

inserting "acquisition of real property and associated improvements (from willing sellers), and monetary compensation to affected landowners" after "including maintenance and rehabilitation of existing structures,".

(v) **NEW YORK HARBOR DRIFT REMOVAL PROJECT, NEW YORK AND NEW JERSEY.**—

(1) **REMOVAL OF FLOATING MATERIAL.**—The New York Harbor collection and removal of drift project, authorized by section 2 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 4, 1915 (38 Stat. 1051), and section 91 of the Water Resources Development Act of 1974 (88 Stat. 39), is modified to authorize the Secretary to collect and remove floating material whenever the Secretary is collecting and removing debris which is an obstruction to navigation.

(2) **CONTINUATION.**—The Secretary shall continue engineering, design, and construction on the New York Harbor collection and removal of drift project, including construction of the 2nd phase in the Jersey City North reach which shall include remaining piers and debris in the Harsimus Cove area, construction of the Brooklyn II reach, and engineering and design for the remaining unconstructed reaches.

(3) **BARGE REMOVAL.**—As part of the New York Harbor collection and removal of drift project, the Secretary shall expedite necessary engineering, design, and removal of 7 abandoned barges from the Passaic River in Kearny, Nutley, and Passaic, New Jersey.

(4) **PROHIBITION OF BURNING OF WOOD.**—

(A) **GENERAL RULE.**—The New York Harbor collection and removal of drift project referred to in paragraph (1), including construction described in paragraph (2), is further modified to provide (i) that after December 31, 1990, material collected by the Secretary in carrying out the project may be disposed of only as provided in subparagraph (D), and (ii) that no later than December 31, 1993, the Administrator shall prohibit the burning of wood collected in carrying out the project on ocean waters.

(B) **DEMONSTRATION OF ALTERNATIVES.**—

(i) **SURVEY.**—The Secretary shall conduct a survey of potential acceptable alternative methods to the burning of wood on ocean waters which could be used for disposal of wood collected in carrying out the project.

(ii) **GOAL.**—Methods of disposal identified in the survey shall be demonstrated in accordance with subparagraph (D), with the goal of arriving at an implementable acceptable alternative method at the earliest practicable date.

(C) **REPORT TO CONGRESS.**—The Secretary shall report to the Committee on Public Works and Transportation of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Merchant Marine and Fisheries of the House of Representatives by February 1, 1991, by January 1, 1992, and, if an implementable acceptable alternative method is not identified under this paragraph, by January 1, 1993, on the progress being made toward achieving an early end to the

practice of burning of wood on ocean waters. Each of such reports shall describe specific methods and strategies and the results of the demonstration of those methods, specify a date by which an acceptable alternative method or methods is likely to be implementable, and include an estimate of the volume of wood collected in carrying out the project to be disposed of in calendar year 1991, 1992, or 1993, as the case may be. A final report shall be issued no later than December 31, 1993.

(D) DISPOSAL OF WOOD.—Effective January 1, 1991, and until December 31, 1993, at least half of the volume of wood estimated by the Secretary under subparagraph (C) to be collected in carrying out the project each year shall be disposed so as to demonstrate alternative methods of disposal. If bids received for alternative methods are substantially greater in cost than the cost of disposal by burning on ocean waters, the Secretary shall dispose of no more than half of the estimated volume at the lesser cost; except that, if a bid received for an alternative method is not substantially greater than the cost of disposal by burning on ocean waters, the Secretary shall select the alternative method.

(E) EPA PERMIT FOR DISPOSAL ON OCEAN WATERS.—The Administrator shall continue to issue permits for the disposal of wood collected in carrying out the project by burning on ocean waters until December 31, 1993, and shall designate an interim site for such disposal. If an acceptable alternative method for disposal of wood is determined to be implementable under subparagraph (F), the Administrator shall prohibit the burning of such wood at a date earlier than December 31, 1993.

(F) IMPLEMENTABLE ACCEPTABLE ALTERNATIVE.—The Administrator shall, by regulation, end the permitting of the disposal of wood collected in carrying out the project by burning on ocean waters at such time as one or more alternative methods of disposal are determined to be acceptable alternative methods and implementable by the Regional Administrator for Region II of the Environmental Protection Agency, the District Engineer for the New York District, the State of New Jersey, and the State of New York. Such determination shall be published in the Federal Register 5 working days after the date of such determination.

(G) DEFINITIONS.—For purposes of this paragraph, the following definitions apply:

(i) ACCEPTABLE ALTERNATIVE METHOD.—The term “acceptable alternative method” means a method of disposal of wood other than burning on ocean waters that is both environmentally appropriate and economically feasible.

(ii) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(w) HARSHA LAKE, OHIO.—

(1) PROJECT MODIFICATION.—The project for flood control, water supply, and recreation, Harsha Lake, Ohio, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), is modified to provide that, if the State of Ohio does not

Regulations.

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publication.

enter into a contract before October 1, 1991, with the Clermont County Board of Commissioners for the delivery of not less than 20,000,000 gallons of water a day from water supply storage assigned to the State of Ohio from the project, water supply storage from the project sufficient to yield 20,000,000 gallons of water a day shall be reassigned to the Board.

(2) REIMBURSEMENT.—Upon a reassignment of water supply storage under paragraph (1), the Clermont County Board of Commissioners shall reimburse the State of Ohio for a proportionate share of amounts previously paid by the State to the Secretary for costs which are attributable to water supply storage which has been so reassigned.

(x) WEST COLUMBUS, OHIO.—The project for flood control, West Columbus, Ohio, authorized by section 3(a)(11) of the Water Resources Development Act of 1988 (102 Stat. 4014), is modified to authorize the Secretary to construct the project substantially in accordance with the report of the Chief of Engineers, dated February 9, 1988, as modified by the Phase II West Columbus Local Protection Project Re-evaluation Report, dated May 1990, at a total cost of \$89,600,000, with an estimated first Federal cost of \$63,700,000 and an estimated first non-Federal cost of \$25,900,000.

(y) CANTON LAKE, OKLAHOMA.—The second paragraph under the heading “ARKANSAS RIVER BASIN” in section 10 of the Flood Control Act of 1946 (60 Stat. 647), as amended by the first paragraph under the heading “ARKANSAS RIVER BASIN” in section 203 of the Flood Control Act of 1948 (62 Stat. 1176), is amended—

(1) by striking “Enid, Oklahoma” and inserting “Oklahoma City, Oklahoma”; and

(2) by adding at the end the following: “Not later than 180 days after the date of the enactment of the Water Resources Development Act of 1990, the Secretary of the Army is directed (subject to agreement between the city of Oklahoma City, Oklahoma, or the Oklahoma City Municipal Improvement Authority and the city of Enid, Oklahoma, providing for such reassignment) to reassign to the city of Oklahoma City all the municipal and industrial storage in the Canton Reservoir for the city of Enid and all irrigation storage to municipal and industrial water supply storage (under the terms of the Water Supply Act of 1958 (72 Stat. 319–320)).”

(z) ROCHESTER, PENNSYLVANIA.—The project for navigation on the Ohio River at Rochester, Pennsylvania, authorized by section 13 of the River and Harbor Act of 1909 (35 Stat. 831), is modified to authorize the Secretary to construct safety facilities of a floating dock, a river access ramp, and roadway and parking areas at a total cost of \$90,000.

(aa) COOPER LAKE AND CHANNELS, TEXAS.—The project for mitigation of fish and wildlife resource losses, Cooper Lake and Channels, Texas, authorized by section 601 of the Water Resources Development Act of 1986 (100 Stat. 4145), is modified to authorize the Secretary to construct the project substantially in accordance with the Post Authorization Change Notification Report, dated April 1990, at a total cost of \$22,500,000, with an estimated first Federal cost of \$12,400,000 and an estimated first non-Federal cost of \$10,100,000.

(bb) DENISON, TEXAS.—The Act entitled “An Act to authorize the utilization of a limited amount of storage space in Lake Texoma for the purpose of water supply for the city of Denison, Texas”, ap-

proved August 14, 1953 (67 Stat. 583), is amended by striking “in an amount not to exceed 13,000 acre-feet annually”.

(cc) ROANOKE RIVER UPPER BASIN, VIRGINIA.—The flood control project for Roanoke River Upper Basin, Virginia, is modified—

(1) to provide that, notwithstanding section 215 of the Flood Control Act of 1968 (82 Stat. 747), work completed by non-Federal interests on flood protection measures at Roanoke Memorial Hospital shall be credited toward the non-Federal share of the cost of the project; and

(2) to direct the Secretary, notwithstanding such section 215, to reimburse the non-Federal sponsor \$700,000, an amount equal to the Federal share of the costs of such work completed by the non-Federal interests, which may be applied to the non-Federal share of the cost of the project.

(dd) McNARY LOCK AND DAM, WASHINGTON AND OREGON.—The project for McNary Lock and Dam, Second Powerhouse, Columbia River, Washington and Oregon, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4146), is modified to direct the Secretary to construct the levee beautification portion of the project described in the Phase I General Design Memorandum: Report of the Chief of Engineers, dated June 24, 1981. In determining the new levee heights, the Secretary shall complete the feasibility studies underway for the Tri-Cities Levees, Washington, giving full consideration to the impact that present upstream reservoir storage has had in lowering water surface elevations during major floods.

(ee) WISCONSIN AND FOX RIVERS, WISCONSIN.—

(1) NON-FEDERAL OPERATION AND MAINTENANCE.—The navigation project for the Wisconsin and Fox Rivers, Wisconsin, authorized to be acquired pursuant to the Act entitled “An Act for the Improvement of Water Communication between the Mississippi River and Lake Michigan, by the Wisconsin and Fox Rivers”, approved July 7, 1870 (16 Stat. 189), is modified to authorize the Secretary to enter into agreements with the State of Wisconsin and other non-Federal interests in such State to make operation and maintenance of such project a non-Federal responsibility.

(2) NON-FEDERAL IMPOSITION OF TOLLS.—Notwithstanding section 4 of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved July 5, 1884 (33 U.S.C. 5; 23 Stat. 147), during any period in which a non-Federal interest is responsible for operation, maintenance, and repair of the project described in paragraph (1), the non-Federal interest may impose upon boats and other watercraft using the project such tolls, operating charges, and other fees as may be necessary to pay the costs incurred by the non-Federal interest in connection with the project.

SEC. 103. SMALL NAVIGATION PROJECTS.

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

(1) BOLLES HARBOR, MICHIGAN.—A navigation project at the mouth of the LaPlasance Creek, Bolles Harbor, Michigan, by construction of an offshore barrier.

(2) **WARROAD HARBOR, MINNESOTA.**—A navigation project to dredge the navigation channel and adjacent basin at Warroad Harbor, Minnesota. The project shall be undertaken to provide safe boating access and egress and to upgrade existing retaining walls.

Marine safety.

(3) **BUFFALO, NEW YORK.**—A navigation project south of the existing dike disposal area in Buffalo, New York, by construction of a breakwater, fishing pier, and floating docks.

(4) **ROCHESTER, NEW YORK.**—A navigation project for the mouth of the Genesee River in Rochester, New York, by development and implementation of wave surge control measures.

SEC. 104. SMALL FLOOD CONTROL PROJECTS.

(a) **PROJECT AUTHORIZATIONS.**—The Secretary shall conduct a study for each of the following projects and, after completion of such study, shall carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) **DRY JORDAN AND CROOKED CREEKS, ARKANSAS.**—A project for flood control, Dry Jordan and Crooked Creeks, Harrison, Arkansas, including construction of improvements to provide enhanced flood control and recreation benefits.

(2) **OLD SULFUR CREEK, ORLEANS, INDIANA.**—A project for flood control, Old Sulfur Creek, Orleans, Indiana.

(3) **FARMERS BRANCH CREEK, WHITE SETTLEMENT, TEXAS.**—A nonstructural project for flood control, Farmers Branch Creek, White Settlement, Texas. Such project shall consist of relocation and purchase of residential structures located within the flood plain and shall be carried out on an expedited basis.

(4) **KROUTS CREEK, WEST VIRGINIA.**—A project for flood control, Krouts Creek in the vicinity of Huntington, West Virginia, including deepening and widening of the channel and culvert replacement.

(b) **SAVAN GUT, VIRGIN ISLANDS.**—

(1) **MAXIMUM ALLOTMENT.**—The maximum amount which may be allotted under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) for the project for flood control, Savan Gut, Virgin Islands, shall be \$10,000,000 instead of \$5,000,000.

(2) **COST SHARING.**—Nothing in this subsection shall be construed as affecting any cost sharing requirements applicable to the project under the Water Resources Development Act of 1986.

SEC. 105. BAY CITY, MICHIGAN.

The Secretary may undertake a project for shoreline protection along the Saginaw River in Bay City, Michigan, at a total estimated cost of \$6,105,000.

SEC. 106. DELAWARE RIVER AND TRIBUTARIES, PENNSYLVANIA.

The Secretary may carry out a project for shoreline protection for the Glen Foerd Historic Property in Philadelphia, Pennsylvania, along the Delaware River and tributaries, including restoration of seawalls.

SEC. 107. CONTINUATION OF AUTHORIZATION OF CERTAIN PROJECTS.

(a) **GENERAL RULE.**—Notwithstanding section 1001(b)(1) of the Water Resources Development Act of 1986, the following projects shall remain authorized to be carried out by the Secretary:

(1) **PAJARO RIVER, SANTA CRUZ, CALIFORNIA.**—The project for flood control, Pajaro River and tributaries, Santa Cruz, California, authorized by the Flood Control Act of 1966 (80 Stat. 1421).

(2) **SANTA CRUZ HARBOR, CALIFORNIA.**—The modification for sealing the east jetty of the project for Santa Cruz Harbor, California, authorized by section 811 of the Water Resources Development Act of 1986 (100 Stat. 4168).

(3) **HILLSBORO INLET, FLORIDA.**—Dredging of Hillsboro Inlet, Florida, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090).

(4) **LITTLE CALUMET RIVER BASIN, INDIANA.**—The project for flood control, Little Calumet River basin (Cady Marsh Ditch), Indiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115).

(5) **LOUISIANA STATE PENITENTIARY LEVEE, LOUISIANA.**—The project for flood control, Louisiana State Penitentiary Levee, Mississippi River, Louisiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4117).

(6) **ONTONAGON HARBOR, MICHIGAN.**—The project for navigation, Ontonagon Harbor, Michigan, authorized by the Rivers and Harbors Appropriations Act of June 25, 1910 (36 Stat. 655).

(7) **OTTAWA RIVER HARBOR, MICHIGAN AND OHIO.**—The project for navigation, Ottawa River Harbor, Michigan and Ohio, authorized by section 201 of the Flood Control Act of 1965 (79 Stat. 1073) and approved by committee resolution, in accordance with the Phase I General Design Memorandum for such project, dated November 1976, at a total cost of \$13,200,000, with an estimated first Federal cost of \$6,530,000 and an estimated non-Federal cost of \$6,670,000.

(8) **SAULT SAINTE MARIE, MICHIGAN.**—The second lock for Sault Sainte Marie, Michigan, authorized by section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254-55); except that the Secretary shall conduct, not later than 180 days after the date of the enactment of this Act and after providing an opportunity for notice and comment, an analysis of the projected total tonnage of commercial cargo which will be delivered by vessels using such lock to or from ports in Canada and the States of Minnesota, Wisconsin, Indiana, Illinois, Michigan, Ohio, Pennsylvania, and New York. Such analysis shall be based on the Secretary's estimate, using current traffic statistics.

(9) **CONNEAUT, OHIO.**—The small boat harbor project for Conneaut, Ohio, authorized by section 101 of the River and Harbor Act of 1966 (80 Stat. 1405).

(10) **FAIRPORT, OHIO.**—The small boat harbor project for Fairport, Ohio, and the dredging of the navigation project for Fairport, Ohio, authorized pursuant to section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d-f).

(11) **MEMPHIS HARBOR, MEMPHIS, TENNESSEE.**—The project for navigation, Memphis Harbor, Memphis, Tennessee, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4145).

(12) **EAST FORK OF TRINITY RIVER, TEXAS.**—The project for flood protection on the East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185).

Canada.
State listing.

(13) NORFOLK HARBOR, VIRGINIA.—The project for deepening of 3 navigation anchorages at Norfolk Harbor, Virginia, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090).

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

(c) FREEPORT, ILLINOIS.—The project for flood control, Freeport, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1586), and deauthorized by section 1002 of the Water Resources Development Act of 1986 (100 Stat. 4208), is authorized to be carried out by the Secretary.

SEC. 108. HAZARD, KENTUCKY.

Flood control.

The Secretary is authorized and directed to design and construct such flood control measures at or in the vicinity of Hazard, Kentucky, on the North Fork of the Kentucky River as the Secretary determines necessary and appropriate to afford the city of Hazard, Kentucky, and its immediate environs a level of protection against flooding at least sufficient to prevent any future losses to such city from the likelihood of flooding such as occurred in January 1957, at a total cost of \$30,000,000. With respect to such project, Congress finds that the benefits determined in accordance with section 209 of the Flood Control Act of 1970 and attributable to the flood measures authorized for such project exceed the cost of such measures.

SEC. 109. SAUK LAKE, MINNESOTA.

The Secretary shall complete the project for removal of silt and aquatic weeds, Sauk Lake, Minnesota, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148), including acquisition of weed harvesting equipment using funds appropriated by Congress for such purpose, and shall carry out measures to protect and enhance water quality, including implementation of best management practices in the drainage basin.

SEC. 110. REHABILITATION OF FEDERAL FLOOD CONTROL LEVEES.

(a) PROJECTS.—The Secretary shall undertake—

Arkansas.
Oklahoma.

(1) projects for rehabilitation and reconstruction of Federal flood control levees on the Arkansas River, Arkansas and Oklahoma, substantially in accordance with the Little Rock District Engineer's Arkansas River Basin, Arkansas and Oklahoma, Draft Feasibility Report, dated March 1990, and the Tulsa District Engineer's Keystone to Tulsa Reconnaissance Report, dated September 1989; and

(2) projects for rehabilitation and reconstruction of Federal flood control levees on the Red River, Oklahoma and Arkansas, below Denison Dam.

(b) PURPOSE OF PROJECTS.—The purpose of projects under this section shall be to make the levees comply with current Federal design standards.

(c) INCLUDED FEATURES.—The projects under this section shall include repairs of design deficiencies and replacement of deteriorated drainage structures and other appurtenances.

(d) **COST SHARING.**—Work carried out under this section shall be treated as new construction for purposes of determining the Federal and non-Federal shares of the cost of such work.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000 per fiscal year for each of fiscal years 1992, 1993, 1994, 1995, and 1996.

Flood control.

SEC. 111. BELEN, NEW MEXICO.

(a) **PROJECT AUTHORIZATION.**—Subject to section 903(c) of the Water Resources Development Act of 1986, the Secretary is authorized to carry out a project for flood protection for the city of Belen, New Mexico, at a total cost of \$19,576,000, with an estimated first Federal cost of \$12,130,000 and an estimated first non-Federal cost of \$7,446,000.

(b) **REQUIRED MEASURES.**—The project authorized by this section shall include measures to increase the capacity of the Belen Highline Canal so that such canal will function as a conveyance system to divert flood waters safely around the city of Belen and as an irrigation facility.

SEC. 112. LOWER TRUCKEE RIVER, NEVADA.

(a) **PLANNING, ENGINEERING, AND DESIGN.**—The Secretary is authorized to carry out planning, engineering, and design—

(1) for rehabilitation of the Lower Truckee River, Nevada, including—

(A) restoration of the riparian habitat and vegetative cover;

(B) stabilization of the course of the Lower Truckee River and minimization of erosion damage;

(C) provision of the best possible spawning habitat for the cui-ui fish; and

(D) provision of improved spawning habitat for the Lahontan cutthroat trout to the extent deemed feasible; and

(2) for facilities to enable the efficient passage of cui-ui and Lahontan cutthroat trout through or around the delta at the mouth of the Lower Truckee River to obtain access to their upstream spawning grounds.

SEC. 113. ARKANSAS POST NAVIGATION CANAL.

The Secretary is authorized to carry out planning, engineering, and design for modifications to the Arkansas Post Navigation Canal of the McClellan-Kerr Arkansas River Navigation System for the purpose of improving environmental quality. Such modifications shall include a closure structure at the downstream end of the Morgan Point Bendway and related work.

SEC. 114. STRUTHERS, OHIO.

The Secretary is authorized to carry out design for replacement of the Bridge Street bridge in Struthers, Ohio, at a total cost of \$2,400,000. The non-Federal share of the cost of such design shall be 50 percent.

SEC. 115. MAYSVILLE, KENTUCKY.

The Secretary is authorized to carry out design for construction of a bridge between Maysville, Kentucky, and the State of Ohio, at a total cost of \$2,000,000. The non-Federal share of the cost of such design shall be 50 percent.

SEC. 116. STUDIES.

(a) SOUTH ATLANTIC CARGO TRAFFIC.—

(1) STUDY.—The Secretary, in conjunction with the Administrator of the Federal Maritime Administration of the Department of Transportation, shall conduct a study of the market for container ship traffic in the South Atlantic region of the United States from Port Everglades, Florida, to Norfolk, Virginia.

(2) PURPOSES.—The purposes of the study to be conducted under this subsection are as follows:

(A) Identifying major containerized cargo trade routes and commodity flows.

(B) Identifying inland transportation infrastructure needs.

(C) Projecting future traffic volumes.

(D) Forecasting future container vessel fleets.

(E) Developing origin-to-destination transportation costs.

(F) Developing differential trade route costs for origin-destination pairs.

(G) Forecasting future micro- and mini-bridging opportunities.

(H) Developing a computerized database of all traffic flows and costs.

(I) Forecasting future port infrastructure needs.

(3) REPORT.—Not later than 14 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$1,200,000.

(b) NORCO BLUFFS, CALIFORNIA.—The Secretary shall conduct a feasibility study of bank stabilization measures for Norco Bluffs, California, under the flood control program of the Corps of Engineers.

(c) RANCHO PALOS VERDES, CALIFORNIA.—The Secretary shall—

(1) complete the study of the feasibility of constructing shoreline erosion mitigation measures along the Rancho Palos Verdes coastline and in the city of Rolling Hills, California, authorized by section 712 of the Water Resources Development Act of 1986 (100 Stat. 4160); and

(2) in connection with such study, investigate measures to conserve fish and wildlife (as specified in section 704 of the Water Resources Development Act of 1986), including measures to demonstrate the effectiveness of intertidal marine habitat.

(d) SOUTHERN CALIFORNIA INFRASTRUCTURE RESTORATION.—

(1) STUDY.—The Secretary, in consultation with the Director of the Federal Emergency Management Agency, shall conduct a feasibility study in the Southern California region of the problems and alternative solutions, including governmental roles and responsibilities, of restoring such region's public works infrastructure (including roads and highways, fixed rails, bridges, airports, flood control channels, dams, aqueducts, and utility pipes and lines) to full service following earthquakes which cause substantial damage to such infrastructure.

(2) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall transmit to Congress

a report on the results of the study conducted under this subsection.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$1,500,000.

(e) SANTA MONICA BREAKWATER, CALIFORNIA.—The Secretary shall complete the reconnaissance investigation and feasibility study for the breakwater project, Santa Monica, California, not later than July 1, 1992, and may consider as commercial benefits, for purposes of section 119 of the 1970 River and Harbor Act, benefits from reestablishment of past charter fishing vessel accommodation activities which existed in the area from the 1930's prior to damage of the breakwater structure.

(f) CALIFORNIA OIL SPILL RESTORATION.—

(1) STUDY.—The Secretary, in consultation with the Director of the Federal Emergency Management Agency and the Commandant of the Coast Guard, shall conduct a feasibility study in the California coastal region of the problems and alternative solutions, including Federal and non-Federal roles and responsibilities, of containment and restoration of coastal waters and lands (including natural wildlife, habitat restoration, commercial, and recreational activities) following a major oil spill.

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

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$1,500,000.

(g) SANTA ROSA, CALIFORNIA.—The Secretary may conduct a review and evaluation of proposals for storage facilities associated with wastewater reclamation and irrigation in Santa Rosa, California, for the purpose of developing recommendations concerning Federal and non-Federal participation in construction of such facilities.

(h) KISSIMMEE RIVER, CENTRAL AND SOUTHERN FLORIDA.—

(1) STUDY.—The Secretary shall conduct a feasibility study of the Kissimmee River in central and southern Florida for the purpose of determining modifications of the flood control project for central and southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176), which are necessary to provide a comprehensive plan for the environmental restoration of the Kissimmee River. The study shall be based on implementing the Level II Backfilling Plan specified in the Kissimmee River Restoration, Alternative Plan Evaluation and Preliminary Design Report, dated June 1990, published by the South Florida Water Management District.

(2) REPORT.—Not later than April 1, 1992, the Secretary shall transmit to Congress a final report of the Chief of Engineers on the results of the study conducted under this subsection, together with such modifications as are recommended by the Secretary.

(3) POST-STUDY WORK.—All work necessary to prepare the project recommended by the Chief of Engineers, as modified by the Secretary, for construction bidding, including Feature Design Memoranda, shall be completed by June 1, 1994.

(i) NASSAU COUNTY, FLORIDA.—The Secretary is authorized to study the project for beach erosion control, Nassau County (Amelia Island), Florida, authorized by section 3 of the Water Resources

Development Act of 1988 (102 Stat. 4013), for the purpose of determining whether or not such project should be modified to authorize beach nourishment for the southern beaches of Fernandina (south Amelia Island) from Florida Department of Natural Resources monument number 60 to monument number 79.

(j) THURMAN TO HAMBURG, IOWA.—The Secretary shall complete the feasibility phase of the study authorized by section 1152 of the Water Resources Development Act of 1986 (100 Stat. 4255), including completion of planning and specifications, not later than August 1, 1991.

(k) LAKE PONTCHARTRAIN, LOUISIANA.—

(1) STUDY.—The Secretary shall study the benefits which accrue to non-Federal sponsors from the project for flood protection on Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), for the purposes of determining—

(A) whether or not such sponsors have received the expected benefits from the project; and

(B) whether or not there should be a reallocation of costs as a result of any unrealized expected benefits from the project.

(2) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(3) NON-FEDERAL RESPONSIBILITY DURING STUDY.—During the period beginning on the date of the enactment of this Act and ending on the 30th day following the date of transmission of the report under paragraph (2), non-Federal sponsors of the project referred to in paragraph (1) shall not be required to make payments on non-Federal responsibilities incurred for the St. Bernard Parish portion of the Chalmette area before or during such period.

(l) BUFFUMVILLE LAKE, MASSACHUSETTS.—The Secretary may study the flood control project for Buffumville Lake, Massachusetts, authorized by the Flood Control Act of August 18, 1941 (55 Stat. 639), for the purpose of determining whether or not such project should be modified to authorize low flow augmentation for improving water quality on the French River.

(m) PEARL RIVER BASIN, MISSISSIPPI.—The Secretary shall conduct a feasibility study of providing flood protection for the metropolitan area of Jackson, Mississippi, and the counties of Rankin, Hinds, Simpson, Lawrence, Marion, and Madison, Mississippi.

(n) ROCK CREEK, MARYLAND.—

(1) WATER QUALITY STUDY.—The Secretary shall conduct a study of methods of improving water quality of Rock Creek, Maryland.

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

(o) SAGINAW BAY, MICHIGAN.—

(1) EXTENSION OF DEADLINE FOR FEASIBILITY REPORT.—Section 711 of the Water Resources Development Act of 1986 (100 Stat. 4160) is amended by striking “1989” and inserting “1992”.

(2) CONTINUATION OF FEASIBILITY STUDY AUTHORIZATION.—For purposes of section 710 of the Water Resources Development

Act of 1986, the study authorized by section 711 of such Act shall be treated as being authorized on the date of the enactment of this Act.

(p) **WATER SUPPLY, MINNESOTA AND NORTH DAKOTA.**—

(1) **IN GENERAL.**—The Secretary shall conduct a study, with the States of Minnesota and North Dakota—

(A) to determine and recommend alternative plans to augment flows in the Red River of the North, Minnesota and North Dakota, including plans to supplement flows for municipal, industrial, agricultural, and fish and wildlife purposes; and

(B) to utilize and conserve water within the area.

(2) **ADDITIONAL PURPOSES.**—Additional purposes of the study under this subsection are as follows:

(A) To identify alternative courses of action during drought conditions.

(B) To address such issues as system capabilities, regulatory actions, water quality, treaty constraints, and institutional arrangements.

(C) To recommend short- and long-term approaches to resolving water supply and use problems, including those that occur outside the area.

(3) **SPECIFIC REQUIREMENTS.**—In conducting the study under this subsection, the Secretary shall—

(A) recognize the need for continued flow into Canada;

(B) coordinate with the Bureau of Reclamation on actions being undertaken by the Bureau with respect to the Garrison Diversion Unit; and

(C) provide for appropriate consideration for protection of the Nation's water resources as well as the needs of the area for water management and water availability.

(q) **LAKE WINNIBIGOSHISH, MINNESOTA.**—The Secretary is authorized to conduct a study to determine whether the Secretary's jurisdiction should be expanded to include areas above the current pool regulation levels at Lake Winnibigoshish, Minnesota, and to identify methods for bank stabilization and preservation needed due to lake level regulation.

(r) **LAKE OF THE WOODS, MINNESOTA.**—

(1) **INVESTIGATION.**—The Secretary may undertake an investigation of the lands bordering on the Lake of the Woods, Minnesota, to determine if such lands and improvements there-to in the United States currently meet applicable requirements of international agreements concerning regulation of the levels of the Lake of the Woods.

(2) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall report to Congress on the progress made in carrying out this subsection and the need for further legislation to resolve any outstanding claims for damages caused by the need for additional protective works and measures to satisfy the requirements referred to in paragraph (1).

(s) **HEADWATERS RESERVOIRS OF THE MISSISSIPPI RIVER, MINNESOTA.**—The Secretary shall conduct a study of the 6 headwaters reservoirs of the Mississippi River, Minnesota, to assess lake currents and resulting siltation behavior and to determine the impact of lake levels on fish habitat and spawning success.

(t) **HIGHFIELD WATER COMPANY, NEW JERSEY.**—

(1) **STUDY.**—The Comptroller General shall conduct a study of the facts and circumstances concerning the claims of the Highfield Water Company, New Jersey, against the United States Army Corps of Engineers for the purpose of making recommendations for an appropriate settlement of such claims.

(2) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study conducted under this subsection.

(u) **MANASQUAN RIVER, NEW JERSEY.**—

(1) **STUDY.**—The Secretary shall conduct a study of the feasibility of implementing flood control measures on the Manasquan River to alleviate flooding in Freehold, Howell, and other affected townships in New Jersey.

(2) **REPORT.**—Not later than December 31, 1992, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(v) **ACEQUIAS IRRIGATION SYSTEM, NEW MEXICO.**—The Secretary is authorized to conduct a study of the Acequias irrigation system, New Mexico, to determine whether the project for restoration and preservation of such system, authorized by section 1113 of the Water Resources Development Act of 1986 (100 Stat. 4232), should be expanded to include additional areas of the system.

(w) **BUFFALO, NEW YORK.**—

(1) **REVIEW AND EVALUATION.**—The Secretary shall conduct a review and evaluation of the plan prepared by the city of Buffalo, New York, on flooding and associated water quality problems (including those associated with combined sewer overflows, sewer backups, and riverside outfalls) in the Buffalo, New York, metropolitan area.

(2) **PURPOSES.**—The purposes of the review and evaluation to be conducted under this subsection are to develop recommendations for Federal and non-Federal participation in solving the problems described in paragraph (1) and to identify flood control benefits of implementing the plan.

(3) **REPORT.**—Not later than 9 months after the date of the enactment of this Act, the Secretary shall transmit to Congress and the mayor of Buffalo, New York, a report on the results of the review and evaluation conducted under this subsection.

(x) **CAESAR'S CREEK LAKE, OHIO.**—

(1) **STUDY.**—The Secretary shall conduct a study of the water supply needs of Clinton County, Ohio.

(2) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection, together with recommendations for meeting the projected water supply needs of Clinton County, Ohio.

(y) **LIBERTY, OHIO.**—

(1) **STUDY.**—The Secretary shall conduct a study of the water supply needs of Liberty, Ohio.

(2) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection, together with recommendations for meeting the projected water supply needs of Liberty, Ohio.

(z) **WASHINGTONVILLE, OHIO.**—

(1) **STUDY.**—The Secretary shall conduct a study of the water supply needs of Washingtonville, Ohio.

(2) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection, together with recommendations for meeting the projected water supply needs of Washingtonville, Ohio.

(aa) **MILL CREEK, TENNESSEE.**—

(1) **FEASIBILITY STUDY.**—The Secretary shall study the feasibility of nondam options to alleviate flooding along Mill Creek and Seven Mile Creek, Tennessee.

(2) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection, together with a recommended plan for alleviating the flooding referred to in paragraph (1).

(bb) **NEW MADRID INFRASTRUCTURE RESTORATION.**—

(1) **STUDY.**—The Secretary, in consultation with the Director of the Federal Emergency Management Agency, shall conduct a feasibility study in the region surrounding the New Madrid Fault (including the States of Tennessee, Missouri, Arkansas, Kentucky, Mississippi, Indiana, and Illinois) of the problems and alternative solutions, including governmental roles and responsibilities, of restoring such region's public works infrastructure (including roads and highways, fixed rails, bridges, airports, flood control channels, dams, aqueducts, and utility pipes and lines) to full service following earthquakes which cause substantial damage to such infrastructure.

(2) **REPORT.**—Not later than 24 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the study conducted under this subsection.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$1,500,000.

(cc) **SOUTHWEST REGION FLOOD RESPONSE.**—

(1) **STUDY.**—The Secretary, in consultation with the Secretary of Agriculture and the Director of the Federal Emergency Management Agency, shall conduct a study to evaluate—

(A) existing flood control measures in the Arkansas, Red, and Ouachita river basins, including the adequacy of flood control storage at existing reservoirs, operation of such reservoirs, and downstream flood control and local protection projects;

(B) the effectiveness of Federal emergency response capabilities to prevent or minimize loss of life and damage to property resulting from flooding; and

(C) the effectiveness of Federal disaster assistance programs in providing adequate and prompt compensation to flood victims.

(2) **REPORT.**—The Secretary shall transmit a report to Congress on the results of the study conducted under this subsection not later than 1 year after the date of the enactment of this Act. The report shall contain a detailed statement of the findings and conclusions of the Secretary, together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

(dd) **RADIUM REMOVAL.**—

State listing.

(1) **STUDY.**—The Secretary, in cooperation with State public authorities, may conduct a study of methods of mitigating radium contamination in ground water.

(2) **TECHNICAL ASSISTANCE.**—Upon application of a State public authority, the Secretary may provide, on a reimbursable basis, technical assistance with respect to development and installation of ground water treatment technologies needed to remove radium from ground water used as a source of public drinking water for residents of small communities.

(ee) **MISSISSIPPI RIVER WATER QUALITY.**—

(1) **STUDY.**—The Secretary shall conduct a study of the water quality of the Mississippi River.

(2) **CONSULTATION AND ASSISTANCE.**—In conducting the study under this subsection, the Secretary is authorized to consult with, and request the assistance of, the United States Geological Survey, the United States Fish and Wildlife Service, the Environmental Protection Agency, and appropriate States.

(3) **FRAMEWORK.**—The Secretary shall consult with the Federal agencies and States referred to in paragraph (2) to develop a framework for the study to be conducted under this subsection. Such framework shall be completed on or before the 120th day after the date of the enactment of this Act.

(4) **REPORT.**—Not later than December 31, 1992, the Secretary shall transmit a report to Congress on the results of the study conducted under this subsection, including findings and recommendations of the Secretary.

(5) **FEDERAL SHARE.**—The Federal share of the costs of carrying out this subsection shall be 50 percent.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$2,000,000.

SEC. 117. CRANSTON, RHODE ISLAND.

(a) **STUDY.**—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall conduct a feasibility study of wastewater treatment options for transporting contamination from the central landfill site and other sources of pollution in Rhode Island to a wastewater treatment facility in Cranston, Rhode Island, through the use of a regional connector system.

Waste treatment
and disposal.

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

(c) **DEMONSTRATION PROGRAM.**—After completion of the feasibility study under this section, the Secretary shall conduct a technology demonstration of the connector system described in subsection (a) to determine the capability of the system design to operate properly.

(d) **FEDERAL SHARE.**—The Federal share for carrying out this section shall be 50 percent.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$1,000,000 to carry out subsection (a) and \$10,000,000 to carry out subsection (c).

SEC. 118. TECHNICAL ASSISTANCE FOR NEW YORK HARBOR.

The Secretary may provide, on a reimbursable basis, technical assistance with respect to a comprehensive review of New York Harbor and a systems investigation of the system of channels and anchorages of the Port of New York and New Jersey (including areas and channels outside the Federal system). Such technical

assistance may include analysis of traffic design, shoaling, and hydraulics in order to determine the potential of streamlining the operation of such system and of reducing the potential for maritime accidents.

SEC. 119. PROJECT DEAUTHORIZATIONS.

(a) **NOTIFICATION OF MEMBERS OF CONGRESS.**—Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended by inserting after the first sentence the following new sentence: “Before submission of such list to Congress, the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, a project (including any part thereof) on such list would be located.”.

(b) **REPEAL OF OUTDATED DEAUTHORIZATION PROVISION.**—Section 12 of the Water Resources Development Act of 1974 (33 U.S.C. 579) is repealed.

(c) **SPECIFIED PROJECTS.**—The following projects are not authorized after the date of the enactment of this Act, except with respect to any portion of such a project which portion has been completed before such date or is under construction on such date:

(1) **GREENWICH HARBOR, CONNECTICUT.**—The following portion of the channel at Greenwich Harbor, Connecticut, authorized by the Rivers and Harbors Appropriations Act of March 2, 1919 (40 Stat. 1276):

Beginning at a point on the limit line of the Federal Anchorage Area in Greenwich Harbor, such point having coordinates of N66,309.76 E358,059.81 and running thence northwesterly along the limit line of the Federal Anchorage Area N50°0104W, a distance of 621.62 feet to an angle point on the existing Federal Anchorage Area Limit Line having coordinates N66,709.18 E357,583.50; thence continuing along the existing Federal Anchorage Area Limit Line N39°5855E a distance of 200.00 feet to an angle point on the existing Federal Anchorage Area Limit Line having coordinates N66,862.43 E357,712.01; thence continuing along the existing Federal Anchorage Area Limit Line S50°0104E a distance of 140.00 feet to a point on the existing Federal Anchorage Area Limit Line having coordinates N66,772.47 E357,819.28; thence running into the existing Federal Anchorage Area S39°5855W a distance of 187.66 feet to a point having coordinates N66,628.75 E357,698.76; thence running in the existing Federal Anchorage Area S59°1032"E a distance of 376.47 feet to a point having coordinates N66,435.85 E358,022.05; thence running in the existing Federal Anchorage Area S16°4026"E a distance of 131.62 feet to the point and place of the beginning for a total area of 47,737 square feet.

(2) **CONNEAUT HARBOR, OHIO.**—The feature of the navigation project for Conneaut Harbor, Ohio, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176), which feature is a channel lying easterly of the access channel and adjacent to the municipal pier.

(3) **BIG RIVER RESERVOIR, RHODE ISLAND.**—The water supply project, Big River Reservoir, Providence, Rhode Island, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4144).

SEC. 120. HALF MOON BAY HARBOR.

(a) **DESIGNATION.**—The harbor commonly known as Half Moon Bay Harbor, located in El Granada, California, shall hereafter be known and designated as “Pillar Point Harbor”. Nomenclature.

(b) **LEGAL REFERENCES.**—A reference in any law, map, regulation, document, record, or other paper of the United States to the harbor referred to in subsection (a) shall be deemed to be a reference to “Pillar Point Harbor”.

TITLE II—LAND TRANSFERS**SEC. 201. SNEADS, FLORIDA.**

(a) **IN GENERAL.**—The Secretary shall convey to the trustees of the Salem Wesleyan Church all right, title, and interest of the United States in and to the parcel of land described in subsection (b).

(b) **PROPERTY DESCRIPTION.**—The parcel of land referred to in subsection (a) contains approximately 2.30 acres lying in section 12, township 4 north, range 8 west, Tallahassee meridian, Jackson County, Florida, and is more particularly described as follows:

Beginning at a point that is 294 feet west of the east line and 294 feet north of the south line of the northeast quarter of the northeast quarter of such section 12, and at a corner of a tract of land now or formerly owned by the Salem Wesleyan Church;

Thence south along a line parallel to the east line of such section a distance of approximately 269 feet to a point that is 25 feet north of the south line of the northeast quarter of the northeast quarter of such section;

Thence west along a line parallel to the south line of the northeast quarter of the northeast quarter of such section a distance of approximately 425 feet to the eastern right-of-way line of Florida State Road Numbered S-69A;

Thence northerly along the eastern right-of-way line of such State road a distance of approximately 200 feet to the boundary of such Salem Wesleyan Church tract; and

Thence northeasterly along the boundary of such Salem Wesleyan Church tract approximately 450 feet to the point of beginning.

(c) **PAYMENT OF FAIR MARKET VALUE.**—The conveyance authorized by this section shall be made upon payment to the United States of a sum equal to the fair market value of the land as determined by the Secretary.

(d) **CONDITIONS AND RESTRICTIONS.**—The conveyance under this section shall be subject to a reversionary interest in the United States if the lands conveyed are used for other than church purposes. The Secretary may require such additional terms, conditions, reservations, and restrictions in connection with the conveyance as the Secretary determines are necessary to protect the interests of the United States.

(e) **SURVEY COSTS.**—The cost of any surveys necessary as an incident to the conveyance authorized by this section shall be borne by the trustees of the Salem Wesleyan Church.

(f) **DEADLINE.**—Subject to compliance with this section, the Secretary shall convey the parcel of land described in subsection (b) not later than 2 years after the date of the enactment of this Act.

SEC. 202. IRA D. MACLACHLAN AMERICAN LEGION POST, SAULT SAINTE MARIE, MICHIGAN.

The Secretary shall convey to the Commandant of the Coast Guard the parcel of land described in the Act of June 5, 1936 (49 Stat. 1481), and the building located thereon for use as a clubhouse for the local American Legion Post of Sault Sainte Marie, Michigan.

SEC. 203. ABERDEEN, WASHINGTON.

(a) IN GENERAL.—The Secretary may transfer to the city of Aberdeen, Washington, by quitclaim deed, all rights, interests, and title of the United States in the approximately 570.5 acres of land under the administrative jurisdiction of the Department of the Army acquired for the purposes of the project for Wynoochee Lake, Wynoochee River, Washington, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193), together with any improvements thereon.

(b) CONDITIONS.—A transfer under this section shall be subject to the following conditions:

(1) The city shall operate, maintain, repair, replace, and rehabilitate the project in accordance with regulations prescribed by the Secretary which are consistent with the project's authorized purposes, including fish and wildlife mitigation.

(2) The city shall hold and save the United States free from any claims or damages resulting from the operation, maintenance, repair, or rehabilitation of the project by the city or its contractors.

(3) If the city uses the land transferred under this section for any purpose other than the project's authorized purposes or generation of hydropower or fails to comply with paragraph (1) or (2), the Secretary shall notify the city of such use or failure. If the city does not correct such nonconforming use or failure during the 1-year period beginning on the date of such notification, the Secretary shall have a right of reverter to reclaim possession and title to the land transferred under this section.

(c) LIMITATION.—No transfer under this section may be made until the Secretary has determined that the city can operate, maintain, repair, replace, and rehabilitate the project.

(d) REPAYMENT OF CAPITAL COSTS.—Nothing in this section shall be construed to relieve the city of its obligations under the project contract to repay the capital costs of the project allocated to water supply. The Secretary may negotiate a cash settlement to allow the city to prepay the present value of the payments for capital costs due under the contract.

SEC. 204. RELEASE OF REVERSIONARY INTEREST TO CLAY COUNTY, GEORGIA.

(a) IN GENERAL.—Subject to the condition stated in subsection (b) and notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and section 108 of the River and Harbor Act of 1960 (83 U.S.C. 578), the Secretary shall release to Clay County, Georgia, without reimbursement, the reversionary interest of the United States in approximately 50 acres of land in the deed described in subsection (c).

(b) CONDITION.—

(1) REPLACEMENT REVERSIONARY INTEREST.—The condition referred to in subsection (a) is that Clay County, Georgia, agree to an amendment of the deed described in subsection (c) by which

Regulations.

the reversionary interest that is released pursuant to subsection (a) is replaced with a reversionary interest as described in paragraph (2).

(2) **DESCRIPTION.**—The deed described in subsection (c) shall be amended to provide that the property conveyed by the deed is subject to the condition and restriction that it is to be used and enjoyed solely for the development of a retirement community, as that term may be defined by the parties in the instrument described in subsection (d), operated on a nonprofit basis by Clay County, Georgia, and its successors and assigns, or under a lease arrangement between the county and the South Georgia Methodist Home for the Aging, Inc., and that if the property is used for any other purpose, title to the property, including any improvements, shall revert to the United States.

(c) **DESCRIPTION OF DEED.**—The deed referred to in subsections (a) and (b) is the quitclaim deed dated October 22, 1963, by which the United States conveyed to Clay County, Georgia, the parcel of land lying in land lots 263 and 264, Seventh Land District, Clay County, Georgia.

(d) **INSTRUMENT OF RELEASE.**—The Secretary and Clay County, Georgia, shall execute and file in the appropriate office an amendment of deed, amended deed, deed of release, or other appropriate form of instrument or instruments effecting the substitution of reversionary interest authorized by this section.

SEC. 205. CONVEYANCE OF OAKLAND INNER HARBOR TIDAL CANAL PROPERTY TO CITIES OF OAKLAND AND ALAMEDA, CALIFORNIA.

The Secretary may convey, by quitclaim deed, the title of the United States in all or portions of the approximately 86 acres of uplands, tidelands, and submerged lands, commonly referred to as the Oakland Inner Harbor Tidal Canal, California, as follows:

(1) To the city of Oakland, the United States title to all or portions of that part of the Oakland Inner Harbor Tidal Canal which are located within the boundaries of the city of Oakland.

(2) To the city of Alameda, the United States title to all or portions of that part of the Oakland Inner Harbor Tidal Canal which are located within the boundaries of the city of Alameda.

The Secretary may reserve and retain from any such conveyance a right-of-way for the operation and maintenance of the authorized Federal channel in the Oakland Inner Harbor Tidal Canal.

TITLE III—GENERALLY APPLICABLE PROVISIONS

SEC. 301. PLANNING AND ENGINEERING.

Section 105(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(b)) is amended by adding at the end the following new sentence: "Costs of planning and engineering of projects for which non-Federal interests contributed 50 percent of the cost of the feasibility study shall be treated as costs of construction."

SEC. 302. EMERGENCY RESPONSE.

Section 5(a)(1) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood

control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended—

(1) in the first sentence by striking "flood emergency preparation," and inserting "preparation for emergency response to any natural disaster,"; and

(2) by inserting after the first sentence the following: "The emergency fund may also be expended for emergency dredging for restoration of authorized project depths for Federal navigable channels and waterways made necessary by flood, drought, earthquake, or other natural disasters."

SEC. 303. CONSTRUCTION OF NAVIGATION PROJECTS BY NON-FEDERAL INTERESTS.

(a) **TRANSMISSION OF HARBOR IMPROVEMENT STUDIES TO NON-FEDERAL INTERESTS.**—Section 204(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(c)) is amended by inserting after the first sentence the following new sentence: "The Secretary is further authorized to complete and transmit to the appropriate non-Federal interest any study for improvement to harbors or inland harbors of the United States that is initiated pursuant to section 107 of the River and Harbor Act of 1960 or, upon request of such non-Federal interest, to terminate such study and transmit such partially completed study to the non-Federal interest."

(b) **REIMBURSEMENT.**—Section 204 of such Act is amended—

(1) by redesignating the second subsection (e) and subsection (f), and any reference thereto, as subsections (f) and (g), respectively;

(2) in paragraph (1) of the first subsection (e) by inserting "including any small navigation project approved pursuant to section 107 of the River and Harbor Act of 1960," after "or separable element thereof,"; and

(3) in paragraph (1)(A) of the first subsection (e) by inserting "(or, in the case of a small navigation project, after completion of a favorable project report by the Corps of Engineers)" after "authorization of the project".

Reports.

33 USC 2309a.

SEC. 304. PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.

(a) **REVIEW OF PROJECT OPERATIONS.**—Section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note), is amended by striking "before the date of enactment of this Act".

(b) **MODIFICATION PROGRAM.**—Section 1135(b) of such Act is amended—

(1) by striking "demonstration program in the 5-year period beginning on the date of enactment of this Act" and inserting "program"; and

(2) by striking "before the date of enactment of this Act".

(c) **REPORT.**—Section 1135(d) of such Act as amended to read as follows:

"(d) **BIENNIAL REPORT.**—Beginning in 1992 and every 2 years thereafter, the Secretary shall transmit to Congress a report on the results of reviews conducted under subsection (a) and on the program conducted under subsection (b)."

(d) **FUNDING.**—Section 1135(e) of such Act is amended by striking "\$25,000,000 to carry out this section." and inserting "\$15,000,000 annually to carry out this section."

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SEC. 305. ABILITY TO PAY.

(a) GENERAL RULE.—Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended to read as follows:

“(m) ABILITY TO PAY.—

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

“(2) PROCEDURES.—

“(A) IN GENERAL.—The ability of any non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

“(B) LIMITATIONS.—The procedures established pursuant to this subsection shall provide for a reduction in any non-Federal cash contribution required under subsection (a)(2) of this section. In addition, such procedures shall provide for determination of the eligibility of the non-Federal interest for a reduction in the required cash contribution on the basis of local, not statewide, economic and financial data.

“(C) REGULATIONS.—Not later than 1 year after the date of the enactment of this subparagraph, the Secretary shall issue regulations establishing the procedures required by this paragraph.”

(b) CONTINUATION OF EXISTING REGULATIONS.—Regulations issued to carry out section 103(m) of the Water Resources Development Act of 1986 before the date of the enactment of this Act and in effect on such date shall continue in effect until regulations are issued pursuant to paragraph (2)(C) of such section, as added by subsection (a) of this section.

33 USC 2213
note.

SEC. 306. ENVIRONMENTAL PROTECTION MISSION.

33 USC 2316.

(a) GENERAL RULE.—The Secretary shall include environmental protection as one of the primary missions of the Corps of Engineers in planning, designing, constructing, operating, and maintaining water resources projects.

(b) LIMITATION.—Nothing in this section affects—

(1) existing Corps of Engineers' authorities, including its authorities with respect to navigation and flood control;

(2) pending Corps of Engineers permit applications or pending lawsuits involving permits or water resources projects; or

(3) the application of public interest review procedures for Corps of Engineers permits.

SEC. 307. WETLANDS.

33 USC 2317.

(a) GOALS AND ACTION PLAN.—

(1) GOALS.—There is established, as part of the Corps of Engineers water resources development program, an interim goal of no overall net loss of the Nation's remaining wetlands base, as defined by acreage and function, and a long-term goal to increase the quality and quantity of the Nation's wetlands, as defined by acreage and function.

(2) USE OF AUTHORITIES.—The Secretary shall utilize all appropriate authorities, including those to restore and create wetlands, in meeting the interim and long-term goals.

(3) ACTION PLAN.—

(A) DEVELOPMENT.—The Secretary shall develop, in consultation with the Environmental Protection Agency, the

Fish and Wildlife Service, and other appropriate Federal agencies, a wetlands action plan to achieve the goals established by this subsection as soon as possible.

(B) CONTENTS.—The plan shall include and identify actions to be taken by the Secretary in achieving the goals and any new authorities which may be necessary to accelerate attainment of the goals.

(C) COMPLETION DEADLINE.—The Secretary shall complete the plan not later than 1 year after the date of enactment of this Act.

(b) CONSTRUCTED WETLANDS FOR MUD CREEK, ARKANSAS.—Notwithstanding any other provision of law, the Secretary is authorized and directed to establish and carry out a research and pilot project to evaluate and demonstrate—

(1) the use of constructed wetlands for wastewater treatment, and

(2) methods by which such projects contribute—

(A) to meeting the objective of the Federal Water Pollution Control Act to restore and maintain the physical, chemical, and biological integrity of the Nation's waters, and

(B) to attaining the goals established by subsection (a).

The project under this subsection shall be carried out to improve the quality of effluent discharged from publicly owned treatment works operated by the city of Fayetteville, Arkansas, into Mud Creek or its tributaries.

(c) NON-FEDERAL RESPONSIBILITIES.—For the project conducted under subsection (b), the non-Federal interest shall agree—

(1) to provide, without cost to the United States, all lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for construction and subsequent research and demonstration work;

(2) to hold and save the United States free from damages due to construction, operation, and maintenance of the project, except damages due to the fault or negligence of the United States or its contractors; and

(3) to operate and maintain the restored or constructed wetlands in accordance with good management practices; except that nothing in this paragraph shall be construed as precluding a Federal agency from agreeing to operate and maintain the restored or reconstructed wetlands.

The value of the non-Federal lands, easements, rights-of-way, relocations, and dredged material disposal areas provided by the non-Federal interest shall be credited toward the non-Federal share of project design and construction costs. The non-Federal share of project design and construction costs shall be 25 percent.

(d) WETLANDS RESTORATION AND ENHANCEMENT DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT AND IMPLEMENTATION.—The Secretary, in consultation with the Administrator, is authorized to establish and implement a demonstration program for the purpose of determining the feasibility of wetlands restoration, enhancement, and creation as a means of contributing to the goals established by subsection (a).

(2) GOAL.—The goal of the program under this subsection shall be to establish a limited number of demonstration wetlands restoration, enhancement, and creation areas in districts

of the Corps of Engineers for the purpose of evaluating the technical and scientific long-term feasibility of such areas as a means of contributing to the attainment of the goals established by subsection (a). Federal and State land-owning agencies and private parties may contribute to such areas.

(3) **FACTORS TO CONSIDER.**—In establishing the demonstration program under this subsection, the Secretary shall consider—

(A) past experience with wetlands restoration, enhancement, and creation;

(B) the appropriate means of measuring benefits of compensatory mitigation activities, including enhancement or restoration of existing wetlands or creation of wetlands;

(C) the appropriate geographic scope for which wetlands loss may be offset by restoration, enhancement, and creation efforts;

(D) the technical feasibility and scientific likelihood that wetlands can be successfully restored, enhanced, and created;

(E) means of establishing liability for, and long-term ownership of, wetlands restoration, enhancement, and creation areas; and

(F) responsibilities for short- and long-term project monitoring.

(4) **REPORTING.**—

(A) **TO THE CHIEF OF ENGINEERS.**—The district engineer for each district of the Corps of Engineers in which a wetlands restoration, enhancement, and creation area is established under this subsection shall transmit annual reports to the Chief of Engineers describing the amount and value of wetlands restored, enhanced, and created for the area and a summary of whether the area is contributing to the goal established in paragraph (2).

(B) **TO CONGRESS.**—Not later than 3 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report evaluating the use of wetlands restoration, enhancement, and creation areas in fulfilling the goal established by paragraph (2), together with recommendations on whether or not to continue use of such areas as a means of meeting the goals established by subsection (a).

(5) **EFFECT ON OTHER LAWS.**—Nothing in this subsection affects any requirements under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) or section 10 of the Act of March 3, 1899 (33 U.S.C. 403).

(e) **TRAINING AND CERTIFICATION OF DELINEATORS.**—

(1) **IN GENERAL.**—The Secretary is authorized to establish a program for the training and certification of individuals as wetlands delineators. As part of such program, the Secretary shall carry out demonstration projects in districts of the Corps of Engineers. The program shall include training and certification of delineators and procedures for expediting consideration and acceptance of delineations performed by certified delineators.

(2) **REPORTS.**—The Secretary shall transmit to Congress periodic reports concerning the status of the program and any recommendations on improving the content and implementation of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

33 USC 2318.

SEC. 308. FLOOD PLAIN MANAGEMENT.

(a) **BENEFIT-COST ANALYSIS.**—The Secretary shall not include in the benefit base for justifying Federal flood damage reduction projects—

(1)(A) any new or substantially improved structure (other than a structure necessary for conducting a water-dependent activity) built in the 100-year flood plain with a first floor elevation less than the 100-year flood elevation after July 1, 1991; or

(B) in the case of a county substantially located within the 100-year flood plain, any new or substantially improved structure (other than a structure necessary for conducting a water-dependent activity) built in the 10-year flood plain after July 1, 1991; and

(2) any structure which becomes located in the 100-year flood plain with a first floor elevation less than the 100-year flood elevation or in the 10-year flood plain, as the case may be, by virtue of constrictions placed in the flood plain after July 1, 1991.

(b) **COUNTIES SUBSTANTIALLY LOCATED WITHIN 100-YEAR FLOOD PLAIN.**—For the purposes of subsection (a), a county is substantially located within the 100-year flood plain—

(1) if the county is comprised of lands of which 50 percent or more are located in the 100-year flood plain; and

(2) if the Secretary determines that application of the requirement contained in subsection (a)(1)(A) with respect to the county would unreasonably restrain continued economic development or unreasonably limit the availability of needed flood control measures.

Reports.

(c) **COST SHARING.**—Not later than January 1, 1992, the Secretary shall transmit to Congress a report on the feasibility and advisability of increasing the non-Federal share of costs for new projects in areas where new or substantially improved structures and other constrictions are built or placed in the 100-year flood plain or the 10-year flood plain, as the case may be, after the initial date of the affected governmental unit's entry into the regular program of the national flood insurance program of the National Flood Insurance Act of 1968.

(d) **REGULATIONS.**—Not later than 6 months after the date on which a report is transmitted to Congress under subsection (b), the Secretary, in consultation with the Director of the Federal Emergency Management Agency, shall issue regulations to implement subsection (a). Such regulations shall define key terms, such as new or substantially improved structure, constriction, 10-year flood plain, and 100-year flood plain.

(e) **APPLICABILITY.**—The provisions of this section shall not apply to any project, or separable element thereof, for which a final report of the Chief of Engineers has been forwarded to the Secretary before the last day of the 6-month period beginning on the date on which regulations are issued pursuant to subsection (a) but not later than July 1, 1993.

33 USC 426e
note.
Reports.

SEC. 309. SHORELINE PROTECTION.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the advisability of not participating in the planning, implementation, or maintenance of any beach stabilization or renourishment project involving