

WATER RESOURCES DEVELOPMENT ACT OF 1996

JULY 22, 1996.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 3592]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 3592) to provide for 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Water Resources Development Act of 1996”.

(b) TABLE OF CONTENTS.—

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SEC. 2. DEFINITION.

For purposes of this Act, the term “Secretary” means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

Except as provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The project for flood damage reduction, American and Sacramento Rivers, California: Supplemental Information Report for the American River Watershed Project, California, dated March 1996, at a total cost of \$57,300,000, with an estimated Federal cost of \$42,975,000 and an estimated non-Federal cost of \$14,325,000, consisting of the following:

(i) Approximately 24 miles of slurry wall in the existing levees along the lower American River.

(ii) Approximately 12 miles of levee modifications along the east bank of the Sacramento River downstream from the Natomas Cross Canal.

(iii) 3 telemeter streamflow gages upstream from the Folsom Reservoir.

(iv) Modifications to the existing flood warning system along the lower American River.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal sponsor shall receive credit toward the non-Federal share of the cost of the project for expenses that the sponsor has incurred for design and construction of any of the features authorized pursuant to this paragraph prior to the date on which Federal funds are appropriated for construction of the project. The amount of the credit shall be determined by the Secretary.

(C) OPERATION OF FOLSOM DAM.—The Secretary of the Interior shall continue to operate the Folsom Dam and Reservoir to the variable 400,000/670,000 acre-feet of flood control storage capacity as an interim measure and extend the agreement between the Bureau of Reclamation and the Sacramento Area Flood Control Agency until such date as a comprehensive flood control plan for the American River Watershed has been implemented.

(D) RESPONSIBILITY OF NON-FEDERAL SPONSOR.—The non-Federal sponsor shall be responsible for all operation, maintenance, repair, replacement, and rehabilitation costs associated with the improvements undertaken pursuant to this paragraph, as well as, costs for the variable flood control operation of the Folsom Dam and Reservoir.

(2) SANTA BARBARA HARBOR, CALIFORNIA.—The project for navigation, Santa Barbara Harbor, California: Report of the Chief of Engineers, dated April 26, 1994, at a total cost of \$5,840,000, with an estimated Federal cost of \$4,670,000 and an estimated non-Federal cost of \$1,170,000.

(3) SAN LORENZO RIVER, SANTA CRUZ, CALIFORNIA.—The project for flood control, San Lorenzo River, Santa Cruz, California: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of \$21,800,000, with an estimated Federal cost of \$10,900,000 and an estimated non-Federal cost of \$10,900,000.

(4) MARIN COUNTY SHORELINE, SAN RAFAEL, CALIFORNIA.—The project for storm damage reduction, Marin County shoreline, San Rafael, California: Report of the Chief of Engineers, dated January 28, 1994, at a total cost of \$28,300,000, with an estimated Federal cost of \$18,400,000 and an estimated non-Federal cost of \$9,900,000.

(5) HUMBOLDT HARBOR AND BAY, CALIFORNIA.—The project for navigation, Humboldt Harbor and Bay, California: Report of the Chief of Engineers, dated October 30, 1995, at a total cost of \$15,180,000, with an estimated Federal cost of \$10,000,000 and an estimated non-Federal cost of \$5,180,000.

(6) ANACOSTIA RIVER AND TRIBUTARIES, DISTRICT OF COLUMBIA AND MARYLAND.—The project for environmental restoration, Anacostia River and Tributaries, District of Columbia and Maryland: Report of the Chief of Engineers, dated November 15, 1994, at a total cost of \$17,144,000, with an estimated Federal cost of \$12,858,000 and an estimated non-Federal cost of \$4,286,000.

(7) ATLANTIC INTRACOASTAL WATERWAY, ST. JOHNS COUNTY, FLORIDA.—The project for navigation, Atlantic Intracoastal Waterway, St. Johns County, Florida: Report of the Chief of Engineers, dated June 24, 1994, at a total Federal cost of \$15,881,000. Operation, maintenance, repair, replacement, and rehabilitation shall be a non-Federal responsibility and the non-Federal interest must assume ownership of the bridge.

(8) LAKE MICHIGAN, ILLINOIS.—The project for storm damage reduction and shoreline erosion protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line: Report of the Chief of Engineers, dated April 14, 1994, at a total cost of \$204,000,000, with an estimated Federal cost of \$110,000,000 and an estimated non-Federal cost of \$94,000,000. The project shall include the breakwater near the South Water Filtration Plant described in the report as a separate element of the project, at a total cost of \$11,470,000, with an estimated Federal cost of \$7,460,000 and an estimated non-Federal cost of \$4,010,000. The Secretary shall reimburse the non-Federal interest for the Federal share of any costs incurred by the non-Federal interest—

(A) in reconstructing the revetment structures protecting Solidarity Drive in Chicago, Illinois, if such work is determined by the Secretary to be a component of the project; and

(B) in constructing the breakwater near the South Water Filtration Plant in Chicago, Illinois.

(9) KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KENTUCKY.—The project for navigation, Kentucky Lock and Dam, Tennessee River, Kentucky: Report of the Chief of Engineers, dated June 1, 1992, at a total cost of \$393,200,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(10) POND CREEK, JEFFERSON COUNTY, KENTUCKY.—The project for flood control, Pond Creek, Jefferson County, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of \$16,080,000, with an estimated Federal cost of \$10,993,000 and an estimated non-Federal cost of \$5,087,000.

(11) WOLF CREEK DAM AND LAKE CUMBERLAND, KENTUCKY.—The project for hydropower, Wolf Creek Dam and Lake Cumberland, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of \$53,763,000, with an estimated non-Federal cost of \$53,763,000. Funds derived by the Tennessee Val-

ley Authority from its power program and funds derived from any private or public entity designated by the Southeastern Power Administration may be used to pay all or part of the costs of the project.

(12) PORT FOURCHON, LAFOURCHE PARISH, LOUISIANA.—A project for navigation, Belle Pass and Bayou Lafourche, Louisiana: Report of the Chief of Engineers, dated April 7, 1995, at a total cost of \$4,440,000, with an estimated Federal cost of \$2,300,000 and an estimated non-Federal cost of \$2,140,000.

(13) WEST BANK OF THE MISSISSIPPI RIVER, NEW ORLEANS (EAST OF HARVEY CANAL), LOUISIANA.—The project for hurricane damage reduction, West Bank of the Mississippi River in the vicinity of New Orleans (East of Harvey Canal), Louisiana: Report of the Chief of Engineers, dated May 1, 1995, at a total cost of \$126,000,000, with an estimated Federal cost of \$82,200,000 and an estimated non-Federal cost of \$43,800,000.

(14) WOOD RIVER, GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River, Grand Island, Nebraska: Report of the Chief of Engineers, dated May 3, 1994, at a total cost of \$11,800,000, with an estimated Federal cost of \$6,040,000 and an estimated non-Federal cost of \$5,760,000.

(15) LONG BEACH ISLAND, NEW YORK.—The project for storm damage reduction, Long Beach Island, New York: Report of the Chief of Engineers, dated April 5, 1996, at a total cost of \$72,090,000, with an estimated Federal cost of \$46,858,000 and an estimated non-Federal cost of \$25,232,000.

(16) WILMINGTON HARBOR, CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Wilmington Harbor, Cape Fear and Northeast Cape Fear Rivers, North Carolina: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of \$23,953,000, with an estimated Federal cost of \$15,032,000 and an estimated non-Federal cost of \$8,921,000.

(17) DUCK CREEK, CINCINNATI, OHIO.—The project for flood control, Duck Creek, Cincinnati, Ohio: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of \$15,947,000, with an estimated Federal cost of \$11,960,000 and an estimated non-Federal cost of \$3,987,000.

(18) WILLAMETTE RIVER TEMPERATURE CONTROL, MCKENZIE SUBBASIN, OREGON.—The project for environmental restoration, Willamette River Temperature Control, McKenzie Subbasin, Oregon: Report of the Chief of Engineers, dated February 1, 1996, at a total cost of \$38,000,000, with an estimated Federal cost of \$38,000,000.

(19) RIO GRANDE DE ARECIBO, PUERTO RICO.—The project for flood control, Rio Grande de Arecibo, Puerto Rico: Report of the Chief of Engineers, dated April 5, 1994, at a total cost of \$19,951,000, with an estimated Federal cost of \$10,557,000 and an estimated non-Federal cost of \$9,394,000.

(20) BIG SIOUX RIVER AND SKUNK CREEK, SIOUX FALLS, SOUTH DAKOTA.—The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of \$34,600,000, with an estimated Federal cost of \$25,900,000 and an estimated non-Federal cost of \$8,700,000.

(21) WATERTOWN, SOUTH DAKOTA.—The project for flood control, Watertown and Vicinity, South Dakota: Report of the Chief of Engineers, dated August 31, 1994, at a total cost of \$18,000,000, with an estimated Federal cost of \$13,200,000 and an estimated non-Federal cost of \$4,800,000.

(22) GULF INTRACOASTAL WATERWAY, ARANSAS NATIONAL WILDLIFE REFUGE, TEXAS.—The project for navigation and environmental preservation, Gulf Intracoastal Waterway, Aransas National Wildlife Refuge, Texas: Report of the Chief of Engineers, dated May 28, 1996, at a total cost of \$18,283,000, with an estimated Federal cost of \$18,283,000.

(23) HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.—The project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas: Report of the Chief of Engineers, dated May 9, 1996, at a total initial construction cost of \$292,797,000, with an estimated Federal cost of \$210,891,000 and an estimated non-Federal cost of \$81,906,000. The project shall include deferred construction of additional environmental restoration features over the life of the project, at a total average annual cost of \$786,000, with an estimated Federal cost of \$590,000 and an estimated non-Federal cost of \$196,000. The construction of berthing areas and the removal of pipelines and other obstructions that are necessary for the project shall be accomplished at non-Federal expense. Non-Federal interests shall receive credit toward cash contributions required during construction and subsequent to construction for design and construction management work that is performed by non-Federal interests and that the Secretary determines is necessary to implement the project.

(24) MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA.—The project for navigation, Marmet Lock, Kanawha River, West Virginia: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of \$229,581,000. The costs of construction of the project are to be paid $\frac{1}{2}$ from amounts appropriated from the general fund of the Treasury and $\frac{1}{2}$ from amounts appropriated from the Inland Waterways Trust Fund. In conducting any real estate acquisition activities with respect to the project, the Secretary shall give priority consideration to those individuals who would be directly affected by any physical displacement due to project design and shall consider the financial circumstances of such individuals. The Secretary shall proceed with real estate acquisition in connection with the project expeditiously.

SEC. 102. SMALL FLOOD CONTROL PROJECTS.

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

(1) SOUTH UPLAND, SAN BERNADINO COUNTY, CALIFORNIA.—Project for flood control, South Upland, San Bernadino County, California.

(2) BIRDS, LAWRENCE COUNTY, ILLINOIS.—Project for flood control, Birds, Lawrence County, Illinois.

(3) BRIDGEPORT, LAWRENCE COUNTY, ILLINOIS.—Project for flood control, Bridgeport, Lawrence County, Illinois.

(4) EMBARRAS RIVER, VILLA GROVE, ILLINOIS.—Project for flood control, Embarras River, Villa Grove, Illinois.

(5) FRANKFORT, WILL COUNTY, ILLINOIS.—Project for flood control, Frankfort, Will County, Illinois.

(6) SUMNER, LAWRENCE COUNTY, ILLINOIS.—Project for flood control, Sumner, Lawrence County, Illinois.

(7) VERMILLION RIVER, DEMANADE PARK, LAFAYETTE, LOUISIANA.—Project for nonstructural flood control, Vermillion River, Demanade Park, Lafayette, Louisiana. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the Lafayette Parish feasibility study and expedite completion of the study under this paragraph.

(8) VERMILLION RIVER, QUAIL HOLLOW SUBDIVISION, LAFAYETTE, LOUISIANA.—Project for nonstructural flood control, Vermillion River, Quail Hollow Subdivision, Lafayette, Louisiana. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the Lafayette Parish feasibility study and expedite completion of the study under this paragraph.

(9) KAWKAWLIN RIVER, BAY COUNTY, MICHIGAN.—Project for flood control, Kawkawlin River, Bay County, Michigan.

(10) WHITNEY DRAIN, ARENAC COUNTY, MICHIGAN.—Project for flood control, Whitney Drain, Arenac County, Michigan.

(11) FESTUS AND CRYSTAL CITY, MISSOURI.—Project for flood control, Festus and Crystal City, Missouri. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the existing reconnaissance study and shall expedite completion of the study under this paragraph.

(12) KIMMSWICK, MISSOURI.—Project for flood control, Kimmswick, Missouri. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the existing reconnaissance study and shall expedite completion of the study under this paragraph.

(13) RIVER DES PERES, ST. LOUIS COUNTY, MISSOURI.—Project for flood control, River Des Peres, St. Louis County, Missouri. In carrying out the study and the project (if any), the Secretary shall determine the feasibility of potential flood control measures, consider potential storm water runoff and related improvements, and cooperate with the Metropolitan St. Louis Sewer District.

(14) BUFFALO CREEK, ERIE COUNTY, NEW YORK.—Project for flood control, Buffalo Creek, Erie County, New York.

(15) CAZENOVIA CREEK, ERIE COUNTY, NEW YORK.—Project for flood control, Cazenovia Creek, Erie County, New York.

(16) CHEEKTOWAGA, ERIE COUNTY, NEW YORK.—Project for flood control, Cheektowaga, Erie County, New York.

(17) FULMER CREEK, VILLAGE OF MOHAWK, NEW YORK.—Project for flood control, Fulmer Creek, Village of Mohawk, New York.

(18) MOYER CREEK, VILLAGE OF FRANKFORT, NEW YORK.—Project for flood control, Moyer Creek, Village of Frankfort, New York.

(19) SAUQUOIT CREEK, WHITESBORO, NEW YORK.—Project for flood control, Sauquoit Creek, Whitesboro, New York.

(20) STEELE CREEK, VILLAGE OF ILION, NEW YORK.—Project for flood control, Steele Creek, Village of Ilion, New York.

(21) WILLAMETTE RIVER, OREGON.—Project for nonstructural flood control, Willamette River, Oregon, including floodplain and ecosystem restoration.

(22) WILLS CREEK, HYNDMAN, PENNSYLVANIA.—Project for flood control, Wills Creek, Borough of Hyndman, Pennsylvania. The Secretary shall reevaluate the project taking into consideration recent flooding and shall use relevant information from previous studies to expedite the project. In evaluating and implementing the project, the Secretary shall allow non-Federal interests to participate in financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

(23) NEABSCO CREEK WATERSHED, VIRGINIA.—Project for flood control, Neabasco Creek Watershed, Prince William County, Virginia. In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986, to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

(24) GREENBRIER RIVER BASIN, WEST VIRGINIA.—Project for flood control, consisting of an early flood warning system, Greenbrier River Basin, West Virginia.

(b) COST ALLOCATIONS.—

(1) LAKE ELSINORE, CALIFORNIA.—The maximum amount of Federal funds that may be allotted under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) for the project for flood control, Lake Elsinore, Riverside County, California, shall be \$7,500,000.

(2) LOST CREEK, COLUMBUS, NEBRASKA.—The maximum amount of Federal funds that may be allotted under such section 205 for the project for flood control, Lost Creek, Columbus, Nebraska, shall be \$5,500,000.

(3) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the projects referred to in paragraphs (1) and (2) in order to take into account the change in the Federal participation in such projects pursuant to such paragraphs.

(4) COST SHARING.—Nothing in this subsection shall be construed to affect any cost-sharing requirement applicable to the project referred to in paragraph (1) under the Water Resources Development Act of 1986.

SEC. 103. SMALL BANK STABILIZATION PROJECTS.

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

(1) ALLEGHENY RIVER AT OIL CITY, PENNSYLVANIA.—Project for bank stabilization to address erosion problems affecting the pipeline crossing the Allegheny River at Oil City, Pennsylvania, including measures to address erosion affecting the pipeline in the bed of the Allegheny River and its adjacent banks.

(2) CUMBERLAND RIVER, NASHVILLE, TENNESSEE.—Project for bank stabilization, Cumberland River, Nashville, Tennessee.

(3) TENNESSEE RIVER, HAMILTON COUNTY, TENNESSEE.—Project for bank stabilization, Tennessee River, Hamilton County, Tennessee; except that the maximum amount of Federal funds that may be allotted for the project shall be \$7,500,000.

SEC. 104. SMALL NAVIGATION PROJECTS.

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

(1) AKUTAN, ALASKA.—Project for navigation, Akutan, Alaska, consisting of a bulkhead and a wave barrier, including application of innovative technology involving use of a permeable breakwater.

(2) GRAND MARAIS HARBOR BREAKWATER, MICHIGAN.—Project for navigation, Grand Marais Harbor breakwater, Michigan.

(3) DULUTH, MINNESOTA.—Project for navigation, Duluth, Minnesota.

(4) TACONITE, MINNESOTA.—Project for navigation, Taconite, Minnesota.

(5) TWO HARBORS, MINNESOTA.—Project for navigation, Two Harbors, Minnesota.

(6) CARUTHERSVILLE HARBOR, PEMISCOT COUNTY, MISSOURI.—Project for navigation, Caruthersville Harbor, Pemiscot County, Missouri, including enlargement of the existing harbor and bank stabilization measures.

(7) NEW MADRID COUNTY HARBOR, MISSOURI.—Project for navigation, New Madrid County Harbor, Missouri, including enlargement of the existing harbor and bank stabilization measures.

(8) BROOKLYN, NEW YORK.—Project for navigation, Brooklyn, New York, including restoration of the pier and related navigation support structures, at the Sixty-Ninth Street Pier.

(9) BUFFALO INNER HARBOR, BUFFALO, NEW YORK.—Project for navigation, Buffalo Inner Harbor, Buffalo, New York.

(10) UNION SHIP CANAL, BUFFALO AND LACKAWANNA, NEW YORK.—Project for navigation, Union Ship Canal, Buffalo and Lackawanna, New York.

SEC. 105. SMALL SHORELINE PROTECTION PROJECTS.

(a) PROJECT AUTHORIZATIONS.—The Secretary shall conduct a study for each of the following projects, and if the Secretary determines that the project is feasible, shall carry out the project under section 3 of the Shoreline Protection Act of August 13, 1946 (33 U.S.C. 426g):

(1) FAULKNER'S ISLAND, CONNECTICUT.—Project for shoreline protection, Faulkner's Island, Connecticut; except that the maximum amount of Federal funds that may be allotted for the project shall be \$4,500,000.

(2) FORT PIERCE, FLORIDA.—Project for 1 mile of additional shoreline protection, Fort Pierce, Florida.

(3) SYLVAN BEACH BREAKWATER, TOWN OF VERONA, ONEIDA COUNTY, NEW YORK.—Project for shoreline protection, Sylvan Beach Breakwater, town of Verona, Oneida County, New York.

(b) COST SHARING AGREEMENT.—In carrying out the project authorized by subsection (a)(1), the Secretary shall enter into an agreement with the property owner to determine allocation of the project costs.

SEC. 106. SMALL SNAGGING AND SEDIMENT REMOVAL PROJECT, MISSISSIPPI RIVER, LITTLE FALLS, MINNESOTA.

The Secretary shall conduct a study for a project for clearing, snagging, and sediment removal, East Bank of the Mississippi River, Little Falls, Minnesota, including removal of sediment from culverts. The study shall include a determination of the adequacy of culverts to maintain flows through the channel. If the Secretary determines that the project is feasible, the Secretary shall carry out the project under section 3 of the River and Harbor Act of March 2, 1945 (33 U.S.C. 603a; 59 Stat. 23).

SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT.

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

(1) UPPER TRUCKEE RIVER, EL DORADO COUNTY, CALIFORNIA.—Project for environmental restoration, Upper Truckee River, El Dorado County, California, including measures for restoration of degraded wetlands and wildlife enhancement.

(2) SAN LORENZO RIVER, CALIFORNIA.—Project for habitat restoration, San Lorenzo River, California.

(3) WHITTIER NARROWS DAM, CALIFORNIA.—Project for environmental restoration and remediation of contaminated water sources, Whittier Narrows Dam, California.

(4) UPPER JORDAN RIVER, SALT LAKE COUNTY, UTAH.—Project for channel restoration and environmental improvement, Upper Jordan River, Salt Lake County, Utah.

TITLE II—GENERALLY APPLICABLE PROVISIONS

SEC. 201. COST SHARING FOR DREDGED MATERIAL DISPOSAL AREAS.

(a) CONSTRUCTION.—Section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a); 100 Stat. 4082–4083) is amended—

(1) by striking the last sentence of paragraph (2) and inserting the following: “The value of lands, easements, rights-of-way, and relocations provided under

paragraph (3) and the costs of relocations borne by the non-Federal interests under paragraph (4) shall be credited toward the payment required under this paragraph.”;

(2) in paragraph (3)—

(A) by inserting “and” after “rights-of-way,”;

(B) by striking “, and dredged material disposal areas”; and

(C) by inserting “, including any lands, easements, rights-of-way, and relocations (other than utility relocations accomplished under paragraph (4)) that are necessary for dredged material disposal facilities” before the period at the end of such paragraph; and

(3) by adding at the end the following:

“(5) DREDGED MATERIAL DISPOSAL FACILITIES FOR PROJECT CONSTRUCTION.—

For purposes of this subsection, the term ‘general navigation features’ includes constructed land-based and aquatic dredged material disposal facilities that are necessary for the disposal of dredged material and for project construction and for which a contract for construction has not been awarded on or before the date of the enactment of this paragraph.”.

(b) OPERATION AND MAINTENANCE.—Section 101(b) of such Act (33 U.S.C. 2211(b); 100 Stat. 4083) is amended—

(1) by inserting “(1) IN GENERAL.—” before “The Federal”;

(2) by indenting and moving paragraph (1), as designated by paragraph (1) of this subsection, 2 ems to the right;

(3) by striking “pursuant to this Act” and inserting “by the Secretary pursuant to this Act or any other law approved after the date of the enactment of this Act”; and

(4) by adding at the end thereof the following:

“(2) DREDGED MATERIAL DISPOSAL FACILITIES.—The Federal share of the cost of constructing land-based and aquatic dredged material disposal facilities that are necessary for the disposal of dredged material required for the operation and maintenance of a project and for which a contract for construction has not been awarded on or before the date of the enactment of this paragraph shall be determined in accordance with subsection (a). The Federal share of operating and maintaining such facilities shall be determined in accordance with paragraph (1).”.

(c) AGREEMENT.—Section 101(e)(1) of such Act (33 U.S.C. 2211(e)(1); 100 Stat. 4083) is amended by striking “and to provide dredged material disposal areas and perform” and inserting “including those necessary for dredged material disposal facilities, and to perform”.

(d) CONSIDERATION OF FUNDING REQUIREMENTS AND EQUITABLE APPORTIONMENT.—Section 101 of such Act (33 U.S.C. 2211; 100 Stat. 4082–4084) is further amended by adding at the end the following:

“(f) CONSIDERATION OF FUNDING REQUIREMENTS AND EQUITABLE APPORTIONMENT.—The Secretary shall ensure, to the extent practicable, that funding necessary for operation and maintenance dredging of commercial navigation harbors is provided before Federal funds are obligated for payment of the Federal share of costs associated with construction of dredged material disposal facilities in accordance with subsections (a) and (b) and that funds expended for such construction are equitably apportioned in accordance with regional needs.”.

(e) ELIGIBLE OPERATIONS AND MAINTENANCE DEFINED.—Section 214(2)(A) of such Act (33 U.S.C. 2241; 100 Stat. 4108) is amended—

(1) by inserting “Federal” after “means all”;

(2) by inserting “(i)” after “including”; and

(3) by inserting before the period at the end the following: “; (ii) the construction of dredged material disposal facilities that are necessary for the operation and maintenance of any harbor or inland harbor; (iii) dredging and disposing of contaminated sediments which are in or which affect the maintenance of Federal navigation channels; (iv) mitigating for impacts resulting from Federal navigation operation and maintenance activities; and (v) operating and maintaining dredged material disposal facilities”.

(f) AMENDMENT OF COOPERATION AGREEMENT.—If requested by the non-Federal interest, the Secretary shall amend a project cooperation agreement executed on or before the date of the enactment of this Act to reflect the application of the amendments made by this section to any project for which a contract for construction has not been awarded on or before such date of enactment.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 210 of such Act (33 U.S.C. 2238; 100 Stat. 4106) is amended—

(1) by striking “(a) TRUST FUND.—”;

(2) by striking “1954” and inserting “1986”; and

(3) by striking subsection (b).

SEC. 202. FLOOD CONTROL POLICY.

(a) **FLOOD CONTROL COST SHARING.**—

(1) **INCREASED NON-FEDERAL CONTRIBUTIONS.**—Subsections (a) and (b) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a) and (b)) are each amended by striking “25 percent” each place it appears and inserting “35 percent”.

(2) **APPLICABILITY.**—The amendments made by paragraph (1) shall apply to projects authorized after the date of the enactment of this Act.

(b) **ABILITY TO PAY.**—

(1) **IN GENERAL.**—Section 103(m) of such Act (33 U.S.C. 2213(m)) is amended to read as follows:

“(m) **ABILITY TO PAY.**—

“(1) **IN GENERAL.**—Any cost-sharing agreement under this section for flood control or agricultural water supply shall be subject to the ability of a non-Federal interest to pay.

“(2) **CRITERIA AND PROCEDURES.**—The ability of any non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect on the day before the date of the enactment of the Water Resources Development Act of 1996; except that such criteria and procedures shall be revised within 6 months after the date of such enactment to reflect the requirements of paragraph (3).

“(3) **REVISION OF PROCEDURES.**—In revising procedures pursuant to paragraph (1), the Secretary—

“(A) shall consider—

“(i) per capita income data for the county or counties in which the project is to be located; and

“(ii) the per capita non-Federal cost of construction of the project for the county or counties in which the project is to be located;

“(B) shall not consider criteria (other than criteria described in subparagraph (A)) in effect on the day before the date of the enactment of the Water Resources Development Act of 1996; and

“(C) may consider additional criteria relating to the non-Federal interest’s financial ability to carry out its cost-sharing responsibilities, to the extent that the application of such criteria does not eliminate areas from eligibility for a reduction in the non-Federal share as determined under subparagraph (A).

“(4) **NON-FEDERAL SHARE.**—Notwithstanding subsection (a), the Secretary shall reduce or eliminate the requirement that a non-Federal interest make a cash contribution for any project that is determined to be eligible for a reduction in the non-Federal share under procedures in effect under paragraphs (1), (2), and (3).”.

(2) **APPLICABILITY.**—

(A) **GENERALLY.**—Subject to subparagraph (C), the amendment made by paragraph (1) shall apply to any project, or separable element thereof, with respect to which the Secretary and the non-Federal interest have not entered into a project cooperation agreement on or before the date of the enactment of this Act.

(B) **AMENDMENT OF COOPERATION AGREEMENT.**—If requested by the non-Federal interest, the Secretary shall amend a project cooperation agreement executed on or before the date of the enactment of this Act to reflect the application of the amendment made by paragraph (1) to any project for which a contract for construction has not been awarded on or before such date of enactment.

(C) **NON-FEDERAL OPTION.**—If requested by the non-Federal interest, the Secretary shall apply the criteria and procedures established pursuant to section 103(m) of the Water Resources Development Act of 1986 as in effect on the day before the date of the enactment of this Act for projects that are authorized before the date of the enactment of this Act.

(c) **FLOOD PLAIN MANAGEMENT PLANS.**—

(1) **IN GENERAL.**—Section 402 of such Act (33 U.S.C. 701b–12; 100 Stat. 4133) is amended to read as follows:

“SEC. 402. FLOOD PLAIN MANAGEMENT REQUIREMENTS.

“(a) **COMPLIANCE WITH FLOOD PLAIN MANAGEMENT AND INSURANCE PROGRAMS.**—Before construction of any project for local flood protection or any project for hurricane or storm damage reduction and involving Federal assistance from the Sec-

retary, the non-Federal interest shall agree to participate in and comply with applicable Federal flood plain management and flood insurance programs.

“(b) FLOOD PLAIN MANAGEMENT PLANS.—Within 1 year after the date of signing a project cooperation agreement for construction of a project to which subsection (a) applies, the non-Federal interest shall prepare a flood plain management plan designed to reduce the impacts of future flood events in the project area. Such plan shall be implemented by the non-Federal interest not later than 1 year after completion of construction of the project.

“(c) GUIDELINES.—

“(1) IN GENERAL.—Within 6 months after the date of the enactment of this subsection, the Secretary shall develop guidelines for preparation of flood plain management plans by non-Federal interests under subsection (b). Such guidelines shall address potential measures, practices and policies to reduce loss of life, injuries, damages to property and facilities, public expenditures, and other adverse impacts associated with flooding and to preserve and enhance natural flood plain values.

“(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to confer any regulatory authority upon the Secretary.

“(d) TECHNICAL SUPPORT.—The Secretary is authorized to provide technical support to a non-Federal interest for a project to which subsection (a) applies for the development and implementation of plans prepared under subsection (b).”

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any project or separable element thereof with respect to which the Secretary and the non-Federal interest have not entered into a project cooperation agreement on or before the date of the enactment of this Act.

(d) NON-STRUCTURAL FLOOD CONTROL POLICY.—

(1) REVIEW.—The Secretary shall conduct a review of policies, procedures, and techniques relating to the evaluation and development of flood control measures with a view toward identifying impediments that may exist to justifying non-structural flood control measures as alternatives to structural measures.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the findings on the review conducted under this subsection, together with any recommendations for modifying existing law to remove any impediments identified under such review.

(e) EMERGENCY RESPONSE.—Section 5(a)(1) of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended by inserting before the first semicolon the following: “, or in implementation of non-structural alternatives to the repair or restoration of such flood control work if requested by the non-Federal sponsor”.

(f) NONSTRUCTURAL ALTERNATIVES.—Section 73 of the Water Resources Development Act of 1974 (33 U.S.C. 701b–11; 88 Stat. 32) is amended by striking subsection (a) and inserting the following:

“(a) In the survey, planning, or design by any Federal agency of any project involving flood protection, such agency, with a view toward formulating the most economically, socially, and environmentally acceptable means of reducing or preventing flood damages, shall consider and address in adequate detail nonstructural alternatives, including measures that may be implemented by others, to prevent or reduce flood damages. Such alternatives may include watershed management, wetlands restoration, elevation or flood proofing of structures, floodplain regulation, relocation, and acquisition of floodplain lands for recreational, fish and wildlife, and other public purposes.”.

SEC. 203. FEASIBILITY STUDY COST-SHARING.

(a) NON-FEDERAL SHARE.—Section 105(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)) is amended—

(1) in the first sentence, by striking “during the period of such study”;

(2) by inserting after the first sentence the following: “During the period of the study, the non-Federal share of the cost of the study shall be not more than 50 percent of the estimate of the cost of the study as contained in the feasibility cost-sharing agreement. The cost estimate may be amended only by mutual agreement of the Secretary and the non-Federal interests. The non-Federal share of any costs in excess of the cost estimate shall, except as otherwise mutually agreed by the Secretary and the non-Federal interests, be payable after the project has been authorized for construction and on the date on which the Secretary and non-Federal interests enter into an agreement pursuant to section 101(e) or 103(j). In the event the project which is the subject of the study is not authorized within the earlier of 5 years of the date of the final report

of the Chief of Engineers concerning such study or 2 years of the date of termination of the study, the non-Federal share of any such excess costs shall be paid to the United States on the last day of such period.”; and

(3) in the second sentence, by striking “such non-Federal contribution” and inserting “the non-Federal share required under this paragraph”.

(b) **APPLICABILITY.**—The amendments made by subsection (a) shall apply notwithstanding any feasibility cost-sharing agreement entered into by the Secretary and non-Federal interests. Upon request of the non-Federal interest, the Secretary shall amend any feasibility cost-sharing agreements in effect on the date of enactment of this Act so as to conform to the agreements with the amendments.

(c) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section or any amendment made by this section shall require the Secretary to reimburse the non-Federal interests for funds previously contributed for a study.

SEC. 204. RESTORATION OF ENVIRONMENTAL QUALITY.

(a) **REVIEW OF PROJECTS.**—Section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)) is amended—

(1) by striking “the operation of”; and

(2) by inserting before the period at the end the following: “and to determine if the operation of such projects has contributed to the degradation of the quality of the environment”.

(b) **PROGRAM OF PROJECTS.**—Section 1135(b) of such Act is amended by striking the last 2 sentences of subsection (b).

(c) **RESTORATION OF ENVIRONMENTAL QUALITY.**—Section 1135 of such Act is further amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (e), (f), and (g), respectively;

(2) by inserting after subsection (b) the following new subsections:

“(c) **RESTORATION OF ENVIRONMENTAL QUALITY.**—If the Secretary determines that construction of a water resource project by the Secretary or operation of a water resources project constructed by the Secretary has contributed to the degradation of the quality of the environment, the Secretary may undertake measures for restoration of environmental quality and measures for enhancement of environmental quality that are associated with the restoration, either through modifications at the project site or at other locations that have been affected by the construction or operation of the project, if such measures do not conflict with the authorized project purposes.

“(d) **NON-FEDERAL SHARE; LIMITATION ON MAXIMUM FEDERAL EXPENDITURE.**—The non-Federal share of the cost of any modifications or measures carried out or undertaken pursuant to subsection (b) or (c) of this section shall be 25 percent. Not more than 80 percent of the non-Federal share may be in kind, including a facility, supply, or service that is necessary to carry out the modification. No more than \$5,000,000 in Federal funds may be expended on any single modification or measure carried out or undertaken pursuant to this section.”; and

(3) in subsection (f), as so redesignated, by striking “program conducted under subsection (b)” and inserting “programs conducted under subsections (b) and (c)”.

(d) **DEFINITION.**—Section 1135 of such Act is further amended by adding at the end the following:

“(h) **DEFINITION.**—In this section the term ‘water resources project constructed by the Secretary’ includes a water resources project constructed or funded jointly by the Secretary and the head of any other Federal agency (including the Natural Resources Conservation Service).”.

SEC. 205. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639–4640) is amended—

(1) in each of subsections (a), (b), and (c) by inserting “and remediate” after “remove” each place it appears;

(2) in subsection (b)(1) by inserting “and remediation” after “removal” each place it appears;

(3) in subsection (b)(2) by striking “\$10,000,000” and inserting “\$30,000,000”; and

(4) by striking subsection (f) and inserting the following:

“(f) In carrying out this section, the Secretary shall give priority to work in the following areas:

“(1) Brooklyn Waterfront, New York.

“(2) Buffalo Harbor and River, New York.

“(3) Ashtabula River, Ohio.

- “(4) Mahoning River, Ohio.
- “(5) Lower Fox River, Wisconsin.”.

SEC. 206. AQUATIC ECOSYSTEM RESTORATION.

(a) **GENERAL AUTHORITY.**—The Secretary is authorized to carry out aquatic ecosystem restoration and protection projects when the Secretary determines that such projects will improve the quality of the environment and are in the public interest and that the environmental and economic benefits, both monetary and nonmonetary, of the project to be undertaken pursuant to this section justify the cost.

(b) **COST SHARING.**—Non-Federal interests shall provide 50 percent of the cost of construction of any project carried out under this section, including provision of all lands, easements, rights-of-way, and necessary relocations.

(c) **AGREEMENTS.**—Construction of a project under this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary to pay the non-Federal share of the costs of construction required by this section and to pay 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to the project in accordance with regulations prescribed by the Secretary.

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

(e) **FUNDING.**—There is authorized to be appropriated not to exceed \$25,000,000 annually to carry out this section.

SEC. 207. BENEFICIAL USES OF DREDGED MATERIAL.

Section 204 of the Water Resources Development Act of 1992 (106 Stat. 4826) is amended—

- (1) by redesignating subsection (e) as subsection (f); and
- (2) by inserting after subsection (d) the following:

“(e) **SELECTION OF DREDGED MATERIAL DISPOSAL METHOD.**—In developing and carrying out a project for navigation involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of such disposal method are minimal and that the benefits to the aquatic environment to be derived from such disposal method, including the creation of wetlands and control of shoreline erosion, justify its selection. The Federal share of such incremental costs shall be determined in accordance with subsection (c).”.

SEC. 208. RECREATION POLICY AND USER FEES.

(a) **RECREATION POLICIES.**—

(1) **IN GENERAL.**—The Secretary shall provide increased emphasis on and opportunities for recreation at water resources projects operated, maintained, or constructed by the Corps of Engineers.

(2) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on specific measures taken to implement this subsection.

(b) **RECREATION USER FEES.**—Section 210(b) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)) is amended by adding at the end the following:

“(5) **USE OF FEES COLLECTED AT FACILITY.**—Subject to advance appropriations, the Secretary of the Army shall ensure that at least an amount equal to the total amount of fees collected at any project under this subsection in a fiscal year beginning after September 30, 1996, are expended in the succeeding fiscal year at such project for operation and maintenance of recreational facilities at such project.”.

SEC. 209. RECOVERY OF COSTS.

Amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) for any response action taken by the Secretary in support of the Army Civil Works program and any other amounts recovered by the Secretary from a contractor, insurer, surety, or other person to reimburse the Army for any expenditure for environmental response activities in support of the Army civil works program shall be credited to the appropriate trust fund account from which the cost of such response action has been paid or will be charged.

SEC. 210. COST SHARING OF ENVIRONMENTAL PROJECTS.

(a) **IN GENERAL.**—Section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)) is amended—

- (1) by striking “and” at the end of paragraph (5);
- (2) by striking the period at the end of paragraph (6) and inserting “; and”; and

(3) by inserting after paragraph (6) the following new paragraph:

“(7) subject to section 906 of this Act, environmental protection and restoration: 50 percent.”.

(b) **APPLICABILITY.**—The amendments made by subsection (a) apply only to projects authorized after the date of the enactment of this Act.

SEC. 211. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) **AUTHORITY.**—Non-Federal interests are authorized to undertake flood control projects in the United States, subject to obtaining any permits required pursuant to Federal and State laws in advance of actual construction.

(b) **STUDIES AND DESIGN ACTIVITIES.**—

(1) **BY NON-FEDERAL INTERESTS.**—A non-Federal interest may prepare, for review and approval by the Secretary, the necessary studies and design documents for any construction to be undertaken pursuant to subsection (a).

(2) **BY SECRETARY.**—Upon request of an appropriate non-Federal interest, the Secretary may undertake all necessary studies and design activities for any construction to be undertaken pursuant to subsection (a) and provide technical assistance in obtaining all necessary permits for such construction if the non-Federal interest contracts with the Secretary to furnish the United States funds for the studies and design activities during the period that the studies and design activities will be conducted.

(c) **COMPLETION OF STUDIES AND DESIGN ACTIVITIES.**—In the case of any study or design documents for a flood control project that were initiated before the date of the enactment of this Act, the Secretary is authorized to complete and transmit to the appropriate non-Federal interests the study or design documents or, upon the request of such non-Federal interests, to terminate the study or design activities and transmit the partially completed study or design documents to such non-Federal interests for completion. Studies and design documents subject to this subsection shall be completed without regard to the requirements of subsection (b).

(d) **AUTHORITY TO CARRY OUT IMPROVEMENT.**—

(1) **IN GENERAL.**—Any non-Federal interest which has received from the Secretary pursuant to subsection (b) or (c) a favorable recommendation to carry out a flood control project or separable element thereof based on the results of completed studies and design documents for the project or element, may carry out the project or element if a final environmental impact statement has been filed for the project or element.

(2) **PERMITS.**—Any plan of improvement proposed to be implemented in accordance with this subsection shall be deemed to satisfy the requirements for obtaining the appropriate permits required under the Secretary's authority and such permits shall be granted subject to the non-Federal interest's acceptance of the terms and conditions of such permits if the Secretary determines that the applicable regulatory criteria and procedures have been satisfied.

(3) **MONITORING.**—The Secretary shall monitor any project for which a permit is granted under this subsection in order to ensure that such project is constructed, operated, and maintained in accordance with the terms and conditions of such permit.

(e) **REIMBURSEMENT.**—

(1) **GENERAL RULE.**—Subject to appropriation Acts, the Secretary is authorized to reimburse any non-Federal interest an amount equal to the estimate of the Federal share, without interest, of the cost of any authorized flood control project, or separable element thereof, constructed pursuant to this section—

(A) if, after authorization and before initiation of construction of the project or separable element, the Secretary approves the plans for construction of such project by the non-Federal interest; and

(B) if the Secretary finds, after a review of studies and design documents prepared pursuant to this section, that construction of the project or separable element is economically justified and environmentally acceptable.

(2) **MATTERS TO BE CONSIDERED IN REVIEWING PLANS.**—In reviewing plans under this subsection, the Secretary shall consider budgetary and programmatic priorities and other factors that the Secretary deems appropriate.

(3) **MONITORING.**—The Secretary shall regularly monitor and audit any project for flood control approved for construction under this section by a non-Federal interest in order to ensure that such construction is in compliance with the plans approved by the Secretary and that the costs are reasonable.

(4) **LIMITATION ON REIMBURSEMENTS.**—No reimbursement shall be made under this section unless and until the Secretary has certified that the work for which reimbursement is requested has been performed in accordance with applicable permits and approved plans.

(f) **SPECIFIC PROJECTS.**—For the purpose of demonstrating the potential advantages and effectiveness of non-Federal implementation of flood control projects, the Secretary shall enter into agreements pursuant to this section with non-Federal interests for development of the following flood control projects by such interests:

(1) **LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA.**—The project for flood control, Los Angeles County Drainage Area, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (104 Stat. 4611).

(2) **STOCKTON METROPOLITAN AREA, CALIFORNIA.**—The project for flood control, Stockton Metropolitan Area, California.

(3) **BRAYS BAYOU, TEXAS.**—Flood control components comprising the Brays Bayou element of the project for flood control, Buffalo Bayou and Tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (104 Stat. 4610); except that the non-Federal interest may design and construct an alternative to the diversion component of such element.

(4) **HUNTING BAYOU, TEXAS.**—The Hunting Bayou element of the project for flood control, Buffalo Bayou and Tributaries, Texas, authorized by such section; except that the non-Federal interest may design and construct an alternative to such element.

(5) **WHITE OAK BAYOU, TEXAS.**—The project for flood control, White Oak Bayou watershed, Texas.

(g) **TREATMENT OF FLOOD DAMAGE PREVENTION MEASURES.**—For the purposes of this section, flood damage prevention measures at or in the vicinity of Morgan City and Berwick, Louisiana, shall be treated as an authorized element of the Atchafalaya Basin feature of the project for flood control, Mississippi River and Tributaries.

SEC. 212. ENGINEERING AND ENVIRONMENTAL INNOVATIONS OF NATIONAL SIGNIFICANCE.

(a) **SURVEYS, PLANS, AND STUDIES.**—To encourage innovative and environmentally sound engineering solutions and innovative environmental solutions to problems of national significance, the Secretary may undertake surveys, plans, and studies and prepare reports which may lead to work under existing civil works authorities or to recommendations for authorizations.

(b) **FUNDING.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$3,000,000 for each fiscal year beginning after September 30, 1996.

(2) **FUNDING FROM OTHER SOURCES.**—The Secretary may accept and expend additional funds from other Federal agencies, States, or non-Federal entities for purposes of carrying out this section.

SEC. 213. LEASE AUTHORITY.

Notwithstanding any other provision of law, the Secretary may lease space available in buildings for which funding for construction or purchase was provided from the revolving fund established by the 1st section of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576; 67 Stat. 199) under such terms and conditions as are acceptable to the Secretary. The proceeds from such leases shall be credited to the revolving fund for the purposes set forth in such Act.

SEC. 214. COLLABORATIVE RESEARCH AND DEVELOPMENT.

(a) **FUNDING FROM OTHER FEDERAL SOURCES.**—Section 7 of the Water Resources Development Act of 1988 (102 Stat. 4022–4023) is amended—

(1) in subsection (a) by inserting “civil works” before “mission”; and

(2) by striking subsection (e) and inserting the following:

“(e) **FUNDING FROM OTHER FEDERAL SOURCES.**—The Secretary may accept and expend additional funds from other Federal programs, including other Department of Defense programs, to carry out the purposes of this section.”.

(b) **PRE-AGREEMENT TEMPORARY PROTECTION OF TECHNOLOGY.**—Such section 7 is further amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(2) by inserting after subsection (a) the following new subsection:

“(b) **PRE-AGREEMENT TEMPORARY PROTECTION OF TECHNOLOGY.**—

“(1) **IN GENERAL.**—If the Secretary determines that information developed as a result of research and development activities conducted by the Corps of Engineers is likely to be subject to a cooperative research and development agreement within 2 years of its development and that such information would be a trade secret or commercial or financial information that would be privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement under section

12 of the Stevenson-Wydler Technology Innovation Act of 1980, the Secretary may provide appropriate protection against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5, United States Code, until the earlier of the date the Secretary enters into such an agreement with respect to such technology or the last day of the 2-year period beginning on the date of such determination.

“(2) TREATMENT.—Any technology covered by this section which becomes the subject of a cooperative research and development agreement shall be accorded the protection provided under section 12(c)(7)(B) of such Act (15 U.S.C. 3710a(c)(7)(B)) as if such technology had been developed under a cooperative research and development agreement.”; and

(3) in subsection (d), as so redesignated, by striking “(b)” and inserting “(c)”.

SEC. 215. DAM SAFETY PROGRAM.

(a) SHORT TITLE.—This section may be cited as the “National Dam Safety Program Act of 1996”.

(b) FINDINGS.—Congress finds the following:

(1) Dams are an essential part of the national infrastructure. Dams fail from time to time with catastrophic results; thus, dam safety is a vital public concern.

(2) Dam failures have caused, and can cause in the future, enormous loss of life, injury, destruction of property, and economic and social disruption.

(3) Some dams are at or near the end of their structural, useful, or operational life. With respect to future dam failures, the loss, destruction, and disruption can be substantially reduced through the development and implementation of dam safety hazard reduction measures, including—

(A) improved design and construction standards and practices supported by a national dam performance resource bank;

(B) safe operations and maintenance procedures;

(C) early warning systems;

(D) coordinated emergency preparedness plans; and

(E) public awareness and involvement programs.

(4) Dam safety problems persist nationwide. The diversity in Federal and State dam safety programs calls for national leadership in a cooperative effort involving Federal and State governments and the private sector. An expertly staffed and adequately financed dam safety hazard reduction program, based on Federal, State, local, and private research, planning, decisionmaking, and contributions, would reduce the risk of such loss, destruction, and disruption from dam failure by an amount far greater than the cost of such program.

(5) There is a fundamental need for a national dam safety program and the need will continue. An effective national program in dam safety hazards reduction will require input from and review by Federal and non-Federal experts in dams design, construction, operation, and maintenance and in the practical application of dam failure hazards reduction measures. At the present time, there is no national dam safety program.

(6) The coordinating authority for national leadership is provided through the Federal Emergency Management Agency’s (hereinafter in this section referred to as “FEMA”) dam safety program through Executive Order 12148 in coordination with appropriate Federal agencies and the States.

(7) While FEMA’s dam safety program shall continue as a proper Federal undertaking and shall provide the foundation for a National Dam Safety Program, statutory authority to meet increasing needs and to discharge Federal responsibilities in national dam safety is needed.

(8) Statutory authority will strengthen FEMA’s leadership role, will codify the national dam safety program, and will authorize the Director of FEMA (hereinafter in this section referred to as the “Director”) to communicate directly with Congress on authorizations and appropriations and to build upon the hazard reduction aspects of national dam safety.

(c) PURPOSE.—It is the purpose of this section to reduce the risks to life and property from dam failure in the United States through the establishment and maintenance of an effective national dam safety program which will bring together the Federal and non-Federal communities’ expertise and resources to achieve national dam safety hazard reduction. It is not the intent of this section to preempt any other Federal or State authorities nor is the intent of this section to mandate State participation in the grant assistance program to be established under this section.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) **FEDERAL AGENCY.**—The term “Federal agency” means any Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of any dam.

(2) **NON-FEDERAL AGENCY.**—The term “non-Federal agency” means any State agency that has regulatory authority over the safety of non-Federal dams.

(3) **FEDERAL GUIDELINES FOR DAM SAFETY.**—The term “Federal Guidelines for Dam Safety” refers to a FEMA publication number 93, dated June 1979, which defines management practices for dam safety at all Federal agencies.

(4) **PROGRAM.**—The term “program” means the national dam safety program established under subsection (e).

(5) **DAM.**—The term “dam” means any artificial barrier with the ability to impound water, wastewater, or liquid-borne materials for the purpose of storage or control of water which is—

(A) 25 feet or more in height from (i) the natural bed of the stream or watercourse measured at the downstream toe of the barrier, or (ii) from the lowest elevation of the outside limit of the barrier if the barrier is not across a stream channel or watercourse, to the maximum water storage elevation; or

(B) has an impounding capacity for maximum storage elevation of 50 acre-feet or more.

Such term does not include any such barrier which is not greater than 6 feet in height regardless of storage capacity or which has a storage capacity at maximum water storage elevation not greater than 15 acre-feet regardless of height, unless such barrier, due to its location or other physical characteristics, is likely to pose a significant threat to human life or property in the event of its failure. Such term does not include a levee.

(6) **HAZARD REDUCTION.**—The term “hazard reduction” means those efforts utilized to reduce the potential consequences of dam failure to life and property.

(7) **STATE.**—The term “State” means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(8) **PARTICIPATING STATE.**—The term “participating State” means any State that elects to participate in the grant assistance program established under this Act.

(9) **UNITED STATES.**—The term “United States” means, when used in a geographical sense, all of the States.

(10) **MODEL STATE DAM SAFETY PROGRAM.**—The term “Model State Dam Safety Program” refers to a document, published by FEMA (No. 123, dated April 1987) and its amendments, developed by State dam safety officials, which acts as a guideline to State dam safety agencies for establishing a dam safety regulatory program or improving an already-established program.

(e) **NATIONAL DAM SAFETY PROGRAM.**—

(1) **AUTHORITY.**—The Director, in consultation with appropriate Federal agencies, State dam safety agencies, and the National Dam Safety Review Board established by paragraph (5)(C), shall establish and maintain, in accordance with the provisions and policies of this Act, a coordinated national dam safety program. This program shall—

(A) be administered by FEMA to achieve the objectives set forth in paragraph (3);

(B) involve, where appropriate, the Departments of Agriculture, Defense, Energy, Interior, and Labor, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the International Boundaries Commission (United States section), the Tennessee Valley Authority, and FEMA; and

(C) include each of the components described in paragraph (4), the implementation plan described in paragraph (5), and the assistance for State dam safety programs to be provided under this section.

(2) **DUTIES.**—The Director—

(A) within 270 days after the date of the enactment of this Act, shall develop the implementation plan described in paragraph (5);

(B) within 300 days after such date of enactment, shall submit to the appropriate authorizing committees of Congress the implementation plan described in paragraph (5); and

(C) by rule within 360 days after such date of enactment—

(i) shall develop and implement the national dam safety program under this section;

- (ii) shall establish goals, priorities, and target dates for implementation of the program; and
 - (iii) shall provide a method for cooperation and coordination with, and assistance to (as feasible), interested governmental entities in all States.
- (3) OBJECTIVES.—The objectives of the national dam safety program are as follows:
 - (A) To ensure that new and existing dams are safe through the development of technologically and economically feasible programs and procedures for national dam safety hazard reduction.
 - (B) To encourage acceptable engineering policies and procedures used for dam site investigation, design, construction, operation and maintenance, and emergency preparedness.
 - (C) To encourage establishment and implementation of effective dam safety programs in each participating State based on State standards.
 - (D) To develop and encourage public awareness projects to increase public acceptance and support of State dam safety programs.
 - (E) To develop technical assistance materials for Federal and non-Federal dam safety programs.
 - (F) To develop mechanisms with which to provide Federal technical assistance for dam safety to the non-Federal sector.
- (4) COMPONENTS.—
 - (A) IN GENERAL.—The national dam safety program shall consist of a Federal element and a non-Federal element and 3 functional activities: leadership, technical assistance, and public awareness.
 - (B) ELEMENTS.—
 - (i) FEDERAL ELEMENT.—The Federal element of the program incorporates all the activities and practices undertaken by Federal agencies to implement the Federal Guidelines for Dam Safety.
 - (ii) NON-FEDERAL ELEMENT.—The non-Federal element of the program involves the activities and practices undertaken by participating States, local governments, and the private sector to safely build, regulate, operate, and maintain dams and Federal activities which foster State efforts to develop and implement effective programs for the safety of dams.
 - (C) ACTIVITIES.—
 - (i) LEADERSHIP ACTIVITY.—The leadership activity of the program shall be the responsibility of FEMA. FEMA shall coordinate Federal efforts in cooperation with appropriate Federal agencies and State dam safety agencies.
 - (ii) TECHNICAL ASSISTANCE ACTIVITY.—The technical assistance activity of the program involves the transfer of knowledge and technical information among the Federal and non-Federal elements.
 - (iii) PUBLIC AWARENESS ACTIVITY.—The public awareness activity provides for the education of the public, including State and local officials, to the hazards of dam failure and ways to reduce the adverse consequences of dam failure and related matters.
- (5) GRANT ASSISTANCE PROGRAM.—The Director shall develop an implementation plan which shall demonstrate dam safety improvements through fiscal year 2001 and shall recommend appropriate roles for Federal agencies and for State and local units of government, individuals, and private organizations. The implementation plan shall provide, at a minimum, for the following:
 - (A) ASSISTANCE PROGRAM.—In order to encourage the establishment and maintenance of effective programs intended to ensure dam safety to protect human life and property and to improve such existing programs, the Director shall provide, from amounts made available under subsection (g) of this section, assistance to participating States to establish and maintain dam safety programs, first, according to the basic provisions for a dam safety program listed below and, second, according to more advanced requirements and standards authorized by the review board under subparagraph (C) and the Director with the assistance of established criteria such as the Model State Dam Safety Program. Participating State dam safety programs must be working toward meeting the following primary criteria to be eligible for primary assistance or must meet the following primary criteria prior to working toward advanced assistance:
 - (i) STATE LEGISLATION.—A dam safety program must be authorized by State legislation to include, at a minimum, the following:

(I) PLAN REVIEW AND APPROVAL.—Authority to review and approve plans and specifications to construct, enlarge, modify, remove, or abandon dams.

(II) PERIODIC INSPECTIONS DURING CONSTRUCTION.—Authority to perform periodic inspections during construction for the purpose of ensuring compliance with approved plans and specifications.

(III) STATE APPROVAL.—Upon completion of construction, a requirement that, before operation of the structure, State approval is received.

(IV) SAFETY INSPECTIONS.—Authority to require or perform the inspection of all dams and reservoirs that pose a significant threat to human life and property in the event of failure at least every 5 years to determine their continued safety and a procedure for more detailed and frequent safety inspections.

(V) PROFESSIONAL ENGINEER.—A requirement that all inspections be performed under the supervision of a registered professional engineer with related experience in dam design and construction.

(VI) ORDERS.—Authority to issue orders, when appropriate, to require owners of dams to perform necessary maintenance or remedial work, revise operating procedures, or take other actions, including breaching dams when deemed necessary.

(VII) REGULATIONS.—Rules and regulations for carrying out the provisions of the State's legislative authority.

(VIII) EMERGENCY FUNDS.—Necessary emergency funds to assure timely repairs or other changes to, or removal of, a dam in order to protect human life and property and, if the owner does not take action, to take appropriate action as expeditiously as possible.

(IX) EMERGENCY PROCEDURES.—A system of emergency procedures that would be utilized in the event a dam fails or in the event a dam's failure is imminent, together with an identification of those dams where failure could be reasonably expected to endanger human life and of the maximum area that could be inundated in the event of a failure of the dam, as well as identification of those necessary public facilities that would be affected by such inundation.

(ii) STATE APPROPRIATIONS.—State appropriations must be budgeted to carry out the provisions of the State legislation.

(B) WORK PLAN CONTRACTS.—The Director shall enter into contracts with each participating State to determine a work plan necessary for a particular State dam safety program to reach a level of program performance previously agreed upon in the contract. Federal assistance under this section shall be provided to aid the State dam safety program in achieving its goal.

(C) NATIONAL DAM SAFETY REVIEW BOARD.—

(i) IN GENERAL.—There is authorized to be established a National Dam Safety Review Board (hereinafter in this section referred to as the "Board"), which shall be responsible for monitoring participating State implementation of the requirements of the assistance program. The Board is authorized to utilize the expertise of other agencies of the United States and to enter into contracts for necessary studies to carry out the requirements of this section. The Board shall consist of 11 members selected for their expertise in dam safety as follows:

(I) 5 to represent FEMA, the Federal Energy Regulatory Commission, and the Departments of Agriculture, Defense, and Interior.

(II) 5 members selected by the Director who are dam safety officials of States.

(III) 1 member selected by the Director to represent the United States Committee on Large Dams.

(ii) NO COMPENSATION OF MEMBERS.—Each member of the Board who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States. Each member of the Board who is not an officer or employee of the United States shall serve without compensation.

(iii) TRAVEL EXPENSES.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular

place of business of the member in the performance of services for the Board.

(iv) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

(D) MAINTENANCE OF EFFORT.—No grant may be made to a participating State under this subsection in any fiscal year unless the State enters into such agreement with the Director as the Director may require to ensure that the participating State will maintain its aggregate expenditures from all other sources for programs to assure dam safety for the protection of human life and property at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of this Act.

(E) PROCEDURE FOR APPROVAL OF STATE PARTICIPATION.—Any program which is submitted to the Director for participation in the assistance program under this subsection shall be deemed approved 120 days following its receipt by the Director unless the Director determines within such 120-day period that the submitted program fails to reasonably meet the requirements of subparagraphs (A) and (B). If the Director determines the submitted program cannot be approved for participation, the Director shall immediately notify the State in writing, together with his or her reasons and those changes needed to enable the submitted program to be approved.

(F) REVIEW OF STATE PROGRAMS.—Utilizing the expertise of the Board, the Director shall periodically review the approved State dam safety programs. In the event the Board finds that a program of a participating State has proven inadequate to reasonably protect human life and property and the Director agrees, the Director shall revoke approval of the State's participation in the assistance program and withhold assistance under this section, until the State program has been reapproved.

(G) COOPERATION OF FEDERAL AGENCIES.—The head of any Federal agency, when requested by any State dam safety agency, shall provide information on the construction, operation, or maintenance of any dam or allow officials of the State agency to participate in any Federal inspection of any dam.

(H) DAM INSURANCE REPORT.—Within 180 days after the date of the enactment of this Act, the Director shall report to the Congress on the availability of dam insurance and make recommendations.

(f) BIENNIAL REPORT.—Within 90 days after the last day of each odd-numbered fiscal year, the Director shall submit a biennial report to Congress describing the status of the program being implemented under this section and describing the progress achieved by the Federal agencies during the 2 previous years in implementing the Federal Guidelines for Dam Safety. Each such report shall include any recommendations for legislative and other action deemed necessary and appropriate. The report shall also include a summary of the progress being made in improving dam safety by participating States.

(g) AUTHORIZING OF APPROPRIATIONS.—

(1) GENERAL PROGRAM.—

(A) FUNDING.—There are authorized to be appropriated to the Director to carry out the provisions of subsections (e) and (f) (in addition to any authorizations for similar purposes included in other Acts and the authorizations set forth in paragraphs (2) through (5) of this subsection)—

- (i) \$1,000,000 for fiscal year 1997;
- (ii) \$2,000,000 for fiscal year 1998;
- (iii) \$4,000,000 for fiscal year 1999;
- (iv) \$4,000,000 for fiscal year 2000; and
- (v) \$4,000,000 for fiscal year 2001.

(B) APPORTIONMENT FORMULA.—

(i) IN GENERAL.—Subject to clause (ii), sums appropriated under this paragraph shall be distributed annually among participating States on the following basis: One-third among those States determined in subsection (e) as qualifying for funding, and two-thirds in proportion to the number of dams and appearing as State-regulated dams on the National Dam Inventory in each participating State that has been determined in subsection (e)(5)(A) as qualifying for funding, to the number of dams in all participating States.

(ii) LIMITATION TO 50 PERCENT OF COST.—In no event shall funds distributed to any State under this paragraph exceed 50 percent of the reasonable cost of implementing an approved dam safety program in such State.

(iii) ALLOCATION BETWEEN PRIMARY AND ADVANCED ASSISTANCE PROGRAMS.—The Director and Review Board shall determine how much of funds appropriated under this paragraph is allotted to participating States needing primary funding and those needing advanced funding.

(2) TRAINING.—

(A) IN GENERAL.—The Director shall, at the request of any State that has or intends to develop a dam safety program under subsection (e)(5)(A), provide training for State dam safety staff and inspectors.

(B) FUNDING.—There is authorized to be appropriated to carry out this paragraph \$500,000 for each of fiscal years 1997 through 2001.

(3) RESEARCH.—

(A) IN GENERAL.—The Director shall undertake a program of technical and archival research in order to develop improved techniques, historical experience, and equipment for rapid and effective dam construction, rehabilitation, and inspection, together with devices for the continued monitoring, of dams for safety purposes.

(B) STATE PARTICIPATION; REPORTS.—The Director shall provide for State participation in the research under this paragraph and periodically advise all States and Congress of the results of such research.

(C) FUNDING.—There is authorized to be appropriated to carry out this paragraph \$1,000,000 for each of fiscal years 1997 through 2001.

(4) DAM INVENTORY.—

(A) MAINTENANCE AND PUBLICATION.—The Secretary is authorized to maintain and periodically publish updated information on the inventory of dams.

(B) FUNDING.—There is authorized to be appropriated to carry out this paragraph \$500,000 for each of fiscal years 1997 through 2001.

(5) PERSONNEL.—

(A) EMPLOYMENT.—The Director is authorized to employ additional staff personnel in numbers sufficient to carry out the provisions of this section.

(B) FUNDING.—There is authorized to be appropriated to carry out this paragraph \$400,000 for each of fiscal years 1997 through 2001.

(6) LIMITATION.—No funds authorized by this section shall be used to construct or repair any Federal or non-Federal dams.

(h) CONFORMING AMENDMENTS.—The Act entitled “An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams”, approved August 8, 1972 (33 U.S.C 467–467m; Public Law 92–367), is amended—

(1) in the first section by striking “means any artificial barrier” and all that follows through the period at the end and inserting “has the meaning such term has under subsection (d) of the National Dam Safety Program Act of 1996.”;

(2) by striking the 2d sentence of section 3;

(3) by striking section 5 and sections 7 through 14; and

(4) by redesignating section 6 as section 5.

SEC. 216. MAINTENANCE, REHABILITATION, AND MODERNIZATION OF FACILITIES.

In accomplishing the maintenance, rehabilitation, and modernization of hydro-electric power generating facilities at water resources projects under the jurisdiction of the Department of the Army, the Secretary is authorized to increase the efficiency of energy production and the capacity of these facilities if, after consulting with other appropriate Federal and State agencies, the Secretary determines that such uprating—

(1) is economically justified and financially feasible;

(2) will not result in significant adverse effects on the other purposes for which the project is authorized;

(3) will not result in significant adverse environmental impacts; and

(4) will not involve major structural or operation changes in the project.

SEC. 217. LONG-TERM SEDIMENT MANAGEMENT STRATEGIES.

(a) DEVELOPMENT.—The Secretary shall enter into cooperative agreements with non-Federal sponsors of navigation projects for development of long-term management strategies for controlling sediments in such projects.

(b) CONTENTS OF STRATEGIES.—Each strategy developed under this section for a navigation project—

(1) shall include assessments of the following with respect to the project: sediment rates and composition, sediment reduction options, dredging practices, long-term management of any dredged material disposal facilities, remediation of such facilities, and alternative disposal and reuse options;

(2) shall include a timetable for implementation of the strategy; and

(3) shall incorporate, as much as possible, relevant ongoing planning efforts, including remedial action planning, dredged material management planning, harbor and waterfront development planning, and watershed management planning.

(c) CONSULTATION.—In developing strategies under this section, the Secretary shall consult with interested Federal agencies, States, and Indian tribes and provide an opportunity for public comment.

SEC. 218. DREDGED MATERIAL DISPOSAL FACILITY PARTNERSHIPS.

(a) ADDITIONAL CAPACITY.—

(1) PROVIDED BY SECRETARY.—At the request of a non-Federal project sponsor, the Secretary may provide additional capacity at a dredged material disposal facility constructed by the Department of the Army beyond that which would be required for project purposes if the non-Federal project sponsor agrees to pay, during the period of construction, all costs associated with the construction of the additional capacity.

(2) COST RECOVERY AUTHORITY.—The non-Federal project sponsor may recover the costs assigned to the additional capacity through fees assessed on 3rd parties whose dredged material is deposited in the facility and who enter into agreements with the non-Federal sponsor for the use of such facility. The amount of such fees may be determined by the non-Federal sponsor.

(b) NON-FEDERAL USE OF DISPOSAL FACILITIES.—

(1) IN GENERAL.—The Secretary—

(A) may permit the use of any dredged material disposal facility under the jurisdiction of, or managed by, the Secretary by a non-Federal interest if the Secretary determines that such use will not reduce the availability of the facility for project purposes; and

(B) may impose fees to recover capital, operation, and maintenance costs associated with such use.

(2) USE OF FEES.—Notwithstanding section 401(c) of the Federal Water Pollution Control Act but subject to advance appropriations, any monies received through collection of fees under this subsection shall be available to the Secretary, and shall be used by the Secretary, for the operation and maintenance of the disposal facility from which they were collected.

SEC. 219. OBSTRUCTION REMOVAL REQUIREMENT.

(a) PENALTY.—Section 16 of the Act of March 3, 1899 (33 U.S.C. 411; 30 Stat. 1153), is amended—

(1) by striking “thirteen, fourteen, and fifteen” each place it appears and inserting “13, 14, 15, 19, and 20”; and

(2) by striking “not exceeding twenty-five hundred dollars nor less than five hundred dollars” and inserting “of up to \$25,000 per day”.

(b) GENERAL AUTHORITY.—Section 20 of the Act of March 3, 1899 (33 U.S.C. 415; 30 Stat. 1154), is amended—

(1) by striking “expense” the first place it appears in subsection (a) and inserting “actual expense, including administrative expenses,”;

(2) in subsection (b) by striking “cost” and inserting “actual cost, including administrative costs,”;

(3) by redesignating subsection (b) as subsection (c); and

(4) by inserting after subsection (a) the following new subsection:

“(b) REMOVAL REQUIREMENT.—Within 24 hours after the Secretary of the Department in which the Coast Guard is operating issues an order to stop or delay navigation in any navigable waters of the United States because of conditions related to the sinking or grounding of a vessel, the owner or operator of the vessel, with the approval of the Secretary of the Army, shall begin removal of the vessel using the most expeditious removal method available or, if appropriate, secure the vessel pending removal to allow navigation to resume. If the owner or operator fails to begin removal or to secure the vessel pending removal or fails to complete removal as soon as possible, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a) of this section.”.

SEC. 220. SMALL PROJECT AUTHORIZATIONS.

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

(1) by striking “\$12,500,000” and inserting “\$15,000,000”; and

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

SEC. 221. UNECONOMICAL COST-SHARING REQUIREMENTS.

Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended by striking the period at the end of the first sentence and inserting the following:

“; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than \$25,000.”.

SEC. 222. PLANNING ASSISTANCE TO STATES.

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

- (1) in subsection (a) by inserting “, watersheds, or ecosystems” after “basins”;
- (2) in subsection (b)—
 - (A) by striking paragraph (2); and
 - (B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and
- (3) in subsection (c)—
 - (A) by striking “\$6,000,000” and inserting “\$10,000,000”; and
 - (B) by striking “\$300,000” and inserting “\$500,000”.

SEC. 223. CORPS OF ENGINEERS EXPENSES.

Section 211 of the Flood Control Act of 1950 (33 U.S.C. 701u; 64 Stat. 183) is amended—

- (1) by striking “continental limits of the”; and
- (2) by striking the 2d colon and all that follows through “for this purpose”.

SEC. 224. STATE AND FEDERAL AGENCY REVIEW PERIOD.

The 1st section of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes”, approved December 22, 1944 (33 U.S.C. 701-1(a); 58 Stat. 888), is amended—

- (1) by striking “Within ninety” and inserting “Within 30”; and
- (2) by striking “ninety-day period.” and inserting “30-day period.”.

SEC. 225. LIMITATION ON REIMBURSEMENT OF NON-FEDERAL COSTS PER PROJECT.

Section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d-5a(a)) is amended—

- (1) by striking “\$3,000,000” and inserting “\$5,000,000”; and
- (2) by striking the final period.

SEC. 226. AQUATIC PLANT CONTROL.

(a) **ADDITIONAL CONTROLLED PLANTS.**—Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended by inserting after “alligatorweed,” the following: “melaleuca,”.

(b) **AUTHORIZATION.**—Section 104(b) of such Act (33 U.S.C. 610(b)) is amended by striking “\$12,000,000” and inserting “\$15,000,000”.

SEC. 227. SEDIMENTS DECONTAMINATION TECHNOLOGY.

(a) **PROJECT PURPOSE.**—Section 405(a) of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863) is amended by adding at the end the following:

“(3) **PROJECT PURPOSE.**—The purpose of the project to be carried out under this section is to provide for the development of 1 or more sediment decontamination technologies on a pilot scale demonstrating a capacity of at least 500,000 cubic yards per year.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—The first sentence of section 405(c) of such Act is amended to read as follows: “There is authorized to be appropriated to carry out this section \$10,000,000 for fiscal years beginning after September 30, 1996.”.

(c) **REPORTS.**—Section 405 of such Act is amended by adding at the end the following:

“(d) **REPORTS.**—Not later than September 30, 1998, and periodically thereafter, the Administrator and the Secretary shall transmit to Congress a report on the results of the project to be carried out under this section, including an assessment of the progress made in achieving the intent of the program set forth in subsection (a)(3).”.

SEC. 228. SHORE PROTECTION.

(a) **DECLARATION OF POLICY.**—Subsection (a) of the first section of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426e; 60 Stat. 1056), is amended—

- (1) by striking “damage to the shores” and inserting “damage to the shores and beaches”; and

(2) by striking “the following provisions” and all that follows through the period at the end of subsection (a) and inserting the following: “this Act, to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises. In carrying out this policy, preference shall be given to areas in which there has been a Federal investment of funds and areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.”.

(b) NONPUBLIC SHORES.—Subsection (d) of such section is amended by striking “or from the protection of nearby public property or” and inserting “, if there are sufficient benefits, including benefits to local and regional economic development and to the local and regional ecology (as determined under subsection (e)(2)(B)), or”; and

(c) AUTHORIZATION OF PROJECTS.—Subsection (e) of such section is amended—

(1) by striking “(e) No” and inserting the following:

“(e) AUTHORIZATION OF PROJECTS.—

“(1) IN GENERAL.—No”;

(2) by moving the remainder of the text of paragraph (1) (as designated by paragraph (1) of this subsection) 2 ems to the right; and

(3) by adding at the end the following:

“(2) STUDIES.—

“(A) IN GENERAL.—The Secretary shall—

“(i) recommend to Congress studies concerning shore protection projects that meet the criteria established under this Act (including subparagraph (B)(iii)) and other applicable law;

“(ii) conduct such studies as Congress requires under applicable laws;

and

“(iii) report the results of the studies to the appropriate committees of Congress.

“(B) RECOMMENDATIONS FOR SHORE PROTECTION PROJECTS.—

“(i) IN GENERAL.—The Secretary shall recommend to Congress the authorization or reauthorization of shore protection projects based on the studies conducted under subparagraph (A).

“(ii) CONSIDERATIONS.—In making recommendations, the Secretary shall consider the economic and ecological benefits of a shore protection project and the ability of the non-Federal interest to participate in the project.

“(iii) CONSIDERATION OF LOCAL AND REGIONAL BENEFITS.—In analyzing the economic and ecological benefits of a shore protection project, or a flood control or other water resource project the purpose of which includes shore protection, the Secretary shall consider benefits to local and regional economic development, and to the local and regional ecology, in calculating the full economic and ecological justifications for the project.

“(C) COORDINATION OF PROJECTS.—In conducting studies and making recommendations for a shore protection project under this paragraph, the Secretary shall—

“(i) determine whether there is any other project being carried out by the Secretary or the head of another Federal agency that may be complementary to the shore protection project; and

“(ii) if there is such a complementary project, describe the efforts that will be made to coordinate the projects.

“(3) SHORE PROTECTION PROJECTS.—

“(A) IN GENERAL.—The Secretary shall construct, or cause to be constructed, any shore protection project authorized by Congress, or separable element of such a project, for which funds have been appropriated by Congress.

“(B) AGREEMENTS.—

“(i) REQUIREMENT.—After authorization by Congress, and before commencement of construction, of a shore protection project or separable element, the Secretary shall enter into a written agreement with a non-Federal interest with respect to the project or separable element.

“(ii) TERMS.—The agreement shall—

“(I) specify the life of the project; and

“(II) ensure that the Federal Government and the non-Federal interest will cooperate in carrying out the project or separable element.

“(C) COORDINATION OF PROJECTS.—In constructing a shore protection project or separable element under this paragraph, the Secretary shall, to the extent practicable, coordinate the project or element with any complementary project identified under paragraph (2)(C).

“(4) REPORT TO CONGRESS.—The Secretary shall report biennially to the appropriate committees of Congress on the status of all ongoing shore protection studies and shore protection projects carried out under the jurisdiction of the Secretary.”.

(d) REQUIREMENT OF AGREEMENTS PRIOR TO REIMBURSEMENTS.—

(1) SMALL SHORE PROTECTION PROJECTS.—Section 2 of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426f; 60 Stat. 1056), is amended—

(A) by striking “SEC. 2. The Secretary of the Army” and inserting the following:

“SEC. 2. REIMBURSEMENTS.

“(a) IN GENERAL.—The Secretary”;

(B) in subsection (a) (as so designated)—

(i) by striking “local interests” and inserting “non-Federal interests”;

(ii) by inserting “or separable element of the project” after “project”;

and

(iii) by inserting “or separable elements” after “projects” each place it appears; and

(C) by adding at the end the following:

“(b) AGREEMENTS.—

“(1) REQUIREMENT.—After authorization of reimbursement by the Secretary under this section, and before commencement of construction, of a shore protection project, the Secretary shall enter into a written agreement with the non-Federal interest with respect to the project or separable element.

“(2) TERMS.—The agreement shall—

“(A) specify the life of the project; and

“(B) ensure that the Federal Government and the non-Federal interest will cooperate in carrying out the project or separable element.”.

(2) OTHER SHORELINE PROTECTION PROJECTS.—Section 206(e)(1)(A) of the Water Resources Development Act of 1992 (33 U.S.C. 426i-1(e)(1)(A); 106 Stat. 4829) is amended by inserting before the semicolon the following: “and enters into a written agreement with the non-Federal interest with respect to the project or separable element (including the terms of cooperation)”.

(e) STATE AND REGIONAL PLANS.—The Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946, is further amended—

(1) by redesignating section 4 (33 U.S.C. 426h) as section 5; and

(2) by inserting after section 3 (33 U.S.C. 426g) the following:

“SEC. 4. STATE AND REGIONAL PLANS.

“The Secretary may—

“(1) cooperate with any State in the preparation of a comprehensive State or regional plan for the conservation of coastal resources located within the boundaries of the State;

“(2) encourage State participation in the implementation of the plan; and

“(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.”.

(f) DEFINITIONS.—

(1) IN GENERAL.—Section 5 of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426h), (as redesignated by subsection (e)(1)) is amended to read as follows:

“SEC. 5. DEFINITIONS.

“In this Act, the following definitions apply:

“(1) SECRETARY.—The term ‘Secretary’ means the Secretary of the Army, acting through the Chief of Engineers.

“(2) SEPARABLE ELEMENT.—The term ‘separable element’ has the meaning provided by section 103(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(f)).

“(3) SHORE.—The term ‘shore’ includes each shoreline of the Atlantic and Pacific Oceans, the Gulf of Mexico, the Great Lakes, and lakes, estuaries, and bays directly connected therewith.

“(4) SHORE PROTECTION PROJECT.—The term ‘shore protection project’ includes a project for beach nourishment, including the replacement of sand.”

(2) CONFORMING AMENDMENTS.—The Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946, is amended—

(A) in subsection (b)(3) of the first section (33 U.S.C. 426e(b)(3)) by striking “of the Army, acting through the Chief of Engineers,” and by striking the final period; and

(B) in section 3 (33 U.S.C. 426g) by striking “Secretary of the Army” and inserting “Secretary”.

(g) OBJECTIVES OF PROJECTS.—Section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2; 84 Stat. 1829) is amended by inserting “(including shore protection projects such as projects for beach nourishment, including the replacement of sand)” after “water resource projects”.

SEC. 229. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended—

(1) by striking “Before” at the beginning of the second sentence and inserting “Upon”; and

(2) by inserting “planning, designing, or” before “construction” in the last sentence.

(b) TECHNICAL AMENDMENT.—Section 52 of the Water Resources Development Act of 1988 (33 U.S.C. 579a note; 102 Stat. 4044) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d), respectively.

SEC. 230. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) GENERAL AUTHORITY.—In carrying out research and development in support of the civil works program of the Department of the Army, the Secretary may utilize contracts, cooperative research and development agreements, cooperative agreements, and grants with non-Federal entities, including State and local governments, colleges and universities, consortia, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and nonprofit organizations.

(b) SPECIAL RULES.—With respect to contracts for research and development, the Secretary may include requirements that have potential commercial application and may also use such potential application as an evaluation factor where appropriate.

SEC. 231. BENEFITS TO NAVIGATION.

In evaluating potential improvements to navigation and the maintenance of navigation projects, the Secretary shall consider, and include for purposes of project justification, economic benefits generated by cruise ships as commercial navigation benefits.

SEC. 232. LOSS OF LIFE PREVENTION.

Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended by inserting “including the loss of life which may be associated with flooding and coastal storm events,” after “costs,”.

SEC. 233. SCENIC AND AESTHETIC CONSIDERATIONS.

In conducting studies of potential water resources projects, the Secretary shall consider measures to preserve and enhance scenic and aesthetic qualities in the vicinity of such projects.

SEC. 234. REMOVAL OF STUDY PROHIBITIONS.

Nothing in section 208 of the Urgent Supplemental Appropriations Act, 1986 (100 Stat. 749), section 505 of the Energy and Water Development Appropriations Act, 1993 (106 Stat. 1343), or any other provision of law shall be deemed to limit the authority of the Secretary to undertake studies for the purpose of investigating alternative modes of financing hydroelectric power facilities under the jurisdiction of the Department of the Army with funds appropriated after the date of the enactment of this Act.

SEC. 235. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a).

SEC. 236. RESERVOIR MANAGEMENT TECHNICAL ADVISORY COMMITTEE.

Section 310 of the Water Resources Development Act of 1990 (33 U.S.C. 2319; 104 Stat. 4639) is amended—

- (1) by striking subsection (a); and
- (2) by striking “(b) PUBLIC PARTICIPATION.—”.

SEC. 237. TECHNICAL CORRECTIONS.

(a) SECTION 203 OF 1992 ACT.—Section 203(b) of the Water Resources Development Act of 1992 (106 Stat. 4826) is amended by striking “(8662)” and inserting “(8862)”.

(b) SECTION 225 OF 1992 ACT.—Section 225(c) of the Water Resources Development Act of 1992 (106 Stat. 4838) is amended by striking “(8662)” in the second sentence and inserting “(8862)”.

TITLE III—PROJECT MODIFICATIONS

SEC. 301. MOBILE HARBOR, ALABAMA.

The undesignated paragraph under the heading “MOBILE HARBOR, ALABAMA” in section 201(a) of the Water Resources Development Act of 1986 (100 Stat. 4090) is amended by striking the first semicolon and all that follows and inserting a period and the following: “In disposing of dredged material from such project, the Secretary, after compliance with applicable laws and after opportunity for public review and comment, may consider alternatives to disposal of such material in the Gulf of Mexico, including environmentally acceptable alternatives for beneficial uses of dredged material and environmental restoration.”.

SEC. 302. ALAMO DAM, ARIZONA.

The project for flood control and other purposes, Alamo Dam and Lake, Arizona, authorized by section 10 of the River and Harbor Act of December 22, 1944, (58 Stat. 900), is modified to authorize the Secretary to operate the Alamo Dam to provide fish and wildlife benefits both upstream and downstream of the Dam. Such operation shall not reduce flood control and recreation benefits provided by the project.

SEC. 303. NOGALES WASH AND TRIBUTARIES, ARIZONA.

The project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606), is modified to direct the Secretary to permit the non-Federal contribution for the project to be determined in accordance with sections 103(k) and 103(m) of the Water Resources Development Act of 1986 and to direct the Secretary to enter into negotiations with non-Federal interests pursuant to section 103(l) of such Act concerning the timing of the initial payment of the non-Federal contribution.

SEC. 304. PHOENIX, ARIZONA.

Section 321 of the Water Resources Development Act of 1992 (106 Stat. 4848) is amended—

- (1) by striking “control” and inserting “control, ecosystem restoration.”; and
- (2) by striking “\$6,500,000.” and inserting “\$17,500,000. The non-Federal share for costs assigned to flood control measures to protect developed areas adjacent to the project shall be consistent with the cost sharing requirements of section 903(c) of the Water Resources Development Act of 1986.”.

SEC. 305. SAN FRANCISCO RIVER AT CLIFTON, ARIZONA.

The project for flood control, San Francisco River, Clifton, Arizona, authorized by section 101(a)(3) of the Water Resources Development Act of 1990 (104 Stat. 4606), is modified to authorize the Secretary to construct the project at a total cost of \$21,100,000, with an estimated Federal cost of \$13,800,000 and an estimated non-Federal cost of \$7,300,000.

SEC. 306. GLENN-COLUSA, CALIFORNIA.

The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled “An Act to provide for the control of the floods of the Mississippi River and the Sacramento River, California, and for other purposes”, approved March 1, 1917 (39 Stat. 948), and as modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), is further modi-

fied to authorize the Secretary to carry out the portion of the project at Glenn-Colusa, California, at a total cost of \$14,200,000.

SEC. 307. LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA.

The navigation project for Los Angeles and Long Beach Harbors, San Pedro Bay, California, authorized by section 201(b) of the Water Resources Development Act of 1986 (100 Stat. 4091), is modified to provide that, notwithstanding section 101(a)(4) of such Act, the cost of the relocation of the sewer outfall by the Port of Los Angeles shall be credited toward the payment required from the non-Federal interest by section 101(a)(2) of such Act.

SEC. 308. OAKLAND HARBOR, CALIFORNIA.

The projects for navigation, Oakland Outer Harbor, California, and Oakland Inner Harbor, California, authorized by section 202 of the Water Resources Development Act of 1986 (100 Stat. 4092), are modified by combining the 2 projects into 1 project, to be designated as the Oakland Harbor, California, project. The Oakland Harbor, California, project shall be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the reports designated in such section 202, at a total cost of \$90,850,000, with an estimated Federal cost of \$59,150,000 and an estimated non-Federal cost of \$31,700,000. The non-Federal share of project costs and any available credits toward the non-Federal share shall be calculated on the basis of the total cost of the combined project.

SEC. 309. QUEENSWAY BAY, CALIFORNIA.

Section 4(e) of the Water Resources Development Act of 1988 (102 Stat. 4016) is amended by adding at the end the following sentence: "In addition, the Secretary shall perform advance maintenance dredging in the Queensway Bay Channel, California, at a total cost of \$5,000,000."

SEC. 310. SAN LUIS REY, CALIFORNIA.

The project for flood control of the San Luis Rey River, California, authorized pursuant to section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d-5; 79 Stat. 1073-1074), is modified to authorize the Secretary to construct the project at a total cost not to exceed \$81,600,000 with an estimated Federal cost of \$61,100,000 and an estimated non-Federal cost of \$20,500,000.

SEC. 311. THAMES RIVER, CONNECTICUT.

(a) RECONFIGURATION OF TURNING BASIN.—The project for navigation, Thames River, Connecticut, authorized by the first section of the Act entitled "An Act authorizing construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1029), is modified to make the turning basin have the following alignment: Starting at a point on the eastern limit of the existing project, N251052.93, E783934.59, thence running north 5 degrees 25 minutes 21.3 seconds east 341.06 feet to a point, N251392.46, E783966.82, thence running north 47 degrees 24 minutes 14.0 seconds west 268.72 feet to a point, N251574.34, E783769.00, thence running north 88 degrees 41 minutes 52.2 seconds west 249.06 feet to a point, N251580.00, E782520.00, thence running south 46 degrees 16 minutes 22.9 seconds west 318.28 feet to a point, N251360.00, E783290.00, thence running south 19 degrees 01 minute 32.2 seconds east 306.76 feet to a point, N251070.00, E783390.00, thence running south 45 degrees 00 minutes 00 seconds east 155.56 feet to a point, N250960.00, E783500.00 on the existing western limit.

(b) NON-FEDERAL RESPONSIBILITY FOR INITIAL DREDGING.—Any required initial dredging of the widened portions of the turning basin identified in subsection (a) shall be accomplished at non-Federal expense.

(c) CONFORMING DEAUTHORIZATION.—Those portions of the existing turning basin which are not included in the reconfigured turning basin as described in subsection (a) shall no longer be authorized after the date of the enactment of this Act.

SEC. 312. POTOMAC RIVER, WASHINGTON, DISTRICT OF COLUMBIA.

The project for flood protection, Potomac River, Washington, District of Columbia, authorized by section 5 of the Flood Control Act of June 22, 1936 (74 Stat. 1574), is modified to authorize the Secretary to construct the project substantially in accordance with the General Design Memorandum dated May 1992 at a Federal cost of \$1,800,000; except that a temporary closure may be used instead of a permanent structure at 17th Street. Operation and maintenance of the project shall be a Federal responsibility.

SEC. 313. CANAVERAL HARBOR, FLORIDA.

The project for navigation, Canaveral Harbor, Florida, authorized by section 101(7) of the Water Resources Development Act of 1992 (106 Stat. 4802), is modified to authorize the Secretary to reclassify the removal and replacement of stone protection on both sides of the channel as general navigation features. The Secretary shall reimburse any costs that are incurred by the non-Federal sponsor in connection with the reclassified work and that the Secretary determines to be in excess of the non-Federal share of costs for general navigation features. The Federal and non-Federal shares of the cost of the reclassified work shall be determined in accordance with section 101 of the Water Resources Development Act of 1986.

SEC. 314. CENTRAL AND SOUTHERN FLORIDA, CANAL 51.

The project for flood protection of West Palm Beach, Florida (C-51), authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1183), is modified to provide for the construction of an enlarged stormwater detention area, Storm Water Treatment Area 1 East, generally in accordance with the plan of improvements described in the February 15, 1994, report entitled "Everglades Protection Project, Palm Beach County, Florida, Conceptual Design", with such modifications as are approved by the Secretary. The additional work authorized by this subsection shall be accomplished at Federal expense. Operation and maintenance of the stormwater detention area shall be consistent with regulations prescribed by the Secretary for the Central and Southern Florida project, and all costs of such operation and maintenance shall be provided by non-Federal interests.

SEC. 315. CENTRAL AND SOUTHERN FLORIDA, CANAL 111 (C-111).

(a) **IN GENERAL.**—The project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176) and modified by section 203 of the Flood Control Act of 1968 (82 Stat. 740–741), is modified to authorize the Secretary to implement the recommended plan of improvement contained in a report entitled "Central and Southern Florida Project, Final Integrated General Re-evaluation Report and Environmental Impact Statement, Canal 111 (C-111), South Dade County, Florida", dated May 1994, including acquisition by non-Federal interests of such portions of the Frog Pond and Rocky Glades areas as are needed for the project.

(b) COST SHARING.—

(1) **FEDERAL SHARE.**—The Federal share of the cost of implementing the plan of improvement shall be 50 percent.

(2) **DEPARTMENT OF INTERIOR RESPONSIBILITY.**—The Department of the Interior shall pay 25 percent of the cost of acquiring such portions of the Frog Pond and Rocky Glades areas as are needed for the project. The amount paid by the Department of the Interior shall be included as part of the Federal share of the cost of implementing the plan.

(3) **OPERATION AND MAINTENANCE.**—The non-Federal share of operation and maintenance costs of the improvements undertaken pursuant to this subsection shall be 100 percent; except that the Federal Government shall reimburse the non-Federal project sponsor 60 percent of the costs of operating and maintaining pump stations that pump water into Taylor Slough in the Everglades National Park.

SEC. 316. JACKSONVILLE HARBOR (MILL COVE), FLORIDA.

The project for navigation, Jacksonville Harbor (Mill Cove), Florida, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4139–4140), is modified to direct the Secretary to carry out a project for flow and circulation improvement within Mill Cove, at a total cost of \$2,000,000, with an estimated Federal cost of \$2,000,000.

SEC. 317. TYBEE ISLAND, GEORGIA.

The project for beach erosion control, Tybee Island, Georgia, authorized pursuant to section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–5), is modified to include as part of the project the portion of the ocean shore of Tybee Island located south of the extension of 9th Street.

SEC. 318. WHITE RIVER, INDIANA.

The project for flood control, Indianapolis on West Fork of the White River, Indiana, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1586), is modified to authorize the Secretary to undertake riverfront alterations as described in the Central Indianapolis Waterfront Concept Master Plan, dated February 1994, at a total cost of \$85,975,000, with an estimated first Federal cost of \$39,975,000 and an estimated first non-Federal cost of \$46,000,000. The cost of work, including relocations undertaken by the non-Federal interest after February

15, 1994, on features identified in the Master Plan shall be credited toward the non-Federal share of project costs.

SEC. 319. CHICAGO, ILLINOIS.

The project for flood control, Chicagoland Underflow Plan, Illinois, authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to limit the capacity of the reservoir project not to exceed 11,000,000,000 gallons or 32,000 acre-feet, to provide that the reservoir project may not be located north of 55th Street or west of East Avenue in the vicinity of McCook, Illinois, and to provide that the reservoir project may only be constructed on the basis of a specific plan that has been evaluated by the Secretary under the provisions of the National Environmental Policy Act of 1969.

SEC. 320. CHICAGO LOCK AND THOMAS J. O'BRIEN LOCK, ILLINOIS.

The project for navigation, Chicago Harbor, Lake Michigan, Illinois, for which operation and maintenance responsibility was transferred to the Secretary under chapter IV of title I of the Supplemental Appropriations Act, 1983 (97 Stat. 311) and section 107 of the Energy and Water Development Appropriation Act, 1982 (95 Stat. 1137) is modified to direct the Secretary to conduct a study to determine the feasibility of making such structural repairs as are necessary to prevent leakage through the Chicago Lock and the Thomas J. O'Brien Lock, Illinois, and to determine the need for installing permanent flow measurement equipment at such locks to measure any leakage. The Secretary is authorized to carry out such repairs and installations as are necessary following completion of the study.

SEC. 321. KASKASKIA RIVER, ILLINOIS.

The project for navigation, Kaskaskia River, Illinois, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), is modified to add fish and wildlife and habitat restoration as project purposes.

SEC. 322. LOCKS AND DAM 26, ALTON, ILLINOIS AND MISSOURI.

Section 102(l) of the Water Resources Development Act of 1990 (104 Stat. 4613) is amended—

- (1) by striking “, that requires no separable project lands and” and inserting “on project lands and other contiguous nonproject lands, including those lands referred to as the Alton Commons. The recreational development”;
- (2) by inserting “shall be” before “at a Federal construction”; and
- (3) by striking “. The recreational development” and inserting “, and”.

SEC. 323. NORTH BRANCH OF CHICAGO RIVER, ILLINOIS.

The project for flood protection, North Branch of the Chicago River, Illinois, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), is modified to authorize the Secretary to carry out the project in accordance with the report of the Corps of Engineers dated March 1994, at a total cost of \$34,228,000, with an estimated Federal cost of \$20,905,000 and an estimated non-Federal cost of \$13,323,000.

SEC. 324. ILLINOIS AND MICHIGAN CANAL.

Section 314(a) of the Water Resources Development Act of 1992 (106 Stat. 4847) is amended by adding at the end the following: “Such improvements shall include marina development at Lock 14, to be carried out in consultation with the Illinois Department of Natural Resources, at a total cost of \$6,374,000.”.

SEC. 325. HALSTEAD, KANSAS.

The project for flood control, Halstead, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4116), is modified to authorize the Secretary to carry out the project in accordance with the report of the Corps of Engineers dated March 19, 1993, at a total cost of \$11,100,000, with an estimated Federal cost of \$8,325,000 and an estimated non-Federal cost of \$2,775,000.

SEC. 326. LEVISA AND TUG FORKS OF THE BIG SANDY RIVER AND CUMBERLAND RIVER, KENTUCKY, WEST VIRGINIA, AND VIRGINIA.

The project for flood control, Levisa and Tug Forks of the Big Sandy River and Cumberland River, Kentucky, West Virginia, and Virginia, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified to provide that the minimum level of flood protection to be afforded by the project shall be the level required to provide protection from a 100-year flood or from the flood of April 1977, whichever level of protection is greater.

SEC. 327. COMITE RIVER, LOUISIANA.

The Comite River Diversion project for flood control, authorized as part of the project for flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resource Development Act of 1992 (106 Stat. 4802–4803), is modified to authorize the Secretary to construct the project at a total cost of \$121,600,000, with an estimated Federal cost of \$70,577,000 and an estimated non-Federal cost of \$51,023,000.

SEC. 328. GRAND ISLE AND VICINITY, LOUISIANA.

The project for hurricane damage prevention, flood control, and beach erosion along Grand Isle and Vicinity, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to authorize the Secretary to construct a permanent breakwater and levee system at a total cost of \$17,000,000.

SEC. 329. LAKE PONTCHARTRAIN, LOUISIANA.

The project for hurricane damage prevention and flood control, Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to provide that St. Bernard Parish, Louisiana, and the Lake Borgne Basin Levee District, Louisiana, shall not be required to pay the unpaid balance, including interest, of the non-Federal cost-share of the project.

SEC. 330. MISSISSIPPI DELTA REGION, LOUISIANA.

The Mississippi Delta Region project, Louisiana, authorized as part of the project for hurricane-flood protection project on Lake Pontchartrain, Louisiana, by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to direct the Secretary to provide a credit to the State of Louisiana toward its non-Federal share of the cost of the project. The credit shall be for the cost incurred by the State in developing and relocating oyster beds to offset the adverse impacts on active and productive oyster beds in the Davis Pond project area but shall not exceed \$7,500,000.

SEC. 331. MISSISSIPPI RIVER OUTLETS, VENICE, LOUISIANA.

The project for navigation, Mississippi River Outlets, Venice, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to provide for the extension of the 16-foot deep by 250-foot wide Baptiste Collette Bayou entrance channel to approximately Mile 8 of the Mississippi River-Gulf Outlet navigation channel, at a total estimated Federal cost of \$80,000.

SEC. 332. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources and Development Act of 1986 (100 Stat. 4142) and modified by section 102(p) of the Water Resources and Development Act of 1990 (104 Stat. 4613), is further modified—

- (1) to authorize the Secretary to carry out the project at a total cost of \$10,500,000; and
- (2) to provide that lands that are purchased adjacent to the Loggy Bayou Wildlife Management Area may be located in Caddo Parish or Red River Parish.

SEC. 333. TOLCHESTER CHANNEL, MARYLAND.

The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297) is modified to direct the Secretary—

- (1) to expedite review of potential straightening of the channel at the Tolchester Channel S-Turn; and
- (2) if determined to be feasible and necessary for safe and efficient navigation, to implement such straightening as part of project maintenance.

SEC. 334. SAGINAW RIVER, MICHIGAN.

The project for flood protection, Saginaw River, Michigan, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 311) is modified to include as part of the project the design and construction of an inflatable dam on the Flint River, Michigan, at a total cost of \$500,000.

SEC. 335. SAULT SAINTE MARIE, CHIPPEWA COUNTY, MICHIGAN.

(a) IN GENERAL.—The project for navigation, Sault Sainte Marie, Chippewa County, Michigan, authorized by section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254–4255), is modified as provided by this subsection.

(b) PAYMENT OF NON-FEDERAL SHARE.—The non-Federal share of the cost of the project referred to in subsection (a) shall be paid as follows:

- (1) That portion of the non-Federal share which the Secretary determines is attributable to use of the lock by vessels calling at Canadian ports shall be paid by the United States.

(2) The remaining portion of the non-Federal share shall be paid by the Great Lakes States pursuant to an agreement entered into by such States.

(c) **PAYMENT TERM OF ADDITIONAL PERCENTAGE.**—The amount to be paid by non-Federal interests pursuant to section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)) and this subsection with respect to the project referred to in subsection (a) may be paid over a period of 50 years or the expected life of the project, whichever is shorter.

(d) **GREAT LAKES STATES DEFINED.**—For the purposes of this section, the term “Great Lakes States” means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

SEC. 336. STILLWATER, MINNESOTA.

Section 363 of the Water Resources Development Act of 1992 (106 Stat. 4861–4862) is amended—

- (1) by inserting after “riverfront,” the following: “or expansion of such system if the Secretary determines that the expansion is feasible,”;
- (2) by striking “\$3,200,000” and inserting “\$11,600,000”;
- (3) by striking “\$2,400,000” and inserting “\$8,700,000”; and
- (4) by striking “\$800,000” and inserting “\$2,900,000”.

SEC. 337. CAPE GIRARDEAU, MISSOURI.

The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118–4119), is modified to authorize the Secretary to construct the project, including implementation of nonstructural measures, at a total cost of \$45,414,000, with an estimated Federal cost of \$33,030,000 and an estimated non-Federal cost of \$12,384,000.

SEC. 338. NEW MADRID HARBOR, MISSOURI.

The project for navigation, New Madrid Harbor, Missouri, authorized pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 102(n) of the Water Resources Development Act of 1992 (106 Stat. 4807), is further modified to direct the Secretary to assume responsibility for maintenance of the existing Federal channel referred to in such section 102(n) in addition to maintaining New Madrid County Harbor.

SEC. 339. ST. JOHN'S BAYOU—NEW MADRID FLOODWAY, MISSOURI.

Notwithstanding any other provision of law, Federal assistance made available under the rural enterprise zone program of the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the project for flood control, St. John's Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

SEC. 340. JOSEPH G. MINISH PASSAIC RIVER PARK, NEW JERSEY.

Section 101(a)(18)(B) of the Water Resources Development Act of 1990 (104 Stat. 4608) is amended by striking “\$25,000,000” and inserting “\$75,000,000”.

SEC. 341. MOLLY ANN'S BROOK, NEW JERSEY.

The project for flood control, Molly Ann's Brook, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4119), is modified to authorize the Secretary to carry out the project in accordance with the report of the Corps of Engineers dated April 3, 1996, at a total cost of \$40,100,000, with an estimated Federal cost of \$22,600,000 and an estimated non-Federal cost of \$17,500,000.

SEC. 342. PASSAIC RIVER, NEW JERSEY.

Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254) is amended to read as follows:

“SEC. 1148. PASSAIC RIVER BASIN.

“(a) **ACQUISITION OF LANDS.**—The Secretary is authorized to acquire from willing sellers lands on which residential structures are located and which are subject to frequent and recurring flood damage, as identified in the supplemental floodway report of the Corps of Engineers, Passaic River Buyout Study, September 1995, at an estimated total cost of \$194,000,000.

“(b) **RETENTION OF LANDS FOR FLOOD PROTECTION.**—Lands acquired by the Secretary under this section shall be retained by the Secretary for future use in conjunction with flood protection and flood management in the Passaic River Basin.

“(c) **COST SHARING.**—The non-Federal share of the cost of carrying out this section shall be 25 percent plus any amount that might result from application of the requirements of subsection (d).

“(d) APPLICABILITY OF BENEFIT-COST RATIO WAIVER AUTHORITY.—In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interest to participate in financing of the project in accordance with section 903(c) of this Act, to the extent that the Secretary’s evaluation indicates that applying such section is necessary to implement the project.”.

SEC. 343. RAMAPO RIVER AT OAKLAND, NEW JERSEY AND NEW YORK.

The project for flood control, Ramapo River at Oakland, New Jersey and New York, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4120), is modified to authorize the Secretary to carry out the project in accordance with the report of the Corps of Engineers dated May 1994, at a total cost of \$11,300,000, with an estimated Federal cost of \$8,500,000 and an estimated non-Federal cost of \$2,800,000.

SEC. 344. RARITAN BAY AND SANDY HOOK BAY, NEW JERSEY.

Section 102(q) of the Water Resources Development Act of 1992 (106 Stat. 4808) is amended by striking “for Cliffwood Beach”.

SEC. 345. ARTHUR KILL, NEW YORK AND NEW JERSEY.

The project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is modified to authorize the Secretary to carry out the project to a depth of not to exceed 45 feet if determined to be feasible by the Secretary at a total cost of \$83,000,000.

SEC. 346. JONES INLET, NEW YORK.

The project for navigation, Jones Inlet, New York, authorized by section 2 of the Act entitled “An Act authorizing construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 2, 1945 (59 Stat. 13), is modified to direct the Secretary to place uncontaminated dredged material on beach areas downdrift from the federally maintained channel for the purpose of mitigating the interruption of littoral system natural processes caused by the jetty and continued dredging of the federally maintained channel.

SEC. 347. KILL VAN KULL, NEW YORK AND NEW JERSEY.

The project for navigation, Kill Van Kull, New York and New Jersey, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), is modified to authorize the Secretary to carry out the project at a total cost of \$750,000,000.

SEC. 348. WILMINGTON HARBOR-NORTHEAST CAPE FEAR RIVER, NORTH CAROLINA.

The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), is modified to authorize the Secretary to construct the project substantially in accordance with the General Design Memorandum dated April 1990 and the General Design Memorandum Supplement dated February 1994, at a total cost of \$52,041,000, with an estimated Federal cost of \$25,729,000 and an estimated non-Federal cost of \$26,312,000.

SEC. 349. GARRISON DAM, NORTH DAKOTA.

The project for flood control, Garrison Dam, North Dakota, authorized by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 891), is modified to authorize the Secretary to acquire permanent flowage and saturation easements over the lands in Williams County, North Dakota, extending from the riverward margin of the Buford-Trenton Irrigation District main canal to the north bank of the Missouri River, beginning at the Buford-Trenton Irrigation District pumping station located in the northeast quarter of section 17, township 152 north, range 104 west, and continuing northeasterly downstream to the land referred to as the East Bottom, and any other lands outside of the boundaries of the Buford-Trenton Irrigation District which have been adversely affected by rising ground water and surface flooding. Any easement acquired by the Secretary pursuant to this subsection shall include the right, power, and privilege of the Government to submerge, overflow, percolate, and saturate the surface and subsurface of the land. The cost of acquiring such easements shall not exceed 90 percent, or be less than 75 percent, of the unaffected fee value of the lands. The project is further modified to authorize the Secretary to provide a lump sum payment of \$60,000 to the Buford-Trenton Irrigation District for power requirements associated with operation of the drainage pumps and to relinquish all right, title, and interest of the United States to the drainage pumps located within the boundaries of the Irrigation District.

SEC. 350. RENO BEACH-HOWARDS FARM, OHIO.

The project for flood protection, Reno Beach-Howards Farm, Ohio, authorized by section 203 of the Flood Control Act, 1948 (62 Stat. 1178), is modified to provide that the value of lands, easements, rights-of-way, and disposal areas shall be determined on the basis of the appraisal performed by the Corps of Engineers and dated April 4, 1985.

SEC. 351. WISTER LAKE, OKLAHOMA.

The flood control project for Wister Lake, LeFlore County, Oklahoma, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1218), is modified to increase the elevation of the conservation pool to 478 feet and to adjust the seasonal pool operation to accommodate the change in the conservation pool elevation.

SEC. 352. BONNEVILLE LOCK AND DAM, COLUMBIA RIVER, OREGON AND WASHINGTON.

(a) **IN GENERAL.**—The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 20, 1937 (50 Stat. 731), and modified by section 83 of the Water Resources Development Act of 1974 (88 Stat. 35), is further modified to authorize the Secretary to convey to the city of North Bonneville, Washington, at no further cost to the city, all right, title and interest of the United States in and to the following:

(1) Any municipal facilities, utilities fixtures, and equipment for the relocated city, and any remaining lands designated as open spaces or municipal lots not previously conveyed to the city, specifically, Lots M1 through M15, M16 (the "community center lot"), M18, M19, M22, M24, S42 through S45, and S52 through S60.

(2) The "school lot" described as Lot 2, block 5, on the plat of relocated North Bonneville.

(3) Parcels 2 and C, but only upon the completion of any environmental response actions required under applicable law.

(4) That portion of Parcel B lying south of the existing city boundary, west of the sewage treatment plant, and north of the drainage ditch that is located adjacent to the northerly limit of the Hamilton Island landfill, provided the Secretary determines, at the time of the proposed conveyance, that the Army has taken all action necessary to protect human health and the environment.

(5) Such portions of Parcel H which can be conveyed without a requirement for further investigation, inventory or other action by the Department of the Army under the provisions of the National Historic Preservation Act.

(6) Such easements as the Secretary deems necessary for—

(A) sewer and water line crossings of relocated Washington State Highway 14; and

(B) reasonable public access to the Columbia River across those portions of Hamilton Island that remain under the ownership of the United States.

(b) **TIME PERIOD FOR CONVEYANCES.**—The conveyances referred to in subsections (a)(1), (a)(2), (a)(5), and (a)(6)(A) shall be completed within 180 days after the United States receives the release referred to in subsection (d). All other conveyances shall be completed expeditiously, subject to any conditions specified in the applicable subsection.

(c) **PURPOSE.**—The purpose of the conveyances authorized by subsection (a) is to resolve all outstanding issues between the United States and the city of North Bonneville.

(d) **ACKNOWLEDGEMENT OF PAYMENT; RELEASE OF CLAIMS RELATING TO RELOCATION OF CITY.**—As a prerequisite to the conveyances authorized by subsection (a), the city of North Bonneville shall execute an acknowledgement of payment of just compensation and shall execute a release of any and all claims for relief of any kind against the United States growing out of the relocation of the city of North Bonneville, or any prior Federal legislation relating thereto, and shall dismiss, with prejudice, any pending litigation, if any, involving such matters.

(e) **RELEASE BY ATTORNEY GENERAL.**—Upon receipt of the city's acknowledgment and release referred to in subsection (d), the Attorney General of the United States shall dismiss any pending litigation, if any, arising out of the relocation of the city of North Bonneville, and execute a release of any and all rights to damages of any kind under the February 20, 1987, judgment of the United States Claims Court, including any interest thereon.

(f) **ACKNOWLEDGMENT OF ENTITLEMENTS; RELEASE BY CITY OF CLAIMS.**—Within 60 days after the conveyances authorized by subsection (a) (other than paragraph (6)(B)) have been completed, the city shall execute an acknowledgement that all entitlements under such paragraph have been completed and shall execute a release of any and all claims for relief of any kind against the United States arising out of this subsection.

(g) EFFECTS ON CITY.—Beginning on the date of the enactment of this Act, the city of North Bonneville, or any successor in interest thereto, shall—

(1) be precluded from exercising any jurisdiction over any lands owned in whole or in part by the United States and administered by the United States Army Corps of Engineers in connection with the Bonneville project; and

(2) be authorized to change the zoning designations of, sell, or resell Parcels S35 and S56, which are presently designated as open spaces.

SEC. 353. COLUMBIA RIVER DREDGING, OREGON AND WASHINGTON.

The project for navigation, Lower Willamette and Columbia Rivers below Vancouver, Washington and Portland, Oregon, authorized by the first section of the River and Harbor Appropriations Act of June 18, 1878 (20 Stat. 152), is modified to direct the Secretary—

(1) to conduct channel simulation and to carry out improvements to the existing deep draft channel between the mouth of the river and river mile 34 at a cost not to exceed \$2,400,000; and

(2) to conduct overdepth and advance maintenance dredging that is necessary to maintain authorized channel dimensions.

SEC. 354. GRAYS LANDING LOCK AND DAM, MONONGAHELA RIVER, PENNSYLVANIA.

The project for navigation Grays Landing Lock and Dam, Monongahela River, Pennsylvania, authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110), is modified to authorize the Secretary to construct the project at a total cost of \$181,000,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

SEC. 355. LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.

The project for flood control, Lackawanna River at Scranton, Pennsylvania, authorized by section 101(16) of the Water Resources Development Act of 1992 (106 Stat. 4803), is modified to direct the Secretary to carry out the project for flood control for the Plot and Green Ridge sections of the project. In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986, to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 356. MUSSERS DAM, MIDDLE CREEK, SNYDER COUNTY, PENNSYLVANIA.

Section 209(e)(5) of the Water Resources Development Act of 1992 (106 Stat. 4830) is amended by striking “\$3,000,000” and inserting “\$5,000,000”.

SEC. 357. SAW MILL RUN, PENNSYLVANIA.

The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary to carry out the project in accordance with the report of the Corps of Engineers dated April 8, 1994, at a total cost of \$12,780,000, with an estimated Federal cost of \$9,585,000 and an estimated non-Federal cost of \$3,195,000.

SEC. 358. SCHUYLKILL RIVER, PENNSYLVANIA.

The navigation project for the Schuylkill River, Pennsylvania, authorized by the first section of the River and Harbor Appropriations Act of August 8, 1917 (40 Stat. 252), is modified to provide for the periodic removal and disposal of sediment to a depth of 6 feet detained within portions of the Fairmount pool between the Fairmount Dam and the Columbia Bridge, generally within the limits of the channel alignments referred to as the Schuylkill River Racecourse and return lane, and the Belmont Water Works intakes and Boathouse Row.

SEC. 359. SOUTH CENTRAL PENNSYLVANIA.

Section 313(g)(1) of the Water Resources Development Act of 1992 (106 Stat. 4846) is amended by striking “\$50,000,000” and inserting “\$90,000,000”.

SEC. 360. WYOMING VALLEY, PENNSYLVANIA.

The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary to undertake as part of the construction of the project mechanical and electrical upgrades to existing stormwater pumping stations in the Wyoming Valley and to undertake mitigation measures.

SEC. 361. SAN JUAN HARBOR, PUERTO RICO.

The project for navigation, San Juan Harbor, Puerto Rico, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4097), is modified to authorize the Secretary to deepen the bar channel to depths varying from 49 feet to 56 feet below mean low water with other modifications to authorized interior channels as generally described in the General Reevaluation Report and Environmental Assessment, dated March 1994, at a total cost of \$43,993,000, with an estimated Federal cost of \$27,341,000 and an estimated non-Federal cost of \$16,652,000.

SEC. 362. NARRAGANSETT, RHODE ISLAND.

Section 361(a) of the Water Resources Development Act of 1992 (106 Stat. 4861) is amended—

- (1) by striking “\$200,000” and inserting “\$1,900,000”;
- (2) by striking “\$150,000” and inserting “\$1,425,000”; and
- (3) by striking “\$50,000” and inserting “\$475,000”.

SEC. 363. CHARLESTON HARBOR, SOUTH CAROLINA.

The project for navigation, Charleston Harbor, South Carolina, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4096), is modified to direct the Secretary to undertake ditching, clearing, spillway replacement, and dike reconstruction of the Clouter Creek Disposal Area, as a part of the operation and maintenance of the Charleston Harbor project.

SEC. 364. DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS.

(a) IN GENERAL.—The project for flood control, Dallas Floodway Extension, Dallas, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091), is modified to provide that flood protection works constructed by the non-Federal interests along the Trinity River in Dallas, Texas, for Rochester Park and the Central Wastewater Treatment Plant shall be included as a part of the project and the cost of such works shall be credited against the non-Federal share of project costs but shall not be included in calculating benefits of the project.

(b) DETERMINATION OF AMOUNT.—The amount to be credited under subsection (a) shall be determined by the Secretary. In determining such amount, the Secretary may permit crediting only for that portion of the work performed by the non-Federal interests which is compatible with the project referred to in subsection (a), including any modification thereof, and which is required for construction of such project.

(c) CASH CONTRIBUTION.—Nothing in this section shall be construed to limit the applicability of the requirement contained in section 103(a)(1)(A) of the Water Resources Development Act of 1986 to the project referred to in subsection (a).

SEC. 365. UPPER JORDAN RIVER, UTAH.

The project for flood control, Upper Jordan River, Utah, authorized by section 101(a)(23) of the Water Resources Development Act of 1990 (104 Stat. 4610), is modified to authorize the Secretary to construct the project at a total cost of \$12,870,000, with an estimated Federal cost of \$8,580,000 and an estimated non-Federal cost of \$4,290,000.

SEC. 366. HAYSI LAKE, VIRGINIA.

The Haysi Lake, Virginia, feature of the project for flood control, Tug Fork of the Big Sandy River, Kentucky, West Virginia, and Virginia, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified—

- (1) to add recreation and fish and wildlife enhancement as project purposes;
- (2) to direct the Secretary to construct the Haysi Dam feature of the project substantially in accordance with Plan A as set forth in the Draft General Plan Supplement Report for the Levisa Fork Basin, Virginia and Kentucky, dated May 1995; and
- (3) to direct the Secretary to apply section 103(m) of the Water Resources Development Act of 1986 (100 Stat. 4087) to the construction of such feature in the same manner as that section is applied to other projects or project features construed pursuant to such section 202(a).

SEC. 367. RUDEE INLET, VIRGINIA BEACH, VIRGINIA.

The project for navigation and shoreline protection, Rudee Inlet, Virginia Beach, Virginia, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to authorize the Secretary to continue maintenance of the project for 50 years beginning on the date of initial construction of the project. The Federal share of the cost of such maintenance shall be determined in accordance with title I of the Water Resources Development Act of 1986.

SEC. 368. VIRGINIA BEACH, VIRGINIA.

The non-Federal share of the costs of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4136), shall be reduced by \$3,120,803, or by such amount as is determined by an audit carried out by the Secretary to be due to the city of Virginia Beach as reimbursement for the Federal share of beach nourishment activities carried out by the city between October 1, 1986, and September 30, 1993, if the Federal Government has not reimbursed the city for the activities prior to the date on which a project cooperative agreement is executed for the project.

SEC. 369. EAST WATERWAY, WASHINGTON.

The project for navigation, East and West waterways, Seattle Harbor, Washington, authorized by the first section of the River and Harbor Appropriations Act of March 2, 1919 (40 Stat. 1275), is modified to direct the Secretary—

- (1) to expedite review of potential deepening of the channel in the East waterway from Elliott Bay to Terminal 25 to a depth of up to 51 feet; and
- (2) if determined to be feasible, to implement such deepening as part of project maintenance.

In carrying out work authorized by this section, the Secretary shall coordinate with the Port of Seattle regarding use of Slip 27 as a dredged material disposal area.

SEC. 370. BLUESTONE LAKE, WEST VIRGINIA.

Section 102(ff) of the Water Resources Development Act of 1992 (106 Stat. 4810) is amended by inserting “except for that organic matter necessary to maintain and enhance the biological resources of such waters and such nonobtrusive items of debris as may not be economically feasible to prevent being released through such project,” after “project,” the first place it appears.

SEC. 371. MOOREFIELD, WEST VIRGINIA.

The project for flood control, Moorefield, West Virginia, authorized by section 101(a)(25) of the Water Resources Development Act of 1990 (104 Stat. 4610–4611), is modified to authorize the Secretary to construct the project at a total cost of \$22,000,000, with an estimated Federal cost of \$17,100,000 and an estimated non-Federal cost of \$4,900,000.

SEC. 372. SOUTHERN WEST VIRGINIA.

(a) **COST SHARING.**—Section 340(c)(3) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended to read as follows:

“(3) **COST SHARING.**—

“(A) **IN GENERAL.**—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for such design work shall not exceed 6 percent of the total construction costs of the project. The Federal share may be in the form of grants or reimbursements of project costs.

“(B) **INTEREST.**—In the event of delays in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project’s cost.

“(C) **LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.**—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of such project on publicly owned or controlled lands, but not to exceed 25 percent of total project costs.

“(D) **OPERATION AND MAINTENANCE.**—Operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent non-Federal.”.

(b) **FUNDING.**—Section 340(g) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended by striking “\$5,000,000” and inserting “\$25,000,000”.

SEC. 373. KICKAPOO RIVER, WISCONSIN.

(a) **IN GENERAL.**—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1190) and modified by section 814 of the Water Resources Development Act of 1986 (100 Stat. 4169), is further modified as provided by this section.

(b) **TRANSFER OF PROPERTY.**—

(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United States to the lands described in paragraph (3), including all works, structures, and other improvements to such lands.

(2) TRANSFER TO SECRETARY OF THE INTERIOR.—Subject to the requirements of this subsection, on the date of the transfer under paragraph (1), the Secretary shall transfer to the Secretary of the Interior, without consideration, all right, title, and interest of the United States in and to lands that are culturally and religiously significant sites of the Ho-Chunk Nation (a federally recognized Indian tribe) and are located within the lands described in paragraph (3). Such lands shall be specified in accordance with paragraph (4)(C) and may not exceed a total of 1,200 acres.

(3) LAND DESCRIPTION.—The lands to be transferred pursuant to paragraphs (1) and (2) are the approximately 8,569 acres of land associated with the LaFarge Dam and Lake portion of the project referred to in subsection (a) in Vernon County, Wisconsin, in the following sections:

(A) Section 31, Township 14 North, Range 1 West of the 4th Principal Meridian.

(B) Sections 2 through 11, and 16, 17, 20, and 21, Township 13 North, Range 2 West of the 4th Principal Meridian.

(C) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(4) TERMS AND CONDITIONS.—

(A) HOLD HARMLESS; REIMBURSEMENT OF UNITED STATES.—The transfer under paragraph (1) shall be made on the condition that the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of the lands and improvements subject to the transfer. If title to the lands described in paragraph (3) is sold or transferred by the State, then the State shall reimburse the United States for the price originally paid by the United States for purchasing such lands.

(B) IN GENERAL.—The Secretary shall make the transfers under paragraphs (1) and (2) only if on or before October 31, 1997, the State of Wisconsin enters into and submits to the Secretary a memorandum of understanding, as specified in subparagraph (C), with the tribal organization (as defined by section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))) of the Ho-Chunk Nation.

(C) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding referred to in subparagraph (B) shall contain, at a minimum, the following:

(i) A description of sites and associated lands to be transferred to the Secretary of the Interior under paragraph (2).

(ii) An agreement specifying that the lands transferred under paragraphs (1) and (2) shall be preserved in a natural state and developed only to the extent necessary to enhance outdoor recreational and educational opportunities.

(iii) An agreement specifying the terms and conditions of a plan for the management of the lands to be transferred under paragraphs (1) and (2).

(iv) A provision requiring a review of the plan referred to in clause (iii) to be conducted every 10 years under which the State of Wisconsin, acting through the Kickapoo Valley Governing Board, and the Ho-Chunk Nation may agree to revisions of the plan in order to address changed circumstances on the lands transferred under paragraph (2). Such provision may include a plan for the transfer by the State to the Secretary of the Interior of any additional site discovered to be culturally and religiously significant to the Ho-Chunk Nation.

(5) ADMINISTRATION OF LANDS.—The lands transferred to the Secretary of the Interior under paragraph (2), and any lands transferred to the Secretary of the Interior pursuant to the memorandum of understanding entered into under paragraph (3), shall be held in trust for, and added to and administered as part of the reservation of, the Ho-Chunk Nation.

(6) TRANSFER OF FLOWAGE EASEMENTS.—The Secretary shall transfer to the owner of the servient estate, without consideration, all right, title, and interest of the United States in and to each flowage easement acquired as part of the project referred to in subsection (a) within Township 14 North, Range 2 West of the 4th Principal Meridian, Vernon County, Wisconsin.

(7) DEAUTHORIZATION.—Except as provided in subsection (c), the LaFarge Dam and Lake portion of the project referred to in subsection (a) is not authorized after the date of the transfer under this subsection.

(8) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of the project referred to in subsection (a) until the date of the transfer under this section.

(c) COMPLETION OF PROJECT FEATURES.—

(1) REQUIREMENT.—The Secretary shall undertake the completion of the following features of the project referred to in subsection (a):

(A) The continued relocation of State highway route 131 and county highway routes P and F substantially in accordance with plans contained in Design Memorandum No. 6, Relocation-LaFarge Reservoir, dated June 1970; except that the relocation shall generally follow the existing road rights-of-way through the Kickapoo Valley.

(B) Environmental cleanup and site restoration of abandoned wells, farm sites, and safety modifications to the water control structures.

(C) Cultural resource activities to meet the requirements of Federal law.

(2) PARTICIPATION BY STATE OF WISCONSIN.—In undertaking the completion of the features described in paragraph (1), the Secretary shall determine the requirements of the State of Wisconsin on the location and design of each such feature.

(d) FUNDING.—There is authorized to be appropriated to carry out this section for fiscal years beginning after September 30, 1996, \$17,000,000.

SEC. 374. TETON COUNTY, WYOMING.

Section 840 of the Water Resources Development Act of 1986 (100 Stat. 4176) is amended—

(1) by striking “: Provided, That” and inserting “; except that”;

(2) by striking “in cash or materials” and inserting “, through providing in-kind services or cash or materials,”; and

(3) by adding at the end the following: “In carrying out this section, the Secretary may enter into agreements with the non-Federal sponsor permitting the non-Federal sponsor to perform operation and maintenance for the project on a cost-reimbursable basis.”.

TITLE IV—STUDIES

SEC. 401. CORPS CAPABILITY STUDY, ALASKA.

The Secretary shall review the capability of the Corps of Engineers to plan, design, construct, operate, and maintain rural sanitation projects for rural and Native villages in Alaska. Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit findings and recommendations on the agency's capability, together with recommendations on the advisability of assuming such a mission.

SEC. 402. MCDOWELL MOUNTAIN, ARIZONA.

The Secretary shall credit the non-Federal share of the cost of the feasibility study on the McDowell Mountain project an amount equivalent to the cost of work performed by the city of Scottsdale, Arizona, and accomplished prior to the city's entering into an agreement with the Secretary if the Secretary determines that the work is necessary for the study.

SEC. 403. NOGALES WASH AND TRIBUTARIES, ARIZONA.

(a) STUDY.—The Secretary shall conduct a study of the relationship of flooding in Nogales, Arizona, and floodflows emanating from Mexico.

(b) REPORT.—The Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations concerning the appropriate level of non-Federal participation in the project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606).

SEC. 404. GARDEN GROVE, CALIFORNIA.

The Secretary shall conduct a study to assess the feasibility of implementing improvements in the regional flood control system within Garden Grove, California.

SEC. 405. MUGU LAGOON, CALIFORNIA.

(a) STUDY.—The Secretary shall conduct a study of the environmental impacts associated with sediment transport, flood flows, and upstream watershed land use

practices on Mugu Lagoon, California. The study shall include an evaluation of alternatives for the restoration of the estuarine ecosystem functions and values associated with Mugu Lagoon and the endangered and threatened species inhabiting the area.

(b) CONSULTATION AND COORDINATION.—In conducting the study, the Secretary shall consult with the Secretary of the Navy and shall coordinate with State and local resource agencies to assure that the study is compatible with restoration efforts for the Calleguas Creek watershed.

(c) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 406. SANTA YNEZ, CALIFORNIA.

(a) PLANNING.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall prepare a comprehensive river basin management plan addressing the long term ecological, economic, and flood control needs of the Santa Ynez River basin, California. In preparing such plan, the Secretary shall consult the Santa Barbara Flood Control District and other affected local governmental entities.

(b) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the Santa Barbara Flood Control District with respect to implementation of the plan to be prepared under subsection (a).

SEC. 407. SOUTHERN CALIFORNIA INFRASTRUCTURE.

Section 116(d)(3) of the Water Resources Development Act of 1990 (104 Stat. 4624) is amended by striking “\$1,500,000” and inserting “\$7,500,000”.

SEC. 408. YOLO BYPASS, SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA.

The Secretary shall study the advisability of acquiring land in the vicinity of the Yolo Bypass in the Sacramento-San Joaquin Delta, California, for the purpose of environmental mitigation for the flood control project for Sacramento, California, and other water resources projects in the area.

SEC. 409. CHAIN OF ROCKS CANAL, ILLINOIS.

The Secretary shall complete a limited reevaluation of the authorized St. Louis Harbor Project in the vicinity of the Chain of Rocks Canal, Illinois, and consistent with the authorized purposes of that project, to include evacuation of waters interior to the Chain of Rocks Canal East Levee.

SEC. 410. QUINCY, ILLINOIS.

(a) STUDY.—The Secretary shall study and evaluate the critical infrastructure of the Fabius River Drainage District, the South Quincy Drainage and Levee District, the Sny Island Levee Drainage District, and the city of Quincy, Illinois—

(1) to determine if additional flood protection needs of such infrastructure should be identified or implemented;

(2) to produce a definition of critical infrastructure;

(3) to develop evaluation criteria; and

(4) to enhance existing geographic information system databases to encompass relevant data that identify critical infrastructure for use in emergencies and in routine operation and maintenance activities.

(b) CONSIDERATION OF OTHER STUDIES.—In conducting the study under this section, the Secretary shall consider the recommendations of the Interagency Floodplain Management Committee Report, the findings of the Floodplain Management Assessment of the Upper Mississippi River and Lower Missouri Rivers and Tributaries, and other relevant studies and findings.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, together with recommendations regarding each of the purposes of the study described in paragraphs (1) through (4) of subsection (a).

SEC. 411. SPRINGFIELD, ILLINOIS.

The Secretary shall provide technical, planning, and design assistance to the city of Springfield, Illinois, in developing—

(1) an environmental impact statement for the proposed development of a water supply reservoir, including the preparation of necessary documentation in support of the environmental impact statement; and

(2) an evaluation of technical, economic, and environmental impacts of such development.

SEC. 412. BEAUTY CREEK WATERSHED, VALPARAISO CITY, PORTER COUNTY, INDIANA.

The Secretary shall conduct a study to assess the feasibility of implementing streambank erosion control measures and flood control measures within the Beauty Creek watershed, Valparaiso City, Porter County, Indiana.

SEC. 413. GRAND CALUMET RIVER, HAMMOND, INDIANA.

(a) **STUDY.**—The Secretary shall conduct a study to establish a methodology and schedule to restore the wetlands at Wolf Lake and George Lake in Hammond, Indiana.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).

SEC. 414. INDIANA HARBOR CANAL, EAST CHICAGO, LAKE COUNTY, INDIANA.

The Secretary shall conduct a study of the feasibility of including environmental and recreational features, including a vegetation buffer, as part of the project for navigation, Indiana Harbor Canal, East Chicago, Lake County, Indiana, authorized by the first section of the Rivers and Harbors Appropriations Act of June 25, 1910 (36 Stat. 657).

SEC. 415. KOONTZ LAKE, INDIANA.

The Secretary shall conduct a study of the feasibility of implementing measures to restore Koontz Lake, Indiana, including measures to remove silt, sediment, nutrients, aquatic growth, and other noxious materials from Koontz Lake, measures to improve public access facilities to Koontz Lake, and measures to prevent or abate the deposit of sediments and nutrients in Koontz Lake.

SEC. 416. LITTLE CALUMET RIVER, INDIANA.

(a) **STUDY.**—The Secretary shall conduct a study of the impact of the project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), on flooding and water quality in the vicinity of the Black Oak area of Gary, Indiana.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations for cost-effective remediation of impacts described in subsection (a).

(c) **FEDERAL SHARE.**—The Federal share of the cost of the study to be conducted under subsection (a) shall be 100 percent.

SEC. 417. TIPPECANOE RIVER WATERSHED, INDIANA.

(a) **STUDY.**—The Secretary shall conduct a study of water quality and environmental restoration needs in the Tippecanoe River watershed, Indiana, including measures necessary to reduce siltation in Lake Shafer and Lake Freeman.

(b) **ASSISTANCE.**—The Secretary shall provide technical, planning, and design assistance to the Shafer Freeman Lakes Environmental Conservation Corporation in addressing potential environmental restoration activities determined as a result of the study conducted under subsection (a).

SEC. 418. CALCASIEU SHIP CHANNEL, HACKBERRY, LOUISIANA.

The Secretary shall conduct a study to determine the need for improved navigation and related support service structures in the vicinity of the Calcasieu Ship Channel, Hackberry, Louisiana.

SEC. 419. HURON RIVER, MICHIGAN.

The Secretary shall conduct a study to determine the need for channel improvements and associated modifications for the purpose of providing a harbor of refuge at Huron River, Michigan.

SEC. 420. SACO RIVER, NEW HAMPSHIRE.

The Secretary shall conduct a study of flood control problems along the Saco River in Hart's Location, New Hampshire, for the purpose of evaluating retaining walls, berms, and other structures with a view to potential solutions involving repair or replacement of existing structures and shall consider other alternatives for flood damage reduction.

SEC. 421. BUFFALO RIVER GREENWAY, NEW YORK.

The Secretary shall conduct a study of a potential greenway trail project along the Buffalo River between the park system of the city of Buffalo, New York, and Lake Erie. Such study shall include preparation of an integrated plan of development that takes into consideration the adjacent parks, nature preserves, bikeways, and related recreational facilities.

SEC. 422. PORT OF NEWBURGH, NEW YORK.

The Secretary shall conduct a study of the feasibility of carrying out improvements for navigation at the port of Newburgh, New York.

SEC. 423. PORT OF NEW YORK-NEW JERSEY SEDIMENT STUDY.

(a) **STUDY OF MEASURES TO REDUCE SEDIMENT DEPOSITION.**—The Secretary shall conduct a study of measures that could reduce sediment deposition in the vicinity of the Port of New York-New Jersey for the purpose of reducing the volumes to be dredged for navigation projects in the Port.

(b) **DREDGED MATERIAL DISPOSAL STUDY.**—The Secretary shall conduct a study to determine the feasibility of constructing and operating an underwater confined dredged material disposal site in the Port of New York-New Jersey which could accommodate as much as 250,000 cubic yards of dredged materials for the purpose of demonstrating the feasibility of an underwater confined disposal pit as an environmentally suitable method of containing certain sediments.

(c) **REPORT.**—The Secretary shall transmit to Congress a report on the results of the studies conducted under this section, together with any recommendations of the Secretary concerning reduction of sediment deposition referred to in subsection (a).

SEC. 424. PORT OF NEW YORK-NEW JERSEY NAVIGATION STUDY.

The Secretary shall conduct a comprehensive study of navigation needs at the Port of New York-New Jersey (including the South Brooklyn Marine and Red Hook Container Terminals, Staten Island, and adjacent areas) to address improvements, including deepening of existing channels to depths of 50 feet or greater, that are required to provide economically efficient and environmentally sound navigation to meet current and future requirements.

SEC. 425. CHAGRIN RIVER, OHIO.

The Secretary shall conduct a study of flooding problems along the Chagrin River in Eastlake, Ohio. In conducting such study, the Secretary shall evaluate potential solutions to flooding from all sources, including that resulting from ice jams, and shall evaluate the feasibility of a sedimentation collection pit and other potential measures to reduce flooding.

SEC. 426. CUYAHOGA RIVER, OHIO.

The Secretary shall conduct a study to evaluate the integrity of the bulkhead system located on the Federal channel along the Cuyahoga River in the vicinity of Cleveland, Ohio, and shall provide to the non-Federal interest an analysis of costs and repairs of the bulkhead system.

SEC. 427. CHARLESTON, SOUTH CAROLINA, ESTUARY.

The Secretary is authorized to conduct a study of the Charleston estuary area located in Charleston, Berkeley, and Dorchester Counties, South Carolina, for the purpose of evaluating environmental conditions in the tidal reaches of the Ashley, Cooper, Stono, and Wando Rivers and the lower portions of Charleston Harbor.

SEC. 428. MUSTANG ISLAND, CORPUS CHRISTI, TEXAS.

The Secretary shall conduct a study of navigation along the south-central coast of Texas near Corpus Christi for the purpose of determining the feasibility of constructing and maintaining the Packery Channel on the southern portion of Mustang Island.

SEC. 429. PRINCE WILLIAM COUNTY, VIRGINIA.

The Secretary shall conduct a study of flooding, erosion, and other water resources problems in Prince William County, Virginia, including an assessment of wetlands protection, erosion control, and flood damage reduction needs of the County.

SEC. 430. PACIFIC REGION.

(a) **STUDY.**—The Secretary is authorized to conduct studies in the interest of navigation in that part of the Pacific region that includes American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

(b) **COST SHARING.**—The cost sharing provisions of section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215; 100 Stat. 4088–4089) shall apply to studies under this section.

SEC. 431. FINANCING OF INFRASTRUCTURE NEEDS OF SMALL AND MEDIUM PORTS.

(a) **STUDY.**—The Secretary shall conduct a study of alternative financing mechanisms for ensuring adequate funding for the infrastructure needs of small and medium ports.

(b) MECHANISMS TO BE STUDIED.—Mechanisms to be studied under subsection (a) shall include the establishment of revolving loan funds.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under subsection (a).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. PROJECT DEAUTHORIZATIONS.

The following projects are not authorized after the date of the enactment of this Act:

(1) BRANFORD HARBOR, CONNECTICUT.—The following portion of the project for navigation, Branford River, Connecticut, authorized by the first section of the Rivers and Harbors Appropriations Act of June 13, 1902 (32 Stat. 333): Starting at a point on the Federal channel line whose coordinates are N156181.32, E581572.38, running south 70 degrees 11 minutes 8 seconds west a distance of 171.58 feet to another point on the Federal channel line whose coordinates are N156123.18, E581410.96.

(2) BRIDGEPORT HARBOR, CONNECTICUT.—The following portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297): A 2.4-acre anchorage area, 9 feet deep, and an adjacent 0.6-acre anchorage, 6 feet deep, located on the west side of Johnsons River.

(3) GUILFORD HARBOR, CONNECTICUT.—The following portion of the project for navigation, Guilford Harbor, Connecticut, authorized by section 2 of the Act entitled “An Act authorizing construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 2, 1945 (50 Stat. 13): Starting at a point where the Sluice Creek Channel intersects with the main entrance channel, N159194.63, E623201.07, thence running north 24 degrees 58 minutes 15.2 seconds west 478.40 feet to a point N159628.31, E622999.11, thence running north 20 degrees 18 minutes 31.7 seconds west 351.53 feet to a point N159957.99, E622877.10, thence running north 69 degrees 41 minutes 37.9 seconds east 55.000 feet to a point N159977.08, E622928.69, thence turning and running south 20 degrees 18 minutes 31.0 seconds east 349.35 feet to a point N159649.45, E623049.94, thence turning and running south 24 degrees 58 minutes 11.1 seconds east 341.36 feet to a point N159340.00, E623194.04, thence turning and running south 90 degrees 0 minutes 0 seconds east 78.86 feet to a point N159340.00, E623272.90.

(4) JOHNSONS RIVER CHANNEL, BRIDGEPORT HARBOR, CONNECTICUT.—The following portion of the project for navigation, Johnsons River Channel, Bridgeport Harbor, Connecticut, authorized by the first section of the Rivers and Harbors Act of July 24, 1946 (60 Stat. 634): Northerly of a line across the Federal channel. The coordinates of such line are N 123318.35, E 486301.68 and N 123257.15, E 486380.77.

(5) MYSTIC RIVER, CONNECTICUT.—The following portion of the project for improving the Mystic River, Connecticut, authorized by the River and Harbor Act approved March 4, 1913 (37 Stat. 802):

Beginning in the 15-foot deep channel at coordinates north 190860.82, east 814416.20, thence running southeast about 52.01 feet to the coordinates north 190809.47, east 814424.49, thence running southwest about 34.02 feet to coordinates north 190780.46, east 814406.70, thence running north about 80.91 feet to the point of beginning.

(6) NORWALK HARBOR, CONNECTICUT.—

(A) DEAUTHORIZATION.—The portion of the project for navigation, Norwalk Harbor, Connecticut, authorized by the River and Harbor Act of March 2, 1919 (40 Stat. 1276), that lies northerly of a line across the Federal channel having coordinates N104199.72, E417774.12 and N104155.59, E417628.96, and those portions of the 6-foot deep East Norwalk Channel and Anchorage, authorized by section 2 of the Act entitled “An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 2, 1945 (59 Stat. 13), not included in the description of the realignment of the project contained in subparagraph (B).

(B) REALIGNMENT DESCRIPTION.—The realigned 6-foot deep East Norwalk Channel and Anchorage is described as follows: starting at a point on the East Norwalk Channel, N95743.02, E419581.37, thence running northwest-

erly about 463.96 feet to a point N96197.93, E419490.18, thence running northwesterly about 549.32 feet to a point N96608.49, E419125.23, thence running northwesterly about 384.06 feet to a point N96965.94, E418984.75, thence running northwesterly about 407.26 feet to a point N97353.87, E418860.78, thence running westerly about 58.26 feet to a point N97336.26, E418805.24, thence running northwesterly about 70.99 feet to a point N97390.30, E418759.21, thence running westerly about 71.78 feet to a point on the anchorage limit N97405.26, E418689.01, thence running southerly along the western limits of the existing Federal anchorage until reaching a point N95893.74, E419449.17, thence running in a southwesterly direction about 78.74 feet to a point on the East Norwalk Channel N95815.62, E419439.33.

(C) REDESIGNATION.—All of the realigned channel shall be redesignated as anchorage, with the exception of that portion of the channel which narrows to a width of 100 feet and terminates at a line whose coordinates are N96456.81, E419260.06, and N96390.37, E419185.32, which shall remain as a channel.

(7) SOUTHPORT HARBOR, CONNECTICUT.—

(A) DEAUTHORIZATION PORTION OF PROJECT.—The following portions of the project for navigation, Southport Harbor, Connecticut, authorized by the first section of the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1029):

(i) The 6-foot deep anchorage located at the head of the project.

(ii) The portion of the 9-foot deep channel beginning at a bend in the channel whose coordinates are north 109131.16, east 452653.32 running thence in a northeasterly direction about 943.01 feet to a point whose coordinates are north 109635.22, east 453450.31 running thence in a southeasterly direction about 22.66 feet to a point whose coordinates are north 109617.15, east 453463.98 running thence in a southwesterly direction about 945.18 feet to the point of beginning.

(B) REMAINDER.—The remaining portion of the project referred to in subparagraph (A) northerly of a line whose coordinates are north 108699.15, east 452768.36 and north 108655.66, east 452858.73 shall be redesignated as an anchorage.

(8) STONY CREEK, BRANFORD, CONNECTICUT.—The following portion of the project for navigation, Stony Creek, Connecticut, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577): The 6-foot maneuvering basin starting at a point N157031.91, E599030.79, thence running northeasterly about 221.16 feet to a point N157191.06, E599184.37, thence running northerly about 162.60 feet to a point N157353.56, E599189.99, thence running southwesterly about 358.90 feet to the point of origin.

(9) YORK HARBOR, MAINE.—That portion of the project for navigation, York Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), located in the 8-foot deep anchorage area beginning at coordinates N 109340.19, E 372066.93, thence running north 65 degrees 12 minutes 10.5 seconds E 423.27 feet to a point N 109517.71, E372451.17, thence running north 28 degrees 42 minutes 58.3 seconds west 11.68 feet to a point N 109527.95, E 372445.56, thence running south 63 degrees 37 minutes 24.6 seconds west 422.63 feet returning to the point of beginning and that portion in the 8-foot deep anchorage area beginning at coordinates N 108557.24, E 371645.88, thence running south 60 degrees 41 minutes 17.2 seconds east 484.51 feet to a point N 108320.04, E 372068.36, thence running north 29 degrees 12 minutes 53.3 seconds east 15.28 feet to a point N 108333.38, E 372075.82, thence running north 62 degrees 29 minutes 42.1 seconds west 484.73 feet returning to the point of beginning.

(10) CHELSEA RIVER, BOSTON HARBOR, MASSACHUSETTS.—The following portion of the project for navigation, Boston Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), consisting of a 35-foot deep channel in the Chelsea River: Beginning at a point on the northern limit of the existing project N505357.84, E724519.19, thence running northeasterly about 384.19 feet along the northern limit of the existing project to a bend on the northern limit of the existing project N505526.87, E724864.20, thence running southeasterly about 368.00 feet along the northern limit of the existing project to another point N505404.77, E725211.35, thence running westerly about 594.53 feet to a point N505376.12, E724617.51, thence running southwesterly about 100.00 feet to the point of origin.

(11) COHASSET HARBOR, COHASSET, MASSACHUSETTS.—The following portions of the project for navigation, Cohasset Harbor, Massachusetts, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(A) The portion starting at a point N453510.15, E792664.63, thence running south 53 degrees 07 minutes 05.4 seconds west 307.00 feet to a point N453325.90, E792419.07, thence running north 57 degrees 56 minutes 36.8 seconds west 201.00 feet to a point N453432.58, E792248.72, thence running south 88 degrees 57 minutes 25.6 seconds west 50.00 feet to a point N453431.67, E792198.73, thence running north 01 degree 02 minutes 52.3 seconds west 66.71 feet to a point N453498.37, E792197.51, thence running north 69 degrees 12 minutes 52.3 seconds east 332.32 feet to a point N453616.30, E792508.20, thence running south 55 degrees 50 minutes 24.1 seconds east 189.05 feet to the point of origin.

(B) The portion starting at a point N452886.64, E791287.83, thence running south 00 degrees 00 minutes 00.0 seconds west 56.04 feet to a point N452830.60, E791287.83, thence running north 90 degrees 00 minutes 00.0 seconds west 101.92 feet to a point, N452830.60, E791185.91, thence running north 52 degrees 12 minutes 49.7 seconds east 89.42 feet to a point, N452885.39, E791256.58, thence running north 87 degrees 42 minutes 33.8 seconds east 31.28 feet to the point of origin.

(C) The portion starting at a point, N452261.08, E792040.24, thence running north 89 degrees 07 minutes 19.5 seconds east 118.78 feet to a point, N452262.90, E792159.01, thence running south 43 degrees 39 minutes 06.8 seconds west 40.27 feet to a point, N452233.76, E792131.21, thence running north 74 degrees 33 minutes 29.1 seconds west 94.42 feet to a point, N452258.90, E792040.20, thence running north 01 degree 03 minutes 04.3 seconds east 2.18 feet to the point of origin.

(12) FALMOUTH, MASSACHUSETTS.—

(A) DEAUTHORIZATIONS.—The following portions of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172):

(i) The portion commencing at a point north 199286.37 east 844394.81 a line running north 73 degrees 09 minutes 29 seconds east 440.34 feet to a point north 199413.99 east 844816.36, thence turning and running north 43 degrees 09 minutes 34.5 seconds east 119.99 feet to a point north 199501.52 east 844898.44, thence turning and running south 66 degrees 52 minutes 03.5 seconds east 547.66 feet returning to a point north 199286.41 east 844394.91.

(ii) The portion commencing at a point north 199647.41 east 845035.25 a line running north 43 degrees 09 minutes 33.1 seconds east 767.15 feet to a point north 200207.01 east 845560.00, thence turning and running north 11 degrees 04 minutes 24.3 seconds west 380.08 feet to a point north 200580.01 east 845487.00, thence turning and running north 22 degrees 05 minutes 50.8 seconds east 1332.36 feet to a point north 201814.50 east 845988.21, thence turning and running north 02 degrees 54 minutes 15.7 seconds east 15.0 feet to a point north 201829.48 east 845988.97, thence turning and running south 24 degrees 56 minutes 42.3 seconds west 1410.29 feet returning to the point north 200550.75 east 845394.18.

(B) REDESIGNATION.—The portion of the project for navigation Falmouth, Massachusetts, referred to in subparagraph (A) upstream of a line designated by the 2 points north 199463.18 east 844496.40 and north 199350.36 east 844544.60 is redesignated as an anchorage area.

(13) MYSTIC RIVER, MASSACHUSETTS.—The following portion of the project for navigation, Mystic River, Massachusetts, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 164): The 35-foot deep channel beginning at a point on the northern limit of the existing project, N506243.78, E717600.27, thence running easterly about 1000.00 feet along the northern limit of the existing project to a point, N506083.42, E718587.33, thence running southerly about 40.00 feet to a point, N506043.94, E718580.91, thence running westerly about 1000.00 feet to a point, N506204.29, E717593.85, thence running northerly about 40.00 feet to the point of origin.

(14) WEYMOUTH-FORE AND TOWN RIVERS, MASSACHUSETTS.—The following portions of the project for navigation, Weymouth-Fore and Town Rivers, Boston Harbor, Massachusetts, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1089):

(A) The 35-foot deep channel beginning at a bend on the southern limit of the existing project, N457394.01, E741109.74, thence running westerly

about 405.25 feet to a point, N457334.64, E740708.86, thence running southwesterly about 462.60 feet to another bend in the southern limit of the existing project, N457132.00, E740293.00, thence running northeasterly about 857.74 feet along the southern limit of the existing project to the point of origin.

(B) The 15 and 35-foot deep channels beginning at a point on the southern limit of the existing project, N457163.41, E739903.49, thence running northerly about 111.99 feet to a point, N457275.37, E739900.76, thence running westerly about 692.37 feet to a point N457303.40, E739208.96, thence running southwesterly about 190.01 feet to another point on the southern limit of the existing project, N457233.17, E739032.41, thence running easterly about 873.87 feet along the southern limit of the existing project to the point of origin.

(15) MORRISTOWN HARBOR, NEW YORK.—The following portion of the project for navigation, Morristown Harbor, New York, authorized by the first section of the Rivers and Harbors Act of January 21, 1927 (44 Stat. 1011): The portion that lies north of the north boundary of Morris Street extended.

(16) CONNEAUT HARBOR, OHIO.—The most southerly 300 feet of the 1,670-foot long Shore Arm of the project for navigation, Conneaut Harbor, Ohio, authorized by the first section of the Rivers and Harbors Appropriation Act of June 25, 1910 (36 Stat. 653).

(17) OSWEGATCHIE RIVER, OGDENSBURG, NEW YORK.—The portion of the Federal channel of the project for navigation, Ogdensburg Harbor, New York, authorized by the first section of the Rivers and Harbors Appropriations Act of June 25, 1910 (36 Stat. 635), as modified by the first section of the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1037), which is in the Oswegatchie River in Ogdensburg, New York, from the southernmost alignment of the Route 68 bridge upstream to the northernmost alignment of the Lake Street bridge.

(18) APPONAUG COVE, WARWICK, RHODE ISLAND.—The following portion of the project for navigation, Apponaug Cove, Rhode Island, authorized under section 101 of the River and Harbor Act of 1960 (74 Stat. 480): The 6-foot channel bounded by coordinates N223269.93, E513089.12; N223348.31, E512799.54; N223251.78, E512773.41; and N223178.0, E513046.0.

(19) PORT WASHINGTON HARBOR, WISCONSIN.—The following portion of the navigation project for Port Washington Harbor, Wisconsin, authorized by the Rivers and Harbors Appropriations Act of July 11, 1870 (16 Stat. 223): Beginning at the northwest corner of project at Channel Pt. No. 36, of the Federal Navigation Project, Port Washington Harbor, Ozaukee County, Wisconsin, at coordinates N513529.68, E2535215.64, thence 188 degrees 31 minutes 59 seconds, a distance of 178.32 feet, thence 196 degrees 47 minutes 17 seconds, a distance of 574.80 feet, thence 270 degrees 58 minutes 25 seconds, a distance of 465.50 feet, thence 178 degrees 56 minutes 17 seconds, a distance of 130.05 feet, thence 87 degrees 17 minutes 05 seconds, a distance of 510.22 feet, thence 104 degrees 58 minutes 31 seconds, a distance of 178.33 feet, thence 115 degrees 47 minutes 55 seconds, a distance of 244.15 feet, thence 25 degrees 12 minutes 08 seconds, a distance of 310.00 feet, thence 294 degrees 46 minutes 50 seconds, a distance of 390.20 feet, thence 16 degrees 56 minutes 16 seconds, a distance of 570.90 feet, thence 266 degrees 01 minutes 25 seconds, a distance of 190.78 feet to Channel Pt. No. 36, point of beginning.

SEC. 502. PROJECT REAUTHORIZATIONS.

(a) GRAND PRAIRIE REGION AND BAYOU METO BASIN, ARKANSAS.—The project for flood control, Grand Prairie Region and Bayou Meto Basin, Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 174) and deauthorized pursuant to section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(1)), is authorized to be carried out by the Secretary; except that the scope of the project includes ground water protection and conservation, agricultural water supply, and waterfowl management.

(b) WHITE RIVER, ARKANSAS.—The project for navigation, White River Navigation to Batesville, Arkansas, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4139) and deauthorized by section 52(b) of the Water Resources Development Act of 1988 (102 Stat. 4045), is authorized to be carried out by the Secretary.

(c) DES PLAINES RIVER, ILLINOIS.—The project for wetlands research, Des Plaines River, Illinois, authorized by section 45 of the Water Resources Development Act of 1988 (102 Stat. 4041) and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(d) ALPENA HARBOR, MICHIGAN.—The project for navigation, Alpena Harbor, Michigan, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090) and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(e) ONTONAGON HARBOR, ONTONAGON COUNTY, MICHIGAN.—The project for navigation, Ontonagon Harbor, Ontonagon County, Michigan, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176) and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(f) KNIFE RIVER HARBOR, MINNESOTA.—The project for navigation, Knife River Harbor, Minnesota, authorized by section 100 of the Water Resources Development Act of 1974 (88 Stat. 41) and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(g) CLIFFWOOD BEACH, NEW JERSEY.—The project for hurricane-flood protection and beach erosion control on Raritan Bay and Sandy Hook Bay, New Jersey, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 118) and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

SEC. 503. CONTINUATION OF AUTHORIZATION OF CERTAIN PROJECTS.

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

(1) CEDAR RIVER HARBOR, MICHIGAN.—The project for navigation, Cedar River Harbor, Michigan, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090).

(2) CROSS VILLAGE HARBOR, MICHIGAN.—The project for navigation, Cross Village Harbor, Michigan, authorized by section 101 of the River and Harbor Act of 1966 (80 Stat. 1405).

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period that begins on the date of the enactment of this Act unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 504. LAND CONVEYANCES.

(a) OAKLAND INNER HARBOR TIDAL CANAL PROPERTY, CALIFORNIA.—Section 205 of the Water Resources Development Act of 1990 (104 Stat. 4633) is amended—

(1) by inserting after paragraph (2) the following new paragraph:

“(3) To adjacent land owners, the United States title to all or portions of that part of the Oakland Inner Harbor Tidal Canal which are located within the boundaries of the city in which such land rests. Such conveyance shall be at fair market value.”;

(2) by inserting after “right-of-way” the following: “or other rights deemed necessary by the Secretary”; and

(3) by adding at the end the following: “The conveyances and processes involved will be at no cost to the United States.”.

(b) MARIEMONT, OHIO.—

(1) IN GENERAL.—The Secretary shall convey to the village of Mariemont, Ohio, for a sum of \$85,000 all right, title, and interest of the United States in and to a parcel of land (including improvements thereto) under the jurisdiction of the Corps of Engineers and known as the “Ohio River Division Laboratory”, as such parcel is described in paragraph (4).

(2) TERMS AND CONDITIONS.—The conveyance under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(3) PROCEEDS.—All proceeds from the conveyance under paragraph (1) shall be deposited in the general fund of the Treasury of the United States and credited as miscellaneous receipts.

(4) PROPERTY DESCRIPTION.—The parcel of land referred to in paragraph (1) is the parcel situated in the State of Ohio, County of Hamilton, Township 4, Fractional Range 2, Miami Purchase, Columbia Township, Section 15, being parts of Lots 5 and 6 of the subdivision of the dower tract of the estate of Joseph Ferris as recorded in Plat Book 4, Page 112, of the Plat Records of Hamilton County, Ohio, Recorder’s Office, and more particularly described as follows:

Beginning at an iron pin set to mark the intersection of the easterly line of Lot 5 of said subdivision of said dower tract with the northerly line of the right-of-way of the Norfolk and Western Railway Company as shown in

Plat Book 27, Page 182, Hamilton County, Ohio, Surveyor's Office, thence with said northerly right-of-way line;

South 70 degrees 10 minutes 13 seconds west 258.52 feet to a point; thence leaving the northerly right-of-way of the Norfolk and Western Railway Company;

North 18 degrees 22 minutes 02 seconds west 302.31 feet to a point in the south line of Mariemont Avenue; thence along said south line;

North 72 degrees 34 minutes 35 seconds east 167.50 feet to a point; thence leaving the south line of Mariemont Avenue;

North 17 degrees 25 minutes 25 seconds west 49.00 feet to a point; thence North 72 degrees 34 minutes 35 seconds east 100.00 feet to a point; thence

South 17 degrees 25 minutes 25 seconds east 49.00 feet to a point; thence North 72 degrees 34 minutes 35 seconds east 238.90 feet to a point; thence

South 00 degrees 52 minutes 07 seconds east 297.02 feet to a point in the northerly line of the Norfolk and Western Railway Company; thence with said northerly right-of-way;

South 70 degrees 10 minutes 13 seconds west 159.63 feet to a point of beginning, containing 3.22 acres, more or less.

(c) EUFAULA LAKE, OKLAHOMA.—

(1) IN GENERAL.—The Secretary shall convey to the city of Eufaula, Oklahoma, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 12.5 acres located at the Eufaula Lake project.

(2) CONSIDERATION.—Consideration for the conveyance under paragraph (1) shall be the fair market value of the parcel (as determined by the Secretary) and payment of all costs of the United States in making the conveyance, including the costs of—

(A) the survey required under paragraph (4);

(B) any other necessary survey or survey monumentation;

(C) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(D) any coordination necessary with respect to requirements relating to endangered species, cultural resources, and clean air (including the costs of agency consultation and public hearings).

(3) LAND SURVEYS.—The exact acreage and description of the parcel to be conveyed under paragraph (1) shall be determined by such surveys as the Secretary considers necessary, which shall be carried out to the satisfaction of the Secretary.

(4) ENVIRONMENTAL BASELINE SURVEY.—Prior to making the conveyance under paragraph (1), the Secretary shall conduct an environmental baseline survey to determine the levels of any contamination (as of the date of the survey) for which the United States would be responsible under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and any other applicable law.

(5) CONDITIONS CONCERNING RIGHTS AND EASEMENT.—The conveyance under paragraph (1) shall be subject to existing rights and to retention by the United States of a flowage easement over all portions of the parcel that lie at or below the flowage easement contour for the Eufaula Lake project.

(6) OTHER TERMS AND CONDITIONS.—The conveyance under paragraph (1) shall be subject to such other terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(d) BOARDMAN, OREGON.—

(1) IN GENERAL.—The Secretary shall convey to the city of Boardman, Oregon, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 141 acres acquired as part of the John Day Lock and Dam project in the vicinity of such city currently under lease to the Boardman Park and Recreation District.

(2) CONSIDERATION.—

(A) PARK AND RECREATION PROPERTIES.—Properties to be conveyed under this subsection that will be retained in public ownership and used for public park and recreation purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation purposes, then title to such property shall revert to the Secretary.

(B) OTHER PROPERTIES.—Properties to be conveyed under this subsection and not described in subparagraph (A) shall be conveyed at fair market value.

(3) CONDITIONS CONCERNING RIGHTS AND EASEMENT.—The conveyance of properties under this subsection shall be subject to existing first rights of refusal regarding acquisition of such properties and to retention of a flowage easement over portions of the properties that the Secretary determines to be necessary for operation of the project.

(4) OTHER TERMS AND CONDITIONS.—The conveyance of properties under this subsection shall be subject to such other terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(e) TRI-CITIES AREA, WASHINGTON.—

(1) GENERAL AUTHORITY.—As soon as practicable after the date of the enactment of this Act, the Secretary shall make the conveyances to the local governments referred to in paragraph (2) of all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) PROPERTY DESCRIPTIONS.—

(A) BENTON COUNTY.—The property to be conveyed pursuant to paragraph (1) to Benton County, Washington, is the property in such county which is designated “Area D” on Exhibit A to Army Lease No. DACW-68-1-81-43.

(B) FRANKLIN COUNTY, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to Franklin County, Washington, is—

(i) the 105.01 acres of property leased pursuant to Army Lease No. DACW-68-1-77-20 as executed by Franklin County, Washington, on April 7, 1977;

(ii) the 35 acres of property leased pursuant to Supplemental Agreement No. 1 to Army Lease No. DACW-68-1-77-20;

(iii) the 20 acres of property commonly known as “Richland Bend” which is designated by the shaded portion of Lot 1, Section 11, and the shaded portion of Lot 1, Section 12, Township 9 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20;

(iv) the 7.05 acres of property commonly known as “Taylor Flat” which is designated by the shaded portion of Lot 1, Section 13, Township 11 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20;

(v) the 14.69 acres of property commonly known as “Byers Landing” which is designated by the shaded portion of Lots 2 and 3, Section 2, Township 10 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20; and

(vi) all levees within Franklin County, Washington, as of the date of the enactment of this Act, and the property upon which the levees are situated.

(C) CITY OF KENNEWICK, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to the city of Kennewick, Washington, is the property within the city which is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(D) CITY OF RICHLAND, WASHINGTON.—The property to be conveyed pursuant to paragraph (1), to the city of Richland, Washington, is the property within the city which is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the Cities of Kennewick and Richland, Washington.

(E) CITY OF PASCO, WASHINGTON.—The property to be conveyed pursuant to paragraph (1), to the city of Pasco, Washington, is—

(i) the property within the city of Pasco, Washington, which is leased pursuant to Army Lease No. DACW-68-1-77-10; and

(ii) all levees within such city, as of the date of the enactment of this Act, and the property upon which the levees are situated.

(F) PORT OF PASCO, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to the Port of Pasco, Washington, is—

(i) the property owned by the United States which is south of the Burlington Northern Railroad tracks in Lots 1 and 2, Section 20, Township 9 North, Range 31 East, W.M.; and

(ii) the property owned by the United States which is south of the Burlington Northern Railroad tracks in Lots 1, 2, 3, and 4, in each of Sections 21, 22, and 23, Township 9 North, Range 31 East, W.M.

(G) ADDITIONAL PROPERTIES.—In addition to properties described in subparagraphs (A) through (F), the Secretary may convey to a local govern-

ment referred to in subparagraphs (A) through (F) such properties under the jurisdiction of the Secretary in the Tri-Cities area as the Secretary and the local government agree are appropriate for conveyance.

(3) TERMS AND CONDITIONS.—

(A) IN GENERAL.—The conveyances under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(B) SPECIAL RULES FOR FRANKLIN COUNTY.—The property described in paragraph (2)(B)(vi) shall be conveyed only after Franklin County, Washington, has entered into a written agreement with the Secretary which provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out that agreement.

(C) SPECIAL RULE FOR CITY OF PASCO.—The property described in paragraph (2)(E)(ii) shall be conveyed only after the city of Pasco, Washington, has entered into a written agreement with the Secretary which provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out that agreement.

(D) CONSIDERATION.—

(i) PARK AND RECREATION PROPERTIES.—Properties to be conveyed under this subsection that will be retained in public ownership and used for public park and recreation purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation purposes, then title to such property shall revert to the Secretary.

(ii) OTHER PROPERTIES.—Properties to be conveyed under this subsection and not described in clause (i) shall be conveyed at fair market value.

(4) LAKE WALLULA LEVEES.—

(A) DETERMINATION OF MINIMUM SAFE HEIGHT.—

(i) CONTRACT.—Within 30 days after the date of the enactment of this Act, the Secretary shall contract with a private entity agreed to under clause (ii) to determine, within 6 months after such date of enactment, the minimum safe height for the levees of the project for flood control, Lake Wallula, Washington. The Secretary shall have final approval of the minimum safe height.

(ii) AGREEMENT OF LOCAL OFFICIALS.—A contract shall be entered into under clause (i) only with a private entity agreed to by the Secretary, appropriate representatives of Franklin County, Washington, and appropriate representatives of the city of Pasco, Washington.

(B) AUTHORITY.—A local government may reduce, at its cost, the height of any levee of the project for flood control, Lake Wallula, Washington, within the boundaries of such local government to a height not lower than the minimum safe height determined pursuant to subparagraph (A).

SEC. 505. NAMINGS.

(a) MILT BRANDT VISITORS CENTER, CALIFORNIA.—

(1) DESIGNATION.—The visitors center at Warm Springs Dam, California, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1192), shall be known and designated as the “Milt Brandt Visitors Center”.

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the visitors center referred to in paragraph (1) shall be deemed to be a reference to the “Milt Brandt Visitors Center”.

(b) CARR CREEK LAKE, KENTUCKY.—

(1) DESIGNATION.—Carr Fork Lake in Knott County, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), shall be known and designated as the “Carr Creek Lake”.

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lake referred to in paragraph (1) shall be deemed to be a reference to the “Carr Creek Lake”.

(c) WILLIAM H. NATCHER BRIDGE, MACEO, KENTUCKY, AND ROCKPORT, INDIANA.—

(1) DESIGNATION.—The bridge on United States Route 231 which crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, shall be known and designated as the “William H. Natcher Bridge”.

- (2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the bridge referred to in paragraph (1) shall be deemed to be a reference to the “William H. Natcher Bridge”.
- (d) JOHN T. MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—
- (1) DESIGNATION.—Uniontown Lock and Dam, on the Ohio River, Indiana and Kentucky, shall be known and designated as the “John T. Myers Lock and Dam”.
- (2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the “John T. Myers Lock and Dam”.
- (e) J. EDWARD ROUSH LAKE, INDIANA.—
- (1) REDESIGNATION.—The lake on the Wabash River in Huntington and Wells Counties, Indiana, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 312), and known as Huntington Lake, shall be known and designated as the “J. Edward Roush Lake”.
- (2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lake referred to in paragraph (1) shall be deemed to be a reference to the “J. Edward Roush Lake”.
- (f) RUSSELL B. LONG LOCK AND DAM, RED RIVER WATERWAY, LOUISIANA.—
- (1) DESIGNATION.—Lock and Dam 4 of the Red River Waterway, Louisiana, shall be known and designated as the “Russell B. Long Lock and Dam”.
- (2) LEGAL REFERENCES.—A reference in any law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the “Russell B. Long Lock and Dam”.
- (g) ABERDEEN LOCK AND DAM, TENNESSEE-TOMBIGBEE WATERWAY.—
- (1) DESIGNATION.—The lock and dam at Mile 358 of the Tennessee-Tombigbee Waterway is designated as the “Aberdeen Lock and Dam”.
- (2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) is deemed to be a reference to the “Aberdeen Lock and Dam”.
- (h) AMORY LOCK, TENNESSEE-TOMBIGBEE WATERWAY.—
- (1) DESIGNATION.—Lock A at Mile 371 of the Tennessee-Tombigbee Waterway is designated as the “Amory Lock”.
- (2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock referred to in paragraph (1) is deemed to be a reference to the “Amory Lock”.
- (i) FULTON LOCK, TENNESSEE-TOMBIGBEE WATERWAY.—
- (1) DESIGNATION.—Lock C at Mile 391 of the Tennessee-Tombigbee Waterway is designated as the “Fulton Lock”.
- (2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock referred to in paragraph (1) is deemed to be a reference to the “Fulton Lock”.
- (j) HOWELL HEFLIN LOCK AND DAM, TENNESSEE-TOMBIGBEE WATERWAY.—
- (1) REDESIGNATION.—The lock and dam at Mile 266 of the Tennessee-Tombigbee Waterway, known as the Gainesville Lock and Dam, is redesignated as the “Howell Heflin Lock and Dam”.
- (2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) is deemed to be a reference to the “Howell Heflin Lock and Dam”.
- (k) G.V. “SONNY” MONTGOMERY LOCK, TENNESSEE-TOMBIGBEE WATERWAY.—
- (1) DESIGNATION.—Lock E at Mile 407 of the Tennessee-Tombigbee Waterway is designated as the “G.V. ‘Sonny’ Montgomery Lock”.
- (2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock referred to in paragraph (1) is deemed to be a reference to the “G.V. ‘Sonny’ Montgomery Lock”.
- (l) JOHN RANKIN LOCK, TENNESSEE-TOMBIGBEE WATERWAY.—
- (1) DESIGNATION.—Lock D at Mile 398 of the Tennessee-Tombigbee Waterway is designated as the “John Rankin Lock”.
- (2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock referred to in paragraph (1) is deemed to be a reference to the “John Rankin Lock”.
- (m) JOHN C. STENNIS LOCK AND DAM, TENNESSEE-TOMBIGBEE WATERWAY.—
- (1) REDESIGNATION.—The lock and dam at Mile 335 of the Tennessee-Tombigbee Waterway, known as the Columbus Lock and Dam, is redesignated as the “John C. Stennis Lock and Dam”.

(2) **LEGAL REFERENCE.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) is deemed to be a reference to the “John C. Stennis Lock and Dam”.

(n) **JAMIE WHITTEN LOCK AND DAM, TENNESSEE-TOMBIGBEE WATERWAY.**—

(1) **REDESIGNATION.**—The lock and dam at Mile 412 of the Tennessee-Tombigbee Waterway, known as the Bay Springs Lock and Dam, is redesignated as the “Jamie Whitten Lock and Dam”.

(2) **LEGAL REFERENCE.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) is deemed to be a reference to the “Jamie Whitten Lock and Dam”.

(o) **GLOVER WILKINS LOCK, TENNESSEE-TOMBIGBEE WATERWAY.**—

(1) **DESIGNATION.**—Lock B at Mile 376 of the Tennessee-Tombigbee Waterway is designated as the “Glover Wilkins Lock”.

(2) **LEGAL REFERENCE.**—Any reference in a law, map, regulation, document, paper, or other record to the lock referred to in paragraph (1) is deemed to be a reference to the “Glover Wilkins Lock”.

SEC. 506. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

(a) **IN GENERAL.**—The Secretary is authorized to provide technical, planning, and design assistance to non-Federal interests for carrying out watershed management, restoration, and development projects at the locations described in subsection (d).

(b) **SPECIFIC MEASURES.**—Assistance provided pursuant to subsection (a) may be in support of non-Federal projects for the following purposes:

- (1) Management and restoration of water quality.
- (2) Control and remediation of toxic sediments.
- (3) Restoration of degraded streams, rivers, wetlands, and other waterbodies to their natural condition as a means to control flooding, excessive erosion, and sedimentation.
- (4) Protection and restoration of watersheds, including urban watersheds.
- (5) Demonstration of technologies for nonstructural measures to reduce destructive impact of flooding.

(c) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of assistance provided under this section shall be 50 percent.

(d) **PROJECT LOCATIONS.**—The Secretary may provide assistance under subsection (a) for projects at the following locations:

- (1) Gila River and Tributaries, Santa Cruz River, Arizona.
- (2) Rio Salado, Salt River, Phoenix and Tempe, Arizona.
- (3) Colusa basin, California.
- (4) Los Angeles River watershed, California.
- (5) Russian River watershed, California.
- (6) Sacramento River watershed, California.
- (7) Nancy Creek, Utoy Creek, and North Peachtree Creek and South Peachtree Creek basin, Georgia.
- (8) Lower Platte River watershed, Nebraska.
- (9) Juniata River watershed, Pennsylvania, including Raystown Lake.
- (10) Upper Potomac River watershed, Grant and Mineral Counties, West Virginia.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$25,000,000 for fiscal years beginning after September 30, 1996.

SEC. 507. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is amended—

- (1) by striking “and” at the end of paragraph (10);
- (2) by striking the period at the end of paragraph (11) and inserting a semicolon; and
- (3) by adding at the end the following:
 - “(12) Goodyear Lake, Otsego County, New York, removal of silt and aquatic growth;
 - “(13) Otsego Lake, Otsego County, New York, removal of silt and aquatic growth and measures to address high nutrient concentration;
 - “(14) Oneida Lake, Oneida County, New York, removal of silt and aquatic growth;
 - “(15) Skaneateles and Owasco Lakes, New York, removal of silt and aquatic growth and prevention of sediment deposit; and

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

SEC. 508. MAINTENANCE OF NAVIGATION CHANNELS.

(a) **IN GENERAL.**—Upon request of the non-Federal interest, the Secretary shall be responsible for maintenance of the following navigation channels constructed or improved by non-Federal interests if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the channel was constructed in accordance with applicable permits and appropriate engineering and design standards:

(1) Humboldt Harbor and Bay, Fields Landing Channel, California.

(2) Mare Island Strait, California; except that, for purposes of this section, the navigation channel shall be deemed to have been constructed or improved by non-Federal interests.

(3) Mississippi River Ship Channel, Chalmette Slip, Louisiana.

(4) Greenville Inner Harbor Channel, Mississippi.

(5) Providence Harbor Shipping Channel, Rhode Island.

(6) Matagorda Ship Channel, Point Comfort Turning Basin, Texas.

(7) Corpus Christi Ship Channel, Rincon Canal, Texas.

(8) Brazos Island Harbor, Texas, connecting channel to Mexico.

(9) Blair Waterway, Tacoma Harbor, Washington.

(b) **COMPLETION OF ASSESSMENT.**—Within 6 months of receipt of a request from the non-Federal interest for Federal assumption of maintenance of a channel listed in subsection (a), the Secretary shall make a determination as provided in subsection (a) and advise the non-Federal interest of the Secretary's determination.

SEC. 509. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (104 Stat. 4644) is amended to read as follows:

“SEC. 401. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

“(a) GREAT LAKES REMEDIAL ACTION PLANS.—

“(1) IN GENERAL.—The Secretary is authorized to provide technical, planning, and engineering assistance to State and local governments and nongovernmental entities designated by the State or local government in the development and implementation of remedial action plans for areas of concern in the Great Lakes identified under the Great Lakes Water Quality Agreement of 1978.

“(2) NON-FEDERAL SHARE.—Non-Federal interests shall contribute, in cash or by providing in-kind contributions, 50 percent of costs of activities for which assistance is provided under paragraph (1).

“(b) SEDIMENT REMEDIATION DEMONSTRATION PROJECTS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency (acting through the Great Lakes National Program Office), may conduct pilot- and full-scale demonstration projects of promising techniques to remediate contaminated sediments in freshwater coastal regions in the Great Lakes basin. The Secretary must conduct no fewer than 3 full-scale demonstration projects under this subsection.

“(2) SITE SELECTION FOR DEMONSTRATION PROJECTS.—In selecting the sites for the technology demonstration projects, the Secretary shall give priority consideration to Saginaw Bay, Michigan, Sheboygan Harbor, Wisconsin, Grand Calumet River, Indiana, Ashtabula River, Ohio, Buffalo River, New York, and Duluth/Superior Harbor, Minnesota.

“(3) DEADLINE FOR IDENTIFICATIONS.—Within 18 months after the date of the enactment of this subsection, the Secretary shall identify the sites and technologies to be demonstrated and complete each such full-scale demonstration project within 3 years after such date of enactment.

“(4) NON-FEDERAL SHARE.—Non-Federal interests shall contribute 50 percent of costs of projects under this subsection. Such costs may be paid in cash or by providing in-kind contributions.

“(5) AUTHORIZATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$5,000,000 for each of fiscal years 1997 through 2000.”.

SEC. 510. GREAT LAKES DREDGED MATERIAL TESTING AND EVALUATION MANUAL.

The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, shall provide technical assistance to non-Federal interests on testing procedures contained in the Great Lakes Dredged Material Testing and Evaluation

Manual developed pursuant to section 230.2(c) of title 40, Code of Federal Regulations.

SEC. 511. GREAT LAKES SEDIMENT REDUCTION.

(a) **GREAT LAKES TRIBUTARY SEDIMENT TRANSPORT MODEL.**—For each major river system or set of major river systems depositing sediment into a Great Lakes federally authorized commercial harbor, channel maintenance project site, or Area of Concern identified under the Great Lakes Water Quality Agreement of 1978, the Secretary, in consultation and coordination with the Great Lakes States, shall develop a tributary sediment transport model.

(b) **REQUIREMENTS FOR MODELS.**—In developing a tributary sediment transport model under this section, the Secretary shall—

- (1) build upon data and monitoring information generated in earlier studies and programs of the Great Lakes and their tributaries; and
- (2) complete models for 30 major river systems, either individually or in combination as part of a set, within the 5-year period beginning on the date of the enactment of this Act.

SEC. 512. GREAT LAKES CONFINED DISPOSAL FACILITIES.

(a) **ASSESSMENT.**—The Secretary shall conduct an assessment of the general conditions of confined disposal facilities in the Great Lakes.

(b) **REPORT.**—Not later than 3 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the assessment conducted under subsection (a), including the following:

- (1) A description of the cumulative effects of confined disposal facilities in the Great Lakes.
- (2) Recommendations for specific remediation actions for each confined disposal facility in the Great Lakes.
- (3) An evaluation of, and recommendations for, confined disposal facility management practices and technologies to conserve capacity at such facilities and to minimize adverse environmental effects at such facilities throughout the Great Lakes system.

SEC. 513. CHESAPEAKE BAY RESTORATION AND PROTECTION PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary shall establish a pilot program to provide to non-Federal interests in the Chesapeake Bay watershed technical, planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects affecting the Chesapeake Bay, including projects for sediment and erosion control, protection of eroding shorelines, protection of essential public works, wastewater treatment and related facilities, water supply and related facilities, and beneficial uses of dredged material, and other related projects.

(b) **PUBLIC OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned and will be publicly operated and maintained.

(c) **COOPERATION AGREEMENT.**—

(1) **IN GENERAL.**—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement pursuant to section 221 of the Flood Control Act of 1970 (84 Stat. 1818) with a non-Federal interest to provide for technical, planning, design, and construction assistance for the project.

(2) **REQUIREMENTS.**—Each agreement entered into pursuant to this subsection shall provide for the following:

(A) **PLAN.**—Development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a plan, including appropriate engineering plans and specifications and an estimate of expected benefits.

(B) **LEGAL AND INSTITUTIONAL STRUCTURES.**—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) **COST SHARING.**—

(1) **FEDERAL SHARE.**—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each local cooperation agreement entered into under this section shall be 75 percent.

(2) **NON-FEDERAL SHARE.**—

(A) **PROVISION OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.**—The non-Federal interests for a project to which this section applies shall provide the lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for the project.

(B) VALUE OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—In determining the non-Federal contribution toward carrying out a local co-operation agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of lands, easements, rights-of-way, relocations, and dredged material disposal areas provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of total project costs.

(C) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the costs of operation and maintenance of carrying out the agreement under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS AND AGREEMENTS.—

(1) IN GENERAL.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(2) COOPERATION.—In carrying out this section, the Secretary shall cooperate with the heads of appropriate Federal agencies.

(f) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with a recommendation concerning whether or not the program should be implemented on a national basis.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$15,000,000.

SEC. 514. EXTENSION OF JURISDICTION OF MISSISSIPPI RIVER COMMISSION.

The jurisdiction of the Mississippi River Commission, established by the first section of the Act of June 28, 1879 (33 U.S.C. 641; 21 Stat. 37), is extended to include—

(1) all of the area between the eastern side of the Bayou Lafourche Ridge from Donaldsonville, Louisiana, to the Gulf of Mexico and the west guide levee of the Mississippi River from Donaldsonville, Louisiana, to the Gulf of Mexico;

(2) Alexander County, Illinois; and

(3) the area in the State of Illinois from the confluence of the Mississippi and Ohio Rivers northward to the vicinity of Mississippi River mile 39.5, including the Len Small Drainage and Levee District, insofar as such area is affected by the flood waters of the Mississippi River.

SEC. 515. ALTERNATIVE TO ANNUAL PASSES.

(a) IN GENERAL.—The Secretary shall evaluate the feasibility of implementing an alternative to the \$25 annual pass that the Secretary currently offers to users of recreation facilities at water resources projects of the Corps of Engineers.

(b) ANNUAL PASS.—The evaluation under subsection (a) shall include the establishment of an annual pass which costs \$10 or less for the use of recreation facilities at Raystown Lake, Pennsylvania.

(c) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the project carried out under this section, together with recommendations concerning whether annual passes for individual projects should be offered on a nationwide basis.

SEC. 516. RECREATION PARTNERSHIP INITIATIVE.

(a) IN GENERAL.—The Secretary shall promote Federal, non-Federal, and private sector cooperation in creating public recreation opportunities and developing the necessary supporting infrastructure at water resources projects of the Corps of Engineers.

(b) INFRASTRUCTURE IMPROVEMENTS.—

(1) RECREATION INFRASTRUCTURE IMPROVEMENTS.—In demonstrating the feasibility of the public-private cooperative, the Secretary shall provide, at Federal expense, such infrastructure improvements as are necessary to support a potential private recreational development at the Raystown Lake Project, Pennsylvania, generally in accordance with the Master Plan Update (1994) for the project.

(2) AGREEMENT.—The Secretary shall enter into an agreement with an appropriate non-Federal public entity to ensure that the infrastructure improvements constructed by the Secretary on non-project lands pursuant to paragraph (1) are transferred to and operated and maintained by the non-Federal public entity.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$4,500,000 for fiscal years beginning after September 30, 1996.

(c) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the cooperative efforts carried out under this section, including the improvements required by subsection (b).

SEC. 517. ENVIRONMENTAL INFRASTRUCTURE.

Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4836–4837) is amended by adding at the end the following new subsection:

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing construction assistance under this section—

- “(1) \$10,000,000 for the project described in subsection (c)(5);
- “(2) \$2,000,000 for the project described in subsection (c)(6);
- “(3) \$10,000,000 for the project described in subsection (c)(7);
- “(4) \$11,000,000 for the project described in subsection (c)(8);
- “(5) \$20,000,000 for the project described in subsection (c)(16); and
- “(6) \$20,000,000 for the project described in subsection (c)(17).”.

SEC. 518. CORPS CAPABILITY TO CONSERVE FISH AND WILDLIFE.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b); 100 Stat. 4157) is amended—

- (1) by striking “\$5,000,000”; and inserting “\$10,000,000”; and
- (2) in paragraph (4) by inserting “and Virginia” after “Maryland”.

SEC. 519. PERIODIC BEACH NOURISHMENT.

The Secretary shall carry out periodic beach nourishment for each of the following projects for a period of 50 years beginning on the date of initiation of construction of such project:

- (1) BROWARD COUNTY, FLORIDA.—Project for shoreline protection, segments II and III, Broward County, Florida.
- (2) FORT PIERCE, FLORIDA.—Project for shoreline protection, Fort Pierce, Florida.
- (3) LEE COUNTY, FLORIDA.—Project for shoreline protection, Lee County, Captiva Island segment, Florida.
- (4) PALM BEACH COUNTY, FLORIDA.—Project for shoreline protection, Jupiter/Carlin, Ocean Ridge, and Boca Raton North Beach segments, Palm Beach County, Florida.
- (5) PANAMA CITY BEACHES, FLORIDA.—Project for shoreline protection, Panama City Beaches, Florida.
- (6) TYBEE ISLAND, GEORGIA.—Project for beach erosion control, Tybee Island, Georgia.

SEC. 520. CONTROL OF AQUATIC PLANTS.

The Secretary shall carry out under section 104(b) of the River and Harbor Act of 1958 (33 U.S.C. 610(b))—

- (1) a program to control aquatic plants in Lake St. Clair, Michigan; and
- (2) program to control aquatic plants in the Schuylkill River, Philadelphia, Pennsylvania.

SEC. 521. HOPPER DREDGES.

Section 3 of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following:

“(c) PROGRAM TO INCREASE USE OF PRIVATE HOPPER DREDGES.—

“(1) INITIATION.—The Secretary shall initiate a program to increase the use of private industry hopper dredges for the construction and maintenance of Federal navigation channels.

“(2) READY RESERVE STATUS FOR HOPPER DREDGE WHEELER.—In order to carry out the requirements of this subsection, the Secretary shall, not later than the earlier of 90 days after the date of completion of the rehabilitation of the hopper dredge McFarland pursuant to section 552 of the Water Resources Development Act of 1996 or January 1, 1998, place the Federal hopper dredge Wheeler in a ready reserve status.

“(3) TESTING AND USE OF READY RESERVE HOPPER DREDGE.—The Secretary may periodically perform routine tests of the equipment of the vessel placed in a ready reserve status under this subsection to ensure the vessel’s ability to perform emergency work. The Secretary shall not assign any scheduled hopper dredging work to such vessel but shall perform any repairs needed to maintain the vessel in a fully operational condition. The Secretary may place the vessel in active status in order to perform any dredging work only in the event the Secretary determines that private industry has failed to submit a responsive and responsible bid for work advertised by the Secretary or to carry out the project as required pursuant to a contract with the Secretary.

“(4) REPAIR AND REHABILITATION.—The Secretary may undertake any repair and rehabilitation of any Federal hopper dredge, including the vessel placed in

ready reserve status under paragraph (2) to allow the vessel to be placed into active status as provided in paragraph (3).

“(5) PROCEDURES.—The Secretary shall develop and implement procedures to ensure that, to the maximum extent practicable, private industry hopper dredge capacity is available to meet both routine and time-sensitive dredging needs. Such procedures shall include—

“(A) scheduling of contract solicitations to effectively distribute dredging work throughout the dredging season; and

“(B) use of expedited contracting procedures to allow dredges performing routine work to be made available to meet time-sensitive, urgent, or emergency dredging needs.

“(6) REPORT.—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall report to Congress on whether the vessel placed in ready reserve status pursuant to paragraph (2) is needed to be returned to active status or continued in a ready reserve status or whether another Federal hopper dredge should be placed in a ready reserve status.

“(7) LIMITATIONS.—

“(A) REDUCTIONS IN STATUS.—The Secretary may not further reduce the readiness status of any Federal hopper dredge below a ready reserve status except any vessel placed in such status for not less than 5 years which the Secretary determines has not been used sufficiently to justify retaining the vessel in such status.

“(B) INCREASE IN ASSIGNMENTS OF DREDGING WORK.—For each fiscal year beginning after the date of the enactment of this subsection, the Secretary shall not assign any greater quantity of dredging work to any Federal hopper dredge in an active status than was assigned to that vessel in the average of the 3 prior fiscal years.

“(8) CONTRACTS; PAYMENT OF CAPITAL COSTS.—The Secretary may enter into a contract for the maintenance and crewing of any vessel retained in a ready reserve status. The capital costs (including depreciation costs) of any vessel retained in such status shall be paid for out of funds made available from the Harbor Maintenance Trust Fund and shall not be charged against the Corps of Engineers’ Revolving Fund Account or any individual project cost unless the vessel is specifically used in connection with that project.”.

SEC. 522. DESIGN AND CONSTRUCTION ASSISTANCE.

The Secretary shall provide design and construction assistance to non-Federal interests for the following projects:

(1) Repair and rehabilitation of the Lower Girard Lake Dam, Girard, Ohio, at an estimated total cost of \$2,500,000.

(2) Repair and upgrade of the dam and appurtenant features at Lake Merriweather, Little Calpasture River, Virginia, at an estimated total cost of \$6,000,000.

SEC. 523. FIELD OFFICE HEADQUARTERS FACILITIES.

Subject to amounts being made available in advance in appropriations Acts, the Secretary may use Plant Replacement and Improvement Program funds to design and construct a new headquarters facility for—

- (1) the New England Division, Waltham, Massachusetts; and
- (2) the Jacksonville District, Jacksonville, Florida.

SEC. 524. LAKE SUPERIOR CENTER.

(a) CONSTRUCTION.—The Secretary, shall assist the Minnesota Lake Superior Center authority in the construction of an educational facility to be used in connection with efforts to educate the public in the economic, recreational, biological, aesthetic, and spiritual worth of Lake Superior and other large bodies of fresh water.

(b) PUBLIC OWNERSHIP.—Prior to providing any assistance under subsection (a), the Secretary shall verify that the facility to be constructed under subsection (a) will be owned by the public authority established by the State of Minnesota to develop, operate, and maintain the Lake Superior Center.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1996, \$10,000,000 for the construction of the facility under subsection (a).

SEC. 525. JACKSON COUNTY, ALABAMA.

The Secretary shall provide technical, planning, and design assistance to non-Federal interests for wastewater treatment and related facilities, remediation of point and nonpoint sources of pollution and contaminated riverbed sediments, and related

activities in Jackson County, Alabama, including the city of Stevenson. The Federal cost of such assistance may not exceed \$5,000,000.

SEC. 526. EARTHQUAKE PREPAREDNESS CENTER OF EXPERTISE EXTENSION.

The Secretary shall establish an extension of the Earthquake Preparedness Center of Expertise for the central United States at an existing district office of the Corps of Engineers near the New Madrid fault.

SEC. 527. QUARANTINE FACILITY.

Section 108(c) of the Water Resources Development Act of 1992 (106 Stat. 4816) is amended by striking “\$1,000,000” and inserting “\$4,000,000”.

SEC. 528. BENTON AND WASHINGTON COUNTIES, ARKANSAS.

Section 220 of the Water Resources Development Act of 1992 (106 Stat. 4836–4837) is amended by adding at the end the following new subsection:

“(c) USE OF FEDERAL FUNDS.—The Secretary may make available to the non-Federal interests funds not to exceed an amount equal to the Federal share of the total project cost to be used by the non-Federal interests to undertake the work directly or by contract.”.

SEC. 529. CALAVERAS COUNTY, CALIFORNIA.

The Secretary, in cooperation with Federal, State, and local agencies, is authorized—

- (1) to conduct investigations and surveys of the watershed of the Lower Mokelumne River in Calaveras County, California; and
- (2) to provide technical, planning, and design assistance for abatement and mitigation of degradation caused by abandoned mines and mining activity in the vicinity of such river.

SEC. 530. PRADO DAM SAFETY IMPROVEMENTS, CALIFORNIA.

The Secretary, in coordination with the State of California, shall provide technical assistance to Orange County, California, in developing appropriate public safety and access improvements associated with that portion of California State Route 71 being relocated for the Prado Dam feature of the project authorized as part of the project for flood control, Santa Ana River Mainstem, California, by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113).

SEC. 531. MANATEE COUNTY, FLORIDA.

The project for flood control, Cedar Hammock (Wares Creek), Florida, is authorized to be carried out by the Secretary substantially in accordance with the Final Detailed Project Report and Environmental Assessment, dated April 1995, at a total cost of \$13,846,000, with an estimated first Federal cost of \$8,783,000 and an estimated non-Federal cost of \$5,063,000.

SEC. 532. TAMPA, FLORIDA.

The Secretary may enter into a cooperative agreement under section 230 of this Act with the Museum of Science and Industry, Tampa, Florida, to provide technical, planning, and design assistance to demonstrate the water quality functions found in wetlands, at an estimated total Federal cost of \$500,000.

SEC. 533. WATERSHED MANAGEMENT PLAN FOR DEEP RIVER BASIN, INDIANA.

(a) DEVELOPMENT.—The Secretary, in consultation with the Natural Resources Conservation Service of the Department of Agriculture, shall develop a watershed management plan for the Deep River Basin, Indiana, which includes Deep River, Lake George, Turkey Creek, and other related tributaries in Indiana.

(b) CONTENTS.—The plan to be developed by the Secretary under subsection (a) shall address specific concerns related to the Deep River Basin area, including sediment flow into Deep River, Turkey Creek, and other tributaries; control of sediment quality in Lake George; flooding problems; the safety of the Lake George Dam; and watershed management.

SEC. 534. SOUTHERN AND EASTERN KENTUCKY.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program for providing environmental assistance to non-Federal interests in southern and eastern Kentucky. Such assistance may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in southern and eastern Kentucky, including projects for wastewater treatment and related facilities, water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) PROJECT COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities development plan or resource protection plan, including appropriate plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of each such legal and institutional structures as are necessary to assure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—Total project costs under each agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal, except that the non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest before entry into the agreement with the Secretary. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR CERTAIN FINANCING COSTS.—In the event of delays in the reimbursement of the non-Federal share of a project, the non-Federal interest shall receive credit for reasonable interest and other associated financing costs necessary for such non-Federal interest to provide the non-Federal share of the project's cost.

(C) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations provided by the non-Federal interest toward its share of project costs, including for costs associated with obtaining permits necessary for the placement of such project on publicly owned or controlled lands, but not to exceed 25 percent of total project costs.

(D) OPERATION AND MAINTENANCE.—Operation and maintenance costs shall be 100 percent non-Federal.

(d) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law which would otherwise apply to a project to be carried out with assistance provided under this section.

(e) REPORT.—Not later than December 31, 1999, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(f) SOUTHERN AND EASTERN KENTUCKY DEFINED.—For purposes of this section, the term “southern and eastern Kentucky” means Morgan, Floyd, Pulaski, Wayne, Laurel, Knox, Pike, Menifee, Perry, Harlan, Breathitt, Martin, Jackson, Wolfe, Clay, Magoffin, Owsley, Johnson, Leslie, Lawrence, Knott, Bell, McCreary, Rockcastle, Whitley, Lee, and Letcher Counties, Kentucky.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000.

SEC. 535. LOUISIANA COASTAL WETLANDS RESTORATION PROJECTS.

Section 303(f) of the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3952(f); 104 Stat. 4782–4783) is amended—

(1) in paragraph (4) by striking “and (3)” and inserting “(3), and (5)”; and

(2) by adding at the end the following:

“(5) FEDERAL SHARE IN CALENDAR YEARS 1996 AND 1997.—Notwithstanding paragraphs (1) and (2), amounts made available in accordance with section 306 of this title to carry out coastal wetlands restoration projects under this section in calendar years 1996 and 1997 shall provide 90 percent of the cost of such projects.”.

SEC. 536. SOUTHEAST LOUISIANA.

(a) FLOOD CONTROL.—The Secretary is directed to proceed with engineering, design, and construction of projects to provide for flood control and improvements to rainfall drainage systems in Jefferson, Orleans, and St. Tammany Parishes, Louisiana, in accordance with the following reports of the New Orleans District Engineer: Jefferson and Orleans Parishes, Louisiana, Urban Flood Control and Water Quality Management, July 1992; Tangipahoa, Techefuncte, and Tickfaw Rivers, Louisiana, June 1991; St. Tammany Parish, Louisiana, June 1996; and Schneider Canal, Slidell, Louisiana, Hurricane Protection, May 1990.

(b) **COST SHARING.**—The cost of any work performed by the non-Federal interests subsequent to the reports referred to in subsection (a) and determined by the Secretary to be a compatible and integral part of the projects shall be credited toward the non-Federal share of the projects.

(c) **FUNDING.**—There is authorized to be appropriated \$100,000,000 for the initiation and partial accomplishment of projects described in the reports referred to in subsection (a).

SEC. 537. RESTORATION PROJECTS FOR MARYLAND, PENNSYLVANIA, AND WEST VIRGINIA.

(a) **IN GENERAL.**—

(1) **COOPERATION AGREEMENTS.**—The Secretary shall enter into cooperation agreements with non-Federal interests to develop and carry out, in cooperation with Federal and State agencies, reclamation and protection projects for the purpose of abating and mitigating surface water quality degradation caused by abandoned mines along—

(A) the North Branch of the Potomac River, Maryland, Pennsylvania, and West Virginia; and

(B) the New River, West Virginia, watershed.

(2) **ADDITIONAL MEASURES.**—Projects under paragraph (1) may also include measures for the abatement and mitigation of surface water quality degradation caused by the lack of sanitary wastewater treatment facilities or the need to enhance such facilities.

(3) **CONSULTATION WITH FEDERAL ENTITIES.**—Any project under paragraph (1) that is located on lands owned by the United States shall be undertaken in consultation with the Federal entity with administrative jurisdiction over such lands.

(b) **FEDERAL SHARE.**—The Federal share of the cost of the activities conducted under cooperation agreements entered into under subsection (a)(1) shall be 75 percent; except that, with respect to projects located on lands owned by the United States, the Federal share shall be 100 percent. The non-Federal share of project costs may be provided in the form of design and construction services. Non-Federal interests shall receive credit for the reasonable costs of such services completed by such interests prior to entering an agreement with the Secretary for a project.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000 for projects undertaken under subsection (a)(1)(A) and \$5,000,000 for projects undertaken under subsection (a)(1)(B).

SEC. 538. BENEFICIAL USE OF DREDGED MATERIAL, POPLAR ISLAND, MARYLAND.

The Secretary shall carry out a project for the beneficial use of dredged material at Poplar Island, Maryland, pursuant to section 204 of the Water Resources Development Act of 1992; except that, notwithstanding the limitation contained in subsection (e) of such section, the initial cost of constructing dikes for the project shall be \$78,000,000, with an estimated Federal cost of \$58,500,000 and an estimated non-Federal cost of \$19,500,000.

SEC. 539. EROSION CONTROL MEASURES, SMITH ISLAND, MARYLAND.

(a) **IN GENERAL.**—The Secretary shall implement erosion control measures in the vicinity of Rhodes Point, Smith Island, Maryland, at an estimated total Federal cost of \$450,000.

(b) **IMPLEMENTATION ON EMERGENCY BASIS.**—The project under subsection (a) shall be carried out on an emergency basis in view of the national, historic, and cultural value of the island and in order to protect the Federal investment in infrastructure facilities.

(c) **COST SHARING.**—Cost sharing applicable to hurricane and storm damage reduction shall be applicable to the project to be carried out under subsection (a).

SEC. 540. BENEFICIAL USE OF DREDGED MATERIAL, WORTON POINT, KENT COUNTY, MARYLAND.

The Secretary shall carry out a project for the beneficial use of dredged material at Worton Point, Kent County, Maryland, pursuant to section 204 of the Water Resources Development Act of 1992.

SEC. 541. DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT.

(a) **PROJECT AUTHORIZATION.**—The Secretary shall develop and implement alternative methods for decontamination and disposal of contaminated dredged material at the Port of Duluth, Minnesota.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for fiscal years beginning after September 30, 1996, to carry out this section \$1,000,000. Such sums shall remain available until expended.

SEC. 542. REDWOOD RIVER BASIN, MINNESOTA.

(a) **STUDY AND STRATEGY DEVELOPMENT.**—The Secretary, in cooperation with the Secretary of Agriculture and the State of Minnesota, shall conduct a study, and develop a strategy, for using wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damages, improve water quality, and create wildlife habitat in the Redwood River basin and the subbasins draining into the Minnesota River, at an estimated Federal cost of \$4,000,000.

(b) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of the study and development of the strategy shall be 25 percent and may be provided through in-kind services and materials.

(c) **COOPERATION AGREEMENT.**—In conducting the study and developing the strategy under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies, including activities for the implementation of wetland restoration projects and soil and water conservation measures.

(d) **IMPLEMENTATION.**—The Secretary shall undertake development and implementation of the strategy authorized by this section in cooperation with local landowners and local government officials.

SEC. 543. NATCHEZ BLUFFS, MISSISSIPPI.

(a) **IN GENERAL.**—The Secretary shall carry out the project for bluff stabilization, Natchez Bluffs, Natchez, Mississippi, substantially in accordance with (1) the Natchez Bluffs Study, dated September 1985, (2) the Natchez Bluffs Study: Supplement I, dated June 1990, and (3) the Natchez Bluffs Study: Supplement II, dated December 1993, in the portions of the bluffs described in subsection (b), at a total cost of \$17,200,000, with an estimated Federal cost of \$12,900,000 and an estimated non-Federal cost of \$4,300,000.

(b) **DESCRIPTION OF PROJECT LOCATION.**—The portions of the Natchez Bluffs where the project is to be carried out under subsection (a) are described in the studies referred to in subsection (a) as—

- (1) Clifton Avenue, area 3;
- (2) the bluff above Silver Street, area 6;
- (3) the bluff above Natchez Under-the-Hill, area 7; and
- (4) Madison Street to State Street, area 4.

SEC. 544. SARDIS LAKE, MISSISSIPPI.

The Secretary shall work cooperatively with the State of Mississippi and the city of Sardis, Mississippi, to the maximum extent practicable, in the management of existing and proposed leases of land consistent with the master tourism and recreational plan for the economic development of the Sardis Lake area prepared by the city.

SEC. 545. MISSOURI RIVER MANAGEMENT.

(a) **NAVIGATION SEASON EXTENSION.**—

(1) **INCREASES.**—The Secretary, working with the Secretary of Agriculture and the Secretary of the Interior, shall incrementally increase the length of each navigation season for the Missouri River by 15 days from the length of the previous navigation season and those seasons thereafter, until such time as the navigation season for the Missouri River is increased by 1 month from the length of the navigation season on April 1, 1996.

(2) **APPLICATION OF INCREASES.**—Increases in the length of the navigation season under paragraph (1) shall be applied in calendar year 1996 so that the navigation season in such calendar year for the Missouri River begins on April 1, 1996, and ends on December 15, 1996.

(3) **ADJUSTMENT OF NAVIGATION LEVELS.**—Scheduled full navigation levels shall be incrementally increased to coincide with increases in the navigation season under paragraph (1).

(b) **WATER CONTROL POLICIES AFFECTING NAVIGATION CHANNELS.**—The Secretary may not take any action which is inconsistent with a water control policy of the Corps of Engineers in effect on January 1, 1995, if such action would result in—

- (1) a reduction of 10 days or more in the total number of days in a year during which vessels are able to use navigation channels; or
- (2) a substantial increase in flood damage to lands adjacent to a navigation channel, unless such action is specifically authorized by a law enacted after the date of the enactment of this Act.

(c) **ECONOMIC AND ENVIRONMENTAL IMPACT EVALUATION.**—Whenever a Federal department, agency, or instrumentality conducts an environmental impact statement with respect to management of the Missouri River system, the head of such

department, agency, or instrumentality shall also conduct a cost benefit analysis on any changes proposed in the management of the Missouri River.

SEC. 546. ST. CHARLES COUNTY, MISSOURI, FLOOD PROTECTION.

(a) **IN GENERAL.**—Notwithstanding any other provision of law or regulation, no county located at the confluence of the Missouri and Mississippi Rivers or community located in any county located at the confluence of the Missouri and Mississippi Rivers shall have its participation in any Federal program suspended, revoked, or otherwise affected solely due to that county or community permitting the raising of levees by any public-sponsored levee district, along an alignment approved by the circuit court of such county, to a level sufficient to contain a 20-year flood.

(b) **TREATMENT OF EXISTING PERMITS.**—If any public-sponsored levee district has received a Federal permit valid during the Great Flood of 1993 to improve or modify its levee system before the date of the enactment of this Act, such permit shall be considered adequate to allow the raising of the height of levees in such system under subsection (a).

SEC. 547. COCHECO RIVER, NEW HAMPSHIRE.

The Secretary is directed to provide technical assistance to the city of Dover, New Hampshire, in resolving encroachment issues related to maintenance dredging of the project for navigation on the Cocheco River, New Hampshire.

SEC. 548. DURHAM, NEW HAMPSHIRE.

The Secretary may enter into a cooperative agreement under section 230 of this Act with the University of New Hampshire to provide technical assistance for a water treatment technology center addressing the needs of small communities.

SEC. 549. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.

Section 324(b)(1) of the Water Resources Development Act of 1992 (106 Stat. 4849) is amended to read as follows:

“(1) Mitigation, enhancement, and acquisition of significant wetlands that contribute to the Meadowlands ecosystem.”.

SEC. 550. AUTHORIZATION OF DREDGE MATERIAL CONTAINMENT FACILITY FOR PORT OF NEW YORK/NEW JERSEY.

(a) **IN GENERAL.**—The Secretary is authorized to construct, operate, and maintain a dredged material containment facility with a capacity commensurate with the long-term dredged material disposal needs of port facilities under the jurisdiction of the Port of New York/New Jersey. Such facility may be a near-shore dredged material disposal facility along the Brooklyn waterfront. The costs associated with feasibility studies, design, engineering, and construction shall be shared with the local sponsor in accordance with the provisions of section 101 of the Water Resources Development Act of 1986.

(b) **BENEFICIAL USE.**—After the facility to be constructed under subsection (a) has been filled to capacity with dredged material, the Secretary shall maintain the facility for the public benefit.

SEC. 551. HUDSON RIVER HABITAT RESTORATION, NEW YORK.

(a) **HABITAT RESTORATION PROJECT.**—The Secretary shall expedite the feasibility study of the Hudson River Habitat Restoration, Hudson River Basin, New York, and shall carry out no fewer than 4 projects for habitat restoration, to the extent the Secretary determines such work to be technically feasible. Such projects shall be designed to—

- (1) provide a pilot project to assess and improve habitat value and environmental outputs of recommended projects;
- (2) provide a demonstration project to evaluate various restoration techniques for effectiveness and cost;
- (3) fill an important local habitat need within a specific portion of the study area; and
- (4) take advantage of ongoing or planned actions by other agencies, local municipalities, or environmental groups that would increase the effectiveness or decrease the overall cost of implementing one of the recommended restoration project sites.

(b) **NON-FEDERAL SHARE.**—Non-Federal interests shall provide 25 percent of the cost on each project undertaken under subsection (a). The non-Federal share may be in the form of cash or in-kind contributions.

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

SEC. 552. NEW YORK BIGHT AND HARBOR STUDY.

Section 326(f) of the Water Resources Development Act of 1992 (106 Stat. 4851) is amended by striking “\$1,000,000” and inserting “\$5,000,000”.

SEC. 553. NEW YORK STATE CANAL SYSTEM.

(a) **IN GENERAL.**—The Secretary is authorized to make capital improvements to the New York State Canal System.

(b) **AGREEMENTS.**—The Secretary shall, with the consent of appropriate local and State entities, enter into such arrangements, contracts, and leases with public and private entities as may be necessary for the purposes of rehabilitation, renovation, preservation, and maintenance of the New York State Canal System and its related facilities, including trailside facilities and other recreational projects along the waterways of the canal system.

(c) **NEW YORK STATE CANAL SYSTEM DEFINED.**—In this section, the term “New York State Canal System” means the Erie, Oswego, Champlain, and Cayuga-Seneca Canals.

(d) **FEDERAL SHARE.**—The Federal share of the cost of capital improvements under this section shall be 50 percent.

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

SEC. 554. NEW YORK CITY WATERSHED.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Secretary shall establish a program for providing environmental assistance to non-Federal interests in the New York City Watershed.

(2) **FORM.**—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the New York City Watershed, including projects for water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) **PUBLIC OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) **ELIGIBLE PROJECTS.**—

(1) **CERTIFICATION.**—A project shall be eligible for financial assistance under this section only if the State director for the project certifies to the Secretary that the project will contribute to the protection and enhancement of the quality or quantity of the New York City water supply.

(2) **SPECIAL CONSIDERATION.**—In certifying projects to the Secretary, the State director shall give special consideration to those projects implementing plans, agreements, and measures which preserve and enhance the economic and social character of the watershed communities.

(3) **PROJECT DESCRIPTIONS.**—Projects eligible for assistance under this section shall include the following:

(A) Implementation of intergovernmental agreements for coordinating regulatory and management responsibilities.

(B) Acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use.

(C) Acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality.

(D) Natural resources stewardship on public and private lands to promote land uses that preserve and enhance the economic and social character of the watershed communities and protect and enhance water quality.

(d) **COOPERATION AGREEMENTS.**—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with the State director for the project to be carried out with such assistance.

(e) **COST SHARING.**—

(1) **IN GENERAL.**—Total project costs under each agreement entered into under this section shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into the agreement with the Secretary for a project. The Federal share may be in the form of grants or reimbursements of project costs.

(2) **INTEREST.**—In the event of delays in the reimbursement of the non-Federal share of a project, the non-Federal interest shall receive credit for reasonable interest costs incurred to provide the non-Federal share of a project's cost.

(3) **LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.**—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations provided

by the non-Federal interest toward its share of project costs, including direct costs associated with obtaining permits necessary for the placement of such project on public owned or controlled lands, but not to exceed 25 percent of total project costs.

(4) OPERATION AND MAINTENANCE.—Operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent non-Federal.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(g) REPORT.—Not later than December 31, 2000, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with recommendations concerning whether such program should be implemented on a national basis.

(h) NEW YORK CITY WATERSHED DEFINED.—For purposes of this section, the term “New York City Watershed” means the land area within the counties of Delaware, Greene, Schoharie, Ulster, Sullivan, Westchester, Putnam, and Dutchess which contributes water to the water supply system of New York City.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000.

SEC. 555. OHIO RIVER GREENWAY.

(a) EXPEDITED COMPLETION OF STUDY.—The Secretary is directed to expedite the completion of the study for the Ohio River Greenway, Jeffersonville, Clarksville, and New Albany, Indiana.

(b) CONSTRUCTION.—Upon completion of the study, if the Secretary determines that the project is feasible, the Secretary shall participate with the non-Federal interests in the construction of the project.

(c) COST SHARING.—Total project costs under this section shall be shared at 50 percent Federal and 50 percent non-Federal.

(d) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—Non-Federal interests shall be responsible for providing all lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for the project.

(e) CREDIT.—The non-Federal interests shall receive credit for those costs incurred by the non-Federal interests that the Secretary determines are compatible with the study, design, and implementation of the project.

SEC. 556. NORTHEASTERN OHIO.

The Secretary is authorized to provide technical assistance to local interests for planning the establishment of a regional water authority in northeastern Ohio to address the water problems of the region. The Federal share of the costs of such planning shall not exceed 75 percent.

SEC. 557. GRAND LAKE, OKLAHOMA.

(a) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Army shall carry out and complete a study of flood control in Grand/Neosho Basin and tributaries in the vicinity of Pensacola Dam in northeastern Oklahoma to determine the scope of the backwater effects of operation of the dam and to identify any lands which the Secretary determines have been adversely impacted by such operation or should have been originally purchased as flowage easement for the project.

(b) ACQUISITION OF REAL PROPERTY.—Upon completion of the study and subject to advance appropriations, the Secretary shall acquire from willing sellers such real property interests in any lands identified in the study as the Secretary determines are necessary to reduce the adverse impacts identified in the study conducted under subsection (a).

(c) IMPLEMENTATION REPORTS.—The Secretary shall transmit to Congress reports on the operation of the Pensacola Dam, including data on and a description of releases in anticipation of flooding (referred to as preoccupancy releases), and the implementation of this section. The first of such reports shall be transmitted not later than 2 years after the date of the enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$25,000,000 for fiscal years beginning after September 30, 1996.

(2) MAXIMUM FUNDING FOR STUDY.—Of amounts appropriated to carry out this section, not to exceed \$1,500,000 shall be available for carrying out the study under subsection (a).

SEC. 558. BROAD TOP REGION OF PENNSYLVANIA.

Section 304 of the Water Resources Development Act of 1992 (106 Stat. 4840) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) **COST SHARING.**—The Federal share of the cost of the activities conducted under the cooperative agreement entered into under subsection (a) shall be 75 percent. The non-Federal share of project costs may be provided in the form of design and construction services. Non-Federal interests shall receive credit for the reasonable costs of such services completed by such interests prior to entering an agreement with the Secretary for a project.”; and

(2) in subsection (c) by striking “\$5,500,000” and inserting “\$11,000,000”.

SEC. 559. HOPPER DREDGE MCFARLAND.

(a) **PROJECT AUTHORIZATION.**—The Secretary shall carry out a project at the Philadelphia Naval Shipyard, Pennsylvania, to make modernization and efficiency improvements to the hopper dredge McFarland.

(b) **REQUIREMENTS.**—In carrying out the project under subsection (a), the Secretary shall—

(1) determine whether the McFarland should be returned to active service or the reserve fleet after the project is completed; and

(2) establish minimum standards of dredging service to be met in areas served by the McFarland while the drydocking is taking place.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000 for fiscal years beginning after September 30, 1996.

SEC. 560. PHILADELPHIA, PENNSYLVANIA.

(a) **WATER WORKS RESTORATION.**—

(1) **IN GENERAL.**—The Secretary shall provide planning, design, and construction assistance for the protection and restoration of the Philadelphia, Pennsylvania Water Works.

(2) **COORDINATION.**—In providing assistance under this subsection, the Secretary shall coordinate with the Fairmount Park Commission and the Secretary of the Interior.

(3) **FUNDING.**—There is authorized to be appropriated to carry out this subsection \$1,000,000 for fiscal years beginning after September 30, 1996.

(b) **COOPERATION AGREEMENT FOR SCHUYLKILL NAVIGATION CANAL.**—

(1) **IN GENERAL.**—The Secretary shall enter into a cooperation agreement with the city of Philadelphia, Pennsylvania, to participate in the operation, maintenance, and rehabilitation of the Schuylkill Navigation Canal at Manayunk.

(2) **LIMITATION ON FEDERAL SHARE.**—The Federal share of the cost of the operation, maintenance, and rehabilitation under paragraph (1) shall not exceed \$300,000 annually.

(3) **AREA INCLUDED.**—For purposes of this subsection, the Schuylkill Navigation Canal includes the section approximately 10,000 feet long extending between Lock and Fountain Streets, Philadelphia, Pennsylvania.

(c) **SCHUYLKILL RIVER PARK.**—

(1) **ASSISTANCE.**—The Secretary is authorized to provide technical, planning, design, and construction assistance for the Schuylkill River Park, Philadelphia, Pennsylvania.

(2) **FUNDING.**—There is authorized to be appropriated \$2,700,000 to carry out this subsection.

(d) **PENNYPACK PARK.**—

(1) **ASSISTANCE.**—The Secretary is authorized to provide technical, design, construction, and financial assistance for measures for the improvement and restoration of aquatic habitats and aquatic resources at Pennypack Park, Philadelphia, Pennsylvania.

(2) **COOPERATION AGREEMENTS.**—In providing assistance under this subsection, the Secretary shall enter into cooperation agreements with the city of Philadelphia, acting through the Fairmount Park Commission.

(3) **FUNDING.**—There is authorized to be appropriated for fiscal years beginning after September 30, 1996, \$15,000,000 to carry out this subsection.

(e) **FRANKFORD DAM.**—

(1) **COOPERATION AGREEMENTS.**—The Secretary shall enter into cooperation agreements with the city of Philadelphia, Pennsylvania, acting through the Fairmount Park Commission, to provide assistance for the elimination of the Frankford Dam, the replacement of the Rhawn Street Dam, and modifications to the Roosevelt Dam and the Verree Road Dam.

(2) FUNDING.—There is authorized to be appropriated for fiscal years beginning after September 30, 1996, \$900,000, to carry out this subsection.

SEC. 561. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

(a) STUDY AND STRATEGY DEVELOPMENT.—The Secretary, in cooperation with the Secretary of Agriculture, the State of Pennsylvania, and the State of New York, shall conduct a study, and develop a strategy, for using wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damages, improve water quality, and create wildlife habitat in the following portions of the Upper Susquehanna River basin:

(1) the Juniata River watershed, Pennsylvania, at an estimated Federal cost of \$15,000,000; and

(2) the Susquehanna River watershed upstream of the Chemung River, New York, at an estimated Federal cost of \$10,000,000.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy shall be 25 percent and may be provided through in-kind services and materials.

(c) COOPERATION AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies, including activities for the implementation of wetland restoration projects and soil and water conservation measures.

(d) IMPLEMENTATION.—The Secretary shall undertake development and implementation of the strategy authorized by this section in cooperation with local landowners and local government officials.

SEC. 562. SEVEN POINTS VISITORS CENTER, RAYSTOWN LAKE, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall construct a visitors center and related public use facilities at the Seven Points Recreation Area at Raystown Lake, Pennsylvania, generally in accordance with the Master Plan Update (1994) for the Raystown Lake Project.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,500,000.

SEC. 563. SOUTHEASTERN PENNSYLVANIA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a pilot program for providing environmental assistance to non-Federal interests in southeastern Pennsylvania. Such assistance may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in southeastern Pennsylvania, including projects for waste water treatment and related facilities, water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of each such legal and institutional structures as are necessary to assure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for such design work shall not exceed 6 percent of the total construction costs of the project. The Federal share may be in the form of grants or reimbursements of project costs.

(B) INTEREST.—In the event of delays in the funding of the non-Federal share of a project that is the subject of an agreement under this section,

the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.

(C) LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of such project on publicly owned or controlled lands, but not to exceed 25 percent of total project costs.

(D) OPERATION AND MAINTENANCE.—Operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent non-Federal.

(d) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law which would otherwise apply to a project to be carried out with assistance provided under this section.

(e) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(f) SOUTHEASTERN PENNSYLVANIA DEFINED.—For purposes of this section, the term "Southeastern Pennsylvania" means Philadelphia, Bucks, Chester, Delaware, and Montgomery Counties, Pennsylvania.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for fiscal years beginning after September 30, 1996. Such sums shall remain available until expended.

SEC. 564. BLACKSTONE RIVER VALLEY, RHODE ISLAND AND MASSACHUSETTS.

(a) IN GENERAL.—The Secretary, in coordination with Federal, State, and local interests, shall provide technical, planning, and design assistance in the development and restoration of the Blackstone River Valley National Heritage Corridor, Rhode Island, and Massachusetts.

(b) FEDERAL SHARE.—Funds made available under this section for planning and design of a project may not exceed 75 percent of the total cost of such planning and design.

SEC. 565. EAST RIDGE, TENNESSEE.

The Secretary shall review the flood management study for the East Ridge and Hamilton County area undertaken by the Tennessee Valley Authority and shall carry out the project at an estimated total cost of \$25,000,000.

SEC. 566. MURFREESBORO, TENNESSEE.

The Secretary shall carry out a project for environmental enhancement, Murfreesboro, Tennessee, in accordance with the Report and Environmental Assessment, Black Fox, Murfree and Oaklands Spring Wetlands, Murfreesboro, Rutherford County, Tennessee, dated August 1994.

SEC. 567. BUFFALO BAYOU, TEXAS.

The non-Federal interest for the projects for flood control, Buffalo Bayou Basin, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1258), and Buffalo Bayou and tributaries, Texas, authorized by section 101 of the Water Resources Development Act of 1990 (104 Stat. 4610), may be reimbursed by up to \$5,000,000 or may receive a credit of up to \$5,000,000 against required non-Federal project cost-sharing contributions for work performed by the non-Federal interest at each of the following locations if such work is compatible with the following authorized projects: White Oak Bayou, Brays Bayou, Hunting Bayou, Garners Bayou, and the Upper Reach on Greens Bayou.

SEC. 568. HARRIS COUNTY, TEXAS.

(a) IN GENERAL.—During any evaluation of economic benefits and costs for projects set forth in subsection (b) that occurs after the date of the enactment of this Act, the Secretary shall not consider flood control works constructed by non-Federal interests within the drainage area of such projects prior to the date of such evaluation in the determination of conditions existing prior to construction of the project.

(b) SPECIFIC PROJECTS.—The projects to which subsection (a) apply are—

(1) the project for flood control, Buffalo Bayou and Tributaries, Texas, authorized by section 101(a) of the Water Resources Development Act of 1990 (104 Stat. 4610);

(2) the project for flood control, Cypress Creek, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014); and

(3) the project for flood control, Buffalo Bayou Basin, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1258).

SEC. 569. PIERCE COUNTY, WASHINGTON.

(a) **TECHNICAL ASSISTANCE.**—The Secretary shall provide technical assistance to Pierce County, Washington, to address measures that are necessary to assure that non-Federal levees are adequately maintained and satisfy eligibility criteria for rehabilitation assistance under section 5 of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved August 18, 1941 (33 U.S.C. 701n; 55 Stat. 650). Such assistance shall include a review of the requirements of the Puyallup Tribe of Indians Settlement Act of 1989 (Public Law 101–41) and standards for project maintenance and vegetation management used by the Secretary to determine eligibility for levee rehabilitation assistance with a view toward amending such standards as needed to make non-Federal levees eligible for assistance that may be necessary as a result of future flooding.

(b) **LEVEE REHABILITATION.**—The Secretary shall expedite a review to determine the extent to which requirements of the Puyallup Tribe of Indians Settlement Act of 1989 limited the ability of non-Federal interests to adequately maintain existing non-Federal levees that were damaged by flooding in 1995 and 1996 and, to the extent that such ability was limited by such Act, the Secretary shall carry out the rehabilitation of such levees.

SEC. 570. WASHINGTON AQUEDUCT.

(a) **REGIONAL ENTITY.**—

(1) **IN GENERAL.**—Congress encourages the non-Federal public water supply customers of the Washington Aqueduct to establish a non-Federal public or private entity, or to enter into an agreement with an existing non-Federal public or private entity, to receive title to the Washington Aqueduct and to operate, maintain, and manage the Washington Aqueduct in a manner that adequately represents all interests of such customers.

(2) **CONSENT OF CONGRESS.**—Congress grants consent to the jurisdictions which are customers of the Washington Aqueduct to establish a non-Federal entity to receive title to the Washington Aqueduct and to operate, maintain, and manage the Washington Aqueduct.

(3) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this subsection shall preclude the jurisdictions referred to in this subsection from pursuing alternative options regarding ownership, operation, maintenance, and management of the Washington Aqueduct.

(b) **PROGRESS REPORT AND PLAN.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress in achieving the objectives of subsection (a) and a plan for the transfer of ownership, operation, maintenance, and management of the Washington Aqueduct to a non-Federal public or private entity. Such plan shall include a transfer of ownership, operation, maintenance, and management of the Washington Aqueduct that is consistent with the provisions of this section and a detailed consideration of any proposal to transfer such ownership or operation, maintenance, or management to a private entity.

(c) **TRANSFER.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transfer, without consideration but subject to such terms and conditions as the Secretary considers appropriate to protect the interests of the United States and the non-Federal public water supply customers, all right, title, and interest of the United States in the Washington Aqueduct, its real property, facilities, equipment, supplies, and personalty—

(A) to a non-Federal public or private entity established pursuant to subsection (a); or

(B) in the event no entity is established pursuant to subsection (a), a non-Federal public or private entity selected by the Secretary which reflects, to the extent possible, a consensus among the non-Federal public water supply customers.

(2) **TRANSFeree SELECTION CRITERIA.**—The selection of a non-Federal public or private entity under paragraph (1)(B) shall be based on technical, managerial, and financial capabilities and on consultation with the non-Federal public water supply customers and after opportunity for public input.

(3) **ASSUMPTION OF RESPONSIBILITIES.**—The entity to whom transfer under paragraph (1) is made shall assume full responsibility for performing and financing the operation, maintenance, repair, replacement, rehabilitation, and

necessary capital improvements of the Washington Aqueduct so as to ensure the continued operation of the Washington Aqueduct consistent with its intended purpose of providing an uninterrupted supply of potable water sufficient to meet the current and future needs of the Washington Aqueduct service area.

(4) **EXTENSION.**—Notwithstanding the 2-year deadline established in paragraph (1), the Secretary may provide a 1-time 6-month extension of such deadline if the Secretary determines that the non-Federal public water supply customers are making progress in establishing an entity pursuant to subsection (a) and that such an extension would likely result in the establishment of such an entity.

(d) **INTERIM BORROWING AUTHORITY.**—

(1) **IN GENERAL.**—Subject to paragraph (2), there is authorized to be appropriated to the Secretary for fiscal years 1997 and 1998 borrowing authority in amounts sufficient to cover those obligations which the Army Corps of Engineers is required to incur in carrying out capital improvements during such fiscal years for the Washington Aqueduct to assure its continued operation until such time as the transfer under subsection (c) has taken place, provided that such amounts do not exceed \$16,000,000 for fiscal year 1997 and \$54,000,000 for fiscal year 1998.

(2) **TERMS AND CONDITIONS.**—The borrowing authority under paragraph (1) shall be provided to the Secretary by the Secretary of the Treasury under such terms and conditions as the Secretary of the Treasury determines to be necessary in the public interest and may be provided only after each of the non-Federal public water supply customers of the Washington Aqueduct has entered into a contractual agreement with the Secretary to pay its pro rata share of the costs associated with such borrowing.

(3) **IMPACT ON IMPROVEMENT PROGRAM.**—Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with other Federal agencies, shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that assesses the impact of the borrowing authority provided under this subsection on near-term improvement projects under the Washington Aqueduct Improvement Program, work scheduled during fiscal years 1997 and 1998, and the financial liability to be incurred.

(e) **DEFINITIONS.**—For purposes of this section, the following definitions apply:

(1) **WASHINGTON AQUEDUCT.**—The term “Washington Aqueduct” means the Washington Aqueduct facilities and related facilities owned by the Federal Government as of the date of the enactment of this Act, including the dams, intake works, conduits, and pump stations that capture and transport raw water from the Potomac River to the Dalecarlia Reservoir, the infrastructure and appurtenances used to treat water taken from the Potomac River by such facilities to potable standards, and related water distributions facilities.

(2) **NON-FEDERAL PUBLIC WATER SUPPLY CUSTOMERS.**—The term “non-Federal public water supply customers” means the District of Columbia, Arlington County, Virginia, and the city of Falls Church, Virginia.

SEC. 571. HUNTINGTON, WEST VIRGINIA.

The Secretary may enter into a cooperative agreement with Marshall University, Huntington, West Virginia, to provide technical assistance to the Center for Environmental, Geotechnical and Applied Sciences.

SEC. 572. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The Secretary shall review the watershed plan and the environmental impact statement prepared for the Lower Mud River, Milton, West Virginia by the Natural Resources Conservation Service pursuant to the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) and shall carry out the project.

SEC. 573. EVALUATION OF BEACH MATERIAL.

(a) **IN GENERAL.**—The Secretary and the Secretary of the Interior shall evaluate procedures and requirements used in the selection and approval of materials to be used in the restoration and nourishment of beaches. Such evaluation shall address the potential effects of changing existing procedures and requirements on the implementation of beach restoration and nourishment projects and on the aquatic environment.

(b) **CONSULTATION.**—In conducting the evaluation under this section, the Secretaries shall consult with appropriate State agencies.

(c) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Secretaries shall transmit a report to Congress on their findings under this section.

SEC. 574. SENSE OF CONGRESS REGARDING ST. LAWRENCE SEAWAY TOLLS.

It is the sense of Congress that the President should engage in negotiations with the Government of Canada for the purposes of—

- (1) eliminating tolls along the St. Lawrence Seaway system; and
- (2) identifying ways to maximize the movement of goods and commerce through the St. Lawrence Seaway.

PURPOSE AND SUMMARY

The purpose of H.R. 3592, the “Water Resources Development Act of 1996,” (WRDA 96) is to authorize projects and programs of the civil works program of the Army Corps of Engineers and to modify certain policies relating to that program. The bill contains five titles. Title I authorizes projects for which final reports of the Chief of Engineers have been prepared and directs the Secretary to pursue specified projects under the Corps’ “continuing authorities program.” Title II contains generally applicable provisions, such as modifications of selected cost-sharing requirements, creation or expansion of Corps authorities for protecting, restoring and enhancing the environment, and updating and streamlining Corps administrative procedures. Title III contains modifications to existing authorized projects, primarily for the purpose of increasing authorized total project costs due to changed project conditions. Title IV authorizes studies to address a variety of water resources problems and opportunities. Title V contains miscellaneous provisions addressing water resources issues.

BACKGROUND AND NEED

The Water Resources Development Act of 1996, H.R. 3592, demonstrates the continuing commitment of the Committee on Transportation and Infrastructure to the Nation’s water infrastructure and the aquatic environment and to a regular authorization schedule for the Civil Works Program of the Department of the Army.

H.R. 3592 was introduced on June 6, 1996 by Chairman Bud Shuster, full committee Ranking Democratic Member James Oberstar, Subcommittee on Water Resources and Environment Chairman Sherry Boehlert, and Subcommittee Ranking Democratic Member Robert Borski. Prior to introduction of the bill, the Committee conducted hearings on February 7, 1995, February 27 and 28, 1996, and March 21, 1996, receiving testimony from the Department of the Army, numerous Members of Congress, and public witnesses. On June 11, 1996, the Subcommittee on Water Resources and Environment ordered the bill, without amendment, reported to the full Committee on Transportation and Infrastructure, and the bill, as amended, was ordered reported by the Committee on June 27, 1996.

Project authorizations adhere to the cost-sharing reforms contained in the Water Resources Development Act of 1986 (WRDA 86). H.R. 3592 balances the water resources needs of the Nation and the need to make the programs of the Corps of Engineers more responsive to fiscal and environmental concerns. The bill responds to water infrastructure needs, policy initiatives for updating existing water resources programs, and opportunities to restore, protect and enhance the aquatic environment. Project costs cited in the bill are based on October 1995, price levels unless otherwise stated.

It is essential to the Nation's infrastructure and to the fulfillment of commitments to non-Federal sponsors to renew the biennial authorization process for the Corps of Engineers water resources program. On October 3, 1994, the House of Representatives passed H.R. 4460, the "Water Resources Development Act of 1994." Unfortunately, congressional action on that bill was not completed before adjournment of the 103rd Congress. As a result, the 2-year cycle that provided certainty to Federal planners and non-Federal sponsors alike, as well as an update to the population of Federal projects available to receive appropriations, failed for the first time since the process was reinstated with the enactment of WRDA 86. The Committee believes that passage of WRDA 96 is vitally important to fulfill commitments to non-Federal sponsors, to be responsive to new and emerging water resources needs, to fine-tune the Corps' missions and responsibilities, and to accommodate the Administration's policy initiatives.

During its deliberations on requests for project authorizations, the Committee declined to include a number of projects because they could be accomplished under existing Corps of Engineers authority, such as the authority to accomplish work as part of its normal operation and maintenance (or O&M) program, general authority for implementing recreational facilities at existing projects; or for which sufficient authority already exists. The following projects represent critically important activities that should move forward but do not require additional authorization from Congress:

- Arkansas City, Kansas, flood control project
- Passaic River Basin, New Jersey, acquisition of natural floodplain storage areas
- St. Joseph Harbor, Michigan, dredging of inner harbor
- Coheco River (Dover) and Sagamore Creek (Portsmouth), New Hampshire, dredging
- Red River Waterway, Louisiana, dredging of oxbow lakes
- Atchafalaya River, Simmesport, Louisiana, river access
- Suwannee River, McGriff Pass, Florida, dredging
- Kawkawlin River, Michigan, dredging
- Use of cooperative agreements for activities at existing Corps projects, including fish passage for anadromous fish on the Columbia & Snake Rivers, Washington, Oregon and Idaho
- Little Sodus Bay Harbor, New York, rehabilitation of the East Breakwater

The Committee is also aware that the Corps is not making sufficient progress with a number of previously authorized high priority studies and projects and directs the Secretary to expedite these activities. Among the studies and projects brought to the Committee's attention are the following:

- Kankakee River Basin, Illinois. A comprehensive flood control study is urgently needed to address flooding along the river and its tributaries.
- South Shore of Staten Island New York. The area is in urgent need of storm damage reduction and beach erosion control work.
- Green Brook (Raritan Sub-Basin), New Jersey. The New York office of the Corps has essentially completed a report on long-awaited flood protection for this area.

Jacksonville Harbor, Florida. The Corps is currently studying the feasibility of deepening the existing channel to 44 feet. This project will have a significant impact on international commerce and has strategic importance to the U.S. military.

Townsend Inlet to Cape May Inlet, New Jersey. The Corps is finalizing a study of potential storm damage reduction and environmental restoration projects at Avalon, Stone Harbor and North Wildwood.

The Committee is also very concerned about the Corps' reluctance to proceed with justified and meritorious projects based on arbitrary considerations and internal policy decisions. For example, shallow-draft navigation channels and shoreline erosion projects providing recreational benefits are typically assigned low priority for studies as well as for construction. These projects often provide quantifiable economic benefits equal to or exceeding those from other types of projects, yet the Corps has decided that "recreational outputs" should be given low priority. The Committee finds this approach to be unacceptable and directs the Secretary to base future decisions on overall engineering, economic and environmental merit, not on arbitrary findings of low priority.

The Committee is concerned about groundwater contamination at the Army's Sierra Depot, migration of this contamination into the Honey Valley Groundwater Basin, and the impact of such contamination on a proposed pipeline project to transfer water to the Reno-Sparks Metropolitan Area. The Committee directs the Secretary to instruct the appropriate Army officials to meet with affected parties and to determine fair compensation to those who have, in good faith, invested in this project but have been damaged by this unfortunate contamination problem.

The Committee is aware of unclear and inconsistent interpretations of the American Society of Testing and Materials' (ASTM) requirements for steel sheet piling for civil works projects. By the Corps' own admission, a recent survey of Corps' districts indicated wide variations in the acceptance criteria for steel sheet piling—specifically with respect to hot-rolled and cold-formed sheet piling. The Committee has also been advised of specific instances where cold-formed sheet piling has not met ASTM specifications and has performed poorly. In response, the Corps issued an April 1996 guidance memorandum to division and district offices to ensure a clearer and more consistent interpretation of the ASTM requirements. The Committee directs the Corps Headquarters to take appropriate actions to ensure the districts properly implement the guidance and avoid instances where ASTM specifications are not met.

Finally, Committee notes that other water resources infrastructure needs exist and warrant careful consideration in the future as planning efforts are completed and project designs become available for consideration. For example, structures on the Nation's inland waterways navigation system are aging and, in many cases, in need of replacement or rehabilitation. H.R. 3592 takes an important step in addressing this problem by authorizing two new navigation locks and modifying the authorization of another. Similar needs exist elsewhere on the inland waterways system. This bill authorizes Corps of Engineers projects. The Committee was not re-

quested to include other projects in this legislation, such as the Chickamauga Lock on the Tennessee River, which is currently being considered for replacement by the Tennessee Valley Authority (TVA) under its authority in the TVA Act. The Committee views the replacement and modernization of aging infrastructure such as this as an essential issue for congressional deliberations.

DISCUSSION OF THE COMMITTEE BILL AND SECTION-BY-SECTION ANALYSIS

Section 1: Short title; table of contents

This section provides that the Act may be referred to as the "Water Resources Development Act of 1996." It also includes the table of contents for the bill.

Section 2: Secretary defined

This section defines the term "Secretary," which is used throughout the bill, as the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

Section 101: Project authorizations

This section authorizations 24 projects for water resources development and conservation to be carried out substantially in accordance with the reports of the Chief of Engineers cited for each project.

(1) AMERICAN RIVER WATERSHED, CALIFORNIA

Location: The American River watershed extends from its upper reaches, located in the mostly mountainous area along the western face of the Sierra Nevada in the northern California counties of Placer and El Dorado, to its lower reaches, encompassing the California State capitol, Sacramento, and its highly urbanized metropolitan area in Sacramento County.

Description of Problem and Recommended Plan: Folsom Dam and levees along the lower American River, Sacramento River, and tributary streams and channels provide some degree of flood protection to the highly urbanized Sacramento area. The storms of February 1986 filled Folsom Lake and necessitated record releases in excess of design flows downstream. An extension flood fighting effort was made by the Corps at a cost of \$3 million and an additional \$10 million was required for post-flood repair work. Potentially flooded areas during more extreme flood events could have an impact on approximately 400,000 people, and an estimated \$38 billion in property value. It is estimated that a single flood event exceeding the capacity of the existing project could cause between \$8 and \$16 billion in damages. The current level of flood protection in Sacramento is about 78 years without considering the reoperation of Folsom Reservoir for added flood control storage. When the continued reoperation of Folsom is considered, the level of protection is about 100 years. This is among the lowest levels of flood protection for major urban areas.

The authorized project includes stabilizing or modifying approximately 24 miles of existing downstream levees on the lower Amer-

ican River, modifying 12 miles of Sacramento River levees adjacent to the Natomas area, implementation of a telemetered flood warning system, and continued flood control storage space in Folsom Reservoir to a minimum 400,000 acre-feet. The level of flood protection offered by the project is about 106 years. The project is viewed by the Corps of Engineers as not being a permanent solution addressing all flood damage reduction issues in the area.

Physical data on project features

a. Structural:

(1) Levees and other facilities.

Lower American River: Vertical cutoff slurry walls would be incorporated into 10.4 miles of levee along the left bank and about 13.5 miles along the right bank. The plan also includes improvements to the existing flood warning system.

Sacramento River: Levee and stability berm raising would occur along the Sacramento River east levee from Verona Road downstream for a distance of about 12.1 miles

(2) Lands, easements, rights-of-way and relocations.

Lower American River: 6.08 acres in levee easements; 2.44 acres in temporary easements.

Sacramento River: Lands previously cost shared as part of prior project.

b. Nonstructural:

Telemetered flood warning system: work includes telemetering existing stream gages and the installation of additional gages.

Folsom Dam and Reservoir: Flood control storage space within Folsom Reservoir would continue to be reoperated to provide between 400,000/670,000 acre-feet of flood storage.

Views of States and Other Non-Federal Interests: The Governor and the State of California Reclamation Board and the Sacramento Area Flood Control Agency support the construction of a retention dam at Auburn. The California Department of Fish and Game has not commented on this particular plan.

Views of Federal and Regional Agencies: The Department of Interior has not provided comments on this particular plan; and the regional office of the Environmental Protection Agency agreed with construction of non-dam measures and concurred in continuing the variable operation of Folsom reservoir on an interim basis.

Status of Final Environmental Impact Statement: The final environmental impact statement completed during preparation of the feasibility report was released in February 1996.

Estimated Implementation Costs:

Federal: Corps of Engineers/Flood Control	\$42,975,000
Non-Federal:	
Sacramento Area Flood Control Agency	14,325,000
Total	57,300,000

Description of Non-Federal Implementation Costs: Lands, easements, rights-of-way, relocations and dredged material disposal areas (LERRDs) that are required for the project plus a sufficient cash contribution to total, when combined with the value of LERRDs, at least 25% of total project costs attributable to flood control.

Description of Non-Federal O&M Cost: Operation and maintenance cost include operations of the levee system, periodic inspection of the project features, and repair, replacement, and rehabilitation of structures.

Benefit-Cost Ratio: 4.4.

(2) SANTA BARBARA HARBOR, CALIFORNIA.—

Location: Santa Barbara Harbor is located on the Southern California coast about 90 miles northwest of Los Angeles.

Description of Problem and Recommended Plan: Severe Shoaling in the Santa Barbara Harbor Entrance Channel, particularly during the winter storm season, restricts access to the harbor. These conditions inhibit the use of the harbor by boaters, creating economic impacts and reducing its desirability as a harbor or refuge, one of the few available along the central California coastline.

The recommended plan consists of Federal participation in acquiring a dredge system, including appurtenant facilities, for the city of Santa Barbara. The recommended plan also calls for the city of Santa Barbara to assume full responsibility for maintaining the existing Federal navigation channel of Santa Barbara Harbor, including operations, funding and maintenance and replacement of the dredge system.

Physical data on project features

The dredge plant would be a 1,000-kilowatt, electric-powered, 16-inch hydraulic dredge, with a full stock of required spare parts. Additional equipment would include a workboat and skiff, pipelines, shore support equipment such as a levee dozer and a crane, and electrical support gear including a reel barge and power cable. The dredge would be able to handle normal shoaling of a least 325,000 cubic yards per year, with the capability to pump up to 8,000 cubic yards per day as needed throughout the six-month period of maximum dredging operations.

Views of States and Other Non-Federal Interests: By letter dated 16 December 1993, The Resources Agency of California indicated they have no comments or recommendations to offer. The city of Santa Barbara, by letter dated 3 August 1993, indicated their intent to cost share the implementation of the recommended plan.

Views of Federal and Regional Agencies: The Department of Interior, by letter dated 17 December 1993, had no objection to the recommended plan. The Department of Transportation had no comment.

Status of Final Environmental Impact Statement: Finding of No Significant Impact was signed 8 August 1993.

Description of the Non-Federal O&M Cost: The non-Federal interest will be responsible for the maintenance dredging of the existing Federal navigation channel at Santa Barbara Harbor, including operations, funding and maintenance and replacement of the dredge system.

Estimated Implementation Costs:

Federal: Corps of Engineers/Navigation	\$4,670,000
Non-Federal: City of Santa Barbara	1,170,000
Total	5,840,000

Description of Non-Federal Implementation Costs: cash contribution.

Benefit-Cost Ratio: .

(3) SAN LORENZO RIVER, SANTA CRUZ, CALIFORNIA

Location: The San Lorenzo River study area is located in the city of Santa Cruz, Santa Cruz County, California, approximately 75 miles south of San Francisco.

Description of Problem and Recommended Plan: In January 1982, a major run-off event occurred on the San Lorenzo River that caused one span of the Soquel Avenue Bridge to collapse. The existing flood control system is estimated to provide protection to significantly less than the 100-year frequency flood. Nearly 1100 residential and 300 commercial structures and the principal commercial district of the city are at risk from flooding from the San Lorenzo River. There is an estimated \$600,000,000 in property that would be damaged in the flood plain.

The recommended plan of improvement will provide a 70-year level of flood protection (equivalent to a Federal Emergency Management Agency 100-year level) for much of the downtown area of Santa Cruz. The plan consists of construction of approximately 13,000 linear feet of floodwalls on top of existing levees, from the Southern Pacific railroad bridge near the San Lorenzo River mouth, upstream to Highway 1; modifications to the Water Street and Soquel Avenue bridges; initial dredging of approximately 65,000 cubic yards from the channel plus advance maintenance dredging of 10,000 cubic yards; toe drains along the landside of existing levees; a 1200-foot long controlled overflow section in the upper reaches of the project; flood warning system and emergency response plan; and flood proofing improvements to the Santa Cruz County Government Center.

Physical data on project features

a. Structural:

(1) Canal, channelization, levees, jetties, drainage systems, and other facilities.

(a) 7,000 linear feet precast of block floodwall and 6,000 linear feet of sheetpile floodwall ranging in height from 1.5 to 4.5 feet.

(b) Replace old span of the Water Street Bridge, replace older span and raise newer span of the Soquel Avenue Bridge.

(c) Initial dredging of up to 65,000 cubic yards in the deposition zone upstream of Laurel Street plus advanced maintenance of 10,000 cubic yards.

(d) Additional project features include approximately 13,000 linear feet of toe drains and miscellaneous tie-in berms plus a stop log structure at the downstream end of the project. A controlled overflow section, approximately 1200-foot-long, lined with riprap on the west bank between Water and Josephine streets, is also included.

(2) Lands, easements, rights-of-way and relocations.

Acquisition of approximately 2.33 new acres of permanent easement are required to construct, inspect, operate and maintain the floodwalls and levees.

b. Nonstructural:

- (1) Flood closures of the Santa Cruz County Government Center.
- (2) Flood warning system and emergency response plan.
- (3) Environmental Features:

The Committee expect that the environmental restoration work associated with the San Lorenzo River flood control project should be undertaken associated with the construction of the flood control project itself, under the authority of section 1135 of the Water Resources Development Act of 1986 as addressed in section 107 of the bill. Significant savings can be achieved if these projects are undertaken together, because the environmental improvements would be constructed as a part of the existing flood control project.

Views of States and Other Non-Federal Interests: By letter dated 21 January 1994, the city of Santa Cruz affirmed the local sponsor's interest in participating in the financing and construction of the recommended plan.

Views of Federal and Regional Agencies: The U.S. Fish and Wildlife Service (USFWS) provided its recommendations pursuant to the Fish and Wildlife Coordination Act. USFWS believes that adherence to a program of limited maintenance, mutually agreed upon by the local sponsor and resource agencies, and implementation of their mitigation recommendations would result in no net loss of existing habitat value. The USFWS recommendations also include input from the State Department of Fish and Game and the National Marine Fisheries Service.

Status of Final Environmental Assessment: Finding Of No Significant Impact (FONSI), was signed 15 February 1994.

Estimated Implementation Costs:

Federal: Corps of Engineers/Flood Damage Reduction	\$10,900,000
Non-Federal: City of Santa Cruz	10,900,000
Total	21,800,000

Description of Non-Federal Implementation Costs: Real estate acquisition, cash and relocations, which include replacement of old span of the Water Street Bridge, replacement of older span and raising newer span of the Soquel Avenue Bridge.

Description of Non-Federal O&M Cost: Operation and maintenance requirements include annual maintenance dredging and periodic inspection of the project features, and repair replacement and rehabilitation of structures.

Benefit-Cost Ratio: 1.3.

(4) MARIN COUNTY SHORELINE, SAN RAFAEL, CALIFORNIA

Location: San Rafael Canal is located on the northwestern shoreline of San Francisco Bay in the city of San Rafael, about 17 miles north of the city of San Francisco.

Description of Problem and Recommended Plan: High tides in combination with low barometric pressure and surge effects in San Pablo Bay result in overtopping of the existing levees along the south bank of the San Rafael Canal. During the January 1983 tidal flood, which is estimated to have been a 100-year tidal event, the depths of flooding varied from sheet flow (less than one foot depth) to as much as three feet. Damages for the 100-year and 500-year tidal flood events are estimated to be \$56,100,000 and \$83,100,000, respectively.

Ground elevations between the south bank and highway 101 are often lower than the top of the canal bank. Water overflowing the banks during high tides ponds in these areas. For more frequent tidal events, the volume of water flowing over the top of the south bank is not sufficient to result in significant damage. However, a large area is affected by the more severe tidal flooding events. It includes over 700 residential structures, about 200 commercial structures, and the principal commercial district of the city. The total value of this flood plain property is estimated at \$330 million. This contrasts with the tidal flood plain along the north bank of the canal. Here the areal extent and property affected by tidal flooding is relatively small. In total, the north bank flood plain includes about 120 residential structures and 20 commercial structures.

The recommended plan consists of approximately 10,000 linear feet of sheetpile floodwall along portions of the south bank of the canal, 1,600 linear feet of sheetpile floodwall along the east bayfront levee crest, and 750 linear feet of new levee in Pickleweed Park. The plan also includes features to provide for continued tidal action through the wall in areas where the wall would be placed in the Canal. The recommended plan provides an estimated 100-year frequency tidal flood protection to the south bank of the canal. Low lying areas on the north bank of the canal would continue to be subject to tidal flooding. Habitat mitigation and endangered species impact avoidance measures include restoring tidal flows to 4.7 acres of wetlands in Pickleweed Park, and improvement of tidal action to the 4.3 acres in Seastrand Marsh.

a. Structural:

(1) Channelization, levees, jetties, drainage systems, and other facilities.

Approximately 750 linear feet of new levee and 11,600 linear feet of sheetpile floodwall are proposed along the south bank of the canal and the bayfront levee.

(2) Lands, easements, rights-of-way and relocations.

Acquisition of a permanent channel improvement easement of 3.5 acres of land for the floodwall and levee sections is required. An additional 8.05 acres of city-owned land would be required for habitat mitigation.

b. Environmental Features:

Habitat mitigation and endangered species impact avoidance would include tidal restoration of 4.72 acres of wetland at Pickleweed Park, and improvement of tidal action to the 4.32 acres of existing wetlands and expansion of the wetland area at Seastrand Marsh. It would also include monitoring of the mitigation sites for a 20-year period and maintenance of the sites.

Views of States and Other Non-Federal Interests: By letter dated 10 February 1993, The California Department of Fish and Game expressed concern about how increased human activity along the levee would have significant consequences to the wildlife species utilizing the inboard wetlands. By letter dated 29 March 1993, The Resources Agency of California supported the concerns of the California Department of Fish and Game and requested that their recommendations concerning the use of fencing to preclude dogs and people from the inboard wetlands be carried out to offset any ad-

verse impacts. The Corps response advised that the need for fencing is being evaluated in the preconstruction engineering and design phase of the project. Should fencing prove to be the most cost effective way to achieve the needed level of protection for the salt marsh harvest mouse, it would be included in the project. The city of San Rafael, by letter dated 30 November 1993, expressed continued support for the recommended plan and as the local sponsor understands the financial and implementation responsibilities.

View of Federal and Regional Agencies: The Departments of Interior, Housing and Urban Development, Transportation, and Health and Human Services had no objections or comments on the project.

Status of Final Environmental Impact Statement: The final Environmental Impact Statement has been filed with the EPA.

Estimated Implementation Costs:

Federal: Corps of Engineers/Storm Damage Reduction	\$18,400,000
Non-Federal: City of San Rafael	9,900,000
Total	28,300,000

Description of Non-Federal Implementation Costs: The non-Federal sponsor is required to contribute 35 percent of all costs attributable to storm damage reduction. The non-Federal costs include lands, easements, rights-of-way and relocations required for the project and additional cash to bring the total contribution up to the 35 percent share of the total project costs.

Description of Non-Federal O&M cost: Operation and maintenance costs include periodic inspection of the project features, and repair, replacement and rehabilitation of structures; and monitoring, operation and maintenance of fish and wildlife mitigation sites.

Benefit-Cost Ratio: 2.0.

(5) HUMBOLDT HARBOR AND BAY, CALIFORNIA

Location: Humboldt Bay is an estuary located in Humboldt County, on the coast of northern California, approximately 225 nautical miles north of San Francisco. The nearest city is Eureka, CA.

Description of Recommended Plan: The recommended plan consists of deepening the Bar and Entrance Channel to a depth of -48 feet mean lower low water (MLLW); deepening the North Bay channel, Samoa Channel, and Samoa Turning Basin to a depth of -38 feet MLLW; widening the north side of the Entrance Channel, from the jetty heads to the turn into the North Bay Channel by an additional width varying from 275 feet at the jetty heads to 200 feet at the turn; moving the southern edge of the Entrance Channel away from the South Jetty and to the north by 100 feet; and widening and realigning the Samoa Turning Basin entrance. Approximately 5.6 million cubic yards of dredged sediments from this project would be deposited at an open ocean disposal site and approximately 26,000 cubic yards of material, considered to be unsuitable for unconfined aquatic disposal, would be placed on a confined upland dredged material site. The recommended project has negligible adverse impacts to fish and wildlife and separable mitigation is not required.

Physical data on project features

a. Structural:

(1) Bar and Entrance Channel would be deepened from -45 feet mean lower low water (MLLW) to -48 feet MLLW, with side slopes of 1-vertical to 2-horizontal. The Entrance Channel would be widened on the north side from the jetty heads to the turn into the North Bay channel by an additional width varying from 275 feet at the jetty heads to 200 feet at the turn. The southern edge of the Entrance Channel would be moved away from the South Jetty and to the north by 100 feet.

(2) North Bay and Samoa Channel would be deepened from -35 feet MLLW to a depth of -38 feet MLLW with side slopes of 1-vertical to 3-horizontal.

(3) Samoa Turning Basin would be deepened from -35 feet MLLW to a depth of -38 feet MLLW with side slopes of 1-vertical to 3-horizontal, and widened at its southerly approach from 400 feet to approximately 770 feet, with tapering widths both southerly and northerly of the 770 feet width.

(4) Approximately 5.6 million cubic yards of dredged sediments from this project would be deposited at the EPA designated Section 102 Humboldt Open Ocean Disposal Site (HOODS) in the Pacific Ocean. Approximately 26,000 cubic yards of material, considered to be unsuitable for unconfined aquatic disposal, would be placed on a confined upland dredged material site consisting of about 23 acres and located on Louisiana Pacific property on the Humboldt Bay North Spit. Water overflow from the upland dredged material disposal site would be minimized by using the existing double basin design. Dredged material will be pumped into the main disposal basin with only high levels overflowing into the second basin. If the second basin water volume is exceeded, an effluent overflow pipe will be utilized. The overflow pipe leads into an open drainage ditch which flows into the Bay.

b. Environmental Features:

(1) As an additional consideration to avoid potential environmental impacts, a window of permissible days would be placed on dredging operations in the Samoa Turning Basin to avoid bird nesting on the adjacent Indian Island rookery.

(2) A marine biologist would be on board the dredge during the herring spawning season to redirect the dredge work area away from any herring run activity. The recommended project has negligible adverse impact to fish and wildlife and separable mitigation is not required.

Views of States and Other Non-Federal Interests: The Resources Agency of California coordinated review of the project with the California Coastal and State Lands Commissions; the Air Resources, Integrated Waste Management, and North Coast Regional Water Quality Control Boards; and the Departments of Fish and Game, Parks and Recreation, Toxic Substances Control, and Transportation. The Departments of Parks and Recreation, Office of Historic Preservation and the California Coastal Commission have issued statements that the project meets their respective requirements. The North Coast Regional Water Quality Control Board has determined that a waiver of Report of Waste Discharge is appropriate for the project. The Department of Fish and Game states that the project is acceptable.

Views of Federal and Regional Agencies: The Department of Transportation, the National Oceanic and Atmospheric Administration and the Environmental Protection Agency have no objections to the recommended plan. By letter dated 21 July 1995, the U.S. Department of Interior (DOI) expressed concerns regarding potential project environmental impacts. It is the position of DOI that long-term mitigation, monitoring, and remedial action plans must be included in the project to offset impacts to the benthic community, eelgrass beds, and the ocean disposal site. DOI states that full mitigation must be provided for (1) the loss of 45 acres of previously undredged harbor bottom, including benthic, flatfish, and dungeness crab habitats, and (2) secondary impacts to the water column, that would result from increased traffic and maintenance dredging. The reporting officers, supported by Washington level review, determined that DOI did not consider that the recommended project would result in a lower rate of shoaling, a reduced level of maintenance dredging compared to existing conditions, and a reduced level of ship traffic because the port would be able to accommodate larger ships. The recommended channel widening would result in deepening an area that is adjacent to the existing channel, however, this area of 45 acres has been dredged in the past to deeper than -20 feet MLLW and has very little potential to contain eelgrass based on depth and recent surveys. The project would directly impact 9,000 square feet of shallow (less than -20 feet MLLW) subtidal habitat, but this area is considered so small as to make the impact insignificant. Water column impacts resulting from dredging sand would be of short duration, and therefore, would not be significant enough to warrant mitigation.

Status of Final Environmental Impact Statement: The Final EIS was filed with EPA the week of 5 June 1995.

Estimated Implementation Costs:

Federal Corps of Engineers/Navigation	\$10,000,000
Non-Federal:	
Humboldt Bay and Harbor Recreation and Conservation	
District/Navigation	5,180,000
Total	15,180,000

Description of Non-Federal Implementation Costs: Non-Federal costs include lands, easements, rights-of-way, relocations, and dredge material disposal areas required for the project and a cash payment.

Estimated Annual O&M Costs:

Federal Corps of Engineers	\$ -236,000
Non-Federal:	
Humboldt Bay and Harbor Recreation and Conservation	
District/Navigation	0
Total	-236,000

Note.—Annual O&M cost of the existing navigation project is \$1,580,000; annual O&M cost of the recommended project would be \$1,344,000. A savings of \$236,000 would result with implementation of the recommended plan.

Description of Non-Federal O&M cost: N/A.

(6) ANACOSTIA RIVER AND TRIBUTARIES, DISTRICT OF COLUMBIA AND MARYLAND

Location: The study area is the 170-square mile watershed of the Anacostia River. The basin encompasses, approximately 145 square miles in Montgomery and Prince Georges Counties, Maryland, and 25 square miles within the District of Columbia. The entire area is within the Washington, D.C. metropolitan area.

Description of Problem and Recommended Plan: The primary water resources-related problems in the 170-square mile Anacostia River basin are the result of urbanization and previous construction of Federal projects to meet the flood control and navigation needs of the expanding population. The Corps of Engineers involvement in the Anacostia watershed dates back to the 1870's, and includes projects for navigation, flood control, debris removal, and aquatic vegetation control. The construction of these projects eliminated an estimated 2,600 acres of wetlands, 500 acres of aquatic habitat, and 800 acres of bottomland hardwoods. The spatial impact of this construction extends from the confluence with the Potomac River as far upstream as Greenbelt, Maryland, a distance of over 15 miles.

The recommended plan provides for the construction of 80 acres of tidal and non-tidal freshwater wetlands, the restoration of 5 miles of piedmont streams, and the planting of 33 acres of bottomland hardwood forest within the highly urbanized Anacostia River basin. The construction is located at 13 sites within the study area, within 3 independent political jurisdictions.

Physical data on project features.

(a) Within the District of Columbia, wetland restoration is proposed for 75 acres of freshwater tidal wetlands within Kingman Lake and along the river between Benning Road and New York Avenue. Reforestation is also proposed for an additional 6 acres in the vicinity of Kingman Lake.

(b) Within Prince Georges County, the construction of a 2-acre wetland (Fordham Street), restoration of 8,000 feet of the Northwest Branch, and reforestation of 16 acres of riparian area are proposed to restore fish and wildlife habitat.

(c) Within Montgomery County, the retrofitting of three existing stormwater management ponds (Snowden's Mill I, Snowden's Mill II and Tanglewood), the construction of two new stormwater management wetlands (Lockridge Drive and Stewart/April Lane) and the restoration of 17,000 feet of Sligo Creek, Paint Branch and Northwest Branch are proposed to restore fish and wildlife habitat. A total of 2 acres of wetlands will be constructed along with 12 acres of reforestation.

Views of States and Other Non-Federal Interests: The recommended plan has received strong, high-level support from the pertinent State and local natural resource agencies. Montgomery and Prince George's Counties, the State of Maryland, and the District of Columbia were extensively involved throughout the feasibility study and are very supportive of the selected plan. The local agencies view the Corps plan as a key element in the overall environmental restoration effort for the Anacostia watershed.

Views of Federal and Regional Agencies: The recommended plan has received strong support from the Federal and regional natural resource agencies. As a result of its unique location in the Nation's Capital and recent environmental justice concerns, the Anacostia restoration effort, of which the project is a significant part, has received far-reaching attention at all levels of government. The Metropolitan Washington Council of Governments, the regional planning agency is the Washington area, is a major proponent of the recommended plan.

Status of Final Environmental Impact Statement: A final Environmental Impact Statement was distributed for agency and public comment in August-September 1994. No adverse comments were received.

Estimated Implementation Costs:

	Federal	Non-Federal	Total
District of Columbia	\$6,308,000	\$2,103,000	\$8,411,000
Montgomery County	4,252,000	1,417,000	5,669,000
Prince Georges County	2,298,000	766,000	3,064,000
Total	12,858,000	4,286,000	17,144,000

Description of Non-Federal Implementation Costs: The District of Columbia and Montgomery and Prince George's Counties are required to provide the 25-percent non-Federal share for their pertinent jurisdiction's project.

	District of Columbia	Montgomery County	Prince Georges County	Non-Federal total
Lands	\$3,000	\$75,000	\$62,000	\$140,000
Relocations	0	323,000	31,000	354,000
Cash	2,100,000	1,091,000	673,000	3,792,000
Total	2,103,000	1,417,000	766,000	4,286,000

Estimated Annual O&M Costs:

	Federal	Non-Federal	Total
District of Columbia	\$0	\$9,000	\$9,000
Montgomery	0	22,400	23,400
Prince Georges County	0	7,800	7,800
Total	0	38,300	40,200

Description of Non-Federal O&M Costs: The local sponsors will have responsibility for performing all operation, maintenance, repair, rehabilitation and replacement activities. The tidal wetlands in Kingman Lake and on the river fringe will require the inspection and maintenance of habitat structures, maintenance of sediment control structures until the dredge material stabilizes, control and removal of exotic and noxious species, and removal of debris. The primary operation and maintenance activities for the wetland sites in Montgomery and Prince Georges Counties include annual grass mowing, annual maintenance of gate valves, quarterly removal of debris, sediment removal from forebays at 5-year inter-

vals, and dredging of stormwater pond micropools at 20-year intervals. The stream restoration sites will require semi-annual inspection for damage or realignment of structures, bank erosion, or stream blockages from fallen trees.

(7) ATLANTIC INTRACOASTAL WATERWAY, ST. JOHNS COUNTY, FLORIDA

Location: Palm Valley Bridge replacement, Atlantic Intracoastal Waterway, Jacksonville to Miami, St. Johns County, Florida **Location:** The project is located in St. Johns County, Florida, approximately 40 miles south of the City of Jacksonville where County Road 210 crosses the Atlantic Intracoastal Waterway (AIWW).

Description of Problem and Recommended Plan: The Palm Valley Bridge was constructed in 1937. Vehicle widths and weights have increased since 1937 causing the bridge's roadway width and load limit to become obsolete. Conditions on the bridge are especially hazardous for opposing traffic, such as school buses and trucks crossing in different directions. Also, heavy vehicles carrying construction material must take an alternative route and absorb higher costs. By Federal and State Transportation agency standards the bridge is termed "functionally obsolete". The 15-ton load limit precludes most garbage trucks and almost all heavy truck traffic. Depending on vehicle size, one way traffic sometimes results.

Study results concluded that a two-lane, high level fixed-span bridge with an unrestricted horizontal clearance and a vertical clearance of 65 feet for navigation is the plan to satisfy existing and prospective needs in the study area. The width of the navigation channel passing under the bridge is 80 feet between the fender system. The two-lane bridge will consist of two 12-foot travel lanes with 10-foot shoulders. Construction of the new bridge includes removal of the old structure and establishing the width of the waterway consistent with authorized upstream and downstream dimensions. Mitigation involves restoration of low to moderate value wetland habitat to high value habitat on State lands with the adjacent Guana River Wildlife Management Area. Loss of the historic existing bridge will be mitigated by documentation of the bridge in the Historic American Engineering Record (HAER) as approved by the Florida State Historic Preservation Officer on 20 August 1992.

Physical data on project features

The new bridge will consist of the following project features:

a. **Bridge Structure.**—A high level fixed span bridge with an overall length of 4711 feet provides unrestricted horizontal clearance and a vertical clearance of 65 feet over the navigation channel. The typical approach span will be a cast-in-place concrete deck above six Type IV AASHTO prestressed concrete girders, 100 feet in length. The main span will consist of a cast-in-place concrete deck above twin, 145'-290'-145' three span continuous built-up steel trapezoidal box girders. Typical substructures for both approach and main spans will include a twin column pier tied together with a rectangular pier cap, which will rest on square prestressed concrete piles joined with a rectangular pile cap.

b. **Existing Bridge Removal.**—The existing bridge, a narrow bascule bridge will be removed. That bridge will remain in service until traffic can be diverted to the new bridge. Removal of the ex-

isting bridge consists of recycling its steel and concrete. Any remaining materials from the bridge removal will be placed in a permitted landfill.

c. AIWW Dredging.—The required channel dimensions upstream and downstream of the existing Palm Valley Bridge are a bottom width of 125 feet with a depth of 12 feet. The current topography is such that the channel deviates from the authorized centerline and tapers down near the entrance to the fender system of the existing bridge. Once the new bridge is constructed and open to traffic, the old bridge will be removed and the full AIWW channel dimensions will be provided by dredging.

d. Environmental Mitigation.—Implementation of the project will require approximately 14 acres of wetlands to be filled. Mitigation for these losses includes restoration of low to moderate value wetlands to high value wetland habitat on State lands within the Guana River Wildlife Management Area. Coordination of the mitigation plan is complete and the Florida Game and Fresh Water Fish Commission and the U.S. Fish and Wildlife Service fully endorse it.

Since the existing bridge cannot be relocated or preserved in place, documentation of the bridge in the HAER with placement of a descriptive plaque will occur for mitigation as approved by the Florida State Historic Preservation Officer.

Views of States and Other Non-Federal Interests: In an August 29, 1990 letter the sponsor, the Board of County Commissioners of St. Johns County, reaffirmed their support of Resolution No. 88-76 which says they will accept ownership, operation, and maintenance of the high level structure upon completion by the Corps of Engineers. By letter dated March 1, 1994, the Florida State Clearinghouse reviewed the federal consistency determination provided for subject study and agreed that the project is consistent with the Florida Coastal Zone Management Program. Public meeting held on March 3, 1994, indicates strong public support for the bridge replacement.

Views of Federal, and Regional Agencies: A draft report and EA was coordinated with all concerned agencies beginning in January 1994. There are no areas of controversy.

Status of Final Environmental Impact Statement: The Finding of No Significant Impact was signed on March 14, 1994.

Estimated Implementation Costs:		<i>Cost-sharing</i>
Federal: Corps of Engineers	\$15,881,000	
Non-Federal: St. Johns County	0	
Total	15, 881,000	

Description of Non-Federal Implementation Costs: None.

Description of Non-Federal O&M Costs: The estimated non-Federal annual operation and maintenance costs of the new bridge is \$75,000.

Benefit-Cost Ratio: 1.3.

(8) LAKE MICHIGAN, ILLINOIS

Location: The Lake Michigan Shoreline between Wilmette, Illinois and the Illinois/Indiana State line, a distance of approximately 33 miles. Within this reach the City of Chicago is the primary mu-

nicipality, accounting for over 85 percent of the shoreline miles within the study boundaries.

Description of Problem and Recommended Plan: Along the Chicago shoreline from Montrose Avenue (4400 North) to South 56th Street, it was found that the existing shore protection, consisting of wooden crib structures overlayed with capstones (built an average 60 years ago), is no longer functioning from a structural standpoint. Within the next 10–15 years, about 8 miles of structure are expected to fail from a functional standpoint such that the existing backshore area will be vulnerable to the wind driven storm wave forces of Lake Michigan. When this occurs, park facilities and infrastructure will be lost, culminating with the loss of Lake Shore Drive. In addition, the breakwater protects the South Water Filtration Plant, which services 2.5 million persons. When the breakwater ceases to provide any functional protection, the plant will be directly impacted by storm action.

Finally, two low lying areas subject to recurrent flooding were identified. This flooding, if not addressed, will continue to render Lake Shore Drive unusable to vehicular traffic during periods of high lake levels and storm conditions.

Over the past two years, significant degradation of the existing shore structures has been noted. Large sections of revetment have collapsed as a result of medium duration and intensity storm events. The rates of degradation are increasing and short term changes in sections are easily recognizable. The filtration plant breakwater has collapsed to the point where visual gaps in the structure are noted.

Storm damage problems in Wilmette and Evanston are minimal, due to the virtual complete armoring of the shoreline in this portion of the study area. Hence, there is no Federal interest in this reach of shoreline.

Flood Wall/Flashboards.—Along a 3,200-foot reach of Lake Shore Drive near downtown Chicago subject to lake flooding, a low level flood wall (unbroken line of jersey barriers, modified for the addition of wooden flashboards to increase structure heights) will be placed to protect the Drive from flood damages under high lake level storm wave conditions.

Rubble Revetment.—Along a 1,200-foot reach of shore at Meigs Field, a standard rubble revetment will be constructed. This revetment will act to protect existing airplane parking spaces at the airfield from storm damage and loss from storm driven wave action.

Beach Nourishment.—Beach nourishment/replenishment will be project features at two shoreline reaches: a 700-foot reach near 31st Street within Burnham Park, and a 1,200-foot reach of shoreline at Fullerton Avenue in Lincoln Park. At Fullerton Avenue, the nourishment will primarily be near-shore stone and gravel fill designed to reduce near-shore water depths and storm damage to Lake Shore Drive from high waves. At 31st Street, the nourishment substitutes for steel sheet pile and step stone revetment, continuing the unbroken line of protection along Burnham Park.

Views of States and Other Non-Federal Interests: Non-Federal interests support the recommended plan. The local sponsors, in letters dated March 1, 1993 (City of Chicago) and March 26, 1993 (Chicago Park District), reaffirmed their support for the rec-

ommended plan and their willingness to cost share in the project according to the apportionment of costs computed by the Corps.

Views of Federal and Regional Agencies: All issues regarding the project have been addressed and resolved to the satisfaction of all participating and reviewing parties.

Status of Final Environmental Impact Statement: The Environmental Assessment was signed by the District Engineer on 3 July 1993.

Estimated Implementation Costs:		<i>Cost-sharing</i>
Federal: U.S. Army Corps of Engineers	\$110,000,000	
Non-Federal: City of Chicago/Chicago Part Dist	94,000,000	
Total	204,000,000	

Description of Non-Federal Implementation Costs: The non-Federal sponsor is required to contribute 35 percent of all costs attributable to storm damage reduction. The non-Federal costs identified above would normally include lands, easements, rights-of-way, relocations and disposal areas (LERRDS) required for the project and additional cash to bring the total contribution up to the 35 percent share of the total project costs. However, since all lands required for the project are currently owned by the Chicago Park District, a "Before and After" Gross Appraisal identified an increase in the value of remaining lands which offset compensation for any temporary easements, and there are no severance damages, the value of LERRDs are essentially zero.

Description of Non-Federal O&M Cost: Work will consist of replacement of the stone fronting steel sheet pile structures; replacement of breakwater and revetment stone; and replacement of beach fill. Depending upon the feature considered, work will be required every 10–20 years. The principal feature of the plan, vertical wall steel sheet pile revetment structures, will be essentially maintenance-free. Also, prior to construction, the non-Federal sponsor will agree to comply with applicable Federal laws and policies, including (as indicated in the items of local cooperation in the Report of the Chief of Engineers, dated 14 April 1994) the requirement to operate, maintain, repair, replace, and rehabilitate the South Water Filtration Plant cofferdam, at no cost to the Government, such that the structural integrity and crest of the cofferdam is preserved in a manner consistent with protection provided by the proposed breakwater.

Approximately 41,000 feet of failed shoreline revetment protective structures would be replaced with step stone revetments. This would be done from Montrose to Fullerton Avenue on the north and from 26th Street to 56th Street on the south. A 2,800-foot breakwater would be reconstructed at the water filtration plant at 79th Street; 3,200 feet of flood wall would be constructed from Oak Street to North Avenue (1600 North), and beach replenishment would be undertaken at Fullerton Avenue (1,200 feet) and south of 56th Street (700 feet).

Physical data on project features

a. Step Stone Revetment.—This feature consists of steel sheet pile revetment, driven immediately lakeward of the existing deteriorated revetment remnants stabilized by "H" pile "deadmen",

backed with quarry run stone fill, capped with a concrete slab cap/walkway, and with large limestone blocks set back from the water's edge to give additional elevation to the revetment system and to act as a splash apron and walkway. The total length of this feature is about 41,000 feet. The crest elevation of the concrete slab is +9.0 feet Low Water Datum (LWD), and the step stone crest will vary from +13.0 feet LWD to +15.0 feet LWD. The revetment will prevent storm damage losses of shoreline, Lake Shore Drive and other in-place municipal facilities, as well as prevent nearly all significant flood damage to the roads and these facilities.

b. Breakwater:

(1) This feature consists of reconstruction of a 2,800-foot rubble breakwater, with a crest elevation of +8.0 feet LWD and a crest width of 30 feet, over the remains of an existing breakwater. This reconstructed breakwater will protect the existing South Water Filtration Plant from storm damage losses and related malfunctions.

(2) In addition, a short (80–150 foot) shore connected stub breakwater, constructed of steel sheet pile with stone fill, with a crest elevation of +10.0 feet LWD, would be constructed at Fullerton Avenue as part of a system of protection for a 1,200-foot reach. The breakwater would act in a concert with other system elements to prevent storm damage losses and flooding to Lake Shore Drive at Fullerton Avenue.

Benefit-Cost Ratio: 5.6.

Remarks: Because of delays in project authorization the non-Federal sponsor has preceded with a plan to implement selected features of the project. The bill requires the Secretary to reimburse the sponsor for the Federal share of work that is determined to be a component of the project.

(9) KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KENTUCKY

Location: The Tennessee and Cumberland Rivers provide the nation with over 1,037 miles of navigable waterway. Both rivers join the Ohio River in southwestern Kentucky, near Paducah. This study focuses on the Kentucky-Barkley portion of this system including the 30.6 miles of Cumberland River below Barkley Dam, the 22.4 miles of the Tennessee River below Kentucky Dam, and Barkley Canal which connects the two rivers above the dams.

Description of Problem and Recommended Plan: The problem on the Kentucky-Barkley System is multifold: Currently, most system traffic uses Kentucky Lock because the lower Tennessee-River is broad and straight, therefore easier and safer to navigate resulting in lower costs. The lower Cumberland River is narrow and sinuous with over half the river limited to one-way traffic. This causes congestion and delay at Kentucky Lock. In addition, Kentucky's 600-foot chamber is too small to handle a modern 15-barge tow. It takes two lockages to pass the vast majority of tows through the lock. This lengthy lockage time, combined with the effects of congestion and delay, give Kentucky Lock one of the highest transit times on the inland waterway. These problems are compounded when the Kentucky or Barkley locks are closed for maintenance. Normal maintenance requires closing each lock for at least two weeks every five years. In addition, the aging chamber at Kentucky (built in 1942 and in almost constant use) is scheduled for major rehabilita-

tion in 2009 and 2010. This will force all system traffic to use Barkley Lock and the lower Cumberland River, causing delays of 85–93 hours at Barkley, and diverting millions of tons of traffic to more expensive overland transportation. Kentucky-Barkley system traffic is projected to approximately double by the year 2050, growing at 1.2 percent annually. Even this normal growth will dramatically compound the problems, such that by the year 2000, the costs of using the Kentucky-Barkley system will increase.

The recommended plan calls for construction of a 110-by 1200-foot lock adjacent to the existing lock at the Kentucky Project. Traffic management before and during lock construction and reduced operation and maintenance of Barkley Lock are also included in the recommendations.

The recommended plan provides for the following features:

a. Structural:

The proposed lock is sited immediately landward of the existing lock with its upper miter sill about 300 feet downstream of the existing sill. The lock will be a concrete, gravity structure with steel miter gates. The downstream guidewall will be 1200 feet long and of gravity type construction. The upstream guidewall, also 1200 feet long, will be constructed on steel bearing piles enclosed in circular sheet pile cells filled with gravel. Nearly 1.7 million cubic yards of material will be excavated for the new lock and about 145,000 cubic yards of material will be removed from the approaches to the lock. The existing navigation channel must be shifted toward the right bank to provide a safe entrance and exit to the new lock. The lock requires extensive relocations, all of which are within existing right-of-way. Relocating the Paducah and Louisville Railroad to a new bridge about one-half mile downstream of Kentucky Dam is the largest relocation, followed by elevating a short section of the US 62/641 bridge. The project also requires constructing new access to the powerhouse and modifying several TVA powerlines.

b. Environmental Features:

(1) Mitigation on separable lands.—Twenty-three acres are needed to connect the borrow/disposal site to land currently owned by TVA.

(2) Mitigation on project lands.—A riparian strip, 50–100 feet wide, will be established between the mouth of Russell Creek and 1–24. Aquatic habitat will be created using gravel dredged from the lower lock approach. Affected historic properties such as the existing lock operations building will be documented. If significant archaeological sites are found, data will be recovered. Taylor Park Campground will be relocated.

(3) Enhancement measures.—A fish passage will be provided through the lock. Banks in the tailwater area will be armored using rock generated by construction. Short dikes will be constructed in the tailwater area to enhance fishing opportunities and fish habitat. Tailwater boat ramp and associated visitor amenities will be upgraded.

Views of States and Other Non-Federal Interests: Letters supporting the recommended plan came from the Governor of Kentucky, numerous members of the towing industry, local citizens, and local businesses. All environmental agencies oppose use of a

training dike because of likely impacts to mussels. The Commonwealth of Kentucky suggests further recreational enhancement features.

Views of Federal and Regional Agencies: TVA fully supports the project, but opposes use of a training dike. USFWS states that the training dike could impact Federally endangered species and suggests further recreational enhancement features. USCG is a cooperating agency in the FEIS. EPA Region IV has concerns about the training dike.

Status of Final Environmental Impact Statement: The Final Environmental Impact Statement was filed with the EPA on January 7, 1992.

Estimated Implementation Costs:	
Federal: Corps of Engineers'	\$393,200,000
Non-Federal	0
Total	\$393,200,000

Cost-Sharing 50% from Inland Waterways Trust Fund.

Benefit-Cost Ratio: 2.3.

(10) POND CREEK, JEFFERSON COUNTY, KENTUCKY

Location: The Pond Creek basin has a total area of 126 square miles and drains the western and southern portions of Jefferson County and the northwest portion of Bullitt County, Kentucky. The study area includes the central and eastern portions of the basin and begins on Pond Creek 12.6 miles upstream of the confluence with the Salt River, and 4.8 miles upstream of the backwater floodplain of the Ohio River. The study area extends upstream to the Shepherdsville Road bridge over Pond Creek tributaries Northern and Southern Ditches.

Description of Problem and Recommended Plan: The streams studied include the Pond Creek mainstem, and tributaries Northern and Southern Ditches, Greasy Ditch, Slop Ditch, and Fishpool Creek. Major improvements were made to the streams in the 1950's and 1960's by Jefferson County. These channels currently provide very low levels of protection. This is due in part to the rapid residential and commercial development in the study area which has resulted in increased stormwater runoff, with increased frequency of flooding, and vulnerability to flash flooding. The majority of the development occurred prior to implementation of Flood Insurance Program restrictions. Based on zero damage elevations, an estimated 3,800 properties are vulnerable to flooding. Approximately 93 percent of those properties are residential. The community participates in the National Flood Insurance Program. Property in the floodplain is valued at \$690 million. Flood damages which would result from floods having a 10%, or a 1% chance of being exceeded in any one year are \$4.9 million, and \$102.9 million, respectively. The 1964 flood, estimated at a 1% chance of being exceeded in any one year, is the flood of record in the basin. Since that time, widespread, shallow flooding has occurred. However, growth patterns and topography in the study area combine to create the potential for severe flooding problems. Average annual flood damages in the study area total \$4.9 million at October 1995 price levels.

The recommended plan provides for construction of two detention basins; an 80-acre basin adjacent to Northern Ditch (the Melco basin); a 40-acre basin adjacent to Fishpool Creek (the Vulcan Quarry basin); and channel enlargement along portions of Pond Creek and Northern Ditch. The recommended plan also includes: construction of a multipurpose maintenance road/hiking and bicycle trail along the Pond Creek channel improvement; and wetlands environmental restoration at a site adjacent to Southern Ditch.

Physical data on project features

a. Structural: Channel widening is planned along 2.4 miles of Pond Creek, and along 1.5 miles of Northern Ditch. Detention basin storage is planned at an 80 acre site adjacent to the south bank of Northern Ditch. The capacity of the basin will be 1,567 acre-feet of storage. Two 50-cfs pumps will be used to aid during the basin emptying cycle. A detention basin is also planned at a former limestone quarry located immediately west of Fishpool Creek, a Southern Ditch tributary. The 40 acre basin has available storage of 3,800 acre feet, however, only 418 acre feet are required for flood control. In addition to the flood control features described above a 12-foot wide multipurpose maintenance road/hiking and bicycle trail is planned along the channel improvement. The trail begins and terminates with upstream and downstream turnaround areas for maintenance vehicles. Lastly, restoration of fifteen acres of bottomland hardwood wetlands is planned adjacent to Southern Ditch at a site owned by the local sponsor.

b. Environmental Features: No mitigation is required as part of the recommended plan. Opportunities to incorporate environmentally sound good engineering practices have been incorporated into the proposed project as follows:

The interior slopes of the berm around the Melco basin would be planted with trees, shrubs, and herbaceous plants suitable for wildlife. Approximately 11 acres of plantings would be supported around the interior of the berm. The bottom of the basin would be left to revegetate naturally.

Channel modification on Pond Creek would be confined to the right bank. The left bank throughout the affected reach will remain undisturbed so as to provide shading for the stream and terrestrial habitat on the stream bank. Riprap will be placed at intervals along Pond Creek to create artificial riffles.

The enlarged channel along Northern Ditch has been configured so as to retain the existing stream channel as a low flow channel. Riffles will be created in the low flow channel.

The modified streambanks along Pond Creek and Northern Ditch will be seeded in herbaceous species (grasses and legumes) beneficial to wildlife. These areas will be placed on a less frequent mowing schedule to provide food and cover for longer periods. The 15 acre spoil disposal areas on Pond Creek will also be seeded in herbaceous species.

Views of States and Other Non-Federal Interests: The Commonwealth of Kentucky supports the recommended plan. Letters supporting the recommended plan came from the Glengarry Homeowners Association, Inc., the Concerned Citizens Coalition, and the

Valley Village Trustees. Support was also expressed by the Scottsdale Neighborhood Association.

Views of Federal and Regional Agencies: The U.S. Fish and Wildlife Service (USFWS) had no comments beyond those expressed in earlier coordination in which support for the engineering practices (described above) was stated. The Kentucky Transportation Cabinet expressed support for the project. No other agency comments have been received.

Status of Environmental Assessment/Finding of No Significant Impact: The FONSI was signed on 18 March 1994.

		<i>Cost-sharing</i>
Estimated Implementation Costs:		
Federal: (COE/Flood Control)		\$10,993,000
Non-Federal: (Metropolitan Sewer District)		5,087,000
Total		<u>16,080,000</u>

Estimated Annual O&M Costs:	
Federal (COE)	2,400
Non-Federal (Metropolitan Sewer District)	67,800

Description of Non-Federal O&M Costs: The Louisville and Jefferson County Metropolitan Sewer District will be responsible for operation and maintenance of channels, detention basin, pump stations and drainage structures.

Benefit-Cost Ratio: 2.7.

(11) WOLF CREEK DAM AND LAKE CUMBERLAND, KENTUCKY

Location: Wolf Creek Dam and Lake Cumberland are located in South-central Kentucky on the Cumberland River at river mile 460.9. The Wolf Creek Dam controls drainage from almost 5,800 square miles and impounds a large multipurpose storage reservoir (Lake Cumberland) on the Cumberland River near the city of Jamestown.

Description of Problem and Recommended Plan: The Wolf Creek project, with a hydroelectric capacity of 270 megawatts (MW), operates primarily to meet intermediate load power demands, and full advantage has not been taken of the flexibility inherent in the large amount of storage available at the project. Alternatives have been investigated to determine the feasibility of uprating the powerplant to permit it to be operated more as a peaking plant, giving the energy output a higher dollar value.

The recommended uprating will consist of selectively replacing key electrical/mechanical components within the existing hydroelectric units, which will result in higher generating efficiencies and greater peaking capabilities. The recommended plan would provide an updated capacity of approximately 390 MW.

Physical Data on Project Features

a. Water Use and Control:

Hydroelectric storage and features: Due to the basic study constraint of preserving existing lake fluctuation characteristics, there would be no measurable impact on Lake Cumberland. The peaking hydropower operation would basically withdraw the same volumes of water from the reservoir as currently used for base load generation, but the timing of the withdrawals would change slightly.

b. Environmental Features

Mitigation on separable lands: Implementation of recommended uprating would have no adverse effect on Lake Cumberland. However, there would be a slight downstream impact, requiring mitigation for the loss of fish habitat. The plan would add two multicone aerators at the National Fish Hatchery, which is entirely on Fish and Wildlife Service lands, with Operations and Maintenance costs borne by that agency. Also, two existing users access areas would be improved, with O&M by the State of Kentucky.

Views of States and Other Non-Federal Interests: Comments on this project were received from six agencies of the Commonwealth of Kentucky, mostly relating to environmental concerns. These concerns have been addressed and resolved.

Views of Federal and Regional Agencies: Coordination with the Kentucky Department of Fish & Wildlife Resources and the U.S. Fish and Wildlife Service resulted in the identification of opportunities to improve environmental conditions. A plan to mitigate fish habitat losses that would result from uprating the existing powerplant has been developed and included in the project. No other review comments were received.

Status of Final Environmental Assessment: The final Report/Environmental Assessment was circulated to required agencies for review, and all comments were resolved or appropriate revisions made. A Finding of No Significant Impact (FONSI) was signed on 5 June 1989.

Estimated Implementation Costs:

Federal	0
Non-Federal	0
SEPA (selected sponsors)	\$53,763,000
Total	53,763,000

Description of Non-Federal Implementation Costs: All costs associated with the update would be borne by the non-Federal sponsor. The majority of this cost would be for the replacement of key mechanical/electrical equipment at the existing Wolf Creek power plant.

Description of Non-Federal O&M Costs: The update would result in no increase in the operations and maintenance expense, over that associated with the existing power plant. However, for the selected plan there is an increment of additional annual cost (\$42,000) associated with replacement of certain major components before the end of the project life. The mitigation measures identified with the recommended plan will require limited maintenance; the projected annual cost is \$4,000. That cost will be borne by the State of Kentucky.

Benefit-Cost Ratio: 1.2.

(12) PORT FOURCHON, LAFOURCHE PARISH, LOUISIANA

Location: Port Fourchon is located near the mouth of Bayou Lafourche in southern Lafourche Parish.

Description of Problem and Recommended Plan: The recommended plan provides for the enlargement of the access channel to Port Fourchon to a project depth of -24 feet Mean Lower Low Water (MLLW) over a 300-foot bottom width between mile 3.4 in

Bayou Lafourche and the -26-foot MLLW contour in the Gulf of Mexico. The plan also provides for the use of all dredged material from the construction and maintenance of the navigation channel for wetlands creation and preservation.

Views of Federal and Regional Agencies, States and Other Non-Federal Interests; Status of Environmental Impact Statement: The Greater Lafourche Port Commission is the non-Federal sponsor for the recommended plan. They have expressed their support for the recommended plan and their intent to provide all the lands, easements, rights-of-way, relocations, cash contributions, and other non-Federal cooperation necessary for plan implementation.

The draft feasibility report and environmental impact statement were distributed to Federal, state, and local agencies and other interested parties for review the week of July 27, 1994. A public meeting was held on August 2, 1994, to discuss the tentative recommendations presented in the draft report and to discuss the draft environmental impact statement.

Estimated Implementation Costs: The estimated total first cost of the recommended plan is \$4,440,000, including \$2,300,000 Federal and \$2,140,000 non-Federal. An additional associated non-Federal cost for deepening berthing areas at docks in the port is estimated at \$74,000.

(13) WEST BANK OF THE MISSISSIPPI RIVER, NEW ORLEANS (EAST OF HARVEY CANAL), LOUISIANA

Location: The study area is located on the west bank of the Mississippi River in the vicinity of New Orleans, Louisiana, and includes portions of Jefferson, Orleans, and Plaquemines Parishes. The study area is bounded by the Harvey Canal to the west, the Mississippi River to the north and east, and the Hero Canal to the south.

Description of Problem and Recommended Plan: The study area, with a population of approximately 140,000 residents, has a relatively low level of hurricane protection and the surge produced by a severe hurricane could result in the catastrophic loss of life and property damage. Although Hurricane Juan (October 1985) was only a minimal category 1 hurricane, extensive sandbagging was required along the Harvey Canal to prevent overtopping of the existing protection. Hurricane Andrew (August 1992) ultimately made landfall in south-central Louisiana, however, evacuation orders were issued for the study area due to the low level of existing protection. Of the 31,650 residential structures located within the study area, 12,627 (40%) are located in areas vulnerable to flooding from the hurricane which has a 1% chance of recurrence in any one year and 26,098 (82%) are located in areas vulnerable to flooding from the standard project hurricane (SPH), which has a 0.4% chance of recurrence in any one year.

The recommended plan would provide for the construction of a navigable floodgate in the Harvey Canal about 3,600 feet south of Lapalco Boulevard and the construction of levees and floodwalls along the east bank of the Harvey Canal between the floodgate and the Hero Pumping Station. A temporary by-pass channel would be constructed to temporarily accommodate Harvey Canal traffic while the floodgate is under construction. The by-pass channel would

later serve as the outfall canal for the Cousins Pumping Station, the capacity of which would be increased by 1,000 cfs. When the floodgate is closed, the existing Harvey Pumping Station would be shut down and interior drainage would be diverted to the enlarged Cousins Pumping Station. The recommended plan would also provide for the enlargement of the existing levees along both the west and east banks of the Algiers Canal and along the north bank of the Hero Canal. The protection would wrap around the head of the Hero Canal and continue west along the south bank of the canal. A new levee would be constructed along the western edge of the community of Oakville connecting the Hero Canal levee with an existing Plaquemines Parish levee. The recommended plan would also provide for the acquisition of high quality wooded lands and the implementation of measures that would mitigate for all project-induced habitat losses to the fullest extent possible.

Physical Data on Project

a. Structural. The navigable floodgate would be a sector gate type structure consisting of a pile supported reinforced concrete structure with structural steel sector gates. The levees would be constructed in lifts using semicompacted and uncompacted fill. Grass would be planted on the levees for aesthetic reasons and to help reduce erosion of the levee slopes. The construction of I-walls, I-wall/earth combinations, vehicular gates, and inverted T-walls would assure a continuity of protection between full earth sections and pumping stations. The exposed areas of the floodwalls, particularly those in areas of high visibility, would be provided with architectural finishes for aesthetic reasons.

The Planters, Orleans No. 11, Orleans No. 13, Hero and Plaquemines Pumping Stations would be modified by constructing floodwalls and modifying the discharge pipe and pipe valves on the discharge pipes for positive cut-off.

Expansion and modification of the Cousins Pumping Station is planned to include an additional 1,000 cfs discharge capacity and associated station modifications. The existing 1st Avenue Canal, connecting the Cousins Pumping Station and the Harvey Pumping Station, would be enlarged to accommodate the additional capacity.

b. Mitigation. The mitigation feature of the recommended plan would provide for the acquisition of 312 acres of bottomland hardwoods and swamp in the Bayou Bois Piquant finger ridge area near the Salvador Wildlife Management Area and the implementation of measures designed primarily to improve habitat quality.

Views of States and Other Non-Federal Interests: In a letter dated 19 April 1994, the Louisiana Department of Transportation and Development (LDOTD) expressed their intent to serve as the non-Federal sponsor of the East of Harvey Canal project. Letters expressing support for the project were received from the West Jefferson Levee District, Orleans Levee District, Plaquemines Parish Government, Jefferson Parish Council, Louisiana Department of Natural Resources, Louisiana Department of Wildlife and Fisheries, and State Senators and Representatives.

Views of Federal and Regional Agencies: The letters received from Federal agencies generally expressed support for the project.

Status of Environmental Impact Statement: The FEIS was filed and notice of availability appeared in the Federal Register on 30 September 1994.

	<i>Traditional Cost Sharing</i>
Estimated Implementation Costs:	
Federal (65.25%)	\$82,200,000
Non-Federal (34.754%)	43,800,000
Total	126,000,000

Description of Non-Federal Implementation Costs: The non-Federal share (\$43,800,000) includes all lands, easements, rights-of-way, including suitable borrow and dredged or excavated material disposal areas (\$22,500,000) and the cost for all utility and facility alterations and relocations (\$5,000,000). The non-Federal interests have requested credit for work-in-kind to satisfy the remainder of the non-Federal share (\$16,300,000).

Estimated Annual O&M Costs:	
Federal	0
Non-Federal	\$250,000

Description of Non-Federal O&M Costs: The annual operation, maintenance, repair, replacement, and rehabilitation cost for the recommended plan is \$237,000 west of Algiers Canal and \$13,000 each of Algiers Canal.

Benefit Cost Ratio:	
West of Algiers Canal	4.7
East of Algiers Canal	1.6

(14) WOOD RIVER, GRAND ISLAND, NEBRASKA

Location: The city of Grand Island, Nebraska and adjacent portions of Hall and Merrick Counties.

Description of Problem and Recommended Plan: The city of Grand Island is subject to flooding from Warm Slough and the Wood River every 2 years on average. Wood River floods cause major widespread flooding in the Grand Island area because floodflows spread over a wide, relatively flat, highly developed flood plain. In addition, Wood River floodflows spill into the much smaller Warm Slough basin, causing the Warm Slough to flood into Grand Island. Major floods have occurred in 1923, 1947, 1949 and 1967. The most recent and serious flooding occurred in May 1967 causing over \$14,900,000 (1993 dollars) in flood damages throughout the Grand Island area.

There are approximately 1755 structures in the 100-year flood plain, where the dominant land use is single-family residential. Approximately six percent of the structures in the flood plain are a mix of commercial, industrial, and public facilities. Grand Island is the third largest city in Nebraska.

The recommended plan includes the construction of 2 miles of channel and levee; a diversion structure; 5 miles of diversion channel with levees on both sides; and measures to mitigate unavoidable impacts. The recommended plan also requires the construction of four new roadway bridges and the modification of one existing railroad bridge.

Physical Data on Project Features

a. Structural:

(1) Canals, channelization, levees, jetties, drainage systems, and other facilities:

A diversion channel approximately 5 miles long and 180 feet wide with levees on both sides averaging 5 feet in height. Construction of the diversion channel would require construction of 5 bridges including one railroad bridge. An upstream tie-off that includes a 30 foot wide channel about 2 miles long with a levee on the left bank that averages 5 feet in height. Construction of the tie-off would also include one precast triple box culvert, one CMP culvert and raising of about one half mile of secondary road. A gated diversion structure on the Wood River that diverts flows in excess of 600 c.f.s., with the gates fully open, and 250 c.f.s., with the gates fully closed. The structure diverts up to 4000 c.f.s. which is the diversion channel design capacity.

(2) Lands, easements, rights-of-way and relocations:

The proposed project would require the acquisition of several different real estate interests over a total of 610 acres and involve 31 landowners. A total of 81 acres would be acquired under fee title, 428 acres under a permanent easement, 61 acres of temporary construction easements, and 40 acres of borrow and spoil easements. No real estate relocations would be required. Some utility relocations would be required. Construction of four county road bridges is also required.

b. Environmental Features:

Mitigation on project lands; The proposed project would require replacement of 4.6 acres of palustrine wetlands on a 2-to-1 basis. Another 19 acres of wet meadow at the east terminus of the project would be managed to protect the Regal Fritillary butterfly. All other project lands would be planted in a native grassland seed mix to provide suitable habitat for wildlife.

View of States and Other Non-Federal Interests: The Governor of Nebraska visited Grand Island in March 1993 and expressed support for the project. The State of Nebraska, acting through the Central Platte Natural Resources District, would provide 80 percent of the non-Federal funding. The City of Grand Island strongly supports the project and would provide 12 percent of the non-Federal funding. Hall and Merrick counties also support the project and would each provide 4 percent of the non-Federal funding.

Views of Federal and Regional Agencies: The U.S. Fish and Wildlife Service supports the project with mitigation of impacts to wildlife and wetlands as proposed. The National Park Service supports the project with the appropriate replacement of park lands that were funded under the Land and Water Conservation Fund Program, and are now within the proposed project right-of-way.

Status of Final Environmental Impact Statement: No EIS required. FONSI signed 30 April 1993.

Estimated Implementation Costs:

Federal:	
Federal Corps of Engineers/Flood Control	\$6,040,000
Non-Federal	5,760,000
<hr/>	
Total:	11,800,000

Description of Non-Federal Implementation Costs: The non-Federal costs identified above are 50 percent of the total project costs.

Description of Non-Federal OMRR&R Cost: The primary OMRR&R activities will involve haying, mowing and burning for the project grasslands as specified in the mitigation plan. Periodic removal of debris and sediment along the project alignment would also be required. Damaged or displaced rip-rap and bedding would also be replaced after each flood event. Data collection activities such as monitoring of groundwater are also included.

Benefit to Cost Ratio: 2.1.

(15) LONG BEACH ISLAND, NEW YORK

Location: The nine-mile long barrier island of Long Beach is located in Nassau County along the south shore of Long Island between Jones Inlet and East Rockaway, approximately from Manhattan, New York.

Description of Problem and Recommended Plan: The primary problem facing this highly developed barrier island is that portions of the beach and adjacent development are subject to direct wave attack and inundation during major storms and hurricanes. The beaches in the project area are also being eroded which increases the potential for damages.

A 110-foot wide beach berm at an elevation of +10 feet NGVD, backed by a dune system at an elevation of +15 feet NGVD with a crest width of 25 feet. The plan also includes rehabilitation of 16 of the existing groins, constructed of 6 new groins in the most critical erosion area at the eastern end of barrier island, dune grass, dune fencing and suitable advance beachfill and periodic nourishment to ensure the integrity of the design. The plan would require approximately 8.6 million cubic yards of initial fill to be placed and subsequent periodic nourishment of 2 million cubic yards of fill every five years for 50 years.

Physical Data on Project Features

a. A dune with a top elevation of +15 ft NGVD for a crest width of 25 ft, with 1 on 5 side slopes on the landward and seaward sides; a 15-to-25 ft maintenance area is included landward of the dune.

b. A beach berm extending 110-ft from the seaward toe of the dune at an elevation of +10 ft NGVD, with a shore slope of 1 on 25 for the easternmost 5,500 linear ft of the shoreline, thence transitioning to a 1-on-35 slope for the remaining shoreline.

c. A total sand fill quantity of 8,642,000 cy for the initial fill placement, including tolerance, overfill and advanced nourishment.

d. Renourishment of approximately 2,111,000 cy of sand fill from the offshore borrow area every 5 years for the 50 year project life.

e. Total of 29 acres for planting dune grass and 90,000 linear ft of sand fence for dune sand entrapment.

f. Total of 16 dune walkovers and 13 timber ramps for boardwalk access, and 12 vehicle access ramps over the dune.

g. Total of 6 new groins west of the existing groins at the eastern end of island, spaced approximately 1,200 ft apart across 6,000 linear ft of beach frontage.

h. Rehabilitation of 16 of the existing groins, including rehabilitation of 640 ft of the existing revetment on the western side of Jones Inlet.

Views of States and Other Non-Federal Interests: Local officials from the City of Long Beach, Town of Hempstead and Nassau County have expressed support of the recommended plan to provide storm damage protection. The New York State Department of Environmental Conservation has indicated that they support the project and will act as the non-Federal sponsor and fully understand their potential cost-sharing responsibility.

Views of Federal and Regional Agencies: There are no known opposition by State or local regulatory agencies.

Status of Final Environmental Impact Statement: Prepared February 1995. The final EIS and 90 days State and Agency review was completed on 6 December 1995. There were no adverse comments received.

Estimated Implementation Cost:

Initial Construction:			
Federal		\$46,858,000	
Non-Federal		25,232,000	
Total		72,090,000	

Benefit-Cost Ratio: 1.9.

(16) WILMINGTON HARBOR, CAPE FEAR RIVER, NORTH CAROLINA

Location: The study area is the Cape Fear River, located between New Hanover and Brunswick Counties. The primary area of concern is between the mouth of the Cape Fear River and the turning basin above the North Carolina State Ports Authority terminal at Wilmington, a distance of about 26 miles.

Description of Problem and Recommended Plan: Results of this study indicated that current channel widths are inadequate for the larger vessels now calling at the Port of Wilmington. The two principal problems identified are: (1) a need for widening five turns and bends, and (2) a need for construction of a passing lane at a central location between the Port and the Atlantic Ocean.

The plan recommended consists of widening five turns and bends and construction of a passing lane 6.2 miles long.

Physical data on project features

a. Construction dredging quantities of sand and rock are presented below for the Selected Plan.

Location	Sand volume	Rock volume	Total volume
Turn 1	205,550	0	205,550
Turn, 2 & 3	325,730	97,400	423,130
Turn 4	173,400	24,350	197,750
Turn 5	41,060	0	41,060
Subtotal turns	745,740	121,750	867,490
6.2-mile passing lane	3,137,030	80,000	3,217,030
Total volumes	3,882,770	201,750	4,084,520

b. Lands, easements, rights-of-way and relocations. No real estate acquisition will be necessary for the construction of the Se-

lected Plan, and no real estate costs will be incurred. All areas to be dredged are below mean low water. Disposal of dredged material will be on diked disposal areas within an existing perpetual easement provided by the State of North Carolina. No relocations will be required for construction or maintenance of the Selected Plan.

Views of States and Other Non-Federal Interests: The Selected Plan is supported by the project sponsor, the North Carolina Department of Environment, Health, and Natural Resources, Division of Water Resources; the North Carolina State Ports Authority; and the Wilmington Cape Fear Pilots Association.

Views of Federal and Regional Agencies: The National Marine Fisheries Service and the U.S. Fish and Wildlife Service, respectively, concurred with our no effect determination, if blasting does not take place. If blasting occurs, then the Corps will reinitiate formal consultation with the NMFS and USFWS subject to Section 7 of the Endangered Species Act of 1973, as amended.

Status of Final Environmental Impact Statement: A final EIS was filed with the U.S. Environmental Protection Agency on 31 March 1994.

Estimated Implementation Costs:

Federal	\$15,032,000
Non-Federal	8,921,000
Total	23,953,000

Description of Non-Federal Implementation Costs: The Selected Plan includes dredging within the range 20 and 45 feet; therefore, the non-Federal share of dredging is 35 percent. The non-Federal sponsor is responsible for lands, easements, and rights-of-way, dredged material disposal areas, and relocations determined to be necessary for the project. No relocations of utilities will be required. Adjustments to disposal area dikes are expected to cost the sponsor \$762,000.

Benefit Cost Ratio: 1.5.

(17) DUCK CREEK, CINCINNATI, OHIO

Location: The Duck Creek watershed is in southeastern Hamilton County, Ohio. Its southern border is the Ohio River, and the Little Miami River forms a considerable portion of its eastern border. The study area begins at a point just beyond the backwater floodplain of the Ohio River, approximately 2 miles upstream of a the confluence of Duck Creek with the Little Miami River, and near the corporate limits of the Village of Fairfax in Hamilton County, Ohio.

Description of Problem and Recommended Plan: The Duck Creek floodplain is subject to frequent flooding, affecting businesses and industries, but with little flood damage to residential properties. Approximately two-thirds of the estimated flood damages in the Duck Creek floodplain are to the area along the left bank of Duck Creek above Madison Road. Floods along Duck Creek have threatened over a thousand jobs in manufacturing and disrupted production during the 1980's. The flooding has been relatively shallow to structures, less than three feet, and has been of short duration (3 to 4 hours) with very high velocities (9.5 to 10.5 feet per second). Numerous cars and other vehicles have been damaged and swept

away by flooding. Damage (in FY 1995 dollar values) from the 1982 flood of record is estimated at \$5.6 million. Threatening flood conditions occurred 5 times in a four month period during 1991, with plant closures during at least one of these events. Average annual flood related damages in the study area total \$1,956,000.

The Recommended Plan calls for construction of levee and flood wall segments providing a uniform level of protection in three reaches of Duck Creek, along with associated minor stream relocations, channel protection (riprap), closures, pump stations, and other work. The recommended plan is the Locally Preferred Plan. Once in place, the project will meet the National Flood Insurance Program requirements as administered by FEMA. The project when constructed would have a one percent chance of being exceeded in any one year.

a. Structural: The selected plan consists of the construction of 14,000 feet of floodwalls or levees in three reaches of Duck Creek, 1,200 feet of stream relocation and 9,300 feet of channel protection (riprap). An abandoned highway bridge at the downstream limits would be demolished and an existing Conrail Railroad bridge would be replaced to provide a wider stream opening. The project has 2 closures and 2 pump stations. For emergency vehicle access to the Steel Place industrial area during high water events an emergency road will be constructed from the industrial area to Oaklawn Drive.

b. Environmental Features:

(1) Mitigation on separable lands.—Twenty-three (23) acres would be planted with riparian and bottomland trees and shrubs to compensate for unavoidable project impacts on existing riparian habitat.

(2) Mitigation and project lands.—Where practicable, project features have been modified to avoid or minimize adverse impacts to fish and wildlife resources. Stream reaches which will be relocated or excavated will have channel dimensions, substrate, and pool/riffling returned to near natural conditions. The levees, levee/wall maintenance roads, and the borrow site will be seeded with grasses and legumes which have wildlife habitat value. To compensate for the removal of nesting trees, wooden nesting boxes will be placed among trees in other areas of Duck Creek. Where practicable, areas disturbed within temporary construction easements will be restored with plantings and seedlings to compensate for habitat losses. No cultural resources will be affected by the project.

Views of States and Other Non-Federal Interests: Letters supporting the recommended plan have been received from the City of Cincinnati and the Village of Fairfax. The local chapters of the Sierra Club, Preserve Ohio Wetlands, the Audubon Society, Rivers Unlimited, and American River opposed the project as an unnecessary tax subsidy for flood threatened businesses, and less important to the community than solving local problems with combined sewer overflows. The Cincinnati Metropolitan Sewer District and City Council have met with these groups on several occasions to discuss the proposed Corps project and resolve their concerns. The Ohio Environmental Protection Agency granted Section 401 water quality certification and HTRW clearance for the project. The Ohio Department of Natural Resources (ODNR) recognized the flooding problem, but expressed concern about the loss of riparian habitat

to project construction. An acceptable mitigation plan has been developed in coordination with the U.S. Fish and Wildlife Service, ODNR, and the city of Cincinnati to offset this loss of habitat. The residents of Oaklawn Drive objected to the emergency access road from their street to the Steel Place industrial park. The city of Cincinnati and the Corps met with residents and an alternative route will be investigated during the preconstruction engineering and design phase of the project. If the alternative route for the access road is selected for implementation, any additional project costs would be provided by the City.

Views of Federal and Regional Agencies: U.S. Fish and Wildlife Service (USFWS) had no comments beyond those in earlier coordination with recommended: (a) off-site mitigation for the loss of riparian habitat to project features; (b) seasonal restrictions on the removal of trees which could provide maternity roost sites for the Federally endangered Indiana bat; and (c) installation of nest boxes for wood ducks and squirrels. FEMA requested that it be provided as-built drawings, hydraulic data, and other related information upon completion of project construction. The recommendations of the USFWS and the requests of FEMA have been complied with. No other Federal agency provided comments.

Status of Environmental Assessment/Finding of No Significant Impact (FONSI): The FONSI was signed on 14 January 1994.

Estimated Implementation Costs:	
Federal (COE)	\$11,960,000
Non-Federal	3,987,000
Total	15,947,000
Estimated Annual O&M Costs:	
Federal (COE) Annual Inspection	1,000
Non-Federal	45,000
Total	46,000

Description of Non-Federal O&M Cost: The Village of Fairfax and the City of Cincinnati are responsible for operation and maintenance of levees, floodwalls, ponding areas, drainage structures, mitigation wetland, and recreation facilities.

Benefit-Cost Ratio: 1.3.

(18) WILLAMETTE RIVER TEMPERATURE CONTROL, MC KENZIE
SUBBASIN, OREGON

Location: The McKenzie River flows into the Willamette River at River Mile 171.8 near Eugene, the second largest city in Oregon. The study focuses on two existing Corps projects, Blue River and Cougar lakes, about 40 miles east of Eugene. The projects are located on tributaries to the McKenzie River, the Blue and South Fork McKenzie rivers, respectively.

Description of Problem and Recommended Plan: Under existing conditions, the projects alter downstream water temperatures, which are cooler in the late spring/summer and warmer in the fall/winter than pre-project conditions. The existing outlets are located near the bottom of the reservoirs, which thermally stratify during portions of the year. The resulting cooler water released in the late

spring/summer impedes upstream migration of the spring chinook salmon and growth of native trout, including bull trout. Warm water released in the fall/winter accelerates salmon egg incubation and fry emergence, leading to poor survival. Willamette spring chinook salmon is being reviewed for listing under the Endangered Species Act (ESA). Bull trout is also a candidate species under the ESA. This project will modify current downstream temperatures to more closely replicate pre-project conditions, thus improving conditions for spring chinook salmon and native trout, including bull trout.

The recommended plan provides for installation of selective withdrawal structures. The selective withdrawal system will be added directly to the existing intake towers and positioned upstream over the existing regulating outlet works (and power penstock for Cougar). Water will be withdrawn from specific elevations in the reservoirs using temperature control ports to achieve desired release temperatures. A post-construction monitoring program will be refined during PED and will be used to evaluate the success of modifying temperatures.

Physical data on project features

a. Structural: The ported selective withdrawal structures will be added directly to the existing intake towers. Water will be withdrawn from specific elevations in the reservoir using 8 water temperature control ports and 2 bypass ports at Cougar, and 7 water temperature control ports and 2 bypass ports at Blue River. The water will be withdrawn from 1 to 3 specific ports at a time. All lands required for the project are currently within Federal ownership.

b. Environmental Features: Construction of the projects has been phased to limit impacts of the downstream watershed. Residual pools will be maintained during construction to limit sediment transfer downstream, reduce turbidity during construction, and provide habitat for bull trout in Cougar. Coordination with state and federal resource agencies will continue throughout the PED phase. Also, an interagency committee will be formed for coordination and response to unforeseen problems that may arise during construction.

Views of States and Other Non-Federal Interests: The Oregon Department of Fish and Wildlife (ODFW) recognized that the McKenzie drainage is the most important area remaining for natural production of spring chinook salmon in the Willamette basin. ODFW strongly supports the project, as do the comments received in response to review of the draft report and the DEIS. However, many commentators also expressed concerns on the four year construction schedule at each project. The VE study will focus on ways to reduce the overall construction periods.

Views of Federal and Regional Agencies: The U.S. Fish and Wildlife Service (USFWS), Columbia Basin Fish and Wildlife Authority, and National Marine Fisheries Service, the McKenzie Watershed Council, and other groups also strongly support the project. The U.S. Forest Service (USFS) provided some concerns on the South Fork McKenzie River above and below Cougar Lake, which is a national wild and scenic study river. Their primary concern is on con-

struction impacts to the bull trout population in Cougar Lake. Additional coordination with ODFW, USFWS, and the USFS was accomplished to identify potential measures to reduce impacts to bull trout. This information has been included in the final EIS. USFS will make their final determination concerning the wild and scenic study river during review of the final EIS.

The Final Environmental Impact Statement: The Final EIS was released by EPA in the Federal Register on 30 June 1995.

Estimated Implementation Costs:		
Federal: Corps of Engineers		\$38,000,000
Non-Federal		0
Total		38,000,000

Benefit to Cost Ratio: A benefit/cost ration has not been calculated since the environmental benefits are not monetarily quantified.

(19) RIO GRANDE DE ARECIBO, PUERTO RICO

Location: City of Arecibo, North Central Coast of Puerto Rico.

Description of Problem and Recommended Plan: Some 500 acres of high density urban area along the eastern part of the city of Arecibo is flooded by the Rio Grande de Arecibo. There are 1,135 families and several hundred small business structures, public buildings, and facilities in the area. The 1985 flood resulted in about one meter of depth of flooding and caused over \$12 million in damages.

The recommended plan proposes constructing 4.2 kilometers of levees and 315 meters of floodwall along the western bank of the Rio Grande de Arecibo from its mouth to south of PR Highway 22; 3.4 kilometers of earthen channel improvement along Rio Santiago from its outlet to PR Highway 22; 2.9 kilometers of channel diversion for Rio Santiago south of PR Highway 22 into Rio Grande de Arecibo; and 1.2 kilometers of levees along the north bank of Rio Anami. These improvements will protect the city of Arecibo from the 100-year flood event. A bicycle and jogging trail will be constructed along the top of the Rio Grande de Arecibo levee and along the Rio Santiago channel to connect with existing facilities in the Luis Rodriguez Olmo sports complex.

Physical data on project features

Feature	Main River Rio Grande de Arecibo	Tributaries	
		Rio Santiago	Rio Tanama
Levee	4,165	1,160
Floodwalls	315
Channel improvement	3,400
Channel diversion	2,900
Jetty to ocean	30.5
Wetland militation	7.2
Bicycle and jogging trail	600	865

Views of States and Other Non-Federal Interests: The Puerto Rico Department of Natural Resources provided on November 6, 1992, a letter of intent supporting conclusions and recommenda-

tions contained in the report. There are no known significant issues.

Views of Federal and Regional Agencies: A draft report and EIS was coordinated with all concerned agencies beginning in October 1991. Questions relating to potential cumulative environmental impacts and wetlands investigation plans were addressed in the final EIS. There are no areas of controversy.

Status of Final Environmental Impact Statement: Date of filing final EIS, 10 December 1993.

Estimated Implementation Costs:

Federal	\$10,557,000
Non-Federal	9,394,000
Total	19,951,000

Description of Non-Federal Implementation Costs: The non-Federal costs, would be those associated with lands, easements, and right-of-ways, relocation of bridges and roads, boat ramp, and utilities. The sponsor will also contribute 5% cash of the total first cost of the flood control project and 50% of the total recreation cost.

Description of Non-Federal O&M Cost: Operation and maintenance of levees, floodwalls, channels, ponding areas, drainage structures, jetty, mitigation wetlands and recreation facilities.

Benefit-to-Cost Ratio: 4.3.

(20) BIG SIOUX RIVER AND SKUNK CREEK, SIOUX FALLS, SOUTH DAKOTA

Location: City of Sioux Falls, South Dakota.

Description of Problem and Recommended Plan: The Corps completed the existing flood control project at Sioux Falls in 1961. The existing project was designed to contain floods up to 24,400 c.f.s. on the Big Sioux River and 9,350 c.f.s. on Skunk Creek. Although the project meets these design goals, a longer period of record and high water flows in 1969 resulted in a change to the hydrology of the Big Sioux River and Skunk Creek. The existing project provides protection against the 3.3 percent-chance flood on the Big Sioux River and 5 percent-chance flood protection on Skunk Creek. Major portions of the highly development areas of Sioux Falls are vulnerable to flooding. Today, a 1.0 percent-chance flood on the Big Sioux River would cause an estimated \$111 million damage in Sioux Falls. A 1.0 percent-chance flood on Skunk Creek would cause an estimated \$75 million damage. There are about 2,453 structures in the combined area that would be flooded by the 0.2 percent-chance flood plains. Sioux Falls is the largest and fastest growing city in South Dakota.

The recommended plan consists of raising the existing diversion, levees and the levees along the Big Sioux River and Skunk Creek, raising the diversion dam, raising the walls of the existing spillway chute, deepening and extending the stilling basin, making selected bridge improvements, extending interior drainage structures, and mitigating small wetland areas on project lands. The project would provide protection from the 1.0 percent-chance flood. Because failure of the diversion levees would put at risk many lives and also threaten essential infrastructure in Sioux Falls, the project is also

designed to avoid catastrophic type failure during floods up to the 0.2 percent-chance flood.

a. Structural:

(1) Canals, locks channelization, levees, jetties, drainage systems, and other facilities:

Existing project levees on Big Sioux River and Skunk Creek, with a total combined length of approximately 16.5 miles, would be raised an average of 3.5 feet. Additional levee fill would be placed on the top and landward side of the existing levee so as not to disturb the channel area. The walls of the existing chute would be raised an average of 7.5 feet and counterforts would be added to support the increased height. The existing stilling basin would be removed and a larger basin built. The new basin would be 8 feet lower and measure 66 feet wide and 158 feet long.

(2) Lands, easements, rights-of-way, and relocations:

45 acres of land would be acquired along the existing levee right-of-way by way of permanent easements. An additional 7 acres would be obtained by fee title for mitigation and borrow area.

b. Environmental Features:

Mitigation features would be needed to compensate the impact to wetlands and to avoid impact to clams during the raising of the 49th Street bridge. The U.S. Fish and Wildlife Service assigned a resource category of 2 to the wetland to be impacted and the goal to assure a no net loss of in-kind habitat value. A least cost plan for these features was formulated. The mitigation planning objective would create 1.62 acres of shrub/scrub wetland to replace the 0.81 acres that would be destroyed.

Views of States and Other Non-Federal Interests: The Governor of South Dakota and the State Departments of Game, Fish, and Parks; Transportation; and Environment and Natural Resources reviewed the feasibility report and support its recommendations. The South Dakota legislature has authorized the construction of the project and provided a State Grant Commitment in 1993 to provide 50 percent of the non-Federal share of the required construction funds. The city of Sioux Falls strongly supports the project and would also provide 50 percent of the non-Federal share of the required construction funds. The city intends to finance their share of the cost with general obligation or revenue bonds, backed by the city sales tax.

Views of Federal and Regional Agencies: The U.S. Fish and Wildlife Service determined there would be no long-term impacts to fish and wildlife resources. The report was also reviewed by the Environmental Protection Agency and the Soil Conservation Service and they had no comments on the proposed project.

Status of Final Environmental Impact Statement: No EIS required. Finding Of No Significant Impact signed 19 November 1993.

Estimated Implementation costs:

Federal	\$25,900,000
Non-Federal: Falls	8,700,000
Total	34,600,000

Description of Non-Federal Implementation Costs: The non-Federal costs identified above are 25.1 percent of the total projects

costs and include \$1,730,000 in cash; \$3,728,000 for lands, damages, and relocations; and \$3,242,000 for bridges. Description of Non-Federal O&M Cost: Because the potential project is a modification of an existing project, primary O&M activities will not change significantly. The total area to be moved would increase, but the cost of operation is not projected to increase measurably. The only increase in maintenance will be for the new relief wells. This will consist of yearly soundings of the wells to determine sediment deposits, regular testing, and cleanouts. Each well must be tested and cleaned every 5 years.

Benefit to Cost Ratio: 1.2.

(21) WATERTOWN, SOUTH DAKOTA

Location: City of Watertown, Codington County, South Dakota.

Description of Problem and Recommended Plan: The recommended plan consists of constructing a dam at the Mahoney Creek site on the Big Sioux River, approximately 10 river miles upstream from Watertown, for the purposes of flood damage prevention and public safety. Project features include constructing three adjacent earth filled dams with a maximum height above river bed of about 52 feet; constructing a 600-foot-wide emergency spillway; constructing an ungated outlet conduit including an inlet with a trash rack and a stilling basin; relocating roads and utilities; purchasing in fee about 1,688 acres of land and acquiring approximately 4,575 acres of flowage easements; and constructing fish and wildlife impact mitigation features. Water would be stored in the reservoir only when necessary to protect downstream areas from floods. Agricultural production would continue on lands held under flowage easements at the discretion of the landowner. The plan would reduce flood damage costs, reduce the threat to loss of life, reduce health and safety services disruptions, and preserve the environmental resources of the area.

Physical data on project features

a. Structural:

(1) Canals, channelization, levees, jetties, drainage systems, and other facilities:

The main embankment will be 52 feet high, 4,860 feet long, and have a crest width of 20 feet. The west embankment will be 41 feet high, 4,460 feet long, and have a crest width of 20 feet. The dike will be 16 feet high, 1,850 feet long, and have a crest width of 10 feet. The spillway will be 600 feet wide and 5,750 feet long. Outlet Works and Stilling Basin: The outlet works will consist of an ungated 6.5 foot diameter precast reinforced concrete pipe approximately 315 feet long. The stilling basin will be a Saint Anthony Falls type, about 50 feet by 19 feet.

(2) Lands, easements rights-of-way, and relocations:

Approximately 1,688 acres of land would be purchased in fee, and approximately 4,575 acres would be acquired as flowage easements. Some road and utility relocations would be required.

(b) Environmental Features:

Mitigation features would be needed to compensate the loss of habitat that would result from construction of the project. 4.8 acres of wetland and spawning habitat would be created, and 13.5 acres

of native shrub trees would be planted to replace the acres that would be destroyed by construction of the project.

Views of States and Other Non-Federal Interests: The report was reviewed by the city of Watertown, Codington County, South Dakota; Lake Kampeska Water Project District; Department of Game, Fish and Parks; and South Dakota Department of Environment and Natural Resources. Recent referendums in city and county have not supported this project.

Views of Federal and Regional Agencies: The U.S. Fish and Wildlife Service determined that there would no long-term impacts on fish and wildlife resources. The report was also reviewed by the Environmental Protection Agency and the Soil Conservation Service. Neither agency had any comments.

Status of Final Environmental Impact Statement: No EIS required. FONSI signed 12 August 1994.

Estimated Implementation Costs:

Federal: Corps of Engineers/Flood Control	\$13,200,000
Non-Federal: Lake Kampeska Water Project District	4,800,000
Total	18,000,000

Description of Non-Federal Implementation Costs: The non-Federal costs include \$900,000 in cash and \$3,900,000 for lands, damages and relocations.

Estimated Annual O&M Costs:

Non-Federal: Lake Kampeska Water Project District	\$59,000
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Description of Non-Federal O&M Cost: Routine O&M would consist of mowing the embankments and spillway, weed control, re-seeding, debris removal, and vandalism repairs. Additional items of periodic maintenance would be sediment removal, resurfacing of project roads, riprap replacement, and instrumentation maintenance.

Benefit to Cost Ratio: 1.07.

(22) GULF INTRACOASTAL WATERWAY—ARANSAS NATIONAL WILDLIFE REFUGE, TEXAS

Location: The study area is located in Aransas and Calhoun Counties, about 35 miles northeast of Corpus Christi, Texas.

Description of Problem and Recommended Plan: Approximately 13 miles of the existing Gulf Intracoastal Waterway (GIWW) bisects the designated critical habitat of the rare and endangered whooping crane located in and adjacent to the Aransas National Wildlife Refuge (ANWR). This reach of the GIWW transported approximately 14 million tons of cargo in 1992, most of which was petroleum, chemicals, and related products. Critical habitat is being lost at a rate of about 2 acres per year due to erosion caused by a combination of vessel traffic and natural currents and wave action. The shoreline regression destroys wetland habitat and the shallow potholes which are the cranes' preferred feeding areas. The problem is compounded by the fact that the cranes are territorial and return to the area in which they were raised. Other concerns associated with the operation and maintenance of the waterway include the impacts of dredging and dredged material disposal on aquatic resources and the possibility of a chemical or petroleum spill that would contaminate crane habitat.

The recommended plan consists of providing 75,500 feet (14.3 miles) of bank protection for erosion control and the installation of permanent facilities for ready-deployment of spill containment measures. Associated with the plan, but not part of the recommendation for Congressional authorization, is the development of a long-term dredged material disposal plan for future maintenance activities along this reach of the waterway. The disposal plan provides for the beneficial use of dredged material to create 1,614 acres of new marsh over a 50-year period. The disposal plan will be implemented under the existing project authority using Operations and Maintenance funding.

Physical data on project features

a. structural:

- (1) 62,000 feet of articulated concrete mat bank protection.
- (2) 13,500 feet of grout-filled tube erosion protection.
- (3) Spill containment system consisting of pilings, mounting hardware, and containment booms.
- (4) Real estate consists of a Special use Permit from the U.S. Fish and Wildlife Service (USFWS) for lands within ANWR and easement from private land owners outside the ANWR.

Views of States and Other Non-Federal Interests: The non-Federal sponsor for the existing project, the Texas Department of Transportation, indicated their support for whatever plan the Corps of Engineers recommends. The State of Texas has also offered to participate in the cost to replace spill containment equipment.

Views of Federal and Regional Agencies: There are no unresolved issues relating to the recommended bank protection and spill containment plan. The USFWS and National Marine Fisheries Service have concurred that the recommended bank protection and spill containment plan are in full compliance with the Endangered Species Act. The USFWS has issued a Final Coordination Act Report for this project. The report includes comments from other resource agencies on the recommended plan, and their need for more detailed design information for the beneficial use sites discussed in the 50-year disposal plan. An Interagency Coordination Team composed of members of appropriate Federal and State resource agencies will be formed to make recommendations on size, location, construction, filling, planting, and monitoring of the sites for the 50-year disposal plan.

Status of Final Environmental Impact Statement: The Final Environmental Impact Statement was filed with EPA on 3 November 1995.

Estimated Implementation Costs: All costs are allocated to Ecosystem Protection.

Federal	\$18,300,000
Non-Federal	0
Total	18,300,000

Description of Non-Federal Implementation Costs: None.

Estimated Annual O&M Costs:

Federal: Corps of Engineers:	
Erosion Protection	\$15,000
Spill Containment	35,000

Non-Federal	0
Total	50,000

Description of Non-Federal O&M Costs: None.

Benefit Cost Ratio: The recommended plan is justified based on ecosystem protection benefits associated with the protection of criteria habitat of the endangered whooping crane. A benefit cost ratio has not been calculated because ecosystem protection benefits are difficult to measure in monetary units.

(23) HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS

Location: The cities of Houston and Galveston are located on Galveston Bay, a tidal estuary which enters the Gulf of Mexico along the northeastern Texas coastline. Existing Federal navigation improvements provide channels depths of 40 feet from the Gulf to the ports of Houston, Texas City, and Galveston. The existing channels to Houston and Galveston have a length of 51 miles and 4 miles, respectively, from the mouth of Galveston Bay. The common entrance channel from the mouth of the Bay to deep water in the Gulf is approximately 5 miles long.

Description of Problem and Recommended Plan: The principal concerns of this area are the safety and efficiency of commercial navigation. Several problems were identified including vessel casualties, delays, congestion, and vessel size restrictions. The study also determined that there is a need to address environmental concerns associated with the potential for spill of oil or other hazardous materials, and changes in salinity and circulation.

The recommended navigation improvements consist of a channel depth of 45 feet. The ecosystem restoration features of the recommended plan consist of the creation of 4,250 acres of tidal marsh (over the 50-year project life) and a 12-acre colonial water bird nesting island through beneficial use of dredged material.

Physical data on project features:

a. Structural:

(1) **Navigation.**—Improvements consist of an entrance channel 47 feet deep by 800 feet wide from the Gulf of Mexico to Bolivar Roads, a 45-foot deep channel with a varying width ranging from 650 to 1,112 feet from Bolivar Roads to the Port of Galveston, and enlargement of the Houston Ship channel to a depth of 45 feet and width of 530 feet from Bolivar Roads to Boggy Bayou.

(2) **Ecosystem Restoration.**—Improvements include the initial construction of 690 acres of marsh habitat and creation of a 12-acre colonial water bird nesting island using new work dredged material and incremental development (deferred construction) of an additional 3,560 acres of marsh over the life of the navigation project using maintenance dredged material.

b. **Environmental Features:** Construction of 118 acres of oyster reef for mitigation.

Views of States and Other Non-Federal Interests: Public review comments on the draft Reevaluation Report and draft Supplemental Environmental Impact Statement were generally supportive of the planning process and recommended plan. The Port of Houston Authority and the City of Galveston, local sponsors for the

project, have actively participated throughout the planning process, have provided letters of intent to participate in project construction of the project in 1996.

Views of Federal, State and Regional Agencies: The recommended plan was developed with the assistance of the Inter-agency Coordination Team (ICT) comprised of representatives of the Galveston District, the project sponsors, and Federal and State resource agencies. Members of the ICT met regularly to discuss their concerns, scope the studies necessary to fully evaluate the concerns, and review the results of the studies. As a result of the successful coordination and cooperation of the ICT, there are no areas of controversy or unresolved issues associated with the recommended plan.

The Final Environmental Impact Statement: The Final Supplemental Environmental Impact Statement was transmitted to EPA for filing on 17 November 1995.

Estimated Implementation Costs, Initial Construction:

Federal:		
Navigation:		
Corps of Engineers	\$165,000,000	
U.S. Coast Guard	2,670,000	
Ecosystem Restoration;		
Corps of Engineers	43,000,000	
Non-Federal:		
Navigation:		
Port of Houston Authority	61,000,000	
City of Galveston	5,700,000	
Ecosystem Restoration:		
Port of Houston Authority	14,400,000	
Total Initial Construction	293,000,000	

Deferred Construction of Ecosystem Restoration (Average Annual Cost of Future Construction Over the 50-Year Life of the Project, October 1995 Price Levels).

Federal: Corps of Engineers	\$590,000
Non-Federal: Port of Houston Authority	196,000
Total Deferred Construction	786,000

Description of Non-Federal Implementation Costs: For initial construction, non-federal interests must provide all lands, easements, rights-of-way, relocations, and disposal areas (LERRDS) valued at \$12,500,000; and 25 percent of the general navigation features (\$55,100,000); and 25 percent of the cost of ecosystem restoration features (\$14,400,000). For the navigation project, the sponsors will have to pay, over a period not to exceed 30 years, an additional 10 percent of the cost of general navigation features less creditable LERRDS, which is currently estimated at \$9,890,000. The owners of approximately 120 pipelines located beneath the channel will be required to bear the most of facility removal and replacement (\$110,100,000). The sponsor will pay 25 percent of the costs of deferred construction for ecosystem restoration construction (average annual cost of future construction over the 50-year life of the project=\$196,000) which is linked to maintenance of the Houston Ship Channel.

Estimated Annual O&M Costs:

Federal:	
Navigation:	
Corps of Engineers	\$1,020,000
U.S. Coast Guard	0
Non-Federal:	
Port of Houston Authority	211,000
City of Galveston	17,000
Ecosystem Restoration:	
Federal	0
Non-Federal:	
Port of Houston Authority	300,000
Total Annual O&M Costs	1,550,000

Benefit-Cost Ratio: 2.3. The benefits associated with the ecosystem restoration features have not been quantified monetarily; therefore, the costs for those features are not included when calculating the benefit cost ratio. The recommended ecosystem restoration features are justified based on benefits associated with the creation of wetlands and colonial bird nesting habitat. The scale of the recommended ecosystem restoration features has been optimized using the principles of incremental cost analysis.

(24) MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA

Location: The Kanawha River navigation system includes the lower 91 miles of the Kanawha River. The project area encompasses Marmet Locks and Dam, Mile 67.7, extending 15.1 miles upstream to London Locks and Dam. Marmet Locks and Dam is located near the community of Belle approximately 5 miles upstream from Charleston, West Virginia.

Description of Problem and Recommended Plan: The major problems at Marmet are the limited capacity of the small lock chambers (twin 56' × 360') which results in traffic delays and increased transportation costs, and deterioration of the project structures because of advanced age and heavy use. The lock chambers were designed primarily for standard barges at the time when this size barge dominated the waterway industry. Each chamber will hold four standard barges, but only one of the larger jumbo barges which now constitute about 62 percent of the total barge fleet. The average delay per tow is 6.2 hours (1992) with an average of 4.1 lockages per tow. The total processing time-lockage plus delay time-for an average tow at Mannet was 9.1 hours in 1992, one of the highest in the Ohio River system. The locks are approaching 60 years of age and some structural components have experienced high stresses because of high utilization. Consequently, there is substantial risk of unsatisfactory performance of some lock walls, which could result in closure of one or both chambers for an extended period of time.

The recommended plan provides for construction of a new 800' × 110' lock on the right bank landward of and adjacent to the existing lock chambers. The existing locks will be used during lock construction, and will be available for future use when the new lock is not operational. The new lock is skewed one degree so construction will not impact the DuPont chemical plant located just upstream from the project. The existing dam and hydroelectric power plant will remain in operation.

Physical data on project features

a. Structural:

(1) Lock: The new 800' × 110' lock is sited immediately adjacent to the existing locks. The structure will have an upper guide wall 2,880 feet long and a lower guide wall 960 feet long. The existing 360-foot upper guardwall which is misaligned will be removed and replaced with a new, ported guardwall 1,000 feet long. The new chamber will have a side wall port filling and emptying system. The upper and lower lock gates are of miter-type design, with a height of 53 feet above the sills.

(2) Dam: Rehabilitation of the navigation dam is planned, but is not part of the project to be recommended for Congressional authorization. The dam rehabilitation would be accomplished under current authorities, and includes stabilizing the dam piers to meet current design criteria, replacing deteriorated concrete, and repairing or replacing certain electrical or mechanical components.

(3) Relocations: Utilities in the project area, including water, sewer, telephone, gas and power facilities, will be impacted by construction. A public service district's sewer lines and a private utility's water lines will be relocated to maintain service to residences in West Belle not acquired for construction. Graves in an historic cemetery located in the Burning Springs disposal area will be relocated to other cemeteries in the project vicinity.

(4) Real Estate: Project construction will require the acquisition of 98 acres in fee and 30 acres in construction easement. Included are 242 residential and 10 commercial units. No industrial lands and no flowage easement would be acquired.

b. Environmental Features:

(1) Mitigation on Project Lands: Mitigation measures will be developed at the Burning Springs disposal site to offset the impacts of project construction. The mitigation features include two shallow wetland ponds, an augmentation well with pump, two channels with overflow weirs, a shallow embayment for fish habitat, and vegetative plantings on the terraced disposal mound.

To offset the impact of future navigation traffic, longitudinal soft dikes and gravel blankets will be placed on shallow bars located near the banks throughout the Marmet pool. The soft dikes will consist of fiber plant rolls installed at the water line atop brush bundles secured by cables. The fiber rolls will be planted with water tolerant herbaceous species.

Views of States and Other Non-Federal Interests: The State of West Virginia Department of Natural Resources supports the project but has concerns about aquatic mitigation plans. Letters supporting the recommended plan have been received from members of the National and West Virginia Coal Associations, the West Virginia Mining and Reclamation Association, DINAMO, American Electric Power Company, and the Eastern Associated Coal Company. Opposition primarily is from local residents who would be adversely affected by project construction.

Views of Federal and Regional Agencies: The Department of Interior has expressed concerns whether the proposed systems for aquatic mitigation measures would perform as intended. The Corps and the U.S. Fish and Wildlife Service acknowledge the experimental nature of the proposed vegetative brush dikes and plan a

joint demonstration project to test the performance and address concerns. If the demonstration project unexpectedly fails, alternative measures will be developed to mitigate the navigation system impacts. EPA Region III has concerns about the relocation procedures for the large number of families affected by construction. The Corps has completed real estate studies and has determined that sufficient homes are available in the Charleston regional area for those relocated families.

The Final Environmental Impact Statement was filed on 29 December 1993.

Estimated Implementation Costs:

a. Federal-(COE/Navigation):

Work Requiring Authorization (One-half Federal and one-half from Inland Waterways Trust Fund)	\$229,581,000
Associated Federal Cost (Cost to rehab Marmet dam)	10,678,000

Total Costs (rounded)	240,259,000
b. Non-Federal	0

Description of Non-Federal Implementation Costs: None.

Description of Non-Federal O&M Costs: None.

Benefit-Cost Ratio: 2.8.

Sections 102–107 direct the Secretary to take action to implement projects under its “small projects” or “continuing authorities” program. To the extent that projects listed in those sections provide flood control benefits or benefits to which flood control cost-sharing would be applied, the cost-sharing policy of section 202(a), applicable to flood control authorizations subsequent to this Act, shall not apply.

Section 102: Small flood control projects.

(a) Project Authorizations:

This section directs the Secretary to study and carry out projects for flood control under the authority of section 205 of the Flood Control Act of 1948, which authorizes the Secretary to participate in small projects for flood control and related purposes where the Federal contribution is not more than \$5 million.

(1) South Upland, San Bernadino County, California.

(2) Birds, Lawrence County, Illinois.

(3) Bridgeport, Lawrence County, Illinois.

(4) Embarras River, Villa Grove, Illinois.

(5) Frankfort, Will County, Illinois.

(6) Summer, Lawrence County, Illinois.

(7) Vermillion River, Demanade Park, Lafayette, Louisiana. In carrying out the study and any project under this paragraph, the Secretary shall use relevant information from the Lafayette Parish feasibility study and expedite completion of the study under this paragraph.

(8) Vermillion River, Quail Hollow Subdivision, Lafayette, Louisiana. In carrying out the study and any project under this paragraph, the Secretary shall use relevant information from the Lafayette Parish feasibility study and expedite completion of the study under this paragraph.

(9) Kawkawlin River, Bay County, Michigan.

(10) Whitney Drain, Arenac County, Michigan.

(11) Festus and Crystal City, Missouri. In carrying out the study and any project under this paragraph, the Secretary shall use relevant information from the existing reconnaissance study.

(12) Kimmswick, Missouri. In carrying out the study and any project under this paragraph, the Secretary shall use relevant information from the existing reconnaissance study and shall expedite completion of the study under this paragraph.

(13) River Des Peres, St. Louis County, Missouri.

(14) Buffalo Creek, Erie County, New York.

(15) Cazenovia Creek, Erie County, New York.

(16) Cheektowaga, Erie County, New York.

(17) Fulmer Creek, village of Mohawk, New York.

(18) Moyer Creek, village of Frankfort, New York.

(19) Sauquoit Creek, Whitesboro, New York.

(20) Steele Creek, village of Ilion, New York.

(21) Willamette River, Oregon. Non-structural flood control, including floodplain and ecosystem restoration.

(22) Wills Creek, Hyndman, Pennsylvania.

(23) Neabsco Creek watershed, Virginia.

(24) Greenbrier River basin, West Virginia. Flood warning system.

(b) Cost Allocations:

(1) Lake Elsinore, California—The maximum amount of Federal funds that may be allotted under section 205 of the Flood Control Act of 1948 for the project for flood control, Lake Elsinore, Riverside County, California, shall be \$7,500,000. The Secretary shall revise the project cooperation agreement to take into account the change in Federal participation in such projects. This provision is not intended to alter the cost sharing allocation that would be applicable under the provisions of the Water Resources Development Act of 1986, as in effect prior to the date of enactment of this Act.

(2) Lost Creek, Columbus, Nebraska—The maximum amount of Federal funds that may be allotted under such section 205 for the project for flood control, Lost Creek Columbus, Nebraska, shall be \$5,500,000. The Secretary shall revise the project cooperation agreement to take into account the change in Federal participation in such projects.

Section 103: Small bank stabilization projects.

Section 14 of the Flood Control Act of 1946 as amended provides authority for the Secretary to undertake emergency measures to prevent erosion damage to endangered highways, public works, and non-profit public facilities. Projects conducted under this authority are subject to the normal cost-sharing requirements, as in effect prior to the date of enactment of this Act. The following projects are directed to be carried out under this section:

(1) Allegheny River at Oil City, Pennsylvania

(2) Cumberland River, Nashville, Tennessee

(3) Tennessee River, Hamilton County, Tennessee—at total Federal expenditure of \$7.5 million.

Section 104: Small navigation projects.

This section authorizes the study of construction of the following small navigation projects under the authority of section 107 of the

River and Harbor Act of 1960. Section 107 authorizes federal participation in small navigation projects up to \$4 million. Projects constructed under this authority are subject to the normal navigation and recreation cost-sharing.

(1) Akutan, Alaska consisting of the bulkhead and a wave barrier.

(2) Grand Marais, Michigan.

(3) Duluth, Minnesota.

(4) Taconite, Minnesota.

(5) Two Harbors, Minnesota.

(6) Caruthersville Harbor, Pemiscot County, Missouri, for enlargement of the existing harbor and bank stabilization.

(7) New Madrid County Harbor, Missouri, including enlargement of the existing harbor and bank stabilization.

(8) Brooklyn, New York, restoring the pier and related navigation support structures at the 69th Street Pier in Brooklyn, New York.

(9) Buffalo Inner Harbor, Buffalo, New York.

(10) Union Ship Canal, Buffalo and Lackawana, New York.

Section 105: Small shoreline protection projects.

(a) This section authorizes the Secretary to conduct a study for a project of shoreline protection and an increase in the amount of Federal funds to be allotted to \$4,500,000, for Faulkner's Island, Connecticut, and also for projects at Fort Pierce, Florida and the Sylvan Beach Breakwater in the Town of Verona, Oneida County, New York. If the projects are feasible, the Secretary is to carry them out under the authority of section 3 of the Shoreline Protection Act of August 13, 1946.

(b) Faulkner's Island is the property of the Federal government. The Secretary is directed to enter into an agreement with the Secretary of the Interior concerning the allocation of costs between the Secretaries of Army and Interior.

Section 106: Small snagging and sediment removal project, Mississippi River, Little Falls, Minnesota.

The Secretary directed to conduct a study for clearing, snagging and sediment removal under section 3 of the Rivers and Harbors Act of 1945. This section authorizes the Secretary to conduct a study, and if feasible, to carry out such a project for Mississippi River, Little Falls, Minnesota. The study is also to address the adequacy of culverts to maintain flows through the channel.

Section 107: Small projects for improvement of the environment.

This section directs the Secretary to study a project for environmental restoration under the authority of section 1135 of the Water Resources Development Act of 1986 for several projects. If the Secretary determines that the projects are appropriate, the Secretary is to carry out the projects.

(1) Upper Truckee River, El Dorado, California. Measures for restoration of degraded wetlands and for wildlife enhancement for the Upper Truckee River, California.

(2) a project for habitat restoration, San Lorenzo River, California.

(3) a project for environmental restoration and remediation of contaminated waters, Whitter Narrows Dam, California.

(4) a project for channel restoration and environmental improvement, Upper Jordan River, Salt Lake County, Utah.

In carrying out the requirements of this section, the Secretary shall consider the modifications to the section 1135 program that are made by section 204 of this Act. For example, application of such modifications to the Upper Jordan River project will allow the Secretary to carry out the project even though project effects may not be in close proximity to the original project.

TITLE II—GENERALLY APPLICABLE PROVISIONS

Section 201: Cost sharing for dredged material disposal areas

This provision establishes a consistent rule for Federal participation in the sharing of costs for the construction of dredged material disposal facilities associated with the construction, operation and maintenance of Federal navigation projects for harbors and inland harbors. Currently, Federal and non-Federal responsibilities for construction of disposal facilities vary from project to project, depending on when the project was authorized, and the method or site selected for disposal. At some projects the costs of providing dredged material disposal facilities are all Federal, while at other projects the non-Federal sponsor bears the entire cost of constructing disposal facilities.

(a) Construction.—The costs of constructing dredged material disposal facilities, including diking, subaqueous constructed disposal areas and other improvements necessary for the proper disposal of dredged materials, shall be shared in accordance with the cost sharing established for general navigation features by section 101(a) of the Water Resources Development Act of 1986. This subsection shall apply to new authorizations as well as previously authorized projects for which construction contracts have not yet been awarded.

(b) Operation and Maintenance.—The cost sharing described in subsection (a) shall also apply to construction of dredged material disposal areas associated with maintenance dredging for which a contract for construction has not yet been awarded.

(c) Agreement.—This subsection conforms the cooperation agreement provisions to the changes in cost-sharing made pursuant to this section.

(d) Consideration of Funding Requirements.—Requires that funding preference be given, to the extent practicable, to funding operation and maintenance dredging over the construction of dredged material disposal facilities and that regional needs be considered when apportioning funds. The Committee expects the Secretary to continue to exercise judgment in selecting cost-effective means of disposal and to select the least cost option where appropriate.

(e) Eligible Operations and Maintenance Defined.—Amends the definition of operation and maintenance costs eligible for payment from the Harbor Maintenance Trust Fund to include the Federal share of constructing dredged material disposal facilities that are necessary for the disposal of dredged material from maintenance dredging; dredging and disposal of contaminated sediments which

are in the navigation channel or which may affect maintenance of such channel; mitigating the effects of operation and maintenance of navigation channels (such as the erosion of shoreline and beaches); and operation and maintenance of dredged material disposal facilities.

(f) Cooperation Agreements.—If requested by the non-Federal sponsor, cooperation agreements executed before the date of enactment, but for which a construction contract has not been awarded, shall be amended to reflect the application of the provisions of this section.

(g) Authorization of Appropriations.—Updates reference to Internal Revenue Code and deletes general fund authorization.

The Committee notes that project costs cited for navigation projects in Title I and elsewhere in this bill may not fully reflect application of the requirements of this section. The Secretary shall apply the requirements of this section to all projects for which construction contracts are not awarded on or before the date of this Act, unless otherwise specified.

Section 202: Flood control policy

(a) Flood Control Policy.—Increases the minimum non-Federal contribution for flood control projects from 25% to 35% for projects authorized after the date of enactment of this Act.

(b) Ability to Pay.—Requires the Secretary to modify the current ability to pay requirements to allow for a broader application of such requirements.

First enacted in 1986, and modified in 1990 and 1992, the statutory “ability to pay” provisions and rules developed by the Secretary are widely viewed as being of little help to the vast majority of projects. This subsection addresses the issue by providing more explicit guidance to the Secretary while allowing continued flexibility in establishing detailed procedures. Simply put, the Committee’s intent is that reductions in the non-Federal share are to be more attainable than under current interpretations. Of the procedures currently in effect, only local per capita income and high cost-per-capita criteria shall be used. The Secretary may develop additional criteria only to the extent that applications of such criteria result in increased instances of reduction in the non-Federal share or in greater reductions in such share. While the Committee anticipates that some authorized projects not yet having signed project cooperation agreements or not yet under construction will benefit from the new procedures, the greatest impact will occur to future authorizations, which will be subject to increased cost-sharing required in subsection (a).

For projects determined to be eligible for a reduction in non-Federal cost-sharing pursuant to this subsection, the Secretary may reduce or completely eliminate any requirement for cash contributions.

The Committee recognizes that in rare instances for previously authorized projects, the new procedures could increase the non-Federal share. In such cases, the non-Federal sponsor, at its sole discretion, may elect to remain under the current procedures.

(c) Flood Plain Management Plans—Requires that the non-Federal interest participation in any flood control or hurricane/storm

damage reduction project prepare and comply with a flood plain management plan designed to reduce impacts of future flooding. This plan shall be developed within one year of signing a project cooperation agreement for a structural flood control project and shall be implemented by the non-Federal sponsor within one year of completion of construction of that project. This section explicitly does not grant the Secretary any new regulatory authority. The Secretary is also granted the authority to provide technical assistance in the design and implementation of these flood plain management plans and policies. This section also re-states a provision of current law that requires the non-Federal sponsor to agree to participate in and comply with applicable Federal flood plain management and flood insurance programs.

(d) Nonstructural Flood Control Policy.—The Secretary shall conduct a review of policies, procedures and techniques that may act to impede the equitable consideration of non-structural flood control measures as an alternative to structural flood control measures and report findings and recommendations to Congress within one year.

(e) Emergency Response.—This subsection allows the Secretary to implement non-structural flood control measures as a means of emergency response, if the non-Federal sponsor requests such an effort.

(f) Nonstructural Alternatives.—This subsection modifies existing law to increase the consideration of non-structural flood control alternatives in studying or designing flood control projects. Federal officials may consider a broad array of non-structural possibilities in preparing their reports, including those which could be implemented by others. This modification will facilitate less constrained, more comprehensive approaches to addressing flood problems.

Section 203: Feasibility study cost-sharing

This section requires that during a feasibility study, the non-Federal share is not to exceed 50 percent of the study cost as depicted in the feasibility cost-sharing agreement. Any agreed-to excess shall be paid after the project is authorized and a construction agreement is entered into, or within 5 years of the Chief of Engineers' final report or 2 years of the completion of the study whichever is earlier. This amendment applies to future costs under all feasibility cost-sharing agreements. This provision is included in response to growing concern that the cost of Corps feasibility studies is too expensive and unpredictable. The section acknowledges problems with Corps study cost estimates by allowing flexibility in the repayment of non-Federal costs that are in excess of original estimates, while assuring that such costs are ultimately repaid. The Committee directs the Secretary to review procedures for developing feasibility study cost estimates with a view toward improving their accuracy.

Section 204: Restoration of environmental quality

This section expands the authority provided in Section 1135 of the Water Resources Development Act of 1986 to allow the Secretary to implement environmental quality restoration projects in those situations where the project constructed by the Corps has

contributed to the degradation of the quality of the environment and the measures do not conflict with authorized project purposes.

Under current law, the Secretary can modify only the structures and operations of existing water resources projects in carrying out a section 1135 project. This provision provides authority for the Secretary to undertake other measures, including measures of project lands, for restoration of environmental quality when the Secretary determines that operation of the project has contributed to the degradation of the quality of the environment. Measures to enhance the environment may also be carried out if they are associated with restoration activities.

The non-Federal share of the cost of such measures shall be 25 per cent and no more than \$5 million may be spent from Federal funds on any single restoration measure.

Modifications made by this section are intended to give greater flexibility to the Secretary to use the "1135" authority for environmental restoration at or near Corps projects or located not in close proximity to such projects but determined with reasonable certainty to be affected by them. For example, the Green Duwamish watershed in Washington, Lower Amazon Creek in Oregon, and Kings River in California should be considered to be high priority candidates for consideration under this broadened authority.

Section 205: Environmental dredging

Section 312 of the 1990 Water Resources Development Act established a 5-year program to allow the Corps of Engineers to perform dredging in and adjacent to navigation channels for environmental purposes if cost shared by non-Federal interests on a 50-50 basis. Section 205 makes several changes to that program. It authorizes the Secretary to remediate, as well as remove contaminated sediments; increases the annual funding authorization for this program from \$10 million to \$30 million; removes the sunset that existed in the 1990 Act. The section also establishes a priority for 5 harbors and rivers:

- (1) Brooklyn Waterfront, New York, including the Atlantic Basin
- (2) Buffalo Harbor and River, New York
- (3) Ashtabula River, Ohio
- (4) Mahoning River, Ohio
- (5) Lower Fox River, Wisconsin

The Secretary is directed to give immediate attention to addressing contaminated sediment problems at these high priority sites.

The ongoing Lower Fox River, Wisconsin, contaminated sediments remediation project is an example of a cooperative partnership between State and local governments and private industry. These parties have pledged to work together to clean up contaminated sediments in the lower Fox River and to avoid an adversarial relationship which can lead to delays and increased costs. This provision will enable the Federal government to become a partner in this initiative, which can serve as a model for other contaminated sediment projects around this Nation.

By directing the Secretary to give priority to five named projects in this section, the Committee does not necessarily intend that dredged material disposal activities at those locations be addressed solely under this section. For example, disposal activities in some

cases may also be eligible for consideration under applicable cost sharing provisions of the Water Resources Development Act of 1986, as amended by section 201 of this bill.

Section 206: Aquatic ecosystem restoration

This provision enables the Secretary to carry out ecosystem restoration and protection projects when the Secretary determines that such projects will improve the quality of the environment, are in the public interest, and are justified based on monetary and non-monetary benefits. The non-Federal share of costs shall be 50% for construction costs and 100% for operation and maintenance costs. No more than \$5 million in Federal funds may be allotted to a project in any single locality. This section authorizes \$25 million annually to carry out this section.

There is a need for ecosystem restoration projects which involve manipulation of the hydrology but which are not linked to existing Corps civil works projects. This program will utilize Corps expertise to solve these problems. At present, the Secretary is not authorized to pursue such projects without specific authorization. This provision would authorize the Secretary to pursue aquatic ecosystem restoration projects provided the projects fall within the cost limitation provided in the law and otherwise meet the requirements specified in this provision. Cost sharing is based on the recognition that the projects provide substantial local benefits, and that non-Federal interests need to fully share the responsibility and funding for carrying out such projects in these times of Federal fiscal constraints.

Section 207: Beneficial uses of dredged material

This section increases the flexibility of the Secretary to select a disposal method for dredged material generated by a navigation project that may result in additional environmental benefits despite the fact such a method may not be the least-cost option. In cases where there are significant benefits to the environment, such as the creation of wetlands or the restoration of eroded shoreline, and where added costs are minimal, the Secretary may pursue other than least-cost options.

Section 208: Recreation policy and user fees

Section 208 directs the Secretary to provide increased emphasis on and opportunities for recreation at Corps water resources projects. It amends the Flood Control Act of 1968 to require the Secretary to ensure that an amount equal to or greater than the amount of fees collected at a project after September 30, 1996, is spent at the project for operation and maintenance of recreational facilities in the succeeding fiscal year.

Subsection (a) directs the Secretary to increase emphasis on recreational activities and reflects the Committee's view of the importance of recreation as one of the Corps' missions. There is concern that the Corps does not provide adequate recreation opportunities at some of its multi-purpose projects and that funding for recreational activities is given low priority. It also requires a report to Congress after 2 years. Nothing in this subsection is intended

to affect or supersede other project purposes at Corps' facilities and reservoirs.

Subsection (b) addresses some of the concerns regarding the Corps' recreation user fees authorized in the 1993 Omnibus Budget Reconciliation act. Proposals have been made to alter or repeal the fees. Rather than repeal the fees, the Committee intends that an amount at least equal to fees collected at project recreation sites be used in the succeeding year for operation and maintenance of recreation facilities at the project. Of course, amounts in addition to fees collected can and should be used to provide continued and enhanced recreation opportunities.

Section 209: Recover of costs

This section requires that monies recovered under section 107 of the Comprehensive, Environmental Response, Compensation, and Liability Act of 1980 (Superfund) (CERCLA) for response actions undertaken by the Secretary, as well as other cost recoveries for environmental response activities, be credited to the trust fund account that paid or will pay for the response action.

There are potentially a number of instances where the Corps of Engineers finds itself faced with cleaning up civil works properties that are contaminated with hazardous or toxic substances by other parties. In such instances, the Secretary can seek recovery from the responsible party under subsection 107 of CERCLA. Section 107 of Superfund authorizes recovery of costs of such response actions from responsible parties. However, without specific authority, the funds recovered by the Corps pursuant to section 107 must be deposited into the general treasury rather than offset agency costs for the response action. This provision, which is similar to authority provided to the Secretary of Defense under the Defense Environmental Restoration Program, would enable a direct credit of the amounts recovered to the trust fund account from which the cost of the cleanup had been taken or will be used (the Harbor Maintenance Trust Fund or the Inland Waterways Trust Fund).

Section 210: Cost sharing of environmental projects

Section 210 establishes a 50 percent non-Federal share for costs of environmental protection and projects, applicable to projects authorized after the date of enactment.

The Water Resources Development Act of 1990 established environmental protection as one of the missions of the Corps of Engineers. Section 103 of the Water Resources Development Act of 1986 sets forth the cost sharing formulas for water resources development projects, but does not include a cost sharing formula for environmental protection and restoration projects. Given the continued and increasing involvement of the Corps in environmental protection and restoration per se, it is important that a specific cost sharing formula for such projects be established.

The provision creates a consistent cost sharing formula of 50 percent Federal and 50 per non-Federal responsibility for the costs of projects for environmental protection and restoration that could be applied to the various authorities for the Corps to carry out such projects. This new category of cost sharing does not replace the cost sharing requirements of section 906 of the Water Resources Devel-

opment Act of 1986, which addresses cost-sharing for activities associated with mitigation of fish and wildlife losses or enhancement of fish and wildlife resources.

Section 211: Construction of flood control projects by non-Federal interests

Section 204 of the Water Resources Development Act of 1986 provided a mechanism for the construction of authorized port projects by non-Federal interests with subsequent reimbursement from the Federal government for the Federal share. A similar amendment in the Water Resources Development Act of 1992 provided a mechanism for the construction of shoreline protection projects. Section 211 provides similar flexibility for non-Federal construction of floor control projects.

(a) Authority.—Authorizes non-Federal interests to carry out flood control projects if appropriate permits are obtained. In addition to permitting requirements, non-Federal interests would be required to comply with other applicable laws, such as the National Environmental Policy Act.

(b) Studies and design activities.—Authorizes non-Federal interests or the Secretary to develop necessary studies and design documents for projects to be undertaken by non-Federal interests.

(c) Completion of Studies and Design Activities.—Authorizes the Secretary to complete studies and design initiatives started before enactment or to allow the non-Federal interest to complete such documents.

(d) Authority to Carry Out Improvement.—Allows a non-Federal interest that has received approval from the Secretary to carry out a project if a final EIS has been filed. Work accomplished under this subsection is deemed to have satisfied regulatory requirements under the Secretary's authority. This is comparable to situations in which the Secretary is not required to go through permit requirements if impacts have been addressed and disclosed in an environmental impact statement.

(e) Reimbursement.—The Secretary is authorized to reimburse non-Federal interests, subject to the enactment of appropriations act, an amount equal to the estimate of the Federal share of the cost of any flood control project or separable element thereof which is constructed under this section, if the Secretary has approved the plans for construction of the project after the project has been authorized and before initiation of construction and if the Secretary finds the construction of the project economically justified and environmentally acceptable.

(f) Specific Projects.—Directs the Secretary to enter into agreements with non-Federal interests to carry out 5 specific projects under this section that are representative of various stages of development. In authorizing projects under this subsection the Committee intends to determine the capability of non-Federal interests to design and construct projects to Corps' specifications. Many highly capable non-Federal interests assert that they can undertake such projects cheaper and faster than the Corps. The projects at Los Angeles County Drainable Area, and Stockton, California and Brays Bayou, and Hunting Bayou, Texas will test the capability of a non-Federal interest to construct major elements of flood

control projects. The project at White Oak, Texas will demonstrate the non-Federal capability to design from the original stages a major flood control project.

(g) Treatment of Flood Damage Prevention Measures.—This subsection requires that flood damage prevention measures at or in the vicinity of Morgan City and Berwick, Louisiana, be treated as an authorized element of the Atchafalaya Basin feature of the project for floor control, Mississippi River and Tributaries, to use the capability of non-Federal interest to expedite the project.

The Committee believes that capable non-Federal interests should be given the opportunity to address their own flooding problems without jeopardizing Federal participation in project funding. While five specific projects have been identified to test the feasibility of this approach, other projects are likely to be good candidates as well. For example, the Tropicana and Flamingo Workers in Nevada should also be given high priority.

Section 212: Engineering and environmental innovations of national significance

The Corps of Engineers must be ready to respond to future needs for environmentally sound engineering solutions or innovative environmental solutions to problems of national significance. Currently there is no clear authority for the Corps to utilize its multifaceted resources to undertake significant preparatory work to respond to such emerging national needs.

Section 212 allows the Army to undertake surveys, plans, and studies and to prepare reports which may lead to work under existing civil works authorities or recommendations for authorizations. This legislation will enhance the Corps' ongoing partnership initiatives with other Federal agencies, state, and other non-Federal entities. It authorizes up to \$3,000,000 each Fiscal Year for such purposes. In addition, the Secretary may accept and expend funds contributed by other Federal agencies, state, or other non-Federal entities. The Committee emphasizes, however, that activities undertaken under this authority must be closely related to the Corps' civil works mission.

Section 213: Lease authority

This section authorizes the Secretary to lease available space in buildings for which construction or purchase was provided from the Plant Replacement and Improvement Program (PRIP) account. The provision also directs that the proceeds from such leases be credited to the PRIP account for use for authorized PRIP purposes, rather than to miscellaneous receipts in the Treasury.

Section 214: Collaborative research and development

Section 214 amends section 7 of the Water Resources Development Act of 1988 to authorize the Secretary to accept funding from other Federal sources to carry out the purpose of the section and to apply appropriate protections to technology developed by the Corps that is likely to be subject to a cooperative R&D agreement. Under current law, Federally developed software can only be protected after the Government enters into a cooperative research and development agreement with a non-Federal entity under the Ste-

venson-Wylder Technology Innovation Act. However, such protection only covers the jointly developed technology, not technology that was originally developed by the Government before entering into the agreement.

This provision would encourage private entities to market software developed by the Corps, since it would enable the Corps to apply the protections of the Stevenson-Wylder Technology Innovation Act to software developed by the Corps. Under section 12(c)(7)(B) of such Act, the Secretary could protect from dissemination information that would be considered a trade secret or commercial information if it had been obtained from a private party for a period of up to two years after the development of the information.

Section 215: Dam safety program

This section amends Federal dam safety legislation and significantly modifies the existing National Dam Safety Program. The purpose of the National Dam Safety Program is to reduce the risks to life and property due to dam failures by bringing together Federal and non-Federal expertise and resources. This program is not intended to preempt any other Federal or state authorities or make existing programs more complicated to administer. Federal agencies will continue to be responsible for the safety of their own dams. State governments currently regulate 95 percent of the approximately 74,000 dams within the National Inventory of Dams. The remaining 5 percent are regulated by the Federal government. The Federal authorization of \$27,000,000 to provide for the Dam Safety Program over the next five years seems small compared to the \$54.3 million that was spent just in 1994 on dam repairs and clean-up after dam failures. This investment in prevention will reduce the loss of life, property damage and much larger expenditures after dams fail.

Dams are a vital part of the Nation's infrastructure. Dams pose unique public safety concerns as dam failures can cause sudden and large losses of life, injuries and property damage. The development and implementation of dam safety hazard mitigation measures, including improved design and construction standards, safe operations and maintenance procedures, early warning systems, coordinated emergency preparedness plans and public awareness and involvement programs, will substantially reduce the losses associated with future dam failures.

Dam safety problems persist nationwide. An effective national program in dam safety hazard reduction which requires input from and review by Federal and non-Federal dam experts, as well as the application of dam failure hazard reduction measures, will address a pressing national need. While coordinated authority for national leadership is being provided through the Federal Emergency Management Agency's (FEMA) dam safety program under Executive Order 12148 and the states, statutory authority to meet increasing needs and to discharge Federal responsibilities in dam safety is needed. Statutory authority will strengthen FEMA's leadership role, codify the National Dam Safety Program and authorize certain functions to be performed by the Director of FEMA.

Section 215(e) shifts the management of the Dam Safety Program from the Army Corps of Engineers to FEMA. FEMA is better suited to manage the Dam Safety Program as it currently coordinates the implementation of guidelines established in 1977 and 1978 for Federal dam safety programs as authorized by Executive Order 12148. FEMA also performs hazard mitigation activities and administers grant programs for flood and earthquake hazards, which are significant causes of dam failures. The National Inventory of Dams remains under the management of the Corps of Engineers at an authorization of \$500,000 for each Fiscal Year 1997 through 2001.

Section 215(e) also establishes a National Dam Safety Review Board to monitor the implementation of the National Dam Safety Program and to assist FEMA. The Board may utilize the expertise of other Federal agencies and enter into contracts for necessary studies. The Board consists of 11 members selected for their dams safety expertise.

Overall, the National Dam Safety Program consists of three components: a matching grant program (section 215(e)(5)), a training program (section 215(g)(2)), and a research program (section 215(g)(3)). The matching grant program authorizes the Director to fund state dam safety programs to assist states in improving their programs. The Director shall enter into a contract with each participating state that sets forth specific levels of state program performance. State participation in this program is voluntary.

In order for a state to be eligible for assistance under the grant program state appropriations must be budgeted to carry out a state dam safety program, its dam safety program must meet minimum program requirements, and thereafter meet more advanced standards authorized by the Director and the Review Board. A state must work toward meeting the minimum criteria prescribed in the bill to receive primary assistance or must meet all of the minimum criteria to be eligible for advanced assistance.

A grant may not be made to a state unless the state enters into an agreement with FEMA that assures continued state funding of the dam safety program at or above the average level of such expenditures over the two years prior to enactment of these amendments. The Director shall exercise approval authority over state program participation and shall utilize the expertise of the National Dam Safety Review Board to review state dam safety programs.

Under section 215(g)(1) the grant assistance program is authorized to be appropriated \$1,000,000 for Fiscal Year 1997; \$2,000,000 for Fiscal Year 1998; and \$4,000,000 for each Fiscal Year 1999 through 2001. The grant assistance funds are to be allocated by the following funding formula: one-third of the funds are distributed among the states participating in the matching grant program, and two-thirds of the funds are distributed in proportion to the number of dams appearing as state-regulated dams on the National Inventory of Dams in each of the participating states to the total number of dams in the participating states.

The training program for state dam safety inspectors is available to all states by request, regardless of state participation in the

matching grant program. The training program is authorized at a level of \$500,000 for each Fiscal Year from 1997 through 2001.

The research program authorizes the Director of FEMA to undertake a program of technical and archival research for developing improved techniques and equipment for rapid and effective dam inspection. The results of such research is available to all states regardless of their participation in the matching grant program. \$1,000,000 is authorized for appropriation for the research program for each Fiscal Year 1997 through 2001.

The Director of FEMA is authorized to employ the additional staff necessary to implement the National Dam Safety Program at an annual authorization of \$400,000 in Fiscal Year 1997 through 2001.

The 1996 amendment to the National Dam Safety Program reduces the total for this program from the previously authorized level of \$13 million per year to \$3.4 million in Fiscal Year 1997, \$4.4 million in fiscal year 1998, and \$6.4 million in Fiscal Years 1999 through 2001. No funds authorized under the National Dam Safety Program Act of 1996 shall be used to construct or repair any Federal or non-Federal dam.

Section 216: Maintenance, rehabilitation, and modernization of facilities

The Corps of Engineers operates and maintains more than 70 hydroelectric power facilities. The energy generated at these facilities is marketed to non-Federal electric utilities by the Department of Energy's Power Marketing Administrations. The rates charged for the energy are based on 100 percent repayment of those costs associated with hydroelectric power production, including both separable and joint cost of development, repair, rehabilitation, and operation and maintenance.

This section authorizes the Secretary to increase the operating efficiency of hydroelectric power generation facilities, where economically justified and financially feasible, and where there are no significant adverse impacts on the project or the environment, and does not involve major structural change at existing projects.

It is anticipated that most of the work will be done in the course of the Corps performing its operation and maintenance responsibilities at the hydroelectric power facilities under the jurisdiction of the Corps. Therefore, the proposal intentionally limits utilization of this authority at existing projects only to those cases where it is economically feasible, is environmentally compatible, has only minor impacts on other project purposes, and involves no major structural or operational changes to the project.

Section 217: Long-term sediment management strategies

Section 217 directs the Secretary to enter into a cooperative agreement with non-Federal sponsors of navigation projects for development of long-term management strategies for controlling sediments. Sediment deposition into harbors, and the increase of contaminated sediments into those harbors, have greatly increased the cost of safe, environmentally responsible dredging. Although the ports and other navigation interests share responsibility for cleaning up such sediments, a significant portion of the contamination

comes from upstream. Traditionally, the Corps of Engineers has had a fairly narrow view of its responsibilities to keep channel and navigation areas properly dredged with little concern of the source of contamination. The strategies that are to be developed under this section shall include assessments of sediment rates, composition, sediment reduction options, dredging practices, long-term management of any dredged material disposal facilities, remediation of such facilities, and alternative disposal and reuse options. Interested Federal agencies, States and Indian tribes shall be consulted and the public shall be provided an opportunity for comment.

Section 218: Dredged material disposal facility partnerships

This section authorizes the Secretary to provide capacity at a dredged material disposal facility, beyond that required for project purposes, if added costs are paid by the non-Federal sponsor. It also authorizes the Secretary to allow the non-Federal use of dredged material disposal facilities under certain circumstances.

Insufficient existing disposal facilities for contaminated dredged material have imperiled the continued operation of many ports and waterways in this country. The Committee intends the Corps should assist in expending the Nation's capacity for proper disposal of dredged material and make any existing excess capacity available at Corps operated dredged material disposal facilities available to alleviate this disposal capacity shortfall. The Committee believes that certain economies of scale can be achieved to maximize the usage of these facilities.

This section allows for the imposition of fees by the non-Federal sponsor for use of dredge disposal facilities. The Committee believes that market forces should control the level of such fees between non-Federal project sponsors and other users of the disposal facility. The Committee also believes that the Secretary should impose such fees as are necessary to fully reimburse the pro-rata share of non-Federal use of existing Corps facilities. Those fees should be retained by the Secretary and used to operate and maintain the facility that collected such fees.

Section 219: Obstruction removal requirement

Section 219 amends Federal law to require the owner or operator of a sunken or grounded vessel which is an obstruction to a navigable waterway, to begin the vessel's removal within 24 hours if the Secretary or the Coast Guard stops or delays navigation in any U.S. navigable waters because of conditions relating to such sinking or grounding. It increases the civil penalty to up to \$25,000 a day for the vessel owner or operator who fails to begin removal and requires the Secretary to remove or destroy the vessel using existing summary removal procedures if the owner or operator fails to begin removal or to secure the vessel pending removal or fails to complete removal as soon as possible. The section clarifies that administrative expenses, as well as actual removal expenses, are recoverable from the owner or operator for any removal action taken.

Section 220: Small project authorizations

Section 220 increases the authorization for emergency streambank and shoreline protection works to prevent damage to highways, bridges or ports, public works, churches, hospitals, schools and other non-profit public services from \$12,500,000 to \$15,000,000 each year and increases from \$500,000 to \$1.5 million the amount that may be allocated for any single locality for one fiscal year.

Section 221: Uneconomical cost-sharing requirements

This section authorizes the Secretary to waive the requirement for a non-Federal sponsor to share in the cost of any water resources development project, separable element thereof, or project modification if the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest, and if such costs are less than \$25,000.

Section 222: Planning assistance to States

Section 222 expands the existing "planning assistance to states" program to include watersheds and ecosystems and complements the current national emphasis placed on planning on a watershed or ecosystem basis. It also increases the annual program ceiling from \$6,000,000 to \$10,000,000, and the per state limit from \$300,000 to \$500,000. These increases are necessary to accommodate the growing number of demands placed on this important program and account for increases in the cost of providing such assistance.

Section 223: Corps of engineers' expenses

This section amends section 211 of the Flood Control Act of 1950 to allow more flexibility to Corps personnel to travel to, and participate in, conferences and meetings outside the continental limits of the United States. This section maintains the existing limitation that no more than ten personnel may participate in such meetings or conferences.

Section 224: State and Federal agency review period

Section 224 reduces the 90-day review period requirement established in section 1 of the Flood Control Act of 1944 to a 30-day period. In addition to the legislative requirement for coordination with each affected State, and the Department of the Interior if the project is located west of the ninety-seventh meridian (an area under the responsibility of the Bureau of Reclamation), the Corps uses this same time period to obtain comments on the proposed report of the Chief of Engineers from other affected and/or interested Federal agencies. In light of the significant involvement of State and Federal agencies in the development of the project proposal, the Corps has found this 90-day review by the Washington offices of Federal agencies to be lengthy and duplicative. Agencies comment on environmental aspects of project proposals within much shorter time periods. Agencies comment on environmental aspects of project proposals within much shorter time periods. The 30-day review period would be the same as the comment period for a final

Environmental Impact Statement. Under the provision, the Corps would continue to coordinate the proposed recommendations of the Chief of Engineers with the affected State or States, and all other affected and/or interested Federal agencies. The Committee anticipates that reasonable requests for extensions will be granted to affected State or Federal agencies.

Section 225: Limitation on reimbursement of non-Federal costs per project

This section raises the cap on reimbursement for non-Federal construction of flood control projects under section 215(a) of the Flood Control Act of 1968 from \$3 million to \$5 million.

Section 226: Aquatic plant control

This section increases from \$12 million to \$15 million the annual authorization of the program under the River and Harbor Act of 1958 to provide for control and progressive eradication of noxious aquatic plants. It also adds "malalauca" to the list of controlled plants under that program. Melalauca is an extremely aggressive and noxious species of plant that is severely degrading numerous ecosystems throughout the southeastern United States, particularly in the State of Florida.

Section 227: Sediments decontamination technology

Section 405(a) of the Water Resources Development Act of 1992 authorizes the Port of New York-New Jersey to identify and demonstrate remediation technologies. The authorization limit is currently \$5,000,000. Appropriations in that amount have been made and the project remains in its early stages. It is estimated that \$10 million is needed in the next few years, beginning in Fiscal Year 1997.

Section 227 directs that the project authorized under Section 405(a) of the Water Resources Development Act of 1992 provide for the development of one or more technologies on a pilot scale demonstrating capacity of at least 500,000 cubic yards per year and increases the project authorization to \$10 million.

Section 228: Shore protection

This section reaffirms, clarifies, and modifies the Federal government's involvement and policies regarding shore protection projects. Shore protection projects rebuild beaches so they can provide storm protection to property, much as Federally-funded flood control projects protect property from non-coastal storm damage. Shore protection projects are cooperative efforts involving State and local governments, with non-Federal entities paying up to half of the cost of beach reconstruction. Only beaches with sufficient public access and where the benefits exceed the cost of the reconstruction are eligible for Federal financial assistance. The project must be authorized by Congress to receive Federal funds from the budget of the Army Corps of Engineers, which also provides technical assistance. This section makes it clear that one of the missions of the Army Corps of Engineers is to promote shore protection projects that encourage the protection, restoration, and enhancement of sandy beaches.

Subsection (a) is a declaration of policy which amends existing law in order to make it clear that it is the intent of Congress that the Federal government shall assist in those shore protection projects that involve the replacement of sand on beaches. It further states that it is the intent of Congress to provide assistance which encourages the protection, restoration, and enhancement of sandy beaches. Finally, it provides that in determining which projects shall receive Federal assistance, preference shall be given to areas in which there has been a previous investment of Federal funds as well as areas in which erosion damage has been caused by Federal navigation or other projects.

Subsection (b) modifies the process for determining the benefit-cost ratio of a shore protection project. Under the new process, benefits the project provides to the local and regional economy and ecology would be considered in the overall cost-benefit analysis.

Subsection (c) is intended to codify existing practice regarding the method by which shore protection projects are authorized. Current law provides the Secretary with significant discretion to decide which projects may be implemented. The Administration has proposed ending the Federal role in shore protection projects and the Committee is concerned that the Secretary's discretion may be used to halt the process of studying a prospective project, recommending suitable projects for congressional authorization, and entering into agreements with non-Federal sponsors to construct those projects that have been authorized by Congress and which are eligible to receive appropriated funds. This subsection makes it clear that the Secretary shall recommend to Congress studies of those projects it considers appropriate, conduct such studies as Congress authorizes, and report the results of those studies to the appropriate committees of Congress. In preparing its studies, the Corps is required to consider the estimated benefits to the local and regional economy and ecology of proceeding with the project.

In addition, the Committee has added a requirement that the Secretary coordinate other Federal activities (such as navigation projects) in the region that includes the shore protection project to assure to the extent possible that such activities are complementary to the shore protection project. The Secretary is required to carry out shore protection projects that have been authorized and funded by Congress. This includes a requirement to enter into a written agreement with the non-Federal sponsor of the project which assures that the non-Federal share of the project's cost will be paid according to the terms established by the agreement. The agreement also specifies the "life" of the project and ensures that Federal and non-Federal interests will cooperate in carrying out the project during its life. Finally, this subsection adds language which assures that its provisions also apply to shore protection projects eligible for Federal reimbursement under existing provisions of law. The Committee intends that these provisions be construed to direct the Secretary of the Army to exercise his authority to reauthorize eligible shore protection projects whose "life" has expired. Further, it assures the Act's provisions apply to projects eligible for a reimbursement of Federal funds under existing provisions of Federal law.

Subsection (e) encourages the Corps to cooperate with the States in developing comprehensive State and regional plans for the conservation of beach resources and work with the States in the implementation of these plans.

Subsection (f) includes definitions for terms used in this section of the bill. The definition of “shore protection project” is amended to include projects for beach renourishment, including the replacement of sand. Further, the term “shore” is amended to include sandy beaches.

Section 229: Project deauthorizations

In 1986 Congress established a general deauthorization policy for authorized projects which do not go forward over an extended period of time. Under existing law, the Secretary is required to submit a biennial report to the Congress listing authorized projects which have received no obligations during the 10 full fiscal years preceding the transmission of such list. A project included in such list is not authorized 30 months after the date the list is transmitted to the Congress if funds have not been obligated for construction of such projects. Section 229 clarifies project deauthorization policy to provide that if any planning or design funds are obligated during the 30 month period after the list of projects, that have received no obligations in the preceding 10 years, is transmitted to Congress, the project is not automatically deauthorized.

Section 230: Support of army civil works program

This section authorizes the Secretary to use contracts, cooperative research and development agreements, grants, and cooperative agreements with non-Federal entities to carry out research and development in support of the civil works program. Grants may be made with State and local governments, academic institutions, non-profit organizations and similar entities. It also allows the Secretary to consider the potential application of the results of research and development to the private sector in evaluating, selecting, and awarding contracts when appropriate. The Committee believes that this section gives the Secretary the needed flexibility to make broader use of existing capabilities for accomplishing research and development activity associated with water resources programs and projects. For example, research opportunities exist in developing restoration techniques for urban waterways and development of new non-structural flood control techniques through the use of volunteer and non-profit organizations.

Section 231: Benefits to navigation

Requires the Secretary to consider economic benefits generated by cruise ships as commercial navigation benefits. The Committee believes that past Corps practice of not including the economic benefits of Cruise Ship traffic in determining the costs and benefits of a navigational project is improper. Cruise vessel traffic represents a significant portion of the economic viability for many ports. This limitation is even more improper given the level of payment by the cruise ship industry into the Harbor Maintenance Trust Fund.

Section 232: Loss of life prevention

Before the Corps of Engineers will undertake a project it is required to determine the benefits and costs of such an activity. Projects, especially flood control projects, have a major impact on the safety of people who live along the Nation's waters. This section requires the Corps to include loss of life which may be associated with flooding and coastal storm events in its calculations of project costs and benefits.

Section 233: Scenic and aesthetic considerations

In conducting studies of potential water resources projects, the Secretary shall consider measures to preserve and enhance scenic and aesthetic qualities in the vicinity of such projects.

Section 234: Removal of study prohibitions

This section removes prohibitions that limit the Secretary from undertaking studies to investigate alternative financing modes for hydroelectric power facilities at water resources projects under the jurisdiction of the Department of the Army.

Section 235: Sense of Congress; requirement regarding notice

Section 235 states that it is the sense of Congress that to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American made. It also directs the Secretary, to the greatest extent practicable, to provide to each recipient of any assistance under this Act, a notice describing the sense of Congress.

Section 236: Reservoir management technical advisory committee

Repeals provisions regarding a Technical Advisory Committee that has never been established.

Section 237: Technical corrections

Corrects inaccurate citations in the Water Resources Development Act of 1992.

TITLE III—PROJECT MODIFICATIONS

This section modifies projects which had been previously authorized to be implemented by the Secretary.

Section 301: Mobile Harbor, Alabama—modifies the navigation project, Mobile Harbor, Alabama to allow for the consideration of alternatives to disposing of dredged material in the Gulf of Mexico. The Committee believes that allowing alternatives to deepwater Gulf of Mexico disposal could be both environmentally and economically beneficial. This modification is not intended to create a bias toward any method of disposal and does not eliminate any requirement for consideration of environmental consequences of all disposal options.

Section 302: Alamo Dam, Arizona—modifies the project for flood control and other purposes, Alamo Dam and Lake, Arizona, authorized by section 10 of the River and Harbor Act of December 22, 1944, to authorize the Secretary to operate Alamo Dam to provide fish and wildlife benefits both upstream and downstream of the

Dam. Operation shall not reduce flood control and recreation benefits provided by the project. The Committee believes that changes in project operation can enhance both environmental and recreational opportunities in the region.

Section 303: Nogales Wash and Tributaries, Arizona—modifies the project for flood control, Nogales Wash and Tributaries, Arizona to direct the Secretary to permit the non-Federal interest to delay the initial payment for up to one year after the date construction is begun on the project under authority of section 103(l) of the Water Resources Development Act of 1986. The Secretary is also directed to determine whether the cost sharing agreement should be modified under the authority of 103(m) of the Water Resources Development Act of 1986 related to the non-Federal interest's ability to pay. The Secretary is also directed to use the authority of section 103(k) to enter into negotiations with the non-Federal sponsor concerning payment options. Given the relatively poor financial position of the non-Federal sponsor, it is the Committee's hope that a suitable payment plan can be developed in an expeditious manner.

Section 304: Phoenix, Arizona—modifies the Tres Rios wetlands project to add ecosystem restoration as a project purpose and to increase the authorized project cost from \$6.5 million to \$17.5 million. The Committee believes that ecosystem restoration is an appropriate addition to this project and that the project cost ceiling should be increased to accommodate reasonable restoration actions.

Section 305: San Francisco River at Clifton, Arizona—modifies the Clifton Flood Control Project, Clifton, Arizona to increase the cost ceiling for the project from \$12,510,000 to \$21,100,000, with an estimated Federal cost of \$13,800,000 and non-Federal cost of \$7,300,000. Inflation and other unforeseen factors have caused this project's overall cost to rise.

Section 306: Glenn-Colusa, California—modifies the riffle restoration project at Glenn-Colusa, California to authorize a total cost of \$14.2 million. The Committee believes that this project is an appropriate feature of the Sacramento River Flood Control System. The ecosystem restoration and non-structural flood control elements of this feature should significantly enhance the project.

Section 307: Los Angeles and Long Beach Harbors, San Pedro Bay, California—modifies the navigation project for Los Angeles and Long Beach Harbors, San Pedro Bay, California, authorized by section 201 of the Water Resources Development Act of 1986 to provide that, for the purpose of calculating the non-Federal share of costs under section 101(a)(2) of the Water Resources Development Act of 1986, the cost of altering the sewer outfall by the Port of Los Angeles at a cost of \$12 million shall be considered a relocation. Normally the non-Federal sponsor would be eligible for credit toward the non-Federal share of project costs for relocating such structures, but because the City of Los Angeles was the owner of the sewer outfall and the City of Los Angeles is one of several political subdivisions which make up the Port Authority of LA/Long Beach, the Secretary did not believe that legal authority existed to give credit for the cost of movement of the sewer outfall. Section 307 clarifies that credit is to be given.

Section 308: Oakland Harbor, California—modifies the Oakland Inner and Outer Harbor, California, deep-draft navigation projects to modify the cost ceiling for the combined project. The projects were originally authorized by Section 202(a) of the Water Resources Development Act of 1986 at a total combined cost of \$74,000,000. The combined project is now estimated to cost \$90,850,000, with a Federal cost of \$59,150,000, and a non-Federal cost of \$31,700,000.

Section 309: Queensway Bay, California—modifies existing authority for the Secretary to perform maintenance dredging in the Los Angeles River Estuary at Queensway Bay. Originally authorized in section 4 of the Water Resources Development Act of 1988, this modification authorizes \$5 million for advance maintenance dredging of a navigation channel to minimize future shoaling problems. This modification is necessary to excavate excessive siltation in the Queensbay area associated with several Corps of Engineers flood control projects.

Section 310: San Luis Rey, California—modifies the San Luis Rey Flood Control Project to increase the cost ceiling for the project to \$81,600,000 with an estimated Federal cost of \$61,100,000 and an estimated non-Federal cost of \$20,500,000. Inflation and other unforeseen factors have caused this project's cost to rise.

Section 311: Thames River, Connecticut—deauthorizes and modifies portions of the turning basin at the Thomas River in Norwich, Connecticut. Relocating the existing turning basin will allow non-Federal projects within the harbor to be completed without interfering with public use of the existing Federal project.

Section 312: Potomac River, Washington, District of Columbia—modifies the Potomac River Flood Protection Project for Washington, D.C. to provide for completion of the project in accordance with the General Design Memorandum dated May 1992 at a Federal cost of \$1.8 million. There is no non-Federal share since over 95% of the land protected is Federal property. This modification is necessary to assure adequate flood protection for such national treasures as the Smithsonian Institution. The provision gives the Secretary flexibility to use a temporary closure in lieu of a permanent structure, if appropriate.

Section 313: Canaveral Harbor, Florida—modifies the project to reclassify the relocation of stone material at the navigation project at Canaveral Harbor as general navigation features, to be costshared accordingly.

Section 314: Central and Southern Florida, Canal 51—modifies the flood control project for West Palm Beach Canal (Canal 51) to include authority for an enlarged stormwater retention area and additional work at Federal expense in accordance with the Everglades Protection Project. This project is essential to the overall Everglade restoration project by allowing for a greater availability of fresh water to the portion of the Everglades which are the most degraded.

Section 315: Central and Southern Florida, Canal 111—modifies the flood control project for Canal 111 to implement the recommendations of a May 1994 report reevaluating the project and assessing its environmental impact. The modifications will improve freshwater flows to Everglades National Park and maintain agri-

cultural water uses. The Federal share of costs other than operation and maintenance will be 50 percent.

Section 316: Jacksonville Harbor (Mill Cove), Florida—modifies the navigation project for Jacksonville Harbor, Florida to authorize the construction of a flow/circulation improvement channel to prevent shoaling in Mill Cove. The total cost, and Federal cost, of this modification is \$2,000,000. This project is necessary to adequately protect the integrity of the Jacksonville Harbor and to compensate for the effects of the Federal navigation project.

Section 317: Tybee Island, Georgia—modifies the project for beach erosion control, Tybee Island, Georgia to include the southern tip of the islands located south of the extension of Ninth Street. This project is necessary to protect an essential environmental and economic resource from further degradation.

Section 318: White River, Indiana—modifies the flood control project for Indianapolis in the West Form of the White River, Indiana to increase the authorized total project cost to \$85,975,000, with an estimated Federal cost of \$39,975,000 and estimated first non-Federal cost of \$46,000,000.

Section 319: Chicago, Illinois—modifies the project for flood control, Chicagoland Underflow Plan, Illinois, to limit the capacity of the reservoir not to exceed 11 billion gallons and to provide that the reservoir project may not be located north of 55th Street or West of East Avenue in the vicinity of McCook, Illinois.

Section 320: Chicago Lock and Thomas J. O'Brien Lock, Illinois—modifies the project at Chicago Lock and Thomas J. O'Brien Lock, Illinois to authorize the study and repair of leakage at these facilities. This modification will allow for the identification and measurement of the leakage and appraisal and implementation of leakage repair options. The Committee believes that any necessary repairs of these locks should be a Federal responsibility.

Section 321: Kaskaskia River, Illinois—modifies the project for navigation, Kaskaskia River, Illinois to add fish and wildlife and habitat restoration as a project purpose. The Committee believes that this modification will significantly enhance the environmental and recreational aspects of this project.

Section 322: Locks and Dam 26, Alton, Illinois and Missouri—modifies the Locks and Dam 26 project in Alton, Illinois and Missouri to allow recreational development to occur on lands adjacent to the project. Such development shall greatly enhance the recreational opportunities available in this region.

Section 323: North Branch of Chicago River, Illinois—modifies the flood control project for North Branch of Chicago River, Illinois, to increase the cost ceiling for the project. The project was originally authorized in the Water Resources Development Act of 1986 at a total cost of \$22,700,000, with an estimated Federal cost of \$15,000,000 and an estimated non-Federal cost of \$7,700,000. The project is now estimated to cost \$34,228,000 with a Federal cost of \$20,905,000 and a non-Federal cost of \$13,323,000. Costs have increased because of increased construction material quantities, necessary engineering and design changes, inflation, and higher appraised land values.

Section 324: Illinois and Michigan Canal, Illinois—modifies the navigation project for the Illinois and Michigan Canal to incor-

porate improvements near Lock #14 including a proposed marina at Huse Lake on the north side of the Illinois River in cooperation with the Illinois Department of Natural Resources. The total cost of the modification is estimated at \$6,374,000. This modification will greatly enhance the recreational opportunities available in this region.

Section 325: Halstead, Kansas—modifies the flood control project for Halstead, Kansas, to increase the cost ceiling for the project. The project was originally authorized in the Water Resources Development Act of 1986 at a total cost of \$7,200,000, with an estimated Federal cost of \$5,400,000 and an estimated non-Federal cost of \$1,800,000. The project is now estimated to cost \$11,100,000, with a Federal cost of \$8,325,000 and a non-Federal cost of \$2,775,000. Costs have increased because of overruns of construction material quantities, necessary design changes, inflation, and other factors.

Section 326: Levisa and Tug Forks of the Big Sandy River and Cumberland River, Kentucky, West Virginia, and Virginia—modifies the project for flood control, Levisa and Tug Fork of the Big Sandy River and Cumberland River, Kentucky, West Virginia and Virginia, to provide that a minimum level of flood protection provided by the project shall be at a level required to provide protection from a 100-year flood or from the flood of April 1977 whichever level of protection is greater. This amendment makes it clear that any Federal project will at least protect the residents at a level sufficient to qualify for Federal flood insurance.

Section 327: Comite River, Louisiana—modifies the project for flood control, Comite River, Louisiana, to increase the cost ceiling for the project from \$65,902,000 to \$121,600,000 with an estimated Federal cost of \$70,577,000 and an estimated non-Federal cost of \$51,023,000.

Section 328: Grand Isle and Vicinity, Louisiana—The project for hurricane damage prevention, flood control and beach erosion along Grand Isle, Louisiana, authorized by section 204 of the Flood Control Act of 1965 is modified to authorize the Secretary of the Army to construct a permanent breakwater and levee system at a total cost of \$17,000,000. This provision modifies the authorized hurricane protection project to include the construction of a permanent breakwater and levee system on the south and north sides of Grand Isle, Louisiana.

Section 329: Lake Pontchartrain and Vicinity, Louisiana—The project for hurricane damage prevention and flood control authorized by section 204 of the Flood Control Act of 1965 is modified to provide that St. Bernard Parish, Louisiana, and the Lake Borgne Basin Levee District, Louisiana, shall not be required to pay the unpaid balance, including interest of the non-Federal cost share of this project. The project benefits have not developed to the extent predicted by the Corps of Engineers.

Section 330: Mississippi Delta Region, Louisiana—modifies the hurricane flood protection project on Lake Pontchartrain, Louisiana to require the Secretary to credit Louisiana, towards its non-Federal share of the project, for the cost of developing and relocating oyster beds to offset the adverse impacts on active oyster beds in the existing project area. Such credit shall not exceed \$7.5 million.

The Committee believes that the relocation of the existing oyster beds should have been an integral part of the original project. The damage to existing resources should have been foreseeable.

Section 331: Mississippi River Outlets, Venice, Louisiana—modifies the Mississippi River Outlets, Venice, Louisiana project to provide for the extension of the 16-foot deep by 250-wide Baptiste Collette Bayou entrance channel. As a Federally authorized channel, the Coast Guard will be authorized to mark the channel at an estimated cost of \$76,000. Corps surveys are estimated to cost \$4,000. The navigation channel will not require maintenance. This project should facilitate navigation and increased navigational safety in the region.

Section 332: Red River Waterway, Louisiana—modifies the project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana to increase the authorization level for the project from \$9,420,000 to \$10,500,000 and clarifies where lands may be purchased. The Committee believes that the increase in authorization level and the clarification of land acquisition are necessary to achieve mitigation of fish and wildlife losses as originally envisioned.

Section 333: Tolchester Channel, Maryland—modifies the navigation project Baltimore Harbor and Channels, Maryland and directs the Secretary to expedite review of potentially straightening the Tolchester Channel to increase safety under its project operation and maintenance authorization. If straightening is feasible and necessary, the Secretary is to fund the channel straightening project as a part of project maintenance.

Section 334: Saginaw River, Michigan—modifies the Saginaw River, Michigan, flood control project to include the design and construction of an inflatable dam on the Flint River at a total cost of \$500,000. The original inflatable dam was constructed concurrently with the flood control project but fell into disrepair. This subsection allows for the replacement with a new inflatable dam.

Section 335: Sault Sainte Marie, Chippewa County, Michigan—modifies the project at Sault Saint Marie, Michigan. This project consists of a new lock to serve traffic between Lake Superior and Lake Huron. Under the authorization, 25% of the cost must be paid by non-Federal interests. In most cases, the non-Federal interests are the local beneficiaries of a harbor. In the Saint Lawrence Seaway System there is no particular local interest to pay the non-Federal share.

In addition, a significant part of the traffic through the Soo Locks will be traffic to and from Canadian ports. This amendment amends the cost sharing formula as follows:

(1) The portion of the non-Federal share which the Secretary determines is attributable to the use of the lock by vessels calling at Canadian ports shall be paid by the United States. The government has the option of pursuing reimbursement from Canada.

(2) The remaining portion of the non-Federal share shall be paid by the Great Lakes states pursuant to an agreement they enter into.

(3) The repayment of the non-Federal project cost to be paid over 50 years or the expected life of the project, whichever is shorter.

Section 336: Stillwater, Minnesota—modifies the Stillwater, Minnesota Floodwall Extension project to allow for the completion of the repair and extension of the levee wall system and a secondary landward floodwall, increasing the authorization from \$3,200,000 to \$11,600,000, with a Federal cost of \$8,700,000 and a non-Federal cost of \$2,900,000. This increase is required because costs have increased because of increased need for construction material, necessary design changes and inflation. The Committee has included language authorizing the Secretary to expand the reach of the floodwall. The Secretary should continue work on the project which is currently underway. If additional study or design is required because of modifications made by this section, such activities should be conducted concurrent with ongoing work so as not to delay work on this vital project.

Section 337: New Madrid Harbor, Missouri—modifies the navigation project New Madrid Harbor Missouri. It directs the Secretary to assume responsibility for maintenance of the existing Federal channel described in section 102(n) of the Water Resources Development Act of 1992 in addition to New Madrid County Harbor. This provision would treat the maintenance of the navigation project at New Madrid Harbor on an equal footing as other navigation projects.

Section 338: Cape Girardeau, Missouri—modifies the flood control project for the Cape Girardeau-Jackson Metropolitan Area, Missouri, to increase the cost ceiling for the project. The project was originally authorized in the Water Resources Development Act of 1986 at a total cost of \$25,100,000, with an estimated Federal cost of \$18,700,000, and an estimated non-Federal cost of \$6,400,000. The cost of project features for which non-Federal interests executed a Local Cooperation Agreement on May 31, 1990, and subsequently modified on October 27, 1992, are now estimated at \$45,414,000, with a Federal cost of \$33,030,000, and a non-Federal cost of \$12,384,000. Costs have increased due to inflation, higher than anticipated construction costs, additional engineering and design work, increased roadway and utility relocation costs, (additional costs to meet earthquake design criteria), increased land costs and non-structural measures favored by non-Federal interests.

Section 339: St. John's Bayou, New Madrid Floodway, Missouri—modifies the flood control project at St. John's Bayou and New Madrid Floodway, Missouri to allow Federal assistance under the rural enterprise zone program to be used to pay the non-Federal share of the costs of the project. This provision is consistent with intended purposes of the rural enterprise zone to remove infrastructure limitations which harm rural development.

Section 340: Joseph G. Minish Passaic River Park, New Jersey—section 101(a)(18)(B) of the Water Resources Development Act of 1990 is modified to raise the authorized level from \$25,000,000 to \$75,000,000. Costs have increased due to inflation, higher than anticipated construction costs, additional engineering and design work, increased land costs and non-structural measures favored by non-Federal interests.

Section 341: Passaic River, New Jersey—modifies the Passaic River flood control project to implemented sections of the passaic

River Buyout Study, authorizing the Secretary to acquire and retain residential land in the floodway at a total estimated cost of \$194 million. The non-Federal cost share is 25 percent of the costs of acquisition plus an amount to be determined under application of section 903(c) of the Water Resources Development Act of 1986. This provision will allow for a significant increase in flood control protection in a cost effective and environmentally sensitive manner.

Section 342: Molly Ann's Brook, New Jersey—modifies the flood control project at Molly Ann's Brook, New Jersey to increase the authorization level to \$40,100,000 with a Federal cost to \$22,600,000 and an estimated non-Federal cost of \$17,500,000. Costs have increased because of overruns of construction materials quantities, necessary design changes, increased land values, higher engineering and legal costs, and inflation.

Section 343: Ramapo River at Oakland, New Jersey and New York—modifies the flood control project along the Ramapo River at Oakland, New Jersey, to increase the cost ceiling for the project. The project was originally authorized by the Water Resources Development Act of 1986, at a total cost of \$6,450,000, with an estimated Federal cost of \$4,840,000 and an estimated non-Federal cost of \$1,610,000. The project is now estimated to cost \$11,300,000 with a Federal cost of \$8,500,000 and a non-Federal cost of \$2,800,000. During the preconstruction engineering and design stage, channel and gate project features were redesigned to respond to changed conditions.

Section 344: Raritan Bay and Sandy Hook Bay, New Jersey—modifies the project, Raritan Bay and Sandy Hook Bay, New Jersey, authorized by section 102(q) of the Water Resources Development Act of 1992 (106 Stat. 4808) to delete reference to Cliffwood Beach in the authorization.

Section 345: Arthur Kill, New York and New Jersey—modifies the project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 to authorize the Secretary to carry out the project at a total cost of \$83,000,000. Costs have increased because of overruns of construction materials quantities, necessary design changes, increased land values, higher engineering and legal costs, and inflation.

Section 346: Jones Inlet, New York—modifies the navigation project for Jones Inlet, New York, to direct the Secretary to place non-contaminated dredged material on beach areas downdrift to the federally maintained channel.

Section 347: Kill Van Kull, New York and New Jersey—modifies the project for navigation, Kill Van Kull, New York and New Jersey, authorized by section 202(a) of the Water Resources Development Act of 1986 to authorize the Secretary to carry out the project at a total cost of \$750,000,000. Costs have increased because of overruns of construction material quantities, necessary design changes for dredging and disposal activities, increased land values, higher engineering, and inflation.

Section 348: Wilmington Harbor, Northeast Cape Fear River, North Carolina—modifies the navigation project for Wilmington Harbor, Northeast Cape Fear River, North Carolina, in accordance with the Corps General Design Memorandum of April 1990 and

Supplement of February 1994. During preconstruction design studies, additional information on subsurface conditions and utility relocations, together with project modifications, resulted in increasing project costs to the level where they now exceed the maximum allowed by law. The project was originally authorized by Section 202(a) of the Water Resources Development Act of 1986, at a total cost of \$10,000,000, with a Federal cost of \$8,300,000 and a non-Federal cost of \$1,700,000. The total cost of the project is now estimated at \$52,041,000 with a Federal cost of \$25,729,000, and a non-Federal cost of \$26,312,000.

Section 349: Garrison Dam, North Dakota—modifies the flood control project at Garrison Dam, North Dakota to authorize the Secretary to acquire permanent easements on approximately 10,000 acres of land in and around the Burford-Trenton Irrigation District. The cost paid for such easements shall be between 75% and 90%.

Section 350: Reno Beach-Howards Farm, Ohio—modifies the project for flood protection, Reno Beach-Howards Farm, Ohio, authorized by section 203 of the Flood Control Act, 1948 to provide that the value of lands, easements, rights-of-way, and disposal areas shall be determined on the basis of the appraisal performed by the Corps of Engineers and dated April 4, 1985.

Section 351: Wister Lake, Oklahoma—modifies the project at Wister Lake, Oklahoma to increase the elevation of the conservation pool to 478 feet and to adjust the seasonal pool operation to accommodate the change in the conservation pool elevation. Section 114(p) of the Water Resources Development Act of 1992, authorized a study to determine the feasibility of modifying the existing project to increase the level of the conservation pool by one foot. The report found that the increased level would increase dependable water supply and have a negligible effect on flood control as well as improved fish and wildlife habitat and recreation, and reduce adverse project impacts on cultural resources.

Section 352: Bonneville Lock And Dam, Columbia River, Oregon and Washington—modifies the Bonneville Lock and Dam project to solve the longstanding problems involving the relocation of the Town of North Bonneville, Washington. During the 1970s, the Town of North Bonneville, on the Washington side of the Columbia River, was condemned to make room for the second powerhouse of Bonneville Dam. As a part of this project, Congress in section 83 of Public Law 83-251 required the Corps to relocate the town. Although a detailed relocation agreement between the Corps and the town was executed in 1975, the relocation effort became mired by litigation that has existed to this date. The Justice Department, Corps of Engineers and the Town have agreed on a settlement of the outstanding issues concerning which lands are to be deeded to the town and a final settlement of all outstanding litigation. This section provides the authority to implement that agreement.

Section 353: Columbia River dredging, Oregon and Washington—modifies the project for navigation, Lower Willamette and Columbia River below Vancouver, Washington and Portland, Oregon, to direct the Secretary to conduct channel simulations and carry out improvements not to exceed \$2.4 million and to conduct overdraft dredging to maintain authorized channel dimensions.

Section 354: Grays Landing Lock and Dam, Monongahela River, Pennsylvania—modifies the project for navigation Grays Landing Lock and Dam, Monongahela River, Pennsylvania, authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110), to authorize the Secretary to construct the project at a total cost of \$181,000,000. The costs of construction of the project are to be paid $\frac{1}{2}$ from amounts appropriated from the general fund of the Treasury and $\frac{1}{2}$ from amounts appropriated from the Inland Waterways Trust Fund.

Section 355: Lackawanna River At Scranton, Pennsylvania—modifies the flood control project, Lackawanna River at Scranton, Pennsylvania, to carry out the Plot and Green Ridge sections of the project. If the modified project does not meet benefit-cost requirements, this section allows non-Federal interests to assist in financing the project to the point where the Federal costs are no greater than the national benefits of the project, in accordance with the section 903(c) of the Water Resources Development Act of 1986.

Section 356: Mussers Dam, Middle Creek, Snyder County, Pennsylvania—section 209(e) of the Water Resources Development Act of 1992 is amended to raise the authorized level from \$3,000,000 to \$5,000,000.

Section 357: Saw Mill Run, Pennsylvania—modifies the flood control project for Saw Mill Run, Pittsburgh, Pennsylvania, to increase the cost ceiling for the project. The project was originally authorized in the Water Resources Development Act of 1986 at a total cost of \$7,850,000, with an estimated Federal cost of \$5,890,000 and an estimated non-Federal cost of \$1,960,000. The project is now estimated to cost \$12,780,000, with an estimated Federal cost of \$9,585,000 and an estimated non-Federal cost of \$3,195,000. Project costs have increased due to changes in the design of the authorized project and inflation. During the design of the project it was determined that the authorized project, which would have provided a 50-year level of flood protection, was no longer economically justified. A new plan was developed. The reformulated project is the same type of channel improvement project as the authorized project, only shorter in length, and provides for about a 20-year level of flood protection. The plan includes two upstream flood warning gages, has negligible adverse impacts on fish and wildlife resources, and is the national economic development plan.

Section 358: Schuylkill River, Pennsylvania—modifies the navigation project for Schuylkill River, Pennsylvania, to provide for the removal and disposal of sediment detained in portions of the Fairmount pool. This modification will allow improved navigation, recreation and enhanced environmental quality for this important resource.

Section 359: South Central Pennsylvania—section 313 of the Water Resources Development Act of 1992 is amended to raise the authorized level from \$50,000,000 to \$90,000,000.

Section 360: Wyoming Valley, Pennsylvania—modifies the floor control project, Wyoming Valley, Pennsylvania, to authorize mechanical and electrical upgrades to thirteen stormwater pumping stations and to undertake induced flooding mitigation measures. These modifications are essential to improve the efficiency of flood control measures in this area. Recent severe flooding clearly dem-

onstrated the need for this modification. The Secretary and the non-Federal interest have had extensive discussions on this project. This section provides the necessary authority to move forward on the needed works.

Section 361: San Juan Harbor, Puerto Rico—modifies the navigation project for San Juan Harbor, Puerto Rico, to deepen the Bar Channel in steps from 49 feet to 56 feet, and with other modifications to the interior channels as generally described in the General Reevaluation Report and Environmental Assessment, dated March 1994. The project was originally authorized by Section 202(a) of the Water Resources Act of 1986 at a total cost of \$72,300,000, with an estimated Federal cost of \$52,700,000 and an estimated non-Federal cost of \$19,600,000. Ship simulation studies demonstrate that additional depths are needed in the Bar Channel to provide adequate underkeel clearance for vessels associated with authorized depths in interior channels. Those ship simulation studies also resulted in the elimination of the channel widener at the intersection of the Bar and Anegado Channels, a reduction in the widths of the Army Terminal and Graving Dock Channels, a reduction in the depth of the Puerto Nuevo Channel, and a reduction in mitigation for adverse impacts on algae beds. In addition, while economic studies reveal that the authorized improvement for the San Antonio Channel, Cruise Ship Basin, and Anchorage Area E are not needed at this time, these channels will remain authorized. The total cost of the project is estimated at \$43,993,000, with a Federal cost of \$27,341,000 and a non-Federal cost of \$16,652,000.

Section 362: Narragansett, Rhode Island—modifies the navigation project to address removal of an abandoned and wrecked barge to increase the cost to \$1,900,000, with a Federal cost of \$1,425,000 and a non-Federal cost of \$475,000. This modification is essential to removing a serious impediment to navigation in the Narragansett Bay.

Section 363: Charleston Harbor, South Carolina—modifies the project for navigation, Charleston Harbor, South Carolina, authorized by section 202 of the Water Resources Development Act of 1986 to authorize the Secretary to undertake ditching, clearing, spillway replacement, and dike reconstruction of the Clouter Creek Disposal Area, as a part of the operation and maintenance of the Charleston Harbor project. This modification is required to maintain the primary disposal area which is essential for the normal operation and maintenance of Charleston Harbor, South Carolina.

Section 364: Dallas Floodway Extension, Dallas, Texas—modifies the flood control project for the Dallas Floodway Extension to allow credit against the non-Federal share for the cost of work performed in constructing flood protection works for Rochester Park and the Central Waste Water Treatment Plant. Any work credited toward the non-Federal share must be compatible with the project plan and must be required for construction of the project.

Section 365: Upper Jordan River, Utah—modifies the flood damage reduction project for the Upper Jordan River, Utah, to increase the cost ceiling for the project. The project was authorized by Section 101(a)(23) of the Water Resources Development Act of 1990 at a total cost of \$7,900,000, with a Federal cost of \$5,200,000 and a non-Federal cost of \$2,700,000. The project is now estimated to cost

\$12,870,000, with a Federal cost of \$8,580,000 and a non-Federal cost of \$4,290,000. Costs have increased due to inflation, increased real estate and relocation requirements, need for additional fish and wildlife mitigation, and associated increased costs for engineering, design and construction management.

Section 366: Haysi Lake, Virginia—modifies the Haysi Lake feature of the project for flood control, Tug Fork of the Big Sandy River, Kentucky, West Virginia and Virginia, to add recreation and fish and wildlife enhancement as project purposes; to require the project to be built in accordance with the locally preferred plan; and to require an application of ability-to-pay rules. This modification would significantly improve the environmental and recreational resources available in the region.

Section 367: Rudee Inlet, Virginia Beach, Virginia—modifies the project for navigation and shoreline protection, Rudee Inlet, Virginia Beach, Virginia to authorize the Secretary to continue maintenance of the project for the life of the project in accordance with the normal cost-sharing rules. The Committee believes that it is appropriate to continue operations and maintenance, and shoreline protection activities at this project.

Section 368: Virginia Beach, Virginia—reduces the non-Federal share of the beach erosion and hurricane protection project, Virginia Beach, Virginia to account for the cost to the city of Virginia Beach for beach nourishment activities carried out between October 1986 through September 1993. The Committee believes that it is appropriate to credit the City of Virginia Beach for such activities.

Section 369: East Waterway, Washington—modifies the project for navigation, East and West waterways, Seattle Harbor, authorized by the first section of the Act of March 2, 1919 to direct the Secretary—

(1) to expedite review of potential deepening of the channel in the East waterway from Elliott Bay to Terminal 25 to a depth of 51 feet; and

(2) if determined to be feasible, to implement such deepening as part of project maintenance. In carrying out work authorized by this section, the Secretary shall coordinate with the Port of Seattle regarding use of Slip 27 as a dredged material disposal area. Slip 27 is an area that the port wishes to use for the disposal of dredged material from this project, if feasible. The Committee believes that funding the Federal share of the project out of the Harbor Maintenance Trust Fund is appropriate in this case. Deepening the project to 51 feet would be sufficient for the new generation of vessels which are already calling at terminals on the East Waterway.

Section 370: Bluestone Lake, West Virginia—modifies the project, Bluestone Lake, West Virginia to authorize the release of limited amounts of drift and debris from the Bluestone Dam to the extent that such releases are necessary to maintain and enhance the biological integrity of the New River. The amendment made by this section conforms this provision with the Secretary's responsibility under section 1110 of the National Parks and Recreation Act of 1978 to provide for the release of water from the Bluestone Lake project in a manner to facilitate protection of the biological resources of the New River.

Section 371: Moorefield, West Virginia—modifies the project for flood control, Moorefield, West Virginia, authorized by section 101(a)(25) of the Water Resources Development Act of 1990 to authorize the Secretary to construct the project at a total cost of \$22,000,000, with an estimated Federal cost of \$17,100,000 and an estimated non-Federal cost of \$4,900,000.

Section 372: Southern West Virginia—modifies the environmental restoration project, Southern West Virginia, to increase the total authorized cost of the project to \$25 million. It also allows non-Federal interests to receive credit for the cost of initial design work completed prior to entering into the local cooperation agreement as long as such credit does not exceed 6 percent of the total construction cost of the project. Non-Federal interests could also receive credit for lands, easements, rights-of-way and relocations not to exceed 25 percent of total project costs.

Section 373: Kickapoo River, Wisconsin—modifies the flood control project, LaFarge Dam, Kickapoo River, Wisconsin, to transfer 8,569 acres of project lands to the State of Wisconsin, part of which is to be transferred to the Secretary of the Interior. Also deauthorizes the project. Authorizes the Secretary to complete the relocation of highway routes, environmental cleanup and site restoration, and the cultural resource activities of the project. Authorizes \$17 million for these activities.

Section 374: Teton County, Wyoming—modifies the project, Teton County, Wyoming, to authorize the Secretary to enter into agreements with Teton County permitting the County to perform operation and maintenance for the Jackson Hole Snake River, Wyoming project on a cost-reimbursable basis. Allows the County to meet its non-Federal responsibilities for the project through the provision of in-kind services, as well as cash contributions.

TITLE IV—STUDIES

Section 401: Corps capability study, Alaska

The Secretary shall review the capability of the Corps of Engineers to plan, design, construct, operate, and maintain rural sanitation projects for rural and Native villages in Alaska. Such a study, along with recommendations on the advisability of the Corps assuming such missions, shall be transmitted to the Congress, within 18 months.

Section 402: McDowell Mountain, Arizona

The Secretary shall give credit to the non-Federal interest toward the cost of the feasibility study on the McDowell Mountain project an amount equivalent to the cost of work performed by the city of Scottsdale, Arizona, and accomplished prior to the city's entering into an agreement with the Secretary, if the Secretary determines that the work is necessary for the study.

Section 403: Nogales Wash and tributaries, Arizona

The Secretary shall conduct a study of the relationship of flooding in Nogales, Arizona, and flood flows emanating from Mexico and shall transmit to Congress a report on the results of the study together with recommendations concerning the appropriate level of

non-Federal participation in the previously authorized project for flood control, Nogales Wash and tributaries, Arizona.

Section 404: Garden Grove, California

The Secretary shall conduct a study to assess the feasibility of implementing improvements in the regional flood control system within Garden Grove, California.

Section 405: Mugu Lagoon, California

The Secretary shall conduct a study of the environmental impacts associated with sediment transport, flood flows, and upstream watershed land use practices on Mugu Lagoon, California. The study is to include an evaluation of alternatives for the restoration of the estuarine ecosystem functions and values associated with Mugu Lagoon and the endangered and threatened species inhabiting the area. In conducting the study, the Secretary is directed to consult with the Secretary of the Navy and to coordinate with State and local resource agencies to assure that the study is compatible with restoration efforts for the Calleguas Creek watershed. The Secretary is to transmit to Congress a report on the results of the study within 24 months.

Section 406: Santa Ynez, California

The Secretary is to prepare a comprehensive river basin management plan addressing the long term ecological, economic, and flood control needs of the Santa Ynez River basin, California. the Committee has determined that this plan must be completed as soon as possible, but not later than one year, in order to provide a basis for moving forward with solutions to flooding problems. In addition to preparing the comprehensive plan in consultation with local flood control interests, the Secretary is to provide technical assistance in implementing the plan.

Section 407: Southern California infrastructure

Section 116(d)(3) of the Water Resources Development Act of 1990, which authorizes a study of infrastructure needs, is amended by raising the authorized cost from \$1,500,000 to \$7,500,000.

Section 408: Yolo Bypass, Sacramento-San Joaquin Delta, California

The Secretary shall study the advisability of acquiring land in the vicinity of the Yolo Bypass in the Sacramento-San Joaquin Delta, California, for the purpose of environmental mitigation for the flood control project for Sacramento, California, and other water resources projects in the area.

Section 409: Quincy, Illinois

the Secretary shall study and evaluate aspects of the critical infrastructure of drainage and levee districts in the vicinity of Quincy, Illinois.

Section 410: Springfield, Illinois

The Secretary shall provide technical, planning, and design assistance to the city of Springfield, Illinois, in developing an environ-

mental impact statement for the proposed development of a water supply reservoir. This assistance shall include the preparation of necessary documentation in support of the environmental impact statement. The assistance shall also include an evaluation of technical, economic, and environmental impacts of such development. This section is necessary to facilitate development and approval of the proposed Hunter Lake project.

Section 411: Chain of Rocks Canal, Illinois

The Secretary is to complete a limited reevaluation of the authorized St. Louis Harbor Project in the vicinity of the Chain of Rocks Canal. The Committee is concerned about the deteriorating condition of the federally owned Chain of Rocks, East Canal Levee which provides flood protection for the East St. Louis metropolitan area. Recent floods in 1993 and 1995 demonstrate that the levee is not performing as originally intended. Accordingly, the Secretary is to perform an expeditious review of the proposed work in this area so that these urgently needed construction efforts can begin. Consistent with the project's original authorization, it is the Committee's view that the remedial measures should not place additional financial burdens on local communities and industries.

Section 412: Beauty Creek Watershed, Valparaiso City, Porter County, Indiana

The Secretary shall conduct a study to assess the feasibility of implementing streambank erosion control measures and flood control measures within the Beauty Creek watershed, Valparaiso City, Porter County, Indiana.

Section 413: Grand Calumet River, Hammond, Indiana

The Secretary shall conduct a study to establish a methodology and schedule to restore the wetlands at Wolf Lake and George Lake in Hammond, Indiana and shall transmit to Congress a report on the results of the study within 1 year.

Section 414: Indiana Harbor Canal, East Chicago, Lake County, Indiana

The Secretary shall conduct a study of the feasibility of including environmental and recreational features, including a vegetation buffer, as part of the project for navigation, Indiana Harbor Canal, East Chicago, Lake County, Indiana.

Section 415: Koontz Lake, Indiana

The Secretary shall conduct a study of the feasibility of implementing measures to restore Koontz Lake, Indiana. The study shall include measures to remove silt, sediment, nutrients, aquatic growth, and other noxious materials from Koontz Lake. It shall also include measures to improve public access facilities to Koontz Lake, and measures to prevent or abate the deposit of sediments and nutrients in Koontz Lake.

Section 416: Little Calumet River, Indiana

The Secretary shall conduct a study of the impact of the project for flood control, Little Calumet River, Indiana, authorized by sec-

tion 401(a) of the Water Resources Development Act of 1986, on flooding and water quality in the vicinity of the Black Oak area of Gary, Indiana. The Secretary shall transmit to Congress a report on the results of the study, together with recommendations for cost-effective remediation of impacts described in the study within 1 year. Because it is likely that Corps actions contributed to flooding in the Black Oak area, the Federal share of the cost of the study shall be 100 percent.

Section 417: Tippecanoe River Watershed, Indiana

The Secretary shall conduct a study of water quality and environmental restoration needs in the Tippecanoe River watershed, Indiana, including measures necessary to reduce siltation in Lake Shafer and Lake Freeman. The Secretary also shall provide technical, planning, and design assistance to the Shafer Freeman Lakes Environmental Conservation Corporation in addressing potential environmental restoration activities determined as a result of the study.

Section 418: Calcasieu Ship Channel, Hackberry, Louisiana

The Secretary shall conduct a study to determine the need for improved navigation and related support service structures in the vicinity of the Calcasieu Ship Channel, Hackberry, Louisiana.

Section 419: Huron River, Michigan

The Secretary shall conduct a study to determine the need for channel improvements and associated modifications for the purpose of providing a harbor of refuge at Huron River, Michigan.

Section 420: Saco River, New Hampshire

The Secretary shall conduct a study of flooding problems along the Saco River in Hart's Location, New Hampshire, for the purpose of evaluating retaining walls, berms, and other structures with a view to potential solutions involving repair or replacement of existing structures and to consider other alternatives for flood damage reduction.

Section 421: Buffalo River Greenway, New York

The Secretary shall conduct a study of a potential greenway trail project along the Buffalo River beneath the park system of the city of Buffalo, New York, and Lake Erie. This study shall include preparation of an integrated plan of development that takes into consideration the adjacent parks, nature preserves, bikeways, and related recreational facilities.

Section 422: Port of Newburgh, New York

The Secretary shall conduct a study of the feasibility of carrying out improvements for navigation at the port of Newburgh, New York.

Section 423: Port of New York-New Jersey sediment study

The Secretary shall conduct a study of measures that could reduce sediment deposition in the vicinity of the Port of New York-New Jersey for the purpose of reducing the volumes to be dredged

for navigation projects in the Port. The Secretary shall also conduct a study to determine the feasibility of constructing and operating an underwater confined dredged material disposal site in the Port of New York-New Jersey which could accommodate as much as 250,000 cubic yards of dredged materials for the purpose of demonstrating the feasibility of an underwater confined disposal pit as an environmentally suitable method of containing certain sediments. The Secretary shall transmit to Congress a report on the results of the studies, together with any recommendations concerning reduction of sediment deposition referred to in the first study.

Section 424: Port of New York-New Jersey navigation study

The Secretary shall conduct a comprehensive study of navigation needs at the Port of New York-New Jersey to address improvements, including deepening of existing channels, that are required to provide economically efficient and environmentally sound navigation to meet current and future requirements. The study is to also address potential deepening of channels at the South Brooklyn Marine and Red Hook Container terminals, Staten Island, and adjacent areas. The Secretary is to consider a full range of potential channel depths, including fifty feet or greater. The Committee notes that the provision authorizes study of potential navigation improvements in the entire port area, including New Jersey as well as New York.

Section 425: Chagrin River, Ohio

The Secretary is to conduct a study of flooding problems along the Chagrin River in Eastlake, Ohio. In conducting such study, the Secretary shall evaluate potential solutions to flooding from all sources, including ice jams and other causes. The Secretary shall also evaluate the feasibility of a sedimentation collection pit and other potential measures to reduce flooding.

Section 426: Cuyahoga River, Ohio

The Secretary shall conduct a study to evaluate the integrity of the bulkhead system located on the Federal channel along the Cuyahoga River in the vicinity of Cleveland, Ohio. In conducting the study, the Secretary is to provide local interests an analysis of potential repairs to the system, including the costs of such repairs.

Section 427: Charleston, South Carolina, Estuary

The Secretary shall conduct a study of the Charleston estuary area located in Charleston, Berkely, and Dorchester Counties, South Carolina, for the purpose of evaluating environmental conditions in the tidal reaches of the Ashley, Cooper, Stono, and Wando Rivers and the lower portions of Charleston Harbor.

Section 428: Mustang Island, Corpus Christi, Texas

The Secretary shall conduct a study of navigation along the south-central coast of Texas near the city of Corpus Christi for the purpose of determining the feasibility of constructing and maintaining the Packery Channel on the southern of Mustang Island.

Section 429: Prince William County, Virginia

The Secretary shall conduct a study of flooding, erosion, and other water resources problems in Prince William County, Virginia, including an assessment of wetlands protection, erosion control, and flood control damage reduction needs of the County.

Section 430: Pacific region

The Secretary is authorized to conduct studies in the interest of navigation in that part of the Pacific region that includes American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands. The cost sharing provisions of section 105 of the Water Resources Development Act of 1986 shall apply to studies under this section.

Section 431: Financing of infrastructure needs of small and medium ports

The Secretary is to conduct a study of alternative financing mechanisms for funding infrastructure improvements at small and medium ports. The Committee believes that exploring alternative means of funding such improvements is essential to the continued vitality of small and medium-sized ports. Among the alternatives that must be considered is the potential establishment of revolving loan funds. Because of the pressing need to address this issue, the Secretary is required to transmit a report to Congress within 180 days.

TITLE V—MISCELLANEOUS PROVISIONS

Section 501: Project deauthorizations

Section 501 deauthorizes a number of Corps of Engineers water resource projects and portions of projects. The Corps of Engineers has determined that none of these deauthorizations will have adverse effect on navigational or maintenance operations.

Paragraph (1) deauthorizes a portion of the channel at Bradford Harbor, Connecticut.

Paragraph (2) deauthorizes a portion of the anchorage at Bridgeport Harbor, Connecticut.

Paragraph (3) deauthorizes a portion of the channel at Guilford Harbor, Connecticut.

Paragraph (4) deauthorizes a portion of the channel at Johnsons River, Bridgeport, Connecticut.

Paragraph (5) deauthorizes a portion of the channel at Mystic River, Connecticut.

Paragraph (6) deauthorizes a portion of the channel and anchorage at Norwalk Harbor, Connecticut.

Paragraph (7) deauthorizes a portion of the anchorage at Southport Harbor, Connecticut.

Paragraph (8) deauthorizes a portion of the channel at Stony Creek, Bradford, Connecticut.

Paragraph (9) deauthorizes a portion of the anchorage at York Harbor, Connecticut.

Paragraph (10) deauthorizes a portion of the channel at Chelsea River, Boston Harbor, Massachusetts.

Paragraph (11) deauthorizes a portion of the project for navigation Cohasset Harbor, Cohasset, Massachusetts.

Paragraph (12) deauthorizes a portion of the project for navigation Falmouth Harbor, Massachusetts.

Paragraph (13) deauthorizes a portion of the channel at Mystic River, Massachusetts.

Paragraph (14) deauthorizes a portion of the channel at Weymouth-Fore and Town River, Boston Harbor, Massachusetts.

Paragraph (15) deauthorizes a portion of the project for navigation Morristown Harbor, New York.

Paragraph (16) deauthorizes a portion of the project for navigation Connecticut Harbor, Ohio.

Paragraph (17) deauthorizes a portion of the channel at Oswegatchie River, Ogdenburg Harbor, New York.

Paragraph (18) deauthorizes a portion of the channel at Apponaug Cove, Warwick, Rhode Island.

Paragraph (19) deauthorizes a portion of the navigation project at Port Washington Harbor, Wisconsin.

Section 502: Project reauthorizations

Section 502 negates previous project deauthorizations.

Subsection (a) Grand Prairie Bayou-Meto Basin, Arkansas.—The authorization for the Grand Prairie Bayou-Meto, Arkansas project that was originally authorized in section 204 of the Flood Control Act of 1950, and which became deauthorized pursuant to section 1001(b) of the Water Resources Development Act of 1986. This subsection also clarifies that the project includes ground water protection and conservation, agricultural water supply, and waterfowl management as authorized project purposes.

Subsection (b) White River, Arkansas.—The authorization for the White River navigation to Batesville, Arkansas project, which was authorized by section 601 of the Water Resources Development Act of 1986. The project had been deauthorized in the Water Resources Development Act of 1988, apparently because of the lack of local interest. Local interests now wish to pursue the project.

Subsection (c) Des Plaines River, Illinois.—The project for wetlands research, Des Plaines River, Illinois, authorized by section 45 of the Water Resources Development Act of 1988 and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986.

Subsection (d) Alpena Harbor, Michigan.—The project for navigation, Alpena Harbor, Michigan, authorized by section 301 of the River and Harbor Act of 1965 and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986.

Subsection (e) Ontonagon Harbor, Ontonagon County, Michigan.—The project for navigation, Ontonagon Harbor, Ontonagon County, Michigan, authorized by section 101 of the River and Harbor Act of 1962 and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986.

Subsection (f) Knife River Harbor, Minnesota.—The project for navigation, Knife River Harbor, Minnesota, authorized by section 100 of the Water Resources Development Act of 1974 and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986.

Subsection (g) Cliffwood Beach, New Jersey.—The project for hurricane-flood protection and beach erosion control on Raritan Bay and Sandy Hook Bay, New Jersey, authorized by section 203 of the Flood Control Act of 1962 and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986.

Section 503: Continuation of authorization of certain projects

Subsection (a) continues the authorization for projects that would otherwise be automatically deauthorized under the provisions of section 1001 of the Water Resources Development Act of 1986: Cedar River Harbor, Michigan; and Cross Village Harbor, Michigan.

Subsection (b) places a 5-year limitation on the continued authorization of these projects, unless funds are obligated for the projects during that period.

Section 504: Land conveyances

This section conveys certain lands currently owned by the Secretary. All lands conveyed under this section are currently surplus to the needs of the Secretary (or are transferred subject to protective easements) and the conveyances are to be carried out under such terms and conditions that the Secretary deems appropriate.

Subsection (a) Oakland Inner Harbor Tidal Canal, California.—Modifies an existing land transfer provision to transfer at fair market value certain lands to adjacent land owners.

Subsection (b) Mariemont, Ohio.—Transfers for \$85,000 a parcel of land in the village of Mariemont, Ohio, to the village.

Subsection (c) Eufaula Lake, Oklahoma.—Transfers at fair market value 12.5 acres of land at the Eufaula Lake project, Oklahoma, to the city of Eufaula.

Subsection (d) Bordman, Oregon.—Transfers, without consideration, to the city of Bordman, Oregon, 141 acres at the John Day Lock and Dam project that is currently under lease to the city of Bordman Park and Recreation District for as long as these lands are used for public park and recreation purposes.

Subsection (e) Tri-Cities Area, Washington.—Transfers certain lands in Benton County, Washington; Franklin County, Washington; the City of Kennewick, Washington; the City of Richland, Washington; the City of Pasco, Washington; and the Port of Pasco, Washington to those entities. Generally this subsection conveys without consideration any land that is to be used as a public park or recreation area for as long as those lands are used for public purposes and conveys all other lands for fair market value. The subsection also authorizes a study of the minimum safe height for levees of the Lake Wallula flood control project and conditional approval to lower the height of such levees.

Section 505: Namings

Section 505 renames selected Corps of Engineers projects or project features after distinguished citizens or, in several cases, nearby communities or other features.

Subsection (a) designates the Visitors Center at Warm Springs Dam, California as the Milt Brandt Visitors Center.

Subsection (b) designates the Carr Fork Lake in Kentucky as the Carr Creek Lake.

Subsection (c) names a bridge on U.S. Route 231 crossing the Ohio River between Maceo, Kentucky and Rockport, Indiana in honor of Representatives William H. Natcher.

Subsection (d) names the Uniontown Lock and Dam on the Ohio River, Indiana and Kentucky in honor of Representative John T. Myers.

Subsection (e) designates the Lake on the Wabash River in Huntington and Wells County as the J. Edward Roush Lake.

Subsection (f) names the Lock and Dam 4 of the Red River Waterway, Louisiana in honor of Senator Russell B. Long.

Subsection (g) designates the lock and dam at Mile 358, Tennessee-Tombigbee Waterway the Aberdeen Lock and Dam.

Subsection (h) designates lock A at Mile 371 of the Tennessee-Tombigbee Waterway as the Amory Lock.

Subsection (i) designates lock C at Mile 391 of the Tennessee-Tombigbee Waterway as the Fulton Lock.

Subsection (j) names the Lock and Dam at Mile 266 of the Tennessee-Tombigbee Waterway in honor of Senator Howell Heflin.

Subsection (k) names Lock E at Mile 407 of the Tennessee-Tombigbee Water in honor of Representative G.V. 'Sonny' Montgomery.

Subsection (l) names Lock D at Mile 398 of the Tennessee-Tombigbee Water in honor of Representative John Rankin.

Subsection (m) names the lock and dam at Mile 335 of the Tennessee-Tombigbee Water in honor of Senator John Stennis.

Subsection (n) names of the lock and dam at Mile 412 of the Tennessee-Tombigbee Water in honor of Representative Jamie Whitten.

Subsection (o) names Lock B at Mile 376 of the Tennessee-Tombigbee Waterway in honor of Glover Wilkins.

Section 506: Watershed management, restoration, and development

Under this section, the Secretary is authorized to provide technical, planning, and design assistance to non-Federal interests to carry out watershed management, restoration and development projects. The purposes of the projects may include management and restoration of water quality (which may include measures to prevent water quality degradation); control and remediation of toxic sediments; restoration of degraded streams, rivers, wetlands, and other water bodies to their natural state as a means to control flooding, excessive erosion, and sedimentation; protection and restoration of watersheds, including urban watersheds; and non-structural flood control measures. The non-Federal share of the costs of assistance to be provided is 50%. Projects that may receive assistance are Gila River and Tributaries, Santa Cruz River, Arizona; Rio Salado, Salt River, Phoenix and Tempe Arizona; Colusa Basin, California; Los Angeles River Watershed, California; Russian River Watershed, California; Sacramento River Watershed, California; Nancy Creek, Utoy Creek, and North Peachtree Creek and South Peachtree Creek Basin, Georgia; Lower Platte River Watershed, Nebraska; Juniata River Watershed, Pennsylvania including Raystown Lake; and the Upper Potomac River Watershed, Grant

and Mineral Counties, West Virginia. The section authorizes \$25 million for the Federal share of assistance provided under this section.

This section is an important step in developing comprehensive watershed management, restoration, and development plans; however, it is not intended to restrict the Secretary from carrying out water resources studies and projects under the Corps of Engineers' regular authorities. This section is intended to complement, not conflict with, traditional water resources activities.

Section 507: Lakes program

Section 602 of the Water Resources Development Act of 1986 establishes a program of lake restoration through the removal of silt, aquatic growth, and other materials in lakes. Section 507 adds the following lakes to this program: Goodyear Lake, Otsego County, New York; Otsego Lake, Otsego County, New York; and Oneida Lake, Oneida County, New York, for removal of silt and aquatic growth; Skaneateles and Owasco Lakes, New York for removal of silt and aquatic growth and prevention of sediment deposit; and, Twin Lakes, Paris, Illinois for removal of silt and excess aquatic vegetation, including measures to address excessive sedimentation, high nutrient concentration and shoreline erosion.

Section 508: Maintenance of navigation channels

Upon request of the non-Federal interest, the Secretary shall assume responsibility for maintenance of the following navigation channels constructed or improved by non-Federal interests. Such maintenance shall be carried out if the Secretary determines that it is economically justified and environmentally acceptable and that the channel was constructed in accordance with applicable permits and appropriate engineering and design standards:

- (1) Humboldt Harbor and Bay, Fields Landing Channel, California.
- (2) Mare Island Strait, California; except that, the navigation channel constructed by and for the Department of Defense shall be deemed to have been constructed by non-Federal interests.
- (3) Mississippi River Ship Channel, Chalmette Slip, Louisiana.
- (4) Greenville Inner Harbor Channel, Mississippi.
- (5) Providence Harbor Shipping Channel, Rhode Island.
- (6) Matagorda Ship Channel, Point Comfort Turning Basin, Texas.
- (7) Corpus Christi Ship Channel, Rincon Canal, Texas.
- (8) Brazos Island Harbor, Texas, connecting channel to Mexico.
- (9) Blair Waterway, Tacoma Harbor, Washington.

Within 6 months of receipt of a request from the non-Federal interest for Federal assumption of maintenance of a channel, the Secretary shall make a determination if the project meets the environmental, technical, and engineering criteria and advise the non-Federal interest of the Secretary's determination. Nothing in this section affects application of the Secretary's "single beneficiary" policy,

which has been used to determine the advisability of Federal participation in navigation projects which have only one beneficiary.

Section 509: Great Lakes remedial action plans and sediment remediation

This section modifies section 401 of the Water Resources Development Act of 1990 to:

Authorize the Secretary to provide technical, planning and engineering assistance to state or local governments for the development and implementation of remedial action plans for areas identified under the Great Lakes Water Quality Agreement of 1978. The non-Federal interest shall contribute 50% of the cost of the assistance.

Authorize the Secretary in conjunction with EPA to establish no fewer than three demonstration projects. It gives priority consideration to Saginaw Bay, Michigan; Sheboygan Harbor, Wisconsin; Grand Calumet River, Indiana; Ashtabula River, Ohio; Buffalo River, New York; and Duluth/Superior Harbor, Minnesota. This provision requires the Secretary to identify the sites and technologies to be demonstrated within 18 months and that the demonstration projects be completed within 3 years. The provision requires a 50% non-Federal cost share for these projects and authorizes \$5 million per year for Fiscal Years 1997 through 2000.

Section 510: Great Lakes dredged material testing and evaluation manual

Section 510 directs the Secretary in cooperation with the Administrator of the Environmental Protection Agency, to provide technical assistance on testing procedures contained in the Great Lakes Material Testing and Evaluation Manual. It is expected that the Corps and EPA will conduct training of laboratory personnel, private laboratories and universities that are engaged in testing of dredged material. The Committee notes that this section does not confer any new regulatory authorization on the Secretary or the Administrator.

Section 511: Great Lakes sediment reduction

Reducing sediment deposition into the Great Lakes has been addressed in several laws over the past 10 years. Section 511 directs the Secretary to develop a tributary sediment transport model for 30 major river systems that deposit sediments into the Great Lakes either individually or in combination as part of a set. The model should be developed in consultation and coordination with the Great Lakes states. It is expected that the Corps will build on previously generated studies of the Great Lakes and their tributaries. The Committee notes that this section is intended to develop information that will be useful to the Secretary and to the Great Lakes states in coordinating existing Federal and state programs and in future planning activities. It does not confer any new regulatory authority.

Section 512: Great Lakes confined disposal facilities

The Great Lakes are rapidly depleting their confined disposal facility capacity, while the need for dredging continues in harbors

and channels. The Secretary is directed to conduct a study and assess the general conditions of confined disposal facilities in the Great Lakes including a description of their effects on the ecosystem of the Great Lakes; make recommendations for specific remediation action for each confined disposal facility; and make an evaluation and recommendation on practices and technologies that can conserve capacity at such facilities and minimize adverse environmental effects at such facilities.

Section 513: Chesapeake Bay restoration and protection program

This provision authorizes \$15 million to establish a pilot program to provide public non-Federal interests in the Chesapeake Bay with watershed-based technical, planning, design and construction assistance for environmental infrastructure and resource protection and development projects affecting the Chesapeake Bay. The Federal share of assistance is to be 75%.

Section 514: Extension of jurisdiction of Mississippi River Commission

Section 514 extends the jurisdiction of the Mississippi River Commission to include:

- (1) all the area between the Eastern side of the Bayou LaFourche Ridge from Donaldsonville, Louisiana to the Gulf of Mexico and the west guide levee of the Mississippi River from Donaldsonville, Louisiana to the Gulf of Mexico;
- (2) Alexander County, Illinois; and
- (3) the area in the State of Illinois from the confluence of the Mississippi and Ohio Rivers northward to the vicinity of Mississippi River mile 39.5, including the Len Small Drainage and Levee District, insofar as such area is affected by the flood waters of the Mississippi River.

Section 515: Alternative to annual passes

Section 515 addresses concerns regarding Corps of Engineers user fees collected at its recreation facilities. While the Corps offers annual passes which may be used at any of its facilities nationwide, for many the \$25 annual charge is prohibitive, especially when individuals purchasing the passes visit only one or two different projects a year. Section 515 requires the Secretary to offer annual passes, for a cost of not more than \$10, for the use of recreational facilities at the Raystown Lake Project, Pennsylvania. By December 31, 1998, the Secretary is required to report to Congress on the effectiveness and public acceptance of project-specific passes and to make recommendations on whether such an approach should be adopted nationwide.

Section 516: Recreation partnership initiative

This provision requires the Secretary to promote Federal, non-Federal, and private sector cooperation to improve the recreational infrastructure and operation at Corps projects, including the Raystown Lake Project, Pennsylvania. It authorizes \$4.5 million to carry out this provision at Raystown Lake.

Section 517: Environmental infrastructure

This section authorizes construction assistance for certain environmental infrastructure projects for which technical assistance was first authorized in Section 219 of the Water Resources Development Act of 1992. The Committee believes that it is appropriate to proceed to the design and construction phase for those projects that were first addressed under Section 219. Therefore this section authorizes:

- (1) \$10 million for Jackson County, Mississippi.
- (2) \$2 million for Epping, New Hampshire.
- (3) \$10 million for Manchester, New Hampshire.
- (4) \$11 million for Rochester, New Hampshire.
- (5) \$20 million for Lynchburg, Virginia.
- (6) \$20 million for Richmond, Virginia.

Section 518: Corps capability to conserve fish and wildlife

This section would raise the authorization level from \$5 million to \$10 million and include the Chesapeake Bay in Virginia in a program to conserve fish and wildlife authorized by Section 704(b) of the Water Resources Development Act of 1986.

Section 519: Periodic beach nourishment

This section authorizes the Secretary to carry out periodic beach nourishment for each of the following projects for a period of 50 years beginning on the date of initiation of construction of such projects. Under section 156 of the Water Resources Development Act of 1976, as modified by section 934 of the Water Resources Development Act of 1986, the Secretary has authority to provide periodic beach nourishment following construction of the project. Unfortunately, the Secretary has chosen not to proceed with such work in many cases. Section 519 reflects the emphasis the Committee places on such work and lists projects that are to receive priority under this program. The Committee expects the Secretary to move forward with other similar projects as well:

- (1) Broward County, Florida.
- (2) Fort Pierce, Florida.
- (3) Lee County, Florida.
- (4) Palm Beach County, Florida.
- (5) Panama City Beaches, Florida.
- (6) Tybee Island, Georgia.

Section 520: Control of aquatic plants

The Secretary is directed to carry out:

- (1) a program to control aquatic plants in Lake St. Clair, Michigan; and
- (2) a program to control aquatic plants in the Schuylkill River, Philadelphia, Pennsylvania.

Section 521: Hopper dredges

This section amends the Act of August 11, 1888 to require the Secretary to increase the use of privately owned and operated hopper dredges to maintain Federal navigation channels. It preserves the readiness of federally-owned hopper dredges by requiring the Secretary to place the Federal hopper dredge *Wheeler* in a ready re-

serve status and by allowing the Secretary to perform repair and rehabilitation of Federal dredges. It precludes the Secretary from further reducing the readiness of a Federal hopper dredge unless the vessel has been in that status for 5 years and the Secretary determines it has not been used sufficiently to justify it remaining in ready reserve.

The Committee supports the general trend toward increased use of and reliance on the capability of the private industry in dredging activities. However, the Committee intends to move cautiously in reducing the Federal hopper dredge fleet. This section, which also includes a requirement that the Secretary implement procedures to facilitate increased usage of the private fleet, recognizes the industry's capability and performance while at the same time, preserves a Federal backstop in the event Corps hopper dredges are needed.

Section 522: Design and construction assistance

This section requires the Secretary to provide design and construction assistance to non-Federal interests to:

- (1) repair and rehabilitate the Lower Girard Lake Dam, Girard, Ohio at an estimated total cost of \$2.5 million.
- (2) repair and upgrade the dam and appurtenant features at lake Merriweather, Little Calpasture River, Virginia at an estimated cost of \$6 million.

Section 523: Field office headquarters facilities

This section allows the Secretary to use the Plant Replacement and Improvement Program to design and construct new headquarters facilities for (1) the New England Division of the Corps of Engineers, Waltham, Massachusetts; and (2) the Corps' Jacksonville District, Jacksonville, Florida.

Section 524: Lake Superior center

This section authorizes \$10 million for the Secretary, to assist non-Federal interests in the construction of an educational facility to educate the public to the economic, recreational, biological, aesthetic, and spiritual worth of Lake Superior and other large bodies of fresh water. After construction the facility will be transferred to a public entity established by the State of Minnesota for operation and maintenance.

Section 525: Jackson County, Alabama

Section 525 authorizes \$5 million for technical, planning, and design assistance to non-Federal interests for wastewater treatment and related facilities, remediation of point and nonpoint sources of pollution and contaminated riverbed sediments, and related activities in Jackson County, Alabama, including the city of Stevenson.

Section 526: Earthquake preparedness center of expertise extension

Section 526 directs the Secretary to establish an extension of the Earthquake Preparedness Center of Expertise for the central United States at an existing district office of the Corps of Engineers. The Memphis District of the Corps, located near the New Madrid fault, is ideally positioned to serve in that capacity.

Section 527: Quarantine facility

Section 108 of the Water Resources Development Act of 1992 authorizes the Secretary to construct a Research and Quarantine Facility in Broward County, Florida to be used in connection with the control of *Melaleuca* and other exotic plant species that threaten the Everglades and other native ecosystems in Florida. Section 527 increases the authorization for that program to \$4 million.

Section 528: Benton and Washington Counties, Arkansas

Section 528 amends section 220 of the Water Resources Development Act of 1992. That section authorized the Secretary to provide assistance to non-Federal interests for design and construction of a water transmission line. Section 528 clarifies that Federal funds may be made available to the local entities to undertake the work directly or by contract.

Section 529: Calaveras County, California

The Secretary in cooperation with other Federal, state and local agencies is authorized to conduct investigations and surveys of watershed of the Lower Mokelumne River and to provide technical, planning, and design assistance for abatement and mitigation of degradation caused by abandoned mines and mining in the vicinity of the river. The Committee notes that this section does not give the Secretary of the Army any authority to regulate active mining activities or to undertake abandoned mine reclamation under the Surface Mining Control and Reclamation Act.

Section 530: Prado Dam safety improvements, California

This section authorizes the Secretary to provide technical assistance to Orange County, California for the relocation of California State Route 71 which must be relocated as part of the construction of Prado Dam feature of the flood control project, Santa Ana River Mainstem, California.

Section 531: Manatee County, Florida

This section authorizes a flood control project at Cedar Hammock (Wares Creek), Florida substantially in accordance with the Final Detailed Project Report and Environmental Assessment dated April 1995 at a total cost of \$13,846,000, with an estimated first Federal cost of \$8,783,000 and an estimated non-Federal cost of \$5,063,000.

Section 532: Tampa, Florida

This section authorizes \$500,000 for the Secretary to enter into a cooperative research and development agreement under section 230 of this Act with the Museum of Science and Industry, Tampa, Florida, and to provide technical, planning, and design assistance to the Museum to demonstrate the water quality functions found in wetlands.

Section 533: Watershed Management Plan for Deep River Basin, Indiana

In the Water Resources Development Act of 1986, the Secretary was directed to clean up accumulated sediment in Lake George. The Corps of Engineers is currently preparing a planning and engi-

neering study that will identify the most feasible plan to accomplish this objective. This section authorizes a basinwide watershed management plan to analyze the sedimentation problem in Lake George and to develop alternative solutions to reducing the sedimentation problem and flooding problems throughout the basin. The plan is to be developed in consultation with the Natural Resource Conservation Service.

Section 534: Southern and Eastern Kentucky

This section authorizes \$10 million for the establishment of a program for providing environmental infrastructure assistance to non-Federal interests in southern and eastern Kentucky. This assistance may be in the form of design and construction assistance for water-related environmental infrastructure, resource protection, and development projects in this region. This assistance is only available for projects that are to be publicly owned. These projects shall be subject to 75% Federal and 25% non-Federal cost sharing requirement and credit shall be given toward the non-Federal share for design work completed by the non-Federal interest prior to entering into a cost sharing agreement with the Secretary, certain financing cost in the event of project delays, and for all lands, easements and rights-of-way associated with the project. The provision also requires a study be transmitted to the Congress on the results of this program by December 31, 1999.

Section 535: Louisiana Coastal Wetlands Restoration Projects

This section temporarily adjusts the distribution formula to allow a 90% Federal participation for coastal Louisiana wetlands restored under Section 303(f) of the Coastal Wetlands Planning, Protection, and Restoration Act for calendar years 1996 and 1997. This temporary adjustment is necessary to allow the State time to accumulate funds for its share of wetlands restoration projects. Otherwise, needed restoration efforts will be delayed.

Section 536: Southeast Louisiana

This section increases the amount authorized for flood control and improvements to drainage in Jefferson, Orleans, and St. Tammany Parishes, Louisiana to \$100 million. The provision also allows for credit toward the non-Federal cost share for actions that are compatible with the project that were undertaken by the non-Federal interest subsequent to the report but prior to the authorization. It also clarifies the existing authorization by updating the relevant list of Corps of Engineers reports.

Section 537: Restoration Projects for Maryland, West Virginia and Pennsylvania

Section 537 authorizes \$10 million for the Secretary, in cooperation with Federal, State and local agencies, to conduct investigations and surveys of the watersheds of the North Branch of the Potomac River, Maryland, Pennsylvania, and West Virginia; and New River, West Virginia; and to provide assistance for the abatement and mitigation of surface water quality in such watersheds caused by abandoned mines.

With respect to the New River in the State of West Virginia, the Committee intends for the Secretary to undertake the activities authorized by this section in the Dunloup Creek watershed, the Manns Creek watershed, the Piney Creek watershed and the Wolf Creek watershed of the New River. In conducting investigations, surveys and in providing assistance under this section for the New River, the Secretary is to cooperate with the Federal entity with administrative jurisdiction over the lands within such watersheds (the National Park Service) and with the West Virginia Division of Environmental Protection. The Federal share of cost under this section shall be 75% for lands not owned by the Federal Government and 100% for lands owned by the Federal Government.

The Committee notes that this section does not give the Secretary of the Army any authority to regulate mining activities or to undertake abandoned mine reclamation under the Surface Mining Control and Reclamation Act.

Section 538: Beneficial use of dredged material, Poplar Island, Maryland

This section directs the Secretary to carry out a project for the beneficial use of dredged material at Poplar Island, Maryland, generally under the authority of section 204 of the Water Resources Development Act of 1992. That section authorizes the Secretary to carry out projects for the protection, restoration, and creation of aquatic and ecologically related habitats in connection with dredging for construction, operation, or maintenance by the Secretary of an authorized navigation project. Notwithstanding the cost limitation that would otherwise apply under the 204 program, under this section, the initial cost of construction of dikes under this section shall be a total of \$78 million, with an estimated Federal cost of \$58.5 million and an estimated non-Federal cost of \$19.5 million.

Section 539: Erosion control measures, Smith Island, Maryland

Smith Island, Maryland, in the Chesapeake Bay is in imminent danger unless a long-term solution is found to restore the protective barrier island to the west of Rhodes Point. The historic community dates back to 1657 and is in need of emergency protection to protect the lives of the inhabitants and the historic nature of the island. Sections 539 authorizes the Corps to implement erosion control measures in the vicinity of Rhodes Point at an estimated total Federal cost of \$450,000. Cost sharing applicable to hurricane and storm damage reduction will apply to this project.

Section 540: Beneficial use of dredged material, Worton Point, Kent County, Maryland

This section directs the Secretary to carry out a project for the beneficial use of dredged material at Worton Point, Kent County, Maryland, under the authority of section 204 of the Water Resources Development of 1992.

Section 541: Duluth, Minnesota, alternative technology project

This section authorizes \$1 million for the development and implementation of alternative methods for decontamination and dis-

posal of contaminated dredged material at the Port of Duluth, Minnesota.

Section 542: Redwood River Basin, Minnesota

This section authorizes \$4 million for the Secretary, in cooperation with the Secretary of Agriculture and the State of Minnesota to conduct a study, develop a strategy, and implement (in cooperation with local landowners and local governments) the strategy for using wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damages, improve water quality, and create wildlife habitat in the Redwood River basin and the subbasins draining into the Minnesota River. The non-Federal cost share shall be 25% and may be provided through in-kind services and materials.

Section 543: Natchez Bluffs, Mississippi

Directs the Secretary to undertake a bluff stabilization project at Natchez, Mississippi for a total cost of \$17.2 million, with an estimated Federal cost of \$12.9 million and non-Federal cost of \$4.3 million, substantially in accordance with cited studies.

Section 544: Sardis Lake, Mississippi

Directs the Secretary to work cooperatively with the State of Mississippi and the city of Sardis, Mississippi in the management of existing and proposed leases of land related to tourism and recreation as was outlined in the plan for economic development of the Sardis Lake area prepared by the city.

Section 545: Missouri River Management

This section extends the navigation season on the Missouri River and addresses water management. Subsection (a) requires the Secretary to increase the length of the navigation season for the Missouri River by 15 days each year for two years.

Subsection (b) prohibits the Secretary from taking actions that are inconsistent with the existing water control policy if such action would reduce navigability by 10 or more days or cause substantial increases in flood damages.

Subsection (c) requires that any future EIS regarding management of the Missouri River include an analysis of economic impacts associated with proposed changes in management of the river.

Section 546: St. Charles County, Missouri, Flood Protection

This section prohibits any county or community located at the confluence of the Missouri and Mississippi Rivers from having their participation in Federal programs affected solely due to the raising of a levee by a public levee district if such work is approved by the relevant circuit court and is limited to no greater than an elevation sufficient to contain a 20-year flood. A prior Federal permit that was valued during the Midwest flood of 1993 is deemed to be adequate for raising the existing levees to such an elevation.

Section 547: Cocheco River, New Hampshire

This section directs the Secretary to provide technical assistance to resolve encroachment issues related to maintenance dredging of

the navigation project on the Cocheco River. The Cocheco River provides a valuable link between the City of Dover and other deep water ports. As the current depths along the length of the Cocheco River severely restrict access of tourist and commercial vessels essential to the economic revitalization of the City of Dover, additional dredging is necessary at the earliest possible time to obtain a 70-foot wide navigable channel and a mean low water depth of seven feet. While the Secretary has sufficient authority to conduct dredging, encroachment into the channel must be addressed. Section 547 address this need.

Section 548: Durham, New Hampshire

This section authorizes the Secretary to enter into a cooperative agreement with the University of New Hampshire to provide technical assistance for a water treatment technology center addressing the needs of small communities.

Section 549: Hackensack Meadowlands Area, New Jersey

Section 549 adds land acquisition to the forms of assistance that the Secretary is authorized to provide under Section 324(b)(1) of the Water Resources Development Act of 1992, which will allow for the acquisition of critical wetlands in the Meadowlands area.

Section 550: Authorization of dredge material containment facility for Port of New York/New Jersey

Authorizes the construction, operation and maintenance of an adequate dredged material containment facility for the Port of New York/New Jersey. This facility is to be cost shared consistent with Section 101 of the Water Resources Development Act of 1986. Once completed the Secretary is to operate and maintain the facility for public benefit.

Section 551: Hudson River Restoration, New York

This section authorizes \$11 million for at least 4 habitat restoration projects in the Hudson River Basin, New York. These projects shall be designed to:

- (1) Provide a pilot project to assess and improve habitat value and environmental outputs of projects;
- (2) Provide a demonstration project to evaluate various restoration techniques for effectiveness and cost;
- (3) Fill an important local habitat need within a specific portion of the study area; and
- (4) Take advantage of ongoing or planned actions by other agencies, local municipalities, or environmental groups that would increase the effectiveness or decrease the cost of the recommended restoration project sites. Non-Federal interests shall provide 25% of the cost of each project undertaken under this section.

Section 552: New York Bight and Harbor study

The Water Resources Development Act of 1992 reauthorized and broadened the New York Bight study originally authorized in the Water Resources Development of 1986. The 1992 amendments directed the development of a hydrologic computer model and meas-

ures to address local dioxin contamination issues. This section increases the authorization to \$5 million to complete the study.

Section 553: New York State Canal System

Section 553 authorizes the Secretary to make capital improvements to the New York State Canal System. Hearings before this Committee demonstrated that a substantial long-term need for Corps technical and financial assistance exists on the New York State Canal System. The \$10 million authorization included in this legislation for the New York State Canal System is critical to the viability of both commercial and recreational uses on America's first major canal system.

Section 554: New York City watershed

Section 554 directs the Secretary to establish a program for providing design and construction assistance to non-Federal interests in the 2,000 square mile New York City watershed. This region of New York State provides over one billion gallons of water per day to the more than 9 million residents of the New York Metropolitan area. The Committee recognizes the enormous importance of protecting the water supply for America's largest metropolitan area and has authorized the expenditure of \$25 million for this purpose.

The goal of the projects conducted under this section is to establish effective ways to protect the water supply for New York City without damaging prospects for a sustainable regional economy. Critical to the protection of the watershed is the enhancement of a natural resource and agriculture based economy in the region.

In protecting the New York City Watershed, Federal resources should be directly available to assist members of the agriculture community in controlling non-point source pollution.

The Committee notes that this program can materially assist in the development of infrastructure projects and monitoring programs that are needed to protect the New York City drinking water supply and avoid the costs of constructing and maintaining a multi-billion dollar filtration plant. The New York City Watershed protection program protects the Nation's largest surface drinking water source through implementation of projects and programs that prevent pollution from entering the Watershed and projects that control pollution at the source.

The Committee encourages the Secretary and the non-Federal interests to be flexible in the development of projects to be funded under this section. Specifically, projects to be implemented pursuant to this section should preserve and enhance the economic and social character of the Watershed communities. The Committee notes that this program can set a model for the Nation as a comprehensive, watershed-based approach for long-term watershed protection. If done right, with locally driven, voluntary-based measures, such a program can prevent pollution and stem the need for a costly filtration plant.

It is the Committee's intent that lands acquired by non-Federal interests for projects authorized by this section not be acquired for the primary purpose of a public park, forest reserve, or recreational use. However, this does not preclude lands acquired as part of a project undertaken under this section for the primary purpose of

environmental infrastructure or resources protection and development from being designated as a park, forest reserve, or recreation area. The Committee also notes that Sterling Forest is not within the NYC watershed for purposes of subsection (h).

Section 555: Ohio River Greenway

Section 555 requires the Secretary to expedite the completion of the study for the Ohio River Greenway, Jeffersonville, Clarksville and New Albany, Indiana. Upon completion of the study, if the Secretary determines that the project is feasible, the Secretary shall participate with the non-Federal interest to construct the project. The Federal cost share shall be 50%. Non-Federal interests shall be responsible for providing all lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for the project. The non-Federal interests shall receive credit for costs which the Secretary determines are compatible with study, design and implementation of the project.

Section 556: Northeastern Ohio

This section authorizes the Secretary to provide technical assistance to local interests in Northeastern, Ohio for planning and establishing a regional water authority. The Federal share of the cost of such planning shall not exceed 75% of the total.

Section 557: Grand Lake, Oklahoma

This section directs the Secretary to carry out a 1-year study of flood control in Grand/Neosho Basin and tributaries in the vicinity of Pensacola Dam in northeastern Oklahoma to determine the scope of the backwater effects of operation of the dam and to identify any lands that the Secretary determines are adversely impacted by the dam or flood control project's operation or those who should have been originally purchased as flowage easement for the project. It authorizes a total of \$24 million (not more than \$1.5 million of which may be used for the study) for the acquisition of lands, and interests in lands, from willing sellers, identified by the Secretary as adversely impacted.

Section 558: Board Top Region of Pennsylvania

The section increases the authorization level for the program authorized in section 304 of the Water Resources Development Act of 1992 for the Board Top Region of Pennsylvania to \$11 million and allows for credit to be given for work performed by the non-Federal interest toward the 25% local cost share.

Section 559: Hopper Dredge McFarland

This section authorized \$20 million and directs the Secretary to make modernization and efficiency improvements to the hopper dredge *McFarland*. It also directs the Secretary to determine whether the *McFarland* should be returned to active service or the reserve fleet after the project is completed and to establish minimum standards for dredging service to be met in areas served by the *McFarland* while the reconditioning is taking place. The Committee finds that maintaining a well-conditioned hopper dredge fleet is essential to assuring continued capability for maintenance of

navigable waterways. Improvements to the *McFarland* support that goal.

Section 560: Philadelphia, Pennsylvania

The section authorizes the Secretary to participate in the following projects in Philadelphia and vicinity, Pennsylvania:

Subsection (a) authorizes \$1 million for the restoration of the Philadelphia, Pennsylvania Water Works.

Subsection (b) authorizes \$300,000 annually for the operation, maintenance, and rehabilitation of the Schuylkill Navigation Canal at Manayunk.

Subsection (c) authorizes \$2.7 million for the Schuylkill River Park.

Subsection (d) authorizes \$15 million for the improvement and restoration of aquatic habitats and resources at Pennypack Park.

Subsection (e) authorizes \$900,000 for the elimination of the Frankfort Dam, replacement of the Rhawn Street Dam, and modifications to the Roosevelt and Verree Road Dam.

Section 561: Upper Susquehanna River Basin, Pennsylvania and New York

This section directs the Secretary to develop and implement strategies for wetlands restoration, non-structural flood control, and soil and water conservation for the following portions of the Upper Susquehanna River basin: (1) the Juniata River Watershed, at a Federal cost of \$15 million; and (2) the Susquehanna River Watershed upstream of the Chemung River, New York, at a Federal cost of \$10 million. The non-Federal share is to be 25% and may be provided through-in-kind services in lieu of cash.

Section 562: Seven Points Visitors Center, Raystown Lake, Pennsylvania

This section authorizes \$2.5 million to construct a visitors center at the Seven Points Recreation Area at Raystown Lake, Pennsylvania.

Section 563: Southeastern Pennsylvania

This section authorizes \$2.5 million for a pilot program for the design and construction of publicly-owned water-related environmental infrastructure, resource protection, and development projects in southeastern Pennsylvania. It requires the non-Federal interest to contribute 25% of the cost of any project undertaken but the non-Federal interest shall receive credit for lands, easements, and rights-of-way required by the project. All operation and maintenance costs shall be borne by the non-Federal interest.

Section 564: Blackstone River Valley, Rhode Island and Massachusetts

This section requires the Secretary to provide technical, planning, and design assistance in the development and restoration of the Blackstone River Valley National Heritage Corridor. It also caps the Federal share of the cost of such assistance at 75 percent.

The Committee notes that this section does not affect the authority or management decisions of the Secretary of the Interior relat-

ing to the Blackstone River Valley Heritage Corridor or extend the authority for the Heritage Corridor itself.

Section 565: East Ridge, Tennessee

This section requires the Secretary to review the Tennessee Valley Authority flood management study for the East Ridge and Hamilton County area and to carry out the project at an estimated total cost of \$25 million.

Section 566: Murfreesboro, Tennessee

This section requires the Secretary to carry out an environmental enhancement project pursuant to the August 1994 Report and Environmental Assessment of the Black Fox, Murfree, and Oaklands Spring Wetlands.

Section 567: Buffalo Bayou, Texas

This section authorizes a reimbursement or credit to the non-Federal interest for the Buffalo Bayou Basin flood control project of up to \$5 million for work performed by the non-Federal interest at specified locations, if the work is compatible with cited projects.

Section 568: Harris County, Texas

In determining the economic viability with respect to three named flood control projects in Harris County, the Secretary is not to consider the previously completed flood control works constructed by the non-Federal interests when determining the conditions existing prior to construction of the project. The projects are (1) Buffalo Bayou & Tributaries, TX; (2) Cypress Creek, TX; and (3) Buffalo Bayou Basin, TX. The intent of this provision is to not jeopardize the economic viability of the specified projects simply because non-Federal sponsors have demonstrated initiative in making advance drainage improvements.

Section 569: Pierce County, Washington

Section 569 requires the Secretary to provide technical assistance to Pierce County to ensure that non-Federal levees are adequately maintained and are eligible for rehabilitation assistance. It also requires the Secretary to carry out rehabilitation of such levees if the ability of non-Federal interest to maintain such levees has been limited by the Puyallup Tribe of Indians Settlement Act of 1989. The Committee had determined that the project's eligibility for rehabilitation assistance should not be unfairly jeopardized due to conflicting requirements of other statutes.

Section 570: Washington Aqueduct

Section 570 provides for the transfer of ownership, operation, maintenance, and management of the Washington Aqueduct and for interim borrowing authority to finance capital improvements at the Washington Aqueduct. The facilities, founded in 1853, are owned and operated by the Corps of Engineers and serve the Washington, D.C. area, including the District of Columbia, Arlington County, and the City of Falls Church, Virginia. A December 8, 1993 "boil water advisory," based on high turbidity levels and a concern about possible presence of cryptosporidium in the water

supply, focused attention on the need for capital improvements at and improved management of the facility. Since then, the Committee has heard testimony regarding the Aqueduct on three separate occasions. Representatives from the Corps of Engineers, the Environmental Protection Agency, the user jurisdictions, and other entities have all expressed various concerns about the current situation. Sections 570 responds as follows:

Subsection (a) encourages and provides a process for the establishment of a regional entity—or the use of an existing entity—to own, operate, maintain, and manage the Washington Aqueduct in a manner that adequately represents all interests of the non-Federal public water supply customers. Whether new or existing, the entity is to be non-Federal and either public or private. To the extent needed, Congressional consent is provided to allow the user jurisdictions to establish the non-Federal entity. Nothing in the subsection precludes the jurisdictions from pursuing alternative options regarding ownership, operation, maintenance, and management.

Subsection (b) requires the Secretary to transmit a progress report and transfer plan to the authorizing Committees within one year after the enactment of this Act. The plan must include a transfer of ownership, operation, maintenance, and management of the Washington Aqueduct that is consistent with this section and a detailed consideration of any proposal to transfer such ownership or operation, maintenance, or management to a private entity.

Subsection (c) provides for the transfer of the Washington Aqueduct. Paragraph (1) directs the Secretary to transfer, within two years after the date of enactment of this Act, without consideration and subject to terms and conditions deemed appropriate by the Secretary, all right title, and interest in the Washington Aqueduct, its real property, facilities, equipment, supplies, and personalty. The recipient is to be either a non-Federal public or private entity established pursuant to subsection (a) or, if such an entity has not been established, to a non-Federal public or private entity selected by the Secretary and reflecting, to the extent possible, a consensus among the non-Federal public water supply customers. The Committee has included this provision to facilitate the establishment of a regional entity and the transfer of the Washington Aqueduct to a non-Federal entity by a date certain.

Paragraph (2) provides criteria for selection of a transferee. Paragraph (3) describes the responsibilities to be assumed by the transferee.

Paragraph (4) contains a limited exception to the two-year deadline in paragraph (1). The Secretary may provide a one-time, six-month extension if the Secretary determines that the non-Federal public water supply customers are making progress in establishing an entity pursuant to subsection (a) and that such an extension would likely result in the establishment of such an entity. The Committee believes that every effort should be made to avoid the need to use this extension.

Subsection (d) provides interim borrowing authority to the Secretary for Fiscal Years 1997 and 1998 for carrying out certain capital improvements to assure continued operation of the Washington Aqueduct until transfer under subsection (c) takes place. The au-

thorized amounts, however, may not exceed \$16 million for Fiscal Year 1997 and \$54 million for Fiscal Year 1998. In choosing these amounts, the Committee does not intend to endorse any particular capital improvement project or projects. In fact, many interests within the user jurisdictions have expressed concern about the expenditure of funds for a residuals/solids facility.

Paragraph (2) of subsection (d) refers to various terms and conditions that attach to the borrowing authority, including the requirement that each of the non-Federal public water supply customers enter into a contractual agreement with the Secretary to repay its pro rata share of the costs associated with the borrowing.

Paragraph (3) requires the Secretary, in consultation with others, to transmit to the authorizing Committees within six months after the enactment of this Act a report that assesses the impact of the borrowing authority on near-term improvement projects under the Washington Aqueduct Improvement Program, work scheduled during Fiscal Years 1997 and 1998, and the financial liability to be incurred.

Subsection (e) defines "Secretary," "Washington Aqueduct," and "non-Federal public water supply customers" for purposes of the section.

Section 571: Huntington, West Virginia

This section authorizes the Secretary to enter into a cooperative agreement with Marshall University to provide technical assistance to the Center for Environmental, Geotechnical and Applied Sciences.

Section 572: Lower Mud River, West Virginia

This section requires the Secretary to review the watershed plan and the Environmental Impact Statement prepared by the Natural Resources Conservation Service for the Lower Mud River and to carry out the project.

Section 573: Evaluation of beach material

This section requires the Secretary and the Secretary of the Interior to evaluate procedures and requirements used to select and approve materials to be used for beach restoration and nourishment, and transmit a report to Congress on their findings within 6 months of enactment. The Committee notes that this section does not modify or effect the duties of the Secretary of the Interior with respect to the disposition of sand, gravel and shell resources from the Outer Continental Shelf as described in the Outer Continental Shelf Lands Act.

Section 574: Sense of Congress regarding St. Lawrence Seaway tolls

This Sense of Congress states that the President should work with Canada to eliminate tolls along the St. Lawrence Seaway system and to identify ways to maximize the movement of goods and commerce through the Seaway.

HEARINGS AND PREVIOUS LEGISLATIVE ACTIVITY

The Subcommittee on Water Resources and Environment conducted four hearings on projects, programs and policies considered

during the development of H.R. 3592: on February 7, 1995; February 27 and 28, 1996; and March 21, 1996. During these hearings, testimony was received from over 90 witnesses, including Members of Congress, the Administration, project sponsors, national water resources development and environmental organizations, and state and local officials. During the 103rd Congress, the Committee on Public Works and Transportation conducted hearings as well, leading to passage of H.R. 4460, the "Water Resources Development Act of 1994," by the House of Representatives on October 3, 1994. The 103rd Congress adjourned, however, before final action could be taken on the bill. Numerous provisions contained in H.R. 4460 have been included, some in modified form, in H.R. 3592.

COMMITTEE CONSIDERATION

On June 11, 1996, the Subcommittee on Water Resources and Environment approved by voice vote H.R. 3592, without amendment. On June 27, 1996, the Committee on Transportation and Infrastructure adopted several amendments by voice vote and ordered the bill reported by voice vote. Amendments so adopted included an en bloc amendment by Mr. Shuster making changes to provisions of the introduced bill, adding certain provisions, and making technical and clerical corrections; an amendment by Mr. Oberstar to authorize flood control improvements for the American River watershed, California; and an amendment by Mr. Ewing regarding levee improvements in St. Charles County, Missouri.

Clause 2(1)(2)(B) of rule XI requires each committee report to include the total number of votes cast for and against on each rollcall vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, and the names of those members voting for and against.

YOUNG AMENDMENT ON AUBURN DAM (28-35)

This amendment would authorize a detention dam on the American River near Sacramento, California, to be constructed by the Secretary of the Army, conversion of the dam to a multi-purpose reservoir by non-Federal interests, and other miscellaneous flood control facilities.

AYES	NAYS
Bachus	Boehlert
Baker, CA	Brown
Baker, LA	Clement
Barcia	Coble
Bateman	Collins
Blute	Costello
Borski	Cramer
Brewster	Cummings
Clinger	Danner
Clyburn	DeFazio
Ewing	Ehlers
Fowler	Filner
Frisa	Franks
Geren	Gilchrest
Horn	Johnson

Hutchinson	Kelly
Kim	LaHood
Lipinski	Latham
Menendez	LaTourette
Mica	McCarthy
Molinari	Martini
Norton	Mascara
Poshard	Millender-McDonald
Seastrand	Nadler
Tiahrt	Oberstar
Traficant	Petri
Young	Quinn
Shuster	Rahall
	Sawyer
	Tate
	Taylor
	Wamp
	Weller
	Wise
	Zeliff

The Committee, in compliance with clause 2(l) of rule XI of the Rules of the House of Representatives, reports favorably the bill, H.R. 3592, as amended.

COMMITTEE OVERSIGHT FINDINGS

Clause 2(l)(3)(A) of rule XI requires each committee report to contain oversight findings and recommendations required pursuant to clause 2(b)(1) of rule X. The Committee has no specific oversight findings.

OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Clause 2(l)(3)(D) of rule XI requires each committee report to contain a summary of the oversight findings and recommendations made by the Government Reform and Oversight Committee pursuant to clause 4(c)(2) of rule X, whenever such findings have been timely submitted. The Committee on Transportation and Infrastructure has received no findings and recommendations from the Committee on Government Reform and Oversight.

COMMITTEE COST ESTIMATE

Clause 2(l)(3)(B) of rule XI requires each committee report that accompanies a measure providing new budget authority, new spending authority, or new credit authority or changing revenues or tax expenditures to contain a cost estimate, as required by section 308(a)(1) of the Congressional Budget Act of 1974 and, when practicable with respect to estimates of new budget authority, a comparison of the total estimated funding levels for the relevant program (or programs) to the appropriate levels under current law.

Clause 7(a) of rule XIII requires committees to include their own cost estimates in certain committee reports, which include, where practicable, a comparison of the total estimated funding level for

the relevant program (for programs) with the appropriate levels under current law.

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office, pursuant to section 403 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATES

Clause 2(1)(3)(C) of rule XI requires each committee report to include a cost estimate prepared by the Director of the Congressional Budget Office, pursuant to section 403 of the Congressional Budget Act of 1974, if the cost estimate is timely submitted. The following is the Congressional Budget Office cost estimate.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 18, 1996.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3592, the Water Resources Development Act of 1996.

Enactment of H.R. 3592 would affect direct spending and receipts. Therefore, pay-as-you-go procedures would apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 3592.
2. Bill title: Water Resources Development Act of 1996.
3. Bill status: As ordered reported by the House Committee on Transportation and Infrastructure on June 27, 1996.
4. Bill purpose: Title I of the Water Resources Development Act (WRDA) would authorize the Secretary of the Army, acting through the Army Corps of Engineers (Corps), to construct 24 major projects for flood control, port development, inland navigation, storm damage reduction, and environmental restoration and numerous smaller projects. Title II contains general provisions related to Corps operations. Title III would modify 74 existing projects and Title IV would authorize the Corps to carry out 31 studies. Title V would deauthorize portions of projects already authorized, reauthorize or extend the reauthorization for projects for which an authorization has or is expected to expire in the near future, and authorize new or amend existing projects and programs.

Specific provisions in H.R. 3592 would authorize the Secretary of the Army to:

accept and expend without appropriation funds from other federal agencies, states and nonfederal entities for engineering surveys and studies (section 212);

lease space available in buildings for which funding construction or purchase was provided from the Corps of Engineers revolving fund (section 213);

project information developed as a result of research and development activities (section 214);

permit the use of dredged material disposal facilities by non-federal entities, and impose fees to recover the costs associated with such use (section 218);

increase criminal penalties for damaging river and harbor improvements and obstructing the passage of vessels in navigable channels (section 219);

forgive the unpaid balance, including interest, of the non-federal cost-share of the hurricane damage prevention and flood control project at Lake Pontchartrain, Louisiana (section 329);

conveys lands in California, Ohio, Oklahoma, Oregon, and Washington (section 504);

lower the cost of the annual pass for using recreation facilities at Raystown Lake, Pennsylvania, from \$25 to \$10 and evaluate alternatives to the \$25 annual pass at other recreation facilities operated by the Corps (section 515);

extend the navigation season on a portion of the Missouri River by adjusting water flows from Corps facilities (section 545); and

authorize borrowing authority in amounts sufficient to cover the full costs of modernizing the Washington Aqueduct (section 570).

5. Estimated cost to the Federal Government: Assuming appropriation of the necessary amounts, CBO estimates that enacting the bill would result in new discretionary spending totaling \$3.6 billion for fiscal years 1997 through 2002, as shown in Table 1. Under existing law, CBO estimates that the Corps will spend roughly \$2.5 billion in fiscal year 1996 on construction, operation, and maintenance of projects that already have been authorized.

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 3592

[By fiscal years, in millions of dollars]

	1997	1998	1999	2000	2001	2002
Authorizations of Appropriations:						
Estimated authorization level	713	893	734	575	501	340
Estimated outlays	387	789	796	654	542	415
Direct Spending:						
Estimated budget authority		(1)	(1)	(1)	(1)	(1)
Estimated outlays		(1)	(1)	(1)	(1)	(1)
Revenues:						
Estimated Revenues	(1)	(1)	(1)	(1)	(1)	(1)

¹ Less than \$500,000.

The cost of this bill fall within budget function 300.

In addition to the amounts shown above, CBO estimates that the Corps would spend approximately \$0.3 billion after 2002 to complete construction of the projects authorized by the bill. These amounts would be subject to appropriation, as are the 1997–2002 amounts. The Corps would incur additional expenses in all years for operating and maintaining projects and for other activities that

are authorized indefinitely under the bill. However, the Corps could not provide us with the data necessary to estimate these costs.

CBO estimates that several provisions of H.R. 3592 would increase direct spending. For most of those provisions, we estimate that the increase in direct spending would total less than \$500,000 a year over the 1997–2002 period. However, additional increases likely would occur from a provision that changes the Corps' management of water flows in the Missouri River. At this time, CBO is unable to estimate the effect of this provision on direct spending. Enacting the bill also would increase revenues by less than \$500,000 a year over the 1997–2002 period. Finally, enacting the bill could result in the sale of certain federal lands, but we cannot estimate whether such lands would be sold, or the amounts of receipts from any land sales.

6. Basis of estimate: For purposes of this estimate, CBO assumes that the amounts authorized will be appropriated. Where specific amounts are not authorized in the bill, we have used estimates of project costs provided to us by the Corps. In all cases, CBO adjusted the estimates to reflect the impact of inflation during the time between authorization, appropriation, and the beginning of construction. Outlays are estimated based on historical spending rates for each type of project.

CBO did not estimate the cost of reauthorizing or extending the authorization for projects for which an authorization has or is expected to expire in the near future. The Corps was unable to provide current estimates of these project costs. The estimate also does not include any potential savings for the bill's deauthorization of funding for maintenance or additional construction on existing projects. The Corps does not currently maintain most of these projects and there are no plans for the Corps to conduct maintenance or begin additional construction.

Title I—Project authorizations

We assume that all projects authorized will be constructed. Some of the projects authorized in this title are still in the study or design phase and will not be ready to begin construction for a number of years. Although many projects in this bill would be subject to sunset provisions, we assume that all projects authorized and subject to these provisions would receive at least some funding within the stipulated periods. Estimates of annual budget authority needed to meet design and construction schedules were provided by the Corps.

As shown in Table 2, CBO estimates that enacting Title I would result in discretionary spending totaling about \$1.2 billion over the 1997–2002 period, assuming appropriation of the necessary funds.

TABLE 2.—ESTIMATED BUDGETARY EFFECTS OF TITLE I

[By fiscal years, in millions of dollars]

	1997	1998	1999	2000	2001	2002
Authorizations:						
Estimated authorization level	100	231	280	271	238	212
Estimated outlays	54	165	255	273	254	224

In addition, CBO estimates that the Corps would spend about \$0.2 billion after 2002 to complete construction of these projects.

Title II—Generally applicable provisions

This title would authorize appropriations for reducing storm damage, operations and maintenance, and other activities. This title also would change certain financial practices related to cost sharing, research and development, and the operation and maintenance of projects. CBO estimates that enacting this title would result in new discretionary spending totaling \$0.5 billion over the 1997–2002 period, as shown in Table 3.

TABLE 3.—ESTIMATED BUDGETARY EFFECTS OF TITLE II
[By fiscal years, in millions of dollars]

	1997	1998	1999	2000	2001	2002
Authorizations:						
Estimated authorization level	97	102	99	103	107	79
Estimated outlays	54	96	100	101	105	91
Direct Spending:						
Estimated budget authority	(¹)	(¹)	(¹)	(¹)	(¹)	(¹)
Estimated outlays	(¹)	(¹)	(¹)	(¹)	(¹)	(¹)
Revenues:						
Estimated revenues	(¹)	(¹)	(¹)	(¹)	(¹)	(¹)

¹ Less than \$500,000.

Discretionary outlays of approximately \$0.2 billion would occur after 2002.

Enacting Title II also would affect revenues and direct spending. Additional revenues of less than \$500,000 a year would accrue from increased royalties and criminal penalties pursuant to sections 214 and 219 of the bill. Additional offsetting collections of less than \$500,000 a year would accrue from sections 212, 213, and 218. These sections would authorize the Secretary to accept donations from nonfederal entities for certain types of studies, to lease space available in buildings operated by the Corps, and to impose fees on nonfederal entities for disposing of dredged material at sites operated by the Corps. Finally, CBO estimates additional direct spending of less than \$500,000 a year from a portion of the revenues and offsetting collections received under this title.

Section 214 would allow the Secretary to protect certain information acquired through research and development activities. This protection may allow the Corps to develop and earn additional royalties on future patents. All royalties would be treated as revenues. A portion of them would be deposited in the Treasury and other amounts would be provided to the Corps for spending without appropriation. CBO estimates that future increases in royalties would total less than \$500,000 a year beginning in 2000 and that direct spending of the Corps' share of these amounts would occur with a one-year lag.

Section 219 would increase criminal penalties for damaging river and harbor improvements and obstructing the passage of vessels in navigable channels. The expansion of criminal penalties could cause governmental receipts to increase, but CBO estimates that any such increase would be less than \$500,000 annually. Criminal fines would be deposited in the Crime Victims Fund and could be

spent without appropriation. CBO estimates that direct spending from the fund would match the increase in revenues with a one-year lag.

Sections 212 and 213 would authorize the Secretary of the Army to accept funds from states and nonfederal entities for engineering surveys and studies and to lease space available in buildings operated by the Corps. These payments would be treated as offsetting collections and could be spent without appropriations. CBO estimates that these payments would total less than \$500,000 a year beginning in 1997 and that direct spending of these amounts would match the increase in payments with a one-year lag.

Section 218 would permit the use by nonfederal entities of all disposal facilities for dredged material operated by the Corps and allow the Secretary to collect fees for recovering the costs associated with such use. These fees could not be spent without appropriation. CBO estimates that these fees will total less than \$500,000 a year beginning in fiscal year 1997.

Title III—Project modifications

Title III would authorize the Corps to modify existing projects and begin new activities at various locations around the country. CBO estimates that enacting this title would result in new discretionary spending totaling \$0.7 billion over the 1997–2002 period, assuming appropriation of the authorized amounts. Table 4 summarizes the estimated budgetary effects of Title III.

TABLE 4.—ESTIMATED BUDGETARY EFFECTS OF TITLE III
[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
Authorizations:						
Estimated authorization level	265	226	128	74	50	42
Estimated outlays	140	238	172	104	63	44
Direct spending:						
Estimated budget authority	(¹)
Estimated outlays	(¹)

¹ Less than \$500,000.

CBO estimates that discretionary outlays of about \$70 million would occur after 2002, primarily to complete construction of projects authorized under this title.

Section 329 of this title would direct the Secretary to forgive the unpaid balance, including interest, of the nonfederal cost-share of the hurricane damage prevention and flood control project at Lake Pontchartrain, Louisiana. The Corps indicates that the unpaid balance of roughly \$8 million has been due since the mid-1980s. Because it is unlikely that the government would ever receive this amount under current law, CBO estimates no loss of receipts from forgiving the debt.

Title IV—Studies

Title IV would authorize the Corps to conduct studies of new and existing projects. CBO estimates that enacting this title would result in new discretionary spending totaling \$21 million over the 1997–2002 period, assuming appropriations of the authorized

amounts. Table 5 summarizes the estimated budgetary effects of Title IV.

TABLE 5—ESTIMATED BUDGETARY EFFECTS OF TITLE IV
[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
Authorization:						
Estimated authorization level	9	9	3	1
Estimated outlays	5	9	5	1	(¹)

¹ Less than \$500,000.

Title V—Miscellaneous provisions

Title V would deauthorize portions of projects already authorized, reauthorize or extend the authorization for projects for which an authorization has or is expected to expire in the near future, authorize new projects, and amend existing projects and programs. CBO estimates that enactment of this title would result in new discretionary spending totaling about \$1 billion over the 1997–2002 period, assuming appropriation of the authorized amounts. We also estimate that this title would increase direct spending, but the increase from provisions which we can estimate at this time would be less than \$500,000 annually. Table 6 summarizes the estimated budgetary effects of Title V.

TABLE 6.—ESTIMATED BUDGETARY EFFECTS OF TITLE V
[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
Authorizations:						
Estimated authorization level	242	326	224	126	106	8
Estimated outlays	134	281	263	174	119	56
Direct spending (section 545):						
Estimated budget authority	(¹)	(¹)	(¹)	(¹)	(¹)	(¹)
Estimated outlays	(¹)	(¹)	(¹)	(¹)	(¹)	(¹)
Direct spending (other sections):						
Estimated budget authority	(²)	(²)	(²)	(²)	(²)	(²)
Estimated outlays	(²)	(²)	(²)	(²)	(²)	(²)

(¹) Cannot be estimated.

(²) Less than \$500,000.

CBO estimates that discretionary outlays of \$0.1 billion would occur after 2002, primarily to complete construction of projects authorized under this title.

Section 570 of Title V would authorize the Corps of Engineers to borrow \$70 million from the Treasury to pay for capital improvements on the Washington Aqueduct, subject to appropriation of the necessary sums. The borrowing authority would not be provided to the Corps until the agency enters into a series of contracts with the three localities that receive water from the aqueduct to repay their respective shares of the principal and interest owed to the Treasury. CBO believes that this transaction—the spending of federal funds to modernize the aqueduct, to be repaid with interest by the localities—would represent authority to make a federal loan to the localities. In effect, the three localities would borrow money from the Treasury to pay for modernizing the aqueduct. Such a loan would be subject to the credit reform provisions of the Congress-

sional Budget Act. Credit reform requires that the subsidy cost of any loan—estimated as a net present value—be recorded as an outlay in the year that the loan is disbursed. Since the bill does not stipulate the terms by which the three localities would have to pay back the loan, CBO estimates the cost of the provision at \$70 million, the full principal amount of the loan.

Enacting Title V also would affect direct spending. CBO estimates that receipts from recreational facilities at Raystown Lake, Pennsylvania, would decline by less than \$500,000 a year beginning in 1997 pursuant to Section 515, which would direct the Secretary to lower the cost of an annual pass for visiting these facilities. Additional asset sale receipts could be collected pursuant to Section 504, which would direct the Secretary to Convey lands in California, Ohio, Oregon, Oklahoma, and Washington. Based on information provided by the Corps, however, many of these lands would likely be conveyed for recreational purposes and would therefore not require payment.

Section 545, which directs the Secretary to extend the navigation season on a portion of the Missouri River by adjusting water flows, would likely result in a loss of receipts from hydropower facilities in that area. Actual receipts from these facilities vary depending on water flows and other factors and losses would be unmeasurable in certain years. However, the Corps was unable to provide CBO with an estimate at this time of any of the potential losses.

7. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that enacting H.R. 3592 would affect both direct spending and receipts. We are unable to provide an estimate at this time for the provisions contained in section 545 that would increase direct spending by resulting in a loss of offsetting receipts from hydropower facilities on or related to Missouri River water flows. CBO estimates that all other provisions affecting direct spending would increase outlays by a total of less than \$500,000 a year for fiscal years 1997 and 1998.

Additional revenues of less than \$500,000 a year would accrue from increased royalties and criminal penalties pursuant to section 214 and 219 of the bill; however, receipts from the former would not accrue until after 1998.

The following table summarizes CBO's estimate of the pay-as-you-go impact of H.R. 3592.

[By fiscal year, in millions of dollars]

	1996	1997	1998
Change in outlays ¹	0	0	0
Change in receipts	0	0	0

¹ Additional amounts likely would occur from a provision that changes the Corps' management of water flows in the Missouri River, but CBO cannot estimate the effect of this provision on direct spending at this time.

8. Impact on State, local, and tribal governments: H.R. 3592 contains no intergovernmental mandates as defined by the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). State and local governments that choose to participate in water resource development projects and programs carried out by the Corps would incur costs as described below.

Authorizations of new projects

CBO estimates that nonfederal entities (primarily state and local governments) who choose to participate in the new projects authorized by this bill would spend about \$1.1 billion in 1996 dollars to help construct these projects. We assume that they would incur most of these costs in fiscal years 1997 through 2003. These estimates are based on information provided by the Corps. In addition to these costs, nonfederal entities would pay for the operation and maintenance of many of the projects after they are constructed.

Changes in cost-sharing policies

H.R. 3592 would make a number of changes to federal laws that specify the share of water resources project costs borne by state and local governments. Section 201 would change federal law regarding the disposal on land of sediments dredged from ports and harbors. The bill would apply the existing cost-sharing ratio for harbor construction to new facilities necessary for disposing of dredged materials. Currently, the cost-sharing arrangements for these disposal facilities varies depending on when projects were authorized. In some cases, state and local governments must pay the entire cost of constructing disposal facilities. Based on information provided by the Corps, CBO estimates that this change would result in annual savings to state and local governments of about \$10 million.

Section 202 would increase the minimum share of the cost of new flood-control projects that non-federal entities must pay from 25 percent to 35 percent. It would also create new conditions of aid for state or local governments that choose to participate in building new projects for flood-control, hurricane damage reduction, or storm damage reduction. To get federal assistance for these projects, governments would have to agree to participate in applicable federal flood plain management and flood insurance programs. They would also have to develop flood plain management plans based on Corps guidelines. CBO cannot estimate the amount of additional state and local spending that would result from this change.

Section 202 would also alter the Corps' procedures for determining a community's ability to pay its share of the cost of a federal water project. Under current law, the Corps may reduce the cost-sharing requirement for poor communities. According to Corps officials, this change would make it easier for poor communities to qualify for more favorable cost-sharing arrangements with the federal government.

Increase in existing authorizations

Several sections of H.R. 3592 would increase amounts the federal government is authorized to provide for certain water resources programs and projects that are not specifically designated in law. In total, this additional federal spending—\$27 million, annually—would have to be matched by the same amount of state and local spending. Specifically, the bill would authorize total additional annual federal spending of \$20 million for environmental dredging, \$4 million for state planning assistance and \$3 million for aquatic

plant control. Each of the programs requires an identical amount of nonfederal matching funds.

New programs

In addition to funds authorized for designated projects, H.R. 3592 would authorize appropriations for two new programs that would assist state and local governments. Specifically, the bill would authorize annual appropriations of \$25 million for the Corps to restore and protect aquatic ecosystems. State and local governments choosing to participate would have to provide 50 percent of construction costs—another \$25 million per year—and would have to agree to pay all subsequent operation and maintenance costs.

The bill would also direct Federal Emergency Management Agency (FEMA) to establish a national dam safety program. One of the objectives of the new program would be to encourage states to establish their own dam safety programs based on state standards. The bill would direct FEMA to develop a grant program to assist states in this effort. The bill would authorize appropriations totaling \$15 million for fiscal years 1997 through 2001 for this assistance. Federal aid would be limited to no more than 50 percent of the reasonable cost of implementing an approved dam safety program in each state, so states would be required to contribute another \$15 million over that period. The bill also would authorize appropriations totaling \$2.5 million over the same period for FEMA to provide training for state dam safety staff and inspectors.

Washington Aqueduct

H.R. 3592 would allow the District of Columbia, Arlington County, Virginia, and Falls Church, Virginia, to enter into agreements to take title to the Washington Aqueduct and to reimburse the federal government for expenses incurred by the Corps to modernize the facility. The bill would authorize the Corps to borrow from the Treasury and spend \$70 million over fiscal years 1997 and 1998 for such activities, subject to appropriation action. The terms of the repayment by the localities are subject to negotiation. The three localities would likely raise the necessary funds through increased water rates charged to their customers. Their respective shares of the costs would be roughly as follows: District of Columbia (75 percent); Arlington County (15 percent); and Falls Church (10 percent).

9. Impact on the private sector: This bill would impose no new private-sector mandates as defined in Public Law 104-4.

10. Previous CBO estimate: None.

11. Estimate prepared by: Federal Cost Estimate: Gary Brown. Impact on State, Local, and Tribal Governments: Marjorie Miller. Impact on the Private Sector: Amy Downs.

12. Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

INFLATIONARY IMPACT STATEMENT

Clause 2(l)(4) of rule XI requires each committee report on a bill or joint resolution of a public character to include an analytical statement describing what impact enactment of the measure would have on prices and costs in the operation of the national economy.

The Committee has determined that H.R. 3592 has no inflationary impact on the national economy.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

WATER RESOURCES DEVELOPMENT ACT OF 1986

* * * * *

TITLE I—COST SHARING

SEC. 101. HARBORS.

(a) CONSTRUCTION.—

(1) * * *

(2) ADDITIONAL 10 PERCENT PAYMENT OVER 30 YEARS.—The non-Federal interests for a project to which paragraph (1) applies shall pay an additional 10 percent of the cost of the general navigation features of the project in cash over a period not to exceed 30 years, at an interest rate determined pursuant to section 106. **[The value of lands, easements, rights-of-way, relocations, and dredged material disposal areas provided under paragraph (3) and the costs of relocations borne by the non-Federal interests under paragraph (4) shall be credited toward the payment required under this paragraph.]** *The value of lands, easements, rights-of-way, and relocations provided under paragraph (3) and the costs of relocations borne by the non-Federal interests under paragraph (4) shall be credited toward the payment required under this paragraph.*

(3) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—Except as provided under section 906(c), the non-Federal interests for a project to which paragraph (1) applies shall provide the lands, easements, rights-of-way, *and* relocations (other than utility relocations under paragraph (4))**[**and dredged material disposal areas**]** necessary for the project, *including any lands, easements, rights-of-way, and relocations (other than utility relocations accomplished under paragraph (4)) that are necessary for dredged material disposal facilities.*

* * * * *

(5) DREDGED MATERIAL DISPOSAL FACILITIES FOR PROJECT CONSTRUCTION.—*For purposes of this subsection, the term ‘general navigation features’ includes constructed land-based and aquatic dredged material disposal facilities that are necessary for the disposal of dredged material and for project construction and for which a contract for construction has not been awarded on or before the date of the enactment of this paragraph.*

(b) OPERATION AND MAINTENANCE.—

(1) *IN GENERAL.*—The Federal share of the cost of operation and maintenance of each navigation project for a harbor or inland harbor constructed **[pursuant to this Act]** *by the Sec-*

retary pursuant to this Act or any other law approved after the date of the enactment of this Act shall be 100 percent, except that in the case of a deep-draft harbor, the non-Federal interests shall be responsible for an amount equal to 50 percent of the excess of the cost of the operation and maintenance of such project over the cost which the Secretary determines would be incurred for operation and maintenance of such project if such project had a depth of 45 feet.

(2) *DREDGED MATERIAL DISPOSAL FACILITIES.*—*The Federal share of the cost of constructing land-based and aquatic dredged material disposal facilities that are necessary for the disposal of dredged material required for the operation and maintenance of a project and for which a contract for construction has not been awarded on or before the date of the enactment of this paragraph shall be determined in accordance with subsection (a). The Federal share of operating and maintaining such facilities shall be determined in accordance with paragraph (1).*

* * * * *

(e) **AGREEMENT.**—Before initiation of construction of a project to which this section applies, the Secretary and the non-Federal interests shall enter into a cooperative agreement according to the provisions of section 221 of the Flood Control Act of 1970. The non-Federal interests shall agree to—

(1) provide to the Federal Government lands, easements, and rights-of-way, [and to provide dredged material disposal areas and perform] *including those necessary for dredged material disposal facilities, and to perform the necessary relocations required or construction, operation, and maintenance of such project;*

* * * * *

(f) *CONSIDERATION OF FUNDING REQUIREMENTS AND EQUITABLE APPORTIONMENT.*—*The Secretary shall ensure, to the extent practicable, that funding necessary for operation and maintenance dredging of commercial navigation harbors is provided before Federal funds are obligated for payment of the Federal share of costs associated with construction of dredged material disposal facilities in accordance with subsections (a) and (b) and that funds expended for such construction are equitably apportioned in accordance with regional needs.*

* * * * *

SEC. 103. FLOOD CONTROL AND OTHER PURPOSES.

(a) **FLOOD CONTROL.**—

(1) * * *

(2) **[25] 35 PERCENT MINIMUM CONTRIBUTION.**—If the value of the contributions required under paragraph (1) of this subsection is less than **[25] 35** percent of the cost of the project assigned to flood control, the non-Federal interest shall pay during construction of the project such additional amounts as are necessary so that the total contribution of the non-Federal

interests under this subsection is equal to **[25]** 35 percent of the cost of the project assigned to flood control.

* * * * *

(b) **NONSTRUCTURAL FLOOD CONTROL PROJECTS.**—The non-Federal share of the cost of nonstructural flood control measures shall be **[25]** 35 percent of the cost of such measures. The non-Federal interests for any such measures shall be required to provide all lands, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the project, but shall not be required to contribute any amount in cash during construction of the project.

(c) **OTHER PURPOSES.**—The non-Federal share of the cost assigned to other project purposes shall be as follows:

(1) * * *

* * * * *

(5) hurricane and storm damage reduction: 35 percent; **[and]**

(6) aquatic plant control: 50 percent of control operations**[.];**

and

(7) *subject to section 906 of this Act, environmental protection and restoration: 50 percent.*

* * * * *

[(m) ABILITY TO PAY.—Any cost-sharing agreement under this section for flood control or agricultural water supply shall be subject to the ability of a non-Federal interest to pay. The ability of any non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.]

(m) ABILITY TO PAY.—

(1) IN GENERAL.—Any cost-sharing agreement under this section for flood control or agricultural water supply shall be subject to the ability of a non-Federal interest to pay.

(2) CRITERIA AND PROCEDURES.—The ability of any non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect on the day before the date of the enactment of the Water Resources Development Act of 1996; except that such criteria and procedures shall be revised within 6 months after the date of such enactment to reflect the requirements of paragraph (3).

(3) REVISION OF PROCEDURES.—In revising procedures pursuant to paragraph (1), the Secretary—

(A) shall consider—

(i) per capita income data for the county or counties in which the project is to be located; and

(ii) the per capita non-Federal cost of construction of the project for the county or counties in which the project is to be located;

(B) shall not consider criteria (other than criteria described in subparagraph (A)) in effect on the day before the date of the enactment of the Water Resources Development Act of 1996; and

(C) may consider additional criteria relating to the non-Federal interest's financial ability to carry out its cost-sharing responsibilities, to the extent that the application of such criteria does not eliminate areas from eligibility for a

reduction in the non-Federal share as determined under subparagraph (A).

(4) *NON-FEDERAL SHARE.*—Notwithstanding subsection (a), the Secretary shall reduce or eliminate the requirement that a non-Federal interest make a cash contribution for any project that is determined to be eligible for a reduction in the non-Federal share under procedures in effect under paragraphs (1), (2), and (3).

* * * * *

SEC. 105. FEASIBILITY STUDIES; PLANNING, ENGINEERING, AND DESIGN.

(a) **FEASIBILITY STUDIES.**—(1) The Secretary shall not initiate any feasibility study for a water resources project after the date of enactment of this Act until appropriate non-Federal interests agree, by contract, to contribute 50 percent of the cost for such study [during the period of such study]. *During the period of the study, the non-Federal share of the cost of the study shall be not more than 50 percent of the estimate of the cost of the study as contained in the feasibility cost-sharing agreement. The cost estimate may be amended only by mutual agreement of the Secretary and the non-Federal interests. The non-Federal share of any costs in excess of the cost estimate shall, except as otherwise mutually agreed by the Secretary and the non-Federal interests, be payable after the project has been authorized for construction and on the date on which the Secretary and non-Federal interests enter into an agreement pursuant to section 101(e) or 103(j). In the event the project which is the subject of the study is not authorized within the earlier of 5 years of the date of the final report of the Chief of Engineers concerning such study or 2 years of the date of termination of the study, the non-Federal share of any such excess costs shall be paid to the United States on the last day of such period. Not more than one-half of [such non-Federal contribution] the non-Federal share required under this paragraph may be made by the provision of services, materials, supplies, or other in-kind services necessary to prepare the feasibility report.*

* * * * *

TITLE II—HARBOR DEVELOPMENT

SEC. 201. DEEP-DRAFT HARBOR PROJECTS.

(a) **AUTHORIZATION OF CONSTRUCTION.**—The following projects for harbors are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection, except as otherwise provided in this subsection:

MOBILE HARBOR, ALABAMA

The project for navigation, Mobile Harbor, Alabama: Report of the Chief of Engineers, dated November 18, 1981, at a total cost of \$451,000,000, with an estimated first Federal cost of \$255,000,000 and an estimated first non-Federal cost of \$196,000,000; except that if non-Federal interests construct a bulk material transshipment facility in lower Mobile Bay, the Secretary,

upon request of such non-Federal interests, may limit construction of such project from the Gulf of Mexico to such facility and except that, for reasons of environmental quality, dredged material from such project shall be disposed of in open water in the Gulf of Mexico in accordance with all provisions of Federal law. Notwithstanding any other provision of law, no dredged or fill material shall be disposed of in the Brookley disposal area, referred to in such report of the Chief of Engineers.】 *In disposing of dredged material from such project, the Secretary, after compliance with applicable laws and after opportunity for public review and comment, may consider alternatives to disposal of such material in the Gulf of Mexico, including environmentally acceptable alternatives for beneficial uses of dredged material and environmental restoration.*

* * * * *

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

【(a) TRUST FUND.—】There are authorized to be appropriated out of the Harbor Maintenance Trust Fund, established by section 9505 of the Internal Revenue Code of 【1954】 1986, for each fiscal year such sums as may be necessary to pay—

(1) 100 percent of the eligible operations and maintenance costs of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation for such fiscal year; and

(2) up to 100 percent of the eligible operations and maintenance costs assigned to commercial navigation of all harbors and inland harbors within the United States.

【(b) GENERAL FUND.—】There are authorized to be appropriated out of the general fund of the Treasury of the United States for each fiscal year such sums as may be necessary to pay the balance of all eligible operations and maintenance costs not provided by payments from the Harbor Maintenance Trust Fund under this section.】

* * * * *

SEC. 214. DEFINITIONS.

For purposes of this title—

(1) DEEP-DRAFT HARBOR.—The term “deep-draft harbor” means a harbor which is authorized to be constructed to a depth of more than 45 feet (other than a project which is authorized by section 202 of this title).

(2) ELIGIBLE OPERATIONS AND MAINTENANCE.—(A) Except as provided in subparagraph (B), the term “eligible operations and maintenance” means all *Federal* operations, maintenance, repair, and rehabilitation, including (i) maintenance dredging reasonably necessary to maintain the width and nominal depth of any harbor or inland harbor; (ii) *the construction of dredged material disposal facilities that are necessary for the operation and maintenance of any harbor or inland harbor*; (iii) *dredging and disposing of contaminated sediments which are in or which affect the maintenance of Federal navigation channels*; (iv) *mitigating for impacts resulting from Federal navigation oper-*

ation and maintenance activities; and (v) operating and maintaining dredged material disposal facilities.

* * * * *

TITLE IV—FLOOD CONTROL

* * * * *

[SEC. 402. COMPLIANCE WITH FLOOD PLAIN MANAGEMENT AND INSURANCE PROGRAMS.

[Before construction of any project for local flood protection or any project for hurricane or storm damage reduction, the non-Federal interest shall agree to participate in and comply with applicable Federal flood plain management and flood insurance programs.**]**

SEC. 402. FLOOD PLAIN MANAGEMENT REQUIREMENTS.

(a) *COMPLIANCE WITH FLOOD PLAIN MANAGEMENT AND INSURANCE PROGRAMS.*—Before construction of any project for local flood protection or any project for hurricane or storm damage reduction and involving Federal assistance from the Secretary, the non-Federal interest shall agree to participate in and comply with applicable Federal flood plain management and flood insurance programs.

(b) *FLOOD PLAIN MANAGEMENT PLANS.*—Within 1 year after the date of signing a project cooperation agreement for construction of a project to which subsection (a) applies, the non-Federal interest shall prepare a flood plain management plan designed to reduce the impacts of future flood events in the project area. Such plan shall be implemented by the non-Federal interest not later than 1 year after completion of construction of the project.

(c) *GUIDELINES.*—

(1) *IN GENERAL.*—Within 6 months after the date of the enactment of this subsection, the Secretary shall develop guidelines for preparation of flood plain management plans by non-Federal interests under subsection (b). Such guidelines shall address potential measures, practices and policies to reduce loss of life, injuries, damages to property and facilities, public expenditures, and other adverse impacts associated with flooding and to preserve and enhance natural flood plain values.

(2) *LIMITATION ON STATUTORY CONSTRUCTION.*—Nothing in this subsection shall be construed to confer any regulatory authority upon the Secretary.

(d) *TECHNICAL SUPPORT.*—The Secretary is authorized to provide technical support to a non-Federal interest for a project to which subsection (a) applies for the development and implementation of plans prepared under subsection (b).

* * * * *

TITLE VI—WATER RESOURCES CONSERVATION AND DEVELOPMENT

* * * * *

SEC. 602. LAKES PROGRAM.

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

(1) * * *

* * * * *

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

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

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

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

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

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

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

* * * * *

TITLE VII—WATER RESOURCES STUDIES

* * * * *

SEC. 704. STUDY OF CORPS CAPABILITY TO CONSERVE FISH AND WILDLIFE.

(a) * * *

(b) The Secretary is further authorized to conduct projects of alternative or beneficially modified habitats for fish and wildlife, including but not limited to man-made reefs for fish. There is authorized to be appropriated not to exceed **[\$5,000,000]** *\$10,000,000* to carry out such projects. Such projects shall be developed, and their effectiveness evaluated, in consultation with the Director of the Fish and Wildlife Service and the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration. Such projects shall include—

(1) the construction of a reef for fish habitat in Lake Erie in the vicinity of Buffalo, New York;

(2) the construction of a reef for fish habitat in the Atlantic Ocean in the vicinity of Fort Lauderdale, Florida;

(3) the construction of a reef for fish habitat in Lake Ontario in the vicinity of the town of Newfane, New York; and

(4) the construction of a reef for fish habitat in the Chesapeake Bay in Maryland *and Virginia*.

The non-Federal share of the cost of any project under this section shall be 25 percent.

* * * * *

TITLE VIII—PROJECT MODIFICATIONS

* * * * *

SEC. 840. JACKSON HOLE SNAKE RIVER, WYOMING.

The project for Jackson Hole Snake River local protection and levees, Wyoming, authorized by the River and Harbors Act of 1950 (Public Law 81–516), is modified to provide that the operation and maintenance of the project, and additions and modifications thereto constructed by non-Federal sponsors, shall be the responsibility of the Secretary[: *Provided, That*]; *except that* non-Federal sponsors shall pay the initial \$35,000 [in cash or materials], *through providing in-kind services or cash or materials*, of any such cost expended in any one year, plus inflation as of the date of enactment of this Act. *In carrying out this section, the Secretary may enter into agreements with the non-Federal sponsor permitting the non-Federal sponsor to perform operation and maintenance for the project on a cost-reimbursable basis.*

* * * * *

TITLE IX—GENERAL PROVISIONS

* * * * *

SEC. 904. MATTERS TO BE ADDRESSED IN PLANNING.

Enhancing national economic development (including benefits to particular regions of the Nation not involving the transfer of economic activity to such regions from other regions), the quality of the total environment (including preservation and enhancement of the environment), the well-being of the people of the United States, the prevention of loss of life, and the preservation of cultural and historical values shall be addressed in the formulation and evaluation of water resources projects to be carried out by the Secretary, and the associated benefits and costs, *including the loss of life which may be associated with flooding and coastal storm events*, both quantifiable and unquantifiable, shall be displayed in the benefits and costs of such projects.

* * * * *

TITLE X—PROJECT DEAUTHORIZATIONS

SEC. 1001. (a) * * ***(b)(1) * * ***

(2) Every two years after the transmittal of the list under paragraph (1), the Secretary shall transmit to Congress a list of projects or separable elements of projects which have been authorized, but have received no obligations during the 10 full fiscal years preceding the transmittal of such list. [Before] *Upon* submission of such list to Congress, the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, a project (including any part thereof) on such list would be located. A project or separable element included in such list is not authorized after the date which is 30 months after the date the list is so transmitted if funds have not been obligated for *planning, de-*

signing, or construction of such project or element during such 30-month period.

* * * * *

TITLE XI—MISCELLANEOUS PROGRAMS AND PROJECTS

* * * * *

SEC. 1135. PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.

(a) The Secretary is authorized to review [the operation of] water resources projects constructed by the Secretary to determine the need for modifications in the structures and operations of such projects for the purpose of improving the quality of the environment in the public interest *and to determine if the operation of such projects has contributed to the degradation of the quality of the environment.*

(b) The Secretary is authorized to carry out a program for the purpose of making such modifications in the structures and operations of water resources projects constructed by the Secretary which the Secretary determines (1) are feasible and consistent with the authorized project purposes, and (2) will improve the quality of the environment in the public interest. [The non-Federal share of the cost of any modifications carried out under this section shall be 25 percent. No modification shall be carried out under this section without specific authorization by Congress if the estimated cost exceeds \$5,000,000.]

(c) RESTORATION OF ENVIRONMENTAL QUALITY.—If the Secretary determines that construction of a water resource project by the Secretary or operation of a water resources project constructed by the Secretary has contributed to the degradation of the quality of the environment, the Secretary may undertake measures for restoration of environmental quality and measures for enhancement of environmental quality that are associated with the restoration, either through modifications at the project site or at other locations that have been affected by the construction or operation of the project, if such measures do not conflict with the authorized project purposes.

(d) NON-FEDERAL SHARE; LIMITATION ON MAXIMUM FEDERAL EXPENDITURE.—The non-Federal share of the cost of any modifications or measures carried out or undertaken pursuant to subsection (b) or (c) of this section shall be 25 percent. Not more than 80 percent of the non-Federal share may be in kind, including a facility, supply, or service that is necessary to carry out the modification. No more than \$5,000,000 in Federal funds may be expended on any single modification or measure carried out or undertaken pursuant to this section.

[(c)] (e) The Secretary shall coordinate any actions taken pursuant to this section with appropriate Federal, State, and local agencies.

[(d)] (f) BIENNIAL REPORT.—Beginning in 1992 and every 2 years thereafter, the Secretary shall transmit to Congress a report on the results of reviews conducted under subsection (a) and on the [program conducted under subsection (b)] *programs conducted under subsections (b) and (c).*

[(e)] (g) There is authorized to be appropriated not to exceed \$25,000,000 annually to carry out this section.

(h) *DEFINITION.*—*In this section the term “water resources project constructed by the Secretary” includes a water resources project constructed or funded jointly by the Secretary and the head of any other Federal agency (including the Natural Resources Conservation Service).*

* * * * *

[SEC. 1148. PASSAIC RIVER BASIN.

[Subject to section 903(a) of this Act, the Secretary is authorized to acquire from willing sellers lands on which residential structures are located, which lands are subject to frequent and recurring flood damage, within the area being studied pursuant to the Passaic River Basin flood control study authorized by section 101 of the Water Resources Development Act of 1976. Lands acquired by the Secretary under this section shall be retained by the Secretary for future use in conjunction with flood protection and flood management in the Passaic River Basin. There is authorized to be appropriated \$50,000,000 to carry out this section. The non-Federal share of the cost of carrying out this section shall be 25 percent.]

SEC. 1148. PASSAIC RIVER BASIN.

(a) *ACQUISITION OF LANDS.*—*The Secretary is authorized to acquire from willing sellers lands on which residential structures are located and which are subject to frequent and recurring flood damage, as identified in the supplemental floodway report of the Corps of Engineers, Passaic River Buyout Study, September 1995, at an estimated total cost of \$194,000,000.*

(b) *RETENTION OF LANDS FOR FLOOD PROTECTION.*—*Lands acquired by the Secretary under this section shall be retained by the Secretary for future use in conjunction with flood protection and flood management in the Passaic River Basin.*

(c) *COST SHARING.*—*The non-Federal share of the cost of carrying out this section shall be 25 percent plus any amount that might result from application of the requirements of subsection (d).*

(d) *APPLICABILITY OF BENEFIT-COST RATIO WAIVER AUTHORITY.*—*In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interest to participate in financing of the project in accordance with section 903(c) of this Act, to the extent that the Secretary’s evaluation indicates that applying such section is necessary to implement the project.*

* * * * *

SECTION 5 OF THE ACT OF AUGUST 18, 1941

AN ACT Authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

SEC. 5. (a)(1) That there is hereby authorized an emergency fund to be expended in preparation for emergency response to any natural disaster, in flood fighting and rescue operation, or in the repair or restoration of any flood control work threatened or destroyed by flood, including the strengthening, raising, extending, or other modification thereof as may be necessary in the discretion of the

Chief of Engineers for the adequate functioning of the work for flood control, *or in implementation of nonstructural alternatives to the repair or restoration of such flood control work if requested by the non-Federal sponsor*; in the emergency protection of federally authorized hurricane or shore protection being threatened when in the discretion of the Chief of Engineers such protection is warranted to protect against imminent and substantial loss to life and property; in the repair and restoration of any federally authorized hurricane or shore protective structure damaged or destroyed by wind, wave, or water action of other than an ordinary nature when in the discretion of the Chief of Engineers such repair and restoration is warranted for the adequate functioning of the structure for hurricane or shore protection. The emergency fund may also be expended for emergency dredging for restoration of authorized project depths for Federal navigable channels and waterways made necessary by flood, drought, earthquake, or other natural disaster. In any case in which the Chief of Engineers is otherwise performing work under this section in an area for which the Governor of the affected State has requested a determination that an emergency exists or a declaration that a major disaster exists under the Disaster Relief and Emergency Assistance Act, the Chief of Engineers is further authorized to perform on public and private lands and waters for a period of ten days following the Governor's request any emergency work made necessary by such emergency or disaster which is essential for the preservation of life and property, including, but not limited to, channel clearance, emergency shore protection, clearance and removal of debris and wreckage endangering public health and safety, and temporary restoration of essential public facilities and services. The Chief of Engineers, in the exercise of his discretion, is further authorized to provide emergency supplies of clean water, on such terms as he determines to be advisable, to any locality which he finds is confronted with a source of contaminated water causing or likely to cause a substantial threat to the public health and welfare of the inhabitants of the locality. The appropriation of such moneys for the initial establishment of this fund and for its replenishment on an annual basis, is hereby authorized: *Provided*, That pending the appropriation of sums to such emergency fund, the Secretary of the Army may allot, from existing flood-control appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such appropriations to be reimbursed from the appropriation herein authorized when made. The Chief of Engineers is authorized, in the prosecution of work in connection with rescue operations, or in conducting other flood emergency work, to acquire on a rental basis such motor vehicles, including passenger cars and buses, as in his discretion are deemed necessary.

* * * * *

WATER RESOURCES DEVELOPMENT ACT OF 1974

TITLE I—WATER RESOURCES DEVELOPMENT

* * * * *

SEC. 22. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins, *watersheds*, or *ecosystems* located within the boundaries of such State and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

(b) FEES.—

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

[(2) PHASE-IN.—The Secretary shall phase in the cost sharing program under this subsection by recovering—

[(A) approximately 10 percent of the total cost of providing assistance in fiscal year 1991;

[(B) approximately 30 percent of the total cost in fiscal year 1992; and

[(C) approximately 50 percent of the total cost in fiscal year 1993 and each succeeding fiscal year.]

[(3)] (2) IN-KIND SERVICES.—Up to ½ of the non-Federal contribution for preparation of a plan subject to the cost sharing program under this subsection may be made by the provision of services, materials, supplies, or other in-kind services necessary to prepare the plan.

[(4)] (3) DEPOSIT AND USE.—Fees collected under this subsection shall be deposited into the account in the Treasury of the United States entitled, “Contributions and Advances, Rivers and Harbors, Corps of Engineers (8862)” and shall be available until expended to carry out this section.

(c) There is authorized to be appropriated not to exceed ~~[\$6,000,000]~~ *\$10,000,000* annually to carry out the provisions of this section except that not more than ~~[\$300,000]~~ *\$500,000* shall be expended in any one year in any one State.

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

* * * * *

SEC. 73. [(a) In the survey, planning, or design by any Federal agency of any project involving flood protection, consideration shall be given to nonstructural alternatives to prevent or reduce flood damages including, but not limited to, floodproofing of structures; flood plain regulation; acquisition of flood plain lands for recreational, fish and wildlife, and other public purposes; and relocation with a view toward formulating the most economically, socially, and environmentally acceptable means of reducing or preventing flood damages.] *(a) In the survey, planning, or design by any Federal agency of any project involving flood protection, such*

agency, with a view toward formulating the most economically, socially, and environmentally acceptable means of reducing or preventing flood damages, shall consider and address in adequate detail nonstructural alternatives, including measures that may be implemented by others, to prevent or reduce flood damages. Such alternatives may include watershed management, wetlands restoration, elevation or flood proofing of structures, floodplain regulation, relocation, and acquisition of floodplain lands for recreational, fish and wildlife, and other public purposes.

* * * * *

WATER RESOURCES DEVELOPMENT ACT OF 1990

* * * * *

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH REPORT OF THE CHIEF OF ENGINEERS.—Except as provided in this subsection, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the respective reports designated in this subsection:

(1) * * *

* * * * *

(18) PASSAIC RIVER MAIN STEM, NEW JERSEY AND NEW YORK.—

(A) * * *

(B) STREAMBANK RESTORATION MEASURES.—The project shall include the construction of environmental and other streambank restoration measures (including bulkheads, recreation, greenbelt, scenic overlook facilities, and public access to Route 21) on the west bank of the Passaic River between Bridge and Brill Streets in the city of Newark, New Jersey, at a total cost of ~~[\$25,000,000]~~ \$75,000,000. The project element authorized by this subparagraph shall be carried out, in cooperation with the city of Newark, so that it is compatible with the proposed reconstruction plans for Route 21 and the proposed arts center. The non-Federal share of the project element authorized by this subparagraph shall be 25 percent. The value of the lands, easements, and rights-of-way provided by non-Federal interests shall be credited to the non-Federal share. Construction of the project element authorized by this subparagraph shall be undertaken in advance of the other project features and shall not await implementation of the overall project.

* * * * *

SEC. 102. PROJECT MODIFICATIONS.

(a) * * *

* * * * *

(1) LOCKS AND DAM 26, MISSISSIPPI RIVER, ALTON, ILLINOIS AND MISSOURI.—The navigation project for replacement of locks and dam 26, Mississippi River, Alton, Illinois and Missouri, authorized by section 102 of Public Law 95–502, is modified to authorize the Secretary to provide project-related recreational development in the State of Illinois~~], that requires no separable project lands and~~ *on project lands and other contiguous nonproject lands, including those lands referred to as the Alton Commons. The recreational development* includes site preparations and infrastructure for a marina and docking facilities, access roads and parking, a boat launching ramp, hiking trails, and picnicking facilities, *shall be* at a Federal construction cost that will not increase the overall project cost estimate for recreational development~~]. The recreational development~~, *and* shall be subject to cost-sharing with the State of Illinois.

* * * * *

SEC. 116. STUDIES.

(a) * * *

* * * * *

(d) SOUTHERN CALIFORNIA INFRASTRUCTURE RESTORATION.—

(1) * * *

* * * * *

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection ~~[\$1,500,000]~~ *\$7,500,000.*

* * * * *

TITLE II—LAND TRANSFERS

* * * * *

SEC. 205. CONVEYANCE OF OAKLAND INNER HARBOR TIDAL CANAL PROPERTY TO CITIES OF OAKLAND AND ALAMEDA, CALIFORNIA.

The Secretary may convey, by quitclaim deed, the title of the United States in all or portions of the approximately 86 acres of uplands, tidelands, and submerged lands, commonly referred to as the Oakland Inner Harbor Tidal Canal, California, as follows:

(1) To the city of Oakland, the United States title to all or portions of that part of the Oakland Inner Harbor Tidal Canal which are located within the boundaries of the city of Oakland.

(2) To the city of Alameda, the United States title to all or portions of that part of the Oakland Inner Harbor Tidal Canal which are located within the boundaries of the city of Alameda.

(3) *To adjacent land owners, the United States title to all or portions of that part of the Oakland Inner Harbor Tidal Canal which are located within the boundaries of the city in which such land rests. Such conveyance shall be at fair market value.*

The Secretary may reserve and retain from any such conveyance a right-of-way or other rights deemed necessary by the Secretary for the operation and maintenance of the authorized Federal channel in the Oakland Inner Harbor Tidal Canal. *The conveyances and processes involved will be at no cost to the United States.*

TITLE III—GENERALLY APPLICABLE PROVISIONS

* * * * *

SEC. 310. RESERVOIR MANAGEMENT.

[(a) TECHNICAL ADVISORY COMMITTEE.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall establish for major reservoirs under the jurisdiction of the Corps of Engineers a technical advisory committee to provide to the Secretary and Corps of Engineers recommendations on reservoir monitoring and options for reservoir research. The Secretary shall determine the membership of the committee, except that the Secretary may not appoint more than 6 members and shall ensure a predominance of members with appropriate academic, technical, or scientific qualifications. Members shall serve without pay, and the Secretary shall provide any necessary facilities, staff, and other support services in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.).]

[(b) PUBLIC PARTICIPATION.—]The Secretary shall ensure that, in developing or revising reservoir operating manuals of the Corps of Engineers, the Corps shall provide significant opportunities for public participation, including opportunities for public hearings. The Secretary shall issue regulations to implement this subsection, including a requirement that all appropriate informational materials relating to proposed management decisions of the Corps be made available to the public sufficiently in advance of public hearings. Not later than January 1, 1992, the Secretary shall transmit to Congress a report on measures taken pursuant to this subsection.

* * * * *

SEC. 312. ENVIRONMENTAL DREDGING.

(a) OPERATION AND MAINTENANCE OF NAVIGATION PROJECTS.—Whenever necessary to meet the requirements of the Federal Water Pollution Control Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, may remove *and remediate*, as part of operation and maintenance of a navigation project, contaminated sediments outside the boundaries of and adjacent to the navigation channel.

(b) NONPROJECT SPECIFIC.—

(1) IN GENERAL.—The Secretary may remove *and remediate* contaminated sediments from the navigable waters of the United States for the purpose of environmental enhancement and water quality improvement if such removal *and remediation* is requested by a non-Federal sponsor and the sponsor agrees to pay 50 percent of the cost of such removal *and remediation*.

(2) **MAXIMUM AMOUNT.**—The Secretary may not expend more than **[\$10,000,000]** \$30,000,000 in a fiscal year to carry out this subsection.

(c) **JOINT PLAN REQUIREMENT.**—The Secretary may only remove *and remediate* contaminated sediments under subsection (b) in accordance with a joint plan developed by the Secretary and interested Federal, State, and local government officials. Such plan must include an opportunity for public comment, a description of the work to be undertaken, the method to be used for dredged material disposal, the roles and responsibilities of the Secretary and non-Federal sponsors, and identification of sources of funding.

* * * * *

[(f) TERMINATION DATE.—This section shall not be effective after the last day of the 5-year period beginning on the date of the enactment of this Act; except that the Secretary may complete any project commenced under this section on or before such last day.]

(f) In carrying out this section, the Secretary shall give priority to work in the following areas:

- (1) Brooklyn Waterfront, New York.*
- (2) Buffalo Harbor and River, New York.*
- (3) Ashtabula River, Ohio.*
- (4) Mahoning River, Ohio.*
- (5) Lower Fox River, Wisconsin.*

* * * * *

TITLE IV—MISCELLANEOUS PROVISIONS

[SEC. 401. GREAT LAKES REMEDIAL ACTION PLANS.

[(a) ASSISTANCE.—The Secretary is authorized to provide technical, planning, and engineering assistance to States and local governments in the development and implementation of remedial action plans for areas of concern in the Great Lakes identified under the Great Lakes Water Quality Agreement of 1978. Non-Federal interests shall contribute 50 percent of the costs of such assistance.

[(b) MAXIMUM AMOUNT.—The Secretary may not expend more than \$3,000,000 in a fiscal year to carry out this section.]

SEC. 401. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

(a) GREAT LAKES REMEDIAL ACTION PLANS.—

(1) IN GENERAL.—The Secretary is authorized to provide technical, planning, and engineering assistance to State and local governments and nongovernmental entities designated by the State or local government in the development and implementation of remedial action plans for areas of concern in the Great Lakes identified under the Great Lakes Water Quality Agreement of 1978.

(2) NON-FEDERAL SHARE.—Non-Federal interests shall contribute, in cash or by providing in-kind contributions, 50 percent of costs of activities for which assistance is provided under paragraph (1).

(b) SEDIMENT REMEDIATION DEMONSTRATION PROJECTS.—

(1) *IN GENERAL.*—The Secretary, in consultation with the Administrator of the Environmental Protection Agency (acting through the Great Lakes National Program Office), may conduct pilot- and full-scale demonstration projects of promising techniques to remediate contaminated sediments in freshwater coastal regions in the Great Lakes basin. The Secretary must conduct no fewer than 3 full-scale demonstration projects under this subsection.

(2) *SITE SELECTION FOR DEMONSTRATION PROJECTS.*—In selecting the sites for the technology demonstration projects, the Secretary shall give priority consideration to Saginaw Bay, Michigan, Sheboygan Harbor, Wisconsin, Grand Calumet River, Indiana, Ashtabula River, Ohio, Buffalo River, New York, and Duluth/Superior Harbor, Minnesota.

(3) *DEADLINE FOR IDENTIFICATIONS.*—Within 18 months after the date of the enactment of this subsection, the Secretary shall identify the sites and technologies to be demonstrated and complete each such full-scale demonstration project within 3 years after such date of enactment.

(4) *NON-FEDERAL SHARE.*—Non-Federal interests shall contribute 50 percent of costs of projects under this subsection. Such costs may be paid in cash or by providing in-kind contributions.

(5) *AUTHORIZATIONS.*—There is authorized to be appropriated to the Secretary to carry out this section \$5,000,000 for each of fiscal years 1997 through 2000.

WATER RESOURCES DEVELOPMENT ACT OF 1992

* * * * *

TITLE I—WATER RESOURCES PROJECTS

* * * * *

SEC. 102. PROJECT MODIFICATIONS.

(a) * * *

* * * * *

(q) **RARITAN BAY AND SANDY HOOK BAY, NEW JERSEY.**—The project for hurricane-flood protection, Raritan Bay and Sandy Hook Bay, New Jersey, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1181), is modified to provide periodic beach nourishment [for Cliffwood Beach] for 50 years.

* * * * *

(ff) **BLUESTONE LAKE, OHIO RIVER BASIN, WEST VIRGINIA.**—The project for flood control, Bluestone Lake, Ohio River Basin, West Virginia, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), is modified to direct the Secretary to take such measures as are technologically feasible to prohibit the release of drift and debris into waters downstream of the project, except for that organic matter necessary to maintain and enhance the

biological resources of such waters and such nonobtrusive items of debris as may not be economically feasible to prevent being released through such project, including measures to prevent the accumulation of drift and debris at the project, the collection and removal of drift and debris on the segment of the New River upstream of the project, and the removal (through the use of temporary or permanent systems) and disposal of accumulated drift and debris at Bluestone Dam.

* * * * *

SEC. 108. QUARANTINE FACILITY.

(a) * * *

* * * * *

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for fiscal years beginning after September 30, 1992, **[\$1,000,000]** *\$4,000,000* for the construction of the facility described in subsection (a). Such sums shall remain available until expended.

* * * * *

TITLE II—GENERALLY APPLICABLE PROVISIONS

* * * * *

SEC. 203. VOLUNTARY CONTRIBUTIONS FOR ENVIRONMENTAL AND RECREATION PROJECTS.

(a) * * *

(b) **DEPOSIT.**—Any cash or funds received by the Secretary under subsection (a) shall be deposited into the account in the Treasury of the United States entitled “Contributions and Advances, Rivers and Harbors, Corps of Engineers **[(8662)]** (8862)” and shall be available until expended to carry out water resources projects described in subsection (a).

SEC. 204. BENEFICIAL USES OF DREDGED MATERIAL.

(a) * * *

* * * * *

(e) **SELECTION OF DREDGED MATERIAL DISPOSAL METHOD.**—*In developing and carrying out a project for navigation involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of such disposal method are minimal and that the benefits to the aquatic environment to be derived from such disposal method, including the creation of wetlands and control of shoreline erosion, justify its selection. The Federal share of such incremental costs shall be determined in accordance with subsection (c).*

[(e)] (f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed \$15,000,000 annually to carry out this section. Such sums shall remain available until expended.

* * * * *

SEC. 206. CONSTRUCTION OF SHORELINE PROTECTION PROJECTS BY NON-FEDERAL INTERESTS.

(a) * * *

* * * *

(e) REIMBURSEMENT.—

(1) GENERAL RULE.—Subject to the enactment of appropriation Acts, the Secretary is authorized to reimburse any non-Federal interest an amount equal to the estimate of the Federal share, without interest, of the cost of any authorized shoreline protection project, or separable element thereof, constructed under this section—

(A) if, after authorization and before initiation of construction of the project or separable element, the Secretary approves the plans for construction of such project by such non-Federal interest *and enters into a written agreement with the non-Federal interest with respect to the project or separable element (including the terms of cooperation)*; and

* * * *

SEC. 209. DAM SAFETY PROGRAM EXTENSION.

(a) * * *

* * * *

(e) MUSSERS DAM, MIDDLE CREEK, SNYDER COUNTY, PENNSYLVANIA.—

(1) * * *

* * * *

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection **[\$3,000,000]** \$5,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

* * * *

SEC. 219. ENVIRONMENTAL INFRASTRUCTURE.

(a) * * *

* * * *

(e) AUTHORIZATION OF APPROPRIATIONS.—*There is authorized to be appropriated for providing construction assistance under this section—*

(1) \$10,000,000 for the project described in subsection (c)(5);

(2) \$2,000,000 for the project described in subsection (c)(6);

(3) \$10,000,000 for the project described in subsection (c)(7);

(4) \$11,000,000 for the project described in subsection (c)(8);

(5) \$20,000,000 for the project described in subsection (c)(16);

and

(6) \$20,000,000 for the project described in subsection (c)(17).

**SEC. 220. ENVIRONMENTAL INFRASTRUCTURE ASSISTANCE FOR BEN-
TON AND WASHINGTON COUNTIES, ARKANSAS.**

(a) * * *

* * * *

(c) USE OF FEDERAL FUNDS.—*The Secretary may make available to the non-Federal interests funds not to exceed an amount equal to*

the Federal share of the total project cost to be used by the non-Federal interests to undertake the work directly or by contract.

* * * * *

SEC. 225. CHALLENGE COST-SHARING PROGRAM FOR THE MANAGEMENT OF RECREATION FACILITIES.

(a) * * *

* * * * *

(c) CONTRIBUTIONS.—For purposes of carrying out this section the Secretary may accept contributions of funds, materials, and services from non-Federal public and private entities. Any funds received by the Secretary under this section shall be deposited into the account in the Treasury of the United States entitled “Contributions and Advances, Rivers and Harbors, Corps of Engineers [(8662)] (8862)” and shall be available until expended to carry out the purposes of this section.

* * * * *

TITLE III—MISCELLANEOUS PROVISIONS

* * * * *

SEC. 304. BROAD TOP REGION OF PENNSYLVANIA.

(a) * * *

[(b) FEDERAL SHARE.—The Federal share of the cost of the activities conducted under the cooperative agreement entered into under subsection (a) shall be 75 percent.]

(b) COST SHARING.—*The Federal share of the cost of the activities conducted under the cooperative agreement entered into under subsection (a) shall be 75 percent. The non-Federal share of project costs may be provided in the form of design and construction services. Non-Federal interests shall receive credit for the reasonable costs of such services completed by such interests prior to entering an agreement with the Secretary for a project.*

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section [\$5,500,000] \$11,000,000. Such sums shall remain available until expended.

* * * * *

SEC. 313. SOUTH CENTRAL PENNSYLVANIA ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM.

(a) * * *

* * * * *

(g) AUTHORIZATION AND ALLOCATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section [\$50,000,000] \$90,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

* * * * *

SEC. 314. ILLINOIS AND MICHIGAN CANAL.

(a) IN GENERAL.—The Secretary is authorized to make capital improvements to the Illinois and Michigan Canal. *Such improvements shall include marina development at Lock 14, to be carried out in consultation with the Illinois Department of Natural Resources, at a total cost of \$6,374,000.*

* * * * *

SEC. 321. PHOENIX, ARIZONA.

The Secretary may participate in the study and construction of a water resources project in the vicinity of Phoenix, Arizona, for the purpose of providing flood control, *ecosystem restoration*, and improving water quality in the Tres Rios wetlands, Arizona, at a total cost of ~~【\$6,500,000.】~~ *\$17,500,000. The non-Federal share for costs assigned to flood control measures to protect developed areas adjacent to the project shall be consistent with the cost sharing requirements of section 903(c) of the Water Resources Development Act of 1986.*

* * * * *

SEC. 324. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.

(a) * * *

(b) REQUIRED ELEMENTS.—The program to be developed under subsection (a) shall include at a minimum the following areas:

【(1) Mitigation and enhancement for significant wetlands that contribute to the Meadowlands ecosystem.】

(1) *Mitigation, enhancement, and acquisition of significant wetlands that contribute to the Meadowlands ecosystem.*

* * * * *

SEC. 326. NEW YORK BIGHT AND HARBOR STUDY.

(a) * * *

* * * * *

(f) FUNDING.—There is authorized to be appropriated ~~【\$1,000,000】~~ *\$5,000,000* for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

* * * * *

SEC. 340. SOUTHERN WEST VIRGINIA ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM.

(a) * * *

* * * * *

(c) LOCAL COOPERATION AGREEMENTS.—

(1) * * *

* * * * *

【(3) COST-SHARING.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs but not to exceed 25 percent of total project costs.

Operation and maintenance costs shall be 100 percent non-Federal.】

(3) *COST SHARING.*—

(A) *IN GENERAL.*—*Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for such design work shall not exceed 6 percent of the total construction costs of the project. The Federal share may be in the form of grants or reimbursements of project costs.*

(B) *INTEREST.*—*In the event of delays in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.*

(C) *LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.*—*The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of such project on publicly owned or controlled lands, but not to exceed 25 percent of total project costs.*

(D) *OPERATION AND MAINTENANCE.*—*Operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent non-Federal.*

* * * * *

(g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is authorized to be appropriated to carry out this section 【\$5,000,000】 \$25,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.*

* * * * *

SEC. 361. ABANDONED AND WRECKED BARGE REMOVAL.

(a) *IN GENERAL.*—*In order to alleviate a hazard to navigation, the Secretary is authorized to remove a sunken barge from waters off the shore of the Narragansett Town Beach in Narragansett, Rhode Island, at a total cost of 【\$200,000】 \$1,900,000, with an estimated Federal cost of 【\$150,000】 \$1,425,000 and an estimated non-Federal cost of 【\$50,000】 \$475,000. The Secretary shall not remove the barge until title to such barge has been transferred to the United States.*

* * * * *

SEC. 363. STILLWATER, MINNESOTA.

The Secretary is authorized to undertake the repair and reconstruction of a flood wall system at Stillwater, Minnesota, including an extension of such system to prevent the continuous eroding of the riverfront, *or expansion of such system if the Secretary determines that the expansion is feasible*, at a total cost of 【\$3,200,000】

\$11,600,000, with an estimated Federal cost of **[\$2,400,000]** \$8,700,000 and an estimated non-Federal cost of **[\$800,000]** \$2,900,000.

* * * * *

TITLE IV—INFRASTRUCTURE TECHNOLOGY, RESEARCH AND DEVELOPMENT

* * * * *

SEC. 405. SEDIMENTS DECONTAMINATION TECHNOLOGY.

(a) DECONTAMINATION PROJECT.—

(1) * * *

* * * * *

(3) *PROJECT PURPOSE.*—*The purpose of the project to be carried out under this section is to provide for the development of 1 or more sediment decontamination technologies on a pilot scale demonstrating a capacity of at least 500,000 cubic yards per year.*

* * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—**[There is authorized to be appropriated to carry out this section \$5,000,000 for fiscal years beginning after September 30, 1992.]** *There is authorized to be appropriated to carry out this section \$10,000,000 for fiscal years beginning after September 30, 1996.* Such sums shall remain available until expended.

(d) *REPORTS.*—*Not later than September 30, 1998, and periodically thereafter, the Administrator and the Secretary shall transmit to Congress a report on the results of the project to be carried out under this section, including an assessment of the progress made in achieving the intent of the program set forth in subsection (a)(3).*

* * * * *

FLOOD CONTROL ACT OF 1968

* * * * *

SEC. 210. RECREATIONAL USER FEES.

(a) * * *

(b) FEES FOR USE OF DEVELOPED RECREATION SITES AND FACILITIES.—

(1) * * *

* * * * *

(5) *USE OF FEES COLLECTED AT FACILITY.*—*Subject to advance appropriations, the Secretary of the Army shall ensure that at least an amount equal to the total amount of fees collected at any project under this subsection in a fiscal year beginning after September 30, 1996, are expended in the succeeding fiscal*

year at such project for operation and maintenance of recreational facilities at such project.

* * * * *

SEC. 215. (a) The Secretary of the Army, acting through the Chief of Engineers, may, when he determines it to be in the public interest, enter into agreements providing for reimbursement to States or political subdivisions thereof for work to be performed by such non-Federal public bodies at water resources development projects authorized for construction under the Secretary of the Army and the supervision of the Chief of Engineers. Such agreements may provide for reimbursement of installation costs incurred by such entities or an equivalent reduction in the contributions they would otherwise be required to make, or in appropriate cases, for a combination thereof. The amount of Federal reimbursement, including reductions in contributions, for a single project shall not exceed ~~【\$3,000,000】~~ *\$5,000,000* or 1 percent of the total project cost, whichever is greater; except that the amount of actual Federal reimbursement, including reductions in contributions, for such project may not exceed \$5,000,000 in any fiscal year.~~【.】~~

* * * * *

WATER RESOURCES DEVELOPMENT ACT OF 1988

* * * * *

SEC. 4. PROJECT MODIFICATIONS.

(a) * * *

* * * * *

(e) LOS ANGELES RIVER, CALIFORNIA.—The Secretary is directed to perform maintenance dredging of the existing Federal project at the mouth of the Los Angeles River, California, to the authorized depth of 20 feet for the purpose of maintaining the flood control basin and navigation safety. *In addition, the Secretary shall perform advance maintenance dredging in the Queensway Bay Channel, California, at a total cost of \$5,000,000.*

* * * * *

SEC. 7. COLLABORATIVE RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—For the purpose of improving the state of engineering and construction in the United States and consistent with the *civil works* mission of the Army Corps of Engineers, the Secretary is authorized to utilize Army Corps of Engineers laboratories and research centers to undertake, on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local government, colleges and universities, and corporations, partnerships, sole proprietorships, and trade associations which are incorporated or established under the laws of any of the several States of the United States or the District of Columbia.

(b) *PRE-AGREEMENT TEMPORARY PROTECTION OF TECHNOLOGY.*—

(1) *IN GENERAL.*—*If the Secretary determines that information developed as a result of research and development activities conducted by the Corps of Engineers is likely to be subject to a cooperative research and development agreement within 2 years*

of its development and that such information would be a trade secret or commercial or financial information that would be privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980, the Secretary may provide appropriate protection against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5, United States Code, until the earlier of the date the Secretary enters into such an agreement with respect to such technology or the last day of the 2-year period beginning on the date of such determination.

(2) TREATMENT.—Any technology covered by this section which becomes the subject of a cooperative research and development agreement shall be accorded the protection provided under section 12(c)(7)(B) of such Act (15 U.S.C. 3710a(c)(7)(B)) as if such technology had been developed under a cooperative research and development agreement.

[(b)] (c) ADMINISTRATIVE PROVISIONS.—In carrying out this section, the Secretary may consider the recommendations of a non-Federal entity in identifying appropriate research or development projects and may enter into a cooperative research and development agreement, as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a); except that in such agreement, the Secretary may agree to provide not more than 50 percent of the cost of any research or development project selected by the Secretary under this section. Not less than 5 percent of the non-Federal entity's share of the cost of any such project shall be paid in cash.

[(c)] (d) APPLICABILITY OF OTHER LAWS.—The research, development, or utilization of any technology pursuant to an agreement under subsection **[(b)] (c)**, including the terms under which such technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701–3714).

[(d)] (e) AUTHORIZATION OF APPROPRIATIONS.—To carry out the purposes of this section, there is authorized to be appropriated to the Secretary of the Army civil works funds \$3,000,000 for fiscal year 1989, \$4,000,000 for fiscal year 1990, \$5,000,000 for fiscal year 1991, and \$6,000,000 for each fiscal year thereafter.

[(e) ADDITIONAL FUNDING.—Notwithstanding the third proviso under the heading “GENERAL INVESTIGATIONS” of title I of the Energy and Water Development Appropriations Act, 1989 (102 Stat. 857), an additional \$3,000,000 of the funds appropriated under such heading shall be available to the Secretary for obligation to carry out the purposes of this section in fiscal year 1989.)

(f) FUNDING FROM OTHER FEDERAL SOURCES.—The Secretary may accept and expend additional funds from other Federal programs, including other Department of Defense programs, to carry out the purposes of this section.

* * * * *

SEC. 52. PROJECT DEAUTHORIZATIONS.

[(a) EXTENSION OF LIMITATION ON PERIOD OF AUTHORIZATION.—

[(1) PROJECTS IN THIS ACT.—The provisions of section 1001(a) and section 1001(c) of the Water Resources Development Act of 1986 shall apply to the projects authorized for construction by this Act, except that the 5-year period during which funds must be obligated to prevent deauthorization shall begin on the date of the enactment of this Act.]

[(2) PROJECTS THEREAFTER.—The provisions of section 1001(a) and section 1001(c) of the Water Resources Development Act of 1986 shall also apply to projects authorized for construction subsequent to this Act, except that the 5-year period during which funds must be obligated to prevent deauthorization shall begin on the date of the authorization of such projects.]

[(b)] (a) SPECIFIED PROJECTS.—The following projects are not authorized after the date of the enactment of this Act, except with respect to any portion of such a project which portion has been completed before such date of enactment or is under construction on such date of enactment:

(1) * * *

* * * * *

[(c)] (b) ALGOMA, WISCONSIN, OUTER HARBOR.—

(1) DEAUTHORIZATION.—Except as provided in paragraph (2), the outer harbor basin feature of the navigation project for Algoma, Wisconsin, authorized by the Act entitled “An Act making appropriations for construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 2, 1907 (34 Stat. 1101), is not authorized after the date of the enactment of this Act.

* * * * *

[(d)] (c) CONTINUATION OF PROJECT AUTHORIZATIONS.—Notwithstanding section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(1))—

(1) the navigation project for Monterey Harbor (Monterey Bay), California, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 483),

* * * * *

[(e)] (d) NOTICE.—The Secretary shall publish in the Federal Register notice as to any project which would no longer have been authorized pursuant to the provisions of section 1001 of the Water Resources Development Act of 1986 or subsection (a) of this section but remains authorized due to enactment of law by Congress.

* * * * *

ACT OF AUGUST 8, 1972

AN ACT To authorize the Secretary of the Army to undertake a national program of inspection of dams.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term “dam” as used in this Act [means any artificial barrier, including appurtenant works, which impounds or diverts water, and which

(1) is twenty-five feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier, or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the maximum water storage elevation or (2) has an impounding capacity at maximum water storage elevation of fifty acre-feet or more. This Act does not apply to any such barrier which is not in excess of six feet in height, regardless of storage capacity or which has a storage capacity at maximum water storage elevation not in excess of fifteen acre-feet, regardless of height, unless such barrier, due to its location or other physical characteristics, is likely to pose a significant threat to human life or property in the event of its failure.】 *has the meaning such term has under subsection (d) of the National Dam Safety Program Act of 1996.*

* * * * *

SEC. 3. As soon as practicable after inspection of a dam, the Secretary shall notify the Governor of the State in which such dam is located the results of such investigation. 【In any case in which any hazardous conditions are found during an inspection, upon request by the owner, the Secretary, acting through the Chief of Engineers, may perform detailed engineering studies to determine the structural integrity of the dam, subject to reimbursement of such expense by the owner of such dam.】 The Secretary shall immediately notify the Governor of any hazardous conditions found during an inspection. The Secretary shall provide advice to the Governor, upon request, relating to timely remedial measures necessary to mitigate or obviate any hazardous conditions found during an inspection.

* * * * *

【SEC. 5. The Secretary shall report to the Congress on or before July 1, 1974, on his activities under the Act, which report shall include, but not be limited to—

【(1) an inventory of all dams located in the United States;

【(2) a review of each inspection made, the recommendations furnished to the Governor of the State in which such dam is located and information as to the implementation of such recommendation;

【(3) recommendations for a comprehensive national program for the inspection, and regulation for safety purpose of dams of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.】

SEC. 【6.】 5. Nothing contained in this Act and no action or failure to act under this Act shall be construed (1) to create any liability in the United States or its officers or employees for the recovery of damages caused by such action or failure to act; or (2) to relieve an owner or operator of a dam of the legal duties, obligations, or liabilities incident to the ownership or operation of the dam.

【SEC. 7. (a) There is authorized to be appropriated to the Secretary of the Army (hereafter in this Act referred to as the “Secretary”), \$13,000,000 for each of the fiscal years ending September 30, 1988, through September 30, 1994. Sums appropriated under this section shall be distributed annually among States on the fol-

lowing basis: One-third equally among those States that have established dam safety programs approved under the terms of section 8 of this Act, and two-thirds in proportion to the number of dams located in each State that has an established dam safety program under the terms of section 8 of this Act of the number of dams in all States with such approved programs. In no event shall funds distributed to any State under this section exceed 50 percent of the reasonable cost of implementing an approved dam safety program in such State.

[(b) No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for programs to assure dam safety for the protection of human life and property at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this section.

[SEC. 8. (a) In order to encourage the establishment and maintenance of effective programs intended to assure dam safety to protect human life and property and to improve such existing programs, the Secretary shall provide assistance under the terms of section 7 of this Act to any State that establishes and maintains a dam safety program which is approved under this section. In evaluating a State's dam safety program, under the terms of subsections (b) and (c) of this section, the Secretary shall determine that such program includes the following:

[(1) a procedure, whereby, prior to any construction the plans for any dam will be reviewed to provide reasonable assurance of the safety and integrity of such dam over its intended life;

[(2) a procedure to determine, during and following construction and prior to operation of each dam built in the State, that such dam has been constructed and will be operated in a safe and reasonable manner;

[(3) a procedure to inspect every dam within such State at least once every five years, except that such inspections shall be required at least every three years for any dam the failure of which is likely to result in the loss of human life;

[(4) a procedure for more detailed and frequent safety inspections, when warranted;

[(5) the State has or can be expected to have authority to require those changes or modifications in a dam, or its operation, necessary to assure the dam's safety;

[(6) the State has or can be expected to develop a system of emergency procedures that would be utilized in the event a dam fails or in the event a dam's failure is imminent together with an identification of those dams where failure could be reasonably expected to endanger human life, and of the maximum area that could be inundated in the event of the failure of such dam, as well as identification of those necessary public facilities that would be affected by such inundation;

[(7) the State has or can be expected to have the authority to assure that any repairs or other changes needed to maintain the integrity of any dam will be undertaken by the dam's owner, or other responsible party; and

[(8) the State has or can be expected to have authority and necessary emergency funds to assure immediate repairs or other changes to, or removal of, a dam in order to protect human life and property, and if the owner does not take action, to take appropriate action as expeditiously as possible.

[(b) Any program which is submitted to the Secretary under the authority of this section shall be deemed approved 120 days following its receipt by the Secretary unless the Secretary determines within such 120-day period that such program fails to reasonably meet the requirements of subsection (a) of this section. If the Secretary determines such a program cannot be approved, he shall immediately notify such State in writing, together with his reasons and those changes needed to enable such plan to be approved.

[(c) Utilizing the expertise of the Board established under section 9 of this Act, the Secretary shall review periodically the implementation and effectiveness of approved State dam safety programs. In the event the Board finds that a State program under this Act has proven inadequate to reasonably protect human life and property, and the Secretary agrees, the Secretary shall revoke approval of such State program and withhold assistance under the terms of section 7 of this Act until such State program has been reapproved.

[SEC. 9. (a) There is authorized to be established a National Dam Safety Review Board (hereinafter in this Act referred to as the "Board"), which shall be responsible for reviewing and monitoring State implementation of this Act. The Board is authorized to utilize the expertise of other agencies of the United States and to enter into contracts for necessary studies to carry out the requirements of this section.

[(b) The Board shall consist of seven members selected for their expertise in dam safety, to represent the Department of the Army, the Department of the Interior, the Tennessee Valley Authority, the Federal Emergency Management Agency, and the Department of Agriculture, plus two members, selected by the President, from employees or officials of States having an approved program under section 8 of this Act.

[SEC. 10. The head of any agency of the United States that owns or operates a dam, or proposes to construct a dam in any State, shall, when requested by such State, consult fully with such State on the design and safety of such dam and allow officials of such State to participate with officials of such agency in all safety inspections of such dam.

[SEC. 11. The Secretary shall, at the request of any State that has or intends to develop a dam safety program under section 8 of this Act, provide training for State dam safety inspectors. There is authorized to be appropriated to carry out this section \$500,000 for each of the fiscal years ending September 30, 1988, through September 30, 1994.

[SEC. 12. The Secretary, in cooperation with the National Bureau of Standards, shall undertake a program of research in order to develop improved techniques and equipment for rapid and effective dam inspection, together with devices for the continued monitoring of dams for safety purposes. The Secretary shall provide for State participation in such research and periodically advise all States and the Congress of the results of such research. There is

authorized to be appropriated to carry out this section \$2,000,000 for each of the fiscal years ending September 30, 1988, through September 30, 1994.

【SEC. 13. The Secretary is authorized to maintain and periodically publish updated information on the inventory of dams authorized in section 5 of this Act. For the purpose of carrying out this section, there is authorized to be appropriated to the Secretary \$500,000 for each of the fiscal years ending September 30, 1988, through September 30, 1994.

【SEC. 14. No funds authorized in this Act shall be used to construct or repair any Federal or non-Federal dam.】

ACT OF MARCH 3, 1899

(COMMONLY KNOWN AS THE “RIVERS AND HARBORS APPROPRIATION ACT OF 1899”)

CHAP. 425.—An Act Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

* * * * *

SEC. 16. That every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of sections 【thirteen, fourteen, and fifteen】 13, 14, 15, 19, and 20 of this Act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine 【not exceeding twenty-five hundred dollars nor less than five hundred dollars】 of up to \$25,000 per day, or by imprisonment (in the case of a natural person) for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court; one-half of said fine to be paid to the person or persons giving information which shall lead to conviction. And any and every master, pilot, and engineer, or person or persons acting in such capacity, respectively, on board of any boat or vessel who shall knowingly engage in towing any scow, boat, or vessel loaded with any material specified in section thirteen of this Act to any point or place of deposit or discharge in any harbor or navigable water, elsewhere than within the limits defined and permitted by the Secretary of War, or who shall willfully injure or destroy any work of the United States contemplated in section fourteen of this Act, or who shall willfully obstruct the channel of any waterway in the manner contemplated in section fifteen of this Act, shall be deemed guilty of a violation of this Act, and shall upon conviction be punished as hereinbefore provided in this section, and shall also have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted. And any boat, vessel, scow, raft, or other craft used or employed in violating any of the provisions of sections 【thirteen, fourteen, and fifteen】 13, 14, 15, 19, and 20 of this Act shall be liable for the pecuniary penalties specified in this section, and in addition thereto for the amount of the damages done by said boat, vessel, scow, raft, or other craft, which latter sum shall be placed to the credit of the appropriation for the improvement of the harbor or waterway in which the damage occurred, and said boat, vessel, scow, raft, or other craft may be pro-

ceeded against summarily by way of libel in any district court of the United States having jurisdiction thereof.

* * * * *

SEC. 20. (a) That under emergency, in the case of any vessel, boat, water craft, or raft, or other similar obstruction, sinking or grounding, or being unnecessarily delayed in any Government canal or lock, or in any navigable waters mentioned in section nineteen, in such manner as to stop, seriously interfere with, or specially endanger navigation, in the opinion of the Secretary of War, or any agent of the United States to whom the Secretary may delegate proper authority, the Secretary of War or any such agent shall have the right to take immediate possession of such boat, vessel, or other water craft, or raft, so far as to remove or to destroy it and to clear immediately the canal, lock, or navigable waters aforesaid of the obstruction thereby caused, using his best judgment to prevent any unnecessary injury; and no one shall interfere with or prevent such removal or destruction: *Provided*, That the officer or agent charged with the removal or destruction of an obstruction under this section may in his discretion give notice in writing to the owners of any such obstruction requiring them to remove it: *And provided further*, That the [expense] *actual expense, including administrative expenses*, of removing any such obstruction as aforesaid shall be a charge against such craft and cargo; and if the owners thereof fail or refuse to reimburse the United States for such expense within thirty days after notification, then the officer or agent aforesaid may sell the craft or cargo, or any part thereof that may not have been destroyed in removal, and the proceeds of such sale shall be covered into the Treasury of the United States.

(b) *REMOVAL REQUIREMENT.*—*Within 24 hours after the Secretary of the Department in which the Coast Guard is operating issues an order to stop or delay navigation in any navigable waters of the United States because of conditions related to the sinking or grounding of a vessel, the owner or operator of the vessel, with the approval of the Secretary of the Army, shall begin removal of the vessel using the most expeditious removal method available or, if appropriate, secure the vessel pending removal to allow navigation to resume. If the owner or operator fails to begin removal or to secure the vessel pending removal or fails to complete removal as soon as possible, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a) of this section.*

[(b)] (c) The owner, lessee, or operator of such vessel, boat, watercraft, raft, or other obstruction as described in this section shall be liable to the United States for the [cost] *actual cost, including administrative costs*, of removal or destruction and disposal as described which exceeds the costs recovered under subsection (a). Any amount recovered from the owner, lessee, or operator of such vessel pursuant to this subsection to recover costs in excess of the proceeds from the sale or disposition of such vessel shall be deposited in the general fund of the Treasury of the United States.

Such sum of money as may be necessary to execute this section and the preceding section of this Act is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be paid out on the requisition of the Secretary of War.

That all laws or parts of laws inconsistent with the foregoing sections ten to twenty, inclusive, of this Act are hereby repealed: *Provided*, That no action begun, or right of action accrued, prior to the passage of this Act shall be affected by this repeal.

SECTION 14 OF THE FLOOD CONTROL ACT OF 1946

SEC. 14. That the Secretary of War is hereby authorized to allot from any appropriations heretofore or hereafter made for flood control, not to exceed ~~[\$12,500,000]~~ *\$15,000,000* per year, for the construction, repair, restoration, modification, of emergency streambank and shoreline protection works to prevent damage to highways, bridge approaches, and public works, churches, hospitals, schools, and other nonprofit public services, when in the opinion of the Chief of Engineers such work is advisable: *Provided*, That not more than ~~[\$500,000]~~ *\$1,500,000*, shall be allotted for this purpose at any single locality from the appropriations for any one fiscal year.

FLOOD CONTROL ACT OF 1970

* * * * *

TITLE II—FLOOD CONTROL

* * * * *

SEC. 209. It is the intent of Congress that the objectives of enhancing regional economic development, the quality of the total environment, including its protection and improvement, the well-being of the people of the United States, and the national economic development are the objectives to be included in federally financed water resource projects (*including shore protection projects such as projects for beach nourishment, including the replacement of sand*), and in the evaluation of benefits and cost attributable thereto, giving due consideration to the most feasible alternative means of accomplishing these objectives.

* * * * *

SEC. 221. (a) After the date of enactment of this Act, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under the provisions of section 215 of the Flood Control Act of 1968 or under any other provision of law, shall not be commenced until each non-Federal interest has entered into a written agreement with the Secretary of the Army to furnish its required cooperation for the project or the appropriate element of the project, as the case may be~~].~~; *except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than \$25,000.* In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by

the State legislature, the agreement may reflect that it does not obligate future State legislative appropriations for such performance and payment when obligating future appropriations would be inconsistent with State constitutional or statutory limitations.

* * * * *

SECTION 211 OF THE FLOOD CONTROL ACT OF 1950

SEC. 211. The Secretary of the Army is hereby authorized to allot from any appropriations heretofore or hereafter made for flood control or rivers and harbors, funds for payment of expenses of representatives of the Corps of Engineers engaged on flood control and river and harbor work to international engineering or scientific conferences to be held outside the [continental limits of the] United States: *Provided*, That not more than ten representatives of the Corps of Engineers shall attend any one conference[: *And provided further*, That not more than \$25,000 shall be allotted during any one fiscal year for this purpose].

ACT OF DECEMBER 22, 1944

AN ACT Authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, In connection with the exercise of jurisdiction over the rivers of the Nation through the construction of works of improvement, for navigation or flood control, as herein authorized, it is hereby declared to be the policy of the Congress to recognize the interests and rights of the States in determining the development of the watersheds within their borders and likewise their interests and rights in water utilization and control, as herein authorized to preserve and protect to the fullest possible extent established and potential uses, for all purposes, of the waters of the Nation's rivers; to facilitate the consideration of projects on a basis of comprehensive and coordinated development; and to limit the authorization and construction of navigation works to those in which a substantial benefit to navigation will be realized therefrom and which can be operated consistently with appropriate and economic use of the waters of such rivers by other users.

In conformity with this policy:

(a) Plans, proposals, or reports of the Chief of Engineers, War Department, for any works of improvement for navigation or flood control not heretofore or herein authorized, shall be submitted to the Congress only upon compliance with the provisions of this paragraph (a). Investigations which form the basis of any such plans, proposals, or reports shall be conducted in such a manner as to give to the affected State or States, during the course of the investigations, information developed by the investigations and also opportunity for consultation regarding plans and proposals, and, to the extent deemed practicable by the Chief of Engineers, opportunity to cooperate in the investigations. If such investigations in whole or part are concerned with the use or control of waters arising west of the ninety-seventh meridian, the Chief of Engineers

shall give to the Secretary of the Interior, during the course of the investigations, information developed by the investigations and also opportunity for consultation regarding plans and proposals, and to the extent deemed practicable by the Chief of Engineers, opportunity to cooperate in the investigations. The relations of the Chief of Engineers with any State under this paragraph (a) shall be with the Governor of the State or such official or agency of the State as the Governor may designate. The term "affected State or States" shall include those in which the works or any part thereof are proposed to be located; those which in whole or part are both within the drainage basin involved and situated in a State lying wholly or in part west of the ninety-eighth meridian; and such of those which are east of the ninety-eighth meridian as, in the judgment of the Chief of Engineers, will be substantially affected. Such plans, proposals, or reports and related investigations shall be made to the end, among other things, of facilitating the coordination of plans for the construction and operation of the proposed works with other plans involving the waters which would be used or controlled by such proposed works. Each report submitting any such plans or proposals to the Congress shall set out therein, among other things, the relationship between the plans for construction and operation of the proposed works and the plans, if any, submitted by the affected States and by the Secretary of the Interior. The Chief of Engineers shall transmit a copy of his proposed report to each affected State, and, in case the plans or proposals covered by the report are concerned with the use or control of waters which rise in whole or in part west of the ninety-seventh meridian, to the Secretary of the Interior. [Within ninety] *Within 30* days from the date of receipt of said proposed report, the written views and recommendations of each affected State and of the Secretary of the Interior may be submitted to the Chief of Engineers. The Secretary of War shall transmit to the Congress, with such comments and recommendations as he deems appropriate, the proposed report together with the submitted views and recommendations of affected States and of the Secretary of the Interior. The Secretary of War may prepare and make said transmittal any time following said [ninety-day period.] *30-day period*. The letter of transmittal and its attachments shall be printed as a House or Senate document.

* * * * *

SECTION 104 OF THE RIVER AND HARBOR ACT OF 1958

SEC. 104. (a) There is hereby authorized a comprehensive program to provide for control and progressive eradication of waterhyacinth, alligatorweed, *melaleuca*, Eurasian water milfoil, and other obnoxious aquatic plant growths, from the navigable waters, tributary streams, connecting channels, and other allied waters of the United States, in the combined interest of navigation, flood control, drainage, agriculture, fish and wildlife conservation, public health, and related purposes, including continued research for development of the most effective and economic control measures, to be administered by the Chief of Engineers, under the direction of the Secretary of the Army, in cooperation with other Federal and

State agencies. Local interests shall agree to hold and save the United States free from claims that may occur from control operations and to participate to the extent of 30 per centum of the cost of such operations. Costs for research and planning undertaken pursuant to the authorities of this section shall be borne fully by the Federal Government.

(b) There are authorized to be appropriated such amounts, not in excess of ~~[\$12,000,000]~~ *\$15,000,000* annually, as may be necessary to carry out the provisions of this section. Any such funds employed for control operations shall be allocated by the Chief of Engineers on a priority basis, based upon the urgency and need of each area, and the availability of local funds.

ACT OF AUGUST 13, 1946

AN ACT Authorizing Federal participation in the cost of protecting the shores of publicly owned property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) with the purpose of preventing damage to the shores *and beaches* of the United States, its Territories and possessions and promoting and encouraging the healthful recreation of the people, it is hereby declared to be the policy of the United States, subject to ~~the following provisions of this Act to assist in the construction, but not the maintenance, of works for the restoration and protection against erosion, by waves and currents, of the shores of the United States, its Territories and possessions.~~ *this Act, to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises. In carrying out this policy, preference shall be given to areas in which there has been a Federal investment of funds and areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.*

(b) The Federal contribution in the case of any project referred to in subsection (a) shall not exceed one-half of the cost of the project, and the remainder shall be paid by the State, municipality, or other political subdivision in which the project is located, except that (1) the costs allocated to the restoration and protection of Federal property shall be borne fully by the Federal Government, (2) Federal participation in the cost of a project for restoration and protection of State, county, and other publicly owned shore parks and conservation areas may be, in the discretion of the Chief of Engineers, not more than 70 per centum of the total cost exclusive of land costs, when such areas: Include a zone which excludes permanent human habitation; include but are not limited to recreational beaches; satisfy adequate criteria for conservation and development of the natural resources of the environment; extend landward a sufficient distance to include, where appropriate, protective dunes, bluffs, or other natural features which serve to protect the uplands from damage; and provide essentially full park facilities for appropriate public use, all of which shall meet with the approval of the

Chief of Engineers, and (3) Federal participation in the cost of a project providing hurricane protection may be, in the discretion of the Secretary [of the Army, acting through the Chief of Engineers,] not more than 70 per centum of the total cost exclusive of land costs. [.]

* * * * *

(d) Shores other than public will be eligible for Federal assistance if there is benefit such as that arising from public use [or from the protection of nearby public property or], *if there are sufficient benefits, including benefits to local and regional economic development and to the local and regional ecology (as determined under subsection (e)(2)(B)), or if the benefits to those shores are incidental to the project, and the Federal contribution to the project shall be adjusted in accordance with the degree of such benefits.*

[(e) No] (e) *AUTHORIZATION OF PROJECTS.*—

(1) *IN GENERAL.*—No Federal contribution shall be made with respect to a project under this Act unless the plan therefor shall have been specifically adopted and authorized by Congress after investigation and study by the Beach Erosion Board under the provisions of section 2 of the River and Harbor Act approved July 3, 1930, as amended and supplemented, or, in the case of a small project under section 3 of this Act, unless the plan therefor has been approved by the Chief of Engineers.

(2) *STUDIES.*—

(A) *IN GENERAL.*—*The Secretary shall—*

(i) recommend to Congress studies concerning shore protection projects that meet the criteria established under this Act (including subparagraph (B)(iii)) and other applicable law;

(ii) conduct such studies as Congress requires under applicable laws; and

(iii) report the results of the studies to the appropriate committees of Congress.

(B) *RECOMMENDATIONS FOR SHORE PROTECTION PROJECTS.*—

(i) IN GENERAL.—*The Secretary shall recommend to Congress the authorization or reauthorization of shore protection projects based on the studies conducted under subparagraph (A).*

(ii) CONSIDERATIONS.—*In making recommendations, the Secretary shall consider the economic and ecological benefits of a shore protection project and the ability of the non-Federal interest to participate in the project.*

(iii) CONSIDERATION OF LOCAL AND REGIONAL BENEFITS.—*In analyzing the economic and ecological benefits of a shore protection project, or a flood control or other water resource project the purpose of which includes shore protection, the Secretary shall consider benefits to local and regional economic development, and to the local and regional ecology, in calculating the full economic and ecological justifications for the project.*

(C) *COORDINATION OF PROJECTS.*—In conducting studies and making recommendations for a shore protection project under this paragraph, the Secretary shall—

(i) determine whether there is any other project being carried out by the Secretary or the head of another Federal agency that may be complementary to the shore protection project; and

(ii) if there is such a complementary project, describe the efforts that will be made to coordinate the projects.

(3) *SHORE PROTECTION PROJECTS.*—

(A) *IN GENERAL.*—The Secretary shall construct, or cause to be constructed, any shore protection project authorized by Congress, or separable element of such a project, for which funds have been appropriated by Congress.

(B) *AGREEMENTS.*—

(i) *REQUIREMENT.*—After authorization by Congress, and before commencement of construction, of a shore protection project or separable element, the Secretary shall enter into a written agreement with a non-Federal interest with respect to the project or separable element.

(ii) *TERMS.*—The agreement shall—

(I) specify the life of the project; and

(II) ensure that the Federal Government and the non-Federal interest will cooperate in carrying out the project or separable element.

(C) *COORDINATION OF PROJECTS.*—In constructing a shore protection project or separable element under this paragraph, the Secretary shall, to the extent practicable, coordinate the project or element with any complementary project identified under paragraph (2)(C).

(4) *REPORT TO CONGRESS.*—The Secretary shall report biennially to the appropriate committees of Congress on the status of all ongoing shore protection studies and shore protection projects carried out under the jurisdiction of the Secretary.

[SEC. 2. The Secretary of the Army]

SEC. 2. REIMBURSEMENTS.

(a) *IN GENERAL.*—The Secretary is hereby authorized to reimburse **[local]** non-Federal interests for work done by them, after initiation of the survey studies which form the basis for the project or separable element of the project, on authorized projects or separable elements which individually do not exceed \$1,000,000 in total cost: *Provided*, That the work which may have been done on the projects or separable elements is approved by the Chief of Engineers as being in accordance with the authorized projects or separable elements: *Provided further*, That such reimbursement shall be subject to appropriations applicable thereto or funds available therefor and shall not take precedence over other pending projects or separable elements of higher priority for improvements.

(b) *AGREEMENTS.*—

(1) *REQUIREMENT.*—After authorization of reimbursement by the Secretary under this section, and before commencement of construction, of a shore protection project, the Secretary shall

enter into a written agreement with the non-Federal interest with respect to the project or separable element.

(2) *TERMS.—The agreement shall—*

(A) specify the life of the project; and

(B) ensure that the Federal Government and the non-Federal interest will cooperate in carrying out the project or separable element.

SEC. 3. The Secretary [of the Army] is hereby authorized to undertake construction of small shore and beach restoration and protection projects not specifically authorized by Congress, which otherwise comply with section 1 of this Act, when he finds that such work is advisable, and he is further authorized to allot from any appropriations hereafter made for civil works, not to exceed \$30,000,000 for any one fiscal year for the Federal share of the costs of construction of such projects: *Provided*, That not more than \$2,000,000 shall be allotted for this purpose for any single project and the total amount allotted shall be sufficient to complete the Federal participation in the project under this section including periodic nourishment as provided for under section 1(c) of this Act: *Provided further*, That the provisions of local cooperation specified in section (1) of this Act shall apply: *And provided further*, That the work shall be complete in itself and shall not commit the United States to any additional improvement to insure its successful operation, except for participation in periodic beach nourishment in accordance with section 1(c) of this Act, and as may result from the normal procedure applying to projects authorized after submission of survey reports.

[SEC. 4. As used in this Act, the word “shores” includes all the shorelines of the Atlantic and Pacific Oceans, the Gulf of Mexico, the Great Lakes, and lakes, estuaries, and bays directly connected therewith.]

SEC. 4. STATE AND REGIONAL PLANS.

The Secretary may—

(1) cooperate with any State in the preparation of a comprehensive State or regional plan for the conservation of coastal resources located within the boundaries of the State;

(2) encourage State participation in the implementation of the plan; and

(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.

SEC. 5. DEFINITIONS.

In this Act, the following definitions apply:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers.

(2) SEPARABLE ELEMENT.—The term “separable element” has the meaning provided by section 103(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(f)).

(3) SHORE.—The term “shore” includes each shoreline of the Atlantic and Pacific Oceans, the Gulf of Mexico, the Great Lakes, and lakes, estuaries, and bays directly connected therewith.

(4) *SHORE PROTECTION PROJECT.*—The term “shore protection project” includes a project for beach nourishment, including the replacement of sand.

ACT OF AUGUST 11, 1888

CHAP. 860.—An act making appropriations for the construction, repairs, and preservation of certain public works on rivers and harbors, and for other purposes.

* * * * *

SEC. 3. (a) * * *

* * * * *

(c) *PROGRAM TO INCREASE USE OF PRIVATE HOPPER DREDGES.*—

(1) *INITIATION.*—The Secretary shall initiate a program to increase the use of private industry hopper dredges for the construction and maintenance of Federal navigation channels.

(2) *READY RESERVE STATUS FOR HOPPER DREDGE WHEELER.*—In order to carry out the requirements of this subsection, the Secretary shall, not later than the earlier of 90 days after the date of completion of the rehabilitation of the hopper dredge McFarland pursuant to section 552 of the Water Resources Development Act of 1996 or January 1, 1998, place the Federal hopper dredge Wheeler in a ready reserve status.

(3) *TESTING AND USE OF READY RESERVE HOPPER DREDGE.*—The Secretary may periodically perform routine tests of the equipment of the vessel placed in a ready reserve status under this subsection to ensure the vessel's ability to perform emergency work. The Secretary shall not assign any scheduled hopper dredging work to such vessel but shall perform any repairs needed to maintain the vessel in a fully operational condition. The Secretary may place the vessel in active status in order to perform any dredging work only in the event the Secretary determines that private industry has failed to submit a responsive and responsible bid for work advertised by the Secretary or to carry out the project as required pursuant to a contract with the Secretary.

(4) *REPAIR AND REHABILITATION.*—The Secretary may undertake any repair and rehabilitation of any Federal hopper dredge, including the vessel placed in ready reserve status under paragraph (2) to allow the vessel to be placed into active status as provided in paragraph (3).

(5) *PROCEDURES.*—The Secretary shall develop and implement procedures to ensure that, to the maximum extent practicable, private industry hopper dredge capacity is available to meet both routine and time-sensitive dredging needs. Such procedures shall include—

(A) scheduling of contract solicitations to effectively distribute dredging work throughout the dredging season; and

(B) use of expedited contracting procedures to allow dredges performing routine work to be made available to meet time-sensitive, urgent, or emergency dredging needs.

(6) *REPORT.*—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall report to Congress on whether the vessel placed in ready reserve status pur-

suant to paragraph (2) is needed to be returned to active status or continued in a ready reserve status or whether another Federal hopper dredge should be placed in a ready reserve status.

(7) LIMITATIONS.—

(A) REDUCTIONS IN STATUS.—*The Secretary may not further reduce the readiness status of any Federal hopper dredge below a ready reserve status except any vessel placed in such status for not less than 5 years which the Secretary determines has not been used sufficiently to justify retaining the vessel in such status.*

(B) INCREASE IN ASSIGNMENTS OF DREDGING WORK.—*For each fiscal year beginning after the date of the enactment of this subsection, the Secretary shall not assign any greater quantity of dredging work to any Federal hopper dredge in an active status than was assigned to that vessel in the average of the 3 prior fiscal years.*

(8) CONTRACTS; PAYMENT OF CAPITAL COSTS.—*The Secretary may enter into a contract for the maintenance and crewing of any vessel retained in a ready reserve status. The capital costs (including depreciation costs) of any vessel retained in such status shall be paid for out of funds made available from the Harbor Maintenance Trust Fund and shall not be charged against the Corps of Engineers' Revolving Fund Account or any individual project cost unless the vessel is specifically used in connection with that project.*

SECTION 303 OF THE COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

SEC. 303. PRIORITY LOUISIANA COASTAL WETLANDS RESTORATION PROJECTS.

(a) * * *

* * * * *

(f) **COST-SHARING.**—

(1) * * *

* * * * *

(4) Paragraphs (1), (2), **[and (3)]** (3), and (5) of this subsection shall not affect the existing cost-sharing agreements for the following projects: Caernarvon Freshwater Diversion, Davis Pond Freshwater Diversion, and Bonnet Carre Freshwater Diversion.

(5) **FEDERAL SHARE IN CALENDAR YEARS 1996 AND 1997.**—*Notwithstanding paragraphs (1) and (2), amounts made available in accordance with section 306 of this title to carry out coastal wetlands restoration projects under this section in calendar years 1996 and 1997 shall provide 90 percent of the cost of such projects.*

ADDITIONAL VIEWS

In 1978, the Congress directed the U.S. Army Corps of Engineers (Corps) to move towards a greater reliance on private hopper dredger capability if that capability was available at a reasonable cost and in a timely manner. To implement the law, the Corps allowed industry to compete directly with Federal hopper dredges. Private dredging firms showed their tremendous cost advantage and as a consequence, more than 25 Federal dredges were retired. However, the Corps continues to retain a hopper dredge fleet of four vessels located in Philadelphia, New Orleans, and two in the Pacific Northwest. Currently, in place of the open competition between industry and government vessels in the 1980's, a disproportionate share of hopper dredge work is siphoned off for the federal fleet of hopper dredges while the industry fleet of 15 hopper dredges, built at a cost of over \$500 million and owned by seven companies, compete vigorously for the work *not* set aside to keep the Federal vessels occupied. The four Federal vessels represent only 20% of the total hopper dredging capacity yet consumed 30% of the workload and 40% of the funding.

For several years, the private dredging industry has been seeking an opportunity to perform a greater share of this work, pointing out that it has the excess capacity and can do the work at a significant savings to the taxpayers. Studies by the Corps and independent consultants support their assertions. A 1991 study by the Corps concluded that the Federal vessels were no longer justified under the law and that they were 41 percent more expensive to use. Private studies using Corps data demonstrate an even greater cost advantage for industry vessels. Language in the past four appropriations bills has required that the Corps advertise a portion of the work previously performed by Corps vessels and industry has incorporated the increased workload very successfully.

We believe that industry is entitled to a "real world" test of its ability to take on more work and allow our scarce dollars to go farther. We support efforts to gradually but deliberately place Federal vessels in a high readiness status while shifting their work to the private sector. Even with Federal vessels in reserve, we could realize significant savings while ensuring that we lose no dredging capability. We are encouraged that the Committee is moving in this direction. However, we are troubled by the language in the bill requiring the Secretary to delay moves toward greater privatization until 1998 or after the overhaul of the oldest and arguably the least efficient of the Federal dredges, the McFarland, if that work is undertaken and completed earlier. We question the wisdom of spending \$20 million to overhaul a vessel that the Secretary may well later decide is no longer needed to be placed in active service. Therefore, we hope to work with the Committee leadership and with the House as whole as the bill moves forward to address this

issue in a way that moves us more rapidly toward greater privatization and reducing unnecessary expenditures on the Federal fleet.

JERRY WELLER.
BOB FRANKS.
JOHN L. MICA.
VERNON J. EHLERS.
STEVE C. LATOURETTE.
TOM PETRI.
ANDREA SEASTRAND.
TILLIE K. FOWLER.
DAN FRISA.
TIM HUTCHINSON.
RICHARD H. BAKER.
BILL BAKER.
BILL MARTINI.
SUSAN MOLINARI.
SUE KELLY.
TOM EWING.
PETER BLUTE.
SPENCER BACHUS.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington DC, July 12, 1996.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR BUD: H.R. 3592, "The Water Resources Authorization Act of 1996" contains a provision relating to future negotiations with the Government of Canada. Section 574 of the legislation expresses a Sense of Congress that the President should negotiate to eliminate tolls along the St. Lawrence Seaway System and to identify ways to increase the movement of goods along the Seaway. Pursuant to House Rule X, this provision falls within the jurisdiction of the International Relations Committee.

In recognition of the desire of your Committee to bring this legislation expeditiously to the House Floor, the Committee on International Relations will forego taking any action on this bill, without, of course, waiving or diminishing its jurisdiction.

I would like to thank your staff for keeping our Committee informed about the provisions in this bill.

Thank you for your attention to this matter.

With best wishes,

Sincerely,

BENJAMIN A. GILMAN, *Chairman.*

CONGRESS OF THE UNITED STATES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 12, 1996.

Hon. BENJAMIN A. GILMAN,
*Chairman, Committee on International Relations, Rayburn House
Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter of July 12, 1996,
regarding section 754 of H.R. 3592, the Water Resources Develop-
ment Act of 1996.

As you know, this section relates to negotiations with the govern-
ment of Canada regarding the St. Lawrence Seaway and, as such,
would involve your Committee's jurisdiction.

I appreciate your cooperation in not insisting on a sequential re-
ferral and look forward to continuing to work with you on this bill.

With kind personal regards, I remain
Sincerely,

BUD SHUSTER, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, July 15, 1996.

Hon. BUD SHUSTER,
*Chairman, Committee on Transportation and Infrastructure,
Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: I have reviewed the text of H.R. 3592, the
Water Resources Development Act of 1996, as reported from the
Committee on Transportation and Infrastructure and believe that
the Committee on Resources has a substantial jurisdictional inter-
est in many provisions of this important legislation affecting fish
and wildlife (including restoration, refuges and conservation), Bu-
reau of Reclamation and other irrigation projects and facilities, ma-
rine affairs, wetlands, Indians, public lands and mining interests
generally.

Recognizing that the House of Representatives has a dwindling
number of legislative days left before the historic 104th Congress
adjourns, and with the understanding that the proposed manager's
amendment for the bill and Committee report on the bill will re-
flect the comments enclosed with this letter, I will forego seeking
a sequential referral of H.R. 3592. Waiving the Committee on Re-
sources' right to a referral in this case does not waive the Commit-
tee's jurisdiction over any provision in H.R. 3592 or similar provi-
sions in other bills. In addition, I ask that you support my request
to have the Committee on Resources represented on the conference
on this bill, if a conference is necessary. Finally, I ask that you in-
clude this letter in the Committee on Transportation and Infra-
structure's bill report.

I appreciate your leadership on this bill and I look forward to
working with you to see that H.R. 3592 is enacted into law soon.

Sincerely,

DON YOUNG, *Chairman.*

Enclosure.

COMMITTEE ON RESOURCES

(This does not represent a comprehensive list of those provisions of the bill within the Committee on Resources jurisdiction)

[References are to sections of H.R. 3592 as introduced]

OBERSTAR AMENDMENT. AMERICAN RIVER WATERSHED, CALIFORNIA

The Committee on Resources is concerned that the flood control features authorized in the bill for the American River watershed, California, will not be sufficient to provide the Sacramento area with flood protection in case of a major flood event. In addition, the Committee is concerned that language directing the extended reoperation for flood control of the Folsom Dam, a facility operated by the Bureau of Reclamation, will have a detrimental impact on the water supply for the State of California, and for efforts to meet the water quality requirements of the Sacramento-San Joaquin Bay Delta estuary.

SHUSTER EN BLOC AMENDMENT TO SECTION 214. DAM SAFETY PROGRAM

The Committee on Resources shares the concerns of the Committee on Transportation and Infrastructure with respect to dam safety problems nationwide. In fact, in March 1996, the Subcommittee on Water and Power Resources held an oversight hearing on dam safety at Bureau of Reclamation facilities. Given the Committee's support for enhanced dam safety, the Committee on Resources supports the National Dam Safety Program and the grant assistance program. However, the Committee is concerned that the language be clarified to ensure that the National Program does not, in practice, preempt any other Federal or State authorities, or make existing dam safety programs more complicated to administer.

SECTION 370. KICKAPOO RIVER, WISCONSIN

We support the inclusion of this provision but suggest that the Committee on Transportation and Infrastructure consider extending the time for entering into a Memorandum of Understanding between the State of Wisconsin and the Ho-Chunk Nation to two years until after the date of enactment of H.R. 3592, rather than April 30, 1997. This could be accomplished by language in the manager's amendment.

SECTION 526. CALAVERAS COUNTY, CALIFORNIA

SECTION 533. RESTORATION PROJECTS FOR MARYLAND, PENNSYLVANIA, WEST VIRGINIA AND KENTUCKY

Under title V of the Surface Mining Control and Reclamation Act (SMCRA), the Secretary of the Interior actively regulates all aspects of surface mining activities. In addition, title IV of SMCRA authorizes the Secretary of the Interior and the appropriate State to reclaim abandoned mining sites, including lands and waters on those sites. Therefore, I ask for assurances that these two provisions are in no way intended to authorize the Secretary of the Army to regulate active mining activities or interfere with aban-

doned mine reclamation under SMCRA. In addition, we are also concerned that Section 526 falsely implies that active regulated mining sites contribute to surface water quality degradation. Discharges from active mining sites are closely regulated under SMCRA, as well as the Federal Water Pollution Control Act. This is not the case with abandoned mines. Therefore, we suggest that the words “and mining activity” be deleted in section 526. Section 533 is restricted to abandoned mines only.

SECTION 548. NEW YORK CITY WATERSHED

I have already expressed my concerns about the effect of language similar (if not identical) to this section during the consideration of H.R. 2747, the Water Supply Infrastructure Assistance Act of 1995, in the Committee on Transportation and Infrastructure. Therefore, I ask that the report language that was negotiated between our two committees and contained in House Report 104–515 regarding protection of the New York City watershed also be included in the bill report for this provision.

SECTION 556. BLACKSTONE RIVER VALLEY, RHODE ISLAND AND MASSACHUSETTS

The Committee on Resources has held hearings on H.R. 1447, which also deals with the Blackstone River Valley National Heritage Corridor established by Public Law 99–647. After consulting with the author of this provision, we understand that this language is intended only for the Corps to examine dams and waterways within its traditional authority. Therefore, we ask that the Committee bill report reflect that nothing in this section shall be construed to affect the authority or management decisions of the Secretary of the Interior in relation to the Blackstone River Valley Heritage Corridor or to extend the authority for the Heritage Corridor itself.

SECTION 564. EVALUATION OF BEACH MATERIAL

Where sand, gravel and shell resources from the Outer Continental Shelf are used “in a program of, or project for, shore protection, beach restoration or coastal wetlands restoration undertaken by a Federal, State or local government agency”, the removal of these resources is regulated by the Secretary of the Interior under section 8(k) of the Outer Continental Shelf Lands Act (OCSLA, Public Law 103–426). Certainly the activities contemplated in Section 564 for “restoration and nourishment of beaches” would be included in the OCSLA program, as it is quite reasonable to believe that many, if not most, new sources of beach sand for such replenishment projects will come from the Outer Continental Shelf. However, we recognize that the Army Corps of Engineers certainly has expertise in this subject and that consultation between the Secretaries of the Interior and Army would be useful. Therefore, I ask only for clarification that this section is not intended to modify or affect the duties of the Secretary of the Interior with respect to the disposition of sand, gravel and shell resources from the Outer Continental Shelf as described in Public Law 103–426.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 18, 1996.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter of July 15th regarding H.R. 3592, the Water Resources Development Act of 1996.

I agree that there are a number of provisions in the bill that are of jurisdictional interest to the Committee on Resources and appreciate the cooperation and expeditious review that you and your staff have given. As discussed between our respective staffs, your specific comments will be addressed in changes to legislative language in the manager's amendment and/or in the committee report.

I agree that in forgoing a sequential referral on matters that are within the jurisdiction of the Committee on Resources, the Committee does not waive its jurisdiction. If a conference becomes necessary, I will support your request to be represented on the conference on the bill for those provisions falling within its jurisdiction. In addition, our letter will be included in the Committee on Transportation and Infrastructure's report on the bill.

Thank you for your cooperation in this matter and your continued leadership and support in water resources issues.

With kind personal regards, I remain
Sincerely,

BUD SHUSTER, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 16, 1996.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On June 27, 1996, the Committee on Transportation and Infrastructure ordered reported the bill H.R. 3592, the Water Resources Development Act of 1996. A copy of relevant excerpts from the reported bill and background information have been provided previously to your staff.

The reported bill authorizes numerous water resources development projects and programs of the Army Corps of Engineers. It also revises several Corps policies relating to the development of projects.

One provision of particular interest will result in consistency in Federal/non-Federal cost-sharing partnerships in the implementation of dredged material containment facilities that are necessary for the maintenance of Federal navigation channels. Section 201 of H.R. 3592 will "even the playing field" with respect to the non-Federal share of project costs for such facilities by allowing the required non-Federal share for contained disposal to be the same as that required for open-water (or non-contained) disposal. This proposal enjoys widespread bipartisan support, is strongly supported

by the Nation's port community, and also has been recommended by the Administration.

An essential element of section 201 is subsection (e), which clarifies and redefines the term "eligible operation and maintenance." This term is used in identifying those Corps of Engineers activities which qualify for funding out of the Harbor Maintenance Trust Fund (HMTF). By clarifying that the HMTF may be used as a source of funds for such activities as the creation of dredged material disposal facilities that are necessary for maintenance, the bill will facilitate port development and give certainty to Federal planners and non-Federal project sponsors alike.

We request that the Committee on Ways and Means approve a conforming amendment to the Internal Revenue Code Trust Fund statute governing this program to facilitate these expenditures. This amendment would be incorporated into H.R. 3592 when that bill is considered by the House. Further, we would greatly appreciate the support of the Committee on Ways and Means for this conforming amendment when H.R. 3592 is taken to the House floor, hopefully before the August District Work Period. We would be pleased to supply any additional information you may need for your consideration of this request.

Thank you and your staff for your cooperation.

With kind personal regards, I remain

Sincerely,

BUD SHUSTER, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 17, 1996.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: By letter of July 16, 1996, you notified me that the Committee on Transportation and Infrastructure ordered reported new authorizing legislation (H.R. 3592) for the Harbor Maintenance Trust Fund (the "Trust Fund"), and you requested that the Committee on Ways and Means amend the Trust Fund provisions within the Internal Revenue Code to allow certain of these expenditures to occur.

H.R. 3592, as ordered reported by Committee on Transportation and Infrastructure, would expand the authorized expenditure purposes for the Trust Fund to include certain activities not included under present law. The Trust Fund provisions, including expenditure purposes and dedication of excise tax revenues, are contained in the Internal Revenue Code and are within the jurisdiction of the Committee on Ways and Means.

The Committee on Ways and Means held a markup on this issue today. At that markup, the committee approved by voice vote an amendment to be included in H.R. 3592 when that bill is considered by the House. The Ways and Means amendment would update the Trust Fund expenditure purposes in the Internal Revenue Code to allow the expenditures contemplated by H.R. 3592. I am trans-

mitting with this letter copies of the statutory language and an accompanying technical explanation, and request that all of these materials be included in the report of the Committee on Transportation and Infrastructure on H.R. 3592.

If you have questions regarding this matter, please do not hesitate to contact me.

With best personal regards,

BILL ARCHER, *Chairman*.

Enclosures.

TITLE VI—EXTENSION OF EXPENDITURE AUTHORITY UNDER THE HARBOR MAINTENANCE TRUST FUND

SEC. 601. EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND.

Paragraph (1) of section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from Harbor Maintenance Trust Fund) is amended to read as follows:

“(1) to carry out section 210 of the Water Resources Development Act of 1986 (as in effect on the date of the enactment of the Water Resources Development Act of 1996),”.

EXPLANATION OF COMMITTEE ON WAYS AND MEANS CONFORMING AMENDMENT TO BE INCLUDED IN H.R. 3592 (WATER RESOURCES DEVELOPMENT ACT OF 1996)¹

PRESENT LAW RELATING TO THE HARBOR MAINTENANCE TRUST FUND

The Harbor Maintenance Trust Fund (“Harbor Trust Fund”) was established in the Water Resources Development Act of 1986 (sec. 9505 of the Code). Revenues from the harbor maintenance excise tax (“harbor tax”) are transferred to the Harbor Trust Fund. The harbor tax rate currently is 0.125 percent of the value of commercial cargo loaded or unloaded at U.S. harbors (sec. 4461); this tax is collected by the U.S. Customs Service.² The harbor tax also applies to ship passengers, other than certain ferryboat passengers. The Harbor Trust Fund also receives revenues from the U.S. portion of Saint Lawrence Seaway tolls.

Amounts in the Harbor Trust Fund are available, as provided by appropriations Acts, for making expenditures for:

- (1) Eligible operations and maintenance costs relating to commercial navigation of all U.S. harbors and inland harbors under section 210(a) of the Water Resources Development Act of 1986 (as in effect on that Act’s date of enactment);
- (2) Eligible operations and maintenance costs of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation;
- (3) Payments of rebates of tolls or charges of the U.S. portion of the Saint Lawrence Seaway to payors; and

¹The Committee on Ways and Means approved the conforming amendment by voice vote on July 17, 1996.

²On October 25, 1995, the United States Court of International Trade in *United States Shoe Corp. v. United States*, granted a summary judgment motion finding the harbor tax as applied to exports unconstitutional under the Export Clause of the Constitution, and enjoined the U.S. Customs Service from collecting the tax. However, a motion to stay the decision pending appeal was granted. Until a decision is rendered in the appellate process, the harbor tax on exports continues to be collected.

(4) Payment of costs of administering the harbor tax, not to exceed \$5 million per fiscal year.

“Eligible operations and maintenance” means all operations, maintenance, repair, and rehabilitation expenses, including maintenance dredging necessary to maintain the width and nominal depth of any harbor or inland harbor.

PROVISIONS OF H.R. 3592 RELATING TO THE HARBOR TRUST FUND

H.R. 3592 would amend the definition of expenditure purposes eligible for Harbor Trust Fund financing to include: (1) constructing dredged material disposal facilities that are necessary for the operation and maintenance of any harbor or inland harbor; (2) dredging and disposing of contaminated sediments which are in or which affect the maintenance of Federal navigation channels; (3) mitigating the impacts resulting from Federal navigation operation and maintenance activities; and (4) operating and maintaining dredged material disposal facilities.

WAYS AND MEANS COMMITTEE AMENDMENT

The Committee on Ways and Means approved a conforming amendment, to be incorporated as part of H.R. 3592, to update the Harbor Trust Fund expenditure purpose reference (sec. 9505(c)) to include the expenditure purposes (as indicated above) under the Water Resources Development Act of 1996, as in effect on the date of enactment of that Act.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, July 16, 1996.

Hon. BUD SHUSTER,
*Chairman, Committee on Transportation and Infrastructure,
Rayburn HOB, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for the information that the Committee on Transportation and Infrastructure had reported H.R. 3592, the “Water Resources Development Act of 1996”. I believe we can agree that the Committee on Agriculture could be successful in asserting a right to a sequential referral with respect to certain sections of the bill copies of which you have provided this Committee.

The Committee on Agriculture recognizes the general importance of this legislation. Also, as you know as one of the Committees with jurisdiction over wetlands and other programs related to the conservation and environmental activities of the Department of Agriculture, this Committee is interested in the provisions of H.R. 3592 you called to our attention and similar provisions that may be addressed on the House Floor or in the Senate.

The Committee on Agriculture, in subtitles A and C of the Food Security Act of 1985, in amendments, to those subtitles in the Food, Agriculture, Conservation, and Trade Act of 1990, and in Title III of the Federal Agriculture Improvement and Reform Act of 1996, addressed the issues of wetlands as regards farmers and producers of agricultural commodities.

However, in the interest of expediting the consideration of H.R. 3592, I do not intend to request a sequential referral of the bill to

the Committee. However, I would appreciate receiving assurances that any Floor amendments in the House to H.R. 3592, or to its Senate amendment thereto or counterpart bill in the Senate, that affect this Committees' jurisdiction are worked out between our respective staffs. Meanwhile, my action here is not intended to waive the Committee's jurisdiction over this matter, and should this legislation go to a House-Senate Conference, the Committee on Agriculture reserves the right to request to be included as conferees on any provisions within this Committee's jurisdiction.

Thank you for your cooperation in this matter.

Sincerely,

PAT ROBERTS, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 18, 1996.

Hon. PAT ROBERTS,
*Chairman, Committee on Agriculture,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I greatly appreciate your letter of July 16, 1996, regarding the Committee on Agriculture's intention not to seek a sequential referral on H.R. 3592, the Water Resources Development Act of 1996. You can rest assured that as this legislation proceeds to the House Floor, and through the subsequent negotiations with the U.S. Senate, I will work with you and your staff on any issue that is within the jurisdiction of the Committee on Agriculture.

I agree that in forgoing a sequential referral on matters that are within the jurisdiction of the Committee on Agriculture, the Committee does not waive its jurisdiction. If a conference becomes necessary, I will support your request to be represented on the conference on the bill for those provisions falling within its jurisdiction.

Thank you again for your cooperation and expeditious review on this matter.

With kind personal regards, I remain,

Sincerely,

BUD SHUSTER, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 17, 1996.

Hon. ROBERT S. WALKER,
*Chairman, Committee on Science,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your expeditious review of H.R. 3592, the Water Resources Development Act (or WRDA) of 1996. The bill, which was ordered reported by the Committee on Transportation and Infrastructure on June 27, 1996, would authorize water resources projects and programs of the Army Corps of Engineers. It would also modify certain Corps policies and procedures.

The bill enjoys strong bipartisan support and the Administration has indicated interest in moving legislation. In addition, the Senate passed its version of WRDA legislation last week. Therefore, we are optimistic that H.R. 3592 will become law this year. However, time is running out and it is important that we bring the bill to the floor as soon as possible.

I believe that the Committee on Science has a valid claim to section 215 of the bill, Collaborative Research and Development. Section 214 would amend a previous WRDA to facilitate research and development activities related to the Corps' water resources programs by applying appropriate protections to technology developed by the Corps that is likely to be the subject to a cooperative research and development agreement.

I understand that you will not seek a referral on this bill and I agree that this should not be viewed as a waive of your committee's jurisdictional claim. I appreciate your cooperation and timely consideration of this matter.

With kind personal regards, I remain,
Sincerely,

BUD SHUSTER, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, July 17, 1996.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of July 16, 1996. I appreciate your concerns about moving the bill, H.R. 3592, the Water Resources Development Act of 1996, expeditiously.

Based on your letter, I will not seek a sequential referral on H.R. 3592. As your letter points out, however, the Committee on Science has a valid jurisdictional claim to section 214, Collaborative Research and Development. The Committee continues to maintain this jurisdictional claim and its willingness to forgo referral should not be construed as a waiver of its jurisdiction.

Thank you again for your letter.
Cordially,

ROBERT S. WALKER, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, July 22, 1996.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN SHUSTER: Thank you for bringing to my attention your intentions with respect to H.R. 3592, the Water Resources Development Act of 1996, which the Committee on Transportation and Infrastructure ordered reported on June 27, 1996.

The Commerce Committee has a jurisdictional interest in several provisions in the bill, including provisions relating to drinking

water and compliance with environmental statutes within the Committee's jurisdiction.

However, recognizing your desire to bring this legislation expeditiously before the House, and based on your agreement to include a mutually agreeable savings provision in the bill as a part of a manager's amendment, I will not seek a sequential referral of the bill. By agreeing not to seek a referral of the bill, the Commerce Committee does not waive its jurisdiction over any provision in the bill. In addition, I would appreciate receiving your assurance that you will support my request to have conferees from the Commerce Committee appointed on those provisions of H.R. 3592 and the Senate counterpart which fall within the jurisdiction of this Committee, if such a conference is required.

Finally, I request that you include this letter as part of the Committee on Transportation and Infrastructure's report on H.R. 3592.

Thank you again for your cooperation and the cooperation of your staff.

Sincerely,

THOMAS J. BLILEY, Jr., *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 22, 1996.

Hon. THOMAS J. BLILEY,
*Chairman, Committee on Commerce,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter of July 22nd regarding H.R. 3592, the Water Resources Development Act (or WRDA) of 1996. The bill, which was ordered reported by the Committee on Transportation and Infrastructure on June 27, 1996, would authorize water resources projects and programs of the Army Corps of Engineers.

I appreciate that the Committee on Commerce has a valid interest in several provisions. I understand that you will not seek a referral on this bill and I agree that this should not be viewed as a waiver of any jurisdictional claim that you might have.

A mutually agreeable "savings" provision will be included in the manager's amendment to the bill. In addition, if a conference becomes necessary, I will support your request to be represented on the conference on the bill for those provisions falling within the jurisdiction of the Committee on Commerce. Finally, your letter will be included in the Committee on Transportation and Infrastructure's report on the bill.

I appreciate your cooperation and the cooperation of your staff. With kind personal regards, I remain,

Sincerely,

BUD SHUSTER, *Chairman.*