

## HR 5892

### Water Resources Development Act of 2010

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Water Resources Development

**Introduced:** Jul 28, 2010

**Current Status:** Placed on the Union Calendar, Calendar No. 391.

**Latest Action:** Placed on the Union Calendar, Calendar No. 391. (Sep 29, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/5892>

## Sponsor

**Name:** Rep. Oberstar, James L. [D-MN-8]

**Party:** Democratic • **State:** MN • **Chamber:** House

## Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Johnson, Eddie Bernice [D-TX-30]	D · TX		Jul 28, 2010
Rep. Costello, Jerry F. [D-IL-12]	D · IL		Sep 22, 2010

## Committee Activity

Committee	Chamber	Activity	Date
Transportation and Infrastructure Committee	House	Discharged from	Jul 29, 2010

## Subjects & Policy Tags

### Policy Area:

Water Resources Development

## Related Bills

Bill	Relationship	Last Action
111 HR 6184	Related bill	Dec 18, 2010: Became Public Law No: 111-315.

Water Resources Development Act of 2010 - Authorizes the Secretary of the Army to carry out, and directs the Secretary to conduct feasibility studies of, specified water resources development and conservation projects.

**Title I: Water Resources Projects** - (Sec. 1001) Authorizes the Secretary to carry out: (1) the Mid-Chesapeake Bay Island Ecosystem Restoration Project, Chesapeake Bay, in Maryland; (2) the project for hurricane and storm damage reduction, Mississippi Coastal Improvements Program, in Mississippi; and (3) the project for hurricane and storm damage reduction, West Onslow Beach and New River Inlet, North Carolina.

(Sec. 1002) Directs the Secretary to conduct studies of, and if determined feasible, authorizes the Secretary to carry out: (1) flood damage reduction projects, in California, Colorado, Florida, Georgia, Illinois, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New York, Ohio, South Carolina, Texas, Virginia, and Wisconsin; (2) emergency streambank protection projects in Alaska, Connecticut, Florida, New York, Ohio, and Rhode Island; (3) navigation projects in Michigan, New Jersey, New York, and Wisconsin; (4) projects for improvement of the quality of the environment in California; (5) projects for aquatic ecosystem and estuary restoration in California, Colorado, Georgia, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Ohio, Rhode Island, and Virginia; (6) shoreline protection projects in Florida, New Jersey, and New York; and (7) a project for aquatic nuisance plant control in Colorado.

**Title II: General Provisions** - (Sec. 2001) Amends the Flood Control Act of 1970 to direct the Secretary, in any case in which a specific provision of law provides for a nonfederal interest to receive credit toward the nonfederal share of the cost of a study for, or construction or operation and maintenance of, a water resources project, to apply: (1) the specific provision of law; or (2) at the request of the nonfederal interest, the specific provision of law and such provisions of this Act as the nonfederal interest may request.

Defines "water resources project" to include projects studied, reviewed, designed, constructed, operated and maintained, or otherwise subject to federal participation under the authority of the civil works program of the Secretary for the purposes of navigation, flood damage reduction, ecosystem restoration, hurricane and storm damage reduction, water supply, recreation, hydroelectric power, fish and wildlife conservation, water quality, environmental infrastructure, resource protection and development, and related purposes.

(Sec. 2002) Amends the Water Resources Development Act (WRDA) of 1986 to require mitigation for impacts to ecological resources, including both terrestrial and aquatic resources. Requires the Secretary to: (1) identify in a report to Congress the basis for any determination that mitigation to in-kind conditions is not possible; and (2) ensure that the mitigation plan for each water resources project complies at a minimum (currently, complies) with the mitigation standards and policies established pursuant to the regulatory programs administered by the Secretary.

(Sec. 2003) Amends the WRDA of 2007 to make provisions of such Act authorizing the Secretary to recommend harbor and navigation improvement projects without the need to demonstrate that such projects are justified solely by national economic development benefits applicable to a feasibility study (as defined in the WRDA of 1986) or a detailed project report (as defined in the River and Harbor Act of 1960).

(Sec. 2004) Amends the WRDA of 2007 to provide that any revision to a partnership agreement providing for the participation of the federal government in a water resources project shall be effective without regard to whether the original partnership agreement was entered into before, on, or after the enactment of this Act.

(Sec. 2005) Amends the WRDA of 2007 to add requirements applicable to the Chief of Engineers relating to peer reviews of water resources project studies, including a requirement to make public and submit to Congress peer review reports on water projects.

(Sec. 2006) Makes the Federal Advisory Committee Act inapplicable to a safety assurance review conducted under the WRDA of 2007.

(Sec. 2007) Prohibits funding of harbor maintenance programs unless the total budget resources made available from the Harbor Maintenance Trust Fund each fiscal year equals receipts plus the interest credited to such Trust Fund for that fiscal year.

(Sec. 2008) Amends the WRDA of 2000 to authorize the Secretary to accept and expend funds contributed by non-federal public entities to expedite the evaluation of permits of such entities related to projects for a public purpose under the jurisdiction of the Department of the Army through December 31, 2016.

Directs the Secretary to ensure that the evaluation of permits carried out using such funds: (1) is reviewed by the District Commander of the Corps District in which the project or activity is located, unless the evaluation of the permit is initially conducted by the District Commander, in which case the review shall be conducted by the Commander of the Corps Division in which the District is located; and (2) utilizes the same procedures for decisions that would otherwise be required for the evaluation of permits for similar projects or activities not carried out using such funds. Prohibits such funds from being used to carry out such review.

Directs the Secretary to ensure that all final permit decisions carried out using such funds are made available to the public, including on the Internet.

(Sec. 2009) Amends the WRDA of: (1) 1986 to raise the cap for the maximum federal expenditure on any single modification or measure for improvement of the environment; (2) 1996 to raise the cap for the maximum federal expenditure for a project at any single locality for ecosystem and estuary restoration; and (3) 1990 to designate all activities performed by personnel under the direction of the Secretary in connection with the operation and maintenance of navigation infrastructure, including floodgates, locks, and dams, as inherently governmental functions and not commercial activities.

(Sec. 2012) Repeals provisions of the WRDA of 2000 limiting the performance of specialized or technical services by the Corps of Engineers, including an annual reporting requirement.

(Sec. 2013) Amends the WRDA of 1986 to direct the Secretary, in preparing a feasibility report for a water resources project, to include in the report and any budget documents an accounting of the total cost of the recommended plan and an estimate of the federal and nonfederal participation in the plan based on the following scenarios: (1) the project cost based on optimal levels of federal funding; (2) the estimated project cost based on a 50% increase in the implementation period; and (3) the estimated project cost based on a 100% increase in that period.

(Sec. 2014) Amends the WRDA of 2007 to require the Secretary, in reporting to Congress on the status of all projects that require mitigation under the WRDA of 1986, to: (1) use a uniform methodology for determining the status of all projects included in the report; (2) use a methodology that describes both a qualitative and quantitative status for all such projects; and (3) provide specific dates for and participants in consultations relating to mitigation plans required under the WRDA of 1986.

(Sec. 2015) Prohibits the use of funds authorized or made available by this Act for a project unless all of the iron, steel, and manufactured goods used in the project are produced in the United States, with exceptions relating to the public interest, availability, and project cost. Requires the Secretary to publish any request for a waiver of this requirement and the justification for such waiver.

**Title III: Project-Related Provisions** - (Sec. 3001) Modifies federal funding limits and other requirements for various water resources projects in specified states.

(Sec. 3008) Amends the WRDA of 2007 to authorize appropriations through FY2015 for the Rio Grande environmental management program in Colorado, New Mexico, and Texas.

(Sec. 3032) Reauthorizes the Vincennes, Indiana, portion of the Wabash River basin flood control project in Illinois and Indiana (formerly deauthorized).

(Sec. 3033) Deauthorizes various water resources projects, including navigation, flood protection, and flood control projects in Arkansas, California, the District of Columbia, Illinois, Kentucky, Louisiana, Massachusetts, Mississippi, Missouri, Ohio, Rhode Island, South Carolina, Tennessee, and Virginia.

**Title IV: Studies** - Directs the Secretary to conduct feasibility studies with respect to specified water resources projects in specified states and the Chesapeake Bay.

**Title V: Miscellaneous** - (Sec. 5001) Amends the WRDA of 1996 to make the pilot program to provide environmental assistance to nonfederal interests in the Chesapeake Bay watershed into a permanent program. Limits the maximum federal expenditure for any individual project at any single locality in the watershed to \$10 million. Authorizes the Secretary to carry out projects in the watershed with the goal of expanding into Delaware, New York, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Requires the Secretary to develop and submit to Congress a comprehensive plan to prioritize projects within the watershed.

Authorizes appropriations.

(Sec. 5002) Amends the WRDA of 2007 to: (1) increase the authorized cost to carry out projects for operations, maintenance, repair, and rehabilitation, including associated maintenance dredging, of the Eisenhower and Snell lock facilities and related navigational infrastructure for the Saint Lawrence Seaway; and (2) add specified projects in California, Colorado, Florida, New York, and Ohio to the list of watershed management, restoration, and development projects.

(Sec. 5004) Authorizes \$25 million for each of FY2011-FY2016 for the Secretary to participate in the ecosystem restoration, navigation, flood damage reduction, and emergency streambank protection components of projects at designated locations in various states if the Secretary determines that any such component is feasible.

(Sec. 5005) Directs the Secretary to plan, design, and construct projects for aquatic ecosystem restoration within the coastal waters of the Northeastern United States from Virginia to Maine, including associated bays, estuaries, and critical riverine areas.

Requires the Secretary, in coordination with the Administrator of the Environmental Protection Agency (EPA), the heads of other appropriate federal agencies, the governors of the coastal states from Virginia to Maine, nonprofit organizations, and other interested parties, to: (1) assess the needs regarding, and opportunities for, aquatic ecosystem restoration within the coastal waters of the Northeastern United States; and (2) develop a general coastal management plan based

upon that assessment. Authorizes the Secretary to carry out an aquatic ecosystem restoration project if such project meets specified requirements.

Authorizes appropriations.

(Sec. 5006) Authorizes the Secretary to participate in the ecosystem restoration, navigation, flood damage reduction, emergency streambank protection, and aquatic plant control components of the Anacostia River Watershed Restoration Plan, developed pursuant to the WRDA of 2007, if the Secretary determines that such component is feasible. Requires the Secretary to: (1) consult with the Anacostia Watershed Restoration Partnership; and (2) waive any cost share to be provided by nonfederal interests for any portion of the project component that benefits federally owned property.

Authorizes appropriations.

(Sec. 5007) Directs the Secretary to accept funds from the Director of the United States Fish and Wildlife Service to carry out the project for shoreline stabilization, Egmont Key, Florida.

(Sec. 5008) Authorizes the Secretary to carry out projects for environmental protection and restoration at Blackwater Wildlife Refuge, Cambridge, Maryland, and directs the Secretary to accept funds from the Director of the Fish and Wildlife Service for such projects.

(Sec. 5009) Prohibits the Secretary from considering the use or expansion of Hart-Miller Island, Maryland, in any dredged material management plan after the enactment of this Act.

(Sec. 5010) Authorizes the Secretary to carry out a project for environmental remediation of Gallops Island, Boston, Massachusetts, and to accept funds from the Director of the National Park Service for such project.

(Sec. 5011) Requires funding for the operation and maintenance of the multiagency wildlife and environmental interpretative and education center, Sharkey County, Mississippi, to be provided by the Secretary of the Interior.

(Sec. 5012) Directs the Secretary to expedite the completion of the reconnaissance and feasibility studies for the Charleston Harbor Post 45 Project, Charleston, South Carolina, and if the Secretary deems the project feasible, to proceed directly to project preconstruction, engineering, and design.

(Sec. 5013) Expresses the sense of Congress that Brigadier General Michael J. Walsh should be congratulated for his promotion to the rank of Major General and should be commended for his duty and dedication to the United States, the U.S. Army, and the Corps of Engineers.

## **Actions Timeline**

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- **Sep 29, 2010:** Reported (Amended) by the Committee on Transportation. H. Rept. 111-654.
- **Sep 29, 2010:** Placed on the Union Calendar, Calendar No. 391.
- **Jul 29, 2010:** Referred to the Subcommittee on Water Resources and Environment.
- **Jul 29, 2010:** Subcommittee on Water Resources and Environment Discharged.
- **Jul 29, 2010:** Committee Consideration and Mark-up Session Held.
- **Jul 29, 2010:** Ordered to be Reported (Amended) by Voice Vote.
- **Jul 28, 2010:** Introduced in House
- **Jul 28, 2010:** Sponsor introductory remarks on measure. (CR E1460-1461)
- **Jul 28, 2010:** Referred to the House Committee on Transportation and Infrastructure.