

Calendar No. 523

105TH CONGRESS
2^D SESSION

S. 2131

A BILL

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

August 25, 1998

Reported with an amendment

Calendar No. 523105TH CONGRESS
2^D SESSION**S. 2131****[Report No. 105-286]**

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

IN THE SENATE OF THE UNITED STATES

JUNE 4 (legislative day, JUNE 2), 1998

Mr. CHAFEE (by request) (for himself, Mr. WARNER, and Mr. BAUCUS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

AUGUST 25, 1998

Reported under authority of the order of the Senate of July 31, 1998, by Mr. CHAFEE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

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

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

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Water Resources Development Act of 1998”.

6 (2) **TABLE OF CONTENTS.**—

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Project authorizations.
- Sec. 4. Flood hazard mitigation and riverine ecosystem restoration program.
- Sec. 5. Shore protection.
- Sec. 6. Small flood control projects.
- Sec. 7. Use of non-Federal funds for compiling and disseminating information on floods and flood damages.
- Sec. 8. Everglades and South Florida ecosystem restoration.
- Sec. 9. Aquatic ecosystem restoration.
- Sec. 10. Beneficial uses of dredged material.
- Sec. 11. Cooperative agreements for natural resources; environmental protection; conservation; and recreation measures.
- Sec. 12. Contribution by States and political subdivisions.
- Sec. 13. Recreation user fees.
- Sec. 14. Shoreline management program fees.
- Sec. 15. Water resources development studies for the Pacific region.
- Sec. 16. Water resources foundation.
- Sec. 17. Regulatory program funding.
- Sec. 18. Flood mitigation near Pierre, South Dakota.
- Sec. 19. Lower Missouri River aquatic restoration projects.
- Sec. 20. Payment option; Moorehead, West Virginia.

7 **SEC. 2. DEFINITIONS.**

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

10 **SEC. 3. PROJECT AUTHORIZATIONS.**

11 (a) **PROJECTS WITH REPORTS.**—The following
 12 projects for water resources development and conservation
 13 and other purposes are authorized to be carried out by
 14 the Secretary substantially in accordance with the plans;

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

3 (1) ~~AMERICAN RIVER WATERSHED, CALIFOR-~~
4 ~~NIA.—~~

5 (A) ~~GENERAL.—~~The project for flood dam-
6 age reduction described as the Folsom Stepped
7 Release Plan in the U.S. Army Corps of Engi-
8 neers Supplemental Information Report for the
9 American River Watershed Project, California,
10 dated March 1996 is authorized for construc-
11 tion at a total cost of \$464,600,000, with an es-
12 timated Federal cost of \$302,000,000 and an
13 estimated non-Federal cost of \$162,600,000.

14 (B) ~~IMPLEMENTATION.—~~

15 (i) Implementation of the measures by
16 the Secretary pursuant to paragraph (A)
17 of this subsection shall be undertaken sub-
18 sequent to the levee stabilization and
19 strengthening and flood warning features
20 authorized in section 101(a)(1) of Public
21 Law ~~104-303~~ (110 Stat. ~~3662-3663~~).

22 (ii) The Secretary may undertake
23 measures at the Folsom Dam and Res-
24 ervoir authorized pursuant to paragraph
25 (A) only after reviewing the design of such

1 measures to determine if modifications are
2 necessary to account for changed hydro-
3 logic conditions and any other changed
4 conditions in the project area, including
5 operational and construction impacts that
6 have occurred since completion of the Re-
7 port referred to in paragraph (A) of this
8 subsection. The Secretary shall conduct the
9 review and develop such modifications to
10 the Folsom Dam with the full participation
11 of the Secretary of the Interior.

12 (iii) Implementation of the remaining
13 downstream elements authorized pursuant
14 to paragraph (A) may be undertaken only
15 after the Secretary, in consultation with
16 affected Federal, State, Regional, and local
17 entities, has reviewed the elements to de-
18 termine if modifications are necessary to
19 address changes in the hydrologic condi-
20 tions, any other changed conditions in the
21 project area that have occurred since com-
22 pletion of the Report referred to in para-
23 graph (A) of this subsection and any de-
24 sign modifications for the Folsom Dam
25 and Reservoir made by the Secretary in

1 implementing the measures referred to in
2 paragraph (B)(ii), and has issued a report
3 on the review.

4 (2) AMITE RIVER AND TRIBUTARIES, LOUISI-
5 ANA, EAST BATON ROUGE PARISH WATERSHED.—
6 The project for flood damage reduction and recre-
7 ation, Amite River and Tributaries, Louisiana, East
8 Baton Rouge Parish Watershed: Report of the Chief
9 of Engineers, dated December 23, 1996, at a total
10 cost of \$110,045,000, with an estimated Federal
11 cost of \$71,343,000 and an estimated non-Federal
12 cost of \$38,702,000.

13 (3) GUANAJIBO RIVER, PUERTO RICO.—The
14 project for flood damage reduction, Guanajibo River,
15 Puerto Rico: Report of the Chief of Engineers, dated
16 February 27, 1996, at a total cost of \$27,441,000,
17 with an estimated Federal cost of \$17,837,000 and
18 an estimated non-Federal cost of \$9,604,000.

19 (4) RIO NIGUA AT SALINAS, PUERTO RICO.—
20 The project for flood damage reduction, Rio Nigua
21 at Salinas, Puerto Rico: Report of the Chief of Engi-
22 neers, dated April 15, 1997, at a total cost
23 \$13,565,000, with an estimated Federal cost of
24 \$7,079,000 and an estimated non-Federal cost of
25 \$6,486,000.

1 (b) **PROJECTS SUBJECT TO A REPORT.**—The follow-
 2 ing project for water resources development and conserva-
 3 tion and other purposes is authorized to be carried out
 4 by the Secretary substantially in accordance with the plans
 5 and subject to the conditions recommended in a report of
 6 the Chief of Engineers, as approved by the Secretary:

7 (1) **GRAND FORKS, NORTH DAKOTA, AND EAST**
 8 **GRAND FORKS, MINNESOTA.**—The project for flood
 9 damage reduction and recreation, Grand Forks,
 10 North Dakota and East Grand Forks, Minnesota;
 11 Report of the Chief of Engineers consisting of set-
 12 back levees and floodwalls, at a total cost of
 13 \$281,754,000, with an estimated Federal cost of
 14 \$140,877,000 and an estimated non-Federal cost of
 15 \$140,877,000.

16 **SEC. 4. FLOOD HAZARD MITIGATION AND RIVERINE ECO-**
 17 **SYSTEM RESTORATION PROGRAM.**

18 (a) **IN GENERAL.**—The Secretary is authorized to
 19 undertake a program to reduce flood hazards and to re-
 20 store the natural functions and values of riverine eco-
 21 systems throughout the United States. In carrying out the
 22 program, the Secretary may conduct studies to identify
 23 appropriate flood damage reduction, conservation, and
 24 restoration measures and may design and implement wa-
 25 tershed management and restoration projects. The studies

1 and projects carried out under this authority shall be con-
2 ducted, to the maximum extent practicable, with the full
3 participation of the appropriate Federal agencies, includ-
4 ing the Department of Agriculture, the Federal Emer-
5 gency Management Agency, the Department of the Inte-
6 rior, the Environmental Protection Agency, and the De-
7 partment of Commerce. Such studies and projects shall,
8 to the maximum extent practicable, emphasize non-struc-
9 tural approaches to preventing or reducing flood damages.

10 (b) COST-SHARING REQUIREMENTS.—The cost of
11 studies conducted under this authority shall be shared in
12 accordance with section 105 of the Water Resources De-
13 velopment Act of 1986 (100 Stat. 4088–4089) as amend-
14 ed by section 203 of the Water Resources Development
15 Act of 1996 (110 Stat. 3677–3678). The non-Federal in-
16 terests shall pay 35 percent of the cost of any environ-
17 mental restoration or non-structural flood control project
18 carried out under this authority. The non-Federal inter-
19 ests shall provide all lands, easements, rights-of-way,
20 dredged material disposal areas, and relocations necessary
21 for such projects, and the value of such lands, easements,
22 rights-of-way, dredged material disposal areas, and reloca-
23 tions shall be credited toward the payment required under
24 this subsection. For any structural flood control measures
25 carried out under this authority, the cost sharing shall be

1 in accordance with section 103(a) of the Water Resources
2 Development Act of 1986 as amended by section 202 of
3 the Water Resources Development Act of 1996 (33 U.S.C.
4 2213(a)). The non-Federal interests shall be responsible
5 for all costs associated with operating, maintaining, re-
6 placing, repairing, and rehabilitating all projects carried
7 out under this authority.

8 (e) PROJECT JUSTIFICATION.—(1) Notwithstanding
9 any other provision of law or requirement for economic
10 justification established pursuant to 42 U.S.C. 1962-2,
11 the Secretary may implement a project under this author-
12 ity provided the Secretary determines that the project—

13 (A) will significantly reduce potential flood
14 damages;

15 (B) will improve the quality of the environment;
16 and

17 (C) is justified considering all costs and bene-
18 ficial outputs of the project.

19 (2) Within 180 days of the date of enactment of this
20 section the Secretary shall develop criteria for selecting
21 and rating the projects to be carried out as a part of the
22 Program authorized by this section and shall establish
23 policies and procedures for carrying out the studies and
24 projects undertaken under this authority.

1 (d) REPORTING REQUIREMENT.—The Secretary may
2 not implement a project under this authority until—

3 (1) the Secretary provides to the appropriate
4 committees of Congress a written notification de-
5 scribing the project and the determinations reached
6 pursuant to subsection (c); and

7 (2) a period of 21 calendar days has expired
8 following the date on which the notification was re-
9 ceived by the Committees.

10 (e) PROGRAM REVIEW.—The program established
11 pursuant to this section shall be subject to an independent
12 review to evaluate the efficiency of the program in achiev-
13 ing the dual goals of flood hazard mitigation and eco-
14 system restoration. The Secretary shall transmit a report
15 on the findings of the review conducted under this sub-
16 section to the Congress by April 2004, together with any
17 recommendations for continuing the program.

18 (f) PER PROJECT LIMITATION.—No more than
19 \$75,000,000 in Army Civil Works appropriations may be
20 expended on any single project undertaken under this au-
21 thority.

22 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section
24 \$25,000,000 for each fiscal year for fiscal years 1999 and
25 2000; \$50,000,000 for fiscal year 2001; and \$75,000,000

1 for each fiscal year for fiscal years 2002 through 2004.
 2 All studies and projects undertaken under this authority
 3 from Army Civil Works appropriations shall be fully fund-
 4 ed within the program funding levels provided in this sub-
 5 section.

6 **SEC. 5. SHORE PROTECTION.**

7 Section 103(d) of the Water Resources Development
 8 Act of 1986 (100 Stat. 4085–5086) is amended by—

9 (1) inserting the following immediately before
 10 the phrase “Costs of constructing projects or meas-
 11 ures for beach erosion control;”:

12 “(1) CONSTRUCTION.—”; and

13 (2) inserting a new paragraph (2) as follows:

14 “(2) PERIODIC NOURISHMENT.—The non-Fed-
 15 eral cost of the periodic nourishment of projects or
 16 measures for shore protection or beach erosion con-
 17 trol shall be 65 percent, except that all costs as-
 18 signed to benefits to privately owned shores (where
 19 use of such shores is limited to private interests) or
 20 to prevention of losses of private lands shall be
 21 borne by non-Federal interests and all costs assigned
 22 to the protection of federally owned shores shall be
 23 borne by the United States.”.

1 **SEC. 6. SMALL FLOOD CONTROL PROJECTS.**

2 Section 205 of the Flood Control Act of 1948 as
3 amended (33 U.S.C. 701s) is further amended by—

4 (1) striking “construction of small projects”
5 and inserting in lieu thereof “implementation of
6 small structural and nonstructural projects”; and

7 (2) striking “\$5,000,000” and inserting in lieu
8 thereof “\$7,000,000”.

9 **SEC. 7. USE OF NON-FEDERAL FUNDS FOR COMPILING AND**
10 **DISSEMINATING INFORMATION ON FLOODS**
11 **AND FLOOD DAMAGES.**

12 Section 206(b) of the Flood Control Act of 1960 as
13 amended (33 U.S.C. 709a(b)) is further amended by add-
14 ing the following language immediately following the word
15 “section” in the last sentence of that subsection: “, except
16 that this limitation on fees shall not apply to funds volun-
17 tarily contributed by such entities for the purpose of ex-
18 panding the scope of the services requested by such enti-
19 ties”.

20 **SEC. 8. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM**
21 **RESTORATION.**

22 Subsections (b)(3)(B) and (b)(3)(C)(i) of section 528
23 of the Water Resources Development Act of 1996 (110
24 Stat. 3769) are amended by striking “1999” and inserting
25 in lieu thereof “2000”.

1 **SEC. 9. AQUATIC ECOSYSTEM RESTORATION.**

2 Section 206(e) of the Water Resources Development
3 Act of 1996 (110 Stat. 3679–3680) is amended by insert-
4 ing a new sentence at the end thereof as follows: “Not-
5 withstanding 42 U.S.C. 1962d–5b(b), for any project un-
6 dertaken under this authority, a non-Federal interest may
7 also include a non-profit entity.”.

8 **SEC. 10. BENEFICIAL USES OF DREDGED MATERIAL.**

9 Section 204 of the Water Resources Development Act
10 of 1992 (106 Stat. 4826) as amended by section 207 of
11 the Water Resources Development Act of 1996 (110 Stat.
12 3680) is further amended by—

13 (1) striking “cooperative agreement in accord-
14 ance with the requirements of section 221 of the
15 Flood Control Act of 1970” from subsection (e) and
16 inserting in lieu thereof “binding agreement with the
17 Secretary”; and

18 (2) inserting a new subsection (g) as follows:

19 “(g) NON-FEDERAL INTERESTS.—Notwithstanding
20 42 U.S.C. 1962d–5b(b), for any project carried out under
21 this section, a non-Federal interest may also include a
22 non-profit entity.”.

1 **SEC. 11. COOPERATIVE AGREEMENTS FOR NATURAL RE-**
2 **SOURCES, ENVIRONMENTAL PROTECTION,**
3 **CONSERVATION, AND RECREATION MEAS-**
4 **URES.**

5 The Secretary is authorized to enter into cooperative
6 agreements with non-Federal public bodies and non-profit
7 entities for the purpose of facilitating collaborative efforts
8 involving environmental protection and restoration, natu-
9 ral resources, conservation, and recreation in connection
10 with the development, operation, and management of
11 water resources projects under the jurisdiction of the De-
12 partment of the Army.

13 **SEC. 12. CONTRIBUTIONS BY STATES AND POLITICAL SUB-**
14 **DIVISIONS.**

15 Section 5 of the Flood Control Act of 1936, as
16 amended by Public Law 208, 75th Congress (33 U.S.C.
17 701h) is further amended by inserting the words “or envi-
18 ronmental restoration” after the words “flood control”.

19 **SEC. 13. RECREATION USER FEES.**

20 (a) During fiscal years 1999 through 2002, the Sec-
21 retary may withhold from the special account established
22 pursuant to 16 U.S.C. 4601-6a(i)(1)(A) 100 percent of the
23 amount of receipts above a baseline of \$34,000,000 per
24 each fiscal year received from fees imposed at recreation
25 sites under the administrative jurisdiction of the Depart-
26 ment of the Army pursuant to 16 U.S.C. 4601-6a(b). The

1 amounts withheld shall be retained by the Secretary and
2 shall be available, without further appropriation, for ex-
3 penditure by the Secretary in accordance with the provi-
4 sions of this section. Such amounts shall remain available
5 through September 30, 2005.

6 (b) In order to increase the quality of the visitor expe-
7 rience at public recreational areas and to enhance the pro-
8 tection of resources, the amounts withheld pursuant to
9 subsection (a) and available for expenditure may only be
10 used for backlogged repair and maintenance projects (in-
11 cluding projects relating to health and safety) and for in-
12 terpretation, signage, habitat or facility enhancement, re-
13 source preservation, annual operation (including fee collec-
14 tion), maintenance, and law enforcement related to public
15 use.

16 (c)(1) Eighty percent of the total amount withheld
17 by the Secretary shall be available for expenditure without
18 further appropriation at the specific site from which such
19 funds, above baseline, are collected, and shall be accounted
20 for separately.

21 (2) Twenty percent of the total amount withheld by
22 the Secretary shall be available for expenditure without
23 further appropriation for use on an agency-wide basis and
24 shall be accounted for separately.

1 **SEC. 14. SHORELINE MANAGEMENT PROGRAM FEES.**

2 No later than 12 months after the date of enactment
 3 of this Act and every five years thereafter, the Secretary
 4 shall review the Shoreline Management Program adminis-
 5 tered by the Army Corps of Engineers at water resources
 6 development projects under the jurisdiction of the Depart-
 7 ment of the Army to determine the costs associated with
 8 administering the Program. Each review conducted pursu-
 9 ant to this section shall include an analysis of the fee
 10 schedule in place at the time the review is initiated. If
 11 the Secretary determines that adjustments to the fee
 12 schedule are necessary in order to ensure collection of rev-
 13 enues sufficient to cover the costs of administering the
 14 Program, the Secretary may make those adjustments in
 15 accordance with applicable regulations.

16 **SEC. 15. WATER RESOURCES DEVELOPMENT STUDIES FOR**
 17 **THE PACIFIC REGION.**

18 Section 444 of the Water Resources Development Act
 19 of 1996 (110 Stat. 3747) is amended by striking the
 20 phrase “interest of navigation” and inserting the following
 21 in lieu thereof: “interests of water resources development,
 22 including navigation, flood damage reduction, and environ-
 23 mental restoration”.

24 **SEC. 16. WATER RESOURCES FOUNDATION.**

25 (a) ESTABLISHMENT.—There is established the
 26 Water Resources Foundation (hereinafter referred to as

1 the “Foundation”) as a charitable and nonprofit corpora-
2 tion domiciled in the District of Columbia, which is not
3 an agency or establishment of the United States.

4 (b) PURPOSES.—The purposes of the Foundation are
5 to—

6 (1) encourage, accept, and administer private
7 gifts of money, and of real and personal property for
8 the benefit of, or in connection with, the activities
9 and services of the Army Corps of Engineers in
10 managing natural resources at water resources de-
11 velopment projects administered by the Department
12 of the Army;

13 (2) undertake and conduct such other activities
14 as will further the conservation and management of
15 natural, scenic, historic and recreational resources at
16 such projects;

17 (3) further a stewardship ethic among Amer-
18 ican citizens to conserve and utilize the diverse natu-
19 ral resources available at such projects;

20 (4) initiate and support programs that broaden
21 and enhance the services, facilities, and educational
22 and interpretive activities for visitors to such
23 projects; and

24 (5) strengthen and improve the various means
25 by which the Army Corps of Engineers uses its

1 human and financial resources to manage the natu-
 2 ral resources at such projects.

3 ~~(c) LIMITATIONS AND CONFLICTS OF INTERESTS.—~~

4 ~~(1) The Foundation shall not participate or intervene in~~
 5 ~~a political campaign on behalf of any candidate for public~~
 6 ~~office.~~

7 ~~(2) No director, officer, or employee of the Founda-~~
 8 ~~tion shall participate, directly or indirectly, in the consid-~~
 9 ~~eration or determination of any question before the Foun-~~
 10 ~~ation affecting—~~

11 ~~(A) the financial interests of the director, offi-~~
 12 ~~cer, or employee; or~~

13 ~~(B) the interests of any corporation, partner-~~
 14 ~~ship, entity, or organization in which such director,~~
 15 ~~officer, or employee—~~

16 ~~(i) is an officer, director, or trustee; or~~

17 ~~(ii) has any direct or indirect financial in-~~
 18 ~~terest.~~

19 ~~(d) TAX EXEMPT STATUS.—For purposes of section~~
 20 ~~501(c)(3) of title 26 of the United States Code, the Foun-~~
 21 ~~ation shall be treated as organized and operated exclu-~~
 22 ~~sively for charitable purposes in calendar years 1998 and~~
 23 ~~1999. For calendar years 2000 and thereafter, the Foun-~~
 24 ~~ation shall be required to maintain its tax exempt status~~

1 in the manner as prescribed by the Secretary of the Treas-
2 ury for similar tax exempt organizations.

3 (c) BOARD OF DIRECTORS AND GOVERNANCE OF
4 THE FOUNDATION.—

5 (1) The Foundation shall have a governing
6 Board of Directors (hereinafter referred to as the
7 “Board”), which shall consist of nine Directors, each
8 of whom shall be a United States citizen and none
9 of whom shall be an employee of the Federal govern-
10 ment. Members of the Board shall be appointed by
11 the Secretary and shall be educated in or have ac-
12 tual experience in natural or cultural resource man-
13 agement, recreation management, or law. To the ex-
14 tent practicable, the membership of the Board shall
15 represent diverse points of view relating to natural
16 and cultural resource issues. The Secretary or a des-
17 ignee shall serve as a liaison to the Board. Appoint-
18 ment to the Board shall not constitute employment
19 by, or the holding of an office of, the United States
20 for the purposes of any Federal law.

21 (2) Within one year after the date of enactment
22 of this Act, the Secretary shall appoint the initial
23 members of the Board of Directors. Of these initial
24 members, three shall be appointed for a term of two
25 years, three members shall be appointed for a term

1 of three years, and three members shall be appointed
2 for a term of four years. All subsequent appoint-
3 ments to the Board shall be for a term of four years.

4 (3) The Chairperson shall be elected by the
5 Board from its members. A chairperson shall serve
6 for a two-year term and may be re-elected to the
7 post during the Chairperson's tenure as a Director.

8 (4) A majority of the current voting member-
9 ship of the Board shall constitute a quorum for the
10 transaction of business.

11 (5) The Board shall meet at the call of the
12 Chairperson at least once a year. If a Director
13 misses three consecutive regularly scheduled meet-
14 ings, that individual may be removed from the
15 Board by majority vote of the Board of Directors
16 and that vacancy filled in accordance with paragraph
17 (2) of this subsection.

18 (6) Voting members of the Board shall serve
19 without pay, but may be reimbursed for the actual
20 and necessary traveling and subsistence expenses in-
21 curred by them in the performance of their duties
22 for the Foundation. Such reimbursement may not
23 exceed such amount as would be authorized under
24 section 5703 of title 5, for the payment of expenses

1 and allowances for individuals employed intermit-
2 tently in the Federal Government service.

3 (7) The Board may complete the organization
4 of the Foundation by appointing employees, adopt-
5 ing a constitution and bylaws consistent with the
6 purposes of the Foundation and the provisions of
7 this section, and undertaking such acts as may be
8 necessary to function and carry out the provisions of
9 this section.

10 (8) Officers and employees shall not be ap-
11 pointed or hired by the Board until the Foundation
12 has sufficient funds to pay for their services. Such
13 officers or employees of the Foundation shall not be
14 considered Federal employees for any purpose, in-
15 cluding the provisions of title 5, governing appoint-
16 ments in the competitive service, and may be paid
17 without regard to the provisions of chapter 51 and
18 subchapter III of chapter 53 of such title relating to
19 classification and General Schedule pay rates, except
20 that no individual so appointed may receive pay in
21 excess of the annual rate of basic pay in effect for
22 Level V of the Executive Schedule.

23 (9) Prior to the appointment or hiring of any
24 other individual, the Board shall appoint an individ-
25 ual to serve as the Executive Director of the Board,

1 who shall serve at the direction of the Board as its
2 chief operating officer and who shall be knowledge-
3 able and experienced in matters relating to natural
4 and cultural resource management.

5 (f) CORPORATE POWERS AND OBLIGATIONS.—

6 (1) The Foundation—

7 (A) shall have perpetual succession;

8 (B) may conduct business throughout the
9 several States, territories, and possessions of
10 the United States;

11 (C) shall have its principal offices in the
12 Washington, D.C. metropolitan area; and

13 (D) shall at all times maintain a des-
14 ignated agent in the District of Columbia au-
15 thorized to accept service of process for the
16 Foundation.

17 (2) The serving of notice to, or service of proe-
18 cess upon, the agent required under this subsection,
19 or mailed to the business address of such agent,
20 shall be deemed as service upon or notice to the
21 Foundation.

22 (3) The Foundation shall have an official seal
23 selected by the Board which shall be judicially no-
24 ticed.

1 (4) To carry out its purposes, the Foundation
2 shall have, in addition to powers otherwise author-
3 ized under this section, the usual powers of a cor-
4 poration in the District of Columbia, including the
5 power—

6 (A) to accept, receive, solicit, hold, admin-
7 ister and use any gift, devise, or bequest, either
8 absolutely or in trust, of real or personal prop-
9 erty or any income therefrom or other interest
10 therein;

11 (B) to acquire by purchase or exchange
12 any real or personal property or interest there-
13 in;

14 (C) unless otherwise required by the in-
15 strument of transfer, to sell, donate, lease, in-
16 vest, reinvest, retain or otherwise dispose of any
17 property or income therefrom;

18 (D) to sue and be sued, and complain and
19 defend itself in any court of competent jurisdic-
20 tion, except that the Directors of the Board
21 shall not be personally liable, except for gross
22 negligence;

23 (E) to enter into contracts or other ar-
24 rangements with public agencies, private orga-
25 nizations, and persons and to make such pay-

1 ments as may be necessary to carry out its
2 functions; and

3 ~~(F)~~ to do any and all acts necessary and
4 proper to carry out the purposes of the Founda-
5 tion.

6 ~~(g)~~ PROPERTY.—

7 (1) The Foundation may acquire, hold, and dis-
8 pose of lands, waters, or other interests in real prop-
9 erty by donation, gift, devise, purchase or exchange.
10 For the purposes of this section, an interest in real
11 property shall include, but not be limited to, mineral
12 and water rights, rights of way, and easements ap-
13 purtenant or in gross. Nothing in this section shall
14 be construed to be applied to real or personal prop-
15 erty of the United States of America.

16 (2) No lands or waters, or interests therein,
17 that are owned by the Foundation and are deter-
18 mined by the Secretary to be valuable for purposes
19 established in this section shall be subject to con-
20 demnation by any State or political subdivision, or
21 any agent or instrumentality thereof.

22 ~~(h)~~ ADMINISTRATIVE SUPPORT.—The Secretary may
23 reimburse the Foundation for expenses incurred pursuant
24 to subsection ~~(e)~~ of this section, except that reimburse-

1 ment for traveling and subsistence payments may not ex-
2 ceed then current Federal Government per diem rates.

3 (i) AUDITS AND REPORT REQUIREMENTS.—

4 (1) For purposes of the Act entitled “An Act
5 for audit of accounts of private corporations estab-
6 lished under Federal law”, approved August 30,
7 1964 (36 U.S.C. 1101 through 1103; Public Law
8 88-504) the Foundation shall be treated as a pri-
9 vate corporation established under Federal law.

10 (2) The Foundation shall transmit to the Sec-
11 retary each year a report of its proceedings and ac-
12 tivities of the previous year, including a full and
13 complete statement of its receipts, expenditures, and
14 investments.

15 (j) RELEASE FROM LIABILITY.—The United States
16 shall not be liable for any debts, defaults, acts or omissions
17 of the Foundation nor shall the full faith and credit of
18 the United States extend to any obligations of the Foun-
19 dation.

20 (k) ACTIVITIES OF THE FOUNDATION AND ARMY
21 CORPS OF ENGINEERS.—The activities of the Foundation,
22 authorized under the provisions of this Act shall be supple-
23 mental to and shall not preempt any authority or respon-
24 sibility of the Army Corps of Engineers under any other
25 provision of law.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—For the
2 purposes of reimbursing the Foundation for certain costs,
3 as provided for in subsection (h) of this section, there is
4 authorized to be appropriated to the Department of the
5 Army \$300,000 for each of fiscal years 1999, 2000, and
6 2001.

7 **SEC. 17. REGULATORY PROGRAM FUNDING.**

8 (a) The Secretary shall establish and collect fees from
9 permit applicants for the evaluation of commercial permit
10 applications; the preparation of Environmental Impact
11 Statements as required by the National Environmental
12 Policy Act of 1969 in connection with such commercial
13 permit applications; and the delineation of wetlands for
14 major developments affecting wetlands.

15 (b) There is hereby established as a special account
16 in the Treasury of the United States the “Army Civil
17 Works Regulatory Program Account” (hereafter referred
18 to as the “Regulatory Program Account”) into which shall
19 be deposited fees collected by the Secretary pursuant to
20 subsection (a) of this section. Amounts deposited into the
21 Regulatory Program Account shall be available to the Sec-
22 retary, as provided in Appropriation Acts, to apply toward
23 the costs incurred by the Department of the Army in ad-
24 ministering laws pertaining to the regulation of the navi-
25 gable waters of the United States including wetlands, in

1 addition to appropriations otherwise available for the same
2 purpose.

3 **SEC. 18. FLOOD MITIGATION NEAR PIERRE, SOUTH DA-**
4 **KOTA.**

5 (a) GENERAL.—(1) To provide full operation capabil-
6 ity to carry out the authorized purposes of the Missouri
7 River Main Stem dams that are part of the Pick-Sloan
8 Missouri River Basin Program authorized by section 9 of
9 the Act entitled “An Act authorizing the construction of
10 certain public works on rivers and harbors for flood con-
11 trol, and other purposes” approved December 22, 1944,
12 the Secretary may acquire from willing sellers such land
13 and property in the vicinity of Pierre, South Dakota, or
14 floodproof or relocate such property within the project
15 area, as the Secretary determines is adversely affected by
16 the full wintertime Oahe Powerplant releases, provided
17 that non-Federal interests pay 35 percent of the cost of
18 the work. Any lands that are acquired under this authority
19 will be kept in public ownership and will be dedicated and
20 maintained in perpetuity for a use that is compatible with
21 any remaining flood threat.

22 (2) The Secretary may not obligate funds to imple-
23 ment this section until the Secretary has completed a re-
24 port addressing the criteria for selecting which properties
25 are to be acquired, relocated or floodproofed, and a plan

1 for implementing such measures. This report should be
 2 completed no later than one year after funding is made
 3 available. The report and implementation plan should be
 4 coordinated with the Federal Emergency Management
 5 Agency, and both should be prepared in consultation with
 6 other Federal agencies, and State and local officials, and
 7 residents. Such report should take into account informa-
 8 tion from prior and ongoing studies.

9 (b) **STUDY COST-SHARING REQUIREMENTS.**—The
 10 cost of studies conducted under this authority shall be
 11 shared in accordance with section 105 of the Water Re-
 12 sources Development Act of 1986 (100 Stat. 4088–4089),
 13 as amended.

14 (c) **AUTHORIZATION FOR APPROPRIATIONS.**—There
 15 is authorized to be appropriated to carry out this section
 16 funds not to exceed \$25,000,000.

17 **SEC. 19. LOWER MISSOURI RIVER AQUATIC RESTORATION**
 18 **PROJECTS.**

19 (a) **IN GENERAL.**—Not later than one year after
 20 funds are made available for such purposes, the Secretary
 21 shall finalize a comprehensive report—

22 (1) identifying a general implementation strat-
 23 egy and overall plan for environmental restoration
 24 and protection along the Lower Missouri River be-

1 tween Gavins Point Dam and the confluence of the
2 Missouri and Mississippi Rivers; and

3 (2) recommending individual environmental res-
4 toration projects that can be considered by the Sec-
5 retary for implementation under section 206 of the
6 Water Resources Development Act of 1996 (110
7 Stat. 3679–3680).

8 (b) SCOPE OF PROJECTS.—Any environmental res-
9 toration projects carried out pursuant to subsection (a)
10 shall provide for such activities and measures as the Sec-
11 retary determines to be necessary to protect and restore
12 fish and wildlife habitat without adversely affecting pri-
13 vate property rights or water related needs of the region
14 surrounding the Missouri River, including flood control,
15 navigation, and enhancement of water supply and shall in-
16 clude some or all of the following components:

17 (1) modification and improvement of navigation
18 training structures to protect and restore fish and
19 wildlife habitat;

20 (2) modification and creation of side channels
21 to protect and restore fish and wildlife habitat;

22 (3) restoration and creation of island fish and
23 wildlife habitat;

24 (4) creation of riverine fish and wildlife habitat;
25 and

1 ~~(5) physical and biological monitoring for evalu-~~
 2 ~~ating the success of the projects.~~

3 ~~(c) COORDINATION.—The Secretary shall, to the~~
 4 ~~maximum extent practicable, integrate projects carried out~~
 5 ~~in accordance with this section with other Federal, tribal,~~
 6 ~~and State restoration activities.~~

7 ~~(d) COST SHARING.—The report to be carried out~~
 8 ~~pursuant to subsection (a) shall be undertaken at full Fed-~~
 9 ~~eral expense.~~

10 **SEC. 20. PAYMENT OPTION, MOOREFIELD, WEST VIRGINIA.**

11 ~~The Secretary may permit the non-Federal sponsor~~
 12 ~~for the project for flood control, Moorefield, West Virginia,~~
 13 ~~to pay without interest the remaining non-Federal cost~~
 14 ~~over a period not to exceed thirty years to be determined~~
 15 ~~by the Secretary.~~

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

17 ~~(a) SHORT TITLE.—This Act may be cited as the~~
 18 ~~“Water Resources Development Act of 1998”.~~

19 ~~(b) TABLE OF CONTENTS.—The table of contents for~~
 20 ~~this Act is as follows:~~

Sec. 1. Short title; table of contents.

TITLE I—WATER RESOURCES DEVELOPMENT

Sec. 101. Definitions.

Sec. 102. Project authorizations.

Sec. 103. Project modifications.

Sec. 104. Project deauthorizations.

Sec. 105. Studies.

Sec. 106. Flood hazard mitigation and riverine ecosystem restoration program.

Sec. 107. Shore protection.

Sec. 108. Small flood control projects.

- Sec. 109. Use of non-Federal funds for compiling and disseminating information on floods and flood damages.*
- Sec. 110. Everglades and south Florida ecosystem restoration.*
- Sec. 111. Aquatic ecosystem restoration.*
- Sec. 112. Beneficial uses of dredged material.*
- Sec. 113. Voluntary contributions by States and political subdivisions.*
- Sec. 114. Recreation user fees.*
- Sec. 115. Water resources development studies for the Pacific region.*
- Sec. 116. Missouri and Middle Mississippi Rivers enhancement project.*
- Sec. 117. Outer Continental Shelf.*
- Sec. 118. Environmental dredging.*
- Sec. 119. Benefit of primary flood damages avoided included in benefit cost analysis.*
- Sec. 120. Control of aquatic plant growth.*
- Sec. 121. Environmental infrastructure.*
- Sec. 122. Watershed management, restoration, and development.*
- Sec. 123. Lakes program.*
- Sec. 124. Dredging of salt ponds in the State of Rhode Island.*
- Sec. 125. Upper Susquehanna River basin, Pennsylvania and New York.*
- Sec. 126. Repaupo Creek and Delaware River, Gloucester County, New Jersey.*
- Sec. 127. Small navigation projects.*
- Sec. 128. Streambank protection projects.*
- Sec. 129. Aquatic ecosystem restoration, Springfield, Oregon.*
- Sec. 130. Guilford and New Haven, Connecticut.*
- Sec. 131. Francis Bland, Arkansas Floodway Ditch No. 5.*
- Sec. 132. Point Judith breakwater.*
- Sec. 133. Caloosahatchee River basin, Florida.*
- Sec. 134. Cumberland, Maryland, flood project mitigation.*
- Sec. 135. Sediments decontamination policy.*
- Sec. 136. City of Miami Beach, Florida.*
- Sec. 137. Small storm damage reduction projects.*
- Sec. 138. Sardis Reservoir, Oklahoma.*
- Sec. 139. Upper Mississippi River and Illinois waterway system navigation modernization.*
- Sec. 140. Disposal of dredged material on beaches.*
- Sec. 141. Fish and wildlife mitigation.*
- Sec. 142. Upper Mississippi River management.*
- Sec. 143. Reimbursement of non-Federal interest.*
- Sec. 144. Research and development program for Columbia and Snake Rivers salmon survival.*

TITLE II—CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION

- Sec. 201. Definitions.*
- Sec. 202. Terrestrial wildlife habitat restoration.*
- Sec. 203. South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund.*
- Sec. 204. Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Funds.*
- Sec. 205. Transfer of Federal land to State of South Dakota.*
- Sec. 206. Transfer of Corps of Engineers land for Indian Tribes.*
- Sec. 207. Administration.*
- Sec. 208. Authorization of appropriations.*

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

3 **SEC. 101. DEFINITIONS.**

4 *In this title, the term “Secretary” means the Secretary*
5 *of the Army.*

6 **SEC. 102. PROJECT AUTHORIZATIONS.**

7 *(a) PROJECTS WITH REPORTS.—The following*
8 *projects for water resources development and conservation*
9 *and other purposes are authorized to be carried out by the*
10 *Secretary substantially in accordance with the plans, and*
11 *subject to the conditions, described in the respective reports*
12 *designated in this section:*

13 *(1) AMERICAN RIVER WATERSHED, CALIFOR-*
14 *NIA.—*

15 *(A) IN GENERAL.—The project for flood*
16 *damage reduction described as the Folsom*
17 *Stepped Release Plan in the United States Army*
18 *Corps of Engineers Supplemental Information*
19 *Report for the American River Watershed*
20 *Project, California, dated March 1996, at a total*
21 *cost of \$464,600,000, with an estimated Federal*
22 *cost of \$302,000,000 and an estimated non-Fed-*
23 *eral cost of \$162,600,000.*

24 *(B) IMPLEMENTATION.—*

1 (i) *IN GENERAL.*—Implementation of
2 the measures by the Secretary pursuant to
3 subparagraph (A) of this subsection shall be
4 undertaken after completion of the levee sta-
5 bilization and strengthening and flood
6 warning features authorized in section
7 101(a)(1) of the Water Resources Develop-
8 ment Act of 1996 (110 Stat. 3662).

9 (ii) *FOLSOM DAM AND RESERVOIR.*—
10 The Secretary may undertake measures at
11 the Folsom Dam and Reservoir authorized
12 under subparagraph (A) only after review-
13 ing the design of such measures to deter-
14 mine if modifications are necessary to ac-
15 count for changed hydrologic conditions and
16 any other changed conditions in the project
17 area, including operational and construc-
18 tion impacts that have occurred since com-
19 pletion of the report referred to in subpara-
20 graph (A). The Secretary shall conduct the
21 review and develop such modifications to
22 the Folsom Dam and Reservoir with the full
23 participation of the Secretary of the Inte-
24 rior.

1 (iii) *REMAINING DOWNSTREAM ELE-*
2 *MENTS.—Implementation of the remaining*
3 *downstream elements authorized pursuant*
4 *to subparagraph (A) may be undertaken*
5 *only after the Secretary, in consultation*
6 *with affected Federal, State, regional, and*
7 *local entities, has reviewed the elements to*
8 *determine if modifications are necessary to*
9 *address changes in the hydrologic condi-*
10 *tions, any other changed conditions in the*
11 *project area that have occurred since com-*
12 *pletion of the report referred to in subpara-*
13 *graph (A) and any design modifications for*
14 *the Folsom Dam and Reservoir made by the*
15 *Secretary in implementing the measures re-*
16 *ferred to in subparagraph (B)(ii), and has*
17 *issued a report on the review. The review*
18 *shall be prepared in accordance with the*
19 *economic and environmental principles and*
20 *guidelines for water and related land re-*
21 *sources implementation studies, and no con-*
22 *struction may be initiated unless the Sec-*
23 *retary determines that the remaining down-*
24 *stream elements are technically sound, envi-*

1 ronmentally acceptable, and economically
2 justified.

3 (2) *LLAGAS CREEK, CALIFORNIA.*—*The Secretary*
4 *may complete the remaining reaches of the National*
5 *Resources Conservation Services flood control project*
6 *at Llagas Creek, California, undertaken pursuant to*
7 *section 5 of the Watershed Protection and Flood Pre-*
8 *vention Act (16 U.S.C. 1005) substantially in accord-*
9 *ance with the requirements of local cooperation as*
10 *specified in section 4 of that Act (16 U.S.C. 1004) at*
11 *a total cost of \$34,300,000, with an estimated Federal*
12 *cost of \$16,600,000 and an estimated non-Federal*
13 *share of \$17,700,000.*

14 (3) *HILLSBORO AND OKEECHOBEE AQUIFER*
15 *STORAGE AND RECOVERY PROJECT, FLORIDA.*—*The*
16 *project for aquifer storage and recovery described in*
17 *the United States Army Corps of Engineers Central*
18 *and Southern Florida Water Supply Study, Florida,*
19 *dated April 1989, and in House Document 369, dated*
20 *July 30, 1968, at a total cost of \$27,000,000, with an*
21 *estimated Federal cost of \$13,500,000 and an esti-*
22 *mated non-Federal cost of \$13,500,000.*

23 (4) *BALTIMORE HARBOR ANCHORAGES AND*
24 *CHANNELS, MARYLAND AND VIRGINIA.*—*The project for*
25 *navigation Baltimore Harbor Anchorages and Chan-*

1 *nels, Maryland and Virginia: Report of the Chief of*
2 *Engineers, dated June 8, 1998, at a total cost of*
3 *\$27,692,000, with an estimated Federal cost of*
4 *\$19,126,000 and an estimated non-Federal cost of*
5 *\$8,566,000.*

6 (5) *RED LAKE RIVER AT CROOKSTON, MIN-*
7 *NESOTA.—The project for flood damage reduction,*
8 *Red Lake River at Crookston, Minnesota: Report of*
9 *the Chief of Engineers, dated April 20, 1998, at a*
10 *total cost of \$8,720,000, with an estimated Federal*
11 *cost of \$5,567,000 and an estimated non-Federal cost*
12 *of \$3,153,000.*

13 (6) *PARK RIVER, NORTH DAKOTA.—*

14 (A) *IN GENERAL.—Subject to the condition*
15 *stated in subparagraph (B), the project for flood*
16 *control, Park River, Grafton, North Dakota, au-*
17 *thorized by section 401(a) of the Water Resources*
18 *Development Act of 1986 (100 Stat. 4121) and*
19 *deauthorized under section 1001(a) of the Water*
20 *Resources Development Act of 1986 (33 U.S.C.*
21 *579a), is authorized to be carried out by the Sec-*
22 *retary at a total cost of \$27,300,000, with an es-*
23 *timated Federal cost of \$17,745,000 and an esti-*
24 *mated non-Federal cost of \$9,555,000.*

1 (B) *CONDITION.*—No construction may be
2 initiated unless the Secretary determines through
3 a general reevaluation report using current data,
4 that the project is technically sound, environ-
5 mentally acceptable, and economically justified.

6 (b) *PROJECTS SUBJECT TO A FINAL REPORT.*—The
7 following projects for water resources development and con-
8 servation and other purposes are authorized to be carried
9 out by the Secretary substantially in accordance with the
10 plans, and subject to the conditions recommended in a final
11 report of the Chief of Engineers as approved by the Sec-
12 retary, if the report of the Chief is completed not later than
13 December 31, 1998.

14 (1) *HAMILTON AIRFIELD WETLAND RESTORA-*
15 *TION, CALIFORNIA.*—The project for environmental
16 restoration at Hamilton Airfield, California, at a
17 total cost of \$39,000,000, with an estimated Federal
18 cost of \$29,000,000 and an estimated non-Federal cost
19 of \$10,000,000.

20 (2) *OAKLAND, CALIFORNIA.*—

21 (A) *IN GENERAL.*—The project for naviga-
22 tion and environmental restoration, Oakland,
23 California, at a total cost of \$202,000,000, with
24 an estimated Federal cost of \$120,000,000 and
25 an estimated non-Federal cost of \$82,000,000.

1 (B) *BERTHING AREAS AND OTHER LOCAL*
2 *SERVICE FACILITIES.*—*The non-Federal interests*
3 *shall provide berthing areas and other local serv-*
4 *ice facilities necessary for the project at an esti-*
5 *mated cost of \$43,000,000.*

6 (3) *SOUTH SACRAMENTO COUNTY STREAMS,*
7 *CALIFORNIA.*—*The project for flood damage reduction,*
8 *environmental restoration and recreation, South Sac-*
9 *ramento County Streams, California at a total cost of*
10 *\$64,770,000, with an estimated Federal cost of*
11 *\$38,840,000 and an estimated non-Federal cost of*
12 *\$25,930,000.*

13 (4) *UPPER GUADALUPE RIVER, CALIFORNIA.*—
14 *The Secretary may construct the locally preferred*
15 *plan for flood damage reduction and recreation,*
16 *Upper Guadalupe River, California, described as the*
17 *Bypass Channel Plan of the Chief of Engineers, at a*
18 *total cost of \$132,836,000, with an estimated Federal*
19 *cost of \$42,869,000 and an estimated non-Federal cost*
20 *of \$89,967,000.*

21 (5) *YUBA RIVER BASIN, CALIFORNIA.*—*The*
22 *project for flood damage reduction, Yuba River Basin,*
23 *California at a total cost of \$25,850,000 with an esti-*
24 *mated Federal cost of \$16,775,000 and an estimated*
25 *non-Federal cost of \$9,075,000.*

1 (6) *DELAWARE BAY COASTLINE: DELAWARE AND*
2 *NEW JERSEY-BROADKILL BEACH, DELAWARE.—*

3 (A) *IN GENERAL.—The shore protection*
4 *project for hurricane and storm damage reduc-*
5 *tion, Delaware Bay Coastline: Delaware and*
6 *New Jersey-Broadkill Beach, Delaware at a total*
7 *cost of \$8,871,000, with an estimated Federal*
8 *cost of \$5,593,000 and an estimated non-Federal*
9 *cost of \$3,278,000.*

10 (B) *PERIODIC NOURISHMENT.—Periodic*
11 *nourishment is authorized for a 50-year period*
12 *at an estimated average annual cost of \$651,000,*
13 *with an estimated annual Federal cost of*
14 *\$410,000 and an estimated annual non-Federal*
15 *cost of \$241,000.*

16 (7) *DELAWARE BAY COASTLINE: DELAWARE AND*
17 *NEW JERSEY-PORT MAHON, DELAWARE.—*

18 (A) *IN GENERAL.—The shore protection*
19 *project for ecosystem restoration, Delaware Bay*
20 *Coastline: Delaware and New Jersey-Port*
21 *Mahon, Delaware at a total cost of \$7,563,000,*
22 *with an estimated Federal cost of \$4,916,000 and*
23 *an estimated non-Federal cost of \$2,647,000.*

24 (B) *PERIODIC NOURISHMENT.—Periodic*
25 *nourishment is authorized for a 50-year period*

1 *at an estimated average annual cost of \$238,000,*
2 *with an estimated annual Federal cost of*
3 *\$155,000 and an estimated annual non-Federal*
4 *cost of \$83,000.*

5 (8) *DELAWARE BAY COASTLINE: DELAWARE AND*
6 *NEW JERSEY-ROOSEVELT INLET-LEWES BEACH, DELA-*
7 *WARE.—*

8 (A) *IN GENERAL.—The shore protection*
9 *project for navigation mitigation and hurricane*
10 *and storm damage reduction, Delaware Bay*
11 *Coastline: Delaware and New Jersey-Roosevelt*
12 *Inlet-Lewes Beach, Delaware at a total cost of*
13 *\$3,326,000, with an estimated Federal cost of*
14 *\$2,569,000 and an estimated non-Federal cost of*
15 *\$2,647,000.*

16 (B) *PERIODIC NOURISHMENT.—Periodic*
17 *nourishment is authorized for a 50-year period*
18 *at an estimated average annual cost of \$207,000,*
19 *with an estimated annual Federal cost of*
20 *\$159,000 and an estimated annual non-Federal*
21 *cost of \$47,600.*

22 (9) *DELAWARE COAST FROM CAPE HENELOPEN*
23 *TO FENWICK ISLAND, BETHANY BEACH/SOUTH BETH-*
24 *ANY BEACH, DELAWARE.—*

1 (A) *IN GENERAL.*—*The shore protection*
2 *project for hurricane storm damage reduction,*
3 *Delaware Coast from Cape Henlopen to*
4 *Fenwick Island, Bethany Beach/South Bethany*
5 *Beach, Delaware at a total cost of \$22,094,000,*
6 *with an estimated Federal cost of \$14,361,000*
7 *and an estimated non-Federal cost of \$7,773,000.*

8 (B) *PERIODIC NOURISHMENT.*—*Periodic*
9 *nourishment is authorized for a 50-year period*
10 *at an estimated average annual cost of*
11 *\$1,573,000, with an estimated annual Federal*
12 *cost of \$1,022,000 and an estimated annual non-*
13 *Federal cost of \$551,000.*

14 (10) *JACKSONVILLE HARBOR, FLORIDA.*—*The*
15 *project for navigation, Jacksonville Harbor, Florida*
16 *at a total cost of \$27,758,000, with an estimated Fed-*
17 *eral cost of \$9,632,000 and an estimated non-Federal*
18 *cost of \$18,126,000.*

19 (11) *LITTLE TALBOT ISLAND, DUVAL COUNTY,*
20 *FLORIDA.*—*The shore protection project for hurricane*
21 *and storm damage prevention, Little Talbot Island,*
22 *Duval County, Florida at a total cost of \$5,802,000,*
23 *with an estimated Federal cost of \$3,771,000 and an*
24 *estimated non-Federal cost of \$2,031,000.*

1 (12) *PONCE DE LEON INLET, VOLUSIA COUNTY,*
2 *FLORIDA.—The project for navigation and recreation,*
3 *Ponce de Leon Inlet, Volusia County, Florida at a*
4 *total cost of \$5,533,000, with an estimated Federal*
5 *cost of \$3,408,000 and an estimated non-Federal cost*
6 *of \$2,125,000.*

7 (13) *TAMPA HARBOR-BIG BEND CHANNEL, FLOR-*
8 *IDA.—The project for navigation, Tampa Harbor-Big*
9 *Bend Channel, Florida at a total cost of \$11,348,000,*
10 *with an estimated Federal cost of \$5,747,000 and an*
11 *estimated non-Federal cost of \$5,601,000.*

12 (14) *BRUNSWICK HARBOR DEEPENING, GEOR-*
13 *GIA.—The project for navigation, Brunswick Harbor*
14 *Deepening, Georgia at a total cost of \$49,433,000,*
15 *with an estimated Federal cost of \$32,083,000 and an*
16 *estimated non-Federal cost of \$17,350,000.*

17 (15) *SAVANNAH HARBOR EXPANSION, GEOR-*
18 *GIA.—The project for navigation, Savannah Harbor*
19 *Expansion, Georgia at a total cost of \$195,302,000,*
20 *with an estimated Federal cost of \$84,423,000 and an*
21 *estimated non-Federal cost of \$110,879,000.*

22 (16) *GRAND FORKS, NORTH DAKOTA, AND EAST*
23 *GRAND FORKS, MINNESOTA.—The project for flood*
24 *damage reduction and recreation, Grand Forks, North*
25 *Dakota and East Grand Forks, Minnesota at a total*

1 *cost of \$281,754,000, with an estimated Federal cost*
2 *of \$140,877,000 and an estimated non-Federal cost of*
3 *\$140,877,000.*

4 (17) *BAYOU CASSOTTE EXTENSION, PASCAGOULA*
5 *HARBOR, PASCAGOULA, MISSISSIPPI.—The project for*
6 *navigation, Bayou Cassotte Extension, Pascagoula*
7 *Harbor, Pascagoula, Mississippi at a total cost of*
8 *\$5,700,000, with an estimated Federal cost of*
9 *\$4,300,000 and an estimated non-Federal cost of*
10 *\$1,400,000.*

11 (18) *TURKEY CREEK BASIN, KANSAS CITY, MIS-*
12 *SOURI AND KANSAS CITY, KANSAS.—The project for*
13 *flood damage reduction, Turkey Creek Basin, Kansas*
14 *City, Missouri and Kansas City, Kansas at a total*
15 *cost of \$38,594,000 with an estimated Federal cost of*
16 *\$22,912,000 and an estimated non-Federal cost of*
17 *\$15,682,000.*

18 (19) *LOWER CAPE MAY MEADOWS, CAPE MAY*
19 *POINT, NEW JERSEY.—*

20 (A) *IN GENERAL.—The shore protection*
21 *project for navigation mitigation, ecosystem res-*
22 *toration and hurricane and storm damage reduc-*
23 *tion, Lower Cape May Meadows, Cape May*
24 *Point, New Jersey at a total cost of \$14,885,000,*

1 with an estimated Federal cost of \$11,390,000
2 and an estimated non-Federal cost of \$3,495,000.

3 (B) *PERIODIC NOURISHMENT.*—Periodic
4 nourishment is authorized for a 50-year period
5 at an estimated average annual cost of
6 \$4,565,000, with an estimated annual Federal
7 cost of \$3,674,000 and an estimated annual non-
8 Federal cost of \$891,000.

9 (20) *NEW JERSEY SHORE PROTECTION, BRIGAN-*
10 *TINE INLET TO GREAT EGG HARBOR, BRIGANTINE IS-*
11 *LAND, NEW JERSEY.*—

12 (A) *IN GENERAL.*—The shore protection
13 project for hurricane and storm damage reduc-
14 tion, New Jersey Shore Protection, Brigantine
15 Inlet to Great Egg Harbor, Brigantine Island,
16 New Jersey at a total cost of \$4,861,000, with an
17 estimated Federal cost of \$3,160,000 and an esti-
18 mated non-Federal cost of \$1,701,000.

19 (B) *PERIODIC NOURISHMENT.*—Periodic
20 nourishment is authorized for a 50-year period
21 at an estimated average annual cost of
22 \$2,600,000, with an estimated annual Federal
23 cost of \$1,700,000 and an estimated annual non-
24 Federal cost of \$900,000.

1 (21) *NEW JERSEY SHORE PROTECTION, TOWN-*
 2 *SENDS INLET TO CAPE MAY INLET, NEW JERSEY.—*

3 (A) *IN GENERAL.—The shore protection*
 4 *project for hurricane and storm damage reduc-*
 5 *tion and ecosystem restoration, New Jersey*
 6 *Shore Protection, Townsends Inlet to Cape May*
 7 *Inlet, New Jersey at a total cost of \$55,203,000,*
 8 *with an estimated Federal cost of \$35,882,000*
 9 *and an estimated non-Federal cost of*
 10 *\$19,321,000.*

11 (B) *PERIODIC NOURISHMENT.—Periodic*
 12 *nourishment is authorized for a 50-year period*
 13 *at an estimated average annual cost of*
 14 *\$6,319,000, with an estimated annual Federal*
 15 *cost of \$4,107,000 and an estimated annual non-*
 16 *Federal cost of \$2,212,000.*

17 **SEC. 103. PROJECT MODIFICATIONS.**

18 (a) *PROJECTS WITH REPORTS.—*

19 (1) *GLENN-COLUSA, CALIFORNIA.—The project*
 20 *for flood control, Sacramento River California, au-*
 21 *thorized by section 2 of the Act entitled “An Act to*
 22 *provide for the control of floods of the Mississippi*
 23 *River and of the Sacramento River, and for other*
 24 *purposes”, approved March 1, 1917 (39 Stat. 949),*
 25 *and modified by section 102 of the Energy and Water*

1 *Development Appropriations Act, 1990 (103 Stat.*
2 *649), and further modified by section 301(b)(3) of the*
3 *Water Resources Development Act of 1996 (110 Stat.*
4 *3709) is further modified to authorize the Secretary*
5 *to carry out the portion of the project in Glenn-*
6 *Colusa, California in accordance with the Corps of*
7 *Engineers report dated May 22, 1998, at a total cost*
8 *of \$20,700,000, with an estimated Federal cost of*
9 *\$15,570,000 and an estimated non-Federal cost of*
10 *\$5,130,000.*

11 (2) *SAN LORENZO RIVER, CALIFORNIA.—The*
12 *project for flood control, San Lorenzo River, Califor-*
13 *nia, authorized by section 101(a)(5) of Public Law*
14 *104–303 (110 Stat. 3663), is modified to authorize*
15 *the Secretary to include as a part of the project*
16 *streambank erosion control measures to be undertaken*
17 *substantially in accordance with the report entitled*
18 *“Bank Stabilization Concept, Laurel Street Exten-*
19 *sion”, dated April 23, 1998, at a total cost of*
20 *\$4,000,000, with an estimated Federal cost of*
21 *\$2,600,000 and an estimated non-Federal cost of*
22 *\$1,400,000.*

23 (3) *WOOD RIVER, GRAND ISLAND, NEBRASKA.—*
24 *The project for flood control, Wood River, Grand Is-*
25 *land, Nebraska, authorized by section 101(a)(19) of*

1 *the Water Resources Development Act of 1996 (110*
2 *Stat. 3665) is modified to authorize the Secretary to*
3 *construct the project in accordance with the Corps of*
4 *Engineers report dated June 29, 1998, at a total cost*
5 *of \$16,632,000, with an estimated Federal cost of*
6 *\$9,508,000 and an estimated non-Federal cost of*
7 *\$7,124,000.*

8 (4) *ABSECON ISLAND, NEW JERSEY.—The project*
9 *for Absecon Island, New Jersey, authorized by section*
10 *101(h)(13) of the Water Resources Development Act of*
11 *1996 (110 Stat. 3668) is amended to authorize the*
12 *Secretary to reimburse the non-Federal sponsor for all*
13 *work performed, consistent with the authorized*
14 *project.*

15 (5) *WAURIKA LAKE, OKLAHOMA, WATER CONVEY-*
16 *ANCE FACILITIES.—The requirement for the Waurika*
17 *Project Master Conservancy District to repay the*
18 *\$2,900,000 in costs (including interest) resulting from*
19 *the October 1991 settlement of the claim of the Travel-*
20 *ers Insurance Company before the United States*
21 *Claims Court related to construction of the water con-*
22 *veyance facilities authorized by Public Law 88–253*
23 *(77 Stat. 841) is waived.*

24 (b) *PROJECTS SUBJECT TO REPORTS.—The following*
25 *projects are modified as follows, except that no funds may*

1 *be obligated to carry out work under such modifications*
2 *until completion of a final report by the Chief of Engineers,*
3 *as approved by the Secretary, finding that such work is*
4 *technically sound, environmentally acceptable, and eco-*
5 *nomically justified, as applicable:*

6 (1) *SACRAMENTO METRO AREA, CALIFORNIA.—*
7 *The project for flood control, Sacramento Metro Area,*
8 *California authorized by section 101(4) of the Water*
9 *Resources Development Act of 1992 (106 Stat. 4801)*
10 *is modified to authorize the Secretary to construct the*
11 *project at a total cost of \$32,900,000, with an esti-*
12 *mated Federal cost of \$24,700,000 and an estimated*
13 *non-Federal cost of \$8,200,000.*

14 (2) *NEW YORK HARBOR AND ADJACENT CHAN-*
15 *NELS, PORT JERSEY, NEW JERSEY.—The project for*
16 *navigation, New York Harbor and Adjacent Channels,*
17 *Port Jersey, New Jersey, authorized by section 202(b)*
18 *of the Water Resources Development Act of 1986 (100*
19 *Stat. 4098) is modified to authorize the Secretary to*
20 *construct the project at a total cost of \$100,689,000,*
21 *with an estimated Federal cost of \$74,998,000 and an*
22 *estimated non-Federal cost of \$25,701,000.*

23 (3) *ARTHUR KILL, NEW YORK AND NEW JER-*
24 *SEY.—The project for navigation, Arthur Kill, New*
25 *York and New Jersey, authorized by section 202(b) of*

1 *the Water Resources Development Act of 1986 (100*
2 *Stat. 4098) and modified by section 301(b)(11) of the*
3 *Water Resources Development Act of 1996 (110 Stat.*
4 *3711) is further modified to authorize the Secretary*
5 *to construct the project at a total cost of*
6 *\$260,899,000, with an estimated Federal cost of*
7 *\$195,705,000 and an estimated non-Federal cost of*
8 *\$65,194,000.*

9 *(c) BEAVER LAKE, ARKANSAS, WATER SUPPLY STOR-*
10 *AGE REALLOCATION.—The Secretary shall reallocate ap-*
11 *proximately 31,000 additional acre-feet at Beaver Lake, Ar-*
12 *kansas, to water supply storage at no cost to the Beaver*
13 *Water District or the Carroll-Boone Water District, except*
14 *that at no time shall the bottom of the conservation pool*
15 *be at an elevation that is less than 1,076 feet, NGVD.*

16 *(d) TOLCHESTER CHANNEL S-TURN, BALTIMORE,*
17 *MARYLAND.—The project for navigation, Baltimore Harbor*
18 *and Channels, Maryland, authorized by section 101 of the*
19 *River and Harbor Act of 1958 (72 Stat. 297), is modified*
20 *to direct the Secretary to straighten the Tolchester Channel*
21 *S-turn as part of project maintenance.*

22 *(e) TROPICANA WASH AND FLAMINGO WASH, NE-*
23 *VADA.—Any Federal costs associated with the Tropicana*
24 *and Flamingo Washes, Nevada, authorized by section*
25 *101(13) of the Water Resources Development Act of 1992*

1 (106 Stat. 4803), incurred by the non-Federal interest to
2 accelerate or modify construction of the project, in coopera-
3 tion with the Corps of Engineers, shall be considered to be
4 eligible for reimbursement by the Secretary.

5 (f) *FLOOD MITIGATION NEAR PIERRE, SOUTH DA-*
6 *KOTA.*—

7 (1) *IN GENERAL.*—

8 (A) *LAND ACQUISITION.*—*To provide full*
9 *operational capability to carry out the author-*
10 *ized purposes of the Missouri River Main Stem*
11 *dams that are part of the Pick-Sloan Missouri*
12 *River Basin Program authorized by section 9 of*
13 *the Act entitled “An Act authorizing the con-*
14 *struction of certain public works on rivers and*
15 *harbors for flood control, and other purposes”*
16 *approved December 22, 1944, the Secretary may*
17 *acquire from willing sellers such land and prop-*
18 *erty in the vicinity of Pierre, South Dakota, or*
19 *floodproof or relocate such property within the*
20 *project area, as the Secretary determines is ad-*
21 *versely affected by the full wintertime Oahe Pow-*
22 *erplant releases.*

23 (B) *OWNERSHIP AND USE.*—*Any land that*
24 *is acquired under this authority shall be kept in*
25 *public ownership and will be dedicated and*

1 *maintained in perpetuity for a use that is com-*
2 *patible with any remaining flood threat.*

3 (C) *REPORT.*—

4 (i) *IN GENERAL.*—*The Secretary shall*
5 *not obligate funds to implement this para-*
6 *graph until the Secretary has completed a*
7 *report addressing the criteria for selecting*
8 *which properties are to be acquired, relo-*
9 *cated or floodproofed, and a plan for imple-*
10 *menting such measures and has made a de-*
11 *termination that the measures are economi-*
12 *cally justified.*

13 (ii) *DEADLINE.*—*The report shall be*
14 *completed not later than 180 days after*
15 *funding is made available.*

16 (D) *COORDINATION AND COOPERATION.*—

17 *The report and implementation plan—*

18 (i) *shall be coordinated with the Fed-*
19 *eral Emergency Management Agency; and*

20 (ii) *shall be prepared in consultation*
21 *with other Federal agencies, and State and*
22 *local officials, and residents.*

23 (E) *CONSIDERATIONS.*—*Such report should*
24 *take into account information from prior and*
25 *ongoing studies.*

1 (2) *AUTHORIZATION OF APPROPRIATIONS.—*

2 *There is authorized to be appropriated to carry out*
3 *this subsection \$35,000,000.*

4 (g) *BEACH EROSION CONTROL AND HURRICANE PRO-*
5 *TECTION, VIRGINIA BEACH, VIRGINIA.—*

6 (1) *ACCEPTANCE OF FUNDS.—In any fiscal year*
7 *that the Corps of Engineers does not receive appro-*
8 *priations sufficient to meet expected project expendi-*
9 *tures for that year, the Secretary shall accept from the*
10 *city of Virginia Beach, Virginia, for purposes of the*
11 *project for beach erosion control and hurricane protec-*
12 *tion, Virginia Beach, Virginia, authorized by section*
13 *501(a) of the Water Resources Development Act of*
14 *1986 (100 Stat. 4136), such funds as the city may*
15 *advance for the project.*

16 (2) *REPAYMENT.—Subject to the availability of*
17 *appropriations, the Secretary shall repay, without in-*
18 *terest, the amount of any advance made under para-*
19 *graph (1), from appropriations that may be provided*
20 *by Congress for river and harbor, flood control, shore*
21 *protection, and related projects.*

22 (h) *ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.—*
23 *Notwithstanding any other provision of law, after the date*
24 *of enactment of this Act, the city of Chesapeake, Virginia,*
25 *shall not be obligated to make the annual cash contribution*

1 *required under paragraph 1(9) of the Local Cooperation*
 2 *Agreement dated December 12, 1978, between the Govern-*
 3 *ment and the city for the project for navigation, southern*
 4 *branch of Elizabeth River, Chesapeake, Virginia.*

5 (i) *PAYMENT OPTION, MOOREFIELD, WEST VIR-*
 6 *GINIA.—The Secretary may permit the non-Federal sponsor*
 7 *for the project for flood control, Moorefield, West Virginia,*
 8 *to pay without interest the remaining non-Federal cost over*
 9 *a period not to exceed 30 years, to be determined by the*
 10 *Secretary.*

11 **SEC. 104. PROJECT DEAUTHORIZATIONS.**

12 (a) *BRIDGEPORT HARBOR, CONNECTICUT.—The por-*
 13 *tion of the project for navigation, Bridgeport Harbor, Con-*
 14 *necticut authorized by section 101 of the River and Harbor*
 15 *Act of 1958 (72 Stat. 297), consisting of a 2.4-acre anchor-*
 16 *age area 9 feet deep and an adjacent 0.60-acre anchorage*
 17 *6 feet deep, located on the west side of Johnsons River, Con-*
 18 *necticut, is not authorized after the date of enactment of*
 19 *this Act.*

20 (b) *BASS HARBOR, MAINE.—*

21 (1) *DEAUTHORIZATION.—The portions of the*
 22 *project for navigation, Bass Harbor, Maine, author-*
 23 *ized on May 7, 1962, under section 107 of the River*
 24 *and Harbor Act of 1960 (33 U.S.C. 577) described in*

1 *paragraph (2) are not authorized after the date of en-*
2 *actment of this Act.*

3 (2) *DESCRIPTION.—The portions of the project*
4 *referred to in paragraph (1) are described as follows:*

5 (A) *Beginning at a bend in the project,*
6 *N149040.00, E538505.00, thence running eas-*
7 *terly about 50.00 feet along the northern limit of*
8 *the project to a point N149061.55, E538550.11,*
9 *thence running southerly about 642.08 feet to a*
10 *point, N148477.64, E538817.18, thence running*
11 *southwesterly about 156.27 feet to a point on the*
12 *westerly limit of the project, N148348.50,*
13 *E538737.02, thence running northerly about*
14 *149.00 feet along the westerly limit of the project*
15 *to a bend in the project, N148489.22,*
16 *E538768.09, thence running northwesterly about*
17 *610.39 feet along the westerly limit of the project*
18 *to the point of origin.*

19 (B) *Beginning at a point on the westerly*
20 *limit of the project, N148118.55, E538689.05,*
21 *thence running southeasterly about 91.92 feet to*
22 *a point, N148041.43, E538739.07, thence run-*
23 *ning southerly about 65.00 feet to a point,*
24 *N147977.86, E538725.51, thence running south-*
25 *westerly about 91.92 feet to a point on the west-*

1 *erly limit of the project, N147927.84,*
 2 *E538648.39, thence running northerly about*
 3 *195.00 feet along the westerly limit of the project*
 4 *to the point of origin.*

5 *(c) EAST BOOTHBAY HARBOR, MAINE.—Section 364*
 6 *of the Water Resources Development Act of 1996 (110 Stat.*
 7 *3731) is amended by striking paragraph (9) and inserting*
 8 *the following:*

9 *“(9) EAST BOOTHBAY HARBOR, MAINE.—The*
 10 *project for navigation, East Boothbay Harbor, Maine,*
 11 *authorized by the first section of the Act entitled “An*
 12 *Act making appropriations for the construction, re-*
 13 *pair, and preservation of certain public works on riv-*
 14 *ers and harbors, and for other purposes”, approved*
 15 *June 25, 1910 (36 Stat. 657).”.*

16 **SEC. 105. STUDIES.**

17 *(a) BALDWIN COUNTY, ALABAMA, WATERSHEDS.—The*
 18 *Secretary of the Army shall review the report of the Chief*
 19 *of Engineers on the Alabama Coast published as House Doc-*
 20 *ument 108, 90th Congress, 1st Session, and other pertinent*
 21 *reports with a view to determining whether modifications*
 22 *of the recommendations contained in the House Document*
 23 *are advisable at this time in the interest of flood damage*
 24 *reduction, environmental restoration and protection, water*
 25 *quality, and other purposes, with a special emphasis on de-*

1 *termining the advisability of developing a comprehensive*
2 *coordinated watershed management plan for the develop-*
3 *ment, conservation, and utilization of water and related*
4 *land resources in the watersheds in Baldwin County, Ala-*
5 *bama.*

6 (b) *ESCAMBIA RIVER, ALABAMA AND FLORIDA.—*

7 (1) *IN GENERAL.—The Secretary shall review the*
8 *report of the Chief of Engineers on the Escambia*
9 *River, Alabama and Florida, published as House*
10 *Document 350, 71st Congress, 2d Session, and other*
11 *pertinent reports, to determine whether modifications*
12 *of any of the recommendations contained in the*
13 *House Document are advisable at this time with par-*
14 *ticular reference to Burnt Corn Creek and Murder*
15 *Creek in the vicinity of Brewton, and East Brewton,*
16 *Alabama, and the need for flood control, floodplain*
17 *evacuation, flood warning and preparedness, environ-*
18 *mental restoration and protection, and bank sta-*
19 *bilization in those areas.*

20 (2) *COORDINATION.—The review shall be coordi-*
21 *nated with plans of other local and Federal agencies.*

22 (c) *STRAWBERRY CREEK, BERKELEY, CALIFORNIA.—*
23 *The Secretary shall conduct a study to determine the fea-*
24 *sibility of restoring Strawberry Creek, Berkeley, California,*
25 *to determine the Federal interest in environmental restora-*

1 *tion, conservation of fish and wildlife resources, recreation,*
2 *and water quality.*

3 (d) *WEST SIDE STORM WATER RETENTION FACILITY,*
4 *CITY OF LANCASTER, CALIFORNIA.—The Secretary shall*
5 *conduct a study to determine the feasibility of undertaking*
6 *measures to construct the West Side Storm Water Retention*
7 *Facility in the city of Lancaster, California.*

8 (e) *APALACHICOLA RIVER, FLORIDA.—The Secretary*
9 *shall conduct a study for the purpose of identifying—*

10 (1) *alternatives for the management of material*
11 *dredged in connection with operation and mainte-*
12 *nance of the Apalachicola River Navigation Project;*
13 *and*

14 (2) *alternatives which reduce the requirements*
15 *for such dredging.*

16 (f) *BROWARD COUNTY, SAND BYPASSING AT PORT EV-*
17 *ERGLADES, FLORIDA.—The Secretary shall conduct a study*
18 *to determine the feasibility of constructing a sand bypass-*
19 *ing project at the Port Everglades Inlet, Florida.*

20 (g) *CITY OF DESTIN-NORIEGA POINT BREAKWATER,*
21 *FLORIDA.—The Secretary shall conduct a study to deter-*
22 *mine the feasibility of—*

23 (1) *restoring Noriega Point, Florida, to serve as*
24 *a breakwater for Destin Harbor; and*

1 (2) *including Noriega Point as part of the East*
2 *Pass, Florida navigation project.*

3 (h) *GATEWAY TRIANGLE REDEVELOPMENT AREA,*
4 *FLORIDA.—*

5 (1) *IN GENERAL.—The Secretary shall conduct a*
6 *study to determine the feasibility of undertaking*
7 *measures to reduce the flooding problems in the vicin-*
8 *ity of Gateway Triangle Redevelopment Area, Flor-*
9 *ida.*

10 (2) *STUDIES AND REPORTS.—The study shall in-*
11 *clude a review and consideration of studies and re-*
12 *ports completed by the non-Federal sponsor.*

13 (i) *HILLSBOROUGH RIVER, WITHLACOOCHEE RIVER*
14 *BASINS, FLORIDA.—The Secretary shall conduct a study to*
15 *identify appropriate measures that can be undertaken in*
16 *the Green Swamp, Withlacoochee River, and the*
17 *Hillsborough River, the Water Triangle of west central*
18 *Florida to address comprehensive watershed planning for*
19 *water conservation, water supply, restoration and protec-*
20 *tion of environmental resources, and other water resource-*
21 *related problems in the area.*

22 (j) *CITY OF PLANT CITY, FLORIDA.—*

23 (1) *IN GENERAL.—The Secretary shall conduct a*
24 *study to determine the feasibility of a flood control*
25 *project in the city of Plant City, Florida.*

1 (2) *STUDIES AND REPORTS.*—*In conducting the*
2 *study, the Secretary shall review and consider studies*
3 *and reports completed by the non-Federal sponsor.*

4 (k) *ST. LUCIE COUNTY, FLORIDA, SHORE PROTEC-*
5 *TION.*—*The Secretary shall conduct a study to determine*
6 *the feasibility of a shore protection and hurricane and*
7 *storm damage reduction project to the shoreline areas in*
8 *St. Lucie County from the current project for Fort Pierce*
9 *Beach, Florida southward to the Martin County line.*

10 (l) *ACADIANA NAVIGATION CHANNEL, LOUISIANA.*—
11 *The Secretary shall conduct a study to determine the fea-*
12 *sibility of assuming operations and maintenance for the*
13 *Acadiana Navigational Channel located in Iberia and Ver-*
14 *million Parishes, Louisiana.*

15 (m) *CONTRABAND BAYOU NAVIGATION CHANNEL, LOU-*
16 *ISIANA.*—*The Secretary shall conduct a study to determine*
17 *the feasibility of assuming the maintenance at Contraband*
18 *Bayou, Calcasieu River Ship Canal, Louisiana.*

19 (n) *GOLDEN MEADOW LOCK, LOUISIANA.*—*The Sec-*
20 *retary shall conduct a study to determine the feasibility of*
21 *converting the Golden Meadow floodgate into a navigation*
22 *lock to be included in the Larose to Golden Meadow Hurri-*
23 *cane Protection project.*

1 (o) *GULF INTRACOASTAL WATERWAY ECOSYSTEM*
2 *PROTECTION, CHEF MENTEUR TO SABINE RIVER, LOUISI-*
3 *ANA.—*

4 (1) *IN GENERAL.—The Secretary shall conduct a*
5 *study to determine the feasibility of undertaking eco-*
6 *system restoration and protection measures along the*
7 *Gulf Intracoastal Waterway from Chef Menteur to*
8 *Sabine River, Louisiana.*

9 (2) *MATTERS TO BE ADDRESSED.—The study*
10 *shall address saltwater intrusion, tidal scour, erosion,*
11 *and other water resources related problems in this*
12 *area.*

13 (p) *LAKE PONTCHARTRAIN, LOUISIANA, AND VICINITY,*
14 *ST. CHARLES PARISH PUMPS.—The Secretary shall con-*
15 *duct a study to determine the feasibility of modifying the*
16 *Lake Pontchartrain Hurricane Protection project to include*
17 *the St. Charles Parish Pumps and the modification of the*
18 *seawall fronting protection along Lake Pontchartrain in*
19 *Orleans, Parish, from New Basin Canal on the west to the*
20 *Inner Harbor Navigation Canal on the east.*

21 (q) *LAKE PONTCHARTRAIN AND VICINITY SEAWALL*
22 *RESTORATION, LOUISIANA.—The Secretary shall conduct a*
23 *study to determine the feasibility of undertaking structural*
24 *modifications of that portion of the seawall fronting protec-*
25 *tion along the south shore of Lake Pontchartrain in Orleans*

1 *Parish, Louisiana, extending approximately 5 miles from*
2 *the new basin Canal on the west to the Inner Harbor Navi-*
3 *gation Canal on the east as a part of the Lake Pont-*
4 *chartrain and Vicinity Hurricane Protection Project, au-*
5 *thorized by section 204 of the Flood Control Act of 1965*
6 *(79 Stat. 1077).*

7 *(r) LOUISIANA STATE PENITENTIARY LEVEE.—The*
8 *Secretary shall conduct a study of the impacts of crediting*
9 *the non-Federal sponsor for work performed in the project*
10 *area of the Louisiana State Penitentiary Levee.*

11 *(s) TUNICA LAKE WEIR, MISSISSIPPI.—*

12 *(1) IN GENERAL.—The Secretary shall conduct a*
13 *study to determine the feasibility of constructing an*
14 *outlet weir at Tunica Lake, Tunica County, Mis-*
15 *issippi, and Lee County, Arkansas, for the purpose*
16 *of stabilizing water levels in the Lake.*

17 *(2) ECONOMIC ANALYSIS.—In carrying out the*
18 *study, the Secretary shall include as a part of the eco-*
19 *nomics analysis the benefits derived from recreation*
20 *uses at the Lake and economic benefits associated*
21 *with restoration of fish and wildlife habitat.*

22 *(t) PROTECTIVE FACILITIES FOR THE ST. LOUIS, MIS-*
23 *SOURI, RIVERFRONT AREA.—*

24 *(1) STUDY.—The Secretary shall conduct a study*
25 *to determine the optimal plan to protect facilities that*

1 *are located on the Mississippi River riverfront within*
2 *the boundaries of St. Louis, Missouri.*

3 (2) *REQUIREMENTS.—In conducting the study,*
4 *the Secretary—*

5 (A) *shall evaluate alternatives to offer safety*
6 *and security to facilities; and*

7 (B) *use state-of-the-art techniques to best*
8 *evaluate the current situation, probable solu-*
9 *tions, and estimated costs.*

10 (3) *REPORT.—Not later than April 15, 1999, the*
11 *Secretary shall submit to Congress a report on the re-*
12 *sults of the study.*

13 (u) *YELLOWSTONE RIVER, MONTANA.—*

14 (1) *STUDY.—The Secretary shall conduct a com-*
15 *prehensive study of the Yellowstone River from Gar-*
16 *diner, Montana to the confluence of the Missouri*
17 *River to determine the hydrologic, biological, and so-*
18 *cioeconomic cumulative impacts on the river.*

19 (2) *CONSULTATION AND COORDINATION.—The*
20 *Secretary shall conduct the study in consultation with*
21 *the United States Fish and Wildlife Service, the*
22 *United States Geological Survey, and the Natural Re-*
23 *source Conservation Service and with the full partici-*
24 *pation of the State of Montana, tribal and local enti-*
25 *ties, and provide for public participation.*

1 (3) *REPORT.*—Not later than 5 years after the
2 date of enactment of this Act, the Secretary shall sub-
3 mit a report to Congress on the results of the study.

4 (v) *LAS VEGAS VALLEY, NEVADA.*—

5 (1) *IN GENERAL.*—The Secretary shall conduct a
6 comprehensive study of water resources located in the
7 Las Vegas Valley, Nevada.

8 (2) *OBJECTIVES.*—The study shall identify prob-
9 lems and opportunities related to ecosystem restora-
10 tion, water quality, particularly the quality of surface
11 runoff, water supply, and flood control.

12 (w) *CAMDEN AND GLOUCESTER COUNTIES, NEW JER-*
13 *SEY, STREAMS AND WATERSHEDS.*—The Secretary shall
14 conduct a study to determine the feasibility of undertaking
15 ecosystem restoration, floodplain management, flood con-
16 trol, water quality control, comprehensive watershed man-
17 agement, and other allied purposes along tributaries of the
18 Delaware River, Camden County and Gloucester County,
19 New Jersey.

20 (x) *OSWEGO RIVER BASIN, NEW YORK.*—The Sec-
21 retary shall conduct a study to determine the feasibility of
22 establishing a flood forecasting system within the Oswego
23 River basin, New York.

24 (y) *PORT OF NEW YORK-NEW JERSEY NAVIGATION*
25 *STUDY AND ENVIRONMENTAL RESTORATION STUDY.*—

1 (1) *NAVIGATION STUDY.*—*The Secretary shall*
2 *conduct a comprehensive study of navigation needs at*
3 *the Port of New York-New Jersey (including the*
4 *South Brooklyn Marine and Red Hook Container*
5 *Terminals, Staten Island, and adjacent areas) to ad-*
6 *dress improvements, including deepening of existing*
7 *channels to depths of 50 feet or greater, that are re-*
8 *quired to provide economically efficient and environ-*
9 *mentally sound navigation to meet current and future*
10 *requirements.*

11 (2) *ENVIRONMENTAL REMEDIATION STUDY.*—*The*
12 *Secretary, acting through the Chief of Engineers, shall*
13 *review the reports of the Chief of Engineers on the*
14 *New York Harbor, printed in the House Management*
15 *Plan of the Harbor Estuary Program, and other per-*
16 *tinent reports concerning the New York Harbor Re-*
17 *gion and the Port of New York-New Jersey, to deter-*
18 *mine Federal interest in advancing harbor environ-*
19 *mental restoration.*

20 (3) *REPORT.*—*Both studies shall be completed by*
21 *December, 1999, to identify opportunities to link*
22 *navigation improvements with possible environmental*
23 *restoration projects.*

24 (2) *NIOBRARA RIVER AND MISSOURI RIVER SEDI-*
25 *MENTATION STUDY, SOUTH DAKOTA.*—*The Secretary shall*

1 *conduct a study of the Niobrara River watershed and the*
 2 *operations of Fort Randall Dam and Gavins Point Dam*
 3 *on the Missouri River to determine the feasibility of alle-*
 4 *viating the bank erosion, sedimentation, and related prob-*
 5 *lems in the lower Niobrara River and the Missouri River*
 6 *below Fort Randall Dam.*

7 *(aa) CITY OF OCEAN SHORES SHORE PROTECTION*
 8 *PROJECT, WASHINGTON.—The Secretary shall conduct a*
 9 *study to determine the feasibility of undertaking the project*
 10 *for beach erosion and flood control, including relocation of*
 11 *a primary dune and periodic nourishment, at Ocean*
 12 *Shores, Washington.*

13 *(bb) ALTERNATIVE WATER SOURCES STUDY.—*

14 *(1) IN GENERAL.—The Administrator of the En-*
 15 *vironmental Protection Agency shall conduct a study*
 16 *of the water supply needs of States that are not cur-*
 17 *rently eligible for assistance under title XVI of the*
 18 *Reclamation Projects Authorization and Adjustment*
 19 *Act of 1992 (43 U.S.C. 390h et seq.).*

20 *(2) REQUIREMENTS.—The study shall—*

21 *(A) identify the water supply needs (includ-*
 22 *ing potable, commercial, industrial, recreational*
 23 *and agricultural needs) of each State described*
 24 *in paragraph (1) through the year 2020, making*

1 *use of such State, regional, and local plans, stud-*
2 *ies, and reports as may be available;*

3 *(B) evaluate the feasibility of various alter-*
4 *native water source technologies such as reuse*
5 *and reclamation of wastewater and stormwater*
6 *(including indirect potable reuse), aquifer stor-*
7 *age and recovery, and desalination to meet the*
8 *anticipated water supply needs of the States;*
9 *and*

10 *(C) assess how alternative water sources*
11 *technologies can be utilized to meet the identified*
12 *needs.*

13 *(3) REPORT.—The Administrator shall report to*
14 *Congress on the results of the study not more than*
15 *180 days after the date of enactment of this Act.*

16 **SEC. 106. FLOOD HAZARD MITIGATION AND RIVERINE ECO-**
17 **SYSTEM RESTORATION PROGRAM.**

18 *(a) IN GENERAL.—*

19 *(1) AUTHORIZATION.—The Secretary may un-*
20 *dertake a program to reduce flood hazards and restore*
21 *the natural functions and values of riverine eco-*
22 *systems throughout the United States.*

23 *(2) STUDIES.—In carrying out the program, the*
24 *Secretary shall conduct studies to identify appro-*
25 *priate flood damage reduction, conservation, and res-*

1 *toration measures and may design and implement*
2 *watershed management and restoration projects.*

3 (3) *PARTICIPATION.*—*The studies and projects*
4 *carried out under this authority shall be conducted,*
5 *to the extent practicable, with the full participation*
6 *of the appropriate Federal agencies, including the De-*
7 *partment of Agriculture, the Federal Emergency Man-*
8 *agement Agency, the Department of the Interior, the*
9 *Environmental Protection Agency, and the Depart-*
10 *ment of Commerce.*

11 (4) *NONSTRUCTURAL APPROACHES.*—*The studies*
12 *and projects shall, to the extent practicable, emphasize*
13 *nonstructural approaches to preventing or reducing*
14 *flood damages.*

15 (b) *COST-SHARING REQUIREMENTS.*—

16 (1) *IN GENERAL.*—*The cost of studies conducted*
17 *under subsection (a) shall be shared in accordance*
18 *with section 105 of the Water Resources Development*
19 *Act of 1986 (100 Stat. 4088; 110 Stat. 3677).*

20 (2) *PAYMENT PERCENTAGE.*—*The non-Federal*
21 *interests shall pay 35 percent of the cost of any*
22 *project carried out under this section.*

23 (3) *IN-KIND CONTRIBUTIONS.*—*The non-Federal*
24 *interests shall provide all land, easements, rights-of-*
25 *way, dredged material disposal areas, and relocations*

1 *necessary for the projects, and the value of the land,*
 2 *easements, rights-of-way, dredged material disposal*
 3 *areas, and relocations shall be credited toward the*
 4 *payment required under this subsection.*

5 *(4) RESPONSIBILITIES OF THE NON-FEDERAL IN-*
 6 *TERESTS.—The non-Federal interests shall be respon-*
 7 *sible for all costs associated with operating, maintain-*
 8 *ing, replacing, repairing, and rehabilitating all*
 9 *projects carried out under this authority.*

10 *(c) PROJECT JUSTIFICATION.—*

11 *(1) IN GENERAL.—The Secretary may implement*
 12 *a project under this section if the Secretary deter-*
 13 *mines that the project—*

14 *(A) will significantly reduce potential flood*
 15 *damages;*

16 *(B) will improve the quality of the environ-*
 17 *ment; and*

18 *(C) is justified considering all costs and*
 19 *beneficial outputs of the project.*

20 *(2) SELECTION CRITERIA; POLICIES AND PROCE-*
 21 *DURES.—Not later than 180 days after the date of en-*
 22 *actment of this Act, the Secretary shall—*

23 *(A) develop criteria for selecting and rating*
 24 *the projects to be carried out as a part of the*
 25 *program authorized by this section; and*

1 (B) *establish policies and procedures for*
2 *carrying out the studies and projects undertaken*
3 *under this section.*

4 (d) *REPORTING REQUIREMENT.—The Secretary may*
5 *not implement a project under this section until—*

6 (1) *the Secretary provides to the Committee on*
7 *the Environment and Public Works of the Senate and*
8 *the Committee on Transportation and Infrastructure*
9 *of the House of Representatives a written notification*
10 *describing the project and the determinations made*
11 *under subsection (c); and*

12 (2) *a period of 21 calendar days has expired fol-*
13 *lowing the date on which the notification was received*
14 *by the Committees.*

15 (e) *PRIORITY AREAS.—In carrying out this section,*
16 *the Secretary shall examine the potential for flood damage*
17 *reductions at appropriate locations, including—*

18 (1) *Saint Genevieve, Missouri;*

19 (2) *upper Delaware River basin, New York;*

20 (3) *Tillamook County, Oregon;*

21 (4) *Providence County, Rhode Island; and*

22 (5) *Willamette River basin, Oregon.*

23 (f) *PER-PROJECT LIMITATION.—Not more than*
24 *\$25,000,000 in Army Civil Works appropriations may be*

1 *expended on any single project undertaken under this sec-*
2 *tion.*

3 *(g) AUTHORIZATION OF APPROPRIATIONS.—*

4 *(1) IN GENERAL.—There is authorized to be ap-*
5 *propriated to carry out this section \$75,000,000 for*
6 *the period of fiscal years 2000 and 2001.*

7 *(2) PROGRAM FUNDING LEVELS.—All studies*
8 *and projects undertaken under this authority from*
9 *Army Civil Works appropriations shall be fully fund-*
10 *ed within the program funding levels provided in this*
11 *subsection.*

12 **SEC. 107. SHORE PROTECTION.**

13 *Section 103(d) of the Water Resources Development*
14 *Act of 1986 (100 Stat. 4085) is amended—*

15 *(1) by striking “Costs of construction” and in-*
16 *serting the following:*

17 *“(1) CONSTRUCTION.—Costs of construction”;*
18 *and*

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

20 *“(2) PERIODIC NOURISHMENT.—In the case of a*
21 *project authorized for construction after December 31,*
22 *1998, or for which a feasibility study is completed*
23 *after that date, the non-Federal cost of the periodic*
24 *nourishment of projects or measures for shore protec-*

1 *tion or beach erosion control shall be 50 percent, ex-*
 2 *cept that—*

3 *“(A) all costs assigned to benefits to pri-*
 4 *vately owned shores (where use of such shores is*
 5 *limited to private interests) or to prevention of*
 6 *losses of private land shall be borne by non-Fed-*
 7 *eral interests; and*

8 *“(B) all costs assigned to the protection of*
 9 *federally owned shores shall be borne by the*
 10 *United States.”.*

11 **SEC. 108. SMALL FLOOD CONTROL PROJECTS.**

12 *Section 205 of the Flood Control Act of 1948 (33*
 13 *U.S.C. 701s) is amended—*

14 *(1) in the first sentence, by striking “construc-*
 15 *tion of small projects” and inserting “implementation*
 16 *of small structural and nonstructural projects”; and*

17 *(2) in the third sentence, by striking*
 18 *“\$5,000,000” and inserting “\$7,000,000”.*

19 **SEC. 109. USE OF NON-FEDERAL FUNDS FOR COMPILING**
 20 **AND DISSEMINATING INFORMATION ON**
 21 **FLOODS AND FLOOD DAMAGES.**

22 *The third sentence of section 206(b) of the Flood Con-*
 23 *trol Act of 1960 (33 U.S.C. 709a(b)) is amended by insert-*
 24 *ing before the period at the end the following: “, but the*
 25 *Secretary of the Army may accept funds voluntarily con-*

1 *tributed by such entities for the purpose of expanding the*
 2 *scope of the services requested by the entities”.*

3 **SEC. 110. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM**
 4 **RESTORATION.**

5 *Subparagraphs (B) and (C)(i) of section 528(b)(3) of*
 6 *the Water Resources Development Act of 1996 (110 Stat.*
 7 *3769) are amended by striking “1999” and inserting*
 8 *“2000”.*

9 **SEC. 111. AQUATIC ECOSYSTEM RESTORATION.**

10 *Section 206(c) of the Water Resources Development Act*
 11 *of 1996 (110 Stat. 3679) is amended—*

12 *(1) by striking “Construction” and inserting the*
 13 *following:*

14 *“(1) IN GENERAL.—Construction”; and*

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

16 *“(2) NONPROFIT ENTITIES.—Notwithstanding*
 17 *section 221 of the Flood Control Act of 1970 (42*
 18 *U.S.C. 1962d–5b(b)), for any project undertaken*
 19 *under this section, a non-Federal interest may in-*
 20 *clude a nonprofit entity with the consent of the af-*
 21 *ected local government.”.*

22 **SEC. 112. BENEFICIAL USES OF DREDGED MATERIAL.**

23 *Section 204 of the Water Resources Development Act*
 24 *of 1992 (106 Stat. 4826; 110 Stat. 3680) is amended by*
 25 *adding at the end the following:*

1 “(g) *NONPROFIT ENTITIES.*—Notwithstanding section
 2 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–
 3 5b(b)), for any project carried out under this section, a non-
 4 Federal interest may include a nonprofit entity, with the
 5 consent of the affected local government.”.

6 **SEC. 113. VOLUNTARY CONTRIBUTIONS BY STATES AND PO-**
 7 **LITICAL SUBDIVISIONS.**

8 Section 5 of the Flood Control Act of 1936 (33 U.S.C.
 9 701h) is amended by inserting “or environmental restora-
 10 tion” after “flood control”.

11 **SEC. 114. RECREATION USER FEES.**

12 (a) *WITHHOLDING OF AMOUNTS.*—

13 (1) *IN GENERAL.*—During fiscal years 1999
 14 through 2002, the Secretary may withhold from the
 15 special account established under section 4(i)(1)(A) of
 16 the Land and Water Conservation Fund Act of 1965
 17 (16 U.S.C. 460l–6a(i)(1)(A)) 100 percent of the
 18 amount of receipts above a baseline of \$34,000,000
 19 per each fiscal year received from fees imposed at
 20 recreation sites under the administrative jurisdiction
 21 of the Department of the Army under section 4(b) of
 22 that Act (16 U.S.C. 460l–6a(b)).

23 (2) *USE.*—The amounts withheld shall be re-
 24 tained by the Secretary and shall be available, with-

1 *out further Act of appropriation, for expenditure by*
2 *the Secretary in accordance with subsection (b).*

3 (3) *AVAILABILITY.—The amounts withheld shall*
4 *remain available until September 30, 2005.*

5 (b) *USE OF AMOUNTS WITHHELD.—In order to in-*
6 *crease the quality of the visitor experience at public rec-*
7 *reational areas and to enhance the protection of resources,*
8 *the amounts withheld under subsection (a) may be used*
9 *only for—*

10 (1) *repair and maintenance projects (including*
11 *projects relating to health and safety);*

12 (2) *interpretation;*

13 (3) *signage;*

14 (4) *habitat or facility enhancement;*

15 (5) *resource preservation;*

16 (6) *annual operation (including fee collection);*

17 (7) *maintenance; and*

18 (8) *law enforcement related to public use.*

19 (c) *AVAILABILITY.—Each amount withheld by the Sec-*
20 *retary shall be available for expenditure, without further*
21 *Act of appropriation, at the specific project from which the*
22 *amount, above baseline, is collected.*

1 **SEC. 115. WATER RESOURCES DEVELOPMENT STUDIES FOR**
 2 **THE PACIFIC REGION.**

3 *Section 444 of the Water Resources Development Act*
 4 *of 1996 (110 Stat. 3747) is amended by striking “interest*
 5 *of navigation” and inserting “interests of water resources*
 6 *development (including navigation, flood damage reduction,*
 7 *and environmental restoration)”.*

8 **SEC. 116. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**
 9 **HANCEMENT PROJECT.**

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

11 (1) *MIDDLE MISSISSIPPI RIVER.—The term*
 12 *“middle Mississippi River” means the reach of the*
 13 *Mississippi River from the mouth of the Ohio River*
 14 *(river mile 0, upper Mississippi River) to the mouth*
 15 *of the Missouri River (river mile 195).*

16 (2) *MISSOURI RIVER.—The term “Missouri*
 17 *River” means the main stem and floodplain of the*
 18 *Missouri River (including reservoirs) from its con-*
 19 *fluence with the Mississippi River at St. Louis, Mis-*
 20 *souri, to its headwaters near Three Forks, Montana.*

21 (3) *PROJECT.—The term “project” means the*
 22 *project authorized by this section.*

23 (4) *SECRETARY.—The term “Secretary” means*
 24 *the Secretary of the Army.*

25 (b) *PROTECTION AND ENHANCEMENT ACTIVITIES.—*

26 (1) *PLAN.—*

1 (A) *DEVELOPMENT.*—*Not later than 180*
2 *days after the date of enactment of this Act, the*
3 *Secretary shall develop a plan for a project to*
4 *protect and enhance fish and wildlife habitat of*
5 *the Missouri River and the middle Mississippi*
6 *River.*

7 (B) *ACTIVITIES.*—

8 (i) *IN GENERAL.*—*The plan shall pro-*
9 *vide for such activities as are necessary to*
10 *protect and enhance fish and wildlife habi-*
11 *tat without adversely affecting—*

12 (I) *the water-related needs of the*
13 *region surrounding the Missouri River*
14 *and the middle Mississippi River, in-*
15 *cluding flood control, navigation, recre-*
16 *ation, and enhancement of water sup-*
17 *ply; and*

18 (II) *private property rights.*

19 (ii) *REQUIRED ACTIVITIES.*—*The plan*
20 *shall include—*

21 (I) *modification and improvement*
22 *of navigation training structures to*
23 *protect and enhance fish and wildlife*
24 *habitat;*

1 (II) *modification and creation of*
 2 *side channels to protect and enhance*
 3 *fish and wildlife habitat;*

4 (III) *restoration and creation of*
 5 *island fish and wildlife habitat;*

6 (IV) *creation of riverine fish and*
 7 *wildlife habitat;*

8 (V) *establishment of criteria for*
 9 *prioritizing the type and sequencing of*
 10 *activities based on cost-effectiveness*
 11 *and likelihood of success; and*

12 (VI) *physical and biological mon-*
 13 *itoring for evaluating the success of the*
 14 *project, to be performed by the River*
 15 *Studies Center of the United States Ge-*
 16 *ological Survey in Columbia, Missouri.*

17 (2) *IMPLEMENTATION OF ACTIVITIES.—*

18 (A) *IN GENERAL.—Using funds made avail-*
 19 *able to carry out this section, the Secretary shall*
 20 *carry out the activities described in the plan.*

21 (B) *USE OF EXISTING AUTHORITY FOR*
 22 *UNCONSTRUCTED FEATURES OF THE PROJECT.—*
 23 *Using funds made available to the Secretary*
 24 *under other law, the Secretary shall design and*
 25 *construct any feature of the project that may be*

1 *carried out using the authority of the Secretary*
2 *to modify an authorized project, if the Secretary*
3 *determines that the design and construction*
4 *will—*

5 *(i) accelerate the completion of activi-*
6 *ties to protect and enhance fish and wildlife*
7 *habitat of the Missouri River or the middle*
8 *Mississippi River; and*

9 *(ii) be compatible with the project pur-*
10 *poses described in this section.*

11 *(c) INTEGRATION OF OTHER ACTIVITIES.—*

12 *(1) IN GENERAL.—In carrying out the activities*
13 *described in subsection (b), the Secretary shall inte-*
14 *grate the activities with other Federal, State, and*
15 *tribal activities.*

16 *(2) NEW AUTHORITY.—Nothing in this section*
17 *confers any new regulatory authority on any Federal*
18 *or non-Federal entity that carries out any activity*
19 *authorized by this section.*

20 *(d) PUBLIC PARTICIPATION.—In developing and car-*
21 *rying out the plan under subsection (b) and the activities*
22 *described in subsection (c), the Secretary shall provide for*
23 *public review and comment in accordance with applicable*
24 *Federal law, including—*

25 *(1) providing advance notice of meetings;*

1 (2) *providing adequate opportunity for public*
2 *input and comment;*

3 (3) *maintaining appropriate records; and*

4 (4) *compiling a record of the proceedings of*
5 *meetings.*

6 (e) *COMPLIANCE WITH APPLICABLE LAW.—In carry-*
7 *ing out the activities described in subsections (b) and (c),*
8 *the Secretary shall comply with any applicable Federal*
9 *law, including the National Environmental Policy Act of*
10 *1969 (42 U.S.C. 4321 et seq.).*

11 (f) *COST SHARING.—*

12 (1) *NON-FEDERAL SHARE.—The non-Federal*
13 *share of the cost of the project shall be 35 percent.*

14 (2) *FEDERAL SHARE.—The Federal share of the*
15 *cost of any 1 activity described in subsection (b) shall*
16 *not exceed \$5,000,000.*

17 (3) *OPERATION AND MAINTENANCE.—The oper-*
18 *ation and maintenance of the project shall be a non-*
19 *Federal responsibility.*

20 (g) *AUTHORIZATION OF APPROPRIATIONS.—There is*
21 *authorized to be appropriated to pay the Federal share of*
22 *the cost of carrying out activities under this section*
23 *\$30,000,000 for the period of fiscal years 2000 and 2001.*

1 **SEC. 117. OUTER CONTINENTAL SHELF.**

2 (a) *SAND, GRAVEL, AND SHELL.*—Section 8(k)(2)(B)
 3 of the Outer Continental Shelf Lands Act (43 U.S.C.
 4 1337(k)(2)(B)) is amended by inserting before the period
 5 at the end the following: “or any other non-Federal interest
 6 subject to an agreement entered into under section 221 of
 7 the Flood Control Act of 1970 (42 U.S.C. 1962d–5b)”.

8 (b) *REIMBURSEMENT FOR LOCAL SPONSOR AT*
 9 *SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.*—Any
 10 amounts paid by the non-Federal sponsor for beach erosion
 11 control and hurricane protection, Sandbridge Beach, Vir-
 12 ginia Beach, Virginia, as a result of an assessment under
 13 section 8(k) of the Outer Continental Shelf Lands Act (43
 14 U.S.C. 1337(k)) shall be fully reimbursed.

15 **SEC. 118. ENVIRONMENTAL DREDGING.**

16 Section 312(f) of the Water Resources Development Act
 17 of 1990 (33 U.S.C. 1272(f)) is amended by adding at the
 18 end the following:

19 “(6) Snake Creek, Bixby, Oklahoma.”.

20 **SEC. 119. BENEFIT OF PRIMARY FLOOD DAMAGES AVOIDED**
 21 **INCLUDED IN BENEFIT COST ANALYSIS.**

22 Section 308 of the Water Resources Development Act
 23 of 1990 (33 U.S.C. 2318) is amended—

24 (1) in the heading of subsection (a), by striking
 25 “BENEFIT-COST ANALYSIS” and inserting “ELE-
 26 MENTS EXCLUDED FROM COST-BENEFIT ANALYSIS”;

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

3 (3) by inserting after subsection (a) the follow-
4 ing:

5 “(b) *ELEMENTS INCLUDED IN COST-BENEFIT ANALY-*
6 *SIS.—The Secretary shall include primary flood damages*
7 *avoided in the benefit base for justifying Federal non-*
8 *structural flood damage reduction projects.”.*

9 **SEC. 120. CONTROL OF AQUATIC PLANT GROWTH.**

10 Section 104(a) of the River and Harbor Act of 1958
11 (33 U.S.C. 610(a)) is amended—

12 (1) by inserting “*Arundo dona*,” after “*water-*
13 *hyacinth*,”; and

14 (2) by inserting “*tarmarix*” after “*melaleuca*”.

15 **SEC. 121. ENVIRONMENTAL INFRASTRUCTURE.**

16 Section 219(c) of the Water Resources Development Act
17 of 1992 (106 Stat. 4835) is amended—

18 (1) by redesignating paragraphs (1) through (19)
19 as paragraphs (3) through (23), respectively; and

20 (2) by inserting after “as follows:” the following:

21 “(1) *LAKE TAHOE, CALIFORNIA AND NEVADA.—*
22 *Regional water system for Lake Tahoe, California*
23 *and Nevada.*

1 “(2) LANCASTER, CALIFORNIA.—*Fox Field In-*
 2 *dustrial Corridor water facilities, Lancaster, Califor-*
 3 *nia.*

4 “(3) SAN RAMON, CALIFORNIA.—*San Ramon*
 5 *Valley recycled water project, San Ramon, California.*

6 **SEC. 122. WATERSHED MANAGEMENT, RESTORATION, AND**
 7 **DEVELOPMENT.**

8 *Section 503(d) of the Water Resources Development*
 9 *Act of 1996 (110 Stat. 3756) is amended by adding at the*
 10 *end the following:*

11 “(14) *Clear Lake watershed, California.*

12 “(15) *Fresno Slough watershed, California.*

13 “(16) *Hayward Marsh, Southern San Francisco*
 14 *Bay watershed, California.*

15 “(17) *Kaweah River watershed, California.*

16 “(18) *Lake Tahoe watershed, California and Ne-*
 17 *vada.*

18 “(19) *Malibu Creek watershed, California.*

19 “(20) *Truckee River basin, Nevada.*

20 “(21) *Walker River basin, Nevada.”.*

21 **SEC. 123. LAKES PROGRAM.**

22 *Section 602(a) of the Water Resources Act of 1986 (100*
 23 *Stat. 4148) is amended—*

24 (1) *by striking “and” at the end of paragraph*

25 (15);

1 (2) *by striking the period at the end of para-*
 2 *graph (16) and inserting a semicolon; and*

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

4 “(17) *Clear Lake, Lake County, California, re-*
 5 *moval of silt and aquatic growth and development of*
 6 *a sustainable weed and algae management program.*

7 “(18) *Osgood Pond, Milford, New Hampshire, re-*
 8 *moval of excessive aquatic vegetation.”.*

9 **SEC. 124. DREDGING OF SALT PONDS IN THE STATE OF**
 10 **RHODE ISLAND.**

11 *The Secretary may acquire for the State of Rhode Is-*
 12 *land a dredge and associated equipment with the capacity*
 13 *to dredge approximately 100 cubic yards per hour for use*
 14 *by the State in dredging salt ponds in the State.*

15 **SEC. 125. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**
 16 **VANIA AND NEW YORK.**

17 *Section 567(a) of the Water Resources Development*
 18 *Act of 1996 (110 Stat. 3787) is amended by adding at the*
 19 *end the following:*

20 “(3) *The Chemung River watershed, New York,*
 21 *at an estimated cost of \$5,000,000.”.*

22 **SEC. 126. REPAUPO CREEK AND DELAWARE RIVER,**
 23 **GLOUCESTER COUNTY, NEW JERSEY.**

24 *Section 102 of the Water Resources Development Act*
 25 *of 1996 (110 Stat. 3668) is amended—*

1 (1) by redesignating paragraphs (15) through
 2 (22) as paragraphs (17) through (24), respectively;
 3 and

4 (2) by inserting after paragraph (14) the follow-
 5 ing:

6 “(15) *REPAUPO CREEK AND DELAWARE RIVER,*
 7 *GLOUCESTER COUNTY, NEW JERSEY.—Project for*
 8 *tidegate and levee improvements for Repaupo Creek*
 9 *and the Delaware River, Gloucester County, New Jer-*
 10 *sey.*

11 “(16) *TIOGA COUNTY, PENNSYLVANIA.—Project*
 12 *for flood control, Tioga River and Cowanesque River*
 13 *and their tributaries, Tioga County, Pennsylvania.”.*

14 **SEC. 127. SMALL NAVIGATION PROJECTS.**

15 Section 104 of the Water Resources Development Act
 16 of 1996 (110 Stat. 3669) is amended—

17 (1) by redesignating paragraphs (9) through (12)
 18 as paragraphs (10) through (13), respectively; and

19 (2) by inserting after paragraph (8) the follow-
 20 ing:

21 “(9) *FORTESCUE INLET, DELAWARE BAY, NEW*
 22 *JERSEY.—Project for navigation for Fortesque Inlet,*
 23 *Delaware Bay, New Jersey.”.*

1 **SEC. 128. STREAMBANK PROTECTION PROJECTS.**

2 *The streambank protection project at Coulson Park,*
3 *along the Yellowstone River, Billings, Montana, shall be eli-*
4 *gible for assistance under section 14 of the Flood Control*
5 *Act of 1946 (60 Stat. 653).*

6 **SEC. 129. AQUATIC ECOSYSTEM RESTORATION, SPRING-**
7 **FIELD, OREGON.**

8 *(a) IN GENERAL.—Under section 1135 of the Water*
9 *Resources Development Act of 1990 (100 Stat. 4251) or*
10 *other applicable authority, the Secretary shall conduct*
11 *measures to address water quality, flows and fish habitat*
12 *restoration in the historic Springfield, Oregon, millrace*
13 *through the reconfiguration of the existing millpond, if the*
14 *Secretary determines that harmful impacts have occurred*
15 *as the result of a previously constructed flood control project*
16 *by the Army Corps of Engineers.*

17 *(b) NON-FEDERAL SHARE.—The non-Federal share,*
18 *excluding lands, easements, rights-of-way, dredged material*
19 *disposal areas and relocations, shall be 25 percent.*

20 *(c) AUTHORIZATION OF APPROPRIATIONS.—There is*
21 *authorized to be appropriated to carry out this section*
22 *\$1,500,000.*

23 **SEC. 130. GUILFORD AND NEW HAVEN, CONNECTICUT.**

24 *The Secretary shall expeditiously complete the activi-*
25 *ties authorized under section 346 of the Water Resources*
26 *Development Act of 1992 (106 Stat. 4858), including activi-*

1 *ties associated with Sluice Creek in Guilford, Connecticut,*
 2 *and Lighthouse Point Park in New Haven, Connecticut.*

3 **SEC. 131. FRANCIS BLAND, ARKANSAS FLOODWAY DITCH**

4 **NO. 5.**

5 (a) *REDESIGNATION.*—*The project for flood control,*
 6 *Eight Mile Creek, Paragould, Arkansas authorized by sec-*
 7 *tion 401(a) of the Water Resources Development Act of 1986*
 8 *(100 Stat. 4112) and known as “Eight Mile Creek,*
 9 *Paragould, Arkansas”, shall be known and designated as*
 10 *the “Francis Bland, Arkansas Floodway Ditch No. 5”.*

11 (b) *LEGAL PREFERENCES.*—*Any reference in any law,*
 12 *map, regulation, document, paper, or other record of the*
 13 *United States to the project and creek referred to in sub-*
 14 *section (a) shall be deemed to be a reference to the Francis*
 15 *Bland, Arkansas Floodway Ditch No. 5.*

16 **SEC. 132. POINT JUDITH BREAKWATER.**

17 (a) *IN GENERAL.*—*The Secretary shall restore the in-*
 18 *tegrity of the breakwater located at Point Judith, Rhode*
 19 *Island, authorized by the first section of the Act of March*
 20 *2, 1907 (commonly known as the “River and Harbor Ap-*
 21 *propriations Act of 1907”)* (34 Stat. 1075, chapter 2509)
 22 *and the first section of the Act of June 25, 1910 (commonly*
 23 *known as the “River and Harbor Appropriations Act of*
 24 *1910”)* (36 Stat. 632, chapter 382), *at a total cost of*

1 \$10,000,000 with an estimated Federal cost of \$6,500,000
 2 and an estimated non-Federal cost of \$3,500,000.

3 (b) *NON-FEDERAL RESPONSIBILITY.*—Operation,
 4 maintenance, repair, replacement, and rehabilitation of the
 5 restored breakwater shall be a non-Federal responsibility.

6 **SEC. 133. CALOOSAHATCHEE RIVER BASIN, FLORIDA.**

7 Section 528(e)(4) of the Water Resources Development
 8 Act of 1996 (110 Stat. 3770) is amended in the first sen-
 9 tence by inserting before the period at the end the following:
 10 “, including potential land acquisition in the
 11 Caloosahatchee River basin or other areas”.

12 **SEC. 134. CUMBERLAND, MARYLAND, FLOOD PROJECT MITI-**
 13 **GATION.**

14 (a) *IN GENERAL.*—The project for flood control and
 15 other purposes, Cumberland, Maryland, authorized by sec-
 16 tion 5 of the Act of June 22, 1936 (commonly known as
 17 the “Flood Control Act of 1936”) (49 Stat. 1574, chapter
 18 688), is modified to authorize the Secretary to undertake,
 19 as a separate part of the project, restoration of the historic
 20 Chesapeake and Ohio Canal substantially in accordance
 21 with the Chesapeake and Ohio Canal National Historic
 22 Park, Cumberland, Maryland, Rewatering Design Analysis,
 23 dated February 1998, at a total cost of \$15,000,000, with
 24 an estimated Federal cost of \$9,750,000 and an estimated
 25 non-Federal cost of \$5,250,000.

1 (b) *IN-KIND SERVICES.*—*The non-Federal interest for*
 2 *the restoration project under subsection (a) may provide all*
 3 *or a portion of the non-Federal share of project costs in*
 4 *the form of in-kind services and shall receive credit toward*
 5 *the non-Federal share of project costs for design and con-*
 6 *struction work performed by the non-Federal interest before*
 7 *execution of a project cooperation agreement and for land,*
 8 *easements, and rights-of-way required for the restoration*
 9 *and acquired by the non-Federal interest before execution*
 10 *of such an agreement.*

11 (c) *OPERATION AND MAINTENANCE.*—*The operation*
 12 *and maintenance of the restoration project under subsection*
 13 *(a) shall be the full responsibility of the National Park*
 14 *Service.*

15 **SEC. 135. SEDIMENTS DECONTAMINATION POLICY.**

16 (a) *PROJECT PURPOSE.*—*Section 405 of the Water Re-*
 17 *sources Development Act of 1992 (33 U.S.C. 2239 note; Pub-*
 18 *lic Law 102–580) is amended—*

19 (1) *in subsection (a), by adding at the end the*
 20 *following:*

21 “(4) *PRACTICAL END-USE PRODUCTS.*—
 22 *Technologies selected for demonstration at the*
 23 *pilot scale shall result in practical end-use prod-*
 24 *ucts.*

1 “(5) ASSISTANCE BY THE SECRETARY.—The
 2 Secretary shall assist the project to ensure expe-
 3 ditious completion by providing sufficient quan-
 4 tities of contaminated dredged material to con-
 5 duct the full-scale demonstrations to stated ca-
 6 pacity.”; and

7 (2) in subsection (c), by striking the first sen-
 8 tence and inserting the following: “There is author-
 9 ized to be appropriated to carry out this section a
 10 total of \$22,000,000 to complete technology testing,
 11 technology commercialization, and the development of
 12 full scale processing facilities within the New York-
 13 New Jersey Harbor.”.

14 **SEC. 136. CITY OF MIAMI BEACH, FLORIDA.**

15 Section 5(b)(3)(C)(i) of the Act of August 13, 1946 (33
 16 U.S.C. 426h), is amended by inserting before the semicolon
 17 the following; “, including the city of Miami Beach, Flor-
 18 ida”.

19 **SEC. 137. SMALL STORM DAMAGE REDUCTION PROJECTS.**

20 Section 3 of the Act of August 13, 1946 (33 U.S.C.
 21 426g), is amended by striking “\$2,000,000” and inserting
 22 “\$3,000,000”.

23 **SEC. 138. SARDIS RESERVOIR, OKLAHOMA.**

24 (a) IN GENERAL.—The Secretary shall accept from the
 25 State of Oklahoma or an agent of the State an amount,

1 *as determined under subsection (b), as prepayment of 100*
 2 *percent of the water supply cost obligation of the State*
 3 *under Contract No. DACW56-74-JC-0314 for water sup-*
 4 *ply storage at Sardis Reservoir, Oklahoma.*

5 *(b) DETERMINATION OF AMOUNT.—The amount to be*
 6 *paid by the State of Oklahoma under subsection (aa) shall*
 7 *be subject to adjustment in accordance with accepted dis-*
 8 *count purchase methods for Government properties as deter-*
 9 *mined by an independent accounting firm designated by*
 10 *the Director of the Office of Management and Budget.*

11 *(c) EFFECT.—Nothing in this section shall otherwise*
 12 *affect any of the rights or obligations of the parties to the*
 13 *contract referred to in subsection (a).*

14 **SEC. 139. UPPER MISSISSIPPI RIVER AND ILLINOIS WATER-**
 15 **WAY SYSTEM NAVIGATION MODERNIZATION.**

16 *(a) FINDINGS.—Congress finds that—*

17 *(1) exports are necessary to ensure job creation*
 18 *and an improved standard of living for the people of*
 19 *the United States;*

20 *(2) the ability of producers of goods in the*
 21 *United States to compete in the international market-*
 22 *place depends on a modern and efficient transpor-*
 23 *tation network;*

24 *(3) a modern and efficient waterway system is*
 25 *a transportation option necessary to provide United*

1 *States shippers a safe, reliable, and competitive*
2 *means to win foreign markets in an increasingly*
3 *competitive international marketplace;*

4 (4) *the need to modernize is heightened because*
5 *the United States is at risk of losing its competitive*
6 *edge as a result of the priority that foreign competi-*
7 *tors are placing on modernizing their own waterway*
8 *systems;*

9 (5) *growing export demand projected over the*
10 *coming decades will force greater demands on water-*
11 *way systems of the United States and increase the*
12 *cost to the economy if the system proves inadequate*
13 *to satisfy growing export opportunities;*

14 (6) *the locks and dams on the upper Mississippi*
15 *River and Illinois River waterway system were built*
16 *in the 1930s and have some of the highest average*
17 *delays to commercial tows in the country;*

18 (7) *inland barges carry freight at the lowest unit*
19 *cost while offering an alternative to truck and rail*
20 *transportation that is environmentally sound, is en-*
21 *ergy efficient, is safe, causes little congestion, produces*
22 *little air or noise pollution, and has minimal social*
23 *impact; and*

24 (8) *it should be the policy of the Corps of Engi-*
25 *neers to pursue aggressively modernization of the wa-*

1 *terway system authorized by Congress to promote the*
2 *relative competitive position of the United States in*
3 *the international marketplace.*

4 *(b) PRECONSTRUCTION ENGINEERING AND DESIGN.—*

5 *In accordance with the Upper Mississippi River-Illinois*
6 *Waterway System Navigation Study, the Secretary shall*
7 *proceed immediately to prepare engineering design, plans,*
8 *and specifications for extension of locks 20, 21, 22, 24, 25*
9 *on the Mississippi River and the LaGrange and Peoria*
10 *Locks on the Illinois River, to provide lock chambers*
11 *110 feet in width and 1,200 feet in length, so that construction*
12 *can proceed immediately upon completion of studies and*
13 *authorization of projects by Congress.*

14 **SEC. 140. DISPOSAL OF DREDGED MATERIAL ON BEACHES.**

15 *Section 145 of the Water Resources Development Act*
16 *of 1976 (33 U.S.C. 426j) is amended in the first sentence*
17 *by striking “50” and inserting “35”.*

18 **SEC. 141. FISH AND WILDLIFE MITIGATION.**

19 *Section 906(e) of the Water Resources Development Act*
20 *of 1986 (33 U.S.C. 2283(e)) is amended by inserting after*
21 *the second sentence the following: “Not more than 80 percent*
22 *of the non-Federal share of such first costs may be in kind,*
23 *including a facility, supply, or service that is necessary to*
24 *carry out the enhancement project.”.*

1 **SEC. 142. UPPER MISSISSIPPI RIVER MANAGEMENT.**

2 *Section 1103 of the Water Resources Development Act*
3 *of 1986 (33 U.S.C. 652) is amended—*

4 *(1) in subsection (e)—*

5 *(A) by striking “(e)” and all that follows*
6 *through the end of paragraph (2) and inserting*
7 *the following:*

8 *“(e) UNDERTAKINGS.—*

9 *“(1) IN GENERAL.—*

10 *“(A) AUTHORITY.—The Secretary, in con-*
11 *sultation with the Secretary of the Interior and*
12 *the States of Illinois, Iowa, Minnesota, Missouri,*
13 *and Wisconsin, may undertake, as identified in*
14 *the master plan—*

15 *“(i) a program for the planning, con-*
16 *struction, and evaluation of measures for*
17 *fish and wildlife habitat rehabilitation and*
18 *enhancement;*

19 *“(ii) implementation of a long-term re-*
20 *source monitoring, computerized data in-*
21 *ventory and analysis, and applied research*
22 *program; and*

23 *“(iii) for each pool and the open reach,*
24 *a natural resource blueprint to guide habi-*
25 *tat rehabilitation and long-term resource*
26 *monitoring.*

1 “(B) *REQUIREMENTS FOR PROJECTS.*—
2 *Each project carried out under subparagraph*
3 *(A) shall—*

4 “(i) *to the maximum extent prac-*
5 *ticable, simulate natural river processes;*
6 *and*

7 “(ii) *include an outreach and edu-*
8 *cation component.*

9 “(C) *REVIEW COMMITTEE.*—*In carrying out*
10 *subparagraph (A), the Secretary shall create an*
11 *independent technical review committee to review*
12 *projects, monitoring plans, and blueprints.*

13 “(D) *CRITERIA FOR HABITAT REHABILITA-*
14 *TION.*—*In carrying out subparagraph (A), the*
15 *Secretary shall revise criteria for habitat reha-*
16 *bilitation for projects to promote the simulation*
17 *of natural river processes, to the maximum ex-*
18 *tent practicable.*

19 “(E) *BLUEPRINTS.*—

20 “(i) *DATA.*—*The natural resource blue-*
21 *print shall, to the maximum extent prac-*
22 *ticable, use data in existence on the date of*
23 *enactment of this subparagraph.*

24 “(ii) *TIMING.*—*The Secretary shall*
25 *complete a natural resource blueprint for*

1 each pool not later than 6 years after the
2 date of enactment of this subparagraph.

3 “(F) *AUTHORIZATION OF APPROPRIA-*
4 *TIONS.—There is authorized to be appropriated*
5 *to carry out this paragraph \$350,000 for each of*
6 *fiscal years 1999 through 2009.*

7 “(2) *REPORTS.—On December 31, 2004, in con-*
8 *sultation with the Secretary of the Interior and the*
9 *States of Illinois, Iowa, Minnesota, Missouri, and*
10 *Wisconsin, the Secretary shall prepare and submit to*
11 *Congress a report that—*

12 “(A) *contains an evaluation of the pro-*
13 *grams described in paragraph (1);*

14 “(B) *describes the accomplishments of each*
15 *program;*

16 “(C) *provide updates of a systemic habitat*
17 *needs assessment; and*

18 “(D) *identifies any needed adjustments in*
19 *the authorization under paragraph (1) or the au-*
20 *thorized appropriations under paragraphs (3)*
21 *and (4).”;*

22 (B) *in paragraph (3)—*

23 (i) *by striking “paragraph (1)(A)” and*
24 *inserting “paragraph (1)(A)(i); and*

1 (ii) by striking “Secretary not to ex-
2 ceed” and all that follows and inserting
3 “Secretary not to exceed \$22,750,000 for
4 each of fiscal years 1999 through 2009.”;

5 (C) in paragraph (4)—

6 (i) by striking “paragraph (1)(B)”
7 and inserting “paragraph (1)(A)(ii); and

8 (ii) by striking “\$7,680,000” and all
9 that follows and inserting “\$10,420,000 for
10 each of fiscal years 1999 through 2009.”;

11 (D) by striking paragraphs (5) and (6) and
12 inserting the following:

13 “(5) TRANSFER OF AMOUNTS.—For each fiscal
14 year beginning after September 30, 1992, the Sec-
15 retary, in consultation with the Secretary of the Inte-
16 rior and the States of Illinois, Iowa, Minnesota, Mis-
17 souri, and Wisconsin, may transfer appropriated
18 amounts between the programs under subparagraphs
19 (A) and (B) of paragraph (1).”;

20 (E) by redesignating paragraphs (7) and
21 (8) as paragraphs (6) and (7), respectively; and

22 (F) in paragraph (6) (as redesignated by
23 subparagraph (E))—

24 (i) in subparagraph (A), by inserting
25 before the period the following: “and, in the

1 *case of any project carried out on non-Fed-*
2 *eral land, the non-Federal share of the cost*
3 *of the project shall be 35 percent and the*
4 *non-Federal share of the cost of operation*
5 *and maintenance of the project shall be 100*
6 *percent”;* and

7 *(ii) in subparagraph (B), by striking*
8 *“paragraphs (1)(B) and (1)(C) of this sub-*
9 *section” and inserting “paragraph (1)(B)”;*
10 and

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

12 *“(k) ST. LOUIS AREA URBAN WILDLIFE HABITAT.—*
13 *The Secretary shall investigate and, if appropriate, carry*
14 *out restoration of urban wildlife habitat, with a special em-*
15 *phasis on the establishment of greenways in St. Louis, Mis-*
16 *souri, area and surrounding communities.”.*

17 **SEC. 143. REIMBURSEMENT OF NON-FEDERAL INTEREST.**

18 *Section 211(e)(2)(A) of the Water Resources Develop-*
19 *ment Act of 1996 (110 Stat. 3684) is amended by striking*
20 *“subject to amounts being made available in advance in*
21 *appropriations Acts” and inserting “subject to the avail-*
22 *ability of appropriations”.*

1 **SEC. 144. RESEARCH AND DEVELOPMENT PROGRAM FOR**
 2 **COLUMBIA AND SNAKE RIVERS SALMON SUR-**
 3 **VIVAL.**

4 *Section 511 of the Water Resources Development Act*
 5 *of 1996 (16 U.S.C. 3301 note) is amended by striking sub-*
 6 *section (a) and all that follows and inserting the following:*

7 *“(a) SALMON SURVIVAL ACTIVITIES.—*

8 *“(1) IN GENERAL.—In conjunction with the Sec-*
 9 *retary of Commerce and Secretary of the Interior, the*
 10 *Secretary shall accelerate ongoing research and devel-*
 11 *opment activities, and may carry out or participate*
 12 *in additional research and development activities, for*
 13 *the purpose of developing innovative methods and*
 14 *technologies for improving the survival of salmon, es-*
 15 *pecially salmon in the Columbia/Snake River Basin.*

16 *“(2) ACCELERATED ACTIVITIES.—Accelerated re-*
 17 *search and development activities referred to in para-*
 18 *graph (1) may include research and development re-*
 19 *lated to—*

20 *“(A) impacts from water resources projects*
 21 *and other impacts on salmon life cycles;*

22 *“(B) juvenile and adult salmon passage;*

23 *“(C) light and sound guidance systems;*

24 *“(D) surface-oriented collector systems;*

25 *“(E) transportation mechanisms; and*

1 “(F) dissolved gas monitoring and abate-
2 ment.

3 “(3) *ADDITIONAL ACTIVITIES.*—Additional re-
4 search and development activities referred to in para-
5 graph (1) may include research and development re-
6 lated to—

7 “(A) studies of juvenile salmon survival in
8 spawning and rearing areas;

9 “(B) estuary and near-ocean juvenile and
10 adult salmon survival;

11 “(C) impacts on salmon life cycles from
12 sources other than water resources projects;

13 “(D) cryopreservation of fish gametes and
14 formation of a germ plasm repository for threat-
15 ened and endangered populations of native fish;
16 and

17 “(E) other innovative technologies and ac-
18 tions intended to improve fish survival, includ-
19 ing the survival of resident fish.

20 “(4) *COORDINATION.*—The Secretary shall co-
21 ordinate any activities carried out under this sub-
22 section with appropriate Federal, State, and local
23 agencies, affected Indian tribes, and the Northwest
24 Power Planning Council.

1 “(5) *REPORT.*—Not later than 3 years after the
2 date of enactment of this Act, the Secretary shall
3 transmit to Congress a report on the research and de-
4 velopment activities carried out under this subsection,
5 including any recommendations of the Secretary con-
6 cerning the research and development activities.

7 “(6) *AUTHORIZATION OF APPROPRIATIONS.*—
8 There is authorized to be appropriated \$10,000,000 to
9 carry out research and development activities under
10 paragraph (3).

11 “(b) *ADVANCED TURBINE DEVELOPMENT.*—

12 “(1) *IN GENERAL.*—In conjunction with the Sec-
13 retary of Energy, the Secretary shall accelerate efforts
14 toward developing and installing in Corps of Engi-
15 neers operated dams innovative, efficient, and envi-
16 ronmentally safe hydropower turbines, including de-
17 sign of “fish-friendly” turbines, for use on the Colum-
18 bia/Snake River hydrosystem.

19 “(2) *AUTHORIZATION OF APPROPRIATIONS.*—
20 There is authorized to be appropriated \$35,000,000 to
21 carry out this subsection.

22 “(c) *MANAGEMENT OF PREDATION ON COLUMBIA/
23 SNAKE RIVER SYSTEM NATIVE FISHES.*—

24 “(1) *NESTING AVIAN PREDATORS.*—In conjunc-
25 tion with the Secretary of Commerce and Secretary of

1 *the Interior, and consistent with a management plan*
 2 *to be developed by the United States Fish and Wild-*
 3 *life Service, the Secretary shall carry out methods to*
 4 *reduce nesting populations of avian predators on*
 5 *dredge spoil islands in the Columbia River under the*
 6 *jurisdiction of the Secretary.*

7 “(2) *AUTHORIZATION OF APPROPRIATIONS.—*
 8 *There is authorized to be appropriated \$1,000,000 to*
 9 *carry out research and development activities under*
 10 *this subsection.*

11 “(d) *IMPLEMENTATION.—Nothing in this section af-*
 12 *fects the authority of the Secretary to implement the results*
 13 *of the research and development carried out under this sec-*
 14 *tion or any other law.”.*

15 **TITLE II—CHEYENNE RIVER**
 16 **SIOUX TRIBE, LOWER BRULE**
 17 **SIOUX TRIBE, AND STATE OF**
 18 **SOUTH DAKOTA TERRES-**
 19 **TRIAL WILDLIFE HABITAT**
 20 **RESTORATION**

21 **SEC. 201. DEFINITIONS.**

22 *In this title:*

23 (1) *RESTORATION.—The term “restoration”*
 24 *means mitigation of the habitat of wildlife.*

1 (2) *SECRETARY.*—*The term “Secretary” means*
 2 *the Secretary of the Army, acting through the Assist-*
 3 *ant Secretary for Civil Works.*

4 (3) *TERRESTRIAL WILDLIFE HABITAT.*—*The*
 5 *term “terrestrial wildlife habitat” means a habitat for*
 6 *a wildlife species (including game and nongame spe-*
 7 *cies) that existed or exists on an upland habitat (in-*
 8 *cluding a prairie grassland, woodland, bottom land*
 9 *forest, scrub, or shrub) or an emergent wetland habi-*
 10 *tat.*

11 (4) *WILDLIFE.*—*The term “wildlife” has the*
 12 *meaning given the term in section 8 of the Fish and*
 13 *Wildlife Coordination Act (16 U.S.C. 666b).*

14 **SEC. 202. TERRESTRIAL WILDLIFE HABITAT RESTORATION.**

15 (a) *TERRESTRIAL WILDLIFE HABITAT RESTORATION*
 16 *PLANS.*—

17 (1) *IN GENERAL.*—*In accordance with this sub-*
 18 *section and in consultation with the Secretary and*
 19 *the Secretary of the Interior, the State of South Da-*
 20 *kota, the Cheyenne River Sioux Tribe, and the Lower*
 21 *Brule Sioux Tribe shall, as a condition of the receipt*
 22 *of funds under this title, each develop a plan for the*
 23 *restoration of terrestrial wildlife habitat loss that oc-*
 24 *curred as a result of flooding related to the Big Bend*

1 *and Oahe projects carried out as part of the Pick-*
2 *Sloan Missouri River Basin program.*

3 (2) *SUBMISSION OF PLAN TO SECRETARY.—On*
4 *completion of a plan for terrestrial wildlife habitat*
5 *restoration, the State of South Dakota, the Cheyenne*
6 *River Sioux Tribe, and the Lower Brule Sioux Tribe*
7 *shall submit the plan to the Secretary.*

8 (3) *REVIEW BY SECRETARY AND SUBMISSION TO*
9 *COMMITTEES.—The Secretary shall review the plan*
10 *and submit the plan, with any comments, to—*

11 (A) *the Committee on Environment and*
12 *Public Works of the Senate; and*

13 (B) *the Committee on Resources of the*
14 *House of Representatives.*

15 (4) *FUNDING FOR CARRYING OUT PLANS.—*

16 (A) *STATE OF SOUTH DAKOTA.—*

17 (i) *NOTIFICATION.—On receipt of the*
18 *plan for terrestrial wildlife habitat restora-*
19 *tion submitted by the State of South Da-*
20 *kota, each of the Committees referred to in*
21 *paragraph (2) shall notify the Secretary of*
22 *the Treasury of the receipt of the plan.*

23 (ii) *AVAILABILITY OF FUNDS.—On no-*
24 *tification in accordance with clause (i), the*
25 *Secretary of the Treasury shall make avail-*

1 *able to the State of South Dakota funds*
2 *from the South Dakota Terrestrial Wildlife*
3 *Habitat Restoration Trust Fund established*
4 *under section 203, to be used to carry out*
5 *the plan for terrestrial wildlife habitat res-*
6 *toration submitted by the State.*

7 *(B) CHEYENNE RIVER SIOUX TRIBE AND*
8 *LOWER BRULE SIOUX TRIBE.—*

9 *(i) NOTIFICATION.—On receipt of the*
10 *plan for terrestrial wildlife habitat restora-*
11 *tion submitted by the Cheyenne River Sioux*
12 *Tribe and the Lower Brule Sioux Tribe,*
13 *each of the Committees referred to in para-*
14 *graph (2) shall notify the Secretary of the*
15 *Treasury of the receipt of each of the plans.*

16 *(ii) AVAILABILITY OF FUNDS.—On no-*
17 *tification in accordance with clause (i), the*
18 *Secretary of the Treasury shall make avail-*
19 *able to the Cheyenne River Sioux Tribe and*
20 *the Lower Brule Sioux Tribe funds from the*
21 *Cheyenne River Sioux Tribe Terrestrial*
22 *Wildlife Habitat Restoration Trust Fund*
23 *and the Lower Brule Sioux Tribe Terres-*
24 *trial Wildlife Habitat Restoration Trust*
25 *Fund, respectively, established under section*

1 204, to be used to carry out the plan for ter-
2 restrial wildlife habitat restoration submit-
3 ted by the Cheyenne River Sioux Tribe and
4 the Lower Brule Sioux Tribe, respectively.

5 (C) *TRANSITION PERIOD.*—

6 (i) *IN GENERAL.*—During the period
7 described in clause (ii), the Secretary
8 shall—

9 (I) *fund the terrestrial wildlife*
10 *habitat restoration programs being*
11 *carried out on the date of enactment of*
12 *this Act on Oahe and Big Bend project*
13 *land and the plans established under*
14 *this section at a level that does not ex-*
15 *ceed the highest amount of funding*
16 *that was provided for the programs*
17 *during a previous fiscal year; and*

18 (II) *implement the programs.*

19 (ii) *PERIOD.*—Clause (i) shall apply
20 during the period—

21 (I) *beginning on the date of enact-*
22 *ment of this Act; and*

23 (II) *ending on the earlier of—*

24 (aa) *the date on which funds*
25 *are made available for use from*

1 *the South Dakota Terrestrial*
 2 *Wildlife Habitat Restoration*
 3 *Trust Fund under section*
 4 *203(d)(3)(A)(i) and the Cheyenne*
 5 *River Sioux Tribe Terrestrial*
 6 *Wildlife Habitat Restoration*
 7 *Trust Fund and the Lower Brule*
 8 *Sioux Tribe Terrestrial Wildlife*
 9 *Habitat Restoration Trust Fund*
 10 *under section 204(d)(3)(A)(i); or*

11 *(bb) the date that is 4 years*
 12 *after the date of enactment of this*
 13 *Act.*

14 **(b) PROGRAMS FOR THE PURCHASE OF WILDLIFE**
 15 **HABITAT LEASES.—**

16 **(1) IN GENERAL.—***The State of South Dakota*
 17 *may use funds made available under section*
 18 *203(d)(3)(A)(iii) to develop a program for the pur-*
 19 *chase of wildlife habitat leases that meets the require-*
 20 *ments of this subsection.*

21 **(2) DEVELOPMENT OF A PLAN.—**

22 **(A) IN GENERAL.—***If the State of South Da-*
 23 *kota, the Cheyenne River Sioux Tribe, or the*
 24 *Lower Brule Sioux Tribe elects to conduct a pro-*
 25 *gram under this subsection, the State of South*

1 *Dakota, the Cheyenne River Sioux Tribe, or the*
2 *Lower Brule Sioux Tribe (in consultation with*
3 *the United States Fish and Wildlife Service and*
4 *the Secretary and with an opportunity for pub-*
5 *lic comment) shall develop a plan to lease land*
6 *for the protection and development of wildlife*
7 *habitat, including habitat for threatened and en-*
8 *dangered species, associated with the Missouri*
9 *River ecosystem.*

10 *(B) USE FOR PROGRAM.—The plan shall be*
11 *used by the State of South Dakota, the Cheyenne*
12 *River Sioux Tribe, or the Lower Brule Sioux*
13 *Tribe in carrying out the program carried out*
14 *under paragraph (1).*

15 *(3) CONDITIONS OF LEASES.—Each lease covered*
16 *under a program carried out under paragraph (1)*
17 *shall specify that the owner of the property that is*
18 *subject to the lease shall provide—*

19 *(A) public access for sportsmen during*
20 *hunting season; and*

21 *(B) public access for other outdoor uses cov-*
22 *ered under the lease, as negotiated by the land-*
23 *owner and the State of South Dakota, the Chey-*
24 *enne River Sioux Tribe, or the Lower Brule*
25 *Sioux Tribe.*

1 (4) *USE OF ASSISTANCE.*—

2 (A) *STATE OF SOUTH DAKOTA.*—*If the*
3 *State of South Dakota conducts a program under*
4 *this subsection, the State may use funds made*
5 *available under section 203(d)(3)(A)(iii) to—*

6 (i) *acquire easements, rights-of-way, or*
7 *leases for management and protection of*
8 *wildlife habitat, including habitat for*
9 *threatened and endangered species, and*
10 *public access to wildlife on private property*
11 *in the State of South Dakota;*

12 (ii) *create public access to Federal or*
13 *State land through the purchase of ease-*
14 *ments or rights-of-way that traverse such*
15 *private property; or*

16 (iii) *lease land for the creation or res-*
17 *toration of a wetland on such private prop-*
18 *erty.*

19 (B) *CHEYENNE RIVER SIOUX TRIBE AND*
20 *LOWER BRULE SIOUX TRIBE.*—*If the Cheyenne*
21 *River Sioux Tribe or the Lower Brule Sioux*
22 *Tribe conducts a program under this subsection,*
23 *the Tribe may use funds made available under*
24 *section 204(d)(3)(A)(iii) for the purposes de-*
25 *scribed in subparagraph (A).*

1 (c) *FEDERAL OBLIGATION FOR TERRESTRIAL WILD-*
 2 *LIFE HABITAT MITIGATION FOR THE BIG BEND AND OAHE*
 3 *PROJECTS IN SOUTH DAKOTA.*—*The establishment of the*
 4 *trust funds under sections 203 and 204 and the development*
 5 *and implementation of plans for terrestrial wildlife habitat*
 6 *restoration developed by the State of South Dakota, the*
 7 *Cheyenne River Sioux Tribe, and the Lower Brule Sioux*
 8 *Tribe in accordance with this section shall be considered*
 9 *to satisfy the Federal obligation under the Fish and Wildlife*
 10 *Coordination Act (16 U.S.C. 661 et seq.) for terrestrial*
 11 *wildlife habitat mitigation for the State of South Dakota,*
 12 *the Cheyenne River Sioux Tribe, and the Lower Brule*
 13 *Sioux Tribe for the Big Bend and Oahe projects carried*
 14 *out as part of the Pick-Sloan Missouri River Basin pro-*
 15 *gram.*

16 **SEC. 203. SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT**
 17 **RESTORATION TRUST FUND.**

18 (a) *ESTABLISHMENT.*—*There is established in the*
 19 *Treasury of the United States a fund to be known as the*
 20 *“South Dakota Terrestrial Wildlife Habitat Restoration*
 21 *Trust Fund” (referred to in this section as the “Fund”).*

22 (b) *FUNDING.*—*For the fiscal year during which this*
 23 *Act is enacted and each fiscal year thereafter until the ag-*
 24 *gregate amount deposited in the Fund under this subsection*
 25 *is equal to at least \$108,000,000, the Secretary of the Treas-*

1 ury shall deposit in the Fund an amount equal to 15 per-
2 cent of the receipts from the deposits in the Treasury of
3 the United States for the preceding fiscal year from the
4 power program of the Pick-Sloan Missouri River Basin
5 program, administered by the Western Area Power Admin-
6 istration.

7 (c) INVESTMENTS.—The Secretary of the Treasury
8 shall invest the amounts deposited under subsection (b) only
9 in interest-bearing obligations of the United States or in
10 obligations guaranteed by the United States as to both prin-
11 cipal and interest.

12 (d) PAYMENTS.—

13 (1) IN GENERAL.—All amounts credited as inter-
14 est under subsection (c) shall be available, without fis-
15 cal year limitation, to the State of South Dakota for
16 use in accordance with paragraph (3).

17 (2) WITHDRAWAL AND TRANSFER OF FUNDS.—
18 Subject to section 202(a)(4)(A), the Secretary of the
19 Treasury shall withdraw amounts credited as interest
20 under paragraph (1) and transfer the amounts to the
21 State of South Dakota for use as State funds in ac-
22 cordance with paragraph (3).

23 (3) USE OF TRANSFERRED FUNDS.—

24 (A) IN GENERAL.—Subject to subparagraph
25 (B), the State of South Dakota shall use the

1 *amounts transferred under paragraph (2) only*
2 *to—*

3 *(i) fully fund the annually scheduled*
4 *work described in the terrestrial wildlife*
5 *habitat restoration plan of the State devel-*
6 *oped under section 202(a); and*

7 *(ii) with any remaining funds—*

8 *(I) protect archaeological, histori-*
9 *cal, and cultural sites located along the*
10 *Missouri River on land transferred to*
11 *the State;*

12 *(II) fund all costs associated with*
13 *the ownership, management, operation,*
14 *administration, maintenance, and de-*
15 *velopment of recreation areas and*
16 *other lands that are transferred to the*
17 *State of South Dakota by the Sec-*
18 *retary;*

19 *(III) purchase and administer*
20 *wildlife habitat leases under section*
21 *202(b);*

22 *(IV) carry out other activities de-*
23 *scribed in section 202; and*

24 *(V) develop and maintain public*
25 *access to, and protect, wildlife habitat*

1 *and recreation areas along the Mis-*
 2 *souri River.*

3 (B) *PROHIBITION.*—*The amounts trans-*
 4 *ferred under paragraph (2) shall not be used for*
 5 *the purchase of land in fee title.*

6 (e) *TRANSFERS AND WITHDRAWALS.*—*Except as pro-*
 7 *vided in subsection (d), the Secretary of the Treasury may*
 8 *not transfer or withdraw any amount deposited under sub-*
 9 *section (b).*

10 (f) *ADMINISTRATIVE EXPENSES.*—*There are author-*
 11 *ized to be appropriated to the Secretary of the Treasury*
 12 *such sums as are necessary to pay the administrative ex-*
 13 *penses of the Fund.*

14 **SEC. 204. CHEYENNE RIVER SIOUX TRIBE AND LOWER**
 15 **BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE**
 16 **HABITAT RESTORATION TRUST FUNDS.**

17 (a) *ESTABLISHMENT.*—*There are established in the*
 18 *Treasury of the United States 2 funds to be known as the*
 19 *“Cheyenne River Sioux Tribe Terrestrial Wildlife Restora-*
 20 *tion Trust Fund” and the “Lower Brule Sioux Tribe Ter-*
 21 *restrial Wildlife Habitat Restoration Trust Fund” (each of*
 22 *which is referred to in this section as a “Fund”).*

23 (b) *FUNDING.*—

24 (1) *IN GENERAL.*—*Subject to paragraph (2), for*
 25 *the fiscal year during which this Act is enacted and*

1 *each fiscal year thereafter until the aggregate amount*
2 *deposited in the Funds under this subsection is equal*
3 *to at least \$57,400,000, the Secretary of the Treasury*
4 *shall deposit in the Funds an amount equal to 10*
5 *percent of the receipts from the deposits in the Treas-*
6 *ury of the United States for the preceding fiscal year*
7 *from the power program of the Pick-Sloan Missouri*
8 *River Basin program, administered by the Western*
9 *Area Power Administration.*

10 (2) *ALLOCATION.*—*Of the total amount of funds*
11 *deposited into the Funds for a fiscal year, the Sec-*
12 *retary of the Treasury shall deposit—*

13 (A) *74 percent of the funds into the Chey-*
14 *enne River Sioux Tribe Terrestrial Wildlife Res-*
15 *toration Trust Fund; and*

16 (B) *26 percent of the funds into the Lower*
17 *Brule Sioux Tribe Terrestrial Wildlife Habitat*
18 *Restoration Trust Fund.*

19 (c) *INVESTMENTS.*—*The Secretary of the Treasury*
20 *shall invest the amounts deposited under subsection (b) only*
21 *in interest-bearing obligations of the United States or in*
22 *obligations guaranteed as to both principal and interest by*
23 *the United States.*

24 (d) *PAYMENTS.*—

1 (1) *IN GENERAL.*—All amounts credited as inter-
2 est under subsection (c) shall be available, without fis-
3 cal year limitation, to the Cheyenne River Sioux
4 Tribe and the Lower Brule Sioux Tribe for their use
5 in accordance with paragraph (3).

6 (2) *WITHDRAWAL AND TRANSFER OF FUNDS.*—
7 Subject to section 202(a)(4)(B), the Secretary of the
8 Treasury shall withdraw amounts credited as interest
9 under paragraph (1) and transfer the amounts to the
10 Cheyenne River Sioux Tribe and the Lower Brule
11 Sioux Tribe for use in accordance with paragraph
12 (3).

13 (3) *USE OF TRANSFERRED FUNDS.*—

14 (A) *IN GENERAL.*—Subject to subparagraph
15 (B), the Cheyenne River Sioux Tribe and the
16 Lower Brule Sioux Tribe shall use the amounts
17 transferred under paragraph (2) only to—

18 (i) fully fund the annually scheduled
19 work described in the terrestrial wildlife
20 habitat restoration plan of the respective
21 Tribe developed under section 202(a); and

22 (ii) with any remaining funds—

23 (I) protect archaeological, histori-
24 cal, and cultural Sites located along

1 *the Missouri River on land transferred*
2 *to the respective Tribe;*

3 (II) *fund all costs associated with*
4 *the ownership, management, operation,*
5 *administration, maintenance, and de-*
6 *velopment of recreation areas and*
7 *other lands that are transferred to the*
8 *respective Tribe by the Secretary;*

9 (III) *purchase and administer*
10 *wildlife habitat leases under section*
11 *202(b);*

12 (IV) *carry out other activities de-*
13 *scribed in section 202;*

14 (V) *develop and maintain public*
15 *access to, and protect, wildlife habitat*
16 *and recreation areas along the Mis-*
17 *souri River.*

18 (B) *PROHIBITION.—The amounts trans-*
19 *ferred under paragraph (2) shall not be used for*
20 *the purchase of land in fee title.*

21 (e) *TRANSFERS AND WITHDRAWALS.—Except as pro-*
22 *vided in subsection (d), the Secretary of the Treasury may*
23 *not transfer or withdraw any amount deposited under sub-*
24 *section (b).*

1 (f) *ADMINISTRATIVE EXPENSES.*—*There are author-*
 2 *ized to be appropriated to the Secretary of the Treasury*
 3 *such sums as are necessary to pay the administrative ex-*
 4 *penses of the Fund.*

5 **SEC. 205. TRANSFER OF FEDERAL LAND TO STATE OF**
 6 **SOUTH DAKOTA.**

7 (a) *IN GENERAL.*—

8 (1) *TRANSFER.*—*The Secretary of the Army shall*
 9 *transfer to the Department of Game, Fish and Parks*
 10 *of the State of South Dakota (referred to in this sec-*
 11 *tion as the “Department”) the land and recreation*
 12 *areas described in subsections (b) and (c) for fish and*
 13 *wildlife purposes, or public recreation uses, in per-*
 14 *petuity.*

15 (2) *USES.*—*The Department shall maintain and*
 16 *develop the land and recreation areas for fish and*
 17 *wildlife purposes in accordance with—*

18 (A) *fish and wildlife purposes in effect on*
 19 *the date of enactment of this Act; or*

20 (B) *a plan developed under section 202.*

21 (3) *CORPS OF ENGINEERS.*—*The transfer shall*
 22 *not interfere with the Corps of Engineers operation of*
 23 *a project under this section for an authorized purpose*
 24 *of the project under the Act of December 22, 1944 (58*

1 *Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.) or*
2 *other applicable law.*

3 (4) *SECRETARY OF THE ARMY.—The Secretary of*
4 *the Army shall retain the right to inundate with*
5 *water the land transferred to the Department under*
6 *this section or draw down a project reservoir, as nec-*
7 *essary to carry out an authorized purpose of a*
8 *project.*

9 (b) *LAND TRANSFERRED.—The land described in this*
10 *subsection is land that—*

11 (1) *is located above the top of the exclusive flood*
12 *pool of the Oahe Big Bend, Fort Randall, and Gar-*
13 *vin’s Point projects of the Pick-Sloan Missouri River*
14 *Basin program;*

15 (2) *was acquired by the Secretary of the Army*
16 *for the implementation of the Pick-Sloan Missouri*
17 *River Basin program;*

18 (3) *is located outside the external boundaries of*
19 *a reservation of an Indian Tribe; and*

20 (4) *is located within the State of South Dakota.*

21 (c) *RECREATION AREAS TRANSFERRED.—A recreation*
22 *area described in this section includes the land and waters*
23 *within a recreation area that—*

24 (1) *the Secretary of the Army determines, at the*
25 *time of the transfer, is a recreation area classified for*

1 recreation use by the Corps of Engineers on the date
2 of enactment of this Act;

3 (2) is located outside the external boundaries of
4 a reservation of an Indian Tribe; and

5 (3) is located within the State of South Dakota.

6 (d) MAP.—

7 (1) IN GENERAL.—The Secretary of the Army, in
8 consultation with the Department, shall prepare a
9 map of the land and recreation areas transferred
10 under this section.

11 (2) LAND.—The map shall identify—

12 (A) land reasonably expected to be required
13 for project purposes during the 20-year period
14 beginning on the date of enactment of this Act;
15 and

16 (B) dams and related structures;
17 which shall be retained by the Secretary.

18 (3) AVAILABILITY.—The map shall be on file in
19 the appropriate offices of the Secretary of the Army.

20 (e) SCHEDULE FOR TRANSFER.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date of enactment of this Act, the Secretary of the
23 Army and the Secretary of the South Dakota Game,
24 Fish, and Parks Department shall jointly develop a

1 *schedule for transferring the land and recreation*
2 *areas under this section.*

3 (2) *TRANSFER DEADLINE.*—*All land and recre-*
4 *ation areas shall be transferred not later than 1 year*
5 *after the full capitalization of the respective Trust*
6 *Fund described in section 204.*

7 (f) *TRANSFER CONDITIONS.*—*The land and recreation*
8 *areas described in subsections (b) and (c) shall be trans-*
9 *ferred in fee title to the Department on the following condi-*
10 *tions:*

11 (1) *RESPONSIBILITY FOR DAMAGE.*—*The Sec-*
12 *retary of the Army shall not be responsible for any*
13 *damage to the land caused by flooding, sloughing, ero-*
14 *sion, or other changes to the land caused by the oper-*
15 *ation of any project of the Pick-Sloan Missouri River*
16 *Basin program (except as otherwise provided by Fed-*
17 *eral law).*

18 (2) *EASEMENTS, RIGHTS-OF-WAY, LEASES, AND*
19 *COST-SHARING AGREEMENTS.*—*The Department shall*
20 *maintain all easements, rights-of-way, leases, and*
21 *cost-sharing agreements that are in effect as of the*
22 *date of the transfer.*

23 (g) *HUNTING AND FISHING.*—*Nothing in this title af-*
24 *fects jurisdiction over hunting and fishing on the waters*
25 *of the Missouri River. The State of South Dakota, the Lower*

1 *Brule Sioux Tribe, and the Cheyenne River Sioux Tribe*
2 *shall continue to exercise the jurisdiction the State and*
3 *Tribes possess on the date of enactment of this Act.*

4 **SEC. 206. TRANSFER OF CORPS OF ENGINEERS LAND FOR**
5 **INDIAN TRIBES.**

6 (a) *IN GENERAL.*—

7 (1) *TRANSFER.*—*The Secretary of the Army shall*
8 *transfer to the Secretary of the Interior the land and*
9 *recreation areas described in subsections (b) and (c).*

10 (2) *CORPS OF ENGINEERS.*—*The transfer shall*
11 *not interfere with the Corps of Engineers operation of*
12 *a project under this section for an authorized purpose*
13 *of the project under the Act of December 22, 1944 (58*
14 *Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.) or*
15 *other applicable law.*

16 (3) *SECRETARY OF THE ARMY.*—*The Secretary of*
17 *the Army shall retain the right to inundate with*
18 *water the land transferred to the Tribes under this*
19 *section or draw down a project reservoir, as necessary*
20 *to carry out an authorized purpose of a project.*

21 (4) *TRUST.*—*The Secretary of the Interior shall*
22 *hold in trust for the Cheyenne River Sioux Tribe and*
23 *the Lower Brule Sioux Tribe the land transferred*
24 *under this section that is located within the external*
25 *boundaries of the reservation of the Indian Tribes.*

1 (b) *LAND TRANSFERRED.*—*The land described in this*
2 *subsection is land that—*

3 (1) *is located above the top of the exclusive flood*
4 *pool of the Big Bend and Oahe projects of the Pick-*
5 *Sloan Missouri River Basin program;*

6 (2) *was acquired by the Secretary of the Army*
7 *for the implementation of the Pick-Sloan Missouri*
8 *River Basin program; and*

9 (3) *is located within the external boundaries of*
10 *the Cheyenne River Sioux Tribe and the Lower Brule*
11 *Sioux Tribe.*

12 (c) *RECREATION AREAS TRANSFERRED.*—*A recreation*
13 *area described in this section includes the land and waters*
14 *within a recreation area that—*

15 (1) *the Secretary of the Army determines, at the*
16 *time of the transfer, is a recreation area classified for*
17 *recreation use by the Corps of Engineers on the date*
18 *of enactment of this Act;*

19 (2) *is located within the external boundaries of*
20 *a reservation of an Indian Tribe; and*

21 (3) *is located within the State of South Dakota.*

22 (d) *MAP.*—

23 (1) *IN GENERAL.*—*The Secretary of the Army, in*
24 *consultation with the governing bodies of the Chey-*
25 *enne River Sioux Tribe and the Lower Brule Sioux*

1 *Tribe, shall prepare a map of the land transferred*
2 *under this section.*

3 (2) *LAND.—The map shall identify—*

4 (A) *land reasonably expected to be required*
5 *for project purposes during the 20-year period*
6 *beginning on the date of enactment of this Act;*
7 *and*

8 (B) *dams and related structures;*
9 *which shall be retained by the Secretary.*

10 (3) *AVAILABILITY.—The map shall be on file in*
11 *the appropriate offices of the Secretary of the Army.*

12 (e) *SCHEDULE FOR TRANSFER.—*

13 (1) *IN GENERAL.—Not later than 1 year after*
14 *the date of enactment of this Act, the Secretary of the*
15 *Army and the Chairmen of the Cheyenne River Sioux*
16 *Tribe and the Lower Brule Sioux Tribe shall jointly*
17 *develop a schedule for transferring the land and recre-*
18 *ation areas under this section.*

19 (2) *TRANSFER DEADLINE.—All land and recre-*
20 *ation areas shall be transferred not later than 1 year*
21 *after the full capitalization of the respective Trust*
22 *Fund described in section 204.*

23 (f) *TRANSFER CONDITIONS.—The land and recreation*
24 *areas described in subsections (b) and (c) shall be trans-*

1 *ferred to, and held in trust by, the Secretary of the Interior*
2 *on the following conditions:*

3 (1) *RESPONSIBILITY FOR DAMAGE.*—*The Sec-*
4 *retary of the Army shall not be responsible for any*
5 *damage to the land caused by flooding, sloughing, ero-*
6 *sion, or other changes to the land caused by the oper-*
7 *ation of any project of the Pick-Sloan Missouri River*
8 *Basin program (except as otherwise provided by Fed-*
9 *eral law).*

10 (2) *JURISDICTION.*—*Nothing in this title affects*
11 *jurisdiction over the land and waters below the exclu-*
12 *sive flood pool and within the external boundaries of*
13 *the Cheyenne River Sioux Tribe and Lower Brule*
14 *Sioux Tribe reservations. Jurisdiction over the land*
15 *and waters shall continue in accordance with the*
16 *Flood Control Act of 1944 (33 U.S.C. 701–1 et seq.).*
17 *Jurisdiction over the land transferred under this sec-*
18 *tion shall be the same as other land held in trust by*
19 *the Secretary of the Interior on the Cheyenne River*
20 *Sioux Tribe reservation and the Lower Brule Sioux*
21 *Tribe reservation.*

22 (3) *EASEMENTS, RIGHTS-OF-WAY, LEASES, AND*
23 *COST-SHARING AGREEMENTS.*—

24 (A) *MAINTENANCE.*—*The Secretary of the*
25 *Interior shall maintain all easements, rights-of-*

1 way, leases, and cost-sharing agreements that are
2 in effect as of the date of the transfer.

3 (B) *PAYMENTS TO COUNTY.*—The Secretary
4 of the Interior shall pay any affected county 100
5 percent of the receipts from the easements, rights-
6 of-way, leases, and cost-sharing agreements de-
7 scribed in subparagraph (A).

8 **SEC. 207. ADMINISTRATION.**

9 (a) *IN GENERAL.*—Nothing in this title diminishes or
10 affects—

11 (1) any water right of an Indian Tribe;

12 (2) any other right of an Indian Tribe, except as
13 specifically provided in another provision of this title;

14 (3) any valid, existing treaty right that is in ef-
15 fect on the date of enactment of this Act;

16 (4) any external boundary of an Indian reserva-
17 tion of an Indian Tribe;

18 (5) any authority of the State of South Dakota
19 that relates to the protection, regulation, or manage-
20 ment of fish, terrestrial wildlife, and cultural and ar-
21 chaeological resources, except as specifically provided
22 in this title; or

23 (6) any authority of the Secretary, the Secretary
24 of the Interior, or the head of any other Federal agen-

1 *cy under a law in effect on the date of enactment of*
2 *this Act, including—*

3 *(A) the National Historic Preservation Act*
4 *(16 U.S.C. 470 et seq.);*

5 *(B) the Archaeological Resources Protection*
6 *Act of 1979 (16 U.S.C. 470aa et seq.);*

7 *(C) the Fish and Wildlife Coordination Act*
8 *(16 U.S.C. 661 et seq.);*

9 *(D) the Act entitled “An Act for the protec-*
10 *tion of the bald eagle”, approved June 8, 1940*
11 *(16 U.S.C. 668 et seq.);*

12 *(E) the Migratory Bird Treaty Act (16*
13 *U.S.C. 703 et seq.);*

14 *(F) the Endangered Species Act of 1973 (16*
15 *U.S.C. 1531 et seq.);*

16 *(G) the Native American Graves Protection*
17 *and Repatriation Act (25 U.S.C. 3001 et seq.);*

18 *(H) the Federal Water Pollution Control*
19 *Act (commonly known as the “Clean Water*
20 *Act”) (33 U.S.C. 1251 et seq.);*

21 *(I) the Safe Drinking Water Act (42 U.S.C.*
22 *300f et seq.); and*

23 *(J) the National Environmental Policy Act*
24 *of 1969 (42 U.S.C. 4321 et seq.).*

1 (b) *POWER RATES.*—No payment made under this
2 title shall affect any power rate under the Pick-Sloan Mis-
3 souri River Basin program.

4 (c) *FEDERAL LIABILITY FOR DAMAGE.*—Nothing in
5 this Act shall relieve the Federal Government of liability
6 for damage to private land caused by the operation of the
7 Pick-Sloan Missouri River Basin program.

8 (d) *FLOOD CONTROL.*—Notwithstanding any provi-
9 sion of this title, the Secretary shall retain the authority
10 to operate the Pick-Sloan Missouri River Basin program
11 for purposes of meeting the requirements of the Flood Con-
12 trol Act of 1944 (33 U.S.C. 701–1 et seq.).

13 **SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) *SECRETARY.*—There are authorized to be appro-
15 priated to the Secretary such sums as are necessary—

16 (1) to pay the administrative expenses incurred
17 by the Secretary in carrying out this title; and

18 (2) to fund the implementation of terrestrial
19 wildlife habitat restoration plans under section
20 202(a).

21 (b) *SECRETARY OF THE INTERIOR.*—There are author-
22 ized to be appropriated to the Secretary of the Interior such
23 sums as are necessary to pay the administrative expenses
24 incurred by the Secretary of the Interior in carrying out
25 this title.