

Public Law 110–114
110th Congress

An Act

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.

Nov. 8, 2007
[H.R. 1495]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Water Resources Development Act of 2007”.

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

Water Resources
Development Act
of 2007.
Inter-
governmental
relations.
33 USC 2201
note.

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- Sec. 5145. Connecticut River dams, Vermont.
- Sec. 5146. Lake Champlain Canal, Vermont and New York.
- Sec. 5147. Dyke Marsh, Fairfax County, Virginia.
- Sec. 5148. Eastern Shore and Southwest Virginia.
- Sec. 5149. James River, Virginia.
- Sec. 5150. Baker Bay and Ilwaco Harbor, Washington.
- Sec. 5151. Hamilton Island campground, Washington.
- Sec. 5152. Erosion control, Puget Island, Wahkiakum County, Washington.
- Sec. 5153. Willapa Bay, Washington.
- Sec. 5154. West Virginia and Pennsylvania flood control.
- Sec. 5155. Central West Virginia.
- Sec. 5156. Southern West Virginia.
- Sec. 5157. Construction of flood control projects by non-Federal interests.
- Sec. 5158. Additional assistance for critical projects.

TITLE VI—FLORIDA EVERGLADES

- Sec. 6001. Hillsboro and Okeechobee Aquifer, Florida.

- Sec. 6002. Pilot projects.
- Sec. 6003. Maximum costs.
- Sec. 6004. Credit.
- Sec. 6005. Outreach and assistance.
- Sec. 6006. Critical restoration projects.
- Sec. 6007. Regional engineering model for environmental restoration.

TITLE VII—LOUISIANA COASTAL AREA

- Sec. 7001. Definitions.
- Sec. 7002. Comprehensive plan.
- Sec. 7003. Louisiana coastal area.
- Sec. 7004. Coastal Louisiana Ecosystem Protection and Restoration Task Force.
- Sec. 7005. Project modifications.
- Sec. 7006. Construction.
- Sec. 7007. Non-Federal cost share.
- Sec. 7008. Project justification.
- Sec. 7009. Independent review.
- Sec. 7010. Expedited reports.
- Sec. 7011. Reporting.
- Sec. 7012. New Orleans and vicinity.
- Sec. 7013. Mississippi River-Gulf Outlet.
- Sec. 7014. Hurricane and storm damage reduction.
- Sec. 7015. Larose to Golden Meadow.
- Sec. 7016. Lower Jefferson Parish, Louisiana.

TITLE VIII—UPPER MISSISSIPPI RIVER AND ILLINOIS WATER-WAY SYSTEM

- Sec. 8001. Definitions.
- Sec. 8002. Navigation improvements and restoration.
- Sec. 8003. Authorization of construction of navigation improvements.
- Sec. 8004. Ecosystem restoration authorization.
- Sec. 8005. Comparable progress.

TITLE IX—NATIONAL LEVEE SAFETY PROGRAM

- Sec. 9001. Short title.
- Sec. 9002. Definitions.
- Sec. 9003. Committee on Levee Safety.
- Sec. 9004. Inventory and inspection of levees.
- Sec. 9005. Limitations on statutory construction.
- Sec. 9006. Authorization of appropriations.

SEC. 2. DEFINITION OF SECRETARY.

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

33 USC 2201
note.

TITLE I—WATER RESOURCES PROJECTS

Studies.

SEC. 1001. PROJECT AUTHORIZATIONS.

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

(1) HAINES, ALASKA.—The project for navigation, Haines, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total cost of \$14,040,000, with an estimated Federal cost of \$11,232,000 and an estimated non-Federal cost of \$2,808,000.

(2) PORT LIONS, ALASKA.—The project for navigation, Port Lions, Alaska: Report of the Chief of Engineers dated June 14, 2006, at a total cost of \$9,530,000, with an estimated Federal cost of \$7,624,000 and an estimated non-Federal cost of \$1,906,000.

“(264) LEWIS, LAWRENCE, AND WAYNE COUNTIES, TENNESSEE.—\$2,000,000 for water supply and wastewater infrastructure, counties of Lewis, Lawrence, and Wayne, Tennessee.

“(265) OAK RIDGE, TENNESSEE.—\$4,000,000 for water supply and wastewater infrastructure, city of Oak Ridge, Tennessee.

“(266) PLATEAU UTILITY DISTRICT, MORGAN COUNTY, TENNESSEE.—\$1,000,000 for water supply and wastewater infrastructure, Morgan County, Tennessee.

“(267) SHELBY COUNTY, TENNESSEE.—\$4,000,000 for water related environmental infrastructure, county of Shelby, Tennessee.

“(268) CENTRAL TEXAS.—\$20,000,000 for water and wastewater infrastructure in Bosque, Brazos, Burleson, Grimes, Hill, Hood, Johnson, Madison, McLennan, Limestone, Robertson, and Somervell Counties, Texas.

“(269) EL PASO COUNTY, TEXAS.—\$25,000,000 for water related infrastructure and resource protection, including stormwater management, and development, El Paso County, Texas.

“(270) FT. BEND COUNTY, TEXAS.—\$20,000,000 for water and wastewater infrastructure, Ft. Bend County, Texas.

“(271) DUCHESNE, IRON, AND UINTAH COUNTIES, UTAH.—\$10,800,000 for water related infrastructure, Duchesne, Iron, and Uintah Counties, Utah.

“(272) NORTHERN WEST VIRGINIA.—\$20,000,000 for water and wastewater infrastructure in Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, and Ritchie Counties, West Virginia.

“(273) UNITED STATES VIRGIN ISLANDS.—\$25,000,000 for wastewater infrastructure for the St. Croix Anguilla wastewater treatment plant and the St. Thomas Charlotte Amalie wastewater treatment plant, United States Virgin Islands.”.

TITLE VI—FLORIDA EVERGLADES

SEC. 6001. HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.

(a) MODIFICATION.—The project for Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to carry out the project at a total cost of \$42,500,000.

(b) TREATMENT.—Section 601(b)(2)(A) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended—

(1) in clause (i) by adding at the end the following: “The project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for purposes of this section as being in the Plan, except that operation and maintenance costs of the project shall remain a non-Federal responsibility.”; and

(2) in clause (iii) by inserting after “subparagraph (B)” the following: “and the project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer”.

SEC. 6002. PILOT PROJECTS.

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended—

(1) in the matter preceding clause (i)—

(A) by striking “\$69,000,000” and inserting “\$71,200,000”; and

(B) by striking “\$34,500,000” each place it appears and inserting “\$35,600,000”; and

(2) in clause (i)—

(A) by striking “\$6,000,000” and inserting “\$8,200,000”; and

(B) by striking “\$3,000,000” each place it appears and inserting “\$4,100,000”.

SEC. 6003. MAXIMUM COSTS.

(a) **MAXIMUM COST OF PROJECTS.**—Section 601(b)(2)(E) of the Water Resources Development Act of 2000 (114 Stat. 2683) is amended by inserting “and section (d)” before the period at the end.

(b) **MAXIMUM COST OF PROGRAM AUTHORITY.**—Section 601(c)(3) of such Act (114 Stat. 2684) is amended by adding at the end the following:

“(C) **MAXIMUM COST OF PROGRAM AUTHORITY.**—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to the individual project funding limits in subparagraph (A) and the aggregate cost limits in subparagraph (B).”

Applicability.

SEC. 6004. CREDIT.

Section 601(e)(5)(B) of the Water Resources Development Act of 2000 (114 Stat. 2685) is amended—

(1) in clause (i)—

(A) by striking “or” at the end of subclause (I);

(B) by adding “or” at the end of subclause (II); and

(C) by adding at the end the following:

“(III) the credit is provided for work carried out before the date of the partnership agreement between the Secretary and the non-Federal sponsor, as defined in an agreement between the Secretary and the non-Federal sponsor providing for such credit;” and

(2) in clause (ii)—

(A) by striking “design agreement or the project cooperation”; and

(B) by inserting before the semicolon the following: “, including in the case of credit provided under clause (i)(III) conditions relating to design and construction”.

SEC. 6005. OUTREACH AND ASSISTANCE.

Section 601(k) of the Water Resources Development Act of 2000 (114 Stat. 2691) is amended by adding at the end the following:

“(3) **MAXIMUM EXPENDITURES.**—The Secretary may expend up to \$3,000,000 per fiscal year for fiscal years beginning after September 30, 2004, to carry out this subsection.”

SEC. 6006. CRITICAL RESTORATION PROJECTS.

Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769) is amended—

(1) in clause (i) by striking “\$75,000,000” and all that follows and inserting “\$95,000,000”; and

(2) by striking clause (ii) and inserting the following:

“(ii) FEDERAL SHARE.—

“(I) IN GENERAL.—Except as provided in subclause (II), the Federal share of the cost of carrying out a project under subparagraph (A) shall not exceed \$25,000,000.

“(II) SEMINOLE WATER CONSERVATION PLAN.—The Federal share of the cost of carrying out the Seminole water conservation plan shall not exceed \$30,000,000.”.

SEC. 6007. REGIONAL ENGINEERING MODEL FOR ENVIRONMENTAL RESTORATION.

(a) IN GENERAL.—The Secretary shall complete the development and testing of the regional engineering model for environmental restoration as expeditiously as practicable.

(b) USAGE.—The Secretary shall consider using, as appropriate, the regional engineering model for environmental restoration in the development of future water resource projects, including projects developed pursuant to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680).

TITLE VII—LOUISIANA COASTAL AREA

SEC. 7001. DEFINITIONS.

In this title, the following definitions apply:

(1) COASTAL LOUISIANA ECOSYSTEM.—The term “coastal Louisiana ecosystem” means the coastal area of Louisiana from the Sabine River on the west to the Pearl River on the east, including those parts of the Atchafalaya River Basin and the Mississippi River Deltaic Plain below the Old River Control Structure and the Chenier Plain included within the study area of the restoration plan.

(2) GOVERNOR.—The term “Governor” means the Governor of the State of Louisiana.

(3) RESTORATION PLAN.—The term “restoration plan” means the report of the Chief of Engineers for ecosystem restoration for the Louisiana Coastal Area dated January 31, 2005.

(4) TASK FORCE.—The term “Task Force” means the Coastal Louisiana Ecosystem Protection and Restoration Task Force established by section 7003.

(5) COMPREHENSIVE PLAN.—The term “comprehensive plan” means the plan developed under section 7002 and any revisions thereto.

SEC. 7002. COMPREHENSIVE PLAN.

(a) IN GENERAL.—The Secretary, in coordination with the Governor, shall develop a comprehensive plan for protecting, preserving, and restoring the coastal Louisiana ecosystem.

(b) INTEGRATION OF PLAN INTO COMPREHENSIVE HURRICANE PROTECTION STUDY.—In developing the comprehensive plan, the Secretary shall integrate the restoration plan into the analysis and design of the comprehensive hurricane protection study authorized by title I of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2247).