

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) to submit a responsive and responsible bid for work advertised by the Secretary; or

“(2) to carry out a project as required pursuant to a contract between the industry and the Secretary.”.

(b) HOPPER DREDGES ESSAYONS AND YAQUINA.—Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following: “This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.”.

TITLE III—PROJECT-RELATED PROVISIONS

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

Section 111 of title I of division C of the Consolidated Appropriations Act, 2005 (118 Stat. 2944) is amended to read as follows:

“SEC. 111. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

“(a) CONSTRUCTION OF NEW FACILITIES.—

“(1) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) EXISTING FACILITY.—The term ‘existing facility’ means the administrative and maintenance facility for the project for Black Warrior-Tombigbee Rivers, Alabama, authorized by the first section of the River and Harbor Appropriations Act of July 5, 1884 (24 Stat. 141), in existence on the date of enactment of the Water Resources Development Act of 2007.

“(B) PARCEL.—The term ‘Parcel’ means the land owned by the Corps of Engineers serving as the operations and maintenance facility of the Corps of Engineers in the city of Tuscaloosa, Alabama, in existence on the date of enactment of the Water Resources Development Act of 2007.

“(2) AUTHORIZATION.—In carrying out the project for Black Warrior-Tombigbee Rivers, Alabama, the Secretary is authorized, at Federal expense—

“(A) to purchase land on which the Secretary may construct a new maintenance facility for the project, to be located—

“(i) at a different location from the existing facility;

and

“(ii) in the vicinity of the city of Tuscaloosa, Alabama;

“(B) at any time during or after the completion of (and relocation to) the new maintenance facility, to demolish the existing facility; and

“(C) to construct on the Parcel a new administrative facility for the project.

“(b) ACQUISITION AND DISPOSITION OF PROPERTY.—The Secretary—

“(1) may acquire any real property necessary for the construction of the new maintenance facility under subsection (a)(2)(A); and

“(2) shall convey to the city of Tuscaloosa fee simple title in and to any portion of the Parcel not required for construction

(C) EXCEPTION.—The State of Louisiana shall not be required to make a deposit of its share in any fiscal year in which the State of Mississippi does not make its deposit following a notification under paragraph (1) or the State of Mississippi notifies the Secretary that it does not intend to make a deposit in that fiscal year.

(4) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project for the costs of design work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(5) FEDERAL SHARE.—The Federal share of the cost of the project authorized by subsection (a) shall be 75 percent.

(e) SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete the design of the project not later than 2 years after the date of enactment of this Act and shall complete the construction of the project by not later than September 30, 2012.

Deadlines.

(2) MISSED DEADLINE.—If the Secretary does not complete the design or construction of the project in accordance with paragraph (1), the Secretary shall complete the design or construction as expeditiously as possible.

SEC. 3084. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF HARVEY CANAL), LOUISIANA.

Section 328 of the Water Resources Development Act of 1999 (113 Stat. 304–305) is amended—

(1) in subsection (a)—

(A) by striking “operation and maintenance” and inserting “operation, maintenance, rehabilitation, repair, and replacement”; and

(B) by striking “Algiers Channel” and inserting “Algiers Canal Levees”; and

(2) by adding at the end the following:

“(c) COST SHARING.—The non-Federal share of the cost of the project shall be 35 percent.”.

SEC. 3085. CAMP ELLIS, SACO, MAINE.

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be \$26,900,000.

SEC. 3086. CUMBERLAND, MARYLAND.

Section 580(a) of the Water Resources Development Act of 1999 (113 Stat. 375) is amended—

(1) by striking “\$15,000,000” and inserting “\$25,750,000”;

(2) by striking “\$9,750,000” and inserting “\$16,738,000”;

and

(3) by striking “\$5,250,000” and inserting “\$9,012,000”.

SEC. 3087. POPLAR ISLAND, MARYLAND.

The project for navigation and environmental restoration through the beneficial use of dredged material, Poplar Island, Maryland, authorized by section 537 of the Water Resources Development

Act of 1996 (110 Stat. 3776) and modified by section 318 of the Water Resources Development Act of 2000 (114 Stat. 2604), is modified to authorize the Secretary to construct the expansion of the project in accordance with the report of the Chief of Engineers dated March 31, 2006, at an additional total cost of \$260,000,000, with an estimated Federal cost of \$195,000,000 and an estimated non-Federal cost of \$65,000,000.

SEC. 3088. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.

(a) **IN GENERAL.**—The project for emergency streambank and shoreline protection, Detroit River Shoreline, Detroit, Michigan, being carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), is modified to include measures to enhance public access.

(b) **MAXIMUM FEDERAL EXPENDITURE.**—The maximum amount of Federal funds that may be expended for the project shall be \$3,000,000.

SEC. 3089. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

Section 426 of the Water Resources Development Act of 1999 (113 Stat. 326) is amended to read as follows:

“SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

“(a) **DEFINITIONS.**—In this section, the following definitions apply:

“(1) **MANAGEMENT PLAN.**—The term ‘management plan’ means the management plan for the St. Clair River and Lake St. Clair, Michigan, that is in effect as of the date of enactment of the Water Resources Development Act of 2007.

“(2) **PARTNERSHIP.**—The term ‘Partnership’ means the partnership established by the Secretary under subsection (b)(1).

“(b) **PARTNERSHIP.**—

“(1) **IN GENERAL.**—The Secretary shall establish and lead a partnership of appropriate Federal agencies (including the Environmental Protection Agency) and the State of Michigan (including political subdivisions of the State)—

“(A) to promote cooperation among the Federal Government, State and local governments, and other involved parties in the management of the St. Clair River and Lake St. Clair watersheds; and

“(B) to develop and implement projects consistent with the management plan.

“(2) **COORDINATION WITH ACTIONS UNDER OTHER LAW.**—

“(A) **IN GENERAL.**—Actions taken under this section by the Partnership shall be coordinated with actions to restore and conserve the St. Clair River and Lake St. Clair and watersheds taken under other provisions of Federal and State law.

“(B) **NO EFFECT ON OTHER LAW.**—Nothing in this section alters, modifies, or affects any other provision of Federal or State law.

“(c) **IMPLEMENTATION OF ST. CLAIR RIVER AND LAKE ST. CLAIR MANAGEMENT PLAN.**—

“(1) **IN GENERAL.**—The Secretary shall—

“(A) develop a St. Clair River and Lake St. Clair strategic implementation plan in accordance with the management plan;