

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and Senate on the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences among the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the Managers, and minor drafting and clerical changes.

### TITLE I – WATER RESOURCES PROJECTS

#### SECTION 1001 – PROJECT AUTHORIZATIONS.

- 1001(1)* Haines, Alaska. House § 1001(1), Senate § 1001(1).— Senate recedes.
- 1001(2)* Port Lions, Alaska. House § 1001(2). No comparable Senate section. – Senate recedes.
- 1001(3)* Santa Cruz River, Paseo de Las Iglesias, Arizona. House § 1001(4). No comparable Senate Section. – Senate recedes.
- 1001(4)* Tanque Verde Creek, Pima County, Arizona. House § 1001(5), Senate § 1001(2). – House recedes.
- 1001(5)* Salt River (Rio Salado Oeste), Maricopa County, Arizona. House § 1001(3). No comparable Senate section. – Senate recedes.
- 1001(6)* Salt River (Va Shly'ay Akimel), Maricopa County, Arizona. House § 1001(6), Senate § 1001(3). – House recedes, with an amendment.
- 1001(7)* May Branch, Fort Smith, Arkansas. House § 1001(7), Senate § 1001(4). – House recedes.
- 1001(8)* Hamilton City, Glenn County, California. House § 1001(8), Senate § 1001(5). – House recedes.
- 1001(9)* Silver Strand Shoreline, Imperial Beach, California. House § 1001(9), Senate 1001(6). – House recedes.
- 1001(10)* Matilija Dam, Ventura County, California. House § 1001(10), Senate 1001(7). – House recedes.
- 1001(11)* Middle Creek, Lake County, California. House § 1001(11), Senate 1001 § 1001(8). – House recedes.

1001(12) Napa River Salt Marsh Restoration, California. House § 1001(12), Senate § 1001(9).  
– Senate recesses.

1001(13) Denver County Reach, South Platte River, Denver, Colorado. House § 1001(13),  
Senate § 1001(10). – Senate recesses.

1001(14) Central and Southern Florida, Indian River Lagoon. House § 6005, Senate § 1001  
(12). – House recesses.

1001(15) Comprehensive Everglades Restoration Plan, Central and Southern Florida,  
Picayune Strand Restoration Project, Collier County, Florida. House § 6005, Senate §  
1001(14). – House recesses.

1001(16) Comprehensive Everglades Restoration Plan, Central and Southern Florida, Site 1  
Impoundment Project, Palm Beach County, Florida. House § 6005, Senate § 1001(11).—  
House recesses.

1001(17) Miami Harbor, Miami-Dade County, Florida. House § 1001(14), Senate § 1001(13).  
– Senate recesses.

1001(18) East St. Louis and Vicinity, Illinois. House § 1001(15), Senate § 1001(15). – Senate  
recesses.

1001(19) Peoria Riverfront Development, Illinois. House § 1001(16), Senate § 1001(16). –  
House recesses.

1001(20) Wood River Levee System Reconstruction, Madison County, Illinois. House §  
1001(17), Senate 1001(17). – House recesses.

1001(21) Des Moines and Raccoon Rivers, Des Moines, Iowa. House § 1001(18), Senate  
1001(18). – Senate recesses.

1001(22) Licking River Basin, Cynthiana, Kentucky. House § 1001(19). No comparable  
Senate Section. – Senate recesses.

1001(23) Bayou Sorrel Lock, Louisiana. House § 1001(20), Senate 1001(19). – House  
recesses.

1001(24) Morganza to the Gulf of Mexico, Louisiana. House § 1001(21), Senate § 1001(20).  
– House recesses.

1001(25) Port of Iberia, Louisiana. House § 1001(22), Senate § 1001(21). – House recesses,  
with an amendment.

1001(26) Smith Island, Somerset County, Maryland. House § 1001(23), Senate § 1001(23). –  
House recesses.

1001(27) Roseau River, Roseau, Minnesota. House § 1001(24), Senate § 1001(24). – Senate  
recesses.

1001(28) Argentine, East Bottoms, Fairfax-Jersey Creek, and North Kansas Levees Units,  
Missouri River and Tributaries at Kansas Cities, Missouri and Kansas. House § 1001(26),  
Senate § 1001(26). – House recesses.

1001(29) Swope Park Industrial Area, Blue River, Kansas City, Missouri. House § 1001(27),  
Senate § 1001(27). – Senate recesses.

1001(30) Great Egg Harbor Inlet to Townsends Inlet, New Jersey. House § 1001(28),  
Senate 1001(28). – House recesses.

1001(31) Hudson Raritan Estuary, Liberty State Park, New Jersey. House § 1001(29), Senate  
§ 1001(29). – Senate recesses.

1001(32) New Jersey Shore Protection Study, Manasquan Inlet to Barnegat Inlet, New  
Jersey. House § 1001(30), Senate § 1001(30). – Senate recesses.

1001(33) Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey. House § 1001(31),  
Senate § 1001(31). – House recesses.

1001(34) South River, Raritan River Basin, New Jersey. House § 1001(32), Senate § 1001(32). – House recedes.

1001(35) Southwest Valley, Bernalillo County, New Mexico. House § 1001(33), Senate § 1001(33). – House recedes.

1001(36) Montauk Point, New York. House § 1001(34), Senate § 1001(34). – Senate recedes.

1001(37) Hocking River Basin, Monday Creek, Ohio. House § 1001(35), Senate § 1001(35). – House recedes, with an amendment.

1001(38) Town of Bloomsburg, Columbia County, Pennsylvania. House § 1001(36), Senate § 1001(36). – Senate recedes.

1001(39) Pawleys Island, South Carolina. House § 1001(37), Senate § 1001(37). – Senate recedes.

1001(40) Corpus Christi Ship Channel, Corpus Christi, Texas. House § 1001(38), Senate § 1001(38). – Senate recedes, with an amendment.

1001(41) Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas. House § 1001(39), Senate § 1001(39). – House recedes.

1001(42) Gulf Intracoastal Waterway, High Island to Brazos River, Texas. House § 1001(40), Senate § 1001(40). – House recedes.

1001(43) Lower Colorado River Basin Phase I, Texas. House § 1001(41), Senate § 1001(41). – Senate recedes.

1001(44) Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia. House § 1001(43), Senate § 1001(43). – Senate recedes.

1001(45) Craney Island Eastward Expansion, Norfolk Harbor and Channels, Hampton Roads, Virginia. House § 1001(44), Senate § 1001(42). – House recedes, with an amendment.

1001(46) Centralia, Chehalis River, Lewis County, Washington. Senate § 1001(44). No comparable House section. – House recedes.

#### SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

1002(a)(1) Haleyville, Alabama. House § 1002(a)(1). No comparable Senate section. – Senate recedes.

1002(a)(2) Weiss Lake, Alabama. House § 1002(a)(2). No comparable Senate section. – Senate recedes.

1002(a)(3) Fort Yukon, Alaska. House § 5032. No comparable Senate section. – Senate recedes, with an amendment.

1002(a)(4) Little Colorado River Levee, Arizona. House § 1002(a)(3). No comparable Senate section. – Senate recedes.

1002(a)(5) Cache River Basin, Grubbs, Arkansas. House § 1002(a)(4), Senate § 1004(1). – Same..

1002(a)(6) Barrel Springs Wash, Palmdale, California. House § 1002(a)(5). No comparable Senate section. – Senate recedes.

1002(a)(7) Borrego Springs, California. House § 1002(a)(6). No comparable Senate section. – Senate recedes.

1002(a)(8) Colton, California. House § 1002(a)(7). No comparable Senate section. – Senate recedes.

1002(a)(9) Dunlap Stream, Yucaipa, California. House § 1002(a)(8). No comparable Senate section. – Senate recedes.

1002(a)(10) Hunts Canyon Wash, Palmdale, California. House § 1002(a)(9). No comparable Senate section. – Senate recedes.

1002(a)(11) Ontario and Chino, California. House § 1002(a)(10). No comparable Senate section. – Senate recedes.

1002(a)(12) Santa Venetia, California. House § 1002(a)(11). No comparable Senate section. – Senate recedes.

1002(a)(13) Whittier, California. House § 1002(a)(12). No comparable Senate section. – Senate recedes.

1002(a)(14) Wildwood Creek, Yucaipa, California. House § 1002(a)(13). No comparable Senate section. – Senate recedes.

1002(a)(15) Bibb County and City of Macon Levee, Georgia. Senate § 1004(2). No comparable House section. – House recedes.

1002(a)(16) Fort Wayne and Vicinity, Indiana. Senate § 1004(3). House § 3051. – House recedes, with an amendment.

1002(a)(17) St. Francisville, Louisiana. House § 1002(a)(14). No comparable Senate section. – Senate recedes.

1002(a)(18) Salem, Massachusetts. House § 1002(a)(15), Senate 1004(4). – Same.

1002(a)(19) Cass River, Michigan. House § 1002(a)(16). No comparable Senate section. – Senate recedes.

1002(a)(20) Crow River, Rockford, Minnesota. House § 1002(a)(17), Senate § 1004(5). – Same.

1002(a)(21) Marsh Creek, Minnesota. House § 1002(a)(18). No comparable Senate Section. – Senate recedes.

1002(a)(22) South Branch of the Wild Rice River, Borup, Minnesota. House § 1002(a)(19), Senate § 1004(6). – Same.

1002(a)(23) Blacksnake Creek, St. Joseph, Missouri. House § 1002(a)(20). No comparable Senate section. – Senate recedes.

1002(a)(24) Acid Brook, Pompton Lakes, New Jersey. House § 1002(a)(21). No comparable Senate section. – Senate recedes.

1002(a)(25) Canisteo River, Addison, New York. House § 1002(a)(22). No comparable Senate section. – Senate recedes.

1002(a)(26) Cohocton River, Campbell, New York. House § 1002(a)(23). No comparable Senate section. – Senate recedes.

1002(a)(27) Dry and Otter Creeks, Cortland, New York. House § 1002(a)(24). No comparable Senate section. – Senate recedes.

1002(a)(28) East River, Silver Beach, New York City, New York. House § 1002(a)(25). No comparable Senate section. – Senate recedes.

1002(a)(29) East Valley Creek, Andover, New York. House § 1002(a)(26). No comparable Senate section. – Senate recedes.

1002(a)(30) Sunnyside Brook, Westchester County, New York. House § 1002(a)(27). No comparable Senate section. – Senate recedes.

1002(a)(31) Little Yankee and Mud Run, Trumbull County, Ohio. House § 1002(a)(28). No comparable Senate section. – Senate recedes.

1002(a)(32) Little Neshaminy Creek, Warrington, Pennsylvania. House § 1002(a)(29). No comparable Senate section. – Senate recedes.

1002(a)(33) Southampton Creek Watershed, Southampton, Pennsylvania. House § 1002(a)(30). No comparable Senate section. – Senate recedes.

1002(a)(34) Spring Creek, Lower Macungie Township, Pennsylvania. House § 1002(a)(31). No comparable Senate section. – Senate recedes.

*1002(a)(35)* Yardley Aqueduct, Silver and Brock Creeks, Yardley, Pennsylvania. House § 1002(a)(32). No comparable Senate section. – Senate recesses.

*1002(a)(36)* Surfside Beach, South Carolina. House § 1002(a)(33). No comparable Senate section. – Senate recesses.

*1002(a)(37)* Sandy Creek, Jackson County, Tennessee. Senate § 3113. No comparable House section. – House recesses, with an amendment.

*1002(a)(38)* Congelosi Ditch, Missouri City, Texas. House § 1002(a)(34). No comparable Senate section. – Senate recesses.

*1002(a)(39)* Dilley, Texas. House § 1002(a)(35). No comparable Senate section. – Senate recesses.

*1002(a)(40)* Cheyenne, Wyoming. Senate § 1004(7). No comparable House section. – House recesses.

#### SEC. 1003. SMALL PROJECTS FOR EMERGENCY STREAMBANK PROTECTION.

*1003(1)* Aliso Creek, California. House § 1003(1). No comparable Senate section. – Senate recesses.

*1003(2)* St. Johns Bluff Training Wall, Duval County, Florida. House § 1003(2). No comparable Senate section. – Senate recesses.

*1003(3)* Gulf Intracoastal Waterway, Iberville Parish, Louisiana. House § 1003(3). No comparable Senate section. – Senate recesses.

*1003(4)* Ouachita and Black Rivers, Arkansas and Louisiana. House § 1003(4). No comparable Senate section. – Senate recesses.

*1003(5)* Piney Point Lighthouse, St. Mary's County, Maryland. House § 1003(5). No comparable Senate section. – Senate recesses.

*1003(6)* Pug Hole Lake, Minnesota. House § 1003(6). No comparable Senate section. – Senate recesses.

*1003(7)* Middle Fork Grand River, Gentry County, Missouri. House § 1003(7). No comparable Senate section. – Senate recesses.

*1003(8)* Platte River, Platte City, Missouri. House § 1003(8). No comparable Senate section. – Senate recesses.

*1003(9)* Rush Creek, Parkville, Missouri. House § 1003(9). No comparable Senate section. – Senate recesses.

*1003(10)* Dry and Otter Creeks, Cortland County, New York. House § 1003(10). No comparable Senate section. – Senate recesses.

*1003(11)* Keuka Lake, Hammondsport, New York. House § 1003(11). No comparable Senate section. – Senate recesses.

*1003(12)* Kowawese Unique Area and Hudson River, New Windsor, New York. House § 1003(12). No comparable Senate section. – Senate recesses.

*1003(13)* Owego Creek, Tioga County, New York. House § 1003(13). No comparable Senate section. – Senate recesses.

*1003(14)* Howard Road Outfall, Shelby County, Tennessee. House § 1003(14). No comparable Senate section. – Senate recesses.

*1003(15)* Mitch Farm Ditch and Lateral D, Shelby County, Tennessee. House § 1003(15). No comparable Senate section. – Senate recesses.

*1003(16)* Wolf River Tributaries, Shelby County, Tennessee. House § 1003(16). No comparable Senate section. – Senate recesses.

1003(17) Johnson Creek, Arlington, Texas. House § 1003(17). No comparable Senate section. – Senate recesses.

1003(18) Wells River, Newbury, Vermont. House § 1003(18). No comparable Senate section. – Senate recesses.

#### SEC. 1004. SMALL PROJECTS FOR NAVIGATION.

1004(a)(1) Barrow Harbor, Alaska. Senate § 1005(1). No comparable House section. – House recesses.

1004(a)(2) Coffman Cove, Alaska. House § 5030. No comparable Senate section. – Senate recesses, with an amendment.

1004(a)(3) Kotzebue Harbor, Alaska. House § 5033. No comparable Senate section. – Senate recesses, with an amendment.

1004(a)(4) Nome Harbor, Alaska. Senate § 1005(2). No comparable House section. – House recesses.

1004(a)(5) Old Harbor, Alaska. Senate § 1005(3). No comparable House section. – House recesses.

1004(a)(6) Little Rock Port, Arkansas. Senate § 1005(4). No comparable House section. – House recesses.

1004(a)(7) Mississippi River Ship Channel, Louisiana. House § 1004(a)(1). No comparable Senate section. – Senate recesses.

1004(a)(8) East Basin, Cape Cod Canal, Sandwich, Massachusetts. House § 1004(a)(2), Senate 1005(5). – Same.

1004(a)(9) Lynn Harbor, Lynn, Massachusetts. House § 1004(a)(3), Senate § 1005(6). – Same.

1004(a)(10) Merrimack River, Haverhill, Massachusetts. House § 1004(a)(4), Senate § 1005(7). – Same.

1004(a)(11) Oak Bluffs Harbor, Oak Bluffs, Massachusetts. House § 1004(a)(5), Senate § 1005(8). – Same.

1004(a)(12) Woods Hole Great Harbor, Falmouth, Massachusetts. House § 1004(a)(6), Senate § 1005(9). – Same.

1004(a)(13) Au Sable River, Michigan. House § 1004(a)(7), Senate § 1005(10). – Same.

1004(a)(14) Clinton River, Michigan. Senate § 1005(11). No comparable House section. – House recesses.

1004(a)(15) Ontonagon River, Michigan. Senate § 1005(12). No comparable House section. – House recesses.

1004(a)(16) Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin. Senate § 1005(16). No comparable House section. – House recesses.

1004(a)(17) Sebawaing River, Michigan. Senate § 1005(14). No comparable House section. – House recesses.

1004(a)(18) Traverse City Harbor, Traverse City, Michigan. House § 1004(a)(8), Senate § 1005(13). – Same.

1004(a)(19) Tower Harbor, Tower Minnesota. House § 1004(a)(9), Senate § 1005(15). – Same.

1004(a)(20) Olcott Harbor, Olcott, New York. House § 1004(a)(10). No comparable Senate section. – Senate recesses.

1004(a)(21) Milwaukee Harbor, Wisconsin. Senate § 1005(18). No comparable House section. – House recesses.

SEC. 1005. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

*1005(1)* Ballona Creek, Los Angeles County, California. House § 1005(1). No comparable Senate section. – Senate recedes.

*1005(2)* Ballona Lagoon Tide Gates, Marina Del Ray, California. House § 1005(2). No comparable Senate section. – Senate recedes.

*1005(3)* Ft. George Inlet, Duval County, Florida. House § 1005(3). No comparable Senate section. – Senate recedes.

*1005(4)* Rathbun Lake, Iowa. House § 1005(4). No comparable Senate section. – Senate recedes.

*1005(5)* Smithville Lake, Missouri. House § 1005(5). No comparable Senate section. – Senate recedes.

*1005(6)* Delaware Bay, New Jersey and Delaware. House § 1005(6). No comparable Senate section. – Senate recedes.

*1005(7)* Tioga-Hammond Lakes, Pennsylvania. House § 1005(7). No comparable Senate section. – Senate recedes.

SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

*1006(a)(1)* Cypress Creek, Montgomery, Alabama. House § 1006(1). No comparable Senate section. – Senate recedes.

*1006(a)(2)* Black Lake, Alaska. House § 1006(2), Senate § 1006(1). – Same.

*1006(a)(3)* Ben Lomond Dam, Santa Cruz, California. House § 1006(4). No comparable Senate section. – Senate recedes.

*1006(a)(4)* Dockweiler Bluffs, Los Angeles County, California. House § 1006(5). No comparable Senate section. – Senate recedes.

*1006(a)(5)* Salt River, California. House § 1006(6). No comparable Senate section. – Senate recedes.

*1006(a)(6)* San Diego River, California. Senate § 1006(2). No comparable House section. – House recedes.

*1006(a)(7)* Santa Rosa Creek, Santa Rosa, California. House § 1006(7). No comparable Senate section. – Senate recedes.

*1006(a)(8)* Stockton Deep Water Ship Channel and Lower San Joaquin River, California. House § 1006(8). No comparable Senate section. – Senate recedes.

*1006(a)(9)* Suisun Marsh, San Pablo Bay, California. Senate § 1006(3). No comparable House section. – House recedes.

*1006(a)(10)* Sweetwater Reservoir, San Diego County, California. House § 1006(9). No comparable Senate section. – Senate recedes.

*1006(a)(11)* Biscayne Bay, Florida. House § 1006(10). No comparable Senate section. – Senate recedes.

*1006(a)(12)* Clam Bayou and Dinkins Bayou, Sanibel Island, Florida. House § 1006(11). No comparable Senate section. – Senate recedes.

*1006(a)(13)* Mountain Park, Georgia. Senate § 2037(a)(2)(A). No comparable House section. – House recedes.

*1006(a)(14)* Chattahoochee Fall Line, Georgia and Alabama. House § 1006(12), Senate § 1006(4). – Senate recedes.

1006(a)(15) Longwood Cove, Gainesville, Georgia. House § 1006(13). No comparable Senate section. – Senate recesses.

1006(a)(16) City Park, University Lakes, Louisiana. House § 1006(15). No comparable Senate section. – Senate recesses.

1006(a)(17) Lawrence Gateway, Massachusetts. Senate § 1006(5). No comparable House section. – House recesses.

1006(a)(18) Milford Pond, Milford, Massachusetts. Senate § 1006(7). No comparable House section. – House recesses.

1006(a)(19) Mill Pond, Littleton, Massachusetts. House § 1006(16), Senate § 1006(6). – Same.

1006(a)(20) Pine Tree Brook, Milton, Massachusetts. House § 1006(17), Senate § 1006(8). – Same.

1006(a)(21) Clinton River, Michigan. Senate § 1006(9). No comparable House section. – House recesses.

1006(a)(22) Kalamazoo River Watershed, Battle Creek, Michigan. House § 1006(18). No comparable Senate section. – Senate recesses.

1006(a)(23) Rush Lake, Minnesota. House § 1006(19). No comparable Senate section. – Senate recesses.

1006(a)(24) South Fork of the Crow River, Hutchinson, Minnesota. House § 1006(20). No comparable Senate section. – Senate recesses.

1006(a)(25) St. Louis, Missouri. House § 1006(21). No comparable Senate section. – Senate recesses.

1006(a)(26) Mobley Dam, Tongue River, Montana. No comparable House or Senate section.

1006(a)(27) S and H Dam, Tongue River, Montana. No comparable House or Senate section.

1006(a)(28) Vandalia Dam, Milk River, Montana. No comparable House or Senate section.

1006(a)(29) Truckee River, Reno, Nevada. House § 1006(22). No comparable Senate section. – Senate recesses.

1006(a)(30) Grover's Mill Pond, New Jersey. House § 1006(23). No comparable Senate section. – Senate recesses.

1006(a)(31) Caldwell County, North Carolina. Senate § 1006(10). No comparable House section. – House recesses.

1006(a)(32) Mecklenburg County, North Carolina. Senate § 1006(11). No comparable House section. – House recesses.

1006(a)(33) Dugway Creek, Bratenahl, Ohio. House § 1006(24). No comparable Senate section. – Senate recesses.

1006(a)(34) Johnson Creek, Gresham, Oregon. House § 1006(25), Senate § 1006(12). – Same.

1006(a)(35) Beaver Creek, Beaver and Salem, Pennsylvania. House § 1006(26). No comparable Senate section. – Senate recesses.

1006(a)(36) Cementon Dam, Lehigh River, Pennsylvania. House § 1006(27). No comparable Senate section. – Senate recesses.

1006(a)(37) Ingham Spring Dam, Solebury Township, Pennsylvania. House § 5003(a)(5). Senate § 2037(a)(2)(E). – House recesses.

1006(a)(38) Saucon Creek, Northampton County, Pennsylvania. House § 1006(28). No comparable Senate section. – Senate recesses.

1006(a)(39) Stillwater Lake Dam, Monroe County, Pennsylvania. Senate § 2037(a)(2)(F), House § 5003(a)(7). – House recesses.

1006(a)(40) Blackstone River, Rhode Island. House § 1006(29), Senate § 1006(13). – Same.



- 1006(a)(41)* Wilson Branch, Cheraw, South Carolina. House § 1006(30). No comparable Senate section. – Senate recesses.
- 1006(a)(42)* White River, Bethel, Vermont. House § 1006(31). No comparable Senate section. – Senate recesses.
- 1006(a)(43)* College Lake, Lynchburg, Virginia. Senate § 1006(14). No comparable Senate section. – House recesses.

#### SEC. 1007. SMALL PROJECTS FOR SHORELINE PROTECTION.

- 1007(1)* Nelson Lagoon, Alaska. House § 1007(1). No comparable Senate section. – Senate recesses.
- 1007(2)* Nicholas Canyon, Los Angeles, California. Senate § 4006. No comparable House section. – House recesses.
- 1007(3)* Sanibel Island, Florida. House § 1007(2). No comparable Senate section. – Senate recesses.
- 1007(4)* Apra Harbor, Guam. House § 1007(3). No comparable Senate section. – Senate recesses.
- 1007(5)* Piti, Cabras Island, Guam. House § 1007(4). No comparable Senate section. – Senate recesses.
- 1007(6)* Narrows and Gravesend Bay, Upper New York Bay, Brooklyn, New York. House § 1007(5). No comparable Senate section. – Senate recesses.
- 1007(7)* Delaware River, Philadelphia Naval Shipyard, Pennsylvania. House § 1007(7). No comparable Senate section. – Senate recesses.
- 1007(8)* Port Aransas, Texas. House § 1007(8). No comparable Senate section. – Senate recesses.

#### SEC. 1008. SMALL PROJECTS FOR SNAGGING AND SEDIMENT REMOVAL.

- 1008.* Kowawese Unique Area and Hudson River, New Windsor, New York. House § 1008. No comparable Senate section. – Senate recesses.

#### SEC. 1009. SMALL PROJECTS TO PREVENT OR MITIGATE DAMAGE CAUSED BY NAVIGATION PROJECTS.

- 1009(1)* Tybee Island, Georgia. Senate § 1007(1). House § 4032. House recesses.
- 1009(2)* Burns Waterway Harbor, Indiana. Senate § 1007(2). House § 5069. House recesses.

#### SEC. 1010. SMALL PROJECTS FOR AQUATIC PLANT CONTROL.

- 1010.* Republican River Basin, Nebraska. Senate § 1008. No comparable House section. – House recesses, with an amendment.

### TITLE 2 – GENERAL PROVISIONS.

#### SEC. 2001. NON-FEDERAL CONTRIBUTIONS.

- House § 2001, No comparable Senate section.—Senate recesses.

## SEC. 2002. FUNDING TO PROCESS PERMITS.

House § 2003, Senate § 2017. Senate recedes, with an amendment.

The Managers recognize the importance of efficient and effective processing of permits by the Corps of Engineers for activities affecting federally regulated waters, including wetlands, in compliance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et. seq.). Congress included a provision in the Water Resources Development Act of 2000 (Pub. L. 106-541, Sec. 214) to expedite the permit processing time for nonfederal public entities.

The Managers also recognize the findings and recommendations of the May 2007 report of the United States Government Accountability Office (“GAO”), entitled “Corps of Engineers Needs to Ensure That Permit Decisions Made Using Funds from Nonfederal Public Entities Are Transparent and Impartial” (GAO-07-478). In this report, GAO emphasized the importance of transparency and impartiality in permit reviews and decisionmaking, and ensuring that all of the Corps’ District offices follow internal Corps’ Headquarters guidance on maintaining impartial decisionmaking, including, at a minimum, that all Corps District offices provide that permits decisions under section 214 are reviewed at least by one level above the decisionmaker, that all final permit decisions are made available electronically, that the Corps not eliminate any procedures or decisions that would otherwise be required for the type of project under consideration, and that the Corps comply with all applicable laws and regulations. The GAO report also expressed concern that certain Corps districts have allowed private companies to submit permit applications under section 214, in contravention to the intent of this authority.

Although GAO was not able to conclude definitively whether permitting processing times have decreased under the section 214 program, the report does recognize some benefits reported by participating non-Federal public entities, including the potential for reduced cost and time for permit processing for those entities that have contributed funds to the program, and improved communication between participating entities and the Corps.

The Managers intend to conduct additional oversight on the implementation of this program before the authority for this program expires in 2009.

## SEC. 2003. WRITTEN AGREEMENT FOR WATER RESOURCES PROJECTS.

House § 2009, Senate § 2001, 2023, and 2039.—Senate recedes.

## SEC. 2004. COMPILATION OF LAWS.

House § 2011, No comparable Senate section.—Senate recedes, with an amendment.

## SEC. 2005. DREDGED MATERIAL DISPOSAL.

House § 2012, Senate § 3089.—Senate recedes.

SEC. 2006. REMOTE AND SUBSISTENCE HARBORS.

House § 2015, Senate § 2038.—Senate recedes.

SEC. 2007. USE OF OTHER FEDERAL FUNDS.

House § 2018, No comparable Senate section.—Senate recedes, with an amendment.

SEC. 2008. REVISION OF PROJECT PARTNERSHIP AGREEMENT; COST SHARING.

House § 2019, 2020, 2035. No comparable Senate sections.—Senate recedes, with an amendment.

SEC. 2009. EXPEDITED ACTIONS FOR EMERGENCY FLOOD DAMAGE REDUCTION.

House § 2021, No comparable Senate section.—Senate recedes.

SEC. 2010. WATERSHED AND RIVER BASIN ASSESSMENTS.

House § 2022, No comparable Senate section.—Senate recedes, with an amendment.

SEC.. 2011. TRIBAL PARTNERSHIP PROGRAM.

House § 2023, Senate § 2027.—House recedes, with an amendment.

SEC. 2012. WILDFIRE FIREFIGHTING.

House § 2024, Senate § 2022.—Same.

SEC. 2013. TECHNICAL ASSISTANCE.

House § 2025, Senate § 2009.—Senate recedes, with an amendment.

SEC. 2014. LAKES PROGRAM.

House § 2026, Senate § 5001.—House and Senate with comparable sections, combine list of House and Senate projects.

This section amends section 602(a) of the Water Resources Development Act of 1986 to add the following locations to the Lakes Program: Kinkaid Lake, Jackson County, Illinois; McCarter Pond, Borough of Fairhaven, New Jersey; Rogers Pond, Franklin Township, New Jersey; Greenwood Lake, New York and New Jersey; Lake Rodgers, Creedmoor, North Carolina; Lake Sakakawea, North Dakota; Lake Luxembourg, Pennsylvania; Lake Fairlee, Vermont; and Lake Morley, Vermont.

SEC. 2015. COOPERATIVE AGREEMENTS.

House § 2029, No comparable Senate section.—Senate recedes, with an amendment.

SEC. 2016. TRAINING FUNDS.

House § 2030, Senate § 2003.—Same.

SEC. 2017. ACCESS TO WATER RESOURCE DATA.

House § 2031, Senate § 2010.—House recedes, with an amendment.

SEC. 2018. SHORE PROTECTION PROJECTS.

House § 2032, Senate § 2014.—Senate recedes.

SEC. 2019. ABILITY TO PAY.

House § 2033, No comparable Senate section.—Senate recedes.

SEC. 2020. AQUATIC ECOSYSTEM AND ESTUARY RESTORATION.

House § 2006, Senate § 2033, 2035, and 2037.—Senate recedes, with an amendment.

The Managers recognize the importance of projects for the restoration of salt-water estuaries and for the rehabilitation and removal of dams in improving aquatic ecosystems and the environment. The Managers recognize that such projects are typically eligible under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

This section amends section 206 to explicitly authorize projects that improve elements and features of an estuary (as defined in section 103 of the Estuaries and Clean Waters Act of 2000 (33 U.S.S. 2902)) and projects for the removal of dams, that otherwise meet the requirements of section 206.

SEC. 2021. SMALL FLOOD DAMAGE REDUCTION PROJECTS.

House § 2007, Senate § 2040.—Senate recedes, with an amendment.

SEC. 2022. SMALL RIVER AND HARBOR IMPROVEMENT PROJECTS.

Senate § 2031, No comparable House section.—House recedes, with an amendment.

SEC. 2023. PROTECTION OF HIGHWAYS, BRIDGE APPROACHES, PUBLIC WORKS, AND NONPROFIT PUBLIC SERVICES.

Senate § 2032, No comparable House section.—House recedes, with an amendment.

SEC. 2024. MODIFICATION OF PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

House § 2008, Senate § 2034.—Senate recedes, with an amendment.

SEC. 2025. REMEDIATION OF ABANDONED MINE SITES.

Senate § 2036, No comparable House section. — House recedes, with an amendment.

In carrying out this section, the Secretary shall give priority to the Mt. Diablo Mercury Mine Clean-up project in Contra Costa County, California.

SEC. 2026. LEASING AUTHORITY.

House § 2034, No comparable Senate section.—Senate recedes.

Sec. 2027. FISCAL TRANSPARENCY REPORT.

Senate § 2004, No comparable House section.—House recedes, with an amendment.

SEC. 2028. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

House § 2041, No comparable Senate section.—Senate recedes, with an amendment.

SEC. 2029. SENSE OF CONGRESS ON CRITERIA FOR OPERATION AND MAINTENANCE OF HARBOR DREDGING PROJECTS.

House § 2043, No comparable Senate section.—Senate recedes, with an amendment.

SEC. 2030. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

Senate § 2002, No comparable House section.—House recedes.

SEC. 2028. WATER RESOURCES PRINCIPLES AND GUIDELINES.

House § 2036, Senate § 2006.—Senate recedes, with an amendment.

SEC. 2032. WATER RESOURCE PRIORITIES REPORT.

Senate § 2006(d), No comparable House section.—House recedes.

SEC. 2033. PLANNING.

Senate § 2005, No comparable House section. — House recedes, with an amendment.

SEC. 2034. INDEPENDENT PEER REVIEW.

Senate § 2007, House § 2037. — House recedes, with an amendment.

Section 2034 provides that project studies shall be subject to peer review by an independent panel of experts, as provided in this section. The conference agreement is a combination of independent peer review proposals passed by the Senate and the House of Representatives. The managers believe that the conference agreement improves upon both the House and Senate proposals to create a strong, workable, and independent process for review of project studies carried out by the Corps of Engineers. For example, the conference agreement authorizes the independent peer review to run concurrent with the project study period, and requires that the peer review panel remain beyond the release of the independent peer review report to allow the expertise gained during the review period to be utilized by the Corps up to the release of the draft report of the Chief of Engineers.

This section establishes two categories for independent peer review – project studies for which independent peer review is mandatory, and project studies for which such review is discretionary. This section provides for mandatory review of project studies that have an estimated total cost of more than \$45 million, project studies for which the Governor of an affected state requests an independent peer review, and project studies that the Chief of Engineers determines are controversial. In determining whether a project is controversial, the Chief of Engineers must consider whether there is significant public dispute as to the size, nature, or effects of the proposed project, and whether there is significant public dispute as to the economic or environmental costs or benefits of the proposed project.

Section 2034(a)(3)(B) provides for discretionary independent peer review of project studies for which the head of a Federal or state agency charged with reviewing the project study determines that the proposed project is likely to have a significant adverse impact on environmental, cultural, or other natural resources under the jurisdiction of the agency after implementation of the proposed mitigation plans. This section provides that the Chief of Engineers must reach a decision whether to conduct an independent peer review of such project studies within 21 days of a receipt of a request by the head of the Federal or state agency. In the event that the Chief of Engineers decides not to conduct a discretionary independent peer review, the head of the Federal or state agency that requested the review may appeal this decision to the Chairman of the Council on Environmental Quality (“CEQ”). The Chairman of CEQ must reach a decision on whether an independent peer review must be conducted for the project study with 30 days of receipt of an appeal. In the event that the Chief of Engineers decides not to conduct an independent peer review, the Chief of Engineers must make the reasons for not conducting the review publicly available, including on the Internet.

Section 2034 permits the Chief of Engineers to exclude a very limited number of project studies from independent peer review. The managers expect that project studies that could be excluded from independent peer review are so limited in scope or impact, that they would not significantly benefit from an independent peer review.

Sections 2034(a)(5)(A) and (B) establish criteria for the Chief of Engineers to exclude a project study that is subject to independent peer review because its estimated total costs exceed \$45 million. The managers expect that these criteria allow the Chief of Engineers to exclude from independent peer review only those project studies for which there is no controversy, a lack of significant impact to cultural, historical, or tribal resources, a lack of substantial adverse impacts to fish and wildlife species or habitat, and a lack of an impact on

endangered or threatened species under the Endangered Species Act, or involve projects that, in essence, replace existing components of ongoing projects within the same footprint as the original project, or have minimal risk to life or public safety.

Project studies subject to independent peer review based on the request of the Governor of an affected State may not be excluded from review.

Section 2034(a)(5)(C) authorizes the Chief of Engineers to exclude the small project studies developed under certain of the Corps of Engineers continuing authorities programs; however, such project studies could be subject to independent peer review under the factors established under section 2034(a)(3)(A).

Sections 2034(a)(2) and 2034(d) establish the duties of the independent peer review panel and the scope of review for a project study. The managers have defined the scope of review broadly to allow the independent review panel to examine all of the economic and environmental assumptions and projections, project evaluation data, economic analyses, environmental analyses, engineering analyses, formulation of alternative plans, methods for integrating risk and uncertainty, models used in evaluation of economic or environmental impacts of proposed projects, and any biological opinions of the project study. The managers expect the independent peer review panel to review those components of a project study for which the panel believes there is a reason for review. The managers do not expect the independent peer review panel to review components of the project study where the panel determines there is no controversy, disagreement, or concern.

Sections 2034(b) and 2034(e)(1)(A) establish the timing of the independent peer review. The managers expect that, in all cases, the independent peer review will occur during the period beginning on the date of the signing of the feasibility cost-sharing agreement, and will be conducted concurrent with the development of the project study by the Corps of Engineers. The managers believe that having the independent peer review carried out concurrently with the development of the project study will allow the independent peer review panel to receive relevant information from the Corps, on a timely basis, and allow the independent peer review panel to provide ongoing input into the development of the project study. The managers expect that this process will provide the independent peer review panel with sufficient information to conduct its review, as well as allow the peer review panel to recommend mid-course corrections to the ongoing project study, and avoid the potential for significant issues or delay to arise at the end of the project study period. The managers recognize that the recommendations of the independent peer review panel are advisory; however, the managers expect the Corps to give full consideration to the findings of the independent peer review panel.

Section 2034(e)(1)(A) provides that the independent peer review panel conclude its peer review, and submit a report to the Chief of Engineers, not more than 60 days after the close of the public comment period for the draft project study. The Chief of Engineers may extend the period for the peer review panel to conclude its peer review if the Chief of Engineers determines that additional time is necessary. The managers have included language to terminate the peer review panel on the date of the initiation of the State and agency review, which is conterminous with the release of the draft Report of the Chief of Engineers for the project, and which is after the issuance of the peer review report. The

managers recognize that the Corps of Engineers intends to allow a member or members of the peer review panel to participate on the Civil Works Review Board, which requires District Commanders to present their final reports and recommendations for review. The managers have included language to keep the independent peer review impaneled beyond the issuance of the peer review report to allow a member of the peer review panel to participate on the Civil Works Review Board, and to be available as experts, if needed, for additional consultation with the Corps of Engineers on the project study.

#### SEC. 2035. SAFETY ASSURANCE REVIEW.

Senate § 2007(d), No comparable House section.—House recedes, with an amendment.

#### SEC. 2036. MITIGATION FOR FISH AND WILDLIFE AND WETLANDS LOSSES.

House § 2013 and 2014, Senate § 2008.—House recedes, with an amendment.

Section 2036 amends section 906(d) of the Water Resources Development Act of 1986 with more explicit mitigation requirements and to specify the elements that must be identified in a mitigation plan required under that section.

This section requires the Secretary to mitigate losses to flood damage reduction capabilities and losses to fish and wildlife of the project area. The specific mitigation plan must include a description of the physical action to be undertaken. The plan also must include a description of the lands or interests in lands to be acquired for mitigation, and the basis for a determination that such lands are available. This description is not intended to be a description of the specific property interests, but the plan must describe how the mitigation will be implemented.

The managers expect the mitigation plan to identify the quantity and type of lands needed, and include a determination that lands of such quantity and type are available for acquisition. The plan also must include the type, amount, and characteristics of the habitat to be restored. The plan must include success criteria based on replacement of lost functions and values of the habitat, including hydrologic and vegetative characteristics. Finally, if monitoring is necessary to determination success of the mitigation, the plan must include a plan for monitoring and to the extent practicable, identification of the entities responsible for monitoring. As monitoring is part of operation and maintenance of a project, in most cases the entity responsible for any monitoring will be the non-Federal sponsor. If such person is not identifiable at the time the mitigation plan is prepared under this section, such person must be identified in the partnership agreement entered into with the non-Federal interest.

The managers support more specificity in Corps reporting documents concerning expected mitigation efforts. Such increased specificity will better inform the Congress, the non-Federal sponsor, and the public as to planned mitigation efforts and the likely success of these efforts. This section also directs the Secretary to submit to Congress a report on the status of mitigation concurrent with the submission of reports on the status of project construction, as part of the President's budget submission.



Section 2036(c) directs the Secretary, when carrying out water resources projects, to first consider the use of a mitigation bank if the bank has sufficient and appropriate (including ecologically appropriate) credit to offset the impact, and the mitigation bank meets certain criteria. To the maximum extent practicable, the service area of the mitigation bank shall be in the same watershed as the project activity for which mitigation is required.

Nothing in this section affects the responsibility of the Corps of Engineers to apply the regulatory guidelines developed under section 404(b)(1) of the Federal Water Pollution Control Act (40 CFR Part 230) related to mitigation sequencing.

#### SEC. 2037. REGIONAL SEDIMENT MANAGEMENT.

House § 2016, Senate § 2012.—Senate recedes, with an amendment.

This section amends section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), and includes a new subsection (f) that directs the Secretary to give priority to regional sediment management projects in the following locations: Little Rock Slackwater Harbor, Arkansas; Fletcher Cove, California; Egmont Key, Florida; Calcasieu Ship Channel, Louisiana; Delaware River Estuary, New Jersey and Pennsylvania; Fire Island Inlet, Suffolk County, New York; Smith Point Park Pavilion and the TWA Flight 800 Memorial, Brookhaven, New York; Morehead City, North Carolina; Toledo Harbor, Lucas County, Ohio; Galveston Bay, Texas; and Benson Beach, Washington.

#### SEC. 2038. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT PROGRAM.

House § 2005 and 2004, Senate § 2013. — House recedes, with an amendment.

#### SEC. 2039. MONITORING ECOSYSTEM RESTORATION.

Senate § 2015, No comparable House section.—House recedes, with an amendment.

#### SEC. 2040. ELECTRONIC SUBMISSION OF PERMIT APPLICATIONS.

Senate § 2018, No comparable House section.—House recedes.

#### SEC. 2041. PROJECT ADMINISTRATION.

Senate § 2024, No comparable House section.—House recedes.

#### SEC. 2042. PROGRAM ADMINISTRATION.

Senate § 2025, No comparable House section.—House recedes.

#### SEC. 2043. STUDIES AND REPORTS FOR WATER RESOURCES PROJECTS.

House § 2038, No comparable Senate section.—Senate recedes.

SEC. 2044. COORDINATION AND SCHEDULING OF FEDERAL, STATE, AND LOCAL ACTIONS.

House § 2027, No comparable Senate section. – Senate recedes, with an amendment.

SEC. 2045. PROJECT STREAMLINING.

House § 2028, No comparable Senate section.—Senate recedes, with an amendment.

SEC. 2046. PROJECT DEAUTHORIZATION.

Senate § 2028, House § 3123(f). – House recedes, with an amendment.

SEC. 2047. FEDERAL HOPPER DREDGES.

House § 2042, Senate § 2020. – Senate recedes, with an amendment.

**TITLE III – PROJECT-RELATED PROVISIONS**

SEC. 3001. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

Senate § 3003. No comparable House section. – House recedes, with an amendment.

SEC. 3002. COOK INLET, ALASKA.

House § 3001. No comparable Senate section. – Senate recedes.

SEC. 3003. KING COVE HARBOR, ALASKA.

House § 3002. No comparable Senate section. – Senate recedes.

SEC. 3004. SEWARD HARBOR, ALASKA.

Senate § 4001. No comparable House section. – House recedes, with an amendment.

SEC. 3005. SITKA, ALASKA.

House § 3003, Senate § 3002. – Same.

SEC. 3006. TATITLEK, ALASKA.

House § 3004. No comparable Senate section. – Senate recedes.

SEC. 3007. RIO DE FLAG, FLAGSTAFF, ARIZONA.

House § 3005, Senate § 3005. – Same.

SEC. 3008. NOGALES WASH AND TRIBUTARIES FLOOD CONTROL PROJECT,  
ARIZONA.

Senate § 3004. No comparable House section. – House recesses.

SEC. 3009. TUSCON DRAINAGE AREA, ARIZONA.

Senate § 3006. No comparable House section. – House recesses, with an amendment.

SEC. 3010. OSCEOLA HARBOR, ARKANSAS.

House § 3006. No comparable Senate section. – Senate recesses.

SEC. 3011. ST. FRANCIS RIVER BASIN, ARKANSAS AND MISSOURI.

Senate § 3010. House § 5043. – House recesses, with an amendment.

SEC. 3012. PINE MOUNTAIN DAM, ARKANSAS.

House § 3007. No comparable Senate section. – Senate recesses, with an amendment.

SEC. 3013. RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND  
LOUISIANA.

Senate § 3009. No comparable House section. – House recesses.

SEC. 3014. CACHE CREEK BASIN, CALIFORNIA.

Senate § 3013. No comparable House section. – House recesses.

SEC. 3015. CALFED STABILITY PROGRAM, CALIFORNIA.

Senate § 3014. No comparable House section. – House recesses, with an amendment.

SEC. 3016. COMPTON CREEK, CALIFORNIA.

House § 3009. No comparable Senate section. – Senate recesses.

SEC. 3017. GRAYSON CREEK/MURDERER'S CREEK, CALIFORNIA.

House § 3010, Senate § 2016(1). – Senate recesses.

SEC. 3018. HAMILTON AIRFIELD, CALIFORNIA.

House § 3011, Senate § 3015. – Senate recesses.

