

SEC. 907. BENEFITS AND COSTS ATTRIBUTABLE TO ENVIRONMENTAL MEASURES.

In the evaluation by the Secretary of benefits and costs of a water resources project, the benefits attributable to measures included in a project for the purpose of environmental quality, including improvement of the environment and fish and wildlife enhancement, shall be deemed to be at least equal to the costs of such measures.

SEC. 908. MITIGATION FUND.

There is established an Environmental Protection and Mitigation Fund. There is authorized to be appropriated to such fund \$35,000,000 for fiscal years beginning after September 30, 1986. Amounts in the fund shall be available for undertaking, in advance of construction of any water resources project authorized to be constructed by the Secretary, such measures authorized as part of such project, including the acquisition of lands and interests therein, as may be necessary to ensure that project-induced losses to fish and wildlife production and habitat will be mitigated.

SEC. 909. RIVER BASIN AUTHORIZATIONS.

(a) In addition to previous authorizations, there is authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin or project that is referred to below by name and date of basic authorization, such sums as are necessary for the Secretary to complete the comprehensive plan of development.

Table with 2 columns: Basin and Act of Congress. Lists various river basins and their corresponding authorization dates, such as Alabama-Coosa River Basin (March 2, 1945) and White River Basin (June 28, 1938).

(b) The sums authorized by this section include those necessary for the Secretary to complete local flood protection in the Columbia River Basin, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 178).

SEC. 910. CONTINUED PLANNING AND INVESTIGATIONS.

(a) After the Chief of Engineers transmits his recommendations for a water resources development project to the Secretary for transmittal to the Congress, as authorized in the first section of the Act of December 22, 1944, and before authorization for construction of such project, the Chief of Engineers is authorized to undertake continued planning and engineering (other than preparation of plans and specifications) for such project if the Chief of Engineers finds that the project is without substantial controversy and justifies further engineering, economic, and environmental investigations and the Chief of Engineers transmits to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a statement of such findings.

(b) Not later than January 15, 1987, and each January 15 thereafter, the Secretary shall prepare and transmit a report on the activities undertaken under this section in the preceding fiscal year to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(c) The authorization made by this section shall be in addition to any other authorizations for planning, engineering, and design of water resources development projects and shall not be construed as a limitation on any other such authorization.

SEC. 911. REVIEW OF COST EFFECTIVENESS OF DESIGN.

During the design of each water resources project which has a total cost in excess of \$10,000,000, which is authorized before, on, or after the date of enactment of this Act and undertaken by the Secretary, and on which construction has not been initiated as of the date of enactment of this Act, the Secretary shall require a review of the cost effectiveness of such design. The review shall employ cost control techniques which will ensure that such project is designed in the most cost-effective way for the life of the project.

SEC. 912. SECTION 221 AGREEMENTS.

(a) Section 221(a) of the Flood Control Act of 1970 is amended— (1) by inserting “, or an acceptable separable element thereof,” after “water resources project”, and by inserting “or the appropriate element of the project, as the case may be” after “for the project”; and (2) by adding at the end the following: “In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future State legislative appropriations for such performance and payment when obligating future appropriations would be inconsistent with State constitutional or statutory limitations.”

33 USC 2287.

Reports.

33 USC 2289

42 USC 1962d-5b.

State and local governments.

221, 224, 316, 326, 333, 351, 504, 604, 605, 606, 608, 703(a)(2) and 704 of the Senate amendment:

WALTER B. JONES,
MARIO BIAGGI,
GERRY E. STUDDS,
BARBARA A. MIKULSKI,
MIKE LOWRY,
BILL HUGHES,
NORMAN F. LENT,

From the Committee on Merchant Marine and Fisheries for consideration of sections 104, 107, 109, 110, 112, 115, 116, 605, 1114, 1121, 1122, 1186, 1199E, 1199F, and Titles XIII and XIV of the House bill, and sections 29, 221, 224, 316, 326, 333, 351, 504, 604, 605, 606, 608, 703(a)(2) and 704 of the Senate amendment:

DON YOUNG,
BOB DAVIS,
WILLIAM CARNEY,
JACK FIELDS,

(In lieu of Mr. Young for consideration of sections 1121, the House bill and section 504 of the Senate amendment)

From the Committee on Ways and Means for consideration of Title XV of the House bill, and Title VIII of a Senate amendment:

DAN Rostenkowski,
SAM CANNON,
J.J. Pickens,
CHARLES E. WALKER,
PETER SENNE,
JAMES J. HANCOCK,
DON TROMPER,
BOB FRANKS,

On behalf of the Committee on Works:

Report of the Committee on Works:
JAMES ABRAHAMSON,
PETER B. RAVENHILL,
DAVID DUNN,
HLOYD BRUNSON,
DANIEL PATRICK MOYNIHAN,
QUENTIN N. BURTON,

On behalf of the Committee on Finance for Title VIII of the Senate amendment to H.R. 109 and Title XV of H.R. 6:

BOB PACKWELL,
WILLIAM ROBERTSON,
JOHN J. PICKENS,
RUSSELL BAKER,
SWARTZ,

WATER RESOURCES DEVELOPMENT ACT OF 1986

OCTOBER 17, 1986.—Ordered to be printed

Mr. HOWARD, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 6]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6) to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1986".

(b) TABLE OF CONTENTS.—

- Title I—Cost Sharing
- Title II—Harbor Development
- Title III—Inland Waterway Transportation System
- Title IV—Flood Control
- Title V—Shoreline Protection
- Title VI—Water Resources Conservation and Development
- Title VII—Water Resources Studies
- Title VIII—Project Modifications
- Title IX—General Provisions
- Title X—Project Deauthorizations
- Title XI—Miscellaneous Programs and Projects
- Title XII—Dam Safety
- Title XIII—Namings
- Title XIV—Revenue Provisions

603(f)(6)); LaConner, Washington (Section 603(f)(12)); Mound State Park, Alabama (Section 608(a)); Fort Toulouse National Historic Landmark, Alabama (Section 608(b)); Interim Measures for Wheeling Creek, Ohio (Section 612); Yaquina Bay and Harbor, California (Section 807); Lewisville Lake, Texas (Section 825); Colusa Trough Drainage Canal, California (Section 830); Mississippi River-Gulf Outlet, Louisiana (Section 844); Dunkirk Harbor, New York (Section 848); Endicott, Johnson City and Vestal, New York (Section 852); Acequias Irrigation System, New Mexico (Section 1113); Miami River Sediments, Florida, (Section 1162); and Avalon Bay, California (Section 1169).

Environmental Mitigation Fund

The conferees intend that expenditures from the Environmental Mitigation Fund established pursuant to Section 908 of the Conference substitute not be considered as the initiation of construction of the project.

Engineering Review

Section 911 is adapted from both the Senate and House bills and will require a new cost-cutting review on all projects with a total cost in excess of \$10 million. Although not specified in the Conference Report, the type of study to be undertaken is commonly known as value engineering.

Urban and Rural Flood Control Frequency

Section 914 of the conference report provides that in the preparation of feasibility reports for projects for flood damage prevention in urban and rural areas, the Secretary shall consider and evaluate measures to reduce or eliminate damages from flooding without regard to frequency of flooding, drainage area, and amount of runoff. Drainage area and amount of discharge have no definite relation to the amounts of flood damages which may be inflicted, and no such limitation exists in the case of planning and recommending projects for flood damage reduction in rural areas. The provision places all areas on an equal footing. Section 914 should not be interpreted to direct the Corps to undertake a program to construct stormwater sewer systems.

Surveying and Mapping

The conferees adopted the House provision. Although section 918 of the Conference substitute will ensure that the Secretary will continue to be able to obtain quality surveying and mapping services, there exists the potential for the Secretary to abuse the authority granted here.

The Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House will closely monitor activities carried out under this provision.

Dredged Material Placement

Section 145 of the Water Resources Development Act of 1976 authorizes the Secretary to place clean, suitable dredged material from navigation projects on beaches for the purpose of beach resto-

ration and beach erosion control if the State agrees to pay the additional costs associated with depositing the material on the beach as opposed to depositing it in the planned disposal area.

Section 933 of the Conference substitute amends section 145 to provide that the non-Federal share shall be 50 percent of the additional cost rather than 100 percent. This is appropriate in view of the fact that existing law provides for 50 percent Federal cost-sharing for the protection of public beaches.

The Secretary and the states should take advantage of this section.

Fill Material for Beach Erosion and Nourishment

In carrying out Section 935 of the Conference substitute, the Corps of Engineers is expected to acquire and utilize fill material which is abundant and commonly available. Further in obtaining such material, the Secretary shall ensure that fragile or rare ecosystems, including coral reefs, are not disturbed or destroyed.

Navigation Damage Mitigation

The conferees adopted the Senate provision with an increase in the maximum cost of any individual project carried out pursuant to Section 940 of the Conference substitute to \$2,000,000.

It should be clarified that the cost of the construction and operation and maintenance of any damage mitigation or prevent project constructed pursuant to this section is to be borne by the non-federal sponsor of the navigation project responsible for the real or expected damage on the same basis as the cost sharing for the specific project for which the navigation is undertaken. Cost sharing for these damage prevention or mitigation projects is to be based only on the navigation related elements of the project responsible for the real or expected damage.

Projects constructed to prevent or mitigate damages caused by navigation projects constructed at full federal cost shall, also be constructed at full Federal cost.

Historical Properties

The Conferees adopt the House language with the clarification that Section 943 is in no way intended to provide the Secretary with the authority to repair, rehabilitate, or otherwise modify non-Federal dams even if such dams are on the National Register of Historic Places.

TITLE X—DEAUTHORIZATIONS

The House bill specifically deauthorized approximately 300 Corps of Engineers projects, or elements of projects, with a total cost exceeding \$11 billion.

The Senate bill specifically deauthorized four projects.

Both the House and Senate bills also contained general provisions that establish procedures for potential future deauthorizations.

The Conference substitute also establishes a general deauthorization policy. Projects authorized by this bill are deauthorized if not funded within 5 years. In addition, the Secretary is to submit bian-