

**AMENDMENT TO THE COMMITTEE PRINT
OF H.R. 2557
OFFERED BY MR. DUNCAN**

Page 22, line 2, after “214” insert “(a)”.

Page 22, line 4, strike “amended” and all that follows through “by” on line 5 and insert “amended by”.

Page 22, line 6, strike the semicolon and all that follows through the closing quotation marks on line 11.

Page 24, line 23, strike “partnership agreements meet” and insert “a partnership agreement meets”.

Page 24, line 24, before the first period insert “and policies of the Secretary in effect on the date of entry into the partnership agreement”.

Page 34, after line 9, insert the following (and redesignate subsequent subsections accordingly):

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

Page 35, line 12, before the period insert “of which not more than \$3,000,000 annually may be used for construction of projects described in subsection (e)”.

Page 47, line 3, strike “Such” and all that follows through line 5.

Page 47, strike lines 19 through 25 and redesignate subsequent subsections accordingly.

Page 51, after line 4, insert the following:

1 (b) SCOPE.—This section shall apply to each study
2 initiated after the date of enactment of this Act to develop
3 a feasibility report under section 905 of the Water Re-
4 sources Development Act of 1986 (33 U.S.C. 2282), or
5 a reevaluation report, for a water resources project if the
6 Secretary determines that such study requires an environ-
7 mental impact statement under the National Environ-
8 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Page 51, line 5, strike “(b)” and insert “(c)”.

Page 51, line 8, strike “(c)” and insert “(d)”.

Page 51, line 18, strike “(d)” and insert “(e)”.

Page 51, line 21, strike “(d)” and insert “(e)”.

Page 52, line 3, strike “(d)” and insert “(e)”.

Page 52, line 13, strike “(e)” and insert “(f)”.

Page 52, line 24, strike “(f)” and insert “(g)”.

Page 53, line 4, strike “(d)” and insert “(e)”.

Page 53, line 6, strike “(g)” and insert “(h)”.

Page 53, line 13, strike “(c)” and insert “(d)”.

Page 54, strike lines 9 through 25 and insert the following:

1 (i) PURPOSE AND NEED AND DETERMINATION OF
2 REASONABLE ALTERNATIVES.—

3 (1) IN GENERAL.—As an official of the lead
4 Federal agency that is responsible for carrying out
5 a study to which this section applies and its associ-
6 ated process for meeting the requirements of the
7 National Environmental Policy Act of 1969 (42
8 U.S.C. 4321 et seq.) and as the Federal agency with
9 expertise in water resources development, the Sec-
10 retary, in carrying out such study and process,
11 shall—

12 (A) define the purpose and need for the
13 proposed water resources project, and

1 (B) determine which alternatives are rea-
2 sonable and may be reasonably anticipated to
3 meet project purposes and needs.

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

Page 55, line 2, strike “subsections (h) and (i)” and
insert “subsection (i)”.

Page 55, line 3, strike “and consider” and insert “,
consider, and respond to”.

Page 55, line 16, strike “State” and insert “Fed-
eral, State,”.

Page 56, line 6, after “on” insert “project type,”.

Page 57, strike line 6 and insert the following (and
conform the table of contents of the bill accordingly).

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

2 (a) COMPLETION OF MITIGATION.—Section 906(a) of
3 the Water Resources Development Act of 1986 (33 U.S.C.
4 2283(a)) is amended—

5 (1) by adding at the following:

6 “(3) COMPLETION OF MITIGATION.—In those
7 instances in which it is not technically practicable to
8 complete mitigation concurrent with the last day of
9 project construction because of the nature of the
10 mitigation to be undertaken, the Secretary shall
11 complete the required mitigation as expeditiously as
12 practicable, but in no case later than the last day of
13 the first fiscal year beginning after the last day of
14 construction of the project or separable element of
15 the project.”; and

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

19 “(3) CONTENTS.—A mitigation plan shall
20 include—

21 “(A) a description of the physical action to
22 be undertaken to achieve the mitigation objec-
23 tives within the watershed in which such losses
24 occur and, in any case in which mitigation must
25 take place outside the watershed, a justification

1 detailing the rationale for undertaking the miti-
2 gation outside of the watershed;

3 “(B) a description of the lands or interests
4 in lands to be acquired for mitigation and the
5 basis for a determination that such lands are
6 available for acquisition;

7 “(C) the type, amount, and characteristics
8 of the habitat being restored;

9 “(D) success criteria for mitigation based
10 on replacement of lost functions and values of
11 the habitat, including hydrologic and vegetative
12 characteristics;

13 “(E) a plan for any necessary monitoring
14 to determine the success of the mitigation, in-
15 cluding the cost and duration of any moni-
16 toring, and to the extent practicable, the enti-
17 ties responsible for any monitoring.

18 “(4) RESPONSIBILITY FOR MONITORING.—In
19 any case in which it is not practicable to identify in
20 a mitigation plan for a water resources project, the
21 entity responsible for monitoring at the time of a
22 final report of the Chief of Engineers or other final
23 decision document for the project, such entity shall
24 be identified in the partnership agreement entered
25 into with the non-Federal interest.”.

Page 57, line 7, strike “(a) STATUS REPORT.—”

and insert the following:

1 (c) STATUS REPORT.—

2 (1) IN GENERAL.—

Page 57, line 18, strike “(b)” and insert “(2)”.

Page 58, after line 19, insert the following (and conform the table of contents of the bill accordingly):

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

4 (a) OBJECTIVES.—

5 (1) FLOOD CONTROL, NAVIGATION, AND HURRI-

6 CANE AND STORM DAMAGE REDUCTION PROJECTS.—

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

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

1 ciated with the project, consistent with national eco-
2 nomic development.

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

8 (4) SELECTION OF PROJECT ALTERNATIVES.—

9 (A) IN GENERAL.—Notwithstanding the
10 Federal objectives identified in this subsection,
11 the Secretary may select a project alternative
12 that does not maximize net benefits if there is
13 an overriding reason based upon other Federal,
14 State, local, or international concerns.

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

1 (C) ECOSYSTEM RESTORATION
2 PROJECTS.—With respect to a water resources
3 project described in paragraph (2), an over-
4 riding reason for selecting a plan other than the
5 plan that maximizes national ecosystem restora-
6 tion benefits may be if the Secretary deter-
7 mines, and the non-Federal interest concurs,
8 that an alternative is feasible and achieves the
9 project purpose while providing greater eco-
10 nomic development benefits.

11 (b) IDENTIFYING ADDITIONAL BENEFITS AND
12 PROJECTS.—

13 (1) PRIMARYLY ECONOMIC BENEFITS.—In con-
14 ducting a study of the feasibility of a project where
15 the primary benefits are expected to be economic,
16 the Secretary may identify ecosystem restoration
17 benefits that may be achieved in the study area and,
18 after obtaining the participation of a non-Federal in-
19 terest, may study and recommend construction of a
20 separate project or separable project element to
21 achieve those benefits.

22 (2) PRIMARYLY ECOSYSTEM RESTORATION BEN-
23 EFITS.—In conducting a study of the feasibility of a
24 project where the primary benefits are expected to
25 be associated with ecosystem restoration, Secretary

1 may identify economic benefits that may be achieved
2 in the study area and, after obtaining the participa-
3 tion of a non-Federal interest, may study and rec-
4 ommend construction of a separate project or sepa-
5 rable project element to achieve those benefits.

6 (3) RULES APPLICABLE TO IDENTIFIED SEPA-
7 RATE PROJECTS AND ELEMENTS.—Any separate
8 project or separable element identified under para-
9 graph (1) or (2) and recommended for construction
10 shall not be considered integral to the underlying
11 project under study and, if authorized, shall be sub-
12 ject to a separate partnership agreement, unless a
13 non-Federal interest agrees to share in the cost of
14 both projects or separable elements.

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

19 (1) a calculation of the residual risk of flooding
20 following completion of the proposed project;

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

23 (3) calculations to ensure that the benefits and
24 costs associated with structural and nonstructural
25 alternatives are evaluated in an equitable manner.

Page 61, line 7, after “report for” insert “the Bayou Meto basin element for”.

Page 61, line 10, strike “project” and insert “element”.

Page 74, line 20, after “required” insert “before July 18, 2003,”.

Page 92, line 25, strike “modified” and all that follows through line 5 on page 93 and insert the following:

1 modified—

2 (1) to direct the Secretary to provide credit to-
3 ward the non-Federal share of the cost of the project
4 or reimbursement for the costs of any work that has
5 been or will be performed by the non-Federal inter-
6 est before, on, or after the approval of the project
7 partnership agreement, including work performed by
8 the non-Federal interest in connection with the de-
9 sign and construction of 7 upstream detention stor-
10 age structures, if the Secretary determines that the
11 work is integral to the project;

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

14 (3) to direct the Secretary to accept advance
15 funds from the non-Federal interest as needed to
16 maintain the project schedule.

Page 94, strike line 15 and all that follows through line 2 on page 95 and insert the following (and conform the table of contents of the bill accordingly):

1 **SEC. 3070. PORT OF NEW YORK AND NEW JERSEY, NEW**
2 **YORK AND NEW JERSEY.**

3 The navigation project, Port of New York and New
4 Jersey, New York and New Jersey, authorized by section
5 101(a)(2) of the Water Resources Development Act of
6 2000 (114 Stat. 2576), is modified—

7 (1) to authorize the Secretary to allow the non-
8 Federal interest to construct a temporary dredged
9 material storage facility to receive dredged material
10 from the project if—

11 (A) the non-Federal interest submits, in
12 writing, a list of potential sites for the tem-
13 porary storage facility to the Committee on
14 Transportation and Infrastructure of the House
15 of Representatives, the Committee on Environ-
16 ment and Public Works of the Senate, and the
17 Secretary at least 180 days before the selection
18 of the final site; and

19 (B) at least 70 percent of the dredged ma-
20 terial generated in connection with the project
21 suitable for beneficial reuse will be used at sites

1 in the State of New Jersey to the extent that
2 there are sufficient sites available; and
3 (2) to direct the Secretary to credit toward the
4 non-Federal share of the cost of the project the cost
5 of construction of the temporary storage facility if
6 the Secretary determines that the work is integral to
7 the project.

Page 101, after line 11, insert the following (and re-designate subsequent sections, and conform the table of contents, of the bill accordingly):

8 **SEC. 3083. CEDAR BAYOU, TEXAS.**

9 (a) IN GENERAL.—The project for navigation, Cedar
10 Bayou, Texas, reauthorized by section 349(a)(2) of the
11 Water Resources Development Act of 2000 (114 Stat.
12 2632), is modified—

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

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

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

Page 105, line 16, strike “or reimbursement for”.

Page 105, line 17, insert “or reimbursement for”
after “the project”.

Page 126, after line 4, insert the following (and re-
designate subsequent sections of the bill, and conform the
table of contents of the bill, accordingly):

5 **SEC. 4003. SUSITNA RIVER, ALASKA.**

6 The Secretary shall conduct a study to determine the
7 feasibility of carrying out a project for hydropower, recre-
8 ation, and related purposes on the Susitna River, Alaska.

Page 130, strike lines 12 through 22 (and redesignate
subsequent sections, and conform the table of con-
tents, of the bill accordingly).

Page 140, after line 13, insert the following:

9 (10) Candor Dam, Candor, New York.

Page 140, after line 19, insert the following (and re-
designate the subsequent subsection accordingly):

1 (c) FERN RIDGE DAM, OREGON.—It is the sense of
2 Congress that the Secretary should work to immediately
3 remedy the situation at Fern Ridge Dam, Oregon, due to
4 the rapid deterioration of the dam.

Page 143, line 18, strike “and Chesapeake, Maryland,”.

Page 143, line 19, after “535”, insert “(a)”.

Page 145, after line 7, insert the following:

5 (11) Lucas Berg Pit, Worth, Illinois, being carried
6 out as part of the Calumet-Sag navigation
7 project, authorized by section 2 of the River and
8 Harbor Act of March 2, 1945 (59 Stat. 19), and
9 modified by the first section of the River and Harbor
10 Act of July 24, 1946 (60 Stat. 636), and section
11 109 of the River and Harbor Act of 1958 (72 Stat.
12 302).

Page 146, after line 3, insert the following:

13 (c) CHESAPEAKE, MARYLAND.—The Secretary shall
14 expedite completion of the study being carried out under
15 section 535(b) of the Water Resources Development Act
16 of 1999 (113 Stat. 349) with respect to additional compensation
17 to the city of Chesapeake, Maryland.

Page 154, after line 4, insert the following (and conform the table of contents of the bill, and redesignate subsequent sections of the bill, accordingly):

1 **SEC. 5027. CONTRA COSTA CANAL, OAKLEY AND**
2 **KNIGHTSEN, CALIFORNIA; MALLARD**
3 **SLOUGH, PITTSBURG, CALIFORNIA.**

4 Sections 512 and 514 of the Water Resources Devel-
5 opment Act of 2000 (114 Stat. 2650) are each amended
6 by adding at the end the following: “All planning, study,
7 design, and construction on the project shall be carried
8 out by the office of the district engineer, San Francisco,
9 California.”.

Page 155, after line 19, insert the following (and redesignate subsequent sections of the bill, and conform the table of contents of the bill, accordingly):

10 **SEC. 5029. SACRAMENTO DEEP WATER SHIP CHANNEL,**
11 **CALIFORNIA.**

12 (a) IN GENERAL.—The Secretary is authorized to
13 transfer title to the Bascule Bridge, deauthorized by sec-
14 tion 347(a)(2) of the Water Resources Development Act
15 of 2000 (114. Stat. 2618), to the city of West Sacramento,
16 California, subject to the execution of an agreement by
17 the Secretary and the city which specifies the terms and
18 conditions for such transfer. The terms and conditions of

1 the transfer shall include a provision authorizing the Sec-
2 retary to participate in the construction of a replacement
3 bridge following the removal of the Bascule Bridge.

4 (b) AUTHORIZATION OF APPROPRIATION.—There is
5 authorized to be appropriated \$5,000,000 for the Sec-
6 retary to participate in the construction of a replacement
7 bridge under this section.

Page 155, line 22, strike “The” and insert the fol-
lowing:

8 (1) IN GENERAL.—The

Page 156, line 3, strike “(b)” and insert “(2)”.

Page 156, after line 5, insert the following:

9 (b) PIERS 94–96 REPAIRS PROJECT.—

10 (1) IN GENERAL.—The Secretary, in coopera-
11 tion with the Port of San Francisco, California, may
12 carry out the project for repairs to Piers 94–96 in
13 San Francisco, California, substantially in accord-
14 ance with the Port’s redevelopment plan.

15 (2) AUTHORIZATION OF APPROPRIATION.—
16 There is authorized to be appropriated \$5,000,000
17 to carry out this section.

Page 162, strike line 9 and all that follows through line 6 on page 163 and insert the following (and conform the table of contents of the bill accordingly):

1 **SEC. 5038. RECONSTRUCTION OF ILLINOIS FLOOD PROTEC-**
2 **TION PROJECTS.**

3 (a) IN GENERAL.—The Secretary may participate in
4 the reconstruction of an eligible flood control project if the
5 Secretary determines that such reconstruction is not re-
6 quired as a result of improper operation and maintenance
7 of the project by the non-Federal interest.

8 (b) COST SHARING.—The non-Federal share of the
9 costs for the reconstruction of a flood control project au-
10 thorized by this section shall be the same Federal share
11 that was applicable to construction of the project. The
12 non-Federal interest shall be responsible for operation and
13 maintenance and repair of a project for which reconstruc-
14 tion is undertaken under this section.

15 (c) RECONSTRUCTION DEFINED.—In this section,
16 the term “reconstruction”, as used with respect to a
17 project, means addressing major project deficiencies
18 caused by long-term degradation of the foundation, con-
19 struction materials, or engineering systems or components
20 of the project, the results of which render the project at
21 risk of not performing in compliance with its authorized
22 project purposes. In addressing such deficiencies, the Sec-

1 retary may incorporate current design standards and effi-
2 ciency improvements, including the replacement of obso-
3 lete mechanical and electrical components at pumping sta-
4 tions, if such incorporation does not significantly change
5 the scope, function, and purpose of the project as author-
6 ized.

7 (d) ELIGIBLE PROJECTS.—The following flood con-
8 trol projects are eligible for reconstruction under this sec-
9 tion:

10 (1) Wood River Drainage and Levee District,
11 Illinois, authorized as part of the navigation project
12 of the Upper Mississippi River basin by section 2 of
13 the Flood Control Act of June 28, 1938 (52 Stat.
14 1218).

15 (2) Clear Creek Drainage and Levee District,
16 Illinois, authorized by section 5 of the Flood Control
17 Act of June 22, 1936 (49 Stat. 1581).

18 (3) Fort Chartres and Ivy Landing Drainage
19 District, Illinois, authorized as part of the naviga-
20 tion project of the Upper Mississippi River basin by
21 section 2 of the Flood Control Act of June 22, 1938
22 (52 Stat. 1218).

23 (e) JUSTIFICATION.—The reconstruction of a project
24 authorized by this section shall not be considered a sepa-
25 rable element of the project.

1 (f) AUTHORIZATION OF APPROPRIATION.—There is
2 authorized to be appropriated \$15,000,000 to carry out
3 this section. Such sums shall remain available until ex-
4 pended.

Page 184, after line 15, insert the following (and re-
designate subsequent sections of the bill, and conform the
table of contents of the bill, accordingly):

5 **SEC. 5060. HARRISON, HANCOCK, AND JACKSON COUNTIES,**
6 **MISSISSIPPI.**

7 In carrying out projects for the protection, restora-
8 tion, and creation of aquatic and ecologically-related habi-
9 tats located in Harrison, Hancock, and Jackson Counties,
10 Mississippi, under section 204 of the Water Resources De-
11 velopment Act of 1992 (33 U.S.C. 2326), the Secretary
12 shall accept any portion of the non-Federal share of the
13 cost of the project in the form of services, materials, sup-
14 plies, and other in-kind contributions.

Page 190, after line 12, insert the following (and re-
designate subsequent sections of the bill, and conform the
table of contents of the bill, accordingly):

15 **SEC. 5070. CENTRAL RIVERFRONT PARK, CINCINNATI,**
16 **OHIO.**

17 If the Secretary is authorized to carry out a down-
18 town waterfront development project for the Central

1 Riverfront Park, Cincinnati, Ohio, the Secretary shall
2 credit toward the non-Federal share of the cost of the
3 project the cost of—

4 (1) design and construction work undertaken by
5 the non-Federal interest before entering into a part-
6 nership agreement for the project with the Secretary
7 if the Secretary determines that the work is integral
8 to the project; and

9 (2) land, easements, rights-of-way, and reloca-
10 tions provided by the non-Federal interest.

Page 190, after line 22, insert the following (and re-
designate subsequent sections, and conform the table of
contents, of the bill accordingly):

11 **SEC. 5071. OHIO.**

12 Section 594(g) of the Water Resources Development
13 Act of 1999 (113 Stat. 383) is amended by striking
14 “\$60,000,000” and inserting “\$90,000,000”.

Page 197, after line 2, insert the following (and re-
designate subsequent sections of the bill, and conform the
table of contents of the bill, accordingly):

15 **SEC. 5083. COOPER RIVER, SOUTH CAROLINA.**

16 (a) IN GENERAL.—The Secretary is authorized to
17 provide technical and financial assistance for the removal

1 of the Grace and Pearman Bridges over the Cooper River,
2 South Carolina.

3 (b) AUTHORIZATION OF APPROPRIATION.—There is
4 authorized to be appropriated \$5,000,000 to carry out this
5 section.

Page 216, line 13, strike the close quotation marks
and the subsequent period.

Page 216, after line 13, insert the following:

6 “(95) HANCOCK, HARRISON, JACKSON, AND
7 PEARL RIVER COUNTIES, MISSISSIPPI.—\$5,824,300
8 for water and wastewater-related infrastructure,
9 Hancock, Harrison, Jackson, and Pearl River Coun-
10 ties, Mississippi.”.

11 **SEC. 5108. USE OF FEDERAL HOPPER DREDGE FLEET.**

12 (a) STUDY.—The Secretary shall conduct a study on
13 the appropriate use of the Federal hopper dredge fleet.

14 (b) CONTENTS.—In conducting the study, the Sec-
15 retary shall—

16 (1) obtain and analyze baseline data to deter-
17 mine the appropriate use of the Federal hopper
18 dredge fleet;

19 (2) prepare a comprehensive analysis of the
20 costs and benefits of existing and proposed restric-

1 tions on the use of the Federal hopper dredge fleet;
2 and

3 (3) assess the data and procedure used by the
4 Secretary to prepare the Government cost estimate
5 for worked performed by the Federal hopper dredge
6 fleet.

7 (c) CONSULTATION.—The Secretary shall conduct
8 the study in consultation with ports, pilots, and represent-
9 atives of the private dredge industry.

10 (d) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, the Secretary shall transmit to
12 Congress a report on the results of the study.