *

SECTION 101. PROJECT AUTHORIZATIONS.

(a) * * *

* * * * * * *

(31) MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA.—The project for navigation, Marmet Lock, Kanawha River, West Virginia: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of **[**$229,581,000**]** *$358,000,000*. The costs of construction of the project are to be paid 1/2 from amounts appropriated from the Inland Waterways Trust Fund.

* * * * * * *

[SEC. 206. AQUATIC ECOSYSTEM RESTORATION.]

SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.

(a) GENERAL AUTHORITY.—The Secretary may carry out **[**an aquatic**]** *a freshwater aquatic* ecosystem restoration and protection project if the Secretary zdetermines that the project—

(1) will improve the quality of the environment and is in the public interest; and

(2) is cost-effective.

(b) COST SHARING.—

(1) IN GENERAL.—Non-Federal interests shall provide 35 percent of the cost of construction of any project carried out under this section, including provision of all lands, easements, rights-of-way, and necessary relocations.

(2) FORM.—Before October 1, 2003, the Federal share of the cost of a project under this section may be provided in the form of reimbursements of project costs.

(c) AGREEMENTS.—

(1) IN GENERAL.—Construction of a project under this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary to pay the non-Federal share of the costs of construction required by this section and to pay 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to the project in accordance with regulations prescribed by the Secretary.

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

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

(e) FUNDING.—There is authorized to be appropriated to carry out this section [$25,000,000] *$75,000,000* for each fiscal year.

* * * * * * *

SEC. 211. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) * * *

* * * * * * *

(e) REIMBURSEMENT.—

(1) GENERAL RULE.—Subject to appropriations Acts, the Secretary may reimburse any non-Federal interest an amount equal to the estimate of the Federal share, without interest, of the cost of any authorized flood control project, or separable element of a flood control project, constructed pursuant to this section and provide credit for the non-Federal share of the project—

(A) if, after authorization and before initiation of construction of the project or separable element, the Secretary approves the plans for construction of such project by the non-Federal interest;

(B) if the Secretary finds, after a review of studies and design documents prepared pursuant to this section, that construction of the project or separable element is economically justified and environmentally acceptable; and

(C) if the construction work is substantially in accordance with plans prepared under subsection (b).

(2) SPECIAL RULES.—

(A) REIMBURSEMENT OR CREDIT.—For work (including work associated with studies, planning, design, and construction) carried out by a non-Federal interest with respect to a project described in subsection (f), the Secretary shall, subject to the availability of appropriations, reimburse, without interest, the non-Federal interest an amount equal to the estimated Federal share of the cost of such work, or provide credit (depending on the request of the non-Federal interest) for the non-Federal share of such work, if such work is later recommended by the Chief of Engineers and approved by the Secretary.

(B) CREDIT.—If the non-Federal interest for a project described in subsection (f) carries out work before completion of a reconnaissance study by the Secretary and if such work is determined by the Secretary to be compatible with the project later recommended by the Secretary, the Secretary shall credit the non-Federal interest for its share of the cost of the project for such work.

(3) MATTERS TO BE CONSIDERED IN REVIEWING PLANS.—In reviewing plans under this subsection, the Secretary shall consider budgetary and programmatic priorities and other factors that the Secretary considers appropriate.

(4) MONITORING.—The Secretary shall regularly monitor and audit any project for flood control approved for construction under this section by a non-Federal interest to ensure that such construction is in compliance with the plans approved by the Secretary and that the costs are reasonable.

(5) LIMITATION ON REIMBURSEMENTS.—The Secretary may not make any reimbursement under this section until the Secretary determines that the work for which reimbursement is requested has been performed in accordance with applicable permits and approved plans.

(6) SCHEDULE AND MANNER OF REIMBURSEMENT.—

(A) BUDGETING.—The Secretary shall budget and request appropriations for reimbursements under this section on a schedule that is consistent with a Federal construction schedule.

(B) COMMENCEMENT OF REIMBURSEMENTS.—Reimbursements under this section may commence on approval of a project by the Secretary.

(C) CREDIT.—At the request of a non-Federal interest, the Secretary may reimburse the non-Federal interest by providing credit toward future non-Federal costs of the project.

(D) SCHEDULING.—Nothing in this paragraph affects the discretion of the President to schedule new construction starts.

(E) BUDGET PRIORITY.—

(i) IN GENERAL.—Budget priority for projects under this section shall be proportionate to the percentage of project completion.

(ii) COMPLETED PROJECT.—A completed project shall have the same priority as a project with a contractor on site.

* * * * * * *

SEC. 217. DREDGED MATERIAL DISPOSAL FACILITY PARTNERSHIPS.

(a) ADDITIONAL CAPACITY.—

(1) PROVIDED BY SECRETARY.—At the request of a non-Federal interest with respect to a project, the Secretary may provide additional capacity at a dredged material disposal facility constructed by the Secretary beyond the capacity that would be required for project purposes if the non-Federal interest agrees to pay, during the period of construction, all costs associated with the construction of the additional capacity.

(2) COST RECOVERY AUTHORITY.—The non-Federal interest may recover the costs assigned to the additional capacity through fees assessed on third parties whose dredged material is deposited at the facility and who enter into agreements with the non-Federal interest for the use of the facility. The amount of such fees may be determined by the non-Federal interest.

(b) NON-FEDERAL USE OF DISPOSAL FACILITIES.—

(1) IN GENERAL.—The Secretary—

(A) may permit the use of any dredged material disposal facility under the jurisdiction of, or managed by, the Secretary by a non-Federal interest if the Secretary determines that such use will not reduce the availability of the facility for project purposes; and

(B) may impose fees to recover capital, operation, and maintenance costs associated with such use.

(2) USE OF FEES.—Notwithstanding section 401(c) of the Federal Water Pollution Control Act (33 U.S.C. 1341(c)) but subject to advance appropriations, any monies received through collection of fees under this subsection shall be available to the Secretary, and shall be used by the Secretary, for the operation and maintenance of the disposal facility from which the fees were collected.

(c) DREDGED MATERIAL FACILITY.—

(1) IN GENERAL.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region, if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government.

(2) PERFORMANCE.—One or more of the parties to the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility.

(3) MULTIPLE FEDERAL PROJECTS.—If appropriate, the Secretary may combine portions of separate Federal projects with appropriate combined cost-sharing between the various projects,

if the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

(4) PUBLIC FINANCING.—

(A) AGREEMENTS.—

(i) SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.—The cost-sharing agreement used shall clearly specify—

(I) the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects; and

(II) the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

(ii) MANAGEMENT OF SEDIMENTS.—

(I) IN GENERAL.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnerships agreements.

(II) PAYMENTS.—The cost-sharing agreement may allow the non-Federal interest to receive reimbursable payments from the Federal Government for commitments made by the non-Federal interest for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.

(iii) CREDIT.—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.

(B) CREDIT.—

(i) EFFECT ON EXISTING AGREEMENTS.—Nothing in this subsection supersedes or modifies an agreement in effect on the date of enactment of this paragraph between the Federal Government and any other non-Federal interest for the cost-sharing, construction, and operation and maintenance of a Federal navigation project.

(ii) CREDIT FOR FUNDS.—Subject to the approval of the Secretary and in accordance with law (including regulations and policies) in effect on the date of enactment of this paragraph, a non-Federal public interest of a Federal navigation project may seek credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project.

(iii) NON-FEDERAL INTEREST RESPONSIBILITIES.—The non-Federal interest shall—

(I) be responsible for providing all necessary land, easement rights-of-way, or relocations associated with the facility; and

(II) receive credit for those items.

[(c)] *(d)* PUBLIC-PRIVATE PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary may carry out a program to evaluate and implement opportunities for public-private partnerships in the design, construction, management, or operation *and maintenance* of dredged material *processing, treatment, or* disposal facilities in connection with construction or maintenance of Federal navigation projects. If a non-Federal interest is a sponsor of the project, the Secretary shall consult with the non-Federal interest in carrying out the program with respect to the project.

(2) PRIVATE FINANCING.—

(A) AGREEMENTS.—In carrying out this subsection, the Secretary may enter into an agreement with a non-Federal interest with respect to a project, a private entity, or both for the acquisition, design, construction, management, or operation *and maintenance* of a dredged material *processing, treatment, or* disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material) using funds provided in whole or in part by the private entity.

(B) REIMBURSEMENT.—If any funds provided by a private entity are used to carry out a project under this subsection, the Secretary may reimburse the private entity over a period of time agreed to by the parties to the agreement through the payment of subsequent user fees. Such fees may include the payment of a disposal or tipping fee for placement of suitable dredged material at the facility.

(C) AMOUNT OF FEES.—User fees paid pursuant to subparagraph (B) shall be sufficient to repay funds contributed by the private entity plus a reasonable return on investment approved by the Secretary in cooperation with the non-Federal interest with respect to the project and the private entity.

(D) FEDERAL SHARE.—The Federal share of such fees shall be equal to the percentage of the total cost that would otherwise be borne by the Federal Government as required pursuant to existing cost-sharing requirements, including section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) and section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2325).

(E) BUDGET ACT COMPLIANCE.—Any spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2))) authorized by this section shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

* * * * * * *

SEC. 234. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

[(a) IN GENERAL.—The Secretary may engage in activities in support of other Federal agencies or international organizations to address problems of national significance to the United States.]

(a) IN GENERAL.—The Secretary may engage in activities (including contracting) in support of other Federal agencies, inter-

national organizations, or foreign governments to address problems of national significance to the United States.

(b) CONSULTATION.—The Secretary may engage in activities in support of international organizations only after consulting with the [Secretary of State] *Department of State.*

(c) USE OF CORPS' EXPERTISE.—The Secretary may use the technical and managerial expertise of the Corps of Engineers to address domestic and international problems related to water resources, infrastructure development, and environmental protection.

(d) FUNDING.—There is authorized to be appropriated to carry out this section [$250,000 for fiscal year 2001] *$1,000,000 for fiscal year 2005* and each fiscal year thereafter. The Secretary may accept and expend additional funds from other Federal agencies or international organizations to carry out this section.

* * * * * * *

SEC. 507. DESIGN AND CONSTRUCTION ASSISTANCE.

The Secretary shall provide design and construction assistance to non-Federal interests for each of the following projects if the Secretary determines that the project is feasible:

(1) Repair and rehabilitation of the Lower Girard Lake Dam, Girard, Ohio, at an estimated total cost of [$2,500,000] *$5,500,000 (which repair and rehabilitation may include lowering the crest of the Dam by not more than 12.5 feet).*

* * * * * * *

SEC. 554. ORCHARD BEACH, BRONX, NEW YORK.

The Secretary shall conduct a study for a project for shoreline protection, Orchard Beach, Bronx, New York, and, if the Secretary determines that the project is feasible, may carry out the project, at a maximum Federal cost of [$5,200,000] *$18,200,000*.

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SEC. 567. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

(a) * * *

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[(c) COOPERATION AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary may enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.]

(c) COOPERATION AGREEMENTS.—

(1) IN GENERAL.—In conducting the study and implementing the strategy under this section, the Secretary shall enter into cost-sharing and project cooperation agreements with the Federal Government, State and local governments (with the consent of the State and local governments), land trusts, or nonprofit, nongovernmental organizations with expertise in wetland restoration.

(2) FINANCIAL ASSISTANCE.—Under the cooperation agreement, the Secretary may provide assistance for implementation

of wetland restoration projects and soil and water conservation measures.

[(d) IMPLEMENTATION.—The Secretary shall undertake development and implementation of the strategy authorized by this section in cooperation with local landowners and local government officials.]

(d) IMPLEMENTATION OF STRATEGY.—

(1) IN GENERAL.—The Secretary shall carry out the development, demonstration, and implementation of the strategy under this section in cooperation with local landowners, local government officials, and land trusts.

(2) GOALS OF PROJECTS.—Projects to implement the strategy under this subsection shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetland restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects.

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SEC. 575. HARRIS COUNTY, TEXAS.

(a) * * *

(b) SPECIFIC PROJECTS.—The projects to which subsection (a) apply are—

(1) the project for flood control, Buffalo Bayou Basin, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1258);

(2) the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a) of the Water Resources Development Act of 1990 (104 Stat. 4610); [and]

(3) the project for flood control, Cypress Creek, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014); [and]

(4) the project for flood control, Clear Creek, Texas, authorized by section 203 of teh Flood Control Act of 1968 (82 Stat. 742)[.] *; and*

(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).

* * * * * * *

SEC. 577. TANGIER ISLAND, VIRGINIA.

(a) IN GENERAL.—The Secretary shall design and construct a breakwater at the North Channel on Tangier Island, Virginia, [at a total cost of $1,200,000, with an estimated Federal cost of $900,000 and an estimated non-Federal cost of $300,000.] *at a total cost of $3,000,000, with an estimated Federal cost of $2,400,000 and an estimated non-Federal cost of $600,000.*

* * * * * * *

WATER RESOURCES DEVELOPMENT ACT OF 1999

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act many be cited as the "Water Resources Development Act of 1999".

* * * * * * *

SEC. 225. RECREATION USER FEES.

(a) WITHHOLDING OF AMOUNTS.—

(1) IN GENERAL.—[During fiscal years 1999 through 2002, the] *The* Secretary may withhold from the special account established under section 4(i)(1)(A)) 100 percent of the amount of receipts [above a baseline of $34,000,000 per each fiscal year] received from fees imposed at recreation sites under the administrative jurisdiction of the Department of the Army under section 4(b) of that Act (16 U.S.C. 4601-6a(b)).

* * * * * * *

(3) AVAILABILITY.—The amounts withheld shall remain available until [September 30, 2005] *expended.*

(b) USE OF AMOUNTS WITHHELD.—In order to increase the quality of the visitor experience at public recreational areas and to enhance the protection of resources, the amounts withheld under subsection (a) may be used only for—

(1) repair and maintenance projects (including projects relating to health and safety);

(2) interpretation;

(3) signage;

(4) habitat or facility enhancement;

(5) resource preservation;

(6) annual operation (including fee collection);

(7) maintenance [and];

(8) law enforcement related to public use[.]*; and*

(9) planning.

(c) AVAILABILITY.—[Each] *Eighty percent of each* amount withheld by the Secretary shall be available for expenditure, without further Act of appropriation, [at the specific project from which the amount, above baseline,] *by the District of the Corps of Engineers from which the amount* is collected.

(d) RECREATION USER FEE PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out a recreation user fee program to attempt to recover from users the costs of operating and maintaining recreation areas or sites on project land.

(2) ADMISSION AND USER FEES.—

(A) IN GENERAL.—In carrying out the program, the Secretary shall charge and collect fees, in an amount determined under subparagraph (B), for—

(i) admission to the recreation area or site by individuals or groups; or

(ii) the use of outdoor recreation sites, facilities, visitor centers, equipment, and services by individuals and groups.

(B) AMOUNT.—The Secretary shall determine the amount of fees charged and collected under subparagraph (A), which, to maximize the recreation benefits of the projects, shall be based on the fair market value of the admission or use.

(C) CONTRACT.—The Secretary may—

(i) enter into a contract (including a contract that provides for reasonable commissions) with any public or private entity to provide visitor services for the recreation area or site, including taking reservations and providing information on the recreation area or site; and

(ii) accept the services of volunteers to collect the fees charged under subparagraph (A).

(3) LEASES.—

(A) IN GENERAL.—The Secretary shall charge and collect rents for any lease entered into between the Secretary and a non-Federal entity relating to project land.

(B) TERM.—A lease entered into under subparagraph (A)—

(i) shall be for an initial period of not more than 25 years; and

(ii) may be renewed for an additional 25–year term.

(C) TERMINATION.—A lease entered into under subparagraph (A) shall provide that the lease shall be terminated if the Secretary determines that the project land subject to the lease has not been used by the non-Federal entity for recreation or any other purpose specified in the lease.

(D) PAYMENTS IN LIEU OF TAXES.—Land leased to non-Federal entities for recreational purposes shall be subject to chapter 69 of title 31, United States Code.

(4) OTHER FEES.—Fees charged and collected under this section shall be in lieu of fees charged under any other provision of law.".

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SEC. 514. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

(a) * * *

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(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out this section $30,000,000 for the period of fiscal years 2003 [and 2004] *through 2015*.

* * * * * * *

SEC. 560. ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.

(a) DEFINITION OF NON-FEDERAL INTEREST.—In this section, the term 'non-Federal interest' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).

[(a)] *(b)* IN GENERAL.— The Secretary may provide technical, planning, and design*, and construction* assistance to Federal and

non-Federal interests*, including, with the consent of the affected local government, nonprofit entities,* for carrying out projects to address water quality problems caused by drainage and related activities from abandoned and inactive noncoal mines.

[(b)**]** *(c)* SPECIFIC MEASURES.—Assistance provided under subsection (a) may be in support of projects for the purpose of—

(1) managing drainage from abandoned and inactive noncoal mines;

(2) restoring and protecting streams, rivers, wetlands, other waterbodies, and riparian areas degraded by drainage from abandoned and inactive noncoal mines; and

(3) demonstrating management practices and innovative and alternative treatment technologies to minimize or eliminate adverse *physical hazards and* environmental effects associated with **[**drainage from**]** abandoned and inactive noncoal mines.

[(c)**]** *(d)* NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance under subsection (a) shall be **[**50**]** *25* percent, except that the Federal share with respect to projects located on land owned by the United States shall be 100 percent.

[(d)**]** *(e)* EFFECT ON AUTHORITY OF SECRETARY OF THE INTERIOR.—Nothing in this section affects the authority of the Secretary of the Interior under title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.).

[(e)**]** *(f)* TECHNOLOGY DATABASE FOR RECLAMATION OF ABANDONED MINES.—The Secretary may provide assistance to non-Federal and nonprofit entities to develop, manage, and maintain a database of conventional and innovative, cost-effective technologies for reclamation of abandoned and inactive noncoal mine sites. Such assistance shall be provided through the Rehabilitation of Abandoned Mine Sites Program managed by the Sacramento District Office of the Corps of Engineers.

[(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.**]**

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

(h) CREDIT.—A non-Federal interest shall receive credit toward the non-Federal share of cost of a project under this section for design and construction services and other in-kind consideration provided by the non-Federal interest if the Secretary determines that the design and construction services and other in-kind contributions are integral to the project.

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

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for each fiscal year $45,000,000, to remain available until expended.

* * * * * * *

SEC. 573. ONONDAGA LAKE, NEW YORK.

(a) * * *

* * * * * * *

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

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

[(f)**]** *(g)* AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **[**$10,000,000**]**.

[(g)**]** *(h)* REPEAL.—Title IV of the Great Lakes Critical Programs Act of 1990 (104 Stat. 3010) and section 411 of the Water Resources Development Act of 1990 (104 Stat. 4648) are repealed effective on the date that is 1 year after the date of enactment of this Act.

* * * * * * *

SEC. 580. CUMBERLAND, MARYLAND, FLOOD PROJECT MITIGATION.

(a) IN GENERAL.— The project for flood control and other purposes, Cumberland, Maryland, authorized by section 5 of the Act of June 22, 1936, (commonly known as the "Flood Control Act of 1936") (49 Stat. 1574, chapter 688), is modified to authorize the Secretary to undertake, as a separate part of the project, restoration of the historic Chesapeake and Ohio Canal substantially in accordance with the Chesapeake and Ohio Canal National Historic Park, Cumberland, Maryland, Rewatering Design Analysis, dated February 1998, at a total cost of **[**$15,000,000**]** *$25,750,000*, with an estimated Federal cost of **[**$9,750,000**]** *$16,738,000* and an estimated non-Federal cost of **[**$5,250,000**]** *$9,012,000*.

* * * * * * *

SEC. 591. ENVIRONMENTAL REMEDIATION, FRONT ROYAL, VIRGINIA.

(a) PARTICIPATION OF SECRETARY.—

(1) * * *

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **[**$12,000,000**]** *$22,000,000*.

* * * * * * *

SEC. 602. TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) * * *

* * * * * * *

(4) FUNDING FOR CARRYING OUT PLANS.—

(A) STATE OF SOUTH DAKOTA.—

(i) NOTIFICATION.—On receipt of the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota, each of the committees referred

to in paragraph (3) shall notify the Secretary *and the Secretary of the Treasury* of the receipt of the plan.

[(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary shall make available to the State of South Dakota funds from the South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State and only after the Trust Fund is fully capitalized.]

(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota after the State certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 603(d)(3) and only after the Trust Fund is fully capitalized.

(B) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE.—

(i) NOTIFICATION.—On receipt of the plan for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, each of the committees referred to in paragraph (3) shall notify the Secretary of the Treasury of the receipt of each of the plans.

[(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, and only after the Trust Fund is fully capitalized.]

(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plans for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, after the respective tribe certifies to the Secretary of the Treasury

that the funds to be disbursed will be used in accordance with section 604(d)(3) and only after the Trust Fund is fully capitalized.

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SEC. 603. SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.

(a) * * *

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[(c) INVESTMENTS.—

[(1) IN GENERAL.—At the request of the Secretary, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed by the United States as to both principal and interest.

[(2) INTEREST RATE.—The Secretary of the Treasury shall invest amounts in the fund in obligations that carry the highest rate of interest among available obligations of the required maturity.]

(c) INVESTMENTS.—

(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

(2) INVESTMENT REQUIREMENTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with all of the requirements of this paragraph.

(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

(i) PRINCIPAL ACCOUNT.—The amounts deposited in the Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of the Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

(iii) CREDITING.—The interest earned from investing amounts in the interest account of the Fund shall be credited to the interest account.

(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of the Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having

a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

(iii) DISCONTINUANCE OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

(D) INVESTMENT OF INTEREST ACCOUNT.—

(i) BEFORE FULL CAPITALIZATION.—Until the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

(ii) AFTER FULL CAPITALIZATION.—On and after the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the State of South Dakota the results of the investment activities and financial status of the Fund during the preceding 12-month period.

(d) PAYMENTS.—

(1) * * *

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—Subject to section 602(a)(4)(A), the Secretary *of the Treasury* shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the State of South Dakota for use as State funds in accordance with paragraph (3) after the Fund has been fully capitalized.

* * * * * * *

[(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.]

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury, to pay expenses associated with investing the Fund and auditing the uses of amounts withdrawn from the Fund—

(1) up to $500,000 for each of fiscal years 2004 and 2005; and

(2) such sums as are necessary for each subsequent fiscal year.

* * * * * * *

SEC. 604. CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.

(a) * * *

[(c) INVESTMENTS.—

[(1) IN GENERAL.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

[(2) INTEREST RATE.—The Secretary of the Treasury shall invest amounts in the Funds in obligations that carry the highest rate of interest among available obligations of the required maturity.]

(c) INVESTMENTS.—

(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Funds.

(2) INVESTMENT REQUIREMENTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest each of the Funds in accordance with all of the requirements of this paragraph.

(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

(i) PRINCIPAL ACCOUNT.—The amounts deposited in each Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of each

Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

(iii) CREDITING.—The interest earned from investing amounts in the interest account of each Fund shall be credited to the interest account.

(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of each Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible, obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

(D) INVESTMENT OF THE INTEREST ACCOUNT.—

(i) BEFORE FULL CAPITALIZATION.—Until the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

(ii) AFTER FULL CAPITALIZATION.—On and after the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal

account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe the results of the investment activities and financial status of the Funds during the preceding 12-month period.

* * * * * * *

[(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.]

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury to pay expenses associated with investing the Funds and auditing the uses of amounts withdrawn from the Funds—

(1) up to $500,000 for each of fiscal years 2004 and 2005; and

(2) such sums as are necessary for each subsequent fiscal year.

* * * * * * *

[PUBLIC LAW 106–541—DEC. 11, 2000]

WATER RESOURCES DEVELOPMENT ACT OF 2000

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act many be cited as the "Water Resources Development Act of 2000".

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SEC. 101. PROJECT AUTHORIZATIONS.

(a) * * *

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(16) OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.—

[(A) IN GENERAL.—Projects for ecosystem restoration, Ohio River Mainstem]

(A) AUTHORIZATION.—

(i) IN GENERAL.—Projects for ecosystem restoration, Ohio River Basin (excluding the Tennessee and Cumberland River Basins), Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia, at a total cost of $307,700,000, with an estimated Federal cost of

$200,000,000 and an estimated non-Federal cost of $107,700,000.

(ii) NONPROFIT ENTITY.—For any ecosystem restoration project carried out under this paragraph, with the consent of the affected local government, a nonprofit entity may be considered to be a non-Federal interest.

(iii) PROGRAM IMPLEMENTATION PLAN.—There is authorized to be developed a program implementation plan of the Ohio River Basin (excluding the Tennessee and Cumberland River Basins) at full Federal expense.

(iv) PILOT PROGRAM.—There is authorized to be initiated a completed pilot program in Lower Scioto Basin, Ohio.

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SEC. 214. FUNDING TO PROCESS PERMITS.

(a) IN GENERAL.—**[**In fiscal years 2001 through 2003, the**]** *The* Secretary, after public notice, may accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.

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SEC. 321. Duluth Harbor, Minnesota

The project for navigation, Duluth Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include the relocation of Scenic Highway 61, including any required bridge construction*, and to provide public access and recreational facilities*.

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SEC. 325. FORT PECK FISH HATCHERY, MONTANA.

(a) * * *

* * * * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated—

(A) **[**$20,000,000**]** *$25,000,000* to carry out this section (other than subsection (e)(2)(B)); and

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

(2) AVAILABILITY OF FUNDS.—Sums made available to carry out this section shall remain available until expended

* * * * * * *

SEC. 349. Project Reauthorizations.

(a) * * *

* * * * * * *

(2) CEDAR BAYOU, TEXAS.—The project for navigation, Cedar Bayou, Texas, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 19, 1890

(26 Stat. 444), and modified by the first section of the Act entitled "An Act authorizing the contruction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 3, 1930 (46 Stat. 926), and deauthorized by section 1002 of the Water Resources Development Act of 1986 (100 Stat, 4219), [except that the project is authorized only for construction of a navaigation channel 12 feet deep by 125 feet wide] *except that the project is authorized for construction of a navigation channel that is 10 feet deep by 100 feet wide* from mile -2.5 (at the junction with the Houston Ship Channel) to mile 11.0 on Cedar Bayou.

* * * * * * *

SEC. 414. OCEANSIDE, CALIFORNIA.

Not later than [32 months] *44 months* after the date of enactment of this Act, the Secretary shall conduct a study, at Federal expense, of plans—

(1) * * *

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SEC. 542. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

(a) * * *

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(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in critical restoration projects in the Lake Champlain watershed.

(2) TYPES OF PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the critical restoration project consists of —

(A) implementation of an intergovernmental agreement for coordinating regulatory and management responsibilities with respect to the Lake Champlain watershed;

(B) acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use in the Lake Champlain watershed;

(C) acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality in the Lake Champlain watershed;

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

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

(ii) protect and enhance water quality; [or]

(E) river corridor assessment, protection, management, and restoration for the purposes of ecosystem restoration;

(F) geographic mapping conducted by the Secretary using existing technical capacity to produce a high-resolution, multispectral satellite imagery-based land use and cover data set; or

[(E)] *(G)* any other activity determined by the Secretary to be appropriate.

* * * * * * *

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section [$20,000,000] *$32,000,000*, to remain available until expended.

* * * * * * *

SEC. 543. VERMONT DAMS REMEDIATION.

(a) IN GENERAL.—The Secretary—

(1) shall conduct a study to evaluate the structural integrity and need for modification or removal of each dam located in the State of Vermont and described in subsection (b);

(2) shall provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair, restoration, modification, and removal of each dam described in subsection (b); [and]

(3) may carry out measures to prevent or mitigate against such risk if the Secretary determines that a dam described in subsection (b) presents an imminent and substantial risk to public safety[.] *; and*

(4) may carry out measures to restore, protect, and preserve an ecosystem affected by a dam described in subsection (b).

(b) DAMS TO BE EVALUATED.—The dams referred to in subsection (a) are the following:

(1) East Barre Dam, Barre Town.
(2) Wrightsville Dam, Middlesex-Montpelier.
(3) Lake Sadawga Dam, Whitingham.
(4) Dufresne Pond Dam, Manchester.
(5) Knapp Brook Site 1 Dam, Cavendish.
(6) Lake Bomoseen Dam, Castleton.
(7) Little Hosmer Dam, Craftsbury.
(8) Colby Pond Dam, Plymouth.
(9) Silver Lake Dam, Barnard.
(10) Gale Meadows Dam, Londonderry.
(11) Camp Wapanacki, Hardwick.
(12) Star Lake Dam, Mt. Holly.
(13) Curtis Pond, Calais.
(14) Weathersfield Reservoir, Springfield.
(15) Burr Pond, Sudbury.
(16) Maidstone Lake, Guildhall.
(17) Upper and Lower Hurricane Dam.
(18) Lake Fairlee.
(19) West Charleston Dam.

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SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this title $5,000,000 for each of fiscal years 2001 through [2005] *2010*. Such sums shall remain available until expended.

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SEC. 904. MISSOURI RIVER TRUST.

(a) * * *

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(b) MEMBERSHIP.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—

(1) 15 members recommended by the Governor of South Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i)the South Dakota Department of Environment and Natural Resources;

(ii)the South Dakota Department of Game, Fish, and Parks;

(iii)environmental groups;

(iv)the hydroelectric power industry;

(v)local governments;

(vi)recreation user groups;

(vii)agricultural groups; [and]

(viii) rural water systems; and

[(viii)] *(ix)*other appropriate interests;

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SEC. 907. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this title $10,000,000 for each of fiscal years 2001 through [2005] *2010*. Such sums shall remain available until expended.

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