

108<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2557

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2003

Received; read twice and referred to the Committee on Environment and  
Public Works

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## AN ACT

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

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

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

4        (a) SHORT TITLE.—This Act may be cited as the  
 5 “Water Resources Development Act of 2003”.

6        (b) TABLE OF CONTENTS.—The table of contents for  
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.

Sec. 1002. Small projects for flood damage reduction.

Sec. 1003. Small projects for emergency streambank protection.

Sec. 1004. Small projects for navigation.

Sec. 1005. Small projects for improvement of the quality of the environment.

Sec. 1006. Small projects for aquatic ecosystem restoration.

Sec. 1007. Small projects for shoreline protection.

Sec. 1008. Small projects for snagging and sediment removal.

TITLE II—GENERAL PROVISIONS

Sec. 2001. Annual passes for recreation.

Sec. 2002. Non-Federal contributions.

Sec. 2003. Harbor cost sharing.

Sec. 2004. Funding to process permits.

Sec. 2005. National shoreline erosion control development and demonstration  
 program.

Sec. 2006. Written agreement for water resources projects.

Sec. 2007. Assistance for remediation, restoration, and reuse.

Sec. 2008. Compilation of laws.

Sec. 2009. Dredged material disposal.

Sec. 2010. Wetlands mitigation.

Sec. 2011. Remote and subsistence harbors.

Sec. 2012. Beneficial uses of dredged material.

Sec. 2013. Cost sharing provisions for certain areas.

Sec. 2014. Revision of project partnership agreement.

Sec. 2015. Cost sharing.

Sec. 2016. Credit for work performed before partnership agreement.

Sec. 2017. Recreation user fee revenues.

Sec. 2018. Expedited actions for emergency flood damage reduction.

Sec. 2019. Watershed and river basin assessments.

Sec. 2020. Tribal partnership program.

Sec. 2021. Treatment of certain separable elements.

Sec. 2022. Prosecution of work.

Sec. 2023. Wildfire firefighting.

Sec. 2024. Credit for nonconstruction services.

- Sec. 2025. Technical assistance.
- Sec. 2026. Centers of specialized planning expertise.
- Sec. 2027. Coordination and scheduling of Federal, State, and local actions.
- Sec. 2028. Project streamlining.
- Sec. 2029. Lakes program.
- Sec. 2030. Mitigation for fish and wildlife losses.
- Sec. 2031. Cooperative agreements.
- Sec. 2032. Project planning.
- Sec. 2033. Independent peer review.
- Sec. 2034. Support of Army civil works program.

#### TITLE III—PROJECT-RELATED PROVISIONS

- Sec. 3001. Cook Inlet, Alaska.
- Sec. 3002. King Cove Harbor, Alaska.
- Sec. 3003. Sitka, Alaska.
- Sec. 3004. Tatitlek, Alaska.
- Sec. 3005. Nogales Wash and tributaries, Arizona.
- Sec. 3006. Grand Prairie Region and Bayou Meto Basin, Arkansas.
- Sec. 3007. Saint Francis Basin, Arkansas.
- Sec. 3008. American and Sacramento Rivers, California.
- Sec. 3009. Cache Creek Basin, California.
- Sec. 3010. Grayson Creek/Murderer's Creek, California.
- Sec. 3011. John F. Baldwin Ship Channel and Stockton Ship Channel, California.
- Sec. 3012. Larkspur Ferry Channel, Larkspur, California.
- Sec. 3013. Los Angeles Harbor, Los Angeles, California.
- Sec. 3014. Napa River Salt Marsh Restoration, Napa River, California.
- Sec. 3015. Pacific Flyway Center, Sacramento, California.
- Sec. 3016. Pinole Creek, California.
- Sec. 3017. Prado Dam, California.
- Sec. 3018. Sacramento Deep Water Ship Channel, California.
- Sec. 3019. Sacramento River, Glenn-Colusa, California.
- Sec. 3020. San Lorenzo River, California.
- Sec. 3021. Upper Guadalupe River, California.
- Sec. 3022. Walnut Creek Channel, California.
- Sec. 3023. Wildeat/San Pablo Creek Phase I, California.
- Sec. 3024. Wildeat/San Pablo Creek Phase II, California.
- Sec. 3025. Brevard County, Florida.
- Sec. 3026. Broward County and Hillsboro Inlet, Florida.
- Sec. 3027. Gasparilla and Estero Islands, Florida.
- Sec. 3028. Jacksonville Harbor, Florida.
- Sec. 3029. Lido Key Beach, Sarasota, Florida.
- Sec. 3030. Manatee Harbor, Florida.
- Sec. 3031. Miami Harbor, Florida.
- Sec. 3032. Tampa Harbor, Florida.
- Sec. 3033. Tampa Harbor-Big Bend Channel, Florida.
- Sec. 3034. Tampa Harbor-Cut B, Florida.
- Sec. 3035. Little Wood River, Gooding, Idaho.
- Sec. 3036. Chicago Sanitary and Ship Canal, Illinois.
- Sec. 3037. Hennepin-Hopper Lakes, Illinois.
- Sec. 3038. Mississippi River and Big Muddy river, Illinois.
- Sec. 3039. Spunky Bottoms, Illinois.
- Sec. 3040. Emiquon, Illinois.
- Sec. 3041. Little Calumet River, Indiana.

- Sec. 3042. White River, Indiana.
- Sec. 3043. Wolf Lake, Indiana.
- Sec. 3044. Prestonsburg, Kentucky.
- Sec. 3045. Amite River and tributaries, Louisiana, East Baton Rouge Parish Watershed.
- Sec. 3046. Atchafalaya Basin, Louisiana.
- Sec. 3047. Public access, Atchafalaya Basin Floodway System, Louisiana.
- Sec. 3048. J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana.
- Sec. 3049. Mississippi Delta Region, Louisiana.
- Sec. 3050. New Orleans to Venice, Louisiana.
- Sec. 3051. West Bank of the Mississippi River (East of Harvey Canal), Louisiana.
- Sec. 3052. Camp Ellis, Saco, Maine.
- Sec. 3053. Union River, Maine.
- Sec. 3054. Cass River, Spaulding Township, Michigan.
- Sec. 3055. Detroit River Shoreline, Detroit, Michigan.
- Sec. 3056. Water Resources Institute, Muskegon, Michigan.
- Sec. 3057. Saginaw River, Bay City, Michigan.
- Sec. 3058. Ada, Minnesota.
- Sec. 3059. Duluth Harbor, Mcquade Road, Minnesota.
- Sec. 3060. Grand Portage Harbor, Minnesota.
- Sec. 3061. Granite Falls, Minnesota.
- Sec. 3062. Minneapolis, Minnesota.
- Sec. 3063. Red Lake River, Minnesota.
- Sec. 3064. Silver Bay, Minnesota.
- Sec. 3065. Taconite Harbor, Minnesota.
- Sec. 3066. Two Harbors, Minnesota.
- Sec. 3067. Deer Island, Harrison County, Mississippi.
- Sec. 3068. Bois Brule Drainage and Levee District, Missouri.
- Sec. 3069. Sand Creek Watershed, Wahoo, Nebraska.
- Sec. 3070. Alamogordo, New Mexico.
- Sec. 3071. Orchard Beach, Bronx, New York.
- Sec. 3072. Times Beach, Buffalo, New York.
- Sec. 3073. Port of New York and New Jersey, New York and New Jersey.
- Sec. 3074. New York state Canal System.
- Sec. 3075. Arcadia Lake, Oklahoma.
- Sec. 3076. Willamette River Temperature Control, Mckenzie Subbasin, Oregon.
- Sec. 3077. French Creek, Union City Dam, Pennsylvania.
- Sec. 3078. Lackawanna River at Olyphant, Pennsylvania.
- Sec. 3079. Lackawanna River at Scranton, Pennsylvania.
- Sec. 3080. Raystown Lake, Pennsylvania.
- Sec. 3081. Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania.
- Sec. 3082. Solomon's Creek, Wilkes-Barre, Pennsylvania.
- Sec. 3083. South Central Pennsylvania.
- Sec. 3084. Wyoming Valley, Pennsylvania.
- Sec. 3085. Little Limestone Creek, Jonesborough, Tennessee.
- Sec. 3086. Cedar Bayou, Texas.
- Sec. 3087. Lake Kemp, Texas.
- Sec. 3088. Lower Rio Grande Basin, Texas.
- Sec. 3089. North Padre Island, Corpus Christi Bay, Texas.
- Sec. 3090. Proctor Lake, Texas.
- Sec. 3091. San Antonio Channel, San Antonio, Texas.
- Sec. 3092. Elizabeth River, Chesapeake, Virginia.

- Sec. 3093. Roanoke River Upper Basin, Virginia.
- Sec. 3094. Blair and Sitem Waterways, Tacoma Harbor, Washington.
- Sec. 3095. Greenbrier River Basin, West Virginia.
- Sec. 3096. Manitowoc Harbor, Wisconsin.
- Sec. 3097. Mississippi River Headwaters Reservoirs.
- Sec. 3098. Continuation of project authorizations.
- Sec. 3099. Project reauthorizations.
- Sec. 3100. Project deauthorizations.
- Sec. 3101. Land conveyances.
- Sec. 3102. Extinguishment of reversionary interests and use restrictions.
- Sec. 3103. Land exchange, disposal and acquisition of lands, Allatoona Lake, Georgia.

#### TITLE IV—STUDIES

- Sec. 4001. John Glenn Great Lakes basin program.
- Sec. 4002. Choctawhatchee, Pea, and Yellow Rivers Watershed, Alabama.
- Sec. 4003. St. George Harbor, Alaska.
- Sec. 4004. Susitna River, Alaska.
- Sec. 4005. Searcy County, Arkansas.
- Sec. 4006. Upper Mississippi River and Illinois Waterway, Illinois, Iowa, Minnesota, Missouri, and Wisconsin.
- Sec. 4007. Hamilton, California.
- Sec. 4008. Napa River, St. Helena, California.
- Sec. 4009. Oceanside, California.
- Sec. 4010. Sacramento River, California.
- Sec. 4011. San Francisco Bay, Sacramento-San Joaquin Delta, California.
- Sec. 4012. Tybee Island, Georgia.
- Sec. 4013. Calumet Harbor, Illinois.
- Sec. 4014. Chicago, Illinois.
- Sec. 4015. South Branch, Chicago River, Chicago, Illinois.
- Sec. 4016. Paducah, Kentucky.
- Sec. 4017. Bastrop-Morehouse Parish, Louisiana.
- Sec. 4018. West Feliciana Parish, Louisiana.
- Sec. 4019. Fall River Harbor, Massachusetts.
- Sec. 4020. City of Mackinac Island, Michigan.
- Sec. 4021. Northeast Mississippi.
- Sec. 4022. Pueblo of Zuni, New Mexico.
- Sec. 4023. Hudson-Raritan Estuary, New York and New Jersey.
- Sec. 4024. Sac and Fox Nation, Oklahoma.
- Sec. 4025. Sutherlin, Oregon.
- Sec. 4026. Tillamook Bay and Bar, Oregon.
- Sec. 4027. Ecosystem restoration and fish passage improvements, Oregon.
- Sec. 4028. Northeastern Pennsylvania aquatic ecosystem restoration and protection.
- Sec. 4029. Georgetown and Williamsburg Counties, South Carolina.
- Sec. 4030. Sabine Pass to Galveston Bay, Texas.
- Sec. 4031. Grand County and Moab, Utah.
- Sec. 4032. Chehalis River Basin, Washington.
- Sec. 4033. Sprague, Lincoln County, Washington.
- Sec. 4034. Monongahela River Basin, Northern West Virginia.
- Sec. 4035. Wauwatosa, Wisconsin.
- Sec. 4036. Lake Erie Dredged Material Disposal Sites.

#### TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 5001. Maintenance of navigation channels.
- Sec. 5002. Watershed management.
- Sec. 5003. Dam safety.
- Sec. 5004. Structural integrity evaluations.
- Sec. 5005. Flood mitigation priority areas.
- Sec. 5006. Additional assistance for authorized projects.
- Sec. 5007. Expedited completion of reports and construction for certain projects.
- Sec. 5008. Expedited completion of reports for certain projects.
- Sec. 5009. Southeastern water resources assessment.
- Sec. 5010. Upper Mississippi River environmental management program.
- Sec. 5011. Missouri and Middle Mississippi Rivers enhancement project.
- Sec. 5012. Membership of Missouri River Trust.
- Sec. 5013. Great Lakes fishery and ecosystem restoration.
- Sec. 5014. Susquehanna, Delaware, and Potomac River basins.
- Sec. 5015. Chesapeake Bay environmental restoration and protection program.
- Sec. 5016. Montgomery, Alabama.
- Sec. 5017. Pinhook Creek, Huntsville, Alabama.
- Sec. 5018. Alaska.
- Sec. 5019. Akutan Small Boat Harbor, Alaska.
- Sec. 5020. Fort Yukon, Alaska.
- Sec. 5021. Lowell Creek Tunnel, Seward, Alaska.
- Sec. 5022. St. Herman and St. Paul Harbors, Kodiak, Alaska.
- Sec. 5023. Augusta and Clarendon, Arkansas.
- Sec. 5024. Helena and Vicinity, Arkansas.
- Sec. 5025. Loomis Landing, Arkansas.
- Sec. 5026. McClellan-Kerr Arkansas River navigation project, Arkansas and Oklahoma.
- Sec. 5027. St. Francis River Basin, Arkansas and Missouri.
- Sec. 5028. Cambria, California.
- Sec. 5029. Contra Costa Canal, Oakley and Knightsen, California; Mallard Slough, Pittsburg, California.
- Sec. 5030. East San Joaquin County, California.
- Sec. 5031. Placer and El Dorado Counties, California.
- Sec. 5032. Sacramento Area, California.
- Sec. 5033. Sacramento Deep Water Ship Channel, California.
- Sec. 5034. San Francisco, California.
- Sec. 5035. San Francisco, California, Waterfront Area.
- Sec. 5036. San Pablo Bay Watershed and Suisun Marsh Ecosystem Restoration.
- Sec. 5037. Stockton, California.
- Sec. 5038. Upper Klamath Basin, California.
- Sec. 5039. Charles Hervey Townshend Breakwater, Connecticut.
- Sec. 5040. Everglades restoration, Florida.
- Sec. 5041. Florida Keys water quality improvements.
- Sec. 5042. Lake Worth, Florida.
- Sec. 5043. Lake Lanier, Georgia.
- Sec. 5044. Riley Creek recreation area, Idaho.
- Sec. 5045. Reconstruction of Illinois flood protection projects.
- Sec. 5046. Cook County, Illinois.
- Sec. 5047. Kaskaskia River basin, Illinois, restoration.
- Sec. 5048. Natalie Creek, Midlothian and Oak Forest, Illinois.
- Sec. 5049. Peoria riverfront development, Peoria, Illinois.
- Sec. 5050. Illinois River basin restoration.
- Sec. 5051. Southwest Illinois.

- Sec. 5052. Calumet region, Indiana.
- Sec. 5053. Rathbun Lake, Iowa.
- Sec. 5054. Cumberland River Basin, Kentucky.
- Sec. 5055. Mayfield Creek and tributaries, Kentucky.
- Sec. 5056. North Fork, Kentucky River, Breathitt County, Kentucky.
- Sec. 5057. Southern and Eastern Kentucky.
- Sec. 5058. Coastal Louisiana ecosystem protection and restoration.
- Sec. 5059. Baton Rouge, Louisiana.
- Sec. 5060. Lake Pontchartrain, Louisiana.
- Sec. 5061. West Baton Rouge Parish, Louisiana.
- Sec. 5062. Chesapeake Bay shoreline, Maryland, Virginia, Pennsylvania, and Delaware.
- Sec. 5063. Delmarva conservation corridor, Maryland.
- Sec. 5064. Detroit River, Michigan.
- Sec. 5065. Oakland County, Michigan.
- Sec. 5066. St. Clair River and Lake St. Clair, Michigan.
- Sec. 5067. Crookston, Minnesota.
- Sec. 5068. Garrison and Kathio Township, Minnesota.
- Sec. 5069. Northeastern Minnesota.
- Sec. 5070. Desoto County, Mississippi.
- Sec. 5071. Harrison, Hancock, and Jackson Counties, Mississippi.
- Sec. 5072. Mississippi River, Missouri, and Illinois.
- Sec. 5073. St. Louis, Missouri.
- Sec. 5074. Delaware River, Trenton, New Jersey.
- Sec. 5075. Hackensack Meadowlands area, New Jersey.
- Sec. 5076. Atlantic Coast of New York.
- Sec. 5077. College Point, New York City, New York.
- Sec. 5078. Flushing Bay and Creek, New York City, New York.
- Sec. 5079. Gateway Point, North Tonawanda, New York.
- Sec. 5080. Little Neck Bay, Village of Kings Point, New York.
- Sec. 5081. Onondaga Lake, New York.
- Sec. 5082. Times Beach Dike, Buffalo, New York.
- Sec. 5083. John H. Kerr Dam and Reservoir, North Carolina.
- Sec. 5084. Stanly County, North Carolina.
- Sec. 5085. Central Riverfront Park, Cincinnati, Ohio.
- Sec. 5086. Piedmont Lake Dam, Ohio.
- Sec. 5087. Ohio.
- Sec. 5088. Waurika Lake, Oklahoma.
- Sec. 5089. Columbia River, Oregon.
- Sec. 5090. Eugene, Oregon.
- Sec. 5091. John Day Lock and Dam, Lake Umatilla, Oregon and Washington.
- Sec. 5092. Lowell, Oregon.
- Sec. 5093. Hagerman's Run, Williamsport, Pennsylvania.
- Sec. 5094. Northeast Pennsylvania.
- Sec. 5095. Susquehannock Campground access road, Raystown Lake, Pennsylvania.
- Sec. 5096. Upper Susquehanna River basin, Pennsylvania and New York.
- Sec. 5097. Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.
- Sec. 5098. Cano Martin Pena, San Juan, Puerto Rico.
- Sec. 5099. Beaufort and Jasper Counties, South Carolina.
- Sec. 5100. Cooper River, South Carolina.
- Sec. 5101. Lakes Marion and Moultrie, South Carolina.
- Sec. 5102. Upper Big Sioux River, Watertown, South Dakota.
- Sec. 5103. Fritz Landing, Tennessee.

- Sec. 5104. J. Percy Priest Dam and Reservoir, Ohio River Basin, Tennessee.  
 Sec. 5105. Memphis, Tennessee.  
 Sec. 5106. Town Creek, Lenoir City, Tennessee.  
 Sec. 5107. East Tennessee.  
 Sec. 5108. Tennessee River partnership.  
 Sec. 5109. Clear Creek and tributaries, Harris, Galveston, and Brazoria Counties, Texas.  
 Sec. 5110. Harris County, Texas.  
 Sec. 5111. Harris Gully, Harris County, Texas.  
 Sec. 5112. Onion Creek, Texas.  
 Sec. 5113. Pelican Island, Texas.  
 Sec. 5114. Front Royal, Virginia.  
 Sec. 5115. Richmond National Battlefield Park, Richmond, Virginia.  
 Sec. 5116. Baker Bay and Ilwaco Harbor, Washington.  
 Sec. 5117. Chehalis River, Centralia, Washington.  
 Sec. 5118. Hamilton Island Campground, Washington.  
 Sec. 5119. Puget Island, Washington.  
 Sec. 5120. Bluestone, West Virginia.  
 Sec. 5121. West Virginia and Pennsylvania flood control.  
 Sec. 5122. Lower Kanawha River Basin, West Virginia.  
 Sec. 5123. Central West Virginia.  
 Sec. 5124. Southern West Virginia.  
 Sec. 5125. Construction of flood control projects by non-Federal interests.  
 Sec. 5126. Bridge authorization.  
 Sec. 5127. Additional assistance for critical projects.  
 Sec. 5128. Use of Federal hopper dredge fleet.  
 Sec. 5129. Wage surveys.  
 Sec. 5130. Purchase of American-made equipment and products.

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

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

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

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

7 (a) PROJECTS WITH CHIEF’S REPORTS.—Except as  
 8 otherwise provided in this section, the following projects  
 9 for water resources development and conservation and  
 10 other purposes are authorized to be carried out by the Sec-  
 11 retary substantially in accordance with the plans, and sub-



1 ject to the conditions, described in the respective reports  
2 designated in this section:

3 (1) TANQUE VERDE CREEK, ARIZONA.—The  
4 project for environmental restoration, Tanque Verde  
5 Creek, Arizona: Report of the Chief of Engineers,  
6 dated July 22, 2003, at a total cost of \$4,878,000,  
7 with an estimated Federal cost of \$3,170,700 and  
8 an estimated non-Federal cost of \$1,707,300.

9 (2) AMERICAN RIVER WATERSHED, CALI-  
10 FORNIA.—

11 (A) IN GENERAL.—The project for flood  
12 damage reduction and environmental restora-  
13 tion, American River Watershed, California: Re-  
14 port of the Chief of Engineers, dated November  
15 5, 2002, at a total cost of \$257,300,000, with  
16 an estimated Federal cost of \$201,200,000 and  
17 an estimated non-Federal cost of \$56,100,000;  
18 except that the Secretary is authorized to ac-  
19 cept funds from State and local governments  
20 and other Federal agencies for the purpose of  
21 constructing a permanent bridge instead of the  
22 temporary bridge described in the recommended  
23 plan and may construct such permanent bridge  
24 if all additional costs for such bridge, above the  
25 \$36,000,000 provided for in the recommended

1 plan for bridge construction, are provided by  
2 such governments or agencies.

3 (B) EXPEDITING BRIDGE DESIGN AND  
4 CONSTRUCTION.—The Secretary, in cooperation  
5 with appropriate non-Federal interests, shall  
6 immediately commence appropriate studies for,  
7 and the design of, a permanent bridge (includ-  
8 ing an evaluation of potential impacts of bridge  
9 construction on traffic patterns and identifica-  
10 tion of alternatives for mitigating such impacts)  
11 and, upon execution of a cost-sharing agree-  
12 ment with such non-Federal interests, shall pro-  
13 ceed to construction of the bridge as soon as  
14 practicable; except that such studies, design,  
15 and construction shall not adversely affect the  
16 schedule of design or construction of authorized  
17 projects for flood damage reduction.

18 (3) PINE FLAT DAM AND RESERVOIR, CALI-  
19 FORNIA.—The project for environmental restoration,  
20 Pine Flat Dam and Reservoir, Fresno County, Cali-  
21 fornia: Report of the Chief of Engineers, dated July  
22 19, 2002, at a total cost of \$38,480,000, with an es-  
23 timated Federal cost of \$24,930,000 and an esti-  
24 mated non-Federal cost of \$13,550,000.

1           (4) SOUTH PLATTE RIVER, DENVER, COLO-  
2 RADO.—The project for environmental restoration  
3 Denver County Reach, South Platte River, Denver,  
4 Colorado: Report of the Chief of Engineers, dated  
5 May 16, 2003, at a total cost of \$17,997,000, with  
6 an estimated Federal cost of \$11,698,000 and an es-  
7 timated non-Federal cost of \$6,299,000.

8           (5) PEORIA RIVERFRONT, ILLINOIS.—The  
9 project for environmental restoration, Peoria River-  
10 front, Illinois: Report of the Chief of Engineers,  
11 dated July 28, 2003, at a total cost of \$15,182,000,  
12 with an estimated Federal cost of \$9,868,000 and  
13 an estimated non-Federal cost of \$5,314,000.

14           (6) MORGANZA TO THE GULF OF MEXICO, LOU-  
15 ISIANA.—

16           (A) IN GENERAL.—The project for hurri-  
17 cane and storm damage reduction, Morganza to  
18 the Gulf of Mexico, Louisiana: Reports of the  
19 Chief of Engineers, dated August 23, 2002, and  
20 July 22, 2003, at a total cost of \$719,000,000,  
21 with an estimated Federal cost of \$467,000,000  
22 and an estimated non-Federal cost of  
23 \$252,000,000.

24           (B) CREDIT.—The Secretary shall credit  
25 toward the non-Federal share of the cost of the

1 project the cost of work carried out by the non-  
2 Federal interest for interim flood protection  
3 after March 31, 1989, if the Secretary deter-  
4 mines that the work is integral to the project.

5 (7) SMITH ISLAND, MARYLAND.—The project  
6 for environmental restoration and protection, Smith  
7 Island, Maryland: Report of the Chief of Engineers,  
8 dated October 29, 2001, at a total cost of  
9 \$8,000,000, with an estimated Federal cost of  
10 \$5,200,000 and an estimated non-Federal cost of  
11 \$2,800,000.

12 (8) SOUTH RIVER, NEW JERSEY.—The project  
13 for hurricane and storm damage reduction and envi-  
14 ronmental restoration, South River, New Jersey: Re-  
15 port of the Chief of Engineers, dated July 22, 2003,  
16 at a total cost of \$103,268,000, with an estimated  
17 Federal cost of \$67,124,000 and an estimated non-  
18 Federal cost of \$36,144,000.

19 (9) CORPUS CHRISTI SHIP CHANNEL, CORPUS  
20 CHRISTI, TEXAS.—The project for navigation and  
21 environmental restoration, Corpus Christi Ship  
22 Channel, Texas, Channel Improvement Project: Re-  
23 port of the Chief of Engineers dated June 2, 2003,  
24 at a total cost of \$153,808,000, with an estimated

1 Federal cost of \$73,554,000 and an estimated non-  
2 Federal cost of \$80,254,000.

3 (10) MATAGORDA BAY, TEXAS.—The project for  
4 navigation, Gulf Intracoastal Waterway, Brazos  
5 River to Port O'Connor, Matagorda Bay Re-Route,  
6 Texas: Report of the Chief of Engineers, dated De-  
7 cember 4, 2002, at a total cost of \$14,515,000. The  
8 costs of construction of the project are to be paid  $\frac{1}{2}$   
9 from amounts appropriated from the general fund of  
10 the Treasury and  $\frac{1}{2}$  from amounts appropriated  
11 from the Inland Waterways Trust Fund.

12 (11) RIVERSIDE OXBOW, FORT WORTH,  
13 TEXAS.—

14 (A) IN GENERAL.—The project for envi-  
15 ronmental restoration, Riverside Oxbow, Fort  
16 Worth, Texas: Report of the Chief of Engineers  
17 dated May 29, 2003, at a total cost of  
18 \$22,200,000, with an estimated Federal cost of  
19 \$9,180,000 and an estimated non-Federal cost  
20 of \$13,020,000.

21 (B) CREDIT.—The Secretary shall credit  
22 toward the non-Federal share of the cost of the  
23 project the cost of design and construction work  
24 carried out on the Beach Street Dam and asso-  
25 ciated features by the non-Federal interest be-

1           fore the date of the partnership agreement for  
2           the project if the Secretary determines that the  
3           work is integral to the project.

4           (12) DEEP CREEK, CHESAPEAKE, VIRGINIA.—

5           The project for the Atlantic Intracoastal Waterway  
6           Bridge Replacement, Deep Creek, Chesapeake, Vir-  
7           ginia: Report of the Chief of Engineers, dated March  
8           3, 2003, at a total cost of \$22,178,000.

9           (b) PROJECTS SUBJECT TO FINAL REPORT.—The  
10          following projects for water resources development and  
11          conservation and other purposes are authorized to be car-  
12          ried out by the Secretary substantially in accordance with  
13          the plans, and subject to the conditions, recommended in  
14          a final report of the Chief of Engineers if a favorable re-  
15          port of the Chief is completed not later than December  
16          31, 2003:

17          (1) BEL MARIN KEYS UNIT V, CALIFORNIA.—

18          The project for environmental restoration, Bel Marin  
19          Keys Unit V, California, at a total cost of  
20          \$133,600,000, with an estimated Federal cost of  
21          \$100,200,000 and an estimated non-Federal cost of  
22          \$33,400,000.

23          (2) IMPERIAL BEACH, CALIFORNIA.—The

24          project for storm damage reduction, Imperial Beach,  
25          California, at a total cost of \$11,922,000, with an

1 estimated Federal cost of \$7,630,000 and an esti-  
2 mated non-Federal cost of \$4,292,000.

3 (3) GWYNNS FALLS, MARYLAND.—The project  
4 for environmental restoration, Gwynns Falls, Mary-  
5 land, at a total cost of \$14,660,000.

6 (4) MANASQUAN TO BARNEGAT INLETS, NEW  
7 JERSEY.—The project for hurricane and storm dam-  
8 age reduction, Manasquan to Barnegat Inlets, New  
9 Jersey, at a total cost of \$60,649,000, with an esti-  
10 mated Federal cost of \$39,422,000 and an esti-  
11 mated non-Federal cost of \$21,227,000.

12 (5) CENTRALIA, CHEHALIAS RIVER, WASH-  
13 INGTON.—The project for flood damage reduction,  
14 Centralia, Chehalias River, Washington, at a total  
15 cost of \$86,872,000, with an estimated Federal cost  
16 of \$56,467,000 and an estimated non-Federal cost  
17 of \$30,405,000.

18 **SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUC-**  
19 **TION.**

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

1           (1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—  
2           Project for flood damage reduction, Cache River  
3           basin, Grubbs, Arkansas.

4           (2) SANTA ANA RIVER BASIN AND ORANGE  
5           COUNTY STREAMS, CALIFORNIA.—Project for flood  
6           damage reduction, Santa Ana River basin and Or-  
7           ange County streams, California.

8           (3) STONY CREEK, OAK LAWN, ILLINOIS.—  
9           Project for flood damage reduction, Stony Creek,  
10          Oak Lawn, Illinois.

11          (4) OLIVE HILL AND VICINITY, KENTUCKY.—  
12          Project for flood damage reduction, Olive Hill and  
13          vicinity, Kentucky.

14          (5) NASHUA RIVER, FITCHBURG, MASSACHU-  
15          SETTS.—Project for flood damage reduction, Nashua  
16          River, Fitchburg, Massachusetts.

17          (6) SAGINAW RIVER, HAMILTON DAM, FLINT,  
18          MICHIGAN.—Project for flood damage reduction,  
19          Saginaw River, Hamilton Dam, Flint, Michigan.

20          (7) MARSH CREEK, MINNESOTA.—Project for  
21          flood damage reduction, Marsh Creek, Minnesota.

22          (8) ROSEAU RIVER, ROSEAU, MINNESOTA.—  
23          Project for flood damage reduction, Roseau River,  
24          Roseau, Minnesota.



1           (9) SOUTH BRANCH OF THE WILD RICE RIVER,  
2 BORUP, MINNESOTA.—Project for flood damage re-  
3 duction, South Branch of the Wild Rice River,  
4 Borup, Minnesota.

5           (10) TWIN VALLEY LAKE, WILD RICE RIVER,  
6 MINNESOTA.—Project for flood damage reduction,  
7 Twin Valley Lake, Wild Rice River, Minnesota.

8           (11) BLACKSNAKE CREEK, ST. JOSEPH, MIS-  
9 SOURI.—Project for flood damage reduction, Black-  
10 snake Creek, St. Joseph, Missouri.

11           (12) MCKEEL BROOK, NEW JERSEY.—Project  
12 for flood damage reduction, McKeel Brook, New  
13 Jersey.

14           (13) EAST RIVER, SILVER BEACH, NEW YORK  
15 CITY, NEW YORK.—Project for flood damage reduc-  
16 tion, East River, Silver Beach, New York City, New  
17 York.

18           (14) RAMAPO RIVER, TOWN OF MONROE AND  
19 VILLAGES OF MONROE, KIRYAS JOEL, AND HAR-  
20 RIMAN, NEW YORK.—Project for flood damage re-  
21 duction, Ramapo River, Town of Monroe and Vil-  
22 lages of Monroe, Kiryas Joel, and Harriman, New  
23 York.



1 a project is feasible, may carry out the project under sec-  
2 tion 14 of the Flood Control Act of 1946 (33 U.S.C.  
3 701r):

4 (1) OUACHITA AND BLACK RIVERS, ARKAN-  
5 SAS.—Project for emergency streambank protection,  
6 Ouachita and Black Rivers, Arkansas.

7 (2) MELVINA DITCH, CHICAGO RIDGE, ILLI-  
8 NOIS.—Project for emergency streambank protection  
9 for the east side of Melvina Ditch in the vicinity of  
10 96th Street and Nashville Avenue, Chicago Ridge,  
11 Illinois.

12 (3) RED LAKE FALLS, MINNESOTA.—Project for  
13 emergency streambank protection, Red Lake River,  
14 Red Lake Falls, Minnesota.

15 (4) MIDDLE FORK GRAND RIVER, GENTRY  
16 COUNTY, MISSOURI.—Project for emergency  
17 streambank protection, Middle Fork Grand River,  
18 Gentry County, Missouri.

19 (5) SHREWSBURY RIVER, RUMSON, NEW JER-  
20 SEY.—Project for emergency streambank protection,  
21 Shrewsbury River, Rumson, New Jersey.

22 (6) KOWAWESE UNIQUE AREA AND HUDSON  
23 RIVER, NEW WINDSOR, NEW YORK.—Project for  
24 emergency streambank protection, Kowawese Unique  
25 Area and Hudson River, New Windsor, New York.

1 **SEC. 1004. SMALL PROJECTS FOR NAVIGATION.**

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

7 (1) BLYTHEVILLE COUNTY HARBOR, ARKAN-  
8 SAS.—Project for navigation, Blytheville County  
9 Harbor, Arkansas.

10 (2) PALM BEACH HARBOR, FLORIDA.—Project  
11 for navigation, Palm Beach Harbor, Florida.

12 (3) EVANSTON, ILLINOIS.—Project for naviga-  
13 tion, Evanston, Illinois.

14 (4) MISSISSIPPI RIVER SHIP CHANNEL, LOU-  
15 ISIANA.—Project for navigation, Mississippi River  
16 Ship Channel, Louisiana.

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

20 (6) NIAGARA FRONTIER TRANSPORTATION AU-  
21 THORITY BOAT HARBOR, BUFFALO, NEW YORK.—  
22 Project for navigation, Niagara Frontier Transpor-  
23 tation Authority Boat Harbor, Buffalo, New York.

24 (7) WOODLAWN MARINA, LACKAWANNA, NEW  
25 YORK.—Project for navigation, Woodlawn Marina,  
26 Lackawanna, New York.

1           (8) BAKER BAY AND ILWACO HARBOR, WASH-  
2           INGTON.—Project for navigation, Baker Bay and  
3           Ilwaco Harbor, Washington.

4 **SEC. 1005. SMALL PROJECTS FOR IMPROVEMENT OF THE**  
5           **QUALITY OF THE ENVIRONMENT.**

6           The Secretary shall conduct a study for the following  
7           project and, if the Secretary determines that the project  
8           is appropriate, may carry out the project under section  
9           1135 of the Water Resources Development Act of 1986  
10          (33 U.S.C. 2309a): Project for improvement of the quality  
11          of the environment, Smithville Lake, Missouri.

12 **SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM**  
13          **RESTORATION.**

14          The Secretary shall conduct a study for each of the  
15          following projects and, if the Secretary determines that  
16          a project is appropriate, may carry out the project under  
17          section 206 of the Water Resources Development Act of  
18          1996 (33 U.S.C. 2330):

19               (1) COLORADO RIVER, YUMA, ARIZONA.—  
20               Project for aquatic ecosystem restoration, Colorado  
21               River, Yuma, Arizona.

22               (2) CHINO VALLEY, CALIFORNIA.—Project for  
23               aquatic ecosystem restoration, Chino Valley, Cali-  
24               fornia.

1           (3) NEW AND ALAMO RIVERS, IMPERIAL COUN-  
2           TY, CALIFORNIA.—Project for aquatic ecosystem res-  
3           toration, New and Alamo Rivers, Imperial County,  
4           California, including efforts to address invasive  
5           aquatic plant species.

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

10          (5) STOCKTON DEEP WATER SHIP CHANNEL  
11          AND LOWER SAN JOAQUIN RIVER, CALIFORNIA.—  
12          Project for aquatic ecosystem restoration, Stockton  
13          Deep Water Ship Channel and lower San Joaquin  
14          River, California.

15          (6) SWEETWATER RESERVOIR, SAN DIEGO  
16          COUNTY, CALIFORNIA.—Project for aquatic eco-  
17          system restoration, Sweetwater Reservoir, San Diego  
18          County, California, including efforts to address  
19          invasive aquatic plant species.

20          (7) BISCAYNE BAY, FLORIDA.—Project for  
21          aquatic ecosystem restoration, Biscayne Bay, Key  
22          Biscayne, Florida.

23          (8) DESTIN HARBOR, FLORIDA.—Project for  
24          aquatic ecosystem restoration, Destin Harbor, Flor-  
25          ida.



1 is feasible, the Secretary may carry out the project under  
2 section 2 of the Flood Control Act of August 28, 1937  
3 (33 U.S.C. 701g): Project for removal of snags and clear-  
4 ing and straightening of channels for flood control,  
5 Kowawese Unique Area and Hudson River, New Windsor,  
6 New York.

## 7 **TITLE II—GENERAL PROVISIONS**

### 8 **SEC. 2001. ANNUAL PASSES FOR RECREATION.**

9 Section 208(c)(4) of the Water Resources Develop-  
10 ment Act of 1996 (16 U.S.C. 460d–3 note; 110 Stat.  
11 3681; 113 Stat. 294) is amended by striking “the Decem-  
12 ber 31, 2003” and inserting “December 31, 2004”.

### 13 **SEC. 2002. NON-FEDERAL CONTRIBUTIONS.**

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

17 “(n) NON-FEDERAL CONTRIBUTIONS.—

18 “(1) PROHIBITION ON SOLICITATION OF EX-  
19 CESS CONTRIBUTIONS.—The Secretary may not so-  
20 licit contributions from non-Federal interests for  
21 costs of constructing authorized water resources de-  
22 velopment projects or measures in excess of the non-  
23 Federal share assigned to the appropriate project  
24 purposes listed in subsections (a), (b), and (c) or



1 condition Federal participation in such projects or  
2 measures on the receipt of such contributions.

3 “(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed  
4 to affect the Secretary’s authority under section  
5 903(c) of this Act.”.

7 **SEC. 2003. HARBOR COST SHARING.**

8 (a) PAYMENTS DURING CONSTRUCTION.—Section  
9 101(a)(1) of the Water Resources Development Act of  
10 1986 (33 U.S.C. 2211(a)(1); 100 Stat. 4082) is amended  
11 in each of subparagraphs (B) and (C) by striking “45  
12 feet” and inserting “53 feet”.

13 (b) OPERATION AND MAINTENANCE.—Section  
14 101(b)(1) of such Act (33 U.S.C. 2211(b)(1)) is amended  
15 by striking “45 feet” and inserting “53 feet”.

16 (c) DEFINITIONS.—Section 214 of such Act (33  
17 U.S.C. 2241; 100 Stat. 4108) is amended in each of para-  
18 graphs (1) and (3) by striking “45 feet” and inserting  
19 “53 feet”.

20 (d) APPLICABILITY.—The amendments made by sub-  
21 sections (a), (b), and (c) shall apply only to a project, or  
22 separable element of a project, on which a contract for  
23 physical construction has not been awarded before the  
24 date of enactment of this Act.

1 **SEC. 2004. FUNDING TO PROCESS PERMITS.**

2 Section 214(a) of the Water Resources Development  
3 Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is  
4 amended by striking “2003” and inserting “2005”.

5 **SEC. 2005. NATIONAL SHORELINE EROSION CONTROL DE-**  
6 **VELOPMENT AND DEMONSTRATION PRO-**  
7 **GRAM.**

8 (a) **EXTENSION OF PROGRAM.**—Section 5(a) of the  
9 Act entitled “An Act authorizing Federal participation in  
10 the cost of protecting the shores of publicly owned prop-  
11 erty”, approved August 13, 1946 (33 U.S.C. 426h(a)), is  
12 amended by striking “6 years” and inserting “10 years”.

13 (b) **EXTENSION OF PLANNING, DESIGN, AND CON-**  
14 **STRUCTION PHASE.**—Section 5(b)(1)(A) of such Act (33  
15 U.S.C. 426h(b)(1)(A)) is amended by striking “3 years”  
16 and inserting “6 years”.

17 (c) **COST-SHARING; REMOVAL OF PROJECTS.**—Sec-  
18 tion 5(b) of such Act (33 U.S.C. 426h(b)) is amended—

19 (1) by redesignating paragraphs (3) and (4) as  
20 paragraphs (5) and (6), respectively; and

21 (2) by inserting after paragraph (2) the fol-  
22 lowing:

23 “(3) **COST SHARING.**—The Secretary may enter  
24 into a cost-sharing agreement with a non-Federal in-  
25 terest to carry out a project, or a phase of a project,

1 under the erosion control program in cooperation  
2 with the non-Federal interest.

3 “(4) REMOVAL OF PROJECTS.—The Secretary  
4 may pay all or a portion of the costs of removing a  
5 project, or an element of a project, constructed  
6 under the erosion control program if the Secretary  
7 determines during the term of the program that the  
8 project or element is detrimental to the environment,  
9 private property, or public safety.”.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
11 5(e)(2) of such Act (33 U.S.C. 426h(e)(2)) is amended  
12 by striking “\$21,000,000” and inserting “\$31,000,000”.

13 **SEC. 2006. WRITTEN AGREEMENT FOR WATER RESOURCES**  
14 **PROJECTS.**

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

18 (1) in subsection (a)—

19 (A) by striking “under the provisions” and  
20 all that follows through “under any other” and  
21 inserting “under any”;

22 (B) by striking “to furnish its required co-  
23 operation for” and inserting “under which each  
24 party agrees to carry out its responsibilities and

1 requirements for implementation or construc-  
2 tion of”; and

3 (C) by inserting after “\$25,000.” the fol-  
4 lowing: “Such agreement may include a provi-  
5 sion for damages in the event of a failure of one  
6 or more parties to perform.”;

7 (2) by redesignating subsection (e) as sub-  
8 section (f); and

9 (3) by inserting after subsection (d) the fol-  
10 lowing:

11 “(e) LIMITATION.—Nothing in subsection (a) shall be  
12 construed as limiting the authority of the Secretary to en-  
13 sure that a agreement under this section meets all require-  
14 ments of law and policies of the Secretary in effect on the  
15 date of entry into the agreement.”.

16 (b) LOCAL COOPERATION.—Section 912(b) of the  
17 Water Resources Development Act of 1986 (101 Stat.  
18 4190) is amended—

19 (1) in paragraph (2)—

20 (A) by striking “shall” the first place it  
21 appears and inserting “may”; and

22 (B) by striking the last sentence; and

23 (2) in paragraph (4)—

24 (A) by inserting after “injunction, for” the  
25 following: “payment of damages or, for”;

1 (B) by striking “to collect a civil penalty  
2 imposed under this section,”; and

3 (C) by striking “any civil penalty imposed  
4 under this section,” and inserting “any liq-  
5 uidated damages,”.

6 (c) APPLICABILITY.—The amendments made by sub-  
7 sections (a) and (b) only apply to partnership agreements  
8 entered into after the date of enactment of this Act; except  
9 that at the request of a non-Federal interest for a project  
10 the district engineer for the district in which the project  
11 is located may amend a project partnership agreement en-  
12 tered into on or before such date and under which con-  
13 struction on the project has not been initiated as of such  
14 date of enactment for the purpose of incorporating such  
15 amendments.

16 (d) PARTNERSHIP AND COOPERATIVE ARRANGE-  
17 MENTS.—

18 (1) IN GENERAL.—Agreements entered into  
19 under section 221 of the Flood Control Act of 1970  
20 (42 U.S.C. 1962d–5(b)) shall further partnership  
21 and cooperative arrangements with non-Federal in-  
22 terests and shall be referred to as “partnership  
23 agreements”.

24 (2) REFERENCES TO COOPERATION AGREE-  
25 MENTS.—Any reference in a law, regulation, docu-

1       ment, or other paper of the United States to a co-  
2       operation agreement or project cooperation agree-  
3       ment shall be treated to be a reference to a partner-  
4       ship agreement or a project partnership agreement,  
5       respectively.

6               (3) REFERENCES TO PARTNERSHIP AGREE-  
7       MENTS.—Any reference to a partnership agreement  
8       or project partnership agreement in this Act (other  
9       than this section) shall be treated as a reference to  
10      a cooperation agreement or a project cooperation  
11      agreement, respectively.

12           (e) ENTRY OF AGREEMENT WITH DISTRICT ENGI-  
13   NEER.—After January 1, 2005, the agreement required  
14   to be entered into under section 221(a) of the Flood Con-  
15   trol Act of 1970 (42 U.S.C. 1962d–5b(a)) shall be entered  
16   into with the district engineer for the district in which the  
17   project will be carried out, unless, before that date, the  
18   Secretary issues policies and guidelines for partnership  
19   agreements and delegates to the district engineers, at a  
20   minimum—

21           (1) the authority to approve any policy in a  
22      partnership agreement that has appeared in an  
23      agreement previously approved by the Secretary;

24           (2) the authority to approve any policy in a  
25      partnership agreement the specific terms of which

1 are dictated by law, or by a final feasibility study,  
2 final environmental impact statement, or other final  
3 decision document for a water resources development  
4 project;

5 (3) the authority to approve any partnership  
6 agreement that complies with the policies and guide-  
7 lines issued by the Secretary; and

8 (4) the authority to sign any partnership agree-  
9 ment for any water resources development project  
10 unless, within 30 days of the date of authorization  
11 of the project, the Secretary notifies the district en-  
12 gineer in which the project will be carried out that  
13 the Secretary wishes to retain the prerogative to  
14 sign the partnership agreement for that project.

15 (f) PUBLIC AVAILABILITY.—Not later than the 120th  
16 day following the date of enactment of this Act, the Chief  
17 of Engineers shall ensure that each district engineer has  
18 made available on the Internet all partnership agreements  
19 entered into under section 221 of the Flood Control Act  
20 of 1970 (42 U.S.C. 1962d–5(b)) within the preceding 10  
21 years and all partnership agreements for water resources  
22 development projects currently being carried out in that  
23 district and shall make any partnership agreements en-  
24 tered into after such date of enactment available on the

1 Internet within 7 days of the date on which such agree-  
2 ment is entered into.

3 **SEC. 2007. ASSISTANCE FOR REMEDIATION, RESTORATION,**  
4 **AND REUSE.**

5 (a) IN GENERAL.—The Secretary may provide to  
6 State and local governments assessment, planning, and  
7 design assistance for remediation, environmental restora-  
8 tion, or reuse of areas located within the boundaries of  
9 such State or local governments where such remediation,  
10 environmental restoration, or reuse will contribute to the  
11 improvement of water quality or the conservation of water  
12 and related resources of drainage basins and watersheds  
13 within the United States.

14 (b) NON-FEDERAL SHARE.—The non-Federal share  
15 of the cost of assistance provided under subsection (a)  
16 shall be 50 percent.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated to carry out this section  
19 \$30,000,000 for each of fiscal years 2004 through 2008.

20 **SEC. 2008. COMPILATION OF LAWS.**

21 Within one year after the date of enactment of this  
22 Act, the laws of the United States relating to the improve-  
23 ment of rivers and harbors, flood control, beach erosion,  
24 and other water resources development enacted after No-  
25 vember 8, 1966, and before January 1, 2004, shall be



1 compiled under the direction of the Secretary and the  
2 Chief of Engineers and printed for the use of the Depart-  
3 ment of the Army, Congress, and the general public. The  
4 Secretary shall reprint the volumes containing such laws  
5 enacted before November 8, 1966. In addition, the Sec-  
6 retary shall include an index in each volume so compiled  
7 or reprinted. Not later than December 1, 2004, the Sec-  
8 retary shall transmit at least 25 copies of each such vol-  
9 ume to the Committee on Transportation and Infrastruc-  
10 ture of the House of Representatives and the Committee  
11 on Environment and Public Works of the Senate.

12 **SEC. 2009. DREDGED MATERIAL DISPOSAL.**

13 Section 217 of the Water Resources Development Act  
14 of 1996 (33 U.S.C. 2326a; 110 Stat. 3694–3696) is  
15 amended—

16 (1) by redesignating subsection (c) as sub-  
17 section (d);

18 (2) by inserting after subsection (b) the fol-  
19 lowing:

20 “(c) GOVERNMENTAL PARTNERSHIPS.—

21 “(1) IN GENERAL.—The Secretary may enter  
22 into cost-sharing agreements with 1 or more non-  
23 Federal public interests with respect to a project, or  
24 group of projects within a geographic region if ap-  
25 propriate, for the acquisition, design, construction,

1 management, or operation of a dredged material  
2 processing, treatment, contaminant reduction, or  
3 disposal facility (including any facility used to dem-  
4 onstrate potential beneficial uses of dredged mate-  
5 rial, which may include effective sediment contami-  
6 nant reduction technologies) using funds provided in  
7 whole or in part by the Federal Government. One or  
8 more of the parties of the agreement may perform  
9 the acquisition, design, construction, management,  
10 or operation of a dredged material processing, treat-  
11 ment, or disposal facility. If appropriate, the Sec-  
12 retary may combine portions of separate construc-  
13 tion or maintenance appropriations from separate  
14 Federal projects with the appropriate combined cost-  
15 sharing between the various projects when the facil-  
16 ity serves to manage dredged material from multiple  
17 Federal projects located in the geographic region of  
18 the facility.

19 “(2) PUBLIC FINANCING.—

20 “(A) AGREEMENTS.—

21 “(i) SPECIFIED FEDERAL FUNDING  
22 SOURCES AND COST SHARING.—The cost-  
23 sharing agreement used shall clearly speci-  
24 fy the Federal funding sources and com-  
25 bined cost-sharing when applicable to mul-

1 tiple Federal navigation projects and the  
2 responsibilities and risks of each of the  
3 parties related to present and future  
4 dredged material managed by the facility.

5 “(ii) MANAGEMENT OF SEDIMENTS.—

6 The cost-sharing agreement may include  
7 the management of sediments from the  
8 maintenance dredging of Federal naviga-  
9 tion projects that do not have partnership  
10 agreements. The cost-sharing agreement  
11 may allow the non-Federal sponsor to re-  
12 ceive reimbursable payments from the Fed-  
13 eral Government for commitments made by  
14 the sponsor for disposal or placement ca-  
15 pacity at dredged material treatment, proc-  
16 essing, contaminant reduction, or disposal  
17 facilities.

18 “(iii) CREDIT.—The cost-sharing

19 agreement may allow costs incurred prior  
20 to execution of a partnership agreement  
21 for construction or the purchase of equip-  
22 ment or capacity for the project to be cred-  
23 ited according to existing cost-sharing  
24 rules.

1           “(B) CREDIT.—Nothing in this subsection  
2           supersedes or modifies existing agreements be-  
3           tween the Federal Government and any non-  
4           Federal sponsors for the cost-sharing, construc-  
5           tion, and operation and maintenance of Federal  
6           navigation projects. Subject to the approval of  
7           the Secretary and in accordance with existing  
8           laws, regulations, and policies, a non-Federal  
9           public sponsor of a Federal navigation project  
10          may seek credit for funds provided in the acqui-  
11          sition, design, construction, management, or op-  
12          eration of a dredged material processing, treat-  
13          ment, or disposal facility to the extent the facil-  
14          ity is used to manage dredged material from  
15          the Federal navigation project. The non-Federal  
16          sponsor shall be responsible for providing all  
17          necessary lands, easements, rights-of-way, or  
18          relocations associated with the facility and shall  
19          receive credit for these items.”; and

20          (3) in each of subsections (d)(1) and (d)(2)(A),  
21          as so redesignated—

22                  (A) by inserting “and maintenance” after  
23                  “operation”; and

1 (B) by inserting “processing, treatment,  
2 or” after “dredged material” the first place it  
3 appears.

4 **SEC. 2010. WETLANDS MITIGATION.**

5 In carrying out a water resources project that in-  
6 volves wetlands mitigation and that has impacts that occur  
7 within the service area of a mitigation bank, the Secretary,  
8 to the maximum extent practicable and where appropriate,  
9 shall give preference to the use of the mitigation bank if  
10 the bank contains sufficient available credits to offset the  
11 impact and the bank is approved in accordance with the  
12 Federal Guidance for the Establishment, Use and Oper-  
13 ation of Mitigation Banks (60 Fed. Reg. 58605) or other  
14 applicable Federal law (including regulations).

15 **SEC. 2011. REMOTE AND SUBSISTENCE HARBORS.**

16 (a) IN GENERAL.—In conducting a study of harbor  
17 and navigation improvements, the Secretary may rec-  
18 ommend a project without the need to demonstrate that  
19 the project is justified solely by national economic develop-  
20 ment benefits if the Secretary determines that—

21 (1)(A) the community to be served by the  
22 project is at least 70 miles from the nearest surface  
23 accessible commercial port and has no direct rail or  
24 highway link to another community served by a sur-  
25 face accessible port or harbor; or

1           (B) the project would be located in the Com-  
2           monwealth of Puerto Rico, Guam, the Common-  
3           wealth of the Northern Mariana Islands, or Amer-  
4           ican Samoa;

5           (2) the harbor is economically critical such that  
6           over 80 percent of the goods transported through  
7           the harbor would be consumed within the community  
8           served by the harbor and navigation improvement;  
9           and

10          (3) the long-term viability of the community  
11          would be threatened without the harbor and naviga-  
12          tion improvement.

13          (b) JUSTIFICATION.—In considering whether to rec-  
14          ommend a project under subsection (a), the Secretary  
15          shall consider the benefits of the project to—

16               (1) public health and safety of the local commu-  
17               nity, including access to facilities designed to protect  
18               public health and safety;

19               (2) access to natural resources for subsistence  
20               purposes;

21               (3) local and regional economic opportunities;

22               (4) welfare of the local population; and

23               (5) social and cultural value to the community.

1 **SEC. 2012. BENEFICIAL USES OF DREDGED MATERIAL.**

2 (a) IN GENERAL.—Section 204 of the Water Re-  
3 sources Development Act of 1992 (33 U.S.C. 2326) is  
4 amended by striking subsections (c) through (g) and in-  
5 serting the following:

6 “(c) IN GENERAL.—The Secretary may carry out  
7 projects to transport and place suitable material dredged  
8 in connection with the construction, operation, or mainte-  
9 nance of an authorized navigation project at locations se-  
10 lected by a non-Federal entity for use in the construction,  
11 repair, or rehabilitation of projects determined by the Sec-  
12 retary to be in the public interest and associated with navi-  
13 gation, flood damage reduction, hydroelectric power, mu-  
14 nicipal and industrial water supply, agricultural water  
15 supply, recreation, hurricane and storm damage reduction,  
16 aquatic plant control, and environmental protection and  
17 restoration.

18 “(d) COOPERATIVE AGREEMENT.—Any project un-  
19 dertaken pursuant to this section shall be initiated only  
20 after non-Federal interests have entered into an agree-  
21 ment with the Secretary in which the non-Federal inter-  
22 ests agree to pay the non-Federal share of the cost of con-  
23 struction of the project and 100 percent of the cost of  
24 operation, maintenance, replacement, and rehabilitation of  
25 the project in accordance with section 103 of the Water  
26 Resources Development Act of 1986 (33 U.S.C. 2213).

1       “(e) SPECIAL RULE.—Construction of a project  
2 under subsection (a) for the protection and restoration of  
3 aquatic and ecologically related habitat the cost of which  
4 does not exceed \$750,000 and which will be located in a  
5 disadvantaged community as determined by the Secretary  
6 may be carried out at Federal expense.

7       “(f) DETERMINATION OF CONSTRUCTION COSTS.—  
8 Costs associated with construction of a project under this  
9 section shall be limited solely to construction costs that  
10 are in excess of those costs necessary to carry out the  
11 dredging for construction, operation, or maintenance of  
12 the authorized navigation project in the most cost effective  
13 way, consistent with economic, engineering, and environ-  
14 mental criteria.

15       “(g) SELECTION OF DREDGED MATERIAL DISPOSAL  
16 METHOD.—In developing and carrying out a project for  
17 navigation involving the disposal of dredged material, the  
18 Secretary may select, with the consent of the non-Federal  
19 interest, a disposal method that is not the least-cost option  
20 if the Secretary determines that the incremental costs of  
21 such disposal method are reasonable in relation to the en-  
22 vironmental benefits, including the benefits to the aquatic  
23 environment to be derived from the creation of wetlands  
24 and control of shoreline erosion. The Federal share of such



1 incremental costs shall be determined in accordance with  
2 subsection (d).

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

8       “(i) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated \$30,000,000 annually for  
10 projects under this section of which not more than  
11 \$3,000,000 annually may be used for construction of  
12 projects described in subsection (e). Such sums shall re-  
13 main available until expended.

14       “(j) REGIONAL SEDIMENT MANAGEMENT PLAN-  
15 NING.—In consultation with appropriate State and Fed-  
16 eral agencies, the Secretary may develop, at Federal ex-  
17 pense, plans for regional management of material dredged  
18 in conjunction with the construction, operation, or mainte-  
19 nance of navigation projects, including potential beneficial  
20 uses of dredged material for construction, repair, or reha-  
21 bilitation of public projects for navigation, flood damage  
22 reduction, hydroelectric power, municipal and industrial  
23 water supply, agricultural water supply, recreation, hurri-  
24 cane and storm damage reduction, aquatic plant control,  
25 and environmental protection and restoration.”.

1 (b) REPEAL.—

2 (1) IN GENERAL.—Section 145 of the Water  
3 Resources Development Act of 1976 (33 U.S.C.  
4 426j) is repealed.

5 (2) HOLD HARMLESS.—The repeal made by  
6 paragraph (1) shall not affect the authority of the  
7 Secretary to complete any project being carried out  
8 under such section 145 on the day before the date  
9 of enactment of this Act.

10 (c) PRIORITY AREAS.—In carrying out section 204  
11 of the Water Resources Development Act of 1992 (33  
12 U.S.C. 2326), the Secretary shall give priority to a project  
13 for the beaches of Bogues Bank in the vicinity of More-  
14 head City, North Carolina, and a project in the vicinity  
15 of the Smith Point Park Pavilion and the TWA Flight  
16 800 Memorial, Brookhaven, New York.

17 **SEC. 2013. COST SHARING PROVISIONS FOR CERTAIN**  
18 **AREAS.**

19 Section 1156 of the Water Resources Development  
20 Act of 1986 (33 U.S.C. 2310; 100 Stat. 4256) is amended  
21 to read as follows:

22 **“SEC. 1156. COST SHARING PROVISIONS FOR CERTAIN**  
23 **AREAS.**

24 “The Secretary shall waive local cost-sharing require-  
25 ments up to \$500,000 for all studies and projects in the

1 Commonwealth of Puerto Rico, American Samoa, Guam,  
2 the Commonwealth of the Northern Mariana Islands, and  
3 the United States Virgin Islands, in Indian country (as  
4 defined in section 1151 of title 18, United States Code,  
5 and including lands that are within the jurisdictional area  
6 of an Oklahoma Indian tribe, as determined by the Sec-  
7 retary of the Interior, and are recognized by the Secretary  
8 of the Interior as eligible for trust land status under part  
9 151 of title 25, Code of Federal Regulations) or on land  
10 in the State of Alaska owned by an Alaska Native Re-  
11 gional Corporation or an Alaska Native Village Corpora-  
12 tion (as those terms are defined in the Alaska Native  
13 Claims Settlement Act (43 U.S.C. 1601 et seq.)) or the  
14 Metlakatla Indian community.”.

15 **SEC. 2014. REVISION OF PROJECT PARTNERSHIP AGREE-**  
16 **MENT.**

17       Upon authorization by law of an increase in the max-  
18 imum amount of Federal funds that may be allocated for  
19 a project or an increase in the total cost of a project au-  
20 thorized to be carried out by the Secretary, the Secretary  
21 shall revise the project partnership agreement for the  
22 project to take into account the change in Federal partici-  
23 pation in the project.

1 **SEC. 2015. COST SHARING.**

2 An increase in the maximum amount of Federal  
3 funds that may be allocated for a project or an increase  
4 in the total cost of a project authorized to be carried out  
5 by the Secretary shall not affect any cost sharing require-  
6 ment applicable to the project under title I of the Water  
7 Resources Development Act of 1986 (33 U.S.C. 2211 et  
8 seq.).

9 **SEC. 2016. CREDIT FOR WORK PERFORMED BEFORE PART-**  
10 **nership Agreement.**

11 If the Secretary is authorized to credit toward the  
12 non-Federal share the cost of work carried out by the non-  
13 Federal interest before the date of the partnership agree-  
14 ment for the project and such work has not been carried  
15 out as of the date of enactment of this Act, the Secretary  
16 shall enter into an agreement with the non-Federal inter-  
17 est for the project under which the non-Federal interest  
18 shall carry out such work, and the credit shall apply only  
19 to work carried out under the agreement.

20 **SEC. 2017. RECREATION USER FEE REVENUES.**

21 Section 225 of the Water Resources Development Act  
22 of 1999 (113 Stat. 297–298) is amended—

23 (1) in subsection (a)(1) by striking “During fis-  
24 cal years 1999 through 2002, the” and inserting  
25 “The”; and

1           (2) in subsection (a)(3) by striking “September  
2           30, 2005” and inserting “expended”.

3 **SEC. 2018. EXPEDITED ACTIONS FOR EMERGENCY FLOOD**  
4 **DAMAGE REDUCTION.**

5           The Secretary shall expedite any authorized planning,  
6 design, and construction of any project for flood damage  
7 reduction for an area that, within the preceding 5 years,  
8 has been subject to flooding that resulted in the loss of  
9 life and caused damage of sufficient severity and mag-  
10 nitude to warrant a declaration of a major disaster by the  
11 President under the Robert T. Stafford Disaster and  
12 Emergency Relief Act (42 U.S.C. 5121 et seq.).

13 **SEC. 2019. WATERSHED AND RIVER BASIN ASSESSMENTS.**

14           (a) IN GENERAL.—Section 729 of the Water Re-  
15 sources Development Act of 1986 (33 U.S.C. 2267a; 114  
16 Stat. 2587–2588; 100 Stat. 4164) is amended—

17           (1) in subsection (d)—

18                   (A) by striking “and” at the end of para-  
19 graph (4);

20                   (B) by striking the period at the end of  
21 paragraph (5) and inserting “; and”; and

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

23                   “(6) Sacramento-San Joaquin Delta, Cali-  
24 fornia.”;

1           (2) by striking paragraph (1) of subsection (f)  
2           and inserting the following:

3           “(1) NON-FEDERAL SHARE.—The non-Federal  
4           share of the costs of an assessment carried out  
5           under this section on or after December 11, 2000,  
6           shall be 25 percent.”; and

7           (3) by striking subsection (g).

8           (b) REVISION OF PARTNERSHIP AGREEMENT.—The  
9           Secretary shall revise the partnership agreement for any  
10          assessment being carried out under such section 729 to  
11          take into account the change in non-Federal participation  
12          in the assessment as a result of the amendments made  
13          by subsection (a).

14       **SEC. 2020. TRIBAL PARTNERSHIP PROGRAM.**

15          Section 203(b)(1)(B) of the Water Resources Devel-  
16          opment Act of 2000 (33 U.S.C. 2269(b)(1)(B); 114 Stat.  
17          2589) is amended by inserting after “Code” the following  
18          “, and including lands that are within the jurisdictional  
19          area of an Oklahoma Indian tribe, as determined by the  
20          Secretary of the Interior, and are recognized by the Sec-  
21          retary of the Interior as eligible for trust land status under  
22          part 151 of title 25, Code of Federal Regulations”.

1 **SEC. 2021. TREATMENT OF CERTAIN SEPARABLE ELE-**  
2 **MENTS.**

3 (a) IN GENERAL.—If, in carrying out a water re-  
4 sources project, the Secretary identifies a separable ele-  
5 ment that would advance a primary mission of the Corps  
6 of Engineers, with benefits that could be achieved more  
7 cost-effectively if carried out in conjunction with the  
8 project, the Secretary, in consultation with the non-Fed-  
9 eral interest, may carry out such separable element at  
10 Federal expense if the cost of such separable element does  
11 not exceed 3 percent of the Federal project cost and does  
12 not exceed \$1,000,000.

13 (b) OPERATION AND MAINTENANCE.—Operation and  
14 maintenance of a separable element of a project carried  
15 out under this section shall be a non-Federal responsi-  
16 bility.

17 (c) LIMITATION ON STATUTORY CONSTRUCTION.—  
18 Nothing in this section shall be construed to increase the  
19 amount authorized to be appropriated for a project beyond  
20 that amount authorized by law or to provide a separate  
21 authorization of appropriations.

22 **SEC. 2022. PROSECUTION OF WORK.**

23 Section 10 of the Rivers and Harbors Act of Sep-  
24 tember 22, 1922 (33 U.S.C. 621; 42 Stat. 1043), is  
25 amended by inserting after “harbors” the following: “, in-

1 cluding any planning, engineering, design, construction,  
2 operation, and maintenance.”.

3 **SEC. 2023. WILDFIRE FIREFIGHTING.**

4 Section 309 of Public Law 102–154 (42 U.S.C.  
5 1856a-1; 105 Stat. 1034) is amended by inserting “the  
6 Secretary of the Army,” after “the Secretary of Energy,”.

7 **SEC. 2024. CREDIT FOR NONCONSTRUCTION SERVICES.**

8 (a) IN GENERAL.—The Secretary is authorized to  
9 allow a non-Federal interest credit toward its share of  
10 project costs for any authorized water resources develop-  
11 ment project for the cost of materials and in-kind services,  
12 including design and management services but not includ-  
13 ing construction, provided by the non-Federal interest for  
14 implementation of the project.

15 (b) LIMITATION.—Credit authorized under sub-  
16 section (a)—

17 (1) shall not exceed the non-Federal share of  
18 project costs;

19 (2) shall not alter any other requirements that  
20 require a non-Federal interest to provide lands, ease-  
21 ments, rights-of-way, and dredged material disposal  
22 areas for the project;

23 (3) shall not exceed the actual and reasonable  
24 costs of the materials or in-kind services provided by



1 the non-Federal interest, as determined by the Sec-  
2 retary; and

3 (4) shall not be allowed unless the Secretary  
4 has determined that such materials or services are  
5 compatible with and necessary for the project.

6 **SEC. 2025. TECHNICAL ASSISTANCE.**

7 Section 22 of Water Resources Development Act of  
8 1974 (42 U.S.C. 1962d–16) is amended—

9 (1) in subsection (a) by striking “The Sec-  
10 retary” and inserting the following:

11 “(a) FEDERAL STATE COOPERATION.—

12 “(1) COMPREHENSIVE PLANS.—The Sec-  
13 retary”;

14 (2) by inserting after the last sentence in sub-  
15 section (a) the following:

16 “(2) TECHNICAL ASSISTANCE.—

17 “(A) IN GENERAL.—At the request of  
18 a governmental agency or non-Federal in-  
19 terest, the Secretary may provide, at Fed-  
20 eral expense, technical assistance to such  
21 agency or non-Federal interest in man-  
22 aging water resources.

23 “(B) TYPES OF ASSISTANCE.—Tech-  
24 nical assistance under this paragraph may  
25 include provision and integration of hydro-

1           logic, economic, and environmental data  
2           and analyses.”

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

6           (4) in subsection (c) by striking “(c) There is”  
7           and inserting the following:

8           “(c) AUTHORIZATION OF APPROPRIATIONS.—

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

11          (5) in subsection (c) strike “the provisions of  
12          this section” and insert “subsection (a)(1);”; and

13          (6) by inserting at the end of subsection (c) the  
14          following:

15          “(2) TECHNICAL ASSISTANCE.—There is au-  
16          thorized to be appropriated \$5,000,000 annually to  
17          carry out subsection (a)(2), of which not more than  
18          \$2,000,000 annually may be used by the Secretary  
19          to enter into cooperative agreements with nonprofit  
20          organizations to provide assistance to rural and  
21          small communities.”.

22 **SEC. 2026. CENTERS OF SPECIALIZED PLANNING EXPER-**  
23 **TISE.**

24          (a) ESTABLISHMENT.—The Secretary is authorized  
25          to establish centers to provide specialized planning exper-

1 tise for water resources projects to be carried out by the  
2 Secretary to enhance and supplement the capabilities of  
3 the districts of the Army Corps of Engineers.

4 (b) DUTIES.—A center of expertise shall have the fol-  
5 lowing duties:

6 (1) Providing technical and managerial assist-  
7 ance to district engineers for project planning, devel-  
8 opment, and implementation.

9 (2) Providing peer reviews of new major sci-  
10 entific, engineering, or economic methods, models or  
11 analyses that will be used to support decisions of the  
12 Secretary with respect to feasibility studies.

13 (3) Providing support for external peer review  
14 panels convened by the Secretary.

15 (4) Performing such other duties as prescribed  
16 by the Secretary.

17 **SEC. 2027. COORDINATION AND SCHEDULING OF FEDERAL,**  
18 **STATE, AND LOCAL ACTIONS.**

19 (a) NOTICE OF INTENT.—Upon request of the non-  
20 Federal interest in the form of a written notice of intent  
21 to construct or modify a non-Federal water supply, waste-  
22 water infrastructure, flood damage reduction, environ-  
23 mental restoration, or navigation project that requires the  
24 approval of the Secretary, the Secretary shall initiate, sub-  
25 ject to subsection (g)(1), procedures to establish a sched-

1 rule for consolidating Federal, State, and local agency and  
2 Indian tribe environmental assessments, project reviews,  
3 and issuance of all permits for the construction or modi-  
4 fication of the project. The non-Federal interest shall sub-  
5 mit to the Secretary, with the notice of intent, studies and  
6 documentation, including environmental reviews, that may  
7 be required by Federal law for decisionmaking on the pro-  
8 posed project. All States and Indian tribes having jurisdic-  
9 tion over the proposed project shall be invited by the Sec-  
10 retary, but shall not be required, to participate in carrying  
11 out this section with respect to the project.

12 (b) PROCEDURAL REQUIREMENTS.—Within 15 days  
13 after receipt of notice under subsection (a), the Secretary  
14 shall publish such notice in the Federal Register. The Sec-  
15 retary also shall provide written notification of the receipt  
16 of a notice under subsection (a) to all State and local  
17 agencies and Indian tribes that may be required to issue  
18 permits for the construction of the project or related ac-  
19 tivities. The Secretary shall solicit the cooperation of those  
20 agencies and request their entry into a memorandum of  
21 agreement described in subsection (c) with respect to the  
22 project. Within 30 days after publication of the notice in  
23 the Federal Register, State and local agencies and Indian  
24 tribes that intend to enter into the memorandum of agree-

1 ment with respect to the project shall notify the Secretary  
2 of their intent in writing.

3 (c) SCHEDULING AGREEMENT.—Within 90 days  
4 after the date of receipt of notice under subsection (a)  
5 with respect to a project, the Secretary of the Interior,  
6 the Secretary of Commerce, and the Administrator of the  
7 Environmental Protection Agency, as necessary, and any  
8 State or local agencies that have notified the Secretary  
9 under subsection (b) shall enter into an agreement with  
10 the Secretary establishing a schedule of decisionmaking  
11 for approval of the project and permits associated with  
12 the project and with related activities.

13 (d) CONTENTS OF AGREEMENT.—An agreement en-  
14 tered into under subsection (c) with respect to a project,  
15 to the extent practicable, shall consolidate hearing and  
16 comment periods, procedures for data collection and re-  
17 port preparation, and the environmental review and per-  
18 mitting processes associated with the project and related  
19 activities. The agreement shall detail, to the extent pos-  
20 sible, the non-Federal interest's responsibilities for data  
21 development and information that may be necessary to  
22 process each permit required for the project, including a  
23 schedule when the information and data will be provided  
24 to the appropriate Federal, State, or local agency or In-  
25 dian tribe.

1           (e) REVISION OF AGREEMENT.—The Secretary may  
2 revise an agreement entered into under subsection (c) with  
3 respect to a project once to extend the schedule to allow  
4 the non-Federal interest the minimum amount of addi-  
5 tional time necessary to revise its original application to  
6 meet the objections of a Federal, State, or local agency  
7 or Indian tribe that is a party to the agreement.

8           (f) FINAL DECISION.—Not later than the final day  
9 of a schedule established by an agreement entered into  
10 under subsection (c) with respect to a project, the Sec-  
11 retary shall notify the non-Federal interest of the final de-  
12 cision on the project and whether the permit or permits  
13 have been issued.

14           (g) REIMBURSEMENT.—

15               (1) COSTS OF COORDINATION.—The costs in-  
16 curred by the Secretary to establish and carry out  
17 a schedule to consolidate Federal, State, and local  
18 agency and Indian tribe environmental assessments,  
19 project reviews, and permit issuance for a project  
20 under this section shall be paid by the non-Federal  
21 interest.

22               (2) COSTS INCURRED TO EXPEDITE PERMITS  
23 AND REVIEWS.—

24                       (A) ACCEPTANCE OF NON-FEDERAL  
25 FUNDS.—The Secretary may accept funds from

1 the non-Federal interest to hire additional staff  
2 or obtain the services of consultants, or to pro-  
3 vide financial, technical, and administrative  
4 support to agencies that have entered into an  
5 agreement with the Secretary under subsection  
6 (c) with respect to a project in order to facili-  
7 tate the timely processing, review, and comple-  
8 tion of applicable Federal, State, and local  
9 agency and Indian tribe environmental assess-  
10 ments, project reviews, and permits for the  
11 project.

12 (B) USE OF FUNDS.—Funds accepted  
13 under this paragraph shall be used to supple-  
14 ment existing resources of the Secretary or a  
15 participating agency.

16 (C) ASSURANCE OF LEVEL OF SERVICE  
17 AND IMPARTIALITY.—The Secretary shall en-  
18 sure that the Department of the Army and any  
19 participating agency that accepts funds under  
20 this paragraph shall continue to provide the  
21 same level of service to other projects and other  
22 responsibilities not covered by this section as it  
23 would provide notwithstanding any activities  
24 carried out under this section and that accept-  
25 ance of such funds will not impact impartial de-

1           cisionmaking either substantively or proce-  
2           durally.

3           (h) REPORT ON TIMESAVINGS METHODS.—Not later  
4 than 3 years after the date of enactment of this section,  
5 the Secretary shall prepare and transmit to Congress a  
6 report estimating the time required for the issuance of all  
7 Federal, State, local, and tribal permits for the construc-  
8 tion of non-Federal projects for water supply, wastewater  
9 infrastructure, flood damage reduction, environmental res-  
10 toration, and navigation. The Secretary shall include in  
11 that report recommendations for further reducing the  
12 amount of time required for the issuance of those permits,  
13 including any proposed changes in existing law.

14 **SEC. 2028. PROJECT STREAMLINING.**

15           (a) POLICY.—The benefits of water resources  
16 projects are important to the Nation’s economy and envi-  
17 ronment, and recommendations to Congress regarding  
18 such projects should not be delayed due to uncoordinated  
19 and sequential environmental reviews or the failure to  
20 timely resolve disputes during the development of water  
21 resources projects.

22           (b) SCOPE.—This section shall apply to each study  
23 initiated after the date of enactment of this Act to develop  
24 a feasibility report under section 905 of the Water Re-  
25 sources Development Act of 1986 (33 U.S.C. 2282), or



1 a reevaluation report, for a water resources project if the  
2 Secretary determines that such study requires an environ-  
3 mental impact statement under the National Environ-  
4 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

5 (c) WATER RESOURCES PROJECT REVIEW PROC-  
6 ESS.—The Secretary shall develop and implement a co-  
7 ordinated review process for water resources projects.

8 (d) COORDINATED REVIEWS.—

9 (1) IN GENERAL.—The coordinated review proc-  
10 ess under this section shall provide that all environ-  
11 mental reviews, analyses, opinions, permits, licenses,  
12 and approvals that must be issued or made by a  
13 Federal, State, or local government agency or Indian  
14 tribe for a water resources project will be conducted  
15 concurrently, to the maximum extent practicable,  
16 and completed within a time period established by  
17 the Secretary, in cooperation with the agencies iden-  
18 tified under subsection (e) with respect to the  
19 project.

20 (2) AGENCY PARTICIPATION.—Each Federal  
21 agency identified under subsection (e) shall formu-  
22 late and implement administrative, policy, and pro-  
23 cedural mechanisms to enable the agency to ensure  
24 completion of environmental reviews, analyses, opin-  
25 ions, permits, licenses, and approvals described in

1 paragraph (1) in a timely and environmentally re-  
2 sponsible manner.

3 (e) IDENTIFICATION OF JURISDICTIONAL AGEN-  
4 CIES.—With respect to each water resources project, the  
5 Secretary shall identify, as soon as practicable, all Fed-  
6 eral, State, and local government agencies and Indian  
7 tribes that may have jurisdiction over environmental-re-  
8 lated matters that may be affected by the project or may  
9 be required by law to conduct an environmental-related  
10 review or analysis of the project or determine whether to  
11 issue an environmental-related permit, license, or approval  
12 for the project.

13 (f) STATE AUTHORITY.—If a coordinated review  
14 process is being implemented under this section by the  
15 Secretary with respect to a water resources project within  
16 the boundaries of a State, the State, consistent with State  
17 law, may choose to participate in such process and provide  
18 that all State agencies that have jurisdiction over environ-  
19 mental-related matters that may be affected by the project  
20 or may be required by law to conduct an environmental-  
21 related review or analysis of the project or determine  
22 whether to issue an environmental-related permit, license,  
23 or approval for the project, be subject to the process.

24 (g) MEMORANDUM OF UNDERSTANDING.—The co-  
25 ordinated review process developed under this section may

1 be incorporated into a memorandum of understanding for  
2 a project between the Secretary and the heads of other  
3 Federal, State, and local government agencies and Indian  
4 tribes identified under subsection (e) with respect to the  
5 project and the non-Federal interest for the project.

6 (h) EFFECT OF FAILURE TO MEET DEADLINE.—

7 (1) NOTIFICATION OF CONGRESS AND CEQ.—If  
8 the Secretary determines that a Federal, State, or  
9 local government agency, Indian tribe, or non-Fed-  
10 eral interest that is participating in a coordinated  
11 review process under this section with respect to a  
12 project has not met a deadline established under  
13 subsection (d) for the project, the Secretary shall no-  
14 tify, within 30 days of the date of such determina-  
15 tion, the Committee on Transportation and Infra-  
16 structure of the House of Representatives, the Com-  
17 mittee on Environment and Public Works of the  
18 Senate, the Council on Environmental Quality, and  
19 the agency, Indian tribe, or non-Federal interest in-  
20 volved about the failure to meet the deadline.

21 (2) AGENCY REPORT.—Not later than 30 days  
22 after the date of receipt of a notice under paragraph  
23 (1), the Federal, State, or local government agency,  
24 Indian tribe, or non-Federal interest involved shall  
25 submit a report to the Secretary, the Committee on

1 Transportation and Infrastructure of the House of  
2 Representatives, the Committee on Environment and  
3 Public Works of the Senate, and the Council on En-  
4 vironmental Quality explaining why the agency, In-  
5 dian tribe, or non-Federal interest did not meet the  
6 deadline and what actions it intends to take to com-  
7 plete or issue the required review, analysis, opinion,  
8 permit, license, or approval.

9 (i) PURPOSE AND NEED AND DETERMINATION OF  
10 REASONABLE ALTERNATIVES.—

11 (1) IN GENERAL.—As an official of the lead  
12 Federal agency that is responsible for carrying out  
13 a study to which this section applies and its associ-  
14 ated process for meeting the requirements of the  
15 National Environmental Policy Act of 1969 (42  
16 U.S.C. 4321 et seq.) and as the Federal agency with  
17 expertise in water resources development, the Sec-  
18 retary, in carrying out such study and process,  
19 shall—

20 (A) define the purpose and need for the  
21 proposed water resources project; and

22 (B) determine which alternatives are rea-  
23 sonable and may be reasonably anticipated to  
24 meet project purposes and needs.

1           (2) STREAMLINING STUDY.—To streamline a  
2           study to which this section applies and its associated  
3           process for meeting the requirements of the National  
4           Environmental Policy Act of 1969 (42 U.S.C. 4321  
5           et seq.), the Secretary may eliminate from consider-  
6           ation any alternatives the Secretary determines are  
7           not reasonable or are not reasonably anticipated to  
8           meet project purposes and needs.

9           (j) SOLICITATION AND CONSIDERATION OF COM-  
10          MENTS.—In applying subsection (i), the Secretary shall  
11          solicit, consider, and respond to comments from interested  
12          persons and governmental entities.

13          (k) CATEGORICAL EXCLUSIONS.—Not later than 120  
14          days after the date of enactment of this Act, the Secretary  
15          shall develop and publish a list of categorical exclusions  
16          from the requirement that an environmental assessment  
17          or an environmental impact statement be prepared under  
18          the National Environmental Policy Act of 1969 (42 U.S.C.  
19          4321 et seq.) for water resources projects.

20          (l) LIMITATIONS.—Nothing in this section shall pre-  
21          empt or interfere with—

22                  (1) any practice of seeking public comment;

23                  (2) any power, jurisdiction, or authority that a  
24          Federal, State, or local government agency, Indian

1       tribe, or non-Federal interest has with respect to  
2       carrying out a water resources project; or

3           (3) any obligation to comply with the provisions  
4       of the National Environmental Policy Act of 1969  
5       (42 U.S.C. 4371 et seq.) and the regulations issued  
6       by the Council on Environmental Quality to carry  
7       out such Act.

8       (m) BENCHMARKS.—Within 12 months of the date  
9       of enactment of this Act, the Chief of Engineers shall es-  
10      tablish benchmarks for determining the length of time it  
11      should take to conduct a feasibility study for a water re-  
12      sources development project and its associated review  
13      process under the National Environmental Policy Act of  
14      1969 (42 U.S.C. 4371 et seq.). Benchmarks may be estab-  
15      lished for activities based on project type, size, cost, and  
16      complexity. The Chief of Engineers shall use such bench-  
17      marks as a management tool to make the feasibility study  
18      process more efficient in all districts of the Army Corps  
19      of Engineers.

20      **SEC. 2029. LAKES PROGRAM.**

21           Section 602(a) of the Water Resources Development  
22      Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat.  
23      295) is amended—

24           (1) by striking “and” at end of paragraph (18);

1           (2) by striking the period at the end of para-  
2 graph (19) and inserting a semicolon; and

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

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

7           “(21) Rogers Pond, Franklin Township, New  
8 Jersey, removal of silt and restoration of structural  
9 integrity;

10          “(22) Greenwood Lake, Greenwood Lake, New  
11 York, removal of silt and aquatic growth; and

12          “(23) Lake Rodgers, Creedmoor, North Caro-  
13 lina, removal of silt and excessive nutrients and res-  
14 toration of structural integrity.”.

15 **SEC. 2030. MITIGATION FOR FISH AND WILDLIFE LOSSES.**

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

19           “(3) COMPLETION OF MITIGATION.—In those  
20 instances in which it is not technically practicable to  
21 complete mitigation concurrent with the last day of  
22 project construction because of the nature of the  
23 mitigation to be undertaken, the Secretary shall  
24 complete the required mitigation as expeditiously as  
25 practicable, but in no case later than the last day of

1 the first fiscal year beginning after the last day of  
2 construction of the project or separable element of  
3 the project.”.

4 (b) MITIGATION PLAN CONTENTS.—Section 906(d)  
5 of such Act (33 U.S.C. 2283(d)) is amended by adding  
6 at the end the following:

7 “(3) CONTENTS.—A mitigation plan shall in-  
8 clude—

9 “(A) a description of the physical action to  
10 be undertaken to achieve the mitigation objec-  
11 tives within the watershed in which such losses  
12 occur and, in any case in which mitigation must  
13 take place outside the watershed, a justification  
14 detailing the rationale for undertaking the miti-  
15 gation outside of the watershed;

16 “(B) a description of the lands or interests  
17 in lands to be acquired for mitigation and the  
18 basis for a determination that such lands are  
19 available for acquisition;

20 “(C) the type, amount, and characteristics  
21 of the habitat being restored;

22 “(D) success criteria for mitigation based  
23 on replacement of lost functions and values of  
24 the habitat, including hydrologic and vegetative  
25 characteristics; and



1           “(E) a plan for any necessary monitoring  
2           to determine the success of the mitigation, in-  
3           cluding the cost and duration of any moni-  
4           toring, and to the extent practicable, the enti-  
5           ties responsible for any monitoring.

6           “(4) RESPONSIBILITY FOR MONITORING.—In  
7           any case in which it is not practicable to identify in  
8           a mitigation plan for a water resources project, the  
9           entity responsible for monitoring at the time of a  
10          final report of the Chief of Engineers or other final  
11          decision document for the project, such entity shall  
12          be identified in the partnership agreement entered  
13          into with the non-Federal interest.”.

14          (c) STATUS REPORT.—

15                 (1) IN GENERAL.—Concurrent with the Presi-  
16                 dent’s submission to Congress of the President’s re-  
17                 quest for appropriations for the Civil Works Pro-  
18                 gram for a fiscal year, the Secretary shall submit to  
19                 the Committee on Transportation and Infrastructure  
20                 of the House of Representatives and the Committee  
21                 on the Environment and Public Works of the Senate  
22                 a report on the status of construction of projects  
23                 that require mitigation under section 906 of Water  
24                 Resources Development Act 1986 (33 U.S.C. 2283;  
25                 100 Stat. 4186) and the status of such mitigation.

1           (2) PROJECTS INCLUDED.—The status report  
2 shall include the status of all projects that are under  
3 construction, all projects for which the President re-  
4 quests funding for the next fiscal year, and all  
5 projects that have completed construction, but have  
6 not completed the mitigation required under section  
7 906 of the Water Resources Development Act of  
8 1986.

9 **SEC. 2031. COOPERATIVE AGREEMENTS.**

10          (a) IN GENERAL.—For the purpose of expediting the  
11 cost-effective design and construction of wetlands restora-  
12 tion that is part of an authorized water resources project,  
13 the Secretary may enter into cooperative agreements  
14 under section 6305 of title 31, United States Code, with  
15 nonprofit organizations with expertise in wetlands restora-  
16 tion to carry out such design and construction on behalf  
17 of the Secretary.

18          (b) LIMITATIONS.—

19           (1) PER PROJECT LIMIT.—A cooperative agree-  
20 ment under this section shall not obligate the Sec-  
21 retary to pay the nonprofit organization more than  
22 \$1,000,000 for any single wetlands restoration  
23 project.

24           (2) ANNUAL LIMIT.—The total value of work  
25 carried out under cooperative agreements under this

1 section may not exceed \$5,000,000 in any fiscal  
2 year.

3 **SEC. 2032. PROJECT PLANNING.**

4 (a) OBJECTIVES.—

5 (1) FLOOD CONTROL, NAVIGATION, AND HURRI-  
6 CANE AND STORM DAMAGE REDUCTION PROJECTS.—

7 The Federal objective of any study of the feasibility  
8 of a water resources project carried out by the Sec-  
9 retary for flood damage reduction, navigation, or  
10 hurricane and storm damage reduction shall be to  
11 maximize the net national economic development  
12 benefits associated with the project, consistent with  
13 protecting the Nation's environment.

14 (2) ECOSYSTEM RESTORATION PROJECTS.—The  
15 Federal objective of any study of the feasibility of a  
16 water resources project for ecosystem restoration  
17 carried out by the Secretary shall be to maximize  
18 the net national ecosystem restoration benefits asso-  
19 ciated with the project, consistent with national eco-  
20 nomic development.

21 (3) PROJECTS WITH MULTIPLE PURPOSES.—In  
22 the case of a study that includes multiple project  
23 purposes, the primary and other project purposes  
24 shall be evaluated, based on the relevant Federal ob-  
25 jective identified under paragraphs (1) and (2).

1 (4) SELECTION OF PROJECT ALTERNATIVES.—

2 (A) IN GENERAL.—Notwithstanding the  
3 Federal objectives identified in this subsection,  
4 the Secretary may select a project alternative  
5 that does not maximize net benefits if there is  
6 an overriding reason based upon other Federal,  
7 State, local, or international concerns.

8 (B) FLOOD DAMAGE REDUCTION, NAVIGA-  
9 TION, AND HURRICANE STORM DAMAGE REDUC-  
10 TION PROJECTS.—With respect to a water re-  
11 sources project described in paragraph (1), an  
12 overriding reason for selecting a plan other  
13 than the plan that maximizes national economic  
14 development benefits may be if the Secretary  
15 determines, and the non-Federal interest con-  
16 curs, that an alternative plan is feasible and  
17 achieves the project purposes while providing  
18 greater ecosystem restoration benefits.

19 (C) ECOSYSTEM RESTORATION  
20 PROJECTS.—With respect to a water resources  
21 project described in paragraph (2), an over-  
22 riding reason for selecting a plan other than the  
23 plan that maximizes national ecosystem restora-  
24 tion benefits may be if the Secretary deter-  
25 mines, and the non-Federal interest concurs,

1           that an alternative is feasible and achieves the  
2           project purpose while providing greater eco-  
3           nomic development benefits.

4           (b) IDENTIFYING ADDITIONAL BENEFITS AND  
5 PROJECTS.—

6           (1) PRIMARILY ECONOMIC BENEFITS.—In con-  
7           ducting a study of the feasibility of a project where  
8           the primary benefits are expected to be economic,  
9           the Secretary may identify ecosystem restoration  
10          benefits that may be achieved in the study area and,  
11          after obtaining the participation of a non-Federal in-  
12          terest, may study and recommend construction of a  
13          separate project or separable project element to  
14          achieve those benefits.

15          (2) PRIMARILY ECOSYSTEM RESTORATION BEN-  
16          EFITS.—In conducting a study of the feasibility of a  
17          project where the primary benefits are expected to  
18          be associated with ecosystem restoration, the Sec-  
19          retary may identify economic benefits that may be  
20          achieved in the study area and, after obtaining the  
21          participation of a non-Federal interest, may study  
22          and recommend construction of a separate project or  
23          separable project element to achieve those benefits.

24          (3) RULES APPLICABLE TO IDENTIFIED SEPA-  
25          RATE PROJECTS AND ELEMENTS.—Any separate

1 project or separable element identified under para-  
2 graph (1) or (2) and recommended for construction  
3 shall not be considered integral to the underlying  
4 project under study and, if authorized, shall be sub-  
5 ject to a separate partnership agreement, unless a  
6 non-Federal interest agrees to share in the cost of  
7 both projects or separable elements.

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

12 (1) a calculation of the residual risk of flooding  
13 following completion of the proposed project;

14 (2) a calculation of any upstream or down-  
15 stream impacts of the proposed project; and

16 (3) calculations to ensure that the benefits and  
17 costs associated with structural and nonstructural  
18 alternatives are evaluated in an equitable manner.

19 **SEC. 2033. INDEPENDENT PEER REVIEW.**

20 (a) PROJECT STUDIES SUBJECT TO INDEPENDENT  
21 PEER REVIEW.—

22 (1) IN GENERAL.—Project studies shall be sub-  
23 ject to a peer review by an independent panel of ex-  
24 perts as determined under this section.

1           (2) SCOPE.—The peer review may include a re-  
2 view of the economic and environmental assumptions  
3 and projections, project evaluation data, economic  
4 analyses, environmental analyses, engineering anal-  
5 yses, formulation of alternative plans, methods for  
6 integrating risk and uncertainty, models used in  
7 evaluation of economic or environmental impacts of  
8 proposed projects, and any biological opinions of the  
9 project study.

10           (3) PROJECT STUDIES SUBJECT TO PEER RE-  
11 VIEW.—

12           (A) MANDATORY.—A project study shall  
13 be subject to peer review under paragraph (1)  
14 if the project has an estimated total cost of  
15 more than \$50,000,000, including mitigation  
16 costs, and is not determined by the Chief of  
17 Engineers to be exempt from peer review under  
18 paragraph (6).

19           (B) DISCRETIONARY.—A project study  
20 may be subject to peer review if—

21           (i) the Governor of an affected State  
22 requests a peer review by an independent  
23 panel of experts;

24           (ii) the head of a Federal or State  
25 agency charged with reviewing the project

1 study determines that the project is likely  
2 to have a significant adverse impact on en-  
3 vironmental, cultural, or other resources  
4 under the jurisdiction of the agency after  
5 implementation of proposed mitigation  
6 plans and requests a peer review by an  
7 independent panel of experts; or

8 (iii) the Chief of Engineers determines  
9 that the project study is controversial.

10 (4) CONTROVERSIAL PROJECTS.—Upon receipt  
11 of a written request under paragraph (3)(B) or on  
12 the initiative of the Chief of Engineers, the Chief of  
13 Engineers shall determine whether a project study is  
14 controversial.

15 (5) FACTORS TO CONSIDER.—In determining  
16 whether a project study is controversial, the Chief of  
17 Engineers shall consider if—

18 (A) there is a significant public dispute as  
19 to the size, nature, or effects of the project; or

20 (B) there is a significant public dispute as  
21 to the economic or environmental costs or bene-  
22 fits of the project.

23 (6) PROJECT STUDIES EXCLUDED FROM PEER  
24 REVIEW.—Project studies that may be excluded from  
25 peer review under paragraph (1) are—



1 (A) a study for a project the Chief of En-  
2 gineers determines—

3 (i) is not controversial;

4 (ii) has no more than negligible ad-  
5 verse impacts on scarce or unique cultural,  
6 historic, or tribal resources;

7 (iii) has no substantial adverse im-  
8 pacts on fish and wildlife species and their  
9 habitat prior to the implementation of  
10 mitigation measures; and

11 (iv) has, before implementation of  
12 mitigation measures, no more than a neg-  
13 ligible adverse impact on a species listed as  
14 endangered or threatened species under  
15 the Endangered Species Act of 1973 (16  
16 U.S.C. 1539 et seq.) or the critical habitat  
17 of such species designated under such Act;  
18 and

19 (B) a study for a project pursued under  
20 section 205 of the Flood Control Act of 1948  
21 (33 U.S.C. 701s), section 2 of the Flood Con-  
22 trol Act of August 28, 1937 (33 U.S.C. 701g),  
23 section 14 of the Flood Control Act of 1946 (33  
24 U.S.C. 701r), section 107(a) of the River and  
25 Harbor Act of 1960 (33 U.S.C. 577(a)), section

1           3 of the Act entitled “An Act authorizing Fed-  
2           eral participation in the cost of protecting the  
3           shores of publicly owned property”, approved  
4           August 13, 1946 (33 U.S.C. 426g), section 111  
5           of the River and Harbor Act of 1968 (33  
6           U.S.C. 426i), section 3 of the Act entitled “An  
7           Act authorizing the construction, repair, and  
8           preservation of certain public works on rivers  
9           and harbors, and for other purposes”, approved  
10          March 2, 1945 (33 U.S.C. 603a), section 1135  
11          of the Water Resources Development Act of  
12          1986 (33 U.S.C. 2309a), section 206 of the  
13          Water Resources Development Act of 1996 (33  
14          U.S.C. 2330), or section 204 of the Water Re-  
15          sources Development Act of 1992 (33 U.S.C.  
16          2326).

17           (7) APPEAL.—The decision of the Chief of En-  
18          gineers whether to peer review a project study shall  
19          be published in the Federal Register and shall be  
20          subject to appeal by a person referred to in para-  
21          graph (3)(B)(i) or (3)(B)(ii) to the Secretary of the  
22          Army if such appeal is made within the 30-day pe-  
23          riod following the date of such publication.

24           (8) DETERMINATION OF PROJECT COST.—For  
25          purposes of determining the estimated total cost of

1 a project under paragraph (3)(A), the project cost  
2 shall be based upon the reasonable estimates of the  
3 Chief of Engineers at the completion of the recon-  
4 naissance study for the project. If the reasonable es-  
5 timate of project costs is subsequently determined to  
6 be in excess of the amount in paragraph (3)(A), the  
7 Chief of Engineers shall make a determination  
8 whether a project study should be reviewed under  
9 this section.

10 (b) TIMING OF PEER REVIEW.—The Chief of Engi-  
11 neers shall determine the timing of a peer review of a  
12 project study under subsection (a). In all cases, the peer  
13 review shall occur during the period beginning on the date  
14 of the completion of the reconnaissance study for the  
15 project and ending on the date the draft report of the  
16 Chief of Engineers for the project is made available for  
17 public comment. Where the Chief of Engineers has not  
18 initiated a peer review of a project study, the Chief of En-  
19 gineers shall consider, at a minimum, whether to initiate  
20 a peer review at the time that—

- 21 (1) the without project conditions are identified;
- 22 (2) the array of alternatives to be considered  
23 are identified; and
- 24 (3) the preferred alternative is identified.

1 Nothing in this subsection shall be construed to require  
2 the Chief of Engineers to conduct multiple peer reviews  
3 for a project study.

4 (c) ESTABLISHMENT OF PANELS.—

5 (1) IN GENERAL.—For each project study sub-  
6 ject to peer review under subsection (a), as soon as  
7 practicable after the Chief of Engineers determines  
8 that a project study will be subject to peer review,  
9 the Chief of Engineers shall contract with the Na-  
10 tional Academy of Sciences (or a similar independent  
11 scientific and technical advisory organization), or an  
12 eligible organization, to establish a panel of experts  
13 to peer review the project study for technical and  
14 scientific sufficiency.

15 (2) MEMBERSHIP.—A panel of experts estab-  
16 lished for a project study under this section shall be  
17 composed of independent experts who represent a  
18 balance of areas of expertise suitable for the review  
19 being conducted.

20 (3) LIMITATION ON APPOINTMENTS.—An indi-  
21 vidual may not be selected to serve on a panel of ex-  
22 perts established for a project study under this sec-  
23 tion if the individual has a financial or close profes-  
24 sional association with any organization or group

1 with a strong financial or organizational interest in  
2 the project.

3 (4) CONGRESSIONAL NOTIFICATION.—Upon  
4 identification of a project study for peer review  
5 under this section, but prior to initiation of any re-  
6 view, the Chief of Engineers shall notify the Com-  
7 mittee on Environment and Public Works of the  
8 Senate and the Committee on Transportation and  
9 Infrastructure of the House of Representatives of  
10 such review.

11 (d) DUTIES OF PANELS.—A panel of experts estab-  
12 lished for a peer review for a project study under this sec-  
13 tion shall, consistent with the scope of the referral for re-  
14 view—

15 (1) conduct a peer review for the project study  
16 submitted to the panel for review;

17 (2) assess the adequacy and acceptability of the  
18 economic and environmental methods, models, and  
19 analyses used by the Chief of Engineers;

20 (3) provide timely written and oral comments to  
21 the Chief of Engineers throughout the development  
22 of the project study, as requested; and

23 (4) submit to the Chief of Engineers a final re-  
24 port containing the panel's economic, engineering,  
25 and environmental analysis of the project study, in-

1 including the panel's assessment of the adequacy and  
2 acceptability of the economic and environmental  
3 methods, models, and analyses used by the Chief of  
4 Engineers, to accompany the publication of the  
5 project study.

6 (e) DURATION OF PROJECT STUDY PEER RE-  
7 VIEWS.—

8 (1) DEADLINE.—A panel of experts shall—

9 (A) complete its peer review under this sec-  
10 tion for a project study and submit a report to  
11 the Chief of Engineers under subsection (d)(4)  
12 within 180 days after the date of establishment  
13 of the panel, or, if the Chief of Engineers deter-  
14 mines that a longer period of time is necessary,  
15 such period of time established by the Chief of  
16 Engineers, but in no event later than 90 days  
17 after the date a draft project study is made  
18 available for public review; and

19 (B) terminate on the date of submission of  
20 the report.

21 (2) FAILURE TO MEET DEADLINE.—If a panel  
22 does not complete its peer review of a project study  
23 under this section and submit a report to the Chief  
24 of Engineers under subsection (d)(4) on or before  
25 the deadline established by paragraph (1) for the

1 project study, the Chief of Engineers shall continue  
2 the project study for the project that is subject to  
3 peer review by the panel without delay.

4 (f) RECOMMENDATIONS OF PANEL.—

5 (1) CONSIDERATION BY THE CHIEF OF ENGI-  
6 NEERS.—After receiving a report on a project study  
7 from a panel of experts under this section and be-  
8 fore entering a final record of decision for the  
9 project, the Chief of Engineers shall consider any  
10 recommendations contained in the report and pre-  
11 pare a written response for any recommendations  
12 adopted or not adopted.

13 (2) PUBLIC AVAILABILITY AND TRANSMITTAL  
14 TO CONGRESS.—After receiving a report on a project  
15 study from a panel of experts under this section, the  
16 Chief of Engineers shall—

17 (A) make a copy of the report and any  
18 written response of the Chief of Engineers on  
19 recommendations contained in the report avail-  
20 able to the public; and

21 (B) transmit to Congress a copy of the re-  
22 port, together with any such written response,  
23 on the date of a final report of the Chief of En-  
24 gineers or other final decision document for a

1 project study that is subject to peer review by  
2 the panel.

3 (g) COSTS.—

4 (1) IN GENERAL.—The costs of a panel of ex-  
5 perts established for a peer review under this sec-  
6 tion—

7 (A) shall be a Federal expense; and

8 (B) shall not exceed \$500,000.

9 (2) WAIVER.—The Chief of Engineers may  
10 waive the \$500,000 limitation contained in para-  
11 graph (1)(B) in cases that the Chief of Engineers  
12 determines appropriate.

13 (h) APPLICABILITY.—This section shall apply to—

14 (1) project studies initiated during the 2-year  
15 period preceding the date of enactment of this Act  
16 and for which the array of alternatives to be consid-  
17 ered has not been identified; and

18 (2) project studies initiated during the period  
19 beginning on such date of enactment and ending 4  
20 years after such date of enactment.

21 (i) REPORT.—Within 4 1/2 years of the date of enact-  
22 ment of this section, the Chief of Engineers shall submit  
23 a report to Congress on the implementation of this section.



1           (j) NONAPPLICABILITY OF FACCA.—The Federal Ad-  
2 visory Committee Act (5 U.S.C. App.) shall not apply to  
3 any peer review panel established under this section.

4           (k) SAVINGS CLAUSE.—Nothing in this section shall  
5 be construed to affect any authority of the Chief of Engi-  
6 neers to cause or conduct a peer review of a water re-  
7 sources project existing on the date of enactment of this  
8 section.

9           (l) DEFINITIONS.—In this section, the following defi-  
10 nitions apply:

11           (1) PROJECT STUDY.—The term “project  
12 study” means a feasibility study or reevaluation  
13 study for a project. The term also includes any other  
14 study associated with a modification or update of a  
15 project that includes an environmental impact state-  
16 ment, including the environmental impact statement.

17           (2) AFFECTED STATE.—The term “affected  
18 State”, as used with respect to a project, means a  
19 State all or a portion of which is within the drainage  
20 basin in which the project is or would be located and  
21 would be economically or environmentally affected as  
22 a consequence of the project.

23           (3) ELIGIBLE ORGANIZATION.—The term “eligi-  
24 ble organization” means an organization that—

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

4 (B) is independent;

5 (C) is free from conflicts of interest;

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

8 (E) has experience in establishing and ad-  
9 ministering peer review panels.

10 **SEC. 2034. SUPPORT OF ARMY CIVIL WORKS PROGRAM.**

11 (a) IN GENERAL.—Notwithstanding section 2361 of  
12 title 10, United States Code, the Secretary is authorized  
13 to provide assistance through contracts, cooperative agree-  
14 ments, and grants to—

15 (1) the University of Tennessee, Knoxville, Ten-  
16 nessee, for establishment and operation of the  
17 Southeastern Water Resources Institute to study  
18 sustainable development and utilization of water re-  
19 sources in the Southeastern United States; and

20 (2) Lewis and Clark Community College, Illi-  
21 nois, for the Great Rivers National Research and  
22 Education Center (including facilities that have been  
23 or will be constructed at one or more locations in the  
24 vicinity of the confluence of the Illinois River, the  
25 Missouri River, and the Mississippi River), a collabo-

1 rative effort of Lewis and Clark Community College,  
2 the University of Illinois, the Illinois Department of  
3 Natural Resources and Environmental Sciences, and  
4 other entities, for the study of river ecology, devel-  
5 oping watershed and river management strategies,  
6 and educating students and the public on river  
7 issues.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
9 are authorized to be appropriated to the Secretary to carry  
10 out subsection (a)(1) \$5,000,000 and to carry out sub-  
11 section (a)(2) \$5,000,000. Such sums shall remain avail-  
12 able until expended.

## 13 **TITLE III—PROJECT-RELATED** 14 **PROVISIONS**

### 15 **SEC. 3001. COOK INLET, ALASKA.**

16 (a) ANCHORAGE HARBOR.—The project for naviga-  
17 tion improvements, Cook Inlet, Alaska (Anchorage Har-  
18 bor, Alaska), authorized by section 101 of the River and  
19 Harbor Act of 1958 (72 Stat. 299) and modified by sec-  
20 tion 199 of the Water Resources Development Act of 1976  
21 (90 Stat. 2944), is further modified to direct the Secretary  
22 to establish a harbor depth of minus 45 feet mean lower  
23 low water for a length of 5,200 feet at the modified Port  
24 of Anchorage intermodal marine facility at each phase as  
25 such phases are completed and thereafter as the entire

1 project is completed, at a total cost of \$8,175,000. Federal  
2 maintenance shall continue for the existing facility until  
3 the modified facility is completed. Federal maintenance of  
4 the modified project shall be in accordance with such sec-  
5 tion 101; except that the project shall be maintained at  
6 a depth of minus 45 feet mean lower low water for such  
7 5,200 feet, at an estimated annual cost of \$6,000,000.

8 (b) NAVIGATION CHANNEL.—The Secretary shall  
9 modify the channel depth to run the entire length of Fire  
10 Island Range and Point Woronzof Range maintaining the  
11 same width and modifying the depth to minus 45 feet  
12 mean lower low water in the existing Cook Inlet Naviga-  
13 tion Channel approach to Anchorage Harbor, Alaska, at  
14 a total cost of \$21,525,000. The project shall be main-  
15 tained at a depth of minus 45 mean lower low water, at  
16 an estimated annual cost of \$3,000,000.

17 **SEC. 3002. KING COVE HARBOR, ALASKA.**

18 The maximum amount of Federal funds that may be  
19 expended for the project for navigation, King Cove Har-  
20 bor, Alaska, being carried out under section 107 of the  
21 River Harbor Act of 1960 (33 U.S.C. 577), shall be  
22 \$8,000,000.

23 **SEC. 3003. SITKA, ALASKA.**

24 The Thompson Harbor, Sitka, Alaska, element of the  
25 project for navigation Southeast Alaska Harbors of Ref-

1 uge, Alaska, authorized by section 101 of the Water Re-  
2 sources Development Act of 1992 (106 Stat. 4801), is  
3 modified to direct the Secretary to take such action as  
4 may be necessary to correct design deficiencies in such ele-  
5 ment, at a Federal expense of \$6,300,000.

6 **SEC. 3004. TATITLEK, ALASKA.**

7       The maximum amount of Federal funds that may be  
8 expended for the project for navigation, Tatitlek, Alaska,  
9 being carried out under section 107 of the River and Har-  
10 bor Act of 1960 (33 U.S.C. 577), shall be \$10,000,000.

11 **SEC. 3005. NOGALES WASH AND TRIBUTARIES, ARIZONA.**

12       The project for flood control, Nogales Wash and trib-  
13 utaries, Arizona, authorized by section 101(a)(4) of the  
14 Water Resources Development Act of 1990 (104 Stat.  
15 4606) and modified by section 303 of the Water Resources  
16 Development Act of 1996 (110 Stat. 3711) and section  
17 302 of the Water Resources Development Act of 2000  
18 (114 Stat. 2600), is further modified to direct the Sec-  
19 retary to use the Mexico Plan-1st Added Increment, as  
20 described in the limited reevaluation report dated Sep-  
21 tember 13, 2002, to determine the cost allocation and cost  
22 apportionment for the project.

1 **SEC. 3006. GRAND PRAIRIE REGION AND BAYOU METO**  
2 **BASIN, ARKANSAS.**

3 The Secretary shall review the general reevaluation  
4 report for the Bayou Meto basin element of the project  
5 for Grand Prairie Region and Bayou Meto Basin, Arkan-  
6 sas, reauthorized by section 363(a) of the Water Re-  
7 sources Development Act of 1996 (110 Stat. 3730), and  
8 make a determination of whether the element is feasible,  
9 regardless of mission priorities.

10 **SEC. 3007. SAINT FRANCIS BASIN, ARKANSAS.**

11 The project for flood control, Saint Francis Basin,  
12 Missouri and Arkansas, authorized by section 204 of the  
13 Flood Control Act of 1950 (64 Stat. 172), is modified to  
14 authorize the Secretary to construct improvements along  
15 Ditch No. 1 that consist of a gated culvert through the  
16 Saint Francis Levee and related channel improvements.

17 **SEC. 3008. AMERICAN AND SACRAMENTO RIVERS, CALI-**  
18 **FORNIA.**

19 The project for flood damage reduction, American  
20 and Sacramento Rivers, California, authorized by section  
21 101(a)(1) of the Water Resources Development Act of  
22 1996 (110 Stat. 3662–3663) and modified by section 366  
23 of the Water Resources Development Act of 1999 (113  
24 Stat. 319–320), is further modified to direct the Secretary  
25 to carry out the project, at a total cost of \$205,000,000.

1 **SEC. 3009. CACHE CREEK BASIN, CALIFORNIA.**

2       The project for flood control, Cache Creek Basin,  
3 California, authorized by section 401(a) of the Water Re-  
4 sources Development Act of 1986 (100 Stat. 4112), is  
5 modified to direct the Secretary to mitigate the impacts  
6 of the new south levee of the Cache Creek settling basin  
7 on the city of Woodland's storm drainage system, includ-  
8 ing all appurtenant features, erosion control measures,  
9 and environmental protection features. Such mitigation  
10 shall restore the city's preproject capacity (1,360 cubic  
11 feet per second) to release water to the Yolo Bypass, in-  
12 cluding channel improvements, an outlet work through the  
13 west levee of the Yolo Bypass, and a new low-flow cross  
14 channel to handle city and county storm drainage and set-  
15 tling basin flows (1,760 cubic feet per second) when the  
16 Yolo Bypass is in a low flow condition.

17 **SEC. 3010. GRAYSON CREEK/MURDERER'S CREEK, CALI-**  
18 **FORNIA.**

19       The project for aquatic ecosystem restoration, Gray-  
20 son Creek/Murderer's Creek, California, being carried out  
21 under section 206 of the Water Resources Development  
22 Act of 1996 (33 U.S.C. 2330), is modified to direct the  
23 Secretary to credit toward the non-Federal share of the  
24 cost of the project the cost of work carried out by the  
25 non-Federal interest before the date of the partnership  
26 agreement for the project if the Secretary determines that

1 the work is integral to the project and to authorize the  
2 Secretary to consider national ecosystem restoration bene-  
3 fits in determining the Federal interest in the project.

4 **SEC. 3011. JOHN F. BALDWIN SHIP CHANNEL AND STOCK-**  
5 **TON SHIP CHANNEL, CALIFORNIA.**

6 The project for navigation, San Francisco to Stock-  
7 ton, California, authorized by section 301 of the River and  
8 Harbor Act of 1965 (79 Stat. 1091) is modified—

9 (1) to provide that the non-Federal share of the  
10 cost of the John F. Baldwin Ship Channel and  
11 Stockton Ship Channel element of the project may  
12 be provided in the form of in-kind services and ma-  
13 terials; and

14 (2) to direct the Secretary to credit toward the  
15 non-Federal share of the cost of such element the  
16 cost of planning and design work carried out by the  
17 non-Federal interest before the date of an agreement  
18 for such planning and design if the Secretary deter-  
19 mines that such work is integral to such element.

20 **SEC. 3012. LARKSPUR FERRY CHANNEL, LARKSPUR, CALI-**  
21 **FORNIA.**

22 The project for navigation, Larkspur Ferry Channel,  
23 Larkspur, California, authorized by section 601(d) of the  
24 Water Resources Development Act of 1986 (100 Stat.  
25 4148), is modified to direct the Secretary to prepare a



1 limited reevaluation report to determine whether mainte-  
2 nance of the project is feasible. If the Secretary deter-  
3 mines that maintenance of the project is feasible, the Sec-  
4 retary shall carry out the maintenance.

5 **SEC. 3013. LOS ANGELES HARBOR, LOS ANGELES, CALI-**  
6 **FORNIA.**

7 The project for navigation, Los Angeles Harbor, Los  
8 Angeles, California, authorized by section 101(b)(5) of the  
9 Water Resources Development Act of 2000 (114 Stat.  
10 2577), is modified to direct the Secretary to credit toward  
11 the non-Federal share of the cost of the project the cost  
12 of the planning, design, and construction work carried out  
13 by the non-Federal interest before the date of the partner-  
14 ship agreement for the project if the Secretary determines  
15 the work is integral to the project.

16 **SEC. 3014. NAPA RIVER SALT MARSH RESTORATION, NAPA**  
17 **RIVER, CALIFORNIA.**

18 In carrying out the feasibility study for the project  
19 for aquatic ecosystem restoration, Napa River Salt Marsh  
20 Restoration, Napa and Sonoma Counties, California, the  
21 Secretary shall determine whether work carried out by the  
22 non-Federal interest is integral to the project. In any case  
23 in which the work is determined to be integral to the  
24 project before completion of the final report of the Chief  
25 of Engineers on the project, such work shall be included

1 as part of the project, and the cost of such work shall  
2 be recommended in the final report for credit toward the  
3 non-Federal share of the cost of the project. Work carried  
4 out after submission of the final report and before the date  
5 of the partnership agreement for the project that is deter-  
6 mined to be integral to the project shall be considered as  
7 part of the project, and the cost of such work shall be  
8 credited toward the non-Federal share of the cost of the  
9 project.

10 **SEC. 3015. PACIFIC FLYWAY CENTER, SACRAMENTO, CALI-**  
11 **FORNIA.**

12 The project for aquatic ecosystem restoration, Pacific  
13 Flyway Center, Sacramento, California, being carried out  
14 under section 206 of the Water Resources Development  
15 Act of 1996 (33 U.S.C. 2330), is modified to authorize  
16 the Secretary to expend \$2,000,000 to enhance public ac-  
17 cess to the project.

18 **SEC. 3016. PINOLE CREEK, CALIFORNIA.**

19 The project for improvement of the quality of the en-  
20 vironment, Pinole Creek Phase I, California, being carried  
21 out under section 1135 of the Water Resources Develop-  
22 ment Act of 1986 (33 U.S.C. 2309a), is modified to direct  
23 the Secretary to credit toward the non-Federal share of  
24 the cost of the project the cost of work carried out by  
25 the non-Federal interest before the date of the partnership

1 agreement for the project if the Secretary determines that  
2 the work is integral to the project.

3 **SEC. 3017. PRADO DAM, CALIFORNIA.**

4       Upon completion of the modifications to the Prado  
5 Dam element of the project for flood control, Santa Ana  
6 River Mainstem, California, authorized by section 401(a)  
7 of the Water Resources Development Act of 1986 (100  
8 Stat. 4113), the Memorandum of Agreement for the Oper-  
9 ation for Prado Dam for Seasonal Additional Water Con-  
10 servation between the Department of the Army and the  
11 Orange County Water District (including all the condi-  
12 tions and stipulations in the memorandum) shall remain  
13 in effect for volumes of water made available prior to such  
14 modifications.

15 **SEC. 3018. SACRAMENTO DEEP WATER SHIP CHANNEL,**  
16 **CALIFORNIA.**

17       The project for navigation, Sacramento Deep Water  
18 Ship Channel, California, authorized by section 202(a) of  
19 the Water Resources Development Act of 1986 (100 Stat.  
20 4092), is modified to direct the Secretary to credit toward  
21 the non-Federal share of the cost of the project the cost  
22 of planning and design work carried out by the non-Fed-  
23 eral interest before the date of the partnership agreement  
24 for the project if the Secretary determines that the work  
25 is integral to the project.

1 **SEC. 3019. SACRAMENTO RIVER, GLENN-COLUSA, CALI-**  
2 **FORNIA.**

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

23 **SEC. 3020. SAN LORENZO RIVER, CALIFORNIA.**

24 The project for flood control, San Lorenzo River,  
25 California, authorized by section 101(a)(5) of the Water  
26 Resources Development Act of 1996 (110 Stat. 3663), is

1 modified to direct the Secretary to credit not more than  
2 \$2,000,000 toward the non-Federal share of the cost of  
3 the project for the cost of the work carried out by the  
4 non-Federal interest before the date of the partnership  
5 agreement for the project if the Secretary determines the  
6 work is integral to the project.

7 **SEC. 3021. UPPER GUADALUPE RIVER, CALIFORNIA.**

8       The project for flood damage reduction and recre-  
9 ation, Upper Guadalupe River, California, described as the  
10 Bypass Channel Plan of the Chief of Engineers dated Au-  
11 gust 19, 1998, authorized by section 101(a)(9) of the  
12 Water Resources Development Act of 1999 (113 Stat.  
13 275), is modified to authorize the Secretary to construct  
14 the project, at a total cost of \$140,328,000, with an esti-  
15 mated Federal cost of \$70,164,000, and an estimated non-  
16 Federal cost of \$70,164,000. The non-Federal share of  
17 the cost of the project shall be subject to section 103(a)(3)  
18 of the Water Resources Development Act of 1986 (33  
19 U.S.C. 2213(a)(3)).

20 **SEC. 3022. WALNUT CREEK CHANNEL, CALIFORNIA.**

21       The project for aquatic ecosystem restoration, Wal-  
22 nut Creek Channel, California, being carried out under  
23 section 206 of the Water Resources Development Act of  
24 1996 (33 U.S.C. 2330), is modified to direct the Secretary  
25 to credit toward the non-Federal share of the cost of the

1 project the cost of work carried out by the non-Federal  
2 interest before the date of the partnership agreement for  
3 the project if the Secretary determines that the work is  
4 integral to the project and to authorize the Secretary to  
5 consider national ecosystem restoration benefits in deter-  
6 mining the Federal interest in the project.

7 **SEC. 3023. WILDCAT/SAN PABLO CREEK PHASE I, CALI-**  
8 **FORNIA.**

9 The project for improvement of the quality of the en-  
10 vironment, Wildcat/San Pablo Creek Phase I, California,  
11 being carried out under section 1135 of the Water Re-  
12 sources Development Act of 1986 (33 U.S.C. 2309a), is  
13 modified to direct the Secretary to credit toward the non-  
14 Federal share of the cost of the project the cost of work  
15 carried out by the non-Federal interest before the date of  
16 the partnership agreement for the project if the Secretary  
17 determines that the work is integral to the project.

18 **SEC. 3024. WILDCAT/SAN PABLO CREEK PHASE II, CALI-**  
19 **FORNIA.**

20 The project for aquatic ecosystem restoration, Wild-  
21 cat/San Pablo Creek Phase II, California, being carried  
22 out under section 206 of the Water Resources Develop-  
23 ment Act of 1996 (33 U.S.C. 2330), is modified to direct  
24 the Secretary to credit toward the non-Federal share of  
25 the cost of the project the cost of work carried out by

1 the non-Federal interest before the date of the partnership  
2 agreement for the project if the Secretary determines that  
3 the work is integral to the project and to authorize the  
4 Secretary to consider national ecosystem restoration bene-  
5 fits in determining the Federal interest in the project.

6 **SEC. 3025. BREVARD COUNTY, FLORIDA.**

7 Section 310 of the Water Resources Development Act  
8 of 1999 (113 Stat. 301) is amended by adding at the end  
9 the following:

10 “(d) CREDIT.—After completion of the study, the  
11 Secretary shall credit toward the non-Federal share of the  
12 cost of the project the cost of nourishment and renourish-  
13 ment associated with the shore protection project incurred  
14 by the non-Federal interest to respond to damages to  
15 Brevard County beaches that are the result of a Federal  
16 navigation project, as determined in the final report for  
17 the study.”.

18 **SEC. 3026. BROWARD COUNTY AND HILLSBORO INLET,**  
19 **FLORIDA.**

20 The project for shore protection, Broward County  
21 and Hillsboro Inlet, Florida, authorized by section 301 of  
22 the River and Harbor Act of 1965 (79 Stat. 1090), and  
23 modified by section 311 of the Water Resources Develop-  
24 ment Act of 1999 (113 Stat. 301), is further modified to  
25 direct the Secretary to credit toward the non-Federal

1 share of the cost of the project the cost of mitigation con-  
2 struction and derelict erosion control structure removal  
3 carried out by the non-Federal interest before the date of  
4 the partnership agreement for the project if the Secretary  
5 determines that the work is integral to the project.

6 **SEC. 3027. GASPARILLA AND ESTERO ISLANDS, FLORIDA.**

7 The project for shore protection, Gasparilla and  
8 Estero Island segments, Lee County, Florida, authorized  
9 under section 201 of the Flood Control Act of 1965 (79  
10 Stat. 1073) by Senate Resolution dated December 17,  
11 1970, and by House Resolution dated December 15, 1970,  
12 and modified by section 309 of the Water Resources De-  
13 velopment Act of 2000 (114 Stat. 2602), is further modi-  
14 fied to direct the Secretary to credit toward the non-Fed-  
15 eral share of the cost of the project the cost of work car-  
16 ried out by the non-Federal interest before the date of the  
17 partnership agreement for the project if the Secretary de-  
18 termines that the work is integral to the project.

19 **SEC. 3028. JACKSONVILLE HARBOR, FLORIDA.**

20 The project for navigation, Jacksonville Harbor,  
21 Florida, authorized by section 101(a)(17) of the Water  
22 Resources Development Act of 1999 (113 Stat. 276), is  
23 modified to authorize the Secretary to extend the naviga-  
24 tion features in accordance with the Report of the Chief  
25 of Engineers, dated July 22, 2003, at a total cost of



1 \$14,658,000, with an estimated Federal cost of  
2 \$9,636,000 and an estimated non-Federal cost of  
3 \$5,022,000.

4 **SEC. 3029. LIDO KEY BEACH, SARASOTA, FLORIDA.**

5 The project for shore protection, Lido Key Beach,  
6 Sarasota, Florida, authorized by section 101 of the River  
7 and Harbor Act of 1970 (84 Stat. 1819), deauthorized  
8 under section 1001(b) of the Water Resources Develop-  
9 ment Act of 1986 (33 U.S.C. 579a(b)), and reauthorized  
10 by section 364(2)(A) of the Water Resources Development  
11 Act of 1999 (113 Stat. 313), is modified to direct the Sec-  
12 retary to construct the project in accordance with the fea-  
13 sibility report of October 2002, at a total cost of  
14 \$12,632,200, with an estimated Federal cost of  
15 \$7,882,493 and an estimated non-Federal cost of  
16 \$4,749,702, and at an estimated average annual cost of  
17 \$1,044,400 for periodic nourishment over the 50-year life  
18 of the project, with an estimated annual Federal cost of  
19 \$651,706 and an estimated annual non-Federal cost of  
20 \$392,694.

21 **SEC. 3030. MANATEE HARBOR, FLORIDA.**

22 The project for navigation, Manatee Harbor, Florida,  
23 authorized by section 202(a) of the Water Resources De-  
24 velopment Act of 1986 (100 Stat. 4093) and modified by

1 section 102(j) of the Water Resources Development Act  
2 of 1990 (104 Stat. 4612), is further modified—

3 (1) to include the construction of an extension  
4 of the south channel a distance of approximately  
5 1584 feet consistent with the general reevaluation  
6 report, dated April 2002, prepared by the Jackson-  
7 ville District Corps of Engineers, at a total cost of  
8 \$11,300,000, with an estimated Federal cost of  
9 \$8,475,000 and an estimated non-Federal cost of  
10 \$2,825,000;

11 (2) to direct the Secretary to credit toward the  
12 non-Federal share of the cost of the project the cost  
13 of in-kind services and materials provided for the  
14 project by the non-Federal interest;

15 (3) to direct the Secretary to credit toward the  
16 non-Federal share of the cost of the project the cost  
17 of planning, design, and construction work carried  
18 out by the non-Federal interest before the date of  
19 the partnership agreement for the project if the Sec-  
20 retary determines that the work is integral to the  
21 project; and

22 (4) to authorize the Secretary to carry out the  
23 project as modified at a total cost of \$61,500,000.

1 **SEC. 3031. MIAMI HARBOR, FLORIDA.**

2       The project for navigation, Miami Harbor Channel,  
3 Florida, authorized by section 101(a)(9) of the Water Re-  
4 sources Development Act of 1990 (104 Stat. 4606) and  
5 modified by section 315 of the Water Resources Develop-  
6 ment Act of 1999 (113 Stat. 302), is further modified to  
7 include as a project purpose environmental mitigation re-  
8 quired before July 18, 2003, by a Federal, State, or local  
9 environmental agency for unauthorized or unanticipated  
10 environmental impacts within, or in the vicinity of, the au-  
11 thorized project.

12 **SEC. 3032. TAMPA HARBOR, FLORIDA.**

13       The project for navigation, Tampa Harbor, Florida,  
14 referred to in section 4 of the Rivers and Harbors Act  
15 of September 22, 1922 (42 Stat. 1042), is modified to  
16 direct the Secretary to credit toward the non-Federal  
17 share of the cost of the project the cost of planning, de-  
18 sign, and construction work carried out by the non-Fed-  
19 eral interest before the date of the partnership agreement  
20 for the project if the Secretary determines that the work  
21 is integral to the project.

22 **SEC. 3033. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.**

23       The project for navigation, Tampa Harbor-Big Bend  
24 Channel, Florida, authorized by section 101(a)(18) of the  
25 Water Resources Development Act of 1999 (113 Stat.  
26 276) is modified to direct the Secretary to credit toward

1 the non-Federal share of the cost of the project the cost  
2 of planning, design, and construction work carried out by  
3 the non-Federal interest before the date of the partnership  
4 agreement for the project if the Secretary determines that  
5 the work is integral to the project.

6 **SEC. 3034. TAMPA HARBOR-CUT B, FLORIDA.**

7 The project for navigation, Tampa Harbor, Florida,  
8 authorized by section 101 of the River and Harbor Act  
9 of 1970 (84 Stat. 1818), is modified to authorize the Sec-  
10 retary to construct passing lanes in an area approximately  
11 3.5 miles long and centered on Tampa Bay Cut B if the  
12 Secretary determines that such improvements are nec-  
13 essary for navigation safety.

14 **SEC. 3035. LITTLE WOOD RIVER, GOODING, IDAHO.**

15 The project for flood damage reduction, Little Wood  
16 River, Gooding, Idaho, being carried out under section  
17 205 of the Flood Control Act of 1948 (33 U.S.C. 701s),  
18 is modified—

19 (1) to authorize the non-Federal interest to pro-  
20 vide any portion of the non-Federal share of the cost  
21 of the project in the form of services, materials, sup-  
22 plies, or other in-kind contributions;

23 (2) to authorize the non-Federal interest to use  
24 funds made available under any other Federal pro-  
25 gram toward the non-Federal share of the cost of

1 the project if such use of the funds is permitted  
2 under the other Federal program; and

3 (3) to direct the Secretary, in calculating the  
4 non-Federal share of the cost of the project, to make  
5 a determination under section 103(m) of the Water  
6 Resources Development Act of 1986 (33 U.S.C.  
7 2213(m)) on the non-Federal interest's ability to  
8 pay.

9 **SEC. 3036. CHICAGO SANITARY AND SHIP CANAL, ILLINOIS.**

10 (a) ONGOING PROJECT.—The project for improve-  
11 ment of the quality of the environment, Chicago Sanitary  
12 and Ship Canal, Illinois, being carried out under section  
13 1135 of the Water Resources Development Act of 1986  
14 (33 U.S.C. 2309a) to provide for a dispersal barrier for  
15 invasive species, is modified to allow that Federal assist-  
16 ance made available through other Federal agencies may  
17 be used toward payment of the non-Federal share of the  
18 costs of the project.

19 (b) NEW WORK.—The Secretary shall conduct a  
20 study of a project for the improvement of the quality of  
21 the environment, Chicago Sanitary and Ship Canal, Illi-  
22 nois, and if the Secretary determines that the project is  
23 appropriate, shall carry out a project under section 1135  
24 of the Water Resources Development Act of 1986 (33  
25 U.S.C. 2309a), including upgrades or improvements to the

1 existing barrier for aquatic invasive species. Federal as-  
2 sistance made available by other Federal agencies may be  
3 used toward payment of the non-Federal share of the cost  
4 of the project.

5 **SEC. 3037. HENNEPIN-HOPPER LAKES, ILLINOIS.**

6 (a) PROJECT PURPOSE.—The project for flood con-  
7 trol, Hennepin levees, Illinois, authorized by the Flood  
8 Control Act of June 26, 1936 (35 Stat. 1583), is modified  
9 to add environmental restoration as a project purpose.

10 (b) MAXIMUM AMOUNT.—The maximum amount of  
11 Federal funds that may be expended for the project for  
12 improvement of the quality of the environment, Hennepin-  
13 Hopper Lakes, Illinois, being carried out under section  
14 1135 of the Water Resources Development Act of 1986  
15 (33 U.S.C. 2309a), shall be \$7,500,000.

16 (c) LIMITATION.—Nothing in this section shall affect  
17 the eligibility of the project for emergency repair assist-  
18 ance under section 5(a) of the Act entitled “An Act au-  
19 thorizing the construction of certain public works on rivers  
20 and harbors for flood control, and for other purposes”,  
21 approved August 18, 1941 (33 U.S.C. 701n).

22 **SEC. 3038. MISSISSIPPI RIVER AND BIG MUDDY RIVER, ILLI-**  
23 **NOIS.**

24 (a) IN GENERAL.—The project for flood control, Mis-  
25 sissippi River and Big Muddy River, Illinois, authorized

1 by the Flood Control Act of 1938, is modified to authorize  
2 the Secretary to carry out repair and rehabilitation of the  
3 project at a total cost of \$22,600,000, with an estimated  
4 Federal cost of \$16,950,000 and an estimated non-Fed-  
5 eral cost of \$5,650,000, and to perform operation and  
6 maintenance of the project thereafter.

7 (b) OTHER ASSISTANCE.—Federal assistance made  
8 available through the Department of Agriculture may be  
9 used toward payment of the non-Federal share of the costs  
10 of the repair and rehabilitation under this section.

11 (c) UNITED STATES LANDS.—Costs under this sec-  
12 tion for the repair and rehabilitation allocable to the pro-  
13 tection of lands owned by the United States shall be a  
14 Federal responsibility. The Secretary shall seek reimburse-  
15 ment from the Secretary of Agriculture for the costs allo-  
16 cated to protecting lands owned by the Department of Ag-  
17 riculture.

18 (d) OPERATION AND MAINTENANCE OF NON-FED-  
19 ERAL LANDS.—The cost of operation and maintenance  
20 under this section allocated to protecting non-Federal  
21 lands shall be a non-Federal responsibility.

22 **SEC. 3039. SPUNKY BOTTOMS, ILLINOIS.**

23 (a) PROJECT PURPOSE.—The project for flood con-  
24 trol at Spunky Bottoms, Illinois, authorized by section 5  
25 of the Flood Control Act of June 26, 1936 (35 Stat.

1 1584), is modified to add environmental restoration as a  
2 project purpose.

3 (b) **MAXIMUM AMOUNT.**—The maximum amount of  
4 Federal funds that may be expended for the project for  
5 improvement of the quality of the environment, Spunky  
6 Bottoms, Illinois, being carried out under section 1135 of  
7 the Water Resources Development Act of 1986 (33 U.S.C.  
8 2309a), shall be \$7,500,000.

9 (c) **LIMITATION.**—Nothing in this section shall affect  
10 the eligibility of the project for emergency repair assist-  
11 ance under section 5(a) of the Act entitled “An Act au-  
12 thorizing the construction of certain public works on rivers  
13 and harbors for flood control, and for other purposes”,  
14 approved August 18, 1941 (33 U.S.C. 701n).

15 **SEC. 3040. EMIQUON, ILLINOIS.**

16 (a) **MAXIMUM AMOUNT.**—The maximum amount of  
17 Federal funds that may be expended for the project for  
18 aquatic ecosystem restoration, Emiquon, Illinois, being  
19 carried out under section 206 of the Water Resources De-  
20 velopment Act of 1996 (33 U.S.C. 2330), shall be  
21 \$7,500,000.

22 (b) **LIMITATION.**—Nothing in this section shall affect  
23 the eligibility of the project for emergency repair assist-  
24 ance under section 5(a) of the Act entitled “An Act au-  
25 thorizing the construction of certain public works on rivers



1 and harbors for flood control, and for other purposes”,  
2 approved August 18, 1941 (33 U.S.C. 701n).

3 **SEC. 3041. LITTLE CALUMET RIVER, INDIANA.**

4 The project for flood control, Little Calumet River,  
5 Indiana, authorized by section 401(a) of the Water Re-  
6 sources Development Act of 1986 (100 Stat. 4115), is  
7 modified to authorize the Secretary to carry out the  
8 project in accordance with the postauthorization change  
9 report dated August 2000, at a total cost of  
10 \$186,300,000, with an estimated Federal cost of  
11 \$136,600,000 and an estimated non-Federal cost of  
12 \$49,700,000.

13 **SEC. 3042. WHITE RIVER, INDIANA.**

14 The project for flood control, Indianapolis on West  
15 Fork of White River, Indiana, authorized by section 5 of  
16 the Act entitled “An Act authorizing the construction of  
17 certain public works on rivers and harbors for flood con-  
18 trol, and other purposes”, approved June 22, 1936 (49  
19 Stat. 1586), and modified by section 323 of the Water  
20 Resources Development Act of 1996 (110 Stat. 3716) and  
21 section 322 of the Water Resources Development Act of  
22 1999 (113 Stat. 303–304), is further modified to author-  
23 ize the Secretary to undertake the riverfront alterations  
24 described in the Central Indianapolis Waterfront Concept  
25 Plan, dated February 1994, for the Fall Creek Reach fea-

1 ture, at a total cost of \$28,545,000 and to direct the Sec-  
2 retary to credit toward the non-Federal share of the cost  
3 of the project the cost of planning, design, and construc-  
4 tion work carried out by the non-Federal interest before  
5 the date of the partnership agreement for the project if  
6 the Secretary determines that the work is integral to the  
7 project.

8 **SEC. 3043. WOLF LAKE, INDIANA.**

9       The project for aquatic ecosystem restoration, Wolf  
10 Lake, Indiana, being carried out under section 206 of the  
11 Water Resources Development Act of 1996 (33 U.S.C.  
12 2330), is modified to direct the Secretary to credit toward  
13 the non-Federal share of the cost of the project the cost  
14 of planning, design, and construction work carried out by  
15 the non-Federal interest before the date of the partnership  
16 agreement for the project if the Secretary determines that  
17 the work is integral to the project.

18 **SEC. 3044. PRESTONSBURG, KENTUCKY.**

19       The Prestonsburg, Kentucky, element of the project  
20 for flood control, Levisa and Tug Fork of the Big Sandy  
21 and Cumberland Rivers, West Virginia, Virginia, and Ken-  
22 tucky, authorized by section 202(a) of the Energy and  
23 Water Development Appropriations Act, 1981 (94 Stat.  
24 1339), is modified to direct the Secretary to take measures

1 to provide a 100-year level of flood protection for the city  
2 of Prestonsburg.

3 **SEC. 3045. AMITE RIVER AND TRIBUTARIES, LOUISIANA,**  
4 **EAST BATON ROUGE PARISH WATERSHED.**

5 The project for flood damage reduction and recre-  
6 ation, Amite River and Tributaries, Louisiana, East  
7 Baton Rouge Parish Watershed, authorized by section  
8 101(a)(21) of the Water Resources Development Act of  
9 1999 (113 Stat. 277) and modified by section 116 of Divi-  
10 sion D of Public Law 108–7 (117 Stat. 140), is further  
11 modified to direct the Secretary to carry out the project  
12 with the cost sharing for the project determined in accord-  
13 ance with section 103(a) of the Water Resources Develop-  
14 ment Act of 1986 (33 U.S.C. 2213(a)), as in effect on  
15 October 11, 1996.

16 **SEC. 3046. ATCHAFALAYA BASIN, LOUISIANA.**

17 (a) IN GENERAL.—Section 315(a)(1) of the Water  
18 Resources Development Act of 2000 (114 Stat. 2603–  
19 2604) is amended to read as follows:

20 “(1) is authorized to study, design, construct,  
21 operate, and maintain, at Federal expense, a Type  
22 A Regional Visitor Center in the vicinity of Morgan  
23 City, Louisiana, in consultation with the State of  
24 Louisiana, to provide information to the public on  
25 the Atchafalaya River system and other associated

1 waterways that have influenced surrounding commu-  
2 nities, and national and local water resources devel-  
3 opment of the Army Corps of Engineers in South  
4 Central Louisiana; and”.

5 (b) TECHNICAL CORRECTION.—Section 315(b) of  
6 such Act is amended by striking “(a)” and inserting  
7 “(a)(2)”.

8 (c) DONATIONS.—Section 315 of such Act is amend-  
9 ed by adding at the end the following:

10 “(c) DONATIONS.—In carrying out subsection (a)(1),  
11 the Mississippi River Commission is authorized to accept  
12 the donation of cash, funds, lands, materials, and services  
13 from non-Federal governmental entities and nonprofit cor-  
14 porations.”.

15 **SEC. 3047. PUBLIC ACCESS, ATCHAFALAYA BASIN**  
16 **FLOODWAY SYSTEM, LOUISIANA.**

17 The public access feature of the Atchafalaya Basin  
18 Floodway System, Louisiana, project, authorized by the  
19 Water Resources Development Act 1986 (100 Stat. 4142),  
20 is modified to authorize the Secretary to acquire from will-  
21 ing sellers the fee interest, exclusive of oil, gas, and min-  
22 erals, of an additional 20,000 acres of land within the  
23 Lower Atchafalaya Basin Floodway for the public access  
24 feature of the Atchafalaya Basin Floodway System, to en-

1 hance fish and wildlife resources, at a total cost of  
2 \$4,000,000.

3 **SEC. 3048. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI**  
4 **RIVER TO SHREVEPORT, LOUISIANA.**

5 The project for mitigation of fish and wildlife losses,  
6 J. Bennett Johnston Waterway, Mississippi River to  
7 Shreveport, Louisiana, authorized by section 601(a) of the  
8 Water Resources Development Act of 1986 (100 Stat.  
9 4142) and modified by section 4(h) of the Water Re-  
10 sources Development Act of 1988 (102 Stat. 4016), sec-  
11 tion 102(p) of the Water Resources Development Act of  
12 1990 (104 Stat. 4613), section 301(b)(7) of the Water  
13 Resources Development Act of 1996 (110 Stat. 3710), and  
14 section 316 of the Water Resources Development Act of  
15 2000 (114 Stat. 2572), is further modified to authorize  
16 the purchase and reforestation of lands which have been  
17 cleared or converted to agricultural uses.

18 **SEC. 3049. MISSISSIPPI DELTA REGION, LOUISIANA.**

19 The Mississippi Delta Region project, Louisiana, au-  
20 thorized as part of the project for hurricane-flood protec-  
21 tion on Lake Pontchartrain, Louisiana, by section 204 of  
22 the Flood Control Act of 1965 (79 Stat. 1077) and modi-  
23 fied by section 365 of the Water Resources Development  
24 Act of 1996 (110 Stat. 3739), is further modified to direct  
25 the Secretary to credit toward the non-Federal share of

1 the cost of the project the costs of relocating oyster beds  
2 in the Davis Pond project area if the Secretary determines  
3 that the work is integral to the Mississippi Delta Region  
4 project.

5 **SEC. 3050. NEW ORLEANS TO VENICE, LOUISIANA.**

6 The New Orleans to Venice, Louisiana, project for  
7 hurricane protection, authorized by section 203 of the  
8 Flood Control Act of 1962 (76 Stat. 1184), is modified  
9 to authorize the Secretary to carry out the work on the  
10 St. Jude to City Price, Upper Reach A back levee. The  
11 Federal share of the cost of such work shall be 70 percent.

12 **SEC. 3051. WEST BANK OF THE MISSISSIPPI RIVER (EAST**  
13 **OF HARVEY CANAL), LOUISIANA.**

14 Section 328 of the Water Resources Development Act  
15 of 1999 (113 Stat. 304–305) is amended—

16 (1) in subsection (a)—

17 (A) by striking “operation and mainte-  
18 nance” and inserting “operation, maintenance,  
19 rehabilitation, repair, and replacement”; and

20 (B) by striking “Algiers Channel” and in-  
21 sserting “Algiers Canal Levees”; and

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

23 “(c) COST SHARING.—The non-Federal share of the  
24 cost of the project shall be 35 percent.”.

1 **SEC. 3052. CAMP ELLIS, SACO, MAINE.**

2 The maximum amount of Federal funds that may be  
3 expended for the project being carried out under section  
4 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i)  
5 for the mitigation of shore damages attributable to the  
6 project for navigation, Camp Ellis, Saco, Maine, shall be  
7 \$10,000,000.

8 **SEC. 3053. UNION RIVER, MAINE.**

9 The project for navigation, Union River, Maine, au-  
10 thorized by the first section of the Act entitled “An Act  
11 making appropriations for the construction, repair, and  
12 preservation of certain public works on rivers and harbors,  
13 and for other purposes”, approved June 3, 1896 (29 Stat.  
14 215), is modified by redesignating as an anchorage area  
15 that portion of the project consisting of a 6-foot turning  
16 basin and lying northerly of a line commencing at a point  
17 N315,975.13, E1,004,424.86 thence running north 61 de-  
18 grees 27 minutes 20.71 seconds west about 132.34 feet  
19 to a point N316,038.37, E1,004,308.61.

20 **SEC. 3054. CASS RIVER, SPAULDING TOWNSHIP, MICHIGAN.**

21 (a) IN GENERAL.—The project for flood damage re-  
22 duction, Cass River, Spaulding Township, Saginaw Coun-  
23 ty, Michigan, being carried out under section 205 of the  
24 Flood Control Act of 1948 (33 U.S.C. 701s), is modified  
25 to incorporate flood control works constructed by the non-  
26 Federal interests between Sheridan Road and East Street

1 (M-13) if the Secretary determines that the inclusion of  
2 such flood control works is feasible and to authorize the  
3 Secretary to carry out the project in accordance with the  
4 report prepared by the non-Federal interest if the Sec-  
5 retary determines that the report meets the evaluation and  
6 design standards of the Corps of Engineers and that the  
7 project is feasible.

8 (b) CREDIT.—The Secretary shall credit toward the  
9 non-Federal share of the cost of the project the cost of  
10 work carried out by the non-Federal interest before the  
11 date of the partnership agreement for the project if the  
12 Secretary determines that the work is integral to the  
13 project.

14 **SEC. 3055. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.**  
15 **GAN.**

16 (a) IN GENERAL.—The project for emergency  
17 streambank and shoreline protection, Detroit River Shore-  
18 line, Detroit, Michigan, being carried out under section 14  
19 of the Flood Control Act of 1946 (33 U.S.C. 701r), is  
20 modified to include measures to enhance public access.

21 (b) MAXIMUM FEDERAL EXPENDITURE.—The max-  
22 imum amount of Federal funds that may be expended for  
23 the project shall be \$3,000,000.



1 **SEC. 3056. WATER RESOURCES INSTITUTE, MUSKEGON,**  
2 **MICHIGAN.**

3 (a) **IN GENERAL.**—The project for emergency  
4 streambank and shoreline protection, Water Resources In-  
5 stitute, Muskegon, Michigan, being carried out under sec-  
6 tion 14 of the Flood Control Act of 1946 (33 U.S.C.  
7 701r), is modified to provide for completion of shoreline  
8 protection measures in accordance with the approved  
9 plans and specifications for Grand Valley State University,  
10 Lake Michigan Center, dated August 6, 2001.

11 (b) **MAXIMUM FEDERAL EXPENDITURE.**—The max-  
12 imum amount of Federal funds that may be expended for  
13 the project shall be \$2,000,000.

14 (c) **CREDIT.**—The Secretary shall credit toward the  
15 non-Federal share of the cost of the project the cost of  
16 design and implementation of shoreline protection meas-  
17 ures carried out by the non-Federal interest before the  
18 date of the partnership agreement for the project if the  
19 Secretary determines that the work is integral to the  
20 project.

21 **SEC. 3057. SAGINAW RIVER, BAY CITY, MICHIGAN.**

22 The maximum amount of Federal funds that may be  
23 expended for the project for emergency streambank pro-  
24 tection, Saginaw River, Bay City, Michigan, being carried  
25 out under section 14 of the Flood Control Act of 1946  
26 (33 U.S.C. 701r), shall be \$2,000,000.

1 **SEC. 3058. ADA, MINNESOTA.**

2 (a) IN GENERAL.—The project for flood damage re-  
3 duction, Wild Rice River, Ada, Minnesota, being carried  
4 out under section 205 of the Flood Control Act of 1948  
5 (33 U.S.C. 701s), is modified to authorize the Secretary  
6 to consider national ecosystem restoration benefits in de-  
7 termining the Federal interest in the project.

8 (b) EVALUATION OF BENEFITS AND COSTS.—In  
9 evaluating the economic benefits and costs for the project,  
10 the Secretary shall not consider the emergency levee adja-  
11 cent to Judicial Ditch No. 51 in the determination of con-  
12 ditions existing prior to construction of the project.

13 (c) SPECIAL RULE.—In evaluating and implementing  
14 the project, the Secretary shall allow the non-Federal in-  
15 terest to participate in the financing of the project in ac-  
16 cordance with section 903(c) of the Water Resources De-  
17 velopment Act of 1986 (100 Stat. 4184) to the extent that  
18 the Secretary's evaluation indicates that applying such  
19 section is necessary to implement the project.

20 **SEC. 3059. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.**

21 (a) IN GENERAL.—The project for navigation, Du-  
22 luth Harbor, McQuade Road, Minnesota, being carried out  
23 under section 107 of the River and Harbor Act of 1960  
24 (33 U.S.C. 577) and modified by section 321 of the Water  
25 Resources Development Act of 2000 (114 Stat. 2605), is  
26 further modified to authorize the Secretary to provide

1 public access and recreational facilities as generally de-  
2 scribed in the Detailed Project Report and Environmental  
3 Assessment, McQuade Road Harbor of Refuge, Duluth,  
4 Minnesota, dated August 1999.

5 (b) CREDIT.—The Secretary shall provide credit to-  
6 ward the non-Federal share of the cost of the project for  
7 the costs of design work carried out before the date of  
8 the partnership agreement for the project if the Secretary  
9 determines that the work is integral to the project.

10 (c) MAXIMUM FEDERAL EXPENDITURE.—The max-  
11 imum amount of Federal funds that may be expended for  
12 the project shall be \$5,000,000.

13 **SEC. 3060. GRAND PORTAGE HARBOR, MINNESOTA.**

14 The Secretary shall provide credit toward the non-  
15 Federal share of the cost of the navigation project for  
16 Grand Portage Harbor, Minnesota, carried out under sec-  
17 tion 107 of the River and Harbor Act of 1960 (33 U.S.C.  
18 577) and modified by section 312 of the Water Resources  
19 Development Act of 2000 (114 Stat. 2605), for the costs  
20 of design work carried out before the date of the partner-  
21 ship agreement for the project if the Secretary determines  
22 that the work is integral to the project.

23 **SEC. 3061. GRANITE FALLS, MINNESOTA.**

24 (a) IN GENERAL.—The Secretary is directed to im-  
25 plement under section 205 of the Flood Control Act of

1 1948 (33 U.S.C. 701s) the locally preferred plan for flood  
2 damage reduction, Granite Falls, Minnesota, substantially  
3 in accordance with the detailed project report dated 2002,  
4 at a total cost of \$12,000,000, with an estimated Federal  
5 cost of \$8,000,000 and an estimated non-Federal cost of  
6 \$4,000,000.

7 (b) PROJECT FINANCING.—In evaluating and imple-  
8 menting the project under this section, the Secretary shall  
9 allow the non-Federal interests to participate in the fi-  
10 nancing of the project in accordance with section 903(c)  
11 of the Water Resources Development Act of 1986 (100  
12 Stat. 4184), to the extent that the detailed project report  
13 evaluation indicates that applying such section is nec-  
14 essary to implement the project.

15 (c) CREDIT.—The Secretary shall credit toward the  
16 non-Federal share of the project the cost of design and  
17 construction work carried out by the non-Federal interest  
18 before date of execution of a partnership agreement for  
19 the project if the Secretary determines that the work is  
20 integral to the project.

21 (d) MAXIMUM FUNDING.—The maximum amount of  
22 Federal funds that may be expended for the flood damage  
23 reduction shall be \$8,000,000.

1 **SEC. 3062. MINNEAPOLIS, MINNESOTA.**

2 Section 527 of the Water Resources Development Act  
3 of 2000 (114 Stat. 2657) is amended—

4 (1) in subsection (a) by inserting after “June  
5 30, 1999” the following “, and including Hennepin  
6 Island and adjacent areas on the east side of the  
7 Mississippi River”; and

8 (2) in subsection (c) by striking “\$10,000,000”  
9 and inserting “\$25,000,000”.

10 **SEC. 3063. RED LAKE RIVER, MINNESOTA.**

11 The project for flood control, Red Lake River at  
12 Crookston, Minnesota, authorized by section 101(a)(23) of  
13 the Water Resources Development Act of 1999 (113 Stat.  
14 278), is modified to include flood protection for the adja-  
15 cent and interconnected areas generally known as the  
16 Sampson and Chase/Loring neighborhoods, in accordance  
17 with the Feasibility Report Supplement, Local Flood Pro-  
18 tection, Crookston, Minnesota, at a total cost of  
19 \$25,000,000, with an estimated Federal cost of  
20 \$16,250,000 and an estimated non-Federal cost of  
21 \$8,750,000.

22 **SEC. 3064. SILVER BAY, MINNESOTA.**

23 The project for navigation, Silver Bay, Minnesota,  
24 authorized by section 2 of the Rivers and Harbors Act  
25 of March 2, 1945 (59 Stat. 19), is modified to include

1 operation and maintenance of the general navigation fa-  
2 cilities as a Federal responsibility.

3 **SEC. 3065. TACONITE HARBOR, MINNESOTA.**

4 The project for navigation, Taconite Harbor, Min-  
5 nesota, carried out under section 107 of the River and  
6 Harbor Act of 1960 (33 U.S.C. 577), is modified to in-  
7 clude operation and maintenance of the general navigation  
8 facilities as a Federal responsibility.

9 **SEC. 3066. TWO HARBORS, MINNESOTA.**

10 (a) IN GENERAL.—The project for navigation, Two  
11 Harbors, Minnesota, being carried out under section 107  
12 of the River and Harbor Act of 1960 (33 U.S.C. 577),  
13 is modified to include construction of a dredged material  
14 disposal facility, including actions required to clear the  
15 site.

16 (b) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—  
17 Non-Federal interests shall be responsible for providing all  
18 lands, easements, rights-of-way, and relocations necessary  
19 for the construction of the dredged material disposal facil-  
20 ity.

21 (c) MAXIMUM FEDERAL EXPENDITURE.—The max-  
22 imum amount of Federal funds that may be expended for  
23 the project shall be \$5,000,000.

1 **SEC. 3067. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.**

2       The project for ecosystem restoration, Deer Island,  
3 Harrison County, Mississippi, being carried out under sec-  
4 tion 204 of the Water Resources Development Act of 1992  
5 (33 U.S.C. 2326) is modified to authorize the non-Federal  
6 interest to provide any portion of the non-Federal share  
7 of the cost of the project in the form of services, materials,  
8 supplies, or other in-kind contributions.

9 **SEC. 3068. BOIS BRULE DRAINAGE AND LEVEE DISTRICT,**  
10 **MISSOURI.**

11       The maximum amount of Federal funds that may be  
12 expended for the project for flood damage reduction, Bois  
13 Brule Drainage and Levee District, Missouri, being car-  
14 ried out under section 205 of the Flood Control Act of  
15 1948 (33 U.S.C. 701s), shall be \$25,000,000.

16 **SEC. 3069. SAND CREEK WATERSHED, WAHOO, NEBRASKA.**

17       The project for ecosystem restoration and flood dam-  
18 age reduction, Sand Creek watershed, Wahoo, Nebraska,  
19 authorized by section 101(b)(20) of the Water Resources  
20 Development Act of 2000 (114 Stat. 2578), is modified—

21           (1) to direct the Secretary to provide credit to-  
22 ward the non-Federal share of the cost of the project  
23 or reimbursement for the costs of any work that has  
24 been or will be performed by the non-Federal inter-  
25 est before, on, or after the approval of the project  
26 partnership agreement, including work performed by

1 the non-Federal interest in connection with the de-  
2 sign and construction of 7 upstream detention stor-  
3 age structures, if the Secretary determines that the  
4 work is integral to the project;

5 (2) to require that in-kind work to be credited  
6 under paragraph (1) be subject to audit; and

7 (3) to direct the Secretary to accept advance  
8 funds from the non-Federal interest as needed to  
9 maintain the project schedule.

10 **SEC. 3070. ALAMOGORDO, NEW MEXICO.**

11 The Secretary shall review the general reevaluation  
12 report, dated March 1999, for the project for flood protec-  
13 tion, Alamogordo, New Mexico, authorized by section 203  
14 of the Flood Control Act of 1962 (76 Stat. 85), and deter-  
15 mine if the locally preferred flood detention basin would  
16 provide the same level of flood protection for the north  
17 side of the city of Alamogordo at a cost that is not greater  
18 than the cost of authorized channel improvements. If the  
19 Secretary determines that the flood detention basin is fea-  
20 sible, would not provide a lesser level of flood protection,  
21 and can be constructed at the no additional cost, the Sec-  
22 retary may construct the flood detention basin instead of  
23 the channel improvements. The Federal share of the cost  
24 of the flood detention basin alternative shall be calculated



1 in the same manner as if the channel improvements  
2 project was being constructed.

3 **SEC. 3071. ORCHARD BEACH, BRONX, NEW YORK.**

4 The project for shoreline protection, Orchard Beach,  
5 Bronx, New York, authorized by section 554 of the Water  
6 Resources Development Act of 1996 (110 Stat. 3781), is  
7 modified to authorize the Secretary to construct the  
8 project, at a total cost of \$18,200,000.

9 **SEC. 3072. TIMES BEACH, BUFFALO, NEW YORK.**

10 The project for improvement of the quality of the en-  
11 vironment, Times Beach, Buffalo, New York, being car-  
12 ried out under section 1135 of the Water Resources Devel-  
13 opment Act of 1986 (100 Stat. 4251), is modified to direct  
14 the Secretary to credit not more than \$750,000 toward  
15 the non-Federal share of the cost of the project for the  
16 cost of planning, design, and construction work carried out  
17 by the non-Federal interest before the date of the partner-  
18 ship agreement for the project if the Secretary determines  
19 the work is integral to the project.

20 **SEC. 3073. PORT OF NEW YORK AND NEW JERSEY, NEW**  
21 **YORK AND NEW JERSEY.**

22 The navigation project, Port of New York and New  
23 Jersey, New York and New Jersey, authorized by section  
24 101(a)(2) of the Water Resources Development Act of  
25 2000 (114 Stat. 2576), is modified—

1           (1) to authorize the Secretary to allow the non-  
2 Federal interest to construct a temporary dredged  
3 material storage facility to receive dredged material  
4 from the project if—

5           (A) the non-Federal interest submits, in  
6 writing, a list of potential sites for the tem-  
7 porary storage facility to the Committee on  
8 Transportation and Infrastructure of the House  
9 of Representatives, the Committee on Environ-  
10 ment and Public Works of the Senate, and the  
11 Secretary at least 180 days before the selection  
12 of the final site; and

13           (B) at least 70 percent of the dredged ma-  
14 terial generated in connection with the project  
15 suitable for beneficial reuse will be used at sites  
16 in the State of New Jersey to the extent that  
17 there are sufficient sites available; and

18           (2) to direct the Secretary to credit toward the  
19 non-Federal share of the cost of the project the cost  
20 of construction of the temporary storage facility if  
21 the Secretary determines that the work is integral to  
22 the project.

1 **SEC. 3074. NEW YORK STATE CANAL SYSTEM.**

2 Section 553(c) of the Water Resources Development  
3 Act of 1996 (110 Stat. 3781) is amended to read as fol-  
4 lows:

5 “(c) NEW YORK STATE CANAL SYSTEM DEFINED.—  
6 In this section, the term ‘New York State Canal System’  
7 means the 524 miles of navigable canal that comprise the  
8 New York State Canal System, including the Erie, Ca-  
9 yuga-Seneca, Oswego, and Champlain Canals and the his-  
10 toric alignments of these canals, including the cities of Al-  
11 bany and Buffalo.”.

12 **SEC. 3075. ARCADIA LAKE, OKLAHOMA.**

13 Payments made by the city of Edmond, Oklahoma,  
14 to the Secretary in October 1999 of all costs associated  
15 with present and future water storage costs at Arcadia  
16 Lake, Oklahoma, under Arcadia Lake Water Storage Con-  
17 tract Number DACW56–79–C–002 shall satisfy the obli-  
18 gations of the city under that contract.

19 **SEC. 3076. WILLAMETTE RIVER TEMPERATURE CONTROL,**  
20 **MCKENZIE SUBBASIN, OREGON.**

21 (a) IN GENERAL.—The project for environmental  
22 restoration, Willamette River Temperature Control,  
23 McKenzie Subbasin, Oregon, authorized by section  
24 101(a)(25) of the Water Resources Development Act of  
25 1996 (110 Stat. 3665) and modified by section 344 of  
26 the Water Resources Development Act of 1999 (113 Stat.

1 308), is further modified to direct the Secretary to pay,  
2 subject to the availability of appropriations, compensation  
3 for losses to small business attributable to the implemen-  
4 tation of the drawdown conducted as a part of project im-  
5 plementation in 2002.

6 (b) ESTABLISHMENT OF PROGRAM.—Not later than  
7 120 days after the date of enactment of this Act, the Sec-  
8 retary shall establish, and provide public notice of, a pro-  
9 gram—

10 (1) to receive claims for compensation for losses  
11 to small business attributable to the implementation  
12 of the drawdown conducted as a part of project im-  
13 plementation in 2002;

14 (2) to evaluate claims for such losses; and

15 (3) to pay claims for such losses.

16 (c) IMPLEMENTATION OF PROGRAM.—In carrying  
17 out the program established under subsection (b), the Sec-  
18 retary shall provide—

19 (1) public notice of the existence of the pro-  
20 gram sufficient to reach those in the area that may  
21 have suffered losses to small businesses;

22 (2) a period for the submission of claims of not  
23 fewer than 45 days and not greater than 75 days  
24 from the date of the first public notice of the exist-  
25 ence of the program;

1           (3) for the evaluation of each claim submitted  
2           to the Secretary under the program and a deter-  
3           mination of whether the claim constitutes a loss to  
4           a small business on or before the last day of the 30-  
5           day period beginning on the date of submission of  
6           the claim; and

7           (4) for the payment of each claim that the Sec-  
8           retary determines constitutes a loss to a small busi-  
9           ness on or before the last day of the 30-day period  
10          beginning on the date of the Secretary's determina-  
11          tion.

12          (d) LOSS TO A SMALL BUSINESS DEFINED.—In this  
13          section, the term “loss to a small business” means docu-  
14          mented financial losses associated with commercial activ-  
15          ity of a small business that can be attributed to the tur-  
16          bidity levels in the McKenzie River being higher than  
17          those anticipated in the original planning documents and  
18          public announcements existing before the initiation of the  
19          drawdown in 2002. Commercial losses include decline in  
20          sales, loss of revenue (including loss of revenue from can-  
21          celed or delayed reservations at lodging establishments),  
22          and any other financial losses that can be shown to be  
23          associated with the elevated turbidity levels in the  
24          McKenzie River in 2002.

1 (e) PAYMENT OF CLAIMS.—The payment of claims  
2 for losses to small businesses shall be a Federal responsi-  
3 bility.

4 **SEC. 3077. FRENCH CREEK, UNION CITY DAM, PENNSYL-**  
5 **VANIA.**

6 The project for flood control French Creek, Union  
7 City Dam, Pennsylvania, authorized by section 203 of the  
8 Flood Control Act of 1962 (76 Stat. 1189), is modified  
9 to include recreation as a project purpose.

10 **SEC. 3078. LACKAWANNA RIVER AT OLYPHANT, PENNSYL-**  
11 **VANIA.**

12 The project for flood control, Lackawanna River at  
13 Olyphant, Pennsylvania, authorized by section 101(16) of  
14 the Water Resources Development Act of 1992 (106 Stat.  
15 4803), is modified to authorize the Secretary to construct  
16 the project, at a total cost of \$20,000,000.

17 **SEC. 3079. LACKAWANNA RIVER AT SCRANTON, PENNSYL-**  
18 **VANIA.**

19 The project for flood control, Lackawanna River at  
20 Scranton, Pennsylvania, authorized by section 101(17) of  
21 the Water Resources Development Act of 1992 (106 Stat.  
22 4803), is modified to authorize the Secretary to construct  
23 the project, at a total cost of \$23,000,000.

1 **SEC. 3080. RAYSTOWN LAKE, PENNSYLVANIA.**

2       The Secretary may take such action as may be nec-  
3 essary, including construction of a breakwater, to prevent  
4 shoreline erosion between .07 and 2.7 miles south of Penn-  
5 sylvania State Route 994 on the east shore of Raystown  
6 Lake, Pennsylvania.

7 **SEC. 3081. SHERADEN PARK STREAM AND CHARTIERS**  
8                   **CREEK, ALLEGHENY COUNTY, PENNSYLVANIA.**  
9

10       The project for aquatic ecosystem restoration,  
11 Sheraden Park Stream and Chartiers Creek, Allegheny  
12 County, Pennsylvania, being carried out under section 206  
13 of the Water Resources Development Act of 1996 (33  
14 U.S.C. 2330), is modified to direct the Secretary to credit  
15 up to \$400,000 toward the non-Federal share of the cost  
16 of the project for planning and design work carried out  
17 by the non-Federal interest before the date of the partner-  
18 ship agreement for the project if the Secretary determines  
19 that the work is integral to the project.

20 **SEC. 3082. SOLOMON'S CREEK, WILKES-BARRE, PENNSYLVANIA.**  
21

22       The project for flood control, Wyoming Valley, Penn-  
23 sylvania, authorized by section 401(a) of the Water Re-  
24 sources Development Act of 1986 (100 Stat. 4124), is  
25 modified to include as a project element the project for

1 flood control for Solomon's Creek, Wilkes-Barre, Pennsyl-  
2 vania.

3 **SEC. 3083. SOUTH CENTRAL PENNSYLVANIA.**

4 Section 313(h)(2) of the Water Resources Develop-  
5 ment Act of 1992 (106 Stat. 4847; 109 Stat. 407; 117  
6 Stat. 142) is amended by striking "Allegheny, Armstrong,  
7 Bedford, Blair, Cambria, Clearfield, Fayette, Franklin,  
8 Fulton, Greene, Huntingdon, Indiana, Juniata, Mifflin,  
9 Somerset, Snyder, Washington, and Westmoreland Coun-  
10 ties" and inserting "Allegheny, Armstrong, Bedford,  
11 Blair, Cambria, Fayette, Franklin, Fulton, Greene, Hun-  
12 tingdon, Indiana, Juniata, Somerset, Washington, and  
13 Westmoreland Counties".

14 **SEC. 3084. WYOMING VALLEY, PENNSYLVANIA.**

15 In carrying out the project for flood control, Wyo-  
16 ming Valley, Pennsylvania, authorized by section 401(a)  
17 of the Water Resources Development Act of 1986 (100  
18 Stat. 4124), the Secretary shall coordinate with non-Fed-  
19 eral interests to review opportunities for increased public  
20 access.

21 **SEC. 3085. LITTLE LIMESTONE CREEK, JONESBOROUGH,**  
22 **TENNESSEE.**

23 In evaluating and implementing the project for flood  
24 damage reduction, Little Limestone Creek, Jonesborough,  
25 Tennessee, under section 205 of the Flood Control Act



1 of 1948 (33 U.S.C. 701s), the Secretary shall allow the  
2 non-Federal interest to participate in the financing of the  
3 project in accordance with section 903(c) of the Water Re-  
4 sources Development Act of 1986 (100 Stat. 4184), to the  
5 extent that the Secretary's evaluation indicates that apply-  
6 ing such section is necessary to implement the project.

7 **SEC. 3086. CEDAR BAYOU, TEXAS.**

8 (a) IN GENERAL.—The project for navigation, Cedar  
9 Bayou, Texas, reauthorized by section 349(a)(2) of the  
10 Water Resources Development Act of 2000 (114 Stat.  
11 2632), is modified—

12 (1) to authorize the Secretary to carry out the  
13 project to a depth of 10 feet by 100 feet wide from  
14 mile 2.5 to mile 11 on Cedar Bayou if the Secretary  
15 determines that the project is feasible; and

16 (2) to direct the Secretary to credit toward the  
17 non-Federal share of the cost of the project the cost  
18 of planning and design work carried out by the non-  
19 Federal interest for the project if the Secretary de-  
20 termines that such work is integral to the project.

21 (b) COST SHARING.—Cost sharing for construction  
22 and operation and maintenance of the project shall be de-  
23 termined in accordance with section 101 of the Water Re-  
24 sources Development Act of 1986 (33 U.S.C. 2211).

1 **SEC. 3087. LAKE KEMP, TEXAS.**

2 (a) IN GENERAL.—The Secretary may not take any  
3 legal or administrative action seeking to remove a Lake  
4 Kemp improvement before the earlier of January 1, 2020,  
5 or the date of any transfer of ownership of the improve-  
6 ment occurring after the date of enactment of this Act.

7 (b) LIMITATION ON LIABILITY.—The United States,  
8 or any of its officers, agents, or assignees, shall not be  
9 liable for any injury, loss, or damage accruing to the own-  
10 ers of a Lake Kemp improvement, their lessees, or occu-  
11 pants as a result of any flooding or inundation of such  
12 improvements by the waters of the Lake Kemp reservoir,  
13 or for such injury, loss, or damage as may occur through  
14 the operation and maintenance of the Lake Kemp dam  
15 and reservoir in any manner.

16 (c) LAKE KEMP IMPROVEMENT DEFINED.—In this  
17 section, the term “Lake Kemp improvement” means an  
18 improvement (including dwellings) located within the flow-  
19 age easement of Lake Kemp, Texas, below elevation 1159  
20 feet mean sea level.

21 **SEC. 3088. LOWER RIO GRANDE BASIN, TEXAS.**

22 The project for flood control, Lower Rio Grande  
23 Basin, Texas, authorized by section 401(a) of the Water  
24 Resources Development Act of 1986 (100 Stat. 4125), is  
25 modified—



1 Development Act of 1999 (113 Stat. 353), is modified to  
2 include recreation as a project purpose.

3 **SEC. 3090. PROCTOR LAKE, TEXAS.**

4       The Secretary is authorized to convert flowage ease-  
5 ments to fee simple title in the subdivisions of Buffalo  
6 Springs and Frees Lakeview, and adjacent areas, located  
7 within the boundaries necessary for the operation of the  
8 Proctor Lake project, Texas, authorized by section 203  
9 of the Flood Control Act of 1954 (68 Stat. 1259), and  
10 to purchase all improved and unimproved properties with-  
11 in such boundaries and to pay relocation assistance bene-  
12 fits to qualified landowners as applicable under the provi-  
13 sions of the Uniform Relocation Assistance and Real  
14 Property Acquisition Act of 1970 (42 U.S.C. 4601 et  
15 seq.).

16 **SEC. 3091. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

17       The project for flood control, San Antonio Channel,  
18 Texas, authorized by section 203 of the Flood Control Act  
19 of 1954 (68 Stat. 1259) as part of the comprehensive plan  
20 for flood protection on the Guadalupe and San Antonio  
21 Rivers in Texas and modified by section 103 of the Water  
22 Resources Development Act of 1976 (90 Stat. 2921) and  
23 section 335 of the Water Resources Development Act of  
24 2000 (114 Stat. 2611), is further modified to authorize  
25 the Secretary to credit toward the non-Federal share of

1 the cost of the project the cost of design and construction  
2 work carried out by the non-Federal interest for the  
3 project if the Secretary determines that the work is inte-  
4 gral to the project.

5 **SEC. 3092. ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.**

6 Section 358 of the Water Resources Development Act  
7 of 1999 (113 Stat. 312) is amended by striking “Sep-  
8 tember 30, 1999” and inserting “May 4, 1997”.

9 **SEC. 3093. ROANOKE RIVER UPPER BASIN, VIRGINIA.**

10 The project for flood control, Roanoke River Upper  
11 Basin, Virginia, authorized by section 401(a) of the Water  
12 Resources Development Act of 1986 (100 Stat. 4126) and  
13 modified by section 110 of the Energy and Water Develop-  
14 ment Appropriations Act, 1990 (103 Stat. 650), is further  
15 modified to authorize the Secretary to construct the  
16 project, at a total cost of \$64,300,000, with an estimated  
17 Federal cost of \$42,100,000 and an estimated non-Fed-  
18 eral cost of \$22,200,000.

19 **SEC. 3094. BLAIR AND SITCUM WATERWAYS, TACOMA HAR-**  
20 **BOR, WASHINGTON.**

21 (a) IN GENERAL.—The project for navigation, Blair  
22 and Sitcum Waterways, Tacoma Harbor, Washington, au-  
23 thorized by section 202(a) of the Water Resources Devel-  
24 opment Act of 1986 (100 Stat. 4096) and deepened to  
25 51 feet under section 107 of the River and Harbor Act

1 of 1960 (33 U.S.C. 577), is modified to direct the Sec-  
2 retary to review the locally prepared plan for the Blair  
3 and Sicum Waterways, Washington, and, if the Secretary  
4 determines that the plan meets the evaluation and design  
5 standards of the Corps of Engineers and that the plan  
6 is feasible, to authorize the Secretary to carry out the  
7 plan, at a Federal cost of \$4,240,000.

8 (b) NON-FEDERAL WORK.—The Secretary shall pro-  
9 vide credit toward the non-Federal share of the cost of  
10 the project, or reimbursement for, the cost of work carried  
11 out by the non-Federal interest before the date of the part-  
12 nership agreement for the project if the Secretary deter-  
13 mines that the work is integral to the project.

14 **SEC. 3095. GREENBRIER RIVER BASIN, WEST VIRGINIA.**

15 Section 579(c) of the Water Resources Development  
16 Act of 1996 (110 Stat. 3790; 113 Stat. 312) is amended  
17 by striking “\$47,000,000” and inserting “\$89,000,000”.

18 **SEC. 3096. MANITOWOC HARBOR, WISCONSIN.**

19 The project for navigation, Manitowoc Harbor, Wis-  
20 consin, authorized by the River and Harbor Act of August  
21 30, 1852, is modified to direct the Secretary to deepen  
22 the upstream reach of the navigation channel from 12 feet  
23 to 18 feet, at a total cost of \$300,000.

1 **SEC. 3097. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

2 Section 21 of the Water Resources Development Act  
3 of 1988 (102 Stat. 4027) is amended—

4 (1) in subsection (a)—

5 (A) by striking “1276.42” and inserting  
6 “1278.42”;

7 (B) by striking “1218.31” and inserting  
8 “1221.31”; and

9 (C) by striking “1234.82” and inserting  
10 “1235.30”; and

11 (2) by striking subsection (b) and inserting the  
12 following:

13 “(b) EXCEPTION.—The Secretary may operate the  
14 headwaters reservoirs below the minimum or above the  
15 maximum water levels established in subsection (a) in ac-  
16 cordance with water control regulation manuals (or revi-  
17 sions thereto) developed by the Secretary, after consulta-  
18 tion with the Governor of Minnesota and affected tribal  
19 governments, landowners, and commercial and rec-  
20 reational users. The water control regulation manuals  
21 (and any revisions thereto) shall be effective when the Sec-  
22 retary transmits them to Congress. The Secretary shall  
23 report to Congress at least 14 days before operating any  
24 such headwaters reservoir below the minimum or above  
25 the maximum water level limits specified in subsection (a);  
26 except that notification is not required for operations nec-

1 essary to prevent the loss of life or to ensure the safety  
2 of the dam or where the drawdown of lake levels is in an-  
3 ticipation of flood control operations.”.

4 **SEC. 3098. CONTINUATION OF PROJECT AUTHORIZATIONS.**

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

9 (1) The project for navigation, Fall River Har-  
10 bor, Massachusetts, authorized by section 101 of the  
11 River and Harbor Act of 1968 (82 Stat. 731); ex-  
12 cept that the authorized depth of that portion of the  
13 project extending riverward of the Charles M.  
14 Braga, Jr. Memorial Bridge, Fall River and Som-  
15 erset, Massachusetts, shall not exceed 35 feet.

16 (2) The project for flood control, Agana River,  
17 Guam, authorized by section 401(a) of the Water  
18 Resources Development Act of 1986 (100 Stat.  
19 4127).

20 (b) LIMITATION.—A project described in subsection  
21 (a) shall not be authorized for construction after the last  
22 day of the 5-year period beginning on the date of enact-  
23 ment of this Act, unless, during such period, funds have  
24 been obligated for the construction (including planning  
25 and design) of the project.



1 **SEC. 3099. PROJECT REAUTHORIZATIONS.**

2 Each of the following projects may be carried out by  
3 the Secretary and no construction on any such project may  
4 be initiated until the Secretary determines that the project  
5 is feasible:

6 (1) MENOMINEE HARBOR AND RIVER, MICHIGAN AND WISCONSIN.—The project for navigation,  
7 Menominee Harbor and River, Michigan and Wisconsin, authorized by section 101 of the River and  
8 Harbor Act of 1960 (74 Stat. 482) and deauthorized  
9 on April 15, 2002, in accordance with section  
10 1001(b)(2) of the Water Resources Development Act  
11 of 1986 (33 U.S.C. 579a(b)(2)).

12 (2) MANITOWOC HARBOR, WISCONSIN.—That  
13 portion of the project for navigation, Manitowoc  
14 Harbor, Wisconsin, consisting of the channel in the  
15 south part of the outer harbor, deauthorized by section  
16 101 of the River and Harbor Act of 1962 (76  
17 Stat. 1176).

18 **SEC. 3100. PROJECT DEAUTHORIZATIONS.**

19 (a) IN GENERAL.—The following projects are not au-  
20 thorized after the date of enactment of this Act:

21 (1) BRIDGEPORT HARBOR, CONNECTICUT.—The  
22 portion of the project for navigation, Bridgeport  
23 Harbor, Connecticut, authorized by the River and  
24 Harbor Act of July 3, 1930 (46 Stat. 919), con-

1       sisting of an 18-foot channel in Yellow Mill River  
2       and described as follows: Beginning at a point along  
3       the eastern limit of the existing project,  
4       N123,649.75, E481,920.54, thence running north-  
5       westerly about 52.64 feet to a point N123,683.03,  
6       E481,879.75, thence running northeasterly about  
7       1,442.21 feet to a point N125,030.08, E482,394.96,  
8       thence running northeasterly about 139.52 feet to a  
9       point along the east limit of the existing channel,  
10      N125,133.87, E482,488.19, thence running south-  
11      westerly about 1,588.98 feet to the point of origin.

12           (2) NORWALK HARBOR, CONNECTICUT.—The  
13      following portions a 10-foot channel of the project  
14      for navigation, Norwalk Harbor, Connecticut, au-  
15      thorized by the first section of the Rivers and Har-  
16      bors Appropriations Act of March 2, 1919 (40 Stat.  
17      1276):

18           (A) An approximate rectangular shaped  
19      section along the northwesterly terminus of the  
20      channel. The section is 35-feet wide and about  
21      460-feet long and is further described as fol-  
22      lows: Commencing at a point N104,165.85,  
23      E417,662.71, thence running south 24 degrees  
24      06 minutes 55 seconds east 395.00 feet to a  
25      point N103,805.32, E417,824.10, thence run-

1           ning south 00 degrees 38 minutes 06 seconds  
2           east 87.84 feet to a point N103,717.49,  
3           E417,825.07, thence running north 24 degrees  
4           06 minutes 55 seconds west 480.00 feet, to a  
5           point N104,155.59, E417.628.96, thence run-  
6           ning north 73 degrees 05 minutes 25 seconds  
7           east 35.28 feet to the point of origin.

8           (B) An area having the approximate shape  
9           of a parallelogram along the northeasterly por-  
10          tion of the channel, southeast of the area de-  
11          scribed in subparagraph (A). This area is 20-  
12          feet wide and about 260-feet long and is further  
13          described as follows: Commencing at a point  
14          N103,855.48, E417,849.99, thence running  
15          south 33 degrees 07 minutes 30 seconds east  
16          133.40 feet to a point N103,743.76,  
17          E417,922.89, thence running south 24 degrees  
18          07 minutes 04 seconds east 127.75 feet to a  
19          point N103,627.16, E417,975.09, thence run-  
20          ning north 33 degrees 07 minutes 30 seconds  
21          west 190.00 feet to a point N103,786.28,  
22          E417,871.26, thence running north 17 degrees  
23          05 minutes 15 seconds west 72.39 feet to the  
24          point of origin.

1           (3) CHICAGO RIVER AND HARBOR, CHICAGO, IL-  
2 LINOIS.—Those portions of the projects for naviga-  
3 tion, Chicago River and Chicago Harbor, Chicago,  
4 Illinois, authorized by the River and Harbor Act of  
5 March 3, 1899 (30 Stat. 1129), extending 50 feet  
6 riverward of the existing dock wall on the south side  
7 of the channel from Lake Street to Franklin Street  
8 and 25 feet riverward of the existing dock wall on  
9 the south side of the channel from Franklin Street  
10 to Wabash Avenue, and those areas within 20 feet  
11 of the bridge abutments on the south side of the  
12 channel for the length of the protection bridge piers  
13 from the Franklin Street Bridge to the Michigan  
14 Avenue Bridge.

15           (4) MUSCATINE, IOWA.—The Mississippi River  
16 at Muscatine, Iowa project, authorized by section  
17 101 of the River and Harbor Act of 1950 (64 Stat.  
18 164).

19           (5) FALMOUTH HARBOR, MASSACHUSETTS.—  
20 The portion of the project for navigation, Falmouth  
21 Harbor, Massachusetts, authorized by section 101 of  
22 the River and Harbor Act of 1948 (62 Stat. 1172),  
23 beginning at a point along the eastern side of the  
24 inner harbor N200,415.05, E845,307.98, thence  
25 running north 25 degrees 48 minutes 54.3 seconds

1 east 160.24 feet to a point N200,559.20,  
2 E845,377.76, thence running north 22 degrees 7  
3 minutes 52.4 seconds east 596.82 feet to a point  
4 N201,112.15, E845,602.60, thence running north  
5 60 degrees 1 minute 0.3 seconds east 83.18 feet to  
6 a point N201,153.72, E845,674.65, thence running  
7 south 24 degrees 56 minutes 43.4 seconds west  
8 665.01 feet to a point N200,550.75, E845,394.18  
9 thence running south 32 degrees 25 minutes 29.0  
10 seconds west 160.76 feet to the point of origin.

11 (6) ISLAND END RIVER, MASSACHUSETTS.—The  
12 portion of the project for navigation, Island End  
13 River, Massachusetts, carried out under section 107  
14 of the River and Harbor Act of 1960 (33 U.S.C.  
15 577), described as follows: Beginning at a point  
16 along the eastern limit of the existing project,  
17 N507,348.98, E721,180.01, thence running north-  
18 east about 35 feet to a point N507,384.17,  
19 E721,183.36, thence running northeast about 324  
20 feet to a point N507,590.51, E721,433.17, thence  
21 running northeast about 345 feet to a point along  
22 the northern limit of the existing project,  
23 N507,927.29, E721,510.29, thence running south-  
24 east about 25 feet to a point N507,921.71,  
25 E721,534.66, thence running southwest about 354

1 feet to a point N507,576.65, E721,455.64, thence  
2 running southwest about 357 feet to the point of ori-  
3 gin.

4 (7) CITY WATERWAY, TACOMA, WASHINGTON.—  
5 The portion of the project for navigation, City Wa-  
6 terway, Tacoma, Washington, authorized by the first  
7 section of the River and Harbor Appropriations Act  
8 of June 13, 1902 (32 Stat. 347), consisting of the  
9 last 1,000 linear feet of the inner portion of the wa-  
10 terway beginning at Station 70+00 and ending at  
11 Station 80+00.

12 (b) ANCHORAGE AREA, NEW LONDON HARBOR,  
13 CONNECTICUT.—The portion of the project for navigation,  
14 New London Harbor, Connecticut, authorized by the River  
15 and Harbor Appropriations Act of June 13, 1902 (32  
16 Stat. 333), that consists of a 23-foot waterfront channel  
17 and that is further described as beginning at a point along  
18 the western limit of the existing project, N188, 802.75,  
19 E779, 462.81, thence running northeasterly about  
20 1,373.88 feet to a point N189, 554.87, E780, 612.53,  
21 thence running southeasterly about 439.54 feet to a point  
22 N189, 319.88, E780, 983.98, thence running southwest-  
23 erly about 831.58 feet to a point N188, 864.63, E780,  
24 288.08, thence running southeasterly about 567.39 feet  
25 to a point N188, 301.88, E780, 360.49, thence running

1 northwesterly about 1,027.96 feet to the point of origin,  
2 shall be redesignated as an anchorage area.

3 (c) NORWALK HARBOR, CONNECTICUT.—The 10-foot  
4 channel portion of the Norwalk Harbor, Connecticut, navi-  
5 gation project described in subsection (a)(2) is modified  
6 to authorize the Secretary to realign the channel to include  
7 a new section immediately north of the area described in  
8 subsection (a)(2)(B). The new triangular shaped section  
9 is described as follows: Commencing at a point  
10 N103,968.35, E417,815.29, thence running south 17 de-  
11 grees 05 minutes 15 seconds east 118.09 feet to a point  
12 N103,855.48, E417,849.99, thence running north 33 de-  
13 grees 07 minutes 30 seconds west 36.76 feet to a point  
14 N103,886.27, E417.829.90, thence running north 10 de-  
15 grees 05 minutes 26 seconds west 83.37 feet to the point  
16 of origin.

17 (d) CHICAGO RIVER AND HARBOR, CHICAGO, ILLI-  
18 NOIS.—The projects for navigation, Chicago River and  
19 Chicago Harbor referred to in subsection (a)(3) are modi-  
20 fied to direct the Secretary to redefine the Federal naviga-  
21 tion channel for the North Branch Canal portion extend-  
22 ing from 100 feet downstream of the Halsted Street  
23 Bridge to 100 feet upstream of the Division Street Bridge  
24 to be no wider than 66 feet.

1 (e) ADDITIONAL DEAUTHORIZATIONS.—The fol-  
2 lowing projects are not authorized after the date of enact-  
3 ment of this Act, except with respect to any portion of  
4 such a project which portion has been completed before  
5 such date or is under construction on such date:

6 (1) The project for flood damage reduction,  
7 Cache Creek Basin, Clear Lake Outlet Channel,  
8 California, authorized by the Water Resources De-  
9 velopment Act of 1986 (Public Law 99–662).

10 (2) The project for flood control, Goleta and Vi-  
11 cinity, California, authorized by the Flood Control  
12 Act of 1970.

13 (3) The project to modify the Central and  
14 Southern Florida project to improve water supply to  
15 the Everglades National Park, Florida, authorized  
16 by the Flood Control Act of 1954 (Public Law 83–  
17 780) and the Flood Control Act of 1968 (Public  
18 Law 90–483).

19 (4) The project for flood control, Central and  
20 Southern Florida Project, Shingle Creek Basin,  
21 Florida, authorized by the Flood Control Act of  
22 1962.

23 (5) The project for flood control, Middle Wa-  
24 bash, Greenfield Bayou, Indiana, authorized by sec-  
25 tion 10 of the Flood Control Act of 1946.



1           (6) The project for flood damage reduction,  
2           Lake George, Hobart, Indiana, authorized by section  
3           602 of the Water Resources Development Act of  
4           1986 (Public Law 99–662).

5           (7) The project for flood damage reduction,  
6           Green Bay Levee and Drainage District No. 2,  
7           Iowa, authorized by the Water Resources Develop-  
8           ment Act of 1986, deauthorized in fiscal year 1991,  
9           and reauthorized by the Water Resources Develop-  
10          ment Act of 1992 (Public Law 102–580).

11          (8) The project for flood damage reduction,  
12          Hazard, Kentucky, authorized by section 3 of the  
13          Water Resources Development Act of 1988 (Public  
14          Law 100–676) and section 108 of the Water Re-  
15          sources Development Act of 1990 (Public Law 101–  
16          640).

17          (9) The recreation portion of the project for  
18          flood control, Taylorsville Lake, Kentucky, author-  
19          ized by section 203 of the Flood Control Act of  
20          1966.

21          (10) The project for flood control, West Ken-  
22          tucky Tributaries, Kentucky, authorized by the  
23          Flood Control Acts of 1965 and 1970 and the Water  
24          Resources Development Act of 1986.

1           (11) The project for flood damage reduction,  
2 Bayou Cocodrie and Tributaries, Louisiana, author-  
3 ized by the Flood Control Act of 1941 and the  
4 Water Resources Development Act of 1974.

5           (12) The project for flood control, Eastern  
6 Rapides and South-Central Avoyelles Parishes, Lou-  
7 isiana, authorized by the Flood Control Act of 1970  
8 (Public Law–611).

9           (13) The project for Red River Waterway,  
10 Shreveport, Louisiana to Daingerfield, Texas, au-  
11 thORIZED by the River and Harbor Act of 1968 (Pub-  
12 lic Law 90–483).

13           (14) The project for flood damage reduction  
14 Brockton, Massachusetts, authorized by section  
15 401(c) of the Water Resources Development Act of  
16 1986 (Public Law 99–662).

17           (15) The project for navigation, Grand Haven  
18 Harbor, Michigan, authorized by section 202 of the  
19 Water Resources Development Act of 1986 (Public  
20 Law 99–662).

21           (16) The project for navigation, Greenville Har-  
22 bor, Mississippi, authorized by section 601 of the  
23 Water Resources Development Act of 1986 (Public  
24 Law 99–662).

1           (17) The project for hydropower, Libby Dam,  
2           Montana, (Units 6–8), authorized by section 549 of  
3           the Water Resources Development Act of 1996  
4           (Public Law 104–303).

5           (18) The project for flood damage reduction,  
6           Platte River Flood and Related Streambank Erosion  
7           Control, Nebraska, authorized by section 603 of the  
8           Water Resources Development Act of 1986 (Public  
9           Law 99–662).

10          (19) The project for navigation, Outer Harbor,  
11          Buffalo, New York, authorized by section 110 of the  
12          Water Resources Development Act of 1992.

13          (20) The project for flood damage reduction,  
14          Sugar Creek Basin, North Carolina and South Caro-  
15          lina, authorized by section 401 of the Water Re-  
16          sources Development Act of 1986 (Public Law 99–  
17          662).

18          (21) The project for flood control and recre-  
19          ation, Fairfield, Ohio, authorized by section 401(a)  
20          of the Water Resources Development Act of 1986  
21          (Public Law 99–662).

22          (22) The project for shoreline protection,  
23          Maumee Bay, Lake Erie, Ohio, authorized by sec-  
24          tion 501(a) of the Water Resources Development  
25          Act of 1986.

1           (23) The project for flood control and water  
2 supply, Parker Lake, Muddy Boggy Creek, Okla-  
3 homa, authorized by the Water Resources Develop-  
4 ment Act of 1986 (Public Law 99–662).

5           (24) The project for the Columbia River, Sea-  
6 farers Memorial, Hammond, Oregon, authorized by  
7 the Energy and Water Development Appropriations  
8 Act of 1991.

9           (25) The project for bulkhead repairs, Quonset  
10 Point-Davisville, Rhode Island, authorized by section  
11 571 of the Water Resources Development Act of  
12 1996.

13           (26) The project for flood damage reduction,  
14 Harris Fork Creek, Tennessee and Kentucky, au-  
15 thorized by section 102 of the Water Resources De-  
16 velopment Acts of 1976 and 1986.

17           (27) The project for flood damage reduction,  
18 Arroyo Colorado, Texas, authorized by the Water  
19 Resources Development Act of 1986 (Public Law  
20 99–662).

21           (28) The project for flood damage reduction,  
22 Cypress Creek-Structural, Texas, authorized by the  
23 Water Resources Development Act of 1988.

24           (29) The project for flood damage reduction,  
25 East Fork Channel Improvement, Increment 2, East

1 Fork of the Trinity River, Texas, authorized by the  
2 Flood Control Act of 1962.

3 (30) The project for flood damage reduction,  
4 Falfurrias, Texas, authorized by the Water Re-  
5 sources Development Act of 1988.

6 (31) The project for bank erosion, Kanawha  
7 River, Charleston, West Virginia, authorized by sec-  
8 tion 603(f)(13) of the Water Resources Development  
9 Act of 1986 (Public Law 99–662).

10 (f) CONDITIONS.—The first sentence of section  
11 1001(b)(2) of the Water Resources Development Act of  
12 1986 (33 U.S.C. 579a(b)(2)) is amended—

13 (1) by striking “two years” and inserting  
14 “year”; and

15 (2) by striking “7” and inserting “5”.

16 **SEC. 3101. LAND CONVEYANCES.**

17 (a) MILFORD, KANSAS.—

18 (1) IN GENERAL.—Subject to the provisions of  
19 this section, the Secretary shall convey by quitclaim  
20 deed without consideration to the Geary County Fire  
21 Department, Milford, Kansas, all right, title, and in-  
22 terest of the United States in and to a parcel of land  
23 consisting of approximately 7.4 acres located in  
24 Geary County, Kansas, for construction, operation,  
25 and maintenance of a fire station.

1           (2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—

2           The exact acreage and the description of the real  
3           property referred to in paragraph (1) shall be deter-  
4           mined by a survey that is satisfactory to the Sec-  
5           retary.

6           (3) REVERSION.—If the Secretary determines  
7           that the property conveyed under paragraph (1)  
8           ceases to be held in public ownership or to be used  
9           for any purpose other than a fire station, all right,  
10          title, and interest in and to the property shall revert  
11          to the United States, at the option of the United  
12          States.

13          (b) BOARDMAN, OREGON.—Section 501(g)(1) of the  
14          Water Resources Development Act of 1996 (110 Stat.  
15          3751) is amended—

16                 (1) by striking “city of Boardman,” and insert-  
17                 ing “the Boardman Park and Recreation District,  
18                 Boardman,”; and

19                 (2) by striking “such city” and inserting “the  
20                 city of Boardman”.

21          (c) GENERALLY APPLICABLE PROVISIONS.—

22                 (1) APPLICABILITY OF PROPERTY SCREENING  
23                 PROVISIONS.—Section 2696 of title 10, United  
24                 States Code, shall not apply to any conveyance  
25                 under this section.

1           (2) **ADDITIONAL TERMS AND CONDITIONS.**—  
2       The Secretary may require that any conveyance  
3       under this section be subject to such additional  
4       terms and conditions as the Secretary considers ap-  
5       propriate and necessary to protect the interests of  
6       the United States.

7           (3) **COSTS OF CONVEYANCE.**—An entity to  
8       which a conveyance is made under this section shall  
9       be responsible for all reasonable and necessary costs,  
10      including real estate transaction and environmental  
11      compliance costs, associated with the conveyance.

12          (4) **LIABILITY.**—An entity to which a convey-  
13      ance is made under this section shall hold the  
14      United States harmless from any liability with re-  
15      spect to activities carried out, on or after the date  
16      of the conveyance, on the real property conveyed.  
17      The United States shall remain responsible for any  
18      liability with respect to activities carried out, before  
19      such date, on the real property conveyed.

20 **SEC. 3102. EXTINGUISHMENT OF REVERSIONARY INTER-**  
21 **ESTS AND USE RESTRICTIONS.**

22      (a) **IDAHO.**—

23          (1) **IN GENERAL.**—With respect to each deed  
24      listed in paragraph (2), the reversionary interests

1 and use restrictions relating to industrial use pur-  
2 poses are extinguished.

3 (2) AFFECTED DEEDS.—The deeds with the fol-  
4 lowing county auditor’s file numbers are referred to  
5 in paragraph (1):

6 (A) Auditor’s Instrument No. 399218 of  
7 Nez Perce County, Idaho—2.07 acres.

8 (B) Auditor’s Instrument No. 487437 of  
9 Nez Perce County, Idaho—7.32 acres.

10 (b) OLD HICKORY LOCK AND DAM, CUMBERLAND  
11 RIVER, TENNESSEE.—

12 (1) RELEASE OF RETAINED RIGHTS, INTER-  
13 ESTS, RESERVATIONS.—With respect to land con-  
14 veyed by the Secretary to the Tennessee Society of  
15 Crippled Children and Adults, Incorporated (now  
16 known as “Easter Seals Tennessee”), at Old Hick-  
17 ory Lock and Dam, Cumberland River, Tennessee,  
18 under section 211 of the Flood Control Act of 1965  
19 (79 Stat. 1087), the reversionary interests and the  
20 use restrictions relating to recreation and camping  
21 purposes are extinguished.

22 (2) INSTRUMENT OF RELEASE.—As soon as  
23 possible after the date of enactment of this Act, the  
24 Secretary shall execute and file in the appropriate  
25 office a deed of release, amended deed, or other ap-



1 appropriate instrument effectuating the release of in-  
2 terests required by paragraph (1).

3 (c) NO EFFECT OF OTHER RIGHTS.—Nothing in this  
4 section affects the remaining rights and interests of the  
5 Corps of Engineers for authorized project purposes.

6 **SEC. 3103. LAND EXCHANGE, DISPOSAL AND ACQUISITION**  
7 **OF LANDS, ALLATOONA LAKE, GEORGIA.**

8 (a) LAND EXCHANGE.—

9 (1) IN GENERAL.—The Secretary may exchange  
10 lands above 863 feet in elevation at Allatoona Lake,  
11 Georgia, identified in the Real Estate Design Memo-  
12 randum prepared by the Mobile district engineer,  
13 April 5, 1996, and approved October 8, 1996, for  
14 lands on the north side of Allatoona Lake that are  
15 needed for wildlife management and for protection  
16 of the water quality and overall environment of  
17 Allatoona Lake.

18 (2) TERMS AND CONDITIONS.—The basis for all  
19 land exchanges under this subsection shall be a fair  
20 market appraisal so that lands exchanged are of  
21 equal value.

22 (b) DISPOSAL AND ACQUISITION OF LANDS,  
23 ALLATOONA LAKE, GEORGIA.—

24 (1) IN GENERAL.—The Secretary may also sell  
25 lands above 863 feet in elevation at Allatoona Lake,

1 Georgia, identified in the memorandum referred to  
2 in subsection (a)(1) and may use the proceeds to  
3 pay costs associated with the purchase of lands  
4 needed for wildlife management and for protection  
5 of the water quality and overall environment of  
6 Allatoona Lake.

7 (2) TERMS AND CONDITIONS.—Land sales and  
8 purchases to be conducted under this subsection  
9 shall be subject to the following terms and condi-  
10 tions:

11 (A) Lands acquired under this subsection  
12 shall be by negotiated purchase from willing  
13 sellers only.

14 (B) The basis for all transactions under  
15 the program shall be a fair market appraisal  
16 acceptable to the Secretary.

17 (C) The purchasers shall share in the asso-  
18 ciated environmental and real estate costs, to  
19 include surveys and associated fees in accord-  
20 ance with the memorandum referred to in sub-  
21 section (a)(1).

22 (D) Any other conditions that the Sec-  
23 retary may impose.

24 (c) REPEAL.—Section 325 of the Water Resources  
25 Development Act of 1992 (106 Stat. 4849) is repealed.

**TITLE IV—STUDIES****2 SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.**

3 Section 455 of the Water Resources Development Act  
4 of 1999 (113 Stat. 330–332) is amended by adding at  
5 the end the following:

6 “(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The  
7 non-Federal interest may provide up to 100 percent of the  
8 non-Federal share required under subsection (f) in the  
9 form of services, materials, supplies, or other in-kind con-  
10 tributions.”.

**11 SEC. 4002. CHOCTAWHATCHEE, PEA, AND YELLOW RIVERS  
12 WATERSHED, ALABAMA.**

13 The Secretary shall conduct a study to determine the  
14 feasibility of carrying out a project for flood damage re-  
15 duction, environmental restoration, recreation, and water  
16 supply in the Choctawhatchee, Pea, and Yellow Rivers wa-  
17 tershed, Alabama.

**18 SEC. 4003. ST. GEORGE HARBOR, ALASKA.**

19 The Secretary shall conduct, at Federal expense, a  
20 study to determine the feasibility of providing navigation  
21 improvements at St. George, Alaska.

**22 SEC. 4004. SUSITNA RIVER, ALASKA.**

23 The Secretary shall conduct a study to determine the  
24 feasibility of carrying out a project for hydropower, recre-  
25 ation, and related purposes on the Susitna River, Alaska.

1 **SEC. 4005. SEARCY COUNTY, ARKANSAS.**

2       The Secretary shall conduct a study to determine the  
3 feasibility of using Greers Ferry Lake as a water supply  
4 source for Searcy County, Arkansas.

5 **SEC. 4006. UPPER MISSISSIPPI RIVER AND ILLINOIS WA-**  
6                   **TERWAY, ILLINOIS, IOWA, MINNESOTA, MIS-**  
7                   **SOURI, AND WISCONSIN.**

8       The Secretary shall transmit to Congress a report on  
9 the results of the Upper Mississippi River and Illinois Wa-  
10 terway Restructured System Navigation Feasibility Study,  
11 Illinois, Iowa, Minnesota, Missouri, and Wisconsin, no  
12 later than July 1, 2004.

13 **SEC. 4007. HAMILTON, CALIFORNIA.**

14       The Secretary is directed to continue planning,  
15 preconstruction, engineering, and design efforts on the  
16 Sacramento-San Joaquin River Basins Comprehensive  
17 Study-Hamilton City Flood Damage Reduction and Eco-  
18 system Restoration Initial Project and shall include in the  
19 study an area 2 miles north and 4 miles south of State  
20 Highway 32.

21 **SEC. 4008. NAPA RIVER, ST. HELENA, CALIFORNIA.**

22       The Secretary shall conduct a comprehensive study  
23 of the Napa River in the vicinity of St. Helena, California,  
24 for the purposes of improving flood management through  
25 reconnecting the river to its floodplain; restoring habitat,  
26 including riparian and aquatic habitat; improving fish pas-

1 sage and water quality; and restoring native plant commu-  
2 nities. In conducting the study, the Secretary shall review  
3 plans and designs developed by non-Federal interests and  
4 shall incorporate such plans and designs into the Federal  
5 study where the Secretary determines that such plans and  
6 designs are consistent with the Federal interest.

7 **SEC. 4009. OCEANSIDE, CALIFORNIA.**

8 Section 414 of the Water Resources Development Act  
9 of 2000 (114 Stat. 2636) is amended by striking “32  
10 months” and inserting “44 months”.

11 **SEC. 4010. SACRAMENTO RIVER, CALIFORNIA.**

12 The Secretary shall conduct a comprehensive study  
13 to determine the feasibility of, and alternatives for, meas-  
14 ures to protect water diversion facilities and fish protective  
15 screen facilities in the vicinity of river mile 178 on the  
16 Sacramento River, California.

17 **SEC. 4011. SAN FRANCISCO BAY, SACRAMENTO-SAN JOA-**  
18 **QUIN DELTA, CALIFORNIA.**

19 (a) IN GENERAL.—The Secretary shall conduct a  
20 study to determine the feasibility of the beneficial use of  
21 dredged material from the San Francisco Bay in the Sac-  
22 ramento-San Joaquin Delta, California, including the ben-  
23 efits and impacts of salinity in the Delta and the benefits  
24 to navigation, flood damage reduction, ecosystem restora-

1 tion, water quality, salinity control, water supply reli-  
2 ability, and recreation.

3 (b) COOPERATION.—In conducting the study, the  
4 Secretary shall cooperate with the California Department  
5 of Water Resources and appropriate Federal and State en-  
6 tities in developing options for the beneficial use of  
7 dredged material from San Francisco Bay for the Sac-  
8 ramento-San Joaquin Delta area.

9 (c) REVIEW.—The study shall include a review of the  
10 feasibility of using Sherman Island as a rehandling site  
11 for levee maintenance material, as well as for ecosystem  
12 restoration. The review may include monitoring a pilot  
13 project using up to 150,000 cubic yards of dredged mate-  
14 rial and being carried out at the Sherman Island site, ex-  
15 amining larger scale use of dredged materials from the  
16 San Francisco Bay and Suisun Bay Channel, and ana-  
17 lyzing the feasibility of the potential use of saline mate-  
18 rials from the San Francisco Bay for both rehandling and  
19 ecosystem restoration purposes.

20 **SEC. 4012. TYBEE ISLAND, GEORGIA.**

21 The Secretary shall conduct a study to determine the  
22 feasibility of including the northern end of Tybee Island  
23 extending from the north terminal groin to the mouth of  
24 Lazaretto Creek as a part of the project for beach erosion  
25 control, Tybee Island, Georgia, carried out under section

1 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–  
2 5).

3 **SEC. 4013. CALUMET HARBOR, ILLINOIS.**

4 The Secretary shall conduct a study to determine the  
5 feasibility of carrying out a project for navigation at Cal-  
6 umet Harbor, Illinois.

7 **SEC. 4014. CHICAGO, ILLINOIS.**

8 Section 425(a) of the Water Resources Development  
9 Act of 2000 (114 Stat. 2638) is amended by inserting  
10 “Lake Michigan and” before “the Chicago River”.

11 **SEC. 4015. SOUTH BRANCH, CHICAGO RIVER, CHICAGO, IL-**  
12 **LINOIS.**

13 The Secretary shall conduct a study to determine the  
14 feasibility of carrying out a project for ecosystem restora-  
15 tion at the South Fork of the South Branch of the Chicago  
16 River, Chicago, Illinois.

17 **SEC. 4016. PADUCAH, KENTUCKY.**

18 The Secretary is authorized to complete a rehabilita-  
19 tion evaluation report for the project for flood damage re-  
20 duction, Paducah, Kentucky, and, if the Secretary deter-  
21 mines that the project is feasible, proceed to  
22 preconstruction engineering and design for rehabilitation  
23 of the project.

1 **SEC. 4017. BASTROP-MOREHOUSE PARISH, LOUISIANA.**

2 The Secretary shall conduct a study to determine the  
3 feasibility of carrying out a project for water supply,  
4 Bastrop-Morehouse Parish, Louisiana.

5 **SEC. 4018. WEST FELICIANA PARISH, LOUISIANA.**

6 The Secretary shall conduct a study to determine the  
7 feasibility of carrying out a project for riverfront develop-  
8 ment, including enhanced public access, recreation, and  
9 environmental restoration, on the Mississippi River in  
10 West Feliciana Parish, Louisiana.

11 **SEC. 4019. FALL RIVER HARBOR, MASSACHUSETTS.**

12 The Secretary shall conduct a study to determine the  
13 feasibility of deepening that portion of the navigation  
14 channel of the navigation project for Fall River Harbor,  
15 Massachusetts and Rhode Island, authorized by section  
16 101 of the River and Harbor Act of 1968 (82 Stat. 731),  
17 seaward of the Charles M. Braga, Jr. Memorial Bridge,  
18 Fall River and Somerset, Massachusetts.

19 **SEC. 4020. CITY OF MACKINAC ISLAND, MICHIGAN.**

20 The Secretary shall conduct a study to determine the  
21 feasibility of carrying out a project for navigation at the  
22 city of Mackinac Island, Michigan.

23 **SEC. 4021. NORTHEAST MISSISSIPPI.**

24 The Secretary shall conduct a study to determine the  
25 feasibility of modifying the project for navigation, Ten-



1 nessee-Tombigbee Waterway, Alabama and Mississippi, to  
2 provide water supply for northeast Mississippi.

3 **SEC. 4022. PUEBLO OF ZUNI, NEW MEXICO.**

4 The Secretary shall conduct a study to determine the  
5 feasibility of carrying out projects for water resources de-  
6 velopment, environmental restoration, and natural re-  
7 sources protection for the Pueblo of Zuni, New Mexico,  
8 under section 203 of the Water Resources Development  
9 Act of 2000 (33 U.S.C. 2269).

10 **SEC. 4023. HUDSON-RARITAN ESTUARY, NEW YORK AND**  
11 **NEW JERSEY.**

12 In carrying out the study for environmental restora-  
13 tion, Hudson-Raritan Estuary, New York and New Jer-  
14 sey, the Secretary shall establish and utilize watershed res-  
15 toration teams composed of estuary restoration experts  
16 from the Corps of Engineers, the New Jersey Department  
17 of Environmental Protection, and the Port Authority of  
18 New York and New Jersey and other experts designated  
19 by the Secretary for the purpose of developing habitat res-  
20 toration and water quality enhancement.

21 **SEC. 4024. SAC AND FOX NATION, OKLAHOMA.**

22 The Secretary shall complete a water and related  
23 land resource conservation and management plan for the  
24 Sac and Fox Nation, Oklahoma, under section 203 of the

1 Water Resources Development Act of 2000 (33 U.S.C.  
2 2269).

3 **SEC. 4025. SUTHERLIN, OREGON.**

4 (a) STUDY.—The Secretary shall conduct a study of  
5 water resources along Sutherlin Creek in the vicinity of  
6 Sutherlin, Oregon, to determine the feasibility of carrying  
7 out a project to restore and enhance aquatic resources  
8 using a combination of structural and bioengineering tech-  
9 niques and, if the Secretary determines that the project  
10 is feasible, may carry out the project.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
12 authorized to be appropriated to carry out this section  
13 \$2,500,000.

14 **SEC. 4026. TILLAMOOK BAY AND BAR, OREGON.**

15 The Secretary shall conduct under section 216 of the  
16 Flood Control Act of 1970 (84 Stat. 1830) a study of the  
17 project for navigation, Tillamook Bay and Bar, Oregon,  
18 authorized by the first section of the River and Harbor  
19 Appropriations Act of July 25, 1912 (37 Stat. 220), to  
20 investigate measures to address dangerous and hazardous  
21 wave and ocean conditions.

22 **SEC. 4027. ECOSYSTEM RESTORATION AND FISH PASSAGE**  
23 **IMPROVEMENTS, OREGON.**

24 (a) STUDY.—The Secretary shall conduct a study to  
25 determine the feasibility of undertaking ecosystem restora-

1 tion and fish passage improvements on rivers throughout  
2 the State of Oregon.

3 (b) REQUIREMENTS.—In carrying out the study, the  
4 Secretary shall—

5 (1) work in coordination with the State of Or-  
6 egon, local governments, and other Federal agencies;  
7 and

8 (2) place emphasis on—

9 (A) fish passage and conservation and res-  
10 toration strategies to benefit species that are  
11 listed or proposed for listing as threatened or  
12 endangered species under the Endangered Spe-  
13 cies Act of 1973 (16 U.S.C. 1531 et seq.); and

14 (B) other watershed restoration objectives.

15 (c) PILOT PROGRAM.—

16 (1) IN GENERAL.—In conjunction with con-  
17 ducting the study under subsection (a), the Sec-  
18 retary may carry out pilot projects to demonstrate  
19 the effectiveness of ecosystem restoration and fish  
20 passages.

21 (2) AUTHORIZATION OF APPROPRIATIONS.—

22 There is authorized to be appropriated \$5,000,000  
23 to carry out this subsection.

1 **SEC. 4028. NORTHEASTERN PENNSYLVANIA AQUATIC ECO-**  
2 **SYSTEM RESTORATION AND PROTECTION.**

3 The Secretary shall conduct a study to determine the  
4 feasibility of carrying out aquatic ecosystem restoration  
5 and protection projects in the counties of Lackawanna,  
6 Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sul-  
7 livan, Bradford, Northumberland, Union, Snyder, and  
8 Montour, Pennsylvania, particularly as related to aban-  
9 doned mine drainage abatement and reestablishment of  
10 stream and river channels.

11 **SEC. 4029. GEORGETOWN AND WILLIAMSBURG COUNTIES,**  
12 **SOUTH CAROLINA.**

13 The Secretary shall conduct a study to determine the  
14 feasibility of carrying out a project for water supply for  
15 Georgetown and Williamsburg Counties, South Carolina,  
16 including the viability and practicality of constructing a  
17 desalinization water treatment facility to meet such water  
18 supply needs.

19 **SEC. 4030. SABINE PASS TO GALVESTON BAY, TEXAS.**

20 In conducting a feasibility study for shore protection  
21 and related improvements between Sabine Pass and the  
22 entrance to Galveston Bay, Texas, the Secretary may in-  
23 clude any benefits related to the use of State Highway  
24 87 as an emergency evacuation route in the determination  
25 of national economic development benefits of the project.

1 **SEC. 4031. GRAND COUNTY AND MOAB, UTAH.**

2 The Secretary shall conduct a study to determine the  
3 feasibility of carrying out a project for water supply for  
4 Grand County and the city of Moab, Utah, including a  
5 review of the impact of current and future demands on  
6 the Spanish Valley Aquifer.

7 **SEC. 4032. CHEHALIS RIVER BASIN, WASHINGTON.**

8 The Secretary shall conduct a river basin study for  
9 the Chehalis River basin, Washington, including a study  
10 of the uses of the basin's water resources to assist users  
11 in developing a fair and equitable distribution of such re-  
12 sources.

13 **SEC. 4033. SPRAGUE, LINCOLN COUNTY, WASHINGTON.**

14 The Secretary may accept from the non-Federal in-  
15 terest to pay all or a part of the non-Federal share of  
16 the cost of feasibility study for the project for flood control  
17 in the vicinity of Sprague, Lincoln County, Washington,  
18 funds made available under any other Federal program  
19 if such use of the funds is permitted under the Federal  
20 program.

21 **SEC. 4034. MONONGAHELA RIVER BASIN, NORTHERN WEST**  
22 **VIRGINIA.**

23 The Secretary shall conduct a study to determine the  
24 feasibility of carrying out aquatic ecosystem restoration  
25 and protection projects in the watersheds of the  
26 Monongahela River basin lying within the counties of



1 cally justified and environmentally acceptable and that the  
2 channel or breakwater was constructed in accordance with  
3 applicable permits and appropriate engineering and design  
4 standards:

5 (1) Pix Bayou navigation channel, Chambers  
6 County, Texas.

7 (2) Pidgeon Industrial Harbor, Pidgeon Indus-  
8 trial Park, Memphis Harbor, Tennessee.

9 (3) Racine Harbor, Wisconsin.

10 (b) COMPLETION OF ASSESSMENT.—Not later than  
11 6 months after the date of receipt of a request from a  
12 non-Federal interest for Federal assumption of mainte-  
13 nance of a channel listed in subsection (a), the Secretary  
14 shall make a determination as provided in subsection (a)  
15 and advise the non-Federal interest of the Secretary's de-  
16 termination.

17 (c) SABINE-NECHES WATERWAY, TEXAS.—The Sec-  
18 retary shall remove sunken vessels and debris between  
19 miles 35 and 43 of the Channel to Orange, Sabine-Neches  
20 Waterway, Texas, for the purpose of improving navigation  
21 safety and reducing the risk to the public.

22 **SEC. 5002. WATERSHED MANAGEMENT.**

23 (a) IN GENERAL.—The Secretary may provide tech-  
24 nical, planning, and design assistance to non-Federal in-  
25 terests for carrying out watershed management, restora-

1 tion, and development projects at the locations described  
2 in subsection (d).

3 (b) SPECIFIC MEASURES.—Assistance provided  
4 under subsection (a) may be in support of non-Federal  
5 projects for the following purposes:

6 (1) Management and restoration of water qual-  
7 ity.

8 (2) Control and remediation of toxic sediments.

9 (3) Restoration of degraded streams, rivers,  
10 wetlands, and other waterbodies to their natural  
11 condition as a means to control flooding, excessive  
12 erosion, and sedimentation.

13 (4) Protection and restoration of watersheds,  
14 including urban watersheds.

15 (5) Demonstration of technologies for non-  
16 structural measures to reduce destructive impacts of  
17 flooding.

18 (c) NON-FEDERAL SHARE.—The non-Federal share  
19 of the cost of assistance provided under subsection (a)  
20 shall be 50 percent.

21 (d) PROJECT LOCATIONS.—The locations referred to  
22 in subsection (a) are the following:

23 (1) Spring Branch watershed, Huntsville, Ala-  
24 bama.

25 (2) Tuolumne County, California.



1 (3) Cucamonga basin, Upland, California.

2 (4) Kinkaid Lake, Jackson County, Illinois.

3 (5) Those portions of the watersheds of the  
4 Concord, Charles, Blackstone, Neponset, Taunton,  
5 Nashua, Shawsheen, and Merrimack Rivers, Massa-  
6 chusetts, lying within the Interstate Route 495 cor-  
7 ridor.

8 (6) Jackson Brook watershed, New Jersey.

9 (7) Those portions of the watersheds of the  
10 Beaver, Upper Ohio, Connoquenessing, Lower Alle-  
11 gheny, Kiskiminetas, Lower Monongahela,  
12 Youghiogheny, Shenango, and Mahoning Rivers  
13 lying within the counties of Beaver, Butler, Law-  
14 rence, and Mercer, Pennsylvania.

15 (8) Southampton Creek watershed, South-  
16 ampton, Pennsylvania.

17 (9) Unami Creek watershed, Milford Township,  
18 Pennsylvania.

19 (10) Amite River basin, Louisiana.

20 (11) Iberville Parish, East Atchafalaya River  
21 basin, Louisiana.

22 (12) Genesee River watershed, New York.

23 (13) Tonawanda Creek watershed, New York.

24 (14) Buffalo River watershed, New York.

1           (15) Eighteenmile Creek watershed, Niagara  
2 County, New York.

3           (16) Cattaragus Creek watershed, New York.

4           (17) Oswego River basin, New York.

5           (18) Red River watershed, Louisiana.

6           (19) Fountain Creek and tributaries, Colorado.

7           (20) Schuylkill River watershed, Pennsylvania.

8           (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated to carry out this section  
10 \$15,000,000.

11 **SEC. 5003. DAM SAFETY.**

12           (a) ASSISTANCE.—The Secretary may provide assist-  
13 ance to enhance dam safety at the following locations:

14           (1) Mountain Park Dam, Mountain Park, Geor-  
15           gia.

16           (2) Barber Dam, Ada County, Idaho.

17           (3) Fish Creek Dam, Blaine County, Idaho.

18           (4) Lost Valley Dam, Adams County, Idaho.

19           (5) Salmon Falls Dam, Twin Falls County,  
20 Idaho.

21           (6) Whaley Lake Dam, Pawling, New York.

22           (7) Lake Carl Blackwell Dam, Stillwater, Okla-  
23           homa.

24           (8) Dams in Mountain Lakes Park, Princeton  
25 Township, New Jersey.

1 (9) State Dam, Auburn, New York.

2 (10) Candor Dam, Candor, New York.

3 (b) SPECIAL RULE.—The assistance provided under  
4 subsection (a) for State Dam, Auburn, New York, shall  
5 be for a project for rehabilitation in accordance with the  
6 report on State Dam Rehabilitation, Owasco Lake Outlet,  
7 New York, dated March 1999, if the Secretary determines  
8 that the project is feasible.

9 (c) FERN RIDGE DAM, OREGON.—It is the sense of  
10 Congress that the Secretary should work to immediately  
11 remedy the situation at Fern Ridge Dam, Oregon, due to  
12 the rapid deterioration of the dam.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 authorized to be appropriated to carry out this section  
15 \$6,000,000.

16 **SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS.**

17 (a) IN GENERAL.—Upon request of a non-Federal in-  
18 terest, the Secretary shall evaluate the structural integrity  
19 and effectiveness of a project for flood damage reduction  
20 and, if the Secretary determines that the project does not  
21 meet such minimum standards as the Secretary may es-  
22 tablish and, absent action by the Secretary, the project  
23 will fail, the Secretary may take such action as may be  
24 necessary to restore the integrity and effectiveness of the  
25 project.

1 (b) PRIORITY.—The Secretary shall evaluate under  
2 subsection (a) the following projects:

3 (1) Project for flood damage reduction, Arkan-  
4 sas River Levees, river mile 205 to river mile 308.4,  
5 Arkansas.

6 (2) Project for flood damage reduction,  
7 Marianna Borough, Pennsylvania.

8 (3) Project for flood damage reduction,  
9 Nonconnah Creek, Tennessee.

10 **SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.**

11 Section 212(e) of the Water Resources Development  
12 Act of 1999 (33 U.S.C. 2332(e); 114 Stat. 2599) is  
13 amended—

14 (1) by striking “and” at the end of paragraph  
15 (27);

16 (2) by striking the period at the end of para-  
17 graph (28) and inserting a semicolon; and

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

19 “(29) La Crosse County, Wisconsin;

20 “(30) Crawford County, Wisconsin;

21 “(31) Buffalo County, Wisconsin;

22 “(32) Calhoun County, Illinois;

23 “(33) Saint Charles County, Missouri;

24 “(34) Saint Louis County, Missouri;

25 “(35) Dubuque County, Iowa;

- 1           “(36) Scott County, Iowa;  
2           “(37) Rock Island County, Illinois;  
3           “(38) Ascension Parish, Louisiana;  
4           “(39) East Baton Rouge Parish, Louisiana;  
5           “(40) Iberville Parish, Louisiana; and  
6           “(41) Livingston Parish, Louisiana.”.

7 **SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED**  
8           **PROJECTS.**

9           Section 219(e) of the Water Resources Development  
10 Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat.  
11 334) is amended—

12           (1) by striking “and” at the end of paragraph  
13           (7);

14           (2) by striking the period at the end of para-  
15           graph (8) and inserting a semicolon; and

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

17           “(9) \$20,000,000 for the project described in  
18           subsection (c)(20);

19           “(10) \$25,000,000 for the project described in  
20           subsection (c)(23);

21           “(11) \$20,000,000 for the project described in  
22           subsection (c)(25);

23           “(12) \$15,000,000 for the project described in  
24           subsection (c)(26);

1           “(13) \$7,800,000 for the project described in  
2 subsection (c)(27);

3           “(14) \$18,000,000 for the project described in  
4 subsection (c)(31); and

5           “(15) \$30,000,000 for the project described in  
6 subsection (c)(40).”.

7 **SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND**  
8 **CONSTRUCTION FOR CERTAIN PROJECTS.**

9           The Secretary shall expedite completion of the re-  
10 ports and, if the Secretary determines the project is fea-  
11 sible, shall expedite completion of construction for the fol-  
12 lowing projects:

13           (1) Welch Point, Elk River, Cecil County,  
14 Maryland, being carried out under section 535(a) of  
15 the Water Resources Development Act of 1999 (113  
16 Stat. 348–349).

17           (2) West View Shores, Cecil County, Maryland,  
18 being carried out under section 521 of the Water  
19 Resources Development Act of 2000 (114. Stat.  
20 2655).

21           (3) Sylvan Beach Breakwater, Verona, Oneida  
22 County, New York, being carried out under section  
23 3 of the Act entitled “An Act authorizing Federal  
24 participation in the cost of protecting the shores of

1 publicly owned property”, approved August 13, 1946  
2 (33 U.S.C. 426g).

3 (4) Fulmer Creek, Village of Mohawk, New  
4 York, being carried out under section 205 of the  
5 Flood Control Act of 1948 (33 U.S.C. 701s).

6 (5) Moyer Creek, Village of Frankfort, New  
7 York, being carried out under section 205 of the  
8 Flood Control Act of 1948 (33 U.S.C. 701s).

9 (6) Steele Creek, Village of Ilion, New York,  
10 being carried out under section 205 of the Flood  
11 Control Act of 1948 (33 U.S.C. 701s).

12 (7) Oriskany Wildlife Management Area, Rome,  
13 New York, being carried out under section 206 of  
14 the Water Resources Development Act of 1996 (33  
15 U.S.C. 2330).

16 (8) Whitney Point Lake, Otselic River, Whitney  
17 Point, New York, being carried out under section  
18 1135 of the Water Resources Development Act of  
19 1986 (33 U.S.C. 2309a).

20 (9) Newton Creek, Bainbridge, New York,  
21 being carried out under section 14 of the Flood Con-  
22 trol Act of 1946 (33 U.S.C. 701r).

23 (10) Chenango Lake, Chenango County, New  
24 York, being carried out under section 206 of the

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

3 (11) Lucas Berg Pit, Worth, Illinois, being car-  
4 ried out as part of the Calumet-Sag navigation  
5 project, authorized by section 2 of the River and  
6 Harbor Act of March 2, 1945 (59 Stat. 19), and  
7 modified by the first section of the River and Har-  
8 bor Act of July 24, 1946 (60 Stat. 636), and section  
9 109 of the River and Harbor Act of 1958 (72 Stat.  
10 302).

11 **SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CER-**  
12 **TAIN PROJECTS.**

13 (a) IN GENERAL.—The Secretary shall expedite com-  
14 pletion of the reports for the following projects and, if the  
15 Secretary determines that a project is justified in the com-  
16 pleted report, proceed directly to project preconstruction,  
17 engineering, and design:

18 (1) Project for flood damage reduction and eco-  
19 system restoration, Sacramento and San Joaquin  
20 River basins, Hamilton, California.

21 (2) Project for ecosystem restoration, Univer-  
22 sity Lake, Baton Rouge, Louisiana.

23 (3) Project for shoreline protection, Detroit  
24 River Greenway Corridor, Detroit, Michigan.



1           (4) Project for shoreline stabilization at  
2           Egmont Key, Florida.

3           (5) Project for environmental restoration,  
4           Gwynns Falls, Maryland.

5           (b) SPECIAL RULE FOR EGMONT KEY, FLORIDA.—  
6 In carrying out the project for shoreline stabilization at  
7 Egmont Key, Florida, referred to in subsection (a)(4), the  
8 Secretary shall waive any cost share to be provided by non-  
9 Federal interests for any portion of the project that bene-  
10 fits federally owned property.

11          (c) CHESAPEAKE, MARYLAND.—The Secretary shall  
12 expedite completion of the study being carried out under  
13 section 535(b) of the Water Resources Development Act  
14 of 1999 (113 Stat. 349) with respect to additional com-  
15 pensation to the city of Chesapeake, Maryland.

16          (d) SPECIAL RULE FOR GWYNNNS FALLS, MARY-  
17 LAND.—The report on the project for environmental res-  
18 toration at Gwynns Falls, Maryland, referred to in sub-  
19 section (a)(5), shall be treated as being consistent and in  
20 compliance with the consent decree entered into between  
21 the United States and the Mayor and City Council of Bal-  
22 timore, Maryland, filed with the United States District  
23 Court for the District of Maryland on April 26, 2002, and  
24 no policy of the Secretary with respect to work performed

1 under a consent decree shall delay completion of this re-  
2 port and its submission to Congress.

3 **SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESS-**  
4 **MENT.**

5 The Secretary may provide assistance to a coordi-  
6 nated effort by Federal, State, and local agencies, non-  
7 Federal and nonprofit entities, regional researchers, and  
8 other interested parties to assess the water resources and  
9 water resources needs of river basins and watersheds of  
10 the southeastern United States.

11 **SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL**  
12 **MANAGEMENT PROGRAM.**

13 Section 1103(e)(7)(A) of the Water Resources Devel-  
14 opment Act of 1986 (33 U.S.C. 652(e)(7)(A)) is amended  
15 by adding at the end the following: “The non-Federal in-  
16 terest may provide the non-Federal share of the cost of  
17 the project in the form of services, materials, supplies, or  
18 other in-kind contributions.”.

19 **SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**  
20 **HANCEMENT PROJECT.**

21 Section 514(g) of the Water Resources Development  
22 Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended  
23 by striking “and 2004” and inserting “through 2015”.

1 **SEC. 5012. MEMBERSHIP OF MISSOURI RIVER TRUST.**

2 Section 904(b)(1)(B) of the Water Resources Devel-  
3 opment Act of 2000 (114 Stat. 2708) is amended—

4 (1) by striking “and” at the end of clause (vii);

5 (2) by redesignating clause (viii) as clause (ix);

6 and

7 (3) by inserting after clause (vii) the following:

8 “(viii) rural water systems; and”.

9 **SEC. 5013. GREAT LAKES FISHERY AND ECOSYSTEM RES-**  
10 **TORATION.**

11 Section 506(f)(3)(B) of the Water Resources Devel-  
12 opment Act of 2000 (42 U.S.C. 1962d–22; 114 Stat.  
13 2646) is amended by striking “50 percent” and inserting  
14 “100 percent”.

15 **SEC. 5014. SUSQUEHANNA, DELAWARE, AND POTOMAC**  
16 **RIVER BASINS.**

17 (a) EX OFFICIO MEMBER.—Notwithstanding section  
18 3001(a) of the 1997 Emergency Supplemental Appropria-  
19 tions Act for Recovery From Natural Disasters, and for  
20 Overseas Peacekeeping Efforts, Including Those in Bosnia  
21 (111 Stat. 176) and section 2.2 of both the Susquehanna  
22 River Basin Compact (Public Law 91–575) and the Dela-  
23 ware River Basin Compact (Public Law 87–328), begin-  
24 ning in fiscal year 2002 and thereafter, the Division Engi-  
25 neer, North Atlantic Division, Corps of Engineers, shall  
26 be the ex officio United States member under the Susque-

1 hanna River Basin Compact and the Delaware River  
2 Basin Compact, who shall serve without additional com-  
3 pensation and who may designate an alternate member or  
4 members in accordance with the terms of those respective  
5 compacts.

6 (b) AUTHORIZATION TO ALLOCATE.—The Secretary  
7 may allocate funds to the Susquehanna River Basin Com-  
8 mission, Delaware River Basin Commission, and the  
9 Interstate Commission on the Potomac River Basin (Poto-  
10 mac River Basin Compact (Public Law 91–407)) to fulfill  
11 the equitable funding requirements of their respective  
12 interstate compacts.

13 (c) WATER SUPPLY AND CONSERVATION STOR-  
14 AGE.—The Secretary shall enter into an agreement with  
15 the Delaware River Basin Commission to provide tem-  
16 porary water supply and conservation storage at the  
17 Francis E. Walter Dam, Pennsylvania, during any period  
18 in which the Commission has determined that a drought  
19 warning or drought emergency exists. The agreement shall  
20 provide that the cost for any such water supply and con-  
21 servation storage shall not exceed the incremental oper-  
22 ating costs associated with providing the storage.

1 **SEC. 5015. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**  
2 **TION AND PROTECTION PROGRAM.**

3 Section 510(i) of the Water Resources Development  
4 Act of 1996 (110 Stat. 3761) is amended by striking  
5 “\$10,000,000” and inserting “\$30,000,000”.

6 **SEC. 5016. MONTGOMERY, ALABAMA.**

7 The Secretary shall review the navigation and aquatic  
8 ecosystem restoration components of the Montgomery  
9 Riverfront and Downtown Master Plan, Montgomery, Ala-  
10 bama, dated May 2001, and prepared by the non-Federal  
11 interest and, if the Secretary determines that those com-  
12 ponents meet the evaluation and design standards of the  
13 Corps of Engineers and that the components are feasible,  
14 may carry out the components at a Federal cost not to  
15 exceed \$5,000,000.

16 **SEC. 5017. PINHOOK CREEK, HUNTSVILLE, ALABAMA.**

17 The Secretary shall design and construct the locally  
18 preferred plan for flood protection at Pinhook Creek,  
19 Huntsville, Alabama, under the authority of section 205  
20 of the Flood Control Act of 1948 (33 U.S.C. 701s). The  
21 Secretary shall allow the non-Federal interest to partici-  
22 pate in the financing of the project in accordance with sec-  
23 tion 903(c) of the Water Resources Development Act of  
24 1986 (100 Stat. 4184) to the extent that the Secretary’s  
25 evaluation indicates that applying such section is nec-  
26 essary to implement the project.

1 **SEC. 5018. ALASKA.**

2 Section 570 of the Water Resources Development Act  
3 of 1999 (113 Stat. 369) is amended—

4 (1) in subsection (e)(3)(B) by striking the last  
5 sentence;

6 (2) in subsection (h) by striking “\$25,000,000”  
7 and inserting “\$40,000,000”; and

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

9 “(i) **NONPROFIT ENTITIES.**—Notwithstanding sec-  
10 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
11 1962d–5b(b)), for any project undertaken under this sec-  
12 tion, a non-Federal interest may include a nonprofit enti-  
13 ty, with the consent of the affected local government.

14 “(j) **CORPS OF ENGINEERS EXPENSES.**—Ten percent  
15 of the amounts appropriated to carry out this section may  
16 be used by the Corps of Engineers district offices to ad-  
17 minister projects under this section at 100 percent Fed-  
18 eral expense.”.

19 **SEC. 5019. AKUTAN SMALL BOAT HARBOR, ALASKA.**

20 (a) **IN GENERAL.**—The Secretary shall expedite the  
21 study for the Akutan Small Boat Harbor, Alaska, and  
22 upon completion of the feasibility study, shall design and  
23 construct the project, if the Secretary determines that the  
24 project is feasible.

25 (b) **TREATMENT OF CERTAIN DREDGING.**—The  
26 headlands dredging for the mooring basin shall be consid-

1 ered general navigation feature for purposes of estimating  
2 the non-Federal share of the cost of the project.

3 **SEC. 5020. FORT YUKON, ALASKA.**

4 The Secretary shall make repairs to the dike at Fort  
5 Yukon, Alaska, so that the dike meets Corps of Engineers  
6 standards.

7 **SEC. 5021. LOWELL CREEK TUNNEL, SEWARD, ALASKA.**

8 (a) LONG-TERM MAINTENANCE AND REPAIR.—The  
9 Secretary shall assume responsibility for the long-term  
10 maintenance and repair of the Lowell Creek Tunnel.

11 (b) STUDY.—The Secretary shall conduct a study to  
12 determine whether alternative methods of flood diversion  
13 in Lowell Canyon are feasible.

14 **SEC. 5022. ST. HERMAN AND ST. PAUL HARBORS, KODIAK,**  
15 **ALASKA.**

16 The Secretary shall carry out, on an emergency basis,  
17 necessary removal of rubble, sediment, and rock that are  
18 impeding the entrance to the St. Herman and St. Paul  
19 Harbors, Kodiak, Alaska, at a Federal cost of \$2,000,000.

20 **SEC. 5023. AUGUSTA AND CLARENDON, ARKANSAS.**

21 (a) IN GENERAL.—The Secretary is authorized to  
22 perform operation, maintenance, and rehabilitation of au-  
23 thorized and completed levees on the White River between  
24 Augusta and Clarendon, Arkansas.

1 (b) REIMBURSEMENT.—After performing the oper-  
2 ation, maintenance, and rehabilitation under subsection  
3 (a), the Secretary shall seek reimbursement from the Sec-  
4 retary of the Interior of an amount equal to the costs allo-  
5 cated to benefits to a Federal wildlife refuge of such oper-  
6 ation, maintenance, and rehabilitation.

7 **SEC. 5024. HELENA AND VICINITY, ARKANSAS.**

8 The Secretary shall accept as fulfilling the non-Fed-  
9 eral cost sharing responsibilities for the project for flood  
10 control, Helena and Vicinity, Arkansas, authorized by sec-  
11 tion 401 of the Water Resources Development Act of 1986  
12 (100 Stat. 4112), the non-Federal cash contribution of  
13 \$568,000 and the lands, easements, rights-of-way, reloca-  
14 tions, and dredged material disposal areas provided by the  
15 non-Federal sponsor as of September 1, 2003, and the  
16 Secretary shall not seek to recover any reimbursement  
17 from the non-Federal sponsor related to advanced pay-  
18 ments to, or work performed for, the non-Federal sponsor  
19 under the authority of sections 103 and 104 of the Water  
20 Resources Development Act of 1986 (33 U.S.C. 2213,  
21 2214).

22 **SEC. 5025. LOOMIS LANDING, ARKANSAS.**

23 The Secretary shall conduct a study of shore damage  
24 in the vicinity of Loomis Landing, Arkansas, to determine  
25 if the damage is the result of a Federal navigation project,



1 and, if the Secretary determines that the damage is the  
2 result of a Federal navigation project, the Secretary shall  
3 carry out a project to mitigate the damage under section  
4 111 of the River and Harbor Act of 1968 (33 U.S.C.  
5 426i).

6 **SEC. 5026. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA-**  
7 **TION PROJECT, ARKANSAS AND OKLAHOMA.**

8 The McClellan-Kerr Arkansas River navigation and  
9 comprehensive development project, Arkansas and Okla-  
10 homa, authorized by the Act entitled “An Act authorizing  
11 the construction of certain public works on rivers and har-  
12 bors for flood control, and for other purposes”, approved  
13 June 28, 1938 (52 Stat. 1215), and the first section of  
14 the River and Harbor Act of 1946 (60 Stat. 364) and  
15 modified by section 108 of the Energy and Water Develop-  
16 ment Appropriations Act, 1988 (101 Stat. 1329–112), is  
17 further modified to authorize a project depth of 12 feet  
18 in the States of Arkansas and Oklahoma.

19 **SEC. 5027. ST. FRANCIS RIVER BASIN, ARKANSAS AND MIS-**  
20 **SOURI.**

21 The Secretary shall conduct a study of increased sil-  
22 tation and streambank erosion in the St. Francis River  
23 basin, Arkansas and Missouri, to determine if the siltation  
24 or erosion, or both, are the result of a Federal flood con-  
25 trol project and, if the Secretary determines that the silta-

1 tion or erosion, or both, are the result of a Federal flood  
2 control project, the Secretary shall carry out a project to  
3 mitigate the siltation or erosion, or both.

4 **SEC. 5028. CAMBRIA, CALIFORNIA.**

5 Section 219(f)(48) of the Water Resources Develop-  
6 ment Act of 1992 (114 Stat. 2763A–220) is amended—

7 (1) by striking “\$10,300,000” and inserting the  
8 following:

9 “(A) IN GENERAL.—\$10,300,000”;

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

11 “(B) CREDIT.—The Secretary shall credit  
12 toward the non-Federal share of the cost of the  
13 project not to exceed \$3,000,000 for the cost of  
14 planning and design work carried out by the  
15 non-Federal interest before the date of the  
16 partnership agreement for the project if the  
17 Secretary determines that the work is integral  
18 to the project.”; and

19 (3) by aligning the remainder of the text of  
20 subparagraph (A) (as designated by paragraph (1)  
21 of this section) with subparagraph (B) (as added by  
22 paragraph (2) of this section).

1 **SEC. 5029. CONTRA COSTA CANAL, OAKLEY AND**  
2 **KNIGHTSEN, CALIFORNIA; MALLARD**  
3 **SLOUGH, PITTSBURG, CALIFORNIA.**

4 Sections 512 and 514 of the Water Resources Devel-  
5 opment Act of 2000 (114 Stat. 2650) are each amended  
6 by adding at the end the following: “All planning, study,  
7 design, and construction on the project shall be carried  
8 out by the office of the district engineer, San Francisco,  
9 California.”.

10 **SEC. 5030. EAST SAN JOAQUIN COUNTY, CALIFORNIA.**

11 Section 219(f)(22) of the Water Resources Develop-  
12 ment Act of 1992 (106 Stat. 4835–4836; 113 Stat. 336)  
13 is amended—

14 (1) by striking “\$25,000,000” and inserting the  
15 following:

16 “(A) IN GENERAL.—\$25,000,000”;

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

18 “(B) CREDIT.—The Secretary shall credit  
19 toward the non-Federal share of the cost of the  
20 project (i) the cost of design and construction  
21 work carried out by the non-Federal interest  
22 before the date of the partnership agreement  
23 for the project if the Secretary determines that  
24 the work is integral to the project; and (ii) the  
25 cost of in-kind services and materials provided  
26 for the project by the non-Federal interest.

1           “(C) IN-KIND CONTRIBUTIONS.—The non-  
2           Federal interest may provide any portion of the  
3           non-Federal share of the cost of the project in  
4           the form of services, materials, supplies, or  
5           other in-kind contributions.”; and

6           (3) by aligning the remainder of the text of  
7           subparagraph (A) (as designated by paragraph (1)  
8           of this section) with subparagraph (B) (as added by  
9           paragraph (2) of this section).

10 **SEC. 5031. PLACER AND EL DORADO COUNTIES, CALI-**  
11 **FORNIA.**

12           (a) ESTABLISHMENT OF PROGRAM.—The Secretary  
13           may establish a program to provide environmental assist-  
14           ance to non-Federal interests in Placer and El Dorado  
15           Counties, California.

16           (b) FORM OF ASSISTANCE.—Assistance under this  
17           section may be in the form of design and construction as-  
18           sistance to improve the efficiency and use of existing water  
19           supplies in Placer and El Dorado Counties through water  
20           and wastewater projects, programs, and infrastructure.

21           (c) OWNERSHIP REQUIREMENT.—The Secretary may  
22           provide assistance for a project under this section only if  
23           the project is publicly owned.

24           (d) PARTNERSHIP AGREEMENTS.—

1           (1) IN GENERAL.—Before providing assistance  
2           under this section, the Secretary shall enter into a  
3           partnership agreement with a non-Federal interest  
4           to provide for design and construction of the project  
5           to be carried out with the assistance.

6           (2) REQUIREMENTS.—Each partnership agree-  
7           ment entered into under this subsection shall provide  
8           for the following:

9                   (A) PLAN.—Development by the Secretary,  
10                   in consultation with appropriate Federal and  
11                   State officials, of a facilities or resource protec-  
12                   tion and development plan, including appro-  
13                   priate engineering plans and specifications.

14                   (B) LEGAL AND INSTITUTIONAL STRUC-  
15                   TURES.—Establishment of such legal and insti-  
16                   tutional structures as are necessary to ensure  
17                   the effective long-term operation of the project  
18                   by the non-Federal interest.

19           (3) COST SHARING.—

20                   (A) IN GENERAL.—The Federal share of  
21                   the project costs under each partnership agree-  
22                   ment entered into under this subsection shall be  
23                   75 percent. The Federal share may be in the  
24                   form of grants or reimbursements of project  
25                   costs.

1           (B) CREDIT FOR WORK.—The non-Federal  
2 interests shall receive credit for the reasonable  
3 cost of design work on a project completed by  
4 the non-Federal interest before entering into a  
5 partnership agreement with the Secretary for  
6 such project.

7           (C) CREDIT FOR INTEREST.—In case of a  
8 delay in the funding of the non-Federal share  
9 of a project that is the subject of an agreement  
10 under this section, the non-Federal interest  
11 shall receive credit for reasonable interest in-  
12 curred in providing the non-Federal share of  
13 the project's costs.

14           (D) LAND, EASEMENTS, AND RIGHTS-OF-  
15 WAY CREDIT.—The non-Federal interest shall  
16 receive credit for land, easements, rights-of-  
17 way, and relocations toward the non-Federal  
18 share of project costs (including all reasonable  
19 costs associated with obtaining permits nec-  
20 essary for the construction, operation, and  
21 maintenance of the project on publicly owned or  
22 controlled land), but not to exceed 25 percent  
23 of total project costs.

24           (E) OPERATION AND MAINTENANCE.—The  
25 non-Federal share of operation and mainte-

1            nance costs for projects constructed with assist-  
2            ance provided under this section shall be 100  
3            percent.

4            (e) **APPLICABILITY OF OTHER FEDERAL AND STATE**  
5 **LAWS.**—Nothing in this section waives, limits, or other-  
6 wise affects the applicability of any provision of Federal  
7 or State law that would otherwise apply to a project to  
8 be carried out with assistance provided under this section.

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

14            (g) **CORPS OF ENGINEERS EXPENSES.**—Ten percent  
15 of the amounts appropriated to carry out this section may  
16 be used by the Corps of Engineers district offices to ad-  
17 minister projects under this section at 100 percent Fed-  
18 eral expense.

19            (h) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
20 authorized to be appropriated to carry out this section  
21 \$40,000,000. Such sums shall remain available until ex-  
22 pended.

23 **SEC. 5032. SACRAMENTO AREA, CALIFORNIA.**

24            Section 219(f)(23) of the Water Resources Develop-  
25 ment Act of 1992 (106 Stat. 4835–4836; 113 Stat. 336)

1 is amended by striking “\$25,000,000” and inserting  
2 “\$35,000,000”.

3 **SEC. 5033. SACRAMENTO DEEP WATER SHIP CHANNEL,**  
4 **CALIFORNIA.**

5 (a) IN GENERAL.—The Secretary is authorized to  
6 transfer title to the Bascule Bridge, deauthorized by sec-  
7 tion 347(a)(2) of the Water Resources Development Act  
8 of 2000 (114. Stat. 2618), to the city of West Sacramento,  
9 California, subject to the execution of an agreement by  
10 the Secretary and the city which specifies the terms and  
11 conditions for such transfer. The terms and conditions of  
12 the transfer shall include a provision authorizing the Sec-  
13 retary to participate in the construction of a replacement  
14 bridge following the removal of the Bascule Bridge.

15 (b) AUTHORIZATION OF APPROPRIATION.—There is  
16 authorized to be appropriated \$5,000,000 for the Sec-  
17 retary to participate in the construction of a replacement  
18 bridge under this section.

19 **SEC. 5034. SAN FRANCISCO, CALIFORNIA.**

20 (a) PIER 70 WHARF 5 REMOVAL AND DREDGING  
21 PROJECT.—

22 (1) IN GENERAL.—The Secretary, in coopera-  
23 tion with the Port of San Francisco, shall carry out  
24 the project for removal of Wharf 5 and associated  
25 pilings and dredgings at Pier 70 in San Francisco,



1 California, substantially in accordance with the  
2 Port's redevelopment plans.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated \$1,600,000  
5 to carry out this subsection.

6 (b) PIERS 94–96 REPAIRS PROJECT.—

7 (1) IN GENERAL.—The Secretary, in coopera-  
8 tion with the Port of San Francisco, California, may  
9 carry out the project for repairs to Piers 94–96 in  
10 San Francisco, California, substantially in accord-  
11 ance with the Port's redevelopment plan.

12 (2) AUTHORIZATION OF APPROPRIATION.—

13 There is authorized to be appropriated \$5,000,000  
14 to carry out this subsection.

15 (c) CAPITAL IMPROVEMENT PROJECT.—

16 (1) ESTABLISHMENT OF OFFICE.—The Sec-  
17 retary shall establish a centralized office at the office  
18 of the district engineer, San Francisco, California,  
19 for the use of all Federal and State agencies that  
20 are or will be involved in issuing permits and con-  
21 ducting environmental reviews for the capital im-  
22 provement project to repair and upgrade the water  
23 supply and delivery system for the city of San Fran-  
24 cisco.



1 est, such portion is declared to be nonnavigable waters of  
2 the United States.

3 (b) NORTHERN EMBARCADERO SOUTH OF BRYANT  
4 STREET.—The portion of the San Francisco, California,  
5 waterfront area referred to in subsection (a) is as follows:  
6 Beginning at the intersection of the northwesterly line of  
7 Bryant Street with the southwesterly line of Spear Street,  
8 which intersection lies on the line of jurisdiction of the  
9 San Francisco Port Authority; following thence westerly  
10 and southerly along said line of jurisdiction as described  
11 in the State of California Harbor and Navigable Code Sec-  
12 tion 1770, as amended in 1961, to its intersection with  
13 the easterly line of Townsend Street produced southerly;  
14 thence northerly along said easterly line of Townsend  
15 Street produced to its intersection with the United States  
16 Government pier-head line; thence following said pier-head  
17 line westerly and northerly to its intersection with the ex-  
18 isting boundary line of Piers 30/32, then northerly and  
19 easterly along the existing boundary of Piers 30/32 until  
20 its intersection with the United States Government pier-  
21 head line, thence following said pier-head line westerly and  
22 northerly to the northwesterly line of Bryant Street pro-  
23 duced northwesterly; thence southwesterly along said  
24 northwesterly line of Bryant Street produced to the point  
25 of beginning.

1           (c) REQUIREMENT THAT AREA BE IMPROVED.—The  
2 declaration of nonnavigability under subsection (a) applies  
3 only to those parts of the area described in subsection (b)  
4 that are or will be bulkheaded, filled, or otherwise occupied  
5 by permanent structures and does not affect the applica-  
6 bility of any Federal statute or regulation applicable to  
7 such parts the day before the date of enactment of this  
8 Act, including sections 9 and 10 of the Act of March 3,  
9 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly  
10 known as the Rivers and Harbors Appropriation Act of  
11 1899, section 404 of the Federal Water Pollution Control  
12 Act (33 U.S.C. 1344), and the National Environmental  
13 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

14           (d) EXPIRATION DATE.—If, 20 years from the date  
15 of enactment of this Act, any area or part thereof de-  
16 scribed in subsection (b) is not bulkheaded or filled or oc-  
17 cupied by permanent structures, including marina facili-  
18 ties, in accordance with the requirements set out in sub-  
19 section (c), or if work in connection with any activity per-  
20 mitted in subsection (c) is not commenced within 5 years  
21 after issuance of such permits, then the declaration of  
22 nonnavigability for such area or part thereof shall expire.

23 **SEC. 5036. SAN PABLO BAY WATERSHED AND SUISUN**  
24 **MARSH ECOSYSTEM RESTORATION.**

25           (a) SAN PABLO BAY WATERSHED, CALIFORNIA.—

1           (1) IN GENERAL.—The Secretary shall complete  
2 work, as expeditiously as possible, on the ongoing  
3 San Pablo Bay watershed, California, study to deter-  
4 mine the feasibility of opportunities for restoring,  
5 preserving and protecting the San Pablo Bay water-  
6 shed.

7           (2) REPORT.—Not later than March 31, 2008,  
8 the Secretary shall transmit to Congress a report on  
9 the results of the study.

10          (c) SUISUN MARSH, CALIFORNIA.—The Secretary  
11 shall conduct a comprehensive study to determine the fea-  
12 sibility of opportunities for restoring, preserving and pro-  
13 tecting the Suisun Marsh, California.

14          (d) SAN PABLO AND SUISUN BAY MARSH WATER-  
15 SHED CRITICAL RESTORATION PROJECTS.—

16           (1) IN GENERAL.—The Secretary may partici-  
17 pate in critical restoration projects that will produce,  
18 consistent with Federal programs, projects, activi-  
19 ties, immediate and substantial ecosystem restora-  
20 tion, preservation and protection benefits in the fol-  
21 lowing sub-watersheds of the San Pablo and Suisun  
22 Bay Marsh watersheds:

23                   (A) The tidal areas of the Petaluma River,  
24                   Napa-Sonoma Marsh.

1           (B) The shoreline of West Contra Costa  
2 County.

3           (C) Novato Creek.

4           (D) Suisun Marsh.

5           (E) Gallinas-Miller Creek.

6 Participation in such critical restoration projects  
7 may include assistance for planning, design or con-  
8 struction.

9           (2) NON-FEDERAL INTERESTS.—Notwith-  
10 standing the requirements of section 221 of the  
11 Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a  
12 nonprofit entity may serve, with the consent of the  
13 affected local government, as a non-Federal sponsor  
14 for a project undertaken pursuant to this section.

15           (3) COST SHARING.—Before carrying out any  
16 project under this section, the Secretary shall enter  
17 into a partnership agreement with the non-Federal  
18 interest that shall require the non-Federal interest—

19           (A) to pay 35 percent of the cost of con-  
20 struction for the project;

21           (B) to provide any lands, easements,  
22 rights-of-way, dredged material disposal areas  
23 and relocations necessary to carry out the  
24 project; and

1           (C) to pay 100 percent of the operation,  
2           maintenance, repair, replacement, and rehabili-  
3           tation costs associated with the project.

4           (4) CREDIT.—The Secretary shall credit toward  
5           the non-Federal share of the cost of construction of  
6           a project under this section—

7           (A) the value of any lands, easements,  
8           rights-of-way, dredged material disposal areas,  
9           or relocations provided for carrying out the  
10          project, regardless of the date of acquisition;

11          (B) funds received from the CALFED  
12          Bay-Delta program; and

13          (C) the cost of the studies, design and con-  
14          struction work carried out by the non-Federal  
15          interest before the date of execution of a part-  
16          nership agreement for the project if the Sec-  
17          retary determines that the work is integral to  
18          the project.

19          (5) AUTHORIZATION OF APPROPRIATIONS.—  
20          There is authorized to be appropriated to carry out  
21          this subsection \$40,000,000.

22 **SEC. 5037. STOCKTON, CALIFORNIA.**

23          (a) REEVALUATION.—The Secretary shall reevaluate  
24          the feasibility of the Lower Mosher Slough element and  
25          the levee extensions on the Upper Calaveras River element

1 of the project for flood control, Stockton Metropolitan  
2 Area, California, carried out under section 211(f)(3) of the  
3 Water Resources Development Act of 1996 (110 Stat.  
4 3683), to determine the eligibility of such elements for re-  
5 imbursement under section 211 of such Act (33 U.S.C.  
6 701b-13).

7 (b) SPECIAL RULES FOR REEVALUATION.—In con-  
8 ducting the reevaluation under subsection (a), the Sec-  
9 retary shall not reject a feasibility determination based on  
10 policies of the Corps of Engineers concerning the fre-  
11 quency of flooding, the drainage area, and the amount of  
12 runoff.

13 (c) REIMBURSEMENT.—If the Secretary determines  
14 that the elements referred to subsection (a) are feasible,  
15 the Secretary shall reimburse, subject to appropriations,  
16 the non-Federal interest under section 211 of the Water  
17 Resources Development Act of 1996 for the Federal share  
18 of the cost of such elements.

19 **SEC. 5038. UPPER KLAMATH BASIN, CALIFORNIA.**

20 (a) DEFINITION OF UPPER KLAMATH BASIN.—In  
21 this section, the term “Upper Klamath Basin” means the  
22 counties of Klamath, Oregon, and Siskiyou and Modoc,  
23 California.

24 (b) ESTABLISHMENT OF PROGRAM.—The Secretary  
25 may establish a program to provide environmental assist-



1 ance to non-Federal interests in the Upper Klamath  
2 Basin.

3 (c) FORM OF ASSISTANCE.—Assistance under this  
4 section may be in the form of design and construction as-  
5 sistance to improve the efficiency and use of existing water  
6 supplies in the Upper Klamath Basin through water and  
7 wastewater and ecosystem restoration projects, programs,  
8 and infrastructure.

9 (d) OWNERSHIP REQUIREMENT.—The Secretary may  
10 provide assistance for a project under this section only if  
11 the project is publicly owned.

12 (e) PARTNERSHIP AGREEMENTS.—

13 (1) IN GENERAL.—Before providing assistance  
14 under this section, the Secretary shall enter into a  
15 partnership agreement with a non-Federal interest  
16 to provide for design and construction of the project  
17 to be carried out with the assistance.

18 (2) REQUIREMENTS.—Each partnership agree-  
19 ment entered into under this subsection shall provide  
20 for the following:

21 (A) PLAN.—Development by the Secretary,  
22 in consultation with appropriate Federal and  
23 State officials, of a facilities or resource protec-  
24 tion and development plan, including appro-  
25 priate engineering plans and specifications.

1           (B) LEGAL AND INSTITUTIONAL STRUC-  
2           TURES.—Establishment of such legal and insti-  
3           tutional structures as are necessary to ensure  
4           the effective long-term operation of the project  
5           by the non-Federal interest.

6           (3) COST SHARING.—

7           (A) IN GENERAL.—The Federal share of  
8           the project costs under each partnership agree-  
9           ment entered into under this subsection shall be  
10          75 percent. The Federal share may be in the  
11          form of grants or reimbursements of project  
12          costs.

13          (B) CREDIT FOR WORK.—The non-Federal  
14          interests shall receive credit for the reasonable  
15          cost of design work on a project completed by  
16          the non-Federal interest before entering into a  
17          partnership agreement with the Secretary for  
18          such project.

19          (C) CREDIT FOR INTEREST.—In case of a  
20          delay in the funding of the non-Federal share  
21          of a project that is the subject of an agreement  
22          under this section, the non-Federal interest  
23          shall receive credit for reasonable interest in-  
24          curred in providing the non-Federal share of  
25          the project's costs.

1           (D) LAND, EASEMENTS, AND RIGHTS-OF-  
2           WAY CREDIT.—The non-Federal interest shall  
3           receive credit for land, easements, rights-of-  
4           way, and relocations toward the non-Federal  
5           share of project costs (including all reasonable  
6           costs associated with obtaining permits nec-  
7           essary for the construction, operation, and  
8           maintenance of the project on publicly owned or  
9           controlled land), but not to exceed 25 percent  
10          of total project costs.

11          (E) OPERATION AND MAINTENANCE.—The  
12          non-Federal share of operation and mainte-  
13          nance costs for projects constructed with assist-  
14          ance provided under this section shall be 100  
15          percent.

16          (f) APPLICABILITY OF OTHER FEDERAL AND STATE  
17          LAWS.—Nothing in this section waives, limits, or other-  
18          wise affects the applicability of any provision of Federal  
19          or State law that would otherwise apply to a project to  
20          be carried out with assistance provided under this section.

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

1 (h) CORPS OF ENGINEERS EXPENSES.—Ten percent  
2 of the amounts appropriated to carry out this section may  
3 be used by the Corps of Engineers district offices to ad-  
4 minister projects under this section at 100 percent Fed-  
5 eral expense.

6 (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
7 authorized to be appropriated to carry out this section  
8 \$25,000,000. Such sums shall remain available until ex-  
9 pended.

10 **SEC. 5039. CHARLES HERVEY TOWNSHEND BREAKWATER,**  
11 **CONNECTICUT.**

12 The western breakwater for the project for naviga-  
13 tion, New Haven Harbor, Connecticut, authorized by the  
14 1st section of the Act entitled “An Act making appropria-  
15 tions for the construction, repair, and preservation of cer-  
16 tain public works on rivers and harbors, and for other pur-  
17 poses”, approved September 19, 1890 (26 Stat. 426),  
18 shall be known and designated as the “Charles Hervey  
19 Townshend Breakwater”.

20 **SEC. 5040. EVERGLADES RESTORATION, FLORIDA.**

21 (a) COMPREHENSIVE PLAN.—

22 (1) HILLSBORO AND OKEECHOBEE AQUIFER.—  
23 Section 601(b)(2)(A) of the Water Resources Devel-  
24 opment Act of 2000 (114 Stat. 2681) is amended—

1 (A) in clause (i) by adding at the end the  
2 following: “The project for aquifer storage and  
3 recovery, Hillsboro and Okeechobee Aquifer,  
4 Florida, authorized by section 101(a)(16) of the  
5 Water Resources Development Act of 1999  
6 (113 Stat. 276), shall be treated for purposes  
7 of this section as being in the Plan.”; and

8 (B) in clause (iii) by inserting after “sub-  
9 paragraph (B)” the following: “and the project  
10 for aquifer storage and recovery, Hillsboro and  
11 Okeechobee Aquifer”.

12 (2) OUTREACH AND ASSISTANCE.—Section  
13 601(k) of such Act (114 Stat. 2691–2692) is  
14 amended by adding at the end the following:

15 “(3) MAXIMUM EXPENDITURES.—The Sec-  
16 retary may expend up to \$3,000,000 per fiscal year  
17 for fiscal years beginning after September 30, 2002,  
18 to carry out this subsection.”.

19 (b) CRITICAL RESTORATION PROJECTS.—Section  
20 528(b)(3)(C) of the Water Resources Development Act of  
21 1996 (110 Stat. 3769; 113 Stat. 286) is amended—

22 (1) in clause (i) by striking “\$75,000,000” and  
23 all that follows through “2003” and inserting  
24 “\$95,000,000”; and

1           (2) in clause (ii) by striking “\$25,000,000” and  
2           inserting “\$30,000,000”.

3 **SEC. 5041. FLORIDA KEYS WATER QUALITY IMPROVE-**  
4                                   **MENTS.**

5           Section 109(e)(2) of Division B of the Miscellaneous  
6 Appropriations Act, 2001 (enacted into law by Public Law  
7 106–554) (114 Stat. 2763A–222) is amended by adding  
8 at the end the following:

9                                   “(C) CREDIT FOR WORK PRIOR TO EXECU-  
10                                   TION OF THE PARTNERSHIP AGREEMENT.—The  
11                                   Secretary shall credit toward the non-Federal  
12                                   share of the cost of the project (i) the cost of  
13                                   construction work carried out by the non-Fed-  
14                                   eral interest before the date of the partnership  
15                                   agreement for the project if the Secretary de-  
16                                   termines that the work is integral to the  
17                                   project; and (ii) the cost of land acquisition car-  
18                                   ried out by the non-Federal interest for projects  
19                                   to be carried out under this section.”.

20 **SEC. 5042. LAKE WORTH, FLORIDA.**

21           The Secretary may carry out necessary repairs for  
22 the Lake Worth bulkhead replacement project, West Palm  
23 Beach, Florida, at an estimated total cost of \$9,000,000.

1 **SEC. 5043. LAKE LANIER, GEORGIA.**

2       The Secretary may assist local interests with plan-  
3 ning, design, and construction of facilities at the Lake La-  
4 nier Olympic Center, Georgia, in support of the 2003  
5 World Kayaking Championships, at a total cost of  
6 \$5,300,000.

7 **SEC. 5044. RILEY CREEK RECREATION AREA, IDAHO.**

8       The Secretary is authorized to carry out the Riley  
9 Creek Recreation Area Operation Plan of the Albeni Falls  
10 Management Plan, dated October 2001, for the Riley  
11 Creek Recreation Area, Albeni Falls Dam, Bonner Coun-  
12 ty, Idaho.

13 **SEC. 5045. RECONSTRUCTION OF ILLINOIS FLOOD PROTEC-**  
14 **TION PROJECTS.**

15       (a) IN GENERAL.—The Secretary may participate in  
16 the reconstruction of an eligible flood control project if the  
17 Secretary determines that such reconstruction is not re-  
18 quired as a result of improper operation and maintenance  
19 of the project by the non-Federal interest.

20       (b) COST SHARING.—The non-Federal share of the  
21 costs for the reconstruction of a flood control project au-  
22 thorized by this section shall be the same Federal share  
23 that was applicable to construction of the project. The  
24 non-Federal interest shall be responsible for operation and  
25 maintenance and repair of a project for which reconstruc-  
26 tion is undertaken under this section.

1           (c) RECONSTRUCTION DEFINED.—In this section,  
2 the term “reconstruction”, as used with respect to a  
3 project, means addressing major project deficiencies  
4 caused by long-term degradation of the foundation, con-  
5 struction materials, or engineering systems or components  
6 of the project, the results of which render the project at  
7 risk of not performing in compliance with its authorized  
8 project purposes. In addressing such deficiencies, the Sec-  
9 retary may incorporate current design standards and effi-  
10 ciency improvements, including the replacement of obso-  
11 lete mechanical and electrical components at pumping sta-  
12 tions, if such incorporation does not significantly change  
13 the scope, function, and purpose of the project as author-  
14 ized.

15           (d) ELIGIBLE PROJECTS.—The following flood con-  
16 trol projects are eligible for reconstruction under this sec-  
17 tion:

18                   (1) Wood River Drainage and Levee District,  
19 Illinois, authorized as part of the navigation project  
20 of the Upper Mississippi River basin by section 2 of  
21 the Flood Control Act of June 28, 1938 (52 Stat.  
22 1218).

23                   (2) Clear Creek Drainage and Levee District,  
24 Illinois, authorized by section 5 of the Flood Control  
25 Act of June 22, 1936 (49 Stat. 1581).



1           (3) Fort Chartres and Ivy Landing Drainage  
2           District, Illinois, authorized as part of the naviga-  
3           tion project of the Upper Mississippi River basin by  
4           section 2 of the Flood Control Act of June 22, 1938  
5           (52 Stat. 1218).

6           (e) JUSTIFICATION.—The reconstruction of a project  
7           authorized by this section shall not be considered a sepa-  
8           rable element of the project.

9           (f) AUTHORIZATION OF APPROPRIATION.—There is  
10          authorized to be appropriated \$15,000,000 to carry out  
11          this section. Such sums shall remain available until ex-  
12          pended.

13       **SEC. 5046. COOK COUNTY, ILLINOIS.**

14          Section 219(f)(54) of the Water Resources Develop-  
15          ment Act of 1992 (106 Stat. 4835; 113 Stat. 535; 114  
16          Stat. 2763A-221) is amended—

17               (1) by striking “\$35,000,000” and inserting the  
18          following:

19                       “(A) IN GENERAL.—\$35,000,000”;

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

21                       “(B) CREDIT.—The Secretary shall credit  
22          toward the non-Federal share of the cost of the  
23          project not to exceed \$80,000 for the cost of  
24          planning and design work carried out by the  
25          non-Federal interest before, on, or after the

1 date of the partnership agreement for the  
2 project if the Secretary determines that the  
3 work is integral to the project.”; and

4 (3) by aligning the remainder of the text of  
5 subparagraph (A) (as designated by paragraph (1)  
6 of this section) with subparagraph (B) (as added by  
7 paragraph (2) of this section).

8 **SEC. 5047. KASKASKIA RIVER BASIN, ILLINOIS, RESTORA-**  
9 **TION.**

10 (a) KASKASKIA RIVER BASIN DEFINED.—In this sec-  
11 tion, the term “Kaskaskia River basin” means the  
12 Kaskaskia River, Illinois, its backwaters, its side channels,  
13 and all tributaries, including their watersheds, draining  
14 into the Kaskaskia River.

15 (b) COMPREHENSIVE PLAN.—

16 (1) DEVELOPMENT.—The Secretary shall de-  
17 velop, as expeditiously as practicable, a comprehen-  
18 sive plan for the purpose of restoring, preserving,  
19 and protecting the Kaskaskia River basin.

20 (2) TECHNOLOGIES AND INNOVATIVE AP-  
21 PROACHES.—The comprehensive plan shall provide  
22 for the development of new technologies and innova-  
23 tive approaches—

24 (A) to enhance the Kaskaskia River as a  
25 transportation corridor;

1 (B) to improve water quality within the en-  
2 tire Kaskaskia River basin;

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

5 (D) to increase economic opportunity for  
6 agriculture and business communities; and

7 (E) to reduce the impacts of flooding to  
8 communities and landowners.

9 (3) SPECIFIC COMPONENTS.—The comprehen-  
10 sive plan shall include such features as are necessary  
11 to provide for—

12 (A) the development and implementation of  
13 a program for sediment removal technology,  
14 sediment characterization, sediment transport,  
15 and beneficial uses of sediment;

16 (B) the development and implementation  
17 of a program for the planning, conservation,  
18 evaluation, and construction of measures for  
19 fish and wildlife habitat conservation and reha-  
20 bilitation, and stabilization and enhancement of  
21 land and water resources in the basin;

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

1           (D) the development and implementation  
2           of a computerized inventory and analysis sys-  
3           tem; and

4           (E) the development and implementation  
5           of a systemic plan to reduce flood impacts by  
6           means of ecosystem restoration projects.

7           (4) CONSULTATION.—The comprehensive plan  
8           shall be developed by the Secretary in consultation  
9           with appropriate Federal agencies, the State of Illi-  
10          nois, and the Kaskaskia River Coordinating Council.

11          (5) REPORT TO CONGRESS.—Not later than 2  
12          years after the date of enactment of this Act, the  
13          Secretary shall transmit to Congress a report con-  
14          taining the comprehensive plan.

15          (6) ADDITIONAL STUDIES AND ANALYSES.—  
16          After transmission of a report under paragraph (5),  
17          the Secretary shall conduct studies and analyses of  
18          projects related to the comprehensive plan that are  
19          appropriate and consistent with this subsection.

20          (c) GENERAL PROVISIONS.—

21           (1) WATER QUALITY.—In carrying out activi-  
22           ties under this section, the Secretary's recommenda-  
23           tions shall be consistent with applicable State water  
24           quality standards.

1           (2) PUBLIC PARTICIPATION.—In developing the  
2           comprehensive plan under subsection (b), the Sec-  
3           retary shall implement procedures to facilitate public  
4           participation, including providing advance notice of  
5           meetings, providing adequate opportunity for public  
6           input and comment, maintaining appropriate  
7           records, and making a record of the proceedings of  
8           meetings available for public inspection.

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

13               (1) Farm programs of the Department of Agri-  
14               culture.

15               (2) Conservation Reserve Enhancement Pro-  
16               gram (State of Illinois) and Conservation 2000 Eco-  
17               system Program of the Illinois Department of Nat-  
18               ural Resources.

19               (3) Conservation 2000 Conservation Practices  
20               Program and the Livestock Management Facilities  
21               Act administered by the Illinois Department of Agri-  
22               culture.

23               (4) National Buffer Initiative of the Natural  
24               Resources Conservation Service.

1           (5) Nonpoint source grant program adminis-  
2           tered by the Illinois Environmental Protection Agen-  
3           cy.

4           (e) COST SHARING.—

5           (1) IN GENERAL.—The non-Federal share of  
6           the cost of activities carried out under this section  
7           shall be 35 percent.

8           (2) IN-KIND SERVICES.—The Secretary may  
9           credit the cost of in-kind services provided by the  
10          non-Federal interest for an activity carried out  
11          under this section toward not more than 80 percent  
12          of the non-Federal share of the cost of the activity.  
13          In-kind services shall include all State funds ex-  
14          pended on programs that accomplish the goals of  
15          this section, as determined by the Secretary. The  
16          programs may include the Kaskaskia River Con-  
17          servation Reserve Program, the Illinois Conservation  
18          2000 Program, the Open Lands Trust Fund, and  
19          other appropriate programs carried out in the  
20          Kaskaskia River basin.

21 **SEC. 5048. NATALIE CREEK, MIDLOTHIAN AND OAK FOR-**  
22 **EST, ILLINOIS.**

23          The Secretary shall carry out a project for flood dam-  
24          age reduction under section 205 of the Flood Control Act  
25          of 1948 (33 U.S.C. 701s) Natalie Creek, Midlothian and

1 Oak Forest, Illinois, if the Secretary determines that the  
2 project is feasible.

3 **SEC. 5049. PEORIA RIVERFRONT DEVELOPMENT, PEORIA,**  
4 **ILLINOIS.**

5 The Secretary may carry out the project for Peoria  
6 riverfront development, Peoria, Illinois, under section 519  
7 of the Water Resources Development Act of 2000 (114  
8 Stat. 2653–2655), at a total cost of \$16,000,000, with  
9 an estimated Federal cost of \$10,400,000 and an esti-  
10 mated non-Federal cost of \$5,600,000.

11 **SEC. 5050. ILLINOIS RIVER BASIN RESTORATION.**

12 (a) EXTENSION OF AUTHORIZATION.—Section  
13 519(c)(2) of the Water Resources Development Act of  
14 2000 (114 Stat. 2654) is amended by striking “2004” and  
15 inserting “2010”.

16 (b) IN-KIND SERVICES.—Section 519(g)(3) of such  
17 Act (114 Stat. 2655) is amended by inserting before the  
18 period at the end of the first sentence “if such services  
19 are provided not more than 5 years before the date of initi-  
20 ation of the project or activity”.

21 **SEC. 5051. SOUTHWEST ILLINOIS.**

22 (a) DEFINITION OF SOUTHWEST ILLINOIS.—In this  
23 section, the term “Southwest Illinois” means the counties  
24 of Madison, St. Clair, Monroe, Randolph, Perry, Franklin,

1 Jackson, Union, Alexander, Pulaski, and Williamson, Illi-  
2 nois.

3 (b) ESTABLISHMENT OF PROGRAM.—The Secretary  
4 may establish a program to provide environmental assist-  
5 ance to non-Federal interests in Southwest Illinois.

6 (c) FORM OF ASSISTANCE.—Assistance under this  
7 section may be in the form of design and construction as-  
8 sistance for water-related environmental infrastructure  
9 and resource protection and development projects in  
10 Southwest Illinois, including projects for wastewater treat-  
11 ment and related facilities, water supply and related facili-  
12 ties, and surface water resource protection and develop-  
13 ment.

14 (d) OWNERSHIP REQUIREMENT.—The Secretary may  
15 provide assistance for a project under this section only if  
16 the project is publicly owned.

17 (e) PARTNERSHIP AGREEMENTS.—

18 (1) IN GENERAL.—Before providing assistance  
19 under this section, the Secretary shall enter into a  
20 partnership agreement with a non-Federal interest  
21 to provide for design and construction of the project  
22 to be carried out with the assistance.

23 (2) REQUIREMENTS.—Each partnership agree-  
24 ment entered into under this subsection shall provide  
25 for the following:



1           (A) PLAN.—Development by the Secretary,  
2           in consultation with appropriate Federal and  
3           State officials, of a facilities or resource protec-  
4           tion and development plan, including appro-  
5           priate engineering plans and specifications.

6           (B) LEGAL AND INSTITUTIONAL STRUC-  
7           TURES.—Establishment of such legal and insti-  
8           tutional structures as are necessary to ensure  
9           the effective long-term operation of the project  
10          by the non-Federal interest.

11         (3) COST SHARING.—

12           (A) IN GENERAL.—The Federal share of  
13           the project costs under each partnership agree-  
14           ment entered into under this subsection shall be  
15           75 percent. The Federal share may be in the  
16           form of grants or reimbursements of project  
17           costs.

18           (B) CREDIT FOR WORK.—The non-Federal  
19           interests shall receive credit for the reasonable  
20           cost of design work on a project completed by  
21           the non-Federal interest before entering into a  
22           partnership agreement with the Secretary for  
23           such project.

24           (C) CREDIT FOR INTEREST.—In case of a  
25           delay in the funding of the non-Federal share

1 of a project that is the subject of an agreement  
2 under this section, the non-Federal interest  
3 shall receive credit for reasonable interest in-  
4 curred in providing the non-Federal share of  
5 the project's costs.

6 (D) LAND, EASEMENTS, AND RIGHTS-OF-  
7 WAY CREDIT.—The non-Federal interest shall  
8 receive credit for land, easements, rights-of-  
9 way, and relocations toward the non-Federal  
10 share of project costs (including all reasonable  
11 costs associated with obtaining permits nec-  
12 essary for the construction, operation, and  
13 maintenance of the project on publicly owned or  
14 controlled land), but not to exceed 25 percent  
15 of total project costs.

16 (E) OPERATION AND MAINTENANCE.—The  
17 non-Federal share of operation and mainte-  
18 nance costs for projects constructed with assist-  
19 ance provided under this section shall be 100  
20 percent.

21 (f) APPLICABILITY OF OTHER FEDERAL AND STATE  
22 LAWS.—Nothing in this section waives, limits, or other-  
23 wise affects the applicability of any provision of Federal  
24 or State law that would otherwise apply to a project to  
25 be carried out with assistance provided under this section.

1 (g) NONPROFIT ENTITIES.—Notwithstanding section  
2 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
3 1962d–5b(b), for any project undertaken under this sec-  
4 tion, a non-Federal interest may include a nonprofit enti-  
5 ty.

6 (h) CORPS OF ENGINEERS EXPENSES.—Ten percent  
7 of the amounts appropriated to carry out this section may  
8 be used by the Corps of Engineers district offices to ad-  
9 minister projects under this section at 100 percent Fed-  
10 eral expense.

11 (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
12 authorized to be appropriated to carry out this section  
13 \$40,000,000. Such sums shall remain available until ex-  
14 pended.

15 **SEC. 5052. CALUMET REGION, INDIANA.**

16 Section 219(f)(12) of the Water Resources Develop-  
17 ment Act of 1992 (113 Stat. 335) is amended—

18 (1) by striking “\$10,000,000” and inserting  
19 “\$30,000,000”; and

20 (2) by striking “Lake and Porter” and insert-  
21 ing “Benton, Jasper, Lake, Newton, and Porter”.

22 **SEC. 5053. RATHBUN LAKE, IOWA.**

23 (a) CONVEYANCE.—The Secretary shall convey the  
24 remaining water supply storage allocation in Rathbun

1 Lake, Iowa, to the Rathbun Regional Water Association  
2 (in this section referred to as the “Water Association”).

3 (b) COST SHARING.—Notwithstanding the Water  
4 Supply Act of 1958 (43 U.S.C. 390b), the Water Associa-  
5 tion shall pay 100 percent of the cost of the water supply  
6 storage allocation to be conveyed under subsection (a).  
7 The Secretary shall credit toward such non-Federal share  
8 the cost of any structures and facilities constructed by the  
9 Water Association at the project.

10 (c) TERMS AND CONDITIONS.—Before conveying the  
11 water supply storage allocation under subsection (a), the  
12 Secretary shall enter into an agreement with the Water  
13 Association, under which the Water Association shall  
14 agree to—

15 (1) in accordance with designs approved by the  
16 Chief of Engineers, construct structures and facili-  
17 ties referred to in subsection (b) that have a value  
18 equal to or greater than the amount that otherwise  
19 would be paid to the Federal Government for the  
20 costs of the water supply storage under the Water  
21 Supply Act of 1958 (43 U.S.C. 390b);

22 (2) be responsible for operating and maintain-  
23 ing the structures and facilities;

24 (3) pay all operation and maintenance costs al-  
25 located to the water supply storage space;

1           (4) use any revenues generated at the struc-  
2           tures and facilities that are above those required to  
3           operate and maintain or improve the complex to un-  
4           dertake, subject to the approval of the Chief of En-  
5           gineers, activities that will improve the quality of the  
6           environment in the Rathbun Lake watershed area;  
7           and

8           (5) such other terms and conditions as the Sec-  
9           retary considers necessary to protect the interests of  
10          the United States.

11 **SEC. 5054. CUMBERLAND RIVER BASIN, KENTUCKY.**

12          At reservoirs managed by the Secretary within the  
13          Cumberland River basin, Kentucky, the Secretary shall  
14          continue to charge fees associated with storage and main-  
15          tenance of water supply that were in effect on October  
16          1, 2002.

17 **SEC. 5055. MAYFIELD CREEK AND TRIBUTARIES, KEN-**  
18 **TUCKY.**

19          The Secretary shall conduct a study of flood damage  
20          along Mayfield Creek and tributaries between Wickliffe  
21          and Mayfield, Kentucky, to determine if the damage is the  
22          result of a Federal flood damage reduction project, and,  
23          if the Secretary determines that the damage is the result  
24          of a Federal flood damage reduction project, the Secretary

1 shall carry out a project to mitigate the damage at Federal  
2 expense.

3 **SEC. 5056. NORTH FORK, KENTUCKY RIVER, BREATHITT**  
4 **COUNTY, KENTUCKY.**

5 The Secretary shall rebuild the structure that is im-  
6 peding high water flows on the North Fork of the Ken-  
7 tucky River in Breathitt County, Kentucky, in a manner  
8 that will reduce flood damages, at an estimated total cost  
9 of \$1,800,000. The non-Federal interest shall provide  
10 lands, easements, rights-of-way, relocations, and disposal  
11 areas required for the project. Operation and maintenance  
12 of the rebuilt structure shall be a non-Federal expense.

13 **SEC. 5057. SOUTHERN AND EASTERN KENTUCKY.**

14 Section 531 of the Water Resources Development Act  
15 of 1996 (110 Stat. 3774; 113 Stat. 348; 117 Stat. 142)  
16 is amended by adding the following:

17 “(i) CORPS OF ENGINEERS EXPENSES.—Ten percent  
18 of the amounts appropriated to carry out this section for  
19 fiscal years 2004 and thereafter may be used by the Corps  
20 of Engineers district offices to administer projects under  
21 this section at 100 percent Federal expense.”.

22 **SEC. 5058. COASTAL LOUISIANA ECOSYSTEM PROTECTION**  
23 **AND RESTORATION.**

24 (a) DEFINITIONS.—In this section, the following defi-  
25 nitions apply:

1           (1) COASTAL LOUISIANA ECOSYSTEM.—The  
2 term “Coastal Louisiana Ecosystem” means the  
3 coastal area of Louisiana from the Sabine River on  
4 the west to the Pearl River on the east and includes  
5 tidal waters, barrier islands, marshes, coastal wet-  
6 lands, rivers and streams, and adjacent areas.

7           (2) GOVERNOR.—The term “Governor” means  
8 the Governor of Louisiana.

9           (3) TASK FORCE.—The term “Task Force”  
10 means the Coastal Louisiana Ecosystem Protection  
11 and Restoration Task Force established by sub-  
12 section (e).

13       (b) COMPREHENSIVE PLAN.—

14           (1) IN GENERAL.—The Secretary shall develop  
15 a comprehensive plan for the purpose of protecting,  
16 preserving, and restoring the Coastal Louisiana Eco-  
17 system. The comprehensive plan shall provide for the  
18 protection, conservation and restoration of the wet-  
19 lands, barrier islands, shorelines, and related lands  
20 and features that protect critical resources, habitat,  
21 and infrastructure from the impacts of coastal  
22 storms, hurricanes, erosion, and subsidence.

23           (2) DEADLINE.—Not later than July 1, 2004,  
24 the Secretary shall transmit the plan to Congress.

1           (3) CONTENTS.—The plan shall include a com-  
2           prehensive report and a programmatic environmental  
3           impact statement covering the proposed Federal ac-  
4           tion set forth in the plan.

5           (4) ADDITIONAL STUDIES AND ANALYSES.—  
6           After transmission of a report under this subsection,  
7           the Secretary may conduct studies and analyses of  
8           projects related to the comprehensive plan that are  
9           appropriate and consistent with this subsection.

10          (c) INTEGRATION OF OTHER ACTIVITIES.—

11           (1) IN GENERAL.—In developing the plan under  
12           subsection (b), the Secretary shall integrate ongoing  
13           Federal and State projects and activities, including  
14           projects implemented under the Coastal Wetlands  
15           Planning, Protection and Restoration Act (16  
16           U.S.C. 3951 et seq.), the Louisiana Coastal Wet-  
17           lands Conservation Plan, the Louisiana Coastal  
18           Zone Management Plan, and the plan of the State  
19           of Louisiana entitled “Coast 2050: Toward a Sus-  
20           tainable Coastal Louisiana”.

21           (2) STATUTORY CONSTRUCTION.—

22           (A) EXISTING AUTHORITY.—Except as  
23           otherwise expressly provided for in this section,  
24           nothing in the section affects any authority in  
25           effect on the date of enactment of this Act, or



1 any requirement relating to the participation in  
2 protection or restoration activities in the Coast-  
3 al Louisiana Ecosystem, including projects and  
4 activities specified in paragraph (1) of—

5 (i) the Department of the Army;

6 (ii) the Department of the Interior;

7 (iii) the Department of Commerce;

8 (iv) the Environmental Protection  
9 Agency;

10 (v) the Department of Agriculture;

11 (vi) the Department of Transpor-  
12 tation;

13 (vii) the Department of Energy; and

14 (viii) the State of Louisiana.

15 (B) NEW AUTHORITY.—Nothing in this  
16 section confers any new regulatory authority on  
17 any Federal or non-Federal entity that carries  
18 out any activity authorized by this section.

19 (d) COST SHARING.—The non-Federal share of the  
20 cost of developing the plan under subsection (b) shall be  
21 50 percent.

22 (e) COASTAL LOUISIANA ECOSYSTEM PROTECTION  
23 AND RESTORATION TASK FORCE.—

24 (1) ESTABLISHMENT AND MEMBERSHIP.—

25 There is established the Coastal Louisiana Eco-

1 system Protection and Restoration Task Force,  
2 which shall consist of the following members (or, in  
3 the case of the head of a Federal Agency, a designee  
4 at the level of Assistant Secretary or an equivalent  
5 level):

6 (A) The Secretary.

7 (B) The Secretary of the Interior.

8 (C) The Secretary of Commerce.

9 (D) The Administrator of the Environ-  
10 mental Protection Agency.

11 (E) The Secretary of Agriculture.

12 (F) The Secretary of Transportation.

13 (G) The Secretary of Energy.

14 (H) The Coastal Advisor to the Governor.

15 (I) The Secretary of the Louisiana Depart-  
16 ment of Natural Resources.

17 (J) A representative of the Governor's Ad-  
18 visory Commission on Coastal Restoration and  
19 Conservation, Louisiana.

20 (2) DUTIES OF TASK FORCE.—The Task  
21 Force—

22 (A) shall consult with, and provide rec-  
23 ommendations to, the Secretary during develop-  
24 ment of the comprehensive plan under sub-  
25 section (b)(1);

1           (B) shall coordinate the development of  
2 consistent policies, strategies, plans, programs,  
3 projects, activities, and priorities for addressing  
4 the protection, conservation, and restoration of  
5 the Coastal Louisiana Ecosystem;

6           (C) shall exchange information regarding  
7 programs, projects, and activities of the agen-  
8 cies and entities represented on the Task Force  
9 to promote ecosystem protection, restoration,  
10 and maintenance;

11           (D) shall establish a regional working  
12 group which shall include representatives of the  
13 agencies and entities represented on the Task  
14 Force as well as other governmental entities as  
15 appropriate for the purpose of formulating, rec-  
16 ommending, coordinating, and implementing  
17 policies, strategies, plans, programs, projects,  
18 activities, and priorities of the Task Force;

19           (E) may allow the working group described  
20 in subparagraph (D) to—

21                   (i) establish such advisory bodies as  
22                   are necessary to assist the Task Force in  
23                   its duties; and

1                   (ii) select as an advisory body any en-  
2                   tity that represents a broad variety of pri-  
3                   vate and public interests;

4                   (F) shall facilitate the resolution of inter-  
5                   agency and intergovernmental conflicts associ-  
6                   ated with the protection, conservation, and res-  
7                   toration of the Coastal Louisiana Ecosystem;

8                   (G) shall coordinate scientific research as-  
9                   sociated with the protection and restoration of  
10                  the Coastal Louisiana Ecosystem;

11                  (H) shall provide assistance and support to  
12                  agencies and entities represented on the Task  
13                  Force in their protection and restoration activi-  
14                  ties;

15                  (I) shall prepare an integrated financial  
16                  plan and recommendations for coordinated  
17                  budget requests for the funds proposed to be  
18                  expended by agencies and entities represented  
19                  on the Task Force for the protection, conserva-  
20                  tion, and restoration of the Coastal Louisiana  
21                  Ecosystem; and

22                  (J) shall transmit to the Committee on  
23                  Transportation and Infrastructure of the House  
24                  of Representatives and the Committee on Envi-  
25                  ronment and Public Works of the Senate a re-

1 port that summarizes the activities of the Task  
2 Force.

3 (3) PROCEDURES AND ADVICE.—

4 (A) PUBLIC PARTICIPATION.—

5 (i) IN GENERAL.—The Task Force  
6 shall implement procedures to facilitate  
7 public participation in the advisory pro-  
8 cess, including providing advance notice of  
9 meetings, providing adequate opportunity  
10 for public input and comment, maintaining  
11 appropriate records, and making a record  
12 of proceedings of meetings available for  
13 public inspection.

14 (ii) OVERSIGHT.—The Secretary shall  
15 ensure that the procedures described in  
16 clause (i) are adopted and implemented  
17 and that the records described in clause (i)  
18 are accurately maintained and available for  
19 public inspection.

20 (B) ADVISORS TO THE TASK FORCE AND  
21 WORKING GROUPS.—The Task Force or the  
22 working group described in paragraph (2)(D)  
23 may seek such advice and input from any inter-  
24 ested, knowledgeable, or affected party as the  
25 Task Force or working group determines to be

1           necessary to perform the duties described in  
2           paragraph (2).

3           (C) APPLICATION OF THE FEDERAL ADVI-  
4           SORY COMMITTEE ACT.—The Task Force, advi-  
5           sors to the Task Force, and any associated  
6           workgroups shall not be considered advisory  
7           committees under the Federal Advisory Com-  
8           mittee Act (5 U.S.C. App.).

9           (4) COMPENSATION.—A member of the Task  
10          Force shall receive no additional compensation for  
11          the services provided as a member of the Task  
12          Force.

13          (5) TRAVEL EXPENSES.—Travel expenses in-  
14          curred by a member of the Task Force in the per-  
15          formance of services for the Task Force shall be  
16          paid by the agency or entity that the member rep-  
17          resents.

18   **SEC. 5059. BATON ROUGE, LOUISIANA.**

19          Section 219(f)(21) of the Water Resources Develop-  
20          ment Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220)  
21          is amended by striking “\$20,000,000” and inserting  
22          “\$35,000,000”.

23   **SEC. 5060. LAKE PONTCHARTRAIN, LOUISIANA.**

24          For purposes of carrying out section 121 of the Fed-  
25          eral Water Pollution Control Act (33 U.S.C. 1271), the

1 Lake Pontchartrain, Louisiana, basin stakeholders con-  
2 ference convened by the Environmental Protection Agen-  
3 cy, the National Oceanic and Atmospheric Administration,  
4 and United States Geological Survey on February 25,  
5 2002, shall be treated as being a management conference  
6 convened under section 320 of such Act (33 U.S.C. 1330).

7 **SEC. 5061. WEST BATON ROUGE PARISH, LOUISIANA.**

8 Section 517(5) of the Water Resources Development  
9 Act of 1999 (113 Stat. 345) is amended to read as follows:

10 “(5) Mississippi River, West Baton Rouge Par-  
11 ish, Louisiana, project for waterfront and riverine  
12 preservation, restoration, enhancement modifica-  
13 tions, and interpretive center development.”.

14 **SEC. 5062. CHESAPEAKE BAY SHORELINE, MARYLAND, VIR-**  
15 **GINIA, PENNSYLVANIA, AND DELAWARE.**

16 (a) IN GENERAL.—In carrying out comprehensive  
17 study of the feasibility of a project to address shoreline  
18 erosion and related sediment management measures to  
19 protect water and land resources of the Chesapeake Bay,  
20 the Secretary may carry out pilot projects to demonstrate  
21 the feasibility of alternative measures to address sediment  
22 loads to the Chesapeake Bay from sediment behind dams  
23 on the lower Susquehanna River.

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

4 **SEC. 5063. DELMARVA CONSERVATION CORRIDOR, MARY-**  
5 **LAND.**

6 (a) ASSISTANCE.—The Secretary may provide tech-  
7 nical assistance to the Secretary of Agriculture in carrying  
8 out the Conservation Corridor Demonstration Program  
9 authorized under subtitle G of title II of Public Law 107–  
10 171 (116 Stat. 275–278).

11 (b) COORDINATION AND INTEGRATION.—In carrying  
12 out water resources projects in the State of Maryland on  
13 land located on the east side of the Chesapeake Bay, the  
14 Secretary shall coordinate and integrate, to the extent  
15 practicable, such projects with any activities undertaken  
16 to implement a conservation corridor plan approved by the  
17 Secretary of Agriculture under section 2602 of Public Law  
18 107–171 (116 Stat. 275–276).

19 **SEC. 5064. DETROIT RIVER, MICHIGAN.**

20 Section 568(c)(2) of the Water Resources Develop-  
21 ment Act of 1999 (113 Stat. 368) is amended by striking  
22 “\$1,000,000” and inserting “\$25,000,000”.

23 **SEC. 5065. OAKLAND COUNTY, MICHIGAN.**

24 Section 219(f)(29) of the Water Resources Develop-  
25 ment Act of 1992 (113 Stat. 336) is amended by inserting



1 “sanitary sewer overflows and” before “combined sewer  
2 overflows”.

3 **SEC. 5066. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**  
4

5 The Secretary shall carry out feasible aquatic eco-  
6 system restoration projects identified in the comprehensive  
7 management plan for St. Clair River and Lake St. Clair,  
8 Michigan, developed under section 426 of the Water Re-  
9 sources Development Act of 1999 (113 Stat. 326), at a  
10 total Federal cost of not to exceed \$5,000,000.

11 **SEC. 5067. CROOKSTON, MINNESOTA.**

12 The Secretary shall conduct a study for a project for  
13 emergency streambank protection in the vicinity of High-  
14 way 2, Crookston, Minnesota, and, if the Secretary deter-  
15 mines that the project is feasible, may carry out the  
16 project under section 14 of the Flood Control Act of 1946  
17 (33 U.S.C. 701r); except that the maximum amount of  
18 Federal funds that may be expended for the project shall  
19 be \$6,500,000.

20 **SEC. 5068. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.**

21 (a) PROJECT DESCRIPTION.—Section 219(f)(61) of  
22 the Water Resources Development Act of 1992 (114 Stat.  
23 2763A–221) is amended—

1           (1) in the paragraph heading by striking  
2           “TOWNSHIP” and inserting “AND CROW WING AND  
3           MILLE LACS COUNTIES”;

4           (2) by inserting “, Crow Wing County, Mille  
5           Lacs County,” after “Garrison”; and

6           (3) by adding at the end the following: “Such  
7           assistance shall be provided directly to the Garrison-  
8           Kathio-West Mille Lacs Lake Sanitary District,  
9           Minnesota.”.

10          (b) PROCEDURES.—In carrying out the project for  
11 Garrison and Kathio Township, Minnesota, authorized by  
12 such section 219(f)(61), the Secretary may use the cost  
13 sharing and contracting procedures available to the Sec-  
14 retary under section 569 of the Water Resources Develop-  
15 ment Act of 1999 (113 Stat. 368).

16 **SEC. 5069. NORTHEASTERN MINNESOTA.**

17          (a) IN GENERAL.—Section 569 of the Water Re-  
18 sources Development Act of 1999 (113 Stat. 368) is  
19 amended—

20           (1) in subsection (a) by striking “Benton,  
21           Sherburne,” and inserting “Beltrami, Hubbard,  
22           Wadena,”;

23           (2) by striking the last sentence of subsection  
24           (e)(3)(B);

1           (3) by striking subsection (g) and inserting the  
2 following:

3           “(g) NONPROFIT ENTITIES.—Notwithstanding sec-  
4 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
5 1962d–5b(b)), for any project undertaken under this sec-  
6 tion, a non-Federal interest may include a nonprofit enti-  
7 ty.”; and

8           (4) by adding at the end the following:

9           “(i) CORPS OF ENGINEERS EXPENSES.—Ten percent  
10 of the amounts appropriated to carry out this section may  
11 be used by the Corps of Engineers district offices to ad-  
12 minister projects under this section at 100 percent Fed-  
13 eral expense.”.

14           (b) BIWABIK, MINNESOTA.—The Secretary shall re-  
15 imburse the non-Federal interest for the project for envi-  
16 ronmental infrastructure, Biwabik, Minnesota, carried out  
17 under section 569 of the Water Resources Development  
18 Act of 1999 (113 Stat. 368–369), for planning, design,  
19 and construction costs that were incurred by the non-Fed-  
20 eral interest with respect to the project before the date  
21 of the partnership agreement for the project and that were  
22 in excess of the non-Federal share of the cost of the  
23 project if the Secretary determines that the costs are ap-  
24 propriate.

1 **SEC. 5070. DESOTO COUNTY, MISSISSIPPI.**

2 Section 219(f)(30) of the Water Resources Develop-  
3 ment Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220)  
4 is amended by striking “\$20,000,000” and inserting  
5 “\$30,000,000”.

6 **SEC. 5071. HARRISON, HANCOCK, AND JACKSON COUNTIES,**  
7 **MISSISSIPPI.**

8 In carrying out projects for the protection, restora-  
9 tion, and creation of aquatic and ecologically related habi-  
10 tats located in Harrison, Hancock, and Jackson Counties,  
11 Mississippi, under section 204 of the Water Resources De-  
12 velopment Act of 1992 (33 U.S.C. 2326), the Secretary  
13 shall accept any portion of the non-Federal share of the  
14 cost of the project in the form of services, materials, sup-  
15 plies, and other in-kind contributions.

16 **SEC. 5072. MISSISSIPPI RIVER, MISSOURI, AND ILLINOIS.**

17 As a part of the operation and maintenance of the  
18 project for the Mississippi River (Regulating Works), be-  
19 tween the Ohio and Missouri Rivers, Missouri and Illinois,  
20 authorized by the first section of an Act entitled “Making  
21 appropriations for the construction, repair, and preserva-  
22 tion of certain public works on rivers and harbors, and  
23 for other purposes”, approved June 25, 1910, the Sec-  
24 retary may carry out activities necessary to restore and  
25 protect fish and wildlife habitat in the middle Mississippi  
26 River system. Such activities may include modification of

1 navigation training structures, modification and creation  
2 of side channels, modification and creation of islands, and  
3 studies and analysis necessary to apply adaptive manage-  
4 ment principles in design of future work.

5 **SEC. 5073. ST. LOUIS, MISSOURI.**

6 Section 219(f)(32) of the Water Resources Develop-  
7 ment Act of 1992 (106 Stat. 4835–4836; 113 Stat. 337)  
8 is amended by striking “\$15,000,000” and inserting  
9 “\$35,000,000”.

10 **SEC. 5074. DELAWARE RIVER, TRENTON, NEW JERSEY.**

11 The Secretary shall provide assistance to address  
12 floating and partially submerged debris in that portion of  
13 the Delaware River downstream from Trenton, New Jer-  
14 sey.

15 **SEC. 5075. HACKENSACK MEADOWLANDS AREA, NEW JER-**

16 **SEY.**

17 Section 324 of the Water Resources Development Act  
18 of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—

19 (1) in subsection (a)—

20 (A) by striking “design” and inserting  
21 “planning, design,”; and

22 (B) by striking “Hackensack Meadowlands  
23 Development” and all that follows through  
24 “Plan for” and inserting “New Jersey

1 Meadowlands Commission for the development  
2 of an environmental improvement program for”;

3 (2) in subsection (b)—

4 (A) in the subsection heading by striking  
5 “REQUIRED”;

6 (B) by striking “shall” and inserting  
7 “may”;

8 (C) by striking paragraph (1) and insert-  
9 ing the following:

10 “(1) Restoration and acquisitions of significant  
11 wetlands and aquatic habitat that contribute to the  
12 Meadowlands ecosystem.”;

13 (D) in paragraph (2) by inserting “and  
14 aquatic habitat” before the period at the end;  
15 and

16 (E) by striking paragraph (7) and insert-  
17 ing the following:

18 “(7) Research, development, and implementa-  
19 tion for a water quality improvement program, in-  
20 cluding restoration of hydrology and tidal flows and  
21 remediation of hot spots and other sources of con-  
22 taminants that degrade existing or planned sites.”;

23 (3) in subsection (c) by inserting before the last  
24 sentence the following: “The non-Federal sponsor  
25 may also provide in-kind services, not to exceed 25

1 percent of the total project cost, and may also re-  
2 ceive credit for reasonable cost of design work com-  
3 pleted prior to entering into the partnership agree-  
4 ment with the Secretary for a project to be carried  
5 out under the program developed under subsection  
6 (a).”; and

7 (4) in subsection (d) by striking “\$5,000,000”  
8 and inserting “\$35,000,000”.

9 **SEC. 5076. ATLANTIC COAST OF NEW YORK.**

10 (a) DEVELOPMENT OF PROGRAM.—Section 404(a) of  
11 the Water Resources Development Act of 1992 (106 Stat.  
12 4863) is amended—

13 (1) by striking “processes” and inserting “and  
14 related environmental processes”;

15 (2) by inserting after “Atlantic Coast” the fol-  
16 lowing: “(and associated back bays)”;

17 (3) by inserting after “actions” the following: “,  
18 environmental restoration or conservation measures  
19 for coastal and back bays,”; and

20 (4) by inserting at the end the following: “The  
21 plan for collecting data and monitoring information  
22 included in such annual report shall be fully coordi-  
23 nated with and agreed to by appropriate agencies of  
24 the State of New York.”.

1 (b) ANNUAL REPORTS.—Section 404(b) of such Act  
2 is amended—

3 (1) by striking “INITIAL PLAN.—Not later than  
4 12 months after the date of the enactment of this  
5 Act, the” and inserting “ANNUAL REPORTS.—The”;

6 (2) by striking “initial plan for data collection  
7 and monitoring” and inserting “annual report of  
8 data collection and monitoring activities”; and

9 (3) by striking the last sentence.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
11 404(c) of such Act (113 Stat. 341) is amended by striking  
12 “and an additional total of \$2,500,000 for fiscal years  
13 thereafter” and inserting “\$2,500,000 for fiscal years  
14 2000 through 2002, and \$17,000,000 for fiscal years be-  
15 ginning after September 30, 2002,”.

16 **SEC. 5077. COLLEGE POINT, NEW YORK CITY, NEW YORK.**

17 In carrying out section 312 of the Water Resources  
18 Development Act of 1990 (104 Stat. 4639–4640), the Sec-  
19 retary shall give priority to work in College Point, New  
20 York City, New York.

21 **SEC. 5078. FLUSHING BAY AND CREEK, NEW YORK CITY,**  
22 **NEW YORK.**

23 The Secretary shall credit toward the non-Federal  
24 share of the cost of the project for ecosystem restoration,  
25 Flushing Bay and Creek, New York City, New York, the



1 cost of design and construction work carried out by the  
2 non-Federal interest before the date of the partnership  
3 agreement for the project if the Secretary determines that  
4 the work is integral to the project.

5 **SEC. 5079. GATEWAY POINT, NORTH TONAWANDA, NEW**  
6 **YORK.**

7 The Secretary shall review the shoreline stabilization,  
8 recreation, and public access components of the feasibility  
9 report for waterfront development at Gateway Point,  
10 North Tonawanda, New York, entitled “City of North  
11 Tonawanda, Gateway Point Feasibility”, dated February  
12 6, 2003, and prepared by the non-Federal interest and,  
13 if the Secretary determines that those components meet  
14 the evaluation and design standards of the Corps of Engi-  
15 neers and that the components are feasible, may carry out  
16 the components at a Federal cost not to exceed  
17 \$3,300,000.

18 **SEC. 5080. LITTLE NECK BAY, VILLAGE OF KINGS POINT,**  
19 **NEW YORK.**

20 (a) IN GENERAL.—The Secretary may carry out a  
21 navigation project at Little Neck Bay (Hague Basin), Vil-  
22 lage of Kings Point, New York, sufficient to permit the  
23 safe operation of the vessel T/V Kings Pointer at all tide  
24 levels.

1 (b) REIMBURSEMENT.—The Secretary shall seek re-  
2 imbursement from the United States Merchant Marine  
3 Academy for the cost of the project carried out under this  
4 section.

5 **SEC. 5081. ONONDAGA LAKE, NEW YORK.**

6 Section 573 of the Water Resources Development Act  
7 of 1999 (113 Stat. 372–373) is amended—

8 (1) in subsection (f) by striking “\$10,000,000”  
9 and inserting “\$30,000,000”;

10 (2) by redesignating subsections (f) and (g) as  
11 subsections (g) and (h), respectively; and

12 (3) by inserting after subsection (e) the fol-  
13 lowing:

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

19 **SEC. 5082. TIMES BEACH DIKE, BUFFALO, NEW YORK.**

20 As part of operation and maintenance of the Buffalo  
21 Harbor and Buffalo River navigation projects, the Sec-  
22 retary may repair the Times Beach confined disposal facil-  
23 ity dike, Buffalo, New York.

1 **SEC. 5083. JOHN H. KERR DAM AND RESERVOIR, NORTH**  
2 **CAROLINA.**

3 The Secretary shall expedite the completion of the  
4 calculations necessary to negotiate and execute a revised,  
5 permanent contract for water supply storage at John H.  
6 Kerr Dam and Reservoir, North Carolina, among the Sec-  
7 retary and the Kerr Lake Regional Water System and the  
8 city of Henderson, North Carolina.

9 **SEC. 5084. STANLY COUNTY, NORTH CAROLINA.**

10 Section 219(f)(64) of the Water Resources Develop-  
11 ment Act of 1992 (114 Stat. 2763A–221) is amended by  
12 inserting “water and” before “wastewater”.

13 **SEC. 5085. CENTRAL RIVERFRONT PARK, CINCINNATI,**  
14 **OHIO.**

15 If the Secretary is authorized to carry out a down-  
16 town waterfront development project for the Central  
17 Riverfront Park, Cincinnati, Ohio, the Secretary shall  
18 credit toward the non-Federal share of the cost of the  
19 project the cost of—

20 (1) design and construction work undertaken by  
21 the non-Federal interest before entering into a part-  
22 nership agreement for the project with the Secretary  
23 if the Secretary determines that the work is integral  
24 to the project; and

25 (2) land, easements, rights-of-way, and reloca-  
26 tions provided by the non-Federal interest.

1 **SEC. 5086. PIEDMONT LAKE DAM, OHIO.**

2 In reconstructing the road on the Piedmont Lake  
3 Dam as part of the project for dam safety assurance, Pied-  
4 mont Lake Dam, Ohio, being carried out under section  
5 4 of the Flood Control Act of August 11, 1939 (53 Stat.  
6 1414–1415), the Secretary shall upgrade the condition of  
7 the road to meet standards applicable to public use roads  
8 in the State of Ohio. The incremental cost of upgrading  
9 the road to meet such standards shall be a non-Federal  
10 expense.

11 **SEC. 5087. OHIO.**

12 Section 594(g) of the Water Resources Development  
13 Act of 1999 (113 Stat. 383) is amended by striking  
14 “\$60,000,000” and inserting “\$90,000,000”.

15 **SEC. 5088. WAURIKA LAKE, OKLAHOMA.**

16 The remaining obligation of the Waurika Project  
17 Master Conservancy District payable to the United States  
18 Government in the amounts, rates of interest, and pay-  
19 ment schedules is set at the amounts, rates of interest,  
20 and payment schedules that existed, and that both parties  
21 agreed to, on June 3, 1986, and may not be adjusted,  
22 altered, or changed without a specific, separate, and writ-  
23 ten agreement between the District and the United States  
24 Government.

1 **SEC. 5089. COLUMBIA RIVER, OREGON.**

2 Section 401(b)(3) of Public Law 100–581 (102 Stat.  
3 2944), is amended by inserting “and Celilo Village, Or-  
4 egon” after “existing sites”.

5 **SEC. 5090. EUGENE, OREGON.**

6 (a) IN GENERAL.—The Secretary shall conduct a  
7 study to determine the feasibility of restoring the millrace  
8 in Eugene, Oregon, and, if the Secretary determines that  
9 the restoration is feasible, shall carry out the restoration.

10 (b) CONSIDERATION OF NONECONOMIC BENEFITS.—  
11 In determining the feasibility of restoring the millrace, the  
12 Secretary shall include noneconomic benefits associated  
13 with the historical significance of the millrace and associ-  
14 ated with preservation and enhancement of resources.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated to carry out this section  
17 \$20,000,000.

18 **SEC. 5091. JOHN DAY LOCK AND DAM, LAKE UMATILLA, OR-  
19 EGON AND WASHINGTON.**

20 (a) IN GENERAL.—The Secretary shall pay up to  
21 \$2,500,000 to the provider of research and curation sup-  
22 port previously provided to the Federal Government as a  
23 result of the multipurpose project, John Day Lock and  
24 Dam, Lake Umatilla, Oregon and Washington, authorized  
25 by section 101 of the River and Harbor Act of 1950 (64  
26 Stat. 167), and the several navigation and flood damage

1 reduction projects constructed on the Columbia River and  
2 Lower Willamette River, Oregon and Washington.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to carry out this section  
5 \$2,500,000.

6 **SEC. 5092. LOWELL, OREGON.**

7 (a) IN GENERAL.—The Secretary may convey with-  
8 out consideration to Lowell School District, by quitclaim  
9 deed, all right, title and interest of the United States in  
10 and to approximately 3.32 acres of land and buildings  
11 thereon, known as Tract A-82, located in Lowell, Oregon,  
12 and described in subsection (b).

13 (b) DESCRIPTION OF PROPERTY.—The parcel of land  
14 authorized to be conveyed under subsection (a) is as fol-  
15 lows: Commencing at the point of intersection of the west  
16 line of Pioneer Street with the westerly extension of the  
17 north line of Summit Street, in Meadows Addition to Low-  
18 ell, as platted and recorded at page 56 of Volume 4, Lane  
19 County Oregon Plat Records; thence north on the west  
20 line of Pioneer Street a distance of 176.0 feet to the true  
21 point of beginning of this description; thence north on the  
22 west line of Pioneer Street a distance of 170.0 feet; thence  
23 west at right angles to the west line of Pioneer Street a  
24 distance of 250.0 feet; thence south and parallel to the  
25 west line of Pioneer Street a distance of 170.0 feet; thence

1 east 250.0 feet to the true point of beginning of this de-  
2 scription in Section 14, Township 19 South, Range 1 West  
3 of the Willamette Meridian, Lane County, Oregon.

4 (c) TERMS AND CONDITIONS.—Before conveying the  
5 parcel to the school district, the Secretary shall ensure  
6 that the conditions of buildings and facilities meet the re-  
7 quirements of applicable Federal law.

8 (d) GENERALLY APPLICABLE PROVISIONS.—

9 (1) APPLICABILITY OF PROPERTY SCREENING  
10 PROVISIONS.—Section 2696 of title 10, United  
11 States Code, shall not apply to any conveyance  
12 under this section.

13 (2) LIABILITY.—An entity to which a convey-  
14 ance is made under this section shall hold the  
15 United States harmless from any liability with re-  
16 spect to activities carried out, on or after the date  
17 of the conveyance, on the real property conveyed.  
18 The United States shall remain responsible for any  
19 liability with respect to activities carried out, before  
20 such date, on the real property conveyed.

21 **SEC. 5093. HAGERMAN'S RUN, WILLIAMSPORT, PENNSYL-**  
22 **VANIA.**

23 The Secretary may rehabilitate the pumps at the  
24 project for flood damage reduction, Hagerman's Run, Wil-

1 liamsport, Pennsylvania, at a total Federal cost of  
2 \$225,000.

3 **SEC. 5094. NORTHEAST PENNSYLVANIA.**

4 Section 219(f)(11) of the Water Resources Develop-  
5 ment Act of 1992 (113 Stat. 335) is amended by striking  
6 “and Monroe” and inserting “Northumberland, Union,  
7 Snyder, and Montour”.

8 **SEC. 5095. SUSQUEHANNOCK CAMPGROUND ACCESS ROAD,**  
9 **RAYSTOWN LAKE, PENNSYLVANIA.**

10 (a) IMPROVEMENT OF ACCESS ROAD.—The Sec-  
11 retary may make improvements to the Susquehannock  
12 Campground access road at Raystown Lake, Pennsyl-  
13 vania.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
15 authorized to be appropriated to carry out this section  
16 \$500,000.

17 **SEC. 5096. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**  
18 **VANIA AND NEW YORK.**

19 Section 567 of the Water Resources Development Act  
20 of 1996 (110 Stat. 3787–3788; 114 Stat. 2662–2663) is  
21 amended—

22 (1) in subsection (a)(2) by striking  
23 “\$10,000,000.” and inserting the following:  
24 “\$20,000,000, of which the Secretary may utilize  
25 not more than \$5,000,000 to design and construct



1 feasible pilot projects during the development of the  
2 strategy to demonstrate alternative approaches for  
3 the strategy. The total cost for any single pilot  
4 project may not exceed \$500,000. The Secretary  
5 shall evaluate the results of the pilot projects and  
6 consider the results in the development of the strat-  
7 egy.”;

8 (2) in subsection (c)—

9 (A) in the subsection heading by striking  
10 “COOPERATION” and inserting “COOPERA-  
11 TIVE”; and

12 (B) by striking “cooperation” and insert-  
13 ing “cooperative”; and

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

15 “(e) CREDIT.—The Secretary shall credit toward the  
16 non-Federal share of the cost of the project (i) the cost  
17 of design and construction work carried out by the non-  
18 Federal interest before the date of the partnership agree-  
19 ment for the project if the Secretary determines that the  
20 work is integral to the project; and (ii) the cost of in-kind  
21 services and materials provided for the project by the non-  
22 Federal interest.”.

1 **SEC. 5097. WASHINGTON, GREENE, WESTMORELAND, AND**  
2 **FAYETTE COUNTIES, PENNSYLVANIA.**

3 Section 219(f)(70) of the Water Resources Develop-  
4 ment Act of 1992 (114 Stat. 2763A–221) is amended by  
5 striking “\$8,000,000” and inserting “\$13,300,000”.

6 **SEC. 5098. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.**

7 The Secretary shall review a report prepared by the  
8 non-Federal interest concerning flood protection and envi-  
9 ronmental restoration for Cano Martin Pena, San Juan,  
10 Puerto Rico, and, if the Secretary determines that the re-  
11 port meets the evaluation and design standards of the  
12 Corps of Engineers and that the project is feasible, may  
13 carry out the project, at a total cost of \$130,000,000, with  
14 an estimated Federal cost of \$85,000,000 and an esti-  
15 mated non-Federal cost of \$45,000,000.

16 **SEC. 5099. BEAUFORT AND JASPER COUNTIES, SOUTH**  
17 **CAROLINA.**

18 The Secretary may accept from the Department of  
19 the Navy, and may use, not to exceed \$23,000,000 to as-  
20 sist the Beaufort Jasper Water and Sewage Authority,  
21 South Carolina, with its plan to consolidate civilian and  
22 military wastewater treatment facilities.

23 **SEC. 5100. COOPER RIVER, SOUTH CAROLINA.**

24 (a) IN GENERAL.—The Secretary is authorized to  
25 provide technical and financial assistance for the removal

1 of the Grace and Pearman Bridges over the Cooper River,  
2 South Carolina.

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

6 **SEC. 5101. LAKES MARION AND MOULTRIE, SOUTH CARO-**  
7 **LINA.**

8 Section 219(f)(25) of the Water Resources Develop-  
9 ment Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220)  
10 is amended—

11 (1) by striking “\$15,000,000” and inserting  
12 “\$35,000,000”; and

13 (2) by inserting “wastewater treatment and”  
14 before “water supply”.

15 **SEC. 5102. UPPER BIG SIOUX RIVER, WATERTOWN, SOUTH**  
16 **DAKOTA.**

17 (a) IN GENERAL.—The Secretary shall review the  
18 project for flood damage reduction, Upper Big Sioux River  
19 basin, Watertown, South Dakota, as described in the re-  
20 port of the Chief of Engineers, dated August 31, 1994,  
21 and entitled “Watertown and Vicinity, South Dakota”  
22 and, if the Secretary determines that the project is fea-  
23 sible, may carry out the project, at a total cost of  
24 \$25,000,000.

25 (b) NON-FEDERAL SHARE.—

1           (1) IN GENERAL.—The non-Federal share of  
2 the cost of the review may be provided in the form  
3 of in-kind services and materials.

4           (2) CREDIT.—The Secretary shall credit toward  
5 the non-Federal share of the cost of the review the  
6 cost of planning and design work carried out by the  
7 non-Federal interest before the date of an agreement  
8 for the review if the Secretary determines that such  
9 work is integral to the review.

10 **SEC. 5103. FRITZ LANDING, TENNESSEE.**

11       The Secretary shall—

12           (1) conduct a study of the Fritz Landing Agri-  
13 cultural Spur Levee, Tennessee, to determine the ex-  
14 tent of levee modifications that would be required to  
15 make the levee and associated drainage structures  
16 consistent with Federal standards;

17           (2) design and construct such modifications;  
18 and

19           (3) after completion of such modifications, in-  
20 corporate the levee into the project for flood control,  
21 Mississippi River and Tributaries, authorized by the  
22 Act entitled “An Act for the control of floods on the  
23 Mississippi River and its tributaries, and for other  
24 purposes”, approved May 15, 1928 (45 Stat. 534—

1           539), commonly known as the “Flood Control Act of  
2           1928”.

3 **SEC. 5104. J. PERCY PRIEST DAM AND RESERVOIR, OHIO**  
4                                   **RIVER BASIN, TENNESSEE.**

5           The Secretary shall plan, design and construct up-  
6 grades to the existing trail system at the J. Percy Priest  
7 Dam and Reservoir, Ohio River Basin, Tennessee, author-  
8 ized by section 4 of the Act entitled “An Act authorizing  
9 the construction of certain public works on rivers and har-  
10 bors for flood control, and for other purposes”, approved  
11 June 28, 1938 (52 Stat. 1217), including design and con-  
12 struction of support facilities for public health and safety  
13 associated with trail development. In carrying out such im-  
14 provements, the Secretary is authorized to use funds made  
15 available by the State of Tennessee from any Federal or  
16 State source, or both.

17 **SEC. 5105. MEMPHIS, TENNESSEE.**

18           The Secretary shall review the aquatic ecosystem res-  
19 toration component of the Memphis Riverfront Develop-  
20 ment Master Plan, Memphis, Tennessee, prepared by the  
21 non-Federal interest and, if the Secretary determines that  
22 the component meets the evaluation and design standards  
23 of the Corps of Engineers and that the component is fea-  
24 sible, may carry out the component at a total Federal cost  
25 not to exceed \$5,000,000.

1 **SEC. 5106. TOWN CREEK, LENOIR CITY, TENNESSEE.**

2       The Secretary shall design and construct the project  
3 for flood damage reduction designated as Alternative 4 in  
4 the Town Creek, Lenoir City, Loudon City, Tennessee,  
5 feasibility report of the Nashville district engineer, dated  
6 November 2000, under the authority of section 205 of the  
7 Flood Control Act of 1948 (33 U.S.C. 701s), notwith-  
8 standing section 1 of the Flood Control Act of June 22,  
9 1936 (33 U.S.C. 701a; 49 Stat. 1570). The non-Federal  
10 share of the cost of the project shall be subject to section  
11 103(a) of the Water Resources Development Act of 1986  
12 (33 U.S.C. 2213(a)).

13 **SEC. 5107. EAST TENNESSEE.**

14       (a) DEFINITION OF EAST TENNESSEE.—In this sec-  
15 tion, the term “East Tennessee” means the counties of  
16 Blount, Knox, Loudon, McMinn, Monroe, and Sevier, Ten-  
17 nessee.

18       (b) ESTABLISHMENT OF PROGRAM.—The Secretary  
19 may establish a program to provide environmental assist-  
20 ance to non-Federal interests in East Tennessee.

21       (c) FORM OF ASSISTANCE.—Assistance under this  
22 section may be in the form of design and construction as-  
23 sistance for water-related environmental infrastructure  
24 and resource protection and development projects in East  
25 Tennessee, including projects for wastewater treatment

1 and related facilities, water supply and related facilities,  
2 and surface water resource protection and development.

3 (d) OWNERSHIP REQUIREMENT.—The Secretary may  
4 provide assistance for a project under this section only if  
5 the project is publicly owned.

6 (e) PARTNERSHIP AGREEMENTS.—

7 (1) IN GENERAL.—Before providing assistance  
8 under this section, the Secretary shall enter into a  
9 partnership agreement with a non-Federal interest  
10 to provide for design and construction of the project  
11 to be carried out with the assistance.

12 (2) REQUIREMENTS.—Each partnership agree-  
13 ment entered into under this subsection shall provide  
14 for the following:

15 (A) PLAN.—Development by the Secretary,  
16 in consultation with appropriate Federal and  
17 State officials, of a facilities or resource protec-  
18 tion and development plan, including appro-  
19 priate engineering plans and specifications.

20 (B) LEGAL AND INSTITUTIONAL STRUC-  
21 TURES.—Establishment of such legal and insti-  
22 tutional structures as are necessary to ensure  
23 the effective long-term operation of the project  
24 by the non-Federal interest.

25 (3) COST SHARING.—

1           (A) IN GENERAL.—The Federal share of  
2           the project costs under each partnership agree-  
3           ment entered into under this subsection shall be  
4           75 percent. The Federal share may be in the  
5           form of grants or reimbursements of project  
6           costs.

7           (B) CREDIT FOR WORK.—The non-Federal  
8           interests shall receive credit for the reasonable  
9           cost of design work on a project completed by  
10          the non-Federal interest before entering into a  
11          partnership agreement with the Secretary for  
12          such project.

13          (C) CREDIT FOR INTEREST.—In case of a  
14          delay in the funding of the non-Federal share  
15          of a project that is the subject of an agreement  
16          under this section, the non-Federal interest  
17          shall receive credit for reasonable interest in-  
18          curred in providing the non-Federal share of  
19          the project's costs.

20          (D) LAND, EASEMENTS, AND RIGHTS-OF-  
21          WAY CREDIT.—The non-Federal interest shall  
22          receive credit for land, easements, rights-of-  
23          way, and relocations toward the non-Federal  
24          share of project costs (including all reasonable  
25          costs associated with obtaining permits nec-



1           essary for the construction, operation, and  
2           maintenance of the project on publicly owned or  
3           controlled land), but not to exceed 25 percent  
4           of total project costs.

5           (E) OPERATION AND MAINTENANCE.—The  
6           non-Federal share of operation and mainte-  
7           nance costs for projects constructed with assist-  
8           ance provided under this section shall be 100  
9           percent.

10          (f) APPLICABILITY OF OTHER FEDERAL AND STATE  
11          LAWS.—Nothing in this section waives, limits, or other-  
12          wise affects the applicability of any provision of Federal  
13          or State law that would otherwise apply to a project to  
14          be carried out with assistance provided under this section.

15          (g) NONPROFIT ENTITIES.—Notwithstanding section  
16          221(b) of the Flood Control Act of 1970 (42 U.S.C.  
17          1962d–5b(b), for any project undertaken under this sec-  
18          tion, a non-Federal interest may include a nonprofit entity  
19          with the consent of the affected local government.

20          (h) CORPS OF ENGINEERS EXPENSES.—Ten percent  
21          of the amounts appropriated to carry out this section may  
22          be used by the Corps of Engineers district offices to ad-  
23          minister projects under this section at 100 percent Fed-  
24          eral expense.

1 (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$40,000,000. Such sums shall remain available until ex-  
4 pended.

5 **SEC. 5108. TENNESSEE RIVER PARTNERSHIP.**

6 (a) IN GENERAL.—As part of the operation and  
7 maintenance of the project for navigation, Tennessee  
8 River, Tennessee, Alabama, Mississippi, and Kentucky,  
9 authorized by the first section of the Rivers and Harbors  
10 Act of July 3, 1930 (46 Stat. 927), the Secretary may  
11 enter into a partnership with a nonprofit entity to remove  
12 debris from the Tennessee River in the vicinity of Knox-  
13 ville, Tennessee, by providing a vessel to such entity, at  
14 Federal expense, for such debris removal purposes.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated to carry out this section  
17 \$500,000.

18 **SEC. 5109. CLEAR CREEK AND TRIBUTARIES, HARRIS, GAL-**  
19 **VESTON, AND BRAZORIA COUNTIES, TEXAS.**

20 The Secretary shall expedite completion of the report  
21 for the project for flood damage reduction, ecosystem res-  
22 toration, and recreation, Clear Creek and tributaries, Har-  
23 ris, Galveston, and Brazoria Counties, Texas.

1 **SEC. 5110. HARRIS COUNTY, TEXAS.**

2 Section 575(a) of the Water Resources Development  
3 Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended  
4 by inserting before the period at the end the following:  
5 “, whether or not such works or actions are partially fund-  
6 ed under the hazard mitigation grant program of the Fed-  
7 eral Emergency Management Agency”.

8 **SEC. 5111. HARRIS GULLY, HARRIS COUNTY, TEXAS.**

9 (a) STUDY.—

10 (1) IN GENERAL.—The Secretary shall conduct  
11 a study to determine the feasibility of carrying out  
12 a project for flood damage reduction in the Harris  
13 Gully watershed, Harris County, Texas, to provide  
14 flood protection for the Texas Medical Center, Hous-  
15 ton, Texas.

16 (2) USE OF LOCAL STUDIES AND PLANS.—In  
17 conducting the study, the Secretary shall use, to the  
18 extent practicable, studies and plans developed by  
19 the non-Federal interest if the Secretary determines  
20 that such studies and plans meet the evaluation and  
21 design standards of the Corps of Engineers.

22 (3) COMPLETION DATE.—The Secretary shall  
23 complete the study by July 1, 2004.

24 (b) CRITICAL FLOOD DAMAGE REDUCTION MEAS-  
25 URES.—The Secretary may carry out critical flood damage  
26 reduction measures that the Secretary determines are fea-

1 sible and that will provide immediate and substantial flood  
2 damage reduction benefits in the Harris Gully watershed,  
3 at a Federal cost of \$7,000,000.

4 (c) CREDIT.—The Secretary shall credit toward the  
5 non-Federal share of the cost of the project the cost of  
6 planning, design, and construction work carried out by the  
7 non-Federal interest before the date of the partnership  
8 agreement for the project if the Secretary determines that  
9 such work is integral to the project.

10 (d) NONPROFIT ENTITY.—Notwithstanding section  
11 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–  
12 5b), a nonprofit entity may, with the consent of the local  
13 government, serve as a non-Federal interest for the project  
14 undertaken under this section.

15 **SEC. 5112. ONION CREEK, TEXAS.**

16 In carrying out the study for the project for flood  
17 damage, reduction, recreation, and ecosystem restoration,  
18 Onion Creek, Texas, the Secretary shall include the costs  
19 and benefits associated with the relocation of flood-prone  
20 residences in the study area for the project during the 2-  
21 year period before the initiation of the feasibility study to  
22 the extent the Secretary determines such relocations are  
23 compatible with the project. The Secretary shall credit to-  
24 ward the non-Federal share of the cost of the project the  
25 cost of relocation of such flood-prone residences incurred

1 by the non-Federal interest before the date of the partner-  
2 ship agreement for the project if the Secretary determines  
3 that the relocation of such residences is integral to the  
4 project.

5 **SEC. 5113. PELICAN ISLAND, TEXAS.**

6 (a) IN GENERAL.—Section 108(a) of the Energy and  
7 Water Development Appropriations Act, 1994 (33 U.S.C.  
8 59hh(a)) is amended—

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

11 “(1) AUTHORITY TO CONVEY.—The Secretary”;

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

13 “(2) LETTER OF INTENT.—

14 “(A) IN GENERAL.—The Secretary may  
15 provide a letter of intent to the city of Gal-  
16 veston for conveyance of less than 100 acres of  
17 the parcel described in subsection (a) for pri-  
18 vate development purposes if the Secretary re-  
19 ceives and approves a proposal by the city des-  
20 ignating the land which would be subject to  
21 such development.

22 “(B) DISPOSITION OF SPOIL.—If the Sec-  
23 retary issues a letter of intent under subpara-  
24 graph (A), no additional spoil material may be  
25 placed on the land designated for private devel-

1 opment for a period of at least 5 years from the  
2 date of issuance of the letter to provide the city  
3 of Galveston with an opportunity to secure pri-  
4 vate developers, perform appraisals, conduct en-  
5 vironmental studies, and provide the compensa-  
6 tion to the United States required for the con-  
7 veyance.”; and

8 (3) by aligning the remainder of the text of  
9 paragraph (1) (as designated by paragraph (1) of  
10 this subsection) with paragraph (2) (as added by  
11 paragraph (2) of this subsection).

12 (b) EXPIRATION DATE.—Section 108(e)(3) of such  
13 Act (33 U.S.C. 59hh(e)(3)) is amended by striking “date  
14 of the enactment of this Act” and inserting “date of enact-  
15 ment of the Water Resources Development Act of 2003”.

16 **SEC. 5114. FRONT ROYAL, VIRGINIA.**

17 Section 591(a)(2) of the Water Resources Develop-  
18 ment Act of 1999 (113 Stat. 378) is amended by striking  
19 “\$12,000,000” and inserting “\$22,000,000”.

20 **SEC. 5115. RICHMOND NATIONAL BATTLEFIELD PARK,**  
21 **RICHMOND, VIRGINIA.**

22 (a) IN GENERAL.—The Secretary is authorized to  
23 carry out bluff stabilization measures on the James River  
24 in the vicinity of Drewry’s Bluff, Richmond National Bat-  
25 tlefield Park, Richmond, Virginia.

1 (b) REIMBURSEMENT.—The Secretary shall seek re-  
2 imbursement from the Secretary of the Interior of any  
3 costs incurred by the Secretary in carrying out subsection  
4 (a).

5 **SEC. 5116. BAKER BAY AND ILWACO HARBOR, WASH-**  
6 **INGTON.**

7 The Secretary shall conduct a study of increased sil-  
8 tation in Baker Bay and Ilwaco Harbor, Washington, to  
9 determine if the siltation is the result of a Federal naviga-  
10 tion project (including diverted flows from the Columbia  
11 River) and, if the Secretary determines that the siltation  
12 is the result of a Federal navigation project, the Secretary  
13 shall carry out a project to mitigate the siltation as part  
14 of maintenance of the Federal navigation project.

15 **SEC. 5117. CHEHALIS RIVER, CENTRALIA, WASHINGTON.**

16 The Secretary shall credit toward the non-Federal  
17 share of the cost of the project for flood damage reduction,  
18 Chehalis River, Centralia, Washington, the cost of plan-  
19 ning, design, and construction work carried out by the  
20 non-Federal interest before the date of the partnership  
21 agreement for the project if the Secretary determines that  
22 the work is integral to the project.

1 **SEC. 5118. HAMILTON ISLAND CAMPGROUND, WASH-**  
2 **INGTON.**

3 The Secretary is authorized to plan, design, and con-  
4 struct a campground for Bonneville Lock and Dam at  
5 Hamilton Island (also know as “Strawberry Island”) in  
6 Skamania County, Washington.

7 **SEC. 5119. PUGET ISLAND, WASHINGTON.**

8 The Secretary is directed to place dredged and other  
9 suitable material along portions of the Columbia River  
10 shoreline of Puget Island, Washington, between river miles  
11 38 to 47 in order to protect economic and environmental  
12 resources in the area from further erosion, at a Federal  
13 cost of \$1,000,000. This action shall be coordinated with  
14 appropriate resource agencies and comply with applicable  
15 Federal laws.

16 **SEC. 5120. BLUESTONE, WEST VIRGINIA.**

17 Section 547 of the Water Resources Development Act  
18 of 2000 (114 Stat. 2676–2678) is amended—

19 (1) in subsection (b)(1)(A) by striking “4  
20 years” and inserting “5 years”;

21 (2) in subsection (b)(1)(B)(iii) by striking “if  
22 all” and all that follows through “facility” and in-  
23 serting “assurance project”;

24 (3) in subsection (b)(1)(C) by striking “and  
25 construction” and inserting “, construction, and op-  
26 eration and maintenance”;



1           (4) by adding at the end of subsection (b) the  
2 following:

3           “(3) OPERATION AND OWNERSHIP.—The Tri-  
4 Cities Power Authority shall be the owner and oper-  
5 ator of the hydropower facilities referred to in sub-  
6 section (a).”;

7           (5) in subsection (c)(1)—

8           (A) by striking “No” and inserting “Un-  
9 less otherwise provided, no”;

10           (B) by inserting “planning,” before “de-  
11 sign”; and

12           (C) by striking “prior to” and all that fol-  
13 lows through “subsection (d)”;

14           (6) in subsection (c)(2) by striking “design”  
15 and inserting “planning, design,”;

16           (7) in subsection (d)—

17           (A) by striking paragraphs (1) and (2) and  
18 inserting the following:

19           “(1) APPROVAL.—The Secretary shall review  
20 the design and construction activities for all features  
21 of the hydroelectric project that pertain to and affect  
22 stability of the dam and control the release of water  
23 from Bluestone Dam to ensure that the quality of  
24 construction of those features meets all standards

1 established for similar facilities constructed by the  
2 Secretary.”;

3 (B) by redesignating paragraph (3) as  
4 paragraph (2);

5 (C) by striking the period at the end of  
6 paragraph (2) (as so redesignated) and insert-  
7 ing “, except that hydroelectric power is no  
8 longer a project purpose of the facility. Water  
9 flow releases from the hydropower facilities  
10 shall be determined and directed by the Corps  
11 of Engineers.”; and

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

13 “(3) COORDINATION.—Construction of the hy-  
14 droelectric generating facilities shall be coordinated  
15 with the dam safety assurance project currently in  
16 the design and construction phases.”;

17 (8) in subsection (e) by striking “in accord-  
18 ance” and all that follows through “58 Stat. 890”;

19 (9) in subsection (f)—

20 (A) by striking “facility of the inter-  
21 connected systems of reservoirs operated by the  
22 Secretary” each place it appears and inserting  
23 “facilities under construction under such agree-  
24 ments”; and

1 (B) by striking “design” and inserting  
2 “planning, design”;

3 (10) in subsection (f)(2)—

4 (A) by “Secretary” each place it appears  
5 and inserting “Tri-Cities Power Authority”;  
6 and

7 (B) by striking “facilities referred to in  
8 subsection (a)” and inserting “such facilities”;

9 (11) by striking paragraph (1) of subsection (g)  
10 and inserting the following:

11 “(1) to arrange for the transmission of power  
12 to the market or to construct such transmission fa-  
13 cilities as necessary to market the power produced at  
14 the facilities referred to in subsection (a) with funds  
15 contributed by the Tri-Cities Power Authority; and”;

16 (12) in subsection (g)(2) by striking “such fa-  
17 cilities” and all that follows through “the Secretary”  
18 and inserting “the generating facility”; and

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

20 “(i) TRI-CITIES POWER AUTHORITY DEFINED.—In  
21 this section, the ‘Tri-Cities Power Authority’ refers to the  
22 entity established by the City of Hinton, West Virginia,  
23 the City of White Sulphur Springs, West Virginia, and the  
24 City of Philippi, West Virginia, pursuant to a document  
25 entitled ‘Second Amended and Restated Intergovern-

1 mental Agreement’ approved by the Attorney General of  
2 West Virginia on February 14, 2002.”.

3 **SEC. 5121. WEST VIRGINIA AND PENNSYLVANIA FLOOD**  
4 **CONTROL.**

5 (a) CHEAT AND TYGART RIVER BASINS, WEST VIR-  
6 GINIA.—Section 581(a)(1) of the Water Resources Devel-  
7 opment Act of 1996 (110 Stat. 3790; 113 Stat. 313) is  
8 amended—

9 (1) by striking “flood control measures” and in-  
10 sserting “structural and nonstructural flood control,  
11 streambank protection, stormwater management,  
12 and channel clearing and modification measures”;  
13 and

14 (2) by inserting “with respect to measures that  
15 incorporate levees or floodwalls” before the semi-  
16 colon.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
18 581(e) of the Water Resources Development Act of 1996  
19 (110 Stat. 3791) is amended by striking “\$12,000,000”  
20 and inserting “\$90,000,000”.

21 **SEC. 5122. LOWER KANAWHA RIVER BASIN, WEST VIRGINIA.**

22 The Secretary shall conduct a watershed and river  
23 basin assessment under section 729 of the Water Re-  
24 sources Development Act of 1986 (33 U.S.C. 2267a) for  
25 the Lower Kanawha River Basin, in the counties of

1 Mason, Putnam, Kanawha, Jackson, and Roane, West  
2 Virginia.

3 **SEC. 5123. CENTRAL WEST VIRGINIA.**

4 Section 571 of the Water Resources Development Act  
5 of 1999 (113 Stat. 371) is amended—

6 (1) in subsection (a)—

7 (A) by striking “Nicholas,”; and

8 (B) by striking “Gilmer,”; and

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

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

15 “(j) CORPS OF ENGINEERS EXPENSES.—Ten percent  
16 of the amounts appropriated to carry out this section may  
17 be used by the Corps of Engineers district offices to ad-  
18 minister projects under this section at 100 percent Fed-  
19 eral expense.”.

20 **SEC. 5124. SOUTHERN WEST VIRGINIA.**

21 (a) CORPS OF ENGINEERS.—Section 340 of the  
22 Water Resources Development Act of 1992 (106 Stat.  
23 4856; 113 Stat. 320) is amended by adding at the end  
24 the following:

1       “(h) CORPS OF ENGINEERS.—Ten percent of the  
2 amounts appropriated to carry out this section for fiscal  
3 years 2003 and thereafter may be used by the Corps of  
4 Engineers district offices to administer projects under this  
5 section at 100 percent Federal expense.”.

6       (b) SOUTHERN WEST VIRGINIA DEFINED.—Section  
7 340(f) of such Act is amended by inserting “Nicholas,”  
8 after “Greenbrier,”.

9       (c) NONPROFIT ENTITIES.—Section 340 of the  
10 Water Resources Development Act of 1992 (106 Stat.  
11 4856) is further amended by adding at the end the fol-  
12 lowing:

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

18 **SEC. 5125. CONSTRUCTION OF FLOOD CONTROL PROJECTS**

19 **BY NON-FEDERAL INTERESTS.**

20       Section 211(f) of the Water Resources Development  
21 Act of 1996 (33 U.S.C. 701b–13) is amended by adding  
22 at the end the following:

23       “(9) BUFFALO BAYOU, TEXAS.—The project for  
24 flood control, Buffalo Bayou, Texas.

1           “(10) HALLS BAYOU, TEXAS.—The project for  
2 flood control, Halls Bayou, Texas.

3           “(11) ST. PAUL DOWNTOWN AIRPORT (HOLMAN  
4 FIELD), ST. PAUL, MINNESOTA.—The project for  
5 flood damage reduction, St. Paul Downtown Holman  
6 Field), St. Paul, Minnesota.”.

7 **SEC. 5126. BRIDGE AUTHORIZATION.**

8           There is authorized to be appropriated \$30,000,000  
9 for the construction of the bridge referred to in section  
10 1001(a)(1).

11 **SEC. 5127. ADDITIONAL ASSISTANCE FOR CRITICAL**  
12 **PROJECTS.**

13           Section 219(f) of the Water Resources Development  
14 Act of 1992 (106 Stat. 4835; 113 Stat. 335–337; 114  
15 Stat. 2763A–220–221) is amended by adding at the end  
16 the following:

17           “(71) PLAQUEMINE, LOUISIANA.—\$7,000,000  
18 for sanitary sewer and wastewater infrastructure,  
19 Plaquemine, Louisiana.

20           “(72) CHARLESTON, SOUTH CAROLINA.—  
21 \$20,000,000 for wastewater infrastructure, including  
22 wastewater collection systems, Charleston, South  
23 Carolina.

1           “(73) CROSS, SOUTH CAROLINA.—\$2,000,000  
2           for water-related environmental infrastructure,  
3           Cross, South Carolina.

4           “(74) SURFSIDE, SOUTH CAROLINA.—  
5           \$8,000,000 for environmental infrastructure, includ-  
6           ing stormwater system improvements and ocean out-  
7           falls, Surfside, South Carolina.

8           “(75) NORTH MYRTLE BEACH, SOUTH CARO-  
9           LINA.—\$3,000,000 for environmental infrastructure,  
10          including ocean outfalls, North Myrtle Beach, South  
11          Carolina.

12          “(76) TIA JUANA VALLEY, CALIFORNIA.—  
13          \$1,400,000 for water-related environmental infra-  
14          structure, Tia Juana Valley, California.

15          “(77) CABARRUS COUNTY, NORTH CAROLINA.—  
16          \$4,500,000 for water-related infrastructure,  
17          Cabarrus County, North Carolina.

18          “(78) RICHMOND COUNTY, NORTH CAROLINA.—  
19          \$8,000,000 for water-related infrastructure, Rich-  
20          mond County, North Carolina.

21          “(79) UNION COUNTY, NORTH CAROLINA.—  
22          \$9,000,000 for wastewater infrastructure, Union  
23          County, North Carolina.

24          “(80) WASHINGTON, DISTRICT OF COLUMBIA.—  
25          \$35,000,000 for implementation of a combined



1 sewer overflow long term control plan, Washington,  
2 District of Columbia.

3 “(81) SOUTHERN LOS ANGELES COUNTY, CALI-  
4 FORNIA.—\$15,000,000 for environmental infrastruc-  
5 ture for the groundwater basin optimization pipeline,  
6 Southern Los Angeles County, California.

7 “(82) INDIANAPOLIS, INDIANA.—\$6,430,000 for  
8 environmental infrastructure for Indianapolis, Indi-  
9 ana.

10 “(83) HENDERSON, NEVADA.—\$5,000,000 for  
11 wastewater infrastructure, Henderson, Nevada.

12 “(84) SENNETT, NEW YORK.—\$1,500,000 for  
13 water infrastructure, Town of Sennett, New York.

14 “(85) LEDYARD AND MONTVILLE, CON-  
15 NECTICUT.—\$7,113,000 for water infrastructure,  
16 Ledyard and Montville, Connecticut.

17 “(86) AWENDAW, SOUTH CAROLINA.—  
18 \$2,000,000 for water-related infrastructure,  
19 Awendaw, South Carolina.

20 “(87) ST. CLAIR COUNTY, ALABAMA.—  
21 \$5,000,000 for water-related infrastructure, St.  
22 Clair County, Alabama.

23 “(88) EAST BAY, SAN FRANCISCO, AND SANTA  
24 CLARA AREAS, CALIFORNIA.—\$4,000,000 for a de-

1 salination project to serve the East Bay, San Fran-  
2 cisco, and Santa Clara areas, California.

3 “(89) ATHENS, TENNESSEE.—\$16,000,000 for  
4 wastewater infrastructure, Athens, Tennessee.

5 “(90) WARWICK, NEW YORK.—\$1,200,000 for  
6 water storage capacity restoration, Warwick, New  
7 York.

8 “(91) KIRYAS JOEL, NEW YORK.—\$20,000,000  
9 for water-related infrastructure, Kiryas Joel, New  
10 York.

11 “(92) WHITTIER, CALIFORNIA.—\$8,000,000 for  
12 wastewater and water-related infrastructure, Whit-  
13 tier, California.

14 “(93) ANACOSTIA RIVER, DISTRICT OF COLUM-  
15 BIA AND MARYLAND.—\$20,000,000 for environ-  
16 mental infrastructure and resource protection and  
17 development to enhance water quality and living re-  
18 sources in the Anacostia River watershed, District of  
19 Columbia and Maryland.

20 “(94) DUCHESNE, IRON, AND Uintah COUN-  
21 TIES, UTAH.—\$10,000,000 for water-related infra-  
22 structure, Duchesne, Iron, and Uintah Counties,  
23 Utah.

24 “(95) HANCOCK, HARRISON, JACKSON, AND  
25 PEARL RIVER COUNTIES, MISSISSIPPI.—\$5,824,300

1 for water and wastewater-related infrastructure,  
2 Hancock, Harrison, Jackson, and Pearl River Coun-  
3 ties, Mississippi.

4 “(96) PLACER AND EL DORADO COUNTIES,  
5 CALIFORNIA.—\$35,000,000 to improve the efficiency  
6 and use of existing water supplies in Placer and El  
7 Dorado Counties, California, through water and  
8 wastewater projects, programs, and infrastructure.

9 “(97) ARCADIA AND SIERRA MADRE, CALI-  
10 FORNIA.—\$20,000,000 for water-related infrastruc-  
11 ture, Arcadia and Sierra Madre, California.

12 “(98) EL PASO COUNTY, TEXAS.—\$25,000,000  
13 for water-related infrastructure and resource protec-  
14 tion and development, El Paso County, Texas.

15 “(99) ATLANTA, GEORGIA.—\$35,000,000 for  
16 implementation of a sanitary sewer overflow control  
17 plan, Atlanta, Georgia.

18 “(100) CHATTAHOOCHEE RIVER, GEORGIA.—  
19 \$20,000,000 for implementation of wastewater infra-  
20 structure and resource protection to enhance water  
21 quality in and adjacent to the Chattahoochee River,  
22 Georgia.

23 “(101) LASSEN, PLUMAS, BUTTE, SIERRA, AND  
24 NEVADA COUNTIES, CALIFORNIA.—\$25,000,000 to  
25 improve the efficiency and use of existing water sup-

1 plies in the counties of Lassen, Plumas, Butte, Si-  
2 erra, and Nevada, California, through water and  
3 waste water projects, programs, and infrastructure.

4 “(102) IMPERIAL COUNTY, CALIFORNIA.—  
5 \$10,000,000 for wastewater infrastructure to im-  
6 prove water quality in the New River, Imperial  
7 County, California.

8 “(103) CONTRA COSTA WATER DISTRICT, CALI-  
9 FORNIA.—\$23,000,000 for water and wastewater in-  
10 frastructure for the Contra Costa Water District,  
11 California.”.

12 **SEC. 5128. USE OF FEDERAL HOPPER DREDGE FLEET.**

13 (a) STUDY.—The Secretary shall conduct a study on  
14 the appropriate use of the Federal hopper dredge fleet.

15 (b) CONTENTS.—In conducting the study, the Sec-  
16 retary shall—

17 (1) obtain and analyze baseline data to deter-  
18 mine the appropriate use of the Federal hopper  
19 dredge fleet;

20 (2) prepare a comprehensive analysis of the  
21 costs and benefits of existing and proposed restric-  
22 tions on the use of the Federal hopper dredge fleet;  
23 and

24 (3) assess the data and procedure used by the  
25 Secretary to prepare the Government cost estimate

1 for worked performed by the Federal hopper dredge  
2 fleet.

3 (c) CONSULTATION.—The Secretary shall conduct  
4 the study in consultation with ports, pilots, and represent-  
5 atives of the private dredge industry.

6 (d) REPORT.—Not later than 180 days after the date  
7 of enactment of this Act, the Secretary shall transmit to  
8 Congress a report on the results of the study.

9 **SEC. 5129. WAGE SURVEYS.**

10 Employees of the United States Army Corps of Engi-  
11 neers who are paid wages determined under the last un-  
12 designated paragraph under the heading “Administrative  
13 Provisions” of chapter V of the Supplemental Appropria-  
14 tions Act, 1982 (5 U.S.C. 5343 note; 96 Stat. 832) shall  
15 be allowed, through appropriate employee organization  
16 representatives, to participate in wage surveys under such  
17 paragraph to the same extent as are prevailing rate em-  
18 ployees under subsection (c)(2) of section 5343 of title 5,  
19 United States Code. Nothing in such section 5343 shall  
20 be considered to affect which agencies are to be surveyed  
21 under such paragraph.

22 **SEC. 5130. PURCHASE OF AMERICAN-MADE EQUIPMENT**  
23 **AND PRODUCTS.**

24 (a) IN GENERAL.—It is the sense of Congress that,  
25 to the extent practicable, all equipment and products pur-

1 chased with funds made available under this Act should  
2 be American made.

3 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In  
4 providing financial assistance under this Act, the Sec-  
5 retary, to the greatest extent practicable, shall provide to  
6 each recipient of the assistance a notice describing the  
7 statement made in subsection (a).

Passed the House of Representatives September 24,  
2003.

Attest:

JEFF TRANDAHL,

*Clerk.*