

HR 5428

Water Resources Development Act of 2002

Congress: 107 (2001–2003, Ended)

Chamber: House

Policy Area: Water Resources Development

Introduced: Sep 23, 2002

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Sponsor

Name: Rep. Young, Don [R-AK-At Large]

Party: Republican • State: AK • Chamber: House

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Rep. DeFazio, Peter A. [D-OR-4]	D · OR		Sep 23, 2002
Rep. Duncan, John J., Jr. [R-TN-2]	R · TN		Sep 23, 2002
Rep. Oberstar, James L. [D-MN-8]	D · MN		Sep 23, 2002

Committee Activity

Committee	Chamber	Activity	Date
Transportation and Infrastructure Committee	House	Reported by	Sep 24, 2002

Subjects & Policy Tags

Policy Area:

Water Resources Development

Related Bills

No related bills are listed.

Water Resources Development Act of 2002 - **Title I: Water Resources Projects** - (Sec. 101) Authorizes the Secretary of the Army to carry out a specified: (1) environmental restoration project in California; (2) hurricane and storm damage reduction project in Louisiana; (3) environmental restoration and protection project in Maryland; and (4) inland navigation project in Tennessee.

(Sec. 102) Directs the Secretary to conduct studies of, and authorizes the Secretary to carry out (if determined to be feasible or appropriate), specified projects for: (1) flood damage reduction in Arkansas, California, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Pennsylvania, and South Carolina; (2) emergency streambank protection in Missouri; (3) navigation in Arkansas, Illinois, and New York; (4) environmental quality improvement in Missouri; (5) aquatic ecosystem restoration in Arizona, California, Florida, Georgia, Georgia and Alabama, and Idaho; and (6) shoreline protection in Alaska.

Title II: General Provisions - (Sec. 201) Amends the Water Resources Development Act (WRDA) of 1996 to extend through 2004 the authority for establishing an annual pass of \$10 or less for the use of recreational facilities at water resources projects of the Corps of Engineers.

(Sec. 202) Amends the WRDA of 1986 to: (1) prohibit the Secretary from soliciting from non-Federal interests the costs of projects or measures in excess of the assigned non-Federal share; and (2) increase the depth of harbor projects for which non-Federal interests must pay the maximum share of construction and operations costs.

(Sec. 204) Amends the WRDA of 2000 to extend through FY 2003 the authority of the Secretary to accept and expend funds contributed by non-Federal entities to process project permits.

(Sec. 205) Extends for four years the national shoreline erosion control development and demonstration program. Extends by three years the program's planning, design, and construction phase. Authorizes non-Federal cost-sharing under such program. Increases the program's authorization of appropriations.

(Sec. 206) Amends the Flood Control Act of 1970 to allow provisions for liquidated damages to be included in written agreements for water resources projects.

(Sec. 207) Authorizes the Secretary to provide to State and local governments assessment, planning, and design assistance for the remediation, restoration, or reuse of areas which will contribute to improving water quality or conserving water and related resources of drainage basins and watersheds. Requires a non-Federal share of 50 percent. Authorizes appropriations.

(Sec. 208) Requires the laws concerning rivers and harbors, flood control, beach erosion, and other water resources development enacted after November 8, 1996, and before January 1, 2003, to be compiled and printed for the use of the Department of the Army, Congress, and the public.

(Sec. 209) Authorizes the Secretary to enter into cost-sharing agreements under governmental partnerships for dredged material disposal.

(Sec. 210) Provides for the preferential use of mitigation banks in carrying out projects that involve wetlands mitigation.

(Sec. 211) Authorizes the Secretary, in conducting a study of harbor and navigation improvements, to recommend a project without the need to demonstrate that such project is justified solely by national economic development benefits if

the Secretary determines that the project would involve a remote or subsistence harbor (a harbor that is at least 70 miles away from the community served by the project or that transports over 80 percent of the goods consumed by the community served).

(Sec. 212) Amends the WRDA of 1992 to authorize the Secretary to carry out projects for the beneficial use of dredged material. Authorizes annual appropriations. Authorizes the Secretary, under such projects, to provide for regional sediment management planning.

(Sec. 213) Authorizes the Secretary to waive local cost-sharing requirements up to \$500,000 (currently \$200,000) for all studies and projects in American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands (current law), the Commonwealth of Puerto Rico, and certain Indian country.

(Sec. 216) Authorizes the Secretary to provide credit for work performed by a non-Federal interest before the completion of a cooperation agreement for that project.

(Sec. 217) Amends the WRDA of: (1) 1999 to make permanent the authority to withhold certain recreation user fees for recreation area repair, maintenance, and other costs; (2) 1986 to reduce from 50 to 25 percent the non-Federal share of costs of watershed and river basin assessments; and (3) 2000 to include within a tribal partnership program lands located within the jurisdictional area of an Oklahoma Indian tribe and recognized as eligible for trust land status.

(Sec. 218) Directs the Secretary to expedite actions for emergency flood damage reduction for lands qualifying for major disaster assistance under the Robert T. Stafford Disaster and Emergency Relief Act.

(Sec. 221) Authorizes the Secretary to treat as a separable project element an element that would advance a primary mission of the Corps of Engineers (with cost limits).

Title III: Project-Related Provisions - (Sec. 301) Modifies specified projects for navigation, bank stabilization, flood damage reduction, flood control, aquatic ecosystem restoration, environmental quality improvement, water supply, shoreline and streambank protection, environmental dredging, fish and wildlife loss mitigation, and environmental restoration in Alaska, California, Florida, Idaho, Indiana, Kentucky, Louisiana, Maine, Michigan, Minnesota, Missouri, Missouri and Kansas, New York, New York and New Jersey, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Virginia, Washington, West Virginia, and Wisconsin.

(Sec. 382) Continues authorized projects in Fall Harbor, Massachusetts, and Agana River, Guam.

(Sec. 383) Reauthorizes (if determined feasible) the project for navigation, Manitowoc Harbor, Wisconsin.

(Sec. 384) Deauthorizes navigation projects for Bridgeport Harbor, Connecticut; Island End River, Massachusetts; and City Waterway, Tacoma, Washington.

(Sec. 385) Authorizes the Secretary to convey to the: (1) Geary County Fire Department certain lands in Geary County, Kansas; and (2) Choctaw Nation certain lands near Hickory Point, Oklahoma. Amends the WRDA of 1996 to redesignate the recipient of a certain land conveyance near Boardman, Oregon.

(Sec. 386) Extinguishes certain reversionary interests and use restrictions relating to the transfer of specified parcels in Nez Perce County, Idaho.

Title IV: Studies - (Sec. 401) Sets forth provisions modifying, requiring, or setting forth additional requirements for

specified studies associated with projects in Alaska, California, Georgia, the Great Lakes, Illinois, Kentucky, Louisiana, Michigan, Missouri and Illinois, New Jersey, New Mexico, New York and New Jersey, Oklahoma, Oregon, Northeastern Pennsylvania, Texas, the Upper Mississippi River and Illinois Waterway, Washington, West Virginia, and Wisconsin.

Title V: Miscellaneous Provisions - (Sec. 501) Makes the Secretary responsible, under certain conditions, for maintenance of specified navigation channels in Texas, Tennessee, and Washington. Directs the Secretary to remove sunken vessels and other debris from a channel in the Sabine-Neches Waterway, Texas.

(Sec. 502) Authorizes the Secretary to provide technical, planning, and design assistance to non-Federal interests for carrying out watershed management, restoration, and development projects at specified locations in Alabama, California, Illinois, Louisiana, Massachusetts, New Jersey, New York, and Pennsylvania. Requires a non-Federal share of 50 percent. Authorizes appropriations.

(Sec. 503) Authorizes the Secretary to provide assistance to enhance dam safety at specified dams in Georgia, Idaho, New York, and Oklahoma. Authorizes appropriations.

(Sec. 504) Directs the Secretary, under certain conditions, to undertake structural integrity evaluations at specified flood damage reduction projects in Arkansas, Pennsylvania, and Tennessee.

(Sec. 505) Amends the WRDA of: (1) 1999 to add certain areas as flood mitigation priority areas; and (2) 1992 to authorize additional monetary assistance under current projects.

(Sec. 507) Directs the Secretary to expedite completion of reports and, if determined feasible, expedite completion of construction for specified projects in California, Maryland, Michigan, and New York.

(Sec. 509) Authorizes the Secretary to provide assistance to assess the water resources and related needs of river basins and watersheds of the southeastern United States.

(Sec. 511) Extends through 2015 the authorization of appropriations for the Missouri and Middle Mississippi Rivers enhancement project under the WRDA of 1999.

(Sec. 512) Amends the WRDA of: (1) 2000 to include representatives of rural water systems within the membership of the Missouri River Trust; (2) 1996 to increase the authorization of appropriations for watershed management, restoration, and development; (3) 2000 to allow non-Federal interests to provide up to 100 (currently 50) percent of their cost share for Great Lakes fishery and ecosystem restoration in the form of services, materials, supplies, or other in-kind contributions; (4) 1996 to increase the authorization of appropriations for the Chesapeake Bay environmental restoration and protection program; and (5) 1999 to increase the authorization of appropriations for the provision of environmental assistance to non-Federal interests in Alaska.

(Sec. 515) Requires the Division Engineer, North Atlantic Division, Corps of Engineers, beginning in FY 2002 and thereafter, to be the ex officio U.S. member under the Susquehanna River Basin Compact and the Delaware River Basin Compact. Directs the Secretary to enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam in Pennsylvania during any period in which the Commission has determined that a drought warning or drought emergency exists.

(Sec. 517) Directs the Secretary to: (1) review the navigation and aquatic ecosystem restoration components of the Riverfront and Downtown Master Plan for Montgomery, Alabama, and carry out such components if determined feasible; (2) expedite the study for the Akutan Small Boat Harbor, Alaska; (3) assume responsibility for long-term maintenance and

repair of the Lowell Creek Tunnel, Alaska; and (4) carry out on an emergency basis the removal of rubble, sediment, and rock that are impeding the entrance to the St. Herman Harbor, Kodiak, Alaska.

(Sec. 522) Authorizes the Secretary to perform operation, maintenance, and rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas.

(Sec. 523) Directs the Secretary to conduct a study of: (1) shore damage in the vicinity of Loomis Landing, Arkansas; and (2) increased siltation and streambank erosion in the St. Francis River basin, Arkansas, and Missouri.

(Sec. 525) Amends the WRDA of 1992 to: (1) direct the Secretary to provide certain non-Federal cost share credit in connection with a desalination project at Cambria, California, and water recharge and conjunctive use projects in East San Joaquin County, California; (2) add an authorized project in the area of Harbor/South Bay, California; and (3) increase the authorization of appropriations for water supply and regional water recycling and conservation projects in the Sacramento, California, area.

(Sec. 529) Directs the Secretary to carry out the project for removal of Wharf 5 and associated pilings at Pier 70 in San Francisco, California. Authorizes appropriations.

(Sec. 530) Requires the Secretary, unless it is found not to be in the public interest, to declare a specified portion of the San Francisco waterfront area to be non-navigable waters (and therefore eligible for improvement).

(Sec. 531) Directs the Secretary to reevaluate the feasibility of certain elements of a project for flood control, Stockton, California, and, if determined feasible, to reimburse the non-Federal interests for the Federal share of such costs.

(Sec. 532) Amends the WRDA of 2000 to include the project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, within a comprehensive Florida Everglades restoration plan. Increases the authorization of appropriations in order to cover such project. Amends the WRDA of 1996 to increase the authorization of appropriations for critical Everglades restoration projects.

(Sec. 533) Authorizes the Secretary to: (1) provide assistance for the reconstruction of Mayo's Bar Lock and Dam, Rome, Georgia; (2) carry out the Riley Creek Restoration Area operation plan; and (3) perform operation and maintenance of authorized and completed levees on the Mississippi River in Grand Tower Township, Illinois.

(Sec. 536) Directs the Secretary to develop a comprehensive plan for restoring, preserving, and protecting the Kaskaskia River Basin, Illinois, including the development of new technologies and innovative approaches. Requires: (1) a plan report to Congress; and (2) after such plan, any necessary additional studies and analyses. Requires the Secretary's recommendations to be consistent with applicable State water quality standards. Requires: (1) public participation in plan development; and (2) plan coordination with specified programs and initiatives. Requires a 35 percent non-Federal cost share and provides for the use of in-kind contributions.

(Sec. 537) Directs the Secretary to carry out a project for flood damage reduction, if feasible, at Natalie Creek, Illinois.

(Sec. 538) Amends the WRDA of: (1) 2000 to extend through 2010 the authorization of appropriations for the Illinois River Basin restoration program; and (2) 1992 to increase the authorization of appropriations for, and add certain areas to, water-related infrastructure projects in the Calumet region, Indiana.

(Sec. 540) Directs the Secretary to convey the remaining water supply storage allocation in Rathbun Lake, Iowa, to the Rathbun Regional Water Association and requires the Association to pay 100 percent of allocation costs.

(Sec. 541) Directs the Secretary to conduct a study of flood damage along Mayfield Creek and its tributaries, Kentucky, to determine if such damage is federally caused, and, if so, to mitigate such damage.

(Sec. 542) Amends the WRDA of 1996 concerning a program for environmental assistance to non-Federal interests in southern and eastern Kentucky to: (1) add environmental restoration as an authorized purpose; (2) add certain Kentucky counties as eligible for such assistance; and (3) increase the authorization of appropriations for such program.

(Sec. 543) Directs the Secretary to develop a comprehensive plan for protecting, preserving, and restoring the Coastal Louisiana Ecosystem. Requires: (1) the plan to be submitted to Congress by July 1, 2004; and (2) the Secretary to integrate such plan with ongoing Federal and State projects and activities. Provides a non-Federal cost share of 50 percent. Establishes the Coastal Louisiana Ecosystem Protection and Restoration Task Force to undertake specified activities toward plan development and implementation.

(Sec. 544) Amends the WRDA of: (1) 1992 to increase the authorization of appropriations for an environmental infrastructure project at Baton Rouge, Louisiana; and (2) 1999 to add an additional authorized purpose under a West Baton Rouge, Louisiana, waterfront and riverine restoration project.

(Sec. 545) Authorizes the Secretary: (1) in carrying out a study to address shoreline erosion and related conditions in the Chesapeake Bay area, to carry out pilot projects to demonstrate the feasibility of alternative measures to address sediment loads to such Bay; and (2) to provide technical assistance to the Secretary of Agriculture in carrying out the Conservation Corridor Demonstration Program.

(Sec. 548) Amends the WRDA of 1999 to increase the authorization of appropriations for the repair and rehabilitation of seawalls along the Detroit River, Michigan.

(Sec. 550) Directs the Secretary to carry out aquatic ecosystem restoration projects for the St. Clair River and Lake St. Clair, Michigan, at a specified Federal cost.

(Sec. 552) Amends the WRDA of 1999 to revise the definition of "northeastern Minnesota" for purposes of a pilot program to provide environmental assistance to non-Federal interests in such area; and (2) repeal a limitation on credit given for design work performed by such non-Federal interests. Directs the Secretary to reimburse the non-Federal interest for the project for environmental infrastructure, Biwabik, Minnesota, for certain planning, design, and construction costs.

(Sec. 553) Amends the WRDA of: (1) 1992 to increase the authorization of appropriations for a project to eliminate or control sewer overflows in the city of St. Louis, Missouri; (2) 1999 to increase the authorization of appropriations for a project to provide environmental assistance to non-Federal interests in rural Nevada; (3) 1992 to redesignate recipients of assistance to develop an environmental improvement program for the Hackensack Meadowlands area of New Jersey and to increase the authorization of appropriations for such program; (4) 1992 to revise requirements for a data collection and monitoring program of coastal processes for a specified portion of the Atlantic Coast of New York and to increase the authorization of appropriations for such program; and (5) 1990 to direct the Secretary to give priority to work in College Point, New York City, under a project for environmental dredging in the United States.

(Sec. 558) Directs the Secretary to provide certain credit toward the non-Federal share of the cost of a project for ecosystem restoration in Flushing Bay and Creek, New York City.

(Sec. 559) Authorizes the Secretary to carry out a navigation project at Little Neck Bay, Kings Point, New York, sufficient to permit the safe operation of a specified vessel at all tide levels.

(Sec. 561) Directs the Secretary to upgrade the condition of a road on the Piedmont Lake Dam, Ohio, to meet Ohio standards applicable to public use roads.

(Sec. 562) Sets the amount of the remaining obligation payable to the United States by the Waurika Project Master Conservancy District in connection with a project at Waurika Lake, Oklahoma.

(Sec. 564) Directs the Secretary to conduct a study for the feasibility of restoring the millrace in Eugene, Oregon. Authorizes appropriations.

(Sec. 565) Directs the Secretary to pay up to \$2.5 million to the provider of research and curation support previously provided to the Federal Government as a result of the multi-purpose project, John Day Lock and Dam, Lake Umatilla, Oregon and Washington. Authorizes appropriations.

(Sec. 566) Authorizes the Secretary to convey to Lowell School District a specified tract in Lowell, Oregon.

(Sec. 567) Authorizes the Secretary to: (1) rehabilitate the pumps at the project for flood damage reduction, Hagerman's Run, Williamsport, Pennsylvania; and (2) make improvements to the Susquehannock Campground Access Road at Raystown Lake, Pennsylvania.

(Sec. 568) Amends the WRDA of: (1) 1992 to add certain counties to a project for water-related infrastructure projects in northeastern Pennsylvania; (2) 1996 to increase the authorization of appropriations for wetland restoration projects in the Upper Susquehanna River Basin, Pennsylvania and New York; (3) 1992 to increase the authorization of appropriations for water and wastewater infrastructure in specified Pennsylvania counties; and (4) 1992 to increase the authorization of appropriations for, and add wastewater treatment as an authorized purpose to, water supply and distribution projects in specified South Carolina counties.

(Sec. 572) Directs the Secretary to review: (1) a report in connection with a proposed project for flood protection and environmental restoration for Cano Martin Pena, San Juan, Puerto Rico, and, if appropriate, carry out the project; and (2) the project for flood damage reduction, Upper Big Sioux River basin, South Dakota, and, if appropriate, carry out the project.

(Sec. 575) Directs the Secretary to study the Fritz Landing Agricultural Spur Levee, Tennessee, to determine the appropriate extent of levee modifications required to meet Federal standards and to design and construct such modifications.

(Sec. 576) Directs the Secretary to review the aquatic ecosystem component of a specified project in Memphis, Tennessee, and, if determined feasible, authorizes the Secretary to carry out such component (with a Federal cost limit).

(Sec. 577) Provides the total cost limit for the project for flood damage reduction, Town Creek, Lenoir City, Tennessee.

(Sec. 578) Authorizes the Secretary, as part of a navigation project for the Tennessee River, to enter into a partnership with a nonprofit entity for the removal of debris from the River in the vicinity of Knoxville, Tennessee. Authorizes appropriations.

(Sec. 579) Directs the Secretary to expedite completion of a report for the project for flood damage reduction and other measures in Clear Creek and tributaries, Texas.

(Sec. 580) Amends the WRDA of 1996 to include Halls Bayou, Texas, under authorized flood control projects undertaken

by non-Federal interests.

(Sec. 581) Directs the Secretary to conduct a study of a project for flood damage reduction in the Harris County watershed, Texas, to determine the feasibility of including flood damage protection for the Texas Medical Center in Houston. Requires study completion by July 1, 2004. Authorizes the Secretary to carry out critical flood damage reduction measures in such watershed.

(Sec. 582) Directs the Secretary to provide certain credit toward non-Federal share costs of the project for flood damage reduction and ecosystem restoration, Onion Creek, Texas.

(Sec. 583) Amends the Energy and Water Development Appropriations Act, 1994 to authorize the Secretary to provide a letter of intent to the city of Galveston, Texas, for conveyance of a specified parcel for private development purposes.

(Sec. 584) Directs the Secretary to provide certain credit toward non-Federal share costs of the project for ecosystem restoration and recreation, Riverside Oxbow, Fort Worth, Texas.

(Sec. 585) Authorizes the Secretary to carry out bluff stabilization measures in Richmond National Battlefield Park, Virginia.

(Sec. 586) Directs the Secretary to: (1) conduct a study to determine if increased siltation in Baker Bay and Ilwaco Harbor, Washington, is the result of a Federal navigation project and, if so, to mitigate the siltation; (2) provide certain credit toward non-Federal share costs of the project for flood damage reduction, Chehalis River, Washington; (3) place dredged and other suitable material along the Columbia River shoreline of Puget Island, Washington; and (4) conduct a watershed and river basin assessment for the Lower Kanawha River Basin, West Virginia.

(Sec. 588) Authorizes the Secretary to plan, design, and construct a campground for Bonneville Lock and Dam at Hamilton Island, Washington.

(Sec. 590) Amends the WRDA of 1996 to: (1) add authorized purposes to a project for flood control measures in certain areas of West Virginia and Pennsylvania; and (2) increase the authorization of appropriations for such project.

(Sec. 592) Amends the WRDA of: (1) 1999 to remove two counties from a pilot program to provide environmental assistance to non-Federal interests in central West Virginia; and (2) 1992 to include the counties so removed within the definition of southern West Virginia for purposes of a similar project.

(Sec. 594) Amends the WRDA of 1992 to authorize the Secretary to provide specified monetary assistance for water- or wastewater-related infrastructure projects in Alabama, California, Connecticut, the District of Columbia, Idaho, Louisiana, North Carolina, South Carolina, and Tennessee.

Actions Timeline

- **Oct 2, 2002:** Reported (Amended) by the Committee on Transportation. H. Rept. 107-717.
- **Oct 2, 2002:** Reported (Amended) by the Committee on Transportation. H. Rept. 107-717.
- **Oct 2, 2002:** Placed on the Union Calendar, Calendar No. 447.
- **Sep 26, 2002:** Mr. Blunt asked unanimous consent that the Committee on Transportation have until midnight on Sept. 30 to file a report on H.R. 5428. Agreed to without objection.
- **Sep 25, 2002:** Committee Consideration and Mark-up Session Held.
- **Sep 25, 2002:** Ordered to be Reported (Amended).
- **Sep 24, 2002:** Referred to the Subcommittee on Water Resources and Environment.
- **Sep 24, 2002:** Subcommittee Consideration and Mark-up Session Held.
- **Sep 24, 2002:** Forwarded by Subcommittee to Full Committee.
- **Sep 23, 2002:** Introduced in House
- **Sep 23, 2002:** Introduced in House
- **Sep 23, 2002:** Sponsor introductory remarks on measure. (CR E1634-1635)
- **Sep 23, 2002:** Referred to the House Committee on Transportation and Infrastructure.