Public Law 94-587
94th Congress

An Act

Authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

Oct. 22, 1976
[S. 3823]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Water Resources Development Act of 1976.

SECTION 101. (a) The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to undertake the phase I design memorandum stage of advanced engineering and design of the following water resources development projects, substantially in accordance with, and subject to the conditions recommended by the Chief of Engineers in, the reports hereinafter designated.

MIDDLE ATLANTIC COASTAL REGION

The project for beach erosion control, navigation, and storm protection from Hereford Inlet to the Delaware Bay entrance to the Cape May Canal, New Jersey: Report of the Chief of Engineers dated September 30, 1975, at an estimated cost of $2,062,000.

The project for beach erosion control, navigation, and storm protection from Barnegat Inlet to Longport, New Jersey: Report of the Chief of Engineers dated October 24, 1975, at an estimated cost of $2,396,000.

WALLKILL RIVER BASIN

The project for flood control of the Black Dirt Area, Wallkill River, New York and New Jersey: House Document Numbered 94-499, at an estimated cost of $330,000.

PASSAIC RIVER BASIN

The project for flood control in the Passaic River Basin, New Jersey and New York: Report of the Chief of Engineers dated February 18, 1976, at an estimated cost of $12,000,000.

SUSQUEHANNA RIVER BASIN

The project for flood control at Lock Haven, Pennsylvania: House Document Numbered 94-577, at an estimated cost of $430,000.

The project for flood control at Wyoming Valley, Susquehanna River, Luzerne County, Pennsylvania: House Document Numbered 94-482, at an estimated cost of $450,000.

JAMES RIVER BASIN

The project for flood control at Richmond, Virginia: Report of the Chief of Engineers dated January 7, 1976, at an estimated cost of $800,000.

SOUTH ATLANTIC COASTAL REGION

The project for navigation at Brunswick Harbor, Georgia: Report of the Chief of Engineers dated August 18, 1976, at an estimated cost of $300,000, except that the Secretary of the Army, acting through

the Chief of Engineers, shall include as part of the phase I study consideration of dredging a navigation channel to Colonel's Island.

COOPER RIVER BASIN

The project for navigation improvements at Charleston Harbor, South Carolina: House Document Numbered 94-436, at an estimated cost of $500,000.

COMMONWEALTH OF PUERTO RICO

The project for navigation improvements at San Juan Harbor, Puerto Rico: House Document Numbered 94-574, at an estimated cost of $300,000.

UPPER MISSISSIPPI RIVER BASIN

The project for local flood protection and other purposes at La Crosse, Wisconsin, on the Mississippi River: House Document Numbered 94-598, at an estimated cost of $400,000.

GREAT LAKES BASIN

The project for beach erosion control for Presque Isle Peninsula at Erie, Pennsylvania: Report of the Chief of Engineers dated April 8, 1976, at an estimated cost of $700,000. At the expiration of the authorization provided in section 57 of the Water Resources Development Act of 1974, the Secretary of the Army, acting through the Chief of Engineers, may provide periodic beach nourishment in accordance with the cost sharing provisions of section 103(a)(2) of the Act of October 23, 1962 (76 Stat. 1178).

88 Stat. 28.

33 USC 426e.

The project for flood control and other purposes on Little Calumet River in Indiana: Report of the Chief of Engineers dated July 19, 1976, at an estimated cost of $1,400,000.

SIUSLAW RIVER

The project for navigation improvements on the Siuslaw River and Bar at Siuslaw, Oregon: In accordance with the final report of the Chief of Engineers, at an estimated cost of $50,000. This shall take effect upon submittal to the Secretary of the Army by the Chief of Engineers and notification to Congress of the approval of the Chief of Engineers.

PAPILLON CREEK BASIN

The project for local flood protection on Papillon Creek at Omaha, Nebraska: In accordance with the final report of the Chief of Engineers, at an estimated cost of $75,000. This shall take effect upon submittal to the Secretary of the Army by the Chief of Engineers and notification to Congress of the approval of the Chief of Engineers.

OHIO RIVER BASIN

The project for abatement of acid mine drainage in the Clarion River Basin, Pennsylvania: Report of the Secretary of the Army dated April 1971, entitled, "Development of Water Resources in Appalachia", at an estimated cost of $600,000.

LOWER MISSISSIPPI RIVER BASIN

The project for flood protection for St. Johns Bayou and New Madrid Floodway, Missouri: Report of the Chief of Engineers dated September 26, 1975, at an estimated cost of $300,000.

The project for flood protection for Nonconnah Creek, Tennessee and Mississippi: Report of the Chief of Engineers dated June 23, 1976, and as an independent part of this project, improvements for flood control and allied purposes on Horn Lake Creek and tributaries, including Cowpen Creek, Tennessee and Mississippi, at an estimated cost of $400,000.

TEXAS GULF COAST REGION

The project for natural salt pollution control in the Brazos River: Report of the Chief of Engineers dated June 1, 1976, at an estimated cost of $650,000.

RIO GRANDE BASIN

The project for flood control and other purposes, on the Rio Grande and Rio Salado (Rio Puerco), New Mexico: Report of the Chief of Engineers dated September 27, 1976, at an estimated cost of $1,500,000.

MISSOURI RIVER BASIN

The project for flood protection for Jefferson City on Wears Creeks, Missouri: Report of the Chief of Engineers dated October 21, 1975, at an estimated cost of $50,000.

COLUMBIA RIVER BASIN

The project for construction and installation of a second powerhouse at McNary Lock and Dam, Columbia River, Oregon and Washington: Report of the Chief of Engineers dated June 29, 1976, at an estimated cost of $1,800,000.

PEMBINA RIVER BASIN

The project for flood control on the Pembina River at Walhalla, North Dakota: Report of the Division Engineer dated May 24, 1976, at an estimated cost of $930,000. This shall take effect upon submittal to the Secretary of the Army by the Chief of Engineers and notification to Congress of the approval of the Chief of Engineers.

CALLEGUAS CREEK BASIN

The project for flood control and other purposes on Calleguas Creek, Simi Valley to Moorpark, Ventura County, California: Report of the Chief of Engineers dated June 21, 1976, at an estimated cost of $1,060,000.

SACRAMENTO-SAN JOAQUIN BASIN

The project for flood control and other purposes on Morrison Creek Stream Group, California: Report of the Chief of Engineers dated March 2, 1976, at an estimated cost of $750,000.

NORTH-EASTERN ATLANTIC COASTAL REGION

The project for navigation improvements in New London Harbor and Thames River at New London, Connecticut: Report of the Chief

of Engineers dated February 20, 1975, at an estimated cost of $8,022,000.

RED RIVER OF THE NORTH BASIN

The project for local flood protection at Grafton, North Dakota, on the Park River: Report of the Chief of Engineers dated June 11, 1976, at an estimated cost of $10,973,000.

(b) The Secretary of the Army is authorized to undertake advanced engineering and design for the projects in subsection (a) of this section after completion of the phase I design memorandum stage of such projects. Such advanced engineering and design may be undertaken only upon a finding by the Chief of Engineers, transmitted to the Committees on Public Works of the Senate and Public Works and Transportation of the House of Representatives, that the project is without substantial controversy, that it is substantially in accordance with and subject to the conditions recommended for such project in this section, and that the advanced engineering and design will be compatible with any project modifications which may be under consideration. There is authorized to carry out this subsection not to exceed $5,000,000. No funds appropriated under this subsection may be used for land acquisition or commencement of construction.

Finding, transmittal to congressional committees.

Appropriation authorization.

(c) Whenever the Chief of Engineers transmits his recommendations for a water resources development project to the Secretary of the Army for transmittal to the Congress, as authorized in the first section of the Act of December 22, 1944, the Chief of Engineers is authorized to undertake the phase I design memorandum stage of advanced engineering and design of such project if the Chief of Engineers finds and transmits to the Committees on Public Works and Transportation of the House of Representatives and Public Works of the Senate, that the project is without substantial controversy and justifies further engineering, economic, and environmental investigations. Authorization for such phase I work for a project shall terminate on the date of enactment of the first Water Resources Development Act enacted after the date such work is first authorized. There is authorized to carry out this subsection not to exceed $4,000,000 per fiscal year for each of the fiscal years 1978 and 1979.

Transmittal to congressional committee.

33 USC 701-1.

Termination date.

Appropriation authorization.

SEC. 102. Sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this section. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, substantially in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated.

33 USC 701c note, 701-1 note. 82 Stat. 739.

UPPER MISSISSIPPI RIVER BASIN

The project for local flood protection and other purposes at Chaska, Minnesota, on the Minnesota River: Report of the Chief of Engineers dated May 12, 1976, at an estimated cost of $10,498,000.

JAMES RIVER BASIN

The project for flood control at the Richmond, Virginia, filtration plant: House Document Numbered 94-543, at an estimated cost of $4,617,000.

LOWER MISSISSIPPI RIVER BASIN

The project for flood control for Harris Fork Creek, Tennessee and Kentucky: House Document Numbered 94-221, except that highway bridge relocations and alterations required for the project shall be at Federal expense, at an estimated cost of $5,000,000.

NECHES BASIN

The project for salt water control on the Neches River and Tributaries, Salt Water Barrier at Beaumont, Texas: Report of the Chief of Engineers dated April 12, 1976, at an estimated cost of $14,300,000, except that the non-Federal share for such project shall not exceed $2,100,000.

WESTERN COASTAL REGION

The project for navigation in Los Angeles-Long Beach Harbors, California: House Document Numbered 94-594, at an estimated cost of $16,850,000.

COLUMBIA RIVER BASIN

Fish and Wildlife Compensation Plan for the Lower Snake River, Washington and Idaho, substantially in accordance with a report on file with the Chief of Engineers, at an estimated cost of $58,400,000.

SEC. 103. The flood control project for San Antonio Channel improvement, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1260) as a part of the comprehensive plan for flood protection on the Guadalupe and San Antonio Rivers, Texas, is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to construct such additional flood control measures as are needed to preserve and protect the Espada Acequia Aqueduct, located in the vicinity of Six Mile Creek, at an estimated Federal cost of $2,050,000. Construction of such flood control measures shall be subject to the same conditions of local cooperation as required for the existing flood control project. 33 USC 702a-12 note.

SEC. 104. The project for flood protection on the Minnesota River at Mankato and North Mankato, Minnesota, authorized by section 203 of the Flood Control Act of 1958, as modified, is hereby further modified to provide that changes to the highway bridges in Mankato-North Mankato at United States Highway 169 over the Blue Earth River and at Main Street over the Minnesota River, including rights-of-way, changes to approaches and relocations, made necessary by the project and its present plan of protection shall be accomplished at complete Federal expense, at an estimated cost of $8,175,000. 72 Stat. 305.

SEC. 105. The general comprehensive plan for flood control and other purposes for the White River Basin approved by the Flood Control Act of June 28, 1938, as amended, is hereby modified to provide that an amount not to exceed $6,000,000 may be used for the construction at Beaver Dam, Carroll County, Arkansas, of trout production measures (including a fish hatchery) in compensation for the reduced number of fresh water fish in the White River and other streams in Arkansas which has resulted from the construction of the Beaver Dam and other dams in the State of Arkansas, and for the acquisition of necessary real estate, construction of access roads and utilities, and performance of services related thereto, as deemed appropriate by the Secretary of the Army, acting through the Chief of Engineers. 52 Stat. 1215.

New London, Conn., project modification.

SEC. 106. (a) The project for hurricane-flood control protection at New London, Connecticut, authorized by the Flood Control Act of 1962 (76 Stat. 1180) is hereby modified to delete the Powder Island-Bentleys Creek hurricane protection barrier; and to authorize construction of the Shaw Cove hurricane protection barrier, pressure conduit, and pumping station works substantially in accordance with the revised plan "New London Hurricane Protection", dated June 1976, on file in the Office of the Chief of Engineers and estimated to cost $7,745,000; with such modifications as the Chief of Engineers may deem advisable.

Non-Federal interest, requirements.

(b) Prior to initiation of construction of the project, appropriate non-Federal interests shall agree—

(1) to provide without cost to the United States all lands, easements, and rights-of-way necessary for construction and operation of the project;

(2) to hold and save the United States free from damage due to construction, operation, and maintenance of the project not including damages due to the fault or negligence of the United States or its contractors;

(3) to accomplish without cost to the United States all modifications or relocations of existing sewerage and drainage facilities, buildings, utilities, and highways made necessary by construction of the project not to include sewerage and drainage facilities at the line of protection;

(4) to maintain and operate all features of the project after completion in accordance with regulations prescribed by the Secretary of the Army; and

(5) to bear 30 per centum of the total first cost.

(c) Notwithstanding subsection (b) of this section, or any other provision of law, non-Federal interests shall bear no part of the cost of any design for this project rejected or otherwise not accepted by such interests prior to the date of enactment of this section.

SEC. 107. Section 107(b) of the River and Harbor Act of 1970 (84 Stat. 1818, 1820), as amended, is further amended by striking out "December 31, 1976" and inserting in lieu thereof "September 30, 1979" and striking out "$9,500,000" and inserting in lieu thereof "$15,968,000". Such section 107(b) is further amended in the second sentence thereof by striking out "environmental and ecological investigation;" and inserting in lieu thereof "environmental and ecological investigations, including an investigation of measures necessary to ameliorate any adverse impacts upon local communities;".

SEC. 108. The Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake the phase I design memorandum stage of advanced engineering and design of the Chicagoland underflow plan project for flood control and other purposes in accordance with the report of the Board of Engineers for Rivers and Harbors dated July 27, 1976, at an estimated cost of $12,000,000. This shall take effect upon submittal to the Secretary of the Army by the Chief of Engineers and notification to Congress of the approval of the Chief of Engineers.

Congressional notification.

Santa Anna River, Calif. project, phase I design stage.

SEC. 109. The Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake the phase I design memorandum stage of advanced engineering and design of the project for flood control and other purposes on the Santa Ana River, California, in accordance with the recommendations of the division engineer dated February 27, 1976 at an estimated cost of $700,000. This shall take

Notice to Congress.

effect upon submittal to the Secretary of the Army by the Chief of Engineers and notification to Congress of the approval of the Chief of Engineers.

Atlantic Intracoastal Waterway Bridges, Va., N.C., project modification.

SEC. 110. The project for navigation for the Atlantic Intracoastal Waterway Bridges, Virginia and North Carolina, authorized by section 101 of the Rivers and Harbors Act of 1970 (84 Stat. 1818) is hereby modified in accordance with the recommendations of the Chief of Engineers in House Document Numbered 94-597 with respect to Wilkerson Creek Bridge, North Carolina, and Coinjock Bridge, North Carolina, at an estimated cost of $2,875,000.

Des Moines River, Iowa, project modification.

SEC. 111. The project for the Saylorville Reservoir on the Des Moines River, Iowa, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 310) is hereby modified in accordance with the recommendations of the Chief of Engineers in House Document Numbered 94-487 at an estimated cost of $7,374,000. The Secretary of the Army, acting through the Chief of Engineers, may carry out each segment of such recommendations independently if he deems appropriate. The Secretary of the Army, acting through the Chief of Engineers is further authorized to (1) undertake such measures, including renegotiating existing easements and the acquisition of additional interests in land, as are appropriate to operate Saylorville Lake and Lake Red Rock projects, singly or as a system, to obtain the maximum benefits therefrom in the public interest and to properly indemnify owners of such easements or interests in land; and (2) provide for the full development of campground and other recreation sites and access thereto for the Lake Red Rock and Saylorville Lake projects at Federal cost, including the improvement of existing county or State roads outside the project limits to provide better access into recreation areas.

Mobile Harbor, Ala., project modification.

SEC. 112. The project for navigation improvements on Mobile Harbor, Theodore Ship Channel, Alabama, approved by resolutions of the Committee on Public Works of the Senate and the Committee on Public Works of the House of Representatives dated December 15, 1970, is hereby modified in accordance with the report of the Board of Engineers for Rivers and Harbors dated May 28, 1976, at an estimated cost of $42,800,000.

Alameda Creek, Calif., project modification.

SEC. 113. The flood control project for Del Valle Reservoir, Alameda Creek, California, authorized by section 203 of the Flood Control Act of 1962 is hereby modified in accordance with the report of the Chief of Engineers dated July 27, 1976, to increase the contribution made by the United States to the State of California toward the cost of construction, maintenance, and operation from $4,080,000 to $4,650,000.

Vermilion Lock, La., project replacement.

SEC. 114. The project for the replacement of Vermilion Lock, Louisiana, on the Gulf Intracoastal Waterway is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in the report dated August 3, 1976, at an estimated cost of $20,683,000.

Gallipolis Locks and Dam, Ohio, project modification.

SEC. 115. The Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake the phase I design memorandum stage of advanced engineering and design of modification of the Gallipolis Locks and Dam project, Ohio River, limited to a single 1,200 foot replacement lock, in accordance with the recommendations of the Chief of Engineers dated July 14, 1975, at an estimated cost of $2,800,000.

Appropriation authorization.

SEC. 116. The last sentence of section 91 of the Water Resources Development Act of 1974 (88 Stat. 39) is amended to read as follows:

"There are authorized to be appropriated not to exceed $28,725,000 to carry out such project.".

River system management plan, study.

SEC. 117. The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate and study, in cooperation with interested States and Federal agencies, through the Upper Mississippi River Basin Commission the development of a river system management plan in the format of the "Great River Study" for the Mississippi River from the mouth of the Ohio River to the head of navigation at Minneapolis, incorporating total river resource requirements including, but not limited to, navigation, the effects of increased barge traffic, fish and wildlife, recreation, watershed management, and water quality at an estimated cost of $9,100,000.

Land conveyance.

SEC. 118. (a) Whenever the Secretary of the Army finds that—

(1) the Intracoastal Waterway is no longer routed along a part of the segment of the Louisiana-Texas Intracoastal Waterway right-of-way described in subsection (b) of this section;

(2) maintenance of such part of the right-of-way has been abandoned by the Corps of Engineers; and

(3) such part of the right-of-way is no longer navigable by watercraft;

he shall convey, without monetary consideration, any easements or other rights or interests in real property which the United States acquired for the construction, operation, or maintenance of such part of the right-of-way to each owner of record of the real property which is subject to such easements, rights, or interests of the United States.

(b) The segment of the Louisiana-Texas Intracoastal Waterway right-of-way referred to in subsection (a) of this section is that segment of the right-of-way for the Louisiana-Texas Intracoastal Waterway, Calcasieu-Sabine section, which (1) is within the portion of the right-of-way for the old Intracoastal Waterway channel (known locally as the "East-West Canal") extending from the east bank of the Calcasieu River at a point approximately twenty miles south of Lake Charles, Louisiana, to the Choupique Cutoff in the Intracoastal Waterway, and (2) is located on the southeast quarter of the southeast quarter of section 25, township 11 south, range 10 west, and in the west half of the southwest quarter of section 30, township 11 south, range 9 west, Calcasieu Parish, Louisiana.

SEC. 119. Section 4 of the Act of June 21, 1940, as amended (54 Stat. 498; 33 U.S.C. 514), is amended in the first sentence by striking out "It shall be the duty of the bridge owner to prepare and submit to the Secretary, within ninety days after service of his order" and inserting in lieu thereof "After the service of an order under this Act, it shall be the duty of the bridge owner to prepare and submit to the Secretary of Transportation, within a reasonable time as prescribed by the Secretary".

Law enforcement services, contracts. 42 USC 1962d-5d.

SEC. 120. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to contract with States and their political subdivisions for the purpose of obtaining increased law enforcement services at water resources development projects under the jurisdiction of the Secretary of the Army to meet needs during peak visitation periods.

Appropriation authorization.

(b) There is authorized to be appropriated $6,000,000 per fiscal year for the fiscal years ending September 30, 1978, and September 30, 1979, to carry out this section.

Nelson, Pa., relocation.

SEC. 121. (a) The project for flood protection on the North Branch of the Susquehanna River, New York and Pennsylvania, authorized

by section 203 of the Flood Control Act of 1958 (72 Stat. 306) is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, in connection with the construction of the Cowansque Dam to relocate the town of Nelson, Pennsylvania, to a new townsite.

New town planning, cooperation.

(b) As part of such relocation, the Secretary of the Army, acting through the Chief of Engineers, shall (1) cooperate in the planning of a new town with other Federal agencies and appropriate non-Federal interests, including Nelson, (2) acquire lands necessary for the new town and to convey title to said lands to individuals, business or other entities, and to the town as appropriate, and (3) construct necessary municipal facilities.

Compensation.

(c) The compensation paid to any individual or entity for the taking of property under this section shall be the amount due such individual or entity under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 less the fair market value of the real property conveyed to such individual or entity in the new town. Municipal facilities provided under the authority of this section shall be substitute facilities which serve reasonably as well as those in the existing town of Nelson, except that such facilities shall be constructed to such higher standards as may be necessary to comply with applicable Federal and State laws. Additional facilities may be constructed, only at the expense of appropriate non-Federal interests.

42 USC 4601 note.

(d) Before the Secretary of the Army acquires any real property for the new townsite appropriate non-Federal interests shall furnish binding contractual commitments that all lots in the new townsite will be either occupied when available, will be replacements for open space and vacant lots in the existing town, or will be purchased by non-Federal interests at the fair market value.

Local cooperation, review.

SEC. 122. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirement of local cooperation with respect to providing a spoil disposal area for the project at Deep Creek, Warwick County (now within the city of Newport News), Virginia, authorized by the Act of August 26, 1937 (commonly referred to as the River and Harbor Act of 1937, 50 Stat. 846), to determine if (1) such requirement should be eliminated, and (2) Craney Island disposal area should be used as the spoil disposal area for dredged material from such project. Such review shall be completed and submitted in a report to Congress within two years after the date of enactment of this section.

Report to Congress.

(b) Beginning on the date of enactment of this section, (1) the requirement of local cooperation described in subsection (a) shall be suspended, and (2) Craney Island disposal area shall be used as the spoil disposal area for dredged material from such project, until Congress, by a statute enacted after the date on which the report required by subsection (a) is submitted, removes such suspension.

Los Angeles-Long Beach harbor model, Vicksburg, Miss., maintenance.

SEC. 123. The Secretary of the Army, acting through the Chief of Engineers, is authorized to operate and maintain the Los Angeles-Long Beach harbor model in Vicksburg, Mississippi, for the purpose of testing proposals for the improvement of navigation in, and the environmental quality of, the harbor waters of the ports of Los Angeles and Long Beach to determine optimum plans for future expansion of both ports. Such testing shall include, but not be limited to, investigation of oscillations, tidal flushing characteristics, water quality, improvements for navigation, dredging, harbor fills, and physical structures.

Corpus Christi Bay, Tex., project modification. 82 Stat. 731.

SEC. 124. (a) The Corpus Christi ship canal project for navigation in Corpus Christi Bay, Texas, authorized by the Rivers and Harbor Act of 1968 (P.L. 90-483) is hereby modified to provide that the non-Federal interests shall contribute 25 per centum of the costs of areas required for initial and subsequent disposal of spoil, and of necessary retaining dikes, bulkheads, and embankments therefor. Credit shall be allowed in connection with the above project in an amount equal to the reasonable expenditures made by non-Federal interests in the acquisition of spoil areas and construction of necessary retaining dikes, bulkheads, and embankments prior to the effective date of the Water Resources Development Act of 1976.

Ante, p. 2917.

Waiver.

(b) The requirements for appropriate non-Federal interests to contribute 25 per centum of the construction costs as set forth in subsection (a) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State of Texas, interstate agency, municipality, and other appropriate political subdivisions of the State and industrial concerns are participating in and in compliance with an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.

Louisiana, highway construction.

SEC. 125. For the purposes of section 9 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401), the consent of Congress is hereby given to the State of Louisiana to construct such structures across any navigable water of the United States as may be necessary for the construction of the following highways:

(1) Ivanhoe-Jeanerette, State project numbered 431-01-01 and 431-01-02 in Iberia and Saint Mary Parishes, Louisiana;

(2) Larose-Lafitte Highway, State Route La 3134 in Jefferson and Lafourche Parishes, Louisiana, starting at Estelle in Jefferson Parish and proceeding southwesterly to Larose in Lafourche Parish; and

(3) United States 90 Relocated (La 3052), in Saint Mary, Assumption, Terrebonne, and Lafourche Parishes, Louisiana, starting at United States 90 west of Raceland and proceeding westerly to a connnection with United States 90 at or near Morgan City, Louisiana.

SEC. 126. The Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake the phase I design memorandum stage of advanced engineering and design of a project for flood prevention and development of incidental recreation, preservation of the natural floodways, and protection of the watershed's soil resources, at an estimated cost of $370,000, substantially in accordance with the Floodwater Management Plan, North Branch of the Chicago River Watershed, Cook and Lake Counties, Illinois, dated October 1974, and also substantially in accordance with the watershed implementation program dated February 1974.

Wister Lake, Okla., project modification.

SEC. 127. The project for Wister Lake, Arkansas River Basin, Oklahoma, authorized by section 4 of the Act of June 28, 1938, entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes" (52 Stat. 1218) is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to recover and preserve important data from significant archeological sites located on project lands which will be adversely affected as a result of a change in seasonal pool operations. The costs of such work shall not exceed $250,000.

SEC. 128. (a) The Secretary of the Army is authorized and directed to convey by quitclaim deed to C. B. Porter Scott and Dorothy Boren

Scott of the county of Randall, State of Texas, all rights, title, and interest of the United States in and to the following described tract of land acquired as part of the project for Belton Lake, Texas, authorized by the Flood Control Act of 1946: 60 Stat. 641.

A tract of land situated in the county of Bell, State of Texas, being part of the Stephen P. Terry Survey (A-812), and being part of a 271-acre tract of land acquired by the United States of America from Frank Morgan, and others, by Declaration of Taking filed September 11, 1952, in Condemnation Proceedings (civil numbered 1311) in the District Court of the United States for the Western District of Texas, Waco Division, and being designated as "Tract Numbered F-505 for Belton Lake", and being more particularly described as follows, all bearings being referred to the Texas Plane Coordinate System, Central Zone:

Beginning at Government marker numbered F-503-2, situated in a northeasterly boundary line for said tract numbered F-505 for the point of beginning, said point of beginning being the southeast corner for a 0.25 acre tract of land acquired by the United States of America from Edward Cameron, et ux, by deed dated January 13, 1953, and recorded in volume 679 at page 456 and by correction deed dated May 25, 1955, and recorded in volume 722 at page 550 of the deed records of Bell County, Texas, and being designated as "Tract Numbered F-503 for Belton Lake", said point of beginning also being located south 74 degrees 21 minutes east, 38.3 feet from a point on top of the bluff for a re-entrant corner for said tract numbered F-505;

thence along the boundary line for said tract numbered F-505 as follows: south 74 degrees and 21 minutes east, 271.70 feet to a point;

thence south 45 degrees 14 minutes west, 154.5 feet to a point;

thence south 28 degrees 09 minutes east, 185 feet to a point;

thence north 73 degrees 45 minutes west, 324.23 feet to Government marker numbered A-65-9 for a northeast corner for a 79.70-acre tract of land acquired by the United States of America from Eleanor M. Paulk, and others, by deed dated July 28, 1952, and recorded in volume 672 at page 233 of the deed records of Bell County, Texas, and being designated as "Tract Numbered A-65 for Belton Lake";

thence departing from the boundary line for said tract numbered F-505, north 27 degrees 53 minutes west, 169.85 feet to a point;

thence north 55 degrees 26 minutes east, 184 feet more or less, to the point of beginning, containing 1.87 acres, more or less.

(b) The grantees shall, as a condition to the conveyance authorized by subsection (a), pay to the United States an amount equal to the sum originally paid by the United States for the tract of land described in subsection (a) of this section. Payment.

SEC. 129. (a) The project for Blue Marsh Lake, Berks County, Pennsylvania, a part of the plan for the comprehensive development of the Delaware River Basin, as authorized by section 201 of the Flood Control Act of 1962 (76 Stat. 1183), is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to relocate and restore intact the historic structure and associated improvements known as the Gruber Wagon Works located on certain Federal lands to be inundated upon completion of the project, at an estimated cost of $922,000. Blue Marsh Lake, Pa., project modification.

Title transfer.

(b) Upon completion of the relocation and restoration of the Gruber Wagon Works at a site mutually agreeable to the Secretary of the Army and the County of Berks, title to the structure and associated improvements and equipment shall be transferred to the County of Berks upon condition that such county agree to maintain such historic property in perpetuity as a public museum at no cost to the Federal Government.

SEC. 130. The authorized McClellan-Kerr Arkansas River navigation system is hereby modified to provide a nine-foot deep navigation channel, one hundred feet in width, extending approximately ten miles from the McClellan-Kerr navigation sailing line upstream on the Big Sallisaw Creek and Little Sallisaw Creek to and including a turning basin, near United States Highway 59, in a location generally conforming to Site I, as described in the Tulsa District Engineer's Project Formulation Memorandum entitled "Big and Little Sallisaw Creeks, Oklahoma, Section 107 Navigation Project" dated August 1973, at an estimated cost of $1,200,000.

SEC. 131. (a) The first sentence of section 201(a) of the Flood Control Act of 1965 (Public Law 89-298) is amended by striking out "$10,000,000." and inserting in lieu thereof "$15,000,000.".

42 USC 1962d-5.

(b) Section 201(b) of such Act is amended by striking out "$10,000,000" and inserting in lieu thereof "$15,000,000".

Souris River, N. Dak., project modification.

SEC. 132. The project for flood protection on the Souris River at Minot, North Dakota, approved by resolutions of the Committee on Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives under authority of section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962-5), and modified by section 105 of the Water Resources Development Act of 1974 (88 Stat. 42), is hereby further modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to reimburse the designated non-Federal interest for the estimated additional expense (exceeding that set forth in such section 105) incurred by such non-Federal interest in undertaking its required cooperation for the proposed channel realinement in the downstream area of the project near Logan, North Dakota, except that such reimbursement shall not exceed $250,000.

42 USC 1962d-5.

SEC. 133. (a) Subsection (b) of section 107 of the River and Harbor Act of 1960 (74 Stat. 480) is further amended by striking out "$1,000,000" and inserting in lieu thereof "$2,000,000".

33 USC 577.

(b) Section 61 of the Water Resources Development Act of 1974 (88 Stat. 12) is amended as follows:

33 USC 701s.

(1) By striking out "$1,000,000" and inserting in lieu thereof "$2,000,000".

(2) By striking out "$2,000,000" and inserting in lieu thereof "$3,000,000".

33 USC 577 note.

(c) The amendments made by this section shall not apply to any project under contract for construction on the date of enactment of the Water Resources Development Act of 1976.

Ante, p. 2917.

Certification procedure.

SEC. 134. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed within ninety days after enactment of this Act to institute a procedure enabling the engineer officer in charge of each district under the direction of the Chief of Engineers to certify, at the request of local interests, that particular local improvements for flood control can reasonably be expected to be compatible with a specific, potential project then under study or other form of consideration. Such certification shall be interpreted to assure local interests that they may go forward to construct such compatible

improvements at local expense with the understanding that such improvements can be reasonably expected to be included within the scope of the Federal project, if later authorized, both for the purposes of analyzing the costs and benefits of the project and assessing the local participation in the costs of such project. This subsection shall cease to be in effect after December 31, 1977.

Termination date.

(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to include in the survey report on flood protection on Mingo Creek and its tributaries, Oklahoma, authorized by section 208 of the Flood Control Act of 1965, the costs and benefits of local improvements initiated by the city of Tulsa for such flood protection subsequent to January 1, 1975, which the Chief of Engineers determines are compatible with and constitute an integral part of his recommended plan. In determining the appropriate non-Federal share for such project the Chief of Engineers shall give recognition to costs incurred by non-Federal interest in carrying out such local improvements.

Mingo Creek, Okla., report.

79 Stat. 1085.

SEC. 135. The project for Port San Luis Obispo Harbor, California, authorized by section 301 of the River and Harbor Act of 1965, is hereby modified substantially in accordance with the plan described in the Los Angeles District Engineers report on "Port San Luis, California" dated April 1976, and the conditions of local cooperation specified in subparagraphs 1.a. through 1.o. of appendix 7 thereof, at an estimated cost of $6,040,000.

Port San Luis Obispo Harbor, Calif., project modification.
79 Stat. 1089.

SEC. 136. (a) The project for flood control on the Napa River, Napa County, California, authorized by section 204 of the Flood Control Act of 1965, is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to acquire approximately 577 acres of land for the purpose of mitigating adverse impacts on fish and wildlife occasioned by the project. The non-Federal share of the cost of such lands shall be the percentage as that required for the overall project.

Napa River, Calif., project modification.
79 USC 1074.

(b) Such project is further modified to include construction by the Secretary of the Army acting through the Chief of Engineers, of the Napa Creek watershed project of the Soil Conservation Service approved June 25, 1962.

(c) No part of the cost of the modified project authorized by this section shall include the cost of the Secretary of the Army, acting through the Chief of Engineers, performing maintenance dredging for the navigation project for the Napa River.

SEC. 137. The project for flood control in East St. Louis and vicinity, Illinois, authorized by section 204 of the Flood Control Act approved October 27, 1965, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the Blue Waters Ditch segment of the overall project independently of the other project segments. Prior to initiation of construction of the Blue Waters Ditch segment, appropriate non-Federal interests shall agree, in accordance with the provisions of section 221 of the Flood Control Act of 1970, to furnish non-Federal cooperation for such segment.

East St. Louis, Ill., project modification.

42 USC 1962d-5b.

SEC. 138. The Secretary of the Army, acting through the Chief of Engineers, shall continue studies and construction of bank protection works pursuant to the project for the Sacramento River, Chico Landing to Red Bluff, California, authorized by the Flood Control Act of 1958, notwithstanding the completion of the remaining ten sites proposed for construction at the time of enactment of this Act.

Sacramento River, Calif., project study.

Waurika Dam and Reservoir, Okla., project modification.

SEC. 139. The project for Waurika Dam and Reservoir on Beaver Creek, Oklahoma, authorized by the Act of December 30, 1963 (P.L. 88-253), is hereby modified to provide that the interest rate applicable to the repayment by non-Federal interests of the cost of the water conveyance facilities shall be the same as the interest rate established for repayment of the cost of municipal and industrial water supply storage in the reservoir.

33 USC 547a.

SEC. 140. In the case of any authorized navigation project which has been partially constructed, or is to be constructed, which is located in one or more States, and which serves regional needs, the Secretary of the Army, acting through the Chief of Engineers, may include in any economic analysis which is under preparation at the time of enactment of this Act such regional economic development benefits as he determines to be appropriate for purposes of computing the economic justification of the project.

Susquehanna River, Pa., flood protection study; report to Congress.

SEC. 141. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to make a study and report which shall include his conclusions and recommendations to the Congress on the advisability and feasibility of providing flood protection by dredging the Susquehanna River in the Wyoming Valley, Pennsylvania, and the surrounding region.

San Francisco Bay, investigation.

SEC. 142. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to investigate the flood and related problems to those lands lying below the plane of mean higher high water along the San Francisco Bay shoreline of San Mateo, Santa Clara, Alameda, Napa, Sonoma and Solano Counties to the confluence of the Sacramento and San Joaquin Rivers with a view toward determining the feasibility of and the Federal interest in providing protection against tidal and fluvial flooding. The investigation shall evaluate the effects of any proposed improvements on wildlife preservation, agriculture, municipal and urban interests in coordination with Federal, State, regional, and local agencies with particular reference to preservation of existing marshland in the San Francisco Bay region.

Study.

SEC. 143. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to make a study in cooperation with the government of the Territory of American Samoa with particular reference to providing a plan for the development, utilization, and conservation of water and related land resources. Such study shall include appropriate consideration of the needs for flood protection, wise use of flood plain lands, navigation facilities, hydroelectric power generation, regional water supply and waste water management facilities systems, general recreation facilities, enhancement and control of water quality, enhancement and conservation of fish and wildlife, and other measures for environmental enhancement, economic and human resources development, and shall be compatible with comprehensive development plans formulated by local planning agencies and other interested Federal agencies.

Hilo Bay Area and Kailua-Kona, Hawaii, study.

SEC. 144. The Secretary of the Army, acting through the Chief of Engineers, in cooperation with the State of Hawaii and appropriate units of local government, shall make a study of methods to develop, utilize, and conserve water and land resources in the Hilo Bay Area, Hawaii, and Kailua-Kona, Hawaii. Such study shall include, but not be limited to, consideration of the need for flood protection, appropriate use of flood plain lands, navigation facilities, hydroelectric power generation, regional water supply and waste water manage-

ment facilities systems, recreation facilities, enhancement and conservation of water quality, enhancement and conservation of fish and wildlife, other measures for environmental enhancement, and economic and human resources development. Based upon the findings of such study, the Secretary of the Army, acting through the Chief of Engineers, shall prepare a plan for the implementation of such findings which shall be compatible with other comprehensive development plans prepared by local planning agencies and other interested Federal agencies.

Beaches.
33 USC 426j.

SEC. 145. The Secretary of the Army, acting through the Chief of Engineers, is authorized upon request of the State, to place on the beaches of such State beach-quality sand which has been dredged in constructing and maintaining navigation inlets and channels adjacent to such beaches, if the Secretary deems such action to be in the public interest and upon payment of the increased cost thereof above the cost required for alternative methods of disposing of such sand.

Noyo, Calif., breakwaters.

SEC. 146. The project for harbor improvement at Noyo, Mendocino County, California, authorized by the River and Harbor Act of 1962 (76 Stat. 1173), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct such breakwaters as may be needed to provide necessary protection, but not more than two, and to construct such additional channel improvements, including, but not limited to, deepening, widening, and extensions, as he deems necessary to meet applicable economic and environmental criteria.

Columbia River, Wash., hydrographic surveys.

SEC. 147. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to conduct hydrographic surveys of the Columbia River from Richland, Washington, to Grand Coulee Dam for the purpose of identifying navigational hazards and preparing maps of the river channel at an estimated cost of $500,000, and providing information necessary for establishment of aids to navigation.

33 USC 419a.

SEC. 148. The Secretary of the Army, acting through the Chief of Engineers, shall utilize and encourage the utilization of such management practices as he determines appropriate to extend the capacity and useful life of dredged material disposal areas such that the need for new dredged material disposal areas is kept to a minimum. Management practices authorized by this section shall include, but not be limited to, the construction of dikes, consolidation and dewatering of dredged material, and construction of drainage and outflow facilities.

Shooters' Island, N.Y., removal

SEC. 149. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to remove Shooters' Island located north of Staten Island, New York, at the mouth of Arthur Kill and to utilize such removed material for fill and widening of Arthur Kill.

Wetland areas.
42 USC 1962d-5e.

SEC. 150. The Secretary of the Army, acting through the Chief of Engineers, is authorized to plan and establish wetland areas as part of an authorized water resources development project under his jurisdiction. Establishment of any wetland area in connection with the dredging required for such a water resources development project may be undertaken in any case where the Chief of Engineers in his judgment finds that—

(1) environmental, economic, and social benefits of the wetland area justifies the increased cost thereof above the cost required for alternative methods of disposing of dredged material for such project; and

(2) the increased cost of such wetland area will not exceed $400,000; and

(3) there is reasonable evidence that the wetland area to be established will not be substantially altered or destroyed by natural or man-made causes.

Report to Congress.

(b) Whenever the Secretary of the Army, acting through the Chief of Engineers, submits to Congress a report on a water resources development project after the date of enactment of this section, such report shall include, where appropriate, consideration of the establishment of wetland areas.

(c) In the computation of benefits and cost of any water resources development project the benefits of establishing of any wetland area shall be deemed to be at least equal to the cost of establishing such area. All costs of establishing a wetland area shall be borne by the United States.

Costs.

Chief Joseph Dam, Wash., project modification.
60 Stat. 634.

SEC. 151. The project for the Chief Joseph Dam authorized by the Act of July 2, 1946 (Public Law 525, 79th Congress) is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide such temporary school facilities as he may deem necessary for the education of dependents of persons engaged in the construction of additional hydroelectric power facilities at Chief Joseph Dam and Reservoir, Washington. When he determines it to be in the public interest, the Secretary, acting through the Chief of Engineers, may enter into cooperative arrangements with local and Federal agencies for the operation of such Government facilities, for the expansion of local facilities at Federal expense, and for contributions by the Federal Government to cover the increased cost to local agencies of providing the educational services required by the Government.

Cooperative arrangements.

Liberty Park, N.J., levee and seawall.

SEC. 152. The Secretary of the Army, acting through the Chief of Engineers, is authorized to participate in the construction of a levee and protective seawall at Liberty Park, New Jersey, at an estimated cost of $12,600,000. Appropriate non-Federal interests shall furnish all necessary lands, easements and rights-of-way necessary for such project and shall contribute 30 per centum of the total cost exclusive of land costs.

SEC. 153. The last sentence under the center heading "ARKANSAS-RED RIVER BASIN" in section 201 of the Flood Control Act of 1970 (84 Stat. 1825) is amended to read as follows: "Construction shall not be initiated on any element of such project until such element has been approved by the Secretary of the Army.".

42 USC 1962d-5.

33 USC 59*l*.

SEC. 154. The prohibitions and provisions for review and approval concerning wharves and piers in waters of the United States as set forth in section 10 of the Act of March 3, 1899 (30 Stat. 1151) and the first section of the Act of June 13, 1902 (32 Stat. 371) shall not apply to any body of water located entirely within one State which is, or could be, considered to be a navigable body of water of the United States solely on the basis of historical use in interstate commerce.

42 USC 1962d-5 note.

SEC. 155. (a) Subsection (c) of section 32 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and by adding at the end thereof the following:

"(5) the delta of the Eel River, California.

"(6) the lower Yellowstone River from Intake Montana, to the mouth of such river.".

(b) Subsection (e) of such section 32 is amended to read as follows:

"(e) There is authorized to be appropriated not to exceed $50,000,000 to carry out this section.". Appropriation authorization.

SEC. 156. The Secretary of the Army, acting through the Chief of Engineers, is authorized to provide periodic beach nourishment in the case of each water resources development project where such nourishment has been authorized for a limited period for such additional period as he determines necessary but in no event shall such additional period extend beyond the fifteenth year which begins after the date of initiation of construction of such project. Beach nourishment. 42 USC 1962d-5f.

SEC. 157. (a) Section 12(b) of the Water Resources Development Act of 1974 (88 Stat. 17) is amended by striking out "one hundred and eighty" each time it appears and inserting in lieu thereof "ninety". 33 USC 579.

(b) The amendment made by subsection (a) of this section shall take effect on January 1, 1977. Effective date. 33 USC 579 note.

SEC. 158. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a comprehensive study and report on the system of waterway improvements under his jurisdiction. The study shall include a review of the existing system and its capability for meeting the national needs including emergency and defense requirements and an appraisal of additional improvements necessary to optimize the system and its intermodal characteristics. The Secretary of the Army, acting through the Chief of Engineers, shall submit a report to Congress on this study, within three years after funds are first appropriated and made available for the study, together with his recommendations. The Secretary of the Army, acting through the Chief of Engineers, shall, upon request, from time to time make available to the National Transportation Policy Study Commission established by section 154 of Public Law 94-280, the information and other data developed as a result of the study. Study and report. 33 USC 540 note. Review. Report to Congress. *Ante*, p. 448.

SEC. 159. The Marysville Lake project, California, authorized by the Flood Control Act of 1966 (80 Stat. 1405), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake the phase I design memorandum stage of advanced engineering and design for a multiple-purpose project located at the Parks Bar site, including power development with pumped storage, at an estimated cost of $150,000. Marysville Lake, Calif., project modification.

SEC. 160. The Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake the phase I design memorandum stage of advanced engineering and design of the project for hydroelectric power on the Susitna River, Alaska, in accordance with the recommendations of the Board of Engineers for Rivers and Harbors in its report dated June 24, 1976, at an estimated cost $25,000,000. This shall take effect upon submittal to the Secretary of the Army by the Chief of Engineers and notification to Congress of the approval of the Chief of Engineers. Susitna River, Ala. Notice to Congress.

SEC. 161. Section 32 of the Water Resources Development Act of 1974 (88 Stat. 12) is amended as follows: 42 USC 1962d-5 note.

(1) In subsection (c)(3) strike "; and" and add ", including areas on the right bank at river miles 1345; 1310; 1311; 1316.5; 1334.5; 1341; 1343.5; 1379.5; 1385; and on the left bank at river miles 1316.5; 1320.5; 1323; 1326.5; 1335.7; 1338.5; 1345.2; 1357.5; 1360; 1366.5; 1368; and 1374;";

(2) A new subsection (f) is added as follows:

(f) The Secretary of the Army shall make an interim report to Congress on work undertaken pursuant to this section by September 30, 1978, and shall make a [final] report to the Congress no later than December 31, 1981.". Reports to Congress.

Nonnavigable waters.
33 USC 59m.

SEC. 162. For the purposes of section 10 of the Act of March 3, 1899 (30 Stat. 1151) (33 U.S.C. 401) the following bodies of water are declared nonnavigable: Lake Oswego, Oregon; Lake Coeur d'Alene, Idaho; and Lake George, New York.

Study.

SEC. 163. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to study water and surface transportation needs resulting from the expansion and further development of the San Pedro Bay ports. Such study shall include, but not be limited to, the feasibility and advisability of enlarging the Dominguez Channel for flood control purposes.

Snake River, Oreg., Wash., Idaho, project modification.

SEC. 164. The project for the Snake River, Oregon, Washington, and Idaho, authorized in section 2 of the River and Harbor Act of 1945 (59 Stat. 21) is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to construct at full Federal expense a four-lane, high-level highway bridge and approaches thereto connecting the cities of Lewiston, Idaho, and Clarkston, Washington, at or near river mile 141.3 of the Snake River, approximately two miles upstream of the present United States Highway 12 bridge. Before construction may be initiated the non-Federal interests shall agree pursuant to section 221 of the Flood Control Act of 1970 (P.L. 91-611) to (1) hold and save the United States free from damages resulting from construction of the bridge and its approaches, (2) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the bridge and its approaches, and (3) own, maintain, and operate the bridge and its approaches after construction is completed, free to the public. There is authorized to carry out this section not to exceed $21,000,000.

42 USC 1962d-5b.

Appropriation authorization.

Repeal.
40 USC 53.

SEC. 165. That portion of the first section of the Act of September 1, 1916 (39 Stat. 693) entitled "Washington Aqueduct" is hereby repealed.

Demonstration program.
33 USC 426k.

SEC. 166. (a) In order to alleviate water damage on the shoreline of Lake Michigan and others of the Great Lakes during periods of abnormally high water levels in the Great Lakes, and to improve the water quality of the Illinois Waterway, the Secretary of the Army, acting through the Chief of Engineers, is authorized to carry out a five-year demonstration program to temporarily increase the diversion of water from Lake Michigan at Chicago, Illinois, for the purpose of testing the practicability of increasing the average annual diversion from the present limit of three thousand two hundred cubic feet per second to ten thousand cubic feet per second. The demonstration program will increase the controllable diversion by various amounts calculated to raise the average annual diversion above three thousand two hundred cubic feet per second up to ten thousand cubic feet per second. The increase in diversion rate will be accomplished incrementally and will take into consideration the effects of such increase on the Illinois Waterway. The program will be developed by the Chief of Engineers in cooperation with the State of Illinois and the Metropolitan Sanitary District of Greater Chicago. The program will be implemented by the State of Illinois and the Metropolitan Sanitary District of Greater Chicago under the supervision of the Chief of Engineers.

Controllable diversion rate.

(b) During the demonstration program a controllable diversion rate will be established for each month calculated to establish an annual average diversion from three thousand two hundred cubic feet per second to not more than ten thousand cubic feet per second. When the level of Lake Michigan is below its average level, the total

diversion for the succeeding accounting year shall not exceed three thousand two hundred cubic feet per second on an annual basis. The average level of Lake Michigan will be based upon the average monthly level for the period from 1900 to 1975.

(c) When river stages approach or are predicted to approach bankfull conditions at the established flood warning stations on the Illinois Waterway or the Mississippi River, or when further increased diversion of water from Lake Michigan would adversely affect water levels necessary for navigational requirements of the Saint Lawrence Seaway in its entirety throughout the Saint Lawrence River and Great Lakes-Saint Lawrence Seaway, water shall not be diverted directly from Lake Michigan at the Wilmette, O'Brien, or Chicago River control structures other than as necessary for navigational requirements.

Study and demonstration program.

(d) The Chief of Engineers shall conduct a study and a demonstration program to determine the effects of the increased diversion on the levels of the Great Lakes, on the water quality of the Illinois Waterway, and on the susceptibility of the Illinois Waterway to additional flooding. The study and demonstration program will also investigate any adverse or beneficial impacts which result from this section. The Chief of Engineers, at the end of five years after the enactment of this section, will submit to the Congress the results of this study and demonstration program including recommendations whether to continue this authority or to change the criteria stated in subsection (b) of this section.

Results, submittal to Congress.

Controllable diversion.

(e) For purposes of this section, controllable diversion is defined as that diversion at Wilmette, O'Brien, and Chicago River control structures which is not attributable to leakage or which is not necessary for navigational requirements.

Hydroelectric power resources, study. 42 USC 1962d-5g.

SEC. 167. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to conduct a study of the most efficient methods of utilizing the hydroelectric power resources at water resource development projects under the jurisdiction of the Secretary of the Army and to prepare a plan based upon the findings of such study. Such study shall include, but not be limited to, an analysis of—

(1) the physical potential for hydroelectric development, giving consideration to the economic, social, environmental and institutional factors which will affect the realization of physical potential;

(2) the magnitude and regional distribution of needs for hydroelectric power;

(3) the integration of hydroelectric power generation with generation from other types of generating facilities;

(4) measures necessary to assure that generation from hydroelectric projects will efficiently contribute to meeting the national electric energy demands;

(5) the timing of hydroelectric development to properly coincide with changes in the demand for electric energy;

(6) conventional hydroelectric potential, both high head and low head projects utilizing run-of-rivers and possible advances in mechanical technology, and pumped storage hydroelectric potential at sites which evidence such potential;

(7) the feasibility of adding or reallocating storage and modifying operation rules to increase power production at corps projects with existing hydroelectric installations;

(8) measures deemed necessary or desirable to insure that the potential contribution of hydroelectric resources to the overall electric energy supply are realized to the maximum extent possible; and

(9) any other pertinent factors necessary to evaluate the development and operation of hydroelectric projects of the Corps of Engineers.

Plan, transmittal to congressional committees.

(b) Within three years after the date of the first appropriation of funds for the purpose of carrying out this section, the Secretary of the Army, acting through the Chief of Engineers, shall transmit the plan prepared pursuant to subsection (a) with supporting studies and documentation, together with the recommendations of the Secretary and the Chief of Engineers on such plan, to the Committee on Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

Appropriation authorization.

(c) There is authorized to be appropriated to carry out subsections (a) and (b) of this section not to exceed $7,000,000.

Feasibility studies.

(d) The Secretary of the Army, acting through the Chief of Engineers, is authorized with respect to previously authorized projects to undertake feasibility studies of specific hydroelectric power installations that are identified in the course of the study authorized by this section, as having high potential for contribution toward meeting regional power needs. There is authorized to be appropriated to carry out this subsection not to exceed $5,000,000 per fiscal year for each of the fiscal years 1978 and 1979.

Appropriation authorization.

SEC. 168. Subsection 22(b) of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by striking out "$2,000,000" and inserting in lieu thereof "$4,000,000".

42 USC 1962d-16.

Pine Mountain Lake on Lee Creek, Ark.-Okla., project construction.

SEC. 169. Notwithstanding any other provision of law, the project for Pine Mountain Lake on Lee Creek, Arkansas and Oklahoma, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1073), shall be constructed, operated, and maintained in accordance with the Federal Water Project Recreation Act (Public Law 89-72).

16 USC 460*l*-12 note.

Little Dell Project, Salt Lake City Streams, Utah, modification.

SEC. 170. The Little Dell Project, Salt Lake City Streams, Utah, authorized in section 203 of the Flood Control Act of 1968 (P.L. 90-483; 82 Stat. 744) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to decrease the amount of storage capacity so as to more adequately reflect existing needs.

Sowashee Creek, Meridian, Miss., project modification.

SEC. 171. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to undertake the phase I design memorandum stage of advanced engineering and design of the project elements involving the lowermost 10.1 mile-long segment of channel modification of Sowashee Creek at Meridian, Mississippi, substantially in accordance with the plan of development approved by the Administrator, Soil Conservation Service, United States Department of Agriculture, on October 15, 1974, at an estimated cost of $450,000.

Mermentau River and the Gulf of Mexico Navigation Channel, La.

SEC. 172. The project for assumption of maintenance of the Mermentau River and the Gulf of Mexico Navigation Channel, Louisiana, is hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, substantially in accordance with the plans and subject to the conditions contained in the report of the Board of Engineers for Rivers and Harbors dated January 16, 1976, at an estimated annual cost of $155,000. This shall take effect upon submittal to the Secretary of the Army by the Chief

Notice to Congress.

of Engineers and notification to Congress of the approval of the Chief of Engineers.

SEC. 173. The project for flood protection in the Bassett Creek Watershed, Minnesota, is hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, substantialy in accordance with the plans and subject to the conditions contained in the report of the Board of Engineers for Rivers and Harbors dated July 26, 1976, at an estimated cost of $7,593,000. This shall take effect upon submittal to the Secretary of the Army by the Chief of Engineers and notification to Congress of the approval of the Chief of Engineers.

Bassett Creek Watershed, Minn., project.

Notice to Congress.

SEC. 174. The project of Caddo Dam and Reservoir, Louisiana, authorized by the Flood Control Act of 1965 (79 Stat. 1077, P.L. 89-298) is hereby modified to provide that the operation and maintenance of the project shall be the responsibility of the Secretary of the Army, acting through the Chief of Engineers.

Caddo Dam and Reservoir, La., project modification.

SEC. 175. The Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake the phase I design memorandum stage of advanced engineering and design of the project for harbor modification at Cleveland Harbor, Ohio, in accordance with the report of the District Engineer, dated June 1976, at an estimated cost of $500,000. This shall take effect upon submittal to the Secretary of the Army by the Chief of Engineers and notification to Congress of the approval of the Chief of Engineers.

Cleveland Harbor, Ohio, project.

Notice to Congress.

SEC. 176. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to cause a survey to be made at the Navajo Indian Reservation, Arizona, New Mexico, and Utah for flood control and allied purposes, and subject to all applicable provisions of section 217 of the Flood Control Act of 1970 (Public Law 91-611), at an estimated cost of $2,000,000; and to submit reports thereon to the Congress with the recommendations.

Navajo Indian Reservation, Ariz.-N. Mex.-Utah, survey.
Reports to Congress.
84 Stat. 1830.

SEC. 177. The authorization of the Gaysville Dam and Lake project, Stockbridge, Chittenden, and Rochester, Vermont, provided by section 5 of the Flood Control Act of 1936, as modified by the Acts of Congress approved May 25, 1937, June 28, 1938, and August 18, 1941, is terminated upon the enactment of this Act.

Gaysville Dam and Lake project, Vt., termination.

SEC. 178. (a) If the Secretary of the Army, acting through the Chief of Engineers, finds that the proposed project to be erected at the location to be declared nonnavigable under this section is in the public interest, on the basis of engineering studies to determine the location and structural stability of any bulkheading and filling and permanent pile-supported structure, in order to preserve and maintain the remaining navigable waterway and on the basis of environmental studies conducted pursuant to the National Environmental Policy Act of 1969, then that portion of the Hudson River in Hudson County, State of New Jersey, bounded and described as follows is hereby declared to be nonnavigable water of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given to the filling in of all or any part thereof and the erection of permanent pile-supported structures thereon:

Hudson River, Hudson County, N.J.
33 USC 59n.

42 USC 4321 note.

Such portion is in the township of North Bergen in the county of Hudson and State of New Jersey, and is more particularly described as follows: At a point in the easterly right-of-way of New Jersey Shore Line Railroad (formerly New Jersey Junction Railroad) said point being located northerly, measured along said easterly right-of-way, 81.93 feet from Station 54+42.4 as shown

on construction drawing dated May 23, 1931, of River Road, filed in the Office of the Hudson County Engineer, Jersey City, New Jersey:

thence (1) northerly and along said easterly right-of-way on a bearing of north 12 degrees 11 minutes 14 seconds east, a distance of 280 feet to a point;

thence (2) south 75 degrees 28 minutes 24 seconds east, a distance of 310 feet to a point;

thence (3) south 17 degrees 15 minutes 41 seconds east, a distance of 101.70 feet to a point;

thence (4) south 62 degrees 18 minutes 12 seconds east a distance of 355.64 feet to a point in the exterior solid fill line of April 7, 1903, and the bulkhead line of April 28, 1904, on the Hudson River;

thence (5) along said exterior solid fill and bulkhead lines south 28 degrees 55 minutes 51 seconds west, a distance of 523 feet to a point in the northerly line of lands now or formerly of New York State Realty and Terminal Company;

thence (6) north 61 degrees 34 minutes 29 seconds west, and along said northerly line of the New York State Realty and Terminal Company, a distance of 590.08 feet to a point in the aforementioned easterly right-of-way of the New Jersey Shore Line Railroad;

thence (7) northerly and along said easterly right-of-way of the New Jersey Shore Line Railroad on a curve to the left a radius of 995.09 feet, an arc length of 170.96 feet to a point therein;

thence (8) northerly, still along the same, on a bearing of north 12 degrees 11 minutes 14 seconds east, a distance of 81.93 feet to the point and place of beginning.

Said parcel containing 8 acres being the same more or less.

(b) The declaration in subsection (a) of this section shall apply only to portions of the above-described area which are either bulkheaded and filled or occupied by permanent pile-supported structures.

Plan approval.

Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers.

Reimbursement.

Local interests shall reimburse the Federal Government for engineering and all other costs incurred under this section.

Hackensack River, Hudson County, N.J.
33 USC 59o.

SEC. 179. (a) If the Secretary of the Army, acting through the Chief of Engineers finds that the proposed project to be erected at the location to be declared nonnavigable under this section is in the public interest, on the basis of engineering studies to determine the location and structural stability of any bulkheading and filling and permanent pile-supported structure, in order to preserve and maintain the remaining navigable waterway, and on the basis of environmental studies conducted pursuant to the National Environmental Policy Act of 1969, then those portions of the Hackensack River in Hudson County, State of New Jersey, bounded and described as follows are hereby declared to be nonnavigable waters of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given to the filling in of all or any part thereof and the erection of permanent pile-supported structures thereon:

42 USC 4321 note.

Beginning at a point where the southeasterly shoreline (mean high water line) of the Hackensack River intersects the easterly line of the Erie Railroad said point property being 2,015.38 feet

northerly along said railroad property from where it intersects the northerly line of the Meadowlands Parkway (100 feet wide) and running from:

thence north 19 degrees 20 minutes 54 seconds west 50.00 feet;
thence north 37 degrees 30 minutes 08 seconds east 615.38 feet;
thence north 03 degrees 02 minutes 56 seconds east, 2,087 feet;
thence north 31 degrees 11 minutes 06 seconds east 577 feet;
thence north 74 degrees 29 minutes 18 seconds east 541.25 feet;
thence south 62 degrees 01 minute 31 seconds east 400 feet;
thence south 55 degrees 46 minutes 27 seconds east 612.52 feet;
thence south 34 degrees 13 minutes 33 seconds west 517.79 feet;
thence south 55 degrees 46 minutes 27 seconds east 158.81 feet;
thence south 34 degrees 13 minutes 33 seconds west 310 feet;
thence north 55 degrees 26 minutes 27 seconds north 15 feet;
thence south 34 degrees 13 minutes 33 seconds west 592 feet;
thence running in a southwesterly direction along the shoreline (mean high water line) of the Hackensack River, a distance of 2,360 feet being the same more or less to the easterly property line of the Erie Railroad and the point or place of beginning.

Said parcel containing 67.6 acres being the same more or less.

(b) The declaration in subsection (a) of this section shall apply only to portions of the described area which are either bulkheaded and filled or occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers. Local interests shall reimburse the Federal Government for engineering and all other costs incurred under this section.

Lake Ontario Protection Act of 1976.

SEC. 180 (a) The Secretary of the Army, acting through the Chief of Engineers, is directed to develop a plan for shoreline protection and beach erosion control along Lake Ontario, and report on such plan to the Congress as soon as practicable. Such report shall include recommendations on measures of protection and proposals for equitable cost sharing, together with recommendations for regulating the level of Lake Ontario to assure maximum protection of the natural environment and to hold shoreline damage to a minimum.

Plan, report to Congress.
33 USC 426*l*.

(b) Until the Congress receives and acts upon the report required under subsection (a) of this section, all Federal agencies having responsibilities affecting the level of Lake Ontario shall, consistent with existing authority, make every effort to discharge such responsibilities in a manner so as to minimize damage and erosion to the shoreline of Lake Ontario.

(c) There is authorized to be appropriated to carry out this section $2,000,000.

Appropriation authorization.

(d) This section may be cited as the "Lake Ontario Protection Act of 1976".

Citation of section.

SEC. 181. (a) (1) Subject to paragraph (2) of this subsection, the consent of Congress is granted under section 9 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401), to the Washington Suburban Sanitary Commission to construct a water diversion structure, with an elevation not to exceed one hundred and fifty-nine feet above sea level, from the north shore of the Potomac River at the Washington Suburban Sanitary Commission water filtration plant to the north shore of Watkins Island.

42 USC 1962d-11a.

(2) The structure authorized by paragraph (1) of this subsection, may not be constructed (A) until the Secretary of the Army, acting through the Chief of Engineers, and the State of Maryland, the Com-

Written agreement.

monwealth of Virginia, the Washington Suburban Sanitary Commission, and such other governmental authorities as the Secretary of the Army, the State of Maryland, and the Commonwealth of Virginia deem desirable signatories enter into a written agreement providing an enforceable schedule for allocation among the parties to such agreement for the withdrawal of the waters of that portion of the Potomac River located between Little Falls Dam and the farthest upstream limit of the pool of water behind the Chesapeake and Ohio Canal Company rubble dam at Seneca, Maryland, during periods of low flow of such portion of such river, and (B) unless such construction is not in conflict with the report of the Secretary of the Army, acting through the Chief of Engineers, submitted pursuant to section 85 of the Water Resources Development Act of 1974.

42 USC 1962d-7 note.

(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized to enter into the agreement referred to in subsection (a)(2) of this section and any amendment to or revision of such agreement.

(c) Except as may be provided in the agreement referred to in subsection (a)(2) of this section, nothing in this section shall alter any riparian rights or other authority of the State of Maryland, or any political subdivision thereof, the Commonwealth of Virginia, or any political subdivision thereof, or the District of Columbia, or authority of the Corps of Engineers existing on the date of enactment of this section relative to the appropriation of water from, or the use of, the Potomac River.

SEC. 182. (a) The authorization for the Richard B. Russell Dam and Lake (formerly Trotters Shoals Reservoir), contained in section 203 of the Flood Control Act of 1966 (80 Stat. 1405) is hereby amended by deleting the following: "Nothing in this Act shall be construed to authorize inclusion of pumped storage power in this project.".

(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized to install a fifth hydropower unit at the Hartwell Reservoir on the Savannah River, South Carolina and Georgia, approved in the Flood Control Acts of December 22, 1944, and May 17, 1950, at an estimated increased cost of $15,700,000.

58 Stat. 887.
64 Stat. 170.

SEC. 183. The West Tennessee tributaries feature Mississippi River and tributaries project (Obion and Forked Deer Rivers), Tennessee, authorized by the Flood Control Acts approved June 30, 1948, and Novmber 7, 1966, as amended and modified, is hereby further amended to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to construct, to main-stem levee standards, a levee with appurtenant works for flood protection immediately east of the authorized diversion channel of the Obion River, authorized by the Flood Control Act of June 22, 1936, as amended by the Flood Control Act of July 24, 1946, and further amended by section 7 of the River Basin Monetary Authorization Act of 1971, from near the mouth of the diversion channel to the vicinity of Highway 88 and thence to high ground in the vicinity of Porter Gap, at an estimated cost of $1,000,000.

62 Stat. 1175.
80 Stat. 1418.
49 Stat. 1572.
60 Stat. 641.
84 Stat. 312.

Ruby, Tenn., site acquisition.
16 USC 460ee.

SEC. 184. Section 108 of Public Law 93-251 is amended as follows:

(a) At the end of subsection (a) add the following: "The Secretary may acquire sites at locations outside such boundaries, as he determines necessary, for administrative and visitor orientation facilities. The Secretary may also acquire a site outside such boundaries at or near the location of the historic Tabard Inn in Ruby, Tennessee, includ-

ing such lands as he deems necessary, for the establishment of a lodge with recreational facilities as provided in subsection (e)(3).";

(b) In subsection (b), after the "(b)" insert "(1)" and at the end of such subsection insert the following:

"(2) The Secretary may by agreement with the Secretary of the Interior provide for interim management by the Department of the Interior, in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535) (16 U.S.C. 1, 2–4) as amended and supplemented, of any portion or portions of the project which constitute a logically and efficiently administrable area. The Secretary is authorized to transfer funds to the Department of the Interior for the costs of such interim management out of funds appropriated for the project.";

Interim management.

Transfer of funds.

(c) In subsection (c)(1), after the phrase "States of Kentucky and Tennessee or any political subdivisions thereof" insert the following: "which were in public ownership at the time of enactment of this section.";

(d) At the end of subsection (e)(2)(A), strike the period and insert the following: "and except that motorboat access into the gorge area shall be permitted up to a point one-tenth of a mile downstream from Devil's Jumps; and except for the continued operation and maintenance of the rail line currently operated and known as the K & T Railroad. The Secretary shall acquire such interest in the K & T Railroad right-of-way by easement as he deems necessary to protect the scenic, esthetic, and recreational values of the gorge area and the adjacent areas.";

(e) In subsection (e)(2)(C), strike the period at the end and insert the following: ", the road entering the gorge across from the mouth of Station Camp Creek."; and

(f) In subsection (e)(2)(K), strike "$32,850,000" and insert in lieu thereof "$103,522,000".

SEC. 185. The Secretary of the Army, acting through the Chief of Engineers, is directed to make a maximum effort to assure the full participation of members of minority groups, living in the States participating in the Tennessee-Tombigbee Waterway Development Authority, in the construction of the Tennessee-Tombigbee Waterway project, including actions to encourage the use, wherever possible, of minority owned firms. The Chief of Engineers is directed to report on July 1 of each year to the Congress on the implementation of this section, together with recommendation for any legislation that may be needed to assure the fuller and more equitable participation of members of minority groups in this project or others under the direction of the Secretary.

Tennessee-Tombigbee Waterway project construction, minority groups participation.
33 USC 544c.
Report to Congress.

SEC. 186. The Act entitled "An Act to authorize construction of the Mississippi River-Gulf outlet", approved March 29, 1956 (70 Stat. 65), is amended by inserting before the period at the end thereof a colon and the following: "*And provided further*, That such conditions of local cooperation shall not apply to the construction of bridges (at a cost not to exceed $71,500,000) required as a result of the construction of the Mississippi River-Gulf outlet channel if the Secretary of the Army, after consultation with the Secretary of Transportation, determines prior to the construction of such bridges that the Federal Government will not assume the costs of such work in accordance with section 132(a) of the Federal-Aid Highway Act of 1976 (Public Law 94–280); and before construction of the bridges may be initiated the non-Federal public bodies involved shall agree pursuant to section 221 of the Flood Control Act of 1970 (Public Law 91–611) to (a)

Ante, p. 441.

42 USC 1962d–5b.

hold and save the United States free from damages resulting from construction of the bridges and their approaches, (b) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the bridges and their approaches, and (c) maintain and operate the bridges and their approaches after construction is completed".

Red River Waterway, La., Tex., Ark., Okla., project modification.

SEC. 187. The project for navigation and bank stabilization in the Red River Waterway, Louisiana, Texas, Arkansas, and Oklahoma, authorized by the Rivers and Harbors Act of 1968 (82 Stat. 731) is hereby modified to provide that the non-Federal interests shall contribute 25 per centum of the construction costs of retaining dikes, bulkheads, and embankments required for initial and subsequent disposal of dredged material, and the Federal cost shall be 75 per centum (currently estimated at $3,700,000). The requirements for appropriate non-Federal interests to furnish an agreement to contribute 25 per centum of the construction cost set forth above shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State or States involved, interstate agency, municipality, other appropriate political subdivisions of the State, and industrial concerns are participating in and in compliance with an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.

SEC. 188. Notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers, at the request of the city of Williston, North Dakota, is authorized and directed to take such action as may be necessary to relocate certain water intakes, located on a pier of the Lewis and Clark Bridge on the Missouri River, threatened by siltation. There is authorized to be appropriated not to exceed $1,000,000 to carry out the provisions of this section.

Appropriation authorization.

Big Blue Lake, Kans., project modification.

SEC. 189. (a) The project for Tuttle Creek Lake, Big Blue Lake, Kansas, authorized as a unit of the comprehensive plan for flood control and other purposes, Missouri River Basin, by the Flood Control Act approved June 28, 1938, as modified, is hereby further modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to (1) provide a residential access road near Waterville, Kansas, from a point of intersection with FAS Route 431, located approximately 0.2 miles south of the northeast corner of section 16, township 4 south, range 6 east, and extending in an east southeasterly direction to a point of intersection with the existing township road located near the center of section 14, township 4 south, range 6 east, and (2) to replace the existing Whiteside Bridge, located one mile northwest of Blue Rapids, Kansas, so as to obtain an elevation of 1128.0 mean sea level.

Appropriation authorization.

(b) There is authorized to be appropriated not to exceed $630,000 to carry out the purposes of this section.

SEC. 190. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake the phase I design memorandum stage of advanced engineering and design on the Days Creek unit of the project for flood control and other purposes on the Red River below Denison Dam, Texas, Arkansas, and Louisiana, substantially in accordance with the report of the Board of Engineers for Rivers and Harbors at an estimated cost of $300,000. This shall take effect upon submittal to the Secretary of the Army by the Chief of

Engineers and notification to Congress of the approval of the Chief of Engineers.

(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct the project for flood control and other purposes on the Red River below Denison Dam, Texas, Arkansas and Louisiana, in accordance with the report of the Chief of Engineers dated August 3, 1976, at an estimated cost of $4,131,000.

Galveston Bay, Baytown, Tex., project.

SEC. 191. The Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake the non-structural flood protection project on Galveston Bay at Baytown, Texas, in accordance with the final report of the Chief of Engineers, at an estimated Federal cost of $15,680,000; and provided that non-Federal interests shall be required to pay 20 per centum of the project costs.

Deep Fork River, Arcadia, Okla., project. 84 Stat. 1824.

SEC. 192. The project for flood protection and other purposes on the Deep Fork River in the vicinity of Arcadia, Oklahoma, authorized in section 201 of Public Law 91-611, is amended and reauthorized so as to delete the benefits for water quality and to include benefits for water supply.

Study. Plans, report to Congress. 42 USC 1962d-18.

SEC. 193. In order to assure an adequate supply of food to the Nation and to promote the economic vitality of the High Plains Region, the Secretary of Commerce (hereinafter referred to in this section as the "Secretary"), acting through the Economic Development Administration, in cooperation with the Secretary of the Army, acting through the Chief of Engineers, and appropriate Federal, State, and local agencies, and the private sector, is authorized and directed to study the depletion of the natural resources of those regions of the States of Colorado, Kansas, New Mexico, Oklahoma, Texas, and Nebraska presently utilizing the declining water resources of the Ogallala acquifer, and to develop plans to increase water supplies in the area and report thereon to Congress, together with any recommendations for further congressional action. In formulating these plans, the Secretary is directed to consider all past and ongoing studies, plans, and work on depleted water resources in the region, and to examine the feasibility of various alternatives to provide adequate water supplies in the area including, but not limited to, the transfer of water from adjacent areas, such portion to be conducted by the Chief of Engineers to assure the continued economic growth and vitality of the region. The Secretary shall report on the costs of reasonably available options, the benefits of various options, and the costs of inaction. If water transfer is found to be a part of a reasonable solution, the Secretary, as part of his study, shall include a recommended plan for allocating and distributing water in an equitable fashion, taking into account existing water rights and the needs for future growth of all affected areas. An interim report, with recommendations, shall be transmitted to the Congress no later than October 1, 1978, and a final report, with recommendations, shall be transmitted to Congress not later than July 1, 1980. A sum of $6,000,000 is authorized to be appropriated for the purposes of carrying out this section.

Report.

Reports to Congress.

Appropriation authorization.

Cochiti Reservoir, N. Mex., project modification.

SEC. 194. The project for the Cochiti Reservoir in New Mexico as part of the project for the improvement of the Rio Grande Basin, authorized in the Flood Control Act of 1960 (74 Stat. 488), is modified in order to direct the Secretary of the Army, acting through the Chief of Engineers, to construct, for public recreation purposes, an access road from United States highway numbered 85 to such reservoir. There is authorized to be appropriated not to exceed $1,500,000 to carry out the purposes of this section.

Appropriation authorization.

Sante Fe, N. Mex., project construction.

SEC. 195. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct a project for local flood protection on the Santa Fe River and Arroyo Mascaras at and in the vicinity of Santa Fe, New Mexico, pursuant to the report of the Chief of Engineers dated June 29, 1976, for flood control and allied purposes, at an estimated cost of $8,200,000: *Provided*, That the project shall not include construction of any impoundments east of the existing Nichols Dam: *And provided further*, That in any earth-moving operations in connection with the construction of such project, the sources of material, and the routes for transporting such materials to the construction sites shall be selected in a way that minimizes any adverse effect on normal transportation movements within the city of Santa Fe, New Mexico.

(b) Notwithstanding any other provision of law, the project for Pine Mountain Lake on Lee Creek, Arkansas and Oklahoma, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1073), shall be constructed, operated, and maintained in accordance with the Federal Water Project Recreation Act, Public Law 89-72, as amended.

16 USC 460*l*-12 note.

Lucky Peak Lake, Idaho, project modification.

60 Stat. 641.

33 USC 1252.

SEC. 196. The project for Lucky Peak Lake, Idaho, authorized by the Flood Control Act of 1946, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to modify the outlet works in the Lucky Peak Dam at a Federal cost not to exceed $4,100,000, to assure maintenance of adequate flows along the Boise River: *Provided*, That provisions of section 102(b) of the Federal Water Pollution Control Amendments of 1972 (86 Stat. 816), shall apply to this modification.

SEC. 197. Section 50 of the Water Resources Development Act of 1974 (88 Stat. 12), is amended by striking out "$350,000" and inserting in lieu thereof "$380,000".

Days Creek Dam, South Umpqua River, Oreg.

SEC. 198. The sum of $250,000 is hereby authorized to complete the phase I design memorandum stage of advanced engineering and design of the Days Creek Dam, South Umpqua River, Oregon, authorized by section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 12).

Cook Inlet, Alaska, project modification.

72 Stat. 297.

SEC. 199. The project for navigation improvements, Cook Inlet, Alaska (Anchorage Harbor, Alaska), authorized by the Rivers and Harbors Act of 1958, approved July 3, 1958, is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to maintain a harbor bottom depth of −35.0 feet MLLW, for a length of 3,000 feet at the existing Port of Anchorage Marine Facility, at an estimated annual cost of $150,000.

Metlakatla and Annette Island, Alaska, study.

88 Stat. 22.

SEC. 200. Section 35 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended as follows:

(a) Inserting "(a)" after "SEC. 35";

(b) Inserting new subsection "(b)", as follows:

"(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a detailed study of such plans as he may deem feasible and appropriate for the removal and disposal of debris and obsolete buildings remaining as a result of military construction during World War II, and subsequently, in the vicinity of Metlakatla and Annette Island in southeastern Alaska, at an estimated cost of $100,000. Such study shall include an analysis of appropriate measures to restore the area to its natural condition.".

SEC. 201. (a) Section 204(b) of the Act of October 23, 1962 (76 Stat. 1173, 1174), is amended by striking the period at the end of the second sentence and insert the following: ": *Provided*, That the Sec-

retary of the Interior in determining reimbursable costs, shall not include the costs of replacing and relocating the original Salisbury Ridge section of the 138-kilovolt transmission line: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall relocate such transmission lines, at an estimated cost of $5,641,000.".

(b) The Crater-Long Lakes division of the Snettisham project near Juneau, Alaska, as authorized by section 204 of the Flood Control Act of 1962, is modified with respect to the reimbursement payments to the United States on such project in order to provide (1) that the repayment period shall be sixty years, (2) that the first annual payment shall be 0.1 per centum of the total principal amount to be repaid, (3) thereafter annual payments shall be increased by 0.1 per centum of such total each year until the tenth year at which time the payment shall be 1 per centum of such total, and (4) subsequent annual payments for the remaining fifty years of the sixty-year repayment period shall be one-fiftieth of the balance remaining after the tenth annual payment (including interest over such sixty-year period).

Snettisham project, Juneau, Alaska, modification. 76 Stat. 1173.

SEC. 202. (a) The Congress finds that drift and debris on or in publicly maintained commercial boat harbors and the land and water areas immediately adjacent thereto threaten navigational safety, public health, recreation, and the harborfront environment.

33 USC 426m.

(b) (1) The Secretary of the Army, acting through the Chief of Engineers, shall be responsible for developing projects for the collection and removal of drift and debris from publicly maintained commercial boat harbors and from land and water areas immediately adjacent thereto.

(2) The Secretary of the Army, acting through the Chief of Engineers is authorized to undertake projects developed under paragraph (1) of this subsection without specific congressional approval when the total Federal cost for the project is less than $100,000.

(c) The Federal share of the cost of any project developed pursuant to subsection (b) of this section shall be two-thirds of the cost of the project. The remainder of such costs shall be paid by the State, municipality, or other political subdivision in which the project is to be located, except that any costs associated with the collections and removal of drift and debris from federally owned lands shall be borne by the Federal Government. Non-Federal interests in future project development under subsection (b) of this section shall be required to recover the full cost of drift or debris removal from any identified owner of piers or other potential sources of drift or debris, or to repair such sources so that they no longer create a potential source of drift or debris.

(d) Any State, municipality, or other political subdivision where any project developed pursuant to subsection (b) of this section is located shall provide all lands, easements, and right-of-way necessary for the project, including suitable access and disposal areas, and shall agree to maintain such projects and hold and save the United States free from any damages which may result from the non-Federal sponsor's performance of, or failure to perform, any of its required responsibilities of cooperation for the project. Non-Fededal interest shall agree to regulate any project area following project completion so that such area will not become a future source of drift and debris. The Chief of Engineers shall provide technical advice to non-Federal interests on the implementation of this subsection.

(e) For the purposes of this section—

"Drift." (1) the term "drift" includes any buoyant material that, when floating in the navigable waters of the United States, may cause damage to a commercial or recreational vessel; and

"Debris." (2) the term "debris" includes any abandoned or dilapidated structure or any sunken vessel or other object that can reasonably be expected to collapse or otherwise enter the navigable waters of the United States as drift within a reasonable period.

Appropriation authorization. (f) There is authorized to be appropriated to carry out this section not to exceed $4,000,000 per fiscal year for fiscal years 1978 and 1979.

Alaska Hydroelectric Power Development Act. 42 USC 1962d-14a. SEC. 203. (a) (1) The Congress finds that the expeditious development of hydroelectric power generating facilities in Alaska that are environmentally sound to assist the Nation in meeting existing and future energy demands is in the national interest.

(2) The Congress therefore declares that the expertise of the Chief of Engineers can and should be utilized for the benefit of local public bodies in the development of projects which yield 90 per centum or more of the benefits of the project are attributable to hydroelectric power generation when the project is fully operational.

Alaska Hydroelectric Power Development Fund. Establishment. (b) To meet the goals of this section, there is hereby established in the Treasury of the United States an Alaska Hydroelectric Power Development Fund (hereafter referred to as the "fund") to be and remain available for use by the Secretary of the Army (hereinafter referred to as the "Secretary") to make expenditures authorized by this section. The fund shall consist of (1) all receipts and collections by the Secretary of repayments in accordance with subsection (e) of this section and payments by non-Federal public authorities to the Secretary to finance the cost of construction of projects in accordance with subsection (f) of this section, and which the Secretary is hereby directed to deposit in the fund as they are received, and (2) any appropriations made by the Congress to the fund.

Appropriation authorization. (c) There is authorized to be appropriated to the Secretary for deposit in the fund established by subsection (b) of this section the sum of $25,000,000.

Investments. (d) (1) If the Secretary determines that moneys in the fund are in excess of current needs, he may request the investment of such amounts as he deems advisable by the Secretary of the Treasury in direct, general obligations of, or obligations guaranteed as to both principal and interest by, the United States.

(2) With the approval of the Secretary of the Treasury, the Secretary may deposit moneys of the fund in any Federal Reserve bank or other depository for funds of the United States, or in such other banks and financial institutions and under such terms and conditions as the Secretary and the Secretary of the Treasury may mutually agree.

(e) The Secretary is authorized to make expenditures from the fund for the phase I design memorandum stage of advanced engineering and design for any project in Alaska that meets the requirements of subsection (a) (2) of this section, if appropriate non-Federal public authorities, approved by the Secretary, agree with the Secretary, in writing, to repay the Secretary for all the separable and joint costs of preparing such design memorandum, if such report is favorable. Following the completion of the phase I design memorandum stage of advanced engineering and design under this subsection, the Secretary shall not transmit any favorable report to Congress prior to being repaid in full by the appropriate non-Federal public authorities for the costs incurred during such phase I. The Secretary is also author-

ized to make expenditures from non-Federal funds deposited in the fund as an advance against construction costs.

(f) In connection with water resources development projects which meet the criteria established by subsection (a)(2) of this section and which are to be constructed by the Secretary, acting through the Chief of Engineers, in accordance with an authorization by Congress and a contract between the non-Federal public authorities and the Secretary, pursuant to subsection (g)(1) of this section occurring on or subsequent to the date of enactment of this Act, the Secretary, acting through the Chief of Engineers, is authorized to construct such projects including activities for engineering and design land acquisition, site development, and off-site improvements necessary for the authorized construction by making expenditures from (1) the Fund established in subsection (b) of this section of funds deposited by non-Federal public authorities as payments for construction and (2) payments of non-Federal public authorities held by the Secretary as payment of construction costs for a project authorized by this section.

Agreement, submittal to congressional committees.

(g)(1) Prior to initiating any construction work under the authorities of this section, the Secretary and the appropriate non-Federal public authorities shall agree in writing, and submit such agreement to the Committees on Public Works and Appropriations of the Senate and House of Representatives for review and reporting to the Congress for its consideration and approval that the appropriate non-Federal public authorities will pay the full anticipated costs of constructing the project at the time such costs are incurred, together with normal contingencies and related administrative expenses of the Secretary, and such payments shall be deposited in the fund or held by the Secretary for payment of obligations incurred by the Secretary on an authorized project under this section. The agreement shall provide for an initial determination of feasibility and compliance by the project with law. The total non-Federal obligation shall be paid on or prior to the date the Chief of Engineers has estimated by agreement, that the project concerned will be available for actual generation of all or a substantial portion of the authorized hydroelectric power of the project.

(2) In consideration of the obligations to be assumed by non-Federal public authorities under the provisions of this section and in recognition of the substantial investments which will be made by these authorities in reliance on the program established by this section, the United States shall assume the responsibility for paying for all costs over those fixed in the agreement with the non-Federal public authorities, if such costs are occasioned by acts of God, failure on the part of the Secretary, acting through the Chief of Engineers, to adhere to the agreed schedule of work or a failure of design: *Provided*, That payments by the Secretary of such costs shall be subject to appropriations acts.

Conveyance.

(h) The Secretary is authorized and directed, pursuant to the agreement, to convey all title, rights, and interests of the United States to any project, its lands and water areas, and appurtenant facilities to the non-Federal public authorities which have agreed to assume ownership of the project and responsibility for its performance, operation, and maintenance, as well as necessary replacements in accordance with this section upon full payment by such non-Federal public authorities as required under subsection (g)(1) of this section. Such conveyance shall, pursuant to the agreement

required by subsection (g) of this section, to the maximum extent possible, occur immediately upon the project's availability for generation of all or a substantial portion of the authorized hydroelectric power of the project, and shall include such Federal requirements, reservations, and provisions for access rights to the project and its records as the Secretary finds advisable to complete any portion of project construction remaining at the time of conveyance and to assure that the project will be operated and maintained in a responsible and safe manner to accomplish, as nearly as may be possible, all of the authorized purposes of the project including, but not restricted to, hydroelectric power generation.

Citation of section.

(i) This section shall be cited as the "Alaska Hydroelectric Power Development Act".

SEC. 204. No funds specifically authorized for any project in this Act will be available for expenditure prior to fiscal year 1978.

Short title.

SEC. 205. This Act may be cited as the "Water Resources Development Act of 1976".

Approved October 22, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-1702 accompanying H.R. 15636 (Comm. on Public Works and Transportation) and No. 94-1755 (Comm. of Conference).
SENATE REPORT No. 94-1255 (Comm. on Public Works).
CONGRESSIONAL RECORD, Vol. 122 (1976):
Sept. 28, considered and passed Senate.
Sept. 29, considered and passed House, amended, in lieu of H.R. 15636.
Oct. 1, House and Senate agreed to conference report.

Note.—A change has been made in the slip law format to provide for one-time preparation of copy to be used for publication of both slip laws and the United States Statutes at Large volumes. Comments from users are invited by the Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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