

(A) for the purpose of establishing permanent sanctuaries and harvest management areas; and

(B) consistent with plans and strategies for guiding the restoration of the Chesapeake Bay oyster resource and fishery.

(4) Cost sharing

(A) In general

The non-Federal share of the cost of any project under this subsection shall be 25 percent.

(B) Form

The non-Federal share may be provided through in-kind services, including the provision by the non-Federal interest of shell stock material that is determined by the Chief of Engineers to be suitable for use in carrying out the project.

(C) Applicability

The non-Federal interest shall be credited with the value of in-kind services provided on or after October 1, 2000, for a project described in paragraph (1) completed on or after that date, if the Secretary determines that the work is integral to the project.

(5) Definition of ecological success

In this subsection, the term “ecological success” means—

(A) achieving a tenfold increase in native oyster biomass by the year 2010, from a 1994 baseline; and

(B) the establishment of a sustainable fishery as determined by a broad scientific and economic consensus.

In carrying out paragraph (4),¹ the Chief of Engineers may solicit participation by and the services of commercial watermen in the construction of the reefs.

(Pub. L. 99-662, title VII, §704, Nov. 17, 1986, 100 Stat. 4157; Pub. L. 104-303, title V, §505, Oct. 12, 1996, 110 Stat. 3757; Pub. L. 106-541, title III, §342, Dec. 11, 2000, 114 Stat. 2612; Pub. L. 107-66, title I, §113, Nov. 12, 2001, 115 Stat. 496; Pub. L. 109-103, title I, §126, Nov. 19, 2005, 119 Stat. 2259; Pub. L. 110-114, title V, §5021, Nov. 8, 2007, 121 Stat. 1202.)

REFERENCES IN TEXT

Paragraph (4), referred to in concluding provisions of subsec. (b), meaning subsec. (b)(4) of this section, was redesignated subsec. (b)(1)(D) by Pub. L. 107-66, title I, §113(1), (2), Nov. 12, 2001, 115 Stat. 496. Subsequently, Pub. L. 110-114, title V, §5021(1), (2)(B), (3), Nov. 8, 2007, 121 Stat. 1202, redesignated subsec. (b)(1)(D) as (b)(2)(D), struck it out, added a new subsec. (b)(2)(D), and redesignated former subsec. (b)(2) as (b)(4).

AMENDMENTS

2007—Subsec. (b)(1). Pub. L. 110-114, §5021(2), substituted “\$50,000,000” for “\$30,000,000” in second sentence and designated last sentence as par. (2).

Subsec. (b)(2). Pub. L. 110-114, §5021(2)(B), designated last sentence of par. (1) as (2) and inserted heading. Former par. (2) redesignated (4).

Subsec. (b)(2)(D). Pub. L. 110-114, §5021(3), added subpar. (D) and struck out former subpar. (D) which read as follows: “the construction of reefs and related clean

shell substrate for fish habitat, including manmade 3-dimensional oyster reefs, in the Chesapeake Bay and its tributaries in Maryland and Virginia if the reefs are preserved as permanent sanctuaries by the non-Federal interests, consistent with the recommendations of the scientific consensus document on Chesapeake Bay oyster restoration dated June 1999.”

Subsec. (b)(3), (4). Pub. L. 110-114, §5021(1), (3), added par. (3) and redesignated par. (2) as (4).

Subsec. (b)(5). Pub. L. 110-114, §5021(4), which directed addition of par. (5) at end of subsec. (b), was executed by adding par. (5) after par. (4) to reflect the probable intent of Congress.

2005—Subsec. (b)(1). Pub. L. 109-103 substituted “\$30,000,000” for “\$20,000,000” in introductory provisions.

2001—Subsec. (b). Pub. L. 107-66 inserted subsec. heading, designated introductory provisions as par. (1), inserted par. (1) heading, redesignated former pars. (1) to (4) as subpars. (A) to (D), respectively, of par. (1), and substituted par. (2) for first sentence of concluding provisions which read “The non-Federal share of the cost of any project under this section shall be 25 percent.”

2000—Subsec. (b). Pub. L. 106-541, §342(1), (3), substituted “\$20,000,000” for “\$7,000,000” in second sentence of introductory provisions and inserted at end of concluding provisions “In carrying out paragraph (4), the Chief of Engineers may solicit participation by and the services of commercial watermen in the construction of the reefs.”

Subsec. (b)(4). Pub. L. 106-541, §342(2), added par. (4) and struck out former par. (4) which read as follows: “the construction of a reef for fish habitat in the Chesapeake Bay in Maryland and Virginia.”

1996—Subsec. (b). Pub. L. 104-303 substituted “\$7,000,000” for “\$5,000,000” in introductory provisions and inserted “and Virginia” after “Maryland” in par. (4).

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which a report required under subsec. (a) of this section is listed on page 68), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

§ 2264. Deauthorization of studies

(a) Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), not later than one year after November 17, 1986, and annually thereafter, the Secretary shall submit to Congress a list of incomplete water resources studies which have been authorized, but for which no funds have been appropriated during the 5 full fiscal years preceding the submission of such list. For each such study the Secretary shall include the following information:

(1) the date of authorization and the manner in which the study was authorized;

(2) a description of the purposes of the study;

(3) a description of funding that has been made available for the study;

(4) a description of any work that has been performed in carrying out the study and the results and conclusions, if any, of such work; and

(5) a description of any work that remains to be done in carrying out the study and the time necessary for and estimated cost of completing such work.

(b) Each study included in a list under subsection (a) of this section is not authorized on and after the 90th day following the submission

¹ See References in Text note below.

to Congress of such list if no funds have been appropriated for such study after the list is submitted and before such 90th day.

(Pub. L. 99-662, title VII, §710, Nov. 17, 1986, 100 Stat. 4160; Pub. L. 106-109, §8(b), Nov. 24, 1999, 113 Stat. 1495.)

AMENDMENTS

1999—Subsec. (a). Pub. L. 106-109, in first sentence, substituted “Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), not” for “Not”.

§ 2265. Columbia River/Arkansas River Basin transfers

(a) No Federal agency shall study or participate in the study of any regional or river basin plan or any plan for any Federal water and related land resource project which has as its objective the transfer of water from the Columbia River Basin to any other region or any other major river basin of the United States, unless such study is approved by the Governors of all affected States.

(b) For a period of 5 years after November 17, 1986, no Federal agency shall study or participate in the study of any regional or river basin plan or any plan for any Federal water and related land resource project which has as its objective the transfer of water from the Arkansas River Basin to any other region or any other major river basin of the United States, unless such study is approved by the Governors of all affected States.

(Pub. L. 99-662, title VII, §715, Nov. 17, 1986, 100 Stat. 4161.)

§ 2266. Canadian tidal power study

(a) Study authority

The Secretary, after consultation with the National Oceanic and Atmospheric Administration, the National Marine Fisheries Service, the United States Fish and Wildlife Service, and other appropriate governmental agencies, and the National Research Council of the National Academy of Sciences, is authorized and directed to undertake studies to identify the impacts on the United States of potential Canadian tidal power development in the Bay of Fundy, and submit such studies to the appropriate committees of the Congress.

(b) Study phases

The Secretary shall conduct the studies authorized in subsection (a) of this section in two phases:

(1) Studies to be completed not later than October 1, 1988, to (A) identify effects of any such projects on tidal ranges and resulting impacts to beaches and estuarine areas, and (B) identify further studies which would be needed to meet the requirements of paragraph (2) of this subsection; and

(2) Studies to be completed not later than October 1, 1990, to (A) determine further environmental, social, economic, and institutional impacts of such tidal power development, and (B) determine what measures could be taken in Canada and the United States to offset or minimize any adverse impacts of such development on the United States.

(c) Authorization of appropriations

In the fiscal year ending September 30, 1987, or in any fiscal year thereafter, there is authorized to be appropriated to the Secretary the sum of \$1,100,000 for the purposes of subsection (b)(1) of this section, and the sum of \$8,900,000 for the purposes of subsection (b)(2) of this section, such sums to remain available until expended.

(Pub. L. 99-662, title VII, §724, Nov. 17, 1986, 100 Stat. 4163.)

§ 2267. New York Bight study

(a) Study authority

The Secretary shall study a hydro-environmental monitoring and information system in the New York Bight in the form of a system using computerized buoys and radio telemetry that allows for the continual monitoring (at strategically located sites throughout the New York Bight) of the following: wind, wave, current, salinity and thermal gradients and sea chemistry, in order to measure the effect of changes due to air and water pollution, including changes due to continued dumping in the Bight.

(b) Study of physical hydraulic model

In addition, the Secretary shall study a proper physical hydraulic model of the New York Bight and for such an offshore model to be tied into the existing inshore physical hydraulic model of the Port of New York and New Jersey operated by the United States Army Corps of Engineers.

(c) Agency coordination; findings and recommendations

The Secretary shall coordinate fully with the Administrator of the Environmental Protection Agency in carrying out the study described in this section and shall report any findings and recommendations to Congress. The Secretary and the Administrator shall also consider the views of other appropriate Federal, State, and local agencies, academic institutions, and members of the public who are concerned about water quality in the New York Bight.

(d) Authorization of appropriations

There is authorized to be appropriated not more than \$1,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(Pub. L. 99-662, title VII, §728, Nov. 17, 1986, 100 Stat. 4164.)

NEW YORK BIGHT AND HARBOR STUDY

Pub. L. 102-580, title III, §326, Oct. 31, 1992, 106 Stat. 4850, as amended by Pub. L. 104-303, title IV, §433, Oct. 12, 1996, 110 Stat. 3746, provided that:

“(a) IN GENERAL.—As a continuation of the study pursuant to section 728 of the Water Resources Development Act of 1986 [33 U.S.C. 2267], the Secretary shall study a hydro-environmental monitoring and information system in the New York Bight and New York Harbor and tributaries to the head of tide, in the form of a system using computerized buoys and radio telemetry that allows for the continual monitoring (at strategically located sites throughout the New York Bight and Harbor region) of the following: wind, wave, current, salinity, and thermal gradients and sea chemistry, in order to measure the effect of changes due to air and water pollution, including changes due to continued dumping in the Bight. This effort will include the study