

**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:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definition of Secretary.

**TITLE I—WATER RESOURCES PROJECTS**

- Sec. 1001. Project authorizations.
- Sec. 1002. Small projects for flood damage reduction.
- Sec. 1003. Small projects for emergency streambank protection.
- Sec. 1004. Small projects for navigation.
- Sec. 1005. Small projects for improvement of the quality of the environment.
- Sec. 1006. Small projects for aquatic ecosystem restoration.
- Sec. 1007. Small projects for shoreline protection.
- Sec. 1008. Small projects for snagging and sediment removal.
- Sec. 1009. Small projects to prevent or mitigate damage caused by navigation projects.
- Sec. 1010. Small projects for aquatic plant control.

**TITLE II—GENERAL PROVISIONS**

- Sec. 2001. Non-Federal contributions.
- Sec. 2002. Funding to process permits.
- Sec. 2003. Written agreement for water resources projects.
- Sec. 2004. Compilation of laws.
- Sec. 2005. Dredged material disposal.
- Sec. 2006. Remote and subsistence harbors.
- Sec. 2007. Use of other Federal funds.
- Sec. 2008. Revision of project partnership agreement; cost sharing.
- Sec. 2009. Expedited actions for emergency flood damage reduction.
- Sec. 2010. Watershed and river basin assessments.
- Sec. 2011. Tribal partnership program.
- Sec. 2012. Wildfire firefighting.
- Sec. 2013. Technical assistance.
- Sec. 2014. Lakes program.
- Sec. 2015. Cooperative agreements.
- Sec. 2016. Training funds.
- Sec. 2017. Access to water resource data.
- Sec. 2018. Shore protection projects.
- Sec. 2019. Ability to pay.
- Sec. 2020. Aquatic ecosystem and estuary restoration.
- Sec. 2021. Small flood damage reduction projects.
- Sec. 2022. Small river and harbor improvement projects.
- Sec. 2023. Protection of highways, bridge approaches, public works, and nonprofit public services.

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

(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).

(7) perform one time stormproofing of interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events;

(8) repair, replace, modify and improve non-Federal levees and associated protection measures in Terrebonne Parish; and

(9) reduce the risk of storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands through measures to begin to reverse wetland losses in areas affected by navigation, oil and gas, and other channels and through modification of the Caernarvon Freshwater Diversion structure or its operations.

(b) **COST SHARING.**—Activities authorized by subsection (a) and section 7013 shall be carried out in a manner that is consistent with the cost-sharing requirements specified in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

Notification.

(c) **CONDITIONS.**—The Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate if estimates for the expenditure of funds on any single project or activity identified in subsection (a) exceeds the amount specified for that project or activity in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006. No appropriation in excess of 25 percent above the amount specified for a project or activity in such Act may be made until an increase in the level of expenditure has been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

**SEC. 7013. MISSISSIPPI RIVER-GULF OUTLET.**

**(a) DEAUTHORIZATION.—**

Effective date.

(1) **IN GENERAL.**—Effective beginning on the date of submission of the plan required under paragraph (3), the navigation channel portion of the Mississippi River-Gulf Outlet element of the project for navigation, Mississippi River, Baton Rouge to the Gulf of Mexico, authorized by the Act entitled “An Act to authorize construction of the Mississippi River-Gulf outlet”, approved March 29, 1956 (70 Stat. 65) and modified by section 844 of the Water Resources Development Act of 1986 (100 Stat. 4177) and section 326 of the Water Resources Development Act of 1996 (110 Stat. 3717), which extends from the Gulf of Mexico to Mile 60 at the southern bank of the Gulf Intracoastal Waterway, is not authorized.

(2) **SCOPE.**—Nothing in this paragraph modifies or deauthorizes the Inner Harbor navigation canal replacement project authorized by that Act of March 29, 1956.

**(3) CLOSURE AND RESTORATION PLAN.—**

Deadline.  
Reports.

(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the deauthorization of the Mississippi River-Gulf outlet, as described under the heading “INVESTIGATIONS” under

chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (120 Stat. 453).

(B) INCLUSIONS.—At a minimum, the report under subparagraph (A) shall include—

(i) a plan to physically modify the Mississippi River-Gulf Outlet and restore the areas affected by the navigation channel;

(ii) a plan to restore natural features of the ecosystem that will reduce or prevent damage from storm surge;

(iii) a plan to prevent the intrusion of saltwater into the waterway;

(iv) efforts to integrate the recommendations of the report with the program authorized under section 7003 and the analysis and design authorized by title I of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2247); and

(v) consideration of—

(I) use of native vegetation; and

(II) diversions of fresh water to restore the Lake Borgne ecosystem.

(4) CONSTRUCTION.—The Secretary shall carry out a plan to close the Mississippi River-Gulf Outlet and restore and protect the ecosystem substantially in accordance with the plan required under paragraph (3), if the Secretary determines that the project is cost-effective, environmentally acceptable, and technically feasible.

#### SEC. 7014. HURRICANE AND STORM DAMAGE REDUCTION.

(a) REPORTS.—With respect to the projects identified in the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2247), the Secretary shall submit, to the maximum extent practicable, specific project recommendations in a report developed under that title.

(b) EMERGENCY PROCEDURES.—

(1) IN GENERAL.—If the President determines that a project recommended in the analysis and design of comprehensive hurricane protection under title I of the Energy and Water Development Appropriations Act, 2006 could—

(A) address an imminent threat to life and property;

(B) prevent a dangerous storm surge from reaching a populated area;

(C) prevent the loss of coastal areas that reduce the impact of storm surge;

(D) benefit national energy security;

(E) protect emergency hurricane evacuation routes or shelters; or

(F) address inconsistencies in hurricane protection standards,

the President may submit to the President pro tempore of the Senate for authorization a legislative proposal relating to the project, as the President determines to be appropriate.

(2) PRIORITIZATION.—In submitting legislative proposals under paragraph (1), the President shall give priority to any project that, as determined by the President, would—

President.